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## Editorial Notes

## AMENDMENTS

2017—Pub. L. 115-3, §2(d), Jan. 31, 2017, 131 Stat. 8, added item 721.

2014—Pub. L. 113-235, div. H, title I, §1401(a)(2), Dec. 16, 2014, 128 Stat. 2541, added subchapter VII heading and items 791 to 793.

<sup>1</sup>Section catchline amended by Pub. L. 107-296 without corresponding amendment of chapter analysis.

2008—Pub. L. 110-323, §5(c), Sept. 22, 2008, 122 Stat. 3547, added item 705.

2004—Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814, substituted “GOVERNMENT ACCOUNTABILITY OFFICE” for “GENERAL ACCOUNTING OFFICE” in chapter heading and “Government Accountability Office” for “General Accounting Office” in item 702.

2000—Pub. L. 106-303, §4(a)(3), Oct. 13, 2000, 114 Stat. 1069, added item 732a.

1994—Pub. L. 103-272, §4(f)(1)(C), July 5, 1994, 108 Stat. 1362, struck out “Sec.” immediately above item 781.

1988—Pub. L. 100-545, §2(a), Oct. 28, 1988, 102 Stat. 2728, added subchapter VI heading and items 781 to 783.

## SUBCHAPTER I—DEFINITIONS AND GENERAL ORGANIZATION

## § 701. Definitions

In this chapter—

(1) “agency” includes the District of Columbia government but does not include the legislative branch or the Supreme Court.

(2) “appropriations” means appropriated amounts and includes, in appropriate context—

(A) funds;

(B) authority to make obligations by contract before appropriations; and

(C) other authority making amounts available for obligation or expenditure.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 887.)

## HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
701(1) .....	31:2(1st-4th pars.).	June 10, 1921, ch. 18, §2(1st-5th pars.), 42 Stat. 20; Apr. 3, 1939, ch. 36, §201, 53 Stat. 565; July 31, 1953, ch. 302, §101(1st proviso in par. under heading “Bureau of the Budget”), 67 Stat. 299.
701(2) .....	31:2(last par.).	June 10, 1921, ch. 18, 42 Stat. 20, §2(last par.); added Sept. 12, 1950, ch. 946, §101, 64 Stat. 832.

In clause (1), “agency” (which is defined for purposes of this title in section 101 to mean a department, agency, or instrumentality of the United States) is coextensive with and substituted for the term “department or establishment” which was defined in 31:2 as in part meaning “any executive department, independent commission, board, bureau, office, agency, or other establishment of the Government, including any independent regulatory commission or board”. This definition merely restates and continues, and does not in any way change or expand, the definition in 31:2. Under that definition, entities such as the Tennessee Valley Authority that have been interpreted to be outside the purview of the definition will continue to be outside the purview in the same manner and to the same extent that they were under 31:2. The words “includes the District of Columbia government” are used because of existing law but the inclusion of these words is not to be interpreted as construing the extent to which the District of Columbia Self-Government and Governmental Reorganizational Act (Pub. L. 93-198, 87 Stat. 774) supersedes the provisions codified in this title. The words “of the United States” are omitted as surplus. The text of 31:2 (2d-4th pars.) is omitted as unnecessary because of the restatement. The text of section 2 (3d par.) of the Budget and Accounting Act, 1921 (ch. 18, 42 Stat. 20), is omitted as obsolete because of section 501 of the revised title.

**Statutory Notes and Related Subsidiaries****SHORT TITLE OF 2017 AMENDMENT**

Pub. L. 115-3, §1, Jan. 31, 2017, 131 Stat. 7, provided that: “This Act [enacting section 721 of this title and amending sections 716 and 720 of this title] may be cited as the ‘GAO Access and Oversight Act of 2017’.”

**SHORT TITLE OF 2008 AMENDMENT**

Pub. L. 110-323, §1(a), Sept. 22, 2008, 122 Stat. 3539, provided that: “This Act [enacting section 705 of this title, amending sections 731 to 733, 735, and 3521 of this title and section 109 of the Ethics in Government Act of 1978, Pub. L. 95-521, set out in the Appendix to Title 5, Government Organization and Employees, enacting provisions set out as notes under sections 705, 732, and 3523 of this title, and repealing provisions set out as a note under section 3523 of this title] may be cited as the ‘Government Accountability Office Act of 2008’.”

