

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)(A) The Inspector General may be removed from office only by the President. The President shall communicate in writing to the intelligence committees the substantive rationale, including detailed and case-specific 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.

(B) If there is an open or completed inquiry into the Inspector General that relates to the removal or transfer of the Inspector General under subparagraph (A), the written communication required under that subparagraph shall—

(i) identify each entity that is conducting, or that conducted, the inquiry; and

(ii) in the case of a completed inquiry, contain the findings made during the inquiry.

(7)(A) Subject to the other provisions of this paragraph, only the President may place the Inspector General on nonduty status.

(B) If the President places the Inspector General on nonduty status, the President shall communicate in writing the substantive rationale, including detailed and case-specific reasons, for the change in status to the congressional intelligence committees not later than 15 days before the date on which the change in status takes effect, except that the President may submit that communication not later than the date on which the change in status takes effect if—

(i) the President has made a determination that the continued presence of the Inspector General in the workplace poses a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A) of title 5; and

(ii) in the communication, the President includes a report on the determination described in clause (i), which shall include—

(I) a specification of which clause of section 6329b(b)(2)(A) of title 5 the President has determined applies under clause (i);

(II) the substantive rationale, including detailed and case-specific reasons, for the determination made under clause (i);

(III) an identification of each entity that is conducting, or that conducted, any inquiry upon which the determination under clause (i) was made; and

(IV) in the case of an inquiry described in subclause (III) that is completed, the findings made during that inquiry.

(C) The President may not place the Inspector General on non-duty<sup>1</sup> status during the 30-day period preceding the date on which the Inspector General is removed or transferred under paragraph (6)(A) unless the President—

(i) has made a determination that the continued presence of the Inspector General in the workplace poses a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A) of title 5; and

(ii) not later than the date on which the change in status takes effect, submits to the congressional intelligence committees a written communication that contains the information required under subparagraph (B), including the report required under clause (ii) of that subparagraph.

(8)(A) In this subsection, the term “first assistant to the position of Inspector General” has the meaning given in section 3 of the Inspector General Act of 1978 (5 U.S.C. App.).<sup>2</sup>

(B) If the Inspector General dies, resigns, or is otherwise unable to perform the functions and duties of the position—

(i) section 3345(a) of title 5 shall not apply;

(ii) subject to subparagraph (D), the first assistant to the position of Inspector General shall perform the functions and duties of the Inspector General temporarily in an acting capacity subject to the time limitations of section 3346 of title 5; and

(iii) notwithstanding clause (ii), and subject to subparagraphs (D) and (E), the President (and only the President) may direct an officer or employee of any Office of an Inspector General to perform the functions and duties of the Inspector General temporarily in an acting capacity subject to the time limitations of section 3346 of title 5, only if—

(I) during the 365-day period preceding the date of death, resignation, or beginning of inability to serve of the Inspector General, the officer or employee served in a position in an Office of an Inspector General for not less than 90 days, except that—

(aa) the requirement under this subclause shall not apply if the officer is an Inspector General; and

(bb) for the purposes of this clause, performing the functions and duties of an Inspector General temporarily in an acting capacity does not qualify as service in a position in an Office of an Inspector General;

(II) the rate of pay for the position of the officer or employee described in subclause (I) is equal to or greater than the minimum rate of pay payable for a position at GS-15 of the General Schedule;

(III) the officer or employee has demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations; and

(IV) not later than 30 days before the date on which the direction takes effect, the President communicates in writing to the congressional intelligence committees the

substantive rationale, including the detailed and case-specific reasons, for such direction, including the reason for the direction that someone other than the individual who is performing the functions and duties of the Inspector General temporarily in an acting capacity (as of the date on which the President issues that direction) perform those functions and duties temporarily in an acting capacity.

