

AUDIT OPINION AND INTERNAL CONTROLS BY SECRETARY OF HOMELAND SECURITY

Pub. L. 108-330, §4(b), (c), Oct. 16, 2004, 118 Stat. 1277, provided that:

“(b) IMPLEMENTATION OF AUDIT OPINION REQUIREMENT.—The Secretary of Homeland Security shall include audit opinions in performance and accountability reports under section 3516(f) of title 31, United States Code, as amended by subsection (a), only for fiscal years after fiscal year 2005.

“(c) ASSERTION OF INTERNAL CONTROLS.—The Secretary of Homeland Security shall include in the performance and accountability report for fiscal year 2005 submitted by the Secretary under section 3516(f) of title 31, United States Code, an assertion of the internal controls that apply to financial reporting by the Department of Homeland Security.”

FINDINGS AND PURPOSES

Pub. L. 106-531, §2, Nov. 22, 2000, 114 Stat. 2537, provided that:

“(a) FINDINGS.—Congress finds that—

“(1) existing law imposes numerous financial and performance management reporting requirements on agencies;

“(2) these separate requirements can cause duplication of effort on the part of agencies and result in uncoordinated reports containing information in a form that is not completely useful to Congress; and

“(3) pilot projects conducted by agencies under the direction of the Office of Management and Budget demonstrate that single consolidated reports providing an analysis of verifiable financial and performance management information produce more useful reports with greater efficiency.

“(b) PURPOSES.—The purposes of this Act [see Short Title of 2000 Amendment note set out under section 3501 of this title] are—

“(1) to authorize and encourage the consolidation of financial and performance management reports;

“(2) to provide financial and performance management information in a more meaningful and useful format for Congress, the President, and the public;

“(3) to improve the quality of agency financial and performance management information; and

“(4) to enhance coordination and efficiency on the part of agencies in reporting financial and performance management information.”

SPECIAL RULE FOR FISCAL YEARS 2000 AND 2001

Pub. L. 106-531, §3(b), Nov. 22, 2000, 114 Stat. 2538, provided that: “Notwithstanding paragraph (1) of section 3516(a) of title 31, United States Code (as added by subsection (a) of this section), the head of an executive agency may submit a consolidated report under such paragraph not later than 180 days after the end of that agency’s fiscal year, with respect to fiscal years 2000 and 2001.”

SUBCHAPTER III—AUDITING AND
SETTLING ACCOUNTS

§ 3521. Audits by agencies

(a) Each account of an agency shall be audited administratively before being submitted to the Comptroller General. The head of each agency shall prescribe regulations for conducting the audit and designate a place at which the audit is to be conducted. However, a disbursing official of an executive agency may not administratively audit vouchers for which the official is responsible. With the consent of the Comptroller General, the head of the agency may waive any part of an audit.

(b) The head of an agency may prescribe a statistical sampling procedure to audit vouchers of

the agency when the head of the agency decides economies will result from using the procedure. The Comptroller General—

(1) may prescribe the maximum amount of a voucher that may be audited under this subsection; and

(2) in reviewing the accounting system of the agency, shall evaluate the adequacy and effectiveness of the procedure.

(c) A disbursing or certifying official acting in good faith under subsection (b) of this section is not liable for a payment or certification of a voucher not audited specifically because of the procedure prescribed under subsection (b) if the official and the head of the agency carry out diligently collection action the Comptroller General prescribes.

(d) Subsections (b) and (c) of this section do not—

(1) affect the liability, or authorize the relief, of a payee, beneficiary, or recipient of an illegal, improper, or incorrect payment; or

(2) relieve a disbursing or certifying official, the head of an agency, or the Comptroller General of responsibility in carrying out collection action against a payee, beneficiary, or recipient.

(e) Each financial statement prepared under section 3515 by an agency shall be audited in accordance with applicable generally accepted government auditing standards—

(1) in the case of an agency having an Inspector General appointed under the Inspector General Act of 1978 (5 U.S.C. App.), by the Inspector General or by an independent external auditor, as determined by the Inspector General of the agency; and

(2) in any other case, by an independent external auditor, as determined by the head of the agency.

