

**§ 8F. Special provisions concerning the Corporation for National and Community Service**

(a) Notwithstanding the provisions of paragraphs (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 Act of 1990 [42 U.S.C. 12651f(b)]; and

(2) procure the temporary and intermittent services of and compensate such experts and consultants, in accordance with section 3109(b) of 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 National and Community Service transmits any report 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 National and Community Service transmits a report 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 described 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 information relating to such audit reports.

(d) No later than the date on which the Inspector General of the Corporation for National and Community Service reports a problem, abuse, or deficiency under section 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.

(Pub. L. 95-452, § 8F, formerly § 8E, as added Pub. L. 103-82, title II, § 202(g)(1), Sept. 21, 1993, 107 Stat. 889; renumbered § 8F, Pub. L. 103-204, § 23(a)(3), Dec. 17, 1993, 107 Stat. 2408; amended Pub. L. 111-13, title IV, § 4101, Apr. 21, 2009, 123 Stat. 1597.)

**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 8F 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.

**AMENDMENTS**

2009—Subsec. (a)(1). Pub. L. 111-13 substituted “National and Community Service Act of 1990” for “National and Community Service Trust Act of 1993”.

**EFFECTIVE DATE OF 2009 AMENDMENT**

Amendment by Pub. L. 111-13 effective Oct. 1, 2009, see section 6101(a) of Pub. L. 111-13, set out as a note under section 4950 of Title 42, The Public Health and Welfare.

**EFFECTIVE DATE**

Section effective Oct. 1, 1993, see section 202(i) of Pub. L. 103-82, set out as a note under section 12651 of Title 42, The Public Health and Welfare.

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

(a) Notwithstanding section 12 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 12(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 and the Bureau of Consumer Financial Protection, the Board for International Broadcasting, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Corporation for Public Broadcasting, the Defense Intelligence Agency, the Denali Commission, the Equal Employment Opportunity Commission, the Farm Credit Administration, the Federal 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 Geospatial-Intelligence Agency, the National Labor Rela-

tions Board, the National Reconnaissance Office, the National Security Agency, 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, the Postal Regulatory 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 the board or commission of the designated Federal entity, or in the event the designated Federal entity does not have a board or commission, any person or persons designated by statute as the head of a designated Federal entity and if no such designation exists, the chief policymaking officer or board of a designated Federal entity as identified in the list published pursuant to subsection (h)(1) of this section, except that—

(A) with respect to the National Science Foundation, such term means the National Science Board;

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

(C) with respect to the Federal Labor Relations Authority, such term means the members of the Authority (described under section 7104 of title 5, United States Code);

(D) with respect to the National Archives and Records Administration, such term means the Archivist of the United States;

(E) with respect to the National Credit Union Administration, such term means the National Credit Union Administration Board (described under section 102 of the Federal Credit Union Act (12 U.S.C. 1752a));<sup>1</sup>

(F) with respect to the National Endowment of the Arts, such term means the National Council on the Arts;

(G) with respect to the National Endowment for the Humanities, such term means the National Council on the Humanities; and

(H) with respect to the Peace Corps, such term means the Director of the Peace Corps;

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

(6) the term “Inspector General” means an Inspector General of a designated Federal entity.

(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. Each Inspector General shall be appointed without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations. For purposes of implementing this section, the Chairman of the Board of Governors of the Federal Reserve System shall appoint the Inspector General of the Board of Governors of the Federal Reserve System and the Bureau of Consumer Financial Protection. The Inspector General of the Board of Governors of the Federal Reserve System and the Bureau of Consumer Financial Protection shall have all of the authorities and responsibilities provided by this Act with respect to the Bureau of Consumer Financial Protection, as if the Bureau were part of the Board of Governors of the Federal Reserve System.

(d)(1) Each Inspector General shall report to and be under the general supervision of the head of the designated Federal entity, but shall not report to, or be subject to supervision by, any other officer or employee of such designated Federal entity. Except as provided in paragraph (2), the head of the designated Federal entity shall not prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena during the course of any audit or investigation.

(2)(A) The Secretary of Defense, in consultation with the Director of National Intelligence, may prohibit the inspector general of an element of the intelligence community specified in subparagraph (D) from initiating, carrying out, or completing any audit or investigation if the Secretary determines that the prohibition is necessary to protect vital national security interests of the United States.

(B) If the Secretary exercises the authority under subparagraph (A), the Secretary shall submit to the committees of Congress specified in subparagraph (E) an appropriately classified statement of the reasons for the exercise of such authority not later than 7 days after the exercise of such authority.

(C) At the same time the Secretary submits under subparagraph (B) a statement on the exercise of the authority in subparagraph (A) to the committees of Congress specified in subparagraph (E), the Secretary shall notify the inspector general of such element of the submittal of such statement and, to the extent consistent with the protection of intelligence sources and methods, provide such inspector general with a copy of such statement. Such inspector general may submit to such committees of Congress any

<sup>1</sup> So in original. The semicolon probably should be preceded by another closing parenthesis.

comments on a notice or statement received by the inspector general under this subparagraph that the inspector general considers appropriate.

(D) The elements of the intelligence community specified in this subparagraph are as follows:

- (i) The Defense Intelligence Agency.
- (ii) The National Geospatial-Intelligence Agency.
- (iii) The National Reconnaissance Office.
- (iv) The National Security Agency.

(E) The committees of Congress specified in this subparagraph are—

- (i) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and
- (ii) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(e)(1) In the case of a designated Federal entity for which a board or commission is the head of the designated Federal entity, a removal under this subsection may only be made upon the written concurrence of a  $\frac{2}{3}$  majority of the board or commission.

(2) If an Inspector General is removed from office or is transferred to another position or location within a designated Federal entity, the head of the designated Federal entity shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer. Nothing in this subsection shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.

(f)(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.

(4) 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.

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

(6) There are authorized to be appropriated, out of the Postal Service Fund, such sums as may be necessary for the Office of Inspector General of the United States Postal Service.

(g)(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 subsection (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 author-

ized 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 subsection (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 Bureau of Consumer Financial Protection and the Chairman of the Board of Governors of the Federal Reserve System in the same manner as such provisions apply to the Inspector General of the Department of the Treasury and the Secretary of the Treasury, respectively.

