



INSPECTOR GENERAL IN THE CIA COMPARED TO OTHER STATUTORY INSPECTORS GENERAL

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SUMMARY

In late 1989, Congress created a statutory Office of Inspector General (OIG) in the Central Intelligence Agency (CIA), the last major Federal agency or department without one. The new Office and its head, who is nominated by the President and confirmed by the Senate, have been granted increased autonomy and authority over a pre-existing administrative office of inspector general in the CIA but less than other statutory offices and IGs governed by the 1978 Inspector General Act, as amended. This report provides a detailed comparison of the independence, powers, duties, and responsibilities of the new CIA Office of Inspector General with its counterparts in other departments and agencies.

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INSPECTOR GENERAL IN THE CIA COMPARED TO OTHER STATUTORY INSPECTORS GENERAL

With passage of the Intelligence Authorization Act for FY 1990 (P.L. 101-193; 103 Stat. 1701), Congress established a statutory Office of Inspector General (OIG) in the Central Intelligence Agency (CIA). All other major Federal agencies and Cabinet Departments already housed similar offices under the Inspector General Act of 1978, as amended (5 U.S.C. Appendix, amended by P.L. 100-504; 102 Stat. 2515-2530). The powers and independence of the new CIA Inspector General (IG) are greater than those held by the predecessor administrative IG in the Agency but less than those held by the IGs under the generic Inspector General legislation.¹

This report compares the basic features of the Office of Inspector General in the CIA with those in other departments and agencies under the 1978 IG Act; the similarities and differences are detailed in a section-by-section comparison.

I. OVERVIEW

The newly created CIA Office of Inspector General replaces an existing administrative OIG with a statutory construct that has heightened authority and autonomy. For instance, the Office is now a permanent establishment with its own separate budget account and cadre of career staff. It is headed by an Inspector General who is appointed by the President, subject to Senate confirmation, as are the statutory IGs in Cabinet Departments and major Federal agencies.² The CIA Inspector General, moreover, can be removed only by the President, who must communicate his reasons to Congress (i.e., to the House and Senate Select Committees on Intelligence), as is the case with the statutory IGs under the 1978 IG Act. Similar to these other IGs, moreover, the CIA Inspector General has direct access to the agency head; access to agency records, materials, and documents; power to receive complaints from employees and administer oaths; and explicit reporting obligations

to the head of the agency and authorizing panels in Congress.

Despite changes such as these, the new CIA Inspector General lacks some of the authority, autonomy, and detailed duties that the statutory officers hold under the 1978 Inspector General Act and its amendments. The IG in the Central Intelligence Agency is not under the 1978 Inspector General Act, although that legislation serves as a model for some of the powers and structure of the Office. Instead, the new OIG is established separately, through an amendment to the 1949 Central Intelligence Agency Act (50 U.S.C. 403q). Some of the important similarities and differences between the CIA Inspector General and others follow.

Unlike the existing IGs, the CIA's officer does not have authority to issue subpoenas or report suspected violations of Federal criminal law directly to the Attorney General.

In reporting to Congress--that is, to the House and Senate Select Committees on Intelligence only--the CIA Inspector General is not required to provide the same detailed audit information, data, and statistics in his semiannual reports as are the other IGs. Nonetheless, the CIA IG is obligated to provide a description of significant problems, abuses, and deficiencies, along with recommendations for corrective action, as do the other IGs. The CIA Inspector General must list the title or subject of each inspection, audit, or investigation, any of which must be transmitted to both Intelligence Committees if requested by the chairman or ranking minority member of either panel. The IGs in all agencies, including the CIA, must report particularly serious or flagrant problems and abuses to the agency head, who, in turn, must transmit these reports to their respective authorizing committees. Notwithstanding this duty, the CIA Inspector General is not explicitly obligated to keep the Agency's authorizing panels in Congress "fully and currently

informed of fraud and other other serious problems, abuses, and deficiencies" through established reporting requirements "and otherwise," as are the other statutory IGs.

Nonetheless, the CIA IG, unlike other statutory IGs, is directed to report certain matters immediately to the Intelligence Committees. These special reports are to occur under three circumstances: when the IG and Director of Central Intelligence (DCI) are unable to resolve differences affecting the IG's duties; when an IG audit, investigation, or inspection focuses upon the Director or Acting Director; and when the IG is unable to obtain significant documentary information in the course of an investigation.

The Director of Central Intelligence can override an investigation, audit, or inspection by the CIA Inspector General for certain specified reasons; this is similar to authority granted to the heads of only three other establishments (i.e., the Departments of Defense, Justice, and the Treasury). When this occurs, the relevant congressional

panels must be notified. The Central Intelligence Agency IG, moreover, does not have the identical independent staffing and personnel hiring authority that the other statutory IGs hold. Finally, the establishment head--the DCI--is not explicitly prohibited from transferring "program operating responsibilities" to the Office of Inspector General, as is the case with counterparts under the 1978 IG Act.

II. SECTION-BY-SECTION COMPARISON

The following table provides a section-by-section comparison of the proposed CIA Office of Inspector General (IG), as approved in the FY 1990 Intelligence Authorization Act, with the existing statutory OIGs under the 1978 Inspector General Act, as amended (5 U.S.C. Appendix, amended by P.L. 100-504, 102 Stat. 2515-2530). A brief comment summarizes the similarities and differences for each provision.

