

1972—Pub. L. 92-425 substituted “subchapter” for “chapter”.

**[§ 1443. Repealed. Pub. L. 92-425, § 1(2)(B), Sept. 21, 1972, 86 Stat. 706]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 111, related to Board of Actuaries, composed of Government Actuary, Chief Actuary of Social Security Administration, and an actuary who was a member of Society of Actuaries.

**§ 1444. Regulations; determinations**

(a) The President shall prescribe regulations to carry out this subchapter. Those regulations shall, so far as practicable, be uniform for the armed forces, the National Oceanic and Atmospheric Administration, and the Public Health Service.

(b) Determinations and certifications of eligibility for, and payments of, annuities and other payments or refunds under this subchapter shall be made by the department concerned. However, in the case of a department other than a military department, payments shall be made through the disbursing facilities of the Department of the Treasury.

(Aug. 10, 1956, ch. 1041, 70A Stat. 111; Pub. L. 87-381, § 5, Oct. 4, 1961, 75 Stat. 811; Pub. L. 89-718, § 8(a), Nov. 2, 1966, 80 Stat. 1117; Pub. L. 92-425, § 1(2)(A), (C), Sept. 21, 1972, 86 Stat. 706; Pub. L. 96-513, title V, § 511(58), Dec. 12, 1980, 94 Stat. 2925.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1444(a) .....	37:377 (1st sentence).	Aug. 8, 1953, ch. 393, §§ 6, 8
1444(b) .....	37:377 (2d sentence).	(1st and 2d sentences),
1444(c) .....	37:375.	67 Stat. 504.

AMENDMENTS

1980—Subsec. (a). Pub. L. 96-513, § 511(58)(A), substituted “National Oceanic and Atmospheric Administration” for “Environmental Science Services Administration”.

Subsecs. (b), (c). Pub. L. 96-513, § 511(58)(B), redesignated subsec. (c) as (b).

1972—Pub. L. 92-425, § 1(2)(C), struck out “reports to Congress” in section catchline.

Subsec. (a). Pub. L. 92-425, § 1(2)(A), substituted “subchapter” for “chapter”.

Subsec. (b). Pub. L. 92-425, § 1(2)(C), struck out subsec. (b) which required President to submit annual reports to Congress on administration of this chapter.

Subsec. (c). Pub. L. 92-425, § 1(2)(A), substituted “subchapter” for “chapter”.

1966—Subsec. (a). Pub. L. 89-718 substituted “Environmental Science Services Administration” for “Coast and Geodetic Survey”.

1961—Subsec. (b). Pub. L. 87-381 required report to contain a detailed account, including an actuarial analysis, of cases in which relief is granted under sections 1436(b) and 1552 of this title, or any other statutory or administrative procedure.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

REPEALS

The directory language of, but not the amendment made by, Pub. L. 89-718, § 8(a), Nov. 2, 1966, 80 Stat. 1117, cited as a credit to this section, was repealed by Pub. L. 97-295, § 6(b), Oct. 12, 1982, 96 Stat. 1314.

TRANSFER OF FUNCTIONS

For transfer of functions of Public Health Service, see note under section 802 of this title.

**§ 1444a. Regulations regarding payment of annuity to a representative payee**

(a) The regulations prescribed pursuant to section 1444(a) of this title shall provide procedures for the payment of an annuity under this subchapter in the case of—

(1) a person for whom a guardian or other fiduciary has been appointed; and

(2) a minor, mentally incompetent, or otherwise legally disabled person for whom a guardian or other fiduciary has not been appointed.

(b) Those regulations may include the provisions set out in section 1455(d)(2) of this title.

(c) An annuity paid to a person on behalf of an annuitant in accordance with the regulations prescribed pursuant to subsection (a) discharges the obligation of the United States for payment to the annuitant of the amount of the annuity so paid.

(Added Pub. L. 102-190, div. A, title VI, § 654(b)(1), Dec. 5, 1991, 105 Stat. 1390; amended Pub. L. 105-85, div. A, title X, § 1073(a)(26), Nov. 18, 1997, 111 Stat. 1901.)

AMENDMENTS

1997—Subsec. (b). Pub. L. 105-85 substituted “section 1455(d)(2)” for “section 1455(c)”.

**§ 1445. Correction of administrative deficiencies**

Whenever he considers it necessary, the Secretary concerned may, under regulations prescribed under section 1444(a) of this title, correct any election, or any change or revocation of an election, under this subchapter when he considers it necessary to correct an administrative error. Except when procured by fraud, a correction under this section is final and conclusive on all officers of the United States.

(Added Pub. L. 87-381, § 6(1), Oct. 4, 1961, 75 Stat. 811; amended Pub. L. 92-425, § 1(2)(A), Sept. 21, 1972, 86 Stat. 706.)

AMENDMENTS

1972—Pub. L. 92-425 substituted “subchapter” for “chapter”.