(4) Each Inspector General shall—

(A) in accordance with applicable laws and regulations governing appointments within the designated Federal entity, appoint a Counsel to the Inspector General who shall report to the Inspector General;

(B) obtain the services of a counsel appointed by and directly reporting to another Inspector General on a reimbursable basis; or

(C) obtain the services of appropriate staff of the Council of the Inspectors General on Integrity and Efficiency on a reimbursable basis.

(h)(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 if the designated Federal entity is not a board or commission, include 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 the 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 prosecutive authorities, including a summary description of any preliminary investigation conducted by or at

the request of the Federal entity concerning these matters, and the prosecutions and convictions which have resulted.

(Pub. L. 95-452, §8G, formerly §8E, as added Pub. L. 100-504, title I, §104(a), Oct. 18, 1988, 102 Stat. 2522; amended Pub. L. 101-73, title VII, §702(c), Aug. 9, 1989, 103 Stat. 415; renumbered §8F and amended Pub. L. 103-82, title II, §202(g)(1), (2)(A), Sept. 21, 1993, 107 Stat. 889, 890; renumbered §8G and amended Pub. L. 103-204, §23(a)(3), (4), Dec. 17, 1993, 107 Stat. 2408; Pub. L. 104-88, title III, §319, Dec. 29, 1995, 109 Stat. 949; Pub. L. 104-208, div. A, title I, §101(f) [title VI, §662(b)(1), (2)], Sept. 30, 1996, 110 Stat. 3009-314, 3009-379; Pub. L. 105-134, title IV, §409(a)(1), Dec. 2, 1997, 111 Stat. 2586; Pub. L. 105-277, div. C, title III, §306(h), as added Pub. L. 106-31, title I, §105(a)(5), May 21, 1999, 113 Stat. 63; Pub. L. 106-422, §1(b)(1), Nov. 1, 2000, 114 Stat. 1872; Pub. L. 107-252, title VIII, §812(a), Oct. 29, 2002, 116 Stat. 1727; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814; Pub. L. 109-435, title VI, §§603(b), 605(a), Dec. 20, 2006, 120 Stat. 3240, 3242; Pub. L. 110-409, §§2, 3(b), 6(b), 7(d)(1), Oct. 14, 2008, 122 Stat. 4302, 4305, 4313; Pub. L. 111-203, title IX, §§989B, 989D, title X, §1081, July 21, 2010, 124 Stat. 1945, 1946, 2080; Pub. L. 111-259, title IV, §431(a), (c), Oct. 7, 2010, 124 Stat. 2731.)

#### 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)(4), is act July 5, 1935, ch. 372, 49 Stat. 449, which is classified generally to subchapter II (§151 et seq.) of chapter 7 of Title 29, Labor. For complete classification of this Act to the Code, see section 167 of Title 29 and Tables.

#### PRIOR PROVISIONS

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

#### AMENDMENTS

2010—Subsec. (a)(2). Pub. L. 111-259, §431(a), inserted "the Defense Intelligence Agency," after "the Corporation for Public Broadcasting," "the National Geospatial-Intelligence Agency," after "the National Endowment for the Humanities," and "the National Reconnaissance Office, the National Security Agency," after "the National Labor Relations Board,".

Pub. L. 111-203, §1081(1), inserted "and the Bureau of Consumer Financial Protection" after "Board of Governors of the Federal Reserve System".

Subsec. (a)(4). Pub. L. 111-203, §989B(1)(A), inserted "the board or commission of the designated Federal entity, or in the event the designated Federal entity does not have a board or commission," after "means" in introductory provisions.

Subsec. (a)(4)(C) to (H). Pub. L. 111-203, §989B(1)(B), (C), added subpars. (C) to (H).

Subsec. (c). Pub. L. 111-203, §1081(2), inserted at end "For purposes of implementing this section, the Chairman of the Board of Governors of the Federal Reserve System shall appoint the Inspector General of the Board of Governors of the Federal Reserve System and the Bureau of Consumer Financial Protection. The Inspector General of the Board of Governors of the Fed-

eral Reserve System and the Bureau of Consumer Financial Protection shall have all of the authorities and responsibilities provided by this Act with respect to the Bureau of Consumer Financial Protection, as if the Bureau were part of the Board of Governors of the Federal Reserve System.”

Subsec. (d). Pub. L. 111-259, § 431(c), designated existing provisions as par. (1), substituted “Except as provided in paragraph (2), the head” for “The head”, and added par. (2).

Subsec. (e). Pub. L. 111-203, § 989D, designated existing provisions as par. (2) and added par. (1).

Subsec. (g)(3). Pub. L. 111-203, § 1081(3), inserted “and the Bureau of Consumer Financial Protection” after “the Inspector General of the Board of Governors of the Federal Reserve System”.

Subsec. (h)(1). Pub. L. 111-203, § 989B(2), inserted “if the designated Federal entity is not a board or commission, include” after “designated Federal entities and”.

2008—Subsec. (a). Pub. L. 110-409, § 7(d)(1), substituted “section 12” for “section 11” in introductory provisions and “section 12(2)” for “section 11(2)” in par. (1)(A).

Subsec. (c). Pub. L. 110-409, § 2, inserted at end “Each Inspector General shall be appointed without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.”

Subsec. (e). Pub. L. 110-409, § 3(b), substituted “shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer. Nothing in this subsection shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.” for “shall promptly communicate in writing the reasons for any such removal or transfer to both Houses of the Congress.”

Subsec. (g)(4). Pub. L. 110-409, § 6(b), added par. (4).

2006—Subsec. (a)(2). Pub. L. 109-435, § 605(a), inserted “the Postal Regulatory Commission,” after “the United States International Trade Commission.”

Subsec. (f)(3) to (6). Pub. L. 109-435, § 603(b), added par. (6) and redesignated par. (3), relating to Postal employees and labor organizations representing such employees, and par. (4) as pars. (4) and (5), respectively.

2004—Subsec. (a)(1)(E). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office”.

2002—Subsec. (a)(2). Pub. L. 107-252 inserted “the Election Assistance Commission,” after “Federal Election Commission.”

2000—Subsec. (a)(2). Pub. L. 106-422 struck out “the Tennessee Valley Authority,” before “the United States International Trade Commission.”

1998—Subsec. (a)(2). Pub. L. 105-277, § 306(h), as added by Pub. L. 106-31, inserted “the Denali Commission,” after “the Corporation for Public Broadcasting.”

