

–CITE–

37 USC CHAPTER 11 – PAYMENTS TO MENTALLY INCOMPETENT
PERSONS 01/06/03

–EXPCITE–

TITLE 37 – PAY AND ALLOWANCES OF THE UNIFORMED SERVICES
CHAPTER 11 – PAYMENTS TO MENTALLY INCOMPETENT PERSONS

–HEAD–

CHAPTER 11 – PAYMENTS TO MENTALLY INCOMPETENT PERSONS

–MISC1–

Sec.

601. Applicability.

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AMENDMENTS

1990 – Pub. L. 101–510, div. A, title XIV, Sec. 1484(f)(1), Nov.

5, 1990, 104 Stat. 1717, revised chapter heading so as to appear in

all capital letters.

–End–

–CITE–

37 USC Sec. 601 01/06/03

–EXPCITE–

TITLE 37 – PAY AND ALLOWANCES OF THE UNIFORMED SERVICES
CHAPTER 11 – PAYMENTS TO MENTALLY INCOMPETENT PERSONS

–HEAD–

Sec. 601. Applicability

–STATUTE–

This chapter applies to –

(1) members of a uniformed service who are on active duty (other than for training) or who are on a retired list of that service; and

(2) members of the Fleet Reserve or Fleet Marine Corps Reserve.

–SOURCE–

(Pub. L. 87–649, Sept. 7, 1962, 76 Stat. 483.)

–MISC1–

HISTORICAL AND REVISION NOTES

Revised Source (U.S. Code) Source (Statutes at section Large)

601 37:351. June 21, 1950, ch. 342,
Sec. 1, 64 Stat. 249.

The words "on active duty (other than for training)" are substituted for the words "on the active . . . list" to conform to longstanding administrative construction, and because there is no "active list" in the case of many of the uniformed services named, but only for certain regular component of those services, e.g., the "Regular Army" and the "Regular Air Force". The words "a retired list of that service" are substituted for the words "retired list",

since there is more than one retired list for many of the services named. (See sections 1376, 3966, and 8966 of title 10, for example.) The words "members of the Reserve components of the respective services entitled to Federal pay either on the active or any retired list of said services" are omitted as covered by clause (1), since members of the reserve components are members of the uniformed services concerned. The word "transferred" is omitted as surplusage.

–End–

–CITE–

37 USC Sec. 602 01/06/03

–EXPCITE–

TITLE 37 – PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

CHAPTER 11 – PAYMENTS TO MENTALLY INCOMPETENT PERSONS

–HEAD–

Sec. 602. Payments: designation of person to receive amounts due

–STATUTE–

(a) Active duty pay and allowances, amounts due for accrued or accumulated leave, or retired or retainer pay, that are otherwise payable to a member to whom this chapter applies and who, in the opinion of a board of medical officers or physicians, is mentally incapable of managing his affairs, may be paid for that member's use or benefit to any person designated by the Secretary concerned, or by any officer to whom he delegates his authority under this section, without the appointment in judicial proceedings of a committee, guardian, or other legal representative.

(b) The board shall consist of at least three qualified medical officers or physicians, one of whom is specially qualified in the treatment of mental disorders, appointed from available medical officers or physicians under his jurisdiction by the head of whichever of the following is providing medical treatment for the member, or by a person designated by that head –

- (1) Department of the Army;
- (2) Department of the Navy;
- (3) Department of the Air Force;
- (4) Department of Health and Human Services; or
- (5) Department of Veterans Affairs.

If the hospitalization or medical care of the member is not provided by the United States, the board shall be appointed by the Secretary of the department having jurisdiction of the member.

(c) A payment made to a person who is designated under this section discharges the obligation of the United States as to the amount paid.

(d) A person serving in a legal, medical, fiduciary, or other capacity, may not demand or accept a fee, commission, or other charge for any service performed under this chapter.

(e) This section does not apply in any case in which a legal committee, guardian, or other representative has been appointed by a court of competent jurisdiction, except as to payments made before the paying agency of the department concerned receives notice of that appointment.

(f) A person who is designated to receive payments under this

section shall furnish satisfactory assurance that the amounts received by him will be applied to the use and benefit of the incompetent member, and, where the payments may reasonably be expected to be more than \$1,000, shall provide a suitable bond to be paid for out of amounts due the incompetent member.

–SOURCE–

(Pub. L. 87–649, Sept. 7, 1962, 76 Stat. 483; Pub. L. 96–513, title V, Sec. 516(17), Dec. 12, 1980, 94 Stat. 2939; Pub. L. 101–189, div. A, title XVI, Sec. 1621(b)(1), Nov. 29, 1989, 103 Stat. 1604.)

