

§ 9309. Priority of sureties

When a person required to provide a surety bond given to the United States Government is insolvent or dies having assets insufficient to pay debts, the surety, or the executor, administrator, or assignee of the surety paying the Government the amount due under the bond—

(1) has the same priority to amounts from the assets and estate of the person as are secured for the Government; and

(2) personally may bring a civil action under the bond to recover amounts paid under the bond.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 1049.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 9309: 31:193, R.S. §3468.

In the section, before clause (1), the words "person required to provide a surety bond" are substituted for "principal in any bond" for clarity and consistency. The words "dies having assets insufficient to pay debts" are substituted for "whenever, such principal being deceased, his estate and effects which come to the hands of his executor, administrator, or assignee, are insufficient for the payment of his debts" to eliminate unnecessary words. The words "and, in either of such cases", "on the bond", and "such surety, his executor, administrator, or assignee" are omitted as unnecessary. Clause (1) is substituted for "shall have the like priority for the recovery and receipt of the moneys out of the estate and effects of such insolvent or deceased principal as is secured to the United States" to eliminate unnecessary words and for clarity. In clause (2), the words "and maintain" are omitted as surplus. The words "civil action" are substituted for "suit" for consistency. The words "in law or equity" are omitted as surplus.

§ 9310. Individual sureties

If another applicable Federal law or regulation permits the acceptance of a bond from a surety that is not subject to sections 9305 and 9306 and is based on a pledge of assets by the surety, the assets pledged by such surety shall—

(1) consist of eligible obligations described under section 9303(a); and

(2) be submitted to the official of the Government required to approve or accept the bond, who shall deposit the obligations as described under section 9303(b).

(Added Pub. L. 114-92, div. A, title VIII, § 874(a)(1), Nov. 25, 2015, 129 Stat. 940.)

EFFECTIVE DATE

Section effective 1 year after Nov. 25, 2015, see section 874(c) of Pub. L. 114-92, set out as an Effective Date of 2015 Amendment note under section 694b of Title 15, Commerce and Trade.

CHAPTER 95—GOVERNMENT PENSION PLAN PROTECTION

Table with 2 columns: Sec., Purpose. Rows 9501-9504 with descriptions of Purpose, Definitions, Reports about Government pension plans, and Review and recommendations.

§ 9501. Purpose

The purpose of this chapter is to protect the interests of the United States and of the partici-

pants and their beneficiaries in Government pension plans by requiring complete disclosure of the financial condition of those plans.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 1050.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 9501: 31:68, Sept. 12, 1950, ch. 946, 64 Stat. 832, §120; added Nov. 4, 1978, Pub. L. 95-595, §1, 92 Stat. 2541.

The words "United States" are substituted for "Nation" for clarity and consistency. The words "and certain other pension plans" are omitted as unnecessary.

§ 9502. Definitions

In this chapter—

(1) "Government pension plan"—

(A) means a pension, annuity, retirement, or similar plan (except a plan covered under the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.) or a plan or program financed by contributions required under chapter 21 or 22 of the Internal Revenue Code of 1986 (26 U.S.C. 3101 et seq., 3201 et seq.)) established or maintained by an agency, for any of its officers or employees, regardless of the number of participants covered by the plan; and

(B) includes—

- (i) the Civil Service Retirement System.
(ii) the Coast Guard Retirement System.
(iii) the Commissioned Corps of the Public Health Service Retirement System.
(iv) the Farm Credit District Retirement Plans.
(v) the Federal Home Loan Bank Board Retirement Systems.
(vi) the Federal Home Loan Mortgage Corporation Plan.
(vii) the Federal Reserve Employees Retirement Plans.
(viii) the Foreign Service Retirement and Disability System.
(ix) judicial plans.
(x) the Military Retirement System.
(xi) the National Oceanic and Atmospheric Administration Retirement System.
(xii) nonappropriated fund plans.
(xiii) the Tennessee Valley Authority Retirement System.

(2) "plan year" means the calendar, policy, or fiscal year chosen by the Government pension plan on which the records of the plan are kept.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 1050; Pub. L. 99-514, § 2, Oct. 22, 1986, 100 Stat. 2095.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Rows 9502(1) and 9502(2) with source information.

In clause (1), before subclause (A), the word "Federal" is omitted as unnecessary. In subclause (A), the

words “whether or not such plan is an employee pension benefit plan within the meaning of section 3(2) of the Employee Retirement Income Security Act of 1974 [29 U.S.C. 1002(2)]” are omitted as surplus. The words “an agency” are substituted for “Government of the United States, or any agency or instrumentality thereof” because of section 101 of the revised title. In subclause (B), before subclause (i), the words “but is not limited to” are omitted as surplus. The text of 31:68c(b)(words before colon) is omitted as unnecessary because of the restatement.

In clause (2), 31:68d(1st sentence) is omitted as executed. The definition in 31:68d(last sentence) is made applicable to the chapter for clarity because the defined term is used in 9503(a)(1)(B) of the revised title.

