

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 (b), was classified to section 1831(e)(2) of Title 2, The Congress, and was repealed by Pub.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

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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.

**Editorial Notes****AMENDMENTS**

2004—Par. (1)(C). Pub. L. 108–271 substituted “Government Accountability Office” for “General Accounting Office”.

1988—Par. (1)(C). Pub. L. 100–426, § 202(a), added subpar. (C).

Par. (2)(A). Pub. L. 100–426, § 202(b)(1), substituted “1 year” for “2 years”.

Par. (2)(B). Pub. L. 100–426, § 202(b)(2), inserted “before age 55” after “remarried”.

**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.

**§ 772. Annuity of the Comptroller General**

(a) Except as provided in subsection (c) of this section, a Comptroller General serving a complete term as Comptroller General or who retires under section 703(e)(1) of this title is entitled to receive an annuity for life equal to the pay the Comptroller General is receiving on completion of the term or at the time of retirement. An annuity of a Comptroller General who completes a term before becoming 65 years of age is reduced by .25 percent for each complete month the Comptroller General is under 65 years of age.

(b) Except as provided in subsection (c) of this section, a Comptroller General becoming permanently disabled shall be retired and is entitled to receive an annuity for life equal to—

(1) the pay of the Comptroller General at the time of retirement if the Comptroller General served at least 10 years; or

(2) 50 percent of the pay if the Comptroller General served less than 10 years.

(c) A Comptroller General who, when appointed, is or has been subject to subchapter III of chapter 83 or chapter 84 of title 5 remains subject to such subchapter III or such chapter 84 (as the case may be) unless the Comptroller General elects in writing to receive an annuity under this section. An election is irrevocable and must be made within 10 years and 60 days after the start of service as Comptroller General. A Comptroller General electing to receive an annuity under this section is entitled to a refund of the lump-sum credit to the account of the Comptroller General in the Civil Service Retirement and Disability Fund.

(d) A Comptroller General (except a Comptroller General remaining subject to subchapter III of chapter 83 of title 5) shall—

(1) deposit with the Government Accountability Office for redeposit in the Treasury as miscellaneous receipts as a contribution to the annuity—

(A) 3.5 percent of the pay received as Comptroller General before deductions are made under clause (2)(A) of this subsection plus 3 percent interest compounded every December 31 on the amount to be deposited, if electing survivor benefits under this subchapter; or

(B) 8 percent of the pay received as Comptroller General before deductions are made

under clause (2)(B) of this subsection plus 3 percent interest compounded every December 31 on the amount to be deposited, if not electing survivor benefits under this subchapter; and

(2) have—

(A) 3.5 percent of the pay received as Comptroller General deducted as a contribution to the annuity if electing survivor benefits under this subchapter; or

(B) 8 percent of the pay received as Comptroller General deducted as a contribution to the annuity if not electing survivor benefits under this subchapter.

(e) A Comptroller General receiving benefits under this section may not receive retirement or disability benefits under another law of the United States.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 902; Pub. L. 100–426, title II, § 203, 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>
772(a) .....	31:43(2d par. 1st sentence).	June 10, 1921, ch. 18, 42 Stat. 20, § 303(2d par. 1st, 2d, last sentences); added July 28, 1953, ch. 256, 67 Stat. 229.
772(b) .....	31:43(2d par. 2d sentence).	
772(c) .....	31:43(3d par. 1st, 2d sentences, 3d sentence words before comma).	June 10, 1921, ch. 18, 42 Stat. 20, § 303(3d par. 1st–3d sentences); added July 26, 1966, Pub. L. 89–520, § 1, 80 Stat. 329; Oct. 25, 1978, Pub. L. 95–512, § 4(b)(1), 92 Stat. 1800.
772(d) .....	31:43(2d par. 4th sentence, 3d par. last sentence).	June 10, 1921, ch. 18, 42 Stat. 20, § 303(2d par. 4th sentence, 3d par. last sentence); added Oct. 25, 1978, Pub. L. 95–512, § 4(a), (b)(2), 92 Stat. 1800.
772(e) .....	31:43(2d par. last sentence, 3d par. 3d sentence words after comma).	

In subsections (a) and (b), the words “Except as provided in subsection (c) of this section” are added for clarity. The words “is entitled to receive” are substituted for “shall receive” as being more precise and for consistency with title 5.

