

GAO

Report to the Chairman, Subcommittee
on Crime, Committee on the Judiciary,
House of Representatives

July 1997

FEDERAL LAW ENFORCEMENT

Investigative Authority and Personnel at 32 Organizations



General Government Division

B-275221

July 22, 1997

The Honorable Bill McCollum
Chairman, Subcommittee on Crime
Committee on the Judiciary
House of Representatives

Dear Mr. Chairman:

This report responds to your September 18, 1995, request that we provide information on federal law enforcement investigative personnel and authority. In meetings with your office, we agreed to conduct our work in three parts. First, in a November 15, 1995, testimony before your Subcommittee,¹ we provided information on the organizations authorized to investigate suspected criminal violations of federal law, the number of investigative personnel employed by those organizations and their related salary costs, and previous information we had developed on jurisdictional overlap. Second, in a report dated September 30, 1996,² we provided additional information on the federal organizations that employed 700 or more law enforcement investigative personnel.

This report is the third and final in the series, and it provides information on federal organizations identified in our November 1995 testimony as employing from 25 to 699 law enforcement investigative personnel. Specifically, we provide information on (1) the types of violations that these organizations investigate; (2) the authorities under which these organizations investigate suspected federal criminal law violations, execute search warrants, make arrests, and/or carry firearms; (3) the number of law enforcement investigative personnel in these organizations as of September 30, 1996, and the number of these personnel who were authorized to execute search warrants, make arrests, and/or carry firearms; and (4) how the number of law enforcement investigative personnel in these organizations has changed since the end of fiscal year 1987.

Background

The growth of federal law enforcement has been evolutionary. In 1789, the position of the U.S. Marshal and the U.S. Customs Service were created. Since then, additional law enforcement organizations have been

¹Federal Law Enforcement: Information on Certain Agencies' Criminal Investigative Personnel and Salary Costs (GAO/T-GGD-96-38, Nov. 15, 1995).

²Federal Law Enforcement: Investigative Authority and Personnel at 13 Agencies (GAO/GGD-96-154, Sept. 30, 1996).

established in response to new laws and expanding jurisdictions for federal officers. For example, the Federal Bureau of Investigation was created in 1908 to be the investigative force of the Department of Justice. The Internal Revenue Service's criminal investigators were established in 1919 in the Bureau of Internal Revenue. More recently, in the 1970s, the Bureau of Alcohol, Tobacco and Firearms; the Drug Enforcement Administration; and the criminal investigators of the Offices of Inspector General (OIG) were added to the ranks of federal law enforcement.

In our September 1996 report, we provided information on the 13 organizations that employed 700 or more law enforcement investigative personnel. Ten of these organizations employed 38,739 law enforcement investigative personnel (over 90 percent of the law enforcement investigative personnel identified in our November 1995 testimony). This report provides information on an additional 32 federal organizations that employed about 9 percent of the law enforcement investigative personnel identified in our 1995 testimony.

Results in Brief

We analyzed data maintained by the U.S. Office of Personnel Management (OPM) in its Central Personnel Data File (CPDF) and surveyed federal organizations employing from 25 to 699 law enforcement investigative personnel. On the basis of this information, we determined that employees meeting our definition of law enforcement investigative personnel were located in 32 organizations. Twenty of these federal organizations are OIGs, whose responsibilities include criminal investigations. The remaining 12 federal organizations are responsible for investigating a variety of criminal violations. These 32 organizations reported that they investigate a variety of suspected criminal violations, ranging from food stamp trafficking to Social Security fraud, and that they derive their authority primarily from statutory provisions set out in the U.S. Code.

In addition, the 32 organizations reported that at the end of fiscal year 1996, they employed 4,262 law enforcement investigative personnel. Of these law enforcement investigative personnel, they reported that 4,007 (about 94 percent) were authorized to execute search warrants, make arrests, and carry firearms.

Between the ends of fiscal years 1987 and 1996, CPDF data show the number of law enforcement investigative personnel at the 32 organizations increased about 70 percent, overall. Most of this increase was caused by growth in the numbers of law enforcement investigative personnel at 18 of

the organizations. Also, some of the increase was caused by the establishment of four of the federal organizations after fiscal year 1987. The remainder of the increase was the result of changes that caused personnel in four existing organizations to meet our criteria for inclusion after fiscal year 1987. Specifically, in three of these four organizations, the increase occurred because some existing employees became covered by the law enforcement retirement system. The fourth organization reclassified the positions of its existing employees into one of the investigative occupational series used in this report.

Scope and Methodology

Our 1996 report focused on those federal organizations employing at least 700 law enforcement investigative personnel. For this report, you requested that we gather comparable information for those federal organizations identified in the March 31, 1995, CPDF as employing from 25 to 699 law enforcement investigative personnel.³ In total, there were 32 such federal organizations, which are listed in appendix I.

Consistent with our previous work, we defined “law enforcement investigative personnel” as those personnel employed in occupational series that significantly involve investigative work and that meet the definition of “law enforcement officer” in section 5541(3) of Title 5 of the U.S. Code for the purposes of certain premium pay provisions.⁴

To obtain information on the types of criminal violations that the organizations investigated, the organizations’ investigative authority, and the authority of the organizations’ law enforcement investigative personnel to execute search warrants, make arrests, and/or carry firearms, we administered a survey to the 32 organizations. We also used the survey to obtain 1996 fiscal year-end data on the number of law enforcement

³The Subcommittee also requested that we report on agency organizations that in the aggregate employ 25 or more law enforcement investigative personnel. Department of the Navy organizations appeared to meet this criterion on the basis of CPDF data used in our November 1995 testimony. However, according to an official at Navy, the Navy organizations had erroneously coded the data reported to OPM, resulting in an overstatement of the number of Navy law enforcement investigative personnel. Because the actual total of its law enforcement investigative personnel was fewer than 25, we excluded the Navy organizations from this report. (The Naval Criminal Investigative Service was included in our Sept. 1996 report.)

⁴For the purposes of certain premium pay provisions, section 5541(3) of Title 5 provides that the term “law enforcement officer” means an employee who meets the definition of “law enforcement officer” under the retirement provisions of section 8331(20) or 8401(17) of Title 5. In addition, the section 5541(3) definition also includes an employee who is not subject to such retirement provisions but holds a position that OPM determines would satisfy certain statutory criteria. Certain employees serving in supervisory or administrative law enforcement positions, but who are not covered by the law enforcement retirement provisions (because they did not transfer directly to those jobs from a federal primary law enforcement position), were not included within the scope of our survey.

investigative personnel who were employed by these organizations and authorized to perform certain law enforcement functions. We reviewed the organizations' survey responses for completeness and consistency.

We used CPDF data, and also organization data for Labor's Office of Labor Management Standards and the Air Force's Office of Special Investigations (end of fiscal year 1991 only), to determine how the number of law enforcement investigative personnel in the 32 organizations had changed since fiscal year 1987. We used CPDF data from the ends of fiscal years 1987, 1991, 1995, and 1996.⁵ We focused our analysis on these fiscal years because consistent CPDF data were not readily available before fiscal year 1987, we wanted the data we used to be consistent with our previous work, and we wanted to obtain the most recent data available.

In addition to the 32 organizations reviewed for this report, we also obtained September 30, 1996, CPDF data for the 13 organizations reviewed in our September 1996 report. We obtained these data to update our 1996 report. These 13 organizations employed about 45,400 law enforcement investigative personnel as of September 30, 1996. (See app. VI.)

We did not independently verify the accuracy of the information provided by the organizations or obtained from the CPDF. However, we discussed with organization officials the discrepancies between the September 30, 1996, CPDF data and the September 30, 1996, data provided by the organizations. We were able to resolve most of the discrepancies, but the remaining differences accounted for about 1 percent of the total number of personnel.

We did our work between October 1996 and May 1997 in Washington, D.C., in accordance with generally accepted government auditing standards. We discussed the contents of this report with officials from each of the organizations listed in appendix I. We requested comments on a draft of this report from the Director of OPM or his designee. OPM's comments are discussed at the end of this report.

⁵These data were obtained directly from Labor's Office of Labor Management Standards and the Air Force's Office of Special Investigations (end of fiscal year 1991 only) because, according to organization officials, reliable data had not been reported to OPM.

