

“(B) an assessment of the effectiveness and usefulness of those sections in contributing to the agency’s ability to carry out its mission, meet its performance goals, and fulfill its strategic plan; and

“(C) with respect to the amendment made by section 3, an assessment of the impact such amendment has had with respect to preference eligibles, including—

“(i) whether a disproportionate number or percentage of preference eligibles were included among those who became subject to reduction-in-force actions as a result of such amendment;

“(ii) whether a disproportionate number or percentage of preference eligibles were in fact released pursuant to reductions in force under such amendment; and

“(iii) to the extent that either of the foregoing is answered in the affirmative, the reasons for the disproportionate impact involved (particularly, whether such amendment caused or contributed to the disproportionate impact involved); and

“(2) recommendations for any legislation which the Comptroller General considers appropriate with respect to any of those sections.

“(b) **THREE-YEAR ASSESSMENT.**—Not later than 3 years after the date of the enactment of this Act [Oct. 13, 2000], the Comptroller General shall submit to the Congress a report concerning the implementation and effectiveness of this Act [enacting section 732a of this title, amending sections 731, 732, and 733 of this title, and enacting provisions set out as notes under section 732 of this title and sections 5597 and 8336 of Title 5]. Such report shall include—

“(1) a summary of the portions of the annual reports required under subsection (a);

“(2) recommendations for continuation of section 1 or 2 or any legislative changes to section 1 or 2 or the amendment made by section 3; and

“(3) any assessment or recommendations of the General Accounting Office [now Government Accountability Office] Personnel Appeals Board or of any interested groups or associations representing officers or employees of the General Accounting Office [now Government Accountability Office].

“(c) **PREFERENCE ELIGIBLE DEFINED.**—For purposes of this section, the term ‘preference eligible’ has the meaning given such term under section 2108(3) of title 5, United States Code.”

## § 720. Agency reports

(a) In this section, “agency” means a department, agency, or instrumentality of the United States Government (except a mixed-ownership Government corporation) or the District of Columbia government.

(b) When the Comptroller General makes a report that includes a recommendation to the head of an agency, the head of the agency shall submit a written statement on action taken on the recommendation by the head of the agency. The statement shall be submitted to—

(1) the Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House of Representatives before the 61st day after the date of the report; and

(2) the Committees on Appropriations of both Houses of Congress in the first request for appropriations submitted more than 60 days after the date of the report.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 896.)

### HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large)                                       |
|-----------------|--------------------|--|
| 720(a) .....    | 31:1157.           | Oct. 26, 1970, Pub. L. 91–510, §§ 207, 236, 84 Stat. 1168, 1171. |

### HISTORICAL AND REVISION NOTES—CONTINUED

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|----------------------------|
| 720(b) .....    | 31:1176.           |                            |

In subsection (a), the words “As used . . . the term”, “Federal”, and “establishment” are omitted as surplus. The words in parentheses are included for consistency with section 101 of the revised title.

In subsection (b), before clause (1), the words “Comptroller General” are substituted for “General Accounting Office”, and the words “head of the” are added, for consistency. The word “written” is omitted as surplus. In clause (1), the words “Governmental Affairs of the Senate” are substituted for “Government Operations of the . . . Senate” because of Rule 25.1(k) of the Standing Rules of the Senate (S. Doc. 96–1, 96th Cong., 1st Sess.). In clause (2), the words “both Houses of Congress” are substituted for “the House of Representatives and the Senate” for consistency. The words “connection with”, “for that agency”, and “to the Congress” are omitted as surplus.

### CHANGE OF NAME

Committee on Governmental Affairs of Senate changed to Committee on Homeland Security and Governmental Affairs of Senate, effective Jan. 4, 2005, by Senate Resolution No. 445, One Hundred Eighth Congress, Oct. 9, 2004.

Committee on Government Operations of House of Representatives treated as referring to Committee on Government Reform and Oversight of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Government Reform and Oversight of House of Representatives changed to Committee on Government Reform of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999. Committee on Government Reform of House of Representatives changed to Committee on Oversight and Government Reform of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

### SUBCHAPTER III—PERSONNEL

## § 731. General

(a) The Comptroller General may appoint, pay, assign, and remove officers (except the Deputy Comptroller General) and employees the Comptroller General decides are necessary to carry out the duties and powers of the Government Accountability Office.

