

§ 308h. Special pay: bonus for reenlistment, enlistment, or voluntary extension of enlistment in elements of the Ready Reserve other than the Selected Reserve

(a) **AUTHORITY AND ELIGIBILITY REQUIREMENTS.**—(1) The Secretary concerned may pay a bonus as provided in subsection (b) to an eligible person who reenlists, enlists, or voluntarily extends an enlistment in a reserve component of an armed force for assignment to an element (other than the Selected Reserve) of the Ready Reserve of that armed force if the reenlistment, enlistment, or extension is for a period of three years, or for a period of six years, beyond any other period the person is obligated to serve.

(2) A person is eligible for a bonus under this section if the person—

(A) is or has been a member of an armed force;

(B) is qualified in a skill or specialty designated by the Secretary concerned as a critically short wartime skill or critically short wartime specialty; and

(C) has not failed to complete satisfactorily any original term of enlistment in the armed forces.

(3) For the purposes of this section, the Secretary concerned may designate a skill or specialty as a critically short wartime skill or critically short wartime specialty for an armed force under the jurisdiction of the Secretary if the Secretary determines that—

(A) the skill or specialty is critical to meet wartime requirements of the armed force; and

(B) there is a critical shortage of personnel in that armed force who are qualified in that skill or specialty.

(4) The Secretary concerned may waive the eligibility requirement in paragraph (2)(B) in the case of a reenlistment or voluntary extension of enlistment by a member of the armed forces that is entered into as described in this subsection while the member is serving on active duty in Afghanistan, Iraq, or Kuwait in support of Operation Enduring Freedom and Operation Iraqi Freedom.

(b) **BONUS AMOUNTS; PAYMENT.**—(1) Eligibility for and the amount and method of payment of a bonus under this section shall be determined under regulations to be prescribed under subsection (f).

(2) The amount of a bonus under this section—

(A) may not exceed \$3,000, in the case of a person who enlists for a period of six years; and

(B) may not exceed \$1,500 in the case of a person who enlists for a period of three years.

(3) A bonus paid under this section shall be paid as follows:

(A) In the case of a bonus under paragraph (2)(A)—

(i) \$500 shall be paid at the time of the reenlistment, enlistment, or extension of enlistment for which the bonus is paid; and

(ii) the remainder shall be paid in equal annual increments.

(B) In the case of a bonus under paragraph (2)(B), the amount of the bonus shall be paid in equal annual increments.

(4) A person entitled to a bonus under this section who is called or ordered to active duty shall be paid, during that period of active duty, any amount of the bonus that becomes payable to the member during that period of active duty.

(c) **REPAYMENT.**—A person who does not complete the period of enlistment or extension of enlistment for which the bonus was paid under this section shall be subject to the repayment provisions of section 303a(e) of this title.

(d) **REGULATIONS.**—(1) This section shall be administered under regulations to be 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 it is not operating as a service in the Navy.

(2) Regulations under this section may require that as a condition of receiving a bonus under this section the person receiving the bonus agree to participate in an annual muster of the Reserves, or in active duty for training, as may be required by the Secretary concerned.

(e) **TERMINATION OF AUTHORITY.**—A bonus may not be paid under this section to any person for a reenlistment, enlistment, or voluntary extension of an enlistment after December 31, 2012.

