

37 U.S.C.A. § 1007

**Effective: October 17, 2006**

United States Code Annotated [Currentness](#)

Title 37. Pay and Allowances of the Uniformed Services [\(Refs & Annos\)](#)

[Chapter 19. Administration \(Refs & Annos\)](#)

**→ § 1007. Deductions from pay**

(a) The pay of an officer of an armed force may be withheld, under [section 5512 of title 5](#), only for an indebtedness to the United States admitted by the officer or shown by the judgment of a court, or upon a special order issued in the discretion of the Secretary of Defense (or the Secretary of Homeland Security, in the case of an officer of the Coast Guard when the Coast Guard is not operating as a service in the Navy), or upon the denial of relief of an officer pursuant to [section 3527 of title 31](#).

(b) An amount due to the United States from an enlisted member of the Army or the Air Force for articles sold to him on credit under [section 4621\(a\)\(1\)](#) or [9621\(a\)\(1\) of title 10](#), as the case may be, shall be deducted from the next pay due him after the sale is reported.

(c)(1) Under regulations prescribed by the Secretary concerned, an amount that a member of the uniformed services is administratively determined to owe the United States or any of its instrumentalities may be deducted from the member's pay in monthly installments.

(2) After the deduction of pay forfeited by the sentence of a court-martial, if any, or otherwise authorized by law to be withheld, the deductions authorized by this section may not reduce the pay actually received by a member of the uniformed services for any month to less than one-third of the member's pay for that month.

(3) If the indebtedness of a member of the uniformed services to the United States is due to the overpayment of pay or allowances to the member through no fault of the member, the amount of the overpayment shall be recovered in monthly installments. The amount deducted from the pay of the member for a month to recover the overpayment amount may not exceed 20 percent of the member's pay for that month unless the member requests or consents to collection of the overpayment at an accelerated rate.

(4) if a member of the uniformed services is injured or wounded under the circumstances described in [section 310\(a\)\(2\)\(C\)](#) of this title or, while in the line of duty, incurs a wound, injury, or illness in a combat operation or combat zone designated by the Secretary of Defense, any overpayment of pay or allowances made to the member while the member recovers from the wound, injury, or illness may not be deducted from the member's pay until--

(A) the end of the 90-day period beginning on the date on which the member is notified of the overpayment; or

(B) such earlier date as may be requested or agreed to by the member.

(d) Subject to subsection (c), an amount due the United States from an enlisted member of the Army or the Air Force may be deducted from his pay on final statement, or from his savings on his clothing allowance.

(e) The amount of any damage, or cost of repairs, to arms or equipment caused by the abuse or negligence of a member of the Army, Navy, Air Force, or Marine Corps, as the case may be, who had the care of, or was using, the property when it was damaged, shall be deducted from his pay.

(f) If, upon final settlement of the accounts of an officer of the Army or the Air Force charged with the issue of an article of military supply, there is a deficiency of that article, or if an article of military supply with whose issue an officer is charged is damaged, the value of the lost article or the amount of the damage shall be charged against the officer and deducted from his monthly pay, unless he shows to the satisfaction of the Secretary of the Army or the Secretary of the Air Force, as the case may be, by one or more affidavits setting forth the circumstances, that he was not at fault.

(g) An amount due the United States from an officer of the Army or the Air Force for rations bought on credit, and for

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articles bought on credit under [section 4621\(a\)\(1\)](#) or [9621\(a\)\(1\) of title 10](#), shall be deducted from the next pay due that officer after the sale is reported.

**(h)(1)** Upon request by a service relief society and subject to paragraph (2), an amount owed by a member of the uniformed services to the relief society may be deducted from the pay on final statement of such member and paid to that relief society.

**(2)** An amount may not be deducted under paragraph (1) from the pay of a member unless the Secretary concerned makes a determination of the amount owed in accordance with the regulations prescribed under subsection (c). Any amount determined to be owed to a service relief society under this paragraph shall be considered an amount that the member is administratively determined to owe the United States under subsection (c) and shall be collectible in accordance with such subsection.

**(3)** The Secretaries concerned shall prescribe regulations to carry out this subsection.

**(4)** In this subsection, the term "service relief society" means the Army Emergency Relief, the Air Force Aid Society, the Navy Relief Society, or the Coast Guard Mutual Assistance.

**(i)(1)** There shall be deducted each month from the pay of each enlisted member, warrant officer, and limited duty officer of the armed forces on active duty an amount (determined under paragraph (3)) not to exceed \$1.00.

**(2)** Amounts deducted under paragraph (1) shall be deposited in the Armed Forces Retirement Home Trust Fund.

**(3)** The Secretary of Defense or, in the case of the Coast Guard, the Commandant, after consultation with the Chief Operating Officer of the Armed Forces Retirement Home, shall determine from time to time the amount to be deducted under paragraph (1) from the pay of enlisted members, warrant officers, and limited duty officers on the basis of the financial needs of the Armed Forces Retirement Home. The amount to be deducted may be fixed at different amounts on the basis of grade or length of service, or both.

~~**(4)** In this subsection, the term "armed forces" has the meaning given such term in section 101(4) of title 10 does not include the Coast Guard when it is not operating as a service in the Navy.~~

**(4)** This subsection does not apply to an enlisted member, warrant officer, or limited duty officer of a reserve component.

