

[amending this section and repealing section 804(a)(2) of Pub. L. 95-485, formerly set out as a note below] shall be effective with respect to special pay payable under section 305a of title 37, United States Code, for months after August 1980.”

EFFECTIVE DATE

Pub. L. 95-485, title VIII, §804(a)(1), Oct. 20, 1978, 92 Stat. 1620, provided that this section is effective Oct. 1, 1978.

REPEALS

Pub. L. 95-485, title VIII, §804(a)(2), Oct. 20, 1978, 92 Stat. 1620, which amended subsec. (b) of this section effective Oct. 1, 1981, to provide for monthly rates of special pay of \$25 for over 3 years, \$35 for over 5 years, \$45 for over 7 years, \$55 for over 9 years, \$65 for over 10 years, \$75 for over 11 years, and \$100 for over 12 years was repealed by Pub. L. 96-343, §3(b), Sept. 8, 1980, 94 Stat. 1124.

DETERMINATION OF AMOUNT OF SEA CREDIT; PERIODS
PRIOR TO OCTOBER 1, 1978

Pub. L. 95-485, title VIII, §804(a)(3), Oct. 20, 1978, 92 Stat. 1620, provided that: “In determining the amount of sea duty to be credited to an enlisted member of a uniformed service for purposes of section 305a of title 37, United States Code (as added by paragraph (1)), the Secretary concerned shall credit such member with all periods of service by such member before October 1, 1978, during which such member served in a sea duty status.”

§ 305b. Special pay: service as member of Weapons of Mass Destruction Civil Support Team

(a) SPECIAL PAY AUTHORIZED.—The Secretary of a military department may pay special pay under this subsection to members of an armed force under the jurisdiction of the Secretary who are entitled to basic pay under section 204 and are assigned by orders to duty as members of a Weapons of Mass Destruction Civil Support Team if the Secretary determines that the payment of such special pay is needed to address recruitment or retention concerns in that armed force.

(b) MONTHLY RATE.—The monthly rate of special pay under subsection (a) may not exceed \$150.

(c) INCLUSION OF RESERVE COMPONENT MEMBERS PERFORMING INACTIVE DUTY TRAINING.—(1) To the extent funds are made available to carry out this subsection, the Secretary of a military department may pay the special pay under subsection (a) to members of a reserve component of the armed forces who are entitled to compensation under section 206 of this title and who perform duty under orders as members of a Weapons of Mass Destruction Civil Support Team.

(2) The amount of the special pay for a member referred to in paragraph (1) shall be equal to $\frac{1}{30}$ of the monthly special pay rate in effect under subsection (b) for each day on which the member performs duty under orders as members of a Weapons of Mass Destruction Civil Support Team.

(d) REGULATIONS.—Special pay under this section shall be provided in accordance with regulations prescribed by the Secretary of Defense.

(e) DEFINITION.—In this section, the term “Weapons of Mass Destruction Civil Support

Team” means a team of members of the reserve components of the armed forces that is established under section 12310(c) of title 10 in support of emergency preparedness programs to prepare for or to respond to any emergency involving the use of a weapon of mass destruction.

(Added Pub. L. 108-136, div. A, title VI, §624(a), Nov. 24, 2003, 117 Stat. 1505.)

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

(a)(1) The Secretary concerned may designate positions of unusual responsibility which are of a critical nature to an armed force under his jurisdiction and may pay special pay, in addition to other pay prescribed by law, to an officer of an armed force described in paragraph (2) who is performing the duties of such a position, at the following monthly rates:

Pay Grade	Monthly Rate
O-6	\$150
O-5	100
O-4 and below	50

(2) An officer of the armed forces referred to in paragraph (1) is an officer who is entitled to the basic pay under section 204 of this title, or the compensation under section 206 of this title, of pay grade O-6 or below.

(b) If an officer entitled to compensation under section 206 of this title is paid special pay under subsection (a) for the performance of duties in a position designated under such subsection, the special pay shall be paid at the rate of $\frac{1}{30}$ of the monthly rate authorized by such subsection for each day of the performance of duties in the designated position.

(c) The Secretary concerned shall prescribe the criteria and circumstances under which officers of an armed force under his jurisdiction are eligible for special pay under this section and, when he considers it necessary, may abolish that special pay.

(d)(1) Not more than 5 percent of the number of officers on active duty (other than for training or mobilization in support of a contingency operation) in an armed force in each of the pay grades O-3 and below, and not more than 10 percent of the number of officers on active duty in an armed force in pay grade O-4, O-5, or O-6, may be paid special pay under this section.

(2) Of the number of officers in the Selected Reserve of the Ready Reserve of an armed force who are not on active duty (other than for training or mobilization in support of a contingency operation), not more than 5 percent of the number of such officers in each of the pay grades O-3 and below, and not more than 10 percent of the number of such officers in pay grade O-4, O-5, or O-6, may be paid special pay under subsection (b).

(e) This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction, and by the Secretary of Homeland Security for the Coast Guard when the Coast Guard is not operating as a service in the Navy.

(f) This section does not apply to a person who is entitled to special pay under section 302, 302a, 302b, or 303 of this title.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 466; Pub. L. 90-623, §3(1), Oct. 22, 1968, 82 Stat. 1314; Pub. L. 96-284, §6, June 28, 1980, 94 Stat. 593; Pub. L. 96-470, title II, §202(b), Oct. 19, 1980, 94 Stat. 2242; Pub. L. 97-322, title I, §116, Oct. 15, 1982, 96 Stat. 1586; Pub. L. 101-510, div. A, title XIII, §1322(c)(3), Nov. 5, 1990, 104 Stat. 1672; Pub. L. 102-587, title V, §5205, Nov. 4, 1992, 106 Stat. 5074; Pub. L. 107-296, title XVII, §1704(c), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 108-136, div. A, title VI, §616, Nov. 24, 2003, 117 Stat. 1502.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
306(a)	37:241(a) (less last sentence).	Oct. 12, 1949, ch. 681, §210; added May 20, 1958, Pub. L. 85-422, §1(8), 72 Stat. 126.
306(b)	37:241(a) (last sentence).	
306(c)	37:241(b).	
306(d)	37:241(c).	
306(e)	37:241(d).	
306(f)	37:241(e).	

