

EFFECTIVE DATE OF 1963 AMENDMENT

Amendment by Pub. L. 88-132 effective Oct. 1, 1963, see section 14 of Pub. L. 88-132, set out as a note under section 201 of this title.

PROHIBITION ON USE OF APPROPRIATIONS TO PAY
BONUSES TO CERTAIN REGULAR OR RESERVE MEDICAL
OFFICERS OF PUBLIC HEALTH SERVICE

Pub. L. 102-394, title II, §207, Oct. 6, 1992, 106 Stat. 1811, provided that: "None of the funds made available by this Act or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts shall be used to provide special retention pay (bonuses) under paragraph (4) of 37 U.S.C. 302(a) to any regular or reserve medical officer of the Public Health Service for any period during which the officer is assigned to the clinical, research, or staff associate program administered by the National Institutes of Health or the Substance Abuse and Mental Health Services Administration."

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 102-170, title II, §207, Nov. 26, 1991, 105 Stat. 1127.

Pub. L. 101-517, title II, §207, Nov. 5, 1990, 104 Stat. 2209.

Pub. L. 101-166, title II, §208, Nov. 21, 1989, 103 Stat. 1177.

Pub. L. 100-202, §101(h) [title II, §208], Dec. 22, 1987, 101 Stat. 1329-256, 1329-274.

MEDICAL OFFICER RETENTION BONUS

Section 703(e)-(g) of Pub. L. 101-189, as amended by Pub. L. 102-25, title VII, §705(b), Apr. 6, 1991, 105 Stat. 120, provided that, in the case of an agreement that was executed by a medical officer under section 612 of Pub. L. 100-456, formerly set out below, before Oct. 1, 1989, but that was not accepted by the Secretary concerned solely because of the limitation contained in section 612(h), the Secretary concerned could accept such agreement during the 90-day period beginning on Nov. 29, 1989.

Pub. L. 100-456, div. A, title VI, §612, Sept. 29, 1988, 102 Stat. 1979, as amended by Pub. L. 101-189, div. A, title VII, §703(a)-(d), Nov. 29, 1989, 103 Stat. 1469, 1470, provided that a covered medical officer who, during the period beginning on Jan. 1, 1989, and ending on Sept. 30, 1990, executed a written agreement to remain on active duty for at least two years after completion of any other active-duty service commitment could, upon acceptance of the written agreement by the Secretary concerned, be paid a retention bonus as provided in this section.

SPECIAL PAY FOR CRITICALLY SHORT WARTIME HEALTH
SPECIALISTS IN SELECTED RESERVE

Pub. L. 100-456, div. A, title VI, §613, Sept. 29, 1988, 102 Stat. 1981, as amended by Pub. L. 101-510, div. A, title VI, §616, Nov. 5, 1990, 104 Stat. 1578; Pub. L. 103-160, div. A, title VI, §613(g), Nov. 30, 1993, 107 Stat. 1681; Pub. L. 103-337, div. A, title VI, §613(f), Oct. 5, 1994, 108 Stat. 2783; Pub. L. 104-106, div. A, title XV, §1502(c)(5), Feb. 10, 1996, 110 Stat. 508, which established a pilot test program of special pay for officers of reserve components of the Armed Forces in critically short wartime health care professions who agreed to serve in the Selected Reserve, was repealed and reenacted as section 302g of this title by Pub. L. 104-106, div. A, title VI, §614(a)(1), (c)(1), Feb. 10, 1996, 110 Stat. 360, 361.

[Pub. L. 104-106, div. A, title VI, §614(c)(2), Feb. 10, 1996, 110 Stat. 361, provided that: "The provisions of section 613 of the National Defense Authorization Act, Fiscal Year 1989 [Pub. L. 100-456, formerly set out as a note above], as in effect on the day before the date of the enactment of this Act [Feb. 10, 1996], shall continue to apply to agreements entered into under such section before such date."]

