section 411 (now 1311) of Title 38, Veterans' Benefits] may be cited as the 'Uniformed Services Pay Act of 1963'.''

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

CHAPTER 3—BASIC PAY

Sec.
201. Pay grades: assignment to; general rules.
202. Pay grades: retired Coast Guard rear admirals (lower half).
203. Rates.
204. Entitlement.
205. Computation: service creditable.
206. Reserves; members of National Guard: inactive-duty training.
207. Band leaders.
[208. Repealed.]
209. Members of precommissioning programs.
210. Pay of senior enlisted members during terminal leave and while hospitalized.
211. Participation in Thrift Savings Plan.
212. Advancement of basic pay: members deployed in combat zone for more than one year.

AMENDMENTS

2004—Pub. L. 108–375, div. A, title VI, § 606(b), Oct. 28, 2004, 118 Stat. 1946, added item 212.

1999—Pub. L. 106–65, div. A, title VI, § 661(a)(1)(B), Oct. 5, 1999, 113 Stat. 670, added item 211.

1996—Pub. L. 104–201, div. A, title VI, § 603(b)(2), Sept. 23, 1996, 110 Stat. 2540, substituted ''Pay of senior enlisted members during terminal leave and while hospitalized'' for ''Pay of the senior noncommissioned officer of an armed force during terminal leave'' in item 210.

1991—Pub. L. 102–190, div. A, title VI, § 606(b), Dec. 5, 1991, 105 Stat. 1375, added item 210.

1990—Pub. L. 101–510, div. A, title XIV, § 1484(f)(1), Nov. 5, 1990, 104 Stat. 1717, revised chapter heading so as to appear in all capital letters.

1985—Pub. L. 99–145, title V, § 514(d)(2)(C), Nov. 8, 1985, 99 Stat. 629, substituted ''Pay grades: retired Coast Guard rear admirals (lower half)'' for ''Pay grade: retired Coast Guard commodores'' in item 202.

1984—Pub. L. 98–557, § 25(b)(2)(B), Oct. 30, 1984, 98 Stat. 2872, substituted ''Pay grade: retired Coast Guard commodores'' for ''Pay grades; commodores, retired list'' in item 202.

1983—Pub. L. 97–417, § 3(b), Jan. 4, 1983, 96 Stat. 2087, substituted ''Pay grades; commodores, retired list'' for ''Pay grades: assignment to; rear admirals (upper half) of the Coast Guard'' in item 202.

1980—Pub. L. 96–513, title V, § 506(2), Dec. 12, 1980, 94 Stat. 2918, substituted ''rear admirals (upper half) of the Coast Guard'' for ''rear admirals of upper half; officers holding certain positions in the Navy'' in item 202.

1977—Pub. L. 95–79, title III, § 302(a)(3)(C), July 30, 1977, 91 Stat. 326, substituted ''precommissioning programs'' for ''Senior Reserve Officers' Training Corps'' in item 209.

1970—Pub. L. 91–482, § 2F, Oct. 21, 1970, 84 Stat. 1082, struck out item 208 ''Furlough pay: officers of Regular Navy or Regular Marine Corps''.

1964—Pub. L. 88–647, title II, § 202(5), Oct. 13, 1964, 78 Stat. 1071, substituted ''Senior Reserve Officers' Training Corps'' for ''naval officer candidate programs'' in item 209.

§ 201. Pay grades: assignment to; general rules

(a) For the purpose of computing their basic pay, commissioned officers of the uniformed services (other than commissioned warrant officers) are assigned by the grade or rank in which serving to the following pay grades:

Pay grade	Army, Air Force, and Marine Corps	Navy, Coast Guard, and National Oceanic and Atmospheric Administration	Public Health Service
O–10	General	Admiral	Assistant Secretary for Health.
O–9	Lieutenant general.	Vice admiral	Surgeon General.
O–8	Major general.	Rear admiral	Deputy Surgeon General. Assistant Surgeon General having rank of major general.
O–7	Brigadier general.	Rear admiral (lower half).	Assistant Surgeon General having rank of brigadier general.
O–6	Colonel	Captain	Director grade.
O–5	Lieutenant colonel.	Commander	Senior grade.
O–4	Major	Lieutenant commander.	Full grade.
O–3	Captain	Lieutenant	Senior assistant grade.
O–2	1st lieutenant.	Lieutenant (junior grade).	Assistant grade.
O–1	2d lieutenant.	Ensign	Junior assistant grade.

(b) For the purpose of computing their basic pay, warrant officers of the armed forces are assigned, by the warrant officer grade in which serving, to the following pay grades:

Pay Grade:	Warrant Officer Grade:
W–5	Chief Warrant Officer, W–5.
W–4	Chief Warrant Officer, W–4.
W–3	Chief Warrant Officer, W–3.
W–2	Chief Warrant Officer, W–2.
W–1	Warrant Officer, W–1.

(c) Unless entitled to the basic pay of a higher pay grade, an aviation cadet of the Navy, Air Force, Marine Corps, or Coast Guard is entitled to monthly basic pay at the lowest rate prescribed for pay grade E–4.

(d) Unless he is entitled to the basic pay of a higher pay grade, an aviation pilot of the Navy Reserve, Marine Corps Reserve, or Coast Guard Reserve is entitled to monthly basic pay at the rate prescribed for pay grade E–5.

(e) Except as provided by subsections (c) and (d), enlisted members of the uniformed services shall, for the purpose of computing their basic pay, be distributed by the Secretary concerned in the various enlisted pay grades set forth in section 203 of this title. However, except as provided by section 307 of this title, an enlisted member may not be placed in pay grade E–8 or E–9 until he has completed at least 8 years or 10 years, respectively, of enlisted service computed under section 205 of this title.

(Pub. L. 87–649, Sept. 7, 1962, 76 Stat. 453; Pub. L. 88–132, § 3(a), Oct. 2, 1963, 77 Stat. 212; Pub. L. 89–718, § 49(a)(1), Nov. 2, 1966, 80 Stat. 1121; Pub. L. 91–278, § 3(1), June 12, 1970, 84 Stat. 306; Pub. L. 95–79, title III, § 302(a)(1), July 30, 1977, 91 Stat. 326; Pub. L. 96–76, title III, § 313(a), Sept. 29, 1979, 93 Stat. 586; Pub. L. 96–513, title V, §§ 506(3), 516(2), Dec. 12, 1980, 94 Stat. 2918, 2937; Pub. L.

97–86, title IV, §405(c), Dec. 1, 1981, 95 Stat. 1106; Pub. L. 98–94, title IX, §932(d), Sept. 24, 1983, 97 Stat. 650; Pub. L. 98–557, §25(b)(1), Oct. 30, 1984, 98 Stat. 2872; Pub. L. 99–145, title V, §514(d)(1), Nov. 8, 1985, 99 Stat. 629; Pub. L. 101–502, §5(k)(2), Nov. 3, 1990, 104 Stat. 1289; Pub. L. 102–25, title VII, §701(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 102–190, div. A, title VI, §605, title XI, §1111(b), Dec. 5, 1991, 105 Stat. 1374, 1491; Pub. L. 109–163, div. A, title V, §515(d)(1)(B), Jan. 6, 2006, 119 Stat. 3236.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
201(a)	37:232(b).	Oct. 12, 1949, ch. 681, §201(b); restated May 20, 1958, Pub. L. 85–422, §1(2), 72 Stat. 124.
201(b)	37:304 (as applicable to basic pay).	Oct. 12, 1949, ch. 681, §504 (as applicable to basic pay), 63 Stat. 827.
201(c)	37:308 (as applicable to pay).	Oct. 12, 1949, ch. 681, §508 (as applicable to pay), 63 Stat. 828; May 19, 1952, ch. 310, §1(e), 66 Stat. 80; Mar. 31, 1955, ch. 20, §2(14), 69 Stat. 22.
201(d)	10:555(a) (as applicable to pay grades).	[None.]
201(e)	37:232(e).	Oct. 12, 1949, ch. 681, §201(e); added Mar. 31, 1955, ch. 20, §2(3), 69 Stat. 19.
201(f)	10:6915(f).	[None.]
	14:758a(f).	[None.]
201(g)	37:232(c) (less last sentence).	Oct. 12, 1949, ch. 681, §201(c) (less last sentence), 63 Stat. 807; redesignated as ''(c)'' by Mar. 31, 1955, ch. 20, §2(2), 69 Stat. 19; May 20, 1958, Pub. L. 85–422, §1(3) (first sentence), 72 Stat. 124.

In subsection (a), the words ''whether under temporary or permanent appointment'' are omitted as surplusage. The words ''the following pay grades'' are substituted for the words ''the various pay grades prescribed for commissioned officers by subsection (a) of this section, as follows''. The words ''(other than a commissioned warrant officer)'' are inserted to conform to the definition of ''warrant officer'' in section 101(13) of this revised title.

In subsection (b), the words ''with two or less years of service computed under section 205 of this title'' are substituted for the word ''minimum''.

In subsections (c) and (e), the words ''with two or less years of service computed under section 205 of this title'' are substituted for the words ''with under two cumulative years' service'' and ''with under two cumulative years of service'', in sections 308 and 232(e), respectively, of existing title 37.

In subsection (e), the words ''enlisted or appointed under the Army Aviation Cadet Act, as amended, or under the Naval Aviation Cadet Act of 1942, as amended'' are omitted as obsolete and surplusage. Both of the cited acts were repealed by section 53 of the Act of August 10, 1956, ch. 1041 (70A Stat. 641), and replaced by various sections of title 10. Further reference is surplusage, however, since aviation cadets are not appointed or enlisted under any provision of law other than the sections of title 10 embodying the former Army Aviation Cadet Act and the Naval Aviation Cadet Act of 1942. The word ''basic'' is inserted for clarity, since the word ''pay'' as defined in section 101(21) of this revised title includes special and incentive pays. Incentive pay for aviation cadets is provided in section 301(b) of this revised title.

In subsection (f), the words ''While on active duty'', in section 6915(f) of title 10 and section 758a(f) of title 14, are omitted as covered by section 204 of this title which prescribes the conditions under which members of the uniformed services are entitled to basic pay. The words ''Unless he is entitled to the basic pay of a higher pay grade'' are substituted for the words ''or that of his grade, whichever is greater'' in section 6915(f) of title 10 and section 758a(f) of title 14.

In subsection (g), the words ''Except as provided by subsections (e) and (f)'' are inserted to reflect those subsections relating to enlisted aviation cadets or aviation pilots.

AMENDMENTS

2006—Subsec. (d). Pub. L. 109–163 substituted ''Navy Reserve'' for ''Naval Reserve''.

1991—Subsec. (b). Pub. L. 102–190, §1111(b), amended table generally, adding provisions relating to Chief Warrant Officer at grade W–5.

Subsec. (c). Pub. L. 102–190, §605, amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: ''An aviation cadet of the Navy, Air Force, Marine Corps, or Coast Guard is entitled to monthly basic pay at the rate of 50 percent of the basic pay of a commissioned officer in pay grade O–1 with two or less years of service computed under section 205 of this title.''

Subsec. (e). Pub. L. 102–25 struck out ''of this section'' after ''subsections (c) and (d)''.

1990—Subsec. (a). Pub. L. 101–502 inserted ''Assistant Secretary for Health'' in fourth column of table in pay grade O–10.

1985—Subsec. (a). Pub. L. 99–145 substituted ''Rear admiral (lower half)'' for ''Commodore'' in third column of table in pay grade O–7.

1984—Subsec. (a). Pub. L. 98–557 substituted ''Rear admiral'' for ''Rear admiral (Navy) and Rear admiral (upper half)(Coast Guard and National Oceanic and Atmospheric Administration)'' in third column of table in pay grade O–8, and in pay grade O–7 substituted ''Commodore'' for ''Commodore (Navy) and Rear admiral (lower half) and commodore (Coast Guard and National Oceanic and Atmospheric Administration''.

1983—Subsecs. (b) to (f). Pub. L. 98–94 struck out subsec. (b) which related to basic pay for contract surgeons, redesignated subsecs. (c) to (f) as (b) to (e), respectively, and in subsec. (e), as so redesignated, substituted ''subsections (c) and (d)'' for ''subsections (d) and (e)''.

1981—Subsec. (a). Pub. L. 97–86 substituted ''Commodore'' for ''Commodore admiral'' in third column of table in pay grade O–7.

1980—Subsec. (a). Pub. L. 96–513, §506(3), substituted in heading of third column of table ''National Oceanic and Atmospheric Administration'' for ''Environmental Science Services Administration'' and in third column ''Rear admiral (Navy) and Rear admiral (upper half) (Coast Guard and National Oceanic and Atmospheric Administration)'' for ''Rear admiral (upper half)'' and ''Commodore admiral (Navy) and Rear admiral (lower half) and commodore (Coast Guard and National Oceanic and Atmospheric Administration)'' for ''Rear admiral (lower half) and commodore''.

Subsec. (f). Pub. L. 96–513, §516(2), substituted ''subsection (d)'' for ''subsection (f)''.

1979—Subsec. (a). Pub. L. 96–76 transferred the Surgeon General from pay grade O–8 to pay grade O–9 in fourth column of table.

1977—Subsecs. (c) to (g). Pub. L. 95–79 struck out subsec. (c) which related to the monthly rate of pay of cadets and midshipmen at the service academies, and redesignated subsecs. (d) to (g) as (c) to (f), respectively.

1970—Subsec. (e). Pub. L. 91–278 entitled aviation cadets of Coast Guard to basic pay rate.

1966—Subsec. (a). Pub. L. 89–718 substituted ''Environmental Science Services Administration'' for ''Coast and Geodetic Survey'' in heading of third column of table.

1963—Subsec. (b). Pub. L. 88–132 substituted ''O–3 with over four, but not more than six,'' for ''O–2 with two or less''.

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by section 1111(b) of Pub. L. 102–190 effective Feb. 1, 1992, see section 1132 of Pub. L. 102–190, set out as a note under section 521 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1990 AMENDMENT

Section 5(k)(3) of Pub. L. 101–502 provided that: ''The amendments made by paragraphs (1) and (2) [amending this section and section 207 of Title 42, The Public Health and Welfare] shall take effect on the first day of the month immediately following the month in which this Act was enacted [November 1990].''

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by Pub. L. 98–94 effective Oct. 1, 1983, see section 932(f) of Pub. L. 98–94, set out as an Effective Date note under section 1091 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–86 effective Sept. 15, 1981, see section 405(f) of Pub. L. 97–86, set out as a note under section 101 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by sections 506(3), 516(2) of Pub. L. 96–513 effective Sept. 15, 1981, and Dec. 12, 1980, respectively, see section 701(a), (b)(3) of Pub. L. 96–513, set out as a note under section 101 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–76 effective Oct. 1, 1979, see section 314 of Pub. L. 96–76, set out as a note under section 206 of Title 42, The Public Health Welfare.

EFFECTIVE DATE OF 1963 AMENDMENT

Section 14 of Pub. L. 88–132 provided that: ''This Act [see Short Title of 1963 Amendment note set out under section 101 of this title] becomes effective on October 1, 1963.''

