

§ 2775. Liability of members assigned to military housing

(a)(1) A member of the armed forces shall be liable to the United States for damage to any family housing unit or unaccompanied personnel housing unit, or damage to or loss of any equipment or furnishings of any family housing unit or unaccompanied personnel housing unit, assigned to or provided such member if (as determined under regulations prescribed by the Secretary of Defense or the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy) the damage or loss was caused by the abuse or negligence of the member (or a dependent of the member) or of a guest of the member (or a dependent of the member).

(2) A member of the armed forces—

(A) who is assigned or provided a family housing unit; and

(B) who fails to clean satisfactorily that housing unit (as determined under regulations prescribed by the Secretary of Defense or the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy) upon termination of the assignment or provision of that housing unit, shall be liable to the United States for the cost of cleaning made necessary as a result of that failure.

(b) The Secretary of Defense, and the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, may establish limitations on liability under this section, including (in the case of liability under subsection (a)(1)) different limitations based upon the degree of abuse or negligence involved, and may compromise or waive a claim of the United States under this section.

(c)(1) The Secretary concerned may deduct from a member's pay an amount sufficient to pay for the cost of any repair or replacement made necessary as the result of any abuse or negligence referred to in subsection (a)(1), or the cost of any cleaning made necessary by a failure to clean satisfactorily a family housing unit referred to in subsection (a)(2), for which the member is liable. Regulations implementing this section may also provide for the collection of amounts owed under this section by any other authorized means.

(2) The final determination of an amount to be deducted from the pay of an officer of an armed force in accordance with regulations prescribed under this section shall be deemed to be a special order authorizing such deduction for the purposes of section 1007 of title 37.

(d) Amounts received under this section shall be credited to the family housing operations and maintenance account, in the case of damage to a family housing unit (or the equipment or furnishings of a family housing unit) or failure to clean satisfactorily a family housing unit, or to the operations and maintenance account, in the case of damage to an unaccompanied personnel housing unit (or the equipment or furnishings of an unaccompanied personnel housing unit), of the military department or defense agency concerned, or the operating expenses account of the Coast Guard, as appropriate. Amounts so cred-

ited shall be available for use for the same purposes and under the same circumstances as other funds in those accounts.

(e) The Secretary of Defense, and the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, shall prescribe regulations to carry out this section. Such regulations shall include—

(1) regulations for determining the cost of repairs and replacements made necessary as the result of abuse or negligence for which a member is liable under subsection (a)(1);

(2) regulations for determining the cost of cleaning made necessary as a result of the failure to clean satisfactorily for which a member is liable under subsection (a)(2); and

(3) provisions for limitations of liability, the compromise or waiver of claims, and the collection of amounts owed under this section.

(Added Pub. L. 96-418, title V, §506(a), Oct. 10, 1980, 94 Stat. 1765; amended Pub. L. 97-214, §10(a)(6), July 12, 1982, 96 Stat. 175; Pub. L. 98-407, title VIII, §801(a)(1), Aug. 28, 1984, 98 Stat. 1517; Pub. L. 99-167, title VIII, §802(a)-(d)(1), Dec. 3, 1985, 99 Stat. 986; Pub. L. 99-661, div. A, title XIII, §1343(a)(19), Nov. 14, 1986, 100 Stat. 3993; Pub. L. 107-296, title XVII, §1704(b)(1), Nov. 25, 2002, 116 Stat. 2314.)

AMENDMENTS

2002—Subsecs. (a)(1), (2)(B), (b), (e). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

1986—Subsec. (a)(1). Pub. L. 99-661, §1343(a)(19)(A), substituted “(as determined under regulations prescribed by the Secretary of Defense or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy) the” for “it is determined, under regulations prescribed by the Secretary of Defense and the Secretary of Transportation when the Coast Guard is not operating as a service in the Navy, that the”.

