

peditious decision of protests under this subchapter, including procedures for accelerated resolution of protests under the express option authorized by section 3554(a)(2) of this title. Such procedures shall provide that the protest process may not be delayed by the failure of a party to make a filing within the time provided for the filing.

(b) The procedures shall provide that, in the computation of any period described in this subchapter—

(1) the day of the act, event, or default from which the designated period of time begins to run not be included; and

(2) the last day after such act, event, or default be included, unless—

(A) such last day is a Saturday, a Sunday, or a legal holiday; or

(B) in the case of a filing of a paper at the Government Accountability Office or a Federal agency, such last day is a day on which weather or other conditions cause the closing of the Government Accountability Office or Federal agency, in which event the next day that is not a Saturday, Sunday, or legal holiday shall be included.

(c) ELECTRONIC FILING AND DOCUMENT DISSEMINATION SYSTEM.—

(1) ESTABLISHMENT AND OPERATION OF SYSTEM.—The Comptroller General shall establish and operate an electronic filing and document dissemination system under which, in accordance with procedures prescribed by the Comptroller General—

(A) a person filing a protest under this subchapter may file the protest through electronic means; and

(B) all documents and information required with respect to the protest may be disseminated and made available to the parties to the protest through electronic means.

(2) IMPOSITION OF FEES.—

(A) IN GENERAL.—The Comptroller General may require each person who files a protest under this subchapter to pay a fee to support the establishment and operation of the electronic system under this subsection, without regard to whether or not the person uses the system with respect to the protest.

(B) AMOUNT.—The Comptroller General shall establish (and from time to time shall update) a schedule setting forth the amount of the fee to be paid under subparagraph (A).

(3) TREATMENT OF AMOUNTS COLLECTED.—

(A) ESTABLISHMENT OF ACCOUNT.—The Comptroller General shall maintain a separate account among the accounts of the Government Accountability Office for the electronic system under this subsection, and shall deposit all amounts received as fees under paragraph (2) into the account.

(B) USE OF AMOUNTS.—Amounts in the account maintained under this paragraph shall be available to the Comptroller General, without fiscal year limitation, solely to establish and operate the electronic system under this subsection.

(d) The Comptroller General may use any authority available under chapter 7 of this title

and this chapter to verify assertions made by parties in protests under this subchapter.

(Added Pub. L. 98-369, div. B, title VII, §2741(a), July 18, 1984, 98 Stat. 1202; amended Pub. L. 103-355, title I, §1404, Oct. 13, 1994, 108 Stat. 3291; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814; Pub. L. 113-76, div. I, title I, §1501, Jan. 17, 2014, 128 Stat. 433.)

### Editorial Notes

#### AMENDMENTS

2014—Subsec. (c). Pub. L. 113-76 amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “The Comptroller General may prescribe procedures for the electronic filing and dissemination of documents and information required under this subchapter. In prescribing such procedures, the Comptroller General shall consider the ability of all parties to achieve electronic access to such documents and records.”

2004—Subsec. (b)(2)(B). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office” in two places.

1994—Subsec. (a). Pub. L. 103-355, §1404(c), substituted “The Comptroller General” for “Not later than January 15, 1985, the Comptroller General”.

Subsecs. (b) to (d). Pub. L. 103-355, §1404(a), (b), added subsecs. (b) and (c) and redesignated former subsec. (b) as (d).

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 1994 AMENDMENT

For effective date and applicability of amendment by Pub. L. 103-355, see section 10001 of Pub. L. 103-355, set out as a note under section 8752 of Title 10, Armed Forces.

#### EFFECTIVE DATE

Section applicable with respect to any protest filed after Jan. 14, 1985, see section 2751(b) of Pub. L. 98-369, set out as a note under section 4751 of Title 10, Armed Forces.

### § 3556. Nonexclusivity of remedies; matters included in agency record

This subchapter does not give the Comptroller General exclusive jurisdiction over protests, and nothing contained in this subchapter shall affect the right of any interested party to file a protest with the contracting agency or to file an action in the United States Court of Federal Claims. In any such action based on a procurement or proposed procurement with respect to which a protest has been filed under this subchapter, the reports required by sections 3553(b)(2) and 3554(e)(1) of this title with respect to such procurement or proposed procurement and any decision or recommendation of the Comptroller General under this subchapter with respect to such procurement or proposed procurement shall be considered to be part of the agency record subject to review.

(Added Pub. L. 98-369, div. B, title VII, §2741(a), July 18, 1984, 98 Stat. 1202; amended Pub. L. 102-572, title IX, §902(b)(1), Oct. 29, 1992, 106 Stat. 4516; Pub. L. 104-320, §12(f), Oct. 19, 1996, 110 Stat. 3876.)

### Editorial Notes

#### AMENDMENTS

1996—Pub. L. 104-320, which directed the amendment of this section by striking “a court of the United

States or” in first sentence, was executed by striking “a district court of the United States or” after “to file an action in” in first sentence to reflect the probable intent of Congress.

1992—Pub. L. 102-572 substituted “United States Court of Federal Claims” for “United States Claims Court”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-320 effective Jan. 1, 2001, see section 12(f) of Pub. L. 104-320, set out as a Non-exclusivity of GAO Remedies note below.

##### EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Oct. 29, 1992, see section 911 of Pub. L. 102-572, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

##### EFFECTIVE DATE

Section applicable with respect to any protest filed after Jan. 14, 1985, see section 2751(b) of Pub. L. 98-369, set out as a note under section 4751 of Title 10, Armed Forces.

##### NONEXCLUSIVITY OF GAO REMEDIES

Pub. L. 104-320, §12(f), Oct. 19, 1996, 110 Stat. 3876, provided that: “In the event that the bid protest jurisdiction of the district courts of the United States is terminated pursuant to subsection (d) [set out as a Sunset Provision note under section 1491 of Title 28, Judiciary and Judicial Procedure], then section 3556 of title 31, United States Code, shall be amended by striking ‘a court of the United States or’ in the first sentence.” [Bid protest jurisdiction of the district courts of the United States terminated on Jan. 1, 2001, pursuant to section 12(d) of Pub. L. 104-320.]

#### § 3557. Expedited action in protests of public-private competitions

For any protest of a public-private competition conducted under Office of Management and Budget Circular A-76 with respect to the performance of an activity or function of a Federal agency, the Comptroller General shall administer the provisions of this subchapter in the manner best suited for expediting the final resolution of the protest and the final action in the public-private competition.

(Added Pub. L. 110-181, div. A, title III, §326(b)(1), Jan. 28, 2008, 122 Stat. 63; amended Pub. L. 110-417, [div. A], title X, §1061(c)(2), Oct. 14, 2008, 122 Stat. 4613.)

#### Editorial Notes

##### CODIFICATION

Another section 3557, added Pub. L. 110-161, div. D, title VII, §739(c)(1)(B)(i), Dec. 26, 2007, 121 Stat. 2030, related to an expedited action in protests for public-private competitions, prior to repeal by Pub. L. 110-417, [div. A], title X, §1061(c)(1), Oct. 14, 2008, 122 Stat. 4613.

##### AMENDMENTS

2008—Pub. L. 110-417 substituted “public-private” for “Public-Private” in section catchline.

#### SUBCHAPTER VI—RECOVERY AUDITS<sup>1</sup>

#### Editorial Notes

##### AMENDMENTS

2010—Pub. L. 111-204, §2(h)(6)(A)(i), July 22, 2010, 124 Stat. 2231, struck out heading “SUBCHAPTER VI—RECOVERY AUDITS”.

#### [§ 3561. Repealed. Pub. L. 111-204, § 2(h)(6)(A)(i), July 22, 2010, 124 Stat. 2231]

Section, added Pub. L. 107-107, div. A, title VIII, §831(a)(1), Dec. 28, 2001, 115 Stat. 1186, related to identification of errors made by executive agencies in payments to contractors and recovery of amounts erroneously paid.

#### § 3562. Disposition of recovered funds

(a) AVAILABILITY OF FUNDS FOR RECOVERY AUDITS AND ACTIVITIES PROGRAM.—Funds collected under a program carried out by an executive agency under section 3352(i) of this title shall be available to the executive agency to reimburse the actual expenses incurred by the executive agency in the administration of the program.

[(b), (c). Repealed. Pub. L. 111-204, §2(h)(6)(A)(i), July 22, 2010, 124 Stat. 2231.]

(Added Pub. L. 107-107, div. A, title VIII, §831(a)(1), Dec. 28, 2001, 115 Stat. 1187; Pub. L. 111-204, §2(h)(6)(A), July 22, 2010, 124 Stat. 2231; Pub. L. 116-117, §3(b)(4), Mar. 2, 2020, 134 Stat. 134.)

#### Editorial Notes

##### AMENDMENTS

2020—Subsec. (a). Pub. L. 116-117 substituted “section 3352(i)” for “section 3561” and “agency to reimburse” for “agency for the following purposes: (1) To reimburse” and struck out par. (2) which read as follows: “To pay contractors for services under the program in accordance with the guidance issued under section 3561(c)(5) of this title.”

2010—Pub. L. 111-204 repealed section but provided that subsec. (a) was to continue in effect, with certain exceptions related to programs carried out under section 3561 of this title. Prior to amendment, in addition to subsec. (a), section contained subsecs. (b) and (c) which related to treatment of funds not used for programs under section 3561 of this title and priority of other authorized dispositions, respectively.

#### [§§ 3563 to 3567. Repealed. Pub. L. 111-204, § 2(h)(6)(A)(i), July 22, 2010, 124 Stat. 2231]

Section 3563, added Pub. L. 107-107, div. A, title VIII, §831(a)(1), Dec. 28, 2001, 115 Stat. 1187, related to sources of recovery services.

Section 3564, added Pub. L. 107-107, div. A, title VIII, §831(a)(1), Dec. 28, 2001, 115 Stat. 1188, related to management improvement programs.

Section 3565, added Pub. L. 107-107, div. A, title VIII, §831(a)(1), Dec. 28, 2001, 115 Stat. 1188, related to relationship of subchapter VI to authority of Inspectors General.

Section 3566, added Pub. L. 107-107, div. A, title VIII, §831(a)(1), Dec. 28, 2001, 115 Stat. 1188, related to privacy protections.

Section 3567, added Pub. L. 107-107, div. A, title VIII, §831(a)(1), Dec. 28, 2001, 115 Stat. 1188; amended Pub. L. 111-350, §5(h)(5), Jan. 4, 2011, 124 Stat. 3849, defined “executive agency”.

<sup>1</sup> Editorially supplied.