#### CREDIT(S)

(Pub.L. 87-649, Sept. 7, 1962, 76 Stat. 491; Pub.L. 89-718, § § 71, 72, Nov. 2, 1966, 80 Stat. 1124; Pub.L. 90-83, § 5(3), Sept. 11, 1967, 81 Stat. 221; [Pub.L. 98-525, Title XIII, § 1305](#), Oct. 19, 1984, 98 Stat. 2613; [Pub.L. 99-145, Title VI, § 684](#), Nov. 8, 1985, 99 Stat. 666; [Pub.L. 100-180](#), Div. A, Title VI, § 633(a), Dec. 4, 1987, 101 Stat. 1105; [Pub.L. 101-189](#), Div. A, Title III, § 343(a), Nov. 29, 1989, 103 Stat. 1420; [Pub.L. 101-510](#), Div. A, Title XV, § 1533(b), Nov. 5, 1990, 104 Stat. 1735; [Pub.L. 102-25, Title VII, § 702\(b\)\(1\)](#), Apr. 6, 1991, 105 Stat. 117; [Pub.L. 102-484](#), Div. A, Title X, § 1054(a)(7), Oct. 23, 1992, 106 Stat. 2502; [Pub.L. 103-337](#), Div. A, Title III, § 371(a), Oct. 5, 1994, 108 Stat. 2735; [Pub.L. 104-106](#), Div. A, Title IX, § 913(c)(2), Feb. 10, 1996, 110 Stat. 411; [Pub.L. 104-201](#), Div. A, Title X, § 1009(c)(1), Sept. 23, 1996, 110 Stat. 2635; [Pub.L. 106-65](#), Div. A, Title X, § 1066(d)(5), Oct. 5, 1999, 113 Stat. 773; [Pub.L. 107-296, Title XVII, § 1704\(c\)](#), Nov. 25, 2002, 116 Stat. 2314; [Pub.L. 107-314](#), Div. A, Title X, § 1006(b), Dec. 2, 2002, 116 Stat. 2633; [Pub.L. 109-364](#), Div. A, Title VI, § 674, Oct. 17, 2006, 120 Stat. 2272.)

#### HISTORICAL AND STATUTORY NOTES

##### Revision Notes and Legislative Reports

###### 1962 Acts.

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Revised section      Source (U.S.Code)      Source (Statutes at Large)

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1007(a)	10:2772	[None]
	14:461(b)	[None]
1007(b)	10:4837(a)	[None]
	10:9837(a)	[None]
1007(c)	10:4837(b)	[None]
	10:9837(b)	[None]
1007(d)	10:4837(c)	[None]
	10:9837(c)	[None]
1007(e)	10:4837(e)	[None]
	10:9837(e)	[None]
1007(f)	10:4837(f)	[None]
	10:9837(f)	[None]
1007(g)	10:4837(g)	[None]
	10:9837(g)	[None]

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1966 Acts. Senate Report No. 1748, see 1966 U.S. Code Cong. and Adm. News, p. 3701.

1967 Acts. Senate Report No. 539, see 1967 U.S. Code Cong. and Adm. News, p. 1536.

1984 Acts. [House Report No. 98-691](#), see 1984 U.S. Code Cong. and Adm. News, p. 4174.

1985 Acts. [House Report No. 99-81](#), see 1985 U.S. Code Cong. and Adm. News, p. 472.

1987 Acts. House Report No. 58 and House Conference Report No. 446, see 1988 U.S. Code Cong. and Adm. News, p. 1018.

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](#) and House Conference Report No. 101- 293, see 1990 U.S. Code Cong. and Adm. News, p. 2931.

1991 Acts. [House Report No. 102-16](#), see 1991 U.S. Code Cong. and Adm. News, p. 36.

1992 Acts. [House Report No. 102-527](#) and [House Conference Report No. 102- 966](#), see 1992 U.S. Code Cong. and Adm. News, p. 1636.

1994 Acts. [House Report No. 103-499](#) and [House Conference Report No. 103- 701](#), see 1994 U.S. Code Cong. and Adm. News, p. 2091.

1996 Acts. [House Conference Report No. 104-450](#), see 1996 U.S. Code Cong. and Adm. News, p. 238.

[House Report No. 104-563](#) and [House Conference Report No. 104-724](#), see 1996 U.S. Code Cong. and Adm. News, p. 2948.

1999 Acts. [House Conference Report No. 106-301](#) and Statement by President, see 1999 U.S. Code Cong. and Adm. News, p. 94.

2002 Acts. [House Conference Report No. 107-772](#) and Statement by President, see 2002 U.S. Code Cong. and Adm. News, p. 1538.

[House Report No. 107-609](#)(Part I) and Statement by President, see 2002 U.S. Code Cong. and Adm. News, p. 1352.

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2006 Acts. House Conference Report No. 109-702, see 2006 U.S. Code Cong. and Adm. News, p. 1298.

Statement by President, see 2006 U.S. Code Cong. and Adm. News, p. S59.

#### References in Text

Section 4623 of Title 10, referred to in subsec. (b), was repealed by Pub.L. 91-482, § 1(a), Oct. 21, 1970, 84 Stat. 1082.

#### Codifications

[Pub.L. 101-510, § 1533\(b\)\(1\)](#), directing substitution of ", warrant officer, and limited duty officer" for "and warrant officer" could not be executed in subsec. (i)(2)(B), as subsec. (i)(2) not only read in pars. (A) and (B) "and warrant officers", but § 1533(b)(2) deleted such subsec. (i)(2); but was executed in subsec. (i)(3), notwithstanding fact that text also read "and warrant officers", as the probable intent of Congress.

#### Amendments

2006 Amendments. Subsec. (c). [Pub.L. 109-364, § 674\(c\)](#), redesignated subsec. (c) as pars. (1) and (2) of subsec. (c).

