made by the Army to the Thrift Savings Fund on behalf of such members during the period of the pilot program.

''(B) An assessment, based on the pilot program and taking into account the views of officers and senior enlisted personnel of the Army, and of field recruiters, of the extent to which contributions by the military departments to the Thrift Savings Fund on behalf of members of the Armed Forces similar to the participants in the pilot program—

''(i) would enhance the recruiting efforts of the Armed Forces; and

''(ii) would assist such members in establishing habits of financial responsibility during their initial enlistment in the Armed Forces.''

§ 212. Advancement of basic pay: members deployed in combat zone for more than one year

(a) ELIGIBILITY; AMOUNT ADVANCED.—If a member of the armed forces is assigned to duty in an area for which special pay under section 310 of this title is available and the assignment is pursuant to orders specifying an assignment of one year or more (or the assignment is extended beyond one year), the member may request, during the period of the assignment, the advanced payment of not more than three months of the basic pay of the member.

(b) CONSIDERATION OF REQUEST.—A request by a member described in subsection (a) for the advanced payment of a single month of basic pay shall be granted. The Secretary concerned may grant a member's request for a second or third month of advanced basic pay during the assignment upon a showing of financial hardship.

(c) RECOUPMENT OF ADVANCED PAY.—The Secretary concerned shall recoup an advance made on the basic pay of a member under this section in equal installments over a one-year period beginning as provided in subsection (d). If the member is serving on active duty for any month during the recoupment period, the amount of the installment for the month shall be deducted from the basic pay of the member for that month. The estate of a deceased member shall not be required to repay any portion of the advanced pay paid to the member and not repaid before the death of the member.

(d) COMMENCEMENT OF RECOUPMENT.—The recoupment period for an advancement of basic pay to a member under this section shall commence on the first day of the first month beginning on or after the date on which the member receives the advanced pay.

(Added Pub. L. 108–375, div. A, title VI, § 606(a), Oct. 28, 2004, 118 Stat. 1945.)

CHAPTER 5—SPECIAL AND INCENTIVE PAYS

SUBCHAPTER I—EXISTING SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES

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301. Incentive pay: hazardous duty.
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302i. Special pay: pharmacy officers.
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307. Special pay: special duty assignment pay for enlisted members.
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308. Special pay: reenlistment bonus.
[308a. Repealed.]
308b. Special pay: reenlistment bonus for members of the Selected Reserve.
308c. Special pay: bonus for affiliation or enlistment in the Selected Reserve.
308d. Special pay: members of the Selected Reserve assigned to certain high priority units.
[308e, 308f. Repealed.]
308g. Special pay: bonus for enlistment in elements of the Ready Reserve other than the Selected Reserve.
308h. Special pay: bonus for reenlistment, enlistment, or voluntary extension of enlistment in elements of the Ready Reserve other than the Selected Reserve.
308i. Special pay: prior service enlistment bonus.
308j. Special pay: affiliation bonus for officers in the Selected Reserve.
309. Special pay: enlistment bonus.
310. Special pay: duty subject to hostile fire or imminent danger.
[311. Repealed.]
312. Special pay: nuclear-qualified officers extending period of active service.
[312a. Repealed.]
312b. Special pay: nuclear career accession bonus.
312c. Special pay: nuclear career annual incentive bonus.
[313. Repealed.]
314. Special pay or bonus: qualified members extending duty at designated locations overseas.
315. Special pay: engineering and scientific career continuation pay.
316. Special pay: bonus for members with foreign language proficiency.

Sec.
316a. Special pay: incentive pay for members of precommissioning programs pursuing foreign language proficiency.
317. Special pay: officers in critical acquisition positions extending period of active duty.
318. Special pay: special warfare officers extending period of active duty.
319. Special pay: surface warfare officer continuation pay.
320. Incentive pay: career enlisted flyers.
321. Special pay: judge advocate continuation pay.
[322, 323. Renumbered.]
324. Special pay: accession bonus for new officers in critical skills.
325. Incentive bonus: savings plan for education expenses and other contingencies.
326. Incentive bonus: conversion to military occupational specialty to ease personnel shortage.
327. Incentive bonus: transfer between armed forces.
328. Combat-related injury rehabilitation pay.
329. Incentive bonus: retired members and reserve component members volunteering for high-demand, low-density assignments.
330. Special pay: accession bonus for officer candidates.

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331. General bonus authority for enlisted members.
332. General bonus authority for officers.
333. Special bonus and incentive pay authorities for nuclear officers.
334. Special aviation incentive pay and bonus authorities for officers.
335. Special bonus and incentive pay authorities for officers in health professions.
336. Contracting bonus for cadets and midshipmen enrolled in the Senior Reserve Officers' Training Corps.
351. Hazardous duty pay.
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353. Skill incentive pay or proficiency bonus.
354. Special pay: 15-year career status bonus for members entering service on or after August 1, 1986.
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SUBCHAPTER III—GENERAL PROVISIONS

371. Relationship to other incentives and pays.
372. Continuation of pays during hospitalization and rehabilitation resulting from wounds, injury, or illness incurred while on duty in a hostile fire area or exposed to an event of hostile fire or other hostile action.
373. Repayment of unearned portion of bonus, incentive pay, or similar benefit, and termination of remaining payments, when conditions of payment not met.
374. Regulations.

AMENDMENTS

2013—Pub. L. 113–66, div. A, title VI, §617(b), Dec. 26, 2013, 127 Stat. 782, added item 336.

2011—Pub. L. 111–383, div. A, title X, §1075(c)(2), Jan. 7, 2011, 124 Stat. 4372, added item 312 and struck out former item 312 ''Special pay: nuclear-qualified officers extending period of active duty''.

2008—Pub. L. 110–417, [div. A], title VI, §§619(b)(2), 620(b)(2), 651(c)(2)(B), Oct. 14, 2008, 122 Stat. 4489, 4491, 4497, added items 302c–1, 316a, and 373 and struck out former item 373 ''Repayment of unearned portion of bonus, incentive pay, or similar benefit when conditions of payment not met''.

Pub. L. 110–181, div. A, title VI, §661(d), Jan. 28, 2008, 122 Stat. 178, amended analysis generally, substituting items 301 to 374 and subchapter headings for former items 301 to 330.

2006—Pub. L. 109–364, div. A, title VI, §§617(d), 621(d)(1), 622(a)(2), Oct. 17, 2006, 120 Stat. 2251, 2255, 2256, added items 302k, 302*l*, 329, and 330.

Pub. L. 109–163, div. A, title VI, §§629(d)(2), 631(c), 632(c)(2), 634(c)(2), 639(e)(2), 640(f)(2), 641(b), 642(c), 687(e)(2), Jan. 6, 2006, 119 Stat. 3297, 3299, 3300, 3302, 3303, 3305, 3306, 3336, added items 327 and 328, substituted ''Special pay: general provisions'' for ''Special pay: health professionals; general provisions'' in item 303a, ''Special pay: bonus for affiliation or enlistment in the Selected Reserve'' for ''Special pay: bonus for enlistment in the Selected Reserve'' in item 308c, ''Special pay: members of the Selected Reserve assigned to certain high priority units'' for ''Special pay: enlisted members of the Selected Reserve assigned to certain high priority units'' in item 308d, ''Special pay: affiliation bonus for officers in the Selected Reserve'' for ''Special pay: bonus for certain initial service of officers in the Selected Reserve'' in item 308j, ''Special pay: bonus for members with foreign language proficiency'' for ''Special pay and bonus for members with foreign language proficiency'' in item 316, and ''Special pay: retention incentives for members qualified in critical military skills or assigned to high priority units'' for ''Special pay: retention incentives for members qualified in a critical military skill'' in item 323, and struck out item 308e ''Special pay: bonus for reserve affiliation agreement'' and item 312a ''Special pay: nuclear-trained and qualified enlisted members''.

2004—Pub. L. 108–375, div. A, title VI, §§619(b), 620(a)(2), (b)(2), Oct. 28, 2004, 118 Stat. 1952, 1954, added item 308j, substituted ''Special pay and bonus for members with foreign language proficiency'' for ''Special pay: foreign language proficiency pay'' in item 316, and struck out item 316a ''Waiver of certification requirement''.

2003—Pub. L. 108–136, div. A, title VI, §§621(a)(2)(B), 624(b), 625(b), Nov. 24, 2003, 117 Stat. 1505–1507, added items 305b and 326 and substituted ''qualified members'' for ''qualified enlisted members'' in item 314.

2002—Pub. L. 107–314, div. A, title VI, §616(a)(2), Dec. 2, 2002, 116 Stat. 2570, added item 307a.

2001—Pub. L. 107–107, div. A, title VI, §§621(b), 622(a)(2), Dec. 28, 2001, 115 Stat. 1140, 1142, added items 324 and 325.

2000—Pub. L. 106–398, §1 [[div. A], title VI, §§624(a)(2), (b)(2), 628(c), 633(a)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A–152, 1654A–153, 1654A–155, 1654A–158, added items 302i, 302j, 309, and 323 and struck out items 308a ''Special pay: enlistment bonus'' and 308f ''Special pay: bonus for enlistment in the Army''.

1999—Pub. L. 106–65, div. A, title VI, §§626(a)(2), 627(a)(2), 628(a)(2), 629(a)(2), 642(b), Oct. 5, 1999, 113 Stat. 656, 657, 659, 660, 663, added items 318 to 322.

1998—Pub. L. 105–261, div. A, title VI, §617(c)(2), Oct. 17, 1998, 112 Stat. 2041, struck out ''location'' after ''hardship duty'' in item 305.

1997—Pub. L. 105–85, div. A, title VI, §§617(b), 619(c)(2), 625(a)(2), Nov. 18, 1997, 111 Stat. 1789, 1790, 1795, added item 301e and substituted ''hardship duty location pay'' for ''while on duty at certain places'' in item 305 and ''Special pay or bonus:'' for ''Special pay:'' in item 314.

1996—Pub. L. 104–201, div. A, title VI, §615(c)(2), Sept. 23, 1996, 110 Stat. 2546, added item 302h.

Pub. L. 104–106, div. A, title VI, §614(a)(2), Feb. 10, 1996, 110 Stat. 361, added item 302g.

1991—Pub. L. 102–190, div. A, title VI, §§634(b), 635(b), 636(b), Dec. 5, 1991, 105 Stat. 1381–1383, added items 302f, 303b, and 316a.

Pub. L. 102–25, title VII, §702(a)(1), Apr. 6, 1991, 105 Stat. 117, substituted ''Multiyear retention'' for ''Retention'' in item 301d.

1990—Pub. L. 101–510, div. A, title VI, §§611(a)(2), 618(c)(2), title XII, §1203(a)(2), title XIV, §1484(f)(1), Nov. 5, 1990, 104 Stat. 1576, 1579, 1657, 1717, revised chapter

heading so as to appear in all capital letters, added item 301d, inserted ''and nonphysician health care providers'' after ''psychologists'' in item 302c, and added item 317.

1989—Pub. L. 101–189, div. A, title V, § 505(a)(2), title VII, §§ 704(b)(2), 705(a)(2), 706(a)(2), Nov. 29, 1989, 103 Stat. 1438, 1471–1473, struck out ''in the Public Health Service Corps'' after ''psychologists'' in item 302c and added items 302d, 302e, and 308d.

1987—Pub. L. 100–140, § 2(b)(2), Oct. 26, 1987, 101 Stat. 831, added item 302c.

1986—Pub. L. 99–661, div. A, title VI, § 634(a)(2), Nov. 14, 1986, 100 Stat. 3885, added item 316.

1985—Pub. L. 99–145, title VI, §§ 639(e), 644(a)(2), Nov. 8, 1985, 99 Stat. 651, 653, substituted ''dental officers of the armed forces'' for ''dentists'' in item 302b, added item 308i, and struck out item 311 ''Special pay: continuation pay for dentists in the armed forces''.

1984—Pub. L. 98–525, title VI, § 623(b)(2), title XIV, § 1402(b)(2), Oct. 19, 1984, 98 Stat. 2542, 2621, substituted ''special duty assignment pay for enlisted members'' for ''proficiency pay for enlisted members'' in item 307, and added item 306a.

1983—Pub. L. 98–94, title IX, § 905(b)(2), title X, § 1011(b)(2), Sept. 24, 1983, 97 Stat. 664, struck out item 308d ''Special pay: bonus for enlistment, reenlistment, or extension of enlistment in elements of the ready Reserve other than the Selected Reserve'', added items 308g and 308h, and in item 310 inserted ''or imminent danger''.

1981—Pub. L. 97–60, title I, §§ 117(c)(2), 120(b), Oct. 14, 1981, 95 Stat. 997, 999, added items 308f and 315.

1980—Pub. L. 96–579, §§ 3(e), 5(a)(2), Dec. 23, 1980, 94 Stat. 3364, 3366, added items 301c and 314.

Pub. L. 96–513, title V, § 506(5), Dec. 12, 1980, 94 Stat. 2919, struck out items 302c ''Special pay: medical officers of the Public Health Service'' and 313 ''Special pay: medical officers of the Public Health Service who execute active duty agreements'', and struck out ''and physicians and dentists in the Public Health Service'' after ''forces'' in item 311.

Pub. L. 96–342, title VIII, §§ 805(a)(2), 806(a)(2), Sept. 8, 1980, 94 Stat. 1094, 1096, added items 301b, 308d, and 308e.

Pub. L. 96–284, §§ 2(b), 3(a)(2), (b)(6), 4(d)(4), 5(b), June 28, 1980, 94 Stat. 589–593, added items 302c and 303a, and in item 302, substituted ''medical officers of the armed forces'' for ''physicians'', item 311, substituted ''dentists in the armed forces and physicians and dentists in the Public Health Service'' for ''physicians and dentists who extend their service on active duty'', and in item 313, inserted ''of the Public Health Service'' after ''medical officers''.

1979—Pub. L. 96–107, title IV, § 404(a)(2), Nov. 9, 1979, 93 Stat. 808, struck out item 309 ''Reserves; members of National Guard: additional pay for performance of administrative duty.''

1978—Pub. L. 95–485, title IV, § 404(b), title VIII, § 804(b)(2), Oct. 20, 1978, 92 Stat. 1615, 1621, substituted ''on duty'' for ''on sea duty or duty'' in item 305, and added items 305a and 308c.

1977—Pub. L. 95–79, title IV, § 403(a)(2), July 30, 1977, 91 Stat. 331, added item 308b.

1976—Pub. L. 94–356, § 3, July 12, 1976, 90 Stat. 901, added items 312b and 312c.

1974—Pub. L. 93–294, § 2(3), May 31, 1974, 88 Stat. 177, added item 301a.

Pub. L. 93–274, § 1(1), (2), (4), May 6, 1974, 88 Stat. 94, 95, substituted ''physicians'' for ''physicians and dentists'' in item 302, and added items 302b and 313.

1972—Pub. L. 92–581, § 1(1), (4), Oct. 27, 1972, 86 Stat. 1277, 1278, struck out ''submarine'' in item 312, and added item 312a.

1971—Pub. L. 92–129, title II, §§ 202(b), 203(b), Sept. 28, 1971, 85 Stat. 358, added items 302a and 308a.

1969—Pub. L. 91–20, § 1(2), June 3, 1969, 83 Stat. 13, added item 312.

1967—Pub. L. 90–207, § 1(2)(B), Dec. 16, 1967, 81 Stat. 651, added item 311.

1963—Pub. L. 88–132, §§ 9(a)(2), 12(c), Oct. 2, 1963, 77 Stat. 216, 218, substituted ''while on sea duty or duty at certain places'' for ''sea and foreign duty'' in item 305, and added item 310.

SUBCHAPTER I—EXISTING SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES

§ 301. Incentive pay: hazardous duty

(a) Subject to regulations prescribed by the President, a member of a uniformed service who is entitled to basic pay is also entitled to incentive pay, in the amount set forth in subsection (b) or (c), for the performance of hazardous duty required by orders. In this subsection, the term ''hazardous duty'' means duty—

(1) involving frequent and regular participation in aerial flight as a crew member, as determined by the Secretary concerned, except for a member who is entitled to incentive pay under section 301a of this title;

(2) involving frequent and regular participation in aerial flight, not as a crew member under paragraph (1);

(3) involving parachute jumping as an essential part of military duty;

(4) involving the demolition of explosives as a primary duty, including training for that duty;

(5) inside a high- or low-pressure chamber;

(6) as a human acceleration or deceleration experimental subject;

(7) as a human test subject in thermal stress experiments;

(8) involving frequent and regular participation in flight operations on the flight deck of an aircraft carrier or of a ship other than an aircraft carrier from which aircraft are launched;

(9) involving frequent and regular exposure to highly toxic pesticides or involving laboratory work that utilizes live dangerous viruses or bacteria;

(10) involving (A) the servicing of aircraft or missiles with highly toxic fuels or propellants, (B) the testing of aircraft or missile systems (or components of such systems) during which highly toxic fuels or propellants are used, or (C) the handling of chemical munitions (or components of such munitions);

(11) involving regular participation as a member of a team conducting visit, board, search, and seizure operations aboard vessels in support of maritime interdiction operations;

(12) involving use of ski-equipped aircraft on the ground in Antarctica or on the Arctic icepack; or

(13) involving frequent and regular participation in aerial flight by a member who is serving as an air weapons controller crew member (as defined by the Secretary concerned) aboard an airborne warning and control system aircraft (as designated by such Secretary) and who is not entitled to incentive pay under section 301a of this title.

(b) For the performance of hazardous duty described in paragraph (1) of subsection (a), a member is entitled to monthly incentive pay as follows:

Pay Grade	Monthly Rate
O–10	$150

Pay Grade	Monthly Rate
O–9	150
O–8	150
O–7	150
O–6	250
O–5	250
O–4	225
O–3	175
O–2	150
O–1	150
W–5	250
W–4	250
W–3	175
W–2	150
W–1	150
E–9	240
E–8	240
E–7	240
E–6	215
E–5	190
E–4	165
E–3	150
E–2	150
E–1	150

(c)(1) For the performance of hazardous duty described in paragraphs (2) through (12) of subsection (a), a member is entitled to $150 a month. However, a member performing hazardous duty described in paragraph (3) of that subsection who also performs as an essential part of such duty parachute jumping in military free fall operations involving parachute deployment by the jumper without the use of a static line is entitled to $225 a month.

(2)(A) For the performance of hazardous duty described in paragraph (13) of subsection (a), a member is entitled to monthly incentive pay based upon his years of service as an air weapons controller as follows:

Pay grade	Years of service as an air weapons controller							
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12
O–7 and above	$200	$200	$200	$200	$200	$200	$200	$200
O–6	225	250	300	325	350	350	350	350
O–5	200	250	300	325	350	350	350	350
O–4	175	225	275	300	350	350	350	350
O–3	150	156	188	206	350	350	350	350
O–2	150	156	188	206	250	300	300	300
O–1	150	156	188	206	250	250	250	250
W–4	200	225	275	300	325	325	325	325
W–3	175	225	275	300	325	325	325	325
W–2	150	200	250	275	325	325	325	325
W–1	150	150	150	175	325	325	325	325
E–9	200	225	250	275	300	300	300	300
E–8	200	225	250	275	300	300	300	300
E–7	175	200	225	250	275	275	275	300
E–6	156	175	200	225	250	250	250	300
E–5	150	156	175	188	200	200	200	250
E–4 and below	150	156	175	188	200	200	200	200

Pay grade	Over 14	Over 16	Over 18	Over 20	Over 22	Over 24	Over 25
O–7 and above	$200	$200	$200	$200	$200	$200	$150
O–6	350	350	350	300	250	250	225
O–5	350	350	350	300	250	250	225
O–4	350	350	350	300	250	250	225
O–3	350	350	300	275	250	225	200
O–2	300	300	275	245	210	200	180
O–1	250	250	245	210	200	180	150
W–4	325	325	325	276	250	225	200
W–3	325	325	325	325	250	225	200
W–2	325	325	325	275	250	225	200
W–1	325	325	325	275	250	225	200
E–9	300	300	300	275	230	200	200
E–8	300	300	300	265	230	200	200
E–7	300	300	300	265	230	200	200
E–6	300	300	300	265	230	200	200
E–5	250	250	250	225	200	175	150
E–4 and below	200	200	200	175	150	150	150

(B) For purposes of this paragraph, the years of service of a member as an air weapons controller shall be computed, under regulations prescribed by the Secretary concerned, from the date the member begins training leading to a designation as an air weapons controller, but there shall be excluded from such computation any period of more than 90 days during which the member performs primary duties other than as an air weapons controller.

(d)(1) In time of war, the President may suspend the payment of incentive pay for any hazardous duty described in subsection (a).

(2) A member is entitled to not more than two payments of incentive pay, authorized by this section, for a period of time during which he qualifies for more than one payment of that pay.

(e) A member of a uniformed service who is entitled to basic pay may be paid incentive pay under this subsection, at a monthly rate not to exceed $150, for any month during which the member performs duty involving regular participation as a firefighting crew member, as determined by the Secretary concerned.

(f)(1) Under regulations prescribed by the President and to the extent provided for by appropriations, when a member of a reserve component of a uniformed service, or of the National Guard, who is entitled to compensation under section 206 of this title, performs, under orders, any duty described in subsection (a) for members entitled to basic pay, he is entitled to an increase in compensation equal to 1/30 of the monthly incentive pay authorized by subsection (b) or (c), as the case may be, for the performance of that hazardous duty by a member of a corresponding grade who is entitled to basic pay. He is entitled to the increase for as long as he is qualified for it, for each regular period of instruction, or period of appropriate duty, at which he is engaged for at least two hours, including that performed on a Sunday or holiday, or for the performance of such other equivalent training, instruction, duty, or appropriate duties, as the Secretary may prescribe under section 206(a) of this title. This subsection does not apply to a member who is entitled to basic pay under section 204 of this title for the entire month.

(2)(A) If in any calendar month a member performs duty as described in paragraph (1) and while entitled to basic pay also performs hazardous duty as described in the same paragraph of subsection (a) as constitutes the predicate for his entitlement under paragraph (1), the earned units of measuring entitlement for incentive pay under this section shall be combined. If the sum of units determined under the preceding sentence equals or exceeds the minimum standard prescribed by the President for entitlement to pay specified under subsections (b) and (c) for a member of corresponding grade who is entitled to basic pay for the entire relevant month, the member shall be entitled to an increase in compensation equal to 1/30 of the monthly incentive pay authorized by subsection (b) or (c) for the performance of that hazardous duty by a member of corresponding grade who is entitled to basic pay for the entire month.

(B) A member who qualifies for entitlement under this paragraph is entitled to the increase

for each day in the relevant month in which he is entitled to basic pay pursuant to section 204 of this title or to compensation under section 206 of this title.

(C) In this paragraph, the term ''units'' means the significant increments of performance prescribed as qualifying standards in regulations promulgated by the President pursuant to this section.

(Pub. L. 87–649, Sept. 7, 1962, 76 Stat. 461; Pub. L. 88–132, §§6–8, Oct. 2, 1963, 77 Stat. 215, 216; Pub. L. 89–149, §§1–3, Aug. 28, 1965, 79 Stat. 585; Pub. L. 89–278, Oct. 20, 1965, 79 Stat. 1011; Pub. L. 89–718, §52, Nov. 2, 1966, 80 Stat. 1121; Pub. L. 92–436, title VI, §605, Sept. 26, 1972, 86 Stat. 740; Pub. L. 93–294, §2(1), (2), May 31, 1974, 88 Stat. 177; Pub. L. 96–343, §2(a), Sept. 8, 1980, 94 Stat. 1123; Pub. L. 96–513, title V, §516(5), Dec. 12, 1980, 94 Stat. 2938; Pub. L. 96–579, §3(a)–(c), Dec. 23, 1980, 94 Stat. 3360; Pub. L. 97–60, title I, §111(a)–(c), Oct. 14, 1981, 95 Stat. 992, 993; Pub. L. 98–94, title IX, §903(a), Sept. 24, 1983, 97 Stat. 635; Pub. L. 98–525, title VI, §624(a), Oct. 19, 1984, 98 Stat. 2542; Pub. L. 99–145, title VI, §§635(a), 647(a), title XIII, §1303(b)(2), Nov. 8, 1985, 99 Stat. 647, 655, 740; Pub. L. 99–661, div. A, title XIII, §1342(a), Nov. 14, 1986, 100 Stat. 3991; Pub. L. 100–26, §8(d)(1), (e)(2), Apr. 21, 1987, 101 Stat. 285, 286; Pub. L. 102–25, title VII, §702(b)(1), (2), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 102–190, div. A, title VI, §614, title XI, §1111(d)(1), Dec. 5, 1991, 105 Stat. 1377, 1492; Pub. L. 104–106, div. A, title VI, §615, Feb. 10, 1996, 110 Stat. 361; Pub. L. 105–85, div. A, title VI, §614, Nov. 18, 1997, 111 Stat. 1786; Pub. L. 105–261, div. A, title VI, §614(a), Oct. 17, 1998, 112 Stat. 2039; Pub. L. 107–107, div. A, title VI, §615(a), (b), Dec. 28, 2001, 115 Stat. 1136; Pub. L. 108–136, div. A, title VI, §615(a)–(c), Nov. 24, 2003, 117 Stat. 1502; Pub. L. 108–375, div. A, title VI, §615, Oct. 28, 2004, 118 Stat. 1948; Pub. L. 109–364, div. A, title X, §1071(c)(2), Oct. 17, 2006, 120 Stat. 2400.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
301(a)	37:235(a).	Feb. 18, 1946, ch. 30 (1st proviso under ''General Provision''), 60 Stat. 20.
301(b)	37:235(b).	
301(c)	37:235(c).	
301(d)	37:235(d).	Oct. 12, 1949, ch. 681, §§204, 501(d), (e) (as applicable to incentive pay), 63 Stat. 809, 826, 827; Mar. 31, 1955, ch. 20, §2(4)–(7), 69 Stat. 19–21; Aug. 28, 1957, Pub. L. 85–208, 71 Stat. 484; May 20, 1958, Pub. L. 85–422, §1(6), 72 Stat. 124; June 30, 1960, Pub. L. 86–559, §8, 74 Stat. 282; July 12, 1960, Pub. L. 86–635, 74 Stat. 469; Aug. 17, 1961, Pub. L. 87–145, §§2, 3, 75 Stat. 382.
301(e)	37:235(e).	
301(f)	37:301(d).	
	37:301(e) (as applicable to incentive pay).	
301(g)	37:118a–1.	

In subsection (a), the words ''is also entitled'' are substituted for the words ''shall, in addition thereto, be entitled''. The words ''For the purposes of this subsection'' are inserted for clarity. The word ''competent'' is omitted as surplusage.

In subsection (b), the words preceding the tables are substituted for section 235(b) (words preceding tables) of existing title 37. The words ''Years of service computed under section 205'' are inserted in the tables for clarity.

In subsection (f), the words ''a member of a reserve component of a uniformed service, or of the National Guard'' are substituted for the enumeration of the organizations concerned in section 301(d) of existing title 37. The words ''when . . . performs, under orders, any duty described in subsection (a)(1)–(11) for members entitled to basic pay'' are substituted for the words ''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''. The last sentence is substituted for section 301(e) (as applicable to (d)) of existing title 37.

In subsection (g), the words ''entitled to incentive pay under section 301(a)(1) of this title'' are substituted for the words ''flight pay''. At the time of the enactment of the source statute, additional pay was authorized as ''flight pay''. However, the Career Compensation Act of 1949 did not authorize ''flight pay'' but provided incentive pay in section 204(a)(1) [now section 301(a)(1) of this revised title] for ''duty as a crew member . . . involving frequent and regular participation in aerial flight''. The words ''before January 2 of each year'' are substituted for the words ''On or before January 1, annually''. The word ''grade'' is substituted for the word ''rank'' to conform to the definition in section 101(15) of this revised title.

AMENDMENTS

2006—Subsec. (f)(2)(C). Pub. L. 109–364 struck out comma after ''the term''.

2004—Subsecs. (d), (e). Pub. L. 108–375 designated existing provisions of subsec. (d) as par. (1) of subsec. (d), redesignated former subsec. (e) as par. (2) of subsec. (d), and added subsec. (e).

2003—Subsec. (a)(2). Pub. L. 108–136, §615(c)(1), substituted ''paragraph'' for ''clause''.

Subsec. (a)(11) to (13). Pub. L. 108–136, §615(a), struck out ''or'' at end of par. (11), added par. (12), and redesignated former par. (12) as (13).

Subsec. (b). Pub. L. 108–136, §615(c)(1), substituted ''paragraph'' for ''clause'' in introductory provisions.

Subsec. (c)(1). Pub. L. 108–136, §615(c)(2), substituted ''paragraphs'' for ''clauses''.

Pub. L. 108–136, §615(c)(1), substituted ''paragraph'' for ''clause''.

Pub. L. 108–136, §615(b)(1), substituted ''(12)'' for ''(11)''.

Subsec. (c)(2)(A). Pub. L. 108–136, §615(c)(1), substituted ''paragraph'' for ''clause'' in introductory provisions.

Pub. L. 108–136, §615(b)(2), substituted ''(13)'' for ''(12)'' in introductory provisions.

Subsec. (f)(2)(A). Pub. L. 108–136, §615(c)(1), substituted ''paragraph'' for ''clause'' after ''same''.

2001—Subsec. (a)(11), (12). Pub. L. 107–107, §615(a), added par. (11) and redesignated former par. (11) as (12).

Subsec. (c)(1). Pub. L. 107–107, §615(b)(1), substituted ''(11) of subsection (a)'' for ''(10) of subsection (a)''.

Subsec. (c)(2)(A). Pub. L. 107–107, §615(b)(2), substituted ''(12) of subsection (a)'' for ''(11) of subsection (a)''.

1998—Subsec. (b). Pub. L. 105–261 in table substituted ''165'' for ''150'' as monthly rate for pay grade E–4, ''190'' for ''150'' as monthly rate for pay grade E–5, ''215'' for ''175'' as monthly rate for pay grade E–6, and ''240'' for ''200'' as monthly rate for pay grades E–7 to E–9.

1997—Subsec. (b). Pub. L. 105–85, §614(a)(2), in table substituted ''150'' for ''125'' as monthly rate for pay grades O–1, W–1, and E–4.

Pub. L. 105–85, §614(a)(1), in table substituted ''150'' for ''110'' as monthly rate for pay grades O–7 to O–10 and E–1 to E–3.

Subsec. (c)(1). Pub. L. 105–85, §614(c), substituted ''$150'' for ''$110'' and ''$225'' for ''$165''.

Subsec. (c)(2)(A). Pub. L. 105–85, §614(b), in table substituted ''150'' for ''100'' in first column for pay grade

W–1, ''150'' for ''110'' in last column for pay grade O–7 and above, and ''150'' for ''125'' in first column for pay grades O–1 to O–3, E–4 and below, and E–5, in second column for pay grade W–1, and in fourteenth and fifteenth columns for pay grade E–4 and below.

1996—Subsec. (a)(11). Pub. L. 104–106, §615(a), substituted ''a member'' for ''an officer (other than a warrant officer)''.

Subsec. (c)(2)(A). Pub. L. 104–106, §615(c)(1), substituted ''a member'' for ''an officer'' in provisions before table.

Pub. L. 104–106, §615(b), amended table generally, adding provisions relating to pay grades W–1 through W–4 and E–4 and below through E–9.

Subsec. (c)(2)(B). Pub. L. 104–106, §615(c), substituted ''a member'' for ''an officer'' and substituted ''the member'' for ''the officer'' in two places.

1991—Pub. L. 102–25 struck out ''of this section'' and ''of this subsection'' wherever appearing.

Subsec. (b). Pub. L. 102–190, §1111(d)(1), in table inserted provisions relating to pay grade of W–5, compensable at monthly rate of $250, below item relating to pay grade O–1.

Subsec. (c)(1). Pub. L. 102–190, §614, substituted ''in military free fall operations involving parachute deployment by the jumper without the use of a static line'' for ''at a high altitude with a low opening''.

1987—Subsec. (a). Pub. L. 100–26, §8(e)(2)(A), substituted ''In this subsection, the term'' for ''For the purposes of this subsection,''.

Subsec. (b). Pub. L. 100–26, §8(d)(1), which directed that subsec. (b) be amended by substituting ''Monthly Rate'' for ''Monthly rate'' wherever appearing, could not be executed, because in the one place where the words appear, both words were already capitalized.

Subsec. (f)(2)(C). Pub. L. 100–26, §8(e)(2)(B), substituted ''paragraph, the term'' for ''paragraph''.

1986—Subsec. (a)(1). Pub. L. 99–661 amended par. (1) generally. Prior to amendment, par. (1) read as follows: ''as a crew member, as determined by the Secretary concerned, involving frequent and regular participation in aerial flight;''.

1985—Subsec. (a)(1). Pub. L. 99–145, §635(a)(1)(A), substituted ''a crew member'' for ''an enlisted crew member''.

Subsec. (a)(10). Pub. L. 99–145, §635(a)(1)(B), in amending cl. (10) generally, designated existing provisions as cls. (A) and (B) and added cl. (C).

Subsec. (b). Pub. L. 99–145, §635(a)(2), amended table generally, striking out differentiation in pay rates based upon years of service and reflect an upward adjustment in the monthly incentive pay with respect to pay grades E–9 through E–1, and inserted provisions relating to monthly incentive pay for pay grades O–10 through O–1 and W–4 through W–1, respectively.

Subsec. (c)(1). Pub. L. 99–145, §1303(b)(2), directed the substitution of ''(10),'' for ''(10),,''. See amendment note below.

Pub. L. 99–145, §635(a)(3), amended par. (1) generally. Prior to amendment, par. (1) read as follows: ''For the performance of the hazardous duty described in clause (2), (3), (4), (5), (6), (7), (8), (9), or (10),, of subsection (a) of this section, an officer is entitled to $110 a month and an enlisted member is entitled to $83 a month.''

Subsec. (f). Pub. L. 99–145, §647(a), designated existing provisions as par. (1), inserted ''for the entire month'' after ''section 204 of this title'', and added par. (2).

1984—Subsec. (a)(3). Pub. L. 98–525, §624(a)(1), redesignated cl. (4) as (3). Former cl. (3), relating to duty involving frequent and regular participation in glider flights, was struck out.

Subsec. (a)(4). Pub. L. 98–525, §624(a)(1), redesignated cl. (6) as (4). Former cl. (4) redesignated (3).

Subsec. (a)(5). Pub. L. 98–525, §624(a)(1), redesignated cl. (7) as (5). Former cl. (5), relating to duty involving intimate contact with persons afflicted with leprosy, was struck out.

Subsec. (a)(6) to (13). Pub. L. 98–525, §624(a)(1), redesignated cls. (8) to (13) as (6) to (11), respectively.

Subsec. (c)(1). Pub. L. 98–525, §624(a)(2), substituted ''or (10),'' for ''(10), (11), or (12)''.

Subsec. (c)(2). Pub. L. 98–525, §624(a)(3), substituted ''(11)'' for ''(13)''.

1983—Subsec. (a)(12). Pub. L. 98–94 inserted ''or the testing of aircraft or missile systems (or components of such systems) during which highly toxic fuels or propellants are used''.

1981—Subsec. (a). Pub. L. 97–60, §111(a), inserted reference in cl. (10) to a ship other than an aircraft carrier from which aircraft are launched, and added cls. (11) to (13).

Subsec. (b). Pub. L. 97–60, §111(b), amended table to reflect an upward adjustment in the monthly incentive pay.

Subsec. (c). Pub. L. 97–60, §111(c), designated existing provisions as par. (1), inserted reference to cls. (11) and (12) of subsec. (a) of this section and substituted ''$83'' for ''$55'', and added par. (2).

1980—Subsec. (a)(2). Pub. L. 96–579, §3(a), redesignated cl. (4) as (2) and struck out former cl. (2) defining ''hazardous duty'' as including submarine duty. See section 301c(a)(5) of this title.

Pub. L. 96–513, §516(5)(A), (B), in subcl. (B) substituted reference to subcl. (A) for reference to cl. (A), and in subcl. (B) substituted reference to subcl. (B) for reference to cl. (B).

Subsec. (a)(3). Pub. L. 96–579, §3(a), redesignated cl. (5) as (3) and struck out former cl. (3) defining ''hazardous duty'' as including duty as an operator or crew member of an operational, self-propelled submersible, including undersea exploration and research vehicles. See section 301c(a)(5) of this title.

Subsec. (a)(4) to (12). Pub. L. 96–579, §3(a), redesignated cls. (4) to (12) as (2) to (10), respectively.

Subsec. (b). Pub. L. 96–579, §3(b), struck out par. (1) designation for provision relating to monthly flight incentive pay for enlisted members and struck out par. (2) relating to monthly incentive pay for commissioned officers, warrant officers, and enlisted members for hazardous duty as crew member involving frequent and regular participation in aerial flight, submarine duty, and duty as an operator or crew member of an operational, self-propelled submersible, including undersea exploration and research vehicles, now reflected as to enlisted members in currently upgraded scale in subsec. (b) table and covered in section 301c(b) table reflecting currently upgraded scale for submarine duty by enlisted members, commissioned officers, and warrant officers.

Pub. L. 96–343 redesignated existing provision as par. (2), substituted ''(2) or (3)'' for ''(1), (2), or (3)'', and added par. (1).

Subsec. (c). Pub. L. 96–579, §3(c), inserted references to cls. (2) and (3) and struck out references to cls. (11) and (12) of subsec. (a) of this section.

Subsec. (f). Pub. L. 96–513, §516(5)(C), substituted reference to subsection (a) for reference to subsection (a)(1)–(12).

1974—Subsec. (a)(1). Pub. L. 93–294, §2(1), substituted ''an enlisted crew member'' for ''a crew member''.

Subsec. (g). Pub. L. 93–294, §2(2), repealed subsec. (g) which required the Secretary of each military department to report to Congress before January 2 each year the number of officers of the Army, Navy, or Air Force, as the case may be, above the grade of major or lieutenant commander, by grade and age group, who were entitled to incentive pay under subsec. (a)(1) of this section. See section 301a of this title.

1972—Subsec. (a)(2)(A). Pub. L. 92–436 included in the hazardous duty for incentive pay of a member of a submarine operational command the application of hours served underway in excess of 48 during the preceding five calendar months and not used to qualify for incentive pay, to satisfy of underway time requirements for the current month.

1966—Subsec. (a)(2). Pub. L. 89–718 made only style changes by capitalizing letter designations for cls. ''A'', ''B'', and ''C'' and by setting off text following cl. C

through the device of moving the margin to the left of the margin for the clauses.

1965—Subsec. (a)(2). Pub. L. 89–278 included duty as a member of a submarine operational command staff whose duties require serving on a submarine during underway operations for certain specified periods within term ''hazardous duty''.

Subsec. (a)(12). Pub. L. 89–149, § 1, added cl. (12).

Subsecs. (c), (f). Pub. L. 89–149, §§ 2, 3, inserted reference to cl. (12) of subsec. (a).

1963—Subsec. (a)(2). Pub. L. 88–132, § 6, substituted ''as determined by the Secretary concerned, on a submarine (including, in the case of nuclear-powered submarines, periods of training and rehabilitation after assignment thereto), or, in the case of personnel qualified in submarines, as a prospective crew-member of a submarine being constructed, and during periods of instruction to prepare for assignment to a submarine of advanced design or a position of increased responsibility on a submarine'' for ''on board a submarine, including, in the case of nuclear-powered submarines, periods of training and rehabilitation after assignment thereto as determined by the Secretary concerned, and including submarines under construction from the time builders' trials begin''.

Subsec. (a)(9). Pub. L. 88–132, § 7, substituted ''inside a high- or low-pressure chamber'' for ''as a low-pressure chamber inside observer''.

Subsec. (e). Pub. L. 88–132, § 8, substituted ''not more than two payments'' for ''only one payment''.

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108–136, div. A, title VI, § 615(d), Nov. 24, 2003, 117 Stat. 1502, provided that: ''Paragraph (12) of section 301(a) of title 37, United States Code, as added by subsection (a)(3), shall apply to duty described in such paragraph that is performed on or after October 1, 2003.''

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107–107, div. A, title VI, § 615(c), Dec. 28, 2001, 115 Stat. 1136, provided that: ''Paragraph (11) of section 301(a) of title 37, United States Code, as added by subsection (a)(3), shall apply to duty described in such paragraph that is performed on or after January 1, 2002.''

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105–261, div. A, title VI, § 614(b), Oct. 17, 1998, 112 Stat. 2040, provided that: ''The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1998, and shall apply with respect to months beginning on or after that date.''

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by section 1111(d)(1) of Pub. L. 102–190 effective Feb. 1, 1992, see section 1132 of Pub. L. 102–190, set out as a note under section 521 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1986 AMENDMENT

Pub. L. 99–661, div. A, title XIII, § 1342(h)(1), Nov. 14, 1986, 100 Stat. 3992, provided that: ''The amendments made by subsections (a) through (d) [amending this section and section 302 of this title and provisions set out as notes under sections 302b and 403 of this title] shall take effect on October 1, 1986, or the date of the enactment of this Act [Nov. 14, 1986], whichever is later.''

EFFECTIVE DATE OF 1985 AMENDMENT

Pub. L. 99–145, title VI, § 635(b), Nov. 8, 1985, 99 Stat. 648, provided that: ''The amendments made by this section [amending this section] shall take effect on October 1, 1985.''

Pub. L. 99–145, title VI, § 647(b), Nov. 8, 1985, 99 Stat. 655, provided that: ''The amendments made by subsection (a) [amending this section] shall apply to payments of incentive pay for hazardous duty performed after September 30, 1985.''

EFFECTIVE DATE OF 1983 AMENDMENT

Pub. L. 98–94, title IX, § 903(b), Sept. 24, 1983, 97 Stat. 635, provided that: ''The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1983.''

EFFECTIVE DATE OF 1981 AMENDMENT

Pub. L. 97–60, title I, § 111(d), Oct. 14, 1981, 95 Stat. 994, provided that: ''The amendments made by this section [amending this section] shall take effect as of October 1, 1981.''

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–579 effective Jan. 1, 1981, see section 3(g) of Pub. L. 96–579, set out as an Effective Date note under section 301c of this title.

Amendment by Pub. L. 96–513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96–513, set out as a note under section 101 of Title 10, Armed Forces.

Pub. L. 96–343, § 2(c), Sept. 8, 1980, 94 Stat. 1124, provided that: ''The amendments made by this section [amending this section] shall be effective with respect to incentive pay payable for months after August 1980.''

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–294 effective June 1, 1974, see section 6 of Pub. L. 93–294, set out as an Effective Date note under section 301a of this title.

EFFECTIVE DATE OF 1963 AMENDMENT

Amendment by Pub. L. 88–132 effective Oct. 1, 1963, see section 14 of Pub. L. 88–132, set out as a note under section 201 of this title.

TEMPORARY AUTHORITY FOR MONTHLY SPECIAL PAY FOR MEMBERS OF THE ARMED FORCES SUBJECT TO CONTINUING ACTIVE DUTY OR SERVICE UNDER STOP-LOSS AUTHORITIES

Pub. L. 111–84, div. A, title VI, § 620, Oct. 28, 2009, 123 Stat. 2357, provided that:

''(a) SPECIAL PAY AUTHORIZED.—The Secretary of the military department concerned may pay monthly special pay to any member of the Army, Navy, Air Force, or Marine Corps (including a member of a reserve component thereof) for any month, or portion of a month, in which the member serves on active duty in the Armed Forces, or has the member's eligibility for retirement from the Armed Forces suspended, as described in subsection (b).

''(b) ELIGIBILITY REQUIREMENTS.—A member of the Armed Forces referred to in subsection (a) is eligible to receive special pay under this section if the member, at any time during the period beginning on October 1, 2009, and ending on June 30, 2011, serves on active duty while the member's enlistment or period of obligated service is extended, or has the member's eligibility for retirement suspended, pursuant to section 123 or 12305 of title 10, United States Code, or any other provision of law (commonly referred to as a 'stop-loss authority') that authorizes the President to extend an enlistment or period of obligated service, or suspend eligibility for retirement, of a member of the Armed Forces in time of war or national emergency declared by Congress or the President.

''(c) AMOUNT.—The amount of monthly special pay payable to a member under this section for a month may not exceed $500.

''(d) CONSTRUCTION WITH OTHER PAYS.—Monthly special pay payable to a member under this section is in addition to any other amounts payable to the member by law.''

TRANSITIONAL PROVISIONS

Pub. L. 110–181, div. A, title VI, § 662, Jan. 28, 2008, 122 Stat. 180, provided that:

''(a) IMPLEMENTATION PLAN.—

''(1) DEVELOPMENT.—The Secretary of Defense shall develop a plan to implement subchapters II and III of chapter 5 of title 37, United States Code, as added by section 661(a), and to correspondingly transition all of the special and incentive pay programs for members of the uniformed services solely to provisions of such subchapters.

''(2) SUBMISSION.—Not later than one year after the date of the enactment of this Act [Jan. 28, 2008], the Secretary shall submit the implementation plan to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives].

''(b) TRANSITION PERIOD.—During a transition period of not more than 10 years beginning on the date of the enactment of this Act [Jan. 28, 2008], the Secretary of Defense, the Secretary of a military department, and the Secretaries referred to in subsection (d) may continue to use the authorities in provisions in subchapter I of chapter 5 of title 37, United States Code, as designated by section 661(a), but subject to the terms of such provisions and such modifications as the Secretary of Defense may include in the implementation plan, to provide bonuses and special and incentive pays for members of the uniformed services.

''(c) NOTICE OF IMPLEMENTATION OF NEW AUTHORITIES.—Not less than 30 days before the date on which a special pay or bonus authority provided under subchapter II of chapter 5 of title 37, United States Code, as added by section 661(a), is first utilized, the Secretary of Defense shall submit to the congressional defense committees a notice of the implementation of the authority, including whether, as a result of implementation of the authority, a corresponding authority in subchapter I of such chapter, as designated by section 661(a), will no longer be used.

''(d) COORDINATION.—The Secretary of Defense shall prepare the implementation plan in coordination with—

''(1) the Secretary of Homeland Security, with respect to the Coast Guard;

''(2) the Secretary of Health and Human Services, with respect to the commissioned corps of the Public Health Service; and

''(3) the Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration.

''(e) NO EFFECT ON FISCAL YEAR 2008 OBLIGATIONS.—During fiscal year 2008, obligations incurred under subchapters I, II, and III of chapter 5 of title 37, United States Code, as amended by section 661, to provide bonuses, incentive pays, special pays, and similar payments to members of the uniformed services under such subchapters may not exceed the obligations that would be incurred in the absence of the amendments made by such section.''

RETENTION INCENTIVES INITIATIVE FOR CRITICALLY SHORT MILITARY OCCUPATIONAL SPECIALTIES

Pub. L. 105–261, div. A, title VI, §622, Oct. 17, 1998, 112 Stat. 2042, provided that:

''(a) REQUIREMENT FOR NEW INCENTIVES.—The Secretary of Defense shall establish and provide for members of the Armed Forces qualified in critically short military occupational specialties a series of new incentives that the Secretary considers potentially effective for increasing the rates at which those members are retained in the Armed Forces for service in such specialties.

''(b) CRITICALLY SHORT MILITARY OCCUPATIONAL SPECIALTIES.—For the purposes of this section, a military occupational specialty is a critically short military occupational specialty for an Armed Force if the number of members retained in that Armed Force in fiscal year 1998 for service in that specialty is less than 50 percent of the number of members of that Armed Force that were projected to be retained in that Armed Force for service in the specialty by the Secretary of the military department concerned as of October 1, 1997.

''(c) INCENTIVES.—It is the sense of Congress that, among the new incentives established and provided under this section, the Secretary of Defense should include the following incentives:

''(1) Family support and leave allowances.

''(2) Increased special reenlistment or retention bonuses.

''(3) Repayment of educational loans.

''(4) Priority of selection for assignment to preferred permanent duty station or for extension at permanent duty station.

''(5) Modified leave policies.

''(6) Special consideration for Government housing or additional housing allowances.

''(d) RELATIONSHIP TO OTHER INCENTIVES.—Incentives provided under this section are in addition to any special pay or other benefit that is authorized under any other provision of law.

''(e) REPORTS.—(1) Not later than December 1, 1998, the Secretary of Defense shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report that identifies, for each of the Armed Forces, the critically short military occupational specialties to which incentives under this section are to apply.

''(2) Not later than April 15, 1999, the Secretary of Defense shall submit to the congressional defense committees a report that specifies, for each of the Armed Forces, the incentives that are to be provided under this section.''

PERSONS ENTITLED TO RECEIVE INCENTIVE PAY FOR DUTY INVOLVING CONTACT WITH PERSONS AFFLICTED WITH LEPROSY

Pub. L. 98–525, title VI, §624(b), Oct. 19, 1984, 98 Stat. 2542, provided that: ''A member of the uniformed services who is entitled on the day before the date of the enactment of this Act [Oct. 19, 1984] to receive incentive pay under section 301(a)(5) [subsec. (a)(5) of this section] (for the performance of duty involving intimate contact with persons afflicted with leprosy) shall continue to be entitled to such pay under such section as in effect on that day so long as the member continues (without a break) to be assigned to perform such duties on and after that day.''

EXECUTIVE ORDER NO. 10152

Ex. Ord. No. 10152, Aug. 17, 1950, 15 F.R. 5489, as amended by Ex. Ord. No. 10618, July 1, 1955, 20 F.R. 4671; Ex. Ord. No. 10681, Oct. 24, 1956, 21 F.R. 8129; Ex. Ord. No. 10739, Nov. 19, 1957, 22 F.R. 9205; Ex. Ord. No. 10892, Nov. 10, 1960, 25 F.R. 10731; Ex. Ord. No. 11120, Oct. 2, 1963, 28 F.R. 10631, which concerned regulations relating to incentive pay for performance of hazardous duty, was revoked by Ex. Ord. No. 11157, June 22, 1964, 29 F.R. 7973, formerly set out below.

EXECUTIVE ORDER NO. 11157

Ex. Ord. No. 11157, June 22, 1964, 29 F.R. 7973, as amended by Ex. Ord. No. 11242, Aug. 28, 1965, 30 F.R. 11205; Ex. Ord. No. 11253, Oct. 20, 1965, 30 F.R. 13509; Ex. Ord. No. 11259, Dec. 3, 1965, 30 F.R. 15057; Ex. Ord. No. 11292, Aug. 1, 1966, 31 F.R. 10447; Ex. Ord. No. 11382, Nov. 28, 1967, 32 F.R. 16247; Ex. Ord. No. 11424, Aug. 29, 1968, 33 F.R. 12361; Ex. Ord. No. 11473, June 14, 1969, 34 F.R. 9485; Ex. Ord. No. 11511, Feb. 27, 1970, 35 F.R. 3877; Ex. Ord. No. 11591, Apr. 23, 1971, 36 F.R. 7833; Ex. Ord. No. 11716, Apr. 26, 1973, 38 F.R. 10621; Ex. Ord. No. 11728, July 12, 1973, 38 F.R. 18861; Ex. Ord. No. 11897, Jan. 13, 1976, 41 F.R. 2071; Ex. Ord. No. 11929, July 26, 1976, 41 F.R. 31159; Ex. Ord. No. 11939, Sept. 30, 1976, 41 F.R. 43705; Ex. Ord. No. 12094, Nov. 1, 1978, 43 F.R. 51379; Ex. Ord. No. 12243, Oct. 3, 1980, 45 F.R. 66439; Ex. Ord. No. 12274, Jan. 16, 1981, 46 F.R. 5855; Ex. Ord. No. 12337, Jan. 11, 1982, 47 F.R. 1367, eff. Sept. 15, 1981; Ex. Ord. No. 12380, Aug. 18, 1982, 47 F.R. 36605, eff. Jan. 1, 1981; Ex. Ord. No. 12394, Nov. 18, 1982, 47 F.R. 52405, eff. Oct. 1, 1981; Ex. Ord. No.

12420, May 11, 1983, 48 F.R. 21525, eff. Oct. 1, 1981; Ex. Ord. No. 12488, Sept. 27, 1984, 49 F.R. 38525, eff. Oct. 1, 1983; Ex. Ord. No. 12494, Dec. 6, 1984, 49 F.R. 48175; Ex. Ord. No. 12541, Dec. 30, 1985, 51 F.R. 585, eff. Jan. 1, 1986; Ex. Ord. No. 12573, Nov. 6, 1986, 51 F.R. 40954, eff. in part Oct. 1, 1985; Ex. Ord. No. 12608, Sept. 9, 1987, 52 F.R. 34617; Ex. Ord. No. 12762, June 4, 1991, 56 F.R. 25993; Ex. Ord. No. 12935, Oct. 28, 1994, 59 F.R. 54511, which related to regulations regarding incentive pay for hazardous duty, special pay for sea duty and duty at certain other locations, and basic allowances for subsistence and quarters, was revoked by Ex. Ord. No. 13294, § 2, Mar. 28, 2003, 68 F.R. 15919, set out below.

EX. ORD. NO. 13294. REGULATIONS RELATING TO HAZARDOUS DUTY INCENTIVE PAY, AVIATION CAREER INCENTIVE PAY, AND SUBMARINE DUTY INCENTIVE PAY

Ex. Ord. No. 13294, Mar. 28, 2003, 68 F.R. 15919, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 301, 301a, and 301c of title 37, United States Code, and section 301 of title 3, United States Code, it is hereby ordered as follows:

SECTION 1. The Secretary of Defense, the Secretary of Commerce, the Secretary of Health and Human Services, and the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, with respect to members of the uniformed services under their respective jurisdictions, are hereby designated and empowered to exercise, without approval, ratification, or other action by the President, the authority vested in the President by sections 301, 301a, and 301c of title 37, United States Code. The Secretaries shall consult each other in the exercise of such authority to ensure similar treatment for similarly situated members of the uniformed services unless the needs of their respective uniformed services require differing treatment.

SEC. 2. Executive Order 11157 of June 22, 1964, as amended, and Executive Order 11800 of August 17, 1974, as amended, are hereby revoked.

SEC. 3. This order is not intended to create, nor does it create, any right, benefit, or privilege, substantive or procedural, enforceable at law by a party against the United States, its agencies, officers, employees, or any other person.

GEORGE W. BUSH.

§ 301a. Incentive pay: aviation career

(a)(1) Subject to regulations prescribed by the President, a member of a uniformed service who is entitled to basic pay is also entitled to aviation career incentive pay in the amount set forth in subsection (b) for the frequent and regular performance of operational or proficiency flying duty required by orders.

(2) Aviation career incentive pay shall be restricted to regular and reserve officers who hold, or are in training leading to, an aeronautical rating or designation and who engage and remain in aviation service on a career basis.

(3) Under regulations prescribed by the Secretary of Defense, the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, or the Secretary of Commerce and the Secretary of Health and Human Services with respect to members under their respective jurisdiction, an officer (except a flight surgeon or other medical officer) who is entitled to basic pay, holds an aeronautical rating or designation, and is qualified for aviation service under regulations prescribed by the Secretary concerned, is entitled to continuous monthly incentive pay in the amount set forth in subsection (b) that is applicable to him. A flight surgeon or other medical officer who is entitled to basic pay, holds an aeronautical rating or designation, and is qualified for aviation service under regulations prescribed by the Secretary concerned, is not entitled to continuous monthly incentive pay but is entitled to monthly incentive pay in the amounts set forth in subsection (b) for the frequent and regular performance of operational flying duty.

(4) To be entitled to continuous monthly incentive pay, an officer must perform the prescribed operational flying duties (including flight training but excluding proficiency flying) for 8 of the first 12, and 12 of the first 18 years of the aviation service of the officer. However, if an officer performs the prescribed operational flying duties (including flight training but excluding proficiency flying) for at least 10 but less than 12 of the first 18 years of the aviation service of the officer, the officer will be entitled to continuous monthly incentive pay for the first 22 years of aviation service of the officer. Entitlement to continuous monthly incentive pay ceases for an officer (other than a warrant officer) upon completion of 25 years of aviation service, but such an officer in a pay grade below pay grade O–7 remains entitled to monthly incentive pay under subsection (b)(1) for the performance of operational flying duty.

(5) If upon completion of either 12 or 18 years of aviation service it is determined that an officer has failed to perform the minimum prescribed operational flying duty requirements during the prescribed periods of time, his entitlement to continuous monthly incentive pay ceases. For the needs of the service, the Secretary concerned may permit, on a case by case basis, an officer to continue to receive continuous monthly incentive pay despite the failure of the officer to perform the prescribed operational flying duty requirements during the prescribed periods of time so long as the officer has performed those requirements for not less than 6 years of aviation service. The Secretary concerned may not delegate the authority in the preceding sentence to permit the payment of incentive pay under this subsection. If at the completion of 12 years of aviation service entitlement to continuous monthly incentive pay ceases, entitlement to that pay may again commence at the completion of 18 years of aviation service upon completion of the minimum operational flying duty requirements, such pay to continue for a period of time as prescribed in accordance with this section. However, if entitlement to continuous monthly incentive pay ceases in the case of any officer at the completion of either 12 or 18 years of aviation service, such officer remains entitled to monthly incentive pay for the performance of subsequent operational or proficiency flying duties up to the maximum period of time prescribed in accordance with this section.

(6) In this section:

(A) The term ''aviation service'' means service performed by an officer (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.

(B) The term ''operational flying duty'' means flying performed under competent orders by rated or designated members while serving in assignments 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.

(C) The term ''proficiency flying duty'' means flying performed under competent orders by rated or designated members while serving in assignments in which such skills would normally not be maintained in the performance of assigned duties.

(D) The term ''officer'' includes an individual enlisted, and designated, as an aviation cadet under section 6911 of title 10.

(b)(1) A member who satisfies the requirements described in subsection (a) is entitled to monthly incentive pay as follows:

Years of aviation service (including flight training) as an officer:	Monthly rate
2 or less	$125
Over 2	$156
Over 3	$188
Over 4	$206
Over 6	$650
Over 14	$840
Over 22	$585
Over 23	$495
Over 24	$385
Over 25	$250

(2) An officer in a pay grade above O–6 is entitled, until the officer completes 25 years of aviation service, to be paid at the rates set forth in the table in paragraph (1), except that—

(A) an officer in pay grade O–7 may not be paid at a rate greater than $200 a month; and

(B) an officer in pay grade O–8 or above may not be paid at a rate greater than $206 a month.

(3) For a warrant officer with over 22, 23, 24, or 25 years of aviation service who is qualified under subsection (a), the rate prescribed in the table in paragraph (1) for officers with over 14 years of aviation service shall continue to apply to the warrant officer.

(4) An officer serving as an air battle manager who is entitled to aviation career incentive pay under this section and who, before becoming entitled to aviation career incentive pay, was entitled to incentive pay under section 301(a)(13) of this title, shall be paid the monthly incentive pay at the higher of the following rates:

(A) The rate otherwise applicable to the member under this subsection.

(B) The rate at which the member was receiving incentive pay under section 301(c)(2)(A) of this title immediately before the member's entitlement to aviation career incentive pay under this section.

(c) In time of war, the President may suspend the payment of aviation career incentive pay.

(d) Under regulations prescribed by the President and to the extent provided for by appropriations, when a member of a reserve component of a uniformed service, or of the National Guard, who is entitled to compensation under section 206 of this title, performs, under orders, duty described in subsection (a) for members entitled to basic pay, he is entitled to an increase in compensation equal to 1/30 of the monthly incentive pay authorized by subsection (b) for the performance of that duty by a member with corresponding years of aviation service who is entitled to basic pay. Such member is entitled to the increase for as long as he is qualified for it, for each regular period of instruction, or period of appropriate duty, at which he is engaged for at least two hours, including that performed on a Sunday or holiday, or for the performance of such other equivalent training, instruction, duty or appropriate duties, as the Secretary may prescribe under section 206(a) of this title. This subsection does not apply to a member who is entitled to basic pay under section 204 of this title.

(Added Pub. L. 93–294, §2(3), May 31, 1974, 88 Stat. 177; amended Pub. L. 94–273, §3(21), Apr. 21, 1976, 90 Stat. 377; Pub. L. 96–343, §2(b), Sept. 8, 1980, 94 Stat. 1124; Pub. L. 96–513, title V, §516(6), Dec. 12, 1980, 94 Stat. 2938; Pub. L. 97–60, title I, §112(a), (b), Oct. 14, 1981, 95 Stat. 994; Pub. L. 99–661, div. A, title VI, §632(a), Nov. 14, 1986, 100 Stat. 3883; Pub. L. 100–26, §8(e)(3), Apr. 21, 1987, 101 Stat. 286; Pub. L. 101–189, div. A, title VI, §631(a)–(d), Nov. 29, 1989, 103 Stat. 1449, 1450; Pub. L. 101–510, div. A, title XIII, §1322(c)(1), Nov. 5, 1990, 104 Stat. 1672; Pub. L. 102–25, title VII, §702(b)(1), (2), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 103–35, title II, §204(c), May 31, 1993, 107 Stat. 102; Pub. L. 104–106, div. A, title VI, §616, Feb. 10, 1996, 110 Stat. 362; Pub. L. 105–85, div. A, title VI, §615(a), (b), Nov. 18, 1997, 111 Stat. 1787; Pub. L. 105–261, div. A, title VI, §615(a)(1), (b), (c)(1), (d), Oct. 17, 1998, 112 Stat. 2040, 2041; Pub. L. 106–65, div. A, title VI, §614(a), Oct. 5, 1999, 113 Stat. 651; Pub. L. 107–296, title XVII, §1704(c), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 108–375, div. A, title X, §1084(e)(1), Oct. 28, 2004, 118 Stat. 2063; Pub. L. 109–364, div. A, title X, §1046(a), Oct. 17, 2006, 120 Stat. 2393.)

AMENDMENTS

2006—Subsec. (f). Pub. L. 109–364 struck out subsec. (f), which required the Secretary of Defense to submit annually to Congress a report specifying for the year covered by the report the total number of officers who were determined under subsection (a)(5) to have failed to perform the minimum operational flying duty requirements, the number of those officers who continued to receive continuous monthly incentive pay and the extent to which they failed to perform those requirements, and the reasons for the exercise of the authority under the second sentence of subsection (a)(5) in the case of each officer specified.

2004—Subsec. (b)(4). Pub. L. 108–375 substituted ''section 301(a)(13)'' for ''section 301(a)(11)''.

2002—Subsec. (a)(3). Pub. L. 107–296 substituted ''of Homeland Security'' for ''of Transportation''.

1999—Subsec. (b)(4). Pub. L. 106–65 added par. (4).

1998—Subsec. (a)(4). Pub. L. 105–261, §615(c)(1)(A), substituted ''22 years of aviation service of the officer'' for ''22 years of the officer's service as an officer'' and ''25 years of aviation service'' for ''25 years of service as an officer (as computed under section 205 of this title)''.

Subsec. (a)(6). Pub. L. 105–261, §615(a)(1), added subpar. (A) and redesignated former subpars. (A) to (C) as (B) to (D), respectively.

Subsec. (b). Pub. L. 105–261, § 615(d), repealed section 615 of Pub. L. 105–85. See 1997 Amendment note below.

Pub. L. 105–261, § 615(b), amended subsec. (b) generally, substituting pars. (1) to (3) for former pars. (1) and (2).

Subsec. (d). Pub. L. 105–261, § 615(c)(1)(B), substituted ''subsection (b) for the performance of that duty by a member with corresponding years of aviation service'' for ''subsection (b)(1) or (2), as the case may be, for the performance of that duty by a member of corresponding years of aviation or officer service, as appropriate,''.

1997—Subsec. (b)(1). Pub. L. 105–85, § 615(b), substituted ''22 years'' for ''18 years'' in two places in provisions after phase II table.

Pub. L. 105–85, § 615(a), which directed amendment by inserting at the end of phase I of the table the following:

''Over 14 ..... 840'';

and by striking out phase II of the table and inserting in lieu thereof the following:

''Phase II

''Years of service as an officer:	''Monthly rate
''Over 22	585
''Over 23	495
''Over 24	385
''Over 25	250'',

was repealed by Pub. L. 105–261, § 615(d).

1996—Subsec. (a)(4). Pub. L. 104–106, § 616(a), substituted ''8'' for ''9'' before ''of the first 12''.

Subsec. (a)(5). Pub. L. 104–106, § 616(b), inserted ''The Secretary concerned may not delegate the authority in the preceding sentence to permit the payment of incentive pay under this subsection.'' after second sentence.

1993—Subsec. (a)(4). Pub. L. 103–35 made technical amendment to directory language of Pub. L. 101–189, § 631(a)(1). See 1989 Amendment note below.

1991—Pub. L. 102–25 struck out ''of this section'' wherever appearing and struck out ''of this subsection'' in subsec. (b)(2).

1990—Subsec. (e). Pub. L. 101–510 struck out subsec. (e) which read as follows: ''The Secretary of Defense shall report to Congress before October 1 each year the number of rated members by pay grade who—

''(1) have 12 or 18 years of aviation service, and of those numbers, the number who are entitled to continuous monthly incentive pay under subsection (a) of this section; and

''(2) are performing operational flying duties, proficiency flying, and those not performing flying duties.''

1989—Subsec. (a)(4). Pub. L. 101–189, § 631(a), as amended by Pub. L. 103–35, § 204(c), substituted ''9 of the first 12, and 12 of the first 18 years of the aviation service of the officer'' for ''6 of the first 12, and 11 of the first 18, years of his aviation service'', ''at least 10 but less than 12 of the first 18 years of the aviation service of the officer, the officer'' for ''at least 9 but less than 11 of the first 18 years of his aviation service, he'', and ''the officer's service as an officer'' for ''his officer service''.

Subsec. (a)(5). Pub. L. 101–189, § 631(b), inserted after first sentence ''For the needs of the service, the Secretary concerned may permit, on a case by case basis, an officer to continue to receive continuous monthly incentive pay despite the failure of the officer to perform the prescribed operational flying duty requirements during the prescribed periods of time so long as the officer has performed those requirements for not less than 6 years of aviation service.''

Subsec. (b)(1). Pub. L. 101–189, § 631(c)(1), in phase I table, substituted ''650'' for ''400'' in item relating to over 6 years, and in phase II table, struck out ''as computed under section 205'' after ''an officer'' in table heading, substituted ''$585'' for ''$370'', ''495'' for ''340'', and ''385'' for ''310'', in items relating to over 18 years, over 20 years, and over 22 years, respectively, and struck out item relating to a monthly rate of $280 for over 24 years.

Subsec. (b)(2). Pub. L. 101–189, § 631(c)(2), in table, substituted ''650'' for ''400'' in item relating to over 6 years.

Subsec. (f). Pub. L. 101–189, § 631(d), added subsec. (f).

1987—Subsec. (a)(6). Pub. L. 100–26, which directed that par. (6) of this section be amended, was executed to par. (6) of subsec. (a) of this section, to reflect the probable intent of Congress by substituting ''In this section:'' for ''For the purposes of this section, the term—'', inserting ''The term'' at beginning of subpars. (A) to (C), and substituting period for semicolon at end of subpar. (A) and period for ''; and'' at end of subpar. (B).

1986—Subsec. (a)(6)(C). Pub. L. 99–661, § 632(a)(1), added subpar. (C).

Subsec. (b)(1). Pub. L. 99–661, § 632(a)(2), substituted ''a member'' for ''an officer in pay grades O–1 through O–10''.

1981—Subsec. (a)(4). Pub. L. 97–60, § 112(a), inserted provision that entitlement to continuous monthly incentive pay ceases for an officer (other than a warrant officer) upon completion of 25 years of service as an officer (as computed under section 205 of this title), but such an officer in a pay grade below pay grade O–7 remains entitled to monthly incentive pay under subsection (b)(1) of this section for the performance of operational flying duty.

Subsec. (b)(1), (2). Pub. L. 97–60, § 112(b), amended table to reflect an upward adjustment in monthly incentive pay.

1980—Subsec. (a)(3). Pub. L. 96–513 substituted ''Health and Human Services'' for ''Health, Education, and Welfare''.

Subsec. (b)(1). Pub. L. 96–343, § 2(b)(1), (2), substituted in phase I table, ''$125'', ''$156'', ''$188'', ''$206'', and ''$306'' for ''$100'', ''$125'', ''$150'', ''$165'', and ''$245'' in items relating to 2 or less years, over 2 years, over 3 years, over 4 years, and over 6 years, respectively, in phase II table, ''$281'', ''$256'', ''$231'', and ''$206'' for ''$225'', ''$205'', ''$185'', and ''$165'' in items relating to over 18 years, over 20 years, over 22 years, and over 24 but not over 25 years, respectively, and ''$200'' and ''$206'' for ''$160'' and ''$165'', respectively.

Subsec. (b)(2). Pub. L. 96–343, § 2(b)(3), substituted ''$125'', ''$138'', and ''$250'' for ''$100'', ''$110'', and ''$200'' in items relating to 2 or less years, over 2 years, and over 6 years, respectively.

1976—Subsec. (e). Pub. L. 94–273 substituted ''October'' for ''July''.

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 1999 AMENDMENT

Pub. L. 106–65, div. A, title VI, § 614(b), Oct. 5, 1999, 113 Stat. 651, provided that: ''The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1999, and shall apply with respect to months beginning on or after that date.''

EFFECTIVE DATE OF 1997 AMENDMENT

Pub. L. 105–85, div. A, title VI, § 615(c), Nov. 18, 1997, 111 Stat. 1787, which provided that the amendments made by section 615(a) of Pub. L. 105–85 to this section were to take effect on Jan. 1, 1999, and were to apply with respect to months beginning on or after that date, was repealed by Pub. L. 105–261, div. A, title VI, § 615(d), Oct. 17, 1998, 112 Stat. 2041.

EFFECTIVE DATE OF 1993 AMENDMENT

Pub. L. 103–35, title II, § 204(c), May 31, 1993, 107 Stat. 102, provided that the amendment made by that section is effective Nov. 29, 1989.

EFFECTIVE DATE OF 1989 AMENDMENT; TRANSITION

Pub. L. 101–189, div. A, title VI, § 631(e), (f), Nov. 29, 1989, 103 Stat. 1450, provided that:

''(e) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made—

''(A) by subsection (c) [amending this section] shall take effect on the date of the enactment of this Act [Nov. 29, 1989]; and

''(B) by subsections (a), (b), and (d) [amending this section] shall take effect on October 1, 1991.

''(2) The Secretary of a military department may delay, subject to the approval of the Secretary of Defense, the implementation of the amendments made by subsection (c) with respect to the department of that Secretary until such time as the Secretary concerned determines that implementation of those amendments is necessary to meet the needs of that department.

''(3) If the Secretary of a military department delays under paragraph (2) the implementation of the amendments made by subsection (c) beyond October 1, 1991, the Secretary may also delay implementation of the amendments made by subsections (a), (b), and (d) until the date on which the Secretary implements the amendments made by subsection (c). During the delay in implementation, the provisions of section 301a of title 37, United States Code, as in effect on the day before the date of the enactment of this Act, shall continue to apply in the case of such department to the payment of aviation career incentive pay under such section.

''(f) TRANSITION.—(1) An officer of a uniformed service who, as of the date the amendments made by subsections (a), (b), and (d) take effect with regard to the officer's uniformed service—

''(A) has completed years of aviation service in an amount equal to one of the number of years of aviation service specified in column 1 of the following table; and

''(B) has performed, or subsequently performs, the prescribed operational flying duties (including flight training but excluding proficiency flying) during the number of years of aviation service specified in column 2 of such table and corresponding to the number of years of aviation service applicable to the officer under column 1,

shall be entitled to continuous monthly incentive pay at the rates provided in section 301a(b) of title 37, United States Code (as amended by this section)[,] until the officer completes the years of service as an officer specified in column 3 of such table and applicable to the officer.

''TABLE

COLUMN 1	COLUMN 2	COLUMN 3
Number of years of aviation service	Number of years performing operational flying duty	Entitlement to continuous monthly incentive pay through the following year of officer service
6 or more	At least 6 of the first 12 years of aviation service	18
6 or more	At least 9 but less than 11 of the first 18 years of aviation service	22
6 or more	At least 6 of the first 12 and at least 11 of the first 18 years of aviation service	25
At least 6 but less than 12	Less than 6 and subsequently completes 6 of the first 12 and 9 of the first 15 years of aviation service	18

''TABLE—Continued

COLUMN 1	COLUMN 2	COLUMN 3
Number of years of aviation service	Number of years performing operational flying duty	Entitlement to continuous monthly incentive pay through the following year of officer service
At least 12 but less than 18	Less than 9 and subsequently completes 9 of the first 18 years of aviation service	22
At least 12 but less than 18	Less than 11 and subsequently completes 11 of the first 18 years of aviation service	25

''(2) For purposes of this subsection, the terms 'operational flying duty' and 'proficiency flying duty' have the meaning given to such terms in section 301a(a)(6) of title 37, United States Code.''

EFFECTIVE DATE OF 1986 AMENDMENT

Pub. L. 99–661, div. A, title VI, § 632(b), Nov. 14, 1986, 100 Stat. 3883, provided that: ''The amendments made by subsection (a) [amending this section] shall apply only with respect to those members of the Armed Forces who are aviation cadets on or after the date of the enactment of this Act [Nov. 14, 1986]. Service as an aviation cadet before that date shall not be counted for any purpose under section 301a of title 37, United States Code.''

EFFECTIVE DATE OF 1981 AMENDMENT

Pub. L. 97–60, title I, § 112(c), Oct. 14, 1981, 95 Stat. 995, provided that: ''The amendments made by this section [amending this section] shall take effect as of October 1, 1981.''

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96–513, set out as a note under section 101 of Title 10, Armed Forces.

EFFECTIVE DATE

Pub. L. 93–294, § 6, May 31, 1974, 88 Stat. 180, provided that: ''This Act [enacting this section, amending section 301 of this title, and enacting provisions set out as notes under this section] becomes effective on the first day of the first month after enactment [May 31, 1974].''

DELEGATION OF FUNCTIONS

For delegation of authority under this section to Secretaries of Defense, Commerce, Health and Human Services, and Homeland Security when Coast Guard not serving as part of Navy, see section 1 of Ex. Ord. No. 13294, Mar. 28, 2003, 68 F.R. 15919, set out as a note under section 301 of this title.

MONTHLY INCENTIVE PAY FOR CERTAIN OFFICERS ENTITLED TO INCENTIVE PAY UNDER SECTION 301(a)(1) OF THIS TITLE ON MAY 31, 1973

Pub. L. 93–294, § 4, May 31, 1974, 88 Stat. 179, provided that: ''Notwithstanding the amendments made by this Act [enacting this section and amending section 301 of this title], an officer who was entitled to incentive pay under section 301(a)(1) of title 37, United States Code, on May 31, 1973, or on the day before the effective date of this Act [June 1, 1974], if otherwise qualified on the day before the effective date of this Act, is entitled to monthly incentive pay as prescribed in either clause (1) or (2) of this section, as follows:

''(1) If he is credited with 6 or less years of aviation service as an officer, and with less than 12 years of

service as an officer, he is entitled to monthly incentive pay either—

''(A) in the amount he was receiving under section 301(b) of that title on May 31, 1973, or on the day before the effective date of this Act [June 1, 1974], but with no entitlement after either of those dates, as applicable, to any longevity pay increases or increases resulting from promotion to a higher grade until such time as the rate to which he is entitled under section 301a(b) of that title, as added by this Act, is equal to or greater than the amount he was receiving under that section on May 31, 1973, or on the day before the effective date of this Act, and thereafter his entitlement is as prescribed by that section as added by this Act; or

''(B) at the rate prescribed by section 301a(b) of that title, as added by this Act;

whichever is greater. However, an officer who is promoted and assigned to pay grade O–7 or above during the 36-month period following the effective date of this Act [June 1, 1974] may not receive more than the rate which existed for that pay grade, as appropriate, prior to June 1, 1973.

''(2) If he is credited with more than 6 years of aviation service as an officer, or less than 6 years of aviation service but more than 12 years of service as an officer, he may receive monthly incentive pay at the rate prescribed in the table in section 301a(b) of title 37, United States Code, as added by this Act, that is applicable to him, or $165, whichever is greater, for not more than 36 months after the effective date of this Act [June 1, 1974], notwithstanding the provisions of section 301a(a) of that title, as added by this Act, with respect to prescribed operational flying duties (including flight training but excluding proficiency flying). However, under this clause, an officer who is assigned to the pay grade O–7 on the effective date of this Act, or is promoted to the pay grade O–7 during the 36-month period following the effective date of this Act, may not receive more than $160 per month while assigned to that grade.

The amount to which a reserve officer who is entitled to compensation under section 206 of title 37, United States Code, is entitled under this section is governed by the provisions of section 301a(d) of that title, as added by this Act.''

ANNUAL REPORT BY DEPARTMENT OF DEFENSE

Pub. L. 93–294, § 5, May 31, 1974, 88 Stat. 180, provided that: ''A yearly report containing such data as necessary to monitor the progress of this bill [Pub. L. 93–294] shall be made by the Department of Defense in cooperation with the Senate and House Armed Services Committees and released publicly.''

EXECUTIVE ORDER NO. 11800

Ex. Ord. No. 11800, Aug. 17, 1974, 39 F.R. 30103, as amended by Ex. Ord. No. 12608, Sept. 9, 1987, 52 F.R. 34617; Ex. Ord. No. 13286, § 58, Feb. 28, 2003, 68 F.R. 10629, which delegated authority vested in President by this section to Secretaries of Defense, Commerce, Health and Human Services, and Homeland Security with respect to Coast Guard when not operating as part of Navy, was revoked by Ex. Ord. No. 13294, § 2, Mar. 28, 2003, 68 F.R. 15919, set out as a note under section 301 of this title.

§ 301b. Special pay: aviation career officers extending period of active duty

(a) BONUS AUTHORIZED.—An aviation officer described in subsection (b) who, during the period beginning on January 1, 1989, and ending on December 31, 2015, executes a written agreement to remain on active duty in aviation service for at least one year may, upon the acceptance of the agreement by the Secretary concerned, be paid a retention bonus as provided in this section.

(b) COVERED OFFICERS.—An aviation officer referred to in subsection (a) is an officer of a uniformed service who—

(1) is entitled to aviation career incentive pay under section 301a of this title;

(2) is in a pay grade below pay grade O–7;

(3) is qualified to perform operational flying duty; and

(4) has completed any active duty service commitment incurred for undergraduate aviator training or is within one year of completing such commitment.

(c) AMOUNT OF BONUS.—The amount of a retention bonus paid under this section may not be more than $25,000 for each year covered by the written agreement to remain on active duty.

(d) PRORATION.—The term of an agreement under subsection (a) and the amount of the bonus under subsection (c) may be prorated as long as such agreement does not extend beyond the date on which the officer making such agreement would complete 25 years of aviation service.

(e) PAYMENT OF BONUS.—Upon the acceptance of a written agreement under subsection (a) by the Secretary concerned, the total amount payable pursuant to the agreement becomes fixed and may be paid by the Secretary in either a lump sum or installments.

(f) ADDITIONAL PAY.—A retention bonus paid under this section is in addition to any other pay and allowances to which an officer is entitled.

(g) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (a) shall be subject to the repayment provisions of section 303a(e) of this title.

(h) REGULATIONS.—The Secretaries concerned shall prescribe regulations to carry out this section. Regulations prescribed by the Secretary of a military department shall be subject to the approval of the Secretary of Defense.

(i) REPORTS.—(1) Not later than February 15 of each year, the Secretaries concerned shall submit to the Secretary of Defense a report analyzing the effect of the provision of retention bonuses to aviation officers during the preceding fiscal year on the retention of qualified aviators.

(2) Not later than March 15 of each year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives copies of the reports submitted to the Secretary under paragraph (1) with regard to the preceding fiscal year, together with such comments and recommendations as the Secretary considers appropriate.

(j) DEFINITIONS.—In this section:

(1) The term ''aviation service'' means service performed by an officer (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'' has the meaning given such term in section 301a(a)(6)(B) of this title.

(Added Pub. L. 96–342, title VIII, §806(a)(i), Sept. 8, 1980, 94 Stat. 1095; amended Pub. L. 97–60, title I, §113, Oct. 14, 1981, 95 Stat. 995; Pub. L. 98–94, title IX, §904(a), Sept. 24, 1983, 97 Stat. 635; Pub. L. 98–525, title VI, §622(a), Oct. 19, 1984, 98 Stat. 2540; Pub. L. 99–145, title VI, §636, Nov. 8, 1985, 99 Stat. 648; Pub. L. 99–661, div. A, title VI, §631(a), Nov. 14, 1986, 100 Stat. 3883; Pub. L. 100–180, div. A, title VI, §622(a), Dec. 4, 1987, 101 Stat. 1100; Pub. L. 101–189, div. A, title VI, §632(a), Nov. 29, 1989, 103 Stat. 1451; Pub. L. 102–190, div. A, title VI, §612(a)(1), Dec. 5, 1991, 105 Stat. 1376; Pub. L. 102–484, div. A, title VI, §612(c), title X, §1054(a)(1), Oct. 23, 1992, 106 Stat. 2421, 2502; Pub. L. 103–160, div. A, title VI, §613(a), Nov. 30, 1993, 107 Stat. 1681; Pub. L. 103–337, div. A, title VI, §613(a), Oct. 5, 1994, 108 Stat. 2783; Pub. L. 104–106, div. A, title VI, §613(a), title XV, §1502(b), Feb. 10, 1996, 110 Stat. 359, 506; Pub. L. 104–201, div. A, title VI, §613(a), Sept. 23, 1996, 110 Stat. 2544; Pub. L. 105–85, div. A, title VI, §§613(a), 616(a)–(d), Nov. 18, 1997, 111 Stat. 1786, 1787; Pub. L. 105–261, div. A, title VI, §§613(a), 615(a)(2), (c)(2), Oct. 17, 1998, 112 Stat. 2039–2041; Pub. L. 106–65, div. A, title VI, §§613(a), 615(a)–(f), title X, §1067(2), Oct. 5, 1999, 113 Stat. 650, 651, 774; Pub. L. 106–398, §1 [[div. A], title VI, §623(a), title X, §1087(b)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A–151, 1654A–291; Pub. L. 107–107, div. A, title VI, §§614(a), 616(a), Dec. 28, 2001, 115 Stat. 1136; Pub. L. 107–314, div. A, title VI, §614(a), Dec. 2, 2002, 116 Stat. 2568; Pub. L. 108–136, div. A, title VI, §614(a), Nov. 24, 2003, 117 Stat. 1501; Pub. L. 108–375, div. A, title VI, §614(a), Oct. 28, 2004, 118 Stat. 1947; Pub. L. 109–163, div. A, title VI, §§624(a), 687(b)(1), Jan. 6, 2006, 119 Stat. 3295, 3327; Pub. L. 109–364, div. A, title VI, §614(a), Oct. 17, 2006, 120 Stat. 2248; Pub. L. 110–181, div. A, title VI, §614(a), Jan. 28, 2008, 122 Stat. 149; Pub. L. 110–417, [div. A], title VI, §614(a), Oct. 14, 2008, 122 Stat. 4485; Pub. L. 111–84, div. A, title VI, §615(1), Oct. 28, 2009, 123 Stat. 2354; Pub. L. 111–383, div. A, title VI, §615(1), Jan. 7, 2011, 124 Stat. 4237; Pub. L. 112–81, div. A, title VI, §615(1), Dec. 31, 2011, 125 Stat. 1450; Pub. L. 112–239, div. A, title VI, §615(1), Jan. 2, 2013, 126 Stat. 1777; Pub. L. 113–66, div. A, title VI, §615(1), Dec. 26, 2013, 127 Stat. 781; Pub. L. 113–291, div. A, title VI, §615(1), Dec. 19, 2014, 128 Stat. 3401.)

AMENDMENTS

2014—Subsec. (a). Pub. L. 113–291 substituted ''December 31, 2015'' for ''December 31, 2014''.

2013—Subsec. (a). Pub. L. 113–66 substituted ''December 31, 2014'' for ''December 31, 2013''.

Pub. L. 112–239 substituted ''December 31, 2013'' for ''December 31, 2012''.

