

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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Rows include 753(a), 753(b), 753(c), and 753(d).

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

¹ See Change of Name note below.
² See References in Text note below.

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 Personnel Appeals Board¹ orders under section 753 of this title.

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

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row includes 754.

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),¹ (7) or (9) of this title may be reviewed by

¹ See Change of Name note below.
² So in original. Second comma probably should follow "(7)".