HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
603	37:353 (1st 28 words).	June 21, 1950, ch. 342, § 3 (1st 28 words), 64 Stat. 249; Aug. 7, 1959, Pub. L. 86–145, § 2, 73 Stat. 297.

The words ''effectively'' and ''provisions of'' are omitted as surplusage.

AMENDMENTS

1989—Pub. L. 101–189 substituted ''Secretary of Veterans Affairs'' for ''Administrator of Veterans' Affairs''.

§ 604. Determination of Secretary final

The determination as to the person authorized to receive a payment under section 602 of this title is final and is not subject to review by an official of the United States or a court.

(Pub. L. 87–649, Sept. 7, 1962, 76 Stat. 484; Pub. L. 89–718, § 66, Nov. 2, 1966, 80 Stat. 1123.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
604	37:354.	June 21, 1950, ch. 342, § 4, 64 Stat. 250.

The words ''or persons'' are omitted for the reasons stated in the revision note for section 602(a) of this revised title. The words ''made by the respective secretaries, or by their duly designated subordinates'' and the words ''and conclusive'' are omitted as surplusage.

AMENDMENTS

1966—Pub. L. 89–718 struck out ''the'' before ''Secretary'' in section catchline.

CHAPTER 13—ALLOTMENTS AND ASSIGNMENTS OF PAY

Sec.
701. Members of the Army, Navy, Air Force, and Marine Corps; contract surgeons.
[702. Repealed.]
703. Allotments: members of Coast Guard.
704. Allotments: officers of Public Health Service.
[705. Repealed.]
706. Allotments: commissioned officers of the National Oceanic and Atmospheric Administration.
707. Allotments: members of the National Guard.

AMENDMENTS

1990—Pub. L. 101–510, div. A, title XIV, § 1484(f)(1), Nov. 5, 1990, 104 Stat. 1717, revised chapter heading so as to appear in all capital letters.

1985—Pub. L. 99–145, title VI, § 683(a)(3), (b)(2), Nov. 8, 1985, 99 Stat. 665, 666, included reference to the Navy and Marine Corps in item 701, and struck out item 702 ''Allotments: officers of Navy or Marine Corps'' and item 705 ''Assignments: enlisted members of naval service''.

1980—Pub. L. 96–513, title V, § 516(18)(C), Dec. 12, 1980, 94 Stat. 2939, substituted ''Allotments: commissioned officers of the National Oceanic and Atmospheric Administration'' for ''Commissioned officers of Environmental Science Services Administration'' in item 706.

1974—Pub. L. 93–289, § 11(c), May 24, 1974, 88 Stat. 173, added item 707.

1966—Pub. L. 89–718, § 49(a)(3), Nov. 2, 1966, 80 Stat. 1121, substituted ''Environmental Science Services Administration'' for ''Coast and Geodetic Survey'' in item 706.

§ 701. Members of the Army, Navy, Air Force, and Marine Corps; contract surgeons

(a) Under regulations prescribed by the Secretary of the military department concerned, a commissioned officer of the Army, Navy, Air Force, or Marine Corps may transfer or assign his pay account, when due and payable.

(b) A contract surgeon, or contract dental surgeon, of the Army, Navy, or Air Force, on duty in Alaska, Hawaii, the Philippine Islands, or Puerto Rico, may transfer or assign his pay account, when due and payable, under the regulations prescribed under subsection (a).

(c) An enlisted member of the Army, Navy, Air Force, or Marine Corps may not assign his pay, and if he does so, the assignment is void.

(d) Under regulations prescribed by the Secretary of Defense, a member of the Army, Navy, Air Force, or Marine Corps and a contract surgeon of the Army, Navy, or Air Force may make allotments from the pay of the member or surgeon for the purpose of supporting relatives or for any other purpose that the Secretary considers proper. Such allotments may include a maximum of six allotments considered to be discretionary under such regulations. For a member or former member entitled to retired or retainer pay, a maximum of six discretionary allotments authorized during active military service may be continued into retired status, and new discretionary allotments may be authorized so long as the total number of discretionary allotments does not exceed six.

