

(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.

- Sec.
437. Allowance to cover monthly premium for Servicemembers' Group Life Insurance: members serving in Operation Enduring Freedom or Operation Iraqi Freedom.
438. Preventive health services allowance.
439. Special compensation: members of the uniformed services with catastrophic injuries or illnesses requiring assistance in everyday living.

AMENDMENTS

2011—Pub. L. 112-81, div. A, title VI, § 631(f)(1), (3)(A), Dec. 31, 2011, 125 Stat. 1464, 1465, substituted “ALLOWANCES OTHER THAN TRAVEL AND TRANSPORTATION ALLOWANCES” for “ALLOWANCES” in chapter heading and struck out items 404 “Travel and transportation allowances: general”, 404a “Travel and transportation allowances: temporary lodging expenses”, 404b “Travel and transportation allowances: payment of lodging expenses at temporary duty location during authorized absence of member”, 405 “Travel and transportation allowances: per diem while on duty outside the continental United States”, 405a “Travel and transportation allowances: departure allowances”, 406 “Travel and transportation allowances: dependents; baggage and household effects”, 406a “Travel and transportation allowances: authorized for travel performed under orders that are canceled, revoked, or modified”, 406b “Travel and transportation allowances: members of the uniformed services attached to a ship overhauling or inactivating”, 406c “Travel and transportation allowances: members assigned to a vessel under construction”, 407 “Travel and transportation allowances: dislocation allowance”, 408 “Travel and transportation allowances: travel within limits of duty station”, 408a “Travel and transportation allowances: inactive duty training outside of normal commuting distances”, 409 “Travel and transportation allowances: house trailers and mobile homes”, 410 “Travel and transportation allowances: miscellaneous categories”, 411 “Travel and transportation allowances: administrative provisions”, 411a “Travel and transportation allowances: travel performed in connection with convalescent leave”, 411b “Travel and transportation allowances: travel performed in connection with leave between consecutive overseas tours”, 411c “Travel and transportation allowances: travel performed in connection with rest and recuperative leave from certain stations in foreign countries”, 411d “Travel and transportation allowances: transportation incident to personal emergencies for certain members and dependents”, 411e “Travel and transportation allowances: transportation incident to certain emergencies for members performing temporary duty”, 411f “Travel and transportation allowances: transportation for survivors of deceased member to attend member’s burial ceremonies; transportation for survivors of member dying overseas to attend transfer ceremonies”, 411g “Travel and transportation allowances: transportation incident to voluntary extensions of overseas tours of duty”, 411h “Travel and transportation allowances: transportation of designated individuals incident to hospitalization of members for treatment of wounds, illness, or injury”, 411i “Travel and transportation allowances: parking expenses”, 411j “Travel and transportation allowances: transportation of family members incident to the repatriation of members held captive”, 411k “Travel and transportation allowances: non-medical attendants for members who are determined to be very seriously or seriously wounded, ill, or injured”, 411l “Travel and transportation allowances: attendance of members and other persons at Yellow Ribbon Reintegration Program events”, 412 “Appropriations for travel: may not be used for attendance at certain meetings”, 428 “Allowance for recruiting expenses”, 429 “Travel and transportation allowances: minor dependent schooling”, 430 “Travel and transportation: dependent children of members stationed over-

seas”, 431 “Benefits for certain members assigned to the Defense Intelligence Agency”, 432 “Travel and transportation: members escorting certain dependents”, 434 “Subsistence reimbursement relating to escorts of foreign arms control inspection teams”, and 435 “Funeral honors duty: allowance”.

Pub. L. 111-383, div. A, title X, § 1075(c)(3)(B), Jan. 7, 2011, 124 Stat. 4372, added item 438 and struck out former item 438 “Preventive health care allowance”.

