

on all such producers of steel and such requirement shall take precedence over all orders and contracts theretofore placed with such producers. If any such producer of steel or the responsible head or heads thereof refuses to comply with such requirement, the President, through the Secretary of Defense, is authorized to take immediate possession of the plant or plants of such producer and, through the appropriate branch, bureau, or department of the armed forces, to insure compliance with such requirement. Any such producer of steel or the responsible head or heads thereof refusing to comply with such requirement shall be deemed guilty of a felony and upon conviction thereof shall be punished by imprisonment for not more than three years and a fine not exceeding \$50,000.

(As amended Nov. 5, 1990, Pub. L. 101-510, div. A, title XIII, § 1303(c), 104 Stat. 1669.)

#### AMENDMENTS

1990—Subsec. (h). Pub. L. 101-510 struck out "(1)" before "The President is empowered" and struck out par. (2) which read as follows: "The President shall report to the Congress on the final day of each six-month period following the date of enactment of this Act the percentage figure, or if such information is not available, the approximate percentage figure, of the total steel production in the United States required to be made available during such period for the execution of orders for steel products and steel materials required by the armed forces, if such percentage figure is in excess of 10 per centum."

#### DELEGATION OF AUTHORITY

For delegation of President's authority under this section with respect to placing of orders for prompt delivery of articles or materials, see section 102 of Ex. Ord. No. 12742, Jan. 8, 1991, 56 F.R. 1079, set out as a note under section 4501 of Title 10, Armed Forces.

### SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940

ACT OCT. 17, 1940, CH. 888, 54 STAT. 1178

#### ARTICLE I—GENERAL PROVISIONS

Sec. 518. Exercise of rights under Act not to affect certain future financial transactions.

#### ARTICLE IV—INSURANCE

548. Repealed.

#### ARTICLE VII—FURTHER RELIEF

592. Professional liability protection for certain persons ordered to active duty in armed forces.

- (a) Applicability.
- (b) Suspension of coverage.
- (c) Reinstatement of coverage.
- (d) Increase in premium.
- (e) Continuation of coverage of unaffected persons.
- (f) Stay of civil or administrative actions.
- (g) Effect of suspension upon limitations period.
- (h) Death during period of suspension.

593. Reinstatement of health insurance coverage upon release from service.

- (a) Right to reinstatement of coverage.
- (b) Exclusion or waiting period.
- (c) Employer-offered insurance benefits.

### § 501. Short title

#### SHORT TITLE OF 1991 AMENDMENT

Pub. L. 102-12, § 1, Mar. 18, 1991, 105 Stat. 34, provided that: "This Act [enacting sections 518, 592, and 593 of this Appendix, amending sections 511 to 513, 515, 516, 525, 526, 530 to 532, 534, 535, 540 to 545, 547, 564 to 567, 570, 574, 580, 581, 584, and 591 of this Appendix and sections 2021 and 2024 of Title 38, Veterans' Benefits, repealing section 548 of this Appendix, and enacting provisions set out as notes under sections 521 and 530 of this Appendix and sections 2021 and 2024 of Title 38] may be cited as the 'Soldiers' and Sailors' Civil Relief Act Amendments of 1991'."

#### ARTICLE I—GENERAL PROVISIONS

### § 511. Definitions

(1) The term "person in the military service", the term "persons in military service", and the term "persons in the military service of the United States", as used in this Act [sections 501 to 593 of this Appendix], shall include the following persons and not other: All members of the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard, and all officers of the Public Health Service detailed by proper authority for duty either with the Army or the Navy. The term "military service", as used in this Act [said sections], shall signify Federal service on active duty with any branch of service heretofore referred to or mentioned as well as training or education under the supervision of the United States preliminary to induction into the military service. The terms "active service" or "active duty" shall include the period during which a person in military service is absent from duty on account of sickness, wounds, leave, or other lawful cause.

(2) The term "period of military service", as used in this Act [said sections], means, in the case of any person, the period beginning on the date on which the person enters active service and ending on the date of the person's release from active service or death while in active service, but in no case later than the date when this Act [said sections] ceases to be in force.

[See main edition for text of (3) and (4)]

(As amended Mar. 18, 1991, Pub. L. 102-12, § 9(1), 105 Stat. 38.)

#### AMENDMENTS

1991—Par. (1). Pub. L. 102-12, § 9(1)(A), inserted "the Air Force," after "the Marine Corps,".

Par. (2). Pub. L. 102-12, § 9(1)(B), substituted "means, in the case of any person, the period beginning on the date on which the person enters active service and ending on the date of the person's release" for "shall include the time between the following dates: For persons in active service at the date of approval of this Act it shall begin with the date of approval of this Act; for persons entering active service after the date of this Act, with the date of entering active service. It shall terminate with the date of discharge".

§ 512. Territorial application; jurisdiction of courts; form of procedure

(1) The provisions of this Act [sections 501 to 593 of this Appendix] shall apply to the United

States, the several States and Territories, the District of Columbia, and all territory subject to the jurisdiction of the United States and to proceedings commenced in any court therein, and shall be enforced through the usual forms of procedure obtaining in such courts or under such regulations as may be by them prescribed.

[See main edition for text of (2)]

(As amended Mar. 18, 1991, Pub. L. 102-12, § 9(2), 105 Stat. 39.)

#### AMENDMENTS

1991—Par. (1). Pub. L. 102-12 struck out provision including the Philippine Islands while under sovereignty of the United States within territories to which this Act applies.

#### § 513. Protection of persons secondarily liable

[See main edition for text of (1) to (3)]

(4) Nothing contained in this Act [sections 501 to 593 of this Appendix] shall prevent a waiver in writing of the benefits afforded by subsections (1) and (2) of this section by any surety, guarantor, endorser, accommodation maker, or other person whether primarily or secondarily liable upon the obligation or liability, except that no such waiver shall be valid unless it is executed as an instrument separate from the obligation or liability in respect of which it applies, and no such waiver shall be valid after the beginning of the period of military service if executed by an individual who subsequent to the execution of such waiver becomes a person in military service, or if executed by a dependent of such individual, unless executed by such individual or dependent during the period specified in section 106 [section 516 of this Appendix].

