

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.

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

(a)(1) Under regulations prescribed by the Secretary of the Navy, an officer of the naval service who—

- (A) is entitled to basic pay;
- (B) is not above the pay grade O-6;
- (C) has completed his initial obligated active service as an officer;

(D) has, as a commissioned officer, successfully completed training for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants; and

(E) has the current technical qualifications for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants;

may, in addition to all other compensation to which he is entitled, be paid an annual bonus in an amount not to exceed \$22,000 for each nuclear service year.

(2) In order to be eligible for an annual bonus for any nuclear service year in accordance with this subsection, an otherwise technically qualified officer must have been on active duty on the last day of that nuclear service year.

(3) The amount of the annual bonus to which an officer would otherwise be entitled for a nuclear service year in accordance with this subsection shall be reduced on a pro rata basis for each day of that nuclear service year on which he—

- (A) was not on active duty;
- (B) was not technically qualified for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants;
- (C) was performing obligated service as the result of an active-service agreement executed under section 312 of this title; or

(D) was entitled to receive aviation career incentive pay in accordance with section 301a while serving in a billet other than a billet that required the officer—

- (i) be technically qualified for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants; and
- (ii) be qualified for the performance of operational flying duties.

(b)(1) Under regulations prescribed by the Secretary of the Navy, an officer of the naval service who—

- (A) is entitled to basic pay;
- (B) is not above the pay grade O-6;
- (C) has, as an enlisted member, received training for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants; and

(D) has the current technical qualifications for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants;

may, in addition to all other compensation to which he is entitled, be paid an annual bonus in an amount not to exceed \$14,000 for each nuclear service year.

(2) In order to be eligible for an annual bonus for any nuclear service year in accordance with this subsection, an otherwise technically qualified officer must have been on active duty on the last day of that nuclear service year.

(3) The amount of the annual bonus to which an officer would otherwise be entitled in accordance with this subsection shall be reduced on a pro rata basis for each day of that nuclear service year on which he—

(A) was not in an assignment involving the direct supervision, operation, or maintenance of naval nuclear propulsion plants;

(B) was performing obligated service as the result of an active-service agreement executed under section 312 of this title; or

(C) was entitled to receive aviation career incentive pay in accordance with section 301a while serving in a billet other than a billet—

- (i) involving the direct supervision, operation, or maintenance of naval nuclear propulsion plants; and
- (ii) that required the officer be qualified for the performance of operational flying duties.

(c) Under regulations prescribed by the Secretary of the Navy, an officer of the naval service who is not on active duty on the last day of a nuclear service year or who, on or before the last day of a nuclear service year, loses his technical qualifications or advances from the pay grade of O-6 to a higher pay grade may be paid a bonus in accordance with subsection (a) or (b) on a pro rata basis, if otherwise qualified, unless termination of active duty or loss of technical qualifications was voluntary or was the result of his own misconduct.

(d) For the purposes of this section, a “nuclear service year” is any fiscal year beginning before December 31, 2013.

(Added Pub. L. 94-356, §3, July 12, 1976, 90 Stat. 901; amended Pub. L. 96-513, title V, §516(9), Dec. 12, 1980, 94 Stat. 2938; Pub. L. 96-579, §2(c), Dec. 23, 1980, 94 Stat. 3359; Pub. L. 99-145, title VI, §632(c), Nov. 8, 1985, 99 Stat. 645; Pub. L. 101-189, div. A, title VI, §614(c), Nov. 29, 1989, 103 Stat. 1446; Pub. L. 101-510, div. A, title XIII, §1322(c)(8), 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(i), Oct. 5, 1994, 108 Stat. 2784; Pub. L. 104-106, div. A, title VI, §613(g), Feb. 10, 1996, 110 Stat. 360; Pub. L. 104-201, div. A, title VI, §613(f), Sept. 23, 1996, 110 Stat. 2544; Pub. L. 105-85, div. A, title VI, §§613(f), 624(c), Nov. 18, 1997, 111 Stat. 1786, 1793; Pub. L. 105-261, div. A, title VI, §613(f), Oct. 17, 1998, 112 Stat. 2039; Pub. L. 106-65, div. A, title VI, §§613(g), 624(c), Oct. 5, 1999, 113 Stat. 650, 654; Pub. L. 106-398, §1 [[div. A], title VI, §623(e)], Oct. 30, 2000, 114 Stat. 1654, 1654A-152; Pub. L. 107-107, div. A, title VI, §613(c), Dec. 28, 2001, 115

