

section 1076(a)(9) is effective Dec. 31, 2011, and as if included in Pub. L. 112-81 as enacted.

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-417, [div. A], title VI, §604(b), Oct. 14, 2008, 122 Stat. 4483, as amended by Pub. L. 111-383, div. A, title X, §1075(e)(9), Jan. 7, 2011, 124 Stat. 4375, provided that: “Paragraph (2) of subsection (d) of section 427 of title 37, United States Code, as added by subsection (a), shall apply with respect to members of the uniformed services described in such paragraph who perform service covered by subparagraph (A), (B), or (C) of subsection (a)(1) of such section on or after October 1, 2008.”

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-375, div. A, title VI, §623(b)(2), Oct. 28, 2004, 118 Stat. 1955, provided that the amendments made by section 623(b)(2) are effective Jan. 1, 2006.

EFFECTIVE AND TERMINATION DATES OF 2003 AMENDMENTS

Pub. L. 108-136, div. A, title VI, §618(d)(2), Nov. 24, 2003, 117 Stat. 1504, provided that the amendment made by section 618(d)(2) is effective Apr. 16, 2003.

Amendment by Pub. L. 108-11 effective Oct. 1, 2002, and applicable with respect to months beginning on or after that date, and expires Sept. 30, 2003, and, effective Sept. 30, 2003, the dollar amount specified in subsec. (a)(1) of this section as in effect on the day before Apr. 16, 2003, is revived, see section 1316(c), (d) of Pub. L. 108-11, set out as notes under section 310 of this title.

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-107, div. A, title VI, §607(b), Dec. 28, 2001, 115 Stat. 1135, provided that: “Paragraph (2) of section 427(c) of title 37, United States Code, as added by subsection (a)(3), shall apply with respect to pay periods beginning on or after January 1, 2002, for a member of the uniformed services covered by such paragraph regardless of the date on which the member first made the election to serve an unaccompanied tour of duty.”

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by section 603(c)(3) of 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.

EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103-337, div. A, title VI, §625(b), Oct. 5, 1994, 108 Stat. 2785, provided that: “The amendments made by subsection (a) [amending this section] shall take effect as of June 20, 1994.”

EFFECTIVE DATE OF 1985 AMENDMENT

Pub. L. 99-145, title VI, §607(b), Nov. 8, 1985, 99 Stat. 639, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1985, and shall apply only to family separation allowances payable for months beginning on or after that date.”

EFFECTIVE DATE OF 1980 AMENDMENT

Pub. L. 96-342, title VIII, §809(b), Sept. 8, 1980, 94 Stat. 1097, provided that: “The amendment made by subsection (a) [amending this section] shall take effect with respect to months after September 1980.”

EFFECTIVE DATE OF 1970 AMENDMENTS

Pub. L. 91-533, §2, Dec. 7, 1970, 84 Stat. 1392, provided that: “The amendment made by this Act [amending this section] shall take effect on the first day of the first calendar month which occurs after the date of the enactment of this Act [Dec. 7, 1970].”

Pub. L. 91-529, §2, Dec. 7, 1970, 84 Stat. 1389, provided that: “Section 1 of this Act [amending this section] is effective October 1, 1963.”

EFFECTIVE DATE

Section effective Oct. 1, 1963, see section 14 of Pub. L. 88-132, set out as an Effective Date of 1963 Amendment note under section 201 of this title.

SAVINGS PROVISION

Pub. L. 99-661, div. A, title VI, §618(b), Nov. 14, 1986, 100 Stat. 3881, as amended by Pub. L. 112-81, div. A, title VI, §631(f)(4)(B), Dec. 31, 2011, 125 Stat. 1465; Pub. L. 112-239, div. A, title X, §1076(a)(9), Jan. 2, 2013, 126 Stat. 1948, provided that: “Notwithstanding the amendments made by subsection (a) [amending this section], a member who on September 30, 1986, was assigned to a permanent station to which the movement of his dependents was authorized at the expense of the United States under section 476 of title 37, United States Code, and who elected to serve a tour of duty at that station unaccompanied by his dependents, shall, until he departs that station as a result of a change of permanent station, be entitled to receive the allowance authorized by section 427(b) of such title without regard to paragraph (3) [now (4)] of such section, as added by subsection (a).”