(As amended Mar. 18, 1991, Pub. L. 102-12, § 9(3), 105 Stat. 39.)

#### AMENDMENTS

1991—Par. (4). Pub. L. 102-12, which directed that "after the date of the enactment of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942" be struck out, was executed by striking out "after the date of enactment of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942" before "no such waiver" to reflect the probable intent of Congress.

#### § 515. Notice of benefits to persons in and persons entering military service

The Secretary of Defense and the Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy, shall ensure the giving of notice of the benefits accorded by this Act [sections 501 to 593 of this Appendix] to persons in and to persons entering military service. The Director of Selective Service shall cooperate with the Secretary of Defense and the Secretary of Transportation in carrying out the provisions of this section.

(As amended Mar. 18, 1991, Pub. L. 102-12, § 9(4), 105 Stat. 39.)

#### AMENDMENTS

1991—Pub. L. 102-12 substituted "The Secretary of Defense and the Secretary of Transportation, with re-

spect to the Coast Guard when it is not operating as a service in the Navy, shall ensure" for "The Secretary of War and the Secretary of the Navy shall make provision, in such manner as each may deem appropriate for his respective Department, to insure" in first sentence and "the Secretary of Defense and the Secretary of Transportation" for "the Secretary of War and the Secretary of the Navy" in second sentence.

#### § 516. Extension of benefits to persons ordered to report for induction or military service

Any person who has been ordered to report for induction under the Military Selective Service Act (50 U.S.C. App. 451 et seq.) shall be entitled to the relief and benefits accorded persons in military service under articles I, II, and III of this Act [sections 510 to 518, 520 to 527, and 530 to 536 of this Appendix] during the period beginning on the date of receipt of such order and ending on the date upon which such person reports for induction; and any member of a reserve component of the Armed Forces who is ordered to report for military service shall be entitled to such relief and benefits during the period beginning on the date of receipt of such order and ending on the date upon which such member reports for military service or the date on which the order is revoked, whichever is earlier.

(As amended Mar. 18, 1991, Pub. L. 102-12, § 9(5), 105 Stat. 39.)

#### REFERENCES IN TEXT

The Military Selective Service Act, referred to in text, is act June 24, 1948, ch. 625, 62 Stat. 604, as amended, which is classified principally to section 451 et seq. of this Appendix. For complete classification of this Act to the Code, see note set out under section 451 of this Appendix and Tables.

#### AMENDMENTS

1991—Pub. L. 102-12 substituted "Military Selective Service Act (50 U.S.C. App. 451 et seq.)" for "Selective Training and Service Act of 1940, as amended," "a reserve component of the Armed Forces" for "the Enlisted Reserve Corps", and "such member reports for military service or the date on which the order is revoked, whichever is earlier" for "he reports for such service".

#### § 518. Exercise of rights under Act not to affect certain future financial transactions

Application by a person in military service for, or receipt by a person in military service of, a stay, postponement, or suspension pursuant to the provisions of this Act [sections 501 to 593 of this Appendix] in the payment of any tax, fine, penalty, insurance premium, or other civil obligation or liability of that person shall not itself (without regard to other considerations) provide the basis for any of the following:

(1) A determination by any lender or other person that such person in military service is unable to pay such civil obligation or liability in accordance with its terms.

(2) With respect to a credit transaction between a creditor and such person in military service—

(A) a denial or revocation of credit by the creditor;

(B) a change by the creditor in the terms of an existing credit arrangement; or

(C) a refusal by the creditor to grant credit to such person in substantially the amount or on substantially the terms requested.

(3) An adverse report relating to the credit-worthiness of such person in military service by or to any person or entity engaged in the practice of assembling or evaluating consumer credit information.

(4) A refusal by an insurer to insure such person.

(Oct. 17, 1940, ch. 888, art. I, § 108, as added Mar. 18, 1991, Pub. L. 102-12, § 7, 105 Stat. 38.)

## ARTICLE II—GENERAL RELIEF

§ 521. Stay of proceedings where military service affects conduct thereof

### STAY OF JUDICIAL PROCEEDINGS

Pub. L. 102-12, § 6, Mar. 18, 1991, 105 Stat. 37, provided that:

“(a) **STAY OF ACTION OR PROCEEDING.**—In any judicial action or proceeding (other than a criminal proceeding) in which a member of the Armed Forces described in subsection (b) is involved (either as plaintiff or defendant), the court shall, upon application by such member (or some other person on the member's behalf) at any stage before final judgment is entered, stay the action or proceeding until a date after June 30, 1991.

“(b) **MEMBERS COVERED.**—A member of the Armed Forces is covered by subsection (a) if at the time of application for the stay of a judicial action or proceeding the member—

“(1) is on active duty; and

“(2) is serving outside the State in which the court having jurisdiction over the action or proceeding is located.

“(c) **DEFINITION.**—For purposes of this section, the term ‘State’ includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.”

§ 525. Statutes of limitations as affected by period of service

The period of military service shall not be included in computing any period now or hereafter to be limited by any law, regulation, or order for the bringing of any action or proceeding in any court, board, bureau, commission, department, or other agency of government by or against any person in military service or by or against his heirs, executors, administrators, or assigns, whether such cause of action or the right or privilege to institute such action or proceeding shall have accrued prior to or during the period of such service, nor shall any part of such period which occurs after October 6, 1942 be included in computing any period now or hereafter provided by any law for the redemption of real property sold or forfeited to enforce any obligation, tax, or assessment.