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.”

1995—Subsec. (a)(2). Pub. L. 104-88 struck out “the Interstate Commerce Commission,” after “Federal Trade Commission.”

1993—Subsec. (a)(2). Pub. L. 103-204, § 23(a)(4), which directed the amendment of section 8F(a)(2) by striking “the Federal Deposit Insurance Corporation,” was executed by striking the quoted language as it appeared after “Federal Communications Commission,” in subsec. (a)(2) of this section, to reflect the probable intent of Congress and the successive renumbering of this section as section 8F of the Inspector General Act of 1978 by Pub. L. 103-82 and as section 8G by Pub. L. 103-204. See Codification note set out under section 8F of the Inspector General Act of 1978 in this Appendix.

Pub. L. 103-82, § 202(g)(2)(A), struck out “ACTION,” before “Amtrak.”

1989—Subsec. (a)(2). Pub. L. 101-73 substituted “Federal Housing Finance Board” for “Federal Home Loan Bank Board”.

#### CHANGE OF NAME

Committee on Governmental Affairs of Senate changed to Committee on Homeland Security and Governmental Affairs of Senate, effective Jan. 4, 2005, by Senate Resolution No. 445, 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. Committee on Government Reform of House of Representatives changed to Committee on Oversight and Government Reform of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

#### EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by sections 989B and 989D of Pub. L. 111-203 effective 1 day after July 21, 2010, except as otherwise provided, see section 4 of Pub. L. 111-203, set out as an Effective Date note under section 5301 of Title 12, Banks and Banking.

Pub. L. 111-203, title X, § 1081, July 21, 2010, 124 Stat. 2080, provided that the amendment made by section 1081 is effective on July 21, 2010.

#### EFFECTIVE DATE OF 2006 AMENDMENT; SAVINGS PROVISION

Pub. L. 109-435, title VI, § 603(d), Dec. 20, 2006, 120 Stat. 3241, provided that:

“(1) IN GENERAL.—The amendments made by this section [amending this section and sections 504, 2003, and 2009 of Title 39, Postal Service] shall apply with respect to fiscal years beginning on or after October 1, 2008.

“(2) SAVINGS PROVISION.—The provisions of title 39, United States Code, and the Inspector General Act of 1978 (5 U.S.C. App.) that are amended by this section shall, for purposes of any fiscal year before the first fiscal year to which the amendments made by this section apply, continue to apply in the same way as if this section had never been enacted.”

#### EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-252, title VIII, § 812(b), Oct. 29, 2002, 116 Stat. 1727, provided that: “The amendment made by subsection (a) [amending this section] shall take effect 180 days after the appointment of all members of the Election Assistance Commission under section 203 [42 U.S.C. 15323].”

#### EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-422, § 1(d), Nov. 1, 2000, 114 Stat. 1872, provided that:

“(1) IN GENERAL.—The amendments made by this section [amending this section, section 11 of this Appendix, and section 5315 of this title and enacting provisions set out as a note under this section] shall take effect 30 days after the date of enactment of this Act [Nov. 1, 2000].

“(2) INSPECTOR GENERAL.—The person serving as Inspector General of the Tennessee Valley Authority on the effective date of this section—

“(A) may continue such service until the President makes an appointment under section 3(a) of the Inspector General Act of 1978 (5 U.S.C. App.) consistent with the amendments made by this section; and

“(B) shall be subject to section 8G(c) and (d) of the Inspector General Act of 1978 (5 U.S.C. App.) as applicable to the Board of Directors of the Tennessee Valley Authority, unless that person is appointed by the President, by and with the advice and consent of the Senate, to be Inspector General of the Tennessee Valley Authority.”

#### EFFECTIVE DATE OF 1997 AMENDMENT

Section 409(a)(2) of Pub. L. 105-134 provided that: “The amendment made by paragraph (1) [amending this section] shall take effect at the beginning of the first fiscal year after a fiscal year for which Amtrak receives no Federal subsidy.”

#### EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-88 effective Jan. 1, 1996, see section 2 of Pub. L. 104-88, set out as an Effective Date note under section 701 of Title 49, Transportation.

#### EFFECTIVE DATE OF 1993 AMENDMENT

Pub. L. 103-82, title II, § 202(g)(2)(B), Sept. 21, 1993, 107 Stat. 890, 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

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.

#### INSPECTOR GENERAL AT THE COMMISSION ON CIVIL RIGHTS

Pub. L. 113-6, div. B, title IV, Mar. 26, 2013, 127 Stat. 266, provided in part: “That there shall be an Inspector General at the Commission on Civil Rights who shall have the duties, responsibilities, and authorities specified in the Inspector General Act of 1978 [Pub. L. 95-452, set out in this Appendix]: *Provided further*, That an individual appointed to the position of Inspector General of the Government Accountability Office (GAO) shall, by virtue of such appointment, also hold the position of Inspector General of the Commission on Civil Rights: *Provided further*, That the Inspector General of the Commission on Civil Rights shall utilize personnel of the Office of Inspector General of GAO in performing the duties of the Inspector General of the Commission on Civil Rights, and shall not appoint any individuals to positions within the Commission on Civil Rights”.

Similar provisions were contained in the following prior appropriation act:

Pub. L. 112-55, div. B, title IV, Nov. 18, 2011, 125 Stat. 628.

#### SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION

Pub. L. 110-181, div. A, title XII, § 1229, Jan. 28, 2008, 122 Stat. 378, as amended by Pub. L. 110-417, [div. A],

title X, § 1061(b)(11), Oct. 14, 2008, 122 Stat. 4613; Pub. L. 111-38, § 1, June 30, 2009, 123 Stat. 1932, provided that:

“(a) PURPOSES.—The purposes of this section are as follows:

“(1) To provide for the independent and objective conduct and supervision of audits and investigations relating to the programs and operations funded with amounts appropriated or otherwise made available for the reconstruction of Afghanistan.

“(2) To provide for the independent and objective leadership and coordination of, and recommendations on, policies designed to—

“(A) promote economy efficiency, and effectiveness in the administration of the programs and operations described in paragraph (1); and

“(B) prevent and detect waste, fraud, and abuse in such programs and operations.

“(3) To provide for an independent and objective means of keeping the Secretary of State and the Secretary of Defense fully and currently informed about problems and deficiencies relating to the administration of such programs and operations and the necessity for and progress on corrective action.

