

rate of basic pay payable for grade GS-18 of the General Schedule. Each member is entitled to travel expenses and per diem allowances under section 5703 of title 5.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 900; Pub. L. 100-426, title I, §§101, 102(b), Sept. 9, 1988, 102 Stat. 1598, 1599; Pub. L. 103-283, title III, §312(e)(4)(A), July 22, 1994, 108 Stat. 1446; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
751(a)	31:52-3(a)(1), (3).	Feb. 15, 1980, Pub. L. 96-191, §4(a)-(d), 94 Stat. 29.
751(b)	31:52-3(a)(2), (4).	
751(c)	31:52-3(b).	
751(d)	31:52-3(c).	
751(e)	31:52-3(d).	

In subsection (a), before clause (1), the words “The General Accounting Office has a General Accounting Office Personnel Appeals Board” are substituted for 31:52-3(a)(1)(1st sentence less words between parentheses) for consistency. The text of 31:52-3(a)(1)(1st sentence words between parentheses) is omitted because of the restatement. The words “in accordance with this subsection” and “as a member of the Board” are omitted as surplus. In clause (1), the words “a total of” are omitted as surplus. In clause (4), the words “to service as a member of the Board in order to enable the Board . . . under this section” are omitted as surplus.

In subsection (b), before clause (1), the words “under paragraph (1)” are omitted as surplus. The word “only” is added for clarity. In clause (1), the words “in a way” are substituted for “in the form . . . and according to the procedures” to eliminate unnecessary words. The words “eligible to make such a submission under paragraph (4)”, “shall be eligible to submit a list of candidates to the Comptroller General under paragraph (2)(A)”, and “the membership of” are omitted as surplus. In clause (2), the word “management” is added for consistency. The words “under section 772 of this title” are added for clarity. The words “to consult with the Comptroller General” are omitted as surplus.

In subsection (c), the words “Except as provided in paragraph (2)” are omitted because of the restatement. The text of 31:52-3(b)(2) is omitted as executed. The words “of the Board” and 31:52-3(b)(4)(1st sentence) are omitted as surplus. The words “occurring before the expiration of a term of office” are substituted for “with respect to which such vacancy has occurred” for clarity. The words “or for 6 months after the term expires, whichever is earlier” are substituted for 31:52-3(b)(5)(words after comma) to eliminate unnecessary words.

In subsection (d), the words “of the Board . . . from the Board”, “the members of”, and “proposed action of” are omitted as surplus. The words “prior to any vote of the members of the Board under paragraph (1)(A)” are omitted as surplus. The words “unless the member waives the opportunity in writing” are substituted for 31:52-3(c)(2)(last sentence) to eliminate unnecessary words.

In subsection (e), the words “While carrying out a member’s duties” are substituted for “for each day such member is engaged in the actual performance of duties as a member of the Board” to eliminate unnecessary words. The words “an officer or employee of” are substituted for “otherwise employed by” for consistency in the revised title and with other titles of the United States Code. The words “payable . . . under the General Schedule under section 5332 of title 5, United States Code” and 31:52-3(d)(2d sentence) are omitted as surplus.

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the General Accounting Office Personnel Amendments Act of 1988, referred to in subsec. (c)(2)(A), is the date of enactment of Pub. L. 100-426, which was approved Sept. 9, 1988.

AMENDMENTS

2004—Subsec. (a). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office” in introductory provisions.

1994—Subsec. (a)(1). Pub. L. 103-283 inserted “or of the Architect of the Capitol, the Botanic Garden, or the Senate Restaurants,” after “Office”. See Application of Provisions Amended by Pub. L. 103-283 note below.

1988—Subsec. (a). Pub. L. 100-426, §101(a), struck out par. (1) which required that Board appointees have 3 years full-time or part-time experience in adjudicating or arbitrating personnel matters, and redesignated pars. (2), (3), and (4) as (1), (2), and (3), respectively.

Subsec. (b)(1). Pub. L. 100-426, §101(b), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “from a written list of candidates, submitted to the Comptroller General in a way and at the time the Comptroller General requires, by any organization the Comptroller General believes is composed primarily of individuals experienced in adjudicating or arbitrating personnel matters; and”.

Subsec. (c)(1). Pub. L. 100-426, §101(c)(1), (2), designated existing provisions as par. (1), substituted “Except as provided in paragraph (2), the” for “The”, and substituted “5” for “3” in two places.

Subsec. (c)(2). Pub. L. 100-426, §101(c)(3), added par. (2).

Subsec. (e). Pub. L. 100-426, §102(b), substituted “basic pay at a rate equal to the daily rate of basic pay payable for grade GS-18 of the General Schedule” for “pay at a rate equal to the daily rate for GS-18”.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

General Accounting Office redesignated Government Accountability Office. See section 8 of Pub. L. 108-271, set out as a note under section 702 of this title.

