

(2) Any former spouse enrolled in a health benefits plan pursuant to an election under subsection (b)(1) of this section or to subsection (d) of this section may continue the enrollment under the conditions of eligibility which the Director of the Office of Personnel Management shall by regulation prescribe, except that any former spouse who remarries before age fifty-five shall not be eligible for continued enrollment under this section after the end of the thirty-one-day period beginning on the date of remarriage.

(3)(A) A former spouse who is not eligible to enroll or to continue enrollment in a health benefits plan under this section solely because of remarriage before age fifty-five shall be restored to such eligibility on the date such remarriage is dissolved by death, annulment, or divorce.

(B) A former spouse whose eligibility is restored under subparagraph (A) may, under regulations which the Director of the Office of Personnel Management shall prescribe, enroll in a health benefits plan if such former spouse—

(i) was an individual referred to in paragraph (1) and was an individual covered under a benefits plan as a family member at any time during the 18-month period before the date of dissolution of the marriage to the Agency employee or annuitant; or

(ii) was an individual referred to in paragraph (2) and was an individual covered under a benefits plan immediately before the remarriage ended the enrollment.

(f) Enrollment in health benefits plan under other authority

No individual may be covered by a health benefits plan under this section during any period in which such individual is enrolled in a health benefits plan under any other authority, nor may any individual be covered under more than one enrollment under this section.

(g) “Health benefits plan” defined

For purposes of this section the term “health benefits plan” means an approved health benefits plan under chapter 89 of title 5.

(June 20, 1949, ch. 227, §16, as added Pub. L. 99-569, title III, §303(a), Oct. 27, 1986, 100 Stat. 3194; amended Pub. L. 102-88, title III, §307(c), Aug. 14, 1991, 105 Stat. 433; Pub. L. 103-178, title II, §203(c), Dec. 3, 1993, 107 Stat. 2031; Pub. L. 108-458, title I, §1071(b)(2)(B), (b)(3)(B), (C), Dec. 17, 2004, 118 Stat. 3690, 3691.)

CODIFICATION

Section was formerly classified to section 403p of this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2004—Subsec. (b)(2). Pub. L. 108-458, §1071(b)(3)(B), substituted “Director of the Central Intelligence Agency” for “Director of Central Intelligence” in introductory provisions.

Subsec. (b)(3). Pub. L. 108-458, §1071(b)(3)(C), substituted “Director of the Central Intelligence Agency” for “Director of Central Intelligence” in two places.

Subsec. (c)(1)(B). Pub. L. 108-458, §1071(b)(2)(B), struck out “of Central Intelligence” after “Director”.

1993—Subsec. (a). Pub. L. 103-178, §203(c)(2)(A), substituted “subsection (e)” for “subsection (c)(1)” in introductory provisions.

Subsecs. (c), (d). Pub. L. 103-178, §203(c)(1), added subsecs. (c) and (d). Former subsecs. (c) and (d) redesignated (e) and (f), respectively.

Subsec. (e). Pub. L. 103-178, §203(c)(2)(B), inserted “or to subsection (d) of this section” after “subsection (b)(1) of this section” in par. (2).

Pub. L. 103-178, §203(c)(1)(A), redesignated subsec. (c) as (e). Former subsec. (e) redesignated (g).

Subsecs. (f), (g). Pub. L. 103-178, §203(c)(1)(A), redesignated subsecs. (d) and (e) as (f) and (g), respectively.

1991—Subsec. (c)(3). Pub. L. 102-88 added par. (3).

EFFECTIVE DATE OF 2004 AMENDMENT

For Determination by President that amendment by Pub. L. 108-458 take effect on Apr. 21, 2005, see Memorandum of President of the United States, Apr. 21, 2005, 70 F.R. 23925, set out as a note under section 3001 of this title.

Amendment by Pub. L. 108-458 effective not later than six months after Dec. 17, 2004, except as otherwise expressly provided, see section 1097(a) of Pub. L. 108-458, set out in an Effective Date of 2004 Amendment; Transition Provisions note under section 3001 of this title.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by section 203(c) of Pub. L. 103-178 applicable to individuals on and after Oct. 1, 1994, with no benefits provided pursuant to section 203(c) payable with respect to any period before Oct. 1, 1994, except that subsec. (d) of this section applicable to individuals beginning Dec. 3, 1993, see section 203(e) of Pub. L. 103-178, set out as a Survivor Annuity, Retirement Annuity, and Health Benefits for Certain Ex-Spouses of Central Intelligence Agency Employees; Effective Date note under section 2032 of this title.

