

(As amended Pub. L. 98-94, title X, § 1012(b), Sept. 24, 1983, 97 Stat. 665.)

AMENDMENTS

1983—Subsec. (j). Pub. L. 98-94 added subsec. (j).

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by Pub. L. 98-94 applicable only in cases of injuries incurred or aggravated on or after Sept. 24, 1983, see section 1012(c) of Pub. L. 98-94, set out as an Effective Date note under section 1074a of Title 10, Armed Forces.

§ 205. Computation: service creditable

[See main edition for text of (a) to (d)]

(e) Notwithstanding subsection (a) of this section, a period served by a member of a uniformed service in a reserve component under an enlistment under section 511 of title 10 before the member—

(1) begins service on active duty under subsection (b) of that section, or

(2) begins an initial period of active duty for training under subsection (d) of that section, may not be counted under this section.

(As amended Pub. L. 98-525, title VI, § 607(a), Oct. 19, 1984, 98 Stat. 2538.)

AMENDMENTS

1984—Subsec. (e). Pub. L. 98-525 added subsec. (e).

EFFECTIVE DATE OF 1984 AMENDMENT

Section 607(b) of Pub. L. 98-525 provided that: "The amendment made by subsection (a) [adding subsec. (e) of this section] shall apply to persons who enlist under section 511 of title 10, United States Code, on or after the first day of the third calendar month which begins after the date of the enactment of this Act [Oct. 19, 1984]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 201, 203, 301a, 301c, 308 of this title; title 10 sections 1091, 2128; title 42 section 212.

§ 206. Reserves; members of National Guard: inactive-duty training

[See main edition for text of (a) to (d)]

(e) A member of the National Guard or of a reserve component of the uniformed services may not be paid under this section for more than four periods of equivalent training, instruction, duty, or appropriate duties performed during a fiscal year instead of the member's regular period of instruction or regular period of appropriate duty during that fiscal year.

(As amended Pub. L. 98-525, title XIV, § 1402(a), Oct. 19, 1984, 98 Stat. 2620.)

PRIOR PROVISIONS

Provisions similar to those comprising subsec. (e) of this section were contained in the following prior appropriation acts:

Pub. L. 98-473, title I, § 101(h) [title VIII, § 8020], Oct. 12, 1984, 98 Stat. 1904, 1927.

Pub. L. 98-212, title VII, § 722, Dec. 8, 1983, 97 Stat. 1442.

Pub. L. 97-377, title I, § 101(c) [title VII, § 725], Dec. 21, 1982, 96 Stat. 1833, 1855.

Pub. L. 97-114, title VII, § 725, Dec. 29, 1981, 95 Stat. 1583.

Pub. L. 96-527, title VII, § 726, Dec. 15, 1980, 94 Stat. 3086.

Pub. L. 96-154, title VII, § 726, Dec. 21, 1979, 93 Stat. 1157.

Pub. L. 95-457, title VIII, § 826, Oct. 13, 1978, 92 Stat. 1248.

AMENDMENTS

1984—Subsec. (e). Pub. L. 98-525 added subsec. (e).

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-525 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.

§ 209. Members of precommissioning programs

(a) Except when on active duty, a member of the Senior Reserve Officers' Training Corps who is selected for advance training under section 2104 of title 10 is entitled to a subsistence allowance of \$100 a month beginning on the day he starts advanced training and ending upon the completion of his instruction under that section, but in no event shall any member receive such pay for more than 30 months. Subsistence allowance under this section may not be considered financial assistance requiring additional service within the meaning of the third sentence of section 6(d)(1) of the Military Selective Service Act (50 U.S.C. App. 456(d)(1)).

[See main edition for text of (b) to (d)]

(As amended Pub. L. 98-94, title X, § 1003(a)(4), Sept. 24, 1983, 97 Stat. 656.)

AMENDMENTS

1983—Subsec. (a). Pub. L. 98-94 substituted "30 months" for "20 months".

CHAPTER 5—SPECIAL AND INCENTIVE PAYS

Sec.

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

308a. Special pay: members assigned to international military headquarters.

307. Special pay: special duty assignment pay for enlisted members.

[308d. 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.

310. Special pay: duty subject to hostile fire or imminent danger.

[311. Repealed.]

AMENDMENTS

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 308a.

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 added "or imminent danger".