2011—Subsec. (a). Pub. L. 112–81 substituted ''December 31, 2012'' for ''December 31, 2011''.

Pub. L. 111–383 substituted ''December 31, 2011'' for ''December 31, 2010''.

2009—Subsec. (a). Pub. L. 111–84 substituted ''December 31, 2010'' for ''December 31, 2009''.

2008—Subsec. (a). Pub. L. 110–417 substituted ''December 31, 2009'' for ''December 31, 2008''.

Pub. L. 110–181 substituted ''December 31, 2008'' for ''December 31, 2007''.

2006—Subsec. (a). Pub. L. 109–364 substituted ''December 31, 2007'' for ''December 31, 2006''.

Pub. L. 109–163, §624(a), substituted ''December 31, 2006'' for ''December 31, 2005''.

Subsec. (g). Pub. L. 109–163, §687(b)(1), amended heading and text of subsec. (g) generally, substituting provisions referring to repayment provisions of section 303a(e) for specific provisions relating to repayment of bonus required when officer fails to complete total period of active duty.

2004—Subsec. (a). Pub. L. 108–375 substituted ''December 31, 2005'' for ''December 31, 2004''.

2003—Subsec. (a). Pub. L. 108–136 substituted ''December 31, 2004'' for ''December 31, 2003''.

2002—Subsec. (a). Pub. L. 107–314 substituted ''December 31, 2003'' for ''December 31, 2002''.

2001—Subsec. (a). Pub. L. 107–107, §614(a), substituted ''December 31, 2002'' for ''December 31, 2001''.

Subsec. (b)(4). Pub. L. 107–107, §616(a), inserted ''or is within one year of completing such commitment'' before period at end.

2000—Subsec. (a). Pub. L. 106–398, §1 [[div. A], title VI, §623(a)], substituted ''December 31, 2001,'' for ''December 31, 2000,''.

Subsec. (j)(2). Pub. L. 106–398, §1 [[div. A], title X, §1087(b)(1)], substituted ''section 301a(a)(6)(B)'' for ''section 301a(a)(6)(A)''.

1999—Subsec. (a). Pub. L. 106–65, §613(a), substituted ''December 31, 2000,'' for ''December 31, 1999,''.

Subsec. (b)(2). Pub. L. 106–65, §615(a)(1), (4), redesignated par. (3) as (2) and struck out former par. (2) which read as follows: ''is in an aviation specialty designated by the Secretary concerned (with the approval of the Secretary of Defense in the case of the Secretary of a military department) as a critical aviation specialty;''.

Subsec. (b)(3). Pub. L. 106–65, §615(a)(4), redesignated par. (4) as (3). Former par. (3) redesignated (2).

Pub. L. 106–65, §615(a)(2), substituted ''grade O–7'' for ''grade O–6''.

Subsec. (b)(4). Pub. L. 106–65, §615(a)(4), redesignated par. (6) as (4). Former par. (4) redesignated (3).

Pub. L. 106–65, §615(a)(3), inserted ''and'' at end.

Subsec. (b)(5). Pub. L. 106–65, §615(a)(1), struck out par. (5) which read as follows: ''has completed at least six but less than 13 years of aviation service; and''.

Subsec. (b)(6). Pub. L. 106–65, §615(a)(4), redesignated par. (6) as (4).

Subsec. (c). Pub. L. 106–65, §615(b), substituted ''may not be more than $25,000 for each year covered by the written agreement to remain on active duty.'' for ''may not be more than—'' and struck out pars. (1) and (2) which read as follows:

''(1) $25,000 for each year covered by the written agreement, if the officer agrees to remain on active duty to complete 14 years of commissioned service; or

''(2) $12,000 for each year covered by the written agreement, if the officer agrees to remain on active duty for one, two, or three years.''

Subsec. (d). Pub. L. 106–65, §615(c), substituted ''25 years of aviation service'' for ''14 years of commissioned service''.

Subsec. (g)(3). Pub. L. 106–65, §615(f), struck out at end ''This paragraph applies to any case commenced under title 11 after January 1, 1989.''

Subsec. (i)(1). Pub. L. 106–65, §615(d), struck out last sentence which read as follows: ''Each report shall include—

''(A) a comparison of the cost of paying bonuses to officers who enter into an agreement for the period referred to in subsection (c)(1) with the cost of paying bonuses to officers who enter into an agreement for a period referred to in subsection (c)(2); and

''(B) a description of the increase in the retention of qualified aviators as a result of the program.''

Subsec. (i)(2). Pub. L. 106–65, §1067(2), substituted ''and the Committee on Armed Services'' for ''and the Committee on National Security''.

Subsec. (j)(2) to (4). Pub. L. 106–65, §615(e), redesignated par. (4) as (2) and struck out former pars. (2) and (3) which read as follows:

''(2) The term 'aviation specialty' means a specific community of pilots identified by type of aircraft or weapon system or a specific community of other designated aeronautical officers so identified.

''(3) The term 'critical aviation specialty' means an aviation specialty in which there exists a shortage of

officers on the date of designation under subsection (b).''

1998—Subsec. (a). Pub. L. 105–261, § 613(a), substituted ''December 31, 1999,'' for ''September 30, 1999,''.

Subsec. (b)(5). Pub. L. 105–261, § 615(c)(2), substituted ''aviation service'' for ''active duty''.

Subsec. (j)(1). Pub. L. 105–261, § 615(a)(2), added par. (1) and struck out former par. (1) which read as follows: ''The term 'aviation service' means the service performed by an officer holding an aeronautical rating or designation (except a flight surgeon or other medical officer).''

1997—Subsec. (a). Pub. L. 105–85, § 613(a), substituted ''September 30, 1999'' for ''September 30, 1998''.

Subsec. (c)(1). Pub. L. 105–85, § 616(a)(1), substituted ''$25,000'' for ''$12,000''.

Subsec. (c)(2). Pub. L. 105–85, § 616(a)(2), (b), substituted ''$12,000'' for ''$6,000'' and ''one, two, or three years'' for ''one or two years''.

Subsec. (i)(1). Pub. L. 105–85, § 616(c), inserted ''and'' at end of subpar. (A), substituted a period for ''; and'' at end of subpar. (B), and struck out subpar. (C) which read as follows: ''an examination of the desirability of targeting the retention bonus program toward officers in a critical aviation specialty rather than on the basis of experience or other criteria.''

Subsec. (j)(2). Pub. L. 105–85, § 616(d), inserted ''specific'' before ''community'' in two places.

1996—Subsec. (a). Pub. L. 104–201 substituted ''September 30, 1998,'' for ''September 30, 1997''.

Pub. L. 104–106, § 613(a), substituted ''September 30, 1997'' for ''September 30, 1995,''.

Subsec. (i)(2). Pub. L. 104–106, § 1502(b), substituted ''Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives'' for ''Committees on Armed Services of the Senate and House of Representatives''.

1994—Subsec. (a). Pub. L. 103–337 substituted ''September 30, 1995'' for ''September 30, 1994''.

1993—Subsec. (a). Pub. L. 103–160 substituted ''September 30, 1994'' for ''September 30, 1993''.

1992—Subsec. (a). Pub. L. 102–484, § 612(c), substituted ''September 30, 1993'' for ''September 30, 1992''.

Subsecs. (j), (k). Pub. L. 102–484, § 1054(a)(1), redesignated subsec. (k) as (j) and struck out former subsec. (j) which read as follows:

''(j) LIMITATION ON PAYMENTS FOR FISCAL YEAR 1990.—(1) The total amount of payments made under this section to officers of the Air Force during fiscal year 1990 may not exceed $78,000,000.

''(2) The total amount of payments made under this section to officers of the Navy during fiscal year 1990 may not exceed $30,000,000.''

1991—Subsec. (a). Pub. L. 102–190 substituted ''1992'' for ''1991''.

1989—Pub. L. 101–189 amended section generally, adding provisions set out in new subsecs. (a), (c), (d), and (h) to (k), revising and restating as subsecs. (b), (e), (f), and (g), provisions contained in former subsecs. (a), (b), and (d), and striking out provisions contained in former subsecs. (c), (e), and (f).

1987—Subsec. (a). Pub. L. 100–180, § 622(a)(1), substituted cl. (5) and all that follows to end of first sentence for

''(5) executes a written agreement to remain on active duty in aviation service for at lest one year; and

''(6) is in an aviation specialty designated as critical;

may, upon the acceptance of the written agreement by the Secretary of Defense or the Secretary of Transportation, as applicable, be paid an amount not to exceed the product of four months' basic pay (computed at the rate applicable to the officer at the time the agreement is executed) and the number of years (or the monthly fractions thereof) that the officer agrees to remain on active duty under the agreement. An agreement under this section may not extend beyond the date on which the officer would complete 19 years of aviation service.''

Subsec. (e). Pub. L. 100–180, § 621(a)(2), amended subsec. (e) generally, substituting provisions relating to acceptance of agreements during the period beginning on Oct. 1, 1987, and ending on Sept. 30, 1989, for provisions relating to acceptance of agreements during the period beginning on Oct. 1, 1983, and ending on Sept. 30, 1987, and struck out provision setting forth that an officer who receives special pay pursuant to an agreement under this section is not entitled to aviation career incentive pay that exceeds the rate for such pay in effect on Sept. 30, 1981.

Subsec. (f). Pub. L. 100–180, § 622(a)(3), substituted ''September 30, 1989'' for ''September 30, 1987''.

1986—Subsec. (e)(3). Pub. L. 99–661, § 631(a)(1), substituted ''officer has completed less than eight years of active duty'' for ''officer has completed less than seven years of active duty''.

Subsec. (e)(4). Pub. L. 99–661, § 631(a)(2), struck out par. (4) which read as follows: ''An officer may not receive incentive pay under section 301 of this title for the performance of hazardous duty for any period of service which the officer is obligated to serve pursuant to an agreement entered into under this section.''

1985—Subsecs. (e)(2), (3), (f). Pub. L. 99–145 substituted ''September 30, 1987'' for ''September 30, 1985''.

1984—Subsec. (e)(2). Pub. L. 98–525, § 622(a)(1), substituted ''During the period beginning on October 1, 1984, and ending on September 30, 1985, only agreements executed by officers of the Navy may be accepted under this section'' for ''During the period beginning on October 1, 1983, and ending on September 30, 1984, only agreements executed by officers of the Navy or Marine Corps who are pilots may be accepted under this section''.

Subsec. (e)(3). Pub. L. 98–525, § 622(a)(2), substituted ''September 30, 1985'' for ''September 30, 1984'' in provisions preceding subpar. (A).

Subsec. (f). Pub. L. 98–525, § 622(a)(2), substituted ''September 30, 1985'' for ''September 30, 1984''.

1983—Subsec. (e)(2). Pub. L. 98–94, § 904(a)(1), substituted ''during the period beginning on October 1, 1983, and ending on September 30, 1984, only agreements executed by officers of the Navy or Marine Corps who are pilots may be accepted under this section'' for ''during the period beginning on the date of the enactment of the Uniformed Services Pay Act of 1981 and ending on September 30, 1982, only agreements executed by officers of the Navy or Marine Corps may be accepted under this section''.

Subsec. (e)(3), (4). Pub. L. 98–94, § 904(a)(1), added pars. (3) and (4).

Subsec. (f). Pub. L. 98–94, § 904(a)(2), substituted ''September 30, 1984'' for ''September 30, 1982''.

1981—Subsecs. (e), (f). Pub. L. 97–60 added subsecs. (e) and (f).

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–181 effective as of Dec. 31, 2007, and subject to various special provisions, see section 610 of Pub. L. 110–181, set out as a Correction of Lapsed Authorities for Payment of Bonuses, Special Pays, and Similar Benefits for Members of the Uniformed Services note under section 2130a of Title 10, Armed Forces.

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106–65, div. A, title VI, § 615(g), Oct. 5, 1999, 113 Stat. 651, provided that: ''The amendments made by this section [amending this section] shall take effect on October 1, 1999, and shall apply with respect to months beginning on or after that date.''

EFFECTIVE DATE OF 1997 AMENDMENT

Pub. L. 105–85, div. A, title VI, § 616(e), Nov. 18, 1997, 111 Stat. 1787, provided that: ''The amendments made by this section [amending this section] shall take effect as of October 1, 1996, and shall apply with respect to agreements accepted under section 301b of title 37, United States Code, on or after that date.''

EFFECTIVE DATE OF 1987 AMENDMENT

Pub. L. 100–180, div. A, title VI, §622(b), Dec. 4, 1987, 101 Stat. 1101, provided that:

''(1) The amendments made by subsection (a) to subsections (a), (e), and (f) of section 301b of title 37, United States Code, shall apply to agreements entered into on or after October 1, 1987, and special pay may be paid as if such amendments were in effect on such date.

''(2) Such amendments shall not affect an agreement entered into under such section as in effect on September 30, 1987, and the provisions of such section as in effect on such day shall continue to apply with respect to such agreement.''

EFFECTIVE DATE OF 1986 AMENDMENT

Pub. L. 99–661, div. A, title VI, §631(b), Nov. 14, 1986, 100 Stat. 3883, provided that: ''The amendments made by subsection (a) [amending this section] shall apply to payments made for periods beginning after the date of the enactment of this Act [Nov. 14, 1986] under agreements entered into under section 301b of title 37, United States Code.''

EFFECTIVE DATE OF 1985 AMENDMENT

Pub. L. 99–145, title VI, §636, Nov. 8, 1985, 99 Stat. 648, provided that the amendment made by that section is effective Oct. 1, 1985.

EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98–525, title VI, §622(a), Oct. 19, 1984, 98 Stat. 2540, provided that the amendment made by that section is effective Oct. 1, 1984.

EFFECTIVE DATE

Pub. L. 96–342, title VIII, §806(b), Sept. 8, 1980, 94 Stat. 1096, provided that: ''Agreements may not be entered into under section 301b of title 37, United States Code, as added by subsection (a), before October 1, 1980.''

SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(b) of Pub. L. 109–163, see section 687(f) of Pub. L. 109–163, set out as a note under section 510 of Title 10, Armed Forces.

PAYMENT OF BONUS TO AVIATION OFFICERS KILLED IN PERSIAN GULF WAR BEFORE COMPLETION OF SERVICE

Pub. L. 102–172, title VIII, §8135, Nov. 26, 1991, 105 Stat. 1212, as amended by Pub. L. 105–277, div. C, title I, §148, Oct. 21, 1998, 112 Stat. 2681–610, provided that:

''(a) Notwithstanding any provision of section 301b of title 37, United States Code, [or] of section 611 of Public Law 100–456 [set out below] as in effect at any time prior to the date of enactment of this Act [Nov. 26, 1991], in the case of any officer described in subsection (b), who was entitled to special pay under an agreement authorized by one of those sections, who was not paid the full amount due under such agreement, the unpaid balance shall be paid as part of the settlement of the officer's final military pay account or as a supplemental payment if the officer's final military pay account is already settled.

''(b) An officer to whom subsection (a) applies is an aviation officer who died as a result of flight operations on or after August 2, 1990, in those areas of the Arabian Peninsula, airspace, and adjacent waters designated by the President in Executive Order 12744 on 21 January 1991 [26 U.S.C. 112 note] as a combat zone (regardless of the date of the commencement of combatant activities in such zone as specified in that Executive Order) and prior to cessation of hostilities as declared by competent authority, before completing the full period of aviation service agreed to in his or her agreement to remain on active duty in aviation service under section 301b of title 37, United States Code, or section 611 of Public Law 100–456 [set out below].''

AGREEMENTS ENTERED INTO UNDER FORMER LAW

Pub. L. 101–189, div. A, title VI, §632(c), Nov. 29, 1989, 103 Stat. 1453, provided that:

''(1) The amendment made by subsection (a) [amending this section] shall not affect an agreement entered into under section 301b of title 37, United States Code (as in effect on September 30, 1989), and, except as provided in paragraph (2), the provisions of such section as in effect on such day shall continue to apply with respect to such agreement.

''(2) For pay periods beginning after September 30, 1989, an officer serving under an agreement entered into under section 301b of such title before October 1, 1987, shall be entitled during the remainder of the agreement to the monthly rate of aviation career incentive pay specified in section 301a(b) of such title and corresponding to the officer's years of aviation service or years of service as an officer.''

COVERAGE OF PERIOD OF LAPSED AUTHORITY

Pub. L. 104–106, div. A, title VI, §613(i), Feb. 10, 1996, 110 Stat. 360, provided that:

''(1) In the case of an officer described in section 301b(b) of title 37, United States Code, who executes an agreement described in paragraph (2) during the 90-day period beginning on the date of the enactment of this Act [Feb. 10, 1996], the Secretary concerned may treat the agreement for purposes of the retention bonus authorized under the agreement as having been executed and accepted on the first date on which the officer would have qualified for such an agreement had the amendment made by subsection (a) [amending this section] taken effect on October 1, 1995.

''(2) An agreement referred to in this subsection is a service agreement with the Secretary concerned that is a condition for the payment of a retention bonus under section 301b of title 37, United States Code.

''(3) For purposes of this subsection, the term 'Secretary concerned' has the meaning given that term in section 101(5) of title 37, United States Code.''

Pub. L. 103–160, div. A, title VI, §613(i), Nov. 30, 1993, 107 Stat. 1682, provided that:

''(1) In the case of an officer described in paragraph (2) who executes an agreement described in paragraph (3) during the 90-day period beginning on the date of the enactment of this Act [Nov. 30, 1993], the Secretary concerned may treat the agreement for purposes of the retention bonus or special pay authorized under the agreement as having been executed and accepted on the first date on which the officer would have qualified for such an agreement had the amendments made by subsections (a) and (g) [amending this section and provisions set out as a note under section 302 of this title] taken effect on October 1, 1993.

''(2) An officer referred to in paragraph (1) is an officer described in section 301b(b) of title 37, United States Code, or in section 613(a)(2) of the National Defense Authorization Act, Fiscal Year 1989 [Pub. L. 100–456] ([former] 37 U.S.C. 302 note), who, during the period beginning on October 1, 1993, and ending on the date of the enactment of this Act, would have qualified for an agreement described in paragraph (3) had the amendments made by subsections (a) and (g) taken effect on October 1, 1993.

''(3) An agreement referred to in this subsection is a service agreement with the Secretary concerned that is a condition for the payment of a retention bonus under section 301b of title 37, United States Code, or special pay under section 613 of the National Defense Authorization Act, Fiscal Year 1989 ([former] 37 U.S.C. 302 note).

''(4) For purposes of this subsection, the term 'Secretary concerned' has the meaning given that term in section 101(5) of title 37, United States Code.''

Pub. L. 102–484, div. A, title VI, §612(j)(2), Oct. 23, 1992, 106 Stat. 2421, provided that:

''(A) In the case of a person described in subparagraph (B) who executes an agreement described in subparagraph (C) during the 90-day period beginning on the date of the enactment of this Act [Oct. 23, 1992], the Secretary concerned may treat such agreement for purposes of the bonus or special pay authorized under such agreement as having been executed and accepted on the first date on which the person would have qualified for such an agreement had the amendments made by this section [amending this section and sections 302d, 302e, 308 to 308e, 308h, and 308i of this title and sections 2130a and 2172 [now 16302] of Title 10, Armed Forces] taken effect on October 1, 1992.

''(B) A person referred to in subparagraph (A) is a person who, during the period beginning on October 1, 1992, and ending on the date of the enactment of this Act, would have qualified for an agreement described in subparagraph (C) with the Secretary concerned had the amendments made by this section taken effect on October 1, 1992.

''(C) An agreement referred to in this paragraph is an agreement with the Secretary concerned for the payment of a bonus or special pay under section 301b, 302d, 302e, 308, 308a, 308b, 308c, 308e, 308h, or 308i of title 37, United States Code, or section 2130a of title 10, United States Code.

''(D) For purposes of this paragraph, the term 'Secretary concerned' has the meaning given that term in section 101(5) of title 37, United States Code.''

Pub. L. 102–190, div. A, title VI, § 612(a)(2), Dec. 5, 1991, 105 Stat. 1376, provided that:

''(A) In the case of an officer described in subparagraph (B) who executes an agreement under section 301b of such title [37 U.S.C. 301b] during the 90-day period beginning on the date of the enactment of this Act [Dec. 5, 1991], the Secretary concerned may treat such agreement as having been executed and accepted for purposes of such section on the first date on which the officer would have qualified for such an agreement had the amendment made by paragraph (1) [amending this section] taken effect on October 1, 1991.

''(B) An officer referred to in subparagraph (A) is an officer who, during the period beginning on October 1, 1991, and ending on the date of the enactment of this Act, would have qualified for an agreement under such section had the amendment made by paragraph (1) taken effect on October 1, 1991.

''(C) For purposes of this paragraph, the term 'Secretary concerned' has the meaning given that term in section 101(5) of title 37, United States Code.''

Pub. L. 101–189, div. A, title VI, § 632(d), Nov. 29, 1989, 103 Stat. 1453, provided that:

''(1) In the case of an aviation officer described in paragraph (2) who executes an agreement under section 301b of title 37, United States Code, during the 90-day period beginning on the date of the enactment of this Act [Nov. 29, 1989], the Secretary concerned may deem such agreement to have been executed and accepted for purposes of such section on the first date on which the officer would have qualified for such an agreement had the amendment made by subsection (a) [amending this section] taken effect on October 1, 1989.

''(2) An aviation officer referred to in paragraph (1) is an officer who, during the period beginning on October 1, 1989, and ending on the date of the enactment of this Act, would have qualified for an agreement under such section had the amendment made by subsection (a) taken effect on October 1, 1989.

''(3) For purposes of this subsection, the term 'Secretary concerned' has the meaning given that term by section 101(5) of title 37, United States Code.''

AVIATOR RETENTION BONUS

Pub. L. 100–456, div. A, title VI, § 611, Sept. 29, 1988, 102 Stat. 1977, as amended by Pub. L. 101–189, div. A, title VI, § 632(b), Nov. 29, 1989, 103 Stat. 1453, provided that a covered aviation officer who, during the period beginning on Jan. 1, 1989, and ending on Sept. 30, 1989, executed a written agreement to remain on active duty in aviation service for at least one year could, upon the acceptance of the written agreement by the Secretary concerned, be paid a retention bonus as provided in this section.

SPECIAL PAY AS INDUCEMENT TO REMAIN ON ACTIVE DUTY; REPORT TO CONGRESS

Pub. L. 98–94, title IX, § 904(b), Sept. 24, 1983, 97 Stat. 636, provided that:

''(1) It is the sense of the Congress that eligibility for special pay for aviation career officers under section 301b of title 37, United States Code, should be made available only to officers who will likely be induced to remain on active duty in aviation service by receipt of the special pay.

''(2) The Secretary of the Navy shall submit to the Congress not later than July 1, 1984, a written report, approved by the Secretary of Defense, on the payment of special pay for aviation career officers under section 301b of title 37, United States Code, since the date of the enactment of this Act [Sept. 24. 1983]. Such report shall include—

''(A) a list of the specific aviation specialties by aircraft type determined to be critical for purposes of the payment of special pay under such section since the date of the enactment of this Act;

''(B) the number of officers within each critical aviation specialty who received the special pay under such section since the date of the enactment of this Act by grade, years of prior active service, and amounts of special pay received under such section;

''(C) an explanation and justification for the Secretary's designation of an aviation specialty as 'critical' and for the payment of special pay under section 301b of such title to officers who have more than eight years of prior active service and who are serving in pay grade O–4 or above, if payment of such pay was made to such officers; and

''(D) an evaluation of the progress made since the date of the enactment of this Act toward eliminating shortages of aviators in the aviation specialties designated by the Secretary as critical.''

§ 301c. Incentive pay: submarine duty

(a) ELIGIBILITY REQUIREMENTS.—(1) Subject to regulations prescribed by the President, a member of the naval service who is entitled to basic pay, and (A) holds (or is in training leading to) a submarine duty designator, (B) is in and remains in the submarine service on a career basis, and (C) meets the requirements of paragraph (3), is entitled to continuous monthly submarine duty incentive pay in the amount prescribed pursuant to subsection (b).

(2) Subject to regulations prescribed by the President, a member of the naval service who is entitled to basic pay but is not entitled to continuous monthly submarine duty incentive pay under paragraph (1) is entitled to submarine duty incentive pay in the amount prescribed pursuant to subsection (b) for any period during which such member performs frequent and regular operational submarine duty (as defined in paragraph (5)) required by orders.

(3) To be entitled to continuous monthly submarine duty incentive pay through 26 years of service (as computed under section 205 of this title, but excluding, in the case of an officer, periods as an enlisted member before initial appointment as an officer), a member must perform operational submarine duties for at least 6 of the first 12, and at least 10 of the first 18, years of his submarine service. However, if a

member performs the prescribed operational submarine duties for at least 8 but less than 10 of the first 18 years of his submarine service, he is entitled to continuous monthly submarine duty incentive pay for the first 22 years of his service (as computed under section 205 of this title, but excluding, in the case of an officer, periods as an enlisted member before initial appointment as an officer).

(4) If upon completion of either 12 or 18 years of submarine service it is determined that a member has failed to perform the minimum prescribed operational submarine duty requirements during the prescribed periods of time, his entitlement to continuous monthly submarine duty incentive pay ceases. If entitlement to continuous monthly submarine duty incentive pay ceases upon completion of 12 years of submarine service, entitlement to that pay may again commence upon completion of 18 years of submarine service if the minimum operational submarine duty requirements have been met, and such pay shall continue for the period of time prescribed in accordance with this section. However, if entitlement to continuous monthly submarine duty incentive pay ceases in the case of any member at the completion of either 12 or 18 years of submarine service or 26 years of service (as computed under section 205 of this title, but excluding, in the case of an officer, periods as an enlisted member before initial appointment as an officer), such member shall be entitled to that pay in the amount prescribed pursuant to subsection (b) for the performance of subsequent operational submarine duty, or for the performance of service as a member of a submarine operational command staff, if such member's duties require serving on a submarine during underway operations.

(5) In this section:

(A) The term ''operational submarine duty'' means duty—

(i) while attached under competent orders to a submarine, while serving as an operator or crew member of an operational submersible (including an undersea exploration or research vehicle), while undergoing training preliminary to assignment to a nuclear-powered submarine, while undergoing rehabilitation after assignment to a nuclear-powered submarine, or, in the case of a member qualified in submarines, while attached as a member of a submarine operational command staff whose duties require serving on a submarine during underway operations—

(I) during one calendar month: 48 hours, except that hours served underway in excess of 48 as a member of a submarine operational command staff during any of the immediately preceding five calendar months and not already used to qualify for incentive pay may be applied to satisfy the underway time requirements for the current month;

(II) during any two consecutive calendar months when the requirements of subclause (I) of this clause have not been met: 96 hours; or

(III) during any three consecutive calendar months when the requirements of subclause (II) of this clause have not been met: 144 hours;

(ii) while receiving instruction to prepare for assignment to a submarine of advanced design, or

(iii) while receiving instruction to prepare for a position of increased responsibility on a submarine.

(B) The term ''submarine service'' means the service performed, under regulations prescribed by the Secretary of the Navy, by a member, and the years of submarine service are computed beginning with the effective date of the initial order to perform submarine service.

(b) MONTHLY RATES.—The Secretary of the Navy shall prescribe the monthly rates of submarine duty incentive pay, except that the maximum monthly rate may not exceed $1,000.

(c) EXCEPTIONS.—(1) An officer who fails of selection for assignment as an executive officer or commanding officer of a submarine or who declines to serve in either such position may not be paid submarine duty incentive pay except for periods during which the officer is serving on a submarine during underway operations.

(2) An enlisted member may not be paid continuous submarine duty incentive pay while serving ashore between submarine sea duty assignments unless the member has a sufficient period of enlistment (including any extension of an enlistment) remaining to be reassigned to submarine sea duty.

(d) APPLICABILITY TO CERTAIN NAVY RESERVE DUTY.—Under regulations prescribed by the President and to the extent provided for by appropriations, when a member of the Navy Reserve who is entitled to compensation under section 206 of this title, performs, under orders, duty on a submarine during underway operations, he is eligible for an increase in such compensation equal to one-thirtieth of the monthly incentive pay prescribed pursuant to subsection (b) for the performance of that duty by a member of a corresponding grade and years of service who is entitled to basic pay. Such a member is eligible for the increase for each day served, for as long as he is qualified for it, during each regular period of appropriate duty.

(Added Pub. L. 96–579, § 3(d), Dec. 23, 1980, 94 Stat. 3360; amended Pub. L. 97–39, title VII, § 701(a), (b), Aug. 14, 1981, 95 Stat. 942; Pub. L. 97–60, title I, § 114, Oct. 14, 1981, 95 Stat. 995; Pub. L. 99–145, title VI, § 633(a), Nov. 8, 1985, 99 Stat. 646; Pub. L. 100–26, § 8(e)(4), Apr. 21, 1987, 101 Stat. 286; Pub. L. 100–180, div. A, title VI, § 623(a), (b), Dec. 4, 1987, 101 Stat. 1101; Pub. L. 100–224, § 5(a)(2), Dec. 30, 1987, 101 Stat. 1538; Pub. L. 100–456, div. A, title XII, § 1233(*l*)(1), Sept. 29, 1988, 102 Stat. 2058; Pub. L. 101–510, div. A, title XIII, § 1322(c)(1), Nov. 5, 1990, 104 Stat. 1672; Pub. L. 102–25, title VII, § 702(b)(1), (2), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 102–190, div. A, title XI, § 1111(d)(2), Dec. 5, 1991, 105 Stat. 1492; Pub. L. 107–107, div. A, title VI, § 617(a), (b), Dec. 28, 2001, 115 Stat. 1137; Pub. L. 109–163, div. A, title V, § 515(d)(1)(D), (2), Jan. 6, 2006, 119 Stat. 3236.)

AMENDMENTS

2006—Subsec. (d). Pub. L. 109–163 substituted ''Navy Reserve'' for ''Naval Reserve'' in heading and text.

2001—Subsec. (a). Pub. L. 107–107, § 617(b)(1), inserted heading and substituted ''prescribed pursuant to subsection (b)'' for ''set forth in subsection (b)'' in pars. (1), (2), and (4).

Subsec. (b). Pub. L. 107–107, § 617(a), inserted heading and amended text generally, substituting provisions relating to the Secretary's discretion in prescribing submarine duty incentive pay rates for tables specifying those rates.

Subsec. (c). Pub. L. 107–107, § 617(b)(2), inserted heading.

Subsec. (d). Pub. L. 107–107, § 617(b)(3), inserted heading and substituted ''prescribed pursuant to subsection (b)'' for ''authorized by subsection (b)''.

1991—Pub. L. 102–25 struck out ''of this section'' and ''of this subsection'' wherever appearing in subsecs. (a) and (d).

Subsec. (b). Pub. L. 102–190, in table pertaining to warrant officers, added provisions relating to pay grade W–5 in two places.

1990—Subsec. (e). Pub. L. 101–510 struck out subsec. (e) which read as follows: ''The Secretary of Defense shall report to the Congress before January 1 each year—

''(1) the number of enlisted members and officers, by pay grade, who, during the preceding fiscal year, had at least 12 but less than 18 years of submarine service and who were entitled to continuous monthly submarine duty incentive pay under subsection (a) of this section; and

''(2) the number of enlisted members and officers, by pay grade, who, during such fiscal year, had at least 18 years of submarine service and who were entitled to such incentive pay.

The Secretary shall include in each such report the number of enlisted members and the number of officers in each category referred to in the first sentence of this subsection, the number of such officers who, during the fiscal year concerned, were performing operational submarine duties, who were performing submarine command staff duties, and who were not performing submarine duties at all.''

1988—Subsec. (a). Pub. L. 100–456 made clarifying amendment to directory language of Pub. L. 100–180, § 623(a). See 1987 Amendment note below.

1987—Subsec. (a)(1), (2). Pub. L. 100–180, § 623(a), as amended by Pub. L. 100–456, substituted ''naval service'' for ''Navy''.

Subsec. (a)(5). Pub. L. 100–26 substituted ''In this section:'' for ''For the purposes of this section, the term—'', inserted ''The term'' at beginning of subpars. (A) and (B), and substituted ''operational'' for ''Operational'' and ''submarine'' for ''Submarine'' in subpars. (A) and (B), respectively.

Subsec. (b). Pub. L. 100–224 struck out, preceding table for enlisted members, ''(b) The monthly rates for special pay under subsection (a) are as follows:'' which had inadvertently been inserted as a second subsec. (b) by Pub. L. 100–180, § 623(b).

Pub. L. 100–180, § 623(b), amended tables generally so as to reflect an upward adjustment in monthly incentive pay rates for enlisted members, commissioned officers, and warrant officers of all pay grades and years of service encompassed by tables.

1985—Subsec. (b). Pub. L. 99–145 amended table pertaining to commissioned officers generally, so as to reflect an upward adjustment in monthly incentive pay rates for persons in pay grades O–6 through O–3 having over 18, over 20, over 22, and over 26 years of service, respectively.

1981—Subsec. (a)(1). Pub. L. 97–39, § 701(a), substituted provisions set forth as cls. (A) to (C) respecting conditions for continuous monthly submarine duty incentive pay for provisions relating to payment of incentive pay for the frequent and regular performance of operational submarine duty required by orders.

Subsec. (a)(2). Pub. L. 97–39, § 701(a), substituted provisions relating to payment of submarine duty incentive pay for provisions relating to restrictions on payment of submarine duty incentive pay.

Subsec. (a)(3), (4). Pub. L. 97–60 inserted '', but excluding, in the case of an officer, periods as an enlisted member before initial appointment as an officer'' after ''(as computed under section 205 of this title'' in three places.

Subsec. (a)(5)(A)(i). Pub. L. 97–39, § 701(b), inserted provisions relating to service as an operator or crew member of an operational submersible.

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102–190 effective Feb. 1, 1992, see section 1132 of Pub. L. 102–190, set out as a note under section 521 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–456 applicable as if included in enactment of Pub. L. 100–180, see section 1233(*l*)(5) of Pub. L. 100–456, set out as a note under section 2366 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1987 AMENDMENT

Pub. L. 100–180, div. A, title VI, § 623(c), Dec. 4, 1987, 101 Stat. 1103, provided that:

''(1) Subject to paragraph (2), the amendments made by this section [amending this section] shall take effect on the first day of the first month beginning after the date of the enactment of this Act [Dec. 4, 1987] and shall apply only with respect to duty performed on or after that date.

''(2) The amendments made by this section shall take effect only if legislation as described in section 3(c) is enacted [section 3(c) of Pub. L. 100–180, which is not classified to the Code].''

EFFECTIVE DATE OF 1985 AMENDMENT

Pub. L. 99–145, title VI, § 633(b), Nov. 8, 1985, 99 Stat. 646, provided that: ''The amendment made by this section [amending this section] shall take effect on October 1, 1985.''

EFFECTIVE DATE OF 1981 AMENDMENT

Pub. L. 97–39, title VII, § 701(c), Aug. 14, 1981, 95 Stat. 942, provided that: ''The amendments made by this section [amending this section] shall take effect as of January 1, 1981.''

EFFECTIVE DATE

Pub. L. 96–579, § 3(g), Dec. 23, 1980, 94 Stat. 3364, provided: ''The amendments made by this subsection [probably means section 3 of Pub. L. 96–579, which enacted this section and amended sections 301 and 308 of this title] shall become effective on the first day of the first month following the month in which this Act is enacted [December, 1980].''

DELEGATION OF FUNCTIONS

For delegation of authority under this section to Secretaries of Defense, Commerce, Health and Human Services, and Homeland Security when Coast Guard not serving as part of Navy, see section 1 of Ex. Ord. No. 13294, Mar. 28, 2003, 68 F.R. 15919, set out as a note under section 301 of this title.

TRANSITION PROVISIONS

Pub. L. 107–107, div. A, title VI, § 617(c), Dec. 28, 2001, 115 Stat. 1137, provided that: ''The tables set forth in subsection (b) of section 301c of title 37, United States Code, as in effect on the day before the date of the enactment of this Act [Dec. 28, 2001], shall continue to apply until the later of the following:

''(1) January 1, 2002.

''(2) The date on which the Secretary of the Navy prescribes new submarine duty incentive pay rates as

authorized by the amendment made by subsection (a) [amending this section].''

§301d. Multiyear retention bonus: medical officers of the armed forces

(a) BONUS AUTHORIZED.—(1) A medical officer described in subsection (b) who executes a written agreement to remain on active duty for two, three, or four years after completion of any other active-duty service commitment may, upon acceptance of the written agreement by the Secretary of the military department concerned, be paid a retention bonus as provided in this section.

(2) The amount of a retention bonus under paragraph (1) may not exceed $75,000 for each year covered by a four-year agreement. The maximum yearly retention bonus for two-year and three-year agreements shall be reduced to reflect the shorter service commitment.

(b) ELIGIBLE OFFICERS.—This section applies to an officer of the armed forces who—

(1) is an officer of the Medical Corps of the Army or the Navy or an officer of the Air Force designated as a medical officer;

(2) is in a pay grade below pay grade O–7;

(3) has at least eight years of creditable service (computed as described in section 302(g) of this title) or has completed any active-duty service commitment incurred for medical education and training; and

(4) has completed initial residency training (or will complete such training before September 30 of the fiscal year in which the officer enters into an agreement under subsection (a)).

(c) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (a) shall be subject to the repayment provisions of section 303a(e) of this title.

(Added Pub. L. 101–510, div. A, title VI, §611(a)(1), Nov. 5, 1990, 104 Stat. 1576; amended Pub. L. 102–484, div. A, title X, §1054(a)(2), Oct. 23, 1992, 106 Stat. 2502; Pub. L. 107–314, div. A, title VI, §615(a), Dec. 2, 2002, 116 Stat. 2568; Pub. L. 109–163, div. A, title VI, §687(b)(2), Jan. 6, 2006, 119 Stat. 3327; Pub. L. 110–181, div. A, title VI, §615(b), Jan. 28, 2008, 122 Stat. 150.)

AMENDMENTS

2008—Subsec. (a)(2). Pub. L. 110–181 substituted ''$75,000'' for ''$50,000''.

2006—Subsec. (c). Pub. L. 109–163 amended heading and text of subsec. (c) generally, substituting provisions referring to repayment provisions of section 303a(e) for specific provisions relating to refunds required when officer fails to complete total period of active duty.

2002—Subsec. (a)(2). Pub. L. 107–314 substituted ''$50,000'' for ''$14,000''.

1992—Subsec. (c)(2). Pub. L. 102–484, §1054(a)(2)(A), substituted ''owed'' for ''owned''.

Subsec. (c)(3). Pub. L. 102–484, §1054(a)(2)(B), substituted ''November 5, 1990'' for ''the date of the enactment of the National Defense Authorization Act for Fiscal Year 1991''.

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110–181, div. A, title VI, §615(c), Jan. 28, 2008, 122 Stat. 150, provided that: ''The amendments made by this section [amending this section and section 302 of this title] shall apply with respect to agreements entered into under section 301d(a) or 302b(c) of title 37, United States Code, on or after the date of the enactment of this Act [Jan. 28, 2008].''

SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(b) of Pub. L. 109–163, see section 687(f) of Pub. L. 109–163, set out as a note under section 510 of Title 10, Armed Forces.

APPLICATION OF INCREASE

Pub. L. 107–314, div. A, title VI, §615(i), Dec. 2, 2002, 116 Stat. 2569, provided that: ''In the case of an amendment made by this section [amending sections 301d, 301e, 302, 302a, 302d, 302e, and 302i of this title and section 2130a of Title 10, Armed Forces] to increase the maximum amount of a special pay or bonus that may be paid during any 12-month period, the amended limitation shall apply to 12-month periods beginning after September 30, 2002.''

ELIGIBILITY OF FLAG AND GENERAL OFFICERS FOR MULTIYEAR RETENTION BONUS FOR MEDICAL OFFICERS

Pub. L. 102–190, div. A, title VI, §615, Dec. 5, 1991, 105 Stat. 1377, provided that:

''(a) REITERATING INELIGIBILITY.—The restriction contained in subsection (b)(2) of section 301d of title 37, United States Code, on the eligibility of flag and general officers serving as full-time physicians to receive a multiyear retention bonus under that section shall not be construed as being limited, modified, or superseded by any provision of law, whether enacted before, on, or after the date of the enactment of this Act [Dec. 5, 1991], unless that provision of law—

''(1) specifically refers to that section and this subsection; and

''(2) identifies the flag and general officers affected by that provision.

''(b) SAVINGS PROVISION.—(1) A medical officer of the Armed Forces who is a flag or general officer and has received any payment of a bonus under section 301d of title 37, United States Code, before the date of the enactment of this Act [Dec. 5, 1991] may not be required to reimburse the United States for such payment by reason of the enactment of subsection (a).

''(2) A written agreement referred to in section 301d of title 37, United States Code, that was entered into on or after April 10, 1991, and before the date of the enactment of this Act [Dec. 5, 1991] by a medical officer of the Armed Forces referred to in paragraph (1) in exchange for a payment (or a promise of payment) of a bonus under that section shall be terminated as of the later of—

''(A) the end of the month following the month in which this Act is enacted; or

''(B) the end of the period covered by the bonus payment or payments received by that officer as described in that paragraph.''

Pub. L. 102–172, title VIII, §8084, Nov. 26, 1991, 105 Stat. 1192, provided that: ''Restrictions provided under subsection (b)(2) of section 301d of title 37, United States Code, as authorized by the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510), and hereafter, shall not apply in the case of flag or general officers serving as full-time practicing physicians.''

TERMINATION OF EXISTING RETENTION BONUS AGREEMENT

Pub. L. 101–510, div. A, title VI, §611(b), Nov. 5, 1990, 104 Stat. 1576, provided that:

''(1) Subject to the approval of the Secretary of the military department concerned, a medical officer who

is eligible to enter into a retention bonus agreement under section 301d of title 37, United States Code (as added by subsection (a)) may terminate any existing retention bonus agreement entered into by that officer under [section] 612 of the National Defense Authorization Act, Fiscal Year 1989 [Pub. L. 100–456] (37 U.S.C. 302 note), in order to enter into an agreement under section 301d of such title containing an active-duty service obligation that is not less than the active-duty service obligation remaining under the existing agreement on the date of its termination.

''(2) Subsection (e) of section 612 of the National Defense Authorization Act, Fiscal Year 1989 (37 U.S.C. 302 note), shall not apply to the termination, pursuant to paragraph (1), of a retention bonus agreement under that section.''

§ 301e. Multiyear retention bonus: dental officers of the armed forces

(a) BONUS AUTHORIZED.—(1) A dental officer described in subsection (b) who executes a written agreement to remain on active duty for two, three, or four years after completion of any other active-duty service commitment may, upon acceptance of the written agreement by the Secretary of the military department concerned, be paid a retention bonus as provided in this section.

(2) The amount of a retention bonus under paragraph (1) may not exceed $50,000 for each year covered by a four-year agreement. The maximum yearly retention bonus for two-year and three-year agreements shall be reduced to reflect the shorter service commitment.

(b) OFFICERS AUTOMATICALLY ELIGIBLE.—Subsection (a) applies to an officer of the armed forces who—

(1) is an officer of the Dental Corps of the Army or the Navy or an officer of the Air Force designated as a dental officer;

(2) has a dental specialty in oral and maxillofacial surgery;

(3) is in a pay grade below pay grade O–7;

(4) has at least eight years of creditable service (computed as described in section 302b(g)[1] of this title) or has completed any active-duty service commitment incurred for dental education and training; and

(5) has completed initial residency training (or will complete such training before September 30 of the fiscal year in which the officer enters into an agreement under subsection (a)).

(c) EXTENSION OF BONUS TO OTHER DENTAL OFFICERS.—At the discretion of the Secretary of the military department concerned, the Secretary may enter into a written agreement described in subsection (a)(1) with a dental officer who does not have the dental specialty specified in subsection (b)(2), and pay a retention bonus to such an officer as provided in this section, if the officer otherwise satisfies the eligibility requirements specified in subsection (b). The Secretaries shall exercise the authority provided in this section in a manner consistent with regulations prescribed by the Secretary of Defense.

(d) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (a) shall be subject to the repayment provisions of section 303a(e) of this title.

(Added Pub. L. 105–85, div. A, title VI, § 617(a), Nov. 18, 1997, 111 Stat. 1788; amended Pub. L. 107–314, div. A, title VI, § 615(b), Dec. 2, 2002, 116 Stat. 2568; Pub. L. 109–163, div. A, title VI, § 687(b)(3), Jan. 6, 2006, 119 Stat. 3328.)

REFERENCES IN TEXT

Section 302b(g) of this title, referred to in subsec. (b)(4), was redesignated section 302b(f) of this title by Pub. L. 109–163, div. A, title VI, § 687(b)(6)(D), Jan. 6, 2006, 119 Stat. 3328.

AMENDMENTS

2006—Subsec. (d). Pub. L. 109–163 amended heading and text of subsec. (d) generally, substituting provisions referring to repayment provisions of section 303a(e) for specific provisions relating to refunds required when officer fails to complete total period of active duty.

2002—Subsec. (a)(2). Pub. L. 107–314 substituted ''$50,000'' for ''$14,000''.

SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(b) of Pub. L. 109–163, see section 687(f) of Pub. L. 109–163, set out as a note under section 510 of Title 10, Armed Forces.

APPLICATION OF INCREASE

In case of amendment by section 615 of Pub. L. 107–314 to increase maximum amount of special pay or bonus that may be paid during any 12-month period, the amended limitation is applicable to 12-month periods beginning after Sept. 30, 2002, see section 615(i) of Pub. L. 107–314, set out as a note under section 301d of this title.

§ 302. Special pay: medical officers of the armed forces

(a) VARIABLE, ADDITIONAL, AND BOARD CERTIFICATION SPECIAL PAY.—(1) An officer who is an officer of the Medical Corps of the Army or the Navy or an officer of the Air Force designated as a medical officer and who is on active duty under a call or order to active duty for a period of not less than one year is entitled to special pay in accordance with this subsection.

(2) An officer described in paragraph (1) who is serving in a pay grade below pay grade O–7 is entitled to variable special pay at the following rates:

(A) $1,200 per year, if the officer is undergoing medical internship training.

(B) $5,000 per year, if the officer has less than six years of creditable service and is not undergoing medical internship training.

(C) $12,000 per year, if the officer has at least six but less than eight years of creditable service.

(D) $11,500 per year, if the officer has at least eight but less than ten years of creditable service.

(E) $11,000 per year, if the officer has at least ten but less than twelve years of creditable service.

(F) $10,000 per year, if the officer has at least twelve but less than fourteen years of creditable service.

[1] See References in Text note below.

(G) $9,000 per year, if the officer has at least fourteen but less than eighteen years of creditable service.

(H) $8,000 per year, if the officer has at least eighteen but less than twenty-two years of creditable service.

(I) $7,000 per year, if the officer has twenty-two or more years of creditable service.

(3) An officer described in paragraph (1) who is serving in a pay grade above pay grade O–6 is entitled to variable special pay at the rate of $7,000 per year.

(4) Subject to subsection (c), an officer entitled to variable special pay under paragraph (2) or (3) is entitled to additional special pay of $15,000 for any twelve-month period during which the officer is not undergoing medical internship or initial residency training.

(5) An officer who is entitled to variable special pay under paragraph (2) or (3) and who is board certified is entitled to additional special pay at the following rates:

(A) $2,500 per year, if the officer has less than ten years of creditable service.

(B) $3,500 per year, if the officer has at least ten but less than twelve years of creditable service.

(C) $4,000 per year, if the officer has at least twelve but less than fourteen years of creditable service.

(D) $5,000 per year, if the officer has at least fourteen but less than eighteen years of creditable service.

(E) $6,000 per year, if the officer has eighteen or more years of creditable service.

(b) INCENTIVE SPECIAL PAY.—(1) Subject to subsection (c) and paragraph (2) and under regulations prescribed under section 303a(a) of this title, an officer who is entitled to variable special pay under subsection (a)(2) may be paid incentive special pay for any twelve-month period during which the officer is not undergoing medical internship or initial residency training. The amount of incentive special pay paid to an officer under this subsection may not exceed $75,000 for any 12-month period.

(2) An officer is not eligible for incentive special pay under paragraph (1) unless the Secretary concerned has determined that such officer is qualified in the medical profession.

(c) ACTIVE-DUTY AGREEMENT.—(1) An officer may not be paid additional special pay under subsection (a)(4) or incentive special pay under subsection (b) for any twelve-month period unless the officer first executes a written agreement under which the officer agrees to remain on active duty for a period of not less than one year beginning on the date the officer accepts the award of such special pay.

(2) Under regulations prescribed by the Secretary of Defense under section 303a(a) of this title, the Secretary of the military department concerned may terminate at any time an officer's entitlement to the special pay authorized by subsection (a)(4) or (b)(1). If such entitlement is terminated, the officer concerned shall be subject to the repayment provisions of section 303a(e) of this title.

(d) REGULATIONS.—Regulations prescribed by the Secretary of Defense under section 303a(a) of this title shall include standards for determining—

(1) whether an officer is undergoing medical internship or initial residency training for purposes of subsections (a)(2)(A), (a)(2)(B), (a)(4), and (b)(1); and

(2) whether an officer is board certified for purposes of subsection (a)(5).

(e) FREQUENCY OF PAYMENTS.—Special pay payable to an officer under paragraphs (2), (3), and (5) of subsection (a) shall be paid monthly. Special pay payable to an officer under subsection (a)(4) or (b)(1) shall be paid annually at the beginning of the twelve-month period for which the officer is entitled to such payment.

(f) REPAYMENT.—An officer who does not complete the period for which the payment was made under subsection (a)(4) or subsection (b)(1) shall be subject to the repayment provisions of section 303a(e) of this title.

(g) DETERMINATION OF CREDITABLE SERVICE.—For purposes of this section, creditable service of an officer is computed by adding—

(1) all periods which the officer spent in medical internship or residency training during which the officer was not on active duty; and

(2) all periods of active service in the Medical Corps of the Army or Navy, as an officer of the Air Force designated as a medical officer, or as a medical officer of the Public Health Service.

(h) RESERVE MEDICAL OFFICERS SPECIAL PAY.—(1) A reserve medical officer described in paragraph (2) is entitled to special pay at the rate of $450 a month for each month of active duty, including active duty in the form of annual training, active duty for training, and active duty for special work.

(2) A reserve medical officer referred to in paragraph (1) is a reserve officer who—

(A) is an officer of the Medical Corps of the Army or the Navy or an officer of the Air Force designated as a medical officer; and

(B) is on active duty under a call or order to active duty for a period of less than one year.

(i) EFFECT OF DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under such agreement or under subsection (c)(2) or (f). This paragraph applies to any case commenced under title 11 after September 30, 1985.

(Pub. L. 87–649, Sept. 7, 1962, 76 Stat. 464; Pub. L. 88–2, §5, Mar. 28, 1963, 77 Stat. 4; Pub. L. 88–132, §4, Oct. 2, 1963, 77 Stat. 212; Pub. L. 89–718, §53, Nov. 2, 1966, 80 Stat. 1122; Pub. L. 90–40, §5, June 30, 1967, 81 Stat. 105; Pub. L. 92–129, title I, §104, Sept. 28, 1971, 85 Stat. 355; Pub. L. 93–64, title II, §201, July 9, 1973, 87 Stat. 149; Pub. L. 93–274, §1(1), May 6, 1974, 88 Stat. 94; Pub. L. 96–284, §2(a), June 28, 1980, 94 Stat. 587; Pub. L. 96–513, title IV, §415, Dec. 12, 1980, 94 Stat. 2906; Pub. L. 99–145, title VI, §640, Nov. 8, 1985, 99 Stat. 652; Pub. L. 99–661, div. A, title XIII, §§1342(d), 1343(b)(1), Nov. 14, 1986, 100 Stat. 3991, 3995; Pub.

L. 100–180, div. A, title VII, § 716(a), Dec. 4, 1987, 101 Stat. 1113; Pub. L. 101–189, div. A, title VII, § 702(a)–(f), Nov. 29, 1989, 103 Stat. 1468, 1469; Pub. L. 101–510, div. A, title VI, § 612, Nov. 5, 1990, 104 Stat. 1577; Pub. L. 106–398, § 1 [[div. A], title VI, § 625(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A–153; Pub. L. 107–314, div. A, title VI, § 615(c), Dec. 2, 2002, 116 Stat. 2568; Pub. L. 109–163, div. A, title VI, § 687(b)(4), Jan. 6, 2006, 119 Stat. 3328; Pub. L. 110–181, div. A, title VI, § 615(a), Jan. 28, 2008, 122 Stat. 150.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
302(a)	37:234(a).	Oct. 12, 1949, ch. 681, § 203(a), (b) (less applicability to veterinarians), 63 Stat. 809; June 25, 1952, ch. 459, § 1, 66 Stat. 156; June 29, 1953, ch. 138, § 8 (less applicability to veterinarians), 67 Stat. 89; June 30, 1955, ch. 250, § 203, 69 Stat. 225; Apr. 30, 1956, ch. 223, § 5, 70 Stat. 122; Mar. 23, 1959, Pub. L. 86–4, § 5, 73 Stat. 13.
	37:234(b) (introductory clause and last proviso, less applicability to veterinarians).	
302(b)	37:234(b) (less introductory clause, less provisos, and less applicability to veterinarians).	
302(c)	37:234(b) (1st and 2d provisos, less applicability to veterinarians).	

In subsection (a), clause (1) is substituted for section 234(a)(1), (2), and (3) of existing title 37. The words ''of the Regular Army or the Regular Navy'' and ''of the Regular Air Force'' are inserted in clauses (1)(A) and (B), respectively, since, in contradistinction to section 234(a)(4) of existing title 37, their source was intended to apply only to regular officers. Clauses (2) (A) and (B) are substituted for the enumeration of categories in section 234(a)(4) of existing title 37 to reflect current usage and designation of those categories. Clause (3) is substituted for section 234(a)(5) and (6) of existing title 37.

In subsection (c), the words ''disability retirement pay'' are omitted as covered by the words ''retired pay''. Section 234(b) (2d proviso) of existing title 37 is omitted as obsolete.

AMENDMENTS

2008—Subsec. (b)(1). Pub. L. 110–181 substituted ''$75,000'' for ''$50,000''.

2006—Subsec. (c)(2). Pub. L. 109–163, § 687(b)(4)(A), added second sentence and struck out former second sentence which read as follows: ''If such entitlement is terminated, the officer concerned is entitled to be paid such special pay only for the part of the period of active duty that he served, and he may be required to refund any amount in excess of that entitlement.''

Subsec. (f). Pub. L. 109–163, § 687(b)(4)(B), added subsec. (f) and struck out heading and text of former subsec. (f). Text read as follows: ''An officer who voluntarily terminates service on active duty before the end of the period for which a payment was made to such officer under subsection (a)(4) or (b)(1) shall refund to the United States an amount which bears the same ratio to the amount paid to such officer as the unserved part of such period bears to the total period for which the payment was made.''

2002—Subsec. (b)(1). Pub. L. 107–314 inserted second sentence and struck out former second sentence which read as follows: ''No payment to an officer under this subsection may exceed $16,000 for any twelve-month period beginning in fiscal year 1990, $22,000 for any twelve-month period beginning in fiscal year 1991, $29,000 for any twelve-month period beginning in fiscal year 1992, and $36,000 for any twelve-month period beginning after fiscal year 1992.''

2000—Subsec. (h)(1). Pub. L. 106–398 inserted before period at end '', including active duty in the form of annual training, active duty for training, and active duty for special work''.

1990—Subsec. (a)(3). Pub. L. 101–510 substituted ''$7,000'' for ''$1,000''.

1989—Subsec. (a). Pub. L. 101–189, § 702(f)(1), inserted heading.

Subsec. (a)(2). Pub. L. 101–189, § 702(f)(9), struck out ''of this subsection'' after ''paragraph (1)'' in introductory provisions.

Subsec. (a)(2)(C) to (I). Pub. L. 101–189, § 702(a), in subpar. (C), substituted ''$12,000'' for ''$10,000'', in subpar. (D), substituted ''$11,500'' for ''$9,500'', in subpar. (E), substituted ''$11,000'' for ''$9,000'', in subpar. (F), substituted ''$10,000'' for ''$8,000'', in subpar. (G), substituted ''$9,000'' for ''$7,000'', in subpar. (H), substituted ''$8,000'' for ''$6,000'', and in subpar. (I), substituted ''$7,000'' for ''$5,000''.

Subsec. (a)(3). Pub. L. 101–189, § 702(f)(9), struck out ''of this subsection'' after ''paragraph (1)''.

Subsec. (a)(4). Pub. L. 101–189, § 702(f)(9), struck out ''of this section'' after ''subsection (c)'' and ''of this subsection'' after ''paragraph (2) or (3)''.

Pub. L. 101–189, § 702(b), struck out subpar. (A) designation, substituted ''is entitled to additional special pay of $15,000'' for ''who has less than ten years of creditable service is entitled to additional special pay of $9,000'', and struck out subpar. (B) which read as follows: ''Subject to subsection (c) of this section, an officer entitled to variable special pay under paragraph (2) or (3) of this subsection who has ten or more years of creditable service is entitled to additional special pay of $10,000 for any twelve-month period during which the officer is not undergoing medical internship or initial residency training.''

Subsec. (a)(5). Pub. L. 101–189, § 702(f)(9), struck out ''of this subsection'' after ''paragraph (2) or (3)''.

Pub. L. 101–189, § 702(c), in subpar. (A), substituted ''$2,500'' for ''$2,000'', in subpar. (B), substituted ''$3,500'' for ''$2,500'', in subpar. (C), substituted ''$4,000'' for ''$3,000'', in subpar. (D), substituted ''$5,000'' for ''$4,000'', and in subpar. (E), substituted ''$6,000'' for ''$5,000''.

Subsec. (b). Pub. L. 101–189, § 702(f)(2), inserted heading.

Subsec. (b)(1). Pub. L. 101–189, § 702(f)(9), struck out ''of this section'' after ''subsection (c)'' and ''subsection (a)(2)'' and struck out ''of this subsection'' after ''paragraph (2)''.

Pub. L. 101–189, § 702(d), substituted ''$16,000 for any twelve-month period beginning in fiscal year 1990, $22,000 for any twelve-month period beginning in fiscal year 1991, $29,000 for any twelve-month period beginning in fiscal year 1992, and $36,000 for any twelve-month period beginning after fiscal year 1992'' for ''$8,000 for any twelve-month period unless the Secretary concerned determines that the officer is qualified and serving in a health profession skill which has been designated by the Secretary concerned as a critically needed wartime skill''.

Subsec. (b)(2). Pub. L. 101–189, § 702(f)(9), struck out ''of this subsection'' after ''paragraph (1)''.

Subsec. (c). Pub. L. 101–189, § 702(f)(9), struck out ''of this section'' after ''subsection (a)(4)'' and ''subsection (b)'' in par. (1) and after ''or (b)(1)'' in par. (2).

Pub. L. 101–189, § 702(f)(3), inserted heading.

Subsec. (d). Pub. L. 101–189, § 702(f)(9), struck out ''of this section'' after ''and (b)(1)'' in par. (1) and after ''subsection (a)(5)'' in par. (2).

Pub. L. 101–189, § 702(f)(4), inserted heading.

Subsec. (e). Pub. L. 101–189, § 702(f)(9), struck out ''of this section'' after ''subsection (a)'' and ''or (b)(1)''.

Pub. L. 101–189, § 702(f)(5), inserted heading.

Subsec. (f). Pub. L. 101–189, § 702(f)(9), struck out ''of this section'' after ''or (b)(1)''.

Pub. L. 101–189, § 702(f)(6), inserted heading.

Subsec. (g). Pub. L. 101–189, § 702(f)(7), inserted heading.

Subsec. (h). Pub. L. 101–189, § 702(e), amended subsec. (h) generally. Prior to amendment, subsec. (h) read as follows:

''(1) Any reserve officer who is an officer of the Medical Corps of the Army or the Navy or an officer of the Air Force designated as a medical officer—

''(A) who has served on active duty as a medical officer for not less than one year; and

''(B) who is on active duty under a call or order to active duty for a period of less than one year;

is entitled to special pay in accordance with this subsection.

''(2) An officer described in paragraph (1) of this subsection is entitled to special pay at the rate of—

''(A) $100 a month for each month of active duty, if he has not completed two years of active duty; or

''(B) $350 a month for each month of active duty, if he has completed at least two years of active duty.''

Subsec. (i). Pub. L. 101–189, §702(f)(9), struck out ''of this section'' after ''or (f)''.

Pub. L. 101–189, §702(f)(8), inserted heading.

1987—Subsec. (b)(1). Pub. L. 100–180, §716(a)(1), (2), struck out ''in an amount not to exceed $8,000'' after ''incentive special pay'' and inserted at end ''No payment to an officer under this subsection may exceed $8,000 for any twelve-month period unless the Secretary concerned determines that the officer is qualified and serving in a health profession skill which has been designated by the Secretary concerned as a critically needed wartime skill.''

Subsec. (b)(3). Pub. L. 100–180, §716(a)(3), struck out par. (3) which read as follows: ''The amount that may be paid for incentive special pay under this subsection in any fiscal year may not exceed an amount equal to 6 percent of the total amount paid in such year for special pay under subsection (a) of this section and paragraph (1) of this subsection.''

1986—Subsec. (h)(1)(B). Pub. L. 99–661, §1342(d), amended subpar. (B) generally, substituting ''period of less than one year'' for ''period of not less than one year''.

Subsec. (i). Pub. L. 99–661, §1343(b)(1), substituted ''subsection (c)(2) or (f) of this section'' for ''paragraph (1) of this subsection''.

1985—Subsec. (h)(1)(B). Pub. L. 99–145, §640(1), substituted ''who is'' for ''is not''.

Subsec. (i). Pub. L. 99–145, §640(2), added subsec. (i).

1980—Pub. L. 96–284, in revising text, added subsecs. (a) to (g) provisions covering special pay for medical officers of the armed forces, and struck out former provision for special pay of physicians in the Army, Navy, Air Force, and Public Health Service, amounting to $100 or $350 a month for each month of active duty in cases of active duty in named category of less than two years or two years or more of duty, now covered as to Public Health Service in section 302c of this title, and struck out prohibition against inclusion of active duty monthly special pay in computation of amount of increase in pay authorized in any other provision of this title or in computation of retired pay or severance pay.

Subsec. (h). Pub. L. 96–513 added subsec. (h).

1974—Pub. L. 93–274 reduced for uniformed services physicians the present four steps of special pay, which require the completion of ten years of active duty before attaining eligibility for the $350 per month maximum down to two steps, with the maximum being reached upon completion of two years of active duty, and repealed provisions relating to special pay for dentists. See section 302b of this title.

1973—Subsec. (a). Pub. L. 93–64 substituted ''July 1, 1975'' for ''July 1, 1973'' wherever appearing.

1971—Subsec. (a). Pub. L. 92–129 substituted ''July 1, 1973'' for ''July 1, 1971'' wherever appearing.

1967—Subsec. (a). Pub. L. 90–40 substituted ''July 1, 1971'' for ''July 1, 1967'' wherever appearing.

1966—Subsec. (b). Pub. L. 89–718 substituted ''or'' for ''and'' at end of par. (3).

1963—Subsec. (a). Pub. L. 88–2 substituted ''July 1, 1967'' for ''July 1, 1963'' wherever appearing.

Subsec. (b)(3), (4). Pub. L. 88–132 increased monthly special pay of officers completing at least six years of active duty from $200 to $250 in par. (3), and officers completing at least 10 years of active duty from $250 to $350 in par. (4).

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–181 applicable with respect to agreements entered into under section 301d(a) or 302b(c) of this title on or after Jan. 28, 2008, see section 615(c) of Pub. L. 110–181, set out as a note under section 301d of this title.

EFFECTIVE DATE OF 1989 AMENDMENT

Pub. L. 101–189, div. A, title VII, §702(g), Nov. 29, 1989, 103 Stat. 1469, provided that:

''(1) The amendments made by subsections (a) and (c) [amending this section] shall take effect on January 1, 1990.

''(2) The amendments made by subsections (b) and (d) [amending this section] shall apply to an agreement entered into under section 302(c)(1) of title 37, United States Code, on or after the date of the enactment of this Act [Nov. 29, 1989].

''(3) The amendment made by subsection (e) [amending this section] shall take effect on January 1, 1990, and shall apply to pay periods beginning on or after such date.''

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by section 1342(d) of Pub. L. 99–661 effective Nov. 14, 1986, see section 1342(h)(1) of Pub. L. 99–661, set out as a note under section 301 of this title.

EFFECTIVE DATE OF 1980 AMENDMENTS

Amendment by Pub. L. 96–513 effective July 1, 1980, see section 701(b)(2) of Pub. L. 96–513, set out as a note under section 101 of Title 10, Armed Forces.

Pub. L. 96–284, §8, June 28, 1980, 94 Stat. 594, provided that: ''The amendments made by sections 2 and 3 [enacting section 302c of this title and amending this section and section 313 of this title] shall apply to special pay payable for periods beginning after the last day of the month in which this Act is enacted [June 1980].''

EFFECTIVE DATE OF 1974 AMENDMENT

Pub. L. 93–274, §2, May 6, 1974, 88 Stat. 96, as amended by Pub. L. 94–273, §2(18), Apr. 21, 1976, 90 Stat. 375; Pub. L. 94–361, title III, §305, July 14, 1976, 90 Stat. 926; Pub. L. 95–114, §1, Sept. 30, 1977, 91 Stat. 1046; Pub. L. 95–485, title VIII, §801(a), Oct. 20, 1978, 92 Stat. 1619, which provided that the amendments made by this Act, enacting sections 302b and 313 of this title and amending this section and section 311 of this title, become effective on June 1, 1974, with the authority for the special pay provided by the amendments made by the first section of this Act, enacting sections 302b and 313 of this title and amending this section and section 311 of this title, to expire on Sept. 30, 1980, was repealed by Pub. L. 96–284, §4(e), June 28, 1980, 94 Stat. 592.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–64 effective July 1, 1973, see section 206 of Pub. L. 93–64, set out as a note under section 401 of this title.

EFFECTIVE DATE OF 1963 AMENDMENT

Amendment by Pub. L. 88–132 effective Oct. 1, 1963, see section 14 of Pub. L. 88–132, set out as a note under section 201 of this title.

SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(b) of Pub. L. 109–163, see section 687(f) of Pub. L. 109–163, set out as a note under section 510 of Title 10, Armed Forces.

APPLICATION OF INCREASE

In case of amendment by section 615 of Pub. L. 107–314 to increase maximum amount of special pay or bonus

that may be paid during any 12-month period, the amended limitation is applicable to 12-month periods beginning after Sept. 30, 2002, see section 615(i) of Pub. L. 107–314, set out as a note under section 301d of this title.

PROHIBITION ON USE OF APPROPRIATIONS TO PAY BONUSES TO CERTAIN REGULAR OR RESERVE MEDICAL OFFICERS OF PUBLIC HEALTH SERVICE

Pub. L. 102–394, title II, § 207, Oct. 6, 1992, 106 Stat. 1811, provided that: ''None of the funds made available by this Act or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts shall be used to provide special retention pay (bonuses) under paragraph (4) of 37 U.S.C. 302(a) to any regular or reserve medical officer of the Public Health Service for any period during which the officer is assigned to the clinical, research, or staff associate program administered by the National Institutes of Health or the Substance Abuse and Mental Health Services Administration.''

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 102–170, title II, § 207, Nov. 26, 1991, 105 Stat. 1127.

Pub. L. 101–517, title II, § 207, Nov. 5, 1990, 104 Stat. 2209.

Pub. L. 101–166, title II, § 208, Nov. 21, 1989, 103 Stat. 1177.

Pub. L. 100–202, § 101(h) [title II, § 208], Dec. 22, 1987, 101 Stat. 1329–256, 1329–274.

MEDICAL OFFICER RETENTION BONUS

Pub. L. 101–189, div. A, title VII, § 703(e)–(g), Nov. 29, 1989, 103 Stat. 1470, 1471, as amended by Pub. L. 102–25, title VII, § 705(b), Apr. 6, 1991, 105 Stat. 120, provided that, in the case of an agreement that was executed by a medical officer under section 612 of Pub. L. 100–456, formerly set out below, before Oct. 1, 1989, but that was not accepted by the Secretary concerned solely because of the limitation contained in section 612(h), the Secretary concerned could accept such agreement during the 90-day period beginning on Nov. 29, 1989.

Pub. L. 100–456, div. A, title VI, § 612, Sept. 29, 1988, 102 Stat. 1979, as amended by Pub. L. 101–189, div. A, title VII, § 703(a)–(d), Nov. 29, 1989, 103 Stat. 1469, 1470, provided that a covered medical officer who, during the period beginning on Jan. 1, 1989, and ending on Sept. 30, 1990, executed a written agreement to remain on active duty for at least two years after completion of any other active-duty service commitment could, upon acceptance of the written agreement by the Secretary concerned, be paid a retention bonus as provided in this section.

SPECIAL PAY FOR CRITICALLY SHORT WARTIME HEALTH SPECIALISTS IN SELECTED RESERVE

Pub. L. 100–456, div. A, title VI, § 613, Sept. 29, 1988, 102 Stat. 1981, as amended by Pub. L. 101–510, div. A, title VI, § 616, Nov. 5, 1990, 104 Stat. 1578; Pub. L. 103–160, div. A, title VI, § 613(g), Nov. 30, 1993, 107 Stat. 1681; Pub. L. 103–337, div. A, title VI, § 613(f), Oct. 5, 1994, 108 Stat. 2783; Pub. L. 104–106, div. A, title XV, § 1502(c)(5), Feb. 10, 1996, 110 Stat. 508, which established a pilot test program of special pay for officers of reserve components of the Armed Forces in critically short wartime health care professions who agreed to serve in the Selected Reserve, was repealed and reenacted as section 302g of this title by Pub. L. 104–106, div. A, title VI, § 614(a)(1), (c)(1), Feb. 10, 1996, 110 Stat. 360, 361.

[Pub. L. 104–106, div. A, title VI, § 614(c)(2), Feb. 10, 1996, 110 Stat. 361, provided that: ''The provisions of section 613 of the National Defense Authorization Act, Fiscal Year 1989 [Pub. L. 100–456, formerly set out as a note above], as in effect on the day before the date of the enactment of this Act [Feb. 10, 1996], shall continue to apply to agreements entered into under such section before such date.'']

PRESERVATION OF ENTITLEMENT FOR RESERVE MEDICAL OFFICERS

Pub. L. 96–513, title VI, § 641, Dec. 12, 1980, 94 Stat. 2954, as amended by Pub. L. 97–22, § 8(*o*), July 10, 1981, 97 Stat. 136, provided that: ''Any person—

''(1) who before June 30, 1980, served on active duty for not less than one year as a reserve officer of the Medical Corps or Dental Corps of the Army or the Medical Corps or Dental Corps of the Navy, as a reserve officer of the Air Force designated as a medical officer or dental officer, or as a reserve medical officer or dental officer of the Public Health Service; and

''(2) who after having so served on active duty for not less than one year received special pay under section 302 or 302b of title 37, United States Code, as in effect during the period beginning on May 6, 1974, and ending on June 30, 1980, for service performed during such period,

shall be considered to have been entitled to such pay as if that part of such section, as in effect during such period, which read 'who is on active duty for a period of at least one year' read 'who has served on active duty for not less than one year'.''

TRANSITION PROVISIONS

Pub. L. 96–284, § 7, June 28, 1980, 94 Stat. 593, provided that: ''Notwithstanding any provision of the amendments made by this Act; [see Short Title of 1980 Amendment note set out under section 101 of this title], and in accordance with regulations to be prescribed by the Secretary of Defense, any officer of the Army, Navy, or Air Force who at any time before the effective date of the amendments made by this Act [see Effective Date of 1980 Amendment note set out above] was entitled to special pay under section 302 of title 37, United States Code, and any officer who after such effective date would have become entitled to special pay under such section (as in effect on the day before such effective date) had such section continued in effect, shall be paid basic pay and special pay under section 302 of such title (as in effect on and after the effective date of the amendments made by this Act) in a total amount not less than the total amount of the basic pay (as in effect on the day before such date) and special pay applicable (or which would have been applicable) to such officer under sections 302, 311, and 313 of such title (as in effect on the day before such date and computed on the rates of basic pay as in effect on the day before such date).''

§ 302a. Special pay: optometrists

(a) REGULAR SPECIAL PAY.—Each of the following officers is entitled to special pay at the rate of $100 a month for each month of active duty:

(1) A commissioned officer—

(A) of the Regular Army, Regular Navy, or Regular Air Force who is designated as an optometry officer; or

(B) who is an optometry officer of the Regular Corps of the Public Health Service.

(2) A commissioned officer—

(A) of a Reserve component of the Army, Navy, or Air Force who is designated as an optometry officer; or

(B) who is an optometry officer of the Reserve Corps of the Public Health Service,

who is on active duty as a result of a call or order to active duty for a period of at least one year.

(3) A general officer of the Army or the Air Force appointed, from any of the categories named in clause (1) or (2), in the Army, Air Force, or the National Guard, as the case may be.

(b) RETENTION SPECIAL PAY.—(1) Under regulations prescribed under section 303a(a) of this title, the Secretary concerned may pay an officer described in paragraph (2) a retention special pay of not more than $15,000 for any twelve-month period during which the officer is not undergoing an internship or initial residency training.

(2) An officer referred to in paragraph (1) is an officer of a uniformed service who—

(A) is entitled to special pay under subsection (a);

(B) has completed any initial active-duty service commitment incurred for education and training; and

(C) is determined by the Secretary concerned to be qualified as an optometrist.

(3) An officer may not be paid retention special pay under paragraph (1) for any twelve-month period unless the officer first executes a written agreement under which the officer agrees to remain on active duty for a period of not less than one year beginning on the date the officer accepts the award of such special pay.

(4) The Secretary concerned may terminate at any time the eligibility of an officer to receive retention special pay under paragraph (1). An officer who does not complete the period for which the payment was made under paragraph (1) shall be subject to the repayment provisions of section 303a(e) of this title.

(Added Pub. L. 92–129, title II, § 202(a), Sept. 28, 1971, 85 Stat. 357; amended Pub. L. 93–64, title II, § 202, July 9, 1973, 87 Stat. 149; Pub. L. 95–114, § 2, Sept. 30, 1977, 91 Stat. 1046; Pub. L. 95–485, title VIII, § 801(b), Oct. 20, 1978, 92 Stat. 1619; Pub. L. 96–284, § 4(a), June 28, 1980, 94 Stat. 591; Pub. L. 100–26, § 8(d)(2), Apr. 21, 1987, 101 Stat. 285; Pub. L. 101–510, div. A, title VI, § 617(a), Nov. 5, 1990, 104 Stat. 1578; Pub. L. 104–201, div. A, title VI, § 614(a), Sept. 23, 1996, 110 Stat. 2544; Pub. L. 106–398, § 1 [[div. A], title VI, § 626(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A–153; Pub. L. 107–314, div. A, title VI, § 615(d), Dec. 2, 2002, 116 Stat. 2568; Pub. L. 109–163, div. A, title VI, § 687(b)(5), Jan. 6, 2006, 119 Stat. 3328.)

AMENDMENTS

2006—Subsec. (b)(4). Pub. L. 109–163 amended par. (4) generally. Prior to amendment, par. (4) read as follows: ''The Secretary concerned may terminate at any time the eligibility of an officer to receive retention special pay under paragraph (1). If such eligibility is terminated, the officer concerned shall receive such special pay only for the part of the period of active duty that the officer served and may be required to refund any amount in excess of that amount.''

2002—Subsec. (b)(1). Pub. L. 107–314 substituted ''$15,000'' for ''$6,000''.

2000—Subsec. (b)(1). Pub. L. 106–398 substituted ''the Secretary concerned may pay an officer described in paragraph (2) a'' for ''an officer described in paragraph (2) may be paid''.

1996—Subsec. (b)(2). Pub. L. 104–201, § 614(a)(1)(A), substituted ''a uniformed service'' for ''an armed force'' in introductory provisions.

Subsec. (b)(2)(C). Pub. L. 104–201, § 614(a)(1)(B), struck out ''of the military department'' before ''concerned to be''.

Subsec. (b)(4). Pub. L. 104–201, § 614(a)(2), struck out ''of the military department'' before ''concerned may terminate''.

1990—Pub. L. 101–510 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

1987—Pub. L. 100–26 substituted ''A'' for ''a'' at beginning of pars. (1) to (3), ''; or'' for '', or'' at end of par. (1)(A), period for semicolon at end of par. (1)(B), and period for ''; and'' at end of par. (2).

1980—Pub. L. 96–284 substituted ''Each'' for ''(a) In addition to any other basic pay, special pay, incentive pay or allowance to which he is entitled, each'', struck out ''beginning on or after October 1, 1977'' after ''active duty'', struck out subsec. (b) which prohibited inclusion of active duty monthly special pay in computation of amount of increase in pay authorized in any other provision of this title or in computation of retired pay or severance pay, and struck out subsec. (c) which provided that no special pay be paid for any month after September 1980.

1978—Subsec. (c). Pub. L. 95–485 substituted ''September 1980'' for ''September 1978''.

1977—Subsec. (a). Pub. L. 95–114 amended subsec. (a) to provide for the reinstatement of special pay provisions for optometrists for each month on active duty beginning on or after Oct. 1, 1977.

Subsecs. (b), (c). Pub. L. 95–114 reenacted subsec. (b) without change and added subsec. (c).

1973—Subsec. (a). Pub. L. 93–64 substituted ''July 1, 1975'' for ''July 1, 1973'' wherever appearing.

EFFECTIVE DATE OF 1977 AMENDMENT

Pub. L. 95–114, § 4, Sept. 30, 1977, 91 Stat. 1047, provided that: ''The amendments made by sections 2 and 3 of this Act [amending this section and section 303 of this title] become effective on October 1, 1977.''

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–64 effective July 1, 1973, see section 206 of Pub. L. 93–64, set out as a note under section 401 of this title.

EFFECTIVE DATE

Pub. L. 92–129, title II, § 209, Sept. 28, 1971, 85 Stat. 359, provided that: ''The foregoing provisions of this title [enacting this section and section 428 of this title and amending sections 203 and 403 of this title and sections 2204 and 2207 of Title 50, Appendix, War and National Defense] shall become effective on October 1, 1971, except that section 203 [enacting section 308a of this title] shall become effective on such date as shall be prescribed by the Secretary of Defense, but not earlier than February 1, 1971, and section 206 [amending section 2203 of Title 50, Appendix] shall become effective July 1, 1971.''

SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(b) of Pub. L. 109–163, see section 687(f) of Pub. L. 109–163, set out as a note under section 510 of Title 10, Armed Forces.

APPLICATION OF INCREASE

In case of amendment by section 615 of Pub. L. 107–314 to increase maximum amount of special pay or bonus that may be paid during any 12-month period, the amended limitation is applicable to 12-month periods beginning after Sept. 30, 2002, see section 615(i) of Pub. L. 107–314, set out as a note under section 301d of this title.

IMPLEMENTATION OF SUBSECTION (b)

Pub. L. 101–510, div. A, title VI, § 617(b), Nov. 5, 1990, 104 Stat. 1579, provided that the Secretary of Defense could not implement subsec. (b) of this section, unless the Secretary submitted to the Committees on Armed Services of the Senate and House of Representatives a

report justifying the need of the military departments for the authority provided in such subsection and describing the manner in which that authority would be implemented, prior to repeal by Pub. L. 106–398, § 1 [[div. A], title VI, § 626(a)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A–153.

PAY CONTINUATION

Enactment of this section not to reduce the pay to which any member of the uniformed services was entitled on June 30, 1971, see section 210 of Pub. L. 92–129, set out as a note under section 203 of this title.

§ 302b. Special pay: dental officers of the armed forces

(a) VARIABLE, ADDITIONAL, BOARD CERTIFICATION, AND INCENTIVE SPECIAL PAY.—(1) An officer who—

(A) is an officer of the Dental Corps of the Army or the Navy or an officer of the Air Force designated as a dental officer; and

(B) is on active duty under a call or order to active duty for a period of not less than one year,

is entitled to special pay in accordance with this subsection.

(2) An officer described in paragraph (1) who is serving in a pay grade below pay grade O–7 is entitled to variable special pay at the following rates:

(A) $3,000 per year, if the officer is undergoing dental internship training or has less than three years of creditable service.

(B) $7,000 per year, if the officer has at least three but less than six years of creditable service and is not undergoing dental internship training.

(C) $7,000 per year, if the officer has at least six but less than eight years of creditable service.

(D) $12,000 per year, if the officer has at least eight but less than 12 years of creditable service.

(E) $10,000 per year, if the officer has at least 12 but less than 14 years of creditable service.

(F) $9,000 per year, if the officer has at least 14 but less than 18 years of creditable service.

(G) $8,000 per year, if the officer has 18 or more years of creditable service.

(3) An officer described in paragraph (1) who is serving in a pay grade above pay grade O–6 is entitled to variable special pay at the rate of $7,000 per year.

(4) An officer who is entitled to variable special pay under paragraph (2) or (3) is also entitled to additional special pay for any 12-month period during which an agreement executed under subsection (b) is in effect with respect to the officer. Such additional special pay shall be paid at a rate determined by the Secretary concerned, which rate may not exceed the following:

(A) $10,000 per year, if the officer has less than three years of creditable service.

(B) $12,000 per year, if the officer has at least three but less than 10 years of creditable service.

(C) $15,000 per year, if the officer has 10 or more years of creditable service.

(5) An officer who is entitled to variable special pay under paragraph (2) or (3) and who is board certified is entitled to additional special pay at the following rates:

(A) $2,500 per year, if the officer has less than 10 years of creditable service.

(B) $3,500 per year, if the officer has at least 10 but less than 12 years of creditable service.

(C) $4,000 per year, if the officer has at least 12 but less than 14 years of creditable service.

(D) $5,000 per year, if the officer has at least 14 but less than 18 years of creditable service.

(E) $6,000 per year, if the officer has 18 or more years of creditable service.

(6) An officer described in paragraph (1) who is an oral or maxillofacial surgeon may be paid incentive special pay at the same rates, and subject to the same terms and conditions, as incentive special pay available for medical officers under section 302(b) of this title.

(b) ACTIVE-DUTY AGREEMENT.—(1) An officer may not be paid additional special pay under paragraph (4) or (6) of subsection (a) for any 12-month period unless the officer first executes a written agreement under which the officer agrees to remain on active duty for a period of not less than one year beginning on the date the officer accepts the award of such special pay.

(2) Under regulations prescribed by the Secretary of Defense under section 303a(a) of this title, the Secretary of the military department concerned may terminate at any time an officer's entitlement to the special pay authorized by paragraph (4) or (6) of subsection (a). If such entitlement is terminated, the officer concerned shall be subject to the repayment provisions of section 303a(e) of this title.

(c) REGULATIONS.—Regulations prescribed by the Secretary of Defense under section 303a(a) of this title shall include standards for determining—

(1) whether an officer is undergoing internship or residency training for purposes of subsections (a)(2)(A), (a)(2)(B), and (a)(4); and

(2) whether an officer is board certified for purposes of subsection (a)(5).

(d) FREQUENCY OF PAYMENTS.—Special pay payable to an officer under paragraphs (2), (3), and (5) of subsection (a) shall be paid monthly. Special pay payable to an officer under paragraph (4) or (6) of subsection (a) shall be paid annually at the beginning of the 12-month period for which the officer is entitled to such payment.

(e) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement referred to in subsection (b) shall be subject to the repayment provisions of section 303a(e) of this title.

(f) DETERMINATION OF CREDITABLE SERVICE.—For purposes of this section, creditable service of an officer is computed by adding—

(1) all periods which the officer spent in dental internship or residency training during which the officer was not on active duty; and

(2) all periods of active service in the Dental Corps of the Army or Navy, as an officer of the Air Force designated as a dental officer, or as a dental officer of the Public Health Service.

(g) RESERVE DENTAL OFFICERS SPECIAL PAY.—(1) A reserve dental officer described in para-

graph (2) is entitled to special pay at the rate of $350 a month for each month of active duty, including active duty in the form of annual training, active duty for training, and active duty for special work.

