

Editorial Notes

AMENDMENTS

2002—Subsecs. (a), (b). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.
 1996—Subsec. (d). Pub. L. 104-106 added subsec. (d).
 1991—Subsec. (c). Pub. L. 102-25 struck out “of this section” after “subsections (a) and (b)”.
 1968—Subsecs. (a), (b). Pub. L. 90-623 substituted “Secretary of Transportation” for “Secretary of the Treasury”.

Statutory Notes and Related Subsidiaries

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 Title 10, Armed Forces.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-623 intended to restate without substantive change the law in effect on Oct. 22, 1968, see section 6 of Pub. L. 90-623, set out as a note under section 5334 of Title 5, Government Organization and Employees.

§ 418. Clothing allowance: enlisted members

(a) 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 prescribe the quantity and kind of clothing to be furnished annually to an enlisted member of the armed forces or the National Guard, and may prescribe the amount of a cash allowance to be paid to such a member if clothing is not so furnished to him.

(b) In determining the quantity and kind of clothing or allowances to be furnished pursuant to regulations prescribed under this section to persons employed as National Guard technicians under section 709 of title 32, the Secretary of Defense shall take into account the requirement under subsection (b) of such section for such persons to wear a uniform.

(c) A uniform allowance may not be paid, and uniforms may not be furnished, under section 1593 of title 10 or section 5901 of title 5 to a person referred to in subsection (b) for a period of employment referred to in that subsection for which clothing is furnished or a uniform allowance is paid under this section.

(d)(1) In the case of athletic footwear needed by members of the Army, Navy, Air Force, Marine Corps, or Space Force upon their initial entry into the armed forces, the Secretary of Defense shall furnish such footwear directly to the members instead of providing a cash allowance to the members for the purchase of such footwear.

(2) In procuring athletic footwear to comply with paragraph (1), the Secretary of Defense shall—

(A) procure athletic footwear that complies with the requirements of section 4862 of title 10, without regard to the applicability of any simplified acquisition threshold under chapter 137 legacy provisions (as such term is defined in section 3016 of title 10) (or any other provision of law); and

(B) procure additional athletic footwear, for two years following the date of the enactment

of the National Defense Authorization Act for Fiscal Year 2017, that is necessary to provide a member described in paragraph (1) with sufficient choices in athletic shoes so as to minimize the incidence of athletic injuries and potential unnecessary harm and risk to the safety and well-being of members in initial entry training.

(3) This subsection does not prohibit the provision of a cash allowance to a member described in paragraph (1) for the purchase of athletic footwear if such footwear—

(A) is medically required to meet unique physiological needs of the member; and

(B) cannot be met with athletic footwear that complies with the requirements of this subsection.

(4) This subsection does not apply to the furnishing of athletic footwear to members of the Army, the Navy, the Air Force, the Marine Corps, or the Space Force upon their initial entry into the armed forces, or prohibit the provision of a cash allowance to such members for such purpose, if the Secretary of Defense determines that compliance with paragraph (2) would result in a sole source contract for procurement of athletic footwear for the purpose stated in paragraph (1) because there would be only a sole certified source of supply for such footwear.

(5) The Secretary of Defense shall ensure that all procurements of athletic footwear to which this subsection applies are made using firm fixed price contracts.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 478; Pub. L. 104-106, div. A, title X, §1038(c), Feb. 10, 1996, 110 Stat. 432; Pub. L. 104-201, div. A, title VI, §654, Sept. 23, 1996, 110 Stat. 2583; Pub. L. 106-398, §1 [[div. A], title VI, §611], Oct. 30, 2000, 114 Stat. 1654, 1654A-150; Pub. L. 107-296, title XVII, §1704(c), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 114-328, div. A, title VIII, §817, Dec. 23, 2016, 130 Stat. 2272; Pub. L. 115-91, div. A, title VI, §633, Dec. 12, 2017, 131 Stat. 1431; Pub. L. 116-283, div. A, title IX, §925(e)(2), Jan. 1, 2021, 134 Stat. 3827; Pub. L. 117-81, div. A, title XVII, §1702(f)(2), Dec. 27, 2021, 135 Stat. 2157.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
418	37:305.	Oct. 12, 1949, ch. 681, §505, 63 Stat. 828.