Subsec. (c)(1), (2). [Pub.L. 109-364, § 674\(c\)](#), redesignated subsec. (c) as pars. (1) and (2) of subsec. (c), by inserting "(1)" before "Under regulations", striking out "his pay" both places it appeared and inserting "the member's pay", striking out "However, after" and inserting "(2) After" and inserting "by a member of the uniformed serves" after "actually received".

Subsec. (c)(3), (4). [Pub.L. 109-364, § 674\(a\), \(b\)](#), added pars. (3) and (4).

2002 Amendments. Subsec. (a). [Pub.L. 107-296, § 1704\(c\)](#), struck out "of Transportation" each place it appeared and inserted "of Homeland Security".

Subsec. (e). [Pub.L. 107-314, § 1006\(b\)](#), substituted "member of the Army, Navy, Air Force, or Marine Corps" for "member of the Army or the Air Force".

1999 Amendments. Subsec. (b). [Pub.L. 106-65, § 1066\(d\)\(5\)](#), struck out the second sentence, which read: "An amount due the United States from an enlisted member of the Army or the Air Force for tobacco sold to him by the United States under section 4623 or 9623 of title 10 shall be deducted from his pay in the manner provided for the settlement of clothing accounts."

1996 Amendments. Subsec. (a). [Pub.L. 104-201, § 1009\(c\)\(1\)](#), added "(or the Secretary of Transportation, in the case of an officer of the Coast Guard when the Coast Guard is not operating as a service in the Navy)" following "Secretary of Defense".

[Pub.L. 104-106, § 913\(c\)\(2\)](#), substituted "Secretary of Defense, or upon the denial of relief of an officer pursuant to section 3527 of title 31" for "Secretary concerned".

1994 Amendments. Subsec. (i)(1). [Pub.L. 103-337, § 371\(a\)](#), substituted "\$1.00" for "50 cents".

1992 Amendments. Subsec. (i)(3). [Pub.L. 102-484, Title X, § 1054\(a\)\(7\)](#), substituted ", warrant officers, and limited duty officers" for "and warrant officers", which could not be executed to text in lieu of a previously executed, identical amendment by [Pub.L. 101-510](#). See 1990 Amendment note set out under this section.

1991 Amendments. Subsec. (d). [Pub.L. 102-25](#) struck out "of this section" after "subsection (c)".

1990 Amendments. Subsec. (i)(1). [Pub.L. 101-510, § 1533\(b\)\(1\)](#), substituted ", warrant officer, and limited duty officer" for "and warrant officer".

Subsec. (i)(2). [Pub.L. 101-510, § 1533\(b\)\(1\), \(2\)](#), substituted "Amounts deducted under paragraph (1) shall be deposited in

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the Armed Forces Retirement Home Trust Fund." for "Amounts deducted under paragraph (1) shall be--

"(A) deposited in the Soldiers' Home, permanent fund, in the case of deductions from the pay of enlisted members and warrant officers in the Army and the Air Force; and

"(B) credited to the funds available for the operation of the Naval Home, in the case of deductions from the pay of enlisted members, warrant officer, and limited duty officer in the Navy, Marine Corps, or Coast Guard (when it is operating as a service in the Navy)."

Subsec. (i)(3). [Pub.L. 101-510, § 1533\(b\)\(1\), \(3\)](#), substituted ", warrant officer, and limited duty officer" for "and warrant officer", "Armed Forces Retirement Home Board" for "Governor of the Naval Home and the board of commissioners for the United States Soldiers' and Airmen's Home" and "of the Armed Forces Retirement Home" for "of the homes". See Codifications note set out under this section.

Subsec. (i)(5). [Pub.L. 101-510, § 1533\(b\)\(4\)](#), substituted ", warrant officer, or limited duty officer" for "or warrant officer".

1989 Amendments. Subsec. (i). [Pub.L. 101-189, § 343\(a\)](#), added subsec. (i).

1987 Amendments. Subsec. (h). [Pub.L. 100-180](#) added subsec. (h).

1985 Amendments. Subsec. (c). [Pub.L. 99-145](#), substituted "uniformed services" for "armed forces".

1984 Amendments. Subsec. (c). [Pub.L. 98-525, § 1305](#), substituted "a member of the armed forces" for "an enlisted member of the Army or the Air Force".

1967 Amendments. Subsec. (b). Pub.L. 90-83 struck out requirement that, in the case of a member of the Army, the report be made to the Chief of Finance.

1966 Amendments. Subsec. (a). Pub.L. 89-718, § 71, substituted "section 5512 of title 5" for "section 82 of title 5".

Subsec. (c). Pub.L. 89-718, § 72, substituted "pay" for "basic pay" as the amount which cannot be reduced below one-third through deductions from enlisted men of the Army or Air Force who have been administratively determined to owe the United States, payable by deductions in monthly installments.

#### Effective and Applicability Provisions

2002 Acts. Amendments by [Pub.L. 107-296, § 1704](#), effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see [Pub.L. 107-296, § 1704\(g\)](#), set out as an Effective and Applicability Provisions note under [10 U.S.C.A. § 101](#).

For provisions relating to the application of amendments made by [section 1006 of Pub.L. 107-314](#), with respect to the loss, spoilage, unserviceability, unsuitability, or destruction of, or damage to, property of the United States under the control of the Department of Defense, see section 1006(d) of [Pub.L. 107-314](#), set out as a note under [10 U.S.C.A. § 2787](#).