(As amended Mar. 18, 1991, Pub. L. 102-12, § 9(6), 105 Stat. 39.)

### AMENDMENTS

1991—Pub. L. 102-12 substituted “October 6, 1942” for “the date of enactment of the Soldiers’ and Sailors’ Civil Relief Act Amendments of 1942”.

§ 526. Maximum rate of interest

No obligation or liability bearing interest at a rate in excess of 6 percent per year incurred by a person in military service before that person's entry into that service shall, during any part of the period of military service, bear interest at a rate in excess of 6 percent per year unless, in the opinion of the court, upon application thereto by the obligee, the ability of such person in military service to pay interest upon such obligation or liability at a rate in excess of 6 percent per year is not materially affected by reason of such service, in which case the court may make such order as in its opinion may be just. As used in this section the term “interest” includes service charges, renewal charges, fees, or any other charges (except bona fide insurance) in respect of such obligation or liability.

(As amended Mar. 18, 1991, Pub. L. 102-12, § 9(7), 105 Stat. 39.)

### AMENDMENTS

1991—Pub. L. 102-12 substituted “percent per year” for “per centum per annum” wherever appearing and “before that person's entry into that service shall, during any part of the period of military service, bear interest” for “prior to his entry into such service shall, during any part of the period of military service which occurs after the date of enactment of the Soldiers’ and Sailors’ Civil Relief Act Amendments of 1942, bear interest”.

## ARTICLE III—RENT, INSTALLMENT CONTRACTS, MORTGAGES, LIENS, ASSIGNMENTS, LEASES

§ 530. Eviction or distress during military service; stay; penalty for noncompliance; allotment of pay for payment

(a) No eviction or distress shall be made during the period of military service in respect of any premises for which the agreed rent does not exceed \$1,200 per month, occupied chiefly for dwelling purposes by the wife, children, or other dependents of a person in military service, except upon leave of court granted upon application therefor or granted in an action or proceeding affecting the right of possession.

(b) On any such application or in any such action the court may, in its discretion, on its own motion, and shall, on application, unless in the opinion of the court the ability of the tenant to pay the agreed rent is not materially affected by reason of such military service, stay the proceedings for not longer than three months, as provided in this Act [sections 501 to 593 of this Appendix], or it may make such other order as may be just. Where such stay is granted or other order is made by the court, the owner of the premises shall be entitled, upon application therefor, to relief in respect of such premises similar to that granted persons in military service in sections 301, 302, and 500 of this Act [sections 531, 532, and 560 of this Appendix] to such extent and for such period as may appear to the court to be just.

(c) Any person who shall knowingly take part in any eviction or distress otherwise than as provided in subsection (a), or attempts so to do, shall be fined as provided in title 18, United

States Code, or imprisoned for not to exceed one year, or both.

(d) The Secretary of Defense or Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy, is empowered, subject to such regulations as he may prescribe, to order an allotment of the pay of a person in military service in reasonable proportion to discharge the rent of premises occupied for dwelling purposes by the wife, children, or other dependents of such person.

(As amended Mar. 18, 1991, Pub. L. 102-12, §§ 2(a), (b), 9(8), 105 Stat. 34, 39.)

#### AMENDMENTS

1991—Subsec. (a). Pub. L. 102-12, § 2(a), (b)(1), redesignated par. (1) as subsec. (a) and substituted "\$1,200" for "\$150".

Subsec. (b). Pub. L. 102-12, § 2(b)(1), redesignated par. (2) as subsec. (b).

Subsec. (c). Pub. L. 102-12, §§ 2, 9(8)(A), redesignated par. (3) as subsec. (c) and substituted "subsection (a)" for "subsection (1) hereof" and "shall be fined as provided in title 18, United States Code, or imprisoned for not to exceed one year," for "shall be guilty of a misdemeanor, and shall be punishable by imprisonment not to exceed one year or by fine not to exceed \$1,000,".

Subsec. (d). Pub. L. 102-12, §§ 2(b)(1), 9(8)(B), redesignated par. (4) as subsec. (d) and substituted "Secretary of Defense or Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy," for "Secretary of War, the Secretary of the Navy, or the Secretary of the Treasury with respect to the Coast Guard, as the case may be,".

#### EFFECTIVE DATE OF 1991 AMENDMENT

Section 2(c) of Pub. L. 102-12 provided that: "The amendment made by subsection (a) [amending this section] applies to actions for eviction or distress that are commenced after July 31, 1990."

#### § 531. Installment contracts for purchase of property

[See main edition for text of (1)]

(2) Any person who shall knowingly resume possession of property which is the subject of this section otherwise than as provided in subsection (1) of this section or in section 107 [section 517 of this Appendix], or attempts so to do, shall be fined as provided in title 18, United States Code, or imprisoned for not to exceed one year, or both.

[See main edition for text of (3)]

(As amended Mar. 18, 1991, Pub. L. 102-12, § 9(9), 105 Stat. 40.)

#### AMENDMENTS

1991—Par. (2). Pub. L. 102-12 substituted "shall be fined as provided in title 18, United States Code, or imprisoned for not to exceed one year," for "shall be guilty of a misdemeanor and shall be punished by imprisonment not to exceed one year or by fine not to exceed \$1,000,".

#### § 532. Mortgages, trust deeds, etc.

[See main edition for text of (1) and (2)]

(3) No sale, foreclosure, or seizure of property for nonpayment of any sum due under any such obligation, or for any other breach of the

terms thereof, whether under a power of sale, under a judgment entered upon warrant of attorney to confess judgment contained therein, or otherwise, shall be valid if made during the period of military service or within three months thereafter, except pursuant to an agreement as provided in section 107 [section 517 of this Appendix], unless upon an order previously granted by the court and a return thereto made and approved by the court.

(4) Any person who shall knowingly make or cause to be made any sale, foreclosure, or seizure of property, defined as invalid by subsection (3) hereof, or attempts so to do, shall be fined as provided in title 18, United States Code, or imprisoned for not to exceed one year, or both.