“(b) OFFICE OF INSPECTOR GENERAL.—There is hereby established the Office of the Special Inspector General for Afghanistan Reconstruction to carry out the purposes of subsection (a).

“(c) APPOINTMENT OF INSPECTOR GENERAL; REMOVAL.—

“(1) APPOINTMENT.—The head of the Office of the Special Inspector General for Afghanistan Reconstruction is the Special Inspector General for Afghanistan Reconstruction (in this section referred to as the ‘Inspector General’), who shall be appointed by the President. The President may appoint the Special Inspector General for Iraq Reconstruction to serve as the Special Inspector General for Afghanistan Reconstruction, in which case the Special Inspector General for Iraq Reconstruction shall have all of the duties, responsibilities, and authorities set forth under this section with respect to such appointed position for the purpose of carrying out this section.

“(2) QUALIFICATIONS.—The appointment of the Inspector General shall be made solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

“(3) DEADLINE FOR APPOINTMENT.—The appointment of an individual as Inspector General shall be made not later than 30 days after the date of the enactment of this Act [Jan. 28, 2008].

“(4) COMPENSATION.—The annual rate of basic pay of the Inspector General shall be the annual rate of basic pay provided for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

“(5) PROHIBITION ON POLITICAL ACTIVITIES.—For purposes of section 7324 of title 5, United States Code, the Inspector General shall not be considered an employee who determines policies to be pursued by the United States in the nationwide administration of Federal law.

“(6) REMOVAL.—The Inspector General shall be removable from office in accordance with the provisions of section 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.).

“(d) ASSISTANT INSPECTORS GENERAL.—The Inspector General shall, in accordance with applicable laws and regulations governing the civil service—

“(1) appoint an Assistant Inspector General for Auditing who shall have the responsibility for supervising the performance of auditing activities relating to programs and operations supported by amounts appropriated or otherwise made available for the reconstruction of Afghanistan; and

“(2) appoint an Assistant Inspector General for Investigations who shall have the responsibility for supervising the performance of investigative activities relating to such programs and operations.

“(e) SUPERVISION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Inspector General shall report directly to, and be under the general supervision of, the Secretary of State and the Secretary of Defense.

“(2) INDEPENDENCE TO CONDUCT INVESTIGATIONS AND AUDITS.—No officer of the Department of Defense, the Department of State, or the United States Agency for International Development shall prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation related to amounts appropriated or otherwise made available for the reconstruction of Afghanistan or from issuing any subpoena during the course of any such audit or investigation.

“(f) DUTIES.—

“(1) OVERSIGHT OF AFGHANISTAN RECONSTRUCTION.—It shall be the duty of the Inspector General to conduct, supervise, and coordinate audits and investigations of the treatment, handling, and expenditure of amounts appropriated or otherwise made available for the reconstruction of Afghanistan, and of the programs, operations, and contracts carried out utilizing such funds, including—

“(A) the oversight and accounting of the obligation and expenditure of such funds;

“(B) the monitoring and review of reconstruction activities funded by such funds;

“(C) the monitoring and review of contracts funded by such funds;

“(D) the monitoring and review of the transfer of such funds and associated information between and among departments, agencies, and entities of the United States and private and nongovernmental entities;

“(E) the maintenance of records on the use of such funds to facilitate future audits and investigations of the use of such fund;

“(F) the monitoring and review of the effectiveness of United States coordination with the Government of Afghanistan and other donor countries in the implementation of the Afghanistan Compact and the Afghanistan National Development Strategy; and

“(G) the investigation of overpayments such as duplicate payments or duplicate billing and any potential unethical or illegal actions of Federal employees, contractors, or affiliated entities and the referral of such reports, as necessary, to the Department of Justice to ensure further investigations, prosecutions, recovery of further funds, or other remedies.

“(2) OTHER DUTIES RELATED TO OVERSIGHT.—The Inspector General shall establish, maintain, and oversee such systems, procedures, and controls as the Inspector General considers appropriate to discharge the duties under paragraph (1).

“(3) DUTIES AND RESPONSIBILITIES UNDER INSPECTOR GENERAL ACT OF 1978.—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. 95-452, set out in this Appendix].

“(4) COORDINATION OF EFFORTS.—In carrying out the duties, responsibilities, and authorities of the Inspector General under this section, the Inspector General shall coordinate with, and receive the cooperation of each of the following:

“(A) The Inspector General of the Department of Defense.

“(B) The Inspector General of the Department of State.

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

“(g) POWERS AND AUTHORITIES.—

“(1) AUTHORITIES UNDER INSPECTOR GENERAL ACT OF 1978.—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. 95-452, set out in this Appendix], including the authorities under subsection (e) of such section.

“(2) AUDIT STANDARDS.—The Inspector General shall carry out the duties specified in subsection (f)(1) in accordance with section 4(b)(1) of the Inspector General Act of 1978 [section 4(b)(1) of Pub. L. 95-452, set out in this Appendix].

“(h) PERSONNEL, FACILITIES, AND OTHER RESOURCES.—

“(1) PERSONNEL.—

“(A) IN GENERAL.—The Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Inspector General, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

“(B) ADDITIONAL AUTHORITIES.—

“(i) IN GENERAL.—Subject to clause (ii), the Inspector General may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of that section).

“(ii) PERIODS OF APPOINTMENTS.—In exercising the employment authorities under subsection (b) of section 3161 of title 5, United States Code, as provided under clause (i) of this subparagraph—

“(I) paragraph (2) of that subsection (relating to periods of appointments) shall not apply; and

“(II) no period of appointment may exceed the date on which the Office of the Special Inspector General for Afghanistan Reconstruction terminates under subsection (o).

“(2) EMPLOYMENT OF EXPERTS AND CONSULTANTS.—The Inspector General may obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS-15 of the General Schedule by section 5332 of such title.

“(3) CONTRACTING AUTHORITY.—To the extent and in such amounts as may be provided in advance by appropriations Acts, the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Inspector General.

“(4) RESOURCES.—The Secretary of State or the Secretary of Defense, as appropriate, shall provide the Inspector General with appropriate and adequate office space at appropriate locations of the Department of State or the Department of Defense, as the case may be, in Afghanistan, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein.

“(5) ASSISTANCE FROM FEDERAL AGENCIES.—

“(A) IN GENERAL.—Upon request of the Inspector General for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Inspector General, or an authorized designee.