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

Functions of Public Health Service, Surgeon General of Public Health Service, and all other officers and employees of Public Health Service, and functions of all agencies of or in Public Health Service, transferred to Secretary of Health, Education, and Welfare by Reorg. Plan No. 3 of 1966, eff. June 25, 1966, 31 F.R. 8855, 80 Stat. 1610, set out in the Appendix to Title 5, Government Organization and Employees. Secretary of Health, Education, and Welfare redesignated Secretary of Health and Human Services by section 3508(b) of Title 20, Education.

§ 202. Pay grades: retired Coast Guard rear admirals (lower half)

An officer of the Coast Guard holding a permanent appointment in the grade of rear admiral (lower half) on the retired list, and who in time of war or national emergency has served satisfactorily on active duty for two years in that grade or in a higher grade, is entitled when on active duty to the basic pay of a rear admiral.

(Pub. L. 87–649, Sept. 7, 1962, 76 Stat. 454; Pub. L. 89–718, § 50, Nov. 2, 1966, 80 Stat. 1121; Pub. L. 90–130, § 3(1), Nov. 8, 1967, 81 Stat. 383; Pub. L. 90–179, § 7, Dec. 8, 1967, 81 Stat. 548; Pub. L. 90–623, § 3(2), Oct. 22, 1968, 82 Stat. 1314; Pub. L. 92–451, § 2, Oct. 2, 1972, 86 Stat. 757; Pub. L. 96–342, title X, § 1004(a), Sept. 8, 1980, 94 Stat. 1120; Pub. L. 96–513, title IV, § 401, Dec. 12, 1980, 94 Stat. 2904; Pub. L. 97–417, § 3(a), Jan. 4, 1983, 96 Stat. 2087; Pub. L. 98–557, § 25(b)(2)(A), Oct. 30, 1984, 98 Stat. 2872; Pub. L. 99–145, title V, § 514(d)(2)(A), (B), Nov. 8, 1985, 99 Stat. 629.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
202(a)	10:5507(a).	[None.]
202(b)	10:5507(b).	[None.]
202(c)	10:5507(c).	[None.]
202(d)	10:5507(d).	[None.]
	14:462a (less applicability to retired pay).	[None.]
202(e)	10:5507(e).	[None.]
202(f)	14:462.	[None.]
202(g)	10:5133(a) (last 13 words of last sentence).	[None.]
202(h)	10:5064(b) (the words, ''pay, allowances,'').	[None.]
	10:5111(b) (the words ''pay, allowances, and'').	[None.]
	10:5133(a) (last 20 words of 1st sentence).	[None.]
	10:5138(b) (the words ''pay, allowances, and'').	[None.]
	10:5142 (last sentence).	[None.]
	10:5145(c) (last 12 words).	[None.]
	10:5148(b) (the words ''pay, allowances,'').	[None.]
	10:5150(c) (the words, ''pay, allowances,'').	[None.]
202(i)	10:5064(c) (last sentence).	[None.]
	10:5134.	[None.]
	10:5149(a) (last sentence).	[None.]
	10:5150(d) (last sentence).	[None.]
	10:5202(a) (last sentence).	[None.]
202(j)	10:5062.	[None.]

In subsections (a)–(j), the words ''and allowances'' are omitted as surplusage, since, under chapter 7 of this revised title, entitlement to allowances is based upon entitlement to basic pay.

In subsection (f), the words ''provided by law'', ''this or any other'', and ''for any reason'' are omitted as surplusage.

In subsection (g), the words ''Judge Advocate General of the Navy'' are inserted to reflect section 5148 of title 10.

In subsection (i), the last 12 words of section 5145(c) of title 10 are omitted as covered by section 5134 of title 10.

AMENDMENTS

1985—Pub. L. 99–145 substituted ''Pay grades: retired Coast Guard rear admirals (lower half)'' for ''Pay grade: retired Coast Guard commodores'' in section catchline, and substituted ''rear admiral (lower half)'' for ''commodore'' in text.

1984—Pub. L. 98–557 substituted ''Pay grade: retired Coast Guard commodores'' for ''Pay grades: commodores, retired list'' in section catchline.

1983—Pub. L. 97–417 substituted provision relating to the entitlement of retired list Coast Guard commodores to the basic pay of a retired rear admiral after two years emergency or wartime duty, for former subsecs. (a) and (b), which, respectively, related to the entitlement of retired Coast Guard rear admirals (otherwise entitled to the basic pay of retired list rear admirals) to the basic pay of an upper half rear admiral after two years emergency or wartime active duty, and provided that the number of active list Coast Guard rear admirals entitled to upper half pay be half the difference between the number of active list officers above captain and the number of officers serving above rear admiral, an odd number result to be placed in the upper

half, and no officer entitled to rear admiral pay to have it reduced solely because of a reduction in the number of rear admirals.

1980—Pub. L. 96–513, §401(b), substituted ''(upper half) of the Coast Guard'' for ''of upper half; officers holding certain positions in the Navy'' in section catchline.

Subsec. (a). Pub. L. 96–513, §401(a)(1), (2), redesignated subsec. (e) as (a) and struck out applicability to the Navy. Former subsec. (a), relating to entitlement of an officer not restricted in the performance of his duties in the Navy, was struck out.

Subsec. (b). Pub. L. 96–513, §401(a)(1), (3), redesignated subsec. (f) as (b). Former subsec. (b), relating to entitlement of an officer restricted in the performance of his duties in the Navy, was struck out.

Subsec. (c). Pub. L. 96–513, §401(a)(1), struck out subsec. (c) which related to entitlement of an officer in a staff corps in the Navy.

Subsec. (d). Pub. L. 96–513, §401(a)(1), struck out subsec. (d) which related to entitlement of an officer of the Naval Reserve.

Subsec. (e). Pub. L. 96–513, §401(a)(2), redesignated subsec. (e) as (a).

Subsec. (f). Pub. L. 96–513, §401(a)(3), redesignated subsec. (f) as (b).

Subsec. (g). Pub. L. 96–513, §401(a)(4), struck out subsec. (g) which related to entitlement of an officer of the Marine Corps.

Subsec. (h). Pub. L. 96–513, §401(a)(4), struck out subsec. (h) which related to entitlement of specific officers of the naval service.

Subsec. (i). Pub. L. 96–513, §401(a)(4), struck out subsec. (i) which related to entitlement of additional specific officers of the naval service.

Subsec. (j). Pub. L. 96–513, §401(a)(4), struck out subsec. (j) which related to entitlement of officer of the Navy serving as Deputy Comptroller of the Navy.

Subsec. (k). Pub. L. 96–513, §401(a)(4), struck out subsec. (k) which related to pay of a woman officer when initially appointed as a rear admiral and while serving as a rear admiral under such appointment or a subsequent appointment.

Pub. L. 96–342 substituted provisions respecting pay when initially appointed as a rear admiral and while serving as a rear admiral under such appointment or a subsequent appointment for provisions respecting pay while serving under an appointment under section 5767(c) of title 10.

Subsec. (*l*). Pub. L. 96–513, §401(a)(4), struck out subsec. (*l*) which related to entitlement of an officer of the Navy or Marine Corps serving as Assistant Judge Advocate General of the Navy.

1972—Subsec. (f). Pub. L. 92–451 struck out ''Except for those whose basic pay is otherwise specifically authorized by law,'' and substituted ''in grades above captain, less the number of officers serving in grades above rear admiral'', for ''in that grade'' in first sentence.

1968—Subsec. (*l*). Pub. L. 90–623 redesignated as subsec. (*l*) the subsection relating to basic pay of the Assistant Judge Advocate General of the Navy, formerly designated as subsec. (k).

1967—Subsec. (g). Pub. L. 90–179, §7(1), inserted ''or as Deputy Judge Advocate General of the Navy,''.

Subsecs. (h)(7), (8). Pub. L. 90–179, §7(2)(B), (C), added par. (7) and renumbered former par. (7) as par. (8).

Subsec. (i). Pub. L. 90–179, §7(3), struck out par. (3) which referred to an officer detailed as Assistant Judge Advocate of the Navy and renumbered pars. (4) and (5) as pars. (3) and (4), respectively.

Subsec. (k). Pub. L. 90–179, §7(4), added subsec. (k) relating to officer of the Navy or Marine Corps serving as Assistant Judge Advocate General of the Navy.

Pub. L. 90–130 added subsec. (k) relating to a woman officer appointed under section 5767(c) of title 10.

1966—Subsec. (g). Pub. L. 89–718, §50(1), struck out reference to service as Chief of the Bureau of Naval Weapons.

Subsec. (h). Pub. L. 89–718, §50(2), struck out par. (2) relating to Chief of Naval Materiel.

EFFECTIVE DATE OF 1980 AMENDMENTS

Amendment by Pub. L. 96–513 effective Sept. 15, 1981, but the authority to prescribe regulations under the amendment by Pub. L. 96–513 effective on Dec. 12, 1980, see section 701 of Pub. L. 96–513, set out as a note under section 101 of Title 10, Armed Forces.

Section 1004(b) of Pub. L. 96–342 provided that: ''The amendment made by subsection (a) [amending this section] shall apply with respect to basic pay payable for periods beginning on or after the date of the enactment of this Act [Sept 8, 1980].''

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–451 effective Oct. 2, 1972, except that continuation boards may not be held until one year thereafter, see section 3 of Pub. L. 92–451, set out as a note under section 290 of Title 14, Coast Guard.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90–623 intended to restate without substantive change of 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.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

TRANSITION PROVISIONS UNDER DEFENSE OFFICER PERSONNEL MANAGEMENT ACT

For provisions to prevent extinction or premature termination of rights, duties, penalties, or proceedings that existed or were begun prior to the effective date of Pub. L. 96–513, and otherwise to allow for an orderly transition to the system of officer personnel management put in place under Pub. L. 96–513, see section 601 et seq. of Pub. L. 96–513, set out as a note under section 611 of Title 10, Armed Forces.

§203. Rates

(a)(1) The rates of monthly basic pay for members of the uniformed services within each pay grade are those prescribed in accordance with section 1009 of this title or as otherwise prescribed by law.

(2) Notwithstanding the rates of basic pay in effect at any time as provided by law, the rates of basic pay payable for commissioned officers in pay grades O–7 through O–10 may not exceed the monthly equivalent of the rate of pay for level II of the Executive Schedule, and the rates of basic pay payable for all other officers and for enlisted members may not exceed the monthly equivalent of the rate of pay for level V of the Executive Schedule.

(b) While serving as a permanent professor at the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy or as a member of the permanent commissioned teaching staff at the United States Coast Guard Academy, an officer who has over 36 years of service computed under section 205 of this title is, in addition to the pay and allowances to which he is otherwise entitled under this title, entitled to additional pay in the

amount of $250 a month. This additional pay may not be used in the computation of retired pay.

(c) A cadet at the United States Military Academy, the United States Air Force Academy, or the Coast Guard Academy, or a midshipman at the United States Naval Academy, is entitled to monthly cadet pay, or midshipman pay, at the monthly rate equal to 35 percent of the basic pay of a commissioned officer in the pay grade O–1 with less than two years of service.

(d)(1) The basic pay of a commissioned officer who is in pay grade O–1, O–2, or O–3 and who is credited with a total of over four years' service described in paragraph (2) shall be computed in the same manner as the basic pay of a commissioned officer in the same pay grade who has been credited with over four years' active service as an enlisted member.

(2) Service to be taken into account for purposes of computing basic pay under paragraph (1) is as follows:

(A) Active service as a warrant officer or as a warrant officer and an enlisted member.

(B) Service as a warrant officer, as an enlisted member, or as a warrant officer and an enlisted member, for which at least 1,460 points have been credited to the officer for the purposes of section 12732(a)(2) of title 10.

(e)(1) A student at the United States Military Academy Preparatory School, the United States Naval Academy Preparatory School, or the United States Air Force Academy Preparatory School who was selected to attend the preparatory school from civilian life is entitled to monthly student pay at the same rate as provided for cadets and midshipmen under subsection (c).

(2) A student at a preparatory school referred to in paragraph (1) who, at the time of the student's selection to attend the preparatory school, was an enlisted member of the uniformed services shall receive monthly basic pay at the rate prescribed for the student's pay grade and years of service as an enlisted member or at the rate provided for cadets and midshipmen under subsection (c), whichever is greater.

(3) The monthly student pay of a student described in paragraph (1) shall be treated for purposes of the accrual charge for the Department of Defense Military Retirement Fund established under section 1461 of title 10 in the same manner as monthly cadet pay or midshipman pay under subsection (c).

(Pub. L. 87–649, Sept. 7, 1962, 76 Stat. 456; Pub. L. 88–132, § 2, Oct. 2, 1963, 77 Stat. 210; Pub. L. 88–422, § 1, Aug. 12, 1964, 78 Stat. 395; Pub. L. 89–132, § 1, Aug. 21, 1965, 79 Stat. 545; Pub. L. 89–501, title III, § 301, July 13, 1966, 80 Stat. 276; Pub. L. 90–207, § 1(1), Dec. 16, 1967, 81 Stat. 649; Pub. L. 91–278, § 3(2), June 12, 1970, 84 Stat. 306; Pub. L. 92–129, title II, § 201, Sept. 28, 1971, 85 Stat. 355; Pub. L. 92–455, § 3, Oct. 2, 1972, 86 Stat. 761; Pub. L. 93–419, § 2, Sept. 19, 1974, 88 Stat. 1152; Pub. L. 95–79, title III, § 302(a)(2), July 30, 1977, 91 Stat. 326; Pub. L. 96–343, § 6(b), Sept. 8, 1980, 94 Stat. 1127; Pub. L. 97–60, title I, § 102(a), Oct. 14, 1981, 95 Stat. 992; Pub. L. 98–94, title IX, § 902(a), Sept. 24, 1983, 97 Stat. 635; Pub. L. 99–145, title XIII, § 1303(b)(1), Nov. 8, 1985, 99 Stat. 740; Pub. L. 99–661, div. A, title VI, § 601(c), Nov. 14, 1986, 100 Stat. 3874; Pub. L. 100–180, div. A, title VI, § 601(c), Dec. 4, 1987, 101 Stat. 1092, as amended Pub. L. 100–202, § 110(b), Dec. 22, 1987, 101 Stat. 1329–436; Pub. L. 100–456, div. A, title VI, § 601(d), Sept. 29, 1988, 102 Stat. 1976; Pub. L. 101–189, div. A, title VI, § 601(c), Nov. 29, 1989, 103 Stat. 1445; Pub. L. 103–160, div. A, title VI, § 603(a), Nov. 30, 1993, 107 Stat. 1678; Pub. L. 103–337, div. A, title VI, § 601(c), Oct. 5, 1994, 108 Stat. 2779; Pub. L. 104–201, div. A, title VI, § 602, Sept. 23, 1996, 110 Stat. 2540; Pub. L. 105–261, div. A, title VI, § 602(a), Oct. 17, 1998, 112 Stat. 2037; Pub. L. 106–65, div. A, title VI, § 601(d), Oct. 5, 1999, 113 Stat. 648; Pub. L. 106–398, § 1 [[div. A], title VI, § 612(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A–150; Pub. L. 107–107, div. A, title VI, § 602(a), Dec. 28, 2001, 115 Stat. 1132; Pub. L. 107–314, div. A, title X, § 1062(f)(1), Dec. 2, 2002, 116 Stat. 2651; Pub. L. 108–136, div. A, title VI, § 603, Nov. 24, 2003, 117 Stat. 1499; Pub. L. 109–163, div. A, title VI, §§ 602, 603, Jan. 6, 2006, 119 Stat. 3286; Pub. L. 109–364, div. A, title VI, § 602(a), Oct. 17, 2006, 120 Stat. 2245.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
203	10:142(d) (as applicable to basic pay). 37:232(a).	[None.] Oct. 12, 1949, ch. 681, § 201(a); May 19, 1952, ch. 310, § 1(a); restated Mar. 31, 1955, ch. 20, § 2(1); restated May 20, 1958, Pub. L. 85–422, § 1(1), 72 Stat. 122.

