

Chapter 31.—PROHIBITION AGAINST PAYMENT
OF BENEFITS

Sec.

2281. Definitions.
2282. Convictions as barring payment of annuities or retired pay; specification of penal statutes.
2283. Refusal to testify or produce records; false statements or concealment of facts in employment applications.
- 2283a. Persons remaining outside United States, its Territories or possessions to avoid prosecution.
2284. Refund of contributions.
- (a) Application; persons eligible.
- (b) Interest.
- (c) Repayments of annuity payments exceeding contributions.
- (d) Survivor repayment of annuity payments exceeding contributions.
- 2284a. Refund of payments of retired pay and refund of contributions.
2285. Restoration of annuity or retired pay upon pardon; compliance with orders of Government authorities.
2286. Nonliability of officers for making payments upon compliance with requisite standard of conduct.
2287. Removal of members of the armed forces from the rolls; restoration of military status, rights and privileges; reappointment of commissioned officers.
2288. Construction of chapter.

§ 2281. Definitions.

As used in this chapter and section 3282 of Title 18—

(1) the term "officer or employee of the Government" includes—

(A) an officer or employee in or under the legislative, executive, or judicial branch of the Government of the United States;

(B) a Member of, Delegate to, or Resident Commissioner in, the Congress of the United States;

(C) an officer or employee of the government of the District of Columbia; and

(D) a member or former member of the armed forces, the Coast and Geodetic Survey, or the Public Health Service.

(2) the term "annuity" means any retirement benefit (including any disability insurance benefit and any dependent's or survivor's benefit under title II of the Social Security Act and any monthly annuity under section 228b or section 228e of Title 45) payable by any department or agency of the Government of the United States or the government of the District of Columbia upon the basis of service as a civilian officer or employee of the Government and any other service which is creditable to an officer or employee of the Government toward such benefit under the law, regulation, or agreement providing such benefit, except that—

(A) the term "annuity" does not include any benefit provided under laws administered by the Veterans' Administration;

(B) the term "annuity" does not include salary or compensation which may not be diminished under section 1 of Article III of the Constitution of the United States;

(C) the term "annuity" does not include, in the case of a benefit payable under title II of the Social Security Act, so much of such benefit as would be payable without taking into account (for any of the purposes of such title II, includ-

ing determinations of periods of disability under section 416(i) of Title 42) any remuneration for service as an officer or employee of the Government;

(D) the term "annuity" does not include any monthly annuity awarded under section 228b or section 228e of Title 45 prior to September 26, 1961 (whether or not computed under section 228c(e) of Title 45), and, in the case of any annuity awarded under such section 228b or 228e of Title 45 on or subsequent to September 26, 1961, does not include so much of such annuity as would be payable without taking into account any military service creditable under section 228c(e) of Title 45;

(E) the term "annuity" does not include any retirement benefit (including any disability insurance benefit and any dependent's or survivor's benefit under title II of the Social Security Act) of any person to whom such benefit has been awarded or granted prior to September 1, 1954, or of the survivor or beneficiary of such person, insofar as concerns the conviction of such person, prior to such date, under any article or provision of law specified or described in subsection (a) of section 2282 of this title, of any offense within the purview of such subsection (a) to the extent provided in such subsection (a) or (b) of section 2283 of this title; and

(F) the term "annuity" does not include any retirement benefit (including any disability insurance benefit and any dependent's or survivor's benefit under title II of the Social Security Act) of any person to whom such benefit has been awarded or granted prior to September 26, 1961, or of the survivor or beneficiary of such person, insofar as concerns the conviction of such person, prior to such date, under any article or provision of law specified or described in subsection (b) of section 2282 of this title, of any offense within the purview of such subsection (b) to the extent provided in such subsection (b) or (c) of section 2283 of this title.

(3) the term "retired pay" means retired pay, retirement pay, retainer pay, or equivalent pay, payable under any law of the United States to members or former members of the armed forces, the Coast and Geodetic Survey, and the Public Health Service, and any annuity payable to an eligible beneficiary of any such member or former member under chapter 73 (annuities based on retired or retainer pay) of Title 10 or under section 5 of the Uniformed Services Contingency Option Act of 1953, except that—

(A) the term "retired pay" does not include any benefit provided under laws administered by the Veterans' Administration;

(B) the term "retired pay", as applicable to retired pay, retirement pay, retainer pay, and equivalent pay, does not include any such pay of any person to whom such pay has been awarded or granted prior to September 1, 1954,

