

and an officer of the naval service who is a party to an agreement under section 312 of title 37, United States Code, that was entered into before the date of the enactment of this Act [Jan. 28, 2008] may revise the agreement to reflect the new limitation on the number of years of commissioned service that the officer may serve while remaining eligible for special pay under such section.”

ACTIVE SERVICE AGREEMENTS FOR NUCLEAR QUALIFIED OFFICERS

Pub. L. 97-60, title I, §118, Oct. 14, 1981, 95 Stat. 997, provided that: “Notwithstanding subsections (a) and (b) of section 312 of title 37, United States Code, and under regulations prescribed by the Secretary of the Navy, the Secretary of the Navy may permit an officer of the naval service who is performing obligated service as the result of an active-service agreement executed under such section before January 1, 1981, to cancel that active-service agreement effective on the day before an anniversary of the day on which that agreement was executed and execute a new active-service agreement under such section for one period of four years. Any such cancellation of an existing agreement and execution of a new agreement may be effective on the day before an anniversary date occurring on or after January 1, 1981.”

EXCHANGE OF ACTIVE SERVICE AGREEMENTS BY NAVAL OFFICERS

Pub. L. 94-356, §4, July 12, 1976, 90 Stat. 903, provided that: “Notwithstanding any other provision of this Act [enacting section 312b and 312c of this title, amending this section, and enacting provisions set out as notes under this section and section 301 of this title] or any other provision of law, and under regulations prescribed by the Secretary of the Navy, an officer of the naval service who, on or after the effective date of this Act [see Effective Date of 1976 Amendment above], is, or will be, performing obligated service as the result of an active service agreement executed in accordance with section 312 of title 37, United States Code as it existed at any time before the effective date of this Act, may be permitted—

“(1) as of the last day of the first year of that obligated service, to cancel that active service agreement in exchange for a new active service agreement in accordance with section 312 of title 37, as amended by this Act; or

“(2) as of the last day of any year, other than the last year, of that obligated service, to cancel that active service agreement in exchange for eligibility for the annual bonus authorized by section 312c of title 37, as added by this Act, and an agreement to remain on active duty for a period of time equal to the period of obligated service remaining under that active service agreement.”

**[§ 312a. Repealed. Pub. L. 109-163, div. A, title VI, § 629(d)(1), Jan. 6, 2006, 119 Stat. 3297]**

Section, added Pub. L. 92-581, §1(3), Oct. 27, 1972, 86 Stat. 1277; amended Pub. L. 97-295, §3(3), Oct. 12, 1982, 96 Stat. 1303; Pub. L. 102-25, title VII, §702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117, related to special pay for nuclear-trained and qualified enlisted members.

**§ 312b. Special pay: nuclear career accession bonus**

(a)(1) Under regulations prescribed by the Secretary of the Navy, an individual who is selected for officer naval nuclear power training and who executes a written agreement to participate in a program of training for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants may be paid a bonus not to exceed \$30,000 upon acceptance by

the Secretary of the written agreement. Upon acceptance of the agreement by the Secretary, the amounts payable upon selection for training and upon completion of training, respectively, as determined under subsection (b), shall become fixed.

(2) An officer who does not commence or complete satisfactorily the nuclear power training specified in the agreement under paragraph (1) shall be subject to the repayment provisions of section 303a(e) of this title.

(b) The Secretary of the Navy shall determine annually the total amount of the bonus to be paid under this section and of that amount the portions that are to be paid—

(1) upon selection for officer naval nuclear power training; and

(2) upon successful completion, as a commissioned officer, of training for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants.

(c) The provisions of this section shall be effective only in the case of officers who, on or before December 31, 2013, have been accepted for training for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants.

(Added Pub. L. 94-356, §3, July 12, 1976, 90 Stat. 901; amended Pub. L. 96-579, §2(b), Dec. 23, 1980, 94 Stat. 3359; Pub. L. 97-60, title I, §119, Oct. 14, 1981, 95 Stat. 997; Pub. L. 99-145, title VI, §632(b), title XIII, §1303(b)(4), Nov. 8, 1985, 99 Stat. 644, 740; Pub. L. 101-189, div. A, title VI, §614(b), Nov. 29, 1989, 103 Stat. 1446; Pub. L. 101-510, div. A, title XIII, §1322(c)(7), Nov. 5, 1990, 104 Stat. 1672; Pub. L. 102-25, title VII, §702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 103-337, div. A, title VI, §613(h), Oct. 5, 1994, 108 Stat. 2784; Pub. L. 104-106, div. A, title VI, §613(f), Feb. 10, 1996, 110 Stat. 360; Pub. L. 104-201, div. A, title VI, §613(e), Sept. 23, 1996, 110 Stat. 2544; Pub. L. 105-85, div. A, title VI, §§613(e), 624(b), Nov. 18, 1997, 111 Stat. 1786, 1793; Pub. L. 105-261, div. A, title VI, §613(e), Oct. 17, 1998, 112 Stat. 2039; Pub. L. 106-65, div. A, title VI, §§613(f), 624(b), Oct. 5, 1999, 113 Stat. 650, 654; Pub. L. 106-398, §1 [[div. A], title VI, §623(d)], Oct. 30, 2000, 114 Stat. 1654, 1654A-152; Pub. L. 107-107, div. A, title VI, §613(b), Dec. 28, 2001, 115 Stat. 1136; Pub. L. 107-314, div. A, title VI, §613(b), Dec. 2, 2002, 116 Stat. 2568; Pub. L. 108-136, div. A, title VI, §613(b), Nov. 24, 2003, 117 Stat. 1501; Pub. L. 108-375, div. A, title VI, §613(b), Oct. 28, 2004, 118 Stat. 1947; Pub. L. 109-163, div. A, title VI, §§623(b), 687(b)(22), Jan. 6, 2006, 119 Stat. 3295, 3331; Pub. L. 109-364, div. A, title VI, §§613(b), 619(a), Oct. 17, 2006, 120 Stat. 2248, 2252; Pub. L. 110-181, div. A, title VI, §613(b), Jan. 28, 2008, 122 Stat. 149; Pub. L. 110-417, [div. A], title VI, §613(b), Oct. 14, 2008, 122 Stat. 4485; Pub. L. 111-84, div. A, title VI, §613(2), Oct. 28, 2009, 123 Stat. 2353; Pub. L. 111-383, div. A, title VI, §613(2), Jan. 7, 2011, 124 Stat. 4237; Pub. L. 112-81, div. A, title VI, §613(2), Dec. 31, 2011, 125 Stat. 1450; Pub. L. 112-239, div. A, title VI, §613(2), Jan. 2, 2013, 126 Stat. 1777.)

AMENDMENTS

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