

(c) **ADDITIONAL ELIGIBILITY CRITERIA.**—The Secretary of the Navy may impose such additional criteria for the receipt of a nuclear officer bonus or nuclear officer incentive pay under this section as the Secretary determines to be appropriate.

(d) **MAXIMUM AMOUNT AND METHOD OF PAYMENT.**—

(1) **MAXIMUM AMOUNT.**—The Secretary of the Navy shall determine the amounts of a nuclear officer bonus or nuclear officer incentive pay to be paid under this section, except that—

(A) a nuclear officer bonus paid under subsection (a) may not exceed \$50,000 for each 12-month period of the agreement under subsection (e); and

(B) the amount of nuclear officer incentive paid under subsection (b) may not exceed \$25,000 for each 12-month period of qualifying service.

(2) **LUMP SUM OR INSTALLMENTS.**—A nuclear officer bonus or nuclear officer incentive pay under this section may be paid in a lump sum or in periodic installments.

(3) **FIXING BONUS AMOUNT.**—Upon acceptance by the Secretary concerned of the written agreement required by subsection (e), the total amount of the nuclear officer bonus to be paid under the agreement shall be fixed.

(e) **WRITTEN AGREEMENT FOR BONUS.**—

(1) **AGREEMENT REQUIRED.**—To receive a nuclear officer bonus under subsection (a), a person or officer determined to be eligible for the bonus shall enter into a written agreement with the Secretary of the Navy that specifies—

(A) the amount of the bonus;

(B) the method of payment of the bonus under subsection (d)(2);

(C) the period of obligated service; and

(D) the type or conditions of the service.

(2) **REPLACEMENT AGREEMENT.**—An officer who is performing obligated service under an agreement for a nuclear officer bonus may execute a new agreement to replace the existing agreement if the amount to be paid under the new agreement will be higher than the amount to be paid under the existing agreement. The period of the new agreement shall be equal to or exceed the remaining term of the period of the officer's existing agreement. If a new agreement is executed under this paragraph, the existing agreement shall be cancelled, effective on the day before an anniversary date of the existing agreement occurring after the date on which the amount to be paid under this paragraph is increased.

(f) **RELATIONSHIP TO OTHER PAY AND ALLOWANCES.**—A nuclear officer bonus or nuclear officer incentive pay paid to a person or officer under this section is in addition to any other pay and allowance to which the person or officer is entitled, except that a person or officer may not receive a payment under this section and section 332 or 353 of this title for the same skill and period of service.

(g) **REPAYMENT.**—A person or officer who receives a nuclear officer bonus or nuclear officer

incentive pay under this section and who fails to complete the officer naval nuclear power training program, maintain required technical and operational qualifications, complete the period of service, or meet the types or conditions of service for which the bonus or incentive pay is paid, as specified in the written agreement under subsection (e) in the case of a nuclear officer bonus, shall be subject to the repayment provisions of section 373 of this title.

(h) **REGULATIONS.**—This section shall be administered under regulations prescribed by the Secretary of the Navy.

(i) **TERMINATION OF AUTHORITY.**—No agreement may be entered into under this section after December 31, 2019.

(Added Pub. L. 110-181, div. A, title VI, §661(a)(2), Jan. 28, 2008, 122 Stat. 166; amended Pub. L. 110-417, [div. A], title VI, §618(a), Oct. 14, 2008, 122 Stat. 4486; Pub. L. 111-84, div. A, title VI, §614(3), Oct. 28, 2009, 123 Stat. 2353; Pub. L. 111-383, div. A, title VI, §614(3), Jan. 7, 2011, 124 Stat. 4237; Pub. L. 112-81, div. A, title VI, §614(3), Dec. 31, 2011, 125 Stat. 1450; Pub. L. 112-239, div. A, title VI, §614(3), Jan. 2, 2013, 126 Stat. 1777; Pub. L. 113-66, div. A, title VI, §614(3), Dec. 26, 2013, 127 Stat. 781; Pub. L. 113-291, div. A, title VI, §614(3), Dec. 19, 2014, 128 Stat. 3400; Pub. L. 114-92, div. A, title VI, §§614(3), 616, Nov. 25, 2015, 129 Stat. 839; Pub. L. 114-328, div. A, title VI, §614(3), Dec. 23, 2016, 130 Stat. 2158; Pub. L. 115-91, div. A, title VI, §614(3), Dec. 12, 2017, 131 Stat. 1422; Pub. L. 115-232, div. A, title VI, §611(c), Aug. 13, 2018, 132 Stat. 1797.)