PRESERVATION OF ENTITLEMENT FOR RESERVE MEDICAL
OFFICERS

Pub. L. 96-513, title VI, §641, Dec. 12, 1980, 94 Stat. 2954, as amended by Pub. L. 97-22, §8(o), July 10, 1981, 97 Stat. 136, provided that: "Any person—

"(1) who before June 30, 1980, served on active duty for not less than one year as a reserve officer of the Medical Corps or Dental Corps of the Army or the Medical Corps or Dental Corps of the Navy, as a reserve officer of the Air Force designated as a medical officer or dental officer, or as a reserve medical officer or dental officer of the Public Health Service; and

"(2) who after having so served on active duty for not less than one year received special pay under section 302 or 302b of title 37, United States Code, as in effect during the period beginning on May 6, 1974, and ending on June 30, 1980, for service performed during such period,

shall be considered to have been entitled to such pay as if that part of such section, as in effect during such period, which read 'who is on active duty for a period of at least one year' read 'who has served on active duty for not less than one year'."

TRANSITION PROVISIONS

Section 7 of Pub. L. 96-284 provided that: "Notwithstanding any provision of the amendments made by this Act; [see Short Title of 1980 Amendment note set out under section 101 of this title], and in accordance with regulations to be prescribed by the Secretary of Defense, any officer of the Army, Navy, or Air Force who at any time before the effective date of the amendments made by this Act [see Effective Date of 1980 Amendment note set out above] was entitled to special pay under section 302 of title 37, United States Code, and any officer who after such effective date would have become entitled to special pay under such section (as in effect on the day before such effective date) had such section continued in effect, shall be paid basic pay and special pay under section 302 of such title (as in effect on and after the effective date of the amendments made by this Act) in a total amount not less than the total amount of the basic pay (as in effect on the day before such date) and special pay applicable (or which would have been applicable) to such officer under sections 302, 311, and 313 of such title (as in effect on the day before such date and computed on the rates of basic pay as in effect on the day before such date)."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 301d, 302f, 303a, 303b of this title; title 25 section 1616i.

§ 302a. Special pay: optometrists

(a) REGULAR SPECIAL PAY.—Each of the following officers is entitled to special pay at the rate of \$100 a month for each month of active duty:

(1) A commissioned officer—

(A) of the Regular Army, Regular Navy, or Regular Air Force who is designated as an optometry officer; or

(B) who is an optometry officer of the Regular Corps of the Public Health Service.

(2) A commissioned officer—

(A) of a Reserve component of the Army, Navy, or Air Force who is designated as an optometry officer; or

(B) who is an optometry officer of the Reserve Corps of the Public Health Service,

who is on active duty as a result of a call or order to active duty for a period of at least one year.

(3) A general officer of the Army or the Air Force appointed, from any of the categories

named in clause (1) or (2), in the Army, Air Force, or the National Guard, as the case may be.

(b) **RETENTION SPECIAL PAY.**—(1) Under regulations prescribed under section 303a(a) of this title, the Secretary concerned may pay an officer described in paragraph (2) a retention special pay of not more than \$6,000 for any twelve-month period during which the officer is not undergoing an internship or initial residency training.

(2) An officer referred to in paragraph (1) is an officer of a uniformed service who—

(A) is entitled to special pay under subsection (a);

(B) has completed any initial active-duty service commitment incurred for education and training; and

(C) is determined by the Secretary concerned to be qualified as an optometrist.

(3) An officer may not be paid retention special pay under paragraph (1) for any twelve-month period unless the officer first executes a written agreement under which the officer agrees to remain on active duty for a period of not less than one year beginning on the date the officer accepts the award of such special pay.

(4) The Secretary concerned may terminate at any time the eligibility of an officer to receive retention special pay under paragraph (1). If such eligibility is terminated, the officer concerned shall receive such special pay only for the part of the period of active duty that the officer served and may be required to refund any amount in excess of that amount.

(Added Pub. L. 92-129, title II, §202(a), Sept. 28, 1971, 85 Stat. 357; amended Pub. L. 93-64, title II, §202, July 9, 1973, 87 Stat. 149; Pub. L. 95-114, §2, Sept. 30, 1977, 91 Stat. 1046; Pub. L. 95-485, title VIII, §801(b), Oct. 20, 1978, 92 Stat. 1619; Pub. L. 96-284, §4(a), June 28, 1980, 94 Stat. 591; Pub. L. 100-26, §8(d)(2), Apr. 21, 1987, 101 Stat. 285; Pub. L. 101-510, div. A, title VI, §617(a), Nov. 5, 1990, 104 Stat. 1578; Pub. L. 104-201, div. A, title VI, §614(a), Sept. 23, 1996, 110 Stat. 2544; Pub. L. 106-398, §1 [[div. A], title VI, §626(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-153.)

