

10 U.S.C.A. § 2772

DRAFT –Wording after enactment of HR 3619

United States Code Annotated [Currentness](#)

Title 10. Armed Forces ([Refs & Annos](#))

Subtitle A. General Military Law ([Refs & Annos](#))

[Part IV](#). Service, Supply, and Procurement ([Refs & Annos](#))

[Chapter 165](#). Accountability and Responsibility ([Refs & Annos](#))

→ § 2772. Share of fines and forfeitures to benefit Armed Forces Retirement Home

(a) Deposit required.—The Secretary of the military department concerned or, in the case of the Coast Guard, the Commandant shall deposit in the Armed Forces Retirement Home Trust Fund a percentage (determined under subsection (b)) of the following amounts:

(1) The amount of forfeitures and fines adjudged against an enlisted member, warrant officer, or limited duty officer of the armed forces by sentence of a court martial or under authority of [section 815](#) of this title (article 15) over and above any amount that may be due from the member, warrant officer, or limited duty officer for the reimbursement of the United States or any individual.

(2) The amount of forfeitures on account of the desertion of an enlisted member, warrant officer, or limited duty officer of the armed forces.

(b) Determination of percentage.—The Chief Operating Officer of the Armed Forces Retirement Home shall determine, on the basis of the financial needs of the Armed Forces Retirement Home, the percentage of the amounts referred to in subsection (a) to be deposited in the trust fund referred to in such subsection.

~~**(c) Application to Coast Guard.**—In this section, the term "armed forces" does not include the Coast Guard when it is not operating as a service in the Navy.~~

CREDIT(S)

(Added [Pub.L. 101-189](#), Div. A, Title III, § 342(a)(1), Nov. 29, 1989, 103 Stat. 1419, and amended [Pub.L. 101-510](#), Div. A, Title XV, § 1533(a)(3), (4)(A), Nov. 5, 1990, 104 Stat. 1733.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1989 Acts. [House Report No. 101-121](#), [House Conference Report No. 101-331](#), and Statement by President, see 1989 U.S. Code Cong. and Adm. News, p. 838.

1990 Acts. [House Report No. 101-665](#), [House Conference Report No. 101-923](#), and Statement by President, see 1990 U.S. Code Cong. and Adm. News, p. 2931.

Amendments

1990 Amendments. Heading. [Pub.L. 101-510](#), § 1533(a)(4)(A), substituted "Retirement Home" for "retirement homes".

Subsec. (a). [Pub.L. 101-510](#), § 1533(a)(4)(A), substituted subsec. "(a) Deposit required" provision for former subsec. (a) which read:

"(1) The Secretary of the Army and the Secretary of the Air Force shall deposit in the Soldiers' Home, permanent fund, referred to in section 1321(a)(59) of title 31 a percentage (determined under paragraph (2)) of the following

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amounts:

"(A) The amount of fines and forfeitures adjudged against an enlisted member, warrant officer, or limited duty officer in the Army or the Air Force by sentence of a court-martial or under authority of section 815 of this title (article 15) over and above any amount that may be due from the member, warrant officer, or limited duty officer for the reimbursement of the United States or any individual.

"(B) The amount of forfeitures on account of the desertion of an enlisted member, warrant officer, or limited duty officer in the Army or the Air Force.

"(2) The board of commissioners for the United States Soldiers' and Airmen's Home shall determine, on the basis of the financial needs of that home, the percentage of the amounts referred to in paragraph (1) to be deposited in the Soldiers' Home, permanent fund."

Subsec. (a)(1). [Pub.L. 101-510, § 1533\(a\)\(3\)\(A\), \(B\)](#), substituted: in subpar. (A), "fines and forfeitures" for "fines"; and ", warrant officer, or limited duty officer" for "or warrant officer" twice in subpar. (A) and once in subpar. (B).

Subsec. (b). [Pub.L. 101-510, § 1533\(a\)\(4\)\(A\)](#), substituted subsec. "(b) Determination of percentage" provision for former subsec. (b) which read:

"(1) The Secretary of the Navy shall credit to the funds available for the operation of the Naval Home a percentage (determined under paragraph (2)) of the following amounts:

"(A) The amount of fines and forfeitures adjudged against an enlisted member, warrant officer, or limited duty officer in the Navy, Marine Corps, or Coast Guard (when it is operating as a service in the Navy) by sentence of a court-martial or under authority of section 815 of this title (article 15) over and above any amount that may be due from the member, warrant officer, or limited duty officer for the reimbursement of the United States or any individual.

"(B) The amount of forfeitures on account of the desertion of an enlisted member, warrant officer, or limited duty officer in the Navy, Marine Corps, or Coast Guard (when it is operating as a service in the Navy).

"(2) The Governor of the Naval Home shall determine, on the basis of the financial needs of the Naval Home, the percentage of the amounts referred to in paragraph (1) to be credited under such paragraph."

Subsec. (b)(1). [Pub.L. 101-510, § 1533\(a\)\(3\)\(A\), \(B\)](#), substituted: in subpar. (A), "fines and forfeitures" for "fines"; and ", warrant officer, or limited duty officer" for "or warrant officer" twice in subpar. (A) and once in subpar. (B).

Subsec. (c). [Pub.L. 101-510, § 1533\(a\)\(4\)\(A\)](#), added subsec. (c).

Effective and Applicability Provisions

1990 Acts. Section 1533(a)(3) of [Pub.L. 101-510](#) provided in part that the amendments made by this section [amending subsecs. (a)(1)(A), (B), and (b)(1)(A), (B)] shall be effective on Nov. 5, 1990.

1989 Acts. Section 342(b) of [Pub.L. 101-189](#) provided that:

"(1) Subsection (a) of section 2772 of such title [10 U.S.C.A. § 2772(a)], as added by subsection (a) [section 342(a) of [Pub.L. 101-189](#)], shall apply with respect to fines and forfeitures adjudged after the date of the enactment of this Act [Nov. 29, 1989].

"(2) Subsection (b) of such section [subsec. (b) of this section] shall apply with respect to fines and forfeitures adjudged after May 31, 1990."

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Transfer of Functions

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see [6 U.S.C.A. § § 468\(b\), 551\(d\), 552\(d\)](#) and [557](#), and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under [6 U.S.C.A. § 542](#).

Repeals

Section 1533(a) of [Pub.L. 101-510](#), cited in the credit of this section, was repealed by [Pub.L. 107-107](#), Div. A, Title XIV, § 1409, Dec. 28, 2001, 115 Stat. 1265.

Prior Provisions

A prior section 2772, Act Aug. 10, 1956, c. 1041, 70A Stat. 156, which authorized withholding of pay of officers of the Army, Navy, Air Force, or Marine Corps, and is now covered by section 1007 of Title 37, Pay and Allowances of the Uniformed Services, was repealed by Pub.L. 87-649, § 14 c(3), Sept. 7, 1962, 76 Stat. 501.

LIBRARY REFERENCES

American Digest System

Armed Services  124.

10 U.S.C.A. § 2772, 10 USCA § 2772

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