(e) If an allotment made under subsection (d) is paid to the allottee before the disbursing officer receives a notice of discontinuance from the officer required by regulation to furnish the notice, the amount of the allotment shall be credited to the disbursing officer. If an allotment is erroneously paid because the officer required by regulation to so report failed to report the death of the allotter or any other fact that makes the allotment not payable, the amount of the payment not recovered from the allottee shall, if practicable, be collected by the Secretary concerned from the officer who failed to make the report.

(Pub. L. 87–649, Sept. 7, 1962, 76 Stat. 484; Pub. L. 89–718, § 67, Nov. 2, 1966, 80 Stat. 1123; Pub. L. 99–145, title VI, § 683(a)(1), (2), Nov. 8, 1985, 99 Stat. 665; Pub. L. 102–25, title VII, § 702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 104–201, div. A, title VI, § 651(a), Sept. 23, 1996, 110 Stat. 2582.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
701(a)	10:3689(a).	[None.]
	10:8689(a).	[None.]
701(b)	10:3689(b)	[None.]
	10:8689(b).	[None.]
701(c)	10:3689(c).	[None.]
	10:8689(c).	[None.]
701(d)	10:3689(d).	[None.]
	10:8689(d).	[None.]

AMENDMENTS

1996—Subsecs. (d), (e). Pub. L. 104–201 added subsecs. (d) and (e) and struck out former subsec. (d) which read as follows: ''The Secretary of the military department concerned, may allow a—

''(1) member of the Army, Navy, Air Force, or Marine Corps; or

''(2) contract surgeon of the Army, Navy, or Air Force;

to make allotments from his pay for the support of his relatives, or for any other purpose that the Secretary concerned considers proper. If an allotment made under this subsection is paid to the allottee before the disbursing officer receives a notice of discontinuance from the officer required by regulation to furnish the notice, the amount of the allotment shall be credited to the disbursing officer. If an allotment is erroneously paid because the officer required by regulation to so report failed to report the death of the allotter or any other fact that makes the allotment not payable, the amount of the payment not recovered from the allottee shall, if practicable, be collected by the Secretary concerned, from the officer who failed to make the report.''

1991—Subsec. (b). Pub. L. 102–25 struck out ''of this section'' after ''subsection (a)''.

1985—Pub. L. 99–145, § 683(a)(2), inserted reference to Navy and Marine Corps in section catchline.

Subsec. (a). Pub. L. 99–145, § 683(a)(1)(A), (C), substituted ''Secretary of the military department concerned'' for ''Secretary of the Army or the Secretary of the Air Force, as the case may be'' and ''commissioned officer of the Army, Navy, Air Force, or Marine Corps'' for ''commissioned officer of the Army or the Air Force''.

Subsec. (b). Pub. L. 99–145, § 683(a)(1)(B), inserted reference to Navy.

Subsec. (c). Pub. L. 99–145, § 683(a)(1)(A), inserted reference to Navy and Marine Corps.

Subsec. (d). Pub. L. 99–145, § 683(a)(1)(C), substituted ''Secretary of the military department concerned'' for ''Secretary of the Army or the Secretary of the Air Force, as the case may be''.

Subsec. (d)(1). Pub. L. 99–145, § 683(a)(1)(A), inserted reference to Navy and Marine Corps.

Subsec. (d)(2). Pub. L. 99–145, § 683(a)(1)(B), inserted reference to Navy.

1966—Subsec. (d). Pub. L. 89–718 substituted ''Secretary concerned'' for ''Chief of Finance (in cases involving the Army) or by the Secretary of the Air Force'' in provision for collection erroneously paid allotments.

REGULATIONS

Section 651(b) of Pub. L. 104–201 provided that: ''The Secretaries of the military departments shall prescribe regulations under subsection (d) of section 701 of title 37, United States Code, as added by subsection (a), not later than October 1, 1997.''

[§ 702. Repealed. Pub. L. 99–145, title VI, § 683(b)(1), Nov. 8, 1985, 99 Stat. 665]

Section, Pub. L. 87–649, Sept. 7, 1962, 76 Stat. 484, authorized allotments by officers of Navy and Marine Corps for support of family or relatives, for personal savings, and for other purposes. See section 701 of this title.

§ 703. Allotments: members of Coast Guard

Members of the Coast Guard may, under regulations prescribed by the Secretary of Homeland Security, make allotments from their pay and allowances.