Insofar as concerns the conviction of such person, prior to such date, under an article or provision of law specified or described in subsection (a) of section 2282 of this title, of any offense within the purview of such subsection (a) to the extent provided in such subsection, or the commission by such person, prior to such date, of any violation of subsection (a) or (b) of section 2283 of this title;

(C) the term "retired pay", as applicable to retired pay, retirement pay, retainer pay, or equivalent pay, does not include any such pay of any person to whom such pay has been awarded or granted prior to September 26, 1961, insofar as concerns the conviction of such person prior to such date, under any article or provision of law specified or described in subsection (b) of section 2282 of this title, of any offense within the purview of such subsection (b) to the extent provided in such subsection, or the commission by such person, prior to such date, of any violation of subsection (c) of section 2283 of this title; and

(D) the term "retired pay", as applicable to an annuity payable to the eligible beneficiary of any person under chapter 73 of Title 10, or under section 5 of the Uniformed Services Contingency Option Act of 1953 (67 Stat. 504), does not include any such annuity of any such beneficiary if such annuity has been awarded or granted to such beneficiary, or if retired pay has been awarded or granted to such person, prior to September 26, 1961, insofar as concerns—

(i) the conviction, prior to such date, of the person on the basis of whose service such annuity is awarded or granted, under any article or provision of law specified or described in section 2282 of this title, of any offense within the purview of such section to the extent specified in such section, or

(ii) the commission by such person, prior to such date, of any violation of section 2283 of this title.

(4) the term "armed forces" shall have the meaning provided for such term by Title 10. (Sept. 1, 1954, ch. 1214, § 10, formerly § 6, 68 Stat. 1144, renumbered and amended Sept. 26, 1961, Pub. L. 87-299, § 1, 75 Stat. 646.)

REFERENCES IN TEXT

Title II of the Social Security Act, referred to in subd. (2), (2) (C), (E), (F), is classified to section 401 et seq. of Title 42, The Public Health and Welfare.

Section 5 of the Uniformed Services Contingency Option Act of 1953, referred to in subd. (3), (3) (D), was formerly classified to section 374 of Title 37, Pay and Allowances, was repealed by act Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641, and is covered by section 1438 of Title 10, Armed Forces.

AMENDMENTS

1961—Subd. (1). Pub. L. 87-299 designated existing provisions as clauses (A)—(D) and eliminated language including the Regular and Reserve components, the Fleet Reserve and the Fleet Marine Corps Reserve within the comprehension of the Armed Forces of the United States.

Subd. (2). Pub. L. 87-299 incorporated existing provisions in the introductory text and clauses (A) and (B), substituted clause (C) for provision excluding in the case of a benefit payable under the Social Security Act,

as amended, any portion of the benefit not based upon service as an officer or employee of the Government of the United States for the government of the District of Columbia and clause (E) for provision excluding any retirement benefit of any person to whom the benefit had been awarded or granted prior to September 1, 1954, insofar as concerns the conviction of such person, prior to such date, of an offense specified in section 2282 of this title, or the commission by such person, prior to such date, of any violation of section 2283 of this title, included any disability insurance benefit and any dependent's or survivor's benefit under title II of the Social Security Act and any monthly service which is creditable under the law, regulation, or agreement providing the benefit, and added clauses (D) and (F).

Subd. (3). Pub. L. 87-299 incorporated existing provisions in the introductory text and clause (A), eliminated language including the Regular and Reserve components, the Fleet Reserve and the Fleet Marine Corps Reserve within the comprehension of the Armed Forces of the United States, substituted clause (B) for provision excluding from "retired pay" the retired pay, retirement pay, retainer pay, or equivalent pay of any person to whom any such pay had been awarded or granted prior to September 1, 1954, insofar as concerns the conviction of such person, prior to such date, of any offense specified in section 2282 of this title, or the commission by such person, prior to such date, of any violation of section 2283 of this title, included any annuity payable under chapter 73 of Title 10 or section 5 of the Uniformed Services Contingency Option Act of 1953, and added clauses (C) and (D).

Subd. (4). Pub. L. 87-299 added subd. (4).

SEPARABILITY OF PROVISIONS

Section 11 of act Sept. 1, 1954, formerly section 9, as renumbered by Pub. L. 87-299, § 1, provided: "If any provision of this Act [this chapter and amendment to section 3282 of Title 18], or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby."