Section 142(d) (as applicable to basic pay) of title 10 is omitted as superseded by footnote 1 of section 232(a) of existing title 37. The words ''pay grades are prescribed'' are omitted as covered by section 201 of this revised title. The words ''rates of monthly basic pay . . . are'' are substituted for the words ''monthly basic pay . . . is established''. The words ''according to cumulative years of service'' are omitted as covered by the words ''years of service computed under section 205'' appearing in each table.

REFERENCES IN TEXT

Levels II and V of the Executive Schedule, referred to in subsec. (a)(2), are set out in sections 5313 and 5316, respectively, of Title 5, Government Organization and Employees.

AMENDMENTS

2006—Subsec. (a)(2). Pub. L. 109–364 substituted ''level II'' for ''level III''.

Subsec. (b). Pub. L. 109–163, § 602, inserted '', the United States Naval Academy,'' after ''Military Academy''.

Subsec. (e)(2). Pub. L. 109–163, § 603, substituted ''shall receive'' for ''on active duty for a period of more than 30 days shall continue to receive'' and inserted before the period at end ''or at the rate provided for cadets and midshipmen under subsection (c), whichever is greater''.

2003—Subsec. (d)(2)(A). Pub. L. 108–136, § 603(1), substituted ''enlisted member.'' for ''enlisted member, in the case of—

''(i) a commissioned officer on active duty who is paid from funds appropriated for active-duty personnel; or

''(ii) a commissioned officer on active Guard and Reserve duty.''

Subsec. (d)(2)(B). Pub. L. 108–136, §603(2), added subpar. (B) and struck out former subpar. (B) which read as follows: ''In the case of a commissioned officer (not referred to in subparagraph (A)(ii)) who is paid from funds appropriated for reserve personnel, service as a warrant officer, or as a warrant officer and enlisted member, for which at least 1,460 points have been credited to the officer for the purposes of section 12732(a)(2) of title 10.''

2002—Subsec. (d)(1). Pub. L. 107–314 amended Pub. L. 107–107, §602(a)(2). See 2001 Amendment note below.

2001—Subsec. (d). Pub. L. 107–107, §602(a)(1), designated existing provisions as par. (1).

Subsec. (d)(1). Pub. L. 107–107, §602(a)(2), as amended by Pub. L. 107–314, substituted ''service described in paragraph (2)'' for ''active service as a warrant officer or as a warrant officer and enlisted member''.

Subsec. (d)(2). Pub. L. 107–107, §602(a)(3), added par. (2).

2000—Subsec. (c). Pub. L. 106–398 substituted ''at the monthly rate equal to 35 percent of the basic pay of a commissioned officer in the pay grade O–1 with less than two years of service'' for ''at the rate of $600.00''.

1999—Subsec. (a). Pub. L. 106–65 designated existing provisions as par. (1) and added par. (2).

1998—Subsec. (c). Pub. L. 105–261 substituted ''$600.00'' for ''$558.04''.

1996—Subsec. (c). Pub. L. 104–201 designated par. (1) as entire subsec. (c) and struck out former par. (2) which read as follows: ''The rate of monthly cadet pay, or midshipman pay, under this subsection shall be adjusted in the manner and at the time the monthly basic pay of members of the uniformed services is adjusted under section 1009 of this title.''

1994—Subsec. (c)(1). Pub. L. 103–337 substituted ''$558.04'' for ''$543.90''.

1993—Subsec. (e). Pub. L. 103–160 added subsec. (e).

1989—Subsec. (c)(1). Pub. L. 101–189 substituted ''$543.90'' for ''$525''.

1988—Subsec. (c)(1). Pub. L. 100–456 substituted ''$525'' for ''$504.30''.

1987—Subsec. (c)(1). Pub. L. 100–180, as amended by Pub. L. 100–202, substituted ''$504.30'' for ''$494.40''.

1986—Subsec. (c)(1). Pub. L. 99–661 substituted ''$494.40'' for ''$461.40''.

1985—Subsec. (a). Pub. L. 99–145 inserted ''or as otherwise prescribed by law'' after ''this title''.

1983—Subsec. (d). Pub. L. 98–94 substituted ''the basic pay of a commissioned officer who is in pay grade O–1, O–2, or O–3 and who is credited with a total of over four years' active service as a warrant officer or as a warrant officer and enlisted member shall be computed in the same manner as the basic pay of a commissioned officer in the same pay grade who has been credited with over four years' active service as an enlisted member'' for ''the basic pay of commissioned officers who are in pay grades O–1, O–2, and O–3 and who are credited with over four years' active service as warrant officers shall be computed in the same manner as the basic pay of commissioned officers in the same pay grades who have been credited with over four years' active service as enlisted members''.

1981—Subsec. (c)(1). Pub. L. 97–60 substituted ''$461.40'' for ''$313.20''.

1980—Subsec. (d). Pub. L. 96–343 added subsec. (d).

1977—Subsec. (c). Pub. L. 95–79 added subsec. (c).

1974—Subsec. (a). Pub. L. 93–419 substituted reference to section 1009 of this title for provisions setting out in tables the rates of monthly basic pay for members of the uniformed services.

1972—Subsec. (a). Pub. L. 92–455 substituted in footnote 1 of the enlisted members pay table ''Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard,'' for ''Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps,''.

1971—Subsec. (a). Pub. L. 92–129 increased rates of monthly basic pay for all personnel.

1970—Subsec. (b). Pub. L. 91–278 provided for entitlement to additional pay for service as a member of permanent commissioned teaching staff at the United States Coast Guard Academy.

1967—Subsec. (a). Pub. L. 90–207 increased the rates of monthly basic pay for all personnel by 5.6 percent and provided a special basic pay rate of $844.20 per month for the senior noncommissioned officer position of each military service regardless of years of service completed for pay purposes.

1966—Subsec. (a). Pub. L. 89–501 increased pay of all personnel by 3.2 percent.

1965—Subsec. (a). Pub. L. 89–132 increased pay of commissioned officers with less than 2 years of service an average of 22 percent, of commissioned officers and warrant officers with over 2 years of service an average of 6 percent, enlisted men with 2 years of service an average of 17.3 percent, and enlisted men with over 2 years of service an average of 11 percent.

1964—Subsec. (a). Pub. L. 88–422 increased pay of all officers, warrant officers and enlisted personnel with over 2 years of service by 2.5 percent, and the pay of commissioned and warrant officers with under 2 years of service by 8.5 percent.

1963—Subsec. (a). Pub. L. 88–132 designated existing provisions as subsec. (a), substituted new basic pay tables and increased from $1,875 to $1,970 the basic pay referred to in footnote 1 of the Commissioned officers' table and substituted ''cumulative years of service'' for ''years of service''.

Subsec. (b). Pub. L. 88–132 added subsec. (b).

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109–364, div. A, title VI, §602(b), Oct. 17, 2006, 120 Stat. 2245, provided that: ''The amendment made by subsection (a) [amending this section] shall take effect on January 1, 2007, and shall apply with respect to months beginning on or after that date.''

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107–314, div. A, title X, §1062(f), Dec. 2, 2002, 116 Stat. 2651, provided that the amendment made by section 1062(f)(1) is effective as of Dec. 28, 2001, and as if included in Pub. L. 107–107 as enacted.

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107–107, div. A, title VI, §602(b), Dec. 28, 2001, 115 Stat. 1133, provided that: ''The amendments made by subsection (a) [amending this section] shall apply with respect to months beginning on or after the date of the enactment of this Act [Dec. 28, 2001].''

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106–398, §1 [[div. A], title VI, §612(d)], Oct. 30, 2000, 114 Stat. 1654, 1654A–151, provided that: ''The amendments made by subsections (a) and (b) [amending this section and section 209 of this title] shall take effect October 1, 2001.''

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106–65, div. A, title VI, §601(d), Oct. 5, 1999, 113 Stat. 648, provided that the amendment made by section 601(d) is effective Jan. 1, 2000.

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105–261, div. A, title VI, §602(b), Oct. 17, 1998, 112 Stat. 2037, provided that: ''The amendment made by subsection (a) [amending this section] shall take effect on January 1, 1999.''

EFFECTIVE DATE OF 1994 AMENDMENT

Section 601(c) of Pub. L. 103–337 provided in part that the amendment made by that section is effective Jan. 1, 1995.

EFFECTIVE DATE OF 1993 AMENDMENT

Section 603(b) of Pub. L. 103–160 provided that: ''The amendment made by subsection (a) [amending this section] shall apply with respect to students entering the

United States Military Academy Preparatory School, the United States Naval Academy Preparatory School, or the United States Air Force Academy Preparatory School on or after the date of the enactment of this Act [Nov. 30, 1993].''

EFFECTIVE DATE OF 1989 AMENDMENT

Section 601(c) of Pub. L. 101–189 provided that the amendment made by that section is effective Jan. 1, 1990.

EFFECTIVE DATE OF 1988 AMENDMENT

Section 601(d) of Pub. L. 100–456 provided that the amendment made by that section is effective Jan. 1, 1989.

EFFECTIVE DATE OF 1987 AMENDMENT

Section 601(c) of Pub. L. 100–180, as amended by Pub. L. 100–202, § 110(b), Dec. 22, 1987, 101 Stat. 1329–436, provided that the amendment made by that section is effective Jan. 1, 1988.

EFFECTIVE DATE OF 1986 AMENDMENT

Section 601(c) of Pub. L. 99–661 provided that the amendment made by that section is effective Jan. 1, 1987.

EFFECTIVE DATE OF 1983 AMENDMENT

Section 902(b) of Pub. L. 98–94 provided that: ''The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1983.''

EFFECTIVE DATE OF 1981 AMENDMENT

Section 102(b) of Pub. L. 97–60 provided that: ''The amendment made by subsection (a) [amending this section] shall take effect as of October 1, 1981.''

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–343 effective with respect to periods for which pay and allowances are payable which begin after Aug. 31, 1980, see section 6(c) of Pub. L. 96–343, set out as a note under section 907 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–419 effective Sept. 19, 1974, see section 9 of Pub. L. 93–419, set out as an Effective Date note under section 1009 of this title.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92–129 effective Oct. 1, 1971, see section 209 of Pub. L. 92–129, set out as an Effective Date note under section 302a of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

Section 7 of Pub. L. 90–207 provided that: ''This Act [enacting sections 311 and 411a of this title, amending this section, sections 403 and 407 of this title, sections 1401 to 1402, 1436, 3991, 6326, 6330, and 8991 of Title 10, Armed Forces, and section 2203 of Appendix to Title 50, War and National Defense, and enacting provisions set out as notes under this section and sections 1401 and 1401a of Title 10] becomes effective as of October 1, 1967. However, a member, except as provided in section 6 of this Act [set out as a note under section 1401 of Title 10], is not entitled to any increases in his pay and allowances under section 1 [enacting section 311 of this title and amending this section and sections 403 and 407 of this title] or section 4 [amending section 2203 of Appendix to Title 50] for any period before the date of enactment of this Act [Dec. 16, 1967] unless he is on active duty on the date of enactment of this Act. In addition, a member of the National Guard or a member of a Reserve Component of a uniformed service who is in a drill pay status on the effective date of this Act [Oct. 1, 1967] is entitled to have any compensation to which he has become entitled under section 206 of title 37, United States Code, after September 30, 1967, computed under the rates of basic pay prescribed by section 1(1) of this Act [amending this section].''

EFFECTIVE DATE OF 1966 AMENDMENT

Section 304 of Pub. L. 89–501 provided that: ''This title [amending this section and enacting provisions set out as notes under this section and section 1401 of Title 10, Armed Forces] becomes effective July 1, 1966, or the first day of the month in which increases in the rates of compensation under the General Schedule of pay provided in section 603(b) of the Classification Act of 1949, as amended (5 U.S.C. 1113(b)) [see now section 5332(a) of Title 5, Government Organization and Employees], become effective pursuant to the Federal Employees Salary Act of 1966 [Pub. L. 89–504, July 18, 1966, 80 Stat. 288] whichever is later.''

EFFECTIVE DATE OF 1965 AMENDMENT

Section 10 of Pub. L. 89–132 provided that: ''This Act [enacting section 1008 of this title and section 1040 of Title 10, Armed Forces, amending this section, sections 308 and 310 of this title, and sections 1401 and 1401a of Title 10, and enacting provisions set out as notes under section 1401 of Title 10] becomes effective on the first day of the first calendar month beginning after the date of enactment of this Act [Aug. 21, 1965].''

EFFECTIVE DATE OF 1964 AMENDMENT

Section 4 of Pub. L. 88–422 provided that: ''This Act [amending this section and enacting provisions set out as notes under this section] becomes effective on the first day of the first calendar month beginning after the date of enactment of this Act [Aug. 12, 1964].''

EFFECTIVE DATE OF 1963 AMENDMENT

Amendment by Pub. L. 88–132 effective Oct. 1, 1963, see section 14 of Pub. L. 88–132, set out as a note under section 201 of this title.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

RATE OF PAY INCREASES FOR CADETS, MIDSHIPMEN, AND APPLICANTS FOR MEMBERSHIP IN SENIOR RESERVE OFFICERS' TRAINING CORPS

Section 302(b), (c) of Pub. L. 95–79 provided that:

''(b) Any cadet or midshipman who, on the date of enactment of this Act [July 30, 1977], or on any date thereafter, is—

''(1) admitted to the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, or the Coast Guard Academy, as the case may be, or

''(2) enrolled in the Senior Reserve Officers' Training Corps program and attending a field training encampment or practice cruise for which he is entitled to pay under section 209(c) of title 37, United States Code,

shall, if otherwise entitled, receive the rate of pay prescribed by section 201(c) of title 37, United States Code, as in effect on the day before the date of enactment of this Act, [July 30, 1977], until the rate of pay authorized by section 203(c) of such title, as added by the amendments made by subsection (a) of this section, is equal to or greater than the rate prescribed by section 201(c) of such title, as in effect on the day before the date of enactment of this Act. Thereafter, the rate of pay of

such person shall be as prescribed by section 203(c) of such title, as added by the amendments made by subsection (a) of this section, or section 209(c) of such title, as amended by subsection (a) of this section, as appropriate.

