

–CITE–

37 USC CHAPTER 1 – DEFINITIONS 01/06/03

–EXPCITE–

TITLE 37 – PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

CHAPTER 1 – DEFINITIONS

–HEAD–

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–MISC1–

Sec.

101. Definitions.

AMENDMENTS

1990 – Pub. L. 101–510, div. A, title XIV, Sec. 1484(f)(1), Nov.

5, 1990, 104 Stat. 1717, revised chapter heading so as to appear in
all capital letters.

–End–

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37 USC Sec. 101 01/06/03

–EXPCITE–

TITLE 37 – PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

CHAPTER 1 – DEFINITIONS

–HEAD–

Sec. 101. Definitions

–STATUTE–

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

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

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

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

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

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

(5) The term "Secretary concerned" means –

(A) the Secretary of the Army, with respect to matters concerning the Army;

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

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

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

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

(F) the Secretary of Health and Human Services, with respect

to matters concerning the Public Health Service.

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

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

(A) is a land force;

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

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

(D) is federally recognized.

(8) The term "Army National Guard of the United States" means the reserve component of the Army all of whose members are members of the Army National Guard.

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

(A) is an air force;

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

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

(D) is federally recognized.

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

(11) The term "officer" means commissioned or warrant officer.

(12) The term "commissioned officer" includes a commissioned warrant officer.

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

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

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

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

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

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

(19) The term "active duty for a period of more than 30 days"

means active duty under a call or order that does not specify a period of 30 days or less.

(20) The term "active service" means service on active duty.

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

(22) The term "inactive-duty training" means –

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

(B) special additional duties authorized for members of a reserve component by an authority designated by the Secretary concerned and performed by them on a voluntary basis in connection with the prescribed training or maintenance activities of the units to which they are assigned; and includes those duties when performed by members of a reserve component in their status as members of the National Guard, but (except as provided in section 206(d)(2) of this title) does not include work or study in connection with a correspondence course of a uniformed service.

(23) The term "member" means a person appointed or enlisted in, or conscripted into, a uniformed service.

(24) The term "reserve component" means –

(A) the Army National Guard of the United States;

(B) the Army Reserve;

- (C) the Naval Reserve;
- (D) the Marine Corps Reserve;
- (E) the Air National Guard of the United States;
- (F) the Air Force Reserve;
- (G) the Coast Guard Reserve; or
- (H) the Reserve Corps of the Public Health Service.

(25) The term "regular compensation" or "regular military compensation (RMC)" means the total of the following elements that a member of a uniformed service accrues or receives, directly or indirectly, in cash or in kind every payday: basic pay, basic allowance for housing, basic allowance for subsistence; and Federal tax advantage accruing to the aforementioned allowances because they are not subject to Federal income tax.

(26) The term "contingency operation" has the meaning given that term in section 101 of title 10.

–SOURCE–

(Pub. L. 87–649, Sept. 7, 1962, 76 Stat. 451; Pub. L. 89–718, Sec. 49(a)(1), Nov. 2, 1966, 80 Stat. 1121; Pub. L. 90–623, Sec. 3(1), Oct. 22, 1968, 82 Stat. 1314; Pub. L. 92–492, Sec. 3, Oct. 13, 1972, 86 Stat. 810; Pub. L. 93–419, Sec. 1, Sept. 19, 1974, 88 Stat. 1152; Pub. L. 96–513, title V, Secs. 506(1), 516(1), Dec. 12, 1980, 94 Stat. 2918, 2937; Pub. L. 96–579, Sec. 11, Dec. 23, 1980, 94 Stat. 3368; Pub. L. 96–600, Sec. 3(b), Dec. 24, 1980, 94 Stat. 3494; Pub. L. 98–525, title IV, Sec. 414(c), Oct. 19, 1984, 98 Stat. 2520; Pub. L. 100–26, Sec. 8(e)(1), Apr. 21, 1987, 101 Stat.