(As amended Mar. 18, 1991, Pub. L. 102-12, § 9(9), (10), 105 Stat. 40.)

#### AMENDMENTS

1991—Par. (3). Pub. L. 102-12, § 9(10), struck out "after the date of enactment of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942 and" after "shall be valid if made".

Par. (4). Pub. L. 102-12, § 9(9), substituted "shall be fined as provided in title 18, United States Code, or imprisoned for not to exceed one year," for "shall be guilty of a misdemeanor and shall be punished by imprisonment not to exceed one year or by fine not to exceed \$1,000,".

#### § 534. Termination of leases by lessees

[See main edition for text of (1) and (2)]

(3) Any person who shall knowingly seize, hold, or detain the personal effects, clothing, furniture, or other property of any person who has lawfully terminated a lease covered by this section, or in any manner interfere with the removal of such property from the premises covered by such lease, for the purpose of subjecting or attempting to subject any of such property to a claim for rent accruing subsequent to the date of termination of such lease, or attempts so to do, shall be fined as provided in title 18, United States Code, or imprisoned for not to exceed one year, or both.

(As amended Mar. 18, 1991, Pub. L. 102-12, § 9(9), 105 Stat. 40.)

#### AMENDMENTS

1991—Par. (3). Pub. L. 102-12 substituted "shall be fined as provided in title 18, United States Code, or imprisoned for not to exceed one year," for "shall be guilty of a misdemeanor and shall be punished by imprisonment not to exceed one year or by fine not to exceed \$1,000,".

#### § 535. Protection of assignor of life insurance policy; enforcement of storage liens; penalties

[See main edition for text of (1) and (2)]

(3) Any person who shall knowingly take any action contrary to the provisions of this section, or attempts so to do, shall be fined as provided in title 18, United States Code, or imprisoned for not to exceed one year, or both.

(As amended Mar. 18, 1991, Pub. L. 102-12, § 9(9), 105 Stat. 40.)

## AMENDMENTS

1991—Par. (3). Pub. L. 102-12 substituted “shall be fined as provided in title 18, United States Code, or imprisoned for not to exceed one year,” for “shall be guilty of a misdemeanor and shall be punished by imprisonment not to exceed one year or by fine not to exceed \$1,000.”

## ARTICLE IV—INSURANCE

## § 540. Definitions

As used in this article [sections 540 to 548 of this Appendix]—

(a) The term “policy” shall include any contract of life insurance or policy on a life, endowment, or term plan, including any benefit in the nature of life insurance arising out of membership in any fraternal or beneficial association, which does not provide for the payment of any sum less than the face value thereof or for the payment of an additional amount as premiums if the insured engages in the military service of the United States as defined in section 101 of article I of this Act [section 511 of this Appendix] or which does not contain any limitation or restriction upon coverage relating to engagement in or pursuit of certain types of activities which a person might be required to engage in by virtue of his being in such military service, and (1) which is in force on a premium-paying basis at the time of application for benefits hereunder, and (2) which was made and a premium paid thereon not less than 180 days before the date the insured entered into the military service. The provisions of this Act [sections 501 to 593 of this Appendix] shall not be applicable to policies or contracts of life insurance issued under the War Risk Insurance Act, as amended, the World War Veterans Act, as amended, or the National Service Life Insurance Act of 1940, as amended.

[See main edition for text of (b) to (d)]

(As amended Mar. 18, 1991, Pub. L. 102-12, § 9(11), 105 Stat. 40.)

## AMENDMENTS

1991—Subsec. (a). Pub. L. 102-12 substituted “not less than 180 days before” for “before the date of enactment of the Soldiers’ and Sailors’ Civil Relief Act Amendments of 1942 or not less than one hundred and eighty days before”.

## § 541. Persons entitled to benefits of article; applications; amount of insurance protected

The benefits and privileges of this article [sections 540 to 548 of this Appendix] shall apply to any insured, when such insured, or a person designated by him, or, in case the insured is outside the continental United States (excluding Alaska and the Panama Canal Zone), a beneficiary, shall make written application for protection under this article [said sections], unless the Secretary of Veterans Affairs in passing upon such application as provided in this article [said sections] shall find that the policy is not entitled to protection hereunder. The Secretary shall give notice to the military and naval authorities of the provisions of this article [said sections], and shall include in such notice an explanation of such pro-

visions for the information of those desiring to make application for the benefits thereof. The original of such application shall be sent by the insured to the insurer, and a copy thereof to the Secretary. The total amount of insurance on the life of one insured under policies protected by the provisions of this article [said sections] shall not exceed \$10,000. If an insured makes application for protection of policies on his life totaling insurance in excess of \$10,000, the Secretary is authorized to have the amount of insurance divided into two or more policies so that the protection of this article [said sections] may be extended to include policies for a total amount of insurance not to exceed \$10,000, and a policy which affords the best security to the Government shall be given preference.

(As amended Mar. 18, 1991, Pub. L. 102-12, § 9(12), 105 Stat. 40.)

## AMENDMENTS

1991—Pub. L. 102-12 substituted “Secretary of Veterans Affairs” for “Administrator of Veterans Affairs”, “Secretary” for “Veterans Administration” in two places, and “Secretary” for “Administrator” in last sentence.

## § 542. Form of application; reports to Secretary of Veterans Affairs by insurer; policy deemed modified upon application for protection

Any writing signed by the insured and identifying the policy and the insurer, and agreeing that his rights under the policy are subject to and modified by the provisions of this article [sections 540 to 548 of this Appendix], shall be sufficient as an application for the benefits of this article [said sections], but the Secretary of Veterans Affairs may require the insured and insurer to execute such other forms as may be deemed advisable. Upon receipt of the application of the insured the insurer shall furnish such report to the Secretary concerning the policy as shall be prescribed by regulations. The insured who has made application for protection under this article [said sections] and the insurer shall be deemed to have agreed to such modification of the policy as may be required to give this article [said sections] full force and effect with respect to such policy.