(Added Pub. L. 98-94, title X, §1011(a), Sept. 24, 1983, 97 Stat. 663; amended Pub. L. 98-525, title V, §552(f)(2), Oct. 19, 1984, 98 Stat. 2532; Pub. L. 99-145, title VI, §646(a)-(c), title XIII, §1303(b)(3), Nov. 8, 1985, 99 Stat. 654, 740; Pub. L. 100-180, div. A, title VI, §626(b), Dec. 4, 1987, 101 Stat. 1104; Pub. L. 101-189, div. A, title VI, §613, Nov. 29, 1989, 103 Stat. 1446; Pub. L. 102-25, title VII, §702(b)(1), (2), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 102-484, div. A, title VI, §612(d), Oct. 23, 1992, 106 Stat. 2421; Pub. L. 103-160, div. A, title VI, §612(d), Nov. 30, 1993, 107 Stat. 1680; Pub. L. 103-337, div. A, title VI, §611(d), Oct. 5, 1994, 108 Stat. 2783; Pub. L. 104-106, div. A, title VI, §611(d), Feb. 10, 1996, 110 Stat. 359; Pub. L. 104-201, div. A, title VI, §611(f), Sept. 23, 1996, 110 Stat. 2543; Pub. L. 105-85, div. A, title VI, §611(f), Nov. 18, 1997, 111 Stat. 1785; Pub. L. 105-261, div. A, title VI, §611(f), Oct. 17, 1998, 112 Stat. 2038; Pub. L. 106-65, div. A, title VI, §611(f), Oct. 5, 1999, 113 Stat. 650; Pub. L. 106-398, §1 [[div. A], title VI, §621(f)], Oct. 30, 2000, 114 Stat. 1654, 1654A-151; Pub. L. 107-107, div. A, title VI, §§611(f), 619(a), (b), Dec. 28, 2001, 115 Stat. 1135, 1137, 1138; Pub. L. 107-296, title XVII, §1704(c), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 107-314, div. A, title VI, §611(e), Dec. 2, 2002, 116 Stat. 2567; Pub. L. 108-136, div. A, title VI, §§611(e), 626(c), Nov. 24, 2003, 117 Stat. 1501, 1508; Pub. L. 108-375, div. A, title VI, §§611(e), 618(e), Oct. 28, 2004, 118 Stat. 1947, 1950; Pub. L. 109-163, div. A, title VI, §§621(d), 687(b)(18), Jan. 6, 2006, 119 Stat. 3294, 3330; Pub. L. 109-364, div. A, title VI, §611(e), Oct. 17, 2006, 120 Stat. 2247; Pub. L. 110-181, div. A, title VI, §611(e), Jan. 28, 2008, 122 Stat. 148; Pub. L. 110-417, [div. A], title VI, §611(e), Oct. 14, 2008, 122 Stat. 4484; Pub. L. 111-84, div. A, title VI, §611(5), Oct. 28, 2009, 123 Stat. 2352; Pub. L. 111-383, div. A, title VI, §611(5), Jan. 7, 2011, 124 Stat. 4236; Pub. L. 112-81, div. A, title VI, §611(5), Dec. 31, 2011, 125 Stat. 1449.)

AMENDMENTS

2011—Subsec. (e). Pub. L. 112-81 substituted “December 31, 2012” for “December 31, 2011”.

Pub. L. 111-383 substituted “December 31, 2011” for “December 31, 2010”.

2009—Subsec. (e). Pub. L. 111-84 substituted “December 31, 2010” for “December 31, 2009”.

2008—Subsec. (e). Pub. L. 110-417 substituted “December 31, 2009” for “December 31, 2008”.

Pub. L. 110-181 substituted “December 31, 2008” for “December 31, 2007”.

2006—Subsec. (c). Pub. L. 109-163, § 687(b)(18)(A), added subsec. (c) and struck out heading and text of former subsec. (c). Text read as follows: “A person who receives a bonus payment under this section and who fails during the period for which the bonus was paid to serve satisfactorily in the Ready Reserve shall refund to the United States an amount which bears the same ratio to the amount of the bonus paid to such person as the period which such person failed to serve satisfactorily bears to the total period for which the bonus was paid.”

Subsec. (d). Pub. L. 109-163, § 687(b)(18)(B), (C), redesignated subsec. (f) as (d) and struck out heading and text of former subsec. (d). Text read as follows: “An obligation to reimburse the United States imposed under subsection (c) is, for all purposes, a debt owed to the United States.”

Subsec. (e). Pub. L. 109-364 substituted “December 31, 2007” for “December 31, 2006”.

Pub. L. 109-163, § 687(b)(18)(B), (C), redesignated subsec. (g) as (e) and struck out heading and text of former subsec. (e). Text read as follows: “A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a reenlistment, enlistment, or extension for which a bonus was paid under this section does not discharge the person receiving such bonus payment from the debt arising under subsection (c). This subsection applies to any case commenced under title 11 after September 24, 1983.”

Subsec. (f). Pub. L. 109-163, § 687(b)(18)(C), redesignated subsec. (f) as (d).

Subsec. (g). Pub. L. 109-163, § 687(b)(18)(C), redesignated subsec. (g) as (e).

Pub. L. 109-163, § 621(d), substituted “December 31, 2006” for “December 31, 2005”.

2004—Subsec. (b)(2)(A). Pub. L. 108-375, § 618(e)(1), substituted “\$3,000” for “\$1,500”.

Subsec. (b)(2)(B). Pub. L. 108-375, § 618(e)(2), substituted “\$1,500” for “\$750”.

Subsec. (b)(4). Pub. L. 108-375, § 618(e)(3), added par. (4).

Subsec. (g). Pub. L. 108-375, § 611(e), substituted “December 31, 2005” for “December 31, 2004”.

2003—Subsec. (a)(4). Pub. L. 108-136, § 626(c), added par. (4).

Subsec. (g). Pub. L. 108-136, § 611(e), substituted “December 31, 2004” for “December 31, 2003”.