RETROACTIVE RESTORATION OF ANNUITY AND RETIRED PAY; REDEPOSIT OF CONTRIBUTIONS AND OFFSETS

Section 2 of Pub. L. 87-299 provided that:

"(a) Subject to subsection (b) of this section, any person, including his survivor or beneficiary, to whom annuity or retired pay is not payable under the Act of September 1, 1954, as in effect at any time prior to the date of enactment of this Act [Sept. 26, 1961], by reason of any conviction of an offense, any commission of a violation, any refusal to answer, or any absence under indictment, or under charges, for any offense, shall be restored the right to receive such annuity or retired pay for any and all periods for which he would have had the right to receive such annuity or retired pay if the Act of September 1, 1954, had not been enacted, unless, under the amendment made by the first section of this Act [amending this chapter and section 3282 of Title 18], such annuity or retired pay remains nonpayable to such person, including his survivor or beneficiary.

"(b) No annuity accrued or accruing, prior to, on, or after the date of enactment of this Act [Sept. 26, 1961], on account of the restoration, by reason of the amendment made by the first section of this Act [amending this chapter and section 3282 of Title 18] and by reason of subsection (a) of this section, of the right to receive such annuity, shall be paid until any sum refunded under section 3 of the Act of September 1, 1954 [this section prior to amendment in Sept. 26, 1961], as in effect prior to the date of enactment of such amendment [Sept. 26, 1961], is deposited or is collected by offset against the annuity."

SOCIAL SECURITY BENEFITS

Section 121 (b) of act Aug. 1, 1956, c. 836, title I, 70 Stat. 838, provided that subsec. (u) of section 402 of Title 42, The Public Health and Welfare, added by section 121 (a) of act Aug. 1, 1956, shall not be construed to restrict or otherwise affect any of the provisions of this chapter. See note under section 402 of Title 42.

§ 2282. Convictions as barring payment of annuities or retired pay; specification of penal statutes.

(a) There shall not be paid to any person convicted, prior to, on or after September 1, 1954, under any article or provision of law specified or described in this subsection, of any offense within the purview of such article or provision to the extent provided in this subsection, or to any survivor or beneficiary of such persons so convicted, for any period subsequent to the date of such conviction or subsequent to September 1, 1954, whichever date is later, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 2281 (2) and (3) of this title) which is creditable toward such annuity or retired pay—

(1) any offense within the purview of—

(A) section 792 (harboring or concealing persons), 793 (gathering, transmitting, or losing defense information), 794 (gathering or delivering defense information to aid foreign government), or 798 (disclosure of classified information), of chapter 37 (relating to espionage and censorship) of Title 18,

(B) chapter 105 (relating to sabotage) of Title 18,

(C) section 2381 (treason), 2382 (misprison of treason), 2383 (rebellion or insurrection), 2384 (seditious conspiracy), 2385 (advocating overthrow of government), 2387 (activities affecting armed forces generally), 2388 (activities affecting armed forces during war), 2389 (recruiting for service against United States), or 2390 (enlistment to serve against United States), of chapter 115 (relating to treason, sedition, and subversive activities) of Title 18.

(D) section 10(b) (2), 10(b) (3), or 10(b) (4) of the Atomic Energy Act of 1946, as in effect prior to the enactment of the Atomic Energy Act of 1954 by the Act of August 30, 1954,

(E) section 16(a) or 16(b) of the Atomic Energy Act of 1946 as in effect prior to the enactment of the Atomic Energy Act of 1954 by the Act of August 30, 1954, insofar as such offense under such section 16(a) or 16(b) is committed with intent to injure the United States or with intent to secure an advantage to any foreign nation, or

(F) any prior provision of law on which any provision of law specified in subparagraph (A), (B), or (C) of this paragraph is based;

(2) any offense within the purview of—

(A) article 104 (aiding the enemy) or article 106 (spies) of the Uniform Code of Military Justice (chapter 47 of title 10) or any prior article on which such article 104 or article 106, as the case may be, is based, or

(B) any current article of the Uniform Code of Military Justice (or any prior article on which such current article is based) not specified or described in subparagraph (A) of this paragraph on the basis of charges and specifications describing a violation of any provision of law specified or described in paragraph (1), (3), or (4) of this subsection if the executed sentence includes death, dishonorable discharge, or dismissal from the service, or if the defend-

ant dies before execution of such sentence as finally approved;

(3) prejudice committed under the laws of the United States or of the District of Columbia—

(A) in falsely denying the commission of an act which constitutes any of the offenses—

(i) within the purview of any provision of law specified or described in paragraph (1) of this subsection, or

(ii) within the purview of any article or provision of law specified or described in paragraph (2) of this subsection insofar as such offense is within the purview of any article or provision of law specified or described in paragraph (1) of paragraph (2) (A) of this subsection,

(B) in falsely testifying before any Federal grand jury, court of the United States, or court-martial with respect to his service as an officer or employee of the Government in connection with any matter involving or relating to any interference with or endangerment of, or involving or relating to any plan or attempt to interfere with or endanger, the national security or defense of the United States, or

(C) in falsely testifying before any congressional committee in connection with any matter under inquiry before such congressional committee involving or relating to any interference with or endangerment of, or involving or relating to any plan or attempt to interfere with or endanger, the national security or defense of the United States; and

(4) subornation of perjury committed in connection with the false denial or false testimony of another person as specified in paragraph (3) of this subsection.