1994 Acts. Section 371(d)(1) of [Pub.L. 103-337](#) provided that: "The amendment made by subsection (a) [amending subsec. (i)(1) of this section] shall take effect on January 1, 1995, and apply to years that begin on or after that date."

1989 Acts. Section 343(b) of [Pub.L. 101-189](#) provided that:

"(1) Except as provided in paragraph (2), subsection (i) of section 1007 of title 37, United States Code, as added by subsection (a), [subsec. (i) of this section], shall take effect on the first day of the first month beginning after the date of the enactment of this Act [Nov. 29, 1989].

"(2) With respect to deductions from the pay of an enlisted member or warrant officer in the Navy, Marine Corps, or Coast Guard (when it is operating as a service in the Navy), such subsection shall take effect on October 1, 1990."

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1987 Acts. Section 633(b) of [Pub.L. 100-180](#) provided that: "Subsection (h) of section 1007 of title 37, United States Code (as added by subsection (a)) [subsec. (h) of this section], shall apply with respect to debts incurred by members of the uniformed services after the date of the enactment of this Act [Dec. 4, 1987]."

#### Repeals

[Section 1533 of Pub.L. 101-510](#), Div. A, Title XV, cited to 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

Provisions similar to those in subsec. (i) of this section were contained in [24 U.S.C.A. § 44c](#), prior to repeal by [Pub.L. 101-189, § 347\(4\)](#).

#### CROSS REFERENCES

Installment deduction for indebtedness to United States, modification, repeal or amendment of, see [5 USCA § 5514](#).

Liability of members assigned to military housing, special order authorizing deductions, see [10 USCA § 2775](#).

#### LIBRARY REFERENCES

##### American Digest System

Armed Services  13.4, 13.7, 23.5.

Key Number System Topic No. 34.

##### Corpus Juris Secundum

[CJS Armed Services § 147](#), Forfeiture, Stoppage, and Deduction of Pay.

#### NOTES OF DECISIONS

##### **Discretion of Secretary [1](#)**

##### **Jury duty pay [2](#)**

##### **Overpayment debt [3](#)**

##### **Post exchange losses [4](#)**

##### [1](#). Discretion of Secretary

When the second comptroller reported an officer indebted to the United States, it was a matter wholly within the discretion of the Secretary of War [now Secretary of Defense] whether to order a stoppage of pay or not. [In re Billings, Ct.Cl.1888, 23 Ct.Cl. 166](#). Armed Services  13.4

##### [2](#). Jury duty pay

Where a military member on active duty receiving full pay and allowances served as a juror in a State court and received \$35 in fees for his jury duty, the member may not keep the fees because he was not in a leave status and was therefore receiving additional compensation for performing his duties presumably during normal working hours; but the fees belong to his employer and should be paid into the Treasury. 1983, 62 Op.Comp.Gen. 39.

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3. Overpayment debt

Alleged debt due United States on account of overpayments cannot be deducted from army officer's pay under this section. [McCarl v. Pence, App.D.C.1927, 18 F.2d 809, 57 App.D.C. 159.](#) Armed Services  13.7

4. Post exchange losses

The receipts of a post exchange, United States Army, are not the property of the United States, and where they are lost by a civilian employee of the post exchange the amount thereof should not be deducted from the statutory pay of an Army officer who is regularly acting as superintendent, and when so deducted the officer may recover it by suit in the Court of Claims. [Kenny v. U.S., Ct.Cl.1926, 62 Ct.Cl. 328.](#) Armed Services  28

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## KEYCITE

**C** 37 USCA s 1007**Citing References  
Citations From U.S.C.A. (U.S.A.)****1. Discretion of Secretary**

- C** 1 In re Billings, 1800 WL 1417, 23 Ct.Cl. 166 (Ct.Cl. Feb 27, 1888) (NO. 29)

**3. Overpayment debt**

- P** 2 McCarl v. Pence, 18 F.2d 809, 57 App.D.C. 159 (App.D.C. Apr 04, 1927) (NO. 4503)

**4. Post exchange losses**

- C** 3 Kenny v. U.S., 1926 WL 2616, 62 Ct.Cl. 328 (Ct.Cl. Jun 01, 1926)

**Additional Citations (U.S.A.)**

- C** 4 Arnold v. U. S., 404 F.2d 953, 959, 186 Ct.Cl. 117, 129 (Ct.Cl. Dec 13, 1968) (NO. 233-61)  
**H** 5 U.S. v. Ladwig, 2005 WL 486353, \*2 (A.F.Ct.Crim.App. Feb 08, 2005) (NO. ACM S30299)  
**P** 6 U.S. v. Antonelli, 37 M.J. 932, 939+ (AFCMR Jul 14, 1993) (NO. ACM 28856)  
**H** 7 U.S. v. Rascoe, 31 M.J. 544, 558 (NMCMR May 15, 1990) (NO. NMCM 88 0566)  
**H** 8 U.S. v. Jones, 26 M.J. 650, 651+ (ACMR May 24, 1988) (NO. ACMR 8701949)  
**P** 9 U.S. v. Warner, 25 M.J. 64, 66 (CMA Sep 24, 1987) (NO. 56,237, CM 448575)  
**P** 10 U. S. v. Brown, 4 M.J. 654, 656 (ACMR Nov 09, 1977) (NO. CM 435356)

