This statute is provided for your convenience, but it is not the official version, which appears in the U.S. Code. This version is current through 2004, subsequent amendments to the IG Act do not affect LSC.

INSPECTOR GENERAL ACT OF 1978


§ 1. Short title

This Act be cited as the “Inspector General Act of 1978”.


SHORT TITLE OF 1998 AMENDMENT


SHORT TITLE OF 1988 AMENDMENT


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 Short Title of 1988 Amendment note above] shall be effective only to such extent as provided in appropriations Acts.”

§ 2. Purpose and establishment of Offices of Inspector General; departments and agencies involved

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 11(2);

(2) to provide leadership and coordination and recommend policies for activities designed (A) to promote economy, efficiency, and effectiveness in the administration of, and (B) to prevent and detect fraud and abuse in, such programs and operations; and

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

there is established—

(A) in each of such establishments an office of Inspector General, subject to subparagraph (B); and

(B) in the establishment of the Department of the Treasury—
(i) an Office of Inspector General of the Department of the Treasury; and
(ii) an Office of Treasury Inspector General for Tax Administration.


Codification

Amendment by Pub. L. 100–527 amended section as it existed prior to amendment by Pub. L. 100–504, see Effective Date of 1988 Amendments note below.

Amendments

1988—Pub. L. 100–206, in concluding provisions, substituted “there is established—” and subparts (A) and (B) for “there is hereby established in each of such establishments an office of Inspector General.”

1988—Pub. L. 100–504 substituted “there” for “thereby” in concluding provisions and amended par. (1) generally. Prior to amendment, par. (1), as amended by Pub. L. 100–527, read as follows: “to conduct and supervise audits and investigations relating to programs and operations of the Department of Agriculture, the Department of Commerce, the Department of Defense, the Department of Education, the Department of Housing and Urban Development, the Department of the Interior, the Department of Labor, the Department of Transportation, the Department of Veterans Affairs, the Agency for International Development, the Community Services Administration, the Environmental Protection Agency, the General Services Administration, the National Aeronautics and Space Administration, the Small Business Administration, the United States Information Agency, and the Department of State.”


1979—Par. (1). Pub. L. 96–84 inserted “the Department of Education.”

Effective Date of 1988 Amendments

Amendment by Pub. L. 100–527 effective Mar. 15, 1989, see section 18(a) of Pub. L. 100–527, set out as a Department of Veterans Affairs Act note under section 301 of Title 38, Veterans' Benefits.

Amendment by Pub. L. 100–504 effective 180 days after Oct. 17, 1988, see section 113 of Pub. L. 100–504, set out as a note under section 5 of Pub. L. 95–452 in this Appendix.

Effective Date of 1979 Amendment

Amendment by Pub. L. 96–88 effective May 4, 1980, with specified exceptions, see section 601 of Pub. L. 96–88, set out as an Effective Date note under section 3401 of Title 20, Education.

§ 3. Appointment of Inspector General; supervision; removal; political activities; appointment of Assistant Inspector General for Auditing and Assistant Inspector General for Investigations

(a) 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 such establishment. Neither the head of the establishment nor the officer next in rank below such 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) An Inspector General may be removed from office by the President. The President shall communicate the reasons for any such removal to both Houses of Congress.

(c) For the purposes of section 7324 of title 5, United States Code, no Inspector General shall be considered to be an employee who determines policies to be pursued by the United States in the nationwide administration of Federal laws.

(d) Each 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 of the establishment, 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.


Acting Treasury Inspector General for Tax Administration


“(a) In General—Notwithstanding any other provision of law, the President may appoint an acting Treasury Inspector General for Tax Administration to serve during the period—

“(1) beginning on the date of the enactment of this section (Oct. 21, 1998) or, if later, the date of the appointment, and

“(2) ending on the earlier of—

“(A) April 30, 1999, or

“(B) the date on which the first Treasury Inspector General for Tax Administration takes office (other than pursuant to this section).

“(b) Duties Before January 18, 1999.—The acting Treasury Inspector General for Tax Administration appointed under subsection (a) shall, before January 18, 1999, take only such actions as are necessary to begin
§ 3
tive mechanism.

"(1) making interim arrangements for administr- utive support for the Office

"(2) establishing interim positions in the Office into which personnel will be transferred upon the transfer of functions and duties to the Office on January 19, 1999.

"(3) appointing such acting personnel on an interim basis as may be necessary upon the transfer of func- tions and duties to the Office on January 18, 1999, and

"(4) providing guidance and input for the fiscal year 2000 budget process for the Office.

"(c) ACTIONS NOT TO LIMIT AUTHORITY OF IG.—None of the actions taken by an individual appointed under subsection (a) shall affect the future authority of any Treasury Inspector General for Tax Administration not appointed under subsection (a).

"(d) LIMITATIONS.—No individual appointed under subsection (a) may serve on or after January 19, 1999, unless on or before such date the President has sub- mitted to the Senate his nomination of an individual to serve as the first Treasury Inspector General for Tax Administration.

"(2) TREASURY INSPECTOR GENERAL MAY NOT SERVE.—No individual appointed under subsection (a) may serve during any period such individual is serving as the Inspector General of the Treasury of the United States or the acting Inspector General of the Treasury of the United States.


TRANSITIONAL PROVISIONS RELATING TO APPOINTMENT OF INSPECTOR GENERAL OF FEDERAL DEPOSIT INSURANCE CORPORATION

Pub. L. 103–204, §23(c), Dec. 17, 1993, 107 Stat. 2408, provided that:

“(1) CURRENT SERVICE.—Except as otherwise provided by law, the individual serving as the Inspector General of the Federal Deposit Insurance Corporation before the date of enactment of this Act [Dec. 17, 1993] may continue to serve in such position until the earlier of—

(A) the date on which the President appoints a successor; or

(B) the date which is 6 months after the date of en- actment of this Act.

“(2) DEFINITION.—For purposes of paragraph (1), the term ‘successor’ may include the individual holding the position of Inspector General of the Federal Deposit Insurance Corporation on or after the date of enactment of this Act.’’

EX. ORD. NO. 12993, ADMINISTRATIVE ALLEGATIONS AGAINST INSPECTORS GENERAL

Ex. Ord. No. 12993, Mar. 21, 1996, 61 F.R. 13043, provided: Certain executive branch agencies are authorized to conduct investigations of allegations of wrongdoing by employees of the Federal Government. For certain admin- istrative allegations against Inspectors General (‘‘IGs’’) and, as explained below, against certain staff members of the Offices of Inspectors General (‘‘OIGs’’), it is desirable to authorize an independent investiga- tion mechanism.

The Chairperson of the President’s Council on Integrity and Efficiency (‘‘PCIE’’) and the Executive Council on Integrity and Efficiency (‘‘ECIE’’), in consultation with members of the Councils, has established an Integrity Committee pursuant to the authority granted by Executive Order No. 12893 (3 U.S.C. 501 note). By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to ensure that administrative allega- tions against IGs and certain staff members of the OIGs are appropriately and expeditiously investigated and resolved, it is hereby ordered as follows:

SIC. 2. Referral of Allegations. (a) The Integrity Committee shall review all allegations of wrongdoing it re- ceives against an IG who is a member of the PCIE or ECIE, or against a staff member of an OIG acting with the knowledge of the IG or when the allegation against the staff person is related to an allegation against the IG, except that where an allegation concerns a member of the Integrity Committee, that member shall recuse himself from consideration of the matter.

(b) An IG shall refer any administrative allegation against a senior staff member to the Integrity Commit- tee when:

(1) review of the substance of the allegation cannot be assigned to an agency of the executive branch with ap- propriate jurisdiction over the matter; and

(2) the IG determines that an objective internal inves- tigation of the allegation, or the appearance there- of, is not feasible.

(c) The Integrity Committee shall determine if there is a substantial likelihood that the allegation, referred to it under paragraphs (a) or (b) of this section, dis- closures a violation of any law, rule or regulation, or gross mismanagement, gross waste of funds or abuse of authority and shall refer the allegation to the agency of the executive branch with appropriate jurisdiction over the matter. However, if a potentially meritorious administrative allegation cannot be referred to an agency of the executive branch with appropriate juris- diction over the matter, the Integrity Committee shall certify the matter to its Chair, who shall cause a thor- ough and timely investigation of the allegation to be conducted in accordance with this order.

(d) If the Integrity Committee determines that an allega- tion does not warrant further action, it shall close the matter without referral for investigation and no- tify the Chairperson of the PCIE/ECIE of its determina- tion.

SIC. 3. Authority to Investigate. (a) The Director of the FBI, through his designee serving as Chairperson of the Integrity Committee, is authorized and directed to con- sider and, where appropriate, to investigate adminis- trative allegations against the IGs and, in limited cases as described in sections 2(a) and 2(b) above, against other staff members of the OIGs, when such allegations cannot be assigned to another agency of the executive branch and are referred by the Integrity Committee pursuant to section 2(c) of this order.