(As amended Mar. 18, 1991, Pub. L. 102-12, § 9(13), 105 Stat. 40.)

## AMENDMENTS

1991—Pub. L. 102-12 substituted “Secretary of Veterans Affairs” for “Veterans Administration” in first sentence and “Secretary” for “Veterans Administration” in second sentence.

## § 543. Determination of policies entitled to protection; notice to parties; lapse of policies for nonpayment of premiums, etc.

The Secretary of Veterans Affairs shall find whether the policy is entitled to protection under this article [sections 540 to 548 of this Appendix] and shall notify the insured and the insurer of such finding. Any policy found by the Secretary to be entitled to protection under this article [said sections] shall not, subsequent to date of application, and during the period of

military service of the insured or during two years after the expiration of such service, lapse or otherwise terminate or be forfeited for the nonpayment of a premium becoming due and payable, or the nonpayment of any indebtedness or interest.

(As amended Mar. 18, 1991, Pub. L. 102-12, § 9(14), 105 Stat. 40.)

#### AMENDMENTS

1991—Pub. L. 102-12 substituted "Secretary of Veterans Affairs" for "Administrator of Veterans Affairs" in first sentence and "Secretary" for "Administrator of Veterans Affairs" in second sentence.

#### § 544. Rights and privileges of insured during period of protection

No dividend or other monetary benefit under a policy shall be paid to an insured or used to purchase dividend additions while a policy is protected by the provisions of this article [sections 540 to 548 of this Appendix] except with the consent and approval of the Secretary of Veterans Affairs. If such consent is not procured, such dividends or benefits shall be added to the value of the policy to be used as a credit when final settlement is made with the insurer. No cash value, loan value, or withdrawal of dividend accumulation, or unearned premium, or other value of similar character shall be available to the insured while the policy is protected under this article [said sections] except upon approval by the Secretary of Veterans Affairs. The insured's right to change a beneficiary designation or select an optional settlement for a beneficiary shall not be affected by the provisions of this article [said sections].

(As amended Mar. 18, 1991, Pub. L. 102-12, § 9(15), 105 Stat. 40.)

#### AMENDMENTS

1991—Pub. L. 102-12 substituted "Secretary of Veterans Affairs" for "Veterans Administration" in two places.

#### § 545. Deduction of unpaid premiums upon settlement of policies maturing during protection

In the event of maturity of a policy as a death claim or otherwise before the expiration of the period of protection under the provisions of this article [sections 540 to 548 of this Appendix], the insurer in making settlement will deduct from the amount of insurance the premiums guaranteed under this article [said sections], together with interest thereon at the rate fixed in the policy for policy loans. If no rate of interest is specifically fixed in the policy, the rate shall be the rate fixed for policy loans in other policies issued by the insurer at the time the policy brought under the Act [sections 501 to 593 of this Appendix] was issued. The amount deducted by reason of the protection afforded by this article [sections 540 to 548 of this Appendix] shall be reported by the insurer to the Secretary of Veterans Affairs.

(As amended Mar. 18, 1991, Pub. L. 102-12, § 9(16), 105 Stat. 40.)

#### AMENDMENTS

1991—Pub. L. 102-12 substituted "Secretary of Veterans Affairs" for "Administrator of Veterans Affairs".

#### § 547. Regulations; finality of determinations

The Secretary of Veterans Affairs shall provide by regulations for such rules of procedure and forms as he may deem advisable in carrying out the provisions of this article [sections 540 to 548 of this Appendix]. The findings of fact and conclusions of law made by the Secretary in administering the provisions of this article [said sections] shall be final, and shall not be subject to review by any other official or agency of the Government.

(As amended Mar. 18, 1991, Pub. L. 102-12, § 9(17), 105 Stat. 40.)

#### AMENDMENTS

1991—Pub. L. 102-12 substituted "The Secretary of Veterans Affairs shall" for "The Administrator of Veterans Affairs is hereby authorized and directed to" in first sentence and "Secretary" for "Administrator of Veterans Affairs" in second sentence.

#### § 548. Repealed. Pub. L. 102-12, § 9(18), Mar. 18, 1991, 105 Stat. 40

Section, acts Oct. 17, 1940, ch. 888, art. IV, § 408, 54 Stat. 1185; Oct. 6, 1942, ch. 581, § 13, 56 Stat. 776, related to law governing applications for protection prior to Oct. 6, 1942.

### ARTICLE V—TAXES AND PUBLIC LANDS

#### § 564. Desert-land entries; suspension of requirements

[See main edition for text of (1) and (2)]

(3) In order to obtain the benefits of this section, such entryman or claimant shall, within six months after his entrance into military service, file or cause to be filed in the land office of the district in which his claim is situated a notice that he has entered military service and that he desires to hold the desert claim under this section.

(As amended Mar. 18, 1991, Pub. L. 102-12, § 9(19), 105 Stat. 40.)

#### AMENDMENTS

1991—Par. (3). Pub. L. 102-12 struck out "within six months after the effective date of this Act or" after "claimant shall."

#### § 565. Mining claims; requirements suspended

(1) The provisions of section 2324 of the Revised Statutes of the United States (30 U.S.C. 28), which require that on each mining claim located after May 10, 1872, and until patent has been issued therefor not less than \$100 worth of labor shall be performed or improvements made during each year, shall not apply during the period of his service, or until six months after the termination of such service, or during any period of hospitalization because of wounds or disability incurred in line of duty, to claims or interests in claims which are owned by a person in military service and which have been regularly located and recorded. No mining claim or any interest in a claim which is owned

by such a person and which has been regularly located and recorded shall be subject to forfeiture by nonperformance of the annual assessments during the period of such military service, or until six months after the termination of such service or of such hospitalization.

