

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 211. Participation in Thrift Savings Plan

(a) DEFINITION.—In this section, the term “member” means—

- (1) a member of the uniformed services serving on active duty; and
- (2) a member of the Ready Reserve in any pay status.

(b) AUTHORITY.—Any member may participate in the Thrift Savings Plan in accordance with section 8440e of title 5.

(c) RULE OF CONSTRUCTION REGARDING SEPARATION.—For purposes of subchapters III and VII of chapter 84 of title 5, each of the following actions shall, in the case of a member participating in the Thrift Savings Plan in accordance with section 8440e of such title, be considered a separation from Government employment:

- (1) Release of the member from active duty, not followed, before the end of the 31-day period beginning on the day following the effective date of the release, by—

- (A) a resumption of active duty; or
- (B) an appointment to a position covered by chapter 83 or 84 of title 5 or an equivalent retirement system, as identified by the Executive Director (appointed by the Federal Retirement Thrift Investment Board) in regulations.

- (2) Transfer of the member to inactive status, or to a retired list pursuant to any provision of title 10.

(d) REPAYMENT OF AMOUNTS BORROWED FROM MEMBER ACCOUNT.—If a loan is issued to a member under section 8433(g) of title 5 from funds in the member’s account in the Thrift Savings Plan, repayment of the loan may be required on the same semi-monthly basis as authorized for contributions to the Thrift Savings Fund on behalf of the member under section 1014(c) of this title.

(Added and amended Pub. L. 106–65, div. A, title VI, §§ 661(a)(1)(A), 662, Oct. 5, 1999, 113 Stat. 670, 672; Pub. L. 109–163, div. A, title VI, § 605, Jan. 6, 2006, 119 Stat. 3287; Pub. L. 110–181, div. A, title VI, § 605(b), Jan. 28, 2008, 122 Stat. 146; Pub. L. 114–92, div. A, title VI, § 632(e)(1), Nov. 25, 2015, 129 Stat. 847.)

Editorial Notes

AMENDMENTS

2015—Subsecs. (d), (e). Pub. L. 114–92 redesignated subsec. (e) as (d) and struck out former subsec. (d) which related to agency contributions for retention in critical specialties and first-time enlistees.

2008—Subsec. (e). Pub. L. 110–181 added subsec. (e).

2006—Subsec. (d). Pub. L. 109–163, § 605(b), inserted “and First-Time Enlistees” after “Specialties” in heading.

Subsec. (d)(1). Pub. L. 109–163, § 605(a)(1), designated existing provisions of subpar. (A) as cl. (i), redesignated former subpar. (B) as cl. (ii) of subpar. (A) and substituted “; or” for period at end, and added a new subpar. (B).

Subsec. (d)(2) to (4). Pub. L. 109–163, § 605(a)(2)–(4), substituted “member under paragraph (1)(A)” for “member under paragraph (1)” in first sentence of par. (2), added par. (3), designated second sentence of par. (2) as (4), and in par. (4) substituted “this subsection” for “this paragraph”.

1999—Subsec. (d). Pub. L. 106–65, § 662, added subsec. (d).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2015 AMENDMENT; IMPLEMENTATION

Amendment by Pub. L. 114–92 effective Jan. 1, 2018, with certain implementation requirements, see section 635 of Pub. L. 114–92, set out as a note under section 8432 of Title 5, Government Organization and Employees.

EFFECTIVE DATE

Section and amendment by Pub. L. 106–65 effective 180 days after Oct. 30, 2000, unless postponed, see section 663 of Pub. L. 106–65, as amended, set out as a note under section 8440e of Title 5, Government Organization and Employees.

PILOT PROGRAM ON CONTRIBUTIONS TO THRIFT SAVINGS PLAN FOR INITIAL ENLISTEES IN THE ARMY

Pub. L. 109–163, div. A, title VI, § 606, Jan. 6, 2006, 119 Stat. 3287, as amended by Pub. L. 109–364, div. A, title VI, § 608, title X, § 1071(e)(3), Oct. 17, 2006, 120 Stat. 2247, 2401, provided for a pilot program on contributions to the Thrift Savings Plan for initial enlistees in the Army to be carried out between Jan. 6, 2006, and Dec. 31, 2008.

§ 212. Advancement of basic pay: members deployed in combat zone for more than one year

(a) ELIGIBILITY; AMOUNT ADVANCED.—If a member of the armed forces is assigned to duty in an area for which special pay under section 310, or paragraph (1) or (3) of section 351(a), of this title is available and the assignment is pursuant to orders specifying an assignment of one year or more (or the assignment is extended beyond one year), the member may request, during the period of the assignment, the advanced payment of not more than three months of the basic pay of the member.

(b) CONSIDERATION OF REQUEST.—A request by a member described in subsection (a) for the advanced payment of a single month of basic pay shall be granted. The Secretary concerned may grant a member’s request for a second or third month of advanced basic pay during the assignment upon a showing of financial hardship.

(c) RECOUPMENT OF ADVANCED PAY.—The Secretary concerned shall recoup an advance made on the basic pay of a member under this section in equal installments over a one-year period beginning as provided in subsection (d). If the member is serving on active duty for any month during the recoupment period, the amount of the installment for the month shall be deducted from the basic pay of the member for that month. The estate of a deceased member shall not be required to repay any portion of the advanced pay paid to the member and not repaid before the death of the member.