

substituted “Retirement Home” for “retirement homes” in item 2772 and struck out item 2782 “Unobligated balances withdrawn from availability for obligation: limitations on restoration”.

1989—Pub. L. 101-189, div. A, title III, § 342(a)(2), title XVI, § 1603(a)(2), Nov. 29, 1989, 103 Stat. 1420, 1598, added items 2772 and 2782.

1988—Pub. L. 100-370, § 1(m)(2), July 19, 1988, 102 Stat. 850, added item 2781.

1987—Pub. L. 100-26, § 7(j)(7)(C), Apr. 21, 1987, 101 Stat. 283, substituted “allowances and of” for “allowances, and” in item 2774.

1986—Pub. L. 99-661, div. A, title XIII, § 1309(b), Nov. 14, 1986, 100 Stat. 3983, added item 2780.

1985—Pub. L. 99-224, § 2(b), Dec. 28, 1985, 99 Stat. 1742, substituted “and” for “other than” in item 2774.

Pub. L. 99-167, title VIII, § 802(d)(2), Dec. 3, 1985, 99 Stat. 987, substituted “assigned to military housing” for “for damage to housing and related equipment and furnishings” in item 2775.

1984—Pub. L. 98-407, title VIII, § 801(a)(2), Aug. 28, 1984, 98 Stat. 1518, substituted “members for damage to housing and related equipment and furnishings” for “member for damages to family housing, equipment, and furnishings” in item 2775.

1982—Pub. L. 97-258, § 2(b)(7)(A), (8)(A), Sept. 13, 1982, 96 Stat. 1054, substituted “Designation, powers, and accountability of deputy disbursing officials” for “Accountability for public money: disbursing officers; agent officers” in item 2773 and added items 2776, 2777, 2778, and 2779.

1980—Pub. L. 96-513, title V, § 511(96), Dec. 12, 1980, 94 Stat. 2928, struck out item 2772 “Withholding pay of officers”.

Pub. L. 96-418, title V, § 506(b), Oct. 10, 1980, 94 Stat. 1766, added item 2775.

1972—Pub. L. 92-453, § 1(2), Oct. 2, 1972, 86 Stat. 759, added item 2774.

1962—Pub. L. 87-480, § 1(1)(B), June 8, 1962, 76 Stat. 94, added item 2773.

#### § 2771. Final settlement of accounts: deceased members

(a) In the settlement of the accounts of a deceased member of the armed forces, an amount due from the armed force of which he was a member shall be paid to the person highest on the following list living on the date of death:

(1) Beneficiary designated by him in writing to receive such an amount, if the designation is received, before the deceased member’s death, at the place named in regulations to be prescribed by the Secretary concerned.

(2) Surviving spouse.

(3) Children and their descendants, by representation.

(4) Father and mother in equal parts or, if either is dead, the survivor.

(5) Legal representative.

(6) Person entitled under the law of the domicile of the deceased member.

(b) Designations and changes of designation of beneficiaries under subsection (a)(1) are subject to regulations to be prescribed by the Secretary concerned. So far as practicable, these regulations shall be uniform for the uniformed services.

(c) Payments under subsection (a) shall be made by the Secretary of Defense.

(d) A payment under this section bars recovery by any other person of the amount paid.

(Aug. 10, 1956, ch. 1041, 70A Stat. 155; Pub. L. 85-861, § 1(56), Sept. 2, 1958, 72 Stat. 1461; Pub. L. 86-641, July 12, 1960, 74 Stat. 473; Pub. L. 89-718,

§ 8(a), Nov. 2, 1966, 80 Stat. 1117; Pub. L. 96-513, title V, § 511(97), Dec. 12, 1980, 94 Stat. 2928; Pub. L. 103-160, div. A, title XI, § 1182(a)(11), Nov. 30, 1993, 107 Stat. 1771; Pub. L. 104-316, title II, § 202(f), Oct. 19, 1996, 110 Stat. 3842.)

#### HISTORICAL AND REVISION NOTES 1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
2771(a) .....	10:868 (less proviso). 34:941a (less proviso).	June 30, 1906, ch. 3914, § 1 (last par. under “State or Territorial Homes for Disabled Soldiers and Sailors”); restated Dec. 7, 1944, ch. 519; restated Feb. 25, 1946, ch. 35, § 4, 60 Stat. 30. Feb. 25, 1946, ch. 35, § 1, 60 Stat. 30; Aug. 4, 1949, ch. 393, § 18, 63 Stat. 560.
2771(b) .....	10:868 (proviso). 34:941a (proviso).	

