

## EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-364, div. A, title VI, §615(b), Oct. 17, 2006, 120 Stat. 2249, provided that: "The amendment made by this section [amending this section] shall take effect on October 1, 2006."

## EFFECTIVE DATE OF 1985 AMENDMENT

Pub. L. 99-145, title VI, §639(f), Nov. 8, 1985, 99 Stat. 651, provided that: "The amendments made by this section [amending this section, repealing section 311 of this title, and enacting provisions set out as notes under this section] take effect on October 1, 1985."

## EFFECTIVE DATE

Section effective June 1, 1974, see section 2 of Pub. L. 93-274, set out as an Effective Date of 1974 Amendment note under section 302 of this title.

## 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.

## AUTHORITY FOR CERTAIN DENTAL OFFICERS TO EXECUTE NEW AGREEMENTS

Pub. L. 99-145, title VI, §639(c), Nov. 8, 1985, 99 Stat. 651, provided that:

"(1) Subject to paragraphs (2) and (3), a dental officer who on October 1, 1985, is performing obligated service under an agreement under section 311 of title 37, United States Code, that—

"(A) was executed after June 29, 1985; and

"(B) is affected by the limitation in section 8091 of the Department of Defense Appropriations Act, 1985 (as contained in section 101(h) of Public Law 98-473), may execute a new agreement under section 302b of this title (as amended by subsection (a)).

"(2) A dental officer may not execute a new agreement under paragraph (1) unless the amount that may be paid such officer under an agreement under section 302b of title 37, United States Code (as amended by subsection (a)), is greater than the amount to be paid the officer under the existing agreement of the officer under section 311 of such title.

"(3) In executing a written agreement under paragraph (1), the officer shall agree to remain on active duty for an additional length of time equal to or exceeding the length of time originally required by the existing agreement, beginning on the date the officer accepts the award of special pay under the new agreement.

"(4) If a new agreement is executed under this subsection, the existing agreement of the officer shall be canceled.

"(5) For the purposes of this section, the term 'dental officer' has the meaning given that term in section 101 of title 10, United States Code."

## MINIMUM SPECIAL PAY

Pub. L. 99-145, title VI, §639(d), Nov. 8, 1985, 99 Stat. 651, as amended by Pub. L. 99-661, div. A, title XIII, §1342(c), Nov. 14, 1986, 100 Stat. 3991, provided that:

"(1) An officer described in paragraph (2) who, after September 30, 1985, is entitled to special pay under section 302b of title 37, United States Code (as amended by subsection (a)), may (notwithstanding the provisions of such section and in the discretion of the Secretary concerned) be paid such pay, in order to prevent inequities, in an annual amount equal to the total annual amount of dental continuation pay under section 311 of title 37, United States Code, and special pay for dental officers under section 302b of that title to which that officer would have been entitled on September 30, 1985, in ac-

cordance with the status of the officer (as determined by the Secretary concerned) during the period for which the pay is paid. Notwithstanding the preceding sentence, an officer may not be paid special pay by reason of this paragraph in an amount greater than the amount of special pay to which the officer was entitled under such sections on September 30, 1985.

"(2) Paragraph (1) applies to an officer who on September 30, 1985, is entitled to dental continuation pay under section 311 of title 37, United States Code; or to special pay for dental officers under section 302b of that title."

[Amendment of this note by Pub. L. 99-661 effective Nov. 14, 1986, see section 1342(h)(1) of Pub. L. 99-661, set out as an Effective Date of 1986 Amendment note under section 301 of this title.]

## § 302c. Special pay: psychologists and nonphysician health care providers

(a) PUBLIC HEALTH SERVICE CORPS.—A member who is—

(1) an officer in the Regular or Reserve Corps<sup>1</sup> of the Public Health Service and is designated as a psychologist; and

(2) has been awarded a diploma as a Diplomate in Psychology by the American Board of Professional Psychology,

is entitled to special pay, as provided in subsection (b).