AMENDMENTS

2000—Subsec. (b)(1). Pub. L. 106-398 substituted “the Secretary concerned may pay an officer described in paragraph (2) a” for “an officer described in paragraph (2) may be paid”.

1996—Subsec. (b)(2). Pub. L. 104-201, §614(a)(1)(A), substituted “a uniformed service” for “an armed force” in introductory provisions.

Subsec. (b)(2)(C). Pub. L. 104-201, §614(a)(1)(B), struck out “of the military department” before “concerned to be”.

Subsec. (b)(4). Pub. L. 104-201, §614(a)(2), struck out “of the military department” before “concerned may terminate”.

1990—Pub. L. 101-510 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

1987—Pub. L. 100-26 substituted “A” for “a” at beginning of pars. (1) to (3), “; or” for “, or” at end of par. (1)(A), period for semicolon at end of par. (1)(B), and period for “; and” at end of par. (2).

1980—Pub. L. 96-284 substituted “Each” for “(a) In addition to any other basic pay, special pay, incentive pay or allowance to which he is entitled, each”, struck

out “beginning on or after October 1, 1977” after “active duty”, struck out subsec. (b) which prohibited inclusion of active duty monthly special pay in computation of amount of increase in pay authorized in any other provision of this title or in computation of retired pay or severance pay, and struck out subsec. (c) which provided that no special pay be paid for any month after September 1980.

1978—Subsec. (c). Pub. L. 95-485 substituted “September 1980” for “September 1978”.

1977—Subsec. (a). Pub. L. 95-114 amended subsec. (a) to provide for the reinstatement of special pay provisions for optometrists for each month on active duty beginning on or after Oct. 1, 1977.

Subsecs. (b), (c). Pub. L. 95-114 reenacted subsec. (b) without change and added subsec. (c).

1973—Subsec. (a). Pub. L. 93-64 substituted “July 1, 1975” for “July 1, 1973” wherever appearing.

EFFECTIVE DATE OF 1977 AMENDMENT

Section 4 of Pub. L. 95-114 provided that: “The amendments made by sections 2 and 3 of this Act [amending this section and section 303 of this title] become effective on October 1, 1977.”

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-64 effective July 1, 1973, see section 206 of Pub. L. 93-64, set out as a note under section 401 of this title.

EFFECTIVE DATE

Section 209 of title II of Pub. L. 92-129 provided that: “The foregoing provisions of this title [enacting this section and section 428 of this title and amending sections 203 and 403 of this title and sections 2204 and 2207 of Title 50, Appendix, War and National Defense] shall become effective on October 1, 1971, except that section 203 [enacting section 308a of this title] shall become effective on such date as shall be prescribed by the Secretary of Defense, but not earlier than February 1, 1971, and section 206 [amending section 2203 of Title 50, Appendix] shall become effective July 1, 1971.”

IMPLEMENTATION OF SUBSECTION (b)

Pub. L. 101-510, div. A, title VI, §617(b), Nov. 5, 1990, 104 Stat. 1579, provided that the Secretary of Defense could not implement subsec. (b) of this section, unless the Secretary submitted to the Committees on Armed Services of the Senate and House of Representatives a report justifying the need of the military departments for the authority provided in such subsection and describing the manner in which that authority would be implemented, prior to repeal by Pub. L. 106-398, §1 [[div. A], title VI, §626(a)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A-153.

PAY CONTINUATION

Enactment of this section not to reduce the pay to which any member of the uniformed services was entitled on June 30, 1971, see section 210 of Pub. L. 92-129, set out as a note under section 203 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 302f, 303a, 306 of this title.

§ 302b. Special pay: dental officers of the armed forces

(a) **VARIABLE, ADDITIONAL, AND BOARD CERTIFICATION SPECIAL PAY.**—(1) An officer who—

(A) is an officer of the Dental Corps of the Army or the Navy or an officer of the Air Force designated as a dental officer; and

(B) is on active duty under a call or order to active duty for a period of not less than one year,