

Public Law 90-207

AN ACT

December 16, 1967

To increase the basic pay for members of the uniformed services, and for other purposes.

[H. R. 13510]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 37, United States Code, is amended as follows:

(1) Section 203(a) is amended to read as follows:

"(a) The rates of monthly basic pay for members of the uniformed services within each pay grade are set forth in the following tables:

Uniformed services.
Salary increase.
80 Stat. 276.

"COMMISSIONED OFFICERS

"Pay grade	Years of service computed under section 205				
	2 or less	Over 2	Over 3	Over 4	Over 6
O-10 ¹	\$1,503.90	\$1,557.00	\$1,557.00	\$1,557.00	\$1,557.00
O-9	1,332.90	1,367.70	1,397.40	1,397.40	1,397.40
O-8	1,207.20	1,243.50	1,272.90	1,272.90	1,272.90
O-7	1,002.90	1,071.60	1,071.60	1,071.60	1,119.30
O-6	743.10	816.90	870.30	870.30	870.30
O-5	594.30	698.40	746.10	746.10	746.10
O-4	501.60	610.20	651.30	651.30	663.00
O-3 ²	466.20	520.80	556.20	615.90	645.30
O-2 ²	373.50	443.70	532.80	550.50	562.20
O-1 ²	321.00	355.20	443.70	443.70	443.70

"Pay grade	Years of service computed under section 205				
	Over 8	Over 10	Over 12	Over 14	Over 16
O-10 ¹	\$1,616.40	\$1,616.40	\$1,740.60	\$1,740.60	\$1,865.10
O-9	1,432.50	1,432.50	1,491.90	1,491.90	1,616.40
O-8	1,367.70	1,367.70	1,432.50	1,432.50	1,491.90
O-7	1,119.30	1,184.10	1,184.10	1,243.50	1,367.70
O-6	870.30	870.30	870.30	900.00	1,041.90
O-5	746.10	769.50	810.60	864.60	929.40
O-4	692.70	739.80	781.20	816.90	852.60
O-3 ²	668.70	704.70	739.80	757.80	757.80
O-2 ²	562.20	562.20	562.20	562.20	562.20
O-1 ²	443.70	443.70	443.70	443.70	443.70

"Pay grade	Years of service computed under section 205				
	Over 18	Over 20	Over 22	Over 26	Over 30
O-10 ¹	\$1,865.10	\$1,989.30	\$1,989.30	\$2,113.80	\$2,113.80
O-9	1,616.40	1,740.60	1,740.60	1,865.10	1,865.10
O-8	1,557.00	1,616.40	1,681.50	1,681.50	1,681.50
O-7	1,462.20	1,462.20	1,462.20	1,462.20	1,462.20
O-6	1,095.30	1,119.30	1,184.10	1,284.60	1,284.60
O-5	982.80	1,012.20	1,047.90	1,047.90	1,047.90
O-4	876.30	876.30	876.30	876.30	876.30
O-3 ²	757.80	757.80	757.80	757.80	757.80
O-2 ²	562.20	562.20	562.20	562.20	562.20
O-1 ²	443.70	443.70	443.70	443.70	443.70

¹ While serving as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, basic pay for this grade is \$2,332.20 regardless of cumulative years of service computed under sec. 205 of this title.

² Does not apply to commissioned officers who have been credited with over 4 years' active service as enlisted members.

"COMMISSIONED OFFICERS WHO HAVE BEEN CREDITED WITH OVER 4 YEARS' ACTIVE SERVICE AS ENLISTED MEMBERS

"Pay grade	Years of service computed under section 205					
	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14
O-3.....	\$615.90	\$645.30	\$668.70	\$704.70	\$739.80	\$769.50
O-2.....	550.50	562.20	580.20	610.20	633.60	651.30
O-1.....	443.70	473.70	491.40	509.10	526.80	550.50

"Pay grade	Years of service computed under section 205					
	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
O-3.....	\$769.50	\$769.50	\$769.50	\$769.50	\$769.50	\$769.50
O-2.....	651.30	651.30	651.30	651.30	651.30	651.30
O-1.....	550.50	550.50	550.50	550.50	550.50	550.50