“(B) REPORTING OF REFUSED ASSISTANCE.—Whenever information or assistance requested by the Inspector General is, in the judgment of the Inspector General, unreasonably refused or not provided, the Inspector General shall report the circumstances to the Secretary of State or the Secretary of Defense, as appropriate, and to the appropriate congressional committees without delay.

“(6) USE OF PERSONNEL, FACILITIES, AND OTHER RESOURCES OF THE OFFICE OF THE SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION.—Upon the request of the Inspector General, the Special Inspector General for Iraq Reconstruction—

“(A) may detail, on a reimbursable basis, any of the personnel of the Office of the Special Inspector

General for Iraq Reconstruction to the Office of the Inspector General for Afghanistan Reconstruction for the purpose of carrying out this section; and

“(B) may provide, on a reimbursable basis, any of the facilities or other resources of the Office of the Special Inspector General for Iraq Reconstruction to the Office of the Inspector General for Afghanistan Reconstruction for the purpose of carrying out this section.

“(i) REPORTS.—

“(1) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Inspector General shall submit to the appropriate congressional committees a report summarizing, for the period of that quarter and, to the extent possible, the period from the end of such quarter to the time of the submission of the report, the activities during such period of the Inspector General and the activities under programs and operations funded with amounts appropriated or otherwise made available for the reconstruction of Afghanistan. Each report shall include, for the period covered by such report, a detailed statement of all obligations, expenditures, and revenues associated with reconstruction and rehabilitation activities in Afghanistan, including the following:

“(A) Obligations and expenditures of appropriated funds.

“(B) A project-by-project and program-by-program accounting of the costs incurred to date for the reconstruction of Afghanistan, together with the estimate of the Department of Defense, the Department of State, and the United States Agency for International Development, as applicable, of the costs to complete each project and each program.

“(C) Revenues attributable to or consisting of funds provided by foreign nations or international organizations to programs and projects funded by any department or agency of the United States Government, and any obligations or expenditures of such revenues.

“(D) Revenues attributable to or consisting of foreign assets seized or frozen that contribute to programs and projects funded by any department or agency of the United States Government, and any obligations or expenditures of such revenues.

“(E) Operating expenses of agencies or entities receiving amounts appropriated or otherwise made available for the reconstruction of Afghanistan.

“(F) In the case of any contract, grant, agreement, or other funding mechanism described in paragraph (2)—

“(i) the amount of the contract, grant, agreement, or other funding mechanism;

“(ii) a brief discussion of the scope of the contract, grant, agreement, or other funding mechanism;

“(iii) a discussion of how the department or agency of the United States Government involved in the contract, grant, agreement, or other funding mechanism identified, and solicited offers from, potential individuals or entities to perform the contract, grant, agreement, or other funding mechanism, together with a list of the potential individuals or entities that were issued solicitations for the offers; and

“(iv) the justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition.

“(2) COVERED CONTRACTS, GRANTS, AGREEMENTS, AND FUNDING MECHANISMS.—A contract, grant, agreement, or other funding mechanism described in this paragraph is any major contract, grant, agreement, or other funding mechanism that is entered into by any department or agency of the United States Government that involves the use of amounts appropriated or otherwise made available for the reconstruction of Afghanistan with any public or private sector entity for any of the following purposes:

“(A) To build or rebuild physical infrastructure of Afghanistan.

“(B) To establish or reestablish a political or societal institution of Afghanistan.

“(C) To provide products or services to the people of Afghanistan.

“(3) PUBLIC AVAILABILITY.—The Inspector General shall publish on a publicly-available Internet website each report under paragraph (1) of this subsection in English and other languages that the Inspector General determines are widely used and understood in Afghanistan.

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

“(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

“(A) specifically prohibited from disclosure by any other provision of law;

“(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

“(C) a part of an ongoing criminal investigation.

“(j) REPORT COORDINATION.—

“(1) SUBMISSION TO SECRETARIES OF STATE AND DEFENSE.—The Inspector General shall also submit each report required under subsection (i) to the Secretary of State and the Secretary of Defense.

“(2) SUBMISSION TO CONGRESS.—Not later than 30 days after receipt of a report under paragraph (1), the Secretary of State or the Secretary of Defense may submit to the appropriate congressional committees any comments on the matters covered by the report as the Secretary of State or the Secretary of Defense, as the case may be, considers appropriate. Any comments on the matters covered by the report shall be submitted in unclassified form, but may include a classified annex if the Secretary of State or the Secretary of Defense, as the case may be, considers it necessary.

“(k) TRANSPARENCY.—

“(1) REPORT.—Not later than 60 days after submission to the appropriate congressional committees of a report under subsection (i), the Secretary of State and the Secretary of Defense shall jointly make copies of the report available to the public upon request, and at a reasonable cost.

“(2) COMMENTS ON MATTERS COVERED BY REPORT.—Not later than 60 days after submission to the appropriate congressional committees under subsection (j)(2) of comments on a report under subsection (i), the Secretary of State and the Secretary of Defense shall jointly make copies of the comments available to the public upon request, and at a reasonable cost.

“(l) WAIVER.—

“(1) AUTHORITY.—The President may waive the requirement under paragraph (1) or (2) of subsection (k) with respect to availability to the public of any element in a report under subsection (i), or any comment under subsection (j)(2), if the President determines that the waiver is justified for national security reasons.

“(2) NOTICE OF WAIVER.—The President shall publish a notice of each waiver made under this subsection in the Federal Register no later than the date on which a report required under subsection (i), or any comment under subsection (j)(2), is submitted to the appropriate congressional committees. The report and comments shall specify whether waivers under this subsection were made and with respect to which elements in the report or which comments, as appropriate.

“(m) DEFINITIONS.—In this section:

“(1) AMOUNTS APPROPRIATED OR OTHERWISE MADE AVAILABLE FOR THE RECONSTRUCTION OF AFGHANISTAN.—The term ‘amounts appropriated or otherwise made available for the reconstruction of Afghanistan’ means—



“(A) amounts appropriated or otherwise made available for any fiscal year—

“(i) to the Afghanistan Security Forces Fund; or

“(ii) to the program to assist the people of Afghanistan established under subsection (a)(2) of section 1202 of the National Defense Authorization for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3455-3456); and

“(B) amounts appropriated or otherwise made available for any fiscal year for the reconstruction of Afghanistan under—

“(i) the Economic Support Fund;

“(ii) the International Narcotics Control and Law Enforcement account; or

“(iii) any other provision of law.

