

§§ 116—118. Repealed. Oct. 12, 1949, ch. 681, title V, § 531 (a), (b) (34), (c) (17), 63 Stat. 838—840, eff. Oct. 1, 1949.

Section 116, act June 16, 1942, ch. 413, § 16, 56 Stat. 368, related to additional pay for special qualification in use of arms, and is not now covered.

Section 117, acts June 16, 1942, ch. 413, § 17, 56 Stat. 368; June 20, 1947, ch. 109, § 1, 61 Stat. 134, related to pay and allowances of cadets and midshipmen, and is now covered by section 308 of this title.

Section 117a, act June 27, 1944, ch. 288, § 2, 58 Stat. 392, related to travel allowances for candidates for United States Military Academy cadetships, and is now covered by section 253 of this title.

Section 117a-1, act Aug. 2, 1946, ch. 756, § 20, 60 Stat. 855, related to mileage allowances for Naval and Coast Guard Academy candidates, and transportation and subsistence of discharges, and is now covered by section 253 of this title.

Section 117b, act June 27, 1944, ch. 288, § 1, 58 Stat. 392, related to transportation allowances for graduates of United States Military Academy, and is now covered by section 253 of this title.

Section 118, acts June 16, 1942, ch. 413, § 13, 56 Stat. 368; July 1, 1944, ch. 372, 58 Stat. 682; Sept. 7, 1944, ch. 407, § 5, 58 Stat. 730, related to additional pay for flying, parachute duty, and glider flights, and is now covered by section 235 of this title.

§ 118a. Number of naval officers entitled to increased pay for aerial flights.

#### CODIFICATION

Section, act June 24, 1948, ch. 617, § 101, 62 Stat. 587, was from the Department of the Navy Appropriation Act, 1949, and was not repeated in the National Military Establishment Appropriation Act, 1950, act Oct. 29, 1949, ch. 787, 63 Stat. 987.

#### SIMILAR PROVISIONS

Similar provisions were contained in the following prior appropriation acts:

- 1947—July 18, 1947, ch. 268, title I, § 101, 61 Stat. 386.
- 1946—July 8, 1946, ch. 543, title I, § 101, 60 Stat. 486.
- 1945—May 29, 1945, ch. 130, § 101, 59 Stat. 207.
- 1944—June 28, 1944, ch. 304, title I, § 101, 58 Stat. 609; June 22, 1944, ch. 269, § 101, 58 Stat. 306.
- 1943—June 26, 1943, ch. 147, title I, § 101, 57 Stat. 202.
- 1942—Oct. 26, 1942, ch. 629, title I, § 101, 56 Stat. 991.

§ 118a-1. Certification to Congress annually of Army and Navy officers entitled to flight pay.

On or before January 1, annually, the Secretaries of the Army and Navy, respectively, shall certify to the Congress by rank and age group the number of such officers above the rank of major of the Army or lieutenant commander of the Navy, with the average monthly flight pay authorized by law to be paid to such officers during the six-month period preceding the date of the report. (Feb. 18, 1946, ch. 30, title III, § 301, 60 Stat. 20; July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501.)

#### CODIFICATION

Section was from the First Supplemental Surplus Appropriation Rescission Act, 1946.

#### CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947.

§§ 118b, 119. Repealed. Oct. 12, 1949, ch. 681, title V, § 531 (b) (34), (35), 63 Stat. 839, eff. Oct. 1, 1949.

Section 118b, act Apr. 10, 1943, ch. 47, 57 Stat. 62, related to additional pay for diving duty, and is now covered by section 235 of this title.

Section 119, act June 16, 1942, ch. 413, § 19, 56 Stat. 369, related to effect of enactment of former sections

101—111, 112, 113—115, 116, 117, 118, 119, and 120 of this title, and is not now covered.

§ 120. Repealed. Aug. 7, 1946, ch. 770, § 1 (20), 60 Stat. 868.

Section, act June 16, 1942, ch. 413, § 20, 56 Stat. 369, eff. June 1, 1942, required the Secretary of War and the Secretary of the Navy to report, beginning June 1, 1942, every sixty days to Congress, as to persons commissioned in the Army and Navy, respectively, from civilian life.

### Chapter 3.—WARTIME ALLOWANCES TO SERVICEMEN'S DEPENDENTS

§§ 201—208. Repealed. Oct. 12, 1949, ch. 681, title V, § 531 (d), 63 Stat. 841, eff. Oct. 1, 1949.

Sections 201—208 related to family allowances of enlisted personnel, and are now covered by section 252 of this title.

Section 201 from acts June 23, 1942, ch. 443, title I, § 101, 56 Stat. 381; Oct. 26, 1943, ch. 281, § 1, 57 Stat. 577; Oct. 6, 1945, ch. 393, § 9 (a), 59 Stat. 541.

Section 202 from acts June 23, 1942, ch. 443, title I, § 102, 56 Stat. 381; Oct. 26, 1943, ch. 281, § 2, 57 Stat. 577.

Section 203 from acts June 23, 1942, ch. 443, title I, § 103, 56 Stat. 381; Oct. 26, 1943, ch. 281, § 3, 57 Stat. 577.

Section 204 from acts June 23, 1942, ch. 443, title I, § 104, 56 Stat. 381; Oct. 26, 1943, ch. 281, § 4, 57 Stat. 577.

Section 205 from acts June 23, 1942, ch. 443, title I, § 105, 56 Stat. 382; Oct. 26, 1943, ch. 281, § 5, 57 Stat. 577.

Section 206 from acts June 23, 1942, ch. 443, title I, § 106, 56 Stat. 382; Oct. 26, 1943, ch. 281, § 6, 57 Stat. 578.

Section 207 from acts June 23, 1942, ch. 443, title I, § 107, 56 Stat. 383; Aug. 20, 1942, ch. 554, 56 Stat. 747; Oct. 26, 1943, ch. 281, § 7, 57 Stat. 578.

Section 208 from acts June 23, 1942, ch. 443, title I, § 108, 56 Stat. 383; Oct. 26, 1943, ch. 281, § 8, 57 Stat. 579; Oct. 6, 1945, ch. 393, § 9 (b), 59 Stat. 541.

§ 208a. Termination of family allowance.

#### CODIFICATION

Section, act Oct. 6, 1945, ch. 393, § 9 (c), 59 Stat. 542, omitted as not now applicable in view of repeal of chapter.

§§ 209—221. Repealed. Oct. 12, 1949, ch. 681, title V, § 531 (d), 63 Stat. 841, eff. Oct. 1, 1949.

Sections 209—221, related to family allowances of enlisted personnel, and are now covered by section 252 of this title.

Section 209 from acts June 23, 1942, ch. 443, title I, § 109, 56 Stat. 384; Oct. 26, 1943, ch. 281, § 9, 57 Stat. 580.

Section 210 from acts June 23, 1942, ch. 443, title I, § 110, 56 Stat. 384; Oct. 26, 1943, ch. 281, § 10, 57 Stat. 580.

Sections 211—218 from act June 23, 1942, ch. 443, title I, §§ 111—118, 56 Stat. 384, 385.

Section 219 from acts June 23, 1942, ch. 443, title I, § 119, 56 Stat. 385; Oct. 26, 1943, ch. 281, § 11, 57 Stat. 580.

Section 220 from acts June 23, 1942, ch. 443, title I, § 120, 56 Stat. 385, Oct. 26, 1943, ch. 281, §§ 12, 18, 57 Stat. 580, 581.

Section 221 from act June 23, 1942, ch. 443, title I, § 121, as added Oct. 26, 1943, ch. 281, § 14, 57 Stat. 581.

### Chapter 4.—READJUSTED PAY AND ALLOWANCES

#### SUBCHAPTER I. DEFINITIONS, BASIC PAY, AND SPECIAL PAY

Sec.

231. Definitions.

232. Basic pay.

(a) Pay grades and monthly basic pay.

(b) Commissioned officers assigned to pay grades.

(c) Warrant officers assigned to pay grades.

(d) Enlisted personnel assigned to pay grades.

(e) National Guard and Reserve personnel on active duty assigned to pay grades.

- Sec.  
 233. Service creditable in computation of basic pay.  
 234. Special pay for physicians and dentists.  
     (a) Definition of "commissioned officers."  
     (b) Amount.  
 234a. Same; reserve officers on active duty with or without consent.  
 234b. Same; drafted persons not entitled to special pay.  
 235. Incentive pay for hazardous duty.  
     (a) Definition of hazardous duties.  
     (b) Amount.  
     (c) Amount for particular hazardous duties.  
     (d) Suspension during war.  
     (e) Aviation cadets excluded.  
     (f) Limitation of, on number of payments.  
 236. Special pay for diving duty.  
     (a) Amount per month.  
     (b) Amount per hour for certain depths or conditions.  
     (c) Limitation on number of payments.  
     (d) Suspension during war.  
 237. Special pay for sea and foreign duty.  
 238. Reenlistment bonus.  
     (a) Conditions; amount; limitations.  
     (b) Definition of reenlistment.  
     (c) Reenlistment prior to expiration of enlistment.  
     (d) Reenlistments of former commissioned or warrant officers; amount.  
     (e) Regulations.

## SUBCHAPTER II. ALLOWANCES

251. Basic allowance for subsistence.  
     (a) Types of allowance for enlisted personnel and officers.  
     (b) Enlisted personnel on leave of absence or sick leave.  
     (c) Advance allowance to enlisted personnel.  
     (d) Regulations.  
     (e) Amounts.  
 252. Basic allowance for quarters.  
     (a) Who are entitled to.  
     (b) Assignment to Government quarters or housing facilities.  
     (c) Field or sea duty; exceptions.  
     (d) Dependents unable to occupy quarters.  
     (e) Regulations.  
     (f) Amount per month.  
     (g) Enlisted members without dependents.  
     (h) Allotment of pay by enlisted members required.  
     (i) Dependents to whom allotment paid.  
     (j) Delay in allotment; waiver.  
     (k) Substantiation of right to allowance for quarters.  
 253. Travel and transportation allowances.  
     (a) Regulations; limitation on type of travel; mileage; subsistence allowance.  
     (b) Per diem payment while on duty outside continental United States or in Alaska.  
     (c) Transportation in kind for dependents on change of station; monetary payment in lieu of transportation; baggage and household effects; definition of "permanent station."  
     (d) Per diem in lieu of subsistence while on duty with Military Air Transport Service, Marine Corps Transport Squadrons, or Fleet Logistics Support Unit.  
     (e) Cadets of Military and Coast Guard Academies, Midshipmen of Naval Academy, and others.  
     (f) Determination of monetary allowance in lieu of transportation.  
     (g) Determination of travel status.  
     (h) Regulations; uniformity.  
 254. Personal money allowance.

## SUBCHAPTER III. RETIREMENT, RETIREMENT PAY, SEPARATION AND SEVERANCE PAY FOR PHYSICAL DISABILITY

- Sec.  
 271. Establishment of temporary disability retired list.  
 272. Temporary retirement, retirement, and pay.  
     (a) Physical disability incurred on duty.  
     (b) Physical disability incurred in line of duty.  
     (c) Part-time service members; qualifications.  
     (d) Pay.  
     (e) Periodic examinations.  
     (f) Disability less than 30% but individual has over 20 years active service.  
     (g) Disability less than 30% but individual has over 20 years active and inactive service.  
     (h) Pay as subject to income tax.  
     (i) Applicability to reserve components.  
 273. Separation and severance pay for physical disability.  
 274. Periodic physical examinations.  
     (a) Requirement to submit.  
     (b) Travel and transportation allowances; penalties.  
 275. Recovery from physical disability.  
     (a) Reappointment or reenlistment of Regulars.  
     (b) Reappointment or reenlistment of Reserves.  
     (c) Secretarial power of replacement on the active list.  
 276. Termination of temporary disability retirement pay.  
     (a) Reappointment or reenlistment.  
     (b) Failure of member to consent to reappointment or reenlistment.  
 277. Reappointment to active list of officers on temporary disability retired list.  
     (a) Regular commissioned and warrant officers.  
     (b) Temporary increases in numbers authorized in grades.  
 278. Physical disability resulting from misconduct or willful neglect.  
 279. Retired rank or grade.  
 280. Cessation of benefits upon separation; valid claims.  
 281. Qualification of former physically disabled under new pay rates.  
 282. Definition of "active service."  
 283. Regulations.  
 284. Powers, duties, functions.  
     (a) Secretarial.  
     (b) Presidential.  
 285. Hospital patients on Oct. 1, 1949 who subsequently retire; election of benefits.

## SUBCHAPTER IV. MISCELLANEOUS PROVISIONS

301. Training duty of Reserve and National Guard personnel.  
     (a) With pay; amount; regulations.  
     (b) Additional training or duty without pay.  
     (c) Additional pay for performance of administrative duty.  
     (d) Additional pay for hazardous duty.  
     (e) Personnel section inapplicable to.  
     (f) Applicability to Air Force.  
 302. Active service credit in Coast and Geodetic Survey.  
 303. Validity of allowance payments based on purported marriages.  
 304. Pay and allowances of contract surgeons.  
 305. Clothing allowance for enlisted personnel.  
 306. Allowances for shore patrol duty of certain personnel of Navy, Marine Corps, and Coast Guard.  
 307. Pay and allowances of enlisted personnel of Philippine Scouts and Insular force of Navy.  
 308. Pay and allowances of cadets and midshipmen.  
 309. Assimilation to pay and allowances of commissioned officers.  
 310. Daily rate of pay and allowances.  
 311. Retired and retainer pay of members on retired lists or receiving retainer pay; methods of computation; definition of "active service."  
 312. Retired pay and members and former members of reserve components.

- Sec.**
- 313. Retired pay grade of certain warrant officers and enlisted persons.
  - 314. Pay and allowances of retired members and former members of uniformed services recalled to active duty.
  - 315. Retention of total compensation being received on Oct. 12, 1949; applicability of Servicemen's Dependents Allowance Act of 1942 to certain personnel.
  - 316. Retired pay increased by active duty; computation; limitation on aggregate amount.
  - 317. Saving provisions relating to former Lighthouse Service and Bureau of Marine Inspection personnel.
  - 318. Savings provision relating to members and former members receiving retirement pay on Oct. 12, 1949.
  - 319. Savings provisions relating to laws providing for pay repealed by this chapter.
  - 320. Quarters allowances denied members without dependents while in travel or leave status.
  - 321. Computation of retired pay on new basis of rates.
  - 322. Increase in retirement pay under laws in effect prior to Oct. 1, 1949.

#### SUBCHAPTER I. DEFINITIONS, BASIC PAY, AND SPECIAL PAY

##### § 231. Definitions.

For the purposes of this chapter—

(a) The term "uniformed services", unless otherwise qualified, shall be interpreted to mean and include the Army of the United States, Navy, Air Force of the United States, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service, and all Regular and Reserve components thereof.

(b) The term "member", unless otherwise qualified, means a commissioned officer, commissioned warrant officer, warrant officer, flight officer, and enlisted person, including a retired person, of the uniformed services. As used in this subsection the words "retired person" shall include members of the Fleet Reserve and Fleet Marine Corps Reserve who are in receipt of retainer pay.

(c) The term "officer", unless otherwise qualified, means a commissioned officer, commissioned warrant officer, warrant officer, and flight officer, either permanent or temporary, of the uniformed services. As used in this subsection the word "temporary" shall include temporary officers whose permanent status is that of an enlisted person.

(d) The term "commissioned officer" means a member of the uniformed services having rank or grade of second lieutenant, ensign, or junior assistant grade, or above, either permanent or temporary, in any of the uniformed services, except that for purposes of section 234 of this title such term shall be limited to the definition prescribed in subsection (a) of said section.

(e) The term "warrant officer" means a commissioned warrant officer, warrant officer, or flight officer, including a master, chief engineer, first mate, second mate, assistant engineer, or second assistant engineer of the Army Mine Planter Service.

(f) The term "Secretary", unless otherwise qualified, shall be construed to mean the Secretary of

the Army, the Secretary of the Navy, the Secretary of the Air Force, the Secretary of the Treasury, the Secretary of Commerce, or the Federal Security Administrator, as the case may be.

(g) The term "dependent" shall include at all times and in all places the lawful wife and unmarried legitimate children, under twenty-one years of age, of any member of the uniformed services, except as hereinafter limited in this subsection. Such term shall include the father or mother of such member, provided he or she is in fact dependent on such member for over half of his or her support. It shall also include unmarried legitimate children, over twenty-one years of age, of such member who are incapable of self-support because of being mentally defective or physically incapacitated, and who are in fact dependent on such member for over half of his or her support: *Provided*, That the term "children" shall be held to include stepchildren and adopted children when such stepchildren or adopted children are in fact dependent upon such member: *Provided further*, That in the case of female members of the uniformed services, the term "dependent" shall include a husband in addition to those persons otherwise defined as dependents in this subsection, but only when such husband, or children, as defined above, are in fact dependent upon said female member for over half of his or her support.

The term "father" or "mother", as used in this subsection, shall include a stepparent, or parent by adoption, and any person, including a former stepparent, who has stood in loco parentis to the person concerned at any time for a continuous period of not less than five years during the minority of such member: *Provided*, That a stepparent-stepchild relationship shall be deemed to be terminated by the stepparent's divorce from the blood parent: *Provided further*, That no member claiming a dependent as defined in this subsection may be paid increased allowances on account of such dependent for any period during which such dependent is entitled to receive basic pay for the performance of duty as defined in section 232 (e) of this title.

(h) The term "basic allowance" shall be interpreted to mean only the "basic allowance for quarters" and the "basic allowance for subsistence".

(i) The term "inactive duty training" shall be interpreted to mean any of the training, instruction, duty, appropriate duties, or equivalent training, instruction, duty, appropriate duties, or hazardous duty performed with or without compensation by members of the reserve components of the uniformed services as may be prescribed by the Secretary concerned pursuant to section 301 of this title or any other provision of law, and in addition thereto shall include the performance of special additional duties, as may be authorized by competent authority, by such members on a volunteer basis in connection with the prescribed training or maintenance activities of the unit to which the members are assigned: *Provided*, That the term "inactive duty training" shall

not include work or study performed by such members in connection with correspondence courses of the uniformed services: *Provided further*, That any inactive duty training performed by members of the National Guard of the United States or of the Air National Guard of the United States, while in their status as members of the National Guard, or the Air National Guard, of the several States, Territories, and the District of Columbia pursuant to section 62 of Title 32, or pursuant to any other provision of law, shall be deemed to be inactive duty training in the service of the United States.

(j) The terms "he", "his", and "him" include the terms "she" and "her".

(k) With respect to the Army and the Air Force, the term "reserve component" or the term "reserve components", unless otherwise qualified, shall include but not be limited to those members, officers, or enlisted persons who are not appointed, enlisted or inducted in a regular or reserve component of the Army of the United States or of the Air Force of the United States but are appointed, enlisted or inducted into the Army of the United States or the Air Force of the United States without specification as to any component thereof pursuant to any provision of law. (Oct. 12, 1949, ch. 681, title I, § 102, 63 Stat. 804; Sept. 8, 1950, ch. 922, § 1, 64 Stat. 794.)

#### AMENDMENTS

1950—Subd. (g) amended by act Sept. 8, 1950, which suspended for the duration of the act the part of the second sentence reading "and actually resides in the household of said member".

#### EFFECTIVE PERIOD OF 1950 AMENDMENT

Amendment of subsection (g) by act Sept. 8, 1950 as effective for the period from Aug. 1, 1950 to Apr. 30, 1953, see sections 2215 and 2216 of Appendix to Title 50, War and National Defense.

#### EFFECTIVE DATE; ACCRUAL OF PAY, ALLOWANCES, OR BENEFITS

Section 533 of act Oct. 12, 1949, provided that:

"(a) Except as provided in subsections (b) and (c) of this section, this Act shall become effective on October 1, 1949, and no pay, allowances, or benefits provided herein shall accrue to any person for any period prior thereto.

"(b) Section 515 of this Act shall become effective on the date of enactment of this Act.

"(c) Subsection (c) of section 531 of this Act shall become effective on January 1, 1950."

#### SHORT TITLE

Congress in enacting this chapter and amendments to sections 112c and 115 of this title, sections 277, 303, 304, 304b, 361, 422, and 593a of Title 10, Army and Air Force, sections 4b, 142a, 143, and 154 of Title 32, National Guard, section 864e of Title 33, Navigation and Navigable Waters, sections 350e, 410n, 701, and 850c of Title 34, Navy, section 134 of Title 39, The Postal Service, and sections 209, 210, 211, 212, 215, 216 and 230 of Title 42, The Public Health and Welfare, provided by section 1 of act Oct. 12, 1949, that this chapter and the various amendments should be popularly known as the "Career Compensation Act of 1949".

