[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) Authority to Obtain Records.—Section 716 of title 31, United States Code, is amended in subsection (a)—

(A) by striking "(a)" and inserting "(2)";

and

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

"(a)(1) The Comptroller General is authorized to obtain such agency records as the Comptroller General requires to discharge his duties (including audit, evaluation, and investigative duties), including through the bringing of civil actions under this section. In reviewing a civil action under this section, the court shall recognize the continuing force and effect of the authorization in the preceding sentence until such time as the authorization is repealed pursuant to law.".

(2) Copies.—Section 716(a) of title 31, United States Code, as amended by subsection (a), is further amended in the second sentence of paragraph (2) by striking "inspect an agency record" and inserting "inspect, and make and retain copies of, an agency record".

(b) Administering Oaths.—Section 711 of title 31, United States Code, is amended by striking paragraph (4) and inserting the following:
“(4) administer oaths to witnesses when auditing and settling accounts and, with the prior express approval of the Comptroller General, when investigating fraud or attempts to defraud the United States, or irregularity or misconduct of an employee or agent of the United States.”.

(c) Access to Certain Information.—

(1) Access to certain information.—Subchapter II of chapter 7 of title 31, United States Code, is amended by adding at the end the following:

“§ 721. Access to certain information

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

“(b) No provision of the Federal Food, Drug, and Cosmetic Act, including section 301(j) of that Act (21 U.S.C. 331(j)), shall be construed to limit, amend, or supersede the authority of the Comptroller General to obtain any information or to inspect or copy any record under section 716 of this title.
“(c) No provision of the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (Public Law 94–435) and the amendments made by that Act shall be construed to limit, amend, or supersede the authority of the Comptroller General to obtain any information or to inspect or copy any record under section 716 of this title, including with respect to any information disclosed to the Assistant Attorney General of the Antitrust Division of the Department of Justice or the Federal Trade Commission for purposes of pre-merger review under section 7A of the Clayton Act (15 U.S.C. 18a).

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

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

“(A) alter or amend the prohibitions against the disclosure of trade secret or other sensitive information prohibited by section 1905 of title 18 and other applicable laws; or

“(B) affect the applicability of section 716(e) of this title, including the protections against unauthorized disclosure contained in that section, to information obtained consistent with this section.
“(e) Specific references to statutes in this section shall not be construed to affect access by the Government Accountability Office to information under statutes that are not so referenced.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 7 of title 31, United States Code, is amended by inserting after the item relating to section 720 the following: “721. Access to certain information.”.

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

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

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

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