**SHORT TITLE OF 2004 AMENDMENT**

Pub. L. 108-271, §1(a), July 7, 2004, 118 Stat. 811, provided that: “This Act [see Tables for classification] may be cited as the ‘GAO Human Capital Reform Act of 2004’.”

**SHORT TITLE OF 1996 AMENDMENT**

Pub. L. 104-316, §1, Oct. 19, 1996, 110 Stat. 3826, provided that: “This Act [see Tables for classification] may be cited as the ‘General Accounting Office Act of 1996’.”

**SHORT TITLE OF 1988 AMENDMENT**

Pub. L. 100-426, §1, Sept. 9, 1988, 102 Stat. 1598, provided that: “This Act [amending sections 703, 732, 751, 752, 755, 771 to 774, 776, and 777 of this title and section 5349 of Title 5, Government Organization and Employees, and enacting provisions set out as notes under sections 755 and 772 of this title] may be cited as the ‘General Accounting Office Personnel Amendments Act of 1988’.”

**§ 702. Government Accountability Office**

(a) The Government Accountability Office is an instrumentality of the United States Government independent of the executive departments.

(b) The head of the Office is the Comptroller General of the United States. The Office has a Deputy Comptroller General of the United States.

(c) The Comptroller General may adopt a seal for the Office.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 887; Pub. L. 100-545, §2(b), Oct. 28, 1988, 102 Stat. 2729; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814.)

**HISTORICAL AND REVISION NOTES**

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
702(a) .....	31:41(1st sentence less last 14 words, 2d, 3d sentences).	June 10, 1921, ch. 18, §301, 42 Stat. 23.
702(b) .....	31:41(1st sentence last 14 words).	
	31:42(a)(1st sentence words before comma).	June 10, 1921, ch. 18, §302(a)(1st sentence words before 1st comma), 42 Stat. 23; Apr. 3, 1980, Pub. L. 96-226, §104(a), 94 Stat. 314.
	31:1154(d)(1st sentence).	Oct. 26, 1970, Pub. L. 91-510, §204(d)(1st sentence), 84 Stat. 1168; restated July 12, 1974, Pub. L. 93-344, §702(a), 88 Stat. 326.
	31:1155(a).	Oct. 26, 1970, Pub. L. 91-510, §205(a), 84 Stat. 1168.
702(c) .....	31:51-1.	Jan. 2, 1975, Pub. L. 93-604, §501(a), 88 Stat. 1962.
702(d) .....	31:41(last sentence).	

In subsection (a), the words “instrumentality of the United States Government” are substituted for “establishment of the Government” for consistency. The words “created . . . to be” and 31:41(2d, 3d sentences) are omitted as executed.

Subsection (b) is substituted for 31:41(1st sentence last 14 words) and 42(a)(1st sentence words before comma) to eliminate unnecessary words and for consistency. The word “Deputy” is substituted for “Assistant” because of section 101 of the Act of July 9, 1971 (Pub. L. 92-51, 85 Stat. 143). The text of 31:1154(d)(1st sentence) and 1155(a) is omitted as unnecessary because the Comptroller General, as the head of the Office, has the authority to establish constituent parts of the Office to carry out duties and powers unless otherwise specified by law.

In subsection (c), the words “Administrator of General Services” are substituted for “the head of any Federal agency which exercises authority over such building” for clarity. The words “of the United States” are omitted as surplus.

**Editorial Notes****AMENDMENTS**

2004—Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office” in section catchline and subsec. (a).

1988—Subsecs. (c), (d). Pub. L. 100-545 redesignated subsec. (d) as (c) and struck out former subsec. (c) which directed Administrator of General Services to provide Comptroller General with space in General Accounting Office Building.

**Statutory Notes and Related Subsidiaries****CHANGE OF NAME**

Pub. L. 108-271, §8, July 7, 2004, 118 Stat. 814, provided that:

“(a) IN GENERAL.—The General Accounting Office is hereby redesignated the Government Accountability Office.

“(b) REFERENCES.—Any reference to the General Accounting Office in any law, rule, regulation, certificate, directive, instruction, or other official paper in force on the date of enactment of this Act [July 7, 2004] shall be considered to refer and apply to the Government Accountability Office.”