Types of Suspected Violations Investigated by Federal Organizations and Their Law Enforcement Authorities

Each of the 32 organizations we surveyed reported it has a designated law enforcement mission and is responsible for investigating a variety of suspected criminal violations (see app. II). Each organization's investigative authority, as well as the authority of its personnel to execute search warrants, make arrests, and/or carry firearms, is generally derived from statute (see app. III). Their criminal investigative authorities are generally implemented through regulations, policies, or interagency agreements.

Twenty of the 32 organizations are OIGs whose responsibilities include criminal investigative functions. For example, the Department of Agriculture's (USDA) OIG reported it investigates criminal activity and significant abuse within USDA's 300 programs. These activities and abuses range from food stamp trafficking and food safety violations to assault, bribery, and conflicts of interest involving USDA employees.

The remaining 12 organizations reported they are responsible for investigating a variety of criminal violations. For example:

- The Bureau of Indian Affairs' Office of Law Enforcement investigates crimes committed on or involving Indian country.
- Labor's Office of Labor Management Standards principally investigates criminal violations of the Labor-Management Disclosure Act, including union funds embezzlement, false reports and records, destruction of records, labor union trusteeship crimes, illegal loans, and prohibited union office-holding or employment.
- The Air Force's Office of Special Investigations investigates offenses committed by individuals subject to the Uniform Code of Military Justice (UCMJ). These offenses include the punitive articles of the UCMJ, violations of federal criminal law, and violations of state laws made applicable to military members by the Assimilative Crimes Act.

Law Enforcement Investigative Personnel Authorized to Perform Certain Investigative Functions

The 32 organizations reported employing a total of 4,262 law enforcement investigative personnel as of the end of fiscal year 1996. As shown in appendix IV, the percentage of these personnel authorized to perform the various law enforcement functions varied by organization. At 20 of the organizations, all law enforcement investigative personnel were reported to be authorized to execute search warrants, make arrests, and carry firearms. However, Labor's Office of Labor Management Standards reported that none of its 165 law enforcement investigative personnel was authorized to perform these functions. In total, about 94 percent (4,007) of

the law enforcement investigative personnel were authorized to execute search warrants, make arrests, and carry firearms.

Changes in the Number of Law Enforcement Investigative Personnel Between Fiscal Years 1987 and 1996

Overall, the number of law enforcement investigative personnel in the 32 federal organizations that met our definition increased between fiscal years 1987 and 1996. CPDF data, combined with organization data for Labor's Office of Labor Management Standards and the Air Force's Office of Special Investigations (end of fiscal year 1991 only), showed that as of September 30, 1996, 4,204 law enforcement investigative personnel were employed in the organizations, which is about a 70-percent increase over the 2,471 personnel employed on September 30, 1987.⁶

Most of this increase was caused by growth in the numbers of law enforcement investigative personnel at 18 of the organizations (see app. V). Also, some of the increase was caused by the establishment of the following four organizations after 1987:

- Justice's OIG was authorized by Congress in 1988 and established in 1989.
- The Federal Deposit Insurance Corporation's OIG was established in 1988.
- The Department of Health and Human Services' Office of Criminal Investigations, which is within the Department's Food and Drug Administration, was established in 1992.
- The Social Security Administration's OIG was established in 1995.

However, the remainder of the increase was the result of changes that caused law enforcement investigative personnel in four other federal organizations to meet our criteria for inclusion after fiscal year 1987. First, in the Bureau of Land Management's Law Enforcement, the increase occurred because some existing employees became covered by the law enforcement retirement system. Second, in Labor's Office of Labor Management Standards, personnel were not covered by the law enforcement retirement system until 1992. However, according to a Labor official, before 1992, qualified investigative personnel could apply for such coverage. Third, in the Department of the Army's Army Criminal Investigation Command, coverage under the law enforcement retirement pay system did not begin until 1993. Finally, in 1994, the U.S. Forest Service's Law Enforcement and Investigations reclassified the positions of its existing law enforcement personnel specifically into law enforcement investigative positions.

⁶This total of 4,204 law enforcement investigative personnel differs from the September 30, 1996, total reported to us in the surveys completed by the organizations, which was 4,262. The CPDF and survey data cannot be completely reconciled; however, the data differ by only about 1 percent.

Agency Comments

On June 24, 1997, the pay team leader from OPM's Office of Compensation Policy provided oral comments on a draft of this report. The official generally agreed with the information presented in this report and provided technical comments that we incorporated where appropriate.

We are sending copies of this report to the Ranking Minority Member of your Subcommittee and the Chairman and Ranking Minority Member of the Senate Committee on the Judiciary. We will also make copies available to others on request.

The major contributors to this report are listed in appendix VII. Please give me a call on (202) 512-3610 if you have any questions about this report.

Sincerely yours,



Norman J. Rabkin
Director, Administration of
Justice Issues

Contents

Letter	1
Appendix I The 32 Selected Law Enforcement Organizations	12
Appendix II Selected Law Enforcement Organizations' Investigative Responsibilities	14
Appendix III Primary Legal Authorities Cited by Selected Law Enforcement Organizations as Enabling Them to Perform Certain Investigative Functions	20

Appendix IV Law Enforcement Investigative Personnel in Selected Organizations Authorized to Perform Certain Investigative Functions as of the End of Fiscal Year 1996	28
--	----

Appendix V Law Enforcement Investigative Personnel in Selected Organizations at the End of Fiscal Years 1987, 1991, 1995, and 1996	31
---	----

Appendix VI Law Enforcement Investigative Personnel at 13 Federal Organizations With the Largest Number of Criminal Investigative Personnel, End of Fiscal Years 1995 and 1996	34
---	-----------

Appendix VII Major Contributors to This Report	35
---	-----------

Abbreviations

AFOSI	Air Force Office of Special Investigations
CPDF	Central Personnel Data File
DOD	Department of Defense
EPA	Environmental Protection Agency
FDA	Food and Drug Administration
FDIC	Federal Deposit Insurance Corporation
GSA	General Services Administration
HHS	Department of Health and Human Services
HUD	Department of Housing and Urban Development
NASA	National Aeronautics and Space Administration
OIG	Office of Inspector General
OLMS	Office of Labor Management Standards
OPM	U.S. Office of Personnel Management
SBA	Small Business Administration
SSA	Social Security Administration
UCMJ	Uniform Code of Military Justice
USDA	U.S. Department of Agriculture
VA	Department of Veterans Affairs

The 32 Selected Law Enforcement Organizations

The names of the 32 law enforcement organizations that we surveyed are listed below:

Department of Agriculture, Office of Inspector General

Department of Agriculture, U.S. Forest Service, Law Enforcement and Investigations

Department of the Air Force, Air Force Office of Special Investigations

Department of the Army, U.S. Army Criminal Investigation Command

Department of Commerce, Bureau of Export Administration, Office of Export Enforcement

Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Staff Office for Law Enforcement

Department of Defense, Office of Inspector General

Department of Education, Office of Inspector General

Department of Energy, Office of Inspector General

Department of Health and Human Services, Food and Drug Administration, Office of Criminal Investigations

Department of Health and Human Services, Office of Inspector General

Department of Housing and Urban Development, Office of Inspector General

Department of the Interior, Bureau of Indian Affairs, Office of Law Enforcement

Department of the Interior, Bureau of Land Management, Law Enforcement

Department of the Interior, Office of Inspector General

Appendix I
The 32 Selected Law Enforcement
Organizations

Department of the Interior, U.S. Fish and Wildlife Service, Division of Law Enforcement

Department of Justice, Office of the Inspector General

Department of Labor, Office of Inspector General

Department of Labor, Office of Labor Management Standards

Department of State, Office of Inspector General

Department of Transportation, Office of Inspector General

Department of the Treasury, Office of Inspector General

Department of Veterans Affairs, Office of Inspector General

Environmental Protection Agency, Office of Criminal Enforcement, Forensics and Training

Environmental Protection Agency, Office of Inspector General

Federal Deposit Insurance Corporation, Office of Inspector General

General Services Administration, Office of Inspector General

General Services Administration, Public Buildings Service, Federal Protective Service

