

Calendar No. 646

111TH CONGRESS
2^D SESSION**S. 2991****[Report No. 111–350]**

To amend title 31, United States Code, to enhance the oversight authorities of the Comptroller General, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 4, 2010

Mrs. McCASKILL (for herself and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

NOVEMBER 18, 2010

Reported by Mr. LIEBERMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend title 31, United States Code, to enhance the oversight authorities of the Comptroller General, and for other purposes.

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 of 2010”.

1 **SEC. 2. AUTHORITY TO OBTAIN INFORMATION.**

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

5 (1) by striking “(a)” and inserting “(2)”; and
6 (2) by inserting after the section heading the
7 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 (b) **COPIES AND INTERVIEWS.**—Section 716(a) of
18 title 31, United States Code, as amended by subsection
19 (a), is further amended in the second sentence of para-
20 graph (2) by striking “inspect an agency record” and in-
21 serting “inspect, and make and retain copies of, an agency
22 record and interview agency officers and employees”.

23 (c) **RULES OF CONSTRUCTION.**—Section 716 of title
24 31, United States Code, is amended by adding at the end
25 the following new subsection:

1 “(f) No provision of any law in existence on the date
 2 of the enactment of this section or enacted after such date
 3 shall be construed to limit, amend, or supersede the au-
 4 thority of the Comptroller General to obtain any informa-
 5 tion, to inspect any record, or to interview any officer or
 6 employee under this section in carrying out any authorized
 7 audit, evaluation, or investigation, except to the extent
 8 such provision expressly and specifically refers to this sec-
 9 tion and provides for such limitation, amendment, or
 10 supersession.”.

11 **SEC. 3. ADMINISTERING OATHS.**

12 Paragraph (4) of section 711 of title 31, United
 13 States Code, is amended to read as follows:

14 “(4) administer oaths to witnesses, except that,
 15 in matters other than auditing and settling accounts,
 16 the authority of an officer or employee to administer
 17 oaths to witnesses pursuant to a delegation under
 18 paragraph (2) shall not be available without the
 19 prior express approval of the Comptroller General
 20 (or a designee).”.

21 **SEC. 4. AGENCY REPORTS.**

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

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

1 (2) by amending paragraph (1) to read as fol-
 2 lows:

3 “(1) the Committee on Homeland Security and
 4 Governmental Affairs of the Senate, the Committee
 5 on Oversight and Government Operations of the
 6 House of Representatives, the congressional commit-
 7 tees with jurisdiction over the agency program or ac-
 8 tivity that is the subject of the recommendation, and
 9 the Government Accountability Office before the
 10 61st day after the date of the report; and”.

11 **SECTION 1. SHORT TITLE.**

12 *This Act may be cited as the “Government Account-*
 13 *ability Office Improvement Act of 2010”.*

14 **SEC. 2. AUTHORITY TO OBTAIN INFORMATION.**

15 (a) *AUTHORITY TO OBTAIN RECORDS.*—Section 716
 16 *of title 31, United States Code, is amended in subsection*
 17 *(a)—*

18 (1) *by striking “(a)” and inserting “(2)”;* and

19 (2) *by inserting after the section heading the fol-*
 20 *lowing:*

21 “(a)(1) *The Comptroller General is authorized to ob-*
 22 *tain such agency records as the Comptroller General re-*
 23 *quires to discharge his duties (including audit, evaluation,*
 24 *and investigative duties), including through the bringing*
 25 *of civil actions under this section. In reviewing a civil ac-*

1 *tion under this section, the court shall recognize the con-*
 2 *tinuing force and effect of the authorization in the pre-*
 3 *ceding sentence until such time as the authorization is re-*
 4 *pealed pursuant to law.”.*

5 *(b) COPIES.—Section 716(a) of title 31, United States*
 6 *Code, as amended by subsection (a), is further amended in*
 7 *the second sentence of paragraph (2) by striking “inspect*
 8 *an agency record” and inserting “inspect, and make and*
 9 *retain copies of, an agency record”.*

10 **SEC. 3. ADMINISTERING OATHS.**

11 *Section 711 of title 31, United States Code, is amended*
 12 *by striking paragraph (4) and inserting the following:*

13 *“(4) administer oaths to witnesses when auditing*
 14 *and settling accounts and, with the prior express ap-*
 15 *proval of the Comptroller General, when investigating*
 16 *fraud or attempts to defraud the United States, or ir-*
 17 *regularity or misconduct of an employee or agent of*
 18 *the United States.”.*

19 **SEC. 4. ACCESS TO CERTAIN INFORMATION.**

20 *(a) ACCESS TO CERTAIN INFORMATION.—Subchapter*
 21 *II of chapter 7 of title 31, United States Code, is amended*
 22 *by adding at the end the following:*

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

24 *“(a) No provision of the Social Security Act, including*
 25 *section 453(l) of that Act (42 U.S.C. 653(l)), shall be con-*

1 *strued to limit, amend, or supersede the authority of the*
 2 *Comptroller General to obtain any information or to in-*
 3 *spect or copy any record under section 716 of this title.*

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

10 “(c) No provision of the *Hart-Scott-Rodino Antitrust*
 11 *Improvements Act of 1976 (Public Law 94–435) and the*
 12 *amendments made by that Act shall be construed to limit,*
 13 *amend, or supersede the authority of the Comptroller Gen-*
 14 *eral to obtain any information or to inspect or copy any*
 15 *record under section 716 of this title, including with respect*
 16 *to any information disclosed to the Assistant Attorney Gen-*
 17 *eral of the Antitrust Division of the Department of Justice*
 18 *or the Federal Trade Commission for purposes of pre-merg-*
 19 *er review under section 7A of the Clayton Act (15 U.S.C.*
 20 *18a).*

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

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

1 “(A) to 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) to affect the applicability of section 716(e)
6 of this title, including the protections against unau-
7 thorized disclosure contained in that section, to infor-
8 mation obtained consistent with this section.

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

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

 “721. Access to certain information.”.

17 **SEC. 5. AGENCY REPORTS.**

18 Section 720(b) of title 31, United States Code, is
19 amended—

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

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

24 “(1) the Committee on Homeland Security and
25 Governmental Affairs of the Senate, the Committee on

1 *Oversight and Government Operations of the House of*
2 *Representatives, the congressional committees with ju-*
3 *risdiction over the agency program or activity that is*
4 *the subject of the recommendation, and the Govern-*
5 *ment Accountability Office before the 61st day after*
6 *the date of the report; and”.*

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