In subsection (a), the words “an armed force under his jurisdiction” are substituted for the words “the service concerned” in the first sentence of section 241(a) of existing title 37 to conform to the last sentence of that subsection.

In subsection (c), the words “(other than for training)” are inserted for clarity, since members on duty for training only are not included in computing strength authorizations.

AMENDMENTS

2003—Subsec. (a). Pub. L. 108-136, §616(a)(1), designated existing provisions as par. (1), substituted “described in paragraph (2)” for “who is entitled to the basic pay of pay grade O-6 or below and”, and added par. (2).

Subsec. (b). Pub. L. 108-136, §616(a)(3), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 108-136, §616(a)(2), redesignated subsec. (b) as (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 108-136, §616(b), designated existing provisions as par. (1), inserted “or mobilization in support of a contingency operation” after “training”, and added par. (2).

Pub. L. 108-136, §616(a)(2), redesignated subsec. (c) as (d). Former subsec. (d) redesignated (e).

Subsecs. (e), (f). Pub. L. 108-136, §616(a)(2), redesignated subsecs. (d) and (e) as (e) and (f), respectively.

2002—Subsec. (d). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

1992—Subsec. (a). Pub. L. 102-587, §5205(a), substituted “of pay grade O-6 or below” for “of pay grade O-3, O-4, O-5, or O-6” in text and amended table by substituting “O-4 and below” for “O-4” and striking out line providing monthly rate of \$50 for pay grade O-3.

Subsec. (c). Pub. L. 102-587, §5205(b), substituted “in each of the pay grades O-3 and below,” for “in pay grade O-3.”

1990—Subsec. (f). Pub. L. 101-510 struck out subsec. (f) which read as follows: “The Secretary of Defense shall report to Congress by March 1 of each year following a calendar year in which special pay is disbursed under this section. Negative reports need not be submitted.”

1982—Subsec. (f). Pub. L. 97-322 struck out last sentence providing that the Secretary of Transportation shall make a similar report for the Coast Guard when the Coast Guard is not operating as a service in the Navy.

1980—Subsec. (e). Pub. L. 96-284 made section inapplicable to a person entitled to special pay under section 302a or 302b of this title.

Subsec. (f). Pub. L. 96-470 substituted provision requiring the Secretary of Defense to report by Mar. 1 of

each year following a calendar year in which special pay is disbursed under this section and providing that negative reports need not be submitted for provision requiring the Secretary of Defense to report by Mar. 1 of each year on the administration of this section within each military department during the preceding calendar year.

1968—Subsecs. (d), (f). Pub. L. 90-623 substituted “Secretary of Transportation” for “Secretary of the Treasury”.

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 1968 AMENDMENT

Amendment by Pub. L. 90-623 intended to restate without substantive change the law in effect on October 22, 1968, see section 6 of Pub. L. 90-623, set out as a note under section 5334 of Title 5, Government Organization and Employees.

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

Not more than nine members of the armed forces, including members detailed to international military headquarters, may be paid pay and allowances at rates referred to in section 625(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2385(d)).

(Added Pub. L. 98-525, title XIV, §1402(b)(1), Oct. 19, 1984, 98 Stat. 2621.)

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in the following prior appropriations acts:

Oct. 12, 1984, Pub. L. 98-473, title I, §101(h) [title VIII, §8005], 98 Stat. 1904, 1922.

Dec. 8, 1983, Pub. L. 98-212, title VII, §708, 97 Stat. 1438.

Dec. 21, 1982, Pub. L. 97-377, title I, §101(c) [title VII, §708], 96 Stat. 1833, 1850.

Dec. 29, 1981, Pub. L. 97-114, title VII, §708, 95 Stat. 1579.

Dec. 15, 1980, Pub. L. 96-527, title VII, §708, 94 Stat. 3081.

Dec. 21, 1979, Pub. L. 96-154, title VII, §708, 93 Stat. 1152.

Oct. 13, 1978, Pub. L. 95-457, title VIII, §808, 92 Stat. 1244.

Sept. 21, 1977, Pub. L. 95-111, title VIII, §807, 91 Stat. 899.

Sept. 22, 1976, Pub. L. 94-419, title VII, §707, 90 Stat. 1291.

Feb. 9, 1976, Pub. L. 94-212, title VII, §707, 90 Stat. 168.

Oct. 8, 1974, Pub. L. 93-437, title VIII, §807, 88 Stat. 1225.

Jan. 2, 1974, Pub. L. 93-238, title VII, §707, 87 Stat. 1038.

Oct. 26, 1972, Pub. L. 92-570, title VII, §707, 86 Stat. 1196.

Dec. 18, 1971, Pub. L. 92-204, title VII, §707, 85 Stat. 727.

Jan. 11, 1971, Pub. L. 91-668, title VIII, §807, 84 Stat. 2030.

Dec. 29, 1969, Pub. L. 91-171, title VI, §607, 83 Stat. 480.

EFFECTIVE DATE

Section effective Oct. 1, 1985, see section 1404 of Pub. L. 98-525, set out as a note under section 520b of Title 10, Armed Forces.