

[§ 434. Renumbered § 494]

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§ 436. High-deployment allowance: lengthy or numerous deployments; frequent mobilizations

(a) MONTHLY ALLOWANCE.—The Secretary of the military department concerned may pay a high-deployment allowance to a member of the armed forces under the Secretary's jurisdiction for each month during which the member—

- (1) is deployed; and
- (2) at any time during that month—

(A) has been deployed for 191 or more consecutive days (or a lower number of consecutive days prescribed by the Secretary of Defense, acting through the Under Secretary of Defense for Personnel and Readiness);

(B) has been deployed, out of the preceding 730 days, for a total of 401 or more days (or a lower number of days prescribed by the Secretary of Defense, acting through the Under Secretary of Defense for Personnel and Readiness); or

(C) in the case of a member of a reserve component, is on active duty—

(i) under a call or order to active duty for a period of more than 30 days that is the second (or later) such call or order to active duty (whether voluntary or involuntary) for that member in support of the same contingency operation; or

(ii) for a period of more than 30 days under a provision of law referred to in section 101(a)(13)(B) of title 10, if such period begins within one year after the date on which the member was released from previous service on active duty for a period of more than 30 days under a call or order issued under such a provision of law.

(b) DEFINITION OF DEPLOYED.—In this section, the term “deployed”, with respect to a member, means that the member is deployed or in a deployment within the meaning of section 991(b) of title 10 (including any definition of “deployment” prescribed under paragraph (4) of that section).

(c) RATE.—The monthly rate of the allowance payable to a member under this section shall be determined by the Secretary concerned, not to exceed \$1,000 per month.

(d) PAYMENT OF CLAIMS.—A claim of a member for payment of the high-deployment allowance that is not fully substantiated by the record-keeping system applicable to the member under section 991(c) of title 10 shall be paid if the member furnishes the Secretary concerned with other evidence determined by the Secretary as being sufficient to substantiate the claim.

(e) RELATIONSHIP TO OTHER ALLOWANCES.—A high-deployment allowance payable to a member under this section is in addition to any other pay or allowance payable to the member under any other provision of law.

(f) NATIONAL SECURITY WAIVER.—No allowance may be paid under this section to a member for any month during which the applicability of section 991 of title 10 to the member is suspended under subsection (d) of that section.

(g) AUTHORITY TO EXCLUDE CERTAIN DUTY ASSIGNMENTS.—The Secretary concerned may exclude members serving in specified duty assignments from eligibility for the high-deployment allowance while serving in those assignments. Any such specification of duty assignments may only be made with the approval of the Secretary of Defense, acting through the Under Secretary of Defense for Personnel and Readiness. Specification of a particular duty assignment for purposes of this subsection may not be implemented so as to apply to the member serving in that position at the time of such specification.

(h) PAYMENT FROM OPERATION AND MAINTENANCE FUNDS.—The monthly allowance payable to a member under this section shall be paid from appropriations available for operation and maintenance for the armed force in which the member serves.

(Added Pub. L. 106-65, div. A, title V, §586(b), Oct. 5, 1999, 113 Stat. 638, §435; renumbered §436 and amended Pub. L. 106-398, §1 [[div. A], title V, §574(c), title X, §1087(b)(4)], Oct. 30, 2000, 114 Stat. 1654, 1654A-137, 1654A-292; Pub. L. 107-107, div. A, title V, §592(a), Dec. 28, 2001, 115 Stat. 1125; Pub. L. 108-136, div. A, title V, §541(b)(1)-(5)(A), Nov. 24, 2003, 117 Stat. 1476, 1477; Pub. L. 112-81, div. A, title V, §530(a), Dec. 31, 2011, 125 Stat. 1403.)

AMENDMENTS

2011—Subsec. (a). Pub. L. 112-81 substituted “may pay” for “shall pay” in introductory provisions.

2003—Pub. L. 108-136, §541(b)(5)(A), substituted “High-deployment allowance: lengthy or numerous deployments; frequent mobilizations” for “Per diem allowance for lengthy or numerous deployments” in section catchline.

