

the Secretary, the loss was caused by a hostile action incident to war or a warlike action by a military force.

(c) LIMITATION.—The Secretary may provide reimbursement under this section for a loss described in subsection (b) only to the extent that the loss is not reimbursed under insurance or under the authority of another provision of law.

(d) APPLICABILITY OF OTHER AUTHORITIES AND REQUIREMENTS.—Subsections (b), (d), (e), (f), and (g) of section 2733 of this title shall apply to a request for a reimbursement under this section as if the request were a claim against the United States.

(Added Pub. L. 103-337, div. A, title V, §557(a), Oct. 5, 1994, 108 Stat. 2775.)

EFFECTIVE DATE

Pub. L. 103-337, div. A, title V, §557(c), Oct. 5, 1994, 108 Stat. 2776, provided that:

“(1) Section 2738 of title 10, United States Code, as added by subsection (a), applies with respect to losses incurred after June 30, 1990.

“(2) In the case of a loss incurred after June 30, 1990, and before the date of the enactment of this Act [Oct. 5, 1994], a request for reimbursement shall be filed with the Secretary of the military department concerned not later than two years after such date of enactment.”

§ 2739. Amounts recovered from third parties for loss or damage to personal property shipped or stored at Government expense: crediting to appropriations

(a) CREDITING OF COLLECTIONS.—Any qualifying military department third-party collection shall be credited to the appropriate current appropriation. Amounts so credited shall be merged with the funds in that appropriation and shall be available for the same period and purposes as the funds with which merged.

(b) APPROPRIATE CURRENT APPROPRIATION.—For purposes of subsection (a), the appropriate current appropriation with respect to a qualifying military department third-party collection is the appropriation currently available, as of the date of the collection, for the payment of claims by that military department for loss or damage of personal property shipped or stored at Government expense.

(c) QUALIFYING MILITARY DEPARTMENT THIRD-PARTY COLLECTIONS.—For purposes of subsection (a), a qualifying military department third-party collection is any amount that a military department collects under sections 3711, 3716, 3717, and 3721 of title 31 from a third party for a loss or damage to personal property that occurred during shipment or storage of the property at Government expense and for which the Secretary of the military department paid the owner in settlement of a claim.

(Added Pub. L. 105-261, div. A, title X, §1010(a)(1), Oct. 17, 1998, 112 Stat. 2117.)

EFFECTIVE DATE

Pub. L. 105-261, div. A, title X, §1010(b), Oct. 17, 1998, 112 Stat. 2117, provided that: “Section 2739 of title 10, United States Code, as added by subsection (a), applies with respect to amounts collected by a military department on or after the date of the enactment of this Act [Oct. 17, 1998].”

§ 2740. Property loss: reimbursement of members and civilian employees for full replacement value of household effects when contractor reimbursement not available

The Secretary of Defense and the Secretaries of the military departments, in paying a claim under section 3721 of title 31 arising from loss or damage to household goods stored or transported at the expense of the Department of Defense, may pay the claim on the basis of full replacement value in any of the following cases in which reimbursement for the full replacement value for the loss or damage is not available directly from a carrier under section 2636a of this title:

(1) A case in which—

(A) the lost or damaged goods were stored or transported under a contract, tender, or solicitation in accordance with section 2636a of this title that requires the transportation service provider to settle claims on the basis of full replacement value; and

(B) the loss or damage occurred under circumstances that exclude the transportation service provider from liability.

(2) A case in which—

(A) the loss or damage occurred while the lost or damaged goods were in the possession of an ocean carrier that was transporting, loading, or unloading the goods under a Department of Defense contract for ocean carriage; and

(B) the land-based portions of the transportation were under contracts, in accordance with section 2636a of this title, that require the land carriers to settle claims on the basis of full replacement value.