''(c) A person who, on the date of enactment of this Act [July 30, 1977], is an applicant for membership in the Senior Reserve Officers' Training Corps and who, in order to satisfy the requirement of section 2104(b)(6)(B) of title 10, United States Code, is attending or will attend one of the field training encampments or practice cruises in a field training or practice cruise period which is in progress on the date of enactment of this Act, is entitled to continue to receive pay at the rate prescribed by such section as in effect on the day before the date of enactment of this Act while such person is attending such field training or practice cruise period in progress on the date of enactment of this Act. Thereafter, the entitlement of such person shall be as prescribed in subsection (b) of this section.''

MASTER CHIEF PETTY OFFICER OF THE COAST GUARD; PAY RECOVERY

Section 5 of Pub. L. 92–455 provided that: ''An enlisted member of the Coast Guard who has served as the master chief petty officer of the Coast Guard before enactment of this Act [Oct. 2, 1972] is entitled to recover the differences between the basic pay (including proficiency pay) received while so serving and the amount he would have received if his basic pay had been the same as the basic pay of the senior enlisted advisers of the other Armed Forces from the time of his original appointment to serve as the master chief petty officer of the Coast Guard.''

REPORT ON EFFECTIVENESS OF 1971 PAY INCREASES IN INCREASING VOLUNTEERS

Section 211 of Pub. L. 92–129 directed Secretary of Defense to report to Chairman of Armed Services Committees of Senate and of House of Representatives not later than June 30, 1972, on effectiveness of provisions of title II of Pub. L. 92–129, authorizing pay increases for uniformed services, in increasing number of volunteers enlisting for active duty in Armed Forces of United States.

PAY CONTINUATION

Section 210 of Pub. L. 92–129 provided that: ''The enactment of this title [enacting sections 302a, 308a, and 428 of this title and amending this section, section 403 of this title, and sections 2203, 2204, and 2207 of Title 50 Appendix, War and National Defense] shall not reduce the pay to which any member of the uniformed services was entitled on June 30, 1971.''

Section 302 of Pub. L. 89–501 provided that: ''Notwithstanding any other provision of law, a member of an armed force who was entitled to pay and allowances under any of the following provisions of law on the day before the effective date of this title [see Effective Date of 1966 Amendment note above] shall continue to receive the pay and allowances to which he was entitled on that day plus an increase of 3.2 per centum in the total of his pay and allowances:

''(1) The Act of March 23, 1946, chapter 112 (60 Stat. 59).

''(2) The Act of June 26, 1948, chapter 677 (62 Stat. 1052).

''(3) The Act of September 18, 1950, chapter 952 (64 Stat. A224).

After the effective date of this title, no increase in the basic pay or any of the allowances of members of the uniformed services on active duty shall increase the basic pay or any of the allowances of a member covered by the preceding provisions of this section.''

Section 8 of Pub. L. 89–132, as amended by Pub. L. 102–83, §5(c)(2), Aug. 6, 1991, 105 Stat. 406, provided that: ''The enactment of this Act [see Effective Date of 1965 Amendment note above] does not reduce—

''(1) the rate of dependency and indemnity compensation under section 1311 of title 38, United States Code, that any person was receiving on the day before the effective date of this Act [Sept. 1, 1965] or which thereafter becomes payable for that day by reason of a subsequent determination; or

''(2) the basic pay or the retired pay or retainer pay to which a member or former member of a uniformed service was entitled to on the day before the effective date of this Act [Sept. 1, 1965].''

Section 2 of Pub. L. 88–422 provided that: ''Notwithstanding any other provision of law, a member of an armed force who was entitled to pay and allowances under any of the following provisions of law on the day before the effective date of this Act [Sept. 1, 1964] shall continue to receive the pay and allowances to which he was entitled on that day:

''(1) The Act of March 23, 1946, chapter 112 (60 Stat. 59).

''(2) The Act of June 26, 1948, chapter 677 (62 Stat. 1052).

''(3) The Act of September 18, 1950, chapter 952 (64 Stat. A224).''

Section 3 of Pub. L. 88–422 provided that: ''The enactment of this Act [amending this section, and enacting provisions set out as notes under this section] does not reduce—

''(1) the rate of dependency and indemnity compensation under section 411 of title 38, United States Code, that any person was receiving on the day before the effective date of this Act [Sept. 1, 1964] or which thereafter becomes payable for that day by reason of a subsequent determination; or

''(2) the basic pay or the retired pay or retainer pay to which a member or former member of a uniformed service was entitled on the day before the effective date of this Act.''

Section 13(b) of Pub. L. 88–132 provided that: ''The enactment of this Act [see Short Title of 1963 Amendment note set out under section 101 of this title] does not reduce the basic pay or the retired pay or retainer pay to which a member or former member of a uniformed service was entitled on the day before the effective date of this Act [Oct. 1, 1963].''

PERIODIC PAY ADJUSTMENTS IN MONTHLY BASIC PAY

Section 8 of Pub. L. 90–207, which provided for adjustment of regular compensation whenever the General Schedule of compensation for federal classified employees was adjusted upwards, was repealed by Pub. L. 93–419, §8, Sept. 19, 1974, 88 Stat. 1153.

ADJUSTMENT OF PAY RATES

For adjustment of monthly pay rates under subsec. (c) of this section, see the executive order detailing the adjustment of certain rates of pay set out as a note under section 5332 of Title 5, Government Organization and Employees.

Prior to amendment of this section by Pub. L. 93–419, pay rates were adjusted by the following executive orders:

Ex. Ord. No. 11740, Oct. 3, 1973, 38 F.R. 27585, provided for adjustment of pay rates effective Oct. 1, 1973.

Ex. Ord. No. 11692, Dec. 15, 1972, 37 F.R. 27609, as amended by Ex. Ord. No. 11778, Apr. 12, 1974, 39 F.R. 13521, provided for adjustment of pay rates effective Oct. 1, 1972.

Ex. Ord. No. 11638, Dec. 22, 1971, 36 F.R. 24913, provided for adjustment of pay rates effective Jan. 1, 1972.

Ex. Ord. No. 11577, Jan. 8, 1971, 36 F.R. 349, provided for adjustment of pay rates effective Jan. 1, 1971.

Ex. Ord. No. 11525, Apr. 15, 1970, 35 F.R. 6251, provided for adjustment of pay rates effective Jan. 1, 1970.

Ex. Ord. No. 11475, June 16, 1969, 34 F.R. 9609, provided for adjustment of pay rates effective July 1, 1969.

Ex. Ord. No. 11414, June 11, 1968, 33 F.R. 8645, provided for adjustment of pay rates effective July 1, 1968.

§ 204. Entitlement

(a) The following persons are entitled to the basic pay of the pay grade to which assigned or distributed, in accordance with their years of service computed under section 205 of this title—

(1) a member of a uniformed service who is on active duty; and

(2) a member of a uniformed service, or a member of the National Guard who is not a Reserve of the Army or the Air Force, who is participating in full-time training, training duty with pay, or other full-time duty, provided by law, including participation in exercises or the performance of duty under section 10302, 10305, 10502, or 12402 of title 10, or section 503, 504, 505, or 506 of title 32.

(b) For the purposes of subsection (a), under regulations prescribed by the President, the time necessary for a member of a uniformed service who is called or ordered to active duty for a period of more than 30 days to travel from his home to his first duty station and from his last duty station to his home, by the mode of transportation authorized in his call or orders, is considered active duty.

(c) A member of the National Guard who is called into Federal service for a period of 30 days or less is entitled to basic pay from the date when he appears at the place of company rendezvous. However, this subsection does not authorize any expenditure before arriving at the place of rendezvous that is not authorized by law to be paid after arrival at that place.

(d) Full-time training, training duty with pay, or other full-time duty performed by a member of the Army National Guard of the United States or the Air National Guard of the United States in his status as a member of the National Guard, is active duty for the purposes of this section.

(e) A payment accruing under any law to a member of a uniformed service incident to his release from active duty or for his return home incident to that release may be paid to him before his departure from his last duty station, whether or not he actually performs the travel involved. If a member receives a payment under this subsection but dies before that payment would have been made but for this subsection, no part of that payment may be recovered by the United States.

(f) A cadet of the United States Military Academy or the United States Air Force Academy, or a midshipman of the United States Naval Academy, who, upon graduation from one of those academies, is appointed as a second lieutenant of the Army or the Air Force is entitled to the basic pay of pay grade O–1 beginning upon the date of his graduation.

(g)(1) A member of a reserve component of a uniformed service is entitled to the pay and allowances provided by law or regulation for a member of a regular component of a uniformed service of corresponding grade and length of service whenever such member is physically disabled as the result of an injury, illness, or disease incurred or aggravated—

(A) in line of duty while performing active duty;

(B) in line of duty while performing inactive-duty training (other than work or study in connection with a correspondence course of an armed force or attendance in an inactive status at an educational institution under the sponsorship of an armed force or the Public Health Service);

(C) while traveling directly to or from such duty or training;

(D) in line of duty while remaining overnight immediately before the commencement of inactive-duty training, or while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training; or

(E) in line of duty while—

(i) serving on funeral honors duty under section 12503 of title 10 or section 115 of title 32;

(ii) traveling to or from the place at which the duty was to be performed; or

(iii) remaining overnight at or in the vicinity of that place immediately before so serving, if the place is outside reasonable commuting distance from the member's residence.

(2) In the case of a member who receives earned income from nonmilitary employment or self-employment performed in any month in which the member is otherwise entitled to pay and allowances under paragraph (1), the total pay and allowances shall be reduced by the amount of such income. In calculating earned income for the purpose of the preceding sentence, income from an income protection plan, vacation pay, or sick leave which the member elects to receive shall be considered.

(h)(1) A member of a reserve component of a uniformed service who is physically able to perform his military duties, is entitled, upon request, to a portion of the monthly pay and allowances provided by law or regulation for a member of a regular component of a uniformed service of corresponding grade and length of service for each month for which the member demonstrates a loss of earned income from nonmilitary employment or self-employment as a result of an injury, illness, or disease incurred or aggravated—

(A) in line of duty while performing active duty;

(B) in line of duty while performing inactive-duty training (other than work or study in connection with a correspondence course of an armed force or attendance in an inactive status at an educational institution under the sponsorship of an armed force or the Public Health Service);

(C) while traveling directly to or from such duty or training;

(D) in line of duty while remaining overnight immediately before the commencement of inactive-duty training, or while remaining overnight, between successive periods of inac-

tive-duty training, at or in the vicinity of the site of the inactive-duty training; or

(E) in line of duty while—

(i) serving on funeral honors duty under section 12503 of title 10 or section 115 of title 32;

(ii) traveling to or from the place at which the duty was to be performed; or

(iii) remaining overnight at or in the vicinity of that place immediately before so serving, if the place is outside reasonable commuting distance from the member's residence.

(2) The monthly entitlement may not exceed the member's demonstrated loss of earned income from nonmilitary or self-employment. In calculating such loss of income, income from an income protection plan, vacation pay, or sick leave which the member elects to receive shall be considered.

(i)(1) The total amount of pay and allowances paid under subsections (g) and (h) and compensation paid under section 206(a) of this title for any period may not exceed the amount of pay and allowances provided by law or regulation for a member of a regular component of a uniformed service of corresponding grade and length of service for that period.

(2) Pay and allowances may not be paid under subsection (g) or (h) for a period of more than six months. The Secretary concerned may extend such period in any case if the Secretary determines that it is in the interests of fairness and equity to do so.

(3) A member is not entitled to benefits under subsection (g) or (h) if the injury, illness, disease, or aggravation of an injury, illness, or disease is the result of the gross negligence or misconduct of the member.

(4) Regulations with respect to procedures for paying pay and allowances under subsections (g) and (h) shall be prescribed—

(A) by the Secretary of Defense for the armed forces under the jurisdiction of the Secretary; and

(B) by the Secretary of Homeland Security for the Coast Guard when the Coast Guard is not operating as a service in the Navy.

(j) A member of the uniformed services who is entitled to medical or dental care under section 1074a of title 10 is entitled to travel and transportation allowances, or a monetary allowance in place thereof, for necessary travel incident to such care, and return to his home upon discharge from treatment.

(Pub. L. 87–649, Sept. 7, 1962, 76 Stat. 457; Pub. L. 96–513, title V, §506(4), Dec. 12, 1980, 94 Stat. 2919; Pub. L. 98–94, title X, §1012(b), Sept. 24, 1983, 97 Stat. 665; Pub. L. 99–433, title V, §531(b), Oct. 1, 1986, 100 Stat. 1063; Pub. L. 99–661, div. A, title VI, §604(b), Nov. 14, 1986, 100 Stat. 3875; Pub. L. 100–456, div. A, title VI, §631(a), (b), Sept. 29, 1988, 102 Stat. 1984, 1985; Pub. L. 102–25, title VII, §701(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 103–337, div. A, title XVI, §1676(b)(1), Oct. 5, 1994, 108 Stat. 3019; Pub. L. 104–106, div. A, title VII, §702(c), Feb. 10, 1996, 110 Stat. 371; Pub. L. 105–85, div. A, title V, §513(f), Nov. 18, 1997, 111 Stat. 1732; Pub. L. 106–398, §1 [[div. A], title VI, §665(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A–168; Pub. L. 107–107, div. A, title V, §513(d), Dec. 28, 2001, 115 Stat. 1093; 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)*
204(a)	37:232(d) (1st sentence, less provisos).	Oct. 12, 1949, ch. 681, §201(d), 63 Stat. 807; redesignated as ''(d)'' by Mar. 31, 1955, ch. 20, §2(2), 69 Stat. 19; Aug. 10, 1956, ch. 1041, §20(a), 70A Stat. 627; May 20, 1958, Pub. L. 85–422, §1(4), 72 Stat. 124.
204(b)	37:232(d) (1st proviso of 1st sentence).	
204(c)	37:232(d) (2d proviso of 1st sentence).	
204(d)	37:232(d) (last proviso of 1st sentence).	
204(e)	37:232(d) (less 1st sentence).	
204(f)	37:308a.	Dec. 20, 1886, ch. 2, 24 Stat. 351; June 2, 1950, ch. 217, §2, 64 Stat. 195.
204(g)	10:3687 (as applicable to pay and allowances).	[None.]
	10:8687 (as applicable to pay and allowances).	[None.]
204(h)	32:318 (as applicable to pay and allowances).	[None.]
204(i)	10:6148(a) (as applicable to pay and allowances).	[None.]
	10:6148(b) (as applicable to pay and allowances).	[None.]

[The citations to section 232(d) of existing title 37, above, are to the language of subsection (d) set forth in the codification note under section 232, rather than that erroneously set forth in the text of the section.]

In subsection (a), the last 27 words are substituted for the words ''or performance of the duties provided for by sections 5, 81, 94, 97 and 99 of the National Defense Act, as amended,'' to reflect the current citations. So much of the introductory clause as follows the exception is substituted for the 36 words preceding 1st proviso of 1st sentence of section 232(d) of existing title 37. The words ''on the active list'' are omitted as covered by the words ''active duty'' as defined in section 101(18) of this revised title. The words ''(provided for or authorized in the National Defense Act, as amended, or in the Naval Reserve Act of 1938, as amended)'' are omitted as covered by the words ''provided by law''.