§ 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) of this section, for the performance of hazardous duty required by orders. For the purposes of this subsection, "hazardous duty" means duty—

(1) as a crew member, as determined by the Secretary concerned, involving frequent and regular participation in aerial flight;

[See main edition for text of (2)]

- (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); or

(11) involving frequent and regular participation in aerial flight by an officer (other than a warrant officer) 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 clause (1) of subsection (a) of this section, a member is entitled to monthly incentive pay as follows:

Pay Grade	Monthly Rate
O-10	\$110
O-9	110
O-8	110
O-7	110
O-6	250
O-5	250
O-4	225

O-3	175
O-2	150
O-1	125
W-4	250
W-3	175
W-2	150
W-1	125
E-9	200
E-8	200
E-7	200
E-6	175
E-5	150
E-4	125
E-3	110
E-2	110
E-1	110

(c)(1) For the performance of hazardous duty described in clauses (2) through (10) of subsection (a) of this section, a member is entitled to \$110 a month. However, a member performing hazardous duty described in clause (3) of that subsection who also performs as an essential part of such duty parachute jumping at a high altitude with a low opening is entitled to \$165 a month.

(2)(A) For the performance of hazardous duty described in clause (11) of subsection (a) of this section, an officer 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	125	156	188	206	350	350	350	350
O-2	125	156	188	206	250	300	300	300
O-1	135	156	188	206	250	250	250	250
	Over 14	Over 16	Over 18	Over 20	Over 22	Over 24	Over 25	
O-7 and above	\$200	\$200	\$200	\$200	\$200	\$200	\$110	
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	

[See main edition for text of (B); (d) and (e)]

(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) of this section for members entitled to basic pay, he is entitled to an increase in compensation equal to $\frac{1}{2}$ of the monthly incentive pay authorized by subsection (b) or (c) of this section, 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 quali-

fied 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) of this subsection and while entitled to basic pay also performs hazardous duty as described in the same clause of subsection (a) as constitutes the predicate for his entitlement under paragraph (1) of this subsection, 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) of this section 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) of this section 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, "units" means the significant increments of performance prescribed as qualifying standards in regulations promulgated by the President pursuant to this section.

(As amended 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.)

AMENDMENTS

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, so as to eliminate 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 added 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".

EFFECTIVE DATE OF 1985 AMENDMENT

Section 635(b) of Pub. L. 99-145 provided that: "The amendments made by this section [amending this section] shall take effect on October 1, 1985."

Section 647(b) of Pub. L. 99-145 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

Section 903(b) of Pub. L. 98-94 provided that: "The amendment made by subsection (a) [amending subsec. (a)(12) of this section] shall take effect on October 1, 1983."

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

Section 624(b) of Pub. L. 98-525 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."

EX. ORD. NO. 11157. REGULATIONS RELATING TO INCENTIVE PAY, SPECIAL PAY, AND ALLOWANCES

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, provided:

[See main edition for text of first par.]

PART I—INCENTIVE PAY FOR HAZARDOUS DUTY

[See main edition for text of Secs. 101 to 108]

SEC. 109. As used in section 301(a) of title 37 of the United States Code—

[See main edition for text of (a)]

(b) The term "duty involving the demolition of explosives" shall be construed to mean duty performed by members who, pursuant to competent orders and as a primary duty assignment (1) demolish by the use of explosives objects, obstacles, or explosives, or recover and render harmless, by disarming or demolition, explosives which have failed to function as intended or which have become a potential hazard; (2) participate as students or instructors in instructional training, including that in the field or fleet, for the duties described in clause (1) hereof, provided that live explosives are used in such training; (3) participate in proficiency training, including that in the field or fleet, for the maintenance of skill in the duties described in clause (1) hereof, provided that live explosives are used in such training; or (4) experiment with or develop tools, equipment, or procedures for the demolition and rendering harmless of explosives, provided that live explosives are used.

[See main edition for text of (c) to (f)]

(g) The term "duty involving the servicing of aircraft or missiles with highly toxic fuels or propellants or the testing of aircraft or missile systems (or components of such systems) during which highly toxic fuels or propellants are used" shall be construed to mean duty performed by members as a primary duty that requires (1) removal, replacement, and servicing of the emergency power unit of an aircraft with H-70 propellant (30 percent water, 70 percent hydrazine); (2) participation by those personnel performing duties described in (g)(1) who must also participate in an emergency response force, spill containment, or spill clean-up involving H-70 propellant (30 percent water, 70 percent hydrazine); (3) handling and maintaining the liquid propellants (liquid oxidizer-nitrogen tetroxide; unsymmetrical dimethyl hydrazine) used in the Titan weapon system, if such duty requires qualification in the use of the Rocket Fuel Handler's Clothing Outfit and involves (A) launch duct operations, including flow, pressurization, on-load, set-up or tear down involving propellant transfer operations; (B) set-up, installation or tear down for fuel/oxidizer flow; (C) decontamination of equipment, including, but not limited to, the Rocket Fuel Handler's Clothing Outfit; (D) venting or pressurizing missile fuel or oxidizer tanks; (E) removing or replacing missile components while missile fuel and oxidizer tanks are loaded with such propellants; (F) transferring propellants between commercial and military holding trailers, or between holding trailers and fuel/oxidizer pump rooms; or normal preventive maintenance activities including, but not limited to, seal changes; (4) handling and maintaining the propellants, unsymmetrical dimethyl hydrazine and inhibited red-fuming nitric acid, used in the LANCE missile system; (5) handling, transporting or working with toxic fuels/propellants by members assigned to the Air Force Rocket Propulsion Lab (AFRPL) who (A) directly manage and inspect the activities of crew members conducting operations involving experimental rocket propulsion systems and components; (B) directly monitor and set up measurement instruments in operational areas where contamination

