

–CITE–

37 USC CHAPTER 5 – SPECIAL AND INCENTIVE PAYS 01/06/03

–EXPCITE–

TITLE 37 – PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

CHAPTER 5 – SPECIAL AND INCENTIVE PAYS

–HEAD–

CHAPTER 5 – SPECIAL AND INCENTIVE PAYS

–MISC1–

Sec.

301. Incentive pay: hazardous duty.

301a. Incentive pay: aviation career.

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

301c. Incentive pay: submarine duty.

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

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

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

302a. Special pay: optometrists.

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

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

302d. Special pay: accession bonus for registered nurses.

302e. Special pay: nurse anesthetists.

302f. Special pay: reserve, recalled, or retained health care officers.

302g. Special pay: Selected Reserve health care professionals in critically short wartime specialties.

302h. Special pay: accession bonus for dental officers.

302i. Special pay: pharmacy officers.

302j. Special pay: accession bonus for pharmacy officers.

303. Special pay: veterinarians.

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

303b. Waiver of board certification requirements.

304. Special pay: diving duty.

305. Special pay: hardship duty pay.

305a. Special pay: career sea pay.

306. Special pay: officers holding positions of unusual responsibility and of critical nature.

306a. Special pay: members assigned to international military headquarters.

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

307a. Special pay: assignment incentive pay.

308. Special pay: reenlistment bonus.

[308a. Repealed.]

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

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

Reserve.

308d. Special pay: enlisted members of the Selected Reserve assigned to certain high priority units.

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

[308f. Repealed.]

308g. Special pay: bonus for enlistment in elements of the Ready Reserve other than the Selected Reserve.

308h. Special pay: bonus for reenlistment, enlistment, or voluntary extension of enlistment in elements of the Ready Reserve other than the Selected Reserve.

308i. Special pay: prior service enlistment bonus.

309. Special pay: enlistment bonus.

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

[311. Repealed.]

312. Special pay: nuclear-qualified officers extending period of active service.

312a. Special pay: nuclear-trained and qualified enlisted members.

312b. Special pay: nuclear career accession bonus.

312c. Special pay: nuclear career annual incentive bonus.

[313. Repealed.]

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

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

316. Special pay: foreign language proficiency pay.

316a. Waiver of certification requirement.

317. Special pay: officers in critical acquisition positions extending period of active duty.

318. Special pay: special warfare officers extending period of active duty.

319. Special pay: surface warfare officer continuation pay.

320. Incentive pay: career enlisted flyers.

321. Special pay: judge advocate continuation pay.

322. Special pay: 15-year career status bonus for members entering service on or after August 1, 1986.

323. Special pay: retention incentives for members qualified in a critical military skill.

324. Special pay: accession bonus for new officers in critical skills.

325. Incentive bonus: savings plan for education expenses and other contingencies.

AMENDMENTS

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

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

2000 – Pub. L. 106–398, Sec. 1 [[div. A], title VI, Secs. 624(a)(2), (b)(2), 628(c), 633(a)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A–152, 1654A–153, 1654A–155, 1654A–158, added items 302i,

302j, 309, and 323 and struck out items 308a "Special pay: enlistment bonus" and 308f "Special pay: bonus for enlistment in the Army".

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

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

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

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

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

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

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

1990 – Pub. L. 101–510, div. A, title VI, Secs. 611(a)(2), 618(c)(2), title XII, Sec. 1203(a)(2), title XIV, Sec. 1484(f)(1),

Nov. 5, 1990, 104 Stat. 1576, 1579, 1657, 1717, revised chapter heading so as to appear in all capital letters, added item 301d, inserted "and nonphysician health care providers" after "psychologists" in item 302c, and added item 317.

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

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

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

1985 – Pub. L. 99–145, title VI, Secs. 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, Sec. 623(b)(2), title XIV, Sec. 1402(b)(2), Oct. 19, 1984, 98 Stat. 2542, 2621, substituted "special duty assignment pay for enlisted members" for "proficiency pay for enlisted members" in item 307, and added item 306a.

1983 – Pub. L. 98–94, title IX, Sec. 905(b)(2), title X, Sec. 1011(b)(2), Sept. 24, 1983, 97 Stat. 664, struck out item 308d "Special pay: bonus for enlistment, reenlistment, or extension of enlistment in elements of the ready Reserve other than the Selected

Reserve", added items 308g and 308h, and in item 310 inserted "or imminent danger".

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

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

Pub. L. 96–513, title V, Sec. 506(5), Dec. 12, 1980, 94 Stat.

2919, struck out items 302c "Special pay: medical officers of the Public Health Service" and 313 "Special pay: medical officers of the Public Health Service who execute active duty agreements", and struck out "and physicians and dentists in the Public Health Service" after "forces" in item 311.

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

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

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

1978 – Pub. L. 95–485, title IV, Sec. 404(b), title VIII, Sec.

804(b)(2), Oct. 20, 1978, 92 Stat. 1615, 1621, substituted "on duty" for "on sea duty or duty" in item 305, and added items 305a and 308c.

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

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

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

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

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

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

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

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

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

–SECRET–

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 907, 909, 1003 of this title; title 5 section 8440e; title 42 section 254d.

–End–

–CITE–

37 USC Sec. 301 01/06/03

–EXPCITE–

TITLE 37 – PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

CHAPTER 5 – SPECIAL AND INCENTIVE PAYS

–HEAD–

Sec. 301. Incentive pay: hazardous duty

–STATUTE–

- (a) Subject to regulations prescribed by the President, a member of a uniformed service who is entitled to basic pay is also entitled to incentive pay, in the amount set forth in subsection (b) or (c), for the performance of hazardous duty required by orders. In this subsection, the term "hazardous duty" means duty –
- (1) involving frequent and regular participation in aerial flight as a crew member, as determined by the Secretary concerned, except for a member who is entitled to incentive pay under section 301a of this title;
 - (2) involving frequent and regular participation in aerial flight, not as a crew member under clause (1);
 - (3) involving parachute jumping as an essential part of military duty;
 - (4) involving the demolition of explosives as a primary duty, including training for that duty;

- (5) inside a high- or low-pressure chamber;
 - (6) as a human acceleration or deceleration experimental subject;
 - (7) as a human test subject in thermal stress experiments;
 - (8) involving frequent and regular participation in flight operations on the flight deck of an aircraft carrier or of a ship other than an aircraft carrier from which aircraft are launched;
 - (9) involving frequent and regular exposure to highly toxic pesticides or involving laboratory work that utilizes live dangerous viruses or bacteria;
 - (10) involving (A) the servicing of aircraft or missiles with highly toxic fuels or propellants, (B) the testing of aircraft or missile systems (or components of such systems) during which highly toxic fuels or propellants are used, or (C) the handling of chemical munitions (or components of such munitions);
 - (11) involving regular participation as a member of a team conducting visit, board, search, and seizure operations aboard vessels in support of maritime interdiction operations; or
 - (12) involving frequent and regular participation in aerial flight by a member who is serving as an air weapons controller crew member (as defined by the Secretary concerned) aboard an airborne warning and control system aircraft (as designated by such Secretary) and who is not entitled to incentive pay under section 301a of this title.
- (b) For the performance of hazardous duty described in clause (1) of subsection (a), a member is entitled to monthly incentive pay as

follows:

Pay Grade Monthly Rate

O-10 \$150

O-9 150

O-8 150

O-7 150

O-6 250

O-5 250

O-4 225

O-3 175

O-2 150

O-1 150

W-5 250

W-4 250

W-3 175

W-2 150

W-1 150

E-9 240

E-8 240

E-7 240

E-6 215

E-5 190

E-4 165

E-3 150

E-2 150

E-1 150

(c)(1) For the performance of hazardous duty described in clauses (2) through (11) of subsection (a), a member is entitled to \$150 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 in military free fall operations involving parachute deployment by the jumper without the use of a static line is entitled to \$225 a month.

(2)(A) For the performance of hazardous duty described in clause (12) of subsection (a), a member is entitled to monthly incentive pay based upon his years of service as an air weapons controller as follows:

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

less 10 12

\$200 \$200 \$200 \$200 \$200 \$200 \$200 \$200

225 250 300 325 350 350 350 350

200 250 300 325 350 350 350 350

175 225 275 300 350 350 350 350

150 156 188 206 350 350 350 350

150 156 188 206 250 300 300 300

150 156 188 206 250 250 250 250

200 225 275 300 325 325 325 325

175 225 275 300 325 325 325 325

150 200 250 275 325 325 325 325

150 150 150 175 325 325 325 325

200 225 250 275 300 300 300 300

200 225 250 275 300 300 300 300

175 200 225 250 275 275 275 300

156 175 200 225 250 250 250 300

150 156 175 188 200 200 200 250

150 156 175 188 200 200 200 200

Over Over Over Over Over Over Over

14 16 18 20 22 24 25

\$200 \$200 \$200 \$200 \$200 \$200 \$150

350 350 350 300 250 250 225

350 350 350 300 250 250 225

350 350 350 300 250 250 225

350 350 300 275 250 225 200

300 300 275 245 210 200 180

250 250 245 210 200 180 150

325 325 325 276 250 225 200

325 325 325 325 250 225 200

325 325 325 275 250 225 200

325 325 325 275 250 225 200

300 300 300 275 230 200 200

300 300 300 265 230 200 200

300 300 300 265 230 200 200

300 300 300 265 230 200 200

250 250 250 225 200 175 150

200 200 200 175 150 150 150

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

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

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

(f)(1) Under regulations prescribed by the President and to the extent provided for by appropriations, when a member of a reserve component of a uniformed service, or of the National Guard, who is entitled to compensation under section 206 of this title, performs, under orders, any duty described in subsection (a) for members entitled to basic pay, he is entitled to an increase in compensation equal to 1/30 of the monthly incentive pay authorized by subsection (b) or (c), as the case may be, for the performance of that hazardous duty by a member of a corresponding grade who is entitled to basic pay. He is entitled to the increase for as long as he is qualified for it, for each regular period of instruction, or period of appropriate duty, at which he is engaged for at least two hours, including that performed on a Sunday or

holiday, or for the performance of such other equivalent training, instruction, duty, or appropriate duties, as the Secretary may prescribe under section 206(a) of this title. This subsection does not apply to a member who is entitled to basic pay under section 204 of this title for the entire month.

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

(B) A member who qualifies for entitlement under this paragraph is entitled to the increase for each day in the relevant month in which he is entitled to basic pay pursuant to section 204 of this title or to compensation under section 206 of this title.

(C) In this paragraph, the term,(!1) "units" means the significant increments of performance prescribed as qualifying

standards in regulations promulgated by the President pursuant to this section.

–SOURCE–

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

615(a), (b), Dec. 28, 2001, 115 Stat. 1136.)

–MISC1–

HISTORICAL AND REVISION NOTES

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

301(a) 37:235(a). Feb. 18, 1946, ch. 30

(1st proviso under

"General Provision"), 60

Stat. 20.

301(b)

301(c)

37:235(b).

37:235(c).

301(d) 37:235(d). Oct. 12, 1949, ch. 681,

Secs. 204, 501(d), (e)

(as applicable to

incentive pay), 63 Stat.

809, 826, 827; Mar. 31,

1955, ch. 20, Sec.

2(4)–(7), 69 Stat.

19–21; Aug. 28, 1957,

Pub. L. 85–208, 71 Stat.

484; May 20, 1958, Pub.

L. 85–422, Sec. 1(6), 72

Stat. 124; June 30,
1960, Pub. L. 86-559,
Sec. 8, 74 Stat. 282;
July 12, 1960, Pub. L.
86-635, 74 Stat. 469;
Aug. 17, 1961, Pub. L.
87-145, Secs. 2, 3, 75
Stat. 382.
301(e)
301(f)
301(g)
37:235(e).
37:301(d).
37:301(e) (as applicable
to incentive pay).
37:118a-1.

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

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

In subsection (f), the words "a member of a reserve component of

a uniformed service, or of the National Guard" are substituted for the enumeration of the organizations concerned in section 301(d) of existing title 37. The words "when . . . performs, under orders, any duty described in subsection (a)(1)–(11) for members entitled to basic pay" are substituted for the words "when required by competent orders to perform any hazardous duty prescribed by or pursuant to section 235 of this title for members of the uniformed services entitled to receive basic pay and when in consequence of such orders they do perform any hazardous duty so prescribed". The last sentence is substituted for section 301(e) (as applicable to (d)) of existing title 37.

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

AMENDMENTS

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

Subsec. (c)(1). Pub. L. 107–107, Sec. 615(b)(1), substituted

"(11) of subsection (a)" for "(10) of subsection (a)".

Subsec. (c)(2)(A). Pub. L. 107–107, Sec. 615(b)(2), substituted

"(12) of subsection (a)" for "(11) of subsection (a)".

1998 – Subsec. (b). Pub. L. 105–261 in table substituted "165"

for "150" as monthly rate for pay grade E–4, "190" for "150" as monthly rate for pay grade E–5, "215" for "175" as monthly rate for pay grade E–6, and "240" for "200" as monthly rate for pay grades E–7 to E–9.

1997 – Subsec. (b). Pub. L. 105–85, Sec. 614(a)(2), in table

substituted "150" for "125" as monthly rate for pay grades O–1, W–1, and E–4.

Pub. L. 105–85, Sec. 614(a)(1), in table substituted "150" for

"110" as monthly rate for pay grades O–7 to O–10 and E–1 to E–3.

Subsec. (c)(1). Pub. L. 105–85, Sec. 614(c), substituted "\$150"

for "\$110" and "\$225" for "\$165".

Subsec. (c)(2)(A). Pub. L. 105–85, Sec. 614(b), in table

substituted "150" for "100" in first column for pay grade W–1, "150" for "110" in last column for pay grade O–7 and above, and "150" for "125" in first column for pay grades O–1 to O–3, E–4 and below, and E–5, in second column for pay grade W–1, and in fourteenth and fifteenth columns for pay grade E–4 and below.

1996 – Subsec. (a)(11). Pub. L. 104–106, Sec. 615(a), substituted

"a member" for "an officer (other than a warrant officer)".

Subsec. (c)(2)(A). Pub. L. 104–106, Sec. 615(c)(1), substituted

"a member" for "an officer" in provisions before table.

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

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

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

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

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

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

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

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

1986 – Subsec. (a)(1). Pub. L. 99–661 amended par. (1) generally.

Prior to amendment, par. (1) read as follows: "as a crew member, as

determined by the Secretary concerned, involving frequent and regular participation in aerial flight;".

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

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

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

Pub. L. 99–145, Sec. 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, Sec. 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, Sec. 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, Sec. 624(a)(1), redesignated cl. (6) as (4). Former cl. (4) redesignated (3).

Subsec. (a)(5). Pub. L. 98–525, Sec. 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, Sec. 624(a)(1), redesignated cls. (8) to (13) as (6) to (11), respectively.

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

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

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

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

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

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

1980 – Subsec. (a)(2). Pub. L. 96–579, Sec. 3(a), redesignated

cl. (4) as (2) and struck out former cl. (2) defining "hazardous duty" as including submarine duty. See section 301c(a)(5) of this title.

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

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

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

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

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

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

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

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

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

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

1966 – Subsec. (a)(2). Pub. L. 89–718 made only style changes by capitalizing letter designations for cls. "A", "B", and "C" and by

setting off text following cl. C through the device of moving the margin to the left of the margin for the clauses.

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

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

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

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

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

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

EFFECTIVE DATE OF 2001 AMENDMENT

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

EFFECTIVE DATE OF 1998 AMENDMENT

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

EFFECTIVE DATE OF 1991 AMENDMENT

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

EFFECTIVE DATE OF 1986 AMENDMENT

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

EFFECTIVE DATE OF 1985 AMENDMENT

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 this section] shall take effect on October 1, 1983."

EFFECTIVE DATE OF 1981 AMENDMENT

Section 111(d) of Pub. L. 97–60 provided that: "The amendments made by this section [amending this section] shall take effect as of October 1, 1981."

EFFECTIVE DATE OF 1980 AMENDMENTS

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

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

Section 2(c) of Pub. L. 96–343 provided that: "The amendments made by this section [amending this section] shall be effective with respect to incentive pay payable for months after August 1980."

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–294 effective June 1, 1974, see section 6

of Pub. L. 93–294, set out as an Effective Date note under section 301a of this title.

EFFECTIVE DATE OF 1963 AMENDMENT

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

RETENTION INCENTIVES INITIATIVE FOR CRITICALLY SHORT MILITARY OCCUPATIONAL SPECIALTIES

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

"(a) Requirement for New Incentives. – The Secretary of Defense shall establish and provide for members of the Armed Forces qualified in critically short military occupational specialties a series of new incentives that the Secretary considers potentially effective for increasing the rates at which those members are retained in the Armed Forces for service in such specialties.

"(b) Critically Short Military Occupational Specialties. – For the purposes of this section, a military occupational specialty is a critically short military occupational specialty for an Armed Force if the number of members retained in that Armed Force in fiscal year 1998 for service in that specialty is less than 50 percent of the number of members of that Armed Force that were projected to be retained in that Armed Force for service in the specialty by the Secretary of the military department concerned as of October 1, 1997.

"(c) Incentives. – It is the sense of Congress that, among the

new incentives established and provided under this section, the Secretary of Defense should include the following incentives:

"(1) Family support and leave allowances.

"(2) Increased special reenlistment or retention bonuses.