–MISC1–

HISTORICAL AND REVISION NOTES

Revised Source (U.S. Code) Source (Statutes at section Large)

602(a) 37:352 (1st sentence, June 21, 1950, ch. 342, less 31 words before Secs. 2, 3 (less 1st 28 provisos and less words), 64 Stat. 249; provisos). Aug. 7, 1959, Pub. L. 86–145, Sec. 1, 73 Stat. 297.

602(b)
37:352 (last proviso of 1st sentence, 2d sentence, and last sentence).

602(c) 37:352 (31 words before

provisos of 1st sentence).

602(d) 37:352 (1st proviso of

1st sentence).

602(e) 37:352 (2d proviso of 1st

sentence).

602(f) 37:353 (less 1st 28

words).

In subsection (a), the words "or persons" and "or officers" are omitted, since, under section 1 of title 1, "words importing the singular include and apply to several persons, parties, or things".

The words "to whom he delegates his authority under this section" are substituted for the words "as the respective Secretaries may designate for such purposes" to obviate confusion between persons "designated to receive payments and those who perform the Secretary's functions under the section. The words "the necessity of" are omitted as surplusage.

In subsection (c), the words "or persons" are omitted for the reasons given in the preceding paragraph. The words "discharges the obligation" are substituted for the words "shall constitute a complete discharge".

In subsection (d), the words "under the authority of" are omitted as surplusage.

In subsection (e), the words "have been" and "including a requirement" are omitted as surplusage. The words "or persons" are

omitted for the reason stated in the explanation under subsection

(a), above.

AMENDMENTS

1989 – Subsec. (b)(5). Pub. L. 101–189 substituted "Department of Veterans Affairs" for "Veterans' Administration".

1980 – Subsec. (b)(4). Pub. L. 96–513 substituted "Department of Health and Human Services" for "Department of Health, Education, and Welfare".

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96–513, set out as a note under section 101 of Title 10, Armed Forces.

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 604 of this title.

–End–

–CITE–

37 USC Sec. 603 01/06/03

–EXPCITE–

TITLE 37 – PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

CHAPTER 11 – PAYMENTS TO MENTALLY INCOMPETENT PERSONS

–HEAD–

Sec. 603. Regulations

–STATUTE–

The Secretary concerned and the Secretary of Veterans Affairs shall prescribe regulations necessary to carry out this chapter.

–SOURCE–

(Pub. L. 87–649, Sept. 7, 1962, 76 Stat. 484; Pub. L. 101–189, div.

A, title XVI, Sec. 1621(b)(2), Nov. 29, 1989, 103 Stat. 1604.)

–MISC1–

HISTORICAL AND REVISION NOTES

Revised Source (U.S. Code) Source (Statutes at
section Large)

603 37:353 (1st 28 words). June 21, 1950, ch. 342,

Sec. 3 (1st 28 words),

64 Stat. 249; Aug. 7,

1959, Pub. L. 86–145,

Sec. 2, 73 Stat. 297.

The words "effectively" and "provisions of" are omitted as
surplusage.

AMENDMENTS

1989 – Pub. L. 101–189 substituted "Secretary of Veterans

Affairs" for "Administrator of Veterans' Affairs".

–End–

–CITE–

37 USC Sec. 604 01/06/03

–EXPCITE–

TITLE 37 – PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

CHAPTER 11 – PAYMENTS TO MENTALLY INCOMPETENT PERSONS

–HEAD–

Sec. 604. Determination of Secretary final

–STATUTE–

The determination as to the person authorized to receive a payment under section 602 of this title is final and is not subject to review by an official of the United States or a court.

–SOURCE–

(Pub. L. 87–649, Sept. 7, 1962, 76 Stat. 484; Pub. L. 89–718, Sec. 66, Nov. 2, 1966, 80 Stat. 1123.)

–MISC1–

HISTORICAL AND REVISION NOTES

Revised Source (U.S. Code) Source (Statutes at section Large)

604 37:354. June 21, 1950, ch. 342,
Sec. 4, 64 Stat. 250.

The words "or persons" are omitted for the reasons stated in the revision note for section 602(a) of this revised title. The words "made by the respective secretaries, or by their duly designated subordinates" and the words "and conclusive" are omitted as surplusage.

AMENDMENTS

1966 – Pub. L. 89–718 struck out "the" before "Secretary" in section catchline.

-End-