is suspected or may be physically present; (C) install and remove instrumentation devices from propulsion systems and components; (D) perform final test preparation and immediate safety inspection duties around pressurized, active systems during prerun and postrun test periods; or, (E) install and repair electrical systems; (6) handling, loading/unloading and transporting toxic fuels and oxidizers at the precision sled track while working with the liquid rocket sled, which uses JP-X (a mixture of jet fuel (JP-4) and unsymmetrical dimethyl hydrazine) and red-fuming nitric acid and a propulsion; or (7) involvement with other toxic substances contained in missile or aircraft weapon system fuels or propellants as determined by the Secretary concerned. The entitlement to the pay provided for in this subsection is based upon the performance of such duty which has the potential for accidental or inadvertent exposure to highly toxic fuels or propellants or related substances and not upon actual quantifiable exposure to such substances. Therefore, neither this construction of the term nor the receipt of the pay provided for in this subsection may be construed as indicating that any person entitled to such pay has been actually exposed to highly toxic fuels or propellants or related substances contrary to the provisions of any statute, Executive order, rule, or regulation relating to health or safety which is applicable to the uniformed services.

(h) The term "duty involving frequent and regular exposure to highly toxic pesticides" shall be construed to mean duty performed by members who, while under competent orders assigning such members to the entomology, pest control, pest management, or preventive medicine functions of a uniformed service for a period of 30 consecutive days or more, are required to perform in any calendar month a fumigation task utilizing (1) phosphine, sulfuryl fluoride, hydrogen cyanide, methyl bromide, or (2) a fumigant of comparable high acute toxicity and hazard potential.

(i) The term "duty involving laboratory work that utilizes live dangerous viruses or bacteria" shall be construed to mean primary duty performed by members who work with micro-organisms (1) that cause disease (A) with a high potential for mortality, and (B) for which effective therapeutic procedures are not available, and (2) for which no effective prophylactic immunization exists, while such members are assigned by competent orders for a period of 30 consecutive days or more to participate in or conduct applied or basic research that is characterized by a changing variety of techniques, procedures, equipment, and experiments.

[See main edition for text of Secs. 110 to 114; Parts II and III]

PART IV—BASIC ALLOWANCE FOR QUARTERS

SEC. 401. As used in this part:

[See main edition for text of (a) and (b)]

(c) The term "sea duty" shall mean service performed by either an officer or enlisted member in a self-propelled vessel that is in an active status, in commission or in service and is equipped with berthing and messing facilities. Duty for less than three months is not considered to be sea duty. Duty for more than three months under temporary orders which provide for return to the member's same permanent station is not considered sea duty.

[See main edition for text of (d) and (e)]

(f) [Deleted by Ex. Ord. No. 12541, Dec. 30, 1985, 51 F.R. 585]

[See main edition for text of Secs. 402 to 407;
Part VI]

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 301b, 304, 310, 552, 907, 1012 of this title; title 38 section 2024.

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

[See main edition for text of (a) to (d)]

(e) [See main edition for text of (1)]

(2) During the period beginning on October 1, 1984, and ending on September 30, 1987, only agreements executed by officers of the Navy may be accepted under this section.

(3) During the period beginning on October 1, 1983, and ending on September 30, 1987, only an agreement—

(A) that is executed by an officer who—

(i) has at least six but less than eleven years of active duty;

(ii) has completed the minimum service required for aviation training; and

(iii) has not previously been paid special pay authorized by this section; and

(B) that requires the officer to remain on active duty in aviation service for either three or four years;

may be accepted under this section. An officer from whom an agreement is accepted during such period may be paid an amount not to exceed \$4,000 for each year covered by that agreement if that officer agrees to remain on active duty for three years or an amount not to exceed \$6,000 for each year covered by that agreement if that officer agrees to remain on active duty for four years. An agreement that requires an officer to remain on active duty in aviation service for six years may also be accepted during such period if the officer meets the requirements of clause (A) of this paragraph and the officer has completed less than seven years of active duty. An officer from whom such an agreement is accepted may be paid an amount not to exceed \$6,000 for each year covered by the agreement.