#### TRANSFER OF FUNCTIONS

The functions of all officers of the Department of Commerce and all functions of all officers and employees of such Department, were, with a few exceptions, transferred to the Secretary of Commerce, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 5, § 1, 2, eff. May 24, 1950, 15 F. R. 3174, 64 Stat. 1263, set out in note under section 591 of Title 5, Executive Departments and Government Officers and Employees. The Coast and Geodetic Survey, referred to in this section, is an agency within the Department of Commerce.

#### EXCEPTION AS TO TRANSFER OF FUNCTIONS

Functions of the Coast Guard, and of the Commandant thereof, when the Coast Guard is operating as a part of the Navy under section 3 of Title 14, Coast Guard, were excepted from the transfer of functions of officers, agencies, and employees of the Department of the Treasury to the Secretary of the Treasury, made by 1950 Reorg. Plan No. 26, § 1, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, set out in note under section 241 of Title 5, Executive Departments and Government Officers and Employees.

#### APPROPRIATIONS

Section 532 of act Oct. 12, 1949, provided that: "There is hereby authorized to be appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, such sums as may be necessary to carry out the provisions of this Act."

#### DETERMINATION OF DEPENDENCY OF PARENTS

For determination of dependency of father or mother under 1950 amendment to this section, see section 2201 of Appendix to Title 50, War and National Defense.

#### § 232. Basic pay—(a) Pay grades and monthly basic pay.

For the purpose of computing the basic pay of members of the uniformed services, pay grades are prescribed and monthly basic pay for such members is established within each pay grade according to cumulative years of service, as follows:

#### COMMISSIONED OFFICERS

Pay grade	Under 2	Over 2	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 22	Over 26	Over 30
O-8.....	\$963.30	\$963.30	\$963.30	\$963.30	\$963.30	\$963.30	\$963.30	\$963.30	\$963.30	\$963.30	\$963.30	\$963.30	\$962.94
O-7.....	800.28	800.28	800.28	800.28	800.28	800.28	800.28	800.28	800.28	800.28	800.28	829.92	859.56
O-6.....	592.80	592.80	592.80	592.80	592.80	592.80	592.80	607.62	607.62	607.62	607.62	606.54	726.18
O-5.....	474.24	474.24	474.24	474.24	474.24	474.24	489.06	503.88	518.70	548.34	577.98	607.62	607.62
O-4.....	400.14	400.14	400.14	400.14	414.96	429.78	444.60	459.42	474.24	503.88	518.70	533.52	533.52
O-3.....	326.04	326.04	340.86	355.68	370.50	385.32	400.14	414.96	429.78	444.60	459.42	459.42	459.42
O-2.....	259.34	274.18	289.00	303.82	318.64	333.46	348.28	363.10	363.10	363.10	363.10	363.10	363.10
O-1.....	222.30	237.12	251.94	266.76	281.58	296.40	311.22	326.04	326.04	326.04	326.04	326.04	326.04

#### WARRANT OFFICERS

Pay grade	Under 2	Over 2	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 22	Over 26	Over 30
W-4.....	\$332.90	\$332.90	\$332.90	\$348.04	\$363.17	\$378.30	\$393.43	\$408.56	\$423.70	\$438.83	\$453.96	\$469.09	\$484.22
W-3.....	302.64	302.64	302.64	310.21	317.77	325.34	332.90	340.48	348.04	363.17	378.30	393.43	408.56
W-2.....	264.82	264.82	264.82	264.82	272.38	279.95	287.51	295.08	302.64	317.77	332.90	348.04	363.17
W-1.....	219.42	219.42	219.42	226.98	234.55	242.11	249.68	257.24	264.82	279.95	295.08	310.21	310.21

## ENLISTED PERSONS

Pay grade	Under 2	Over 2	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 22	Over 26	Over 30
E-7.....	\$206.39	\$206.39	\$214.03	\$221.68	\$229.33	\$236.98	\$244.61	\$252.25	\$259.90	\$275.18	\$290.47	\$305.76	\$305.76
E-6.....	175.81	175.81	183.46	191.10	198.74	206.39	214.03	221.68	229.32	244.61	259.90	259.90	259.90
E-5.....	145.24	152.88	160.52	168.17	175.81	183.46	191.10	198.74	206.39	221.68	236.96	236.96	236.96
E-4.....	122.30	129.95	137.59	145.24	152.88	160.52	168.17	175.81	183.46	198.74	198.74	198.74	198.74
E-3.....	99.37	107.02	114.66	122.30	129.95	137.59	145.24	152.88	152.88	152.88	152.88	152.88	152.88
E-2.....	85.80	93.45	101.10	108.74	116.39	124.03	131.68	139.32	146.97	154.61	162.26	169.90	169.90
E-1.....	83.20	91.00	98.80	106.60	114.40	122.20	130.00	137.80	145.60	153.40	161.20	169.00	169.00
(Over 4 months) E-1.....	78.00												
(Under 4 months).....													

## (b) Commissioned officers assigned to pay grades.

For basic pay purposes, commissioned officers are assigned by the rank or grade in which serving, whether under temporary or permanent appointment, to the various pay grades prescribed for commissioned officers by subsection (a) of this section, as follows:

Pay grade	Army, Air Force, and Marine Corps	Navy, Coast Guard, and Coast and Geodetic Survey	Public Health Service
O-8.....	General, lieutenant general, and major general.	Admiral, vice admiral, and rear admiral (upper half).	Surgeon general, deputy surgeon general, and assistant surgeon general having rank of major general.
O-7.....	Brigadier general.	Rear admiral (lower half) and commodore.	Assistant surgeon general having rank of brigadier general.
O-6.....	Colonel.	Captain.	Director grade.
O-5.....	Lieutenant colonel.	Commander.	Senior grade.
O-4.....	Major.	Lieutenant commander.	Full grade.
O-3.....	Captain.	Lieutenant.	Senior assistant grade.
O-2.....	First lieutenant.	Lieutenant (junior grade).	Assistant grade.
O-1.....	Second lieutenant.	Ensign.	Junior assistant grade.

## (c) Warrant officers assigned to pay grades.

For basic pay purposes, warrant officers (including warrant officers heretofore retired) shall be distributed by the Secretary concerned in the various pay grades prescribed for warrant officers in subsection (a) of this section.

## (d) Enlisted personnel assigned to pay grades.

For basic pay purposes, enlisted persons shall be distributed by the Secretary concerned in the various pay grades prescribed for enlisted persons in subsection (a) of this section.

## (e) National Guard and Reserve personnel on active duty assigned to pay grades.

All members of the uniformed services when on the active list, when on active duty, or when participating in full-time training, training duty with pay or other full-time duty (provided for or authorized in the National Defense Act, as amended, or in the Naval Reserve Act of 1938, as amended, or in other provisions of law, including participation in exercises or performance of the duties provided for by sections 22, 23, 24—26, 30—32, 33, 34—36, and 38 of Title 10, and sections 63—66, 144—146, and 171—176 of Title 32, and in addition thereto, all members of the National Guard and the Air National Guard when they are entitled by law to receive from the Federal Government the same pay as that authorized for members of the Regular components of the uniformed services of corre-

sponding grade or rank, shall be entitled to receive the basic pay of the pay grade to which assigned, or in which distributed, pursuant to subsection (b), (c), or (d) of this section, in accordance with cumulative years of service: *Provided*, That in accordance with regulations prescribed by the President, in the case of members of the uniformed services called or ordered to extended active duty in excess of thirty days, active duty shall include the time required to perform travel from home to first duty station and from last duty station to home by the mode of transportation authorized in orders for such members: *Provided further*, That any full-time training, training duty with pay, or other full-time duty performed by members of the National Guard of the United States or the Air National Guard of the United States, pursuant to this section, while in their status as members of the National Guard or the Air National Guard of the several States, Territories, and the District of Columbia and which entitles them to receive basic pay, shall be deemed to be active duty in the service of the United States. (Oct. 12, 1949, ch. 681, title II, § 201, 63 Stat. 805; May 19, 1952, ch. 310, § 1 (a), 66 Stat. 79.)

## REFERENCES IN TEXT

The National Defense Act, as amended, referred to in subsection (e), is classified generally to Title 10, Army and Air Force and Title 32, National Guard. For complete disposition of act, see Tables Volume.

The Naval Reserve Act of 1938, as amended, referred to in subsection (e), is classified generally to chapter 15 of Title 34, Navy.

Sections 22, 23, 24—26, 30—32, 33, and 34—36 of Title 10, referred to in subsection (e), were repealed by act June 28, 1950, ch. 383, title IV, § 401 (b), (h), 64 Stat. 271 and are now covered by sections 21a, 21d, 21e, and 559 et seq. of Title 10, Army and Air Force.

## AMENDMENTS

1952—Subsec. (a) amended by act May 19, 1952, which substituted new basic pay tables.

## EFFECTIVE DATE OF 1952 AMENDMENT

Section 5 of act May 19, 1952, provided that the amendment of this section by said act May 19, 1952, should be effective as of May 1, 1952.

## EFFECTIVE DATE

Section as effective Oct. 1, 1949, see note set out under section 231 of this title.

## TRANSFER OF FUNCTIONS

The functions of all officers of the Department of Commerce and all functions of all officers and employees of such Department, were, with a few exceptions, transferred to the Secretary of Commerce, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 5, §§ 1, 2, eff. May 24, 1950, 15 F. R. 3174, 64 Stat. 1263, set out in note under section 591 of Title 5, Executive Departments and Govern-

ment Officers and Employees. The Coast and Geodetic Survey, referred to in this section, is an agency within the Department of Commerce.

**§ 233. Service creditable in computation of basic pay.**

(a) Subject to the provisions of subsections (b)—(d) of this section, in computing the cumulative years of service to be counted by members of the uniformed services for determining the amount of basic pay they are entitled to receive upon completion of such years of service, such members shall be credited with—

(1) full time for all periods of active service as a commissioned officer, commissioned warrant officer, warrant officer, Army field clerk, flight officer, and enlisted person in any Regular or Reserve component of any of the uniformed services; and

(2) full time for all periods during which they were enlisted or held appointments as commissioned officers, commissioned warrant officers, warrant officers, Army field clerks, or flight officers, in any of the Regular components of the uniformed services, or in the Regular Army Reserve, or in the Organized Militia prior to July 1, 1916, or in the National Guard, or in the National Guard Reserve, or in the National Guard of the United States, or in the Organized Reserve Corps, or in the Officers' Reserve Corps, or in the Enlisted Reserve Corps, or in the Medical Reserve Corps, or in the Medical Reserve Corps of the Navy, or in the Dental Reserve Corps of the Navy, or in the Naval Militia, or in the National Naval Volunteers, or in the Naval Reserve Force, or in the Naval Reserve, or in the Air National Guard, or in the Air National Guard of the United States, or in the Air Force Reserve, or in the officers' section of the Air Force Reserve, or in the enlisted section of the Air Force Reserve, or in the Air Corps Reserve, or in the Army of the United States without specification of any component thereof, or in the Air Force of the United States without specification of any component thereof, or in the Marine Corps Reserve Force, or in the Marine Corps Reserve, or in the Coast Guard Reserve, or in the Reserve Corps of the Public Health Service, or in the Philippine Scouts, or in the Philippine Constabulary; and

(3) for commissioned officers in service on June 30, 1922, all service which was then counted in computing longevity pay, and service as a contract surgeon serving full time; and

(4) full time for all periods during which they held appointments as nurses, reserve nurses, or commissioned officers in the Army Nurse Corps, the Navy Nurse Corps, the Nurse Corps of the Public Health Service, or the reserve components thereof; and

(5) full time for all periods during which they were deck officers or junior engineers in the Coast and Geodetic Survey; and

(6) all service which, under any provision of law in effect on the effective date of this section is authorized to be credited for the purpose of computing longevity pay.

(b) Members of the uniformed services shall accrue additional service credit for basic pay purposes, for periods while on a temporary disability retired list, honorary retired list, or a retired list of any of the uniformed services, or while authorized to receive retired pay, retirement pay, or retainer pay as a member of the Fleet Reserve or Fleet Marine Corps Reserve, from any of the uniformed services or from the Veterans' Administration, or while a member of the Honorary Reserve of the Officers' Reserve Corps or Organized Reserve Corps: *Provided*, That, except for active service as prescribed in subsection (a) (1) of this section, the service credit authorized in this section shall not be included to increase retired pay, disability retirement pay, retirement pay, or retainer pay while on a retired list, on a temporary disability retired list, in a retired status, or in the Fleet Reserve or Fleet Marine Corps Reserve, except as provided in subchapter III of this chapter.

(c) The periods of time hereinabove authorized to be counted in the computation of basic pay shall, under such regulations as the Secretary concerned may prescribe, include all service heretofore or hereafter performed by members of the uniformed services prior to their attainment of eighteen years of age.

(d) The period of time to be counted in the computation of basic pay shall be the total of all periods authorized to be counted for such purpose in any of the uniformed services, but the same period of time shall not, for any reason, be counted more than once: *Provided*, That retired enlisted men heretofore or hereafter retired with credit for thirty years' service in the Army, Navy, or Marine Corps, and who served beyond the continental limits of the United States between 1898—1912, such service having been computed under previous laws as double time toward retirement, shall be entitled to receive the maximum retired pay now or hereafter provided for the grade in which retired. (Oct. 12, 1949, ch. 681, title II, § 202, 63 Stat. 807.)

**EFFECTIVE DATE**

Section as effective Oct. 1, 1949, see note set out under section 231 of this title.

**TRANSFER OF FUNCTIONS**

The functions of all officers of the Department of Commerce and all functions of all officers and employees of such Department, were, with a few exceptions, transferred to the Secretary of Commerce, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 5, §§ 1, 2, eff. May 24, 1950, 15 F. R. 3174, 64 Stat. 1263, set out in note under section 591 of Title 5, Executive Departments and Government Officers and Employees. The Coast and Geodetic Survey, referred to in this section, is an agency within the Department of Commerce.

**EXCEPTION AS TO TRANSFER OF FUNCTIONS**

Functions of the Coast Guard, and of the Commandant thereof, when the Coast Guard is operating as a part of the Navy under section 3 of Title 14, Coast Guard, were excepted from the transfer of functions of officers, agencies, and employees of the Department of the Treasury to the Secretary of the Treasury, made by 1950 Reorg. Plan No. 26, § 1, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, set out in note under section 241 of Title 5, Executive Departments and Government Officers and Employees.

**§ 234. Special pay for physicians and dentists—(a) Definition of "commissioned officers."**

(a) The term "commissioned officers", as used in this section, shall be interpreted to mean only (1) those commissioned officers in the Medical and Dental Corps of, or designated as medical or dental officers in, the Regular Army, Navy, and Air Force and commissioned medical and dental officers of the Regular Corps of the Public Health Service who were on active duty on September 1, 1947; (2) those commissioned officers in the Medical and Dental Corps of, or designated as medical or dental officers in, the Regular Army, Navy, and Air Force and commissioned medical and dental officers of the Regular Corps of the Public Health Service, who were retired prior to September 1, 1947, and who thereafter but prior to July 1, 1953, have been or may be assigned to active duty; (3) those officers who, heretofore but subsequent to September 1, 1947, have been or who, prior to July 1, 1953, may be commissioned in the Medical and Dental Corps of, or designated as medical or dental officers in, the Regular Army, Navy, and Air Force or as medical and dental officers of the Regular Corps of the Public Health Service; (4) such officers who on September 1, 1947, were or who thereafter have been or may be commissioned in the Medical and Dental Corps of, or designated as medical or dental officers in, the Officers' Reserve Corps, the United States Air Force Reserve, the Naval Reserve, the National Guard, the National Guard of the United States, the Air National Guard, the Air National Guard of the United States, the Army of the United States, the Air Force of the United States, or as medical and dental officers of the Reserve Corps of the Public Health Service and who heretofore, but subsequent to September 1, 1947, have been called or ordered to extended active duty of one year or longer, or who may, prior to July 1, 1953, be called or ordered to extended active duty of one year or longer; (5) general officers appointed from the Medical and Dental Corps of, or previously designated as medical or dental officers in, the Regular Army, the Officers' Reserve Corps, the National Guard, the National Guard of the United States, the Army of the United States, the Regular Air Force, the United States Air Force Reserve, the Air National Guard, the Air National Guard of the United States, and the Air Force of the United States who were on active duty on September 1, 1947; and (6) general officers who, subsequent to September 1, 1947, have been or who may be appointed from those officers of the Medical and Dental Corps of, or from those officers designated as medical or dental officers in, the Regular Army, the Officers' Reserve Corps, the National Guard, the National Guard of the United States, the Army of the United States, the Regular Air Force, the United States Air Force Reserve, the Air National Guard, the Air National Guard of the United States, and the Air Force of the United States who are included in parts (1)—(3) or (4) of this subsection.

**(b) Amount.**

In addition to any pay, allowances, special or incentive pays that they are otherwise entitled to receive, commissioned officers as defined in subsection (a) of this section shall be entitled to receive special pay at the rate of \$100 per month for each month of active service: *Provided*, That such sum shall not be included in computing the amount of increase in pay authorized by any other provision of this chapter or in computing retired pay, disability retirement pay, or any severance pay: *Provided further*, That the commissioned officers described in subsection (a) (4) of this section who are called or ordered to active duty without their consent shall not be entitled to receive the pay provided by this subsection for any period prior to September 9, 1950: *And provided further*, That no commissioned officer as described in subsection (a) of this section shall, while he is serving as a medical or dental intern, be entitled to receive the special pay of \$100 per month as is provided in this subsection. (Oct. 12, 1949, ch. 681, title II, § 203, 63 Stat. 809; June 25, 1952, ch. 459, § 1, 66 Stat. 156.)

**AMENDMENTS**

1952—Subsec. (a) amended by act June 25, 1952, § 1 (a), to extend from Sept. 1, 1952, to July 1, 1953, the time limitation for eligibility to qualify for the special pay of \$100 per month authorized for medical and dental officers and to pay the \$100 per month to retired medical and dental officers called back to active service.

Subsec. (b) amended by act June 25, 1952, § 1 (b), to incorporate the provisions of former section 234a of this title relating to pay of officers of the reserve components called or ordered back to duty without their consent prior to Sept. 9, 1950.

**EFFECTIVE DATE OF 1952 AMENDMENT**

Section 3 of act June 25, 1952, provided in part that the amendment of this section should be effective as of Oct. 1, 1949.

**EFFECTIVE DATE**

Section as effective Oct. 1, 1949, see note set out under section 231 of this title.

**APPROPRIATIONS**

Section 3 of act June 25, 1952, provided in part that: "Appropriations currently available for pay and allowances of members of the uniformed services shall be available for retroactive payments authorized under this Act."

**CROSS REFERENCES**

Drafted persons not entitled to benefits of this section, see section 234b of this title.

**§ 234a. Repealed.** June 25, 1952, ch. 459, § 2, 66 Stat. 157.

Section, act Sept. 9, 1950, ch. 939, § 2, 64 Stat. 828, related to special pay of officers called or ordered back to duty with or without their consent, and is now covered by section 234 (b) of this title.

**§ 234b. Drafted persons not entitled to special pay.**

No person inducted under the provisions of this Act shall be entitled to the benefits of the provisions of section 234 of this title. (Sept. 9, 1950, ch. 939, § 5, 64 Stat. 828.)

**REFERENCES IN TEXT**

"This Act", referred to in the text, refers to act Sept. 9, 1950, which is classified to this section, section 171a (g)—(i) of Title 5, Executive Departments and Government Officers and Employees, and sections 454 (i), (j), 454a, and 454b of Appendix to Title 50, War and National Defense.



## CODIFICATION

Section was not enacted as a part of the Career Compensation Act of 1949, which constitutes this chapter.

## TERMINATION DATE

Section 7 of act Sept. 9, 1950, specifically excludes this section from the termination date of July 9, 1951, when section 171a (g)—(i) of Title 5, Executive Departments and Government Officers and Employees, and sections 454 (i), (j), 454a, and 454b of Appendix to Title 50, War and National Defense, expire.

