

INSPECTOR GENERAL ACT OF 1978

Pub. L. 95-452, Oct. 12, 1978, 92 Stat. 1101, as amended by Pub. L. 96-88, title V, § 508(n), Oct. 17, 1979, 93 Stat. 694; Pub. L. 97-113, title VII, § 705(a)(1)-(3), Dec. 29, 1981, 95 Stat. 1544; Pub. L. 97-252, title XI, § 1117(a)-(c), Sept. 8, 1982, 96 Stat. 750-752; Pub. L. 99-93, title I, § 150(a), Aug. 16, 1985, 99 Stat. 427; Pub. L. 99-399, title IV, § 412(a), Aug. 27, 1986, 100 Stat. 867; Pub. L. 100-504, title I, §§ 102(a)-(d), (f), (g), 104(a), 105-107, 109, 110, Oct. 18, 1988, 102 Stat. 2515-2529; Pub. L. 100-527, § 13(h), Oct. 25, 1988, 102 Stat. 2643; Pub. L. 101-73, title V, § 501(b)(1), title VII, § 702(c), Aug. 9, 1989, 103 Stat. 393, 415; Pub. L. 102-233, title III, § 315(a), Dec. 12, 1991, 105 Stat. 1772; Pub. L. 103-82, title II, § 202(g)(1), (2)(A), (3)(A), (4), (5), Sept. 21, 1993, 107 Stat. 889, 890; Pub. L. 103-204, § 23(a), Dec. 17, 1993, 107 Stat. 2407; Pub. L. 103-296, title I, § 108(l), Aug. 15, 1994, 108 Stat. 1488; Pub. L. 103-325, title I, § 118(a), Sept. 23, 1994, 108 Stat. 2188; Pub. L. 104-88, title III, § 319, Dec. 29, 1995, 109 Stat. 949; Pub. L. 104-106, div. A, title XV, § 1502(f)(6), div. D, title XLIII, § 4322(b)(1), (3), Feb. 10, 1996, 110 Stat. 510, 677; Pub. L. 104-208, div. A, title I, § 101(f) [title VI, § 662(b), title VIII, § 805(c)], Sept. 30, 1996, 110 Stat. 3009-314, 3009-379, 3009-393; Pub. L. 105-134, title IV, § 409(a)(1), Dec. 2, 1997, 111 Stat. 2586; Pub. L. 105-206, title I, § 1103(a)-(c)(1), (e)(1)-(3), July 22, 1998, 112 Stat. 705, 708, 709; Pub. L. 105-272, title VII, § 702(b), Oct. 20, 1998, 112 Stat. 2415; 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. 105-277, div. G, title XIII, § 1314(b), title XIV, § 1422(b)(2), Oct. 21, 1998, 112 Stat. 2681-776, 2681-792; Pub. L. 106-65, div. A, title X, § 1067(17), Oct. 5, 1999, 113 Stat. 775; Pub. L. 106-113, div. B, § 1000(a)(7) [title II, § 205], Nov. 29, 1999, 113 Stat. 1536, 1501A-422; Pub. L. 106-422, § 1(b), Nov. 1, 2000, 114 Stat. 1872

§ 1. Short title

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

(Pub. L. 95-452, § 1, Oct. 12, 1978, 92 Stat. 1101.)

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-272, title VII, § 701(a), Oct. 20, 1998, 112 Stat. 2413, provided that: “This title [enacting section 8H of Pub. L. 95-452, set out in this Appendix, amending section 8I of Pub. L. 95-452, set out in this Appendix, and section 403q of Title 50, War and National Defense, and enacting provisions set out as a note under section 8H of Pub. L. 95-452, set out in this Appendix] may be cited as the ‘Intelligence Community Whistleblower Protection Act of 1998’.”

SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100-504, title I, § 101, Oct. 18, 1988, 102 Stat. 2515, provided that: “This title [enacting sections 8B-8F of Pub. L. 95-452, set out in this Appendix, amending sections 2, 4-6, 8, 9, and 11 of Pub. L. 95-452, set out in this Appendix, sections 5315 and 5316 of this title, sections 405 and 1105 of Title 31, Money and Finance, and section 410 of Title 39, Postal Service, repealing sections 3521-3527 and 7138 of Title 42, The Public Health and Welfare, and section 231v of Title 45, Railroads, and enacting provisions set out as notes under sections 1, 5, 8D, 8E, and 9 of Pub. L. 95-452, set out in this Appendix] may be cited as the ‘Inspector General Act Amendments of 1988’.”

PAYMENT AUTHORITY SUBJECT TO APPROPRIATIONS

Pub. L. 100-504, title I, § 112, Oct. 18, 1988, 102 Stat. 2530, provided that: “Any authority to make payments under this title [see Short Title of 1988 Amendment note above] shall be effective only to such extent as provided in appropriations Acts.”

