

eral or retired Comptroller General at the time of death.

(e) The General Counsel is not subject to section 771(1) and (2) of this title when making a decision about a surviving spouse or child under subsection (c) or (d) of this section.

(f) If the annuities of all individuals entitled to survivor annuities under this subchapter end before the amount of annuities paid equals the amount deducted under sections 772 and 773 of this title, plus interest of 4 percent before January 1, 1948, and 3 percent after December 31, 1947, compounded every December 31 until the date of death, the remainder shall be paid under subsection (d) of this section.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 905; 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)
775(a)	31:43(last par. 1st sentence).	June 10, 1921, ch. 18, 42 Stat. 20, §303(last par.); added Oct. 25, 1978, Pub. L. 95–512, §4(c), 92 Stat. 1801.
775(b)	31:43b(i).	June 10, 1921, ch. 18, 42 Stat. 20, §319(i), (j)(less last 13 words before colon), (k); added July 13, 1959, Pub. L. 86–87, 73 Stat. 198.
775(c)–(e)	31:43(last par. last sentence). 31:43b(j)(less last 13 words before colon).	
775(f)	31:43b(k).	

In subsections (a) and (b), the word “total” is omitted as surplus.

In subsection (a), the word “pay” is substituted for “salary” for consistency in the revised title and with other titles of the United States Code. The words “by him” and “to his annuity” are omitted as surplus.

In subsection (b), the words “who has elected to bring himself within the purview of” are omitted as surplus. The word “annuity” is substituted for “retirement pay” for consistency in the revised title and with other titles of the Code.

In subsection (c), before clause (1), the words “A lump-sum refund of the amounts deducted under sections 772 and 773 of this title” are substituted for “total amount deducted from his salary and retirement pay” for clarity. The words “under subsection (d) of this section” are added because of the restatement. The words “to the person or persons surviving at the date title to payment arises” are omitted as surplus.

In subsection (d), the words before clause (1) are included for clarity. In clauses (2)–(4) and (6), the words “of such Comptroller General or retired Comptroller General” are omitted as surplus. In clause (5), the words “duly appointed” are omitted as surplus.

In subsection (e), the words “of a Comptroller General or retired Comptroller General” are omitted as surplus. The words “is not subject to” are substituted for “shall be made . . . without regard to the definitions of these terms in” to eliminate unnecessary words.

In subsection (f), the word “individuals” is substituted for “persons” for consistency. The word “aggregate” is omitted as surplus. The words “under sections 772 and 773 of this title” are substituted for “total . . . from the salary and retirement pay of a Comptroller General or retired Comptroller General” for clarity and consistency. The word “under” is substituted for “in the order of precedence prescribed in” to eliminate unnecessary words.

Editorial Notes

AMENDMENTS

2004—Subsec. (d)(1), (6). Pub. L. 108–271 substituted “Government Accountability Office” for “General Accounting Office”.

§ 776. Payment of survivor benefits

(a) An annuity under section 774 of this title accrues monthly and is paid monthly on the first business day of the month after the month in which an annuity accrues.

(b)(1) A surviving spouse’s annuity ends when the spouse remarries before age 55 or dies.

(2) A dependent child’s annuity ends when the child becomes 18 years of age (unless the child is then a student as described in section 771(1)(C) of this title), marries, or dies, whichever is earliest. However, if a child is not self-supporting because of a physical or mental disability, an annuity ends when the child recovers, marries, or dies.

(3) If a surviving spouse dies and a dependent child survives, the child’s annuity is recomputed under section 774(c)(3) of this title.

(4) When a dependent child’s annuity ends, the annuity of another dependent child is recomputed as if the child whose annuity has ended did not survive a Comptroller General or retired Comptroller General.

(c) An accrued annuity unpaid when the annuity of a survivor ends—

(1) for a reason except death, shall be paid to the survivor; and

(2) when a survivor dies, shall be paid in the following order of precedence:

(A) to the executor or administrator of the estate of the individual.

(B) if there is no executor or administrator, then after 30 days after the date of death, to an individual the General Counsel of the Government Accountability Office decides is legally entitled to the payment.

(d)(1) A payment under subsection (c)(2)(B) of this section or section 775(d) of this title is a bar to recovery by another individual.

(2) A benefit under this section and sections 773–775 of this title is not assignable or subject to legal process.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 906; Pub. L. 100–426, title II, §206, Sept. 9, 1988, 102 Stat. 1601; 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)
776(a)	31:43b(m)(1st sentence).	June 10, 1921, ch. 18, 42 Stat. 20, §319(f), (j)(last 13 words before colon), (l), (m); added July 13, 1959, Pub. L. 86–87, 73 Stat. 198, 199.
776(b)	31:43b(f).	
776(c)	31:43b(l)(words before last comma).	
776(d)(1) ..	31:43b(j)(last 13 words before colon). 31:43b(l)(words after last comma).	
776(d)(2) ..	31:43b(m)(last sentence).	

