

(II) was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently 100 percent disabled or hospitalized on a continuing basis (and is not employed gainfully because of the disability or hospitalization); and

(ii) the death, status, or disability did not result from the intentional misconduct or willful neglect of the parent or sibling and was not incurred during a period of unauthorized absence.

(c) EFFECT OF BANKRUPTCY.—An obligation to repay the United States under this section is, for all purposes, a debt owed the United States. A discharge in bankruptcy under title 11 does not discharge a person from such debt if the discharge order is entered less than five years after—

- (1) the date of the termination of the agreement or contract on which the debt is based; or
- (2) in the absence of such an agreement or contract, the date of the termination of the service on which the debt is based.

(d) DEFINITIONS.—In this section:

(1) The term “bonus, incentive pay, or similar benefit” means a bonus, incentive pay, special pay, or similar payment, or an educational benefit or stipend, paid to a member of the uniformed services under a provision of law that refers to the repayment requirements of this section or section 303a(e) of this title.

(2) The term “service”, as used in subsection (c)(2), refers to an obligation willingly undertaken by a member of the uniformed services, in exchange for a bonus, incentive pay, or similar benefit offered by the Secretary concerned—

- (A) to a member in a regular or reserve component who remains on active duty or in an active status;
- (B) to perform duty in a specified skill, with or without a specified qualification or credential;
- (C) to perform duty in a specified assignment, location or unit; or
- (D) to perform duty for a specified period of time.

(Added Pub. L. 110–181, div. A, title VI, §661(a)(2), Jan. 28, 2008, 122 Stat. 177; amended Pub. L. 110–417, [div. A], title VI, §651(c)(1), (2)(A), Oct. 14, 2008, 122 Stat. 4496, 4497; Pub. L. 111–84, div. A, title VI, §617(b), Oct. 28, 2009, 123 Stat. 2355.)

AMENDMENTS

2009—Subsec. (b)(2). Pub. L. 111–84, §617(b)(1), substituted “Special rule for deceased and disabled members” for “Mandatory payment of unpaid amounts under certain circumstances; no repayment of unearned amounts” in heading.

Subsec. (b)(3). Pub. L. 111–84, §617(b)(2), added par. (3).
2008—Pub. L. 110–417, §651(c)(2)(A), substituted “Repayment of unearned portion of bonus, incentive pay, or similar benefit, and termination of remaining payments, when conditions of payment not met” for “Repayment of unearned portion of bonus, incentive pay, or similar benefit when conditions of payment not met” in section catchline.

Subsec. (a). Pub. L. 110–417, §651(c)(1)(A), inserted “and Termination” after “Repayment” in heading and

“and the member may not receive any unpaid amounts of the bonus, incentive pay, or similar benefit after the member fails to satisfy such service or eligibility requirement” in text before period at end.

Subsec. (b). Pub. L. 110–417, §651(c)(1)(B), added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows: “The regulations prescribed to administer this section may specify procedures for determining the circumstances under which an exception to the required repayment may be granted.”

§ 374. Regulations

This subchapter and subchapter II shall be administered under regulations prescribed by—

- (1) the Secretary of Defense, with respect to the armed forces under the jurisdiction of the Secretary of Defense;
- (2) the Secretary of Homeland Security, with respect to the Coast Guard when it is not operating as a service in the Navy;
- (3) the Secretary of Health and Human Services, with respect to the commissioned corps of the Public Health Service; and
- (4) the Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration.

(Added Pub. L. 110–181, div. A, title VI, §661(a)(2), Jan. 28, 2008, 122 Stat. 178.)

CHAPTER 7—ALLOWANCES OTHER THAN TRAVEL AND TRANSPORTATION ALLOWANCES

Sec. 401.	Definitions.
402.	Basic allowance for subsistence.
402a.	Supplemental subsistence allowance for low-income members with dependents.
403.	Basic allowance for housing.
[403a.]	Repealed.]
403b.	Cost-of-living allowance in the continental United States.
[404 to 412.]	Repealed.]
413.	Chairman and Vice Chairman of the Joint Chiefs of Staff.
414.	Personal money allowance.
415.	Uniform allowance: officers; initial allowance.
416.	Uniform allowance: officers; additional allowances.
417.	Uniform allowance: officers; general provisions.
418.	Clothing allowance: enlisted members.
419.	Civilian clothing allowance.
420.	Allowances while participating in international sports.
421.	Allowances: no increase while dependent is entitled to basic pay.
422.	Cadets and midshipmen.
423.	Validity of allowance payments based on purported marriages.
424.	Band leaders.
425.	United States Navy Band; United States Marine Corps Band: allowances while on concert tour.
[426.]	Repealed.]
427.	Family separation allowance.
[428 to 432.]	Repealed.]
433.	Allowance for muster duty.
433a.	Allowance for participation in Ready Reserve screening.
[434, 435.]	Repealed.]
436.	High-deployment allowance: lengthy or numerous deployments; frequent mobilizations.