(2) A reserve dental officer referred to in paragraph (1) is a reserve officer who—

(A) is an officer of the Dental Corps of the Army or the Navy or an officer of the Air Force designated as a dental officer; and

(B) is on active duty under a call or order to active duty for a period of less than one year.

(Added Pub. L. 93–274, § 1(2), May 6, 1974, 88 Stat. 94; amended Pub. L. 96–284, § 4(b), June 28, 1980, 94 Stat. 591; Pub. L. 99–145, title VI, § 639(a), Nov. 8, 1985, 99 Stat. 649; Pub. L. 102–25, title VII, § 702(b)(1), (2), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 104–201, div. A, title VI, § 615(a), (b), (e), Sept. 23, 1996, 110 Stat. 2545, 2547; Pub. L. 105–85, div. A, title VI, § 618, Nov. 18, 1997, 111 Stat. 1789; Pub. L. 109–163, div. A, title VI, §§ 625, 626, 687(b)(6), Jan. 6, 2006, 119 Stat. 3295, 3328; Pub. L. 109–364, div. A, title VI, § 615(a), Oct. 17, 2006, 120 Stat. 2249; Pub. L. 110–181, div. A, title VI, § 616(a), Jan. 28, 2008, 122 Stat. 150.)

AMENDMENTS

2008—Subsec. (a)(4). Pub. L. 110–181, § 616(a)(1), substituted ''at a rate determined by the Secretary concerned, which rate may not exceed the following'' for ''at the following rates'' in introductory provisions.

Subsec. (a)(4)(A). Pub. L. 110–181, § 616(a)(2), substituted ''$10,000'' for ''$4,000''.

Subsec. (a)(4)(B). Pub. L. 110–181, § 616(a)(3), substituted ''$12,000'' for ''$6,000''.

2006—Subsec. (a). Pub. L. 109–163, § 625(a)(1), substituted ''Board Certification, and Incentive'' for ''and Board Certification'' in heading.

Subsec. (a)(4). Pub. L. 109–364 in introductory provisions substituted ''An officer who is entitled to variable special pay under paragraph (2) or (3) is also entitled to additional special pay for any 12-month period during which an agreement executed under subsection (b) is in effect with respect to the officer'' for ''Subject to subsection (b), an officer entitled to variable special pay under paragraph (2) or (3) also is entitled to additional special pay for any 12-month period during which the officer is not undergoing dental internship or initial residency training''.

Pub. L. 109–163, § 626, inserted ''also'' before ''is entitled'' and ''initial'' before ''residency'' in introductory provisions.

Subsec. (a)(6). Pub. L. 109–163, § 625(a)(2), added par. (6).

Subsec. (b). Pub. L. 109–163, § 625(b), substituted ''paragraph (4) or (6) of subsection (a)'' for ''subsection (a)(4)'' in two places.

Subsec. (b)(2). Pub. L. 109–163, § 687(b)(6)(A), added second sentence and struck out former second sentence which read as follows: ''If such entitlement is terminated, the officer concerned is entitled to be paid such special pay only for the part of the period on active duty that the officer served, and the officer may be required to refund any amount in excess of that entitlement.''

Subsec. (d). Pub. L. 109–163, § 625(b), substituted ''paragraph (4) or (6) of subsection (a)'' for ''subsection (a)(4)''.

Subsec. (e). Pub. L. 109–163, § 687(b)(6)(B), added subsec. (e) and struck out heading and text of former subsec. (e). Text read as follows: ''An officer who voluntarily terminates service on active duty before the end of the period for which a payment was made to such officer under subsection (a)(4) shall refund to the United States an amount which bears the same ratio to the amount paid to such officer as the unserved part of such period bears to the total period for which the payment was made.''

Subsecs. (f) to (h). Pub. L. 109–163, § 687(b)(6)(C), (D), redesignated subsecs. (g) and (h) as (f) and (g), respectively, and struck out heading and text of former subsec. (f). Text read as follows: ''A discharge in bankruptcy under title 11 shall not release a person from an obligation to reimburse the United States required under the terms of an agreement described in subsection (b) if the final decree of the discharge in bankruptcy was issued within a period of five years after the last day of a period which such person had agreed to serve on active duty. This subsection applies to a discharge in bankruptcy in any proceeding which begins after September 30, 1985.''

1997—Subsec. (a)(2)(C) to (G). Pub. L. 105–85, § 618(a), added subpars. (C) to (G) and struck out former subpars. (C) to (F) which read as follows:

''(C) $7,000 per year, if the officer has at least six but less than 10 years of creditable service.

''(D) $6,000 per year, if the officer has at least 10 but less than 14 years of creditable service.

''(E) $4,000 per year, if the officer has at least 14 but less than 18 years of creditable service.

''(F) $3,000 per year, if the officer has 18 or more years of creditable service.''

Subsec. (a)(3). Pub. L. 105–85, § 618(b), substituted ''$7,000'' for ''$1,000''.

Subsec. (a)(4)(B) to (D). Pub. L. 105–85, § 618(c), added subpars. (B) and (C) and struck out former subpars. (B) to (D) which read as follows:

''(B) $6,000 per year, if the officer has at least three but less than 14 years of creditable service.

''(C) $8,000 per year, if the officer has at least 14 but less than 18 years of creditable service.

''(D) $10,000 per year, if the officer has at least 18 or more years of creditable service.''

1996—Subsec. (a). Pub. L. 104–201, § 615(e)(1), inserted heading.

Subsec. (a)(2). Pub. L. 104–201, § 615(a)(1), substituted ''$3,000'' for ''$1,200'' in subpar. (A), ''$7,000'' for ''$2,000'' in subpar. (B), and ''$7,000'' for ''$4,000'' in subpar. (C).

Subsec. (a)(4). Pub. L. 104–201, § 615(a)(2), added subpars. (A) to (D) and struck out former subpars. (A) to (C) which read as follows:

''(A) $6,000 per year, if the officer has at least three but less than 14 years of creditable service.

''(B) $8,000 per year, if the officer has at least 14 but less than 18 years of creditable service.

''(C) $10,000 per year, if the officer has 18 or more years of creditable service.''

Subsec. (a)(5). Pub. L. 104–201, § 615(a)(3), added subpars. (A) to (E) and struck out former subpars. (A) to (C) which read as follows:

''(A) $2,000 per year, if the officer has less than 12 years of creditable service.

''(B) $3,000 per year, if the officer has at least 12 but less than 14 years of creditable service.

''(C) $4,000 per year, if the officer has 14 or more years of creditable service.''

Subsecs. (b) to (g). Pub. L. 104–201, § 615(e)(2)–(7), inserted headings.

Subsec. (h). Pub. L. 104–201, § 615(b), added subsec. (h).

1991—Pub. L. 102–25 struck out ''of this section'' wherever appearing, except in subsec. (g), and struck out ''of this subsection'' wherever appearing.

1985—Pub. L. 99–145 amended section generally, substituting ''Special pay: dental officers of the armed forces'' for ''Special pay: dentists'' in section catchline and new text for former text which read as follows: ''An officer of the Army or Navy in the Dental Corps, an officer of the Air Force who is designated as a dental officer, or a dental officer of the Public Health Service, who is on active duty for a period of at least one year is entitled to special pay at the following rates—

''(1) $100 a month for each month of active duty if he has not completed two years of active duty in the Dental Corps or as a dental officer;

''(2) $150 a month for each month of active duty if he has completed at least two years of active duty in the Dental Corps or as a dental officer;

''(3) $250 a month for each month of active duty if he has completed at least six years of active duty in the Dental Corps or as a dental officer; or

''(4) $350 a month for each month of active duty if he has completed at least ten years of active duty in the Dental Corps or as a dental officer.''

1980—Pub. L. 96–284 struck out '', in addition to any other pay or allowances to which he is entitled,'' after ''entitled'' and last sentence containing prohibition against inclusion of active duty monthly special pay in computation of amount of increase in pay authorized in any other provision of this title or in computation of retired pay or severance pay.

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110–181, div. A, title VI, § 616(b), Jan. 28, 2008, 122 Stat. 150, provided that: ''The amendments made by this section [amending this section] shall apply with respect to agreements entered into under section 302b(b) of title 37, United States Code, on or after the date of the enactment of this Act [Jan. 28, 2008].''

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109–364, div. A, title VI, § 615(b), Oct. 17, 2006, 120 Stat. 2249, provided that: ''The amendment made by this section [amending this section] shall take effect on October 1, 2006.''

EFFECTIVE DATE OF 1985 AMENDMENT

Pub. L. 99–145, title VI, § 639(f), Nov. 8, 1985, 99 Stat. 651, provided that: ''The amendments made by this section [amending this section, repealing section 311 of this title, and enacting provisions set out as notes under this section] take effect on October 1, 1985.''

EFFECTIVE DATE

Section effective June 1, 1974, see section 2 of Pub. L. 93–274, set out as an Effective Date of 1974 Amendment note under section 302 of this title.

SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(b) of Pub. L. 109–163, see section 687(f) of Pub. L. 109–163, set out as a note under section 510 of Title 10, Armed Forces.

AUTHORITY FOR CERTAIN DENTAL OFFICERS TO EXECUTE NEW AGREEMENTS

Pub. L. 99–145, title VI, § 639(c), Nov. 8, 1985, 99 Stat. 651, provided that:

''(1) Subject to paragraphs (2) and (3), a dental officer who on October 1, 1985, is performing obligated service under an agreement under section 311 of title 37, United States Code, that—

''(A) was executed after June 29, 1985; and

''(B) is affected by the limitation in section 8091 of the Department of Defense Appropriations Act, 1985 (as contained in section 101(h) of Public Law 98–473),

may execute a new agreement under section 302b of such title (as amended by subsection (a)).

''(2) A dental officer may not execute a new agreement under paragraph (1) unless the amount that may be paid such officer under an agreement under section 302b of title 37, United States Code (as amended by subsection (a)), is greater than the amount to be paid the officer under the existing agreement of the officer under section 311 of such title.

''(3) In executing a written agreement under paragraph (1), the officer shall agree to remain on active duty for an additional length of time equal to or exceeding the length of time originally required by the existing agreement, beginning on the date the officer accepts the award of special pay under the new agreement.

''(4) If a new agreement is executed under this subsection, the existing agreement of the officer shall be canceled.

''(5) For the purposes of this section, the term 'dental officer' has the meaning given that term in section 101 of title 10, United States Code.''

MINIMUM SPECIAL PAY

Pub. L. 99–145, title VI, § 639(d), Nov. 8, 1985, 99 Stat. 651, as amended by Pub. L. 99–661, div. A, title XIII, § 1342(c), Nov. 14, 1986, 100 Stat. 3991, provided that:

''(1) An officer described in paragraph (2) who, after September 30, 1985, is entitled to special pay under section 302b of title 37, United States Code (as amended by subsection (a)), may (notwithstanding the provisions of such section and in the discretion of the Secretary concerned) be paid such pay, in order to prevent inequities, in an annual amount equal to the total annual amount of dental continuation pay under section 311 of title 37, United States Code, and special pay for dental officers under section 302b of that title to which that officer would have been entitled on September 30, 1985, in accordance with the status of the officer (as determined by the Secretary concerned) during the period for which the pay is paid. Notwithstanding the preceding sentence, an officer may not be paid special pay by reason of this paragraph in an amount greater than the amount of special pay to which the officer was entitled under such sections on September 30, 1985.

''(2) Paragraph (1) applies to an officer who on September 30, 1985, is entitled to dental continuation pay under section 311 of title 37, United States Code; or to special pay for dental officers under section 302b of that title.''

[Amendment of this note by Pub. L. 99–661 effective Nov. 14, 1986, see section 1342(h)(1) of Pub. L. 99–661, set out as an Effective Date of 1986 Amendment note under section 301 of this title.]

§ 302c. Special pay: psychologists and nonphysician health care providers

(a) PUBLIC HEALTH SERVICE CORPS.—A member who is—

(1) an officer in the Regular or Reserve Corps of the Public Health Service and is designated as a psychologist; and

(2) has been awarded a diploma as a Diplomate in Psychology by the American Board of Professional Psychology,

is entitled to special pay, as provided in subsection (b).

(b) RATE OF SPECIAL PAY.—The rate of special pay to which an officer is entitled pursuant to subsection (a) shall be—

(1) $2,000 per year, if the officer has less than 10 years of creditable service;

(2) $2,500 per year, if the officer has at least 10 but less than 12 years of creditable service;

(3) $3,000 per year, if the officer has at least 12 but less than 14 years of creditable service;

(4) $4,000 per year, if the officer has at least 14 but less than 18 years of creditable service; or

(5) $5,000 per year, if the officer has 18 or more years of creditable service.

(c) ARMY, NAVY, AND AIR FORCE PSYCHOLOGISTS.—The Secretary of Defense may provide special pay at the rates specified in subsection (b) to an officer who—

(1) is an officer in the Medical Service Corps of the Army or Navy or a biomedical sciences officer in the Air Force;

(2) is designated as a psychologist; and

(3) has been awarded a diploma as a Diplomate in Psychology by the American Board of Professional Psychology.

(d) NONPHYSICIAN HEALTH CARE PROVIDERS.—The Secretary concerned may authorize the payment of special pay at the rates specified in subsection (b) to an officer who—

(1) is an officer in the Medical Service Corps of the Army or Navy, a biomedical sciences officer in the Air Force, an officer in the Army Medical Specialist Corps, an officer of the Nurse Corps of the Army or Navy, an officer of the Air Force designated as a nurse, an officer of the Coast Guard or Coast Guard Reserve designated as a physician assistant, or an officer in the Regular or Reserve Corps of the Public Health Service;

(2) is a health care provider (other than a psychologist);

(3) has a postbaccalaureate degree; and

(4) is certified by a professional board in the officer's specialty.

(Added Pub. L. 100–140, § 2(a), Oct. 26, 1987, 101 Stat. 830; amended Pub. L. 101–189, div. A, title VII, § 704(a), (b)(1), (c), Nov. 29, 1989, 103 Stat. 1471; Pub. L. 101–510, div. A, title VI, § 618(a), Nov. 5, 1990, 104 Stat. 1579; Pub. L. 102–25, title VII, § 702(a)(2)(A), Apr. 6, 1991, 105 Stat. 117; Pub. L. 102–484, div. A, title VI, § 611, Oct. 23, 1992, 106 Stat. 2420; Pub. L. 104–106, div. A, title VI, § 617, Feb. 10, 1996, 110 Stat. 362; Pub. L. 104–201, div. A, title VI, § 614(b), Sept. 23, 1996, 110 Stat. 2544; Pub. L. 105–85, div. A, title X, § 1073(c)(5), Nov. 18, 1997, 111 Stat. 1904; Pub. L. 106–398, § 1 [[div. A], title VI, § 627], Oct. 30, 2000, 114 Stat. 1654, 1654A–153; Pub. L. 110–181, div. A, title X, § 1063(b), Jan. 28, 2008, 122 Stat. 322.)

PRIOR PROVISIONS

A prior section 302c, added Pub. L. 96–284, § 3(a)(1), June 28, 1980, 94 Stat. 589, related to special pay for medical officers of the Public Health Service, prior to repeal by Pub. L. 96–513, title IV, § 414(a), Dec. 12, 1980, 94 Stat. 2906, eff. Sept. 15, 1981.

AMENDMENTS

2008—Subsec. (d)(1). Pub. L. 110–181 substituted "Service Corps" for "Services Corps".

2000—Subsec. (d)(1). Pub. L. 106–398 inserted "an officer of the Coast Guard or Coast Guard Reserve designated as a physician assistant," after "nurse,".

1997—Subsec. (d)(1). Pub. L. 105–85 made technical correction to directory language of Pub. L. 104–201, § 614(b)(2)(B). See 1996 Amendment note below.

1996—Subsec. (d). Pub. L. 104–201, § 614(b)(1), substituted "Secretary concerned" for "Secretary of Defense" in introductory provisions.

Subsec. (d)(1). Pub. L. 104–201, § 614(b)(2)(B), as amended by Pub. L. 105–85, inserted before semicolon at end ", or an officer in the Regular or Reserve Corps of the Public Health Service".

Pub. L. 104–201, § 614(b)(2)(A), struck out "or" after "Nurse Corps of the Army or Navy,".

Pub. L. 104–106 struck out "or" after "Air Force," and inserted ", an officer of the Nurse Corps of the Army or Navy, or an officer of the Air Force designated as a nurse" before semicolon at end.

1992—Subsec. (d)(1). Pub. L. 102–484 substituted "Navy," for "Navy or" and inserted before semicolon at end ", or an officer in the Army Medical Specialist Corps".

1991—Pub. L. 102–25 amended section catchline generally.

1990—Subsec. (d). Pub. L. 101–510 added subsec. (d).

1989—Pub. L. 101–189, § 704(b)(1), struck out "in the Public Health Service Corps" after "psychologists" in section catchline.

Subsecs. (a), (b). Pub. L. 101–189, § 704(c), inserted headings.

Subsec. (c). Pub. L. 101–189, § 704(a), added subsec. (c).

EFFECTIVE DATE OF 1997 AMENDMENT

Pub. L. 105–85, div. A, title X, § 1073(c), Nov. 18, 1997, 111 Stat. 1904, provided that the amendment made by that section is effective as of Sept. 23, 1996, and as if included in the National Defense Authorization Act for Fiscal Year 1997, Pub. L. 104–201, as enacted.

EFFECTIVE DATE

Pub. L. 100–140, § 2(c), Oct. 26, 1987, 101 Stat. 831, provided that: "The amendments made by this section [enacting this section and amending section 303a of this title] shall take effect on October 1, 1987 or on the date of the enactment of this Act [Oct. 26, 1987], whichever is later, and shall apply with respect to pay periods beginning on or after that effective date."

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.

IMPLEMENTATION OF SUBSECTION (d)

Pub. L. 101–510, div. A, title VI, § 618(b), Nov. 5, 1990, 104 Stat. 1579, provided that: "The Secretary of Defense may not implement subsection (d) of section 302c of title 37, United States Code (as added by subsection (a)), unless the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a report—

"(1) justifying the need of the military departments for the authority provided in such subsection; and

"(2) describing the manner in which that authority will be implemented."

[Report submitted to Committees on Apr. 29, 1994.]

IMPLEMENTATION OF SPECIAL PAY FOR ARMY, NAVY, AND AIR FORCE PSYCHOLOGISTS

Pub. L. 101–189, div. A, title VII, § 704(d), Nov. 29, 1989, 103 Stat. 1471, provided that: "The Secretary of Defense may not implement subsection (c) of section 302c of title 37, United States Code (as added by subsection (a)), unless the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a report—

"(1) justifying the need of the military departments for the authority provided in such subsection; and

"(2) describing the manner in which that authority will be implemented."

[Report submitted to Committees on Apr. 20, 1994.]

§ 302c–1. Special pay: accession and retention bonuses for psychologists

(a) ACCESSION BONUS.—

(1) ACCESSION BONUS AUTHORIZED.—A person described in paragraph (2) who executes a written agreement described in subsection (d) to accept a commission as an officer of the armed forces and remain on active duty for a period of not less than four consecutive years may, upon acceptance of the agreement by the Sec-

retary concerned, be paid an accession bonus in an amount, subject to subsection (c)(1), determined by the Secretary concerned.

(2) ELIGIBLE PERSONS.—A person described in paragraph (1) is any person who—

(A) is a graduate of an accredited school of psychology; and

(B) holds a valid State license to practice as a doctoral level psychologist.

(3) LIMITATION ON ELIGIBILITY.—A person may not be paid a bonus under this subsection if—

(A) the person, in exchange for an agreement to accept an appointment as an officer, received financial assistance from the Department of Defense to pursue a course of study in psychology; or

(B) the Secretary concerned determines that the person is not qualified to become and remain certified as a psychologist.

(b) MULTIYEAR RETENTION BONUS.—

(1) RETENTION BONUS AUTHORIZED.—An officer described in paragraph (2) who executes a written agreement described in subsection (d) to remain on active duty for up to four years after completion of any other active-duty service commitment may, upon acceptance of the agreement by the Secretary concerned, be paid a retention bonus as provided in this section.

(2) ELIGIBLE OFFICERS.—An officer described in paragraph (1) is an officer of the armed forces who—

(A) is a psychologist of the armed forces;

(B) is in a pay grade below pay grade O–7;

(C) has at least eight years of creditable service (computed as described in section 302b(f) of this title) or has completed any active-duty service commitment incurred for psychology education and training;

(D) has completed initial residency training (or will complete such training before September 30 of the fiscal year in which the officer enters into the agreement under this subsection); and

(E) holds a valid State license to practice as a doctoral level psychologist.

(c) MAXIMUM AMOUNT OF BONUS.—

(1) ACCESSION BONUS.—The amount of an accession bonus under subsection (a) may not exceed $400,000.

(2) RETENTION BONUS.—The amount of a retention bonus under subsection (b) may not exceed $25,000 for each year of the agreement of the officer concerned.

(d) AGREEMENT.—The agreement referred to in subsections (a) and (b) shall provide that, consistent with the needs of the armed force concerned, the person or officer executing the agreement will be assigned to duty, for the period of obligated service covered by the agreement, as an officer of such armed force as a psychologist.

(e) REPAYMENT.—

(1) ACCESSION BONUS.—A person who, after signing an agreement under subsection (a), is not commissioned as an officer of the armed forces, does not become licensed as a psychologist, or does not complete the period of active duty specified in the agreement shall be subject to the repayment provisions of section 303a(e) of this title.

(2) RETENTION BONUS.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (b) shall be subject to the repayment provisions of section 303a(e) of this title.

(f) TERMINATION OF AUTHORITY.—No agreement under subsection (a) or (b) may be entered into after December 31, 2015.

(Added Pub. L. 110–417, [div. A], title VI, § 620(b)(1), Oct. 14, 2008, 122 Stat. 4490; amended Pub. L. 111–84, div. A, title VI, § 612(b)(1), Oct. 28, 2009, 123 Stat. 2353; Pub. L. 111–383, div. A, title VI, § 612(b)(1), Jan. 7, 2011, 124 Stat. 4236; Pub. L. 112–81, div. A, title VI, § 612(b)(1), Dec. 31, 2011, 125 Stat. 1449; Pub. L. 112–239, div. A, title VI, § 612(b)(1), Jan. 2, 2013, 126 Stat. 1776; Pub. L. 113–66, div. A, title VI, § 612(b)(1), Dec. 26, 2013, 127 Stat. 780; Pub. L. 113–291, div. A, title VI, § 612(b)(1), Dec. 19, 2014, 128 Stat. 3400.)

AMENDMENTS

2014—Subsec. (f). Pub. L. 113–291 substituted ''December 31, 2015'' for ''December 31, 2014''.

2013—Subsec. (f). Pub. L. 113–66 substituted ''December 31, 2014'' for ''December 31, 2013''.

Pub. L. 112–239 substituted ''December 31, 2013'' for ''December 31, 2012''.

2011—Subsec. (f). Pub. L. 112–81 substituted ''December 31, 2012'' for ''December 31, 2011''.

Pub. L. 111–383 substituted ''December 31, 2011'' for ''December 31, 2010''.

2009—Subsec. (f). Pub. L. 111–84 substituted ''December 31, 2010'' for ''December 31, 2009''.

§ 302d. Special pay: accession bonus for registered nurses

(a) ACCESSION BONUS AUTHORIZED.—(1) A person who is a registered nurse and who, during the period beginning on November 29, 1989, and ending on December 31, 2015, executes a written agreement described in subsection (c) to accept a commission as an officer and remain on active duty for a period of not less than three years may, upon the acceptance of the agreement by the Secretary concerned, be paid an accession bonus in an amount determined by the Secretary concerned.

(2) The amount of an accession bonus under paragraph (1) may not exceed $30,000.

(b) LIMITATION ON ELIGIBILITY FOR BONUS.—A person may not be paid a bonus under subsection (a) if—

(1) the person, in exchange for an agreement to accept an appointment as an officer, received financial assistance from the Department of Defense to pursue a baccalaureate degree; or

(2) the Secretary concerned determines that the person is not qualified to become and remain licensed as a registered nurse.

(c) AGREEMENT.—The agreement referred to in subsection (a) shall provide that, consistent with the needs of the uniformed service concerned, the person executing the agreement will be assigned to duty, for the period of obligated service covered by the agreement, as an officer

of the Nurse Corps of the Army or Navy, an officer of the Air Force designated as a nurse, or an officer designated as a nurse in the commissioned corps of the Public Health Service.

(d) REPAYMENT.—An officer who does not become and remain licensed as a registered nurse during the period for which the payment is made, or who does not complete the period of active duty specified in the agreement entered into under subsection (a), shall be subject to the repayment provisions of section 303a(e) of this title.

(Added Pub. L. 101–189, div. A, title VII, §705(a)(1), Nov. 29, 1989, 103 Stat. 1471; amended Pub. L. 101–510, div. A, title VI, §613(a), title XIV, §1484(d)(2), Nov. 5, 1990, 104 Stat. 1577, 1716; Pub. L. 102–484, div. A, title VI, §612(g), Oct. 23, 1992, 106 Stat. 2421; Pub. L. 103–160, div. A, title VI, §611(b), Nov. 30, 1993, 107 Stat. 1679; Pub. L. 103–337, div. A, title VI, §612(b), Oct. 5, 1994, 108 Stat. 2783; Pub. L. 104–106, div. A, title VI, §612(b), Feb. 10, 1996, 110 Stat. 359; Pub. L. 104–201, div. A, title VI, §612(b), Sept. 23, 1996, 110 Stat. 2543; Pub. L. 105–85, div. A, title VI, §612(b), Nov. 18, 1997, 111 Stat. 1786; Pub. L. 105–261, div. A, title VI, §612(b), Oct. 17, 1998, 112 Stat. 2039; Pub. L. 106–65, div. A, title VI, §612(b), Oct. 5, 1999, 113 Stat. 650; Pub. L. 106–398, §1 [[div. A], title VI, §622(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A–151; Pub. L. 107–107, div. A, title VI, §612(b), Dec. 28, 2001, 115 Stat. 1135; Pub. L. 107–314, div. A, title VI, §§612(c), 615(e), Dec. 2, 2002, 116 Stat. 2567, 2568; Pub. L. 108–136, div. A, title VI, §612(c), Nov. 24, 2003, 117 Stat. 1501; Pub. L. 108–375, div. A, title VI, §§612(c), 616(a), Oct. 28, 2004, 118 Stat. 1947, 1948; Pub. L. 109–163, div. A, title VI, §§622(c), 687(b)(7), Jan. 6, 2006, 119 Stat. 3294, 3328; Pub. L. 109–364, div. A, title VI, §612(c), Oct. 17, 2006, 120 Stat. 2248; Pub. L. 110–181, div. A, title VI, §612(c), Jan. 28, 2008, 122 Stat. 148; Pub. L. 110–417, [div. A], title VI, §612(c), Oct. 14, 2008, 122 Stat. 4484; Pub. L. 111–84, div. A, title VI, §612(b)(2), Oct. 28, 2009, 123 Stat. 2353; Pub. L. 111–383, div. A, title VI, §612(b)(2), Jan. 7, 2011, 124 Stat. 4236; Pub. L. 112–81, div. A, title VI, §612(b)(2), Dec. 31, 2011, 125 Stat. 1449; Pub. L. 112–239, div. A, title VI, §612(b)(2), Jan. 2, 2013, 126 Stat. 1776; Pub. L. 113–66, div. A, title VI, §612(b)(2), Dec. 26, 2013, 127 Stat. 780; Pub. L. 113–291, div. A, title VI, §612(b)(2), Dec. 19, 2014, 128 Stat. 3400.)

AMENDMENTS

2014—Subsec. (a)(1). Pub. L. 113–291 substituted ''December 31, 2015'' for ''December 31, 2014''.

2013—Subsec. (a)(1). Pub. L. 113–66 substituted ''December 31, 2014'' for ''December 31, 2013''.

Pub. L. 112–239 substituted ''December 31, 2013'' for ''December 31, 2012''.

2011—Subsec. (a)(1). Pub. L. 112–81 substituted ''December 31, 2012'' for ''December 31, 2011''.

Pub. L. 111–383 substituted ''December 31, 2011'' for ''December 31, 2010''.

2009—Subsec. (a)(1). Pub. L. 111–84 substituted ''December 31, 2010'' for ''December 31, 2009''.

2008—Subsec. (a)(1). Pub. L. 110–417 substituted ''December 31, 2009'' for ''December 31, 2008''.

Pub. L. 110–181 substituted ''December 31, 2008'' for ''December 31, 2007''.

2006—Subsec. (a)(1). Pub. L. 109–364 substituted ''December 31, 2007'' for ''December 31, 2006''.

Pub. L. 109–163, §622(c), substituted ''December 31, 2006'' for ''December 31, 2005''.

Subsec. (d). Pub. L. 109–163, §687(b)(7), amended heading and text of subsec. (d) generally, substituting provisions referring to repayment provisions of section 303a(e) for specific provisions relating to refunds required when officer fails to become and remain licensed as a registered nurse or fails to complete total period of active duty.

2004—Subsec. (a)(1). Pub. L. 108–375, §616(a), substituted ''three years'' for ''four years''.

Pub. L. 108–375, §612(c), substituted ''December 31, 2005'' for ''December 31, 2004''.

2003—Subsec. (a)(1). Pub. L. 108–136 substituted ''December 31, 2004'' for ''December 31, 2003''.

2002—Subsec. (a)(1). Pub. L. 107–314, §612(c), substituted ''December 31, 2003'' for ''December 31, 2002''.

Subsec. (a)(2). Pub. L. 107–314, §615(e), substituted ''$30,000'' for ''$5,000''.

2001—Subsec. (a)(1). Pub. L. 107–107 substituted ''December 31, 2002'' for ''December 31, 2001''.

2000—Subsec. (a)(1). Pub. L. 106–398 substituted ''December 31, 2001'' for ''December 31, 2000''.

1999—Subsec. (a)(1). Pub. L. 106–65 substituted ''December 31, 2000'' for ''December 31, 1999''.

1998—Subsec. (a)(1). Pub. L. 105–261 substituted ''December 31, 1999'' for ''September 30, 1999''.

1997—Subsec. (a)(1). Pub. L. 105–85 substituted ''September 30, 1999'' for ''September 30, 1998''.

1996—Subsec. (a)(1). Pub. L. 104–201 substituted ''September 30, 1998'' for ''September 30, 1997''.

Pub. L. 104–106 substituted ''September 30, 1997'' for ''September 30, 1996''.

1994—Subsec. (a)(1). Pub. L. 103–337 substituted ''September 30, 1996'' for ''September 30, 1995''.

1993—Subsec. (a)(1). Pub. L. 103–160 substituted ''September 30, 1995'' for ''September 30, 1993''.

1992—Subsec. (a). Pub. L. 102–484 substituted ''September 30, 1993'' for ''September 30, 1992''.

1990—Subsec. (a)(1). Pub. L. 101–510, §§613(a), 1484(d)(2)(A), substituted ''November 29, 1989,'' for ''the date of the enactment of the National Defense Authorization Act for Fiscal Years 1990 and 1991'' and ''September 30, 1992'' for ''September 30, 1991''.

Subsec. (d)(4). Pub. L. 101–510, §1484(d)(2)(B), substituted ''November 29, 1989'' for ''the date of the enactment of the National Defense Authorization Act for Fiscal Years 1990 and 1991''.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–181 effective as of Dec. 31, 2007, and subject to various special provisions, see section 610 of Pub. L. 110–181, set out as a Correction of Lapsed Authorities for Payment of Bonuses, Special Pays, and Similar Benefits for Members of the Uniformed Services note under section 2130a of Title 10, Armed Forces.

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108–375, div. A, title VI, §616(b), Oct. 28, 2004, 118 Stat. 1948, provided that: ''The amendment made by subsection (a) [amending this section] shall apply with respect to agreements entered into under section 302d of title 37, United States Code, on or after the date of the enactment of this Act [Oct. 28, 2004].''

SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(b) of Pub. L. 109–163, see section 687(f) of Pub. L. 109–163, set out as a note under section 510 of Title 10, Armed Forces.

APPLICATION OF INCREASE

In case of amendment by section 615 of Pub. L. 107–314 to increase maximum amount of special pay or bonus

that may be paid during any 12-month period, the amended limitation is applicable to 12-month periods beginning after Sept. 30, 2002, see section 615(i) of Pub. L. 107–314, set out as a note under section 301d of this title.

COVERAGE OF PERIOD OF LAPSED AUTHORITY

For provisions relating to coverage of period of lapsed authority from Oct. 1, 1993, to Nov. 30, 1993, for payment of accession bonus authorized under this section, see section 611(d) of Pub. L. 103–160, set out as a note under section 2130a of Title 10, Armed Forces.

For provisions relating to coverage of period of lapsed authority from Oct. 1, 1992, to Oct. 23, 1992, for payment of bonuses or other special pay under this section, see section 612(j)(2) of Pub. L. 102–484, set out as a note under section 301b of this title.

§ 302e. Special pay: nurse anesthetists

(a) SPECIAL PAY AUTHORIZED.—(1) An officer described in subsection (b)(1) who, during the period beginning on November 29, 1989, and ending on December 31, 2015, executes a written agreement to remain on active duty for a period of one year or more may, upon the acceptance of the agreement by the Secretary concerned, be paid incentive special pay in an amount not to exceed $50,000 for any 12-month period.

(2) The Secretary concerned shall determine the amount of incentive special pay to be paid to an officer under paragraph (1). In determining that amount, the Secretary concerned shall consider the period of obligated service provided for in the agreement under that paragraph.

(b) COVERED OFFICERS.—(1) An officer referred to in subsection (a) is an officer of a uniformed service who—

(A) is an officer of the Nurse Corps of the Army or Navy, an officer of the Air Force designated as a nurse, or an officer designated as a nurse in the commissioned corps of the Public Health Service;

(B) is a qualified certified registered nurse anesthetist; and

(C) is on active duty under a call or order to active duty for a period of not less than one year.

(2) The Secretary of Defense may extend the special pay authorized under subsection (a) to officers of the armed forces who serve in a nursing specialty (other than as nurse anesthetists) that—

(A) is designated by the Secretary of the military department concerned as critical to meet requirements (whether such specialty is designated as critical to meet wartime or peacetime requirements); and

(B) requires postbaccalaureate education and training.

(c) TERMINATION OF AGREEMENT.—Under regulations prescribed by the Secretary of Defense, with respect to the Army, Navy, and Air Force, and the Secretary of Health and Human Services, with respect to the Public Health Service, the Secretary concerned may terminate an agreement entered into under subsection (a). Upon termination of an agreement, the entitlement of the officer to special pay under this section and the agreed upon commitment to active duty of the officer shall end. If such entitlement is terminated, the officer concerned shall be subject to the repayment provisions of section 303a(e) of this title.

(d) PAYMENT.—Special pay payable to an officer under subsection (a) shall be paid annually at the beginning of the 12-month period for which the officer is to receive that payment.

(e) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (a) shall be subject to the repayment provisions of section 303a(e) of this title.

(Added Pub. L. 101–189, div. A, title VII, § 706(a)(1), Nov. 29, 1989, 103 Stat. 1472; amended Pub. L. 101–510, div. A, title VI, §§ 613(b), 614(a), (b), 618(c)(1), title XIV, § 1484(d)(3), Nov. 5, 1990, 104 Stat. 1577, 1578, 1579, 1716; Pub. L. 102–25, title VII, § 702(a)(2)(B), (b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 102–484, div. A, title VI, § 612(i), Oct. 23, 1992, 106 Stat. 2421; Pub. L. 103–160, div. A, title VI, § 611(c), Nov. 30, 1993, 107 Stat. 1679; Pub. L. 103–337, div. A, title VI, § 612(c), Oct. 5, 1994, 108 Stat. 2783; Pub. L. 104–106, div. A, title VI, § 612(c), Feb. 10, 1996, 110 Stat. 359; Pub. L. 104–201, div. A, title VI, § 612(c), Sept. 23, 1996, 110 Stat. 2543; Pub. L. 105–85, div. A, title VI, § 612(c), Nov. 18, 1997, 111 Stat. 1786; Pub. L. 105–261, div. A, title VI, § 612(c), Oct. 17, 1998, 112 Stat. 2039; Pub. L. 106–65, div. A, title VI, § 612(c), Oct. 5, 1999, 113 Stat. 650; Pub. L. 106–398, § 1 [[div. A], title VI, §§ 622(c), 626(b)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A–151, 1654A–153; Pub. L. 107–107, div. A, title VI, § 612(c), Dec. 28, 2001, 115 Stat. 1135; Pub. L. 107–314, div. A, title VI, §§ 612(d), 615(f), Dec. 2, 2002, 116 Stat. 2567, 2569; Pub. L. 108–136, div. A, title VI, § 612(d), Nov. 24, 2003, 117 Stat. 1501; Pub. L. 108–375, div. A, title VI, § 612(d), Oct. 28, 2004, 118 Stat. 1947; Pub. L. 109–163, div. A, title VI, §§ 622(d), 687(b)(8), Jan. 6, 2006, 119 Stat. 3294, 3328; Pub. L. 109–364, div. A, title VI, § 612(d), Oct. 17, 2006, 120 Stat. 2248; Pub. L. 110–181, div. A, title VI, § 612(d), Jan. 28, 2008, 122 Stat. 148; Pub. L. 110–417, [div. A], title VI, § 612(d), Oct. 14, 2008, 122 Stat. 4484; Pub. L. 111–84, div. A, title VI, § 612(b)(3), Oct. 28, 2009, 123 Stat. 2353; Pub. L. 111–383, div. A, title VI, § 612(b)(3), Jan. 7, 2011, 124 Stat. 4236; Pub. L. 112–81, div. A, title VI, § 612(b)(3), Dec. 31, 2011, 125 Stat. 1449; Pub. L. 112–239, div. A, title VI, § 612(b)(3), Jan. 2, 2013, 126 Stat. 1776; Pub. L. 113–66, div. A, title VI, § 612(b)(3), Dec. 26, 2013, 127 Stat. 780; Pub. L. 113–291, div. A, title VI, § 612(b)(3), Dec. 19, 2014, 128 Stat. 3400.)

AMENDMENTS

2014—Subsec. (a)(1). Pub. L. 113–291 substituted ''December 31, 2015'' for ''December 31, 2014''.

2013—Subsec. (a)(1). Pub. L. 113–66 substituted ''December 31, 2014'' for ''December 31, 2013''.

Pub. L. 112–239 substituted ''December 31, 2013'' for ''December 31, 2012''.

2011—Subsec. (a)(1). Pub. L. 112–81 substituted ''December 31, 2012'' for ''December 31, 2011''.

Pub. L. 111–383 substituted ''December 31, 2011'' for ''December 31, 2010''.

2009—Subsec. (a)(1). Pub. L. 111–84 substituted ''December 31, 2010'' for ''December 31, 2009''.

2008—Subsec. (a)(1). Pub. L. 110–417 substituted ''December 31, 2009'' for ''December 31, 2008''.

Pub. L. 110–181 substituted ''December 31, 2008'' for ''December 31, 2007''.

2006—Subsec. (a)(1). Pub. L. 109–364 substituted ''December 31, 2007'' for ''December 31, 2006''.

Pub. L. 109–163, §622(d), substituted ''December 31, 2006'' for ''December 31, 2005''.

Subsec. (c). Pub. L. 109–163, §687(b)(8)(A), substituted ''If such entitlement is terminated, the officer concerned shall be subject to the repayment provisions of section 303a(e) of this title.'' for ''The officer may be required to refund that part of the special pay corresponding to the unserved period of active duty.''

Subsec. (e). Pub. L. 109–163, §687(b)(8)(B), amended heading and text of subsec. (e) generally, substituting provisions referring to repayment provisions of section 303a(e) for specific provisions relating to refunds required when officer fails to complete total period of active duty.

2004—Subsec. (a)(1). Pub. L. 108–375 substituted ''December 31, 2005'' for ''December 31, 2004''.

2003—Subsec. (a)(1). Pub. L. 108–136 substituted ''December 31, 2004'' for ''December 31, 2003''.

2002—Subsec. (a)(1). Pub. L. 107–314, §615(f), substituted ''$50,000'' for ''$15,000''.

Pub. L. 107–314, §612(d), substituted ''December 31, 2003'' for ''December 31, 2002''.

2001—Subsec. (a)(1). Pub. L. 107–107 substituted ''December 31, 2002'' for ''December 31, 2001''.

2000—Subsec. (a)(1). Pub. L. 106–398, §1 [[div. A], title VI, §622(c)], substituted ''December 31, 2001'' for ''December 31, 2000''.

Subsec. (b)(2)(A). Pub. L. 106–398, §1 [[div. A], title VI, §626(b)(1)], substituted ''the Secretary of the military department concerned'' for ''the Secretary''.

1999—Subsec. (a)(1). Pub. L. 106–65 substituted ''December 31, 2000'' for ''December 31, 1999''.

1998—Subsec. (a)(1). Pub. L. 105–261 substituted ''December 31, 1999'' for ''September 30, 1999''.

1997—Subsec. (a)(1). Pub. L. 105–85 substituted ''September 30, 1999'' for ''September 30, 1998''.

1996—Subsec. (a)(1). Pub. L. 104–201 substituted ''September 30, 1998'' for ''September 30, 1997''.

Pub. L. 104–106 substituted ''September 30, 1997'' for ''September 30, 1996''.

1994—Subsec. (a)(1). Pub. L. 103–337 substituted ''September 30, 1996'' for ''September 30, 1995'' and ''$15,000'' for ''$6,000''.

1993—Subsec. (a)(1). Pub. L. 103–160 substituted ''September 30, 1995'' for ''September 30, 1993''.

1992—Subsec. (a)(1). Pub. L. 102–484 substituted ''September 30, 1993'' for ''September 30, 1992''.

1991—Pub. L. 102–25, §702(a)(2)(B), amended section catchline generally.

Subsec. (d). Pub. L. 102–25, §702(b)(1), (c), struck out ''of this section'' after ''subsection (a)''.

1990—Pub. L. 101–510, §618(c)(1), directed that section catchline be amended to read ''§302c. Special pay: psychologists and nonphysician health care providers''.

Subsec. (a)(1). Pub. L. 101–510, §1484(d)(3)(A), substituted ''November 29, 1989,'' for ''the date of the enactment of the National Defense Authorization Act for Fiscal Years 1990 and 1991''.

Pub. L. 101–510, §614(b), substituted ''subsection (b)(1)'' for ''subsection (b)''.

Pub. L. 101–510, §613(b), substituted ''September 30, 1992,'' for ''September 30, 1991,''.

Subsec. (b). Pub. L. 101–510, §614(a), designated existing provisions as par. (1), redesignated former pars. (1) to (3) as subpars. (A) to (C), respectively, and added par. (2).

Subsec. (e)(3). Pub. L. 101–510, §1484(d)(3)(B), substituted ''November 29, 1989'' for ''the date of the enactment of the National Defense Authorization Act for Fiscal Years 1990 and 1991''.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–181 effective as of Dec. 31, 2007, and subject to various special provisions, see section 610 of Pub. L. 110–181, set out as a Correction of Lapsed Authorities for Payment of Bonuses, Special Pays, and Similar Benefits for Members of the Uniformed Services note under section 2130a of Title 10, Armed Forces.

SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(b) of Pub. L. 109–163, see section 687(f) of Pub. L. 109–163, set out as a note under section 510 of Title 10, Armed Forces.

APPLICATION OF INCREASE

In case of amendment by section 615 of Pub. L. 107–314 to increase maximum amount of special pay or bonus that may be paid during any 12-month period, the amended limitation is applicable to 12-month periods beginning after Sept. 30, 2002, see section 615(i) of Pub. L. 107–314, set out as a note under section 301d of this title.

COVERAGE OF PERIOD OF LAPSED AUTHORITY

For provisions relating to coverage of period of lapsed authority from Oct. 1, 1993, to Nov. 30, 1993, for payment of special pay authorized under this section, see section 611(d) of Pub. L. 103–160, set out as a note under section 2130a of Title 10, Armed Forces.

For provisions relating to coverage of period of lapsed authority from Oct. 1, 1992, to Oct. 23, 1992, for payment of bonuses or other special pay under this section, see section 612(j)(2) of Pub. L. 102–484, set out as a note under section 301b of this title.

IMPLEMENTATION OF SUBSECTION (b)(2)

Pub. L. 101–510, div. A, title VI, §614(c), Nov. 5, 1990, 104 Stat. 1578, provided that the Secretary of Defense could not implement subsec. (b)(2) of this section, unless the Secretary submitted to the Committees on Armed Services of the Senate and House of Representatives a report justifying the need of the departments for the authority provided in such subsection and describing the manner in which that authority would be implemented, prior to repeal by Pub. L. 106–398, §1 [[div. A], title VI, §626(b)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A–153.

§302f. Special pay: reserve, recalled, or retained health care officers

(a) ELIGIBLE FOR SPECIAL PAY.—A health care officer described in subsection (b) shall be eligible for special pay under section 302, 302a, 302b, 302c, 302e, or 303 of this title (whichever applies) notwithstanding any requirement in those sections that—

(1) the call or order of the officer to active duty be for a period of not less than one year; or

(2) the officer execute a written agreement to remain on active duty for a period of not less than one year.

(b) HEALTH CARE OFFICERS DESCRIBED.—A health care officer referred to in subsection (a) is an officer of the armed forces who is otherwise eligible for special pay under section 302, 302a, 302b, 302c, 302e, or 303 of this title and who—

(1) is a reserve officer on active duty (other than for training) under a call or order to active duty for a period of more than 30 days but less than one year;

(2) is involuntarily retained on active duty under section 12305 of title 10, or is recalled to

active duty under section 688 of title 10 for a period of more than 30 days; or

(3) voluntarily agrees to remain on active duty for a period of less than one year at a time when—

(A) officers are involuntarily retained on active duty under section 12305 of title 10; or

(B) the Secretary of Defense determines (pursuant to regulations prescribed by the Secretary) that special circumstances justify the payment of special pay under this section.

(c) MONTHLY PAYMENTS.—Payment of special pay pursuant to this section may be made on a monthly basis. The officer shall repay in the manner provided in section 303a(e) of this title any amount received under this section in excess of the amount that corresponds to the actual period of active duty served by the officer.

(d) SPECIAL RULE FOR RESERVE MEDICAL AND DENTAL OFFICERS.—While a reserve medical or dental officer receives a special pay under section 302 or 302b of this title by reason of subsection (a), the officer shall not be entitled to special pay under section 302(h) or 302b(h) of this title.

(Added Pub. L. 102–190, div. A, title VI, § 634(a), Dec. 5, 1991, 105 Stat. 1381; amended Pub. L. 104–106, div. A, title XV, § 1501(d)(4)(A), Feb. 10, 1996, 110 Stat. 500; Pub. L. 106–398, § 1 [[div. A], title VI, § 625(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A–153; Pub. L. 109–163, div. A, title VI, § 687(b)(9), Jan. 6, 2006, 119 Stat. 3329.)

AMENDMENTS

2006—Subsec. (c). Pub. L. 109–163 substituted ''repay in the manner provided in section 303a(e) of this title'' for ''refund''.

2000—Subsec. (d). Pub. L. 106–398 amended heading and text of subsec. (d) generally. Prior to amendment, text read as follows: ''While a reserve medical officer receives a special pay under section 302 of this title by reason of subsection (a), the officer shall not be entitled to special pay under subsection (h) of that section.''

1996—Subsec. (b)(2), (3)(A). Pub. L. 104–106 substituted ''section 12305 of title 10'' for ''section 673c of title 10''.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–106 effective as if included in the Reserve Officer Personnel Management Act, title XVI of Pub. L. 103–337, as enacted on Oct. 5, 1994, see section 1501(f)(3) of Pub. L. 104–106, set out as a note under section 113 of Title 10, Armed Forces.

SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(b) of Pub. L. 109–163, see section 687(f) of Pub. L. 109–163, set out as a note under section 510 of Title 10, Armed Forces.

ACTIVE DUTY IN CONNECTION WITH OPERATION DESERT STORM

Pub. L. 102–25, title III, § 304, Apr. 25, 1991, 105 Stat. 81, as amended by Pub. L. 102–190, div. A, title VI, § 656, Dec. 5, 1991, 105 Stat. 1393, provided that:

''(a) ELIGIBLE FOR SPECIAL PAY.—A health care officer described in subsection (b) shall be eligible for special pay under section 302, 302a, 302b, 302e, or 303 of title 37, United States Code (whichever applies), notwithstanding any requirement in those sections that—

''(1) the call or order of the officer to active duty be for a period of not less than one year; or

''(2) the officer execute a written agreement to remain on active duty for a period of not less than one year.

''(b) HEALTH CARE OFFICERS DESCRIBED.—A health care officer referred to in subsection (a) is an officer of the Armed Forces who is otherwise eligible for special pay under section 302, 302a, 302b, 302e, or 303 of title 37, United States Code, and who—

''(1) is a reserve officer on active duty under a call or order to active duty for a period of less than one year in connection with Operation Desert Storm;

''(2) is involuntarily retained on active duty under section 673c [now 12305] of title 10, United States Code, or is recalled to active duty under section 688 of that title, in connection with Operation Desert Storm; or

''(3) voluntarily agrees to remain on active duty for a period of less than one year in connection with Operation Desert Storm.

''(c) MONTHLY PAYMENTS.—Payment of special pay pursuant to this section may be made on a monthly basis. If the service on active duty of an officer described in subsection (b) is terminated before the end of the period for which a payment is made to the officer under subsection (a), the officer is entitled to special pay under section 302, 302a, 302b, 302e, or 303 of title 37, United States Code (whichever applies), only for the portion of that period that the officer actually served on active duty. The officer shall refund any amount received in excess of the amount that corresponds to the period of active duty of the officer.

''(d) SPECIAL RULE FOR RESERVE MEDICAL OFFICER.—While a reserve medical officer receives a special pay under section 302 of title 37, United States Code, by operation of subsection (a), the officer shall not be entitled to special pay under subsection (h) of that section.

''(e) PERIOD OF APPLICABILITY.—Subsection (a) shall apply during the period beginning on August 1, 1990, and ending on the first day of the first month beginning on or after the date 180 days after the end of the Persian Gulf conflict.''

§ 302g. Special pay: Selected Reserve health care professionals in critically short wartime specialties

(a) SPECIAL PAY AUTHORIZED.—An officer of a reserve component of the armed forces described in subsection (b) who executes a written agreement under which the officer agrees to serve in the Selected Reserve of an armed force for a period of not less than one year nor more than three years, beginning on the date the officer accepts the award of special pay under this section, may be paid special pay at an annual rate not to exceed $25,000.

(b) ELIGIBLE OFFICERS.—An officer referred to in subsection (a) is an officer in a health care profession who is qualified in a specialty designated by regulations as a critically short wartime specialty.

(c) TIME FOR PAYMENT.—Special pay under this section shall be paid annually at the beginning of each twelve-month period for which the officer has agreed to serve.

(d) REPAYMENT.—An officer who does not complete the period of service in the Selected Reserve specified in the agreement entered into under subsection (a) shall be subject to the repayment provisions of section 303a(e) of this title.

(e) TERMINATION OF AGREEMENT AUTHORITY.—No agreement under this section may be entered into after December 31, 2015.

(Added Pub. L. 104–106, div. A, title VI, §614(a)(1), Feb. 10, 1996, 110 Stat. 360; amended Pub. L. 104–201, div. A, title VI, §611(a), Sept. 23, 1996, 110 Stat. 2543; Pub. L. 105–85, div. A, title VI, §611(a), Nov. 18, 1997, 111 Stat. 1785; Pub. L. 105–261, div. A, title VI, §611(a), Oct. 17, 1998, 112 Stat. 2038; Pub. L. 106–65, div. A, title VI, §611(a), Oct. 5, 1999, 113 Stat. 649; Pub. L. 106–398, §1 [[div. A], title VI, §621(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A–151; Pub. L. 107–107, div. A, title VI, §611(a), Dec. 28, 2001, 115 Stat. 1135; Pub. L. 107–314, div. A, title VI, §612(e), Dec. 2, 2002, 116 Stat. 2567; Pub. L. 108–136, div. A, title VI, §612(e), Nov. 24, 2003, 117 Stat. 1501; Pub. L. 108–375, div. A, title VI, §612(e), Oct. 28, 2004, 118 Stat. 1947; Pub. L. 109–163, div. A, title VI, §§622(e), 687(b)(10), Jan. 6, 2006, 119 Stat. 3294, 3329; Pub. L. 109–364, div. A, title VI, §§612(e), 616(a), Oct. 17, 2006, 120 Stat. 2248, 2249; Pub. L. 110–181, div. A, title VI, §612(e), Jan. 28, 2008, 122 Stat. 148; Pub. L. 110–417, [div. A], title VI, §612(e), Oct. 14, 2008, 122 Stat. 4484; Pub. L. 111–84, div. A, title VI, §612(b)(4), Oct. 28, 2009, 123 Stat. 2353; Pub. L. 111–383, div. A, title VI, §612(b)(4), Jan. 7, 2011, 124 Stat. 4236; Pub. L. 112–81, div. A, title VI, §612(b)(4), Dec. 31, 2011, 125 Stat. 1449; Pub. L. 112–239, div. A, title VI, §612(b)(4), Jan. 2, 2013, 126 Stat. 1776; Pub. L. 113–66, div. A, title VI, §612(b)(4), Dec. 26, 2013, 127 Stat. 780; Pub. L. 113–291, div. A, title VI, §612(b)(4), Dec. 19, 2014, 128 Stat. 3400.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in Pub. L. 100–456, div. A, title VI, §613, Sept. 29, 1988, 102 Stat. 1981, which was set out as a note under section 302 of this title, prior to repeal by Pub. L. 104–106, §614(c)(1).

AMENDMENTS

2014—Subsec. (e). Pub. L. 113–291 substituted ''December 31, 2015'' for ''December 31, 2014''.

2013—Subsec. (e). Pub. L. 113–66 substituted ''December 31, 2014'' for ''December 31, 2013''.

Pub. L. 112–239 substituted ''December 31, 2013'' for ''December 31, 2012''.

2011—Subsec. (e). Pub. L. 112–81 substituted ''December 31, 2012'' for ''December 31, 2011''.

Pub. L. 111–383 substituted ''December 31, 2011'' for ''December 31, 2010''.

2009—Subsec. (e). Pub. L. 111–84 substituted ''December 31, 2010'' for ''December 31, 2009''.

2008—Subsec. (e). Pub. L. 110–417 substituted ''December 31, 2009'' for ''December 31, 2008''.

Pub. L. 110–181 substituted ''December 31, 2008'' for ''December 31, 2007''.

2006—Subsec. (a). Pub. L. 109–364, §616(a), substituted ''$25,000'' for ''$10,000''.

Subsec. (d). Pub. L. 109–163, §687(b)(10)(A), (B), added subsec. (d) and struck out heading and text of former subsec. (d). Text read as follows: ''An officer who voluntarily terminates service in the Selected Reserve of an armed force before the end of the period for which a payment was made to such officer under this section shall refund to the United States the full amount of the payment made for the period on which the payment was based.''

Subsec. (e). Pub. L. 109–364, §612(e), substituted ''December 31, 2007'' for ''December 31, 2006''.

Pub. L. 109–163, §687(b)(10)(A), (C), redesignated subsec. (f) as (e) and struck out heading and text of former subsec. (e). Text read as follows: ''A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the person receiving special pay under the agreement from the debt arising under the agreement.''

Subsec. (f). Pub. L. 109–163, §687(b)(10)(C), redesignated subsec. (f) as (e).

Pub. L. 109–163, §622(e), substituted ''December 31, 2006'' for ''December 31, 2005''.

2004—Subsec. (f). Pub. L. 108–375 substituted ''December 31, 2005'' for ''December 31, 2004''.

2003—Subsec. (f). Pub. L. 108–136 substituted ''December 31, 2004'' for ''December 31, 2003''.

2002—Subsec. (f). Pub. L. 107–314 substituted ''December 31, 2003'' for ''December 31, 2002''.

2001—Subsec. (f). Pub. L. 107–107 substituted ''December 31, 2002'' for ''December 31, 2001''.

2000—Subsec. (f). Pub. L. 106–398 substituted ''December 31, 2001'' for ''December 31, 2000''.

1999—Subsec. (f). Pub. L. 106–65 substituted ''December 31, 2000'' for ''December 31, 1999''.

1998—Subsec. (f). Pub. L. 105–261 substituted ''December 31, 1999'' for ''September 30, 1999''.

1997—Subsec. (f). Pub. L. 105–85 substituted ''September 30, 1999'' for ''September 30, 1998''.

1996—Subsec. (f). Pub. L. 104–201 substituted ''September 30, 1998'' for ''September 30, 1997''.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–181 effective as of Dec. 31, 2007, and subject to various special provisions, see section 610 of Pub. L. 110–181, set out as a Correction of Lapsed Authorities for Payment of Bonuses, Special Pays, and Similar Benefits for Members of the Uniformed Services note under section 2130a of Title 10, Armed Forces.

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109–364, div. A, title VI, §616(b), Oct. 17, 2006, 120 Stat. 2249, provided that: ''The amendment made by subsection (a) [amending this section] shall take effect on October 1, 2006, and shall apply to agreements entered into or revised under section 302g of title 37, United States Code, on or after that date.''

SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(b) of Pub. L. 109–163, see section 687(f) of Pub. L. 109–163, set out as a note under section 510 of Title 10, Armed Forces.

§302h. Special pay: accession bonus for dental officers

(a) ACCESSION BONUS AUTHORIZED.—(1) A person who is a graduate of an accredited dental school and who, during the period beginning on September 23, 1996, and ending on December 31, 2015, executes a written agreement described in subsection (c) to accept a commission as an officer of the armed forces and remain on active duty for a period of not less than four years may, upon the acceptance of the agreement by the Secretary concerned, be paid an accession bonus in an amount determined by the Secretary concerned.

(2) The amount of an accession bonus under paragraph (1) may not exceed $200,000.

(b) LIMITATION ON ELIGIBILITY FOR BONUS.—A person may not be paid a bonus under subsection (a) if—

(1) the person, in exchange for an agreement to accept an appointment as an officer, re-

ceived financial assistance from the Department of Defense to pursue a course of study in dentistry; or

(2) the Secretary concerned determines that the person is not qualified to become and remain certified and licensed as a dentist.

(c) AGREEMENT.—The agreement referred to in subsection (a) shall provide that, consistent with the needs of the armed service concerned, the person executing the agreement will be assigned to duty, for the period of obligated service covered by the agreement, as an officer of the Dental Corps of the Army or the Navy or an officer of the Air Force designated as a dental officer.

(d) REPAYMENT.—A person who, after signing an agreement under subsection (a), is not commissioned as an officer of the armed forces, does not become licensed as a dentist, or does not complete the period of active duty specified in the agreement shall be subject to the repayment provisions of section 303a(e) of this title.

(Added Pub. L. 104–201, div. A, title VI, § 615(c)(1), Sept. 23, 1996, 110 Stat. 2545; amended Pub. L. 107–107, div. A, title VI, § 618, Dec. 28, 2001, 115 Stat. 1137; Pub. L. 107–314, div. A, title VI, § 612(f), Dec. 2, 2002, 116 Stat. 2568; Pub. L. 108–136, div. A, title VI, § 612(f), Nov. 24, 2003, 117 Stat. 1501; Pub. L. 108–375, div. A, title VI, § 612(f), Oct. 28, 2004, 118 Stat. 1947; Pub. L. 109–163, div. A, title VI, §§ 622(f), 687(b)(11), Jan. 6, 2006, 119 Stat. 3294, 3329; Pub. L. 109–364, div. A, title VI, §§ 612(f), 617(a), Oct. 17, 2006, 120 Stat. 2248, 2249; Pub. L. 110–181, div. A, title VI, § 612(f), Jan. 28, 2008, 122 Stat. 148; Pub. L. 110–417, [div. A], title VI, § 612(f), Oct. 14, 2008, 122 Stat. 4484; Pub. L. 111–84, div. A, title VI, § 612(b)(5), Oct. 28, 2009, 123 Stat. 2353; Pub. L. 111–383, div. A, title VI, § 612(b)(5), Jan. 7, 2011, 124 Stat. 4236; Pub. L. 112–81, div. A, title VI, § 612(b)(5), Dec. 31, 2011, 125 Stat. 1449; Pub. L. 112–239, div. A, title VI, § 612(b)(5), Jan. 2, 2013, 126 Stat. 1776; Pub. L. 113–66, div. A, title VI, § 612(b)(5), Dec. 26, 2013, 127 Stat. 780; Pub. L. 113–291, div. A, title VI, § 612(b)(5), Dec. 19, 2014, 128 Stat. 3400.)

AMENDMENTS

2014—Subsec. (a)(1). Pub. L. 113–291 substituted ''December 31, 2015'' for ''December 31, 2014''.

2013—Subsec. (a)(1). Pub. L. 113–66 substituted ''December 31, 2014'' for ''December 31, 2013''.

Pub. L. 112–239 substituted ''December 31, 2013'' for ''December 31, 2012''.

2011—Subsec. (a)(1). Pub. L. 112–81 substituted ''December 31, 2012'' for ''December 31, 2011''.

Pub. L. 111–383 substituted ''December 31, 2011'' for ''December 31, 2010''.

2009—Subsec. (a)(1). Pub. L. 111–84 substituted ''December 31, 2010'' for ''December 31, 2009''.

2008—Subsec. (a)(1). Pub. L. 110–417 substituted ''December 31, 2009'' for ''December 31, 2008''.

Pub. L. 110–181 substituted ''December 31, 2008'' for ''December 31, 2007''.

2006—Subsec. (a)(1). Pub. L. 109–364, § 612(f), substituted ''December 31, 2007'' for ''December 31, 2006''.

Pub. L. 109–163, § 622(f), substituted ''December 31, 2006'' for ''December 31, 2005''.

Subsec. (a)(2). Pub. L. 109–364, § 617(a), substituted ''$200,000'' for ''$30,000''.

Subsec. (d). Pub. L. 109–163, § 687(b)(11), amended heading and text of subsec. (d) generally, substituting provisions referring to repayment provisions of section 303a(e) for specific provisions relating to refunds required when officer fails to become and remain certified or licensed as dentist or fails to complete total period of active duty.

2004—Subsec. (a)(1). Pub. L. 108–375 substituted ''December 31, 2005'' for ''December 31, 2004''.

2003—Subsec. (a)(1). Pub. L. 108–136 substituted ''December 31, 2004'' for ''December 31, 2003''.

2002—Subsec. (a)(1). Pub. L. 107–314 substituted ''December 31, 2003'' for ''December 31, 2002''.

2001—Subsec. (a)(1). Pub. L. 107–107 substituted ''September 23, 1996, and ending on December 31, 2002'' for ''the date of the enactment of this section, and ending on September 30, 2002''.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–181 effective as of Dec. 31, 2007, and subject to various special provisions, see section 610 of Pub. L. 110–181, set out as a Correction of Lapsed Authorities for Payment of Bonuses, Special Pays, and Similar Benefits for Members of the Uniformed Services note under section 2130a of Title 10, Armed Forces.

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109–364, div. A, title VI, § 617(e), Oct. 17, 2006, 120 Stat. 2251, provided that: ''The amendments made by this section [enacting sections 302k and 302*l* of this title and amending this section] shall take effect on October 1, 2006, and shall apply to agreements—

''(1) entered into or revised under section 302h of title 37, United States Code, on or after that date; or

''(2) entered into under section 302k or 302*l* of such title, as added by subsections (b) and (c), on or after that date.''

SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(b) of Pub. L. 109–163, see section 687(f) of Pub. L. 109–163, set out as a note under section 510 of Title 10, Armed Forces.

§ 302i. Special pay: pharmacy officers

(a) ARMY, NAVY, AND AIR FORCE PHARMACY OFFICERS.—Under regulations prescribed pursuant to section 303a of this title, the Secretary of the military department concerned may, subject to subsection (c), pay retention special pay under this section to an officer who—

(1) is a pharmacy officer in the Medical Service Corps of the Army or Navy or the Biomedical Sciences Corps of the Air Force; and

(2) is on active duty under a call or order to active duty for a period of not less than one year.

(b) PUBLIC HEALTH SERVICE CORPS.—Subject to subsection (c), the Secretary of Health and Human Services may pay retention special pay under this section to an officer who—

(1) is an officer in the Regular or Reserve Corps of the Public Health Service and is designated as a pharmacy officer; and

(2) is on active duty under a call or order to active duty for a period of not less than one year.

(c) LIMITATION ON ELIGIBILITY FOR SPECIAL PAY.—Special pay may not be paid under this section to an officer serving in a pay grade above pay grade O–6.

(d) LIMITATION ON AMOUNT OF SPECIAL PAY.—The amount of retention special pay paid to an

officer under this section may not exceed $15,000 for any 12-month period.

(Added Pub. L. 106–398, § 1 [[div. A], title VI, § 628(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A–154; amended Pub. L. 107–314, div. A, title VI, § 615(g), Dec. 2, 2002, 116 Stat. 2569.)

AMENDMENTS

2002—Subsecs. (a), (b). Pub. L. 107–314, § 615(g)(1), substituted ''retention special pay under this section'' for ''special pay at the rates specified in subsection (d)''.

Subsec. (c). Pub. L. 107–314, § 615(g)(2), inserted ''ON ELIGIBILITY FOR SPECIAL PAY'' after ''LIMITATION'' in heading.

Subsec. (d). Pub. L. 107–314, § 615(g)(3), added subsec. (d) and struck out heading and text of former subsec. (d). Text read as follows: ''The rate of special pay paid to an officer under subsection (a) or (b) is as follows:

''(1) $3,000 per year, if the officer is undergoing pharmacy internship training or has less than 3 years of creditable service.

''(2) $7,000 per year, if the officer has at least 3 but less than 6 years of creditable service and is not undergoing pharmacy internship training.

''(3) $7,000 per year, if the officer has at least 6 but less than 8 years of creditable service.

''(4) $12,000 per year, if the officer has at least 8 but less than 12 years of creditable service.

''(5) $10,000 per year, if the officer has at least 12 but less than 14 years of creditable service.

''(6) $9,000 per year, if the officer has at least 14 but less than 18 years of creditable service.

''(7) $8,000 per year, if the officer has 18 or more years of creditable service.''

APPLICATION OF INCREASE

In case of amendment by section 615 of Pub. L. 107–314 to increase maximum amount of special pay or bonus that may be paid during any 12-month period, the amended limitation is applicable to 12-month periods beginning after Sept. 30, 2002, see section 615(i) of Pub. L. 107–314, set out as a note under section 301d of this title.

§ 302j. Special pay: accession bonus for pharmacy officers

(a) ACCESSION BONUS AUTHORIZED.—A person who is a graduate of an accredited pharmacy school and who, during the period beginning on October 30, 2000, and ending on December 31, 2015, executes a written agreement described in subsection (d) to accept a commission as an officer of a uniformed service and remain on active duty for a period of not less than 4 years may, upon acceptance of the agreement by the Secretary concerned, be paid an accession bonus in an amount determined by the Secretary concerned.

(b) LIMITATION ON AMOUNT OF BONUS.—The amount of an accession bonus under subsection (a) may not exceed $30,000.

(c) LIMITATION ON ELIGIBILITY FOR BONUS.—A person may not be paid a bonus under subsection (a) if—

(1) the person, in exchange for an agreement to accept an appointment as a warrant or commissioned officer, received financial assistance from the Department of Defense or the Department of Health and Human Services to pursue a course of study in pharmacy; or

(2) the Secretary concerned determines that the person is not qualified to become and remain licensed as a pharmacist.

(d) AGREEMENT.—The agreement referred to in subsection (a) shall provide that, consistent with the needs of the uniformed service concerned, the person executing the agreement shall be assigned to duty, for the period of obligated service covered by the agreement, as a pharmacy officer in the Medical Service Corps of the Army or Navy, a biomedical sciences officer in the Air Force designated as a pharmacy officer, or a pharmacy officer of the Public Health Service.

(e) REPAYMENT.—A person who, after signing an agreement under subsection (a), is not commissioned as an officer of the armed forces, does not become and remain certified or licensed as a pharmacist, or does not complete the period of active duty specified in the agreement shall be subject to the repayment provisions of section 303a(e) of this title.

(Added Pub. L. 106–398, § 1 [[div. A], title VI, § 628(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A–154; amended Pub. L. 107–314, div. A, title X, § 1062(c)(1), Dec. 2, 2002, 116 Stat. 2650; Pub. L. 108–375, div. A, title VI, § 612(g), Oct. 28, 2004, 118 Stat. 1947; Pub. L. 109–163, div. A, title VI, §§ 622(g), 687(b)(12), Jan. 6, 2006, 119 Stat. 3294, 3329; Pub. L. 109–364, div. A, title VI, § 612(g), Oct. 17, 2006, 120 Stat. 2248; Pub. L. 110–181, div. A, title VI, § 612(g), Jan. 28, 2008, 122 Stat. 149; Pub. L. 110–417, [div. A], title VI, § 612(g), Oct. 14, 2008, 122 Stat. 4484; Pub. L. 111–84, div. A, title VI, § 612(b)(6), Oct. 28, 2009, 123 Stat. 2353; Pub. L. 111–383, div. A, title VI, § 612(b)(6), Jan. 7, 2011, 124 Stat. 4236; Pub. L. 112–81, div. A, title VI, § 612(b)(6), Dec. 31, 2011, 125 Stat. 1449; Pub. L. 112–239, div. A, title VI, § 612(b)(6), Jan. 2, 2013, 126 Stat. 1776; Pub. L. 113–66, div. A, title VI, § 612(b)(6), Dec. 26, 2013, 127 Stat. 780; Pub. L. 113–291, div. A, title VI, § 612(b)(6), Dec. 19, 2014, 128 Stat. 3400.)

AMENDMENTS

2014—Subsec. (a). Pub. L. 113–291 substituted ''December 31, 2015'' for ''December 31, 2014''.

2013—Subsec. (a). Pub. L. 113–66 substituted ''December 31, 2014'' for ''December 31, 2013''.

Pub. L. 112–239 substituted ''December 31, 2013'' for ''December 31, 2012''.

2011—Subsec. (a). Pub. L. 112–81 substituted ''December 31, 2012'' for ''December 31, 2011''.

Pub. L. 111–383 substituted ''December 31, 2011'' for ''December 31, 2010''.

2009—Subsec. (a). Pub. L. 111–84 substituted ''December 31, 2010'' for ''December 31, 2009''.

2008—Subsec. (a). Pub. L. 110–417 substituted ''December 31, 2009'' for ''December 31, 2008''.

Pub. L. 110–181 substituted ''December 31, 2008'' for ''December 31, 2007''.

2006—Subsec. (a). Pub. L. 109–364 substituted ''December 31, 2007'' for ''December 31, 2006''.

Pub. L. 109–163, § 622(g), substituted ''December 31, 2006'' for ''December 31, 2005''.

Subsec. (e). Pub. L. 109–163, § 687(b)(12), amended heading and text of subsec. (e) generally, substituting provisions referring to repayment provisions of section 303a(e) for specific provisions relating to refunds required when officer fails to become and remain licensed as pharmacist or fails to complete total period of active duty.

2004—Subsec. (a). Pub. L. 108–375 substituted ''October 30, 2000, and ending on December 31, 2005'' for ''the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 and ending on September 30, 2004''.

2002—Subsec. (a). Pub. L. 107–314 substituted ''subsection (d)'' for ''subsection (c)''.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–181 effective as of Dec. 31, 2007, and subject to various special provisions, see section 610 of Pub. L. 110–181, set out as a Correction of Lapsed Authorities for Payment of Bonuses, Special Pays, and Similar Benefits for Members of the Uniformed Services note under section 2130a of Title 10, Armed Forces.

SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(b) of Pub. L. 109–163, see section 687(f) of Pub. L. 109–163, set out as a note under section 510 of Title 10, Armed Forces.

§ 302k. Special pay: accession bonus for medical officers in critically short wartime specialties

(a) ACCESSION BONUS AUTHORIZED.—A person who is a graduate of an accredited school of medicine or osteopathy in a specialty designated by regulations as a critically short wartime specialty and who executes a written agreement described in subsection (d) to accept a commission as an officer of the armed forces and remain on active duty for a period of not less than four consecutive years may, upon the acceptance of the agreement by the Secretary concerned, be paid an accession bonus in the amount determined by the Secretary concerned.

(b) AMOUNT OF BONUS.—The amount of an accession bonus under subsection (a) may not exceed $400,000.

(c) LIMITATION ON ELIGIBILITY FOR BONUS.—A person may not be paid a bonus under subsection (a) if—

(1) the person, in exchange for an agreement to accept an appointment as an officer, received financial assistance from the Department of Defense to pursue a course of study in medicine or osteopathy; or

(2) the Secretary concerned determines that the person is not qualified to become and remain certified as a doctor or osteopath in a specialty designated by regulations as a critically short wartime specialty.

(d) AGREEMENT.—The agreement referred to in subsection (a) shall provide that, consistent with the needs of the armed force concerned, the person executing the agreement will be assigned to duty, for the period of obligated service covered by the agreement, as an officer of the Medical Corps of the Army or the Navy or as an officer of the Air Force designated as a medical officer in a specialty designated by regulations as a critically short wartime specialty.

(e) REPAYMENT.—A person who, after executing an agreement under subsection (a) is not commissioned as an officer of the armed forces, does not become licensed as a doctor or osteopath, as the case may be, or does not complete the period of active duty in a specialty specified in the agreement, shall be subject to the repayment provisions of section 303a(e) of this title.

(f) TERMINATION OF AUTHORITY.—No agreement under this section may be entered into after December 31, 2015.

(Added Pub. L. 109–364, div. A, title VI, § 617(b), Oct. 17, 2006, 120 Stat. 2249; amended Pub. L. 110–181, div. A, title VI, § 612(h), Jan. 28, 2008, 122 Stat. 149; Pub. L. 110–417, [div. A], title VI, § 612(h), Oct. 14, 2008, 122 Stat. 4484; Pub. L. 111–84, div. A, title VI, § 612(b)(7), Oct. 28, 2009, 123 Stat. 2353; Pub. L. 111–383, div. A, title VI, § 612(b)(7), Jan. 7, 2011, 124 Stat. 4236; Pub. L. 112–81, div. A, title VI, § 612(b)(7), Dec. 31, 2011, 125 Stat. 1450; Pub. L. 112–239, div. A, title VI, § 612(b)(7), Jan. 2, 2013, 126 Stat. 1776; Pub. L. 113–66, div. A, title VI, § 612(b)(7), Dec. 26, 2013, 127 Stat. 780; Pub. L. 113–291, div. A, title VI, § 612(b)(7), Dec. 19, 2014, 128 Stat. 3400.)

AMENDMENTS

2014—Subsec. (f). Pub. L. 113–291 substituted ''December 31, 2015'' for ''December 31, 2014''.

2013—Subsec. (f). Pub. L. 113–66 substituted ''December 31, 2014'' for ''December 31, 2013''.

Pub. L. 112–239 substituted ''December 31, 2013'' for ''December 31, 2012''.

2011—Subsec. (f). Pub. L. 112–81 substituted ''December 31, 2012'' for ''December 31, 2011''.

Pub. L. 111–383 substituted ''December 31, 2011'' for ''December 31, 2010''.

2009—Subsec. (f). Pub. L. 111–84 substituted ''December 31, 2010'' for ''December 31, 2009''.

2008—Subsec. (f). Pub. L. 110–417 substituted ''December 31, 2009'' for ''December 31, 2008''.

Pub. L. 110–181 substituted ''December 31, 2008'' for ''December 31, 2007''.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–181 effective as of Dec. 31, 2007, and subject to various special provisions, see section 610 of Pub. L. 110–181, set out as a Correction of Lapsed Authorities for Payment of Bonuses, Special Pays, and Similar Benefits for Members of the Uniformed Services note under section 2130a of Title 10, Armed Forces.

EFFECTIVE DATE

Section effective Oct. 1, 2006, and applicable to agreements entered into on or after that date, see section 617(e) of Pub. L. 109–364, set out as an Effective Date of 2006 Amendment note under section 302h of this title.

§ 302*l*. Special pay: accession bonus for dental specialist officers in critically short wartime specialties

(a) ACCESSION BONUS AUTHORIZED.—A person who is a graduate of an accredited dental school in a specialty designated by regulations as a critically short wartime specialty and who executes a written agreement described in subsection (d) to accept a commission as an officer of the armed forces and remain on active duty for a period of not less than four consecutive years may, upon the acceptance of the agreement by the Secretary concerned, be paid an accession bonus in the amount determined by the Secretary concerned.

(b) AMOUNT OF BONUS.—The amount of an accession bonus under subsection (a) may not exceed $400,000.

(c) LIMITATION ON ELIGIBILITY FOR BONUS.—A person may not be paid a bonus under subsection (a) if—

(1) the person, in exchange for an agreement to accept an appointment as an officer, received financial assistance from the Department of Defense to pursue a course of study in dentistry; or

(2) the Secretary concerned determines that the person is not qualified to become and remain certified as a dentist in a specialty designated by regulations as a critically short wartime specialty.

(d) AGREEMENT.—The agreement referred to in subsection (a) shall provide that, consistent with the needs of the armed force concerned, the person executing the agreement will be assigned to duty, for the period of obligated service covered by the agreement, as an officer of the Dental Corps of the Army or the Navy or as an officer of the Air Force designated as a dental officer in a specialty designated by regulations as a critically short wartime specialty.

(e) REPAYMENT.—A person who, after executing an agreement under subsection (a) is not commissioned as an officer of the armed forces, does not become licensed as a dentist, or does not complete the period of active duty in a specialty specified in the agreement, shall be subject to the repayment provisions of section 303a(e) of this title.

(f) COORDINATION WITH OTHER ACCESSION BONUS AUTHORITY.—A person eligible to execute an agreement under both subsection (a) and section 302h of this title shall elect which authority to execute the agreement under. A person may not execute an agreement under both subsection (a) and such section 302h.

(g) TERMINATION OF AUTHORITY.—No agreement under this section may be entered into after December 31, 2015.

(Added Pub. L. 109–364, div. A, title VI, §617(c), Oct. 17, 2006, 120 Stat. 2250; amended Pub. L. 110–181, div. A, title VI, §612(i), Jan. 28, 2008, 122 Stat. 149; Pub. L. 110–417, [div. A], title VI, §612(i), Oct. 14, 2008, 122 Stat. 4485; Pub. L. 111–84, div. A, title VI, §612(b)(8), Oct. 28, 2009, 123 Stat. 2353; Pub. L. 111–383, div. A, title VI, §612(b)(8), Jan. 7, 2011, 124 Stat. 4236; Pub. L. 112–81, div. A, title VI, §612(b)(8), Dec. 31, 2011, 125 Stat. 1450; Pub. L. 112–239, div. A, title VI, §612(b)(8), Jan. 2, 2013, 126 Stat. 1776; Pub. L. 113–66, div. A, title VI, §612(b)(8), Dec. 26, 2013, 127 Stat. 780; Pub. L. 113–291, div. A, title VI, §612(b)(8), Dec. 19, 2014, 128 Stat. 3400.)

AMENDMENTS

2014—Subsec. (g). Pub. L. 113–291 substituted ''December 31, 2015'' for ''December 31, 2014''.

2013—Subsec. (g). Pub. L. 113–66 substituted ''December 31, 2014'' for ''December 31, 2013''.

Pub. L. 112–239 substituted ''December 31, 2013'' for ''December 31, 2012''.

2011—Subsec. (g). Pub. L. 112–81 substituted ''December 31, 2012'' for ''December 31, 2011''.

Pub. L. 111–383 substituted ''December 31, 2011'' for ''December 31, 2010''.

2009—Subsec. (g). Pub. L. 111–84 substituted ''December 31, 2010'' for ''December 31, 2009''.

2008—Subsec. (g). Pub. L. 110–417 substituted ''December 31, 2009'' for ''December 31, 2008''.

Pub. L. 110–181 substituted ''December 31, 2008'' for ''December 31, 2007''.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–181 effective as of Dec. 31, 2007, and subject to various special provisions, see section 610 of Pub. L. 110–181, set out as a Correction of Lapsed Authorities for Payment of Bonuses, Special Pays, and Similar Benefits for Members of the Uniformed Services note under section 2130a of Title 10, Armed Forces.

EFFECTIVE DATE

Section effective Oct. 1, 2006, and applicable to agreements entered into on or after that date, see section 617(e) of Pub. L. 109–364, set out as an Effective Date of 2006 Amendment note under section 302h of this title.

§303. Special pay: veterinarians

(a) MONTHLY SPECIAL PAY.—Each of the following officers is entitled to special pay at the rate of $100 a month for each month of active duty:

(1) A commissioned officer—

(A) of the Regular Army who is in the Veterinary Corps;

(B) of the Regular Air Force who is an officer in the Biomedical Sciences Corps and holds a degree in veterinary medicine; or

(C) who is a veterinary officer of the Regular Corps of the Public Health Service.

(2) A commissioned officer—

(A) of a Reserve component of the Army who is in the Veterinary Corps of the Army;

(B) of a reserve component of the Air Force, of the Army or the Air Force without specification of component, or of the National Guard, who—

(i) is designated as a veterinary officer; or

(ii) is an officer in the Biomedical Sciences Corps of the Air Force and holds a degree in veterinary medicine; or

(C) who is a veterinary officer of the Reserve Corps of the Public Health Service,

who is on active duty as a result of a call or order to active duty for a period of at least one year.

(3) A general officer of the Army or the Air Force appointed, from any of the categories named in clause (1) or (2), in the Army, the Air Force, or the National Guard, as the case may be.

(b) ADDITIONAL SPECIAL PAY FOR BOARD CERTIFICATION.—A commissioned officer entitled to special pay under subsection (a) who has been certified as a Diplomate in a specialty recognized by the American Veterinarian Medical Association is entitled to special pay (in addition to the special pay under subsection (a)) at the same rate as is provided under section 302c(b) of this title for an officer referred to in that section who has the same number of years of creditable service as the commissioned officer.

(Pub. L. 87–649, Sept. 7, 1962, 76 Stat. 465; Pub. L. 88–2, §5, Mar. 28, 1963, 77 Stat. 4; Pub. L. 90–40, §5, June 30, 1967, 81 Stat. 105; Pub. L. 92–129, title I, §104, Sept. 28, 1971, 85 Stat. 355; Pub. L. 93–64, title II, §203, July 9, 1973, 87 Stat. 149; Pub. L. 95–114, §3, Sept. 30, 1977, 91 Stat. 1046; Pub. L. 95–485, title VIII, §801(b), Oct. 20, 1978, 92 Stat. 1619; Pub. L. 96–284, §4(c), June 28, 1980, 94 Stat. 591; Pub. L. 100–26, §8(d)(3), Apr. 21, 1987, 101 Stat. 285; Pub. L. 100–180, div. A, title XII, §1232, Dec. 4, 1987, 101 Stat. 1161; Pub. L. 102–25, title VII, §702(b)(2), Apr. 6, 1991, 105 Stat. 117; Pub. L.

106–65, div. A, title VI, § 616(a), Oct. 5, 1999, 113 Stat. 652; Pub. L. 106–398, § 1 [[div. A], title VI, § 629], Oct. 30, 2000, 114 Stat. 1654, 1654A–155.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
303(a)	37:234(b) (less 1st proviso, as applicable to veterinarians).	Oct. 12, 1949, ch. 681, § 203(b) (as applicable to veterinarians), (c), 63 Stat. 809; June 25, 1952, ch. 459, § 1, 66 Stat. 156; June 29, 1953, ch. 158, § 8 (as applicable to veterinarians), 67 Stat. 89; June 30, 1955, ch. 250, § 203, 69 Stat. 225; Apr. 30, 1956, ch. 223, § 5, 70 Stat. 122; Mar. 23, 1959, Pub. L. 86–4, § 5, 73 Stat. 13.
	37:234(c).	
303(b)	37:234(b) (1st proviso, as applicable to veterinarians).	