(b) At the request of the Director of the FBI, through his designee serving as Chairperson, heads of agencies
and entities represented in the PCIE and ECIE may, to the extent permitted by law, provide resources necessary to the Integrity Committee. Employees from those agencies and entities will be detailed to the Integrity Committee, subject to the control and direction of the Chairperson, to conduct an investigation pursuant to section 2(c); Provided, that such agencies or entities shall be reimbursed by the agency or entity employing the subject of the investigation. Reimbursement for any costs associated with the detail shall be consistent with applicable law, including but not limited to the Economy Act (31 U.S.C. 1535 and 1536), and subject to the availability of funds.

(c) Nothing in the above delegation shall augment, diminish, or otherwise modify any existing responsibilities and authorities of any other executive branch agency.

§ 4. Duties and responsibilities; report of criminal violations to Attorney General

(a) It shall be the duty and responsibility of each Inspector General, with respect to the establishment within which his 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 such establishment;

(2) to review existing and proposed legislation and regulations relating to programs and operations of such establishment and to make recommendations in the semiannual reports required by section 5(a) concerning the impact of such legislation or regulations on the economy and efficiency in the administration of programs and operations administered or financed by such establishment or the prevention and detection of fraud and abuse in such programs and operations;

(3) to recommend policies for, and to conduct, supervise, or coordinate other activities carried out or financed by such 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, and to conduct, supervise, or coordinate relationships between such 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 such establishment, or (B) the identification and prosecution of participants in such fraud or abuse; and

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

(b)(1) 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 assure that any work performed by non-Federal auditors complies with the standards established by the Comptroller General as described in paragraph (1).

(2) For purposes of determining compliance with paragraph (1)(A) with respect to whether internal quality controls are in place and oper-
ating and whether established audit standards, policies, and procedures are being followed by Offices of Inspector General of establishments defined under section 11(2), Offices of Inspector General of designated Federal entities defined under section 8F(a)(2), and any audit office established within a Federal entity defined under section 8F(a)(1), 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 11(2), or the Office of Inspector General of each designated Federal entity defined under section 8F(a)(2).

(c) In carrying out the duties and responsibilities established under this Act, 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 insuring effective coordination and cooperation.

(d) In carrying out the duties and responsibilities established under this Act, 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) (1) A description of significant problems, abuses, and deficiencies relating to the administration 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 semiannual 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 6(b)(2) during the reporting period;
(6) A listing, subdivided according to subject matter, of each audit report issued by the Office during the reporting period and for each audit report, where applicable, the total dollar value of all 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 and the dollar value of questioned costs (including a separate category for the dollar value of unsupported costs), for audit 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 and the dollar value of recommendations that funds be put to better use by management, for audit 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

1 See References in Text note below.
§ 5

report by the head of the establishment contain-

subcommittees of the Congress within thirty

establishment involved not later than April 30 and

October 31 of each year and shall be transmitted

lished to the head of the establish-

management shall be furnished to the head of the estab-

(b) Semiannual reports of each Inspector Gen-

establishment. The head of the establishment

problems, abuses, or deficiencies relating to the ad-

diately to the head of the establishment in-

(c) Within sixty days of the transmission of

semiannual reports of each Inspector Gen-

to the Congress, the head of each establish-

ment shall make copies of such report available to

head to the Congress, the head of each establish-

ment shall make copies of such report available to

(d) Each Inspector General shall report imme-

diately to the head of the establishment in-

management involved whenever the Inspector General becomes

aware of particularly serious or flagrant prob-

lems, abuses, or deficiencies relating to the ad-

ministration of programs and operations of such estab-

ishment. The head of the establishment

shall transmit any such report to the ap-

propriate committees or subcommittees of Congress

within seven calendar days, together with a re-

port by the head of the establishment contain-

—

(1) any comments such head determines ap-

propriate;

(2) statistical tables showing the total num-

ber of audit reports and the dollar value of dis-

allowed costs, for audit reports—

(A) for which final action had not been

taken by the commencement of the report-

ing 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 num-

ber of audit reports and the dollar value of rec-

ommendations that funds be put to better use by management agreed to in a man-

agement decision, for audit reports—

(A) for which final action had not been

taken by the commencement of the report-

ing 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 con-

cluded should not or could not be imple-

mented or completed; and

(D) for which no final action has been

taken by the end of the reporting period;

(4) 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 manage-

ment 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 ac-

tion has not been taken with respect to each

such audit report,

except that such statement may exclude such

audit reports that are under formal adminis-

trative or judicial appeal or upon which man-

agement of an establishment has agreed to

pursue a legislative solution, but shall iden-

tify the number of reports in each category so

excluded.

(c) Within sixty days of the transmission of

the semiannual reports of each Inspector Gen-

to the Congress, the head of each establish-

ment shall make copies of such 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 the Congress, the head of each establish-

ment shall make copies of such report available to

the public upon request and at a reasonable

cost.

(d) Each Inspector General shall report imme-

diately to the head of the establishment in-

volved whenever the Inspector General becomes

aware of particularly serious or flagrant prob-

lems, abuses, or deficiencies relating to the ad-

ministration of programs and operations of such estab-

ishment. The head of the establishment

shall transmit any such report to the ap-

propriate committees or subcommittees of Congress

within seven calendar days, together with a re-

port by the head of the establishment contain-

ing any comments such head deems appropriate.

(e)(1) Nothing in this section shall be con-

strued to authorize the public disclosure of in-

formation which 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 investiga-

(2) Notwithstanding paragraph (1)(C), any re-

port under this section may be disclosed to the

public in a form which includes information

with respect to a part of an ongoing criminal in-

vestigation if such information has been in-

cluded in a public record.

(3) Except to the extent and in the manner

provided under section 6103(f) of the Internal

1 See References in Text note below.
§ 5 TITLE 5, APPENDIX—INSPECTOR GENERAL ACT OF 1978

Revenue Code of 1986 [26 U.S.C. 6103(f)], nothing in this section or in any other provision of this Act shall be construed to authorize or permit the withholding of information from the Congress, or from any committee or subcommittee thereof.

(f) As used in this section—
(1) 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, such cost is not supported by adequate documentation; or
(C) a finding that the expenditure of funds for the intended purpose is unnecessary or unreasonable;

(2) 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;

(3) 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;

(4) 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;

(5) 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 such findings and recommendations, including actions concluded to be necessary; and

(6) 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.


REFERENCES IN TEXT


AMENDMENTS

1988—Subsec. (a)(6) to (12). Pub. L. 100–504, § 106(a), added pars. (6) to (12), and struck out former par. (6) which read as follows: "a listing of each audit report completed by the Office during the reporting period."
Subsec. (b). Pub. L. 100–504, § 106(b), substituted "head of the establishment containing any comments such head deems appropriate."
Subsec. (c). Pub. L. 100–504, § 106(c), inserted at end "Within 60 days after the transmission of the semi-annual reports of each establishment head to the Congress, the head of each establishment shall make copies of such report available to the public upon request and at a reasonable cost."
Subsec. (d)(3). Pub. L. 100–504, § 102(g), substituted "Except to the extent and in the manner provided under section 6103(f) of the Internal Revenue Code of 1986, "nothing" for "Nothing".

EFFECTIVE DATE OF 1996 AMENDMENT


EFFECTIVE DATE OF 1988 AMENDMENT

Section 113 of title I of Pub. L. 100–504 provided that: "This title and the amendments made by this title [enacting sections 63–64 of Pub. L. 95–452, set out in this Appendix, amending sections 2, 4–6, 8, 9, and 11 of Pub. L. 95–452, set out in this Appendix, sections 3315 and 5316 of this title, sections 405 and 1305 of Title 31, Money and Finance, and section 410 of Title 39, Postal Service, repealing sections 3521–3527 and 7318 of Title 42, The Public Health and Welfare, and section 231v of Title 45, Railroads, and enacting provisions set out as notes under sections 1, 8D, 8E, and 9 of Pub. L. 95–452, set out in this Appendix] shall take effect 180 days after the date of the enactment of this title [Oct. 18, 1988], except that section 5(a)(6) through (12) of the Inspector General Act of 1978 [as amended by section 106(a) of this title] and section 5(b)(1) through (4) of the Inspector General Act of 1978 [as amended by section 106(b) of this title] shall take effect 1 year after the date of the enactment of this title."
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 recom-

§ 6. Authority of Inspector General; information and assistance from Federal agencies; unreasonable refusal; office space and equipment

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

(1) to have access to all records, reports, audits, reviews, documents, papers, recommenda-

tions, or other material available to the applica-

cible establishment which relate to programs and operations with respect to which that In-

spector General has responsibilities under this Act;

(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 Act 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 and documentary evidence necessary in the performance of the functions assigned by this Act, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court: Provided, That 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 Act, which oath, affirmation, 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 neces-

sary for any purpose pertaining to the performance of functions and responsibilities under this Act;

(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 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;

(8) to obtain services as authorized by sec-

tion 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS–18 of the General Schedule by section 5332 of title 5, United States Code; 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 Act.