(4) 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.

(f) Special pay may not be paid under this section for an agreement that applies to a period of active duty that begins after September 30, 1987.

(As amended 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.)

AMENDMENTS

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 agree-

ments 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".

EFFECTIVE DATE OF 1985 AMENDMENT

Section 636 of Pub. L. 99-145 provided in part that the amendment of this section by section 636 of Pub. L. 99-145 is effective Oct. 1, 1985.

EFFECTIVE DATE OF 1984 AMENDMENT

Section 622(a) of Pub. L. 98-525 provided in part that the amendment of this section by section 622(a) of Pub. L. 98-525 is effective Oct. 1, 1984.

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

Section 904(b) of Pub. L. 98-94 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

[See main edition for text of (a)]

(b) A member who meets the requirements prescribed in subsection (a) of this section is entitled to monthly submarine duty incentive pay as follows:

[See main edition for text of table for enlisted members]

COMMISSIONED OFFICERS

Pay grade	Years of service computed under section 205						
	2 or less	Over 2	Over 3	Over 4	Over 5	Over 6	Over 7
O-10	\$265	\$265	\$265	\$265	\$265	\$265	\$265
O-9	265	265	265	265	265	265	265
O-8	265	265	265	265	265	265	265
O-7	265	265	265	265	265	265	265
O-6	440	440	440	440	440	440	440
O-5	440	440	440	440	440	440	440
O-4	270	270	270	300	440	440	440
O-3	265	265	265	290	440	440	440
O-2	175	175	175	175	175	175	265
O-1	130	130	130	130	130	130	265

	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
O-10	\$265	\$265	\$265	\$265	\$265	\$265	\$265
O-9	265	265	265	265	265	265	265
O-8	265	265	265	265	265	265	265
O-7	265	265	400	395	395	305	265
O-6	440	440	440	440	440	440	440
O-5	440	440	440	440	440	440	440
O-4	440	440	440	440	440	440	440
O-3	440	440	440	440	440	440	440
O-2	265	265	265	265	265	265	265
O-1	265	265	265	265	265	265	265

[See main edition for text of table for warrant officers; (c) to (e)]

(As amended Pub. L. 99-145, title VI, § 633(a), Nov. 8, 1985, 99 Stat. 646.)

AMENDMENTS

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.

EFFECTIVE DATE OF 1985 AMENDMENT

Section 633(b) of Pub. L. 99-145 provided that: "The amendment made by this section [amending this section] shall take effect on October 1, 1985."

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

[See main edition for text of (a) to (g)]

(h)(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 not less than one year;

is entitled to special pay in accordance with this subsection.

[See main edition for text of (2)]

(i) 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 paragraph (1) of this subsection. This paragraph applies to any case commenced under title 11 after September 30, 1985.

(As amended Pub. L. 99-145, title VI, § 640, Nov. 8, 1985, 99 Stat. 652.)

AMENDMENTS

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).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 303a of this title; title 42 section 210.

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

(a)(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) of this subsection 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 dental internship training or has less than three years of creditable service.

(B) \$2,000 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) \$4,000 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.

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

(4) Subject to subsection (b) of this section, an officer entitled to variable special pay under paragraph (2) or (3) of this subsection is entitled to additional special pay for any 12-month period during which the officer is not undergoing dental internship or residency training. Such additional special pay shall be paid at the following rates:

¹So in original. There is no par. (1).

(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.

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

(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.

(b)(1) An officer may not be paid additional special pay under subsection (a)(4) of this section 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 subsection (a)(4) of this section. 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.

(c) 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) of this section; and

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

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

(e) 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) of this section 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.

(f) 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) of this section if the final decree of the dis-

charge 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.

(g) 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.

(As amended Pub. L. 99-145, title VI, § 639(a), Nov. 8, 1985, 99 Stat. 649.)

AMENDMENTS

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."

EFFECTIVE DATE OF 1985 AMENDMENT

Section 639(f) of Pub. L. 99-145 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."

AUTHORITY FOR CERTAIN DENTAL OFFICERS TO EXECUTE NEW AGREEMENTS

Section 639(c) of Pub. L. 99-145 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 ex-

ceeding 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

Section 639(d) of Pub. L. 99-145 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)), shall be entitled to such pay in an annual amount that is not less than 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 was entitled 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."

§ 303a. Special pay: health professionals; general provisions

REFERENCES IN TEXT

Section 311 of this title, referred to in subsecs. (a) and (c), was repealed by Pub. L. 99-145, title VI, § 639(b), Nov. 8, 1985, 99 Stat. 651.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 302, 302b of this title.

