

riod of obligated service agreed to under subsection (d).

(2) LUMP SUM OR INSTALLMENTS.—A bonus under this section may be paid in a lump sum or in periodic installments, as determined by the Secretary concerned.

(3) FIXING BONUS AMOUNT.—Upon acceptance by the Secretary concerned of the written agreement required by subsection (d), the total amount of the bonus to be paid under the agreement shall be fixed.

(d) WRITTEN AGREEMENT FOR BONUS.—To receive an aviation officer bonus under this section, an officer determined to be eligible for the bonus shall enter into a written agreement with the Secretary concerned that specifies—

- (1) the amount of the bonus;
- (2) the method of payment of the bonus under subsection (c)(2);
- (3) the period of obligated service; and
- (4) the type or conditions of the service.

(e) RESERVE COMPONENT OFFICERS PERFORMING INACTIVE DUTY TRAINING.—A reserve component officer who is entitled to compensation under section 206 of this title and who is authorized aviation incentive pay under this section may be paid an amount of incentive pay that is proportionate to the compensation received under section 206 for inactive-duty training.

(f) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—

(1) AVIATION INCENTIVE PAY.—Aviation incentive pay paid to an officer under subsection (a) shall be in addition to any other pay and allowance to which the officer is entitled, except that an officer may not receive a payment under such subsection and section 351(a)(2) or 353 of this title for the same skill and period of service.

(2) AVIATION BONUS.—An aviation bonus paid to an officer under subsection (b) shall be in addition to any other pay and allowance to which the officer is entitled, except that an officer may not receive a payment under such subsection and section 332 or 353 of this title for the same skill and period of service.

(g) REPAYMENT.—An officer who receives aviation incentive pay or an aviation bonus under this section and who fails to fulfill the eligibility requirements for the receipt of the incentive pay or bonus or complete the period of service for which the incentive pay or bonus is paid, as specified in the written agreement under subsection (d) in the case of a bonus, shall be subject to the repayment provisions of section 373 of this title.

(h) DEFINITIONS.—In this section:

(1) The term “aviation service” means service performed by an officer in a regular or reserve component (except a flight surgeon or other medical officer) while holding an aeronautical rating or designation or while in training to receive an aeronautical rating or designation.

(2) The term “operational flying duty” means flying performed under competent orders by rated or designated regular or reserve component officers while serving in assign-

ments in which basic flying skills normally are maintained in the performance of assigned duties as determined by the Secretary concerned, and flying performed by members in training that leads to the award of an aeronautical rating or designation.

(3) The term “proficiency flying duty” means flying performed under competent orders by rated or designated regular or reserve component officers while serving in assignments in which such skills would normally not be maintained in the performance of assigned duties.

(4) The term “officer” includes an individual enlisted and designated as an aviation cadet under section 6911 of title 10.

(i) TERMINATION OF AUTHORITY.—No agreement may be entered into under this section after December 31, 2009.

(Added Pub. L. 110–181, div. A, title VI, §661(a)(2), Jan. 28, 2008, 122 Stat. 167; amended Pub. L. 110–417, [div. A], title VI, §618(b), Oct. 14, 2008, 122 Stat. 4486.)

AMENDMENTS

2008—Subsec. (f)(1). Pub. L. 110–417 substituted “section 351(a)(2)” for “section 351”.

§ 335. Special bonus and incentive pay authorities for officers in health professions

(a) HEALTH PROFESSIONS BONUS.—The Secretary concerned may pay a health professions bonus under this section to a person, including an officer in the uniformed services, who is a graduate of an accredited school in a health profession and who—

(1) accepts a commission or appointment as an officer in a regular or reserve component of a uniformed service, or affiliates with a reserve component of a uniformed service, and agrees to serve on active duty in a regular component or in an active status in a reserve component in a health profession;

(2) accepts a commission or appointment as an officer and whose health profession specialty is designated by the Secretary of Defense as a critically short wartime specialty; or

(3) agrees to remain on active duty or continue serving in an active status in a reserve component in a health profession.

(b) HEALTH PROFESSIONS INCENTIVE PAY.—The Secretary concerned may pay incentive pay under this section to an officer in a regular or reserve component of a uniformed service who—

(1) is entitled to basic pay under section 204 of this title or compensation under section 206 of this title; and

(2) is serving on active duty or in an active status in a designated health profession specialty or skill.

(c) BOARD CERTIFICATION INCENTIVE PAY.—The Secretary concerned may pay board certification incentive pay under this section to an officer in a regular or reserve component of a uniformed service who—

(1) is entitled to basic pay under section 204 of this title or compensation under section 206 of this title;

(2) is board certified in a designated health profession specialty or skill; and

(3) is serving on active duty or in an active status in such designated health profession specialty or skill.

