

Army, Navy, Air Force, Marine Corps, and Space Force.

(Added Pub. L. 117-81, div. A, title V, §532(a), Dec. 27, 2021, 135 Stat. 1694.)

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section effective on the date that is two years after Dec. 27, 2021, and applicable with respect to offenses that occur after that date, with provisions for delayed effect and applicability if regulations are not prescribed by the President before the date that is two years after Dec. 27, 2021, see section 539C of Pub. L. 117-81, set out as an Effective Date of 2021 Amendment note under section 801 of this title.

#### § 1045. Voluntary withholding of State income tax from retired or retainer pay

(a) The Secretary concerned shall enter into an agreement under this section with any State within 120 days of a request for agreement from the proper State official. The agreement shall provide that the Secretary concerned shall withhold State income tax from the monthly retired or retainer pay of any member or former member entitled to such pay who voluntarily requests such withholding in writing. The amounts withheld during any calendar month shall be retained by the Secretary concerned and disbursed to the States during the following calendar month.

(b) A member or former member may request that the State designated for withholding be changed and that the withholdings be remitted in accordance with such change. A member or former member also may revoke any request of such member or former member for withholding. Any request for a change in the State designated and any revocation is effective on the first day of the month after the month in which the request or revocation is processed by the Secretary concerned, but in no event later than on the first day of the second month beginning after the day on which the request or revocation is received by the Secretary concerned.

(c) A member or former member may have in effect at any time only one request for withholding under this section and may not have more than two such requests in effect during any one calendar year.

(d)(1) This section does not give the consent of the United States to the application of a statute that imposes more burdensome requirements on the United States than on employers generally or that subjects the United States or any member or former member entitled to retired or retainer pay to a penalty or liability because of this section.

(2) The Secretary concerned may not accept pay from a State for services performed in withholding State income taxes from retired or retainer pay.

(3) Any amount erroneously withheld from retired or retainer pay and paid to a State by the Secretary concerned shall be repaid by the State in accordance with regulations prescribed by the Secretary concerned.

(e) In this section:

(1) The term “State” means any State, the District of Columbia, the Commonwealth of

Puerto Rico, and any territory or possession of the United States.

(2) The term “Secretary concerned” includes the Secretary of Health and Human Services with respect to the commissioned corps of the Public Health Service and the Secretary of Commerce with respect to the commissioned corps of the National Oceanic and Atmospheric Administration.

(Added Pub. L. 98-525, title VI, §654(a), Oct. 19, 1984, 98 Stat. 2551; amended Pub. L. 100-26, §7(k)(2), Apr. 21, 1987, 101 Stat. 284; Pub. L. 109-163, div. A, title VI, §661, Jan. 6, 2006, 119 Stat. 3314.)

#### Editorial Notes

##### AMENDMENTS

2006—Subsec. (a). Pub. L. 109-163, in third sentence, substituted “any calendar month” for “any calendar quarter” and “during the following calendar month” for “during the month following that calendar quarter”.

1987—Subsec. (e)(1), (2). Pub. L. 100-26 inserted “The term” after each par. designation.

#### § 1046. Overseas temporary foster care program

(a) PROGRAM AUTHORIZED.—The Secretary concerned may establish a program to provide temporary foster care services outside the United States for children accompanying members of the armed forces on duty at stations outside the United States. The foster care services provided under such a program shall be similar to those services provided by State and local governments in the United States.

(b) EXPENSES.—Under regulations prescribed by the Secretary concerned, the expenses related to providing foster care services under subsection (a) may be paid from appropriated funds available to the Secretary.

(Added Pub. L. 102-484, div. A, title VI, §651(a), Oct. 23, 1992, 106 Stat. 2425.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 1046, added Pub. L. 98-525, title VII, §708(a)(1), Oct. 19, 1984, 98 Stat. 2572, related to prepreparation counseling, prior to repeal by Pub. L. 101-510, div. A, title V, §502(b)(1), Nov. 5, 1990, 104 Stat. 1557.

#### § 1047. Allowance for civilian clothing

(a) MEMBERS TRAVELING IN CONNECTION WITH MEDICAL EVACUATION.—The Secretary of the military department concerned may furnish civilian clothing and luggage to a member at a cost not to exceed \$250, or reimburse a member for the purchase of civilian clothing and luggage in an amount not to exceed \$250, in the case of a member who—

(1) is medically evacuated for treatment in a medical facility by reason of an illness or injury incurred or aggravated while on active duty; or

(2) after being medically evacuated as described in paragraph (1), is in an authorized travel status from a medical facility to another location approved by the Secretary.

