



## H.R. 6388 – The Government Accountability Office Improvement Act of 2008

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### FLOOR SITUATION

H.R. 6388 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Henry Waxman (D-CA) on June 26, 2008. The House Committee on Oversight and Government Reform ordered the bill to be reported, as amended, by voice vote on July 16, 2008.

H.R. 6388 is expected to be considered on the floor of the House on July 29, 2008.

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### SUMMARY

H.R. 6388 authorizes the Comptroller General to obtain certain agency records and to administer oaths to witnesses. The bill clarifies that the Federal Food, Drug, and Cosmetic Act does not supersede the authority of the Comptroller General to obtain information involving any method or process which may otherwise be entitled to trade secret protection.

The bill establishes two new reporting requirements. The Comptroller General must report to Congress annually regarding the overall degree of cooperation exhibited by Federal agencies and staff in making personnel available for interviews, in providing written answers to questions, in submitting to an oath authorized by the Comptroller General, in granting access to records, in providing timely comments to draft reports, and in adopting report recommendations. H.R. 6388 also requires that the Comptroller General to report to Congress when an agency does not respond to a request for information, interviews, or adopting recommendations.

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### BACKGROUND

The Government Accountability Office (GAO) is the audit, evaluation, and investigative arm of the United States Congress. The GAO was established as the General Accounting Office by the Budget and Accounting Act of 1921 (P.L. 67-13). The GAO is headed by the Comptroller General of the United States. The Comptroller General (currently Gene Dodaro) is appointed by the President, with the consent of the Senate, for a 15-year term. GAO employs a workforce of approximately 3,100 individuals.

This bill clarifies that GAO is authorized to obtain information and to pursue civil actions if federal agencies improperly withhold federal records from GAO. Previously, a Federal agency had contested GAO's request for certain information by citing a statute of the Federal Food, Drug, and Cosmetic Act regarding the protection of trade secret information.

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### ADDITIONAL VIEWS

Ranking Member Tom Davis (R-VA): "While it still is not clear we need section 4 [GAO's right to trade secret and other sensitive information] at all, the amendment adopted by the Committee gives me a sufficient level of comfort that information containing trade secrets and other confidential commercial data to which GAO has access will be protected against improper disclosure." ([Additional Views, House Report 110-771](#))

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### COST

The Congressional Budget Office (CBO) estimates that implementing H.R. 6388 "would have no significant effect on the federal budget." [Full CBO Cost Estimate](#)

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### STAFF CONTACT

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