

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5683
OFFERED BY MR. WAXMAN OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CON-**
2 **TENTS.**

3 (a) **SHORT TITLE.**—This Act may be cited as the
4 “Government Accountability Office Act of 2008”.

5 (b) **REFERENCES.**—Except as otherwise expressly
6 provided, whenever in this Act an amendment is expressed
7 in terms of an amendment to a section or other provision,
8 the reference shall be considered to be made to a section
9 or other provision of title 31, United States Code.

10 (c) **TABLE OF CONTENTS.**—The table of contents for
11 this Act is as follows:

- Sec. 1. Short title; references; table of contents.
- Sec. 2. Provisions relating to future annual pay adjustments.
- Sec. 3. Pay adjustment relating to certain previous years.
- Sec. 4. Lump-sum payment for certain performance-based compensation.
- Sec. 5. Inspector General.
- Sec. 6. Administering oaths.
- Sec. 7. Comptroller General reports.
- Sec. 8. Reimbursement of audit costs.
- Sec. 9. Financial disclosure requirements.
- Sec. 10. Highest basic pay rate.
- Sec. 11. Additional authorities.
- Sec. 12. Basic pay for retirement.

1 **SEC. 2. PROVISIONS RELATING TO FUTURE ANNUAL PAY**
2 **ADJUSTMENTS.**

3 (a) IN GENERAL.—Section 732 of title 31, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 “(j)(1) For purposes of this subsection—

7 “(A) the term ‘pay increase’, as used with re-
8 spect to an officer or employee in connection with a
9 year, means the total increase in the rate of basic
10 pay (expressed as a percentage) of such officer or
11 employee, taking effect under section 731(b) and
12 subsection (c)(3) in such year;

13 “(B) the term ‘required minimum percentage’,
14 as used with respect to an officer or employee in
15 connection with a year, means the percentage equal
16 to the total increase in rates of basic pay (expressed
17 as a percentage) taking effect under sections 5303
18 and 5304–5304a of title 5 in such year with respect
19 to General Schedule positions within the pay locality
20 (as defined by section 5302(5) of title 5) in which
21 the position of such officer or employee is located;

22 “(C) the term ‘covered officer or employee’, as
23 used with respect to a pay increase, means any indi-
24 vidual—

25 “(i) who is an officer or employee of the
26 Government Accountability Office, other than

1 an officer or employee described in subpara-
2 graph (A), (B), or (C) of section 4(c)(1) of the
3 Government Accountability Office Act of 2008,
4 determined as of the effective date of such pay
5 increase; and

6 “(ii) whose performance is at least at a
7 satisfactory level, as determined by the Comp-
8 troller General under the provisions of sub-
9 section (c)(3) for purposes of the adjustment
10 taking effect under such provisions in such
11 year; and

12 “(D) the term ‘nonpermanent merit pay’ means
13 any amount payable under section 731(b) which
14 does not constitute basic pay.

15 “(2)(A) Notwithstanding any other provision of this
16 chapter, if (disregarding this subsection) the pay increase
17 that would otherwise take effect with respect to a covered
18 officer or employee in a year would be less than the re-
19 quired minimum percentage for such officer or employee
20 in such year, the Comptroller General shall provide for a
21 further increase in the rate of basic pay of such officer
22 or employee.

23 “(B) The further increase under this subsection—

1 “(i) shall be equal to the amount necessary to
2 make up for the shortfall described in subparagraph
3 (A); and

4 “(ii) shall take effect as of the same date as the
5 pay increase otherwise taking effect in such year.

6 “(C) Nothing in this paragraph shall be considered
7 to permit or require that a rate of basic pay be increased
8 to an amount inconsistent with the limitation set forth in
9 subsection (c)(2).

10 “(D) If (disregarding this subsection) the covered of-
11 ficer or employee would also have received any nonperma-
12 nent merit pay in such year, such nonpermanent merit pay
13 shall be decreased by an amount equal to the portion of
14 such officer’s or employee’s basic pay for such year which
15 is attributable to the further increase described in sub-
16 paragraph (A) (as determined by the Comptroller Gen-
17 eral), but to not less than zero.

