

1980, 94 Stat. 1126; Pub. L. 102-25, title VII, §702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 105-85, div. A, title VI, §619(d), Nov. 18, 1997, 111 Stat. 1790.)

## AMENDMENTS

1997—Subsec. (d). Pub. L. 105-85 substituted “duty at a hardship duty location” for “duty at certain places”.

1991—Subsec. (c)(1). Pub. L. 102-25 struck out “of this section” after “subsection (d)” in subpar. (A) and after “subsection (e)” in subpar. (B).

1980—Pub. L. 96-343 substituted “and warrant officers appointed as officers;” for “appointed as officers;” in section catchline, and, in generally revising section, struck out provision for temporary appointment of enlisted members as officers, provided for pay and allowances for warrant officers who accept appointment as commissioned officers, and specified what pay and allowances include and what rates and allowances of a grade which an officer formerly held are for purposes of this section.

## EFFECTIVE DATE OF 1980 AMENDMENT

Section 6(c) of Pub. L. 96-343 provided that: “The amendments made by this section [amending this section and section 203 of this title] shall be effective with respect to periods for which pay and allowances are payable which begin after August 31, 1980.”

### § 908. Employment of reserves and retired members by foreign governments

(a) CONGRESSIONAL CONSENT.—Subject to subsection (b), Congress consents to the following persons accepting civil employment (and compensation for that employment) for which the consent of Congress is required by the last paragraph of section 9 of article I of the Constitution, related to acceptance of emoluments, offices, or titles from a foreign government:

- (1) Retired members of the uniformed services.
- (2) Members of a reserve component of the armed forces.
- (3) Members of the Commissioned Reserve Corps of the Public Health Service.

(b) APPROVAL REQUIRED.—A person described in subsection (a) may accept employment or compensation described in that subsection only if the Secretary concerned and the Secretary of State approve the employment.

(c) MILITARY SERVICE IN FOREIGN ARMED FORCES.—For a provision of law providing the consent of Congress to service in the military forces of certain foreign nations, see section 1060 of title 10.

(Added Pub. L. 97-295, §3(6)(A), Oct. 12, 1982, 96 Stat. 1304; amended Pub. L. 102-25, title VII, §702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 103-160, div. A, title XIV, §1433(c), Nov. 30, 1993, 107 Stat. 1834; Pub. L. 103-337, div. A, title X, §1070(d)(6), Oct. 5, 1994, 108 Stat. 2858.)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
908 .....	37:801 (note).	Aug. 17, 1977, Pub. L. 95-105, §509(a)-(c), 91 Stat. 859.

In subsection (a), the words “for which” are substituted for “with respect to which” for clarity.

The text of section 509(c) of the Act of August 17, 1977, is omitted as unnecessary because of the definitions in 37:101.

## AMENDMENTS

1994—Subsec. (c). Pub. L. 103-337 substituted “1060” for “1058”.

1993—Pub. L. 103-160 inserted headings in subsecs. (a) and (b) and added subsec. (c).

1991—Subsec. (a). Pub. L. 102-25 struck out “of this section” after “subsection (b)”.

Subsec. (b). Pub. L. 102-25 struck out “of this section” after “subsection (a)”.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 section 1060; title 22 section 3622.

## CHAPTER 19—ADMINISTRATION

Sec.

1001. Regulations relating to pay and allowances.
1002. Additional training or duty without pay: Reserves and members of National Guard.
1003. Assimilation of pay and allowances.
1004. Computation of pay and allowances for month or part of month.
1005. Army and Air Force: prompt payments required.
1006. Advance payments.
1007. Deductions from pay.
1008. Presidential recommendations concerning adjustments and changes in pay and allowances.
1009. Adjustments of monthly basic pay.
1010. Commissioned officers: promotions; effective date for pay and allowances.<sup>1</sup>
1011. Mess operations: reimbursement of expenses.<sup>1</sup>
1012. Disbursement and accounting: pay of enlisted members of the National Guard.
1013. Payment of compensation for victims of terrorism.
1014. Payment date for pay and allowances.

## AMENDMENTS

1997—Pub. L. 105-85, div. A, title VI, §604(a)(2), Nov. 18, 1997, 111 Stat. 1784, substituted “monthly basic pay” for “compensation” in item 1009.

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.

1987—Pub. L. 100-26, §8(b)(2), Apr. 21, 1987, 101 Stat. 285, redesignated item 1013 “Payment date for pay and allowances” as 1014.

1986—Pub. L. 99-500, §101(c) [title IX, §9103(2)], Oct. 18, 1986, 100 Stat. 1783-82, 1783-118, and Pub. L. 99-591, §101(c) [title IX, §9103(2)], Oct. 30, 1986, 100 Stat. 3341-82, 3341-118, added item 1013, relating to payment date for pay and allowances.

Pub. L. 99-399, title VIII, §806(e)(2), Aug. 27, 1986, 100 Stat. 889, added item 1013, relating to payment of compensation for victims of terrorism.

1985—Pub. L. 99-145, title XIII, §1303(b)(13)(C), Nov. 8, 1985, 99 Stat. 741, inserted “: pay of enlisted members of the National Guard” in item 1012.

1982—Pub. L. 97-258, §2(i)(2)(A), Sept. 13, 1982, 96 Stat. 1061, added item 1012.

1980—Pub. L. 96-513, title V, §§506(9), 516(21), Dec. 12, 1980, 94 Stat. 2919, 2939, added items 1010 and 1011 and substituted “Force:” for “Force;” in item 1005.

1974—Pub. L. 93-419, §4, Sept. 19, 1974, 88 Stat. 1152, added item 1009.

1965—Pub. L. 89-132, §2(b), Aug. 21, 1965, 79 Stat. 547, added item 1008.

### § 1001. Regulations relating to pay and allowances

(a) A Secretary of a military department may not prescribe a regulation under this title or any

<sup>1</sup> So in original. Does not conform to section catchline.

other law, relating to the pay and allowances of members of an armed force under that department, unless it has been approved under procedures prescribed by the Secretary of Defense.

(b) Regulations of the Secretary concerned relating to pay and allowances matters, similar to those covered by subsection (a), for members of the Coast Guard, the National Oceanic and Atmospheric Administration, and the Public Health Service, shall, as far as practicable, conform to regulations approved under that subsection.

(c) The Secretary of Defense, the Secretary of Transportation, the Secretary of Commerce, or the Secretary of Health and Human Services, may obtain from the Comptroller General an advisory opinion with respect to a proposed regulation especially affecting a department under that Secretary's jurisdiction.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 489; Pub. L. 89-718, §§ 49(a)(1), 69, Nov. 2, 1966, 80 Stat. 1121, 1123; Pub. L. 90-623, § 3(1), Oct. 22, 1968, 82 Stat. 1314; Pub. L. 96-513, title V, § 516(22), Dec. 12, 1980, 94 Stat. 2939; Pub. L. 102-25, title VII, § 702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1001(a) .....	37:324 (1st sentence).	Oct. 12, 1949, ch. 681, § 534;
1001(b) .....	37:324 (2d sentence).	added Sept. 2, 1957,
1001(c) .....	37:324 (less 1st and 2d sentences).	Pub. L. 85-272, § 4, 71 Stat. 597.

In subsection (a), the words "within the Department of Defense" are omitted as surplusage. The words "members of the armed forces" are substituted for the words "military personnel".

In subsection (b), the words "conform to" are substituted for the words "agree with".

In subsection (c), the words "or departments" are omitted, since, under section 1 of title 1, words importing the singular include and apply to several persons, parties, or things.

AMENDMENTS

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

1980—Subsec. (b). Pub. L. 96-513, § 516(22)(A), substituted "National Oceanic and Atmospheric Administration" for "Environmental Science Services Administration".

Subsec. (c). Pub. L. 96-513, § 516(22)(B), substituted "Secretary of Health and Human Services" for "Secretary of Health, Education, and Welfare".

1968—Subsec. (c). Pub. L. 90-623 substituted "Secretary of Transportation" for "Secretary of the Treasury".

1966—Subsec. (b). Pub. L. 89-718 substituted "Environmental Science Services Administration" for "Coast and Geodetic Survey", and inserted "and allowances" between "pay" and "matters".

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 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.

§ 1002. Additional training or duty without pay: Reserves and members of National Guard

(a) A member of the National Guard, or of a reserve component of a uniformed service, may, with his consent, be given additional training or other duty as provided by law, without pay, as may be authorized by the Secretary concerned.

(b) A member who performs training or other duty without pay under subsection (a) may, in the discretion of the Secretary concerned, be authorized the travel and transportation allowances prescribed by section 404(a)-(d), and (f), of this title for travel performed to and from that training or duty, and, during the performance of that training or duty, be furnished with subsistence and quarters in kind or commutation thereof at a rate to be fixed by the Secretary concerned.

(c) This section does not authorize compensation for work or study performed by a member of a reserve component in connection with correspondence courses of an armed force.

(d) This section does not apply to a member who is entitled to basic pay under chapter 3 of this title.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 489; Pub. L. 102-25, title VII, § 702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1002(a) .....	37:301(b) (1st sentence, less last 75 words).	Oct. 12, 1949, ch. 681, § 501(b), (e) (as applicable to duty without pay), 63 Stat. 826, 827;
1002(b) .....	37:301(b) (last 75 words of 1st sentence).	Aug. 10, 1956, ch. 1041, § 20(f), 70A Stat. 629;
1002(c) .....	37:301(b) (less 1st sentence).	June 30, 1960, Pub. L. 86-559, § 8, 74 Stat. 282;
1002(d) .....	37:301(e) (as applicable to duty without pay).	Aug. 25, 1961, Pub. L. 87-164, 75 Stat. 401.

In subsection (a), the words "A member of the National Guard, or of a reserve component" are substituted for the enumeration of those reserve categories to conform to other sections of this revised title.

In subsection (b), the words "section 404(a)-(d), and (f), of this title" are substituted for the words "section 253(a) of this title" to reflect the section of this revised title which restates that section.

Subsection (d) is substituted for section 301(e) of existing title 37.

AMENDMENTS

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

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1012 of this title.

§ 1003. Assimilation of pay and allowances

Chapters 3 and 5 and sections 402-407, 409-411, and 414 of this title apply equally to persons who are not serving as members of a uniformed service but whose pay or allowances, or both, are assimilated under law or a regulation prescribed under law, to the pay or allowances, or both, of commissioned officers, warrant officers, or enlisted members of any grade, rank, or rating in any uniformed service.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 490.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1003 .....	37:309.	Oct. 12, 1949, ch. 681, §509; restated May 19, 1952, ch. 310, §3, 66 Stat. 80.

**§ 1004. Computation of pay and allowances for month or part of month**

A member of a uniformed service who is entitled to pay and allowances under this title for a continuous period of less than one month is entitled to his pay and allowances for each day of that period at the rate of  $\frac{1}{30}$  of the monthly amount of his pay and allowances. The thirty-first day of a calendar month may not be excluded from a computation under this section.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 490.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1004 .....	37:310.	Oct. 12, 1949, ch. 681, §510, 63 Stat. 828.

**§ 1005. Army and Air Force: prompt payments required**

Members of the Army and of the Air Force shall be paid at such times that arrears will at no time be more than two months, unless circumstances make further arrears unavoidable.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 490.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1005 .....	37:310b.	R.S. 1189.