EFFECTIVE DATE OF 1991 AMENDMENT

Pub. L. 102-88, title III, §307(d), Aug. 14, 1991, 105 Stat. 433, provided that: “The amendments made by this section [amending this section and provisions formerly set out as a note under section 403 of this title] shall take effect as of October 1, 1990. No benefits provided pursuant to the amendments made by this section shall be payable with respect to any period before such date.”

EFFECTIVE DATE

Pub. L. 99-569, title III, §303(b), Oct. 27, 1986, 100 Stat. 3195, provided that: “The amendment made by this section [enacting this section] shall take effect on October 1, 1986.”

COMPLIANCE WITH BUDGET ACT

Pub. L. 102-88, title III, §307(e), Aug. 14, 1991, 105 Stat. 433, provided that: “Any new spending authority (with the meaning of section 401(c) of the Congressional Budget Act of 1974 [2 U.S.C. 651(c)]) provided pursuant to the amendments made by this section [amending this section and provisions formerly set out as a note under section 403 of this title] shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts.”

§ 3517. Inspector General for Agency

(a) Purpose; establishment

In order to—

(1) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently inspections, investigations, and audits relating to programs and operations of the Agency;

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

(3) provide a means for keeping the Director fully and currently informed about problems and deficiencies relating to the administration of such programs and operations, and the necessity for and the progress of corrective actions; and

(4) in the manner prescribed by this section, ensure that the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence (hereafter in this section referred to collectively as the “intelligence committees”) are kept similarly informed of significant problems and deficiencies as well as the necessity for and the progress of corrective actions,

there is hereby established in the Agency an Office of Inspector General (hereafter in this section referred to as the “Office”).

(b) Appointment; supervision; removal

(1) There shall be at the head of the Office an Inspector General who shall be appointed by the President, by and with the advice and consent of the Senate. This appointment shall be made without regard to political affiliation and shall be on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigation. Such appointment shall also be made on the basis of compliance with the security standards of the Agency and prior experience in the field of foreign intelligence.

(2) The Inspector General shall report directly to and be under the general supervision of the Director.

(3) The Director may prohibit the Inspector General from initiating, carrying out, or completing any audit, inspection, or investigation, or from issuing any subpoena, after the Inspector General has decided to initiate, carry out, or complete such audit, inspection, or investigation or to issue such subpoena, if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

(4) If the Director exercises any power under paragraph (3), he shall submit an appropriately classified statement of the reasons for the exercise of such power within seven days to the intelligence committees. The Director shall advise the Inspector General at the time such report is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of any such report. In such cases, the Inspector General may submit such comments to the intelligence committees that he considers appropriate.

(5) In accordance with section 535 of title 28, the Inspector General shall report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involve a program or operation of the Agency, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of all such reports shall be furnished to the Director.

(6) The Inspector General may be removed from office only by the President. The President

shall communicate in writing to the intelligence committees the reasons for any such removal not later than 30 days prior to the effective date of such removal. Nothing in this paragraph shall be construed to prohibit a personnel action otherwise authorized by law, other than transfer or removal.

(c) Duties and responsibilities

It shall be the duty and responsibility of the Inspector General appointed under this section—

(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the inspections, investigations, and audits relating to the programs and operations of the Agency to ensure they are conducted efficiently and in accordance with applicable law and regulations;

(2) to keep the Director fully and currently informed concerning violations of law and regulations, fraud and other serious problems, abuses and deficiencies that may occur in such programs and operations, and to report the progress made in implementing corrective action;

(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Office, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

(4) in the execution of his responsibilities, to comply with generally accepted government auditing standards.

(d) Semiannual reports; immediate reports of serious or flagrant problems; reports of functional problems; reports to Congress on urgent concerns

(1) The Inspector General shall, not later than October 31 and April 30 of each year, prepare and submit to the Director a classified semiannual report summarizing the activities of the Office during the immediately preceding six-month periods ending September 30 and March 31, respectively. Not later than 30 days after the date of the receipt of such reports, the Director shall transmit such reports to the intelligence committees with any comments he may deem appropriate. Such reports shall, at a minimum, include a list of the title or subject of each inspection, investigation, review, or audit conducted during the reporting period and—

(A) a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the Agency identified by the Office during the reporting period;

(B) 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 in subparagraph (A);

(C) a statement of whether corrective action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action;

(D) a certification that the Inspector General has had full and direct access to all infor-

mation relevant to the performance of his functions;

(E) a description of the exercise of the subpoena authority under subsection (e)(5) of this section by the Inspector General during the reporting period; and

(F) such recommendations as the Inspector General may wish to make concerning legislation to promote economy and efficiency in the administration of programs and operations undertaken by the Agency, and to detect and eliminate fraud and abuse in such programs and operations.

