

provision of this section amended by section 687(b) of Pub. L. 109-163, see section 687(f) of Pub. L. 109-163, set out as a note under section 510 of Title 10, Armed Forces.

#### APPLICATION OF INCREASE

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

#### COVERAGE OF PERIOD OF LAPSED AUTHORITY

For provisions relating to coverage of period of lapsed authority from Oct. 1, 1993, to Nov. 30, 1993, for payment of special pay authorized under this section, see section 611(d) of Pub. L. 103-160, set out as a note under section 2130a of Title 10, Armed Forces.

For provisions relating to coverage of period of lapsed authority from Oct. 1, 1992, to Oct. 23, 1992, for payment of bonuses or other special pay under this section, see section 612(j)(2) of Pub. L. 102-484, set out as a note under section 301b of this title.

#### IMPLEMENTATION OF SUBSECTION (b)(2)

Pub. L. 101-510, div. A, title VI, §614(c), Nov. 5, 1990, 104 Stat. 1578, provided that the Secretary of Defense could not implement subsec. (b)(2) of this section, unless the Secretary submitted to the Committees on Armed Services of the Senate and House of Representatives a report justifying the need of the departments for the authority provided in such subsection and describing the manner in which that authority would be implemented, prior to repeal by Pub. L. 106-398, §1 [[div. A], title VI, §626(b)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A-153.

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

(a) ELIGIBLE FOR SPECIAL PAY.—A health care officer described in subsection (b) shall be eligible for special pay under section 302, 302a, 302b, 302c, 302e, or 303 of this title (whichever applies) notwithstanding any requirement in those sections that—

- (1) the call or order of the officer to active duty be for a period of not less than one year; or
- (2) the officer execute a written agreement to remain on active duty for a period of not less than one year.

(b) HEALTH CARE OFFICERS DESCRIBED.—A health care officer referred to in subsection (a) is an officer of the armed forces who is otherwise eligible for special pay under section 302, 302a, 302b, 302c, 302e, or 303 of this title and who—

- (1) is a reserve officer on active duty (other than for training) under a call or order to active duty for a period of more than 30 days but less than one year;
- (2) is involuntarily retained on active duty under section 12305 of title 10, or is recalled to active duty under section 688 of title 10 for a period of more than 30 days; or
- (3) voluntarily agrees to remain on active duty for a period of less than one year at a time when—

(A) officers are involuntarily retained on active duty under section 12305 of title 10; or

(B) the Secretary of Defense determines (pursuant to regulations prescribed by the

Secretary) that special circumstances justify the payment of special pay under this section.

(c) MONTHLY PAYMENTS.—Payment of special pay pursuant to this section may be made on a monthly basis. The officer shall repay in the manner provided in section 303a(e) of this title any amount received under this section in excess of the amount that corresponds to the actual period of active duty served by the officer.

(d) SPECIAL RULE FOR RESERVE MEDICAL AND DENTAL OFFICERS.—While a reserve medical or dental officer receives a special pay under section 302 or 302b of this title by reason of subsection (a), the officer shall not be entitled to special pay under section 302(h) or 302b(h) of this title.

(Added Pub. L. 102-190, div. A, title VI, §634(a), Dec. 5, 1991, 105 Stat. 1381; amended Pub. L. 104-106, div. A, title XV, §1501(d)(4)(A), Feb. 10, 1996, 110 Stat. 500; Pub. L. 106-398, §1 [[div. A], title VI, §625(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-153; Pub. L. 109-163, div. A, title VI, §687(b)(9), Jan. 6, 2006, 119 Stat. 3329.)

#### AMENDMENTS

2006—Subsec. (c). Pub. L. 109-163 substituted “repay in the manner provided in section 303a(e) of this title” for “refund”.

2000—Subsec. (d). Pub. L. 106-398 amended heading and text of subsec. (d) generally. Prior to amendment, text read as follows: “While a reserve medical officer receives a special pay under section 302 of this title by reason of subsection (a), the officer shall not be entitled to special pay under subsection (h) of that section.”

1996—Subsec. (b)(2), (3)(A). Pub. L. 104-106 substituted “section 12305 of title 10” for “section 673c of title 10”.

#### EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-106 effective as if included in the Reserve Officer Personnel Management Act, title XVI of Pub. L. 103-337, as enacted on Oct. 5, 1994, see section 1501(f)(3) of Pub. L. 104-106, set out as a note under section 113 of Title 10, Armed Forces.

#### SAVINGS PROVISION

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

#### ACTIVE DUTY IN CONNECTION WITH OPERATION DESERT STORM

Pub. L. 102-25, title III, §304, Apr. 25, 1991, 105 Stat. 81, as amended by Pub. L. 102-190, div. A, title VI, §656, Dec. 5, 1991, 105 Stat. 1393, provided that:

“(a) ELIGIBLE FOR SPECIAL PAY.—A health care officer described in subsection (b) shall be eligible for special pay under section 302, 302a, 302b, 302e, or 303 of title 37, United States Code (whichever applies), notwithstanding any requirement in those sections that—

“(1) the call or order of the officer to active duty be for a period of not less than one year; or

“(2) the officer execute a written agreement to remain on active duty for a period of not less than one year.

“(b) HEALTH CARE OFFICERS DESCRIBED.—A health care officer referred to in subsection (a) is an officer of the Armed Forces who is otherwise eligible for special pay under section 302, 302a, 302b, 302e, or 303 of title 37, United States Code, and who—

“(1) is a reserve officer on active duty under a call or order to active duty for a period of less than one year in connection with Operation Desert Storm;

“(2) is involuntarily retained on active duty under section 673c [now 12305] of title 10, United States Code, or is recalled to active duty under section 688 of that title, in connection with Operation Desert Storm; or

“(3) voluntarily agrees to remain on active duty for a period of less than one year in connection with Operation Desert Storm.

“(c) MONTHLY PAYMENTS.—Payment of special pay pursuant to this section may be made on a monthly basis. If the service on active duty of an officer described in subsection (b) is terminated before the end of the period for which a payment is made to the officer under subsection (a), the officer is entitled to special pay under section 302, 302a, 302b, 302e, or 303 of title 37, United States Code (whichever applies), only for the portion of that period that the officer actually served on active duty. The officer shall refund any amount received in excess of the amount that corresponds to the period of active duty of the officer.

“(d) SPECIAL RULE FOR RESERVE MEDICAL OFFICER.—While a reserve medical officer receives a special pay under section 302 of title 37, United States Code, by operation of subsection (a), the officer shall not be entitled to special pay under subsection (h) of that section.

“(e) PERIOD OF APPLICABILITY.—Subsection (a) shall apply during the period beginning on August 1, 1990, and ending on the first day of the first month beginning on or after the date 180 days after the end of the Persian Gulf conflict.”

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

(a) SPECIAL PAY AUTHORIZED.—An officer of a reserve component of the armed forces described in subsection (b) who executes a written agreement under which the officer agrees to serve in the Selected Reserve of an armed force for a period of not less than one year nor more than three years, beginning on the date the officer accepts the award of special pay under this section, may be paid special pay at an annual rate not to exceed \$25,000.

(b) ELIGIBLE OFFICERS.—An officer referred to in subsection (a) is an officer in a health care profession who is qualified in a specialty designated by regulations as a critically short wartime specialty.

(c) TIME FOR PAYMENT.—Special pay under this section shall be paid annually at the beginning of each twelve-month period for which the officer has agreed to serve.

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

(e) TERMINATION OF AGREEMENT AUTHORITY.—No agreement under this section may be entered into after December 31, 2013.

