

who, immediately before retention on active duty, were entitled or eligible for special pay or incentive pay under chapter 5 of this title, to receive that special pay or incentive pay for qualifying service performed during the retention period, without a reduction in the payment rate below the rate the members received immediately before retention on active duty, notwithstanding any requirement otherwise applicable to that special pay or incentive pay that would reduce the payment rate by reason of the years of service of the members.

(b) **SUSPENSION DURING TIME OF WAR.**—Subsection (a) does not apply with respect to a special pay or incentive pay under chapter 5 of this title, whenever the authority to provide that special pay or incentive pay is suspended by the President or the Secretary of Defense during a time of war.

(c) **QUALIFYING SERVICE DEFINED.**—In this section, the term “qualifying service” means service for which a particular special pay or incentive pay is payable under the authority of a provision of chapter 5 of this title.

(Added Pub. L. 107–107, div. A, title VI, § 623(a)(1), Dec. 28, 2001, 115 Stat. 1142.)

EFFECTIVE DATE

Pub. L. 107–107, div. A, title VI, § 623(b), Dec. 28, 2001, 115 Stat. 1143, provided that: “Section 909 of title 37, United States Code, as added by subsection (a)(1), shall apply with respect to pay periods beginning after September 11, 2001.”

§ 910. Replacement of lost income: involuntarily mobilized reserve component members subject to extended and frequent active duty service

(a) **PAYMENT REQUIRED.**—The Secretary concerned shall pay to an eligible member of a reserve component of the armed forces an amount equal to the monthly active-duty income differential of the member, as determined by the Secretary. The payments shall be made on a monthly basis.

(b) **ELIGIBILITY.**—Subject to subsection (c), a reserve component member is entitled to a payment under this section for any full month of active duty of the member, while on active duty under an involuntary mobilization order, following the date on which the member—

(1) completes 18 continuous months of service on active duty under such an order;

(2) completes 24 months on active duty during the previous 60 months under such an order; or

(3) is involuntarily mobilized for service on active duty for a period of 180 days or more within six months or less following the member’s separation from a previous period of involuntary active duty for a period of 180 days or more.

(c) **MINIMUM AND MAXIMUM PAYMENT AMOUNTS.**—(1) A payment under this section shall be made to a member for a month only if the amount of the monthly active-duty income differential for the month is greater than \$50.

(2) Notwithstanding the amount determined under subsection (d) for a member for a month,

the monthly payment to a member under this section may not exceed \$3,000.

(d) **MONTHLY ACTIVE-DUTY INCOME DIFFERENTIAL.**—For purposes of this section, the monthly active-duty income differential of a member is the difference between—

(1) the average monthly civilian income of the member; and

(2) the member’s total monthly military compensation.

(e) **DEFINITIONS.**—In this section:

(1) The term “average monthly civilian income”, with respect to a member of a reserve component, means the amount, determined by the Secretary concerned, of the earned income of the member for either the 12 months preceding the member’s mobilization or the 12 months covered by the member’s most recent Federal income tax filing, divided by 12.

(2) The term “total monthly military compensation” means the amount, computed on a monthly basis, of the sum of—

(A) the amount of the regular military compensation (RMC) of the member; and

(B) any amount of special pay or incentive pay and any allowance (other than an allowance included in regular military compensation) that is paid to the member on a monthly basis.

(f) **REGULATIONS.**—This section shall be administered under regulations to be prescribed by the Secretary of Defense.

(g) **TERMINATION OF AUTHORITY.**—No payment shall be made under this section after December 31, 2008.

(Added Pub. L. 109–163, div. A, title VI, § 614(a), Jan. 6, 2006, 119 Stat. 3292.)

EFFECTIVE DATE

Pub. L. 109–163, div. A, title VI, § 614(c), Jan. 6, 2006, 119 Stat. 3293, provided that: “Section 910 of title 37, United States Code, as added by subsection (a), may apply only with respect to months beginning after the end of the 180-day period beginning on the date of the enactment of this Act [Jan. 6, 2006].”