18 “(3) Notwithstanding any other provision of this
19 chapter, the effective date of any pay increase (within the
20 meaning of paragraph (1)(A)) taking effect with respect
21 to a covered officer or employee in any year shall be the
22 same as the effective date of any adjustment taking effect
23 under section 5303 of title 5 with respect to statutory pay
24 systems (as defined by section 5302(1) of title 5) in such
25 year.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 this section shall apply with respect to any pay increase
3 (as defined by such amendment) taking effect on or after
4 the date of the enactment of this Act.

5 **SEC. 3. PAY ADJUSTMENT RELATING TO CERTAIN PRE-**
6 **VIOUS YEARS.**

7 (a) APPLICABILITY.—This section applies in the case
8 of any individual who, as of the date of the enactment
9 of this Act, is an officer or employee of the Government
10 Accountability Office, excluding—

11 (1) an officer or employee described in subpara-
12 graph (A), (B), or (C) of section 4(c)(1); and

13 (2) an officer or employee who received both a
14 2.6 percent pay increase in January 2006 and a 2.4
15 percent pay increase in February 2007.

16 (b) PAY INCREASE DEFINED.—For purposes of this
17 section, the term “pay increase”, as used with respect to
18 an officer or employee in connection with a year, means
19 the total increase in the rate of basic pay (expressed as
20 a percentage) of such officer or employee, taking effect
21 under sections 731(b) and 732(c)(3) of title 31, United
22 States Code, in such year.

23 (c) PROSPECTIVE EFFECT.—Effective with respect to
24 pay for service performed in any pay period beginning
25 after the end of the 3-month period beginning on the date

1 of the enactment of this Act (or such earlier date as the
2 Comptroller General may specify), the rate of basic pay
3 for each individual to whom this section applies shall be
4 determined as if such individual had received both a 2.6
5 percent pay increase for 2006 and a 2.4 percent pay in-
6 crease for 2007, subject to subsection (e).

7 (d) LUMP-SUM PAYMENT.—Not later than 6 months
8 after the date of the enactment of this Act, the Comp-
9 troller General shall, subject to the availability of appro-
10 priations, pay to each individual to whom this section ap-
11 plies a lump-sum payment. Subject to subsection (e), such
12 lump-sum payment shall be equal to—

13 (1) the total amount of basic pay that would
14 have been paid to the individual, for service per-
15 formed during the period beginning on the effective
16 date of the pay increase for 2006 and ending on the
17 day before the effective date of the pay adjustment
18 under subsection (e) (or, if earlier, the date on which
19 the individual retires or otherwise ceases to be em-
20 ployed by the Government Accountability Office), if
21 such individual had received both a 2.6 percent pay
22 increase for 2006 and a 2.4 percent pay increase for
23 2007, minus

1 (2) the total amount of basic pay that was in
2 fact paid to the individual for service performed dur-
3 ing the period described in paragraph (1).

4 Eligibility for a lump-sum payment under this subsection
5 shall be determined solely on the basis of whether an indi-
6 vidual satisfies the requirements of subsection (a) (to be
7 considered an individual to whom this section applies), and
8 without regard to such individual's employment status as
9 of any date following the date of the enactment of this
10 Act or any other factor.

11 (e) CONDITIONS.—Nothing in subsection (c) or (d)
12 shall be considered to permit or require—

13 (1) the payment of any rate (or lump-sum
14 amount based on a rate) for any pay period, to the
15 extent that such rate would be (or would have been)
16 inconsistent with the limitation that applies (or that
17 applied) with respect to such pay period under sec-
18 tion 732(c)(2) of title 31, United States Code; or

19 (2) the payment of any rate or amount based
20 on the pay increase for 2006 or 2007 (as the case
21 may be), if—

22 (A) the performance of the officer or em-
23 ployee involved was not at a satisfactory level,
24 as determined by the Comptroller General
25 under paragraph (3) of section 732(c) of such

1 title 31 for purposes of the adjustment under
2 such paragraph for that year; or

3 (B) the individual involved was not an offi-
4 cer or employee of the Government Account-
5 ability Office on the date as of which that in-
6 crease took effect.