### § 235. Incentive pay for hazardous duty—(a) Definition of hazardous duties.

Subject to such regulations as may be prescribed by the President, members of the uniformed services entitled to receive basic pay shall, in addition thereto, be entitled to receive incentive pay for the performance of hazardous duty required by competent orders. The following duties shall constitute hazardous duties:

- (1) duty as a crew member as determined by the Secretary concerned, involving frequent and regular participation in aerial flight;
- (2) duty on board a submarine, including submarines under construction from the time builders' trials commence;
- (3) duty involving frequent and regular participation in aerial flights not as a crew member pursuant to part (1) of this subsection;
- (4) duty involving frequent and regular participation in glider flights;
- (5) duty involving parachute jumping as an essential part of military duty;
- (6) duty involving intimate contact with persons afflicted with leprosy;
- (7) duty involving the demolition of explosives as a primary duty, including training for such duty;
- (8) duty at a submarine escape training tank, when such duty involves participation in the training; and
- (9) duty at the Navy Deep Sea Diving School or the Navy Experimental Diving Unit, when such duty involves participation in training.

#### (b) Amount.

For the performance of hazardous duty as prescribed in part (1) or (2) of subsection (a) of this section, members of the uniformed services qualifying for the incentive pay authorized pursuant to said subsection shall be entitled to be paid at the following monthly rates according to the pay grade to which assigned or in which distributed for basic pay purposes:

Pay grades:	Monthly rates	Pay grades—Con.	Monthly rates
O-8.....	\$150.00	W-2.....	\$100.00
O-7.....	150.00	W-1.....	100.00
O-6.....	210.00	E-7.....	75.00
O-5.....	180.00	E-6.....	67.50
O-4.....	150.00	E-5.....	60.00
O-3.....	120.00	E-4.....	52.50
O-2.....	110.00	E-3.....	45.00
O-1.....	100.00	E-2.....	37.50
W-4.....	100.00	E-1.....	30.00
W-3.....	100.00		

#### (c) Amount for particular hazardous duties.

For the performance of any hazardous duty as prescribed in parts (3)—(9) of subsection (a) of this section by officers and enlisted persons qualify-

ing for the incentive pay authorized pursuant to said subsection, officers shall be entitled to be paid at the rate of \$100 per month, and enlisted persons shall be entitled to be paid at the rate of \$50 per month.

#### (d) Suspension during war.

The President may, in time of war, suspend the payment of incentive pay for the performance of any or all hazardous duty.

#### (e) Aviation cadets excluded.

No aviation cadet shall be entitled to receive any incentive pay authorized pursuant to this section.

#### (f) Limitation of on numbers of payments.

No member of the uniformed services shall be entitled to receive more than one payment of any incentive pay authorized pursuant to this section for the same period of time during which he may qualify for more than one payment of such incentive pay. (Oct. 12, 1949, ch. 681, title II, § 204, 63 Stat. 809.)

## EFFECTIVE DATE

Section as effective Oct. 1, 1949, see note set out under section 231 of this title.

### § 236. Special pay for diving duty—(a) Amount per month.

An enlisted person of the uniformed services entitled to receive basic pay and assigned to the duty of diving shall, in addition to basic pay, be entitled to receive special pay, under such regulations as may be prescribed by the Secretary concerned at the rate of not less than \$5 per month and not exceeding \$30 per month.

#### (b) Amount per hour for certain depths or conditions.

Members of the uniformed services entitled to receive basic pay and employed as divers in actual salvage or repair operations in depths of over ninety feet, or in depths of less than ninety feet, when the officer in charge of the salvage or repair operation shall find, in accordance with regulations prescribed by the Secretary concerned, that extraordinary hazardous conditions exist, shall, in addition to basic pay, be entitled to receive the sum of \$5 per hour for each hour or fraction thereof while so employed. The amounts authorized to be paid pursuant to this subsection shall, in the case of enlisted persons, be in addition to the amounts authorized pursuant to subsection (a) of this section.

#### (c) Limitation on number of payments.

No member of the uniformed services shall be entitled to receive the special pay authorized pursuant to this section in addition to incentive pay authorized pursuant to section 235 of this title.

#### (d) Suspension during war.

(d) The President may, in time of war, suspend the payment of diving-duty pay. (Oct. 12, 1949, ch. 681, title II, § 205, 63 Stat. 810.)

## EFFECTIVE DATE

Section as effective Oct. 1, 1949, see note set out under section 231 of this title.

### § 237. Special pay for sea and foreign duty.

Under such regulations as the President may prescribe, enlisted persons of the uniformed services



entitled to receive basic pay shall, in addition thereto, while on sea duty or while on duty in any place beyond the continental limits of the United States or in Alaska, be entitled to receive pay at the following monthly rates:

Pay grades:	Monthly rates	Pay grades—Con.	Monthly rates
E-7 -----	\$22.50	E-3 -----	\$9.00
E-6 -----	20.00	E-2 -----	8.00
E-5 -----	18.00	E-1 -----	8.00
E-4 -----	13.00		

(Oct. 12, 1949, ch. 681, title II, § 206, 63 Stat. 811.)

#### EFFECTIVE DATE

Section as effective Oct. 1, 1949, see note set out under section 231 of this title.

#### Ex. ORD. No. 10168. REGULATIONS RELATING TO ADDITIONAL PAY FOR SEA AND FOREIGN DUTY

Ex. Ord. No. 10168, Oct. 11, 1950, 15 F. R. 6877, provided:

Section 1. Enlisted members entitled to receive basic pay shall be entitled to receive, additionally, sea-duty pay while on sea duty as defined in section 2 hereof, the period of such duty to include the date of reporting and the date of detachment as stated in orders.

Section 2. For additional-pay purposes, and except as otherwise provided in section 3 hereof, sea duty shall mean duty performed by enlisted members:

(a) While permanently assigned to a vessel, other than a vessel restricted to service in the inland waters of the United States or a non-self-propelled vessel, pursuant to orders issued by competent authority, including periods not in excess of fifteen consecutive days each while on temporary additional duty ashore.

(b) While permanently assigned to a ship-based aviation unit pursuant to orders issued by competent authority, including periods not in excess of fifteen consecutive days each (1) while on temporary additional duty ashore or (2) while such unit is temporarily based ashore. (The term "temporarily based ashore" refers to a ship-based aviation unit that has been landed ashore with intent to return to a ship.)

(c) While on a vessel pursuant to orders issued by competent authority although based or stationed ashore, but only when such duty is eight days or more in duration in each case.

(d) While on a vessel restricted to service in the inland waters of the United States or on a non-self-propelled vessel, but only on days when such vessel is actually operating outside of inland waters for a period of eight days or more in each case.

(e) While permanently assigned, pursuant to orders issued by competent authority, to a commissioned landing-craft-tank squadron or a commissioned motor-torpedo-boat squadron which is a tactical component of an operating fleet in an active status and subject to movement as an integral unit of such fleet.

Section 3. Except as provided in section 2 (c) hereof, no enlisted member shall, for additional-pay purposes, be considered to be on sea duty:

(a) While on duty on a receiving ship or station ship.

(b) While on duty on a vessel which is in an inactive status.

(c) While on duty with shore-based administrative or maintenance organizations of any unit.

Section 4. Enlisted members entitled to receive basic pay shall be entitled to receive, additionally, foreign-duty pay while on duty beyond the continental limits of the United States or in Alaska. Such duty shall include duty performed by enlisted members:

(a) On the date of departure from the continental limits of the United States to join a vessel or to report for sea duty or other duty beyond the continental limits of the United States or in Alaska.

(b) While en route between duty stations, afloat or ashore, beyond the continental limits of the United States or in Alaska.

(c) While en route to the United States after detachment from sea duty or foreign duty, the period en route

to include the date of return to the continental limits of the United States.

(d) During periods spent on temporary additional duty or temporary duty or on operational aircraft flights outside the continental limits of the United States or in Alaska while assigned to permanent duty in the continental United States, but only when such duty or flights are eight days or more in duration in each case, including the date of departure from and the date of return to the continental limits of the United States.

Section 5. Foreign-duty pay shall not accrue for periods of temporary additional duty or temporary duty within the continental limits of the United States.

Section 6. Enlisted members shall not be entitled to additional pay for sea duty or foreign duty under circumstances which, under the provisions of supplementary regulations prescribed hereunder, do not constitute either sea duty or duty in a place beyond the continental limits of the United States or in Alaska.

Section 7. No enlisted member shall be entitled under this order to receive both sea-duty pay and foreign-duty pay for the same period of time.

Section 8. The Secretaries concerned (within the meaning of section 102 (f) of the said Career Compensation Act of 1949) [section 231 (f) of this title], with respect to personnel of the uniformed services within their respective departments, are hereby authorized to prescribe such supplementary regulations, not inconsistent herewith, as they may deem necessary or desirable for carrying out these regulations, and such supplementary regulations shall be uniform for all the services to the fullest extent practicable.

Section 9. This order shall become effective on November 1, 1950.

#### § 238. Reenlistment bonus—(a) Conditions; amount; limitations.

Members of the uniformed services who enlist under the conditions set forth in subsection (b) of this section within three months from the date of their discharge or separation, or within such lesser period of time as the Secretary concerned may determine from time to time, shall be paid a lump-sum reenlistment bonus of \$40, \$90, \$160, \$250, or \$360 upon enlistment for a period of two, three, four, five, or six years, respectively; and, upon enlistment for an unspecified period of time amounting to more than six years a lump sum reenlistment bonus of \$360 shall be paid, and, upon the completion of six years' enlisted service in such enlistment, for each year thereafter a lump sum payment of \$60 shall be made in advance, subject to the limitation that the total amount paid shall not exceed \$1,440: *Provided*, That persons in an enlistment for an unspecified period of time, entered into prior to October 1, 1949, shall be paid \$110 upon the first anniversary date of such enlistment subsequent to September 30, 1949, and \$60 upon each anniversary date thereafter, subject to the limitations that the total amount paid after October 1, 1949, shall not exceed \$1,440: *Provided further*, That no payment shall be made for any period subsequent to the completion of thirty years' service. No reenlistment bonus shall be paid for more than four enlistments entered into after the effective date of this section: *Provided further*, That the bonus to be paid in the case of a person reenlisting for a period which would extend the length of his active Federal service beyond thirty years shall be computed as if said reenlistment were for the minimum number of years necessary to permit such persons to complete thirty years' active Federal service: *And provided further*, That after

October 26, 1951, and under such regulations as may be approved by the Secretary of Defense or the Secretary of the Treasury with respect to Coast Guard personnel any person to whom a reenlistment bonus is paid as herein provided, and who voluntarily or as the result of his own misconduct, does not complete the term of enlistment for which the bonus was paid, shall be liable to refund such part of such bonus as the unexpired part of such enlistment bears to the total enlistment period for which such bonus was paid, less any amount paid in Federal or State income taxes on such refundable part.

**(b) Definition of reenlistment.**

For the purpose of payment of the reenlistment bonus authorized by subsection (a) of this section, enlistment in one of the Regular services following (1) compulsory or voluntary active duty in such service, or (2) extended active duty of one year or more in a Reserve component of such service, shall be considered a reenlistment.

**(c) Reenlistment prior to expiration of enlistment.**

Enlisted persons of the uniformed services, who, prior to expiration of the period for which they have reenlisted, extend their reenlistment to any one of the longer enlistment periods mentioned in subsection (a) of this section, shall be paid the sum of \$20 for each year of such extension subject to the limitations contained in subsection (a) of this section.

**(d) Reenlistments of former commissioned or warrant officers; amount.**

Notwithstanding the provisions of subsection (a) of this section, a member of the uniformed services who reenlists within three months after being discharged from the enlistment entered into prior to October 12, 1949, or who reenlists within three months after being relieved from active service as a commissioned officer or warrant officer under appointment made prior to October 12, 1949, if such commissioned or warrant service immediately followed enlisted service, shall be entitled to receive either (1) enlistment allowances in the amount and under the provisions of law in effect immediately prior to October 12, 1949, or (2) reenlistment bonus in the amount and under the provisions of this section, whichever is the greater amount: *Provided*, That the enlistment allowance payable under (1) hereunder shall in no event exceed \$300.

**(e) Regulations.**

The Secretary concerned shall prescribe regulations for the administration of this section in his department. (Oct. 12, 1949, ch. 681, title II, § 207, 63 Stat. 811; Oct. 26, 1951, ch. 580, 65 Stat. 653.)

**AMENDMENTS**

1951—Subsec. (a) amended by act Oct. 26, 1951, to provide that a man who enlisted for an indefinite period prior to Oct. 1, 1949, shall be paid \$110 upon the anniversary date of such enlistment and \$80 for each anniversary date thereafter subject to the overall limitation of \$1440, and to permit the recovery of any part of unearned enlistment bonus paid where person voluntarily, or as a result of his own misconduct, fails to complete the enlistment term.

**EFFECTIVE DATE**

Section as effective Oct. 1, 1949, see note set out under section 231 of this title.

**SUBCHAPTER II. ALLOWANCES**

**§ 251. Basic allowance for subsistence—(a) Types of allowance for enlisted personnel and officers.**

Except as otherwise provided in this section or by any other provision of law, each member of the uniformed services entitled to receive basic pay shall be entitled to receive a basic allowance for subsistence in such amount and under such circumstances as are provided in this section. For enlisted persons such allowance shall be one of three types: (1) When rations in kind are not available; (2) when permission to mess separately is granted; or (3) when assigned to duty under emergency conditions where no Government messing facilities are available. Officers shall, at all times, be entitled to receive a basic allowance for subsistence on a monthly basis. Enlisted persons shall be entitled to the appropriate allowance on a daily basis.

**(b) Enlisted personnel on leave of absence or sick leave.**

Enlisted persons shall be entitled to receive the appropriate basic allowance for subsistence while on an authorized leave of absence or while sick in hospital: *Provided*, That any such allowance shall not accrue when such persons are, in fact, being subsisted at Government expense.

**(c) Advance allowance to enlisted personnel.**

Payment of the basic allowance for subsistence, when authorized, may be made to enlisted persons in advance for a period of not exceeding three months.

**(d) Regulations.**

The President may prescribe regulations for the administration of this section.

**(e) Amounts.**

Members of the uniformed services entitled to receive a basic allowance for subsistence pursuant to this section shall be entitled to receive the following amounts:

Officers .....	\$47.88 per month.
Enlisted persons when rations in kind are not available.	2.565 per day.
Enlisted persons when permission to mess separately is granted.	1.05 per day.
Enlisted persons when assigned to duty under emergency conditions where no Government messing facilities are available.	Not to exceed \$3.42 per day.

(Oct. 12, 1949, ch. 681, title III, § 301, 63 Stat. 812; May 19, 1952, ch. 310, § 1 (d), 66 Stat. 80.)

**AMENDMENTS**

1952—Subsec. (e) amended by act May 19, 1952, which increased the basic allowance for subsistence, except the amount payable to enlisted persons when permission to mess separately is granted, by 14 per cent.

**EFFECTIVE DATE OF 1952 AMENDMENT**

Amendment of section by act May 19, 1952, as effective May 1, 1952, see note set out under section 232 of this title.

**EFFECTIVE DATE**

Section as effective Oct. 1, 1949, see note set out under section 231 of this title.

**EX. ORD. NO. 10119. REGULATIONS GOVERNING BASIC ALLOWANCES FOR SUBSISTENCE**

Ex. Ord. No. 10119, Mar. 30, 1950, 15 F. R. 1787, provided: By virtue of the authority vested in me by section 301 of the Career Compensation Act of 1949, approved Octo-

ber 12, 1949 (Public Law 351, 81st Congress) [this section], and as President of the United States and Commander in Chief of the armed forces of the United States, I hereby prescribe the following regulations, governing the payment of basic allowances for subsistence to members of the uniformed services:

Section 1. Enlisted members who are being subsisted in kind in a mess and whose duties require them to be absent from their station during one or more meals shall be entitled for each such meal to one-third of the daily basic allowance for subsistence authorized for members on duty at stations where rations in kind are not available.

Sec. 2. The Secretary of Defense, the Secretary of the Treasury, the Secretary of Commerce, and the Federal Security Administrator, with respect to the personnel of the uniformed services within their respective agencies, are hereby authorized, subject to the provisions of section 3 hereof, to prescribe such supplemental regulations, not inconsistent herewith, as they may deem necessary or desirable for carrying out the provisions of this order and of the said section 301 of the Career Compensation Act of 1949: *Provided*, that such regulations shall be uniform so far as practicable for all the services concerned.

Sec. 3. As used in regulations prescribed pursuant to section 2 hereof, those terms of the said section 301 of the Career Compensation Act of 1949 which are quoted in the subsections of this section shall have the meaning or application stated with respect thereto:

(a) The term "entitled to receive basic pay" shall be considered applicable to members while they are on the active list or while they are required to perform duty in accordance with law for which they are entitled to basic pay: *Provided*, that such term shall not be applicable to any member while absent from duty under conditions which, under laws governing the particular service concerned, would prevent him from receiving full basic pay.

(b) The term "when rations in kind are not available" shall be considered applicable in the case of enlisted members on duty at stations where it is determined, in accordance with regulations prescribed pursuant to section 3 hereof, that it is impracticable for subsistence in kind to be furnished by the Government.

(c) The term "when permission to mess separately is granted" shall be considered applicable in the case of enlisted members on duty at stations or while sick in hospitals where a mess for subsisting enlisted members is available and when such enlisted members are authorized to subsist themselves independently. Such term shall also be considered applicable in the case of enlisted members during all periods of authorized leave, including periods of leave or delay while en route between duty stations.

(d) The term "when assigned to duty under emergency conditions where no Government mess facilities are available" shall be considered applicable in the case of enlisted members assigned to duty under conditions requiring extraordinary expenses for subsistence as determined in accordance with regulations prescribed pursuant to section 2 hereof.

(e) The term "being subsisted at Government expense" shall be considered applicable to enlisted members who are subsisted in kind by the Government, and to enlisted members while they are in a travel status and are entitled to a per-diem allowance in lieu of subsistence or to a mileage allowance.

Sec. 4. The existing regulations governing the payment of basic allowances for subsistence to members of the uniformed services prescribed by Executive orders pursuant to the authority contained in the Pay Readjustment Act of 1942 of June 16, 1942, as amended [former section 101 et seq. of this title], and existing departmental regulations and determinations with respect to such allowances prescribed or made pursuant to the authority contained in such act or in such Executive orders are hereby adopted and prescribed, so far as applicable and appropriate, as regulations authorized to be prescribed by the President under section 301 of the Career Compensation

Act of 1949: *Provided*, that all such regulations and determinations shall cease to be effective on May 1, 1950.

Sec. 5. Section 4 of this order shall become effective immediately, and sections 1, 2, and 3 shall become effective on May 1, 1950.

#### § 252. Basic allowance for quarters—(a) Who are entitled to.

Except as otherwise provided in this section or by any other provision of law, members of the uniformed services entitled to receive basic pay shall be entitled to receive a basic allowance for quarters in such amount and under such circumstances as are provided in this section.

#### (b) Assignment to Government quarters or housing facilities.

Except as otherwise provided by law, no basic allowance for quarters shall accrue to members of the uniformed services assigned to Government quarters or housing facilities under the jurisdiction of the uniformed services, appropriate to their rank, grade, or rating and adequate for themselves and dependents, if with dependents.

#### (c) Field or sea duty; exceptions.

No basic allowance for quarters shall accrue to any member of the uniformed services without dependents while on field duty, unless his commanding officer certifies that he was necessarily required to procure quarters at his own expense, or while on sea duty: *Provided*, That field duty or sea duty for temporary periods of less than three months shall not be considered as field duty or sea duty for purposes of this subsection.

#### (d) Dependents unable to occupy quarters.

No member of the uniformed services assigned to Government quarters or housing facilities under the jurisdiction of the uniformed services shall be denied his basic allowance for quarters if, by reason of orders of competent authority, his dependents are prevented from occupying such quarters.

#### (e) Regulations.

The President may prescribe regulations for the administration of this section, and such regulations shall include, but not be limited to, definitions of the terms "field duty" and "sea duty".

#### (f) Amount per month.

Members of the uniformed services entitled to receive a basic allowance for quarters pursuant to this section shall be entitled to receive a basic allowance for quarters at the following monthly rates according to the pay grade to which assigned or in which distributed for basic pay purposes:

Pay grade	With dependents	Without dependents
O-8	\$171.00	\$136.80
O-7	171.00	136.80
O-6	136.80	119.70
O-5	136.80	102.60
O-4	119.70	94.20
O-3	102.60	85.50
O-2	94.20	77.10
O-1	85.50	68.40
W-4	119.70	94.20
W-3	102.60	85.50
W-2	94.20	77.10
W-1	85.50	68.40

Pay grade	Not over 2 dependents	Over 2 dependents
E 7	\$77 10	\$95 00
E 6	77 10	95 00
E 5	77 10	95 00
E 4	77 10	95 00

  

Pay grade	1 dependent	2 dependents	Over 2 dependents
E 3	\$51 30	\$77 10	\$95 00
E 2	51 30	77 10	95 00
E 1	51 30	77 10	95 00

**(g) Enlisted members without dependents.**

Subject to the provisions of this section, enlisted members without dependents shall be entitled to a basic allowance for quarters at the rate of \$51.30 per month.

