

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.

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(j)(words before last comma).	
776(d)(1) ..	31:43b(j)(last 13 words before colon).	
	31:43b(j)(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.

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”.

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