(b) CERTAIN ENLISTED MEMBERS.—The Secretary of the military department concerned

may furnish civilian clothing, at a cost of not more than \$40, to an enlisted member who is—

- (1) discharged for misconduct or unsuitability or under conditions other than honorable;
- (2) sentenced by a civil court to confinement in a prison;
- (3) interned or discharged as an alien enemy; or
- (4) discharged before completion of recruit training under honorable conditions for dependency, hardship, minority, or disability or for the convenience of the Government.

(Added Pub. L. 98-525, title XIV, § 1401(d)(1), Oct. 19, 1984, 98 Stat. 2615; amended Pub. L. 108-375, div. A, title V, § 584(a), Oct. 28, 2004, 118 Stat. 1929; Pub. L. 110-181, div. A, title VI, § 634, Jan. 28, 2008, 122 Stat. 155.)

### Editorial Notes

#### PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following appropriation acts:

- Oct. 12, 1984, Pub. L. 98-473, title I, § 101(h) [title VIII, § 8024], 98 Stat. 1904, 1928.
- Dec. 8, 1983, Pub. L. 98-212, title VII, § 727, 97 Stat. 1443.
- Dec. 21, 1982, Pub. L. 97-377, title I, § 101(c) [title VII, § 730], 96 Stat. 1833, 1855.
- Dec. 29, 1981, Pub. L. 97-114, title VII, § 730, 95 Stat. 1584.
- Dec. 15, 1980, Pub. L. 96-527, title VII, § 731, 94 Stat. 3086.
- Dec. 21, 1979, Pub. L. 96-154, title VII, § 731, 93 Stat. 1157.
- Oct. 13, 1978, Pub. L. 95-457, title VIII, § 831, 92 Stat. 1249.
- Sept. 21, 1977, Pub. L. 95-111, title VIII, § 830, 91 Stat. 905.
- Sept. 22, 1976, Pub. L. 94-419, title VII, § 730, 90 Stat. 1296.
- Feb. 9, 1976, Pub. L. 94-212, title VII, § 730, 90 Stat. 173.
- Oct. 8, 1974, Pub. L. 93-437, title VIII, § 831, 88 Stat. 1230.
- Jan. 2, 1974, Pub. L. 93-238, title VII, § 732, 87 Stat. 1044.
- Oct. 26, 1972, Pub. L. 92-570, title VII, § 732, 86 Stat. 1201.
- Dec. 18, 1971, Pub. L. 92-204, title VII, § 733, 85 Stat. 733.
- Jan. 11, 1971, Pub. L. 91-668, title VIII, § 833, 84 Stat. 2036.
- Dec. 29, 1969, Pub. L. 91-171, title VI, § 633, 83 Stat. 485.
- Oct. 17, 1968, Pub. L. 90-580, title V, § 532, 82 Stat. 1135.
- Sept. 29, 1967, Pub. L. 90-96, title VI, § 632, 81 Stat. 247.
- Oct. 15, 1966, Pub. L. 89-687, title VI, § 633, 80 Stat. 996.
- Sept. 29, 1965, Pub. L. 89-213, title VI, § 633, 79 Stat. 879.
- Aug. 19, 1964, Pub. L. 88-446, title V, § 533, 78 Stat. 480.
- Oct. 17, 1963, Pub. L. 88-149, title V, § 533, 77 Stat. 269.
- Aug. 9, 1962, Pub. L. 87-577, title V, § 534, 76 Stat. 333.
- Aug. 17, 1961, Pub. L. 87-144, title VI, § 634, 75 Stat. 381.
- July 7, 1960, Pub. L. 86-601, title II, § 201, 74 Stat. 340-342.
- Aug. 18, 1959, Pub. L. 86-166, title II, § 201, 73 Stat. 368-370.
- Aug. 22, 1958, Pub. L. 85-724, title III, § 301, title IV, § 401, title V, § 501, 72 Stat. 714, 717, 721.
- Aug. 2, 1957, Pub. L. 85-117, title III, § 301, title IV, § 401, title V, § 501, 71 Stat. 314, 316, 321.
- July 2, 1956, ch. 488, title III, § 301, title IV, § 401, title V, § 501, 70 Stat. 457, 459, 464.
- July 13, 1955, ch. 358, title III, § 301, title IV, § 401, title V, § 501, 69 Stat. 304, 306, 312.
- June 30, 1954, ch. 432, title IV, § 401, title V, § 501, title VI, § 601, 68 Stat. 339, 342, 347.