National Aeronautics and Space Administration, Office of Inspector General

Small Business Administration, Office of Inspector General

Social Security Administration, Office of Inspector General

U.S. Railroad Retirement Board, Office of Inspector General

Selected Law Enforcement Organizations' Investigative Responsibilities

Law enforcement organization	Type of criminal violations investigated
Department of Agriculture (USDA)	
U.S. Forest Service, Law Enforcement and Investigations	<p>The U.S. Forest Service, Law Enforcement and Investigations, is responsible for investigating offenses against the United States that occur within or have a nexus to the National Forest System. The types of investigations and enforcement actions in which the Forest Service is involved include the following: minor misdemeanor offenses found in Title 36 of the Code of Federal Regulations and major crimes related to National Forest System lands, facilities, and activities found in Titles 18 and 21 of the U.S. Code.</p> <p>Investigations involve wildland fire/arson, timber theft, theft and/or destruction of archeological resources of a historical or prehistoric nature, destruction of resources, and contract fraud. Drug enforcement investigations are performed under the authority of the National Forest System Drug Control Act of 1986, as amended, to detect and prevent the cultivation and manufacturing of marijuana on National Forest System lands. Investigations also include other environmental and wildlife crimes, illegal occupancy of National Forest System lands, theft of natural resources, and threats and assaults against Forest Service employees.</p>
Office of Inspector General (OIG)	<p>The USDA OIG investigates criminal activity and significant abuse within the Department's 300 different programs. These crimes include the following: food stamp trafficking (which often involves drug and weapons trafficking and other related illegal financial activity, such as money laundering); food safety violations, including the processing, transportation, and sale of adulterated meat and poultry products and tampering with USDA-inspected food products; USDA farm loan fraud, including theft and conversion of property owned by or mortgaged to USDA; false certifications and claims in federal crop insurance, disaster, export and other farm programs; rural housing violations, such as equity skimming and contractor fraud; assault and bribery of USDA loan officers and inspectors/graders of meat, grain and other commodities; embezzlements, thefts, and conflicts of interest involving USDA employees; alteration and forgery of official documents; conspiracy; and other illegal activities involving USDA programs and operations. The USDA OIG also provides dignitary protection services to the Secretary and Deputy Secretary of Agriculture.</p>
Department of the Interior	
Bureau of Indian Affairs, Office of Law Enforcement	<p>The Bureau of Indian Affairs, Office of Law Enforcement has investigative responsibilities for crimes committed on, or involving, Indian country. These crimes include (1) major federal crimes under Title 18 U.S.C. §1153 and (2) state crimes assimilated into the federal statutes under Title 18 U.S.C. §1152, including, but not limited to, murder; manslaughter; child sexual abuse; kidnapping; rape; assault with a dangerous weapon; assault with intent to commit murder; assault resulting in serious bodily injury; arson; burglary; robbery; counterfeiting; embezzlement; organized criminal enterprises affecting gaming and gambling operations; the production, sale, or distribution of illegal narcotics, drugs, and marijuana within Indian country; and violations of many other federal statutes when the offense occurs in Indian country. In many cases, Bureau officials also enforce tribal laws and ordinances.</p>
U.S. Fish and Wildlife Service, Division of Law Enforcement	<p>The U.S. Fish and Wildlife Service, Division of Law Enforcement, is responsible for investigating violations of U.S. wildlife laws. The Service is also responsible for offenses committed on the National Wildlife Refuge System. The Service investigates offenses involving federal wildlife laws, environmental crimes, archaeological resource protection, smuggling, and drug enforcement on Service lands.</p>

(continued)

**Appendix II
Selected Law Enforcement Organizations’
Investigative Responsibilities**

Law enforcement organization	Type of criminal violations investigated
Bureau of Land Management, Law Enforcement	The Bureau of Land Management, Law Enforcement, is responsible for the following types of violations as they relate to federal lands administered by the Bureau: archaeological resources, wild horses and burros, recreation use fees, cave resources, fish and wildlife, National Trails use, National Wild and Scenic Rivers use, grazing, unlawful enclosures, migratory birds, endangered species, bald and golden eagles, Native American graves, oil and gas leasing, minerals leasing, hazardous materials, clean water, property theft and vandalism, coal theft, timber theft and damage, wildland arson and fire prevention, survey interference, land fraud, hazardous devices, marijuana cultivation and drug labs, subsistence hunting in Alaska, motorized and off-road vehicle use, recreation restrictions, and various other land use restrictions.
Office of Inspector General	The Interior OIG is responsible for investigating bribery, graft, and conflicts of interest; false claims; conspiracy to defraud; embezzlement and theft; program fraud; false statements; crimes involving Indians (to include embezzlement and theft from Indian tribal organizations and thefts from gaming establishments on Indian lands); mail fraud; wire fraud; racketeering; and other alleged violations of criminal, civil, and administrative regulations against Interior’s programs and operations.
Department of Defense (DOD), Office of Inspector General	The DOD OIG is responsible for investigating fraud involving Defense contractors; fraud in the programs and operations of DOD; and product substitution, health care fraud, cost mischarging, bribery, corruption, kickbacks, false claims, and false statements.
Department of Labor Office of Inspector General	<p>The Labor OIG has the responsibility to investigate fraud, abuse, and other criminal activity that involves Labor employees, programs, and operations. This responsibility includes investigative authority over serious Labor employee integrity and misconduct matters and other criminal violations that occur within Labor’s contract, grant, and benefit programs administered by over 24 program agencies. Some of the more significant Labor programs that receive investigative attention by the Labor OIG include the Unemployment Insurance Program; the Job Training Partnership Act Program; the Federal Employees’ Compensation Act Program, with its related Black Lung and Longshoremen’s compensation benefit programs; and programs administered by the Occupational Safety and Health Administration.</p> <p>The Labor OIG also has the responsibility to investigate traditional and nontraditional organized crime groups’ labor racketeering activity related to employee health and welfare benefit plans, labor-management relations, and internal union affairs. This responsibility includes possible violations of the Employee Retirement Income Security Act, the Labor Management Reporting and Disclosure Act, and other labor-related statutes.</p>
Office of Labor Management Standards	The Office of Labor Management Standards’ principal activity is the investigation of criminal violations of the Labor-Management Reporting and Disclosure Act, including union funds embezzlement, false reporting, false records, destruction of records, labor union trusteeship crimes, failure to bond, illegal loans, and prohibited union office-holding or employment. In addition, agency investigations often identify related criminal violations of federal statutes under Title 18 of the United States Code, which are investigated under authority delegated by U.S. Attorneys.
Department of Health and Human Services (HHS) Office of Inspector General	The HHS OIG is responsible for investigating fraud and other criminal activity in programs and operations of the Department, including fraud and other criminal activity in the Medicare and Medicaid programs.

(continued)

**Appendix II
Selected Law Enforcement Organizations’
Investigative Responsibilities**

Law enforcement organization	Type of criminal violations investigated
Food and Drug Administration (FDA), Office of Criminal Investigations	The FDA Office of Criminal Investigations investigates suspected criminal violations of the Federal Food, Drug and Cosmetic Act; the Public Health Service Act; the Federal Anti-Tampering Act; and provisions of other laws within the jurisdiction of FDA. These criminal investigations cover: counterfeit or unapproved prescription drugs; illegal diversion of prescription pharmaceuticals and other products; unapproved or misbranded medical devices, drugs, biological products, and veterinary drug products; crimes relating to the improper manufacturing, labeling, or distribution of drugs, foods, devices, biological products such as vaccines and blood, and veterinary drug products; product approval application fraud; clinical investigation fraud; illegal product ingredient substitution; tampering with consumer products; trafficking in adulterated or misbranded foods or drugs; hazardous drug residues in food animals; and health care frauds related to FDA regulated products.
Environmental Protection Agency (EPA)	
Office of Criminal Enforcement, Forensics and Training	The Office of Criminal Enforcement, Forensics and Training is responsible for investigating alleged criminal violations of EPA-administered environmental protection statutes. For example, these violations include mishandling of hazardous waste, unpermitted water pollution, misuse of pesticides, failure to report releases of hazardous substances, violations of hazardous air pollutant standards, and false statements in reports made pursuant to requirements in the environmental laws.
Office of Inspector General	The EPA OIG is responsible for investigating fraud and other criminal activity in programs and operations of the Agency. The EPA OIG investigates allegations or indications of fraud and other criminal activity in EPA programs and operations by EPA employees and by EPA contractors, subcontractors, assistance recipients, and others who do business with the Agency. Some of the crimes that the EPA OIG investigates include false claims, false statements, conflict of interest, bribery of EPA employees, extortion by EPA employees, obstruction of justice, mail fraud, falsification or forgery of contractor bids or guarantees, theft of government property, misuse of public funds, antitrust violations, false personation, and aiding and abetting.
Department of the Air Force, Air Force Office of Special Investigations	<p>The Air Force Office of Special Investigations (AFOSI) has the authority to investigate significant offenses committed by individuals subject to the Uniform Code of Military Justice (UCMJ) wherever the offense is committed. These offenses could be violations of the punitive articles of the UCMJ, violations of federal criminal law, or violations of state law made applicable to military members by the federal Assimilative Crimes Act. These offenses include crimes such as murder, child abuse, espionage, rape, theft, bribery, embezzlement, forgery, perjury, and robbery.</p> <p>AFOSI also has the authority to investigate violations of federal criminal laws by individuals not subject to the UCMJ, if these offenses are committed against Air Force resources or using Air Force resources. These offenses typically occur on Air Force installations and frequently involve Air Force civilian employees or contractors.</p> <p>Under the Inspector General Act, AFOSI may also investigate when Air Force contractors commit fraud offenses that are prohibited by federal law. This covers a broad spectrum of fraud offenses, including environmental offenses committed by contractors.</p>
Department of Commerce	
National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Staff Office for Law Enforcement	The National Marine Fisheries Service, Staff Office for Law Enforcement, is responsible for investigating fish and wildlife violations subject to the provisions of the Lacey Act, the Marine Mammal Protection Act, and the Endangered Species Act, which carry a criminal sanction.

