

period is charged with an offense described in clause (ii), until final disposition of such charge; and

(ii) may deny such payment in the case of any former captive who is convicted of a captivity-related offense—

(I) referred to in subsection (b) or (c) of section 8312 of title 5; or

(II) under chapter 47 of title 10 (the Uniform Code of Military Justice) that is punishable by dishonorable discharge, dismissal, or confinement for one year or more.

(B) For the purposes of subparagraph (A), a captivity-related offense is an offense that is—

(i) committed by a person while the person is in a captive status; and

(ii) related to the captive status of the person.

(4) A payment under this subsection is in addition to any other amount provided by law.

(5) Any amount due a person under this subsection shall, after the death of such person, be deemed to be pay and allowances for the purposes of this chapter.

(6) Any payment made under paragraph (1) that is later denied under paragraph (3)(A)(ii) is a claim of the United States Government for purposes of section 3711 of title 31.

(d) A determination by the President under subsection (a)(1) or (c) is final and is not subject to judicial review.

(Added Pub. L. 99-399, title VIII, §806(a)(1), Aug. 27, 1986, 100 Stat. 884; amended Pub. L. 100-26, §8(e)(11), Apr. 21, 1987, 101 Stat. 287; Pub. L. 101-510, div. A, title XIV, §1484(d)(4), (e)(2), Nov. 5, 1990, 104 Stat. 1717; Pub. L. 102-25, title VII, §702(b)(1)-(4), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 102-484, div. A, title X, §1054(a)(6), (c)(2), Oct. 23, 1992, 106 Stat. 2502.)

REFERENCES IN TEXT

Section 802 of the Victims of Terrorism Compensation Act, referred to in subsec. (c)(2), is section 802 of Pub. L. 99-399, which is set out as a note under section 5569 of Title 5, Government Organization and Employees.

AMENDMENTS

1992—Subsec. (c)(3)(A)(i). Pub. L. 102-484, §1054(c)(2), made technical correction to directory language of Pub. L. 102-25, §702(b)(4). See 1991 Amendment note below.

Pub. L. 102-484, §1054(a)(6), made amendment identical to amendment by Pub. L. 102-25, §702(b)(4). See 1991 Amendment note below.

1991—Subsec. (c)(1). Pub. L. 102-25, §702(b)(2), struck out “of this subsection” after “paragraph (3)”.

Subsec. (c)(3)(A)(i). Pub. L. 102-25, §702(b)(4), as amended by Pub. L. 102-484, §1054(c)(2), struck out “of this subparagraph” after “clause (ii)”.

Subsec. (c)(3)(B). Pub. L. 102-25, §702(b)(3), struck out “of this paragraph” after “subparagraph (A)”.

Subsec. (c)(6). Pub. L. 102-25, §702(b)(2), struck out “of this subsection” after “paragraph (1)” and after “paragraph (3)(A)(ii)”.

Subsec. (d). Pub. L. 102-25, §702(b)(1), struck out “of this section” after “(c)”.

1990—Subsec. (a)(1). Pub. L. 101-510, §1484(d)(4), substituted “August 27, 1986” for “the date of the enactment of the Victims of Terrorism Compensation Act”.

Subsec. (c)(2). Pub. L. 101-510, §1484(e)(2), inserted “(5 U.S.C. 5569 note)” after “Terrorism Compensation Act”.

1987—Subsec. (a). Pub. L. 100-26 substituted “In this section:” for “In this section—”, inserted “The term” at beginning of pars. (1) and (2), and substituted period for “; and” at end of par. (1).

EFFECTIVE DATE; PAYMENTS; INTEREST

Section 806(a)(3) of Pub. L. 99-399 provided that:

“(A)(i) Except as provided in clause (ii), section 559 of title 37, United States Code, as added by paragraph (1), shall apply to any person whose captive status begins after January 21, 1981.

“(ii)(I) Subsection (c) of such section shall apply to any person whose captive status begins on or after November 4, 1979.

“(II) In the case of any person whose status as a captive terminated before the date of the enactment of this Act [Aug. 27, 1986], the President shall make a payment under paragraph (1) of such subsection before the end of the one-year period beginning on such date.

“(B) Amounts may be allotted to a savings fund established under such section from pay and allowances for any pay period ending after January 21, 1981, and before the establishment of such fund.

“(C) Interest on amounts so allotted with respect to any such pay period shall be calculated as if the allotment had occurred at the end of such pay period.”

DELEGATION OF FUNCTIONS

Functions of President under this section delegated to Secretary of Defense, see section 3 of Ex. Ord. No. 12598, June 17, 1987, 52 F.R. 23421, set out as a note under section 5569 of Title 5, Government Organization and Employees.

PAYMENT TO INDIVIDUALS HELD IN CAPTIVE STATUS BETWEEN NOVEMBER 4, 1979, AND JANUARY 21, 1981

For payment for individuals in the uniformed services referred to in subsec. (c) of this section held in captive status between Nov. 4, 1979, and Jan. 21, 1981, see section 802 of Pub. L. 99-399, set out as a note under section 5569 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1013 of this title; title 10 sections 1095a, 2181.

CHAPTER 11—PAYMENTS TO MENTALLY INCOMPETENT PERSONS

Sec. 601.	Applicability.
602.	Payments: designation of person to receive amounts due.
603.	Regulations.
604.	Determination of Secretary final.

AMENDMENTS

1990—Pub. L. 101-510, div. A, title XIV, §1484(f)(1), Nov. 5, 1990, 104 Stat. 1717, revised chapter heading so as to appear in all capital letters.

§ 601. Applicability

This chapter applies to—

(1) members of a uniformed service who are on active duty (other than for training) or who are on a retired list of that service; and

(2) members of the Fleet Reserve or Fleet Marine Corps Reserve.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 483.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
601	37:351.	June 21, 1950, ch. 342, §1, 64 Stat. 249.