

Fifth, if there be none of the above, to the duly appointed legal representative of the estate of the deceased member, or if there be none, to the person or persons determined to be entitled thereto under the laws of the domicile of the deceased member. (July 12, 1955, ch. 328, § 2, 69 Stat. 295.)

§ 363. Payments.

Subject to such rules and regulations as may be prescribed by the Comptroller General of the United States, amounts payable to beneficiaries designated by the member under section 362 of this title shall be paid by the Department or uniformed service concerned. All other payments under this chapter shall be paid upon settlement by the General Accounting Office. Any payment made under this chapter shall be a bar to recovery by any other person of any amount so paid. (July 12, 1955, ch. 328, § 3, 69 Stat. 296.)

EFFECTIVE DATE OF PAYMENT PROVISIONS

For effective date of payment provisions of this chapter, see section 365 of this title.

§ 364. Designation of beneficiary; uniformity of regulations.

Designations of beneficiary under this chapter, and changes therein, shall be made under regulations promulgated by the Secretaries concerned, and such regulations shall be uniform for all services in so far as practicable: *Provided*, That any designation of beneficiary made for the purposes of any six months' death gratuity (including any designation of a person whose right to the gratuity would not depend upon such designation) and heretofore or hereafter received in the Department concerned before the effective date of the payment provisions of this chapter shall be considered as a designation of beneficiary for the purposes of this chapter, in the absence of a designation of beneficiary under this chapter, unless the member making the designation shall have been missing, missing in action, in the hands of a hostile force, or interned in a foreign country during any part of the period between July 12, 1955 and the effective date of the payment provisions as prescribed in section 365 of this title. (July 12, 1955, ch. 328, § 4, 69 Stat. 296.)

EFFECTIVE DATE OF PAYMENT PROVISIONS

For effective date of payment provisions of this chapter, see section 365 of this title.

§ 365. Effective date of payment provisions.

The payment provisions of this chapter shall be effective only in cases wherein the member's death occurs on or after the first day of the sixth month following July, 1955. (July 12, 1955, ch. 328, § 5, 69 Stat. 296.)

CODIFICATION

Section constitutes the first sentence of section 5 of act July 12, 1955. Remainder of such section 5 repealed section 868 of Title 10, Army and Air Force, section 466 of Title 14, Coast Guard, section 941a of Title 34, Navy, and section 225 of Title 42, The Public Health and Welfare.

EFFECTIVE DATE OF REPEALS

Section 5 of act July 12, 1955, provided in part that section 868 of Title 10, Army and Air Force, section 466 of Title 14, Coast Guard, section 941a of Title 34, Navy,

and section 225 of Title 42, The Public Health and Welfare, should be repealed as of the effective date of the payment provisions of this chapter, except with respect to the deaths of members occurring prior to such effective date.

Chapter 6.—UNIFORMED SERVICES RETIREMENT CONTINGENCY OPTIONS [NEW]

Sec.

371, 372. Repealed.

372a. Revocation of elections under section 372 (b); time limit; refunds [New].

372b. Same; definitions [New].

372c. Same; use of appropriations for refunds [New].

373—379. Repealed.

380. Annuities as additional to other pensions or payments.

381. Repealed.

§§ 371, 372. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

Section 371, act Aug. 8, 1953, ch. 393, § 2, 67 Stat. 501, defined "uniformed services", "member", "active member", "retired member", "widow", "child", "retired pay" and "department concerned" as those terms were used in former sections 371, 372 and 373—381 of this title, and is now covered by sections 1431 and 1435 of Title 10, Armed Forces.

Section 372, acts Aug. 8, 1953, ch. 393, § 3, 67 Stat. 502; Apr. 29, 1954, ch. 176, 68 Stat. 64, provided for election by members of survivor's annuity, and is now covered by sections 1431—1433 of Title 10, Armed Forces.

ELECTION BY MEDICAL AND DENTAL OFFICERS OF THE ARMY, NAVY, AIR FORCE, AND PUBLIC HEALTH SERVICE

Section 6 of act Apr. 30, 1956, ch. 223, 70 Stat. 122, provided that: "Any person who, on the day before the effective date of this Act [amending sections 233 (a) (6), (7) and 234 (b) of this title, sections 91a, 91b, 121a, 121b, and 506c (c, e) of Title 10, Army and Air Force, and sections 21c, 21d, 51b, 51c, 305g (e) (1) and 308f (d) (3) of Title 34, Navy, and adding section 211c of Title 42, The Public Health and Welfare], has not completed eighteen years of service creditable in the computation of active duty pay in the uniformed service of which he is a member and who, as a result of the enactment of this Act, is upon the effective date of this Act credited with more than seven years of such service shall, notwithstanding any other provision of law, be allowed twelve months from the effective date of this Act within which to make the election provided for in section 3 (a) of the Uniformed Services Contingency Option Act of 1953 [subsec. (a) of this section]."

§ 372a. Revocation of elections under section 372 (b); time limit; refunds.

Retired members of the uniformed services who have elected under section 372 (b) of this title to receive a reduced amount of retired pay in order to provide an annuity under this chapter may, within sixty days after August 28, 1954, revoke such elections. A retired member may revoke an election under this section only if he can establish to the satisfaction of the Secretary concerned that he made such election because he was misinformed as to his rights under this chapter or because he made a substantial mathematical error in computing the cost of the benefits which he would derive under this chapter and that such misinformation or error has resulted in undue hardship. The Secretary concerned may revoke an election made by him on behalf of a mentally incompetent member when it is established to his satisfaction that such election has resulted in undue hardship. A retired member whose election is revoked under this section shall

have refunded to him a sum which represents the difference between the amount by which his retired pay has been reduced in accordance with his election and the cost of an amount of term insurance which is equal to the protection provided his dependents during the period his election was in effect. A retired member whose election is revoked under this section shall not thereafter be permitted to be covered in any way under this chapter. (Aug. 28, 1954, ch. 1047, § 1, 68 Stat. 915.)