(continued)

Appendix II
Selected Law Enforcement Organizations’
Investigative Responsibilities

Law enforcement organization	Type of criminal violations investigated
Bureau of Export Administration, Office of Export Enforcement	The Bureau of Export Administration, Office of Export Enforcement, investigates criminal dual-use export control violations arising out of national security and foreign policy controls imposed under the Export Administration Act and the Export Administration Regulations. In conducting these investigations, the Office of Export Enforcement seeks to deter the proliferation of weapons of mass destruction to countries and end-users of concern. The Office protects U.S. national security, foreign policy, and economic interests by interdicting illegal exports and assisting the Department of Justice in prosecuting violators. Other duties include the investigation of export violations pertaining to the Chemical Weapons Convention and counterterrorism. Additionally, the Office has sole responsibility for the criminal enforcement of the Fastener Quality Act.
Social Security Administration (SSA), Office of Inspector General	The SSA OIG is responsible for investigating fraud involving Social Security programs and operations. The following types of violations are examples of those commonly investigated by the SSA OIG, either alone or jointly with other agencies: aiding and abetting, bribery of a public official, conflict of interest, fraudulent claims, conspiring to defraud the United States, embezzlement, false statements or entries, fraud in connection with identification documents, computer fraud, mail fraud, wire fraud, Social Security fraud, and supplemental Social Security income fraud.
General Services Administration (GSA)	
Public Buildings Service, Federal Protective Service	The Public Buildings Service, Federal Protective Service, is responsible for investigating all crimes and incidents that occur on GSA-controlled facilities. These crimes and incidents include any federal criminal offense with a nexus to GSA’s responsibility, which can include murder, rape, aggravated assault, theft of government property, narcotics violation, weapons and explosives offenses, child abuse, and threats against federal employees and visitors to GSA facilities.
Office of Inspector General	The GSA OIG has broad investigative authority over all criminal, civil, and administrative violations of law, rule, and/or regulations associated with programs, operations, and/or personnel of GSA. The GSA OIG emphasizes and places special expertise on the investigation and enforcement of criminal statutes associated with financial crime, white-collar crime, and public corruption impacting the integrity and effectiveness of GSA’s mission within the federal government.
Department of Justice, Office of the Inspector General	<p>The Justice OIG is responsible for investigating (1) allegations of waste, fraud, and abuse involving Justice programs and activities, including allegations involving entities contracting with or receiving benefits from the Department, and (2) allegations of misconduct on the part of Department employees (in components other than the Federal Bureau of Investigation and the Drug Enforcement Administration), including allegations of misconduct involving Department attorneys and investigators that do not relate to attorneys’ authority to litigate, investigate, or provide legal advice.</p> <p>Specific types of cases that have been investigated by the Justice OIG include theft of government property, theft of inmate or detainee property, embezzlement, contractor fraud, time and attendance fraud, Immigration and Naturalization Service document fraud, mail fraud, drug and narcotics offenses, weapons law violations, sex offenses, bribery, alien smuggling, deprivation of rights under color of law, unauthorized release of official information, physical abuse, obstruction of justice, smuggling of contraband into a prison facility, possession of contraband in a prison facility, murder, assisting in an attempted escape, flight to avoid prosecution, failure to perform duties, and conflicts of interest.</p>

(continued)

Appendix II
Selected Law Enforcement Organizations’
Investigative Responsibilities

Law enforcement organization	Type of criminal violations investigated
Department of Housing and Urban Development (HUD), Office of Inspector General	The HUD OIG is responsible for investigating the following: (1) fraud involving HUD transactions and programs, including loans, grants, and contracts; (2) fraud and criminal activity related to public, Indian, and assisted housing; single-family housing; multifamily housing; and community planning and development; and (3) fraud and misconduct committed by HUD employees. Moreover, the HUD OIG coordinates with federal, state, and local law enforcement officials to investigate violent criminal offenses (e.g., drugs and firearms) involving public, Indian, and assisted housing.
Department of the Army, U.S. Army Criminal Investigation Command	The U.S. Army Criminal Investigation Command is responsible for investigating certain Army-related felonies, such as mutiny and sedition, murder, rape, theft of government property, robbery, burglary, drug offenses, kidnapping, and major procurement fraud violations.
Department of Education, Office of Inspector General	The Education OIG investigates fraud involving financial institutions, mail fraud, bank fraud, fraud and embezzlement involving federal student aid programs, and federal employee misconduct.
Department of Transportation, Office of Inspector General	The Transportation OIG is responsible for investigating federal criminal violations relating to programs, operations, and employees of Transportation and for preventing and detecting fraud and abuse in such programs and operations. The types of federal criminal violations that the Transportation OIG is responsible for investigating include the following: (1) false certifications made to Transportation regulators, such as the Federal Aviation Administration (e.g., unapproved aircraft parts); (2) contract/grant fraud; (3) criminal violations involving hazardous materials transportation; (4) theft and embezzlement; (5) highway construction bid-rigging or price-fixing; (6) false claims; (7) evasion of motor fuel excise tax; and (8) other fraud against the government (e.g., Worker’s Compensation fraud).
Department of Veterans Affairs, Office of Inspector General	The Veterans Affairs OIG is responsible for investigating violations of federal law relating to the programs and operations of the Department. These violations involve fraud, waste, and abuse in the areas of health care, procurement, and entitlement programs. More specifically, the types of investigations covered by the Veterans Affairs OIG include the following: bribery and kickbacks, product substitutions, theft of government property, loan origination fraud, patient abuse and homicide, and fraud by third-party health care providers.
Federal Deposit Insurance Corporation (FDIC), Office of Inspector General	The FDIC OIG is responsible for conducting investigations of criminal and other prohibited activities that (1) cause or could potentially result in financial losses to FDIC or the Federal Deposit Insurance Fund or (2) would otherwise adversely impact the operations of FDIC and the financial institutions under its control. Some of the more common areas of investigation include the following: concealment of assets by individuals attempting to avoid repayment of debts to FDIC, fraud and false claims by FDIC contractors, and fraud in the purchase or sale of FDIC assets. The FDIC OIG is also responsible for conducting criminal and administrative investigations of alleged misconduct by FDIC employees.
National Aeronautics and Space Administration (NASA), Office of Inspector General	The NASA OIG is responsible for investigating fraud against the government (especially procurement fraud); bribes; kickbacks and conflicts of interest; false statements; false claims; theft, embezzlement, conversion, and misuse of government property; falsification of travel claims; crime on NASA premises; wire fraud; mail fraud; conspiracy; conspiracy to defraud; computer intrusion; and computer fraud.
Department of Energy, Office of Inspector General	The Energy OIG is responsible for investigating various violations of law involving Energy Department programs, the Federal Energy Regulatory Commission, the National Laboratories, various Power Administrations, contractors, grantees, and employees. The Energy OIG’s investigative efforts include environmental violations, contract fraud, bribery, corruption, stolen Energy Department property, and conspiracy.