(f) For each audited financial statement required under subsection (a) of section 3515 of this title, the person who audits the statement for purpose of subsection (e) of this section shall submit a report on the audit to the head of the agency and the Controller of the Office of Federal Financial Management. A report under this subsection shall be prepared in accordance with generally accepted government auditing standards.

(g) The Comptroller General of the United States—

(1) may review any audit of a financial statement conducted under this subsection by an Inspector General or an external auditor;

(2) shall report to the Congress, the Director of the Office of Management and Budget, and the head of the agency which prepared the statement, regarding the results of the review and make any recommendation the Comptroller General considers appropriate; and

(3) may audit a financial statement prepared under section 3515 of this title at the discretion of the Comptroller General or at the request of a committee of the Congress.

An audit the Comptroller General performs under this subsection shall be in lieu of the audit otherwise required by subsection (e) of this section. Prior to performing such audit, the

Comptroller General shall consult with the Inspector General of the agency which prepared the statement.

(h) Each financial statement prepared by an executive agency for a fiscal year after fiscal year 1991 shall be audited in accordance with this section and the plan required by section 3512(a)(3)(B)(viii) of this title.

(i)(1) If the Government Accountability Office audits any financial statement or related schedule which is prepared under section 3515 by an executive agency (or component thereof) for a fiscal year beginning on or after October 1, 2009, such executive agency (or component) shall reimburse the Government Accountability Office for the cost of such audit, if the Government Accountability Office audited the statement or schedule of such executive agency (or component) for fiscal year 2007.

(2) Any executive agency (or component thereof) that prepares a financial statement under section 3515 for a fiscal year beginning on or after October 1, 2009, and that requests, with the concurrence of the Inspector General of such agency, the Government Accountability Office to conduct the audit of such statement or any related schedule required by section 3521 may reimburse the Government Accountability Office for the cost of such audit.

(3) For the audits conducted under paragraphs (1) and (2), the Government Accountability Office shall consult prior to the initiation of the audit with the relevant executive agency (or component) and the Inspector General of such agency on the scope, terms, and cost of such audit.

(4) Any reimbursement under paragraph (1) or (2) shall be deposited to a special account in the Treasury and shall be available to the Government Accountability Office for such purposes and in such amounts as are specified in annual appropriations Acts.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 961; Pub. L. 101-576, title III, §304(a), Nov. 15, 1990, 104 Stat. 2852; Pub. L. 103-356, title IV, §405(b), Oct. 13, 1994, 108 Stat. 3416; Pub. L. 104-208, div. A, title I, §101(f) [title VIII, §805(a)], Sept. 30, 1996, 110 Stat. 3009-314, 3009-392; Pub. L. 106-531, §4(b), Nov. 22, 2000, 114 Stat. 2539; Pub. L. 110-323, §6(a), Sept. 22, 2008, 122 Stat. 3547.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3521(a)	31:44(1st sentence).	June 10, 1921, ch. 18, §304(1st par. 1st sentence), 42 Stat. 24.
	31:65b.	Sept. 12, 1950, ch. 946, §119, 64 Stat. 838.
	31:75, 41:21.	July 31, 1894, ch. 174, §22, 28 Stat. 210.
	31:82.	Aug. 23, 1912, ch. 350, §1(last par. under heading "Office of the Comptroller of the Treasury"), 37 Stat. 375.
3521(b)	31:82b-1(a)(1st sentence words before semicolon, last sentence).	Aug. 30, 1964, Pub. L. 88-521, 78 Stat. 700; Jan. 2, 1975, Pub. L. 93-604, §101, 88 Stat. 1959.
3521(c)	31:82b-1(a)(1st sentence words after semicolon).	
3521(d)	31:82b-1(b).	

In the section, the word "audit" is substituted for "examination", and the word "official" is substituted for "officer", for consistency in the revised title and with other titles of the United States Code.