**(h) Allotment of pay by enlisted members required.**

The payment of the basic allowance for quarters provided in subsection (f) of this section for enlisted members with dependents shall be made only for such period as the enlisted member has in effect an allotment of pay not less than the sum of the basic allowance for quarters to which he is entitled plus \$40 (or in the case of enlisted members in pay grades E-4 and E-5, \$60; or in the case of enlisted members in pay grades E-6 and E-7, \$80), for the support of the dependent or dependents on whose account the allowance is claimed; *Provided*, That such allotment shall not be required, (1) for the calendar month in which such member enters on active duty in a pay status if the allotment is effective from the following month; (2) for the calendar month in which such member is discharged, if not immediately reenlisted; (3) for the calendar month in which such member is released from active duty; (4) for the calendar month in which dependency ceases; (5) for the calendar month in which dependency commences if the allotment is effective from the following month; (6) for the calendar month in which such member is assigned to quarters for himself and his dependents or for the calendar month in which such assignment is terminated; *Provided further*, That such allotment may be initiated, continued, modified, or discontinued in accordance with such regulations as may be prescribed by the Secretary of the Department concerned; *And provided further*, That the minimum allotment required for any month shall be based on the lowest rate of basic allowance for quarters to which the member is entitled and the lowest pay grade in which the member is serving during such month.

**(i) Dependents to whom allotment paid.**

The allotment required by subsection (h) of this section shall be paid to or on behalf of such dependent or dependents as may be specified by the enlisted member concerned, subject to such regulations as the Secretary concerned may prescribe.

**(j) Delay in allotment; waiver.**

Any delay in initiating an allotment as required by this section shall not invalidate entitlement to basic allowance for quarters, provided that such allotment is made retroactive for such period as

the member may elect to claim the allowance for his dependent or dependents. If the Secretary concerned finds that such delay was caused by the exigencies of the service he may waive the allotment requirement, or the additional increment thereto, as applicable, for such retroactive period.

**(k) Substantiation of right to allowance for quarters.**

The entitlement to the basic allowance for quarters provided for by this section shall be substantiated in such manner and in accordance with such regulations as the Secretary concerned may prescribe. (Oct. 12, 1949, ch. 302, title III, § 302, 63 Stat. 812; Sept. 8, 1950, ch. 922, §§ 2-4, 64 Stat. 795; May 19, 1952, ch. 310, § 1 (b), (c), (f), 66 Stat. 79.)

**AMENDMENTS**

1952- Subsec. (f) amended by act May 19, 1952, § 1 (b), (c), which substituted quarters allowance tables for both officers and enlisted personnel.

Subsec. (g) amended by act May 19, 1952, § 1 (f), to increase quarters allowance by 14 per cent.

1950- Subsec. (a) amended by act Sept. 8, 1950, 2 which suspended for the duration of that act the proviso reading, "Provided That an enlisted member in pay grade E 4 (less than seven years' service), E 3, E 2, E 1, shall be considered at all times as a member without dependents for the purposes of this section".

Subsec. (f) amended by act Sept. 8, 1950, § 3, which, for the duration of that act, struck out the portion of the table relating to grades E 1 to E 7 and inserted a new table in lieu thereof. The portion of the table stricken out reads as follows:

Pay grade	With dependents	Without dependents
E-7	\$67 50	\$45 00
E-6	67 50	45 00
E-5	67 50	45 00
E-4 (7 or more years' service) <sup>1</sup>	67 50	45 00
E-4 (less than 7 years' service) <sup>2</sup>	45 00	45 00
E-3	45 00	45 00
E-2	45 00	45 00
E-1	45 00	45 00

<sup>1</sup> Service authorized to be credited in computation of basic pay pursuant to section 233 of this title.

<sup>2</sup> Considered at all times as without dependents pursuant to subsection (a) of this section.

Subsecs. (g) — (k) added by act Sept. 8, 1950, § 4, for the duration of that act.

**EFFECTIVE DATE OF 1952 AMENDMENT**

Amendment of section by act May 19, 1952, as effective May 1, 1952, see note set out under section 232 of this title.

**EFFECTIVE PERIOD OF 1950 AMENDMENT**

Amendment of subsecs. (a), (f), and (g) (k) of this section by act Sept. 8, 1950, as effective for the period from Aug. 1, 1950, to Apr. 30, 1953, see sections 2215 and 2216 of Appendix to Title 50, War and National Defense.

**EFFECTIVE DATE**

Section as effective Oct. 1, 1949, see note set out under section 231 of this title.

**TERMINATION OF INCREASED QUARTERS ALLOWANCES TO ENLISTED PERSONNEL**

Section 1 (c), (f) of act May 19, 1952, both provided in part that the increased quarters allowances should terminate on the termination of section 2203 of Appendix to Title 50, War and National Defense, which is Apr. 30, 1953.

**EX. ORD. NO. 10204. REGULATIONS GOVERNING BASIC ALLOWANCES FOR QUARTERS**

Ex. Ord. No. 10204, Jan. 16, 1951, 16 F. R. 417, provided:

By virtue of and pursuant to the authority vested in me by section 302 of the Career Compensation Act of

1949, approved October 12, 1949 (Public Law 351, 81st Congress) [this section], and as President of the United States and Commander in Chief of the armed forces of the United States, I hereby prescribe the following regulations governing the payment of basic allowances for quarters to members of the uniformed services.

1. Definitions. As used in these regulations or regulations prescribed pursuant hereto:

(a) The term "entitled to receive basic pay" shall apply to a member while on the active list or while required to perform duty in accordance with law for which he is entitled to basic pay: *Provided*, That such term shall not apply to any member while absent from duty under conditions which, under laws governing the particular service concerned, would prevent him from receiving full basic pay.

(b) The term "field duty" shall mean service by a member under orders with troops operating against an enemy, actual or potential, or service with troops on maneuvers, war games, field exercises, or similar types of operations.

(c) The term "sea duty" shall mean service performed by either officer or enlisted members under conditions for which "sea duty" pay is payable to enlisted members in accordance with section 206 of the said Career Compensation Act of 1949 [section 237 of this title], and regulations issued thereunder.

(d) The term "permanent station" shall mean the place on shore where a member is assigned to duty, or the home yard or the home port of a ship in which a member is required to perform duty, under orders in each case which do not in terms provide for the termination thereof; and any station on shore or any receiving ship where a member is assigned and in fact occupies, with his dependents, if any, quarters under the jurisdiction of any of the uniformed services shall also be deemed during such occupancy to be his permanent station: *Provided*, That in the case of members of the National Guard, the Air National Guard or Reserve components of any of the uniformed services on active duty for training, the place where the training duty is being performed shall be deemed to be the permanent station of such members for the purposes of these regulations.

2. Except as otherwise by statute heretofore or hereafter provided, a member shall be entitled to payment of basic allowances for quarters, in accordance with these regulations and any regulations prescribed pursuant hereto, during such time or times as he is entitled to receive basic pay.

3. Any quarters or housing facilities under the jurisdiction of any of the uniformed services in fact occupied without payment of rental charges (a) by a member and his dependents, or (b) at his permanent station by a member without dependents, or (c) by the dependents of a member on field duty or on sea duty or on duty at a station where adequate quarters are not available for his dependents, shall be deemed to have been assigned to such member as appropriate and adequate quarters, and no basic allowance for quarters shall accrue to such member under such circumstances unless the occupancy is because of a social visit of a temporary nature.

4. When adequate quarters for his dependents are not available for assignment at his permanent station to a member with dependents, he may occupy not more than one room and a bath at such station, without affecting his right to receive payment of basic allowances for quarters, if permitted or required personally to occupy quarters at such station.

5. A member away from his permanent station may occupy not more than one room and a bath at his temporary post or station without affecting his right to receive payment of basic allowances for quarters, or to assignment of quarters at his permanent station.

6. The Secretaries concerned (within the meaning of section 102 (f) of the said Career Compensation Act of 1949) [section 231(f) of this title], with respect to personnel of the uniformed services within their respective departments and agency, are hereby authorized to prescribe such supplementary regulations not inconsistent herewith as they may deem necessary or desirable for

carrying out these regulations, and such supplementary regulations shall be uniform for all the services to the fullest extent practicable.

7. This order shall become effective on February 1, 1951.

**§ 253. Travel and transportation allowances—(a) Regulations; limitation on type of travel; mileage; subsistence allowance.**

Under regulations prescribed by the Secretaries concerned, members of the uniformed services shall be entitled to receive travel and transportation allowances for travel performed or to be performed under competent orders (1) upon a change of permanent station, or otherwise, or when away from their designated posts of duty regardless of the length of time away from such designated posts of duty, (2) upon appointment, call to active duty, enlistment, or induction, from home or from the place from which ordered to active duty to first station, and (3) upon separation from the service, placement upon the temporary disability retired list, release from active duty, or retirement, from last duty station to home or to the place from which ordered to active duty, regardless of the fact that such member may not be a member of the uniformed services at the time his travel is performed or is to be performed. Allowances above authorized may be paid without regard to the comparative costs of the various modes of transportation. The respective Secretaries concerned may prescribe (1) the conditions under which travel and transportation allowances shall be authorized, including advance payments thereof, and (2) the allowances for types of travel not to exceed amounts herein authorized. The travel and transportation allowances which shall be authorized for each type of travel shall be limited to one of the following: (1) Transportation in kind, reimbursement therefor, or a monetary allowance in lieu of cost of transportation at a rate not in excess of 7 cents per mile based on distances established or to be established over the shortest usually traveled routes, in accordance with mileage tables prepared by the Chief of Finance of the Department of the Army under the direction of the Secretary of the Army, (2) transportation in kind, reimbursement therefor, or a monetary allowance as provided in (1) of this sentence, plus a per diem in lieu of subsistence not to exceed \$9 per day, or (3) for travel within the continental limits of the United States a mileage allowance of not exceeding 10 cents per mile based on distances established or to be established pursuant to existing law: *Provided*, That the travel and transportation allowances under conditions authorized herein for such members may be paid on separation from the service, or release from active duty, regardless of whether or not such member performs the travel involved.

**(b) Per diem payment while on duty outside continental United States or in Alaska.**

Without regard to the monetary limitations in this chapter, the Secretaries of the uniformed services may authorize the payment to members of the uniformed services on duty outside the continental United States or in Alaska, whether or not in a travel status, of a per diem considering all elements

of cost of living to members and their dependents, including the cost of quarters, subsistence, and other necessary incidental expenses: *Provided*, That dependents shall not be considered in determining per diem allowances for members in a travel status.

**(c) Transportation in kind for dependents on change of station; monetary payment in lieu of transportation; baggage and household effects; definition of "permanent station."**

In addition to the allowances authorized above, under such conditions and limitations and for such ranks, grades, or ratings and to and from such locations as may be prescribed by the Secretaries concerned, members of the uniformed services when ordered to make a change of permanent station shall be entitled to transportation in kind for dependents or to reimbursement therefor, or to a monetary allowance in lieu of such transportation in kind at a rate to be prescribed not in excess of the rate authorized in subsection (a) of this section, and in connection with a change of station (whether temporary or permanent), to transportation (including packing, crating, drayage, temporary storage, and unpacking) of baggage and household effects, or reimbursement therefor, to and from such locations and within such weight allowances as may be prescribed by the Secretaries, without regard to the comparative costs of the various modes of transportation. When orders directing a change of permanent station for the member concerned have not been issued, or when such orders have been issued but are of such a nature that they cannot be used as authority for transportation of dependents and baggage and household effects, the Secretaries concerned may, nevertheless, authorize the movement of the dependents and baggage and household effects and prescribe transportation in kind, reimbursement therefor, or a monetary allowance in lieu thereof as authorized in this subsection, as the case may be, only under unusual or emergency circumstances, including but not limited to, (1) circumstances when duty is being performed by such member at places designated by the Secretary concerned as within zones from which dependents should be evacuated, (2) circumstances when orders which direct temporary duty travel of such member do not provide for return to the permanent station or do not specify or imply any limit to the period of absence from the permanent station, or (3) circumstances when such members are serving on permanent duty at stations outside the continental United States or in Alaska, or on sea duty. The Secretary concerned shall define the term "permanent station", which definition shall include, but not be limited to, a shore station or the home yard or home port of the vessel to which a member of the uniformed services entitled to receive basic pay may be ordered; and a duly authorized change in home yard or home port of such vessel shall be deemed a change of permanent station. Under regulations prescribed by the Secretary concerned, transportation for dependents and baggage and household effects are authorized upon the death of a member of the uniformed services while entitled to receive basic pay pursuant to section 232 (e) of this title.

**(d) Per diem in lieu of subsistence while on duty with Military Air Transport Service, Marine Corps Transport Squadrons, or Fleet Logistics Support Unit.**

A member of the uniformed services on duty with or under training for the Military Air Transport Service, Marine Corps Transport Squadrons, or Fleet Logistics Support Unit and away from his permanent station, may be paid a per diem in lieu of subsistence in an amount not to exceed the amount to which he would be entitled if performing temporary duty travel, without in either case the issuance of orders for specific travel.

**(e) Cadets of Military and Coast Guard Academies, Midshipmen of Naval Academy, and others.**

Cadets of the United States Military Academy, midshipmen of the United States Naval Academy, cadets of the United States Coast Guard Academy, applicants for enlistment, rejected applicants, general prisoners, discharged prisoners, insane patients transferred from military hospitals to other hospitals or their home, and persons discharged from Saint Elizabeths Hospital after transfer from one of the uniformed services, shall be entitled to receive such travel and transportation allowances as are provided in subsection (a) of this section, as may be prescribed by the Secretaries concerned, due consideration being given to the rights of the Government as well as those of the individual in the promulgation of regulations prescribing said allowances.

**(f) Determination of monetary allowance in lieu of transportation.**

The Secretaries concerned in establishing the rates and types of allowances authorized by this section shall consider in prescribing (1) monetary allowance in lieu of transportation—average cost of first-class transportation including sleeping accommodations, (2) per diem rates—the current economic data on cost of subsistence (including lodging and other necessary incidental expenses related thereto), and (3) mileage rates—average cost of first-class transportation including sleeping accommodations and current economic data on cost of subsistence (including lodging and other necessary incidental expenses related thereto).

**(g) Determination of travel status.**

The Secretaries concerned shall determine what shall constitute a travel status.

**(h) Regulations; uniformity.**

Regulations shall be promulgated by the Secretaries of the uniformed services, as provided herein, and such regulations shall be uniform for all services insofar as practicable: *Provided*, That no provisions of this section shall become effective until such regulations have been issued: *Provided further*, That nothing contained in this chapter shall preclude the payment of travel and transportation allowances under provisions of law in effect on the day prior to October 1, 1949, until such regulations are issued pursuant to this subsection. (Oct. 12, 1949, ch. 681, title III, § 303, 63 Stat. 813.)

**EFFECTIVE DATE**

Section as effective Oct. 1, 1949, see note set out under section 231 of this title.

**EXCEPTION AS TO TRANSFER OF FUNCTIONS**

Functions of the Coast Guard, and of the Commandant thereof, when the Coast Guard is operating as a part of the Navy under section 3 of Title 14, Coast Guard, were excepted from the transfer of functions of officers, agencies, and employees of the Department of the Treasury to the Secretary of the Treasury, made by 1950 Reorg. Plan No. 26, § 1, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, set out in note under section 241 of Title 5, Executive Departments and Government Officers and Employees.

**§ 254. Personal money allowance.**

(a) Officers entitled to receive basic pay shall, while serving in the grade of lieutenant general, vice admiral, or in an equivalent grade or rank, in addition to any other pay or allowance authorized by this chapter, be entitled to receive a personal money allowance of \$500 per annum.

(b) Officers entitled to receive basic pay shall, while serving in the grade of general, admiral, or in an equivalent grade or rank, in addition to any other pay or allowance authorized by this chapter, be entitled to receive a personal money allowance of \$2,200 per annum.

(c) Officers entitled to receive basic pay shall, while serving as the Chief of Staff of the Army, as the Chief of Naval Operations, as the Chief of Staff of the Air Force, as the Commandant of the Marine Corps, or as the Commandant of the Coast Guard, in lieu of any other personal money allowance authorized by this section, but in addition to any other pay or allowance authorized by this chapter, be entitled to receive a personal money allowance of \$4,000 per annum. (Oct. 12, 1949, ch. 681, title III, § 304, 63 Stat. 816.)

**EFFECTIVE DATE**

Section as effective Oct. 1, 1949, see note set out under section 231 of this title.

**EXCEPTION AS TO TRANSFER OF FUNCTIONS**

Functions of the Coast Guard, and of the Commandant thereof, when the Coast Guard is operating as a part of the Navy under section 3 of Title 14, Coast Guard, were excepted from the transfer of functions of officers, agencies, and employees of the Department of the Treasury to the Secretary of the Treasury, made by 1950 Reorg. Plan No. 26, § 1, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, set out in note under section 241 of Title 5, Executive Departments and Government Officers and Employees.

**SUBCHAPTER III. RETIREMENT, RETIREMENT PAY, SEPARATION, AND SEVERANCE PAY FOR PHYSICAL DISABILITY****§ 271. Establishment of temporary disability retired list.**

(a) Any member of the uniformed services found to be unfit to perform the duties of his office, rank, grade, or rating by reason of physical disability and who otherwise qualifies as hereinafter provided may be retired or separated subject to the provisions of this subchapter.

(b) The Secretary concerned shall establish for his uniformed service a temporary disability retired list, upon which shall be placed the names of all members of his service entitled to such placement pursuant to the provisions of this subchapter. Such list shall be published annually in the official register or other official publication of the service concerned. (Oct. 12, 1949, ch. 681, title IV, § 401, 63 Stat. 816.)

**EFFECTIVE DATE**

Section as effective Oct. 1, 1949, see note set out under 231 of this title.

**§ 272. Temporary retirement, retirement, and pay—(a) Physical disability incurred on duty.**

Upon a determination by the Secretary concerned (1) that a member of a Regular component of the uniformed services entitled to receive basic pay, or a member of a Reserve component of the uniformed services entitled to receive basic pay who has been called or ordered to extended active duty for a period in excess of thirty days, is unfit to perform the duties of his office, rank, grade, or rating, by reason of physical disability incurred while entitled to receive basic pay; (2) that such disability is not due to the intentional misconduct or willful neglect of such member and that such disability was not incurred during a period of unauthorized absence of such member; (3) that such disability is 30 per centum or more in accordance with the standard schedule of rating disabilities in current use by the Veterans' Administration; (4) that such disability was the proximate result of the performance of active duty; and (5) that accepted medical principles indicate that such disability may be of a permanent nature, the name of such member shall be placed upon the temporary disability retired list of his service by the Secretary concerned and such member shall be entitled to receive disability retirement pay as prescribed in subsection (d) of this section: *Provided*, That if condition (5) above is met by a finding that such disability is of a permanent nature, such member may be retired by the Secretary concerned and, upon retirement, shall be entitled to receive disability retirement pay as prescribed in subsection (d) of this section: *Provided further*, That if condition (3) above is not met because the disability is determined to be less than 30 per centum, the member concerned shall not be eligible for any disability retirement provided in this section, but may be separated for physical disability from the service concerned and upon separation shall be entitled to receive disability severance pay as prescribed in section 273 of this title: *Provided further*, That any disability shown to have been incurred in line of duty during a period of active service in time of war or national emergency shall be considered to be the proximate result of the performance of active duty.

**(b) Physical disability incurred in line of duty.**

Upon a determination by the Secretary concerned (1) that a member of a Regular component of the uniformed services entitled to receive basic pay, or a member of a Reserve component of the uniformed services entitled to receive basic pay who has been called or ordered to extended active duty for a period in excess of thirty days, is unfit to perform the duties of his office, rank, grade, or rating, by reason of physical disability incurred while entitled to receive basic pay; (2) that such disability is not due to the intentional misconduct or willful neglect of such member and that such disability was not incurred during a period of unauthorized absence of such member; (3) that such disability is 30 per centum



or more in accordance with the standard schedule of rating disabilities in current use by the Veterans' Administration; (4) that such member has completed at least eight years of active service as defined in section 282 of this title; and (5) that accepted medical principles indicate that such disability may be of a permanent nature, the name of such member shall be placed upon the temporary disability retired list of his service by the Secretary concerned and such members shall be entitled to receive disability retirement pay as prescribed in subsection (d) of this section: *Provided*, That if condition (5) above is met by a finding that such disability is of a permanent nature, such member may be retired by the Secretary concerned and, upon retirement, shall be entitled to receive disability retirement pay as prescribed in subsection (d) of this section: *Provided further*, That if condition (3) above is not met because the disability is determined to be less than 30 per centum, the member concerned shall not be eligible for any disability retirement provided in this section, but may be separated for physical disability from the service concerned and upon separation shall be entitled to receive disability severance pay as prescribed in section 273 of this title: *And provided further*, That regardless of the percentage of disability determined to have been incurred, if condition (4) above is not met because the member concerned has completed less than eight years of active service as defined in section 282 of this title at the time he would otherwise have been retired pursuant to this subsection, the member concerned shall not be eligible for any disability retirement provided in this section, but may be separated for physical disability from the service concerned and upon separation shall be entitled to receive disability severance pay as prescribed in section 273 of this title.