(continued)

Appendix II
Selected Law Enforcement Organizations'
Investigative Responsibilities

Law enforcement organization	Type of criminal violations investigated
Small Business Administration (SBA), Office of Inspector General	The SBA OIG investigates fraud involving financial institutions, disaster loan fraud, misappropriations of collateral, fraud involving federal procurements, bribery of government officials, and threats or assaults on government employees.
Department of the Treasury, Office of Inspector General	The Treasury OIG (1) conducts, controls, and oversees the investigation of alleged fraud and abuse regarding Treasury employees, programs, and operations and (2) oversees the internal investigative programs of the Internal Revenue Service; the Bureau of Alcohol, Tobacco and Firearms; the U.S. Customs Service; and the U.S. Secret Service. In addition, the Treasury OIG promotes integrity and fraud awareness among Departmental employees, is responsible for the OIG hotline, and participates in joint fraud prevention and detection surveys with the audit, information technology, and evaluations organizations.
Department of State, Office of Inspector General	The State Department OIG is responsible for investigations dealing with fraud within the programs and operations of the State Department, the Arms Control and Disarmament Agency, the U.S. Information Agency, and the Broadcasting Board of Governors. These types of investigations include employee embezzlement, theft, and corruption; visa and passport fraud; and contractor fraud.
U.S. Railroad Retirement Board, Office of Inspector General	The Railroad Retirement Board OIG is responsible for investigating the theft of government funds, forgery, mail fraud, conspiracy, false statements, and false claims.

LEGEND:
 U.S.C. - United States Code
 § - Section

Source: Law enforcement organization responses to GAO survey.

Primary Legal Authorities Cited by Selected Law Enforcement Organizations as Enabling Them to Perform Certain Investigative Functions

Law enforcement organization	Authority to conduct criminal investigations (1)	Authority to execute search warrants (2)	Authority to make arrests (3)	Authority to carry firearms, if necessary (4)
Department of Agriculture				
U.S. Forest Service, Law Enforcement and Investigations	16 U.S.C. §§551a, 553, 559, 559c, 559d(2), 559d(5), 559f, 559g(c), 3375(b)	16 U.S.C. §§559c, 1338(b), 3375(b)	16 U.S.C. §§559, 559c(3), 1338(b), 3375(b)	16 U.S.C. §§559, 559c, 3375(b)
Office of Inspector General	Inspector General Act of 1978 (5 U.S.C. App. 3); Agriculture and Food Act of 1981 (7 U.S.C. §2270)	7 U.S.C. §2270; 18 U.S.C. §3105	7 U.S.C. §2270	Same as the authority in column 3.
Department of the Interior				
Bureau of Indian Affairs, Office of Law Enforcement	25 U.S.C. Chapter 30 (specifically, §2803)	25 U.S.C. §2803(2)	25 U.S.C. §2803(3)	25 U.S.C. §2803(1)
U.S. Fish and Wildlife Service, Division of Law Enforcement	Migratory Bird Treaty Act (16 U.S.C. §§703-712); Endangered Species Act (16 U.S.C. §§1531-1543); Lacey Act (18 U.S.C. §42, 16 U.S.C. §§3371-3378); Eagle Protection Act (16 U.S.C. §668 et seq); Marine Mammal Protection Act (16 U.S.C. §§1361-1407); National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. §§668dd-668ee); Archaeological Resources Protection Act (16 U.S.C. §704aa); Wild Bird Conservation Act of 1992 (16 U.S.C. §4901); African Elephant Conservation Act (16 U.S.C. §§4201-4245)	Lacey Act (16 U.S.C. §§3371-3378); Endangered Species Act (16 U.S.C. §§1531-1543); Marine Mammal Protection Act (16 U.S.C. §§1361-1407); Migratory Bird Treaty Act (16 U.S.C. §§703-712); Airborne Hunting Act (16 U.S.C. §742j-1); Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. §718f); Eagle Protection Act (16 U.S.C. §668 et seq); National Wildlife Refuge System Administration Act (16 U.S.C. §§668dd-668ee)	Same as the authority in column 2.	Lacey Act (16 U.S.C. §§3371-3378)

(continued)

**Appendix III
Primary Legal Authorities Cited by Selected
Law Enforcement Organizations as Enabling
Them to Perform Certain Investigative
Functions**

Law enforcement organization	Authority to conduct criminal investigations (1)	Authority to execute search warrants (2)	Authority to make arrests (3)	Authority to carry firearms, if necessary (4)
Bureau of Land Management, Law Enforcement	The Federal Land Policy and Management Act of 1976 (P.L. 94-579) (43 U.S.C. §1733); The Wild Free-Roaming Horses and Burros Act of 1971 (P.L. 92-195) (16 U.S.C. §1338); The Sikes Act of 1960 (P.L. 86-797) (16 U.S.C. §670j); The Land and Water Conservation Fund Act of 1965 (P.L. 88-578) (16 U.S.C. §460l-6a); The Federal Oil and Gas Royalty Management Act of 1982 (P.L. 97-451) (30 U.S.C. §1717)	Federal Land Policy and Management Act (43 U.S.C. §1733(c)(1)); Wild Free-Roaming Horses and Burros Act (16 U.S.C. §1338); Sikes Act (16 U.S.C. §670j)	Federal Land Policy and Management Act (43 U.S.C. §1733(c)(1)); Wild Free-Roaming Horses and Burros Act (16 U.S.C. §1338); Sikes Act (16 U.S.C. §670j); Land and Water Conservation Fund Act (16 U.S.C. §460l-6a)	Federal Land Policy and Management Act (43 U.S.C. §1733(c)(1)); Sikes Act (16 U.S.C. §670j)
Office of Inspector General	Inspector General Act of 1978, as amended	Inspector General Act of 1978, as amended, and an MOU among the Interior OIG, the Department of Justice, and the FBI, dated September 27, 1996	Same as the authority in column 2.	Same as the authority in column 2.
Department of Defense, Office of Inspector General	Inspector General Act of 1978, as amended	Special Deputation; 28 C.F.R. §60.3(a)(2); Military Rules of Evidence 315(h)(4)	Special Deputation; 10 U.S.C. §807(b)	10 U.S.C. §1585
Department of Labor				
Office of Inspector General	5 U.S.C. App. 3 (P.L. 95-452)	MOUs with the Department of Justice: Program Fraud, July 12, 1995; Labor Racketeering, June 26, 1987. Prior to these dates, OIG special agents were deputized on a case-by-case basis.	Same as the authority in column 2.	Same as the authority in column 2.
Office of Labor Management Standards	29 U.S.C. §§439, 461, 463, 501(c), 502, 503, 504	N/A	N/A	N/A

(continued)

**Appendix III
Primary Legal Authorities Cited by Selected
Law Enforcement Organizations as Enabling
Them to Perform Certain Investigative
Functions**

Law enforcement organization	Authority to conduct criminal investigations (1)	Authority to execute search warrants (2)	Authority to make arrests (3)	Authority to carry firearms, if necessary (4)
Department of Health and Human Services				
Office of Inspector General	Inspector General Act of 1978 (5 U.S.C. App. 3), Health Insurance Portability and Accountability Act of 1996 (P.L. 104-191)	Requests issuance of search warrants by authority of 28 C.F.R. Part 60. Executes search warrants pursuant to authorities conferred by Department of Justice authority as Special Deputy U.S. Marshals.	Deputation as Special Deputy U.S. Marshals.	Same as the authority in column 3.
Food and Drug Administration, Office of Criminal Investigations	21 U.S.C. §§371(a), 372, 393(b)(2); 21 C.F.R. §5.35	21 U.S.C. §372(e)(2); 21 C.F.R. §5.35; Fed. R. Crim. P. 41; 28 C.F.R. §§60.2-60.3	21 U.S.C. §372(e)(2); 21 C.F.R. §5.35; 18 U.S.C. §3062	21 U.S.C. §372(e)(1); 21 C.F.R. §5.35
Environmental Protection Agency (EPA)				
Office of Criminal Enforcement, Forensics and Training	18 U.S.C. §3063; (Powers of the Environmental Protection Agency); also, criminal enforcement provisions of EPA-administered environmental laws, under which the Administrator and her designees have inherent investigative authority (e.g., Clean Air Act (42 U.S.C. §7413); Clean Water Act (33 U.S.C. §§1319, 1321); Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. §9603); Solid Waste Disposal Act (42 U.S.C. §6928))	18 U.S.C. §3063 (Powers of Environmental Protection Agency). Prior to the enactment of §3063 in 1988, EPA's criminal investigative personnel exercised law enforcement powers under deputation by the Department of Justice.	Same as the authority in column 2.	Same as the authority in column 2.
Office of Inspector General	Inspector General Act of 1978, as amended (5 U.S.C. App. 3)	Deputation as Special Deputy U.S. Marshal	Same as the authority in column 2.	Same as the authority in column 2.

