

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.

The words “on active duty (other than for training)” are substituted for the words “on the active . . . list” to conform to longstanding administrative construction, and because there is no “active list” in the case of many of the uniformed services named, but only for certain regular component of those services, e.g., the “Regular Army” and the “Regular Air Force”. The words “a retired list of that service” are substituted for the words “retired list”, since there is more than one retired list for many of the services named. (See sections 1376, 3966, and 8966 of title 10, for example.) The words “members of the Reserve components of the respective services entitled to Federal pay either on the active or any retired list of said services” are omitted as covered by clause (1), since members of the reserve components are members of the uniformed services concerned. The word “transferred” is omitted as surplusage.

§ 602. Payments: designation of person to receive amounts due

(a) Active duty pay and allowances, amounts due for accrued or accumulated leave, or retired or retainer pay, that are otherwise payable to a member to whom this chapter applies and who, in the opinion of a board of medical officers or physicians, is mentally incapable of managing his affairs, may be paid for that member’s use or benefit to any person designated by the Secretary concerned, or by any officer to whom he delegates his authority under this section, without the appointment in judicial proceedings of a committee, guardian, or other legal representative.

(b) The board shall consist of at least three qualified medical officers or physicians, one of whom is specially qualified in the treatment of mental disorders, appointed from available medical officers or physicians under his jurisdiction by the head of whichever of the following is providing medical treatment for the member, or by a person designated by that head—

- (1) Department of the Army;
- (2) Department of the Navy;
- (3) Department of the Air Force;
- (4) Department of Health and Human Services; or
- (5) Department of Veterans Affairs.

If the hospitalization or medical care of the member is not provided by the United States, the board shall be appointed by the Secretary of the department having jurisdiction of the member.

(c) A payment made to a person who is designated under this section discharges the obligation of the United States as to the amount paid.

(d) A person serving in a legal, medical, fiduciary, or other capacity, may not demand or accept a fee, commission, or other charge for any service performed under this chapter.

(e) This section does not apply in any case in which a legal committee, guardian, or other representative has been appointed by a court of competent jurisdiction, except as to payments made before the paying agency of the department concerned receives notice of that appointment.

(f) A person who is designated to receive payments under this section shall furnish satisfactory assurance that the amounts received by him will be applied to the use and benefit of the

incompetent member, and, where the payments may reasonably be expected to be more than \$1,000, shall provide a suitable bond to be paid for out of amounts due the incompetent member.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 483; Pub. L. 96-513, title V, §516(17), Dec. 12, 1980, 94 Stat. 2939; Pub. L. 101-189, div. A, title XVI, §1621(b)(1), Nov. 29, 1989, 103 Stat. 1604.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
602(a)	37:352 (1st sentence, less 31 words before provisos and less provisos).	June 21, 1950, ch. 342, §§2, 3 (less 1st 28 words), 64 Stat. 249; Aug. 7, 1959, Pub. L. 86-145, §1, 73 Stat. 297.
602(b).	37:352 (last proviso of 1st sentence, 2d sentence, and last sentence).	
602(c)	37:352 (31 words before provisos of 1st sentence).	
602(d)	37:352 (1st proviso of 1st sentence).	
602(e)	37:352 (2d proviso of 1st sentence).	
602(f)	37:353 (less 1st 28 words).	

In subsection (a), the words “or persons” and “or officers” are omitted, since, under section 1 of title 1, “words importing the singular include and apply to several persons, parties, or things”. The words “to whom he delegates his authority under this section” are substituted for the words “as the respective Secretaries may designate for such purposes” to obviate confusion between persons “designated to receive payments and those who perform the Secretary’s functions under the section. The words “the necessity of” are omitted as surplusage.

In subsection (c), the words “or persons” are omitted for the reasons given in the preceding paragraph. The words “discharges the obligation” are substituted for the words “shall constitute a complete discharge”.

In subsection (d), the words “under the authority of” are omitted as surplusage.

In subsection (e), the words “have been” and “including a requirement” are omitted as surplusage. The words “or persons” are omitted for the reason stated in the explanation under subsection (a), above.

AMENDMENTS

1989—Subsec. (b)(5). Pub. L. 101-189 substituted “Department of Veterans Affairs” for “Veterans’ Administration”.

1980—Subsec. (b)(4). Pub. L. 96-513 substituted “Department of Health and Human Services” for “Department of Health, Education, and Welfare”.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of Title 10, Armed Forces.

CROSS REFERENCES

Finality of determination of Secretary under this section, see section 604 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 604 of this title.

§ 603. Regulations

The Secretary concerned and the Secretary of Veterans Affairs shall prescribe regulations necessary to carry out this chapter.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 484; Pub. L. 101-189, div. A, title XVI, §1621(b)(2), Nov. 29, 1989, 103 Stat. 1604.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
603	37:353 (1st 28 words).	June 21, 1950, ch. 342, § 3 (1st 28 words), 64 Stat. 249; Aug. 7, 1959, Pub. L. 86-145, § 2, 73 Stat. 297.