**TRANSFERS AND TERMINATIONS OF FUNCTIONS**

Pub. L. 104-316, title I, §101(a)–(d), Oct. 19, 1996, 110 Stat. 3826, 3827, provided that:

“(a) IN GENERAL.—

“(1) FUNCTIONS TRANSFERRED.—In any case in which a provision of law authorizing the performance of a function by the Comptroller General of the United States or the General Accounting Office [now Government Accountability Office] is amended by this title [see Tables for classification] to substitute another Federal officer, employee, or agency in that authorization, the authority under that provision to perform that function is transferred to the other Federal officer, employee, or agency.

“(2) FUNCTIONS TERMINATED.—In any case in which a provision of law authorizing the performance of a function by the Comptroller General of the United States or the General Accounting Office [now Government Accountability Office] is repealed by this Act [see Tables for classification], the authority under that provision to perform that function is terminated.

“(3) DELEGATION OF FUNCTIONS.—The Director of the Office of Management and Budget may delegate, in whole or in part, to any other agency or agencies any function transferred to or vested in the Director under section 103(d), 105(b), 116, or 202(n) of this Act [amending section 3702 of this title, section 5584 of Title 5, Government Organization and Employees, section 2774 of Title 10, Armed Forces, and section 716

of Title 32, National Guard], and may transfer to such agency or agencies any personnel, budget authority, records, and property received by the Director pursuant to subsection (b) of this section that relate to the delegated functions.

“(b) INCIDENTAL TRANSFERS.—

“(1) IN GENERAL.—Incident to any transfer of authority under subsection (a)(1), there shall be transferred to the recipient Federal officer, employee, or agency such personnel, records, budget authority, and property of the General Accounting Office [now Government Accountability Office] as the Comptroller General and the Director of the Office of Management and Budget jointly determine to be necessary to effectuate the transfer.

“(2) EFFECT ON PERSONNEL.—Personnel transferred under this section shall not be separated or reduced in classification or compensation for one year after any such transfer, except for cause.

“(c) REFERENCES.—With respect to any function or authority transferred under this Act and exercised on or after the effective date of that transfer, reference in any Federal law to the Comptroller General or to any officer or employee of the General Accounting Office [now Government Accountability Office] is deemed to refer to the Federal officer or agency to which the function or authority is transferred under this Act.

“(d) SAVINGS PROVISIONS.—

“(1) ORDERS AND OTHER OFFICIAL ACTIONS NOT AFFECTED.—All orders, determinations, rules, regulations, permits, grants, contracts, certificates, licenses, and privileges—

“(A) which have been issued, made, granted, or allowed to become effective by the Comptroller General or any official of the General Accounting Office [now Government Accountability Office], or by a court of competent jurisdiction, in the performance of any function or authority transferred under this Act, and

“(B) which are in effect at the time of the transfer;

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law.

“(2) PENDING MATTERS AND PROCEEDINGS.—This Act shall not affect any pending matters or proceedings, including notices of proposed rulemaking, relating to a function or authority transferred under this Act. Such matters or proceedings shall continue under the authority of the agency to which the function or authority is transferred until completed or terminated in accordance with law.

“(3) JUDICIAL PROCEEDINGS AND CAUSES OF ACTIONS.—No suit, action, or other proceeding or cause of action relating to a function or authority transferred under this Act shall abate by reason of the enactment of this Act. If, before the date on which a transfer of a function or authority this Act takes effect, the Comptroller General of the United States or any officer or employee of the General Accounting Office [now Government Accountability Office] in their official capacity is party to a suit relating to the function or authority, then such suit shall be continued and the head of the agency to which the function or authority is transferred, or other appropriate official of that agency, shall be substituted or added as a party.”

#### CONTRACT APPEALS BOARD

Pub. L. 110-161, div. H, title I, §1501, Dec. 26, 2007, 121 Stat. 2249, as amended by Pub. L. 113-235, div. H, title I, §1301(b), Dec. 16, 2014, 128 Stat. 2537, provided that:

“(a) DEFINITIONS.—In this section—

“(1) the term ‘Board’ means the Contract Appeals Board established under subsection (b); and

“(2) the term ‘legislative branch agency’ means—

“(A) the Architect of the Capitol;

“(B) the United States Botanic Gardens [sic];

“(C) the Government Accountability Office;

“(D) the Government Publishing Office;

“(E) the Library of Congress;

“(F) the Congressional Budget Office;

“(G) the United States Capitol Police; and

“(H) any other agency, including any office, board, or commission, established in the legislative branch; and

“(b) ESTABLISHMENT.—There is established a Contract Appeals Board within the Government Accountability Office. The Board shall hear and decide appeals from decisions of a contracting officer with respect to any contract entered into by a legislative branch agency.