**(c) Part-time service members; qualifications.**

Upon a determination by the Secretary concerned (1) that a member of the uniformed services, other than those members covered in subsections (a) and (b) of this section, is unfit to perform the duties of his office, rank, grade, or rating by reason of physical disability resulting from an injury; (2) that such injury was not the result of the intentional misconduct or willful neglect of such member; (3) that such disability is 30 per centum or more in accordance with the standard schedule of rating disabilities in current use by the Veterans' Administration; (4) that such injury was the proximate result of the performance of active duty, full-time training duty, other full-time duty, or inactive duty training, as the case may be; and (5) that accepted medical principles indicate that such disability may be of a permanent nature, the name of such member shall be placed upon the temporary disability retired list of his service by the Secretary concerned and such member shall be entitled to receive disability retirement pay as prescribed in subsection (d) of this section: *Provided*, That if condition (5) above is met by a finding that such disability is of a permanent nature, such member may be retired by the Secretary concerned and, upon retirement, shall be entitled to receive disability retirement pay as prescribed in

subsection (d) of this section: *Provided further*, That if condition (3) above is not met because the disability is determined to be less than 30 per centum, the member concerned shall not be eligible for any disability retirement provided in this section, but may be separated for physical disability from the service concerned and upon separation shall be entitled to receive disability severance pay as prescribed in section 273 of this title.

**(d) Pay.**

A member of the uniformed services whose name is placed upon the temporary disability retired list of his service pursuant to subsections (a), (b), or (c) of this section, for the period during which his name is carried on such temporary disability retired list, but in no event to exceed a period of five years, or a member of the uniformed services who is retired pursuant to the provisions of this subchapter, shall be entitled to receive disability retirement pay computed, at his election, by multiplying an amount equal to the monthly basic pay of the rank, grade, or rating held by him at the time of the placement of his name on the temporary disability retired list or at the time of his retirement, whichever is earlier, by (1) a number equal to the number of years of active service to which such member is entitled under the provisions of section 282 of this title, multiplied by  $2\frac{1}{2}$  per centum, or (2) the percentage of his physical disability as of the time his name was placed on the temporary disability retired list or at the time of retirement, whichever is earlier: *Provided*, That for the purpose of the computation of (1) above, fractions of one-half year or more of active service shall be counted as a whole year: *Provided further*, That the disability retirement pay of any such member who shall have held a temporary rank, grade, or rating higher than the rank, grade, or rating held by him at the time of placement of his name upon the temporary disability retired list or at the time of his retirement, whichever is earlier, and who shall have served satisfactorily in such higher rank, grade, or rating as determined by the Secretary concerned, shall be computed on the basis of the monthly basic pay of such higher rank, grade, or rating to which he would have been entitled had he been serving on active duty in such higher rank, grade, or rating at the time of placement of his name on the temporary disability retired list or at the time of retirement, whichever is earlier: *Provided further*, That in no case shall such disability retirement pay exceed 75 per centum of the basic pay upon which the computation is based: *Provided further*, That the disability retirement pay of any member whose name is carried on the temporary disability retired list shall, for so long as his name is carried on such list, be not less than 50 per centum of the basic pay upon which the computation is based: *Provided further*, That if the physical disability entitling such member to disability retirement pay is found to exist as a result of a physical examination given in connection with effecting a permanent promotion or a temporary promotion where eligibility for such temporary promotion was required to have been based upon cumulative years of service or years of service in rank, grade, or rating,

the disability retirement pay of such member shall be based upon the basic pay of the rank, grade, or rating to which such member would have been promoted but for such disability, if such rank, grade, or rating is higher than any other rank, grade, or rating upon which such pay is herein authorized to be computed and which such member would have been entitled to receive if serving on active duty in such rank, grade, or rating: *And provided further*, That for any member who, for any reason, has been or hereafter may be retired or whose name is carried on a temporary disability retired list and who, while in such status, serves on active duty, and while so serving, incurs a physical disability of 30 per centum or more in accordance with the standard schedule of rating disabilities in current use by the Veterans' Administration or incurs a physical disability in addition to or an aggravation of the physical disability for which he was retired or for which his name was placed on the temporary disability retired list, shall, if qualified therefor pursuant to this subchapter, be entitled, on his return to a retired status or to the temporary disability retired list, to receive either (1) disability retirement pay as provided in this section, using as multipliers the highest percentages and basic pay which he attained while serving on such active duty, or (2) retirement pay or retired pay, as the case may be, as provided by any law in effect at the time of his retirement; and, in addition thereto, if such member is, during such period of active duty, promoted to a rank, grade, or rating higher than that rank, grade, or rating on which his retired pay, retirement pay, or disability retirement pay was based, and has served satisfactorily in such higher rank, grade, or rating as determined by the Secretary concerned, be entitled, on his return to a retired status or to the temporary disability retired list, to receive such retirement pay, disability retirement pay, or retired pay computed on the basis of the higher rank, grade, or rating and which such member would be entitled to receive if serving on active duty in such higher rank, grade, or rating.

**(e) Periodic examinations.**

A member of the uniformed services whose name has been placed upon the temporary disability retired list of his service shall be given periodic physical examinations, not less frequent than every eighteen months to determine whether the disability for which such member was temporarily retired has changed. If as a result of any such examinations, or upon the termination of a period of five years from the date of temporary disability retirement, it is determined (1) that the physical disability of such member is of permanent character and such disability is 30 per centum or more in accordance with the standard schedule of rating disabilities in current use by the Veterans' Administration, the name of such member shall be removed from the temporary disability retired list of his service and such member shall be permanently retired for physical disability and he shall be entitled to receive disability retirement pay as prescribed in subsection (d) of this section: *Provided*, That for the purpose of

computing such pay the percentage of his physical disability shall be determined as of the time of his permanent retirement; (2) that the physical disability of such member is less than 30 per centum in accordance with the standard schedule of rating disabilities in current use by the Veterans' Administration, the name of such member shall be removed from the temporary disability retired list of the service concerned, and such member may be separated from the service concerned for physical disability and upon separation shall be entitled to receive disability severance pay as prescribed in section 273 of this title: *Provided further*, That at the end of a five-year period during which the name of a member is carried on a temporary disability retired list, the Secretary concerned shall make a final determination of such member's case and shall cause such member to be retired, separated, or treated as provided in section 275 of this title.

**(f) Disability less than 30% but individual has over 20 years active service.**

Notwithstanding the foregoing provisions of this section, any member of the uniformed services who shall have completed at least twenty years of active service as defined in section 282 of this title, and who is otherwise qualified to be retired for physical disability except that his disability is less than 30 per centum in accordance with the standard schedule of rating disabilities in current use by the Veterans' Administration, shall be retired and shall be entitled to receive disability retirement pay as prescribed in subsection (d) of this section: *Provided*, That the provisions of this section shall not be interpreted to limit the application of any provisions of law relating to voluntary or involuntary retirement.

**(g) Disability less than 30% but individual has over 20 years active and inactive service.**

Notwithstanding the foregoing provisions of this section, any member of the Army of the United States, Navy, Air Force of the United States, Marine Corps, or the Coast Guard, and all Regular and Reserve components thereof, who shall have completed at least twenty years of satisfactory Federal service in the uniformed services as defined in sections 1036a and 1036e of Title 10 and sections 440i and 440m of Title 34, and who is otherwise qualified to be retired for physical disability except that his disability is less than 30 per centum in accordance with the standard schedule of rating disabilities in current use by the Veterans' Administration may elect, in lieu of being separated and receiving disability severance pay pursuant to this subchapter, to be transferred to the inactive status list of the uniformed service concerned pursuant to section 1036g of Title 10 and section 440o of Title 34, and be granted retired pay upon attaining the age of sixty years if eligible in all other respects to be granted retired pay as provided in sections 1036—1036i of Title 10 and sections 440h and 440i—440q of Title 34.

**(h) Pay as subject to income tax.**

That part of the disability retirement pay computed on the basis of years of active service which

is in excess of the disability retirement pay that a member would receive if such disability pay were computed on the basis of percentage of disability shall not be deemed to be a pension, annuity, or similar allowance for personal injuries or sickness resulting from active service in the armed forces of any country within the meaning of section 22 (b) (5) of Title 26.

(i) **Applicability to reserve components.**

All members of the reserve components heretofore or hereafter retired or granted retirement pay because of physical disability shall be entitled to the same pay, rights, benefits, and privileges provided by law or regulation for retired members of the regular services. (Oct. 12, 1949, ch. 681, title IV, § 402, 63 Stat. 816.)

**EFFECTIVE DATE**

Section as effective Oct. 1, 1949, see note set out under section 231 of this title.

**EXCEPTION AS TO TRANSFER OF FUNCTIONS**

Functions of the Coast Guard, and of the Commandant thereof, when the Coast Guard is operating as a part of the Navy under section 3 of Title 14, Coast Guard, were excepted from the transfer of functions of officers, agencies, and employees of the Department of the Treasury to the Secretary of the Treasury, made by 1950 Reorg. Plan No. 26, § 1, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, set out in note under section 241 of Title 5, Executive Departments and Government Officers and Employees.

**INCREASE IN RETIREMENT BENEFITS**

Computation of retired pay on new basis of rates, see sections 321 and 322 of this title.

**§ 273. Separation and severance pay for physical disability.**

A member of the uniformed services separated for physical disability pursuant to the provisions of section 272 of this title shall be entitled to receive disability severance pay computed as follows: An amount equal to two months' basic pay of the rank, grade, or rating held by such member at the time of the placement of his name on the temporary disability retired list or at the time of his separation, whichever is earlier, and which such member would be entitled to receive at the time of separation if serving on active duty in such rank, grade, or rating, multiplied by a number equal to the number of years of active service to which such member is entitled under the provisions of section 282 of this title but not to exceed a total of two years' basic pay: *Provided*, That for the purpose of this computation, fractions of one-half year or more of active service shall be counted as a whole year: *Provided further*, That the disability severance pay of any such member who shall have held a temporary rank, grade, or rating higher than the rank, grade, or rating held by him at the time of the placement of his name on the temporary disability retired list or at the time of his separation, whichever is earlier, and who shall have served satisfactorily in such higher rank, grade, or rating as determined by the Secretary concerned, shall be computed on the basis of the monthly basic pay of such higher rank, grade, or rating to which he would have been entitled had he been serving on active duty in such higher rank, grade, or rating at the time of placement of his name on the tempo-

rary disability retired list or at the time of separation, whichever is earlier: *Provided further*, That if the physical disability entitling such member to disability severance pay is found to exist as a result of a physical examination given in connection with effecting a permanent promotion or a temporary promotion where eligibility for such temporary promotion was required to have been based upon cumulative years of service or years of service in rank, grade, or rating, the disability severance pay of such member shall be based upon the rank, grade, or rating to which such member would have been promoted but for such disability, if such rank, grade, or rating is higher than any other rank, grade, or rating upon which such severance pay is herein authorized to be computed and which such member would be entitled to receive at the time of placement of his name on the temporary disability retired list or at the time of separation, whichever is earlier, if serving on active duty in the higher grade: *And provided further*, That in the case of a former member of the uniformed services who has received disability severance pay as provided in this section, the amount of such disability severance pay shall be deducted from any compensation for himself or his dependents to which he or they becomes<sup>1</sup> entitled thereafter under laws administered by the Veterans' Administration for the same disability, but no such deductions shall be made from any death compensation to which his dependents may become entitled subsequent to his death. (Oct. 12, 1949, ch. 681, title IV, § 403, 63 Stat. 820.)

**EFFECTIVE DATE**

Section as effective Oct. 1, 1949, see note set out under section 231 of this title.

**INCREASE IN RETIREMENT BENEFITS**

Computation of retired pay on new basis of rates, see sections 321 and 322 of this title.

**§ 274. Periodic physical examinations—(a) Requirement to submit.**

A member of the uniformed services whose name is hereafter placed upon the temporary disability retired list may be required to submit to periodic physical examinations during the period in which his name is carried on such list.

**(b) Travel and transportation allowances; penalties.**

A member of the uniformed services whose name is placed upon the temporary disability retired list and who is required to submit to a periodic physical examination shall, for travel performed, be entitled to receive the travel and transportation allowance authorized for the rank, grade, or rating in which retired for temporary duty travel performed while on active duty. Failure of any such member to report for any periodic physical examination after receipt of proper notification may be considered cause for terminating his disability retirement pay, except that such payments shall be reinstated at a later date if just cause existed for such failure to report, in which case payments may be retroactive for a period of not to exceed one year. (Oct. 12, 1949, ch. 681, title IV, § 404, 63 Stat. 821.)

<sup>1</sup> So in original. Probably should read "become."

## EFFECTIVE DATE

Section as effective Oct. 1, 1949, see note set out under section 231 of this title.

**§ 275. Recovery from physical disability—(a) Reappointment or reenlistment of Regulars.**

If, as a result of a periodic physical examination, a member of a Regular component of the uniformed services whose name has been placed on the temporary disability retired list is found to be physically fit to perform the duties of his office, rank, grade, or rating, he shall, subject to his consent, if an officer, be called to active duty and, as soon thereafter as practicable, be reappointed, subject to the provisions of section 277 of this title, to the active list of his Regular component, or, if an enlisted person, be reenlisted in his Regular component.

**(b) Reappointment or reenlistment of Reserves.**

If, as a result of a periodic physical examination, a member of a Reserve component of the uniformed services whose name has been placed on the temporary disability retired list is found to be physically fit to perform the duties of his office, rank, grade, or rating, he shall, subject to his consent, be reappointed or reenlisted, as the case may be, in his Reserve component: *Provided*, That if the name of such member was placed on the temporary disability retired list for physical disability incurred while serving in the National Guard of the United States, or in the Air National Guard of the United States, he shall, subject to his consent, if not reappointed or reenlisted, as the case may be, in the component from which removed, be appointed, reappointed, enlisted, or reenlisted, as the case may be, in the Organized Reserve Corps or the Air Force Reserve.

**(c) Secretarial power of replacement on the active list.**

Any appointment, reappointment, enlistment, or reenlistment authorized pursuant to subsection (a) or (b) of this section shall be in a rank, grade, or rating not lower than the rank, grade, or rating permanently held at the time of placement of the name of the member concerned upon the temporary disability retired list, and may be in the rank, grade, or rating immediately above the rank, grade, or rating permanently held at the time of placement of the name of the member concerned upon the temporary disability retired list. When seniority in rank, grade, or rating or years of service is an applicable factor in qualifying a member of the uniformed services for future promotion, such member who is being reappointed or reenlisted pursuant to this section shall, for the purpose of placement on a lineal list, promotion list, or other similar list, be given such seniority in rank, grade, or rating or be credited with such years of service as may be authorized by the Secretary concerned. Action under this subsection shall be taken on a fair and equitable basis, and regard shall be given to the probable opportunities for advancement and promotion to which such member might reasonably have become entitled but for placement of his name upon the temporary disability retired list. (Oct. 12, 1949, ch. 681, title IV, § 405, 63 Stat. 821.)

## EFFECTIVE DATE

Section as effective Oct. 1, 1949, see note set out under section 231 of this title.

**§ 276. Termination of temporary disability retirement pay—(a) Reappointment or reenlistment.**

If as a result of a periodic physical examination, a member of the uniformed services whose name appears on the temporary disability retired list is found to be physically fit to perform the duties of his office, rank, grade, or rating, he shall—

(1) If an officer of a Regular component, have his disability retirement pay terminated upon the date of his recall to active duty and his status on the temporary disability retired list terminated on the date of his reappointment to the active list;

(2) If an enlisted person of a Regular component, have both his status on such temporary disability retired list and his disability retirement pay terminated on the date of his reenlistment in the Regular component from which placed on the temporary disability retired list; or

(3) If a member of a Reserve component, have such status and his disability retirement pay terminated on the date of his reappointment or reenlistment in a Reserve component, as the case may be.

**(b) Failure of member to consent to reappointment or reenlistment.**

If any such member does not consent to any action taken pursuant to either subsection (a) or (b) of section 275 of this title, his status on the temporary disability retired list and his disability retirement pay shall be terminated as soon thereafter as practicable. (Oct. 12, 1949, ch. 681, title IV, § 406, 63 Stat. 822.)

## EFFECTIVE DATE

Section as effective Oct. 1, 1949, see note set out under section 231 of this title.

**§ 277. Reappointment to active list of officers on temporary disability retired list—(a) Regular commissioned and warrant officers.**

The President, by and with the advice and consent of the Senate, is authorized, in his discretion, to reappoint to the active list of the appropriate Regular component of the uniformed services those commissioned officers of the Regular components of the uniformed services whose names have been placed on the temporary disability retired list and who are subsequently found to be physically fit to perform the duties of their office, rank, or grade on active duty. The President, or the Secretary concerned, as the case may be, is authorized to reappoint to the active list of the appropriate Regular component of the uniformed services those warrant officers of the Regular component of the uniformed services whose names have been placed on the temporary disability retired list and who are subsequently found to be physically fit to perform the duties of their office, rank, or grade.

**(b) Temporary increases in numbers authorized in grades.**

Irrespective of any vacancy in a grade, the authorized number of officers in such grade shall be

temporarily increased, if necessary, to authorize appointments made pursuant to section 275 of this title. (Oct. 12, 1949, ch. 681, title IV, § 407, 63 Stat. 822.)

**EFFECTIVE DATE**

Section as effective Oct. 1, 1949, see note set out under section 231 of this title.

**§ 278. Physical disability resulting from misconduct or willful neglect.**

When a member of the uniformed services incurs a physical disability which is determined to render him unfit to perform the duties of his office, rank, grade, or rating and which is determined to have resulted from his intentional misconduct or willful neglect, or was incurred during a period of unauthorized absence, such member shall be separated from his service without entitlement to any of the benefits of this subchapter. (Oct. 12, 1949, ch. 681, title IV, § 408, 63 Stat. 823.)

**EFFECTIVE DATE**

Section as effective Oct. 1, 1949, see note set out under section 231 of this title.

**§ 279. Retired rank or grade.**

A member of the uniformed services who is retired pursuant to this subchapter shall be retired in the rank, grade, or rating upon which his disability retirement pay is based or in such higher rank, grade, or rating as may be authorized by law at time of retirement. (Oct. 12, 1949, ch. 681, title IV, § 409, 63 Stat. 823.)

**EFFECTIVE DATE**

Section as effective Oct. 1, 1949, see note set out under section 231 of this title.

**§ 280. Cessation of benefits upon separation; valid claims.**

Any former member who has been separated for physical disability from any of the uniformed services and paid disability severance pay pursuant to this subchapter shall not thereafter, unless such former member again becomes a member of the uniformed services, be entitled to receive from the service from which such former member was separated any payment for any monetary obligation provided under any provision of law administered by any uniformed service or for such uniformed service by any other uniformed service on account of or arising out of such former member's service on or prior to such separation: *Provided*, That such separation shall not operate to bar the former member concerned from receiving or the service concerned from paying any moneys due and payable on the date of separation, or any moneys that become due as a result of a valid claim processed against the Government pursuant to any provisions of law. (Oct. 12, 1949, ch. 681, title IV, § 410, 63 Stat. 823.)

**EFFECTIVE DATE**

Section as effective Oct. 1, 1949, see note set out under section 231 of this title.

