

§ 604. Determination of Secretary final

The determination as to the person authorized to receive a payment under section 602 of this title is final and is not subject to review by an official of the United States or a court.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 484; Pub. L. 89-718, § 66, Nov. 2, 1966, 80 Stat. 1123.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
604	37:354.	June 21, 1950, ch. 342, § 4, 64 Stat. 250.

The words "or persons" are omitted for the reasons stated in the revision note for section 602(a) of this revised title. The words "made by the respective secretaries, or by their duly designated subordinates" and the words "and conclusive" are omitted as surplusage.

AMENDMENTS

1966—Pub. L. 89-718 struck out "the" before "Secretary" in section catchline.

CHAPTER 13—ALLOTMENTS AND ASSIGNMENTS OF PAY

- Sec.
- 701. Members of the Army, Navy, Air Force, and Marine Corps; contract surgeons.
- [702. Repealed.]
- 703. Allotments: members of Coast Guard.
- 704. Allotments: officers of Public Health Service.
- [705. Repealed.]
- 706. Allotments: commissioned officers of the National Oceanic and Atmospheric Administration.
- 707. Allotments: members of the National Guard.

AMENDMENTS

1990—Pub. L. 101-510, div. A, title XIV, § 1484(f)(1), Nov. 5, 1990, 104 Stat. 1717, revised chapter heading so as to appear in all capital letters.

1985—Pub. L. 99-145, title VI, § 683(a)(3), (b)(2), Nov. 8, 1985, 99 Stat. 665, 666, included reference to the Navy and Marine Corps in item 701, and struck out item 702 "Allotments: officers of Navy or Marine Corps" and item 705 "Assignments: enlisted members of naval service".

1980—Pub. L. 96-513, title V, § 516(18)(C), Dec. 12, 1980, 94 Stat. 2939, substituted "Allotments: commissioned officers of the National Oceanic and Atmospheric Administration" for "Commissioned officers of Environmental Science Services Administration" in item 706.

1974—Pub. L. 93-289, § 11(c), May 24, 1974, 88 Stat. 173, added item 707.

1966—Pub. L. 89-718, § 49(a)(3), Nov. 2, 1966, 80 Stat. 1121, substituted "Environmental Science Services Administration for "Coast and Geodetic Survey" in item 706.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 42 section 665.

§ 701. Members of the Army, Navy, Air Force, and Marine Corps; contract surgeons

(a) Under regulations prescribed by the Secretary of the military department concerned, a commissioned officer of the Army, Navy, Air Force, or Marine Corps may transfer or assign his pay account, when due and payable.

(b) A contract surgeon, or contract dental surgeon, of the Army, Navy, or Air Force, on duty in Alaska, Hawaii, the Philippine Islands, or

Puerto Rico, may transfer or assign his pay account, when due and payable, under the regulations prescribed under subsection (a).

(c) An enlisted member of the Army, Navy, Air Force, or Marine Corps may not assign his pay, and if he does so, the assignment is void.

(d) Under regulations prescribed by the Secretary of Defense, a member of the Army, Navy, Air Force, or Marine Corps and a contract surgeon of the Army, Navy, or Air Force may make allotments from the pay of the member or surgeon for the purpose of supporting relatives or for any other purpose that the Secretary considers proper. Such allotments may include a maximum of six allotments considered to be discretionary under such regulations. For a member or former member entitled to retired or retainer pay, a maximum of six discretionary allotments authorized during active military service may be continued into retired status, and new discretionary allotments may be authorized so long as the total number of discretionary allotments does not exceed six.

(e) If an allotment made under subsection (d) is paid to the allottee before the disbursing officer receives a notice of discontinuance from the officer required by regulation to furnish the notice, the amount of the allotment shall be credited to the disbursing officer. If an allotment is erroneously paid because the officer required by regulation to so report failed to report the death of the allotter or any other fact that makes the allotment not payable, the amount of the payment not recovered from the allottee shall, if practicable, be collected by the Secretary concerned from the officer who failed to make the report.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 484; Pub. L. 89-718, § 67, Nov. 2, 1966, 80 Stat. 1123; Pub. L. 99-145, title VI, § 683(a)(1), (2), Nov. 8, 1985, 99 Stat. 665; Pub. L. 102-25, title VII, § 702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 104-201, div. A, title VI, § 651(a), Sept. 23, 1996, 110 Stat. 2582.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
701(a)	10:3689(a).	[None.]
	10:8689(a).	[None.]
701(b)	10:3689(b).	[None.]
	10:8689(b).	[None.]
701(c)	10:3689(c).	[None.]
	10:8689(c).	[None.]
701(d)	10:3689(d).	[None.]
	10:8689(d).	[None.]

AMENDMENTS

1996—Subsecs. (d), (e). Pub. L. 104-201 added subsecs. (d) and (e) and struck out former subsec. (d) which read as follows: "The Secretary of the military department concerned, may allow a—

"(1) member of the Army, Navy, Air Force, or Marine Corps; or

"(2) contract surgeon of the Army, Navy, or Air Force; to make allotments from his pay for the support of his relatives, or for any other purpose that the Secretary concerned considers proper. If an allotment made under this subsection is paid to the allottee before the disbursing officer receives a notice of discontinuance from the officer required by regulation to furnish the notice, the amount of the allotment shall be credited to the disbursing officer. If an allotment is erroneously paid