The words “the armed forces” are substituted for the words “the Army, the Navy, the Air Force, the Marine Corps, the Coast Guard” to conform to the definition in section 101(4) of this title. The words “the Naval Reserve, the Marine Corps Reserve, . . . the National Guard of the United States, the Air National Guard of the United States, the Army Reserve, the Air Force Reserve, and the Coast Guard Reserve” are omitted, since, under the definitions of the armed forces concerned in sections 3062(c), 5001(a)(1) and (2), and 8062(d) of title 10, and section 751a of title 14, those organizations, or their successors, are components of the armed force concerned.

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the National Defense Authorization Act for Fiscal Year 2017, referred to in

subsec. (d)(2)(B), is the date of enactment of Pub. L. 114-328, which was approved Dec. 23, 2016.

AMENDMENTS

2021—Subsec. (d)(1). Pub. L. 116-283, §925(e)(2)(A), substituted “Marine Corps, or Space Force” for “or Marine Corps”.

Subsec. (d)(2)(A). Pub. L. 117-81 substituted “section 4862” for “section 2533a” and “chapter 137 legacy provisions (as such term is defined in section 3016 of title 10)” for “chapter 137 of title 10”.

Subsec. (d)(4). Pub. L. 116-283, §925(e)(2)(B), substituted “the Marine Corps, or the Space Force” for “or the Marine Corps”.

2017—Subsec. (d)(4), (5). Pub. L. 115-91 added pars. (4) and (5).

2016—Subsec. (d). Pub. L. 114-328 added subsec. (d).

2002—Subsec. (a). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

2000—Subsec. (a). Pub. L. 106-398, §1 [[div. A], title VI, §611(1)], substituted “The Secretary of Defense and the Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy,” for “The President”.

Subsec. (b). Pub. L. 106-398, §1 [[div. A], title VI, §611(2)], substituted “the Secretary of Defense” for “the President”.

1996—Pub. L. 104-106 designated existing provisions as subsec. (a) and added subssecs. (b) and (c).

Subsec. (c). Pub. L. 104-201 substituted “for which clothing is furnished or a uniform allowance is paid under this section” for “for which a uniform allowance is paid under section 415 or 416 of this title”.

Statutory Notes and Related Subsidiaries

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 Title 10, Armed Forces.

REDUCTION OF GENDER-RELATED INEQUITIES IN COSTS OF UNIFORMS TO MEMBERS OF THE ARMED FORCES

Pub. L. 117-81, div. A, title V, §571, Dec. 27, 2021, 135 Stat. 1753, provided that:

“(a) ESTABLISHMENT OF CRITERIA.—Not later than 180 days after the date of the enactment of this Act [Dec. 27, 2021], the Secretary of Defense, acting through the Under Secretary of Defense for Personnel and Readiness and in coordination with the Secretaries of the military departments, shall establish criteria, consistent across the Armed Forces, for determining which uniform or clothing items across the Armed Forces are considered uniquely military for purposes of calculating the standard cash clothing replacement allowances, in part to reduce differences in out-of-pocket costs incurred by enlisted members of the Armed Forces across the military services and by gender within an Armed Force.

“(b) REVIEWS.—

“(1) QUINQUENNIAL REVIEW.—The Under Secretary shall review the criteria established under subsection (a) every five years after such establishment and recommend to the Secretaries of the military departments adjustments to clothing allowances for enlisted members if such allowances are insufficient to pay for uniquely military items determined pursuant to such criteria.

“(2) PERIODIC REVIEWS.—The Secretary of Defense, acting through the Under Secretary of Defense for Personnel and Readiness, and in coordination with the Secretaries of the military departments, shall periodically review—

“(A) all uniform clothing plans of each Armed Force under the jurisdiction of the Secretary of a military department to identify data needed to fa-

ilitate cost discussions and make recommendations described in paragraph (1);

“(B) not less than once every five years, calculations of each Armed Force for standard clothing replacement allowances for enlisted members, in order to develop a standard by which to identify differences described in subsection (a);

“(C) not less than once every 10 years, initial clothing allowances for officers, in order to identify data necessary to facilitate cost discussions and make recommendations described in paragraph (1); and

“(D) all plans of each Armed Force under the jurisdiction of the Secretary of a military department for changing uniform items to determine if such planned changes will result in differences described in subsection (a).