"(3) Repayment of educational loans.

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

"(5) Modified leave policies.

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

"(d) Relationship to Other Incentives. – Incentives provided under this section are in addition to any special pay or other benefit that is authorized under any other provision of law.

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

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

PERSONS ENTITLED TO RECEIVE INCENTIVE PAY FOR DUTY INVOLVING

CONTACT WITH PERSONS AFFLICTED WITH LEPROSY

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."

-EXEC-

EXECUTIVE ORDER NO. 10152

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

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; Ex. Ord. No. 12573, Nov. 6, 1986, 51 F.R. 40954, eff. in part Oct. 1, 1985; Ex. Ord. No. 12608, Sept. 9, 1987, 52 F.R. 34617; Ex. Ord. No. 12762, June 4, 1991, 56 F.R. 25993; Ex. Ord. No. 12935, Oct. 28, 1994, 59 F.R. 54511, provided:

By virtue of the authority vested in me by sections 301(a) and (f), 305(a), 402(f), and 403(g) of title 37 of the United States Code, and as President of the United States and Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

PART I – INCENTIVE PAY FOR HAZARDOUS DUTY

Sec. 101. For the purposes of these regulations:

(a) The term "aerial flight" shall be construed to mean flight in an aircraft, glider, or spacecraft; and a flight shall be deemed to begin when the aircraft, glider, or spacecraft takes off from rest at any point of support located on the surface of the earth and to terminate when it next comes to a complete stop at a point of support located on the surface of the earth.

(b) The term "aviation accident" shall be construed to mean an accident in which a member who is required to participate frequently and regularly in aerial flight is injured or otherwise incapacitated as the result, as attested by the appropriate medical authority of the uniformed service concerned, of (1) jumping from, being thrown from or being struck by, an aircraft, glider, or spacecraft, or any part or auxiliary thereof, or (2) participation in any duly authorized aerial flight or other aircraft, glider, or spacecraft operations.

Sec. 102. Under such regulations as the Secretary concerned may prescribe, any member of the uniformed services, including members assigned to special, administrative, or school duties, may be required by competent orders to perform hazardous duty.

Sec. 103. (a) Each member who is required by competent orders to participate frequently and regularly in aerial flights, other than glider flights, shall make the flights required as a crew member or as a non-crew member as directed by competent authority.

(b) Determinations as to what constitutes duty as a crew member

and duty as a non–crew member shall be made in accordance with regulations prescribed by the Secretary concerned: Provided, That such determinations shall be uniform for all the services to the fullest extent practicable.

Sec. 104. Under such regulations as the Secretary concerned may prescribe, members who are required by competent orders to participate frequently and regularly in aerial flights, other than glider flights, shall be required to meet the following minimum flight requirements, except as otherwise provided in section 110 hereof, in order to be entitled to receive monthly incentive pay for the performance of hazardous duty.

(a) Minimum flight requirements for members on active duty who may qualify for incentive pay under the provisions of section 301(a) of title 37, United States Code:

(1) During one calendar month: 4 hours of aerial flight; however, hours of aerial flight performed during the immediately preceding five calendar months and not already used to qualify for incentive pay may be applied to satisfy the aerial flight requirement for that month.

(2) During any two consecutive calendar months when the requirements of clause (1) above have not been met: 8 hours of aerial flight.

(3) During any three consecutive calendar months when the requirements of clause (2) above have not been met: 12 hours of aerial flight.

(4) For fractions of a calendar month, the time of aerial flight

required shall bear the same ratio to the time required for a full calendar month as the period in question bears to a full calendar month.

(5) For fractions of two consecutive calendar months, the period in question shall be considered as a unit and the time of aerial flight required shall bear the same ratio to the time required for a full calendar month as the period in question bears to a full calendar month.

(6) Whenever, under authority conferred by the Secretary concerned, the commanding officer of any member who has been required by competent orders to participate frequently and regularly in aerial flights, other than glider flights, certifies that on account of military operations of the particular command or on account of the unavailability of aircraft such member was unable to perform the aerial flights required by this section, such member may comply with the minimum flight requirements by performing at least 24 hours of aerial flight over a period of six consecutive calendar months, and such requirements may be met at any time during such period.

(b) Minimum flight requirements for members of reserve components of the uniformed services on inactive-duty training who may qualify for incentive pay under the provisions of section 301(f) of title 37, United States Code:

(1) During one calendar month: 2 hours of aerial flight; however, hours of aerial flight performed during the immediately preceding five calendar months and not already used to qualify for incentive

pay may be applied to satisfy the aerial flight requirement for that month.

(2) During any two consecutive calendar months, when the requirements of clause (1) above have not been met: 4 hours of aerial flight.

(3) During any three consecutive calendar months when the requirements of clause (2) above have not been met: 6 hours of aerial flight.

(4) For fractions of a calendar month, the time of aerial flight required shall bear the same ratio to the time required for a full calendar month as the period in question bears to a full calendar month.

(5) For fractions of two consecutive calendar months, the period in question shall be considered as a unit and the time of aerial flight required shall bear the same ratio to the time required for a full calendar month as the period in question bears to a full calendar month.

(c) Minimum flight requirements for members of reserve components of the uniformed services who perform both active-duty and inactive-duty training during the same calendar month and who may qualify for incentive pay under the provisions of both sections 301(a) and 301(f) of title 37 of the United States Code:

(1) For periods of active duty, those prescribed by clause (4) of subsection (a) of this section.

(2) For periods of inactive-duty training, those prescribed by clause (4) of subsection (b) of this section.

However, the total flight requirements as determined by clauses (1) and (2) of this subsection may be met at any time during such calendar month –

(i) on inactive–duty training, or

(ii) on active–duty and inactive–duty training, if the inactive–duty flight requirement for such month has been met.

Sec. 105. Members shall not be entitled to receive incentive pay for participation in aerial flights for any period while suspended from such participation, unless such suspension is subsequently removed and the minimum flight requirements prescribed in section 104 hereof have been complied with, except as otherwise provided in section 110 and 114 hereof.

Sec. 106. (a) As determined by the Secretary of the Navy, a member who is entitled to basic pay, who holds or is in training leading to a submarine duty designator, and who is in and remains in the submarine service on a career basis, is entitled to continuous monthly submarine duty incentive pay, subject to the performance of the required number of years of operational submarine duty (37 U.S.C. 301c(a)(3)–(4)), except as provided by 37 U.S.C. 301c(c).

(b) As determined by the Secretary of the Navy, a member who is entitled to basic pay but is not entitled to continuous monthly submarine duty incentive pay is entitled to submarine duty incentive pay for any period during which such member performs frequent and regular operational submarine duty required by orders.

(c) To the extent provided for by appropriations, a member of the

Naval Reserve who is entitled to compensation under Section 206 of Title 37 of the United States Code, and who performs, under orders, duty on a submarine during underway operations, is eligible for an increase in such compensation equal to one-thirtieth of the monthly submarine duty incentive pay for the performance of that duty by a member of a corresponding grade and years of service who is entitled to basic pay when those orders specify such increased entitlement. Such member is eligible for the increase for each day served, for as long as he is qualified for it, during each regular period of appropriate duty.

(d) The Secretary of the Navy is hereby designated and empowered to issue additional implementing regulations with respect to entitlement of regular and reserve officers and enlisted members of the Navy to submarine duty incentive pay, or continuous monthly submarine duty incentive pay.

Sec. 107. (a) Members who are qualified as glider personnel under such regulations as the Secretary concerned may prescribe, or who are undergoing training for such qualification, and who are required by competent orders to participate frequently and regularly in glider flights shall be required to perform one or more glider flights, without regard to duration thereof, during any three consecutive calendar months in order to be entitled to receive incentive pay for such period.

(b) Whenever, under authority conferred by the Secretary concerned, the commanding officer of any member who has been required by competent orders to participate frequently and

regularly in glider flights certifies that on account of the absence or inadequacy of glider equipment or towing aircraft or other means of propulsion, or on account of military operations of the particular command, such member was unable to perform the glider flights required by this section, such member may comply with the minimum flight requirements by performing four or more glider flights, without regard to duration thereof, during a period of 12 consecutive calendar months, and such requirements may be met at any time during such period.

(c) Members of reserve components of the uniformed services who have complied with the requirement prescribed in this section shall be entitled to receive incentive pay for both active-duty and inactive-duty training performed during such period.

Sec. 108. (a) As used in section 301(a) of title 37 of the United States Code, the term "duty involving parachute jumping as an essential part of military duty" shall be construed to mean duty performed by members who, under such regulations as the Secretary concerned may prescribe, have received a rating as a parachutist or parachute rigger, or are undergoing training for such a rating, and who are required by competent orders to engage in parachute jumping from an aircraft in aerial flight.

(b) Members required by competent orders to engage in parachute jumping shall be required to perform one or more parachute jumps from an airplane in flight during any three consecutive calendar months in order to be entitled to receive incentive pay for such period.

(c) Whenever, under authority conferred by the Secretary concerned, the commanding officer of any member who has been required by competent orders to participate in parachute jumping certifies that on account of the absence of jump equipment or aircraft or on account of military operations of the particular command such member was unable to make the jumps required by this subsection, such member may comply with the minimum requirements by performing four jumps during a period of 12 consecutive calendar months, and such requirements may be met at any time during such period. The minimum requirements may be waived by the commanding officer of a member for any period that the member is unable to perform the required jumps by reason of being engaged in combat operations in a hostile fire area designated under Section 310 of Title 37 of the United States Code.

(d) Members of reserve components of the uniformed services who have complied with requirements prescribed in this section shall be entitled to receive incentive pay for both active-duty and inactive-duty training performed during such period.

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

(a) The term "duty involving intimate contact with persons afflicted with leprosy" shall be construed to mean duty performed by any member who is assigned by competent orders to a leprosarium for the performance of duty for a period of 30 days or more or for a period of instruction, whether or not such leprosarium is under the jurisdiction of one of the uniformed services.

(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.

(c) The term "duty inside a high- or low-pressure chamber" shall be construed to mean duty performed within pressure chambers at physiological facilities by members assigned to that duty.

(d) The term "duty as human acceleration or deceleration experimental subject" shall be construed to mean duty performed by members exposed as human acceleration or deceleration experimental subjects utilizing experimental acceleration or deceleration devices.

(e) The term "duty as human test subject in thermal stress experiments" shall be construed to mean duty performed by members

exposed as human thermal experimental subjects in thermal stress experiments conducted under the supervision of any laboratory designated by the Secretary concerned.

(f) The term "duty 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" shall be construed to mean duty performed by members who are designated for and ordered to such duty by competent authority from among the crew of a ship from which aircraft are launched or an aviation unit operating from that type of ship, and who, in any calendar month (1) participate in flight operations on the flight deck during a minimum of four days, or (2) participate, on the flight deck, in a minimum number of aircraft launches or recoveries, or both, that is prescribed by the Secretary concerned as the equivalent of participation under clause (1). No member shall be entitled, however, to receive the pay provided for in this subsection if, during any month or portion thereof, he is also eligible to receive incentive pay for other hazardous duty under the provisions of Section 301 of Title 37, United States Code.

(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 cleanup 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. The use of solid fumigant formulations, such as aluminum phosphide, magnesium phosphide and calcium cyanide, in the outdoor control of burrowing animals does not qualify a member for incentive pay under this subsection.

(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.

(j) The term "the handling of chemical munitions (or components of such munitions)" shall be construed to mean duty performed by members as a primary duty which routinely requires (1) direct physical handling of toxic chemical munitions incident to storage, maintenance, testing, surveillance, assembly, disassembly,

demilitarization, or disposal of said munitions; (2) direct physical handling of chemical surety material, as defined by the Secretary concerned, incident to manufacture, storage, testing, laboratory analysis, detoxification, or disposal of said material; (3) direct physical handling of toxic chemical munitions incident to technical escort of shipments of said munitions; (4) direct physical handling of chemical surety material, as defined by the Secretary concerned incident to technical escort of shipments of said material. The term does not include the handling of the individual components of binary chemical agents or munitions. The term does not include user handling incident to loading, firing, or otherwise launching the toxic chemical munitions nor field storage operations during hostilities. The term also excludes the handling of Research, Development, Testing and Evaluation Dilute Solutions of toxic chemicals as defined by the Secretary concerned. It also excludes the handling of riot control agents, chemical defoliants and herbicides, smoke, flame and incendiaries, and industrial chemicals. The entitlement to the pay provided for in this subsection is based upon the performance of such duty that has the potential for accidental exposure to chemical agents and not upon actual quantifiable exposure to such agents. Therefore, neither the construction of the term nor the receipt of pay provided for in this subsection may be construed as indicating that any person entitled to such pay actually has been exposed to chemical agents contrary to the provisions of any statute, executive order, rule, or regulations relating to the health and safety which is

applicable to the uniformed services.

Sec. 110. Any member who is required by competent orders to perform hazardous duty, or multiple hazardous duties, and who becomes injured or otherwise incapacitated as a result of the performance of any such hazardous duty, by aviation accident or otherwise, shall be deemed to have fulfilled all of the requirements for the performance of all hazardous duties which he is required by competent orders to perform, for a period not to exceed three months following the date as of which such incapacity is determined by the appropriate medical authority.

Sec. 111. Members required by competent orders to perform hazardous duty shall, upon compliance with the requirements of these regulations, be entitled to receive incentive pay during authorized leaves of absence.

Sec. 112. Under such regulations as the Secretary concerned may prescribe, a member who performs multiple hazardous duties under competent orders may be paid not more than two payments of incentive pay for a period of time during which he qualifies for more than one such payment. Dual payments of incentive pay shall be limited to those members who are required by competent orders to perform specific multiple hazardous duties in order to carry out their assigned missions.

Sec. 113. The Secretaries concerned are hereby authorized to prescribe such supplementary regulations not inconsistent herewith as they may deem necessary or desirable for carrying out these regulations, and such supplementary regulations shall be uniform

for all the services to the fullest extent practicable.

Sec. 114. Under such regulations as the Secretary of Defense and the Secretary of Transportation may prescribe with respect to enlisted members within their respective jurisdictions, any enlisted member who has been required by competent orders to perform duty as a crew member involving frequent and regular participation in aerial flight shall, if he is involuntarily removed from the performance of that duty, under circumstances prescribed by such regulations with less than 120 days' advance notice, be deemed to have fulfilled all of the requirements for payment of incentive pay under section 301(a)(1) or (f) of title 37 of the United States Code, for that duty for up to 120 days after the date on which he was notified of such removal.

PART II – SPECIAL PAY FOR SEA DUTY AND DUTY AT CERTAIN PLACES

Sec. 201. (a) The following members of a uniformed service who are entitled to receive basic pay shall be entitled to receive, additionally, career sea pay while on sea duty:

- (1) enlisted members who are in pay grade E-4 or above,
- (2) warrant officers,
- (3) commissioned officers in pay grade O-3 or above who have over three years of sea duty, and
- (4) commissioned officers in pay grades O-1 and O-2 with at least four years active service as enlisted members or as noncommissioned warrant officers and over three years of sea duty.

(b) The period of sea duty shall include the date of reporting and the date of detachment as stated in orders. Career sea pay

shall be at the rates prescribed in Section 305a of Title 37 of the United States Code.

Sec. 202. A member of a uniformed service who is entitled to career sea pay and who has served 36 consecutive months of sea duty as such period is computed under regulations of the Secretary concerned, is entitled to a monthly career sea pay premium for the thirty–seventh consecutive month and each subsequent consecutive month of sea duty service by such member when such member is entitled to career sea pay. In the regulations published by the Secretary concerned, the term "consecutive months of sea duty" may be defined to include periods during which a member is serving in or under orders to duties, service in which qualifies the member for career sea pay, either periodically or continuously during assignment to such duties. Examples of such periods are periods of service as a member of a two crewed submarine or fleet aviation units assigned to ships, or periods for training, hospitalization, or other periods of a similar nature.

Sec. 203. The Secretaries concerned (within the meaning of section 101(5) of title 37, United States Code) with respect to personnel of the uniformed service within their respective departments, are hereby authorized to prescribe such supplementary regulations, not inconsistent herewith, as they may deem necessary or desirable for carrying out the provisions of sections 305 and 305a of title 37 and this Executive Order. Such regulations shall be uniform for all the services to the fullest extent possible.

Sec. 204. Enlisted members entitled to receive basic pay shall be

entitled to receive, additionally, pay at the rates prescribed by section 305(a) of title 37 of the United States Code while on duty at places that are outside the 48 contiguous States and the District of Columbia and that are designated for this purpose by the Secretary of Defense or, in the case of enlisted members of the Coast Guard when it is not operating as a service in the Navy, by the Secretary of Transportation. Subject to provisions of section 305 of title 37 of the United States Code, an enlisted member who is permanently assigned to duty at a place so designated is entitled to receive that pay during a period of authorized leave, temporary additional duty, temporary duty, or hospitalization or while on an operational aircraft flight, but not more than 30 days while he is away from that place. Enlisted members shall be entitled to special pay under this section when attached to ships undergoing repair and overhaul in designated foreign-duty areas for extended periods when entitlement to special pay for sea duty has been terminated. Such enlisted members shall be entitled to special pay for sea duty under the same conditions as an enlisted member on temporary additional duty or temporary duty in that designated foreign-duty area.

