

WASHINGTON, D.C. 20505

OLC 76-1034/a

6 MAY 1976

Mr. James M. Frey
Assistant Director for Legislative Reference
Office of Management and Budget
Washington, D. C. 20503

Dear Mr. Frey:

This is in response to your letter requesting this Agency's views on H.R. 12729, a bill "To amend the Budgeting and Accounting Act, 1921, to affirm the authority of the Comptroller General to have access to any books, documents, papers, or records of any Federal department or establishment for managerial and operational as well as for fiscal reviews and evaluations."

This bill does not appear to grant the Comptroller General additional statutory authority beyond that now afforded under section 313 of the Budgeting and Accounting Act of 1921 (31 U.S.C. 54) to gain access to information from Federal agencies. Section 313 of the Budgeting and Accounting Act gives the Comptroller General authority to require all Federal "departments and establishments" to furnish "such information regarding the powers, duties, activities, organization, financial transactions, and methods of business of their respective offices" as the Comptroller General may from time to time require. The Comptroller General, or his authorized agent, "shall, for the purposes of securing such information, have access to and the right to examine any books, documents, papers, or records of any such department or establishment," as necessary to secure information from those agencies, without specific restriction. The Comptroller General's authority under this statutory provision is not limited to documents, books, etc. "pertaining to the receipt, disbursement, or application of public funds" as can be inferred from the language of H.R. 12729.

H.R. 12729 would amend section 313 of the Budgeting and Accounting Act by making this blanket authority of the Comptroller General to obtain information from Federal agencies specifically available to the GAO when conducting congressionally-initiated studies under section 204 of the Legislative Reorganization Act of 1970, and when conducting audits of Government agencies under section 117 of the Accounting and



Auditing Act of 1950. The provisions of section 313 of the Budgeting and Accounting Act operate independently of the Legislative Reorganization Act and the Accounting and Auditing Act. Thus, the amending language in H.R. 12729 would seem to operate as an affirmation of a policy statement rather than a provision granting new statutory authority to the GAO.

The GAO has not conducted any audits of the CIA since 1961, and in July 1962, in conjunction with the House Armed Services Committee, determined that audits conducted under necessary security limitations were not of sufficient value. The Agency has relied on the special statutory authorities granted under the National Security Act of 1947 and the Central Intelligence Agency Act of 1949, in working out proper security arrangements for outside auditing or review of Agency procedures and activities, specifically: section 102(d) of the National Security Act placing responsibility for protection of intelligence sources and methods from unauthorized disclosure with the Director of Central Intelligence; section 5(a) of the CIA Act authorizing the CIA to receive from and transfer appropriated funds to other Government agencies without regard to other laws restricting such transfers; section 6 of the CIA Act exempting the CIA from other laws requiring publication of organizational, financial, and personnel matters; and section 8 of the CIA Act, granting the CIA authority to expend appropriated funds as necessary, to be accounted for solely on the certificate of the Director.

It is the firm position of this Agency that these provisions of law afford sufficient and fully justifiable grounds from which to argue that outside auditing and review of CIA activities and operations must only be undertaken under special conditions and be based on particular agreements. Although it is my impression that H.R. 12729 does not in fact grant the GAO increased statutory authority with which to seek access to CIA records and information, if enacted, it could be so cited and could pose practical problems. Since the bill appears essentially superfluous and somewhat misleading, this Agency would be opposed to enactment of H.R. 12729.

Sincerely,

SIGNED
George L. Cary
Legislative Counsel

Distribution:

- Orig - Add'e
- 1 - OGC
- 1 - Compt. Office
- ✓ 1 - OLC Subject
- 1 - OLC Chrono
- 1 - OMB Liaison

OLC:RLB:nd [] (6 May 1976)

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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET

OLL 761034

WASHINGTON, D.C. 20503

April 6, 1976

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer

Department of Justice
Department of Health, Education
and Welfare
Department of Labor
General Services Administration
Securities and Exchange Commission
Federal Trade Commission

Federal Reserve Board
U.S. Postal Service
Civil Service Commission
Overseas Private Investment Corporation
Department of Defense
Central Intelligence Agency
Department of State

SUBJECT: H.R. 12729, a bill, "To amend the Budgeting and Accounting Act, 1921, to affirm the authority of the Comptroller General to have access to any books, documents, papers, or records of any Federal department or establishment for managerial and operational as well as for fiscal reviews and evaluations."