(2) The Inspector General shall report immediately to the Director whenever he becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs or operations. The Director shall transmit such report to the intelligence committees within seven calendar days, together with any comments he considers appropriate.

(3) In the event that—

(A) the Inspector General is unable to resolve any differences with the Director affecting the execution of the Inspector General's duties or responsibilities;

(B) an investigation, inspection, or audit carried out by the Inspector General should focus on any current or former Agency official who—

(i) holds or held a position in the Agency that is subject to appointment by the President, by and with the advice and consent of the Senate, including such a position held on an acting basis; or

(ii) holds or held the position in the Agency, including such a position held on an acting basis, of—

- (I) Deputy Director;
- (II) Associate Deputy Director;
- (III) Director of the National Clandestine Service;
- (IV) Director of Intelligence;
- (V) Director of Support; or
- (VI) Director of Science and Technology.

(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former Agency official described or referred to in subparagraph (B);

(D) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any of the officials described in subparagraph (B); or

(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit,

the Inspector General shall immediately notify and submit a report on such matter to the intelligence committees.

(4) Pursuant to Title V of the National Security Act of 1947 [50 U.S.C. 3091 et seq.], the Director shall submit to the intelligence committees any report or findings and recommendations of an inspection, investigation, or audit conducted by the office which has been requested by the

Chairman or Ranking Minority Member of either committee.

(5)(A) An employee of the Agency, or of a contractor to the Agency, who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

(B) Not later than the end of the 14-calendar day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (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 Director notice of that determination, together with the complaint or information.

(C) Upon receipt of a transmittal from the Inspector General under subparagraph (B), the Director shall, within 7 calendar days of such receipt, forward such transmittal to the intelligence committees, together with any comments the Director considers appropriate.

(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the intelligence committees directly.

(ii) The employee may contact the intelligence committees directly as described in clause (i) only if the employee—

(I) before making such a contact, furnishes to the Director, 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

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

(iii) A member or employee of one of the intelligence committees who receives a complaint or information under clause (i) 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 to the Inspector General under this paragraph of each action taken under this paragraph 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 Director or the Inspector General under this paragraph shall not be subject to judicial review.

(G) In this paragraph:

(i) The term "urgent concern" means any of the following:

- (I) 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.

(II) 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.

(III) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, constituting reprisal or threat of reprisal prohibited under subsection (e)(3)(B) of this section in response to an employee's reporting an urgent concern in accordance with this paragraph.

(ii) 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.

(e) Authorities of Inspector General

(1) The Inspector General shall have direct and prompt access to the Director when necessary for any purpose pertaining to the performance of his duties.

(2) The Inspector General shall have access to any employee or any employee of a contractor of the Agency whose testimony is needed for the performance of his duties. In addition, he shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section. Failure on the part of any employee or contractor to cooperate with the Inspector General shall be grounds for appropriate administrative actions by the Director, to include loss of employment or the termination of an existing contractual relationship.

(3) The Inspector General is authorized to receive and investigate complaints or information from any person concerning the existence of an activity constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the Agency—

(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; and

(B) no action constituting a reprisal, or threat of reprisal, for making such complaint or providing such information may be taken by any employee of the Agency in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(4) The Inspector General shall have authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of his duties, which oath¹ affirmation, or affidavit when adminis-

tered or taken by or before an employee of the Office 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.

(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data in any medium (including electronically stored information or any tangible thing) and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

(B) In the case of Government agencies, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

(C) The Inspector General may not issue a subpoena for or on behalf of any other element or component of the Agency.

(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

(6) The Inspector General shall be provided with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

(7) Subject to applicable law and the policies of the Director, the Inspector General shall select, appoint and employ such officers and employees as may be necessary to carry out his functions. In making such selections, the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable him to carry out his duties effectively. In this regard, the Inspector General shall create within his organization a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of his duties.

