

**SUMMARY OF MAJOR CHANGES TO
DoD 7000.14-R, VOLUME 7A, CHAPTER 37
“BENEFITS FOR MEMBERS HELD AS CAPTIVES”**

All changes are denoted by blue font

Substantive revisions are denoted by a ★ preceding the section, paragraph, table,
or figure that includes the revision

Hyperlinks are denoted by *underlined, bold, italic, blue font*

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
Entire Chapter	This chapter was reviewed for accuracy and no changes to policy were deemed necessary. It is being republished to update the format, add the Table of Contents, update a point of contact, add hyperlinks, and the bibliography.	Update

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CHAPTER 37

BENEFITS FOR MEMBERS HELD AS CAPTIVES3701 FORMER CAPTIVE PAYMENT

370101. Entitlement Provisions. A former captive is a member who was held in a captive status. Entitlement is effective 27 August 1986. Entitlement may only be authorized by the Secretary of Defense (SECDEF). Once the SECDEF makes a "hostile action" determination, which is the authority for former captive payments, Military Service Secretaries will provide the names and dates of entitlements to their respective DFAS Center. Entitlement dates may not include any of the following without specific case by case approval of the SECDEF:

A. Dates in a captive status which are not dates of actual physical custody by a hostile force (for example, dates evading capture where the presence of a hostile force prevented escape or rescue); or

B. Dates which are doubtful that the missing status was the result of hostile action or was the result of membership in the Uniformed Services. Commanders will forward any request with justification via the appropriate Military Service chain of command. When authorized, the DFAS Center concerned will make payment.

370102. Rates

★ A. For each day a member was held in a captive status, payment is 50 percent of the world-wide average per diem rate. Status beginning and ending days (for example, day of return to military control) are days of entitlement. Payment must be made within 1 year after the member's captive status ends. [Rates will be obtained from the Office of the Under Secretary of Defense \(Personnel and Readiness\) \(MPP/Comp\), 4000 Defense Pentagon, Washington, D.C. 20301-4000.](#)

B. Former captives may receive more than the 50 percent rate when specifically approved by the SECDEF. Recommendations justifying a higher percentage will be forwarded through command channels via the appropriate Military Service Secretary.

C. Rates for members in a former captive status resulting from Operation Desert Storm from January 1991 through April 1991 are \$131.00 per day for January, February, and April; and \$133.00 per day for March.

370103. Death of Member. If a member dies while in a captive status, any amount due is considered pay and allowances for the purposes of [Chapter 34](#).

370104. Exceptions

A. The SECDEF may defer payment for anyone (within the 1 year payment window) charged with a captivity-related offense and may deny payment if the member is

convicted. If convicted, whether or not payment has been made, commanders will forward the case to the SECDEF (as per paragraph 370101) with justified recommendations for payment determination. Previously-made payments later denied must be collected.

B. No payment is authorized when the Congress specifically provides for prisoner of war (POW) compensation for captivity periods. See section 3702.

370105. Taxability. Payments to former captives generally are not taxable if the captive status resulted from the deprivation of personal rights, such as terrorist activity. However, if the captive status resulted from an engagement with another nation's armed forces, then payment may be taxable and is reported as taxable income. See [Table 44-1](#) for possible applicability of the combat zone tax exclusion.

3702 PRISONER OF WAR COMPENSATION. Payment authorized by the Congress for a specific period of captivity as a POW is made by the Secretary of the Treasury and is not considered to be a Uniformed Services pay and allowances entitlement. DFAS is not involved in payment procedures or tax reporting.

3703 SAVINGS ALLOTMENT. Military Service Secretaries may allot part or all of a captive's pay and allowances (except what is already allotted) to an interest-bearing savings fund that is maintained by the Secretary of the Treasury. Withdrawal procedures are established by the Secretary of the Treasury.

BIBLIOGRAPHY

CHAPTER 37 - BENEFITS FOR MEMBERS HELD AS CAPTIVES

3701 Former Captive Payment

5 U.S.C. 5569(d)(2)
37 U.S.C. 551
37 U.S.C. 559(c)
Public Law 96-449, 14 October 1980
Executive Order 12598, 17 June 1987
OASD(FM&P) Memo, 18 August 1987
OASD(FM&P) Memo, 7 May 1991
OASD(FM&P) Memo, 6 May 1992
OASD(FM&P) Memo, 9 August 1991
37 U.S.C 559(a)(1)
OASD(FM&P) Memo, 16 January 1987
IRS Ltr, 24 June 1988
OASD(FM&P) Memo, 18 November 1991

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3702 Prisoner of War Compensation

50 U.S.C. App. 2005

3703 Savings Allotment

37 U.S.C. 559(b)