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.
1011.	Mess operations: reimbursement of expenses. ¹
1012.	Disbursement and accounting: pay of enlisted members of the National Guard.
1013.	Payment of compensation for victims of terrorism.

¹ So in original. Does not conform to section catchline.

- 1014. Payment date for pay and allowances.
- [1015. Repealed.]

AMENDMENTS

2006—Pub. L. 109-364, div. A, title X, §1046(b)(2), Oct. 17, 2006, 120 Stat. 2394, struck out item 1015 “Annual report on effects of recruitment and retention initiatives”.

1999—Pub. L. 106-65, div. A, title VI, §673(a)(2), Oct. 5, 1999, 113 Stat. 674, added item 1015.

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 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 Homeland Security, 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; Pub. L. 107-296, title XVII, §1704(c), Nov. 25, 2002, 116 Stat. 2314.)

HISTORICAL AND REVISION NOTES

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

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

2002—Subsec. (c). Pub. L. 107-296 substituted “Secretary of Homeland Security” for “Secretary of Transportation”.

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 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of Title 10, Armed Forces.

EFFECTIVE DATE OF 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.

TRANSFER OF FUNCTIONS

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

§ 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)(1) 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.

(2) If a military technician (dual status), as described in section 10216 of title 10, is performing active duty without pay while on leave from technician employment, as authorized by section 6323(d) of title 5, the Secretary concerned may authorize the payment of a per diem allowance to the military technician in lieu of commutation for subsistence and quarters under paragraph (1).

(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; Pub. L. 106–65, div. A, title VI, § 672(a), Oct. 5, 1999, 113 Stat. 674.)

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

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

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

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106–65, div. A, title VI, § 672(c), Oct. 5, 1999, 113 Stat. 674, provided that: “The amendment made by subsection (a) [amending this section] shall be effective as of February 10, 1996, as if included in section 1039 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 432 [amending section 6323 of Title 5, Government Organization and Employees]).

§ 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

Revised section	Source (U.S. Code)	Source (Statutes at Large)
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

Revised section	Source (U.S. Code)	Source (Statutes at Large)
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

Revised section	Source (U.S. Code)	Source (Statutes at Large)
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 outside 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)(1) As far as practicable, regulations for the administration of subsections (a)–(d) shall be uniform for all of the uniformed services.

(2)(A) Notwithstanding any other provision of law, an obligation for an advance of pay made pursuant to this section shall be recorded as an obligation only in the fiscal year in which the entitlement of the member to the pay accrues.

(B) Current appropriations available for advance payments under this section may be transferred to the prior fiscal year appropriation available for the same purpose in the amount of any unliquidated advance payments that remain at the end of such prior fiscal year. Such unliquidated advance payments shall then be credited to the current appropriation.

(f) Under regulations prescribed by the Secretary of Homeland Security, 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 advance 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; Pub. L. 105–261, div. A, title VI, §652, Oct. 17, 1998, 112 Stat. 2051; Pub. L. 107–296, title XVII, §1704(c), Nov. 25, 2002, 116 Stat. 2314.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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 “commis-

sioned 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

2002—Subsec. (f). Pub. L. 107-296 substituted "Secretary of Homeland Security" for "Secretary of Transportation".

1998—Subsec. (e). Pub. L. 105-261 designated existing provisions as par. (1) and added par. (2).

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 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of Title 10, Armed Forces.

EFFECTIVE DATE OF 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.

TRANSFER OF FUNCTIONS

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

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 Homeland Security, 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.

(c)(1) 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 the member's pay in monthly installments.

(2) 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 by a member of the uniformed services for any month to less than one-third of the member's pay for that month.

(3) If the indebtedness of a member of the uniformed services to the United States is due to the overpayment of pay or allowances to the member through no fault of the member, the amount of the overpayment shall be recovered in monthly installments. The amount deducted from the pay of the member for a month to recover the overpayment amount may not exceed 20 percent of the member's pay for that month unless the member requests or consents to collection of the overpayment at an accelerated rate.