In subsection (a), clause (1) is substituted for section 234(c)(1), (2), and (3) of existing title 37. The words ''of the Regular Army'' and ''of the Regular Air Force'' are inserted in clauses (1)(A) and (B), respectively, since in contradistinction to section 234(c)(4) of existing title 37, their source was intended to apply only to regular officers. Clauses (2)(A) and (B) are substituted for the enumeration of categories in section 234(c)(4) of existing title 37 to reflect current usage and designations of those categories. Clause (3) is substituted for section 234(c)(5) and (6) of existing title 37. Section 234(b) (2d proviso) of existing title 37 is omitted as obsolete. Section 234(b) (last proviso) of existing title 37 is omitted as inapplicable to veterinarians.

In subsection (b), the words ''disability retirement pay'' are omitted as covered by the words ''retired pay''.

AMENDMENTS

2000—Subsec. (a)(1)(B). Pub. L. 106–398, § 1 [[div. A], title VI, § 629(1)], substituted ''who is an officer in the Biomedical Sciences Corps and holds a degree in veterinary medicine'' for ''who is designated as a veterinary officer''.

Subsec. (a)(2)(B). Pub. L. 106–398, § 1 [[div. A], title VI, § 629(2)], added subpar. (B) and struck out former subpar. (B) which read as follows: ''of a Reserve component of the Air Force, of the Army or the Air Force without specification of component, or of the National Guard, who is designated as a veterinary officer of the Army or the Air Force, as the case may be; or''.

1999—Pub. L. 106–65 designated existing provisions as subsec. (a), inserted subsec. heading, and added subsec. (b).

1991—Par. (3). Pub. L. 102–25 struck out ''of this subsection'' after ''clause (1) or (2)''.

1987—Pub. L. 100–180 substituted semicolon for comma at end of par. (2)(A) and ''; or'' for '', or'' at end of par. (2)(B).

Pub. L. 100–26 substituted ''A'' for ''a'' at beginning of pars. (1) to (3), semicolon for comma at end of par. (1)(A), ''; or'' for '', or'' at end of par. (1)(B), period for semicolon at end of par. (1)(C), and period for ''; and'' at end of par. (2); and directed substitution of semicolon for comma at end of par. (1)(B) which could not be executed because no comma appeared at end of par. (1)(B).

1980—Pub. L. 96–284 substituted ''Each'' for ''(a) In addition to any other basic pay, special pay, incentive pay or allowance to which he is entitled, each'', struck out ''beginning on or after October 1, 1977'' after ''active duty'', struck out subsec. (b) which prohibited inclusion of active duty monthly special pay in computation of amount of increase in pay authorized in any other provision of this title or in computation of retired pay or severance pay, and struck out subsec. (c) which provided that no special pay be paid for any month after September 1980.

1978—Subsec. (c). Pub. L. 95–485 substituted ''September 1980'' for ''September 1978''.

1977—Subsec. (a). Pub. L. 95–114 amended subsec. (a) to provide for the reinstatement of special pay provisions for veterinarians for each month on active duty beginning on or after Oct. 1, 1977.

Subsecs. (b), (c). Pub. L. 95–114 reenacted subsec. (b) without change and added subsec. (c).

1973—Subsec. (a). Pub. L. 93–64 substituted ''July 1, 1975'' for ''July 1, 1973'' wherever appearing.

1971—Subsec. (a). Pub. L. 92–129 substituted ''July 1, 1973'' for ''July 1, 1971'' wherever appearing.

1967—Subsec. (a). Pub. L. 90–40 substituted ''July 1, 1971'' for ''July 1, 1967'' wherever appearing.

1963—Subsec. (a). Pub. L. 88–2 substituted ''July 1, 1967'' for ''July 1, 1963'' wherever appearing.

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106–65, div. A, title VI, § 616(b), Oct. 5, 1999, 113 Stat. 652, provided that: ''The amendments made by subsection (a) [amending this section] shall take effect on October 1, 1999, and shall apply with respect to months beginning on and after that date.''

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–114 effective Oct. 1, 1977, see section 4 of Pub. L. 95–114, set out as a note under section 302a of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–64 effective July 1, 1973, see section 206 of Pub. L. 93–64, set out as a note under section 401 of this title.

§ 303a. Special pay: general provisions

(a) The Secretary of Defense, with respect to the Army, Navy, and Air Force, and the Secretary of Health and Human Services, with respect to the Public Health Service, shall prescribe regulations for the administration of sections 301d, 302 through 302j, and 303 of this title.

(b)(1) Except as provided in paragraph (2) or as otherwise provided under a provision of this chapter, a commissioned officer in the Regular or Reserve Corps of the Public Health Service is entitled to special pay under a provision of this chapter in the same amounts, and under the same terms and conditions, as a commissioned officer of the armed forces is entitled to special pay under that provision.

(2) A commissioned medical officer in the Regular or Reserve Corps of the Public Health Service (other than an officer serving in the Indian Health Service) may not receive additional special pay under section 302(a)(4) of this title for any period during which the officer is providing obligated service under the following provisions of law:

(A) Section 338B of the Public Health Service Act (42 U.S.C. 254*l*–1).

(B) Section 225(e) of the Public Health Service Act, as that section was in effect before October 1, 1977.

(C) Section 752 of the Public Health Service Act, as that section was in effect between October 1, 1977, and August 13, 1981.

(c) Special pay authorized under sections 301d, 302 through 302j, and 303 of this title is in addition to any other pay or allowance to which an officer is entitled. The amount of special pay to which an officer is entitled under any of such sections may not be included in computing the

amount of any increase in pay authorized by any other provision of this title or in computing retired pay, separation pay, severance pay, or readjustment pay.

(d) The Secretary of Defense shall conduct a review every two years of the special pay for health professionals authorized by sections 301d, 302 through 302j, and 303 of this title.

(e) REPAYMENT OF UNEARNED PORTION OF BONUSES AND OTHER BENEFITS WHEN CONDITIONS OF PAYMENT NOT MET; TERMINATION OF ENTITLEMENT TO UNPAID AMOUNTS.—(1)(A) Except as provided in paragraphs (2) and (3), a member of the uniformed services who receives a bonus or similar benefit and whose receipt of the bonus or similar benefit is subject to the condition that the member continue to satisfy certain eligibility requirements shall repay to the United States an amount equal to the unearned portion of the bonus or similar benefit if the member fails to satisfy the eligibility requirements and may not receive any unpaid amounts of the bonus or similar benefit after the member fails to satisfy the requirements, unless the Secretary concerned determines that the imposition of the repayment requirement and termination of the payment of unpaid amounts of the bonus or similar benefit with regard to the member would be contrary to a personnel policy or management objective, would be against equity and good conscience, or would be contrary to the best interests of the United States.

(B) The Secretary concerned may establish, by regulations, procedures for determining the amount of the repayment required under this subsection and the circumstances under which an exception to the required repayment may be granted. The Secretary concerned may specify in the regulations the conditions under which an installment payment of a bonus or similar benefit to be paid to a member of the uniformed services will not be made if the member no longer satisfies the eligibility requirements for the bonus or similar benefit. For the military departments, this subsection shall be administered under regulations prescribed by the Secretary of Defense.

(2)(A) If a member of the uniformed services receives a sole survivorship discharge, the Secretary concerned—

(i) shall not require repayment by the member of the unearned portion of any bonus, incentive pay, or similar benefit previously paid to the member; and

(ii) may grant an exception to the requirement to terminate the payment of any unpaid amounts of a bonus, incentive pay, or similar benefit if the Secretary concerned determines that termination of the payment of the unpaid amounts would be contrary to a personnel policy or management objective, would be against equity and good conscience, or would be contrary to the best interests of the United States.

(B) In this paragraph, the term ''sole survivorship discharge'' means the separation of a member from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early separation of a member who is the only surviving child in a family in which—

(i) the father or mother or one or more siblings—

(I) served in the Armed Forces; and

(II) was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently 100 percent disabled or hospitalized on a continuing basis (and is not employed gainfully because of the disability or hospitalization); and

(ii) the death, status, or disability did not result from the intentional misconduct or willful neglect of the parent or sibling and was not incurred during a period of unauthorized absence.

(3)(A) If a member of the uniformed services dies or is retired or separated with a combat-related disability, the Secretary concerned—

(i) shall not require repayment by the member or the member's estate of the unearned portion of any bonus or similar benefit previously paid to the member; and

(ii) shall require the payment to the member or the member's estate of the remainder of any bonus or similar benefit that was not yet paid to the member, but to which the member was entitled immediately before the death, retirement, or separation of the member, and would be paid if not for the death, retirement, or separation of the member.

(B) Subparagraph (A) does not apply if the death or disability of the member is the result of the member's misconduct.

(C) The amount to be paid under subparagraph (A)(ii) shall be equal to the full amount specified by the agreement or contract applicable to the bonus or similar benefit as if the member continued to be entitled to the bonus or similar benefit following the death, retirement, or separation.

(D) Amounts to be paid to a member or the member's estate under subparagraph (A)(ii) shall be paid in a lump sum not later than 90 days after the date of the death, retirement, or separation of the member, whichever applies.

(E) In this paragraph, the term ''combat-related disability'' has the meaning given that term in section 1413a(e) of title 10.

(4) An obligation to repay the United States under this subsection is, for all purposes, a debt owed the United States. A discharge in bankruptcy under title 11 does not discharge a person from such debt if the discharge order is entered less than five years after—

(A) the date of the termination of the agreement or contract on which the debt is based; or

(B) in the absence of such an agreement or contract, the date of the termination of the service on which the debt is based.

(5) In this subsection:

(A) The term ''bonus or similar benefit'' means a bonus, incentive pay, special pay, or similar payment, or an educational benefit or stipend, paid to a member of the uniformed services under a provision of law that refers to

the repayment requirements of this subsection.

(B) The term ''service'', as used in paragraph (4)(B), refers to an obligation willingly undertaken by a member of the uniformed services, in exchange for a bonus or similar benefit offered by the Secretary of Defense or the Secretary concerned—

(i) to remain on active duty or in an active status in a reserve component;

(ii) to perform duty in a specified skill, with or without a specified qualification or credential;

(iii) to perform duty at a specified location; or

(iv) to perform duty for a specified period of time.

(Added Pub. L. 96–284, § 5(a), June 28, 1980, 94 Stat. 592; amended Pub. L. 96–513, title V, § 506(6), Dec. 12, 1980, 94 Stat. 2919; Pub. L. 100–140, § 2(b)(1), Oct. 26, 1987, 101 Stat. 831; Pub. L. 101–189, div. A, title VII, §§ 705(b), 706(b), Nov. 29, 1989, 103 Stat. 1472, 1473; Pub. L. 101–510, div. A, title VI, § 611(d), title XIII, § 1322(c)(2), title XIV, § 1484(c)(1), Nov. 5, 1990, 104 Stat. 1577, 1672, 1716; Pub. L. 102–484, div. A, title X, § 1054(a)(3), Oct. 23, 1992, 106 Stat. 2502; Pub. L. 104–106, div. A, title VI, § 614(b), Feb. 10, 1996, 110 Stat. 361; Pub. L. 104–201, div. A, title VI, § 615(c)(3), Sept. 23, 1996, 110 Stat. 2546; Pub. L. 106–398, § 1 [[div. A], title VI, §§ 628(b), 634(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A–155, 1654A–159; Pub. L. 109–163, div. A, title VI, § 687(a)(1), (e)(1), Jan. 6, 2006, 119 Stat. 3326, 3336; Pub. L. 110–317, § 2(a), Aug. 29, 2008, 122 Stat. 3526; Pub. L. 110–417, [div. A], title VI, § 651(a), (b), Oct. 14, 2008, 122 Stat. 4495; Pub. L. 111–84, div. A, title VI, § 617(a), Oct. 28, 2009, 123 Stat. 2354; Pub. L. 111–383, div. A, title X, § 1075(c)(1), Jan. 7, 2011, 124 Stat. 4372.)

REFERENCES IN TEXT

Section 225(e) of the Public Health Service Act, as that section was in effect before October 1, 1977, referred to in subsec. (b)(2)(B), is section 225(e) of act July 1, 1944, ch. 373, which was classified to section 234(e) of Title 42, The Public Health and Welfare, prior to repeal by Pub. L. 94–484, title IV, § 408(b)(1), Oct. 12, 1976, 90 Stat. 2281, effective Oct. 1, 1977.

Section 752 of the Public Health Service Act, as that section was in effect between October 1, 1977, and August 13, 1981, referred to in subsec. (b)(2)(C), is section 752 of act July 1, 1944, ch. 373, title VII, as added Pub. L. 94–484, title IV, § 408(b)(1), Oct. 12, 1976, 90 Stat. 2284; amended Pub. L. 95–626, title I, § 113(b), Nov. 10, 1978, 92 Stat. 3563; Pub. L. 96–76, title II, § 202(a), (b), Sept. 29, 1979, 93 Stat. 582, which was classified to section 294u of Title 42, The Public Health and Welfare. Section 752 was renumbered section 338B of act July 1, 1944, and amended, by Pub. L. 97–35, title XXVII, § 2709(a), (c), Aug. 13, 1981, 95 Stat. 908, 909. It was subsequently renumbered section 338C of act July 1, 1944, and further amended, and is now classified to section 254m of Title 42.

AMENDMENTS

2011—Subsec. (e)(3)(B). Pub. L. 111–383 inserted ''of'' after ''result''.

2009—Subsec. (e)(1)(A). Pub. L. 111–84, § 617(a)(1), substituted ''paragraphs (2) and (3)'' for ''paragraph (2)''.

Subsec. (e)(1)(B), (2). Pub. L. 111–84, § 617(a)(5), redesignated subpar. (B), relating to sole survivorship discharge, as par. (2). Former par. (2) redesignated (3).

Subsec. (e)(3) to (5). Pub. L. 111–84, § 617(a)(2)–(4), redesignated pars. (2) to (4) as (3) to (5), respectively, and, in par. (5)(B), substituted ''paragraph (4)(B)'' for ''paragraph (3)(B)'' in introductory provisions.

2008—Subsec. (e). Pub. L. 110–417, § 651(a)(1), inserted ''; Termination of Entitlement to Unpaid Amounts'' after ''Met'' in heading.

Subsec. (e)(1). Pub. L. 110–417, § 651(a)(2)(A), which directed substitution of ''(A) Except as provided in paragraph (2), a member'' for ''A member'', could not be executed because of prior amendment by 110–317. See below.

Pub. L. 110–317, § 2(a)(1), substituted ''(A) Except as provided in paragraph (2), a member'' for ''A member''.

Subsec. (e)(1)(A). Pub. L. 110–417, § 651(a)(2)(B), substituted ''the eligibility requirements and may not receive any unpaid amounts of the bonus or similar benefit after the member fails to satisfy the requirements, unless the Secretary concerned determines that the imposition of the repayment requirement and termination of the payment of unpaid amounts of the bonus or similar benefit with regard to the member would be contrary to a personnel policy or management objective, would be against equity and good conscience, or would be contrary to the best interests of the United States'' for ''the requirements, except in certain circumstances authorized by the Secretary concerned''.

Subsec. (e)(1)(B). Pub. L. 110–417, § 651(a)(3), redesignated par. (2) as subpar. (B) of par. (1) relating to sole survivorship discharge.

Pub. L. 110–317, § 2(a)(2), redesignated par. (2) as subpar. (B) of par. (1) relating to the Secretary establishing procedures for determining the amount of the repayment required under subsec. (e).

Subsec. (e)(2). Pub. L. 110–417, § 651(b), added par. (2). Former par. (2) redesignated subpar. (B) of par. (1) relating to sole survivorship discharge.

Pub. L. 110–317, § 2(a)(3), added par. (2). Former par. (2) redesignated as subpar. (B) of par. (1) relating to the Secretary establishing procedures for determining the amount of the repayment required under subsec. (e).

2006—Pub. L. 109–163, § 687(e)(1), substituted ''Special pay: general provisions'' for ''Special pay: health professionals; general provisions'' in section catchline.

Subsec. (e). Pub. L. 109–163, § 687(a)(1), added subsec. (e).

2000—Pub. L. 106–398, § 1 [[div. A], title VI, § 628(b)], substituted ''302j'' for ''302h'' wherever appearing.

Subsecs. (b) to (d). Pub. L. 106–398, § 1 [[div. A], title VI, § 634(a)], added subsec. (b) and redesignated former subsecs. (b) and (c) as (c) and (d), respectively.

1996—Pub. L. 104–201 substituted ''302h'' for ''302g'' wherever appearing.

Pub. L. 104–106 substituted ''302 through 302g,'' for ''302, 302a, 302b, 302c, 302d, 302e,'' wherever appearing.

1992—Subsec. (b). Pub. L. 102–484 struck out ''301d,'' after ''such sections''.

1990—Subsec. (a). Pub. L. 101–510, §§ 611(d), 1484(c)(1), inserted ''301d,'' after ''sections'' and substituted ''and 303'' for ''303, and 311''.

Subsec. (b). Pub. L. 101–510, § 611(d), inserted ''301d,'' after ''sections'' wherever appearing.

Subsec. (c). Pub. L. 101–510, §§ 611(d), 1322(c)(2), 1484(c)(1), inserted ''301d,'' after ''sections'', substituted ''and 303'' for ''303, and 311'', and struck out at end ''A report shall be submitted to the Congress not later than September 30, 1982, of the results of the first such review, and a report shall be submitted to the Congress not later than September 30 of each second year thereafter on the results of the review for the preceding two-year period.''

1989—Pub. L. 101–189 inserted ''302d, 302e,'' after ''302c,'' wherever appearing.

1987—Pub. L. 100–140 inserted ''302c,'' after ''302b,'' wherever appearing.

1980—Subsec. (a). Pub. L. 96–513, § 506(6)(A), struck out reference to sections 302c and 313 of this title.

Subsec. (b). Pub. L. 96–513, § 506(6)(B), (C), struck out reference to section 302c of this title and inserted reference to separation pay.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–317 applicable with respect to any sole survivorship discharge granted after Sept. 11, 2001, see section 10 of Pub. L. 110–317, set out as a note under section 2108 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109–163, div. A, title VI, §687(a)(2), Jan. 6, 2006, 119 Stat. 3327, as amended by Pub. L. 109–364, div. A, title X, §1071(e)(6), Oct. 17, 2006, 120 Stat. 2401, provided that: ''In the case of a provision of law amended by subsection (b), (c), or (d) of this section [amending sections 301b, 301d, 301e, 302, 302a, 302b, 302d to 302h, 302j, 307a, 308, 308b, 308c, 308g to 308i, 309, 312, 312b, 314 to 319, and 321 to 327 of this title, sections 510, 2005, 2007, 2105, 2123, 2130a, 2173, 2200a, 4348, 6959, 9348, 16135, 16203, 16303, and 16401 of Title 10, Armed Forces, and section 182 of Title 14, Coast Guard], paragraph (3) of subsection (e) of section 303a of title 37, United States Code, as added by this subsection, shall apply to any case commenced under title 11, United States Code, after March 30, 2006.''

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100–140 effective Oct. 26, 1987, and applicable to pay periods beginning on or after such date, see section 2(c) of Pub. L. 100–140, set out as an Effective Date note under section 302c of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–513 effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as a note under section 101 of Title 10, Armed Forces.

§303b. Waiver of board certification requirements

(a) CERTIFICATION INTERRUPTED BY CONTINGENCY OPERATION.—A member of the armed forces described in subsection (b) who completes the board certification or recertification requirements specified in section 302(a)(5), 302b(a)(5), 302c(c)(3), or 302c(d)(4) of this title before the end of the period established for the member in subsection (c) shall be paid special pay under the applicable section for active duty performed during the period beginning on the date on which the member was assigned to duty in support of a contingency operation and ending on the date of that certification or recertification if the Secretary of Defense determines that the member was unable to schedule or complete that certification or recertification earlier because of that duty.

(b) ELIGIBLE MEMBERS DESCRIBED.—A member of the armed forces referred to in subsection (a) is a member who—

(1) is a medical or dental officer or a nonphysician health care provider;

(2) has completed any required residency training; and

(3) was, except for the board certification requirement, otherwise eligible for special pay under section 302(a)(5), 302b(a)(5), 302c(c)(3), or 302c(d)(4) of this title during a duty assignment in support of a contingency operation.

(c) PERIOD FOR CERTIFICATION.—The period referred to in subsection (a) for completion of board certification or recertification requirements with respect to a member of the armed forces is the 180-day period (extended for such additional time as the Secretary of Defense determines to be appropriate) beginning on the date on which the member is released from the duty to which the member was assigned in support of a contingency operation.

(Added Pub. L. 102–190, div. A, title VI, §635(a), Dec. 5, 1991, 105 Stat. 1382.)

OPERATION DESERT STORM DUTY ASSIGNMENTS

Pub. L. 102–25, title III, §305, Apr. 6, 1991, 105 Stat. 82, provided that:

''(a) CERTIFICATION INTERRUPTED BY OPERATION DESERT STORM.—A member of the Armed Forces described in subsection (b) who completes the board certification or recertification requirements specified in section 302(a)(5), 302b(a)(5), 302c(c)(3), or 302c(d)(4) of title 37, United States Code, before the end of the period established for the member in subsection (c) shall be paid special pay under section 302(a)(5), 302b(a)(5), 302c(c)(3), or 302c(d)(4) of such title (whichever applies) for active duty performed after November 5, 1990, and before the date of that certification and recertification if the Secretary of Defense determines that the member was unable to schedule or complete that certification or recertification earlier because of a duty assignment in connection with Operation Desert Storm.

''(b) ELIGIBLE MEMBERS DESCRIBED.—A member of the Armed Forces referred to in subsection (a) is a member who—

''(1) is a medical or dental officer or a nonphysician health care provider;

''(2) has completed any required residency training; and

''(3) was, except for the board certification requirement, otherwise eligible for special pay under section 302(a)(5), 302b(a)(5), 302c(c)(3), or 302c(d)(4) of such title during the duty assignment in connection with Operation Desert Storm.

''(c) PERIOD FOR CERTIFICATION.—The period referred to in subsection (a) for completion of board certification or recertification requirements with respect to a member of the Armed Forces is the 180-day period (extended for such additional time as the Secretary of Defense determines to be appropriate) beginning on the date that the member is released from the duty to which the member was assigned in connection with Operation Desert Storm.''

§304. Special pay: diving duty

(a) Under regulations prescribed by the Secretary concerned, a member of a uniformed service who is entitled to basic pay is entitled to special pay, in the amount set forth in subsection (b), for periods during which the member—

(1) is assigned by orders to the duty of diving;

(2) is required to maintain proficiency as a diver by frequent and regular dives; and

(3) either—

(A) actually performs diving duty while serving in an assignment for which diving is a primary duty; or

(B) meets the requirements to maintain proficiency as described in paragraph (2) while serving in an assignment that includes diving duty other than as a primary duty.

(b) Special pay payable under subsection (a) shall be paid at a rate of not more than $240 a month, in the case of an officer, and at a rate of not more than $340 a month, in the case of an enlisted member.

(c) If, in addition to diving duty, a member is assigned by orders to one or more hazardous du-

ties described in section 301 of this title, the member may be paid, for the same period of service, special pay under this section and incentive pay under such section 301 for each hazardous duty for which the member is qualified.

(d)(1) Under regulations prescribed by the Secretary concerned and to the extent provided for by appropriations, when a member of the National Guard or a reserve component of a uniformed service who is entitled to compensation under section 206 of this title performs diving duty, pursuant to orders, such member is entitled to an increase in compensation equal to 1/30 of the monthly special pay prescribed by the Secretary concerned for the performance of diving duty by a member of comparable diving classification who is entitled to basic pay under section 204 of this title. Such member is entitled to the increase—

(A) for each regular period of instruction, or period of appropriate duty, at which the member is engaged for at least two hours, including that performed on a Sunday or holiday; or

(B) for the performance of such other equivalent training, instruction, duty, or appropriate duties, as the Secretary may prescribe under section 206(a) of this title.

(2) This subsection does not apply to a member who is entitled to basic pay under section 204 of this title.

(e) In time of war, the President may suspend the payment of diving duty pay.

(Pub. L. 87–649, Sept. 7, 1962, 76 Stat. 465; Pub. L. 97–60, title I, § 115, Oct. 14, 1981, 95 Stat. 995; Pub. L. 100–180, div. A, title VI, § 624(a), Dec. 4, 1987, 101 Stat. 1103; Pub. L. 102–25, title VII, § 702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 105–261, div. A, title VI, § 616(a), Oct. 17, 1998, 112 Stat. 2041; Pub. L. 106–65, div. A, title VI, § 617(a), (b), Oct. 5, 1999, 113 Stat. 652.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
304(a)	37:236(a), (b).	Oct. 12, 1949, ch. 681, § 205, 63 Stat. 810; Mar. 31, 1955, ch. 20, § 2(8)–(10), 69 Stat. 21; Aug. 17, 1961, Pub. L. 87–145, § 1, 75 Stat. 382.
304(b)	37:236(c).	

In subsection (a), the last sentence is substituted for section 236(b) of existing title 37. The word ''competent'' is omitted as surplusage.

AMENDMENTS

1999—Subsec. (b). Pub. L. 106–65, § 617(a), substituted ''$240'' for ''$200'' and ''$340'' for ''$300''.

Subsec. (c). Pub. L. 106–65, § 617(b), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: ''A member may be paid special pay under this section and incentive pay under section 301 of this title for the same period of service only if the member is assigned by orders to a hazardous duty described in section 301(a) of this title in addition to diving duty. However, if a member is paid special pay under this section, the member is not entitled to more than one payment of incentive pay under section 301 of this title.''

1998—Subsec. (a)(3). Pub. L. 105–261 amended par. (3) generally. Prior to amendment, par. (3) read as follows: ''actually performs diving duty.''

1991—Subsec. (a). Pub. L. 102–25 struck out ''of this section'' after ''subsection (b)''.

Subsec. (b). Pub. L. 102–25 struck out ''of this section'' after ''subsection (a)''.

1987—Subsecs. (d), (e). Pub. L. 100–180 added subsec. (d) and redesignated former subsec. (d) as (e).

1981—Pub. L. 97–60 revised provisions of subsec. (a) into new subsecs. (a), (b), and (c), redesignated subsec. (b) as (d), and, in provisions of subsec. (a) as revised, added to enumeration of conditions attached to entitlement to special pay requirement that the member maintain proficiency as a diver by frequent and regular dives, substituted a rate of $200 a month for officers and $300 a month for enlisted men for former rate of $110 a month for all members, and inserted provisions authorizing payment of both special pay under this section and incentive pay under section 301 of this title in specified circumstances.

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106–65, div. A, title VI, § 617(c), Oct. 5, 1999, 113 Stat. 652, provided that: ''The amendments made by subsections (a) and (b) [amending this section] shall take effect on October 1, 1999, and shall apply with respect to special pay paid under such section for months beginning on or after that date.''

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105–261, div. A, title VI, § 616(b), Oct. 17, 1998, 112 Stat. 2041, provided that: ''The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1998, and shall apply with respect to months beginning on or after that date.''

EFFECTIVE DATE OF 1987 AMENDMENT

Pub. L. 100–180, div. A, title VI, § 624(b), Dec. 4, 1987, 101 Stat. 1104, provided that: ''The amendments made by subsection (a) [amending this section] shall take effect on the first day of the fourth calendar month following the month in which this Act is enacted [Dec. 1987] and shall apply only with respect to diving duty performed on or after that date.''

§ 305. Special pay: hardship duty pay

(a) SPECIAL PAY AUTHORIZED.—A member of a uniformed service who is entitled to basic pay may be paid special pay under this section while the member is performing duty that is designated by the Secretary of Defense as hardship duty.

(b) PAYMENT ON MONTHLY OR LUMP SUM BASIS.—Special pay payable under this section may be paid on a monthly basis or in a lump sum.

(c) MAXIMUM RATE OR AMOUNT.—(1) The monthly rate of special pay payable to a member under this section may not exceed $1,500.

(2) The amount of the lump sum payment of special pay payable to a member under this section may not exceed the product of—

(A) the maximum monthly rate in effect under paragraph (1) at the time the member qualifies for payment of special pay under this section; and

(B) the number of months during which the member will be performing the designated hardship duty.

(d) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—Special pay paid to a member under this section is in addition to any other pay and allowances to which the member is entitled.

(e) REPAYMENT.—A member who is paid special pay in a lump sum under this section, but who fails to perform the designated hardship duty during the months included in the calculation of

the amount of the lump sum under subsection (c)(2), shall be subject to the repayment provisions of section 303a(e) of this title.

(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the payment of hardship duty pay under this section, including the specific monthly rates at which the special pay will be available.

(Pub. L. 87–649, Sept. 7, 1962, 76 Stat. 465; Pub. L. 88–132, §12(a), Oct. 2, 1963, 77 Stat. 217; Pub. L. 90–623, §3(4), Oct. 22, 1968, 82 Stat. 1314; Pub. L. 95–485, title VIII, §804(b)(1), Oct. 20, 1978, 92 Stat. 1620; Pub. L. 102–25, title VII, §702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 105–85, div. A, title VI, §619(a)–(c)(1), Nov. 18, 1997, 111 Stat. 1789, 1790; Pub. L. 105–261, div. A, title VI, §617(a), (c)(1), Oct. 17, 1998, 112 Stat. 2041; Pub. L. 109–163, div. A, title VI, §627, Jan. 6, 2006, 119 Stat. 3296; Pub. L. 110–181, div. A, title VI, §617, Jan. 28, 2008, 122 Stat. 150.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
305(a)	37:237.	Oct. 12, 1949, ch. 681, §206, 63 Stat. 811; May 20, 1958, Pub. L. 85–422, §1(7), 72 Stat. 125.
305(b)	37:237a.	June 30, 1954, ch. 432, §729, 68 Stat. 355.

In subsection (a), the words ''Except as provided by subsection (b) of this section'' are inserted for clarity. The words ''is also . . . entitled'' are substituted for the words ''shall, in addition thereto . . . be entitled''. The words ''any place outside the United States, or in Alaska or Hawaii'' are substituted for the words ''beyond the continental limits of the United States or in Alaska'', since, under the source statute, Hawaii was beyond the continental limits of the United States, and the United States, as defined in section 101(1) of this revised title, would otherwise include Alaska and Hawaii. This interpretation conforms to the opinion of the Comptroller General, B–138956, April 20, 1959 (38 Comp. Gen. 710).

In subsection (b), the words ''Appropriation of'' are substituted for the words ''of the funds appropriated to'' The words ''may not be paid'' are substituted for the words ''no part . . . shall be available for the payment'' The words ''member of a uniformed service'' are substituted for the words ''person in the military service'' to conform to subsection (a). The words ''Puerto Rico'' are inserted for clarity, since the source statute was applicable to that place. The words ''Virgin Islands'' are inserted, since that unincorporated territory is not covered by the word ''possession''. The word ''Territory'' is omitted as obsolete.

AMENDMENTS

2008—Pub. L. 110–181 amended section generally. Prior to amendment, text read as follows:

''(a) SPECIAL PAY AUTHORIZED.—A member of a uniformed service who is entitled to basic pay may be paid special pay under this section at a monthly rate not to exceed $750 while the member is performing duty in the United States or outside the United States that is designated by the Secretary of Defense as hardship duty.

''(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the provision of hardship duty pay under subsection (a), including the specific monthly rates at which the special pay will be available.''

2006—Subsec. (a). Pub. L. 109–163 substituted ''$750'' for ''$300''.

1998—Pub. L. 105–261, §617(c)(1), struck out ''location'' after ''duty'' in section catchline.

Subsec. (a). Pub. L. 105–261, §617(a)(1), substituted ''performing duty in the United States or outside the United States that is designated by the Secretary of Defense as hardship duty.'' for ''on duty at a location in the United States or outside the United States designated by the Secretary of Defense as a hardship duty location.''

Subsec. (b). Pub. L. 105–261, §617(a)(4), redesignated subsec. (d) as (b).

Pub. L. 105–261, §617(a)(2), struck out heading and text of subsec. (b). Text read as follows: ''Appropriations of the Department of Defense may not be paid, as hardship duty location pay under subsection (a), to a member of a uniformed service who is a resident of a State, Puerto Rico, the Virgin Islands, a possession, or a foreign country and who is serving in that State, Puerto Rico, the Virgin Islands, that possession, or that foreign country, as the case may be.''

Subsec. (c). Pub. L. 105–261, §617(a)(2), struck out heading and text of subsec. (c). Text read as follows: ''A member receiving special pay under section 305a of this title may not be paid hardship duty location pay under subsection (a) for the same period of service.''

Subsec. (d). Pub. L. 105–261, §617(a)(4), redesignated subsec. (d) as (b).

Pub. L. 105–261, §617(a)(3), substituted ''hardship duty pay'' for ''hardship duty location pay''.

1997—Pub. L. 105–85, §619(c)(1), substituted ''hardship duty location pay'' for ''while on duty at certain places'' in section catchline.

Subsec. (a). Pub. L. 105–85, §619(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: ''Except as provided by subsections (b) and (c), under regulations prescribed by the President, an enlisted member of a uniformed service who is entitled to basic pay may, while on duty at a designated place outside the 48 contiguous States and the District of Columbia, be paid special pay at the following monthly rates:

Pay grade	Monthly rate
E–9	$22.50
E–8	22.50
E–7	22.50
E–6	20.00
E–5	16.00
E–4	13.00
E–3	9.00
E–2	8.00
E–1	8.00.''

Subsec. (b). Pub. L. 105–85, §619(b)(1), inserted heading and substituted ''as hardship duty location pay'' for ''as foreign duty pay'' in text.

Subsec. (c). Pub. L. 105–85, §619(b)(2), inserted heading and substituted ''hardship duty location pay under subsection (a)'' for ''special pay under this section'' in text.

Subsec. (d). Pub. L. 105–85, §619(b)(3), added subsec. (d).

1991—Subsec. (a). Pub. L. 102–25 struck out ''of this section'' after ''subsections (b) and (c)''.

Subsec. (b). Pub. L. 102–25 struck out ''of this section'' after ''subsection (a)''.

1978—Pub. L. 95–485, §804(b)(1)(C), substituted ''on duty'' for ''on sea duty or duty'' in section catchline.

Subsec. (a). Pub. L. 95–485, §804(b)(1)(A), inserted reference to subsec. (c) of this section and struck out provision entitling an enlisted member of a uniformed service who is entitled to basic pay to special pay while on sea duty.

Subsec. (c). Pub. L. 95–485, §804(b)(1)(B), added subsec. (c).

1968—Subsec. (a)(2). Pub. L. 90–623 substituted ''48 contiguous States'' for ''contiguous 48 States''.

1963—Pub. L. 88–132 substituted ''while on sea duty or duty at certain places'' for ''sea and foreign duty'' in section catchline.

Subsec. (a). Pub. L. 88–132 designated existing provisions as cl. (1) and substituted provisions of cl. (2) permitting special pay for an enlisted member of a uniformed service while on duty at a designated place out-

side the contiguous 48 States and the District of Columbia for former provision entitling such member to special pay while on duty in any place outside the United States, or in Alaska or Hawaii.

Subsec. (b). Pub. L. 88–132 substituted ''a State, Puerto Rico, the Virgin Islands, a possession, or a foreign country and who is serving in that State, Puerto Rico, the Virgin Islands, that possession, or that foreign country'' for ''Alaska, Hawaii, Puerto Rico, the Virgin Islands, or a possession, unless that member is serving in an area outside Alaska, Hawaii, the Virgin Islands, or a possession, of which he is a resident''.

EFFECTIVE DATE OF 1978 AMENDMENT

Pub. L. 95–485, title VIII, § 804(b)(3), Oct. 20, 1978, 92 Stat. 1621, provided that: ''The amendments made by this subsection [amending this section] shall take effect on October 1, 1978.''

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.

EFFECTIVE DATE OF 1963 AMENDMENT

Amendment by Pub. L. 88–132 effective Oct. 1, 1963, see section 14 of Pub. L. 88–132, set out as a note under section 201 of this title.

SAVINGS PROVISION

Pub. L. 88–132, § 12(b), Oct. 2, 1963, 77 Stat. 218, provided that: ''Notwithstanding subsection (a) [amending this section], an enlisted member who, on the day before the effective date of this Act [Oct. 1, 1963], was permanently assigned to duty at a place outside the United States or in Alaska or Hawaii, shall, during the remaining period of that assignment, but not after that place is designated for the purpose of section 305(a)(2) of title 37, United States Code, be paid the basic pay to which he was entitled on that date plus special pay under section 305 of title 37, United States Code, whenever qualified thereunder as that section was in effect on the day before the effective date of this Act, if the total of that basic pay and that special pay is more than the basic pay to which he would otherwise be entitled during that period under section 2 of this Act [amending section 203 of this title].''

TRANSITION PROVISION

Pub. L. 105–85, div. A, title VI, § 619(e), Nov. 18, 1997, 111 Stat. 1790, provided that: ''Until such time as the Secretary of Defense prescribes regulations regarding the provision of hardship duty location pay under section 305 of title 37, United States Code, as amended by this section, the Secretary may continue to use the authority provided by such section 305, as in effect on the day before the date of the enactment of this Act [Nov. 18, 1997], to provide special pay to enlisted members of the uniformed services on duty at certain places.''

SEA DUTY PERFORMED BETWEEN OCTOBER 1, 1978, AND SEPTEMBER 30, 1981

Pub. L. 95–485, title VIII, § 804(c), Oct. 20, 1978, 92 Stat. 1621, provided that: ''Any individual who on September 30, 1978, is an enlisted member of a uniformed service shall be eligible to receive special pay under section 305(a)(1) of title 37, United States Code, as in effect on September 30, 1978, for any period of sea duty performed by such individual during the period beginning on October 1, 1978, and ending on September 30, 1981, for which such individual does not receive special pay under section 305a of such title (as added by subsection (a)).''

EXECUTIVE ORDER NO. 10168

Ex. Ord. No. 10168, Oct. 11, 1950, 15 F.R. 6877, as amended by Ex. Ord. No. 10821, May 20, 1959, 24 F.R. 4123; Ex. Ord. No. 10989, Jan. 23, 1962, 27 F.R. 727; Ex. Ord. No. 11120, Oct. 2, 1963, 28 F.R. 10631, which concerned regulations relating to special pay for sea duty and duty at certain places, was revoked by Ex. Ord. No. 11157, June 22, 1964, 29 F.R. 7973, formerly set out as a note under section 301 of this title.

§ 305a. Special pay: career sea pay

(a) AVAILABILITY OF SPECIAL PAY.—A member of a uniformed service who is entitled to basic pay is also entitled, while on sea duty, to special pay at the applicable rate under subsection (b).

(b) RATES; MAXIMUM.—The Secretary concerned shall prescribe the monthly rates for special pay applicable to members of each armed force under the Secretary's jurisdiction. No monthly rate may exceed $750.

(c) PREMIUM.—A member of a uniformed service entitled to career sea pay under this section who has served 36 consecutive months of sea duty is also entitled to a career sea pay premium for the thirty-seventh consecutive month and each subsequent consecutive month of sea duty served by such member. The monthly amount of the premium shall be prescribed by the Secretary concerned, but may not exceed $350.

(d) REGULATIONS.—The Secretary concerned shall prescribe regulations for the administration of this section for the armed force or armed forces under the jurisdiction of the Secretary. The entitlements under this section shall be subject to the regulations.

(e) DEFINITION OF SEA DUTY.—(1) In this section, the term ''sea duty'' means duty performed by a member—

(A) while permanently or temporarily assigned to a ship and—

(i) while serving on a ship the primary mission of which is accomplished while under way;

(ii) while serving as a member of the off-crew of a two-crewed submarine;

(iii) while serving as a member of a tender-class ship (with the hull classification of submarine or destroyer); or

(iv) while serving as an off-cycle crewmember of a multi-crewed ship; or

(B) while permanently or temporarily assigned to a ship and while serving on a ship the primary mission of which is normally accomplished while in port, but only during a period that the ship is away from its homeport.

(2) The Secretary concerned may designate duty performed by a member while serving on a ship the primary mission of which is accomplished either while under way or in port as ''sea duty'' for purposes of this section, even though the duty is performed while the member is permanently or temporarily assigned to a ship-based staff or other unit not covered by paragraph (1).

(3) For the purpose of determining the years of sea duty with which a member may be credited for purposes of this section, the term ''sea duty'' also includes duty performed after December 31, 1988, by a member while permanently or temporarily assigned to a ship or ship-based staff and while serving on a ship on which the member

would be entitled, during a period that the ship is away from its homeport, to receive sea pay by reason of paragraph (1)(B).

(4) A ship shall be considered to be away from its homeport for purposes of this subsection when it is—

(A) at sea; or

(B) in a port that is more than 50 miles from its homeport.

(Added Pub. L. 95–485, title VIII, § 804(a)(1), (2), Oct. 20, 1978, 92 Stat. 1620; amended Pub. L. 96–343, § 3(a), (b), Sept. 8, 1980, 94 Stat. 1124; Pub. L. 96–579, § 4(a), Dec. 23, 1980, 94 Stat. 3364; Pub. L. 97–60, title I, § 116, Oct. 14, 1981, 95 Stat. 996; Pub. L. 97–295, § 3(1), Oct. 12, 1982, 96 Stat. 1303; Pub. L. 98–525, title VI, § 623(a), Oct. 19, 1984, 98 Stat. 2541; Pub. L. 99–145, title VI, § 634(a), Nov. 8, 1985, 99 Stat. 647; Pub. L. 100–26, § 8(e)(5), Apr. 21, 1987, 101 Stat. 286; Pub. L. 100–180, div. A, title VI, § 621(a)–(c), Dec. 4, 1987, 101 Stat. 1097, 1099; Pub. L. 100–224, § 5(a)(1), Dec. 30, 1987, 101 Stat. 1538; Pub. L. 100–456, div. A, title XII, § 1233(b)(1), Sept. 29, 1988, 102 Stat. 2057; Pub. L. 101–189, div. A, title VI, § 653(b), Nov. 29, 1989, 103 Stat. 1462; Pub. L. 102–25, title VII, § 702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 102–190, div. A, title XI, § 1111(d)(3), Dec. 5, 1991, 105 Stat. 1492; Pub. L. 104–106, div. A, title VI, § 618, Feb. 10, 1996, 110 Stat. 362; Pub. L. 105–85, div. A, title VI, § 620, Nov. 18, 1997, 111 Stat. 1790; Pub. L. 106–398, § 1 [[div. A], title VI, § 630(a), (b)], Oct. 30, 2000, 114 Stat. 1654, 1654A–156; Pub. L. 110–181, div. A, title VI, § 618, Jan. 28, 2008, 122 Stat. 151.)

AMENDMENTS

2008—Subsec. (e)(1)(A)(iv). Pub. L. 110–181 added cl. (iv).

2000—Subsec. (a). Pub. L. 106–398, § 1 [[div. A], title VI, § 630(a)(1)], inserted heading and substituted ''A member'' for ''Under regulations prescribed by the President, a member'' in text.

Subsec. (b). Pub. L. 106–398, § 1 [[div. A], title VI, § 630(a)(3)], added subsec. (b) and struck out former subsec. (b) which contained tables specifying the monthly rates for special pay under subsec. (a) for enlisted members, warrant officers, and commissioned officers.

Subsec. (c). Pub. L. 106–398, § 1 [[div. A], title VI, § 630(a)(3)], added subsec. (c) and struck out former subsec. (c) which read as follows: ''Under regulations prescribed by the President, a member of a uniformed service who is entitled to career sea pay under this section who has served 36 consecutive months of sea duty (other than an enlisted member in a pay grade above E–4 with more than five years of sea duty) is entitled to a career sea pay premium of $100 a month for the thirty-seventh consecutive month and each subsequent consecutive month of sea duty served by such member.''

Subsec. (d). Pub. L. 106–398, § 1 [[div. A], title VI, § 630(a)(3)], added subsec. (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 106–398, § 1 [[div. A], title VI, § 630(a)(2), (b)], redesignated subsec. (d) as (e) and inserted heading.

1997—Subsec. (d)(1)(A). Pub. L. 105–85, § 620(1), struck out '', ship-based staff, or ship-based aviation unit'' after ''assigned to a ship''.

Subsec. (d)(1)(B). Pub. L. 105–85, § 620(2), struck out ''or ship-based staff'' after ''assigned to a ship''.

Subsec. (d)(2) to (4). Pub. L. 105–85, § 620(3), (4), added par. (2) and redesignated former pars. (2) and (3) as (3) and (4), respectively.

1996—Subsec. (d)(1)(A). Pub. L. 104–106 amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: ''while permanently or temporarily assigned to a ship, ship-based staff, or ship-based aviation unit and while serving on a ship the primary mission of which is accomplished while under way or while serving as a member of the off-crew of a two-crewed submarine; or''.

1991—Subsec. (a). Pub. L. 102–25 struck out ''of this section'' after ''subsection (b)''.

Subsec. (b). Pub. L. 102–190, in table pertaining to warrant officers, added provisions relating to pay grade W–5 in three places.

1989—Subsec. (b). Pub. L. 101–189 inserted ''COMMISSIONED'' before ''OFFICERS'' in heading of table relating to officers in pay grades O–1 through O–6.

1988—Subsec. (d)(2). Pub. L. 100–456 substituted ''after December 31, 1988,'' for ''on or after the effective date specified in section 621(e)(1) of the National Defense Authorization Act for Fiscal Year 1988''.

1987—Subsec. (b). Pub. L. 100–224 substituted ''Over 14'' for ''Over 13'' in table relating to warrant officers.

Pub. L. 100–180, § 621(a), in amending subsec. (b) generally, struck out ''of this section'' after ''subsection (a)'' in introductory provisions and amended table pertaining to enlisted members so as to reflect downward adjustment in monthly special pay rates for persons in pay grade E–4 having over 2 years of sea duty and for persons in pay grades E–5 through E–9 having less than 5 years of sea duty, and amended table so as to reflect upward adjustment for persons in pay grades E–5 through E–9 having over 5 years of sea duty, amended table pertaining to warrant officers so as to reflect upward adjustment for persons in pay grades W–1 through W–3 having over 9 years of sea duty and for persons in pay grade W–4 having over 10 years of sea duty, and in table pertaining to officers for pay grade O–4 substituted ''220'' for ''215'' in the column for ''Over 8''.

Subsec. (c). Pub. L. 100–180, § 621(b), inserted ''(other than an enlisted member in a pay grade above E–4 with more than five years of sea duty)'' after first reference to ''sea duty''.

Subsec. (d). Pub. L. 100–180, § 621(c), amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: ''In this section, the term 'sea duty' means duty performed by a member—

''(1) while permanently or temporarily assigned to a ship, ship-based staff, or ship-based aviation unit and while serving on a ship the primary mission of which is accomplished while underway or while serving as a member of the off crew of a two-crewed submarine; or

''(2) while permanently or temporarily assigned to a ship or ship-based staff and while serving on a ship the primary mission of which is normally accomplished while in port, but only during a period that the ship is away from its homeport for 30 consecutive days or more.

A ship is considered away from its homeport for purposes of clause (2) of the first sentence when it is at sea or in a port that is more than 50 miles from its homeport.''

Pub. L. 100–26 substituted ''In this section,'' for ''For the purposes of this section,''.

1985—Subsec. (b). Pub. L. 99–145 amended table for warrant officers for pay grade W–3 by substituting ''330'' for ''310'' in column for ''Over 12'', and for pay grade W–4, substituted ''320'' for ''310'' in column for ''Over 10'', substituted ''330'' for ''310'' in column for ''Over 11'', and ''350'' for ''310'' in column for ''Over 12'', inserted columns for ''Over 14'', ''Over 16'', ''Over 18'', and ''Over 20'', and in table for commissioned officers inserted columns for ''Over 14'', ''Over 16'', ''Over 18'', and ''Over 20'', and struck out the subscript qualifier for pay grades O–1 and O–2, which read: ''Commissioned officers with at least four years of active service as enlisted members or as noncommissioned warrant officers''.

1984—Subsec. (b). Pub. L. 98–525 amended table relating to rates of pay for enlisted members by substituting ''265'' for ''255'' and ''320'' for ''310'' in column for

''Over 10'', ''265'' for ''255'' and ''330'' for ''310'' in column for ''Over 11'', ''280'' for ''255'', ''320'' for ''310'', and ''350'' for ''310'' in column for ''Over 12'', and inserted columns for ''Over 13'', ''Over 14'', ''Over 16'', and ''Over 18''.

1982—Subsec. (d). Pub. L. 97–295 substituted ''clause (2)'' for ''clause (B)'' after ''for purposes of''.

1981—Subsec. (d)(1). Pub. L. 97–60 inserted provisions relating to service as a member of the off crew of a two-crewed submarine.

1980—Subsec. (a). Pub. L. 96–579 substituted provision declaring a member of a uniformed service entitled to basic pay as eligible for special pay for prior provision for eligibility to such pay of an enlisted member of a uniformed service entitled to basic pay, in pay grade E–4 or above, with three years of sea duty.

Subsec. (b). Pub. L. 96–579 substituted special monthly pay table for enlisted members, warrant officers, and commissioned officers for prior special monthly rate for enlisted members for sea duty above prescribed number of years: $29, 3 yrs.; $40, 5 yrs.; $52, 7 yrs.; $63, 9 yrs.; $75, 10 yrs.; $86, 11 yrs.; and $115, 12 yrs.

Pub. L. 96–343 substituted provision authorizing monthly rates of special pay of $29 for over 3 years, $40 for over 5 years, $52 for over 7 years, $63 for over 10 years, $86 for over 11 years, and $115 for over 12 years for provision authorizing monthly rates of special pay during fiscal year 1979 or 1980 of $25 for over 3 years, $35 for over 5 years, and $55 for over 12 years and for fiscal year 1981 rates of $25 for over 3 years, $35 for over 5 years, $45 for over 7 years, and $55 for over 12 years.

Subsecs. (c), (d). Pub. L. 96–579 added subsecs. (c) and (d).

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106–398, § 1 [[div. A], title VI, § 630(c)], Oct. 30, 2000, 114 Stat. 1654, 1654A–156, provided that: ''The amendments made by this section [amending this section] shall take effect on October 1, 2000, and shall apply with respect to months beginning on or after that date.''

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102–190 effective Feb. 1, 1992, see section 1132 of Pub. L. 102–190, set out as a note under section 521 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1987 AMENDMENT; SAVE PAY; DEFINITIONS

Pub. L. 100–180, div. A, title VI, § 621(d)–(f), Dec. 4, 1987, 101 Stat. 1100, provided that:

''(d) SAVE PAY.—A member of the uniformed services who at any time during the three-month period ending on the day before the effective date applicable to that member under subsection (e) for the new rates of career sea pay is entitled to career sea pay at a rate that is higher than the rate established under such new rates for the member's pay grade and years of sea duty shall be paid such special pay, when entitled to receive it, at such higher rate until the member is permanently reassigned to duty for which the member is not entitled to such special pay. In the case of a member covered by the preceding sentence who is reduced in grade under the Uniform Code of Military Justice (chapter 47 of title 10, United States Code), the old rate of career sea pay applicable to such member under the preceding sentence which may be paid in lieu of the rate applicable to the member under the new rates of career sea pay shall be the rate under the old rates of career sea pay for the member's pay grade as so reduced and the member's years of sea duty.

''(e) EFFECTIVE DATE.—(1) Except as provided under paragraph (2), the amendments made by this section [amending this section] shall take effect on the first day of the first month beginning after the date of the enactment of this Act [Dec. 4, 1987] and shall apply with respect to duty performed on or after that date.

''(2) The new rates of career sea pay that are applicable to enlisted members in pay grades above pay grade E-4 who have five or more years of sea duty and the amendment made by subsection (b) [amending this section] shall take effect on the first day of the fourth month beginning after the effective date specified under paragraph (1). In the case of such members, the old rates of career sea pay shall remain in effect until the new rates take effect under the preceding sentence.

''(f) DEFINITIONS.—For purposes of subsections (d) and (e):

''(1) The term 'career sea pay' means special pay under section 305a of title 37, United States Code.

''(2) The term 'old rates', with respect to career sea pay, means the rates of such pay in effect on the date of the enactment of this Act [Dec. 4, 1987].

''(3) The term 'new rates', with respect to career sea pay, means the rates of such pay provided by the amendment made by subsection (a) [amending this section].''

EFFECTIVE DATE OF 1985 AMENDMENT

Pub. L. 99–145, title VI, § 634(b), Nov. 8, 1985, 99 Stat. 647, provided that: ''The amendment made by this section [amending this section] shall take effect on October 1, 1985.''

EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98–525, title VI, § 623(c), Oct. 19, 1984, 98 Stat. 2542, provided that: ''The amendments made by this section [amending this section and section 307 of this title] shall take effect on October 1, 1984.''

EFFECTIVE DATE OF 1980 AMENDMENTS

Pub. L. 96–579, § 4(b), Dec. 23, 1980, 94 Stat. 3366, provided: ''The amendment made by this section [amending this section] shall be effective with respect to special pay payable under section 305a of title 37, United States Code, for months after the month in which this section is enacted [December 1980].''

Pub. L. 96–343, § 3(c), Sept. 8, 1980, 94 Stat. 1124, provided that: ''The amendments made by this section [amending this section and repealing section 804(a)(2) of Pub. L. 95–485, formerly set out as a note below] shall be effective with respect to special pay payable under section 305a of title 37, United States Code, for months after August 1980.''

EFFECTIVE DATE

Pub. L. 95–485, title VIII, § 804(a)(1), Oct. 20, 1978, 92 Stat. 1620, provided that this section is effective Oct. 1, 1978.

REPEALS

Pub. L. 95–485, title VIII, § 804(a)(2), Oct. 20, 1978, 92 Stat. 1620, which amended subsec. (b) of this section effective Oct. 1, 1981, to provide for monthly rates of special pay of $25 for over 3 years, $35 for over 5 years, $45 for over 7 years, $55 for over 9 years, $65 for over 10 years, $75 for over 11 years, and $100 for over 12 years was repealed by Pub. L. 96–343, § 3(b), Sept. 8, 1980, 94 Stat. 1124.

DETERMINATION OF AMOUNT OF SEA CREDIT; PERIODS PRIOR TO OCTOBER 1, 1978

Pub. L. 95–485, title VIII, § 804(a)(3), Oct. 20, 1978, 92 Stat. 1620, provided that: ''In determining the amount of sea duty to be credited to an enlisted member of a uniformed service for purposes of section 305a of title 37, United States Code (as added by paragraph (1)), the Secretary concerned shall credit such member with all periods of service by such member before October 1, 1978, during which such member served in a sea duty status.''

§ 305b. Special pay: service as member of Weapons of Mass Destruction Civil Support Team

(a) SPECIAL PAY AUTHORIZED.—The Secretary of a military department may pay special pay

under this subsection to members of an armed force under the jurisdiction of the Secretary who are entitled to basic pay under section 204 and are assigned by orders to duty as members of a Weapons of Mass Destruction Civil Support Team if the Secretary determines that the payment of such special pay is needed to address recruitment or retention concerns in that armed force.

(b) MONTHLY RATE.—The monthly rate of special pay under subsection (a) may not exceed $150.

(c) INCLUSION OF RESERVE COMPONENT MEMBERS PERFORMING INACTIVE DUTY TRAINING.—(1) To the extent funds are made available to carry out this subsection, the Secretary of a military department may pay the special pay under subsection (a) to members of a reserve component of the armed forces who are entitled to compensation under section 206 of this title and who perform duty under orders as members of a Weapons of Mass Destruction Civil Support Team.

(2) The amount of the special pay for a member referred to in paragraph (1) shall be equal to 1/30 of the monthly special pay rate in effect under subsection (b) for each day on which the member performs duty under orders as members of a Weapons of Mass Destruction Civil Support Team.

(d) REGULATIONS.—Special pay under this section shall be provided in accordance with regulations prescribed by the Secretary of Defense.

(e) DEFINITION.—In this section, the term ''Weapons of Mass Destruction Civil Support Team'' means a team of members of the reserve components of the armed forces that is established under section 12310(c) of title 10 in support of emergency preparedness programs to prepare for or to respond to any emergency involving the use of a weapon of mass destruction.

(Added Pub. L. 108–136, div. A, title VI, §624(a), Nov. 24, 2003, 117 Stat. 1505.)

§306. Special pay: officers holding positions of unusual responsibility and of critical nature

(a)(1) The Secretary concerned may designate positions of unusual responsibility which are of a critical nature to an armed force under his jurisdiction and may pay special pay, in addition to other pay prescribed by law, to an officer of an armed force described in paragraph (2) who is performing the duties of such a position, at the following monthly rates:

Pay Grade	Monthly Rate
O–6	$150
O–5	100
O–4 and below	50

(2) An officer of the armed forces referred to in paragraph (1) is an officer who is entitled to the basic pay under section 204 of this title, or the compensation under section 206 of this title, of pay grade O–6 or below.

(b) If an officer entitled to compensation under section 206 of this title is paid special pay under subsection (a) for the performance of duties in a position designated under such subsection, the special pay shall be paid at the rate of 1/30 of the monthly rate authorized by such subsection for each day of the performance of duties in the designated position.

(c) The Secretary concerned shall prescribe the criteria and circumstances under which officers of an armed force under his jurisdiction are eligible for special pay under this section and, when he considers it necessary, may abolish that special pay.

(d)(1) Not more than 5 percent of the number of officers on active duty (other than for training or mobilization in support of a contingency operation) in an armed force in each of the pay grades O–3 and below, and not more than 10 percent of the number of officers on active duty in an armed force in pay grade O–4, O–5, or O–6, may be paid special pay under this section.

(2) Of the number of officers in the Selected Reserve of the Ready Reserve of an armed force who are not on active duty (other than for training or mobilization in support of a contingency operation), not more than 5 percent of the number of such officers in each of the pay grades O–3 and below, and not more than 10 percent of the number of such officers in pay grade O–4, O–5, or O–6, may be paid special pay under subsection (b).

(e) This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction, and by the Secretary of Homeland Security for the Coast Guard when the Coast Guard is not operating as a service in the Navy.

(f) This section does not apply to a person who is entitled to special pay under section 302, 302a, 302b, or 303 of this title.

(Pub. L. 87–649, Sept. 7, 1962, 76 Stat. 466; Pub. L. 90–623, §3(1), Oct. 22, 1968, 82 Stat. 1314; Pub. L. 96–284, §6, June 28, 1980, 94 Stat. 593; Pub. L. 96–470, title II, §202(b), Oct. 19, 1980, 94 Stat. 2242; Pub. L. 97–322, title I, §116, Oct. 15, 1982, 96 Stat. 1586; Pub. L. 101–510, div. A, title XIII, §1322(c)(3), Nov. 5, 1990, 104 Stat. 1672; Pub. L. 102–587, title V, §5205, Nov. 4, 1992, 106 Stat. 5074; Pub. L. 107–296, title XVII, §1704(c), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 108–136, div. A, title VI, §616, Nov. 24, 2003, 117 Stat. 1502.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
306(a)	37:241(a) (less last sentence).	Oct. 12, 1949, ch. 681, §210; added May 20, 1958, Pub. L. 85–422, §1(8), 72 Stat. 126.
306(b)	37:241(a) (last sentence).	
306(c)	37:241(b).	
306(d)	37:241(c).	
306(e)	37:241(d).	
306(f)	37:241(e).	

In subsection (a), the words ''an armed force under his jurisdiction'' are substituted for the words ''the service concerned'' in the first sentence of section 241(a) of existing title 37 to conform to the last sentence of that subsection.

In subsection (c), the words ''(other than for training)'' are inserted for clarity, since members on duty for training only are not included in computing strength authorizations.

AMENDMENTS

2003—Subsec. (a). Pub. L. 108–136, §616(a)(1), designated existing provisions as par. (1), substituted ''de-

scribed in paragraph (2)'' for ''who is entitled to the basic pay of pay grade O–6 or below and'', and added par. (2).

Subsec. (b). Pub. L. 108–136, § 616(a)(3), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 108–136, § 616(a)(2), redesignated subsec. (b) as (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 108–136, § 616(b), designated existing provisions as par. (1), inserted ''or mobilization in support of a contingency operation'' after ''training'', and added par. (2).

Pub. L. 108–136, § 616(a)(2), redesignated subsec. (c) as (d). Former subsec. (d) redesignated (e).

Subsecs. (e), (f). Pub. L. 108–136, § 616(a)(2), redesignated subsecs. (d) and (e) as (e) and (f), respectively.

2002—Subsec. (d). Pub. L. 107–296 substituted ''of Homeland Security'' for ''of Transportation''.

1992—Subsec. (a). Pub. L. 102–587, § 5205(a), substituted ''of pay grade O–6 or below'' for ''of pay grade O–3, O–4, O–5, or O–6'' in text and amended table by substituting ''O–4 and below'' for ''O–4'' and striking out line providing monthly rate of $50 for pay grade O–3.

Subsec. (c). Pub. L. 102–587, § 5205(b), substituted ''in each of the pay grades O–3 and below,'' for ''in pay grade O–3,''.

1990—Subsec. (f). Pub. L. 101–510 struck out subsec. (f) which read as follows: ''The Secretary of Defense shall report to Congress by March 1 of each year following a calendar year in which special pay is disbursed under this section. Negative reports need not be submitted.''

1982—Subsec. (f). Pub. L. 97–322 struck out last sentence providing that the Secretary of Transportation shall make a similar report for the Coast Guard when the Coast Guard is not operating as a service in the Navy.

1980—Subsec. (e). Pub. L. 96–284 made section inapplicable to a person entitled to special pay under section 302a or 302b of this title.

Subsec. (f). Pub. L. 96–470 substituted provision requiring the Secretary of Defense to report by Mar. 1 of each year following a calendar year in which special pay is disbursed under this section and providing that negative reports need not be submitted for provision requiring the Secretary of Defense to report by Mar. 1 of each year on the administration of this section within each military department during the preceding calendar year.

1968—Subsecs. (d), (f). Pub. L. 90–623 substituted ''Secretary of Transportation'' for ''Secretary of the Treasury''.

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 1968 AMENDMENT

Amendment by Pub. L. 90–623 intended to restate without substantive change the law in effect on October 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.

§ 306a. Special pay: members assigned to international military headquarters

Not more than nine members of the armed forces, including members detailed to international military headquarters, may be paid pay and allowances at rates referred to in section 625(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2385(d)).

(Added Pub. L. 98–525, title XIV, § 1402(b)(1), Oct. 19, 1984, 98 Stat. 2621.)

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in the following prior appropriations acts:

Oct. 12, 1984, Pub. L. 98–473, title I, § 101(h) [title VIII, § 8005], 98 Stat. 1904, 1922.

Dec. 8, 1983, Pub. L. 98–212, title VII, § 708, 97 Stat. 1438.

Dec. 21, 1982, Pub. L. 97–377, title I, § 101(c) [title VII, § 708], 96 Stat. 1833, 1850.

Dec. 29, 1981, Pub. L. 97–114, title VII, § 708, 95 Stat. 1579.

Dec. 15, 1980, Pub. L. 96–527, title VII, § 708, 94 Stat. 3081.

Dec. 21, 1979, Pub. L. 96–154, title VII, § 708, 93 Stat. 1152.

Oct. 13, 1978, Pub. L. 95–457, title VIII, § 808, 92 Stat. 1244.

Sept. 21, 1977, Pub. L. 95–111, title VIII, § 807, 91 Stat. 899.

Sept. 22, 1976, Pub. L. 94–419, title VII, § 707, 90 Stat. 1291.

Feb. 9, 1976, Pub. L. 94–212, title VII, § 707, 90 Stat. 168.

Oct. 8, 1974, Pub. L. 93–437, title VIII, § 807, 88 Stat. 1225.

Jan. 2, 1974, Pub. L. 93–238, title VII, § 707, 87 Stat. 1038.

Oct. 26, 1972, Pub. L. 92–570, title VII, § 707, 86 Stat. 1196.

Dec. 18, 1971, Pub. L. 92–204, title VII, § 707, 85 Stat. 727.

Jan. 11, 1971, Pub. L. 91–668, title VIII, § 807, 84 Stat. 2030.

Dec. 29, 1969, Pub. L. 91–171, title VI, § 607, 83 Stat. 480.

EFFECTIVE DATE

Section effective Oct. 1, 1985, see section 1404 of Pub. L. 98–525, set out as a note under section 520b of Title 10, Armed Forces.

§ 307. Special pay: special duty assignment pay for enlisted members

(a) An enlisted member who is entitled to basic pay and is performing duties which have been designated under subsection (b) as extremely difficult or as involving an unusual degree of responsibility in a military skill may, in addition to other pay or allowances to which he is entitled, be paid special duty assignment pay at a monthly rate not to exceed $600.

(b) The Secretary concerned shall determine which enlisted members under his jurisdiction are to be paid special duty assignment pay under subsection (a). He shall also designate those skills within each armed force under his jurisdiction for which special duty assignment pay is authorized and shall prescribe the criteria under which members of that armed force are eligible for special duty assignment pay in each skill. He may increase, decrease, or abolish such pay for any skill.

(c) This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary of Homeland Security for the Coast Guard when the Coast Guard is not operating as a service in the Navy.

(d)(1) Under regulations prescribed by the Secretary concerned and to the extent provided for by appropriations, when an enlisted member of the National Guard or a reserve component of a uniformed service who is entitled to compensation under section 206 of this title performs duty

for which a member described in subsection (a) is entitled to special pay under such subsection, the member of the National Guard or reserve component is entitled to an increase in compensation equal to 1/30 of the monthly special duty assignment pay prescribed by the Secretary concerned for the performance of that same duty by members described in subsection (a).

(2) A member of the National Guard or a reserve component entitled to an increase in compensation under paragraph (1) is entitled to the increase—

(A) for each regular period of instruction, or period of appropriate duty, at which the member is engaged for at least two hours, including that performed on a Sunday or holiday; or

(B) for the performance of such other equivalent training, instruction, duty, or appropriate duties, as the Secretary may prescribe under section 206(a) of this title.

(3) This subsection does not apply to a member of the National Guard or a reserve component who is entitled to basic pay under section 204 of this title.

(Pub. L. 87–649, Sept. 7, 1962, 76 Stat. 467; Pub. L. 90–623, §3(1), Oct. 22, 1968, 82 Stat. 1314; Pub. L. 98–525, title VI, §623(b)(1), Oct. 19, 1984, 98 Stat. 2541; Pub. L. 102–25, title VII, §702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 104–106, div. A, title VI, §619(a), Feb. 10, 1996, 110 Stat. 363; Pub. L. 106–398, §1 [[div. A], title VI, §§631, 632(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A–156; Pub. L. 107–296, title XVII, §1704(c), Nov. 25, 2002, 116 Stat. 2314.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
307(a)	37:240(a).	Oct. 12, 1949, ch. 681, §209; added May 20, 1958, Pub. L. 85–422, §1(8), 72 Stat. 125.
307(b)	37:240(b).	
307(c)	37:240(c).	
307(d)	37:240(d).	

In subsection (a)(1), the words ''prescribed in section 232(a) of this title'' and ''in accordance with his cumulative years of service for pay purposes'' are omitted as surplusage and as covered by sections 201, 202, and 203 of this revised title.

In subsection (a)(2), the words ''special or incentive pays'' are omitted as surplusage.

In subsections (a)(1) and (b), the word ''allowances'' is omitted, since, under sections 402 and 403 of this revised title, allowances depend upon pay grade to which assigned, or in which distributed for basic pay purposes.

In subsection (b), the words ''computed under section 205 of this title'' are substituted for the words ''cumulative . . . for pay purposes''.

AMENDMENTS

2002—Subsec. (c). Pub. L. 107–296 substituted ''of Homeland Security'' for ''of Transportation''.

2000—Subsec. (a). Pub. L. 106–398, §1 [[div. A], title VI, §631], substituted ''$600'' for ''$275'' and struck out at end ''In the case of a member who is serving as a military recruiter and is eligible for special duty assignment pay under this subsection on account of such duty, the Secretary concerned may increase the monthly rate of special duty assignment pay for the member to not more than $375.''

Subsec. (d). Pub. L. 106–398, §1 [[div. A], title VI, §632(a)], added subsec. (d).

1996—Subsec. (a). Pub. L. 104–106 inserted at end ''In the case of a member who is serving as a military recruiter and is eligible for special duty assignment pay under this subsection on account of such duty, the Secretary concerned may increase the monthly rate of special duty assignment pay for the member to not more than $375.''

1991—Subsec. (a). Pub. L. 102–25 struck out ''of this section'' after ''subsection (b)''.

Subsec. (b). Pub. L. 102–25 struck out ''of this section'' after ''subsection (a)''.

1984—Pub. L. 98–525 substituted ''special duty assignment pay for enlisted members'' for ''proficiency pay for enlisted members'' in section catchline.

Subsec. (a). Pub. L. 98–525 substituted provisions directing that an enlisted member who is entitled to basic pay and is performing duties which have been designated under subsection (b) of this section as extremely difficult or as involving an unusual degree of responsibility in a military skill may, in addition to other pay or allowances to which he is entitled, be paid special duty assignment pay at a monthly rate not to exceed $275, for provisions which directed that an enlisted member of a uniformed service who was entitled to basic pay and was designated as being specially proficient in a military skill of the uniformed service concerned could (1) be advanced to an enlisted pay grade that was higher than his pay grade at the time of his designation and be entitled to the basic pay and special or incentive pay of that higher grade, or (2) in addition to other pay or allowances to which he was entitled under this title, be paid proficiency pay at a monthly rate that was not more than the rate prescribed in a table for the proficiency rating to which he was assigned, setting maximum monthly rates of $50, $100, or $150.

Subsec. (b). Pub. L. 98–525 redesignated subsec. (c) as (b), substituted references to special duty assignment pay for former references to proficiency pay, and struck out provisions which had authorized the Secretary to elect one of two methods formerly set out in subsecs. (a)(1) and (a)(2) for paying each uniformed service under his jurisdiction, with a proviso that if he elected to have proficiency pay paid under former subsec. (a)(1) of this section, enlisted members in a military grade or rank assigned to pay grade E–8 or E–9 could be paid proficiency pay at a monthly rate that is not more than the highest rate prescribed by subsection (a)(2) of this section, but if he elected to have proficiency pay paid under subsection (a)(2) of this section, he could prescribe, within the limitations set forth in that subsection, the pay for each proficiency rating prescribed therein. Former subsec. (b), which had provided that an enlisted member who had less than 8 or 10 years, as the case might be, of enlisted service computed under section 205 of this title and who had been advanced under subsection (a)(1) of this section to pay grade E–8 or E–9, respectively, was entitled to the minimum amount of basic pay and special or incentive pay prescribed for that pay grade until his years of service computed under that section entitled him to a higher rate of those pays, was struck out.

Subsecs. (c), (d). Pub. L. 98–525 redesignated subsec. (d) as (c) and substituted ''armed forces under his jurisdiction'' for ''uniformed services under his jurisdiction''. Former subsec. (c) redesignated (b) and amended.

1968—Subsec. (d). Pub. L. 90–623 substituted ''Secretary of Transportation'' for ''Secretary of the Treasury''.

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 2000 AMENDMENT

Pub. L. 106–398, §1 [[div. A], title VI, §632(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A–157, provided that: ''The

amendment made by subsection (a) [amending this section] shall take effect October 1, 2000.''

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104–106, div. A, title VI, § 619(b), Feb. 10, 1996, 110 Stat. 363, provided that: ''The amendment made by subsection (a) [amending this section] shall take effect on January 1, 1996.''

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–525 effective Oct. 1, 1984, see section 623(c) of Pub. L. 98–525, set out as a note under section 305a 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.

MEMBERS ENTITLED TO SPECIAL PAY AS OF SEPTEMBER 30, 1984

Pub. L. 98–525, title VI, § 623(b)(3), Oct. 19, 1984, 98 Stat. 2542, provided that: ''A member of the uniformed services who, on September 30, 1984, was entitled to special pay under section 307 of title 37, United States Code [this section], as in effect on such date, may continue to be paid the special pay authorized by such section as though the amendments made by this subsection [amending this section] had not been made. However, a member may not be paid the special pay authorized by such section as in effect on September 30, 1984, and the special pay authorized by such section as amended by this section.''

§ 307a. Special pay: assignment incentive pay

(a) AUTHORITY.—The Secretary concerned may pay incentive pay under this section to a member of a uniformed service who performs service, while entitled to basic pay, in an assignment designated by the Secretary concerned. Incentive pay payable under this section may be paid on a monthly basis, in a lump sum, or in installments.

(b) WRITTEN AGREEMENT.—(1) The Secretary concerned may require a member performing service in an assignment designated under subsection (a) to enter into a written agreement with the Secretary in order to qualify for the payment of incentive pay on a monthly basis under this section. The written agreement shall specify the period for which the incentive pay will be paid to the member and, subject to subsection (c), the monthly rate of the incentive pay.

(2) The Secretary concerned shall require a member performing service in an assignment designated under subsection (a) to enter into a written agreement with the Secretary in order to qualify for the payment of incentive pay on a lump sum or installment basis under this section. The written agreement shall specify the period for which the incentive pay will be paid to the member and, subject to subsection (c), the amount of the lump sum, or each installment, of the incentive pay.

(c) MAXIMUM RATE OR AMOUNT.—(1) The maximum monthly rate of incentive pay payable to a member on a monthly basis under this section is $3,000.

(2) The amount of the lump sum payment of incentive pay payable to a member on a lump sum basis under this section may not exceed an amount equal to the product of—

(A) the maximum monthly rate authorized under paragraph (1) at the time of the written agreement of the member under subsection (b)(2); and

(B) the number of months in the period for which incentive pay will be paid pursuant to the agreement.

(3) The amount of each installment payment of incentive pay payable to a member on an installment basis under this section shall be the amount equal to—

(A) the product of (i) a monthly rate specified in the written agreement of the member under subsection (b)(2) (which monthly rate may not exceed the maximum monthly rate authorized under paragraph (1) at the time of the written agreement), and (ii) the number of months in the period for which incentive pay will be paid; divided by

(B) the number of installments over such period.

(4) If a member extends an assignment specified in an agreement with the Secretary under subsection (b), incentive pay for the period of the extension may be paid under this section on a monthly basis, in a lump sum, or in installments in accordance with this section.

(d) REPAYMENT.—A member who enters into an agreement under this section and receives incentive pay under the agreement in a lump sum or installments, but who fails to complete the period of service covered by the payment, whether voluntarily or because of misconduct, shall be subject to the repayment provisions of section 303a(e) of this title.

(e) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—Incentive pay paid to a member under this section is in addition to any other pay and allowances to which the member is entitled.

(f) STATUS NOT AFFECTED BY TEMPORARY DUTY OR LEAVE.—The service of a member in an assignment referred to in subsection (a) shall not be considered discontinued during any period that the member is not performing service in the assignment by reason of—

(1) temporary duty performed by the member pursuant to orders; or

(2) absence of the member for authorized leave, other than leave authorized for a period ending upon the discharge of the member or the release of the member from active duty.

(g) TERMINATION OF AUTHORITY.—No agreement under this section may be entered into after December 31, 2015.

(Added Pub. L. 107–314, div. A, title VI, § 616(a)(1), Dec. 2, 2002, 116 Stat. 2569; amended Pub. L. 108–375, div. A, title VI, §§ 614(b), 617(a), (b), Oct. 28, 2004, 118 Stat. 1947, 1948; Pub. L. 109–163, div. A, title VI, §§ 624(b), 628, 687(b)(13), Jan. 6, 2006, 119 Stat. 3295, 3296, 3329; Pub. L. 109–364, div. A, title VI, § 614(b), Oct. 17, 2006, 120 Stat. 2248; Pub. L. 110–417, [div. A], title VI, § 614(b), Oct. 14, 2008, 122 Stat. 4485; Pub. L. 111–84, div. A, title VI, § 615(2), Oct. 28, 2009, 123 Stat. 2354; Pub. L. 111–383, div. A, title VI, § 615(2), Jan. 7, 2011, 124 Stat. 4237; Pub. L. 112–81, div. A, title VI, § 615(2),

Dec. 31, 2011, 125 Stat. 1450; Pub. L. 112–239, div. A, title VI, §615(2), Jan. 2, 2013, 126 Stat. 1777; Pub. L. 113–66, div. A, title VI, §615(2), Dec. 26, 2013, 127 Stat. 781; Pub. L. 113–291, div. A, title VI, §615(2), Dec. 19, 2014, 128 Stat. 3401.)

AMENDMENTS

2014—Subsec. (g). Pub. L. 113–291 substituted ''December 31, 2015'' for ''December 31, 2014''.

2013—Subsec. (g). Pub. L. 113–66 substituted ''December 31, 2014'' for ''December 31, 2013''.

Pub. L. 112–239 substituted ''December 31, 2013'' for ''December 31, 2012''.

2011—Subsec. (g). Pub. L. 112–81 substituted ''December 31, 2012'' for ''December 31, 2011''.

Pub. L. 111–383 substituted ''December 31, 2011'' for ''December 31, 2010''.

2009—Subsec. (g). Pub. L. 111–84 substituted ''December 31, 2010'' for ''December 31, 2009''.

2008—Subsec. (g). Pub. L. 110–417 substituted ''December 31, 2009'' for ''December 31, 2008''.

2006—Subsec. (a). Pub. L. 109–163, §628(a)(1), struck out ''monthly'' before ''incentive pay'' and inserted at end ''Incentive pay payable under this section may be paid on a monthly basis, in a lump sum, or in installments.''

Subsec. (b). Pub. L. 109–163, §628(a)(2), designated existing provisions as par. (1), substituted ''the payment of incentive pay on a monthly basis'' for ''incentive pay'' in first sentence, and added par. (2).

Subsec. (c). Pub. L. 109–163, §628(b), amended heading and text of subsec. (c) generally. Prior to amendment, text read as follows: ''The maximum monthly rate of incentive pay payable to a member under this section is $1,500.''

Subsec. (d). Pub. L. 109–163, §687(b)(13), amended heading and text of subsec. (d) generally. Prior to amendment, text read as follows:

''(1) A member who, pursuant to an agreement under subsection (b)(2), receives a lump sum or installment payment of incentive pay under this section and who fails to complete the total period of service or other conditions specified in the agreement voluntarily or because of misconduct, shall refund to the United States an amount equal to the percentage of incentive pay paid which is equal to the unexpired portion of the service divided by the total period of service. The Secretary concerned may waive repayment of an amount of incentive pay under this section, in whole or in part, if the Secretary determines that conditions and circumstances warrant.

''(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

''(3) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of the agreement does not discharge the member signing the agreement from a debt arising under paragraph (1).''

Pub. L. 109–163, §628(c), added subsec. (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 109–163, §628(c)(1), redesignated subsec. (d) as (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 109–163, §628(c)(1), redesignated subsec. (e) as (f). Former subsec. (f) redesignated (g).

Pub. L. 109–163, §624(b), substituted ''December 31, 2007'' for ''December 31, 2006''.

Subsec. (g). Pub. L. 109–364 substituted ''December 31, 2008'' for ''December 31, 2007''.

Pub. L. 109–163, §628(c)(1), redesignated subsec. (f) as (g).

2004—Subsec. (b). Pub. L. 108–375, §617(a), reenacted heading without change and amended text generally. Prior to amendment, text read as follows: ''The period for which incentive pay will be provided under this section and the monthly rate of the incentive pay for a member shall be specified in a written agreement between the Secretary concerned and the member. Agreements entered into by the Secretary of a military department shall require the concurrence of the Secretary of Defense.''

Subsec. (e). Pub. L. 108–375, §617(b), substituted ''by reason of—'' and pars. (1) and (2) for ''by reason of temporary duty performed by the member pursuant to orders or absence of the member for authorized leave.''

Subsec. (f). Pub. L. 108–375, §614(b), substituted ''December 31, 2006'' for ''December 31, 2005''.

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108–375, div. A, title VI, §617(c), Oct. 28, 2004, 118 Stat. 1949, provided that: ''Paragraph (2) of section 307a(e) of title 37, United States Code, as added by subsection (b), shall apply with respect to authorized leave occurring on or after the date of the enactment of this Act [Oct. 28, 2004].''

SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(b) of Pub. L. 109–163, see section 687(f) of Pub. L. 109–163, set out as a note under section 510 of Title 10, Armed Forces.

PAYMENT OF ASSIGNMENT INCENTIVE PAY FOR RESERVE MEMBERS SERVING IN COMBAT ZONE FOR MORE THAN 22 MONTHS

Pub. L. 110–181, div. A, title VI, §624, Jan. 28, 2008, 122 Stat. 153, as amended by Pub. L. 111–383, div. A, title X, §1075(f)(1), Jan. 7, 2011, 124 Stat. 4375, provided that:

''(a) PAYMENT.—The Secretary of a military department may pay assignment incentive pay under section 307a of title 37, United States Code, to a member of a reserve component under the jurisdiction of the Secretary for each month during the eligibility period of the member determined under subsection (b) during which the member served for any portion of the month in a combat zone associated with Operation Enduring Freedom or Operation Iraqi Freedom in excess of 22 months of qualifying service.

''(b) ELIGIBILITY PERIOD.—The eligibility period for a member extends from January 1, 2005, through the end of the active duty service of the member in a combat zone associated with Operation Enduring Freedom or Operation Iraqi Freedom if the service on active duty during the member's most recent period of mobilization to active duty began before January 19, 2007.

''(c) AMOUNT OF PAYMENT.—The monthly rate of incentive pay payable to a member under this section is $1,000.

''(d) QUALIFYING SERVICE.—For purposes of this section, qualifying service includes cumulative mobilized service on active duty under sections 12301(d), 12302, and 12304 of title 10, United States Code, during the period beginning on January 1, 2003, through the end of the member's active duty service during the member's most recent period of mobilization to active duty beginning before January 19, 2007.''

ANNUAL REPORT

Pub. L. 107–314, div. A, title VI, §616(b), Dec. 2, 2002, 116 Stat. 2570, provided that: ''Not later than February 28, 2004, and February 28, 2005, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the use of the authority provided under section 307a of title 37, United States Code, as added by subsection (a), including an assessment of the utility of that authority.''

§308. Special pay: reenlistment bonus

(a)(1) The Secretary concerned may pay a bonus under paragraph (2) to a member of a uniformed service who—

(A) has completed at least 17 months of continuous active duty (other than for training) but not more than 20 years of active duty;

(B) is qualified in a military skill designated as critical by the Secretary of Defense, or by the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as service in the Navy; and

(C) reenlists or voluntarily extends the member's enlistment for a period of at least three years—

(i) in a regular component of the service concerned; or

(ii) in a reserve component of the service concerned, if the member is performing active Guard and Reserve duty (as defined in section 101(d)(6) of title 10).

(2) The bonus to be paid under paragraph (1) may not exceed the lesser of the following amounts:

(A) The amount equal to the product of—

(i) 15 times the monthly rate of basic pay to which the member was entitled at the time of the discharge or release of the member; and

(ii) the number of years (or the monthly fractions thereof) of the term of reenlistment or extension of enlistment.

(B) $90,000.

(3) Any portion of a term of reenlistment or extension of enlistment of a member that, when added to the total years of service of the member at the time of discharge or release, exceeds 24 years may not be used in computing a bonus under paragraph (2)(A).

(4) Notwithstanding paragraph (1)(B), a member who agrees to train and reenlist for service in a military skill which, at the time of that agreement, is designated as critical, may be paid the bonus approved for that skill, at the rate in effect at the time of agreement, upon completion of training and qualification in that skill, if otherwise qualified under this subsection and even if that skill is no longer designated as critical at the time the member becomes eligible for payment of the bonus.

(5) The Secretary of Defense may waive the eligibility requirement in paragraph (1)(B) in the case of a reenlistment or voluntary extension of enlistment by a member of the armed forces that is entered into as described in this subsection while the member is serving on active duty in Afghanistan, Iraq, or Kuwait in support of Operation Enduring Freedom or Operation Iraqi Freedom.

(b) Bonus payments authorized under this section may be paid in either a lump sum or in installments. If the bonus is paid in installments, the initial payment shall be not less than 50 percent of the total bonus amount.

(c) For the purpose of computing the reenlistment bonus in the case of an officer with prior enlisted service who may be entitled to a bonus under subsection (a), the monthly basic pay of the grade in which he is enlisted, computed in accordance with his years of service computed under section 205 of this title, shall be used instead of the monthly basic pay to which he was entitled at the time of his release from active duty as an officer.