[See main edition for text of (2)]

(As amended Mar. 18, 1991, Pub. L. 102-12, § 9(20), 105 Stat. 41.)

#### AMENDMENTS

1991—Par. (1). Pub. L. 102-12 inserted "(30 U.S.C. 28)" after "section 2324 of the Revised Statutes of the United States".

§ 566. Mineral permits and leases; suspension of operations and term of permits and leases

[See main edition for text of (1)]

(2) In order to obtain the benefit of this section, such permittee or lessee shall, within six months after his entrance into military service, notify the Bureau of Land Management by registered mail of his entrance into such service and of his desire to avail himself of the benefits of this section.

[See main edition for text of (3)]

(As amended Mar. 18, 1991, Pub. L. 102-12, § 9(21), 105 Stat. 41.)

#### AMENDMENTS

1991—Par. (2). Pub. L. 102-12 struck out "six months after the effective date of this Act or" after "lessee shall, within" and substituted "Bureau of Land Management" for "General Land Office".

§ 567. Right to take action for perfection, defense, etc., of rights as unaffected; affidavits and proofs

Nothing in this article [sections 560 to 574 of this Appendix] shall be construed to limit or affect the right of a person in military service to take any action during his period of service which may be authorized by law or the regulations of the Department of the Interior for the perfection, defense, or further assertion of rights initiated or acquired prior to the date of entering military service. It shall be lawful for any person while in such service to make any affidavit or submit any proof which may be required by law or the practice or regulations of the Bureau of Land Management in connection with the entry, perfection, defense, or further assertion of any rights initiated or acquired prior to entering such service, before the officer in immediate command and holding a commission in the branch of the service in which the person is engaged. Such affidavits shall be as binding in law and with like penalties as if taken before an officer designated by the Secretary of the Interior. The Secretary of the Interior may issue rules and regulations to effectuate the purposes of sections 501 to 512 [sections 561 to 572 of this Appendix].

(As amended Mar. 18, 1991, Pub. L. 102-12, § 9(22), 105 Stat. 41.)

#### AMENDMENTS

1991—Pub. L. 102-12 substituted "Bureau of Land Management" for "General Land Office", substituted

"an officer designated by the Secretary of the Interior" for "a register of a United States land office", and struck out ", inclusive" after "sections 501 to 512".

§ 570. Homestead entrymen permitted to leave entries to perform farm labor

[See main edition for text of (1)]

(2) Nothing in this section shall excuse any homestead entryman from making improvements or performing the cultivation upon his entry required by law. The provisions of this section shall apply only to persons whose applications have been allowed or filed before October 17, 1940.

(As amended Mar. 18, 1991, Pub. L. 102-12, § 9(23), 105 Stat. 41.)

#### AMENDMENTS

1991—Par. (2). Pub. L. 102-12 substituted "before October 17, 1940" for "prior to the effective date of this Act".

§ 574. Residence for tax purposes

(1) For the purposes of taxation in respect of any person, or of his personal property, income, or gross income, by any State, Territory, possession, or political subdivision of any of the foregoing, or by the District of Columbia, such person shall not be deemed to have lost a residence or domicile in any State, Territory, possession, or political subdivision of any of the foregoing, or in the District of Columbia, solely by reason of being absent therefrom in compliance with military or naval orders, or to have acquired a residence or domicile in, or to have become resident in or a resident of, any other State, Territory, possession, or political subdivision of any of the foregoing, or the District of Columbia, while, and solely by reason of being, so absent. For the purposes of taxation in respect of the personal property, income, or gross income of any such person by any State, Territory, possession, or political subdivision of any of the foregoing, or the District of Columbia, of which such person is not a resident or in which he is not domiciled, compensation for military or naval service shall not be deemed income for services performed within, or from sources within, such State, Territory, possession, political subdivision, or District, and personal property shall not be deemed to be located or present in or to have a situs for taxation in such State, Territory, possession, or political subdivision, or district. Where the owner of personal property is absent from his residence or domicile solely by reason of compliance with military or naval orders, this section applies with respect to personal property, or the use thereof, within any tax jurisdiction other than such place of residence or domicile, regardless of where the owner may be serving in compliance with such orders. Nothing contained in this section shall prevent taxation by any State, Territory, possession, or political subdivision of any of the foregoing, or the District of Columbia in respect of personal property used in or arising from a trade or business, if it otherwise has jurisdiction. This section shall be effective as of September 8, 1939, except that it shall not re-

quire the crediting or refunding of any tax paid prior to October 6, 1942.

(2) When used in this section, (a) the term "personal property" shall include tangible and intangible property (including motor vehicles), and (b) the term "taxation" shall include but not be limited to licenses, fees, or excises imposed in respect to motor vehicles or the use thereof, but only if a license, fee, or excise required by the State or territory, possession, or District of Columbia of which the person is a resident or in which the person is domiciled has been paid.

(As amended Mar. 18, 1991, Pub. L. 102-12, § 9(24), 105 Stat. 41.)

#### AMENDMENTS

1991—Par. (1), Pub. L. 102-12, § 9(24)(A), substituted "orders. Nothing" for "orders: *Provided*, That nothing".

Par. (2), Pub. L. 102-12, § 9(24)(B), substituted "the use thereof, but only if a license, fee, or excise required by the State or territory, possession, or District of Columbia of which the person is a resident or in which the person is domiciled has been paid" for "the use thereof: *Provided*, That the license, fee, or excise required by the State, Territory, possession, or District of Columbia of which the person is a resident or in which he is domiciled has been paid".

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 section 5569.

