

TRANSFER OF FUNCTIONS

Functions of Public Health Service, Surgeon General of Public Health Service, and all other officers and employees of Public Health Service, and all functions of all agencies of or in Public Health Service transferred to Secretary of Health, Education, and Welfare by Reorg. Plan No. 3 of 1966, eff. June 25, 1966, 31 F.R. 8855, 80 Stat. 1610, set out in the Appendix to Title 5, Government Organization and Employees. Secretary of Health, Education, and Welfare redesignated Secretary of Health and Human Services by section 3508(b) of Title 20, Education.

§ 416. Uniform allowance: officers; additional allowances

(a) In addition to the allowance provided by section 415 of this title, a reserve officer of an armed force, an officer of the Army or the Air Force without specification of component, or a regular officer of an armed force appointed under section 2106 or 2107 of title 10 is entitled to not more than \$200 as reimbursement for additional uniforms and equipment required on that duty, for each time that the officer enters on active duty for a period of more than 90 days.

(b) Subsection (a) does not apply to a tour of active duty if—

(1) the officer, during that tour or within a period of two years before entering on that tour, received, under any law, an initial uniform reimbursement or allowance of more than \$400; or

(2) the officer enters on that tour within two years after completing a period of active duty of more than 90 days' duration.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 477; Pub. L. 88-624, §1, Oct. 3, 1964, 78 Stat. 1002; Pub. L. 88-647, title II, §202(3), Oct. 13, 1964, 78 Stat. 1070; Pub. L. 89-718, §63, Nov. 2, 1966, 80 Stat. 1123; Pub. L. 96-513, title V, §516(13), Dec. 12, 1980, 94 Stat. 2938; Pub. L. 101-189, div. A, title VI, §663(a), Nov. 29, 1989, 103 Stat. 1465; Pub. L. 106-398, §1 [[div. A], title VI, §610(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-150; Pub. L. 107-107, div. A, title VI, §606(a), Dec. 28, 2001, 115 Stat. 1134.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
416(a)	37:255(b).	Oct. 12, 1949, ch. 681, §305(b), (c); added Aug. 10, 1956, ch. 1041, §20(d) (2d and 3d pars.), 70A Stat. 628; Sept. 2, 1958, Pub. L. 85-861, §33(f), 72 Stat. 1568.
416(b)	37:255(c).	

In subsection (a), the words "In addition to the initial uniform allowance authorized by section 431 (a)-(d) of this title" are substituted for the word "additional". Section 255(b) (last proviso of 1st sentence) of existing title 37 is omitted as executed. The words "may not be included" are substituted for the words "shall be excluded". Section 255(b) (last sentence) of existing title 37 is omitted, since the categories named therein are excluded by the words "a reserve officer". (See revision note for section 415(a) of this revised title.)

In subsection (b), the introductory clause is substituted for the word "further". The words "of an armed force" and "of the Army, or the Air Force, without specification of component" are inserted for the reasons stated in the revision note for section 415(a) of this revised title. Clauses (1) and (2) are substituted for section 255(c) (provisos) of existing title 37.

AMENDMENTS

2001—Subsec. (b)(1). Pub. L. 107-107 substituted "\$400" for "\$200".

2000—Subsec. (a). Pub. L. 106-398 substituted "\$200" for "\$100".

1989—Subsec. (a). Pub. L. 101-189 redesignated first sentence of subsec. (b) as (a), substituted "section 415 of this title" for "section 415(a)-(c) of this title and subsection (a) of this section" and "the officer" for "he", and struck out former subsec. (a) which read as follows: "In addition to the initial uniform allowance authorized by section 415(a)-(c) of this title, a reserve officer of an armed force who has not become entitled to a uniform reimbursement or allowance as an officer during the preceding four years, is entitled to not more than \$50 as reimbursement for the purchase of required uniforms and equipment, upon completion of each period, after July 9, 1952, of four years of service, as prescribed by section 1332(a)(2) of title 10, in an active status in one or more reserve components, including at least 28 days of active duty. However, periods of active duty of more than 90 days may not be included in computing that four years of service."

Subsec. (b). Pub. L. 101-189 redesignated first sentence of subsec. (b) as (a) and in remaining provisions of subsec. (b) substituted "Subsection (a) does not apply" for "However, this subsection does not apply".

1980—Pub. L. 96-513 substituted "additional allowances" for "additional allowance" in section catchline.

1966—Subsec. (b). Pub. L. 89-718 struck out "United States Code," after "title 10".

1964—Subsec. (a). Pub. L. 88-624 substituted "in one or more reserve components" for "in a reserve component" and "section 1332(a)(2)" for "section 1332".