“(c) REGULATIONS.—Not later than September 30, 2022, each Secretary of a military department shall prescribe regulations that ensure the following:

“(1) The out-of-pocket cost to an officer or enlisted member of an Armed Force for a mandatory uniform item (or part of such uniform) may not exceed such cost to another officer or enlisted member of that Armed Force for such uniform (or part, or equivalent part, of such uniform) solely based on gender.

“(2) If a change to a uniform of an Armed Force affects only enlisted members of one gender, an enlisted member of such gender in such Armed Force shall be entitled to an allowance equal to the out-of-pocket cost to the officer or enlisted member relating to such change.

“(3) An individual who has separated or retired, or been discharged or dismissed, from the Armed Forces, shall not be entitled to an allowance under paragraph (2).

“(d) REPORT.—Not later than December 31, 2022, the Secretary of Defense, in coordination with the Secretaries of the military departments, shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on—

“(1) the estimated production costs and average retail prices of military clothing items for members (including officers and enlisted members) of each Armed Force; and

“(2) a comparison of costs for male and female military clothing items for members of each Armed Force.”

Executive Documents

EX. ORD. NO. 10113. CLOTHING ALLOWANCES FOR ENLISTED PERSONNEL

Ex. Ord. No. 10113, Feb. 24, 1950, 15 F.R. 1065, as amended by Ex. Ord. No. 13286, §83, Feb. 28, 2003, 68 F.R. 10631, provided:

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the armed forces, it is ordered as follows:

1. The Secretary of Defense with respect to enlisted men of the Army, the Navy, the Air Force, the Marine Corps, the Naval Reserve [now Navy Reserve], the Marine Corps Reserve, the National Guard, the Air National Guard, the National Guard of the United States, the Air National Guard of the United States, the Organized Reserve Corps [Army Reserve] and the Air Force Reserve, and the Secretary of Homeland Security with respect to enlisted men of the Coast Guard and the Coast Guard Reserve, are hereby authorized and directed, after appropriate consultation with the Director of the Bureau of the Budget [now Director of the Office of Management and Budget], to perform the functions vested in the President by section 505 of the Career Compensation Act of 1949, approved October 12, 1949 (Public Law 351, 81st Congress) [this section], relative to prescribing the quantity and kind of clothing which shall be furnished annually to enlisted men of the aforesaid services and relative to prescribing the

amount of the cash allowance to be paid to such enlisted men in any case in which clothing is not so furnished to them.

2. The quantity and kind of clothing, and any cash allowances in lieu thereof, prescribed by the Secretary of Homeland Security hereunder with respect to the Coast Guard and the Coast Guard Reserve shall, so far as practicable, be in conformity with those prescribed by the Secretary of Defense with respect to the Navy and Naval Reserve [now Navy Reserve], respectively.

3. Existing regulations prescribing the quantity and kind of clothing furnished, and any cash allowances in lieu thereof, shall remain in effect until modified, revoked, or superseded by action taken pursuant to this order.

4. The term “enlisted men” as used in this order shall be deemed to apply to enlisted persons of either sex.

5. This order shall become effective on April 1, 1950, and on that date shall supersede Executive Order No. 10049 [Apr. 4, 1949, 14 F.R. 1563] entitled “Delegating the Authority of the President to Prescribe Clothing Allowances, and Cash Allowances in Lieu Thereof, to Enlisted Men in the Armed Forces.”

§ 419. Civilian clothing allowance

Under regulations prescribed by the Secretary of Defense, an officer of an armed force who is assigned to a permanent duty station at a location outside the United States may be paid a civilian clothing allowance in such amount as the Secretary shall determine under regulations if such officer is required to wear civilian clothing all or a substantial portion of the time in the performance of the officer’s official duties. A clothing allowance under this section is in addition to any uniform allowance to which an officer is otherwise entitled under this title.