7 As used in paragraph (2)(A), the term “satisfactory” in-
8 cludes a rating of “meets expectations” (within the mean-
9 ing of the performance appraisal system used for purposes
10 of the adjustment under section 732(c)(3) of such title 31
11 for the year involved).

12 (f) RETIREMENT.—

13 (1) IN GENERAL.—The lump-sum payment paid
14 under subsection (d) to an officer or employee shall,
15 for purposes of any determination of the average pay
16 (as defined by section 8331 or 8401 of title 5,
17 United States Code) which is used to compute an
18 annuity under subchapter III of chapter 83 or chap-
19 ter 84 of such title—

20 (A) be treated as basic pay (as defined by
21 section 8331 or 8401 of such title); and

22 (B) be allocated to the biweekly pay peri-
23 ods covered by subsection (d).

24 (2) CONTRIBUTIONS.—Notwithstanding section
25 8334, 8422, 8423, or any other provision of title 5,

1 United States Code, no employee or agency contribu-
2 tion shall be required for purposes of this subsection.

3 (g) EXCLUSIVE REMEDY.— This section constitutes
4 the exclusive remedy that any individuals to whom this
5 section applies (as described in subsection (a)) have for
6 any claim that they are owed any monies denied to them
7 in the form of a pay increase for 2006 or 2007 under sec-
8 tion 732(c)(3) of title 31, United States Code, or any
9 other law. Notwithstanding any other provision of law, no
10 court or administrative body, including the Government
11 Accountability Office Personnel Appeals Board, shall have
12 jurisdiction to entertain any civil action or other civil pro-
13 ceeding based on the claim of such individuals that they
14 were due money in the form of a pay increase for 2006
15 or 2007 pursuant to such section 732(c)(3) or any other
16 law.

17 **SEC. 4. LUMP-SUM PAYMENT FOR CERTAIN PERFORMANCE-**
18 **BASED COMPENSATION.**

19 (a) IN GENERAL.—Not later than 6 months after the
20 date of the enactment of this Act, the Comptroller General
21 shall, subject to the availability of appropriations, pay to
22 each qualified individual a lump-sum payment equal to the
23 amount of performance-based compensation such indi-
24 vidual was denied for 2006, as determined under sub-
25 section (b).

1 (b) AMOUNT.—The amount payable to a qualified in-
2 dividual under this section shall be equal to—

3 (1) the total amount of performance-based com-
4 pensation such individual would have earned for
5 2006 (determined by applying the Government Ac-
6 countability Office’s performance-based compensa-
7 tion system under GAO Orders 2540.3 and 2540.4,
8 as in effect in 2006) if such individual had not had
9 a salary equal to or greater than the maximum for
10 such individual’s band (as further described in sub-
11 section (c)(2)), less

12 (2) the total amount of performance-based com-
13 pensation such individual was in fact granted, in
14 January 2006, for that year.

15 (c) QUALIFIED INDIVIDUAL.—For purposes of this
16 section, the term “qualified individual” means an indi-
17 vidual who—

18 (1) as of the date of the enactment of this Act,
19 is an officer or employee of the Government Ac-
20 countability Office, excluding—

21 (A) an individual holding a position subject
22 to section 732a or 733 of title 31, United
23 States Code (disregarding section 732a(b) and
24 733(c) of such title);

25 (B) a Federal Wage System employee; and

1 (C) an individual participating in a devel-
2 opment program under which such individual
3 receives performance appraisals, and is eligible
4 to receive permanent merit pay increases, more
5 than once a year; and

6 (2) as of January 22, 2006, was a Band I staff
7 member with a salary above the Band I cap, a Band
8 IIA staff member with a salary above the Band IIA
9 cap, or an administrative professional or support
10 staff member with a salary above the cap for that
11 individual's pay band (determined in accordance
12 with the orders cited in subsection (b)(1)).