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

A response to this request for your views is needed no later than c.o.b. Tuesday, May 4, 1976

Questions should be referred to Robert E. Carlstrom ^{7220NEWEDIS}
(395-3890) ~~or to~~ _____
the legislative analyst in this office.

cc:

R. Graves

Mr. Nichols
Mr. Graves

Bernard H. Martin

Bernard H. Martin for
Assistant Director for
Legislative Reference

Enclosures

Approved For Release 2006/02/07 : CIA-RDP77M00144R001100210014-5
FROM *Harold R. ...*

Central Intelligence Agency
Washington, D. C. 20505

TO: **Mr. James M. Bray**
Assistant Director for
Legislative Reference
Office of Management and Budget
Washington, D. C. 20503

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Compt. Officer -



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CONFIDENTIAL



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Approved For Release 2006/02/07 : CIA-RDP77M00144R001100210014-5

ROUTING AND RECORD SHEET

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| SUBJECT: (Optional) | | OGC 76 - 2166 4 - 28 - 76 | |
| FROM: Office of Legislative Counsel 7D35 HQS | | EXTENSION | NO. |
| | | | DATE 28 April 1976 |
| TO: (Officer designation, room number, and building) | DATE | OFFICER'S INITIALS | COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.) |
| | RECEIVED | FORWARDED | |
| 1. OGC - Attn: [redacted] | 4-28-76 | S/Y ATL | <p>Attached for your review and coordination is a draft letter from this office to OMB outlining the Agency's views on H.R. 12729, a bill introduced by Representative Abzug related to GAO access to Agency information and material. OMB has requested that we furnish our response no later than COB Tuesday, May 4, 1976. Please notify myself or [redacted] if you have any additional comments or suggestions regarding the views letter by COB Friday, April 30, 1976.</p> <p>[redacted]</p> <p>Office of Legislative Counsel</p> <p>Bill Covers</p> <p>[redacted]</p> |
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Approved For Release 2006/02/07 : CIA-RDP77M00144R001100210014-5

FORM 3-62

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USE PREVIOUS EDITIONS



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USE ONLY

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DRAFT:RLB:ndl (28 April 1976)

Mr. James M. Frey
Assistant Director for Legislative Reference
Office of Management and Budget
Washington, D. C. 20503

Dear Mr. Frey:

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H.R. 12729 would amend section 313 of the Budgeting and Accounting Act by making this blanket authority of the Comptroller General to obtain information from Federal agencies specifically available to the GAO when conducting congressionally-initiated studies under section 204 of the Legislative Reorganization Act of 1970, and when conducting audits of Government agencies under section 117 of the Accounting and Auditing Act of 1950. The provisions of section 313 of the Budgeting and Accounting Act operate independently of the Legislative Reorganization Act and the Accounting and Auditing Act. Thus, the amending language in H.R. 12729 would seem to operate as an affirmation of a policy statement rather than a provision granting new statutory authority to the GAO.

The GAO has not conducted any audits of the CIA since 1961, and in July 1962, in conjunction with the House Armed Services Committee, determined that audits conducted under necessary security limitations were not of sufficient value. The Agency has relied on the special statutory authorities granted under the National Security Act of 1947 and the Central Intelligence Agency Act of 1949, in working out proper security arrangements for outside auditing or review of Agency procedures and activities, specifically: section 102(d) of the National Security Act placing responsibility for protection of intelligence sources and methods from unauthorized disclosure with the Director of Central Intelligence; section 5(a) of the CIA Act authorizing the CIA to receive from and transfer appropriated funds to other government agencies without regard to other laws restricting such transfers; Section 6 of the CIA Act exempting the CIA from other laws requiring publication of organizational, financial, and personnel matters; and Section 8 of the CIA Act, granting the CIA authority to expend appropriated funds as necessary, to be accounted for solely on the certificate of the Director.

