

§ 1003. Assimilation of pay and allowances

Chapters 3 and 5 and sections 402–403b, 474–477, 479–481,¹ 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; Pub. L. 112–81, div. A, title VI, §631(f)(4)(A), Dec. 31, 2011, 125 Stat. 1465; Pub. L. 112–239, div. A, title X, §1076(a)(9), Jan. 2, 2013, 126 Stat. 1948.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1003	37:309.	Oct. 12, 1949, ch. 681, §509; restated May 19, 1952, ch. 310, §3, 66 Stat. 80.

Editorial Notes

REFERENCES IN TEXT

Sections 474 to 477 and 479 to 481 of this title, referred to in text, were repealed by Pub. L. 117–81, div. A, title VI, §604(a), Dec. 27, 2021, 135 Stat. 1767.

AMENDMENTS

2013—Pub. L. 112–239, §1076(a)(9), made technical amendment to directory language of Pub. L. 112–81, §631(f)(4)(A). See 2011 Amendment note below.

2011—Pub. L. 112–81, §631(f)(4)(A), as amended by Pub. L. 112–239, §1076(a)(9), substituted “402–403b, 474–477” for “402–407” and “479–481” for “409–411”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112–239, div. A, title X, §1076(a), Jan. 2, 2013, 126 Stat. 1947, provided that the amendment made by section 1076(a)(9) is effective Dec. 31, 2011, and as if included in Pub. L. 112–81 as enacted.

§ 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 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

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1004	37:310.	Oct. 12, 1949, ch. 681, §510, 63 Stat. 828.

§ 1005. Army, Air Force, and Space Force: prompt payments required

Members of the Army, the Air Force, and the Space Force shall be paid at such times that ar-

¹ See References in Text note below.

rears 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; Pub. L. 116–283, div. A, title IX, §925(k)(1)(A), (B), Jan. 1, 2021, 134 Stat. 3829.)

HISTORICAL AND REVISION NOTES

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

Editorial Notes

AMENDMENTS

2021—Pub. L. 116–283 substituted “Army, Air Force, and Space Force: prompt payments required” for “Army and Air Force: prompt payments required” in section catchline and “, the Air Force, and the Space Force” for “and of the Air Force” in text.

§ 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