**Administrative Decisions (U.S.A.)****Comptroller General Decisions**

- C** 11 Master Sergeant Robert T. Eby, USAF (Retired)-Debt Collection-Setoff of Retired Pay, 1990 WL 278634, \*1+, B- 230,865, 230865+ (Comp.Gen. Oct 17, 1990)  
12 Lieutenant Garry L. Francis, USCG, Retired, 1990 WL 269513, \*1+, 69 Comp. Gen. 181, 226+, B- 236,756, 236756+ (Comp.Gen. Feb 05, 1990)  
**C** 13 Termination of Claims Against Federal Civilian and Military Personnel Based on Costs of Collection, 1986 WL 60564, \*6, 65 Comp. Gen. 893, 900, B- 217,181, 217181 (Comp.Gen. Sep 29, 1986)  
**C** 14 Offset under statutes other than Debt Collection Act of 1982, 1984 WL 43631, \*6, 64 Comp. Gen. 142, 149, B- 215,128, 215128 (Comp.Gen. Dec 14, 1984)  
**C** 15 OLLIE N. MARSHALL:, 1979 WL 12964, \*2, B- 193,400, 193400 (Comp.Gen. Jan 31, 1979)  
16 STAFF SERGEANT LEONARD BAKER, USAF (RETIRED), 1978 WL 10196, \*2, B- 191,017, 191017 (Comp.Gen. Mar 01, 1978)  
**H** 17 TO MR. SECRETARY:, 1972 WL 6765, \*2, B- 151,168, 151168, B- 151168(2) (Comp.Gen. May 18, 1972)  
**H** 18 TO MR. SECRETARY:, 1971 WL 5017, \*2+, B- 173,233, 173233+ (Comp.Gen. Oct 22, 1971)  
**H** 19 TO THE SECRETARY OF DEFENSE, 1971 WL 4680, \*1+, 51 Comp. Gen. 226, 226+, B- 173,233, 173233+ (Comp.Gen. Oct 22, 1971)  
**C** 20 TO THE SECRETARY OF DEFENSE, 1969 WL 3056, \*2, 49 Comp. Gen. 361, 363, B- 168,236, 168236 (Comp.Gen. Dec 01, 1969)  
**C** 21 TO LIEUTENANT COLONEL B. A. GRESICK, DEPARTMENT OF THE ARMY, 1965 WL 1776, \*2, 45 Comp. Gen. 342, 344, B- 158,010, 158010 (Comp.Gen. Dec 15, 1965)

- [22](#) TO THE SECRETARY OF DEFENSE, 1965 WL 1594, \*1+, 44 Comp. Gen. 601, 601+, B-124,046, 124046+ (Comp.Gen. Apr 02, 1965)
- [23](#) TO THE SECRETARY OF DEFENSE:, 1964 WL 2900, \*1+, B- 153,637, 153637+ (Comp.Gen. May 28, 1964)
- [24](#) TO MAJOR JOHN A. RAPP, U.S. MARINE CORPS, 1963 WL 2080, \*1+, 43 Comp. Gen. 431, 431+, B- 151,979, 151979+ (Comp.Gen. Nov 06, 1963)

#### **General Services Board of Contract Appeals**

- [25](#) Consulting Associates, Inc. v. Department of Air Force, 1995 WL 126356 (G.S.B.C.A.), \*5, 95-1 BCA P 27602, 27602, GSBCEA No. 13194-P, 13194-P (G.S.B.C.A. Mar 22, 1995)

#### **Other Administrative Materials (U.S.A.)**

- [26](#) 9 GAO-RB pt. G, s. 2, 2. AGAINST ACCOUNTABLE OFFICER (2006)
- [27](#) 17 GAO-RB pt. C, s. 6, 6. DEBTS DUE NONAPPROPRIATED FUND ACTIVITIES (2001)
- [28](#) 13 GAO-RB pt. E, s. 4, 4. Government Employees (1994)
- [29](#) 13 GAO-RB pt. H, (1994)
- [30](#) 9 GAO-RB pt. G, s. 2, 2. Against Accountable Officer (1992)

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- [31](#) Privacy Act of 1974; Systems of Records, 71 Federal Register 32316 (Jun 05, 2006)
- [32](#) 70 Federal Register 64519 (Oct 31, 2005)
- [33](#) 70 Federal Register 64550 (Oct 31, 2005)
- [34](#) Personal Check Cashing Control and Abuse Prevention, 70 Federal Register 18301 (Apr 11, 2005)
- [35](#) Privacy Act of 1974; System of Records, 68 Federal Register 35657 (Jun 16, 2003)
- [36](#) Defense Finance and Accounting Service; Privacy Act of 1974; System of Records, 67 Federal Register 43292 (Jun 27, 2002)
- [37](#) Privacy Act of 1974: Systems of Records, 65 Federal Register 19476 (Apr 11, 2000)
- [38](#) 62 Federal Register 22081 (Apr 25, 1997)
- [39](#) Privacy Act of 1974; System of Record, 62 Federal Register 16793 (Apr 08, 1997)
- [40](#) Privacy Act of 1974; Notice to Add a Record System, 61 Federal Register 67534 (Dec 23, 1996)
- [41](#) Privacy Act of 1974; Reissuance of DOD Systems of Records Notices, 58 Federal Register 10002 (Feb 22, 1993)
- [42](#) Privacy Act of 1974; Reissuance of DOD Systems of Records Notices, 58 Federal Register 10002+ (Feb 22, 1993)
- [43](#) Privacy Act of 1974; Reissuance of DOD Systems of Records Notices, 58 Federal Register 10002 (Feb 22, 1993)
- [44](#) Intermodal Surface Transportation Efficiency Act of 1991; Implementation Guidance, 57 Federal Register 14880 (Apr 23, 1992)
- [45](#) Privacy Act of 1974; Amend Record Systems, 57 Federal Register 12914 (Apr 14, 1992)
- [46](#) Privacy Act of 1974; Computer Matching Program Between the Defense Finance and Accounting Service-Cleveland Center and the Defense Manpower Data Center of the Department of Defense, 56 Federal Register 64775+ (Dec 12, 1991)
- [47](#) Privacy Act of 1974; Computer Matching Program Between the Defense Finance and Accounting Service-Kansas City Center and the Defense Manpower Data Center of the Department of Defense, 56 Federal Register 60981+ (Nov 29, 1991)
- [48](#) Privacy Act of 1974; Computer Matching Program Between the Defense Finance and Accounting Service-Indianapolis Center and the Defense Manpower Data Center of the Department of Defense, 56 Federal Register 60983+ (Nov 29, 1991)
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- [54](#) Privacy Act of 1974; Amended Record System, 53 Federal Register 17240 (May 16, 1988)
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- [56](#) Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Technical Revision of DoD 6010.8-R, 51 Federal Register 24008 (Jul 01, 1986)
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- [58](#) Civilian Health and Medicare Program of the Uniformed Services (CHAMPUS); Federal Medical Care Recovery Act, Chapter IX, 50 Federal Register 52315 (Dec 23, 1985)
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- [69](#) Privacy Act of 1974; New Record Systems, 52 Federal Register 23334 (Jun 19, 1987)
- [70](#) Privacy Act Issuances; Annual Recompilation of System Notices, 46 Federal Register 6427 (Jan 21, 1981)