ENDNOTES

¹ For background information and analysis, see U.S. Congress. Senate. Select Committee on Intelligence. Authorizing Appropriations for Fiscal Years 1990 and 1991 for Intelligence Activities. Senate Report No. 101-174, 101st Cong., 1st Sess. Washington, Govt. Print. Off., 1989; House. Permanent Select Committee on Intelligence. Intelligence Authorization Act for Fiscal Year 1990. House Report No. 101-215, Part 1, 101st Cong., 1st Sess. Washington, Govt. Print. Off., 1989; and Committee of Conference. Intelligence Authorization Act, Fiscal Year 1990. House Report No. 101-367, 101st Cong., 1st Sess. Washington, Govt. Print. Off., 1989; Intelligence Authorization Act. Congressional Record, Daily Edition, v. 135, S 15096-S 15146; and U.S. Library of Congress. Congressional Research Service. Office of Inspector General in the Central Intelligence Agency. CRS Report no. 89-129 GOV, by Frederick M. Kaiser. February 27, 1989.

² The 1988 Amendments to the IG Act (102 Stat. 2522-2525) also

created a separate group of inspectors general who are neither nominated by the President nor confirmed by the Senate. These IGs--appointed and removed by the head of the entity in which they serve--however, exist, for the most part, in smaller Federal entities, such as Amtrack and the National Endowment for the Arts.

A. PURPOSE AND ESTABLISHMENT

CIA Inspector General

Inspectors General under
1978 IG Act, as amended

Comment

(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').

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

In order to create independent and objective units--

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

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

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

there is hereby established in each of such establishments an office of Inspector General.

The purpose of the CIA Office of Inspector General differs in some respects from that of the IGs under the 1978 Act:

The CIA Office is to "initiate and conduct"--rather than to "conduct and supervise"--audits, investigations, and inspections. The new Office has responsibility for "inspections," along with investigations and audits, possibly because of different meanings of "inspections." It is to provide "leadership"--but not specifically "coordination"--and to recommend policies to promote economy, efficiency, and effectiveness; and it is to detect--but not "prevent"--fraud and abuse in agency operations and programs. Finally, the new OIG is to provide a means for keeping the head of the agency fully and currently informed, but not "the Congress;" instead, the House and Senate Select Committees on Intelligence are to be kept "similarly informed of significant problems and deficiencies"

B. APPOINTMENT, SUPERVISION, REMOVAL

CIA Inspector General

Inspectors General under
1978 IG Act, as amended

Comment

"(b) APPOINTMENT; SUPERVISION; REMOVAL.—(1) There shall be at the head of the Office of 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 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, or public administration.

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

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

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

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

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

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

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

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

The CIA IG's appointment by President, subject to Senate confirmation, is the same as in the 1978 Act. The criteria for appointment--without regard to party affiliation and on the basis of demonstrated ability in relevant fields--are augmented by a specific mandate that the IG selection be made on the basis of compliance with Agency security requirements and prior experience in the field of foreign intelligence.

The CIA IG is to report to and be under the general supervision of only the head of the establishment, the Director of Central Intelligence; the DCI is not given authority to delegate such supervision to the officer next in line, the Deputy Director, as is possible in other establishments. There is no prohibition against the DCI preventing an IG audit or investigation; his power here is similar to that of the heads of the Departments of Defense, Justice, and the Treasury (examined below).

The IG can be removed only by the President, as is the case with the other IGs. Different requirements govern notification to Congress when doing so, however: Specifically, the President must communicate his reasons "immediately" and "in writing" to "the intelligence committees."

There is no specific provision for two Assistant Inspectors General--for Auditing and for Investigations.

"(6) The Inspector General may be removed from office only by the President. The President shall immediately communicate in writing to the intelligence committees the reasons for any such removal.

B. SUPERVISION (CONTINUED)--AGENCY HEAD CONTROL

CIA Inspector General

Inspectors General under
1978 IG Act, as amended

Comment

"(3) The Director may prohibit the Inspector General from initiating, carrying out, or completing any audit, inspection, or investigation if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

§ 8. Additional provisions with respect to the Inspector General of the Department of Defense

(a) No member of the Armed Forces, active or reserve, shall be appointed Inspector General of the Department of Defense.

(b)(1) Notwithstanding the last two sentences of section 3(a), the Inspector General shall be under the authority, direction, and control of the Secretary of Defense with respect to audits or investigations, or the issuance of subpoenas, which require access to information concerning--

(A) sensitive operational plans;

(B) intelligence matters;

(C) counterintelligence matters;

(D) ongoing criminal investigations by other administrative units of the Department of Defense related to national security; or

(E) other matters the disclosure of which would constitute a serious threat to national security.

(2) With respect to the information described in paragraph (1) the Secretary of Defense may prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena, after the Inspector General has decided to initiate, carry out or complete such audit or investigation or to issue such subpoena, if the Secretary determines that such prohibition is necessary to preserve the national security interests of the United States.

(3) If the Secretary of Defense exercises any power under paragraph (1) or (2), the Inspector General shall submit a statement concerning such exercise within thirty days to the Committees on Armed Services and Governmental Affairs of the Senate and the Committees on Armed Services and Government Operations of the House of Representatives and to other appropriate committees or subcommittees of the Congress.