In subsection (a), the words "Except as otherwise provided" in 31:82(words before 5th comma) are omitted as unnecessary. The words "on and after August 23, 1912" are omitted as executed. The words "of an agency" are substituted for "public" for clarity and consistency. The words "preliminary to their audit by the General Accounting Office . . . as contemplated by section 78 of this title" are omitted as unnecessary. The words "Comptroller General" are substituted for "General Accounting Office" in 31:75 for consistency. The words "prepared and" in 31:82(words between 5th and 6th commas) are omitted as surplus. The words "by and through the administrative heads of divisions and bureaus" are omitted because of the authority vested in the heads of agencies. The words "and pay rolls" are omitted as being included in "vouchers". The text of 31:82(words after 6th comma) is omitted as executed. The text of 31:75(1st par.) is omitted as unnecessary because of section 321(b) of the revised title. The words "head of each agency" are substituted for "head of each executive agency . . . Provided, That the same authority is conferred upon the officers responsible for the administrative examination of accounts for legislative and judicial agencies" in 31:65b and "heads of the several executive departments and of the proper officers of other Government establishments, not within the jurisdiction of any executive department" in 31:75 because of sections 101, 102, and 3501 of the revised title. The words "shall prescribe regulations for conducting the audit" are substituted for "It shall also be the duty of . . . to make appropriate rules and regulations to secure a proper administrative examination of all accounts sent to them, as required by section 78 of this title" for consistency and to eliminate unnecessary words. The words "and for the execution of other requirements of this chapter insofar as the same relate to the several departments or establishments" are omitted as unnecessary. The words "or places, at the seat of government or elsewhere . . . of fiscal officers' accounts" in 31:65b are omitted as surplus.

In subsection (b), the words "the Mayor of the District of Columbia" are omitted as superseded by sections 448(2) and 449 of the District of Columbia Self-Government and Governmental Reorganization Act (Pub. L. 93-198, 87 Stat. 802, 803).

In subsection (c), the words "made by him" are omitted as surplus. The words "head of the" are added for consistency. The words "to recover the illegal, improper, or incorrect payment in accordance with procedures" are omitted as surplus.

REFERENCES IN TEXT

The Inspector General Act of 1978, referred to in subsection (e)(1), is Pub. L. 95-452, Oct. 12, 1978, 92 Stat. 1101, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

2008—Subsec. (i). Pub. L. 110-323 added subsec. (i).

2000—Subsec. (f). Pub. L. 106-531 struck out "(1)" before "For each audited", substituted "subsection (a)" for "subsections (a) and (f)", and struck out par. (2) which read as follows: "Not later than June 30 following the fiscal year for which a financial statement is submitted under subsection (g) of section 3515 of this title, the person who audits the statement for purpose of subsection (e) of this section shall submit a report on the audit to the head of the agency. A report under this subsection shall be prepared in accordance with generally accepted government auditing standards."

1996—Subsec. (f)(1). Pub. L. 104-208 inserted "and the Controller of the Office of Federal Financial Management" before period at end of first sentence.

1994—Subsec. (f). Pub. L. 103-356 amended subsec. (f) generally. Prior to amendment, subsec. (f) read as follows: "Not later than June 30 following the fiscal year for which a financial statement is submitted under section 3515 of this title by an agency, the person who audits the statement for purpose of subsection (e) shall

submit a report on the audit to the head of the agency. A report under this subsection shall be prepared in accordance with generally accepted government auditing standards.”

1990—Subsecs. (e) to (h). Pub. L. 101-576 added subsecs. (e) to (h).

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-208 effective for fiscal year ending Sept. 30, 1997, see section 101(f) [title VIII, §807] of Pub. L. 104-208, set out in a Federal Financial Management Improvement note under section 3512 of this title.

AUDITS AND REPORTS OF AGENCY FINANCIAL STATEMENTS

Pub. L. 105-206, title I, §1103(d), July 22, 1998, 112 Stat. 709, provided that: “Subject to section 3521(g) of title 31, United States Code—

“(1) the Inspector General of the Department of the Treasury shall, subject to paragraph (2)—

“(A) audit each financial statement in accordance with section 3521(e) of such title; and

“(B) prepare and submit each report required under section 3521(f) of such title; and

“(2) the Treasury Inspector General for Tax Administration shall—

“(A) audit that portion of each financial statement referred to under paragraph (1)(A) that relates to custodial and administrative accounts of the Internal Revenue Service; and

“(B) prepare that portion of each report referred to under paragraph (1)(B) that relates to custodial and administrative accounts of the Internal Revenue Service.”