In subsection (a), the words “under section 703(e)(1) of this title” are added for clarity. The words “in his office” are omitted as surplus. The words “before becoming 65 years of age” are added for clarity. The words “at such completion” are omitted as surplus.

In subsection (b), before clause (1), the words “from performing his duties” are omitted as surplus.

In subsections (c) and (d), the words “Comptroller General” are substituted for “person appointed to the Office of Comptroller General” and “person who is appointed to the Office of Comptroller General” to eliminate unnecessary words.

In subsection (c), the words “Notwithstanding the preceding paragraph of this section” are omitted as surplus. The words “after January 1, 1966” are omitted as executed. The words “receive an annuity under this section” are substituted for “and no deduction from his salary shall be made under the preceding paragraph . . . be subject to the provisions of the preceding paragraph of this section” for clarity and because of the restatement.

In subsection (d), before clause (1), the words “after October 25, 1978” are omitted as executed. The words “(except a Comptroller General remaining subject to subchapter III of chapter 83 of title 5)” are added for clarity. In clauses (1) and (2), the word “pay” is substituted for “salary” for consistency in the revised

title and with other titles of the United States Code. The words “a sum equal to” are omitted as surplus. In clause (1), before subclause (A), the words “makes such an election under this paragraph” are omitted as surplus. The word “redeposit” is substituted for “covering” for clarity. The words “the general fund of” and “authorized under the preceding paragraph” are omitted as surplus. In subclauses (A) and (B), the words “before deductions are made under clause (2)(A) of this subsection” and “before deductions are made under clause (2)(B) of this subsection” are substituted for “prior to the date current deductions begin from his salary” for clarity. The words “per annum” are omitted as surplus. In clause (2), the words “authorized by this paragraph” are omitted as surplus.

In subsection (e), the words “Comptroller General” are substituted for “person” for clarity.

#### Editorial Notes

##### AMENDMENTS

2004—Subsec. (d)(1). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office” in introductory provisions.

1988—Subsec. (a). Pub. L. 100-426, §203(1), substituted “retires under section 703(e)(1) of this title” for “is retired for age under section 703(e)(1) of this title after serving at least 10 years”.

Subsec. (c). Pub. L. 100-426, §203(2), substituted “subchapter III of chapter 83 or chapter 84 of title 5 remains subject to such subchapter III or such chapter 84 (as the case may be)” for “subchapter III of chapter 83 of title 5 remains subject to subchapter III”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1988 AMENDMENT

Pub. L. 100-426, title II, §208, Sept. 9, 1988, 102 Stat. 1601, provided that: “The amendments made by this title [amending this section and sections 703, 771, 773, 774, 776, and 777 of this title] shall be effective after the end of the 60-day period beginning on the date of enactment of this Act [Sept. 9, 1988], except that an individual who, as of such date of enactment, is receiving an annuity under subchapter V of chapter 7 of title 31, United States Code, as a retired Comptroller General (and the spouse and any dependent children of such individual who may survive such individual) shall remain subject to the provisions of such subchapter, as in effect immediately before such date, if the retired Comptroller General makes an election under this section. An election under this section shall be ineffective unless it is made in writing and received by the General Counsel of the General Accounting Office [now Government Accountability Office] before the end of the 60-day period referred to in the preceding sentence.”

#### § 773. Election of survivor benefits

(a) To provide survivor benefits, a Comptroller General may elect in writing to reduce the pay and annuity of the Comptroller General. An election shall be made within 6 months of taking office or, if an election is made under section 772(c) of this title, by the 60th day after making an election under section 772(c).

(b) A Comptroller General electing to provide survivor benefits shall—

(1) have 4.5 percent of the pay received as Comptroller General and 5 percent of the annuity of the Comptroller General deducted; and

(2) deposit with the Government Accountability Office for redeposit in the Treasury as miscellaneous receipts—

(A) 4.5 percent of the pay and annuity received as Comptroller General before the deductions begin;

(B) 4.5 percent of basic pay received as a member of Congress or for other civilian service on which a surviving spouse’s annuity is computed under section 774(d) of this title; and

(C) 4 percent interest before January 1, 1948, and 3 percent interest after December 31, 1947, compounded every December 31, on amounts deposited.

