

(F) Authority for the Secretary concerned to require the payee to provide a surety bond in an amount sufficient to protect the interests of the annuitant and to pay for such bond out of the annuity.

(G) A requirement for the payee of an annuity to maintain and, upon request, to provide to the Secretary concerned an accounting of expenditures and investments of amounts paid to the payee.

(H) In the case of an annuitant referred to in paragraph (1)(B) or (1)(C)—

(i) procedures for determining incompetency and for selecting a payee to represent the annuitant for the purposes of this section, including provisions for notifying the annuitant of the actions being taken to make such a determination and to select a representative payee, an opportunity for the annuitant to review the evidence being considered, and an opportunity for the annuitant to submit additional evidence before the determination is made;

(ii) standards for determining incompetency, including standards for determining the sufficiency of medical evidence and other evidence; and

(iii) procedures for determining when annuity payments to a supplemental or special needs trust shall end based on the death or marriage of the dependent child for which the trust was established.

(I) Provisions for any other matter that the President considers appropriate in connection with the payment of an annuity in the case of a person referred to in paragraph (1).

(3) **LEGAL EFFECT OF PAYMENT TO GUARDIAN, FIDUCIARY, OR TRUST.**—An annuity paid to a person on behalf of an annuitant in accordance with the regulations prescribed pursuant to paragraph (1) discharges the obligation of the United States for payment to the annuitant of the amount of the annuity so paid.

(Added Pub. L. 92-425, §1(3), Sept. 21, 1972, 86 Stat. 711; amended Pub. L. 99-145, title VII, § 724, Nov. 8, 1985, 99 Stat. 678; Pub. L. 102-190, div. A, title VI, § 654(a), Dec. 5, 1991, 105 Stat. 1389; Pub. L. 104-201, div. A, title VI, § 634, Sept. 23, 1996, 110 Stat. 2577; Pub. L. 113-291, div. A, title VI, § 624(b), Dec. 19, 2014, 128 Stat. 3404.)

AMENDMENTS

2014—Subsec. (d). Pub. L. 113-291, § 624(b)(1), substituted “, FIDUCIARIES, AND SPECIAL NEEDS TRUSTS” for “AND FIDUCIARIES” in heading.

Subsec. (d)(1)(C). Pub. L. 113-291, § 624(b)(2), added subpar. (C).

Subsec. (d)(2)(C). Pub. L. 113-291, § 624(b)(3)(B), added subpar. (C). Former subpar. (C) redesignated (D).

Subsec. (d)(2)(D). Pub. L. 113-291, § 624(b)(3)(A), (C), redesignated subpar. (C) as (D) and substituted “subparagraphs (E) and (F)” for “subparagraphs (D) and (E)”.

Subsec. (d)(2)(E) to (G). Pub. L. 113-291, § 624(b)(3)(A), redesignated subpars. (D) to (F) as (E) to (G), respectively. Former subpar. (G) redesignated (H).

Subsec. (d)(2)(H). Pub. L. 113-291, § 624(b)(3)(A), (D), redesignated subpar. (G) as (H), inserted “or (1)(C)” after “(1)(B)” in introductory provisions, and added cl. (iii).

Subsec. (d)(2)(I). Pub. L. 113-291, § 624(b)(3)(A), redesignated subpar. (H) as (I).

Subsec. (d)(3). Pub. L. 113-291, § 624(b)(4), substituted “, FIDUCIARY, OR TRUST” for “OR FIDUCIARY” in heading. 1996—Pub. L. 104-201 amended section generally, revising and restating provisions relating to regulations to carry out this subchapter.

1991—Subsecs. (a) to (d). Pub. L. 102-190 designated existing provisions as subsec. (a) and added subsecs. (b) to (d).

1985—Pars. (1), (2). Pub. L. 99-145 amended pars. (1) and (2) generally. Prior to amendment, pars. (1) and (2) read as follows:

“(1) provide that, when the notification referred to in section 1448(a) of this title is required, the member and his spouse shall, before the date the member becomes entitled to retired or retainer pay, be informed of the elections available and the effects of such elections; and

“(2) establish procedures for depositing the amounts referred to in section 1452(d) of this title.”

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by title VII of Pub. L. 99-145 effective Mar. 1, 1986, with prohibition against accrual of benefits to any person by reason of the enactment of such title VII for any period before Mar. 1, 1986, see section 731 of Pub. L. 99-145, set out as a note under section 1447 of this title.

[SUBCHAPTER III—REPEALED]

[§§ 1456 to 1460b. Repealed. Pub. L. 108-375, div. A, title VI, § 644(b)(2), Oct. 28, 2004, 118 Stat. 1961]

Section 1456, added Pub. L. 101-189, div. A, title XIV, § 1404(a)(1), Nov. 29, 1989, 103 Stat. 1580, related to supplemental spouse coverage: establishment of plan; definitions.

Section 1457, added Pub. L. 101-189, div. A, title XIV, § 1404(a)(1), Nov. 29, 1989, 103 Stat. 1580; amended Pub. L. 102-190, div. A, title VI, § 653(b)(1), Dec. 5, 1991, 105 Stat. 1388; Pub. L. 103-337, div. A, title X, § 1070(e)(5), Oct. 5, 1994, 108 Stat. 2859; Pub. L. 108-375, div. A, title VI, § 644(b)(1), Oct. 28, 2004, 118 Stat. 1960, related to supplemental spouse coverage: payment of annuity; amount.

Section 1458, added Pub. L. 101-189, div. A, title XIV, § 1404(a)(1), Nov. 29, 1989, 103 Stat. 1581; amended Pub. L. 102-190, div. A, title VI, § 653(c)(1), Dec. 5, 1991, 105 Stat. 1388; Pub. L. 108-136, div. A, title VI, § 645(b)(2), Nov. 24, 2003, 117 Stat. 1519; Pub. L. 108-375, div. A, title X, § 1084(d)(10), Oct. 28, 2004, 118 Stat. 2061, related to supplemental spouse coverage: eligible participants; elections of coverage.

Section 1459, added Pub. L. 101-189, div. A, title XIV, § 1404(a)(1), Nov. 29, 1989, 103 Stat. 1584, related to former spouse coverage: special rules.

Section 1460, added Pub. L. 101-189, div. A, title XIV, § 1404(a)(1), Nov. 29, 1989, 103 Stat. 1584; amended Pub. L. 102-190, div. A, title VI, § 653(b)(2), Dec. 5, 1991, 105 Stat. 1388; Pub. L. 110-181, div. A, title IX, § 906(c)(2), Jan. 28, 2008, 122 Stat. 277, related to supplemental spouse coverage: reductions in retired pay.

Section 1460a, added Pub. L. 101-189, div. A, title XIV, § 1404(a)(1), Nov. 29, 1989, 103 Stat. 1585; amended Pub. L. 101-510, div. A, title XIV, § 1484(k)(5), Nov. 5, 1990, 104 Stat. 1719, related to incorporation of certain administrative provisions.

Section 1460b, added Pub. L. 101-189, div. A, title XIV, § 1404(a)(1), Nov. 29, 1989, 103 Stat. 1585, related to regulations.

EFFECTIVE DATE OF REPEAL

Pub. L. 108-375, div. A, title VI, § 644(b)(2), Oct. 28, 2004, 118 Stat. 1961, provided that the repeal of this subchapter by section 644(b)(2) is effective Apr. 1, 2008.

CHAPTER 74—DEPARTMENT OF DEFENSE MILITARY RETIREMENT FUND

Sec.

1461. Establishment and purpose of Fund; definition.