

(f) A member of the Individual Ready Reserve is not entitled to compensation under this section for participation in screening for which the member is paid a stipend under section 433a of this title.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 460; Pub. L. 98-525, title XIV, §1402(a), Oct. 19, 1984, 98 Stat. 2620; Pub. L. 99-661, div. A, title VI, §604(c), Nov. 14, 1986, 100 Stat. 3876; Pub. L. 100-456, div. A, title VI, §631(c), Sept. 29, 1988, 102 Stat. 1985; Pub. L. 102-25, title VII, §702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 104-106, div. A, title VII, §702(d), Feb. 10, 1996, 110 Stat. 371; Pub. L. 105-85, div. A, title V, §513(g), Nov. 18, 1997, 111 Stat. 1732; Pub. L. 107-107, div. A, title V, §513(e), title VI, §603(a), Dec. 28, 2001, 115 Stat. 1093, 1133; Pub. L. 109-163, div. A, title VI, §604, Jan. 6, 2006, 119 Stat. 3287; Pub. L. 109-364, div. A, title VI, §607, Oct. 17, 2006, 120 Stat. 2247; Pub. L. 110-181, div. A, title VI, §633(b), Jan. 28, 2008, 122 Stat. 155.)

## HISTORICAL AND REVISION NOTES

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

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

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

## PRIOR PROVISIONS

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

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

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

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

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

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

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

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

## AMENDMENTS

2008—Subsec. (f). Pub. L. 110-181 added subsec. (f).

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

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

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

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

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

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

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

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

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

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

## EFFECTIVE DATE OF 1988 AMENDMENT

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

## EFFECTIVE DATE OF 1984 AMENDMENT

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

## § 207. Band leaders

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

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

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

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

(e) The director of the Coast Guard Band is entitled to the basic pay of an officer in the grade in which he is serving. However, his basic pay

may not be less than that to which he was entitled at the time of his appointment as director.

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

#### HISTORICAL AND REVISION NOTES

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

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

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

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

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

#### AMENDMENTS

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

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

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

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

#### TRANSFER OF FUNCTIONS

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

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

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

#### **§ 209. Members of precommissioning programs**

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

event shall any member receive such pay for more than 30 months.

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

(3) A subsistence allowance under this section may not be considered financial assistance requiring additional service within the meaning of the third sentence of section 6(d)(1) of the Military Selective Service Act (50 U.S.C. 3806(d)(1)).

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

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

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

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

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 461; Pub. L. 88-647, title II, § 202(2), Oct. 13, 1964, 78 Stat. 1070;