

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.

(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.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
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.

AMENDMENTS

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 subsecs. (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”.

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.

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.)

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”.

EFFECTIVE DATE

Section 611(b) of Pub. L. 100-180 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 sections 474-481 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.)

HISTORICAL AND REVISION NOTES

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

CODIFICATION

Section 631(f)(4)(A) of Pub. L. 112-81, which directed that this title be amended by conforming any references to sections of this title which were transferred and redesignated by “subsection (c)” of section 631, was executed by conforming the references to those sections as transferred and redesignated by subsection (d) of section 631, to reflect the probable intent of Congress.

PRIOR PROVISIONS

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

AMENDMENTS

2011—Subsec. (b). Pub. L. 112-81 substituted “474-481” for “404-411”. See Codification note above.

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.

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, on account of a dependent, for any period during which that dependent is entitled to basic pay under section 204 of this title.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 479, § 420; renumbered § 421, Pub. L. 100-180, div. A, title VI, § 611(a)(1)(A), Dec. 4, 1987, 101 Stat. 1093.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
420 .....	37:231(g) (last proviso of last sentence).	Oct. 12, 1949, ch. 681, §102(g) (last proviso of last sentence), 63 Stat. 805.

The words “of a uniformed service” are inserted for clarity. The words “claiming a dependent as defined in this subsection” are omitted as surplusage. The words “under section 204 of this title” are substituted for the words “for the performance of duty as defined in section 232(e) of this revised title”.

PRIOR PROVISIONS

A prior section 421, Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 479; Pub. L. 88-132, §3(b), Oct. 2, 1963, 77 Stat. 212, provided for pay and allowances of contract surgeons, prior to repeal by Pub. L. 98-94, title IX, §932(e)(1), Sept. 24, 1983, 97 Stat. 650, eff. Oct. 1, 1983. See section 1091 of Title 10, Armed Forces.

§ 422. Cadets and midshipmen

(a) A cadet at the United States Military Academy, the United States Air Force Academy, or the Coast Guard Academy, or a midshipman at the United States Naval Academy, is entitled to the allowances provided by law for a midshipman in the Navy, and to travel and transportation allowances prescribed under section 480 of this title while traveling under orders as a cadet or midshipman.

(b) Each midshipman of the Navy to whom a Navy ration is not furnished is entitled to the commuted value of the ration in money for each day that he is on active duty, including each day that he is on leave. The Secretary of the Navy may prescribe regulations stating the conditions under which the commuted value shall be allowed and may prescribe regulations establishing the rates at which the ration shall be commuted.

(c) A cadet or midshipman appointed under section 2107 of title 10 is entitled to the same allowances as are provided for cadets and midshipmen at the United States Military, Naval, and Air Force Academies for—