(d) **ADDITIONAL ELIGIBILITY CRITERIA.**—The Secretary concerned may impose such additional criteria for the receipt of a bonus or incentive pay under this section as the Secretary determines to be appropriate.

(e) **MAXIMUM AMOUNT AND METHOD OF PAYMENT.**—

(1) **MAXIMUM AMOUNT.**—The Secretary concerned shall determine the amounts of a bonus or incentive pay to be paid under this section, except that—

(A) a health professions bonus paid under paragraph (1) of subsection (a) may not exceed \$30,000 for each 12-month period of obligated service agreed to under subsection (f);

(B) a health professions bonus paid under paragraph (2) of subsection (a) may not exceed \$100,000 for each 12-month period of obligated service agreed to under subsection (f);

(C) a health professions bonus paid under paragraph (3) of subsection (a) may not exceed \$75,000 for each 12-month period of obligated service agreed to under subsection (f);

(D) health professions incentive pay under subsection (b) may be paid monthly and may not exceed, in any 12-month period—

(i) \$100,000 for medical officers and dental officers; and

(ii) \$15,000 for officers in other health professions; and

(E) board certification incentive pay under subsection (c) may not exceed \$6,000 for each 12-month period an officer remains certified in the designated health profession specialty or skill.

(2) **LUMP SUM OR INSTALLMENTS.**—A health professions bonus under subsection (a) may be paid in a lump sum or in periodic installments, as determined by the Secretary concerned. Board certification incentive pay under subsection (c) may be paid monthly, in a lump sum at the beginning of the certification period, or in periodic installments during the certification period, as determined by the Secretary concerned.

(3) **FIXING BONUS AMOUNT.**—Upon acceptance by the Secretary concerned of the written agreement required by subsection (f), the total amount of the health professions bonus to be paid under the agreement shall be fixed.

(f) **WRITTEN AGREEMENT FOR BONUS.**—To receive a bonus under this section, an officer determined to be eligible for the bonus shall enter into a written agreement with the Secretary concerned that specifies—

(1) the amount of the bonus;

(2) the method of payment of the bonus under subsection (e)(2);

(3) the period of obligated service;

(4) whether the service will be performed on active duty or in an active status in a reserve component; and

(5) the type or conditions of the service.

(g) **RESERVE COMPONENT OFFICERS.**—An officer in a reserve component authorized incentive pay under subsection (b) or (c) who is not serving on continuous active duty and is entitled to compensation under section 204 of this title or compensation under section 206 of this title may be paid a monthly amount of incentive pay that is proportionate to the basic pay or compensation received under this title.

(h) **RELATIONSHIP TO OTHER PAY AND ALLOWANCES.**—

(1) **HEALTH PROFESSIONS BONUS.**—A bonus paid to a person or officer under subsection (a) shall be in addition to any other pay and allowance to which the person or officer is entitled, except that a person or officer may not receive a payment under such subsection and section 332 of this title for the same period of obligated service.

(2) **HEALTH PROFESSIONS INCENTIVE PAY.**—Incentive pay paid to an officer under subsection (b) shall be in addition to any other pay and allowance to which an officer is entitled, except that an officer may not receive a payment under such subsection and section 353 of this title for the same skill and period of service.

(3) **BOARD CERTIFICATION INCENTIVE PAY.**—Incentive pay paid to an officer under subsection (c) shall be in addition to any other pay and allowance to which an officer is entitled, except that an officer may not receive a payment under such subsection and section 353(b) of this title for the same skill and period of service covered by the certification.

(i) **REPAYMENT.**—An officer who receives a bonus or incentive pay under this section and who fails to fulfill the eligibility requirements for the receipt of the bonus or incentive pay or complete the period of service for which the bonus or incentive pay is paid, as specified in the written agreement under subsection (f) in the case of a bonus, shall be subject to the repayment provisions of section 373 of this title.

(j) **HEALTH PROFESSION DEFINED.**—In this section, the term “health profession” means the following:

(1) Any health profession performed by officers in the Medical Corps of a uniformed service or by officers designated as a medical officer.

(2) Any health profession performed by officers in the Dental Corps of a uniformed service or by officers designated as a dental officer.

(3) Any health profession performed by officers in the Medical Service Corps of a uniformed service or by officers designated as a medical service officer or biomedical sciences officer.

(4) Any health profession performed by officers in the Medical Specialist Corps of a uniformed service or by officers designated as a medical specialist.

(5) Any health profession performed by officers of the Nurse Corps of a uniformed service or by officers designated as a nurse.

(6) Any health profession performed by officers in the Veterinary Corps of a uniformed

service or by officers designated as a veterinary officer.

(7) Any health profession performed by officers designated as a physician assistant.

(8) Any health profession performed by officers in the regular or reserve corps of the Public Health Service.

(k) TERMINATION OF AUTHORITY.—No agreement may be entered into under this section after December 31, 2009.