(3) A case in which—

(A) the lost or damaged goods were transported or stored under a contract or solicitation that requires at least one of the transportation service providers or carriers that handled the shipment to settle claims on the basis of full replacement value pursuant to section 2636a of this title;

(B) the lost or damaged goods have been in the custody of more than one independent contractor or transportation service provider; and

(C) a claim submitted to the delivering transportation service provider or carrier is denied in whole or in part because the loss or damage occurred while the lost or damaged goods were in the custody of a prior transportation service provider or carrier or government entity.

(Added Pub. L. 111-383, div. A, title III, §354(a)(1), Jan. 7, 2011, 124 Stat. 4194.)

EFFECTIVE DATE

Pub. L. 111-383, div. A, title III, §354(b), Jan. 7, 2011, 124 Stat. 4195, provided that: “Section 2740 of title 10, United States Code, as added by subsection (a), shall apply with respect to losses incurred after the date of the enactment of this Act [Jan. 7, 2011].”

CHAPTER 165—ACCOUNTABILITY AND RESPONSIBILITY

Sec.
2771.

Final settlement of accounts: deceased members.

- Sec.
- 2772. Share of fines and forfeitures to benefit Armed Forces Retirement Home.
- 2773. Designation, powers, and accountability of deputy disbursing officials.
- 2773a. Departmental accountable officials.
- 2773b. Parking of funds: prohibition; penalties.
- 2774. Claims for overpayment of pay and allowances and of travel and transportation allowances.
- 2775. Liability of members assigned to military housing.
- 2776. Use of receipts of public money for current expenditures.
- 2777. Requisitions for advances and removal of charges outstanding in accounts of advances.
- [2778. Repealed.]
- 2779. Use of funds because of fluctuations in currency exchange rates of foreign countries.
- 2780. Debt collection.
- 2781. Availability of appropriations: exchange fees; losses in accounts.
- 2782. Damage to real property: disposition of amounts recovered.
- 2783. Nonappropriated fund instrumentalities: financial management and use of nonappropriated funds.
- 2784. Management of purchase cards.
- 2784a. Management of travel cards.
- 2785. Remittance addresses: regulation of alterations.
- 2786. Department of Defense payments by electronic transfers of funds: exercise of authority for waivers.
- 2787. Reports of survey.
- 2788. Property accountability: regulations.
- 2789. Individual equipment: unauthorized disposition.
- 2790. Recovery of improperly disposed of Department of Defense property.

AMENDMENTS

- 2011—Pub. L. 111-383, div. A, title III, § 355(b), Jan. 7, 2011, 124 Stat. 4197, added item 2790.
- 2008—Pub. L. 110-181, div. A, title III, § 375(b), Jan. 28, 2008, 122 Stat. 83, added items 2788 and 2789.
- 2006—Pub. L. 109-364, div. A, title X, § 1053(a)(2), Oct. 17, 2006, 120 Stat. 2396, added item 2773b.
- 2002—Pub. L. 107-314, div. A, title X, §§ 1005(b), 1006(a)(2), 1007(b)(2), 1008(b), Dec. 2, 2002, 116 Stat. 2632-2635, substituted “purchase” for “credit” in item 2784 and added items 2773a, 2784a, and 2787.
- 1999—Pub. L. 106-65, div. A, title IX, § 933(a)(2), title X, § 1008(a)(2), Oct. 5, 1999, 113 Stat. 730, 738, added items 2784 to 2786.
- 1996—Pub. L. 104-316, title I, § 105(d), Oct. 19, 1996, 110 Stat. 3830, struck out item 2778 “Accounts of the military departments”.
- Pub. L. 104-106, div. B, title XXVIII, § 2821(b), Feb. 10, 1996, 110 Stat. 556, added item 2782.
- 1993—Pub. L. 103-160, div. A, title XI, § 1182(a)(8)(C), Nov. 30, 1993, 107 Stat. 1771, added item 2783.
- 1990—Pub. L. 101-510, div. A, title XIV, § 1405(c)(2), title XV, § 1533(a)(4)(B), Nov. 5, 1990, 104 Stat. 1680, 1734, 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.
2771(b)	10:868 (proviso). 34:941a (proviso).	