(d) A member who does not complete the term of enlistment for which a bonus was paid to the member under this section, or a member who is not technically qualified in the skill for which a bonus was paid to the member under this section, shall be subject to the repayment provisions of section 303a(e) of this title.

(e) For the purposes of determining the eligibility of a member for a bonus under this section and of computing the amount of that bonus—

(1) any period of enlistment (including any extension of an enlistment) (A) that is incurred by the member for the purpose of continuing to qualify for continuous submarine duty incentive pay under section 301c of this title, and (B) for which no bonus is otherwise payable; or

(2) any unserved period of two years or less of an extension of an enlistment for which no bonus has been paid or for which no bonus is otherwise payable under this section,

may, under regulations prescribed by the Secretary concerned, be considered as part of an immediately subsequent term of reenlistment (or as part of an immediately subsequent voluntary extension of an enlistment).

(f) This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction, and by the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy.

(g) No bonus shall be paid under this section with respect to any reenlistment, or voluntary extension of an active-duty enlistment, in the armed forces entered into after December 31, 2015.

(Pub. L. 87–649, Sept. 7, 1962, 76 Stat. 467; Pub. L. 89–132, § 3, Aug. 21, 1965, 79 Stat. 547; Pub. L. 90–623, § 3(1), Oct. 22, 1968, 82 Stat. 1314; Pub. L. 93–277, § 2(1), May 10, 1974, 88 Stat. 119; Pub. L. 95–57, § 1, June 29, 1977, 91 Stat. 253; Pub. L. 95–485, title VIII, § 802(a)(1), (b), Oct. 20, 1978, 92 Stat. 1619; Pub. L. 96–342, title VIII, § 804(a), Sept. 8, 1980, 94 Stat. 1092; Pub. L. 96–579, § 3(f), Dec. 23, 1980, 94 Stat. 3364; Pub. L. 97–60, title I, § 117(a), Oct. 14, 1981, 95 Stat. 996; Pub. L. 97–276, title I, § 131, Oct. 2, 1982, 96 Stat. 1197; Pub. L. 97–377, title I, § 101(c) [title VII, § 798], Dec. 21, 1982, 96 Stat. 1833, 1865; Pub. L. 98–14, § 1, Mar. 30, 1983, 97 Stat. 55; Pub. L. 98–525, title VI, § 621, Oct. 19, 1984, 98 Stat. 2540; Pub. L. 99–145, title VI, § 631(a), Nov. 8, 1985, 99 Stat. 643; Pub. L. 100–180, div. A, title VI, §§ 625(a), 626(a), Dec. 4, 1987, 101 Stat. 1104; Pub. L. 101–189, div. A, title VI, § 611(a), Nov. 29, 1989, 103 Stat. 1445; Pub. L. 101–510, div. A, title VI, § 615(a), Nov. 5, 1990, 104 Stat. 1578; Pub. L. 102–25, title VII, § 702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 102–484, div. A, title VI, § 612(a), Oct. 23, 1992, 106 Stat. 2421; Pub. L. 103–160, div. A, title VI, § 613(b), Nov. 30, 1993, 107 Stat. 1681; Pub. L. 103–337, div. A, title VI, § 613(b), Oct. 5, 1994, 108 Stat. 2783; Pub. L. 104–106, div. A, title VI, § 613(b), Feb. 10, 1996, 110 Stat. 359; Pub. L. 104–201, div. A, title VI, § 613(b), Sept. 23, 1996, 110 Stat. 2544; Pub. L. 105–85, div. A, title VI, § 613(b), Nov. 18, 1997, 111 Stat. 1786; Pub. L. 105–261, div. A, title VI, §§ 613(b), 618, 619, Oct. 17, 1998, 112 Stat. 2039, 2042; Pub. L. 106–65, div. A, title VI, §§ 613(b), 618(a), (b), Oct. 5, 1999,

113 Stat. 650, 652; Pub. L. 106–398, §1 [[div. A], title VI, §623(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A–152; Pub. L. 107–107, div. A, title VI, §614(b), Dec. 28, 2001, 115 Stat. 1136; Pub. L. 107–296, title XVII, §1704(c), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 107–314, div. A, title VI, §614(b), Dec. 2, 2002, 116 Stat. 2568; Pub. L. 108–136, div. A, title VI, §§614(b), 626(a), Nov. 24, 2003, 117 Stat. 1501, 1507; Pub. L. 108–375, div. A, title VI, §§614(c), 618(a), Oct. 28, 2004, 118 Stat. 1948, 1949; Pub. L. 109–163, div. A, title VI, §§624(c), 629(a)–(c), 687(b)(14), Jan. 6, 2006, 119 Stat. 3295, 3297, 3329; Pub. L. 109–364, div. A, title VI, §614(c), Oct. 17, 2006, 120 Stat. 2248; Pub. L. 110–181, div. A, title VI, §614(b), Jan. 28, 2008, 122 Stat. 149; Pub. L. 110–417, [div. A], title V, §531(b), title VI, §614(c), Oct. 14, 2008, 122 Stat. 4449, 4485; Pub. L. 111–84, div. A, title VI, §615(3), title X, §1073(b), Oct. 28, 2009, 123 Stat. 2354, 2474; Pub. L. 111–383, div. A, title VI, §615(3), Jan. 7, 2011, 124 Stat. 4237; Pub. L. 112–81, div. A, title VI, §615(3), Dec. 31, 2011, 125 Stat. 1450; Pub. L. 112–239, div. A, title VI, §615(3), Jan. 2, 2013, 126 Stat. 1777; Pub. L. 113–66, div. A, title VI, §615(3), Dec. 26, 2013, 127 Stat. 781; Pub. L. 113–291, div. A, title VI, §615(3), Dec. 19, 2014, 128 Stat. 3401.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
308(a)	37:239(a). 37:239(e).	Oct. 12, 1949, ch. 681, §208; added July 16, 1954, ch. 535, §2, 68 Stat. 488; July 25, 1961, Pub. L. 87–103, §1 (as applicable to §208), 75 Stat. 219.
308(b)	37:239(b).	
308(c)	37:239(c).	
308(d)	37:239(d).	
308(e)	37:239(f).	
308(f)	37:239(g).	

In subsection (a), the words ''reenlists . . . after . . . compulsory or voluntary active duty or who voluntarily extends his enlistment for at least two years'' are substituted for the words ''reenlists . . . after . . . active duty'' and section 239(e) of existing title 37. The words ''(other than for training)'' are inserted, since the source statute has been consistently interpreted to exclude that kind of duty. The words ''or release'' are inserted in column 1 of the table and in footnotes 2, 4, and 5 to conform to the introductory language preceding the tables.

In subsection (b), the words ''a total of'' are omitted as surplusage.

AMENDMENTS

2014—Subsec. (g). Pub. L. 113–291 substituted ''December 31, 2015'' for ''December 31, 2014''.

2013—Subsec. (g). Pub. L. 113–66 substituted ''December 31, 2014'' for ''December 31, 2013''.

Pub. L. 112–239 substituted ''December 31, 2013'' for ''December 31, 2012''.

2011—Subsec. (g). Pub. L. 112–81 substituted ''December 31, 2012'' for ''December 31, 2011''.

Pub. L. 111–383 substituted ''December 31, 2011'' for ''December 31, 2010''.

2009—Subsec. (a)(2)(A)(ii). Pub. L. 111–84, §1073(b), struck out comma before period at end.

Subsec. (g). Pub. L. 111–84, §615(3), substituted ''December 31, 2010'' for ''December 31, 2009''.

2008—Subsec. (a)(2)(A)(ii). Pub. L. 110–417, §531(b), struck out ''not to exceed six'' after ''extension of enlistment,''.

Subsec. (g). Pub. L. 110–417, §614(c), substituted ''December 31, 2009'' for ''December 31, 2008''.

Pub. L. 110–181 substituted ''December 31, 2008'' for ''December 31, 2007''.

2006—Subsec. (a)(1)(A). Pub. L. 109–163, §629(a)(1), substituted ''20 years of active duty'' for ''16 years of active duty''.

Subsec. (a)(1)(C), (D). Pub. L. 109–163, §629(c), redesignated subpar. (D) as (C) and struck out former subpar. (C) which read as follows: ''is not receiving special pay under section 312a of this title; and''.

Subsec. (a)(2)(B). Pub. L. 109–163, §629(b), substituted ''$90,000'' for ''$60,000''.

Subsec. (a)(3). Pub. L. 109–163, §629(a)(2), substituted ''24 years'' for ''18 years''.

Subsec. (d). Pub. L. 109–163, §687(b)(14), amended subsec. (d) generally, substituting provisions referring to repayment provisions of section 303a(e) for specific provisions relating to refunds required when member is not technically qualified in skill for which bonus was paid or fails to complete term of enlistment for which bonus was paid.

Subsec. (g). Pub. L. 109–364 substituted ''December 31, 2007'' for ''December 31, 2006''.

Pub. L. 109–163, §624(c), substituted ''December 31, 2006'' for ''December 31, 2005''.

2004—Subsec. (a)(1). Pub. L. 108–375, §618(a)(1)(D), struck out concluding provisions which read as follows: ''may be paid a bonus as provided in paragraph (2).''

Pub. L. 108–375, §618(a)(1)(A), in introductory provisions, substituted ''The Secretary concerned may pay a bonus under paragraph (2) to a member'' for ''A member''.

Subsec. (a)(1)(A). Pub. L. 108–375, §618(a)(1)(B), substituted ''16 years'' for ''fourteen years''.

Subsec. (a)(1)(D). Pub. L. 108–375, §618(a)(1)(C), which directed that a period be substituted for the semicolon at end, could not be executed because a period already appeared at end.

Subsec. (a)(3). Pub. L. 108–375, §618(a)(2), substituted ''18 years'' for ''16 years''.

Subsec. (g). Pub. L. 108–375, §614(c), substituted ''December 31, 2005'' for ''December 31, 2004''.

2003—Subsec. (a)(5). Pub. L. 108–136, §626(a), added par. (5).

Subsec. (g). Pub. L. 108–136, §614(b), substituted ''December 31, 2004'' for ''December 31, 2003''.

2002—Subsecs. (a)(1)(B), (d)(2), (f). Pub. L. 107–296 substituted ''of Homeland Security'' for ''of Transportation'' wherever appearing.

Subsec. (g). Pub. L. 107–314 substituted ''December 31, 2003'' for ''December 31, 2002''.

2001—Subsec. (g). Pub. L. 107–107 substituted ''December 31, 2002'' for ''December 31, 2001''.

2000—Subsec. (g). Pub. L. 106–398 substituted ''December 31, 2001'' for ''December 31, 2000''.

1999—Subsec. (a)(1)(A). Pub. L. 106–65, §618(a), substituted ''17 months'' for ''twenty-one months''.

Subsec. (a)(2)(A)(i). Pub. L. 106–65, §618(b)(1), substituted ''15'' for ''ten''.

Subsec. (a)(2)(B). Pub. L. 106–65, §618(b)(2), substituted ''$60,000'' for ''$45,000''.

Subsec. (g). Pub. L. 106–65, §613(b), substituted ''December 31, 2000'' for ''December 31, 1999''.

1998—Subsec. (a)(1)(D). Pub. L. 105–261, §618, amended subpar. (D) generally. Prior to amendment, subpar. (D) read as follows: ''reenlists or voluntarily extends his enlistment in a regular component of the service concerned for a period of at least three years;''.

Subsec. (b). Pub. L. 105–261, §619, designated par. (1) as entire subsec. and struck out par. (2) which read as follows: ''Of the bonuses paid under this section to members of a uniformed service during a fiscal year, not more than 10 percent may exceed $20,000.''

Subsec. (g). Pub. L. 105–261, §613(b), substituted ''December 31, 1999'' for ''September 30, 1999''.

1997—Subsec. (g). Pub. L. 105–85 substituted ''September 30, 1999'' for ''September 30, 1998''.

1996—Subsec. (g). Pub. L. 104–201 substituted ''September 30, 1998'' for ''September 30, 1997''.

Pub. L. 104–106 substituted ''September 30, 1997'' for ''September 30, 1996''.

1994—Subsec. (g). Pub. L. 103–337 substituted ''September 30, 1996'' for ''September 30, 1995''.

1993—Subsec. (g). Pub. L. 103–160 substituted ''September 30, 1995'' for ''September 30, 1993''.

1992—Subsec. (g). Pub. L. 102–484 substituted ''September 30, 1993'' for ''September 30, 1992''.

1991—Subsec. (c). Pub. L. 102–25 struck out ''of this section'' after ''subsection (a)''.

1990—Subsec. (d). Pub. L. 101–510 designated existing provisions as par. (1) and added par. (2).

1989—Subsec. (a)(1). Pub. L. 101–189, § 611(a)(1), substituted ''may be paid a bonus as provided in paragraph (2)'' for ''may be paid a bonus, not to exceed six months of the basic pay to which he was entitled at the time of his discharge or release, multiplied by the number of years, or the monthly fractions thereof, of additional obligated service, not to exceed six years, or $30,000, whichever is the lesser amount. Obligated service in excess of sixteen years will not be used for bonus computation''.

Subsec. (a)(2), (3). Pub. L. 101–189, § 611(a)(3), added pars. (2) and (3). Former par. (2) redesignated (4).

Subsec. (a)(4). Pub. L. 101–189, § 611(a)(2), redesignated former par. (2) as (4) and struck out ''of this subsection'' after ''paragraph (1)(B)''.

1987—Subsec. (b)(1). Pub. L. 100–180, § 625(a), amended par. (1) generally. Prior to amendment, par. (1) read as follows: ''Not less than 75 percent of the amount of a bonus under this section shall be paid in a lump sum at the beginning of the period for which the bonus is paid, with any remaining amount paid in equal annual installments.''

Subsec. (g). Pub. L. 100–180, § 626(a), substituted ''September 30, 1992'' for ''September 30, 1987''.

1985—Subsec. (b)(1). Pub. L. 99–145 amended par. (1) generally. Prior to amendment, par. (1) read as follows: ''Bonus payments authorized under this section may be paid in either a lump sum or in installments.''

1984—Subsec. (a)(1). Pub. L. 98–525, § 621(b)(1), substituted ''$30,000'' for ''$20,000'' in provisions following subpar. (D).

Subsec. (b). Pub. L. 98–525, § 621(b)(2), designated existing provisions as par. (1) and added par. (2).

Subsec. (g). Pub. L. 98–525, § 621(a), substituted ''September 30, 1987'' for ''September 30, 1984''.

1983—Subsec. (g). Pub. L. 98–14 substituted ''September 30, 1984'' for ''March 31, 1983''.

1982—Subsec. (g). Pub. L. 97–377 substituted ''March 31, 1983'' for ''December 17, 1982''.

Pub. L. 97–276 substituted ''December 17, 1982'' for ''September 30, 1982''. Notwithstanding directory language that amendment be made to section 308(g) of ''title 35, United States Code'', amendment was executed to this section as the probable intent of Congress.

1981—Subsec. (e). Pub. L. 97–60 inserted provision that any unserved period of two years or less of an extension of an enlistment for which no bonus has been paid or for which no bonus is otherwise payable under this section may be considered as part of an immediately subsequent term of reenlistment (or as part of an immediately subsequent voluntary extension of an enlistment) and substituted ''Secretary concerned'' for ''Secretary of the Navy'' as authority authorized to prescribe regulations.

1980—Subsec. (a)(1). Pub. L. 96–342, § 804(a)(1), substituted ''fourteen years'' for ''ten years'' in subpar. (A) and, in provisions following subpar. (D), substituted ''$20,000'' for ''$15,000'' and ''sixteen years'' for ''twelve years''.

Subsec. (e). Pub. L. 96–579 added subsec. (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 96–579 redesignated former subsec. (e) as (f). Former subsec. (f) redesignated (g).

Pub. L. 96–342, § 804(a)(2), substituted ''September 30, 1982'' for ''September 30, 1980''.

Subsec. (g). Pub. L. 96–579 redesignated former subsec. (f) as (g).

1978—Subsec. (a). Pub. L. 95–485, § 802(a)(1), designated existing provision as par. (1) and existing pars. (1) to (4) thereof as subpars. (A) to (D), in subpar. (B) as so redesignated, substituted ''qualified in a military skill designated as critical'' for ''designated as having a critical military skill'', and added par. (2).

Subsec. (f). Pub. L. 95–485, § 802(b), substituted ''September 30, 1980'' for ''September 30, 1978''.

1977—Subsec. (d). Pub. L. 95–57, § 1(a), substituted ''or a member who is not technically qualified in the skill for which a bonus was paid to him under this section (other than a member who is not qualified because of injury, illness, or other impairment not the result of his own misconduct) shall refund that percentage of the bonus, that the unexpired part of his additional obligated service is of the total reenlistment or extension period for which the bonus was paid'' for ''shall refund that percentage of the bonus that the unexpired part of his enlistment is of the total enlistment period for which the bonus was paid''.

Subsec. (f). Pub. L. 95–57, § 1(b), substituted ''September 30, 1978'' for ''June 30, 1977''.

1974—Pub. L. 93–277 amended section generally.

1968—Subsecs. (e), (g). Pub. L. 90–623 substituted ''Secretary of Transportation'' for ''Secretary of the Treasury''.

1965—Subsec. (g). Pub. L. 89–132 added subsec. (g).

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–181 effective as of Dec. 31, 2007, and subject to various special provisions, see section 610 of Pub. L. 110–181, set out as a Correction of Lapsed Authorities for Payment of Bonuses, Special Pays, and Similar Benefits for Members of the Uniformed Services note under section 2130a of Title 10, Armed Forces.

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108–375, div. A, title VI, § 618(g), Oct. 28, 2004, 118 Stat. 1950, provided that: ''The amendment made by subsection (a)(2) [amending this section] shall apply only with respect to the computation of a bonus under section 308(a)(2)(A) of title 37, United States Code, made on or after the date of the enactment of this Act [Oct. 28, 2004].''

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108–136, div. A, title VI, § 626(d), Nov. 24, 2003, 117 Stat. 1508, provided that: ''The amendments made by this section [amending this section and sections 308b and 308h of this title] shall take effect as of March 18, 2003, and apply with respect to reenlistments or the voluntary extension of enlistments that are entered into on or after that date.''

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 1999 AMENDMENT

Pub. L. 106–65, div. A, title VI, § 618(c), Oct. 5, 1999, 113 Stat. 652, provided that: ''The amendments made by subsections (a) and (b) [amending this section] shall take effect on October 1, 1999, and shall apply with respect to reenlistments and extensions of enlistments taking effect on or after that date.''

EFFECTIVE DATE OF 1993 AMENDMENT

Pub. L. 103–160, div. A, title VI, § 613(h)(1), Nov. 30, 1993, 107 Stat. 1681, provided that: ''The amendments made by subsections (b) and (c) [amending this section and section 308a of this title] shall take effect as of September 30, 1993, and shall apply with respect to an enlistment, reenlistment, or extension of an enlistment described in section 308 or 308a of title 37, United States Code, occurring on or after that date.''

EFFECTIVE DATE OF 1990 AMENDMENT

Pub. L. 101–510, div. A, title VI, § 615(b), Nov. 5, 1990, 104 Stat. 1578, provided that: ''The amendment made by

subsection (a) [amending this section] shall apply with respect to any bonus paid under section 308 of title 37, United States Code, to a person in connection with the reenlistment or extension of the term of enlistment of the person in the Armed Forces on or after the date of the enactment of this Act [Nov. 5, 1990].''

EFFECTIVE DATE OF 1989 AMENDMENT

Pub. L. 101–189, div. A, title VI, § 611(b), Nov. 29, 1989, 103 Stat. 1445, provided that: ''The amendments made by this section [amending this section] shall apply with respect to reenlistment and extension of enlistment agreements entered into under section 308(a) of title 37, United States Code, after September 30, 1989.''

EFFECTIVE DATE OF 1987 AMENDMENT

Pub. L. 100–180, div. A, title VI, § 625(b), Dec. 4, 1987, 101 Stat. 1104 provided that: ''The amendment made by subsection (a) [amending this section] shall apply with respect to bonuses paid for reenlistment or extension of enlistment agreements entered into after September 30, 1987.''

EFFECTIVE DATE OF 1985 AMENDMENT

Pub. L. 99–145, title VI, § 631(b), Nov. 8, 1985, 99 Stat. 643, provided that: ''The amendment made by subsection (a) [amending this section] shall apply with respect to bonuses paid for reenlistments or extensions of enlistment effective after September 30, 1986.''

EFFECTIVE DATE OF 1981 AMENDMENT

Pub. L. 97–60, title I, § 117(d), Oct. 14, 1981, 95 Stat. 997, provided that: ''The amendments made by this section [enacting section 308f of this title and amending this section and section 308a of this title] shall apply to enlistments and reenlistments after the date of enactment of this Act [Oct. 14, 1981].''

EFFECTIVE DATE OF 1980 AMENDMENTS

Pub. L. 96–342, title VIII, § 804(c), Sept. 8, 1980, 94 Stat. 1092, provided that: ''The amendments made by this section [amending this section and section 308a of this title] shall only apply to enlistments, reenlistments, and extensions of enlistments made after September 30, 1980.''

Amendment by Pub. L. 96–579 effective Jan. 1, 1981, see section 3(g) of Pub. L. 96–579, set out as an Effective Date note under section 301c of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Pub. L. 95–485, title VIII, § 802(a)(2), Oct. 20, 1978, 92 Stat. 1619, provided that: ''The amendments made by paragraph (12) [amending this section] shall take effect on October 1, 1978.''

EFFECTIVE DATE OF 1977 AMENDMENT

Pub. L. 95–57, § 3, June 29, 1977, 91 Stat. 253, provided that: ''The amendments made by this Act [amending this section and section 308a of this title] shall become effective on July 1, 1977.''

EFFECTIVE DATE OF 1974 AMENDMENT

Pub. L. 93–277, § 4, May 10, 1974, 88 Stat. 121, provided that: ''The amendments made by this Act [amending this section and section 308a of this title and enacting provisions set out below] become effective on the first day of the month following the date of enactment [May 10, 1974].''

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.

EFFECTIVE DATE OF 1965 AMENDMENT

Amendment by Pub. L. 89–132 effective Sept. 1, 1965, see section 10 of Pub. L. 89–132, set out as a note under section 203 of this title.

SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(b) of Pub. L. 109–163, see section 687(f) of Pub. L. 109–163, set out as a note under section 510 of Title 10, Armed Forces.

COVERAGE OF PERIOD OF LAPSED AUTHORITY

For provisions relating to coverage of period of lapsed authority from Oct. 1, 1992, to Oct. 23, 1992, for payment of bonuses or other special pay under this section, see section 612(j)(2) of Pub. L. 102–484, set out as a note under section 301b of this title.

Pub. L. 100–180, div. A, title VI, § 626(c), Dec. 4, 1987, 101 Stat. 1104, provided that:

''(1) The Secretary concerned, in the case of any person who during the period beginning on October 1, 1987, and ending on the date of the enactment of this Act [Dec. 4, 1987] would have qualified for an agreement with the Secretary described in paragraph (2) but for the fact that the authority for the payment of bonuses provided by that section had lapsed, shall pay to that person a bonus under the terms of the appropriate section specified in that paragraph (and related regulations) as in effect on September 30, 1987.

''(2) An agreement referred to in paragraph (1) is an agreement with the Secretary for the payment of a bonus under section 308, 308a, 308b, 308c, 308e, 308f, 308g, 308h, or 308i of title 37, United States Code.''

COST REDUCTIONS FOR FISCAL YEAR 1987; SELECTIVE REIMBURSEMENT BONUS

Pub. L. 99–661, div. A, title VI, § 663(a), Nov. 14, 1986, 100 Stat. 3894, provided that: ''During fiscal year 1987, the Secretary concerned may not pay more than 50 percent of an amount paid to any person under section 308 of title 37, United States Code, in a lump sum.''.

OPTIONAL CHOICE OF REENLISTMENT BONUS

Pub. L. 93–277, § 3, May 10, 1974, 88 Stat. 121, provided that: ''Notwithstanding section 308 of title 37, United States Code, as amended by this Act, a member of a uniformed service on active duty on the effective date of this Act, who would have been eligible, at the end of his current or subsequent enlistment, for the reenlistment bonus prescribed in section 308(a) or (d) of that title, as it existed on the day before the effective date of this Act, shall continue to be eligible for the reenlistment bonus under that section as it existed on the day before the effective date of this act. If a member is also eligible for the reenlistment bonus prescribed in that section as amended by this Act, he may elect to receive either one of those reenlistment bonuses. However, a member's eligibility under section 308(a) or (d) of that title, as it existed on the day before the effective date of this Act, terminates when he has received a total of $2,000 in reenlistment bonus payments, received under either section 308(a) or (d) of that title as it existed on the day before the effective date of this Act, or under section 308 of that title, as amended by this Act, or from a combination of both.''

[§ 308a. Repealed. Pub. L. 106–398, § 1 [[div. A], title VI, § 624(b)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A–153]

Section, added Pub. L. 92–129, title II, § 203(a), Sept. 28, 1971, 85 Stat. 358; amended Pub. L. 93–64, title II, § 204, July 9, 1973, 87 Stat. 149; Pub. L. 93–277, § 2(2), May 10, 1974, 88 Stat. 120; Pub. L. 95–57, § 2, June 29, 1977, 91

Stat. 253; Pub. L. 95–485, title VIII, § 802(b), Oct. 20, 1978, 92 Stat. 1619; Pub. L. 96–342, title VIII, § 804(b), Sept. 8, 1980, 94 Stat. 1092; Pub. L. 97–60, title I, § 117(b), Oct. 14, 1981, 95 Stat. 996; Pub. L. 97–276, title I, § 131, Oct. 2, 1982, 96 Stat. 1197; Pub. L. 97–377, title I, § 101(c) [title VII, § 798], Dec. 21, 1982, 96 Stat. 1833, 1865; Pub. L. 98–14, § 1, Mar. 30, 1983, 97 Stat. 55; Pub. L. 98–525, title VI, § 621(a), Oct. 19, 1984, 98 Stat. 2540; Pub. L. 100–180, div. A, title VI, § 626(a), Dec. 4, 1987, 101 Stat. 1104; Pub. L. 101–189, div. A, title VI, § 612(a), Nov. 29, 1989, 103 Stat. 1445; Pub. L. 102–484, div. A, title VI, § 612(b), Oct. 23, 1992, 106 Stat. 2421; Pub. L. 103–160, div. A, title VI, § 613(c), Nov. 30, 1993, 107 Stat. 1681; Pub. L. 103–337, div. A, title VI, § 613(c), Oct. 5, 1994, 108 Stat. 2783; Pub. L. 104–106, div. A, title VI, § 613(c), Feb. 10, 1996, 110 Stat. 359; Pub. L. 104–201, div. A, title VI, § 613(c), Sept. 23, 1996, 110 Stat. 2544; Pub. L. 105–85, div. A, title VI, § 613(c), Nov. 18, 1997, 111 Stat. 1786; Pub. L. 105–261, div. A, title VI, § 613(c), Oct. 17, 1998, 112 Stat. 2039; Pub. L. 106–65, div. A, title VI, §§ 613(c), 619(a)–(c), Oct. 5, 1999, 113 Stat. 650, 652, 653, related to enlistment bonuses.

EFFECTIVE DATE OF REPEAL

Pub. L. 106–398, § 1 [[div. A], title VI, § 624(c)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A–153, provided that: ''The amendments made by subsection (b) [repealing this section and section 308f of this title] shall take effect on October 1, 2000. The repeal of sections 308a and 308f of title 37, United States Code, by such subsection shall not affect the validity or terms of any bonus provided under such sections for enlistments in the Armed Forces made before that date.''

§ 308b. Special pay: reenlistment bonus for members of the Selected Reserve

(a) AUTHORITY AND ELIGIBILITY REQUIREMENTS.—The Secretary concerned may pay a bonus under subsection (b) to an enlisted member of a reserve component who—

(1) has completed not more than 20 years of total military service; and

(2) reenlists or voluntarily extends an enlistment for a period of at least three years in a designated military skill, or in a designated unit, as determined by the Secretary concerned, in the Selected Reserve of the Ready Reserve of an armed force.

(b) BONUS AMOUNTS; PAYMENT.—(1) The amount of a bonus under this section may not exceed $15,000.

(2) Bonus payments authorized under this section may be paid in either a lump sum or in installments. If the bonus is paid in installments, the initial payment shall be not less than 50 percent of the total bonus amount. The Secretary concerned shall prescribe the amount of each subsequent installment payment and the schedule for making the installment payments.

(3) Any portion of a term of reenlistment or extension of enlistment of a member that, when added to the total years of service of the member at the time of discharge or release, exceeds 24 years may not be used in computing the total bonus amount under paragraph (1).

(c) WAIVER OF CONDITION ON ELIGIBILITY.—In the case of a reenlistment or voluntary extension of enlistment by a member of the armed forces that is entered into as described in subsection (a) while the member is serving on active duty in Afghanistan, Iraq, or Kuwait in support of Operation Enduring Freedom or Operation Iraqi Freedom, the Secretary concerned may waive so much of subsection (a)(2) as requires that the skill or unit in which the member reenlists or extends an enlistment be a designated skill or designated unit determined by the Secretary concerned.

(d) PAYMENT TO MOBILIZED MEMBERS.—A member entitled to a bonus under this section who is called or ordered to active duty shall be paid, during that period of active duty, any amount of the bonus that becomes payable to the member during that period of active duty.

(e) REPAYMENT.—A member who does not complete the term of enlistment in the element of the Selected Reserve for which the bonus was paid to the member under this section shall be subject to the repayment provisions of section 303a(e) of this title.

(f) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary of Homeland Security for the Coast Guard when it is not operating as a service in the Navy.

(g) TERMINATION OF AUTHORITY.—No bonus may be paid under this section to any enlisted member who, after December 31, 2015, reenlists or voluntarily extends his enlistment in a reserve component.

(Added Pub. L. 95–79, title IV, § 403(a)(1), July 30, 1977, 91 Stat. 330; amended Pub. L. 95–485, title IV, § 403, Oct. 20, 1978, 92 Stat. 1614; Pub. L. 96–342, title VIII, § 805(b), Sept. 8, 1980, 94 Stat. 1095; Pub. L. 97–295, § 3(2), Oct. 12, 1982, 96 Stat. 1303; Pub. L. 99–145, title VI, § 643(a), Nov. 8, 1985, 99 Stat. 652; Pub. L. 100–180, div. A, title VI, § 626(b), Dec. 4, 1987, 101 Stat. 1104; Pub. L. 101–189, div. A, title VI, §§ 613, 652(b)(1), Nov. 29, 1989, 103 Stat. 1446, 1461; Pub. L. 101–510, div. A, title XIII, § 1322(c)(4), Nov. 5, 1990, 104 Stat. 1672; Pub. L. 102–484, div. A, title VI, § 612(d), Oct. 23, 1992, 106 Stat. 2421; Pub. L. 103–160, div. A, title VI, § 612(a), Nov. 30, 1993, 107 Stat. 1680; Pub. L. 103–337, div. A, title VI, § 611(a), Oct. 5, 1994, 108 Stat. 2782; Pub. L. 104–106, div. A, title VI, § 611(a), Feb. 10, 1996, 110 Stat. 359; Pub. L. 104–201, div. A, title VI, § 611(b), Sept. 23, 1996, 110 Stat. 2543; Pub. L. 105–85, div. A, title VI, §§ 611(b), 621, Nov. 18, 1997, 111 Stat. 1785, 1790; Pub. L. 105–261, div. A, title VI, § 611(b), Oct. 17, 1998, 112 Stat. 2038; Pub. L. 106–65, div. A, title VI, § 611(b), Oct. 5, 1999, 113 Stat. 649; Pub. L. 106–398, § 1 [[div. A], title VI, § 621(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A–151; Pub. L. 107–107, div. A, title VI, § 611(b), Dec. 28, 2001, 115 Stat. 1135; Pub. L. 107–296, title XVII, § 1704(c), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 107–314, div. A, title VI, § 611(a), Dec. 2, 2002, 116 Stat. 2567; Pub. L. 108–136, div. A, title VI, §§ 611(a), 617, 626(b), Nov. 24, 2003, 117 Stat. 1500, 1503, 1507; Pub. L. 108–375, div. A, title VI, §§ 611(a), 618(b), Oct. 28, 2004, 118 Stat. 1946, 1949; Pub. L. 109–163, div. A, title VI, §§ 621(a), 630, 687(b)(15), Jan. 6, 2006, 119 Stat. 3294, 3297, 3330; Pub. L. 109–364, div. A, title VI, § 611(a), title X, § 1071(e)(7), Oct. 17, 2006, 120 Stat. 2247, 2401; Pub. L. 110–181, div. A, title VI, §§ 611(a), 619(a)–(c), Jan. 28, 2008, 122 Stat. 148, 151; Pub. L. 110–417, [div. A], title VI, § 611(a), Oct. 14, 2008, 122 Stat. 4484; Pub. L. 111–84, div. A, title VI, § 611(1), Oct. 28, 2009, 123 Stat. 2352; Pub. L.

111–383, div. A, title VI, § 611(1), Jan. 7, 2011, 124 Stat. 4236; Pub. L. 112–81, div. A, title VI, § 611(1), Dec. 31, 2011, 125 Stat. 1449; Pub. L. 112–239, div. A, title VI, § 611(1), Jan. 2, 2013, 126 Stat. 1775; Pub. L. 113–66, div. A, title VI, § 611(1), Dec. 26, 2013, 127 Stat. 779; Pub. L. 113–291, div. A, title VI, § 611(1), Dec. 19, 2014, 128 Stat. 3399.)

AMENDMENTS

2014—Subsec. (g). Pub. L. 113–291 substituted ''December 31, 2015'' for ''December 31, 2014''.

2013—Subsec. (g). Pub. L. 113–66 substituted ''December 31, 2014'' for ''December 31, 2013''.

Pub. L. 112–239 substituted ''December 31, 2013'' for ''December 31, 2012''.

2011—Subsec. (g). Pub. L. 112–81 substituted ''December 31, 2012'' for ''December 31, 2011''.

Pub. L. 111–383 substituted ''December 31, 2011'' for ''December 31, 2010''.

2009—Subsec. (g). Pub. L. 111–84 substituted ''December 31, 2010'' for ''December 31, 2009''.

2008—Subsec. (a)(2). Pub. L. 110–181, § 619(a), substituted ''an enlistment for a period of at least three years'' for ''his enlistment for a period of three years or for a period of six years''.

Subsec. (b)(1). Pub. L. 110–181, § 619(b), substituted ''may not exceed $15,000.'' for ''may not exceed—

''(A) $15,000, in the case of a member who reenlists or extends an enlistment for a period of six years;

''(B) $7,500, in the case of a member who, having never received a bonus under this section, reenlists or extends an enlistment for a period of three years; and

''(C) $6,000, in the case of a member who, having received a bonus under this section for a previous three-year reenlistment or extension of an enlistment, reenlists or extends the enlistment for an additional period of three years.''

Subsec. (c). Pub. L. 110–181, § 619(c), substituted ''Waiver of Condition on Eligibility'' for ''Condition on Eligibility'' in heading, struck out par. (2) designation before ''In the case'' and ''paragraph (1)(B) or'' after ''may waive so much of'', and struck out par. (1) which read as follows:

''(1) To be eligible for a second bonus under this section in the amount specified in subsection (b)(1)(C), a member must—

''(A) enter into the subsequent reenlistment or extension of an enlistment for a period of three years not later than the date on which the enlistment or extension for which the first bonus was paid would expire; and

''(B) still satisfy the designated skill or unit requirements required under subsection (a)(2).''

Subsec. (g). Pub. L. 110–417 substituted ''December 31, 2009'' for ''December 31, 2008''.

Pub. L. 110–181, § 611(a), substituted ''December 31, 2008'' for ''December 31, 2007''.

2006—Subsec. (a)(1). Pub. L. 109–163, § 630(a), substituted ''20 years of total military service'' for ''16 years of total military service''.

Subsec. (b)(3). Pub. L. 109–163, § 630(b), added par. (3).

Subsec. (e). Pub. L. 109–163, § 687(b)(15), as amended by Pub. L. 109–364, § 1071(e)(7), amended heading and text of subsec. (e) generally. Prior to amendment, text read as follows: ''A member who receives a bonus under this section and who fails, during the period for which the bonus was paid, to serve satisfactorily in the element of the Selected Reserve of the Ready Reserve with respect to which the bonus was paid shall refund to the United States an amount that bears the same ratio to the amount of the bonus paid to the member as the period that the member failed to serve satisfactorily bears to the total period for which the bonus was paid.''

Subsec. (g). Pub. L. 109–364, § 611(a), substituted ''December 31, 2007'' for ''December 31, 2006''.

Pub. L. 109–163, § 621(a), substituted ''December 31, 2006'' for ''December 31, 2005''.

2004—Subsec. (a). Pub. L. 108–375, § 618(b)(1)(D), struck out concluding provisions which read as follows: ''may be paid a bonus as provided in subsection (b).''

Pub. L. 108–375, § 618(b)(1)(A), in introductory provisions, substituted ''The Secretary concerned may pay a bonus under subsection (b) to an enlisted member'' for ''An enlisted member''.

Subsec. (a)(1). Pub. L. 108–375, § 618(b)(1)(B), substituted ''not more than 16 years'' for ''less than 14 years''.

Subsec. (a)(2). Pub. L. 108–375, § 618(b)(1)(C), substituted period for semicolon at end.

Subsec. (b)(1)(A). Pub. L. 108–375, § 618(b)(2)(A), substituted ''$15,000'' for ''$5,000''.

Subsec. (b)(1)(B). Pub. L. 108–375, § 618(b)(2)(B), substituted ''$7,500'' for ''$2,500''.

Subsec. (b)(1)(C). Pub. L. 108–375, § 618(b)(2)(C), substituted ''$6,000'' for ''$2,000''.

Subsec. (b)(2). Pub. L. 108–375, § 618(b)(3), amended par. (2) generally. Prior to amendment, par. (2) read as follows: ''Any bonus payable under this section shall be disbursed in one initial payment of an amount not to exceed one-half of the total amount of the bonus and subsequent periodic partial payments of the balance of the bonus. The Secretary concerned shall prescribe the amount of each partial payment and the schedule for making the partial payments.''

Subsec. (c). Pub. L. 108–375, § 618(b)(4)(A), struck out ''; LIMITATION ON NUMBER OF BONUSES'' after ''ELIGIBILITY'' in heading.

Subsec. (c)(2), (3). Pub. L. 108–375, § 618(b)(4)(B), redesignated par. (3) as (2) and struck out former par. (2) which read as follows: ''A member may not be paid more than one six-year bonus or two three-year bonuses under this section.''

Subsec. (g). Pub. L. 108–375, § 611(a), substituted ''December 31, 2005'' for ''December 31, 2004''.

2003—Subsec. (c)(3). Pub. L. 108–136, § 626(b), added par. (3).

Subsecs. (d), (e). Pub. L. 108–136, § 617, added subsec. (d) and redesignated former subsec. (d) as (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 108–136, § 617(1), redesignated subsec. (e) as (f). Former subsec. (f) redesignated (g).

Pub. L. 108–136, § 611(a), substituted ''December 31, 2004'' for ''December 31, 2003''.

Subsec. (g). Pub. L. 108–136, § 617(1), redesignated subsec. (f) as (g).

2002—Subsec. (e). Pub. L. 107–296 substituted ''of Homeland Security'' for ''of Transportation''.

Subsec. (f). Pub. L. 107–314 substituted ''December 31, 2003'' for ''December 31, 2002''.

2001—Subsec. (f). Pub. L. 107–107 substituted ''December 31, 2002'' for ''December 31, 2001''.

2000—Subsec. (f). Pub. L. 106–398 substituted ''December 31, 2001'' for ''December 31, 2000''.

1999—Subsec. (f). Pub. L. 106–65 substituted ''December 31, 2000'' for ''December 31, 1999''.

1998—Subsec. (f). Pub. L. 105–261 substituted ''December 31, 1999'' for ''September 30, 1999''.

1997—Subsec. (a). Pub. L. 105–85, § 621(e)(1), inserted heading.

Subsec. (a)(1). Pub. L. 105–85, § 621(a), substituted ''14 years'' for ''ten years''.

Subsec. (b). Pub. L. 105–85, § 621(b), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: ''The bonus to be paid under subsection (a) shall be—

''(1) an initial payment of—

''(A) an amount not to exceed $1,250, in the case of a member who reenlists or voluntarily extends his enlistment for a period of three years; or

''(B) an amount not to exceed $2,500, in the case of a member who reenlists or voluntarily extends his enlistment for a period of six years; and

''(2) a subsequent payment of not to exceed $416.66 upon the completion of each year of the period of such reenlistment or extension of enlistment during which such member has satisfactorily participated in training with his unit.''

Subsec. (c). Pub. L. 105–85, § 621(c), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: ''No member shall be paid more than one bonus under this section.''

Subsec. (d). Pub. L. 105–85, § 621(d), amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: ''A member who fails to participate satisfactorily in training with his unit during a term of enlistment for which a bonus is being paid to him under this section shall refund an amount equal to the amount by which the amount of such bonus exceeds the product of—

''(1) the number of months during that term of enlistment during which such member participated satisfactorily in training with his unit; and

''(2) $69.44.''

Subsec. (e). Pub. L. 105–85, § 621(e)(2), inserted heading.

Subsec. (f). Pub. L. 105–85, § 621(e)(3), inserted heading.

Pub. L. 105–85, § 611(b), substituted ''September 30, 1999'' for ''September 30, 1998''.

1996—Subsec. (f). Pub. L. 104–201 substituted ''September 30, 1998'' for ''September 30, 1997''.

Pub. L. 104–106 substituted ''September 30, 1997'' for ''September 30, 1996''.

1994—Subsec. (f). Pub. L. 103–337 substituted ''September 30, 1996'' for ''September 30, 1995''.

1993—Subsec. (f). Pub. L. 103–160 substituted ''September 30, 1995'' for ''September 30, 1993''.

1992—Subsec. (f). Pub. L. 102–484 substituted ''September 30, 1993'' for ''September 30, 1992''.

1990—Subsecs. (e) to (g). Pub. L. 101–510 redesignated subsecs. (f) and (g) as (e) and (f), respectively, and struck out former subsec. (e) which read as follows: ''The Secretary of defense shall submit a report to the Congress every three months listing the units of the Selected Reserve of the Ready Reserve which have been designated by him for purposes of subsection (a)(3) and stating the number of members of the Selected Reserve of the Ready Reserve who at the time of such report are serving a term of enlistment for which a bonus is being paid under this section.''

1989—Subsec. (e). Pub. L. 101–189, § 652(b)(1), struck out at end ''The first such report shall be submitted not later than December 31, 1977.''

Subsec. (g). Pub. L. 101–189, § 613, substituted ''September 30, 1992'' for ''September 30, 1990''.

1987—Subsec. (g). Pub. L. 100–180 substituted ''September 30, 1990'' for ''September 30, 1987''.

1985—Subsec. (b)(1). Pub. L. 99–145, § 643(a)(1)(A), substituted ''$1,250'' for ''$450'' in subpar. (A) and ''$2,500'' for ''$900'' in subpar. (B).

Subsec. (b)(2). Pub. L. 99–145, § 643(a)(1)(B), substituted ''$416.66'' for ''$150''.

Subsec. (d)(2). Pub. L. 99–145, § 643(a)(2), substituted ''$69.44'' for ''$25''.

Subsec. (g). Pub. L. 99–145, § 643(a)(3), substituted ''September 30, 1987'' for ''September 30, 1985''.

1982—Subsec. (a)(1). Pub. L. 97–295 substituted ''service'' for ''services''.

1980—Subsec. (g). Pub. L. 96–342 substituted ''September 30, 1985'' for ''September 30, 1980''.

1978—Subsec. (a). Pub. L. 95–485, § 403(a), substituted provision requiring that for an enlisted member of a reserve component to be eligible for the bonus provided in subsec. (b) he has completed less than 10 years of total military services for provision requiring that the enlisted member had initially enlisted in a reserve component, other than a reserve component under the delayed enlistment program for the active forces, and that he had completed less than 10 years of service as a member of a reserve component.

Subsec. (b). Pub. L. 95–485, § 403(b), inserted ''an amount not to exceed'' before ''$450'', ''$900'', and ''$150'', respectively.

Subsec. (g). Pub. L. 95–485, § 403(c), substituted ''September 30, 1980'' for ''September 30, 1978''.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by section 611(a) of Pub. L. 110–181 effective as of Dec. 31, 2007, and subject to various special provisions, see section 610 of Pub. L. 110–181, set out as a Correction of Lapsed Authorities for Payment of Bonuses, Special Pays, and Similar Benefits for Members of the Uniformed Services note under section 2130a of Title 10, Armed Forces.

Pub. L. 110–181, div. A, title VI, § 619(d), Jan. 28, 2008, 122 Stat. 151, provided that: ''The amendments made by this section [amending this section] shall apply with respect to reenlistments or extensions of enlistment that occur on or after the date of the enactment of this Act [Jan. 28, 2008].''

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109–364, div. A, title X, § 1071(e), Oct. 17, 2006, 120 Stat. 2401, provided that the amendment made by section 1071(e)(7) is effective as of Jan. 6, 2006, and as if included in Pub. L. 109–163 as enacted.

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by section 626(b) of Pub. L. 108–136 effective Mar. 18, 2003, and applicable to reenlistments or voluntary extensions of enlistments entered into on or after that date, see section 626(d) of Pub. L. 108–136, set out as a note under section 308 of this title.

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 1993 AMENDMENT

Pub. L. 103–160, div. A, title VI, § 612(f), Nov. 30, 1993, 107 Stat. 1681, provided that: ''The amendments made by subsections (a), (b), (d), and (e) [amending this section and sections 308c, 308h, and 308i of this title] shall take effect as of September 30, 1993, and shall apply with respect to an enlistment, reenlistment, or extension of an enlistment described in section 308b, 308c, 308h, or 308i of title 37, United States Code, occurring on or after that date.''

EFFECTIVE DATE OF 1985 AMENDMENT

Pub. L. 99–145, title VI, § 643(b), Nov. 8, 1985, 99 Stat. 652, provided that: ''The amendments made by subsection (a) [amending this section] shall take effect on October 1, 1985.''

EFFECTIVE DATE

Pub. L. 95–79, title IV, § 403(b), July 30, 1977, 91 Stat. 331, provided that: ''The amendments made by subsection (a) [enacting this section] shall apply with respect to any reenlistment, or voluntary extension of an enlistment, in the Selected Reserve of any reserve component of the Armed Forces after September 30, 1977.''

SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(b) of Pub. L. 109–163, see section 687(f) of Pub. L. 109–163, set out as a note under section 510 of Title 10, Armed Forces.

COVERAGE OF PERIOD OF LAPSED AUTHORITY

For provisions relating to coverage of period of lapsed authority from Oct. 1, 1992, to Oct. 23, 1992, for payment of bonuses or other special pay under this section, see section 612(j)(2) of Pub. L. 102–484, set out as a note under section 301b of this title.

§ 308c. Special pay: bonus for affiliation or enlistment in the Selected Reserve

(a) AFFILIATION BONUS AUTHORIZED.—The Secretary concerned may pay an affiliation bonus to an enlisted member of an armed force who—

(1) has completed fewer than 20 years of military service; and

(2) executes a written agreement to serve in the Selected Reserve of the Ready Reserve of an armed force for a period of not less than three years in a skill, unit, or pay grade designated under subsection (b) after being discharged or released from active duty under honorable conditions.

(b) DESIGNATION OF SKILLS, UNITS, AND PAY GRADES.—The Secretary concerned shall designate the skills, units, and pay grades for which an affiliation bonus may be paid under subsection (a). Any skill, unit, or pay grade so designated shall be a skill, unit, or pay grade for which there is a critical need for personnel in the Selected Reserve of the Ready Reserve of an armed force, as determined by the Secretary concerned. The Secretary concerned shall establish other requirements to ensure that members accepted for affiliation meet required performance and discipline standards.

(c) ACCESSION BONUS AUTHORIZED.—The Secretary concerned may pay an accession bonus to a person who—

(1) has not previously served in the armed forces or has served in the armed forces, but was released from such service before completing the basic training requirements of the armed force of which the person was a member and the service was characterized as either honorable or uncharacterized; and

(2) executes a written agreement to serve as an enlisted member in the Selected Reserve of the Ready Reserve of an armed force for a period of not less than three years upon acceptance of the agreement by the Secretary concerned.

(d) LIMITATION ON AMOUNT OF BONUS.—The amount of a bonus under subsection (a) or (c) may not exceed $20,000.

(e) PAYMENT METHOD.—Upon acceptance of a written agreement by the Secretary concerned, the total amount of the bonus payable under the agreement becomes fixed. The agreement shall specify whether the bonus shall be paid by the Secretary concerned in a lump sum or in installments.

(f) CONTINUED ENTITLEMENT TO BONUS PAYMENTS.—A member entitled to a bonus under this section who is called or ordered to active duty shall be paid, during that period of active duty, any amount of the bonus that becomes payable to the member during that period of active duty.

(g) REPAYMENT.—A person who enters into an agreement under subsection (a) or (c) and receives all or part of the bonus under the agreement, but who does not commence to serve in the Selected Reserve or does not satisfactorily participate in the Selected Reserve for the total period of service specified in the agreement, shall be subject to the repayment provisions of section 303a(e) of this title.

(h) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under the jurisdiction of the Secretary of Defense and by the Secretary of Homeland Security for the Coast Guard when it is not operating as a service in the Navy.

(i) TERMINATION OF BONUS AUTHORITY.—No bonus may be paid under this section with respect to any agreement entered into under subsection (a) or (c) after December 31, 2015.

(Added Pub. L. 95–485, title IV, § 404(a), Oct. 20, 1978, 92 Stat. 1614; amended Pub. L. 96–342, title VIII, § 805(b), Sept. 8, 1980, 94 Stat. 1095; Pub. L. 97–22, § 11(b)(1), July 10, 1981, 95 Stat. 138; Pub. L. 99–145, title VI, § 642, Nov. 8, 1985, 99 Stat. 652; Pub. L. 100–180, div. A, title VI, § 626(b), Dec. 4, 1987, 101 Stat. 1104; Pub. L. 101–189, div. A, title VI, §§ 613, 652(b), Nov. 29, 1989, 103 Stat. 1446, 1461; Pub. L. 101–510, div. A, title XIII, § 1322(c)(5), Nov. 5, 1990, 104 Stat. 1672; Pub. L. 102–484, div. A, title VI, § 612(d), Oct. 23, 1992, 106 Stat. 2421; Pub. L. 103–160, div. A, title VI, § 612(b), Nov. 30, 1993, 107 Stat. 1680; Pub. L. 103–337, div. A, title VI, § 611(b), Oct. 5, 1994, 108 Stat. 2782; Pub. L. 104–106, div. A, title VI, § 611(b), Feb. 10, 1996, 110 Stat. 359; Pub. L. 104–201, div. A, title VI, § 611(c), Sept. 23, 1996, 110 Stat. 2543; Pub. L. 105–85, div. A, title VI, § 611(c), Nov. 18, 1997, 111 Stat. 1785; Pub. L. 105–261, div. A, title VI, § 611(c), Oct. 17, 1998, 112 Stat. 2038; Pub. L. 106–65, div. A, title VI, §§ 611(c), 620(a), (b), Oct. 5, 1999, 113 Stat. 649, 653; Pub. L. 106–398, § 1 [[div. A], title VI, § 621(c)], Oct. 30, 2000, 114 Stat. 1654, 1654A–151; Pub. L. 107–107, div. A, title VI, § 611(c), Dec. 28, 2001, 115 Stat. 1135; Pub. L. 107–296, title XVII, § 1704(c), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 107–314, div. A, title VI, § 611(b), Dec. 2, 2002, 116 Stat. 2567; Pub. L. 108–136, div. A, title VI, § 611(b), Nov. 24, 2003, 117 Stat. 1500; Pub. L. 108–375, div. A, title VI, §§ 611(b), 618(c), Oct. 28, 2004, 118 Stat. 1946, 1949; Pub. L. 109–163, div. A, title VI, §§ 631(a), 687(b)(16), Jan. 6, 2006, 119 Stat. 3298, 3330; Pub. L. 109–364, div. A, title VI, § 611(b), Oct. 17, 2006, 120 Stat. 2247; Pub. L. 110–181, div. A, title VI, §§ 611(b), 620, Jan. 28, 2008, 122 Stat. 148, 151; Pub. L. 110–417, [div. A], title VI, § 611(b), Oct. 14, 2008, 122 Stat. 4484; Pub. L. 111–84, div. A, title VI, § 611(2), Oct. 28, 2009, 123 Stat. 2352; Pub. L. 111–383, div. A, title VI, § 611(2), Jan. 7, 2011, 124 Stat. 4236; Pub. L. 112–81, div. A, title VI, § 611(2), Dec. 31, 2011, 125 Stat. 1449; Pub. L. 112–239, div. A, title VI, § 611(2), Jan. 2, 2013, 126 Stat. 1776; Pub. L. 113–66, div. A, title VI, § 611(2), Dec. 26, 2013, 127 Stat. 779; Pub. L. 113–291, div. A, title VI, § 611(2), Dec. 19, 2014, 128 Stat. 3399.)

AMENDMENTS

2014—Subsec. (i). Pub. L. 113–291 substituted ''December 31, 2015'' for ''December 31, 2014''.

2013—Subsec. (i). Pub. L. 113–66 substituted ''December 31, 2014'' for ''December 31, 2013''.

Pub. L. 112–239 substituted ''December 31, 2013'' for ''December 31, 2012''.

2011—Subsec. (i). Pub. L. 112–81 substituted ''December 31, 2012'' for ''December 31, 2011''.

Pub. L. 111–383 substituted ''December 31, 2011'' for ''December 31, 2010''.

2009—Subsec. (i). Pub. L. 111–84 substituted ''December 31, 2010'' for ''December 31, 2009''.

2008—Subsec. (c)(1). Pub. L. 110–181, § 620, inserted before semicolon ''or has served in the armed forces, but was released from such service before completing the basic training requirements of the armed force of which the person was a member and the service was characterized as either honorable or uncharacterized''.

Subsec. (i). Pub. L. 110–417 substituted ''December 31, 2009'' for ''December 31, 2008''.

Pub. L. 110–181, § 611(b), substituted ''December 31, 2008'' for ''December 31, 2007''.

2006—Pub. L. 109–163, § 631(a), amended section generally. Prior to amendment, section consisted of subsecs. (a) to (f) relating to payment of bonuses of up to $10,000 for enlistment in the Selected Reserve.

Subsec. (g). Pub. L. 109–163, § 687(b)(16), added subsec. (g) and struck out heading and text of former subsec. (g). Text read as follows:

''(1) A person who enters into an agreement under subsection (a) or (c) and receives all or part of the bonus under the agreement, but who does not commence to serve in the Selected Reserve or does not satisfactorily participate in the Selected Reserve for the total period of service specified in the agreement, shall repay to the United States the amount of the bonus so paid, except as otherwise prescribed under paragraph (2).

''(2) The Secretary concerned shall prescribe in regulations whether repayment of an amount otherwise required under paragraph (1) shall be made in whole or in part, the method for computing the amount of such repayment, and any conditions under which an exception to required repayment would apply.

''(3) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States. A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement entered into under subsection (a) or (c) does not discharge the individual signing the agreement from a debt arising under such agreement or under paragraph (1).''

Subsec. (i). Pub. L. 109–364 substituted ''December 31, 2007'' for ''December 31, 2006''.

2004—Subsec. (b). Pub. L. 108–375, § 618(c)(1), substituted ''$10,000'' for ''$8,000'' in introductory provisions.

Subsec. (e). Pub. L. 108–375, § 611(b), substituted ''December 31, 2005'' for ''December 31, 2004''.

Subsec. (f). Pub. L. 108–375, § 618(c)(2), amended subsec. (f) generally. Prior to amendment, subsec. (f) read as follows: ''The total amount of expenditures under this section may not exceed $37,024,000 during fiscal year 1994.''

2003—Subsec. (e). Pub. L. 108–136 substituted ''December 31, 2004'' for ''December 31, 2003''.

2002—Subsec. (c). Pub. L. 107–296 substituted ''of Homeland Security'' for ''of Transportation''.

Subsec. (e). Pub. L. 107–314 substituted ''December 31, 2003'' for ''December 31, 2002''.

2001—Subsec. (e). Pub. L. 107–107 substituted ''December 31, 2002'' for ''December 31, 2001''.

2000—Subsec. (e). Pub. L. 106–398 substituted ''December 31, 2001'' for ''December 31, 2000''.

1999—Subsec. (a). Pub. L. 106–65, § 620(a), struck out ''for a term of enlistment of not less than six years'' after ''Ready Reserve of an armed force''.

Subsec. (b). Pub. L. 106–65, § 620(b), substituted ''$8,000'' for ''$5,000'' in introductory provisions.

Subsec. (e). Pub. L. 106–65, § 611(c), substituted ''December 31, 2000'' for ''December 31, 1999''.

1998—Subsec. (e). Pub. L. 105–261 substituted ''December 31, 1999'' for ''September 30, 1999''.

1997—Subsec. (e). Pub. L. 105–85 substituted ''September 30, 1999'' for ''September 30, 1998''.

1996—Subsec. (e). Pub. L. 104–201 substituted ''September 30, 1998'' for ''September 30, 1997''.

Pub. L. 104–106 substituted ''September 30, 1997'' for ''September 30, 1996''.

1994—Subsec. (e). Pub. L. 103–337 substituted ''September 30, 1996'' for ''September 30, 1995''.

1993—Subsec. (b). Pub. L. 103–160, § 612(b)(1), substituted ''$5,000'' for ''$2,000'' in introductory provisions and ''an amount not to exceed one-half of the bonus may be paid'' for ''one-half of the bonus shall be paid'' in par. (1).

Subsec. (e). Pub. L. 103–160, § 612(b)(2), substituted ''September 30, 1995'' for ''September 30, 1993''.

Subsec. (f). Pub. L. 103–160, § 612(b)(3), added subsec. (f).

1992—Subsec. (e). Pub. L. 102–484 substituted ''September 30, 1993'' for ''September 30, 1992''.

1990—Subsecs. (e), (f). Pub. L. 101–510 redesignated subsec. (f) as (e) and struck out former subsec. (e) which read as follows: ''The Secretary of Defense shall submit a report to the Congress every three months stating the number of members of the Selected Reserve of the Ready Reserve who at the time of such report are serving a term of enlistment for which a bonus has been paid under this section and listing each unit of the Selected Reserve of the Ready Reserve to which any such member is assigned at the time of such report.''

1989—Subsec. (a). Pub. L. 101–189, § 652(b)(2), struck out '', after September 30, 1978,'' after ''Any person who''.

Subsec. (e). Pub. L. 101–189, § 652(b)(1), struck out at end ''The first such report shall be made not later than December 31, 1978.''

Subsec. (f). Pub. L. 101–189, § 613, substituted ''September 30, 1992'' for ''September 30, 1990''.

1987—Subsec. (f). Pub. L. 100–180 substituted ''September 30, 1990'' for ''September 30, 1987''.

1985—Subsec. (f). Pub. L. 99–145 substituted ''September 30, 1987'' for ''September 30, 1985''.

1981—Subsec. (e). Pub. L. 97–22 substituted ''Secretary of Defense'' for ''Secretary of defense''.

1980—Subsec. (f). Pub. L. 96–342 substituted ''September 30, 1985'' for ''September 30, 1980''.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by section 611(b) of Pub. L. 110–181 effective as of Dec. 31, 2007, and subject to various special provisions, see section 610 of Pub. L. 110–181, set out as a Correction of Lapsed Authorities for Payment of Bonuses, Special Pays, and Similar Benefits for Members of the Uniformed Services note under section 2130a of Title 10, Armed Forces.

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 1999 AMENDMENT

Pub. L. 106–65, div. A, title VI, § 620(c), Oct. 5, 1999, 113 Stat. 653, provided that: ''The amendments made by subsections (a) and (b) [amending this section] shall take effect on October 1, 1999, and shall apply with respect to enlistments entered into on or after that date.''

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103–160 effective as of Sept. 30, 1993, and applicable with respect to an enlistment, reenlistment, or extension of an enlistment described in this section or section 308b, 308h, or 308i of this title occurring on or after that date, see section 612(f) of Pub. L. 103–160, set out as a note under section 308b of this title.

SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(b) of Pub. L. 109–163, see section 687(f) of Pub. L. 109–163, set out as a note under section 510 of Title 10, Armed Forces.

COVERAGE OF PERIOD OF LAPSED AUTHORITY

For provisions relating to coverage of period of lapsed authority from Oct. 1, 1992, to Oct. 23, 1992, for payment of bonuses or other special pay under this sec-

tion, see section 612(j)(2) of Pub. L. 102–484, set out as a note under section 301b of this title.

§308d. Special pay: members of the Selected Reserve assigned to certain high priority units

(a) Under regulations prescribed by the Secretary of Defense, or the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, a member who is assigned to a high priority unit of the Selected Reserve of the Ready Reserve of an armed force, as designated under subsection (b), and who performs inactive duty for training for compensation under section 206 of this title with such unit may be paid compensation, in addition to the compensation to which the member is otherwise entitled, in an amount not to exceed $50 for each regular period of instruction, or period of appropriate duty, at which the member is engaged for at least four hours, including any such instruction or duty performed on a Sunday or holiday.

(b) The Secretary concerned may designate a unit, for the purposes of subsection (a) and under such terms and conditions as the Secretary considers appropriate, as a high priority unit if that unit has experienced, or reasonably might be expected to experience, critical personnel shortages. The Secretary may vacate a designation made under this subsection at any time he considers the designation no longer necessary.

(c) Additional compensation may not be paid under this section for inactive duty performed after December 31, 2015.

(Added Pub. L. 101–189, div. A, title V, §505(a)(1), Nov. 29, 1989, 103 Stat. 1437; amended Pub. L. 102–190, div. A, title VI, §612(b)(1), Dec. 5, 1991, 105 Stat. 1376; Pub. L. 102–484, div. A, title VI, §612(e), Oct. 23, 1992, 106 Stat. 2421; Pub. L. 103–160, div. A, title VI, §613(d), Nov. 30, 1993, 107 Stat. 1681; Pub. L. 103–337, div. A, title VI, §613(d), Oct. 5, 1994, 108 Stat. 2783; Pub. L. 104–106, div. A, title VI, §613(d), Feb. 10, 1996, 110 Stat. 359; Pub. L. 104–201, div. A, title VI, §611(d), Sept. 23, 1996, 110 Stat. 2543; Pub. L. 105–85, div. A, title VI, §611(d), Nov. 18, 1997, 111 Stat. 1785; Pub. L. 105–261, div. A, title VI, §611(d), Oct. 17, 1998, 112 Stat. 2038; Pub. L. 106–65, div. A, title VI, §§611(d), 621, Oct. 5, 1999, 113 Stat. 650, 653; Pub. L. 106–398, §1 [[div. A], title VI, §621(d)], Oct. 30, 2000, 114 Stat. 1654, 1654A–151; Pub. L. 107–107, div. A, title VI, §611(d), Dec. 28, 2001, 115 Stat. 1135; Pub. L. 107–296, title XVII, §1704(c), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 107–314, div. A, title VI, §611(c), Dec. 2, 2002, 116 Stat. 2567; Pub. L. 108–136, div. A, title VI, §611(c), Nov. 24, 2003, 117 Stat. 1500; Pub. L. 108–375, div. A, title VI, §611(c), Oct. 28, 2004, 118 Stat. 1946; Pub. L. 109–163, div. A, title VI, §§621(b), 632(a)–(c)(1), Jan. 6, 2006, 119 Stat. 3294, 3299; Pub. L. 109–364, div. A, title VI, §611(c), Oct. 17, 2006, 120 Stat. 2247; Pub. L. 110–181, div. A, title VI, §611(c), Jan. 28, 2008, 122 Stat. 148; Pub. L. 110–417, [div. A], title VI, §611(c), Oct. 14, 2008, 122 Stat. 4484; Pub. L. 111–84, div. A, title VI, §611(3), Oct. 28, 2009, 123 Stat. 2352; Pub. L. 111–383, div. A, title VI, §611(3), Jan. 7, 2011, 124 Stat. 4236; Pub. L. 112–81, div. A, title VI, §611(3), Dec. 31, 2011, 125 Stat. 1449; Pub. L. 112–239, div. A, title VI, §611(3), Jan. 2, 2013, 126 Stat. 1776; Pub. L. 113–66, div. A, title VI, §611(3), Dec. 26, 2013, 127 Stat. 779; Pub. L. 113–291, div. A, title VI, §611(3), Dec. 19, 2014, 128 Stat. 3399.)

PRIOR PROVISIONS

A prior section 308d, added Pub. L. 96–342, title VIII, §805(a)(1), Sept. 8, 1980, 94 Stat. 1092, related to special pay and to a bonus for enlistment, reenlistment, or extension of enlistment in elements of the Ready Reserve other than the Selected Reserve, prior to repeal by Pub. L. 98–94, title X, §1011(b)(1), Sept. 24, 1983, 97 Stat. 664, effective Oct. 1, 1983. See sections 308g and 308h of this title.

AMENDMENTS

2014—Subsec. (c). Pub. L. 113–291 substituted ''December 31, 2015'' for ''December 31, 2014''.

2013—Subsec. (c). Pub. L. 113–66 substituted ''December 31, 2014'' for ''December 31, 2013''.

Pub. L. 112–239 substituted ''December 31, 2013'' for ''December 31, 2012''.

2011—Subsec. (c). Pub. L. 112–81 substituted ''December 31, 2012'' for ''December 31, 2011''.

Pub. L. 111–383 substituted ''December 31, 2011'' for ''December 31, 2010''.

2009—Subsec. (c). Pub. L. 111–84 substituted ''December 31, 2010'' for ''December 31, 2009''.

2008—Subsec. (c). Pub. L. 110–417 substituted ''December 31, 2009'' for ''December 31, 2008''.

Pub. L. 110–181 substituted ''December 31, 2008'' for ''December 31, 2007''.

2006—Pub. L. 109–163, §632(c)(1), substituted ''Special pay: members of the Selected Reserve assigned to certain high priority units'' for ''Special pay: enlisted members of the Selected Reserve assigned to certain high priority units'' in section catchline.

Subsec. (a). Pub. L. 109–163, §632(a), (b), substituted ''a member'' for ''an enlisted member'' and ''$50'' for ''$10''.

Subsec. (c). Pub. L. 109–364 substituted ''December 31, 2007'' for ''December 31, 2006''.

Pub. L. 109–163, §621(b), substituted ''December 31, 2006'' for ''December 31, 2005''.

2004—Subsec. (c). Pub. L. 108–375 substituted ''December 31, 2005'' for ''December 31, 2004''.

2003—Subsec. (c). Pub. L. 108–136 substituted ''December 31, 2004'' for ''December 31, 2003''.

2002—Subsec. (a). Pub. L. 107–296 substituted ''of Homeland Security'' for ''of Transportation''.

Subsec. (c). Pub. L. 107–314 substituted ''December 31, 2003'' for ''December 31, 2002''.

2001—Subsec. (c). Pub. L. 107–107 substituted ''December 31, 2002'' for ''December 31, 2001''.

2000—Subsec. (c). Pub. L. 106–398 substituted ''December 31, 2001'' for ''December 31, 2000''.

1999—Subsec. (a). Pub. L. 106–65, §621, inserted ''or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy,'' after ''Secretary of Defense,''.

Subsec. (c). Pub. L. 106–65, §611(d), substituted ''December 31, 2000'' for ''December 31, 1999''.

1998—Subsec. (c). Pub. L. 105–261 substituted ''December 31, 1999'' for ''September 30, 1999''.

1997—Subsec. (c). Pub. L. 105–85 substituted ''September 30, 1999'' for ''September 30, 1998''.

1996—Subsec. (c). Pub. L. 104–201 substituted ''September 30, 1998'' for ''September 30, 1997''.

Pub. L. 104–106 substituted ''September 30, 1997'' for ''September 30, 1996''.

1994—Subsec. (c). Pub. L. 103–337 substituted ''September 30, 1996'' for ''September 30, 1995''.

1993—Subsec. (c). Pub. L. 103–160 substituted ''September 30, 1995'' for ''September 30, 1993''.

1992—Subsec. (c). Pub. L. 102–484 substituted ''September 30, 1993'' for ''September 30, 1992''.

1991—Subsec. (c). Pub. L. 102–190 substituted ''1992'' for ''1991''.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–181 effective as of Dec. 31, 2007, and subject to various special provisions, see section 610 of Pub. L. 110–181, set out as a Correction of Lapsed Authorities for Payment of Bonuses, Special Pays, and Similar Benefits for Members of the Uniformed Services note under section 2130a of Title 10, Armed Forces.

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 1993 AMENDMENT

Pub. L. 103–160, div. A, title VI, § 613(h)(2), Nov. 30, 1993, 107 Stat. 1682, provided that: ''The amendment made by subsection (d) [amending this section] shall take effect as of September 30, 1993, and shall apply with respect to inactive duty for training performed after that date for which special pay is authorized under section 308d of title 37, United States Code.''

EFFECTIVE DATE OF 1992 AMENDMENT

Pub. L. 102–484, div. A, title VI, § 612(j)(1), Oct. 23, 1992, 106 Stat. 2421, provided that: ''The amendment made by subsection (e) [amending this section] shall take effect as of September 30, 1992, and shall apply with respect to inactive duty for training performed after that date for which special pay is authorized under section 308d of title 37, United States Code.''

EFFECTIVE DATE OF 1991 AMENDMENT

Pub. L. 102–190, div. A, title VI, § 612(b)(2), Dec. 5, 1991, 105 Stat. 1376, provided that: ''The amendment made by paragraph (1) [amending this section] shall take effect as of September 30, 1991, and shall apply with respect to inactive duty for training performed after that date for which special pay is authorized under section 308d of such title.''

REPORT TO CONGRESS

Pub. L. 101–189, div. A, title V, § 505(b), Nov. 29, 1989, 103 Stat. 1438, directed Secretary of Defense, not later than May 1, 1991, to submit to Congress a report on the administration of the special pay program provided for in 37 U.S.C. 308d.

[§ 308e. Repealed. Pub. L. 109–163, div. A, title VI, § 631(b), Jan. 6, 2006, 119 Stat. 3299]

Section, added Pub. L. 96–342, title VIII, § 805(a)(1), Sept. 8, 1980, 94 Stat. 1093; amended Pub. L. 97–86, title V, § 505, Dec. 1, 1981, 95 Stat. 1109; Pub. L. 99–145, title VI, § 645(a), Nov. 8, 1985, 99 Stat. 654; Pub. L. 100–180, div. A, title VI, § 626(b), Dec. 4, 1987, 101 Stat. 1104; Pub. L. 101–189, div. A, title VI, § 613, Nov. 29, 1989, 103 Stat. 1446; Pub. L. 102–25, title VII, § 702(b)(1), (2), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 102–484, div. A, title VI, § 612(d), Oct. 23, 1992, 106 Stat. 2421; Pub. L. 103–160, div. A, title VI, § 612(c), Nov. 30, 1993, 107 Stat. 1680; Pub. L. 103–337, div. A, title VI, § 611(c), Oct. 5, 1994, 108 Stat. 2782; Pub. L. 104–106, div. A, title VI, § 611(c), Feb. 10, 1996, 110 Stat. 359; Pub. L. 104–201, div. A, title VI, § 611(e), Sept. 23, 1996, 110 Stat. 2543; Pub. L. 105–85, div. A, title VI, §§ 611(e), 623, Nov. 18, 1997, 111 Stat. 1785, 1793; Pub. L. 105–261, div. A, title VI, § 611(e), Oct. 17, 1998, 112 Stat. 2038; Pub. L. 106–65, div. A, title VI, § 611(e), Oct. 5, 1999, 113 Stat. 650; Pub. L. 106–398, § 1 [[div. A], title VI, § 621(e)], Oct. 30, 2000, 114 Stat. 1654, 1654A–151; Pub. L. 107–107, div. A, title VI, § 611(e), Dec. 28, 2001, 115 Stat. 1135; Pub. L. 107–296, title XVII, § 1704(c), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 107–314, div. A, title VI, § 611(d), Dec. 2, 2002, 116 Stat. 2567; Pub. L. 108–136, div. A, title VI, § 611(d), Nov. 24, 2003, 117 Stat. 1500; Pub. L. 108–375, div. A, title VI, § 611(d), Oct. 28, 2004, 118 Stat. 1946, related to payment of bonus for reserve affiliation agreement.

[§ 308f. Repealed. Pub. L. 106–398, § 1 [[div. A], title VI, § 624(b)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A–153]

Section, added Pub. L. 97–60, title I, § 117(c)(1), Oct. 14, 1981, 95 Stat. 996; amended Pub. L. 98–14, § 2, Mar. 30, 1983, 97 Stat. 55; Pub. L. 98–525, title VI, § 621(a), Oct. 19, 1984, 98 Stat. 2540; Pub. L. 100–180, div. A, title VI, § 626(a), Dec. 4, 1987, 101 Stat. 1104; Pub. L. 102–25, title VII, § 702(b)(2), Apr. 6, 1991, 105 Stat. 117; Pub. L. 103–160, div. A, title VI, § 613(e), Nov. 30, 1993, 107 Stat. 1681; Pub. L. 103–337, div. A, title VI, § 613(c), Oct. 5, 1994, 108 Stat. 2783; Pub. L. 104–106, div. A, title VI, § 613(c), Feb. 10, 1996, 110 Stat. 359; Pub. L. 104–201, div. A, title VI, § 613(c), Sept. 23, 1996, 110 Stat. 2544; Pub. L. 105–85, div. A, title VI, § 613(c), Nov. 18, 1997, 111 Stat. 1786; Pub. L. 105–261, div. A, title VI, §§ 613(c), 620, Oct. 17, 1998, 112 Stat. 2039, 2042; Pub. L. 106–65, div. A, title VI, §§ 613(d), 622(a), Oct. 5, 1999, 113 Stat. 650, 653, related to bonus for enlistment in the Army.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 2000, and not to affect the validity or terms of any bonus provided under such section for enlistments in the Armed Forces made before that date, see section 1 [[div. A], title VI, § 624(c)(2)] of Pub. L. 106–398, set out as a note under section 308a of this title.

§ 308g. Special pay: bonus for enlistment in elements of the Ready Reserve other than the Selected Reserve

(a) An eligible person who enlists in a combat or combat support skill of an element (other than the Selected Reserve) of the Ready Reserve of an armed force for a term of enlistment of not less than six years, and who has not previously served in an armed force, may be paid a bonus as provided in subsection (b).

(b) Eligibility for and the amount and method of payment of a bonus under this section shall be determined in accordance with regulations prescribed under subsection (g), except that the amount of such a bonus may not exceed $3,000. A person entitled to a bonus under this section who is called or ordered to active duty shall be paid, during that period of active duty, any amount of the bonus that becomes payable to the member during that period of active duty.

(c) A bonus may not be paid under this section for a term of enlistment to any person who fails to complete satisfactorily initial active duty for training or who, upon completion of initial active duty for training, elects to serve the remainder of the term of enlistment in the Selected Reserve or in an active component of an armed force.

(d) A person who does not serve satisfactorily in the element of the Ready Reserve in the combat or combat support skill for the period for which the bonus was paid under this section shall be subject to the repayment provisions of section 303a(e) of this title.

(e) This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary of Homeland Security for the Coast Guard when it is not operating as a service in the Navy.

(f) A bonus may not be paid under this section to any person for an enlistment—

(1) during the period beginning on October 1, 1992, and ending on September 30, 2005; or

(2) after December 31, 2015.

(Added Pub. L. 98–94, title X, § 1011(a), Sept. 24, 1983, 97 Stat. 663; amended Pub. L. 99–145, title VI, § 646(a)(1), title XIII, § 1303(b)(3), Nov. 8, 1985, 99 Stat. 654, 740; Pub. L. 100–180, div. A, title VI, § 626(b), Dec. 4, 1987, 101 Stat. 1104; Pub. L. 101–189, div. A, title VI, § 613, Nov. 29, 1989, 103 Stat. 1446; Pub. L. 102–25, title VII, § 702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 107–296, title XVII, § 1704(c), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 108–375, div. A, title VI, § 618(d), Oct. 28, 2004, 118 Stat. 1950; Pub. L. 109–163, div. A, title VI, §§ 621(c), 687(b)(17), Jan. 6, 2006, 119 Stat. 3294, 3330; Pub. L. 109–364, div. A, title VI, § 611(d), title X, § 1071(c)(3), Oct. 17, 2006, 120 Stat. 2247, 2400; Pub. L. 110–181, div. A, title VI, § 611(d), Jan. 28, 2008, 122 Stat. 148; Pub. L. 110–417, [div. A], title VI, § 611(d), Oct. 14, 2008, 122 Stat. 4484; Pub. L. 111–84, div. A, title VI, § 611(4), Oct. 28, 2009, 123 Stat. 2352; Pub. L. 111–383, div. A, title VI, § 611(4), Jan. 7, 2011, 124 Stat. 4236; Pub. L. 112–81, div. A, title VI, § 611(4), Dec. 31, 2011, 125 Stat. 1449; Pub. L. 112–239, div. A, title VI, § 611(4), Jan. 2, 2013, 126 Stat. 1776; Pub. L. 113–66, div. A, title VI, § 611(4), Dec. 26, 2013, 127 Stat. 779; Pub. L. 113–291, div. A, title VI, § 611(4), Dec. 19, 2014, 128 Stat. 3399.)

AMENDMENTS

2014—Subsec. (f)(2). Pub. L. 113–291 substituted ''December 31, 2015'' for ''December 31, 2014''.

2013—Subsec. (f)(2). Pub. L. 113–66 substituted ''December 31, 2014'' for ''December 31, 2013''.

Pub. L. 112–239 substituted ''December 31, 2013'' for ''December 31, 2012''.

2011—Subsec. (f)(2). Pub. L. 112–81 substituted ''December 31, 2012'' for ''December 31, 2011''.

Pub. L. 111–383 substituted ''December 31, 2011'' for ''December 31, 2010''.

2009—Subsec. (f)(2). Pub. L. 111–84 substituted ''December 31, 2010'' for ''December 31, 2009''.

2008—Subsec. (f)(2). Pub. L. 110–417 substituted ''December 31, 2009'' for ''December 31, 2008''.

Pub. L. 110–181 substituted ''December 31, 2008'' for ''December 31, 2007''.

2006—Subsec. (d). Pub. L. 109–163, § 687(b)(17)(A), added subsec. (d) and struck out former subsec. (d) which read as follows: ''A person who receives a bonus payment under this section and who fails during the period for which the bonus was paid to serve satisfactorily in the element of the Ready Reserve with respect to which the bonus was paid shall refund to the United States an amount which bears the same ratio to the amount of the bonus paid to such person as the period which such person failed to serve satisfactorily bears to the total period for which the bonus was paid.''

Subsec. (e). Pub. L. 109–163, § 687(b)(17)(B), (C), redesignated subsec. (g) as (e) and struck out former subsec. (e) which read as follows: ''An obligation to reimburse the United States imposed under subsection (d) is, for all purposes, a debt owed to the United States.''

Subsec. (f). Pub. L. 109–163, § 687(b)(17)(B), (C), redesignated subsec. (h) as (f) and struck out former subsec. (f) which read as follows: ''A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an enlistment for which a bonus was paid under this section does not discharge the person receiving such bonus payment from the debt arising under subsection (d). This subsection applies to any case commenced under title 11 after September 24, 1983.''

Subsec. (f)(2). Pub. L. 109–364, § 1071(c)(3), struck out second period at end.

Pub. L. 109–364, § 611(d), substituted ''December 31, 2007'' for ''December 31, 2006''.

Subsec. (g). Pub. L. 109–163, § 687(b)(17)(C), redesignated subsec. (g) as (e).

Subsec. (h). Pub. L. 109–163, § 687(b)(17)(C), redesignated subsec. (h) as (f).

Pub. L. 109–163, § 621(c), substituted ''an enlistment—'' for ''an enlistment after September 30, 1992'' and added pars. (1) and (2).

2004—Subsec. (b). Pub. L. 108–375 substituted ''$3,000'' for ''$1,000'' and inserted last sentence.

2002—Subsec. (g). Pub. L. 107–296 substituted ''of Homeland Security'' for ''of Transportation''.

1991—Pub. L. 102–25 struck out ''of this section'' wherever appearing in subsecs. (a), (b), (e), and (f).

1989—Subsec. (h). Pub. L. 101–189 substituted ''September 30, 1992'' for ''September 30, 1990''.

1987—Subsec. (h). Pub. L. 100–180 substituted ''September 30, 1990'' for ''September 30, 1987''.

1985—Subsec. (f). Pub. L. 99–145, § 1303(b)(3), substituted ''September 24, 1983'' for ''the date of the enactment of the Department of Defense Authorization Act, 1984''.

Subsec. (h). Pub. L. 99–145, § 646(a)(1), substituted ''September 30, 1987'' for ''September 30, 1985''.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–181 effective as of Dec. 31, 2007, and subject to various special provisions, see section 610 of Pub. L. 110–181, set out as a Correction of Lapsed Authorities for Payment of Bonuses, Special Pays, and Similar Benefits for Members of the Uniformed Services note under section 2130a of Title 10, Armed Forces.

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 1985 AMENDMENT

Amendment by section 646(a)(1) of Pub. L. 99–145 effective Oct. 1, 1985, see section 646(d) of Pub. L. 99–145, set out as a note under section 308h of this title.

EFFECTIVE DATE

Pub. L. 98–94, title X, § 1011(c), Sept. 24, 1983, 97 Stat. 664, provided that: ''The amendments made by subsections (a) and (b) [enacting this section and section 308h of this title and repealing section 308d of this title] shall take effect on October 1, 1983.''

SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(b) of Pub. L. 109–163, see section 687(f) of Pub. L. 109–163, set out as a note under section 510 of Title 10, Armed Forces.

COAST GUARD; RESERVE FORCES READINESS PROVISIONS INAPPLICABLE

Reserve Forces Readiness provisions, including amendment of subsec. (b) of this section by Pub. L. 98–525 and Individual Ready Reserve Reenlistment Bonuses note above inapplicable to Coast Guard, see section 552(g) of Pub. L. 98–525, set out as a Reserve Forces Readiness note under section 12001 of Title 10, Armed Forces.

§ 308h. Special pay: bonus for reenlistment, enlistment, or voluntary extension of enlistment in elements of the Ready Reserve other than the Selected Reserve

(a) AUTHORITY AND ELIGIBILITY REQUIREMENTS.—(1) The Secretary concerned may pay a bonus as provided in subsection (b) to an eligible person who reenlists, enlists, or voluntarily extends an enlistment in a reserve component of an armed force for assignment to an element (other than the Selected Reserve) of the Ready Reserve of that armed force if the reenlistment, enlistment, or extension is for a period of three years, or for a period of six years, beyond any other period the person is obligated to serve.

(2) A person is eligible for a bonus under this section if the person—

(A) is or has been a member of an armed force;

(B) is qualified in a skill or specialty designated by the Secretary concerned as a critically short wartime skill or critically short wartime specialty; and

(C) has not failed to complete satisfactorily any original term of enlistment in the armed forces.

(3) For the purposes of this section, the Secretary concerned may designate a skill or specialty as a critically short wartime skill or critically short wartime specialty for an armed force under the jurisdiction of the Secretary if the Secretary determines that—

(A) the skill or specialty is critical to meet wartime requirements of the armed force; and

(B) there is a critical shortage of personnel in that armed force who are qualified in that skill or specialty.

(4) The Secretary concerned may waive the eligibility requirement in paragraph (2)(B) in the case of a reenlistment or voluntary extension of enlistment by a member of the armed forces that is entered into as described in this subsection while the member is serving on active duty in Afghanistan, Iraq, or Kuwait in support of Operation Enduring Freedom and Operation Iraqi Freedom.