(8)(A) The Inspector General shall—

(i) appoint a Counsel to the Inspector General who shall report to the Inspector General; or

(ii) obtain the services of a counsel appointed by and directly reporting to another Inspector General or the Council of the Inspectors General on Integrity and Efficiency on a reimbursable basis.

(B) The counsel appointed or obtained under subparagraph (A) shall perform such functions as the Inspector General may prescribe.

(9) The Inspector General may request such information or assistance as may be necessary for carrying out his duties and responsibilities from any Government agency. Upon request of the Inspector General for such information or assistance, the head of the Government agency involved shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the Government agency concerned, furnish to the Inspector General, or to an authorized designee, such information or assistance. Consistent with budgetary and per-

¹ So in original. Probably should be followed by a comma.

sonnel resources allocated by the Director, the Inspector General has final approval of—

(A) the selection of internal and external candidates for employment with the Office of Inspector General; and

(B) all other personnel decisions concerning personnel permanently assigned to the Office of Inspector General, including selection and appointment to the Senior Intelligence Service, but excluding all security-based determinations that are not within the authority of a head of other Central Intelligence Agency offices.

(f) Separate budget account

(1) Beginning with fiscal year 1991, and in accordance with procedures to be issued by the Director of National Intelligence in consultation with the intelligence committees, the Director of National Intelligence shall include in the National Intelligence Program budget a separate account for the Office of Inspector General established pursuant to this section.

(2) For each fiscal year, the Inspector General shall transmit a budget estimate and request through the Director to the Director of National Intelligence that specifies for such fiscal year—

(A) the aggregate amount requested for the operations of the Inspector General;

(B) the amount requested for all training requirements of the Inspector General, including a certification from the Inspector General that the amount requested is sufficient to fund all training requirements for the Office; and

(C) the amount requested to support the Council of the Inspectors General on Integrity and Efficiency, including a justification for such amount.

(3) In transmitting a proposed budget to the President for a fiscal year, the Director of National Intelligence shall include for such fiscal year—

(A) the aggregate amount requested for the Inspector General of the Central Intelligence Agency;

(B) the amount requested for Inspector General training;

(C) the amount requested to support the Council of the Inspectors General on Integrity and Efficiency; and

(D) the comments of the Inspector General, if any, with respect to such proposed budget.

(4) The Director of National Intelligence shall submit to the Committee on Appropriations and the Select Committee on Intelligence of the Senate and the Committee on Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives for each fiscal year—

(A) a separate statement of the budget estimate transmitted pursuant to paragraph (2);

(B) the amount requested by the Director of National Intelligence for the Inspector General pursuant to paragraph (3)(A);

(C) the amount requested by the Director of National Intelligence for training of personnel of the Office of the Inspector General pursuant to paragraph (3)(B);

(D) the amount requested by the Director of National Intelligence for support for the Coun-

cil of the Inspectors General on Integrity and Efficiency pursuant to paragraph (3)(C); and

(E) the comments of the Inspector General under paragraph (3)(D), if any, on the amounts requested pursuant to paragraph (3), including whether such amounts would substantially inhibit the Inspector General from performing the duties of the Office.

(g) Transfer

There shall be transferred to the Office of the Agency referred to as the “Office of Inspector General.” The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, or available to such “Office of Inspector General” are hereby transferred to the Office established pursuant to this section.

(h) Information on website

(1) The Director of the Central Intelligence Agency shall establish and maintain on the homepage of the Agency’s publicly accessible website information relating to the Office of the Inspector General including methods to contact the Inspector General.

(2) The information referred to in paragraph (1) shall be obvious and facilitate accessibility to the information related to the Office of the Inspector General.

