



Highlights of [GAO-03-806](#), a report to the Chairman, Committee on Governmental Affairs, U. S. Senate

Why GAO Did This Study

The Federal Vacancies Reform Act of 1998 sets requirements for reporting to Congress and the Comptroller General actions related to Presidential Appointment with Senate Confirmation (PAS) positions as well as the qualifications for and term limits on acting PAS officers. GAO had reviewed agencies' performance in implementing the Vacancies Reform Act and found substantial problems with their reporting timeliness and compliance with term limits for acting officials. In this current effort, GAO looked at agencies' procedures to identify approaches that could be applied across the government to help assure effective implementation of the act.

What GAO Recommends

GAO recommends that the Office of Presidential Personnel encourage federal agencies to implement the five key elements for Vacancies Reform Act compliance that GAO identified.

The Office of Counsel to the President commented on the report and said he would prefer that GAO make the recommendation to all agencies with PAS positions covered by the Vacancies Reform Act rather than to the Office of Presidential Personnel.

www.gao.gov/cgi-bin/getrpt?GAO-03-806.

To view the full report, including the scope and methodology, click on the link above. For more information, contact Victor Rezendes at (202) 512-6806 or rezendesv@gao.gov.

FEDERAL VACANCIES REFORM ACT

Key Elements for Agency Procedures for Complying with the Act

What GAO Found

The six departments GAO reviewed had Vacancies Reform Act compliance systems that varied. Regardless of how the agencies had assigned responsibilities, GAO identified five key elements essential to Vacancies Reform Act compliance.

One critical element is that agencies identify the specific components or branches that will be responsible for Vacancies Reform Act requirements. Agencies should also specify the functions that these key units perform and how they interact with other key components to achieve the overall Vacancies Reform Act compliance objective.

A second critical element is that staff in the various components that play a role in Vacancies Reform Act compliance must frequently communicate with each other. There may be several agency components involved in the compliance process and one component may have critical information, such as the occurrence of a vacancy, that the component responsible for reporting this event to Congress needs to know. Frequent communication helps ensure that information is shared and acted on in a timely manner.

A third critical element is that the agency maintains an up-to-date list of the first assistants for each of its PAS positions. When a vacancy occurs the Vacancies Reform Act provides that the first assistant will serve as the acting official in the absence of a designation by the President. Having an up-to-date list helps ensure timely placement, continuity of operations, and compliance with qualifications criteria for acting PAS officials prescribed by the Vacancies Reform Act.

A fourth critical element is that agencies document their Vacancies Reform Act procedures. Documenting compliance procedures provides agencies a means of ensuring that new staff assigned to compliance tasks will have guidance on how to perform these tasks. This will also help ensure a consistent application of the process, reduce the learning period required, and provide for a better continuity of effort.

Finally, agencies should assign Vacancies Reform Act responsibilities to career employees. This would also help to provide continuity to the agencies' compliance activities, because, typically, political employees, who may be assigned this function, would not be very familiar with the act's requirements when they report for duty. This can lead to delays or errors in Vacancies Reform Act compliance. Agency officials cited a number of examples where it took replacement staff a while to get up to speed which resulted in long delays in reporting vacancy events.