§ 716. Availability of information and inspection of records

(a)(1) The Comptroller General is authorized to obtain such agency records as the Comptroller General requires to discharge the duties of the Comptroller General (including audit, evaluation, and investigative duties), including through the bringing of civil actions under this section. In reviewing a civil action under this section, the court shall recognize the continuing force and effect of the authorization in the preceding sentence until such time as the authorization is repealed pursuant to law.

(b)(1) When an agency record is not made available to the Comptroller General within a reasonable time, the Comptroller General may make a written request to the head of the agency. The Comptroller General may inspect an agency record to get the information. This subsection does not apply to expenditures made under section 5524 or 5526(e) of this title.

(b)(2) Each agency shall give the Comptroller General information the Comptroller General requires about the duties, powers, activities, organization, and financial transactions of the agency. The Comptroller General may inspect an agency record to get the information. This subsection does not apply to expenditures made under section 5524 or 5526(e) of this title.

(c)(1) Subject to subsection (d) of this section, the Comptroller General may subpoena a record to get the information. This subsection does not apply to expenditures made under section 5524 or 5526(e) of this title.

(d)(1) The Comptroller General may not bring a civil action for a record withheld under subsection (b) of this section or issue a subpoena under subsection (c) of this section if—

(A) the record related to activities the President designates as foreign intelligence or counterintelligence activities;

(B) the record is specifically exempted from disclosure to the Comptroller General by a statute that—

(i) without discretion requires that the record be withheld from the Comptroller General;

(ii) establishes particular criteria for withholding the record from the Comptroller General; or

(iii) refers to particular types of records to be withheld from the Comptroller General;

or

(C) by the 20th day after a report is filed under subsection (b)(1) of this section, the President or the Director certifies to the Comptroller General and Congress that a record could be withheld under section 552(b)(5) or (7) of title 5 and disclosure reasonably could be expected to impair substantially the operations of the Government.

(2) The President or the Director may not delegate certification under paragraph (1)(C) of this subsection. A certification shall include a complete explanation of the reasons for the certification.

(e)(1) The Comptroller General shall maintain the same level of confidentiality for a record made available under this section as is required of the head of the agency from which it is obtained. Officers and employees of the Government Accountability Office are subject to the same statutory penalties for unauthorized disclosure or use as officers or employees of the agency.

(2) The Comptroller General shall keep information described in section 552(b)(6) of title 5 that the Comptroller General obtains in a way that prevents unwarranted invasions of personal privacy.

(3) This section does not authorize information to be withheld from Congress.
In the section, the word "records" is substituted for "papers, or records", "books, records, correspondence, memoranda, papers, and documents", and "written information, books, documents, papers, or records" for consistency in the revised title and for other titles of the United States Code. The word "Congress" is substituted for "Speaker of the House of Representatives, and the President of the Senate" for consistency in the revised title.

In subsections (a) and (b), the word "agency" is substituted for "departments and establishments" because of section 701 of the revised title.

In subsection (a), the words "methods of business" are omitted as surplus. The words "or any of his assistants or employees, when duly authorized by him" are omitted because of sections 702(b) and 711 of the revised title.

In subsection (b)(1), the words "the Comptroller General" are substituted for "access to" for clarity and consistency. The words "in his discretion", "in addition to subsection (a)", "a period of", and "to the written request of the Comptroller General" are omitted as surplus. The words "or any of his designated assistants or employees" are omitted because of sections 702(b) and 711 of the revised title.

In subsection (b)(2), before clause (A), the words "bring a civil action" are substituted for "apply" to conform to rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). In clause (A), the words "calendar" and "written" are omitted as surplus.

In subsection (b)(3), the words "head of the agency" are substituted for "defendant official" for consistency.

In subsection (c)(1), the words "require by . . . the production of" are omitted as surplus. The words "persons not in the United States Government" are substituted for "non-Federal persons" for consistency and to eliminate unnecessary words. The words "whom access is sought" are substituted for "in the case of service by certified or registered mail", and "post office" are omitted as surplus.

In subsection (c)(2), the words "judicial district" are substituted for "jurisdiction of any district court of the United States" for consistency and to eliminate unnecessary words. The words "contumacy or" are omitted as surplus. The words "may bring a civil action" are substituted for "upon application made by" to conform to rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.).

In subsection (d)(1), before clause (A), the words "requiring the production of material" are omitted as surplus. In clause (C), the words "in writing", "consists of matters which . . . from disclosure", "United States Code", "of such material to the Comptroller General", and "Federal" are omitted as surplus.

In subsection (e)(1), the words "the head of" are added for consistency. The words "from which such material was obtained" are omitted as surplus.

**AMENDMENTS**

2017—Subsec. (a). Pub. L. 115–3 added par. (1) and redesignated existing provisions as par. (2).


### Historical and Revision Notes

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### Historical Notes

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