

2008—Subsec. (a). Pub. L. 110-181 and Pub. L. 110-417, § 932(a)(12), amended subsec. (a) identically, substituting “Director of National Intelligence” for “Director of Central Intelligence”. Pub. L. 110-417, § 932(a)(12), was repealed by Pub. L. 111-84. See 2009 Amendment note above.

#### EFFECTIVE DATE OF 2009 AMENDMENT

Pub. L. 111-84, div. A, title X, § 1073(c), Oct. 28, 2009, 123 Stat. 2474, provided in part that the amendment made by section 1073(c)(10) is effective as of Oct. 14, 2008, and as if included in Pub. L. 110-417 as enacted.

### CHAPTER 163—MILITARY CLAIMS

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2731.	Definition.
2732.	Payment of claims: availability of appropriations.
2733.	Property loss; personal injury or death: incident to noncombat activities of Department of Army, Navy, or Air Force.
2734.	Property loss; personal injury or death: incident to noncombat activities of the armed forces; foreign countries.
2734a.	Property loss; personal injury or death: incident to noncombat activities of armed forces in foreign countries; international agreements.
2734b.	Property loss; personal injury or death: incident to activities of armed forces of foreign countries in United States; international agreements.
2735.	Settlement: final and conclusive.
2736.	Property loss; personal injury or death: advance payment.
2737.	Property loss; personal injury or death: incident to use of property of the United States and not cognizable under other law.
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2739.	Amounts recovered from third parties for loss or damage to personal property shipped or stored at Government expense: crediting to appropriations.
2740.	Property loss: reimbursement of members and civilian employees for full replacement value of household effects when contractor reimbursement not available.

#### AMENDMENTS

2011—Pub. L. 111-383, div. A, title III, § 354(a)(2), Jan. 7, 2011, 124 Stat. 4195, added item 2740.

1998—Pub. L. 105-261, div. A, title X, § 1010(a)(2), Oct. 17, 1998, 112 Stat. 2117, added item 2739.

1994—Pub. L. 103-337, div. A, title V, § 557(b), Oct. 5, 1994, 108 Stat. 2776, added item 2738.

1990—Pub. L. 101-510, div. A, title XIV, § 1481(j)(2), Nov. 5, 1990, 104 Stat. 1708, added item 2732.

1984—Pub. L. 98-525, title XIV, § 1405(42)(B), Oct. 19, 1984, 98 Stat. 2625, substituted “in foreign countries” for “; foreign countries” in item 2734a.

1968—Pub. L. 90-521, § 2, Sept. 26, 1968, 82 Stat. 874, substituted “advance payment” for “incident to aircraft or missile operation” in item 2736.

1966—Pub. L. 89-718, § 21(b), Nov. 2, 1966, 80 Stat. 1118, substituted “2737” for “2736” as item number for “Property loss; personal injury or death: incident to use of property of the United States and not cognizable under other law”.

1964—Pub. L. 88-558, § 5(2), Aug. 31, 1964, 78 Stat. 768, struck out item 2732 “Property loss: incident to service; members of Army, Navy, Air Force, or Marine Corps and civilian employees”, effective two years after Aug. 31, 1964. Pub. L. 88-558, was itself repealed by Pub. L. 97-258, § 5(b), Sept. 13, 1982, 96 Stat. 1068.

1962—Pub. L. 87-769, § 1(1)(B), Oct. 9, 1962, 76 Stat. 768, added item 2736 “Property loss; personal injury or death: incident to use of property of the United States and not cognizable under other law”.

Pub. L. 87-651, title I, § 113(b), Sept. 7, 1962, 76 Stat. 513, added items 2734a and 2734b.

1961—Pub. L. 87-212, § 1(2), Sept. 8, 1961, 75 Stat. 488, added item 2736 “Property loss; personal injury or death: incident to aircraft or missile operation”.

1959—Pub. L. 86-223, § 1(2), Sept. 1, 1959, 73 Stat. 454, substituted “armed forces” for “Department of Army, Navy, or Air Force” in item 2734.

### § 2731. Definition

In this chapter, “settle” means consider, ascertain, adjust, determine, and dispose of a claim, whether by full or partial allowance or by disallowance.

(Aug. 10, 1956, ch. 1041, 70A Stat. 152.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
2731 .....	[No source].	[No source].

The revised section is inserted for clarity and is based on usage in the source laws for this revised chapter.

#### CONGRESSIONAL DEFENSE COMMITTEES DEFINED

Pub. L. 114-113, div. C, title VIII, § 8026, Dec. 18, 2015, 129 Stat. 2356, provided that: “For the purposes of this Act [div. C of Pub. L. 114-113, see Tables for classification], the term ‘congressional defense committees’ means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 113-235, div. C, title VIII, § 8026, Dec. 16, 2014, 128 Stat. 2258.

Pub. L. 113-76, div. C, title VIII, § 8025, Jan. 17, 2014, 128 Stat. 109.

#### EX GRATIA PAYMENTS

Pub. L. 114-113, div. C, title VIII, § 8111, Dec. 18, 2015, 129 Stat. 2377, provided that:

“(a) Of the funds appropriated in this Act [div. C of Pub. L. 114-113, see Tables for classification] for the Department of Defense, amounts may be made available, under such regulations as the Secretary of Defense may prescribe, to local military commanders appointed by the Secretary, or by an officer or employee designated by the Secretary, to provide at their discretion ex gratia payments in amounts consistent with subsection (d) of this section for damage, personal injury, or death that is incident to combat operations of the Armed Forces in a foreign country.

“(b) An ex gratia payment under this section may be provided only if—

“(1) the prospective foreign civilian recipient is determined by the local military commander to be friendly to the United States;

“(2) a claim for damages would not be compensable under chapter 163 of title 10, United States Code (commonly known as the ‘Foreign Claims Act’); and

“(3) the property damage, personal injury, or death was not caused by action by an enemy.

“(c) NATURE OF PAYMENTS.—Any payments provided under a program under subsection (a) shall not be considered an admission or acknowledgement of any legal obligation to compensate for any damage, personal injury, or death.

“(d) AMOUNT OF PAYMENTS.—If the Secretary of Defense determines a program under subsection (a) to be appropriate in a particular setting, the amounts of payments, if any, to be provided to civilians determined to have suffered harm incident to combat operations of the Armed Forces under the program should be deter-