Subsec. (b). Pub. L. 99-661, §1343(a)(19)(B), inserted a comma after “Secretary of Defense”, substituted “with respect to the Coast Guard when it” for “when the Coast Guard”, and inserted a comma after “Navy”.

Subsec. (e). Pub. L. 99-661, §1343(a)(19)(C), substituted “with respect to the Coast Guard when it” for “when the Coast Guard”.

1985—Pub. L. 99-167, §802(d)(1), substituted “assigned to military housing” for “for damage to housing and related equipment and furnishings” in section catchline.

Subsec. (a). Pub. L. 99-167, §802(a), (b)(1), designated existing provisions as par. (1), and in par. (1) as so designated, inserted “and the Secretary of Transportation when the Coast Guard is not operating as a service in the Navy”, and added par. (2).

Subsec. (b). Pub. L. 99-167, §802(b)(1), (c)(1), inserted “and the Secretary of Transportation when the Coast Guard is not operating as a service in the Navy” and “(in the case of liability under subsection (a)(1))”.

Subsec. (c)(1). Pub. L. 99-167, §802(c)(2), substituted “subsection (a)(1), or the cost of any cleaning made necessary by a failure to clean satisfactorily a family housing unit referred to in subsection (a)(2),” for “subsection (a)”.

Subsec. (d). Pub. L. 99-167, §802(b)(2), (c)(3), inserted “or failure to clean satisfactorily a family housing unit” and “, or the operating expenses account of the Coast Guard, as appropriate”.

Subsec. (e). Pub. L. 99-167, §802(c)(4), amended subsec. (e) generally. Prior to amendment, subsec. (e) read as follows: “The Secretary of Defense shall prescribe regu-

lations to carry out the provisions of this section, including (1) regulations for determining the cost of repairs and replacements made necessary as the result of abuse or negligence referred to in subsection (a), and (2) regulations providing for limitations of liability, the compromise or waiver of claims, and the collection of amounts owed under this section.”

1984—Pub. L. 98-407 substituted “Liability of members for damage to housing and related equipment and furnishings” for “Liability of member for damages to family housing, equipment, and furnishings” in section catchline.

Subsec. (a). Pub. L. 98-407 amended subsec. (a) generally, inserting references to unaccompanied personnel housing units, and expanding liability of members of the Armed Forces to include damages caused by the abuse or negligence of a guest of the member or of a dependent of the member.

Subsec. (b). Pub. L. 98-407 added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 98-407 redesignated former subsec. (b) as (c), in subsec. (c)(1) as so redesignated substituted reference to any abuse or negligence for which the member is liable for reference to any abuse or negligence on the part of such member or any dependent of such member, inserted provision that regulations implementing this section may also provide for the collection of amounts owed under this section by any other authorized means, and in subsec. (c)(2), as so redesignated, substituted reference to regulations prescribed under this section for reference to regulations issued under this section. Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 98-407 redesignated former subsec. (c) as (d) and substituted provisions requiring that amounts received under this section be credited either to the family housing operations and maintenance account of the department or agency concerned, (in the case of damage to family housing or equipment or furnishings therein) or the operations and maintenance account of the department or agency concerned (in the case of damage to an unaccompanied personnel housing unit or equipment or furnishings therein) for provisions that amounts deducted from members’ pay under this section had to be credited to the Department of Defense Military Family Housing Management Account provided for in section 2831 of this title. Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 98-407 redesignated former subsec. (d) as (e)(1), substituted reference to abuse or negligence referred to in subsec. (a) for reference to abuse or negligence on the part of a member or dependent of a member, and added par. (2).

1982—Subsec. (c). Pub. L. 97-214, §10(a)(6), substituted “Military Family Housing Management Account provided for in section 2831 of this title” for “family housing management account established under section 501 of Public Law 87-554 (76 Stat. 236; 42 U.S.C. 1594a-1)”.