**§ 281. Qualification of former physically disabled under new pay rates.**

Pursuant to such regulations as the President may prescribe, (1) any member or former member of the uniformed services heretofore retired by reason of

physical disability and now receiving or entitled to receive retired or retirement pay; (2) any former member of the uniformed services heretofore granted or entitled to receive retirement pay for physical disability; (3) any member of the Army Nurse Corps or any person entitled to the rights, privileges, and benefits of members of the Army Nurse Corps, retired for disability under section 937 of Title 10; and (4) any member of the Navy Nurse Corps, or any person entitled to the rights, privileges, and benefits of members of the Navy Nurse Corps, retired for disability prior to December 23, 1942, under the Act of June 20, 1930 (46 Stat. 790), as amended, may elect within the five-year period following October 1, 1949, (A) to qualify for disability retirement pay under the provisions of this chapter and, dependent on his qualification, shall be entitled to receive either the disability retirement pay or the disability severance pay prescribed in this subchapter: *Provided*, That the determination of the percentage of disability as prescribed in section 272 (a) (3), (b) (3), or (c) (3) of this title, as applicable, shall be based upon the disability of such member, former member, or person, as of the time he was last retired or as of the time he was granted retirement pay, as the case may be, and the percentage of such disability will be determined in accordance with the standard schedule of rating disabilities in current use by the Veterans' Administration; or (B) to receive retired pay or retirement pay computed by one of the two methods contained in section 311 of this title: *Provided further*, That the retired or retirement pay of each person referred to in clauses (3) and (4) above shall, unless a higher rank or grade is authorized by any provision of law, be based upon the commissioned officer rank or grade authorized for such persons by sections 1033—1035 of Title 10 and sections 43m—43o of Title 34. (Oct. 12, 1949, ch. 681, title IV, § 411, 63 Stat. 823.)

**REFERENCES IN TEXT**

Act June 20, 1930 (46 Stat. 790), referred to in the text, was formerly classified to section 436 of Title 34, Navy, and insofar as it applied to Navy Nurses was repealed by act Apr. 16, 1947, ch. 38, § 213 (b), 61 Stat. 51.

**EFFECTIVE DATE**

Section as effective Oct. 1, 1949, see note set out under section 231 of this title.

**EX. ORD. NO. 10124. REGULATIONS GOVERNING ELECTION OF RETIREMENT PAY**

Ex. Ord. No. 10124, Apr. 25, 1950, 15 F. R. 2375, provided:

By virtue of and pursuant to the authority vested in me by section 411 of the Career Compensation Act of 1949, approved October 12, 1949 (Public Law 351, 81st Congress) [this section], and as President of the United States and Commander in Chief of the armed forces of the United States, I hereby prescribe the following regulations governing the election, as authorized by the said section 411, of members and former members of the uniformed services to receive (1) disability retirement pay or disability severance pay under the provisions of Title IV of that act [this subchapter] or (2) retired pay or retirement pay computed by one of the two methods contained in section 311 of that act [section 311 of this title]:

Section 1. (a) As referred to in this order "members" and "former members" of the uniformed services shall

be considered to include all persons entitled to make an election under section 411 of the Career Compensation Act of 1949.

(b) As used in this order the term "Secretary" shall have the meaning prescribed therefor by section 102 (f) of the Career Compensation Act of 1949 [section 231 (f) of this title].

Sec. 2. The Secretary concerned shall determine and inform each member and each former member of the uniformed service or services under his jurisdiction of (a) the status and benefits to which such person is or may be entitled under the alternative clauses (A) and (B) of section 411 of the Career Compensation Act of 1949, (b) his right to make an election of benefit thereunder within the five-year period beginning October 1, 1949, and (c) the effect of section 402 (h) of the said act [section 272 (h) of this title] with respect to the disability retirement pay to which he is or may be entitled.

Sec. 3. Each member and each former member of the uniformed services to which section 411 of the Career Compensation Act of 1949 is applicable shall continue to receive retired pay or retirement pay in the amount authorized by the applicable provisions of law in effect on September 30, 1949, the day immediately preceding the effective date of section 411 of the Career Compensation Act of 1949, unless, pursuant to the said section 411, he elects a different method of payment prior to October 1, 1954, and qualifies for such method.

Sec. 4. Any election made pursuant to section 411 of the Career Compensation Act of 1949 and these regulations shall be effective as of October 1, 1949.

Sec. 5. The Secretaries concerned are authorized to prescribe such supplemental regulations, not inconsistent herewith, as they may deem necessary or desirable for carrying out the provisions of this order.

Sec. 6. This order shall be effective as of October 1, 1949.

#### § 282. Definition of "active service."

For the purposes of this subchapter, the term "active service" shall be interpreted to mean (1) for members of the Regular components of the uniformed services and for those members, former members, and persons referred to in section 281 (1), (3), and (4) of this title, all service as a member of the uniformed services, service as a cadet or midshipman in the case of those members appointed to the United States Military Academy prior to August 24, 1912, or to the United States Naval Academy prior to March 4, 1913, if such service was creditable for longevity pay purposes at the time of retirement, or as a nurse, or as a contract nurse prior to February 2, 1901, or as a reserve nurse subsequent to February 2, 1901, or as a contract surgeon, or as a contract dental surgeon, or as an acting dental surgeon, or as a veterinarian in the Quartermaster Department, Cavalry, or Field Artillery, or as an Army field clerk or as a field clerk, Army Quartermaster Corps, while on the active list or on active duty or while participating in full-time training or other full-time duty provided for or authorized in the National Defense Act, as amended, the Naval Reserve Act of 1938, as amended, or in other provisions of law, including participation in exercises or performances of the duties provided for by sections 22, 23, 24—26, 30—32, 33, 34—36, and 38 of Title 10 and sections 62—66, 144—146, and 171—176 of Title 32, or all service which such member, former member, or person has or is deemed to have pursuant to law for the purpose of separation or mandatory elimination from the active list of his uniformed service; (2) for members of the reserve components of the uniformed services, other than commissioned

officers of the Reserve Corps of the Public Health Service, and for former members referred to in section 281 (2) of this title that service which is equal to the number of years which would be used by such members or former members as a multiplier in the computation of their retired pay pursuant to section 1036b of Title 10 and section 440j of Title 34; and (3) for commissioned officers of the Public Health Service, heretofore retired for physical disability or hereafter retired or separated for physical disability pursuant to this chapter, in addition to the service creditable as active service under (1) above, their service, other than commissioned service, with the Public Health Service. (Oct. 12, 1949, ch. 681, title IV, § 412, 63 Stat. 824; May 19, 1952, ch. 310, § 4, 66 Stat. 80.)

#### REFERENCES IN TEXT

The National Defense Act, as amended, referred to in text, is classified generally to Title 10, Army and Air Force and Title 32, National Guard. For complete disposition of Act, see Tables Volume.

The Naval Reserve Act of 1938, as amended, referred to in text, is classified generally to chapter 15 of Title 34, Navy.

Sections 22, 23, 24—26, 30—32, 33, and 34—36 of Title 10, referred to in the text, were repealed by act June 28, 1950, ch. 383, title IV, § 401 (b) (h), 64 Stat. 271 and are now covered by sections 21a, 21d, 21e, and 559 et seq. of Title 10, Army and Air Force.

#### AMENDMENTS

1952—Act May 19, 1952, amended section to permit service as a cadet at the Military Academy prior to Aug. 24, 1912, or service as a midshipman at the Naval Academy prior to Mar. 4, 1913, to be used as a multiplier in computing years of service for retirement pay purposes.

#### EFFECTIVE DATE OF 1952 AMENDMENT

Section 4 of act May 19, 1952, provided in part that the amendment of this section by said act May 19, 1952, should be effective as of Oct 1, 1949.

#### EFFECTIVE DATE

Section as effective Oct. 1, 1949, see note set out under section 231 of this title.

#### APPROPRIATIONS AVAILABLE FOR RETROACTIVE PAYMENTS

Section 4 of act May 19, 1952, provided in part that: "Appropriations currently available for pay and allowances of members of the uniformed services shall be available for retroactive payments authorized under this act [Act May 19, 1952]."

#### § 283. Regulations.

The Secretary concerned shall prescribe regulations for the administration of this subchapter within his department or agency, including regulations which shall provide that no member of the uniformed services shall be separated or retired for physical disability without a full and fair hearing if such member shall demand it. (Oct. 12, 1949, ch. 681, title IV, § 413, 63 Stat. 824.)

#### EFFECTIVE DATE

Section as effective Oct. 1, 1949, see note set out under section 231 of this title.

#### § 284. Powers, duties, functions—(a) Secretarial.

All duties, powers, and functions incident to the determination of fitness for active service, percentage of disability at the time of separation from active service, and suitability for reentry into active service and entitlement to and payment of disability severance pay shall be vested in the Secretary concerned.

**(b) Presidential.**

All duties, powers, and functions incident to payments of disability retirement pay, hospitalization, and reexaminations shall be vested in the Secretary concerned or in the Administrator of Veterans' Affairs under regulations promulgated by the President. (Oct. 12, 1949, ch. 681, title IV, § 414, 63 Stat. 825.)

**EFFECTIVE DATE**

Section as effective Oct. 1, 1949, see note set out under section 231 of this title.

**EX. ORD. NO. 10122. REGULATIONS GOVERNING DISABILITY PAY, HOSPITALIZATION AND RE-EXAMINATION**

Ex. Ord. No. 10122, Apr. 14, 1950, 15 F. R. 2173, as amended by Ex. Ord. 10400, Sept. 29, 1952, 17 F. R. 8648, provided:

By virtue of and pursuant to the authority vested in me by section 414 (b) of the Career Compensation Act of 1949, approved October 12, 1949 (Public Law 351, 81st Congress) [subsection (b) of this section], and as President of the United States and Commander in Chief of the armed forces of the United States, I hereby prescribe the following regulations governing payment of disability retirement pay, hospitalization, and re-examination of members and former members of the uniformed services:

Section 1. The terms "uniformed services" and "Secretary" as used in these regulations shall have the meaning prescribed therefor by subsections (a) and (f), respectively, of section 102 of the Career Compensation Act of 1949 [section 231 (a), (f) of this title].

Sec. 2. (a) Effective as of October 1, 1949, all duties, powers, and functions incident to the payment of disability retirement pay of members or former members of the uniformed services retired for physical disability or receiving disability retirement pay shall, except as provided in subsection (b) of this section, be vested in the Secretary concerned.

(b) Effective July 1, 1950, all duties, powers, and functions exercised by the Veterans' Administration pursuant to Executive Order No. 8099 of April 28, 1939, as amended by Executive Order No. 8461 of June 28, 1940, relative to the administration of the retiremer.-pay provisions of section 1 of the act of August 30, 1935, as amended by section 5 of the act of April 3, 1939, 53 Stat. 557 [section 369a of Title 10], and amendments thereof, shall, as to cases within their respective jurisdictions, be vested in the Secretary of the Army and the Secretary of the Air Force, and thereafter the Veterans' Administration shall not be charged in any case with any further responsibility in the administration of the said retirement-pay provisions. The said Executive Order No. 8099 as amended by the said Executive Order No. 8461 is hereby amended accordingly.

Sec. 3. All duties, powers, and functions incident to the hospitalization, except as provided in section 5 of this order, and re-examination of members of the uniformed services placed on the temporary disability retired list under the provisions of the Career Compensation Act of 1949 [section 231 et seq. of this title] shall be vested in the Secretary concerned.

Sec. 4. Effective May 1, 1950, all duties, powers, and functions incident to the hospitalization of members or former members of the uniformed services permanently retired for physical disability or receiving disability retirement pay shall, except as provided in section 5 of this order, be vested in the Secretary concerned: *Provided*, that all the duties, powers, and functions incident to hospitalization which such members or former members are entitled to and elect to receive in facilities of the Veterans' Administration, other than hospitals under the jurisdiction of the uniformed services, shall be vested in the Administrator of Veterans' Affairs.

Sec. 5. All duties, powers, and functions incident to the hospitalization of members or former members of the uniformed services placed on the temporary disability retired list or permanently retired for physical disability or receiving disability retirement pay who require hospitalization for chronic diseases shall be vested in the

Administrator of Veterans' Affairs: *Provided*, that all duties, powers, and functions incident to the hospitalization of such members or former members who are or have been admitted to hospitals under the jurisdiction of the uniformed services before October 15, 1952, may be exercised by the Secretary concerned until April 15, 1953: *Provided further*, that all the duties, powers, and functions incident to hospitalization for such members or former members who have completed twenty or more years of active duty, as defined in section 412 of the Career Compensation Act of 1949 [section 282 of this title], who require hospitalization for chronic diseases other than blindness, neuropsychiatric or psychiatric disorders and tuberculosis, who are acceptable medically to the Commanding Officer of a service hospital, and who elect not to receive hospitalization in Veterans Administration facilities shall be vested in the Secretary concerned: *And provided further*, that for the purpose of this order, the term 'chronic diseases' shall be construed to include chronic arthritis, malignancy, psychiatric or neuropsychiatric disorder, neurological disabilities, poliomyelitis with disability residuals and degenerative diseases of the nervous system, severe injuries to the nervous system including quadriplegics, hemiplegics, and paraplegics, tuberculosis, blindness and deafness requiring definitive rehabilitation, major amputees, and such other diseases as may be so defined jointly by the Secretary of Defense, the Administrator of Veterans' Affairs, and the Federal Security Administrator and so described in appropriate regulations of the respective departments and agencies concerned. Executive Order No. 9703 of March 12, 1946, prescribing regulations relating to the medical care of certain personnel of the Coast Guard, Coast and Geodetic Survey, Public Health Service, and the former Lighthouse Service, is hereby amended to the extent necessary to conform to the provisions of this section.

Sec. 6. Except as provided in section 5 hereof with respect to hospitalization for chronic diseases, nothing in this order shall be construed to affect the duties, powers, and functions of the Public Health Service with respect to hospitalization and medical examination of members and former members of the Coast Guard and the Coast and Geodetic Survey under the Public Health Service Act, approved July 1, 1944 (58 Stat. 682), as amended [section 201 et seq. of Title 42], and the regulations prescribed by the said Executive Order No. 9703 of March 12, 1946.

Sec. 7. Nothing in this order shall be construed to affect the duties, powers, and functions vested in the Administrator of Veterans' Affairs pursuant to the provisions of the act of May 24, 1928, entitled "An Act making eligible for retirement, under certain conditions, officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War" (45 Stat. 735, as amended) [section 581 of Title 38], or by or pursuant to the act of September 26, 1941 entitled "An Act to provide retirement pay and hospital benefits to certain Reserve officers, Army of the United States, disabled while on active duty" (55 Stat. 733) [section 456a of Title 10].

**§ 285. Hospital patients on Oct. 1, 1949 who subsequently retire; election of benefits.**

Any member who, on October 1, 1949, was a hospital patient and who, prior to January 1, 1951, is retired as a result of a physical disability growing out of the injury or disease for which he was hospitalized, may elect to receive retirement benefits computed under the laws in effect on September 30, 1949. (Oct. 12, 1949, ch. 681, title IV, § 414, 63 Stat. 825, amended May 10, 1950, ch. 175, 64 Stat. 158.)

**AMENDMENTS**

1950—Act May 10, 1950, amended section by extending the election date until Dec. 31, 1950.



## EFFECTIVE DATE

Section as effective Oct. 1, 1949, see note set out under section 231 of this title.

## SUBCHAPTER IV. MISCELLANEOUS PROVISIONS

## § 301. Training duty of Reserve and National Guard personnel—(a) With pay; amount; regulations.

Under such regulations as the Secretary concerned may prescribe, and to the extent provided for by law and by appropriations, members of the National Guard, Air National Guard, National Guard of the United States, the Air National Guard of the United States, Army Reserve, Naval Reserve, Marine Corps Reserve, Coast Guard Reserve, and the Reserve Corps of the Public Health Service, shall be entitled to receive compensation at the rate of one-thirtieth of the basic pay authorized for such members of the uniformed services when entitled to receive basic pay, for each regular period of instruction, or period of appropriate duty, at which they shall have been engaged for not less than two hours, including those performed on Sundays and holidays, or for the performance of such other equivalent training, instruction, or duty or appropriate duties as may be prescribed by the Secretary concerned, and additionally, in the discretion of the Secretary concerned, enlisted members of the above services shall be entitled to rations in kind, or a portion thereof, when the instruction or duty period or periods concerned total eight or more hours in any one calendar day: *Provided*, That for each of the several classes of organizations prescribed for the National Guard, Air National Guard, National Guard of the United States, the Air National Guard of the United States, the Army Reserve, Naval Reserve, Marine Corps Reserve, Coast Guard Reserve, and the Reserve Corps of the Public Health Service, the rules applicable to each of which services and classes within service may differ, the Secretary concerned—

(1) shall prescribe minimum standards which must be met before an assembly for drill or other equivalent period of training, instruction, or duty or appropriate duties may be credited for pay purposes, which minimum standards may require the presence for duty of officers and enlisted personnel equal to or in excess of a minimum number or percentage of unit strength for a specified period of time with participation in a prescribed character of training;

(2) shall prescribe the maximum number of assemblies, or periods of other equivalent training, instruction, or duty or appropriate duties, which may be counted for pay purposes in each fiscal year;

(3) shall prescribe the maximum number of assemblies, or periods of other equivalent training, instruction, or duty or appropriate duties which can be counted for pay purposes in lesser periods of time; and

(4) shall prescribe the minimum number of assemblies or periods of other equivalent training, instruction, or duty or appropriate duties,

which must be completed in stated periods of time before the personnel of organizations or units can qualify for pay.

## (b) Additional training or duty without pay.

Members of the National Guard, Air National Guard, National Guard of the United States, the Air National Guard of the United States, Army Reserve, Naval Reserve, Marine Corps Reserve, Coast Guard Reserve, and the Reserve Corps of the Public Health Service, may be given additional training or other duty as provided for by law, without pay, as may be authorized by the Secretary concerned, with their consent, and when such authorized training or other duty without pay is performed they may, in the discretion of the Secretary concerned, be furnished with transportation to and from such duty, with subsistence en route, and, during the performance of such duty, be furnished with subsistence and quarters in kind or commutation thereof at a rate to be fixed from time to time by the Secretary concerned.

## (c) Additional pay for performance of administrative duty.

In addition to pay provided in subsection (a) of this section, officers of the National Guard, Air National Guard, National Guard of the United States, the Air National Guard of the United States, Army Reserve, Naval Reserve, Marine Corps Reserve, Coast Guard Reserve, and the Reserve Corps of the Public Health Service, commanding organizations having administrative functions connected therewith shall, whether or not such officers belong to such organizations, be entitled to receive not more than \$240 a year for the faithful performance of such administrative functions under such regulations as the Secretary concerned may prescribe; and for the purpose of determining how much shall be paid to such officers so performing such functions, the Secretary concerned may, from time to time, divide them into classes and fix the amount payable to the officers in each class.

## (d) Additional pay for hazardous duty.

Under such regulations as the President may prescribe and to the extent provided for by appropriations, members of the National Guard, Air National Guard, National Guard of the United States, the Air National Guard of the United States, Army Reserve, Naval Reserve, Marine Corps Reserve, Coast Guard Reserve, and the Reserve Corps of the Public Health Service entitled to receive compensation pursuant to subsection (a) of this section shall, when required by competent orders to perform any hazardous duty prescribed by or pursuant to section 235 of this title for members of the uniformed services entitled to receive basic pay and when in consequence of such orders they do perform any hazardous duty so prescribed, be entitled to receive an increase in compensation equal to one-thirtieth of the monthly incentive pay authorized by section 235 of this title for the performance of such hazardous duty by members of the uniformed services of corresponding grades entitled to receive basic pay, such increase to be paid to such members, as long as they are qualified to receive such increase, for each regular

period of instruction, or period of appropriate duty, at which they shall have been engaged for not less than two hours, including those performed on Sundays and holidays, or for the performance of such other equivalent training, instruction, or duty or appropriate duties as may be prescribed by the Secretary concerned pursuant to subsection (a) of this section.

(e) Personnel section inapplicable to.

The provision of subsections (a)—(d) of this section shall not apply when such members are entitled to receive basic pay as provided for in sections 232—234, and 235—238 of this title.

(f) Applicability to Air Force.

This section and section 422 of Title 10 and sections 143, 154, and 156 of Title 32, shall be applicable to the Department of the Air Force: *Provided*, That all references in this section and section 422 of Title 10 and sections 143, 154 and 156 of Title 32, to the Secretary of the Army, the Department of the Army, the Regular Army, the National Guard, the National Guard of the United States, and the Army Reserve, shall be construed for the purpose of interpreting this section and section 422 of Title 10 and sections 143, 154, and 156 of Title 32, as likewise referring to the Secretary of the Air Force, the Department of the Air Force, the Regular Air Force, the Air National Guard, the Air National Guard of the United States, the Air Force Reserve, the officers' section of the Air Force Reserve, the enlisted section of the Air Force Reserve, and personnel of the Army Reserve transferred to the Department of the Air Force, respectively. (Oct. 12, 1949, ch. 681, title V, § 501 (a—e), (f) (3), 63 Stat. 826; July 9, 1952, ch. 608, pt. II, § 244, pt. III, § 302, 66 Stat. 494, 498.)