In subsection (b), the words ''For the purposes of subsection (a)'' are inserted for clarity. The words ''active duty for a period of more than 30 days'' are substituted for the words ''extended active duty in excess of thirty days''. The words ''call or'' are inserted to conform to the words ''called or''.

In subsection (c), the words ''and allowances'' are omitted, since, under chapter 7 of this revised title, entitlement to allowances depends upon entitlement to basic pay. The last sentence is substituted for the last 38 words of the 2d proviso of the 1st sentence of section 232(d) of existing title 37.

In subsection (d), the words ''for the purposes of this section'' are substituted for the words ''and which entitles them to receive basic pay . . . in the service of the United States''. The words ''pursuant to this section'' are omitted as surplusage.

In subsection (e), the words ''or active duty for training'' are omitted as covered by the words ''active duty'' as defined in section 101(18) of this revised title.

In subsection (f), the words ''is appointed'' are substituted for the words ''has been or may be commissioned''. The words ''under the laws appointing such graduates to the Army'' and the last 16 words of section 308a of existing title 37 are omitted as surplusage. The words ''to the date of his acceptance of and qualification under his commission'' are omitted, since the member concerned would continue to be entitled to basic pay after that acceptance and qualification. The words ''or the United States Naval Academy'' are inserted to reflect section 541 of title 10, under which graduates of that Academy may be appointed in the Army or the Air Force.

In subsection (i), the inclusion of the Coast Guard Reserve is based on the authority contained in section 755(c) of title 14.

AMENDMENTS

2002—Subsec. (i)(4)(B). Pub. L. 107–296 substituted ''of Homeland Security'' for ''of Transportation''.

2001—Subsecs. (g)(1)(D), (h)(1)(D). Pub. L. 107–107 struck out '', if the site is outside reasonable commuting distance from the member's residence'' before semicolon.

2000—Subsec. (g)(1)(E). Pub. L. 106–398, § 1 [[div. A], title VI, § 665(a)(1)], added subpar. (E).

Subsec. (h)(1)(E). Pub. L. 106–398, § 1 [[div. A], title VI, § 665(a)(2)], added subpar. (E).

1997—Subsecs. (g)(1)(D), (h)(1)(D). Pub. L. 105–85 inserted ''while remaining overnight immediately before the commencement of inactive-duty training, or'' after ''in line of duty''.

1996—Subsec. (g)(1)(D). Pub. L. 104–106, § 702(c)(1), added subpar. (D).

Subsec. (h)(1)(D). Pub. L. 104–106, § 702(c)(2), added subpar. (D).

1994—Subsec. (a)(2). Pub. L. 103–337 substituted ''10302, 10305, 10502, or 12402'' for ''3021, 3496, 3541, 8021, 8496, or 8541''.

1991—Subsec. (b). Pub. L. 102–25 struck out ''of this section'' after ''subsection (a)''.

1988—Subsec. (g). Pub. L. 100–456, § 631(a), amended subsec. (g) generally. Prior to amendment, subsec. (g) read as follows: ''A member of a reserve component of a uniformed service is entitled to the pay and allowances provided by law or regulation for a member of a regular component of a uniformed service of corresponding grade and length of service whenever such member—

''(1) is called or ordered to active duty for a period of more than 30 days; and

''(2) is physically disabled in line of duty from injury, illness, or disease.''

Subsec. (h). Pub. L. 100–456, § 631(a), amended subsec. (h) generally, substituting pars. (1) and (2) for former pars. (1) to (5).

Subsecs. (i), (j). Pub. L. 100–456, § 631(b), added subsec. (i) and redesignated former subsec. (i) as (j).

1986—Subsec. (a)(2). Pub. L. 99–433 substituted ''3021'' and ''8021'' for ''3033'' and ''8033'', respectively.

Subsec. (g). Pub. L. 99–661, § 604(b)(1), amended subsec. (g) generally. Prior to amendment, subsec. (g) read as follows: ''A member of the Army or the Air Force (other than of the Regular Army or the Regular Air Force) is entitled to the pay and allowances provided by law or regulation for a member of the Regular Army or the Regular Air Force, as the case may be, of corresponding grade and length of service, whenever—

''(1) he is called or ordered to active duty (other than for training under section 270(b) of title 10) for a period of more than 30 days, and is disabled in line of duty from disease while so employed; or

''(2) he is called or ordered to active duty, or to perform inactive-duty training, for any period of time, and is disabled in line of duty from injury while so employed.''

Subsec. (h). Pub. L. 99–661, § 604(b)(1), amended subsec. (h) generally. Prior to amendment, subsec. (h) read as follows: ''A member of the National Guard is entitled to the pay and allowances provided by law or regulation for a member of the Regular Army or the Regular Air Force, as the case may be, of corresponding grade and length of service, whenever he is called or ordered to perform training under section 502, 503, 504, or 505 of title 32—

''(1) for a period of more than 30 days, and is disabled in line of duty from disease while so employed; or

''(2) for any period of time, and is disabled in line of duty from injury while so employed.''

Subsecs. (i), (j). Pub. L. 99–661, § 604(b)(2), (3), redesignated subsec. (j) as (i) and struck out former subsec. (i) which read as follows: ''A member of the Naval Reserve, Fleet Reserve, Marine Corps Reserve, Fleet Marine Corps Reserve, or Coast Guard Reserve is entitled to the pay and allowances provided by law or regulation for a member of the Regular Navy, Regular Marine Corps, or Regular Coast Guard, as the case may be, of corresponding grade and length of service, under the same conditions as those described in clauses (1) and (2) of subsection (g) of this section.''

1983—Subsec. (j). Pub. L. 98–94 added subsec. (j).

1980—Subsec. (a). Pub. L. 96–513 substituted ''The following persons'' for ''Except for members covered by section 202(i) of this title, the following persons''.

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 2000 AMENDMENT

Pub. L. 106–398, § 1 [[div. A], title VI, § 665(c)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A–169, provided that: ''The amendments made by subsection (a) [amending this section] shall apply with respect to months beginning on or after the date of the enactment of this Act [Oct. 30, 2000].''

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103–337, set out as an Effective Date note under section 10001 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1988 AMENDMENT

Section 631(d) of Pub. L. 100–456 provided that: ''The amendments made by this section [amending this section and section 206 of this title] shall apply with respect to persons who, after the date of enactment of this Act [Sept. 29, 1988], incur or aggravate an injury, illness, or disease, or who die as the result of incurring or aggravating an injury, illness, or disease.''

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by Pub. L. 98–94 applicable only in cases of injuries incurred or aggravated on or after Sept. 24, 1983, see section 1012(c) of Pub. L. 98–94, set out as an Effective Date note under section 1074a of Title 10, Armed Forces.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–513 effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as a note under section 101 of Title 10, Armed Forces.

§ 205. Computation: service creditable

(a) Subject to subsections (b) and (c), for the purpose of computing the basic pay of a member of a uniformed service, his years of service are computed by adding—

(1) all periods of active service as an officer, Army field clerk, flight officer, aviation midshipman, or enlisted member of a uniformed service;

(2) all periods during which he was enlisted or held an appointment as an officer, Army field clerk, or flight officer of—

(A) a regular component of a uniformed service;

(B) the Regular Army Reserve;

(C) the Organized Militia before July 1, 1916;

(D) the National Guard;

(E) the National Guard Reserve;

(F) a reserve component of a uniformed service;

(G) the Naval Militia;

(H) the National Naval Volunteers;

(I) the Navy Reserve Force;

(J) the Army without specification of component;

(K) the Air Force without specification of component;

(L) the Marine Corps Reserve Force;

(M) the Philippine Scouts; or

(N) the Philippine Constabulary;

(3) for a commissioned officer in service on June 30, 1922, all service that was then counted in computing longevity pay and all service as a contract surgeon serving full time;

(4) all periods during which he held an appointment as a nurse, reserve nurse, or commissioned officer in the Army Nurse Corps as it existed at any time before April 16, 1947, the Navy Nurse Corps as it existed at any time before April 16, 1947, or the Public Health Service, or a reserve component of any of them;

(5) all periods during which he was a deck officer or junior engineer in the National Oceanic and Atmospheric Administration;

(6) all periods that, under law in effect on January 10, 1962, were authorized to be credited in computing basic pay; and

(7) all periods while—

(A) on a temporary disability retired list, honorary retired list, or a retired list of a uniformed service;

(B) entitled to retired pay, retirement pay, or retainer pay, from a uniformed service or the Department of Veterans Affairs, as a member of the Fleet Reserve or the Fleet Marine Corps Reserve; or

(C) a member of the Honorary Reserve of the Officers' Reserve Corps or the Organized Reserve Corps.

Except for any period of active service described in clause (1) and except as provided by subsections (b), (c), and (d) of section 1402 and subsections (b), (c), and (d) of section 1402a of title 10, a period of service described in clauses (2) through (7) that is performed while on a retired list, in a retired status, or in the Fleet Reserve or Fleet Marine Corps Reserve, may not be included to increase retired pay, retirement pay, or retainer pay. For the purpose of clause (5), periods during which a member was a deck officer or junior engineer in the National Oceanic and Atmospheric Administration includes periods during which a member was a deck officer or junior engineer in the Environmental Science Services Administration or the Coast and Geodetic Survey.

(b) A period of time may not be counted more than once under subsection (a).

(c) The periods of service authorized to be counted under subsection (a) shall, under regulations prescribed by the Secretary concerned, include service performed by a member of a uniformed service before he became 18 years of age.

(d) Notwithstanding subsection (a), a commissioned officer may not count in computing basic pay a period of service after October 13, 1964, that the officer performed concurrently as a member of the Senior Reserve Officers' Training Corps, except for service that the officer performed on or after August 1, 1979, other than for training as an enlisted member of the Selected Reserve may be so counted.

(e)(1) Notwithstanding subsection (a), a period of service described in paragraph (2) of a member who enlists in a reserve component may not be counted under this section.

(2) Paragraph (1) applies to the following service:

(A) Service performed while a member of a reserve component under an enlistment under section 12103(b) or 12103(d) of title 10 before the member begins service on active duty under such section (including a period of active duty for training) unless the member performs inactive-duty training before beginning service on active duty or active duty for training;

(B) Service performed while a member of a reserve component under an enlistment under section 513 of title 10 (other than a period of active duty to which the member is ordered under chapter 1209 of title 10 or another provision of law).

(f) Notwithstanding subsection (a), the periods of service of a commissioned officer appointed under section 12203 of title 10 after receiving financial assistance under section 16401 of such title that are counted under this section may not include a period of service after January 1, 2000, that the officer performed concurrently as an enlisted member of the Marine Corps Platoon Leaders Class program and the Marine Corps Reserve, except that service after that date that the officer performed before commissioning (concurrently with the period of service as a member of the Marine Corps Platoon Leaders Class program) as an enlisted member on active duty or as a member of the Selected Reserve may be so counted.

(Pub. L. 87–649, Sept. 7, 1962, 76 Stat. 458; Pub. L. 88–647, title II, §202(1), Oct. 13, 1964, 78 Stat. 1070; Pub. L. 89–718, §49(a)(1), (b), Nov. 2, 1966, 80 Stat. 1121; Pub. L. 90–623, §3(3), Oct. 22, 1968, 82 Stat. 1314; Pub. L. 93–545, §2, Dec. 26, 1974, 88 Stat. 1741; Pub. L. 96–342, title VIII, §813(b)(3)(D), Sept. 8, 1980, 94 Stat. 1104; Pub. L. 96–513, title IV, §402, title V, §516(3), Dec. 12, 1980, 94 Stat. 2904, 2937; Pub. L. 98–525, title VI, §607(a), Oct. 19, 1984, 98 Stat. 2538; Pub. L. 101–189, div. A, title V, §501(c), Nov. 29, 1989, 103 Stat. 1435; Pub. L. 102–25, title VII, §702(b)(1), (2), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 102–484, div. A, title V, §517(b), Oct. 23, 1992, 106 Stat. 2407; Pub. L. 103–35, title II, §204(a)(1), May 31, 1993, 107 Stat. 102; Pub. L. 103–337, div. A, title XVI, §1676(b)(2), Oct. 5, 1994, 108 Stat. 3019; Pub. L. 104–201, div. A, title V, §507(b), Sept. 23, 1996, 110 Stat. 2512; Pub. L. 105–85, div. A, title X, §1073(b), Nov. 18, 1997, 111 Stat. 1904; Pub. L. 106–65, div. A, title V, §551(c), Oct. 5, 1999, 113 Stat. 614; Pub. L. 106–398, §1 [[div. A], title V, §533(e)], Oct. 30, 2000, 114 Stat. 1654, 1654A–111; Pub. L. 109–163, div. A, title V, §515(d)(1)(C), Jan. 6, 2006, 119 Stat. 3236.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
205(a)	37:233(a) (less words after 2d semicolon of clause (7)).	Oct. 12, 1949, ch. 681, § 202 (less proviso of (d)), 63 Stat. 807; Apr. 30, 1956, ch. 223, § 2, 70 Stat. 121.
	37:233(b).	
205(b)	37:233(a)(7) (words between 2d and 3d semicolons).	
	37:233(d) (less proviso).	
205(c)	37:233(a)(7) (words after 3d semicolon).	
205(d)	37:233(c).	

In subsection (a), the introductory clause is substituted for section 233(a) (introductory clause) of existing title 37. In clauses (1) and (2), the word ''officer'' is substituted for the words ''commissioned officer, commissioned warrant officer, warrant officer'' to conform to the definition of ''officer'' in section 101(11) of this revised title. In clause (1), the words ''Regular or Reserve component'' are omitted, since, under the definition of ''reserve component'' in section 102(k) of the source statute, those words are defined to include members without component status. Together, these categories compose the entire structure of any uniformed service. In clause (2)(F), the words ''a reserve component of a uniformed service'' are substituted for the words ''the National Guard of the United States, or in the Organized Reserve Corps, or in the Officers' Reserve Corps, or in the Enlisted Reserve Corps, or in the Medical Reserve Corps, or in the Medical Reserve Corps of the Navy, or in the Dental Reserve Corps of the Navy . . . or in the Naval Reserve . . . or in the Air National Guard of the United States, or in the Air Force Reserve, or in the officers' section of the Air Force Reserve, or in the enlisted section of the Air Force Reserve, or in the Air Corps Reserve . . . or in the Marine Corps Reserve, or in the Coast Guard Reserve, or in the Reserve Corps of the Public Health Service,'' since all of the named organizations were or are reserve components. In clause (4), the words ''as it existed at any time before April 16, 1947'' are inserted for clarity, since the reference is intended to apply to the corps established by law before April 16, 1947. Service in the Army Nurse Corps or Navy Nurse Corps now existing would be included under clause (1) or (2), since there is now no legal distinction between the service of nurses and that of other members of the Army and Navy. In clause (6), the date ''January 1, 1961,'' is substituted for the words ''the effective date of this section,'' to reflect laws enacted after that effective date which authorized certain service to be credited for pay purposes. See, for example, Public Law 86–142. Clause (9) is substituted for section 233(b) (less proviso) of existing title 37. The last sentence is substituted for section 233(b) (proviso) of existing title 37.