REFERENCES IN TEXT

The Employee Retirement Income Security Act of 1974, referred to in par. (1)(A), is Pub. L. 93-406, Sept. 2, 1974, 88 Stat. 829, as amended, which is classified principally to chapter 18 (§1001 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 29 and Tables.

AMENDMENTS

1986—Par. (1)(A). Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 9503. Reports about Government pension plans

[(a) Repealed. Pub. L. 105-362, title XV, § 1501(a), Nov. 10, 1998, 112 Stat. 3294.]

(b) This chapter does not prevent a Government pension plan from using the services of an enrolled actuary employed by an agency administering the plan.

(c) The requirements of this section are satisfied with respect to the Thrift Savings Plan described under subchapter III of chapter 84 of title 5, by preparation and transmission of the report described under section 8439(b) of such title.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 1050; Pub. L. 104-66, title II, §2081, Dec. 21, 1995, 109 Stat. 729; Pub. L. 105-362, title XV, §1501(a), Nov. 10, 1998, 112 Stat. 3294.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
9503(a)	31:68a(a), (b).	Sept. 12, 1950, ch. 946, 64 Stat. 832, §121; added Nov. 4, 1978, Pub. L. 95-595, §1, 92 Stat. 2541.
9503(b)	31:68a(c).	

In subsection (a), before clause (1), the words “Notwithstanding any other provision of law or any administrative determination to the contrary . . . Federal” are omitted as unnecessary. The words “and each plan described in section 68c(b) of this title” are omitted as unnecessary because of the restatement. In clause (1), before subclause (A), the words “required by such section” are omitted as unnecessary because of the re-

statement. In subclause (A), the word “information” is substituted for “information and data” because it is inclusive and for consistency. In clause (4), the words “and shall not supersede” are omitted as surplus. In clause (5), the words “the Comptroller General deems” are omitted as unnecessary. The words “under section 1023 of title 29” are omitted as unnecessary because of the restatement.

In subsection (b), the words “This chapter does not prevent” are substituted for “Nothing in this chapter shall preclude” for clarity. The words “or agencies” are omitted as unnecessary because of 1:1.

AMENDMENTS

1998—Subsec. (a). Pub. L. 105-362 struck out subsec. (a) which required Government pension plans to be subject to 29 U.S.C. 1023, except for officers or employees of the Central Intelligence Agency unless the President specifically approves application of the requirements of section 1023 in writing for such officers and employees.

1995—Subsec. (c). Pub. L. 104-66 added subsec. (c).

EX. ORD. NO. 12177. DELEGATION OF FUNCTIONS TO DIRECTOR OF OFFICE OF MANAGEMENT AND BUDGET AND SECRETARY OF THE TREASURY

Ex. Ord. No. 12177, Dec. 10, 1979, 44 F.R. 71805, provided:

By the authority vested in me as President of the United States of America by Section 121(a)(1) of the Budget and Accounting Procedures Act of 1950, as amended (92 Stat. 2541, Public Law 95-595, 31 U.S.C. 68a) [31 U.S.C. 9503] and Section 301 of Title 3 of the United States Code, and in order to provide consistency among the financial and actuarial statements of Federal Government pension plans, it is hereby ordered as follows:

1-101. All the functions vested in the President by Section 121(a) of the Budget and Accounting Procedures Act of 1950, as amended (31 U.S.C. 68a) [31 U.S.C. 9503], are delegated to the Director of the Office of Management and Budget. The Director may, from time to time, designate other officers or agencies of the Federal Government to perform any or all of the functions hereby delegated to the Director, subject to such instructions, limitations, and directions as the Director deems appropriate.

1-102. The head of an Executive agency responsible for the administration of any Federal Government pension plan within the meaning of Section 123(a) of the Budget and Accounting Procedures Act of 1950, as amended (31 U.S.C. 68c) [31 U.S.C. 9502(1)], except subsections (a)(9) and (b), shall ensure that the administrators of those plans comply with the form, manner, and time of filing as required by the Director of the Office of Management and Budget.

1-103. Subject to the provisions of Section 1-101 of this Order, and in the absence of any contrary delegation or direction by the Director, the Secretary of the Treasury, with respect to the development of the form and content of the annual reports, shall perform the functions set forth in Section 121(a) of the Budget and Accounting Procedures Act of 1950, as amended (31 U.S.C. 68a) [31 U.S.C. 9503]. In performing this function, the Secretary shall also be responsible for consulting with the Comptroller General.

JIMMY CARTER.

§ 9504. Review and recommendations

When necessary or when requested by either House of Congress or a committee of Congress, the Comptroller General shall—

(1) review financial and actuarial statements provided under section 9503 of this title to decide whether the reporting requirements of section 9503 are adequate to carry out section 9501 of this title; and

(2) submit to Congress recommendations for legislation necessary to carry out section 9501 of this title.