

110TH CONGRESS
2^D SESSION

H. R. 6388

IN THE SENATE OF THE UNITED STATES

JULY 30, 2008

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

AN ACT

To provide additional authorities to the Comptroller General
of the United States, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Government Account-
3 ability Office Improvement Act of 2008”.

4 **SEC. 2. AUTHORITY TO OBTAIN RECORDS.**

5 (a) **AUTHORITY TO OBTAIN RECORDS.**—Section 716
6 of title 31, United States Code, is amended in subsection
7 (a)—

8 (1) by striking “(a)” and inserting “(2)”; and
9 (2) by inserting after the section heading the
10 following:

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

20 (b) **INTERVIEWS.**—Section 716(a) of title 31, United
21 States Code, as amended by subsection (a), is further
22 amended in the second sentence of paragraph (2) by in-
23 serting “and interview agency officers and employees”
24 after “agency record”.

1 **SEC. 3. ADMINISTERING OATHS.**

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

5 “(4) administer oaths to witnesses, except that,
6 in matters other than auditing and settling accounts,
7 the authority of an officer or employee to administer
8 oaths to witnesses pursuant to a delegation under
9 paragraph (2) shall not be available without the
10 prior express approval of the Comptroller General
11 (or a designee).”.

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

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

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

17 “(a) No provision of the Social Security Act shall be
18 construed to limit, amend, or supersede the authority of
19 the Comptroller General to obtain any information, to in-
20 spect any record, or to interview any officer or employee
21 under section 716 of this title, including with respect to
22 any information disclosed to or obtained by the Secretary
23 of Health and Human Services under part C or D of title
24 XVIII of the Social Security Act.

25 “(b) No provision of the Federal Food, Drug, and
26 Cosmetic Act shall be construed to limit, amend, or super-

1 sede the authority of the Comptroller General to obtain
2 any information, to inspect any record, or to interview any
3 officer or employee under section 716 of this title, includ-
4 ing with respect to any information concerning any meth-
5 od or process which as a trade secret is entitled to protec-
6 tion.

7 “(c) No provision of the Hart-Scott-Rodino Antitrust
8 Improvements Act of 1976 and the amendments made by
9 that Act shall be construed to limit, amend, or supersede
10 the authority of the Comptroller General to obtain any in-
11 formation, to inspect any record, or to interview any offi-
12 cer or employee under section 716 of this title, including
13 with respect to any information disclosed to the Assistant
14 Attorney General of the Antitrust Division of the Depart-
15 ment of Justice or the Federal Trade Commission for pur-
16 poses of pre-merger review under section 7A of the Clay-
17 ton Act (15 U.S.C. 18a).

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

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

23 “(A) to alter or amend the prohibitions against
24 the disclosure of trade secret or other sensitive infor-

1 mation prohibited by section 1905 of title 18 and
2 other applicable laws; or

3 “(B) to affect the applicability of section 716(e)
4 of this title, including the protections against unau-
5 thORIZED disclosure contained in that section, to in-
6 formation obtained consistent with this section.”.

7 (b) CLERICAL AMENDMENT.—The analysis for chap-
8 ter 7 of title 31, United States Code, is amended by insert-
9 ing after the item relating to section 720 the following:

“721. Access to certain information.”.

10 **SEC. 5. COMPTROLLER GENERAL REPORTS.**

11 Section 719 of title 31, United States Code, is
12 amended—

13 (1) in subsection (b)(1)(B), by striking “and”
14 at the end;

15 (2) in subsection (b)(1)(C), by striking the pe-
16 riod at the end and inserting “; and”;

17 (3) by adding at the end of subsection (b)(1)
18 the following:

19 “(D) for agencies subject to sections 901 to
20 903 and other agencies designated by the Comp-
21 troller General, an assessment of their overall degree
22 of cooperation in making personnel available for
23 interview, providing written answers to questions,
24 submitting to an oath authorized by the Comptroller
25 General under section 711, granting access to

1 records, providing timely comments to draft reports,
2 adopting recommendations in reports and respond-
3 ing to such other matters as the Comptroller Gen-
4 eral deems appropriate.”;

5 (4) in subsection (c)(2)(B), by striking “and”
6 at the end;

7 (5) in subsection (c)(3), by striking the period
8 at the end and inserting “; and”, and

9 (6) by adding at the end of subsection (c) the
10 following:

11 “(4) as soon as practicable when an agency
12 does not, within a reasonable time, respond to a re-
13 quest by the Comptroller General regarding any
14 matter described in subsection (b)(1)(D).”.

Passed the House of Representatives July 29, 2008.

Attest: LORRAINE C. MILLER,
Clerk.