(4) If a member of the uniformed services is injured or wounded under the circumstances de-

scribed in section 310(a)(2)(C) of this title or, while in the line of duty, incurs a wound, injury, or illness in a combat operation or combat zone designated by the Secretary of Defense, any overpayment of pay or allowances made to the member while the member recovers from the wound, injury, or illness may not be deducted from the member's pay until—

(A) the end of the 90-day period beginning on the date on which the member is notified of the overpayment; or

(B) such earlier date as may be requested or agreed to by the member.

(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, Navy, Air Force, or Marine Corps, 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 offi-

cer, 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; Pub. L. 106-65, div. A, title X, § 1066(d)(5), Oct. 5, 1999, 113 Stat. 773; Pub. L. 107-296, title XVII, § 1704(c), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 107-314, div. A, title X, § 1006(b), Dec. 2, 2002, 116 Stat. 2633; Pub. L. 109-364, div. A, title VI, § 674, Oct. 17, 2006, 120 Stat. 2272.)

HISTORICAL AND REVISION NOTES

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

PRIOR PROVISIONS

Provisions similar to those in subsection (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

2006—Subsec. (c). Pub. L. 109-364 designated existing provisions as pars. (1) and (2), in pars. (1) and (2) substituted “the member’s pay” for “his pay”, in par. (2) substituted “After” for “However, after” and inserted

“by a member of the uniformed services” after “actually received”, and added pars. (3) and (4).

2002—Subsec. (a). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

Subsec. (e). Pub. L. 107-314 substituted “Army, Navy, Air Force, or Marine Corps” for “Army or the Air Force”.

1999—Subsec. (b). Pub. L. 106-65 struck out at end “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.”

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 2002 AMENDMENTS

Amendment by Pub. L. 107-314 applicable with respect to loss, spoilage, unserviceability, unsuitability, or destruction of, or damage to, property of United States under control of Department of Defense occurring on or after effective date of regulations prescribed pursuant to section 2787 of Title 10, Armed Forces, see section 1006(d) of Pub. L. 107-314, set out as an Effective Date note under section 2787 of Title 10.

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of Title 10, Armed Forces.

EFFECTIVE DATE OF 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, formerly 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].”

TRANSFER OF FUNCTIONS

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

§ 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) REQUIREMENT FOR ANNUAL ADJUSTMENT.—Effective on January 1 of each year, the rates of basic pay for members of the uniformed services under section 203(a) of this title shall be increased under this section.

(b) EFFECTIVENESS OF ADJUSTMENT.—An adjustment under this section shall have the force and effect of law.

(c) EQUAL PERCENTAGE INCREASE FOR ALL MEMBERS.—(1) An adjustment made under this section in a year shall provide all eligible members with an increase in the monthly basic pay that is the percentage (rounded to the nearest one-tenth of one percent) by which the ECI for the base quarter of the year before the preceding year exceeds the ECI for the base quarter of the second year before the preceding calendar year (if at all).

(2) Notwithstanding paragraph (1), but subject to subsection (d), the percentage of the adjustment taking effect under this section during each of fiscal years 2004, 2005, and 2006, shall be one-half of one percentage point higher than the percentage that would otherwise be applicable under such paragraph.

(3) In this subsection:

(A) The term “ECI” means the Employment Cost Index (wages and salaries, private industry workers) published quarterly by the Bureau of Labor Statistics.

(B) The term “base quarter” for any year is the three-month period ending on September 30 of such year.

(d) 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.

(e) PRESIDENTIAL DETERMINATION OF NEED FOR ALTERNATIVE PAY ADJUSTMENT.—(1) If, because of national emergency or serious economic conditions affecting the general welfare, the President considers the pay adjustment which would otherwise be required by this section in any year to be inappropriate, the President shall prepare and transmit to Congress before September 1 of the preceding year a plan for such alternative pay adjustments as the President considers appropriate, together with the reasons therefor.

(2) In evaluating an economic condition affecting the general welfare under this subsection, the President shall consider pertinent economic measures including the Indexes of Leading Economic Indicators, the Gross Domestic Product, the unemployment rate, the budget deficit, the Consumer Price Index, the Producer Price Index, the Employment Cost Index, and the Implicit Price Deflator for Personal Consumption Expenditures.

