

108TH CONGRESS
1ST SESSION

H. R. 2751

To provide new human capital flexibilities with respect to the GAO, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 16, 2003

Mrs. JO ANN DAVIS of Virginia (for herself and Mr. TOM DAVIS of Virginia)
introduced the following bill; which was referred to the Committee on
Government Reform

A BILL

To provide new human capital flexibilities with respect to
the GAO, 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; AMENDMENT OF TITLE 31.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “GAO Human Capital Reform Act of 2003”.

6 (b) AMENDMENT OF TITLE 31.—Except as otherwise
7 expressly provided, whenever in this Act an amendment
8 is expressed in terms of an amendment to a section or
9 other provision, the reference shall be considered to be

1 made to a section or other provision of title 31, United
2 States Code.

3 **SEC. 2. AMENDMENTS TO PUBLIC LAW 106–303.**

4 Sections 1 and 2 of Public Law 106–303 (5 U.S.C.
5 8336 note and 5597 note) are amended by striking “for
6 purposes of the period beginning on the date of the enact-
7 ment of this Act and ending on December 31, 2003” each
8 place it appears and inserting “October 13, 2000”.

9 **SEC. 3. ANNUAL PAY ADJUSTMENTS.**

10 (a) OFFICERS AND EMPLOYEES GENERALLY.—Para-
11 graph (3) of section 732(e) is amended to read as follows:

12 “(3) except as provided under section
13 733(a)(3)(B) of this title, basic pay rates of officers
14 and employees of the Office shall be adjusted annu-
15 ally to such extent as the Comptroller General shall
16 determine, taking into consideration—

17 “(A) the principle that there be equal pay
18 for substantially equal work within each local
19 pay area;

20 “(B) the Consumer Price Index;

21 “(C) any existing pay disparities between
22 officers and employees of the Office and non-
23 Federal employees in each local pay area;

24 “(D) the pay rates for the same levels of
25 work for officers and employees of the Office

1 and non-Federal employees in each local pay
2 area;

3 “(E) the appropriate distribution of agency
4 funds between annual adjustments under this
5 section and performance-based compensation;
6 and

7 “(F) such other criteria as the Comptroller
8 General considers appropriate, including, but
9 not limited to, the funding level for the Office,
10 amounts allocated for performance-based com-
11 pensation, and the extent to which the Office is
12 succeeding in fulfilling its mission and accom-
13 plishing its strategic plan;

14 notwithstanding any other provision of this para-
15 graph, an adjustment under this paragraph shall not
16 be applied in the case of any officer or employee
17 whose performance is not at a satisfactory level, as
18 determined by the Comptroller General for purposes
19 of such adjustment;”.

20 (b) OFFICERS AND EMPLOYEES IN THE OFFICE SEN-
21 IOR EXECUTIVE SERVICE.—Subparagraph (B) of section
22 733(a)(3) is amended to read as follows:

23 “(B) adjusted annually by the Comptroller
24 General after taking into consideration the fac-
25 tors listed under section 732(c)(3) of this title,

1 except that an adjustment under this subpara-
 2 graph shall not be applied in the case of any of-
 3 ficer or employee whose performance is not at
 4 a satisfactory level, as determined by the Comp-
 5 troller General for purposes of such adjust-
 6 ment;”.

7 (c) CONFORMING AMENDMENT.—Section 732(b)(6)
 8 is amended by striking “title 5.” and inserting “title 5,
 9 except as provided under subsection (c)(3) of this section
 10 and section 733(a)(3)(B) of this title.”.

11 **SEC. 4. PAY RETENTION.**

12 Paragraph (5) of section 732(c) is amended to read
 13 as follows:

14 “(5) the Comptroller General shall prescribe
 15 regulations under which an officer or employee of
 16 the Office shall be entitled to pay retention if, as a
 17 result of any reduction-in-force or other workforce
 18 adjustment procedure, position reclassification, or
 19 other appropriate circumstances as determined by
 20 the Comptroller General, such officer or employee is
 21 placed in or holds a position in a lower grade or
 22 band with a maximum rate of basic pay that is less
 23 than the rate of basic pay payable to the officer or
 24 employee immediately before the reduction in grade
 25 or band; such regulations—

1 “(A) shall provide that the officer or em-
2 ployee shall be entitled to continue receiving the
3 rate of basic pay that was payable to the officer
4 or employee immediately before the reduction in
5 grade or band until such time as the retained
6 rate becomes less than the maximum rate for
7 the grade or band of the position held by such
8 officer or employee; and

9 “(B) shall include provisions relating to
10 the minimum period of time for which an offi-
11 cer or employee must have served or for which
12 the position must have been classified at the
13 higher grade or band in order for pay retention
14 to apply, the events that terminate the right to
15 pay retention (apart from the one described in
16 subparagraph (A)), and exclusions based on the
17 nature of an appointment; in prescribing regu-
18 lations under this subparagraph, the Comp-
19 troller General shall be guided by the provisions
20 of sections 5362 and 5363 of title 5.”.

