

## HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.

## Editorial Notes

## 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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.<sup>1</sup> 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;<sup>2</sup>

(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.

(iii) The term of the member appointed in 1987 shall be 7 years.

(B) Within 60 days after the date referred to in subparagraph (A), the Comptroller General shall determine—

(i) with respect to the members under subparagraph (A)(i), which will have a term of 5 years and which will have a term of 6 years; and

(ii) with respect to the members under subparagraph (A)(ii), which will have a term of 6 years and which will have a term of 7 years.

(C) A term established for a member under this paragraph shall be measured—

(i) from the date on which the member was originally appointed; or

(ii) in the case of a member serving for the unexpired portion of a term, from the appointment date of the individual who was originally appointed to serve for such term.

(d) A member may be removed by a majority of the Board (except the member subject to removal) only for inefficiency, neglect of duty, or malfeasance in office. A member subject to removal shall be given notice and an opportunity for a hearing before the Board unless the member waives the opportunity in writing.

(e) While carrying out a member's duties (including travel), a member who is not an officer or employee of the United States Government is entitled to basic pay at a rate equal to the daily 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,

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

<sup>2</sup> So in original. The comma probably should not appear.

§ 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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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 Board<sup>1</sup> 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 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)

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