(3) The President shall include in the plan submitted to Congress under paragraph (1) an assessment of the impact that the alternative pay adjustments proposed in the plan would have on the Government's ability to recruit and retain well-qualified persons for the uniformed services.

(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; Pub. L. 106-65, div. A, title VI, § 602(a), Oct. 5, 1999, 113 Stat. 649; Pub. L. 108-136, div. A, title VI, § 602, Nov. 24, 2003, 117 Stat. 1498.)

AMENDMENTS

2003—Subsec. (a). Pub. L. 108-136, § 602(a), amended heading and text of subsec. (a) generally. Prior to amendment, text read as follows: "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."

Subsec. (b). Pub. L. 108-136, § 602(b), substituted "shall have the force and effect of law." for "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."

Subsec. (c). Pub. L. 108-136, § 602(c)(1), (3), added subsec. (c) and struck out former subsec. (c) which related to equal percentage increase for all members.

Subsec. (d). Pub. L. 108-136, § 602(c)(1), (2), redesignated subsec. (f) as (d) and struck out former subsec. (d) which related to allocation of increase among pay grades and years-of-service.

Subsec. (e). Pub. L. 108-136, § 602(c)(1), (4), added subsec. (e) and struck out heading and text of former subsec. (e). Text read as follows: "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."

Subsec. (f). Pub. L. 108-136, § 602(c)(2), redesignated subsec. (f) as (d).

Subsec. (g). Pub. L. 108-136, § 602(c)(1), struck out heading and text of subsec. (g). Text read as follows: "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."

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

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 centum", 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 "sub-

section (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 1999 AMENDMENT

Pub. L. 106-65, div. A, title VI, §602(b), Oct. 5, 1999, 113 Stat. 649, provided that: "The amendments made by subsection (a) [amending this section] shall take effect on October 1, 2000."

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]."

INCREASE IN BASIC PAY FOR FISCAL YEAR 2007

Pub. L. 109-364, div. A, title VI, §601, Oct. 17, 2006, 120 Stat. 2240, provided that:

"(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2007 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

"(b) JANUARY 1, 2007, INCREASE IN BASIC PAY.—Effective on January 1, 2007, the rates of monthly basic pay for members of the uniformed services are increased by 2.2 percent.

"(c) REFORM OF BASIC PAY RATES.—Effective on April 1, 2007, the rates of monthly basic pay for members of the uniformed services within each pay grade (and with years of service computed under section 205 of title 37, United States Code) are as follows:

COMMISSIONED OFFICERS¹

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O-8	8,453.10	8,729.70	8,913.60	8,964.90	9,194.10
O-7	7,023.90	7,350.00	7,501.20	7,621.20	7,838.40
O-6	5,206.20	5,719.20	6,094.50	6,094.50	6,117.60
O-5	4,339.80	4,888.80	5,227.50	5,291.10	5,502.00
O-4	3,744.60	4,334.70	4,623.90	4,688.40	4,956.90
O-3 ³	3,292.20	3,732.30	4,028.40	4,392.00	4,602.00
O-2 ³	2,844.30	3,239.70	3,731.40	3,857.40	3,936.60
O-1 ³	2,469.30	2,569.80	3,106.50	3,106.50	3,106.50
	Over 8	Over 10	Over 12	Over 14	Over 16
O-8	9,577.20	9,666.30	10,030.20	10,134.30	10,447.80
O-7	8,052.90	8,301.30	8,548.80	8,797.20	9,577.20
O-6	6,380.10	6,414.60	6,414.60	6,779.10	7,423.80
O-5	5,628.60	5,906.40	6,110.10	6,373.20	6,776.40
O-4	5,244.60	5,602.80	5,882.40	6,076.20	6,187.50
O-3 ³	4,833.00	4,982.70	5,228.40	5,355.90	5,355.90
O-2 ³	3,936.60	3,936.60	3,936.60	3,936.60	3,936.60
O-1 ³	3,106.50	3,106.50	3,106.50	3,106.50	3,106.50
	Over 18	Over 20	Over 22	Over 24	Over 26