"WARRANT OFFICERS

"Pay grade	Years of service computed under section 205						
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10
W-4.....	\$474.60	\$509.10	\$509.10	\$520.80	\$544.50	\$568.20	\$591.90
W-3.....	431.40	468.00	468.00	473.70	479.70	514.80	544.50
W-2.....	377.70	408.60	408.60	420.30	443.70	468.00	485.70
W-1.....	315.00	361.20	361.20	390.90	408.60	426.30	443.70

"Pay grade	Years of service computed under section 205							
	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
W-4.....	\$633.60	\$663.00	\$686.70	\$704.70	\$728.10	\$752.10	\$810.60	\$810.60
W-3.....	562.20	580.20	597.60	615.90	639.60	663.00	686.70	686.70
W-2.....	503.10	520.80	538.80	556.20	573.90	597.60	597.60	597.60
W-1.....	462.00	479.70	497.40	514.80	532.80	532.80	532.80	532.80

"ENLISTED MEMBERS

"Pay grade	Years of service computed under section 205						
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10
E-9 ¹						\$452.40	\$539.10
E-8.....						390.30	465.00
E-7.....	\$284.40	\$340.80	\$353.40	\$366.00	\$378.30	390.30	402.60
E-6.....	245.10	297.60	309.90	322.50	335.10	347.10	359.70
E-5.....	211.50	260.70	273.00	285.00	303.90	316.20	328.50
E-4.....	177.90	223.20	235.50	254.10	266.70	266.70	266.70
E-3.....	128.70	179.70	192.30	204.60	204.60	204.60	204.60
E-2.....	106.20	148.80	148.80	148.80	148.80	148.80	148.80
E-1.....	102.30	136.20	136.20	136.20	136.20	136.20	136.20
E-1 (under 4 months)...	95.70						

"Pay grade	Years of service computed under section 205							
	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
E-9 ¹	\$551.40	\$564.30	\$576.60	\$589.20	\$601.20	\$632.70	\$694.20	\$694.20
E-8.....	477.30	489.90	502.20	514.50	527.10	558.30	620.10	620.10
E-7.....	415.50	434.10	446.40	458.70	465.00	496.20	558.30	558.30
E-6.....	378.30	390.30	402.60	409.20	409.20	409.20	409.20	409.20
E-5.....	340.80	347.10	347.10	347.10	347.10	347.10	347.10	347.10
E-4.....	266.70	266.70	266.70	266.70	266.70	266.70	266.70	266.70
E-3.....	204.60	204.60	204.60	204.60	204.60	204.60	204.60	204.60
E-2.....	148.80	148.80	148.80	148.80	148.80	148.80	148.80	148.80
E-1.....	136.20	136.20	136.20	136.20	136.20	136.20	136.20	136.20

¹ While serving as Sergeant Major of the Army, Senior Enlisted Advisor of the Navy, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, basic pay for this grade is \$844.20 regardless of cumulative years of service computed under section 205 of this title."

(2) Chapter 5 is amended as follows:

(A) By adding the following new section:

“§ 311. Special pay: continuation pay for physicians and dentists who extend their service on active duty

“(a) Under regulations to be prescribed by the Secretary of Defense or by the Secretary of Health, Education, and Welfare, as appropriate, an officer of the Army or Navy in the Medical or Dental Corps, an officer of the Air Force who is designated as a medical officer or dental officer, or a medical or dental officer of the Public Health Service who—

“(1) is serving on active duty in a critical specialty designated by the Secretary;

“(2) has completed any other definitive active duty obligation that he has under law or regulation; and

“(3) executes a written agreement to remain on active duty for at least one additional year;

may be paid not more than four months basic pay at the rate applicable to him when he executes that agreement for each additional year that he agrees to remain on active duty. Pay under this section shall be paid in equal annual or semiannual installments, as determined by the Secretary of Defense or the Secretary of Health, Education, and Welfare, as appropriate, in each additional year covered by an agreement to remain on active duty. However, in meritorious cases, the pay may be paid in fewer installments if the Secretary determines it to be in the best interest of the officer.

“(b) An officer who does not serve on active duty for the entire period for which he was paid under this section shall refund that percentage of the payment that the unserved part of the period is of the total period for which the payment was made.

“(c) The Secretary of Defense and the Secretary of Health, Education, and Welfare shall submit separate written reports each year to the Committees on Armed Services of the Senate and House of Representatives regarding the operation of the special pay program authorized by subsection (a) of this section and, whenever such special pay program is to be continued in operation, such report shall include the justification for continuing such program. Reports under this section shall be made on a calendar year basis, beginning with the calendar year 1968, and the reports for any calendar year shall be submitted not later than April 1 of the succeeding calendar year.”