Sec. 205. Unless otherwise entitled to special pay in accord with the second sentence of section 204 hereof, during periods spent on temporary additional duty or temporary duty or on operational aircraft flights, pay in accord with section 204 shall accrue to enlisted members only for periods of eight continuous days or more in duration at one or more places designated, including the dates

of arrival at and the dates of departure from those places.

Sec. 206. (a) No enlisted member shall be entitled under this order to receive both career sea pay and pay for duty prescribed in sections 204 and 205 hereof for the same period of time.

(b) [Deleted by Ex. Ord. No. 12274, Jan. 16, 1981, 46 F.R. 5855]

PART III – BASIC ALLOWANCES FOR SUBSISTENCE

Sec. 301. Enlisted members who are being subsisted in kind in a mess and whose duties require them to be absent from their station during one or more meals shall be entitled for each such meal to a prorated share of the daily basic allowance for subsistence authorized for members on duty at stations where rations in kind are not available. The Secretary of Defense, the Secretary of Transportation, and the Secretary of Commerce are hereby authorized to establish the amount of the prorated share of the daily basic allowance for subsistence applicable to each one of the three daily meals, which amount shall be uniform for all the services concerned. The total of the amounts of the shares for the three daily meals shall not exceed the amount of the basic daily allowance for subsistence authorized by section 402 of title 37 of the United States Code.

Sec. 302. The Secretary of Defense, the Secretary of Transportation, the Secretary of Commerce, and the Secretary of Health and Human Services with respect to the personnel of the uniformed services within their respective agencies, are hereby authorized, subject to the provisions of section 303 hereof, to prescribe such supplemental regulations, inconsistent herewith, as

they may deem necessary or desirable for carrying out the provisions of this part and of the said section 402 of title 37 of the United States Code: Provided, That such regulations shall be uniform so far as practicable for all the services concerned.

Sec. 303. As used in regulations prescribed pursuant to section 302 hereof, those terms of the said section 402 of title 37 of the United States Code which are quoted in the subsections of this section shall have the meaning or application stated with respect thereto:

(a) The term "entitled to receive basic pay" shall be considered applicable to members while they are on the active list or while they are required to perform duty in accordance with law for which they are entitled to basic pay: Provided, that such term shall not be applicable to any member while absent from duty under conditions which, under laws governing the particular service concerned, would prevent him from receiving full basic pay.

(b) The term "when rations in kind are not available" shall be considered applicable in the case of enlisted members on duty at stations where it is determined, in accordance with regulations prescribed pursuant to section 302 hereof, that it is impracticable for subsistence in kind to be furnished by the United States.

(c) The term "when permission to mess separately is granted" shall be considered applicable in the case of enlisted members on duty at stations or while sick in hospitals where a mess for subsisting enlisted members is available and when such enlisted members are authorized to subsist themselves independently. Such

term shall also be considered applicable in the case of enlisted members during all periods of authorized leave, including periods of leave or delay while en route between duty stations.

(d) The term "when assigned to duty under emergency conditions where no messing facilities of the United States are available" shall be considered applicable in the case of enlisted members assigned to duty under conditions requiring extraordinary expenses for subsistence as determined in accordance with regulations prescribed pursuant to section 302 hereof.

(e) the term "field duty" for purposes of the third sentence of subsection (b) of Section 402 of Title 37, United States Code, shall mean service by a member when the member is subsisted in a Government mess or with an organization drawing field rations, and the member is serving with troops on maneuvers, war games, field exercises, or similar types of operations.

(f) the term "sea duty" for purposes of the third sentence of subsection (b) of Section 402 of Title 37, United States Code, shall mean service performed by a 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.

PART IV – BASIC ALLOWANCE FOR QUARTERS

Sec. 401. As used in this part:

(a) The term "entitled to receive basic pay" shall apply to a member while on the active list or while required to perform duty in accordance with law for which he is entitled to basic pay:

Provided, That such term shall not apply to any member while absent

from duty under conditions which, under laws governing the particular service concerned, would prevent him from receiving full basic pay.

(b) The term "field duty" shall mean service with troops on maneuvers, war games, field exercises, or similar types of operations.

(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.

(d) The term "permanent station" shall mean the place on shore where a member is assigned to duty, or the home yard or the home port of a ship in which a member is required to perform duty, under orders in each case which do not in terms provide for the termination thereof; and any station on shore or any receiving ship where a member is assigned and in fact occupies, with his dependents, if any, quarters under the jurisdiction of any of the uniformed services shall also be deemed during such occupancy to be his permanent station: Provided, That in the case of members of the National Guard, the Air National Guard or reserve components of any of the uniformed services on active duty for training, the place where the training duty is being performed shall be deemed to be the permanent station of such members for the purposes of these

regulations.

(e) The term "deployed" shall apply to time during which the unit is at sea or in a port more than 50 miles from its home port; provided, however, time during which the unit is in a port for overhaul or extended repairs is not to be considered deployed time.

Unanticipated overhauls or extended repairs which occur during a period scheduled as extended deployment in the mission assignment of the ship is time deployed unless otherwise classified by appropriate command authority.

(f) [Deleted by Ex. Ord. No. 12541, Dec. 30, 1985, 51 F.R. 585]
Sec. 402. Except as otherwise by statute heretofore or hereafter provided, a member shall be entitled to payment of basic allowances for quarters, in accordance with these regulations and any regulations prescribed pursuant hereto, during such time or times as he is entitled to receive basic pay.

Sec. 403. (a) Any quarters of housing facilities under the jurisdiction of any of the uniformed services in fact occupied without payment of rental charges (1) by a member and his dependents, or (2) by a member without dependents, or (3) by the dependents of a member on field duty or on sea duty or on duty at a station where adequate quarters are not available for his dependents, shall be deemed to have been assigned to such member as appropriate and adequate quarters, and no basic allowance for quarters shall accrue to such member under such circumstances unless the occupancy (A) occurs while such member is in a duty or leave status incident to a change of permanent station and is of a

temporary nature under standards prescribed by regulations issued by the Secretary of Defense in the case of members of the Army, Navy, Air Force, or Marine Corps, and the reserve components thereof, or by the appropriate Secretary in the case of members of the other uniformed services, or (B) occurs while such member is in a duty or leave status not incident to a change of permanent station and does not exceed thirty consecutive days at one location: Provided, That occupancy of quarters under such circumstances for a period in excess of such 30-day period or such other temporary period as may be authorized under standards prescribed by regulations issued by the Secretary concerned shall not result in a forfeiture of basic allowance for quarters for such 30-day or other authorized period: Provided, further, That this paragraph shall not apply to occupancy of quarters as a guest of another member.

(b) Whenever the President exercises his authority under Section 1009(c) of Title 37 of the United States Code, to allocate up to 25 percent of certain increases in basic pay to basic allowances for quarters, a member without dependents who, under Section 403(b) or (c) of that title, is not entitled to a basic allowance for quarters shall become entitled to a portion of such basic allowance for quarters. The amount of such partial basic allowance for quarters shall equal the amount of any increases in basic pay which are allocated by the President to the basic allowance for quarters.

(c) For purposes of Section 403 of Title 37 of the United States Code, a member shall be deemed to be living in a "high housing cost

area" whenever the average monthly cost of housing, including utilities, for housing appropriate for the member's grade, exceeds 115 percent of the amount of the basic allowance for quarters of that member.

(d) During fiscal year 1981, members may be paid variable housing allowance as permitted by Section 4(c) of the Military Personnel and Compensation Amendments of 1980 (94 Stat. 1125; Public Law 96-343; 37 U.S.C. 403 note); a member shall be deemed to be living in a "high housing cost area" whenever the estimated average monthly cost of housing, including utilities, appropriate for the member's grade, exceeds 115 percent of the amount of the basic allowance for quarters of that member.

Sec. 404. When adequate quarters for his dependents are not available for assignment at his permanent station to a member with dependents, he may occupy quarters of the United States designated for members without dependents without affecting his right to receive payment of basic allowances for quarters, if permitted or required to occupy quarters at such station. Under such circumstances, a member may not occupy quarters of the United States which exceed the minimum standards for members of his grade without dependents, as prescribed by the Secretary concerned, unless the only quarters available (a) exceed the minimum standards, and (b) are made available for joint occupancy with other members.

Sec. 405. A member away from his permanent station may occupy quarters of the United States designated for members without

dependents at his temporary duty station without affecting his right to receive payment of basic allowances for quarters or assignment of quarters, if any, at his permanent station. Under such circumstances, a member may not occupy quarters of the United States which exceed the minimum standards for members of his grade without dependents, as prescribed by the Secretary concerned, unless the only quarters available (a) exceed the minimum standards, and (b) are made available for joint occupancy with other members.

Sec. 406. A member serving outside the United States, its territories, or possessions in a duty assignment which has official or diplomatic responsibilities involving officials of foreign governments may be assigned quarters in excess of the minimum standards set forth in sections 404 and 405 hereof, as prescribed by the Secretary concerned: Provided, That no such quarters shall be available on a continuous basis for single occupancy, if such quarters are otherwise adequate for assignment as family housing to members of similar rank.

Sec. 407. The Secretaries concerned (within the meaning of section 101(5) of title 37 of the United States Code), with respect to personnel of the uniformed services within their respective departments, are hereby authorized to prescribe such supplementary regulations not inconsistent herewith as they may deem necessary or desirable for carrying out these regulations, and such supplementary regulations shall be uniform for all the services to the fullest extent practicable.

PART V – GENERAL PROVISIONS

Sec. 501. For the purpose of these regulations, the terms defined in sections 101 and 401 of title 37 of the United States Code shall have the meanings prescribed therein.

Sec. 502. The following Executive orders are revoked:

- (a) Executive Order No. 10119 of March 27, 1950.
- (b) Executive Order No. 10152 of August 17, 1950.
- (c) Executive Order No. 10168 of October 11, 1950.
- (d) Executive Order No. 10204 of January 15, 1951.
- (e) Executive Order No. 10605 of April 22, 1955.
- (f) Executive Order No. 10618 of June 28, 1955.
- (g) Executive Order No. 10681 of October 22, 1956.
- (h) Executive Order No. 10739 of November 15, 1957.
- (i) Executive Order No. 10821 of May 20, 1959.
- (j) Executive Order No. 10892 of November 8, 1960.
- (k) Executive Order No. 10989 of January 22, 1962.
- (l) Executive Order No. 11120 of October 2, 1963.
- (m) Executive Order No. 11146 of March 13, 1964.

~~–SECRET–~~

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 301a, 304, 320, 552, 907, 1012 of this title.

~~–FOOTNOTE–~~

(!1) So in original. The comma probably should not appear.

~~–End–~~

~~–CITE–~~

~~–EXPCITE–~~

TITLE 37 – PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

CHAPTER 5 – SPECIAL AND INCENTIVE PAYS

~~–HEAD–~~

Sec. 301a. Incentive pay: aviation career

~~–STATUTE–~~

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

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

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

him. A flight surgeon or other medical officer who is entitled to basic pay, holds an aeronautical rating or designation, and is qualified for aviation service under regulations prescribed by the Secretary concerned, is not entitled to continuous monthly incentive pay but is entitled to monthly incentive pay in the amounts set forth in subsection (b) for the frequent and regular performance of operational flying duty.

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

(5) If upon completion of either 12 or 18 years of aviation service it is determined that an officer has failed to perform the minimum prescribed operational flying duty requirements during the prescribed periods of time, his entitlement to continuous monthly

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

(6) In this section:

(A) The term "aviation service" means service performed by an officer (except a flight surgeon or other medical officer) while holding an aeronautical rating or designation or while in training to receive an aeronautical rating or designation.

(B) The term "operational flying duty" means flying performed

under competent orders by rated or designated members while serving in assignments in which basic flying skills normally are maintained in the performance of assigned duties as determined by the Secretary concerned, and flying performed by members in training that leads to the award of an aeronautical rating or designation.

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

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

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

Years of aviation service (including monthly rate flight training) as an officer:

2 or less \$125

Over 2 \$156

Over 3 \$188

Over 4 \$206

Over 6 \$650

Over 14 \$840

Over 22 \$585

Over 23 \$495

Over 24 \$385

Over 25 \$250

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

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

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

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

(4) An officer serving as an air battle manager who is entitled to aviation career incentive pay under this section and who, before becoming entitled to aviation career incentive pay, was entitled to incentive pay under section 301(a)(11) of this title, shall be paid the monthly incentive pay at the higher of the following rates:

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

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

(c) In time of war, the President may suspend the payment of

aviation career incentive pay.

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

[(e) Repealed. Pub. L. 101-510, div. A, title XIII, Sec.

1322(c)(1), Nov. 5, 1990, 104 Stat. 1672.]

(f) The Secretary of Defense shall submit annually to Congress a report specifying for the year covered by the report –

(1) the total number of officers who were determined under subsection (a)(5) to have failed to perform the minimum prescribed operational flying duty requirements;

(2) the number of those officers who continued to receive

continuous monthly incentive pay despite their failure to perform the minimum prescribed operational flying duty requirements and the extent to which they failed to perform those requirements; and

(3) the reasons for the exercise of the authority under the second sentence of subsection (a)(5) in the case of each officer specified pursuant to paragraph (2).

–SOURCE–

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

2314.)

–MISC1–

AMENDMENTS

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

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

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

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

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

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

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

1997 – Subsec. (b)(1). Pub. L. 105–85, Sec. 615(b), substituted "22 years" for "18 years" in two places in provisions after phase

II table.

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

"Over 14 840";

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

"PHASE II

'Years of service as an officer: Monthly rate

"Over 22 585

"Over 23 495

"Over 24 385

"Over 25 250",

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

1996 – Subsec. (a)(4). Pub. L. 104–106, Sec. 616(a), substituted

"8" for "9" before "of the first 12".

Subsec. (a)(5). Pub. L. 104–106, Sec. 616(b), inserted "The

Secretary concerned may not delegate the authority in the preceding sentence to permit the payment of incentive pay under this subsection." after second sentence.

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

Amendment note below.

1991 – Pub. L. 102–25 struck out "of this section" wherever

appearing and struck out "of this subsection" in subsec. (b)(2).

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

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

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

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

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

years of aviation service."

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

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

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

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

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

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

1981 – Subsec. (a)(4). Pub. L. 97–60, Sec. 112(a), inserted provision that entitlement to continuous monthly incentive pay ceases for an officer (other than a warrant officer) upon

completion of 25 years of service as an officer (as computed under section 205 of this title), but such an officer in a pay grade below pay grade O-7 remains entitled to monthly incentive pay under subsection (b)(1) of this section for the performance of operational flying duty.

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

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

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

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

1976 – Subsec. (e). Pub. L. 94-273 substituted "October" for "July".

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section

1704(g) of Pub. L. 107–296, set out as a note under section 101 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1999 AMENDMENT

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

EFFECTIVE DATE OF 1997 AMENDMENT

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

EFFECTIVE DATE OF 1993 AMENDMENT

Section 204(c) of Pub. L. 103–35 provided that the amendment made by that section is effective Nov. 29, 1989.

EFFECTIVE DATE OF 1989 AMENDMENT; TRANSITION

Section 631(e), (f) of Pub. L. 101–189 provided that:

"(e) Effective Date. – (1) Except as provided in paragraph (2), the amendments made –

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

"(B) by subsections (a), (b), and (d) [amending this section]

shall take effect on October 1, 1991.

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

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

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

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

"(B) has performed, or subsequently performs, the prescribed operational flying duties (including flight training but excluding proficiency flying) during the number of years of

aviation service specified in column 2 of such table and corresponding to the number of years of aviation service applicable to the officer under column 1, shall be entitled to continuous monthly incentive pay at the rates provided in section 301a(b) of title 37, United States Code (as amended by this section)[,] until the officer completes the years of service as an officer specified in column 3 of such table and applicable to the officer.

"TABLE

COLUMN 1 COLUMN 2 COLUMN 3

Number of years Number of years Entitlement to
of aviation performing continuous monthly
service operational flying incentive pay through
duty the following year of
officer service

6 or more At least 6 of the 18
first 12 years of
aviation service

6 or more At least 9 but less 22
than 11 of the first
18 years of aviation
service

6 or more At least 6 of the 25
first 12 and at least

11 of the first 18

years of aviation

service

At least 6 but Less than 6 and 18

less than 12 subsequently

completes 6 of the

first 12 and 9 of the

first 15 years of

aviation service

At least 12 but Less than 9 and 22

less than 18 subsequently

completes 9 of the

first 18 years of

aviation service

At least 12 but Less than 11 and 25

less than 18 subsequently

completes 11 of the

first 18 years of

aviation service

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

EFFECTIVE DATE OF 1986 AMENDMENT

Section 632(b) of Pub. L. 99-661 provided that: "The amendments

made by subsection (a) [amending this section] shall apply only with respect to those members of the Armed Forces who are aviation cadets on or after the date of the enactment of this Act [Nov. 14, 1986]. Service as an aviation cadet before that date shall not be counted for any purpose under section 301a of title 37, United States Code."

EFFECTIVE DATE OF 1981 AMENDMENT

Section 112(c) of Pub. L. 97-60 provided that: "The amendments made by this section [amending this section] shall take effect as of October 1, 1981."