(continued)

**Appendix III
Primary Legal Authorities Cited by Selected
Law Enforcement Organizations as Enabling
Them to Perform Certain Investigative
Functions**

Law enforcement organization	Authority to conduct criminal investigations (1)	Authority to execute search warrants (2)	Authority to make arrests (3)	Authority to carry firearms, if necessary (4)
Department of the Air Force, Air Force Office of Special Investigations	10 U.S.C. §8013; Section 1233 of the Department of Defense Authorization Act, 1986 (P.L. 99-145); Air Force Mission Directive 39, AFPD 71-1; Inspector General Act of 1978, as amended (5 U.S.C. App. 3)	Military Rule of Evidence 315; 28 C.F.R. §§60.2 (g), (h), 60.3	10 U.S.C. §807; Rule for Courts-Martial 302	10 U.S.C. §1585, DOD Directive 5210.56, AFPD 31-2, Air Force Instruction 31-207
Department of Commerce				
National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Staff Office for Law Enforcement	16 U.S.C. §§1531-1544, 3371-3378, 1801-1882, 1361, et seq.	Same as the authority in column 1.	Same as the authority in column 1.	16 U.S.C. §§3371-3378
Bureau of Export Administration, Office of Export Enforcement	Export Administration Act of 1979, as amended (50 U.S.C. App. §§2410-2420); Fastener Quality Act (15 U.S.C. §§5401-5414, as amended by P.L. 104-113 (Mar. 7, 1996)). During periods when the EAA lapses, the president continues the system of export controls authorized by the EAA pursuant to an executive order issued under the authority of the International Emergency Economic Powers Act (50 U.S.C. §§1701-1706).	50 U.S.C. App. §2411(a)(3)(B) (i). During periods when the EAA has elapsed, Office of Export Enforcement special agents execute search warrants under the authority provided them through their designation as Special Deputy U.S. Marshals.	50 U.S.C. App. §2411(a)(3)(B) (ii). During periods when the EAA has elapsed, Office of Export Enforcement special agents make arrests under the authority provided them through their designation as Special Deputy U.S. Marshals.	50 U.S.C. App. §2411(a)(3)(B) (iii). During periods when the EAA has elapsed, Office of Export Enforcement special agents carry firearms under the authority provided them through their designation as Special Deputy U.S. Marshals.

(continued)

**Appendix III
Primary Legal Authorities Cited by Selected
Law Enforcement Organizations as Enabling
Them to Perform Certain Investigative
Functions**

Law enforcement organization	Authority to conduct criminal investigations (1)	Authority to execute search warrants (2)	Authority to make arrests (3)	Authority to carry firearms, if necessary (4)
Social Security Administration, Office of Inspector General	Inspector General Act of 1978 (5 U.S.C. App. 3) as amended by the Social Security Independence and Program Improvements Act of 1994 (P.L. 103-296); MOU between the Social Security Administration OIG, the Department of Justice, and the FBI, dated October 5, 1995. This MOU was renewed with modifications on July 31, 1996.	MOU between the Social Security Administration OIG, the Department of Justice, and the FBI; Social Security Administration OIG Special Agents are deputized as Special Deputy U.S. Marshals pursuant to 28 C.F.R. §§0.19(a)(3), 0.112(d). Social Security Administration OIG Special Agents are authorized to request the issuance of a search warrant under 28 C.F.R. §60.2(p).	MOU between Social Security Administration OIG, the Department of Justice, and the FBI. Social Security Administration Special Agents are deputized as Special Deputy U.S. Marshals pursuant to 28 C.F.R. §§0.19(a)(3), 0.112(d).	Same as the authority in column 3.
General Services Administration				
Public Buildings Service, Federal Protective Service	Criminal Investigative Personnel authority: 40 U.S.C. §§318d, 486 (i)	40 U.S.C. §§318, 318d	Same as the authority in column 2.	Same as the authority in column 2.
Office of Inspector General	Inspector General Act of 1978, as amended (5 U.S.C. App. 3)	1989 designation by the Attorney General under Fed. R. Crim. P. 41(h)	1980 delegation by the Administrator of GSA, pursuant to 40 U.S.C. §318d	Same as the authority in column 3.
Department of Justice, Office of the Inspector General	Inspector General Act (5 U.S.C. App. 3); Attorney General Order 1393-90	Pursuant to Attorney General Order 1393-90, the U.S. Marshals Service deputizes OIG Special Agents on an annual basis.	Same as the authority in column 2.	Same as the authority in column 2.
Department of Housing and Urban Development, Office of Inspector General	Inspector General Act of 1978, as amended (5 U.S.C. App. 3)	Fed. R. Crim. P. 41, 18 U.S.C. §3105	28 U.S.C. §566 and 28 C.F.R. §§0.19(a)(3), 0.112(d) provide that the Attorney General may deputize special agents as Special Deputy U.S. Marshals.	Same as the authority in column 3.

(continued)

**Appendix III
Primary Legal Authorities Cited by Selected
Law Enforcement Organizations as Enabling
Them to Perform Certain Investigative
Functions**

Law enforcement organization	Authority to conduct criminal investigations (1)	Authority to execute search warrants (2)	Authority to make arrests (3)	Authority to carry firearms, if necessary (4)
Department of the Army, U.S. Army Criminal Investigation Command	Inspector General Act of 1978 (5 U.S.C. App. 3); 10 U.S.C. §807(b); 28 U.S.C. §535; 5 U.S.C. §301; 1996 MOU between DOD and the Department of Justice (AR 27-10); AR 195-2; Criminal Investigation Division Regulation 195-1, Chapter 2	Inspector General Act of 1978 (5 U.S.C. App. 3); 28 C.F.R. Part 60, Fed. R. Crim. P. 41; AR 195-2, paragraph 3-22; AR 190-22; Criminal Investigation Division Regulation 195-1, paragraph 3-5, and Chapter 5; Military Rules of Evidence 312, 314-317	10 U.S.C. §807(b); AR 600-40; Rule for Courts Martial 302, Manual for Courts Martial 1984; AR 195-2, paragraph 3-21; Criminal Investigation Division Regulation 195-1, paragraph 3-4	32 C.F.R. §632.1; DOD Directive 5210.56; AR 195-2, paragraph 3-24; AR 190-14; Criminal Investigation Division Regulation 195-1, paragraph 3-6, and Chapter 17
Department of Education, Office of Inspector General	Inspector General Act of 1978, as amended	MOU dated August 22, 1996, between the Department of Justice and the FBI granting blanket special deputation through September 30, 1997, pursuant to 28 C.F.R. §§ 0.19(a)(3), 0.112(d).	Same as the authority in column 2.	Same as the authority in column 2.
Department of Transportation, Office of Inspector General	Inspector General Act of 1978 (5 U.S.C. App. 3); 49 C.F.R. §1.23(h)	28 C.F.R. §§60.2(i), 60.3(a)(6); 28 U.S.C. §566(c); Fed. R. Crim. P. 41(a), (c)(1). On August 21, 1996, an annual blanket deputation MOU signed by the Department of Transportation OIG, Department of Justice, and the FBI; 28 C.F.R. §0.112.	28 U.S.C. §§566(c), (d); 18 U.S.C. §3053; 1995 MOU with the Department of Justice and the FBI; 28 C.F.R. §0.112	28 U.S.C. §566(d); 18 U.S.C. §3053; 1995 MOU with the Department of Justice and the FBI; 28 C.F.R. §0.112
Department of Veterans Affairs, Office of Inspector General	Inspector General Act of 1978 (5 U.S.C., App. 3)	The VA OIG has been given a component-wide deputation through an MOU with the Department of Justice and the FBI. Based on 28 C.F.R. §§0.19(a)(3), 0.112, special agents assigned to and supervised by the VA OIG, Office of Investigations, are deputized as Special Deputy U.S. Marshals. 28 C.F.R. §60.3(a)(16); Fed. R. Crim. P. 41(c)(1).	The VA OIG has been given a blanket deputation through an MOU with the Department of Justice and the FBI. Based on 28 C.F.R. §§0.19(a)(3), 0.112, special agents assigned to and supervised by the VA OIG, Office of Investigations, are deputized as Special Deputy U.S. Marshals. 18 U.S.C. §3053; Fed. R. Crim. P. 4(d)(1), (9)(c)(1).	The VA OIG has been given a blanket deputation through an MOU with the Department of Justice and the FBI. Based on 28 C.F.R. §§0.19(a)(3), 0.112, special agents assigned to and supervised by the VA OIG, Office of Investigations, are deputized as Special Deputy U.S. Marshals. 18 U.S.C. §3053.

