

tion 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

Section 804(a)(1) of Pub. L. 95-485 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over 7 years, \$55 for over 9 years, \$65 for over 10 years, \$75 for over 11 years, and \$100 for over 12 years was repealed by Pub.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

Section 804(a)(3) of Pub. L. 95-485 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."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 907 of this title.

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

(a) 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 who is entitled to the basic pay of pay grade O-6 or below and 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

(b) 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.

(c) Not more than 5 percent of the number of officers on active duty (other than for training) 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.

(d) 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 Transportation for the Coast Guard when the Coast Guard is not operating as a service in the Navy.

(e) 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.)

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(8), 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.

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-587, §5205(a), substituted "of pay grade O-6 or below" for "of pay grade O-3, O-4, O-5, or O-6" in text and amended table by substituting "O-4 and below" for "O-4" and striking out line providing monthly rate of \$50 for pay grade O-3.

Subsec. (c). Pub. L. 102-587, §5205(b), substituted "in each of the pay grades O-3 and below," for "in pay grade O-3."

1990—Subsec. (f). Pub. L. 101-510 struck out subsec. (f) which read as follows: "The Secretary of Defense shall report to Congress by March 1 of each year following a calendar year in which special pay is disbursed under this section. Negative reports need not be submitted."

1982—Subsec. (f). Pub. L. 97-322 struck out last sentence providing that the Secretary of Transportation shall make a similar report for the Coast Guard when the Coast Guard is not operating as a service in the Navy.

1980—Subsec. (e). Pub. L. 96-284 made section inapplicable to a person entitled to special pay under section 302a or 302b of this title.

Subsec. (f). Pub. L. 96-470 substituted provision requiring the Secretary of Defense to report by Mar. 1 of each year following a calendar year in which special pay is disbursed under this section and providing that negative reports need not be submitted for provision requiring the Secretary of Defense to report by Mar. 1 of each year on the administration of this section within each military department during the preceding calendar year.

1968—Subsecs. (d), (f). Pub. L. 90-623 substituted "Secretary of Transportation" for "Secretary of the Treasury".

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-623 intended to restate without substantive change the law in effect on October 22, 1968, see section 6 of Pub. L. 90-623, set out as a note under section 5334 of Title 5, Government Organization and Employees.

**§ 306a. Special pay: members assigned to international military headquarters**

Not more than nine members of the armed forces, including members detailed to inter-

national military headquarters, may be paid pay and allowances at rates referred to in section 625(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2385(d)).

(Added Pub. L. 98-525, title XIV, § 1402(b)(1), Oct. 19, 1984, 98 Stat. 2621.)

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in the following prior appropriations acts:

- Oct. 12, 1984, Pub. L. 98-473, title I, § 101(h) [title VIII, § 8005], 98 Stat. 1904, 1922.
- Dec. 8, 1983, Pub. L. 98-212, title VII, § 708, 97 Stat. 1438.
- Dec. 21, 1982, Pub. L. 97-377, title I, § 101(c) [title VII, § 708], 96 Stat. 1833, 1850.
- Dec. 29, 1981, Pub. L. 97-114, title VII, § 708, 95 Stat. 1579.
- Dec. 15, 1980, Pub. L. 96-527, title VII, § 708, 94 Stat. 3081.
- Dec. 21, 1979, Pub. L. 96-154, title VII, § 708, 93 Stat. 1152.
- Oct. 13, 1978, Pub. L. 95-457, title VIII, § 808, 92 Stat. 1244.
- Sept. 21, 1977, Pub. L. 95-111, title VIII, § 807, 91 Stat. 899.
- Sept. 22, 1976, Pub. L. 94-419, title VII, § 707, 90 Stat. 1291.
- Feb. 9, 1976, Pub. L. 94-212, title VII, § 707, 90 Stat. 168.
- Oct. 8, 1974, Pub. L. 93-437, title VIII, § 807, 88 Stat. 1225.
- Jan. 2, 1974, Pub. L. 93-238, title VII, § 707, 87 Stat. 1038.
- Oct. 26, 1972, Pub. L. 92-570, title VII, § 707, 86 Stat. 1196.
- Dec. 18, 1971, Pub. L. 92-204, title VII, § 707, 85 Stat. 727.
- Jan. 11, 1971, Pub. L. 91-668, title VIII, § 807, 84 Stat. 2030.
- Dec. 29, 1969, Pub. L. 91-171, title VI, § 607, 83 Stat. 480.