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Sincerely,

George L. Cary
Legislative Counsel

94TH CONGRESS
2D SESSION

H. R. 12729

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 1976

Ms. ABZUG introduced the following bill; which was referred to the Committee on Government Operations

A BILL

To amend the Budgeting and Accounting Act, 1921, to affirm the authority of the Comptroller General to have access to any books, documents, papers, or records of any Federal department or establishment for managerial and operational as well as for fiscal reviews and evaluations.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That section 313 of the Budgeting and Accounting Act, 1921
- 4 (31 U.S.C. 54), is amended by inserting at the end thereof
- 5 the following new sentence: "The authority contained in this
- 6 section shall be applicable to audits under section 117 of the
- 7 Accounting and Auditing Act of 1950 and to reviews and
- 8 evaluations under section 204 of the Legislative Reorganiza-
- 9 tion Act of 1970, and shall not be restricted to only those

1 books, documents, papers, and records pertaining to the re-
2 ceipt, disbursement, or application of public funds, but shall
3 extend to all books, documents, papers, or records within
4 the possession or control of any such department or estab-
5 lishment.”.

94TH CONGRESS
2D SESSION

H. R. 12729

A BILL

To amend the Budgeting and Accounting Act, 1921, to affirm the authority of the Comptroller General to have access to any books, documents, papers, or records of any Federal department or establishment for managerial and operational as well as for fiscal reviews and evaluations.

By Ms. ABZUG

MARCH 23, 1976

Referred to the Committee on Government Operations

31 § 54. GENERAL ACCOUNTING OFFICE

Ch. 1,

§ 54. Information furnished to Comptroller General by departments and establishments

All departments and establishments shall furnish to the Comptroller General such information regarding the powers, duties, activities, organization, financial transactions, and methods of business of their respective offices as he may from time to time require of them; and the Comptroller General, or any of his assistants or employees, when duly authorized by him, shall, for the purpose of securing such information, have access to and the right to examine any books, documents, papers, or records of any such department or establishment. The authority contained in this section shall not be applicable to expenditures made under the provisions of section 107 of this title. June 10, 1921, c. 18, Title III, § 313, 42 Stat. 26.

Historical Note

Codification. Section superseded a provision in Act-Feb. 19, 1897, c. 265, § 1, 29 Stat. 550, that all books, papers, and other matters relating to the office or accounts of disbursing officers of the Departments, and commissions, boards, and establishments of the Government in the District of Columbia, should be subject

to inspection, and examination by the Comptroller of the Treasury, and the Auditor authorized to settle such accounts, or the duly authorized agents of either; and also a somewhat similar provision in Act March 15, 1898, c. 68, § 5, 30 Stat. 318.

Notes of Decisions

1. Bids and contracts

Requirement by the Comptroller General of information from the former Secretary of War relating to contracts showing that lowest bid was accepted or

a detailed statement of reasons for accepting other than the lowest bid was warranted by this section. 1925, 34 Op. Atty.Gen. 446.

§ 55. Eligible register for accountants for General Accounting Office

The Civil Service Commission shall establish an eligible register for accountants for the General Accounting Office, and the examinations of applicants for entrance upon such register shall be based upon questions approved by the Comptroller General. June 10, 1921, c. 18, Title III, § 314, 42 Stat. 26.

§ 56. Designation of person to sign warrants

The Comptroller General is authorized to designate such person or persons in his office as may be required from time to time to countersign in his name such classes of warrants as he may direct. Mar. 4, 1909, c. 297, § 1, 35 Stat. 866; May 29, 1920, c. 214, § 1, 41 Stat. 647; June 10, 1921, c. 18, Title III, § 304, 42 Stat. 24.

Ch. 1

Derivation. Section from the Legislative Appropriation Act, 1921, which com- Year 1921.

Codification. Section as a part of the Budget Act, 1921, which com-

Repeals. R.S. § 275 and Comptroller to sign certificates and bounties. It was repealed 1894, c. 174, § 7, subd

See, also, Historical of this title.

§ 57. Leaves

Under such rule employees in the executive department piece-rate employment average quantity for. Mar. 4, 1913, §§ 1(a), 5(a), 6, ef

References in Text. 5, referred to in the from the Code as supe 23 of Title 5, Executive Government Officers an-

Codification. Section as a part of the Budget Act, 1921, which compe

Section was formerly title.