RATES OF PAY FOR FISCAL YEAR 2004

Rates of pay authorized under subsec. (a)(1) of this section from Oct. 1, 2003, through Sept. 30, 2004, to be \$250, see section 1104 of Pub. L. 108-106, set out as a note under section 310 of this title.

TEMPORARY INCREASE IN FAMILY SEPARATION ALLOWANCE; PERSIAN GULF CONFLICT

Pub. L. 102-25, title III, §302, Apr. 6, 1991, 105 Stat. 80, provided that:

“(a) INCREASED RATE.—In lieu of the family separation allowance specified in section 427(b)(1) of title 37, United States Code, the family separation allowance payable under that section shall be \$75 for each month during the period described in subsection (b).

“(b) PERIOD OF APPLICABILITY.—Subsection (a) shall apply during the period beginning on January 15, 1991, and ending on the first day of the first month beginning on or after the date 180 days after the end of the Persian Gulf conflict.”

FAMILY SEPARATION ALLOWANCE FOR MEMBERS IN MISSING STATUS DURING THE VIETNAM CONFLICT

Pub. L. 91-534, Dec. 7, 1970, 84 Stat. 1392, provided: “That, under regulations to be prescribed by the Secretary of Defense, a member of a uniformed service with dependents who is in a missing status (as defined in section 551(2) of title 37 United States Code) during the Vietnam conflict and is not entitled to an allowance under section 427(b) of title 37 may be paid a monthly allowance equal to \$30. For the purposes of this Act, the Vietnam conflict ends on the date designated by the President by Executive order as the date of the termination of combat activities in Vietnam.

“SEC. 2. This Act takes effect on the first day of the first month which begins after the date of enactment of this Act [Dec. 7, 1970].”

[§ 428. Renumbered § 488]

[§ 429. Renumbered § 489]

[§ 430. Renumbered § 490]

§ 431. Benefits for certain members assigned to the Defense Intelligence Agency

(a) The Secretary of Defense may provide to members of the armed forces described in subsection (e) allowances and benefits comparable to those provided by the Secretary of State to officers and employees of the Foreign Service under paragraphs (2), (3), (4), (6), (7), (8), and (13)

of section 901 and sections 705 and 903 of the Foreign Service Act of 1980 (22 U.S.C. 4081(2), (3), (4), (6), (7), (8), and (13), 4025, 4083) and under section 5924(4) of title 5.

(b) The authority of the Secretary of Defense to make payments under subsection (a) is effective for any fiscal year only to the extent that appropriated funds are available for such purpose.

(c) Members of the armed forces may not receive benefits under both subsection (a) and any other provision of this title for the same purpose. The Secretary of Defense shall prescribe such regulations as may be necessary to carry out this subsection.

(d) Regulations prescribed under subsection (a) may not take effect until the Secretary of Defense has submitted such regulations to—

(1) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(e) Subsection (a) applies to members of the armed forces who—

(1) are assigned—

(A) to Defense Attaché Offices or Defense Intelligence Agency Liaison Offices outside the United States; or

(B) to the Defense Intelligence Agency and engaged in intelligence-related duties outside the United States; and

(2) are designated by the Secretary of Defense for the purposes of subsection (a).

(Added Pub. L. 99-145, title XIII, § 1302(b)(1), Nov. 8, 1985, 99 Stat. 738, § 431; amended Pub. L. 102-25, title VII, § 702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 104-93, title V, § 502(b), Jan. 6, 1996, 109 Stat. 973; Pub. L. 106-65, div. A, title X, § 1067(2), Oct. 5, 1999, 113 Stat. 774; Pub. L. 112-81, div. A, title VI, § 631(d)(2), Dec. 31, 2011, 125 Stat. 1460; renumbered § 491, Pub. L. 112-239, div. A, title X, § 1076(h)(2), Jan. 2, 2013, 126 Stat. 1955; Pub. L. 117-81, div. A, title VI, § 604(a), Dec. 27, 2021, 135 Stat. 1767; renumbered § 431, Pub. L. 117-263, div. A, title VI, § 615(a), Dec. 23, 2022, 136 Stat. 2624.)