(b) The Comptroller General may establish for appropriate officers and employees a merit pay system consistent with section 5401 of title 5, as in effect on October 31, 1993.

(c) The annual rate of basic pay of the General Counsel of the Government Accountability Office is equal to the rate for level IV of the Executive Schedule.

[(d) Repealed. Pub. L. 110–323, § 9(a)(1), Sept. 22, 2008, 122 Stat. 3548.]

(e) The Comptroller General may procure the services of experts and consultants under section 3109 of title 5 at rates not in excess of the daily rate for level IV of the Executive Schedule, except that the services of not more than 20 experts and consultants may be procured for terms of not more than 3 years, but which shall be renewable.

(f) The Comptroller General shall prescribe regulations under which officers and employees of the Office may, in appropriate circumstances, be reimbursed for any relocation expenses under

subchapter II of chapter 57 of title 5 for which they would not otherwise be eligible, but only if the Comptroller General determines that the transfer giving rise to such relocation is of sufficient benefit or value to the Office to justify such reimbursement.

(g) The Comptroller General shall prescribe regulations under which key officers and employees of the Office who have less than 3 years of service may accrue leave in accordance with section 6303(a)(2) of title 5, in those circumstances in which the Comptroller General has determined such increased annual leave is appropriate for the recruitment or retention of such officers and employees. Such regulations shall define key officers and employees and set forth the factors in determining which officers and employees should be allowed to accrue leave in accordance with this subsection.

(h) The Comptroller General may by regulation establish an executive exchange program under which officers and employees of the Office may be assigned to private sector organizations, and employees of private sector organizations may be assigned to the Office, to further the institutional interests of the Office or Congress, including for the purpose of providing training to officers and employees of the Office. Regulations to carry out any such program—

(1) shall include provisions (consistent with sections 3702 through 3704 of title 5) as to matters concerning—

- (A) the duration and termination of assignments;
- (B) reimbursements; and
- (C) status, entitlements, benefits, and obligations of program participants;

(2) shall limit—

(A) the number of officers and employees who are assigned to private sector organizations at any one time to not more than 15; and

(B) the number of employees from private sector organizations who are assigned to the Office at any one time to not more than 30;

(3) shall require that an employee of a private sector organization assigned to the Office may not have access to any trade secrets or to any other nonpublic information which is of commercial value to the private sector organization from which such employee is assigned;

(4) shall require that, before approving the assignment of an officer or employee to a private sector organization, the Comptroller General shall determine that the assignment is an effective use of the Office's funds, taking into account the best interests of the Office and the costs and benefits of alternative methods of achieving the same results and objectives; and

(5) shall not allow any assignment under this subsection to commence after the end of the 5-year period beginning on the date of the enactment of this subsection.

(i) An employee of a private sector organization assigned to the Office under the executive exchange program shall be considered to be an employee of the Office for purposes of—

- (1) chapter 73 of title 5;
- (2) sections 201, 203, 205, 207, 208, 209, 603, 606, 607, 643, 654, 1905, and 1913 of title 18;

(3) sections 1343, 1344, and 1349(b) of this title;

(4) chapter 171 of title 28 (commonly referred to as the "Federal Tort Claims Act") and any other Federal tort liability statute;

(5) the Ethics in Government Act of 1978 (5 U.S.C. App.);

(6) section 1043 of the Internal Revenue Code of 1986; and

(7) chapter 21 of title 41.

(j) Funds appropriated to the Government Accountability Office for salaries and expenses are available for meals and other related reasonable expenses incurred in connection with recruitment.

