TITLE 32 - NATIONAL GUARD
CHAPTER 7 - SERVICE, SUPPLY, AND PROCUREMENT

§ 714. Final settlement of accounts: deceased members

(a) In the settlement of the accounts of a member of the National Guard who dies after December 31, 1955, an amount due from the armed force of which he was a member shall be paid to the person highest on the following list living on the date of death:

1. Beneficiary designated by him in writing to receive such an amount, if the designation is received, before the deceased member’s death, at the place named in regulations to be prescribed by the Secretary concerned.
2. Surviving spouse.
3. Children and their descendants, by representation.
4. Father and mother in equal parts or, if either is dead, the survivor.
5. Legal representative.
6. Person entitled under the law of the domicile of the deceased member.

(b) Designations and changes of designation of beneficiaries under subsection (a)(1) are subject to regulations to be prescribed by the Secretary concerned. So far as practicable, these regulations shall be uniform with those prescribed for the armed forces under section 2771 (b) of title 10.

(c) Under such regulations as the Secretary concerned may prescribe, payments under subsection (a) shall be made by the Department of the Army or the Department of the Air Force, as the case may be.

(d) A payment under this section bars recovery by any other person of the amount paid.


Historical and Revision Notes

<table>
<thead>
<tr>
<th>Revised section</th>
<th>Source (U.S. Code)</th>
<th>Source (Statutes at Large)</th>
</tr>
</thead>
<tbody>
<tr>
<td>714(a)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>714(b)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>714(c)</td>
<td>37:361.</td>
<td></td>
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<tr>
<td>37:362.</td>
<td></td>
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</tr>
<tr>
<td>37:365.</td>
<td></td>
<td></td>
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<td>714(d)</td>
<td>37:363 (last sentence).</td>
<td></td>
</tr>
</tbody>
</table>

In subsection (a), the definition of the term “Department”, in 37:361, is omitted as unnecessary, since the particular departments referred to are spelled out in the revised text. The definition of the term “uniformed services”, in 37:361, is omitted as covered by the word “member” in this revised section. Clauses (1)–(6) are substituted for the last 5 clauses of 37:362. The words “regulations to be prescribed by the Secretary concerned” are substituted for the words “regulations of the Department concerned”, since the “Department”, as such, cannot issue regulations.

In subsection (a)(2), the words “Surviving spouse” are substituted for the words “widow or widower”. As defined in section 101 (18) of this title, “spouse” includes a widower.
In subsection (b), the words “are subject to” are substituted for the words “shall be made under”.

In subsection (c), the word “Under” is substituted for the words “Subject to”. The words “rules and” are omitted as surplusage.

**Amendments**

1996—Subsec. (c). Pub. L. 104–316, in first sentence, substituted “Secretary concerned” for “Comptroller General” and struck out at end “Payment under clause (6) of subsection (a) shall be made—

“(1) upon settlement by the General Accounting Office; or

“(2) as otherwise authorized by the Comptroller General.”

1961—Subsec. (c). Pub. L. 87–46 substituted “Payment under clause (6) of subsection (a) shall be made—

“(1) upon settlement by the General Accounting Office; or

“(2) as otherwise authorized by the Comptroller General.”

for “Payments under clauses (2)–(6) of subsection (a) may be paid only after settlement by the General Accounting Office.”

**Designation of Beneficiary Made Before January 1, 1956**

Designation of beneficiary made before Jan. 1, 1956, considered as the designation of a beneficiary for the purposes of this section, see note set out under section 2771 of Title 10, Armed Forces.