WAIVER OF REQUIREMENTS

Pub. L. 101-576, title III, §304(b), Nov. 15, 1990, 104 Stat. 2853, provided that: “The Director of the Office of Management and Budget may waive application of subsections (e) and (f) of section 3521 of title 31, United States Code, as amended by this section, to a financial statement submitted by an agency for fiscal years 1990 and 1991.”

TIME LIMIT FOR RESOLVING PENDING AND NEW AUDITS

Pub. L. 96-304, title III, §305, July 8, 1980, 94 Stat. 928, provided that: “All unresolved audits currently pending within agencies and departments, for which appropriations are made under this Act, shall be resolved not later than September 30, 1981. Any new audits, involving questioned costs, arising after July 8, 1980, shall be resolved within 6 months.”

§ 3522. Making and submitting accounts

(a)(1) Unless the Comptroller General decides the public interest requires that an account be made more frequently, each disbursing official shall make a quarterly account. An official or agent of the United States Government receiving public money not authorized to be kept as pay of the official or agent shall make a monthly account of the money.

(2) An official or agent of the Government receiving public money shall make an account of public money received by the official or agent according to the appropriation from which the money was advanced.

(b)(1) A monthly account shall be submitted to the appropriate official in the District of Columbia by the 10th day after the end of the month covered by the account. The official shall submit the account to the Comptroller General by the 20th day after receiving the account.

(2) An account (except a monthly account) shall be submitted to the appropriate official in

the District of Columbia by the 20th day after the end of the period covered by the account. The official shall submit the account to the Comptroller General by the 60th day after receiving the account.

(3) Notwithstanding paragraphs (1) and (2) of this subsection, an account of the armed forces shall be submitted to the Comptroller General by the 60th day after the account is received. However, during a war or national emergency and for 18 months after the war or emergency ends, an account shall be submitted to the Comptroller General by the 90th day after the account is received.

(4) Notwithstanding paragraphs (1) and (2) of this subsection, an account of a disbursing official of the Department of Justice shall be submitted to the Comptroller General by the 80th day after the account is received.

(c) An official shall give evidence of compliance with subsection (b) of this section if an account is not received within a reasonable time after the time required by subsection (b).

(d) The head of an agency may require other returns or reports about the agency that the public interest requires.

(e)(1) The Comptroller General shall disapprove a requisition for an advance of money if an account from which the advance is to be made is not submitted to the Comptroller General within the time required by subsection (b) of this section. The Comptroller General may disapprove the request for another reason related to the condition of an account of the official for whom the advance is requested. However, the Secretary of the Treasury may overrule the decision of the Comptroller General on the sufficiency of the other reasons.

(2) The Secretary may extend the time requirements of subsection (b)(1) and (2) of this section for submitting an account to the proper official in the District of Columbia or waive a condition of delinquency only when there is, or is likely to be, a manifest physical difficulty in complying with those requirements. If an account is not submitted to the Comptroller General on time under subsection (b), an order of the President or, if the President is ill or not in the District of Columbia, the Secretary is required to authorize an advance.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 961.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3522(a)(1)	31:44(1st sentence).	June 10, 1921, ch. 18, §304(1st par. 1st sentence), 42 Stat. 24.
	31:496(1st sentence).	R.S. §3622; Feb. 27, 1877, ch. 69(8th complete par. on p. 249), 19 Stat. 249; July 31, 1894, ch. 174, §12(last par.), 28 Stat. 209.
	31:497.	Aug. 30, 1890, ch. 837, §4, 26 Stat. 413. R.S. §3623.
3522(a)(2) 3522(b)(1), (2).	31:498.	
	31:44(1st sentence).	
3522(b)(3)	31:78(1st, last sentences).	July 31, 1894, ch. 174, §12(1st par.), 28 Stat. 209; Mar. 2, 1895, ch. 177, §4, 28 Stat. 807.
	31:496(2d sentence). 31:44(1st sentence).	June 10, 1921, ch. 18, §304(1st par. 1st sentence), 42 Stat. 24.
	31:80.	Mar. 2, 1901, ch. 803(3d par. on p. 910), 31 Stat. 910; July 9, 1918, ch. 143, ch. XVIII(last par.), 40 Stat. 892.