

Calendar No. 264

113TH CONGRESS  
1ST SESSION**H. R. 1162****[Report No. 113-128]**

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IN THE SENATE OF THE UNITED STATES

APRIL 16, 2013

Received; read twice and referred to the Committee on Homeland Security and  
Governmental Affairs

DECEMBER 17, 2013

Reported by Mr. CARPER, without amendment

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## **AN ACT**

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.—**

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

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

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

10 “(B) affect the applicability of section 716(e) of  
11 this title, including the protections against unauthor-  
12 ized disclosure contained in that section, to informa-  
13 tion obtained consistent with this section.

14 “(d) Specific references to statutes in this section  
15 shall not be construed to affect access by the Government  
16 Accountability Office to information under statutes that  
17 are not so referenced.”

18 (2) TECHNICAL AND CONFORMING AMEND-  
19 MENT.—The table of sections for chapter 7 of title  
20 31, United States Code, is amended by inserting  
21 after the item relating to section 720 the following:

“721. Access to certain information.”

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

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

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

3           “(1) the Committee on Homeland Security and  
4 Governmental Affairs of the Senate, the Committee  
5 on Oversight and Government Reform of the House  
6 of Representatives, the congressional committees  
7 with jurisdiction over the agency program or activity  
8 that is the subject of the recommendation, and the  
9 Government Accountability Office before the 61st  
10 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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