

**TITLE 37 - PAY AND ALLOWANCES OF THE UNIFORMED SERVICES
CHAPTER 5 - SPECIAL AND INCENTIVE PAYS
SUBCHAPTER I - EXISTING SPECIAL PAY, INCENTIVE PAY, AND BONUS
AUTHORITIES**

§ 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(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

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).

Subsec. (c). Pub. L. 108-136, § 616(a)(2), redesignated subsec. (b) as (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 108-136, § 616(b), designated existing provisions as par. (1), inserted “or mobilization in support of a contingency operation” after “training”, and added par. (2).

Pub. L. 108-136, § 616(a)(2), redesignated subsec. (c) as (d). Former subsec. (d) redesignated (e).

Subsecs. (e), (f). Pub. L. 108-136, § 616(a)(2), redesignated subsecs. (d) and (e) as (e) and (f), respectively.

2002—Subsec. (d). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

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 2002 Amendment

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of Title 10, Armed Forces.

NB: This unofficial compilation of the U.S. Code is current as of Jan. 5, 2009 (see <http://www.law.cornell.edu/uscode/uscprint.html>).

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.