(Added Pub. L. 100-180, div. A, title VI, §611(a)(1)(B), Dec. 4, 1987, 101 Stat. 1093; amended Pub. L. 100-456, div. A, title VI, §625, Sept. 29, 1988, 102 Stat. 1984; Pub. L. 101-189, div. A, title VI, §653(c)(2), Nov. 29, 1989, 103 Stat. 1462.)

Editorial Notes

PRIOR PROVISIONS

A prior section 419 was renumbered section 420 of this title.

AMENDMENTS

1989—Pub. L. 101-189 substituted “an officer” for “a officer” in two places and struck out “to” after “may be paid”.

1988—Pub. L. 100-456 substituted “officer” for “member” in three places, “may be paid” for “is entitled”, and “officer’s” for “member’s”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 100-180, div. A, title VI, §611(b), Dec. 4, 1987, 101 Stat. 1093, provided that: “Section 419 of title 37, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act [Dec. 4, 1987]. No member may be paid a clothing allowance under such section for any period before such date.”

§ 420. Allowances while participating in international sports

(a) Section 717 of title 10 does not authorize the payment of allowances at higher rates than those provided for participation in military activities not covered by that section.

(b) Notwithstanding any other law, a member of a uniformed service is not entitled to travel and transportation allowances under section 452 of this title for any period during which his expenses for travel or transportation are being paid by the agency sponsoring his participation in a competition covered by section 717 of title 10.

(c) Notwithstanding any other law, a member of a uniformed service who has no dependents is not entitled to the basic allowances for subsistence and housing authorized by sections 402 and 403 of this title for a period during which he is subsisted and quartered by the agency sponsoring his participation in a competition covered by section 717 of title 10.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 478, §419; Pub. L. 89-718, §64, Nov. 2, 1966, 80 Stat. 1123; renumbered §420, Pub. L. 100-180, div. A, title VI, §611(a)(1)(A), Dec. 4, 1987, 101 Stat. 1093; Pub. L. 105-85, div. A, title VI, §603(d)(1)(C), Nov. 18, 1997, 111 Stat. 1782; Pub. L. 112-81, div. A, title VI, §631(f)(4)(A), Dec. 31, 2011, 125 Stat. 1465; Pub. L. 112-239, div. A, title X, §1076(a)(9), Jan. 2, 2013, 126 Stat. 1948; Pub. L. 117-263, div. A, title VI, §626(h)(2), Dec. 23, 2022, 136 Stat. 2629.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
419(a)	37:256a(a).	Oct. 12, 1949, ch. 681, §307; added Sept. 2, 1958, Pub. L. 85-861, §11, 72 Stat. 1556.
419(b)	37:256a(b).	
419(c)	37:256a(c).	

Editorial Notes

PRIOR PROVISIONS

A prior section 420 was renumbered section 421 of this title.

AMENDMENTS

2022—Subsec. (b). Pub. L. 117-263 substituted “section 452” for “sections 474-481”.

2013—Subsec. (b). Pub. L. 112-239, §1076(a)(9), made technical amendment to directory language of Pub. L. 112-81, §631(f)(4)(A). See 2011 Amendment note below.

2011—Subsec. (b). Pub. L. 112-81, §631(f)(4)(A), as amended by Pub. L. 112-239, §1076(a)(9), substituted “474-481” for “404-411”.

1997—Subsec. (c). Pub. L. 105-85 substituted “housing” for “quarters”.

1966—Pub. L. 89-718 substituted “section 717 of title 10” for “section 716 of title 10” wherever appearing.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112-239, div. A, title X, §1076(a), Jan. 2, 2013, 126 Stat. 1947, provided that the amendment made by section 1076(a)(9) is effective Dec. 31, 2011, and as if included in Pub. L. 112-81 as enacted.

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105-85 effective Jan. 1, 1998, see section 603(e) of Pub. L. 105-85, set out as a note under section 5561 of Title 5, Government Organization and Employees.

§ 421. Allowances: no increase while dependent is entitled to basic pay

A member of a uniformed service may not be paid an increased allowance under this chapter,