

AMENDMENTS

2006—Par. (1). Pub. L. 109-163 substituted “State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands” for “State or Territory, Puerto Rico, or the District of Columbia”.

1988—Par. (1). Pub. L. 100-456 struck out “the Canal Zone,” after “Puerto Rico,”.

§ 713. Official mail: free transmission

Units and headquarters of the National Guard, whether or not in Federal service, have the same privilege of free mailing of official matter as the Department of Defense.

(Aug. 10, 1956, ch. 1041, 70A Stat. 617.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
713	32:196.	Aug. 1, 1953, ch. 305, § 643, 67 Stat. 357.

The word “Hereafter” is omitted as executed. The words “and the Air National Guard” are omitted, since “National Guard”, as defined in section 101(2) of this title, includes the Army National Guard and the Air National Guard. The words “Federal service” are substituted for the words “active service of the United States”. The words “mailing of official matter” are substituted for the words “transmission of official mail matter”.

§ 714. Final settlement of accounts: deceased members

(a) In the settlement of the accounts of a member of the National Guard who dies after December 31, 1955, 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 with those prescribed for the armed forces under section 2771(b) of title 10.

(c) Under such regulations as the Secretary concerned may prescribe, payments under subsection (a) shall be made by the Department of the Army or the Department of the Air Force, as the case may be.

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

(Added Pub. L. 85-861, §2(12), Sept. 2, 1958, 72 Stat. 1546; amended Pub. L. 87-46, June 16, 1961, 75 Stat. 92; Pub. L. 104-316, title II, §202(q), Oct. 19, 1996, 110 Stat. 3844.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
714(a)	37:361. 37:362. 37:365.	July 12, 1955, ch. 328, §§1-3, 4 (less proviso), 5 (1st sentence), 69 Stat. 295, 296.
714(b)	37:364 (less proviso).	
714(c)	37:363 (less last sentence).	
714(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. 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(18) of this title, “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, in first sentence, substituted “Secretary concerned” for “Comptroller General” and struck out at end “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.”

1961—Subsec. (c). Pub. L. 87-46 substituted “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.”

for “Payments under clauses (2)-(6) of subsection (a) may be paid only after settlement by the General Accounting Office.”

DESIGNATION OF BENEFICIARY MADE BEFORE
JANUARY 1, 1956

Designation of beneficiary made before Jan. 1, 1956, considered as the designation of a beneficiary for the purposes of this section, see note set out under section 2771 of Title 10, Armed Forces.

§ 715. Property loss; personal injury or death: activities under certain sections of this title

(a) Under such regulations as the Secretary of the Army or Secretary of the Air Force may prescribe, he or, subject to appeal to him, the Judge Advocate General of the armed force under his jurisdiction, if designated by him, may settle and pay in an amount not more than \$100,000 a claim against the United States for—

(1) damage to, or loss of, real property, including damage or loss incident to use and occupancy;

(2) damage to, or loss of, personal property, including property bailed to the United States or the National Guard and including registered or insured mail damaged, lost, or destroyed by a criminal act while in the possession of the National Guard; or

(3) personal injury or death; either caused by a member of the Army National Guard or the