“(c) MEMBERS OF THE BOARD.—

“(1) APPOINTMENT.—The Comptroller General shall appoint at least 3 members to the Contract Appeals Board.

“(2) QUALIFICATIONS.—Each member shall have not less than 5 years experience in public contract law.

“(3) PAY.—Subject to any provision of law relating to pay applicable to the Office of General Counsel of the Government Accountability Office, the Comptroller General shall establish and adjust the annual rate of basic pay of members of the Board.

“(d) PROVISIONS APPLICABLE TO APPEALS.—The Contract Disputes Act of 1978 (Public Law 95-563, [former] 41 U.S.C. 601 et seq. [see 41 U.S.C. 7101 et seq.]), as amended, shall apply to appeals to the Board, except that section 4 [now 41 U.S.C. 7102(d)], subsections 8(a), (b), and (c) [now 41 U.S.C. 7105(a), (c), (d), (e)(1)(C)], and subsection 10(a) [now 41 U.S.C. 7104(b)] shall not apply to such appeals and the amount of any claim referenced in subsection 6(c) [now 41 U.S.C. 7103(b), (f)] shall be \$50,000. The Comptroller General shall prescribe regulations for procedures for appeals to the Board that are consistent with procedures under the Contract Disputes Act of 1978.

“(e) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2008 and each fiscal year thereafter.”

#### § 703. Comptroller General and Deputy Comptroller General

(a)(1) The Comptroller General and Deputy Comptroller General are appointed by the President, by and with the advice and consent of the Senate.

(2) When a vacancy occurs in the office of Comptroller General or Deputy Comptroller General, a commission is established to recommend individuals to the President for appointment to the vacant office. The commission shall be composed of—

(A) the Speaker of the House of Representatives;

(B) the President pro tempore of the Senate;

(C) the majority and minority leaders of the House of Representatives and the Senate;

(D) the chairmen and ranking minority members of the Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House; and

(E) when the office of Deputy Comptroller General is vacant, the Comptroller General.

(3) A commission established because of a vacancy in the office of the Comptroller General shall recommend at least 3 individuals. The President may ask the commission to recommend additional individuals.

(b) Except as provided in subsection (e) of this section, the term of the Comptroller General is 15 years. The Comptroller General may not be reappointed. The term of the Deputy Comptroller General expires on the date an individual is appointed Comptroller General. The Deputy Comptroller General may continue to serve until a successor is appointed.

(c) The Deputy Comptroller General—

(1) carries out duties and powers prescribed by the Comptroller General; and

(2) acts for the Comptroller General when the Comptroller General is absent or unable to serve or when the office of Comptroller General is vacant.

(d) The Comptroller General shall designate an officer or employee of the Government Accountability Office to act as Comptroller General when the Comptroller General and Deputy Comptroller General are absent or unable to serve or when the offices of Comptroller General and Deputy Comptroller General are vacant.

(e)(1) A Comptroller General or Deputy Comptroller General may retire after becoming 70 years of age and completing 10 years of service as Comptroller General or Deputy Comptroller General (as the case may be). Either may be removed at any time by—

(A) impeachment; or

(B) joint resolution of Congress, after notice and an opportunity for a hearing, only for—

(i) permanent disability;

(ii) inefficiency;

(iii) neglect of duty;

(iv) malfeasance; or

(v) a felony or conduct involving moral turpitude.

(2) A Comptroller General or Deputy Comptroller General removed from office under paragraph (1) of this subsection may not be reappointed to the office.