(b) RATE OF SPECIAL PAY.—The rate of special pay to which an officer is entitled pursuant to subsection (a) shall be—

(1) \$2,000 per year, if the officer has less than 10 years of creditable service;

(2) \$2,500 per year, if the officer has at least 10 but less than 12 years of creditable service;

(3) \$3,000 per year, if the officer has at least 12 but less than 14 years of creditable service;

(4) \$4,000 per year, if the officer has at least 14 but less than 18 years of creditable service; or

(5) \$5,000 per year, if the officer has 18 or more years of creditable service.

(c) ARMY, NAVY, AND AIR FORCE PSYCHOLOGISTS.—The Secretary of Defense may provide special pay at the rates specified in subsection (b) to an officer who—

(1) is an officer in the Medical Service Corps of the Army or Navy or a biomedical sciences officer in the Air Force;

(2) is designated as a psychologist; and

(3) has been awarded a diploma as a Diplomate in Psychology by the American Board of Professional Psychology.

(d) NONPHYSICIAN HEALTH CARE PROVIDERS.—The Secretary concerned may authorize the payment of special pay at the rates specified in subsection (b) to an officer who—

(1) is an officer in the Medical Service Corps of the Army or Navy, a biomedical sciences officer in the Air Force, an officer in the Army Medical Specialist Corps, an officer of the Nurse Corps of the Army or Navy, an officer of the Air Force designated as a nurse, an officer of the Coast Guard or Coast Guard Reserve designated as a physician assistant, or an officer in the Regular or Reserve Corps<sup>1</sup> of the Public Health Service;

<sup>1</sup> See Change of Name note below.

(2) is a health care provider (other than a psychologist);

(3) has a postbaccalaureate degree; and

(4) is certified by a professional board in the officer's specialty.

(Added Pub. L. 100-140, §2(a), Oct. 26, 1987, 101 Stat. 830; amended Pub. L. 101-189, div. A, title VII, §704(a), (b)(1), (c), Nov. 29, 1989, 103 Stat. 1471; Pub. L. 101-510, div. A, title VI, §618(a), Nov. 5, 1990, 104 Stat. 1579; Pub. L. 102-25, title VII, §702(a)(2)(A), Apr. 6, 1991, 105 Stat. 117; Pub. L. 102-484, div. A, title VI, §611, Oct. 23, 1992, 106 Stat. 2420; Pub. L. 104-106, div. A, title VI, §617, Feb. 10, 1996, 110 Stat. 362; Pub. L. 104-201, div. A, title VI, §614(b), Sept. 23, 1996, 110 Stat. 2544; Pub. L. 105-85, div. A, title X, §1073(c)(5), Nov. 18, 1997, 111 Stat. 1904; Pub. L. 106-398, §1 [[div. A], title VI, §627], Oct. 30, 2000, 114 Stat. 1654, 1654A-153; Pub. L. 110-181, div. A, title X, §1063(b), Jan. 28, 2008, 122 Stat. 322.)

### Editorial Notes

#### PRIOR PROVISIONS

A prior section 302c, added Pub. L. 96-284, §3(a)(1), June 28, 1980, 94 Stat. 589, related to special pay for medical officers of the Public Health Service, prior to repeal by Pub. L. 96-513, title IV, §414(a), Dec. 12, 1980, 94 Stat. 2906, eff. Sept. 15, 1981.

#### AMENDMENTS

2008—Subsec. (d)(1). Pub. L. 110-181 substituted “Service Corps” for “Services Corps”.

2000—Subsec. (d)(1). Pub. L. 106-398 inserted “an officer of the Coast Guard or Coast Guard Reserve designated as a physician assistant,” after “nurse.”

1997—Subsec. (d)(1). Pub. L. 105-85 made technical correction to directory language of Pub. L. 104-201, §614(b)(2)(B). See 1996 Amendment note below.

1996—Subsec. (d). Pub. L. 104-201, §614(b)(1), substituted “Secretary concerned” for “Secretary of Defense” in introductory provisions.

