

108TH CONGRESS  
1ST SESSION

# H. R. 2751

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

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## 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

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## 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(c) 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 subparagraph  
2           shall not be applied in the case of any officer or employee whose performance is not at  
3           a satisfactory level, as determined by the Comptroller General for purposes of such adjustment.”.

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 Comptrol-  
19                  ler 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 Com-  
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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