(f) The annual rate of basic pay of the—

(1) Comptroller General is equal to the rate for level II of the Executive Schedule; and

(2) Deputy Comptroller General is equal to the rate for level III of the Executive Schedule.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 888; Pub. L. 100–426, title II, § 201, Sept. 9, 1988, 102 Stat. 1599; Pub. L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
703(a)(1) ..	31:42(a)(1st sentence words after comma).	June 10, 1921, ch. 18, § 302(a)(1st sentence words after 1st comma, last sentence), 42 Stat. 23; Apr. 3, 1980, Pub. L. 96–226, § 104(a), 94 Stat. 314.
703(a)(2), (3).	31:42(b).	June 10, 1921, ch. 18, 42 Stat. 20, § 302(b); added Apr. 3, 1980, Pub. L. 96–226, § 104(a), 94 Stat. 314.
703(b) .....	31:43(1st par. 1st, 2d sentence).	June 10, 1921, ch. 18, § 303(1st par.), 42 Stat. 23; Apr. 3, 1980, Pub. L. 96–226, § 104(b)(1), 94 Stat. 315.
703(c) .....	31:42(a)(last sentence).	
703(d) .....	31:43a.	June 27, 1944, ch. 286, § 101(last par. on p. 371), 58 Stat. 371.
703(e) .....	31:43(1st par. 3d–last sentences).	
703(f) .....	31:42a.	Aug. 14, 1964, Pub. L. 88–426, § 203(a), (b), 78 Stat. 415; Dec. 16, 1967, Pub. L. 90–206, § 219(1), 81 Stat. 639; restated Aug. 9, 1975, Pub. L. 94–82, § 204(b), 89 Stat. 421.

In subsections (a)(1), (b), (d), and (e), the word “Deputy” is substituted for “Assistant” because of section 101 of the Act of July 9, 1971 (Pub. L. 92–51, 85 Stat. 143).

In subsection (a)(1), the words “The Comptroller General and Deputy Comptroller General” are added be-

cause of the restatement. The words “by and” are added for consistency. The words “and shall receive salaries of \$10,000 and \$7,500 a year, respectively” in section 302(a)(1st sentence words after 2d comma) of the Budget and Accounting Act, 1921 (ch. 18, 42 Stat. 23), are omitted as superseded by subsection (f) of this section.

In subsection (a)(2), before clause (A), the words “after April 3, 1980” are omitted as executed. In clause (E), the words “of the United States” are omitted as surplus.

In subsection (a)(3), the words “because of a vacancy in the office of the Comptroller General” are substituted for “under paragraph (1)” for clarity. The word “recommend” is substituted for “submit” and “submitted” for consistency. The words “to the President for consideration the names of”, “for the Office of Comptroller General”, and “within his discretion” are omitted as surplus.

In subsection (b), the words “the term of . . . is 15 years” are substituted for “shall hold office for fifteen years” for consistency. The words “eligible for” are omitted as surplus. The words “the term of . . . expires on” are substituted for “shall hold office from the date of his appointment until” to eliminate unnecessary words and for consistency. The words “to fill a vacancy in the Office of” are omitted as surplus.

In subsection (c), the words “carries out duties and powers prescribed” are substituted for “perform such duties as may be assigned” for consistency. The words “to him” are omitted as surplus.

In subsection (d), the words “officer or” are added for consistency in the revised title. The text of section 101(last par. on p. 371 words before colon) of the Act of June 27, 1944 (ch. 286, 58 Stat. 371), is omitted as expired.

In subsection (e)(1), before clause (A), the words “from his office” are omitted as surplus. In clause (A), the words “and for no other cause and in no other manner” are omitted as surplus. In clause (B), before subclause (i), the words “opportunity for a” are added for consistency. The words “guilty of” are omitted as surplus. In subclause (i), the word “disability” is substituted for “incapacitated” for consistency in the chapter and with title 5. In subclause (iv), the words “in office” are omitted as surplus.

In subsection (e)(2), the words “from office” are added for clarity.

In subsection (f), before clause (1), the words “basic pay” are substituted for “compensation” for consistency with other titles of the United States Code. In clauses (1) and (2), the words “of the United States” and “positions at” are omitted as surplus. In clause (1), the words “of subchapter II of chapter 53 of title 5” are omitted as surplus.

#### Editorial Notes

##### AMENDMENTS

2004—Subsec. (d). Pub. L. 108–271 substituted “Government Accountability Office” for “General Accounting Office”.

1988—Subsec. (e)(1). Pub. L. 100–426 substituted “may retire after becoming 70 years of age and completing 10 years of service as Comptroller General or Deputy Comptroller General (as the case may be)” for “retires on becoming 70 years of age”.