(Added Pub. L. 110-181, div. A, title VI, §661(a)(2), Jan. 28, 2008, 122 Stat. 169; amended Pub. L. 110-417, [div. A], title VI, §618(c), Oct. 14, 2008, 122 Stat. 4486.)

AMENDMENTS

2008—Subsec. (e)(1)(D)(i). Pub. L. 110-417 substituted “dental officers” for “dental surgeons”.

TARGETED BONUS AUTHORITY TO INCREASE DIRECT ACCESSIONS

Pub. L. 110-417, [div. A], title VI, §620(a), Oct. 14, 2008, 122 Stat. 4489, provided that:

“(1) DESIGNATION OF CRITICALLY SHORT WARTIME HEALTH SPECIALTIES.—For purposes of section 335 of title 37, United States Code, as added by section 661 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 169), the following health professions are designated as a critically short wartime specialty under subsection (a)(2) of such section:

“(A) Psychologists who have been awarded a diploma as a Diplomate in Psychology by the American Board of Professional Psychology and are fully licensed and such other mental health practitioners as the Secretary concerned determines to be necessary.

“(B) Registered nurses.

“(2) SPECIAL AGREEMENT AUTHORITY.—Under the authority provided by this section [enacting this note and section 302c-1 of this title], the Secretary concerned may enter into an agreement under subsection (f) of section 335 of title 37, United States Code, to pay a health professions bonus under such section to a person who accepts a commission or appointment as an officer and whose health profession specialty is specified in paragraph (1) of this subsection.

“(3) SECRETARY CONCERNED DEFINED.—In this subsection, the term ‘Secretary concerned’ has the meaning given that term in section 101(5) of title 37, United States Code.

“(4) EFFECTIVE PERIOD.—The designations made by this subsection and the authority to enter into an agreement under paragraph (2) of this subsection expire on September 30, 2010.”

§ 351. Hazardous duty pay

(a) HAZARDOUS DUTY PAY.—The Secretary concerned may pay hazardous duty pay under this section to a member of a regular or reserve component of the uniformed services entitled to basic pay under section 204 of this title or compensation under section 206 of this title who—

(1) performs duty in a hostile fire area designated by the Secretary concerned, is exposed to a hostile fire event, explosion of a hostile explosive device, or any other hostile action, or is on duty during a month in an area in which a hostile event occurred which placed the member in grave danger of physical injury;

(2) performs duty designated by the Secretary concerned as hazardous duty based upon the inherent dangers of that duty and risks of physical injury; or

(3) performs duty in a foreign area designated by the Secretary concerned as an area in which the member is subject to imminent danger of physical injury due to threat conditions.

(b) MAXIMUM AMOUNT.—The amount of hazardous duty pay paid to a member under subsection (a) shall be based on the type of duty and the area in which the duty is performed, as follows:

(1) In the case of a member who performs duty in a designated hostile fire area, as described in subsection (a)(1), hazardous duty pay may not exceed \$450 per month.

(2) In the case of a member who performs a designated hazardous duty, as described in subsection (a)(2), hazardous duty pay may not exceed \$250 per month.

(3) In the case of a member who performs duty in a foreign area designated as an imminent danger area, as described in subsection (a)(3), hazardous duty pay may not exceed \$250 per month.

(c) METHOD OF PAYMENT.—Hazardous duty pay shall be paid on a monthly basis. A member who is eligible for hazardous duty pay by reason of paragraph (1) or (3) of subsection (a) shall receive the full monthly rate of hazardous duty pay authorized by the Secretary concerned under such paragraph, notwithstanding subsection (d).

(d) RESERVE COMPONENT MEMBERS PERFORMING INACTIVE DUTY TRAINING.—A member of a reserve component entitled to compensation under section 206 of this title who is authorized hazardous duty pay under this section may be paid an amount of hazardous duty pay that is proportionate to the compensation received by the member under section 206 of this title for inactive-duty training.

(e) ADMINISTRATION AND RETROACTIVE PAYMENTS.—The effective date for the designation of a hostile fire area, as described in paragraph (1) of subsection (a), and for the designation of a foreign area as an imminent danger area, as described in paragraph (3) of such subsection, may be a date that occurs before, on, or after the actual date of the designation by the Secretary concerned.

(f) DETERMINATION OF FACT.—Any determination of fact that is made in connection with determining whether a triggering event has occurred for the provision of hazardous duty pay under subsection (a)(1) is conclusive. The determination may not be reviewed by any other officer or agency of the United States unless there has been fraud or gross negligence. However, the Secretary concerned may change the determination on the basis of new evidence or for other good cause.

(g) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—

(1) IN ADDITION TO OTHER PAY AND ALLOWANCES.—A member may be paid hazardous duty pay under this section in addition to any other pay and allowances to which the member is entitled. The regulations prescribed to administer this section shall address dual compensation under this section for multiple circumstances involving performance of a des-