

“(4) EFFECTIVE PERIOD.—The designations made by this subsection and the authority to enter into an agreement under paragraph (2) of this subsection expire on September 30, 2010.”

§ 336. Contracting bonus for cadets and midshipmen enrolled in the Senior Reserve Officers’ Training Corps

(a) CONTRACTING BONUS AUTHORIZED.—The Secretary concerned may pay a bonus under this section to a cadet or midshipman enrolled in the Senior Reserve Officers’ Training Corps who executes a written agreement described in subsection (c).

(b) AMOUNT OF BONUS.—The amount of a bonus under subsection (a) may not exceed \$5,000.

(c) AGREEMENT.—A written agreement referred to in subsection (a) is a written agreement by the cadet or midshipman—

- (1) to complete field training or a practice cruise under section 2104(b)(6)(A)(ii) of title 10;
- (2) to complete advanced training under chapter 103 of title 10;
- (3) to accept a commission or appointment as an officer of the armed forces; and
- (4) to serve on active duty.

(d) PAYMENT METHOD.—Upon acceptance of a written agreement under subsection (a) by the Secretary concerned, the total amount of the bonus payable under the agreement becomes fixed. The agreement shall specify when the bonus will be paid and whether the bonus will be paid in a lump sum or in installments.

(e) REPAYMENT.—A person who, having received all or part of a bonus under subsection (a), fails to fulfill the terms of the written agreement required by such subsection for receipt of the bonus shall be subject to the repayment provisions of section 373 of this title.

(f) REGULATIONS.—The Secretary concerned shall issue such regulations as may be necessary to carry out this section.

(g) TERMINATION OF AUTHORITY.—No agreement under this section may be entered into after December 31, 2014.

(Added Pub. L. 113-66, div. A, title VI, §617(a), Dec. 26, 2013, 127 Stat. 781.)

§ 351. Hazardous duty pay

(a) HAZARDOUS DUTY PAY.—The Secretary concerned may pay hazardous duty pay under this section to a member of a regular or reserve component of the uniformed services entitled to basic pay under section 204 of this title or compensation under section 206 of this title who—

- (1) performs duty in a hostile fire area designated by the Secretary concerned, is exposed to a hostile fire event, explosion of a hostile explosive device, or any other hostile action, or is on duty during a month in an area in which a hostile event occurred which placed the member in grave danger of physical injury;
- (2) performs duty designated by the Secretary concerned as hazardous duty based upon the inherent dangers of that duty and risks of physical injury; or
- (3) performs duty in a foreign area designated by the Secretary concerned as an area

in which the member is subject to imminent danger of physical injury due to threat conditions.

(b) MAXIMUM AMOUNT.—The amount of hazardous duty pay paid to a member under subsection (a) shall be based on the type of duty and the area in which the duty is performed, as follows:

(1) In the case of a member who performs duty in a designated hostile fire area, as described in subsection (a)(1), hazardous duty pay may not exceed \$450 per month.

(2) In the case of a member who performs a designated hazardous duty, as described in subsection (a)(2), hazardous duty pay may not exceed \$250 per month.

(3) In the case of a member who performs duty in a foreign area designated as an imminent danger area, as described in subsection (a)(3), hazardous duty pay may not exceed \$250 per month.

(c) METHOD OF PAYMENT; PRORATION.—

(1) MONTHLY PAYMENT.—Subject to paragraph (2), hazardous duty pay shall be paid on a monthly basis.

(2) PRORATION.—If a member does not satisfy the eligibility requirements specified in paragraph (1), (2), or (3) of subsection (a) for an entire month for receipt of hazardous duty pay—

(A) in the case of hazardous duty pay payable under paragraph (1) of subsection (a), the Secretary concerned—

(i) shall prorate the payment amount to reflect the duration of the member’s actual qualifying service during the month; or

(ii) in the case of a member who is exposed to hostile fire or an explosion of a hostile explosive device in or for a day or portion of a day, may, at the election of the Secretary, pay the member hazardous duty pay in an amount not to exceed the entire amount of hazardous duty pay that would be payable to the member under such paragraph (1) for the month in which the duty concerned occurs (with the total amount of hazardous duty pay paid the member under this clause in any given month not to exceed such entire amount); and

(B) in the case of hazardous duty pay payable under paragraph (2) or (3) of subsection (a), the Secretary concerned may prorate the payment amount to reflect the duration of the member’s actual qualifying service during the month.

(d) ADMINISTRATION AND RETROACTIVE PAYMENTS.—The effective date for the designation of a hostile fire area, as described in paragraph (1) of subsection (a), and for the designation of a foreign area as an imminent danger area, as described in paragraph (3) of such subsection, may be a date that occurs before, on, or after the actual date of the designation by the Secretary concerned.

(e) DETERMINATION OF FACT.—Any determination of fact that is made in connection with determining whether a triggering event has occurred for the provision of hazardous duty pay