The words “effectively” and “provisions of” are omitted as surplusage.

AMENDMENTS

1989—Pub. L. 101-189 substituted “Secretary of Veterans Affairs” for “Administrator of Veterans’ Affairs”.

§ 604. Determination of Secretary final

The determination as to the person authorized to receive a payment under section 602 of this title is final and is not subject to review by an official of the United States or a court.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 484; Pub. L. 89-718, § 66, Nov. 2, 1966, 80 Stat. 1123.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
604	37:354.	June 21, 1950, ch. 342, § 4, 64 Stat. 250.

The words “or persons” are omitted for the reasons stated in the revision note for section 602(a) of this revised title. The words “made by the respective secretaries, or by their duly designated subordinates” and the words “and conclusive” are omitted as surplusage.

AMENDMENTS

1966—Pub. L. 89-718 struck out “the” before “Secretary” in section catchline.

CHAPTER 13—ALLOTMENTS AND ASSIGNMENTS OF PAY

Sec.	
701.	Members of the Army, Navy, Air Force, and Marine Corps; contract surgeons.
[702.	Repealed.]
703.	Allotments: members of Coast Guard.
704.	Allotments: officers of Public Health Service.
[705.	Repealed.]
706.	Allotments: commissioned officers of the National Oceanic and Atmospheric Administration.
707.	Allotments: members of the National Guard.

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.

1985—Pub. L. 99-145, title VI, § 683(a)(3), (b)(2), Nov. 8, 1985, 99 Stat. 665, 666, included reference to the Navy and Marine Corps in item 701, and struck out item 702 “Allotments: officers of Navy or Marine Corps” and item 705 “Assignments: enlisted members of naval service”.

1980—Pub. L. 96-513, title V, § 516(18)(C), Dec. 12, 1980, 94 Stat. 2939, substituted “Allotments: commissioned officers of the National Oceanic and Atmospheric Administration” for “Commissioned officers of Environmental Science Services Administration” in item 706.

1974—Pub. L. 93-289, § 11(c), May 24, 1974, 88 Stat. 173, added item 707.

1966—Pub. L. 89-718, § 49(a)(3), Nov. 2, 1966, 80 Stat. 1121, substituted “Environmental Science Services Administration for “Coast and Geodetic Survey” in item 706.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 42 section 665.

§ 701. Members of the Army, Navy, Air Force, and Marine Corps; contract surgeons

(a) Under regulations prescribed by the Secretary of the military department concerned, a commissioned officer of the Army, Navy, Air Force, or Marine Corps may transfer or assign his pay account, when due and payable.

(b) A contract surgeon, or contract dental surgeon, of the Army, Navy, or Air Force, on duty in Alaska, Hawaii, the Philippine Islands, or Puerto Rico, may transfer or assign his pay account, when due and payable, under the regulations prescribed under subsection (a).

(c) An enlisted member of the Army, Navy, Air Force, or Marine Corps may not assign his pay, and if he does so, the assignment is void.

(d) The Secretary of the military department concerned,¹ may allow a—

(1) member of the Army, Navy, Air Force, or Marine Corps; or

(2) contract surgeon of the Army, Navy, or Air Force;

to make allotments from his pay for the support of his relatives, or for any other purpose that the Secretary concerned considers proper. If an allotment made under this subsection is paid to the allottee before the disbursing officer receives a notice of discontinuance from the officer required by regulation to furnish the notice, the amount of the allotment shall be credited to the disbursing officer. If an allotment is erroneously paid because the officer required by regulation to so report failed to report the death of the allottee or any other fact that makes the allotment not payable, the amount of the payment not recovered from the allottee shall, if practicable, be collected by the Secretary concerned, from the officer who failed to make the report.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 484; Pub. L. 89-718, § 67, Nov. 2, 1966, 80 Stat. 1123; Pub. L. 99-145, title VI, § 683(a)(1), (2), Nov. 8, 1985, 99 Stat. 665; Pub. L. 102-25, title VII, § 702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
701(a)	10:3689(a). 10:8689(a).	[None.] [None.]
701(b)	10:3689(b). 10:8689(b).	[None.] [None.]
701(c)	10:3689(c). 10:8689(c).	[None.] [None.]
701(d)	10:3689(d). 10:8689(d).	[None.] [None.]

AMENDMENTS

1991—Subsec. (b). Pub. L. 102-25 struck out “of this section” after “subsection (a)”.

1985—Pub. L. 99-145, § 683(a)(2), inserted reference to Navy and Marine Corps in section catchline.

Subsec. (a). Pub. L. 99-145, § 683(a)(1)(A), (C), substituted “Secretary of the military department concerned” for “Secretary of the Army or the Secretary of the Air Force, as the case may be” and “commissioned

¹ So in original. The comma probably should not appear.