“(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

“(A) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

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

“(n) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated \$20,000,000 for fiscal year 2008 to carry out this section.

“(2) OFFSET.—The amount authorized to be appropriated by section 1513 [122 Stat. 428] for the Afghanistan Security Forces Fund is hereby reduced by \$20,000,000.

“(o) TERMINATION.—

“(1) IN GENERAL.—The Office of the Special Inspector General for Afghanistan Reconstruction shall terminate 180 days after the date on which amounts appropriated or otherwise made available for the reconstruction of Afghanistan that are unexpended are less than \$250,000,000.

“(2) FINAL REPORT.—The Inspector General shall, prior to the termination of the Office of the Special Inspector General for Afghanistan Reconstruction under paragraph (1), prepare and submit to the appropriate congressional committees a final forensic audit report on programs and operations funded with amounts appropriated or otherwise made available for the reconstruction of Afghanistan.”

#### DEADLINE RELATING TO POSTAL REGULATORY COMMISSION

Pub. L. 109-435, title VI, § 605(c), Dec. 20, 2006, 120 Stat. 3242, provided that: “No later than 180 days after the date of the enactment of this Act [Dec. 20, 2006]—

“(1) the first Inspector General of the Postal Regulatory Commission shall be appointed; and

“(2) the Office of Inspector General of the Postal Regulatory Commission shall be established.”

#### INSPECTOR GENERAL OF CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

Pub. L. 112-74, div. E, title III, Dec. 23, 2011, 125 Stat. 1031, provided in part: “That notwithstanding any other provision of law, the individual appointed to the position of Inspector General of the Environmental Protection Agency (EPA) shall, by virtue of such appointment, also hold the position of Inspector General of the [Chemical Safety and Hazard Investigation] Board: *Provided further*, That notwithstanding any other provision of law, the Inspector General of the Board shall utilize personnel of the Office of Inspector General of EPA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.”

Similar provisions were contained in the following prior appropriations acts:

Pub. L. 111-88, div. A, title III, Oct. 30, 2009, 123 Stat. 2950.

Pub. L. 111-8, div. E, title III, Mar. 11, 2009, 123 Stat. 739.

Pub. L. 110-161, div. F, title III, Dec. 26, 2007, 121 Stat. 2139.

Pub. L. 109-54, title III, Aug. 2, 2005, 119 Stat. 543.

Pub. L. 108-447, div. I, title III, Dec. 8, 2004, 118 Stat. 3322.

Pub. L. 108-199, div. G, title III, Jan. 23, 2004, 118 Stat. 399.

Pub. L. 107-73, title III, Nov. 26, 2001, 115 Stat. 679, provided in part: “That, hereafter, there shall be an Inspector General at the [Chemical Safety and Hazard Investigation] Board who shall have the duties, responsibilities, and authorities specified in the Inspector General Act of 1978, as amended [Pub. L. 95-452, set out in this Appendix]: *Provided further*, That an individual appointed to the position of Inspector General of the Federal Emergency Management Agency (FEMA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: *Provided further*, That the Inspector General of the Board shall utilize personnel of the Office of Inspector General of FEMA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.”

[For transfer of all functions, personnel, assets, components, authorities, grant programs, and liabilities of the Federal Emergency Management Agency, including the functions of the Under Secretary for Federal Emergency Management relating thereto, to the Federal Emergency Management Agency, see section 315(a)(1) of Title 6, Domestic Security.]

[For transfer of functions, personnel, assets, and liabilities of the Federal Emergency Management Agency, including the functions of the Director of the Federal Emergency Management Agency relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see former section 313(l) and sections 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.]

Similar provisions were contained in the following prior appropriations act:

Pub. L. 106-377, § 1(a)(1) [title III], Oct. 27, 2000, 114 Stat. 1441, 1441A-36.

Pub. L. 108-7, div. K, title III, Feb. 20, 2003, 117 Stat. 515, provided in part: “That notwithstanding any other provision of law, the Inspector General of the Federal Emergency Management Agency shall hereafter also serve as the Inspector General of the Chemical Safety and Hazard Investigation Board.”

Similar provisions were contained in the following prior appropriations acts:

Pub. L. 107-73, title III, Nov. 26, 2001, 115 Stat. 688.

Pub. L. 106-377, § 1(a)(1) [title III], Oct. 27, 2000, 114 Stat. 1441, 1441A-46.

#### SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION

Pub. L. 108-375, div. A, title XII, § 1203(b), Oct. 28, 2004, 118 Stat. 2079, provided that: “The individual serving as the Inspector General of the Coalition Provisional Authority as of the date of the enactment of this Act [Oct. 28, 2004] may continue to serve in that position after that date without reappointment under paragraph (1) of section 3001(c) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 [Pub. L. 108-106, set out below], but remaining subject to removal as specified in paragraph (4) of that section.”

Pub. L. 108-106, title III, § 3001, Nov. 6, 2003, 117 Stat. 1234, as amended by Pub. L. 108-375, div. A, title XII, § 1203(a)(1)-(3)(A), (c)-(j), Oct. 28, 2004, 118 Stat. 2078-2081; Pub. L. 109-102, title V, § 599, Nov. 14, 2005, 119 Stat. 2240; Pub. L. 109-364, div. A, title X, §§ 1054(b), 1071(g)(13), Oct. 17, 2006, 120 Stat. 2397, 2403; Pub. L. 109-440, § 2, Dec. 20, 2006, 120 Stat. 3286; Pub. L. 110-28, title III, § 3801, May 25, 2007, 121 Stat. 147; Pub. L. 110-181, div. A, title XII, § 1221, Jan. 28, 2008, 122 Stat. 371, provided that:

“(a) PURPOSES.—The purposes of this section are as follows:

“(1) To provide for the independent and objective conduct and supervision of audits and investigations

relating to the programs and operations funded with amounts appropriated or otherwise made available for the reconstruction of Iraq.

“(2) To provide for the independent and objective leadership and coordination of, and recommendations on, policies designed to—

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

“(B) prevent and detect waste, fraud, and abuse in such programs and operations.

“(3) To provide for an independent and objective means of keeping the Secretary of State and the Secretary of Defense fully and currently informed about problems and deficiencies relating to the administration of such programs and operations and the necessity for and progress for corrective action.

