

# TITLE 37—PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

*This title was enacted by Pub. L. 87-649, §1, Sept. 7, 1962, 76 Stat. 451*

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### AMENDMENTS

2013—Pub. L. 112-239, div. A, title X, §1076(a)(7), Jan. 2, 2013, 126 Stat. 1948, made technical amendment to directory language of Pub. L. 112-81, §631(f)(2). See 2011 Amendment note below.

2011—Pub. L. 112-81, div. A, title VI, §631(f)(2), Dec. 31, 2011, 125 Stat. 1464, as amended by Pub. L. 112-239, div. A, title X, §1076(a)(7), Jan. 2, 2013, 126 Stat. 1948, substituted “Allowances Other Than Travel and Transportation Allowances” for “Allowances” in item for chapter 7 and added item for chapter 8.

1966—Pub. L. 89-554, §5(a), Sept. 6, 1966, 80 Stat. 625, added item for chapter 10.

TABLE SHOWING DISPOSITION OF ALL SECTIONS OF FORMER TITLE 37

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1-3 .....	Rep.
3a .....	Elim.
4-4b .....	Rep.
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4c-1 .....	T. 10 § 6116
5-8a .....	Rep.
9, 9a .....	Rep.
10, 10a .....	Rep.
11-13a .....	Rep.
14, 14a .....	Rep.
15-16a .....	Rep.
17, 17a .....	Rep.
18, 18a .....	Rep.
19, 19a .....	Rep.
20, 20a .....	Rep.
21, 21a .....	Rep.
22-26a .....	Rep.
27-29b .....	Rep.
30, 31 .....	Rep.
31a (less proviso of (b)) .....	T. 10 §§ 701-704
31a(b) (proviso) .....	501
32(b), (d), (e), (g), (h) .....	501
32(c) .....	Rep.
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32 (less (b)-(e), (g), (h)) .....	101
33(a) .....	Rep.
33(b) .....	502, 503
33(c), (d) .....	501
33(e) .....	T. 10 § 704
33a-37 .....	Rep.
38 .....	504; T. 10 § 702
39 .....	501-503. Rep. in part. See T. 33 § 857a
101-101b .....	Rep.
102-103b .....	Rep.

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<i>Title 37 Former Sections</i>	<i>Title 37 New Sections</i>
104-111 .....	Rep.
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112d-112i .....	Rep.
113, 114 .....	Rep.
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118a .....	Elim.
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118b-120 .....	Rep.
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231(g) .....	401, 420
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232(a) .....	203
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232(d) .....	204
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233 (less proviso of (d)) .....	205
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234 .....	302, 303
234a .....	Rep.
234b .....	Elim.
235 .....	301
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236 .....	304
237 .....	305
238 .....	Elim.
239 .....	308
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241 .....	306
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243 .....	902
244 .....	Rep.
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252 (less (a)-(f)) .....	Rep. See T. 50 App. §§ 2201-2204
253(a) .....	404
253(b) .....	405
253(c) .....	406, 407, 409, 411
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253(e) .....	410
253(f)-(h) .....	411
253a .....	Rep.
254 .....	414
255 .....	415-417
256 .....	415
256a .....	419
257 .....	414
271 .....	T. 10 §§ 1204, 1362; T. 33 § 857a; T. 42 § 213a
272(a), (b) .....	T. 10 §§ 1201-1203; T. 33 § 857a; T. 42 § 213a
272(c) .....	T. 10 §§ 1204-1206; T. 33 § 857a; T. 42 § 213a
272(d) .....	T. 10 §§ 1210, 1372, 1373, 1401, 1402; T. 33 § 857a; T. 42 § 213a
272(e) .....	T. 10 §§ 1210, 1401; T. 33 § 857a; T. 42 § 213a
272(f) .....	T. 10 §§ 1201, 1204, 1210; T. 33 § 857a; T. 42 § 213a
272(g) .....	T. 10 § 1209; T. 33 § 857a; T. 42 § 213a
272(h) .....	T. 10 § 1403; T. 33 § 857a; T. 42 § 213a
272(i) .....	T. 10 § 1215; T. 33 § 857a; T. 42 § 213a
273 .....	T. 10 § 1212; T. 33 § 857a; T. 42 § 213a
274 .....	T. 10 § 1210; T. 33 § 857a; T. 42 § 213a
275-277 .....	T. 10 § 1211; T. 33 § 857a; T. 42 § 213a