(4) The Secretary shall, within thirty days after submission of a statement under paragraph (3), transmit a statement of the reasons for the exercise of power under paragraph (1) or (2) to the Committees on Armed Services and Governmental Affairs of the Senate and the Committees on Armed Services and Government Operations of the House of Representatives and to other appropriate committees or subcommittees.

The authority of the DCI to prohibit the IG from initiating, carrying out, or completing an audit, inspection, or investigation is similar to that of the heads of the Departments of Defense, Justice, and the Treasury, the only other heads with such authority. In each of these other cases, however, certain types of sensitive information, whose confidentiality might be jeopardized, are specified. Another difference is that the DCI may exercise this power to protect "vital national security interests of the United States," presumably a higher threshold than the Secretary of Defense has to meet to protect "the national security interests of the United States." The Attorney General may exercise his power to prevent the disclosure of information which would constitute a "serious threat to national security" or, along with the Secretary of the Treasury, to prevent "significant impairment of the national 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.

Whenever such power is exercised, the authorizing panels in Congress must be notified in all cases. But the source of the reports, timing, and any other congressional recipients differ. With regard to the CIA, the DCI must submit a classified statement in writing and the IG "may submit such comments as he may deem appropriate;" this differs from DoD where the IG submits a statement, followed by one from the Secretary giving his reasons, and from Justice and Treasury where the IG transmits the head's statement and where there is no explicit provision for a separate IG statement. Also the congressional committees must be notified within 7 days in the case of the CIA, versus 30 days in the other establishments (plus another 30-day period for the Secretary of Defense's subsequent report). Finally in case of the CIA, only the intelligence committees are to be notified, whereas in the other establishments, notification goes not only to the respective authorizing panels but also to the Senate Governmental Affairs Committee and House Government Operations Committees (the committees of jurisdiction for the 1978 IG Act and 1988 Amendments) as well as to "other appropriate committees or subcommittees."

B. SUPERVISION (CONTINUED)--AGENCY HEAD CONTROL

CIA Inspector General

Inspectors General under
1978 IG Act, as amended

Comment

"SPECIAL PROVISIONS CONCERNING THE DEPARTMENT OF THE TREASURY

"Sec. 8C. (a)(1) Notwithstanding the last two sentences of section 3(a), the Inspector General shall be under the authority, direction, and control of the Secretary of the Treasury with respect to audits or investigations, or the issuance of subpoenas, which require access to sensitive information concerning--

"(A) ongoing criminal investigations or proceedings;

"(B) undercover operations;

"(C) the identity of confidential sources, including protected witnesses;

"(D) deliberations and decisions on policy matters, including documented information used as a basis for making policy decisions, the disclosure of which could reasonably be expected to have a significant influence on the economy or market behavior;

"(E) intelligence or counterintelligence matters; or

"(F) other matters the disclosure of which would constitute a serious threat to national security or to the protection of any person or property authorized protection by section 3056 of title 18, United States Code, section 202 of title 3, United States Code, or any provision of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note; Public Law 94-524).

"(2) With respect to the information described under paragraph (1), the Secretary of the Treasury may prohibit the Inspector General from carrying out or completing any audit or investigation, or from issuing any subpoena, after such Inspector General has decided to initiate, carry out, or complete such audit or investigation or to issue such subpoena, if the Secretary determines that such prohibition is necessary to prevent the disclosure of any information described under paragraph (1) or to prevent significant impairment to the national interests of the United States.

"(3) If the Secretary of the Treasury exercises any power under paragraph (1) or (2), the Secretary of the Treasury shall notify the Inspector General in writing stating the reasons for such exercise. Within 30 days after receipt of any such notice, the Inspector General shall transmit a copy of such notice to the Committees on Governmental Affairs and Finance of the Senate and the Committees on Government Operations and Ways and Means of the House of Representatives, and to other appropriate committees or subcommittees of the Congress.

See above.

B. SUPERVISOR (CONTINUED)--AGENCY HEAD CONTROL

CIA Inspector General

Inspectors General under
1978 IG Act, as amended

Comment

"SPECIAL PROVISIONS CONCERNING THE DEPARTMENT OF JUSTICE

"Sec. 8D. (a)(1) Notwithstanding the last two sentences of section 3(a), the Inspector General shall be under the authority, direction, and control of the Attorney General with respect to audits or investigations, or the issuance of subpoenas, which require access to sensitive information concerning--

"(A) ongoing civil or criminal investigations or proceedings;

"(B) undercover operations;

"(C) the identity of confidential sources, including protected witnesses;

"(D) intelligence or counterintelligence matters; or

"(E) other matters the disclosure of which would constitute a serious threat to national security.

"(2) With respect to the information described under paragraph (1), the Attorney General may prohibit the Inspector General from carrying out or completing any audit or investigation, or from issuing any subpoena, after such Inspector General has decided to initiate, carry out, or complete such audit or investigation or to issue such subpoena, if the Attorney General determines that such prohibition is necessary to prevent the disclosure of any information described under paragraph (1) or to prevent the significant impairment to the national interests of the United States.