Stat. 1136; Pub. L. 107-314, div. A, title VI, § 613(c), Dec. 2, 2002, 116 Stat. 2568; Pub. L. 108-136, div. A, title VI, § 613(c), Nov. 24, 2003, 117 Stat. 1501; Pub. L. 108-375, div. A, title VI, § 613(c), Oct. 28, 2004, 118 Stat. 1947; Pub. L. 109-163, div. A, title VI, §§ 623(c), 638, Jan. 6, 2006, 119 Stat. 3295, 3301; Pub. L. 109-364, div. A, title VI, § 613(c), Oct. 17, 2006, 120 Stat. 2248; Pub. L. 110-181, div. A, title VI, § 613(c), Jan. 28, 2008, 122 Stat. 149; Pub. L. 110-417, [div. A], title VI, § 613(c), Oct. 14, 2008, 122 Stat. 4485; Pub. L. 111-84, div. A, title VI, § 613(3), Oct. 28, 2009, 123 Stat. 2353; Pub. L. 111-383, div. A, title VI, § 613(3), Jan. 7, 2011, 124 Stat. 4237; Pub. L. 112-81, div. A, title VI, § 613(3), Dec. 31, 2011, 125 Stat. 1450; Pub. L. 112-239, div. A, title VI, § 613(3), Jan. 2, 2013, 126 Stat. 1777.)

AMENDMENTS

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

2011—Subsec. (d). 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. (d). Pub. L. 111-84 substituted “December 31, 2010” for “December 31, 2009”.

2008—Subsec. (d). 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. (b)(1). Pub. L. 109-163, § 638, substituted “\$14,000” for “\$10,000” in concluding provisions.

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

Pub. L. 109-163, § 623(c), substituted “December 31, 2006” for “December 31, 2005”.

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

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

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

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

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

1999—Subsec. (a)(1). Pub. L. 106-65, § 624(c)(1), substituted “\$22,000” for “\$12,000” in concluding provisions.

Subsec. (b)(1). Pub. L. 106-65, § 624(c)(2), substituted “\$10,000” for “\$5,500” in concluding provisions.

Subsec. (d). Pub. L. 106-65, § 613(g), substituted “December 31, 2000.” for “October 1, 1998, and the 15-month period beginning on that date and ending on December 31, 1999.”

1998—Subsec. (d). Pub. L. 105-261 substituted “October 1, 1998, and the 15-month period beginning on that date and ending on December 31, 1999” for “October 1, 1999”.

1997—Subsec. (a)(1). Pub. L. 105-85, § 624(c)(1), substituted “\$12,000” for “\$10,000” in concluding provisions.

Subsec. (b)(1). Pub. L. 105-85, § 624(c)(2), substituted “\$5,500” for “\$4,500” in concluding provisions.

Subsec. (d). Pub. L. 105-85, § 613(f), substituted “October 1, 1999” for “October 1, 1998”.

1996—Subsec. (d). Pub. L. 104-201 substituted “October 1, 1998” for “October 1, 1997”.

Pub. L. 104-106 substituted “October 1, 1997” for “October 1, 1996”.

1994—Subsec. (d). Pub. L. 103-337 substituted “October 1, 1996” for “October 1, 1995”.

1991—Subsec. (c). Pub. L. 102-25 struck out “of this section” after “subsection (a) or (b)”.

1990—Subsecs. (d), (e). Pub. L. 101-510 redesignated subsec. (e) as (d) and struck out former subsec. (d)

which read as follows: “The Secretary of the Navy shall make an annual report to the Committees on Armed Services of the Senate and House of Representatives containing data to monitor the effectiveness of the bonuses authorized by subsections (a) and (b) of this section.”

1989—Subsecs. (a)(1), (b)(1). Pub. L. 101-189, § 614(c)(1), struck out “ending before October 1, 1990” before period at end.

Subsec. (e). Pub. L. 101-189, § 614(c)(2), substituted “October 1, 1995” for “October 1, 1990”.

