

provisions of this section. (Jan. 27, 1936, ch. 32, § 5, 49 Stat. 1101.)

REFERENCES IN TEXT

The Second Liberty Bond Act, as amended, referred to in the text, is classified to sections 745, 747, 752—754b, 757, 757b—757e, 758, 760, 764—766, 769, 771, 773, 774, and 801 of Title 31, Money and Finance.

§ 687a. Same; availability of adjusted-service certificate fund for payment.

The adjusted-service certificate fund is made available for payments authorized by this chapter. (Jan. 27, 1936, ch. 32, § 6, 49 Stat. 1101.)

§ 687b. Same; deduction on account of indebtedness.

Notwithstanding the provisions of sections 450, 454a, and 556a of this title, no deductions on account of any indebtedness of the veteran to the United States, except on account of any lien against the adjusted-service certificate authorized by law, shall be made from the adjusted-service credit or from any amounts due under chapter 11 of this title, or this chapter. (Jan. 27, 1936, ch. 32, § 7, 49 Stat. 1101.)

MODIFICATION OR REPEAL

Section as not modified or repealed by act Oct. 17, 1940, ch. 893, 54 Stat. 1196, see section 454a of this title.

§ 687c. Authorization of appropriation.

There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this chapter. (Jan. 27, 1936, ch. 32, § 8, 49 Stat. 1102.)

§ 688. Separability of provisions.

If any provision of this chapter, or the application thereof to any person or circumstance, is held invalid, the remainder of this chapter, and the application of such provision to other persons or circumstances, shall not be affected thereby. (Jan. 27, 1936, ch. 32, § 9, 49 Stat. 1102.)

§ 688a. False or fraudulent statements; penalty.

Whoever knowingly makes any false or fraudulent statement of a material fact in any application, certificate, or document made under the provisions of this chapter, shall, upon conviction thereof, be fined not more than \$1,000, or imprisoned not more than five years, or both. (Jan. 27, 1936, ch. 32, § 10, 49 Stat. 1102.)

§ 688b. Citation.

This chapter may be cited as the Adjusted Compensation Payment Act, 1936. (Jan. 27, 1936, ch. 32, § 11, 49 Stat. 1102.)

Chapter 11B.—WORLD WAR II VETERANS'
MUSTERING-OUT PAYMENTS

Sec.

- 691. Short title.
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- 691f. Definitions.
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§ 691. Short title.

This chapter may be cited as the "Mustering-Out Payment Act of 1944." (Feb. 3, 1944, ch. 9, § 8, 58 Stat. 10.)

CROSS REFERENCES

Servicemen's Readjustment Act of 1944, see chapter 11C of this title.

Veterans preference rights in federal employment, see chapter 17 of Title 5, Executive Departments and Government Officers and Employees.

Veterans' Readjustment Assistance Act of 1952, see chapter 14 of this title.

§ 691a. Eligibility for payments.

(a) Except as provided in subsection (b) of this section, each member of the armed forces who shall have been engaged in active service in the present war, and who is discharged or relieved from active service under honorable conditions on or after December 7, 1941, shall be eligible to receive mustering-out payment.

(b) No mustering-out payment shall be made to—

(1) any member of the armed forces who, at the time of discharge or relief from active service, is receiving base pay at a higher rate than the base pay of the third period as prescribed in section 101 of Title 37;

(2) any member of the armed forces who, at the time of discharge or relief from active service, is transferred or returned to the retired list with retirement pay or to a status in which he receives retirement pay;

(3) any member of the armed forces for any active service performed prior to the date of his discharge or relief from active service on his own initiative to accept employment or, in the case of any member so relieved from active service, for any active service performed prior to the date of his discharge while in such inactive status, unless he has served outside the continental limits of the United States or in Alaska;

(4) any Air Corps Reserve officer who is entitled to receive a lump-sum payment under section 300a of Title 10;

(5) any member of the armed forces whose total period of service has been as a student detailed for training under (A) the Army specialized training program, (B) the Army Air Forces college training program, or (C) any similar program under the jurisdiction of the Navy, Marine Corps, or Coast Guard;

(6) any member of the armed forces for any active service performed prior to the date of his discharge from such forces for the purpose of entering the United States Military Academy, the United States Naval Academy, or the United States Coast Guard Academy;

(7) any member of the armed forces whose sole service has been as a cadet at the United States Military Academy or the United States Coast Guard Academy, or as a midshipman at the United States Naval Academy, or in a preparatory school after nomination as a principal, alternate, or candidate for admission to any of said Academies;

(8) any commissioned officer unless he is discharged or relieved from active service within three years after the termination of the present war as proclaimed by the President; and

(9) any person entering upon active service, or enlisting, on or after July 1, 1947. (Feb. 3, 1944, ch. 9, § 1, 58 Stat. 8; June 28, 1947, ch. 162, § 6, 61 Stat. 192.)