(k) FEDERAL GOVERNMENT DETAILS.—The activities of the Government Accountability Office may, in the reasonable discretion of the Comptroller General, be carried out by receiving details of personnel from other offices of the Federal Government on a reimbursable, partially-reimbursable, or nonreimbursable basis.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 896; Pub. L. 98-326, §1(a), June 22, 1984, 98 Stat. 269; Pub. L. 98-615, title II, §204(b), Nov. 8, 1984, 98 Stat. 3216; Pub. L. 103-89, §3(b)(4), Sept. 30, 1993, 107 Stat. 983; Pub. L. 106-303, §5, Oct. 13, 2000, 114 Stat. 1069; Pub. L. 108-271, §§5-7, 8(b), July 7, 2004, 118 Stat. 813, 814; Pub. L. 110-323, §9(a), Sept. 22, 2008, 122 Stat. 3548; Pub. L. 111-350, §5(h)(2), Jan. 4, 2011, 124 Stat. 3849; Pub. L. 114-113, div. I, title I, §1301(a), Dec. 18, 2015, 129 Stat. 2671.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code)                                    | Source (Statutes at Large)  |
|-----------------|---|---|
| 731(a) .....    | 31:44(1st sentence).                                  | June 10, 1921, ch. 18, §304(1st par. 1st sentence), 42 Stat. 24.  |
|                 | 31:52(a), (b).  | June 10, 1921, ch. 18, §311(a), (b), 42 Stat. 25; restated Feb. 15, 1980, Pub. L. 96-191, §8(e)(3), 94 Stat. 33.  |
|                 | 31:52-1(related to appointment, pay, and assignment). | Feb. 15, 1980, Pub. L. 96-191, §§2(related to appointment, pay, and assignment), 5(b), 94 Stat. 27, 32.   |
| 731(b) .....    | 31:56.  | Mar. 4, 1909, ch. 297, §1(proviso on p. 866), 35 Stat. 866; May 29, 1920, ch. 214, §1(last par. under heading "Office of Comptroller of the Treasury"), 41 Stat. 647. |
|                 | 731(c) .....  | 31:52-4(b).<br>31:51a.  |
| 731(d) .....    | 31:52b.   | Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 400, §203(i); added Dec. 15, 1971, Pub. L. 92-190, 85 Stat. 646.  |
| 731(e) .....    | 31:52c.   | Jan. 2, 1975, Pub. L. 93-604, §401, 88 Stat. 1962.  |
|                 | 31:1154(d)(last sentence).                            | Oct. 26, 1970, Pub. L. 91-510, §204(d)(last sentence), 84 Stat. 1168; restated July 12, 1974, Pub. L. 93-344, §702(a), 88 Stat. 326.                                  |

In subsection (a), the text of 31:52(a) and (b) and 31:56 is omitted as superseded by the other source provisions restated in this subchapter and subchapter IV of this chapter. The word "remove" is added for consistency with other provisions of the subchapter. The words "officers (except the Deputy Comptroller General) and employees" are substituted for "personnel" in 31:52-1, and the word "powers" is substituted for "functions", for consistency in the revised title and with other titles of the United States Code.

Subsection (b) is substituted for 31:52-4(b) to eliminate unnecessary words. The words “officers and” are added for consistency in the revised title and with other titles of the Code.

In subsections (c) and (d), the words “basic pay” are substituted for “compensation” for consistency in the revised title and with other titles of the Code.

In subsection (c), the words “United States” and “positions at” are omitted as surplus.

In subsection (d), the words “in the General Accounting Office”, “prescribed . . . under section 5315 of title 5”, and “of the Office” are omitted as surplus.

In subsection (e), before clause (1), the words “procure the services of” are substituted for “employ” for consistency with 5:3109. The words “at rates not in excess of the maximum daily rate prescribed for GS-18 under section 5332 of title 5 for persons in the Government service employed intermittently” are omitted as unnecessary because of 5:3109. In clause (1), the word “periods” is omitted as surplus. Clause (2) is substituted for 31:1154(d)(last sentence) to eliminate unnecessary words. The words “and consultants” are added because of 5:3109.

#### REFERENCES IN TEXT

Section 5401 of title 5, referred to in subsec. (b), was repealed by Pub. L. 103-89, §3(a)(1), Sept. 30, 1993, 107 Stat. 981.

Level IV of the Executive Schedule, referred to in subsections (c) and (e), is set out in section 5315 of Title 5, Government Organization and Employees.

The date of the enactment of this subsection, referred to in subsec. (h)(5), is the date of enactment of Pub. L. 108-271, which was approved July 7, 2004.

The Ethics in Government Act of 1978, referred to in subsec. (i)(5), is Pub. L. 95-521, Oct. 26, 1978, 92 Stat. 1824. For complete classification of this Act to the Code, see Short Title note set out under section 101 of Pub. L. 95-521 in the Appendix to Title 5, Government Organization and Employees, and Tables.

Section 1043 of the Internal Revenue Code of 1986, referred to in subsec. (i)(6), is classified to section 1043 of Title 26, Internal Revenue Code.