§ 305a. Special pay: career sea pay

[See main edition for text of (a)]

(b) The monthly rates for special pay under subsection (a) of this section are as follows:

ENLISTED MEMBERS

Pay grade	Years of sea duty					
	1 or less	Over 1	Over 2	Over 3	Over 4	Over 5
E-4.....	\$50	\$60	\$125	\$160	\$175	\$175
E-5.....	60	70	140	175	185	190
E-6.....	125	135	170	190	210	215
E-7.....	135	145	215	235	255	260
E-8.....	165	180	225	255	265	270
E-9.....	175	195	235	265	280	290
	Over 6	Over 7	Over 8	Over 9	Over 10	Over 11
E-4.....	\$175	\$175	\$175	\$175	\$175	\$175
E-5.....	205	220	220	220	220	220
E-6.....	225	235	245	255	265	265
E-7.....	265	265	270	275	280	300
E-8.....	280	285	290	300	310	310
E-9.....	310	310	310	310	320	330
	Over 12	Over 13	Over 14	Over 16	Over 18	
E-4.....	\$175	\$175	\$175	\$175	\$175	
E-5.....	220	220	220	220	220	
E-6.....	280	295	310	325	340	
E-7.....	310	330	350	370	390	
E-8.....	320	340	360	380	400	
E-9.....	350	370	390	410	410	

WARRANT OFFICERS

Pay grade	Years of sea duty					
	1 or less	Over 1	Over 2	Over 3	Over 4	Over 5
W-1.....	\$130	\$135	\$140	\$150	\$170	\$175
W-2.....	150	150	150	150	170	260
W-3.....	150	150	150	150	170	270
W-4.....	150	150	150	150	170	290
	Over 6	Over 7	Over 8	Over 9	Over 10	Over 11
W-1.....	\$200	\$250	\$270	\$275	\$280	\$290
W-2.....	265	265	270	275	280	290
W-3.....	280	285	290	300	310	310
W-4.....	310	310	310	310	320	330
	Over 12	Over 14	Over 16	Over 18	Over 20	
W-1.....	\$300	\$300	\$300	\$300	\$300	
W-2.....	310	330	350	370	390	
W-3.....	330	350	370	390	410	
W-4.....	350	370	300	410	410	

COMMISSIONED OFFICERS

Pay grade	Years of sea duty						
	Over 3	Over 4	Over 5	Over 6	Over 7	Over 8	Over 9
O-1.....	\$150	\$180	\$185	\$190	\$195	\$205	\$215
O-2.....	150	180	185	190	195	205	215
O-3.....	150	180	185	190	195	205	215
O-4.....	185	190	200	205	215	215	220
O-5.....	225	225	225	225	230	245	250
O-6.....	225	230	230	240	255	265	280
	Over 10	Over 11	Over 12	Over 14	Over 16	Over 18	Over 20
O-1.....	\$225	\$225	\$240	\$250	\$260	\$270	\$280
O-2.....	225	225	240	250	260	270	280
O-3.....	225	225	240	260	270	280	290
O-4.....	225	225	240	270	280	290	300
O-5.....	260	265	265	275	300	315	340
O-6.....	290	300	310	325	340	355	380

[See main edition for text of (c) and (d)]

(As amended 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.)

AMENDMENTS

1985—Subsec. (b). Pub. L. 99-145 amended the table for warrant officers for pay grade W-3 by substituting "330" for "310" in the column for "Over 12", and for pay grade W-4, substituted "320" for "310" in the column for "Over 10", substituted "330" for "310" in the column for "Over 11", and "350" for "310" in the column for "Over 12", added columns for "Over 14", "Over 16", "Over 18", and "Over 20", and in the table for commissioned officers: added 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 non-commissioned warrant officers".

1984—Subsec. (b). Pub. L. 98-525 amended the table relating to rates of pay for enlisted members by substituting "265" for "255" and "320" for "310" in the column for "Over 10", "265" for "255" and "330" for "310" in the column for "Over 11", "280" for "255", "320" for "310", and "350" for "310" in the column for "Over 12", and added columns for "Over 13", "Over 14", "Over 16", and "Over 18".

EFFECTIVE DATE OF 1985 AMENDMENT

Section 634(b) of Pub. L. 99-145 provided that: "The amendment made by this section [amending this section] shall take effect on October 1, 1985."

EFFECTIVE DATE OF 1984 AMENDMENT

Section 623(c) of Pub. L. 98-525 provided that: "The amendments made by this section [amending sections 335a(b) and 307 of this title] shall take effect on October 1, 1984."

§ 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 VII, § 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 VI, § 707, 85 Stat. 727.

Jan. 11, 1971, Pub. L. 91-868, 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) 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.