#### AMENDMENTS

2018—Subsec. (i). Pub. L. 115-232 substituted “December 31, 2019” for “December 31, 2018”.

2017—Subsec. (i). Pub. L. 115-91 substituted “December 31, 2018” for “December 31, 2017”.

2016—Subsec. (i). Pub. L. 114-328 substituted “December 31, 2017” for “December 31, 2016”.

2015—Subsec. (d)(1)(A). Pub. L. 114-92, §616, substituted “\$50,000” for “\$35,000”.

Subsec. (i). Pub. L. 114-92, §614(3), substituted “December 31, 2016” for “December 31, 2015”.

2014—Subsec. (i). Pub. L. 113-291 substituted “December 31, 2015” for “December 31, 2014”.

2013—Subsec. (i). Pub. L. 113-66 substituted “December 31, 2014” for “December 31, 2013”.

Pub. L. 112-239 substituted “December 31, 2013” for “December 31, 2012”.

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

2008—Subsecs. (a)(2), (b)(2). Pub. L. 110-417 struck out “and operational” after “current technical”.

### § 334. Special aviation incentive pay and bonus authorities for officers

(a) **AVIATION INCENTIVE PAY.**—

(1) **INCENTIVE PAY AUTHORIZED.**—The Secretary concerned may pay aviation incentive pay under this section to an officer in a regular or reserve component of a uniformed service who—

(A) is entitled to basic pay under section 204 of this title or compensation under section 206 of this title;

(B) maintains, or is in training leading to, an aeronautical rating or designation that qualifies the officer to engage in operational flying duty or proficiency flying duty;

(C) engages in, or is in training leading to, frequent and regular performance of operational flying duty or proficiency flying duty;

(D) engages in or remains in aviation service for a specified period; and

(E) meets such other criteria as the Secretary concerned determines appropriate.

(2) OFFICERS NOT CURRENTLY ENGAGED IN FLYING DUTY.—The Secretary concerned may pay aviation incentive pay under this section to an officer who is otherwise qualified for such pay but who is not currently engaged in the performance of operational flying duty or proficiency flying duty if the Secretary determines, under regulations prescribed under section 374 of this title, that payment of aviation incentive pay to that officer is in the best interests of the service.

(b) AVIATION BONUS.—The Secretary concerned may pay an aviation bonus under this section to an officer in a regular or reserve component of a uniformed service who—

(1) is entitled to aviation incentive pay under subsection (a);

(2) has completed any active duty service commitment incurred for undergraduate aviator training or is within one year of completing such commitment;

(3) executes a written agreement to remain on active duty in a regular component or to serve in an active status in a reserve component in aviation service for at least one year; and

(4) meets such other criteria as the Secretary concerned determines appropriate.

(c) MAXIMUM AMOUNT AND METHOD OF PAYMENT.—

(1) MAXIMUM AMOUNT.—The Secretary concerned shall determine the amount of a bonus or incentive pay to be paid under this section, except that—

(A) aviation incentive pay under subsection (a) shall be paid at a monthly rate not to exceed \$1,000 per month; and

(B) an aviation bonus under subsection (b) may not exceed \$35,000 for each 12-month period of obligated service agreed to under subsection (d).

(2) ANNUAL BUSINESS CASE FOR PAYMENT OF AVIATION BONUS AMOUNTS.—

(A) IN GENERAL.—The Secretary concerned shall determine the amount of the aviation bonus payable under paragraph (1)(B) under agreements entered into under subsection (d) during a fiscal year solely through a business case analysis of the amount required to be paid under such agreements in order to address anticipated manning shortfalls for such fiscal year by aircraft type category.

(B) BUDGET JUSTIFICATION DOCUMENTS.—The budget justification documents in support of the budget of the President for a fis-

cal year (as submitted to Congress pursuant to section 1105 of title 31) shall set forth for each uniformed service the following:

(i) The amount requested for the payment of aviation bonuses under subsection (b) using amounts authorized to be appropriated for the fiscal year concerned by aircraft type category.