Transfer of Functions. the Bureau of Accounts Department were transf- master General and the 1949 Reorg. Pla

Annual and sick leave Executive Departments a

§ 58. Transfe

Codification. Section 1

§ 107. Settlement of expenses of intercourse with foreign nations

Whenever any sum of money has been or shall be issued, from the Treasury, for the purposes of intercourse or treaty with foreign nations, in pursuance of any law, the President is authorized to cause the same to be duly settled annually with the General Accounting Office, by causing the same to be accounted for, specifically, if the expenditure may, in his judgment, be made public; and by making or causing the Secretary of State to make a certificate of the amount of such expenditure, as he may think it advisable not to specify; and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended. R.S. § 291, June 10, 1921, c. 18, Title III, § 304, 42 Stat. 24.

Historical Note

Derivation. Act Feb. 9, 1793, c. 4, § 2, 1 Stat. 300.

Codification. A reference in the original text of this section to the "proper accounting officers of the Treasury" was changed to refer to the "General Accounting Office" on authority of Act June 10, 1921.

An appropriation for the fiscal year 1927 to enable the President to meet unforeseen emergencies arising in the Diplomatic and Consular service, etc., to be expended pursuant to the requirement of this section, was contained in Act April 29, 1926, c. 195, 44 Stat. 337. Similar appropriations were contained in prior acts.

Cross References

Comptroller General not entitled to information regarding expenditures made under this section, see section 54 of this title.

§ 107a. Same; delegation of authority by Secretary of State

The Secretary of State may delegate to subordinate officials the authority vested in him by section 107 of this title pertaining to certification of expenditures. Aug. 5, 1953, c. 328, Title I, § 101, 67 Stat. 368.

Historical Note

Similar Provisions. Section is from the Department of State Appropriations Act, 1954. Similar provisions were contained in the following prior appropriation Acts:
1952—July 10, 1952, c. 651, Title I, § 101, 66 Stat. 550.
1951—Oct. 22, 1951, c. 533, Title I, § 101, 65 Stat. 577.

1950—Sept. 6, 1950, c. 806, ch. III, Title I, § 101, 64 Stat. 610.
1949—July 20, 1949, c. 354, Title I, § 101, 63 Stat. 449.
1948—June 3, 1948, c. 400, Title I, § 101, 62 Stat. 308.
1947—July 9, 1947, c. 211, Title I, § 101, 61 Stat. 282.

Accounting and Auditing

SEC. 115. (a) When the Secretary of the Treasury and the Comptroller General determine that existing procedures can be modified in the interest of simplification, improvement, or economy, with sufficient safeguards over the control and accounting for the public funds, they may issue joint regulations providing for the waiving, in whole or in part, of the requirements of existing law that—

Joint regulations.

(1) warrants be issued and countersigned in connection with the receipt, retention, and disbursement of public moneys and trust funds; and

(2) funds be requisitioned, and advanced to accountable officers under each separate appropriation head or otherwise.

(b) Such regulations may further provide for the payment of vouchers by authorized disbursing officers by means of checks issued against the general account of the Treasurer of the United States: *Provided*, That in such case the regulations shall provide for appropriate action in the event of delinquency by disbursing officers in the rendition of their accounts or for other reasons arising out of the condition of the officers' accounts, including under necessary circumstances, the suspension or withdrawal of authority to disburse.

Discontinuance of accounts in General Accounting Office.

SEC. 116. The Comptroller General is authorized to discontinue the maintenance in the General Accounting Office of appropriation, expenditure, limitation, receipt, and personal ledger accounts when in his opinion the accounting systems and internal control of the executive, legislative, and judicial agencies are sufficient to enable him to perform properly the functions to which such accounts relate.

AUDITING PROVISIONS

SEC. 117. (a) Except as otherwise specifically provided by law, the financial transactions of each executive, legislative, and judicial agency, including but not limited to the accounts of accountable officers, shall be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States. In the determination of auditing procedures to be followed and the extent of examination of vouchers and other documents, the Comptroller General shall give due regard to generally accepted principles of auditing, including consideration of the effectiveness of accounting organizations and systems, internal audit and control, and related administrative practices of the respective agencies.

Audits by General Accounting Office.