286; Pub. L. 100–456, div. A, title XII, Sec. 1233(f)(2), Sept. 29, 1988, 102 Stat. 2058; Pub. L. 102–190, div. A, title VI, Sec. 631(b), Dec. 5, 1991, 105 Stat. 1380; Pub. L. 102–484, div. A, title X, Sec. 1051(b)(2), Oct. 23, 1992, 106 Stat. 2498; Pub. L. 103–160, div. A, title XI, Sec. 1182(c)(1), Nov. 30, 1993, 107 Stat. 1772; Pub. L. 105–85, div. A, title VI, Sec. 603(d)(1)(A), Nov. 18, 1997, 111 Stat. 1782; Pub. L. 105–261, div. A, title VI, Sec. 651, Oct. 17, 1998, 112 Stat. 2051; Pub. L. 107–107, div. A, title VI, Sec. 603(b), Dec. 28, 2001, 115 Stat. 1133; Pub. L. 107–296, title XVII, Sec. 1704(c), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 107–314, div. A, title VI, Sec. 654(a), Dec. 2, 2002, 116 Stat. 2581.)

–MISC1–

HISTORICAL AND REVISION NOTES

Revised Source (U.S. Code) Source (Statutes at
section Large)

101(1) [No source.] Aug. 9, 1946, ch. 931,
Sec. 2 (less (b), (c),
(d), (e), (f) (less last
8 words), (g), and (h)),
60 Stat. 963.

101(2)

101(3)

101(4)

[No source.]

37:231(a), (j).

37:32(a).

37:231(k).

101(5) 37:32(f) (less last 8 Oct. 12, 1949, ch. 681,
words). Sec. 102 (less (g)), 63
Stat. 804.

37:231(f).

101(6) [No source.]

101(7) [No source.]

101(8) [No source.]

101(9) [No source.]

101(10) [No source.]

101(11) 37:231(c).

101(12) 37:231(d).

101(13) 37:231(e), (h).

101(14) [No source.]

101(15) [No source.]

101(16) [No source.]

101(17) [No source.]

101(18) [No source.]

101(19) [No source.]

101(20) [No source.]

101(21) [No source.]

101(22) 37:231(i).

101(23) 37:231(b).

The definitions in clauses (1) and (2), (6)–(10), (14)–(21), and (24) reflect the adoption of terminology which, though undefined in the source statutes restated in this revised title, represent the closest practicable approximation of the ways in which the terms defined have been most commonly used, and so far as possible are identical to those used in title 10, United States Code, containing most of the basic law relating to the armed forces.

In clause (3), the words "and all Regular and Reserve components thereof", in section 231(a) of existing title 37, are omitted as surplusage. Section 231(j) of existing title 37 is omitted as covered by section 1 of title 1.

In clause (4), that part of section 32(a) of existing title 37 relating other than to the enumeration of the armed forces is omitted as unnecessary. Section 231(k) of existing title 37 is omitted, since throughout the revised title references to members of the Army or Air Force without specification of component are specifically included when necessary.

In clause (11), the words "flight officer" are omitted as obsolete. Section 231(c) (last sentence) of existing title 37 is omitted as unnecessary.

In clause (12), the definition of commissioned officer is broadened and restated to conform to the definition in section 101(15) of title 10. Corresponding changes are made throughout the revised title to correspond to the definition.

Clause (13), which is identical to section 101(16) of title 10, is substituted for section 231(e) of existing title 37. The words "flight officer" are omitted as obsolete. Section 231(h) of existing title 37 is omitted, since the defined term is not used in the revised title.

Clause (22) is substituted for section 231(i) of existing title 37.

In clause (23), section 231(b) (less 1st sentence) of existing title 37 is omitted as executed by the express coverage of members of the Fleet Reserve and Fleet Marine Corps Reserve.

–REFTEXT–

REFERENCES IN TEXT

For definition of Canal Zone, referred to in pars. (7) and (9), see section 3602(b) of Title 22, Foreign Relations and Intercourse.

–MISC2–

AMENDMENTS

2002 – Par. (1). Pub. L. 107–314 designated existing provisions as subpar. (A) and added subpar. (B).

Par. (5)(D). Pub. L. 107–296 substituted "of Homeland Security" for "of Transportation".

2001 – Par. (22). Pub. L. 107–107 inserted "(except as provided in section 206(d)(2) of this title)" after "but" in concluding provisions.

1998 – Par. (2). Pub. L. 105–261 struck out "the Canal Zone," after "includes".

1997 – Par. (25). Pub. L. 105–85 substituted "basic allowance for

housing" for "basic allowance for quarters (including any variable housing allowance or station housing allowance)".