“(b) OFFICE OF INSPECTOR GENERAL.—There is hereby established the Office of the Special Inspector General for Iraq Reconstruction.

“(c) APPOINTMENT OF INSPECTOR GENERAL; REMOVAL.—(1) The head of the Office of the Special Inspector General for Iraq Reconstruction (in this section referred to as the ‘Inspector General’), who shall be appointed by the Secretary of Defense, in consultation with the Secretary of State.

“(2) The appointment of Inspector General shall be made solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

“(3) The nomination of an individual as Inspector General shall be made not later than 30 days after the date of the enactment of this Act [Nov. 6, 2003].

“(4) The Inspector General shall be removable from office in accordance with the provisions of section 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 amounts appropriated or otherwise made available for the reconstruction of Iraq; and

“(2) appoint an Assistant Inspector General for Investigations who shall have the responsibility for supervising the performance of investigative activities relating to such programs and operations.

“(e) SUPERVISION.—(1) Except as provided in paragraph (2), the Inspector General shall report directly to, and be under the general supervision of, the Secretary of State and the Secretary of Defense.

“(2) No officer of the Department of Defense, the Department of State, or the United States Agency for International Development shall prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation related to amounts appropriated or otherwise made available for the reconstruction of Iraq or from issuing any subpoena during the course of any such audit or investigation.

“(f) DUTIES.—(1) It shall be the duty of the Inspector General to conduct, supervise, and coordinate audits and investigations of the treatment, handling, and expenditure of amounts appropriated or otherwise made available for the reconstruction of Iraq, and of the programs, operations, and contracts carried out utilizing such funds, including—

“(A) the oversight and accounting of the obligation and expenditure of such funds;

“(B) the monitoring and review of reconstruction activities funded by such funds;

“(C) the monitoring and review of contracts funded by such funds;

“(D) the monitoring and review of the transfer of such funds and associated information between and among departments, agencies, and entities of the United States and private and nongovernmental entities; and

“(E) the maintenance of records on the use of such funds to facilitate future audits and investigations of the use of such funds.

“(2) The Inspector General shall establish, maintain, and oversee such systems, procedures, and controls as the Inspector General considers appropriate to discharge the duty under paragraph (1).

“(3) In addition to the duties specified in paragraphs (1) and (2), the Inspector General shall also have the duties and responsibilities of inspectors general under the Inspector General Act of 1978 [Pub. L. 95-452, 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 the cooperation of, each of the following:

“(A) The Inspector General of the Department of State.

“(B) The Inspector General of the Department of Defense.

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

“(g) POWERS AND AUTHORITIES.—(1) In carrying out the duties specified in subsection (f), the Inspector General shall have the authorities provided in section 6 of the Inspector General Act of 1978 [section 6 of Pub. L. 95-452, set out in this Appendix], including the authorities under subsection (e) of such section.

“(2) The Inspector General shall carry out the duties specified in subsection (f)(1) in accordance with section 4(b)(1) of the Inspector General Act of 1978 [section 4(b)(1) of Pub. L. 95-452, set out in this Appendix].

“(h) PERSONNEL, FACILITIES, AND OTHER RESOURCES.—(1) The Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Inspector General, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, and may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of such section).

“(2) The Inspector General may obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS-15 of the General Schedule by section 5332 of such title.

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

“(4)(A) Upon request of the Inspector General for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Inspector General, or an authorized designee.

“(B) Whenever information or assistance requested by the Inspector General is, in the judgment of the Inspector General, unreasonably refused or not provided, the Inspector General shall report the circumstances to the Secretary of State or Secretary of Defense, as appropriate, and to the appropriate committees of Congress without delay.

“(5) The Secretary of State or Secretary of Defense, as appropriate, shall provide the Inspector General

with appropriate and adequate office space within the Department of Defense or at appropriate locations of the Department of State in Iraq, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein.

“(i) REPORTS.—(1) Not later than 30 days after the end of each fiscal-year quarter, the Inspector General shall submit to the appropriate committees of Congress a report summarizing, for the period of that quarter and, to the extent possible, the period from the end of such quarter to the time of the submission of the report, the activities during such period of the Inspector General and the activities under programs and operations funded with amounts appropriated or otherwise made available for the reconstruction of Iraq. Each report shall include, for the period covered by such report, a detailed statement of all obligations, expenditures, and revenues associated with reconstruction and rehabilitation activities in Iraq, including the following:

“(A) Obligations and expenditures of appropriated funds.

“(B) A project-by-project and program-by-program accounting of the costs incurred to date for the reconstruction of Iraq, together with the estimate of the Department of Defense, the Department of State, and the United States Agency for International Development, as applicable, of the costs to complete each project and each program.

“(C) Revenues attributable to or consisting of funds provided by foreign nations or international organizations, and any obligations or expenditures of such revenues.

“(D) Revenues attributable to or consisting of foreign assets seized or frozen, and any obligations or expenditures of such revenues.

“(E) Operating expenses of agencies or entities receiving amounts appropriated or otherwise made available for the reconstruction of Iraq.

“(F) In the case of any contract described in paragraph (2)—

“(i) the amount of the contract or other agreement;

“(ii) a brief discussion of the scope of the contract or other agreement;

“(iii) a discussion of how the contracting department or agency identified, and solicited offers from, potential contractors to perform the contract, together with a list of the potential contractors that were issued solicitations for the offers; and

“(iv) the justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition.

“(2) A contract described in this paragraph is any major contract or other agreement that is entered into by any department or agency of the United States Government that involves the use of amounts appropriated or otherwise made available for the reconstruction of Iraq with any public or private sector entity for any of the following purposes:

“(A) To build or rebuild physical infrastructure of Iraq.

“(B) To establish or reestablish a political or societal institution of Iraq.

“(C) To provide products or services to the people of Iraq.

“(3) The Inspector General shall submit to the appropriate committees of Congress semiannual reports meeting the requirements of section 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, covering the first six months of the year, shall be submitted not later than July 31 of that year, and the second such report, covering the second six months of the year, shall be submitted not later than January 31 of the following year.

“(4) The Inspector General shall publish each report under this subsection in both English and Arabic on the

Internet website of the Department of State and of the Department of Defense.

“(5) Each report under this subsection may include a classified annex if the Inspector General considers it necessary.