(June 20, 1949, ch. 227, §17, as added Pub. L. 100-453, title V, §504, Sept. 29, 1988, 102 Stat. 1910; amended Pub. L. 101-193, title VIII, §801, Nov. 30, 1989, 103 Stat. 1711; Pub. L. 102-496, title VI, §601, Oct. 24, 1992, 106 Stat. 3187; Pub. L. 103-359, title IV, §402, Oct. 14, 1994, 108 Stat. 3427; Pub. L. 104-93, title IV, §403, Jan. 6, 1996, 109 Stat. 969; Pub. L. 105-107, title IV, §402, Nov. 20, 1997, 111 Stat. 2257; Pub. L. 105-272, title VII, §702(a), Oct. 20, 1998, 112 Stat. 2414; Pub. L. 106-567, title IV, §§402, 403, Dec. 27, 2000, 114 Stat. 2847, 2848; Pub. L. 107-108, title III, §309(a), Dec. 28, 2001, 115 Stat. 1399; Pub. L. 107-306, title VIII, §811(b)(2), Nov. 27, 2002, 116 Stat. 2422; Pub. L. 108-458, title I, §§1071(b)(1)(B), (2)(C), 1074(b)(2), Dec. 17, 2004, 118 Stat. 3690, 3694; Pub. L. 111-259, title IV, §§425(a)-(f)(1), 426, title VIII, §802(2), Oct. 7, 2010, 124 Stat. 2728-2730, 2746; Pub. L. 112-87, title IV, §413, Jan. 3, 2012, 125 Stat. 1891; Pub. L. 112-277, title III, §309(b)(1), Jan. 14, 2013, 126 Stat. 2474.)

REFERENCES IN TEXT

The National Security Act of 1947, referred to in subsec. (d)(4), is act July 26, 1947, ch. 343, 61 Stat. 495. Title V of the Act is classified generally to subchapter III (§3091 et seq.) of chapter 44 of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 403q of this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2013—Subsec. (d)(1). Pub. L. 112-277, in introductory provisions, substituted “October 31 and April 30” for “January 31 and July 31”, “September 30 and March 31,” for “December 31 (of the preceding year) and June 30,” and “Not later than 30 days after the date of the receipt of such reports,” for “Not later than the dates each year provided for the transmittal of such reports in section 507 of the National Security Act of 1947.”

2012—Subsec. (h). Pub. L. 112-87 added subsec. (h).

2010—Subsec. (b)(1). Pub. L. 111-259, § 425(a), substituted “This appointment shall be made without regard to political affiliation and shall be on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigation. Such appointment shall also be made on the basis of compliance with the security standards of the Agency and prior experience in the field of foreign intelligence.” for “This appointment shall be made without regard to political affiliation and shall be solely on the basis of integrity, compliance with the security standards of the Agency, and prior experience in the field of foreign intelligence. Such appointment shall also be made on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or auditing.”

Subsec. (b)(6). Pub. L. 111-259, § 425(b), struck out “immediately” after “President shall” and substituted “not later than 30 days prior to the effective date of such removal. Nothing in this paragraph shall be construed to prohibit a personnel action otherwise authorized by law, other than transfer or removal.” for period at end.

Subsec. (d)(1). Pub. L. 111-259, § 425(c), inserted “review,” after “investigation,” in introductory provisions.

Subsec. (d)(3)(B)(i). Pub. L. 111-259, § 802(2)(A), substituted “advice” for “advise”.

Subsec. (d)(3)(B)(ii). Pub. L. 111-259, § 802(2)(B), amended cl. (ii) generally. Prior to amendment, cl. (ii) read as follows: “holds or held the position in the Agency, including such a position held on an acting basis, of—

- “(I) Executive Director;
- “(II) Deputy Director for Operations;
- “(III) Deputy Director for Intelligence;
- “(IV) Deputy Director for Administration; or
- “(V) Deputy Director for Science and Technology;”.

Subsec. (e)(3)(B). Pub. L. 111-259, § 425(d), inserted “or providing such information” after “making such complaint”.

Subsec. (e)(5)(A). Pub. L. 111-259, § 425(e), inserted “in any medium (including electronically stored information or any tangible thing)” after “other data”.

Subsec. (e)(8). Pub. L. 111-259, § 425(f)(1)(C), added par. (8). Former par. (8) redesignated (9).

Subsec. (e)(9). Pub. L. 111-259, § 425(f)(1)(A), (B), redesignated par. (8) as (9), substituted “The” for “Subject to the concurrence of the Director, the” and inserted at end “Consistent with budgetary and personnel resources allocated by the Director, the Inspector General has final approval of—

“(A) the selection of internal and external candidates for employment with the Office of Inspector General; and

“(B) all other personnel decisions concerning personnel permanently assigned to the Office of Inspector General, including selection and appointment to the Senior Intelligence Service, but excluding all security-based determinations that are not within the authority of a head of other Central Intelligence Agency offices.”

Subsec. (f). Pub. L. 111-259, § 426, designated existing provisions as par. (1) and added pars. (2) to (4).

2004—Subsec. (d)(1). Pub. L. 108-458, § 1071(b)(2)(C), struck out “of Central Intelligence” after “to the Director” in introductory provisions.