(b)(1) 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 such Inspector General, or to an authorized designee, such information or assistance.

(2) Whenever information or assistance re-

quested 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.

(c) Each head of an establishment shall pro-

vide the Office within such establishment with appropriate and adequate office space at central and field office locations of such establishment, 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.

(d) For purposes of the provisions of title 5, United States Code, governing the Senior Executive Service, any reference in such provisions to the “appointing authority” for a member of the Senior Executive Service or for a Senior Executive Service position shall, if such member or position is or would be within the Office of an Inspector General, be deemed to be a reference to such Inspector General.

(e)(1) In addition to the authority otherwise provided by this Act, each Inspector General ap-

pointed under section 3, any Assistant Inspector General for Investigations under such an Inspect-

ger General, and any special agent supervised by such an Assistant Inspector General may be au-

thorized by the Attorney General to—

(A) carry a firearm while engaged in official duties as authorized under this Act or other statute, or as expressly authorized by the At-

orney General;

(B) make an arrest without a warrant while engaged in official duties as authorized under this Act or other statute, or as expressly au-

thorized by the Attorney General, for any of-

fense against the United States committed in the presence of such Inspector General, Assistant Inspector General, or agent, or for any fel-
only 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) 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 Act 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) 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) of an initial determination of eligibility by the Attorney General.

(4) 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)(A) 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 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)
(C) A determination by the Attorney General under paragraph (2) or (5) shall not be reviewable in or by any court.

(7) 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 the date of enactment of this subsection, 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) 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.


REFERENCES IN TEXT

The date of enactment of this subsection, referred to in subsec. (e)(7), is the date of enactment of Pub. L. 107–296, which was approved Nov. 25, 2002.

AMENDMENTS


1988—Subsec. (a)(5) to (9). Pub. L. 100–504, § 107, added par. (5) and redesignated former pars. (5) to (8) as (6) to (9), respectively.

Subsec. (d). Pub. L. 100–504, § 110(a), added subsec. (d).

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107–296, title VIII, § 812(c), Nov. 25, 2002, 116 Stat. 2223, provided that:

“(1) IN GENERAL.—Subsection (a) [amending this section] shall take effect 180 days after the date of enactment of this Act [Nov. 25, 2002].

“(2) INITIAL GUIDELINES.—Subsection (b) [enacting provisions set out as a note below] shall take effect on the date of enactment of this Act [Nov. 25, 2002].”

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–504 effective 180 days after Oct. 18, 1988, see section 113 of Pub. L. 100–504, set out as a note under section 5 of Pub. L. 95–452 in this Appendix.

REFERENCES IN OTHER LAWS TO GS–16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS–16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of this title, see section 529 (title I, §101(c)(1)) of Pub. L. 101–509, set out in a note under section 5373 of this title.

PROMULGATION OF INITIAL GUIDELINES

Pub. L. 107–296, title VIII, § 812(b), Nov. 25, 2002, 116 Stat. 2223, provided that:

“(1) DEFINITION.—In this subsection, the term ‘memoranda of understanding’ means the agreements between the Department of Justice and the Inspector General...
offices described under section 6(e)(3) of the Inspector General Act of 1978 (5 U.S.C. App.) (as added by subsection (a) of this section) that—

"(A) are in effect on the date of enactment of this Act [Nov. 25, 2002]; and

"(B) authorize such offices to exercise authority that is the same or similar to the authority under section 6(e)(1) of such Act.

"(2) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Nov. 25, 2002], the Attorney General shall promulgate guidelines under section 6(e)(4) of the Inspector General Act of 1978 (5 U.S.C. App.) (as added by subsection (a) of this section) applicable to the Inspector General offices described under section 6(e)(3) of that Act.

"(3) MINIMUM REQUIREMENTS.—The guidelines promulgated under this subsection shall include, at a minimum, the operational and training requirements in the memoranda of understanding.

"(4) MINIMUM REQUIREMENTS.—The memoranda of understanding in effect on the date of enactment of this Act [Nov. 25, 2002] shall remain in effect until the guidelines promulgated under this subsection take effect.

TRANSFER OF FUNCTIONS

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 sections 313(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.

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

Pub. L. 106–422, § 2, Nov. 1, 2000, 114 Stat. 1873, 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 the Inspector General Act of 1978 (5 U.S.C. App.).

"(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 11 of the Inspector General Act of 1978 (5 U.S.C. App.).

"(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 the Inspector General Act of 1978 (5 U.S.C. App.).

"(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 11 of the Inspector General Act of 1978 (5 U.S.C. App.).

"(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 the Inspector General Act of 1978 (5 U.S.C. App.).

"(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."

§ 7. Complaints by employees; disclosure of identity; reprisals

(a) 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) 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 such disclosure is unavoidable during the course of the investigation.

(c) Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such 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. 


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

(a) No member of the Armed Forces, active or reserve, shall be appointed Inspector General of the Department of Defense.

(b)(1) Notwithstanding the last two sentences of section 3(a), 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) 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, or from issuing any subpoena, after the Inspector General has decided to initiate, carry out or complete such audit or investigation 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) If the Secretary of Defense exercises any power under paragraph (1) or (2), the Inspector
General shall submit a statement concerning such exercise within thirty days to 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.

(4) The Secretary shall, within thirty 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) In addition to the other duties and responsibilities specified in this Act, 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); and

(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 insuring effective coordination and cooperation.

(d) Notwithstanding section 4(d), the Inspector General of the Department of Defense shall expeditiously report suspected or alleged violations of chapter 47 of title 10, United States Code (Uniform Code of Military Justice), to the Secretary of the military department concerned or the Secretary of Defense.

(e) For the purposes of section 7, 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 such department or agency.

(f)(1) Each semiannual report prepared by the Inspector General of the Department of Defense under section 5(a) shall include information concerning the numbers and types of contract audits conducted by the Department during the reporting period. Each such report shall be transmitted by the Secretary of Defense to 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.

(2) Any report required to be transmitted by the Secretary of Defense to the appropriate committees or subcommittees of the Congress under section 5(d) shall also be transmitted, within the seven-day period specified in such section, to the congressional committees specified in paragraph (1).

(g) The provisions of section 1385 of title 18, United States Code, 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 Act.


AMENDMENTS


1988—Subsec. (e). Pub. L. 100–504 inserted provision at end that when Coast Guard operates as service of another department or agency of Federal Government, member of Coast Guard shall be deemed employee of such department or agency.

1982—Pub. L. 97–252 amended section generally, substituting additional provisions relating to the Inspector General of the Department of Defense for provisions relating to semiannual reports of Secretary of Defense on audit, investigative, and inspection units of Defense Department, availability of such reports to the public, exclusion of national security material, delegation of the Secretary’s duties, submittal of proposed legis-
tion, the establishment of a task force to study operation of audit, investigative and inspection units, membership in the task force, and the submission of a comprehensive report by the task force to the Secretary of Defense and Director of Office of Management and Budget, who were to submit a final report to Congress not later than April 1, 1980.

CHANGE OF NAME

Committee on Governmental Affairs of Senate changed to Committee on Government Reform of Senate, effective Jan. 4, 2005, by Senate Resolution No. 455, One Hundred Eighth Congress, Oct. 9, 2004.

Committee on Government Reform and Oversight of House of Representatives changed to Committee on Government Reform of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

Effective Date of 1988 Amendment

Amendment by Pub. L. 100–504 effective 180 days after Oct. 18, 1988, see section 113 of Pub. L. 100–504, set out as a note under section 5 of Pub. L. 98–452 in this Appendix.

Transfer of Functions

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, see sections 468(b), 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.

§8A. Special provisions relating to the Agency for International Development

(a) In addition to the other duties and responsibilities specified in this Act, the Inspector General of the Agency for International Development shall supervise, direct, and control all security activities relating to the programs and operations of that Agency, subject to the supervision of the Administrator of that Agency.¹

(b) In addition to the Assistant Inspector General provided for in section 3(d) of this Act, the Inspector General of the Agency for International Development shall, in accordance with applicable laws and regulations governing the civil service, appoint an Assistant Inspector General for Security who shall have the responsibility for supervising the performance of security activities relating to programs and operations of the Agency for International Development.

(c) In addition to the officers and employees provided for in section 6(a)(6) of this Act, 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 his or her designee) shall perform the performance evaluation reports for such members.

(d) In establishing and staffing field offices pursuant to section 6(c) of this Act, the Administrator of the Agency for International Development shall not be bound by overseas ceilings established under the Monitoring Overseas Direct Employment policy.

(e) The Inspector General of the Agency for International Development shall be in addition to the officers provided for in section 629(a) of the Foreign Assistance Act of 1961 [22 U.S.C. 2384(a)].

(f) As used in this Act, 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.].


References in Text


Amendments

1999—Subsec. (a). Pub. L. 106–113, §1000(a)(7) (title II, §205(a)), which directed the amendment of subsec. (a) by striking “and” at the end of par. (1), striking the period at the end of par. (2) and inserting “; and”, and adding a new par. (3) to read: “shall supervise, direct, and control audit and investigative activities relating to programs and operations within the Inter-American Foundation and the African Development Foundation;” could not be executed because of the prior amendment by Pub. L. 105–277, §1422(b)(2)(A). See 1998 Amendment note below.