(c) This subchapter does not prevent a surviving spouse or dependent child from receiving another annuity while receiving an annuity under section 774 of this title. However, service used in computing an annuity under section 774 may not be used in computing the other annuity.

(d) The reduction in the Comptroller General’s annuity under subsection (b)(1) for the purpose of providing survivor benefits shall be terminated for each full month after the death of the spouse.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 903; Pub. L. 100-426, title II, §204, Sept. 9, 1988, 102 Stat. 1600; 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)
773(a) .....	31:43b(a).	June 10, 1921, ch. 18, 42 Stat. 20, §319(a); added July 13, 1959, Pub. L. 86-87, 73 Stat. 197; July 26, 1966, Pub. L. 89-520, §2, 80 Stat. 329.
773(b) .....	31:43b(b), (c).	June 10, 1921, ch. 18, 42 Stat. 20, §319(b), (c); added July 13, 1959, Pub. L. 86-87, 73 Stat. 197; Oct. 25, 1978, Pub. L. 95-512, §2(1), 92 Stat. 1799.
773(c) .....	31:43b(q).	June 10, 1921, ch. 18, 42 Stat. 20, §319(q); added July 13, 1959, Pub. L. 86-87, 73 Stat. 200.

In subsections (a) and (b), the word “pay” is substituted for “salary”, and the word “annuity” is substituted for “retirement pay”, for consistency in the revised title and with other titles of the United States Code.

In subsection (a), the words “To provide” are substituted for “for purposes of” for clarity. The words “or in the case of the Comptroller General currently in office and any retired Comptroller General, within six months after July 13, 1959” are omitted as executed. The words “as hereinafter provided” are omitted as surplus.

In subsection (b), before clause (1), the words “of the United States” are omitted as surplus. The words “or retired Comptroller General” are omitted as executed. The word “provide” is substituted for “receive” for clarity and consistency. In clause (2), before subclause (A), the word “redeposit” is substituted for “covering” for clarity. The words “the general fund of” and “a sum equal to” are omitted as surplus. In subclause (A), the words “the date current . . . from his salary and retirement pay” and 31:43b(c)(last sentence) are omitted as surplus. In subclause (B), the words “salary . . . or compensation for service” are omitted as surplus. The words “member of Congress” are substituted for “Senator, Representative, Delegate, or Resident Commissioner in the Congress of the United States” for consistency and to eliminate unnecessary words.

In subsection (c), the words “be construed to” and “eligible therefore” are omitted as surplus. The words “receiving another annuity while” are substituted for “simultaneously . . . and any annuity . . . to which she would otherwise be entitled under any other law” to eliminate unnecessary words. The words “(including

old age and survivor benefits)” and “without regard to this section” are omitted as surplus.

### Editorial Notes

#### AMENDMENTS

2004—Subsec. (b)(2). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office” in introductory provisions.

1988—Subsec. (b)(1). Pub. L. 100-426, § 204(1), inserted “5 percent of the” before “annuity”.

Subsec. (b)(2)(C). Pub. L. 100-426, § 204(2), substituted “3 percent” for “4.5 percent”.

Subsec. (d). Pub. L. 100-426, § 204(3), added subsec. (d).

### 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.

### § 774. Survivor annuities

(a) In this section—

(1) “allowable military service” means honorable active service of not more than 5 years in an armed force (including service in the National Guard when ordered to active duty for the United States Government), when the service is not creditable in computing another annuity.

(2) “other prior allowable service” means civilian service as an officer or employee of the Government or District of Columbia government not covered by subsection (d)(1) of this section.

(3) “congressional employee” has the same meaning given that term in section 2107 of title 5.

(b) A survivor annuity shall be paid under this subchapter when a Comptroller General—

(1) makes an election under section 773 of this title;

(2) dies in office or while receiving an annuity under section 772 of this title;

(3) had at least 18 months of civilian service at death computed under subsections (a) and (d) of this section; and

(4) had deductions or deposits under section 773 of this title made for the last 18 months of civilian service.

