

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

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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.

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.

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, 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 Printing 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.