In subsection (b), the first 33 words of section 233(d) of existing title 37 are omitted as covered by the words ''are computed by adding'' in subsection (a). The words ''for any reason,'' in section 233(d) of existing title 37, are omitted as surplusage.

In subsection (c)(3), the words ''chapter 67 of title 10'' are substituted for the words ''title III of the Army and Air Force Vitalization and Retirement Equalization Act of 1948,'' since that title was repealed by section 53 of the Act of August 10, 1956, ch. 1041 (70A Stat. 641), and is now codified as chapter 67 of title 10 by section 1 of that Act.

AMENDMENTS

2006—Subsec. (a)(2)(I). Pub. L. 109–163 substituted ''Navy Reserve'' for ''Naval Reserve''.

2000—Subsec. (f). Pub. L. 106–398 substituted ''that the officer performed concurrently as an enlisted member'' for ''that the officer performed concurrently as a member'' and ''section 12203'' for ''section 12209''.

1999—Subsec. (f). Pub. L. 106–65 added subsec. (f).

1997—Subsec. (d). Pub. L. 105–85 substituted a comma for the period after ''August 1, 1979''.

1996—Subsec. (d). Pub. L. 104–201 substituted ''for service that the officer performed on or after August 1, 1979.'' for ''that service after July 31, 1990, that the officer performed while serving on active duty''.

1994—Subsec. (e)(2)(A). Pub. L. 103–337, § 1676(b)(2)(A), substituted ''12103(b) or 12103(d)'' for ''511(b) or 511(d)''.

Subsec. (e)(2)(B). Pub. L. 103–337, § 1676(b)(2)(B), substituted ''chapter 1209'' for ''chapter 39''.

1993—Subsec. (a)(7)(B). Pub. L. 103–35 substituted ''the Department of Veterans Affairs'' for ''the Veterans' Administration''.

1992—Subsec. (d). Pub. L. 102–484 amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: ''Notwithstanding subsection (a), a commissioned officer may not count in computing his basic pay any period of service after October 13, 1964, that he performed concurrently as a member of a uniformed service and as a member of the Senior Reserve Officers' Training Corps.''

1991—Subsecs. (a) to (c). Pub. L. 102–25 struck out ''of this section'' and ''of this subsection'' wherever appearing.

1989—Subsec. (e). Pub. L. 101–189 amended subsec. (e) generally. Prior to amendment, subsec. (e) read as follows: ''Notwithstanding subsection (a) of this section, a period served by a member of a uniformed service in a reserve component under an enlistment under section 511 of title 10 before the member—

''(1) begins service on active duty under subsection (b) of that section, or

''(2) begins an initial period of active duty for training under subsection (d) of that section,

may not be counted under this section.''

1984—Subsec. (e). Pub. L. 98–525 added subsec. (e).

1980—Subsec. (a). Pub. L. 96–513, § 402(a), struck out in introductory text reference to subsec. (d) of this section, struck out cls. (7) and (8), which provided for the addition of four years for medical and dental officers and one year in addition to the four years for a medical officer who has completed one year of medical internship or the equivalent, respectively, redesignated cl. (9) as (7), and in text following cl. (7), as so redesignated, substituted ''subsections (b), (c), and (d) of section 1402 and subsections (b), (c), and (d) of section 1402a'' for ''section 1402(b)–(d) and section 1402a(a)–(d)'', and ''clauses (2) through (7)'' for ''clauses (2)–(9)''.

Pub. L. 96–513, § 516(3), substituted in cl. (5) ''National Oceanic and Atmospheric Administration'' for ''Environmental Science Service Administration'' and in provision following cl. (9) substituted ''National Oceanic and Atmospheric Administration'' for ''Environmental Science Service Administration'' and inserted ''Environmental Science Service Administration'' before ''Coast and Geodetic Survey''.

Pub. L. 96–342 inserted reference to section 1402a(a)–(d) of title 10.

Subsec. (b). Pub. L. 96–513, § 402(b), struck out provisions relating to reduction of amount of service authorized to be credited under cl. (7) or (8) of subsec. (a) of this section.

Subsecs. (c) to (e). Pub. L. 96–513, § 402(c), redesignated subsecs. (d) and (e) as (c) and (d), respectively. Former subsec. (c), relating to limitations on service credited under cl. (7) or (8) of subsec. (a) of this section, was struck out.

1974—Subsec. (a)(1). Pub. L. 93–545 inserted ''aviation midshipman,'' after ''flight officer,''.

1968—Subsec. (e). Pub. L. 90–623 substituted ''October 13, 1964,'' for ''the enactment of this subsection''.

1966—Subsec. (a). Pub. L. 89–718 substituted ''Environmental Science Services Administration'' for ''Coast and Geodetic Survey'' in cl. (5) and inserted provision that, for the purpose of cl. (5), periods during which a member was a deck officer or junior engineer in the Environmental Science Services Administration includes periods during which a member was a deck officer or junior engineer in the Coast and Geodetic Survey.

1964—Subsec. (e). Pub. L. 88–647 added subsec. (e).

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103–337, set out as an Effective Date note under section 10001 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1984 AMENDMENT

Section 607(b) of Pub. L. 98–525 provided that: ''The amendment made by subsection (a) [amending this section] shall apply to persons who enlist under section 511 [now 12103] of title 10, United States Code, on or after the first day of the third calendar month which begins after the date of the enactment of this Act [Oct. 19, 1984].''

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by section 402 of Pub. L. 96–513 effective Sept. 15, 1981, but the authority to prescribe regulations under the amendment by Pub. L. 96–513 effective on Dec. 12, 1980, see section 701 of Pub. L. 96–513, set out as a note under section 101 of Title 10, Armed Forces.

Amendment by section 516(3) of Pub. L. 96–513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96–513.

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.

INCLUSION OF SENIOR ENLISTED ADVISOR FOR THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AMONG SENIOR ENLISTED MEMBERS OF THE ARMED FORCES

Pub. L. 109–163, div. A, title VI, §685(a), Jan. 6, 2006, 119 Stat. 3325, as amended by Pub. L. 109–364, div. A, title X, §1071(e)(5), Oct. 17, 2006, 120 Stat. 2401, provided that:

''(1) EQUAL TREATMENT.—The rate of basic pay for an enlisted member in the grade E–9 while serving as Senior Enlisted Advisor to the Chairman of the Joint Chiefs of Staff shall be the same as the rate of basic pay for an enlisted member in that grade while serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

''(2) EFFECTIVE DATE.—Paragraph (1) shall apply beginning on the date on which an enlisted member of the Armed Forces is first appointed to serve as Senior Enlisted Advisor to the Chairman of the Joint Chiefs of Staff.''

TRANSITION PROVISION

Subsec. (f) of this section applicable to certain enlisted members of the Marine Corps Reserve selected for training as an officer candidate under section 12209 of Title 10, Armed Forces, before implementation of a financial assistance program under section 16401 of Title 10, see section 551(d) of Pub. L. 106–65, set out as a note under section 16401 of Title 10.

BENEFITS NOT TO ACCRUE FOR PERIODS PRIOR TO SEPTEMBER 23, 1996

No increase in pay or retired or retainer pay to accrue for periods before Sept. 23, 1996, by reason of amendments made by section 507 of Pub. L. 104–201, see section 507(c) of Pub. L. 104–201, set out as a note under section 2106 of Title 10, Armed Forces.

TRANSITION PROVISIONS UNDER DEFENSE OFFICER PERSONNEL MANAGEMENT ACT

For provisions to prevent extinction or premature termination of rights, duties, penalties, or proceedings that existed or were begun prior to the effective date of Pub. L. 96–513, and otherwise to allow for an orderly transition to the system of officer personnel management put in place under Pub. L. 96–513, see section 601 et seq. (particularly §625) of Pub. L. 96–513, set out as a note under section 611 of Title 10, Armed Forces.

§206. Reserves; members of National Guard: inactive-duty training

(a) Under regulations prescribed by the Secretary concerned, and to the extent provided for by appropriations, a member of the National Guard or a member of a reserve component of a uniformed service who is not entitled to basic pay under section 204 of this title, is entitled to compensation, at the rate of 1/30 of the basic pay authorized for a member of a uniformed service of a corresponding grade entitled to basic pay—

(1) for each regular period of instruction, or period of appropriate duty, at which the member is engaged for at least two hours, including that performed on a Sunday or holiday;

(2) for the performance of such other equivalent training, instruction, duty, or appropriate duties, as the Secretary may prescribe; or

(3) for a regular period of instruction that the member is scheduled to perform but is unable to perform because of physical disability resulting from an injury, illness, or disease incurred or aggravated—

(A) in line of duty while performing—

(i) active duty; or

(ii) inactive-duty training;

(B) while traveling directly to or from that duty or training (unless such injury, illness, disease, or aggravation of an injury, illness, or disease is the result of the gross negligence or misconduct of the member); or

(C) in line of duty while remaining overnight immediately before the commencement of inactive-duty training, or while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training.

(b) The regulations prescribed under subsection (a) for each uniformed service, the National Guard, and each of the classes of organization of the reserve components within each uniformed service, may be different. The Secretary concerned shall, for the National Guard and each of the classes of organization within each uniformed service, prescribe—

(1) minimum standards that must be met before an assembly for drill or other equivalent period of training, instruction, duty, or appropriate duties may be credited for pay purposes, and those standards may require the presence for duty of officers and enlisted members in numbers equal to or more than a minimum number or percentage of the unit strength for a specified period of time with participation in a prescribed kind of training;

(2) the maximum number of assemblies or periods of other equivalent training, instruction, duty, or appropriate duties, that may be counted for pay purposes in each fiscal year or in lesser periods of time; and

(3) the minimum number of assemblies or periods of other equivalent training, instruction,

duty, or appropriate duties that must be completed in stated periods of time before the members of units or organizations can qualify for pay.

(c) A person enlisted in the inactive National Guard is not entitled to pay under this section.

(d)(1) Except as provided in paragraph (2), this section does not authorize compensation for work or study performed by a member of a reserve component or by a member of the National Guard while not in Federal service in connection with correspondence courses of a uniformed service.

(2) A member of the Selected Reserve of the Ready Reserve may be paid compensation under this section at a rate and under terms determined by the Secretary of Defense, but not to exceed the rate otherwise applicable to the member under subsection (a), upon the member's successful completion of a course of instruction undertaken by the member using electronic-based distributed learning methodologies to accomplish training requirements related to unit readiness or mobilization, as directed for the member by the Secretary concerned. The compensation may be paid regardless of whether the course of instruction was under the direct control of the Secretary concerned or included the presence of an instructor.

(3) The prohibition in paragraph (1), including the prohibition as it relates to a member of the National Guard while not in Federal service, applies to—

(A) any work or study performed on or after September 7, 1962, unless that work or study is specifically covered by the exception in paragraph (2); and

(B) any claim based on that work or study arising after that date.

(e) A member of the National Guard or of a reserve component of the uniformed services may not be paid under this section for more than four periods of equivalent training, instruction, duty, or appropriate duties performed during a fiscal year instead of the member's regular period of instruction or regular period of appropriate duty during that fiscal year.

(Pub. L. 87–649, Sept. 7, 1962, 76 Stat. 460; Pub. L. 98–525, title XIV, § 1402(a), Oct. 19, 1984, 98 Stat. 2620; Pub. L. 99–661, div. A, title VI, § 604(c), Nov. 14, 1986, 100 Stat. 3876; Pub. L. 100–456, div. A, title VI, § 631(c), Sept. 29, 1988, 102 Stat. 1985; Pub. L. 102–25, title VII, § 702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 104–106, div. A, title VII, § 702(d), Feb. 10, 1996, 110 Stat. 371; Pub. L. 105–85, div. A, title V, § 513(g), Nov. 18, 1997, 111 Stat. 1732; Pub. L. 107–107, div. A, title V, § 513(e), title VI, § 603(a), Dec. 28, 2001, 115 Stat. 1093, 1133; Pub. L. 109–163, div. A, title VI, § 604, Jan. 6, 2006, 119 Stat. 3287; Pub. L. 109–364, div. A, title VI, § 607, Oct. 17, 2006, 120 Stat. 2247.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
206(a)	37:301(a) (less 45 words before proviso and proviso). 37:301(e) (as applicable to basic pay).	Oct. 12, 1949, ch. 681, § 501(a) (less 45 words before proviso), (b) (less 1st sentence), (e) (as applicable to basic pay), 63 Stat. 825, 827; Aug. 10, 1956, ch. 1041, § 20(e), (f), 70A Stat. 629; June 30, 1960, Pub. L. 86–559, § 8, 74 Stat. 282.
206(b)	37:301(a) (proviso).	
206(c)	32:303(c).	[None.]
206(d)	37:301(b) (less 1st sentence).	

In subsection (a), the words ''National Guard'' are substituted for the words ''National Guard, Air National Guard'', in section 301(a) of existing title 37, to conform to the definition of ''National Guard'' in section 101(6) of this revised title. The words ''member of a reserve component of a uniformed service'' are substituted for the words ''National Guard of the United States, Air National Guard of the United States, Organized Reserve Corps, Naval Reserve, Air Force Reserve, Marine Corps Reserve, Coast Guard Reserve, and the Reserve Corps of the Public Health Service,'' since all of those organizations, or their successors, are the reserve components of the uniformed services. The words ''who is not entitled to basic pay under section 204 of this title'' are substituted for section 301(e) as (applicable to basic pay) of existing title 37. The words ''of a corresponding grade'' are inserted for clarity.

In subsection (b), the words ''National Guard or reserve components'' are substituted for the listing of organizations for the reasons set forth above. Reference to ''classes of organization,'' so far as they relate to the National Guard, are omitted, since there are no classes of organization of the National Guard.

PRIOR PROVISIONS

Provisions similar to those comprising subsec. (e) of this section were contained in the following appropriation acts:

Pub. L. 98–473, title I, § 101(h) [title VIII, § 8020], Oct. 12, 1984, 98 Stat. 1904, 1927.

Pub. L. 98–212, title VII, § 722, Dec. 8, 1983, 97 Stat. 1442.

Pub. L. 97–377, title I, § 101(c) [title VII, § 725], Dec. 21, 1982, 96 Stat. 1833, 1855.

Pub. L. 97–114, title VII, § 725, Dec. 29, 1981, 95 Stat. 1583.

Pub. L. 96–527, title VII, § 726, Dec. 15, 1980, 94 Stat. 3086.

Pub. L. 96–154, title VII, § 726, Dec. 21, 1979, 93 Stat. 1157.

Pub. L. 95–457, title VIII, § 826, Oct. 13, 1978, 92 Stat. 1248.

AMENDMENTS

2006—Subsec. (d)(1). Pub. L. 109–163 inserted ''or by a member of the National Guard while not in Federal service'' after ''reserve component''.

