

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 Repealed.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. 10:875b.	R.S. 1300. 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 “de-