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AMENDMENTS

2012—Pub. L. 112-141, div. F, title I, § 100121(a)(3), July 6, 2012, 126 Stat. 910, added item 8336a.  
 1986—Pub. L. 99-335, title II, §§ 201(b)(2), 204(b)(1), 205(b), 206(a)(2), June 6, 1986, 100 Stat. 591-594, added items 8343a, 8349, 8350, and 8351.

SUBCHAPTER I—GENERAL PROVISIONS

§ 8301. Uniform retirement date

(a) Except as otherwise specifically provided by this title or other statute, retirement authorized by statute is effective on the first day of the month following the month in which retirement would otherwise be effective.

(b) Notwithstanding subsection (a) of this section, the rate of active or retired pay or allowance is computed as of the date retirement would have occurred but for subsection (a) of this section.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 557.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 47a.	Apr. 23, 1930, ch. 209, § 1, 46 Stat. 253.

In subsection (a), the words “Except as otherwise specifically provided by this title or other statute” are added because of the statutes carried into subchapter III of chapter 83. The words “of Federal personnel of whatever class, civil, military, naval, judicial, legislative, or otherwise, and for whatever cause retired” are omitted as unnecessary. The words “and said first day of the month for retirements made after July 1, 1930, shall be for all purposes in lieu of such date for retirement as was on April 23, 1930, authorized” are omitted as executed.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SUBCHAPTER II—FORFEITURE OF ANNUITIES AND RETIRED PAY

§ 8311. Definitions

For the purpose of this subchapter—

- (1) “employee” means—
  - (A) an employee as defined by section 2105 of this title;
  - (B) a Member of Congress as defined by section 2106 of this title and a Delegate to Congress;
  - (C) a member or former member of a uniformed service; and
  - (D) an individual employed by the government of the District of Columbia;

(2) “annuity” means a retirement benefit, including a disability insurance benefit and a dependent’s or survivor’s benefit under subchapter II of chapter 7 of title 42, and a monthly annuity under section 228b or 228e of title 45, payable by an agency of the Government of the United States or the government of the District of Columbia on the basis of service as a civilian employee and other service which is creditable to an employee toward the benefit under the statute, regulation, or agreement which provides the benefit, but does not include—

- (A) a benefit provided under statutes administered by the Department of Veterans Affairs;
- (B) pay or compensation which may not be diminished under section 1 of Article III of the Constitution of the United States;

(C) that portion of a benefit payable under subchapter II of chapter 7 of title 42 which would be payable without taking into account, for any of the purposes of that subchapter, including determinations of periods of disability under section 416(i) of title 42, pay for services as an employee;

(D) monthly annuity awarded under section 228b or 228e of title 45 before September 26, 1961, whether or not computed under section 228c(e) of title 45;

(E) that portion of an annuity awarded under section 228b or 228e of title 45 after September 25, 1961, which would be payable without taking into account military service creditable under section 228c-1 of title 45;

(F) a retirement benefit, including a disability insurance benefit and a dependent’s or survivor’s benefit under subchapter II of chapter 7 of title 42, awarded before September 1, 1954, to an individual or his survivor or beneficiary, insofar as the individual, before September 1, 1954—