EFFECTIVE DATE OF 1980 AMENDMENT

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

EFFECTIVE DATE

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

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

Section 4 of Pub. L. 93-294 provided that: "Notwithstanding the amendments made by this Act [enacting this section and amending section 301 of this title], an officer who was entitled to incentive pay under section 301(a)(1) of title 37, United States

Code, on May 31, 1973, or on the day before the effective date of this Act [June 1, 1974], if otherwise qualified on the day before the effective date of this Act, is entitled to monthly incentive pay as prescribed in either clause (1) or (2) of this section, as follows:

"(1) If he is credited with 6 or less years of aviation service as an officer, and with less than 12 years of service as an officer, he is entitled to monthly incentive pay either –

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

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

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

"(2) If he is credited with more than 6 years of aviation service as an officer, or less than 6 years of aviation service but more than 12 years of service as an officer, he may receive monthly incentive pay at the rate prescribed in the table in section 301a(b) of title 37, United States Code, as added by this Act, that is applicable to him, or \$165, whichever is greater, for not more than 36 months after the effective date of this Act [June 1, 1974], notwithstanding the provisions of section 301a(a) of that title, as added by this Act, with respect to prescribed operational flying duties (including flight training but excluding proficiency flying). However, under this clause, an officer who is assigned to the pay grade O-7 on the effective date of this Act, or is promoted to the pay grade O-7 during the 36-month period following the effective date of this Act, may not receive more than \$160 per month while assigned to that grade. The amount to which a reserve officer who is entitled to compensation under section 206 of title 37, United States Code, is entitled under this section is governed by the provisions of section 301a(d) of that title, as added by this Act."

ANNUAL REPORT BY DEPARTMENT OF DEFENSE

Section 5 of Pub. L. 93-294 provided that: "A yearly report containing such data as necessary to monitor the progress of this bill [Pub. L. 93-294] shall be made by the Department of Defense in cooperation with the Senate and House Armed Services Committees and released publicly."

-EXEC-

EX. ORD. NO. 11800. DELEGATION OF PRESIDENT'S AUTHORITY

Ex. Ord. No. 11800, Aug. 17, 1974, 39 F.R. 30103, as amended by Ex. Ord. No. 12608, Sept. 9, 1987, 52 F.R. 34617; Ex. Ord. No. 13286, Sec. 58, Feb. 28, 2003, 68 F.R. 10629, provided:

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States and Commander in Chief of the Armed Forces of the United States, it is hereby ordered as follows:

Section 1. The Secretary of Defense, the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, the Secretary of Commerce and the Secretary of Health and Human Services, with respect to members of the uniformed service under their respective jurisdictions, are hereby designated and empowered to exercise, without approval, ratification, or other action by the President, the functions vested in the President by section 301a of title 37 of the United States Code, as added by section 2(3) of the Aviation Career Incentive Act of 1974 (Public Law 93-294; 88 Stat. 177) with respect to entitlement of regular and reserve officers of the uniformed services, including flight surgeons and other medical officers, to aviation career incentive pay for the frequent and regular performance of operational or proficiency flying duty.

Sec. 2. This order is effective as of June 1, 1974.

–SECRET–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 301, 301b, 312c of this

title.

–End–

–CITE–

37 USC Sec. 301b 01/06/03

–EXPCITE–

TITLE 37 – PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

CHAPTER 5 – SPECIAL AND INCENTIVE PAYS

–HEAD–

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

–STATUTE–

(a) Bonus Authorized. – An aviation officer described in subsection (b) who, during the period beginning on January 1, 1989, and ending on December 31, 2003, executes a written agreement to remain on active duty in aviation service for at least one year may, upon the acceptance of the agreement by the Secretary concerned, be paid a retention bonus as provided in this section.

(b) Covered Officers. – An aviation officer referred to in subsection (a) is an officer of a uniformed service who –

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

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

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

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

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

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

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

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

(g) Repayment of Bonus. – (1) If an officer who has entered into a written agreement under subsection (a) and has received all or part of a retention bonus under this section fails to complete the total period of active duty specified in the agreement, the Secretary concerned may require the officer to repay the United States, on a pro rata basis and to the extent that the Secretary determines conditions and circumstances warrant, all sums paid under this section.

(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

(3) A discharge in bankruptcy under title 11 that is entered less

than 5 years after the termination of a written agreement entered into under subsection (a) does not discharge the officer signing the agreement from a debt arising under such agreement or under paragraph (1).

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

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

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

(j) Definitions. – In this section:

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

(2) The term "operational flying duty" has the meaning given

such term in section 301a(a)(6)(B) of this title.

–SOURCE–

(Added Pub. L. 96–342, title VIII, Sec. 806(a)(i), Sept. 8, 1980, 94 Stat. 1095; amended Pub. L. 97–60, title I, Sec. 113, Oct. 14, 1981, 95 Stat. 995; Pub. L. 98–94, title IX, Sec. 904(a), Sept. 24, 1983, 97 Stat. 635; Pub. L. 98–525, title VI, Sec. 622(a), Oct. 19, 1984, 98 Stat. 2540; Pub. L. 99–145, title VI, Sec. 636, Nov. 8, 1985, 99 Stat. 648; Pub. L. 99–661, div. A, title VI, Sec. 631(a), Nov. 14, 1986, 100 Stat. 3883; Pub. L. 100–180, div. A, title VI, Sec. 622(a), Dec. 4, 1987, 101 Stat. 1100; Pub. L. 101–189, div. A, title VI, Sec. 632(a), Nov. 29, 1989, 103 Stat. 1451; Pub. L. 102–190, div. A, title VI, Sec. 612(a)(1), Dec. 5, 1991, 105 Stat. 1376; Pub. L. 102–484, div. A, title VI, Sec. 612(c), title X, Sec. 1054(a)(1), Oct. 23, 1992, 106 Stat. 2421, 2502; Pub. L. 103–160, div. A, title VI, Sec. 613(a), Nov. 30, 1993, 107 Stat. 1681; Pub. L. 103–337, div. A, title VI, Sec. 613(a), Oct. 5, 1994, 108 Stat. 2783; Pub. L. 104–106, div. A, title VI, Sec. 613(a), title XV, Sec. 1502(b), Feb. 10, 1996, 110 Stat. 359, 506; Pub. L. 104–201, div. A, title VI, Sec. 613(a), Sept. 23, 1996, 110 Stat. 2544; Pub. L. 105–85, div. A, title VI, Secs. 613(a), 616(a)–(d), Nov. 18, 1997, 111 Stat. 1786, 1787; Pub. L. 105–261, div. A, title VI, Secs. 613(a), 615(a)(2), (c)(2), Oct. 17, 1998, 112 Stat. 2039–2041; Pub. L. 106–65, div. A, title VI, Secs. 613(a), 615(a)–(f), title X, Sec. 1067(2), Oct. 5, 1999, 113 Stat. 650, 651, 774; Pub. L. 106–398, Sec. 1 [[div. A], title VI, Sec. 623(a), title X, Sec. 1087(b)(1)], Oct. 30, 2000, 114 Stat. 1654,

1654A–151, 1654A–291; Pub. L. 107–107, div. A, title VI, Secs. 614(a), 616(a), Dec. 28, 2001, 115 Stat. 1136; Pub. L. 107–314, div. A, title VI, Sec. 614(a), Dec. 2, 2002, 116 Stat. 2568.)

–MISC1–

AMENDMENTS

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

2001 – Subsec. (a). Pub. L. 107–107, Sec. 614(a), substituted "December 31, 2002" for "December 31, 2001".

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

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

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

1999 – Subsec. (a). Pub. L. 106–65, Sec. 613(a), substituted "December 31, 2000," for "December 31, 1999,".

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

Subsec. (b)(3). Pub. L. 106–65, Sec. 615(a)(4), redesignated par.

(4) as (3). Former par. (3) redesignated (2).

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

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

(6) as (4). Former par. (4) redesignated (3).

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

Subsec. (b)(5). Pub. L. 106–65, Sec. 615(a)(1), struck out par.

(5) which read as follows: "has completed at least six but less than 13 years of aviation service; and".

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

(6) as (4).

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

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

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

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

Subsec. (g)(3). Pub. L. 106–65, Sec. 615(f), struck out at end

"This paragraph applies to any case commenced under title 11 after

January 1, 1989."

Subsec. (i)(1). Pub. L. 106–65, Sec. 615(d), struck out last sentence which read as follows: "Each report shall include – "(A) a comparison of the cost of paying bonuses to officers who enter into an agreement for the period referred to in subsection (c)(1) with the cost of paying bonuses to officers who enter into an agreement for a period referred to in subsection (c)(2); and "(B) a description of the increase in the retention of qualified aviators as a result of the program."

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

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

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

"(3) The term 'critical aviation specialty' means an aviation specialty in which there exists a shortage of officers on the date of designation under subsection (b)."

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

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

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

1997 – Subsec. (a). Pub. L. 105–85, Sec. 613(a), substituted "September 30, 1999" for "September 30, 1998".

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

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

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

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

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

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

Subsec. (i)(2). Pub. L. 104–106, Sec. 1502(b), substituted "Committee on Armed Services of the Senate and the Committee on

National Security of the House of Representatives" for "Committees on Armed Services of the Senate and House of Representatives".

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

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

1992 – Subsec. (a). Pub. L. 102–484, Sec. 612(c), substituted "September 30, 1993" for "September 30, 1992".

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

"(j) Limitation on Payments for Fiscal Year 1990. – (1) The total amount of payments made under this section to officers of the Air Force during fiscal year 1990 may not exceed \$78,000,000.

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

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

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

1987 – Subsec. (a). Pub. L. 100–180, Sec. 622(a)(1), substituted

cl. (5) and all that follows to end of first sentence for

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

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

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

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

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

1986 – Subsec. (e)(3). Pub. L. 99–661, Sec. 631(a)(1), substituted "officer has completed less than eight years of active

duty" for "officer has completed less than seven years of active duty".

Subsec. (e)(4). Pub. L. 99-661, Sec. 631(a)(2), struck out par.

(4) which read as follows: "An officer may not receive incentive pay under section 301 of this title for the performance of hazardous duty for any period of service which the officer is obligated to serve pursuant to an agreement entered into under this section."

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

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

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

Subsec. (f). Pub. L. 98-525, Sec. 622(a)(2), substituted "September 30, 1985" for "September 30, 1984".

1983 – Subsec. (e)(2). Pub. L. 98-94, Sec. 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, Sec. 904(a)(1), added pars. (3) and (4).

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

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

EFFECTIVE DATE OF 1999 AMENDMENT

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

EFFECTIVE DATE OF 1997 AMENDMENT

Section 616(e) of Pub. L. 105–85 provided that: "The amendments made by this section [amending this section] shall take effect as of October 1, 1996, and shall apply with respect to agreements accepted under section 301b of title 37, United States Code, on or after that date."

EFFECTIVE DATE OF 1987 AMENDMENT

Section 622(b) of Pub. L. 100–180 provided that:

"(1) The amendments made by subsection (a) to subsections (a), (e), and (f) of section 301b of title 37, United States Code, shall

apply to agreements entered into on or after October 1, 1987, and special pay may be paid as if such amendments were in effect on such date.

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

EFFECTIVE DATE OF 1986 AMENDMENT

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

EFFECTIVE DATE OF 1985 AMENDMENT

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

EFFECTIVE DATE OF 1984 AMENDMENT

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

EFFECTIVE DATE

Section 806(b) of Pub. L. 96-342 provided that: "Agreements may not be entered into under section 301b of title 37, United States Code, as added by subsection (a), before October 1, 1980."

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

Pub. L. 102-172, title VIII, Sec. 8135, Nov. 26, 1991, 105 Stat.

1212, as amended by Pub. L. 105–277, div. C, title I, Sec. 148,

Oct. 21, 1998, 105 Stat. 2681–610, provided that:

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

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

AGREEMENTS ENTERED INTO UNDER FORMER LAW

Section 632(c) of Pub. L. 101–189 provided that:

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

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

COVERAGE OF PERIOD OF LAPSED AUTHORITY

Section 613(i) of Pub. L. 104–106 provided that:

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

"(2) An agreement referred to in this subsection is a service agreement with the Secretary concerned that is a condition for the

payment of a retention bonus under section 301b of title 37, United States Code.

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

Section 613(i) of Pub. L. 103–160 provided that:

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

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

"(3) An agreement referred to in this subsection is a service agreement with the Secretary concerned that is a condition for the

payment of a retention bonus under section 301b of title 37, United States Code, or special pay under section 613 of the National Defense Authorization Act, Fiscal Year 1989 ([former] 37 U.S.C. 302 note).

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

Section 612(j)(2) of Pub. L. 102-484 provided that:

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

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

"(C) An agreement referred to in this paragraph is an agreement

with the Secretary concerned for the payment of a bonus or special pay under section 301b, 302d, 302e, 308, 308a, 308b, 308c, 308e, 308h, or 308i of title 37, United States Code, or section 2130a of title 10, United States Code.

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

Section 612(a)(2) of Pub. L. 102–190 provided that:

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

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

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

Section 632(d) of Pub. L. 101–189 provided that:

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

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

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

AVIATOR RETENTION BONUS

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

section.

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

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."

–End–

–CITE–

37 USC Sec. 301c 01/06/03

–EXPCITE–

TITLE 37 – PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

CHAPTER 5 – SPECIAL AND INCENTIVE PAYS

–HEAD–

Sec. 301c. Incentive pay: submarine duty

–STATUTE–

(a) Eligibility Requirements. – (1) Subject to regulations prescribed by the President, a member of the naval service who is entitled to basic pay, and (A) holds (or is in training leading to) a submarine duty designator, (B) is in and remains in the submarine service on a career basis, and (C) meets the requirements of paragraph (3), is entitled to continuous monthly submarine duty incentive pay in the amount prescribed pursuant to subsection (b). (2) Subject to regulations prescribed by the President, a member of the naval service who is entitled to basic pay but is not

entitled to continuous monthly submarine duty incentive pay under paragraph (1) is entitled to submarine duty incentive pay in the amount prescribed pursuant to subsection (b) for any period during which such member performs frequent and regular operational submarine duty (as defined in paragraph (5)) required by orders.

(3) To be entitled to continuous monthly submarine duty incentive pay through 26 years of service (as computed under section 205 of this title, but excluding, in the case of an officer, periods as an enlisted member before initial appointment as an officer), a member must perform operational submarine duties for at least 6 of the first 12, and at least 10 of the first 18, years of his submarine service. However, if a member performs the prescribed operational submarine duties for at least 8 but less than 10 of the first 18 years of his submarine service, he is entitled to continuous monthly submarine duty incentive pay for the first 22 years of his service (as computed under section 205 of this title, but excluding, in the case of an officer, periods as an enlisted member before initial appointment as an officer).

(4) If upon completion of either 12 or 18 years of submarine service it is determined that a member has failed to perform the minimum prescribed operational submarine duty requirements during the prescribed periods of time, his entitlement to continuous monthly submarine duty incentive pay ceases. If entitlement to continuous monthly submarine duty incentive pay ceases upon completion of 12 years of submarine service, entitlement to that pay may again commence upon completion of 18 years of submarine

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

(5) In this section:

(A) The term "operational submarine duty" means duty –

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

(I) during one calendar month: 48 hours, except that hours

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

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

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

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

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

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

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

(c) Exceptions. – (1) An officer who fails of selection for assignment as an executive officer or commanding officer of a submarine or who declines to serve in either such position may not

be paid submarine duty incentive pay except for periods during which the officer is serving on a submarine during underway operations.

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

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

–SOURCE–

(Added Pub. L. 96–579, Sec. 3(d), Dec. 23, 1980, 94 Stat. 3360; amended Pub. L. 97–39, title VII, Sec. 701(a), (b), Aug. 14, 1981, 95 Stat. 942; Pub. L. 97–60, title I, Sec. 114, Oct. 14, 1981, 95 Stat. 995; Pub. L. 99–145, title VI, Sec. 633(a), Nov. 8, 1985, 99 Stat. 646; Pub. L. 100–26, Sec. 8(e)(4), Apr. 21, 1987, 101 Stat.

286; Pub. L. 100–180, div. A, title VI, Sec. 623(a), (b), Dec. 4, 1987, 101 Stat. 1101; Pub. L. 100–224, Sec. 5(a)(2), Dec. 30, 1987, 101 Stat. 1538; Pub. L. 100–456, div. A, title XII, Sec. 1233(l)(1), Sept. 29, 1988, 102 Stat. 2058; Pub. L. 101–510, div. A, title XIII, Sec. 1322(c)(1), Nov. 5, 1990, 104 Stat. 1672; Pub. L. 102–25, title VII, Sec. 702(b)(1), (2), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 102–190, div. A, title XI, Sec. 1111(d)(2), Dec. 5, 1991, 105 Stat. 1492; Pub. L. 107–107, div. A, title VI, Sec. 617(a), (b), Dec. 28, 2001, 115 Stat. 1137.)

–MISC1–

AMENDMENTS

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

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

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

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

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

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

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

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

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

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

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

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

Subsec. (a)(5). Pub. L. 100–26 substituted "In this section:" for "For the purposes of this section, the term – ", inserted "The term" at beginning of subpars. (A) and (B), and substituted

"operational" for "Operational" and "submarine" for "Submarine" in subpars. (A) and (B), respectively.

Subsec. (b). Pub. L. 100–224 struck out, preceding table for enlisted members, "(b) The monthly rates for special pay under subsection (a) are as follows:" which had inadvertently been inserted as a second subsec. (b) by Pub. L. 100–180, Sec. 623(b). Pub. L. 100–180, Sec. 623(b), amended tables generally so as to reflect an upward adjustment in monthly incentive pay rates for enlisted members, commissioned officers, and warrant officers of all pay grades and years of service encompassed by tables.