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- [74](#) COLLECTION OF DEBTS AND OVERPAYMENTS FROM CLAIMANTS USING IRS TAX OFFSET PROCEDURES, 1991-SEP Army Law. 41, 41+ (1991)
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#### **Court Documents**

##### **Appellate Court Documents (U.S.A.)**

##### **Appellate Petitions, Motions and Filings**

- [77](#) Smith v. Grimm, 1976 WL 235661, \*235661+ (Appellate Petition, Motion and Filing) (U.S. Nov 10, 1976) **Petitioner's Reply Brief** (NO. 76-521)

##### **Trial Court Documents (U.S.A.)**

##### **Trial Pleadings**

- [78](#) Martin CODY, Louis G. Spirito, William A. Jentarra, William M. Marrow, William D. Woods,

John Colburn, Eugene Hill, Jr., Franklin E. Cook, Jr., Gracie W. Carpenter, Charles E. Recla, Boyton H. Snee, Benedetto D. Renzi, Theodore Wilson, Michael R. George, Warren D. Helm and Homer C. Rutherford, Plaintiffs, Individually and as Class Representatives, v. THE HONORABLE DONALD RUMSFELD SECRETARY OF DEFENSE and Timothy C. Cox Chief Operating Officer, Defendants., 2005 WL 1362498, \*1362498 (Trial Pleading) (D.D.C. May 24, 2005)  
**Complaint for Injunctive Relief** (NO. 105CV01041)

[79](#) Martin CODY, Armed Forces Retirement Home, Louis G. Spirito, Armed Forces Retirement Home, William A. Jentarra, Armed Forces Retirement Home, William M. Marrow, Armed Forces Retirement Home, William D. Woods, Armed Forces Retirement Home, John Colburn, Armed Forces Retirement Home, Eugene Hill, Jr., Armed Forces Retirement Home, Franklin E. Cook, Jr., Armed Forces Retirement Home, Gracie W. Carpenter, Armed Forces Retirement Home, Charles E. Recla, Armed Forces, 2005 WL 3568748, \*3568748 (Trial Pleading) (D.D.C. May 24, 2005)  
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#### **Statutes and Court Rules (U.S.A.)**

-  [80](#) 5 USCA s 5514; s 5514. Installment deduction for indebtedness to the United States
-  [81](#) 10 USCA s 1055; s 1055. Waiver of security deposits for members renting private housing; authority to indemnify...
-  [82](#) 10 USCA s 2775; s 2775. Liability of members assigned to military housing
-  [83](#) 24 USCA s 419; s 419. Armed Forces Retirement Home Trust Fund

#### **Administrative Codes (U.S.A.)**

-  [84](#) 32 CFR s 199.11; s 199.11 Overpayments recovery.



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## C

### Bill Drafts

1 2005 CONG US HR 5122, 109th CONGRESS, 2d Session, (May 15, 2006), Engrossed in House, ACTION: Amended. Updating Legislation: **PL 109-364, October 17, 2006, 120 Stat 2083**