Subsec. (b). Pub. L. 88-647 included a regular officer of an armed force appointed under section 2106 or 2107 of title 10.

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-107, div. A, title VI, §606(b), Dec. 28, 2001, 115 Stat. 1134, provided that: "The amendment made by this section [amending this section] shall take effect as of October 1, 2000."

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-398 effective Oct. 1, 2000, see section 1 [[div. A], title VI, §610(c)] of Pub. L. 106-398, set out as a note under section 415 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of Title 10, Armed Forces.

SAVE PAY PROVISION

Pub. L. 101-189, div. A, title VI, §663(b), Nov. 29, 1989, 103 Stat. 1465, provided that: "An officer of an armed force who, but for the amendments made by subsection (a) [amending this section], would have become entitled to a uniform reimbursement under section 416(a) of title 37, United States Code, before the end of the one-year period beginning on the date of the enactment of this Act [Nov. 29, 1989] shall be entitled (during such one-year period) to receive such reimbursement under such section as in effect on the day before the date of the enactment of this Act."

ALLOWANCE FOR SERVICE PRIOR TO OCTOBER 3, 1964

Pub. L. 88-624, §2, Oct. 3, 1964, 78 Stat. 1002, provided that: "The amendments made by this Act [amending this section] do not entitle an officer to an allowance for any 4-year period of service completed prior to the effective date of this Act [Oct. 3, 1964]."

§ 417. Uniform allowance: officers; general provisions

(a) Subject to standards, policies, and procedures prescribed by the Secretary of Defense,

the Secretary of each military department may prescribe regulations that he considers necessary to carry out sections 415(a)–(c) and 416 of this title within his department. The Secretary of Homeland Security, with the concurrence of the Secretary of the Navy, may prescribe regulations that he considers necessary to carry out those sections for the Coast Guard when it is not operating as a service in the Navy. As far as practicable, regulations for all reserve components shall be uniform.

(b) Under regulations approved by the Secretary of Defense, or by the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, and subject to section 415(a)–(c) or 416 of this title, a reserve officer of an armed force who has received a uniform and equipment allowance under section 415(a)–(c) or 416 of this title, may if a different uniform is required, be paid a uniform and equipment reimbursement upon transfer to, or appointment in, another reserve component.

(c) For the purposes of sections 415(a)–(c) and 416 of this title and subsections (a) and (b), an officer may count only that duty for which he is required to wear a uniform.

(d)(1) For purposes of sections 415 and 416 of this title, a period for which an officer of an armed force, while employed as a National Guard technician, is required to wear a uniform under section 709(b) of title 32 shall be treated as a period of active duty (other than for training).

(2) A uniform allowance may not be paid, and uniforms may not be furnished, to an officer under section 1593 of title 10 or section 5901 of title 5 for a period of employment referred to in paragraph (1) for which an officer is paid a uniform allowance under section 415 or 416 of this title.

(Pub. L. 87–649, Sept. 7, 1962, 76 Stat. 478; Pub. L. 90–623, §3(1), Oct. 22, 1968, 82 Stat. 1314; Pub. L. 102–25, title VII, §702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 104–106, div. A, title X, §1038(b), Feb. 10, 1996, 110 Stat. 432; Pub. L. 107–296, title XVII, §1704(c), Nov. 25, 2002, 116 Stat. 2314.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
417(a)	37:255(e).	Oct. 12, 1949, ch. 681, §305 (1st proviso of (a)), (d), (e); added Aug. 10, 1956, ch. 1041, §20(d) (1st proviso of 1st par., 4th par., and 5th par.), 70A Stat. 629.
417(b)	37:255(d).	
417(c)	37:255(a) (1st proviso).	

In subsection (a), the words “within that department” are inserted for clarity. The words “may prescribe” are substituted for the words “shall prescribe”, since the words “that he considers necessary” indicate that the prescribing of regulations is not mandatory.

Subsection (b) is substituted for section 255(d) (less last sentence) of existing title 37. Section 255(d) last sentence) of existing title 37 is omitted, since the categories named therein are excluded by the words “a reserve officer”. (See revision note for section 415(a) of this revised title.)

AMENDMENTS

2002—Subsecs. (a), (b). Pub. L. 107–296 substituted “of Homeland Security” for “of Transportation”.

1996—Subsec. (d). Pub. L. 104–106 added subsec. (d).
 1991—Subsec. (c). Pub. L. 102–25 struck out “of this section” after “subsections (a) and (b)”.
 1968—Subsecs. (a), (b). Pub. L. 90–623 substituted “Secretary of Transportation” for “Secretary of the Treasury”.

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.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90–623 intended to restate without substantive change the law in effect on Oct. 22, 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

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.