(c) If the Comptroller General or retired Comptroller General is survived—

(1) only by a spouse, the surviving spouse shall receive an annuity computed under subsection (d) of this section beginning on the death of the Comptroller General or retired Comptroller General or when the spouse is 50 years of age, whichever is later;

(2) by a spouse and a dependent child, the surviving spouse shall receive an immediate annuity computed under subsection (d) of this section and each dependent child shall receive an immediate annuity equal to the smaller of—

(A) 10 percent of the average annual pay computed under subsection (d)(1) of this section; or

(B) 20 percent of the average annual pay computed under subsection (d)(1) of this sec-

tion, divided by the number of dependent children; or

(3) only by a dependent child, each dependent child shall receive an immediate annuity equal to the smaller of—

(A) the annuity a surviving spouse would be entitled to receive under clause (2) of this subsection, divided by the number of dependent children;

(B) 20 percent of the average annual pay computed under subsection (d)(1) of this section; or

(C) 40 percent of the average annual pay computed under subsection (d)(1) of this section, divided by the number of dependent children.

(d) The annuity of a surviving spouse is equal to—

(1) 1.5 percent of the average annual pay (based on the 3 years of highest pay received as Comptroller General and other prior allowable service) times—

(A) the number of years of—

(i) service as Comptroller General or a member of Congress; and

(ii) prior allowable military service; and

(B) not more than 15 years of prior allowable service as a congressional employee; plus

(2) .75 percent of the average pay computed under clause (1) of this subsection times the number of years of other allowable service.

(e) A surviving spouse's annuity may not be more than 50 percent nor less than 25 percent of the average annual pay computed under subsection (d)(1) of this section. If a Comptroller General does not make the deposit under section 773(b) of this title, a surviving spouse's annuity shall be credited with the service during which a deposit was not made, unless the spouse elects not to have the service credited. However, the annuity shall be reduced by 10 percent of the amount of the unpaid deposit, computed on the date the Comptroller General or retired Comptroller General dies.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 904; Pub. L. 100-426, title II, § 205, Sept. 9, 1988, 102 Stat. 1600.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
774(a) .....	31:43b(o).	June 10, 1921, ch. 18, 42 Stat. 20, § 319(d), (o); added July 13, 1959, Pub. L. 86-87, 73 Stat. 197, 200.
774(b), (c)	31:43b(e).	June 10, 1921, ch. 18, 42 Stat. 20, § 319(e), (n); added July 13, 1959, Pub. L. 86-87, 73 Stat. 197, 200; Oct. 25, 1978, Pub. L. 95-512, § 2(2)-(4), 92 Stat. 1799.
774(d) .....	31:43b(n)(less words after last comma).	
774(e) .....	31:43b(d). 31:43b(n)(words after last comma).	

In subsection (a)(1), the words “in an armed force” are substituted for “in the Army, Navy, Air Force, Marine Corps, or Coast Guard” for consistency with title 10. The word “only” is omitted as surplus. The word

“Government” is added for consistency. The word “computing” is added for clarity. The word “annuity” is substituted for “retirement or retired pay” for consistency in the revised title and with other titles of the United States Code. The words “under any other provision of law” are omitted as surplus.

Subsection (a)(3) is substituted for 31:43b(o)(1st sentence) for consistency in the revised title and with other titles of the Code.

In subsection (b), before clause (1), the words “A survivor annuity shall be paid under this subchapter when” are added for clarity. The words “or retired Comptroller General” are omitted as executed. In clause (1), the words “made an election under section 773 of this title” are substituted for “has elected to bring himself within the purview of this section” for clarity. In clause (2), the word “annuity” is substituted for “retirement pay” for consistency in the revised title and with other titles of the Code. In clause (4), the words “salary” and “actually” are omitted as surplus.

In subsection (c)(1), the words “only by a spouse” are substituted for “by a widow but not by a dependent child” to eliminate unnecessary words.

In subsection (c)(2), before subclause (A), the words “or children” and “in an amount” are omitted as surplus.

In subsection (c)(3), before subclause (A), the words “only by a dependent child” are substituted for “no surviving widow but leaves a surviving dependent child or children” to eliminate unnecessary words. In subclause (A), the words “the amount of” are omitted as surplus. The words “a surviving spouse” are substituted for “such widow . . . had she survived” to eliminate unnecessary words.

