

this title, sections 1401, 1402, 3991, 6151, 6323, 6325 to 6327, 6381, 6383, 6390, 6394, 6396, 6398 to 6400, 6483, and 8991 of Title 10, section 423 of Title 14, Coast Guard, section 857a of Title 33, Navigation and Navigable Waters, and section 213a of Title 42, The Public Health and Welfare, repealing section 6149 of Title 10 and sections 2351 to 2356 of Title 50, Appendix, War and National Defense, and enacting provisions set out as notes under sections 201, 203, and 305 of this title, section 1402 of Title 10, and section 411 (now 1311) of Title 38, Veterans' Benefits] may be cited as the 'Uniformed Services Pay Act of 1963.'

TRANSFER OF FUNCTIONS

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

CHAPTER 3—BASIC PAY

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 Repealed.]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

AMENDMENTS

- 2004—Pub. L. 108-375, div. A, title VI, §606(b), Oct. 28, 2004, 118 Stat. 1946, added item 212.
- 1999—Pub. L. 106-65, div. A, title VI, §661(a)(1)(B), Oct. 5, 1999, 113 Stat. 670, added item 211.
- 1996—Pub. L. 104-201, div. A, title VI, §603(b)(2), Sept. 23, 1996, 110 Stat. 2540, substituted "Pay of senior enlisted members during terminal leave and while hospitalized" for "Pay of the senior noncommissioned officer of an armed force during terminal leave" in item 210.
- 1991—Pub. L. 102-190, div. A, title VI, §606(b), Dec. 5, 1991, 105 Stat. 1375, added item 210.
- 1990—Pub. L. 101-510, div. A, title XIV, §1484(f)(1), Nov. 5, 1990, 104 Stat. 1717, revised chapter heading so as to appear in all capital letters.
- 1985—Pub. L. 99-145, title V, §514(d)(2)(C), Nov. 8, 1985, 99 Stat. 629, substituted "Pay grades: retired Coast Guard rear admirals (lower half)" for "Pay grade: retired Coast Guard commodores" in item 202.
- 1984—Pub. L. 98-557, §25(b)(2)(B), Oct. 30, 1984, 98 Stat. 2872, substituted "Pay grade: retired Coast Guard commodores" for "Pay grades; commodores, retired list" in item 202.
- 1983—Pub. L. 97-417, §3(b), Jan. 4, 1983, 96 Stat. 2087, substituted "Pay grades; commodores, retired list" for "Pay grades: assignment to; rear admirals (upper half) of the Coast Guard" in item 202.
- 1980—Pub. L. 96-513, title V, §506(2), Dec. 12, 1980, 94 Stat. 2918, substituted "rear admirals (upper half) of the Coast Guard" for "rear admirals of upper half; officers holding certain positions in the Navy" in item 202.
- 1977—Pub. L. 95-79, title III, §302(a)(3)(C), July 30, 1977, 91 Stat. 326, substituted "precommissioning pro-

grams" for "Senior Reserve Officers' Training Corps" in item 209.

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

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

§ 201. Pay grades: assignment to; general rules

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

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

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

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

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

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

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

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 453; Pub. L. 88-132, § 3(a), Oct. 2, 1963, 77 Stat. 212; Pub. L. 89-718, § 49(a)(1), Nov. 2, 1966, 80 Stat. 1121; Pub. L. 91-278, § 3(1), June 12, 1970, 84 Stat. 306; Pub. L. 95-79, title III, § 302(a)(1), July 30, 1977, 91 Stat. 326; Pub. L. 96-76, title III, § 313(a), Sept. 29, 1979, 93 Stat. 586; Pub. L. 96-513, title V, §§ 506(3), 516(2), Dec. 12, 1980, 94 Stat. 2918, 2937; Pub. L. 97-86, title IV, § 405(c), Dec. 1, 1981, 95 Stat. 1106; Pub. L. 98-94, title IX, § 932(d), Sept. 24, 1983, 97 Stat. 650; Pub. L. 98-557, § 25(b)(1), Oct. 30, 1984, 98 Stat. 2872; Pub. L. 99-145, title V, § 514(d)(1), Nov. 8, 1985, 99 Stat. 629; Pub. L. 101-502, § 5(k)(2), Nov. 3, 1990, 104 Stat. 1289; Pub. L. 102-25, title VII, § 701(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 102-190, div. A, title VI, § 605, title XI, § 1111(b), Dec. 5, 1991, 105 Stat. 1374, 1491; Pub. L. 109-163, div. A, title V, § 515(d)(1)(B), Jan. 6, 2006, 119 Stat. 3236.)

## HISTORICAL AND REVISION NOTES

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

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

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

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

In subsection (e), the words "enlisted or appointed under the Army Aviation Cadet Act, as amended, or under the Naval Aviation Cadet Act of 1942, as amended" are omitted as obsolete and surplusage. Both of the cited acts were repealed by section 53 of the Act of August 10, 1956, ch. 1041 (70A Stat. 641), and replaced by various sections of title 10. Further reference is surplusage, however, since aviation cadets are not appointed or enlisted under any provision of law other than the sections of title 10 embodying the former

Army Aviation Cadet Act and the Naval Aviation Cadet Act of 1942. The word "basic" is inserted for clarity, since the word "pay" as defined in section 101(21) of this revised title includes special and incentive pays. Incentive pay for aviation cadets is provided in section 301(b) of this revised title.

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

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

## AMENDMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EFFECTIVE DATE OF 1991 AMENDMENT

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

EFFECTIVE DATE OF 1990 AMENDMENT

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

EFFECTIVE DATE OF 1983 AMENDMENT

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

EFFECTIVE DATE OF 1981 AMENDMENT

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

EFFECTIVE DATE OF 1980 AMENDMENT

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

EFFECTIVE DATE OF 1979 AMENDMENT

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

EFFECTIVE DATE OF 1963 AMENDMENT

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

TRANSFER OF FUNCTIONS

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

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

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

An officer of the Coast Guard holding a permanent appointment in the grade of rear admiral

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

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

HISTORICAL AND REVISION NOTES

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

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

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

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

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

AMENDMENTS

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

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

1983—Pub. L. 97-417 substituted provision relating to the entitlement of retired list Coast Guard commodores to the basic pay of a retired rear admiral after two years emergency or wartime duty, for former subs. (a) and (b), which, respectively, related to the entitlement of retired Coast Guard rear admirals (other-