The applicability of this section to members of the Air Force is based on Department of Defense Transfer Order No. 25, dated October 14, 1948.

**§ 1006. Advance payments**

(a) Under regulations prescribed by the Secretary concerned, a member of a uniformed service may be paid in advance—

(1) not more than three months' pay of such member upon such member's change of permanent station; or

(2) the amount of an allotment made from such member's pay to a dependent if such member is assigned or scheduled for assignment to sea duty or other duty with a unit or command deployed or to be deployed outside the United States and the allotment is made by such member not more than sixty days before the scheduled date of the assignment of such member to such duty.

(b) Under regulations prescribed by the Secretary concerned, a member of a uniformed service who is on duty at a distant station where the pay and emoluments to which he is entitled cannot be disbursed regularly, may be paid in advance.

(c) Under regulations prescribed by the Secretary concerned, an advance of pay to a member of a uniformed service who is on duty out-

side the United States, or other place designated by the Secretary of Defense, of not more than two months' basic pay may be made to a member if the member or the dependents of the member are ordered evacuated by competent authority. An advance of pay under this subsection is not subject to the conditions under which advances of pay may be made under subsection (a) or (b). An advance may be made on the basis of the evacuation of a member's dependents only if all dependents of members of the uniformed services are ordered evacuated from the place where the member's dependents are located. In the case of a member with dependents, the payment may be made directly to dependents previously designated by the member. The Secretary concerned or his designee may waive any right of recovery of not more than one month's basic pay advanced under this subsection if he finds that recovery of the advance would be against equity and good conscience or against the public interest.

(d) If a person to whom an advance of pay is made under subsection (a), (b), or (c) dies or is separated from his uniformed service, before liquidation of that advance, the amount remaining unliquidated at the time of his death or separation shall be credited to the account of the disbursing officer concerned. However, the unliquidated amount remains a debt of that person or his estate to the United States.

(e) As far as practicable, regulations for the administration of subsections (a)-(d) shall be uniform for all of the uniformed services.

(f) Under regulations prescribed by the Secretary of Transportation, an advance of pay of not more than three months' pay may be made to an officer of the Coast Guard who is ordered to sea duty or to or from shore duty beyond the seas. In addition, the Commandant of the Coast Guard may direct such advances as he considers necessary and proper to members of the Coast Guard stationed at distant stations where the pay and emoluments to which they are entitled cannot be paid regularly.

(g) Under regulations prescribed by the Secretary concerned, the dislocation allowance authorized by section 407 of this title for a member of a uniformed service whose dependents are covered by section 405a(a) of this title may be paid in advance of the evacuation of the dependents and to the dependents designated by the member.

(h) Notwithstanding subsections (a) and (b) of section 3324 of title 31, the Secretary concerned may, when the last day of the pay period falls on a Saturday, Sunday, or legal holiday, authorize the payment of pay and allowances to members of uniformed service under his jurisdiction on the preceding workday but not more than three days before the last day of that pay period. If a member dies after he has received an advance payment under this subsection, but before the last day of the pay period for which the payment is made, no part of the amount so advanced is recoverable by the United States.

(i) Under regulations prescribed by the Secretary concerned, not more than one month's pay may be paid in advance to a member of the Armed Forces Health Professions Scholarship

program upon reporting for a period of active duty required by section 2121(c) of title 10.

(j) Under regulations prescribed by the Secretary concerned, not more than one month's pay may be paid in advance to a member of the Senior Reserve Officers' Training Corps who is ordered to field training or a practice required under section 2109 of title 10.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 490; Pub. L. 89-26, §1(6), May 22, 1965, 79 Stat. 117; Pub. L. 89-193, Sept. 21, 1965, 79 Stat. 823; Pub. L. 89-718, §70, Nov. 2, 1966, 80 Stat. 1123; Pub. L. 90-623, §3(1), (9), Oct. 22, 1968, 82 Stat. 1314, 1315; Pub. L. 96-76, title III, §313(b), Sept. 29, 1979, 93 Stat. 586; Pub. L. 96-215, §3, Mar. 25, 1980, 94 Stat. 123; Pub. L. 96-343, §8, Sept. 8, 1980, 94 Stat. 1128; Pub. L. 96-513, title V, §516(23), Dec. 12, 1980, 94 Stat. 2939; Pub. L. 97-60, title I, §131(b), Oct. 14, 1981, 95 Stat. 1005; Pub. L. 97-258, §3(j), Sept. 13, 1982, 96 Stat. 1065; Pub. L. 99-145, title XIII, §1303(b)(12), Nov. 8, 1985, 99 Stat. 741; Pub. L. 99-661, div. A, title VI, §602(a), Nov. 14, 1986, 100 Stat. 3874; Pub. L. 102-25, title VII, §702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 102-484, div. A, title VI, §602(a), Oct. 23, 1992, 106 Stat. 2420; Pub. L. 103-160, div. A, title VI, §605(a), Nov. 30, 1993, 107 Stat. 1679.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1006(a) .....	37:310c(a).	Oct. 5, 1949, ch. 600, §1, 63 Stat. 703.
1006(b) .....	37:319c(b).	Oct. 5, 1949, ch. 600, §2; added Aug. 30, 1961, Pub. L. 87-188, §1, 75 Stat. 416.
1006(c) .....	37:310c-1.	Oct. 5, 1949, ch. 600, §2, 63 Stat. 704; redesignated as section 3, Aug. 30, 1961, Pub. L. 87-188, §2, 75 Stat. 416.
1006(d) .....	37:310d.	
1006(e) .....	37:310c (less (a) and (b)).	
1006(f) .....	14:465.	[None.]

In subsections (a) and (b), the words "a member of an armed force" are substituted for the words "commissioned and warrant officers, and enlisted men of the armed services." The words "Secretary concerned" are substituted for the words "heads of the departments concerned" to conform to the definition in section 101(5) of this revised title.

In subsection (b), the words "may be paid in advance" are substituted for the words "may have their pay and emoluments advanced".

In subsection (c), the words "Secretary concerned" are substituted for the words "heads of the departments concerned" to conform to the definition in section 101(5) of this revised title. The words "member of an armed force" are substituted for the words "members of the armed services". The words "who are" are substituted for the words "in the event such dependents are". The words "under subsection (a) or (b) of this section" are substituted for the words "in section 310c of this title" to reflect the section of this revised title which restates that section. The words "dependents of members of the armed forces" are substituted for the words "military dependents." The words "at a place" are omitted as surplusage.

In subsection (d), the words "If a" are substituted for the words "In the event the". The words "credited to the account" are substituted for the words "passed to credit in the account".

AMENDMENTS

1993—Subsec. (c). Pub. L. 103-160 substituted "the Secretary of Defense" for "the President" in first sentence.

1992—Subsec. (c). Pub. L. 102-484 inserted first four sentences and struck out former first and second sentences which read as follows: "Under regulations prescribed by the Secretary concerned, an advance of pay to a member of a uniformed service who is on duty outside the United States, or other place designated by the President, of not more than two months' basic pay may be made directly to his previously designated dependents who are ordered evacuated by competent authority. An advance of pay under this subsection is not subject to the conditions under which advances of pay may be made under subsection (a) or (b), and may be made only if all dependents of members of the uniformed services are ordered evacuated from the place where the member's dependents are located."

1991—Subsec. (c). Pub. L. 102-25 struck out "of this section" after "subsection (a) or (b)".

Subsec. (d). Pub. L. 102-25 struck out "of this section" after "subsection (a), (b), or (c)".

Subsec. (e). Pub. L. 102-25 struck out "of this section" after "subsections (a)-(d)".

1986—Subsec. (j). Pub. L. 99-661 added subsec. (j).

1985—Subsec. (h). Pub. L. 99-145 substituted "subsections (a) and (b) of section 3324" for "section 3324(a) and (b)".

1982—Subsec. (h). Pub. L. 97-258 substituted "section 3324(a) and (b) of title 31" for "section 3648 of the Revised Statutes (31 U.S.C. 529)" after "Notwithstanding".

1981—Subsec. (i). Pub. L. 97-60 added subsec. (i).

1980—Subsec. (a). Pub. L. 96-343 inserted provision authorizing an advance payment of the amount of an allotment made from the pay of a member of the uniformed services to a dependent if the member is scheduled for duty with a unit deployed outside the United States and the allotment is made not more than 60 days before the scheduled date of the assignment.

Pub. L. 96-215, §3(1), substituted "a uniformed service" for "an armed force or of the Public Health Service".

Subsec. (b). Pub. L. 96-215, §3(1), substituted "a uniformed service" for "an armed force or of the Public Health Service".

Subsec. (c). Pub. L. 96-215, §3(1), (2), substituted "a uniformed service" for "an armed force or of the Public Health Service" and "members of the uniformed services" for "members of the armed forces or of the Public Health Service".

Subsec. (d). Pub. L. 96-215, §3(3), substituted "from his uniformed service" for "from his armed force or from the Public Health Service".

Subsec. (e). Pub. L. 96-215, §3(4), substituted "uniformed services" for "armed forces and the Public Health Service".

Subsec. (h). Pub. L. 96-513 substituted "3648 of the Revised Statutes (31 U.S.C. 529)" for "529 of title 31".

Pub. L. 96-215, §3(5), substituted "a uniformed service" for "an armed force or of the Public Health Service".

1979—Subsecs. (a) to (d) and (h). Pub. L. 96-76 inserted reference to the Public Health Service.

1968—Subsec. (a). Pub. L. 90-623, §3(9), substituted "change of permanent station" for "permanent change of station".

Subsec. (f). Pub. L. 90-623, §3(1), substituted "Secretary of Transportation" for "Secretary of the Treasury".

1966—Subsec. (h). Pub. L. 89-718 redesignated as subsec. (h) the subsection relating to advance payment of pay and allowances when the last day of the pay period falls on a Saturday, Sunday, or legal holiday, formerly designated as subsec. (g).

1965—Subsec. (c). Pub. L. 89-26, §1(6)(A), empowered the Secretary concerned or his designee to waive any

right of recovery of not more than one month's basic pay advanced if he finds that recovery of the advance would be against equity and good conscience or against the public interest.

Subsec. (g). Pub. L. 89-193 added subsec. (g) relating to the payment of pay and allowances when the last day of the pay period falls on a Saturday, Sunday, or legal holiday.

Pub. L. 89-26, §1(6)(B), added subsec. (g) relating to advance payment of the dislocation allowance.

#### EFFECTIVE DATE OF 1992 AMENDMENT

Section 602(b) of Pub. L. 102-484 provided that: "The amendment made by subsection (a) [amending this section] shall apply with respect to evacuations on or after June 1, 1991."

#### EFFECTIVE DATE OF 1986 AMENDMENT

Section 602(b) of Pub. L. 99-661, as amended by Pub. L. 100-26, §3(2), Apr. 21, 1987, 101 Stat. 273, provided that: "Subsection (j) of section 1006 of title 37, United States Code, as added by subsection (a), shall apply with respect to pay payable for months beginning after the date of the enactment of this Act [Nov. 14, 1986]."

#### 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 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 and Welfare.