Subsec. (d)(3). Pub. L. 109–364 added par. (3).

2001—Subsec. (a)(3)(C). Pub. L. 107–107, § 513(e), struck out '', if the site is outside reasonable commuting distance from the member's residence'' before period at end.

Subsec. (d). Pub. L. 107–107, § 603(a), designated existing provisions as par. (1), substituted ''Except as provided in paragraph (2), this section'' for ''This section'' and ''a uniformed service'' for ''an armed force'', and added par. (2).

1997—Subsec. (a)(3)(C). Pub. L. 105–85 inserted ''while remaining overnight immediately before the commencement of inactive-duty training, or'' after ''in line of duty''.

1996—Subsec. (a)(3)(C). Pub. L. 104–106 added subpar. (C).

1991—Subsec. (b). Pub. L. 102–25 struck out ''of this section'' after ''subsection (a)''.

1988—Subsec. (a)(3)(A)(i). Pub. L. 100–456 struck out ''for a period of 30 days or less'' after ''active duty''.

1986—Subsec. (a). Pub. L. 99–661, substituted ''entitled to basic pay—'' and pars. (1) to (3) for ''entitled to basic pay, for each regular period of instruction, or period of appropriate duty, at which he is engaged for at least two hours, including that performed on a Sunday or holiday, or for the performance of such other equivalent training, instruction, duty, or appropriate duties, as the Secretary may prescribe.''

1984—Subsec. (e). Pub. L. 98–525 added subsec. (e).

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–456 applicable with respect to persons who, after Sept. 29, 1988, incur or aggravate an injury, illness, or disease, or who die as the result of incurring or aggravating an injury, illness, or disease, see section 631(d) of Pub. L. 100–456, set out as a note under section 204 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–525 effective Oct. 1, 1985, see section 1404 of Pub. L. 98–525, set out as a note under section 520b of Title 10, Armed Forces.

§207. Band leaders

(a) The leader of the Army Band is entitled to the basic pay of a captain in the Army.

(b) The leader of the United States Navy Band is entitled to the basic pay of a lieutenant in the Navy.

(c) A member of the Marine Corps who is appointed as director or assistant director of the United States Marine Band under section 6222 of title 10 is entitled, while serving thereunder, only to the basic pay of an officer in the grade in which he is serving. However, his basic pay may not be less that to which he was entitled at the time of his appointment under that section.

(d) The leader of the Naval Academy Band is entitled to the basic pay of the grade the Secretary of the Navy prescribes. The second leader is entitled to the basic pay of a warrant officer, W–1.

(e) The director of the Coast Guard Band is entitled to the basic pay of an officer in the grade in which he is serving. However, his basic pay may not be less than that to which he was entitled at the time of his appointment as director.

(Pub. L. 87–649, Sept. 7, 1962, 76 Stat. 460; Pub. L. 89–189, §2, Sept. 17, 1965, 79 Stat. 820; Pub. L. 95–551, §3(b)(1), Oct. 30, 1978, 92 Stat. 2069.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
207(a)	10:3536(b) (as applicable to basic pay).	[None.]
207(b)	10:4338(a) (as applicable to basic pay).	[None.]
207(c)	10:6221(b) (as applicable to basic pay).	[None.]
207(d)	10:6222(e) (as applicable to basic pay).	[None.]
207(e)	10:6969(b) (less last sentence, as applicable to basic pay).	[None.]

In subsection (a), the last 22 words of section 3536(b) of title 10 are omitted as covered by section 205 of this revised title.

In subsection (b), the last sentence of section 4338(a) of title 10 is omitted as covered by section 205 of this revised title.

In subsection (c), the last 22 words of section 6221(b) of title 10 are omitted as covered by section 205 of this revised title.

In subsection (e), the 2d sentence of section 6969(b) of title 10 is omitted as covered by section 205 of this revised title.

AMENDMENTS

1978—Subsec. (b). Pub. L. 95–551 redesignated former subsec. (c) as (b). Former subsec. (b), which provided that the director of music at the United States Military Academy be entitled to the basic pay of a commissioned officer of the rank prescribed for the director by the Secretary of the Army, was struck out.

Subsecs. (c) to (e). Pub. L. 95–551 redesignated former subsecs. (d) to (f) as (c) to (e), respectively.

Subsec. (f). Pub. L. 95–551 redesignated former subsec. (f) as (e).

1965—Subsec. (f). Pub. L. 89–189 added subsec. (f).

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

[§208. Repealed. Pub. L. 91–482, §1(b), Oct. 21, 1970, 84 Stat. 1082]

Section, Pub. L. 87–649, Sept. 7, 1962, 76 Stat. 461, provided that an officer furloughed under section 6406 of Title 10, Armed Forces, was entitled to pay at the rate of one-half of the basic pay to which he was entitled at the time of being furloughed.

§209. Members of precommissioning programs

(a) SENIOR ROTC MEMBERS IN ADVANCED TRAINING.—(1) Except when on active duty, a member of the Senior Reserve Officers' Training Corps who is selected for advance training under section 2104 of title 10 is entitled to a monthly subsistence allowance at a rate prescribed under paragraph (2) beginning on the day he starts advanced training and ending upon the completion of his instruction under that section, but in no event shall any member receive such pay for more than 30 months.

(2) The Secretary of Defense shall prescribe by regulation the monthly rates for subsistence allowances provided under this section. The rate may not be less than $250 per month, but may not exceed $674 per month.

(3) A subsistence allowance under this section may not be considered financial assistance requiring additional service within the meaning of the third sentence of section 6(d)(1) of the Military Selective Service Act (50 U.S.C. App. 456(d)(1)).

(b) SENIOR ROTC MEMBERS APPOINTED IN RESERVES.—Except when on active duty, a cadet or midshipman appointed under section 2107 of title 10 is entitled to a monthly subsistence allowance at a rate prescribed under subsection (a). A member enrolled in the first two years of a four-year program is entitled to receive subsistence for a maximum of twenty months. A member enrolled in the advanced course is entitled to subsistence as prescribed for a member enrolled under section 2104 of title 10 as prescribed in subsection (a).

(c) NONSCHOLARSHIP SENIOR ROTC MEMBERS NOT IN ADVANCED TRAINING.—A member of the Selected Reserve Officers' Training Corps who has entered into an agreement under section 2103a of title 10 is entitled to a monthly subsistence allowance at a rate prescribed under subsection (a). That allowance may be paid to the member by reason of such agreement for a maximum of 20 months.

(d) PAY WHILE ATTENDING TRAINING OR PRACTICE CRUISE.—Each cadet or midshipman in the Senior Reserve Officers' Training Corps, while he is attending training or practice cruises under chapter 103 of title 10 if the training or cruise is of at least four weeks duration and must be completed before the cadet or midshipman is commissioned, and each applicant for membership in the Senior Reserve Officers' Training Corps, while he is attending field training or practice cruises to satisfy the requirements of section 2104(b)(6)(B) of title 10 for admission to advanced training, is entitled, while so attending, to pay at the rate prescribed for cadets and midshipmen at the United States Military, Naval, and Air Force Academies under section 203(c) of this title, except that the rate for a cadet or midshipman who is a member of the regular component of an armed force shall be the rate of basic pay applicable to the member under section 203 of this title.

(e) MEMBERS OF MARINE CORPS OFFICER CANDIDATE PROGRAM.—Except when serving on active duty, a member who is enrolled in a Marine Corps officer candidate program which requires a baccalaureate degree as a prerequisite to being commissioned as an officer and who is not enrolled in a program established under chapter 103 of title 10 or an academy established under chapter 403, 603, or 903 of title 10 may be paid a subsistence allowance at a monthly rate prescribed under subsection (a) for a member of the Senior Reserve Officers' Training Corps who is selected for advanced training under section 2104 of title 10.

(Pub. L. 87–649, Sept. 7, 1962, 76 Stat. 461; Pub. L. 88–647, title II, § 202(2), Oct. 13, 1964, 78 Stat. 1070; Pub. L. 89–51, § 3, June 28, 1965, 79 Stat. 173; Pub. L. 89–718, § 51, Nov. 2, 1966, 80 Stat. 1121; Pub. L. 92–171, § 1, Nov. 24, 1971, 85 Stat. 490; Pub. L. 95–79, title III, § 302(a)(3), July 30, 1977, 91 Stat. 326; Pub. L. 96–342, title VIII, § 811(a), Sept. 8, 1980, 94 Stat. 1098; Pub. L. 96–513, title V, § 516(4), Dec. 12, 1980, 94 Stat. 2938; Pub. L. 96–579, § 8, Dec. 23, 1980, 94 Stat. 3368; Pub. L. 98–94, title X, § 1003(a)(4), Sept. 24, 1983, 97 Stat. 656; Pub. L. 100–456, div. A, title VI, § 633(d), Sept. 29, 1988, 102 Stat. 1987; Pub. L. 101–189, div. A, title VI, § 653(d), Nov. 29, 1989, 103 Stat. 1462; Pub. L. 102–25, title VII, § 702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 103–337, div. A, title VI, § 603(a), Oct. 5, 1994, 108 Stat. 2782; Pub. L. 106–65, div. A, title V, § 546(a), Oct. 5, 1999, 113 Stat. 608; Pub. L. 106–398, § 1 [[div. A], title VI, § 612(b), (c)], Oct. 30, 2000, 114 Stat. 1654, 1654A–150; Pub. L. 107–107, div. A, title V, § 535(b), Dec. 28, 2001, 115 Stat. 1107; Pub. L. 107–314, div. A, title X, § 1062(g)(2), Dec. 2, 2002, 116 Stat. 2651; Pub. L. 108–136, div. A, title V, § 523(a), Nov. 24, 2003, 117 Stat. 1463.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
209(a)	10:6904(b).	[None.]
209(b)	10:6905(b).	[None.]
209(c)	10:6906(c) (1st sentence, as applicable to pay).	[None.]

AMENDMENTS

2003—Subsecs. (c) to (e). Pub. L. 108–136 added subsec. (c) and redesignated former subsecs. (c) and (d) as (d) and (e), respectively.

2002—Subsec. (d). Pub. L. 107–314 amended Pub. L. 106–398, § 1 [[div. A], title VI, § 612(c)(4)(B)]. See 2000 Amendment note below.

2001—Subsec. (c). Pub. L. 107–107 inserted before period at end ", except that the rate for a cadet or midshipman who is a member of the regular component of an armed force shall be the rate of basic pay applicable to the member under section 203 of this title".

2000—Subsec. (a). Pub. L. 106–398, § 1 [[div. A], title VI, § 612(b), (c)(1)], inserted heading, designated first sentence as par. (1), substituted "monthly subsistence allowance at a rate prescribed under paragraph (2)" for "subsistence allowance of $200 a month", added par. (2), designated last sentence as par. (3), and substituted "A subsistence" for "Subsistence".

Subsec. (b). Pub. L. 106–398, § 1 [[div. A], title VI, § 612(c)(2)], inserted heading and substituted "at a rate prescribed under subsection (a)" for "in the amount provided in subsection (a)" in text.

Subsec. (c). Pub. L. 106–398, § 1 [[div. A], title VI, § 612(c)(3)], inserted heading.

Subsec. (d). Pub. L. 106–398, § 1 [[div. A], title VI, § 612(c)(4)(B)], as amended by Pub. L. 107–314, substituted "a monthly rate prescribed under subsection (a)" for "the same rate as that prescribed by subsection (a)".

Pub. L. 106–398, § 1 [[div. A], title VI, § 612(c)(4)(A)], inserted heading.

1999—Subsec. (a). Pub. L. 106–65 substituted "$200 a month" for "$150 a month".

1994—Subsec. (a). Pub. L. 103–337 substituted "$150 a month" for "$100 a month".

1991—Subsecs. (b) and (d). Pub. L. 102–25 struck out "of this section" after "subsection (a)" wherever appearing.

1989—Subsec. (c). Pub. L. 101–189 which directed striking out the period after "title 10" the first place it appears, was executed by striking the period after "the cadet or midshipman is commissioned" to reflect the probable intent of Congress.

1988—Subsec. (c). Pub. L. 100–456 substituted "training or practice cruises under chapter 103 of title 10 if the training or cruise is of at least four weeks duration and must be completed before the cadet or midshipman is commissioned." for "field training or practice cruises under section 2109 of title 10".

1983—Subsec. (a). Pub. L. 98–94 substituted "30 months" for "20 months".

1980—Subsec. (a). Pub. L. 96–513 substituted "section 6(d)(1) of the Military Selective Service Act (50 U.S.C. App. 456(d)(1))" for "section 456(d)(1) of title 50, appendix".

Subsec. (d). Pub. L. 96–579 struck out par. (1) designation and par. (2) prohibiting payment of subsistence allowance for any period after Sept. 30, 1982.

Pub. L. 96–342 added subsec. (d).

1977—Pub. L. 95–79, § 302(a)(3)(B), substituted "Members of precommissioning programs" for "Members of Senior Reserve Officers' Training Corps" in section catchline.

Subsec. (c). Pub. L. 95–79, § 302(a)(3)(A), substituted provisions authorizing rates of pay for cadets and midshipmen in the Senior Reserve Officers' Training Corps and applicants for membership in the Corps to be computed under section 203(c) of this title, for provisions authorizing rates of pay for members of the Senior Re-

serve Officers' Training Corps to be computed under section 201(c) of this title and for applicants for membership in the Corps to be computed under section 203 of this title for enlisted members in pay grade E–1.

1971—Subsec. (a). Pub. L. 92–171, §1(1), substituted ''a subsistence allowance of $100 a month'' for ''subsistence allowance at the rate of not less than $40 per month or more than $50 per month''.

Subsec. (b). Pub. L. 92–171, §1(2), substituted ''a monthly subsistence allowance in the amount provided in subsection (a) of this section. A member enrolled in the first two years of a four-year program is entitled to receive subsistence for a maximum of twenty months. A member enrolled in the advanced course is entitled to subsistence as prescribed for a member enrolled under section 2104 of title 10 as prescribed in subsection (a) of this section.'' for ''subsistence allowance at the rate of $50 a month beginning on the day that he starts his first term of college work under that section and ending upon the completion of his instruction under that section, but not for more than four years.''

1966—Subsec. (a). Pub. L. 89–718, §51(1), struck out '', United States Code,'' after ''section 2104 of title 10'', and substituted ''20'' for ''twenty'' and ''section 456(d)(1) of title 50, appendix'' for ''section 6(d)(1) of the Universal Military Training and Service Act, as amended (50 U.S.C. App. 456(d)(1))''.

Subsec. (c). Pub. L. 89–718, §51(2), struck out '', United States Code,'' after ''section 2104(b)(6)(B) of title 10''.

1965—Subsec. (a). Pub. L. 89–51 substituted ''subsistence allowance'' and ''Subsistence allowance'' for ''retainer pay'' and ''Retainer pay'', respectively.

Subsec. (b). Pub. L. 89–51 substituted ''subsistence allowance'' for ''retainer pay''.