Pub. L. 111-383, div. A, title X, § 1075(c)(3)(A), Jan. 7, 2011, 124 Stat. 4372, which directed substitution of item 411k for item 438, was executed by making the substitution for former item 411k “Travel and transportation allowances: non-medical attendants for members determined to be very seriously or seriously wounded, ill, or injured”, to reflect the probable intent of Congress.

Pub. L. 111-383, div. A, title VI, § 622(a)(2), Jan. 7, 2011, 124 Stat. 4239, added item 411l.

2009—Pub. L. 111-84, div. A, title V, § 542(b)(2)(B), title VI, §§ 603(c), 632(g)(2), 633(a)(2), Oct. 28, 2009, 123 Stat. 2300, 2350, 2362, 2363, added items 411f, 411k, and 439, struck out former item 411f “Travel and transportation allowances: transportation for survivors of deceased member to attend the member’s burial ceremonies”, and substituted “Travel and transportation allowances: transportation of designated individuals incident to hospitalization of members for treatment of wounds, illness, or injury” for “Travel and transportation allowances: transportation of family members incident to illness or injury of members” in item 411h.

2008—Pub. L. 110-417, [div. A], title VII, § 714(b), Oct. 14, 2008, 122 Stat. 4505, added item 438.

Pub. L. 110-181, div. A, title VI, §§ 631(a)(2), 633(a)(2), Jan. 28, 2008, 122 Stat. 154, 155, added items 408a and 433a.

2006—Pub. L. 109-364, div. A, title VI, § 606(c), title X, § 1071(c)(5), Oct. 17, 2006, 120 Stat. 2246, 2401, substituted “dislocation allowance” for “dislocation allowances” in item 407, inserted “Corps” after “United States Marine” in item 425, and struck out “portion of” before “monthly” in item 437.

Pub. L. 109-163, div. A, title VI, §§ 613(b), 651(b)(2), 653(b) Jan. 6, 2006, 119 Stat. 3292, 3311, 3313, added items 411j and 437 and substituted “Travel and transportation allowances: payment of lodging expenses at temporary duty location during authorized absence of member” for “Travel and transportation allowances: lodging expenses at temporary duty location for members on authorized leave” in item 404b.

2005—Pub. L. 109-13, div. A, title I, § 1026(b)(2), May 11, 2005, 119 Stat. 254, substituted “illness or injury of members” for “the serious illness or injury of members” in item 411h.

2004—Pub. L. 108-375, div. A, title VI, § 605(b)(3), Oct. 28, 2004, 118 Stat. 1945, substituted “continental United States” for “United States or in Hawaii or Alaska” in item 405.

2003—Pub. L. 108-136, div. A, title V, § 541(b)(5)(B), title VI, § 635(b), Nov. 24, 2003, 117 Stat. 1477, 1511, added item 404b and substituted “High-deployment allowance: lengthy or numerous deployments; frequent mobilizations” for “Per diem allowance for lengthy or numerous deployments” in item 436.

2000—Pub. L. 106-398, § 1 [[div. A], title X, § 1087(c)(1)(B)], Oct. 30, 2000, 114 Stat. 1654, 1654A-292, made technical amendment to directory language of Pub. L. 106-65, § 586(c)(2). See 1999 Amendment note below.

Pub. L. 106-398, § 1 [[div. A], title X, § 1087(c)(1)(A)(ii)], Oct. 30, 2000, 114 Stat. 1654, 1654A-292, made technical amendment to directory language of Pub. L. 106-65, § 578(k)(4). See 1999 Amendment note below.

Pub. L. 106-398, § 1 [[div. A], title VI, §§ 604(a)(2), 645(b), title X, § 1087(b)(4)], Oct. 30, 2000, 114 Stat. 1654, 1654A-147, 1654A-162, 1654A-292, added items 402a and 411i and redesignated item 435 “Per diem allowance for lengthy or numerous deployments” as 436.

1999—Pub. L. 106-65, div. A, title V, § 586(c)(2), Oct. 5, 1999, 113 Stat. 639, as amended by Pub. L. 106-398, § 1