(b) BONUS AMOUNTS; PAYMENT.—(1) Eligibility for and the amount and method of payment of a bonus under this section shall be determined under regulations to be prescribed under subsection (f).

(2) The amount of a bonus under this section—

(A) may not exceed $3,000, in the case of a person who enlists for a period of six years; and

(B) may not exceed $1,500 in the case of a person who enlists for a period of three years.

(3) A bonus paid under this section shall be paid as follows:

(A) In the case of a bonus under paragraph (2)(A)—

(i) $500 shall be paid at the time of the reenlistment, enlistment, or extension of enlistment for which the bonus is paid; and

(ii) the remainder shall be paid in equal annual increments.

(B) In the case of a bonus under paragraph (2)(B), the amount of the bonus shall be paid in equal annual increments.

(4) A person entitled to a bonus under this section who is called or ordered to active duty shall be paid, during that period of active duty, any amount of the bonus that becomes payable to the member during that period of active duty.

(c) REPAYMENT.—A person who does not complete the period of enlistment or extension of enlistment for which the bonus was paid under this section shall be subject to the repayment provisions of section 303a(e) of this title.

(d) REGULATIONS.—(1) This section shall be administered under regulations to be prescribed by the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary of Homeland Security for the Coast Guard when it is not operating as a service in the Navy.

(2) Regulations under this section may require that as a condition of receiving a bonus under this section the person receiving the bonus agree to participate in an annual muster of the Reserves, or in active duty for training, as may be required by the Secretary concerned.

(e) TERMINATION OF AUTHORITY.—A bonus may not be paid under this section to any person for a reenlistment, enlistment, or voluntary extension of an enlistment after December 31, 2015.

(Added Pub. L. 98–94, title X, § 1011(a), Sept. 24, 1983, 97 Stat. 663; amended Pub. L. 98–525, title V, § 552(f)(2), Oct. 19, 1984, 98 Stat. 2532; Pub. L. 99–145, title VI, § 646(a)–(c), title XIII, § 1303(b)(3), Nov. 8, 1985, 99 Stat. 654, 740; Pub. L. 100–180, div. A, title VI, § 626(b), Dec. 4, 1987, 101 Stat. 1104; Pub. L. 101–189, div. A, title VI, § 613, Nov. 29, 1989, 103 Stat. 1446; Pub. L. 102–25, title VII, § 702(b)(1), (2), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 102–484, div. A, title VI, § 612(d), Oct. 23, 1992, 106 Stat. 2421; Pub. L. 103–160, div. A, title VI, § 612(d), Nov. 30, 1993, 107 Stat. 1680; Pub. L. 103–337, div. A, title VI, § 611(d), Oct. 5, 1994, 108 Stat. 2783; Pub. L. 104–106, div. A, title VI, § 611(d), Feb. 10, 1996, 110 Stat. 359; Pub. L. 104–201, div. A, title VI, § 611(f), Sept. 23, 1996, 110 Stat. 2543; Pub. L. 105–85, div. A, title VI, § 611(f), Nov. 18, 1997, 111 Stat. 1785; Pub. L. 105–261, div. A, title VI, § 611(f), Oct. 17, 1998, 112 Stat. 2038; Pub. L. 106–65, div. A, title VI, § 611(f), Oct. 5, 1999, 113 Stat. 650; Pub. L. 106–398, § 1 [[div. A], title VI, § 621(f)], Oct. 30, 2000, 114 Stat. 1654, 1654A–151; Pub. L. 107–107, div. A, title VI, §§ 611(f), 619(a), (b), Dec. 28, 2001, 115 Stat. 1135, 1137, 1138; Pub. L. 107–296, title XVII, § 1704(c), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 107–314, div. A, title VI, § 611(e), Dec. 2, 2002, 116 Stat. 2567; Pub. L. 108–136, div. A, title VI, §§ 611(e), 626(c), Nov. 24, 2003, 117 Stat. 1501, 1508; Pub. L. 108–375, div. A, title VI, §§ 611(e), 618(e), Oct. 28, 2004, 118 Stat. 1947, 1950; Pub. L. 109–163, div. A, title VI, §§ 621(d), 687(b)(18), Jan. 6, 2006, 119 Stat. 3294, 3330; Pub. L. 109–364, div. A, title VI, § 611(e), Oct. 17, 2006, 120 Stat. 2247; Pub. L. 110–181, div. A, title VI, § 611(e), Jan. 28, 2008, 122 Stat. 148; Pub. L. 110–417, [div. A], title VI, § 611(e), Oct. 14, 2008, 122 Stat. 4484; Pub. L. 111–84, div. A, title VI, § 611(5), Oct. 28, 2009, 123 Stat. 2352; Pub. L. 111–383, div. A, title VI, § 611(5), Jan. 7, 2011, 124 Stat. 4236; Pub. L. 112–81, div. A, title VI, § 611(5), Dec. 31, 2011, 125 Stat. 1449; Pub. L. 112–239, div. A, title VI, § 611(5), Jan. 2, 2013, 126 Stat. 1776; Pub. L. 113–66, div. A, title VI, § 611(5), Dec. 26,

2013, 127 Stat. 779; Pub. L. 113–291, div. A, title VI, §611(5), Dec. 19, 2014, 128 Stat. 3399.)

AMENDMENTS

2014—Subsec. (e). Pub. L. 113–291 substituted ''December 31, 2015'' for ''December 31, 2014''.

2013—Subsec. (e). Pub. L. 113–66 substituted ''December 31, 2014'' for ''December 31, 2013''.

Pub. L. 112–239 substituted ''December 31, 2013'' for ''December 31, 2012''.

2011—Subsec. (e). Pub. L. 112–81 substituted ''December 31, 2012'' for ''December 31, 2011''.

Pub. L. 111–383 substituted ''December 31, 2011'' for ''December 31, 2010''.

2009—Subsec. (e). Pub. L. 111–84 substituted ''December 31, 2010'' for ''December 31, 2009''.

2008—Subsec. (e). Pub. L. 110–417 substituted ''December 31, 2009'' for ''December 31, 2008''.

Pub. L. 110–181 substituted ''December 31, 2008'' for ''December 31, 2007''.

2006—Subsec. (c). Pub. L. 109–163, §687(b)(18)(A), added subsec. (c) and struck out heading and text of former subsec. (c). Text read as follows: ''A person who receives a bonus payment under this section and who fails during the period for which the bonus was paid to serve satisfactorily in the Ready Reserve shall refund to the United States an amount which bears the same ratio to the amount of the bonus paid to such person as the period which such person failed to serve satisfactorily bears to the total period for which the bonus was paid.''

Subsec. (d). Pub. L. 109–163, §687(b)(18)(B), (C), redesignated subsec. (f) as (d) and struck out heading and text of former subsec. (d). Text read as follows: ''An obligation to reimburse the United States imposed under subsection (c) is, for all purposes, a debt owed to the United States.''

Subsec. (e). Pub. L. 109–364 substituted ''December 31, 2007'' for ''December 31, 2006''.

Pub. L. 109–163, §687(b)(18)(B), (C), redesignated subsec. (g) as (e) and struck out heading and text of former subsec. (e). Text read as follows: ''A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a reenlistment, enlistment, or extension for which a bonus was paid under this section does not discharge the person receiving such bonus payment from the debt arising under subsection (c). This subsection applies to any case commenced under title 11 after September 24, 1983.''

Subsec. (f). Pub. L. 109–163, §687(b)(18)(C), redesignated subsec. (f) as (d).

Subsec. (g). Pub. L. 109–163, §687(b)(18)(C), redesignated subsec. (g) as (e).

Pub. L. 109–163, §621(d), substituted ''December 31, 2006'' for ''December 31, 2005''.

2004—Subsec. (b)(2)(A). Pub. L. 108–375, §618(e)(1), substituted ''$3,000'' for ''$1,500''.

Subsec. (b)(2)(B). Pub. L. 108–375, §618(e)(2), substituted ''$1,500'' for ''$750''.

Subsec. (b)(4). Pub. L. 108–375, §618(e)(3), added par. (4).

Subsec. (g). Pub. L. 108–375, §611(e), substituted ''December 31, 2005'' for ''December 31, 2004''.

2003—Subsec. (a)(4). Pub. L. 108–136, §626(c), added par. (4).

Subsec. (g). Pub. L. 108–136, §611(e), substituted ''December 31, 2004'' for ''December 31, 2003''.

2002—Subsec. (f)(1). Pub. L. 107–296 substituted ''of Homeland Security'' for ''of Transportation''.

Subsec. (g). Pub. L. 107–314 substituted ''December 31, 2003'' for ''December 31, 2002''.

2001—Subsec. (a). Pub. L. 107–107, §619(a), inserted heading and amended text generally. Prior to amendment, text read as follows:

''(a)(1) An eligible person who is or has been a member of an armed force and who reenlists, enlists, or voluntarily extends an enlistment in a combat or combat support skill of an element (other than the Selected Reserve) of the Ready Reserve of an armed force for a period of three years, or for a period of six years, beyond any other period the person is obligated to serve may be paid a bonus as provided in subsection (b).

''(2) A bonus may not be paid under this section to a person who has failed to complete satisfactorily any original term of enlistment in the armed forces.''

Subsecs. (b) to (f). Pub. L. 107–107, §619(b)(1)–(5), inserted headings.

Subsec. (g). Pub. L. 107–107, §619(b)(6), inserted heading.

Pub. L. 107–107, §611(f), substituted ''December 31, 2002'' for ''December 31, 2001''.

2000—Subsec. (g). Pub. L. 106–398 substituted ''December 31, 2001'' for ''December 31, 2000''.

1999—Subsec. (g). Pub. L. 106–65 substituted ''December 31, 2000'' for ''December 31, 1999''.

1998—Subsec. (g). Pub. L. 105–261 substituted ''December 31, 1999'' for ''September 30, 1999''.

1997—Subsec. (g). Pub. L. 105–85 substituted ''September 30, 1999'' for ''September 30, 1998''.

1996—Subsec. (g). Pub. L. 104–201 substituted ''September 30, 1998'' for ''September 30, 1997''.

Pub. L. 104–106 substituted ''September 30, 1997'' for ''September 30, 1996''.

1994—Subsec. (g). Pub. L. 103–337 substituted ''September 30, 1996'' for ''September 30, 1995''.

1993—Subsec. (g). Pub. L. 103–160 substituted ''September 30, 1995'' for ''September 30, 1993''.

1992—Subsec. (g). Pub. L. 102–484 substituted ''September 30, 1993'' for ''September 30, 1992''.

1991—Pub. L. 102–25 struck out ''of this section'' and ''of this subsection'' wherever appearing.

1989—Subsec. (g). Pub. L. 101–189 substituted ''September 30, 1992'' for ''September 30, 1990''.

1987—Subsec. (g). Pub. L. 100–180 substituted ''September 30, 1990'' for ''September 30, 1987''.

1985—Subsec. (a)(1). Pub. L. 99–145, §646(b)(1), substituted ''for a period of three years, or for a period of six years,'' for ''for a period of not less than three years''.

Subsec. (b). Pub. L. 99–145, §646(b)(2), designated existing provisions as par. (1), struck out '', except that the amount of such a bonus may not exceed $900 and shall be paid in equal annual increments'', and added pars. (2) and (3).

Subsec. (e). Pub. L. 99–145, §1303(b)(3), substituted ''September 24, 1983'' for ''the date of the enactment of the Department of Defense Authorization Act, 1984''.

Subsec. (f). Pub. L. 99–145, §646(c), designated existing provisions as par. (1) and added par. (2).

Subsec. (g). Pub. L. 99–145, §646(a), substituted ''September 30, 1987'' for ''September 30, 1985''.

1984—Subsec. (b). Pub. L. 98–525 inserted provision for payment in equal annual increments.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–181 effective as of Dec. 31, 2007, and subject to various special provisions, see section 610 of Pub. L. 110–181, set out as a Correction of Lapsed Authorities for Payment of Bonuses, Special Pays, and Similar Benefits for Members of the Uniformed Services note under section 2130a of Title 10, Armed Forces.

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by section 626(c) of Pub. L. 108–136 effective Mar. 18, 2003, and applicable to reenlistments or voluntary extensions of enlistments entered into on or after that date, see section 626(d) of Pub. L. 108–136, set out as a note under section 308 of this title.

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 2001 AMENDMENT

Pub. L. 107–107, div. A, title VI, § 619(d), Dec. 28, 2001, 115 Stat. 1138, provided that: ''Subsection (a) of section 308h of title 37, United States Code, as amended by this section, shall apply with respect to reserve component reenlistments, enlistments, and extensions of enlistments that are executed on or after the first day of the first month that begins more than 180 days after the date of the enactment of this Act [Dec. 28, 2001]. Subsection (a) of such section 308h, as in effect on the day before the date of the enactment of this Act, shall continue to apply with respect to reserve component reenlistments, enlistments, and extensions of enlistments that are executed before the first day of that first month.''

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103–160 effective as of Sept. 30, 1993, and applicable with respect to an enlistment, reenlistment, or extension of an enlistment described in this section or section 308b, 308c, or 308i of this title occurring on or after that date, see section 612(f) of Pub. L. 103–160, set out as a note under section 308b of this title.

EFFECTIVE DATE OF 1985 AMENDMENT

Pub. L. 99–145, title VI, § 646(d), Nov. 8, 1985, 99 Stat. 654, provided that: ''The amendments made by this section [amending this section and section 308g of this title] shall take effect on October 1, 1985.''

EFFECTIVE DATE

Section effective Oct. 1, 1983, see section 1011(c) of Pub. L. 98–94, set out as a note under section 308g of this title.

REGULATIONS

Pub. L. 107–107, div. A, title VI, § 619(c), Dec. 28, 2001, 115 Stat. 1138, provided that: ''Not later than 180 days after the date of the enactment of this Act [Dec. 28, 2001], the Secretaries of the military departments shall prescribe such regulations as may be necessary for administering subsection (a) of section 308h of title 37, United States Code, as amended by this section.''

SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(b) of Pub. L. 109–163, see section 687(f) of Pub. L. 109–163, set out as a note under section 510 of Title 10, Armed Forces.

COVERAGE OF PERIOD OF LAPSED AUTHORITY

For provisions relating to coverage of period of lapsed authority from Oct. 1, 1992, to Oct. 23, 1992, for payment of bonuses or other special pay under this section, see section 612(j)(2) of Pub. L. 102–484, set out as a note under section 301b of this title.

INDIVIDUAL READY RESERVE REENLISTMENT BONUSES

Pub. L. 98–525, title V, § 552(f)(1), Oct. 19, 1984, 98 Stat. 2531, provided that: ''In order to encourage members of the Armed Forces whose military service obligation is expiring and who do not choose to reenlist or otherwise extend their service on active duty or in active elements of reserve components to remain in the Armed Forces as members of the Individual Ready Reserve, the Secretary of Defense shall consider making greater use of the authority provided under section 308h of title 37, United States Code, to pay bonuses to persons reenlisting for periods of not less than three years in the Individual Ready Reserve.''

COAST GUARD; RESERVE FORCES READINESS PROVISIONS INAPPLICABLE

Reserve Forces Readiness provisions, including amendment of subsec. (b) of this section by Pub. L. 98–525 and Individual Ready Reserve Reenlistment Bonuses note above, inapplicable to Coast Guard, see section 552(g) of Pub. L. 98–525, set out as a Reserve Forces Readiness note under section 12001 of Title 10, Armed Forces.

§ 308i. Special pay: prior service enlistment bonus

(a) AUTHORITY AND ELIGIBILITY REQUIREMENTS.—(1) A person who is a former enlisted member of an armed force who enlists in the Selected Reserve of the Ready Reserve of an armed force for a period of three or six years in a critical military skill designated for such a bonus by the Secretary concerned and who meets the requirements of paragraph (2) may be paid a bonus as prescribed in subsection (b).

(2) A bonus may only be paid under this section to a person who meets each of the following requirements:

(A) The person has not more than 16 years of total military service and received an honorable discharge at the conclusion of all prior periods of service.

(B) The person was not released, or is not being released, from active service for the purpose of enlistment in a reserve component.

(C) The person is projected to occupy, or is occupying, a position as a member of the Selected Reserve in a specialty in which the person—

(i) successfully served while a member on active duty and attained a level of qualification while on active duty commensurate with the grade and years of service of the member; or

(ii) has completed training or retraining in the specialty skill that is designated as critically short and attained a level of qualification in the specialty skill that is commensurate with the grade and years of service of the member.

(b) BONUS AMOUNTS; PAYMENT.—(1) The amount of a bonus under this section may not exceed—

(A) $15,000, in the case of a person who enlists for a period of six years;

(B) $7,500, in the case of a person who, having never received a bonus under this section, enlists for a period of three years; and

(C) $6,000, in the case of a person who, having received a bonus under this section for a previous three-year enlistment, reenlists or extends the enlistment for an additional period of three years.

(2) Any bonus payable under this section shall be disbursed in one initial payment of an amount not to exceed one-half of the total amount of the bonus and subsequent periodic partial payments of the balance of the bonus. The Secretary concerned shall prescribe the amount of each partial payment and the schedule for making the partial payments.

(3) A person entitled to a bonus under this section who is called or ordered to active duty shall be paid, during that period of active duty, any amount of the bonus that becomes payable to the member during that period of active duty.

(c) CONDITION ON ELIGIBILITY; LIMITATION ON NUMBER OF BONUSES.—(1) To be eligible for a

second bonus under this section in the amount specified in subsection (b)(1)(C), a person must—

(A) enter into a reenlistment or extension of an enlistment for a period of three years not later than the date on which the enlistment for which the first bonus was paid would expire; and

(B) still satisfy the eligibility requirements under subsection (a).

(2) A person may not be paid more than one six-year bonus or two three-year bonuses under this section.

(d) REPAYMENT.—A person who receives a bonus payment under this section and who, during the period for which the bonus was paid, does not serve satisfactorily in the element of the Selected Reserve with respect to which the bonus was paid shall be subject to the repayment provisions of section 303a(e) of this title.

(e) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary of Homeland Security for the Coast Guard when the Coast Guard is not operating as a service in the Navy.

(f) TERMINATION OF AUTHORITY.—No bonus may be paid under this section to any person for an enlistment after December 31, 2015.

(Added Pub. L. 99–145, title VI, §644(a)(1), Nov. 8, 1985, 99 Stat. 652; amended Pub. L. 100–26, §8(d)(4), Apr. 21, 1987, 101 Stat. 285; Pub. L. 100–180, div. A, title VI, §626(b), Dec. 4, 1987, 101 Stat. 1104; Pub. L. 101–189, div. A, title VI, §613, Nov. 29, 1989, 103 Stat. 1446; Pub. L. 102–25, title VII, §702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 102–484, div. A, title VI, §612(d), title XI, §1136, Oct. 23, 1992, 106 Stat. 2421, 2541; Pub. L. 103–160, div. A, title VI, §612(e), Nov. 30, 1993, 107 Stat. 1680; Pub. L. 103–337, div. A, title VI, §611(e), Oct. 5, 1994, 108 Stat. 2783; Pub. L. 104–106, div. A, title VI, §611(e), Feb. 10, 1996, 110 Stat. 359; Pub. L. 104–201, div. A, title VI, §611(g), Sept. 23, 1996, 110 Stat. 2543; Pub. L. 105–85, div. A, title VI, §§611(g), 622, Nov. 18, 1997, 111 Stat. 1785, 1791; Pub. L. 105–261, div. A, title VI, §611(g), Oct. 17, 1998, 112 Stat. 2038; Pub. L. 106–65, div. A, title VI, §§611(g), 623(a), Oct. 5, 1999, 113 Stat. 650, 653; Pub. L. 106–398, §1 [[div. A], title VI, §621(g)], Oct. 30, 2000, 114 Stat. 1654, 1654A–151; Pub. L. 107–107, div. A, title VI, §611(g), Dec. 28, 2001, 115 Stat. 1135; Pub. L. 107–296, title XVII, §1704(c), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 107–314, div. A, title VI, §§611(f), 617, Dec. 2, 2002, 116 Stat. 2567, 2570; Pub. L. 108–136, div. A, title VI, §611(f), Nov. 24, 2003, 117 Stat. 1501; Pub. L. 108–375, div. A, title VI, §§611(f), 618(f), Oct. 28, 2004, 118 Stat. 1947, 1950; Pub. L. 109–163, div. A, title VI, §§621(e), 633, 687(b)(19), Jan. 6, 2006, 119 Stat. 3294, 3299, 3330; Pub. L. 109–364, div. A, title VI, §611(f), Oct. 17, 2006, 120 Stat. 2247; Pub. L. 110–181, div. A, title VI, §611(f), Jan. 28, 2008, 122 Stat. 148; Pub. L. 110–417, [div. A], title VI, §611(f), Oct. 14, 2008, 122 Stat. 4484; Pub. L. 111–84, div. A, title VI, §611(6), Oct. 28, 2009, 123 Stat. 2352; Pub. L. 111–383, div. A, title VI, §611(6), Jan. 7, 2011, 124 Stat. 4236; Pub. L. 112–81, div. A, title VI, §611(6), Dec. 31, 2011, 125 Stat. 1449; Pub. L. 112–239, div. A, title VI, §611(6), Jan. 2, 2013, 126 Stat. 1776; Pub. L. 113–66, div. A, title VI, §611(6), Dec. 26, 2013, 127 Stat. 780; Pub. L. 113–291, div. A, title VI, §611(6), Dec. 19, 2014, 128 Stat. 3399.)

AMENDMENTS

2014—Subsec. (f). Pub. L. 113–291 substituted ''December 31, 2015'' for ''December 31, 2014''.

2013—Subsec. (f). Pub. L. 113–66 substituted ''December 31, 2014'' for ''December 31, 2013''.

Pub. L. 112–239 substituted ''December 31, 2013'' for ''December 31, 2012''.

2011—Subsec. (f). Pub. L. 112–81 substituted ''December 31, 2012'' for ''December 31, 2011''.

Pub. L. 111–383 substituted ''December 31, 2011'' for ''December 31, 2010''.

2009—Subsec. (f). Pub. L. 111–84 substituted ''December 31, 2010'' for ''December 31, 2009''.

2008—Subsec. (f). Pub. L. 110–417 substituted ''December 31, 2009'' for ''December 31, 2008''.

Pub. L. 110–181 substituted ''December 31, 2008'' for ''December 31, 2007''.

2006—Subsec. (a)(2)(A). Pub. L. 109–163, §633(1), added subpar. (A) and struck out former subpar. (A) which read as follows: ''The person has completed a military service obligation, but has not more than 16 years of total military service, and received an honorable discharge at the conclusion of that military service obligation.''

Subsec. (a)(2)(D). Pub. L. 109–163, §633(2), struck out subpar. (D) which read as follows: ''The person has not previously been paid a bonus (except under this section) for enlistment, reenlistment, or extension of enlistment in a reserve component.''

Subsec. (d). Pub. L. 109–163, §687(b)(19), amended heading and text of subsec. (d) generally, substituting provisions referring to repayment provisions of section 303a(e) for specific provisions relating to refunds required when person fails to serve satisfactorily in element of Selected Reserve of Ready Reserve for which bonus was paid.

Subsec. (f). Pub. L. 109–364 substituted ''December 31, 2007'' for ''December 31, 2006''.

Pub. L. 109–163, §621(e), substituted ''December 31, 2006'' for ''December 31, 2005''.

2004—Subsec. (a)(2)(A). Pub. L. 108–375, §618(f)(1), substituted ''not more than 16 years'' for ''less than 14 years''.

Subsec. (b)(1)(A). Pub. L. 108–375, §618(f)(2)(A), substituted ''$15,000'' for ''$8,000''.

Subsec. (b)(1)(B). Pub. L. 108–375, §618(f)(2)(B), substituted ''$7,500'' for ''$4,000''.

Subsec. (b)(1)(C). Pub. L. 108–375, §618(f)(2)(C), substituted ''$6,000'' for ''$3,500''.

Subsec. (b)(3). Pub. L. 108–375, §618(f)(3), added par. (3).

Subsec. (f). Pub. L. 108–375, §611(f), substituted ''December 31, 2005'' for ''December 31, 2004''.

2003—Subsec. (f). Pub. L. 108–136 substituted ''December 31, 2004'' for ''December 31, 2003''.

2002—Subsec. (b)(1). Pub. L. 107–314, §617, substituted ''$8,000'' for ''$5,000'' in subpar. (A), ''$4,000'' for ''$2,500'' in subpar. (B), and ''$3,500'' for ''$2,000'' in subpar. (C).

Subsec. (e). Pub. L. 107–296 substituted ''of Homeland Security'' for ''of Transportation''.

Subsec. (f). Pub. L. 107–314, §611(f), substituted ''December 31, 2003'' for ''December 31, 2002''.

2001—Subsec. (f). Pub. L. 107–107 substituted ''December 31, 2002'' for ''December 31, 2001''.

2000—Subsec. (f). Pub. L. 106–398 substituted ''December 31, 2001'' for ''December 31, 2000''.

1999—Subsec. (a)(2). Pub. L. 106–65, §623(a), added par. (2) and struck out former par. (2) which set forth requirements for payment of a bonus under this section.

Subsec. (f). Pub. L. 106–65, §611(g), substituted ''December 31, 2000'' for ''December 31, 1999''.

1998—Subsec. (f). Pub. L. 105–261 substituted ''December 31, 1999'' for ''September 30, 1999''.

1997—Subsec. (a). Pub. L. 105–85, §622(e)(1), inserted heading.

Subsec. (a)(2)(A). Pub. L. 105–85, § 622(a)(1), substituted ''14 years'' for ''10 years''.

Subsec. (a)(2)(C). Pub. L. 105–85, § 622(a)(2), struck out ''and'' at end.

Subsec. (a)(2)(D). Pub. L. 105–85, § 622(a)(5), added subpar. (D). Former subpar. (D) redesignated (E).

Subsec. (a)(2)(E). Pub. L. 105–85, § 622(a)(3), (4), redesignated subpar. (D) as (E) and inserted ''(except under this section)'' after ''bonus''.

Subsec. (b). Pub. L. 105–85, § 622(b), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: ''The bonus to be paid under subsection (a) shall be—

''(1) an initial payment of—

''(A) an amount not to exceed $1,250, in the case of a member who enlists for a period of three years; or

''(B) an amount not to exceed $2,500, in the case of a member who enlists for a period of six years; and

''(2) a subsequent payment of an amount not to exceed $416.66 upon the completion of each year of the period of such reenlistment or extension of enlistment during which such member has satisfactorily participated in unit training.''

Subsec. (c). Pub. L. 105–85, § 622(c), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: ''A member may not be paid more than one bonus under this section and may not be paid a bonus under this section unless the specialty associated with the position the member is projected to occupy is a specialty in which the member successfully served while on active duty and attained a level of qualification commensurate with the member's grade and years of service.''

Subsec. (d). Pub. L. 105–85, § 622(d)(1), (e)(2)(A), inserted heading, designated existing provisions as par. (1), and redesignated subsecs. (e), (f), and (g) as pars. (2), (3), and (4), respectively, of subsec. (d).

Subsec. (d)(2). Pub. L. 105–85, § 622(e)(2)(B), substituted ''paragraph (1)'' for ''subsection (d)''.

Subsec. (d)(3). Pub. L. 105–85, § 622(e)(2)(C), substituted ''subsection (e)'' for ''subsection (h)'' and ''paragraph (1)'' for ''subsection (d)''.

Subsec. (d)(4). Pub. L. 105–85, § 622(e)(2)(B), substituted ''paragraph (1)'' for ''subsection (d)''.

Subsec. (e). Pub. L. 105–85, § 622(e)(3), inserted heading.

Pub. L. 105–85, § 622(d)(2), redesignated subsec. (h) as (e). Former subsec. (e) redesignated subsec. (d)(2).

Subsec. (f). Pub. L. 105–85, § 622(e)(4), inserted heading.

Pub. L. 105–85, § 622(d)(2), redesignated subsec. (i) as (f). Former subsec. (f) redesignated subsec. (d)(3).

Pub. L. 105–85, § 611(g), amended subsec. (f), as redesignated by Pub. L. 105–85, § 622(d)(2), by substituting ''September 30, 1999'' for ''September 30, 1998''.

Subsec. (g). Pub. L. 105–85, § 622(d)(2), redesignated subsec. (g) as subsec. (d)(4).

Subsecs. (h), (i). Pub. L. 105–85, § 622(d)(2), redesignated subsecs. (h) and (i) as (e) and (f), respectively.

1996—Subsec. (i). Pub. L. 104–201 substituted ''September 30, 1998'' for ''September 30, 1997''.

Pub. L. 104–106 substituted ''September 30, 1997'' for ''September 30, 1996''.

1994—Subsec. (i). Pub. L. 103–337 substituted ''September 30, 1996'' for ''September 30, 1995''.

1993—Subsec. (i). Pub. L. 103–160 substituted ''September 30, 1995'' for ''September 30, 1993''.

1992—Subsec. (c). Pub. L. 102–484, § 1136, inserted before period at end ''and may not be paid a bonus under this section unless the specialty associated with the position the member is projected to occupy is a specialty in which the member successfully served while on active duty and attained a level of qualification commensurate with the member's grade and years of service''.

Subsec. (i). Pub. L. 102–484, § 612(d), substituted ''September 30, 1993'' for ''September 30, 1992''.

1991—Subsecs. (e) to (g). Pub. L. 102–25 struck out ''of this section'' wherever appearing.

1989—Subsec. (i). Pub. L. 101–189 substituted ''September 30, 1992'' for ''September 30, 1990''.

1987—Subsec. (b)(1)(B). Pub. L. 100–26 inserted a comma after ''$2,500''.

Subsec. (i). Pub. L. 100–180 substituted ''September 30, 1990'' for ''September 30, 1987''.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–181 effective as of Dec. 31, 2007, and subject to various special provisions, see section 610 of Pub. L. 110–181, set out as a Correction of Lapsed Authorities for Payment of Bonuses, Special Pays, and Similar Benefits for Members of the Uniformed Services note under section 2130a of Title 10, Armed Forces.

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 1999 AMENDMENT

Pub. L. 106–65, div. A, title VI, § 623(b), Oct. 5, 1999, 113 Stat. 654, provided that: ''The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1999, and shall apply to enlistments beginning on or after that date.''

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103–160 effective as of Sept. 30, 1993, and applicable with respect to an enlistment, reenlistment, or extension of an enlistment described in this section or section 308b, 308c, or 308h of this title occurring on or after that date, see section 612(f) of Pub. L. 103–160, set out as a note under section 308b of this title.

EFFECTIVE DATE

Pub. L. 99–145, title VI, § 644(b), Nov. 8, 1985, 99 Stat. 653, provided that: ''The amendments made by subsection (a) [enacting this section] shall take effect on October 1, 1985.''

SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(b) of Pub. L. 109–163, see section 687(f) of Pub. L. 109–163, set out as a note under section 510 of Title 10, Armed Forces.

COVERAGE OF PERIOD OF LAPSED AUTHORITY

For provisions relating to coverage of period of lapsed authority from Oct. 1, 1992, to Oct. 23, 1992, for payment of bonuses or other special pay under this section, see section 612(j)(2) of Pub. L. 102–484, set out as a note under section 301b of this title.

§ 308j. Special pay: affiliation bonus for officers in the Selected Reserve

(a) AFFILIATION BONUS.—(1) The Secretary concerned may pay an affiliation bonus under this section to an eligible officer in any of the armed forces who enters into an agreement with the Secretary to serve, for the period specified in the agreement, in the Selected Reserve of the Ready Reserve of an armed force under the Secretary's jurisdiction—

(A) in a critical officer skill designated under paragraph (3); or

(B) to meet a manpower shortage in—

(i) a unit of that Selected Reserve; or

(ii) a particular pay grade in that armed force.

(2) An officer is eligible for an affiliation bonus under this section if the officer—

(A) either—

(i) is serving on active duty for a period of more than 30 days; or

(ii) is a member of a reserve component not on active duty and, if the member formerly served on active duty, was released from active duty under honorable conditions; and

(B) is not entitled to receive retired or retainer pay.

(3)(A) The Secretary concerned shall designate for an armed force under the Secretary's jurisdiction the critical officer skills to which the bonus authority under this subsection is to be applied.

(B) A skill may be designated as a critical officer skill for an armed force under subparagraph (A) if, to meet requirements of that armed force, it is critical for that armed force to have a sufficient number of officers who are qualified in that skill.

(4) An affiliation bonus payable pursuant to an agreement under this section to an eligible officer accrues on the date on which the person is assigned to a unit or position in the Selected Reserve pursuant to such agreement.

(b) ACCESSION BONUS.—(1) The Secretary concerned may pay an accession bonus under this section to an eligible person who enters into an agreement with the Secretary—

(A) to accept an appointment as an officer in the armed forces; and

(B) to serve in the Selected Reserve of the Ready Reserve in a skill designated under paragraph (2) for a period specified in the agreement.

(2)(A) The Secretary concerned shall designate for an armed force under the Secretary's jurisdiction the officer skills to which the authority under this subsection is to be applied.

(B) A skill may be designated for an armed force under subparagraph (A) if, to mitigate a current or projected significant shortage of personnel in that armed force who are qualified in that skill, it is critical to increase the number of persons accessed into that armed force who are qualified in that skill or are to be trained in that skill.

(3) An accession bonus payable to a person pursuant to an agreement under this section accrues on the date on which that agreement is accepted by the Secretary concerned.

(c) PERIOD OF OBLIGATED SERVICE.—An agreement entered into with the Secretary concerned under this section shall require the person entering into that agreement to serve in the Selected Reserve for a specified period. The period specified in the agreement shall be any period not less than three years that the Secretary concerned determines appropriate to meet the needs of the reserve component in which the service is to be performed.

(d) AMOUNT.—The amount of a bonus under this section may be any amount not in excess of $20,000 that the Secretary concerned determines appropriate.

(e) PAYMENT.—(1) Upon acceptance of a written agreement by the Secretary concerned under this section, the total amount of the bonus payable under the agreement becomes fixed. The agreement shall specify whether the bonus is to be paid in one lump sum or in installments.

(2) A person entitled to a bonus under this section who is called or ordered to active duty shall be paid, during that period of active duty, any amount of the bonus that becomes payable to the member during that period of active duty.

(f) RELATION TO OTHER ACCESSION BONUS AUTHORITY.—A person may not receive an affiliation bonus or accession bonus under this section and financial assistance under chapter 1608, 1609, or 1611 of title 10, or under section 302g of this title, for the same period of service.

(g) REPAYMENT.—A person who enters into an agreement under this section and receives all or part of the bonus under the agreement, but who does not accept a commission or an appointment as an officer or does not commence to participate or does not satisfactorily participate in the Selected Reserve for the total period of service specified in the agreement, shall be subject to the repayment provisions of section 303a(e) of this title.

(Added Pub. L. 108–375, div. A, title VI, §619(a), Oct. 28, 2004, 118 Stat. 1950; amended Pub. L. 109–163, div. A, title VI, §634(a)–(c)(1), Jan. 6, 2006, 119 Stat. 3300; Pub. L. 109–364, div. A, title X, §1071(c)(4), Oct. 17, 2006, 120 Stat. 2401; Pub. L. 112–239, div. A, title VI, §616, Jan. 2, 2013, 126 Stat. 1777.)

AMENDMENTS

2013—Subsec. (d). Pub. L. 112–239 substituted "$20,000" for "$10,000".

2006—Pub. L. 109–163, §634(c)(1), substituted "Special pay: affiliation bonus for officers in the Selected Reserve" for "Special pay: bonus for certain initial service of officers in the Selected Reserve".

Subsec. (a)(2)(B), (C). Pub. L. 109–163, §634(a), redesignated subpar. (C) as (B) and struck out former subpar. (B) which read as follows: "has not previously served in the Selected Reserve of the Ready Reserve; and".

Subsec. (d). Pub. L. 109–163, §634(b), substituted "$10,000" for "$6,000".

Subsec. (g). Pub. L. 109–364 added subsec. (g) and struck out former subsec. (g) which related to requirement to repay bonus upon failure to commence or complete obligated service, inclusion of repayment requirements in each agreement, and characterization of obligation to repay as a debt owed to the United States.

§309. Special pay: enlistment bonus

(a) BONUS AUTHORIZED; BONUS AMOUNT.—A person who enlists in an armed force for a period of at least 2 years may be paid a bonus in an amount not to exceed $40,000. The bonus may be paid in a single lump sum or in periodic installments.

(b) REPAYMENT.—A member who does not complete the term of enlistment for which a bonus was paid to the member under this section, or a member who is not technically qualified in the skill for which a bonus was paid to the member under this section, shall be subject to the repayment provisions of section 303a(e) of this title.

(c) RELATION TO PROHIBITION ON BOUNTIES.—The enlistment bonus authorized by this section is not a bounty for purposes of section 514(a) of title 10.

(d) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under the jurisdiction of the Secretary of Defense and by the Secretary of Homeland Security for the Coast Guard when the Coast Guard is not operating as a service in the Navy.

(e) DURATION OF AUTHORITY.—No bonus shall be paid under this section with respect to any enlistment in the armed forces made after December 31, 2015.

(Added Pub. L. 106–398, § 1 [[div. A], title VI, § 624(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A–152; amended Pub. L. 107–107, div. A, title VI, § 614(c), Dec. 28, 2001, 115 Stat. 1136; Pub. L. 107–296, title XVII, § 1704(c), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 107–314, div. A, title VI, § 614(c), Dec. 2, 2002, 116 Stat. 2568; Pub. L. 108–136, div. A, title VI, § 614(c), Nov. 24, 2003, 117 Stat. 1501; Pub. L. 108–375, div. A, title VI, § 614(d), Oct. 28, 2004, 118 Stat. 1948; Pub. L. 109–163, div. A, title VI, §§ 624(d), 635, 687(b)(20), Jan. 6, 2006, 119 Stat. 3295, 3300, 3330; Pub. L. 109–364, div. A, title VI, § 614(d), Oct. 17, 2006, 120 Stat. 2248; Pub. L. 110–181, div. A, title VI, § 614(c), Jan. 28, 2008, 122 Stat. 149; Pub. L. 110–417, [div. A], title VI, § 614(d), Oct. 14, 2008, 122 Stat. 4485; Pub. L. 111–84, div. A, title VI, § 615(4), Oct. 28, 2009, 123 Stat. 2354; Pub. L. 111–383, div. A, title VI, § 615(4), Jan. 7, 2011, 124 Stat. 4237; Pub. L. 112–81, div. A, title VI, § 615(4), Dec. 31, 2011, 125 Stat. 1450; Pub. L. 112–239, div. A, title VI, § 615(4), Jan. 2, 2013, 126 Stat. 1777; Pub. L. 113–66, div. A, title VI, § 615(4), Dec. 26, 2013, 127 Stat. 781; Pub. L. 113–291, div. A, title VI, § 615(4), Dec. 19, 2014, 128 Stat. 3401.)

PRIOR PROVISIONS

A prior section 309, Pub. L. 87–649, Sept. 7, 1962, 76 Stat. 468, related to authority of Secretary concerned to provide for additional pay for performance of administrative functions by officers of the National Guard and reserve components, prior to repeal by Pub. L. 96–107, title IV, § 404(a)(1), (b), Nov. 9, 1979, 93 Stat. 808, 809, applicable only with respect to administrative functions performed after Sept. 30, 1980.

AMENDMENTS

2014—Subsec. (e). Pub. L. 113–291 substituted ''December 31, 2015'' for ''December 31, 2014''.

2013—Subsec. (e). Pub. L. 113–66 substituted ''December 31, 2014'' for ''December 31, 2013''.

Pub. L. 112–239 substituted ''December 31, 2013'' for ''December 31, 2012''.

2011—Subsec. (e). Pub. L. 112–81 substituted ''December 31, 2012'' for ''December 31, 2011''.

Pub. L. 111–383 substituted ''December 31, 2011'' for ''December 31, 2010''.

2009—Subsec. (e). Pub. L. 111–84 substituted ''December 31, 2010'' for ''December 31, 2009''.

2008—Subsec. (e). Pub. L. 110–417 substituted ''December 31, 2009'' for ''December 31, 2008''.

Pub. L. 110–181 substituted ''December 31, 2008'' for ''December 31, 2007''.

2006—Subsec. (a). Pub. L. 109–163, § 635, substituted ''$40,000'' for ''$20,000''.

Subsec. (b). Pub. L. 109–163, § 687(b)(20), amended heading and text of subsec. (b) generally, substituting provisions referring to repayment provisions of section 303a(e) for specific provisions relating to refunds required when member is not technically qualified in skill for which bonus was paid or fails to complete term of enlistment for which bonus was paid.

Subsec. (e). Pub. L. 109–364 substituted ''December 31, 2007'' for ''December 31, 2006''.

Pub. L. 109–163, § 624(d), substituted ''December 31, 2006'' for ''December 31, 2005''.

2004—Subsec. (e). Pub. L. 108–375 substituted ''December 31, 2005'' for ''December 31, 2004''.

2003—Subsec. (e). Pub. L. 108–136 substituted ''December 31, 2004'' for ''December 31, 2003''.

2002—Subsec. (d). Pub. L. 107–296 substituted ''of Homeland Security'' for ''of Transportation''.

Subsec. (e). Pub. L. 107–314 substituted ''December 31, 2003'' for ''December 31, 2002''.

2001—Subsec. (e). Pub. L. 107–107 substituted ''December 31, 2002'' for ''December 31, 2001''.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–181 effective as of Dec. 31, 2007, and subject to various special provisions, see section 610 of Pub. L. 110–181, set out as a Correction of Lapsed Authorities for Payment of Bonuses, Special Pays, and Similar Benefits for Members of the Uniformed Services note under section 2130a of Title 10, Armed Forces.

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

Pub. L. 106–398, § 1 [[div. A], title VI, § 624(c)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A–153, provided that: ''The amendments made by subsection (a) [enacting this section] shall take effect on October 1, 2000, and apply with respect to enlistments in the Armed Forces made on or after that date.''

SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(b) of Pub. L. 109–163, see section 687(f) of Pub. L. 109–163, set out as a note under section 510 of Title 10, Armed Forces.

§ 310. Special pay: duty subject to hostile fire or imminent danger

(a) ELIGIBILITY.—Under regulations prescribed by the Secretary of Defense, a member of a uniformed service may be paid special pay under subsection (b) for any day or portion of a day in which—

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

(2) the member—

(A) was subject to hostile fire or explosion of hostile mines;

(B) was on duty in an area in which the member was in imminent danger of being exposed to hostile fire or explosion of hostile mines and in which, during the period the member was on duty in the area, other members of the uniformed services were subject to hostile fire or explosion of hostile mines;

(C) was killed, injured, or wounded by hostile fire, explosion of a hostile mine, or any other hostile action; or

(D) was on duty in a foreign area in which the member was subject to the threat of physical harm or imminent danger on the basis of civil insurrection, civil war, terrorism, or wartime conditions.

(b) SPECIAL PAY AMOUNT.—(1) Except as provided in paragraph (2), the amount of special pay authorized by subsection (a) for qualifying service during a day or portion of a day shall be the amount equal to 1/30th of the maximum monthly amount of special pay payable to a member as specified in paragraph (3).

(2) In the case of a member who is exposed to hostile fire or a hostile mine explosion event in or for a day or portion of a day, the Secretary concerned may, at the election of the Secretary, pay the member special pay under subsection (a) for such service in an amount not to exceed the maximum monthly amount of special pay payable to a member as specified in paragraph (3).

(3) The maximum monthly amount of special pay payable to a member under this subsection for any month is $225.

(c) CONTINUATION DURING HOSPITALIZATION.—(1) A member described in paragraph (2) may be paid special pay under this section for any day (or portion of a day) of not more than three additional months during which the member is hospitalized as described in such paragraph.

(2) Paragraph (1) applies with respect to a member who—

(A) is injured or wounded under the circumstances described in subsection (a)(2)(C) and is hospitalized for the treatment of the injury or wound; or

(B) while in the line of duty, incurs a wound, injury, or illness in a combat operation or combat zone designated by the Secretary of Defense and is hospitalized outside of the theater of the combat operation or the combat zone for the treatment of the wound, injury, or illness.

(d) LIMITATIONS AND ADMINISTRATION.—(1) In the case of an area described in subparagraph (B) or (D) of subsection (a)(2), the Secretary of Defense shall be responsible for designating the period during which duty in the area will qualify members for special pay under this section. The effective date designated for the commencement of such a period may be a date occurring before, on, or after the actual date on which the Secretary makes the designation. If the commencement date for such a period is a date occurring before the date on which the Secretary makes the designation, the payment of special pay under this section for the period between the commencement date and the date on which the Secretary makes the designation shall be subject to the availability of appropriated funds for that purpose.

(2) A member may not be paid more than one special pay under this section for any day. A member may be paid special pay under this section in addition to any other pay and allowances to which he may be entitled.

(e) DETERMINATIONS OF FACT.—Any determination of fact that is made in administering this section is conclusive. Such a 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 determination may be changed on the basis of new evidence or for other good cause.

(Added Pub. L. 88–132, §9(a)(1), Oct. 2, 1963, 77 Stat. 216; amended Pub. L. 89–132, §4, Aug. 21, 1965, 79 Stat. 547; Pub. L. 98–94, title IX, §905(a), (b)(1), Sept. 24, 1983, 97 Stat. 636, 637; Pub. L. 99–145, title VI, §638(a), Nov. 8, 1985, 99 Stat. 649; Pub. L. 101–510, div. A, title XIII, §1322(c)(6), Nov. 5, 1990, 104 Stat. 1672; Pub. L. 102–190, div. A, title VI, §§611(a), 613, Dec. 5, 1991, 105 Stat. 1376, 1377; Pub. L. 105–261, div. A, title VI, §621, Oct. 17, 1998, 112 Stat. 2042; Pub. L. 108–11, title I, §1316(a), (c)(2), Apr. 16, 2003, 117 Stat. 570; Pub. L. 108–136, div. A, title VI, §§618(a), (b), (d)(2), 619, Nov. 24, 2003, 117 Stat. 1503, 1504; Pub. L. 108–375, div. A, title VI, §623(a), Oct. 28, 2004, 118 Stat. 1955; Pub. L. 109–163, div. A, title VI, §§636, 642(b), Jan. 6, 2006, 119 Stat. 3300, 3306; Pub. L. 111–84, div. A, title VI, §618(a), Oct. 28, 2009, 123 Stat. 2355; Pub. L. 112–81, div. A, title VI, §616(a), Dec. 31, 2011, 125 Stat. 1451; Pub. L. 112–239, div. A, title X, §1076(h)(1), Jan. 2, 2013, 126 Stat. 1955.)

AMENDMENTS

2013—Subsec. (c)(1). Pub. L. 112–239 substituted ''section for'' for ''section for for''.

2011—Subsec. (a). Pub. L. 112–81, §616(a)(1), substituted ''for any day or portion of a day'' for ''for any month or portion of a month'' in introductory provisions.

Subsec. (b). Pub. L. 112–81, §616(a)(2), added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows:

''(1) The special pay authorized by subsection (a) may not exceed $225 a month.

''(2) Except as provided in subsection (c), if a member does not satisfy the eligibility requirements specified in paragraphs (1) and (2) of subsection (a) for an entire month for receipt of special pay under subsection (a), the Secretary concerned may prorate the payment amount to reflect the duration of the member's actual qualifying service during the month.''

Subsec. (c)(1). Pub. L. 112–81, §616(a)(3), inserted ''for any day (or portion of a day) of'' before ''not more than three additional months''.

Subsec. (d)(2). Pub. L. 112–81, §616(a)(4), substituted ''any day'' for ''any month''.

2009—Subsec. (a). Pub. L. 111–84, §618(a)(1), struck out ''and Special Pay Amount'' after ''Eligibility'' in heading and substituted ''under subsection (b) for any month or portion of a month'' for ''at the rate of $225 for any month'' in introductory provisions.

Subsecs. (b), (c). Pub. L. 111–84, §618(a)(3), (4), added subsec. (b) and redesignated former subsec. (b) as (c). Former subsec. (c) redesignated (d).

Subsec. (c)(3). Pub. L. 111–84, §618(a)(2), struck out par. (3) which read as follows: ''A member of a reserve component who is eligible for special pay under this section for a month shall receive the full amount authorized in subsection (a) for that month regardless of the number of days during that month on which the member satisfies the eligibility criteria specified in such subsection.''

Subsecs. (d), (e). Pub. L. 111–84, §618(a)(3), redesignated subsecs. (c) and (d) as (d) and (e), respectively.

2006—Subsec. (b). Pub. L. 109–163, §642(b), designated existing text as par. (1), substituted ''A member described in paragraph (2)'' for ''A member covered by subsection (a)(2)(C) who is hospitalized for the treatment of the injury or wound'' and ''hospitalized as described in such paragraph'' for ''so hospitalized'', and added par. (2).

Subsec. (c). Pub. L. 109–163, §636, added par. (1) and redesignated former pars. (1) and (2) as (2) and (3), respectively.

2004—Subsec. (a). Pub. L. 108–375, § 623(a)(2)(A), substituted ''$225'' for ''$150''.

Subsec. (e). Pub. L. 108–375, § 623(a)(2)(B), struck out heading and text of subsec. (e). Text read as follows: ''For the period beginning on October 1, 2003, and ending on December 31, 2005, the rate of pay authorized by subsection (a) shall be increased to $225.''

Pub. L. 108–375, § 623(a)(1), substituted ''December 31, 2005'' for ''December 31, 2004''.

2003—Subsec. (a). Pub. L. 108–136, § 618(a)(2), added subsec. (a) and struck out former subsec. (a) which read as follows: ''Under regulations prescribed by the Secretary of Defense, a member of a uniformed service may be paid special pay at the rate of $150 for any month in which he was entitled to basic pay and in which he—

''(1) was subject to hostile fire or explosion of hostile mines;

''(2) was on duty in an area in which he was in imminent danger of being exposed to hostile fire or explosion of hostile mines and in which, during the period he was on duty in that area, other members of the uniformed services were subject to hostile fire or explosion of hostile mines;

''(3) was killed, injured, or wounded by hostile fire, explosion of a hostile mine, or any other hostile action; or

''(4) was on duty in a foreign area in which he was subject to the threat of physical harm or imminent danger on the basis of civil insurrection, civil war, terrorism, or wartime conditions.

A member covered by clause (3) who is hospitalized for the treatment of his injury or wound may be paid special pay under this section for not more than three additional months during which he is so hospitalized.''

Pub. L. 108–11, § 1316(a), (c), as amended by Pub. L. 108–136, § 618(d)(2), temporarily substituted ''$225'' for ''$150'' in introductory provisions. See Effective and Termination Dates of 2003 Amendments note below.

Subsec. (b). Pub. L. 108–136, § 618(a)(2), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 108–136, § 618(b)(1), inserted heading.

Pub. L. 108–136, § 618(a)(1), redesignated subsec. (b) as (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 108–136, § 618(b)(2), inserted heading.

Pub. L. 108–136, § 618(a)(1), redesignated subsec. (c) as (d).

Subsec. (e). Pub. L. 108–136, § 619, added subsec. (e).

1998—Subsec. (b). Pub. L. 105–261 designated existing provisions as par. (1) and added par. (2).

1991—Subsec. (a). Pub. L. 102–190 substituted ''Under'' for ''Except in time of war declared by Congress, and under'' and ''rate of $150'' for ''lowest rate for hazardous duty incentive pay specified in section 301(c)(1) of this title''.

1990—Subsec. (d). Pub. L. 101–510 struck out subsec. (d) which read as follows: ''The Secretary of Defense shall report to Congress by March 1 of each year on the administration of this section during the preceding calendar year.''

1985—Subsec. (a). Pub. L. 99–145 substituted ''at the lowest rate for hazardous duty incentive pay specified in section 301(c)(1) of this title'' for ''at the rate of $65 a month'' in provisions preceding cl. (1).

1983—Pub. L. 98–94, § 905(b)(1), inserted ''or imminent danger'' in section catchline.

Subsec. (a)(4). Pub. L. 98–94, § 905(a), added cl. (4).

1965—Subsec. (a). Pub. L. 89–132 increased rate of special pay from $55 to $65 a month.

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108–375, div. A, title VI, § 623(a)(2), Oct. 28, 2004, 118 Stat. 1955, provided that the amendments made by section 623(a)(2) are effective Jan. 1, 2006.

EFFECTIVE AND TERMINATION DATES OF 2003 AMENDMENTS

Pub. L. 108–136, div. A, title VI, § 618(c), Nov. 24, 2003, 117 Stat. 1504, provided that: ''Subsections (a) and (b) of section 310 of title 37, United States Code, as added by subsection (a)(2), shall take effect as of September 11, 2001.''

Pub. L. 108–136, div. A, title VI, § 618(d)(2), Nov. 24, 2003, 117 Stat. 1504, provided that the amendment made by section 618(d)(2) is effective Apr. 16, 2003.

Pub. L. 108–11, title I, § 1316(c), Apr. 16, 2003, 117 Stat. 570, as amended by Pub. L. 108–136, div. A, title VI, § 618(d)(2), Nov. 24, 2003, 117 Stat. 1504, provided that:

''(1) The amendments made by subsections (a) and (b) [amending this section and section 427 of this title] shall expire on September 30, 2003.

''(2) Effective on September 30, 2003, the dollar amounts specified in sections 310(a) of title 37, United States Code, and 427(a)(1) of title 37, United States Code, as in effect on the day before the date of the enactment of this Act [Apr. 16, 2003] are hereby revived.''

Pub. L. 108–11, title I, § 1316(d), Apr. 16, 2003, 117 Stat. 571, provided that: ''The amendments made by subsections (a) and (b) [amending this section and section 427 of this title] shall take effect on October 1, 2002, and shall apply with respect to months beginning on or after that date.''

EFFECTIVE DATE OF 1985 AMENDMENT

Pub. L. 99–145, title VI, § 638(b), Nov. 8, 1985, 99 Stat. 649, provided that: ''The amendment made by this section [amending this section] shall take effect on October 1, 1985.''

EFFECTIVE DATE OF 1983 AMENDMENT

Pub. L. 98–94, title IX, § 905(c), Sept. 24, 1983, 97 Stat. 637, provided that: ''The amendments made by this section [amending this section] shall take effect on October 1, 1983.''

EFFECTIVE DATE OF 1965 AMENDMENT

Amendment by Pub. L. 89–132 effective Sept. 1, 1965, see section 10 of Pub. L. 89–132, set out as a note under section 203 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1963, see section 14 of Pub. L. 88–132, set out as an Effective Date of 1963 Amendment note under section 201 of this title.

RELATION TO TEMPORARY INCREASE IN AUTHORIZED AMOUNT OF HOSTILE FIRE AND IMMINENT DANGER SPECIAL PAY

Pub. L. 108–136, div. A, title VI, § 618(d)(1), Nov. 24, 2003, 117 Stat. 1504, provided that: ''The amendment made by subsection (a)(2) [amending this section] does not affect the authority to pay an increased amount of hostile fire and imminent danger special pay under section 310 of title 37, United States Code, pursuant to—

''(A) the amendment made by subsection (a) of section 1316 of Public Law 108–11 (117 Stat. 570) [amending this section] during the period specified in subsection (c)(1) of such section, as modified by section 113 of Public Law 108–84 (117 Stat. 1044); or

''(B) the amendment made by section 619 of this Act [amending this section] during the period specified in such amendment.''

RETROACTIVE PAYMENT OF HOSTILE FIRE OR IMMINENT DANGER PAY FOR SERVICE IN EASTERN MEDITERRANEAN SEA IN OPERATION IRAQI FREEDOM

Pub. L. 108–136, div. A, title VI, § 620, Nov. 24, 2003, 117 Stat. 1504, provided that:

''(a) PAYMENT AUTHORIZED.—The Secretary of Defense may authorize the payment of hostile fire or imminent danger pay under section 310(a) of title 37, United States Code, to members of the Armed Forces who were assigned to duty, during the period beginning on March 19, 2003, and ending on April 11, 2003, in the area specified in subsection (b) in connection with Operation Iraqi Freedom at any time during that period.

''(b) SPECIFIED AREA.—The area referred to in subsection (a) is the Mediterranean Sea east of 30 degrees East Longitude (sea area only).''

RATES OF PAY FOR FISCAL YEAR 2004

Pub. L. 108–106, title I, §1104, Nov. 6, 2003, 117 Stat. 1214, provided that: ''From October 1, 2003, through September 30, 2004, (a) the rates of pay authorized by section 310(a) of title 37, United States Code, shall be $225; and (b) the rates of pay authorized by section 427(a)(1) of title 37, United States Code, shall be $250.''

RETROACTIVE AUTHORIZATION FOR IMMINENT DANGER PAY FOR SERVICE IN CONNECTION WITH OPERATION ENDURING FREEDOM

Pub. L. 107–107, div. A, title VI, §624, Dec. 28, 2001, 115 Stat. 1143, provided that:

''(a) RETROACTIVE AUTHORIZATION.—The Secretary of Defense may provide for the payment of imminent danger pay under section 310 of title 37, United States Code, to members of the Armed Forces assigned to duty in the areas specified in subsection (b) in connection with the contingency operation known as Operation Enduring Freedom with respect to periods of duty served in those areas during the period beginning on September 19, 2001, and ending October 31, 2001.

''(b) SPECIFIED AREAS.—The areas referred to in subsection (a) are the following:

''(1) The land areas of Kyrgyzstan, Oman, the United Arab Emirates, and Uzbekistan.

''(2) The Red Sea, the Gulf of Aden, the Gulf of Oman, and the Arabian Sea (that portion north of 10° north latitude and west of 68° east longitude).''

TEMPORARY INCREASE IN SPECIAL PAY IN CONNECTION WITH PERSIAN GULF CONFLICT

Pub. L. 102–25, title III, §301, Apr. 6, 1991, 105 Stat. 80, provided that:

''(a) INCREASED RATE.—In lieu of the rate of special pay specified in section 310(a) of title 37, United States Code, the rate of special pay payable under that section shall be $150 for each month during the period described in subsection (b).

''(b) PERIOD OF APPLICABILITY.—Subsection (a) shall apply during the period beginning on August 1, 1990, and ending on the first day of the first month beginning on or after the date 180 days after the end of the Persian Gulf conflict.''

IMMINENT DANGER PAY IN CONNECTION WITH OPERATION DESERT SHIELD

Pub. L. 101–510, div. A, title XI, §1111(a), Nov. 5, 1990, 104 Stat. 1635, provided that: ''The Secretary of Defense may provide for the payment of imminent danger pay under section 310 of title 37, United States Code, to members of the Armed Forces assigned to duty in the Persian Gulf area in connection with Operation Desert Shield with respect to periods of duty served after August 1, 1990, and before the date of the enactment of this Act [Nov. 5, 1990].''

[§311. Repealed. Pub. L. 99–145, title VI, §639(b), Nov. 8, 1985, 99 Stat. 651]

Section, added Pub. L. 90–207, §1(2)(A), Dec. 16, 1967, 81 Stat. 651; amended Pub. L. 90–603, §1, Oct. 18, 1968, 82 Stat. 1187; Pub. L. 90–623, §3(5), Oct. 22, 1968, 82 Stat. 1314; Pub. L. 93–274, §1(3), May 6, 1974, 88 Stat. 95; Pub. L. 93–394, §1, Aug. 29, 1974, 88 Stat. 792; Pub. L. 96–284, §4(d)(1)–(3), June 28, 1980, 94 Stat. 591, 592; Pub. L. 96–513, title IV, §414(b), title V, §516(7), Dec. 12, 1980, 94 Stat. 2906, 2938, provided for continuation pay for dentists in the armed forces. See section 302b of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1985, see section 639(f) of Pub. L. 99–145, set out as an Effective Date of 1985 Amendment note under section 302b of this title.

§312. Special pay: nuclear-qualified officers extending period of active service

(a) SPECIAL PAY AUTHORIZED; ELIGIBILITY.—Under regulations to be prescribed by the Secretary of the Navy, the Secretary may pay special pay under subsection (b) to an officer of the naval service who—

(1) is entitled to basic pay;

(2) has the current technical qualification for duty in connection with supervision, operation, and maintenance of naval nuclear propulsion plants; and

(3) executes a written agreement to remain on active duty in connection with supervision, operation, and maintenance of naval nuclear propulsion plants for a period of not less than three years, so long as the new period of obligated active service does not extend beyond the end of 30 years of commissioned service, in addition to any other period of obligated active service.

(b) PAYMENT AMOUNT; PAYMENT OPTIONS.—(1) The total amount paid to an officer under an agreement under subsection (a) or (e)(1) may not exceed $30,000 for each year of the active-service agreement. Amounts paid under the agreement are in addition to all other compensation to which the officer is entitled.

(2) The Secretary shall determine annually the necessity for continuance of the special pay and the rate of special pay per year for such active-service agreements accepted within each 12-month period.

(3) Upon acceptance of an agreement under subsection (a) or (e)(1) by the Secretary, the total amount payable shall be paid in a single lump-sum or in annual installments of equal or different amounts over the length of the contract, commencing at the expiration of any existing period of obligated active service.

(4) The Secretary may accept an active service agreement under this section not more than one year in advance of the end of an officer's existing period of obligated active service under such an agreement. In such a case, the amount of the special pay may be paid commencing with the date of acceptance of the agreement, and, if the special pay will be paid in annual installments, the number of installments may not exceed the number of years covered by the agreement plus one.

(c) REPAYMENT.—An officer who does not complete the period of active duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants that the officer agreed to serve, and for which a payment was made under subsection (b) or (e)(1), shall be subject to the repayment provisions of section 303a(e) of this title.

(d) RELATION TO SERVICE OBLIGATION.—Nothing in this section shall alter or modify the obligation of a regular officer to perform active service at the pleasure of the President. Completion of the additional period of active service under this section shall in no way obligate the President to accept a resignation submitted by a regular officer.

(e) NEW AGREEMENT.—(1) An officer who is performing obligated service under an agreement

under subsection (a) may, if the amount that may be paid under subsection (b) is higher than at the time the officer executed such agreement, execute a new agreement under this subsection. The period of such an agreement shall be a period equal to or exceeding the original period of the officer's existing agreement, so long as the period of obligated active service under the new agreement does not extend beyond the maximum number of years of commissioned service authorized by subsection (a)(3). If a new agreement is executed under this subsection, the existing active-service agreement shall be cancelled, effective on the day before an anniversary date of that agreement after the date on which the amount that may be paid under this section is increased.

(2) This subsection shall be carried out under regulations prescribed by the Secretary of the Navy.

(f) DURATION OF AUTHORITY.—The provisions of this section shall be effective only in the case of officers who, on or before December 31, 2015, execute the required written agreement to remain in active service.

(Added Pub. L. 91–20, § 1(1), June 3, 1969, 83 Stat. 12; amended Pub. L. 92–581, § 1(1), (2), Oct. 27, 1972, 86 Stat. 1277; Pub. L. 94–356, § 2, July 12, 1976, 90 Stat. 901; Pub. L. 96–513, title V, § 516(8), Dec. 12, 1980, 94 Stat. 2938; Pub. L. 96–579, § 2(a), Dec. 23, 1980, 94 Stat. 3359; Pub. L. 99–145, title VI, § 632(a), Nov. 8, 1985, 99 Stat. 643; Pub. L. 101–189, div. A, title VI, § 614(a), Nov. 29, 1989, 103 Stat. 1446; Pub. L. 102–25, title VII, § 702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 103–337, div. A, title VI, § 613(g), Oct. 5, 1994, 108 Stat. 2783; Pub. L. 104–106, div. A, title VI, § 613(e), Feb. 10, 1996, 110 Stat. 360; Pub. L. 104–201, div. A, title VI, § 613(d), Sept. 23, 1996, 110 Stat. 2544; Pub. L. 105–85, div. A, title VI, §§ 613(d), 624(a), Nov. 18, 1997, 111 Stat. 1786, 1793; Pub. L. 105–261, div. A, title VI, § 613(d), Oct. 17, 1998, 112 Stat. 2039; Pub. L. 106–65, div. A, title VI, §§ 613(e), 624(a), Oct. 5, 1999, 113 Stat. 650, 654; Pub. L. 106–398, § 1 [[div. A], title VI, § 623(c)], Oct. 30, 2000, 114 Stat. 1654, 1654A–152; Pub. L. 107–107, div. A, title VI, § 613(a), Dec. 28, 2001, 115 Stat. 1136; Pub. L. 107–314, div. A, title VI, § 613(a), Dec. 2, 2002, 116 Stat. 2568; Pub. L. 108–136, div. A, title VI, § 613(a), Nov. 24, 2003, 117 Stat. 1501; Pub. L. 108–375, div. A, title VI, § 613(a), Oct. 28, 2004, 118 Stat. 1947; Pub. L. 109–163, div. A, title VI, §§ 623(a), 637, 687(b)(21), Jan. 6, 2006, 119 Stat. 3294, 3301, 3331; Pub. L. 109–364, div. A, title VI, §§ 613(a), 618, Oct. 17, 2006, 120 Stat. 2248, 2251; Pub. L. 110–181, div. A, title VI, §§ 613(a), 621(a), Jan. 28, 2008, 122 Stat. 149, 151; Pub. L. 110–417, [div. A], title VI, §§ 613(a), 617, Oct. 14, 2008, 122 Stat. 4485, 4486; Pub. L. 111–84, div. A, title VI, § 613(1), Oct. 28, 2009, 123 Stat. 2353; Pub. L. 111–383, div. A, title VI, § 613(1), Jan. 7, 2011, 124 Stat. 4237; Pub. L. 112–81, div. A, title VI, § 613(1), Dec. 31, 2011, 125 Stat. 1450; Pub. L. 112–239, div. A, title VI, § 613(1), Jan. 2, 2013, 126 Stat. 1776; Pub. L. 113–66, div. A, title VI, § 613(1), Dec. 26, 2013, 127 Stat. 780; Pub. L. 113–291, div. A, title VI, § 613(1), Dec. 19, 2014, 128 Stat. 3400.)

AMENDMENTS

2014—Subsec. (f). Pub. L. 113–291 substituted ''December 31, 2015'' for ''December 31, 2014''.

2013—Subsec. (f). Pub. L. 113–66 substituted ''December 31, 2014'' for ''December 31, 2013''.

Pub. L. 112–239 substituted ''December 31, 2013'' for ''December 31, 2012''.

2011—Subsec. (f). Pub. L. 112–81 substituted ''December 31, 2012'' for ''December 31, 2011''.

Pub. L. 111–383 substituted ''December 31, 2011'' for ''December 31, 2010''.

2009—Subsec. (f). Pub. L. 111–84 substituted ''December 31, 2010'' for ''December 31, 2009''.

2008—Subsec. (a)(3). Pub. L. 110–417, § 617, substituted ''not less than three years'' for ''three, four, or five years''.

Pub. L. 110–181, § 621(a)(1), substituted ''30 years'' for ''26 years''.

Subsec. (e)(1). Pub. L. 110–181, § 621(a)(2), substituted ''the maximum number of years of commissioned service authorized by subsection (a)(3)'' for ''the end of 26 years of commissioned service''.

Subsec. (f). Pub. L. 110–417, § 613(a), substituted ''December 31, 2009'' for ''December 31, 2008''.

Pub. L. 110–181, § 613(a), substituted ''December 31, 2008'' for ''December 31, 2007''.

2006—Subsec. (a). Pub. L. 109–364, § 618(c)(1), inserted heading.

Pub. L. 109–364, § 618(b)(2)(C), designated concluding provisions as subsec. (b).

Pub. L. 109–364, § 618(b)(2)(A), substituted ''the Secretary may pay special pay under subsection (b) to an officer'' for ''an officer'' in introductory provisions.

Pub. L. 109–364, § 618(a), in concluding provisions, substituted ''in a single lump-sum or in annual installments of equal or different amounts'' for ''in equal annual installments'' and ''and, if the special pay will be paid in annual installments, the number of installments may not exceed the number of years covered by the agreement plus one'' for ''with the number of installments being equal to the number of years covered by the contract plus one''.

Pub. L. 109–163, § 637, substituted ''$30,000'' for ''$25,000'' in concluding provisions.

Subsec. (a)(3). Pub. L. 109–364, § 618(b)(2)(B), substituted period for comma at end.

Subsec. (b). Pub. L. 109–364, § 618(b)(1), (2)(C)–(E), designated concluding provisions of subsec. (a) as (b), inserted heading, and substituted ''(1) The total amount paid to an officer under an agreement under subsection (a) or (e)(1) may not exceed $30,000 for each year of the active-service agreement. Amounts paid under the agreement are in addition to all other compensation to which the officer is entitled.'' for ''may, upon the acceptance by the Secretary or his designee of the written agreement, in addition to all other compensation to which he is entitled, be paid a sum of money not to exceed $30,000 for each year of the active-service agreement.'', ''(2) The Secretary shall'' for ''The Secretary of the Navy shall'', ''(3) Upon acceptance of an agreement under subsection (a) or (e)(1) by the Secretary'' for ''Upon acceptance of the agreement by the Secretary or his designee'', and ''(4) The Secretary'' for ''The Secretary (or his designee)''. Former subsec. (b) redesignated (c).

Pub. L. 109–163, § 687(b)(21), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: ''Pursuant to regulations prescribed by the Secretary of the Navy and subject to such exceptions as may be prescribed in those regulations, refunds, on a pro rata basis, of sums paid pursuant to this section may be required if the officer having received the payment fails to complete the full period of active duty in connection with supervision, operation, and maintenance of naval nuclear propulsion plants which he agreed to serve.''

Subsec. (c). Pub. L. 109–364, § 618(b)(1), (3), (c)(2), redesignated subsec. (b) as (c), inserted heading, and substituted ''subsection (b) or (e)(1)'' for ''subsection (a) or subsection (d)(1)''. Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 109–364, § 618(b)(1), (c)(3), redesignated subsec. (c) as (d) and inserted heading. Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 109–364, §618(b)(1), (c)(4), redesignated subsec. (d) as (e) and inserted heading. Former subsec. (e) redesignated (f).

Pub. L. 109–364, §613(a), substituted ''December 31, 2007'' for ''December 31, 2006''.

Pub. L. 109–163, §623(a), substituted ''December 31, 2006'' for ''December 31, 2005''.

Subsec. (e)(1). Pub. L. 109–364, §618(b)(4), in first sentence, substituted ''subsection (b)'' for ''such subsection'' and ''this subsection'' for ''that subsection''.

Subsec. (f). Pub. L. 109–364, §618(b)(1), (c)(5), redesignated subsec. (e) as (f) and inserted heading.

2004—Subsec. (e). Pub. L. 108–375 substituted ''December 31, 2005'' for ''December 31, 2004''.

2003—Subsec. (e). Pub. L. 108–136 substituted ''December 31, 2004'' for ''December 31, 2003''.

2002—Subsec. (e). Pub. L. 107–314 substituted ''December 31, 2003'' for ''December 31, 2002''.

2001—Subsec. (e). Pub. L. 107–107 substituted ''December 31, 2002'' for ''December 31, 2001''.

2000—Subsec. (e). Pub. L. 106–398 substituted ''December 31, 2001'' for ''December 31, 2000''.

1999—Subsec. (a). Pub. L. 106–65, §624(a), substituted ''$25,000'' for ''$15,000'' in concluding provisions.

Subsec. (e). Pub. L. 106–65, §613(e), substituted ''December 31, 2000'' for ''December 31, 1999''.

1998—Subsec. (e). Pub. L. 105–261 substituted ''December 31, 1999'' for ''September 30, 1999''.

1997—Subsec. (a). Pub. L. 105–85, §624(a), substituted ''$15,000'' for ''$12,000'' in concluding provisions.

Subsec. (e). Pub. L. 105–85, §613(d), substituted ''September 30, 1999'' for ''September 30, 1998''.

1996—Subsec. (e). Pub. L. 104–201 substituted ''September 30, 1998'' for ''September 30, 1997''.

Pub. L. 104–106 substituted ''September 30, 1997'' for ''September 30, 1996''.

1994—Subsec. (e). Pub. L. 103–337 substituted ''September 30, 1996'' for ''September 30, 1995''.

1991—Subsec. (d)(1). Pub. L. 102–25 struck out ''of this section'' after ''subsection (a)''.

1989—Subsec. (e). Pub. L. 101–189 substituted ''September 30, 1995'' for ''September 30, 1990''.

1985—Subsec. (a). Pub. L. 99–145, §632(a)(1)(D), in provisions following numbered clauses, substituted ''$12,000'' for ''$7,000'', ''annually'' for ''semiannually'', ''12-month period'' for ''six-month period'', and ''shall be paid in equal annual installments over the length of the contract, commencing at the expiration of any existing period of obligated active service. The Secretary (or his designee) may accept an active service agreement under this section not more than one year in advance of the end of an officer's existing period of obligated active service under such an agreement. In such a case, the amount of the special pay may be paid commencing with the date of acceptance of the agreement, with the number of installments being equal to the number of years covered by the contract plus one'' for ''shall become fixed and shall be paid in four equal yearly installments, commencing at the expiration of the initial obligated service; except, the Secretary or his designee may accept the active-service agreement not more than one year in advance of the expiration of the initial obligated active service and the amount may then be paid in five yearly installments, not to exceed $5,600 per year, commencing with the date of acceptance of the agreement''.

Subsec. (a)(2) to (4). Pub. L. 99–145, §632(a)(1)(A)–(C), inserted ''and'' at end of cl. (2), redesignated cl. (4) as (3) and substituted ''for a period of three, four, or five years, so long as the new period of obligated active service does not extend beyond the end of 26 years of commissioned service,'' for ''for one period of four years'', and struck out former cl. (3) which related to an officer of the naval service who had not completed ten years of commissioned service.

Subsec. (b). Pub. L. 99–145, §632(a)(2), (3), redesignated subsec. (c) as (b), struck out ''of four years'' after ''complete the full period'', and struck out former subsec. (b) which provided that no more than one agreement for each officer would be accepted under this section.

Subsec. (c). Pub. L. 99–145, §632(a)(4), redesignated subsec. (d) as (c), and substituted ''additional period of active service under this section shall in no way obligate the President to accept a resignation submitted by a regular officer.'' for ''additional period of four years' active service under this section shall in no way obligate the President to accept a resignation submitted by a regular officer at the end of the four-year period.'' Former subsec. (c) redesignated (b).

Subsec. (d). Pub. L. 99–145, §632(a)(5), added subsec. (d). Former subsec. (d) redesignated (c).

Subsec. (e). Pub. L. 99–145, §632(a)(6), substituted ''September 30, 1990'' for ''September 30, 1987''.

1980—Subsec. (a). Pub. L. 96–579, §2(a)(1), substituted ''$7,000'' and ''$5,600'' for ''$5,000'' and ''$4,000'', respectively.

Pub. L. 96–513 redesignated cls. (3) to (5) as (2) to (4), respectively. Former cl. (2) was repealed by Pub. L. 92–581, §1(2)(A), Oct. 27, 1972, 86 Stat. 1277.

Subsec. (e). Pub. L. 96–579, §2(a)(2), substituted ''September 30, 1987'' for ''September 30, 1981''.

1976—Subsec. (a). Pub. L. 94–356, §2(1), substituted ''$5,000'' for ''$3,750'' and ''$4,000'' for ''$3,000''.

Subsec. (e). Pub. L. 94–356, §2(2), substituted ''September 30, 1981'' for ''June 30, 1975''.

1972—Pub. L. 92–581, §1(1), struck out ''submarine'' in section catchline.

Subsec. (a)(2). Pub. L. 92–581, §1(2)(A), struck out cl. (2) which referred to officers of the naval service currently designated ''qualified in submarines''.

Subsec. (a)(5). Pub. L. 92–581, §1(2)(B), substituted ''on active duty in connection with supervision, operation, and maintenance of naval nuclear propulsion plants'', for ''in active submarine service''.

Subsec. (c). Pub. L. 92–581, §1(2)(C), substituted ''duty in connection with supervision, operation, and maintenance of naval nuclear propulsion plants'', for ''submarine service''.

Subsec. (d). Pub. L. 92–581, §1(2)(D), struck out ''submarine''.

Subsec. (e). Pub. L. 92–581, §1(2)(E), substituted ''1975'' for ''1973''.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by section 613(a) of Pub. L. 110–181 effective as of Dec. 31, 2007, and subject to various special provisions, see section 610 of Pub. L. 110–181, set out as a Correction of Lapsed Authorities for Payment of Bonuses, Special Pays, and Similar Benefits for Members of the Uniformed Services note under section 2130a of Title 10, Armed Forces.

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106–65, div. A, title VI, §624(d)(1), Oct. 5, 1999, 113 Stat. 654, provided that: ''The amendments made by subsections (a) and (b) [amending this section and section 312b of this title] shall take effect on October 1, 1999, and shall apply to agreements under section 312 or 312b of such title entered into on or after that date.''

EFFECTIVE DATE OF 1997 AMENDMENT

Pub. L. 105–85, div. A, title VI, §624(d), Nov. 18, 1997, 111 Stat. 1793, provided that:

''(1) The amendments made by this section [amending this section and sections 312b and 312c of this title] shall take effect as of October 1, 1997.

''(2) The amendments made by subsections (a) and (b) [amending this section and section 312b of this title] shall apply with respect to agreements accepted under sections 312(a) and 312b(a), respectively, of title 37, United States Code, on or after October 1, 1997.''

EFFECTIVE DATE OF 1985 AMENDMENT

Pub. L. 99–145, title VI, §632(d), Nov. 8, 1985, 99 Stat. 646, provided that: ''The amendments made by this section [amending this section and sections 312b and 312c of this title] shall take effect on October 1, 1985.''

EFFECTIVE DATE OF 1980 AMENDMENTS

Pub. L. 96–579, § 2(d)(1), Dec. 23, 1980, 94 Stat. 3360, provided: ''The amendments made by subsection (a)(1) [amending this section] shall apply only with respect to active-duty agreements under section 312 of title 37, United States Code, executed on or after the first day of the first month following the month in which this section is enacted [Dec. 1980].''

Amendment by Pub. L. 96–513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96–513, set out as a note under section 101 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1976 AMENDMENT

Pub. L. 94–356, § 5, July 12, 1976, 90 Stat. 904, provided that: ''This Act [enacting section 312b of this title, amending this section, and enacting provisions set out as notes under this section and section 301 of this title] becomes effective on the first day of the first month after enactment [Aug. 1, 1976], except that section 312c of title 37, United States Code, as added by this Act, is effective as of October 1, 1975.''

SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(b) of Pub. L. 109–163, see section 687(f) of Pub. L. 109–163, set out as a note under section 510 of Title 10, Armed Forces.

EFFECT OF AMENDMENT BY PUB. L. 110–181 ON EXISTING AGREEMENTS

Pub. L. 110–181, div. A, title VI, § 621(b), Jan. 28, 2008, 122 Stat. 152, provided that: ''The Secretary of the Navy and an officer of the naval service who is a party to an agreement under section 312 of title 37, United States Code, that was entered into before the date of the enactment of this Act [Jan. 28, 2008] may revise the agreement to reflect the new limitation on the number of years of commissioned service that the officer may serve while remaining eligible for special pay under such section.''

ACTIVE SERVICE AGREEMENTS FOR NUCLEAR QUALIFIED OFFICERS

Pub. L. 97–60, title I, § 118, Oct. 14, 1981, 95 Stat. 997, provided that: ''Notwithstanding subsections (a) and (b) of section 312 of title 37, United States Code, and under regulations prescribed by the Secretary of the Navy, the Secretary of the Navy may permit an officer of the naval service who is performing obligated service as the result of an active-service agreement executed under such section before January 1, 1981, to cancel that active-service agreement effective on the day before an anniversary of the day on which that agreement was executed and execute a new active-service agreement under such section for one period of four years. Any such cancellation of an existing agreement and execution of a new agreement may be effective on the day before an anniversary date occurring on or after January 1, 1981.''

EXCHANGE OF ACTIVE SERVICE AGREEMENTS BY NAVAL OFFICERS

Pub. L. 94–356, § 4, July 12, 1976, 90 Stat. 903, provided that: ''Notwithstanding any other provision of this Act [enacting section 312b and 312c of this title, amending this section, and enacting provisions set out as notes under this section and section 301 of this title] or any other provision of law, and under regulations prescribed by the Secretary of the Navy, an officer of the naval service who, on or after the effective date of this Act [see Effective Date of 1976 Amendment above], is, or will be, performing obligated service as the result of an active service agreement executed in accordance with section 312 of title 37, United States Code as it existed at any time before the effective date of this Act, may be permitted—

''(1) as of the last day of the first year of that obligated service, to cancel that active service agreement in exchange for a new active service agreement in accordance with section 312 of title 37, as amended by this Act; or

''(2) as of the last day of any year, other than the last year, of that obligated service, to cancel that active service agreement in exchange for eligibility for the annual bonus authorized by section 312c of title 37, as added by this Act, and an agreement to remain on active duty for a period of time equal to the period of obligated service remaining under that active service agreement.''

[§ 312a. Repealed. Pub. L. 109–163, div. A, title VI, § 629(d)(1), Jan. 6, 2006, 119 Stat. 3297]

Section, added Pub. L. 92–581, § 1(3), Oct. 27, 1972, 86 Stat. 1277; amended Pub. L. 97–295, § 3(3), Oct. 12, 1982, 96 Stat. 1303; Pub. L. 102–25, title VII, § 702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117, related to special pay for nuclear-trained and qualified enlisted members.

§ 312b. Special pay: nuclear career accession bonus

(a)(1) Under regulations prescribed by the Secretary of the Navy, an individual who is selected for officer naval nuclear power training and who executes a written agreement to participate in a program of training for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants may be paid a bonus not to exceed $30,000 upon acceptance by the Secretary of the written agreement. Upon acceptance of the agreement by the Secretary, the amounts payable upon selection for training and upon completion of training, respectively, as determined under subsection (b), shall become fixed.

(2) An officer who does not commence or complete satisfactorily the nuclear power training specified in the agreement under paragraph (1) shall be subject to the repayment provisions of section 303a(e) of this title.

(b) The Secretary of the Navy shall determine annually the total amount of the bonus to be paid under this section and of that amount the portions that are to be paid—

(1) upon selection for officer naval nuclear power training; and

(2) upon successful completion, as a commissioned officer, of training for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants.

(c) The provisions of this section shall be effective only in the case of officers who, on or before December 31, 2015, have been accepted for training for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants.

(Added Pub. L. 94–356, § 3, July 12, 1976, 90 Stat. 901; amended Pub. L. 96–579, § 2(b), Dec. 23, 1980, 94 Stat. 3359; Pub. L. 97–60, title I, § 119, Oct. 14, 1981, 95 Stat. 997; Pub. L. 99–145, title VI, § 632(b), title XIII, § 1303(b)(4), Nov. 8, 1985, 99 Stat. 644, 740; Pub. L. 101–189, div. A, title VI, § 614(b), Nov. 29, 1989, 103 Stat. 1446; Pub. L. 101–510, div. A, title XIII, § 1322(c)(7), Nov. 5, 1990, 104 Stat. 1672;

Pub. L. 102–25, title VII, § 702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 103–337, div. A, title VI, § 613(h), Oct. 5, 1994, 108 Stat. 2784; Pub. L. 104–106, div. A, title VI, § 613(f), Feb. 10, 1996, 110 Stat. 360; Pub. L. 104–201, div. A, title VI, § 613(e), Sept. 23, 1996, 110 Stat. 2544; Pub. L. 105–85, div. A, title VI, §§ 613(e), 624(b), Nov. 18, 1997, 111 Stat. 1786, 1793; Pub. L. 105–261, div. A, title VI, § 613(e), Oct. 17, 1998, 112 Stat. 2039; Pub. L. 106–65, div. A, title VI, §§ 613(f), 624(b), Oct. 5, 1999, 113 Stat. 650, 654; Pub. L. 106–398, § 1 [[div. A], title VI, § 623(d)], Oct. 30, 2000, 114 Stat. 1654, 1654A–152; Pub. L. 107–107, div. A, title VI, § 613(b), Dec. 28, 2001, 115 Stat. 1136; Pub. L. 107–314, div. A, title VI, § 613(b), Dec. 2, 2002, 116 Stat. 2568; Pub. L. 108–136, div. A, title VI, § 613(b), Nov. 24, 2003, 117 Stat. 1501; Pub. L. 108–375, div. A, title VI, § 613(b), Oct. 28, 2004, 118 Stat. 1947; Pub. L. 109–163, div. A, title VI, §§ 623(b), 687(b)(22), Jan. 6, 2006, 119 Stat. 3295, 3331; Pub. L. 109–364, div. A, title VI, §§ 613(b), 619(a), Oct. 17, 2006, 120 Stat. 2248, 2252; Pub. L. 110–181, div. A, title VI, § 613(b), Jan. 28, 2008, 122 Stat. 149; Pub. L. 110–417, [div. A], title VI, § 613(b), Oct. 14, 2008, 122 Stat. 4485; Pub. L. 111–84, div. A, title VI, § 613(2), Oct. 28, 2009, 123 Stat. 2353; Pub. L. 111–383, div. A, title VI, § 613(2), Jan. 7, 2011, 124 Stat. 4237; Pub. L. 112–81, div. A, title VI, § 613(2), Dec. 31, 2011, 125 Stat. 1450; Pub. L. 112–239, div. A, title VI, § 613(2), Jan. 2, 2013, 126 Stat. 1777; Pub. L. 113–66, div. A, title VI, § 613(2), Dec. 26, 2013, 127 Stat. 780; Pub. L. 113–291, div. A, title VI, § 613(2), Dec. 19, 2014, 128 Stat. 3400.)