#### Statutory Notes and Related Subsidiaries

##### CHANGE OF NAME

Committee on Governmental Affairs of Senate changed to Committee on Homeland Security and Governmental Affairs of Senate, effective Jan. 4, 2005, by Senate Resolution No. 445, One Hundred Eighth Congress, Oct. 9, 2004.

Committee on Government Operations of House of Representatives treated as referring to Committee on Government Reform and Oversight of House of Rep-

representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Government Reform and Oversight of House of Representatives changed to Committee on Government Reform of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999. Committee on Government Reform of House of Representatives changed to Committee on Oversight and Government Reform of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007. Committee on Oversight and Government Reform of House of Representatives changed to Committee on Oversight and Reform of House of Representatives by House Resolution No. 6, One Hundred Sixteenth Congress, Jan. 9, 2019. Committee on Oversight and Reform of House of Representatives changed to Committee on Oversight and Accountability of House of Representatives by House Resolution No. 5, One Hundred Eighteenth Congress, Jan. 9, 2023.

#### EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-426 effective after end of 60-day period beginning Sept. 9, 1988, with certain exceptions, see section 208 of Pub. L. 100-426, set out as a note under section 772 of this title.

### Executive Documents

#### SALARY INCREASES

1987—Salaries of Comptroller General and Deputy Comptroller General increased respectively to \$89,500 and \$82,500 per annum, on recommendation of the President of the United States, see note set out under section 358 of Title 2, The Congress.

1977—Salaries of Comptroller General and Deputy Comptroller General increased respectively to \$57,500 and \$52,500 per annum, on recommendation of the President of the United States, see note set out under section 358 of Title 2.

1969—Salaries of Comptroller General and Assistant Comptroller General increased respectively to \$42,500 and \$40,000 per annum, on recommendation of the President of the United States, see note set out under section 358 of Title 2.

### § 704. Relationship to other laws

(a) To the extent applicable, all laws generally related to administering an agency apply to the Comptroller General.

(b) A copy of a record and a transcript from a record or proceeding of the Comptroller General, that the Comptroller General or Deputy Comptroller General certifies under seal, shall be admitted as evidence with the same effect as a copy or transcript referred to in section 1733 of title 28.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 889.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
704(a) .....	31:46(1st sentence).	June 10, 1921, ch. 18, §306, 42 Stat. 24.
704(b) .....	31:46(last sentence).	

In the section, the words “Comptroller General” are substituted for “General Accounting Office” for consistency.

In subsection (a), the word “agency” is substituted for “departments and establishments” because of section 701 of the revised title.

In subsection (b), the word “record” is substituted for “books, records, papers, or documents” for consistency in the revised title and with other titles of the United States Code.

### § 705. Inspector General for the Government Accountability Office

(a) ESTABLISHMENT OF OFFICE.—There is established an Office of the Inspector General in the Government Accountability Office, to—

(1) conduct and supervise audits consistent with generally accepted government auditing standards and investigations relating to the Government Accountability Office;

(2) provide leadership and coordination and recommend policies, to promote economy, efficiency, and effectiveness in the Government Accountability Office; and

(3) keep the Comptroller General and Congress fully and currently informed concerning fraud and other serious problems, abuses, and deficiencies relating to the administration of programs and operations of the Government Accountability Office.

(b) APPOINTMENT, SUPERVISION, AND REMOVAL.—

(1) The Office of the Inspector General shall be headed by an Inspector General, who shall be appointed by the Comptroller General 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. The Inspector General shall report to, and be under the general supervision of, the Comptroller General.

(2) The Inspector General may be removed from office by the Comptroller General. The Comptroller General shall, promptly upon such removal, communicate in writing the reasons for any such removal to each House of Congress.

(3) The Inspector General shall be paid at an annual rate of pay equal to \$5,000 less than the annual rate of pay of the Comptroller General, and may not receive any cash award or bonus, including any award under chapter 45 of title 5.

(c) AUTHORITY OF INSPECTOR GENERAL.—In addition to the authority otherwise provided by this section, the Inspector General, in carrying out the provisions of this section, may—

(1) have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material that relate to programs and operations of the Government Accountability Office;

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

(3) request such documents and information as may be necessary for carrying out the duties and responsibilities provided by this section from any Federal agency;

(4) in the performance of the functions assigned by this section, obtain all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence from a person not in the United States Government or from a Federal agency, to the same extent and in the same manner as the Comptroller General under the authority and procedures available to the Comptroller General in section 716 of this title;

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

(6) have direct and prompt access to the Comptroller General when necessary for any purpose pertaining to the performance of functions and responsibilities under this section;

(7) report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law; and

(8) provide copies of all reports to the Audit Advisory Committee of the Government Accountability Office and provide such additional information in connection with such reports as is requested by the Committee.

