

“and to any payment of a return of contributions under section 2054(a) of this title; and”.

Subsec. (b)(4). Pub. L. 103-178, §202(a)(12)(C), struck out par. (4) which read as follows: “any right of the former spouse of a participant or former participant to a lump-sum payment or additional annuity payable from a voluntary contribution account under section 2121 of this title;”.

#### EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-178 effective Feb. 1, 1993, see section 202(b) of Pub. L. 103-178, set out as a note under section 2001 of this title.

#### EFFECTIVE DATE

Section effective on first day of fourth month beginning after Oct. 24, 1992, see section 805 of Pub. L. 102-496, set out as a note under section 2001 of this title.

### § 2095. Recovery of payments

Recovery of payments under this subchapter may not be made from an individual when, in the judgment of the Director, the individual is without fault and recovery would be against equity and good conscience. Withholding or recovery of money payable pursuant to this subchapter on account of a certification or payment made by a former employee of the Agency in the discharge of the former employee's official duties may be made if the Director certifies that the certification or payment involved fraud on the part of the former employee.

(Pub. L. 88-643, title II, §265, as added Pub. L. 102-496, title VIII, §802, Oct. 24, 1992, 106 Stat. 3237; amended Pub. L. 103-178, title II, §202(a)(13), Dec. 3, 1993, 107 Stat. 2027.)

#### AMENDMENTS

1993—Pub. L. 103-178 substituted “subchapter” for “chapter” in two places.

#### EFFECTIVE DATE OF 1993 AMENDMENT

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### PART H—RETIRED PARTICIPANTS RECALLED, REINSTATED, OR REAPPOINTED IN AGENCY OR REEMPLOYED IN GOVERNMENT

### § 2111. Recall

#### (a) Authority to recall

The Director may, with the consent of a retired participant, recall that participant to service in the Agency whenever the Director determines that such recall is in the public interest.

#### (b) Pay of retired participant while serving

A retired participant recalled to duty in the Agency under subsection (a) or reinstated or reappointed in accordance with section 2051(b)<sup>1</sup> of this title shall, while so serving, be entitled, in lieu of the retired participant's annuity, to the full basic pay of the grade in which the retired participant is serving. During such service, the

<sup>1</sup> So in original. Probably should be section “2051(c)”.

retired participant shall make contributions to the fund in accordance with section 2021 of this title.

#### (c) Recomputation of annuity

When the retired participant reverts to retired status, the annuity of the retired participant shall be redetermined in accordance with section 2031 of this title.

(Pub. L. 88-643, title II, §271, as added Pub. L. 102-496, title VIII, §802, Oct. 24, 1992, 106 Stat. 3238.)

#### PRIOR PROVISIONS

A prior section 271 of Pub. L. 88-643, title II, Oct. 13, 1964, 78 Stat. 1052, related to recalled participants and was set out as a note under section 403 of this title prior to the general amendment of Pub. L. 88-643 by section 802 of Pub. L. 102-496.

#### EFFECTIVE DATE

Section effective on first day of fourth month beginning after Oct. 24, 1992, see section 805 of Pub. L. 102-496, set out as a note under section 2001 of this title.

#### WAIVER OF DUAL COMPENSATION PROVISIONS

For waiver of application of the dual compensation reduction provisions of this section for temporary employees during an emergency, see Ex. Ord. No. 13236, Nov. 27, 2001, 66 F.R. 59671, set out as a note under section 2141 of this title.

### § 2112. Reemployment

A participant retired under this subchapter shall not, by reason of that retired status, be barred from employment in Federal Government service in any appointive position for which the participant is qualified.

(Pub. L. 88-643, title II, §272, as added Pub. L. 102-496, title VIII, §802, Oct. 24, 1992, 106 Stat. 3238.)

#### PRIOR PROVISIONS

A prior section 272 of Pub. L. 88-643, title II, Oct. 13, 1964, 78 Stat. 1053; Pub. L. 99-335, title V, §501(2), June 6, 1986, 100 Stat. 622, related to reemployed participants and was set out as a note under section 403 of this title prior to the general amendment of Pub. L. 88-643 by section 802 of Pub. L. 102-496.

#### EFFECTIVE DATE

Section effective on first day of fourth month beginning after Oct. 24, 1992, see section 805 of Pub. L. 102-496, set out as a note under section 2001 of this title.

### § 2113. Reemployment compensation

#### (a) Deduction from basic pay

An annuitant who has retired under this subchapter and who is reemployed in the Federal Government service in any appointive position (either on a part-time or full-time basis) shall be entitled to receive the annuity payable under this subchapter, but there shall be deducted from the annuitant's basic pay a sum equal to the annuity allocable to the period of actual employment.

#### (b) Recovery of overpayments

In the event of an overpayment under this section, the amount of the overpayment shall be recovered by withholding the amount involved from the basic pay payable to such reemployed