

SEC. 604. SUBSISTENCE ALLOWANCES.

(a) **BASELINE AMOUNT FOR CALCULATING ALLOWANCE FOR ENLISTED MEMBERS-** Section 402(b) of title 37, United States Code, is amended by adding at the end the following new paragraph:

“(4) For purposes of implementing paragraph (2), the monthly rate of basic allowance for subsistence that was in effect for an enlisted member for calendar year 2001 is deemed to be \$233.’.

(b) **RATE FOR ENLISTED MEMBERS WHEN MESSING FACILITIES NOT AVAILABLE-** (1) Notwithstanding section 402 of title 37, United States Code, the Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, may prescribe a rate of basic allowance for subsistence to apply to enlisted members of the uniformed services when messing facilities of the United States are not available. The rate may be higher than the rate of basic allowance for subsistence that would otherwise be applicable to the members under that section, but may not be higher than the highest rate that was in effect for enlisted members of the uniformed services under those circumstances before the date of the enactment of this Act.

(2) Paragraph (1) shall cease to be effective on the first day of the first month for which the basic allowance for subsistence calculated for enlisted members of the uniformed services under section 402 of title 37, United States Code, exceeds the rate of the basic allowance for subsistence prescribed under paragraph (1).

(c) **CONTINUATION OF BAS TRANSITIONAL AUTHORITY-** Notwithstanding the repeal of subsections (c) through (f) of section 602 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 37 U.S.C. 402 note) by section 603(c) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-145), the basic allowance for subsistence shall be paid in accordance with such subsections for October, November, and December of 2001.

(d) **ELIGIBILITY FOR SUPPLEMENTAL SUBSISTENCE ALLOWANCE-** Section 402a(b)(1) of title 37, United States Code, is amended by inserting ‘with dependents’ after ‘a member of the armed forces’.