(continued)

**Appendix III
Primary Legal Authorities Cited by Selected
Law Enforcement Organizations as Enabling
Them to Perform Certain Investigative
Functions**

Law enforcement organization	Authority to conduct criminal investigations (1)	Authority to execute search warrants (2)	Authority to make arrests (3)	Authority to carry firearms, if necessary (4)
Federal Deposit Insurance Corporation, Office of Inspector General	Inspector General Act of 1978, as amended (5 U.S.C. App. 3); Deputation from the Department of Justice on a case-by-case basis as a Special Deputy U.S. Marshal	Deputation from the Department of Justice on a case-by-case basis as a Special Deputy U.S. Marshal	Same as the authority in column 2.	Same as the authority in column 2.
National Aeronautics and Space Administration, Office of Inspector General	Inspector General Act of 1978, as amended (5 U.S.C. App. 3)	Inspector General Act of 1978, as amended, (5 U.S.C. App. 3), (P.L. 95-452), in conjunction with 28 C.F.R. §§0.19(a)(3), 0.112(d)	Same as the authority in column 2.	Same as the authority in column 2.
Department of Energy, Office of Inspector General	Inspector General Act of 1978 (5 U.S.C. App. 3)	28 U.S.C. §566(c); 28 C.F.R. §§0.19(a)(3), 0.112(d)	28 U.S.C. §566(d), 28 C.F.R. §§0.19(a)(3), 0.112(d)	Same as the authority in column 3.
Small Business Administration, Office of Inspector General	Inspector General Act of 1978, as amended	Department of Justice order #1188-87, amending 28 C.F.R. Part 60, dated May 12, 1987	MOU signed by the Department of Justice, the FBI, and SBA on July 13, 1995.	Same as the authority in column 3.
Department of the Treasury, Office of Inspector General	Inspector General Act of 1978, as amended (5 U.S.C. App. 3)	28 U.S.C. §§561(a), 566(c), 509, 510; 28 C.F.R. §§0.112, 0.113	Same as the authority in column 2.	Same as the authority in column 2.
Department of State, Office of Inspector General	Inspector General Act of 1978 (5 U.S.C. App. 3)	28 U.S.C. §566(d). According to the OIG, all law enforcement functions derive from appointment as Special Deputy U.S. Marshals in accordance with a MOU signed with the Department of Justice in July 1995.	Same as the authority in column 2.	Same as the authority in column 2.
U.S. Railroad Retirement Board, Office of Inspector General	Inspector General Act of 1978, as amended (5 U.S.C. App. 3)	Case-by-case deputation as Special Deputy U.S. Marshals under the authority of 18 U.S.C. §3053	Same as the authority in column 2.	Same as the authority in column 2.

(Table notes on next page)

**Appendix III
Primary Legal Authorities Cited by Selected
Law Enforcement Organizations as Enabling
Them to Perform Certain Investigative
Functions**

LEGEND:

AFPD - Air Force Policy Directive
App. - Appendix
AR - Army Regulation
C.F.R. - Code of Federal Regulations
DOD - Department of Defense
EAA - Export Administration Act of 1979, as amended
EPA - Environmental Protection Agency
FBI - Federal Bureau of Investigation
Fed. R. Crim. P. - Federal Rules of Criminal Procedure
MOU - Memorandum of Understanding
N/A - Not Applicable
OIG - Office of Inspector General
P.L. - Public Law
SBA - Small Business Administration
U.S.C. - United States Code
VA - Department of Veterans Affairs
§ - Section

Source: Law enforcement organization responses to GAO survey.

Law Enforcement Investigative Personnel in Selected Organizations Authorized to Perform Certain Investigative Functions as of the End of Fiscal Year 1996

Law enforcement organization	Total number of investigative personnel	Execute search warrants	Make arrests	Carry firearms, if necessary
Department of Agriculture				
U.S. Forest Service, Law Enforcement and Investigations	612	612	612	612
Office of Inspector General	249	248	248	248
Department of the Interior				
Bureau of Indian Affairs, Office of Law Enforcement	326	326	326	326
U.S. Fish and Wildlife Service, Division of Law Enforcement	240	240	240	240
Bureau of Land Management, Law Enforcement	211	211	211	211
Office of Inspector General	37	36	36	36
Department of Defense, Office of Inspector General	363	363	363	363
Department of Labor				
Office of Inspector General	148	145	145	145
Office of Labor Management Standards ^a	165	0 ^b	0 ^b	0 ^b
Department of Health and Human Services				
Office of Inspector General	165	165	165	165
Food and Drug Administration, Office of Criminal Investigations	128	128	128	128
Environmental Protection Agency				
Office of Criminal Enforcement, Forensics and Training	166	166	166	166
Office of Inspector General	49	30	30	30

(continued)

**Appendix IV
Law Enforcement Investigative Personnel in
Selected Organizations Authorized to
Perform Certain Investigative Functions as
of the End of Fiscal Year 1996**

Law enforcement organization	Total number of investigative personnel	Execute search warrants	Make arrests	Carry firearms, if necessary
Department of the Air Force, Air Force Office of Special Investigations	171	171	171	171
Department of Commerce				
National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Staff Office for Law Enforcement	105	105	105	105
Bureau of Export Administration, Office of Export Enforcement	66	66	66	66
Social Security Administration, Office of Inspector General	145	135	135	135
General Services Administration				
Public Buildings Service, Federal Protective Service	63	63	63	63
Office of Inspector General	58	58	58	58
Department of Justice, Office of the Inspector General	111	111	111	111
Department of Housing and Urban Development, Office of Inspector General	109	109	109	109
Department of the Army, U.S. Army Criminal Investigation Command	85	85	85	85
Department of Education, Office of Inspector General	75	75	75	75
Department of Transportation, Office of Inspector General	75	71	71	71
Department of Veterans Affairs, Office of Inspector General	68	67	67	67

(continued)

**Appendix IV
Law Enforcement Investigative Personnel in
Selected Organizations Authorized to
Perform Certain Investigative Functions as
of the End of Fiscal Year 1996**

Law enforcement organization	Total number of investigative personnel	Execute search warrants	Make arrests	Carry firearms, if necessary
Federal Deposit Insurance Corporation, Office of Inspector General	43	28	28	28
National Aeronautics and Space Administration, Office of Inspector General	52	18	18	18
Department of Energy, Office of Inspector General	45	44	44	44
Small Business Administration, Office of Inspector General	40	40	40	40
Department of the Treasury, Office of Inspector General	36	36	36	36
Department of State, Office of Inspector General	34	33	33	33
U.S. Railroad Retirement Board, Office of Inspector General	22 ^c	22	22	22
Total	4,262	4,007	4,007	4,007

Note: Fiscal year-end 1996 law enforcement organization data differ from those reported to the CPDF (see app. V) by about 1 percent.

^aThe Office of Labor Management Standards (OLMS) was formerly a program component of the Office of the American Workplace, which was eliminated as of September 30, 1996. OLMS, which is staffed with law enforcement investigative personnel, is now a program agency within the Employment Standards Administration.

^bAccording to an Office of Labor Management Standards official, there is typically no need to execute search warrants, make arrests, and/or carry firearms in the course of agency investigations. However, criminal investigations conducted by OLMS either independently or jointly with other federal law enforcement agencies, such as the FBI, require the essential knowledge, skills, and abilities required of traditional law enforcement officers. OLMS investigators on occasion have been deputized to make arrests but, typically, secure the services of the FBI or U.S. Marshals when arrest warrants are issued and services of the FBI to execute search warrants.