AMENDMENTS

2014—Subsec. (c). Pub. L. 113–291 substituted ''December 31, 2015'' for ''December 31, 2014''.

2013—Subsec. (c). Pub. L. 113–66 substituted ''December 31, 2014'' for ''December 31, 2013''.

Pub. L. 112–239 substituted ''December 31, 2013'' for ''December 31, 2012''.

2011—Subsec. (c). Pub. L. 112–81 substituted ''December 31, 2012'' for ''December 31, 2011''.

Pub. L. 111–383 substituted ''December 31, 2011'' for ''December 31, 2010''.

2009—Subsec. (c). Pub. L. 111–84 substituted ''December 31, 2010'' for ''December 31, 2009''.

2008—Subsec. (c). Pub. L. 110–417 substituted ''December 31, 2009'' for ''December 31, 2008''.

Pub. L. 110–181 substituted ''December 31, 2008'' for ''December 31, 2007''.

2006—Subsec. (a)(1). Pub. L. 109–364, § 619(a), substituted ''$30,000'' for ''$20,000''.

Subsec. (a)(2). Pub. L. 109–163, § 687(b)(22), amended par. (2) generally. Prior to amendment, par. (2) read as follows: ''Under such regulations, and subject to such exceptions, as the Secretary of the Navy may prescribe, an individual who has entered into an agreement with the Secretary under this subsection, who has been paid a bonus under this subsection, and who fails to commence or satisfactorily complete the nuclear power training specified in the agreement shall be required to refund such bonus.''

Subsec. (c). Pub. L. 109–364, § 613(b), substituted ''December 31, 2007'' for ''December 31, 2006''.

Pub. L. 109–163, § 623(b), substituted ''December 31, 2006'' for ''December 31, 2005''.

2004—Subsec. (c). Pub. L. 108–375 substituted ''December 31, 2005'' for ''December 31, 2004''.

2003—Subsec. (c). Pub. L. 108–136 substituted ''December 31, 2004'' for ''December 31, 2003''.

2002—Subsec. (c). Pub. L. 107–314 substituted ''December 31, 2003'' for ''December 31, 2002''.

2001—Subsec. (c). Pub. L. 107–107 substituted ''December 31, 2002'' for ''December 31, 2001''.

2000—Subsec. (c). Pub. L. 106–398 substituted ''December 31, 2001'' for ''December 31, 2000''.

1999—Subsec. (a)(1). Pub. L. 106–65, § 624(b), substituted ''$20,000'' for ''$10,000''.

Subsec. (c). Pub. L. 106–65, § 613(f), substituted ''December 31, 2000'' for ''December 31, 1999''.

1998—Subsec. (c). Pub. L. 105–261 substituted ''December 31, 1999'' for ''September 30, 1999''.

1997—Subsec. (a)(1). Pub. L. 105–85, § 624(b), substituted ''$10,000'' for ''$8,000''.

Subsec. (c). Pub. L. 105–85, § 613(e), substituted ''September 30, 1999'' for ''September 30, 1998''.

1996—Subsec. (c). Pub. L. 104–201 substituted ''September 30, 1998'' for ''September 30, 1997''.

Pub. L. 104–106 substituted ''September 30, 1997'' for ''September 30, 1996''.

1994—Subsec. (c). Pub. L. 103–337 substituted ''September 30, 1996'' for ''September 30, 1995''.

1991—Subsec. (a)(1). Pub. L. 102–25 struck out ''of this section'' after ''subsection (b)''.

1990—Subsecs. (c), (d). Pub. L. 101–510 redesignated subsec. (d) as (c) and struck out former subsec. (c) which read as follows: ''The Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and House of Representatives an annual report containing data to monitor the effectiveness of the bonus authorized by subsections (a) and (b) of this section.''

1989—Subsec. (d). Pub. L. 101–189 substituted ''September 30, 1995'' for ''September 30, 1990''.

1985—Subsec. (a)(1). Pub. L. 99–145, § 632(b)(1), substituted ''not to exceed $8,000'' for ''of $3,000'', and inserted provision that upon acceptance of the agreement by the Secretary, the amounts payable upon selection for training and upon completion of training, respectively, as determined under subsection (b) of this section, shall become fixed.

Subsec. (b). Pub. L. 99–145, § 632(b)(2), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: ''Under regulations prescribed by the Secretary of the Navy, an officer of the naval service who—

''(1) is entitled to basic pay;

''(2) has not completed five years of commissioned service; and

''(3) has, as a commissioned officer, received training for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants;

may, upon successful completion of that training, in addition to all other compensation to which he is entitled, be paid a bonus in an amount not to exceed $3,000.''

Subsec. (c). Pub. L. 99–145, § 1303(b)(4), substituted ''submit to the Committees on Armed Services of the Senate and House of Representatives an annual report'' for ''make an annual report to the House and Senate Armed Services Committees''.

Subsec. (d). Pub. L. 99–145, § 632(b)(3), substituted ''September 30, 1990'' for ''September 30, 1987''.

1981—Subsec. (a)(1). Pub. L. 97–60 substituted ''naval nuclear propulsion plants'' for ''naval nuclear submarine propulsion plants''.

1980—Subsec. (a). Pub. L. 96–579, § 2(b)(1)(B), added subsec. (a). Former subsec. (a) redesignated (b).

Subsec. (b). Pub. L. 96–579, § 2(b)(1)(A), redesignated former subsec. (a) as (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 96–579, § 2(b)(1)(A), (2), redesignated former subsec. (b) as (c) and inserted reference to the bonus authorized by subsec. (b) of this section. Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 96–579, § 2(b)(1)(A), (3), redesignated former subsec. (c) as (d) and substituted ''September 30, 1987'' for ''September 30, 1981''.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–181 effective as of Dec. 31, 2007, and subject to various special provisions, see sec-

tion 610 of Pub. L. 110–181, set out as a Correction of Lapsed Authorities for Payment of Bonuses, Special Pays, and Similar Benefits for Members of the Uniformed Services note under section 2130a of Title 10, Armed Forces.

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109–364, div. A, title VI, § 619(b), Oct. 17, 2006, 120 Stat. 2252, provided that: ''The amendment made by subsection (a) [amending this section] shall take effect on October 1, 2006, and shall apply to agreements entered into or revised under section 312b of title 37, United States Code, on or after that date.''

EFFECTIVE DATE OF 1999 AMENDMENT

Amendment by section 624(b) of Pub. L. 106–65 effective Oct. 1, 1999, and applicable to agreements under this section or section 312 of this title entered into on or after that date, see section 624(d)(1) of Pub. L. 106–65, set out as a note under section 312 of this title.

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by section 624(b) of Pub. L. 105–85 effective Oct. 1, 1997, and applicable with respect to agreements accepted under subsec. (a) of this section on or after Oct. 1, 1997, see section 624(d) of Pub. L. 105–85, set out as a note under section 312 of this title.

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99–145 effective Oct. 1, 1985, see section 632(d) of Pub. L. 99–145, set out as a note under section 312 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Pub. L. 96–579, § 2(d)(2), Dec. 23, 1980, 94 Stat. 3360, provided: ''The amendments made by subsection (b)(1) [amending this section] shall apply only with respect to agreements executed under section 312b(a) of title 37, United States Code, executed on or after the first day of the first month following the month in which this section is enacted [December 1980].''

EFFECTIVE DATE

Section effective Aug. 1, 1976, see section 5 of Pub. L. 94–356, set out as an Effective Date of 1976 Amendment note under section 312 of this title.

SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(b) of Pub. L. 109–163, see section 687(f) of Pub. L. 109–163, set out as a note under section 510 of Title 10, Armed Forces.

§ 312c. Special pay: nuclear career annual incentive bonus

(a)(1) Under regulations prescribed by the Secretary of the Navy, an officer of the naval service who—

(A) is entitled to basic pay;

(B) is not above the pay grade O–6;

(C) has completed his initial obligated active service as an officer;

(D) has, as a commissioned officer, successfully completed training for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants; and

(E) has the current technical qualifications for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants;

may, in addition to all other compensation to which he is entitled, be paid an annual bonus in an amount not to exceed $22,000 for each nuclear service year.

(2) In order to be eligible for an annual bonus for any nuclear service year in accordance with this subsection, an otherwise technically qualified officer must have been on active duty on the last day of that nuclear service year.

(3) The amount of the annual bonus to which an officer would otherwise be entitled for a nuclear service year in accordance with this subsection shall be reduced on a pro rata basis for each day of that nuclear service year on which he—

(A) was not on active duty;

(B) was not technically qualified for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants;

(C) was performing obligated service as the result of an active-service agreement executed under section 312 of this title; or

(D) was entitled to receive aviation career incentive pay in accordance with section 301a while serving in a billet other than a billet that required the officer—

(i) be technically qualified for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants; and

(ii) be qualified for the performance of operational flying duties.

(b)(1) Under regulations prescribed by the Secretary of the Navy, an officer of the naval service who—

(A) is entitled to basic pay;

(B) is not above the pay grade O–6;

(C) has, as an enlisted member, received training for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants; and

(D) has the current technical qualifications for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants;

may, in addition to all other compensation to which he is entitled, be paid an annual bonus in an amount not to exceed $14,000 for each nuclear service year.

(2) In order to be eligible for an annual bonus for any nuclear service year in accordance with this subsection, an otherwise technically qualified officer must have been on active duty on the last day of that nuclear service year.

(3) The amount of the annual bonus to which an officer would otherwise be entitled in accordance with this subsection shall be reduced on a pro rata basis for each day of that nuclear service year on which he—

(A) was not in an assignment involving the direct supervision, operation, or maintenance of naval nuclear propulsion plants;

(B) was performing obligated service as the result of an active-service agreement executed under section 312 of this title; or

(C) was entitled to receive aviation career incentive pay in accordance with section 301a while serving in a billet other than a billet—

(i) involving the direct supervision, operation, or maintenance of naval nuclear propulsion plants; and

(ii) that required the officer be qualified for the performance of operational flying duties.

(c) Under regulations prescribed by the Secretary of the Navy, an officer of the naval service who is not on active duty on the last day of a nuclear service year or who, on or before the last day of a nuclear service year, loses his technical qualifications or advances from the pay grade of O–6 to a higher pay grade may be paid a bonus in accordance with subsection (a) or (b) on a pro rata basis, if otherwise qualified, unless termination of active duty or loss of technical qualifications was voluntary or was the result of his own misconduct.

(d) For the purposes of this section, a ''nuclear service year'' is any fiscal year beginning before December 31, 2015.

(Added Pub. L. 94–356, § 3, July 12, 1976, 90 Stat. 901; amended Pub. L. 96–513, title V, § 516(9), Dec. 12, 1980, 94 Stat. 2938; Pub. L. 96–579, § 2(c), Dec. 23, 1980, 94 Stat. 3359; Pub. L. 99–145, title VI, § 632(c), Nov. 8, 1985, 99 Stat. 645; Pub. L. 101–189, div. A, title VI, § 614(c), Nov. 29, 1989, 103 Stat. 1446; Pub. L. 101–510, div. A, title XIII, § 1322(c)(8), Nov. 5, 1990, 104 Stat. 1672; Pub. L. 102–25, title VII, § 702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 103–337, div. A, title VI, § 613(i), Oct. 5, 1994, 108 Stat. 2784; Pub. L. 104–106, div. A, title VI, § 613(g), Feb. 10, 1996, 110 Stat. 360; Pub. L. 104–201, div. A, title VI, § 613(f), Sept. 23, 1996, 110 Stat. 2544; Pub. L. 105–85, div. A, title VI, §§ 613(f), 624(c), Nov. 18, 1997, 111 Stat. 1786, 1793; Pub. L. 105–261, div. A, title VI, § 613(f), Oct. 17, 1998, 112 Stat. 2039; Pub. L. 106–65, div. A, title VI, §§ 613(g), 624(c), Oct. 5, 1999, 113 Stat. 650, 654; Pub. L. 106–398, § 1 [[div. A], title VI, § 623(e)], Oct. 30, 2000, 114 Stat. 1654, 1654A–152; Pub. L. 107–107, div. A, title VI, § 613(c), Dec. 28, 2001, 115 Stat. 1136; Pub. L. 107–314, div. A, title VI, § 613(c), Dec. 2, 2002, 116 Stat. 2568; Pub. L. 108–136, div. A, title VI, § 613(c), Nov. 24, 2003, 117 Stat. 1501; Pub. L. 108–375, div. A, title VI, § 613(c), Oct. 28, 2004, 118 Stat. 1947; Pub. L. 109–163, div. A, title VI, §§ 623(c), 638, Jan. 6, 2006, 119 Stat. 3295, 3301; Pub. L. 109–364, div. A, title VI, § 613(c), Oct. 17, 2006, 120 Stat. 2248; Pub. L. 110–181, div. A, title VI, § 613(c), Jan. 28, 2008, 122 Stat. 149; Pub. L. 110–417, [div. A], title VI, § 613(c), Oct. 14, 2008, 122 Stat. 4485; Pub. L. 111–84, div. A, title VI, § 613(3), Oct. 28, 2009, 123 Stat. 2353; Pub. L. 111–383, div. A, title VI, § 613(3), Jan. 7, 2011, 124 Stat. 4237; Pub. L. 112–81, div. A, title VI, § 613(3), Dec. 31, 2011, 125 Stat. 1450; Pub. L. 112–239, div. A, title VI, § 613(3), Jan. 2, 2013, 126 Stat. 1777; Pub. L. 113–66, div. A, title VI, § 613(3), Dec. 26, 2013, 127 Stat. 780; Pub. L. 113–291, div. A, title VI, § 613(3), Dec. 19, 2014, 128 Stat. 3400.)

AMENDMENTS

2014—Subsec. (d). Pub. L. 113–291 substituted ''December 31, 2015'' for ''December 31, 2014''.

2013—Subsec. (d). Pub. L. 113–66 substituted ''December 31, 2014'' for ''December 31, 2013''.

Pub. L. 112–239 substituted ''December 31, 2013'' for ''December 31, 2012''.

2011—Subsec. (d). Pub. L. 112–81 substituted ''December 31, 2012'' for ''December 31, 2011''.

Pub. L. 111–383 substituted ''December 31, 2011'' for ''December 31, 2010''.

2009—Subsec. (d). Pub. L. 111–84 substituted ''December 31, 2010'' for ''December 31, 2009''.

2008—Subsec. (d). Pub. L. 110–417 substituted ''December 31, 2009'' for ''December 31, 2008''.

Pub. L. 110–181 substituted ''December 31, 2008'' for ''December 31, 2007''.

2006—Subsec. (b)(1). Pub. L. 109–163, § 638, substituted ''$14,000'' for ''$10,000'' in concluding provisions.

Subsec. (d). Pub. L. 109–364 substituted ''December 31, 2007'' for ''December 31, 2006''.

Pub. L. 109–163, § 623(c), substituted ''December 31, 2006'' for ''December 31, 2005''.

2004—Subsec. (d). Pub. L. 108–375 substituted ''December 31, 2005'' for ''December 31, 2004''.

2003—Subsec. (d). Pub. L. 108–136 substituted ''December 31, 2004'' for ''December 31, 2003''.

2002—Subsec. (d). Pub. L. 107–314 substituted ''December 31, 2003'' for ''December 31, 2002''.

2001—Subsec. (d). Pub. L. 107–107 substituted ''December 31, 2002'' for ''December 31, 2001''.

2000—Subsec. (d). Pub. L. 106–398 substituted ''December 31, 2001'' for ''December 31, 2000''.

1999—Subsec. (a)(1). Pub. L. 106–65, § 624(c)(1), substituted ''$22,000'' for ''$12,000'' in concluding provisions.

Subsec. (b)(1). Pub. L. 106–65, § 624(c)(2), substituted ''$10,000'' for ''$5,500'' in concluding provisions.

Subsec. (d). Pub. L. 106–65, § 613(g), substituted ''December 31, 2000.'' for ''October 1, 1998, and the 15-month period beginning on that date and ending on December 31, 1999.''

1998—Subsec. (d). Pub. L. 105–261 substituted ''October 1, 1998, and the 15-month period beginning on that date and ending on December 31, 1999'' for ''October 1, 1999''.

1997—Subsec. (a)(1). Pub. L. 105–85, § 624(c)(1), substituted ''$12,000'' for ''$10,000'' in concluding provisions.

Subsec. (b)(1). Pub. L. 105–85, § 624(c)(2), substituted ''$5,500'' for ''$4,500'' in concluding provisions.

Subsec. (d). Pub. L. 105–85, § 613(f), substituted ''October 1, 1999'' for ''October 1, 1998''.

1996—Subsec. (d). Pub. L. 104–201 substituted ''October 1, 1998'' for ''October 1, 1997''.

Pub. L. 104–106 substituted ''October 1, 1997'' for ''October 1, 1996''.

1994—Subsec. (d). Pub. L. 103–337 substituted ''October 1, 1996'' for ''October 1, 1995''.

1991—Subsec. (c). Pub. L. 102–25 struck out ''of this section'' after ''subsection (a) or (b)''.

1990—Subsecs. (d), (e). Pub. L. 101–510 redesignated subsec. (e) as (d) and struck out former subsec. (d) which read as follows: ''The Secretary of the Navy shall make an annual report to the Committees on Armed Services of the Senate and House of Representatives containing data to monitor the effectiveness of the bonuses authorized by subsections (a) and (b) of this section.''

1989—Subsecs. (a)(1), (b)(1). Pub. L. 101–189, § 614(c)(1), struck out ''ending before October 1, 1990'' before period at end.

Subsec. (e). Pub. L. 101–189, § 614(c)(2), substituted ''October 1, 1995'' for ''October 1, 1990''.

1985—Subsec. (a). Pub. L. 99–145, § 632(c)(1), designated first sentence as par. (1), redesignated cls. (1) to (5) as (A) to (E), respectively, struck out '', but has completed less than twenty-six years of commissioned service'' after ''officer'' in cl. (C), and substituted ''$10,000'' and ''October 1, 1990'' for ''$6,000'' and ''October 1, 1987'', respectively; designated second sentence as par. (2) and inserted ''technically'' before ''qualified''; designated third sentence as par. (3) and substituted cls. (A) to (D) for provision that the annual bonus be reduced pro rata each day of a nuclear service year that an officer was not on active duty; was not qualified for duty in connection with the supervision, operation, and mainte-

nance of naval nuclear propulsion plants; was performing obligated service as the result of an active-service agreement executed under section 312 of this title; or was entitled to receive aviation career incentive pay in accordance with section 301a of this title; and struck out fourth sentence relating to conditions authorizing a further pro rata reduction in the amount of the annual bonus in the case of an officer with more than ten, but not more than eighteen, years of commissioned service, an officer with more than eighteen, but not more than twenty-five, years of commissioned service, and an officer with more than twenty-five, but not more than twenty-six, years of commissioned service.

Subsec. (b). Pub. L. 99–145, § 632(c)(2), designated first sentence as par. (1), redesignated cls. (1) to (4) as cls. (A) to (D), respectively, and in provision following cl. (D) substituted ''$4,500'' and ''October 1, 1990'' for ''$3,500'' and ''October 1, 1987'', respectively; designated second sentence as par. (2) and inserted ''technically'' before ''qualified''; designated third sentence as par. (3) and substituted cls. (A) to (D) for provision that the annual bonus be reduced pro rata for each day of a nuclear service year that an officer was not in an assignment involving the direct supervision, operation, or maintenance of naval nuclear propulsion plants; was performing obligated service as the result of an active service agreement executed under section 312 of this title; or was entitled to receive aviation career incentive pay in accordance with section 301a of this title.

Subsec. (e). Pub. L. 99–145, § 632(c)(3), substituted ''October 1, 1990'' for ''October 1, 1987''.

1980—Subsec. (a). Pub. L. 96–579, § 2(c)(1), substituted ''$6,000 for each nuclear service year ending before October 1, 1987'' for ''$4,000 for each nuclear service year beginning after September 30, 1975, and ending before October 1, 1981''.

Pub. L. 96–513, § 516(9)(A), substituted ''title. However'' for ''title: *Provided*, That''.

Subsec. (b). Pub. L. 96–579, § 2(c)(2), substituted ''$3,500 for each nuclear service year ending before October 1, 1987'' for ''$2,400 for each nuclear service year beginning after September 30, 1975, and ending before October 1, 1981''.

Subsec. (d). Pub. L. 96–513, § 516(9)(B), substituted ''Committees on Armed Services of the Senate and House of Representatives'' for ''House and Senate Armed Service Committees''.

Subsec. (e). Pub. L. 96–579, § 2(c)(3), substituted as definition for ''nuclear service year'' any fiscal year beginning before Oct. 1, 1987 for the one-year period from Oct. 1, 1975, through Sept. 30, 1976, or any fiscal year beginning after Sept. 30, 1976, and before Oct. 1, 1981.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–181 effective as of Dec. 31, 2007, and subject to various special provisions, see section 610 of Pub. L. 110–181, set out as a Correction of Lapsed Authorities for Payment of Bonuses, Special Pays, and Similar Benefits for Members of the Uniformed Services note under section 2130a of Title 10, Armed Forces.

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106–65, div. A, title VI, § 624(d)(2), Oct. 5, 1999, 113 Stat. 654, provided that: ''The amendments made by subsection (c) [amending this section] shall take effect on October 1, 1999, and shall apply with respect to nuclear service years beginning on or after that date.''

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by section 624(c) of Pub. L. 105–85 effective Oct. 1, 1997, see section 624(d) of Pub. L. 105–85, set out as a note under section 312 of this title.

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99–145 effective Oct. 1, 1985, see section 632(d) of Pub. L. 99–145, set out as a note under section 312 of this title.

EFFECTIVE DATE OF 1980 AMENDMENTS

Pub. L. 96–579, § 2(d)(3), Dec. 23, 1980, 94 Stat. 3360, provided: ''The amendments made by subsection (c) [amending this section] shall become effective on the first day of the first month following the month in which this section is enacted [December 1980].''

Amendment by Pub. L. 96–513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96–513, set out as a note under section 101 of Title 10, Armed Forces.

EFFECTIVE DATE

Section effective Oct. 1, 1975, see section 5 of Pub. L. 94–356, set out as an Effective Date of 1976 Amendment note under section 312 of this title.

[§ 313. Repealed. Pub. L. 96–513, title IV, § 414(a), Dec. 12, 1980, 94 Stat. 2906]

Section, added Pub. L. 93–274, § 1(4), May 6, 1974, 88 Stat. 95; amended Pub. L. 94–273, § 43, Apr. 21, 1976, 90 Stat. 381; Pub. L. 96–107, title VIII, § 804(b), Nov. 9, 1979, 93 Stat. 812; Pub. L. 96–284, § 3(b)(1)–(5), June 28, 1980, 94 Stat. 590, 591, related to special pay for medical officers of the Public Health Service who execute active duty agreements.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as an Effective Date of 1981 Amendment note under section 101 of Title 10, Armed Forces.

§ 314. Special pay or bonus: qualified members extending duty at designated locations overseas

(a) COVERED MEMBERS.—This section applies with respect to a member of an armed force who—

(1) is entitled to basic pay;

(2) has a specialty that is designated by the Secretary concerned for the purposes of this section;

(3) has completed a tour of duty (as defined in accordance with regulations prescribed by the Secretary concerned) at a location outside the continental United States that is designated by the Secretary concerned for the purposes of this section; and

(4) at the end of that tour of duty executes an agreement to extend that tour for a period of not less than one year.

(b) SPECIAL PAY OR BONUS AUTHORIZED.—Upon the acceptance by the Secretary concerned of the agreement providing for an extension of the tour of duty of a member described in subsection (a), the member is entitled, at the election of the Secretary concerned, to either—

(1) special pay in monthly installments in an amount prescribed by the Secretary, but not to exceed $80 per month; or

(2) an annual bonus in an amount prescribed by the Secretary, but not to exceed $2,000 per year.

(c) SELECTION AND PAYMENT OF SPECIAL PAY OR BONUS.—Not later than the date on which the Secretary concerned accepts an agreement described in subsection (a)(4) providing for the extension of a member's tour of duty, the Secretary concerned shall notify the member regarding whether the member will receive special pay or a bonus under this section. The payment rate for the special pay or bonus shall be fixed

at the time of the agreement and may not be changed during the period of the extended tour of duty. The Secretary concerned may pay a bonus under this section either in a lump sum or installments.

(d) REPAYMENT.—A member who, having entered into a written agreement to extend a tour of duty for a period under subsection (a), receives a bonus payment under subsection (b)(2) for a 12-month period covered by the agreement and ceases during that 12-month period to perform the agreed tour of duty shall be subject to the repayment provisions of section 303a(e) of this title.

(e) EFFECT OF REST AND RECUPERATIVE ABSENCE.—A member who elects to receive one of the benefits specified in section 705(b) of title 10 as part of the extension of a tour of duty is not entitled to the special pay authorized by subsection (b)(1) for the period of the extension of duty for which the benefit under such section is provided.

(Added Pub. L. 96–579, §5(a)(1), Dec. 23, 1980, 94 Stat. 3366; amended Pub. L. 99–145, title VI, §641(a), Nov. 8, 1985, 99 Stat. 652; Pub. L. 105–85, div. A, title VI, §625(a)(1), Nov. 18, 1997, 111 Stat. 1794; Pub. L. 107–314, div. A, title VI, §654(b)(1), Dec. 2, 2002, 116 Stat. 2582; Pub. L. 108–136, div. A, title VI, §621(a)(1), (2)(A), Nov. 24, 2003, 117 Stat. 1505; Pub. L. 109–163, div. A, title VI, §687(b)(23), Jan. 6, 2006, 119 Stat. 3331.)

REFERENCES IN TEXT

The date of the enactment of the National Defense Authorization Act for Fiscal Year 1998, referred to in subsec. (d)(4), is the date of enactment of Pub. L. 105–85, which was approved Nov. 18, 1997.

AMENDMENTS

2006—Subsec. (d). Pub. L. 109–163 amended heading and text of subsec. (d) generally, substituting provisions referring to repayment provisions of section 303a(e) for specific provisions relating to refunds required when member receives bonus payment but fails to complete agreed upon extended tour of duty.

2003—Pub. L. 108–136, §621(a)(2)(A), substituted ''qualified members'' for ''qualified enlisted members'' in section catchline.

Subsecs. (a), (b). Pub. L. 108–136, §621(a)(1), substituted ''a member'' for ''an enlisted member'' in introductory provisions.

2002—Subsec. (a)(3). Pub. L. 107–314 substituted ''the continental United States'' for ''the 48 contiguous States and the District of Columbia''.

1997—Pub. L. 105–85 amended section catchline and text generally. Prior to amendment, section consisted of subsecs. (a) and (b) relating to special pay for qualified enlisted members extending duty at designated locations overseas.

1985—Subsec. (a). Pub. L. 99–145 substituted ''$80'' for ''$50'' in provision following par. (4).

EFFECTIVE DATE OF 1997 AMENDMENT

Pub. L. 105–85, div. A, title VI, §625(b), Nov. 18, 1997, 111 Stat. 1795, provided that: ''Section 314 of title 37, United States Code, as amended by subsection (a), shall apply with respect to an agreement to extend a tour of duty as provided in such section executed on or after October 1, 1997.''

EFFECTIVE DATE OF 1985 AMENDMENT

Pub. L. 99–145, title VI, §641(b), Nov. 8, 1985, 99 Stat. 652, provided that: ''The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1985.''

EFFECTIVE DATE

Pub. L. 96–579, §5(c)(1), Dec. 23, 1980, 94 Stat. 3367, provided: ''Section 314 of title 37, United States Code, as added by subsection (a), shall take effect on the first day of the first month following the month in which this section is enacted [Dec. 1980] and shall apply to periods of extended duty overseas beginning before, on, or after such date, but no payment may be made under such section for any month before the first day of the first month following the month in which this section is enacted.''

SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(b) of Pub. L. 109–163, see section 687(f) of Pub. L. 109–163, set out as a note under section 510 of Title 10, Armed Forces.

§315. Special pay: engineering and scientific career continuation pay

(a) In this section, the term ''engineering or scientific duty'' means service performed by an officer—

(1) that requires an engineering or science degree; and

(2) that requires a skill designated (under regulations prescribed by the Secretary of Defense for the armed forces, by the Secretary of Commerce for the National Oceanic and Atmospheric Administration, or by the Secretary of Health and Human Services for the Public Health Service) as critical and as a skill in which there is a critical shortage of officers in the uniformed service concerned.

(b) Under regulations prescribed by the Secretary concerned, an officer of a uniformed service who—

(1) is entitled to basic pay;

(2) is below the pay grade of O–7;

(3) holds a degree in engineering or science from an accredited college or university;

(4) has been certified by the Secretary concerned as having the technical qualifications for detail to engineering or scientific duty;

(5) has completed at least three but less than nineteen years of engineering or scientific duty as an officer; and

(6) executes a written agreement to remain on active duty for detail to engineering or scientific duty for at least one year, but not more than four years;

may, upon acceptance of the written agreement by the Secretary concerned, be paid, in addition to all other compensation to which the officer is entitled, an amount not to exceed $3,000 multiplied by the number of years, or monthly fraction thereof, of obligated service to which the officer agrees under the agreement. The total amount payable may be paid in a lump sum or in equal periodic installments, as determined by the Secretary concerned.

(c) An officer who, having entered into a written agreement under subsection (b) and having received all or part of a bonus under this section, does not complete the period of active duty

as specified in the agreement shall be subject to the repayment provisions of section 303a(e) of this title.

(Added Pub. L. 97–60, title I, § 120(a), Oct. 14, 1981, 95 Stat. 998; amended Pub. L. 99–145, title VI, § 637(a), Nov. 8, 1985, 99 Stat. 648; Pub. L. 100–26, § 8(e)(6), Apr. 21, 1987, 101 Stat. 286; Pub. L. 102–25, title VII, § 702(b)(1), (2), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 109–163, div. A, title VI, § 687(b)(24), Jan. 6, 2006, 119 Stat. 3331.)

AMENDMENTS

2006—Subsec. (c). Pub. L. 109–163 amended subsec. (c) generally, substituting provisions referring to repayment provisions of section 303a(e) for specific provisions relating to refunds required when officer receives bonus but fails to complete agreed upon period of active duty.

1991—Subsec. (c). Pub. L. 102–25 struck out ''of this section'' after ''subsection (b)'' in two places in par. (1) and struck out ''of this subsection'' after ''paragraph (1)'' in pars. (2) to (4) and after ''paragraph (3)'' in par. (2).

1987—Subsec. (a). Pub. L. 100–26 inserted ''the term'' after ''In this section,''.

1985—Subsec. (a). Pub. L. 99–145, § 637(a)(1), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: ''In this section, the term 'engineering or scientific duty' means service performed by an officer that requires an engineering or science degree and that requires a skill designated under regulations prescribed by the Secretary of Defense as critical and as a skill in which there is a critical shortage of officers in the armed force concerned.''

Subsec. (b). Pub. L. 99–145, § 637(a)(2), in provision preceding par. (1), substituted ''prescribed by the Secretary concerned'' for ''prescribed by the Secretary of Defense'' and ''officer of a uniformed service'' for ''officer of an armed force''.

EFFECTIVE DATE OF 1985 AMENDMENT

Pub. L. 99–145, title VI, § 637(b), Nov. 8, 1985, 99 Stat. 649, provided that: ''The amendments made by subsection (a) [amending this section] shall take effect on October 1, 1985.''

SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(b) of Pub. L. 109–163, see section 687(f) of Pub. L. 109–163, set out as a note under section 510 of Title 10, Armed Forces.

§ 316. Special pay: bonus for members with foreign language proficiency

(a) AVAILABILITY OF BONUS.—Subject to subsection (c), the Secretary concerned may pay a bonus under this section to a member of the uniformed services who—

(1) is qualified in a uniformed services specialty requiring proficiency in a foreign language identified by the Secretary concerned as a foreign language in which it is necessary to have personnel proficient because of national defense or public health considerations;

(2) received training, under regulations prescribed by the Secretary concerned, designed to develop a proficiency in such a foreign language;

(3) is assigned to duties requiring a proficiency in such a foreign language; or

(4) is proficient in a foreign language for which the uniformed service may have a critical need, as determined by the Secretary concerned.

(b) BONUS AMOUNT; TIME FOR PAYMENT.—A bonus under subsection (a) may not exceed $12,000 per one-year certification period under subsection (c). The Secretary concerned may pay the bonus in a single lump sum at the beginning of the certification period or in installments during the certification period. The bonus is in addition to any other pay or allowance payable to a member under any other provision of law.

(c) CERTIFICATION OF PROFICIENCY.—To be eligible to receive a bonus under this section, a member described in subsection (a) must be certified by the Secretary concerned as being proficient in the foreign language for which the bonus is offered. The certification of the member shall expire at the end of the one-year period beginning on the first day of the first month beginning on or after the certification date.

(d) CERTIFICATION INTERRUPTED BY CONTINGENCY OPERATION.—(1) Notwithstanding subsection (c), the Secretary concerned may waive the certification requirement under such subsection and pay a bonus under this section to a member who—

(A) is assigned to duty in connection with a contingency operation;

(B) is unable to schedule or complete the certification required by subsection (c) because of that assignment; and

(C) except for the lack of such certification, satisfies the eligibility requirements under subsection (a).

(2) The Secretary concerned may treat the date on which the member was assigned to duty in connection with the contingency operation as equivalent to a certification date. In the case of a member whose certification will expire during such a duty assignment, the Secretary shall commence the next one-year certification period on the date on which the prior certification period expires.

(3) A member who is paid a bonus under the authority of this subsection shall complete the certification required by subsection (c) for the foreign language for which the bonus was paid not later than the end of the 180-day period beginning on the date on which the member is released from the assignment in connection with the contingency operation. The Secretary concerned may extend that period for a member in accordance with regulations prescribed under subsection (f).

(4) If a member fails to obtain the required certification under subsection (c) before the end of the period provided under paragraph (3), the Secretary concerned may require the member to repay all or a portion of the bonus in the manner provided in section 303a(e) of this title.

(e) REPAYMENT.—A member who receives a bonus under this section, but who does not satisfy an eligibility requirement specified in paragraph (1), (2), (3), or (4) of subsection (a) for the entire certification period, shall be subject to the repayment provisions of section 303a(e) of this title.

(f) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under the jurisdiction of the Secretary, by the Secretary of Homeland Security for the Coast Guard when the Coast Guard is not operating as a service in the Navy, by the Secretary of Health and Human Services for the Commissioned Corps of the Public Health Service, and by the Secretary of Commerce for the National Oceanic and Atmospheric Administration.

(Added Pub. L. 99–661, div. A, title VI, §634(a)(1), Nov. 14, 1986, 100 Stat. 3884; amended Pub. L. 104–201, div. A, title VI, §616(a), (b), Sept. 23, 1996, 110 Stat. 2547; Pub. L. 106–65, div. A, title VI, §625(a), Oct. 5, 1999, 113 Stat. 654; Pub. L. 107–296, title XVII, §1704(c), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 108–375, div. A, title VI, §620(a)(1), Oct. 28, 2004, 118 Stat. 1952; Pub. L. 109–163, div. A, title VI, §§639(a)–(e)(1), 687(b)(25), Jan. 6, 2006, 119 Stat. 3301, 3302, 3331.)

AMENDMENTS

2006—Pub. L. 109–163, §639(e)(1), substituted ''Special pay: bonus for members with foreign language proficiency'' for ''Special pay and bonus for members with foreign language proficiency'' in section catchline.

Subsec. (a). Pub. L. 109–163, §639(a), substituted ''Bonus'' for ''Special Pay'' in heading and, in introductory provisions, substituted ''a bonus'' for ''monthly special pay'' and struck out ''is entitled to basic pay under section 204 of this title and who'' after ''uniformed services who''.

Subsec. (b). Pub. L. 109–163, §639(b)(1), (3), added subsec. (b) and struck out heading and text of former subsec. (b). Text read as follows: ''Subject to subsection (c), the Secretary concerned may pay an annual bonus under this section to a member of a reserve component who satisfies the eligibility requirements specified in paragraph (1), (2), (3), or (4) of subsection (a).''

Subsec. (c). Pub. L. 109–163, §639(d)(1), struck out ''special pay or'' before ''a bonus under'' and before ''bonus is offered'' and struck out ''or (b)'' before ''must be certified''.

Subsec. (d). Pub. L. 109–163, §639(b)(1), (2), redesignated subsec. (f) as (d) and struck out heading and text of former subsec. (d). Text read as follows:

''(1) The monthly rate for special pay paid under subsection (a) may not exceed $1,000.

''(2) The maximum amount of the bonus paid to a member under subsection (b) may not exceed $6,000 for the one-year period covered by the certification of the member. The Secretary concerned may pay the bonus in a single lump sum at the beginning of the certification period or in installments during the certification period.''

Subsec. (d)(1). Pub. L. 109–163, §639(d)(2)(A)(i), struck out ''monthly special pay or'' before ''a bonus under'' in introductory provisions.

Subsec. (d)(1)(C). Pub. L. 109–163, §639(d)(2)(A)(ii), substituted ''under subsection (a)'' for ''for receipt of special pay under subsection (a) or a bonus under subsection (b), whichever applies to the member''.

Subsec. (d)(2). Pub. L. 109–163, §639(d)(2)(B), substituted ''The Secretary concerned'' for ''For purposes of providing an annual bonus to a member under the authority of this subsection, the Secretary concerned''.

Subsec. (d)(3). Pub. L. 109–163, §639(d)(2)(C), struck out ''special pay or'' before ''a bonus under'' and before ''bonus was paid'' and substituted ''subsection (f)'' for ''subsection (h)''.

Subsec. (d)(4). Pub. L. 109–163, §639(d)(2)(D), substituted ''section 303a(e) of this title'' for ''subsection (g)''.

Subsec. (e). Pub. L. 109–163, §687(b)(25), amended heading and text of subsec. (e) generally. Prior to amendment, text read as follows:

''(1) A member who receives a bonus under this section, but who does not satisfy an eligibility requirement specified in paragraph (1), (2), (3), or (4) of subsection (a) for the entire certification period, shall repay to the United States the amount of the bonus so paid, except as otherwise prescribed under paragraph (2).

''(2) The Secretary concerned shall prescribe in regulations whether repayment of an amount otherwise required under paragraph (1) shall be made in whole or in part, the method for computing the amount of such repayment, and any conditions under which an exception to required repayment would apply.

''(3) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States. A discharge in bankruptcy under title 11 that is entered less than five years after the date on which the member received the bonus does not discharge the member from a debt arising under paragraph (1).''

Pub. L. 109–163, §639(b)(1), (c), added subsec. (e) and struck out heading and text of former subsec. (e). Text read as follows:

''(1) Except as provided in paragraph (2), special pay or a bonus paid under this section is in addition to any other pay or allowance payable to a member under any other provision of law.

''(2) If a member of a reserve component serving on active duty receives special pay under subsection (a) for any month occurring during a certification period in which the member received, or is receiving, a bonus under subsection (b), the amount of the special pay paid to the member for the month shall be reduced by an amount equal to 1/12 of the bonus amount.''

Subsec. (f). Pub. L. 109–163, §639(b)(2), redesignated subsec. (h) as (f). Former subsec. (f) redesignated (d).

Subsec. (g). Pub. L. 109–163, §639(b)(1), struck out heading and text of subsec. (g). Text read as follows:

''(1) The Secretary concerned may require a member who receives a bonus under this section, but who does not satisfy an eligibility requirement specified in paragraph (1), (2), (3), or (4) of subsection (a) for the entire certification period, to repay to the United States an amount which bears the same ratio to the total amount of the bonus paid to the member as the unsatisfied portion of the certification period bears to the entire certification period.

''(2) An obligation to repay the United States imposed under paragraph (1) or subsection (f)(4) is for all purposes a debt owed to the United States. A discharge in bankruptcy under title 11 that is entered for the member less than five years after the expiration of the certification period does not discharge the member from a debt arising under this paragraph. This paragraph applies to any case commenced under title 11 after the date of the enactment of this section.''

Subsec. (h). Pub. L. 109–163, §639(b)(2), redesignated subsec. (h) as (f).

2004—Pub. L. 108–375 amended section catchline and text generally, substituting provisions relating to special pay and bonus for members with foreign language proficiency for former provisions which related to: in subsec. (a) requirements for payment of special pay to member of uniformed services who is entitled to basic pay under section 204 of this title for foreign language proficiency; in subsec. (b) determination of monthly rate for special pay; in subsec. (c) increased compensation for member of reserve component who is entitled to compensation under section 206 of this title and who generally meets requirements in subsec. (a); and in subsec. (d) administration of section.

2002—Subsec. (d). Pub. L. 107–296 substituted ''of Homeland Security'' for ''of Transportation''.

1999—Subsec. (b). Pub. L. 106–65 substituted ''$300'' for ''$100''.

1996—Subsec. (a). Pub. L. 104–201, §616(a)(1), substituted ''uniformed services'' for ''armed forces'' in introductory provisions.

Subsec. (a)(2). Pub. L. 104–201, §616(a)(2), substituted ''Secretary concerned as being'' for ''Secretary of De-

fense as being'' and inserted ''or public health'' after ''national defense''.

Subsec. (a)(3)(A). Pub. L. 104–201, § 616(a)(3)(A), substituted ''uniformed services'' for ''military''.

Subsec. (a)(3)(C). Pub. L. 104–201, § 616(a)(3)(B), struck out ''military'' before ''duties requiring''.

Subsec. (a)(3)(D). Pub. L. 104–201, § 616(a)(3)(C), substituted ''uniformed service'' for ''Department of Defense'' and ''Secretary concerned'' for ''Secretary of Defense''.

Subsec. (d). Pub. L. 104–201, § 616(b), substituted ''the jurisdiction of the Secretary,'' for ''his jurisdiction and'' and inserted before period at end '', by the Secretary of Health and Human Services for the Commissioned Corps of the Public Health Service, and by the Secretary of Commerce for the National Oceanic and Atmospheric Administration''.

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 1999 AMENDMENT

Pub. L. 106–65, div. A, title VI, § 625(b), Oct. 5, 1999, 113 Stat. 654, provided that: ''The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1999, and shall apply with respect to foreign language proficiency pay paid under section 316 of such title for months beginning on or after that date.''

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104–201, div. A, title VI, § 616(c), Sept. 23, 1996, 110 Stat. 2547, provided that: ''The amendments made by this section [amending this section] shall take effect on October 1, 1996, and apply with respect to months beginning on or after such date.''

EFFECTIVE DATE

Pub. L. 99–661, div. A, title VI, § 634(b), Nov. 14, 1986, 100 Stat. 3885, provided that: ''Section 316 of title 37, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act [Nov. 14, 1986], and shall apply with respect to pay periods beginning on or after that date.''

SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(b) of Pub. L. 109–163, see section 687(f) of Pub. L. 109–163, set out as a note under section 510 of Title 10, Armed Forces.

§ 316a. Special pay: incentive pay for members of precommissioning programs pursuing foreign language proficiency

(a) INCENTIVE PAY.—The Secretary of Defense may pay incentive pay under this section to an individual who—

(1) is enrolled as a member of the Senior Reserve Officers' Training Corps or the Marine Corps Platoon Leaders Class, as determined in accordance with regulations prescribed by the Secretary of Defense under subsection (e); and

(2) participates in a language immersion program approved for purposes of the Senior Reserve Officers' Training Corps, or in study abroad, or is enrolled in an academic course that involves instruction in a foreign language of strategic interest to the Department of Defense as designated by the Secretary of Defense for purposes of this section.

(b) PERIOD OF PAYMENT.—Incentive pay is payable under this section to an individual described in subsection (a) for the period of the individual's participation in the language program or study described in paragraph (2) of that subsection.

(c) AMOUNT.—The amount of incentive pay payable to an individual under this section may not exceed $3,000 per year.

(d) REPAYMENT.—An individual who is paid incentive pay under this section but who does not satisfactorily complete participation in the individual's language program or study as described in subsection (a)(2), or who does not complete the requirements of the Senior Reserve Officers' Training Corps or the Marine Corps Platoon Leaders Class, as applicable, shall be subject to the repayment provisions of section 303a(e) of this title.

(e) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense.

(f) REPORTS.—Not later than April 1, 2012, and annually thereafter through 2014, the Secretary of Defense shall submit to the Director of the Office of Management and Budget, and to Congress, a report on the payment of incentive pay under this section during the preceding fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

(1) The number of individuals paid incentive pay under this section, the number of individuals commencing receipt of incentive pay under this section, and the number of individuals ceasing receipt of incentive pay under this section.

(2) The amount of incentive pay paid to individuals under this section.

(3) The aggregate amount recouped under section 303a(e) of this title in connection with receipt of incentive pay under this section.

(4) The languages for which incentive pay was paid under this section, including the total amount paid for each such language.

(5) The effectiveness of incentive pay under this section in assisting the Department of Defense in securing proficiency in foreign languages of strategic interest to the Department of Defense, including a description of how recipients of pay under this section are assigned and utilized following completion of the program of study.

(g) TERMINATION OF AUTHORITY.—No incentive pay may be paid under this section after December 31, 2015.

(Added Pub. L. 110–417, [div. A], title VI, § 619(b)(1), Oct. 14, 2008, 122 Stat. 4488; amended Pub. L. 112–81, div. A, title X, § 1065(b), Dec. 31, 2011, 125 Stat. 1588; Pub. L. 113–66, div. A, title VI, § 616, Dec. 26, 2013, 127 Stat. 781; Pub. L. 113–291, div. A, title VI, § 615(5), Dec. 19, 2014, 128 Stat. 3401.)

PRIOR PROVISIONS

A prior section 316a, added Pub. L. 102–190, div. A, title VI, § 636(a), Dec. 5, 1991, 105 Stat. 1382, related to waiver of certification requirement, prior to repeal by Pub. L. 108–375, div. A, title VI, § 620(b)(1), Oct. 28, 2004, 118 Stat. 1954.

AMENDMENTS

2014—Subsec. (g). Pub. L. 113–291 substituted ''December 31, 2015'' for ''December 31, 2014''.

2013—Subsec. (g). Pub. L. 113–66 substituted ''December 31, 2014'' for ''December 31, 2013''.

2011—Subsec. (f). Pub. L. 112–81 substituted ''April 1, 2012'' for ''January 1, 2010'' in introductory provisions.

§317. Special pay: officers in critical acquisition positions extending period of active duty

(a) BONUS AUTHORIZED.—An officer described in subsection (b) who executes a written agreement to remain on active duty in a critical acquisition position for at least one year may, upon the acceptance of the agreement by the Secretary concerned, be paid a retention bonus as provided in this section.

(b) COVERED OFFICERS.—An officer referred to in subsection (a) is an officer of the Army, Navy, Air Force, or Marine Corps who—

(1) is a member of an Acquisition Corps selected to serve in, or serving in, a critical acquisition position designated under section 1733 of title 10; and

(2) is eligible to retire, or is assigned to such position for a period that will extend beyond the date on which the officer will be eligible to retire, under any provision of law.

(c) AMOUNT OF BONUS.—The amount of a bonus paid under this section for each year a member agrees to remain on active duty may not be more than 15 percent of the annual rate of basic pay paid to the member at the time the member executes a written agreement under this section.

(d) PAYMENT OF BONUS.—Upon the acceptance of a written agreement under subsection (a) by the Secretary concerned, the total amount payable pursuant to the agreement becomes fixed and may be paid by the Secretary in either a lump sum or installments.

(e) ADDITIONAL PAY.—A bonus paid under this section is in addition to other pay and allowances to which an officer is entitled.

(f) REPAYMENT.—An officer who, having entered into a written agreement under subsection (a) and having received all or part of a bonus under this section, does not complete the period of active duty as specified in the agreement shall be subject to the repayment provisions of section 303a(e) of this title.

(g) PERIOD OF COMMITMENT.—The period of active duty agreed upon by an officer in a written agreement under this section is in addition to any other service commitment of the officer, except that any period of active duty agreed upon in a written agreement under subsection (a)(2) or (b)(2) of section 1734 of title 10 by the officer may be counted concurrently with the commitment under this section.

(h) REGULATIONS.—The Secretaries concerned shall prescribe regulations to carry out this section. Regulations prescribed by the Secretary of a military department shall be subject to the approval of the Secretary of Defense.

(Added Pub. L. 101–510, div. A, title XII, §1203(a)(1), Nov. 5, 1990, 104 Stat. 1656; amended Pub. L. 109–163, div. A, title VI, §687(b)(26), Jan. 6, 2006, 119 Stat. 3331.)

AMENDMENTS

2006—Subsec. (f). Pub. L. 109–163 amended heading and text of subsec. (f) generally, substituting provisions referring to repayment provisions of section 303a(e) for specific provisions relating to repayment of bonus required when officer fails to complete total period of agreed upon active duty.

EFFECTIVE DATE

Pub. L. 101–510, div. A, title XII, §1203(b), Nov. 5, 1990, 104 Stat. 1658, provided that: ''Section 317 of title 37, United States Code, as added by subsection (a), shall take effect as of October 1, 1991.''

SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(b) of Pub. L. 109–163, see section 687(f) of Pub. L. 109–163, set out as a note under section 510 of Title 10, Armed Forces.

§318. Special pay: special warfare officers extending period of active duty

(a) SPECIAL WARFARE OFFICER DEFINED.—In this section, the term ''special warfare officer'' means an officer of a uniformed service who—

(1) is qualified for a military occupational specialty or designator identified by the Secretary concerned as a special warfare military occupational specialty or designator; and

(2) is serving in a position for which that specialty or designator is authorized.

(b) RETENTION BONUS AUTHORIZED.—A special warfare officer who meets the eligibility requirements specified in subsection (c) and who executes a written agreement to remain on active duty in special warfare service for at least one year may, upon the acceptance of the agreement by the Secretary concerned, be paid a retention bonus as provided in this section.

(c) ELIGIBILITY REQUIREMENTS.—A special warfare officer may apply to enter into an agreement referred to in subsection (b) if the officer—

(1) is in pay grade O–3, or is in pay grade O–4 and is not on a list of officers recommended for promotion, at the time the officer applies to enter into the agreement;

(2) has completed at least 6, but not more than 14, years of active commissioned service; and

(3) has completed any service commitment incurred to be commissioned as an officer.

(d) AMOUNT OF BONUS.—The amount of a retention bonus paid under this section may not be more than $15,000 for each year covered by the agreement.

(e) PRORATION.—The term of an agreement under subsection (b) and the amount of the retention bonus payable under subsection (d) may be prorated as long as the agreement does not extend beyond the date on which the officer executing the agreement would complete 14 years of active commissioned service.

(f) PAYMENT METHODS.—(1) Upon acceptance of an agreement under subsection (b) by the Secretary concerned, the total amount payable pursuant to the agreement becomes fixed.

(2) The amount of the retention bonus may be paid as follows:

(A) At the time the agreement is accepted by the Secretary concerned, the Secretary may make a lump sum payment equal to half the total amount payable under the agreement. The balance of the bonus amount shall be paid in equal annual installments on the anniversary of the acceptance of the agreement.

(B) The Secretary concerned may make graduated annual payments under regulations prescribed by the Secretary, with the first payment being payable at the time the agreement is accepted by the Secretary and subsequent payments being payable on the anniversary of the acceptance of the agreement.

(g) ADDITIONAL PAY.—A retention bonus paid under this section is in addition to any other pay and allowances to which an officer is entitled.

(h) REPAYMENT.—An officer who, having entered into a written agreement under subsection (b) and having received all or part of a bonus under this section, does not complete the period of active duty in special warfare service as specified in the agreement shall be subject to the repayment provisions of section 303a(e) of this title.

(i) REGULATIONS.—The Secretaries concerned shall prescribe regulations to carry out this section, including the definition of the term ''special warfare service'' for purposes of this section. Regulations prescribed by the Secretary of a military department under this section shall be subject to the approval of the Secretary of Defense.

(Added Pub. L. 106–65, div. A, title VI, § 626(a)(1), Oct. 5, 1999, 113 Stat. 655; amended Pub. L. 107–107, div. A, title X, § 1048(i)(7), Dec. 28, 2001, 115 Stat. 1229; Pub. L. 109–163, div. A, title VI, § 687(b)(27), Jan. 6, 2006, 119 Stat. 3331.)

AMENDMENTS

2006—Subsec. (h). Pub. L. 109–163 amended heading and text of subsec. (h) generally, substituting provisions referring to repayment provisions of section 303a(e) for specific provisions relating to repayment required when officer receives bonus but fails to complete total period of agreed upon active duty in special warfare.

2001—Subsec. (h)(3). Pub. L. 107–107 substituted ''subsection (b)'' for ''subsection (a)''.

EFFECTIVE DATE

Pub. L. 106–65, div. A, title VI, § 626(b), Oct. 5, 1999, 113 Stat. 656, provided that: ''The amendments made by subsection (a) [enacting this section] shall take effect on October 1, 1999.''

SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(b) of Pub. L. 109–163, see section 687(f) of Pub. L. 109–163, set out as a note under section 510 of Title 10, Armed Forces.

§ 319. Special pay: surface warfare officer continuation pay

(a) ELIGIBLE SURFACE WARFARE OFFICER DEFINED.—In this section, the term ''eligible surface warfare officer'' means an officer of the Regular Navy or Navy Reserve on active duty who—

(1) is qualified and serving as a surface warfare officer;

(2) has been selected for assignment as a department head on a surface vessel; and

(3) has completed any service commitment incurred through the officer's original commissioning program or is within one year of completing such commitment.

(b) SPECIAL PAY AUTHORIZED.—An eligible surface warfare officer who executes a written agreement to remain on active duty to complete one or more tours of duty to which the officer may be ordered as a department head on a surface vessel may, upon the acceptance of the agreement by the Secretary of the Navy, be paid an amount not to exceed $50,000.

(c) PRORATION.—The term of the written agreement under subsection (b) and the amount payable under the agreement may be prorated.

(d) PAYMENT METHODS.—Upon acceptance of the written agreement under subsection (b) by the Secretary of the Navy, the total amount payable pursuant to the agreement becomes fixed. The Secretary shall prepare an implementation plan specifying the amount of each installment payment under the agreement and the times for payment of the installments.

(e) ADDITIONAL PAY.—Any amount paid under this section is in addition to any other pay and allowances to which an officer is entitled.

(f) REPAYMENT.—An officer who, having entered into a written agreement under subsection (b) and having received all or part of a bonus under this section, does not complete the period of active duty as a department head on a surface vessel as specified in the agreement, shall be subject to the repayment provisions of section 303a(e) of this title.

(g) REGULATIONS.—The Secretary of the Navy shall prescribe regulations to carry out this section.

(Added Pub. L. 106–65, div. A, title VI, § 627(a)(1), Oct. 5, 1999, 113 Stat. 656; amended Pub. L. 107–107, div. A, title VI, § 616(b), Dec. 28, 2001, 115 Stat. 1137; Pub. L. 109–163, div. A, title V, § 515(d)(1)(E), title VI, § 687(b)(28), Jan. 6, 2006, 119 Stat. 3236, 3332.)

AMENDMENTS

2006—Subsec. (a). Pub. L. 109–163, § 515(d)(1)(E), substituted ''Navy Reserve'' for ''Naval Reserve'' in introductory provisions.

Subsec. (f). Pub. L. 109–163, § 687(b)(28), amended heading and text of subsec. (f) generally, substituting provisions referring to repayment provisions of section 303a(e) for specific provisions relating to repayment required when officer receives bonus but fails to complete total period of agreed upon active duty as department head on surface vessel.

2001—Subsec. (a)(3). Pub. L. 107–107 inserted ''or is within one year of completing such commitment'' before period at end.

EFFECTIVE DATE

Pub. L. 106–65, div. A, title VI, § 627(b), Oct. 5, 1999, 113 Stat. 657, provided that: ''The amendments made by subsection (a) [enacting this section] shall take effect on October 1, 1999.''

SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(b) of Pub. L. 109–163, see section 687(f) of Pub. L. 109–163, set out as a note under section 510 of Title 10, Armed Forces.

§ 320. Incentive pay: career enlisted flyers

(a) ELIGIBLE CAREER ENLISTED FLYER DEFINED.—In this section, the term ''eligible career enlisted flyer'' means an enlisted member of the armed forces who—

(1) is entitled to basic pay under section 204 of this title, or is entitled to pay under section 206 of this title as described in subsection (e) of this section;

(2) holds an enlisted military occupational specialty or enlisted military rating designated as a career enlisted flyer specialty or rating by the Secretary concerned, performs duty as a dropsonde system operator, or is in training leading to qualification and designation of such a specialty or rating or the performance of such duty;

(3) is qualified for aviation service under regulations prescribed by the Secretary concerned; and

(4) satisfies the operational flying duty requirements applicable under subsection (c).

(b) INCENTIVE PAY AUTHORIZED.—(1) The Secretary concerned may pay monthly incentive pay to an eligible career enlisted flyer in an amount not to exceed the monthly maximum amounts specified in subsection (d). The incentive pay may be paid as continuous monthly incentive pay or on a month-to-month basis, dependent upon the operational flying duty performed by the eligible career enlisted flyer as prescribed in subsection (c).

(2) Continuous monthly incentive pay may not be paid to an eligible career enlisted flyer after the member completes 25 years of aviation service. Thereafter, an eligible career enlisted flyer may still receive incentive pay on a month-to-month basis under subsection (c)(4) for the frequent and regular performance of operational flying duty.

(c) OPERATIONAL FLYING DUTY REQUIREMENTS.—(1) An eligible career enlisted flyer must perform operational flying duties for 6 of the first 10, 9 of the first 15, and 14 of the first 20 years of aviation service, to be eligible for continuous monthly incentive pay under this section.

(2) Upon completion of 10, 15, or 20 years of aviation service, an enlisted member who has not performed the minimum required operational flying duties specified in paragraph (1) during the prescribed period, although otherwise meeting the definition in subsection (a), may no longer be paid continuous monthly incentive pay except as provided in paragraph (3). Payment of continuous monthly incentive pay may be resumed if the member meets the minimum operational flying duty requirement upon completion of the next established period of aviation service.

(3) For the needs of the service, the Secretary concerned may permit, on a case-by-case basis, a member to continue to receive continuous monthly incentive pay despite the member's failure to perform the operational flying duty required during the first 10, 15, or 20 years of aviation service, but only if the member otherwise meets the definition in subsection (a) and has performed at least 5 years of operational flying duties during the first 10 years of aviation service, 8 years of operational flying duties during the first 15 years of aviation service, or 12 years of operational flying duty during the first 20 years of aviation service. The authority of the Secretary concerned under this paragraph may not be delegated below the level of the Service Personnel Chief.

(4) If the eligibility of an eligible career enlisted flyer to continuous monthly incentive pay ceases under subsection (b)(2) or paragraph (2), the member may still receive month-to-month incentive pay for subsequent frequent and regular performance of operational flying duty. The rate payable is the same rate authorized by the Secretary concerned under subsection (d) for a member of corresponding years of aviation service.

(d) MONTHLY MAXIMUM RATES.—The monthly rate of any career enlisted flyer incentive pay paid under this section to a member on active duty shall be prescribed by the Secretary concerned, but may not exceed the following:

Years of aviation service	Monthly rate
4 or less	$150
Over 4	$225
Over 8	$350
Over 14	$400.

(e) ELIGIBILITY OF RESERVE COMPONENT MEMBERS WHEN PERFORMING INACTIVE DUTY TRAINING.—Under regulations prescribed by the Secretary concerned, when a member of a reserve component or the National Guard, who is entitled to compensation under section 206 of this title, meets the definition of eligible career enlisted flyer, the Secretary concerned may increase the member's compensation by an amount equal to 1/30 of the monthly incentive pay authorized by the Secretary concerned under subsection (d) for a member of corresponding years of aviation service who is entitled to basic pay under section 204 of this title. The reserve component member may receive the increase for as long as the member is qualified for it, for each regular period of instruction or period of appropriate duty, at which the member is engaged for at least two hours, or for the performance of such other equivalent training, instruction, duty or appropriate duties, as the Secretary may prescribe under section 206(a) of this title.

(f) RELATION TO HAZARDOUS DUTY INCENTIVE PAY OR DIVING DUTY SPECIAL PAY.—A member receiving incentive pay under section 301(a) of this title or special pay under section 304 of this title may not be paid special pay under this section for the same period of service.

(g) SAVE PAY PROVISION.—If, immediately before a member receives incentive pay under this section, the member was entitled to incentive pay under section 301(a) of this title, the rate at

which the member is paid incentive pay under this section shall be equal to the higher of the monthly amount applicable under subsection (d) or the rate of incentive pay the member was receiving under subsection (b) or (c)(2)(A) of section 301 of this title.

(h) SPECIALTY CODE OF DROPSONDE SYSTEM OPERATORS.—Within the Air Force, the Secretary of the Air Force shall assign to members who are dropsonde system operators a specialty code that identifies such members as serving in a weather specialty.

(i) DEFINITIONS.—In this section:

(1) The term ''aviation service'' means participation in aerial flight performed, under regulations prescribed by the Secretary concerned, by an eligible career enlisted flyer.

(2) The term ''operational flying duty'' means flying performed under competent orders while serving in assignments, including an assignment as a dropsonde system operator, in which basic flying skills normally are maintained in the performance of assigned duties as determined by the Secretary concerned, and flying duty performed by members in training that leads to the award of an enlisted aviation rating or military occupational specialty designated as a career enlisted flyer rating or specialty by the Secretary concerned.

(Added Pub. L. 106–65, div. A, title VI, § 628(a)(1), Oct. 5, 1999, 113 Stat. 657.)

EFFECTIVE DATE

Pub. L. 106–65, div. A, title VI, § 628(b), Oct. 5, 1999, 113 Stat. 659, provided that: ''The amendments made by subsection (a) [enacting this section] shall take effect on October 1, 1999.''

§ 321. Special pay: judge advocate continuation pay

(a) ELIGIBLE JUDGE ADVOCATE DEFINED.—In this section, the term ''eligible judge advocate'' means an officer of the armed forces on full-time active duty who—

(1) is qualified and serving as a judge advocate, as defined in section 801 of title 10; and

(2) has completed—

(A) the active duty service obligation incurred through the officer's original commissioning program; or

(B) in the case of an officer detailed under section 2004 of title 10 or section 470 of title 14, the active duty service obligation incurred as part of that detail.

(b) SPECIAL PAY AUTHORIZED.—An eligible judge advocate who executes a written agreement to remain on active duty for a period of obligated service specified in the agreement may, upon the acceptance of the agreement by the Secretary concerned, be paid continuation pay under this section. The total amount paid to an officer under one or more agreements under this section may not exceed $60,000.

(c) PRORATION.—The term of an agreement under subsection (b) and the amount payable under the agreement may be prorated.

(d) PAYMENT METHODS.—Upon acceptance of an agreement under subsection (b) by the Secretary concerned, the total amount payable pursuant to the agreement becomes fixed. The Secretary shall prepare an implementation plan specifying the amount of each installment payment under the agreement and the times for payment of the installments.

(e) ADDITIONAL PAY.—Any amount paid to an officer under this section is in addition to any other pay and allowances to which the officer is entitled.

(f) REPAYMENT.—An officer who has entered into a written agreement under subsection (b) and has received all or part of the amount payable under the agreement but who does not complete the total period of active duty specified in the agreement, shall be subject to the repayment provisions of section 303a(e) of this title.

(g) REGULATIONS.—The Secretary concerned shall prescribe regulations to carry out this section.

(Added Pub. L. 106–65, div. A, title VI, § 629(a)(1), Oct. 5, 1999, 113 Stat. 659; amended Pub. L. 109–163, div. A, title VI, § 687(b)(29), Jan. 6, 2006, 119 Stat. 3332.)

AMENDMENTS

2006—Subsec. (f). Pub. L. 109–163 amended heading and text of subsec. (f) generally, substituting provisions referring to repayment provisions of section 303a(e) for specific provisions relating to repayment required when officer fails to complete total period of agreed upon active duty.

EFFECTIVE DATE

Pub. L. 106–65, div. A, title VI, § 629(c), Oct. 5, 1999, 113 Stat. 661, provided that: ''The amendments made by subsection (a) [enacting this section] shall take effect on October 1, 1999.''

SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(b) of Pub. L. 109–163, see section 687(f) of Pub. L. 109–163, set out as a note under section 510 of Title 10, Armed Forces.

[§ 322. Renumbered § 354]

[§ 323. Renumbered § 355]

§ 324. Special pay: accession bonus for new officers in critical skills

(a) ACCESSION BONUS AUTHORIZED.—Under regulations prescribed by the Secretary concerned, a person who executes a written agreement to accept a commission or an appointment as an officer of the armed forces and serve on active duty in a designated critical officer skill for the period specified in the agreement may, upon acceptance of the agreement by the Secretary concerned, be paid an accession bonus in an amount determined by the Secretary concerned.

(b) DESIGNATION OF CRITICAL OFFICER SKILLS.—The Secretary concerned shall designate the critical officer skills for the purposes of this section. A skill may be designated as a critical officer skill for an armed force under this subsection if—

(1) in order to meet requirements of the armed force, it is critical for the armed force

to have a sufficient number of officers who are qualified in that skill; and

(2) in order to mitigate a current or projected significant shortage of personnel in the armed force who are qualified in that skill, it is critical to access into that armed force in sufficient numbers persons who are qualified in that skill or are to be trained in that skill.

(c) LIMITATION ON AMOUNT OF BONUS.—The amount of an accession bonus under subsection (a) may not exceed $60,000.

(d) PAYMENT METHOD.—Upon acceptance of a written agreement under subsection (a) by the Secretary concerned, the total amount of the accession bonus payable under the agreement becomes fixed. The agreement shall specify whether the accession bonus will be paid by the Secretary in a lump sum or installments.

(e) RELATION TO OTHER ACCESSION BONUS AUTHORITY.—An individual may not receive an accession bonus under this section and section 302d, 302h, 302j, or 312b of this title for the same period of service.

(f) REPAYMENT.—An individual who, having received all or part of the bonus under an agreement referred to in subsection (a), is not thereafter commissioned as an officer or does not commence or complete the total period of active duty service specified in the agreement shall be subject to the repayment provisions of section 303a(e) of this title.

(g) TERMINATION OF AUTHORITY.—No agreement under this section may be entered into after December 31, 2015.

(Added Pub. L. 107–107, div. A, title VI, §621(a), Dec. 28, 2001, 115 Stat. 1139; amended Pub. L. 107–314, div. A, title VI, §614(e), title X, §1062(c)(2), Dec. 2, 2002, 116 Stat. 2568, 2651; Pub. L. 108–136, div. A, title VI, §§614(e), 623, Nov. 24, 2003, 117 Stat. 1502, 1505; Pub. L. 108–375, div. A, title VI, §614(f), Oct. 28, 2004, 118 Stat. 1948; Pub. L. 109–163, div. A, title VI, §§624(f), 687(b)(32), Jan. 6, 2006, 119 Stat. 3295, 3332; Pub. L. 109–364, div. A, title VI, §614(f), Oct. 17, 2006, 120 Stat. 2249; Pub. L. 110–181, div. A, title VI, §614(e), Jan. 28, 2008, 122 Stat. 149; Pub. L. 110–417, [div. A], title VI, §614(e), Oct. 14, 2008, 122 Stat. 4485; Pub. L. 111–84, div. A, title VI, §615(5), Oct. 28, 2009, 123 Stat. 2354; Pub. L. 111–383, div. A, title VI, §615(5), Jan. 7, 2011, 124 Stat. 4237; Pub. L. 112–81, div. A, title VI, §615(5), Dec. 31, 2011, 125 Stat. 1450; Pub. L. 112–239, div. A, title VI, §615(5), Jan. 2, 2013, 126 Stat. 1777; Pub. L. 113–66, div. A, title VI, §615(5), Dec. 26, 2013, 127 Stat. 781; Pub. L. 113–291, div. A, title VI, §615(6), Dec. 19, 2014, 128 Stat. 3401.)

AMENDMENTS

2014—Subsec. (g). Pub. L. 113–291 substituted ''December 31, 2015'' for ''December 31, 2014''.

2013—Subsec. (g). Pub. L. 113–66 substituted ''December 31, 2014'' for ''December 31, 2013''.

Pub. L. 112–239 substituted ''December 31, 2013'' for ''December 31, 2012''.

2011—Subsec. (g). Pub. L. 112–81 substituted ''December 31, 2012'' for ''December 31, 2011''.

Pub. L. 111–383 substituted ''December 31, 2011'' for ''December 31, 2010''.

2009—Subsec. (g). Pub. L. 111–84 substituted ''December 31, 2010'' for ''December 31, 2009''.

2008—Subsec. (g). Pub. L. 110–417 substituted ''December 31, 2009'' for ''December 31, 2008''.

Pub. L. 110–181 substituted ''December 31, 2008'' for ''December 31, 2007''.

2006—Subsec. (f). Pub. L. 109–163, §687(b)(32), amended heading and text of subsec. (f) generally, substituting provisions referring to repayment provisions of section 303a(e) for specific provisions relating to repayment required when individual receives accession bonus payment but fails to accept commission or appointment as officer or to commence or complete agreed upon period of active duty.

Subsec. (g). Pub. L. 109–364 substituted ''December 31, 2007'' for ''December 31, 2006''.

Pub. L. 109–163, §624(f), substituted ''December 31, 2006'' for ''December 31, 2005''.

2004—Subsec. (g). Pub. L. 108–375 substituted ''December 31, 2005'' for ''December 31, 2004''.

2003—Subsecs. (a), (f)(1). Pub. L. 108–136, §623, inserted ''or an appointment'' after ''commission''.

Subsec. (g). Pub. L. 108–136, §614(e), substituted ''December 31, 2004'' for ''December 31, 2003''.

2002—Subsec. (b). Pub. L. 107–314, §1062(c)(2), struck out par. (1) designation before ''The Secretary''.

Subsec. (g). Pub. L. 107–314, §614(e), substituted ''December 31, 2003'' for ''December 31, 2002''.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–181 effective as of Dec. 31, 2007, and subject to various special provisions, see section 610 of Pub. L. 110–181, set out as a Correction of Lapsed Authorities for Payment of Bonuses, Special Pays, and Similar Benefits for Members of the Uniformed Services note under section 2130a of Title 10, Armed Forces.

SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(b) of Pub. L. 109–163, see section 687(f) of Pub. L. 109–163, set out as a note under section 510 of Title 10, Armed Forces.

§325. Incentive bonus: savings plan for education expenses and other contingencies

(a) BENEFIT AND ELIGIBILITY.—The Secretary concerned may purchase United States savings bonds under this section for a member of the armed forces who is eligible as follows:

(1) A member who, before completing three years of service on active duty, enters into a commitment to perform qualifying service.

(2) A member who, after completing three years of service on active duty, but not more than nine years of service on active duty, enters into a commitment to perform qualifying service.

(3) A member who, after completing nine years of service on active duty, enters into a commitment to perform qualifying service.

(b) QUALIFYING SERVICE.—For the purposes of this section, qualifying service is service on active duty in a specialty designated by the Secretary concerned as critical to meet requirements (whether or not such specialty is designated as critical to meet wartime or peacetime requirements) for a period that—

(1) is not less than six years; and

(2) does not include any part of a period for which the member is obligated to serve on active duty under an enlistment or other agreement for which a benefit has previously been paid under this section.

(c) FORMS OF COMMITMENT TO ADDITIONAL SERVICE.—For the purposes of this section, a commitment means—

(1) in the case of an enlisted member, a reenlistment; and

(2) in the case of a commissioned officer, an agreement entered into with the Secretary concerned.

(d) AMOUNTS OF BONDS.—The total of the face amounts of the United States savings bonds authorized to be purchased for a member under this section for a commitment shall be as follows:

(1) In the case of a purchase for a member under paragraph (1) of subsection (a), $5,000.

(2) In the case of a purchase for a member under paragraph (2) of subsection (a), the amount equal to the excess of $15,000 over the total of the face amounts of any United States savings bonds previously purchased for the member under this section.

(3) In the case of a purchase for a member under paragraph (3) of subsection (a), the amount equal to the excess of $30,000 over the total of the face amounts of any United States savings bonds previously purchased for the member under this section.

(e) TOTAL AMOUNT OF BENEFIT.—The total amount of the benefit authorized for a member when United States savings bonds are purchased for the member under this section by reason of a commitment by that member shall be the sum of—

(1) the purchase price of the United States savings bonds; and

(2) the amounts that would be deducted and withheld for the payment of individual income taxes if the total amount computed under this subsection for that commitment were paid to the member as a bonus.

(f) AMOUNT WITHHELD FOR TAXES.—The total amount payable for a member under subsection (e)(2) for a commitment by that member shall be withheld, credited, and otherwise treated in the same manner as amounts deducted and withheld from the basic pay of the member.

(g) REPAYMENT.—If a person does not complete the qualifying service for which the person is obligated under a commitment for which a benefit has been paid under this section, the person shall be subject to the repayment provisions of section 303a(e) of this title.

(h) RELATIONSHIP TO OTHER SPECIAL PAYS.—The benefit authorized under this section is in addition to any other bonus or incentive or special pay that is paid or payable to a member under any other provision of this chapter for any portion of the same qualifying service.

(i) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary of Homeland Security for the Coast Guard when the Coast Guard is not operating as a service in the Navy.

(Added Pub. L. 107–107, div. A, title VI, § 622(a)(1), Dec. 28, 2001, 115 Stat. 1140; amended Pub. L. 107–296, title XVII, § 1704(c), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 109–163, div. A, title VI, § 687(b)(33), Jan. 6, 2006, 119 Stat. 3332.)

AMENDMENTS

2006—Subsec. (g). Pub. L. 109–163, amended heading and text of subsec. (g) generally, substituting provisions referring to repayment provisions of section 303a(e) for specific provisions relating to refunds required when person fails to complete qualifying service for which person is obligated under commitment for which benefit was paid.

2002—Subsec. (i). Pub. L. 107–296 substituted ''of Homeland Security'' for ''of Transportation''.

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

Pub. L. 107–107, div. A, title VI, § 622(b), Dec. 28, 2001, 115 Stat. 1142, provided that: ''Section 325 of title 37, United States Code, as added by subsection (a), shall apply with respect to reenlistments and other agreements for qualifying service, as described in that section, that are entered into on or after October 1, 2001.''

SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(b) of Pub. L. 109–163, see section 687(f) of Pub. L. 109–163, set out as a note under section 510 of Title 10, Armed Forces.

§ 326. Incentive bonus: conversion to military occupational specialty to ease personnel shortage

(a) INCENTIVE BONUS AUTHORIZED.—The Secretary concerned may pay a bonus under this section to an eligible member of a regular or reserve component of the armed forces who executes a written agreement to convert to, and serve for a period of not less than three years in, a military occupational specialty for which there is a shortage of trained and qualified personnel.

(b) ELIGIBLE MEMBERS.—A member is eligible to enter into an agreement under subsection (a) if, at the time the agreement is executed, the member is serving in—

(1) pay grade E–6, with not more than 10 years of service computed under section 205 of this title; or

(2) pay grade E–5 or below, regardless of years of service.

(c) AMOUNT AND PAYMENT OF BONUS.—(1) A bonus under this section may not exceed $4,000.

(2) A bonus payable under this section shall be disbursed in one lump sum when the member's conversion to the military occupational specialty is approved by the chief personnel officer of the regular or reserve component of the member's armed force.

(d) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—A bonus paid to a member under this section is in addition to any other pay and allowances to which the member is entitled.

(e) REPAYMENT.—A member who does not convert to and complete the period of service in the military occupational specialty specified in the agreement executed under subsection (a) shall

be subject to the repayment provisions of section 303a(e) of this title.

(f) REGULATIONS.—The Secretaries concerned shall prescribe regulations to carry out this section. Regulations prescribed by the Secretary of a military department shall be subject to the approval of the Secretary of Defense.

(g) TERMINATION OF AUTHORITY.—No agreement under this section may be entered into after December 31, 2015.

(Added Pub. L. 108–136, div. A, title VI, §625(a), Nov. 24, 2003, 117 Stat. 1506; amended Pub. L. 108–375, div. A, title VI, §622, Oct. 28, 2004, 118 Stat. 1955; Pub. L. 109–163, div. A, title VI, §687(b)(34), Jan. 6, 2006, 119 Stat. 3333; Pub. L. 109–364, div. A, title VI, §614(g), Oct. 17, 2006, 120 Stat. 2249; Pub. L. 110–181, div. A, title VI, §614(f), Jan. 28, 2008, 122 Stat. 149; Pub. L. 110–417, [div. A], title VI, §614(f), Oct. 14, 2008, 122 Stat. 4485; Pub. L. 111–84, div. A, title VI, §615(6), Oct. 28, 2009, 123 Stat. 2354; Pub. L. 111–383, div. A, title VI, §615(6), Jan. 7, 2011, 124 Stat. 4237; Pub. L. 112–81, div. A, title VI, §615(6), Dec. 31, 2011, 125 Stat. 1450; Pub. L. 112–239, div. A, title VI, §§615(6), 617, Jan. 2, 2013, 126 Stat. 1777, 1778; Pub. L. 113–66, div. A, title VI, §615(6), Dec. 26, 2013, 127 Stat. 781; Pub. L. 113–291, div. A, title VI, §615(7), Dec. 19, 2014, 128 Stat. 3401.)

AMENDMENTS

2014—Subsec. (g). Pub. L. 113–291 substituted ''December 31, 2015'' for ''December 31, 2014''.

2013—Subsec. (c)(1). Pub. L. 112–239, §617, substituted ''$4,000.'' for ''$4,000, in the case of a member of a regular component of the armed forces, and $2,000, in the case of a member of a reserve component of the armed forces.''

Subsec. (g). Pub. L. 113–66 substituted ''December 31, 2014'' for ''December 31, 2013''.

Pub. L. 112–239, §615(6), substituted ''December 31, 2013'' for ''December 31, 2012''.

2011—Subsec. (g). Pub. L. 112–81 substituted ''December 31, 2012'' for ''December 31, 2011''.

Pub. L. 111–383 substituted ''December 31, 2011'' for ''December 31, 2010''.

2009—Subsec. (g). Pub. L. 111–84 substituted ''December 31, 2010'' for ''December 31, 2009''.

2008—Subsec. (g). Pub. L. 110–417 substituted ''December 31, 2009'' for ''December 31, 2008''.

Pub. L. 110–181 substituted ''December 31, 2008'' for ''December 31, 2007''.

2006—Subsec. (e). Pub. L. 109–163, amended heading and text of subsec. (e) generally, substituting provisions referring to repayment provisions of section 303a(e) for specific provisions relating to refunds required when member fails to serve in specified military occupational specialty for agreed upon period.

Subsec. (g). Pub. L. 109–364 substituted ''December 31, 2007'' for ''December 31, 2006''.

2004—Subsec. (a). Pub. L. 108–375, §622(a)(1), inserted ''of a regular or reserve component'' after ''an eligible member''.

Subsec. (b). Pub. L. 108–375, §622(a)(2), substituted comma for dash after ''if'', struck out ''(1) the member is entitled to basic pay; and'' and par. (2) designation before ''at the time'', and redesignated subpars. (A) and (B) of former par. (2) as pars. (1) and (2), respectively.

Subsec. (c)(1). Pub. L. 108–375, §622(b), inserted before period at end '', in the case of a member of a regular component of the armed forces, and $2,000, in the case of a member of a reserve component of the armed forces''.

Subsec. (c)(2). Pub. L. 108–375, §622(a)(3), inserted ''regular or reserve component of the'' after ''chief personnel officer of the''.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–181 effective as of Dec. 31, 2007, and subject to various special provisions, see section 610 of Pub. L. 110–181, set out as a Correction of Lapsed Authorities for Payment of Bonuses, Special Pays, and Similar Benefits for Members of the Uniformed Services note under section 2130a of Title 10, Armed Forces.

SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(b) of Pub. L. 109–163, see section 687(f) of Pub. L. 109–163, set out as a note under section 510 of Title 10, Armed Forces.

§327. Incentive bonus: transfer between armed forces

(a) INCENTIVE BONUS AUTHORIZED.—A bonus under this section may be paid to an eligible member of a regular component or reserve component of an armed force who executes a written agreement—

(1) to transfer from such regular component or reserve component to a regular component or reserve component of another armed force; and

(2) to serve pursuant to such agreement for a period of not less than three years in the component to which transferred.

(b) ELIGIBLE MEMBERS.—A member is eligible to enter into an agreement under subsection (a) if, as of the date of the agreement, the member—

(1) has not failed to satisfactorily complete any term of enlistment in the armed forces;

(2) is eligible for reenlistment in the armed forces or, in the case of an officer, is eligible to continue in service in a regular or reserve component of the armed forces; and

(3) has fulfilled such requirements for transfer to the component of the armed force to which the member will transfer as the Secretary having jurisdiction over such armed force shall establish.

(c) LIMITATION.—A member may enter into an agreement under subsection (a) to transfer to a regular component or reserve component of another armed force only if the Secretary having jurisdiction over such armed force determines that there is shortage of trained and qualified personnel in such component.

(d) AMOUNT AND PAYMENT OF BONUS.—(1) A bonus under this section may not exceed $10,000.

(2) A bonus under this section shall be paid by the Secretary having jurisdiction of the armed force to which the member to be paid the bonus is transferring.

(3) A bonus under this section shall, at the election of the Secretary paying the bonus—

(A) be disbursed to the member in one lump sum when the transfer for which the bonus is paid is approved by the chief personnel officer of the armed force to which the member is transferring; or

(B) be paid to the member in annual installments in such amounts as may be determined by the Secretary paying the bonus.

(e) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—A bonus paid to a member under this section is in addition to any other pay and allowances to which the member is entitled.

(f) REPAYMENT.—A member who is paid a bonus under an agreement under this section and who, voluntarily or because of misconduct, fails to serve for the period covered by such agreement shall be subject to the repayment provisions of section 303a(e) of this title.

(g) REGULATIONS.—The Secretaries concerned shall prescribe regulations to carry out this section. Regulations prescribed by the Secretary of a military department under this subsection shall be subject to the approval of the Secretary of Defense.

(h) TERMINATION OF AUTHORITY.—No agreement under this section may be entered into after December 31, 2015.

(Added and amended Pub. L. 109–163, div. A, title VI, §§ 641(a), 687(b)(35), Jan. 6, 2006, 119 Stat. 3304, 3333; Pub. L. 109–364, div. A, title VI, §§ 614(h), 620(a), Oct. 17, 2006, 120 Stat. 2249, 2252; Pub. L. 111–84, div. A, title VI, § 615(7), Oct. 28, 2009, 123 Stat. 2354; Pub. L. 111–383, div. A, title VI, § 615(7), Jan. 7, 2011, 124 Stat. 4237; Pub. L. 112–81, div. A, title VI, § 615(7), Dec. 31, 2011, 125 Stat. 1451; Pub. L. 112–239, div. A, title VI, § 615(7), Jan. 2, 2013, 126 Stat. 1777; Pub. L. 113–66, div. A, title VI, § 615(7), Dec. 26, 2013, 127 Stat. 781; Pub. L. 113–291, div. A, title VI, § 615(8), Dec. 19, 2014, 128 Stat. 3401.)