1964—Pub. L. 88–647 substituted provisions which grant a trainee under section 2104 of title 10, retainer pay of from $40 to $50 monthly for his instruction period under said section 2104, limited to not more than 20 months, provide that such assistance does not fall within section 456(d)(1) of title 50 App., grant cadets or midshipmen under section 2107 of title 10 retainer pay, limited to not more than 4 years, authorize pay for trainees attending field training or practice cruises under section 2109 of title 10 at the rate prescribed for cadets and midshipmen at the military academies under section 201(c) of this title, and pay for applicants attending field training or practice cruises to satisfy section 2104(b)(6)(B) of title 10, as in section 203 of this title for enlisted men grade E–1, for provisions entitling midshipmen appointed under section 6904 of title 10 to $50 a month for his instruction period up to 4 academic years, seamen recruits under section 6905 of title 10 to $50 monthly for his instruction period under said section 6905, and midshipmen in flight training or on flight duty under section 6906 of title 10 to pay as for midshipmen at the Naval Academy plus an amount equal to 50 percent of his pay for flight duty.

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108–136 effective Jan. 1, 2004, see section 523(c) of Pub. L. 108–136, set out as an Effective Date note under section 2103a of Title 10, Armed Forces.

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107–314, div. A, title X, §1062(g), Dec. 2, 2002, 116 Stat. 2651, provided that the amendment made by section 1062(g)(2) is effective as of Oct. 30, 2000, and as if included in Pub. L. 106–398 as enacted.

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by section 1 [[div. A], title VI, §612(b)] of Pub. L. 106–398 effective Oct. 1, 2001, see section 1 [[div. A], title VI, §612(d)] of Pub. L. 106–398, set out as a note under section 203 of this title.

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106–65, div. A, title V, §546(b), Oct. 5, 1999, 113 Stat. 608, provided that: ''The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1999.''

EFFECTIVE DATE OF 1994 AMENDMENT

Section 603(b) of Pub. L. 103–337 provided that:

''(1) Except as provided in paragraph (2), the amendments made by subsection (a) [amending this section] shall apply with respect to months beginning after August 31, 1995.

''(2) Upon the approval of the Secretary of Defense, the Secretary of a military department may implement such amendments at an earlier date with respect to members of the Senior Reserve Officers' Training Corps under the jurisdiction of the Secretary if funds are available for the monthly subsistence allowances authorized by such amendments.''

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–456 applicable with respect to training performed after Sept. 30, 1988, see section 633(e) of Pub. L. 100–456, set out as a note under section 2109 of Title 10, Armed Forces.

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.

EFFECTIVE DATE OF 1971 AMENDMENT

Section 2 of Pub. L. 92–171 provided that: ''The amendments made by this Act [amending this section] shall become effective on July 1, 1971.''

EFFECTIVE DATE OF 1965 AMENDMENT

Amendment by Pub. L. 89–51 effective Oct. 13, 1964, see section 4 of Pub. L. 89–51, set out as a note under section 2109 of Title 10, Armed Forces.

SUBSISTENCE ALLOWANCES FOR MEMBERS OF THE MARINE CORPS OFFICER CANDIDATE PROGRAMS

Pub. L. 92–172, Nov. 24, 1971, 85 Stat. 491, as amended by Pub. L. 94–361, title VI, §604, July 14, 1976, 90 Stat. 929; Pub. L. 95–79, title VIII, §806, July 30, 1977, 91 Stat. 334; Pub. L. 95–485, title VIII, §803, Oct. 20, 1978, 92 Stat. 1620, which provided that until Sept. 30, 1980, except when on active duty, a member enrolled in a Marine Corps officer candidate program which required a baccalaureate degree as a prerequisite to being commissioned as a regular or reserve officer, and who was not enrolled in a program or an academy established under chapter 103, 403, 603, or 903 of Title 10, Armed Forces, could be paid a subsistence allowance at the same rate as that prescribed by subsec. (a) of this section, was repealed by Pub. L. 96–342, title VIII, §811(b), Sept. 8, 1980, 94 Stat. 1098. See subsec. (d) of this section.

§210. Pay of senior enlisted members during terminal leave and while hospitalized

(a) A noncommissioned officer of an armed force who, immediately following the completion of service as the senior enlisted member of that armed force, is placed on terminal leave pending retirement shall be entitled, for not more than 60 days while in such status, to the rate of basic pay authorized for the senior enlisted member of that armed force.

(b) A noncommissioned officer of an armed force who is hospitalized and who, during or immediately before such hospitalization, completed service as the senior enlisted member of that armed force, shall continue to be entitled, for not more than 180 days while so hospitalized, to the rate of basic pay authorized for the senior enlisted member of that armed force.

(c) In this section, the term ''senior enlisted member'' means the following:

(1) The Sergeant Major of the Army.

(2) The Master Chief Petty Officer of the Navy.

(3) The Chief Master Sergeant of the Air Force.

(4) The Sergeant Major of the Marine Corps.

(5) The Master Chief Petty Officer of the Coast Guard.

(6) The Senior Enlisted Advisor to the Chairman of the Joint Chiefs of Staff.

(Added Pub. L. 102–190, div. A, title VI, § 606(a), Dec. 5, 1991, 105 Stat. 1374; amended Pub. L. 104–201, div. A, title VI, § 603(a), (b)(1), Sept. 23, 1996, 110 Stat. 2540; Pub. L. 109–163, div. A, title VI, § 685(b), Jan. 6, 2006, 119 Stat. 3325; Pub. L. 109–364, div. A, title X, § 1071(c)(1), Oct. 17, 2006, 120 Stat. 2400.)

AMENDMENTS

2006—Subsec. (c)(6). Pub. L. 109–364 substituted ''Advisor to'' for ''Advisor for''.

Pub. L. 109–163 added par. (6).

1996—Pub. L. 104–201, § 603(b)(1), substituted ''Pay of senior enlisted members during terminal leave and while hospitalized'' for ''Pay of the senior noncommissioned officer of an armed force during terminal leave'' in section catchline.

Subsecs. (b), (c). Pub. L. 104–201, § 603(a), added subsec. (b) and redesignated former subsec. (b) as (c).

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 211. Participation in Thrift Savings Plan

(a) DEFINITION.—In this section, the term ''member'' means—

(1) a member of the uniformed services serving on active duty; and

(2) a member of the Ready Reserve in any pay status.

(b) AUTHORITY.—Any member may participate in the Thrift Savings Plan in accordance with section 8440e of title 5.

(c) RULE OF CONSTRUCTION REGARDING SEPARATION.—For purposes of subchapters III and VII of chapter 84 of title 5, each of the following actions shall, in the case of a member participating in the Thrift Savings Plan in accordance with section 8440e of such title, be considered a separation from Government employment:

(1) Release of the member from active duty, not followed, before the end of the 31-day period beginning on the day following the effective date of the release, by—

(A) a resumption of active duty; or

(B) an appointment to a position covered by chapter 83 or 84 of title 5 or an equivalent retirement system, as identified by the Executive Director (appointed by the Federal Retirement Thrift Investment Board) in regulations.

(2) Transfer of the member to inactive status, or to a retired list pursuant to any provision of title 10.

(d) AGENCY CONTRIBUTIONS FOR RETENTION IN CRITICAL SPECIALTIES AND FIRST-TIME ENLISTEES.—(1) The Secretary concerned may enter into an agreement with a member to make contributions to the Thrift Savings Fund for the benefit of the member if the member—

(A)(i) is in a specialty designated by the Secretary as critical to meet requirements (whether such specialty is designated as critical to meet wartime or peacetime requirements); and

(ii) commits in such agreement to continue to serve on active duty in that specialty for a period of 6 years; or

(B) is enlisting in the armed forces for the first time and the period of the member's enlistment is not less than two years.

(2) Under any agreement entered into with a member under paragraph (1)(A), the Secretary shall make contributions to the Fund for the benefit of the member for each pay period of the 6-year period of the agreement for which the member makes a contribution to the Fund under section 8440e of title 5 (other than under subsection (d)(2) thereof).

(3) In the case of a member described by paragraph (1)(B), the Secretary shall make contributions to the Fund for the benefit of the member for each pay period of the enlistment of the member described in that paragraph for which the member makes a contribution to the Fund under section 8440e of title 5 (other than under subsection (d)(2) thereof).

(4) Paragraph (2) of section 8432(c) of title 5 applies to the Secretary's obligation to make contributions under this subsection, except that the reference in such paragraph (2) to contributions under paragraph (1) of such section 8432(c) does not apply.

(Added and amended Pub. L. 106–65, div. A, title VI, §§ 661(a)(1)(A), 662, Oct. 5, 1999, 113 Stat. 670, 672; Pub. L. 109–163, div. A, title VI, § 605, Jan. 6, 2006, 119 Stat. 3287.)

AMENDMENTS

2006—Subsec. (d). Pub. L. 109–163, § 605(b), inserted ''and First-Time Enlistees'' after ''Specialties'' in heading.

Subsec. (d)(1). Pub. L. 109–163, § 605(a)(1), designated existing provisions of subpar. (A) as cl. (i), redesignated former subpar. (B) as cl. (ii) of subpar. (A) and substituted ''; or'' for period at end, and added a new subpar. (B).

Subsec. (d)(2) to (4). Pub. L. 109–163, § 605(a)(2)–(4), substituted ''member under paragraph (1)(A)'' for ''member under paragraph (1)'' in first sentence of par. (2), added par. (3), designated second sentence of par. (2) as (4), and in par. (4) substituted ''this subsection'' for ''this paragraph''.

1999—Subsec. (d). Pub. L. 106–65, § 662, added subsec. (d).

EFFECTIVE DATE

Section and amendment by Pub. L. 106–65 effective 180 days after Oct. 30, 2000, unless postponed, see section 663 of Pub. L. 106–65, as amended, set out as a note under section 8440e of Title 5, Government Organization and Employees.

PILOT PROGRAM ON CONTRIBUTIONS TO THRIFT SAVINGS PLAN FOR INITIAL ENLISTEES IN THE ARMY

Pub. L. 109–163, div. A, title VI, §606, Jan. 6, 2006, 119 Stat. 3287, as amended by Pub. L. 109–364, div. A, title VI, §608, title X, §1071(e)(3), Oct. 17, 2006, 120 Stat. 2247, 2401, provided that:

''(a) PILOT PROGRAM REQUIRED.—During the period beginning on January 6, 2006, and ending on December 31, 2008, the Secretary of the Army shall use the authority provided by section 211(d)(1)(B) of title 37, United States Code, as amended by section 605, to carry out within the Army a pilot program in order to assess the extent to which contributions by the Secretary to the Thrift Savings Fund on behalf of members of the Army described in subsection (b) would—

''(1) assist the Army in recruiting efforts; and

''(2) assist such members in establishing habits of financial responsibility during their initial enlistment in the Armed Forces.

''(b) COVERED MEMBERS.—To be eligible to participate in the pilot program under subsection (a), a member of the Army must be serving under an initial enlistment for a period of not less than two years.

''(c) CONTRIBUTIONS TO THRIFT SAVINGS FUND.—

''(1) IN GENERAL.—The Secretary of the Army may make contributions to the Thrift Savings Fund on behalf of any participant in the pilot program under subsection (a) for any pay period during the period of the pilot program.

''(2) LIMITATIONS.—The amount of any contributions made with respect to a member under paragraph (1) shall be subject to the provisions of section 8432(c) of title 5, United States Code.

''(d) REPORT.—

''(1) IN GENERAL.—Not later than February 1, 2008, the Secretary of Defense shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report on the pilot program under subsection (a).

''(2) ELEMENTS.—The report shall include the following:

''(A) A description of the pilot program, including the number of members of the Army who participated in the pilot program and the contributions made by the Army to the Thrift Savings Fund on behalf of such members during the period of the pilot program.

''(B) An assessment, based on the pilot program and taking into account the views of officers and senior enlisted personnel of the Army, and of field recruiters, of the extent to which contributions by the military departments to the Thrift Savings Fund on behalf of members of the Armed Forces similar to the participants in the pilot program—

''(i) would enhance the recruiting efforts of the Armed Forces; and

''(ii) would assist such members in establishing habits of financial responsibility during their initial enlistment in the Armed Forces.''

§212. Advancement of basic pay: members deployed in combat zone for more than one year

(a) ELIGIBILITY; AMOUNT ADVANCED.—If a member of the armed forces is assigned to duty in an area for which special pay under section 310 of this title is available and the assignment is pursuant to orders specifying an assignment of one year or more (or the assignment is extended beyond one year), the member may request, during the period of the assignment, the advanced payment of not more than three months of the basic pay of the member.

(b) CONSIDERATION OF REQUEST.—A request by a member described in subsection (a) for the advanced payment of a single month of basic pay shall be granted. The Secretary concerned may grant a member's request for a second or third month of advanced basic pay during the assignment upon a showing of financial hardship.

(c) RECOUPMENT OF ADVANCED PAY.—The Secretary concerned shall recoup an advance made on the basic pay of a member under this section in equal installments over a one-year period beginning as provided in subsection (d). If the member is serving on active duty for any month during the recoupment period, the amount of the installment for the month shall be deducted from the basic pay of the member for that month. The estate of a deceased member shall not be required to repay any portion of the advanced pay paid to the member and not repaid before the death of the member.

(d) COMMENCEMENT OF RECOUPMENT.—The recoupment period for an advancement of basic pay to a member under this section shall commence on the first day of the first month beginning on or after the date on which the member receives the advanced pay.

(Added Pub. L. 108–375, div. A, title VI, §606(a), Oct. 28, 2004, 118 Stat. 1945.)

CHAPTER 5—SPECIAL AND INCENTIVE PAYS

Sec.

301. Incentive pay: hazardous duty.
301a. Incentive pay: aviation career.
301b. Special pay: aviation career officers extending period of active duty.
301c. Incentive pay: submarine duty.
301d. Multiyear retention bonus: medical officers of the armed forces.
301e. Multiyear retention bonus: dental officers of the armed forces.
302. Special pay: medical officers of the armed forces.
302a. Special pay: optometrists.
302b. Special pay: dental officers of the armed forces.
302c. Special pay: psychologists and nonphysician health care providers.
302d. Special pay: accession bonus for registered nurses.
302e. Special pay: nurse anesthetists.
302f. Special pay: reserve, recalled, or retained health care officers.
302g. Special pay: Selected Reserve health care professionals in critically short wartime specialties.
302h. Special pay: accession bonus for dental officers.
302i. Special pay: pharmacy officers.
302j. Special pay: accession bonus for pharmacy officers.
302k. Special pay: accession bonus for medical officers in critically short wartime specialties.
302*l*. Special pay: accession bonus for dental specialist officers in critically short wartime specialties.
303. Special pay: veterinarians.
303a. Special pay: general provisions.
303b. Waiver of board certification requirements.
304. Special pay: diving duty.
305. Special pay: hardship duty pay.
305a. Special pay: career sea pay.
305b. Special pay: service as member of Weapons of Mass Destruction Civil Support Team.
306. Special pay: officers holding positions of unusual responsibility and of critical nature.
306a. Special pay: members assigned to international military headquarters.