→ § **1007. Deductions from pay**

#### CREDIT(S)

(Pub.L. 87-649, Sept. 7, 1962, 76 Stat. 491; Pub.L. 89-718, § § 71, 72, Nov. 2, 1966, 80 Stat. 1124; Pub.L. 90-83, § 5(3), Sept. 11, 1967, 81 Stat. 221; [Pub.L. 98-525, Title XIII, § 1305](#), Oct. 19, 1984, 98 Stat. 2613; [Pub.L. 99-145, Title VI, § 684](#), Nov. 8, 1985, 99 Stat. 666; [Pub.L. 100-180](#), Div. A, Title VI, § 633(a), Dec. 4, 1987, 101 Stat. 1105; [Pub.L. 101-189](#), Div. A, Title III, § 343(a), Nov. 29, 1989, 103 Stat. 1420; [Pub.L. 101-510](#), Div. A, Title XV, § 1533(b), Nov. 5, 1990, 104 Stat. 1735; [Pub.L. 102-25, Title VII, § 702\(b\)\(1\)](#), Apr. 6, 1991, 105 Stat. 117; [Pub.L. 102-484](#), Div. A, Title X, § 1054(a)(7), Oct. 23, 1992, 106 Stat. 2502; [Pub.L. 103-337](#), Div. A, Title III, § 371(a), Oct. 5, 1994, 108 Stat. 2735; [Pub.L. 104-106](#), Div. A, Title IX, § 913(c)(2), Feb. 10, 1996, 110 Stat. 411; [Pub.L. 104-201](#), Div. A, Title X, § 1009(c)(1), Sept. 23, 1996, 110 Stat. 2635; [Pub.L. 106-65](#), Div. A, Title X, § 1066(d)(5), Oct. 5, 1999, 113 Stat. 773; [Pub.L. 107-296, Title XVII, § 1704\(c\)](#), Nov. 25, 2002, 116 Stat. 2314; [Pub.L. 107-314](#), Div. A, Title X, § 1006(b), Dec. 2, 2002, 116 Stat. 2633; [Pub.L. 109-364](#), Div. A, Title VI, § 674, Oct. 17, 2006, 120 Stat. 2272.)

#### HISTORICAL AND STATUTORY NOTES

##### Revision Notes and Legislative Reports

###### 1962 Acts.

1966 Acts. Senate Report No. 1748, see 1966 U.S. Code Cong. and Adm. News, p. 3701.

1967 Acts. Senate Report No. 539, see 1967 U.S. Code Cong. and Adm. News, p. 1536.

1984 Acts. [House Report No. 98-691](#), see 1984 U.S. Code Cong. and Adm. News, p. 4174.

1985 Acts. [House Report No. 99-81](#), see 1985 U.S. Code Cong. and Adm. News, p. 472.

1987 Acts. House Report No. 58 and House Conference Report No. 446, see 1988 U.S. Code Cong. and Adm. News, p. 1018.

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](#) and House Conference Report No. 101-293, see 1990 U.S. Code Cong. and Adm. News, p. 2931.

1991 Acts. [House Report No. 102-16](#), see 1991 U.S. Code Cong. and Adm. News, p. 36.

1992 Acts. [House Report No. 102-527](#) and [House Conference Report No. 102-966](#), see 1992 U.S. Code Cong. and Adm. News, p. 1636.

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1994 Acts. [House Report No. 103-499](#) and [House Conference Report No. 103-701](#), see 1994 U.S. Code Cong. and Adm. News, p. 2091.

1996 Acts. [House Conference Report No. 104-450](#), see 1996 U.S. Code Cong. and Adm. News, p. 238.

[House Report No. 104-563](#) and [House Conference Report No. 104-724](#), see 1996 U.S. Code Cong. and Adm. News, p. 2948.

1999 Acts. [House Conference Report No. 106-301](#) and Statement by President, see 1999 U.S. Code Cong. and Adm. News, p. 94.

2002 Acts. [House Conference Report No. 107-772](#) and Statement by President, see 2002 U.S. Code Cong. and Adm. News, p. 1538.

[House Report No. 107-609](#)(Part I) and Statement by President, see 2002 U.S. Code Cong. and Adm. News, p. 1352.

2006 Acts. House Conference Report No. 109-702, see 2006 U.S. Code Cong. and Adm. News, p. 1298.

Statement by President, see 2006 U.S. Code Cong. and Adm. News, p. S59.

#### References in Text

Section 4623 of Title 10, referred to in subsec. (b), was repealed by Pub.L. 91-482, § 1(a), Oct. 21, 1970, 84 Stat. 1082.

#### Codifications

[Pub.L. 101-510, § 1533\(b\)\(1\)](#), directing substitution of ", warrant officer, and limited duty officer" for "and warrant officer" could not be executed in subsec. (i)(2)(B), as subsec. (i)(2) not only read in pars. (A) and (B) "and warrant officers", but § 1533(b)(2) deleted such subsec. (i)(2); but was executed in subsec. (i)(3), notwithstanding fact that text also read "and warrant officers", as the probable intent of Congress.

#### Amendments

2006 Amendments. Subsec. (c). [Pub.L. 109-364, § 674\(c\)](#), redesignated subsec. (c) as pars. (1) and (2) of subsec. (c).

Subsec. (c)(1), (2). [Pub.L. 109-364, § 674\(c\)](#), redesignated subsec. (c) as pars. (1) and (2) of subsec. (c), by inserting "(1)" before "Under regulations", striking out "his pay" both places it appeared and inserting "the member's pay", striking out "However, after" and inserting "(2) After" and inserting "by a member of the uniformed serves" after "actually received".

Subsec. (c)(3), (4). [Pub.L. 109-364, § 674\(a\), \(b\)](#), added pars. (3) and (4).

2002 Amendments. Subsec. (a). [Pub.L. 107-296, § 1704\(c\)](#), struck out "of Transportation" each place it appeared and inserted "of Homeland Security".

Subsec. (e). [Pub.L. 107-314, § 1006\(b\)](#), substituted "member of the Army, Navy, Air Force, or Marine Corps" for "member of the Army or the Air Force".

1999 Amendments. Subsec. (b). [Pub.L. 106-65, § 1066\(d\)\(5\)](#), struck out the second sentence, which read: "An amount due the United States from an enlisted member of the Army or the Air Force for tobacco sold to him by the United States under section 4623 or 9623 of title 10 shall be deducted from his pay in the manner provided for the settlement of clothing accounts."