#### 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.

#### EFFECTIVE DATE OF 1965 AMENDMENT

Amendment by Pub. L. 89-26 effective Feb. 1, 1965, see section 2 of Pub. L. 89-26, as amended, set out as an Effective Date note under section 405a of this title.

#### FISCAL YEAR OF RECORDATION OF OBLIGATIONS

Pub. L. 94-212, title VII, §744, Feb. 9, 1976, 90 Stat. 175, provided that: "Obligations hereafter incurred for advance payments of pay and allowances pursuant to section 1006 of title 37, United States Code, shall be recorded as obligations only in the fiscal year in which such payments are earned."

### § 1007. Deductions from pay

(a) The pay of an officer of an armed force may be withheld, under section 5512 of title 5, only for an indebtedness to the United States admitted by the officer or shown by the judgment of a court, or upon a special order issued in the discretion of the Secretary of Defense (or the Secretary of Transportation, in the case of an officer of the Coast Guard when the Coast Guard is not operating as a service in the Navy), or upon the denial of relief of an officer pursuant to section 3527 of title 31.

(b) An amount due to the United States from an enlisted member of the Army or the Air Force for articles sold to him on credit under section 4621(a)(1) or 9621(a)(1) of title 10, as the case may be, shall be deducted from the next pay due him after the sale is reported. An amount due the United States from an enlisted

member of the Army or the Air Force for tobacco sold to him by the United States under section 4623 or 9623 of title 10 shall be deducted from his pay in the manner provided for the settlement of clothing accounts.

(c) Under regulations prescribed by the Secretary concerned, an amount that a member of the uniformed services is administratively determined to owe the United States or any of its instrumentalities may be deducted from his pay in monthly installments. However, after the deduction of pay forfeited by the sentence of a court-martial, if any, or otherwise authorized by law to be withheld, the deductions authorized by this section may not reduce the pay actually received for any month to less than one-third of his pay for that month.

(d) Subject to subsection (c), an amount due the United States from an enlisted member of the Army or the Air Force may be deducted from his pay on final statement, or from his savings on his clothing allowance.

(e) The amount of any damage, or cost of repairs, to arms or equipment caused by the abuse or negligence of a member of the Army or the Air Force, as the case may be, who had the care of, or was using, the property when it was damaged, shall be deducted from his pay.

(f) If, upon final settlement of the accounts of an officer of the Army or the Air Force charged with the issue of an article of military supply, there is a deficiency of that article, or if an article of military supply with whose issue an officer is charged is damaged, the value of the lost article or the amount of the damage shall be charged against the officer and deducted from his monthly pay, unless he shows to the satisfaction of the Secretary of the Army or the Secretary of the Air Force, as the case may be, by one or more affidavits setting forth the circumstances, that he was not at fault.

(g) An amount due the United States from an officer of the Army or the Air Force for rations bought on credit, and for articles bought on credit under section 4621(a)(1) or 9621(a)(1) of title 10, shall be deducted from the next pay due that officer after the sale is reported.

(h)(1) Upon request by a service relief society and subject to paragraph (2), an amount owed by a member of the uniformed services to the relief society may be deducted from the pay on final statement of such member and paid to that relief society.

(2) An amount may not be deducted under paragraph (1) from the pay of a member unless the Secretary concerned makes a determination of the amount owed in accordance with the regulations prescribed under subsection (c). Any amount determined to be owed to a service relief society under this paragraph shall be considered an amount that the member is administratively determined to owe the United States under subsection (c) and shall be collectible in accordance with such subsection.

(3) The Secretaries concerned shall prescribe regulations to carry out this subsection.

(4) In this subsection, the term "service relief society" means the Army Emergency Relief, the Air Force Aid Society, the Navy Relief Society, or the Coast Guard Mutual Assistance.

(i)(1) There shall be deducted each month from the pay of each enlisted member, warrant officer, and limited duty officer of the armed forces on active duty an amount (determined under paragraph (3)) not to exceed \$1.00.

(2) Amounts deducted under paragraph (1) shall be deposited in the Armed Forces Retirement Home Trust Fund.

(3) The Secretary of Defense, after consultation with the Armed Forces Retirement Home Board, shall determine from time to time the amount to be deducted under paragraph (1) from the pay of enlisted members, warrant officers, and limited duty officers on the basis of the financial needs of the Armed Forces Retirement Home. The amount to be deducted may be fixed at different amounts on the basis of grade or length of service, or both.

(4) In this subsection, the term “armed forces” does not include the Coast Guard when it is not operating as a service in the Navy.

(5) This subsection does not apply to an enlisted member, warrant officer, or limited duty officer of a reserve component.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 491; Pub. L. 89-718, §§ 71, 72, Nov. 2, 1966, 80 Stat. 1124; Pub. L. 90-83, § 5(3), Sept. 11, 1967, 81 Stat. 221; Pub. L. 98-525, title XIII, § 1305, Oct. 19, 1984, 98 Stat. 2613; Pub. L. 99-145, title VI, § 684, Nov. 8, 1985, 99 Stat. 666; Pub. L. 100-180, div. A, title VI, § 633(a), Dec. 4, 1987, 101 Stat. 1105; Pub. L. 101-189, div. A, title III, § 343(a), Nov. 29, 1989, 103 Stat. 1420; Pub. L. 101-510, div. A, title XV, § 1533(b), Nov. 5, 1990, 104 Stat. 1735; Pub. L. 102-25, title VII, § 702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 102-484, div. A, title X, § 1054(a)(7), Oct. 23, 1992, 106 Stat. 2502; Pub. L. 103-337, div. A, title III, § 371(a), Oct. 5, 1994, 108 Stat. 2735; Pub. L. 104-106, div. A, title IX, § 913(c)(2), Feb. 10, 1996, 110 Stat. 411; Pub. L. 104-201, div. A, title X, § 1009(c)(1), Sept. 23, 1996, 110 Stat. 2635.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1007(a) .....	10:2772. 14:461(b).	[None.] [None.]
1007(b) .....	10:4837(a). 10:9837(a).	[None.] [None.]
1007(c) .....	10:4837(b). 10:9837(b).	[None.] [None.]
1007(d) .....	10:4837(c). 10:9837(c).	[None.] [None.]
1007(e) .....	10:4837(e). 10:9837(e).	[None.] [None.]
1007(f) .....	10:4837(f). 10:9837(f).	[None.] [None.]
1007(g) .....	10:4837(g). 10:9837(g).	[None.] [None.]

REFERENCES IN TEXT

Section 4623 of title 10, referred to in subsec. (b), was repealed by Pub. L. 91-482, § 1(a), Oct. 21, 1970, 84 Stat. 1082.

PRIOR PROVISIONS

Provisions similar to those in subsec. (i) of this section were contained in section 44c of Title 24, Hospitals and Asylums, prior to repeal by Pub. L. 101-189, § 347(4).

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-201 inserted “(or the Secretary of Transportation, in the case of an officer of the Coast Guard when the Coast Guard is not operating as a service in the Navy)” after “Secretary of Defense”.

Pub. L. 104-106 substituted “Secretary of Defense, or upon the denial of relief of an officer pursuant to section 3527 of title 31” for “Secretary concerned”.

1994—Subsec. (i)(1). Pub. L. 103-337 substituted “\$1.00” for “50 cents”.

1992—Subsec. (i)(3). Pub. L. 102-484 substituted “, warrant officers, and limited duty officers” for “and warrant officers”.

1991—Subsec. (d). Pub. L. 102-25 struck out “of this section” after “subsection (c)”.

1990—Subsec. (i)(1). Pub. L. 101-510, § 1533(b)(1), substituted “, warrant officer, and limited duty officer” for “and warrant officer”.

Subsec. (i)(2). Pub. L. 101-510, § 1533(b)(2), added par. (2) and struck out former par. (2) which read as follows: “Amounts deducted under paragraph (1) shall be—

“(A) deposited in the Soldiers’ Home, permanent fund, in the case of deductions from the pay of enlisted members and warrant officers in the Army and Air Force; and

“(B) credited to the funds available for the operation of the Naval Home, in the case of deductions from the pay of enlisted members and warrant officers in the Navy, Marine Corps, or Coast Guard (when it is operating as a service in the Navy).”

Subsec. (i)(2)(B). Pub. L. 101-510, § 1533(b)(1), which directed amendment of subpar. (B) by substituting “, warrant officer, and limited duty officer” for “and warrant officer”, could not be executed because the words “and warrant officer” did not appear.

Subsec. (i)(3). Pub. L. 101-510, § 1533(b)(3), substituted “Armed Forces Retirement Home Board” for “Governor of the Naval Home and the board of commissioners for the United States Soldiers’ and Airmen’s Home” and “of the Armed Forces Retirement Home” for “of the homes”.

Pub. L. 101-510, § 1533(b)(1), which directed amendment of par. (3) by substituting “, warrant officer, and limited duty officer” for “and warrant officer”, could not be executed because the words “and warrant officer” did not appear.

Subsec. (i)(5). Pub. L. 101-510, § 1533(b)(4), substituted “, warrant officer, or limited duty officer” for “or warrant officer”.

1989—Subsec. (i). Pub. L. 101-189 added subsec. (i).

1987—Subsec. (h). Pub. L. 100-180 added subsec. (h).

1985—Subsec. (c). Pub. L. 99-145 substituted “uniformed services” for “armed forces”.

1984—Subsec. (c). Pub. L. 98-525 substituted “a member of the armed forces” for “an enlisted member of the Army or the Air Force”.

1967—Subsec. (b). Pub. L. 90-83 struck out requirement that, in case of a member of the Army, the report be made to Chief of Finance.

1966—Subsec. (a). Pub. L. 89-718, § 71, substituted “section 5512 of title 5” for “section 82 of title 5”.

Subsec. (c). Pub. L. 89-718, § 72, substituted “pay” for “basic pay” as the amount which cannot be reduced below one-third through deductions from enlisted men of the Army or Air Force who have been administratively determined to owe the United States, payable by deductions in monthly installments.

EFFECTIVE DATE OF 1994 AMENDMENT

Section 371(d)(1) of Pub. L. 103-337 provided that: “(1) The amendment made by subsection (a) [amending this section] shall take effect on January 1, 1995, and apply to years that begin on or after that date.”

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-510 effective one year after Nov. 5, 1990, see section 1541 of Pub. L. 101-510, set out as an Effective Date note under section 401 of Title 24, Hospitals and Asylums.

EFFECTIVE DATE OF 1989 AMENDMENT

Section 343(b) of Pub. L. 101-189 provided that:

“(1) Except as provided in paragraph (2), subsection (i) of section 1007 of title 37, United States Code, as

added by subsection (a), shall take effect on the first day of the first month beginning after the date of the enactment of this Act [Nov. 29, 1989].

“(2) With respect to deductions from the pay of an enlisted member or warrant officer in the Navy, Marine Corps, or Coast Guard (when it is operating as a service in the Navy), such subsection shall take effect on October 1, 1990.”

#### EFFECTIVE DATE OF 1987 AMENDMENT

Section 633(b) of Pub. L. 100-180 provided that: “Subsection (h) of section 1007 of title 37, United States Code (as added by subsection (a)), shall apply with respect to debts incurred by members of the uniformed services after the date of the enactment of this Act [Dec. 4, 1987].”