1998—Subsec. (a). Pub. L. 105–277, §1422(b)(2)(A), struck out dash after “Agency for International Development”, struck out par. (1) designation before “shall supervise”, substituted period for “; and” after “Administrator of that Agency”, and struck out par. (2) which read as follows: “to the extent requested by the Director of the United States International Development Cooperation Agency (after consultation with the Administrator of the Agency for International Development), shall supervise, direct, and control all audit, investigative, and security activities relating to programs and operations within the United States International Development Cooperation Agency.”

Subsecs. (c) to (h), Pub. L. 105–277, §1422(b)(2)(B), (C), redesignated subsecs. (d), (e), (g), and (h) as (c), (d), (e), and (f), respectively, and struck out former subsecs. (c) and (f) which read as follows:

“(c) The semiannual reports required to be submitted to the Administrator of the Agency for International Development pursuant to section 5(b) of this Act shall also be submitted to the Director of the United States International Development Cooperation Agency.

“(f) The reference in section 7(a) of this Act to an employee of the establishment shall, with respect to the Inspector General of the Agency for International Development, be construed to include an employee of or under the United States International Development Cooperation Agency.”

¹See 1999 Amendment note below.
§ 8B. Special provisions concerning the Nuclear Regulatory Commission

(a) The Chairman of the Commission may delegate the authority specified in the second sentence of section 3(a) to another member of the Nuclear Regulatory Commission, but shall not delegate such authority to any other officer or employee of the Commission.

(b) Notwithstanding sections 6(a)(7) and (8), 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 thereof, subject to the applicable laws and regulations governing such selection, appointments, and employment, and the obtaining of such services, within the Nuclear Regulatory Commission.


Effective Date

Section effective 180 days after Oct. 18, 1988, see section 113 of Pub. L. 100–504, set out as an Effective Date of 1988 Amendment note under section 5 of Pub. L. 95–452 in this Appendix.

§ 8C. 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 second sentence of section 3(a) 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 6(a), 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 to obtain the temporary or intermittent services of experts or consultants or an organization thereof, subject to the applicable laws and regulations governing such selection, appointments, and employment, and the obtaining of such services, within the Federal Deposit Insurance Corporation.


Prior Provisions

A prior section 8C of the Inspector General Act of 1978 was redesignated section 8D by Pub. L. 103–204.

§ 8D. Special provisions concerning the Department of the Treasury

(a)(1) Notwithstanding the last two sentences of section 3(a), 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, United States Code, section 202 of title 3, United States Code, or any provision of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note; Public Law 94–524).

(2) 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, 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 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) If the Secretary of the Treasury exercises any power under paragraph (1) or (2), the Secretary of the Treasury shall transmit a copy of such notice to 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 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.

(4) 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)(1) In carrying out the duties and responsibilities specified in this Act, 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) 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 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, United States Code, section 202 of title 3, United States Code, or any provision of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note; Public Law 94–524).
5

§ 8D

department of the Treasury other than the duties and responsibilities exercised by the Treasury Inspector General for Tax Administration.

(3) 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) 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) 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 such bureau 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)(1) 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 such Code [26 U.S.C. 6103] and this Act.

(2) 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.

(3) 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) 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 his delegate under section 6406 of the Internal Revenue Code of 1986 [26 U.S.C. 6406].

(g)(1) Any report required to be transmitted by the Secretary of the Treasury to the appropriate committees or subcommittees of the Congress under section 5(d) shall also be transmitted, within the seven-day period specified under such section, to the 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.

(2) 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 5(d) 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) 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 Act to conduct an audit or investigation of the Internal Revenue Service Oversight Board and the Chief Counsel for the Internal Revenue Service.

(i) In addition to the requirements of the first sentence of section 3(a), the Treasury Inspector General for Tax Administration should have demonstrated ability to lead a large and complex organization.


(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)(1) In addition to the duties and responsibilities exercised by an inspector general of an establishment, the Treasury Inspector General for Tax Administration 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 such Code, 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 physical security; 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)(A) In performing a law enforcement function under paragraph (1), the Treasury Inspector General for Tax Administration shall report any reasonable grounds to believe 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 4(d).

(B) In the administration of section 5(d) 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 matters under subsection (a)(1)(A) through (F).

(3) 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).

(4)(A) 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)(A) 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) 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) This paragraph applies regardless of whether the applicable audit or investigation is requested under paragraph (1).


References in Text

Prior Provisions
A prior section 8D of the Inspector General Act of 1978 was redesignated section 8E by Pub. L. 101–204.

Amendments

Subsec. (c). Pub. L. 108–7, §104(c)(2)(B), substituted “bureau” for “bureaus and services”.

Subsec. (d). Pub. L. 108–7, §104(c)(2)(C), substituted “the bureau” for “a bureau service” and struck out “or service” after “such bureau”.


Pub. L. 105–206, §1103(b)(2), designated existing provisions as par. (1) and added pars. (2) and (3).


Subsec. (e)(2). Pub. L. 105–206, §1103(b)(3)(B), (C), redesignated subpar. (C) as par. (2), substituted “Treasury Inspector General for Tax Administration” for “Inspector General”, and struck out former par. (A) introductory provisions and subpars. (A) and (B), which required written notice to Assistant Commissioner (Inspection) of Inspector General’s intent to access returns and return information, that such notice indicate specific returns or information being accessed, contain certification of need for purpose described under section 6103(b)(1) of this title, and identify those employees who may receive such returns or information. Former subpar. (D) redesignated par. (3).


Subsec. (g). Pub. L. 105–206, §1103(b)(5), struck out subsec. (g) which read as follows: “Notwithstanding section 4(d), in matters involving chapter 75 of the Internal Revenue Code of 1986, the Inspector General shall report expeditiously to the Attorney General only offenses under section 7214 of such Code, unless the Inspector General obtains the consent of the Commissioner of Internal Revenue to exercise additional reporting authority with respect to such chapter.”
§ 8E. Special provisions concerning the Department of Justice

(a)(1) Notwithstanding the last two sentences of section 3(a), 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 subpenas, 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) 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, 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 Attorney General determines that such prohibition is necessary to prevent the disclosure of any information described under paragraph (1) or to prevent the significant impairment to the national interests of the United States.

(3) 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 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.

(b) In carrying out the duties and responsibilities specified in this Act, 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 such 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) Any report required to be transmitted by the Attorney General to the appropriate committees or subcommittees of the Congress under section 5(d) shall also be transmitted, within the seven-day period specified under such section, to the Committees on the Judiciary and Governmental Affairs of the Senate and the Committees on the Judiciary and Government Operations of the House of Representatives.

(d) 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.

poration for National and Community Service, was re-
numeral section 8F by Pub. L. 103–204.

Another prior section 8E of the Inspector General Act of
1978, relating to requirements for Federal entities 
and designated Federal entities, was successively re-
umerated section 8F by Pub. L. 103–82, and section 8G 
by Pub. L. 103–204.

AMENDMENTS

2002—Subsec. (b)(2) to (5). Pub. L. 107–273, § 308(1), 
added pars. (2) to (5) and struck out former pars. (2) and 
(3) which read as follows:

“(2) shall give particular regard to the activities of
the Counsel, Office of Professional Responsibility of the 
Department and the audit, internal investigative, and 
inspection units outside the Office of Inspector General 
with a view toward avoiding duplication and insuring 
effective coordination and cooperation; and

“(3) shall refer to the Counsel, Office of Professional 
Responsibility of the Department for investigation, in-
formation or allegations relating to the conduct of an
officer or employee of the Department of Justice em-
ployed in an attorney, criminal investigative, or law 
enforcement position that is or may be a violation of 
law, regulation, or order of the Department or any 
other applicable standard of conduct, except that no 
such referral shall be made if the officer or employee is 
employed in the Office of Professional Responsibility of 
the Department.”


CHANGE OF NAME

Committee on Governmental Affairs of Senate 
changed to Committee on Homeland Security and Gov-
ernmental Affairs of Senate, effective Jan. 4, 2005, by 
Senate Resolution No. 445, One Hundred Eighth Con-

Committee on Government Operations of House of 
Representatives treated as referring to Committee on 
Government Reform and Oversight of House of Rep-
resentatives by section 1(a) of Pub. L. 104–14, set out as 
a note under section 21 of Title 2, The Congress. Com-
mittee on Government Reform and Oversight of House of 
Representatives changed to Committee on Govern-
ment Reform of House of Representatives by House 
Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 
1999.

EFFECTIVE DATE

Section effective 180 days after Oct. 18, 1988, see sec-
tion 113 of Pub. L. 100–504, set out as an Effective Date 
of 1988 Amendment note under section 5 of Pub. L. 
95–452 in this Appendix.