(b) Whenever the Comptroller General determines that the audit shall be conducted at the place or places where the accounts and other records of an executive agency are normally kept, he may require any executive agency to retain in whole or in part accounts of accountable officers, contracts, vouchers, and other documents, which are required under existing law to be submitted to the General Accounting Office, under such conditions and for such period not exceeding ten years as he may specify, unless a longer period is agreed upon with the executive agency: *Provided*, That under agreements between the Comptroller General and legislative and judicial agencies the provisions of this sentence may be extended to the accounts and records of such agencies.

Retention of accounts, etc.

GENERAL PROVISIONS

SEC. 118. As used in this part, the term "executive agency" means any executive department or independent establishment in the executive branch of the Government but (a) except for the purposes of sections 114, 116, and 119 shall not include any Government corporation or agency subject to the Government Corporation Control Act

"Executive agency."

AVAILABILITY TO CONGRESS OF BUDGETARY, FISCAL, AND RELATED DATA

SEC. 203. Upon request of any committee of either House, or of any joint committee of the two Houses, the Secretary of the Treasury and the Director of the Office of Management and Budget shall--

- (1) furnish to such committee or joint committee information as to the location and nature of data available in the various Federal agencies with respect to programs, activities, receipts, and expenditures of such agencies; and
- (2) to the extent feasible, prepare for such committee or joint committee summary tables of such data.

SEC. 1921, a

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ASSISTANCE TO CONGRESS BY GENERAL ACCOUNTING OFFICE

SEC. 204. (a) The Comptroller General shall review and analyze the results of Government programs and activities carried on under existing law, including the making of cost benefit studies, when ordered by either House of Congress, or upon his own initiative, or when requested by any committee of the House of Representatives or the Senate, or any joint committee of the two Houses, having jurisdiction over such programs and activities.

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(b) The Comptroller General shall have available in the General Accounting Office employees who are expert in analyzing and conducting cost benefit studies of Government programs. Upon request of any committee of either House or any joint committee of the two Houses, the Comptroller General shall assist such committee or joint committee, or the staff of such committee or joint committee--

- (1) in analyzing cost benefit studies furnished by any Federal agency to such committee or joint committee; or
- (2) in conducting cost benefit studies of programs under the jurisdiction of such committee or joint committee.

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POWER AND DUTIES OF COMPTROLLER GENERAL IN CONNECTION WITH BUDGETARY, FISCAL, AND RELATED MATTERS

SEC. 205. (a) The Comptroller General shall establish within the General Accounting Office such office or division, or such offices or divisions, as he considers necessary to carry out the functions and duties imposed on him by the provisions of this title.

Report to Congress.

(b) The Comptroller General shall include in his annual report to the Congress information with respect to the performance of the functions and duties imposed on him by the provisions of this title.

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PRESERVATION OF EXISTING AUTHORITIES AND DUTIES UNDER BUDGET AND ACCOUNTING AND OTHER STATUTES

SEC. 206. Nothing contained in this Act shall be construed as impairing any authority or responsibility of the Secretary of the Treasury, the Director of the Office of Management and Budget, and the Comptroller General of the United States under the Budget and Accounting Act, 1921, as amended, and the Budget and Accounting Procedures Act of 1950, as amended, or any other statutes.

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" (c) June 1 he may

42 Stat. 20.
31 USC 1.
64 Stat. 832.
31 USC 2 note.

DEFINITION

"Federal agency."

SEC. 207. As used in this title, the term "Federal agency" means any department, agency, wholly owned Government corporation, establishment, or instrumentality of the Government of the United States or the government of the District of Columbia.

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[Legislative Reorganization Act of 1970]

PUBLIC LAW 91-510—OCT. 26, 1970

[84 STAT.]

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(b) The Comptroller General shall have available in the General Accounting Office employees who are expert in analyzing and conducting cost benefit studies of Government programs. Upon request of any committee of either House or any joint committee of the two Houses, the Comptroller General shall assist such committee or joint committee, or the staff of such committee or joint committee—

- (1) in analyzing cost benefit studies furnished by any Federal agency to such committee or joint committee; or
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DEFINITION

SEC. 207. As used in this title, the term "Federal agency" means any department, agency, wholly owned Government corporation, establishment, or instrumentality of the Government of the United States or the government of the District of Columbia.