(b) There shall not be paid to any person convicted, prior to, on, or after September 26, 1961, under any article or provision of law specified or described in this subsection, of any offense within the purview of such article or provision to the extent provided in this subsection, or to any survivor or beneficiary of such person so convicted, for any period subsequent to the date of such conviction or subsequent to September 26, 1961, whichever date is later, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 2281 (2) and (3) of this title) which is creditable toward such annuity or retired pay—

(1) any offense within the purview of—

(A) section 2272 of Title 42 (violation of specific sections) or section 2273 of Title 42 (violation of sections generally) of the Atomic Energy Act of 1954 insofar as such offense under such section 2272 or 2273 of Title 42 is committed with intent to injure the United States or with intent to secure an advantage to any foreign nation,

(B) section 2274 of Title 42 (communication of restricted data), section 2275 of Title 42 (receipt of restricted data), or section 2276 of Title 42 (tampering with restricted data), or

(C) section 783 of Title 50 (conspiracy and communication or receipt of classified information), section 822 of Title 50 (conspiracy or evasion of apprehension during internal security emergency), or section 823 of Title 50 (aiding evasion of apprehension during internal security emergency);

(2) any offense within the purview of any current article of the Uniform Code of Military Justice (chapter 47 of Title 10), or any prior article on which such current article is based, on the basis of charges and specifications describing a violation of any provision of law specified or described in paragraphs (1), (3), or (4) of this subsection, if the executed sentence includes death, dishonorable discharge, or dismissal from the service, or if the defendant dies before execution of such sentence as finally approved;

(3) perjury committed under the laws of the United States or the District of Columbia in falsely denying the commission of an act which constitutes any of the offenses within the purview of any provision of law specified or described in paragraph (1) of this subsection; and

(4) subornation of perjury committed in connection with the false denial of another person as specified in paragraph (3) of this subsection. (Sept. 1, 1954, ch. 1214, § 1, 68 Stat. 1142; Sept. 26, 1961, Pub. L. 87-299, § 1, 75 Stat. 640.)

REFERENCES IN TEXT

Section 10(b) (2), 10(b) (3), and 10(b) (4) of the Atomic Energy Act of 1946, referred to in subsec. (a) (1) (D), was formerly classified to section 1810(b) (2), and (3) and (4) of Title 42, The Public Health and Welfare, and is now covered by sections 2274, 2275, and 2276 of Title 42, respectively.

Section 16(a) and 16(b) of the Atomic Energy Act of 1946, referred to in subsec. (a) (1) (E), was formerly classified to section 1816 (a) and (b) of Title 42, The Public Health and Welfare, and is now covered by sections 2272 and 2273 of Title 42, respectively.

Articles 104 and 106 of the Uniform Code of Military Justice, referred to in subsec. (a) (2) (A), are classified to sections 904 and 906 of Title 10, Armed Forces, respectively.

AMENDMENTS

1961—Subsec. (a). Pub. L. 87-299 designated existing provisions, prohibiting Federal payment of annuity or retired pay to any person convicted of an offense or guilty of one or more of certain acts or omissions relating to a matter involving the national security or loyalty of an individual to the United States, as subsec. (a), and amended such provisions by including a reference to the exceptions contained in section 2281 (2) and (3) of this title; by incorporating the provisions of existing par. (1) in par. (1) (A)—(E), adding to the enumeration of offenses foreclosing such payment the offenses described in par. (1) (A) contained in sections 792—794 and 798 of Title 18, excluding from par. (1) prohibitions against such payments to persons convicted of offenses described in sections 201—213, 216—223, 281—287, 434—436, 441—443, 1700, 1702—1709, 1711, and 1712 of Title 18, and adding par. (1) (F) by substituting par. (2) for former prohibition against such payments for felony offenses under Federal and District of Columbia laws committed in the exercise of authority as an officer of the Government, or committed after termination of employment, but related to exercise of such authority; by redesignating former par. (3) (A) as par. (3) (A) (1) and (1), and adding to such clause (1) the words "insofar as such offense is within the purview of any article or provision of law specified or described in paragraph (1) or paragraph (2) (A) of this subsection"; by making perjury prohibition applicable to court martial proceedings in par. (3) (B) and to matters involving the national security or defense

in par. (3) (B) and (C); and by substituting in par. (4) the subornation of perjury prohibition, formerly contained in the concluding sentence of par. (3), for former prohibition against payments for offenses under District of Columbia Code, §§ 22—701 to 22—703 and 22—1201, relating to bribery of government officers, jurors, and witnesses; offering or receiving money, property, or valuable consideration to procure office or promotion from the District of Columbia Commissioners; obstruction of justice; and embezzlement of District of Columbia property, respectively.