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278	T. 10 §1207; T. 33 §857a; T. 42 §213a
279	T. 10 §§1372, 1373; T. 33 §857a; T. 42 §213a
280	T. 10 §1213; T. 33 §857a; T. 42 §213a
281	Rep.
282	T. 10 §1208. Rep. in part. See T. 10 §1208 nt.; T. 42 §212(g)
283	T. 10 §1214, 1216; T. 33 §857a; T. 42 §213a
284	T. 10 §1216; T. 33 §857a; T. 42 §213a
285	Rep.
301(a)	206, 402
301(b)	206, 1002
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301(f)	Rep.
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303	423
304	201, 421
305	418
306	T. 10 §6153; T. 14 §510
307	Elim.
308	201, 422
308a	204
309	1003
310	1004
310a	Rep.
310b	1005
310c, 310c-1	1006
310d	1006
311	Elim. See T. 10 §568 nt.
312	Rep.
313	Elim.
314	903
315	Rep.
316	T. 10 §1402; T. 33 §857a; T. 42 §213a
317	Elim.
318, 319	Rep.
320	403
321	Rep.
321a	Elim.
322, 322a	Rep.
323	801
324	1001
351	601
352	602
353	602, 603
354	604
361-363	T. 10 §2771; T. 32 §714; T. 33 §857a; T. 42 §213a
364, 365	T. 10 §2771; T. 32 §714; T. 33 §857a; T. 42 §213a. Rep. in part. See T. 10 §2771 nt.
371(e), (f)	T. 10 §1435; T. 33 §857a; T. 42 §213a
371 (less (e), (f))	T. 10 §1431; T. 33 §857a; T. 42 §213a
372(a)	T. 10 §§1431, 1432; T. 33 §857a; T. 42 §213a
372(b)	T. 10 §1431; T. 33 §857a; T. 42 §213a
372 (less (a), (b))	T. 10 §1433; T. 33 §857a; T. 42 §213a
372a-372c	Rep.
373(c)	T. 10 §1436; T. 33 §857a; T. 42 §213a
373(d)	T. 10 §1439; T. 33 §857a; T. 42 §213a
373 (less (c), (d))	T. 10 §1434; T. 33 §857a; T. 42 §213a
374	T. 10 §1438; T. 33 §857a; T. 42 §213a
375	T. 10 §1444; T. 33 §857a; T. 42 §213a
376	T. 10 §1442; T. 33 §857a; T. 42 §213a
377	T. 10 §§1443, 1444; T. 33 §857a; T. 42 §213a
378	T. 10 §1440; T. 33 §857a; T. 42 §213a
379	T. 10 §1437; T. 33 §857a; T. 42 §213a
380	T. 10 §1441; T. 33 §857a; T. 42 §213a
381	Rep.
401	T. 10 §1071
402(a)	T. 10 §§1072, 1074, 1076, 1079
402 (less (a))	T. 10 §1073
403(a), (b)	T. 10 §1076
403(c)-(e)	T. 10 §1078
403 (less (a)-(e))	T. 10 §1077
404	T. 10 §1084

TABLE SHOWING DISPOSITION OF ALL SECTIONS OF FORMER TITLE 37—Continued

Title 37 Former Sections	Title 37 New Sections
405	Rep.
411(c)	T. 10 §1080
411 (less (c))	T. 10 §1079
412	T. 10 §1081
413	T. 10 §1082
414	T. 10 §1079
421(c)	T. 10 §1076
421(d)	T. 10 §1085
421 (less (c), (d))	T. 10 §1074
422	T. 10 §1075
423	T. 10 §1083

ENACTING CLAUSE

Pub. L. 87-649, §1, Sept. 7, 1962, 76 Stat. 451, provided in part: "That the laws relating to pay and allowances of the uniformed services of the United States are revised, codified, and enacted as title 37 of the United States Code, entitled 'Pay and Allowances of the Uniformed Services'."

EFFECTIVE DATE

Pub. L. 87-649, §15, Sept. 7, 1962, 76 Stat. 502, provided in part that: "This Act shall take effect on November 1, 1962."

INCONSISTENT PROVISIONS

Pub. L. 87-649, §15, Sept. 7, 1962, 76 Stat. 502, provided in part that: "Laws enacted after January 9, 1962, that are inconsistent with this Act shall supersede it to the extent of the inconsistency."

SAVINGS AND SEVERABILITY PROVISIONS

Pub. L. 87-649, §12, Sept. 7, 1962, 76 Stat. 497, provided that:

"(a) In sections 1-11 of this Act, it is the legislative purpose to restate, without substantive change, the law replaced by those sections on the effective date of this Act [Nov. 1, 1962]. However, laws effective after January 9, 1962, that are inconsistent with this Act, shall be considered as superseding it to the extent of the inconsistency.

"(b) References that other laws, regulations, and orders make to the replaced law shall be considered to be made to the corresponding provisions of sections 1-11 of this Act.

"(c) Actions taken under the replaced law shall be considered to have been taken under the corresponding provisions of sections 1-11 of this Act.

"(d) If a part of this Act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this Act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

"(e) The enactment of this Act does not increase or decrease the pay or allowances, including retired or retrain pay, of any person."