Subsec. (f). Pub. L. 108-458, §§ 1071(b)(1)(B), 1074(b)(2), substituted “Director of National Intelligence” for “Director of Central Intelligence” in two places and “National Intelligence Program” for “National Foreign Intelligence Program”.

2002—Subsec. (d)(1). Pub. L. 107-306 substituted “Not later than the dates each year provided for the transmittal of such reports in section 507 of the National Security Act of 1947,” for “Within thirty days of receipt of such reports,” in introductory provisions.

2001—Subsec. (d)(5)(B). Pub. L. 107-108, § 309(a)(1), substituted “Upon making such a determination, the In-

spector General shall transmit to the Director 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 Director.”

Subsec. (d)(5)(D)(i). Pub. L. 107-108, § 309(a)(2), substituted “does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B),” for “does not transmit, or does not transmit in an accurate form, the complaint or information described in subparagraph (B).”

2000—Subsec. (d)(1)(E). Pub. L. 106-567, § 402(a)(1), added subpar. (E) and struck out former subpar. (E) which read as follows: “a description of all cases occurring during the reporting period where the Inspector General could not obtain documentary evidence relevant to any inspection, audit, or investigation due to his lack of authority to subpoena such information; and”.

Subsec. (d)(3). Pub. L. 106-567, § 403, added subpars. (B) to (E) and concluding provisions and struck out former subpars. (B) and (C) which read as follows:

“(B) an investigation, inspection, or audit carried out by the Inspector General should focus upon the Director or Acting Director; or

“(C) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit, the Inspector General shall immediately report such matter to the intelligence committees.”

Subsec. (e)(5)(E). Pub. L. 106-567, § 402(a)(2), struck out subpar. (E) which read as follows: “Not later than January 31 and July 31 of each year, the Inspector General shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report of the Inspector General’s exercise of authority under this paragraph during the preceding six months.”

Subsec. (e)(8). Pub. L. 106-567, § 402(b), substituted “Government” for “Federal” wherever appearing.

1998—Subsec. (d). Pub. L. 105-272 inserted “; reports to Congress on urgent concerns” after “functional problems” in heading and added par. (5).

1997—Subsec. (b)(3). Pub. L. 105-107, § 402(b), inserted “, or from issuing any subpoena, after the Inspector General has decided to initiate, carry out, or complete such audit, inspection, or investigation or to issue such subpoena,” after “or investigation”.

Subsec. (e)(5) to (8). Pub. L. 105-107, § 402(a), added par. (5) and redesignated former pars. (5) to (7) as (6) to (8), respectively.

1996—Subsec. (b)(5). Pub. L. 104-93, § 403(a), amended par. (5) generally. Prior to amendment, par. (5) read as follows: “In accordance with section 535 of title 28, the Director shall report to the Attorney General any information, allegation, or complaint received from the Inspector General, relating to violations of Federal criminal law involving any officer or employee of the Agency, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of all such reports shall be furnished to the Inspector General.”

Subsec. (e)(3)(A). Pub. L. 104-93, § 403(b), inserted “or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken” after “investigation”.

1994—Subsec. (b)(1). Pub. L. 103-359, § 402(1), substituted “analysis, public administration, or auditing” for “analysis, or public administration”.

Subsec. (c)(1). Pub. L. 103-359, § 402(2), substituted “to plan, conduct” for “to conduct”.

Subsec. (d)(1). Pub. L. 103-359, § 402(3), in introductory provisions, substituted “January 31 and July 31” for “June 30 and December 31” and “periods ending December 31 (of the preceding year) and June 30, respectively”

for “period” and inserted “of receipt of such reports” after “thirty days”.

Subsec. (d)(3)(C). Pub. L. 103-359, § 402(4), substituted “investigation, inspection, or audit,” for “investigation.”

Subsec. (d)(4). Pub. L. 103-359, § 402(5), inserted “or findings and recommendations” after “report”.

Subsec. (e)(6). Pub. L. 103-359, § 402(6), substituted “the Inspector General shall” for “it is the sense of Congress that the Inspector General should”.

1992—Subsec. (e)(3). Pub. L. 102-496, in introductory provisions, substituted “any person” for “an employee of the Agency” and inserted “from an employee of the Agency” after “received”.

