

states Code, based on payments made under clause (i).

“(g) EXCLUSIVE REMEDY.—This section constitutes the exclusive remedy that any individuals to whom this section applies (as described in subsection (a)) have for any claim that they are owed any monies denied to them in the form of a pay increase for 2006 or 2007 under section 732(c)(3) of title 31, United States Code, or any other law. Notwithstanding any other provision of law, no court or administrative body, including the Government Accountability Office Personnel Appeals Board, shall have jurisdiction to entertain any civil action or other civil proceeding based on the claim of such individuals that they were due money in the form of a pay increase for 2006 or 2007 pursuant to such section 732(c)(3) or any other law.”

LUMP-SUM PAYMENT FOR CERTAIN PERFORMANCE-BASED COMPENSATION

Pub. L. 110-323, §4, Sept. 22, 2008, 122 Stat. 3543, provided that:

“(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act [Sept. 22, 2008], the Comptroller General shall, subject to the availability of appropriations, pay to each qualified individual a lump-sum payment equal to the amount of performance-based compensation such individual was denied for 2006, as determined under subsection (b).

“(b) AMOUNT.—The amount payable to a qualified individual under this section shall be equal to—

“(1) the total amount of performance-based compensation such individual would have earned for 2006 (determined by applying the Government Accountability Office’s performance-based compensation system under GAO Orders 2540.3 and 2540.4, as in effect in 2006) if such individual had not had a salary equal to or greater than the maximum for such individual’s band (as further described in subsection (c)(2)), less

“(2) the total amount of performance-based compensation such individual was in fact granted, in January 2006, for that year.

“(c) QUALIFIED INDIVIDUAL.—For purposes of this section, the term ‘qualified individual’ means an individual who—

“(1) as of the date of the enactment of this Act, is an officer or employee of the Government Accountability Office, excluding—

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

“(B) a Federal Wage System employee; and

“(C) an individual participating in a development program under which such individual receives performance appraisals, and is eligible to receive permanent merit pay increases, more than once a year; and

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

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

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

“(1) the term ‘performance-based compensation’ has the meaning given such term under the Govern-

ment Accountability Office’s performance-based compensation system under GAO Orders 2540.3 and 2540.4, as in effect in 2006; and

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

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.

§ 732a. Critical positions

(a) The Comptroller General may establish senior-level positions to meet critical scientific, technical or professional needs of the Government Accountability Office. An individual serving in such a position shall—

(1) be subject to the laws and regulations applicable to the General Accounting Office Senior Executive Service¹ under section 733 of this title, with respect to rates of basic pay, performance awards, ranks, carry over of annual leave, benefits, performance appraisals, removal or suspension, and reductions in force;

(2) have the same rights of appeal to the General Accounting Office Personnel Appeals Board¹ as are provided to the Office Senior Executive Service;

(3) be exempt from the same provisions of law as are made inapplicable to the Office Senior Executive Service under section 733(d) of this title, except for section 732(e) of this title;

(4) be entitled to discontinued service retirement under chapter 83 or 84 of title 5 as if a member of the Office Senior Executive Service; and

(5) be subject to reassignment by the Comptroller General to any position in the Office Senior Executive Service under section 733 of this title, as the Comptroller General determines necessary and appropriate.

(b) Senior-level positions under this section may include positions referred to in paragraph (1) or (2) of section 731(e) of this title.

(Added Pub. L. 106-303, §4(a)(1), Oct. 13, 2000, 114 Stat. 1068; amended Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814; Pub. L. 110-323, §9(b)(1), Sept. 22, 2008, 122 Stat. 3548.)

AMENDMENTS

2008—Subsec. (b). Pub. L. 110-323 substituted “paragraph (1) or (2) of section 731(e)” for “section 731(d), (e)(1), or (e)(2)”.

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

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.

¹ See Change of Name note below.

§ 733. Senior Executive Service

(a) The Comptroller General may establish a General Accounting Office Senior Executive Service¹—

(1) meeting the requirements of section 3131 of title 5;

(2) providing requirements for positions consistent with section 3132(a)(2) of title 5;

(3) providing rates of basic pay—

(A) not more than the maximum rate or less than the minimum rate for the Senior Executive Service under section 5382 of title 5; and

(B) adjusted annually by the Comptroller General after taking into consideration the factors listed under section 732(c)(3) of this title, except that an adjustment under this subparagraph shall not be applied in the case of any officer or employee whose performance is not at a satisfactory level, as determined by the Comptroller General for purposes of such adjustment;

(4) providing a performance appraisal system consistent with subchapter II of chapter 43 of title 5;

(5) allowing the Comptroller General to award ranks to officers and employees in the Office Senior Executive Service consistent with section 4507 of title 5;

(6) providing for removal consistent with section 3592 of title 5, and for removal or suspension consistent with section 7543 of title 5;

(7) allowing the Comptroller General to reassign an officer or employee in the Office Senior Executive Service to any senior-level position established under section 732a of this title, as the Comptroller General determines necessary and appropriate; and

(8) allowing the Comptroller General to pay performance awards to officers and employees of the Office Senior Executive Service consistent with section 5384 of title 5.