**§ 1446. Restriction on participation**

(a) Notwithstanding section 1441 of this title, if a person—

(1) has made an election under this subchapter; and

(2) is retired for physical disability before he completes 19 years of service for which he is entitled to credit in the computation of his basic pay;

and thereafter dies, his beneficiaries are not entitled to the annuities provided under this subchapter until they give proof to the department concerned that they are not eligible for benefits under chapter 11 or 13 of title 38. If the beneficiaries are not eligible for benefits under chapter 11 or 13 of title 38, the annuity shall begin on the first day of the month in which the death occurs.

(b) Whenever the beneficiaries on whose behalf the election was made are restricted, under sub-

section (a), from participating in the annuities provided under this subchapter, the amount withheld from the elector's retired or retainer pay as a result of an election under this subchapter shall be refunded to the beneficiaries, less the amount of any annuities paid under this subchapter, and in either case without interest.

(Added Pub. L. 87-381, §6(1), Oct. 4, 1961, 75 Stat. 811; amended Pub. L. 90-485, §1(8), Aug. 13, 1968, 82 Stat. 754; Pub. L. 92-425, §1(2)(A), Sept. 21, 1972, 86 Stat. 706.)

#### AMENDMENTS

1972—Pub. L. 92-425 substituted “subchapter” for “chapter” wherever appearing.

1968—Subsec. (a)(2). Pub. L. 90-485 substituted “19” for “18”.

#### EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-485 effective on first day of third calendar month following Aug. 13, 1968, see section 6 of Pub. L. 90-485, set out as a note under section 1431 of this title.

### SUBCHAPTER II—SURVIVOR BENEFIT PLAN

Sec.

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#### AMENDMENTS

1997—Pub. L. 105-85, div. A, title VI, §641(a)(2), Nov. 18, 1997, 111 Stat. 1798, added item 1448a.

1996—Pub. L. 104-201, div. A, title VI, §634, Sept. 23, 1996, 110 Stat. 2551, amended analysis generally, re-enacting items 1447 to 1452, 1454, and 1455 without change and substituting “Recovery of amounts” for “Recovery of annuity” in item 1453.

1989—Pub. L. 101-189, div. A, title XIV, §1407(a)(10)(B), Nov. 29, 1989, 103 Stat. 1589, substituted “errors” for “deficiencies” in item 1454.

1985—Pub. L. 99-145, title VII, §719(8)(B), Nov. 8, 1985, 99 Stat. 676, struck out “or retainer” after “retired” in item 1452.

1972—Pub. L. 92-424, §1(3), Sept. 21, 1972, 86 Stat. 706, added subchapter II heading and items 1447 to 1455.

### § 1447. Definitions

In this subchapter:

(1) **PLAN.**—The term “Plan” means the Survivor Benefit Plan established by this subchapter.

(2) **STANDARD ANNUITY.**—The term “standard annuity” means an annuity provided by virtue of eligibility under section 1448(a)(1)(A) of this title.

(3) **RESERVE-COMPONENT ANNUITY.**—The term “reserve-component annuity” means an annuity provided by virtue of eligibility under section 1448(a)(1)(B) of this title.

(4) **RETIRED PAY.**—The term “retired pay” includes retainer pay paid under section 6330 of this title.

(5) **RESERVE-COMPONENT RETIRED PAY.**—The term “reserve-component retired pay” means

retired pay under chapter 1223 of this title (or under chapter 67 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act).

(6) **BASE AMOUNT.**—The term “base amount” means the following:

(A) **FULL AMOUNT UNDER STANDARD ANNUITY.**—In the case of a person who dies after becoming entitled to retired pay, such term means the amount of monthly retired pay (determined without regard to any reduction under section 1409(b)(2) of this title) to which the person—

(i) was entitled when he became eligible for that pay; or

(ii) later became entitled by being advanced on the retired list, performing active duty, or being transferred from the temporary disability retired list to the permanent disability retired list.

(B) **FULL AMOUNT UNDER RESERVE-COMPONENT ANNUITY.**—In the case of a person who would have become eligible for reserve-component retired pay but for the fact that he died before becoming 60 years of age, such term means the amount of monthly retired pay for which the person would have been eligible—

(i) if he had been 60 years of age on the date of his death, for purposes of an annuity to become effective on the day after his death in accordance with a designation made under section 1448(e) of this title; or

(ii) upon becoming 60 years of age (if he had lived to that age), for purposes of an annuity to become effective on the 60th anniversary of his birth in accordance with a designation made under section 1448(e) of this title.

(C) **REDUCED AMOUNT.**—Such term means any amount less than the amount otherwise applicable under subparagraph (A) or (B) with respect to an annuity provided under the Plan but which is not less than \$300 and which is designated by the person (with the concurrence of the person's spouse, if required under section 1448(a)(3) of this title) providing the annuity on or before—

(i) the first day for which he becomes eligible for retired pay, in the case of a person providing a standard annuity, or

(ii) the end of the 90-day period beginning on the date on which he receives the notification required by section 12731(d) of this title that he has completed the years of service required for eligibility for reserve-component retired pay, in the case of a person providing a reserve-component annuity.

(7) **WIDOW.**—The term “widow” means the surviving wife of a person who, if not married to the person at the time he became eligible for retired pay—

(A) was married to him for at least one year immediately before his death; or

(B) is the mother of issue by that marriage.

(8) **WIDOWER.**—The term “widower” means the surviving husband of a person who, if not