

Public Law 94-356
94th Congress

An Act

To amend title 37, United States Code, relating to special pay for nuclear qualified officers, and for other purposes.

July 12, 1976
[H.R. 10451]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Nuclear Career Incentive Act of 1975".

SEC. 2. Section 312 of title 37, United States Code, is amended—

(1) by striking out "\$3,750" and "\$3,000" in subsection (a) and by inserting "\$5,000" and "\$4,000", respectively, in lieu thereof; and

(2) by striking out the date that appears in subsection (e) and by inserting "September 30, 1981" in lieu thereof.

SEC. 3. Chapter 5 of title 37, United States Code, is amended by inserting the following new sections after section 312a and by inserting corresponding items for those new sections in the chapter analysis:

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

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

"(1) is entitled to basic pay;

"(2) has not completed five years of commissioned service;

and

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

may, upon successful completion of that training, in addition to all other compensation to which he is entitled, be paid a bonus in an amount not to exceed \$3,000.

"(b) The Secretary of the Navy shall make an annual report to the House and Senate Armed Services Committees containing data to monitor the effectiveness of the bonus authorized by subsection (a) of this section.

"(c) The provisions of this section shall be effective only in the case of officers who, on or before September 30, 1981, have been accepted for training for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants.

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

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

"(1) is entitled to basic pay;

"(2) is not above the pay grade O-6;

"(3) has completed his initial obligated active service as an officer, but has completed less than twenty-six years of commissioned service;

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

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

Nuclear Career
Incentive Act of
1975.
37 USC 301 note.
Nuclear-qualified
submarine
officers, special
pay.

37 USC 301
et seq.
37 USC 312a.

37 USC 312b.

Report to
congressional
committees.

37 USC 312c.

Eligibility.

may, in addition to all other compensation to which he is entitled, be paid an annual bonus in an amount not to exceed \$4,000 for each nuclear service year beginning after September 30, 1975, and ending before October 1, 1981. In order to be eligible for an annual bonus for any nuclear service year in accordance with this subsection, an otherwise qualified officer must have been on active duty on the last day of that nuclear service year. 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 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: *Provided, That—*

37 USC 312.

37 USC 301a.

“(1) in the case of an officer with more than ten, but not more than eighteen, years of commissioned service, the amount of that annual bonus shall be further reduced on a pro rata basis for any other day or days in that nuclear service year which, when added to the immediately preceding days in and before that nuclear service year, total more than three consecutive years in an assignment other than an assignment to duty on a naval vessel; duty with a nuclear ship operational command staff; duty directly involving the training of others leading to their qualification for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants; or duty in connection with a nuclear propulsion examining board;

“(2) in the case of an officer with more than eighteen, but not more than twenty-five, years of commissioned service, the amount of that annual bonus shall be further reduced on a pro rata basis for any other day or days in that nuclear service year on which he was not in an assignment involving the direct supervision, operation, or maintenance of naval nuclear propulsion plants, except that in the case of an officer who, during that nuclear service year, completed his eighteenth year of commissioned service, the amount of that annual bonus shall not be reduced for any day before the end of that eighteenth year which would have been creditable for determining the amount of the annual bonus at the end of that nuclear service year for an officer with more than ten, but not more than eighteen, years of commissioned service; and

“(3) in the case of an officer with more than twenty-five, but not more than twenty-six, years of commissioned service, the amount of that annual bonus shall be further reduced on a pro rata basis for any other day or days in that nuclear service year on which he was not in an assignment with duties involving the direct supervision, operation, or maintenance of naval nuclear propulsion plants, and for every day in that nuclear service year after the end of his twenty-fifth year of commissioned service.

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

“(1) is entitled to basic pay;

“(2) is not above the pay grade O-6;

“(3) has, as an enlisted member, received training for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants; and

“(4) 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 \$2,400 for each nuclear service year beginning after September 30, 1975, and ending before October 1, 1981. In order to be eligible for an annual bonus for any nuclear service year in accordance with this subsection, an otherwise qualified officer must have been on active duty on the last day of that nuclear service year. 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 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.

37 USC 312.

37 USC 301a.

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

Report to congressional committees.

“(e) For the purposes of this section, a ‘nuclear service year’ is the one-year period from October 1, 1975, through September 30, 1976, or any fiscal year beginning after September 30, 1976, and before October 1, 1981.”

“Nuclear service year.”

SEC. 4. Notwithstanding any other provision of this Act 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, 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—

37 USC 312 note.

(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.

Ante, p. 901.

Effective date.
37 USC 312 note.

SEC. 5. This Act becomes effective on the first day of the first month after enactment, except that section 312c of title 37, United States Code, as added by this Act, is effective as of October 1, 1975.

Approved July 12, 1976.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-644 accompanying S. 2114 and No. 94-1039 (Comm. on Armed Services).

SENATE REPORTS: No. 94-329 accompanying S. 2114 and No. 94-1008 (Comm. on Armed Services).

CONGRESSIONAL RECORD:

Vol. 121 (1975): July 26, S. 2114, considered and passed Senate.

Nov. 17, S. 2114 considered and passed House, amended.

Vol. 122 (1976): May 10, considered and passed House.

June 30, considered and passed Senate, in lieu of S. 2114.