ACT REFERRED TO IN OTHER SECTIONS

The Inspector General Act of 1978 is referred to in title 2 section 1602; title 7 sections 2270a, 6911; title 10 sections 133, 141, 1034, 2409, 3020, 5020, 8020; title 20 sec-

tions 761, 1082, 3412, 3422; title 22 sections 3929, 4861, 6203, 6207; title 29 sections 49h, 2935; title 31 sections 902, 3521, 3801, 3808, 9105; title 38 sections 312, 7366; title 39 section 410; title 41 sections 265, 422; title 42 sections 1320a-7a, 1320a-7c, 9651, 12651e; title 48 sections 1422d, 1599, 1668, 1681b.

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

In order to create independent and objective units—

(1) to conduct and supervise audits and investigations relating to the programs and operations of the establishments listed in section 11(2);

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

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

there is established—

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

(B) in the establishment of the Department of the Treasury—

(i) an Office of Inspector General of the Department of the Treasury; and

(ii) an Office of Treasury Inspector General for Tax Administration.

(Pub. L. 95-452, § 2, Oct. 12, 1978, 92 Stat. 1101; Pub. L. 96-88, title V, § 508(n)(1), Oct. 17, 1979, 93

Stat. 694; Pub. L. 97-113, title VII, § 705(a)(1), Dec. 29, 1981, 95 Stat. 1544; Pub. L. 97-252, title XI, § 1117(a)(1), Sept. 8, 1982, 96 Stat. 750; Pub. L. 99-93, title I, § 150(a)(1), Aug. 16, 1985, 99 Stat. 427; Pub. L. 99-399, title IV, § 412(a)(1), Aug. 27, 1986, 100 Stat. 867; Pub. L. 100-504, title I, § 102(a), (b), Oct. 18, 1988, 102 Stat. 2515; Pub. L. 100-527, § 13(h)(1), Oct. 25, 1988, 102 Stat. 2643; Pub. L. 105-206, title I, § 1103(a), July 22, 1998, 112 Stat. 705.)

CODIFICATION

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

AMENDMENTS

1998—Pub. L. 105-206, in concluding provisions, substituted “there is established—” and subpars. (A) and (B) for “there is hereby established in each of such establishments an office of Inspector General.”

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

Par. (1). Pub. L. 100-527 inserted “the Department of Veterans Affairs,” and struck out “the Veterans’ Administration,” after “United States Information Agency.” See Codification note above.

1986—Par. (1). Pub. L. 99-399 inserted “the United States Information Agency.”

1985—Par. (1). Pub. L. 99-93 inserted reference to the Department of State.

1982—Par. (1). Pub. L. 97-252, § 1117(a)(1), inserted “the Department of Defense.”

1981—Par. (1). Pub. L. 97-113 inserted “the Agency for International Development.”

1979—Par. (1). Pub. L. 96-44 inserted “the Department of Education.”

EFFECTIVE DATE OF 1988 AMENDMENTS

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

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

EFFECTIVE DATE OF 1979 AMENDMENT

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

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 22 section 4861; title 42 section 8262f.

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

(a) There shall be at the head of each Office an Inspector General who shall be appointed by the President, by and with the advice and consent of the Senate, without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations. Each Inspector General shall report to and be under the general supervision of the head of the establishment involved or, to the extent such authority is delegated, the officer next in rank below such head, but shall not report to, or be subject to supervision by, any other officer of such establishment. Neither the head of the establishment nor the officer next in rank below such head shall prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena during the course of any audit or investigation.

(b) An Inspector General may be removed from office by the President. The President shall communicate the reasons for any such removal to both Houses of Congress.

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

(d) Each Inspector General shall, in accordance with applicable laws and regulations governing the civil service—

(1) appoint an Assistant Inspector General for Auditing who shall have the responsibility for supervising the performance of auditing activities relating to programs and operations of the establishment, and

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

(Pub. L. 95-452, § 3, Oct. 12, 1978, 92 Stat. 1101.)

ACTING TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

Pub. L. 105-277, div. C, title I, § 101, Oct. 21, 1998, 112 Stat. 2681-584, as amended by Pub. L. 106-113, div. B, § 1000(a)(5) [title II, § 239(a)], Nov. 29, 1999, 113 Stat. 1536, 1501A-302, provided that:

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

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

“(2) ending on the earlier of—

“(A) April 30, 1999, or

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

“(b) DUTIES BEFORE JANUARY 18, 1999.—The acting Treasury Inspector General for Tax Administration appointed under subsection (a) shall, before January 18, 1999, take only such actions as are necessary to begin