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 section 5514; title 10 section 1055; title 24 section 419.

### § 1008. Presidential recommendations concerning adjustments and changes in pay and allowances

(a) The President shall direct an annual review of the adequacy of the pays and allowances authorized by this title for members of the uniformed services.

(b) Whenever the President considers it appropriate, but in no event later than January 1, 1967, and not less than once each four years thereafter, he shall direct a complete review of the principles and concepts of the compensation system for members of the uniformed services. Upon completion of such review he shall submit a detailed report to Congress summarizing the results of such review together with any recommendations he may have proposing changes in the statutory salary system and other elements of the compensation structure provided members of the uniformed services.

(Added Pub. L. 89-132, §2(a), Aug. 21, 1965, 79 Stat. 546; amended Pub. L. 104-106, div. A, title VI, §642(b), Feb. 10, 1996, 110 Stat. 368.)

#### AMENDMENTS

1996—Subsec. (a). Pub. L. 104-106 struck out at end “Upon completion of this review, but not later than March 31 of each year, the President shall submit to Congress a detailed report summarizing the results of such annual review together with any recommendations for adjustments in the rates of pay and allowances authorized by this title.”

#### EFFECTIVE DATE

Section effective Sept. 1, 1965, see section 10 of Pub. L. 89-132, set out as an Effective Date of 1965 Amendment note under section 203 of this title.

#### DELEGATION OF REPORTING FUNCTION

Memorandum of the President of the United States, June 9, 1989, 54 F.R. 25561, provided:

Memorandum for the Secretary of Defense

By virtue of the authority vested in me by the Constitution and laws of the United States, including Section 301 of Title 3 of the United States Code, I authorize you to submit to the Congress the report summarizing the results of the review of the principles and concepts of the compensation system for members of the uniformed services, as required by P.L. 89-132, Sec. 2(a), August 21, 1965 (37 U.S.C. 1008(b)).

You are authorized and directed to publish this memorandum in the Federal Register.

GEORGE BUSH.

### § 1009. Adjustments of monthly basic pay

(a) ADJUSTMENT REQUIRED.—Whenever the General Schedule of compensation for Federal classified employees, as contained in section 5332 of title 5, is adjusted upward as provided in section 5303 of such title, the President shall immediately make an upward adjustment in the monthly basic pay authorized members of the uniformed services by section 203(a) of this title.

(b) EFFECTIVENESS OF ADJUSTMENT.—An adjustment under this section shall—

(1) have the force and effect of law; and

(2) carry the same effective date as that applying to the compensation adjustments provided General Schedule employees.

(c) EQUAL PERCENTAGE INCREASE FOR ALL MEMBERS.—Subject to subsection (d), an adjustment under this section shall provide all eligible members with an increase in the monthly basic pay which is of the same percentage as the overall average percentage increase in the General Schedule rates of both basic pay and locality pay for civilian employees.

(d) ALLOCATION OF INCREASE AMONG PAY GRADES AND YEARS-OF-SERVICE.—(1) Subject to paragraph (2), whenever the President determines such action to be in the best interest of the Government, he may allocate the overall percentage increase in the monthly basic pay under subsection (a) among such pay grade and years-of-service categories as he considers appropriate.

(2) In making any allocation of an overall percentage increase in basic pay under paragraph (1)—

(A) the amount of the increase in basic pay for any given pay grade and years-of-service category after any allocation made under this subsection may not be less than 75 percent of the amount of the increase in the monthly basic pay that would otherwise have been effective with respect to such pay grade and years-of-service category under subsection (c); and

(B) the percentage increase in the monthly basic pay in the case of any member of the uniformed services with four years or less service may not exceed the overall percentage increase in the General Schedule rates of basic pay for civilian employees.

(e) NOTICE OF ALLOCATIONS.—Whenever the President plans to exercise the authority of the President under subsection (d) with respect to any anticipated increase in the monthly basic pay of members of the uniformed services, the President shall advise Congress, at the earliest practicable time prior to the effective date of such increase, regarding the proposed allocation of such increase.

(f) PROTECTION OF MEMBER'S TOTAL COMPENSATION WHILE PERFORMING CERTAIN DUTY.—(1) The total daily equivalent amount of the elements of compensation described in paragraph (3), together with other pay and allowances under this title, to be paid to a member of the uniformed services who is temporarily assigned to duty away from the member's permanent duty station or to duty under field conditions at the

member's permanent duty station shall not be less, for any day during the assignment period, than the total amount, for the day immediately preceding the date of the assignment, of the elements of compensation and other pay and allowances of the member.

(2) Paragraph (1) shall not apply with respect to an element of compensation or other pay or allowance of a member during an assignment described in such paragraph to the extent that the element of compensation or other pay or allowance is reduced or terminated due to circumstances unrelated to the assignment.

(3) The elements of compensation referred to in this subsection mean—

(A) the monthly basic pay authorized members of the uniformed services by section 203(a) of this title;

(B) the basic allowance for subsistence authorized members of the uniformed services by section 402 of this title; and

(C) the basic allowance for housing authorized members of the uniformed services by section 403 of this title.

(g) **QUADRENNIAL ASSESSMENT OF ALLOCATIONS.**—The allocations of increases made under this section shall be assessed in conjunction with the quadrennial review of military compensation required by section 1008(b) of this title.

(Added Pub. L. 93-419, § 4, Sept. 19, 1974, 88 Stat. 1152; amended Pub. L. 94-361, title III, § 303, July 14, 1976, 90 Stat. 925; Pub. L. 96-342, title VIII, § 803, Sept. 8, 1980, 94 Stat. 1091; Pub. L. 96-513, title V, § 516(24), Dec. 12, 1980, 94 Stat. 2939; Pub. L. 102-25, title VII, § 702(b)(1), (2), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 104-106, div. A, title VI, § 642(c), Feb. 10, 1996, 110 Stat. 368; Pub. L. 105-85, div. A, title VI, §§ 604(a)(1), 605, Nov. 18, 1997, 111 Stat. 1783, 1784.)

#### REFERENCES IN TEXT

The General Schedule, referred to in subsecs. (b)(2), (c), and (d)(2)(B), is set out under section 5332 of Title 5, Government Organization and Employees.

#### AMENDMENTS

1997—Pub. L. 105-85, § 604(a)(1), amended section generally. Prior to amendment, section consisted of subsecs. (a) to (f) relating to adjustments of compensation for members of the uniformed services.

Subsecs. (f), (g). Pub. L. 105-85, § 605, added subsec. (f) and redesignated former subsec. (f) as (g).

1996—Subsec. (f). Pub. L. 104-106 struck out “, and a full report shall be made to the Congress summarizing the objectives and results of those allocations” after “of this title”.

1991—Subsecs. (b)(3), (c) to (e). Pub. L. 102-25 struck out “of this section” and “of this subsection” wherever appearing.

1980—Subsec. (a). Pub. L. 96-513, § 516(24)(A), struck out “, United States Code,” after “5”.

Subsec. (b)(2). Pub. L. 96-513, § 516(24)(B), struck out reference to section 8 of the Act of Dec. 16, 1967 (Pub. L. 90-207).

Subsec. (b)(3). Pub. L. 96-513, § 803(1), substituted “subsections (c) and (d) of this section” for “subsection (c)”.

Subsec. (c). Pub. L. 96-342, § 803(2), (3), redesignated existing provision as par. (1), inserted “of this section” after “subsection (b)(3)” in two places and after “subsection (a)”, substituted “75 percent” for “75 per cen-

tum”, redesignated subsec. (d) as par. (2), substituted “under paragraph (1) of this subsection” for “under subsection (c)” in two places, inserted “of this section” after “subsection (a)”, “subsection (c)”, and “subsection (b)(3)”, respectively, and “of this title” after “section 403(b) or (c)” in two places.

Subsec. (d). Pub. L. 96-342, § 803(3), (4), added subsec. (d) and redesignated former subsec. (d) as (c)(2).

Subsec. (e). Pub. L. 96-342, § 803(5), inserted “or (d) of this section” after “subsection (c)” and struck out “among the different elements of compensation” after “allocation of such increase”.

Subsec. (f). Pub. L. 96-342, § 803(6), struck out “among the three elements of compensation” after “under this section” and inserted “of this title” after “section 1008(b)”.

1976—Subsec. (b)(3). Pub. L. 94-361, § 303(a), inserted introductory phrase “subject to subsection (c),”.

Subsecs. (c) to (f). Pub. L. 94-361, § 303(b), added subsecs. (c) to (f).

#### EFFECTIVE DATE OF 1997 AMENDMENT

Section 604(b) of Pub. L. 105-85 provided that: “The amendments made by subsection (a) [amending this section] shall take effect on January 1, 1998.”

#### 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

Section 9 of Pub. L. 93-419 provided that: “This Act [enacting this section, amending sections 101, 203, 402, and 403 of this title, and enacting provisions set out as notes under this section] is effective upon enactment [Sept. 19, 1974].”

#### MILITARY PAY RAISE FOR FISCAL YEAR 1998

Section 601 of Pub. L. 105-85 provided that:

“(a) **WAIVER OF SECTION 1009 ADJUSTMENT.**—The adjustment, to become effective during fiscal year 1998, required by section 1009 of title 37, United States Code (as amended by section 604), in the rate of monthly basic pay authorized members of the uniformed services by section 203(a) of such title shall not be made.

“(b) **INCREASE IN BASIC PAY.**—Effective on January 1, 1998, the rates of basic pay of members of the uniformed services are increased by 2.8 percent.”

#### MILITARY PAY RAISE FOR FISCAL YEAR 1997

Pub. L. 104-201, div. A, title VI, § 601, Sept. 23, 1996, 110 Stat. 2539, provided that:

“(a) **WAIVER OF SECTION 1009 ADJUSTMENT.**—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1997 shall not be made.

“(b) **INCREASE IN BASIC PAY AND BAS.**—Effective on January 1, 1997, the rates of basic pay and basic allowance for subsistence of members of the uniformed services are increased by 3.0 percent.

“(c) **INCREASE IN BAQ.**—Effective on January 1, 1997, the rates of basic allowance for quarters of members of the uniformed services are increased by 4.6 percent.”

#### MILITARY PAY RAISE FOR FISCAL YEAR 1996

Section 601 of Pub. L. 104-106 provided that:

“(a) **RESCISSION OF PRIOR SECTION 1009 ADJUSTMENT.**—The adjustment made as of January 1, 1996, pursuant to section 4 of Executive Order No. 12984 (issued December 28, 1995) [5 U.S.C. 5332 note], in elements of compensation of members of the uniformed services pursuant to section 1009 of title 37, United States Code, is hereby rescinded.

“(b) **INCREASE IN BASIC PAY AND BAS.**—The rates of basic pay and basic allowance for subsistence of mem-

bers of the uniformed services, as in effect on December 31, 1995, are hereby increased by 2.4 percent.

“(c) INCREASE IN BAQ.—The rates of basic allowance for quarters of members of the uniformed services, as in effect on December 31, 1995, are hereby increased by 5.2 percent.

“(d) EFFECTIVE DATE.—This section shall take effect as of January 1, 1996.”