EFFECTIVE DATE

Section effective Oct. 1, 1985, see section 1404 of Pub. L. 98-525, set out as a note under section 520b of Title 10, Armed Forces.

**§ 307. Special pay: special duty assignment pay for enlisted members**

(a) An enlisted member who is entitled to basic pay and is performing duties which have been designated under subsection (b) as extremely difficult or as involving an unusual degree of responsibility in a military skill may, in addition to other pay or allowances to which he is entitled, be paid special duty assignment pay at a monthly rate not to exceed \$600.

(b) The Secretary concerned shall determine which enlisted members under his jurisdiction are to be paid special duty assignment pay under subsection (a). He shall also designate those skills within each armed force under his jurisdiction for which special duty assignment pay is authorized and shall prescribe the criteria under which members of that armed force are eligible for special duty assignment pay in each skill. He may increase, decrease, or abolish such pay for any skill.

(c) 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 Transportation for the Coast Guard when the Coast Guard is not operating as a service in the Navy.

(d)(1) Under regulations prescribed by the Secretary concerned and to the extent provided for by appropriations, when an enlisted member of the National Guard or a reserve component of a uniformed service who is entitled to compensation under section 206 of this title performs duty for which a member described in subsection (a) is entitled to special pay under such subsection, the member of the National Guard or reserve component is entitled to an increase in compensation equal to  $\frac{1}{30}$  of the monthly special duty assignment pay prescribed by the Secretary concerned for the performance of that same duty by members described in subsection (a).

(2) A member of the National Guard or a reserve component entitled to an increase in compensation under paragraph (1) is entitled to the increase—

(A) for each regular period of instruction, or period of appropriate duty, at which the member is engaged for at least two hours, including that performed on a Sunday or holiday; or

(B) for the performance of such other equivalent training, instruction, duty, or appropriate duties, as the Secretary may prescribe under section 206(a) of this title.

(3) This subsection does not apply to a member of the National Guard or a reserve component who is entitled to basic pay under section 204 of this title.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 467; Pub. L. 90-623, § 3(1), Oct. 22, 1968, 82 Stat. 1314; Pub. L. 98-525, title VI, § 623(b)(1), Oct. 19, 1984, 98 Stat. 2541; Pub. L. 102-25, title VII, § 702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 104-106, div. A, title VI, § 619(a), Feb. 10, 1996, 110 Stat. 363; Pub. L. 106-398, § 1 [div. A], title VI, §§ 631, 632(a), Oct. 30, 2000, 114 Stat. 1654, 1654A-156.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
307(a) .....	37:240(a).	Oct. 12, 1949, ch. 681, § 209; added May 20, 1958.
307(b) .....	37:240(b).	Pub. L. 85-422, § 1(6), 72 Stat. 125.
307(c) .....	37:240(c).	
307(d) .....	37:240(d).	

In subsection (a)(1), the words “prescribed in section 232(a) of this title” and “in accordance with his cumulative years of service for pay purposes” are omitted as surplusage and as covered by sections 201, 202, and 203 of this revised title.

In subsection (a)(2), the words “special or incentive pays” are omitted as surplusage.

In subsections (a)(1) and (b), the word “allowances” is omitted, since, under sections 402 and 403 of this revised title, allowances depend upon pay grade to which assigned, or in which distributed for basic pay purposes.

In subsection (b), the words “computed under section 205 of this title” are substituted for the words “cumulative . . . for pay purposes”.

AMENDMENTS

2000—Subsec. (a). Pub. L. 106-398, § 1 [div. A], title VI, § 631, substituted “\$600” for “\$275” and struck out at end “In the case of a member who is serving as a military recruiter and is eligible for special duty assignment pay under this subsection on account of such duty, the Secretary concerned may increase the monthly rate of special duty assignment pay for the member to not more than \$375.”