RESTATEMENT OF SUSPENDED OR TEMPORARILY SUPERSEDED PROVISIONS

Pub. L. 87-649, §13, Sept. 7, 1962, 76 Stat. 498, provided that: "If on the effective date of this Act [Nov. 1, 1962], a provision of law that is restated in this Act and repealed by section 14 would have been in a suspended or temporarily superseded status but for its repeal, the provisions of this Act that restate that provision have the same suspended or temporarily superseded status."

REPEALS

Pub. L. 87-649, §14, Sept. 7, 1962, 76 Stat. 498, repealed the sections or parts of sections of the Revised Statutes or Statutes at Large covering provisions codified in this title, "except with respect to rights and duties that matured, penalties that were incurred, and pro-

ceedings that were begun before the effective date of this Act [Nov. 1, 1962] and except as provided in section 12.”

## CHAPTER 1—DEFINITIONS

Sec.  
101. Definitions.

### AMENDMENTS

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.

### § 101. Definitions

In addition to the definitions in sections 1-5 of title 1, the following definitions apply in this title:

(1)(A) The term “United States”, in a geographic sense, means the States and the District of Columbia.

(B) The term “continental United States” means the 48 contiguous States and the District of Columbia.

(2) The term “possessions” includes Guam, American Samoa, and the guano islands.

(3) The term “uniformed services” means the Army, Navy, Air Force, Marine Corps, Coast Guard, National Oceanic and Atmospheric Administration, and Public Health Service.

(4) The term “armed forces” means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

(5) The term “Secretary concerned” means—  
(A) the Secretary of the Army, with respect to matters concerning the Army;

(B) the Secretary of the Navy, with respect to matters concerning the Navy, the Marine Corps, and the Coast Guard when it is operating as a service in the Navy;

(C) the Secretary of the Air Force, with respect to matters concerning the Air Force;

(D) the Secretary of Homeland Security, with respect to matters concerning the Coast Guard when it is not operating as a service in the Navy;

(E) the Secretary of Commerce, with respect to matters concerning the National Oceanic and Atmospheric Administration; and

(F) the Secretary of Health and Human Services, with respect to matters concerning the Public Health Service.

(6) The term “National Guard” means the Army National Guard and the Air National Guard.

(7) The term “Army National Guard” means that part of the organized militia of the several States, Puerto Rico, Guam, the Canal Zone, the Virgin Islands, and the District of Columbia, active and inactive, that—

(A) is a land force;

(B) is trained, and has its officers appointed, under the sixteenth clause of section 8, article I, of the Constitution;

(C) is organized, armed, and equipped wholly or partly at Federal expense; and

(D) is federally recognized.

(8) The term “Army National Guard of the United States” means the reserve component

of the Army all of whose members are members of the Army National Guard.

(9) The term “Air National Guard” means that part of the organized militia of the several States, Puerto Rico, Guam, the Canal Zone, the Virgin Islands, and the District of Columbia, active and inactive, that—

(A) is an air force;

(B) is trained, and has its officers appointed, under the sixteenth clause of section 8, article I, of the Constitution;

(C) is organized, armed, and equipped wholly or partly at Federal expense; and

(D) is federally recognized.

(10) The term “Air National Guard of the United States” means the reserve component of the Air Force all of whose members are members of the Air National Guard.

(11) The term “officer” means commissioned or warrant officer.

(12) The term “commissioned officer” includes a commissioned warrant officer.

(13) The term “warrant officer” means a person who holds a commission or warrant in a warrant officer grade.

(14) The term “enlisted member” means a person in an enlisted grade.

(15) The term “grade” means a step or degree, in a graduated scale of office or rank, that is established and designated as a grade by law or regulation.

(16) The term “rank” means the order of precedence among members of the uniformed services.

(17) The term “rating” means the name (such as “boatswain’s mate”) prescribed for members of a uniformed service in an occupational field; “rate” means the name (such as “chief boatswain’s mate”) prescribed for members in the same rating or other category who are in the same grade (such as chief petty officer or seaman apprentice).

(18) The term “active duty” means full-time duty in the active service of a uniformed service, and includes full-time training duty, annual training duty, full-time National Guard duty, and attendance, while in the active service, at a school designated as a service school by law or by the Secretary concerned.

(19) The term “active duty for a period of more than 30 days” means active duty under a call or order that does not specify a period of 30 days or less.

(20) The term “active service” means service on active duty.

(21) The term “pay” includes basic pay, special pay, retainer pay, incentive pay, retired pay, and equivalent pay, but does not include allowances.

(22) The term “inactive-duty training” means—

(A) duty prescribed for members of a reserve component by the Secretary concerned under section 206 of this title or any other law; and

(B) special additional duties authorized for members of a reserve component by an authority designated by the Secretary concerned and performed by them on a vol-