(B) By inserting the following item in the analysis:

“311. Special pay: continuation pay for physicians and dentists who extend their service on active duty.”

(3) Section 403 (f) is amended to read as follows:

“(f) A member of a uniformed service without dependents who is in pay grade E-4 (four or more years' service), or above, is entitled to a basic allowance for quarters while he is in a travel or leave status between permanent duty stations, including time granted as delay en route or proceed time, when he is not assigned to quarters of the United States.”

(4) Section 407 (a) is amended to read as follows:

“(a) Except as provided by subsections (b) and (c) of this section, under regulations prescribed by the Secretary concerned, a member of a uniformed service—

“(1) whose dependents make an authorized move in connection with his change of permanent station;

“(2) whose dependents are covered by section 405a(a) of this title; or

76 Stat. 461;
77 Stat. 216.
37 USC 301-310.

Reports to congressional committees.

Basic allowance for quarters.
76 Stat. 471.

Dislocation allowance.

79 Stat. 116;
80 Stat. 851.

"(3) without dependents, who is transferred to a permanent station where he is not assigned to quarters of the United States; is entitled to a dislocation allowance equal to his basic allowance for quarters for one month as provided for a member of his pay grade and dependency status in section 403 of this title. For the purposes of this subsection, a member whose dependents may not make an authorized move in connection with a change of permanent station is considered a member without dependents."

76 Stat. 470;
80 Stat. 1122.

Retired pay ad-
justments,
77 Stat. 213.

SEC. 2. (a) Title 10, United States Code, is amended as follows:

(1) The text of section 1401a of title 10, United States Code, is amended to read as follows:

"(a) Unless otherwise specifically provided by law, the retired pay or retainer pay of a member or former member of an armed force may not be recomputed to reflect any increase in the rates of basic pay for members of the armed forces. In this section, 'Index' means the Consumer Price Index (all items, United States city average) published by the Bureau of Labor Statistics.

Consumer Price
Index, determina-
tion of increase.

"(b) The Secretary of Defense shall determine monthly the percent by which the index has increased over that used as the basis (base index) for the most recent adjustment of retired pay and retainer pay under this subsection. If the Secretary determines that, for three consecutive months, the amount of the increase is at least 3 percent over the base index, the retired pay and retainer pay of members and former members of the armed forces who became entitled to that pay before the first day of the third calendar month beginning after the end of those three months shall, except as provided in subsection (c), be increased, effective on that day, by the highest percent of increase in the index during those months, adjusted to the nearest one-tenth of 1 percent.

Ante, pp. 649,
650.

"(c) Notwithstanding subsection (b), if a member or former member of an armed force becomes entitled to retired pay or retainer pay based on rates of monthly basic pay prescribed by section 203 of title 37 that became effective after the last day of the month of the base index, his retired pay or retainer pay shall be increased on the effective date of the next adjustment of retired pay and retainer pay under subsection (b) only by the percent (adjusted to the nearest one-tenth of 1 percent) that the new base index exceeds the index for the calendar month immediately before that in which the rates of monthly basic pay on which his retired pay or retainer pay is based became effective.

"(d) If a member or former member of an armed force becomes entitled to retired pay or retainer pay on or after the effective date of an adjustment of retired pay and retainer pay under subsection (b) but before the effective date of the next increase in the rates of monthly basic pay prescribed by section 203 of title 37, his retired pay or retainer pay shall be increased, effective on the date he becomes entitled to that pay, by the percent (adjusted to the nearest one-tenth of 1 percent) that the base index exceeds the index for the calendar month immediately before that in which the rates of monthly basic pay on which his retired pay or retainer pay is based became effective.

"(e) Notwithstanding subsections (c) and (d), the adjusted retired pay or retainer pay of a member or former member of an armed force retired on or after October 1, 1967, may not be less than it would have been had he become entitled to retired pay or retainer pay based on the same pay grade, years of service for pay, years of service for retired or retainer pay purposes, and percent of disability, if any, on the day before the effective date of the rates of monthly basic pay on which his retired pay or retainer pay is based."