#### AMENDMENTS

2015—Subsec. (k). Pub. L. 114-113 added subsec. (k).

2011—Subsec. (i)(7). Pub. L. 111-350 substituted “chapter 21 of title 41” for “section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423)”.

2008—Subsec. (d). Pub. L. 110-323, §9(a)(1), struck out subsec. (d) which read as follows: “When a change in organization, management responsibility, or workload makes it necessary, the Comptroller General may fix the rate of basic pay of 5 positions at rates not more than the rate for level IV of the Executive Schedule.”

Subsec. (e). Pub. L. 110-323, §9(a)(2), substituted “daily rate for level IV of the Executive Schedule” for “maximum daily rate for GS-18 under section 5332 of such title” and “more than 20 experts and consultants may be procured for terms of not more than 3 years, but which shall be renewable.” for “more than—

“(1) 15 experts and consultants may be procured for terms of not more than 3 years, but which shall be renewable; and

“(2) 10 experts and consultants may be procured permanently, temporarily, or intermittently to carry out sections 717(b)-(d) and 719(b)(1)(A) of this title at rates that are not more than the rate for level IV of the Executive Schedule.”

Subsec. (j). Pub. L. 110-323, §9(a)(3), added subsec. (j).

2004—Subsecs. (a), (c). Pub. L. 108-271, §8(b), substituted “Government Accountability Office” for “General Accounting Office”.

Subsec. (f). Pub. L. 108-271, §5, added subsec. (f).

Subsec. (g). Pub. L. 108-271, §6, added subsec. (g).

Subsecs. (h), (i). Pub. L. 108-271, §7, added subsections. (h) and (i).

2000—Subsec. (e)(1). Pub. L. 106-303, §5(1), substituted “terms of not more than 3 years, but which shall be renewable” for “not more than 3 years”.

Subsec. (e)(2). Pub. L. 106-303, §5(2), substituted “level IV” for “level V”.

1993—Subsec. (b). Pub. L. 103-89 inserted before period at end “, as in effect on October 31, 1993”.

1984—Subsec. (b). Pub. L. 98-615 substituted “section 5401 of title 5” for “section 5401(a) of title 5”.

Subsec. (e). Pub. L. 98-236 substituted “title 5 at rates not in excess of the maximum daily rate for GS-18 under section 5332 of such title” for “title 5” in provisions preceding par. (1) and “15” for “10” in par. (1).

#### EFFECTIVE DATE OF 2015 AMENDMENT

Pub. L. 114-113, div. I, title I, §1301(b), Dec. 18, 2015, 129 Stat. 2671, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to fiscal year 2016 and each succeeding fiscal year.”

#### EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-271, §13, July 7, 2004, 118 Stat. 816, provided that:

“(a) IN GENERAL.—Except as provided in subsection (b), this Act [see Tables for classification] and the amendments made by this Act shall take effect on the date of enactment of this Act [July 7, 2004].

“(b) PAY ADJUSTMENTS.—

“(1) IN GENERAL.—Section 3 of this Act [amending sections 732 and 733 of this title] and the amendments made by that section shall take effect on October 1, 2005, and shall apply in the case of any annual pay adjustment taking effect on or after that date.

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

“(A) provide that such adjustment not be applied in the case of any officer or employee whose performance is not at a satisfactory level, as determined by the Comptroller General for purposes of such adjustment; and

“(B) provide that such adjustment be reduced if and to the extent necessary because of extraordinary economic conditions or serious budget constraints.

“(3) ADDITIONAL AUTHORITY.—

“(A) IN GENERAL.—The Comptroller General may by regulation delay the effective date of section 3 of this Act and the amendments made by that section for groups of officers and employees that the Comptroller General considers appropriate.

“(B) INTERIM AUTHORITIES.—If the Comptroller General provides for a delayed effective date under subparagraph (A) with respect to any group of officers or employees, paragraph (2) shall, for purposes of such group, be applied by substituting such date for ‘October 1, 2005’.”

#### EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-89 effective Nov. 1, 1993, see section 3(c) of Pub. L. 103-89, set out as a note under section 3372 of Title 5, Government Organization and Employees.

#### EFFECTIVE DATE OF 1984 AMENDMENTS

Pub. L. 98-615, title II, §205, Nov. 8, 1984, 98 Stat. 3217, provided that amendment by Pub. L. 98-615 was effective Oct. 1, 1984, and applicable with respect to pay periods commencing on or after that date, with certain exceptions and qualifications.

