

[§ 9835. Repealed. Pub. L. 107-314, div. A, title X, § 1006(c)(1), Dec. 2, 2002, 116 Stat. 2633]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 593, related to action upon reports of surveys and vouchers pertaining to the loss, spoilage, unserviceability, unsuitability, or destruction of or damage to property of the United States under the control of the Department of the Air Force.

EFFECTIVE DATE OF REPEAL

Repeal applicable with respect to loss, spoilage, unserviceability, unsuitability, or destruction of, or damage to, property of United States under control of Department of Defense occurring on or after effective date of regulations prescribed pursuant to section 2787 of this title, see section 1006(d) of Pub. L. 107-314, set out as an Effective Date note under section 2787 of this title.

[§ 9836. Repealed. Pub. L. 110-181, div. A, title III, § 375(c)(1)(D), Jan. 28, 2008, 122 Stat. 84]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 594, prohibited unauthorized disposition of individual equipment by enlisted members of the Air Force.

§ 9837. Settlement of accounts: remission or cancellation of indebtedness of members

(a) IN GENERAL.—The Secretary of the Air Force may have remitted or cancelled any part of the indebtedness of a person to the United States or any instrumentality of the United States incurred while the person was serving as a member of the Air Force, whether as a regular or a reserve in active status, but only if the Secretary considers such action to be in the best interest of the United States.

(b) RETROACTIVE APPLICABILITY TO CERTAIN DEBTS.—The authority in subsection (a) may be exercised with respect to any debt covered by that subsection that is incurred on or after October 7, 2001.

(c) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense.

(Aug. 10, 1956, ch. 1041, 70A Stat. 594; Pub. L. 85-861, §33(a)(45), Sept. 2, 1958, 72 Stat. 1567; Pub. L. 87-649, §14c(58), Sept. 7, 1962, 76 Stat. 502; Pub. L. 96-513, title V, §514(22)(A), (B), Dec. 12, 1980, 94 Stat. 2936; Pub. L. 109-163, div. A, title VI, §683(c)(1), Jan. 6, 2006, 119 Stat. 3323; Pub. L. 109-364, div. A, title VI, §673(c)(1), (2), (e)(3), Oct. 17, 2006, 120 Stat. 2271, 2272; Pub. L. 110-181, div. A, title X, §1063(c)(7)(C), Jan. 28, 2008, 122 Stat. 323; Pub. L. 114-328, div. A, title VI, §671(b)(3), Dec. 23, 2016, 130 Stat. 2173.)

HISTORICAL AND REVISION NOTES
1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9837(a)	10:875.	R.S. 1300.
	10:875b.	R.S. 1301.
9837(b)	10:875a (less 3d and last provisos).	May 22, 1928, ch. 676, 45 Stat. 698; June 26, 1934, ch. 751, 48 Stat. 1222.
9837(c)	10:875a (last proviso).	
9837(d)	10:875a (3d proviso).	
9837(e)	10:871.	R.S. 1303.
9837(f)	10:872.	R.S. 1304.
9837(g)	10:875c.	R.S. 1299.

In subsection (a), the words “sold to the member on credit under section 9621(a)(1) of this title” are substituted for the words “articles designated by the inspectors general of the Army, and sold to him on credit

by officers of the Quartermaster Corps”, in 10:875. The words “at cost prices” are omitted to reflect section 9623 of this title.

In subsection (b), the last sentence is substituted for 10:875a (1st and 2d provisos). The words “on current payrolls” are omitted as surplusage.

In subsection (c), the words “Subject to subsection (b)” are substituted for the words “in the proportions hereinbefore indicated”.

In subsection (d), the words “If he considers it in the best interests of the United States” are substituted for the words “when in his opinion the interests of the Government are best served by such action”. The words “before, or at the time of” are substituted for the words “either on * * * or prior thereto”.

In subsection (e), the words “member” and “his” are substituted for the words “officer or soldier”. The words “or implement” are omitted as surplusage.

In subsection (f), the words “or if an article of military supply with whose issue a commissioned officer is charged is damaged” are substituted for 10:872 (last sentence). The words “that he was not at fault” are substituted for the words “that said deficiency [such damage] was not occasioned by any fault on his part”.

In subsection (g), the words “bought on credit under section 9621(a)(1) of this title” are substituted for the words “designated by the officers of the Inspector-General’s Department of the Army and purchased on credit from commissaries of subsistence”.

1958 ACT

The change [in subsec. (b)] reflects the opinion of the Judge Advocate General of the Air Force (June 10, 1957) that the term “rate of pay”, as used in the source law for section 9837(b) (Act of May 22, 1928, ch. 676 (45 Stat. 698), as amended), included special pay and incentive pay.

The change [in subsec. (f)] reflects the opinion of the Assistant General Counsel (Fiscal Matters), Department of Defense (July 19, 1957), that section 1304, Revised Statutes (formerly 10 U.S.C. 872), the source law for this section, applied to warrant officers as well as to commissioned officers.

AMENDMENTS

2016—Subsec. (a). Pub. L. 114-328 substituted “as a member of the Air Force, whether as a regular or a reserve in active status” for “on active duty as a member of the Air Force”.

2008—Subsec. (a). Pub. L. 110-181 made technical correction to directory language of Pub. L. 109-364, §673(c)(1). See 2006 Amendment note below.

2006—Pub. L. 109-163 amended section catchline and text generally. Prior to amendment, text read as follows: “If he considers it in the best interest of the United States, the Secretary may have remitted or cancelled any part of an enlisted member’s indebtedness to the United States or any of its instrumentalities remaining unpaid before, or at the time of, that member’s honorable discharge.”