In subsections (a) and (b), the words “General Accounting Office” are substituted for the words “accounting officers”, for clarity.

In subsection (a), the word “member” is substituted for the words “officers or enlisted persons”, in 10:868 and 34:941a. The words “his legal representative” are substituted for the words “a duly appointed legal representative of the estate”, since an estate, being property and not an entity, has no representative. The words “duly appointed” are omitted as surplusage. The words “highest on the following list” are substituted for the words “following order of precedence”, in 10:868 and 34:941a. Clauses (1)–(4) are substituted for the words between the first and second colons of 10:868 and 34:941a. The words “Surviving spouse” are substituted for the words “widow or widower” after the words “First, to”.

In subsection (b), the words “That this section shall not be so construed as to prevent”, “or persons”, and “actually”, in 10:868 and 34:941a, are omitted as surplusage.

#### 1958 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
2771(a) .....	37:361. 37:362. 37:365.	July 12, 1955, ch. 328, §§ 1-3, 4 (less proviso), 5 (first sentence), 69 Stat. 295, 296.
2771(b) .....	37:364 (less proviso).	
2771(c) .....	37:363 (less last sentence).	
2771(d) .....	37:363 (last sentence).	

In subsection (a), the definition of the term “Department”, in 37:361, is omitted as unnecessary, since the particular departments referred to are spelled out in the revised text. The definition of the term “uniformed services”, in 37:361, is omitted as covered by the word “member” in this revised section and by sections 3 and 4 of the Act enacting this revised section. Clauses (1)–(6) are substituted for the last 5 clauses of 37:362. The words “regulations to be prescribed by the Secretary concerned” are substituted for the words “regulations of the Department concerned”, since the “Department”, as such, cannot issue regulations.

In subsection (a)(2), the words “surviving spouse” are substituted for the words “widow or widower”. As defined in section 101(32), “spouse” includes a widower.

In subsection (b), the words “are subject to” are substituted for the words “shall be made under”.

In subsection (c), the word “Under” is substituted for the words “Subject to”. The words “rules and” are omitted as surplusage.

#### AMENDMENTS

1996—Subsec. (c). Pub. L. 104-316 amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “Under such regulations as the Comptroller General may prescribe, payments under subsection (a) shall

be made by the military department concerned or the Department of Transportation, as the case may be. Payment under clause (6) of subsection (a) shall be made—

“(1) upon settlement by the General Accounting Office; or

“(2) as otherwise authorized by the Comptroller General.”

1993—Subsec. (a). Pub. L. 103-160, §1182(a)(11)(A), struck out “who dies after December 31, 1955” after “armed forces” in introductory provisions.

Subsec. (b). Pub. L. 103-160, §1182(a)(11)(B), substituted “for the uniformed services” for “for the armed forces, the National Oceanic and Atmospheric Administration, and the Public Health Service”.

1980—Subsec. (b). Pub. L. 96-513, §511(97)(A), substituted “National Oceanic and Atmospheric Administration” for “Environmental Science Services Administration”.

Subsec. (c). Pub. L. 96-513, §511(97)(B), substituted “Department of Transportation” for “Department of the Treasury”.

1966—Subsec. (b). Pub. L. 89-718 substituted “Environmental Science Services Administration” for “Coast and Geodetic Survey”.

1960—Subsec. (c). Pub. L. 86-641 substituted provisions requiring payment under clause (6) of subsection (a) to be made upon settlement by the General Accounting Office or as otherwise authorized by the Comptroller General for provisions which permitted payments under clauses (2) to (6) of subsection (a) to be made only after settlement by the General Accounting Office.

1958—Subsec. (a). Pub. L. 85-861 amended subsec. (a) generally to restrict application of section to members of the armed forces who die after Dec. 31, 1955, and to permit payment to the designated beneficiaries, surviving spouse, children and their descendants, and to parents before payment to the legal representative.

Subsec. (b). Pub. L. 85-861 substituted provisions relating to designations and changes of designation of beneficiaries for provisions which authorized reimbursement of funeral expenses.

Subsecs. (c), (d). Pub. L. 85-861 added subsecs. (c) and (d).

#### 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 this title.

#### REPEALS

The directory language of, but not the amendment made by, Pub. L. 89-718, §8(a), Nov. 2, 1966, 80 Stat. 1117, cited as a credit to this section, was repealed by Pub. L. 97-295, §6(b), Oct. 12, 1982, 96 Stat. 1314.