AMENDMENTS

1947—Subsec. (b) amended by act June 28, 1947, which added paragraph (9).

REPEALS

For repeal of laws inconsistent with act June 28, 1947, see note under section 628 of Title 10, Army and Air Force.

§ 691b. Amount, method, and determination of payments.

(a) Mustering-out payment for persons eligible under section 691a of this title shall be in sums as follows:

(1) \$300 for persons who, having performed active service for sixty days or more, have served outside the continental limits of the United States or in Alaska.

(2) \$200 for persons who, having performed active service for sixty days or more, have served no part thereof outside the continental limits of the United States or in Alaska.

(3) \$100 for persons who have performed active service for less than sixty days.

(b) Each person eligible to receive mustering-out payment under subsection (a) (1) of this section shall receive one-third of the stipulated amount at the time of final discharge or ultimate relief from active service or, at the option of the person so eligible, at the time of discharge or release for the purpose of enlistment, reenlistment, or appointment in the Regular Military or Naval Establishment; and the remaining amount of such payment shall be paid in two equal installments—one month and two months, respectively, from the date of the original payment. Each person eligible to receive mustering-out payment under subsection (a) (2) of this section shall receive one-half of the stipulated amount at the time of final discharge or ultimate relief from active service or, at the option of the person so eligible, at the time of discharge or release for the purpose of enlistment, reenlistment, or appointment in the Regular Military or Naval Establishment; and the remaining amount of such payment shall be paid one month from the date of the original payment. Each person eligible to receive mustering-out payment under subsection (a) (3) of this section shall receive the stipulated amount at the time of such discharge or relief from active service or, at the option of the person so eligible, at the time of discharge or release for the purpose of enlistment, reenlistment, or appointment in the Regular Military or Naval Establishment. A person entitled to receive the first installment of the mustering-out payment at the time of discharge or release for the purpose of enlistment, reenlistment, or appointment in the Regular Military or Naval Establishment shall, at his election, receive the whole of such payment in one lump sum rather than in installments. (Feb. 3, 1944, ch. 9, § 2, 58 Stat. 9; Oct. 6, 1945, ch. 393, § 7 (a), 59 Stat. 540.)

AMENDMENTS

1945—Subsec. (b) amended generally by act Oct. 6, 1945, so as to authorize mustering-out payments by eligible persons now in the service, if they so elect, when they enlist, reenlist, or are appointed in the Regular Army and Navy.

EFFECTIVE DATE OF 1945 AMENDMENT

Subsec. (c) of section 7 of act Oct. 6, 1945, provided: "The amendments made by this section shall be applicable, in the case of the Naval Establishment, with respect to enlistments, reenlistments, and appointments on or after February 1, 1945, and in the case of the Military Establishment, with respect to enlistments, reenlistments, and appointments on or after June 1, 1945."

SHORT TITLE

Short title of act Oct. 6, 1945, see note set out under section 635 of Title 10, Army and Air Force.

CROSS REFERENCES

Exemption of payment from income tax, see section 22 (b) (14) of Title 26, Internal Revenue Code.

Section as applicable to Coast Guard, see section 189 of Title 34, Navy.

§ 691c. Payments to persons honorably discharged prior to February 3, 1944; limitation.

Any member of the armed forces entitled to mustering-out payment who shall have been discharged or relieved from active service under honorable conditions before February 3, 1944 shall, if application therefor is made not later than February 3, 1950, be paid such mustering-out payment by the Department of the Army or the Navy Department, as the case may be, beginning within one month after application has been received and approved by such department: *Provided*, That no member of the armed forces shall receive mustering-out payment under this chapter more than once, and such payment shall accrue and the amount thereof shall be computed as of the time of discharge for the purpose of effecting a permanent separation from the service or of ultimate relief from active service, or, at the option of such member, for the purpose of enlistment, reenlistment, or appointment in the Regular Military or Naval Establishment. (Feb. 3, 1944, ch. 9, § 3, 58 Stat. 9; Oct. 6, 1945, ch. 393, § 7 (b), 59 Stat. 540; July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501; May 19, 1948, ch. 312, 62 Stat. 241.)

AMENDMENTS

1948—Act May 19, 1948, amended section to extend the time of filing claims from Feb. 3, 1946, to Feb. 3, 1950.

1945—Act Oct. 6, 1945, amended section by inserting " , or, at the option * * * Military or Naval Establishment" immediately preceding the period.

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947.

EFFECTIVE DATE OF 1945 AMENDMENT

Effective date of act Oct. 6, 1945, see note under section 691 of this title.

SHORT TITLE

Short title of act Oct. 6, 1945, see note set out under section 635 of Title 10, Army and Air Force.

