

31 USC 716 - Sec. 716. Availability of information and inspection of records

(a) 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 3524 or 3526(e) of this title.

(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 request shall state the authority for inspecting the records and the reason for the inspection.

The head of the agency has 20 days after receiving the request to respond.

The response shall describe the record withheld and the reason the record is being withheld.

If the Comptroller General is not given an opportunity to inspect the record within the 20-day period, the Comptroller General may file a report with the President, the Director of the Office of Management and Budget, the Attorney General, the head of the agency, and Congress. (2) Through an attorney the Comptroller General designates in writing, the Comptroller General may bring a civil action in the district court of the United States for the District of Columbia to require the head of the agency to produce a record - (A) after 20 days after a report is filed under paragraph (1) of this subsection; and (B) subject to subsection (d) of this section. (3) The Attorney General may represent the head of the agency.

The court may punish a failure to obey an order of the court under this subsection as a contempt of court. (c)(1) Subject to subsection (d) of this section, the Comptroller General may subpoena a record of a person not in the United States Government when the record is not made available to the Comptroller General to which the Comptroller General has access by law or by agreement of that person from whom access is sought. A subpoena shall identify the record and the authority for the inspection and may be issued by the Comptroller General.

The Comptroller General may have an individual serve a subpoena under this subsection by delivering a copy to the person named in the subpoena or by mailing a copy of the subpoena by certified or registered mail, return receipt requested, to the residence or principal place of business of the person.

Proof of service is shown by a verified return by the individual serving the subpoena that states how the subpoena was served or by the return receipt signed by the person served. (2) If a person

residing, found, or doing business in a judicial district refuses to comply with a subpoena issued under paragraph (1) of this subsection, the Comptroller General, through an attorney the Comptroller General designates in writing, may bring a civil action in that district court to require the person to produce the record.

The court has jurisdiction of the action and may punish a failure to obey an order of the court under this subsection as a contempt of court. (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 General Accounting 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.