

(2) The reinstated annuity is payable from January 1 of the year following the calendar year in which earning capacity was lost. Earning capacity is lost if, during any calendar year, the individual's income from wages or self-employment or both is less than 80 percent of the current rate of basic pay of the position held at retirement.

(d) Except as provided in §§ 844.303 and 844.304, a disability annuity reinstated under the preceding paragraphs of this section is paid at the rate provided under § 844.302(b) until the end of the 12th month beginning after the annuity is reinstated. Thereafter, the rate determined under § 844.302(c) is payable until age 62.

(e) Notwithstanding the preceding paragraphs, an annuity may not be reinstated under this section if the individual is receiving an annuity under part 842 of this chapter.

[55 FR 6598, Feb. 26, 1990. Redesignated and amended at 58 FR 48273, Sept. 15, 1993]

## PART 845—FEDERAL EMPLOYEES RETIREMENT SYSTEM—DEBT COLLECTION

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AUTHORITY: 5 U.S.C. 8461.

SOURCE: 52 FR 5931, Feb. 27, 1987; 52 FR 23014, June 17, 1987, unless otherwise noted.

### Subpart A—General Provisions

#### § 845.101 Purpose.

- (a) This part regulates—
- (1) The recovery of overpayments of FERS basic benefits;
  - (2) The standards for waiver of recovery of overpayments of FERS basic benefits; and
  - (3) The use of FERS basic benefits to recover debts due the United States.
- (b) This subpart states the rules of general applicability to this part.

#### § 845.102 Definitions.

In this subpart—  
*FERS* means the Federal Employees Retirement System as described in chapter 84 of title 5, United States Code.

*FERS basic benefits* means any benefits payable under subchapter II, IV, or V of chapter 84 of title 5, United States Code.

*Fund* means the Civil Service Retirement Fund.

#### § 845.103 Prohibition against collection of debts.

- (a) Debts may be collected from FERS basic benefits only to the extent expressly authorized by Federal statute.
- (b) When collection of a debt from FERS basic benefits is authorized under paragraph (a) of this section, the collection will be made in accordance with this part.