(Pub. L. 87–649, Sept. 7, 1962, 76 Stat. 484; Pub. L. 90–623, § 3(1), Oct. 22, 1968, 82 Stat. 1314; Pub. L. 107–296, title XVII, § 1704(c), Nov. 25, 2002, 116 Stat. 2314.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
703	14:464.	[None.]

The words ''members of the Coast Guard'' are substituted for the words ''officers and enlisted men'', since together they compose the entire membership.

AMENDMENTS

2002—Pub. L. 107–296 substituted ''Secretary of Homeland Security'' for ''Secretary of Transportation''.

1968—Pub. L. 90–623 substituted ''Secretary of Transportation'' for ''Secretary of the Treasury''.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107–296, set out as a note under section 101 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90–623 intended to restate without substantive change the law in effect on Oct. 22, 1968, see section 6 of Pub. L. 90–623, set out as an Effective Date of 1968 Amendment note under section 5334 of Title 5, Government Organization and Employees.

§ 704. Allotments: officers of Public Health Service

Commissioned officers of the Public Health Service who are on active duty may, under regulations prescribed by the President, make allotments from their pay.

(Pub. L. 87–649, Sept. 7, 1962, 76 Stat. 485.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
704	42:210(b) (1st sentence).	July 1, 1944, ch. 373, § 209(c) (1st sentence), 58 Stat. 686; redesignated as section 208, Feb. 28, 1948, ch. 83, § 5(a), 62 Stat. 40; redesignated as subsection (b), Oct. 12, 1949, ch. 681, § 521(b) (as applicable to section 208(b) (1st sentence) of the Act of July 1, 1944), 63 Stat. 834; restated Aug. 9, 1950, ch. 654, § 1, 64 Stat. 426; Apr. 8, 1960, Pub. L. 86–415, § 5(b) (1st sentence), 74 Stat. 34.

DELEGATION OF FUNCTIONS

Functions of President under this section delegated to Secretary of Health, Education, and Welfare, see section 3 of Ex. Ord. No. 11140, Jan. 30, 1964 29 F.R. 1637, set out as a note under section 202 of Title 42, The Public Health and Welfare. Secretary of Health, Education, and Welfare redesignated Secretary of Health and Human Services by section 3508(b) of Title 20, Education.

[§ 705. Repealed. Pub. L. 99–145, title VI, § 683(b)(1), Nov. 8, 1985, 99 Stat. 665]

Section, Pub. L. 87–649, Sept. 7, 1962, 76 Stat. 485, related to assignments of pay due enlisted members of naval service. See section 701 of this title.

§ 706. Allotments: commissioned officers of the National Oceanic and Atmospheric Administration

Under regulations prescribed by the Secretary of Commerce, commissioned officers of the National Oceanic and Atmospheric Administration may make allotments or assignments of their pay.

(Pub. L. 87–649, Sept. 7, 1962, 76 Stat. 485; Pub. L. 89–718, § 49(a)(1), Nov. 2, 1966, 80 Stat. 1121; Pub. L. 96–513, title V, § 516(18)(A), (B), Dec. 12, 1980, 94 Stat. 2939.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
706	33:862.	Mar. 4, 1907, ch. 2918, § 1 (10th par. under ''Coast and Geodetic Survey''); restated June 21, 1955, ch. 172, § 1; restated Sept. 26, 1961, Pub. L. 87–304, 75 Stat. 665.

AMENDMENTS

1980—Pub. L. 96–513 substituted ''Allotments: commissioned officers of the National Oceanic and Atmospheric Administration'' for ''Commissioned officers of Environmental Science Services Administration'' in section catchline and ''National Oceanic and Atmospheric Administration'' for ''Environmental Science Services Administration'' in text.

1966—Pub. L. 89–718 substituted ''Environmental Science Services Administration'' for ''Coast and Geodetic Survey'' in section catchline and text.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96–513, set out as a note under section 101 of Title 10, Armed Forces.