(C) Notwithstanding section 3345(a) of title 5 and clauses (ii) and (iii) of subparagraph (B), and subject to subparagraph (D), during any period in which the Inspector General is on nonduty status—

(i) the first assistant to the position of Inspector General shall perform the functions and duties of the position temporarily in an acting capacity subject to the time limitations of section 3346 of title 5; and

(ii) if the first assistant described in clause (i) dies, resigns, or becomes otherwise unable to perform those functions and duties, the President (and only the President) may direct an officer or employee in the Office of Inspector General to perform those functions and duties temporarily in an acting capacity, subject to the time limitations of section 3346 of title 5, if—

(I) that direction satisfies the requirements under subclauses (II), (III), and (IV) of subparagraph (B)(iii); and

(II) that officer or employee served in a position in that Office of Inspector General for not fewer than 90 of the 365 days preceding the date on which the President makes that direction.

(D) An individual may perform the functions and duties of the Inspector General temporarily and in an acting capacity under clause (ii) or (iii) of subparagraph (B), or under subparagraph (C), with respect to only 1 Inspector General position at any given time.

(E) If the President makes a direction under subparagraph (B)(iii), during the 30-day period preceding the date on which the direction of the President takes effect, the functions and duties of the position of the Inspector General shall be performed by—

(i) the first assistant to the position of Inspector General; or

(ii) the individual performing those functions and duties temporarily in an acting capacity, as of the date on which the President issues that direction, if that individual is an individual other than the first assistant to the position of Inspector General.

### (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 reg-

<sup>1</sup> So in original. Probably should be “nonduty”.

<sup>2</sup> See References in Text note below.

ulations, 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 information relevant to the performance of his functions;

(E) a description of the exercise of the subpoena authority under subsection (e)(5) 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 Di-

rector 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)(i) 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.

(ii) If the Director determines that a complaint or information transmitted under paragraph (1) would create a conflict of interest for the Director, the Director shall return the complaint or information to the Inspector General with that determination and the Inspector General shall make the transmission to the Director of National Intelligence. In such a case, the requirements of this subsection for the Director of the Central Intelligence Agency apply to the Director of National Intelligence.

(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)(i) In this paragraph:

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

(aa) 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 of the Federal Government that is—

(AA) a matter of national security; and

(BB) not a difference of opinion concerning public policy matters.

(bb) 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.

(cc) 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) 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.

(ii) Within the executive branch, the Inspector General shall have sole authority to determine whether any complaint or information reported to the Inspector General is a matter of urgent concern under this paragraph.

(H) An individual who has submitted a complaint or information to the Inspector General under this section may notify any member of the Permanent Select Committee on Intelligence of the House of Representatives or the Select Committee on Intelligence of the Senate, or a staff member of either such Committee, of the fact that such individual has made a submission to the Inspector General, and of the date on which such submission was made.

#### **(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 oath, affirmation, or affidavit when administered 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)(A) 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.

(B) Consistent with budgetary and personnel resources allocated by the Director, the Inspector General has final approval of—

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

(ii) 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.

(C)(i) The Inspector General may designate an officer or employee appointed in accordance

with subparagraph (A) as a law enforcement officer solely for purposes of subchapter III of chapter 83 or chapter 84 of title 5 if such officer or employee is appointed to a position with responsibility for investigating suspected offenses against the criminal laws of the United States.

(ii) In carrying out clause (i), the Inspector General shall ensure that any authority under such clause is exercised in a manner consistent with section 3307 of title 5 as it relates to law enforcement officers.

(iii) For purposes of applying sections 3307(d), 8335(b), and 8425(b) of title 5, the Inspector General may exercise the functions, powers, and duties of an agency head or appointing authority with respect to the Office.

(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)(A) The Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General provided by this section from any Federal, State, or local governmental agency or unit thereof.

(B) Upon request of the Inspector General for information or assistance from a department or agency of the Federal Government, the head of the department or agency involved, insofar as practicable and not in contravention of any existing statutory restriction or regulation of such department or agency, shall furnish to the Inspector General, or to an authorized designee, such information or assistance.

(C) Nothing in this paragraph may be construed to provide any new authority to the Central Intelligence Agency to conduct intelligence activity in the United States.

(D) In this paragraph, the term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States.

