

basic pay as eligible for special pay for prior provision for eligibility to such pay of an enlisted member of a uniformed service entitled to basic pay, in pay grade E-4 or above, with three years of sea duty.

Subsec. (b). Pub. L. 96-579 substituted special monthly pay table for enlisted members, warrant officers, and commissioned officers for prior special monthly rate for enlisted members for sea duty above prescribed number of years: \$29, 3 yrs.; \$40, 5 yrs.; \$52, 7 yrs.; \$63, 9 yrs.; \$75, 10 yrs.; \$86, 11 yrs.; and \$115, 12 yrs.

Pub. L. 96-343 substituted provision authorizing monthly rates of special pay of \$29 for over 3 years, \$40 for over 5 years, \$52 for over 7 years, \$63 for over 10 years, \$86 for over 11 years, and \$115 for over 12 years for provision authorizing monthly rates of special pay during fiscal year 1979 or 1980 of \$25 for over 3 years, \$35 for over 5 years, and \$55 for over 12 years and for fiscal year 1981 rates of \$25 for over 3 years, \$35 for over 5 years, \$45 for over 7 years, and \$55 for over 12 years.

Subsecs. (c), (d). Pub. L. 96-579 added subsecs. (c) and (d).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-398, §1 [[div. A], title VI, §630(c)], Oct. 30, 2000, 114 Stat. 1654, 1654A-156, provided that: "The amendments made by this section [amending this section] shall take effect on October 1, 2000, and shall apply with respect to months beginning on or after that date."

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102-190 effective Feb. 1, 1992, see section 1132 of Pub. L. 102-190, set out as a note under section 521 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1987 AMENDMENT; SAVE PAY; DEFINITIONS

Pub. L. 100-180, div. A, title VI, §621(d)-(f), Dec. 4, 1987, 101 Stat. 1100, provided that:

"(d) SAVE PAY.—A member of the uniformed services who at any time during the three-month period ending on the day before the effective date applicable to that member under subsection (e) for the new rates of career sea pay is entitled to career sea pay at a rate that is higher than the rate established under such new rates for the member's pay grade and years of sea duty shall be paid such special pay, when entitled to receive it, at such higher rate until the member is permanently reassigned to duty for which the member is not entitled to such special pay. In the case of a member covered by the preceding sentence who is reduced in grade under the Uniform Code of Military Justice (chapter 47 of title 10, United States Code), the old rate of career sea pay applicable to such member under the preceding sentence which may be paid in lieu of the rate applicable to the member under the new rates of career sea pay shall be the rate under the old rates of career sea pay for the member's pay grade as so reduced and the member's years of sea duty.

"(e) EFFECTIVE DATE.—(1) Except as provided under paragraph (2), the amendments made by this section [amending this section] shall take effect on the first day of the first month beginning after the date of the enactment of this Act [Dec. 4, 1987] and shall apply with respect to duty performed on or after that date.

"(2) The new rates of career sea pay that are applicable to enlisted members in pay grades above pay grade E-4 who have five or more years of sea duty and the amendment made by subsection (b) [amending this section] shall take effect on the first day of the fourth month beginning after the effective date specified under paragraph (1). In the case of such members, the old rates of career sea pay shall remain in effect until the new rates take effect under the preceding sentence.

"(f) DEFINITIONS.—For purposes of subsections (d) and (e):

"(1) The term 'career sea pay' means special pay under section 305a of title 37, United States Code.

"(2) The term 'old rates', with respect to career sea pay, means the rates of such pay in effect on the date of the enactment of this Act [Dec. 4, 1987].

"(3) The term 'new rates', with respect to career sea pay, means the rates of such pay provided by the amendment made by subsection (a) [amending this section]."

EFFECTIVE DATE OF 1985 AMENDMENT

Pub. L. 99-145, title VI, §634(b), Nov. 8, 1985, 99 Stat. 647, provided that: "The amendment made by this section [amending this section] shall take effect on October 1, 1985."

EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98-525, title VI, §623(c), Oct. 19, 1984, 98 Stat. 2542, provided that: "The amendments made by this section [amending this section and section 307 of this title] shall take effect on October 1, 1984."

EFFECTIVE DATE OF 1980 AMENDMENTS

Pub. L. 96-579, §4(b), Dec. 23, 1980, 94 Stat. 3366, provided: "The amendment made by this section [amending this section] shall be effective with respect to special pay payable under section 305a of title 37, United States Code, for months after the month in which this section is enacted [December 1980]."

Pub. L. 96-343, §3(c), Sept. 8, 1980, 94 Stat. 1124, provided that: "The amendments made by this section [amending this section and repealing section 804(a)(2) of Pub. L. 95-485, formerly set out as a note below] shall be effective with respect to special pay payable under section 305a of title 37, United States Code, for months after August 1980."

EFFECTIVE DATE

Pub. L. 95-485, title VIII, §804(a)(1), Oct. 20, 1978, 92 Stat. 1620, provided that this section is effective Oct. 1, 1978.

REPEALS

Pub. L. 95-485, title VIII, §804(a)(2), Oct. 20, 1978, 92 Stat. 1620, which amended subsec. (b) of this section effective Oct. 1, 1981, to provide for monthly rates of special pay of \$25 for over 3 years, \$35 for over 5 years, \$45 for over 7 years, \$55 for over 9 years, \$65 for over 10 years, \$75 for over 11 years, and \$100 for over 12 years was repealed by Pub. L. 96-343, §3(b), Sept. 8, 1980, 94 Stat. 1124.

DETERMINATION OF AMOUNT OF SEA CREDIT; PERIODS PRIOR TO OCTOBER 1, 1978

Pub. L. 95-485, title VIII, §804(a)(3), Oct. 20, 1978, 92 Stat. 1620, provided that: "In determining the amount of sea duty to be credited to an enlisted member of a uniformed service for purposes of section 305a of title 37, United States Code (as added by paragraph (1)), the Secretary concerned shall credit such member with all periods of service by such member before October 1, 1978, during which such member served in a sea duty status."

§ 305b. Special pay: service as member of Weapons of Mass Destruction Civil Support Team

(a) SPECIAL PAY AUTHORIZED.—The Secretary of a military department may pay special pay under this subsection to members of an armed force under the jurisdiction of the Secretary who are entitled to basic pay under section 204 and are assigned by orders to duty as members of a Weapons of Mass Destruction Civil Support Team if the Secretary determines that the payment of such special pay is needed to address re-

recruitment or retention concerns in that armed force.

(b) MONTHLY RATE.—The monthly rate of special pay under subsection (a) may not exceed \$150.

(c) INCLUSION OF RESERVE COMPONENT MEMBERS PERFORMING INACTIVE DUTY TRAINING.—(1) To the extent funds are made available to carry out this subsection, the Secretary of a military department may pay the special pay under subsection (a) to members of a reserve component of the armed forces who are entitled to compensation under section 206 of this title and who perform duty under orders as members of a Weapons of Mass Destruction Civil Support Team.

(2) The amount of the special pay for a member referred to in paragraph (1) shall be equal to 1/30 of the monthly special pay rate in effect under subsection (b) for each day on which the member performs duty under orders as members of a Weapons of Mass Destruction Civil Support Team.

(d) REGULATIONS.—Special pay under this section shall be provided in accordance with regulations prescribed by the Secretary of Defense.

(e) DEFINITION.—In this section, the term “Weapons of Mass Destruction Civil Support Team” means a team of members of the reserve components of the armed forces that is established under section 12310(c) of title 10 in support of emergency preparedness programs to prepare for or to respond to any emergency involving the use of a weapon of mass destruction.

(Added Pub. L. 108-136, div. A, title VI, §624(a), Nov. 24, 2003, 117 Stat. 1505.)