COMMISSIONED OFFICERS¹—Continued

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O-10 ²	\$0.00	\$13,659.00	\$13,725.90	\$14,011.20	\$14,508.60
O-9	0.00	11,946.60	12,118.50	12,367.20	12,801.30
O-8	10,900.80	11,319.00	11,598.30	11,598.30	11,598.30
O-7	10,236.00	10,236.00	10,236.00	10,236.00	10,287.90
O-6	7,802.10	8,180.10	8,395.20	8,613.00	9,035.70
O-5	6,968.10	7,158.00	7,373.10	7,373.10	7,373.10
O-4	6,252.30	6,252.30	6,252.30	6,252.30	6,252.30
O-3 ³	5,355.90	5,355.90	5,355.90	5,355.90	5,355.90
O-2 ³	3,936.60	3,936.60	3,936.60	3,936.60	3,936.60
O-1 ³	3,106.50	3,106.50	3,106.50	3,106.50	3,106.50
	Over 28	Over 30	Over 32	Over 34	Over 36
O-10 ²	\$14,508.60	\$15,234.00	\$15,234.00	\$15,995.70	\$15,995.70
O-9	12,801.30	13,441.50	13,441.50	14,113.50	14,113.50
O-8	11,598.30	11,888.40	11,888.40	12,185.70	12,185.70
O-7	10,287.90	10,493.70	10,493.70	10,493.70	10,493.70
O-6	9,035.70	9,216.30	9,216.30	9,216.30	9,216.30
O-5	7,373.10	7,373.10	7,373.10	7,373.10	7,373.10
O-4	6,252.30	6,252.30	6,252.30	6,252.30	6,252.30
O-3 ³	5,355.90	5,355.90	5,355.90	5,355.90	5,355.90
O-2 ³	3,936.60	3,936.60	3,936.60	3,936.60	3,936.60
O-1 ³	3,106.50	3,106.50	3,106.50	3,106.50	3,106.50
	Over 38	Over 40			
O-10 ²	\$16,795.50	\$16,795.50			
O-9	14,819.10	14,819.10			
O-8	12,185.70	12,185.70			
O-7	10,493.70	10,493.70			
O-6	9,216.30	9,216.30			
O-5	7,373.10	7,373.10			
O-4	6,252.30	6,252.30			
O-3 ³	5,355.90	5,355.90			
O-2 ³	3,936.60	3,936.60			
O-1 ³	3,106.50	3,106.50			

¹Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for commissioned officers [sic] in pay grades O-7 [O-7] through O-10 [O-10] may not exceed the rate of pay for level II of the Executive Schedule and the actual rate of basic pay for all other officers may not exceed the rate of pay for level V of the Executive Schedule.

²Subject to the preceding footnote, 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, Commandant of the Coast Guard, or commander of a unified or specified combatant command (as defined in section 161(c) of title 10, United States Code), basic pay for this grade is \$17,972.10, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

³This table does not apply to commissioned officers in pay grade O-1, O-2, or O-3 who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O-3E	\$0.00	\$0.00	\$0.00	\$4,392.00	\$4,602.00
O-2E	0.00	0.00	0.00	3,857.40	3,936.60
O-1E	0.00	0.00	0.00	3,106.50	3,317.70
	Over 8	Over 10	Over 12	Over 14	Over 16
O-3E	\$4,833.00	\$4,982.70	\$5,228.40	\$5,435.40	\$5,554.20
O-2E	4,062.00	4,273.50	4,437.00	4,558.80	4,558.80
O-1E	3,440.10	3,565.50	3,688.80	3,857.40	3,857.40
	Over 18	Over 20	Over 22	Over 24	Over 26
O-3E	\$5,715.90	\$5,715.90	\$5,715.90	\$5,715.90	\$5,715.90
O-2E	4,558.80	4,558.80	4,558.80	4,558.80	4,558.80
O-1E	3,857.40	3,857.40	3,857.40	3,857.40	3,857.40
	Over 28	Over 30	Over 32	Over 34	Over 36
O-3E	\$5,715.90	\$5,715.90	\$5,715.90	\$5,715.90	\$5,715.90
O-2E	4,558.80	4,558.80	4,558.80	4,558.80	4,558.80
O-1E	3,857.40	3,857.40	3,857.40	3,857.40	3,857.40
	Over 38	Over 40			
O-3E	\$5,715.90	\$5,715.90			
O-2E	4,558.80	4,558.80			
O-1E	3,857.40	3,857.40			

