

(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.
753(b) .....	31:52-3(j).	
753(c) .....	31:52-3(k).	
753(d) .....	31:52-3(m).	

In the section, the words “officer or” are added for consistency in the revised title and with other titles of the United States Code.

In subsection (a), before clause (1), the words “decide” and “(where appropriate)” are omitted as surplus. In clause (6), the words “relations program” are substituted for “system” for consistency. In clause (8), the words “most appropriately” are omitted as surplus.

In subsection (b), the words “delegate . . . to act” are substituted for “designate . . . to take any action which the Board is authorized to take” for consistency and to eliminate unnecessary words. The words “individual” and “reopened and” are omitted as surplus.

In subsection (c), the words “reopen and” are omitted as surplus.

In subsection (d)(1), the words “the principles of” are omitted as surplus.

#### REFERENCES IN TEXT

Section 312(e)(2) of the Architect of the Capitol Human Resources Act, referred to in subsec. (a)(9), was classified to section 1831(e)(2) of Title 2, The Congress, and was repealed by Pub. L. 104-1, title V, §504(c)(1), Jan. 23, 1995, 109 Stat. 41, except as provided in section 1435 of Title 2.

#### AMENDMENTS

1995—Subsec. (b). Pub. L. 104-53, §213(2), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 104-53, §213(1), (3), redesignated subsec. (b) as (c) and in second sentence substituted “under subsection (d)” for “under subsection (c)”. Former subsec. (c) redesignated (d).

Subsecs. (d), (e). Pub. L. 104-53, §213(1), redesignated subsecs. (c) and (d) as (d) and (e), respectively.

1994—Subsec. (a)(9). Pub. L. 103-283 added par. (9). See Application of Provisions Amended by Pub. L. 103-283 note below.

#### 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

Provisions of this section amended by section 312(e) of Pub. L. 103-283 to be applied and administered as if section 312(e) and the amendments made by section 312(e) had not been enacted, see section 504(c)(2) of Pub. L. 104-1, set out as a note under section 751 of this title.

#### § 754. Action by the Comptroller General

When the Comptroller General has authority, the Comptroller General promptly shall carry out action the General Accounting Office Per-

sonnel Appeals Board<sup>1</sup> orders under section 753 of this title.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 902.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
754 .....	31:52-3(i).	Feb. 15, 1980, Pub. L. 96-191, §4(i), 94 Stat. 31.

The words “to do so” and “corrective” are omitted as surplus. The words “under section 753 of this title” are added for clarity.

#### 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.

#### § 755. Judicial review

(a) A final decision under section 753(a)(1)–(3), (6),<sup>1</sup> (7) or (9) of this title may be reviewed by the United States Court of Appeals for the Federal Circuit. Chapter 158 of title 28 applies to a review under this subchapter, except the petition for review shall be filed by the 30th day after the petitioner receives notice of the decision. The court shall set aside a final decision the court decides is—

(1) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law;

(2) not made consistent with required procedures; or

(3) unsupported by substantial evidence.

(b) If an officer, employee, applicant for employment, or employee of the Architect of the Capitol, the Botanic Garden, or the Senate Restaurants is the prevailing party in a proceeding under this section, and the decision is based on a finding of discrimination prohibited under section 732(f) of this title or under section 312(e)(2)<sup>2</sup> of the Architect of the Capitol Human Resources Act, attorney’s fees may be allowed by the court in accordance with the standards prescribed under section 706(k) of the Civil Rights Act of 1964.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 902; Pub. L. 98-216, §1(1), Feb. 14, 1984, 98 Stat. 3; Pub. L. 100-426, title I, §103(a), (b), Sept. 9, 1988, 102 Stat. 1599; Pub. L. 103-283, title III, §312(e)(4)(C), July 22, 1994, 108 Stat. 1446.)

#### HISTORICAL AND REVISION NOTES 1982 ACT

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
755 .....	31:52-3(l).	Feb. 15, 1980, Pub. L. 96-191, §4(l), 94 Stat. 31.

In the section, before clause (1), the first sentence is substituted for 31:52-3(l)(1)(1st sentence) for consistency with other titles of the United States Code. The word “review” is substituted for “appeal” for consistency. The words “the procedures of”, “any other provision of law”, “of a final decision of the Board . . . the date . . . of the Board”, and “In any case filed under paragraph (1) . . . review the record and” are omitted as surplus. The words “final decision” are substituted for “agency

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

<sup>2</sup> So in original. Second comma probably should follow “(7)”.

<sup>3</sup> See References in Text note below.