13 (d) EXCLUSIVE REMEDY.—This section constitutes
14 the exclusive remedy that any officers and employees (as
15 described in subsection (c)) have for any claim that they
16 are owed any monies denied to them in the form of merit
17 pay for 2006 under section 731(b) of title 31, United
18 States Code, or any other law. Notwithstanding any other
19 provision of law, no court or administrative body in the
20 United States, including the Government Accountability
21 Office Personnel Appeals Board, shall have jurisdiction to
22 entertain any civil action or other civil proceeding based
23 on the claim of such officers or employees that they were
24 due money in the form of merit pay for 2006 pursuant
25 to such section 731(b) or any other law.

1 (e) DEFINITIONS.—For purposes of this section—

2 (1) the term “performance-based compensa-
3 tion” has the meaning given such term under the
4 Government Accountability Office’s performance-
5 based compensation system under GAO Orders
6 2540.3 and 2540.4, as in effect in 2006; and

7 (2) the term “permanent merit pay increase”
8 means an increase under section 731(b) of title 31,
9 United States Code, in a rate of basic pay.

10 **SEC. 5. INSPECTOR GENERAL.**

11 (a) IN GENERAL.—Subchapter I of chapter 7 is
12 amended by adding at the end the following:

13 **“§ 705. Inspector General for the Government Ac-
14 countability Office**

15 “(a) ESTABLISHMENT OF OFFICE.—There is estab-
16 lished an Office of the Inspector General in the Govern-
17 ment Accountability Office, to—

18 “(1) conduct and supervise audits consistent
19 with generally accepted government auditing stand-
20 ards and investigations relating to the Government
21 Accountability Office;

22 “(2) provide leadership and coordination and
23 recommend policies, to promote economy, efficiency,
24 and effectiveness in the Government Accountability
25 Office; and

1 “(3) keep the Comptroller General and Con-
2 gress fully and currently informed concerning fraud
3 and other serious problems, abuses, and deficiencies
4 relating to the administration of programs and oper-
5 ations of the Government Accountability Office.

6 “(b) APPOINTMENT, SUPERVISION, AND REMOVAL.—

7 “(1) The Office of the Inspector General shall
8 be headed by an Inspector General, who shall be ap-
9 pointed by the Comptroller General without regard
10 to political affiliation and solely on the basis of in-
11 tegrity and demonstrated ability in accounting, au-
12 diting, financial analysis, law, management analysis,
13 public administration, or investigations. The Inspec-
14 tor General shall report to, and be under the general
15 supervision of, the Comptroller General.

16 “(2) The Inspector General may be removed
17 from office by the Comptroller General. The Comp-
18 troller General shall, promptly upon such removal,
19 communicate in writing the reasons for any such re-
20 moval to each House of Congress.

21 “(c) AUTHORITY OF INSPECTOR GENERAL.—In addi-
22 tion to the authority otherwise provided by this section,
23 the Inspector General, in carrying out the provisions of
24 this section, may—

1 “(1) have access to all records, reports, audits,
2 reviews, documents, papers, recommendations, or
3 other material that relate to programs and oper-
4 ations of the Government Accountability Office;

5 “(2) make such investigations and reports relat-
6 ing to the administration of the programs and oper-
7 ations of the Government Accountability Office as
8 are, in the judgment of the Inspector General, nec-
9 essary or desirable;

10 “(3) request such documents and information
11 as may be necessary for carrying out the duties and
12 responsibilities provided by this section from any
13 Federal agency;

14 “(4) in the performance of the functions as-
15 signed by this section, obtain all information, docu-
16 ments, reports, answers, records, accounts, papers,
17 and other data and documentary evidence from a
18 person not in the United States Government or from
19 a Federal agency, to the same extent and in the
20 same manner as the Comptroller General under the
21 authority and procedures available to the Comp-
22 troller General in section 716 of this title;

23 “(5) administer to or take from any person an
24 oath, affirmation, or affidavit, whenever necessary in
25 the performance of the functions assigned by this

1 section, which oath, affirmation, or affidavit when
2 administered or taken by or before an employee of
3 the Office of Inspector General designated by the In-
4 spector General shall have the same force and effect
5 as if administered or taken by or before an officer
6 having a seal;

7 “(6) have direct and prompt access to the
8 Comptroller General when necessary for any purpose
9 pertaining to the performance of functions and re-
10 sponsibilities under this section;

11 “(7) report expeditiously to the Attorney Gen-
12 eral whenever the Inspector General has reasonable
13 grounds to believe there has been a violation of Fed-
14 eral criminal law; and

15 “(8) provide copies of all reports to the Audit
16 Advisory Committee of the Government Account-
17 ability Office and provide such additional informa-
18 tion in connection with such reports as is requested
19 by the Committee.