WARRANT OFFICERS¹

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
W-5	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
W-4	3,402.00	3,660.00	3,765.00	3,868.50	4,046.40
W-3	3,106.80	3,236.40	3,369.00	3,412.80	3,552.00
W-2	2,749.20	3,009.30	3,089.40	3,144.60	3,322.80
W-1	2,413.20	2,672.40	2,742.90	2,890.50	3,065.10
	Over 8	Over 10	Over 12	Over 14	Over 16
W-5	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
W-4	4,222.20	4,400.70	4,669.20	4,904.40	5,128.20
W-3	3,825.90	4,110.90	4,245.30	4,400.40	4,560.30
W-2	3,600.00	3,737.10	3,872.40	4,037.70	4,166.70
W-1	3,322.20	3,442.20	3,610.20	3,775.50	3,905.10
	Over 18	Over 20	Over 22	Over 24	Over 26
W-5	\$0.00	\$6,049.50	\$6,356.40	\$6,585.00	\$6,838.20
W-4	5,310.90	5,489.70	5,752.20	5,967.60	6,213.60
W-3	4,847.70	5,042.40	5,158.50	5,282.10	5,450.10
W-2	4,284.00	4,423.80	4,515.90	4,589.40	4,589.40
W-1	4,024.50	4,170.00	4,170.00	4,170.00	4,170.00
	Over 28	Over 30	Over 32	Over 34	Over 36
W-5	\$6,838.20	\$7,180.20	\$7,180.20	\$7,539.30	\$7,539.30
W-4	6,213.60	6,337.80	6,337.80	6,337.80	6,337.80
W-3	5,450.10	5,450.10	5,450.10	5,450.10	5,450.10
W-2	4,589.40	4,589.40	4,589.40	4,589.40	4,589.40
W-1	4,170.00	4,170.00	4,170.00	4,170.00	4,170.00
	Over 38	Over 40			
W-5	\$7,916.40	\$7,916.40			
W-4	6,337.80	6,337.80			
W-3	5,450.10	5,450.10			
W-2	4,589.40	4,589.40			
W-1	4,170.00	4,170.00			

¹Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for warrant officers may not exceed the rate of pay for level V of the Executive Schedule.

ENLISTED MEMBERS¹—Continued

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E-9 ²	\$6,381.90	\$6,381.90			
E-8	4,799.10	4,799.10			
E-7	4,204.20	4,204.20			
E-6	3,133.50	3,133.50			
E-5	2,630.10	2,630.10			
E-4	2,062.80	2,062.80			
E-3	1,729.20	1,729.20			
E-2	1,458.90	1,458.90			
E-1	1,301.40	1,301.40			

¹Notwithstanding the pay rates specified in this table, the actual basic pay for enlisted members may not exceed the rate of pay for level V of the Executive Schedule.

²Subject to the preceding footnote, the rate of basic pay for an enlisted member in this grade while serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, Master Chief Petty Officer of the Coast Guard, or Senior Enlisted Advisor to the Chairman of the Joint Chiefs of Staff is \$6,642.60, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

³In the case of members in pay grade E-1 who have served less than 4 months on active duty, the rate of basic pay is \$1,203.90.

Provisions relating to adjustment of compensation for members of the uniformed services for prior fiscal years were contained in the following acts:

2006—Pub. L. 109-163, div. A, title VI, § 601, Jan. 6, 2006, 119 Stat. 3286.

2005—Pub. L. 108-375, div. A, title VI, § 601, Oct. 28, 2004, 118 Stat. 1943.