Aug. 1, 1953, ch. 305, title III, § 301, title IV, § 401, title V, § 501, 67 Stat. 339, 342, 348.

July 10, 1952, ch. 630, title III, § 301, title IV, § 401, title V, § 501, 66 Stat. 520, 524, 529.

Oct. 18, 1951, ch. 512, title III, § 301, title IV, § 401, title V, § 501, 65 Stat. 429, 437, 443.

Sept. 6, 1950, ch. 896, Ch. X, title III, § 301, title IV, § 401, title V, § 501, 64 Stat. 735, 743, 749.

Oct. 29, 1949, ch. 787, title III, § 301, title IV, § 401, title V, § 501, 63 Stat. 993, 1006, 1014.

June 24, 1948, ch. 632, 62 Stat. 655.

July 30, 1947, ch. 357, title I, § 1, 61 Stat. 557.

July 16, 1946, ch. 583, § 1, 60 Stat. 548.

July 3, 1945, ch. 265, § 1, 59 Stat. 391.

June 28, 1944, ch. 303, § 1, 58 Stat. 580.

July 1, 1943, ch. 185, § 1, 57 Stat. 354.

July 2, 1942, ch. 477, § 1, 56 Stat. 617.

June 30, 1941, ch. 262, § 1, 55 Stat. 373.

June 13, 1940, ch. 343, § 1, 54 Stat. 359.

Apr. 26, 1939, ch. 88, § 1, 53 Stat. 600.

June 11, 1938, ch. 37, § 1, 52 Stat. 650.

July 1, 1937, ch. 423, § 1, 50 Stat. 450.

May 15, 1936, ch. 404, § 1, title I, 49 Stat. 1286.

Apr. 9, 1935, ch. 54, § 1, title I, 49 Stat. 129.

Apr. 26, 1934, ch. 165, title I, 48 Stat. 622.

Mar. 4, 1933, ch. 281, title I, 47 Stat. 1577.

July 14, 1932, ch. 482, title I, 47 Stat. 671.

Feb. 23, 1931, ch. 279, title I, 46 Stat. 1284.

May 28, 1930, ch. 348, title I, 46 Stat. 438.

Feb. 28, 1929, ch. 366, title I, 45 Stat. 1356.

Mar. 23, 1928, ch. 232, title I, 45 Stat. 332.

Feb. 23, 1927, ch. 167, title I, 44 Stat. 1113.

Apr. 15, 1926, ch. 146, title I, 44 Stat. 262.

#### AMENDMENTS

2008—Subsec. (a). Pub. L. 110-181 inserted “and luggage” after “civilian clothing” in two places in introductory provisions.

2004—Pub. L. 108-375 added subsec. (a), designated existing provisions as subsec. (b), and inserted subsec. (b) heading.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2004 AMENDMENT; RETROACTIVE APPLICATION

Pub. L. 108-375, div. A, title V, § 584(b), (c), Oct. 28, 2004, 118 Stat. 1930, provided that:

“(b) EFFECTIVE DATE.—Subsection (a) of section 1047 of title 10, United States Code, as added by subsection (a), shall take effect as of October 1, 2004, and (subject to subsection (c)) shall apply with respect to clothing furnished, and reimbursement for clothing purchased, on or after that date.

“(c) RETROACTIVE APPLICATION.—With respect to the period beginning on October 1, 2004, and ending on the date of the enactment of this Act [Oct. 28, 2004], the Secretary of Defense shall provide for subsection (a) of section 1047 of title 10, United States Code, as added by subsection (a), to be applied as a continuation of the authority provided in section 1319 of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108-11; 117 Stat. 571), as continued in effect during fiscal year 2004 by section 1103 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108-106; 117 Stat. 1214).”

##### EFFECTIVE DATE

Section effective Oct. 1, 1985, see section 1404 of Pub. L. 98-525, set out as a note under section 520b of this title.

#### § 1048. Gratuity payment to persons discharged for fraudulent enlistment

The Secretary concerned may pay a gratuity of not to exceed \$25 to a person discharged for fraudulent enlistment.