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

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

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

Subsec. (a)(3), (4). Pub. L. 97–60 inserted ", but excluding, in the case of an officer, periods as an enlisted member before

initial appointment as an officer" after "(as computed under section 205 of this title" in three places.

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

EFFECTIVE DATE OF 1991 AMENDMENT

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

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–456 applicable as if included in enactment of Pub. L. 100–180, see section 1233(1)(5) of Pub. L. 100–456, set out as a note under section 2366 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1987 AMENDMENT

Section 623(c) of Pub. L. 100–180 provided that:

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

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

EFFECTIVE DATE OF 1985 AMENDMENT

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."

EFFECTIVE DATE OF 1981 AMENDMENT

Section 701(c) of Pub. L. 97-39 provided that: "The amendments made by this section [amending this section] shall take effect as of January 1, 1981."

EFFECTIVE DATE

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

TRANSITION PROVISIONS

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

"(1) January 1, 2002.

"(2) The date on which the Secretary of the Navy prescribes new submarine duty incentive pay rates as authorized by the amendment made by subsection (a) [amending this section]."

-SECRET-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 308 of this title.

-End-

–CITE–

37 USC Sec. 301d 01/06/03

–EXPCITE–

TITLE 37 – PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

CHAPTER 5 – SPECIAL AND INCENTIVE PAYS

–HEAD–

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

–STATUTE–

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

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

(b) Eligible Officers. – This section applies to an officer of the armed forces who –

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

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

(3) has at least eight years of creditable service (computed as

described in section 302(g) of this title) or has completed any active-duty service commitment incurred for medical education and training; and

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

(c) Refunds. – (1) Refunds shall be required, on a pro rata basis, of sums paid under this section if the officer who has received the payment fails to complete the total period of active duty specified in the agreement, as conditions and circumstances warrant.

(2) An obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

(3) A discharge in bankruptcy under title 11, United States Code, that is entered less than five years after the termination of an agreement under this section does not discharge the member signing such agreement from a debt arising under such agreement or under paragraph (1). This paragraph applies to any case commenced under title 11 after November 5, 1990.

–SOURCE–

(Added Pub. L. 101–510, div. A, title VI, Sec. 611(a)(1), Nov. 5, 1990, 104 Stat. 1576; amended Pub. L. 102–484, div. A, title X, Sec. 1054(a)(2), Oct. 23, 1992, 106 Stat. 2502; Pub. L. 107–314, div. A, title VI, Sec. 615(a), Dec. 2, 2002, 116 Stat. 2568.)

–MISC1–

AMENDMENTS

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

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

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

APPLICATION OF INCREASE

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

ELIGIBILITY OF FLAG AND GENERAL OFFICERS FOR MULTIYEAR RETENTION

BONUS FOR MEDICAL OFFICERS

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

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

that provision of law –

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

and

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

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

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

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

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

Pub. L. 102–172, title VIII, Sec. 8084, Nov. 26, 1991, 105 Stat.

1192, provided that: "Restrictions provided under subsection (b)(2) of section 301d of title 37, United States Code, as authorized by

the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510), and hereafter, shall not apply in the case of flag or general officers serving as full–time practicing physicians."

TERMINATION OF EXISTING RETENTION BONUS AGREEMENT

Section 611(b) of Pub. L. 101–510 provided that:

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

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

–SECRET–

SECTION REFERRED TO IN OTHER SECTIONS

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

–End–

–CITE–

37 USC Sec. 301e 01/06/03

~~–EXPCITE–~~

TITLE 37 – PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

CHAPTER 5 – SPECIAL AND INCENTIVE PAYS

~~–HEAD–~~

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

~~–STATUTE–~~

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

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

(b) Officers Automatically Eligible. – Subsection (a) applies to an officer of the armed forces who –

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

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

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

(4) has at least eight years of creditable service (computed as described in section 302b(g) of this title) or has completed any

active-duty service commitment incurred for dental education and training; and

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

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

(d) Refunds. – (1) Refunds shall be required, on a pro rata basis, of sums paid under this section if the officer who has received the payment fails to complete the total period of active duty specified in the agreement, as conditions and circumstances warrant.

(2) An obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

(3) A discharge in bankruptcy under title 11, United States Code, that is entered less than five years after the termination of an agreement under this section does not discharge the member signing such agreement from a debt arising under such agreement or under

paragraph (1). This paragraph applies to any case commenced under title 11 after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998.

–SOURCE–

(Added Pub. L. 105–85, div. A, title VI, Sec. 617(a), Nov. 18, 1997, 111 Stat. 1788; amended Pub. L. 107–314, div. A, title VI, Sec. 615(b), Dec. 2, 2002, 116 Stat. 2568.)

–REFTEXT–

REFERENCES IN TEXT

The date of the enactment of the National Defense Authorization Act for Fiscal Year 1998, referred to in subsec. (d)(3), is the date of enactment of Pub. L. 105–85, which was approved Nov. 18, 1997.

–MISC1–

AMENDMENTS

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

APPLICATION OF INCREASE

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

–End–

–CITE–

–EXPCITE–

TITLE 37 – PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

CHAPTER 5 – SPECIAL AND INCENTIVE PAYS

–HEAD–

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

–STATUTE–

(a) Variable, Additional, and Board Certification Special Pay. –

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

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

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

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

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

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

(E) \$11,000 per year, if the officer has at least ten but less

than twelve years of creditable service.

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

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

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

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

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

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

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

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

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

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

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

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

(b) Incentive Special Pay. – (1) Subject to subsection (c) and paragraph (2) and under regulations prescribed under section 303a(a) of this title, an officer who is entitled to variable special pay under subsection (a)(2) may be paid incentive special pay for any twelve–month period during which the officer is not undergoing medical internship or initial residency training. The amount of incentive special pay paid to an officer under this subsection may not exceed \$50,000 for any 12–month period.

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

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

(2) Under regulations prescribed by the Secretary of Defense under section 303a(a) of this title, the Secretary of the military department concerned may terminate at any time an officer's entitlement to the special pay authorized by subsection (a)(4) or

(b)(1). If such entitlement is terminated, the officer concerned is entitled to be paid such special pay only for the part of the period of active duty that he served, and he may be required to refund any amount in excess of that entitlement.

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

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

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

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

(f) Refund for Period of Unserved Obligated Service. – An officer who voluntarily terminates service on active duty before the end of the period for which a payment was made to such officer under subsection (a)(4) or (b)(1) shall refund to the United States an amount which bears the same ratio to the amount paid to such officer as the unserved part of such period bears to the total period for which the payment was made.

(g) Determination of Creditable Service. – For purposes of this

section, creditable service of an officer is computed by adding –

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

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

(h) Reserve Medical Officers Special Pay. – (1) A reserve medical officer described in paragraph (2) is entitled to special pay at the rate of \$450 a month for each month of active duty, including active duty in the form of annual training, active duty for training, and active duty for special work.

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

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

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

(i) Effect of Discharge in Bankruptcy. – A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under such agreement or under subsection (c)(2) or (f). This paragraph applies to any case commenced under title 11 after

September 30, 1985.

–SOURCE–

(Pub. L. 87–649, Sept. 7, 1962, 76 Stat. 464; Pub. L. 88–2, Sec. 5, Mar. 28, 1963, 77 Stat. 4; Pub. L. 88–132, Sec. 4, Oct. 2, 1963, 77 Stat. 212; Pub. L. 89–718, Sec. 53, Nov. 2, 1966, 80 Stat. 1122; Pub. L. 90–40, Sec. 5, June 30, 1967, 81 Stat. 105; Pub. L. 92–129, title I, Sec. 104, Sept. 28, 1971, 85 Stat. 355; Pub. L. 93–64, title II, Sec. 201, July 9, 1973, 87 Stat. 149; Pub. L. 93–274, Sec. 1(1), May 6, 1974, 88 Stat. 94; Pub. L. 96–284, Sec. 2(a), June 28, 1980, 94 Stat. 587; Pub. L. 96–513, title IV, Sec. 415, Dec. 12, 1980, 94 Stat. 2906; Pub. L. 99–145, title VI, Sec. 640, Nov. 8, 1985, 99 Stat. 652; Pub. L. 99–661, div. A, title XIII, Secs. 1342(d), 1343(b)(1), Nov. 14, 1986, 100 Stat. 3991, 3995; Pub. L. 100–180, div. A, title VII, Sec. 716(a), Dec. 4, 1987, 101 Stat. 1113; Pub. L. 101–189, div. A, title VII, Sec. 702(a)–(f), Nov. 29, 1989, 103 Stat. 1468, 1469; Pub. L. 101–510, div. A, title VI, Sec. 612, Nov. 5, 1990, 104 Stat. 1577; Pub. L. 106–398, Sec. 1 [[div. A], title VI, Sec. 625(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A–153; Pub. L. 107–314, div. A, title VI, Sec. 615(c), Dec. 2, 2002, 116 Stat. 2568.)

–MISC1–

HISTORICAL AND REVISION NOTES

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

302(a) 37:234(a). Oct. 12, 1949, ch. 681,

Sec. 203(a), (b) (less

applicability to

veterinarians), 63 Stat.

809; June 25, 1952, ch.

459, Sec. 1, 66 Stat.

156; June 29, 1953, ch.

138, Sec. 8 (less

applicability to

veterinarians), 67 Stat.

89; June 30, 1955, ch.

250, Sec. 203, 69 Stat.

225; Apr. 30, 1956, ch.

223, Sec. 5, 70 Stat.

122; Mar. 23, 1959, Pub.

L. 86-4, Sec. 5, 73

Stat. 13.

302(b)

302(c)

37:234(b) (introductory

clause and last proviso,

less applicability to

veterinarians).

37:234(b) (less

introductory clause, less

provisos, and less

applicability to

veterinarians).

37:234(b) (1st and 2d

provisos, less

applicability to

veterinarians).

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

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

AMENDMENTS

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

any twelve-month period beginning in fiscal year 1992, and \$36,000 for any twelve-month period beginning after fiscal year 1992."

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

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

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

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

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

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

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

Pub. L. 101–189, Sec. 702(b), struck out subpar. (A) designation, substituted "is entitled to additional special pay of \$15,000" for "who has less than ten years of creditable service is entitled to

additional special pay of \$9,000", and struck out subpar. (B) which read as follows: "Subject to subsection (c) of this section, an officer entitled to variable special pay under paragraph (2) or (3) of this subsection who has ten or more years of creditable service is entitled to additional special pay of \$10,000 for any twelve-month period during which the officer is not undergoing medical internship or initial residency training."

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

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

Subsec. (b). Pub. L. 101-189, Sec. 702(f)(2), inserted heading.

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

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

concerned as a critically needed wartime skill".

Subsec. (b)(2). Pub. L. 101-189, Sec. 702(f)(9), struck out "of this subsection" after "paragraph (1)".

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

Pub. L. 101-189, Sec. 702(f)(3), inserted heading.

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

Pub. L. 101-189, Sec. 702(f)(4), inserted heading.

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

Pub. L. 101-189, Sec. 702(f)(5), inserted heading.

Subsec. (f). Pub. L. 101-189, Sec. 702(f)(9), struck out "of this section" after "or (b)(1)".

Pub. L. 101-189, Sec. 702(f)(6), inserted heading.

Subsec. (g). Pub. L. 101-189, Sec. 702(f)(7), inserted heading.

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

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

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

"(B) who is on active duty under a call or order to active duty

for a period of less than one year;

is entitled to special pay in accordance with this subsection.

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

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

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

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

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

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

Subsec. (b)(3). Pub. L. 100–180, Sec. 716(a)(3), struck out par.

(3) which read as follows: "The amount that may be paid for incentive special pay under this subsection in any fiscal year may not exceed an amount equal to 6 percent of the total amount paid in such year for special pay under subsection (a) of this section and paragraph (1) of this subsection."

1986 – Subsec. (h)(1)(B). Pub. L. 99–661, Sec. 1342(d), amended

subpar. (B) generally, substituting "period of less than one year" for "period of not less than one year".

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

1985 – Subsec. (h)(1)(B). Pub. L. 99-145, Sec. 640(1), substituted "who is" for "is not".

Subsec. (i). Pub. L. 99-145, Sec. 640(2), added subsec. (i).

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

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

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

of this title.

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

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

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

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

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

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

EFFECTIVE DATE OF 1989 AMENDMENT

Section 702(g) of Pub. L. 101–189 provided that:

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

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

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

EFFECTIVE DATE OF 1986 AMENDMENT

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

EFFECTIVE DATE OF 1980 AMENDMENTS

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

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

EFFECTIVE DATE OF 1974 AMENDMENT

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

EFFECTIVE DATE OF 1973 AMENDMENT

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

EFFECTIVE DATE OF 1963 AMENDMENT

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

APPLICATION OF INCREASE

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

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

Pub. L. 102–394, title II, Sec. 207, Oct. 6, 1992, 106 Stat.

1811, provided that: "None of the funds made available by this Act or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts shall be used to provide special retention pay (bonuses) under paragraph (4) of 37 U.S.C. 302(a) to any regular or reserve medical officer of the Public Health Service for any period during which the officer is assigned to the clinical, research, or staff associate program administered by the National Institutes of Health or the Substance

Abuse and Mental Health Services Administration."

Similar provisions were contained in the following prior appropriation acts:

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

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

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

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

MEDICAL OFFICER RETENTION BONUS

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

Pub. L. 100–456, div. A, title VI, Sec. 612, Sept. 29, 1988, 102 Stat. 1979, as amended by Pub. L. 101–189, div. A, title VII, Sec. 703(a)–(d), Nov. 29, 1989, 103 Stat. 1469, 1470, provided that a covered medical officer who, during the period beginning on Jan. 1, 1989, and ending on Sept. 30, 1990, executed a written agreement to remain on active duty for at least two years after completion of

any other active-duty service commitment could, upon acceptance of the written agreement by the Secretary concerned, be paid a retention bonus as provided in this section.

SPECIAL PAY FOR CRITICALLY SHORT WARTIME HEALTH SPECIALISTS IN SELECTED RESERVE

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

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

PRESERVATION OF ENTITLEMENT FOR RESERVE MEDICAL OFFICERS

Pub. L. 96-513, title VI, Sec. 641, Dec. 12, 1980, 94 Stat. 2954,

as amended by Pub. L. 97–22, Sec. 8(o), July 10, 1981, 97 Stat.

136, provided that: "Any person –

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

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

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

TRANSITION PROVISIONS

Section 7 of Pub. L. 96–284 provided that: "Notwithstanding any provision of the amendments made by this Act; [see Short Title of 1980 Amendment note set out under section 101 of this title], and in accordance with regulations to be prescribed by the Secretary of Defense, any officer of the Army, Navy, or Air Force who at any time before the effective date of the amendments made by this Act [see Effective Date of 1980 Amendment note set out above] was entitled to special pay under section 302 of title 37, United

States Code, and any officer who after such effective date would have become entitled to special pay under such section (as in effect on the day before such effective date) had such section continued in effect, shall be paid basic pay and special pay under section 302 of such title (as in effect on and after the effective date of the amendments made by this Act) in a total amount not less than the total amount of the basic pay (as in effect on the day before such date) and special pay applicable (or which would have been applicable) to such officer under sections 302, 311, and 313 of such title (as in effect on the day before such date and computed on the rates of basic pay as in effect on the day before such date)."

–SECRET–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 301d, 302f, 303a, 303b of this title; title 25 section 1616i.

–End–

–CITE–

37 USC Sec. 302a 01/06/03

–EXPCITE–

TITLE 37 – PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

CHAPTER 5 – SPECIAL AND INCENTIVE PAYS

–HEAD–

Sec. 302a. Special pay: optometrists

–STATUTE–

(a) Regular Special Pay. – Each of the following officers is

entitled to special pay at the rate of \$100 a month for each month of active duty:

(1) A commissioned officer –

(A) of the Regular Army, Regular Navy, or Regular Air Force

who is designated as an optometry officer; or

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

(2) A commissioned officer –

(A) of a Reserve component of the Army, Navy, or Air Force

who is designated as an optometry officer; or

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

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

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

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

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

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

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

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

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

(4) The Secretary concerned may terminate at any time the eligibility of an officer to receive retention special pay under paragraph (1). If such eligibility is terminated, the officer concerned shall receive such special pay only for the part of the period of active duty that the officer served and may be required to refund any amount in excess of that amount.

–SOURCE–

(Added Pub. L. 92–129, title II, Sec. 202(a), Sept. 28, 1971, 85 Stat. 357; amended Pub. L. 93–64, title II, Sec. 202, July 9, 1973, 87 Stat. 149; Pub. L. 95–114, Sec. 2, Sept. 30, 1977, 91 Stat. 1046; Pub. L. 95–485, title VIII, Sec. 801(b), Oct. 20, 1978, 92 Stat. 1619; Pub. L. 96–284, Sec. 4(a), June 28, 1980, 94 Stat. 591; Pub. L. 100–26, Sec. 8(d)(2), Apr. 21, 1987, 101 Stat. 285; Pub. L. 101–510, div. A, title VI, Sec. 617(a), Nov. 5, 1990, 104 Stat. 1578; Pub. L. 104–201, div. A, title VI, Sec. 614(a), Sept. 23, 1996, 110 Stat. 2544; Pub. L. 106–398, Sec. 1 [[div. A], title VI,

Sec. 626(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A–153; Pub. L.