Subsec. (b). Pub. L. 87-299 added subsec. (b).

§ 2283. Refusal to testify or produce records; false statements or concealment of facts in employment applications.

(a) There shall not be paid to any person who, prior to, on, or after September 1, 1954, has refused or refuses, or knowingly and willfully has failed or fails, to appear, testify, or produce any book, paper, record, or other document, relating to his service as an officer or employee of the Government, before a Federal grand jury, court of the United States, court-martial, or congressional committee, in any proceeding with respect to—

(1) any relationship which he has had or has with a foreign government, or

(2) any matter involving or relating to any interference with or endangerment of, or involving or relating to any plan or attempt to interfere with or endanger, the national security or defense of the United States,

or to the survivor or beneficiary of such person, for any period subsequent to September 1, 1954, or subsequent to the date of such failure or refusal of such person, whichever date is later, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 2281 (2) and (3) of this title) which is creditable toward such annuity or retired pay.

(b) There shall not be paid to any person who, prior to, on, or after September 1, 1954, knowingly and willfully, has made or makes any false, fictitious, or fraudulent statement or representation, or who, prior to, on, or after such date, knowingly and willfully, has concealed or conceals any material fact, with respect to his—

(1) past or present membership in, affiliation or association with, or support of the Communist Party, or any chapter, branch, or subdivision thereof, in or outside the United States, or any other organization, party, or group advocating (A) the overthrow, by force, violence, or other unconstitutional means, of the Government of the United States, (B) the establishment, by force, violence, or other unconstitutional means, of a Communist totalitarian dictatorship in the United States, or (c) the right to strike against the Government of the United States.

(2) conviction, under any article or provision of law specified or described in subsection (a) of section 2282 of this title, of any offense within the purview of such subsection (a) to the extent provided in such subsection, or

(3) failure or refusal to appear, and testify, or produce any book, paper, record, or other document, as specified in subsection (a) of this section, for any period subsequent to September 1, 1954, or subsequent to the date on which any such statement,

representation, or concealment of fact is made or occurs, whichever date is later, in any document executed by such person in connection with his employment in, or application for, a civilian or military office or position in or under the legislative, executive, or judicial branch of the Government of the United States or the government of the District of Columbia, or to the survivor or beneficiary of such person, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 2281 (2) and (3) of this title) which is creditable toward such annuity or retired pay.

(c) There shall not be paid to any person who, prior to, on, or after September 26, 1961, knowingly and willfully, has made or makes any false, fictitious, or fraudulent statement or representations, or who, prior to, on, or after such date, knowingly and willfully, has concealed or conceals any material fact, with respect to his conviction, under any article or provision of law specified or described in subsection (b) of section 2282 of this title, of any offense within the purview of such subsection (b) to the extent provided in such subsection (b) for any period subsequent to September 26, 1961, or subsequent to the date on which any such statement, representation, or concealment of fact is made or occurs, whichever date is later, in any document executed by such person in connection with his employment in, or application for, a civilian or military office or position in or under the legislative, executive, or judicial branch of the Government of the United States or the government of the District of Columbia, or to the survivor or beneficiary of such person, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 2281 (2) and (3) of this title) which is creditable toward such annuity or retired pay. (Sept. 1, 1954, ch. 1214, § 2, 68 Stat. 1142; July 31, 1956, ch. 804, title IV, § 405, 70 Stat. 761; Sept. 26, 1961, Pub. L. 87-299, § 1, 75 Stat. 642.)

AMENDMENTS

1961—Subsec. (a). Pub. L. 87-299 provided for the elements of knowledge and willfulness, extended the provisions of the section to court-martial proceedings and to matters involving the national security or defense, and inserted a reference to the exceptions contained in section 2281 (2) and (3) of this title.

Subsec. (b). Pub. L. 87-299 inserted in par. (1) the reference to force, violence, or other unconstitutional means, substituted par. (2) for former provisions reading "conviction of any offense described in section 2282 of this title" and inserted references in the concluding paragraph to employment, civilian or military office and the exceptions contained in section 2281 (2) and (3) of this title.