"(3) If the Attorney General exercises any power under paragraph (1) or (2), the Attorney General shall notify the Inspector General in writing stating the reasons for such exercise. Within 30 days after receipt of any such notice, the Inspector General shall transmit a copy of such notice to the Committees on Governmental Affairs and Judiciary of the Senate and the Committees on Government Operations and Judiciary of the House of Representatives, and to other appropriate committees or subcommittees of the Congress.

See above.

B. SUPERVISION (CONTINUED)--REPORTS OF SUSPECTED CRIMINAL VIOLATIONS TO ATTORNEY GENERAL

CIA Inspector General

Inspectors General under
1978 IG Act, as amended

Comment

"(5) In accordance with section 535 of title 28, United States Code, 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)(3) of such section. A copy of all such reports shall be furnished to the Inspector General.

(d) In carrying out the duties and responsibilities established under this Act, each Inspector General shall report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law.

Under the 1978 Inspector General Act, the IGs themselves are required to report possible violations of Federal criminal law directly and "expeditiously" to the Attorney General. The CIA IG does not have that same affirmative obligation. Instead, the Director of Central Intelligence, when informed of such possible violations by the CIA IG, shall report them to the Attorney General.

C. DUTIES AND RESPONSIBILITIES

CIA Inspector General

Inspectors General under
1978 IG Act, as amended

Comment

§ 4. Duties and responsibilities:

(a) It shall be the duty and responsibility of each Inspector General, with respect to the establishment within which his Office is established—

(1) to provide policy direction for and to conduct, supervise, and coordinate audits and investigations relating to the programs and operations of such establishment;

(2) to review existing and proposed legislation and regulations relating to programs and operations of such establishment and to make recommendations in the semiannual reports required by section 5(a) concerning the impact of such legislation or regulations on the economy and efficiency in the administration of programs and operations administered or financed by such establishment or the prevention and detection of fraud and abuse in such programs and operations;

(3) to recommend policies for, and to conduct, supervise, or coordinate other activities carried out or financed by such establishment for the purpose of promoting economy and efficiency in the administration of, or preventing and detecting fraud and abuse in, its programs and operations;

(4) to recommend policies for, and to conduct, supervise, or coordinate relationships between such establishment and other Federal agencies, State and local governmental agencies, and nongovernmental entities with respect to (A) all matters relating to the promotion of economy and efficiency in the administration of, or the prevention and detection of fraud and abuse in, programs and operations administered or financed by such establishment, or (B) the identification and prosecution of participants in such fraud or abuse; and

(5) to keep the head of such establishment and the Congress fully and currently informed, by means of the reports required by section 5 and otherwise, concerning fraud and other serious problems, abuses, and deficiencies relating to the administration of programs and operations administered or financed by such establishment, to recommend corrective action concerning such problems, abuses, and deficiencies, and to report on the progress made in implementing such corrective action.

Although similar, the duties and responsibilities of the CIA IG are not as far-reaching, specific, or detailed as they are for the other statutory IGs. For instance, the Agency IG does not have the explicit responsibility to "recommend policies" for promoting economy and efficiency or for preventing fraud and abuse. (Under other authority, however, the CIA Inspector General is to report his "recommendations for corrective action . . . significant problems, abuses, or deficiencies.")

All the IGs are to keep the head of their establishment "fully and currently informed" concerning fraud and other serious problems, abuses, and deficiencies. The statutory IGs under the 1978 Act are also obligated to keep Congress so informed. The CIA IG, however, does not have the same duty to keep with regard to the intelligence committees. Moreover, the CIA IG lacks an affirmative obligation to keep the intelligence committees informed through means other than reports. By comparison, the 1978 Act calls upon the statutory IGs to keep Congress informed through certain specified reports "and otherwise;" this recognizes additional means, such as testimony at hearings or responses to committee questionnaires and inquiries, by which congressional panels could directly call for information from IGs.

"(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 conduct, supervise, and coordinate independently, the inspections, investigations, and audits relating to the programs and operations of the Agency to ensure they are conducted efficiently and in accordance with applicable law and regulations;

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

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

C. DUTIES AND RESPONSIBILITIES (CONTINUED)--AUDIT STANDARDS

CIA Inspector General

Inspectors General under
1978 IG Act, as amended

Comment

(b) In carrying out the responsibilities specified in subsection (a)(1), each Inspector General shall--

(1) comply with standards established by the Comptroller General of the United States for audits of Federal establishments, organizations, programs, activities, and functions;

(2) establish guidelines for determining when it shall be appropriate to use non-Federal auditors; and

(3) take appropriate steps to assure that any work performed by non-Federal auditors complies with the standards established by the Comptroller General as described in paragraph (1).

Section 4(b) of the Inspector General Act of 1978 is amended--

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) by inserting "(1)" after "(b)"; and

(3) by adding at the end thereof the following:

"(2) For purposes of determining compliance with paragraph (1)(A) with respect to whether internal quality controls are in place and operating and whether established audit standards, policies, and procedures are being followed by Offices of Inspector General of establishments defined under section 11(2), Offices of Inspector General of designated Federal entities defined under section 8E(a)(2), and any audit office established within a Federal entity defined under section 8E(a)(1), reviews shall be performed exclusively by an audit entity in the Federal Government, including the General Accounting Office or the Office of Inspector General of each establishment defined under section 11(2), or the Office of Inspector General of each designated Federal entity defined under section 8E(a)(2)."