MILITARY PAY RAISE FOR FISCAL YEAR 1995

Pub. L. 103-337, div. A, title VI, §601(a), (b), Oct. 5, 1994, 108 Stat. 2779, provided that:

“(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1995 shall not be made.

“(b) INCREASE IN BASIC PAY, BAS, AND BAQ.—Effective on January 1, 1995, the rates of basic pay, basic allowance for subsistence, and basic allowance for quarters of members of the uniformed services are increased by 2.6 percent.”

MILITARY PAY RAISE FOR FISCAL YEAR 1994

Pub. L. 103-160, div. A, title VI, §601, Nov. 30, 1993, 107 Stat. 1677, provided that:

“(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1994 shall not be made.

“(b) INCREASE IN BASIC PAY, BAS, AND BAQ.—Effective on January 1, 1994, the rates of basic pay, basic allowance for subsistence, and basic allowance for quarters of members of the uniformed services are increased by 2.2 percent.”

MILITARY PAY RAISE FOR FISCAL YEAR 1993

Pub. L. 102-484, div. A, title VI, §601, Oct. 23, 1992, 106 Stat. 2420, provided that:

“(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1993 shall not be made.

“(b) INCREASE IN BASIC PAY, BAS, AND BAQ.—Effective on January 1, 1993, the rates of basic pay, basic allowance for subsistence, and basic allowance for quarters of members of the uniformed services are increased by 3.7 percent.”

RATE OF BASIC PAY APPLICABLE TO CERTAIN MEMBERS WITH OVER 24 YEARS OF SERVICE

Pub. L. 102-484, div. D, title XLIV, §4402, Oct. 23, 1992, 106 Stat. 2701, as amended by Pub. L. 103-160, div. A, title VI, §602(a), (b)(1), Nov. 30, 1993, 107 Stat. 1678, provided that:

“(a) RATE OF BASIC PAY.—Subject to subsection (b), the rate of monthly basic pay for a member of the uniformed services who is entitled to such pay under section 204 of title 37, United States Code, is in pay grade E-7, E-8, E-9, W-4, W-5, or O-6, and has over 24, but under 26, years of service (as computed under section 205 of such title) shall be as set forth in the following table:

“Rate of Monthly Basic Pay	
Pay Grade	24-26 Years of Service
E-7 .....	\$2,359.30
E-8 .....	\$2,639.70
E-9 .....	\$2,977.70
W-4 .....	\$3,430.90
W-5 .....	\$3,827.30
O-6 .....	\$5,417.70

“(b) APPLICATION OF PAY RATE.—The rates of monthly basic pay established under subsection (a) shall be effective for months beginning after December 31, 1992.

“(c) ADJUSTMENTS OF COMPENSATION.—The rates of monthly basic pay established under subsection (a) shall be adjusted in accordance with section 1009 of title 37, United States Code, or other applicable provision of law, except that the increase in the rates of basic pay made by section 601(b) [set out above] shall not apply to the rates established under subsection (a).”

MILITARY PAY RAISE FOR FISCAL YEAR 1992

Pub. L. 102-190, div. A, title VI, §601, Dec. 5, 1991, 105 Stat. 1372, provided that:

“(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1992 shall not be made.

“(b) INCREASE IN BASIC PAY, BAS, AND BAQ.—Effective on January 1, 1992, the rates of basic pay, basic allowance for subsistence, and basic allowance for quarters of members of the uniformed services are increased by 4.2 percent.”

RATES OF PAY AND ALLOWANCES FOR CHIEF WARRANT OFFICERS

Pub. L. 102-190, div. A, title XI, §1111(c), Dec. 5, 1991, 105 Stat. 1491, provided that: “A warrant officer who holds the grade of Chief Warrant Officer, W-5, is entitled to pay and allowances at the monthly rates as follows:

	“BASIC PAY		
	Years of service computed under section 205		
	22 or less	Over 22	Over 26
W-5 .....	3455.90	3587.10	3846.30

Pay grade	“BASIC ALLOWANCE FOR QUARTERS		
	Without dependents		With dependents
	Full rate	Partial rate	
W-5 .....	573.00	25.20	626.40

“BASIC ALLOWANCE FOR SUBSISTENCE  
134.42”

[Section 1111(c) of Pub. L. 102-190, set out above, effective Feb. 1, 1992, see section 1132 of Pub. L. 102-190, set out as an Effective Date of 1991 Amendment note under section 521 of Title 10, Armed Forces.]

MILITARY PAY RAISE FOR FISCAL YEAR 1991

Pub. L. 101-510, div. A, title VI, §601, Nov. 5, 1990, 104 Stat. 1575, provided that:

“(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1991 shall not be made.

“(b) INCREASE IN BASIC PAY, BAS, AND BAQ.—Effective on January 1, 1991, the rates of basic pay, basic allowance for subsistence, and basic allowance for quarters of members of the uniformed services are increased by 4.1 percent.”

MILITARY PAY RAISE FOR FISCAL YEAR 1990

Pub. L. 101-189, div. A, title VI, §601(a), (b), Nov. 29, 1989, 103 Stat. 1444, provided that:

“(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1990 shall not be made.

“(b) INCREASE IN BASIC PAY, BAS, AND BAQ.—The rates of basic pay, basic allowance for subsistence, and basic allowance for quarters of members of the uniformed services are increased by 3.6 percent effective on January 1, 1990.”

#### MILITARY PAY RAISE FOR FISCAL YEAR 1989

Pub. L. 100-456, div. A, title VI, §601(a), (b), Sept. 29, 1988, 102 Stat. 1976, provided that:

“(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1989 shall not be made.

“(b) INCREASE IN BASIC PAY AND BAS.—The rates of basic pay and basic allowance for subsistence of members of the uniformed services are increased by 4.1 percent effective on January 1, 1989.”

#### MILITARY PAY RAISE FOR FISCAL YEAR 1988

Pub. L. 100-180, div. A, title VI, §601(a), (b), Dec. 4, 1987, 101 Stat. 1092, as amended by Pub. L. 100-202, §110(b), Dec. 22, 1987, 101 Stat. 1329-436, provided that:

“(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1988 shall not be made.

“(b) TWO PERCENT INCREASE IN BASIC PAY, BAQ, AND BAS.—The rates of basic pay, basic allowance for quarters, and basic allowance for subsistence of members of the uniformed services are increased by 2 percent effective on January 1, 1988.”

#### MILITARY PAY RAISE FOR FISCAL YEAR 1987

Pub. L. 99-661, div. A, title XIII, §1310(c), Nov. 14, 1986, 100 Stat. 3983, provided that: “Subject to the condition specified in subsection (a), the percentage of the increase in basic pay, basic allowance for quarters, and basic allowance for subsistence for members of the uniformed services, and the increase in pay for cadets and midshipmen, specified in sections 601(b) [set out below] and 601(c) [amending section 203 of this title], respectively, of this Act is hereby reduced from 3 percent to 2 percent.”

[The condition specified in subsection (a) is the condition specified in section 1310(a) of Pub. L. 99-661, which was not classified to the Code, but was met by enactment of section 1013 of this title by Pub. L. 99-500 and Pub. L. 99-591.]

Pub. L. 99-661, div. A, title VI, §601(a), (b), Nov. 14, 1986, 100 Stat. 3873, provided that:

“(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1987 shall not be made.

“(b) THREE PERCENT INCREASE IN BASIC PAY, BASIC ALLOWANCE FOR QUARTERS, AND BASIC ALLOWANCE FOR SUBSISTENCE.—The rates of basic pay, basic allowance for subsistence, and basic allowance for quarters of members of the uniformed services are increased by 3 percent effective on January 1, 1987.”

Substantially identical provisions were contained in Pub. L. 99-500, §144(b), Oct. 18, 1986, 100 Stat. 1783-350, and Pub. L. 99-591, §144(b), Oct. 30, 1986, 100 Stat. 3341-353.

#### MILITARY PAY RAISE FOR FISCAL YEAR 1986

Pub. L. 99-145, title VI, §601, Nov. 8, 1985, 99 Stat. 635, provided that:

“(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United

States Code, in elements of the compensation of members of the uniformed services to become effective during fiscal year 1986 shall not be made.

“(b) THREE PERCENT PAY RAISE.—The rates of basic pay, basic allowance for subsistence, and basic allowance for quarters of members of the uniformed services are increased by 3 percent effective on October 1, 1985.”

#### MILITARY PAY RAISES FOR FISCAL YEAR 1985

Pub. L. 98-525, title VI, §601, Oct. 19, 1984, 98 Stat. 2533, provided that:

“(a) Any adjustment required by section 1009 of title 37, United States Code, in elements of the compensation of members of the uniformed services to become effective during fiscal year 1985 shall not be made.

“(b)(1) Except as provided in paragraph (2), the rates of basic pay and basic allowances for subsistence for members of the uniformed services are increased by 4 percent effective on January 1, 1985.

“(2) The increase in rates of basic pay and basic allowances for subsistence provided for in paragraph (1) shall not apply to enlisted members in pay grade E-1 with less than 4 months active duty.”

#### DELAY UNTIL APRIL 1, 1984, OF PAY ADJUSTMENT OTHERWISE EFFECTIVE OCTOBER 1, 1983; LIMIT; CONDITIONS FOR EARLIER EFFECTIVE DATE

Pub. L. 98-94, title IX, §901, Sept. 24, 1983, 97 Stat. 634, provided that:

“(a) The adjustment required by section 1009 of title 37, United States Code, in certain elements of the compensation of members of the uniformed services to become effective on October 1, 1983, shall not be made.

“(b)(1) Subject to the provisions of paragraphs (2) and (3), each element of compensation specified in section 1009(a) of title 37, United States Code, shall be increased for members of the uniformed services by 4 percent effective on April 1, 1984.

“(2) The increase provided for in paragraph (1) shall not apply to enlisted members in pay grade E-1 with less than 4 months active duty.

“(3) The President may allocate the percentage increase specified under paragraphs (1) and (2) in the same manner and to the same extent the President is authorized under subsections (c) and (d) of section 1009 of title 37, United States Code, to allocate any percentage increase described in subsection (b)(3) of section 1009 of such title.

“(c) Notwithstanding the effective date of April 1, 1984, prescribed in subsection (b) for the increase in compensation of members of the uniformed services, if an adjustment is made after the date of the enactment of this Act [Sept. 24, 1983] in the General Schedule [5 U.S.C. 5332 note] of compensation for Federal classified employees and such adjustment is to become effective before April 1, 1984, the increase in the compensation of members of the uniformed services provided for in subsection (b) shall become effective on the first day of the first pay period for members of the uniformed services which begins on or after the effective date of the adjustment made in the compensation of Federal classified employees.”

#### PAY INCREASE OF 11.7 PERCENT FOR MEMBERS OF THE UNIFORMED SERVICES EFFECTIVE WITH THE FIRST PAY PERIOD BEGINNING AFTER SEPTEMBER 30, 1980

Section 801 of Pub. L. 96-342 provided that:

“(a) Any adjustment required under the provisions of section 1009 of title 37, United States Code, relating to adjustments in the compensation of members of the uniformed services, which would otherwise first become effective beginning with any pay period in fiscal year 1981 shall not become effective.