REFERENCES IN TEXT

Section 143 of Title 32, referred to in the text, was repealed by act July 9, 1952, ch. 608, pt. VIII, § 803, 66 Stat. 505, and is now covered by chapter 25 of Title 50, War and National Defense.

CODIFICATION

Subsec. (f) of this section is composed of subsec. (f) (3) of section 501 of act Oct. 12, 1949. Subsec. (f) (1), (2), amended section 422 of Title 10, Army and Air Force and sections 143 and 154 of Title 32, National Guard.

AMENDMENTS

1952—Subsec. (a) amended by act July 9, 1952, § 244, to provide that enlisted personnel be furnished rations in kind when engaged in inactive-duty training for 8 or more hours in one day.

CHANGE OF NAME

The Organized Reserve Corps was redesignated the Army Reserve by act July 9, 1952, § 302. See section 1022 of Title 50, War and National Defense.

EFFECTIVE DATE OF 1952 AMENDMENT

Amendment of section as effective on the first day of the sixth month after July 1952, see note set out under section 901 of Title 50, War and National Defense.

EFFECTIVE DATE

Section as effective Oct. 1, 1949, see note set out under section 231 of this title.

EXCEPTION AS TO TRANSFER OF FUNCTIONS

Functions of the Coast Guard, and of the Commandant thereof, when the Coast Guard is operating as a part of the Navy under section 3 of Title 14, Coast Guard, were

excepted from the transfer of functions of officers, agencies, and employees of the Department of the Treasury to the Secretary of the Treasury, made by 1950 Reorg. Plan No. 26, § 1, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, set out in note under section 241 of Title 5, Executive Departments and Government Officers and Employees.

§ 302. Active service credit in Coast and Geodetic Survey.

Active service in the Coast and Geodetic Survey as deck officer or junior engineer and active service counted on June 30, 1922, for longevity pay, shall be credited to commissioned officers as active commissioned service for purposes of pay, allowances, retirement, and retirement pay. (Oct. 12, 1949, ch. 681, title V, § 502, 63 Stat. 827.)

EFFECTIVE DATE

Section as effective Oct. 1, 1949, see note set out under section 231 of this title.

TRANSFER OF FUNCTIONS

The functions of all officers of the Department of Commerce and all functions of all officers and employees of such Department, were, with a few exceptions, transferred to the Secretary of Commerce, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 5, §§ 1, 2, eff. May 24, 1950, 15 F. R. 3174, 64 Stat. 1283, set out in note under section 591 of Title 5, Executive Departments and Government Officers and Employees. The Coast and Geodetic Survey, referred to in this section, is an agency within the Department of Commerce.

§ 303. Validity of allowance payments based on purported marriages.

Payments of allowances based on a purported marriage and made prior to judicial annulment or termination of such marriage which have been or which hereafter may be made under the Pay Readjustment Act of 1942, as amended, or under this chapter are valid: *Provided*, That it is adjudged or decreed by a court of competent jurisdiction that the marriage was entered into in good faith on the part of the spouse in the uniformed services or that, in the absence of such a judgment or decree, such finding of good faith is made by the Secretary concerned or by such person as he may designate for the purpose. (Oct. 12, 1949, ch. 681, title V, § 503, 63 Stat. 827.)

REFERENCES IN TEXT

The Pay Readjustment Act of 1942, as amended, referred to in text, was classified to section 101 et seq. of this title, and was repealed by section 531 of act Oct. 12, 1949.

EFFECTIVE DATE

Section as effective Oct. 1, 1949, see note set out under section 231 of this title.

§ 304. Pay and allowances of contract surgeons.

Contract surgeons who are serving full time with any of the uniformed services shall be entitled to be paid the minimum basic pay, the basic allowances, and such other allowances as are authorized by this chapter to be paid to commissioned officers in pay grade O-2. Contract surgeons who are serving part time with any of the uniformed services shall be entitled to receive the allowances for travel and transportation prescribed pursuant to this chapter under the same conditions and in the same amount as are applicable to commissioned officers. (Oct. 12, 1949, ch. 681, title V, § 504, 63 Stat. 827.)

**EFFECTIVE DATE**

Section as effective Oct. 1, 1949, see note set out under section 231 of this title.

**§ 305. Clothing allowance for enlisted personnel.**

The President may prescribe the quantity and kind of clothing which shall be furnished annually to enlisted men of the Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the Naval Reserve, the Marine Corps Reserve, the National Guard, the Air National Guard, the National Guard of the United States, the Air National Guard of the United States, the Army Reserve, the Air Force Reserve, and the Coast Guard Reserve, and he may prescribe the amount of a cash allowance to be paid to such enlisted men in any case in which clothing is not so furnished to them. (Oct. 12, 1949, ch. 681, title V, § 505, 63 Stat. 828; July 9, 1952, ch. 608, pt. III, § 302, 66 Stat. 498.)

**CHANGE OF NAME**

The Organized Reserve Corps was redesignated the Army Reserve by act July 9, 1952. See section 1022 of title 50, War and National Defense.

**EFFECTIVE DATE**

Section as effective Oct. 1, 1949, see note set out under section 231 of this title.

**EXCEPTION AS TO TRANSFER OF FUNCTIONS**

Functions of the Coast Guard, and of the Commandant thereof, when the Coast Guard is operating as a part of the Navy under section 3 of Title 14, Coast Guard, were excepted from the transfer of functions of officers, agencies, and employees of the Department of the Treasury to the Secretary of the Treasury, made by 1950 Reorg. Plan No. 26, § 1, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, set out in note under section 241 of Title 5, Executive Departments and Government Officers and Employees.

**EX. ORD. NO. 10113. CLOTHING ALLOWANCES FOR ENLISTED PERSONNEL**

Ex. Ord. No. 10113, Feb. 27, 1950, 15 F. R. 1065, as amended July 9, 1952, ch. 608, pt. III, § 302, 66 Stat. 498, provided:

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the armed forces, it is ordered as follows:

1. The Secretary of Defense with respect to enlisted men of the Army, the Navy, the Air Force, the Marine Corps, the Naval Reserve, the Marine Corps Reserve, the National Guard, the Air National Guard, the National Guard of the United States, the Air National Guard of the United States, the Army Reserve, and the Air Force Reserve, and the Secretary of the Treasury with respect to enlisted men of the Coast Guard and the Coast Guard Reserve, are hereby authorized and directed, after appropriate consultation with the Director of the Bureau of the Budget, to perform the functions vested in the President by section 505 of the Career Compensation Act of 1949, approved October 12, 1949 (Public Law 351, 81st Congress) [this section], relative to prescribing the quantity and kind of clothing which shall be furnished annually to enlisted men of the aforesaid services and relative to prescribing the amount of the cash allowance to be paid to such enlisted men in any case in which clothing is not so furnished to them.

2. The quantity and kind of clothing, and any cash allowances in lieu thereof, prescribed by the Secretary of the Treasury hereunder with respect to the Coast Guard and the Coast Guard Reserve shall, so far as practicable, be in conformity with those prescribed by the Secretary of Defense with respect to the Navy and Naval Reserve, respectively.

3. Existing regulations prescribing the quantity and kind of clothing furnished, and any cash allowances in lieu thereof, shall remain in effect until modified, revoked, or superseded by action taken pursuant to this order.

4. The term "enlisted men" as used in this order shall be deemed to apply to enlisted persons of either sex.

5. This order shall become effective on April 1, 1950, and on that date shall supersede Executive Order No. 10049 [Apr. 4, 1949, 14 F. R. 1563] entitled "Delegating the Authority of the President to Prescribe Clothing Allowances, and Cash Allowances in Lieu Thereof, to Enlisted Men in the Armed Forces."

**§ 306. Allowances for shore patrol duty of certain personnel of Navy, Marine Corps, and Coast Guard.**

Officers, midshipmen, and cadets of the Navy, the Marine Corps, and the Coast Guard when absent from a vessel or designated post of duty while assigned to shore patrol duty may be paid their actual expenses. (Oct. 12, 1949, ch. 681, title V, § 506, 63 Stat. 828.)

**EFFECTIVE DATE**

Section as effective Oct. 1, 1949, see note set out under section 231 of this title.

**EXCEPTION AS TO TRANSFER OF FUNCTIONS**

Functions of the Coast Guard, and of the Commandant thereof, when the Coast Guard is operating as a part of the Navy under section 3 of Title 14, Coast Guard, were excepted from the transfer of functions of officers, agencies, and employees of the Department of the Treasury to the Secretary of the Treasury, made by 1950 Reorg. Plan No. 26, § 1, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, set out in note under section 241 of Title 5, Executive Departments and Government Officers and Employees.

**§ 307. Pay and allowances of enlisted personnel of Philippine Scouts and insular force of Navy.**

(a) The pay and allowances of whatever nature and kind to be authorized for the enlisted men of the Philippine Scouts shall be fixed by the Secretary of the Army and shall not exceed or be of other classes than those now or which may hereafter be authorized by law for enlisted men of the Regular Army.

(b) The pay and allowances of whatever nature and kind to be authorized for the enlisted men of the insular force of the Navy shall be fixed by the Secretary of the Navy, and shall not exceed or be of other classes than those now, or which may hereafter be authorized by law for enlisted men of the Regular Navy. (Oct. 12, 1949, ch. 681, title V, § 507, 63 Stat. 828.)

**EFFECTIVE DATE**

Section as effective Oct. 1, 1949, see note set out under section 231 of this title.

**CROSS REFERENCES**

Enlisted men entitled to pay and allowances pursuant to this section not affected by Dependents Assistance Act of 1950, see section 2207 of Appendix to Title 50, War and National Defense.

**§ 308. Pay and allowances of cadets and midshipmen.**

Cadets at the United States Military Academy, midshipmen at the United States Naval Academy, and cadets at the Coast Guard Academy shall be entitled to receive pay at the rate of \$973.44 per annum, and to receive allowances as now or hereafter provided by law for midshipmen in the Navy, and to transportation, including reimbursement of traveling expenses, while traveling under orders as a cadet or midshipman. (Oct. 12, 1949, ch. 681, title V, § 508, 63 Stat. 828; May 19, 1952, ch. 310, § 1 (e), 66 Stat. 80.)

## AMENDMENTS

1952—Act May 19, 1952, amended section by increasing annual pay by 4 per cent.

## EFFECTIVE DATE OF 1952 AMENDMENT

Amendment of section by act May 19, 1952, as effective May 1, 1952, see note set out under section 232 of this title.

## EFFECTIVE DATE

Section as effective Oct. 1, 1949, see note set out under section 231 of this title.

## EXCEPTION AS TO TRANSFER OF FUNCTIONS

Functions of the Coast Guard, and of the Commandant thereof, when the Coast Guard is operating as a part of the Navy under section 3 of Title 14, Coast Guard, were excepted from the transfer of functions of officers, agencies, and employees of the Department of the Treasury to the Secretary of the Treasury, made by 1950 Reorg. Plan No. 26, § 1, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, set out in note under section 241 of Title 5, Executive Departments and Government Officers and Employees.

## § 309. Assimilation to pay and allowances of commissioned officers.

The provisions of sections 232—234, 235—238, and 251—254 of this title shall apply equally to those persons serving, not as members of any of the uniformed services, but whose pay or allowances, or both, under existing law or regulation promulgated pursuant to law are assimilated to the pay and allowances of commissioned officers, warrant officers, or enlisted persons of any rank or grade of any of the uniformed services. (Oct. 12, 1949, ch. 681, title V, § 509, 63 Stat. 828; May 19, 1952, ch. 310, § 3, 66 Stat. 80.)

## AMENDMENTS

1952—Act May 19, 1952, amended section to make it applicable to enrollees of the United States Maritime Services.

## EFFECTIVE DATE OF 1952 AMENDMENT

Amendment of section by act May 19, 1952, as effective May 1, 1952, see note set out under section 232 of this title.

## EFFECTIVE DATE

Section as effective Oct. 1, 1949, see note set out under section 231 of this title.

## § 310. Daily rate of pay and allowances.

Members of the uniformed services who shall become entitled to receive any pay and allowances authorized by this chapter for a continuous period of less than one month shall be entitled to receive such pay and allowances for each day of such period at the rate of one-thirtieth of the monthly amount of such pay and allowances, and the thirty-first day of a calendar month shall not be excluded from the computation. (Oct. 12, 1949, ch. 681, title V, § 510, 63 Stat. 828.)

## EFFECTIVE DATE

Section as effective Oct. 1, 1949, see note set out under section 231 of this title.

## § 311. Retired and retainer pay of members on retired lists or receiving retainer pay; methods of computation; definition of "active service."

On and after October 1, 1949, (1) members of the uniformed services heretofore retired for reasons other than for physical disability, (2) members heretofore transferred to the Fleet Reserve or the Fleet Marine Corps Reserve, and (3) members of the Army Nurse Corps or the Navy Nurse Corps

heretofore retired under the Act of May 13, 1926 (44 Stat. 513), shall be entitled to receive retired pay, retirement pay, retainer pay, or equivalent pay, in the amount whichever is the greater, computed by one of the following methods: (a) The monthly retired pay, retainer pay, or equivalent pay in the amount authorized for such members and former members by provisions of law in effect on the day immediately preceding October 12, 1949, or (b) monthly retired pay, retirement pay, retainer pay, or equivalent pay equal to  $2\frac{1}{2}$  per centum of the monthly basic pay of the highest federally recognized rank, grade, or rating, whether under a permanent or temporary appointment, satisfactorily held, by such member or former member, as determined by the Secretary concerned, and which such member, former member, or person would be entitled to receive if serving on active duty in such rank, grade, or rating, multiplied by the number of years of active service creditable to him: *Provided*, That for the purpose of the computation of (b) above, fractions of one-half year or more of active service shall be counted as a whole year: *Provided further*, That in no case shall such retired pay, retainer pay, or equivalent pay exceed 75 per centum of the monthly basic pay upon which the computation is based: *Provided further*, That for the purposes of this section, the term "active service" as used herein shall mean all service as a member or as a former member of the uniformed services, service as a cadet or midshipman in the case of those members appointed to the United States Military Academy prior to August 24, 1912, or to the United States Naval Academy prior to March 4, 1913, if such service was creditable for longevity pay purposes at the time of retirement, or as a nurse, or as a contract nurse prior to February 2, 1901, or as a reserve nurse subsequent to February 2, 1901, or as a contract surgeon, or as a contract dental surgeon, or as an acting dental surgeon, or as a veterinarian in the Quartermaster Department, Cavalry, or Field Artillery, or as an Army field clerk or as a field clerk, Army Quartermaster Corps, while on the active list or on active duty or while participating in full-time training or other full-time duty provided for or authorized in the National Defense Act, as amended, the Naval Reserve Act of 1938, as amended, or in other provisions of law, including participation in exercises or performance of the duties provided for by sections 22, 23, 24—26, 30—32, 33, 34—36, and 38 of Title 10 and sections 62—66, 144—146 and 171—176 of Title 32, and in the case of commissioned officers of the Public Health Service, that service which is creditable pursuant to part (3) of section 282 of this title: *Provided further*, That the retired or retirement pay of each member referred to in (3) above shall, unless a higher rank or grade is authorized by any provision of law, be based upon the commissioned-officer grade authorized for such member by sections 1033—1035 of Title 10 and sections 43m—43o of Title 34: *Provided further*, That (a) enlisted persons or former enlisted persons of the Regular Army or Regular Air Force who have been transferred prior to the effective date of this

section to the Enlisted Reserve Corps or to the enlisted section of the Air Force Reserve and placed on the retired list of the Regular Army or the Regular Air Force, respectively, under the provisions of section 948 of Title 10, and (b) enlisted persons or former enlisted persons of the Regular Navy or Regular Marine Corps who have been transferred prior to October 1, 1949 to the Fleet Reserve or the Fleet Marine Corps Reserve under the provisions of sections 854—854g of Title 34, shall not be entitled to have their retired pay or retainer pay computed on the basis of the highest officer or warrant-officer grade held by them as authorized by this section until they have completed thirty years of service, to include the sum of their active service and their service on the retired list or in the Fleet Reserve or in the Fleet Marine Corps Reserve, as required by existing law: *And provided further*, That enlisted persons and warrant officers of the uniformed services, heretofore or hereafter advanced on the retired list to a higher officer rank or grade pursuant to any provision of law shall, if application therefor is made to the Secretary concerned within one year from October 1, 1949 or within one year after the date of advancement on the retired list, whichever is the later, and subject to the approval of the Secretary concerned, be restored to their former retired enlisted or warrant-officer status, as the case may be, and shall thereafter be deemed to be enlisted or warrant-officer personnel, as appropriate, for all purposes, including the computation of their retired pay based on such enlisted or warrant-officer rank, grade, or rating, as the case may be. (Oct. 12, 1949, ch. 681, title V, § 511, 63 Stat. 829; May 19, 1952, ch. 310, § 4, 66 Stat. 80.)

#### REFERENCES IN TEXT

The act of May 13, 1926 (44 Stat. 513), referred to in the text, was classified to sections 438—440a of Title 34, Navy, and repealed by act Apr. 16, 1947, ch. 38, § 213 (b) (c), 61 Stat. 51.

The National Defense Act, as amended, referred to in text, is classified generally to Title 10, Army and Air Force and Title 32, National Guard. For complete disposition of Act, see Tables Volume.

The Naval Reserve Act of 1938, as amended, referred to in the text, is classified generally to chapter 15 of Title 34, Navy.

Sections 22, 23, 24—26, 30—32, 33, and 34—36 of Title 10, referred to in the text, were repealed by act June 28, 1950, ch. 383, title IV, § 401 (b) (h), 64 Stat. 271 and are now covered by sections 21a, 21d, 21e, and 559 et seq. of Title 10, Army and Air Force.

The "Enlisted Reserve Corps" referred to in the text, had become a unit in the Reserve component, "Organized Reserve Corps", by act Mar. 28, 1948, ch. 157, § 1, 62 Stat. 87, amending act June 3, 1916, ch. 134, § 1, 39 Stat. 166, as amended June 4, 1920, ch. 277, subchap. I, § 1, 41 Stat. 759; June 15, 1933, ch. 87, § 1, 48 Stat. 153; Dec. 13, 1941, ch. 571, § 3, 55 Stat. 800. Said section 1 of act June 3, 1916, as so amended, was repealed by act June 28, 1950, ch. 383, title IV, § 401 (a), 64 Stat. 271, but the Organized Reserve Corps was continued by section 301 of said act June 28, 1950. For redesignation as "Army Reserve" of said "Organized Reserve Corps", see Change of Name note hereunder.

#### AMENDMENTS

1952—Act May 19, 1952, amended section to permit service as a cadet at the Military Academy prior to Aug. 24, 1912, or service as a midshipman at the Naval Academy prior to Mar. 4, 1913, to be used as a multiplier in computing years of service for retirement pay purposes.

#### CHANGE OF NAME

The Organized Reserve Corps was redesignated the Army Reserve by act July 9, 1952, ch. 608, pt. III, § 302, 66 Stat. 498. See section 1022 of Title 50, War and National Defense.

#### EFFECTIVE DATE OF 1952 AMENDMENT

Section 4 of act May 19, 1952, provided that the amendment of this section by said act May 19, 1952, should be effective as of Oct. 1, 1949.

#### EFFECTIVE DATE

Section as effective Oct. 1, 1949, see note set out under section 231 of this title.

#### INCREASE IN RETIREMENT BENEFITS

Computation of retired pay on new basis of rates, see sections 321 and 322 of this title.

#### § 312. Retired pay of members and former members of reserve components.

On and after October 1, 1949, any person who heretofore has been granted retired pay or who hereafter is granted retired pay pursuant to sections 1036—1036i of Title 10 and sections 440h, 440i—440q of Title 34, shall have his retired pay computed as authorized by said sections on the basis of the pay provided for in this chapter: *Provided*, That, notwithstanding the provisions of section 1036d of Title 10 and 440i of Title 34, any member or former member of the Naval Reserve or Marine Corps Reserve heretofore placed on the Honorary Retired List of the Naval Reserve or Marine Corps Reserve with pay as provided in sections 855h and 855i of Title 34, shall be entitled to have such pay computed as provided in this section. (Oct. 12, 1949, ch. 681, title V, § 512, 63 Stat. 830.)

#### EFFECTIVE DATE

Section as effective Oct. 1, 1949, see note set out under section 231 of this title.

#### INCREASE IN RETIREMENT BENEFITS

Computation of retired pay on new basis of rates, see sections 321 and 322 of this title.