(c) In carrying out the duties and responsibilities established under this Act, each Inspector General shall give particular regard to the activities of the Comptroller General of the United States with a view toward avoiding duplication and insuring effective coordination and cooperation.

The IGs under the 1978 Act have extensive and detailed mandates to comply with certain specific audit standards established by the Comptroller General. The CIA IG does not; he is required only "to comply with generally accepted audit standards."

Unlike the IGs under the 1978 Act, the CIA IG is not required to give "particular regard to the activities of the Comptroller General." This recognizes that the General Accounting Office does not now conduct audits or investigations of the CIA, although it had in the distant past.

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

D. REPORTS TO AGENCY HEAD AND CONGRESS--SEMIANNUAL REPORTS

CIA Inspector General

Inspectors General under
1978 IG Act, as amended

Comment

"(d) SEMIANNUAL REPORTS; IMMEDIATE REPORTS OF SERIOUS OR FLAGRANT PROBLEMS; REPORTS OF FUNCTIONAL PROBLEMS.—(1) The Inspector General shall, not later than June 30 and December 31 of each year, prepare and submit to the Director of Central Intelligence a classified semiannual report summarizing the activities of the Office during the immediately preceding six-month period. Within 30 days, 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, 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 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

"(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.

§ 5. Semiannual reports; transmittal to Congress; availability to public; immediate report on serious or flagrant problems

(a) Each Inspector General shall, not later than April 30 and October 31 of each year, prepare semiannual reports summarizing the activities of the Office during the immediately preceding six-month periods ending March 31 and September 30. Such reports shall include, but need not be limited to—

(1) a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of such establishment disclosed by such activities during the reporting period;

(2) 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 pursuant to paragraph (1);

(3) an identification of each significant recommendation described in previous semiannual reports on which corrective action has not been completed;

(4) a summary of matters referred to prosecutive authorities and the prosecutions and convictions which have resulted;

(5) a summary of each report made to the head of the establishment under section 6(b)(2) during the reporting period; and

(6) a listing of each audit report completed by the Office during the reporting period.

The semiannual reports from the IG in the CIA are required to contain some of the same basic information, descriptions of activities, recommendations for corrective action, and progress thereon as the counterpart reports from IGs under the 1978 Inspector General Act. And all such semiannual reports go directly to the head of the establishment, who must transmit them, along with any comments he deems appropriate, to the appropriate committees within 30 days.

Despite these similarities, the CIA IG reports differ in some important respects. First of all, the CIA IG reports are classified and are sent only to the intelligence committees. The other IGs' semiannual reports are not classified; and although they are transmitted to appropriate committees and subcommittees automatically, they are also available directly to other legislators who request them (and to the public, within 60 days after they are sent to Congress).

The contents of the CIA IG semiannual reports, moreover, are not required to be as extensive and detailed as for other IGs, particularly with regard to information, statistics, and data on audits conducted by the IGs. The CIA IG semiannual reports, however, are to list the title and subject of each investigation, inspection, or audit, whereas the semiannual reports from other IGs are to list only the audit reports. Furthermore, because the CIA IG lacks subpoena authority that the other IGs hold, he is to report any problems he might have in obtaining documentary evidence. And he may include relevant recommendations for legislation to promote economy and efficiency.

D. REPORTS TO AGENCY HEAD AND CONGRESS (CONTINUED)

CIA Inspector General

Inspectors General under
1978 IG Act, as amended

Comment

(a) REPORT INFORMATION REQUIRED ON AUDITS.—Section 5(a) of the Inspector General Act of 1978 is amended by striking out “and” at the end of paragraph (5) and by striking out paragraph (6) and inserting in lieu thereof:

See above.

“(6) a listing, subdivided according to subject matter, of each audit report issued by the Office during the reporting period and for each audit report, where applicable, the total dollar value of questioned costs (including a separate category for the dollar value of unsupported costs) and the dollar value of recommendations that funds be put to better use;

“(7) a summary of each particularly significant report;

“(8) statistical tables showing the total number of audit reports and the total dollar value of questioned costs (including a separate category for the dollar value of unsupported costs), for audit reports—

“(A) for which no management decision had been made by the commencement of the reporting period;

“(B) which were issued during the reporting period;

“(C) for which a management decision was made during the reporting period, including—

“(i) the dollar value of disallowed costs; and

“(ii) the dollar value of costs not disallowed; and

“(D) for which no management decision has been made by the end of the reporting period;

“(9) statistical tables showing the total number of audit reports and the dollar value of recommendations that funds be put to better use by management, for audit reports—

“(A) for which no management decision had been made by the commencement of the reporting period;

“(B) which were issued during the reporting period;

“(C) for which a management decision was made during the reporting period, including—

“(i) the dollar value of recommendations that were agreed to by management; and

“(ii) the dollar value of recommendations that were not agreed to by management; and

“(D) for which no management decision has been made by the end of the reporting period;

“(10) a summary of each audit report issued before the commencement of the reporting period for which no management decision has been made by the end of the reporting period (including the date and title of each such report), an explanation of the reasons such management decision has not been made, and a statement concerning the desired timetable for achieving a management decision on each such report;

“(11) a description and explanation of the reasons for any significant revised management decision made during the reporting period; and

“(12) information concerning any significant management decision with which the Inspector General is in disagreement.”.