APPLICATION OF PROVISIONS AMENDED BY PUB. L. 103-283

Pub. L. 104-1, title V, §504(c)(2), Jan. 23, 1995, 109 Stat. 41, provided that: “The provisions of sections 751, 753, and 755 of title 31, United States Code, amended by section 312(e) of the Architect of the Capitol Human Resources Act [Pub. L. 103-283], shall be applied and administered as if such section 312(e) [amending this section and sections 753 and 755 of this title and enacting section 1831(e) of Title 2, The Congress] (and the amendments made by such section) had not been enacted.”

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

§ 752. Chairman and General Counsel

(a) The General Accounting Office Personnel Appeals Board¹ shall select one of its members as Chairman. The Chairman is the chief executive and administrative officer of the Board.

(b)(1) The Comptroller General shall appoint as General Counsel of the Board an individual

¹ See Change of Name note below.

the Chairman selects. The General Counsel serves at the pleasure of the Chairman.

(2) The Chairman shall fix the pay of the General Counsel. The rate of basic pay of the General Counsel may be not more than the maximum rate of basic pay payable for grade GS-16 of the General Schedule.

(3) The General Counsel shall—

(A) investigate an allegation about a prohibited personnel practice under section 732(b)(2) of this title to decide if there are reasonable grounds to believe the practice has occurred, exists, or will be taken by an officer or an employee of the Government Accountability Office;

(B) investigate an allegation about a prohibited political activity under section 732(b)(3) of this title;

(C) investigate a matter under the jurisdiction of the Board if the Board or a member of the Board requests; and

(D) help the Board carry out its duties and powers.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 901; Pub. L. 100-426, title I, § 102(a), Sept. 9, 1988, 102 Stat. 1599; Pub. L. 108-271, § 8(b), July 7, 2004, 118 Stat. 814.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
752(a)	31:52-3(e).	Feb. 15, 1980, Pub. L. 96-191, § 4(e)-(g), 94 Stat. 30.
752(b)	31:52-3(f), (g).	

In subsection (a), the words “members of the” are omitted as surplus.

In subsection (b)(1), the words “(hereinafter referred to as the ‘General Counsel’)” are omitted because of the restatement. The words “shall be eligible for reappointment and” are omitted as surplus.

In subsection (b)(2), the word “annual” is added for clarity. The word “basic” is added for consistency in the revised title and with other titles of the United States Code. The words “payable . . . of the General Schedule” are omitted as surplus.

In subsection (b)(3)(A), the words “to the extent necessary” are omitted as surplus. The words “officer or” are added for consistency in the revised title and with other titles of the Code.

In subsection (b)(3)(D), the word “otherwise” is omitted as surplus. The words “duties and powers” are substituted for “functions” for consistency.

Editorial Notes

AMENDMENTS

2004—Subsec. (b)(3)(A). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office”.

1988—Subsec. (b)(2). Pub. L. 100-426 substituted “The rate of basic pay of the General Counsel may be not more than the maximum rate of basic pay payable for grade GS-16 of the General Schedule” for “The annual rate of basic pay of the General Counsel may be not more than the maximum rate for GS-15”.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

General Accounting Office redesignated Government Accountability Office. See section 8 of Pub. L. 108-271, set out as a note under section 702 of this title.

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

§ 753. Duties and powers

(a) The General Accounting Office Personnel Appeals Board¹ may consider and order corrective or disciplinary action in a case arising from—

(1) an officer or employee appeal about a removal, suspension for more than 14 days, reduction in grade or pay, or furlough of not more than 30 days;

(2) a prohibited personnel practice under section 732(b)(2) of this title;

(3) a prohibited political activity under section 732(b)(3) of this title;

(4) a decision of an appropriate unit of employees for collective bargaining;

(5) an election or certification of a collective bargaining representative;

(6) a matter appealable to the Board under the labor-management relations program under section 732(e)(2) of this title, including a labor practice prohibited under section 732(e)(1) of this title;

(7) an action involving discrimination prohibited under section 732(f)(1) of this title;

(8) an issue about Office personnel the Comptroller General by regulation decides the Board shall resolve; and

(9) an action involving discrimination prohibited under section 312(e)(2)² of the Architect of the Capitol Human Resources Act.

(b) The Board has no authority to issue a stay of any reduction in force action.

(c) The Board may delegate to a member or a panel of members the authority to act under subsection (a) of this section. A decision of a member or panel under subsection (a) is deemed to be a final decision of the Board unless the Board reconsiders the decision under subsection (d) of this section.

(d) On motion of a party or on its own initiative, the Board may reconsider a decision under subsection (a) of this section by the 30th day after the decision is made.

(e) The Board shall prescribe regulations—

(1) providing for officer and employee appeals consistent with sections 7701 and 7702 of title 5; and

(2) on the operating procedure of the Board.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 901; Pub. L. 103-283, title III, § 312(e)(4)(B), July 22, 1994, 108 Stat. 1446; Pub. L. 104-53, title II, § 213, Nov. 19, 1995, 109 Stat. 535.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
753(a)	31:52-3(h).	Feb. 15, 1980, Pub. L. 96-191, § 4(h), (j), (k), (m), 94 Stat. 30, 31.

¹ See Change of Name note below.

² See References in Text note below.