2004—Pub. L. 108-136, div. A, title VI, § 601, Nov. 24, 2003, 117 Stat. 1495, as amended by Pub. L. 109-148, div. A, title VIII, § 8124(a)(1), Dec. 30, 2005, 119 Stat. 2727.

2003—Pub. L. 107-314, div. A, title VI, § 601, Dec. 2, 2002, 116 Stat. 2563.

2002—Pub. L. 107-107, div. A, title VI, § 601, Dec. 28, 2001, 115 Stat. 1129.

2001—Pub. L. 106-398, § 1 [[div. A], title VI, §§ 601, 602], Oct. 30, 2000, 114 Stat. 1654, 1654A-143.

2000—Pub. L. 106-65, div. A, title VI, § 601(a)-(c), Oct. 5, 1999, 113 Stat. 645, as amended by Pub. L. 106-398, § 1 [[div. A], title X, § 1087(c)(1)(C)], Oct. 30, 2000, 114 Stat. 1654, 1654A-292.

1999—Pub. L. 105-261, div. A, title VI, § 601, Oct. 17, 1998, 112 Stat. 2036.

1998—Pub. L. 105-85, div. A, title VI, § 601, Nov. 18, 1997, 111 Stat. 1771.

1997—Pub. L. 104-201, div. A, title VI, § 601, Sept. 23, 1996, 110 Stat. 2539.

1996—Pub. L. 104-106, div. A, title VI, § 601, Feb. 10, 1996, 110 Stat. 356.

1995—Pub. L. 103-337, div. A, title VI, § 601(a), (b), Oct. 5, 1994, 108 Stat. 2779.

1994—Pub. L. 103-160, div. A, title VI, § 601, Nov. 30, 1993, 107 Stat. 1677.

1993—Pub. L. 102-484, div. A, title VI, § 601, Oct. 23, 1992, 106 Stat. 2420.

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.

1992—Pub. L. 102-190, div. A, title VI, § 601, Dec. 5, 1991, 105 Stat. 1372.

Pub. L. 102-190, div. A, title XI, § 1111(c), Dec. 5, 1991, 105 Stat. 1491.

1991—Pub. L. 101-510, div. A, title VI, § 601, Nov. 5, 1990, 104 Stat. 1575.

1990—Pub. L. 101-189, div. A, title VI, § 601(a), (b), Nov. 29, 1989, 103 Stat. 1444.

1989—Pub. L. 100-456, div. A, title VI, § 601(a), (b), Sept. 29, 1988, 102 Stat. 1976.

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.

1987—Pub. L. 99-661, div. A, title VI, § 601(a), (b), title XIII, § 1310(c), Nov. 14, 1986, 100 Stat. 3873, 3983.

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.

1986—Pub. L. 99-145, title VI, § 601, Nov. 8, 1985, 99 Stat. 635.