107–314, div. A, title VI, Sec. 615(d), Dec. 2, 2002, 116 Stat.

2568.)

–MISC1–

AMENDMENTS

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

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

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

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

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

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

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

1980 – Pub. L. 96–284 substituted "Each" for "(a) In addition to any other basic pay, special pay, incentive pay or allowance to which he is entitled, each", struck out "beginning on or after

October 1, 1977" after "active duty", struck out subsec. (b) which prohibited inclusion of active duty monthly special pay in computation of amount of increase in pay authorized in any other provision of this title or in computation of retired pay or severance pay, and struck out subsec. (c) which provided that no special pay be paid for any month after September 1980.

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

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

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

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

EFFECTIVE DATE OF 1977 AMENDMENT

Section 4 of Pub. L. 95–114 provided that: "The amendments made by sections 2 and 3 of this Act [amending this section and section 303 of this title] become effective on October 1, 1977."

EFFECTIVE DATE OF 1973 AMENDMENT

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

EFFECTIVE DATE

Section 209 of title II of Pub. L. 92–129 provided that: "The foregoing provisions of this title [enacting this section and

section 428 of this title and amending sections 203 and 403 of this title and sections 2204 and 2207 of Title 50, Appendix, War and National Defense] shall become effective on October 1, 1971, except that section 203 [enacting section 308a of this title] shall become effective on such date as shall be prescribed by the Secretary of Defense, but not earlier than February 1, 1971, and section 206 [amending section 2203 of Title 50, Appendix] shall become effective July 1, 1971."

APPLICATION OF INCREASE

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

IMPLEMENTATION OF SUBSECTION (B)

Pub. L. 101-510, div. A, title VI, Sec. 617(b), Nov. 5, 1990, 104 Stat. 1579, provided that the Secretary of Defense could not implement subsec. (b) of this section, unless the Secretary submitted to the Committees on Armed Services of the Senate and House of Representatives a report justifying the need of the military departments for the authority provided in such subsection and describing the manner in which that authority would be implemented, prior to repeal by Pub. L. 106-398, Sec. 1 [[div. A], title VI, Sec. 626(a)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A-153.

PAY CONTINUATION

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

–SECREP–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 302f, 303a, 306 of this title.

–End–

–CITE–

37 USC Sec. 302b 01/06/03

–EXPCITE–

TITLE 37 – PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

CHAPTER 5 – SPECIAL AND INCENTIVE PAYS

–HEAD–

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

–STATUTE–

(a) Variable, Additional, and Board Certification Special Pay. –

(1) An officer who –

(A) is an officer of the Dental Corps of the Army or the Navy

or an officer of the Air Force designated as a dental officer;

and

(B) is on active duty under a call or order to active duty for

a period of not less than one year,

is entitled to special pay in accordance with this subsection.

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

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

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

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

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

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

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

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

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

(4) Subject to subsection (b), an officer entitled to variable special pay under paragraph (2) or (3) 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:

(A) \$4,000 per year, if the officer has less than three years of creditable service.

(B) \$6,000 per year, if the officer has at least three but less than 10 years of creditable service.

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

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

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

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

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

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

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

(b) Active–Duty Agreement. – (1) An officer may not be paid additional special pay under subsection (a)(4) 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). 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. – Regulations prescribed by the Secretary of Defense under section 303a(a) of this title shall include standards for determining –

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

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

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

(e) Refund for Period of Unserved Obligated Service. – An officer who voluntarily terminates service on active duty before the end of the period for which a payment was made to such officer under subsection (a)(4) shall refund to the United States an amount which bears the same ratio to the amount paid to such officer as the

unserved part of such period bears to the total period for which the payment was made.

(f) Effect of Discharge in Bankruptcy. – A discharge in bankruptcy under title 11 shall not release a person from an obligation to reimburse the United States required under the terms of an agreement described in subsection (b) if the final decree of the discharge in bankruptcy was issued within a period of five years after the last day of a period which such person had agreed to serve on active duty. This subsection applies to a discharge in bankruptcy in any proceeding which begins after September 30, 1985.

(g) Determination of Creditable Service. – For purposes of this section, creditable service of an officer is computed by adding –

(1) all periods which the officer spent in 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.

(h) Reserve Dental Officers Special Pay. – (1) A reserve dental officer described in paragraph (2) is entitled to special pay at the rate of \$350 a month for each month of active duty, including active duty in the form of annual training, active duty for training, and active duty for special work.

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

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

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

–SOURCE–

(Added Pub. L. 93–274, Sec. 1(2), May 6, 1974, 88 Stat. 94; amended
Pub. L. 96–284, Sec. 4(b), June 28, 1980, 94 Stat. 591; Pub. L.
99–145, title VI, Sec. 639(a), Nov. 8, 1985, 99 Stat. 649; Pub. L.
102–25, title VII, Sec. 702(b)(1), (2), (c), Apr. 6, 1991, 105
Stat. 117; Pub. L. 104–201, div. A, title VI, Sec. 615(a), (b),
(e), Sept. 23, 1996, 110 Stat. 2545, 2547; Pub. L. 105–85, div. A,
title VI, Sec. 618, Nov. 18, 1997, 111 Stat. 1789.)

–MISC1–

AMENDMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subsec. (a)(5). Pub. L. 104–201, Sec. 615(a)(3), added subpars.

(A) to (E) and struck out former subpars. (A) to (C) which read as follows:

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

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

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

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

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

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

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

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

"(2) \$150 a month for each month of active duty if he has

completed at least two years of active duty in the Dental Corps
or as a dental officer;

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

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

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

EFFECTIVE DATE OF 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."

EFFECTIVE DATE

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

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 exceeding the length of time originally required by the existing agreement, beginning on the date the officer accepts the award of special pay under the new agreement.

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

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

MINIMUM SPECIAL PAY

Section 639(d) of Pub. L. 99–145, as amended by Pub. L. 99–661,

div. A, title XIII, Sec. 1342(c), Nov. 14, 1986, 100 Stat. 3991,

provided that:

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

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

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

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 301e, 302f, 303a, 303b,
306 of this title.

–End–

–CITE–

37 USC Sec. 302c 01/06/03

–EXPCITE–

TITLE 37 – PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

CHAPTER 5 – SPECIAL AND INCENTIVE PAYS

–HEAD–

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

–STATUTE–

(a) Public Health Service Corps. – A member who is –

(1) an officer in the Regular or Reserve Corps of the Public

Health Service and is designated as a psychologist; and

(2) has been awarded a diploma as a Diplomate in Psychology by

the American Board of Professional Psychology,

is entitled to special pay, as provided in subsection (b).

(b) Rate of Special Pay. – The rate of special pay to which an

officer is entitled pursuant to subsection (a) shall be –

(1) \$2,000 per year, if the officer has less than 10 years of

creditable service;

(2) \$2,500 per year, if the officer has at least 10 but less

than 12 years of creditable service;

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

(4) \$4,000 per year, if the officer has at least 14 but less than 18 years of creditable service; or

(5) \$5,000 per year, if the officer has 18 or more years of creditable service.

(c) Army, Navy, and Air Force Psychologists. – The Secretary of Defense may provide special pay at the rates specified in subsection (b) to an officer who –

(1) is an officer in the Medical Service Corps of the Army or Navy or a biomedical sciences officer in the Air Force;

(2) is designated as a psychologist; and

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

(d) Nonphysician Health Care Providers. – The Secretary concerned may authorize the payment of special pay at the rates specified in subsection (b) to an officer who –

(1) is an officer in the Medical Services Corps of the Army or Navy, a biomedical sciences officer in the Air Force, an officer in the Army Medical Specialist Corps, an officer of the Nurse Corps of the Army or Navy, an officer of the Air Force designated as a nurse, an officer of the Coast Guard or Coast Guard Reserve designated as a physician assistant, or an officer in the Regular or Reserve Corps of the Public Health Service;

(2) is a health care provider (other than a psychologist);

(3) has a postbaccalaureate degree; and

(4) is certified by a professional board in the officer's specialty.

–SOURCE–

(Added Pub. L. 100–140, Sec. 2(a), Oct. 26, 1987, 101 Stat. 830; amended Pub. L. 101–189, div. A, title VII, Sec. 704(a), (b)(1), (c), Nov. 29, 1989, 103 Stat. 1471; Pub. L. 101–510, div. A, title VI, Sec. 618(a), Nov. 5, 1990, 104 Stat. 1579; Pub. L. 102–25, title VII, Sec. 702(a)(2)(A), Apr. 6, 1991, 105 Stat. 117; Pub. L. 102–484, div. A, title VI, Sec. 611, Oct. 23, 1992, 106 Stat. 2420; Pub. L. 104–106, div. A, title VI, Sec. 617, Feb. 10, 1996, 110 Stat. 362; Pub. L. 104–201, div. A, title VI, Sec. 614(b), Sept. 23, 1996, 110 Stat. 2544; Pub. L. 105–85, div. A, title X, Sec. 1073(c)(5), Nov. 18, 1997, 111 Stat. 1904; Pub. L. 106–398, Sec. 1 [[div. A], title VI, Sec. 627], Oct. 30, 2000, 114 Stat. 1654, 1654A–153.)

–MISC1–

PRIOR PROVISIONS

A prior section 302c, added Pub. L. 96–284, Sec. 3(a)(1), June 28, 1980, 94 Stat. 589, related to special pay for medical officers of the Public Health Service, prior to repeal by Pub. L. 96–513, title IV, Sec. 414(a), Dec. 12, 1980, 94 Stat. 2906, eff. Sept. 15, 1981.

AMENDMENTS

2000 – Subsec. (d)(1). Pub. L. 106–398 inserted "an officer of the Coast Guard or Coast Guard Reserve designated as a physician assistant," after "nurse,".

1997 – Subsec. (d)(1). Pub. L. 105–85 made technical correction to directory language of Pub. L. 104–201, Sec. 614(b)(2)(B). See 1996 Amendment note below.

1996 – Subsec. (d). Pub. L. 104–201, Sec. 614(b)(1), substituted "Secretary concerned" for "Secretary of Defense" in introductory provisions.

Subsec. (d)(1). Pub. L. 104–201, Sec. 614(b)(2)(B), as amended by Pub. L. 105–85, inserted before semicolon at end ", or an officer in the Regular or Reserve Corps of the Public Health Service".

Pub. L. 104–201, Sec. 614(b)(2)(A), struck out "or" after "Nurse Corps of the Army or Navy,".

Pub. L. 104–106 struck out "or" after "Air Force," and inserted ", an officer of the Nurse Corps of the Army or Navy, or an officer of the Air Force designated as a nurse" before semicolon at end.

1992 – Subsec. (d)(1). Pub. L. 102–484 substituted "Navy," for "Navy or" and inserted before semicolon at end ", or an officer in the Army Medical Specialist Corps".

1991 – Pub. L. 102–25 amended section catchline generally.

1990 – Subsec. (d). Pub. L. 101–510 added subsec. (d).

1989 – Pub. L. 101–189, Sec. 704(b)(1), struck out "in the Public Health Service Corps" after "psychologists" in section catchline.

Subsecs. (a), (b). Pub. L. 101–189, Sec. 704(c), inserted headings.

Subsec. (c). Pub. L. 101–189, Sec. 704(a), added subsec. (c).

EFFECTIVE DATE OF 1997 AMENDMENT

Section 1073(c) of Pub. L. 105–85 provided that the amendment

made by that section is effective as of Sept. 23, 1996, and as if included in the National Defense Authorization Act for Fiscal Year 1997, Pub. L. 104–201, as enacted.

EFFECTIVE DATE

Section 2(c) of Pub. L. 100–140 provided that: "The amendments made by this section [enacting this section and amending section 303a of this title] shall take effect on October 1, 1987 or on the date of the enactment of this Act [Oct. 26, 1987], whichever is later, and shall apply with respect to pay periods beginning on or after that effective date."

–TRANS–

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

–MISC2–

IMPLEMENTATION OF SUBSECTION (D)

Section 618(b) of Pub. L. 101–510 provided that: "The Secretary of Defense may not implement subsection (d) of section 302c of title 37, United States Code (as added by subsection (a)), unless the Secretary submits to the Committees on Armed Services of the

Senate and House of Representatives a report –

"(1) justifying the need of the military departments for the authority provided in such subsection; and

"(2) describing the manner in which that authority will be implemented."

[Report submitted to Committees on Apr. 29, 1994.]

IMPLEMENTATION OF SPECIAL PAY FOR ARMY, NAVY, AND AIR FORCE PSYCHOLOGISTS

Section 704(d) of Pub. L. 101–189 provided that: "The Secretary of Defense may not implement subsection (c) of section 302c of title 37, United States Code (as added by subsection (a)), unless the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a report –

"(1) justifying the need of the military departments for the authority provided in such subsection; and

"(2) describing the manner in which that authority will be implemented."

[Report submitted to Committees on Apr. 20, 1994.]

–SECRET–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 302f, 303, 303a, 303b of this title.

–End–

–CITE–

37 USC Sec. 302d 01/06/03

–EXPCITE–

TITLE 37 – PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

CHAPTER 5 – SPECIAL AND INCENTIVE PAYS

–HEAD–

Sec. 302d. Special pay: accession bonus for registered nurses

–STATUTE–

(a) Accession Bonus Authorized. – (1) A person who is a registered nurse and who, during the period beginning on November 29, 1989, and ending on December 31, 2003, executes a written agreement described in subsection (c) to accept a commission as an officer and remain on active duty for a period of not less than four years may, upon the acceptance of the agreement by the Secretary concerned, be paid an accession bonus in an amount determined by the Secretary concerned.

(2) The amount of an accession bonus under paragraph (1) may not exceed \$30,000.

(b) Limitation on Eligibility for Bonus. – A person may not be paid a bonus under subsection (a) if –

(1) the person, in exchange for an agreement to accept an appointment as an officer, received financial assistance from the Department of Defense to pursue a baccalaureate degree; or

(2) the Secretary concerned determines that the person is not qualified to become and remain licensed as a registered nurse.

(c) Agreement. – The agreement referred to in subsection (a) shall provide that, consistent with the needs of the uniformed service concerned, the person executing the agreement will be assigned to duty, for the period of obligated service covered by

the agreement, as an officer of the Nurse Corps of the Army or Navy, an officer of the Air Force designated as a nurse, or an officer designated as a nurse in the commissioned corps of the Public Health Service.

(d) Repayment. – (1) An officer who receives a payment under subsection (a) and who fails to become and remain licensed as a registered nurse during the period for which the payment is made shall refund to the United States an amount equal to the full amount of such payment.

(2) An officer who voluntarily terminates service on active duty before the end of the period agreed to be served under subsection (a) shall refund to the United States an amount that bears the same ratio to the amount paid to the officer as the unserved part of such period bears to the total period agreed to be served.

(3) An obligation to reimburse the United States imposed under paragraph (1) or (2) is for all purposes a debt owed to the United States.

(4) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under such agreement or this subsection. This paragraph applies to any case commenced under title 11 after November 29, 1989.

–SOURCE–

(Added Pub. L. 101–189, div. A, title VII, Sec. 705(a)(1), Nov. 29, 1989, 103 Stat. 1471; amended Pub. L. 101–510, div. A, title VI,

Sec. 613(a), title XIV, Sec. 1484(d)(2), Nov. 5, 1990, 104 Stat. 1577, 1716; Pub. L. 102–484, div. A, title VI, Sec. 612(g), Oct. 23, 1992, 106 Stat. 2421; Pub. L. 103–160, div. A, title VI, Sec. 611(b), Nov. 30, 1993, 107 Stat. 1679; Pub. L. 103–337, div. A, title VI, Sec. 612(b), Oct. 5, 1994, 108 Stat. 2783; Pub. L. 104–106, div. A, title VI, Sec. 612(b), Feb. 10, 1996, 110 Stat. 359; Pub. L. 104–201, div. A, title VI, Sec. 612(b), Sept. 23, 1996, 110 Stat. 2543; Pub. L. 105–85, div. A, title VI, Sec. 612(b), Nov. 18, 1997, 111 Stat. 1786; Pub. L. 105–261, div. A, title VI, Sec. 612(b), Oct. 17, 1998, 112 Stat. 2039; Pub. L. 106–65, div. A, title VI, Sec. 612(b), Oct. 5, 1999, 113 Stat. 650; Pub. L. 106–398, Sec. 1 [[div. A], title VI, Sec. 622(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A–151; Pub. L. 107–107, div. A, title VI, Sec. 612(b), Dec. 28, 2001, 115 Stat. 1135; Pub. L. 107–314, div. A, title VI, Secs. 612(c), 615(e), Dec. 2, 2002, 116 Stat. 2567, 2568.)

–MISC1–

AMENDMENTS

2002 – Subsec. (a)(1). Pub. L. 107–314, Sec. 612(c), substituted "December 31, 2003" for "December 31, 2002".

Subsec. (a)(2). Pub. L. 107–314, Sec. 615(e), substituted "\$30,000" for "\$5,000".

2001 – Subsec. (a)(1). Pub. L. 107–107 substituted "December 31, 2002" for "December 31, 2001".

2000 – Subsec. (a)(1). Pub. L. 106–398 substituted "December 31, 2001" for "December 31, 2000".

1999 – Subsec. (a)(1). Pub. L. 106–65 substituted "December 31, 2000" for "December 31, 1999".