“(b)(1) Subject to the provisions of paragraph (2), each element of compensation specified in section 1009(a) of title 37, United States Code, shall be increased for members of the uniformed services by 11.7 percent effective with the first pay period beginning after September 30, 1980.

“(2) The President may allocate the percentage increase specified under paragraph (1) in the same manner and to the same extent the President is authorized under subsections (c) and (d) of section 1009 of title 37, United States Code, as amended by section 803 of this Act, to allocate any percentage increase described in subsection (b)(3) of section 1009 of such title, except that—

“(A) the provisions of subsection (d)(2)(B) of such section shall not apply to this subsection or any action of the President under this subsection; and

“(B) the overall average percentage increase in the elements of compensation specified in subsection (a) of such section in the case of any member of the uniformed services with four years or less service may not exceed 11.7 percent.”

LIMITS OF UPWARD ADJUSTMENT OF COMPENSATION

Pub. L. 94-106, title VIII, §819, Oct. 7, 1975, 89 Stat. 544, provided that:

“(a) Notwithstanding any other provision of law, the aggregate amount of any upward adjustments in certain elements of compensation of members of the uniformed services required by section 1009 of title 37, United States Code, may not exceed 5 per centum during the period from January 1, 1975, through June 30, 1976, except that no such restriction shall apply unless a 5 per centum restriction on the aggregate amount of upward adjustments of the General Schedule of compensation for Federal classified employees as contained in section 5332 of title 5, United States Code, is also required during that period.

“(b) No reduction in compensation is required under subsection (a) of any upward adjustment that may have been put into effect under section 1009 of title 37, United States Code, between January 1, 1975, and the date of enactment of this section [Oct. 7, 1975].

“(c) Any upward adjustment in compensation which has been limited by subsection (a) of this section to an amount or amounts less than otherwise would have been in effect shall not be increased subsequent to June 30, 1976—

“(1) in order to compensate a member for the difference between the amounts he has received under the provisions of subsection (a) and the amounts he would have otherwise received; or

“(2) except in accordance with the normal procedures and timing which would have been in effect for any such pay increase subsequent to June 30, 1976, without regard to any limitation under subsection (a) of this section.”

RATES OF MONTHLY BASIC PAY

Section 5 of Pub. L. 93-419 provided that: “Until the effective date of the first upward adjustment in the rates of monthly basic pay for members of the uniformed services made by the President under section 1009 of title 37, United States Code, as added by section 4 of this Act, after the effective date of this Act [Sept. 19, 1974], the rates of monthly basic pay for members of the uniformed services authorized by section 203(a) of that title are those prescribed by Executive Order 11740 of October 3, 1973, which became effective on October 1, 1973.”

RATES OF BASIC ALLOWANCE FOR SUBSISTENCE

Section 6 of Pub. L. 93-419 provided that: “Until the effective date of the first upward adjustment in the rates of basic allowance for subsistence for enlisted members and officers made by the President under section 1009 of title 37, United States Code, as added by section 4 of this Act, after the effective date of this Act [Sept. 19, 1974], the rates prescribed under section 402 of title 37, United States Code, as it existed on the date before the effective date of this Act, shall continue in effect.”

RATES OF BASIC ALLOWANCE FOR QUARTERS

Section 7 of Pub. L. 93-419 provided that: “Until the effective date of the first adjustment in the rates of

basic allowance for quarters for members of the uniformed services made by the President under section 1009 of title 37, United States Code, as added by section 4 of this Act, after the effective date of this Act [Sept. 19, 1974], the rates of basic allowance for quarters prescribed in section 403(a) of title 37, United States Code, as it existed on the day before the effective date of this Act, shall continue in effect.”

ADJUSTMENT OF PAY RATES EFFECTIVE OCTOBER 1, 1981

Pub. L. 97-60, title I, §101, Oct. 14, 1981, 95 Stat. 989, as amended by Pub. L. 98-557, §35(a), (c), Oct. 30, 1984, 98 Stat. 2877, eff. Oct. 1, 1984; Pub. L. 100-180, div. A, title XIII, §1314(d)(3), (e)(2), Dec. 4, 1987, 101 Stat. 1176, eff. Oct. 1, 1986, set forth tables specifying the increased rates of monthly basic pay for members of the uniformed services, effective Oct. 1, 1981, and provided that the adjustment required by section 1009 of this title in certain elements of the compensation of members of the uniformed services which was to become effective on Oct. 1, 1981, should not be made, and no adjustment of the compensation of any member of a uniformed service should be made pursuant to such section for the period beginning on Oct. 1, 1981, and ending on Oct. 14, 1981.

ADJUSTMENT OF PAY RATES EFFECTIVE JANUARY 1, 1998

Ex. Ord. No. 13071, Dec. 29, 1997, 62 F.R. 68521, set out as a note under section 5332 of Title 5, Government Organization and Employees, provided for an adjustment of pay rates under this section effective Jan. 1, 1998. See Schedule set out below:

SCHEDULE 8  
Pay of the Uniformed Services  
(Effective on January 1, 1998)  
PART I—MONTHLY BASIC PAY  
Years of Service (computed under 37 U.S.C. 205)  
Commissioned Officers

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O-10 <sup>1</sup> ...	\$7,566.30	\$7,832.40	\$7,832.40	\$7,832.40	\$7,832.40
O-9 .....	6,705.60	6,881.40	7,028.10	7,028.10	7,028.10
O-8 .....	6,073.50	6,255.90	6,404.10	6,404.10	6,404.10
O-7 .....	5,046.60	5,389.80	5,389.80	5,389.80	5,631.60
O-6 .....	3,740.40	4,109.40	4,379.10	4,379.10	4,379.10
O-5 .....	2,991.90	3,512.70	3,755.70	3,755.70	3,755.70
O-4 .....	2,521.50	3,070.80	3,275.40	3,275.40	3,336.30
O-3 <sup>2</sup> .....	2,343.30	2,619.90	2,801.10	3,099.00	3,247.50
O-2 <sup>2</sup> .....	2,043.60	2,231.70	2,231.70	2,231.70	2,828.70
O-1 <sup>2</sup> .....	1,774.20	1,846.50	2,231.70	2,231.70	2,231.70
	Over 8	Over 10	Over 12	Over 14	Over 16
O-10 <sup>1</sup> ...	\$8,133.00	\$8,133.00	\$8,583.60	\$8,583.60	\$9,197.70
O-9 .....	7,206.60	7,206.60	7,506.60	7,506.60	8,133.00
O-8 .....	6,881.40	6,881.40	7,206.60	7,206.60	7,506.60
O-7 .....	5,631.60	5,958.00	5,958.00	6,255.90	6,881.40
O-6 .....	4,379.10	4,379.10	4,379.10	4,527.80	5,243.70
O-5 .....	3,755.70	3,868.80	4,077.60	4,350.90	4,676.70
O-4 .....	3,483.30	3,721.20	3,930.30	4,109.40	4,290.30
O-3 <sup>2</sup> .....	3,363.60	3,546.00	3,721.20	3,812.40	3,812.40
O-2 <sup>2</sup> .....	2,828.70	2,828.70	2,828.70	2,828.70	2,828.70
O-1 <sup>2</sup> .....	2,231.70	2,231.70	2,231.70	2,231.70	2,231.70
	Over 18	Over 20	Over 22	Over 24	Over 26
O-10 <sup>1</sup> ...	\$9,197.70	*\$9,813.60	*\$9,813.60	*\$9,813.60	*\$10,424.70
O-9 .....	8,133.00	8,583.60	8,583.60	8,583.60	9,197.70
O-8 .....	7,832.40	8,133.00	8,333.70	8,333.70	8,333.70
O-7 .....	7,354.80	7,354.80	7,354.80	7,354.80	7,354.80
O-6 .....	5,511.30	5,631.60	5,958.00	6,159.30	6,461.70
O-5 .....	4,944.30	5,094.60	5,272.50	5,272.50	5,272.50
O-4 .....	4,407.90	4,407.90	4,407.90	4,407.90	4,407.90
O-3 <sup>2</sup> .....	3,812.40	3,812.40	3,812.40	3,812.40	3,812.40
O-2 <sup>2</sup> .....	2,828.70	2,828.70	2,828.70	2,828.70	2,828.70
O-1 <sup>2</sup> .....	2,231.70	2,231.70	2,231.70	2,231.70	2,231.70

<sup>1</sup> While serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, basic pay for this grade is calculated to be \$11,502.60, regardless of cumulative years of service computed under section 205 of title 37, United States Code. Nevertheless, actual basic pay for these officers is limited to the rate of basic pay for level V of the Executive Schedule, which is \$9,225.00 per month.

<sup>2</sup> Does not apply to commissioned officers who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

\*Basic pay for these officers is limited to the rate of basic pay for level V of the Executive Schedule, which is \$9,225.00 per month.

Commissioned officers with over 4 years of active duty service as an enlisted member or warrant officer

Pay Grade	Over 4	Over 6	Over 8	Over 10
O-3E ....	\$3,099.00	\$3,247.50	\$3,363.60	\$3,546.00
O-2E ....	2,771.40	2,828.70	2,918.40	3,070.80
O-1E ....	2,231.70	2,384.10	2,471.70	2,561.70
	Over 12	Over 14	Over 16	Over 18
O-3E ....	\$3,721.20	\$3,868.80	\$3,868.80	\$3,868.80
O-2E ....	3,188.10	3,275.40	3,275.40	3,275.40
O-1E ....	2,650.50	2,771.40	2,771.40	2,771.40
	Over 20	Over 22	Over 24	Over 26
O-3E ....	\$3,868.80	\$3,868.80	\$3,868.80	\$3,868.80
O-2E ....	3,275.40	3,275.40	3,275.40	3,275.40
O-1E ....	2,771.40	2,771.40	2,771.40	2,771.40

Warrant Officers

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
W-5 .....	.....	.....	.....	.....	.....
W-4 .....	\$2,387.40	\$2,561.70	\$2,561.70	\$2,619.90	\$2,739.30
W-3 .....	2,169.90	2,353.80	2,353.80	2,384.10	2,412.00
W-2 .....	1,900.50	2,056.20	2,056.20	2,115.90	2,231.70
W-1 .....	1,583.40	1,815.30	1,815.30	1,967.10	2,056.20
	Over 8	Over 10	Over 12	Over 14	Over 16
W-5 .....	.....	.....	.....	.....	.....
W-4 .....	\$2,859.90	\$2,979.90	\$3,188.10	\$3,336.30	\$3,453.60
W-3 .....	2,588.40	2,739.30	2,828.70	2,918.40	3,005.70
W-2 .....	2,353.80	2,443.20	2,532.60	2,619.90	2,712.00
W-1 .....	2,144.40	2,231.70	2,323.50	2,412.00	2,501.70
	Over 18	Over 20	Over 22	Over 24	Over 26
W-5 .....	.....	\$4,074.60	\$4,228.80	\$4,351.20	\$4,534.50
W-4 .....	\$3,546.00	3,660.30	3,782.70	3,900.60	4,077.60
W-3 .....	3,099.00	3,219.90	3,336.30	3,336.30	3,453.60
W-2 .....	2,801.10	2,889.00	3,005.70	3,005.70	3,005.70
W-1 .....	2,588.40	2,681.10	2,681.10	2,681.10	2,681.10

