

The amount of an allowance paid to a member under this paragraph shall be in addition to any other compensation to which the member may be entitled under this title or title 10 or 38.

(b) AMOUNT.—The daily rate of an allowance under this section is \$50.

(Added Pub. L. 106-65, div. A, title V, §578(j), Oct. 5, 1999, 113 Stat. 630, §435; amended Pub. L. 106-398, §1 [[div. A], title V, §575(b), title X, §1087(c)(1)(A)(i)], Oct. 30, 2000, 114 Stat. 1654, 1654A-138, 1654A-292; Pub. L. 107-107, div. A, title V, §561(b), Dec. 28, 2001, 115 Stat. 1119; renumbered §495 and amended Pub. L. 112-81, div. A, title VI, §631(d)(2), (e)(32), Dec. 31, 2011, 125 Stat. 1460, 1464; renumbered §435 and amended Pub. L. 116-283, div. A, title VI, §604(b), Jan. 1, 2021, 134 Stat. 3672.)

Editorial Notes

PRIOR PROVISIONS

A prior section 435 was renumbered section 495 of this title prior to being renumbered again as this section.

AMENDMENTS

2021—Pub. L. 116-283, §604(b)(1), renumbered section 495 of this title as this section.

Subsec. (c). Pub. L. 116-283, §604(b)(2), struck out subsec. (c). Text read as follows: “No allowance may be paid under this section for any day after the travel authorities transition expiration date.”

2011—Pub. L. 112-81, §631(d)(2), renumbered section 435 of this title as section 495.

Subsec. (c). Pub. L. 112-81, §631(e)(32), added subsec. (c).

2001—Subsec. (a). Pub. L. 107-107 designated existing provisions as par. (1) and added par. (2).

2000—Pub. L. 106-398, §1 [[div. A], title X, §1087(c)(1)(A)(i)], made technical amendment to directory language of Pub. L. 106-65, §578(j), which enacted this section.

Subsec. (c). Pub. L. 106-398, §1 [[div. A], title V, §575(b)], struck out heading and text of subsec. (c). Text read as follows: “Except for expenses reimbursed under subsection (c) of section 12503 of title 10 or subsection (c) of section 115 of title 32, the allowance paid under this section is the only monetary compensation authorized to be paid a member for the performance of funeral honors duty pursuant to such section, regardless of the grade in which the member is serving, and shall constitute payment in full to the member.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by section 1 [[div. A], title V, §575(b)] of Pub. L. 106-398, applicable with respect to funeral honors duty performed on or after Oct. 1, 2000, see section 1 [[div. A], title V, §575(c)] of Pub. L. 106-398, set out as a note under section 12503 of Title 10, Armed Forces.

Pub. L. 106-398, §1 [[div. A], title X, §1087(c)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-292, provided that the amendment made by that section is effective as of Oct. 5, 1999, and as if included in the National Defense Authorization Act for Fiscal Year 2000, Pub. L. 106-65, as enacted.

§ 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 section 12304b of title 10 or 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 pur-

poses 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; Pub. L. 115–232, div. A, title VI, § 602, Aug. 13, 2018, 132 Stat. 1794.)

Editorial Notes

AMENDMENTS

2018—Subsec. (a)(2)(C)(ii). Pub. L. 115–232 inserted “section 12304b of title 10 or” before “a provision of law referred to”.

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)”.

Statutory Notes and Related Subsidiaries

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.)

Editorial Notes

AMENDMENTS

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