

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 L. 117-81 repealed this section.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,

§ 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)(5), Dec. 23, 2022, 136 Stat. 2629.)

Editorial Notes

AMENDMENTS

2022—Subsec. (b). Pub. L. 117-263 substituted “section 452” for “section 474(d)(2)(A)”.

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” for “404”.

1997—Subsec. (c). Pub. L. 105-85 struck out “and shall be paid to the member on or before the date on which the muster duty is performed” after “disbursed in kind” in first sentence and inserted “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.” after first sentence.

1996—Subsec. (a). Pub. L. 104-106 substituted “section 12319 of title 10” for “section 687 of title 10”.

1990—Subsec. (a). Pub. L. 101-510 substituted “section 687 of title 10” for “section 691 of title 10”.

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 1996 AMENDMENT

Amendment by Pub. L. 104-106 effective as if included in the Reserve Officer Personnel Management Act, title XVI of Pub. L. 103-337, as enacted on Oct. 5, 1994, see section 1501(f)(3) of Pub. L. 104-106, set out as a note under section 113 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1990 AMENDMENT

Pub. L. 101-510, div. A, title XIV, § 1484(h)(5), Nov. 5, 1990, 104 Stat. 1718, provided that the amendment made by that section is effective as of Nov. 29, 1989.

§ 433a. Allowance for participation in Ready Reserve screening

(a) ALLOWANCE AUTHORIZED.—(1) Under regulations prescribed by the Secretaries concerned, a member of the Individual Ready Reserve may be paid a stipend for participation in the screening performed pursuant to section 10149 of title 10, in lieu of muster duty performed under section 12319 of title 10, if such participation is conducted through electronic means.

(2) The stipend paid a member under this section shall constitute the sole monetary allowance authorized for participation in the screening described in paragraph (1), and shall constitute payment in full to the member for participation in such screening, regardless of the grade or rank in which the member is serving.

(b) MAXIMUM PAYMENT.—The aggregate amount of the stipend paid a member of the Individual Ready Reserve under this section in any calendar year may not exceed \$50.

(c) PAYMENT REQUIREMENTS.—(1) The stipend authorized by this section may not be disbursed in kind.

(2) Payment of a stipend to a member of the Individual Ready Reserve under this section for

participation in screening shall be made on or after the date of participation in such screening, but not later than 30 days after such date.

(Added Pub. L. 110-181, div. A, title VI, § 633(a)(1), Jan. 28, 2008, 122 Stat. 154.)

[§ 434. Renumbered § 494]

§ 435. Funeral honors duty: allowance

(a) ALLOWANCE AUTHORIZED.—(1) The Secretary concerned may authorize payment of an allowance to a member of the Ready Reserve for any day on which the member performs at least two hours of funeral honors duty pursuant to section 12503 of title 10 or section 115 of title 32.

(2) The Secretary concerned may also authorize payment of that allowance to a member of the armed forces in a retired status for any day on which the member serves in a funeral honors detail under section 1491 of title 10, if the time required for service in such detail (including time for preparation) is not less than two hours. The amount of an allowance paid to a member under this paragraph shall be in addition to any other compensation to which the member may be entitled under this title or title 10 or 38.

(b) AMOUNT.—The daily rate of an allowance under this section is \$50.

(Added Pub. L. 106-65, div. A, title V, § 578(j), Oct. 5, 1999, 113 Stat. 630, § 435; amended Pub. L. 106-398, § 1 [[div. A], title V, § 575(b), title X, § 1087(c)(1)(A)(i)], Oct. 30, 2000, 114 Stat. 1654, 1654A-138, 1654A-292; Pub. L. 107-107, div. A, title V, § 561(b), Dec. 28, 2001, 115 Stat. 1119; renumbered § 495 and amended Pub. L. 112-81, div. A, title VI, § 631(d)(2), (e)(32), Dec. 31, 2011, 125 Stat. 1460, 1464; renumbered § 435 and amended Pub. L. 116-283, div. A, title VI, § 604(b), Jan. 1, 2021, 134 Stat. 3672.)

Editorial Notes

PRIOR PROVISIONS

A prior section 435 was renumbered section 495 of this title prior to being renumbered again as this section.

AMENDMENTS

2021—Pub. L. 116-283, § 604(b)(1), renumbered section 495 of this title as this section.

Subsec. (c). Pub. L. 116-283, § 604(b)(2), struck out subsec. (c). Text read as follows: “No allowance may be paid under this section for any day after the travel authorities transition expiration date.”

2011—Pub. L. 112-81, § 631(d)(2), renumbered section 435 of this title as section 495.

Subsec. (c). Pub. L. 112-81, § 631(e)(32), added subsec. (c).

2001—Subsec. (a). Pub. L. 107-107 designated existing provisions as par. (1) and added par. (2).

2000—Pub. L. 106-398, § 1 [[div. A], title X, § 1087(c)(1)(A)(i)], made technical amendment to directory language of Pub. L. 106-65, § 578(j), which enacted this section.

Subsec. (c). Pub. L. 106-398, § 1 [[div. A], title V, § 575(b)], struck out heading and text of subsec. (c). Text read as follows: “Except for expenses reimbursed under subsection (c) of section 12503 of title 10 or subsection (c) of section 115 of title 32, the allowance paid under this section is the only monetary compensation authorized to be paid a member for the performance of funeral honors duty pursuant to such section, regardless of the grade in which the member is serving, and shall constitute payment in full to the member.”