#### § 313. Retired pay grade of certain warrant officers and enlisted persons.

Any enlisted person or warrant officer of the uniformed services who served in World War I, heretofore or hereafter retired for any reason, shall (1) be advanced on the retired list of the service concerned to the highest federally recognized officer rank or grade satisfactorily held by such enlisted person or warrant officer under a permanent or temporary appointment for any period of service between April 6, 1917, and November 11, 1918, and (2) if not entitled to receive retired pay or disability retirement pay based on a higher officer rank or grade by some other provision of law, be entitled to receive retired pay or disability retirement pay computed on the basis of the officer rank or grade to which previously advanced on a retired list or computed on the basis of the officer grade or rank authorized by this section: *Provided*, That enlisted persons and warrant officers of the uniformed services, heretofore or hereafter advanced on the retired list to a higher officer rank or grade pursuant to any provision of law shall, if application therefor is made to the Secretary concerned within one year from October 1, 1949 or within one year after the date of advancement on the retired list, whichever is

the later, and subject to the approval of the Secretary concerned, be restored to their former retired enlisted or warrant-officer status, as the case may be, and shall thereafter be deemed to be enlisted or warrant-officer personnel, as appropriate, for all purposes, including the computation of their retired pay based on such enlisted or warrant-officer rank, grade, or rating, as the case may be. (Oct. 12, 1949, ch. 681, title V, § 513, 63 Stat. 831.)

#### EFFECTIVE DATE

Section as effective Oct. 1, 1949, see note set out under section 231 of this title.

#### INCREASE IN RETIREMENT BENEFITS

Computation of retired pay on new basis of rates, see sections 321 and 322 of this title.

### § 314. Pay and allowances of retired members and former members of uniformed services recalled to active duty.

Retired members and former members of the uniformed services, including members of the Fleet Reserve and the Fleet Marine Corps Reserve, shall, when serving on active duty, be entitled to receive the pay and allowances to which entitled by the provisions of this chapter for the grade or rank in which they are serving on such active duty, and shall, when on such active-duty status, have the same pay and allowance rights while on leave of absence or while sick as members of the uniformed services entitled to receive basic pay of similar grade or rank, and, if death occurs when on active-duty status, while on leave of absence, or while sick, their dependents shall not thereby be deprived of any of the benefits provided in section 903 of Title 10 and section 943 of Title 34. (Oct. 12, 1949, ch. 681, title V, § 514, 63 Stat. 831.)

#### EFFECTIVE DATE

Section as effective Oct. 1, 1949, see note set out under section 231 of this title.

#### INCREASE IN RETIREMENT BENEFITS

Computation of retired pay on new basis of rates, see sections 321 and 322 of this title.

### § 315. Retention of total compensation being received on Oct. 12, 1949; applicability of Servicemen's Dependents Allowance Act of 1942 to certain Personnel.

(a) No member serving on active duty on October 1, 1949, shall, prior to July 1, 1952, and while serving on continuous active duty, including for the purpose of such continuous active-duty service in a reenlistment entered into within three months from the date of last discharge, suffer any reduction by reason of this chapter in the total compensation which he is entitled to receive under any provision of law in effect on the day immediately preceding October 1, 1949: *Provided*, That (1) the provisions of this subsection shall cease to apply to such member whenever he shall become entitled to receive total compensation in excess of the amount to which he was entitled on the day preceding October 1, 1949; and (2) the provisions of this subsection shall cease to apply to any part of such total compensation upon the failure of such member to qualify therefor: *Provided further*, That for the purposes of this subsection the computation of such total compensation shall not include con-

tributions by the Government under the Servicemen's Dependents Allowance Act of 1942, as amended, travel and transportation allowances, per diem and station allowances, pay of court stenographers of the Army and Air Force, enlistment allowance, or reenlistment bonuses.

(b) Any member who, on October 1, 1949, is serving in an enlistment contracted prior to October 12, 1949, or any member whose enlistment terminated in the period between October 12, 1949 and October 12, 1949,<sup>1</sup> both dates inclusive, and who has entered into a new enlistment within one month of such termination shall not, prior to the expiration of the enlistment or reenlistment described above, or July 1, 1952, whichever is earlier, suffer any reduction by reason of this chapter in the total compensation which he is entitled to receive under any provision of law in effect on the day immediately preceding October 1, 1949: *Provided*, That for the purposes of this subsection, unless otherwise provided, the computation of such total compensation shall not include travel and transportation allowances, per diem and station allowances, pay of court stenographers of the Army and Air Force, enlistment allowance, or reenlistment bonuses, and following that date which is the last day of the sixth calendar month following the month in which this chapter is enacted, shall not include the contribution by the Government under the provisions of the Servicemen's Dependents Allowance Act of 1942, as amended, to monthly family allowance (1) for a father or mother dependent for substantial support or (2) for a father or mother dependent for chief support when a monthly family allowance is authorized for a wife or child of such member or (3) for a brother or sister dependent for chief or substantial support, but shall include other contributions by the Government under the Servicemen's Dependents Allowance Act of 1942, as amended: *Provided further*, That, notwithstanding the provisions of the preceding proviso, in the case of any member who, on October 1, 1949, is serving in an enlistment or reenlistment which was contracted prior to July 1, 1946, such member shall not, prior to the expiration of such enlistment or reenlistment or July 1, 1952, whichever is earlier, suffer any reduction by reason of this chapter in the total compensation which he is entitled to receive under any provision of law in effect on the day immediately preceding October 1, 1949, the computation of such total compensation, for the purpose of this proviso only, not to include travel and transportation allowances, per diem and station allowances, pay of court stenographers of the Army and Air Force, enlistment allowance, or reenlistment bonuses, but shall include all contributions by the Government under the Servicemen's Dependents Allowance Act of 1942, as amended: *Provided further*, That (1) the provisions of this subsection shall cease to apply to such member whenever he shall become entitled to receive total compensation under the provisions of this chapter in excess of the amount of such total compensation to which he was entitled on the day preceding Octo-

<sup>1</sup> So in original. Probably should read "October 12, 1949 and October 1, 1949."

ber 1, 1949; and (2) the provisions of this subsection shall cease to apply to any part of such total compensation upon the failure of such member or his dependent or dependents to qualify therefor or to be entitled thereto: *Provided further*, That when a member is furnished Government quarters adequate for himself and his dependents, the total sum saved for him by this subsection shall be reduced at the rate of \$45 per month for members in pay grades E-1, E-2, E-3, and E-4 (less than seven years' service), and \$67.50 per month for members in pay grades E-4 (seven or more years' service), E-5, E-6, and E-7: *And provided further*, That in the case of any enlisted person on active duty on October 1, 1949 whose total compensation, not including travel and transportation allowances, per diem and station allowances, pay of court stenographers of the Army and Air Force, enlistment allowance, or reenlistment bonuses, but including the amount of the Government's contribution to such member's dependents under the Servicemen's Dependents Allowance Act of 1942, as amended, on the day immediately preceding October 1, 1949, exceeds the amount of the total compensation to which he would become entitled under the provisions of this chapter, not including any Government contributions to his dependents under the Servicemen's Dependents Allowance Act of 1942, as amended, he shall, if application is made within one year from October 1, 1949, be discharged by the Secretary concerned.

(c) Notwithstanding any other provision of law, the provisions of the Servicemen's Dependents Allowance Act of 1942, as amended, shall, on October 12, 1949, become inoperative for the dependent or dependents of all members other than those prescribed in subsection (b) of this section. (Oct. 12, 1949, ch. 681, title V, § 515, 63 Stat. 831; Sept. 8, 1950, ch. 922, § 9, 64 Stat. 796.)

#### REFERENCES IN TEXT

The Servicemen's Dependents Allowance Act of 1942, as amended, referred to in the text, was formerly classified to chapter 3 of this title, and was repealed by section 531 (d) of act Oct. 12, 1949.

#### AMENDMENTS

1950—The fourth proviso of subsec. (b) was amended by the Dependents Assistance Act of 1950, act Sept. 8, 1950, for the duration of that act. Before amendment, the proviso read: "*Provided further*, That when a member is furnished Government quarters adequate for himself, if without dependents, or adequate for himself and dependents, if with dependents, the total sum saved for him by this subsection shall be reduced by the cash value of the basic allowance for quarters established under section 252 of this title."

#### EFFECTIVE PERIOD OF 1950 AMENDMENT

Amendment of subsection (b) by act Sept. 8, 1950, as effective for the period from Aug. 1, 1950 to Apr. 30, 1953, see sections 2215 and 2216 of Appendix to Title 50, War and National Defense.

#### EFFECTIVE DATE

Section effective as of Oct. 12, 1949, see note set out under section 231 of this title.

#### EXTENSION OF ENLISTMENT NOT TO AFFECT BENEFITS UNDER THIS SECTION

Section 2 of Act July 27, 1950, ch. 501, 64 Stat. 379, provided that: "Personnel of the uniformed services entitled to benefits under section 515 of the Career Com-

pensation Act of 1949 (63 Stat. 831 [this section]) shall not suffer any reduction in total compensation by reason of any extended service performed under the terms of this Act." Said act July 27, 1950, extending enlistments for a period not exceeding 12 months, is set out in its entirety as a note under section 628 of Title 10, Army and Air Force.

#### ERRONEOUS PAYMENTS UNDER SERVICEMEN'S DEPENDENTS ALLOWANCE ACT OF 1942

Waiver of indebtedness, notwithstanding subsec. (c) of this section, see section 2213 of Appendix to Title 50, War and National Defense.

#### INCREASE IN RETIREMENT BENEFITS

Computation of retired pay on new basis of rates, see sections 321 and 322 of this title.

#### § 316. Retired pay increased by active duty; computation; limitation on aggregate amount.

Members and former members of the uniformed services, including members of the Fleet Reserve and the Fleet Marine Corps Reserve, who have been, or may hereafter be, retired or transferred to the Fleet Reserve or Fleet Marine Corps Reserve and entitled to receive retired pay, retirement pay, retainer pay, or equivalent pay computed under the provisions of this chapter or any other Act, shall be entitled, subject to the provisions hereinafter listed, to receive increases in such retired pay, retirement pay, retainer pay, or equivalent pay for all active duty performed after retirement or transfer to the Fleet Reserve or the Fleet Marine Corps Reserve: *Provided*, That the retired pay, retirement pay, retainer pay, or equivalent pay to which such member or former member shall be entitled upon his release from active duty shall be computed by multiplying the years of service creditable to him for purposes of computing retired pay, retirement pay, retainer pay, or equivalent pay at the time of his retirement or transfer plus the number of years of subsequent active duty performed by him by 2½ per centum, and by multiplying the product thus obtained by the base and longevity pay or the basic pay, as the case may be, of the rank or grade in which he would be eligible, at the time of his release from active duty, to be retired or transferred except for the fact that he is already a retired person or a member of the Fleet Reserve or Fleet Marine Corps Reserve: *Provided*, That for the purpose of computing increases in retired pay, retirement pay, retainer pay, or equivalent pay of any member or former member, fractions of one-half year or more of active duty performed subsequent to retirement or transfer by such member or former member shall be counted as a whole year: *Provided further*, That in the case of an officer heretofore retired with pay computed at a rate of either 3 or 4 per centum as the multiplier for each year of service allowed in the computation of the retired pay, active duty performed subsequent to October 1, 1949 shall not increase the retired or retirement pay for such officer upon his return to retired status unless such officer elects to have his retired or retirement pay computed by one of the two methods provided in section 311 of this title, subject to the limitations imposed therein: *And provided further*, That in no event shall retired pay, retirement pay, retainer pay, or equivalent pay exceed 75 per centum of the active-duty pay or basic pay which



such person would be entitled to receive if he were serving on active duty in the rank or grade which is the basis for the computation of his retired pay, retirement pay, retainer pay, or equivalent pay. (Oct. 12, 1949, ch. 681, title V, § 516, 63 Stat. 832.)

#### EFFECTIVE DATE

Section as effective Oct. 1, 1949, see notes set out under section 231 of this title.

#### INCREASE IN RETIREMENT BENEFITS

Computation of retired pay on new basis of rates, see sections 321 and 322 of this title.

### § 317. Savings provisions relating to former Lighthouse Service and Bureau of Marine Inspection personnel.

Nothing contained in this chapter shall be construed to diminish any of the rights, benefits, and privileges authorized and conferred—

(1) by the Act of August 5, 1939 (53 Stat. 1216), as amended by the Act of June 24, 1948 (Public Law 761, Eightieth Congress), upon personnel of the former Lighthouse Service; and

(2) by the Act of July 23, 1947 (61 Stat. 411), for personnel of the categories described in sections 3 (6), 5 (7), and 6 (5) of said Act,

who were commissioned, appointed, or enlisted in the regular Coast Guard pursuant to said Acts of August 5, 1939, and July 23, 1947, respectively. (Oct. 12, 1949, ch. 681, title V, § 518, 63 Stat. 834.)

#### REFERENCES IN TEXT

Act of August 5, 1939 (53 Stat. 1216), as amended by the act of June 24, 1948 (Public Law 761, Eightieth Congress), referred to in subdivision (1), was formerly classified to sections 10f, 10g, 10h, 20b, 20c, 50, 180, and 181 of Title 14, Coast Guard. Sections 10f and 20b were omitted as obsolete in the revision of Title 14, and sections 10g, 10h, 20c, 50, 180, and 181 are now covered by sections 228 and 432 of said revised Title 14.

The act of July 23, 1947 (61 Stat. 411), referred to in subdivision (2), was formerly classified to sections 6a—6f, 20a—1, 20a—2, 35d, 50e, 121d, 132, and 183 of Title 14 and similar provisions are now covered by sections 42, 47, 222, 224 (c), 225, 228, 301, 433 (a, b, d—h), and 462 of revised Title 14, Coast Guard.

### § 318. Savings provision relating to members and former members receiving retirement pay on Oct. 12, 1949.

Any member or former member of the uniformed services or any person entitled to the rights, benefits, and privileges of a member or former member of the uniformed services, including any person entitled to the benefits provided in sections 1033—1035 of Title 10 and sections 43m—43o of Title 34, who on October 12, 1949, is receiving or is entitled to receive retired or retirement pay pursuant to any provision of law, shall, notwithstanding the provisions of this chapter, be entitled to continue to receive or shall continue his entitlement to receive that retired or retirement pay which such member or former member is entitled to receive under any provision of law in effect on the day preceding October 12, 1949. (Oct. 12, 1949, ch. 681, title V, § 519, 63 Stat. 834.)

#### EFFECTIVE DATE

Section as effective Oct. 1, 1949, see note set out under section 231 of this title.

#### INCREASE IN RETIREMENT BENEFITS

Computation of retired pay on new basis of rates, see sections 321 and 322 of this title.

### § 319. Savings provisions relating to laws providing for pay repealed by this chapter.

Any provision of law which, on October 12, 1949, entitles any person to be retired, to receive pay, retired pay, retirement pay, or retainer pay, or other monetary benefit, and which is directly repealed, impliedly repealed, or amended by the provisions of this chapter, shall, if the entitlement of such person to such retirement, pay, retired pay, retirement pay, retainer pay, or other monetary benefit is saved by the provisions of this chapter, be continued in full force and effect for such entitlement and for such a time as such entitlement may exist. (Oct. 12, 1949, ch. 681, title V, § 520, 63 Stat. 834.)

#### EFFECTIVE DATE

Section as effective Oct. 1, 1949, see note set out under section 231 of this title.

#### INCREASE IN RETIREMENT BENEFITS

Computation of retired pay on new basis of rates, see sections 321 and 322 of this title.

### § 320. Quarters allowances denied members without dependents while in travel or leave status.

No appropriation shall be available for payment to any member of the uniformed services without dependents (as defined in sections 231 (g) and 252 of this title) of a basic allowance for quarters for any periods after June 29, 1950, while such member is in a travel or leave status between permanent-duty stations, including time granted as delay en route or proceed time. (June 29, 1950, ch. 405, § 102, 64 Stat. 288.)

#### CODIFICATION

Section was enacted as a part of the "Deficiency Appropriation Act, 1950," and not as a part of the "Career Compensation Act of 1949" which comprises this chapter.

### § 321. Computation of retired pay on new basis of rates.

Members and former members of the uniformed services entitled to receive retired pay, retirement pay, retainer pay, or equivalent pay computed on the rates prescribed in section 201 (a) of the Career Compensation Act of 1949 shall be entitled to have such pay computed on the rates as prescribed by section 232 (a) of this title. (May 19, 1952, ch. 310, § 2 (a), 66 Stat. 80.)

#### REFERENCES IN TEXT

Section 201 (a) of the Career Compensation Act of 1949, referred to in the text, refers to section 232 (a) of this title prior to its amendment by act May 19, 1952.

#### CODIFICATION

Section was not enacted as a part of the "Career Compensation Act of 1949" which comprises this chapter.

#### EFFECTIVE DATE

Section as effective May 1, 1952, see note set out under section 232 of this title.

### § 322. Increase in retirement pay under laws in effect prior to Oct. 1, 1949.

Members or former members who are entitled to receive retired pay, retirement pay, retainer pay, or equivalent pay under laws in effect prior to October 1, 1949, shall be entitled to an increase of 4 per

centum of such retired pay, retirement pay, retainer pay, or equivalent pay. (May 19, 1952, ch. 310, § 2 (b), 66 Stat. 80.)

#### CODIFICATION

Section was not enacted as a part of the "Career Compensation Act of 1949" which comprises this chapter.

#### EFFECTIVE DATE

Section as effective May 1, 1952, see note set out under section 232 of this title.

### Chapter 5.—PAYMENTS TO MENTALLY INCOMPETENT PERSONNEL

Sec.

351. Definitions.

352. Payments; designation of person to receive amounts due; discharge of United States' obligation; competent medical authority.

353. Regulations; posting of bond.

354. Determinations by secretaries or Federal Security Administrator as conclusive.

#### § 351. Definitions.

The term "member of the uniformed services" as used in this chapter means any person on the active or retired list of the Army, Navy, Marine Corps, Air Force, Coast Guard, Coast and Geodetic Survey, or Public Health Service, including transferred members of the Fleet Reserve and of the Fleet Marine Corps Reserve, and members of the Reserve components of the respective services entitled to Federal pay either on the active or any retired list of said services. (June 21, 1950, ch. 342, § 1, 64 Stat. 249.)

#### § 352. Payments; designation of person to receive amounts due; discharge of United States' obligation; competent medical authority.

Any active-duty pay and allowances, or any amounts due for accumulated or accrued leave, or any retired or retainer pay, otherwise payable to any member of the uniformed services who, in the opinion of competent medical authority, is mentally incapable of managing his own affairs, is authorized to be paid, for the use and benefit of such incompetent member, to such person or persons who may be designated by the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, the Secretary of the Treasury, the Secretary of Commerce, the Federal Security Administrator, or such other officer or officers as the respective Secretaries or Administrator may designate for such purposes, without the necessity for appointment in judicial proceedings of a committee, guardian, or other legal representative, and any payments to the

person or persons so appointed as provided herein shall constitute a complete discharge of the obligation of the United States as to the amounts so paid: *Provided*, That no person serving in a legal, medical, or fiduciary capacity, or in any other capacity, shall demand or accept any fee, commission, or charge for any services rendered under the authority of, or in connection with, the provisions of this chapter: *Provided further*, That the provisions of this section shall not apply where a legal committee, guardian, or other representative has been appointed by a court of competent jurisdiction, except as to any payments made hereunder prior to the receipt in the paying agency of the department or agency concerned of notice of such appointment: *And provided further*, That competent medical authority shall consist of a board of not less than three qualified medical officers one of whom shall be specially qualified in the treatment of mental disorders, appointed by the secretary of the department concerned or the Federal Security Administrator from available medical officers. (June 21, 1950, ch. 342, § 2, 64 Stat. 249.)

#### § 353. Regulations; posting of bonds.

The secretary of the department concerned and the Federal Security Administrator shall prescribe such regulations as may be necessary to carry out effectively the provisions of this chapter, including a requirement that such person or persons designated to receive payments as provided in section 352 of this title shall furnish satisfactory assurances that amounts received have been and will be applied to the use and benefit of the incompetent and, in cases wherein the payments may be reasonably expected to exceed \$1,000, that a suitable bond shall be provided by such person or persons which may be paid for out of sums due the incompetent. (June 21, 1950, ch. 342, § 3, 64 Stat. 249.)

#### § 354. Determinations by secretaries or Federal Security Administrator as conclusive.

The determination of the person or persons authorized to receive payments as provided in section 352 of this title, made by the respective secretaries or by the Federal Security Administrator, or by their duly designated subordinates pursuant to this chapter, shall be final and conclusive and not subject to review by any court or Government official. (June 21, 1950, ch. 342, § 4, 64 Stat. 250.)