

1958 ACT

| Revised section | Source (U.S. Code) | Source (Statutes at Large)                     |
|-----------------|--------------------|--|
| 1441 .....      | 37:380.            | Aug. 1, 1956, ch. 837, § 501(1), 70 Stat. 884. |

The change is made to reflect the amendment made by section 501(1) of the Servicemen's and Veterans' Survivor Benefits Act (70 Stat. 884) to section 11 of the Uniform Services Contingency Option Act of 1953 (restated in section 1441 of title 10).

AMENDMENTS

1989—Pub. L. 101-189 substituted "Department of Veterans Affairs" for "Veterans' Administration".

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

1970—Pub. L. 91-588 struck out "except section 415(g) and chapter 15 of title 38" after "Veterans' Administration".

1959—Pub. L. 86-211 inserted reference to chapter 15 of title 38.

1958—Pub. L. 85-861 inserted "except section 1115 of title 38" after "Administration".

Pub. L. 85-857 substituted "section 415(g) of title 38" for "section 1115 of title 38".

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-588 effective Jan. 1, 1971, see section 10 of Pub. L. 91-588, set out as a note under section 1521 of Title 38, Veterans' Benefits.

EFFECTIVE DATE OF 1959 AMENDMENT

Amendment by Pub. L. 86-211 effective July 1, 1960, see section 10 of Pub. L. 86-211, set out as a note under section 1506 of Title 38, Veterans' Benefits.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85-857 effective Jan. 1, 1959, see section 2 of Pub. L. 85-857, set out as a note preceding Part I of Title 38, Veterans' Benefits.

§ 1442. Recovery of annuity erroneously paid

In addition to other methods of recovery provided by law, the Secretary concerned may authorize the recovery, by deduction from later payments to a person, of any amount erroneously paid to him under this subchapter. However, recovery is not required if, in the judgment of the Secretary concerned, there has been no fault by the person to whom the amount was erroneously paid and recovery would be contrary to the purposes of this subchapter or against equity and good conscience.

(Aug. 10, 1956, ch. 1041, 70A Stat. 111; Pub. L. 92-425, §1(2)(A), Sept. 21, 1972, 86 Stat. 706; Pub. L. 104-316, title I, §105(a), Oct. 19, 1996, 110 Stat. 3830.)

HISTORICAL AND REVISION NOTES

| Revised section | Source (U.S. Code) | Source (Statutes at Large)                |
|-----------------|--------------------|---|
| 1442 .....      | 37:376.            | Aug. 8, 1953, ch. 393, § 7, 67 Stat. 504. |

The words "In addition to other methods of recovery provided by law, the Secretary concerned may" are substituted for 37:376(a) (1st 15 words of 1st sentence). The words "from later payments to an annuitant" are substituted for 37:376(a) (2d sentence).

AMENDMENTS

1996—Pub. L. 104-316 struck out "and the Comptroller General" after "judgment of the Secretary concerned".

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 (1st and 2d sentences), 67 Stat. 504. |
| 1444(b) .....   | 37:377 (2d sentence).  |  |
| 1444(c) .....   | 37:375.                |  |

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.

- |        |   |
|--------|---|
| 1447.  | Definitions.  |
| 1448.  | Application of Plan.  |
| 1448a. | Election to discontinue participation: one-year opportunity after second anniversary of commencement of payment of retired pay. |
| 1449.  | Mental incompetency of member.  |
| 1450.  | Payment of annuity: beneficiaries.  |
| 1451.  | Amount of annuity.  |
| 1452.  | Reduction in retired pay.   |
| 1453.  | Recovery of amounts erroneously paid.   |
| 1454.  | Correction of administrative errors.  |
| 1455.  | Regulations.  |

## 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, reenacting 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