(ii) The business case analysis supporting the amount so requested by aircraft type category.

(iii) For each aircraft type category, whether or not the amount requested will permit the payment during the fiscal year concerned of the maximum amount of the aviation bonus authorized by paragraph (1)(B).

(iv) If any amount requested is to address manning shortfalls, a description of any plans of the Secretary concerned to address such shortfalls by nonmonetary means.

(3) LUMP SUM OR INSTALLMENTS.—A bonus under this section may be paid in a lump sum or in periodic installments, as determined by the Secretary concerned.

(4) FIXING BONUS AMOUNT.—Upon acceptance by the Secretary concerned of the written agreement required by subsection (d), the total amount of the bonus to be paid under the agreement shall be fixed.

(d) WRITTEN AGREEMENT FOR BONUS.—To receive an aviation officer bonus under this section, an officer determined to be eligible for the bonus shall enter into a written agreement with the Secretary concerned that specifies—

(1) the amount of the bonus;

(2) the method of payment of the bonus under subsection (c)(2);

(3) the period of obligated service; and

(4) the type or conditions of the service.

(e) RESERVE COMPONENT OFFICERS PERFORMING INACTIVE DUTY TRAINING.—A reserve component officer who is entitled to compensation under section 206 of this title and who is authorized aviation incentive pay under this section may be paid an amount of incentive pay that is proportionate to the compensation received under section 206 for inactive-duty training.

(f) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—

(1) AVIATION INCENTIVE PAY.—Aviation incentive pay paid to an officer under subsection (a) shall be in addition to any other pay and allowance to which the officer is entitled, except that an officer may not receive a payment under such subsection and section 351(a)(2) or 353(a) of this title for the same skill and period of service.

(2) AVIATION BONUS.—An aviation bonus paid to an officer under subsection (b) shall be in addition to any other pay and allowance to which the officer is entitled, except that an officer may not receive a bonus payment under such subsection and section 332 or 353(b) of this title for the same skill and period of service.

(g) REPAYMENT.—An officer who receives aviation incentive pay or an aviation bonus under

this section and who fails to fulfill the eligibility requirements for the receipt of the incentive pay or bonus or complete the period of service for which the incentive pay or bonus is paid, as specified in the written agreement under subsection (d) in the case of a bonus, shall be subject to the repayment provisions of section 373 of this title.

(h) DEFINITIONS.—In this section:

(1) The term “aviation service” means service performed by an officer in a regular or reserve component while holding an aeronautical rating or designation or while in training to receive an aeronautical rating or designation.

(2) The term “operational flying duty” means flying performed under competent orders by rated or designated regular or reserve component officers while serving in assignments in which basic flying skills normally are maintained in the performance of assigned duties as determined by the Secretary concerned, and flying performed by members in training that leads to the award of an aeronautical rating or designation.

(3) The term “proficiency flying duty” means flying performed under competent orders by rated or designated regular or reserve component officers while serving in assignments in which such skills would normally not be maintained in the performance of assigned duties.

(4) The term “officer” includes an individual enlisted and designated as an aviation cadet under section 8411 of title 10.

(i) TERMINATION OF AUTHORITY.—No agreement may be entered into under this section after December 31, 2019.

(Added Pub. L. 110–181, div. A, title VI, §661(a)(2), Jan. 28, 2008, 122 Stat. 167; amended Pub. L. 110–417, [div. A], title VI, §618(b), Oct. 14, 2008, 122 Stat. 4486; Pub. L. 111–84, div. A, title VI, §614(4), Oct. 28, 2009, 123 Stat. 2353; Pub. L. 111–383, div. A, title VI, §614(4), Jan. 7, 2011, 124 Stat. 4237; Pub. L. 112–81, div. A, title VI, §614(4), Dec. 31, 2011, 125 Stat. 1450; Pub. L. 112–239, div. A, title VI, §614(4), Jan. 2, 2013, 126 Stat. 1777; Pub. L. 113–66, div. A, title VI, §614(4), Dec. 26, 2013, 127 Stat. 781; Pub. L. 113–291, div. A, title VI, §614(4), Dec. 19, 2014, 128 Stat. 3400; Pub. L. 114–92, div. A, title VI, §§614(4), 617(a)–(d), Nov. 25, 2015, 129 Stat. 839, 840; Pub. L. 114–328, div. A, title VI, §614(4), 616, Dec. 23, 2016, 130 Stat. 2158, 2159; Pub. L. 115–91, div. A, title VI, §614(4), Dec. 12, 2017, 131 Stat. 1422; Pub. L. 115–232, div. A, title VI, §611(d)(3), title VIII, §809(m)(3), Aug. 13, 2018, 132 Stat. 1797, 1843.)