CROSS REFERENCES

Section as applicable to Coast Guard, see section 189 of Title 34, Navy.

§ 691d. Death after discharge as affecting payments.

If any member of the armed forces, after his discharge or relief from active service, shall die before receiving any portion of or the full amount of his mustering-out payment, the balance of the amount due him shall be payable, on appropriate application therefor, to his surviving spouse, if any; and if he shall leave no surviving spouse, then in equal shares to his child or children, if any; and if he shall leave no surviving spouse or child or children, then in equal shares to his surviving parents, if any: *Provided*, That no payments under this chapter shall be made to any other person. (Feb. 3, 1944, ch. 9, § 4, 58 Stat. 9.)

§ 691e. Payments as assignable, taxable, attachable; regulations; conclusiveness of decisions of Secretary of the Army and Secretary of the Navy; payments to survivors.

(a) Mustering-out payments due or to become due under this chapter shall not be assignable and any payments made to or on account of a veteran hereunder shall be exempt from taxation, shall be exempt from the claims of creditors, including any claim of the United States, and shall not be subject to attachment, levy, or seizure by or under any legal or equitable process whatever either before or after receipt by the payee.

(b) The Secretary of the Army and the Secretary of the Navy shall make such regulations not inconsistent with this chapter as may be necessary effectively to carry out the provisions thereof, and the decisions of the Secretary of the Army and the Secretary of the Navy shall be final and not subject to review by any court or other Government official.

(c) The Secretary of the Army and the Secretary of the Navy, or such subordinate officers as they may designate, are authorized to make direct payment to survivors over seventeen years of age, and to select a proper person or persons to whom mustering-out payments may be made for the use and benefit of former active members of the armed forces, or survivors thereof, as defined by section 691d of this title, without the necessity of appointment by judicial proceedings of a legal representative of any such former member or such survivors when, in the opinion of the respective Secretaries or their designees, the interests of persons under seventeen years of age so justify, or where the former active member or his survivors is suffering from a mental disability sufficient to make direct payment not in the best interests of such person or persons. Payments made under the provisions of this subsection shall constitute a complete discharge of the obligation of the United States as provided in this chapter; and the selection of a proper person or persons, as provided herein, and the correctness of the amount due and paid to such person or persons shall have the same finality as that accorded decisions made pursuant to subsection (b) of this section; *Provided*, That the provisions of this subsection shall not apply where a legal guardian or committee has been judicially appointed, except as to any payments

made hereunder prior to the receipt of notice of appointment. (Feb. 3, 1944, ch. 9, § 5, 58 Stat. 10; Dec. 16, 1944, ch. 599, 58 Stat. 812; July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501.)

AMENDMENTS

1944—Subsec. (c) added by act Dec. 16, 1944.

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947.

§ 691f. Definitions.

As used in this chapter—

(a) The term "member of the armed forces" means any member of the Army or Navy of the United States, the United States Marine Corps, the United States Coast Guard, or any of their respective components, and any member of the Women's Army Auxiliary Corps who was discharged under honorable conditions on account of disability.

(b) The term "spouse" means a lawful wife or husband.

(c) The term "child" includes (1) a legitimate child; (2) a child legally adopted; and (3) a stepchild, if, at the time of death of the member of the armed forces, such stepchild was a member of the deceased's household.

(d) The term "parent" includes father and mother, stepfather and stepmother, and father and mother through adoption. (Feb. 3, 1944, ch. 9, § 6, 58 Stat. 10.)

§ 691g. Appropriations.

Appropriations for the Army and Navy, and the several components thereof, respectively, shall be available for the payments provided by this chapter and necessary administrative expenses. There are authorized to be appropriated such additional sums as may be necessary to carry out the provisions of this chapter. Amounts expended hereunder shall be included in the annual reports to the Congress by the Departments concerned. (Feb. 3, 1944, ch. 9, § 7, 58 Stat. 10.)

Chapter 11C.—WORLD WAR II SERVICEMEN'S READJUSTMENT BENEFITS**SUBCHAPTER I.—POWERS AND DUTIES OF THE VETERANS' ADMINISTRATION****Sec.**

693. Veterans' Administration as essential war agency; priority rights; procurement of buildings; leases.
- 693a. Construction of hospitals; establishment of regional, branch, etc., offices; appropriation.
- 693b. Agreements between Administrator and the Secretaries of the Army and the Navy for mutual use of hospital and domiciliary facilities; transfer of personnel.
- 693c. Administrator's placement of personnel in Army and Navy installations.
- 693d. Discharge of members from armed services; final pay; execution of claim for compensation, pension, or hospitalization; prosthetic appliances.
- 693e. Statements by personnel of armed forces regarding disease or injury.
- 693f. Aid by veterans' organizations in presentation of veterans' claims; regulations; office space furnished.