^cAlthough the Railroad Retirement Board no longer meets the criterion of employing at least 25 investigative personnel, the OIG is included because it did meet this criterion on March 31, 1995, which is the date used to determine inclusion in this report.

Source: Law enforcement organization responses to GAO survey.

Law Enforcement Investigative Personnel in Selected Organizations at the End of Fiscal Years 1987, 1991, 1995, and 1996

Law enforcement organization	1987	1991	1995	1996 ^a
Department of Agriculture				
U.S. Forest Service, Law Enforcement and Investigations	105	159	491 ^b	603 ^b
Office of Inspector General	246	264	254	245
Department of the Interior				
Bureau of Indian Affairs, Office of Law Enforcement	341	326	374	334
U.S. Fish and Wildlife Service, Division of Law Enforcement	192	205	237	237
Bureau of Land Management, Law Enforcement	22	57	210 ^c	205 ^c
Office of Inspector General	27	41	40	37
Department of Defense, Office of Inspector General	283	349	379	359
Department of Labor				
Office of Inspector General	163	162	160	148
Office of Labor Management Standards	0 ^d	0 ^d	127	165
Department of Health and Human Services				
Office of Inspector General	286	274	178 ^e	163
Food and Drug Administration, Office of Criminal Investigations	0 ^f	0 ^f	108	126
Environmental Protection Agency				
Office of Criminal Enforcement, Forensics and Training	48	55	156	156
Office of Inspector General	41	61	53	46
Department of the Air Force, Air Force Office of Special Investigations	146	152	159	160
Department of Commerce				

(continued)

**Appendix V
Law Enforcement Investigative Personnel in
Selected Organizations at the End of Fiscal
Years 1987, 1991, 1995, and 1996**

Law enforcement organization	1987	1991	1995	1996^a
National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Staff Office for Law Enforcement	84	106	112	105
Bureau of Export Administration, Office of Export Enforcement	5	69	68	64
Social Security Administration, Office of Inspector General	0 ^g	0 ^g	84	135
General Services Administration				
Public Buildings Service, Federal Protective Service	22	38	66	64
Office of Inspector General	84	90	60	58
Department of Justice, Office of the Inspector General	0 ^h	97	119	110
Department of Housing and Urban Development, Office of Inspector General	75	95	111	108
Department of the Army, U.S. Army Criminal Investigation Command	0 ⁱ	0 ⁱ	63	73
Department of Education, Office of Inspector General	58	86	82	75
Department of Transportation, Office of Inspector General	64	76	64	74
Department of Veterans Affairs, Office of Inspector General	63	64	63	59
Federal Deposit Insurance Corporation, Office of Inspector General	0 ^j	16	29	61 ^k
National Aeronautics and Space Administration, Office of Inspector General	30	47	52	51
Department of Energy, Office of Inspector General	25	41	56	49

(continued)

Appendix V
Law Enforcement Investigative Personnel in
Selected Organizations at the End of Fiscal
Years 1987, 1991, 1995, and 1996

Law enforcement organization	1987	1991	1995	1996^a
Small Business Administration, Office of Inspector General	31	38	42	41
Department of the Treasury, Office of Inspector General	14	36	39	37
Department of State, Office of Inspector General	10	31	32	34
U.S. Railroad Retirement Board, Office of Inspector General	6	35	28	22
Total	2,471	3,070	4,096	4,204

^aFiscal year-end 1996 CPDF data differ from those reported by the organizations (see app. IV) by about 1 percent.

^bBeginning in 1994, personnel in this organization were reclassified from the Forestry Technician, Forestry, and other job series to the law enforcement investigative series. The increases in investigative personnel in 1995 and 1996 were the result of this reclassification.

^cThe numbers of investigative personnel in this organization increased in 1995 and 1996 because personnel in the General Inspection, Investigation, and Compliance series received coverage under special law enforcement retirement in October 1994.

^dOfficewide law enforcement retirement coverage for investigative personnel was not available until September 1992.

^eThe Social Security Administration was first established as a separate federal department on March 31, 1995. Its Office of Inspector General was staffed by personnel from the Department of Health and Human Services, Office of Inspector General; therefore, the number of law enforcement investigative personnel in the Department, Office of Inspector General, decreased.

^fData are not shown for 1987 and 1991 because the Office of Criminal Investigations was established in March 1992.

^gData are not shown for 1987 and 1991 because the Social Security Administration was established as a separate federal department on March 31, 1995.

^hData are not shown for 1987 because the Department of Justice, Office of Inspector General, was authorized by Congress in 1988 and established in 1989.

ⁱMost of the criminal investigative personnel in this organization are military personnel. During 1987 and 1991, the small number of civilian criminal investigative personnel were not covered by law enforcement retirement.

^jData are not shown for 1987 because the Federal Deposit Insurance Corporation, Office of Inspector General, was established in 1988.

^kOn January 1, 1996, the Resolution Trust Corporation, Office of Inspector General, merged with this organization, which caused an increase in law enforcement investigative personnel.

Sources: Law enforcement organization data for the Department of Labor, the Office of Labor Management Standards, and the Department of the Air Force, Air Force Office of Special Investigations (end of fiscal year 1991 only), and CPDF data for all others.

Law Enforcement Investigative Personnel at 13 Federal Organizations With the Largest Number of Criminal Investigative Personnel, End of Fiscal Years 1995 and 1996

Law enforcement organization	Number of law enforcement investigative personnel	
	1995	1996
Department of Justice		
Federal Bureau of Investigation	10,082	10,662
Immigration and Naturalization Service	8,014	9,982
Drug Enforcement Administration	3,471	3,729
U.S. Marshals Service	2,463	2,625
Department of the Treasury		
Internal Revenue Service	3,756	3,744
U.S. Secret Service	3,225	3,246
U.S. Customs Service	2,912	2,826
Bureau of Alcohol, Tobacco and Firearms	1,929	1,867
U.S. Postal Inspection Service	2,226	2,254
National Park Service	1,953	1,775
U.S. Capitol Police	1,074	1,074
Naval Criminal Investigative Service	934	896
Department of State, Bureau of Diplomatic Security	709	686
Total	42,748	45,366

Sources: Federal law enforcement organization data from the U.S. Postal Inspection Service, the U.S. Capitol Police, and the Bureau of Diplomatic Security and CPDF data for the other organizations.

Major Contributors to This Report

General Government Division, Washington, D.C.

Weldon McPhail, Assistant Director
Doris Page, Evaluator-in-Charge
Michael Kassack, Senior Evaluator
Mary Hall, Evaluator
Charlotte Moore, Communications Analyst
David Alexander, Senior Social Science Analyst
Stuart M. Kaufman, Senior Social Science Analyst
Gregory Wilmoth, Senior Social Science Analyst

Office of the General Counsel, Washington, D.C.

Geoffrey Hamilton, Senior Attorney

Ordering Information

The first copy of each GAO report and testimony is free. Additional copies are \$2 each. Orders should be sent to the following address, accompanied by a check or money order made out to the Superintendent of Documents, when necessary. VISA and MasterCard credit cards are accepted, also. Orders for 100 or more copies to be mailed to a single address are discounted 25 percent.

Orders by mail:

U.S. General Accounting Office
P.O. Box 6015
Gaithersburg, MD 20884-6015

or visit:

Room 1100
700 4th St. NW (corner of 4th and G Sts. NW)
U.S. General Accounting Office
Washington, DC

Orders may also be placed by calling (202) 512-6000 or by using fax number (301) 258-4066, or TDD (301) 413-0006.

Each day, GAO issues a list of newly available reports and testimony. To receive facsimile copies of the daily list or any list from the past 30 days, please call (202) 512-6000 using a touchtone phone. A recorded menu will provide information on how to obtain these lists.

For information on how to access GAO reports on the INTERNET, send an e-mail message with "info" in the body to:

info@www.gao.gov

or visit GAO's World Wide Web Home Page at:

<http://www.gao.gov>

**United States
General Accounting Office
Washington, D.C. 20548-0001**

**Bulk Rate
Postage & Fees Paid
GAO
Permit No. G100**

**Official Business
Penalty for Private Use \$300**

Address Correction Requested