Subsec. (a). Pub. L. 109-364, §673(e)(3), substituted “The Secretary of the Air Force” for “If the Secretary considers it to be in the best interest of the United States, the Secretary” and inserted before period at end “, but only if the Secretary considers such action to be in the best interest of the United States”.

Pub. L. 109-364, §673(c)(1), as amended by Pub. L. 110-181, substituted “of a person to the United States or any instrumentality of the United States incurred while the person was serving on active duty as a member of the Air Force” for “of a member of the Air Force on active duty, or a member of a reserve component of the Air Force in an active status, to the United States or any instrumentality of the United States incurred while the member was serving on active duty”.

Subsecs. (b) to (d). Pub. L. 109-364, §673(c)(2), redesignated subsecs. (c) and (d) as (b) and (c), respectively, and struck out heading and text of former subsec. (b). Text read as follows: “The Secretary may exercise the authority in subsection (a) with respect to a member—

“(1) while the member is on active duty or in active status, as the case may be;

“(2) if discharged from the armed forces under honorable conditions, during the one-year period beginning on the date of such discharge; or

“(3) if released from active status in a reserve component, during the one-year period beginning on the date of such release.”

1980—Pub. L. 96-513 substituted “remission or cancellation of indebtedness of enlisted members” for “deductions from pay” in section catchline, and struck out designation “(d)” before “If he”.

1962—Pub. L. 87-649 repealed subsecs. (a) to (c) and (e) to (g) which related to deductions from pay. See subsecs. (b) to (g) of section 1007 of Title 37, Pay and Allowances of the Uniformed Services.

1958—Subsec. (b). Pub. L. 85-861, §33(a)(45)(A), substituted “his pay for that month” for “his basic pay for that month”.

Subsec. (f). Pub. L. 85-861, §33(a)(45)(B), substituted “an officer” for “a commissioned officer” in two places.

EFFECTIVE DATE OF 2016 AMENDMENT

Amendment by Pub. L. 114-328 effective Dec. 23, 2016, and applicable with respect to debt incurred on or after Oct. 7, 2001, see section 671(b)(5) of Pub. L. 114-328, set out as a note under section 4837 of this title.

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-181, div. A, title X, §1063(c), Jan. 28, 2008, 122 Stat. 322, provided that the amendment made by section 1063(c)(7)(C) is effective as of Oct. 17, 2006, and as if included in the John Warner National Defense Authorization Act for Fiscal Year 2007, Pub. L. 109-364, as enacted.

TERMINATION DATE OF 2006 AMENDMENT

Pub. L. 109-163, div. A, title VI, §683(c)(3), Jan. 6, 2006, 119 Stat. 3324, which provided for termination of amendments by Pub. L. 109-163, §683(c), amending this section and the analysis to this chapter, on Dec. 31, 2007, and restoration of provisions as in effect on the day before Jan. 6, 2006, was repealed by Pub. L. 109-364, div. A, title VI, §673(c)(3), Oct. 17, 2006, 120 Stat. 2272.

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 this title.

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87-649 effective on Nov. 1, 1962, see section 15 of Pub. L. 87-649, set out as a note preceding section 101 of Title 37, Pay and Allowances of the Uniformed Services.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85-861 effective Aug. 10, 1956, see section 33(g) of Pub. L. 85-861, set out as a note under section 101 of this title.

REGULATIONS

Secretary of Defense to prescribe regulations required for purposes of this section, as amended by Pub. L. 109-364, not later than Mar. 1, 2007, see section 673(d) of Pub. L. 109-364, set out as a note under section 4837 of this title.

§ 9838. Settlement of accounts: affidavit of squadron commander

In the settlement of the accounts of the commanding officer of a squadron for clothing and other military supplies, his affidavit may be received to show—

(1) that vouchers or squadron books were lost;

(2) anything tending to prove that any apparent deficiency of those articles was caused by unavoidable accident, or by loss in actual service without his fault; or

(3) that all or part of the clothing and supplies was properly used.

The affidavit may be used as evidence of the facts set forth, with or without other evidence, as determined by the Secretary of the Air Force to be just and proper under the circumstances.

(Aug. 10, 1956, ch. 1041, 70A Stat. 595.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9838	10:1302.	R.S. 225 (less 1st sentence); added Feb. 27, 1877, ch. 69 (3d par.), 19 Stat. 241.

The word “anything” is substituted for the words “any matter or circumstance”. The words “properly used” are substituted for the words “legally used and appropriated”. The words “of the case” are omitted as surplusage.

§ 9839. Settlement of accounts: oaths

The Secretary of the Air Force may detail any employee of the Department of the Air Force to administer oaths required by law in the settlement of an officer's accounts for clothing and other military supplies. An oath administered under this section shall be without expense to the person to whom it is administered.

(Aug. 10, 1956, ch. 1041, 70A Stat. 595.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9839	10:1303.	R.S. 225 (1st sentence).

The words “and other military supplies” are substituted for the words “camp and garrison equipage, quartermaster's stores, and ordnance” to conform to section 9838 of this title. The words “person to whom administered” are substituted for the words “parties taking them.” The words “for the purpose of” are omitted as surplusage.

§ 9840. Final settlement of officer's accounts

Before final payment upon discharge may be made to an officer of the Air Force who has been accountable or responsible for public property, he must obtain a certificate of nonindebtedness to the United States from each officer to whom he was accountable or responsible for property. He must also make an affidavit, certified by his commanding officer to be correct, that he is not accountable or responsible for property to any other officer. An officer who has not been responsible for public property must make an affidavit of that fact, certified by his commanding officer. Compliance with this section warrants the final payment of the officer concerned.

(Aug. 10, 1956, ch. 1041, 70A Stat. 595.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9840	10:878.	Jan. 12, 1899, ch. 46, §2, 30 Stat. 784.