(2) Section 1402 is amended—

(A) by inserting “increased by any applicable adjustments in that pay under section 1401a of this title after he initially became entitled to that pay,” after “retired,” in subsection (d); and

(B) by adding the following subsection:

“(e) Notwithstanding subsection (a), a member covered by that subsection may elect, upon his release from active duty, to have his retired pay or retainer pay—

“(1) computed according to the formula set forth in subsection (a) but using the rate of basic pay under which his retired pay or retainer pay was computed when he entered on active duty; and

“(2) increased by any applicable adjustments in that pay under section 1401a of this title after he initially became entitled to that pay.”

(3) The first sentence of section 1436(a) is amended by inserting “but without regard to any increase in that pay to reflect changes in the Consumer Price Index” after “that pay” and before the period.

(b) Notwithstanding section 1401a(d) of title 10, United States Code, a person who is a member or former member of an armed force on the date of enactment of this Act and who initially became, or hereafter initially becomes, entitled to retired pay or retainer pay after November 30, 1966, but before the effective date of the next increase after July 1, 1966, in the rates of monthly basic pay prescribed by section 203 of title 37, United States Code, is entitled to have his retired pay or retainer pay increased by 3.7 percent, effective as of the date of his entitlement to that pay.

SEC. 3. Title 10, United States Code, is amended as follows:

(1) Section 1401 is amended by adding to footnote 4 of the table therein a sentence to read as follows: “For an enlisted person who has served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, or sergeant major of the Marine Corps, compute at the highest rate of basic pay applicable to him while he so served, if that rate is higher than the rate authorized by the table.”

(2) Section 3991 is amended by amending footnote 3 of the table therein to read as follows: “³ Compute at rates applicable on date of retirement, or if the member has served as sergeant major of the Army, compute at the highest basic pay applicable to him while he so served, if such basic pay is greater.”

(3) Clause (2) of section 6326(c) is amended to read as follows: “(2) unless otherwise entitled to higher pay, is entitled to retired pay at the rate of 75 percent of the basic pay of the pay grade in which he was serving on the day before retirement, or if he has served as senior enlisted advisor of the Navy or as sergeant major of the Marine Corps, he shall be entitled to retired pay at the rate of 75 percent of the highest basic pay to which he was entitled while so serving, if that rate is higher.”

(4) The first sentence of section 6330(c) is amended to read as follows: “Each member who is transferred to the Fleet Reserve or the Fleet Marine Corps Reserve under this section is entitled when not on active duty, to retainer pay at the rate of 2½ percent of the basic pay that he received at the time of transfer multiplied by the number of years of active service in the armed forces, except that in the case of a member who has served as senior enlisted advisor of the Navy or sergeant major of the Marine Corps, retainer pay shall be computed on the basis of the highest basic pay to which he was entitled while so serving, if that basic pay is higher than the basic pay received at the time of transfer.”

Retired pay,
recomputation.

70A Stat. 107.

77 Stat. 214.

70A Stat. 110;
75 Stat. 811.

Ante, p. 652.

Ante, pp. 649,
650.

Senior noncom-
missioned offi-
cers.

72 Stat. 129.

70A Stat. 232.

Retired pay,
computation.
70A Stat. 557.

(5) Section 8991 is amended by amending footnote 3 of the table therein to read as follows: "3 Compute at rates applicable on date of retirement, or if the member has served as chief master sergeant of the Air Force, compute at the highest basic pay applicable to him while he so served, if such basic pay is greater."

76 Stat. 153,
496.

SEC. 4. Section 3 of the Dependents Assistance Act of 1950 (50 App. U.S.C. 2203) is amended to read as follows:

80 Stat. 1122.

"SEC. 3. For the duration of this Act, section 403(a) of title 37, United States Code, is amended by striking out that part of the table which prescribes monthly basic allowances for quarters for enlisted members in pay grades E-1, E-2, E-3, and E-4 (four years' or less service) and inserting in place thereof the following new table:

" Pay grade	Without dependents	1 dependent	2 dependents	3 or more dependents
E-4 (4 years or less service).....	\$60.00	\$90.60	\$90.60	\$105.00
E-3.....	60.00	60.00	90.60	105.00
E-2.....	60.00	60.00	90.60	105.00
E-1.....	60.00	60.00	90.60	105.00 "

SEC. 5. Notwithstanding any other provision of law, a member of an armed force who is entitled to pay and allowances under any of the following provisions of law on September 30, 1967, shall continue to receive the pay and allowances to which he was entitled on that day plus an increase of 4.5 per centum in the total of his pay and allowances:

- (1) The Act of March 23, 1946, chapter 112 (60 Stat. 59).
- (2) The Act of June 26, 1948, chapter 677 (62 Stat. 1052).
- (3) The Act of September 18, 1950, chapter 952 (64 Stat. A224).