2002—Subsec. (f)(1). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

Subsec. (g). Pub. L. 107-314 substituted “December 31, 2003” for “December 31, 2002”.

2001—Subsec. (a). Pub. L. 107-107, § 619(a), inserted heading and amended text generally. Prior to amendment, text read as follows:

“(a)(1) An eligible person who is or has been a member of an armed force and who reenlists, enlists, or voluntarily extends an enlistment in a combat or combat support skill of an element (other than the Selected Reserve) of the Ready Reserve of an armed force for a period of three years, or for a period of six years, beyond any other period the person is obligated to serve may be paid a bonus as provided in subsection (b).

“(2) A bonus may not be paid under this section to a person who has failed to complete satisfactorily any original term of enlistment in the armed forces.”

Subsecs. (b) to (f). Pub. L. 107-107, § 619(b)(1)–(5), inserted headings.

Subsec. (g). Pub. L. 107-107, § 619(b)(6), inserted heading.

Pub. L. 107-107, § 611(f), substituted “December 31, 2002” for “December 31, 2001”.

2000—Subsec. (g). Pub. L. 106-398 substituted “December 31, 2001” for “December 31, 2000”.

1999—Subsec. (g). Pub. L. 106-65 substituted “December 31, 2000” for “December 31, 1999”.

1998—Subsec. (g). Pub. L. 105-261 substituted “December 31, 1999” for “September 30, 1999”.

1997—Subsec. (g). Pub. L. 105-85 substituted “September 30, 1999” for “September 30, 1998”.

1996—Subsec. (g). Pub. L. 104-201 substituted “September 30, 1998” for “September 30, 1997”.

Pub. L. 104-106 substituted “September 30, 1997” for “September 30, 1996”.

1994—Subsec. (g). Pub. L. 103-337 substituted “September 30, 1996” for “September 30, 1995”.

1993—Subsec. (g). Pub. L. 103-160 substituted “September 30, 1995” for “September 30, 1993”.

1992—Subsec. (g). Pub. L. 102-484 substituted “September 30, 1993” for “September 30, 1992”.

1991—Pub. L. 102-25 struck out “of this section” and “of this subsection” wherever appearing.

1989—Subsec. (g). Pub. L. 101-189 substituted “September 30, 1992” for “September 30, 1990”.

1987—Subsec. (g). Pub. L. 100-180 substituted “September 30, 1990” for “September 30, 1987”.

1985—Subsec. (a)(1). Pub. L. 99-145, § 646(b)(1), substituted “for a period of three years, or for a period of six years,” for “for a period of not less than three years”.

Subsec. (b). Pub. L. 99-145, § 646(b)(2), designated existing provisions as par. (1), struck out “, except that the amount of such a bonus may not exceed \$900 and shall be paid in equal annual increments”, and added pars. (2) and (3).

Subsec. (e). Pub. L. 99-145, § 1303(b)(3), substituted “September 24, 1983” for “the date of the enactment of the Department of Defense Authorization Act, 1984”.

Subsec. (f). Pub. L. 99-145, § 646(c), designated existing provisions as par. (1) and added par. (2).

Subsec. (g). Pub. L. 99-145, § 646(a), substituted “September 30, 1987” for “September 30, 1985”.

1984—Subsec. (b). Pub. L. 98-525 inserted provision for payment in equal annual increments.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-181 effective as of Dec. 31, 2007, and subject to various special provisions, see section 610 of Pub. L. 110-181, set out as a Correction of Lapsed Authorities for Payment of Bonuses, Special Pays, and Similar Benefits for Members of the Uniformed Services note under section 2130a of Title 10, Armed Forces.

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by section 626(c) of Pub. L. 108-136 effective Mar. 18, 2003, and applicable to reenlistments or voluntary extensions of enlistments entered into on or after that date, see section 626(d) of Pub. L. 108-136, set out as a note under section 308 of this title.

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.

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-107, div. A, title VI, § 619(d), Dec. 28, 2001, 115 Stat. 1138, provided that: “Subsection (a) of section 308h of title 37, United States Code, as amended by this section, shall apply with respect to reserve component reenlistments, enlistments, and extensions of enlistments that are executed on or after the first day of the first month that begins more than 180 days after the date of the enactment of this Act [Dec. 28, 2001]. Subsection (a) of such section 308h, as in effect on the day before the date of the enactment of this Act, shall continue to apply with respect to reserve component re-

enlistments, enlistments, and extensions of enlistments that are executed before the first day of that first month.”

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-160 effective as of Sept. 30, 1993, and applicable with respect to an enlistment, reenlistment, or extension of an enlistment described in this section or section 308b, 308c, or 308i of this title occurring on or after that date, see section 612(f) of Pub. L. 103-160, set out as a note under section 308b of this title.

