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(Original Signature of Member)

110TH CONGRESS
2D SESSION

H. R. _____

To provide additional authorities to the Comptroller General of the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. WAXMAN (for himself and [see ATTACHED LIST of cosponsors]) introduced the following bill; which was referred to the Committee on

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

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

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

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) INTERVIEWS.—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 in-
20 serting “and interview agency officers and employees”
21 after “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, except that,
2 in matters other than auditing and settling accounts,
3 the authority of an officer or employee to administer
4 oaths to witnesses pursuant to a delegation under
5 paragraph (2) shall not be available without the
6 prior express approval of the Comptroller General
7 (or a designee).”.

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

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

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

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

21 “(b) No provision of the Federal Food, Drug, and
22 Cosmetic Act shall be construed to limit, amend, or super-
23 sede the authority of the Comptroller General to obtain
24 any information, to inspect any record, or to interview any
25 officer or employee under section 716 of this title, includ-

1 ing with respect to any information concerning any meth-
2 od or process which as a trade secret is entitled to protec-
3 tion.

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

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

“721. Access to certain information.”.

18 **SEC. 5. COMPTROLLER GENERAL REPORTS.**

19 Section 719 of title 31, United States Code, is
20 amended—

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

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

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

3 “(D) for agencies subject to sections 901 to
4 903 and other agencies designated by the Comp-
5 troller General, an assessment of their overall degree
6 of cooperation in making personnel available for
7 interview, providing written answers to questions,
8 submitting to an oath authorized by the Comptroller
9 General under section 711, granting access to
10 records, providing timely comments to draft reports,
11 adopting recommendations in reports and respond-
12 ing to such other matters as the Comptroller Gen-
13 eral deems appropriate.”;

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

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

18 (6) by adding at the end of subsection (c) the
19 following:

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