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 1983.”

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 469(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 Repealed.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


§ 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:

<table>
<thead>
<tr>
<th>Pay grade</th>
<th>Army, Air Force, and Marine Corps</th>
<th>Navy, Coast Guard, and National Oceanic and Atmospheric Administration</th>
<th>Public Health Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>O-10</td>
<td>General</td>
<td>Rear admiral</td>
<td>Assistant Secretary for Health</td>
</tr>
<tr>
<td>O-9</td>
<td>Lieutenant general</td>
<td>Rear admiral</td>
<td>Deputy Surgeon General</td>
</tr>
<tr>
<td>O-8</td>
<td>Major general</td>
<td>Rear admiral</td>
<td>Assistant Surgeon General</td>
</tr>
<tr>
<td>O-7</td>
<td>Brigadier general</td>
<td>Rear admiral</td>
<td>Assistant Surgeon General having rank of major general</td>
</tr>
<tr>
<td>O-6</td>
<td>Colonel</td>
<td>Captain</td>
<td>Senior grade</td>
</tr>
<tr>
<td>O-5</td>
<td>Lieutenant colonel</td>
<td>Commandant</td>
<td>Director grade</td>
</tr>
<tr>
<td>O-4</td>
<td>Major</td>
<td>Lieutenant commander</td>
<td>Senior grade</td>
</tr>
<tr>
<td>O-3</td>
<td>Captain</td>
<td>Lieutenant</td>
<td>Senior assistant grade</td>
</tr>
<tr>
<td>O-2</td>
<td>1st lieutenant</td>
<td>Lieutenant (junior grade)</td>
<td>Assistant grade</td>
</tr>
<tr>
<td>O-1</td>
<td>2d lieutenant</td>
<td>Ensign</td>
<td>Junior assistant grade</td>
</tr>
</tbody>
</table>

(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:

<table>
<thead>
<tr>
<th>Pay Grade</th>
<th>Warrant Officer Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>W-5</td>
<td>Chief Warrant Officer, W-5</td>
</tr>
<tr>
<td>W-4</td>
<td>Chief Warrant Officer, W-4</td>
</tr>
<tr>
<td>W-3</td>
<td>Chief Warrant Officer, W-3</td>
</tr>
<tr>
<td>W-2</td>
<td>Chief Warrant Officer, W-2</td>
</tr>
<tr>
<td>W-1</td>
<td>Warrant Officer, W-1</td>
</tr>
</tbody>
</table>

(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 202 of this title. However, except as provided by section 207 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.
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 306 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(2) 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


Subsec. (c), Pub. L. 102–190, § 1605, 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 30 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 "(sections of title 10)".


1984—Subsec. (a). Pub. L. 98–557 substituted "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 "Commander (Navy)" and Rear admiral (lower half) and commodore (Coast Guard and National Oceanic and Atmospheric Administration)."

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


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 (upper half) (Coast Guard and National Oceanic and Atmospheric Administration)" for "Rear admirals (Navy) and Rear admiral (upper half) and commodore (Coast Guard and National Oceanic and Atmospheric Administration)."


1977—Subsec. (c) to (g). Pub. L. 95–79 struck out subsection (c), which related to the monthly rate of pay of cadets and midshipmen at the service academies, and redesignated subsections (d) to (g) as (c) to (f), respectively.
§ 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.


HISTORICAL AND REVISION NOTES

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.


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 subsections (a) and (b), which, respectively, related to the entitlement of retired Coast Guard rear admirals (other-