Subsec. (c). Pub. L. 87-299 added subsec. (c). Former subsec. (c) relating to willful avoidance of prosecution by fugitives incorporated in section 2283a of this title.

1956—Subsec. (c). Ac. July 31, 1956, added subsec. (c).

EFFECTIVE DATE OF 1956 AMENDMENT

Amendment of this section by act July 31, 1956, effective on the first day of the first month which begins more than 60 days after July 31, 1956, see section 406 of act July 31, 1956, set out as a note under section 2251 of this title.

§ 2283a. Persons remaining outside United States, its Territories or possessions to avoid prosecution.

There shall not be paid to any person—

(1) who (A) after July 31, 1956, is under indictment, or has outstanding against him charges

preferred under the Uniform Code of Military Justice, for any offense within the purview of subsection (a) of section 2282 of this title, or (B) after September 26, 1961, is under indictment, or has outstanding against him charges preferred under the Uniform Code of Military Justice, for any offense within the purview of subsection (b) of section 2282 of this title, and

(2) who willfully remains outside the United States, its Territories and possessions, and the Commonwealth of Puerto Rico for a period in excess of one year with knowledge of such indictment or charges, as the case may be,

for any period subsequent to the end of such one-year period, or to the survivor or beneficiary of such person, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 2281 (2) and (3) of this title) which is creditable toward such annuity or retired pay, unless and until—

(i) a nolle prosequi to the entire indictment is entered upon the record, or such charges have been dismissed by competent authority, as the case may be,

(ii) such person returns and thereafter the indictment, or charges, is or are dismissed, or

(iii) after trial by court or court-martial, as applicable, the accused is found not guilty of the offense or offenses referred to in paragraph (1) of this section.

(Sept. 1, 1954, ch. 1214, § 3, as added Sept. 26, 1961, Pub. L. 87-299, § 1, 75 Stat. 643.)

REFERENCES IN TEXT

The Uniform Code of Military Justice, referred to in the text, is classified to chapter 47 of Title 10, Armed Forces.

CODIFICATION

A prior section 3 of act Sept. 1, 1954, was renumbered section 4 of act Sept. 1, 1954, by Pub. L. 87-299, and is classified to section 2284 of this title.

§ 2284. Refund of contributions.

(a) Application; persons eligible.

In the case of—

(1) the conviction of any person, under any article or provision of law specified or described in subsection (a) of section 2282 of this title, of any offense within the purview of such subsection (a) to the extent provided in such subsection, or the commission by any person of any violation of subsection (a) or (b) of section 2283 of this title, or

(2) the conviction of any person, under any article or provision of law specified or described in subsection (b) of section 2282 of this title, of any offense within the purview of such subsection (b) to the extent provided in such subsection, or the commission by any person of any violation of subsection (c) of section 2283 of this title,

any amounts (not including employment taxes) contributed by such person toward an annuity the benefits of which are denied under this chapter and section 3282 of Title 18 (less any amounts previously refunded or previously paid as annuity benefits) shall be refunded, upon appropriate application therefor—

(A) to such person,

(B) if such person is deceased, to such other person or persons as may be designated to receive refunds by or under the law, regulation, or agreement under which the annuity (the benefits of which are denied under this chapter and section 3282 of Title 18) would have been payable, or

(C) if there is no such designation, in the order of precedence prescribed in section 2261(c) of this title or section 2771 of Title 10, as applicable.

(b) Interest.

Each refund under subsection (a) of this section shall be made with interest at such rates and for such periods as may be provided under the law, regulation, or agreement under which the annuity would have been payable. Such interest shall not be computed—

(1) if paragraph (1) of subsection (a) of this section is applicable, for any period after the date of conviction or commission of violation, as the case may be, or after September 1, 1954, whichever date is later, or

(2) if paragraph (2) of subsection (a) of this section is applicable, for any period after the date of conviction or commission of violation, as the case may be, or after September 26, 1961, whichever date is later.

(c) Repayments of annuity payments exceeding contributions.

No person whose annuity is denied under this chapter and section 3282 of Title 18 shall be required to repay that part of any annuity otherwise properly paid to such person which is in excess of the aggregate amount of his own contributions toward such annuity, with applicable interest.

(d) Survivor repayment of annuity payments exceeding contributions.

No survivor or beneficiary of any such person shall be required to repay that part of any annuity otherwise properly paid to such person or to such survivor or beneficiary on the basis of the service of such person which is in excess of the aggregate amount of the contributions of such person toward annuity, with applicable interest. (Sept. 1, 1954, ch. 1214, § 4, formerly § 3, 68 Stat. 1143, renumbered and amended Sept. 26, 1961, Pub. L. 87-299, § 1, 75 Stat. 644.)

