

## Union Calendar No. 22

113<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1162

**[Report No. 113-36]**

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

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IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2013

Mr. ISSA (for himself and Mr. CUMMINGS) introduced the following bill; which  
was referred to the Committee on Oversight and Government Reform

APRIL 12, 2013

Committed to the Committee of the Whole House on the State of the Union  
and ordered to be printed

# **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 “Government Account-  
5 ability Office Improvement Act”.

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

8 (a) AUTHORITY TO OBTAIN INFORMATION.—

9 (1) AUTHORITY TO OBTAIN RECORDS.—Section  
10 716 of title 31, United States Code, is amended in  
11 subsection (a)—

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

13 and

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

16 “(a)(1) The Comptroller General is authorized to ob-  
17 tain such agency records as the Comptroller General re-  
18 quires to discharge his duties (including audit, evaluation,  
19 and investigative duties), including through the bringing  
20 of civil actions under this section. In reviewing a civil ac-  
21 tion under this section, the court shall recognize the con-  
22 tinuing force and effect of the authorization in the pre-  
23 ceding sentence until such time as the authorization is re-  
24 pealed pursuant to law.”.

1           (2) COPIES.—Section 716(a) of title 31, United  
2 States Code, as amended by subsection (a), is fur-  
3 ther amended in the second sentence of paragraph  
4 (2) by striking “inspect an agency record” and in-  
5 serting “inspect, and make and retain copies of, an  
6 agency record”.

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

10           “(4) administer oaths to witnesses when audit-  
11 ing and settling accounts and, with the prior express  
12 approval of the Comptroller General, when inves-  
13 tigating fraud or attempts to defraud the United  
14 States, or irregularity or misconduct of an employee  
15 or agent of the United States.”.

16           (c) ACCESS TO CERTAIN INFORMATION.—

17           (1) ACCESS TO CERTAIN INFORMATION.—Sub-  
18 chapter II of chapter 7 of title 31, United States  
19 Code, is amended by adding at the end the fol-  
20 lowing:

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

22           “(a) No provision of the Social Security Act, includ-  
23 ing section 453(l) of that Act (42 U.S.C. 653(l)), shall  
24 be construed to limit, amend, or supersede the authority  
25 of the Comptroller General to obtain any information or

1 to inspect or copy any record under section 716 of this  
2 title.

3 “(b) No provision of the Federal Food, Drug, and  
4 Cosmetic Act, including section 301(j) of that Act (21  
5 U.S.C. 331(j)), shall be construed to limit, amend, or su-  
6 perse the authority of the Comptroller General to obtain  
7 any information or to inspect or copy any record under  
8 section 716 of this title.

9 “(c) No provision of the Hart-Scott-Rodino Antitrust  
10 Improvements Act of 1976 (Public Law 94–435) and the  
11 amendments made by that Act shall be construed to limit,  
12 amend, or supersede the authority of the Comptroller Gen-  
13 eral to obtain any information or to inspect or copy any  
14 record under section 716 of this title, including with re-  
15 spect to any information disclosed to the Assistant Attor-  
16 ney General of the Antitrust Division of the Department  
17 of Justice or the Federal Trade Commission for purposes  
18 of pre-merger review under section 7A of the Clayton Act  
19 (15 U.S.C. 18a).

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

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

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

5           “(B) affect the applicability of section 716(e) of  
6           this title, including the protections against unauthor-  
7           ized disclosure contained in that section, to informa-  
8           tion obtained consistent with this section.

9           “(e) Specific references to statutes in this section  
10          shall not be construed to affect access by the Government  
11          Accountability Office to information under statutes that  
12          are not so referenced.”.

13           (2) TECHNICAL AND CONFORMING AMEND-  
14          MENT.—The table of sections for chapter 7 of title  
15          31, United States Code, is amended by inserting  
16          after the item relating to section 720 the following:

“721. Access to certain information.”.

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

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

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

23           “(1) the Committee on Homeland Security and  
24           Governmental Affairs of the Senate, the Committee  
25           on Oversight and Government Reform of the House

1 of Representatives, the congressional committees  
2 with jurisdiction over the agency program or activity  
3 that is the subject of the recommendation, and the  
4 Government Accountability Office before the 61st  
5 day after the date of the report; and”.

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113<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

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