

**[§ 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 Repealed.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 over-
seas**

(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 simi-