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1996 Amendments. Subsec. (a). [Pub.L. 104-201, § 1009\(c\)\(1\)](#), added "(or the Secretary of Transportation, in the case of an officer of the Coast Guard when the Coast Guard is not operating as a service in the Navy)" following "Secretary of Defense".

[Pub.L. 104-106, § 913\(c\)\(2\)](#), substituted "Secretary of Defense, or upon the denial of relief of an officer pursuant to section 3527 of title 31" for "Secretary concerned".

1994 Amendments. Subsec. (i)(1). [Pub.L. 103-337, § 371\(a\)](#), substituted "\$1.00" for "50 cents".

1992 Amendments. Subsec. (i)(3). [Pub.L. 102-484, Title X, § 1054\(a\)\(7\)](#), substituted ", warrant officers, and limited duty officers" for "and warrant officers", which could not be executed to text in lieu of a previously executed, identical amendment by [Pub.L. 101-510](#). See 1990 Amendment note set out under this section.

1991 Amendments. Subsec. (d). [Pub.L. 102-25](#) struck out "of this section" after "subsection (c)".

1990 Amendments. Subsec. (i)(1). [Pub.L. 101-510, § 1533\(b\)\(1\)](#), substituted ", warrant officer, and limited duty officer" for "and warrant officer".

Subsec. (i)(2). [Pub.L. 101-510, § 1533\(b\)\(1\), \(2\)](#), substituted "Amounts deducted under paragraph (1) shall be deposited in the Armed Forces Retirement Home Trust Fund." for "Amounts deducted under paragraph (1) shall be--

"(A) deposited in the Soldiers' Home, permanent fund, in the case of deductions from the pay of enlisted members and warrant officers in the Army and the Air Force; and

"(B) credited to the funds available for the operation of the Naval Home, in the case of deductions from the pay of enlisted members, warrant officer, and limited duty officer in the Navy, Marine Corps, or Coast Guard (when it is operating as a service in the Navy)."

Subsec. (i)(3). [Pub.L. 101-510, § 1533\(b\)\(1\), \(3\)](#), substituted ", warrant officer, and limited duty officer" for "and warrant officer", "Armed Forces Retirement Home Board" for "Governor of the Naval Home and the board of commissioners for the United States Soldiers' and Airmen's Home" and "of the Armed Forces Retirement Home" for "of the homes". See Codifications note set out under this section.

Subsec. (i)(5). [Pub.L. 101-510, § 1533\(b\)\(4\)](#), substituted ", warrant officer, or limited duty officer" for "or warrant officer".

1989 Amendments. Subsec. (i). [Pub.L. 101-189, § 343\(a\)](#), added subsec. (i).

1987 Amendments. Subsec. (h). [Pub.L. 100-180](#) added subsec. (h).

1985 Amendments. Subsec. (c). [Pub.L. 99-145](#), substituted "uniformed services" for "armed forces".

1984 Amendments. Subsec. (c). [Pub.L. 98-525, § 1305](#), substituted "a member of the armed forces" for "an enlisted member of the Army or the Air Force".

1967 Amendments. Subsec. (b). Pub.L. 90-83 struck out requirement that, in the case of a member of the Army, the report be made to the Chief of Finance.

1966 Amendments. Subsec. (a). Pub.L. 89-718, § 71, substituted "section 5512 of title 5" for "section 82 of title 5".

Subsec. (c). Pub.L. 89-718, § 72, substituted "pay" for "basic pay" as the amount which cannot be reduced below one-third through deductions from enlisted men of the Army or Air Force who have been administratively determined to owe the United States, payable by deductions in monthly installments.

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#### Effective and Applicability Provisions

2002 Acts. Amendments by [Pub.L. 107-296, § 1704](#), effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see [Pub.L. 107-296, § 1704\(g\)](#), set out as an Effective and Applicability Provisions note under [10 U.S.C.A. § 101](#).

For provisions relating to the application of amendments made by [section 1006 of Pub.L. 107-314](#), with respect to the loss, spoilage, unserviceability, unsuitability, or destruction of, or damage to, property of the United States under the control of the Department of Defense, see section 1006(d) of [Pub.L. 107-314](#), set out as a note under [10 U.S.C.A. § 2787](#).

1994 Acts. Section 371(d)(1) of [Pub.L. 103-337](#) provided that: "The amendment made by subsection (a) [amending subsec. (i)(1) of this section] shall take effect on January 1, 1995, and apply to years that begin on or after that date."

1989 Acts. Section 343(b) of [Pub.L. 101-189](#) provided that:

"(1) Except as provided in paragraph (2), subsection (i) of section 1007 of title 37, United States Code, as added by subsection (a), [subsec. (i) of this section], shall take effect on the first day of the first month beginning after the date of the enactment of this Act [Nov. 29, 1989].

"(2) With respect to deductions from the pay of an enlisted member or warrant officer in the Navy, Marine Corps, or Coast Guard (when it is operating as a service in the Navy), such subsection shall take effect on October 1, 1990."

1987 Acts. Section 633(b) of [Pub.L. 100-180](#) provided that: "Subsection (h) of section 1007 of title 37, United States Code (as added by subsection (a)) [subsec. (h) of this section], shall apply with respect to debts incurred by members of the uniformed services after the date of the enactment of this Act [Dec. 4, 1987]."

#### Repeals

[Section 1533 of Pub.L. 101-510](#), Div. A, Title XV, cited to 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

Provisions similar to those in subsec. (i) of this section were contained in [24 U.S.C.A. § 44c](#), prior to repeal by [Pub.L. 101-189, § 347\(4\)](#).

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