

(e) LIMITATIONS.—(1) Not more than \$2,000 may be paid under this section to a member of the armed forces, or to two such members who are spouses of each other, for expenses incurred in the adoption of a child.

(2) Not more than \$5,000 may be paid under this section to a member of the armed forces, or to two such members who are spouses of each other, for adoptions by such member (or members) in any calendar year.

(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.

(g) DEFINITIONS.—In this section:

(1) The term “qualifying adoption expenses” means reasonable and necessary expenses that are directly related to the legal adoption of a child under 18 years of age, but only if such adoption is arranged by a qualified adoption agency or other source authorized to place children for adoption under State or local law. Such term does not include any expense incurred—

(A) by an adopting parent for travel; or

(B) in connection with an adoption arranged in violation of Federal, State, or local law.

(2) The term “reasonable and necessary expenses” includes—

(A) public and private agency fees, including adoption fees charged by an agency in a foreign country;

(B) placement fees, including fees charged adoptive parents for counseling;

(C) legal fees (including court costs) in connection with services that are unavailable to a member of the armed forces under section 1044 or 1044a of this title; and

(D) medical expenses, including hospital expenses of the biological mother of the child to be adopted and of a newborn infant to be adopted.

(3) The term “qualified adoption agency” means any of the following:

(A) A State or local government agency which has responsibility under State or local law for child placement through adoption.

(B) A nonprofit, voluntary adoption agency which is authorized by State or local law to place children for adoption.

(C) Any other source authorized by a State to provide adoption placement if the adoption is supervised by a court under State or local law.

(D) A foreign government or an agency authorized by a foreign government to place children for adoption, in any case in which—

(i) the adopted child is entitled to automatic citizenship under section 320 of the Immigration and Nationality Act (8 U.S.C. 1431); or

(ii) a certificate of citizenship has been issued for such child under section 322 of that Act (8 U.S.C. 1433).

(Added Pub. L. 102-190, div. A, title VI, § 651(a)(1), Dec. 5, 1991, 105 Stat. 1385; amended Pub. L. 102-484, div. A, title X, § 1052(12), Oct. 23, 1992, 106 Stat. 2499; Pub. L. 104-201, div. A, title VI, § 652(a), Sept. 23, 1996, 110 Stat. 2582; Pub. L. 106-398, § 1 [div. A], title V, § 579(c)(1), Oct. 30,

2000, 114 Stat. 1654, 1654A-141; Pub. L. 108-375, div. A, title VI, § 661, Oct. 28, 2004, 118 Stat. 1974; Pub. L. 109-163, div. A, title V, § 592(a), Jan. 6, 2006, 119 Stat. 3280.)

PRIOR PROVISIONS

A prior section 1052 was renumbered section 1063 of this title and subsequently repealed.

AMENDMENTS

2006—Subsec. (g)(1). Pub. L. 109-163 inserted “or other source authorized to place children for adoption under State or local law” after “qualified adoption agency” in introductory provisions.

2004—Subsec. (g)(3)(D). Pub. L. 108-375 added subpar. (D).

2000—Pub. L. 106-398 substituted “Adoption expenses: reimbursement” for “Reimbursement for adoption expenses” in section catchline.

1996—Subsec. (g)(1). Pub. L. 104-201, § 652(a)(1), substituted “qualified adoption agency.” for “State or local government agency which has responsibility under State or local law for child placement through adoption or by a nonprofit, voluntary adoption agency which is authorized by State or local law to place children for adoption.”

Subsec. (g)(3). Pub. L. 104-201, § 652(a)(2), added par. (3).

1992—Subsec. (b). Pub. L. 102-484 inserted close parenthesis before period at end.

EFFECTIVE DATE

Pub. L. 102-190, div. A, title VI, § 651(c), Dec. 5, 1991, 105 Stat. 1387, provided that: “The amendments made by subsections (a) and (b) [enacting this section and section 514 of Title 14, Coast Guard] shall take effect on the date of the enactment of this Act [Dec. 5, 1991] and shall apply to adoptions completed on or after that date.”

REIMBURSEMENT FOR ADOPTIONS COMPLETED DURING PERIOD BETWEEN TEST AND PERMANENT PROGRAM

Pub. L. 102-484, div. A, title VI, § 652, Oct. 23, 1992, 106 Stat. 2426, provided that this section and section 514 (now 2903) of Title 14, Coast Guard, would apply with respect to the reimbursement of adoption expenses incurred for an adoption proceeding completed during the period beginning on Oct. 1, 1990, and ending on Dec. 4, 1991, to the extent that such expenses would have been covered if the proceeding had been completed after Dec. 4, 1991, but only if an application for such reimbursement had been made within one year after Oct. 23, 1992.

§ 1053. Financial institution charges incurred because of Government error in direct deposit of pay: reimbursement

(a)(1) A member of the armed forces (or a former member of the armed forces entitled to retired pay under chapter 1223 of this title) who, in accordance with law or regulation, participates in a program for the automatic deposit of pay to a financial institution may be reimbursed by the Secretary concerned for a covered late-deposit charge.

(2) A covered late-deposit charge for purposes of paragraph (1) is a charge (including an overdraft charge or a minimum balance or average balance charge) that is levied by a financial institution and that results from an administrative or mechanical error on the part of the Government that causes the pay of the person concerned to be deposited late or in an incorrect manner or amount.

(b) Reimbursements under this section shall be made from appropriations available for the

pay and allowances of members of the armed force concerned.

(c) The Secretaries concerned shall prescribe regulations to carry out this section, including regulations for the manner in which reimbursement under this section is to be made.