1985—Subsec. (a). Pub. L. 99-145, § 632(c)(1), designated first sentence as par. (1), redesignated cls. (1) to (5) as (A) to (E), respectively, struck out “, but has completed less than twenty-six years of commissioned service” after “officer” in cl. (C), and substituted “\$10,000” and “October 1, 1990” for “\$6,000” and “October 1, 1987”, respectively; designated second sentence as par. (2) and inserted “technically” before “qualified”; designated third sentence as par. (3) and substituted cls. (A) to (D) for provision that the annual bonus be reduced pro rata each day of a nuclear service year that an officer was not on active duty; was not qualified for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants; was performing obligated service as the result of an active-service agreement executed under section 312 of this title; or was entitled to receive aviation career incentive pay in accordance with section 301a of this title; and struck out fourth sentence relating to conditions authorizing a further pro rata reduction in the amount of the annual bonus in the case of an officer with more than ten, but not more than eighteen, years of commissioned service, an officer with more than eighteen, but not more than twenty-five, years of commissioned service, and an officer with more than twenty-five, but not more than twenty-six, years of commissioned service.

Subsec. (b). Pub. L. 99-145, § 632(c)(2), designated first sentence as par. (1), redesignated cls. (1) to (4) as cls. (A) to (D), respectively, and in provision following cl. (D) substituted “\$4,500” and “October 1, 1990” for “\$3,500” and “October 1, 1987”, respectively; designated second sentence as par. (2) and inserted “technically” before “qualified”; designated third sentence as par. (3) and substituted cls. (A) to (D) for provision that the annual bonus be reduced pro rata for each day of a nuclear service year that an officer was not in an assignment involving the direct supervision, operation, or maintenance of naval nuclear propulsion plants; was performing obligated service as the result of an active service agreement executed under section 312 of this title; or was entitled to receive aviation career incentive pay in accordance with section 301a of this title.

Subsec. (e). Pub. L. 99-145, § 632(c)(3), substituted “October 1, 1990” for “October 1, 1987”.

1980—Subsec. (a). Pub. L. 96-579, § 2(c)(1), substituted “\$6,000 for each nuclear service year ending before October 1, 1987” for “\$4,000 for each nuclear service year beginning after September 30, 1975, and ending before October 1, 1981”.

Pub. L. 96-513, § 516(9)(A), substituted “title. However” for “title: *Provided, That*”.

Subsec. (b). Pub. L. 96-579, § 2(c)(2), substituted “\$3,500 for each nuclear service year ending before October 1, 1987” for “\$2,400 for each nuclear service year beginning after September 30, 1975, and ending before October 1, 1981”.

Subsec. (d). Pub. L. 96-513, § 516(9)(B), substituted “Committees on Armed Services of the Senate and House of Representatives” for “House and Senate Armed Service Committees”.

Subsec. (e). Pub. L. 96-579, § 2(c)(3), substituted as definition for “nuclear service year” any fiscal year beginning before Oct. 1, 1987 for the one-year period from Oct. 1, 1975, through Sept. 30, 1976, or any fiscal year beginning after Sept. 30, 1976, and before Oct. 1, 1981.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-181 effective as of Dec. 31, 2007, and subject to various special provisions, see sec-

tion 610 of Pub. L. 110-181, set out as a Correction of Lapsed Authorities for Payment of Bonuses, Special Pays, and Similar Benefits for Members of the Uniformed Services note under section 2130a of Title 10, Armed Forces.

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106-65, div. A, title VI, § 624(d)(2), Oct. 5, 1999, 113 Stat. 654, provided that: "The amendments made by subsection (c) [amending this section] shall take effect on October 1, 1999, and shall apply with respect to nuclear service years beginning on or after that date."

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by section 624(c) of Pub. L. 105-85 effective Oct. 1, 1997, see section 624(d) of Pub. L. 105-85, set out as a note under section 312 of this title.

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-145 effective Oct. 1, 1985, see section 632(d) of Pub. L. 99-145, set out as a note under section 312 of this title.

EFFECTIVE DATE OF 1980 AMENDMENTS

Pub. L. 96-579, § 2(d)(3), Dec. 23, 1980, 94 Stat. 3360, provided: "The amendments made by subsection (c) [amending this section] shall become effective on the first day of the first month following the month in which this section is enacted [December 1980]."

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 effective Oct. 1, 1975, see section 5 of Pub. L. 94-356, set out as an Effective Date of 1976 Amendment note under section 312 of this title.