In subsection (d), before clause (1), the words “of a Comptroller General or retired Comptroller General who has elected to bring himself within the purview of this section” are omitted as surplus. In clauses (1) and (2), the word “pay” is substituted for “salary” for consistency in the revised title and with other titles of the Code. In clause (1), before subclause (A), the words “by him for service . . . service in which his” are omitted as surplus. In subclause (A)(i), the words “member of Congress” are substituted for “Senator, Representative, Delegate, or Resident Commissioner in the Congress of the United States” for consistency and to eliminate unnecessary words. The words “his years of service as” and “of the United States” are omitted as surplus.

In subsection (e), the words “and shall be further reduced in accordance with subsection (d) of this section if applicable” are omitted because of the restatement. The words “or a retired Comptroller General” are omitted as executed. The words “during which a deposit was not made” are substituted for “rendered” for clarity. The word “unpaid” is added for clarity.

#### Editorial Notes

##### AMENDMENTS

1988—Subsec. (b)(3), (4). Pub. L. 100-426, §205(1), substituted “18 months” for “5 years”.

Subsec. (c)(2), (3). Pub. L. 100-426, §205(2), amended pars. (2) and (3) generally. Prior to amendment, pars. (2) and (3) read as follows:

“(2) by a spouse and a dependent child, the surviving spouse shall receive an immediate annuity under subsection (d) of this section and each dependent child shall receive an immediate annuity equal to the smaller of—

“(A) \$1,548; or

“(B) \$4,644 divided by the number of dependent children; or

“(3) only by a dependent child, each dependent child shall receive an immediate annuity equal to the smaller of—

“(A) the annuity a surviving spouse would be entitled to receive under clause (2) of this subsection divided by the number of dependent children;

“(B) \$1,860; or

“(C) \$5,580 divided by the number of dependent children.”

Subsec. (d)(1). Pub. L. 100-426, §205(3), substituted “1.5 percent” for “1.25 percent” in introductory provisions.

Subsec. (e). Pub. L. 100-426, §205(4), substituted “more than 50 percent nor less than 25 percent” for “more than 40 percent”.

#### 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.

#### § 775. Refunds

(a) A Comptroller General separated from office before becoming entitled to receive an annuity under section 772 of this title is entitled to a lump-sum refund of the amount deducted from pay or deposited as a contribution under section 772, plus 3 percent interest on the amount compounded every December 31.

(b) A Comptroller General making an election under section 773 of this title who is separated from office before becoming entitled to an annuity under section 772 of this title is entitled to a lump-sum refund of the amount deducted under section 773 of this title, plus 4 percent interest before January 1, 1948, and 3 percent interest after December 31, 1947, compounded every December 31 until the separation date.

(c) A lump-sum refund of the amounts 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, shall be paid under subsection (d) of this section if—

(1) a Comptroller General dies in office before completing 5 years of civilian service under section 774 of this title or after completing 5 years of civilian service but without a survivor entitled to an annuity under section 774(b) and (c) of this title; or

(2) if a retired Comptroller General dies without a survivor entitled to an annuity under section 774(b) and (c) of this title.

(d) If a Comptroller General or retired Comptroller General dies before a refund is made under this section, the refund shall be paid in the following order of precedence:

(1) to a beneficiary the Comptroller General or retired Comptroller General designated in writing if the designation was received by the Government Accountability Office before the death of the Comptroller General or retired Comptroller General.

(2) to a surviving spouse.

(3) to the children and to a descendant of a deceased child by representation.

(4) to the parents equally or, if only one surviving parent, to that survivor.

(5) to the executor or administrator of the estate of the Comptroller General or retired Comptroller General.

(6) to the next of kin that the General Counsel of the Government Accountability Office decides is entitled to the refund under the laws of the domicile of the Comptroller Gen-

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

appropriations of the Government Accountability Office.

(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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
779 .....	31:43(2d par. 3d sentence).	June 10, 1921, ch. 18, 42 Stat. 20, § 303(2d par. 3d sentence); added July 28, 1953, ch. 256, 67 Stat. 229.
	31:43b(r).	June 10, 1921, ch. 18, 42 Stat. 20, § 319(r); added July 13, 1959, Pub. L. 86-87, 73 Stat. 200.

The words “of deposits” in 31:43b(r) are omitted as surplus.