20 “(d) COMPLAINTS BY EMPLOYEES.—

21 “(1) The Inspector General—

22 “(A) subject to subparagraph (B), may re-
23 ceive, review, and investigate, as the Inspector
24 General considers appropriate, complaints or in-
25 formation from an employee of the Government

1 Accountability Office concerning the possible
2 existence of an activity constituting a violation
3 of any law, rule, or regulation, mismanagement,
4 or a gross waste of funds; and

5 “(B) shall refer complaints or information
6 concerning violations of personnel law, rules, or
7 regulations to established investigative and ad-
8 judicative entities of the Government Account-
9 ability Office.

10 “(2) The Inspector General shall not, after re-
11 ceipt of a complaint or information from an em-
12 ployee, disclose the identity of the employee without
13 the consent of the employee, unless the Inspector
14 General determines such disclosure is unavoidable
15 during the course of the investigation.

16 “(3) Any employee who has authority to take,
17 direct others to take, recommend, or approve any
18 personnel action, shall not, with respect to such au-
19 thority, take or threaten to take any action against
20 any employee as a reprisal for making a complaint
21 or disclosing information to the Inspector General,
22 unless the complaint was made or the information
23 disclosed with the knowledge that it was false or
24 with willful disregard for its truth or falsity.

1 “(e) SEMIANNUAL REPORTS.—(1) The Inspector
2 General shall submit semiannual reports summarizing the
3 activities of the Office of the Inspector General to the
4 Comptroller General. Such reports shall include, but need
5 not be limited to—

6 “(A) a summary of each significant report
7 made during the reporting period, including a de-
8 scription of significant problems, abuses, and defi-
9 ciencies disclosed by such report;

10 “(B) a description of the recommendations for
11 corrective action made with respect to significant
12 problems, abuses, or deficiencies described pursuant
13 to subparagraph (A);

14 “(C) a summary of the progress made in imple-
15 menting such corrective action described pursuant to
16 subparagraph (B); and

17 “(D) information concerning any disagreement
18 the Comptroller General has with a recommendation
19 of the Inspector General.

20 “(2) The Comptroller General shall transmit the
21 semiannual reports of the Inspector General, together with
22 any comments the Comptroller General considers appro-
23 priate, to Congress within 30 days after receipt of such
24 reports.

1 “(f) INDEPENDENCE IN CARRYING OUT DUTIES AND
2 RESPONSIBILITIES.—The Comptroller General may not
3 prevent or prohibit the Inspector General from carrying
4 out any of the duties or responsibilities of the Inspector
5 General under this section.

6 “(g) AUTHORITY FOR STAFF.—

7 “(1) IN GENERAL.—The Inspector General
8 shall select, appoint, and employ such personnel as
9 may be necessary to carry out this section consistent
10 with the provisions of this title governing selections,
11 appointments, and employment in the Government
12 Accountability Office. Such personnel shall be ap-
13 pointed, promoted, and assigned only on the basis of
14 merit and fitness, but without regard to those provi-
15 sions of title 5 governing appointments and other
16 personnel actions in the competitive service, except
17 that no personnel of the Office may be paid at an
18 annual rate greater than \$1,000 less than the an-
19 nual rate of pay of the Inspector General.

20 “(2) EXPERTS AND CONSULTANTS.—The In-
21 spector General may procure temporary and inter-
22 mittent services under section 3109 of title 5 at
23 rates not to exceed the daily equivalent of the annual
24 rate of basic pay for level V of the Executive Sched-
25 ule under section 5315 of such title.