ENLISTED MEMBERS¹

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E-9 ²	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
E-8	0.00	0.00	0.00	0.00	0.00
E-7	2,339.10	2,553.00	2,650.80	2,780.70	2,881.50
E-6	2,023.20	2,226.00	2,324.40	2,419.80	2,519.40
E-5	1,854.00	1,977.90	2,073.30	2,171.40	2,323.80
E-4	1,699.50	1,786.50	1,883.10	1,978.50	2,062.80
E-3	1,534.20	1,630.80	1,729.20	1,729.20	1,729.20
E-2	1,458.90	1,458.90	1,458.90	1,458.90	1,458.90
E-1 ³	1,301.40	1,301.40	1,301.40	1,301.40	1,301.40
	Over 8	Over 10	Over 12	Over 14	Over 16
E-9 ²	\$0.00	\$4,110.60	\$4,203.90	\$4,321.20	\$4,459.50
E-8	3,364.80	3,513.90	3,606.00	3,716.40	3,835.80
E-7	3,055.20	3,152.70	3,326.70	3,471.00	3,569.70
E-6	2,744.10	2,831.40	3,000.00	3,051.90	3,089.70
E-5	2,483.70	2,613.90	2,630.10	2,630.10	2,630.10
E-4	2,062.80	2,062.80	2,062.80	2,062.80	2,062.80
E-3	1,729.20	1,729.20	1,729.20	1,729.20	1,729.20
E-2	1,458.90	1,458.90	1,458.90	1,458.90	1,458.90
E-1 ³	1,301.40	1,301.40	1,301.40	1,301.40	1,301.40
	Over 18	Over 20	Over 22	Over 24	Over 26
E-9 ²	\$4,598.40	\$4,821.60	\$5,010.30	\$5,209.20	\$5,512.80
E-8	4,051.80	4,161.30	4,347.30	4,450.50	4,704.90
E-7	3,674.40	3,715.50	3,852.00	3,925.20	4,204.20
E-6	3,133.50	3,133.50	3,133.50	3,133.50	3,133.50
E-5	2,630.10	2,630.10	2,630.10	2,630.10	2,630.10
E-4	2,062.80	2,062.80	2,062.80	2,062.80	2,062.80
E-3	1,729.20	1,729.20	1,729.20	1,729.20	1,729.20
E-2	1,458.90	1,458.90	1,458.90	1,458.90	1,458.90
E-1 ³	1,301.40	1,301.40	1,301.40	1,301.40	1,301.40
	Over 28	Over 30	Over 32	Over 34	Over 36
E-9 ²	\$5,512.80	\$5,788.50	\$5,788.50	\$6,078.00	\$6,078.00
E-8	4,704.90	4,799.10	4,799.10	4,799.10	4,799.10
E-7	4,204.20	4,204.20	4,204.20	4,204.20	4,204.20
E-6	3,133.50	3,133.50	3,133.50	3,133.50	3,133.50
E-5	2,630.10	2,630.10	2,630.10	2,630.10	2,630.10
E-4	2,062.80	2,062.80	2,062.80	2,062.80	2,062.80
E-3	1,729.20	1,729.20	1,729.20	1,729.20	1,729.20
E-2	1,458.90	1,458.90	1,458.90	1,458.90	1,458.90
E-1	1,301.40	1,301.40	1,301.40	1,301.40	1,301.40
	Over 38	Over 40			

1985—Pub. L. 98-525, title VI, §601, Oct. 19, 1984, 98 Stat. 2533.

1984—Pub. L. 98-94, title IX, §901, Sept. 24, 1983, 97 Stat. 634.

1982—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.

1981—Pub. L. 96-342, title VIII, §801, Sept. 8, 1980, 94 Stat. 1090.

1976—
Pub. L. 94-106, title VIII, §819, Oct. 7, 1975, 89 Stat. 544.

1975—Pub. L. 93-419, §§5-7, Sept. 19, 1974, 88 Stat. 1153.

ADJUSTMENT OF PAY RATES

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

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. 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.

§ 1010. Commissioned officers: promotions; 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; amended Pub. L. 109-364, div. A, title X, §1071(c)(8), Oct. 17, 2006, 120 Stat. 2401.)

AMENDMENTS

2006—Pub. L. 109-364 substituted “promotions” for “promotion” in section catchline.

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 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 Homeland Security 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; Pub. L. 107-296, title XVII, §1704(c), Nov. 25, 2002, 116 Stat. 2314.)

AMENDMENTS

2002—Subsec. (d). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

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 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of Title 10, Armed Forces.

EFFECTIVE DATE OF 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.

§ 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(e), 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; Pub. L. 106-398, §1 [div. A], title X, §1087(b)(5), Oct. 30, 2000, 114 Stat. 1654, 1654A-292.)

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.

AMENDMENTS

2000—Pub. L. 106-398 substituted “section 402(e)” for “section 402(b)(3)”.

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.

(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.”

§ 1015. Repealed. Pub. L. 109-364, div. A, title X, § 1046(b)(1), Oct. 17, 2006, 120 Stat. 2393]

Section, added Pub. L. 106-65, div. A, title VI, §673(a)(1), Oct. 5, 1999, 113 Stat. 674, related to annual report on effects of recruitment and retention initiatives.