EFFECTIVE DATE OF 1985 AMENDMENT

Section 646(d) of Pub. L. 99-145 provided that: “The amendments made by this section [amending this section and section 308g of this title] shall take effect on October 1, 1985.”

EFFECTIVE DATE

Section effective Oct. 1, 1983, see section 1011(c) of Pub. L. 98-94, set out as a note under section 308g of this title.

REGULATIONS

Pub. L. 107-107, div. A, title VI, § 619(c), Dec. 28, 2001, 115 Stat. 1138, provided that: “Not later than 180 days after the date of the enactment of this Act [Dec. 28, 2001], the Secretaries of the military departments shall prescribe such regulations as may be necessary for administering subsection (a) of section 308h of title 37, United States Code, as amended by this section.”

SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(b) of Pub. L. 109-163, see section 687(f) of Pub. L. 109-163, set out as a note under section 510 of Title 10, Armed Forces.

COVERAGE OF PERIOD OF LAPSED AUTHORITY

For provisions relating to coverage of period of lapsed authority from Oct. 1, 1992, to Oct. 23, 1992, for payment of bonuses or other special pay under this section, see section 612(j)(2) of Pub. L. 102-484, set out as a note under section 301b of this title.

INDIVIDUAL READY RESERVE REENLISTMENT BONUSES

Section 552(f)(1) of Pub. L. 98-525 provided that: “In order to encourage members of the Armed Forces whose military service obligation is expiring and who do not choose to reenlist or otherwise extend their service on active duty or in active elements of reserve components to remain in the Armed Forces as members of the Individual Ready Reserve, the Secretary of Defense shall consider making greater use of the authority provided under section 308h of title 37, United States Code, to pay bonuses to persons reenlisting for periods of not less than three years in the Individual Ready Reserve.”

COAST GUARD; RESERVE FORCES READINESS PROVISIONS INAPPLICABLE

Reserve Forces Readiness provisions, including amendment of subsec. (b) of this section by Pub. L. 98-525 and Individual Ready Reserve Reenlistment Bonuses note above, inapplicable to Coast Guard, see section 552(g) of Pub. L. 98-525, set out as a Reserve Forces Readiness note under section 12001 of Title 10, Armed Forces.

§ 308i. Special pay: prior service enlistment bonus

(a) **AUTHORITY AND ELIGIBILITY REQUIREMENTS.**—(1) A person who is a former enlisted

member of an armed force who enlists in the Selected Reserve of the Ready Reserve of an armed force for a period of three or six years in a critical military skill designated for such a bonus by the Secretary concerned and who meets the requirements of paragraph (2) may be paid a bonus as prescribed in subsection (b).

(2) A bonus may only be paid under this section to a person who meets each of the following requirements:

(A) The person has not more than 16 years of total military service and received an honorable discharge at the conclusion of all prior periods of service.

(B) The person was not released, or is not being released, from active service for the purpose of enlistment in a reserve component.

(C) The person is projected to occupy, or is occupying, a position as a member of the Selected Reserve in a specialty in which the person—

(i) successfully served while a member on active duty and attained a level of qualification while on active duty commensurate with the grade and years of service of the member; or

(ii) has completed training or retraining in the specialty skill that is designated as critically short and attained a level of qualification in the specialty skill that is commensurate with the grade and years of service of the member.

(b) **BONUS AMOUNTS; PAYMENT.**—(1) The amount of a bonus under this section may not exceed—

(A) \$15,000, in the case of a person who enlists for a period of six years;

(B) \$7,500, in the case of a person who, having never received a bonus under this section, enlists for a period of three years; and

(C) \$6,000, in the case of a person who, having received a bonus under this section for a previous three-year enlistment, reenlists or extends the enlistment for an additional period of three years.

(2) Any bonus payable under this section shall be disbursed in one initial payment of an amount not to exceed one-half of the total amount of the bonus and subsequent periodic partial payments of the balance of the bonus. The Secretary concerned shall prescribe the amount of each partial payment and the schedule for making the partial payments.

(3) A person entitled to a bonus under this section who is called or ordered to active duty shall be paid, during that period of active duty, any amount of the bonus that becomes payable to the member during that period of active duty.

(c) **CONDITION ON ELIGIBILITY; LIMITATION ON NUMBER OF BONUSES.**—(1) To be eligible for a second bonus under this section in the amount specified in subsection (b)(1)(C), a person must—

(A) enter into a reenlistment or extension of an enlistment for a period of three years not later than the date on which the enlistment for which the first bonus was paid would expire; and

(B) still satisfy the eligibility requirements under subsection (a).