1 “(3) INDEPENDENCE IN APPOINTING STAFF.—
2 No individual may carry out any of the duties or re-
3 sponsibilities of the Office of the Inspector General
4 unless the individual is appointed by the Inspector
5 General, or provides services obtained by the Inspec-
6 tor General, pursuant to this paragraph.

7 “(4) LIMITATION ON PROGRAM RESPONSIBIL-
8 ITIES.—The Inspector General and any individual
9 carrying out any of the duties or responsibilities of
10 the Office of the Inspector General are prohibited
11 from performing any program responsibilities.

12 “(h) OFFICE SPACE.—The Comptroller General shall
13 provide the Office of the Inspector General—

14 “(1) appropriate and adequate office space;

15 “(2) such equipment, office supplies, and com-
16 munications facilities and services as may be nec-
17 essary for the operation of the Office of the Inspec-
18 tor General; and

19 “(3) necessary maintenance services for such
20 office space, equipment, office supplies, and commu-
21 nications facilities; and

22 “(4) equipment and facilities located in such of-
23 fice space.

1 “(i) DEFINITION.—As used in this section, the term
2 ‘Federal agency’ means a department, agency, instrumen-
3 tality, or unit thereof, of the Federal Government.”.

4 (b) INCUMBENT.—The individual who serves in the
5 position of Inspector General of the Government Account-
6 ability Office on the date of the enactment of this Act shall
7 continue to serve in such position subject to removal in
8 accordance with the amendments made by this section.

9 (c) CLERICAL AMENDMENT.—The table of sections
10 for chapter 7 is amended by inserting after the item relat-
11 ing to section 704 the following:

“705. Inspector General for the Government Accountability Office.”.

12 **SEC. 6. ADMINISTERING OATHS.**

13 Section 711 is amended by striking paragraph (4)
14 and inserting the following:.

15 “(4) administer oaths to witnesses, except that,
16 in matters other than auditing and settling accounts,
17 the authority of an officer or employee to administer
18 oaths to witnesses pursuant to a delegation under
19 paragraph (2) shall not be available without the
20 prior express approval of the Comptroller General
21 (or a designee).”.

22 **SEC. 7. COMPTROLLER GENERAL REPORTS.**

23 Section 719 is amended—

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

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

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

5 “(D) for agencies subject to sections 901–903
6 and other agencies designated by the Comptroller
7 General, an assessment of their overall degree of co-
8 operation in making personnel available for inter-
9 view, providing written answers to questions, submit-
10 ting to an oath authorized by the Comptroller Gen-
11 eral under section 711, granting access to records,
12 providing timely comments to draft reports, adopting
13 recommendations in reports and responding to such
14 other matters as the Comptroller General deems ap-
15 propriate in carrying out his duties under authority
16 of sections 711–720 or any other provisions of law.”;

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

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

21 (6) by adding at the end of subsection (c) the
22 following:

23 “(4) as soon as practicable when an agency
24 does not, within a reasonable time of a request by
25 the Comptroller General, make personnel available

1 for interview, provide written answers to questions,
2 grant access to records, or submit to an oath au-
3 thorized by the Comptroller General under sections
4 711–720 or any other provisions of law.”.

5 **SEC. 8. REIMBURSEMENT OF AUDIT COSTS.**

6 (a) IN GENERAL.—Section 3521 is amended by add-
7 ing at the end the following:

8 “(i)(1) Any executive agency or component thereof
9 that prepares an audited financial statement under section
10 3515 shall reimburse the Government Accountability Of-
11 fice the cost of any audit of the financial statements (or
12 any part thereof) and related schedules of such agency or
13 component performed by the Comptroller General.

14 “(2) Reimbursements required by paragraph (1) shall
15 be credited to the appropriation account ‘Salaries and Ex-
16 penses, Government Accountability Office’ current when
17 the reimbursement is received and shall remain available
18 until expended.”.

19 (b) CONFORMING AMENDMENT.—Section 1401 of
20 title I of Public Law 108–83 (31 U.S.C. 3521 note) is
21 repealed.

22 (c) EFFECTIVE DATE.—This section and the amend-
23 ments made by this section shall take effect on October
24 1, 2009.