### ARTICLE VI—ADMINISTRATIVE REMEDIES

#### § 580. Transfers to take advantage of act

Where in any proceeding to enforce a civil right in any court it is made to appear to the satisfaction of the court that any interest, property, or contract has since October 17, 1940, been transferred or acquired with intent to delay the just enforcement of such right by taking advantage of this Act [sections 501 to 593 of this Appendix], the court shall enter such judgment or make such order as might lawfully be entered or made, the provisions of this Act [said sections] to the contrary notwithstanding.

(As amended Mar. 18, 1991, Pub. L. 102-12, § 9(25), 105 Stat. 41.)

#### AMENDMENTS

1991—Pub. L. 102-12 substituted "October 17, 1940," for "the date of the approval of this Act".

#### § 581. Certificates of service; persons reported missing

(1) In any proceeding under this Act [sections 501 to 593 of this Appendix] a certificate signed by The Adjutant General of the Army as to persons in the Army or in any branch of the United States service while serving pursuant to law with the Army of the United States, signed by the Chief of Naval Personnel as to persons in the United States Navy or in any other branch of the United States service while serving pursuant to law with the United States Navy, and signed by the Commandant, United States Marine Corps, as to persons in the Marine Corps, or in any other branch of the United States service while serving pursuant to

law with the Marine Corps, or signed by an officer designated by any of them, respectively, for the purpose, shall when produced be prima facie evidence as to any of the following facts stated in such certificate:

That a person named has not been, or is, or has been in military service; the time when and the place where such person entered military service, his residence at that time, and the rank, branch, and unit of such service that he entered, the dates within which he was in military service, the monthly pay received by such person at the date of issuing the certificate, the time when and the place where such person died in or was discharged from such service.

[See main edition for text of (2)]

(3) Where a person in military service has been reported missing he shall be presumed to continue in the service until accounted for, and no period herein limited which begins or ends with the death of such person shall begin or end until the death of such person is in fact reported to or found by the Department of Defense, or any court or board thereof, or until such death is found by a court of competent jurisdiction. No period herein limited which begins or ends with the death of such person shall be extended beyond a period of six months after the time when this Act [said sections] ceases to be in force.

(As amended Mar. 18, 1991, Pub. L. 102-12, § 9(26), 105 Stat. 41.)

#### AMENDMENTS

1991—Par. (1), Pub. L. 102-12, § 9(26)(A), substituted "Chief of Naval Personnel" for "Chief of the Bureau of Navigation of the Navy Department".

Par. (3), Pub. L. 102-12, § 9(26)(B)(i), which directed the substitution of "Department of Defense" for "Department of War or the Navy", was executed by making the substitution for "Department of War or Navy" to reflect the probable intent of Congress.

Pub. L. 102-12, § 9(26)(B)(ii), substituted "jurisdiction. No" for "jurisdiction: *Provided*, That no".

#### § 584. Termination date

This Act [sections 501 to 593 of this Appendix] shall remain in force until May 15, 1945, except that should the United States be then engaged in a war, this Act [said sections] shall remain in force until such war is terminated by a treaty of peace proclaimed by the President and for six months thereafter. Whenever under any section or provision of this Act [said sections] a proceeding, remedy, privilege, stay, limitation, accounting, or other transaction has been authorized or provided with respect to military service performed prior to the date herein fixed for the termination of this Act [said sections], such section or provision shall be deemed to continue in full force and effect so long as may be necessary to the exercise or enjoyment of such proceeding, remedy, privilege, stay, limitation, accounting, or other transaction.

(As amended Mar. 18, 1991, Pub. L. 102-12, § 9(27), 105 Stat. 41.)



## AMENDMENTS

1991—Pub. L. 102-12, § 9(27)(A), substituted “1945, except that” for “1945: *Provided, That*”.

Pub. L. 102-12, § 9(27)(B), which directed the substitution of “thereafter. Whenever” for “thereafter: *Provided further, That whenever*”, was executed by making the substitution for “thereafter: *Provided further, That wherever*” to reflect the probable intent of Congress.

## ARTICLE VII—FURTHER RELIEF

## § 591. Power of attorney

[See main edition for text of (a) and (b)]

## (c) Persons subject to coverage

This section applies to the following powers of attorney executed by a person in military service or under a call or order to report for military service (or who has been advised by an official of the Department of Defense that such person may receive such a call or order):

(1) A power of attorney that is executed during the Vietnam era (as defined in section 101(29) of title 38, United States Code).

(2) A power of attorney that expires by its terms after July 31, 1990.

(As amended Mar. 18, 1991, Pub. L. 102-12, § 3, 105 Stat. 34.)

## AMENDMENTS

1991—Subsec. (c). Pub. L. 102-12 amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “This section applies only to persons in military service who executed powers of attorney during the Vietnam era (as defined in section 101(29) of title 38, United States Code).”

## § 592. Professional liability protection for certain persons ordered to active duty in armed forces

## (a) Applicability

This section applies to a person who—

(1) after July 31, 1990, is ordered to active duty (other than for training) pursuant to section 672(a) or (g), 673, 673b, 674, 675, or 688 of title 10, United States Code, or who is ordered to active duty under section 672(d) of such title during a period when members are on active duty pursuant to any of the preceding sections; and

(2) immediately before receiving the order to active duty—

(A) was engaged in the furnishing of health-care services or other services determined by the Secretary of Defense to be professional services; and

(B) had in effect a professional liability insurance policy that does not continue to cover claims filed with respect to such person during the period of the person's active duty unless the premiums are paid for such coverage for such period.

## (b) Suspension of coverage

(1) Coverage of a person referred to in subsection (a) by a professional liability insurance policy shall be suspended in accordance with this subsection upon receipt of the written request of such person by the insurance carrier.

(2) A professional liability insurance carrier—

(A) may not require that premiums be paid by or on behalf of a person for any profes-

sional liability insurance coverage suspended pursuant to paragraph (1); and

(B) shall refund any amount paid for coverage for the period of such suspension or, upon the election of such person, apply such amount for the payment of any premium becoming due upon the reinstatement of such coverage.