Enlisted Members

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E-9 <sup>1</sup> .....	.....	.....	.....	.....	.....
E-8 .....	.....	.....	.....	.....	.....
E-7 .....	\$1,626.30	\$1,755.60	\$1,820.10	\$1,884.30	\$1,948.50
E-6 .....	1,398.90	1,524.90	1,588.20	1,655.70	1,718.10
E-5 .....	1,227.60	1,356.20	1,401.00	1,462.20	1,558.20
E-4 .....	1,144.80	1,209.30	1,260.40	1,379.10	1,453.70
E-3 .....	1,079.10	1,137.90	1,183.20	1,230.30	1,230.30
E-2 .....	1,038.30	1,038.30	1,038.30	1,038.30	1,038.30
E-1 <sup>2</sup> .....	926.10	926.10	926.10	926.10	926.10
E-1 <sup>3</sup> .....	856.80	.....	.....	.....	.....
	Over 8	Over 10	Over 12	Over 14	Over 16
E-9 <sup>1</sup> .....	.....	\$2,777.40	\$2,839.80	\$2,904.00	\$2,970.90
E-8 .....	\$2,328.90	2,396.10	2,458.80	2,522.70	2,589.60
E-7 .....	2,010.60	2,074.80	2,139.60	2,236.20	2,299.80
E-6 .....	1,779.90	1,845.30	1,940.10	2,001.30	2,065.80
E-5 .....	1,621.80	1,685.70	1,748.10	1,779.90	1,779.90
E-4 .....	1,433.70	1,433.70	1,433.70	1,433.70	1,433.70
E-3 .....	1,230.30	1,230.30	1,230.30	1,230.30	1,230.30
E-2 .....	1,038.30	1,038.30	1,038.30	1,038.30	1,038.30
E-1 <sup>2</sup> .....	926.10	926.10	926.10	926.10	926.10
E-1 <sup>3</sup> .....	.....	.....	.....	.....	.....
	Over 18	Over 20	Over 22	Over 24	Over 26
E-9 <sup>1</sup> .....	\$3,037.50	\$3,096.00	\$3,258.60	\$3,385.50	\$3,576.00
E-8 .....	2,648.40	2,713.50	2,873.10	3,000.90	3,193.50
E-7 .....	2,363.40	2,394.30	2,555.10	2,682.30	2,873.10
E-6 .....	2,097.00	2,097.00	2,097.00	2,097.00	2,097.00
E-5 .....	1,779.90	1,779.90	1,779.90	1,779.90	1,779.90
E-4 .....	1,433.70	1,433.70	1,433.70	1,433.70	1,433.70
E-3 .....	1,230.30	1,230.30	1,230.30	1,230.30	1,230.30
E-2 .....	1,038.30	1,038.30	1,038.30	1,038.30	1,038.30
E-1 <sup>2</sup> .....	926.10	926.10	926.10	926.10	926.10
E-1 <sup>3</sup> .....	.....	.....	.....	.....	.....

<sup>1</sup>While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy or Coast Guard, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, basic pay for this grade is \$4,346.40, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

<sup>2</sup>Applies to personnel who have served 4 months or more on active duty.

<sup>3</sup>Applies to personnel who have served less than 4 months on active duty.

PART II—RATE OF MONTHLY CADET OR MIDSHIPMAN PAY

The rate of monthly cadet or midshipman pay authorized by section 203(c) of title 37, United States Code, is \$558.04.

NOTE: As a result of the enactment of sections 602-604 of Public Law 105-85 [see Tables for classification], the National Defense Authorization Act for Fiscal Year 1998, the Secretary of Defense now has the authority to adjust the rates of basic allowances for subsistence and housing. Therefore, these allowances are no longer adjusted by the President in conjunction with the adjustment of basic pay for members of the uniformed services. Accordingly, the tables of allowances included in previous orders are not included here, and the rate of monthly cadet or midshipman pay is redesignated as Part II of Schedule 8.

EXECUTIVE ORDER NO. 11812

Ex. Ord. No. 11812, Oct. 7, 1974, 39 F.R. 36307, which provided for the adjustment of pay rates effective Oct. 1, 1974, was superseded by Ex. Ord. No. 11883, Oct. 6, 1975, 40 F.R. 47091.

EXECUTIVE ORDER NO. 11883

Ex. Ord. No. 11883, Oct. 6, 1975, 40 F.R. 47091, which provided for the adjustment of pay rates effective Oct. 1, 1975, was superseded by Ex. Ord. No. 11941, Oct. 1, 1976, 41 F.R. 43889, formerly set out as a note under section 5332 of Title 5, Government Organization and Employees.

EXECUTIVE ORDER NO. 11941

Ex. Ord. No. 11941, Oct. 1, 1976, 41 F.R. 43899, as amended by Ex. Ord. No. 11943, Oct. 25, 1976, 41 F.R. 47213, which provided for the adjustment of pay rates effective Oct. 1, 1976, was superseded by Ex. Ord. No. 12010, Sept. 28, 1977, 42 F.R. 52365, formerly set out as a note under section 5332 of Title 5.

EXECUTIVE ORDER NO. 11998

Ex. Ord. No. 11998, June 27, 1977, 42 F.R. 33021, which related to the President's Commission on Military Compensation, was revoked by Ex. Ord. No. 12110, Dec. 28, 1978, 44 F.R. 1069, formerly set out as a note under section 14 of the Appendix to Title 5.

EXECUTIVE ORDER NO. 12010

Ex. Ord. No. 12010, Sept. 28, 1977, 42 F.R. 52365, which provided for the adjustment of pay rates effective Oct. 1, 1977, was superseded by Ex. Ord. No. 12087, Oct. 7, 1978, 43 F.R. 46823, formerly set out as a note under section 5332 of Title 5.

EXECUTIVE ORDER NO. 12087

Ex. Ord. No. 12087, Oct. 7, 1978, 43 F.R. 46823, which provided for the adjustment of pay rates effective Oct. 1, 1978, was superseded by Ex. Ord. No. 12165, Oct. 9, 1979, 44 F.R. 58671, formerly set out as a note under section 5332 of Title 5.

EXECUTIVE ORDER NO. 12165

Ex. Ord. No. 12165, Oct. 9, 1979, 44 F.R. 58671, as amended by Ex. Ord. No. 12200, Mar. 12, 1980, 44 F.R. 16443, which provided for the adjustment of pay rates effective Oct. 1, 1979, was superseded by Ex. Ord. No. 12248, Oct. 16, 1980, 45 F.R. 69199, formerly set out as a note under section 5332 of Title 5.

EXECUTIVE ORDER NO. 12248

Ex. Ord. No. 12248, Oct. 16, 1980, 45 F.R. 69199, which provided for adjustment of pay rates effective Oct. 1, 1981, was superseded by Ex. Ord. No. 12330, Oct. 15, 1981, 46 F.R. 50921, formerly set out as a note under section 5332 of Title 5.

EXECUTIVE ORDER NO. 12330

Ex. Ord. No. 12330, Oct. 15, 1981, 46 F.R. 50921, which provided for adjustment of pay rates effective Oct. 1,

1981, was superseded by Ex. Ord. No. 12387, Oct. 8, 1982, 47 F.R. 44981, formerly set out as a note under section 5332 of Title 5.

## EXECUTIVE ORDER NO. 12387

Ex. Ord. No. 12387, Oct. 8, 1982, 47 F.R. 44981, which provided for the adjustment of pay rates effective Oct. 1, 1982, was superseded by Ex. Ord. No. 12456, Dec. 30, 1983, 49 F.R. 347, as amended Ex. Ord. No. 12477, May 23, 1984, 49 F.R. 22041; Ex. Ord. No. 12487, Sept. 14, 1984, 49 F.R. 36493, formerly set out as a note under section 5332 of Title 5.

## EXECUTIVE ORDER NO. 12456

Ex. Ord. No. 12456, Dec. 30, 1983, 49 F.R. 347, as amended by Ex. Ord. No. 12477, May 23, 1984, 49 F.R. 22041; Ex. Ord. No. 12487, Sept. 14, 1984, 49 F.R. 36493, which provided for adjustment of pay rates effective Jan. 1, 1984, was superseded by Ex. Ord. No. 12496, Dec. 28, 1984, 50 F.R. 211, formerly set out as a note under section 5332 of Title 5.

## EXECUTIVE ORDER NO. 12496

Ex. Ord. No. 12496, Dec. 28, 1984, 50 F.R. 211, as amended by Ex. Ord. No. 12540, Dec. 30, 1985, 51 F.R. 577, which provided for the adjustment of pay rates effective Jan. 1, 1985, was superseded by Ex. Ord. No. 12578, Dec. 31, 1986, 52 F.R. 505, formerly set out as a note under section 5332 of Title 5.

## EXECUTIVE ORDER NO. 12578

Ex. Ord. No. 12578, Dec. 31, 1986, 52 F.R. 505, which provided for the adjustment of pay rates effective Jan. 1, 1987, was superseded by Ex. Ord. No. 12622, Dec. 31, 1987, 53 F.R. 222, formerly set out as a note under section 5332 of Title 5.

## EXECUTIVE ORDER NO. 12622

Ex. Ord. No. 12622, Dec. 31, 1987, 53 F.R. 222, which provided for the adjustment of pay rates effective Jan. 1, 1988, was superseded by Ex. Ord. No. 12663, Jan. 6, 1989, 54 F.R. 791, formerly set out as a note under section 5332 of Title 5.

## EXECUTIVE ORDER NO. 12663

Ex. Ord. No. 12663, Jan. 6, 1989, 54 F.R. 791, which provided for the adjustment of pay rates effective Jan. 1, 1989, was superseded by Ex. Ord. No. 12698, Dec. 23, 1989, 54 F.R. 53473, formerly set out as a note under section 5332 of Title 5.

## EXECUTIVE ORDER NO. 12698

Ex. Ord. No. 12698, Dec. 23, 1989, 54 F.R. 53473, which provided for adjustments of pay rates effective Jan. 1, 1990, and Feb. 1, 1990, was superseded by Ex. Ord. No. 12736, Dec. 12, 1990, 55 F.R. 51385, formerly set out as a note under section 5332 of Title 5.

## EXECUTIVE ORDER NO. 12736

Ex. Ord. No. 12736, Dec. 12, 1990, 55 F.R. 51385, which provided for the adjustment of pay rates effective Jan. 1, 1991, was superseded by Ex. Ord. No. 12786, Dec. 26, 1991, 56 F.R. 67453, formerly set out as a note under section 5332 of Title 5.

## EXECUTIVE ORDER NO. 12786

Ex. Ord. No. 12786, Dec. 26, 1991, 56 F.R. 67453, which provided for the adjustment of pay rates effective Jan. 1, 1992, was superseded by Ex. Ord. No. 12826, Dec. 30, 1992, 57 F.R. 62909, formerly set out as a note under section 5332 of Title 5.