#### **(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 Council 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 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; Pub. L. 113-126, title VI, §603(b), July 7, 2014, 128 Stat. 1420; Pub. L. 114-113, div. M, title IV, §411, Dec. 18, 2015, 129 Stat. 2922; Pub. L. 115-31, div. N, title IV, §412(a), May 5, 2017, 131 Stat. 821; Pub. L. 117-103, div. X, title V, §502(c), Mar. 15, 2022, 136 Stat. 986; Pub. L. 117-263, div. E, title LII, §§5202(a)(4), 5203(c), div. F, title LXVI, §6609(c), Dec. 23, 2022, 136 Stat. 3226, 3231, 3560; Pub. L. 118-31, div. G, title IX, §7901(g)(4), Dec. 22, 2023, 137 Stat. 1107.)

#### **Editorial Notes**

##### **REFERENCES IN TEXT**

Section 3 of the Inspector General Act of 1978, referred to in subsec. (b)(8)(A), is section 3 of Pub. L. 95-452, which was set out in the Appendix to Title 5, Government Organization and Employees, and was repealed and restated as section 403 of Title 5 by Pub. L. 117-286, §§3(b), 7, Dec. 27, 2022, 136 Stat. 4208, 4361. For definition of “first assistant to the position of Inspector General”, see Amendments Not Shown in Text note set out under section 403 of Title 5.

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**

2023—Subsec. (d)(5)(B)(ii). Pub. L. 118-31, §7901(g)(4)(A), inserted period at end.

Subsec. (e)(4). Pub. L. 118-31, §7901(g)(4)(B), substituted “which oath, affirmation, or affidavit” for “which oath affirmation, or affidavit”.

2022—Subsec. (b)(6). Pub. L. 117-263, §5202(a)(4)(A), designated existing provisions as subpar. (A), substituted “substantive rationale, including detailed and case-specific reasons,” for “reasons”, and added subpar. (B).

Subsec. (b)(7). Pub. L. 117-263, §5202(a)(4)(B), added par. (7).

Subsec. (b)(8). Pub. L. 117-263, §5203(c), added par. (8). Subsec. (d)(5)(G). Pub. L. 117-103 inserted cl. (i) designation before “In this” in introductory provisions, redesignated former cls. (i) and (ii) as subcls. (I) and (II), respectively, of cl. (i) and former subcls. (I) to (III) as items (aa) to (cc), respectively, of subcl. (I), and added cl. (ii).

Subsec. (d)(5)(G)(i)(I)(aa). Pub. L. 117-263, §6609(c), substituted “of the Federal Government that is—” and

subitems (AA) and (BB) for “involving classified information, but does not include differences of opinions concerning public policy matters.”

2017—Subsec. (e)(7)(C). Pub. L. 115-31 added subpar. (C).

2015—Subsec. (e)(7). Pub. L. 114-113, § 411(b), designated existing provisions as subpar. (A) and added subpar. (B).

Subsec. (e)(9). Pub. L. 114-113, § 411(a), amended par. (9) generally. Prior to amendment, par. (9) related to authority of Inspector General to request from any Government agency information or assistance necessary for carrying out his duties and responsibilities.

2014—Subsec. (d)(5)(B). Pub. L. 113-126, § 603(b)(1), designated existing provisions as cl. (i) and added cl. (ii).

Subsec. (d)(5)(H). Pub. L. 113-126, § 603(b)(2), added subpar. (H).

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 Inspector 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 subssecs. (a) to (g) relating to establishment of the Office of Inspector General and appointment, duties, and authority of Inspector General for introductory par. and subssecs. (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.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2022 AMENDMENT

Amendment by section 5203(c) of Pub. L. 117-263 effective Dec. 23, 2022, except that such amendment to take effect 30 days after Dec. 23, 2022, with respect to an individual performing the functions and duties of an Inspector General temporarily in an acting capacity, see section 5203(e) of Pub. L. 117-263, set out as a note under section 403 of Title 5, Government Organization and Employees.

##### 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 2017 AMENDMENT

Pub. L. 115-31, div. N, title IV, §412(b), May 5, 2017, 131 Stat. 821, provided that: “Subparagraph (C) of section 17(e)(7) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(e)(7)), as added by subsection (a), may not be construed to confer on the Inspector General of the Central Intelligence Agency, or any other officer or

employee of the Agency, any police or law enforcement or internal security functions or authorities.”

##### 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).

##### (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 normally 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) 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) 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