(b) The Secretary concerned shall determine which enlisted members under his jurisdiction are to be paid special duty assignment pay under subsection (a) of this section. 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 Transportation for the Coast Guard when the Coast Guard is not operating as a service in the Navy.

(As amended Pub. L. 98-525, title VI, § 623(b)(1), Oct. 19, 1984, 98 Stat. 2541.)

AMENDMENTS

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), and in subsec. (b) as so redesignated, 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 subssecs. (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 in subsec. (c), as so redesignated, substituted "armed forces under his jurisdiction" for "uniformed services under his jurisdiction". Former subsec. (c) redesignated (b) and amended.

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.

MEMBERS ENTITLED TO SPECIAL PAY AS OF SEPTEMBER 30, 1984

Section 623(b)(3) of Pub. L. 98-525 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."

§ 308. Special pay: reenlistment bonus

(a)(1) A member of a uniformed service who—

[See main edition for text of (A) to (D)]

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.

[See main edition for text of (2)]

(b)(1) 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.

(2) 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.

[See main edition for text of (c) to (f)]

(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 September 30, 1987.

(As amended 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.)

AMENDMENTS

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".

EFFECTIVE DATE OF 1985 AMENDMENT

Section 631(b) of Pub. L. 99-145 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."

§ 308a. Special pay: enlistment bonus

[See main edition for text of (a) and (b)]

(c) No bonus shall be paid under this section with respect to any enlistment or extension of an initial period of active duty in the armed forces made after September 30, 1987.

(As amended 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.)

AMENDMENTS

1984—Subsec. (c). Pub. L. 98-525 substituted "September 30, 1987" for "September 30, 1984".

1983—Subsec. (c). Pub. L. 98-14 substituted "September 30, 1984" for "March 31, 1983".

§ 308b. Special pay: reenlistment bonus for members of the Selected Reserve

[See main edition for text of (a)]

(b) 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.

(c) No member shall be paid more than one bonus under this section.

(d) 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.

[See main edition for text of (e) and (f)]

(g) No bonus may be paid under this section to any enlisted member who, after September

30, 1987, reenlists or voluntarily extends his enlistment in a reserve component.

(As amended Pub. L. 99-145, title VI, § 643(a), Nov. 8, 1985, 99 Stat. 652.)

AMENDMENTS

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".

EFFECTIVE DATE OF 1985 AMENDMENT

Section 643(b) of Pub. L. 99-145 provided that: "The amendments made by subsection (a) [amending this section] shall take effect on October 1, 1985."

§ 308c. Special pay: bonus for enlistment in the Selected Reserve

[See main edition for text of (a) to (e)]

(f) No bonus may be paid under this section to any enlisted member who, after September 30, 1987, enlists in the Selected Reserve of the Ready Reserve of an armed force.

(As amended Pub. L. 99-145, title VI, § 642, Nov. 8, 1985, 99 Stat. 652.)

AMENDMENTS

1985—Subsec. (f). Pub. L. 99-145 substituted "September 30, 1987" for "September 30, 1985".

[§ 308d. Repealed. Pub. L. 98-94, title X, § 1011(b)(1), Sept. 24, 1983, 97 Stat. 664]

Section, 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. See sections 308g and 308h of this title.

EFFECTIVE DATE OF REPEAL

Repeal by Pub. L. 98-94 effective Oct. 1, 1983, see section 1101(c) of Pub. L. 98-94, set out as an Effective Date note under section 308g of this title.

§ 308e. Special pay: bonus for reserve affiliation agreement

[See main edition for text of (a) and (b)]

(c)(1) The amount of the bonus paid to any person under this section shall be an amount determined by multiplying up to \$50 as determined by the Secretary concerned times the number of months of reserve obligation such person has remaining or, if such person is on active duty, will have remaining at the time of his discharge or release from active duty.

[See main edition for text of (2); (d)]

(e) No bonus may be paid under this section to any person for a reserve obligation agreement entered into after September 30, 1987.

(As amended Pub. L. 99-145, title VI, § 645(a), Nov. 8, 1985, 99 Stat. 654.)

AMENDMENTS

1985—Subsec. (c)(1). Pub. L. 99-145, § 645(a)(1), substituted "up to \$50 as determined by the Secretary concerned" for "\$25".

Subsec. (e). Pub. L. 99-145, § 645(a)(2), substituted "September 30, 1987" for "September 30, 1985".

EFFECTIVE DATE OF 1985 AMENDMENT

Section 645(b) of Pub. L. 99-145 provided that: "The amendments made by this section [amending this section] shall take effect on October 1, 1985."