Pub. L. 98-326, §2, June 22, 1984, 98 Stat. 269, provided that: “The amendments made by this Act [amending this section and sections 732 and 733 of this title] shall take effect beginning on October 1, 1984.”

#### CONSULTATION

Pub. L. 108-271, §10, July 7, 2004, 118 Stat. 815, provided that: “Before the implementation of any changes authorized under this Act [see Tables for classifica-

tion], the Comptroller General shall consult with any interested groups or associations representing officers and employees of the General Accounting Office [now Government Accountability Office].”

**§ 732. Personnel management system**

(a) The Comptroller General shall maintain a personnel management system. The Comptroller General may prescribe a regulation about the system only after notice and opportunity for public comment. A reprisal or threat of reprisal may not be made against an officer or employee of the Government Accountability Office because of comments on a proposed regulation about the system.

(b) The personnel management system shall—  
(1) include the principles of section 2301(b) of title 5;

(2) prohibit personnel practices prohibited under section 2302(b) of title 5;

(3) prohibit political activities prohibited under subchapter III of chapter 73 of title 5;

(4) ensure that officers and employees of the Office are appointed, promoted, and assigned only on the basis of merit and fitness, but without regard to those provisions of title 5 governing appointments and other personnel actions in the competitive service;

(5) give a preference to an individual eligible for a preference in the executive branch of the United States Government in a way and to an extent consistent with a preference given an individual in the executive branch; and

(6) provide that the Comptroller General shall fix the basic pay of officers and employees of the Office not fixed by law, consistent with section 5301 of title 5, except as provided under subsection (c)(3) of this section and section 733(a)(3)(B) of this title.

(c) Under the personnel management system—

(1) the Comptroller General shall publish a schedule of basic pay rates for officers and employees of the Office;

(2) except as provided in clause (4) of this subsection and section 733(a)(3)(A) of this title, the highest basic pay rate under the pay schedule may not be more than the rate for level III of the Executive Level, except that the total amount of cash compensation in any year shall be subject to the limitations provided under section 5307(a)(1) of title 5;

(3) except as provided under section 733(a)(3)(B) of this title, basic rates of officers and employees of the Office shall be adjusted annually to such extent as determined by the Comptroller General, and in making that determination the Comptroller General shall consider—

(A) the principle that equal pay should be provided for work of equal value within each local pay area;

(B) the need to protect the purchasing power of officers and employees of the Office, taking into consideration the Consumer Price Index or other appropriate indices;

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

(D) the pay rates for the same levels of work for officers and employees of the Office and non-Federal employees in each local pay area;

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

(F) such other criteria as the Comptroller General considers appropriate, including, but not limited to, the funding level for the Office, amounts allocated for performance-based compensation, and the extent to which the Office is succeeding in fulfilling its mission and accomplishing its strategic plan;

notwithstanding any other provision of this paragraph, an adjustment under this paragraph shall not be applied in the case of any officer or employee whose performance is not at a satisfactory level, as determined by the Comptroller General for purposes of such adjustment;

(4) the pay schedule for officers and employees of the Office may provide that the basic pay rates for not more than 129 positions (including senior-level positions under section 732a of this title) may be at rates not more than the rate of basic pay payable for grade GS-18 of the General Schedule, less the number of positions in the General Accounting Office Senior Executive Service<sup>1</sup> under section 733 of this title (except positions included in the Service under section 733(c) of this title and senior-level positions described in section 732a(b) of this title); and

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

(A) shall provide that the officer or employee shall be entitled to continue receiving the rate of basic pay that was payable to the officer or employee immediately before the reduction in grade or band until such time as the retained rate becomes less than the maximum rate for the grade or band of the position held by such officer or employee; and

(B) shall include provisions relating to the minimum period of time for which an officer or employee must have served or for which the position must have been classified at the higher grade or band in order for pay retention to apply, the events that terminate the right to pay retention (apart from the one described in subparagraph (A)), and exclusions based on the nature of an appointment; in prescribing regulations under this subparagraph, the Comptroller General shall be guided by the provisions of sections 5362 and 5363 of title 5.

(d) The personnel management system shall provide—

<sup>1</sup> See Change of Name note below.