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Congress of the United States

House of Representatives

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March 16, 2007

The Honorable David M. Walker
Comptroller General
U.S. Government Accountability Office
441 G Street, N.W.
Washington, D.C. 20548

Dear Mr. Walker:

In a March 12, 2007, *Federal Times* article entitled, "Comptroller General Pans CRS Study of GAO Pay," you imply that the GAO Human Capital Reform Act of 2004 (GAO Reform Act) required you to pay employee salaries that would be comparable to what they would make in the labor market, and to pay employees performing work of equal value the same amount. You made similar comments during a GAO Town Mall Meeting on February 27, 2007. In the *Federal Times* article, you also expressed disappointment that the Congressional Research Service (CRS) did not permit you to review their study on GAO's personnel system, and said that you could not provide details of the Watson Wyatt compensation study that you commissioned because it was "proprietary."

As you are aware, the GAO Reform Act was submitted to Congress in 2003 for consideration by GAO. You referred to it in your July 16, 2003, testimony before the predecessor to this Subcommittee on Federal Workforce, Postal Service, and the District of Columbia as the "GAO proposal." The Senate report on the legislation states that it is "based on the Comptroller General's recommendations." You, and your special assistant at the time, Helen Hsing, actively advocated for passage of the Act. The legislation was not forced upon you and it did not *require* you to conduct a market-based compensation study on which to base employees' pay. Neither does the law require you to match local pay rates. Specifically, Sec. 3(a) of the Act states that in making annual pay adjustment determinations, the "Comptroller General shall *consider*" various principles, including the principle that "equal pay should be provided for work of equal value within each local pay area."

Furthermore, as Members of Congress, we take very seriously commitments that are made to us on the record. Such commitments would be meaningless if the individual making the commitment can change their mind without first consulting with, and seeking the approval of, Congress. Therefore, it is very disturbing that you did not keep your 2003 commitment to Congress to guarantee GAO employees who "met expectations" the 2006 and 2007 annual across the board increases, and you did so without Congressional knowledge or consent.

CRS provides legislative research analysis, at the request of Members of Congress. Unlike GAO, CRS works for us on a confidential basis when requested to do so, and does not provide an opportunity for agency comments. This is a longstanding CRS policy and an exception was not made for GAO, nor should it have been. Additionally, in the course of researching GAO's personnel restructuring, CRS requested that GAO provide specific information on the Watson Wyatt study. For example, CRS asked for an October 29, 2004, Watson Wyatt document that reportedly describes the study's design objectives and methodology. GAO refused to provide this document, saying it was "deliberative in nature." CRS also asked whether any outside organizations to which GAO had lost employees in the past were excluded from the pay study, but GAO did not answer this question. CRS also asked a series of questions regarding GAO's use of its pay authority, including (1) whether GAO considered the placement of Band II into Band IIA a "reduction in grade or band" under Section 4 of the GAO Reform Act; (2) how GAO could freeze the pay of Band I and Band III employees who were clearly not "reduced in grade or band"; and (3) how GAO could use factors other than the maximum rate for the grade or band to determine that Band IIB and Band III employees were overpaid (e.g., "speed bumps" and performance requirements above "meets expectations"). GAO refused to answer any of these questions, saying they "raised legal issues pending before the Personnel Appeals Board." In the Federal Times article, you were quoted as saying that you could not divulge the details of the Watson Wyatt compensation study because "the report is proprietary."

Congress's authority and power to obtain information, including but not limited to propriety information, is extremely broad. Such power is essential to the legislative function as to be implied from the general vesting of legislative powers in Congress. Therefore, we are requesting that you provide all information and communications relating to the Watson Wyatt compensation study that you relied upon to make pay determinations. The data should include, but not be limited to the outside organizations GAO compared itself to (how the companies were selected, specifically, did GAO state which companies should or should not be included in the study), and which occupations within those organizations were compared to GAO analysts and specialists. You should also answer all questions that CRS posed to GAO last November regarding the implementation of your authority under the GAO Reform Act that you did not answer at that time.

Please provide this information within 14 days of the receipt of this letter. If you would like to discuss this matter further, please contact Tania Shand on (202) 225-5147.

Sincerely,



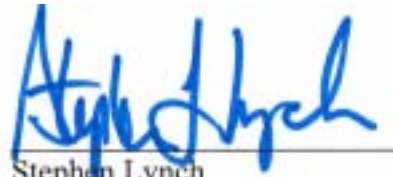
Danny K. Davis
Chairman
Subcommittee on Federal Workforce,
Postal Service, and the District of Columbia



Eleanor Holmes Norton
Member of Congress



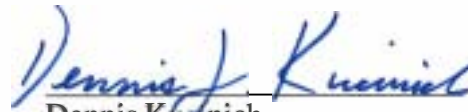
Elijah Cummings
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Stephen Lynch
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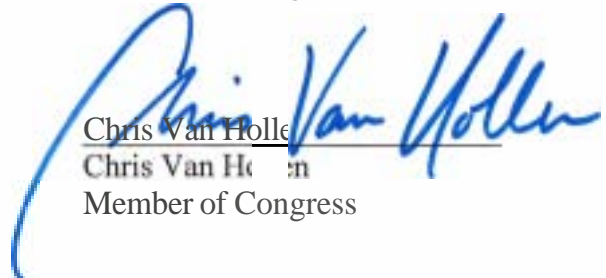
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