

United States Code, the family separation allowance payable under that section shall be \$75 for each month during the period described in subsection (b).

“(b) PERIOD OF APPLICABILITY.—Subsection (a) shall apply during the period beginning on January 15, 1991, and ending on the first day of the first month beginning on or after the date 180 days after the end of the Persian Gulf conflict.”

FAMILY SEPARATION ALLOWANCE FOR MEMBERS IN  
MISSING STATUS DURING THE VIETNAM CONFLICT

Pub. L. 91–534, Dec. 7, 1970, 84 Stat. 1392, provided: “That, under regulations to be prescribed by the Secretary of Defense, a member of a uniformed service with dependents who is in a missing status (as defined in section 551(2) of title 37 United States Code) during the Vietnam conflict and is not entitled to an allowance under section 427(b) of title 37 may be paid a monthly allowance equal to \$30. For the purposes of this Act, the Vietnam conflict ends on the date designated by the President by Executive order as the date of the termination of combat activities in Vietnam.

“SEC. 2. This Act takes effect on the first day of the first month which begins after the date of enactment of this Act [Dec. 7, 1970].”

**[§ 428. Renumbered § 488]**

**[§ 429. Renumbered § 489]**

**[§ 430. Renumbered § 490]**

**§ 431. Benefits for certain members assigned to the Defense Intelligence Agency**

(a) The Secretary of Defense may provide to members of the armed forces described in subsection (e) allowances and benefits comparable to those provided by the Secretary of State to officers and employees of the Foreign Service under paragraphs (2), (3), (4), (6), (7), (8), and (13) of section 901 and sections 705 and 903 of the Foreign Service Act of 1980 (22 U.S.C. 4081(2), (3), (4), (6), (7), (8), and (13), 4025, 4083) and under section 5924(4) of title 5.

(b) The authority of the Secretary of Defense to make payments under subsection (a) is effective for any fiscal year only to the extent that appropriated funds are available for such purpose.

(c) Members of the armed forces may not receive benefits under both subsection (a) and any other provision of this title for the same purpose. The Secretary of Defense shall prescribe such regulations as may be necessary to carry out this subsection.

(d) Regulations prescribed under subsection (a) may not take effect until the Secretary of Defense has submitted such regulations to—

(1) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(e) Subsection (a) applies to members of the armed forces who—

(1) are assigned—

(A) to Defense Attaché Offices or Defense Intelligence Agency Liaison Offices outside the United States; or

(B) to the Defense Intelligence Agency and engaged in intelligence-related duties outside the United States; and

(2) are designated by the Secretary of Defense for the purposes of subsection (a).

(Added Pub. L. 99–145, title XIII, §1302(b)(1), Nov. 8, 1985, 99 Stat. 738, § 431; amended Pub. L. 102–25, title VII, §702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 104–93, title V, §502(b), Jan. 6, 1996, 109 Stat. 973; Pub. L. 106–65, div. A, title X, §1067(2), Oct. 5, 1999, 113 Stat. 774; Pub. L. 112–81, div. A, title VI, §631(d)(2), Dec. 31, 2011, 125 Stat. 1460; renumbered §491, Pub. L. 112–239, div. A, title X, §1076(h)(2), Jan. 2, 2013, 126 Stat. 1955; Pub. L. 117–81, div. A, title VI, §604(a), Dec. 27, 2021, 135 Stat. 1767; renumbered §431, Pub. L. 117–263, div. A, title VI, §615(a), Dec. 23, 2022, 136 Stat. 2624.)

**Editorial Notes**

AMENDMENTS

2022—Pub. L. 117–263 revived section 491 of this title to read as it did immediately before its repeal by Pub. L. 117–81, and renumbered it as this section. The section was transferred to its original location in Chapter 7 of this title to reflect the probable intent of Congress.

2021—Pub. L. 117–81 repealed this section. However, this section was revived to read as it did immediately before repeal by Pub. L. 117–263. See note above.

2013—Pub. L. 112–239 renumbered section 431 of this title as section 491 of this title.

2011—Pub. L. 112–81 transferred this section to this chapter.

1999—Subsec. (d)(2). Pub. L. 106–65 substituted “Committee on Armed Services” for “Committee on National Security”.

1996—Subsec. (a). Pub. L. 104–93, §502(b)(1), substituted “described in subsection (e)” for “who are assigned to Defense Attaché Offices and Defense Intelligence Agency Liaison Offices outside the United States and who are designated by the Secretary of Defense for the purposes of this subsection”.

Subsecs. (d), (e). Pub. L. 104–93, §502(b)(2), (3), added subsecs. (d) and (e) and struck out former subsec. (d) which read as follows: “Regulations prescribed pursuant to subsection (a) shall be submitted to the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Armed Services and the Select Committee on Intelligence of the Senate before such regulations take effect.”

1991—Subsecs. (b) to (d). Pub. L. 102–25 struck out “of this section” after “subsection (a)”.

**Statutory Notes and Related Subsidiaries**

DELEGATION OF AUTHORITY OF SECRETARY OF DEFENSE

Pub. L. 99–145, title XIII, §1302(b)(3), Nov. 8, 1985, 99 Stat. 738, as amended by Pub. L. 100–180, div. A, title XIII, §1314(d)(4), Dec. 4, 1987, 101 Stat. 1176, provided that: “The authority of the Secretary of Defense under section 431 of title 37, United States Code, as added by paragraph (1), may be delegated in accordance with section 113(d) of title 10, United States Code.”

[Amendment to section 1302(b)(3) of Pub. L. 99–145 by Pub. L. 100–180 effective Oct. 1, 1986, see section 1314(e)(2) of Pub. L. 100–180, set out as a note under section 413 of this title.]

**[§ 432. Renumbered § 492]**

**§ 433. Allowance for muster duty**

(a) Under uniform regulations prescribed by the Secretaries concerned, a member of the Ready Reserve who is not a member of the National Guard or of the Selected Reserve is entitled to an allowance for muster duty performed