Report to Congress.

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31 § 54. GENERAL ACCOUNTING OFFICE

Ch. 1

§ 54. Information furnished to Comptroller General by departments and establishments

All departments and establishments shall furnish to the Comptroller General such information regarding the powers, duties, activities, organization, financial transactions, and methods of business of their respective offices as he may from time to time require of them; and the Comptroller General, or any of his assistants or employees, when duly authorized by him, shall, for the purpose of securing such information, have access to and the right to examine any books, documents, papers, or records of any such department or establishment. The authority contained in this section shall not be applicable to expenditures made under the provisions of section 107 of this title. June 10, 1921, c. 18, Title III, § 313, 42 Stat. 26.

Historical Note

Codification. Section superseded a provision in Act Feb. 19, 1897, c. 265, § 1, 29 Stat. 550, that all books, papers, and other matters relating to the office or accounts of disbursing officers of the Departments, and commissions, boards, and establishments of the Government in the District of Columbia, should be subject

to inspection, and examination by the Comptroller of the Treasury, and the Auditor authorized to settle such accounts, or the duly authorized agents of either; and also a somewhat similar provision in Act March 15, 1898, c. 68, § 5, 30 Stat. 316.

Notes of Decisions

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Requirement by the Comptroller General of information from the former Secretary of War relating to contracts showing that lowest bid was accepted or

a detailed statement of reasons for accepting other than the lowest bid was warranted by this section. 1925, 34 Op. Atty.Gen. 446.

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Ch. 1

Derivation of the Judicial Appellate Year 1921.

Codification as a part of Act, 1921, w

Repeals. Second Comptroller sign certificate bounties. It 1894, c. 174,

See, also, of this title.

§ 57.

Under employees leave of absence the executive piece-rate average for. Mar. § § 1(a), 50

References 5, referred to from the Code 23 of Title 5, Government

Codification as a part of Act, 1921, wh

Section was title.

Transfer of the Bureau of Department w master General issued by 1949

Annual and Executive Dej

§ 58.

Codification

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Ch. 2 SETTLEMENT & AUDIT 31 § 107a

§ 107. Settlement of expenses of intercourse with foreign nations

Whenever any sum of money has been or shall be issued, from the Treasury, for the purposes of intercourse or treaty with foreign nations, in pursuance of any law, the President is authorized to cause the same to be duly settled annually with the General Accounting Office, by causing the same to be accounted for, specifically, if the expenditure may, in his judgment, be made public; and by making or causing the Secretary of State to make a certificate of the amount of such expenditure, as he may think it advisable not to specify; and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended. R.S. § 291, June 10, 1921, c. 18, Title III, § 304, 42 Stat. 24.

Historical Note

Derivation. Act Feb. 9, 1793, c. 4, § 2, 1 Stat. 300. An appropriation for the fiscal year 1927 to enable the President to meet unforeseen emergencies arising in the Diplomatic and Consular service, etc., to be expended pursuant to the requirement of this section, was contained in Act April 28, 1926, c. 19, 44 Stat. 333. Similar appropriations were contained in prior acts. Codification. A reference in the original text of this section to the "proper accounting officers of the Treasury" was changed to refer to the "General Accounting Office" on authority of Act June 10, 1921.

Cross References

Comptroller General not entitled to information regarding expenditures made under this section, see section 54 of this title.

§ 107a. Same; delegation of authority by Secretary of State

The Secretary of State may delegate to subordinate officials the authority vested in him by section 107 of this title pertaining to certification of expenditures. Aug. 5, 1953, c. 328, Title I, § 101, 67 Stat. 368.

Historical Note

Similar Provisions. Section is from the Department of State Appropriations Act, 1954. Similar provisions were contained in the following prior appropriation Acts: 1952—July 10, 1952, c. 651, Title I, § 101, 66 Stat. 550. 1951—Oct. 22, 1951, c. 533, Title I, § 101, 65 Stat. 577. 1950—Sept. 6, 1950, c. 898, ch. III, Title I, § 101, 64 Stat. 610. 1949—July 20, 1949, c. 334, Title I, § 101, 63 Stat. 449. 1948—June 3, 1948, c. 400, Title I, § 101, 62 Stat. 308. 1947—July 9, 1947, c. 211, Title I, § 101, 61 Stat. 232.

