

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

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

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.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.

(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

¹ See Change of Name note below.

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

(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, §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

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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 Internal 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 Board¹ 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) of this title to decide if there are reasonable grounds to believe the practice has occurred, exists, or will be taken by an officer or an employee of the Government Accountability Office;

(B) investigate an allegation about a prohibited political activity under section 732(b)(3) of this title;

(C) investigate a matter under the jurisdiction of the Board if the Board or a member of the Board requests; and

(D) help the Board carry out its duties and powers.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 901; Pub. L. 100-426, title I, § 102(a), Sept. 9, 1988, 102 Stat. 1599; 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)
752(a)	31:52-3(e).	Feb. 15, 1980, Pub. L. 96-191, § 4(e)-(g), 94 Stat. 30.
752(b)	31:52-3(f), (g).	

In subsection (a), the words “members of the” are omitted as surplus.

In subsection (b)(1), the words “(hereinafter referred to as the ‘General Counsel’)” are omitted because of the restatement. The words “shall be eligible for re-appointment and” are omitted as surplus.

In subsection (b)(2), the word “annual” is added for clarity. The word “basic” is added for consistency in the revised title and with other titles of the United States Code. The words “payable . . . of the General Schedule” are omitted as surplus.

In subsection (b)(3)(A), the words “to the extent necessary” are omitted as surplus. The words “officer or” are added for consistency in the revised title and with other titles of the Code.

In subsection (b)(3)(D), the word “otherwise” is omitted as surplus. The words “duties and powers” are substituted for “functions” for consistency.

Editorial Notes

AMENDMENTS

2004—Subsec. (b)(3)(A). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office”.

¹ See Change of Name note below.

1988—Subsec. (b)(2). Pub. L. 100-426 substituted “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” for “The annual rate of basic pay of the General Counsel may be not more than the maximum rate for GS-15”.

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.

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.

§ 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

¹ See Change of Name note below.

² See References in Text note below.

(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

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

Editorial Notes

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.

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

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 Board¹ orders under section 753 of this title.

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

HISTORICAL AND REVISION NOTES

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

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.

§ 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 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)² 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

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

¹ See Change of Name note below.

² So in original. Second comma probably should follow “(7)”.

³ See References in Text note below.

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 action, findings, or conclusions” for consistency. Clause (2) is substituted for 31:52-3(l)(2)(B) to eliminate unnecessary words.

1984 ACT

This clarifies section 755 by conforming it more closely to the language of the source provision of the section.

Editorial Notes

REFERENCES IN TEXT

Section 312(e)(2) of the Architect of the Capitol Human Resources Act, referred to in subsec. (b), 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.

Section 706(k) of the Civil Rights Act of 1964, referred to in subsec. (b), is classified to section 2000e-5(k) of Title 42, The Public Health and Welfare.

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-283, §312(e)(4)(C)(i), substituted “, (7) or (9)” for “or (7)” in introductory provisions. See Application of Provisions Amended by Pub. L. 103-283 note below.

Subsec. (b). Pub. L. 103-283, §312(e)(4)(C)(ii), substituted “applicant for employment, or employee of the Architect of the Capitol, the Botanic Garden, or the Senate Restaurants” for “or applicant for employment”, and inserted “or under section 312(e)(2) of the Architect of the Capitol Human Resources Act” after “of this title”. See Application of Provisions Amended by Pub. L. 103-283 note below.

1988—Subsec. (a). Pub. L. 100-426, §103(a), (b)(1), designated existing provisions as subsec. (a) and substituted “Federal Circuit” for “District of Columbia Circuit or by the court of appeals of the United States for the circuit in which the petitioner resides”.

Subsec. (b). Pub. L. 100-426, §103(b)(2), added subsec. (b).

1984—Pub. L. 98-216 substituted “A final decision under section 753(a)(1)–(3), (6), or (7) of this title may be reviewed by the United States Court of Appeals for the District of Columbia Circuit or by the court of appeals of the United States for the circuit in which the petitioner resides” for “A person may apply for review of a final decision under section 753(a)(1)–(3), (6), or (7) of this title by filing a petition for review with the United States Court of Appeals for the District of Columbia Circuit or with the court of appeals of the United States for the circuit in which the person resides” in provisions preceding par. (1).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1988 AMENDMENT

Pub. L. 100-426, title I, §103(c), Sept. 9, 1988, 102 Stat. 1599, provided that: “Nothing in any of the amendments made by this section [amending this section] shall apply with respect to an appeal pending on the date of the enactment of this Act [Sept. 9, 1988].”

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.

SUBCHAPTER V—ANNUITIES

§ 771. Definitions

In this subchapter—

(1) “dependent child” means an unmarried dependent child (including a stepchild or adopted child) who is—

(A) under 18 years of age;

(B) incapable of self-support because of physical or mental disability; or

(C) between 18 and 22 years of age and is a student regularly pursuing a full-time course of study or training in residence in a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution. For the purposes of this subchapter, a child whose 22nd birthday occurs before July 1 or after August 31 of a calendar year, and while such child is regularly pursuing such a course of study or training, is deemed to have become 22 years of age on the first day of July after that birthday. A child who is a student is deemed not to have ceased to be a student during an interim period between school years if the interim period is not more than 5 months and if such child shows to the satisfaction of the General Counsel of the Government Accountability Office that such child has a bona fide intention of continuing in the same or a different school during the school semester (or other period into which the school year is divided) immediately after the interim period.

(2) “surviving spouse” means a surviving spouse of an individual who was a Comptroller General or retired Comptroller General and the spouse—

(A) was married to the individual for at least 1 year immediately before the individual died; or

(B) has not remarried before age 55 and is the parent of issue by the marriage.

(3) service as a Comptroller General equals the number of years and complete months an individual is Comptroller General.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 902; Pub. L. 100-426, title II, §202, Sept. 9, 1988, 102 Stat. 1600; 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>
771(1), (2)	31:43b(g).	June 10, 1921, ch. 18, 42 Stat. 20, §319(g), (p); added July 13, 1959, Pub. L. 86-87, 73 Stat. 198, 200.
771(3)	31:43b(p).	

In this subchapter, the words “surviving spouse”, “spouse”, “surviving spouse’s”, and “parent” are substituted for “widow”, “wife”, “surviving widow’s”, and “mother”, respectively, because of 5:7202(c).

In clause (3), the words “or retired Comptroller General” are omitted as executed because a retired Comptroller General could elect survivor benefits and include retirement service only if the Comptroller General had retired by July 13, 1959. The word “total” is omitted as surplus. The words “complete months” are substituted for “twelfth parts thereof, excluding from the aggregate the fractional part of a month, if any” to eliminate unnecessary words. The words “an individual is Comptroller General” are added for clarity.