#### AMENDMENTS

2018—Subsec. (h)(4). Pub. L. 115–232, §809(m)(3), substituted “section 8411 of title 10” for “section 6911 of title 10”.

Subsec. (i). Pub. L. 115–232, §611(d)(3), substituted “December 31, 2019” for “December 31, 2018”.

2017—Subsec. (i). Pub. L. 115–91 substituted “December 31, 2018” for “December 31, 2017”.

2016—Subsec. (c)(1)(A), (B). Pub. L. 114–328, §616(a), added subpars. (A) and (B) and struck out former subpars. (A) and (B) which read as follows:

“(A) aviation incentive pay under subsection (a) shall be paid at a monthly rate, not to exceed—

“(i) \$1,000 per month for officers performing qualifying flying duty relating to remotely piloted aircraft (RPA); or

“(ii) \$850 per month for officers performing other qualifying flying duty; and

“(B) an aviation bonus under subsection (b) may not exceed, for each 12-month period of obligated service agreed to under subsection (d)—

“(i) \$35,000 for officers performing qualifying flying duty relating to remotely piloted aircraft; or

“(ii) \$25,000 for officers performing other qualifying flying duty.”

Subsec. (c)(2) to (4). Pub. L. 114–328, §616(b), added par. (2) and redesignated former pars. (2) and (3) as (3) and (4), respectively.

Subsec. (i). Pub. L. 114–328, §614(4), substituted “December 31, 2017” for “December 31, 2016”.

2015—Subsec. (a). Pub. L. 114–92, §617(a), designated existing provisions as par. (1) and inserted heading, redesignated former pars. (1) to (5) as subpars. (A) to (E), respectively, of par. (1) and realigned margins, and added par. (2).

Subsec. (c)(1)(A). Pub. L. 114–92, §617(c)(1), substituted “exceed—” for “exceed \$850 per month; and” and added cls. (i) and (ii).

Subsec. (c)(1)(B). Pub. L. 114–92, §617(c)(2), substituted “, for each 12-month period of obligated service agreed to under subsection (d)—” for “\$25,000 for each 12-month period of obligated service agreed to under subsection (d).” and added cls. (i) and (ii).

Subsec. (f)(1). Pub. L. 114–92, §617(d)(1), substituted “353(a)” for “353”.

Subsec. (f)(2). Pub. L. 114–92, §617(d)(2), substituted “a bonus payment” for “a payment” and “353(b)” for “353”.

Subsec. (h)(1). Pub. L. 114–92, §617(b), struck out “(except a flight surgeon or other medical officer)” after “regular or reserve component”.

Subsec. (i). Pub. L. 114–92, §614(4), substituted “December 31, 2016” for “December 31, 2015”.

2014—Subsec. (i). Pub. L. 113–291 substituted “December 31, 2015” for “December 31, 2014”.

2013—Subsec. (i). Pub. L. 113–66 substituted “December 31, 2014” for “December 31, 2013”.

Pub. L. 112–239 substituted “December 31, 2013” for “December 31, 2012”.

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

2008—Subsec. (f)(1). Pub. L. 110–417 substituted “section 351(a)(2)” for “section 351”.

#### EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by section 809(m)(3) of Pub. L. 115–232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115–232, set out as a note preceding section 3001 of Title 10, Armed Forces.

### § 334a. Special aviation incentive pay and bonus authorities: enlisted members who operate remotely piloted aircraft

(a) AVIATION INCENTIVE PAY.—

(1) INCENTIVE PAY AUTHORIZED.—The Secretary concerned may pay aviation incentive pay under this section to an enlisted member in a regular or reserve component of a uniformed service who—

(A) is entitled to basic pay under section 204 of this title or compensation under 206 of this title;

(B) is designated as a remotely piloted aircraft pilot, or is in training leading to such a designation;