APPOINTMENT OF OVERSIGHT OFFICIAL WITHIN 
THE OFFICE OF INSPECTOR GENERAL

116 Stat. 1794, provided that:

“(1) IN GENERAL.—The Inspector General of the De-
partment of Justice shall direct that 1 official from the 
office of the Inspector General be responsible for super-
vising and coordinating independent oversight of pro-
gram and operations of the Federal Bureau of Investi-

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

REVIEW OF CIVIL RIGHTS COMPLAINTS BY THE 
DEPARTMENT OF JUSTICE

391, provided that: “The Inspector General of the De-
partment of Justice shall designate one official who shall—

“(1) review information and receive complaints al-
leging abuses of civil rights and civil liberties by em-
ployees and officials of the Department of Justice;

“(2) make public through the Internet, radio, tele-
vision, and newspaper advertisements information on 
the responsibilities and functions of, and how to con-
tact, 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 [sec-
tion] and detailing any abuses described in paragraph 
(1), including a description of the use of funds appro-
priations used to carry out this subsection [section].”

TRANSFER OF 20 INVESTIGATION POSITIONS WITHIN 
DEPARTMENT OF JUSTICE

Section 162(h) of Pub. L. 100–504 provided that: “No 
later than 90 days after the date of appointment of the 
Inspector General of the Department of Justice, the In-
spect General shall designate 20 new investigation posi-
tions which the Attorney General may transfer from 
the Office of Inspector General of the Depart-
ment of Justice to the Office of Professional Respon-
sibility of the Department of Justice for the perform-
ance of functions described under section 8D(b)(3) [now
(b)(3) of this section]. Any personnel who are trans-
ferred pursuant to this subsection, and who, at the time 
of being so transferred, are protected from reduction in 
classification or compensation under section 9(c) of such 
Act [section 9(c) of Pub. L. 85–452, set out in this 
Appendix], shall continue to be so protected for 1 year 
after the date of transfer pursuant to this subsection.”

§ 8F. Special provisions concerning the Corpora-
tion for National and Community Service

(a) Notwithstanding the provisions of para-
graphs (7) and (8) of section 6(a), 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 
Trust Act of 1993; and

(2) procure the temporary and intermittent 
services of and compensate such experts and 
consultants, in accordance with section 310(b) of 
title 5, United States Code, 
as may be necessary to carry out the functions, 
powers, and duties of the Inspector General.

(b) No later than the date on which the Chief 
Executive Officer of the Corporation for Na-
tional and Community Service transmits any re-
port to the Congress under subsection (a) or (b) 
of section 5, the Chief Executive Officer shall 
transmit such report to the Board of Directors of 
such Corporation.

(c) No later than the date on which the Chief 
Executive Officer of the Corporation for Na-
tional and Community Service transmits a re-
port described under section 5(b) 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 de-
scribed in the statement required under section 
5(b)(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 informa-
tion relating to such audit reports.

(d) No later than the date on which the Inspect-
ator General of the Corporation for National and

1 See References in Text note below.
Community Service reports a problem, abuse, or deficiency under section 5(d) to the Chief Executive Officer of the Corporation, the Chief Executive Officer shall report such problem, abuse, or deficiency to the Board of Directors. 


Section 195(b) of the National and Community Service Act of 1993, referred to in subsec. (a)(1), probably means section 195(b) of the National and Community Service Act of 1990, Pub. L. 101–610, which was enacted by section 202(a) of the National and Community Service Act of 1990, Pub. L. 101–610, and is classified to section 12651(b) of Title 42, The Public Health and Welfare.

Codification

Pub. L. 103–204, §23(a)(4), Dec. 17, 1993, 107 Stat. 2408, which directed the amendment of section 8F(a)(2) by striking out “the Federal Deposit Insurance Corporation,”, could not be executed to this section because the quoted language does not appear. However, the amendment was executed to section 8G(a)(2) of the Inspector General Act of 1978 relating to requirements for Federal entities and designated Federal entities, to reflect the probable intent of Congress and the successive renumbering of that section as section 8G by Pub. L. 103–82 and as section 8G by Pub. L. 103–204.

Prior Provisions

A prior section 8F of the Inspector General Act of 1978, relating to requirements for Federal entities and designated Federal entities, was renumbered section 8G by Pub. L. 103–204.

Another prior section 8F of the Inspector General Act of 1978, relating to rule of construction of special provisions, was renumbered section 8J.

Effective Date


§8G. Requirements for Federal entities and designated Federal entities

(a) Notwithstanding section 11 of this Act, as used in this section—

(1) the term “Federal entity” means any Government corporation (within the meaning of section 103(1) of title 5, United States Code), any Government controlled corporation (within the meaning of section 103(2) of such 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 11(2) of this Act) or part of an establishment;

(B) a designated Federal entity (as defined under paragraph (2) 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;

(2) the term “designated Federal entity” means Amtrak, the Appalachian Regional Commission, the Board of Governors of the Federal Reserve System, the Board for International Broadcasting, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Corporation for Public Broadcasting, the Denali Commission, the Equal Employment Opportunity Commission, the Farm Credit Administration, the Federal Communications Commission, the Federal Election Commission, the Election Assistance Commission, the Federal Housing Finance Board, 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 Endowment for the Humanities, the National Labor Relations Board, the National Science Foundation, the Panama Canal Commission, the Peace Corps, the Pension Benefit Guaranty Corporation, the Securities and Exchange Commission, the Smithsonian Institution, the United States International Trade Commission, and the United States Postal Service;

(3) 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;

(4) the term “head of the designated Federal entity” means 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; and

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

(5) the term “Office of Inspector General” means an Office of Inspector General of a designated Federal entity; and


(b) No later than 180 days after the date of the enactment of this section [Oct. 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) 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.

(d) 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. 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.

(e) 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 promptly communicate in writing the reasons for such removal or transfer to both Houses of the Congress.

(f)(1) 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, United States Code, shall be applied.

(2) In carrying out the duties and responsibilities specified in this Act, 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)(A)(i) 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) With respect 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 the significant impairment to the national interests of the United States.

(iii) 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 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.

(B) In carrying out the duties and responsibilities specified in this Act, 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 insuring effective coordination and cooperation.

(C) Any report required to be transmitted by the Governors to the appropriate committees or subcommittees of the Congress under section 5(d) shall also be transmitted, within the seven-day period specified under such section, to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives.

(3)1 Nothing in this Act 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, United States Code, the National Labor Relations Act, any handbook or manual affecting employee labor relations with the United States Postal Service, or any collective bargaining agreement.

(4) As used in this subsection, the term “Governors” has the meaning given such term by section 102(3) of title 39, United States Code.

(g)(1) Sections 4, 5, 6 (other than subsections (a)(7) and (a)(8) thereof), and 7 of this Act 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 section (a)) by substituting—

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

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

(2) In addition to the other authorities specified in this Act, 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 thereof, 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) Notwithstanding the last sentence of subsection (d) of this section, the provisions of sub-
section (a) of section 8C (other than the provisions of subparagraphs (A), (B), (C), and (E) of subsection (a)(1)) shall apply to the Inspector General of the Board of Governors of the Federal Reserve System 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.

(h)(1) No later than April 30, 1989, and annually thereafter, 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 the head of each such entity (as defined under subsection (a) of this section).

(2) Beginning on October 31, 1989, and on October 31 of each succeeding calendar year, the head of each Federal entity (as defined under subsection (a) of this section) shall prepare and transmit to the Director of the Office of Management and Budget and to each House of Congress a report which—

(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 prosecute 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.


AMENDMENT OF SUBSECTION (a)(2)

Pub. L. 105–134, title IV, § 409(a), Dec. 2, 1997, 111 Stat. 2586, provided that effective at beginning of first fiscal year after fiscal year for which Amtrak receives no Federal subsidy, subsection (a)(2) of this section is amended by striking "Amtrak.","

REFERENCES IN TEXT

The National Labor Relations Act, referred to in subsec. (f)(3), is act July 5, 1935, ch. 372, 49 Stat. 449, as amended, 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.

PRIOR PROVISIONS

A prior section 8G of the Inspector General Act of 1978 was redesignated section 8J.

AMENDMENTS


1996—Subsec. (a)(4). Pub. L. 104–208, § 101(f) (title VI, § 662(b)(1)), substituted "except that—" and subpars. (A) and (B) for "except that with respect to the National Science Foundation, such term means the National Science Board.",

Subsec. (f). Pub. L. 104–208, § 101(f) (title VI, § 662(b)(2)), amended subsec. (f) generally. Prior to amendment, subsec. (f) read as follows:

"(1) The Chief Postal Inspector of the United States Postal Service shall also hold the position of Inspector General of the United States Postal Service, and for purposes of this section, shall report to, and be under the general supervision of, the Postmaster General of the United States Postal Service. The Postmaster General, in consultation with the Governors of the United States Postal Service, shall appoint the Chief Postal Inspector. The Postmaster General, with the concurrence of the Governors of the United States Postal Service, shall have power to remove the Chief Postal Inspector or transfer the Chief Postal Inspector to another position or location within the United States Postal Service. If the Chief Postal Inspector is removed or transferred in accordance with this subsection, the Postmaster General shall promptly notify both Houses of the Congress in writing of the reasons for such removal or transfer.