“(6) Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

“(A) specifically prohibited from disclosure by any other provision of law;

“(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

“(C) a part of an ongoing criminal investigation.

“(j) REPORT COORDINATION.—(1) The Inspector General shall also submit each report under subsection (i) to the Secretary of State and the Secretary of Defense.

“(2)(A) Not later than 30 days after receipt of a report under paragraph (1), the Secretary of State or the Secretary of Defense may submit to the appropriate committees of Congress any comments on the matters covered by the report as the Secretary of State or the Secretary of Defense, as the case may be, considers appropriate.

“(B) A report under this paragraph may include a classified annex if the Secretary of State or the Secretary of Defense, as the case may be, considers it necessary.

“(k) TRANSPARENCY.—(1) Not later than 60 days after the date of the submittal to Congress of a report under subsection (i), the Secretary of State and the Secretary of Defense shall jointly make copies of such report available to the public upon request, and at a reasonable cost.

“(2) Not later than 60 days after the date of the submittal to Congress under subsection (j)(2) of comments on a report under subsection (i), the Secretary of State and the Secretary of Defense shall jointly make copies of such comments available to the public upon request, and at a reasonable cost.

“(l) WAIVER.—(1) The President may waive the requirement under paragraph (1) or (3) of subsection (i) for the inclusion in a report under such paragraph of any element otherwise provided for under such paragraph if the President determines that the waiver is justified for national security reasons.

“(2) The President shall publish a notice of each waiver made under this subsection in the Federal Register no later than the date on which the reports required under paragraph (1) or (3) of subsection (i) are submitted to Congress. The reports required under paragraph (1) or (3) of subsection (i) shall specify whether waivers under this subsection were made and with respect to which elements.

“(m) DEFINITIONS.—In this section—

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

“(A) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

“(B) the Committees on Appropriations, Armed Services, Foreign Affairs, and Oversight and Government Reform of the House of Representatives; and

“(2) the term ‘amounts appropriated or otherwise made available for the reconstruction of Iraq’ means amounts appropriated or otherwise made available for any fiscal year—

“(A) to the Iraq Relief and Reconstruction Fund, the Iraq Security Forces Fund, and the Commanders’ Emergency Response Program authorized under section 1202 of the National Defense Authorization for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3455-3456); or

“(B) for assistance for the reconstruction of Iraq under—

“(i) the Economic Support Fund authorized under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.);

“(ii) the International Narcotics Control and Law Enforcement account authorized under section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291); or

“(iii) any other provision of law.

“(n) FUNDING.—(1) Of the amounts appropriated for fiscal year 2004 for the Operating Expenses of the Coalition Provisional Authority in title II of this Act [117 Stat. 1226], \$75,000,000 shall be available to carry out this section.

“(2) The amount available under paragraph (1) shall remain available until expended.

“(o) TERMINATION.—(1) The Office of the Inspector General shall terminate 180 days after the date on which amounts appropriated or otherwise made available for the reconstruction of Iraq that are unexpended are less than \$250,000,000.

“(2) The Special Inspector General for Iraq Reconstruction shall, prior to the termination of the Office of the Special Inspector General under paragraph (1), prepare a final forensic audit report on all amounts appropriated or otherwise made available for the reconstruction of Iraq.”

#### TENNESSEE VALLEY AUTHORITY; FINDINGS

Pub. L. 106-422, §1(a), Nov. 1, 2000, 114 Stat. 1872, provided that: “Congress finds that—

“(1) Inspectors General serve an important function in preventing and eliminating fraud, waste, and abuse in the Federal Government; and

“(2) independence is vital for an Inspector General to function effectively.”

#### AMTRAK NOT FEDERAL ENTITY; FEDERAL SUBSIDY

Section 409(b), (c) of Pub. L. 105-134 provided that:

“(b) AMTRAK NOT FEDERAL ENTITY.—Amtrak shall not be considered a Federal entity for purposes of the Inspector General Act of 1978 [Pub. L. 95-452, set out in this Appendix]. The preceding sentence shall apply for any fiscal year for which Amtrak receives no Federal subsidy.

“(c) FEDERAL SUBSIDY.—

“(1) ASSESSMENT.—In any fiscal year for which Amtrak requests Federal assistance, the Inspector General of the Department of Transportation shall review Amtrak’s operations and conduct an assessment similar to the assessment required by section 202(a) [Pub. L. 105-134, 49 U.S.C. 24101 note]. The Inspector General shall report the results of the review and assessment to—

“(A) the President of Amtrak;

“(B) the Secretary of Transportation;

“(C) the United States Senate Committee on Appropriations;

“(D) the United States Senate Committee on Commerce, Science, and Transportation;

“(E) the United States House of Representatives Committee on Appropriations; and

“(F) the United States House of Representatives Committee on Transportation and Infrastructure.

“(2) REPORT.—The report shall be submitted, to the extent practicable, before any such committee reports legislation authorizing or appropriating funds for Amtrak for capital acquisition, development, or operating expenses.

“(3) SPECIAL EFFECTIVE DATE.—This subsection takes effect 1 year after the date of enactment of this Act [Dec. 2, 1997].”

#### REPORT ON IMPLEMENTATION

Pub. L. 100-504, title I, §111, Oct. 18, 1988, 102 Stat. 2529, directed the head of each designated Federal entity (as defined under subsec. (a)(2) of this section) to submit, on Oct. 31, 1989, to Director of Office of Management and Budget and to each House of Congress a report on status of implementation by that entity of the requirements of section 8E of the Inspector General Act of 1978.

### § 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-Intel-

ligence Agency, the National Reconnaissance Office, or the National Security Agency, or of a contractor of any of those Agencies, who intends to report to Congress a complaint or information with respect to an urgent concern may report the complaint or information to the Inspector General of the Department of Defense (or designee).

(B) An employee of the Federal Bureau of Investigation, or of a contractor of the Bureau, who intends to report to Congress a complaint or information with respect to an urgent concern may report the complaint or information to the Inspector General of the Department of Justice (or designee).

(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. 3517].

(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.

(3) The Inspectors General of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, and the National Security Agency shall be designees of the Inspector General of the Department of Defense for purposes of this section.

(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 accurate form under subsection (b), the employee (subject to paragraph (2)) may submit the complaint or information to Congress by contacting either or both of the intelligence committees directly.

(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