

Subsec. (g). Pub. L. 112-81 substituted “December 31, 2012” for “December 31, 2011”.

Pub. L. 111-383, §611(7), substituted “December 31, 2011” for “December 31, 2010”.

2009—Subsec. (g). Pub. L. 111-84 substituted “December 31, 2010” for “December 31, 2009”.

2008—Subsec. (a). Pub. L. 110-181, §604(a), inserted before period at end of first sentence “, when the total monthly military compensation of the member is less than the average monthly civilian income of the member”.

Subsec. (b). Pub. L. 110-181, §604(b), amended subsec. (b) generally. Prior to amendment, text read as follows: “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.”

Subsec. (g). Pub. L. 110-417 substituted “December 31, 2009” for “December 31, 2008”.

Pub. L. 110-181, §604(c), amended subsec. (g) generally. Prior to amendment, text read as follows: “No payment shall be made under this section after December 31, 2008.”

EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 111-383, div. A, title VI, §601(b), Jan. 7, 2011, 124 Stat. 4235, provided that: “Subsection (b)(3) of section 910 of title 37, United States Code, as added by subsection (a), shall apply with respect to payments under such section for months beginning on or after the date of the enactment of this Act [Jan. 7, 2011].”

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.
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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.
[1015.	Repealed.]

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

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 474(a)–(d), and (f), of this title for travel per-

formed 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; Pub. L. 112-81, div. A, title VI, §631(f)(4)(A), Dec. 31, 2011, 125 Stat. 1465.)

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.

CODIFICATION

Section 631(f)(4)(A) of Pub. L. 112-81, which directed that this title be amended by conforming any references to sections of this title which were transferred and redesignated by “subsection (c)” of section 631, was executed by conforming the references to those sections as transferred and redesignated by subsection (d) of section 631, to reflect the probable intent of Congress.

AMENDMENTS

2011—Subsec. (b)(1). Pub. L. 112-81 substituted “474” for “404”. See Codification note above.

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 sub-