

[DISCUSSION DRAFT]

MARCH 4, 2013

113TH CONGRESS
1ST SESSION

H. R. 1162

To amend title 31, United States Code, to make improvements in the Government Accountability Office.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title 31, United States Code, to make improvements in the Government Accountability Office.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “_____ Act
5 of 2013”.

6 **SEC. 2. GOVERNMENT ACCOUNTABILITY OFFICE IMPROVE-**
7 **MENT.**

8 (a) **AUTHORITY TO OBTAIN INFORMATION.—**

1 (1) AUTHORITY TO OBTAIN RECORDS.—Section
2 716 of title 31, United States Code, is amended in
3 subsection (a)—

4 (A) by striking “(a)” and inserting “(2)”;
5 and

6 (B) by inserting after the section heading
7 the following:

8 “(a)(1) The Comptroller General is authorized to ob-
9 tain such agency records as the Comptroller General re-
10 quires to discharge his duties (including audit, evaluation,
11 and investigative duties), including through the bringing
12 of civil actions under this section. In reviewing a civil ac-
13 tion under this section, the court shall recognize the con-
14 tinuing force and effect of the authorization in the pre-
15 ceding sentence until such time as the authorization is re-
16 pealed pursuant to law.”.

17 (2) COPIES.—Section 716(a) of title 31, United
18 States Code, as amended by subsection (a), is fur-
19 ther amended in the second sentence of paragraph
20 (2) by striking “inspect an agency record” and in-
21 serting “inspect, and make and retain copies of, an
22 agency record”.

23 (b) ADMINISTERING OATHS.—Section 711 of title 31,
24 United States Code, is amended by striking paragraph (4)
25 and inserting the following:

1 “(4) administer oaths to witnesses when audit-
2 ing and settling accounts and, with the prior express
3 approval of the Comptroller General, when inves-
4 tigating fraud or attempts to defraud the United
5 States, or irregularity or misconduct of an employee
6 or agent of the United States.”.

7 (c) ACCESS TO CERTAIN INFORMATION.—

8 (1) ACCESS TO CERTAIN INFORMATION.—Sub-
9 chapter II of chapter 7 of title 31, United States
10 Code, is amended by adding at the end the fol-
11 lowing:

12 **“§ 721. Access to certain information**

13 “(a) No provision of the Social Security Act, includ-
14 ing section 453(l) of that Act (42 U.S.C. 653(l)), shall
15 be construed to limit, amend, or supersede the authority
16 of the Comptroller General to obtain any information or
17 to inspect or copy any record under section 716 of this
18 title.

19 “(b) No provision of the Federal Food, Drug, and
20 Cosmetic Act, including section 301(j) of that Act (21
21 U.S.C. 331(j)), shall be construed to limit, amend, or su-
22 persede the authority of the Comptroller General to obtain
23 any information or to inspect or copy any record under
24 section 716 of this title.

1 “(e) No provision of the Hart-Scott-Rodino Antitrust
2 Improvements Act of 1976 (Public Law 94–435) and the
3 amendments made by that Act shall be construed to limit,
4 amend, or supersede the authority of the Comptroller Gen-
5 eral to obtain any information or to inspect or copy any
6 record under section 716 of this title, including with re-
7 spect to any information disclosed to the Assistant Attor-
8 ney General of the Antitrust Division of the Department
9 of Justice or the Federal Trade Commission for purposes
10 of pre-merger review under section 7A of the Clayton Act
11 (15 U.S.C. 18a).

12 “(d)(1) The Comptroller General shall prescribe such
13 policies and procedures as are necessary to protect from
14 public disclosure proprietary or trade secret information
15 obtained consistent with this section.

16 “(2) Nothing in this section shall be construed to—

17 “(A) alter or amend the prohibitions against
18 the disclosure of trade secret or other sensitive infor-
19 mation prohibited by section 1905 of title 18 and
20 other applicable laws; or

21 “(B) affect the applicability of section 716(e) of
22 this title, including the protections against unauthor-
23 ized disclosure contained in that section, to informa-
24 tion obtained consistent with this section.

1 “(e) Specific references to statutes in this section
2 shall not be construed to affect access by the Government
3 Accountability Office to information under statutes that
4 are not so referenced.”.

5 (2) TECHNICAL AND CONFORMING AMEND-
6 MENT.—The table of sections for chapter 7 of title
7 31, United States Code, is amended by inserting
8 after the item relating to section 720 the following:

“721. Access to certain information.”.

9 (d) AGENCY REPORTS.—Section 720(b) of title 31,
10 United States Code, is amended—

11 (1) in the matter preceding paragraph (1), by
12 inserting “or planned” after “action taken”; and

13 (2) by striking paragraph (1) and inserting the
14 following:

15 “(1) the Committee on Homeland Security and
16 Governmental Affairs of the Senate, the Committee
17 on Oversight and Government Reform of the House
18 of Representatives, the congressional committees
19 with jurisdiction over the agency program or activity
20 that is the subject of the recommendation, and the
21 Government Accountability Office before the 61st
22 day after the date of the report; and”.