AMENDMENTS

1961—Pub. L. 87-299 incorporated generally the provisions of the existing paragraph in subsecs. (a)—(d) of this section, clarifying them by the inclusion of pars. (1) and (2) and the provision for refunds in order of precedence prescribed in section 2771 of Title 10 in subsec. (a) and the provision for protection of survivor annuitants from making repayments of annuity payments exceeding contributions and the elimination of provision respecting the payment of interest in absence of provision in the law, regulation, or agreement under which the annuity was payable at an annual rate of four per centum to December 31, 1947, and three per centum, thereafter, compounded annually on December 31.

§ 2284a. Refund of payments of retired pay and refund of contributions.

(a) No person (including an eligible beneficiary under chapter 73 of Title 10 or under section 5 of the Uniformed Services Contingency Option Act of

1953) to whom payment of retired pay is denied under this chapter and section 3282 of Title 18 shall be required to refund to the United States any retired pay otherwise properly paid to such person or beneficiary which is paid in violation of this chapter and section 3282 of Title 18.

(b) In the case of the conviction of, or the commission of any violation by, any person to the extent provided in paragraph (1) or paragraph (2), as the case may be, of section 2284(a) of this title, any deposits made under section 1438 of chapter 73 of Title 10, or under section 5 of the Uniformed Services Contingency Option Act of 1953 to provide the eligible beneficiary with annuity for any period (less amounts previously paid as retired pay benefits) shall be refunded, upon appropriate application therefor, in accordance with such section 2284(a) of this title, with interest as provided in section 2284(b) of this title. (Sept. 1, 1954, ch. 1214, § 5, as added Sept. 26, 1961, Pub. L. 87-299, § 1, 75 Stat. 645.)

REFERENCES IN TEXT

Section 5 of the Uniformed Services Contingency Operation Act of 1953, referred to in the text, was formerly classified to section 374 of Title 37, Pay and Allowances, was repealed by act Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641, and is covered by section 1438 of Title 10, Armed Forces.

CODIFICATION

A prior section 5 of act Sept. 1, 1954, was renumbered section 7 of act Sept. 1, 1954, by Pub. L. 87-299, and is classified to section 2286 of this title.

§ 2285. Restoration of annuity or retired pay upon pardon; compliance with orders of Government authorities.

(a) The right to receive an annuity or retired pay shall be deemed restored to any person convicted, prior to, on, or after September 1, 1954, of an offense which is within the purview of section 2282 of this title or which constitutes a violation of section 2283 of this title, for which he is denied under this chapter and section 3282 of Title 18 an annuity or retired pay, to whom a pardon of such offense is granted by the President of the United States, prior to, on, or after September 1, 1954, and to the survivor or beneficiary of such person. Such restoration of the right to receive an annuity or retired pay shall be effective as of the date on which such pardon is granted. Any amounts refunded to such person under section 2284 or section 2284a(b) of this title shall be redeposited before credit is allowed for the period or periods of service covered by the refund. No payment of annuity or retired pay shall be made, by virtue of such pardon, for any period prior to the date on which such pardon is granted.

(b) The President is authorized to restore, effective as of such date as he may prescribe, the right to receive an annuity or retired pay to any person who is denied, prior to, on, or after September 1, 1954, an annuity or retired pay under section 2283 of this title, and to the survivor or beneficiary of such person. Any amounts refunded to such person under section 2384 or section 2284a(b) of this title shall be redeposited before credit is allowed for the period or periods of service covered by the refund. No payment of annuity or retired pay shall be made, by virtue of such restoration of annuity or retired

pay by the President under this subsection, for any period prior to the effective date of such restoration of annuity or retired pay.

(c) The right to receive an annuity or retired pay shall not be denied because of any conviction of an offense which is within the purview of section 2282 of this title or which constitutes a violation of section 2283 of this title, in any case in which it is established by satisfactory evidence that such conviction or violation resulted from proper compliance with orders issued, in a confidential relationship, by a department, agency, establishment, or other authority of any branch of the Government of the United States or of the government of the District of Columbia. (Sept. 1, 1954, ch. 1214, § 6, formerly § 4, 68 Stat. 1143, renumbered and amended Sept. 26, 1961, Pub. L. 87-299, § 1, 75 Stat. 645.)

AMENDMENTS

1961—Subsec. (a). Pub. L. 87-299 designated former provisions as subsec. (a) and inserted therein reference to provision for redeposit of amounts refunded under section 2284a(b) of this title and the words ", by virtue of such pardon,".