1998 – Subsec. (a)(1). Pub. L. 105–261 substituted "December 31, 1999" for "September 30, 1999".

1997 – Subsec. (a)(1). Pub. L. 105–85 substituted "September 30, 1999" for "September 30, 1998".

1996 – Subsec. (a)(1). Pub. L. 104–201 substituted "September 30, 1998" for "September 30, 1997".

Pub. L. 104–106 substituted "September 30, 1997" for "September 30, 1996".

1994 – Subsec. (a)(1). Pub. L. 103–337 substituted "September 30, 1996" for "September 30, 1995".

1993 – Subsec. (a)(1). Pub. L. 103–160 substituted "September 30, 1995" for "September 30, 1993".

1992 – Subsec. (a). Pub. L. 102–484 substituted "September 30, 1993" for "September 30, 1992".

1990 – Subsec. (a)(1). Pub. L. 101–510, Secs. 613(a), 1484(d)(2)(A), substituted "November 29, 1989," for "the date of the enactment of the National Defense Authorization Act for Fiscal Years 1990 and 1991" and "September 30, 1992" for "September 30, 1991".

Subsec. (d)(4). Pub. L. 101–510, Sec. 1484(d)(2)(B), substituted "November 29, 1989" for "the date of the enactment of the National Defense Authorization Act for Fiscal Years 1990 and 1991".

APPLICATION OF INCREASE

In case of amendment by section 615 of Pub. L. 107–314 to

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

COVERAGE OF PERIOD OF LAPSED AUTHORITY

For provisions relating to coverage of period of lapsed authority from Oct. 1, 1993, to Nov. 30, 1993, for payment of accession bonus authorized under this section, see section 611(d) of Pub. L.

103-160, set out as a note under section 2130a of Title 10, Armed Forces.

For provisions relating to coverage of period of lapsed authority from Oct. 1, 1992, to Oct. 23, 1992, for payment of bonuses or other special pay under this section, see section 612(j)(2) of Pub. L. 102-484, set out as a note under section 301b of this title.

-SECRET-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 303a, 324 of this title.

-End-

-CITE-

37 USC Sec. 302e 01/06/03

-EXPCITE-

TITLE 37 – PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

CHAPTER 5 – SPECIAL AND INCENTIVE PAYS

-HEAD-

Sec. 302e. Special pay: nurse anesthetists

–STATUTE–

(a) Special Pay Authorized. – (1) An officer described in subsection (b)(1) who, during the period beginning on November 29, 1989, and ending on December 31, 2003, executes a written agreement to remain on active duty for a period of one year or more may, upon the acceptance of the agreement by the Secretary concerned, be paid incentive special pay in an amount not to exceed \$50,000 for any 12-month period.

(2) The Secretary concerned shall determine the amount of incentive special pay to be paid to an officer under paragraph (1). In determining that amount, the Secretary concerned shall consider the period of obligated service provided for in the agreement under that paragraph.

(b) Covered Officers. – (1) An officer referred to in subsection

(a) is an officer of a uniformed service who –

(A) is an officer of the Nurse Corps of the Army or Navy, an officer of the Air Force designated as a nurse, or an officer designated as a nurse in the commissioned corps of the Public Health Service;

(B) is a qualified certified registered nurse anesthetist; and

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

(2) The Secretary of Defense may extend the special pay authorized under subsection (a) to officers of the armed forces who serve in a nursing specialty (other than as nurse anesthetists) that –

(A) is designated by the Secretary of the military department

concerned as critical to meet requirements (whether such

specialty is designated as critical to meet wartime or peacetime requirements); and

(B) requires postbaccalaureate education and training.

(c) Termination of Agreement. – Under regulations prescribed by the Secretary of Defense, with respect to the Army, Navy, and Air Force, and the Secretary of Health and Human Services, with respect to the Public Health Service, the Secretary concerned may terminate an agreement entered into under subsection (a). Upon termination of an agreement, the entitlement of the officer to special pay under this section and the agreed upon commitment to active duty of the officer shall end. The officer may be required to refund that part of the special pay corresponding to the unserved period of active duty.

(d) Payment. – Special pay payable to an officer under subsection (a) shall be paid annually at the beginning of the 12-month period for which the officer is to receive that payment.

(e) Repayment. – (1) An officer who voluntarily terminates service on active duty before the end of the period agreed to be served under subsection (a) shall refund to the United States an amount that bears the same ratio to the amount paid to the officer as the unserved part of such period bears to the total period agreed to be served.

(2) An obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

(3) A discharge in bankruptcy under title 11 that is entered less than five 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 this subsection. This paragraph applies to any case commenced under title 11 after November 29, 1989.

–SOURCE–

(Added Pub. L. 101–189, div. A, title VII, Sec. 706(a)(1), Nov. 29, 1989, 103 Stat. 1472; amended Pub. L. 101–510, div. A, title VI, Secs. 613(b), 614(a), (b), 618(c)(1), title XIV, Sec. 1484(d)(3), Nov. 5, 1990, 104 Stat. 1577, 1578, 1579, 1716; Pub. L. 102–25, title VII, Sec. 702(a)(2)(B), (b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 102–484, div. A, title VI, Sec. 612(i), Oct. 23, 1992, 106 Stat. 2421; Pub. L. 103–160, div. A, title VI, Sec. 611(c), Nov. 30, 1993, 107 Stat. 1679; Pub. L. 103–337, div. A, title VI, Sec. 612(c), Oct. 5, 1994, 108 Stat. 2783; Pub. L. 104–106, div. A, title VI, Sec. 612(c), Feb. 10, 1996, 110 Stat. 359; Pub. L. 104–201, div. A, title VI, Sec. 612(c), Sept. 23, 1996, 110 Stat. 2543; Pub. L. 105–85, div. A, title VI, Sec. 612(c), Nov. 18, 1997, 111 Stat. 1786; Pub. L. 105–261, div. A, title VI, Sec. 612(c), Oct. 17, 1998, 112 Stat. 2039; Pub. L. 106–65, div. A, title VI, Sec. 612(c), Oct. 5, 1999, 113 Stat. 650; Pub. L. 106–398, Sec. 1 [[div. A], title VI, Secs. 622(c), 626(b)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A–151, 1654A–153; Pub. L. 107–107, div. A, title VI, Sec. 612(c), Dec. 28, 2001, 115 Stat. 1135; Pub. L. 107–314, div. A, title VI, Secs. 612(d), 615(f), Dec. 2, 2002, 116 Stat.

2567, 2569.)

–MISC1–

AMENDMENTS

2002 – Subsec. (a)(1). Pub. L. 107–314, Sec. 615(f), substituted

"\$50,000" for "\$15,000".

Pub. L. 107–314, Sec. 612(d), substituted "December 31, 2003" for

"December 31, 2002".

2001 – Subsec. (a)(1). Pub. L. 107–107 substituted "December 31,

2002" for "December 31, 2001".

2000 – Subsec. (a)(1). Pub. L. 106–398, Sec. 1 [[div. A], title

VI, Sec. 622(c)], substituted "December 31, 2001" for "December 31,

2000".

Subsec. (b)(2)(A). Pub. L. 106–398, Sec. 1 [[div. A], title VI,

Sec. 626(b)(1)], substituted "the Secretary of the military

department concerned" for "the Secretary".

1999 – Subsec. (a)(1). Pub. L. 106–65 substituted "December 31,

2000" for "December 31, 1999".

1998 – Subsec. (a)(1). Pub. L. 105–261 substituted "December 31,

1999" for "September 30, 1999".

1997 – Subsec. (a)(1). Pub. L. 105–85 substituted "September 30,

1999" for "September 30, 1998".

1996 – Subsec. (a)(1). Pub. L. 104–201 substituted "September 30,

1998" for "September 30, 1997".

Pub. L. 104–106 substituted "September 30, 1997" for "September

30, 1996".

1994 – Subsec. (a)(1). Pub. L. 103–337 substituted "September 30,

1996" for "September 30, 1995" and "\$15,000" for "\$6,000".

1993 – Subsec. (a)(1). Pub. L. 103–160 substituted "September 30, 1995" for "September 30, 1993".

1992 – Subsec. (a)(1). Pub. L. 102–484 substituted "September 30, 1993" for "September 30, 1992".

1991 – Pub. L. 102–25, Sec. 702(a)(2)(B), amended section catchline generally.

Subsec. (d). Pub. L. 102–25, Sec. 702(b)(1), (c), struck out "of this section" after "subsection (a)".

1990 – Pub. L. 101–510, Sec. 618(c)(1), directed that section catchline be amended to read "Sec. 302c. Special pay: psychologists and nonphysician health care providers".

Subsec. (a)(1). Pub. L. 101–510, Sec. 1484(d)(3)(A), substituted "November 29, 1989," for "the date of the enactment of the National Defense Authorization Act for Fiscal Years 1990 and 1991".

Pub. L. 101–510, Sec. 614(b), substituted "subsection (b)(1)" for "subsection (b)".

Pub. L. 101–510, Sec. 613(b), substituted "September 30, 1992," for "September 30, 1991,".

Subsec. (b). Pub. L. 101–510, Sec. 614(a), designated existing provisions as par. (1), redesignated former pars. (1) to (3) as subpars. (A) to (C), respectively, and added par. (2).

Subsec. (e)(3). Pub. L. 101–510, Sec. 1484(d)(3)(B), substituted "November 29, 1989" for "the date of the enactment of the National Defense Authorization Act for Fiscal Years 1990 and 1991".

APPLICATION OF INCREASE

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

COVERAGE OF PERIOD OF LAPSED AUTHORITY

For provisions relating to coverage of period of lapsed authority from Oct. 1, 1993, to Nov. 30, 1993, for payment of special pay authorized under this section, see section 611(d) of Pub. L.

103–160, set out as a note under section 2130a of Title 10, Armed Forces.

For provisions relating to coverage of period of lapsed authority from Oct. 1, 1992, to Oct. 23, 1992, for payment of bonuses or other special pay under this section, see section 612(j)(2) of Pub. L. 102–484, set out as a note under section 301b of this title.

IMPLEMENTATION OF SUBSECTION (B)(2)

Pub. L. 101–510, div. A, title VI, Sec. 614(c), Nov. 5, 1990, 104 Stat. 1578, provided that the Secretary of Defense could not implement subsec. (b)(2) of this section, unless the Secretary submitted to the Committees on Armed Services of the Senate and House of Representatives a report justifying the need of the departments for the authority provided in such subsection and describing the manner in which that authority would be implemented, prior to repeal by Pub. L. 106–398, Sec. 1 [[div. A], title VI, Sec. 626(b)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A–153.

–SECRET–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 302f, 303a of this title.

–End–

–CITE–

37 USC Sec. 302f 01/06/03

–EXPCITE–

TITLE 37 – PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

CHAPTER 5 – SPECIAL AND INCENTIVE PAYS

–HEAD–

Sec. 302f. Special pay: reserve, recalled, or retained health care officers

–STATUTE–

(a) Eligible for Special Pay. – A health care officer described in subsection (b) shall be eligible for special pay under section 302, 302a, 302b, 302c, 302e, or 303 of this title (whichever applies) notwithstanding any requirement in those sections that –

(1) the call or order of the officer to active duty be for a period of not less than one year; or

(2) the officer execute a written agreement to remain on active duty for a period of not less than one year.

(b) Health Care Officers Described. – A health care officer referred to in subsection (a) is an officer of the armed forces who is otherwise eligible for special pay under section 302, 302a, 302b, 302c, 302e, or 303 of this title and who –

(1) is a reserve officer on active duty (other than for

training) under a call or order to active duty for a period of more than 30 days but less than one year;

(2) is involuntarily retained on active duty under section 12305 of title 10, or is recalled to active duty under section 688 of title 10 for a period of more than 30 days; or

(3) voluntarily agrees to remain on active duty for a period of less than one year at a time when –

(A) officers are involuntarily retained on active duty under section 12305 of title 10; or

(B) the Secretary of Defense determines (pursuant to regulations prescribed by the Secretary) that special circumstances justify the payment of special pay under this section.

(c) Monthly Payments. – Payment of special pay pursuant to this section may be made on a monthly basis. The officer shall refund any amount received under this section in excess of the amount that corresponds to the actual period of active duty served by the officer.

(d) Special Rule for Reserve Medical and Dental Officers. – While a reserve medical or dental officer receives a special pay under section 302 or 302b of this title by reason of subsection (a), the officer shall not be entitled to special pay under section 302(h) or 302b(h) of this title.

–SOURCE–

(Added Pub. L. 102–190, div. A, title VI, Sec. 634(a), Dec. 5, 1991, 105 Stat. 1381; amended Pub. L. 104–106, div. A, title XV,

Sec. 1501(d)(4)(A), Feb. 10, 1996, 110 Stat. 500; Pub. L. 106–398,

Sec. 1 [[div. A], title VI, Sec. 625(b)], Oct. 30, 2000, 114 Stat.

1654, 1654A–153.)

–MISC1–

AMENDMENTS

2000 – Subsec. (d). Pub. L. 106–398 amended heading and text of subsec. (d) generally. Prior to amendment, text read as follows:

"While a reserve medical officer receives a special pay under section 302 of this title by reason of subsection (a), the officer shall not be entitled to special pay under subsection (h) of that section."

1996 – Subsec. (b)(2), (3)(A). Pub. L. 104–106 substituted

"section 12305 of title 10" for "section 673c of title 10".

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–106 effective as if included in the Reserve Officer Personnel Management Act, title XVI of Pub. L. 103–337, as enacted on Oct. 5, 1994, see section 1501(f)(3) of Pub. L. 104–106, set out as a note under section 113 of Title 10, Armed Forces.

ACTIVE DUTY IN CONNECTION WITH OPERATION DESERT STORM

Pub. L. 102–25, title III, Sec. 304, Apr. 25, 1991, 105 Stat. 81, as amended by Pub. L. 102–190, div. A, title VI, Sec. 656, Dec. 5, 1991, 105 Stat. 1393, provided that:

"(a) Eligible for Special Pay. – A health care officer described in subsection (b) shall be eligible for special pay under section 302, 302a, 302b, 302e, or 303 of title 37, United States Code

(whichever applies), notwithstanding any requirement in those sections that –

"(1) the call or order of the officer to active duty be for a period of not less than one year; or

"(2) the officer execute a written agreement to remain on active duty for a period of not less than one year.

"(b) Health Care Officers Described. – A health care officer referred to in subsection (a) is an officer of the Armed Forces who is otherwise eligible for special pay under section 302, 302a, 302b, 302e, or 303 of title 37, United States Code, and who –

"(1) is a reserve officer on active duty under a call or order to active duty for a period of less than one year in connection with Operation Desert Storm;

"(2) is involuntarily retained on active duty under section 673c [now 12305] of title 10, United States Code, or is recalled to active duty under section 688 of that title, in connection with Operation Desert Storm; or

"(3) voluntarily agrees to remain on active duty for a period of less than one year in connection with Operation Desert Storm.

"(c) Monthly Payments. – Payment of special pay pursuant to this section may be made on a monthly basis. If the service on active duty of an officer described in subsection (b) is terminated before the end of the period for which a payment is made to the officer under subsection (a), the officer is entitled to special pay under section 302, 302a, 302b, 302e, or 303 of title 37, United States Code (whichever applies), only for the portion of that period that

the officer actually served on active duty. The officer shall refund any amount received in excess of the amount that corresponds to the period of active duty of the officer.

"(d) Special Rule for Reserve Medical Officer. – While a reserve medical officer receives a special pay under section 302 of title 37, United States Code, by operation of subsection (a), the officer shall not be entitled to special pay under subsection (h) of that section.

"(e) Period of Applicability. – Subsection (a) shall apply during the period beginning on August 1, 1990, and ending on the first day of the first month beginning on or after the date 180 days after the end of the Persian Gulf conflict."

–SECRET–

SECTION REFERRED TO IN OTHER SECTIONS

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

–End–

–CITE–

37 USC Sec. 302g 01/06/03

–EXPCITE–

TITLE 37 – PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

CHAPTER 5 – SPECIAL AND INCENTIVE PAYS

–HEAD–

Sec. 302g. Special pay: Selected Reserve health care professionals in critically short wartime specialties

–STATUTE–

(a) Special Pay Authorized. – An officer of a reserve component

of the armed forces described in subsection (b) who executes a written agreement under which the officer agrees to serve in the Selected Reserve of an armed force for a period of not less than one year nor more than three years, beginning on the date the officer accepts the award of special pay under this section, may be paid special pay at an annual rate not to exceed \$10,000.

(b) Eligible Officers. – An officer referred to in subsection (a) is an officer in a health care profession who is qualified in a specialty designated by regulations as a critically short wartime specialty.

(c) Time for Payment. – Special pay under this section shall be paid annually at the beginning of each twelve-month period for which the officer has agreed to serve.

(d) Refund Requirement. – An officer who voluntarily terminates service in the Selected Reserve of an armed force before the end of the period for which a payment was made to such officer under this section shall refund to the United States the full amount of the payment made for the period on which the payment was based.

(e) Inapplicability of Discharge in Bankruptcy. – A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the person receiving special pay under the agreement from the debt arising under the agreement.

(f) Termination of Agreement Authority. – No agreement under this section may be entered into after December 31, 2003.

