

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.

EFFECTIVE DATE OF 1968 AMENDMENT

For effective date of amendment by Pub. L. 90-485, see section 6 of Pub. L. 90-485, set out as a note under section 1431 of this title.

§ 1438. Deposits for amounts not deducted

If, for any period, a person who has been retired or has become entitled to retired or retainer pay, and who has elected an annuity under this subchapter, is not entitled to retired or retainer pay, he must deposit in the Treasury the amount that would otherwise have been deducted from his pay for that period to provide the annuity.

(Aug. 10, 1956, ch. 1041, 70A Stat. 110; Pub. L. 92-425, §1(2)(A), Sept. 21, 1972, 86 Stat. 706.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1438	37:374.	Aug. 8, 1953, ch. 393, §5, 67 Stat. 504.

The words “a person who has been retired or has become entitled to retired or retainer pay, and who has elected an annuity under this chapter” are substituted for the words “a retired member of a uniformed service who has made the election specified in section 372 of this title”, since the revised chapter applies to persons who are receiving retired pay as well as retired members. The word “otherwise” is substituted for the words “had he been receiving that pay”. The words “to provide the annuity” are inserted for clarity.

AMENDMENTS

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

§ 1439. Refund of amounts deducted from retired pay

If a person whose name is on the temporary disability retired list of an armed force, and who has elected an annuity under this subchapter, has his name removed from that list for any reason other than retirement or grant of retired pay, he is entitled to a refund of the difference between the amount by which his retired pay was reduced to provide the annuity and the cost of an amount of term insurance equal to the protection provided for his dependents during the period that he was on that list.

(Aug. 10, 1956, ch. 1041, 70A Stat. 111; Pub. L. 92-425, §1(2)(A), Sept. 21, 1972, 86 Stat. 706.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1439	37:373(d).	Aug. 8, 1953, ch. 393, §4(d), 67 Stat. 503.

The words “person whose name is on” are substituted for the words “Any active member or former member on the”. The words “is entitled to a refund” are substituted for the words “shall have refunded to him”. The words “permanent”, “a sum which represents”, and “in accordance with his election under section 372 of this title” are omitted as surplusage. The words “re-

tirement or grant of retired pay” are substituted for the words “permanent retirement”, since under chapter 67 of this title a member of the Army or Air Force may be granted retired pay without being retired.

AMENDMENTS

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

§ 1440. Annuities not subject to legal process

Except as provided in section 1437(c)(3)(B) of this title, no annuity payable under this subchapter is assignable or subject to execution, levy, attachment, garnishment, or other legal process.

(Aug. 10, 1956, ch. 1041, 70A Stat. 111; Pub. L. 92-425, §1(2)(A), Sept. 21, 1972, 86 Stat. 706; Pub. L. 98-525, title VI, §642(a)(2), Oct. 19, 1984, 98 Stat. 2546; Pub. L. 99-145, title XIII, §1303(a)(10), Nov. 8, 1985, 99 Stat. 739.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1440	37:378.	Aug. 8, 1953, ch. 393, §9, 67 Stat. 504.

The words “either in law or equity” are omitted as surplusage.

AMENDMENTS

1985—Pub. L. 99-145 substituted “1437(c)(3)(B)” for “1437(c)(3)”.

1984—Pub. L. 98-525 substituted “Except as provided in section 1437(c)(3) of this title, no” for “No”.

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

§ 1441. Annuities in addition to other payments

An annuity under this subchapter is in addition to any pension or other payment to which the beneficiary is entitled under any other provision of law, and may not be considered as income under any law administered by the Department of Veterans Affairs.

(Aug. 10, 1956, ch. 1041, 70A Stat. 111; Pub. L. 85-857, §13(v)(1), Sept. 2, 1958, 72 Stat. 1266; Pub. L. 85-861, §1(31B), Sept. 2, 1958, 72 Stat. 1452; Pub. L. 86-211, §8(a), Aug. 29, 1959, 73 Stat. 436; Pub. L. 91-588, §8(b), Dec. 24, 1970, 84 Stat. 1584; Pub. L. 92-425, §1(2)(A), Sept. 21, 1972, 86 Stat. 706; Pub. L. 101-189, div. A, title XVI, §1621(a)(1), Nov. 29, 1989, 103 Stat. 1602.)

HISTORICAL AND REVISION NOTES
1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1441	37:380.	Aug. 8, 1953, ch. 393, §11, 67 Stat. 504.

The word “is” is substituted for the words “may now or hereafter be”.

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’ Sur-

vivor 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 Administra-

tion, 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

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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