#### Editorial Notes

##### AMENDMENTS

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

#### SUBCHAPTER VI—PROPERTY MANAGEMENT

### § 781. Authority over the General Accounting Office Building

(a) The Comptroller General shall have exclusive custody and control over the building located at 441 G Street, N.W., in the District of Columbia, that is generally known as the General Accounting Office Building,<sup>1</sup> including operation, maintenance, protection, alteration, repair, and assignment of space therein. Such custody and control shall also extend to any machinery, equipment, spare parts and tools located in and usable for the operation and maintenance of the General Accounting Office Building.<sup>1</sup> For the purposes of securing approval of any prospectus detailing proposed alterations of the General Accounting Office Building,<sup>1</sup> as required by section 3307 of title 40, the Comptroller General shall perform the functions assigned to the Administrator of General Services by that section.

(b) Upon request of the Comptroller General, the Administrator of General Services shall provide, to the extent resources are available, any necessary services for the protection of the property and persons in the General Accounting Office Building,<sup>1</sup> including the provision of special police, responding to and investigating incidents, and the monitoring of the perimeter security system. Such services may be provided with or without reimbursement as the Comptroller General and the Administrator may agree.

(c)(1) The Comptroller General is authorized to enter into agreements or contracts to acquire property or services on such terms and conditions and in such a manner as he deems necessary and without regard to section 6101(b) to (d) of title 41; except that the Comptroller General may not acquire real property unless specifically authorized by law. In exercising the authority granted by this section, the Comptroller General shall obtain full and open competition in accordance with the principles and purposes of the Competition in Contracting Act of 1984.

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

(2) To the extent that funds are otherwise available for obligation, agreements or contracts for utility services may be made for periods not exceeding 10 years.

(3) The Comptroller General may make advance, progress, and other payments which relate to agreements or contracts entered into under authority of this section, without regard to the provisions of section 3324(a) and (b) of this title.

(Added Pub. L. 100-545, § 1, Oct. 28, 1988, 102 Stat. 2727; amended Pub. L. 107-217, § 3(h)(1), Aug. 21, 2002, 116 Stat. 1299; Pub. L. 111-350, § 5(h)(3), Jan. 4, 2011, 124 Stat. 3849.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Competition in Contracting Act of 1984, referred to in subsec. (c)(1), is title VII of Pub. L. 98-369, div. B, July 18, 1984, 98 Stat. 1175. For complete classification of this Act to the Code, see Short Title of 1984 Act note set out under section 101 of Title 41, Public Contracts, and Tables.

##### AMENDMENTS

2011—Subsec. (c)(1). Pub. L. 111-350 substituted “section 6101(b) to (d) of title 41” for “section 3709 of the Revised Statutes (41 U.S.C. 5)”.

2002—Subsec. (a). Pub. L. 107-217 substituted “section 3307 of title 40” for “section 7 of the Public Buildings Act of 1959, as amended (40 U.S.C. 606)”.

#### 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.

##### SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES AND EXPENSES OF TINY FINDINGS CHILD DEVELOPMENT CENTER

Pub. L. 116-136, div. B, title IX, § 19009, Mar. 27, 2020, 134 Stat. 579, as amended by Pub. L. 116-260, div. O, title XI, § 1101(b)(3), Dec. 27, 2020, 134 Stat. 2157, provided that:

“(a) REIMBURSEMENTS.—During the period beginning on the date of enactment of the Consolidated Appropriations Act, 2021 [Dec. 27, 2020] and ending on the termination date of the public health emergency declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) resulting from the COVID-19 pandemic, the Government Accountability Office shall reimburse the Tiny Findings Child Development Center for expenses, due to measures taken in the Capitol complex to combat coronavirus, as calculated under subsection (b) and from amounts in the appropriations account ‘Government Accountability Office—Salaries and Expenses’.

“(b) AMOUNT.—The amount of the reimbursement under this section for each month of the period described in subsection (a) shall be equal to the difference between—

“(1) the lesser of—

“(A) the amount of the operating costs (including payroll, general, and administrative expenses) of the Center for such month; or

“(B) \$162,500; and

“(2) the amount of tuition payments collected by the Center for such month.”

[For definition of “coronavirus” as used in section 19009 of Pub. L. 116-136, set out above, see section 23005 of Pub. L. 116-136, set out as a note under section 162b of Title 2, The Congress.]