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 this title.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-214 effective Oct. 1, 1982, and applicable to military construction projects, and to construction and acquisition of military family housing authorized before, on, or after such date, see section 12(a) of Pub. L. 97-214, set out as an Effective Date note under section 2801 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1980, see section 608 of title VI of Pub. L. 96-418, set out as an Effective Date of 1980 Amendment note under section 2675 of this title.

PROMULGATION OF REGULATIONS AND APPLICABILITY OF 1984 AMENDMENTS

Pub. L. 98-407, title VIII, §801(b), Aug. 28, 1984, 98 Stat. 1518, provided that:

“(1) Regulations shall be prescribed under subsection (e) of section 2775 of title 10, United States Code, as amended by subsection (a), not later than 180 days after the date of the enactment of this Act [Aug. 28, 1984]. That section shall apply with respect to the liability of a member under such section for damage or loss to an unaccompanied personnel housing unit (or the equipment or furnishings of an unaccompanied personnel housing unit) or for damage or loss caused by a guest of the member or of a dependent of the member to a family housing unit (or the equipment or furnishings of a family housing unit) only in the case of damage or loss caused on or after the date that such regulations take effect.

“(2) The authority of the Secretary of Defense under subsection (b) of such section is applicable to any claim of the United States under such section, whether such claim arose before, on, or after the date of the enactment of this Act [Aug. 28, 1984].”

§ 2776. Use of receipts of public money for current expenditures

Without deposit to the credit of the Secretary of the Treasury and without withdrawal on money requisitions, a disbursing official of the Department of Defense may use receipts of public money charged in the disbursing official’s accounts (except receipts to be credited to river, harbor, and flood control appropriations) for current expenditures, with necessary book-keeping adjustments being made.

(Added Pub. L. 97-258, §2(b)(8)(B), Sept. 13, 1982, 96 Stat. 1055.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
2776	31:493a.	Aug. 1, 1953, ch. 305, §611, 67 Stat. 350.

The words “disbursing official” are substituted for “officer . . . on disbursing duty” for consistency with other titles of the United States Code. The words “On and after August 1, 1953” are omitted as executed. The words “Secretary of the Treasury” are substituted for “Treasury of the United States” because of section 1(a) of Reorganization Plan No. 26 of 1950 (eff. July 31, 1950, 64 Stat. 1280), restated in section 321 of the revised title contained in section 1 of the bill. The words “from sales or other sources” are omitted as surplus. The words “with” and “being” are added because of the restatement. The words “of appropriations, funds, and accounts to be . . . in the settlement of their disbursing accounts” are omitted as unnecessary.

PRIOR PROVISIONS

Act Aug. 1, 1953, cited as the source of this section in the Historical and Revision Notes above, is known as the Department of Defense Appropriation Act, 1954. Similar provisions were contained in the following appropriation acts:

- July 10, 1952, ch. 630, title VI, §613, 66 Stat. 532.
- Oct. 18, 1951, ch. 512, title VI, §613, 65 Stat. 446.
- Sept. 6, 1950, ch. 896, Ch. X, title VI, §615, 64 Stat. 753.
- Oct. 29, 1949, ch. 787, title VI, §618, 63 Stat. 1020.
- June 24, 1948, ch. 632, 62 Stat. 651.
- July 30, 1947, ch. 357, title I, §1, 61 Stat. 551.
- July 16, 1946, ch. 583, §1, 60 Stat. 543.
- July 3, 1945, ch. 265, §1, 59 Stat. 386.
- June 28, 1944, ch. 303, §1, 58 Stat. 575.
- July 1, 1943, ch. 185, §1, 57 Stat. 349.
- July 2, 1942, ch. 477, §1, 56 Stat. 613.
- June 30, 1941, ch. 262, §1, 55 Stat. 369.
- June 13, 1940, ch. 343, §1, 54 Stat. 355.
- Apr. 26, 1939, ch. 88, §1, 53 Stat. 597.
- June 11, 1938, ch. 347, §1, 52 Stat. 646.