(d) COMPLAINTS BY EMPLOYEES.—

(1) The Inspector General—

(A) subject to subparagraph (B), may receive, review, and investigate, as the Inspector General considers appropriate, complaints or information from an employee of the Government Accountability Office concerning the possible existence of an activity constituting a violation of any law, rule, or regulation, mismanagement, or a gross waste of funds; and

(B) shall refer complaints or information concerning violations of personnel law, rules, or regulations to established investigative and adjudicative entities of the Government Accountability Office.

(2) 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.

(3) 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 the 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.

(e) SEMIANNUAL REPORTS.—(1) The Inspector General shall submit semiannual reports summarizing the activities of the Office of the Inspector General to the Comptroller General. Such reports shall include, but need not be limited to—

(A) a summary of each significant report made during the reporting period, including a description of significant problems, abuses, and deficiencies disclosed by such report;

(B) a description of the recommendations for corrective action made with respect to significant problems, abuses, or deficiencies described pursuant to subparagraph (A);

(C) a summary of the progress made in implementing such corrective action described pursuant to subparagraph (B); and

(D) information concerning any disagreement the Comptroller General has with a recommendation of the Inspector General.

(2) The Comptroller General shall transmit the semiannual reports of the Inspector General, together with any comments the Comptroller General considers appropriate, to Congress within 30 days after receipt of such reports.

(f) INDEPENDENCE IN CARRYING OUT DUTIES AND RESPONSIBILITIES.—The Comptroller General may not prevent or prohibit the Inspector General from carrying out any of the duties or responsibilities of the Inspector General under this section.

(g) AUTHORITY FOR STAFF.—

(1) IN GENERAL.—The Inspector General shall select, appoint, and employ (including fixing and adjusting the rates of pay of) such personnel as may be necessary to carry out this section consistent with the provisions of this title governing selections, appointments, and employment (including the fixing and adjusting the rates of pay) in the Government Accountability Office. Such personnel shall be appointed, promoted, and assigned only on the basis of merit and fitness, but without regard to those provisions of title 5 governing appointments and other personnel actions in the competitive service, except that no personnel of the Office may be paid at an annual rate greater than \$1,000 less than the annual rate of pay of the Inspector General.

(2) EXPERTS AND CONSULTANTS.—The Inspector General may procure temporary and intermittent services under section 3109 of title 5 at rates not to exceed the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title.

(3) INDEPENDENCE IN APPOINTING STAFF.—No individual may carry out any of the duties or responsibilities of the Office of the Inspector General unless the individual is appointed by the Inspector General, or provides services obtained by the Inspector General, pursuant to this paragraph.

(4) LIMITATION ON PROGRAM RESPONSIBILITIES.—The Inspector General and any individual carrying out any of the duties or responsibilities of the Office of the Inspector General are prohibited from performing any program responsibilities.

(h) OFFICE SPACE.—The Comptroller General shall provide the Office of the Inspector General—

(1) appropriate and adequate office space;

(2) such equipment, office supplies, and communications facilities and services as may be necessary for the operation of the Office of the Inspector General;

(3) necessary maintenance services for such office space, equipment, office supplies, and communications facilities; and

(4) equipment and facilities located in such office space.

(i) DEFINITION.—As used in this section, the term “Federal agency” means a department,

agency, instrumentality, or unit thereof, of the Federal Government.

(Added Pub. L. 110-323, §5(a), Sept. 22, 2008, 122 Stat. 3544.)

#### Statutory Notes and Related Subsidiaries

##### INCUMBENT

Pub. L. 110-323, §5(b), Sept. 22, 2008, 122 Stat. 3547, provided that: “The individual who serves in the position of Inspector General of the Government Accountability Office on the date of the enactment of this Act [Sept. 22, 2008] shall continue to serve in such position subject to removal in accordance with the amendments made by this section [enacting this section].”

