

1998—Subsec. (d)(1). Pub. L. 105-368 substituted “October 7, 1980,” for “the date of the enactment of this section.”

1991—Pub. L. 102-40, §402(b)(1), renumbered section 3113 of this title as this section.

Subsec. (a)(1). Pub. L. 102-83, §5(c)(1), substituted “1114(a)” for “314(a)” in subpars. (A) and (B).

Subsec. (b)(1). Pub. L. 102-40, §402(d)(1), substituted “5307” for “3107”.

Subsec. (c). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

Subsec. (e). Pub. L. 102-83, §5(c)(1), substituted “1151” for “351” in par. (1) and “1121”, “1141”, and “1151” for “321”, “341”, and “351”, respectively, in par. (2).

1983—Subsec. (a)(2). Pub. L. 98-160 substituted “paragraph (1) of this subsection” for “paragraph (1) of this section”.

EFFECTIVE DATE

Section effective Oct. 7, 1980, see section 601(d) of Pub. L. 96-385, set out as an Effective Date of 1980 Amendment note under section 1114 of this title.

LIMITATION ON PAYMENT OF COMPENSATION FOR VETERANS REMAINING INCARCERATED SINCE OCTOBER 7, 1980

Pub. L. 107-103, title V, §506, Dec. 27, 2001, 115 Stat. 996, provided that:

“(a) LIMITATION.—Section 5313 of title 38, United States Code, other than subsection (d) of that section, shall apply with respect to the payment of compensation to or with respect to any veteran described in subsection (b).

“(b) COVERED VETERANS.—A veteran described in this subsection is a veteran who is entitled to compensation and who—

“(1) on October 7, 1980, was incarcerated in a Federal, State, or local penal institution for a felony committed before that date; and

“(2) remains so incarcerated for conviction of that felony as of the date of the enactment of this Act [Dec. 27, 2001].

“(c) EFFECTIVE DATE.—This section shall apply with respect to the payment of compensation for months beginning on or after the end of the 90-day period beginning on the date of the enactment of this Act [Dec. 27, 2001].

“(d) COMPENSATION DEFINED.—For purposes of this section, the term ‘compensation’ has the meaning given that term in section 5313 of title 38, United States Code.”

§ 5313A. Limitation on payment of clothing allowance to incarcerated veterans

In the case of a veteran who is incarcerated in a Federal, State, local, or other penal institution or correctional facility for a period in excess of 60 days and who is furnished clothing without charge by the institution, the amount of any annual clothing allowance payable to the veteran under section 1162 of this title shall be reduced by an amount equal to $\frac{1}{365}$ of the amount of the allowance otherwise payable under that section for each day on which the veteran was so incarcerated during the 12-month period preceding the date on which payment of the allowance would be due. This section shall be carried out under regulations prescribed by the Secretary.

(Added Pub. L. 104-275, title V, §502(a), Oct. 9, 1996, 110 Stat. 3341; amended Pub. L. 109-461, title X, §1002(g), Dec. 22, 2006, 120 Stat. 3465.)

AMENDMENTS

2006—Pub. L. 109-461 substituted “local, or other penal institution or correctional facility” for “or local penal institution”.

§ 5313B. Prohibition on providing certain benefits with respect to persons who are fugitive felons

(a) A veteran who is otherwise eligible for a benefit specified in subsection (c) may not be paid or otherwise provided such benefit for any period during which such veteran is a fugitive felon. A dependent of a veteran who is otherwise eligible for a benefit specified in subsection (c) may not be paid or otherwise provided such benefit for any period during which such veteran or such dependent is a fugitive felon.

(b) For purposes of this section:

(1) The term “fugitive felon” means a person who is a fugitive by reason of—

(A) fleeing to avoid prosecution, or custody or confinement after conviction, for an offense, or an attempt to commit an offense, which is a felony under the laws of the place from which the person flees; or

(B) violating a condition of probation or parole imposed for commission of a felony under Federal or State law.

(2) The term “felony” includes a high misdemeanor under the laws of a State which characterizes as high misdemeanors offenses that would be felony offenses under Federal law.

(3) The term “dependent” means a spouse, surviving spouse, child, or dependent parent of a veteran.

(c) A benefit specified in this subsection is a benefit under any of the following:

(1) Chapter 11 of this title.

(2) Chapter 13 of this title.

(3) Chapter 15 of this title.

(4) Chapter 17 of this title.

(5) Chapter 19 of this title.

(6) Chapter 30, 31, 32, 34, or 35 of this title.

(7) Chapter 37 of this title.

(d)(1) The Secretary shall furnish to any Federal, State, or local law enforcement official, upon the written request of such official, the most current address maintained by the Secretary of a person who is eligible for a benefit specified in subsection (c) if such official—

(A) provides to the Secretary such information as the Secretary may require to fully identify the person;

(B) identifies the person as being a fugitive felon; and

(C) certifies to the Secretary that apprehending such person is within the official duties of such official.

(2) The Secretary shall enter into memoranda of understanding with Federal law enforcement agencies, and may enter into agreements with State and local law enforcement agencies, for purposes of furnishing information to such agencies under paragraph (1).

(Added Pub. L. 107-103, title V, §505(a)(1), Dec. 27, 2001, 115 Stat. 995.)

§ 5314. Indebtedness offsets

(a) Subject to subsections (b) and (d) of this section and section 3485(e) of this title, the Secretary shall (unless the Secretary waives recovery under section 5302 of this title) deduct the