

Calendar No. 363

112TH CONGRESS
2^D SESSION

S. 237

[Report No. 112-159]

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

JANUARY 31, 2011

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

APRIL 24 (legislative day, APRIL 23), 2012

Reported by Mr. LIEBERMAN, with amendments

[Omit the part struck through and insert the part printed in *italie*]

A BILL

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

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Government Account-
3 ability Office Improvement Act of 2011”.

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.**—Section 716(a) of title 31, United
18 States Code, as amended by subsection (a), is further
19 amended in the second sentence of paragraph (2) by strik-
20 ing “inspect an agency record” and inserting “inspect,
21 and make and retain copies of, an agency record”.

22 **SEC. 3. ADMINISTERING OATHS.**

23 Section 711 of title 31, United States Code, is
24 amended by striking paragraph (4) and inserting the fol-
25 lowing:

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

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

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

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

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

24 “(c) No provision of the Hart-Scott-Rodino Antitrust
25 Improvements Act of 1976 (Public Law 94–435) and the

1 amendments made by that Act shall be construed to limit,
2 amend, or supersede the authority of the Comptroller Gen-
3 eral to obtain any information or to inspect or copy any
4 record under section 716 of this title, including with re-
5 spect to any information disclosed to the Assistant Attor-
6 ney General of the Antitrust Division of the Department
7 of Justice or the Federal Trade Commission for purposes
8 of pre-merger review under section 7A of the Clayton Act
9 (15 U.S.C. 18a).

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

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

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

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

23 “(e) Specific references to statutes in this section
24 shall not be construed to affect access by the Government

1 Accountability Office to information under statutes that
2 are not so referenced.”.

3 (b) TECHNICAL AND CONFORMING AMENDMENT.—
4 The table of sections for chapter 7 of title 31, United
5 States Code, is amended by inserting after the item relat-
6 ing to section 720 the following:

“721. Access to certain information.”.

7 **SEC. 5. NOTICE TO CONGRESS IF AGENCIES DO NOT PRO-**
8 **VIDE REQUESTED INFORMATION.**

9 (a) NOTICE TO CONGRESS.—*Subchapter II of chapter*
10 *7 of title 31, United States Code, (as amended by section*
11 *4 of this Act) is further amended by adding at the end the*
12 *following:*

13 **“§ 722. Notice to Congress if agencies do not provide**
14 **requested information**

15 *“If in the discharge of the official duties of the Comp-*
16 *troller General (including any audit, evaluation, or inves-*
17 *tigative duties) relating to any request from a committee*
18 *of Congress or a Member of Congress, the Comptroller Gen-*
19 *eral requests information from an agency and the agency*
20 *does not provide that information within 30 days after the*
21 *date of receiving the request, the Comptroller General shall*
22 *submit notice that the agency has not provided the informa-*
23 *tion to the Comptroller General to—*

24 *“(1) any committee of Congress that made the*
25 *related request to the Comptroller General; or*

1 “(2) any Member of Congress who made the re-
2 lated request to the Comptroller General.”.

3 (b) *TECHNICAL AND CONFORMING AMENDMENT.*—The
4 table of sections for chapter 7 of title 31, United States
5 Code, is amended by inserting after the item relating to
6 section 721 (as added by section 4 of this Act) the following:

 “722. Notice to Congress if agencies do not provide requested information.”.

7 **SEC. 5. 6. AGENCY REPORTS.**

8 Section 720(b) of title 31, United States Code, is
9 amended—

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

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

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

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