

Statutory Notes and Related Subsidiaries

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.

ONE-TIME UNIFORM ALLOWANCE FOR OFFICERS WHO TRANSFER TO THE SPACE FORCE

Pub. L. 116–283, div. A, title VI, §606, Jan. 1, 2021, 134 Stat. 3672, provided that:

“(a) IN GENERAL.—The Secretary of the Air Force may provide an officer who transfers from the Army, Navy, Air Force, or Marine Corps to the Space Force an allowance of not more than \$400 as reimbursement for the purchase of required uniforms and equipment.

“(b) RELATIONSHIP TO OTHER ALLOWANCES.—The allowance under this section is in addition to any allowance available under any other provision of law.

“(c) SOURCE OF FUNDS.—Funds for allowances provided under subsection (a) in a fiscal year may be derived only from amounts authorized to be appropriated for military personnel of the Space Force for such fiscal year.

“(d) APPLICABILITY.—The authority for an allowance under this section shall apply with respect to any officer described in subsection (a) who transfers to the Space Force—

“(1) during the period beginning on December 20, 2019, and ending on September 30, 2022; and

“(2) on or after the date the Secretary of the Air Force prescribes the official uniform for the Space Force.”

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 regu-

lations 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

Revised section	Source (U.S. Code)	Source (Statutes at Large)
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.)

Editorial Notes

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”.

Statutory Notes and Related Subsidiaries

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.

(d)(1) In the case of athletic footwear needed by members of the Army, Navy, Air Force, Marine Corps, or Space Force upon their initial entry into the armed forces, the Secretary of Defense shall furnish such footwear directly to the members instead of providing a cash allowance to the members for the purchase of such footwear.

(2) In procuring athletic footwear to comply with paragraph (1), the Secretary of Defense shall—

(A) procure athletic footwear that complies with the requirements of section 4862 of title 10, without regard to the applicability of any simplified acquisition threshold under chapter 137 legacy provisions (as such term is defined in section 3016 of title 10) (or any other provision of law); and

(B) procure additional athletic footwear, for two years following the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017, that is necessary to provide a member described in paragraph (1) with sufficient choices in athletic shoes so as to minimize the incidence of athletic injuries and potential unnecessary harm and risk to the safety and well-being of members in initial entry training.

(3) This subsection does not prohibit the provision of a cash allowance to a member described

in paragraph (1) for the purchase of athletic footwear if such footwear—

(A) is medically required to meet unique physiological needs of the member; and

(B) cannot be met with athletic footwear that complies with the requirements of this subsection.

(4) This subsection does not apply to the furnishing of athletic footwear to members of the Army, the Navy, the Air Force, the Marine Corps, or the Space Force upon their initial entry into the armed forces, or prohibit the provision of a cash allowance to such members for such purpose, if the Secretary of Defense determines that compliance with paragraph (2) would result in a sole source contract for procurement of athletic footwear for the purpose stated in paragraph (1) because there would be only a sole certified source of supply for such footwear.

(5) The Secretary of Defense shall ensure that all procurements of athletic footwear to which this subsection applies are made using firm fixed price contracts.

(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; Pub. L. 114-328, div. A, title VIII, §817, Dec. 23, 2016, 130 Stat. 2272; Pub. L. 115-91, div. A, title VI, §633, Dec. 12, 2017, 131 Stat. 1431; Pub. L. 116-283, div. A, title IX, §925(e)(2), Jan. 1, 2021, 134 Stat. 3827; Pub. L. 117-81, div. A, title XVII, § 1702(f)(2), Dec. 27, 2021, 135 Stat. 2157.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised section, Source (U.S. Code), Source (Statutes at Large). Row 1: 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.

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the National Defense Authorization Act for Fiscal Year 2017, referred to in subsec. (d)(2)(B), is the date of enactment of Pub. L. 114-328, which was approved Dec. 23, 2016.

AMENDMENTS

2021—Subsec. (d)(1). Pub. L. 116-283, §925(e)(2)(A), substituted "Marine Corps, or Space Force" for "or Marine Corps".

Subsec. (d)(2)(A). Pub. L. 117-81 substituted "section 4862" for "section 2533a" and "chapter 137 legacy provisions (as such term is defined in section 3016 of title 10)" for "chapter 137 of title 10".