Subsecs. (b), (c). Pub. L. 87-299 added subsecs. (b) and (c).

§ 2286. Nonliability of officers for making payments upon compliance with requisite standard of conduct.

No accountable officer or employee of the Government shall be held responsible for any payment made in violation of any provision of this chapter and section 3282 of Title 18 if such payment is made in due course and without fraud, collusion, or gross negligence. (Sept. 1, 1954, ch. 1214, § 7, formerly § 5, 68 Stat. 1144, renumbered and amended Sept. 26, 1961, Pub. L. 87-299, § 1, 75 Stat. 645.)

AMENDMENTS

1961—Pub. L. 87-299 inserted "or employee", deleted "of the United States or of the government of the District of Columbia" following "Government", extended the provisions of the section to payments in violation of this chapter rather than in violation of section 2282 or 2283 of this title and changed the standard of conduct from one free of negligence to one free of fraud, collusion or gross negligence.

§ 2287. Removal of members of the armed forces from the rolls; restoration of military status, rights and privileges; reappointment of commissioned officers.

(a) The President may—

(1) drop from the rolls any member of the armed forces, and any member of the Coast and Geodetic Survey or of the Public Health Service, who is deprived of retired pay under the provisions of this chapter and section 3282 of Title 18, and

(2) (A) restore to any person so dropped from the rolls to whom retired pay is restored by reason of any provision of or change in this chapter and section 3282 of Title 18 (including the provisions of section 2 of the Act which enacts this clause), his military status, and (B) restore to him and his beneficiaries all rights and privileges of which he or they were deprived by reason of his name having been dropped from the rolls.

(b) If the person restored was a commissioned officer he may be reappointed by the President alone to the grade and position on the retired list which

he held at the time his name was dropped from the rolls. (Sept. 1, 1954, ch. 1214, § 8, 68 Stat. 1145; Sept. 26, 1961, Pub. L. 87-299, § 1, 75 Stat. 646.)

REFERENCES IN TEXT

Section 2 of the Act which enacts this clause, referred to in subsec. (a) (2), refers to section 2 of Pub. L. 87-299, which is set out as a note under section 2281 of this title.

AMENDMENTS

1961—Subsec. (a). Pub. L. 87-299 designated former provisions as subsec. (a) (1), deleting therefrom "including the Regular and Reserve components thereof, the Fleet Reserve, and the Fleet Marine Corps Reserve," following "armed forces", and added subsec. (a) (2).

Subsec. (b). Pub. L. 87-299 added subsec. (b).

§ 2288. Construction of chapter.

This chapter and section 3282 of Title 18 shall not be construed to restrict any authority under any other provision of law to deny or withhold benefits authorized by law. (Sept. 1, 1954, ch. 1214, § 9, formerly § 7, 68 Stat. 1145, renumbered and amended Sept. 26, 1961, Pub. L. 87-299, § 1, 75 Stat. 646.)

AMENDMENTS

1961—Pub. L. 87-299 substituted "to restrict any authority" for "as restricting authority."

Chapter 32.—GOVERNMENT EMPLOYEES' TRAINING PROGRAM

- Sec.
2301. Declarative of policy.
2302. Definitions.
2303. Exemptions from coverage.
2304. Departmental reviews of training needs.
2305. Training regulations.
- (a) Promulgation; principles, standards, and related requirements.
- (b) Training in non-Government facilities.
- (c) Revision, supplementation, or abolition.
- (d) Intradepartmental training.
2306. Establishment of programs of training through Government and non-Government facilities.
2307. General provisions of programs of training through Government facilities.
2308. General provisions of programs of training through non-Government facilities.
- (a) Agreements for training.
- (b) Information of training opportunities; consideration to needs and requirements of department.
- (c) Regulations.
2309. Expenses of training through Government facilities and non-Government facilities.
2310. Agreements to continue in Government service.
- (a) Employees selected for training in non-Government facilities; payment of additional expenses.
- (b) Payment of additional expenses by transferred employees.
- (c) Recovery of money due Government; waiver.
2311. Limitations on training through non-Government facilities.
2312. Prohibition on training through non-Government facilities for sole purpose of obtaining academic degrees.
2313. Prohibition on training through facilities advocating overthrow of the Government.
2314. Review of programs of training through non-Government facilities.
2315. Collection of training information.
2316. Assistance in establishment, operation, and maintenance of training programs.
2317. Reports.
- (a) Submission by departments.
- (b) Annual report of Commission.
- (c) Submission to the President.