

health services allowance and their dependents are provided a reasonable opportunity to receive the services authorized under this subsection in their local area.

(e) DATA COLLECTION.—At a minimum, the Secretary of Defense shall monitor and record the health of members receiving a preventive health services allowance and their dependents and the results of the testing required to qualify for payment of the allowance, if conducted. The Secretary shall assess the medical utility of the testing required to qualify for payment of a preventive health allowance.

(f) REPORTING REQUIREMENT.—Not later than March 31, 2010, and March 31, 2012, the Secretary of Defense shall submit to Congress a report on the status of the demonstration project, including findings regarding the medical status of participants, recommendations to modify the policies and procedures of the program, and recommendations concerning the future utility of the project.

(g) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.

(Added Pub. L. 110–417, [div. A], title VII, § 714(a), Oct. 14, 2008, 122 Stat. 4504.)

§ 439. Special compensation: members of the uniformed services with catastrophic injuries or illnesses requiring assistance in everyday living

(a) MONTHLY COMPENSATION AUTHORIZED.—The Secretary concerned may pay to any member of the uniformed services described in subsection (b) monthly special compensation in an amount determined under subsection (c).

(b) COVERED MEMBERS.—A member eligible for monthly special compensation authorized by subsection (a) is a member who—

(1) has a catastrophic injury or illness that was incurred or aggravated in the line of duty;

(2) has been certified by a licensed physician to be in need of assistance from another person to perform the personal functions required in everyday living;

(3) in the absence of the provision of such assistance, would require hospitalization, nursing home care, or other residential institutional care; and

(4) meets such other criteria, if any, as the Secretary of Defense (or the Secretary of Homeland Security, with respect to the Coast Guard) prescribes for purposes of this section.

(c) AMOUNT.—The amount of monthly special compensation payable to a member under subsection (a) shall be the amount as follows:

(1) The monthly amount of aid and attendance payable under section 1114(r)(2) of title 38.

(2) Upon the establishment by the Secretary of Veterans Affairs pursuant to subparagraph (C) of section 1720G(a)(3) of title 38 of the schedule of monthly personal caregiver stipends under the Department of Veterans Affairs program of comprehensive assistance for family caregivers under subparagraph (A)(ii)(V) of such section, the monthly personal caregiver stipend payable with respect

to similarly circumstanced veterans under such schedule, rather than the amount specified in paragraph (1).

(d) DURATION.—The eligibility of a member to receive special monthly compensation under subsection (a) expires on the earlier of the following:

(1) The last day of the month during which a 90-day period ends that begins on the date of the separation or retirement of the member.

(2) The last day of the month during which the member dies.

(3) The last day of the month during which the member is determined to be no longer afflicted with the catastrophic injury or illness referred to in subsection (b)(1).

(4) The last day of the month preceding the month during which the member begins receiving compensation under section 1114(r)(2) of title 38.

(e) CONSTRUCTION WITH OTHER PAY AND ALLOWANCES.—Monthly special compensation payable to a member under this section is in addition to any other pay and allowances payable to the member by law.

(f) BENEFIT INFORMATION.—(1) The Secretary of Defense, in collaboration with the Secretary of Veterans Affairs, shall ensure that members of the uniformed services who may be eligible for compensation under this section are made aware of the availability of such compensation by including information about such compensation in written and online materials for such members and their families.

(2) The Secretary of Defense shall ensure that a member eligible to receive special monthly compensation under this section is aware that the member's eligibility for such compensation will expire pursuant to subsection (d)(1) after the end of the 90-day period that begins on the date of the separation or retirement of the member even though the member has not begun to receive compensation under section 1114(r)(2) of title 38 before the end of such period.

(g) CATASTROPHIC INJURY OR ILLNESS DEFINED.—In this section, the term “catastrophic injury or illness” means a permanent, severely disabling injury, disorder, or illness that the Secretary concerned determines compromises the ability of the afflicted person to carry out the activities of daily living to such a degree that the person requires—

(1) personal or mechanical assistance to leave home or bed; or

(2) constant supervision to avoid physical harm to self or others.

(h) REGULATIONS.—The Secretary of Defense (or the Secretary of Homeland Security, with respect to the Coast Guard) shall prescribe regulations to carry out this section.

(Added Pub. L. 111–84, div. A, title VI, § 603(a), Oct. 28, 2009, 123 Stat. 2348; amended Pub. L. 111–383, div. A, title VI, § 634, Jan. 7, 2011, 124 Stat. 4241.)

Editorial Notes

AMENDMENTS

2011—Subsec. (c). Pub. L. 111–383 amended subsec. (c) generally. Prior to amendment, subsec. (c) related to

the amount of monthly special compensation payable to a member under subsec. (a).