(3) A professional liability insurance carrier shall not be liable with respect to any claim that is based on professional conduct (including any failure to take any action in a professional capacity) of a person that occurs during a period of suspension of that person's professional liability insurance under this subsection. For the purposes of the preceding sentence, a claim based upon the failure of a professional to make adequate provision for patients to be cared for during the period of the professional's active duty service shall be considered to be based on an action or failure to take action before the beginning of the period of suspension of professional liability insurance under this subsection, except in a case in which professional services were provided after the date of the beginning of such period.

## (c) Reinstatement of coverage

(1) Professional liability insurance coverage suspended in the case of any person pursuant to subsection (b) shall be reinstated by the insurance carrier on the date on which that person transmits to the insurance carrier a written request for reinstatement.

(2) The request of a person for reinstatement shall be effective only if the person transmits the request to the insurance carrier within 30 days after the date on which the person is released from active duty. The insurance carrier shall notify the person of the due date for payment of the premium of such insurance. Such premium shall be paid by the person within 30 days after the receipt of that notice.

(3) The period for which professional liability insurance coverage shall be reinstated for a person under this subsection may not be less than the balance of the period for which coverage would have continued under the insurance policy if the coverage had not been suspended.

## (d) Increase in premium

An insurance carrier may not increase the amount of the premium charged for professional liability insurance coverage of any person for the minimum period of the reinstatement of such coverage required under subsection (c)(3) to an amount greater than the amount chargeable for such coverage for such period before the suspension, except to the extent of any general increase in the premium amounts charged by that carrier for the same professional liability coverage for persons similarly covered by such insurance during the period of the suspension.

## (e) Continuation of coverage of unaffected persons

This section does not—

(1) require a suspension of professional liability insurance coverage for any person who is not a person referred to in subsection (a) and who is covered by the same professional

liability insurance as a person referred to in such subsection; or

(2) relieve any person of the obligation to pay premiums for the coverage not required to be suspended.

(f) Stay of civil or administrative actions

(1) A civil or administrative action for damages on the basis of the alleged professional negligence or other professional liability of a person whose professional liability insurance coverage has been suspended under subsection (b) shall be stayed until the end of the period of the suspension if—

(A) the action was commenced during that period;

(B) the action is based on an act or omission that occurred before the date on which the suspension became effective; and

(C) the suspended professional liability insurance would, except for the suspension, on its face cover the alleged professional negligence or other professional liability negligence or other professional liability of the person.

(2) Whenever a civil or administrative action for damages is stayed under paragraph (1) in the case of any person, the action shall be deemed to have been filed on the date on which the professional liability insurance coverage of such person is reinstated under subsection (c).

(g) Effect of suspension upon limitations period

In the case of a civil or administrative action for which a stay could have been granted under subsection (f) by reason of the suspension of professional liability insurance coverage of the defendant under this section, the period of the suspension of the coverage shall be excluded from the computation of any statutory period of limitation on the commencement of such action.

(h) Death during period of suspension

If a person whose professional liability insurance coverage is suspended under subsection (b) dies during the period of the suspension—

(1) the requirement for the grant or continuance of a stay in any civil or administrative action against such person under subsection (f)(1) shall terminate on the date of the death of such person; and

(2) the carrier of the professional liability insurance so suspended shall be liable for any claim for damages for professional negligence or other professional liability of the deceased person in the same manner and to the same extent as such carrier would be liable if the person had died while covered by such insurance but before the claim was filed.

(i) Definitions

In this section:

(1) The term "active duty" has the meaning given that term in section 101 of title 10, United States Code.

(2) The term "profession" includes occupation.

(3) The term "professional" includes occupational.

(Oct. 17, 1940, ch. 888, art. VII, § 702, as added Mar. 18, 1991, Pub. L. 102-12, § 4, 105 Stat. 34.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 593 of this Appendix.

§ 593. Reinstatement of health insurance coverage upon release from service

(a) Right to reinstatement of coverage

A person who, by reason of military service described in section 702(a)(1) [section 592(a)(1) of this Appendix], is entitled to the rights and benefits of this Act [sections 501 to 593 of this Appendix] shall also be entitled upon release from such military service to reinstatement of any health insurance which (1) was in effect on the day before such service commenced, and (2) was terminated effective on a date during the period of such service.

(b) Exclusion or waiting period

An exclusion or a waiting period may not be imposed in connection with reinstatement of health insurance coverage of a health or physical condition of a person under subsection (a), or a health or physical condition of any other person who is covered by the insurance by reason of the coverage of such person, if—

(1) the condition arose before or during that person's period of training or service in the Armed Forces;

(2) an exclusion or waiting period would not have been imposed for the condition during a period of coverage resulting from participation by such person in the insurance; and

(3) the condition of such person has not been determined by the Secretary of Veterans Affairs to be a disability incurred or aggravated in the line of duty (within the meaning of section 105 of title 38, United States Code).

(c) Employer-offered insurance benefits

Subsection (a) does not apply in the case of employer-offered insurance benefits in which a person referred to in such subsection is entitled to participate pursuant to the provisions of chapter 43 of title 38, United States Code.

(Oct. 17, 1940, ch. 888, art. VII, § 703, as added Mar. 18, 1991, Pub. L. 102-12, § 5(b), 105 Stat. 37.)

EFFECTIVE DATE

Section effective Aug. 1, 1990, see section 5(c) of Pub. L. 102-12, set out as an Effective Date of 1991 Amendment note under section 4301 of Title 38, Veterans' Benefits.

SURPLUS PROPERTY ACT OF 1944

ACT OCT. 3, 1944, CH. 479, 58 STAT. 765

§ 1622. Disposal to local governments and nonprofit institutions

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1622a of this Appendix; title 5 sections 551, 701; title 40 sections 484, 485.