

§ 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.

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), the words “Notwithstanding any other provision of law” are omitted as surplus. The word “continuous” is substituted for “on a continuing basis” to eliminate unnecessary words. The words “committee of Congress” are substituted for “committee of the Senate or House of Representatives or with any joint committee of Congress” for consistency and to eliminate unnecessary words. The words “any period of” are omitted as surplus.

In subsection (b), the words “Comptroller General” are substituted for “General Accounting Office” for consistency. The word “pay” is substituted for “salary” for consistency in the revised title and with other titles of the Code.

AMENDMENTS

2004—Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office”.

1984—Pub. L. 98-367 struck out designation of provisions as “(a)” and struck out subsec. (b) which read as follows: “A committee of the Senate or a joint committee of Congress for which the Secretary of the Senate disburses amounts shall reimburse the Comptroller General for the pay of each officer or employee of the Office for the time the officer or employee is assigned or detailed to the committee or joint committee.”

§ 735. Relationship to other laws

(a) Except as provided in section 733(c) of this title, this subchapter and subchapter IV of this chapter do not affect sections 702(b), 703, 731(c) and (e), 772, 775(a) and (d) of this title.

(b) Except as specifically provided in this subchapter and subchapter IV of this chapter, those subchapters do not change the application of a law applicable to officers and employees of the Government Accountability Office.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 899; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814; Pub. L. 110-323, §9(b)(3), Sept. 22, 2008, 122 Stat. 3548.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
735(a)	31:52-6(a).	Feb. 15, 1980, Pub. L. 96-191, §7, 94 Stat. 33.
735(b)	31:52-6(b).	

In subsection (a), the words “repealing, amending, or otherwise” are omitted as surplus.

In subsection (b), the words “repeal . . . or limit” are omitted as surplus. The words “officers and” are added for consistency in the revised title and with other titles of the United States Code.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-323 substituted “731(c) and (e),” for “731(c)-(e).”

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

§ 736. Authorization of appropriations

Amounts necessary to carry out this subchapter and subchapter IV of this chapter may be appropriated to the Comptroller General.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 900.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
736	31:52-7.	Feb. 15, 1980, Pub. L. 96-191, §9, 94 Stat. 34.

The word “hereby” is omitted as surplus. The words “to the Comptroller General” are added for consistency. The words “beginning fiscal year 1981 and for each fiscal year thereafter” are omitted as executed.

SUBCHAPTER IV—PERSONNEL APPEALS BOARD

§ 751. Organization

(a) The Government Accountability Office has a General Accounting Office Personnel Appeals Board.¹ The Board is composed of 5 members appointed by the Comptroller General. An individual may be appointed only if the individual—

(1) is not a current or former officer or employee of the Office or of the Architect of the Capitol, the Botanic Garden, or the Senate Restaurants;²

(2) has the demonstrated ability, background, training, and experience necessary to be qualified specially to serve on the Board; and

(3) demonstrates a capacity and willingness to devote sufficient time to dispose of cases in a timely way.

(b) The Comptroller General shall appoint members only—

(1) after considering any candidates who are recommended to the Comptroller General (at such time and in such manner as the Comptroller General requires) by organizations composed primarily of individuals experienced in adjudicating or arbitrating personnel matters; and

(2) after the Comptroller General consults with organizations representing employees of the Office and with any member of each committee of Congress, having legislative jurisdiction over the personnel management system maintained under section 732 of this title, whom the chairman of the committee designates.

(c)(1) Except as provided in paragraph (2), the term of a member of the Board is 5 years. A member may not be reappointed. An individual appointed to fill a vacancy occurring before the expiration of a term of office is appointed for the remainder of the term. However, if the unexpired part of a term is less than one year, the Comptroller General may appoint an individual for a 5-year term plus the unexpired part of the term. When the term of a member ends, the member may continue to serve until a successor takes office or for 6 months after the term expires, whichever is earlier.

(2)(A) The term of a member serving on the date of the enactment of the General Accounting Office Personnel Amendments Act of 1988 shall be as follows:

(i) Of the 2 members appointed in 1985, the term of 1 such member shall be 5 years, and the term of the other such member shall be 6 years.

(ii) Of the 2 members appointed in 1986, the term of 1 such member shall be 6 years, and the term of the other such member shall be 7 years.

¹ See Change of Name note below.

² So in original. The comma probably should not appear.