1 **SEC. 9. FINANCIAL DISCLOSURE REQUIREMENTS.**

2 Section 109(13)(B) of the Ethics in Government Act
3 of 1978 (5 U.S.C. App.) is amended—

4 (1) in clause (i), by inserting “(except any offi-
5 cer or employee of the Government Accountability
6 Office)” after “legislative branch”, and by striking
7 “and” at the end;

8 (2) by redesignating clause (ii) as clause (iii);
9 and

10 (3) by inserting after clause (i) the following:

11 “(ii) each officer or employee of the Gov-
12 ernment Accountability Office who, for at least
13 60 consecutive days, occupies a position for
14 which the rate of basic pay, minus the amount
15 of locality pay that would have been authorized
16 under section 5304 of title 5, United States
17 Code (had the officer or employee been paid
18 under the General Schedule) for the locality
19 within which the position of such officer or em-
20 ployee is located (as determined by the Comp-
21 troller General), is equal to or greater than 120
22 percent of the minimum rate of basic pay pay-
23 able for GS–15 of the General Schedule; and”.

24 **SEC. 10. HIGHEST BASIC PAY RATE.**

25 Section 732(e)(2) is amended by striking “highest
26 basic rate for GS–15;” and inserting “rate for level III

1 of the Executive Level, except that the total amount of
2 cash compensation in any year shall be subject to the limi-
3 tations provided under section 5307(a)(1) of title 5;”.

4 **SEC. 11. ADDITIONAL AUTHORITIES.**

5 (a) IN GENERAL.—(1) Section 731 is amended—

6 (A) by repealing subsection (d);

7 (B) in subsection (e)—

8 (i) in the matter before paragraph
9 (1), by striking “maximum daily rate for
10 GS–18 under section 5332 of such title”
11 and inserting “daily rate for level IV of the
12 Executive Schedule”; and

13 (ii) by striking “more than—” and all
14 that follows and inserting the following:
15 “more than 20 experts and consultants
16 may be procured for terms of not more
17 than 3 years, but which shall be renew-
18 able.”; and

19 (C) by adding at the end the following:

20 “(j) Funds appropriated to the Government Account-
21 ability Office for salaries and expenses are available for
22 meals and other related reasonable expenses incurred in
23 connection with recruitment.”.

24 (2) CONFORMING AMENDMENTS.—(A) Section
25 732a(b) is amended by striking “section 731(d), (e)(1),

1 or (e)(2)” and inserting “paragraph (1) or (2) of section
2 731(e)”.

3 (B) Section 733(c) is amended by striking “(d),”.

4 (C) Section 735(a) is amended by striking “731(c)–
5 (e),” and inserting “731(c) and (e),”.

6 (b) ACCESS TO CERTAIN INFORMATION.—

7 (1) IN GENERAL.—Subchapter II of chapter 7
8 of title 31, United States Code, is amended by add-
9 ing at the end the following:

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

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

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

1 any method or process which as a trade secret is entitled
2 to protection.”.

3 (2) INTERVIEWS.—Section 716(a) of title 31,
4 United States Code, is amended in the second sen-
5 tence by inserting “and interview agency officers and
6 employees” after “agency record”.

7 (3) CLERICAL AMENDMENT.—The analysis for
8 chapter 7 of title 31, United States Code, is amend-
9 ed by inserting after the item relating to section 720
10 the following:

721. Access to certain information.

11 **SEC. 12. BASIC PAY FOR RETIREMENT.**

12 Section 8331(3) of title 5, United States Code, is
13 amended—

14 (1) in subparagraph (G), by striking “and” at
15 the end;

16 (2) in subparagraph (H), by inserting “and” at
17 the end;

18 (3) by inserting after subparagraph (H) the fol-
19 lowing:

20 “(I) the nonpermanent amount of a perform-
21 ance-based pay increase received by an employee of
22 the Government Accountability Office, to the extent
23 that such increase does not cause the basic pay of
24 such employee to exceed the limitation specified in
25 section 732(c)(2) of title 31;” and

1 (4) in the matter following subparagraph (I)
2 (as added by this section), by striking “(B) through
3 (H)” and inserting “(B) through (I)”.