In subsection (a), the words “due and” and “or other period” are omitted as surplus.

In subsection (b)(2), the word “dependent” is added for clarity.

In subsections (b)(3) and (c), the words “of a Comptroller General or retired Comptroller General” are omitted as surplus.

In subsection (b)(3) and (4), the words “and paid” are omitted as surplus.

In subsection (c)(2)(A), the words “duly appointed” are omitted as surplus. The word “individual” is substituted for “person” for consistency.

In subsection (c)(2)(B), the words “payment may be made” and “the expiration of . . . from” are omitted as surplus. The words “to the payment” are substituted for “thereto” for clarity.

In subsection (d)(2), the words “A benefit” are substituted for “None of the moneys mentioned” to eliminate unnecessary words. The words “either in law or equity” and “execution, levy, attachment, garnishment, or other” are omitted as surplus.

Editorial Notes

AMENDMENTS

2004—Subsec. (c)(2)(B). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office”.

1988—Subsec. (b)(1). Pub. L. 100-426, § 206(1), inserted “before age 55” after “remarries”.

Subsec. (b)(2). Pub. L. 100-426, § 206(2), inserted “(unless the child is then a student as described in section 771(1)(C) of this title)” after “age”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-426 effective after end of 60-day period beginning Sept. 9, 1988, with certain exceptions, see section 208 of Pub. L. 100-426, set out as a note under section 772 of this title.

§ 777. Annuity increases

(a) An annuity payable under this subchapter shall be increased at the same time that, and by the same percent as the percentage by which, annuities are increased under section 8340(b) of title 5.

(b) An annuity under section 772 of this title may not be more than the basic pay of the Comptroller General. A surviving spouse’s annuity may be increased under this section without regard to any limitation set forth in section 774(e) of this title.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 906; Pub. L. 100-426, title II, § 207, Sept. 9, 1988, 102 Stat. 1601.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
777(a)	31:43c(a)(words before colon), (1).	June 10, 1921, ch. 18, 42 Stat. 20, § 320; added Oct. 25, 1978, Pub. L. 95-512, § 3, 92 Stat. 1799.
777(b)	31:43c(a)(2).	
777(c)	31:43c(a)(3), (b).	

In subsection (a), before clause (1), the text of 31:43c(a)(words before colon) is omitted as surplus.

In subsection (b), the words “in any year” and “commencing” are omitted as surplus.

In subsection (c)(1), the words “per centum” and “by the Comptroller General” are omitted as surplus. The words “Civil Service Commission” (subsequently changed to “Office of Personnel Management” because of section 101 of Reorganization Plan No. 2 of 1978 (eff. Jan. 1, 1979, 92 Stat. 3783)) are omitted because of the

restatement of section 8340(b) of title 5 by section 1702(a) of the Omnibus Budget Reconciliation Act of 1981.

In subsection (c)(2), the words “by reason of the application of subsection (a) of this section” and “annual” are omitted as surplus. The words “basic pay” are substituted for “compensation” for consistency with other titles of the United States Code.

Editorial Notes

AMENDMENTS

1988—Pub. L. 100-426 amended section generally. Prior to amendment, section read as follows:

“(a) The Comptroller General shall compute—

“(1) on January 1 of each year, or within a reasonable time after January 1, the percent change in the Consumer Price Index between June and December of the prior year; and

“(2) on July 1 of each year, or within a reasonable time after July 1, the percent change in the Index between June of the same year and December of the prior year.

“(b) If a percent change computed under subsection (a)(1) of this section indicates a rise in the Index, an annuity payable under this subchapter and beginning before March 2 shall increase on March 1 by the percent change computed under subsection (a)(1), adjusted to the nearest .1 percent. If a percent change computed under subsection (a)(2) of this section indicates a rise in the Index, an annuity payable under this subchapter and beginning before September 2 shall increase on September 1 by the percent change computed under subsection (a)(2), adjusted to the nearest .1 percent.

“(c)(1) An increase under this section may not be more than an increase prescribed under section 8340(b) of title 5.

“(2) An annuity under section 772 of this title may not be more than the basic pay of the Comptroller General.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-426 effective after end of 60-day period beginning Sept. 9, 1988, with certain exceptions, see section 208 of Pub. L. 100-426, set out as a note under section 772 of this title.

§ 778. Dependency and disability decisions

The General Counsel of the Government Accountability Office shall decide a question of dependency, disability, or dependency and disability under sections 773-776 of this title. A decision under this section is final.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 907; 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)
778	31:43b(h).	June 10, 1921, ch. 18, 42 Stat. 20, § 319(h); added July 13, 1959, Pub. L. 86-87, 73 Stat. 198.

The words “arising” and “and conclusive” are omitted as surplus.

Editorial Notes

AMENDMENTS

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

§ 779. Use of appropriations

Annuities and refunds under this subchapter shall be paid by the Comptroller General from