#### SUBCHAPTER II—GENERAL DUTIES AND POWERS

### § 711. General authority

The Comptroller General may—

- (1) prescribe regulations to carry out the duties and powers of the Comptroller General;
- (2) delegate the duties and powers of the Comptroller General to officers and employees of the Government Accountability Office as the Comptroller General decides is necessary to carry out those duties and powers;
- (3) regulate the practice of representatives of persons before the Office; and
- (4) administer oaths to witnesses when auditing and settling accounts.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 889; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
711 .....	31:44(1st sentence).	June 10, 1921, ch. 18, §304(1st par. 1st sentence), 42 Stat. 24.
	31:52(c), (d).	June 10, 1921, ch. 18, §311(c), (d), 42 Stat. 25; Feb. 15, 1980, Pub. L. 96-191, §8(e)(4), 94 Stat. 33.
	31:52-1(related to direct).	Feb. 15, 1980, Pub. L. 96-191, §2(related to direct), 94 Stat. 27.
	31:117.	R.S. §297.

In clause (1), the words “may . . . prescribe regulations to carry out the duties and powers of the Comptroller General” are substituted for “shall make such rules and regulations as may be necessary for carrying on the work of the General Accounting Office” in 31:52(d) for consistency.

In clause (2), the word “delegate” is substituted for “direct” in 31:52-1, and the words “officers and employees” are substituted for “personnel”, and 31:52(c) is omitted, for consistency in the revised title and with other titles of the United States Code.

In clause (3), the words “rules and” in 31:52(d) are omitted as surplus. The words “representatives of persons” are substituted for “attorneys” for clarity and consistency in the revised title.

In clause (4), the words “in any case in which they may deem it necessary for the due” in 31:117 are omitted as surplus. The words “auditing and settling” are substituted for “examination” for consistency. The words “with which they shall be charged” are omitted because of the restatement.

#### Editorial Notes

##### AMENDMENTS

2004—Par. (2). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office”.

#### EXPIRED APPROPRIATIONS AVAILABLE FOR DEPOSIT INTO EMPLOYEES’ COMPENSATION FUND

Pub. L. 113-6, div. F, title VI, §1611, Mar. 26, 2013, 127 Stat. 427, provided that:

“(a) IN GENERAL.—Available balances of expired Government Accountability Office appropriations shall be available to the Government Accountability Office to make the deposit to the credit of the Employees’ Compensation Fund required by section 8147(b) of title 5, United States Code.

“(b) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2013 and each fiscal year thereafter.”

### § 712. Investigating the use of public money

The Comptroller General shall—

- (1) investigate all matters related to the receipt, disbursement, and use of public money;
- (2) estimate the cost to the United States Government of complying with each restriction on expenditures of a specific appropriation in a general appropriation law and report each estimate to Congress with recommendations the Comptroller General considers desirable;
- (3) analyze expenditures of each executive agency the Comptroller General believes will help Congress decide whether public money has been used and expended economically and efficiently;
- (4) make an investigation and report ordered by either House of Congress or a committee of Congress having jurisdiction over revenue, appropriations, or expenditures; and
- (5) give a committee of Congress having jurisdiction over revenue, appropriations, or expenditures the help and information the committee requests.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 889.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
712(1) .....	31:53(a)(1st sentence words before 5th comma).	June 10, 1921, ch. 18, §312(a)(1st sentence words before 5th comma), (b), 42 Stat. 25.
712(2) .....	31:59.	Aug. 2, 1946, ch. 753, §§205, 206(1st sentence), 60 Stat. 837.
712(3) .....	31:60(1st sentence).	
712(4) .....	31:53(b)(1st sentence).	
712(5) .....	31:53(b)(last sentence).	

In clause (1), the words “at the seat of government or elsewhere” are omitted as surplus.

In clause (2), the words “estimate the cost to the United States Government of complying with each restriction on expenditures” are substituted for “make a full and complete study of restrictions . . . limiting the expenditure therein with a view to determining the cost to the Government incident to complying with such restrictions”, and the word “desirable” is substituted for “necessary or desirable”, to eliminate unnecessary words.

In clause (3), the words “executive agency” are substituted for “agency in the executive branch of the Government (including Government corporations)” because of section 102 of the revised title.

In clause (4), the words “committee of Congress” are substituted for “committee of either House” for consistency.

In clause (5), the words “at the request of any such committee, direct assistants from his office” are omitted as surplus.