Subsec. (a). Pub. L. 108-136, §541(b)(1), amended heading and text of subsec. (a) generally. Prior to amendment, text read as follows: “The Secretary of the military department concerned shall pay a high-deployment per diem allowance to a member of the armed forces under the Secretary's jurisdiction for each day on which the member (1) is deployed, and (2) has, as of that day, been deployed 401 or more days out of the preceding 730 days. The Secretary shall pay the allowance from appropriations available for operation and maintenance for the armed force in which the member serves.”

Subsec. (c). Pub. L. 108-136, §541(b)(2), amended heading and text of subsec. (c) generally. Prior to amendment, text read as follows: “The amount of the high-deployment per diem payable to a member under this section is \$100.”

Subsec. (d). Pub. L. 108-136, §541(b)(4)(A), struck out “per diem” before “allowance”.

Subsec. (e). Pub. L. 108-136, §541(b)(4)(B), substituted “allowance” for “per diem” after “high-deployment”.

Subsec. (f). Pub. L. 108-136, §541(b)(4)(C), substituted “allowance” for “per diem” and “month during which” for “day on which”.

Subsecs. (g), (h). Pub. L. 108-136, §541(b)(3), added subsecs. (g) and (h).

2001—Subsec. (a). Pub. L. 107-107 inserted at end “The Secretary shall pay the allowance from appropriations available for operation and maintenance for the armed force in which the member serves.”

2000—Pub. L. 106-398, §1 [[div. A], title X, §1087(b)(4)], renumbered section 435 of this title as this section.

Subsec. (a). Pub. L. 106-398, §1 [[div. A], title V, §574(c)(1)], substituted “401 or more days out of the preceding 730 days” for “251 days or more out of the preceding 365 days”.

Subsec. (b). Pub. L. 106-398, §1 [[div. A], title V, §574(c)(2)], substituted “prescribed under paragraph (4)” for “prescribed under paragraph (3)”.

EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 112-81, div. A, title V, §530(b), Dec. 31, 2011, 125 Stat. 1403, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act [Dec. 31, 2011].”

EFFECTIVE DATE

Pub. L. 106-65, div. A, title V, §586(d)(2), Oct. 5, 1999, 113 Stat. 639, provided that: “Section 435 [now 436] of title 37, United States Code (as added by subsection (b)) [this section], shall take effect on October 1, 2001.”

§ 437. Allowance to cover monthly premiums for Servicemembers’ Group Life Insurance: members serving in a designated duty assignment

(a) REQUIRED REIMBURSEMENT FOR PREMIUM DEDUCTION.—(1) In the case of a member of the armed forces who has insurance coverage for the member under the Servicemembers’ Group Life Insurance program under subchapter III of chapter 19 of title 38 and who serves in a designated duty assignment at any time during a month, the Secretary concerned shall pay the member an allowance under this section for that month in an amount equal to the amount of the deduction made under subsection (a)(1) of section 1969 of such title for the amount of Servicemembers’ Group Life Insurance coverage held by the member under section 1967 of such title.

(2) In this subsection, the term “designated duty assignment” means a permanent or temporary duty assignment outside the United States or its possessions in support of a contingency operation in an area that—

(A) has been designated a combat zone; or

(B) is in direct support of an area that has been designated a combat zone.

(b) NOTICE OF AVAILABILITY OF ALLOWANCE.—To the maximum extent practicable, in advance of the deployment of a member to a designated duty assignment referred to in subsection (a), the Secretary concerned shall give the member information regarding the following:

(1) The availability of the allowance under this section for members insured under the Servicemembers’ Group Life Insurance program.

(2) The ability of members who elected not to be insured under Servicemembers’ Group Life Insurance, or elected less than the maximum coverage amount available for such insurance, to obtain insurance, or to obtain additional coverage, as the case may be, under the authority provided in section 1967(c) of title 38.