D. REPORTS TO AGENCY HEAD AND CONGRESS (CONTINUED)

CIA Inspector General

Inspectors General under
1978 IG Act, as amended

Comment

(b) Semiannual reports of each Inspector General shall be furnished to the head of the establishment involved not later than April 30 and October 31 of each year and shall be transmitted by such head to the appropriate committees or subcommittees of the Congress within thirty days after receipt of the report, together with a report by the

The Director of Central Intelligence is required only to append comments he deems appropriate to the CIA IG's semiannual report. Under the 1988 IG Act Amendments, by contrast, the heads of other establishments must also include specific statistical tables on costs and corrective action and other matters.

head of the establishment containing—

"(1) any comments such head determines appropriate;
"(2) statistical tables showing the total number of audit reports and the dollar value of disallowed costs, for audit reports—

"(A) for which final action had not been taken by the commencement of the reporting period;

"(B) on which management decisions were made during the reporting period;

"(C) for which final action was taken during the reporting period, including—

"(i) the dollar value of disallowed costs that were recovered by management through collection, offset, property in lieu of cash, or otherwise; and

"(ii) the dollar value of disallowed costs that were written off by management; and

"(D) for which no final action has been taken by the end of the reporting period;

"(3) statistical tables showing the total number of audit reports and the dollar value of recommendations that funds be put to better use by management agreed to in a management decision, for audit reports—

"(A) for which final action had not been taken by the commencement of the reporting period;

"(B) on which management decisions were made during the reporting period;

"(C) for which final action was taken during the reporting period, including—

"(i) the dollar value of recommendations that were actually completed; and

"(ii) the dollar value of recommendations that management has subsequently concluded should not or could not be implemented or completed; and

"(D) for which no final action has been taken by the end of the reporting period; and

"(4) a statement with respect to audit reports on which management decisions have been made but final action has not been taken, other than audit reports on which a management decision was made within the preceding year, containing—

"(A) a list of such audit reports and the date each such report was issued;

"(B) the dollar value of disallowed costs for each report;

"(C) the dollar value of recommendations that funds be put to better use agreed to by management for each report; and

"(D) an explanation of the reasons final action has not been taken with respect to each such audit report,

except that such statement may exclude such audit reports that are under formal administrative or judicial appeal or upon which management of an establishment has agreed to pursue a legislative solution, but shall identify the number of reports in each category so excluded."

D. REPORTS TO AGENCY HEADS AND CONGRESS (CONTINUED)

CIA Inspector General	Inspectors General under 1978 IG Act, as amended	Comment
	<p>(c) Within sixty days of the transmission of the semiannual reports of each Inspector General to the Congress, the head of each establishment shall make copies of such report available to the public upon request and at a reasonable cost. Within 60 days after the transmission of the semiannual reports of each establishment head to the Congress, the head of each establishment shall make copies of such report available to the public upon request and at a reasonable cost."</p>	<p>Because the CIA IG semiannual reports and the appended comments of the DCI are classified, unlike those from other establishments, they are not available to the public.</p>

CIA Inspector General

Inspectors General under
1978 IG Act, as amended

Comment

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

(d) Each Inspector General shall report immediately to the head of the establishment involved whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs and operations of such establishment. The head of the establishment shall transmit any such report to the appropriate committees or subcommittees of Congress within seven calendar days, together with a report by the head of the establishment containing any comments such head deems appropriate.

(e)(1) Nothing in this section shall be construed to authorize the public disclosure of information which is--

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

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

(C) a part of an ongoing criminal investigation.

(2) Notwithstanding paragraph (1)(C), any report under this section may be disclosed to the public in a form which includes information with respect to a part of an ongoing criminal investigation if such information has been included in a public record.

(3) Nothing in this section or in any other provision of this Act shall be construed to authorize or permit the withholding of information from the Congress, or from any committee or subcommittee thereof.

All IGs, including the CIA IG, are obligated to report immediately to the head of the establishment whenever the IG becomes aware of any particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs or operations. Within 7 days, the head must transmit such reports, together with any comments he deems appropriate, to the appropriate congressional committees (i.e., only the intelligence committees for the CIA IG reports).

The 1978 IG Act contains an exemption regarding the public disclosure of classified and other specified sensitive information, in the IG reports that are eventually made available to the public. Because the CIA IG reports are classified and, thus, not available to the public, no such exemption is necessary.

The 1978 IG Act provides that nothing in the entire Act should be construed to withhold any information from Congress or its panels. No such provision is applied to the CIA IG.

The CIA IG is obligated to report certain findings--specifically regarding any audit, investigation, or inspection that focuses upon the Director or Acting Director--and certain problems in fulfilling his duties immediately to the intelligence committees. There is no parallel requirement for the IGs under the the 1978 Inspector General Act.

"(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 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, the Inspector General shall immediately report such matter to the intelligence committees.