## EXECUTIVE ORDER NO. 12826

Ex. Ord. No. 12826, Dec. 30, 1992, 57 F.R. 62909, which provided for the adjustment of pay rates effective Jan. 1, 1993, was superseded by Ex. Ord. No. 12944, Dec. 28,

1994, 60 F.R. 309, formerly set out as a note under section 5332 of Title 5. Previously §4 and schedule 8 of Ex. Ord. No. 12826 were superseded by Ex. Ord. No. 12886, Dec. 23, 1993, 58 F.R. 68709, formerly set out as a note under section 5332 of Title 5.

## EXECUTIVE ORDER NO. 12886

Ex. Ord. No. 12886, Dec. 23, 1993, 58 F.R. 68709, which provided for the adjustment of pay rates effective Jan. 1, 1994, was superseded by Ex. Ord. No. 12944, Dec. 28, 1994, 60 F.R. 309, formerly set out as a note under section 5332 of Title 5.

## EXECUTIVE ORDER NO. 12944

Ex. Ord. No. 12944, Dec. 28, 1994, 60 F.R. 309, which provided for the adjustment of pay rates effective Jan. 1, 1995, was superseded by Ex. Ord. No. 12984, Dec. 28, 1995, 61 F.R. 237, formerly set out as a note under section 5332 of Title 5.

## EXECUTIVE ORDER NO. 12984

Ex. Ord. No. 12984, §4, schedule 8, Dec. 28, 1995, 61 F.R. 237, 243, which provided for the adjustment of pay rates effective Jan. 1, 1996, was superseded by Ex. Ord. No. 12990, Feb. 29, 1996, 61 F.R. 8467, formerly set out as a note under section 5332 of Title 5.

## EXECUTIVE ORDER NO. 12990

Ex. Ord. No. 12990, Feb. 29, 1996, 61 F.R. 8467, which provided for the adjustment of pay rates effective Jan. 1, 1996, was superseded by Ex. Ord. No. 13033, Dec. 27, 1996, 61 F.R. 68987, formerly set out as a note under section 5332 of Title 5.

## EXECUTIVE ORDER NO. 13033

Ex. Ord. No. 13033, Dec. 27, 1996, 61 F.R. 68987, which provided for the adjustment of pay rates effective Jan. 1, 1997, was superseded by Ex. Ord. No. 13071, Dec. 29, 1997, 62 F.R. 68521, set out as a note under section 5332 of Title 5.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 203, 403 of this title; title 2 section 906; title 26 section 3121; title 42 section 409.

### § 1010. Commissioned officers: promotion; effective date for pay and allowances

An officer of a uniformed service who is promoted to a grade above second lieutenant or ensign is entitled to the pay and allowances of the grade to which promoted on the effective date of the promotion.

(Added Pub. L. 96-513, title IV, §403(c), Dec. 12, 1980, 94 Stat. 2905.)

## EFFECTIVE DATE

Section effective Sept. 15, 1981, but the authority to prescribe regulations under this section effective on Dec. 12, 1980, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of Title 10, Armed Forces.

### § 1011. Mess operation: reimbursement of expenses

(a) The Secretary of Defense shall, by regulation, establish rates for meals sold at messes to officers, civilians, and enlisted members. Such rates shall be established at a level sufficient to provide reimbursement of operating expenses and food costs to the appropriations concerned, but members of the uniformed services and civilians in a travel status receiving a per diem al-

allowance in lieu of subsistence shall be charged at a rate of not less than \$2.50 per day. Notwithstanding the preceding sentence, if the Secretary determines that it is in the best interest of the United States, the Secretary may reduce a rate for meals established under this subsection by the amount of that rate attributable to operating expenses.

(b) For the purposes of this section, payment for meals at the rates established under this section may be made in cash or, in the case of enlisted members or civilian employees, by deduction from pay. Members of organized nonprofit youth groups sponsored at either the national or local level, when extended the privilege of visiting a military installation or when residing at a military installation pursuant to an agreement in effect on June 30, 1986, and permitted to eat in the general mess by the commanding officer of the installation, shall pay the commuted ration cost of such meal or meals.

(c) Spouses and dependent children of enlisted members in pay grades E-1, E-2, E-3, and E-4 may not be charged for meals sold at messes in excess of a level sufficient to cover food costs.

(d) When the Coast Guard is not operating as a service in the Navy, the Secretary of Transportation shall establish rates for meals sold at Coast Guard dining facilities, provide for reimbursement of operating expenses and food costs to the appropriations concerned, and reduce the rates for such meals when the Secretary determines that it is in the best interest of the United States to do so.

(Added Pub. L. 96-513, title IV, § 413, Dec. 12, 1980, 94 Stat. 2906; amended Pub. L. 99-145, title VIII, § 810(a), Nov. 8, 1985, 99 Stat. 681; Pub. L. 99-661, div. A, title VI, § 655, Nov. 14, 1986, 100 Stat. 3891; Pub. L. 101-189, div. A, title III, § 321, Nov. 29, 1989, 103 Stat. 1413; Pub. L. 104-324, title II, § 214(a), Oct. 19, 1996, 110 Stat. 3915.)

AMENDMENTS

1996—Subsec. (d). Pub. L. 104-324 added subsec. (d).  
 1989—Subsec. (a). Pub. L. 101-189 substituted “and enlisted members” for “or enlisted members entitled to a per diem transportation allowance determined under section 404(d)(2) of this title” and inserted at end “Notwithstanding the preceding sentence, if the Secretary determines that it is in the best interest of the United States, the Secretary may reduce a rate for meals established under this subsection by the amount of that rate attributable to operating expenses.”

1986—Subsec. (b). Pub. L. 99-661 inserted “or when residing at a military installation pursuant to an agreement in effect on June 30, 1986,” in second sentence.

1985—Subsec. (c). Pub. L. 99-145 added subsec. (c).

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-145 effective Oct. 1, 1985, see section 813 of Pub. L. 99-145, formerly set out in a Military Family Policy and Programs note under section 113 of Title 10, Armed Forces.

EFFECTIVE DATE

Section effective Sept. 15, 1981, but the authority to prescribe regulations under this section effective on Dec. 12, 1980, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of Title 10, Armed Forces.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 404 of this title.

**§ 1012. Disbursement and accounting: pay of enlisted members of the National Guard**

Amounts appropriated for the pay, under subsections (a), (b), and (d) of section 206, section 301(f), section 402(b)(3),<sup>1</sup> and section 1002 of this title, of enlisted members of the Army National Guard of the United States or the Air National Guard of the United States for attending regular periods of duty and instruction shall be disbursed and accounted for by the Secretary of Defense. All such disbursements shall be made for 3-month periods for units of the Army National Guard or Air National Guard under regulations prescribed by the Secretary of Defense, and on pay rolls prepared and authenticated as prescribed in those regulations.

(Added Pub. L. 97-258, § 2(i)(2)(B), Sept. 13, 1982, 96 Stat. 1061; amended Pub. L. 99-145, title XIII, § 1303(b)(13)(A), (B), Nov. 8, 1985, 99 Stat. 741; Pub. L. 104-106, div. A, title VI, § 602(c)(2), title IX, § 913(c)(1), Feb. 10, 1996, 110 Stat. 357, 411.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1012 .....	31:698a.	Aug. 10, 1956, ch. 1041, § 31, 70A Stat. 632.

The words “the Secretary concerned” are substituted for “officers and agents of the Finance Corps of the Army or finance officers of the Air Force, as the case may be” and “the Secretary of the Army or the Secretary of the Air Force, as the case may be” for consistency in the title. The words “various” and “issued” are omitted as surplus.

REFERENCES IN TEXT

Section 402 of this title, referred to in text, was amended generally by Pub. L. 105-85, div. A, title VI, § 602(a), Nov. 18, 1997, 111 Stat. 1771, and, as so amended, does not contain a subsec. (b)(3).

AMENDMENTS

1996—Pub. L. 104-106 substituted “section 402(b)(3)” for “the last sentence of section 402(b)” and substituted “Secretary of Defense” for “Secretary concerned” in two places.

1985—Pub. L. 99-145 inserted “: pay of enlisted members of the National Guard” in section catchline, and substituted “for the pay, under subsections (a), (b), and (d) of section 206, section 301(f), the last sentence of section 402(b), and section 1002 of this title,” for “under sections 206(a), (b), and (d), 301(f), 309, 402(b) (last sentence), and 1002 of this title for pay”, “All such disbursements” for “Disbursements”, and “as prescribed in those” for “under the”.

EFFECTIVE DATE OF 1985 AMENDMENT

Section 1303(b)(13)(D) of Pub. L. 99-145 provided that: “The amendments made by this paragraph [amending this section] shall take effect as if included in the enactment of section 2(i) of Public Law 97-258 [enacting this section].”

**§ 1013. Payment of compensation for victims of terrorism**

Any benefit or payment pursuant to section 559 of this title, or section 1032 or 1095a or chapter 110 of title 10, shall be paid out of funds available to the Secretary concerned for military personnel.

<sup>1</sup> See References in Text note below.

(Added Pub. L. 99-399, title VIII, §801(e)(1), Aug. 27, 1986, 100 Stat. 888; amended Pub. L. 100-456, div. A, title XII, §1233(g)(4), Sept. 29, 1988, 102 Stat. 2058; Pub. L. 101-510, div. A, title XIV, §1484(h)(6), Nov. 5, 1990, 104 Stat. 1718.)

## CODIFICATION

Another section 1013 was renumbered section 1014 of this title.

## AMENDMENTS

1990—Pub. L. 101-510 substituted “1095a” for “1095”.  
1988—Pub. L. 100-456 substituted “section 1032” for “section 1051”.

**§ 1014. Payment date for pay and allowances**

(a) Amounts of basic pay, basic allowance for housing, basic allowance for subsistence, and other payments of military compensation (other than travel and transportation allowances and separation allowances) shall be paid on the first day of the month beginning after the month during which the right to such compensation accrues.

(b) Subsection (a) does not preclude one payment in midmonth for any element of compensation and does not affect any authority to make advance payments of pay and allowances.

(Added Pub. L. 99-500, §101(c) [title IX, §9103(1)], Oct. 18, 1986, 100 Stat. 1783-82, 1783-118, and Pub.

L. 99-591, §101(c) [title IX, §9103(1)], Oct. 30, 1986, 100 Stat. 3341-82, 3341-118, §1013; renumbered §1014, Pub. L. 100-26, §8(b)(2), Apr. 21, 1987, 101 Stat. 285; amended Pub. L. 105-85, div. A, title VI, §603(d)(1)(E), Nov. 18, 1997, 111 Stat. 1782.)

## CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

## AMENDMENTS

1997—Subsec. (a). Pub. L. 105-85 substituted “housing” for “quarters”.

## EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105-85 effective Jan. 1, 1998, see section 603(e) of Pub. L. 105-85, set out as a note under section 5561 of Title 5, Government Organization and Employees.

## EFFECTIVE DATE

Section 101(c) [title IX, §9103(4)] of Pub. L. 99-500 and Pub. L. 99-591, as amended by Pub. L. 100-26, §4(a)(2), Apr. 21, 1987, 101 Stat. 274, provided that: “Section 1014 of title 37, United States Code, as added by paragraph (1) and redesignated by section 8(b)(2) of the Defense Technical Corrections Act of 1987 [Pub. L. 100-26], and the amendments made by paragraph (3) [amending section 1466 of Title 10, Armed Forces], shall take effect on September 1, 1987.”