"(2) For purposes of paragraph (1), the term 'Governors' has the same meaning as such term is defined under section 102(3) of title 39, United States Code.",


Pub. L. 103–82, § 202(g)(2)(A), struck out "ACTION," before 'Amtrak',


CHANGE OF NAME

Committee on Governmental Affairs of Senate changed to Committee on Homeland Security and Gov-
in pursuant to section 5315 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.

"(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 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.)."

"(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 the Iraq Relief and Reconstruction Fund; 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 the Iraq Relief and Reconstruction Fund 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 to the Iraq Relief and Reconstruction Fund, 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 the Inspector General Act of 1978 [Pub. L. 96–432, set out in this Appendix].
“(4) In carrying out the duties, responsibilities, and authorities of the Inspector General under this section, the Inspector General shall coordinate with, and receive each of the following:
“(A) The Inspector General of the Department of State.
“(C) The Inspector General of the United States Agency for International Development.
“(D) All other applicable inspectors general of the Departments of State and Defense.
“(e) POWERS AND AUTHORITIES.—(1) In carrying out the duties specified in subsection (f), the Inspector General shall have the authorities provided in section 6 of the Inspector General Act of 1978 [section 6 of Pub. L. 96–432, set out in this Appendix], including the authorities under subsection (e) of such section.
“(b) 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.
“(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 (a) 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, to the extent 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, unreasonable or not otherwise 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 State 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 to the Iraq Relief and Reconstruction Fund. 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 to the Iraq Relief and Reconstruction Fund.
“(F) In the case of any contract described in paragraph (2), the following:
“(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, to-
together with a list of the potential contractors that
were issued solicitations for the offers; and
(b) need to justify the justification and approval documents on
which was based the determination to use proce-
dures 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 to the Iraq Relief and Re-
construction Fund with any public or private sector en-
tity for any of the following purposes:
(A) To build or rebuild physical infrastructure of
Iraq.
(B) To establish or reestablish a political or soci-
etal institution of Iraq.
(C) To provide products or services to the people of
Iraq.
(3) The Inspector General shall submit to the appro-
propriate committees of Congress semiannual reports
meeting the requirements of section 5 of the Inspector
General Act of 1978 (section 5 of Pub. L. 95–452, set out in
this Appendix). The first such report for a year, cov-
ering the first six months of the year, shall be submit-
ted 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 for-
eign affairs; or
(C) a part of an ongoing criminal investigation.
(7) 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 Sec-
retary of Defense may submit to the appropriate com-
mittees of Congress any comments on the matters cov-
ered in the report as the Secretary of State or the Sec-
retary of Defense, as the case may be, considers ap-
propriate.
(B) A report under this paragraph may include a
classified annex if the Secretary of State or the Sec-
retary of Defense, as the case may be, considers it nec-
essary.
(8) TRANSPARENCY.—(1) Not later than 60 days af-
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 reason-
able cost.
(2) Not later than 60 days after the date of the sub-
mittal to Congress under subsection (j)(2) of a report
under subsection (i), the Secretary of State and the Sec-
retary of Defense shall jointly make copies of such comments
available to the public upon request, and at a reasonable cost.
(9) WAIVER.—(1) The President may waive the re-
quirement 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 para-
graph if the President determines that the waiver is jus-
tified for national security reasons.
(2) The President shall publish a notice of each
waiver made under this subsection in the Federal Reg-
ister no later than the date on which the reports re-
quired under paragraph (1) or (3) of subsection (i) are
submitted to Congress. The reports required under par-
agraph (1) or (3) of subsection (i) shall specify
whether waivers under this subsection were made and
with respect to which elements.
(10) APPROPRIATE COMMITTEES OF CONGRESS DIS-
FINED.—In this section, the term 'appropriate commit-
tees of Congress' means—
(1) the Committees on Appropriations, Armed
Services, and Foreign Relations of the Senate; and
(2) the Committees on Appropriations, Armed
Services, and International Relations of the House
of Representatives.
(11) FUNDING.—(1) Of the amounts appropriated for
fiscal year 2004 for the Operating Expenses of the Coal-
ition 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.
(12) TERMINATION.—The Office of the Inspector
General shall terminate on the date that is 10 months after
the date, as determined by the Secretary of State and
the Secretary of Defense, on which 80 percent of the
amounts appropriated or otherwise made available to
the Iraq Relief and Reconstruction Fund by chapter 2 of
section 17 of this Act [117 Stat. 1254] have been obli-
gated.”

[Pub. L. 106–375, § 1203(e)(2)(B), which directed amend-
ment of section 3001(h)(6) of Pub. L. 108–106, set out
above, by substituting "within the Department of
Defense or at appropriate locations of the Department
of State in Iraq" for "at the central and field locations
of the Coalition Provisional Authority", was executed
by making the substitution for "at the central
and field office locations of the Coalition Provisional
Authority", to reflect the probable intent of Congress.]
§ 8H. Additional provisions with respect to Inspectors General of the Intelligence Community

(a)(1)(A) 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 Justice (or designee).

(C) 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 title 5, United States Code, to have as its principal function the conduct of foreign 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 Act or section 17 of the Central Intelligence Agency Act of 1949 [50 U.S.C. 403a].

(2) 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.

(b) 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 (a), 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.

(c) Upon receipt of a transmittal from the Inspector General under subsection (b), 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.

(d)(1) If the Inspector General does not find credible under subsection (b) a complaint or information submitted to the Inspector General under subsection (a), or does not transmit the complaint or information to the head of the establishment in accordance with paragraph (2) or subsection (b), the employee (subject to paragraph (2)) may report the complaint or information to Congress, who may appoint an investigative committee to conduct such investigations.

(2) 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) 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.

(e) 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.

(f) An action taken by the head of an establishment or an Inspector General under subsections (a) through (e) shall not be subject to judicial review.

(g)(1) The Inspector General of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, and the National Security Agency shall each submit to the congressional intelligence committees each year a report that sets forth the following:

(A) The personnel and funds requested by such Inspector General for the fiscal year beginning in such year for the activities of the office of such Inspector General in such fiscal year.

(B) The plan of such Inspector General for such activities, including the programs and activities scheduled for review by the office of such Inspector General during such fiscal year.

(C) An assessment of the current ability of such Inspector General to hire and retain qualified personnel for the office of such Inspector General.

(D) Any matters that such Inspector General considers appropriate regarding the independence and effectiveness of the office of such Inspector General.

(2) The submittal date for a report under paragraph (1) each year shall be the date provided in section 507 of the National Security Act of 1947 [50 U.S.C. 413b].

(3) In this subsection, the term "congressional intelligence committees" shall have the meaning given that term in section 3 of the National Security Act of 1947 [50 U.S.C. 401a].

(h) In this section:

(1) 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 title 5, United States Code, constituting reprisal or threat of reprisal prohibited under section 7(c) in response to an employee’s reporting an urgent concern in accordance with this section.

(2) 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.


Prior Provisions

A prior section 8H of the Inspector General Act of 1978 was renumbered section 8J.

Amendments


2002—Subsec. (f). Pub. L. 107–306, §825(1), substituted "subsections (a) through (e)" for "this section".

Subsecs. (g), (h). Pub. L. 107–306, §825(2), added subsec. (g) and redesignated former subsec. (g) as (h).

2001—Subsec. (b). Pub. L. 107–108, §909(b)(1), substituted "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." for "If the Inspector General determines that the complaint or information appears credible, the Inspector General shall, before the end of such period, transmit the complaint or information to the head of the establishment.".

Subsec. (d)(1). Pub. L. 107–108, §308(b)(2), substituted "does not find credible under subsection (b) a complaint or information submitted to the Inspector General under subsection (a), or does not transmit the complaint or information to the head of the establishment in an accurate form under subsection (b);" for "does not transmit, or does not transmit in an accurate form, the complaint or information described in subsection (b).".

Congressional Findings


"(1) national security is a shared responsibility, requiring joint efforts and mutual respect by Congress and the President;

"(2) the principles of comity between the branches of Government apply to the handling of national security information;

"(3) Congress, as a co-equal branch of Government, is empowered by the Constitution to serve as a check on the executive branch; in that capacity, it has a ‘need to know’ of allegations of wrongdoing within the executive branch, including allegations of wrongdoing in the Intelligence Community;

"(4) no basis in law exists for requiring prior authorization of disclosures to the intelligence committees of Congress by employees of the executive branch of classified information about wrongdoing within the Intelligence Community;

"(5) the risk of reprisal perceived by employees and contractors of the Intelligence Community for reporting serious or flagrant problems to Congress may have impaired the flow of information needed by the intelligence committees to carry out oversight responsibilities; and

"(6) to encourage such reporting, an additional procedure should be established that provides a means for such employees and contractors to report to Congress while safeguarding the classified information involved in such reporting."