§ 707. Allotments: members of the National Guard

(a) The Secretary of the Army or the Secretary of the Air Force, as the case may be, may allow a member of the National Guard who is not on active duty to make allotments from his pay under sections 204 and 206 of this title for the payment of premiums under a group life insurance program sponsored by the military department of the State in which such member holds his National Guard membership or by the National Guard association of such State if the State or association concerned has agreed in writing to reimburse the United States for all costs incurred by the United States in providing for such allotments. The amount of such costs and procedures for reimbursements shall be determined by the Secretary of Defense and his determination shall be conclusive. All amounts of reimbursements for such costs received by the United States from a State or an association shall be credited to the appropriations or funds against which charges have been made for such costs.

(b) The United States is not liable for loss or damage suffered by a person as a result of an error made by an officer or employee of the United States in carrying out the allotment program under subsection (a).

(Added Pub. L. 93–289, § 11(a), May 24, 1974, 88 Stat. 172; amended Pub. L. 96–513, title V, § 516(19), Dec. 12, 1980, 94 Stat. 2939; Pub. L. 97–295, § 3(5), Oct. 12, 1982, 96 Stat. 1304; Pub. L. 102–25, title VII, § 702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117.)

HISTORICAL AND REVISION NOTES
1982 ACT

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
707(b)	37:707 (note).	May 24, 1974, Pub. L. 93–289, § 11(b), 88 Stat. 173.

In subsection (b), the words ''is not'' are substituted for ''shall not be'' for consistency.

AMENDMENTS

1991—Subsec. (b). Pub. L. 102–25 struck out ''of this section'' after ''subsection (a)''.

1982—Pub. L. 97–295 designated existing provisions as subsec. (a) and added subsec. (b).

1980—Pub. L. 96–513 struck out ''(a)'' before ''The Secretary''.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96–513, set out as a note under section 101 of Title 10, Armed Forces.

LIABILITY OF UNITED STATES FOR LOSSES OR DAMAGES

Section 11(b) of Pub. L. 93–289, which provided that the United States shall not be liable for any losses or damages suffered by any person as the result of any error made by any officer or employee of the United States in administering the allotment program authorized under subsec. (a) of this section, was repealed and reenacted as subsec. (b) of this section by Pub. L. 97–295, §§ 3(5), 6(b), Oct. 12, 1982, 96 Stat. 1304, 1314.

CHAPTER 15—PROHIBITIONS AND PENALTIES

Sec.
[801. Repealed.]
802. Forfeiture of pay during absence from duty due to disease from intemperate use of alcohol or drugs.
803. Commissioned officers of Army or Air Force: forfeiture of pay when dropped from rolls.
[804, 805. Repealed.]

AMENDMENTS

1996—Pub. L. 104–106, div. A, title XI, § 1122(c)(2), Feb. 10, 1996, 110 Stat. 463, struck out item 804 ''Enlisted members of Army or Air Force: pay and allowances not to accrue during suspended sentence of dishonorable discharge''.

1994—Pub. L. 103–355, title VI, § 6001(a)(2), Oct. 13, 1994, 108 Stat. 3362, struck out item 801 ''Restriction on payment to certain officers''.

1990—Pub. L. 101–510, div. A, title XIV, § 1484(f)(1), Nov. 5, 1990, 104 Stat. 1717, revised chapter heading so as to appear in all capital letters.

1985—Pub. L. 99–145, title VI, § 683(b)(3), Nov. 8, 1985, 99 Stat. 666, struck out item 805 ''Sale of pay by members of naval service to be discouraged by commanding officer''.

[§ 801. Repealed. Pub. L. 103–355, title VI, § 6001(a)(1), Oct. 13, 1994, 108 Stat. 3362]

Section, Pub. L. 87–649, Sept. 7, 1962, 76 Stat. 485; Pub. L. 89–718, §§ 49(a)(1), 68, Nov. 2, 1966, 80 Stat. 1121, 1123; Pub. L. 96–513, title V, § 516(20), Dec. 12, 1980, 94 Stat. 2939; Pub. L. 101–194, title V, § 505(a), Nov. 30, 1989, 103 Stat. 1756; Pub. L. 101–510, div. A, title XIV, § 1484(c)(2), Nov. 5, 1990, 104 Stat. 1716, prohibited payment from any appropriation to officer, for period of three years after name of officer was placed on retired list of Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, Regular Coast Guard, National Oceanic and Atmospheric Administration, or Public Health