#### TRANSFER OF FUNCTIONS

For transfer of functions of Public Health Service, see note set out under section 802 of this title.

#### FINAL SETTLEMENT OF ACCOUNTS OF MEMBERS WHO DIED BEFORE JANUARY 1, 1960

Pub. L. 85-861, §29, Sept. 2, 1958, 72 Stat. 1563, authorized the General Accounting Office, in the settlement of the accounts of a member of the Army, Navy, Air Force, or Marine Corps who died before Jan. 1, 1956, to allow any amount due to the person highest on a list of persons living on the date of settlement and to provide reimbursement for funeral expenses from the amount due the decedent's estate.

#### DESIGNATION OF BENEFICIARY MADE BEFORE JANUARY 1, 1956

Section 31 of Pub. L. 85-861 provided that: “The designation of a beneficiary made for the purposes of any six months' death gratuity, including the designation of a person whose right to the gratuity does not depend upon that designation, and received in the military department concerned, the Department of the Treasury,

the Department of Commerce, or the Department of Health, Education, and Welfare, as the case may be, before January 1, 1956, is considered as the designation of a beneficiary for the purposes of section 2771 of title 10, United States Code [this section], section 714 of title 32, United States Code, and sections 3 and 4 of this Act [amending section 857a of Title 33, and section 213a of Title 42], in the absence of a designation under one of those sections, unless the member making the designation was missing, missing in action, in the hands of a hostile force, or interned in a foreign country any time after July 11, 1955, and before January 1, 1956.”

#### § 2772. Share of fines and forfeitures to benefit Armed Forces Retirement Home

(a) DEPOSIT REQUIRED.—The Secretary of the military department concerned or, in the case of the Coast Guard, the Commandant shall deposit in the Armed Forces Retirement Home Trust Fund a percentage (determined under subsection (b)) of the following amounts:

(1) The amount of forfeitures and fines adjudged against an enlisted member, warrant officer, or limited duty officer of the armed forces by sentence of a court martial or under authority of section 815 of this title (article 15) over and above any amount that may be due from the member, warrant officer, or limited duty officer for the reimbursement of the United States or any individual.

(2) The amount of forfeitures on account of the desertion of an enlisted member, warrant officer, or limited duty officer of the armed forces.

(b) DETERMINATION OF PERCENTAGE.—The Chief Operating Officer of the Armed Forces Retirement Home shall determine, on the basis of the financial needs of the Armed Forces Retirement Home, the percentage of the amounts referred to in subsection (a) to be deposited in the trust fund referred to in such subsection.

(Added Pub. L. 101-189, div. A, title III, §342(a)(1), Nov. 29, 1989, 103 Stat. 1419; amended Pub. L. 101-510, div. A, title XV, §1533(a)(3), (4)(A), Nov. 5, 1990, 104 Stat. 1733; Pub. L. 111-281, title II, §205(b)(1), Oct. 15, 2010, 124 Stat. 2911; Pub. L. 112-81, div. A, title V, §567(b)(2)(B), Dec. 31, 2011, 125 Stat. 1425.)

#### PRIOR PROVISIONS

A prior section 2772, act Aug. 10, 1956, ch. 1041, 70A Stat. 156, authorized withholding of pay of officers of the Army, Navy, Air Force, or Marine Corps, and is covered by section 1007 of Title 37, Pay and Allowances of the Uniformed Services, prior to repeal by Pub. L. 87-649, §14c(3), Sept. 7, 1962, 76 Stat. 501, effective Nov. 1, 1962.

#### AMENDMENTS

2011—Subsec. (b). Pub. L. 112-81 substituted “Chief Operating Officer of the Armed Forces Retirement Home” for “Armed Forces Retirement Home Board”.

2010—Subsec. (a). Pub. L. 111-281, §205(b)(1)(A), inserted “or, in the case of the Coast Guard, the Commandant” after “concerned” in introductory provisions.

Subsec. (c). Pub. L. 111-281, §205(b)(1)(B), struck out subsec. (c). Text read as follows: “In this section, the term ‘armed forces’ does not include the Coast Guard when it is not operating as a service in the Navy.”

1990—Pub. L. 101-510, §1533(a)(4)(A), substituted “Retirement Home” for “retirement homes” in section catchline and amended text generally, substituting