1993 – Par. (26). Pub. L. 103–160 made technical amendment to directory language of Pub. L. 102–484. See 1992 Amendment note below.

1992 – Par. (26). Pub. L. 102–484, as amended by Pub. L. 103–160, substituted "section 101 of title 10" for "section 101(47) of title 10".

1991 – Par. (26). Pub. L. 102–190 added par. (26).

1988 – Par. (5). Pub. L. 100–456 substituted "Secretary" for "secretary" in introductory provisions.

1987 – Pub. L. 100–26, Sec. 8(e)(1)(A), substituted "the following definitions apply in this title:" for "for the purposes of this title –".

Pub. L. 100–26, Sec. 8(e)(1)(B), inserted "The term" at beginning of pars. (1) to (25).

Pub. L. 100–26, Sec. 8(e)(1)(C), which directed that this section be amended by revising first word after open quotation marks in each paragraph (other than par. (1) and (6) through (10)) so that initial letter of such word is lowercase, was executed to par. (5) only because specified words in other pars. began with lowercase letters.

Pub. L. 100–26, Sec. 8(e)(1)(D), (E), which directed a period be substituted for the semicolon at end of pars. (1) to (24) and that "and" be struck out at end of par. (24), was executed by making the substitution in pars. (1) to (23) and by striking "and" at end of

par. (23), to reflect the probable intent of Congress, because par. (24) already ended in a period and "and" appeared at end of par. (23), not par. (24).

1984 – Cl. (18). Pub. L. 98–525 inserted "full-time National Guard duty," after "annual training duty,".

1980 – Cls. (3), (5)(E). Pub. L. 96–513, Sec. 516(1)(A), substituted "National Oceanic and Atmospheric" for "Environmental Science Services".

Cl. (5)(F). Pub. L. 96–513, Sec. 516(1)(B), substituted "Health and Human Services" for "Health, Education, and Welfare".

Cls. (7), (9). Pub. L. 96–600 inserted references to Guam.

Cl. (18). Pub. L. 96–513, Sec. 506(1), struck out "duty on the active list," after "and includes".

Cl. (25). Pub. L. 96–579 defined "regular compensation" or "regular military compensation (RMC)" to include with respect to basic allowance for quarters any variable housing allowance or station housing allowance.

1974 – Cl. (25). Pub. L. 93–419 added cl. (25).

1972 – Cls. (7), (9). Pub. L. 92–492 inserted references to Virgin Islands.

1968 – Cl. (5)(D). Pub. L. 90–623 substituted "Secretary of Transportation" for "Secretary of the Treasury".

1966 – Cls. (3), (5)(E). Pub. L. 89–718 substituted "Environmental Science Services Administration" for "Coast and Geodetic Survey".

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107–296, set out as a note under section 101 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105–85 effective Jan. 1, 1998, see section 603(e) of Pub. L. 105–85, set out as a note under section 5561 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by sections 506(1), 516(1) of Pub. L. 96–513 effective Sept. 15, 1981, and Dec. 12, 1980, respectively, see section 701(a), (b)(3) of Pub. L. 96–513, set out as a note under section 101 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–419 effective Sept. 19, 1974, see section 9 of Pub. L. 93–419, set out as an Effective Date note under section 1009 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90–623 intended to restate without substantive change the law in effect on Oct. 22, 1968, see section 6 of Pub. L. 90–623, set out as a note under section 5334 of Title 5, Government Organization and Employees.

SHORT TITLE OF 1981 AMENDMENT

Pub. L. 97–60, Sec. 1, Oct. 14, 1981, 95 Stat. 989, provided:

"That this Act [enacting sections 308f, 315, 404a, 411c, 411d, and 411e of this title and sections 4341a and 9341a of Title 10, Armed

Forces, amending sections 203, 301, 301a, 301b, 301c, 304, 305a, 308, 308a, 312b, 404, 405a, 406, 407, 411, 411b, 415, and 1006 of this title, sections 2107, 2634, 4342, 5031, 5153, 6011, 6953, 6954, 6956, 7572, and 9342 of Title 10, and section 460 of the Appendix to Title 50, War and National Defense, enacting provisions set out as notes under sections 203, 301, 301a, 308, 312, 404, 404a, and 1009 of this title and sections 4341a, 6011, and 7572 of Title 10, and amending a provision set out as a note under section 7572 of Title 10] may be cited as the 'Uniformed Services Pay Act of 1981'."