[Accounting and Auditing Act of 1950]

64 STAT.] 81ST CONG., 2D SESS.—CH. 946—SEPT. 12, 1950

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SEC. 115. (a) When the Secretary of the Treasury and the Comptroller General determine that existing procedures can be modified in the interest of simplification, improvement, or economy, with sufficient safeguards over the control and accounting for the public funds, they may issue joint regulations providing for the waiving, in whole or in part, of the requirements of existing law that—

Joint regulations.

(1) warrants be issued and countersigned in connection with the receipt, retention, and disbursement of public moneys and trust funds; and

(2) funds be requisitioned, and advanced to accountable officers under each separate appropriation head or otherwise.

(b) Such regulations may further provide for the payment of vouchers by authorized disbursing officers by means of checks issued against the general account of the Treasurer of the United States: *Provided*, That in such case the regulations shall provide for appropriate action in the event of delinquency by disbursing officers in the rendition of their accounts or for other reasons arising out of the condition of the officers' accounts, including under necessary circumstances, the suspension or withdrawal of authority to disburse.

SEC. 116. The Comptroller General is authorized to discontinue the maintenance in the General Accounting Office of appropriation, expenditure, limitation, receipt, and personal ledger accounts when in his opinion the accounting systems and internal control of the executive, legislative, and judicial agencies are sufficient to enable him to perform properly the functions to which such accounts relate.

Discontinuance of accounts in General Accounting Office.

AUDITING PROVISIONS

SEC. 117. (a) Except as otherwise specifically provided by law, the financial transactions of each executive, legislative, and judicial agency, including but not limited to the accounts of accountable officers, shall be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States. In the determination of auditing procedures to be followed and the extent of examination of vouchers and other documents, the Comptroller General shall give due regard to generally accepted principles of auditing, including consideration of the effectiveness of accounting organizations and systems, internal audit and control, and related administrative practices of the respective agencies.

Audits by General Accounting Office.

(b) Whenever the Comptroller General determines that the audit shall be conducted at the place or places where the accounts and other records of an executive agency are normally kept, he may require any executive agency to retain in whole or in part accounts of accountable officers, contracts, vouchers, and other documents, which are required under existing law to be submitted to the General Accounting Office, under such conditions and for such period not exceeding ten years as he may specify, unless a longer period is agreed upon with the executive agency: *Provided*, That under agreements between the Comptroller General and legislative and judicial agencies the provisions of this sentence may be extended to the accounts and records of such agencies.

Retention of accounts, etc.

GENERAL PROVISIONS

SEC. 118. As used in this part, the term "executive agency" means any executive department or independent establishment in the executive branch of the Government but (a) except for the purposes of sections 114, 116, and 119 shall not include any Government corporation or agency subject to the Government Corporation Control Act

"Executive agency."

1 books, documents, papers, and records pertaining to the re-
2 ceipt, disbursement, or application of public funds, but shall
3 extend to all books, documents, papers, or records within
4 the possession or control of any such department or estab-
5 ment.”.

94TH CONGRESS
2D SESSION
H. R. 12729

A BILL

To amend the Budgeting and Accounting Act, 1921, to affirm the authority of the Comptroller General to have access to any books, documents, papers, or records of any Federal department or establishment for managerial and operational as well as for fiscal reviews and evaluations.

By Ms. ABzug

MARCH 23, 1976

Referred to the Committee on Government Operations

94TH CONGRESS
2^D SESSION

H. R. 12729

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 1976

Ms. ABZUG introduced the following bill; which was referred to the Committee on Government Operations

A BILL

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1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 313 of the Budgeting and Accounting Act, 1921
4 (31 U.S.C. 54), is amended by inserting at the end thereof
5 the following new sentence: "The authority contained in this
6 section shall be applicable to audits under section 117 of the
7 Accounting and Auditing Act of 1950 and to reviews and
8 evaluations under section 204 of the Legislative Reorganiza-
9 tion Act of 1970, and shall not be restricted to only those

1 books, documents, papers, and records pertaining to the re-
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