(Added Pub. L. 104-106, div. A, title VI, § 614(a)(1), Feb. 10, 1996, 110 Stat. 360; amended Pub. L. 104-201, div. A, title VI, § 611(a), Sept. 23, 1996, 110 Stat. 2543; Pub. L. 105-85, div. A, title VI, § 611(a), Nov. 18, 1997, 111 Stat. 1785; Pub. L. 105-261, div. A, title VI, § 611(a), Oct. 17, 1998, 112 Stat. 2038; Pub. L. 106-65, div. A, title VI, § 611(a), Oct. 5, 1999, 113 Stat. 649; Pub. L. 106-398, § 1 [[div. A],

title VI, § 621(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-151; Pub. L. 107-107, div. A, title VI, § 611(a), Dec. 28, 2001, 115 Stat. 1135; Pub. L. 107-314, div. A, title VI, § 612(e), Dec. 2, 2002, 116 Stat. 2567; Pub. L. 108-136, div. A, title VI, § 612(e), Nov. 24, 2003, 117 Stat. 1501; Pub. L. 108-375, div. A, title VI, § 612(e), Oct. 28, 2004, 118 Stat. 1947; Pub. L. 109-163, div. A, title VI, § 622(e), 687(b)(10), Jan. 6, 2006, 119 Stat. 3294, 3329; Pub. L. 109-364, div. A, title VI, §§ 612(e), 616(a), Oct. 17, 2006, 120 Stat. 2248, 2249; Pub. L. 110-181, div. A, title VI, § 612(e), Jan. 28, 2008, 122 Stat. 148; Pub. L. 110-417, [div. A], title VI, § 612(e), Oct. 14, 2008, 122 Stat. 4484; Pub. L. 111-84, div. A, title VI, § 612(b)(4), Oct. 28, 2009, 123 Stat. 2353; Pub. L. 111-383, div. A, title VI, § 612(b)(4), Jan. 7, 2011, 124 Stat. 4236; Pub. L. 112-81, div. A, title VI, § 612(b)(4), Dec. 31, 2011, 125 Stat. 1449; Pub. L. 112-239, div. A, title VI, § 612(b)(4), Jan. 2, 2013, 126 Stat. 1776.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in Pub. L. 100-456, div. A, title VI, § 613, Sept. 29, 1988, 102 Stat. 1981, which was set out as a note under section 302 of this title, prior to repeal by Pub. L. 104-106, § 614(c)(1).

AMENDMENTS

2013—Subsec. (e). Pub. L. 112-239 substituted “December 31, 2013” for “December 31, 2012”.

2011—Subsec. (e). Pub. L. 112-81 substituted “December 31, 2012” for “December 31, 2011”.

Pub. L. 111-383 substituted “December 31, 2011” for “December 31, 2010”.

2009—Subsec. (e). Pub. L. 111-84 substituted “December 31, 2010” for “December 31, 2009”.

2008—Subsec. (e). Pub. L. 110-417 substituted “December 31, 2009” for “December 31, 2008”.

Pub. L. 110-181 substituted “December 31, 2008” for “December 31, 2007”.

2006—Subsec. (a). Pub. L. 109-364, § 616(a), substituted “\$25,000” for “\$10,000”.

Subsec. (d). Pub. L. 109-163, § 687(b)(10)(A), (B), added subsec. (d) and struck out heading and text of former subsec. (d). Text read as follows: “An officer who voluntarily terminates service in the Selected Reserve of an armed force before the end of the period for which a payment was made to such officer under this section shall refund to the United States the full amount of the payment made for the period on which the payment was based.”

Subsec. (e). Pub. L. 109-364, § 612(e), substituted “December 31, 2007” for “December 31, 2006”.

Pub. L. 109-163, § 687(b)(10)(A), (C), redesignated subsec. (f) as (e) and struck out heading and text of former subsec. (e). Text read as follows: “A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the person receiving special pay under the agreement from the debt arising under the agreement.”

Subsec. (f). Pub. L. 109-163, § 687(b)(10)(C), redesignated subsec. (f) as (e).

Pub. L. 109-163, § 622(e), substituted “December 31, 2006” for “December 31, 2005”.

2004—Subsec. (f). Pub. L. 108-375 substituted “December 31, 2005” for “December 31, 2004”.

2003—Subsec. (f). Pub. L. 108-136 substituted “December 31, 2004” for “December 31, 2003”.

2002—Subsec. (f). Pub. L. 107-314 substituted “December 31, 2003” for “December 31, 2002”.

2001—Subsec. (f). Pub. L. 107-107 substituted “December 31, 2002” for “December 31, 2001”.

2000—Subsec. (f). Pub. L. 106-398 substituted “December 31, 2001” for “December 31, 2000”.