[§ 313. Repealed. Pub. L. 96-513, title IV, § 414(a), Dec. 12, 1980, 94 Stat. 2906]

Section, added Pub. L. 93-274, § 1(4), May 6, 1974, 88 Stat. 95; amended Pub. L. 94-273, § 43, Apr. 21, 1976, 90 Stat. 381; Pub. L. 96-107, title VIII, § 804(b), Nov. 9, 1979, 93 Stat. 812; Pub. L. 96-284, § 3(b)(1)-(5), June 28, 1980, 94 Stat. 590, 591, related to special pay for medical officers of the Public Health Service who execute active duty agreements.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1981 Amendment note under section 101 of Title 10, Armed Forces.

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

(a) COVERED MEMBERS.—This section applies with respect to a member of an armed force who—

(1) is entitled to basic pay;

(2) has a specialty that is designated by the Secretary concerned for the purposes of this section;

(3) has completed a tour of duty (as defined in accordance with regulations prescribed by the Secretary concerned) at a location outside the continental United States that is designated by the Secretary concerned for the purposes of this section; and

(4) at the end of that tour of duty executes an agreement to extend that tour for a period of not less than one year.

(b) SPECIAL PAY OR BONUS AUTHORIZED.—Upon the acceptance by the Secretary concerned of

the agreement providing for an extension of the tour of duty of a member described in subsection (a), the member is entitled, at the election of the Secretary concerned, to either—

(1) special pay in monthly installments in an amount prescribed by the Secretary, but not to exceed \$80 per month; or

(2) an annual bonus in an amount prescribed by the Secretary, but not to exceed \$2,000 per year.

(c) SELECTION AND PAYMENT OF SPECIAL PAY OR BONUS.—Not later than the date on which the Secretary concerned accepts an agreement described in subsection (a)(4) providing for the extension of a member's tour of duty, the Secretary concerned shall notify the member regarding whether the member will receive special pay or a bonus under this section. The payment rate for the special pay or bonus shall be fixed at the time of the agreement and may not be changed during the period of the extended tour of duty. The Secretary concerned may pay a bonus under this section either in a lump sum or installments.

(d) REPAYMENT.—A member who, having entered into a written agreement to extend a tour of duty for a period under subsection (a), receives a bonus payment under subsection (b)(2) for a 12-month period covered by the agreement and ceases during that 12-month period to perform the agreed tour of duty shall be subject to the repayment provisions of section 303a(e) of this title.

(e) EFFECT OF REST AND RECUPERATIVE ABSENCE.—A member who elects to receive one of the benefits specified in section 705(b) of title 10 as part of the extension of a tour of duty is not entitled to the special pay authorized by subsection (b)(1) for the period of the extension of duty for which the benefit under such section is provided.

(Added Pub. L. 96-579, § 5(a)(1), Dec. 23, 1980, 94 Stat. 3366; amended Pub. L. 99-145, title VI, § 641(a), Nov. 8, 1985, 99 Stat. 652; Pub. L. 105-85, div. A, title VI, § 625(a)(1), Nov. 18, 1997, 111 Stat. 1794; Pub. L. 107-314, div. A, title VI, § 654(b)(1), Dec. 2, 2002, 116 Stat. 2582; Pub. L. 108-136, div. A, title VI, § 621(a)(1), (2)(A), Nov. 24, 2003, 117 Stat. 1505; Pub. L. 109-163, div. A, title VI, § 687(b)(23), Jan. 6, 2006, 119 Stat. 3331.)

REFERENCES IN TEXT

The date of the enactment of the National Defense Authorization Act for Fiscal Year 1998, referred to in subsec. (d)(4), is the date of enactment of Pub. L. 105-85, which was approved Nov. 18, 1997.

AMENDMENTS

2006—Subsec. (d). Pub. L. 109-163 amended heading and text of subsec. (d) generally, substituting provisions referring to repayment provisions of section 303a(e) for specific provisions relating to refunds required when member receives bonus payment but fails to complete agreed upon extended tour of duty.

2003—Pub. L. 108-136, § 621(a)(2)(A), substituted "qualified members" for "qualified enlisted members" in section catchline.

Subsecs. (a), (b). Pub. L. 108-136, § 621(a)(1), substituted "a member" for "an enlisted member" in introductory provisions.

2002—Subsec. (a)(3). Pub. L. 107-314 substituted "the continental United States" for "the 48 contiguous States and the District of Columbia".