

§ 308j. Special pay: affiliation bonus for officers in the Selected Reserve

(a) **AFFILIATION BONUS.**—(1) The Secretary concerned may pay an affiliation bonus under this section to an eligible officer in any of the armed forces who enters into an agreement with the Secretary to serve, for the period specified in the agreement, in the Selected Reserve of the Ready Reserve of an armed force under the Secretary's jurisdiction—

(A) in a critical officer skill designated under paragraph (3); or

(B) to meet a manpower shortage in—

(i) a unit of that Selected Reserve; or

(ii) a particular pay grade in that armed force.

(2) An officer is eligible for an affiliation bonus under this section if the officer—

(A) either—

(i) is serving on active duty for a period of more than 30 days; or

(ii) is a member of a reserve component not on active duty and, if the member formerly served on active duty, was released from active duty under honorable conditions; and

(B) is not entitled to receive retired or retainer pay.

(3)(A) The Secretary concerned shall designate for an armed force under the Secretary's jurisdiction the critical officer skills to which the bonus authority under this subsection is to be applied.

(B) A skill may be designated as a critical officer skill for an armed force under subparagraph (A) if, to meet requirements of that armed force, it is critical for that armed force to have a sufficient number of officers who are qualified in that skill.

(4) An affiliation bonus payable pursuant to an agreement under this section to an eligible officer accrues on the date on which the person is assigned to a unit or position in the Selected Reserve pursuant to such agreement.

(b) **ACCESSION BONUS.**—(1) The Secretary concerned may pay an accession bonus under this section to an eligible person who enters into an agreement with the Secretary—

(A) to accept an appointment as an officer in the armed forces; and

(B) to serve in the Selected Reserve of the Ready Reserve in a skill designated under paragraph (2) for a period specified in the agreement.

(2)(A) The Secretary concerned shall designate for an armed force under the Secretary's jurisdiction the officer skills to which the authority under this subsection is to be applied.

(B) A skill may be designated for an armed force under subparagraph (A) if, to mitigate a current or projected significant shortage of personnel in that armed force who are qualified in that skill, it is critical to increase the number of persons accessed into that armed force who are qualified in that skill or are to be trained in that skill.

(3) An accession bonus payable to a person pursuant to an agreement under this section ac-

crues on the date on which that agreement is accepted by the Secretary concerned.

(c) **PERIOD OF OBLIGATED SERVICE.**—An agreement entered into with the Secretary concerned under this section shall require the person entering into that agreement to serve in the Selected Reserve for a specified period. The period specified in the agreement shall be any period not less than three years that the Secretary concerned determines appropriate to meet the needs of the reserve component in which the service is to be performed.

(d) **AMOUNT.**—The amount of a bonus under this section may be any amount not in excess of \$20,000 that the Secretary concerned determines appropriate.

(e) **PAYMENT.**—(1) Upon acceptance of a written agreement by the Secretary concerned under this section, the total amount of the bonus payable under the agreement becomes fixed. The agreement shall specify whether the bonus is to be paid in one lump sum or in installments.

(2) 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.

(f) **RELATION TO OTHER ACCESSION BONUS AUTHORITY.**—A person may not receive an affiliation bonus or accession bonus under this section and financial assistance under chapter 1608, 1609, or 1611 of title 10, or under section 302g of this title, for the same period of service.

(g) **REPAYMENT.**—A person who enters into an agreement under this section and receives all or part of the bonus under the agreement, but who does not accept a commission or an appointment as an officer or does not commence to participate or does not satisfactorily participate in the Selected Reserve for the total period of service specified in the agreement, shall be subject to the repayment provisions of section 303a(e) of this title.

(Added Pub. L. 108-375, div. A, title VI, §619(a), Oct. 28, 2004, 118 Stat. 1950; amended Pub. L. 109-163, div. A, title VI, §634(a)-(c)(1), Jan. 6, 2006, 119 Stat. 3300; Pub. L. 109-364, div. A, title X, §1071(c)(4), Oct. 17, 2006, 120 Stat. 2401; Pub. L. 112-239, div. A, title VI, §616, Jan. 2, 2013, 126 Stat. 1777.)

AMENDMENTS

2013—Subsec. (d). Pub. L. 112-239 substituted “\$20,000” for “\$10,000”.

2006—Pub. L. 109-163, §634(c)(1), substituted “Special pay: affiliation bonus for officers in the Selected Reserve” for “Special pay: bonus for certain initial service of officers in the Selected Reserve”.