Editorial Notes

AMENDMENTS

2022—Pub. L. 117-263 revived section 491 of this title to read as it did immediately before its repeal by Pub. L. 117-81, and renumbered it as this section. The section was transferred to its original location in Chapter 7 of this title to reflect the probable intent of Congress.

2021—Pub. L. 117-81 repealed this section. However, this section was revived to read as it did immediately before repeal by Pub. L. 117-263. See note above.

2013—Pub. L. 112-239 renumbered section 431 of this title as section 491 of this title.

2011—Pub. L. 112-81 transferred this section to this chapter.

1999—Subsec. (d)(2). Pub. L. 106-65 substituted “Committee on Armed Services” for “Committee on National Security”.

1996—Subsec. (a). Pub. L. 104-93, § 502(b)(1), substituted “described in subsection (e)” for “who are assigned to Defense Attaché Offices and Defense Intelligence Agency Liaison Offices outside the United States and who are designated by the Secretary of Defense for the purposes of this subsection”.

Subsecs. (d), (e). Pub. L. 104-93, § 502(b)(2), (3), added subsecs. (d) and (e) and struck out former subsec. (d) which read as follows: “Regulations prescribed pursuant to subsection (a) shall be submitted to the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Armed Services and the Select Committee on Intelligence of the Senate before such regulations take effect.”

1991—Subsecs. (b) to (d). Pub. L. 102-25 struck out “of this section” after “subsection (a)”.

Statutory Notes and Related Subsidiaries

DELEGATION OF AUTHORITY OF SECRETARY OF DEFENSE

Pub. L. 99-145, title XIII, § 1302(b)(3), Nov. 8, 1985, 99 Stat. 738, as amended by Pub. L. 100-180, div. A, title XIII, § 1314(d)(4), Dec. 4, 1987, 101 Stat. 1176, provided that: “The authority of the Secretary of Defense under section 431 of title 37, United States Code, as added by paragraph (1), may be delegated in accordance with section 113(d) of title 10, United States Code.”

[Amendment to section 1302(b)(3) of Pub. L. 99-145 by Pub. L. 100-180 effective Oct. 1, 1986, see section 1314(e)(2) of Pub. L. 100-180, set out as a note under section 413 of this title.]

[§ 432. Renumbered § 492]

§ 433. Allowance for muster duty

(a) Under uniform regulations prescribed by the Secretaries concerned, a member of the Ready Reserve who is not a member of the National Guard or of the Selected Reserve is entitled to an allowance for muster duty performed pursuant to section 12319 of title 10 if the member is engaged in that duty for at least two hours.

(b) The amount of the allowance under this section shall be 125 percent of the amount of the average per diem rate for the United States (other than Alaska and Hawaii) under section 452 of this title as in effect on September 30 of the year preceding the year in which the muster duty is performed.

(c) The allowance authorized by this section may not be disbursed in kind. The allowance may be paid to the member before, on, or after the date on which the muster duty is performed, but not later than 30 days after that date. The allowance shall constitute the single, flat-rate monetary allowance authorized for the performance of muster duty and shall constitute payment in full to the member, regardless of grade or rank in which serving, as commutation for travel to the immediate vicinity of the designated muster duty location, transportation, subsistence, and the special or extraordinary costs of enforced absence from home and civilian pursuits, including such absence on weekends and holidays.

(d) A member who performs muster duty is not entitled to compensation for inactive-duty training under section 206(a) of this title for the same period.

(Added Pub. L. 101-189, div. A, title V, § 502(b)(1), Nov. 29, 1989, 103 Stat. 1436; amended Pub. L. 101-510, div. A, title XIV, § 1484(h)(5), Nov. 5, 1990, 104 Stat. 1718; Pub. L. 104-106, div. A, title XV, § 1501(d)(4)(B), Feb. 10, 1996, 110 Stat. 501; Pub. L. 105-85, div. A, title VI, § 627, Nov. 18, 1997, 111 Stat. 1795; Pub. L. 112-81, div. A, title VI,