§8I. Special provisions concerning the Department of Homeland Security

(a)(1) Notwithstanding the last two sentences of section 3(a), 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, United States Code, section 202 of title 3 of such Code, 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) 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 or from issuing any 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) 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 seven 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.
(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) The exercise of authority by the Secretary described in paragraph (2) should not be construed as limiting the right of Congress or any committee of Congress to access any information it seeks.

(c) Subject to the conditions established in subsections (a) and (b) above, in carrying out the duties and responsibilities specified in this Act, 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) Any report required to be transmitted by the Secretary of Homeland Security to the appropriate committees or subcommittees of Congress under section 5(d) shall be transmitted, within the seven-day period specified under such section, to the President of the Senate, the Speaker of the House of Representatives, and appropriate committees and subcommittees of Congress.

(e) Notwithstanding any other provision of law, in carrying out the duties and responsibilities specified in this Act, 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)(1) 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) 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 Office 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 Office 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 Office 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 Office for Civil Rights and Civil Liberties of any weaknesses, problems, and deficiencies within the Department relating to civil rights or civil liberties.
§ 8J

TITLE 5, APPENDIX—INSPECTOR GENERAL ACT OF 1978

§ 8J Rule of construction of special provisions

The special provisions under section 8, 8A, 8B, 8C, 8D, 8E, 8F, or 8H of this Act 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 8G(a).

PROR VISIONS

AMENDMENTS

§ 8J Rule of construction of special provisions

The special provisions under section 8, 8A, 8B, 8C, 8D, 8E, 8F, or 8H of this Act 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 8G(a).


CODIFICATION
Pub. L. 105–206, §1103(e)(3)(A), which directed that this section be renumbered as 8J, could not be executed because of a prior renumbering by Pub. L. 104–208.

PROR VISIONS

AMENDMENTS
1998—Pub. L. 105–272, §702(b)(2), which directed the amendment of this section by substituting “8E, or 8H” for “or 8E”, was executed by substituting “, 8F, or 8H” for “or 8F”, to reflect the probable intent of Congress and the amendment by Pub. L. 105–206, §1103(e)(3)(B). See below.

Pub. L. 105–206, §1103(e)(3)(C), substituted “section 8G(a)” for “section 8F(a)”.

Pub. L. 105–206, §1103(e)(3)(B), substituted “8E or 8F” for “or 8E”.

1993—Pub. L. 103–82, §202(g)(5)(B), substituted “8D, or 8E” for “or 8D” and “section 8F(a)” for “section 8E(a)”.

EFFECTIVE DATE OF 1993 AMENDMENT
Amendment by section 202(g)(5)(B) of Pub. L. 103–82 effective Oct. 1, 1993, see section 202(i) of Pub. L. 103–82, set out as an Effective Date note under section 12651 of Title 42, The Public Health and Welfare.

EFFECTIVE DATE
Section effective 180 days after Oct. 18, 1988, see section 113 of Pub. L. 100–504, set out as an Effective Date of 1988 Amendment note under section 5 of Pub. L. 95–452 in this Appendix.

§ 8K. Authority to establish Inspector General of the Office of the Director of National Intelligence

If the Director of National Intelligence determines that an Office of Inspector General would be beneficial to improving the operations and effectiveness of the Office of the Director of National Intelligence, the Director of National Intelligence is authorized to establish, with any of the duties, responsibilities, and authorities set forth in this Act, an Office of Inspector General.


EFFECTIVE DATE
Section effective not later than six months after Dec. 17, 2004, except as otherwise expressly provided, see section 1987(a) of Pub. L. 108–458, set out as an Effective Date of 2004 Amendment; Transition Provisions note under section 401 of Title 50, War and National Defense.

§ 9. Transfer of functions

(a) 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;


(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-
(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, 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”; (J) of the Corporation for National and Community Service, the Office of Inspector General of ACTION; 1 (K) 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 (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 the date of the enactment of the Internal Revenue Service Restructuring and Reform Act of 1998 [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 Veterans’ Administration, the offices of that agency referred to as the “Office of Audits” and the “Office of Investigations”; and (V) of the Corporation for National and Community Service, the Office of Inspector General of ACTION; 1 except that there shall not be transferred to an Inspector General under paragraph (2) program operating responsibilities. (b) 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 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) In any case where 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 the effective date of this Act [Oct. 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 holding 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.


REFERENCES IN TEXT


AMENDMENTS


1988—Subsec. (a)(1)(E), (F), Pub. L. 100–504, § 102(d)(7), added subpars. (E) and (F). Former subpars. (E) and (F) redesignated (G) and (H), respectively.

Subsec. (a)(1)(G), (H), Pub. L. 100–504, § 102(d)(2), redesignated subpars. (E) and (F) as (G) and (H), respectively. Former subpars. (G) and (H) redesignated (J) and (K), respectively.

Subsec. (a)(1)(I). Pub. L. 100–504, § 102(d)(1), (8), added subpar. (I) and struck out former subpar. (I) which provided for transfer to Office of Inspector General of Community Services Administration, offices of that agency referred to as “Inspections Division”, “External Audit Division”, and “Internal Audit Division”.

Subsec. (a)(1)(J), (K). Pub. L. 100–504, § 102(d)(3), redesignated subpars. (G) and (H) as (J) and (K), respectively. Former subpars. (J) and (K) redesignated (M) and (O), respectively.


Subsec. (a)(1)(T), (U). Pub. L. 100–504, § 102(d)(6), redesignated subpars. (M) and (N) as (T) and (U), respectively.

1982—Subsec. (a)(1). Pub. L. 97–232 added subpar. (C) and redesignated former subpars. (C) to (M) as (D) to (N), respectively.

1979—Subsec. (a)(1). Pub. L. 96–88 added subpar. (C) and redesignated former subpars. (C) to (M) as (D) to (M), respectively.

CHANGE OF NAME

Reference to Urban Mass Transportation Administration deemed to refer to Federal Transit Administration pursuant to section 3004(b) of Pub. L. 102–240, set out as a note under section 107 of Title 49, Transportation.

Reference to Veterans’ Administration deemed to refer to Department of Veterans Affairs pursuant to section 10 of Pub. L. 100–504, set out as a note in section 107 of Title 38, Veterans’ Benefits.

EFFECTIVE DATE OF 2002 AMENDMENTS

Amendment by Pub. L. 107–296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107–296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.


EFFECTIVE DATE OF 1994 AMENDMENT


EFFECTIVE DATE OF 1993 AMENDMENT

Section 202(g)(3)(B) of Pub. L. 103–82 provided that: “This paragraph [amending this section] shall take effect on the effective date of section 203(c)(2).” [Section 203(c)(2) of Pub. L. 103–82 is effective 18 months after Sept. 21, 1993, or on such earlier date as the President shall determine to be appropriate and announce by proclamation in the Federal Register, see section 203(d) of Pub. L. 103–82, set out as a note under section 12651 of Title 42, The Public Health and Welfare.]

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–504 effective 180 days after Oct. 18, 1988, see section 113 of Pub. L. 100–504, set out as a note under section 5 of Pub. L. 96–452 in this Appendix.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–88 effective May 4, 1980, with specified exceptions, see section 601 of Pub. L. 96–88, set out as an Effective Date note under section 3401 of Title 20, Education.

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 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.

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 sections 393(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.

TERMINATION OF OFFICE OF CHIEF INSPECTOR

Pub. L. 105–206, title I, §1108(c)(2), July 22, 1998, 112 Stat. 708, provided that: “Effective upon the transfer of functions under the amendment made by paragraph (1) [amending this section], the Office of Chief Inspector of the Internal Revenue Service is terminated.”

RETENTION OF CERTAIN INTERNAL AUDIT PERSONNEL

Pub. L. 105–206, title I, §1108(c)(3), July 22, 1998, 112 Stat. 708, provided that: “In making the transfer under the amendment made by paragraph (1) [amending this section], 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.”

ADDITIONAL PERSONNEL TRANSFERS


CONTINUATION OF SERVICE OF CERTAIN INSPECTORS

Section 102(e)(4) of Pub. L. 100–504 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 3(b) of the Inspector General Act of 1978 [section 3(b) of Pub. L. 95–452, set out in this Appendix].”

TRANSFER OF AUDIT PERSONNEL TO INSPECTOR GENERAL, DEPARTMENT OF DEFENSE

Section 1117(e) of Pub. L. 97–252 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 [amending sections 2(1), 9(a)(1), and 11(1) of this Act], 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.”

§10. Conforming and technical amendments

[Section amended sections 5315 and 5316 of Title 5, Government Organization and Employees, and section 3522 of Title 42, The Public Health and Welfare, which amendments have been executed to text.]