Retired pay,
retroactive
provision.

SEC. 6. Notwithstanding any other provision of law, a member or former member of a uniformed service who initially becomes entitled to retired pay or retainer pay on or after October 1, 1967, shall be entitled to have that pay computed using the rates of basic pay prescribed by the first section of this Act.

Effective date.

SEC. 7. This Act becomes effective as of October 1, 1967. However, a member, except as provided in section 6 of this Act, is not entitled to any increases in his pay and allowances under section 1 or section 4 for any period before the date of enactment of this Act unless he is on active duty on the date of enactment of this Act. In addition, a member of the National Guard or a member of a Reserve Component of a uniformed service who is in a drill pay status on the effective date of this Act is entitled to have any compensation to which he has become entitled under section 206 of title 37, United States Code, after September 30, 1967, computed under the rates of basic pay prescribed by section 1(1) of this Act.

Uniformed serv-
ices, periodic
pay adjustments.

SEC. 8. (a) Effective January 1, 1968, and unless otherwise provided by law enacted after the date of enactment of this Act, whenever the General Schedule of compensation for Federal classified employees as contained in section 5332 of title 5, United States Code, is adjusted upwards, there shall immediately be placed into effect a comparable upward adjustment in the monthly basic pay authorized members of the uniformed services by section 203(a) of title 37, United States Code.

Ante, p. 625.

Ante, p. 649.

(b) Adjustments in the various tables establishing the rates of monthly basic pay for members of the uniformed services as required by the preceding paragraph shall have the force and effect of statute, and such adjustments shall:

(1) provide all personnel of the uniformed services with an overall average increase in regular compensation which equates to that provided General Schedule employees, and

(2) carry the same effective date as that applying to the compensation adjustments provided General Schedule employees.

(c) For the purposes of this section, "regular compensation" means basic pay, quarters and subsistence allowances (either in cash or in kind), and the tax advantage on those allowances.

"Regular compensation."

SEC. 9. Chapter 7 of title 37, United States Code, is amended—

76 Stat. 469.

(1) by inserting the following new section:

"§ 411a. Travel and transportation allowances: travel performed in connection with convalescent leave

"(a) Under uniform regulations prescribed by the Secretaries concerned, a member of a uniformed service is entitled to travel and transportation allowances for travel from his place of medical treatment in the continental United States to a place selected by him and approved by the Secretary concerned, and return, when the Secretary concerned determines that the member is traveling in connection with authorized leave for convalescence from illness or injury incurred while the member was eligible for the receipt of hostile fire pay under section 310 of this title.

77 Stat. 216;
79 Stat. 547.

"(b) The allowances prescribed under this section may not be at rates more than the rates authorized under section 404(d) (1) of this title. Authorized travel under this section is performed in a duty status."

76 Stat. 472.

(2) By inserting the following new item in the analysis:

"411a. Travel and transportation allowances: travel performed in connection with convalescent leave."

Approved December 16, 1967.

Public Law 90-208

AN ACT

To amend the Act incorporating the Disabled American Veterans so as to provide for an annual audit of their accounts.

December 18, 1967
[H. R. 2152]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9 of the Act of June 17, 1932, as amended (36 U.S.C. 90i), is amended by (1) inserting "(a)" immediately after "Sec. 9." and (2) adding at the end thereof the following:

Disabled American
Veterans.
Annual audit.
56 Stat. 660.

"(b) (1) The said corporation shall as soon as practicable after the close of each of its fiscal years make and transmit to the Comptroller General a report of its proceedings for the preceding fiscal year, including a full, complete, and itemized report of receipts and expenditures of whatever kind, which report shall be duly audited by the Comptroller General.

Report to Comptroller General.

"(2) The said corporation shall annually reimburse the Comptroller General for auditing its accounts, and the sums so paid shall be covered into the Treasury of the United States as miscellaneous receipts."

SEC. 2. The amendment made by this Act shall be effective with respect to each fiscal year of the Disabled American Veterans beginning after the date of enactment of this Act.

Effective date.

Approved December 18, 1967.