



Military Subsistence Allowance

The National Defense Authorization Act for FY 2006 (P.L. 109-163, Section 608), permanently authorizes the supplemental subsistence allowance for low-income members of the Armed Forces with dependents.

Subsection-By-Subsection Summary of Section 604 of P.L. 106-398

The Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (P.L. 106-398) was signed into law on October 30, 2000. This law incorporates all of the provisions of H.R. 5408 including Section 604 which provides a family subsistence allowance for low-income members of the Armed Forces as follows:

Section 604 adds the following new subsection, 402a, to Chapter 7 of title 37 of the U.S. Code dealing with pay and allowances of the uniformed services.

(a)(1): Mandates that the Secretary concerned increase the basic subsistence allowance to which a member of the armed forces is otherwise entitled by an amount designed to remove the member's household from eligibility for food stamp benefits.

(2): The supplemental subsistence allowance may not exceed \$500 per month. In establishing the amount of this allowance to be paid an eligible member, the Secretary must take into consideration the amount of the basic housing allowance the member receives or, if not entitled to a housing allowance because the member is assigned to quarters of the United States or a housing facility under the jurisdiction of a uniformed service, would have received.

(3): If a member, eligible to receive the supplemental subsistence allowance, establishes that the member's household's food stamp allotment (calculated in the absence of the supplemental subsistence allowance) will exceed the supplemental subsistence allowance, the amount of the supplemental subsistence allowance for the member will be the lesser of the value of the food stamp allotment or \$500.

(b)(1): A member of the armed forces is eligible to receive the supplemental subsistence allowance if the Secretary concerned determines that the member's gross income, together with the gross income of the rest of the member's household, if any, does not exceed 130 per cent of the poverty line (currently \$905 for a household of one in the 48 states, District of Columbia, Guam and the Virgin Islands).

(2): In determining whether a member meets the eligibility criteria, the Secretary is not to consider the amount of the supplemental subsistence allowance, but must consider the amount of the basic allowance for housing that the member receives or, in the case of a member who is not entitled to a housing allowance as a result of assignment to quarters of the United States or a housing facility under the jurisdiction of a uniformed service, would otherwise receive.

(c) To request the supplemental subsistence allowance, a member must submit an application in such form and containing such information as the Secretary concerned may prescribe, and must provide such evidence as the Secretary concerned may require to prove that the member meets the eligibility requirements.

(d) The eligibility of a member to receive the supplemental subsistence allowance terminates (even though the member continues to meet eligibility criteria for the allowance) upon payment of the supplemental subsistence allowance for 12 consecutive months, promotion of the member to a higher grade, or transfer of the member in a permanent change of station.

(e) If the supplemental subsistence allowance for a member is terminated, or about to be terminated, a member may reapply for the allowance, and the Secretary concerned must approve the application and resume payment of the allowance, if the member continues to meet, or once again meets, the eligibility criteria for the allowance.

(f) During the period March 1, 2002, through March 1, 2006, the Secretary of Defense must submit to Congress a report specifying the number of members of the armed forces who received the supplemental subsistence allowance at any time during the preceding year.

(g) The term "Secretary concerned" means the Secretary of Defense if the member is in the Army, Air Force, or Marine Corps; the Secretary of the Navy if the Coast Guard is not operating as a service in the Navy. The term "household" means the member and the member's spouse, if the member is married, and the member's dependent children. The term "food stamp program" means the Food Stamp Act.

The contents of this guidance document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

Section 604(b) of H.R. 5408 provides that Section 402a, above, takes effect on the first day of the first month that begins not less than 180 days after the date of the enactment of the bill.