D. REPORTS TO AGENCY HEAD AND CONGRESS (CONTINUED) -- IG INVESTIGATIONS, AUDITS, INSPECTIONS

CIA Inspector General	Inspectors General under 1978 IG Act, as amended	Comment
<p><i>"(4) Pursuant to Title V of the National Security Act of 1947, the Director shall submit to the intelligence committees any report of an inspection, investigation, or audit conducted by the office which has been requested by the Chairman or Ranking Minority Member of either committee.</i></p>		<p>Reports of any CIA IG audit, inspection, and investigation (which are listed in the IG's semiannual report) are to be submitted by the Director to both Intelligence Committees if requested by the Chairman or Ranking Minority Member of either Committee. Other IGs do not have a comparable requirement.</p>

E. AUTHORITY, INFORMATION, AND ASSISTANCE

CIA Inspector General

Inspectors General under
1978 IG Act, as amended

Comment

"(e) AUTHORITIES OF THE 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.

§ 6. Authority of Inspector General; information and assistance from Federal agencies; unreasonable refusal; office space and equipment

(a) In addition to the authority otherwise provided by this Act, each Inspector General, in carrying out the provisions of this Act, is authorized—

(5) to have direct and prompt access to the head of the establishment involved when necessary for any purpose pertaining to the performance of functions and responsibilities under this Act;

Access to the head of the establishment is similar for all IGs, including the one in the CIA.

"(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.

(1) to have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available to the applicable establishment which relate to programs and operations with respect to which that Inspector General has responsibilities under this Act;

(2) to make such investigations and reports relating to the administration of the programs and operations of the applicable establishment as are, in the judgment of the Inspector General, necessary or desirable;

(4) to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the functions assigned by this Act, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court: *Provided*, That procedures other than subpoenas shall be used by the Inspector General to obtain documents and information from Federal agencies;

All IGs have access to various documents, records, and other relevant materials.

The IGs under the 1978 Act have subpoena power to obtain certain documentary evidence. The CIA IG lacks such independent authority. Several other provisions (elsewhere in the legislation) tie into the IG's possible inability to obtain documentary evidence because of the absence of such authority: If the IG is "unable to obtain significant documentary evidence in the course of an investigation," he "shall immediately report such matter to the intelligence committees." And the CIA IG is required, in his semiannual reports, to describe cases where he could not obtain relevant documentary evidence "due to his lack of authority to subpoena such information."

The Inspector General in the CIA, unlike statutory IGs elsewhere, is specifically granted access to any CIA or contract employee whose testimony is needed for the performance of the IG's duties. Failure on the part of any such employee or contractor to cooperate "shall be grounds for appropriate administrative actions by the Director"

E. AUTHORITY, INFORMATION, AND ASSISTANCE (CONTINUED)

CIA Inspector General	Inspectors General under 1978 IG Act, as amended	Comment
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"(3) The Inspector General is authorized to receive and investigate complaints or information from an employee of the Agency 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—

"(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; and

"(B) no action constituting a reprisal, or threat of reprisal, for making such complaint 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.

§ 7. Complaints by employees; disclosure of identity; reprisals

(a) The Inspector General may receive and investigate complaints or information from an employee of the establishment concerning the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority or a substantial and specific danger to the public health and safety.

(b) The Inspector General shall not, after receipt of a complaint or information from an employee, disclose the identity of the employee without the consent of the employee, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

(c) Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee as a reprisal for making a complaint or disclosing information to an Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

SEC. 107. OATH ADMINISTRATION AUTHORITY.

Section 6(a) of the Inspector General Act of 1978 is amended—

(1) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively, and

(2) by inserting after paragraph (4) the following new paragraph:

"(5) to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the functions assigned by this Act, which oath, affirmation, or affidavit when administered or taken by or before an employee of an Office of Inspector General 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;"

The IGs in all cases, including the CIA, are authorized to receive complaints about possible violations of laws, rules, or regulations, mismanagement, and other problems from employees in their establishments. Moreover, all the IGs have an identical prohibition against disclosing the identity of such employee "without the consent of the employee unless the Inspector General determines such disclosure is unavoidable during the course of the investigation." Furthermore, such employees, in all cases, are protected against reprisals from establishment officials, "unless the complaint was made and its information was disclosed with the knowledge that it was false or with the willful disregard for its truth or falsity."

All IGs have similar authority to administer oaths, in the performance of his "duties" in the case of the CIA or in the performance of their "functions" for the other IGs.

"(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.

E. AUTHORITY, INFORMATION, AND ASSISTANCE (CONTINUED)

CIA Inspector General

Inspectors General under
1978 IG Act, as amended

Comment

"(5) 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.

"(6) 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, it is the sense of Congress that the Inspector General should create within his organization a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of his duties.

"(7) Subject to the concurrence of the Director, the Inspector General may request such information or assistance as may be necessary for carrying out his duties and responsibilities from any Federal agency. Upon request of the Inspector General for such information or assistance, the head of the Federal agency involved shall, insofar as it is practicable and not in contravention of any existing statutory restriction or regulation of the Federal agency concerned, furnish to the Inspector General, or to an authorized designee, such information or assistance.

(c) Each head of an establishment shall provide the Office within such establishment with appropriate and adequate office space at central and field office locations of such establishment, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein.

(6) to select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(7) to obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS-18 of the General Schedule by section 5332 of title 5, United States Code; and

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

(a)(3) to request such information or assistance as may be necessary for carrying out the duties and responsibilities provided by this Act from any Federal, State, or local governmental agency or unit thereof;

(b)(1) Upon request of an Inspector General for information or assistance under subsection (a)(3), the head of any Federal agency involved shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the Federal agency from which the information is requested, furnish to such Inspector General, or to an authorized designee, such information or assistance.