(d) In this section:

(1) The term “financial institution” means a bank, savings and loan association, or similar institution or a credit union chartered by the United States or a State.

(2) The term “pay” includes (A) retired pay, and (B) allowances.

(Added Pub. L. 99-661, div. A, title VI, §662(a)(1), Nov. 14, 1986, 100 Stat. 3893; amended Pub. L. 101-189, div. A, title VI, §664(a)(1)-(3)(A), Nov. 29, 1989, 103 Stat. 1466; Pub. L. 102-25, title VII, §701(e)(8)(A), Apr. 6, 1991, 105 Stat. 115; Pub. L. 104-106, div. A, title XV, §1501(c)(8), Feb. 10, 1996, 110 Stat. 499; Pub. L. 105-261, div. A, title V, §564(a), Oct. 17, 1998, 112 Stat. 2029; Pub. L. 106-398, §1 [[div. A], title V, §579(c)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A-141.)

AMENDMENTS

2000—Pub. L. 106-398 substituted “Financial institution charges incurred because of Government error in direct deposit of pay: reimbursement” for “Reimbursement for financial institution charges incurred because of Government error in direct deposit of pay” in section catchline.

1998—Subsec. (d)(1). Pub. L. 105-261 amended par. (1) generally. Prior to amendment, par. (1) read as follows: “The term ‘financial institution’ has the meaning given the term ‘financial organization’ in section 3332(a) of title 31.”

1996—Subsec. (a)(1). Pub. L. 104-106 substituted “chapter 1223” for “chapter 67”.

1991—Pub. L. 102-25 struck out “mandatory” after “error in” in section catchline.

1989—Pub. L. 101-189, §664(a)(3)(A), amended section catchline generally, substituting “Reimbursement for financial institution charges incurred because of Government” for “Relief for expenses because of”.

Subsec. (a). Pub. L. 101-189, §664(a)(1), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “A member of the armed forces who, by law or regulation, is required to participate in a program for the automatic deposit of pay to a financial institution may be reimbursed for overdraft charges levied by the financial institution when such charges result from an administrative or mechanical error on the part of the Government that causes such member’s pay to be deposited late or in an incorrect amount or manner.”

Subsec. (d). Pub. L. 101-189, §664(a)(2), amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: “In this section, the term ‘financial institution’ has the meaning given that term in section 3332 of title 31.”

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-106, div. A, title XV, §1501(c), Feb. 10, 1996, 110 Stat. 498, provided that the amendment made by that section is effective as of Dec. 1, 1994, and as if included as an amendment made by the Reserve Officer Personnel Management Act, title XVI of Pub. L. 103-337, as originally enacted.

EFFECTIVE DATE OF 1989 AMENDMENT

Pub. L. 101-189, div. A, title VI, §664(c), Nov. 29, 1989, 103 Stat. 1467, provided that: “The amendments made by subsection (a) [amending this section], and section 1594 of title 10, United States Code, as added by subsection (b), shall apply with respect to pay and allowances deposited (or scheduled to be deposited) on or after the first day of the first month beginning after the date of the enactment of this Act [Nov. 29, 1989].”

EFFECTIVE DATE

Pub. L. 99-661, div. A, title VI, §662(c), Nov. 14, 1986, 100 Stat. 3894, provided that: “Section 1053 of title 10, United States Code, as added by subsection (a), shall apply only with respect to charges levied as a result of errors occurring on or after the date of the enactment of this Act [Nov. 14, 1986].”

§ 1053a. Repealed. Pub. L. 113-66, div. A, title VI, § 621(c)(2)(A), Dec. 26, 2013, 127 Stat. 784]

Section, added Pub. L. 106-398, §1 [[div. A], title V, §579(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-141, related to reimbursement for expenses incurred in connection with leave canceled due to contingency operations.

§ 1054. Defense of certain suits arising out of legal malpractice

(a) The remedy against the United States provided by sections 1346(b) and 2672 of title 28 for damages for injury or loss of property caused by the negligent or wrongful act or omission of any person who is an attorney, paralegal, or other member of a legal staff within the Department of Defense (including the National Guard while engaged in training or duty under section 316, 502, 503, 504, or 505 of title 32) or within the Coast Guard, in connection with providing legal services while acting within the scope of the person’s duties or employment, is exclusive of any other civil action or proceeding by reason of the same subject matter against the person (or the estate of the person) whose act or omission gave rise to such action or proceeding.

(b) The Attorney General shall defend any civil action or proceeding brought in any court against any person referred to in subsection (a) (or the estate of such person) for any such injury. Any person against whom such a civil action or proceeding is brought shall deliver, within such time after date of service or knowledge of service as determined by the Attorney General, all process served upon such person (or an attested true copy thereof) to such person’s immediate superior or to whomever was designated by the head of the agency concerned to receive such papers. Such person shall promptly furnish copies of the pleading and process therein—

- (1) to the United States attorney for the district embracing the place wherein the action or proceeding is brought;
- (2) to the Attorney General; and
- (3) to the head of the agency concerned.

(c) Upon a certification by the Attorney General that a person described in subsection (a) was acting in the scope of such person’s duties or employment at the time of the incident out of which the suit arose, any such civil action or proceeding commenced in a State court—

- (1) shall be removed without bond at any time before trial by the Attorney General to the district court of the United States of the district and division embracing the place wherein it is pending; and
- (2) shall be deemed a tort action brought against the United States under the provisions of title 28 and all references thereto. Should a United States district court determine on a hearing on a motion to remand held before a trial on the merits that the case so removed is one in which a remedy by suit within the meaning of subsection (a) is not available