Subsec. (d)(1). Pub. L. 104-201, §614(b)(2)(B), as amended by Pub. L. 105-85, inserted before semicolon at end “, or an officer in the Regular or Reserve Corps of the Public Health Service”.

Pub. L. 104-201, §614(b)(2)(A), struck out “or” after “Nurse Corps of the Army or Navy.”

Pub. L. 104-106 struck out “or” after “Air Force,” and inserted “, an officer of the Nurse Corps of the Army or Navy, or an officer of the Air Force designated as a nurse” before semicolon at end.

1992—Subsec. (d)(1). Pub. L. 102-484 substituted “Navy,” for “Navy or” and inserted before semicolon at end “, or an officer in the Army Medical Specialist Corps”.

1991—Pub. L. 102-25 amended section catchline generally.

1990—Subsec. (d). Pub. L. 101-510 added subsec. (d).

1989—Pub. L. 101-189, §704(b)(1), struck out “in the Public Health Service Corps” after “psychologists” in section catchline.

Subsecs. (a), (b). Pub. L. 101-189, §704(c), inserted headings.

Subsec. (c). Pub. L. 101-189, §704(a), added subsec. (c).

### Statutory Notes and Related Subsidiaries

#### CHANGE OF NAME

Reference to Reserve Corps of the Public Health Service deemed to be a reference to the Ready Reserve Corps, see section 204(c)(3) of Title 42, The Public Health and Welfare.

#### EFFECTIVE DATE OF 1997 AMENDMENT

Pub. L. 105-85, div. A, title X, §1073(c), Nov. 18, 1997, 111 Stat. 1904, provided that the amendment made by

that section is effective as of Sept. 23, 1996, and as if included in the National Defense Authorization Act for Fiscal Year 1997, Pub. L. 104-201, as enacted.

#### EFFECTIVE DATE

Pub. L. 100-140, §2(c), Oct. 26, 1987, 101 Stat. 831, provided that: “The amendments made by this section [enacting this section and amending section 303a of this title] shall take effect on October 1, 1987 or on the date of the enactment of this Act [Oct. 26, 1987], whichever is later, and shall apply with respect to pay periods beginning on or after that effective date.”

#### TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

#### IMPLEMENTATION OF SUBSECTION (d)

Pub. L. 101-510, div. A, title VI, §618(b), Nov. 5, 1990, 104 Stat. 1579, provided that: “The Secretary of Defense may not implement subsection (d) of section 302c of title 37, United States Code (as added by subsection (a)), unless the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a report—

“(1) justifying the need of the military departments for the authority provided in such subsection; and

“(2) describing the manner in which that authority will be implemented.”

[Report submitted to Committees on Apr. 29, 1994.]

#### IMPLEMENTATION OF SPECIAL PAY FOR ARMY, NAVY, AND AIR FORCE PSYCHOLOGISTS

Pub. L. 101-189, div. A, title VII, §704(d), Nov. 29, 1989, 103 Stat. 1471, provided that: “The Secretary of Defense may not implement subsection (c) of section 302c of title 37, United States Code (as added by subsection (a)), unless the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a report—

“(1) justifying the need of the military departments for the authority provided in such subsection; and

“(2) describing the manner in which that authority will be implemented.”

[Report submitted to Committees on Apr. 20, 1994.]

### § 302c-1. Special pay: accession and retention bonuses for psychologists

#### (a) ACCESSION BONUS.—

(1) ACCESSION BONUS AUTHORIZED.—A person described in paragraph (2) who executes a written agreement described in subsection (d) to accept a commission as an officer of the armed forces and remain on active duty for a period of not less than four consecutive years may, upon acceptance of the agreement by the Secretary concerned, be paid an accession bonus in an amount, subject to subsection (c)(1), determined by the Secretary concerned.

(2) ELIGIBLE PERSONS.—A person described in paragraph (1) is any person who—

(A) is a graduate of an accredited school of psychology; and

(B) holds a valid State license to practice as a doctoral level psychologist.

(3) LIMITATION ON ELIGIBILITY.—A person may not be paid a bonus under this subsection if—