CHAPTER 8—TRAVEL AND TRANSPORTATION ALLOWANCES

SUBCHAPTER I—TRAVEL AND TRANSPORTATION AUTHORITIES—NEW LAW

- Sec.
451. Definitions.
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461. Relationship to other travel and transportation authorities.
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464. Regulations.

[SUBCHAPTER III—REPEALED]

- [471 to 474 Repealed.]
[475. Transferred.]
[475a to 498 Repealed.]
[495. Transferred.]

Editorial Notes

AMENDMENTS

2021—Pub. L. 117–81, div. A, title VI, §604(b), Dec. 27, 2021, 135 Stat. 1768, struck out item for subchapter III “TRAVEL AND TRANSPORTATION AUTHORITIES—OLD LAW” and items 471 “Travel authorities transition expiration date”, 472 “Definitions and other incorporated provisions of chapter 7”, 474 “Travel and transportation allowances: general”, 474a “Travel and transportation allowances: temporary lodging expenses”, 474b “Travel and transportation allowances: payment of lodging expenses at temporary duty location during authorized absence of member”, 475a “Travel and transportation allowances: departure allowances”, 476 “Travel and transportation allowances: dependents; baggage and household effects”, 476a “Travel and transportation allowances: authorized for travel performed under orders that are canceled, revoked, or modified”, 476b “Travel and transportation allowances: members of the uniformed services attached to a ship overhauling or inactivating”, 476c “Travel and transportation allowances: members assigned to a vessel under construction”, 477 “Travel and transportation allowances: dislocation allowance”, 478 “Travel and transportation allowances: travel within limits of duty station”, 478a “Travel and transportation allowances: inactive duty training outside of the normal commuting distances”, 479 “Travel and transportation allowances: house trailers and mobile homes”, 480 “Travel and transportation allowances: miscellaneous categories”, 481 “Travel and transportation allowances: administrative provisions”, 481a “Travel and transportation allowances: travel performed in connection with convalescent leave”, 481b “Travel and transportation allowances: travel performed in connection with leave between consecutive overseas tours”, 481c “Travel and transportation allowances: travel performed in connection with rest and recuperative leave from certain sta-

¹ So in original. Does not conform to section catchline.

tions in foreign countries”, 481d “Travel and transportation allowances: transportation incident to personal emergencies for certain members and dependents”, 481e “Travel and transportation allowances: transportation incident to certain emergencies for members performing temporary duty”, 481f “Travel and transportation allowances: transportation for survivors of deceased member to attend the member’s burial ceremonies”, 481h “Travel and transportation allowances: transportation of designated individuals incident to hospitalization of members for treatment of wounds, illness, or injury”, 481i “Travel and transportation allowances: parking expenses”, 481j “Travel and transportation allowances: transportation of family members incident to the repatriation of members held captive”, 481k “Travel and transportation allowances: non-medical attendants for members determined to be very seriously or seriously wounded, ill, or injured”, 481l “Travel and transportation allowances: attendance of members and others at Yellow Ribbon Reintegration Program events”, 484 “Travel and transportation: dependents of members in a missing status; household and personal effects; trailers; additional movements; motor vehicles; sale of bulky items; claims for proceeds; appropriation chargeable”, 488 “Allowance for recruiting expenses”, 489 “Travel and transportation allowances: minor dependent schooling”, 490 “Travel and transportation: dependent children of members stationed overseas”, 491 “Benefits for certain members assigned to the Defense Intelligence Agency”, 492 “Travel and transportation: members escorting certain dependents”, and 494 “Subsistence reimbursement relating to escorts of foreign arms control inspection teams”.

Pub. L. 116–283, div. A, title IV, §604(c)(2), Jan. 1, 2021, 134 Stat. 3672, struck out item 475 “Travel and transportation allowances: per diem while on duty outside the continental United States” and item 495 “Funeral honors duty: allowance”.

2019—Pub. L. 116–92, div. A, title VI, §606(b), Dec. 20, 2019, 133 Stat. 1425, added item 456.

SUBCHAPTER I—TRAVEL AND TRANSPORTATION AUTHORITIES—NEW LAW

§ 451. Definitions

(a) DEFINITIONS RELATING TO PERSONS.—In this subchapter and subchapter II:

(1) The term “administering Secretary” or “administering Secretaries” means the following:

(A) The Secretary of Defense, with respect to the armed forces (including the Coast Guard when it is operating as a service in the Navy).

(B) The Secretary of Homeland Security, with respect to the Coast Guard when it is not operating as a service in the Navy.

(C) The Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration.

(D) The Secretary of Health and Human Services, with respect to the Public Health Service.

(2) The term “authorized traveler” means a person who is authorized travel and transportation allowances when performing official travel ordered or authorized by the administering Secretary. Such term includes the following:

(A) A member of the uniformed services.

(B) A family member of a member of the uniformed services.

(C) A person acting as an escort or attendant for a member or family member who is