AMENDMENTS

2014—Subsec. (h). Pub. L. 113–291 substituted ''December 31, 2015'' for ''December 31, 2014''.

2013—Subsec. (h). Pub. L. 113–66 substituted ''December 31, 2014'' for ''December 31, 2013''.

Pub. L. 112–239 substituted ''December 31, 2013'' for ''December 31, 2012''.

2011—Subsec. (h). Pub. L. 112–81 substituted ''December 31, 2012'' for ''December 31, 2011''.

Pub. L. 111–383 substituted ''December 31, 2011'' for ''December 31, 2010''.

2009—Subsec. (h). Pub. L. 111–84 substituted ''December 31, 2010'' for ''December 31, 2009''.

2006—Subsec. (d)(1). Pub. L. 109–364, § 620(a), substituted ''$10,000'' for ''$2,500''.

Subsec. (f). Pub. L. 109–163, § 687(b)(35), amended heading and text of subsec. (f) generally. Prior to amendment, text read as follows:

''(1) A member who is paid a bonus under an agreement under this section and who, voluntarily or because of misconduct, fails to serve for the period covered by such agreement shall refund to the United States an amount which bears the same ratio to the amount of the bonus paid such member as the period which such member failed to serve bears to the total period for which the bonus was paid.

''(2) An obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

''(3) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under paragraph (1).''

Subsec. (h). Pub. L. 109–364, § 614(h), substituted ''2009'' for ''2006''.

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109–364, div. A, title VI, § 620(b), Oct. 17, 2006, 120 Stat. 2252, provided that: ''The amendment made by subsection (a) [amending this section] shall take effect on October 1, 2006, and shall apply to agreements entered into or revised under section 327 of title 37, United States Code, on or after that date.''

SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(b) of Pub. L. 109–163, see section 687(f) of Pub. L. 109–163, set out as a note under section 510 of Title 10, Armed Forces.

§ 328. Combat-related injury rehabilitation pay

(a) SPECIAL PAY AUTHORIZED.—The Secretary concerned may pay monthly special pay under this section to a member of the armed forces who, while in the line of duty, incurs a wound, injury, or illness in a combat operation or combat zone designated by the Secretary of Defense and is evacuated from the theater of the combat operation or from the combat zone for medical treatment.

(b) COMMENCEMENT OF PAYMENT.—Subject to subsection (c), the special pay authorized by subsection (a) may be paid to a member described in such subsection for any month beginning after the date on which the member was evacuated from the theater of the combat operation or the combat zone in which the member incurred the combat-related injury.

(c) TERMINATION OF PAYMENTS.—The payment of special pay to a member under subsection (a) shall terminate at the end of the first month during which any of the following occurs:

(1) The member is paid a benefit under the traumatic injury protection rider of the Servicemembers' Group Life Insurance Program issued under section 1980A of title 38.

(2) The member receives notification of the eligibility of the member for a benefit under such traumatic injury protection rider and a period of 30 days expires after the date of such notification.

(3) The member is no longer hospitalized in a military treatment facility or a facility under the auspices of the military health care system.

(d) AMOUNT OF SPECIAL PAY.—The monthly amount of special pay paid to a member under this section shall be equal to $430, less any payment received by the member for the same month under section 310(b)[1] of this title.

(e) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—Special pay paid to a member under this section is in addition to any other pay and allowances to which the member is entitled or authorized to receive.

(Added Pub. L. 109–163, div. A, title VI, § 642(a), Jan. 6, 2006, 119 Stat. 3305.)

REFERENCES IN TEXT

Section 310(b) of this title, referred to in subsec. (d), was redesignated section 310(c) of this title, and a new section 310(b) was added, by Pub. L. 111–84, div. A, title VI, § 618(a)(3), (4), Oct. 28, 2009, 123 Stat. 2355.

EFFECTIVE DATE

Pub. L. 109–163, div. A, title VI, § 642(d), Jan. 6, 2006, 119 Stat. 3306, provided that: ''The Secretary of a mili-

[1] See References in Text note below.

tary department may provide special pay under section 328 of title 37, United States Code, as added by subsection (a), for months beginning on or after the date of the enactment of this Act [Jan. 6, 2006]. A member of the Armed Forces who incurred a wound, injury, or illness under the circumstances described in subsection (a) of such section before the date of the enactment of this Act may receive such pay for such wound, injury, or illness for months beginning on or after that date so long as the member continues to satisfy the eligibility criteria specified in such section.''

§329. Incentive bonus: retired members and reserve component members volunteering for high-demand, low-density assignments

(a) INCENTIVE BONUS AUTHORIZED.—The Secretary of Defense may pay a bonus under this section to a retired member or former member of the Army, Navy, Air Force, or Marine Corps or to a member of a reserve component of the Army, Navy, Air Force, or Marine Corps (who is not otherwise serving on active duty) who executes a written agreement to serve on active duty for a period specified in the agreement in an assignment intended to alleviate the need for members in a high-demand, low-density military capability or in any other specialty designated by the Secretary as critical to meet wartime or peacetime requirements.

(b) MAXIMUM AMOUNT OF BONUS.—A bonus under subsection (a) and any incentive developed under subsection (d) may not exceed $50,000.

(c) METHODS OF PAYMENT.—At the election of the Secretary of Defense, a bonus under subsection (a) and any incentive developed under subsection (d) shall be paid or provided—

(1) when the member commences service on active duty; or

(2) in annual installments in such amounts as may be determined by the Secretary.

(d) DEVELOPMENT OF ADDITIONAL INCENTIVES.—(1) The Secretary of Defense may develop and provide to members referred to in subsection (a) additional incentives to encourage such members to return to active duty in assignments intended to alleviate the need for members in a high-demand, low-density military capability or in other specialties designated by the Secretary as critical to meet wartime or peacetime requirements.

(2) The provision of any incentive developed under this subsection shall be subject to an agreement, as required for bonuses under subsection (a).

(3) Not later than 30 days before first offering any incentive developed under this subsection, the Secretary shall submit to the congressional defense committees a report that contains a description of that incentive and an explanation why a bonus under subsection (a) or other pay and allowances are not sufficient to alleviate the high-demand, low-density military capability or otherwise fill critical military specialties.

(4) In this subsection, the term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10.

(e) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—A bonus or other incentive paid or provided to a member under this section is in addition to any other pay and allowances to which the member is entitled.

(f) PROHIBITION ON PROMOTIONS.—The written agreement required by subsections (a) and (d) shall specify that a member who is paid or receives a bonus or other incentive under this section is not eligible for promotion while serving in the assignment for which the bonus or other incentive is provided.

(g) REPAYMENT.—A member who does not complete the period of active duty specified in the agreement executed under subsection (a) or (d) shall be subject to the repayment provisions of section 303a(e) of this title.

(h) HIGH-DEMAND, LOW-DENSITY MILITARY CAPABILITY.—In this section, the term ''high-demand, low-density military capability'' means a combat, combat support or service support capability, unit, system, or occupational specialty that the Secretary of Defense determines has funding, equipment, or personnel levels that are substantially below the levels required to fully meet or sustain actual or expected operational requirements set by regional commanders.

(i) REGULATIONS.—The Secretary of Defense may prescribe such regulations as the Secretary considers necessary to carry out this section.

(j) TERMINATION OF AUTHORITY.—No agreement under subsection (a) or (d) may be entered into after December 31, 2010.

(Added Pub. L. 109–364, div. A, title VI, §621(a), Oct. 17, 2006, 120 Stat. 2253.)

EFFECTIVE DATE

Pub. L. 109–364, div. A, title VI, §621(e), Oct. 17, 2006, 120 Stat. 2255, provided that: ''No agreement may be entered into under section 329 of title 37, United States Code, as added by subsection (a), before October 1, 2006.''

§330. Special pay: accession bonus for officer candidates

(a) ACCESSION BONUS AUTHORIZED.—Under regulations prescribed by the Secretary concerned, a person who executes a written agreement described in subsection (c) may be paid an accession bonus under this section upon acceptance of the agreement by the Secretary concerned.

(b) AMOUNT OF BONUS.—The amount of an accession bonus under subsection (a) may not exceed $8,000.

(c) AGREEMENT.—A written agreement referred to in subsection (a) is a written agreement by a person—

(1) to complete officer candidate school;

(2) to accept a commission or appointment as an officer of the armed forces; and

(3) to serve on active duty as a commissioned officer for a period specified in the agreement.

(d) PAYMENT METHOD.—Upon acceptance of a written agreement under subsection (a) by the Secretary concerned, the total amount of the accession bonus payable under the agreement becomes fixed. The agreement shall specify whether the accession bonus will be paid in a lump sum or installments.

(e) REPAYMENT.—A person who, having received all or part of the bonus under a written

agreement under subsection (a), does not complete the total period of active duty as a commissioned officer as specified in such agreement shall be subject to the repayment provisions of section 303a(e) of this title.

(f) TERMINATION OF AUTHORITY.—No agreement under this section may be entered into after December 31, 2015.

(Added Pub. L. 109–364, div. A, title VI, § 622(a)(1), Oct. 17, 2006, 120 Stat. 2255; amended Pub. L. 110–181, div. A, title VI, § 614(g), Jan. 28, 2008, 122 Stat. 149; Pub. L. 110–417, [div. A], title VI, § 614(g), Oct. 14, 2008, 122 Stat. 4485; Pub. L. 111–84, div. A, title VI, § 615(8), Oct. 28, 2009, 123 Stat. 2354; Pub. L. 111–383, div. A, title VI, § 615(8), Jan. 7, 2011, 124 Stat. 4237; Pub. L. 112–81, div. A, title VI, § 615(8), Dec. 31, 2011, 125 Stat. 1451; Pub. L. 112–239, div. A, title VI, § 615(8), Jan. 2, 2013, 126 Stat. 1777; Pub. L. 113–66, div. A, title VI, § 615(8), Dec. 26, 2013, 127 Stat. 781; Pub. L. 113–291, div. A, title VI, § 615(9), Dec. 19, 2014, 128 Stat. 3401.)

AMENDMENTS

2014—Subsec. (f). Pub. L. 113–291 substituted ''December 31, 2015'' for ''December 31, 2014''.

2013—Subsec. (f). Pub. L. 113–66 substituted ''December 31, 2014'' for ''December 31, 2013''.

Pub. L. 112–239 substituted ''December 31, 2013'' for ''December 31, 2012''.

2011—Subsec. (f). Pub. L. 112–81 substituted ''December 31, 2012'' for ''December 31, 2011''.

Pub. L. 111–383 substituted ''December 31, 2011'' for ''December 31, 2010''.

2009—Subsec. (f). Pub. L. 111–84 substituted ''December 31, 2010'' for ''December 31, 2009''.

2008—Subsec. (f). Pub. L. 110–417 substituted ''December 31, 2009'' for ''December 31, 2008''.

Pub. L. 110–181 substituted ''December 31, 2008'' for ''December 31, 2007''.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–181 effective as of Dec. 31, 2007, and subject to various special provisions, see section 610 of Pub. L. 110–181, set out as a Correction of Lapsed Authorities for Payment of Bonuses, Special Pays, and Similar Benefits for Members of the Uniformed Services note under section 2130a of Title 10, Armed Forces.

EFFECTIVE DATE

Pub. L. 109–364, div. A, title VI, § 622(a)(3), Oct. 17, 2006, 120 Stat. 2256, provided that: ''The amendments made by this subsection [enacting this section] shall take effect on October 1, 2006.''

SUBCHAPTER II—CONSOLIDATION OF SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES

§ 331. General bonus authority for enlisted members

(a) AUTHORITY TO PROVIDE BONUS.—The Secretary concerned may pay a bonus under this section to a person, including a member of the armed forces, who—

(1) enlists in an armed force;

(2) enlists in or affiliates with a reserve component of an armed force;

(3) reenlists, voluntarily extends an enlistment, or otherwise agrees to serve—

(A) for a specified period in a designated career field, skill, or unit of an armed force; or

(B) under other conditions of service in an armed force;

(4) transfers from a regular component of an armed force to a reserve component of that same armed force or from a reserve component of an armed force to the regular component of that same armed force; or

(5) transfers from a regular component or reserve component of an armed force to a regular component or reserve component of another armed force, subject to the approval of the Secretary with jurisdiction over the armed force to which the member is transferring.

(b) SERVICE ELIGIBILITY.—A bonus authorized by subsection (a) may be paid to a person or member only if the person or member agrees under subsection (d)—

(1) to serve for a specified period in a designated career field, skill, unit, or grade; or

(2) to meet some other condition or conditions of service imposed by the Secretary concerned.

(c) MAXIMUM AMOUNT AND METHOD OF PAYMENT.—

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

(A) a bonus paid under paragraph (1) or (2) of subsection (a) may not exceed $50,000 for a minimum two-year period of obligated service agreed to under subsection (d);

(B) a bonus paid under paragraph (3) of subsection (a) may not exceed $30,000 for each year of obligated service in a regular component agreed to under subsection (d);

(C) a bonus paid under paragraph (3) of subsection (a) may not exceed $15,000 for each year of obligated service in a reserve component agreed to under subsection (d); and

(D) a bonus paid under paragraph (4) or (5) of subsection (a) may not exceed $10,000.

(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.—To receive a bonus under this section, a person or member 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) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—A bonus paid to a person or member under this section is in addition to any other pay and allowance to which the person or member is entitled.

(f) RELATIONSHIP TO PROHIBITION ON BOUNTIES.—A bonus authorized under this section is

not a bounty for purposes of section 514(a) of title 10.

(g) REPAYMENT.—A person or member who receives a bonus under this section and who fails to complete the period of service, or meet the conditions of service, for which the bonus is paid, as specified in the written agreement under subsection (d), shall be subject to the repayment provisions of section 373 of this title.

(h) TERMINATION OF AUTHORITY.—No agreement may be entered into under this section after December 31, 2015.

(Added Pub. L. 110–181, div. A, title VI, §661(a)(2), Jan. 28, 2008, 122 Stat. 163; amended Pub. L. 111–84, div. A, title VI, §614(1), Oct. 28, 2009, 123 Stat. 2353; Pub. L. 111–383, div. A, title VI, §614(1), Jan. 7, 2011, 124 Stat. 4237; Pub. L. 112–81, div. A, title VI, §614(1), Dec. 31, 2011, 125 Stat. 1450; Pub. L. 112–239, div. A, title VI, §614(1), Jan. 2, 2013, 126 Stat. 1777; Pub. L. 113–66, div. A, title VI, §614(1), Dec. 26, 2013, 127 Stat. 780; Pub. L. 113–291, div. A, title VI, §614(1), Dec. 19, 2014, 128 Stat. 3400.)

AMENDMENTS

2014—Subsec. (h). Pub. L. 113–291 substituted ''December 31, 2015'' for ''December 31, 2014''.

2013—Subsec. (h). Pub. L. 113–66 substituted ''December 31, 2014'' for ''December 31, 2013''.

Pub. L. 112–239 substituted ''December 31, 2013'' for ''December 31, 2012''.

2011—Subsec. (h). Pub. L. 112–81 substituted ''December 31, 2012'' for ''December 31, 2011''.

Pub. L. 111–383 substituted ''December 31, 2011'' for ''December 31, 2010''.

2009—Subsec. (h). Pub. L. 111–84 substituted ''December 31, 2010'' for ''December 31, 2009''.

§332. General bonus authority for officers

(a) AUTHORITY TO PROVIDE BONUS.—The Secretary concerned may pay a bonus under this section to a person, including an officer in the uniformed services, who—

(1) accepts a commission or appointment as an officer in a uniformed service;

(2) affiliates with a reserve component of a uniformed service;

(3) agrees to remain on active duty or to serve in an active status for a specific period as an officer in a uniformed service;

(4) transfers from a regular component of a uniformed service to a reserve component of that same uniformed service or from a reserve component of a uniformed service to the regular component of that same uniformed service; or

(5) transfers from a regular component or reserve component of a uniformed service to a regular component or reserve component of another uniformed service, subject to the approval of the Secretary with jurisdiction over the uniformed service to which the member is transferring.

(b) SERVICE ELIGIBILITY.—A bonus authorized by subsection (a) may be paid to a person or officer only if the person or officer agrees under subsection (d)—

(1) to serve for a specified period in a designated career field, skill, unit, or grade; or

(2) to meet some other condition or conditions of service imposed by the Secretary concerned.

(c) MAXIMUM AMOUNT AND METHOD OF PAYMENT.—

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

(A) a bonus paid under paragraph (1) of subsection (a) may not exceed $60,000 for a minimum three-year period of obligated service agreed to under subsection (d);

(B) a bonus paid under paragraph (2) of subsection (a) may not exceed $12,000 for a minimum three-year period of obligated service agreed to under subsection (d);

(C) a bonus paid under paragraph (3) of subsection (a) may not exceed $50,000 for each year of obligated service in a regular component agreed to under subsection (d);

(D) a bonus paid under paragraph (3) of subsection (a) may not exceed $12,000 for each year of obligated service in a reserve component agreed to under subsection (d); and

(E) a bonus paid under paragraph (4) or (5) of subsection (a) may not exceed $10,000.

(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.—To receive a bonus under this section, a person or 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) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—The bonus paid to a person or officer under this section is in addition to any other pay and allowance to which the person or officer is entitled.

(f) REPAYMENT.—A person or officer who receives a bonus under this section and who fails to complete the period of service, or meet the conditions of service, for which the bonus is paid, as specified in the written agreement under subsection (d), shall be subject to the repayment provisions of section 373 of this title.

(g) TERMINATION OF AUTHORITY.—No agreement may be entered into under this section after December 31, 2015.

(Added Pub. L. 110–181, div. A, title VI, §661(a)(2), Jan. 28, 2008, 122 Stat. 164; amended Pub. L. 111–84, div. A, title VI, §614(2), Oct. 28, 2009, 123 Stat. 2353; Pub. L. 111–383, div. A, title VI, §614(2), Jan. 7, 2011, 124 Stat. 4237; Pub. L. 112–81, div. A, title VI, §614(2), Dec. 31, 2011, 125 Stat. 1450; Pub. L. 112–239, div. A, title VI, §614(2), Jan. 2, 2013, 126 Stat. 1777; Pub. L. 113–66, div. A, title VI, §614(2), Dec. 26, 2013, 127 Stat. 781; Pub. L. 113–291, div. A, title VI, §614(2), Dec. 19, 2014, 128 Stat. 3400.)

AMENDMENTS

2014—Subsec. (g). Pub. L. 113–291 substituted ''December 31, 2015'' for ''December 31, 2014''.

2013—Subsec. (g). Pub. L. 113–66 substituted ''December 31, 2014'' for ''December 31, 2013''.

Pub. L. 112–239 substituted ''December 31, 2013'' for ''December 31, 2012''.

2011—Subsec. (g). Pub. L. 112–81 substituted ''December 31, 2012'' for ''December 31, 2011''.

Pub. L. 111–383 substituted ''December 31, 2011'' for ''December 31, 2010''.

2009—Subsec. (g). Pub. L. 111–84 substituted ''December 31, 2010'' for ''December 31, 2009''.

§ 333. Special bonus and incentive pay authorities for nuclear officers

(a) NUCLEAR OFFICER BONUS.—The Secretary of the Navy may pay a nuclear officer bonus under this section to a person, including an officer in the Navy, who—

(1) is selected for the officer naval nuclear power training program in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants and agrees to serve, upon completion of such training, on active duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants; or

(2) has the current technical qualification for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants and agrees to remain on active duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants.

(b) NUCLEAR OFFICER INCENTIVE PAY.—The Secretary of the Navy may pay nuclear officer incentive pay under this section to an officer in the Navy who—

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

(2) remains on active duty for a specified period while maintaining current technical qualifications, as approved by the Secretary, for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants.

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

(d) MAXIMUM AMOUNT AND METHOD OF PAYMENT.—

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

(A) a nuclear officer bonus paid under subsection (a) may not exceed $35,000 for each 12-month period of the agreement under subsection (e); and

(B) the amount of nuclear officer incentive paid under subsection (b) may not exceed $25,000 for each 12-month period of qualifying service.

(2) LUMP SUM OR INSTALLMENTS.—A nuclear officer bonus or nuclear officer incentive pay under this section may be paid in a lump sum or in periodic installments.

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

(e) WRITTEN AGREEMENT FOR BONUS.—

(1) AGREEMENT REQUIRED.—To receive a nuclear officer bonus under subsection (a), a person or officer determined to be eligible for the bonus shall enter into a written agreement with the Secretary of the Navy that specifies—

(A) the amount of the bonus;

(B) the method of payment of the bonus under subsection (d)(2);

(C) the period of obligated service; and

(D) the type or conditions of the service.

(2) REPLACEMENT AGREEMENT.—An officer who is performing obligated service under an agreement for a nuclear officer bonus may execute a new agreement to replace the existing agreement if the amount to be paid under the new agreement will be higher than the amount to be paid under the existing agreement. The period of the new agreement shall be equal to or exceed the remaining term of the period of the officer's existing agreement. If a new agreement is executed under this paragraph, the existing agreement shall be cancelled, effective on the day before an anniversary date of the existing agreement occurring after the date on which the amount to be paid under this paragraph is increased.

(f) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—A nuclear officer bonus or nuclear officer incentive pay paid to a person or officer under this section is 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 this section and section 332 or 353 of this title for the same skill and period of service.

(g) REPAYMENT.—A person or officer who receives a nuclear officer bonus or nuclear officer incentive pay under this section and who fails to complete the officer naval nuclear power training program, maintain required technical and operational qualifications, complete the period of service, or meet the types or conditions of service for which the bonus or incentive pay is paid, as specified in the written agreement under subsection (e) in the case of a nuclear officer bonus, shall be subject to the repayment provisions of section 373 of this title.

(h) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of the Navy.

(i) TERMINATION OF AUTHORITY.—No agreement may be entered into under this section after December 31, 2015.

(Added Pub. L. 110–181, div. A, title VI, § 661(a)(2), Jan. 28, 2008, 122 Stat. 166; amended Pub. L. 110–417, [div. A], title VI, § 618(a), Oct. 14, 2008, 122 Stat. 4486; Pub. L. 111–84, div. A, title VI, § 614(3), Oct. 28, 2009, 123 Stat. 2353; Pub. L. 111–383, div. A, title VI, § 614(3), Jan. 7, 2011, 124 Stat. 4237; Pub. L. 112–81, div. A, title VI, § 614(3),

Dec. 31, 2011, 125 Stat. 1450; Pub. L. 112–239, div. A, title VI, §614(3), Jan. 2, 2013, 126 Stat. 1777; Pub. L. 113–66, div. A, title VI, §614(3), Dec. 26, 2013, 127 Stat. 781; Pub. L. 113–291, div. A, title VI, §614(3), Dec. 19, 2014, 128 Stat. 3400.)

AMENDMENTS

2014—Subsec. (i). Pub. L. 113–291 substituted ''December 31, 2015'' for ''December 31, 2014''.

2013—Subsec. (i). Pub. L. 113–66 substituted ''December 31, 2014'' for ''December 31, 2013''.

Pub. L. 112–239 substituted ''December 31, 2013'' for ''December 31, 2012''.

2011—Subsec. (i). Pub. L. 112–81 substituted ''December 31, 2012'' for ''December 31, 2011''.

Pub. L. 111–383 substituted ''December 31, 2011'' for ''December 31, 2010''.

2009—Subsec. (i). Pub. L. 111–84 substituted ''December 31, 2010'' for ''December 31, 2009''.

2008—Subsecs. (a)(2), (b)(2). Pub. L. 110–417 struck out ''and operational'' after ''current technical''.

§334. Special aviation incentive pay and bonus authorities for officers

(a) AVIATION INCENTIVE PAY.—The Secretary concerned may pay aviation 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) maintains, or is in training leading to, an aeronautical rating or designation that qualifies the officer to engage in operational flying duty or proficiency flying duty;

(3) engages in, or is in training leading to, frequent and regular performance of operational flying duty or proficiency flying duty;

(4) engages in or remains in aviation service for a specified period; and

(5) meets such other criteria as the Secretary concerned determines appropriate.

(b) AVIATION BONUS.—The Secretary concerned may pay an aviation bonus under this section to an officer in a regular or reserve component of a uniformed service who—

(1) is entitled to aviation incentive pay under subsection (a);

(2) has completed any active duty service commitment incurred for undergraduate aviator training or is within one year of completing such commitment;

(3) executes a written agreement to remain on active duty in a regular component or to serve in an active status in a reserve component in aviation service for at least one year; and

(4) meets such other criteria as the Secretary concerned determines appropriate.

(c) MAXIMUM AMOUNT AND METHOD OF PAYMENT.—

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

(A) aviation incentive pay under subsection (a) shall be paid at a monthly rate, not to exceed $850 per month; and

(B) an aviation bonus under subsection (b) may not exceed $25,000 for each 12-month period 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, 2015.

(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; Pub. L. 111–84, div. A, title VI, § 614(4), Oct. 28, 2009, 123 Stat. 2353; Pub. L. 111–383, div. A, title VI, § 614(4), Jan. 7, 2011, 124 Stat. 4237; Pub. L. 112–81, div. A, title VI, § 614(4), Dec. 31, 2011, 125 Stat. 1450; Pub. L. 112–239, div. A, title VI, § 614(4), Jan. 2, 2013, 126 Stat. 1777; Pub. L. 113–66, div. A, title VI, § 614(4), Dec. 26, 2013, 127 Stat. 781; Pub. L. 113–291, div. A, title VI, § 614(4), Dec. 19, 2014, 128 Stat. 3400.)

AMENDMENTS

2014—Subsec. (i). Pub. L. 113–291 substituted ''December 31, 2015'' for ''December 31, 2014''.

2013—Subsec. (i). Pub. L. 113–66 substituted ''December 31, 2014'' for ''December 31, 2013''.

Pub. L. 112–239 substituted ''December 31, 2013'' for ''December 31, 2012''.

2011—Subsec. (i). Pub. L. 112–81 substituted ''December 31, 2012'' for ''December 31, 2011''.

Pub. L. 111–383 substituted ''December 31, 2011'' for ''December 31, 2010''.

2009—Subsec. (i). Pub. L. 111–84 substituted ''December 31, 2010'' for ''December 31, 2009''.

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, 2015.

(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; Pub. L. 111–84, div. A, title VI, §614(5), Oct. 28, 2009, 123 Stat. 2354; Pub. L. 111–383, div. A, title VI, §614(5), Jan. 7, 2011, 124 Stat. 4237; Pub. L. 112–81, div. A, title VI, §614(5), Dec. 31, 2011, 125 Stat. 1450; Pub. L. 112–239, div. A, title VI, §614(5), Jan. 2, 2013, 126 Stat. 1777; Pub. L. 113–66, div. A, title VI, §614(5), Dec. 26, 2013, 127 Stat. 781; Pub. L. 113–291, div. A, title VI, §614(5), Dec. 19, 2014, 128 Stat. 3401.)

AMENDMENTS

2014—Subsec. (k). Pub. L. 113–291 substituted ''December 31, 2015'' for ''December 31, 2014''.

2013—Subsec. (k). Pub. L. 113–66 substituted ''December 31, 2014'' for ''December 31, 2013''.

Pub. L. 112–239 substituted ''December 31, 2013'' for ''December 31, 2012''.

2011—Subsec. (k). Pub. L. 112–81 substituted ''December 31, 2012'' for ''December 31, 2011''.

Pub. L. 111–383 substituted ''December 31, 2011'' for ''December 31, 2010''.

2009—Subsec. (k). Pub. L. 111–84 substituted ''December 31, 2010'' for ''December 31, 2009''.

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.''

§ 336. Contracting bonus for cadets and midshipmen enrolled in the Senior Reserve Officers' Training Corps

(a) CONTRACTING BONUS AUTHORIZED.—The Secretary concerned may pay a bonus under this section to a cadet or midshipman enrolled in the Senior Reserve Officers' Training Corps who executes a written agreement described in subsection (c).

(b) AMOUNT OF BONUS.—The amount of a bonus under subsection (a) may not exceed $5,000.

(c) AGREEMENT.—A written agreement referred to in subsection (a) is a written agreement by the cadet or midshipman—

(1) to complete field training or a practice cruise under section 2104(b)(6)(A)(ii) of title 10;

(2) to complete advanced training under chapter 103 of title 10;

(3) to accept a commission or appointment as an officer of the armed forces; and

(4) to serve on active duty.

(d) PAYMENT METHOD.—Upon acceptance of a written agreement under subsection (a) by the Secretary concerned, the total amount of the bonus payable under the agreement becomes fixed. The agreement shall specify when the bonus will be paid and whether the bonus will be paid in a lump sum or in installments.

(e) REPAYMENT.—A person who, having received all or part of a bonus under subsection (a), fails to fulfill the terms of the written agreement required by such subsection for receipt of the bonus shall be subject to the repayment provisions of section 373 of this title.

(f) REGULATIONS.—The Secretary concerned shall issue such regulations as may be necessary to carry out this section.

(g) TERMINATION OF AUTHORITY.—No agreement under this section may be entered into after December 31, 2015.

(Added Pub. L. 113–66, div. A, title VI, § 617(a), Dec. 26, 2013, 127 Stat. 781; amended Pub. L. 113–291, div. A, title VI, § 614(6), Dec. 19, 2014, 128 Stat. 3401.)

AMENDMENTS

2014—Subsec. (g). Pub. L. 113–291 substituted ''December 31, 2015'' for ''December 31, 2014''.

§ 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; PRORATION.—

(1) MONTHLY PAYMENT.—Subject to paragraph (2), hazardous duty pay shall be paid on a monthly basis.

(2) PRORATION.—If a member does not satisfy the eligibility requirements specified in paragraph (1), (2), or (3) of subsection (a) for an entire month for receipt of hazardous duty pay—

(A) in the case of hazardous duty pay payable under paragraph (1) of subsection (a), the Secretary concerned—

(i) shall prorate the payment amount to reflect the duration of the member's actual qualifying service during the month; or

(ii) in the case of a member who is exposed to hostile fire or an explosion of a hostile explosive device in or for a day or portion of a day, may, at the election of the Secretary, pay the member hazardous duty pay in an amount not to exceed the entire amount of hazardous duty pay that would be payable to the member under such paragraph (1) for the month in which the duty concerned occurs (with the total amount of hazardous duty pay paid the member under this clause in any given month not to exceed such entire amount); and

(B) in the case of hazardous duty pay payable under paragraph (2) or (3) of subsection

(a), the Secretary concerned may prorate the payment amount to reflect the duration of the member's actual qualifying service during the month.

(d) 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.

(e) 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.

(f) 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 designated hazardous duty, as described in paragraph (2) of subsection (a), or for duty in certain designated areas, as described in paragraph (1) or (3) of such subsection, that is performed by a member during a single month of service.

(2) LIMITATION.—A member may not receive hazardous duty pay under this section for a month for more than three qualifying instances described in subsection (a)(2).

(g) PROHIBITION ON VARIABLE RATES.—The regulations prescribed to administer this section may not include varied criteria or rates for payment of hazardous duty for officers and enlisted members.

(h) TERMINATION OF AUTHORITY.—No hazardous duty pay under this section may be paid after December 31, 2015.

(Added Pub. L. 110–181, div. A, title VI, §661(a)(2), Jan. 28, 2008, 122 Stat. 172; amended Pub. L. 110–417, [div. A], title VI, §618(d), (e), Oct. 14, 2008, 122 Stat. 4486; Pub. L. 111–84, div. A, title VI, §§614(6), 618(b), Oct. 28, 2009, 123 Stat. 2354, 2356; Pub. L. 111–383, div. A, title VI, §614(6), Jan. 7, 2011, 124 Stat. 4237; Pub. L. 112–81, div. A, title VI, §§614(6), 616(b), Dec. 31, 2011, 125 Stat. 1450, 1451; Pub. L. 112–239, div. A, title VI, §614(6), Jan. 2, 2013, 126 Stat. 1777; Pub. L. 113–66, div. A, title VI, §614(6), Dec. 26, 2013, 127 Stat. 781; Pub. L. 113–291, div. A, title VI, §614(7), Dec. 19, 2014, 128 Stat. 3401.)

AMENDMENTS

2014—Subsec. (h). Pub. L. 113–291 substituted ''December 31, 2015'' for ''December 31, 2014''.

2013—Subsec. (h). Pub. L. 113–66 substituted ''December 31, 2014'' for ''December 31, 2013''.

Pub. L. 112–239 substituted ''December 31, 2013'' for ''December 31, 2012''.

2011—Subsec. (c)(2). Pub. L. 112–81, §616(b), substituted ''receipt of hazardous duty pay—'' for ''receipt of hazardous duty pay, the Secretary concerned may prorate the payment amount to reflect the duration of the member's actual qualifying service during the month.'' and added subpars. (A) and (B).

Subsec. (h). Pub. L. 112–81, §614(6), substituted ''December 31, 2012'' for ''December 31, 2011''.

Pub. L. 111–383 substituted ''December 31, 2011'' for ''December 31, 2010''.

2009—Subsecs. (c) to (h). Pub. L. 111–84, §618(b), added subsec. (c), redesignated former subsecs. (e) to (i) as (d) to (h), respectively, and struck out former subsecs. (c) and (d), which related to method of payment and reserve component members performing inactive duty training.

Subsec. (i). Pub. L. 111–84, §618(b)(1), redesignated subsec. (i) as (h).

Pub. L. 111–84, §614(6), substituted ''December 31, 2010'' for ''December 31, 2009''.

2008—Subsec. (c). Pub. L. 110–417, §618(d), substituted ''paragraph (1) or (3) of subsection (a)'' for ''subsection (a)''.

Subsec. (f). Pub. L. 110–417, §618(e), substituted ''in connection with determining whether a triggering event has occurred for the provision of hazardous duty pay under subsection (a)(1)'' for ''in administering subsection (a)'' and struck out at end ''The regulations prescribed to administer this section shall define the activities that are considered hazardous for purposes of subsection (a)(2).''

§352. Assignment pay or special duty pay

(a) ASSIGNMENT OR SPECIAL DUTY PAY AUTHORIZED.—The Secretary concerned may pay assignment or special duty pay under this section to a member of a regular or reserve component of the uniformed services who—

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

(2) performs duties in an assignment, location, or unit designated by, and under the conditions of service specified by, the Secretary concerned.

(b) MAXIMUM AMOUNT AND METHOD OF PAYMENT.—

(1) LUMP SUM OR INSTALLMENTS.—Assignment or special duty pay under subsection (a) may be paid monthly, in a lump sum, or in periodic installments other than monthly, as determined by the Secretary concerned. If paid monthly, the Secretary concerned may prorate the monthly amount of the assignment or special duty pay for a member who does not satisfy the eligibility requirement for an entire month to reflect the duration of the member's actual qualifying service during the month.

(2) MAXIMUM MONTHLY AMOUNT.—The maximum monthly amount of assignment or special duty pay may not exceed $5,000.

(3) MAXIMUM LUMP SUM AMOUNT.—The amount of a lump sum payment of assignment or special duty pay payable to a member may not exceed the amount equal to the product of—

(A) the maximum monthly rate authorized under paragraph (2) at the time the member

enters into a written agreement under subsection (c); and

(B) the number of continuous months in the period for which assignment or special duty pay will be paid pursuant to the agreement.

(4) MAXIMUM INSTALLMENT AMOUNT.—The amount of each installment payment of assignment or special duty pay payable to a member on an installment basis may not exceed the amount equal to—

(A) the product of—

(i) a monthly rate specified in the written agreement entered into under subsection (c), which monthly rate may not exceed the maximum monthly rate authorized under paragraph (2) at the time the member enters into the agreement; and

(ii) the number of continuous months in the period for which the assignment or special duty pay will be paid; divided by

(B) the number of installments over such period.

(5) EFFECT OF EXTENSION.—If a member extends an assignment or performance of duty specified in an agreement with the Secretary concerned under subsection (c), assignment or special duty pay for the period of the extension may be paid on a monthly basis, in a lump sum, or in installments, consistent with this subsection.

(c) WRITTEN AGREEMENT.—

(1) DISCRETIONARY FOR MONTHLY PAYMENTS.—The Secretary concerned may require a member to enter into a written agreement with the Secretary in order to qualify for the payment of assignment or special duty pay on a monthly basis. The written agreement shall specify the period for which the assignment or special duty pay will be paid to the member and the monthly rate of the assignment or special duty pay.

(2) REQUIRED FOR LUMP SUM OR INSTALLMENT PAYMENTS.—The Secretary concerned shall require a member to enter into a written agreement with the Secretary in order to qualify for payment of assignment or special duty pay on a lump sum or installment basis. The written agreement shall specify the period for which the assignment or special duty pay will be paid to the member and the amount of the lump sum or each periodic installment.

(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 assignment or special duty pay under this section may be paid an amount of assignment or special duty pay that is proportionate to the compensation received by the member under section 206 of this title for inactive-duty training.

(e) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—Assignment or special duty pay paid to a member under this section is in addition to any other pay and allowances to which the member is entitled.

(f) REPAYMENT.—A member who receives assignment or special duty pay under this section and who fails to fulfill the eligibility requirements under subsection (a) for receipt of such pay shall be subject to the repayment provisions of section 373 of this title.

(g) TERMINATION OF AUTHORITY.—No agreement may be entered into under this section after December 31, 2015.

(Added Pub. L. 110–181, div. A, title VI, § 661(a)(2), Jan. 28, 2008, 122 Stat. 173; amended Pub. L. 111–84, div. A, title VI, §§ 614(7), 618(c), Oct. 28, 2009, 123 Stat. 2354, 2356; Pub. L. 111–383, div. A, title VI, § 614(7), Jan. 7, 2011, 124 Stat. 4237; Pub. L. 112–81, div. A, title VI, § 614(7), Dec. 31, 2011, 125 Stat. 1450; Pub. L. 112–239, div. A, title VI, § 614(7), Jan. 2, 2013, 126 Stat. 1777; Pub. L. 113–66, div. A, title VI, § 614(7), Dec. 26, 2013, 127 Stat. 781; Pub. L. 113–291, div. A, title VI, § 614(8), Dec. 19, 2014, 128 Stat. 3401.)

AMENDMENTS

2014—Subsec. (g). Pub. L. 113–291 substituted ''December 31, 2015'' for ''December 31, 2014''.

2013—Subsec. (g). Pub. L. 113–66 substituted ''December 31, 2014'' for ''December 31, 2013''.

Pub. L. 112–239 substituted ''December 31, 2013'' for ''December 31, 2012''.

2011—Subsec. (g). Pub. L. 112–81 substituted ''December 31, 2012'' for ''December 31, 2011''.

Pub. L. 111–383 substituted ''December 31, 2011'' for ''December 31, 2010''.

2009—Subsec. (b)(1). Pub. L. 111–84, § 618(c), inserted at end ''If paid monthly, the Secretary concerned may prorate the monthly amount of the assignment or special duty pay for a member who does not satisfy the eligibility requirement for an entire month to reflect the duration of the member's actual qualifying service during the month.''

Subsec. (g). Pub. L. 111–84, § 614(7), substituted ''December 31, 2010'' for ''December 31, 2009''.

ADDITIONAL ASSIGNMENT PAY OR SPECIAL DUTY PAY AUTHORIZED FOR MEMBERS AGREEING TO SERVE IN AFGHANISTAN FOR EXTENDED PERIODS

Pub. L. 111–84, div. A, title VI, § 619, Oct. 28, 2009, 123 Stat. 2357, provided that:

''(a) AUTHORITY TO PROVIDE ADDITIONAL ASSIGNMENT PAY OR SPECIAL DUTY PAY.—The Secretary of Defense may provide assignment pay or special duty pay under section 352 of title 37, United States Code, in excess of the maximum amount of monthly or lump sum assignment or special duty pay authorized under subsection (b) of such section, to members of the Armed Forces (particularly members who achieve language proficiency at levels and in languages specified by the Secretary of Defense) who agree to serve on active duty in Afghanistan for a minimum of three years. The assignment period required by the agreement shall provide for reasonable periods of leave.

''(b) REPORTING REQUIREMENTS.—The Secretary shall submit to Congress an annual report on the use of the authority provided under subsection (a) during the preceding year, including—

''(1) the number of members of the Armed Forces receiving assignment pay or special duty pay under section 352 of title 37, United States Code, in excess of the maximum amount otherwise authorized under such section; and

''(2) an assessment of the impact of the use of such authority on the effectiveness and efficiency in achieving the United States mission in Afghanistan.

''(c) DURATION OF AUTHORITY.—The authority provided by subsection (a) to offer additional assignment pay or special duty pay under section 352 of title 37, United States Code, expires on December 31, 2012. The expiration of such authority shall not affect the terms

or duration of any agreement entered into before that date to provide additional assignment pay or special duty pay under such section.''

§ 353. Skill incentive pay or proficiency bonus

(a) SKILL INCENTIVE PAY.—The Secretary concerned may pay a monthly skill incentive pay to a member of a regular or reserve component of the uniformed services who—

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

(2) serves in a career field or skill designated as critical by the Secretary concerned.

(b) SKILL PROFICIENCY BONUS.—

(1) AVAILABILITY; ELIGIBLE PERSONS.—The Secretary concerned may pay a proficiency bonus to a member of a regular or reserve component of the uniformed services who—

(A) is entitled to basic pay under section 204 of this title or compensation under section 206 of this title or is enrolled in an officer training program; and

(B) is determined to have, and maintains, certified proficiency under subsection (d) in a skill designated as critical by the Secretary concerned or is in training to acquire proficiency in a critical foreign language or expertise in foreign cultural studies or a related skill designated as critical by the Secretary concerned.

(2) INCLUSION OF CERTAIN SENIOR ROTC MEMBERS.—A proficiency bonus may be paid under this subsection to a student who is enrolled in the Senior Reserve Officers' Training Corps program even though the student is in the first year of the four-year course under the program. During the period covered by the proficiency bonus, the student shall also be entitled to a monthly subsistence allowance under section 209(c) of this title even though the student has not entered into an agreement under section 2103a of title 10. However, if the student receives incentive pay under subsection (g)(2)[1] for the same period, the student may receive only a single monthly subsistence allowance under section 209(c) of this title.

(c) MAXIMUM AMOUNTS AND METHODS OF PAYMENT.—

(1) SKILL INCENTIVE PAY.—(A) Skill incentive pay under subsection (a) may not exceed $1,000 a month.

(B) If a member does not satisfy the eligibility requirements specified in paragraphs (1) and (2) of subsection (a) for an entire month for receipt of skill incentive pay, the Secretary concerned may prorate the payment amount to reflect the duration of the member's actual qualifying service during the month. A member of a reserve component entitled to compensation under section 206 of this title who is authorized skill incentive pay under subsection (a) may be paid an amount of such pay that is proportionate to the compensation received by the member under section 206 of this title for inactive-duty training.

(2) PROFICIENCY BONUS.—A proficiency bonus under subsection (b) may be paid in a lump sum at the beginning of the proficiency certification period or in periodic installments during the proficiency certification period. The amount of the bonus may not exceed $12,000 for each 12-month period of certification. The Secretary concerned may not vary the criteria or rates for the proficiency bonus paid for officers and enlisted members.

(d) CERTIFIED PROFICIENCY FOR PROFICIENCY BONUS.—

(1) CERTIFICATION REQUIRED.—Proficiency in a designated critical skill for purposes of subsection (b) shall be subject to annual certification by the Secretary concerned.

(2) DURATION OF CERTIFICATION.—A certification period for purposes of subsection (c)(2) shall expire at the end of the one-year period beginning on the first day of the first month beginning on or after the certification date.

(3) WAIVER.—Notwithstanding paragraphs (1) and (2), the regulations prescribed to administer this section shall address the circumstances under which the Secretary concerned may waive the certification requirement under paragraph (1) or extend a certification period under paragraph (2).

(e) WRITTEN AGREEMENT.—

(1) DISCRETIONARY FOR SKILL INCENTIVE PAY.—The Secretary concerned may require a member to enter into a written agreement with the Secretary in order to qualify for the payment of skill incentive pay under subsection (a). The written agreement shall specify the period for which the skill incentive pay will be paid to the member and the monthly rate of the pay.

(2) REQUIRED FOR PROFICIENCY BONUS.—The Secretary concerned shall require a member to enter into a written agreement with the Secretary in order to qualify for payment of a proficiency bonus under subsection (b). The written agreement shall specify the amount of the proficiency bonus, the period for which the bonus will be paid, and the initial certification or recertification necessary for payment of the proficiency bonus.

(f) FOREIGN LANGUAGE STUDIES IN OFFICER TRAINING PROGRAMS.—

(1) AVAILABILITY OF INCENTIVE PAY.—The Secretary concerned may pay incentive pay to a person enrolled in an officer training program to also participate in an education or training program to acquire proficiency in a critical foreign language or expertise in foreign cultural studies or a related skill designated as critical by the Secretary concerned.

(2) INCLUSION OF CERTAIN SENIOR ROTC MEMBERS.—Incentive pay may be paid under this subsection to a student who is enrolled in the Senior Reserve Officers' Training Corps program even though the student is in the first year of the four-year course under the program. While the student receives the incentive pay, the student shall also be entitled to a monthly subsistence allowance under section 209(c) of this title even though the student has not entered into an agreement under section

[1] See References in Text note below.

2103a of title 10. However, if the student receives a proficiency bonus under subsection (b)(2) covering the same month, the student may receive only a single monthly subsistence allowance under section 209(c) of this title.

(3) CRITICAL FOREIGN LANGUAGE DEFINED.—In this section, the term ''critical foreign language'' includes Arabic, Korean, Japanese, Chinese, Pashto, Persian-Farsi, Serbian-Croatian, Russian, Portuguese, or other language designated as critical by the Secretary concerned.

(g) REPAYMENT.—A member who receives skill incentive pay or a proficiency bonus under this section and who fails to fulfill the eligibility requirement for receipt of the pay or bonus shall be subject to the repayment provisions of section 373 of this title.

(h) RELATIONSHIP TO OTHER PAYS AND ALLOWANCES.—A member may not be paid more than one pay under this section in any month for the same period of service and skill. A member may be paid skill incentive pay or the proficiency bonus under this section in addition to any other pay and allowances to which the member is entitled, except that a member may not be paid skill incentive pay or a proficiency bonus under this section and hazardous duty pay under section 351 of this title for the same period of service in the same career field or skill.

(i) TERMINATION OF AUTHORITY.—No agreement may be entered into under this section after December 31, 2015.

(Added Pub. L. 110–181, div. A, title VI, § 661(a)(2), Jan. 28, 2008, 122 Stat. 175; amended Pub. L. 110–417, [div. A], title VI, § 619(a), Oct. 14, 2008, 122 Stat. 4487; Pub. L. 111–84, div. A, title VI, §§ 614(8), 618(d), Oct. 28, 2009, 123 Stat. 2354, 2356; Pub. L. 111–383, div. A, title VI, § 614(8), Jan. 7, 2011, 124 Stat. 4237; Pub. L. 112–81, div. A, title VI, § 614(8), Dec. 31, 2011, 125 Stat. 1450; Pub. L. 112–239, div. A, title VI, § 614(8), Jan. 2, 2013, 126 Stat. 1777; Pub. L. 113–66, div. A, title VI, § 614(8), Dec. 26, 2013, 127 Stat. 781; Pub. L. 113–291, div. A, title VI, § 614(9), Dec. 19, 2014, 128 Stat. 3401.)

REFERENCES IN TEXT

Subsection (g)(2), referred to in subsec. (b)(2), was redesignated subsec. (f)(2) by Pub. L. 111–84, div. A, title VI, § 618(d)(1), Oct. 28, 2009, 123 Stat. 2356.

AMENDMENTS

2014—Subsec. (i). Pub. L. 113–291 substituted ''December 31, 2015'' for ''December 31, 2014''.

2013—Subsec. (i). Pub. L. 113–66 substituted ''December 31, 2014'' for ''December 31, 2013''.

Pub. L. 112–239 substituted ''December 31, 2013'' for ''December 31, 2012''.

2011—Subsec. (i). Pub. L. 112–81 substituted ''December 31, 2012'' for ''December 31, 2011''.

Pub. L. 111–383 substituted ''December 31, 2011'' for ''December 31, 2010''.

2009—Subsec. (c)(1). Pub. L. 111–84, § 618(d)(2), added par. (1) and struck out former par. (1) which provided that skill incentive pay was not to exceed $1,000 per month.

Subsecs. (f) to (i). Pub. L. 111–84, § 618(d)(1), redesignated subsecs. (g) to (j) as (f) to (i), respectively, and struck out former subsec. (f) which related to reserve component members performing inactive duty training.

Subsec. (j). Pub. L. 111–84, § 618(d)(1), redesignated subsec. (j) as (i).

Pub. L. 111–84, § 614(8), substituted ''December 31, 2010'' for ''December 31, 2009''.

2008—Subsec. (b). Pub. L. 110–417, § 619(a)(1), amended subsec. (b) generally. Prior to amendment, text read as follows: ''The Secretary concerned may pay a proficiency bonus to a member of a regular or reserve component of the uniformed services who—

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

''(2) is determined to have, and maintains, certified proficiency under subsection (d) in a skill designated as critical by the Secretary concerned.''

Subsecs. (g) to (j). Pub. L. 110–417, § 619(a)(2), added subsec. (g) and redesignated former subsecs. (g) to (i) as (h) to (j), respectively.

PILOT PROGRAM FOR FOREIGN LANGUAGE PROFICIENCY TRAINING FOR RESERVE MEMBERS

Pub. L. 110–417, [div. A], title VI, § 619(c), Oct. 14, 2008, 122 Stat. 4489, provided that:

''(1) PILOT PROGRAM REQUIRED.—The Secretary of Defense shall conduct a pilot program to provide a skill proficiency bonus under section 353(b) of title 37, United States Code, to a member of a reserve component of the uniformed services who is entitled to compensation under section 206 of such title while the member participates in an education or training program to acquire proficiency in a critical foreign language or expertise in foreign cultural studies or a related skill designated as critical under such section 353.

''(2) DURATION OF PILOT PROGRAM.—The Secretary shall conduct the pilot program during the period beginning on October 1, 2008, and ending on December 31, 2013. Incentive pay may not be provided under the pilot program after December 31, 2013.

''(3) REPORTING REQUIREMENT.—Not later than March 31, 2012, the Secretary shall submit to Congress a report containing the results of the pilot program and the recommendations of the Secretary regarding whether to continue or expand the pilot program.''

EXPEDITED IMPLEMENTATION

Pub. L. 110–417, [div. A], title VI, § 619(d), Oct. 14, 2008, 122 Stat. 4489, as amended by Pub. L. 111–383, div. A, title X, § 1075(e)(10), Jan. 7, 2011, 124 Stat. 4375, provided that: ''Notwithstanding section 662 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 180; 37 U.S.C. 301 note), the Secretary of a military department may immediately implement the amendments made by subsection (a) [amending this section] in order to ensure the prompt availability of proficiency bonuses and incentive pay under section 353 of title 37, United States Code, as amended by such subsection, for persons enrolled in officer training programs.''

§ 354. Special pay: 15-year career status bonus for members entering service on or after August 1, 1986

(a) AVAILABILITY OF BONUS.—The Secretary concerned shall pay a bonus under this section to an eligible career bonus member if the member—

(1) elects to receive the bonus under this section; and

(2) executes a written agreement (prescribed by the Secretary concerned) to remain continuously on active duty until the member has completed 20 years of active-duty service creditable under section 1405 of title 10.

(b) ELIGIBLE CAREER BONUS MEMBER DEFINED.—In this section, the term ''eligible career bonus member'' means a member of a uniformed service serving on active duty who—

(1) first became a member on or after August 1, 1986; and

(2) has completed 15 years of active duty in the uniformed services (or has received notification under subsection (e) that the member is about to complete that duty).

(c) ELECTION METHOD.—An election under subsection (a)(1) shall be made in such form and within such period as the Secretary concerned may prescribe. An election under that subsection is irrevocable.

(d) AMOUNT OF BONUS; PAYMENT.—(1) A bonus under this section shall be equal to $30,000.

(2) A member electing to receive the bonus under this section shall elect one of the following payment options:

(A) A single lump sum of $30,000.

(B) Two installments of $15,000 each.

(C) Three installments of $10,000 each.

(D) Four installments of $7,500 each.

(E) Five installments of $6,000 each.

(3) If a member elects installment payments under paragraph (2), the second installment (and subsequent installments, as applicable) shall be paid on the earlier of the following dates:

(A) The annual anniversary date of the payment of the first installment.

(B) January 15 of each succeeding calendar year.

(4) The lump sum payment of the bonus, and the first installment payment in the case of members who elect to receive the bonus in installments, shall be paid to an eligible career bonus member not later than the first month that begins on or after the date that is 60 days after the date on which the Secretary concerned receives from the member the election required under subsection (a)(1) and the written agreement required under subsection (a)(2), if applicable.

(e) NOTIFICATION OF ELIGIBILITY.—(1) The Secretary concerned shall transmit to each member who meets the definition of eligible career bonus member a written notification of the opportunity of the member to elect to receive a bonus under this section. The Secretary shall provide the notification not later than 180 days before the date on which the member will complete 15 years of active duty.

(2) The notification shall include the following:

(A) The procedures for electing to receive the bonus.

(B) An explanation of the effects under sections 1401a, 1409, and 1410 of title 10 that such an election has on the computation of any retired or retainer pay that the member may become eligible to receive.

(f) REPAYMENT.—If a person paid a bonus under this section does not complete a period of active duty beginning on the date on which the election of the person under paragraph (1) of subsection (a) is received and ending on the date on which the person completes 20 years of active duty service as described in paragraph (2) of such subsection, the person shall be subject to the repayment provisions of section 373 of this title.

(Added Pub. L. 106–65, div. A, title VI, §642(a), Oct. 5, 1999, 113 Stat. 662, §322; amended Pub. L. 107–107, div. A, title VI, §620(a), Dec. 28, 2001, 115 Stat. 1138; Pub. L. 109–163, div. A, title VI, §687(b)(30), Jan. 6, 2006, 119 Stat. 3332; renumbered §354 and amended Pub. L. 110–181, div. A, title VI, §661(b)(1), (2), Jan. 28, 2008, 122 Stat. 178.)

AMENDMENTS

2008—Pub. L. 110–181, §661(b)(1), renumbered section 322 of this title as this section.

Subsec. (f). Pub. L. 110–181, §661(b)(2), substituted ''section 373'' for ''section 303a(e)''.

2006—Subsec. (f). Pub. L. 109–163, amended heading and text of subsec. (f) generally, substituting provisions referring to repayment provisions of section 303a(e) for specific provisions relating to repayment required when person elects to receive bonus to remain continuously on active duty until completion of 20 years but fails to complete total period.

2001—Subsec. (d)(1). Pub. L. 107–107, §620(a)(1), substituted ''equal to $30,000'' for ''paid in a single lump sum of $30,000''.

Subsec. (d)(2) to (4). Pub. L. 107–107, §620(a)(2), (3), added pars. (2) and (3), redesignated former par. (2) as (4), and substituted therein ''The lump sum payment of the bonus, and the first installment payment in the case of members who elect to receive the bonus in installments,'' for ''The bonus''.

EFFECTIVE DATE

Section effective Oct. 1, 1999, see section 644 of Pub. L. 106–65, set out as an Effective Date of 1999 Amendment note under section 1401a of Title 10, Armed Forces.

SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(b) of Pub. L. 109–163, see section 687(f) of Pub. L. 109–163, set out as a note under section 510 of Title 10, Armed Forces.

APPLICATION TO EXISTING AGREEMENTS

Pub. L. 107–107, div. A, title VI, §620(b), Dec. 28, 2001, 115 Stat. 1139, provided that: ''The Secretary concerned (as defined in section 101(5) of title 37, United States Code) shall extend to each member of the uniformed services who has executed the written agreement required by subsection (a)(2) of section 322 [now 354] of such title before the date of the enactment of this Act [Dec. 28, 2001], but who has not received the lump sum payment by that date, an opportunity to make the election authorized by subsection (d) of such section, as amended by this section.''

§355. Special pay: retention incentives for members qualified in critical military skills or assigned to high priority units

(a) RETENTION BONUS AUTHORIZED.—An officer or enlisted member of the armed forces who is serving on active duty in a regular component or in an active status in a reserve component and who is qualified in a critical military skill designated under subsection (b) or accepts an assignment to a high priority unit designated under such subsection may be paid a retention bonus as provided in this section if—

(1) in the case of an officer, the member executes a written agreement to remain on active duty for at least one year or to remain in an

active status in a reserve component for at least one year;

(2) in the case of an enlisted member, other than an enlisted member referred to in paragraph (3), the member reenlists or voluntarily extends the member's enlistment for a period of at least one year; or

(3) in the case of an enlisted member serving pursuant to an indefinite reenlistment, the member executes a written agreement to remain on active duty for a period of at least one year or to remain in an active status in a reserve component for a period of at least one year.

(b) ELIGIBILITY CRITERIA.—(1) A designated critical military skill referred to in subsection (a) is a military skill designated as critical by the Secretary of Defense, or by the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy.

(2) The Secretary of Defense, and the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, may designate a unit as a high priority unit regarding which a retention bonus will be provided to a member of the armed forces who agrees to accept an assignment to the unit under subsection (a).

(c) PAYMENT METHODS.—A bonus under this section may be paid in a single lump sum or in periodic installments.

(d) MAXIMUM BONUS AMOUNT.—(1) A member may enter into an agreement under this section, or reenlist or voluntarily extend the member's enlistment, more than once to receive a bonus under this section. However, a member may not receive a total of more than $200,000 (or $100,000 in the case of a reserve component member) in payments under this section.

(2) The limitation in paragraph (1) on the total bonus payments that a member may receive under this section does not apply with respect to an officer who is assigned duties as a health care professional.

(e) CERTAIN MEMBERS INELIGIBLE.—(1) A retention bonus may not be provided under subsection (a) to a member of the armed forces who—

(A) has completed more than 25 years of active duty or service in an active status in a reserve component; or

(B) will complete the member's twenty-fifth year of active duty or service in an active status in a reserve component before the end of the period of active duty or service in an active status in a reserve component for which the bonus is being offered.

(2) The limitations in paragraph (1) do not apply with respect to an officer who, during the period of active duty or service in an active status in a reserve component for which the bonus is being offered, is assigned duties as a health care professional.

(3) The limitations in paragraph (1) do not apply with respect to a member who, during the period of active duty or service in an active status in a reserve component for which the bonus is being offered—

(A) is qualified in a skill designated as critical under subsection (b)(1) related to special operations forces; or

(B) is qualified for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants.

(4) The Secretary of Defense, or the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, may waive the limitations in paragraph (1) with respect to a member who, during the period of active duty or service in an active status in a reserve component for which the bonus is being offered, is assigned duties in a skill designated as critical under subsection (b)(1). The authority to grant a waiver under this paragraph may not be delegated below the Under Secretary of Defense for Personnel and Readiness or the Deputy Secretary of the Department of Homeland Security.

(f) RELATIONSHIP TO OTHER INCENTIVES.—A retention bonus paid under this section is in addition to any other pay and allowances to which a member is entitled.

(g) REPAYMENT.—A member paid a bonus under this section who fails, during the period of service covered by the member's agreement, reenlistment, or voluntary extension of enlistment under subsection (a), to remain qualified in the critical military skill or to satisfy the other eligibility criteria for which the bonus was paid shall be subject to the repayment provisions of section 373 of this title.

(h) TERMINATION OF BONUS AUTHORITY.—No bonus may be paid under this section with respect to any reenlistment, or voluntary extension of an enlistment, in the armed forces entered into after December 31, 2015, and no agreement under this section may be entered into after that date.

(Added Pub. L. 106–398, § 1 [[div. A], title VI, § 633(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A–157, § 323; amended Pub. L. 107–107, div. A, title VI, § 614(d), Dec. 28, 2001, 115 Stat. 1136; Pub. L. 107–296, title XVII, § 1704(c), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 107–314, div. A, title VI, §§ 614(d), 618, Dec. 2, 2002, 116 Stat. 2568, 2570; Pub. L. 108–136, div. A, title VI, §§ 614(d), 622, title X, § 1045(b)(1), Nov. 24, 2003, 117 Stat. 1501, 1505, 1612; Pub. L. 108–375, div. A, title VI, §§ 614(e), 621, title X, § 1084(e)(2), Oct. 28, 2004, 118 Stat. 1948, 1954, 2064; Pub. L. 109–163, div. A, title VI, §§ 624(e), 640(a)–(f)(1), 687(b)(31), Jan. 6, 2006, 119 Stat. 3295, 3302, 3303, 3332; Pub. L. 109–364, div. A, title VI, § 614(e), Oct. 17, 2006, 120 Stat. 2248; renumbered § 355 and amended Pub. L. 110–181, div. A, title VI, §§ 614(d), 622, 661(c), Jan. 28, 2008, 122 Stat. 149, 152, 178; Pub. L. 110–417, [div. A], title VI, § 614(h), Oct. 14, 2008, 122 Stat. 4485; Pub. L. 111–84, div. A, title VI, § 614(9), Oct. 28, 2009, 123 Stat. 2354; Pub. L. 111–207, § 4(a)(4), July 27, 2010, 124 Stat. 2251; Pub. L. 111–383, div. A, title VI, § 614(9), Jan. 7, 2011, 124 Stat. 4237; Pub. L. 112–81, div. A, title VI, § 614(9), Dec. 31, 2011, 125 Stat. 1450; Pub. L. 112–239, div. A, title VI, § 614(9), Jan. 2, 2013, 126 Stat. 1777; Pub. L. 113–66, div. A, title VI, § 614(9), Dec. 26, 2013, 127 Stat. 781; Pub. L. 113–291, div. A, title VI, § 614(10), Dec. 19, 2014, 128 Stat. 3401.)

AMENDMENTS

2014—Subsec. (h). Pub. L. 113–291 substituted ''December 31, 2015'' for ''December 31, 2014''.

2013—Subsec. (h). Pub. L. 113–66 substituted ''December 31, 2014'' for ''December 31, 2013''.

Pub. L. 112–239 substituted ''December 31, 2013'' for ''December 31, 2012''.

2011—Subsec. (h). Pub. L. 112–81 substituted ''December 31, 2012'' for ''December 31, 2011''.

Pub. L. 111–383 substituted ''December 31, 2011'' for ''December 31, 2010''.

2010—Subsecs. (h), (i). Pub. L. 111–207 redesignated subsec. (i) as (h) and struck out former subsec. (h) which required the Secretaries of Defense and Homeland Security to submit to Congress annual reports on retention bonuses.

2009—Subsec. (i). Pub. L. 111–84 substituted ''December 31, 2010'' for ''December 31, 2009''.

2008—Pub. L. 110–181, §661(c)(1), renumbered section 323 of this title as this section.

Subsec. (e)(4). Pub. L. 110–181, §622, added par. (4).

Subsec. (g). Pub. L. 110–181, §661(c)(2), substituted ''section 373'' for ''section 303a(e)''.

Subsec. (i). Pub. L. 110–417 substituted ''December 31, 2009'' for ''December 31, 2008''.

Pub. L. 110–181, §614(d), substituted ''December 31, 2008'' for ''December 31, 2007''.

2006—Pub. L. 109–163, §640(f)(1), substituted ''Special pay: retention incentives for members qualified in critical military skills or assigned to high priority units'' for ''Special pay: retention incentives for members qualified in a critical military skill'' in section catchline.

Subsec. (a). Pub. L. 109–163, §640(a)(1)(A), (b)(1), in introductory provisions, substituted ''who is serving on active duty in a regular component or in an active status in a reserve component and who'' for ''who is serving on active duty and'' and ''critical military skill designated under subsection (b) or accepts an assignment to a high priority unit designated under such subsection'' for ''designated critical military skill''.

Subsec. (a)(1). Pub. L. 109–163, §640(a)(1)(B), inserted ''or to remain in an active status in a reserve component for at least one year'' before semicolon.

Subsec. (a)(3). Pub. L. 109–163, §640(a)(1)(C), inserted ''or to remain in an active status in a reserve component for a period of at least one year'' before period.

Subsec. (b). Pub. L. 109–163, §640(b)(2), substituted ''Eligibility Criteria'' for ''Designation of Critical Skills'' in heading, designated existing provisions as par. (1), and added par. (2).

Subsec. (d)(1). Pub. L. 109–163, §640(c), inserted ''(or $100,000 in the case of a reserve component member)'' after ''$200,000''.

Subsec. (e)(1)(A). Pub. L. 109–163, §640(a)(2), inserted ''or service in an active status in a reserve component'' after ''active duty''.

Subsec. (e)(1)(B). Pub. L. 109–163, §640(a)(2), inserted ''or service in an active status in a reserve component'' after ''active duty'' in two places.

Subsec. (e)(2), (3). Pub. L. 109–163, §640(d), added pars. (2) and (3) and struck out former par. (2) which read as follows: ''The limitations in paragraph (1) do not apply with respect to an officer who is assigned duties as a health care professional during the period of active duty for which the bonus is being offered.''

Subsec. (g). Pub. L. 109–163, §687(b)(31), amended heading and text of subsec. (g) generally, substituting provisions referring to repayment provisions of section 303a(e) for specific provisions relating to repayment required when member fails to remain technically qualified in critical military skill or to satisfy other eligibility criteria for which bonus was paid.

Subsec. (g)(1). Pub. L. 109–163, §640(e), substituted ''If a member paid a bonus under this section fails, during the period of service covered by the member's agreement, reenlistment, or voluntary extension of enlistment under subsection (a), to remain qualified in the critical military skill or to satisfy the other eligibility criteria for which the bonus was paid,'' for ''If an officer who has entered into a written agreement under subsection (a) fails to complete the total period of active duty specified in the agreement, or an enlisted member who voluntarily or because of misconduct does not complete the term of enlistment for which a bonus was paid under this section,''.

Subsec. (h)(1). Pub. L. 109–163, §640(b)(3), substituted ''members of the armed forces who were offered a bonus under this section'' for ''members qualified in the critical military skills for which the bonuses were offered''.

Subsec. (i). Pub. L. 109–364 substituted ''December 31, 2007'' for ''December 31, 2006''.

Pub. L. 109–163, §624(e), substituted ''December 31, 2006'' for ''December 31, 2005''.

2004—Subsec. (a). Pub. L. 108–375, §621, inserted ''other than an enlisted member referred to in paragraph (3),'' after ''enlisted member,'' in par. (2) and added par. (3).

Subsec. (h). Pub. L. 108–375, §1084(e)(2), substituted ''Secretary of Homeland Security'' for ''Secretary of Transportation'' in introductory provisions.

Subsec. (i). Pub. L. 108–375, §614(e), substituted ''December 31, 2005'' for ''December 31, 2004''.

2003—Subsec. (a). Pub. L. 108–136, §1045(b)(1), substituted ''one year'' for ''1 year'' in pars. (1) and (2).

Subsec. (b). Pub. L. 108–136, §622, struck out ''(1)'' before ''A designated'' and par. (2) which read as follows: ''The Secretary of Defense, and the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, shall notify Congress, in advance, of each military skill to be designated by the Secretary as critical for purposes of this section. The notice shall be submitted at least 90 days before any bonus with regard to that critical skill is offered under subsection (a) and shall include a discussion of the necessity for the bonus, the amount and method of payment of the bonus, and the retention results that the bonus is expected to achieve.''

Subsec. (i). Pub. L. 108–136, §614(d), substituted ''December 31, 2004'' for ''December 31, 2003''.

2002—Subsec. (b). Pub. L. 107–296 substituted ''of Homeland Security'' for ''of Transportation'' in pars. (1) and (2).

Subsec. (d). Pub. L. 107–314, §618(a), designated existing provisions as par. (1) and added par. (2).

Subsec. (e). Pub. L. 107–314, §618(b), designated existing provisions as par. (1), redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, of par. (1), and added par. (2).

Subsec. (g)(1). Pub. L. 107–296 substituted ''of Homeland Security'' for ''of Transportation''.

Subsec. (i). Pub. L. 107–314, §614(d), substituted ''December 31, 2003'' for ''December 31, 2002''.

2001—Subsec. (i). Pub. L. 107–107 substituted ''December 31, 2002'' for ''December 31, 2001''.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by section 614(d) of Pub. L. 110–181 effective as of Dec. 31, 2007, and subject to various special provisions, see section 610 of Pub. L. 110–181, set out as a Correction of Lapsed Authorities for Payment of Bonuses, Special Pays, and Similar Benefits for Members of the Uniformed Services note under section 2130a of Title 10, Armed Forces.

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

Pub. L. 106–398, §1 [[div. A], title VI, §633(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A–158, provided that: ''Section 323 [now 355] of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2000.''

SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(b) of Pub. L. 109–163, see section 687(f) of Pub. L. 109–163, set out as a note under section 510 of Title 10, Armed Forces.

SUBCHAPTER III—GENERAL PROVISIONS

§ 371. Relationship to other incentives and pays

(a) TREATMENT.—A bonus or incentive pay paid to a member of the uniformed services under subchapter II is in addition to any other pay and allowance to which a member is entitled, unless otherwise provided under this chapter.

(b) EXCEPTION.—A member may not receive a bonus or incentive pay under both subchapter I and subchapter II for the same activity, skill, or period of service.

(c) RELATIONSHIP TO OTHER COMPUTATIONS.—The amount of a bonus or incentive pay to which a member is entitled under subchapter II may not be included in computing the amount of—

(1) any increase in pay authorized by any other provision of this title; or

(2) any retired pay, retainer pay, separation pay, or disability severance pay.

(Added Pub. L. 110–181, div. A, title VI, § 661(a)(2), Jan. 28, 2008, 122 Stat. 176.)

§ 372. Continuation of pays during hospitalization and rehabilitation resulting from wounds, injury, or illness incurred while on duty in a hostile fire area or exposed to an event of hostile fire or other hostile action

(a) CONTINUATION OF PAYS.—If a member of a regular or reserve component of a uniformed service incurs a wound, injury, or illness in the line of duty while serving in a combat operation or a combat zone, while serving in a hostile fire area, or while exposed to a hostile fire event, as described under section 351 of this title, and is hospitalized for treatment of the wound, injury, or illness, the Secretary concerned may continue to pay to the member, notwithstanding any provision of this chapter to the contrary, all pay and allowances (including any bonus, incentive pay, or similar benefit) that were being paid to the member at the time the member incurred the wound, injury, or illness.

(b) DURATION.—The payment of pay and allowances to a member under subsection (a) may continue until the end of the first month beginning after the earliest of the following dates:

(1) The date on which the member is returned for assignment to other than a medical or patient unit for duty.

(2) One year after the date on which the member is first hospitalized for the treatment of the wound, injury, or illness, except that the Secretary concerned may extend the termination date in six-month increments.

(3) The date on which the member is discharged, separated, or retired (including temporary disability retirement) from the uniformed services.

(c) BONUS, INCENTIVE PAY, OR SIMILAR BENEFIT DEFINED.—In this section, the term ''bonus, incentive pay, or similar benefit'' means a bonus, incentive pay, special pay, or similar payment paid to a member of the uniformed services under this title or title 10.

(Added Pub. L. 110–181, div. A, title VI, § 661(a)(2), Jan. 28, 2008, 122 Stat. 176.)

§ 373. Repayment of unearned portion of bonus, incentive pay, or similar benefit, and termination of remaining payments, when conditions of payment not met

(a) REPAYMENT AND TERMINATION.—Except as provided in subsection (b), a member of the uniformed services who is paid a bonus, incentive pay, or similar benefit, the receipt of which is contingent upon the member's satisfaction of certain service or eligibility requirements, shall repay to the United States any unearned portion of the bonus, incentive pay, or similar benefit if the member fails to satisfy any such service or eligibility requirement, and the member may not receive any unpaid amounts of the bonus, incentive pay, or similar benefit after the member fails to satisfy such service or eligibility requirement.

(b) EXCEPTIONS.—

(1) DISCRETION TO PROVIDE EXCEPTION TO TERMINATION AND REPAYMENT REQUIREMENTS.—Pursuant to the regulations prescribed to administer this section, the Secretary concerned may grant an exception to the repayment requirement and requirement to terminate the payment of unpaid amounts of a bonus, incentive pay, or similar benefit if the Secretary concerned determines that the imposition of the repayment and termination requirements with regard to a member of the uniformed services would be contrary to a personnel policy or management objective, would be against equity and good conscience, or would be contrary to the best interests of the United States.

(2) SPECIAL RULE FOR DECEASED AND DISABLED MEMBERS.—(A) If a member of the uniformed services dies or is retired or separated with a combat-related disability, the Secretary concerned—

(i) shall not require repayment by the member or the member's estate of the unearned portion of any bonus, incentive pay, or similar benefit previously paid to the member; and

(ii) shall require the payment to the member or the member's estate of the remainder of any bonus, incentive pay, or similar benefit that was not yet paid to the member, but to which the member was entitled immediately before the death, retirement, or separation of the member, and would be paid if not for the death, retirement, or separation of the member.

(B) Subparagraph (A) does not apply if the death or disability of the member is the result the member's misconduct.

(C) The amount to be paid under subparagraph (A)(ii) shall be equal to the full amount specified by the agreement or contract appli-

cable to the bonus, incentive pay, or similar benefit as if the member continued to be entitled to the bonus, incentive pay, or similar benefit following the death, retirement, or separation.

(D) Amounts to be paid to a member or the member's estate under subparagraph (A)(ii) shall be paid in a lump sum not later than 90 days after the date of the death, retirement, or separation of the member, whichever applies.

(E) In this paragraph, the term ''combat-related disability'' has the meaning given that term in section 1413a(e) of title 10.

(3) SPECIAL RULE FOR MEMBERS WHO RECEIVE SOLE SURVIVORSHIP DISCHARGE.—(A) If a member of the uniformed services receives a sole survivorship discharge, the Secretary concerned—

(i) shall not require repayment by the member of the unearned portion of any bonus, incentive pay, or similar benefit previously paid to the member; and

(ii) may grant an exception to the requirement to terminate the payment of any unpaid amounts of a bonus, incentive pay, or similar benefit if the Secretary concerned determines that termination of the payment of the unpaid amounts would be contrary to a personnel policy or management objective, would be against equity and good conscience, or would be contrary to the best interests of the United States.

(B) In this paragraph, the term ''sole survivorship discharge'' means the separation of a member from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early separation of a member who is the only surviving child in a family in which—

(i) the father or mother or one or more siblings—

(I) served in the Armed Forces; and

(II) was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently 100 percent disabled or hospitalized on a continuing basis (and is not employed gainfully because of the disability or hospitalization); and

(ii) the death, status, or disability did not result from the intentional misconduct or willful neglect of the parent or sibling and was not incurred during a period of unauthorized absence.

(c) EFFECT OF BANKRUPTCY.—An obligation to repay the United States under this section is, for all purposes, a debt owed the United States. A discharge in bankruptcy under title 11 does not discharge a person from such debt if the discharge order is entered less than five years after—

(1) the date of the termination of the agreement or contract on which the debt is based; or

(2) in the absence of such an agreement or contract, the date of the termination of the service on which the debt is based.

(d) DEFINITIONS.—In this section:

(1) The term ''bonus, incentive pay, or similar benefit'' means a bonus, incentive pay, special pay, or similar payment, or an educational benefit or stipend, paid to a member of the uniformed services under a provision of law that refers to the repayment requirements of this section or section 303a(e) of this title.

(2) The term ''service'', as used in subsection (c)(2), refers to an obligation willingly undertaken by a member of the uniformed services, in exchange for a bonus, incentive pay, or similar benefit offered by the Secretary concerned—

(A) to a member in a regular or reserve component who remains on active duty or in an active status;

(B) to perform duty in a specified skill, with or without a specified qualification or credential;

(C) to perform duty in a specified assignment, location or unit; or

(D) to perform duty for a specified period of time.

(Added Pub. L. 110–181, div. A, title VI, §661(a)(2), Jan. 28, 2008, 122 Stat. 177; amended Pub. L. 110–417, [div. A], title VI, §651(c)(1), (2)(A), Oct. 14, 2008, 122 Stat. 4496, 4497; Pub. L. 111–84, div. A, title VI, §617(b), Oct. 28, 2009, 123 Stat. 2355.)

AMENDMENTS

2009—Subsec. (b)(2). Pub. L. 111–84, §617(b)(1), substituted ''Special rule for deceased and disabled members'' for ''Mandatory payment of unpaid amounts under certain circumstances; no repayment of unearned amounts'' in heading.

Subsec. (b)(3). Pub. L. 111–84, §617(b)(2), added par. (3).

2008—Pub. L. 110–417, §651(c)(2)(A), substituted ''Repayment of unearned portion of bonus, incentive pay, or similar benefit, and termination of remaining payments, when conditions of payment not met'' for ''Repayment of unearned portion of bonus, incentive pay, or similar benefit when conditions of payment not met'' in section catchline.

Subsec. (a). Pub. L. 110–417, §651(c)(1)(A), inserted ''and Termination'' after ''Repayment'' in heading and '', and the member may not receive any unpaid amounts of the bonus, incentive pay, or similar benefit after the member fails to satisfy such service or eligibility requirement'' in text before period at end.

Subsec. (b). Pub. L. 110–417, §651(c)(1)(B), added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows: ''The regulations prescribed to administer this section may specify procedures for determining the circumstances under which an exception to the required repayment may be granted.''

§374. Regulations

This subchapter and subchapter II shall be administered under regulations prescribed by—

(1) the Secretary of Defense, with respect to the armed forces under the jurisdiction of the Secretary of Defense;

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

(3) the Secretary of Health and Human Services, with respect to the commissioned corps of the Public Health Service; and

(4) the Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration.

(Added Pub. L. 110–181, div. A, title VI, § 661(a)(2), Jan. 28, 2008, 122 Stat. 178.)

CHAPTER 7—ALLOWANCES OTHER THAN TRAVEL AND TRANSPORTATION ALLOWANCES

Sec.
401. Definitions.
402. Basic allowance for subsistence.
402a. Supplemental subsistence allowance for low-income members with dependents.
403. Basic allowance for housing.
[403a. Repealed.]
403b. Cost-of-living allowance in the continental United States.
[404 to 412. Repealed.]
413. Chairman and Vice Chairman of the Joint Chiefs of Staff.
414. Personal money allowance.
415. Uniform allowance: officers; initial allowance.
416. Uniform allowance: officers; additional allowances.
417. Uniform allowance: officers; general provisions.
418. Clothing allowance: enlisted members.
419. Civilian clothing allowance.
420. Allowances while participating in international sports.
421. Allowances: no increase while dependent is entitled to basic pay.
422. Cadets and midshipmen.
423. Validity of allowance payments based on purported marriages.
424. Band leaders.
425. United States Navy Band; United States Marine Corps Band: allowances while on concert tour.
[426. Repealed.]
427. Family separation allowance.
[428 to 432. Repealed.]
433. Allowance for muster duty.
433a. Allowance for participation in Ready Reserve screening.
[434, 435. Repealed.]
436. High-deployment allowance: lengthy or numerous deployments; frequent mobilizations.
437. Allowance to cover monthly premium for Servicemembers' Group Life Insurance: members serving in Operation Enduring Freedom or Operation Iraqi Freedom.
438. Preventive health services allowance.
439. Special compensation: members of the uniformed services with catastrophic injuries or illnesses requiring assistance in everyday living.

AMENDMENTS

2011—Pub. L. 112–81, div. A, title VI, § 631(f)(1), (3)(A), Dec. 31, 2011, 125 Stat. 1464, 1465, substituted ''ALLOWANCES OTHER THAN TRAVEL AND TRANSPORTATION ALLOWANCES'' for ''ALLOWANCES'' in chapter heading and struck out items 404 ''Travel and transportation allowances: general'', 404a ''Travel and transportation allowances: temporary lodging expenses'', 404b ''Travel and transportation allowances: payment of lodging expenses at temporary duty location during authorized absence of member'', 405 ''Travel and transportation allowances: per diem while on duty outside the continental United States'', 405a ''Travel and transportation allowances: departure allowances'', 406 ''Travel and transportation allowances: dependents; baggage and household effects'', 406a ''Travel and transportation allowances: authorized for travel performed under orders that are canceled, revoked, or modified'', 406b ''Travel and transportation allowances: members of the uniformed services attached to a ship overhauling or inactivating'', 406c ''Travel and transportation allowances: members assigned to a vessel under construction'', 407 ''Travel and transportation allowances: dislocation allowance'', 408 ''Travel and transportation allowances: travel within limits of duty station'', 408a ''Travel and transportation allowances: inactive duty training outside of normal commuting distances'', 409 ''Travel and transportation allowances: house trailers and mobile homes'', 410 ''Travel and transportation allowances: miscellaneous categories'', 411 ''Travel and transportation allowances: administrative provisions'', 411a ''Travel and transportation allowances: travel performed in connection with convalescent leave'', 411b ''Travel and transportation allowances: travel performed in connection with leave between consecutive overseas tours'', 411c ''Travel and transportation allowances: travel performed in connection with rest and recuperative leave from certain stations in foreign countries'', 411d ''Travel and transportation allowances: transportation incident to personal emergencies for certain members and dependents'', 411e ''Travel and transportation allowances: transportation incident to certain emergencies for members performing temporary duty'', 411f ''Travel and transportation allowances: transportation for survivors of deceased member to attend member's burial ceremonies; transportation for survivors of member dying overseas to attend transfer ceremonies'', 411g ''Travel and transportation allowances: transportation incident to voluntary extensions of overseas tours of duty'', 411h ''Travel and transportation allowances: transportation of designated individuals incident to hospitalization of members for treatment of wounds, illness, or injury'', 411i ''Travel and transportation allowances: parking expenses'', 411j ''Travel and transportation allowances: transportation of family members incident to the repatriation of members held captive'', 411k ''Travel and transportation allowances: non-medical attendants for members who are determined to be very seriously or seriously wounded, ill, or injured'', 411*l* ''Travel and transportation allowances: attendance of members and other persons at Yellow Ribbon Reintegration Program events'', 412 ''Appropriations for travel: may not be used for attendance at certain meetings'', 428 ''Allowance for recruiting expenses'', 429 ''Travel and transportation allowances: minor dependent schooling'', 430 ''Travel and transportation: dependent children of members stationed overseas'', 431 ''Benefits for certain members assigned to the Defense Intelligence Agency'', 432 ''Travel and transportation: members escorting certain dependents'', 434 ''Subsistence reimbursement relating to escorts of foreign arms control inspection teams'', and 435 ''Funeral honors duty: allowance''.

Pub. L. 111–383, div. A, title X, § 1075(c)(3)(B), Jan. 7, 2011, 124 Stat. 4372, added item 438 and struck out former item 438 ''Preventive health care allowance''.

Pub. L. 111–383, div. A, title X, § 1075(c)(3)(A), Jan. 7, 2011, 124 Stat. 4372, which directed substitution of item 411k for item 438, was executed by making the substitution for former item 411k ''Travel and transportation allowances: non-medical attendants for members determined to be very seriously or seriously wounded, ill, or injured'', to reflect the probable intent of Congress.

Pub. L. 111–383, div. A, title VI, § 622(a)(2), Jan. 7, 2011, 124 Stat. 4239, added item 411*l*.

2009—Pub. L. 111–84, div. A, title V, § 542(b)(2)(B), title VI, §§ 603(c), 632(g)(2), 633(a)(2), Oct. 28, 2009, 123 Stat. 2300, 2350, 2362, 2363, added items 411f, 411k, and 439, struck out former item 411f ''Travel and transportation allowances: transportation for survivors of deceased member to attend the member's burial ceremonies'', and substituted ''Travel and transportation allowances: transportation of designated individuals incident to hospitalization of members for treatment of wounds, illness, or injury'' for ''Travel and transportation allowances: transportation of family members incident to illness or injury of members'' in item 411h.

2008—Pub. L. 110–417, [div. A], title VII, § 714(b), Oct. 14, 2008, 122 Stat. 4505, added item 438.