§11. Definitions

As used in this Act—

(1) 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, or the Treasury; the Attorney General; the Administrator of the Agency for International Development, the Environmental Protection Agency, General Services, National Aeronautics and Space, Small Business, or Veterans’ Affairs; the Director of the Federal Emergency Management Agency, or the Office of Personnel Management; the Chairman of the Nuclear Regulatory Commission or the Railroad Retirement Board; the Chairperson of the Thrift Depositor Protection Oversight Board; the Chief Executive Officer of the Corporation for National and Community Service; the Administrator of the Community Development Financial Institutions Fund; the chief executive officer of the Resolution Trust Corporation; the Chairperson of the Federal Deposit Insurance Corporation; the Commissioner of Social Security, Social Security Administration; the Board of Directors of the Tennessee Valley Authority; or the President of the Export-Import Bank; as the case may be;

(2) 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, or the Treasury; the Agency for International Development, the Community Development Financial Institutions Fund, the Environmental Protection Agency, 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 Resolution Trust Corporation, the Federal Deposit Insurance Corporation, the Small Business Administration, the Corporation for National and Community Service, the Veterans’ Administration, the Social Security Administration, the Tennessee Valley Authority, or the Export-Import Bank, as the case may be;

(3) the term “Inspector General” means the Inspector General of an establishment;
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TITLe 5, APPENDIX—INSPECTOR GENERAL ACT OF 1978

(4) the term "Office" means the Office of Inspector General of an establishment; and

(5) the term "Federal agency" means an agency as defined in section 552(f) of title 5 (including an establishment as defined in paragraph (2), United States Code, but shall not be construed to include the Government Accountability Office.


CODIFICATION

Amendment by Pub. L. 100–527 amended section as it existed prior to amendment by Pub. L. 100–504, see Effective Date of 1988 Amendments note below.

AMENDMENTS


2002—Par. (1). Pub. L. 107–296, § 1701(2), which directed amendment of par. (1) by striking out “; and” and in two places, could not be executed because “; and” did not appear in par. (1) subsequent to amendment by Pub. L. 107–189, § 22(d)(1)(B), (C), see below.


Pub. L. 107–189, § 22(a)(1), (d)(1), struck out second semicolon after “National and Community Service,” struck out “; and” after “Financial Institutions Fund,” after “Resolution Trust Corporation,” and substituted “the Board of Directors of the Tennessee Valley Authority; or the President of the Export-Import Bank; or the Board of Directors of the Tennessee Valley Authority;”.


Par. L. 107–189, § 22(a)(2), (d)(2), struck out “; or” after “National and Community Service,” and substituted “the Tennessee Valley Authority, or the Export-Import Bank; or the Tennessee Valley Authority;”.

Par. (3). Pub. L. 107–189, § 22(d)(3), substituted “section 552(f) of title 5” for “section 552(e) of title 5”.

2000—Par. (1). Pub. L. 106–422, § 1(b)(2)(A), substituted “the Commissioner of Social Security, Social Security Administration; or the Board of Directors of the Tennessee Valley Authority;” for “or the Commissioner of Social Security, Social Security Administration;”.

Par. (2). Pub. L. 106–422, § 1(b)(2)(B), substituted “the Social Security Administration, or the Tennessee Valley Authority;” for “or the Social Security Administration;”.

1998—Par. (1). Pub. L. 105–277, § 1314(b)(1), which directed the substitution of “or the Office of Personnel Management” for “the Office of Personnel Management, the United States Information Agency,” was executed by making the substitution for “the Office of Personnel Management or the United States Information Agency” to reflect the probable intent of Congress.


Par. (2). Pub. L. 104–166, § 4322(b)(1), substituted “Community Service,” for “Community Service;”.

1994—Par. (1). Pub. L. 102–305, § 118(a)(1), inserted “; the Administrator of the Community Development Financial Institutions Fund;” before “; as the case may be”.

Par. (2). Pub. L. 103–325, § 118(a)(2), inserted “the Community Development Financial Institutions Fund,” after “the Agency for International Development,”.

Pub. L. 103–296, § 108(h)(2)(B), inserted “; or the Social Security Administration” before “; as the case may be”.


Pub. L. 103–204, § 202(g)(4)(A), inserted “; the Chief Executive Officer of the Corporation for National and Community Service;” after “Thrift Depositor Protection Oversight Board”.

Par. (2). Pub. L. 103–204, § 23(a)(1)(B), inserted “the Federal Deposit Insurance Corporation;” after “Resolution Trust Corporation;”.

Pub. L. 103–82, § 202(g)(4)(B), inserted “; the Corporation for National and Community Service;” after “United States Information Agency”.

1991—Par. (1). Pub. L. 102–305, substituted “; the Chairperson of the Thrift Depositor Protection Oversight Board and the chief executive officer of the Resolution Trust Corporation for the “Oversight Board and the Board of Directors of the Resolution Trust Corporation”.

1989—Par. (1). Pub. L. 101–153, § 501(b)(1)(A), as amended by Pub. L. 104–166, § 4322(b)(3), inserted “the Oversight Board and the Board of Directors of the Resolution Trust Corporation” before “; as the case may be”.


1988—Par. (1). Pub. L. 100–527, § 1314(b)(2), (3), substituted “Transportation, or Veterans’ Affairs, or the Commissioner of Social Security, Social Security Administration” for “Small Business, or Small Business, or the Director of the United States Information Agency;”.

Par. L. 100–527 added pars. (1) and (2) and struck out former pars. (1) and (3), as amended by Pub. L. 100–527, which read as follows:

“(1) the term ‘head of the establishment’ means the Secretary of Agriculture, Commerce, Defense, Education, Housing and Urban Development, the Interior, Labor, State, Transportation, or Veterans Affairs, or the Director of the United States Information Agency as the case may be;”

“(2) the term ‘establishment’ means the Department of Agriculture, Commerce, Defense, Education, Housing and Urban Development, the Interior, Labor, State, Transportation, or Veterans Affairs, or the Agency for International Development, the Community Services...
Administration, the Environmental Protection Agency, the General Services Administration, the National Aeronautics and Space Administration, the Small Business Administration, or the United States Information Agency, as the case may be:"

1986—Pars. (1), (2). Pub. L. 99–399 inserted "or the Director of the United States Information Agency" in par. (1) and "the United States Information Agency" in par. (2).


CHANGE OF NAME

References to Administrator of Veterans' Affairs and to Veterans' Administration deemed to refer to Secretary of Veterans Affairs and to Department of Veterans Affairs, respectively, pursuant to section 10 of Pub. L. 105–507, set out as a Department of Veterans Affairs Act note under section 301 of Title 38, Veterans' Benefits.

EFFECTIVE DATE OF 2002 AMENDMENTS

Amendment by Pub. L. 107–296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107–296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.


EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106–422 effective 30 days after Nov. 1, 2000, see section 1(d)(1) of Pub. L. 106–422, set out as a note under section 5G of Pub. L. 94–452 in this appendix.

EFFECTIVE DATE OF 1998 AMENDMENT


EFFECTIVE DATE OF 1996 AMENDMENT

Section 6322(b)(3) of Pub. L. 104–106 provided that the amendment made by that section is effective as of Aug. 9, 1996, and as if included in Pub. L. 101–73 as enacted.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103–82 effective Oct. 1, 1993, see section 202(1) of Pub. L. 103–82, set out as an Effective Date note under section 12651 of Title 42, the Public Health and Welfare.

EFFECTIVE DATE OF 1991 AMENDMENT


EFFECTIVE DATE OF 1988 AMENDMENTS

Amendment by Pub. L. 100–527 effective Mar. 15, 1989, see section 18(a) of Pub. L. 100–527, set out as a Department of Veterans Affairs Act note under section 301 of Title 38, Veterans' Benefits.

Amendment by Pub. L. 100–504 effective 180 days after Oct. 18, 1988, see section 113 of Pub. L. 100–504, set out as a note under section 5 of Pub. L. 95–452 in this appendix.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–88 effective May 4, 1980, with specified exceptions, see section 601 of Pub. L. 96–88, set out as an Effective Date note under section 3401 of Title 20, Education.

TRANSFER OF FUNCTIONS

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 to the Secretary of Homeland Security, and for treatment of related references, see sections 313(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.

COMMUNITY SERVICES ADMINISTRATION


An Office of Community Services, headed by a Director, was established in the Department of Health and Human Services by section 676 of Pub. L. 97–35, which is classified to 42 U.S.C. 9905.

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

TRANSFER OF FUNCTIONS


[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.

OFFICE OF INSPECTOR GENERAL OF COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND: AUTHORIZATION OF APPROPRIATIONS

Section 118(b) of Pub. L. 103–325 provided that: "There are authorized to be appropriated such sums as may be necessary for the operation of the Office of Inspector General established by the amendments made by subsection (a) (amending this section)."

OFFICE OF INSPECTOR GENERAL OF RESOLUTION TRUST CORPORATION: AUTHORIZATION OF APPROPRIATION

Section 501(b)(2)(B) of Pub. L. 101–73 provided that: "There are hereby authorized to be appropriated such sums as may be necessary for the operation of the Office of Inspector General established by the amendment
§ 12 Effective date

The provisions of this Act and the amendments made by this Act [see section 10 of this Act] shall take effect October 1, 1978.