SHORT TITLE OF 1980 AMENDMENTS

Section 1 of Pub. L. 96–579 provided that: "This Act [enacting sections 301c and 314 of this title and section 705 of Title 10, Armed Forces, amending this section, sections 209, 301, 305a, 308, 312, 312b, 312c, and 403 of this title, sections 520, 701, 867, 4355, 6968, and 9355 of Title 10, and section 308(9), (10) of Pub. L. 95–521, title III, Oct. 26, 1978, 92 Stat. 1861, set out in the Appendix to Title 28, Judiciary and Judicial Procedure, and enacting provisions set out as notes under sections 301c, 305a, 312, 312b, 312c, 314, and 403 of this title and sections 705 and 867 of Title 10] may be cited as the 'Military Pay and Allowances Benefits Act of 1980'."

Pub. L. 96–343, Sec. 1, Sept. 8, 1980, 94 Stat. 1123, provided that: "This Act [enacting section 5142a of Title 10, Armed Forces, amending sections 203, 301, 301a, 305a, 403, 404, 411, 907, and 1006 of this title and sections 1201, 1203, 3914, 3925, 3962, 5142,

5703, 5787c, 5787d, 8072, 8914, 8925, and 8962 of Title 10, enacting provisions set out as notes under sections 301, 305a, 402, 403, 404, and 907 of this title and sections 3914 and 3962 of Title 10, and amending provisions set out as notes under sections 5707 and 8202 of Title 10] may be cited as the 'Military Personnel and Compensation Amendments of 1980'."

Pub. L. 96–284, Sec. 1, June 28, 1980, 94 Stat. 587, provided that: "This Act [enacting sections 302c and 303a of this title, amending sections 302 to 302b, 303, 306, 311, and 313 of this title, and enacting and repealing provisions set out as notes under section 302 of this title] may be cited as the 'Uniformed Services Health Professionals Special Pay Act of 1980'."

SHORT TITLE OF 1976 AMENDMENT

Pub. L. 94–356, Sec. 1, July 12, 1976, 90 Stat. 901, provided: "That this Act [enacting sections 312b and 312c of this title, amending section 312 of this title, and enacting provisions set out as notes under sections 301 and 312 of this title] may be cited as the 'Nuclear Career Incentive Act of 1975'."

SHORT TITLE OF 1974 AMENDMENTS

Pub. L. 93–294, Sec. 1, May 31, 1974, 88 Stat. 177, provided: "That this Act [amending section 301 of this title, enacting section 301a of this title, and enacting provisions set out as notes under section 301a of this title] may be cited as the 'Aviation Career Incentive Act of 1974'."

Pub. L. 93–277, Sec. 1, May 10, 1974, 88 Stat. 119, provided: "That this Act [amending sections 308 and 308a of this title and

enacting provisions set out as notes under section 308 of this title] may be cited as the 'Armed Forces Enlisted Personnel Bonus Revision Act of 1974'."

SHORT TITLE OF 1963 AMENDMENT

Pub. L. 88-132, Sec. 1, Oct. 2, 1963, 77 Stat. 210, provided:

"That this Act [enacting sections 310 and 427 of this title and section 1401a of Title 10, Armed Forces, amending sections 201, 203, 301, 302, 305, 403, and 421 of this title, sections 1401, 1402, 3991, 6151, 6323, 6325 to 6327, 6381, 6383, 6390, 6394, 6396, 6398 to 6400, 6483, and 8991 of Title 10, section 423 of Title 14, Coast Guard, section 857a of Title 33, Navigation and Navigable Waters, and section 213a of Title 42, The Public Health and Welfare, repealing section 6149 of Title 10 and sections 2351 to 2356 of Title 50, Appendix, War and National Defense, and enacting provisions set out as notes under sections 201, 203, and 305 of this title, section 1402 of Title 10, and section 411 (now 1311) of Title 38, Veterans' Benefits] may be cited as the 'Uniformed Services Pay Act of 1963'."

—TRANS—

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization

Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 2 section 906; title 5 sections 3326, 3501, 5531, 6323; title 10 sections 1032, 2774; title 20 section 7703; title 22 section 4833; title 26 section 6013; title 31 section 3702; title 32 section 716; title 38 section 5301; title 42 sections 292d, 659, 665.

–End–