(Added Pub. L. 109-163, div. A, title VI, §613(a), Jan. 6, 2006, 119 Stat. 3291; amended Pub. L. 109-364, div. A, title VI, §606(a)-(c), Oct. 17, 2006, 120 Stat. 2246; Pub. L. 110-181, div. A, title X, §1063(c)(5), Jan. 28, 2008, 122 Stat. 322; Pub. L. 114-328, div. A, title VI, §644(a)-(b)(2), Dec. 23, 2016, 130 Stat. 2166, 2167.)

AMENDMENTS

2016—Pub. L. 114-328, §644(b)(2), substituted “Allowance to cover monthly premiums for Servicemembers’

Group Life Insurance: members serving in a designated duty assignment” for “Allowance to cover monthly premium for Servicemembers’ Group Life Insurance: members serving in Operation Enduring Freedom or Operation Iraqi Freedom” in section catchline.

Subsec. (a). Pub. L. 114-328, §644(a), designated existing provisions as par. (1), substituted “who serves in a designated duty assignment” for “who serves in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom”, and added par. (2).

Subsec. (b). Pub. L. 114-328, §644(b)(1), substituted “designated duty assignment” for “theater of operations” in introductory provisions.

2008—Subsec. (a). Pub. L. 110-181 made technical correction to directory language of Pub. L. 109-364, §606(b)(1)(A). See 2006 Amendment note below.

2006—Pub. L. 109-364, §606(c), struck out “portion of” before “monthly premium” in section catchline.

Subsec. (a). Pub. L. 109-364, §606(b)(1)(B), struck out par. (2) which read as follows: “If a member described in paragraph (1) elected to be insured in an amount less than the coverage amount specified in paragraph (1) or in effect pursuant to subsection (b), the amount of the allowance under this section for a month shall be equal to the amount of the deduction made for that month under subsection (a)(1) of section 1969 of title 38 from the basic pay of the member for the amount of Servicemembers’ Group Life Insurance coverage actually held by the member under section 1967 of such title.”

Pub. L. 109-364, §606(b)(1)(A), as amended by Pub. L. 110-181, struck out “(1)” before “In the case of”.

Subsec. (a)(1). Pub. L. 109-364, §606(a), substituted “for the amount of Servicemembers’ Group Life Insurance coverage held by the member under section 1967 of such title” for “for the first \$150,000 of Servicemembers’ Group Life Insurance coverage held by the member under section 1967 of such title”.

Subsecs. (b), (c). Pub. L. 109-364, §606(b)(2), (3), redesignated subsec. (c) as (b), in par. (2) substituted “maximum coverage amount available for such insurance,” for “coverage amount specified in subsection (a)(1) or in effect pursuant to subsection (b).”, and struck out former subsec. (b). Text read as follows: “For purposes of subsection (a), the Secretary of Defense is authorized to increase the coverage amount specified in paragraph (1) of such subsection to permit the reimbursement of all or an additional amount of the deduction made under section 1969(a)(1) of title 38 for levels of coverage in excess of \$150,000 for members under the Servicemembers’ Group Life Insurance program.”

EFFECTIVE DATE OF 2016 AMENDMENT

Pub. L. 114-328, div. A, title VI, §644(c), Dec. 23, 2016, 130 Stat. 2167, provided that: “The amendments made by this section [amending this section] shall apply to service by members of the Armed Forces in a designated duty assignment (as defined in subsection (a)(2) of section 437 of title 37, United States Code) for any month beginning on or after the date of the enactment of this Act [Dec. 23, 2016].”

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-181, div. A, title X, §1063(c), Jan. 28, 2008, 122 Stat. 322, provided that the amendment made by section 1063(c)(5) is effective as of Oct. 17, 2006, and as if included in Pub. L. 109-364 as enacted.

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-364, div. A, title VI, §606(d), Oct. 17, 2006, 120 Stat. 2246, provided that: “The amendments made by this section [amending this section] shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act [Oct. 17, 2006] and shall apply with respect to service by members of the Armed Forces in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom for months beginning on or after that date.”