

tive pay rates for enlisted members, commissioned officers, and warrant officers of all pay grades and years of service encompassed by tables.

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

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

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

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

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

#### EFFECTIVE DATE OF 1991 AMENDMENT

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

#### EFFECTIVE DATE OF 1988 AMENDMENT

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

#### EFFECTIVE DATE OF 1987 AMENDMENT

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

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

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

#### EFFECTIVE DATE OF 1985 AMENDMENT

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

#### EFFECTIVE DATE OF 1981 AMENDMENT

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

#### EFFECTIVE DATE

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

#### DELEGATION OF FUNCTIONS

For delegation of authority under this section to Secretaries of Defense, Commerce, Health and Human

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

#### TRANSITION PROVISIONS

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

“(1) January 1, 2002.

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

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

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

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

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

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

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

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

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

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

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

#### AMENDMENTS

2008—Subsec. (a)(2). Pub. L. 110-181 substituted “\$75,000” for “\$50,000”.

2006—Subsec. (c). Pub. L. 109-163 amended heading and text of subsec. (c) generally, substituting provisions referring to repayment provisions of section

303a(e) for specific provisions relating to refunds required when officer fails to complete total period of active duty.

2002—Subsec. (a)(2). Pub. L. 107-314 substituted “\$50,000” for “\$14,000”.

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

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

#### EFFECTIVE DATE OF 2008 AMENDMENT

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

#### SAVINGS PROVISION

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

#### APPLICATION OF INCREASE

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

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

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

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

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

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

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

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

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

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

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

#### TERMINATION OF EXISTING RETENTION BONUS AGREEMENT

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

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

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

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

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

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

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

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

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

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

(4) has at least eight years of creditable service (computed as described in section 302b(g)<sup>1</sup> 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

<sup>1</sup> See References in Text note below.