(b) Except as provided in subsection (a), the Comptroller General may apply any part of title 5 that applies to an applicant for or officer or employee in the Senior Executive Service under title 5 to the Office Senior Executive Service.

(c) The Office Senior Executive Service may include positions referred to in section 731(c), (e)(1), or (e)(2) of this title.

(d) Section 732(b)(6), (c), (d)(1)–(4), and (e) of this title does not apply to the Office Senior Executive Service.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 899; Pub. L. 98–326, §1(c), June 22, 1984, 98 Stat. 269; Pub. L. 106–303, §4(b), Oct. 13, 2000, 114 Stat. 1069; Pub. L. 108–271, §3(b), July 7, 2004, 118 Stat. 812; Pub. L. 110–323, §9(b)(2), Sept. 22, 2008, 122 Stat. 3548.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
733(a)	31:52–4(a)(1).	Feb. 15, 1980, Pub. L. 96–191, §5(a), 94 Stat. 31.
733(b)	31:52–4(a)(2).	
733(c)	31:52–4(a)(4).	
733(d)	31:52–4(a)(3).	

In subsection (a), before clause (1), the words “pro- mulgate regulations” are omitted as surplus. The

¹ See Change of Name note below.

words “(hereinafter referred to as the GAO Senior Executive Service)” are omitted because of the restatement. In clause (1), the words “for the Senior Executive Service” are omitted as surplus. In clause (2), the words “in the GAO Senior Executive Service . . . which are” are omitted as surplus. In clause (3), before subclause (A), the words “for the GAO Senior Executive Service” are omitted as surplus. In subclause (A), the word “es- tablished” is omitted as surplus. In clause (4), the words “for the GAO Senior Executive Service” are omitted as surplus. In clauses (5) and (7), the words “of- ficers and employees” are substituted for “members” for consistency in the revised title and with other titles of the United States Code. In clause (5), the words “the provisions applicable to the Office of Personnel Management and the President under” are omitted as surplus. In clause (7), the words “the provisions applicable to performance awards under” are omitted as surplus.

In subsection (b), the words “officer or employee” are substituted for “member” for consistency in the revised title and with other titles of the Code.

In subsection (d), the words “Employees in . . . the personnel system established under” are omitted as surplus.

AMENDMENTS

2008—Subsec. (c). Pub. L. 110–323 struck out “(d),” after “731(c),”.

2004—Subsec. (a)(3)(B). Pub. L. 108–271 amended sub- par. (B) generally. Prior to amendment, subpar. (B) read as follows: “adjusted at the same time and to the same extent as rates in the Senior Executive Service under section 5382 of title 5 are adjusted;”.

2000—Subsec. (a)(7), (8). Pub. L. 106–303 added par. (7) and redesignated former par. (7) as (8).

1984—Subsec. (c). Pub. L. 98–326 inserted “(e)(1),” after “(d),”.

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.

EFFECTIVE DATE OF 2004 AMENDMENT

Amendment by section 3 of Pub. L. 108–271 effective Oct. 1, 2005, and applicable in the case of any annual pay adjustment taking effect on or after Oct. 1, 2005, subject to authority of Comptroller General to change pay adjustments or delay the effective date for certain groups of officers and employees, see section 13 of Pub. L. 108–271, set out as a note under section 731 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–326 effective Oct. 1, 1984, see section 2 of Pub. L. 98–326, set out as a note under section 731 of this title.

§ 734. Assignments and details to Congress

The Comptroller General may assign or detail an officer or employee of the Government Ac- countability Office to full-time continuous duty with a committee of Congress for not more than one year.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 899; Pub. L. 98–367, title I, §8, July 17, 1984, 98 Stat. 475; 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)
734(a)	31:1175(a).	Oct. 26, 1970, Pub. L. 91–510, §235(a), 84 Stat. 1171.
734(b)	31:1175(c).	Oct. 26, 1970, Pub. L. 91–510, 84 Stat. 1140, §235(c); added Oct. 11, 1971, Pub. L. 92–136, §8, 85 Stat. 378.