§ 306. Special pay: officers holding positions of unusual responsibility and of critical nature

(a)(1) The Secretary concerned may designate positions of unusual responsibility which are of a critical nature to an armed force under his jurisdiction and may pay special pay, in addition to other pay prescribed by law, to an officer of an armed force described in paragraph (2) who is performing the duties of such a position, at the following monthly rates:

Pay Grade	Monthly Rate
O-6	\$150
O-5	100
O-4 and below	50

(2) An officer of the armed forces referred to in paragraph (1) is an officer who is entitled to the basic pay under section 204 of this title, or the compensation under section 206 of this title, of pay grade O-6 or below.

(b) If an officer entitled to compensation under section 206 of this title is paid special pay under subsection (a) for the performance of duties in a position designated under such subsection, the special pay shall be paid at the rate of 1/30 of the monthly rate authorized by such subsection for each day of the performance of duties in the designated position.

(c) The Secretary concerned shall prescribe the criteria and circumstances under which officers of an armed force under his jurisdiction are

eligible for special pay under this section and, when he considers it necessary, may abolish that special pay.

(d)(1) Not more than 5 percent of the number of officers on active duty (other than for training or mobilization in support of a contingency operation) in an armed force in each of the pay grades O-3 and below, and not more than 10 percent of the number of officers on active duty in an armed force in pay grade O-4, O-5, or O-6, may be paid special pay under this section.

(2) Of the number of officers in the Selected Reserve of the Ready Reserve of an armed force who are not on active duty (other than for training or mobilization in support of a contingency operation), not more than 5 percent of the number of such officers in each of the pay grades O-3 and below, and not more than 10 percent of the number of such officers in pay grade O-4, O-5, or O-6, may be paid special pay under subsection (b).

(e) This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction, and by the Secretary of Homeland Security for the Coast Guard when the Coast Guard is not operating as a service in the Navy.

(f) This section does not apply to a person who is entitled to special pay under section 302, 302a, 302b, or 303 of this title.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 466; Pub. L. 90-623, §3(1), Oct. 22, 1968, 82 Stat. 1314; Pub. L. 96-284, §6, June 28, 1980, 94 Stat. 593; Pub. L. 96-470, title II, §202(b), Oct. 19, 1980, 94 Stat. 2242; Pub. L. 97-322, title I, §116, Oct. 15, 1982, 96 Stat. 1586; Pub. L. 101-510, div. A, title XIII, §1322(c)(3), Nov. 5, 1990, 104 Stat. 1672; Pub. L. 102-587, title V, §5205, Nov. 4, 1992, 106 Stat. 5074; Pub. L. 107-296, title XVII, §1704(c), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 108-136, div. A, title VI, §616, Nov. 24, 2003, 117 Stat. 1502.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
306(a)	37:241(a) (less last sentence).	Oct. 12, 1949, ch. 681, §210; added May 20, 1958, Pub. L. 85-422, §1(6), 72 Stat. 126.
306(b)	37:241(a) (last sentence).	
306(c)	37:241(b).	
306(d)	37:241(c).	
306(e)	37:241(d).	
306(f)	37:241(e).	

In subsection (a), the words “an armed force under his jurisdiction” are substituted for the words “the service concerned” in the first sentence of section 241(a) of existing title 37 to conform to the last sentence of that subsection.

In subsection (c), the words “(other than for training)” are inserted for clarity, since members on duty for training only are not included in computing strength authorizations.

Editorial Notes

AMENDMENTS

2003—Subsec. (a). Pub. L. 108-136, §616(a)(1), designated existing provisions as par. (1), substituted “described in paragraph (2)” for “who is entitled to the basic pay of pay grade O-6 or below and”, and added par. (2).

Subsec. (b). Pub. L. 108-136, §616(a)(3), added subsec. (b). Former subsec. (b) redesignated (c).