

## HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9306 .....	6:7.	

In subsection (a), before clause (1), the words “in a judicial district” are added for clarity. The word “outside” is substituted for “beyond the limits” to eliminate unnecessary words. The words “territory or possession of the United States” are substituted for “Territory” for consistency in the revised title. The word “resident” is added for consistency.

In subsection (b), the words “duly . . . and authenticated” are omitted as surplus. The words “in which a surety bond is to be given” are added for clarity and because of the restatement. The words “the court sits” are substituted for “where a term of such court is or may be held”, and the words “A copy of the power of attorney may be used as evidence in a civil action” are substituted for “which copy, or a certified copy thereof, shall be legal evidence in all controversies”, to eliminate unnecessary words and for clarity and consistency.

In subsection (c)(1), the words “a resident” are substituted for “any such” for clarity. The words “becomes disabled” are substituted for “become insane, or otherwise incapable of acting” to eliminate unnecessary words. The words “the surety corporation shall” are substituted for “it shall be the duty of such company to” to eliminate unnecessary words and for consistency. The words “in his place” are omitted as unnecessary.

In subsection (c)(2), before clause (A), the words “the district in which the surety bond is given” are substituted for “such district”, and the words “a civil action against the corporation” are substituted for “such suit”, for clarity and consistency. The words “with like effect as upon an agent appointed by the company” are omitted as unnecessary. The words “official serving” are substituted for “officer executing such” for consistency. Clause (2) is substituted for “state such fact in his return” for clarity.

In subsection (c)(3), the words “decree or” are omitted as being included in “order”. The words “and binding” are omitted as being included in “valid”. The words “as if the corporation were served in the judicial district of the court” are substituted for “on such company as if served with process in said district” for clarity and consistency.

## Editorial Notes

## AMENDMENTS

1999—Subsec. (a). Pub. L. 106–113, §1000(a)(9) [title V, §5007(1)], substituted “has a resident agent for service of process for that district. The resident agent—” and pars. (1) and (2) for “designates a person by written power of attorney to be the resident agent of the corporation for that district. The designated person—

“(1) may appear for the surety corporation;

“(2) may receive service of process for the corporation;

“(3) must reside in the jurisdiction of the district court for the district in which a surety bond is to be provided; and

“(4) must be a domiciliary of the State, the District of Columbia, territory, or possession in which the court sits.”

Subsec. (b). Pub. L. 106–113, §1000(a)(9) [title V, §5007(2)], substituted “If the surety corporation meets the requirement of subsection (a) by appointing an individual under subsection (a)(2), the” for “The”.

## § 9307. Civil actions and judgments against surety corporations

(a)(1) A surety corporation providing a surety bond under section 9304 of this title may be sued

in a court of the United States having jurisdiction of civil actions on surety bonds in—

(A) the judicial district in which the surety bond was provided; or

(B) the district in which the principal office of the corporation is located.

(2) Under sections 9304–9308 of this title, a surety bond is deemed to be provided in the district—

(A) in which the principal office of the surety corporation is located;

(B) to which the surety bond is returnable;

(C) in which the surety bond is filed; and

(D) in which the person required to provide a surety bond resided when the bond was provided.

(b) In a proceeding against a surety corporation providing a surety bond under section 9304 of this title, the corporation may not deny its power to provide a surety bond or to assume liability.

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

## HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9307(a) .....	6:10.	
9307(b) .....	6:12.	

In subsection (a)(1), before clause (A), the words “corporation providing a surety bond” are substituted for “company doing business” for consistency. The words “in respect thereof” are omitted as surplus. The words “civil actions on surety bonds” are substituted for “actions or suits upon such recognizance, stipulation, bond, or undertaking” for consistency. In clause (A), the words “the surety bond was provided” are substituted for “such recognizance, stipulation, bond, or undertaking was made or guaranteed” for consistency.

In subsection (a)(2), before clause (A), the words “a surety bond is deemed to be provided” are substituted for “such recognizance, stipulation, bond, or undertaking shall be treated as made or guaranteed” for consistency. In clause (A), the words “principal office of the surety corporation” are substituted for “office” for clarity and consistency. In clause (D), the words “person required to provide a surety bond resided when the bond was provided” are substituted for “principal in such recognizance, stipulation, bond, or undertaking resided when it was made or guaranteed” for consistency.

Subsection (b) is substituted for 6:12 to eliminate unnecessary words and for consistency.

## § 9308. Civil penalty

A surety corporation is liable to the United States Government for a civil penalty of at least \$500 but not more than \$5,000 for violating section 9304, 9305, or 9306 of this title. A civil action under this section may be brought in a judicial district in which a civil action may be brought against the corporation under section 9307 of this title. A penalty imposed under this section does not affect the validity of a contract made by the surety corporation.

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

## HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9308 .....	6:13.	

The section is substituted for 6:13 for clarity and consistency.

### § 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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.)

#### Statutory Notes and Related Subsidiaries

##### 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

Sec.	
9501.	Purpose.
9502.	Definitions.

Sec.	
9503.	Reports about Government pension plans.
9504.	Review and recommendations.

### § 9501. Purpose

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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.)