

H.R.4200

Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Enrolled as Agreed to or Passed by Both House and Senate)

SEC. 615. AUTHORITY TO PROVIDE HAZARDOUS DUTY INCENTIVE PAY TO MILITARY FIREFIGHTERS.

Section 301 of title 37, United States Code, is amended--

- (1) in subsection (d), by inserting `(1)' after `(d)';
- (2) by redesignating subsection (e) as paragraph (2) of subsection (d); and
- (3) by inserting after subsection (d) the following new subsection (e):

`(e) A member of a uniformed service who is entitled to basic pay may be paid incentive pay under this subsection, at a monthly rate not to exceed \$150, for any month during which the member performs duty involving regular participation as a firefighting crew member, as determined by the Secretary concerned.'

RESULTS:

TITLE 37 > CHAPTER 5 > § 301

§ 301. Incentive pay: hazardous duty

Release date: 2003-05-29

(a) Subject to regulations prescribed by the President, a member of a uniformed service who is entitled to basic pay is also entitled to incentive pay, in the amount set forth in subsection (b) or (c), for the performance of hazardous duty required by orders. In this subsection, the term "hazardous duty" means duty—

- (1) involving frequent and regular participation in aerial flight as a crew member, as determined by the Secretary concerned, except for a member who is entitled to incentive pay under section 301a of this title;
- (2) involving frequent and regular participation in aerial flight, not as a crew member under clause (1);
- (3) involving parachute jumping as an essential part of military duty;
- (4) involving the demolition of explosives as a primary duty, including training for that duty;
- (5) inside a high- or low-pressure chamber;
- (6) as a human acceleration or deceleration experimental subject;
- (7) as a human test subject in thermal stress experiments;

flight deck of an aircraft carrier or of a ship other than an aircraft carrier from which aircraft are launched;

(9) involving frequent and regular exposure to highly toxic pesticides or involving laboratory work that utilizes live dangerous viruses or bacteria;

(10) involving

(A) the servicing of aircraft or missiles with highly toxic fuels or propellants,

(B) the testing of aircraft or missile systems (or components of such systems) during which highly toxic fuels or propellants are used, or

(C) the handling of chemical munitions (or components of such munitions);

(11) involving regular participation as a member of a team conducting visit, board, search, and seizure operations aboard vessels in support of maritime interdiction operations; or

(12) involving frequent and regular participation in aerial flight by a member who is serving as an air weapons controller crew member (as defined by the Secretary concerned) aboard an airborne warning and control system aircraft (as designated by such Secretary) and who is not entitled to incentive pay under section 301a of this title.

(b) For the performance of hazardous duty described in clause (1) of subsection (a), a member is entitled to monthly incentive pay as follows:

Pay Grade	Monthly Rate	O-10	\$150	O-9	150	O-8	150	O-7	150	O-6	250
		O-5	250	O-4	225	O-3	175	O-2	150	O-1	150
		W-4	250	W-3	175	W-2	150	W-1	150	E-9	240
		E-8	240	E-7	240	E-6	215	E-5	190	E-4	165
		E-3	150	E-2	150	E-1	150				

(c)

(1) For the performance of hazardous duty described in clauses (2) through (11) of subsection (a), a member is entitled to \$150 a month. However, a member performing hazardous duty described in clause (3) of that subsection who also performs as an essential part of such duty parachute jumping in military free fall operations involving parachute deployment by the jumper without the use of a static line is entitled to \$225 a month.