(2) Whenever information or assistance requested under subsection (a)(1) or (a)(3) is, in the judgment of an Inspector General, unreasonably refused or not provided, the Inspector General shall report the circumstances to the head of the establishment involved without delay.

All IGs are to be provided with appropriate and adequate office space at central and field office locations, along with necessary equipment, supplies, and communications facilities and necessary services.

The staffing authority of the Inspector General in the CIA is more circumscribed than that of other IGs, since he is "subject to applicable law and the policies of the Director of Central Intelligence." In part because this authority is more limited and to change the current staffing arrangement of the administrative OIG (whereby CIA personnel rotate in and out), the CIA Inspector General is instructed (via a sense-of-Congress statement) to create a "career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of his duties."

In all cases, the IGs have authority to request assistance from other Federal agencies; but the other IGs may also request information and assistance from State and local government agencies. Requests from the CIA Inspector General to other Federal agencies, however, are subject to the "concurrence of the Director of Central Intelligence," whereas the other IGs do not need the approval of the head of their establishment. Also, the other IGs, by comparison to the CIA IG, have residual authority to report a refusal for requested assistance or information to the head of the establishment involved.

F. SEPARATE BUDGET/APPROPRIATION ACCOUNT

CIA Inspector General

Inspectors General under
1978 IG Act, as amended

Comment

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

SEC. 108. APPROPRIATION ACCOUNTS.

Section 1105(a)(25) of title 31, United States Code, is amended to read as follows:

"(25) a separate appropriation account for appropriations for each Office of Inspector General of an establishment defined under section 11(2) of the Inspector General Act of 1978."

The OIG in the Central Intelligence is to have a separate budget account, beginning in FY 1991, which presumably would remain classified. The other IGs, under the 1978 Act, have been given separate appropriations accounts, which are not so classified.

G. TRANSFER OF PERSONNEL, ASSETS, AND FUNCTIONS

CIA Inspector General

Inspectors General under
1978 IG Act, as amended

Comment

"(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."

89. Transfer of functions

(a) There shall be transferred—

(1) to the Office of Inspector General—

• • • •

(2) such other offices or agencies, or functions, powers, or duties thereof, as the head of the establishment involved may determine are properly related to the functions of the Office and would, if so transferred, further the purposes of this Act,

except that there shall not be transferred to an Inspector General under paragraph (2) program operating responsibilities.

(b) The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, of any office or agency the functions, powers, and duties of which are transferred under subsection (a) are hereby transferred to the applicable Office of Inspector General.

(c) Personnel transferred pursuant to subsection (b) shall be transferred in accordance with applicable laws and regulations relating to the transfer of functions except that the classification and compensation of such personnel shall not be reduced for one year after such transfer.

(d) In any case where all the functions, powers, and duties of any office or agency are transferred pursuant to this subsection, such office or agency shall lapse. Any person who, on the effective date of this Act [Oct. 1, 1978], held a position compensated in accordance with the General Schedule, and who, without a break in service, is appointed in an Office of Inspector General to a position having duties comparable to those performed immediately preceding such appointment shall continue to be compensated in the new position at not less than the rate provided for the previous position, for the duration of service in the new position.

As with other OIGs, the Office of Inspector General in the CIA is to acquire the pre-existing administrative office of inspector there and its personnel, assets, contracts, and unexpended balances, among other matters. There is no specific provision, however, for a transfer of "functions" from the administrative OIG or elsewhere in the Agency, to the new Office of Inspector General, as there was for the other OIGs. Moreover, there is no specific prohibition against transferring "program operating responsibilities" to the new Office, as there was for the statutory OIGs under the 1978 Act.

H. SALARY LEVEL

CIA Inspector General

Inspectors General under
1978 IG Act, as amended

Comment

SEC. 103. UNIFORM SALARIES FOR INSPECTORS GENERAL.

(a) UNIFORM SALARIES.—Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

- "Inspector General, Department of Commerce.
- "Inspector General, Department of the Interior.
- "Inspector General, Department of Justice.
- "Inspector General, Department of the Treasury.
- "Inspector General, Agency for International Development.
- "Inspector General, Environmental Protection Agency.
- "Inspector General, Federal Emergency Management Agency.
- "Inspector General, General Services Administration.
- "Inspector General, National Aeronautics and Space Administration.
- "Inspector General, Nuclear Regulatory Commission.
- "Inspector General, Office of Personnel Management.
- "Inspector General, Railroad Retirement Board.
- "Inspector General, Small Business Administration."

(b) CONFORMING AMENDMENTS.—Section 5316 of such title is amended by striking out the paragraphs relating to—

- (1) the Inspector General of the Department of Commerce;
- (2) the Inspector General of the Department of the Interior;
- (3) the Inspector General of the Agency for International Development;
- (4) the Inspector General of the Community Services Administration;
- (5) the Inspector General of the Environmental Protection Agency;
- (6) the Inspector General of the General Services Administration;
- (7) the Inspector General of the National Aeronautics and Space Administration;
- (8) the Inspector General of the Small Business Administration;
- (9) the Deputy Inspector General of the Department of Energy; and
- (10) the Deputy Inspector General of the Department of Health and Human Services.

Unlike the IGs under the 1978 Act, there is no provision for the salary or schedule level for the CIA IG.