§ 308f. Special pay: bonus for enlistment in the Army

[See main edition for text of (a) and (b)]

(c) No bonus may be paid under this section with respect to an enlistment in the Army after September 30, 1987.

(As 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.)

AMENDMENTS

1984—Subsec. (c). Pub. L. 98-525 substituted "September 30, 1987" for "September 30, 1984".

1983—Subsec. (c). Pub. L. 98-14 substituted "September 30, 1984" for "September 30, 1983".

§ 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) of this section.

(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) of this section, except that the amount of such a bonus may not exceed \$1,000 and shall be paid in equal annual increments.

(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 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.

(e) An obligation to reimburse the United States imposed under subsection (d) of this section is, for all purposes, a debt owed to the United States.

(f) 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) of this section. This subsection applies to any case commenced under title 11 after September 24, 1983.

(g) 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 Transportation for the Coast Guard when it is not operating as a service in the Navy.

(h) A bonus may not be paid under this section to any person for an enlistment after September 30, 1987.

(Added Pub. L. 98-94, title X, § 1011(a), Sept. 24, 1983, 97 Stat. 663, and amended Pub. L. 98-525, title V, § 552(f)(2), Oct. 19, 1984, 98 Stat. 2532; Pub. L. 99-145, title VI, § 646(a)(1), title XIII, § 1303(b)(3), Nov. 8, 1985, 99 Stat. 654, 740.)

AMENDMENTS

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".

1984—Subsec. (b). Pub. L. 98-525 inserted provision for payment in equal annual increments.

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

Section 1011(c) of Pub. L. 98-94 provided that: "The amendments made by subsections (a) and (b) [enacting sections 308g and 308h of this title and repealing section 308d of this title] shall take effect on October 1, 1983."

INDIVIDUAL READY RESERVE REENLISTMENT BONUSES

Section 552(f)(1) of Pub. L. 98-525 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 261 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)(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) of this section.

(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.

(b)(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) of this section.

(2) The amount of a bonus under this section—

(A) may not exceed \$1,500, in the case of a person who enlists for a period of six years; and

(B) may not exceed \$750 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) of this subsection—

(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) of this subsection, the amount of the bonus shall be paid in equal annual increments.

(c) A person who receives a bonus payment under this section and who falls 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.

(d) An obligation to reimburse the United States imposed under subsection (c) of this section is, for all purposes, a debt owed to the United States.

(e) 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) of this section. This subsection applies to any case commenced under title 11 after September 24, 1983.

(f)(1) This section shall be administered under regulations to be prescribed by the Secre-

tary of Defense for the armed forces under his jurisdiction and by the Secretary of Transportation 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.

(g) A bonus may not be paid under this section to any person for a reenlistment, enlistment, or voluntary extension of an enlistment after September 30, 1987.

(Added Pub. L. 98-94, title X, § 1011(a), Sept. 24, 1983, 97 Stat. 663, and 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.)

AMENDMENTS

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 therein, 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 1985 AMENDMENT

Section 646(d) of Pub. L. 99-145 provided that: "The amendments made by this section [amending sections 308g and 308h 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.

INDIVIDUAL READY RESERVE REENLISTMENT BONUSES

Section 552(f)(1) of Pub. L. 98-525 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 261 of Title 10, Armed Forces.

§ 308i. Special pay: prior service enlistment bonus

(a)(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—

(A) has completed his military service obligation but has less than 10 years of total military service;

(B) has received an honorable discharge at the conclusion of military service;

(C) is not being released from active service for the purpose of enlistment in a reserve component; and

(D) has not previously been paid a bonus for enlistment, reenlistment, or extension of enlistment in a reserve component.

(b) 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.

(c) A member may not be paid more than one bonus under this section.

(d) 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 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 relation to the amount of the bonus paid to such person as the period that such person failed to serve satisfactorily bears to the total period for which the bonus was paid.

(e) An obligation to reimburse the United States imposed under subsection (d) of this section is, for all purposes, a debt owed to the United States.

(f) Under regulations prescribed pursuant to subsection (h) of this section, the Secretary concerned may remit or cancel the whole or any part of an obligation to reimburse the United States imposed under subsection (d) of this section.

(g) 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 shall not discharge the person receiving such bonus payment from

the debt arising under subsection (d) of this section. This subsection applies to any case commenced under title 11 after September 30, 1985.

(h) 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 Transportation for the Coast Guard when the Coast Guard is not operating as a service in the Navy.

(i) No bonus may be paid under this section to any person for an enlistment after September 30, 1987.

(Added Pub. L. 99-145, title VI, § 644(a)(1), Nov. 8, 1985, 99 Stat. 652.)

EFFECTIVE DATE

Section 844(b) of Pub. L. 99-145 provided that: "The amendments made by subsection (a) [enacting this section] shall take effect on October 1, 1985."