–SOURCE–

(Added Pub. L. 104–106, div. A, title VI, Sec. 614(a)(1), Feb. 10, 1996, 110 Stat. 360; amended Pub. L. 104–201, div. A, title VI, Sec. 611(a), Sept. 23, 1996, 110 Stat. 2543; Pub. L. 105–85, div. A, title VI, Sec. 611(a), Nov. 18, 1997, 111 Stat. 1785; Pub. L. 105–261, div. A, title VI, Sec. 611(a), Oct. 17, 1998, 112 Stat. 2038; Pub. L. 106–65, div. A, title VI, Sec. 611(a), Oct. 5, 1999, 113 Stat. 649; Pub. L. 106–398, Sec. 1 [[div. A], title VI, Sec. 621(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A–151; Pub. L. 107–107, div. A, title VI, Sec. 611(a), Dec. 28, 2001, 115 Stat. 1135; Pub. L. 107–314, div. A, title VI, Sec. 612(e), Dec. 2, 2002, 116 Stat. 2567.)

–MISC1–

PRIOR PROVISIONS

Provisions similar to those in this section were contained in Pub. L. 100–456, div. A, title VI, Sec. 613, Sept. 29, 1988, 102 Stat. 1981, as amended, which was set out as a note under section 302 of this title, prior to repeal by Pub. L. 104–106, Sec. 614(c)(1).

AMENDMENTS

2002 – Subsec. (f). Pub. L. 107–314 substituted "December 31, 2003" for "December 31, 2002".

2001 – Subsec. (f). Pub. L. 107–107 substituted "December 31, 2002" for "December 31, 2001".

2000 – Subsec. (f). Pub. L. 106–398 substituted "December 31, 2001" for "December 31, 2000".

1999 – Subsec. (f). Pub. L. 106–65 substituted "December 31,

2000" for "December 31, 1999".

1998 – Subsec. (f). Pub. L. 105–261 substituted "December 31, 1999" for "September 30, 1999".

1997 – Subsec. (f). Pub. L. 105–85 substituted "September 30, 1999" for "September 30, 1998".

1996 – Subsec. (f). Pub. L. 104–201 substituted "September 30, 1998" for "September 30, 1997".

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

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

–End–

–CITE–

37 USC Sec. 302h 01/06/03

–EXPCITE–

TITLE 37 – PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

CHAPTER 5 – SPECIAL AND INCENTIVE PAYS

–HEAD–

Sec. 302h. Special pay: accession bonus for dental officers

–STATUTE–

(a) Accession Bonus Authorized. – (1) A person who is a graduate of an accredited dental school and who, during the period beginning on September 23, 1996, and ending on December 31, 2003, executes a written agreement described in subsection (c) to accept a commission as an officer of the armed forces and remain on active duty for a period of not less than four years may, upon the acceptance of the agreement by the Secretary concerned, be paid an

accession bonus in an amount determined by the Secretary concerned.

(2) The amount of an accession bonus under paragraph (1) may not exceed \$30,000.

(b) Limitation on Eligibility for Bonus. – A person may not be paid a bonus under subsection (a) if –

(1) the person, in exchange for an agreement to accept an appointment as an officer, received financial assistance from the Department of Defense to pursue a course of study in dentistry;

or

(2) the Secretary concerned determines that the person is not qualified to become and remain certified and licensed as a dentist.

(c) Agreement. – The agreement referred to in subsection (a) shall provide that, consistent with the needs of the armed service concerned, the person executing the agreement will be assigned to duty, for the period of obligated service covered by the agreement, as an officer of the Dental Corps of the Army or the Navy or an officer of the Air Force designated as a dental officer.

(d) Repayment. – (1) An officer who receives a payment under subsection (a) and who fails to become and remain certified or licensed as a dentist during the period for which the payment is made shall refund to the United States an amount equal to the full amount of such payment.

(2) An officer who voluntarily terminates service on active duty before the end of the period agreed to be served under subsection (a) shall refund to the United States an amount that bears the same

ratio to the amount paid to the officer as the unserved part of such period bears to the total period agreed to be served.

(3) An obligation to reimburse the United States imposed under paragraph (1) or (2) is for all purposes a debt owed to the United States.

(4) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under such agreement or this subsection. This paragraph applies to any case commenced under title 11 after the date of the enactment of this section.

–SOURCE–

(Added Pub. L. 104–201, div. A, title VI, Sec. 615(c)(1), Sept. 23, 1996, 110 Stat. 2545; amended Pub. L. 107–107, div. A, title VI, Sec. 618, Dec. 28, 2001, 115 Stat. 1137; Pub. L. 107–314, div. A, title VI, Sec. 612(f), Dec. 2, 2002, 116 Stat. 2568.)

–REFTEXT–

REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsec. (d)(4), is the date of enactment of Pub. L. 104–201, which was approved Sept. 23, 1996.

–MISC1–

AMENDMENTS

2002 – Subsec. (a)(1). Pub. L. 107–314 substituted "December 31, 2003" for "December 31, 2002".

2001 – Subsec. (a)(1). Pub. L. 107–107 substituted "September 23,

1996, and ending on December 31, 2002" for "the date of the enactment of this section, and ending on September 30, 2002".

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 303a, 324 of this title.

–End–

–CITE–

37 USC Sec. 302i 01/06/03

–EXPCITE–

TITLE 37 – PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

CHAPTER 5 – SPECIAL AND INCENTIVE PAYS

–HEAD–

Sec. 302i. Special pay: pharmacy officers

–STATUTE–

(a) Army, Navy, and Air Force Pharmacy Officers. – Under regulations prescribed pursuant to section 303a of this title, the Secretary of the military department concerned may, subject to subsection (c), pay retention special pay under this section to an officer who –

(1) is a pharmacy officer in the Medical Service Corps of the Army or Navy or the Biomedical Sciences Corps of the Air Force; and

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

(b) Public Health Service Corps. – Subject to subsection (c), the Secretary of Health and Human Services may pay retention special

pay under this section to an officer who –

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

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

(c) Limitation on Eligibility for Special Pay. – Special pay may not be paid under this section to an officer serving in a pay grade above pay grade O–6.

(d) Limitation on Amount of Special Pay. – The amount of retention special pay paid to an officer under this section may not exceed \$15,000 for any 12–month period.

–SOURCE–

(Added Pub. L. 106–398, Sec. 1 [[div. A], title VI, Sec. 628(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A–154; amended Pub. L. 107–314, div. A, title VI, Sec. 615(g), Dec. 2, 2002, 116 Stat. 2569.)

–MISC1–

AMENDMENTS

2002 – Subsecs. (a), (b). Pub. L. 107–314, Sec. 615(g)(1), substituted "retention special pay under this section" for "special pay at the rates specified in subsection (d)".

Subsec. (c). Pub. L. 107–314, Sec. 615(g)(2), inserted "on Eligibility for Special Pay" after "Limitation" in heading.

Subsec. (d). Pub. L. 107–314, Sec. 615(g)(3), added subsec. (d) and struck out heading and text of former subsec. (d). Text read as follows: "The rate of special pay paid to an officer under subsection (a) or (b) is as follows:

"(1) \$3,000 per year, if the officer is undergoing pharmacy internship training or has less than 3 years of creditable service.

"(2) \$7,000 per year, if the officer has at least 3 but less than 6 years of creditable service and is not undergoing pharmacy internship training.

"(3) \$7,000 per year, if the officer has at least 6 but less than 8 years of creditable service.

"(4) \$12,000 per year, if the officer has at least 8 but less than 12 years of creditable service.

"(5) \$10,000 per year, if the officer has at least 12 but less than 14 years of creditable service.

"(6) \$9,000 per year, if the officer has at least 14 but less than 18 years of creditable service.

"(7) \$8,000 per year, if the officer has 18 or more years of creditable service."

APPLICATION OF INCREASE

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

–SECRET–

SECTION REFERRED TO IN OTHER SECTIONS

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

–End–

–CITE–

37 USC Sec. 302j 01/06/03

–EXPCITE–

TITLE 37 – PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

CHAPTER 5 – SPECIAL AND INCENTIVE PAYS

–HEAD–

Sec. 302j. Special pay: accession bonus for pharmacy officers

–STATUTE–

(a) Accession Bonus Authorized. – A person who is a graduate of an accredited pharmacy school and who, during the period beginning on the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 and ending on September 30, 2004, executes a written agreement described in subsection (d) to accept a commission as an officer of a uniformed service and remain on active duty for a period of not less than 4 years may, upon acceptance of the agreement by the Secretary concerned, be paid an accession bonus in an amount determined by the Secretary concerned.

(b) Limitation on Amount of Bonus. – The amount of an accession bonus under subsection (a) may not exceed \$30,000.

(c) Limitation on Eligibility for Bonus. – A person may not be paid a bonus under subsection (a) if –

(1) the person, in exchange for an agreement to accept an appointment as a warrant or commissioned officer, received financial assistance from the Department of Defense or the

Department of Health and Human Services to pursue a course of study in pharmacy; or

(2) the Secretary concerned determines that the person is not qualified to become and remain licensed as a pharmacist.

(d) Agreement. – The agreement referred to in subsection (a) shall provide that, consistent with the needs of the uniformed service concerned, the person executing the agreement shall be assigned to duty, for the period of obligated service covered by the agreement, as a pharmacy officer in the Medical Service Corps of the Army or Navy, a biomedical sciences officer in the Air Force designated as a pharmacy officer, or a pharmacy officer of the Public Health Service.

(e) Repayment. – (1) An officer who receives a payment under subsection (a) and who fails to become and remain licensed as a pharmacist during the period for which the payment is made shall refund to the United States an amount equal to the full amount of such payment.

(2) An officer who voluntarily terminates service on active duty before the end of the period agreed to be served under subsection (a) shall refund to the United States an amount that bears the same ratio to the amount paid to the officer as the unserved part of such period bears to the total period agreed to be served.

(3) An obligation to reimburse the United States under paragraph (1) or (2) is for all purposes a debt owed to the United States.

(4) 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 this subsection. This paragraph applies to any case commenced under title 11 after the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001.

–SOURCE–

(Added Pub. L. 106–398, Sec. 1 [[div. A], title VI, Sec. 628(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A–154; amended Pub. L. 107–314, div. A, title X, Sec. 1062(c)(1), Dec. 2, 2002, 116 Stat. 2650.)

–REFTEXT–

REFERENCES IN TEXT

The date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, referred to in subsecs. (a) and (e)(4), is the date of enactment of Pub. L. 106–398, which was approved Oct. 30, 2000.

–MISC1–

AMENDMENTS

2002 – Subsec. (a). Pub. L. 107–314 substituted "subsection (d)" for "subsection (c)".

–SECREP–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 303a, 324 of this title.

–End–

–CITE–

37 USC Sec. 303 01/06/03

–EXPCITE–

TITLE 37 – PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

CHAPTER 5 – SPECIAL AND INCENTIVE PAYS

–HEAD–

Sec. 303. Special pay: veterinarians

–STATUTE–

(a) Monthly Special Pay. – Each of the following officers is entitled to special pay at the rate of \$100 a month for each month of active duty:

(1) A commissioned officer –

(A) of the Regular Army who is in the Veterinary Corps;

(B) of the Regular Air Force who is an officer in the Biomedical Sciences Corps and holds a degree in veterinary medicine; or

(C) who is a veterinary officer of the Regular Corps of the Public Health Service.

(2) A commissioned officer –

(A) of a Reserve component of the Army who is in the Veterinary Corps of the Army;

(B) of a reserve component of the Air Force, of the Army or the Air Force without specification of component, or of the National Guard, who –

(i) is designated as a veterinary officer; or

(ii) is an officer in the Biomedical Sciences Corps of the Air Force and holds a degree in veterinary medicine; or

(C) who is a veterinary officer of the Reserve Corps of the Public Health Service,

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

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

(b) Additional Special Pay for Board Certification. – A commissioned officer entitled to special pay under subsection (a) who has been certified as a Diplomate in a specialty recognized by the American Veterinarian Medical Association is entitled to special pay (in addition to the special pay under subsection (a)) at the same rate as is provided under section 302c(b) of this title for an officer referred to in that section who has the same number of years of creditable service as the commissioned officer.

–SOURCE–

(Pub. L. 87–649, Sept. 7, 1962, 76 Stat. 465; Pub. L. 88–2, Sec. 5, Mar. 28, 1963, 77 Stat. 4; Pub. L. 90–40, Sec. 5, June 30, 1967, 81 Stat. 105; Pub. L. 92–129, title I, Sec. 104, Sept. 28, 1971, 85 Stat. 355; Pub. L. 93–64, title II, Sec. 203, July 9, 1973, 87 Stat. 149; Pub. L. 95–114, Sec. 3, Sept. 30, 1977, 91 Stat. 1046; Pub. L. 95–485, title VIII, Sec. 801(b), Oct. 20, 1978, 92 Stat. 1619; Pub. L. 96–284, Sec. 4(c), June 28, 1980, 94 Stat. 591; Pub. L. 100–26, Sec. 8(d)(3), Apr. 21, 1987, 101 Stat. 285; Pub. L. 100–180, div. A, title XII, Sec. 1232, Dec. 4, 1987, 101 Stat. 1161; Pub. L. 102–25, title VII, Sec. 702(b)(2), Apr. 6, 1991, 105 Stat. 117; Pub. L. 106–65, div. A, title VI, Sec. 616(a), Oct. 5, 1999, 113 Stat. 652; Pub. L. 106–398, Sec. 1 [[div. A], title VI,

Sec. 629], Oct. 30, 2000, 114 Stat. 1654, 1654A–155.)

–MISC1–

HISTORICAL AND REVISION NOTES

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

303(a) 37:234(b) (less 1st Oct. 12, 1949, ch. 681,
proviso, as applicable to Sec. 203(b) (as
veterinarians). applicable to
veterinarians), (c), 63
Stat. 809; June 25,
1952, ch. 459, Sec. 1,
66 Stat. 156; June 29,
1953, ch. 158, Sec. 8
(as applicable to
veterinarians), 67 Stat.
89; June 30, 1955, ch.
250, Sec. 203, 69 Stat.
225; Apr. 30, 1956, ch.
223, Sec. 5, 70 Stat.
122; Mar. 23, 1959, Pub.
L. 86–4, Sec. 5, 73
Stat. 13.
303(b)
37:234(c).

37:234(b) (1st proviso,

as applicable to

veterinarians).

In subsection (a), clause (1) is substituted for section 234(c)(1), (2), and (3) of existing title 37. The words "of the Regular Army" and "of the Regular Air Force" are inserted in clauses (1)(A) and (B), respectively, since in contradistinction to section 234(c)(4) of existing title 37, their source was intended to apply only to regular officers. Clauses (2)(A) and (B) are substituted for the enumeration of categories in section 234(c)(4) of existing title 37 to reflect current usage and designations of those categories. Clause (3) is substituted for section 234(c)(5) and (6) of existing title 37. Section 234(b) (2d proviso) of existing title 37 is omitted as obsolete. Section 234(b) (last proviso) of existing title 37 is omitted as inapplicable to veterinarians.

In subsection (b), the words "disability retirement pay" are omitted as covered by the words "retired pay".

AMENDMENTS

2000 – Subsec. (a)(1)(B). Pub. L. 106–398, Sec. 1 [[div. A], title VI, Sec. 629(1)], substituted "who is an officer in the Biomedical Sciences Corps and holds a degree in veterinary medicine" for "who is designated as a veterinary officer".

Subsec. (a)(2)(B). Pub. L. 106–398, Sec. 1 [[div. A], title VI, Sec. 629(2)], added subpar. (B) and struck out former subpar. (B)

which read as follows: "of a Reserve component of the Air Force, of the Army or the Air Force without specification of component, or of the National Guard, who is designated as a veterinary officer of the Army or the Air Force, as the case may be; or".

1999 – Pub. L. 106–65 designated existing provisions as subsec.

(a), inserted subsec. heading, and added subsec. (b).

1991 – Par. (3). Pub. L. 102–25 struck out "of this subsection"

after "clause (1) or (2)".

1987 – Pub. L. 100–180 substituted semicolon for comma at end of par. (2)(A) and "; or" for ", or" at end of par. (2)(B).

Pub. L. 100–26 substituted "A" for "a" at beginning of pars. (1)

to (3), semicolon for comma at end of par. (1)(A), "; or" for ",

or" at end of par. (1)(B), period for semicolon at end of par.

(1)(C), and period for "; and" at end of par. (2); and directed

substitution of semicolon for comma at end of par. (1)(B) which

could not be executed because no comma appeared at end of par.

(1)(B).

1980 – Pub. L. 96–284 substituted "Each" for "(a) In addition to

any other basic pay, special pay, incentive pay or allowance to

which he is entitled, each", struck out "beginning on or after

October 1, 1977" after "active duty", struck out subsec. (b) which

prohibited inclusion of active duty monthly special pay in

computation of amount of increase in pay authorized in any other

provision of this title or in computation of retired pay or

severance pay, and struck out subsec. (c) which provided that no

special pay be paid for any month after September 1980.

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

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

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

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

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

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

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

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106–65, div. A, title VI, Sec. 616(b), Oct. 5, 1999, 113 Stat. 652, provided that: "The amendments made by subsection (a) [amending this section] shall take effect on October 1, 1999, and shall apply with respect to months beginning on and after that date."

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–114 effective Oct. 1, 1977, see section 4 of Pub. L. 95–114, set out as a note under section 302a of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

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

~~—SECRET—~~

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 302f, 303a, 306 of this title.

~~—End—~~