1989—Pub. L. 101-193 amended section generally, substituting subsecs. (a) to (g) relating to establishment of the Office of Inspector General and appointment, duties, and authority of Inspector General for introductory par. and subsecs. (a) to (e) relating to various reports to be filed with the intelligence committees by Director of Central Intelligence concerning selection and activities of Inspector General.

EFFECTIVE DATE OF 2004 AMENDMENT

For Determination by President that amendment by Pub. L. 108-458 take effect on Apr. 21, 2005, see Memorandum of President of the United States, Apr. 21, 2005, 70 F.R. 23925, set out as a note under section 3001 of this title.

Amendment by Pub. L. 108-458 effective not later than six months after Dec. 17, 2004, except as otherwise expressly provided, see section 1097(a) of Pub. L. 108-458, set out in an Effective Date of 2004 Amendment; Transition Provisions note under section 3001 of this title.

CONSTRUCTION OF 2010 AMENDMENT

Pub. L. 111-259, title IV, § 425(f)(2), Oct. 7, 2010, 124 Stat. 2729, provided that: “Nothing in the amendment made by paragraph (1)(C) [amending this section] shall be construed to alter the duties and responsibilities of the General Counsel of the Central Intelligence Agency.”

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103-7 (in which the 4th item on page 156, relating to the transmittal of semiannual reports to the intelligence committees, identifies a reporting provision which, as subsequently amended, is contained in subsec. (d)(1) of this section), see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

§ 3518. Special annuity computation rules for certain employees’ service abroad

(a) Officers and employees to whom rules apply

Notwithstanding any provision of chapter 83 of title 5, the annuity under subchapter III of such chapter of an officer or employee of the Central Intelligence Agency who retires on or after October 1, 1989, is not designated under section 2013 of this title, and has served abroad as an officer or employee of the Agency on or after January 1, 1987, shall be computed as provided in subsection (b) of this section.

(b) Computation rules

(1) The portion of the annuity relating to such service abroad that is actually performed at any time during the officer’s or employee’s first ten years of total service shall be computed at the rate and using the percent of average pay specified in section 8339(a)(3) of title 5 that is nor-

mally applicable only to so much of an employee’s total service as exceeds ten years.

(2) The portion of the annuity relating to service abroad as described in subsection (a) of this section but that is actually performed at any time after the officer’s or employee’s first ten years of total service shall be computed as provided in section 8339(a)(3) of title 5; but, in addition, the officer or employee shall be deemed for annuity computation purposes to have actually performed an equivalent period of service abroad during his or her first ten years of total service, and in calculating the portion of the officer’s or employee’s annuity for his or her first ten years of total service, the computation rate and percent of average pay specified in paragraph (1) shall also be applied to the period of such deemed or equivalent service abroad.

(3) The portion of the annuity relating to other service by an officer or employee as described in subsection (a) of this section shall be computed as provided in the provisions of section 8339(a) of title 5 that would otherwise be applicable to such service.

(4) For purposes of this subsection, the term “total service” has the meaning given such term under chapter 83 of title 5.

(c) Annuities deemed annuities under section 8339 of title 5

For purposes of subsections (f) through (m) of section 8339 of title 5, an annuity computed under this section shall be deemed to be an annuity computed under subsections (a) and (o)¹ of section 8339 of title 5.

(d) Officers and employees entitled to greater annuities under section 8339 of title 5

The provisions of subsection (a) of this section shall not apply to an officer or employee of the Central Intelligence Agency who would otherwise be entitled to a greater annuity computed under an otherwise applicable subsection of section 8339 of title 5.

(June 20, 1949, ch. 227, § 18, as added Pub. L. 101-193, title III, § 305, Nov. 30, 1989, 103 Stat. 1704; amended Pub. L. 102-496, title VIII, § 803(a)(2), Oct. 24, 1992, 106 Stat. 3252.)

REFERENCES IN TEXT

Subsection (o) of section 8339 of title 5, referred to in subsec. (c), was redesignated subsec. (p) of that section by Pub. L. 102-378, § 2(62), Oct. 2, 1992, 106 Stat. 1354.

CODIFICATION

Section was formerly classified to section 403r of this title prior to editorial reclassification and renumbering as this section. Some section numbers of this title referenced in amendment notes below reflect the classification of such sections prior to their editorial reclassification.

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-496 substituted reference to section 2013 of this title for reference in original to section 203 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees which was formerly set out as a note under section 403 of this title.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-496 effective on first day of fourth month beginning after Oct. 24, 1992, see sec-

¹ See References in Text note below.