21 **SEC. 5. RELOCATION BENEFITS.**

22 Section 731 is amended by adding after subsection
23 (e) the following:

24 “(f) The Comptroller General shall prescribe regula-
25 tions under which officers and employees of the Office

1 may, in appropriate circumstances, be reimbursed for any
 2 relocation expenses under subchapter II of chapter 57 of
 3 title 5 for which they would not otherwise be eligible, but
 4 only if the Comptroller General determines that the trans-
 5 fer giving rise to such relocation is of sufficient benefit
 6 or value to the Office to justify such reimbursement.”.

7 **SEC. 6. INCREASED ANNUAL LEAVE FOR UPPER-LEVEL EM-**
 8 **PLOYEES.**

9 Section 731 is amended by adding after subsection
 10 (f) (as added by section 5) the following:

11 “(g) The Comptroller General shall prescribe regula-
 12 tions under which officers and employees of the Office in
 13 high-grade, managerial, or supervisory positions who have
 14 less than 3 years of service may, in appropriate cir-
 15 cumstances, accrue leave in accordance with section
 16 6303(a)(2) of title 5. Such regulations shall define high-
 17 grade, managerial, or supervisory positions and set forth
 18 the factors in determining which officers and employees
 19 should be allowed to accrue leave in accordance with this
 20 subsection.”.

21 **SEC. 7. EXECUTIVE EXCHANGE PROGRAM.**

22 Section 731 is amended by adding after subsection
 23 (g) (as added by section 6) the following:

24 “(h) The Comptroller General may by regulation es-
 25 tablish an executive exchange program under which offi-

1 cers and employees of the Office in high-grade, manage-
2 rial, or supervisory positions may be assigned to private
3 sector organizations, and employees of private sector orga-
4 nizations may be assigned to the Office, for work of mu-
5 tual concern and benefit. Regulations to carry out any
6 such program—

7 “(1) shall include provisions which define high-
8 grade, managerial, or supervisory positions, and pro-
9 visions (consistent with sections 3702–3704 of title
10 5) as to matters concerning (A) the duration and
11 termination of assignments, (B) reimbursements,
12 and (C) status, entitlements, benefits, and obliga-
13 tions of program participants;

14 “(2) shall limit (A) the number of officers and
15 employees who are assigned to private sector organi-
16 zations at any one time to not more than 30, and
17 (B) the number of employees from private sector or-
18 ganizations who are assigned to the Office at any
19 one time to not more than 30; and

20 “(3) shall provide for the inclusion, in all re-
21 ports submitted to the Congress under section
22 719(a) of this title, of a review of the work being
23 done by all individuals participating in the program
24 and an assessment of the effectiveness and useful-
25 ness of the program.”.

1 **SEC. 8. REDESIGNATION.**

2 (a) IN GENERAL.—The General Accounting Office is
3 hereby redesignated the Government Accountability Of-
4 fice.

5 (b) REFERENCES.—Any reference to the General Ac-
6 counting Office in any law, rule, regulation, certificate, di-
7 rective, instruction, or other official paper in force on the
8 date of the enactment of this Act shall be considered to
9 refer and apply to the Government Accountability Office.

10 **SEC. 9. EFFECTIVE DATES.**

11 (a) IN GENERAL.—Except as provided in subsection
12 (b), this Act and the amendments made by this Act shall
13 take effect on the date of the enactment of this Act.

14 (b) PAY ADJUSTMENTS.—

15 (1) IN GENERAL.—Section 3 and the amend-
16 ments made by section 3 shall take effect on October
17 1, 2005, and shall apply in the case of any annual
18 pay adjustment taking effect on or after that date.

19 (2) INTERIM AUTHORITIES.—In connection with
20 any pay adjustment taking effect under section
21 732(c)(3) or 733(a)(3)(B) of title 31, United States
22 Code, before October 1, 2005, the Comptroller Gen-
23 eral may by regulation—

24 (A) provide that such adjustment not be
25 applied in the case of any officer or employee
26 whose performance is not at a satisfactory level,

1 as determined by the Comptroller General for
2 purposes of such adjustment; and

3 (B) provide that such adjustment be re-
4 duced if and to the extent necessary because of
5 extraordinary economic conditions or serious
6 budget constraints.

7 (3) ADDITIONAL AUTHORITY.—

8 (A) IN GENERAL.—The Comptroller Gen-
9 eral may by regulation delay the effective date
10 of section 3 and the amendments made by sec-
11 tion 3 for groups of officers and employees that
12 the Comptroller General considers appropriate.

13 (B) INTERIM AUTHORITIES.—If the Comp-
14 troller General provides for a delayed effective
15 date under subparagraph (A) with respect to
16 any group of officers or employees, paragraph
17 (2) shall, for purposes of such group, be applied
18 by substituting such date for “October 1,
19 2005”.

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