CODIFICATION

Section was not enacted as a part of the Uniformed Services Contingency Option Act of 1953, which comprises this chapter.

§ 372b. Same; definitions.

Terms used in sections 372a—372c of this title shall have the meaning assigned to them by this chapter. (Aug. 28, 1954, ch. 1047, § 2, 68 Stat. 916.)

CODIFICATION

Section was not enacted as a part of the Uniformed Services Contingency Option Act of 1953, which comprises this chapter.

§ 372c. Same; use of appropriations for refunds.

Payments of the refunds authorized by sections 372a—372c of this title may be made from appropriate current appropriations. (Aug. 28, 1954, ch. 1047, § 3, 68 Stat. 916.)

CODIFICATION

Section was not enacted as a part of the Uniformed Services Contingency Option Act of 1953, which comprises this chapter.

§§ 373—379. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

Section 373, act Aug. 8, 1953, ch. 393, § 4, 67 Stat. 503, specified the types of annuities, provided for more than one annuity, computation of reduction in retired pay, refunds to members on temporary disability retired list, and is now covered by sections 1434, 1436, and 1439 of Title 10, Armed Forces.

Section 374, act Aug. 8, 1953, ch. 393, § 5, 67 Stat. 504, related to deposit requirement during non-pay period, and is now covered by section 1438 of Title 10, Armed Forces.

Section 375, act Aug. 8, 1953, ch. 393, § 6, 67 Stat. 504, provided for determination and certification of eligibility, and is now covered by section 1444 of Title 10, Armed Forces.

Section 376, act Aug. 8, 1953, ch. 393, § 7, 67 Stat. 504, provided for recovery of erroneous payments, and is now covered by section 1442 of Title 10, Armed Forces.

Section 377, act Aug. 8, 1953, ch. 393, § 8, 67 Stat. 504, provided for administration, reports to Congress, Board of Actuaries, independent actuary, actuarial tables, and is now covered by sections 1443, 1444, of Title 10, Armed Forces.

Section 378, act Aug. 8, 1953, ch. 393, § 9, 67 Stat. 504, prohibited assignment of annuity and provided that such annuity should not be subject to execution, levy or attachment, garnishment, or other legal process, and is now covered by section 1440 of Title 10, Armed Forces.

Section 379, act Aug. 8, 1953, ch. 393, § 10, 67 Stat. 504, related to date of accrual and payment of annuities, and is now covered by section 1437 of Title 10, Armed Forces.

§ 380. Annuities as additional to other pensions or payments.

Annuities payable under this chapter shall be in addition to any pensions or other payments to which the beneficiaries may now or hereafter be entitled under other provisions of law, and shall not be

considered income (except as provided in section 1115 (g) of title 38) under any law administered by the Veterans' Administration. (Aug. 8, 1953, ch. 393, § 11, 67 Stat. 504, amended Aug. 1, 1956, ch. 837, Title V, § 501 (1), 70 Stat. 884.)

Repealed, except as affected by amendments subsequent to Mar. 31, 1955, by act Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641. See § 1441 of Title 10, Armed Forces.

AMENDMENTS

1956—Act Aug. 1, 1956, amended section by inserting "(except as provided in section 1115 (g) of title 38)" following "be considered income".

EFFECTIVE DATE OF 1956 AMENDMENT

Amendment of section by act Aug. 1, 1956, as effective Jan. 1, 1957, see note under section 1101 of Title 38, Pensions, Bonuses, and Veterans' Relief.

§ 381. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

Section, act Aug. 8, 1953, ch. 393, § 12, 67 Stat. 505, authorized payments to be made out of applicable current appropriations.

Chapter 7.—MEDICAL CARE FOR DEPENDENTS OF MEMBERS OF THE UNIFORMED SERVICES [NEW]

SUBCHAPTER I.—GENERAL PROVISIONS

Sec.

401. Purpose.
402. Definitions; administration.
403. Utilization of medical facilities of uniform services.
 - (a) Availability of space, facilities, and capabilities of medical staff; conclusiveness of determination.
 - (b) Regulations.
 - (c) Charges for inpatient medical care.
 - (d) Charges for outpatient care.
 - (e) Deposit of amounts received in payment for subsistence and medical care.
 - (f) Limitations on medical care.
 - (g) Limitations on hospitalization.
 - (h) Limitations on issuance of prosthetic devices, hearing aids, orthopedic footwear, and spectacles; ambulance service; home calls; dental care.
404. Conclusiveness of dependency determinations; reconsideration or modification.
405. Appropriations.

SUBCHAPTER II.—CONTRACTS FOR MEDICAL CARE FROM CIVILIAN PHYSICIANS AND HOSPITALS

411. Insurance, medical service, or health plan.
 - (a) Provisions of plan.
 - (b) Limitations, additions, exclusions, definitions, and related provisions.
 - (c) Election of facilities; limitations on right of election.
412. Review and adjustment of payments; report to Congressional committees.
413. Advisory committees; membership; transportation and per diem.
414. Scope of medical care under plan.

SUBCHAPTER III.—MEDICAL AND DENTAL CARE IN MEDICAL FACILITIES OF THE UNIFORMED SERVICES

421. Eligibility.
 - (a) Persons on active duty or active duty for training in the uniformed services.
 - (b) Retired members of the uniformed services.
 - (c) Dependents of retired members; dependents of persons who died while a retired member; limitations.
 - (d) Reimbursement of service furnishing care.