(2)

(A) For the performance of hazardous duty described in clause (12) of subsection (a), a member is entitled to monthly incentive pay based upon his years of service as an air weapons controller as follows:

Pay grade	Years of service as an air weapons controller									
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12		
O-7 and above	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200
O-6	225	250	300	325	350	350	350	350	350	350
O-5	200	250	300	325	350	350	350	350	350	350

O-4	175	225	275	300	350	350	350	350
O-3	150	156	188	206	350	350	350	350
O-2	150	156	188	206	250	300	300	300
O-1	150	156	188	206	250	250	250	250
W-4	200	225	275	300	325	325	325	325
W-3	175	225	275	300	325	325	325	325
W-2	150	200	250	275	325	325	325	325
W-1	150	150	150	175	325	325	325	325
E-9	200	225	250	275	300	300	300	300
E-8	200	225	250	275	300	300	300	300
E-7	175	200	225	250	275	275	275	300
E-6	156	175	200	225	250	250	250	300
E-5	150	156	175	188	200	200	200	250
E-4 and below	150	156	175	188	200	200	200	200

Over	Over	Over	Over	Over	Over	Over	Over
14	16	18	20	22	24	25	

O-7 and above	\$200	\$200	\$200	\$200	\$200	\$200	\$150
O-6	350	350	350	300	250	250	225
O-5	350	350	350	300	250	250	225
O-4	350	350	350	300	250	250	225
O-3	350	350	300	275	250	225	200
O-2	300	300	275	245	210	200	180
O-1	250	250	245	210	200	180	150
W-4	325	325	325	276	250	225	200
W-3	325	325	325	325	250	225	200
W-2	325	325	325	275	250	225	200
W-1	325	325	325	275	250	225	200
E-9	300	300	300	275	230	200	200
E-8	300	300	300	265	230	200	200
E-7	300	300	300	265	230	200	200
E-6	300	300	300	265	230	200	200

E-5	250	250	250	225	200	175	150
E-4 and below	200	200	200	175	150	150	150

(B) For purposes of this paragraph, the years of service of a member as an air weapons controller shall be computed, under regulations prescribed by the Secretary concerned, from the date the member begins training leading to a designation as an air weapons controller, but there shall be excluded from such computation any period of more than 90 days during which the member performs primary duties other than as an air weapons controller.

(d)

(1) In time of war, the President may suspend the payment of incentive pay for any hazardous duty described in subsection (a).

(2) A member is entitled to not more than two payments of incentive pay, authorized by this section, for a period of time during which he qualifies for more than one payment of that pay.

(e) A member of a uniformed service who is entitled to basic pay may be paid incentive pay under this subsection, at a monthly rate not to exceed \$150, for any month during which the member performs duty involving regular participation as a firefighting crew member, as determined by the Secretary concerned.

(f)

(1) Under regulations prescribed by the President and to the extent provided for by appropriations, when a member of a reserve component of a uniformed service, or of the National Guard, who is entitled to compensation under section 206 of this title, performs, under orders, any duty described in subsection (a) for members entitled to basic pay, he is entitled to an increase in compensation equal to 1/30 of the monthly incentive pay authorized by subsection (b) or (c), as the case may be, for the performance of that hazardous duty by a member of a corresponding grade who is entitled to basic pay. He is entitled to the increase for as long as he is qualified for it, for each regular period of instruction, or period of appropriate duty, at which he is engaged for at least two hours, including that performed on a Sunday or holiday, or 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. This subsection does not apply to a member who is entitled to basic pay under section 204 of this title for the entire month.

(2)

(A) If in any calendar month a member performs duty as described in paragraph (1) and while entitled to basic pay also performs hazardous duty as described in the same clause of subsection (a) as constitutes the predicate for his entitlement under paragraph (1), the earned units of measuring entitlement for incentive pay under this section shall be combined. If the sum of units determined under the preceding sentence equals or exceeds the minimum standard

subsections (b) and (c) for a member of corresponding grade who is entitled to basic pay for the entire relevant month, the member shall be entitled to an increase in compensation equal to 1/30 of the monthly incentive pay authorized by subsection (b) or (c) for the performance of that hazardous duty by a member of corresponding grade who is entitled to basic pay for the entire month.

(B) A member who qualifies for entitlement under this paragraph is entitled to the increase for each day in the relevant month in which he is entitled to basic pay pursuant to section 204 of this title or to compensation under section 206 of this title.

(C) In this paragraph, the term,^[1] "units" means the significant increments of performance prescribed as qualifying standards in regulations promulgated by the President pursuant to this section.