§ 310. Special pay: duty subject to hostile fire or imminent danger

(a) Except in time of war declared by Congress, and under regulations prescribed by the Secretary of Defense, a member of a uniformed service may be paid special pay at the lowest rate for hazardous duty incentive pay specified in section 301(c)(1) of this title 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.

[See main edition for text of (b) to (d)]

(As amended 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.)

AMENDMENTS

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), added "or imminent danger" in section catchline.

Subsec. (a)(4). Pub. L. 98-94, § 905(a), added cl. (4).

EFFECTIVE DATE OF 1985 AMENDMENT

Section 638(b) of Pub. L. 99-145 provided that: "The amendment made by this section [amending this section] shall take effect on October 1, 1985."

EFFECTIVE DATE OF 1983 AMENDMENT

Section 905(c) of Pub. L. 98-94 provided that: "The amendments made by this section [amending this section] shall take effect on October 1, 1983."

[§ 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, and amended Pub. L. 90-603, § 1, Oct. 18, 1968, 82 Stat. 1167; 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) Under regulations to be prescribed by the Secretary of the Navy, 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 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, in addition to any other period of obligated active service,

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 \$12,000 for each year of the active-service agreement. The Secretary of the Navy 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. Upon acceptance of the agreement by the Secretary or his designee, the total amount payable 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.

(b) 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.

(c) 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.

(d)(1) An officer who is performing obligated service under an agreement under subsection (a) of this section may, if the amount that may be paid under such subsection is higher than at the time the officer executed such agreement, execute a new agreement under that 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 end of 26 years of commissioned service. 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.

(e) The provisions of this section shall be effective only in the case of officers who, on or before September 30, 1990, execute the required written agreement to remain in active service.

(As amended Pub. L. 99-145, title VI, § 632(a), Nov. 8, 1985, 99 Stat. 643.)

AMENDMENTS

1985—Subsec. (a). Pub. L. 99-145, § 632(a)(1)(D), in provisions following the 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 the 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”.

EFFECTIVE DATE OF 1985 AMENDMENT

Section 632(d) of Pub. L. 99-145 provided that: “The amendments made by this section [amending sections 312, 312b, and 312c of this title] shall take effect on October 1, 1985.”

§ 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 \$8,000 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) of this section, shall become fixed.

[See main edition for text of (2)]

(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 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.

(d) The provisions of this section shall be effective only in the case of officers who, on or

before September 30, 1990, have been accepted for training for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants.

(As amended Pub. L. 99-145, title VI, § 632(b), title XIII, § 1303(b)(4), Nov. 8, 1985, 99 Stat. 644, 740.)

AMENDMENTS

1985—Subsec. (a)(1). Pub. L. 99-145, § 632(b)(1), substituted "not to exceed \$8,000" for "of \$3,000", and added 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".

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.

§ 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 \$10,000 for each nuclear service year ending before October 1, 1990.

(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 \$4,500 for each nuclear service year ending before October 1, 1990.

(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.

[See main edition for text of (c) and (d)]

(e) For the purposes of this section, a "nuclear service year" is any fiscal year beginning before October 1, 1990.

(As amended Pub. L. 99-145, title VI, § 632(c), Nov. 8, 1985, 99 Stat. 645.)

AMENDMENTS

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 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; 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".

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.

§ 314. Special pay: qualified enlisted members extending duty at designated locations overseas

(a) Under regulations prescribed by the Secretary concerned, an enlisted member of an armed force who—

[See main edition for text of (1) to (4)]

is entitled, upon acceptance of the agreement providing for such extension by the Secretary concerned, to special pay for duty performed during the period of the extension at a rate of not more than \$80 per month, as prescribed by the Secretary concerned.

[See main edition for text of (b)]

(As amended Pub. L. 99-145, title VI, § 641(a), Nov. 8, 1985, 99 Stat. 652.)

AMENDMENTS

1985—Subsec. (a). Pub. L. 99-145 substituted "\$80" for "\$50" in provision following par. (4).

EFFECTIVE DATE OF 1985 AMENDMENT

Section 641(b) of Pub. L. 99-145 provided that: "The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1985."

§ 315. Special pay: engineering and scientific career continuation pay

(a) In this section, "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 a³ uniformed service who—

[See main edition for text of (1) to (6)]

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.

[See main edition for text of (c)]

(As amended Pub. L. 99-145, title VI, § 637(a), Nov. 8, 1985, 99 Stat. 648.)

AMENDMENTS

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

Section 637(b) of Pub. L. 99-145 provided that: "The amendments made by subsection (a) [amending this section] shall take effect on October 1, 1985."

³So in original. Probably should be "an".