Subsec. (a)(2)(B), (C). Pub. L. 109-163, §634(a), redesignated subpar. (C) as (B) and struck out former subpar. (B) which read as follows: “has not previously served in the Selected Reserve of the Ready Reserve; and”.

Subsec. (d). Pub. L. 109-163, §634(b), substituted “\$10,000” for “\$6,000”.

Subsec. (g). Pub. L. 109-364 added subsec. (g) and struck out former subsec. (g) which related to requirement to repay bonus upon failure to commence or complete obligated service, inclusion of repayment requirements in each agreement, and characterization of obligation to repay as a debt owed to the United States.

§ 309. Special pay: enlistment bonus

(a) **BONUS AUTHORIZED; BONUS AMOUNT.**—A person who enlists in an armed force for a period of at least 2 years may be paid a bonus in an amount not to exceed \$40,000. The bonus may be paid in a single lump sum or in periodic installments.

(b) **REPAYMENT.**—A member who does not complete the term of enlistment for which a bonus was paid to the member under this section, or a member who is not technically qualified in the skill for which a bonus was paid to the member under this section, shall be subject to the repayment provisions of section 303a(e) of this title.

(c) **RELATION TO PROHIBITION ON BOUNTIES.**—The enlistment bonus authorized by this section is not a bounty for purposes of section 514(a) of title 10.

(d) **REGULATIONS.**—This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under the jurisdiction of the Secretary of Defense and by the Secretary of Homeland Security for the Coast Guard when the Coast Guard is not operating as a service in the Navy.

(e) **DURATION OF AUTHORITY.**—No bonus shall be paid under this section with respect to any enlistment in the armed forces made after December 31, 2018.

(Added Pub. L. 106-398, §1 [[div. A], title VI, §624(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-152; amended Pub. L. 107-107, div. A, title VI, §614(c), Dec. 28, 2001, 115 Stat. 1136; Pub. L. 107-296, title XVII, §1704(c), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 107-314, div. A, title VI, §614(c), Dec. 2, 2002, 116 Stat. 2568; Pub. L. 108-136, div. A, title VI, §614(c), Nov. 24, 2003, 117 Stat. 1501; Pub. L. 108-375, div. A, title VI, §614(d), Oct. 28, 2004, 118 Stat. 1948; Pub. L. 109-163, div. A, title VI, §§624(d), 635, 687(b)(20), Jan. 6, 2006, 119 Stat. 3295, 3300, 3330; Pub. L. 109-364, div. A, title VI, §614(d), Oct. 17, 2006, 120 Stat. 2248; Pub. L. 110-181, div. A, title VI, §614(c), Jan. 28, 2008, 122 Stat. 149; Pub. L. 110-417, [div. A], title VI, §614(d), Oct. 14, 2008, 122 Stat. 4485; Pub. L. 111-84, div. A, title VI, §615(4), Oct. 28, 2009, 123 Stat. 2354; Pub. L. 111-383, div. A, title VI, §615(4), Jan. 7, 2011, 124 Stat. 4237; Pub. L. 112-81, div. A, title VI, §615(4), Dec. 31, 2011, 125 Stat. 1450; Pub. L. 112-239, div. A, title VI, §615(4), Jan. 2, 2013, 126 Stat. 1777; Pub. L. 113-66, div. A, title VI, §615(4), Dec. 26, 2013, 127 Stat. 781; Pub. L. 113-291, div. A, title VI, §615(4), Dec. 19, 2014, 128 Stat. 3401; Pub. L. 114-92, div. A, title VI, §615(4), Nov. 25, 2015, 129 Stat. 839; Pub. L. 114-328, div. A, title VI, §615(4), Dec. 23, 2016, 130 Stat. 2159; Pub. L. 115-91, div. A, title VI, §615(4), Dec. 12, 2017, 131 Stat. 1423.)

PRIOR PROVISIONS

A prior section 309, Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 468, related to authority of Secretary concerned to provide for additional pay for performance of administrative functions by officers of the National Guard and reserve components, prior to repeal by Pub. L. 96-107, title IV, §404(a)(1), (b), Nov. 9, 1979, 93 Stat. 808, 809, applicable only with respect to administrative functions performed after Sept. 30, 1980.

AMENDMENTS

2017—Subsec. (e). Pub. L. 115-91 substituted “December 31, 2018” for “December 31, 2017”.

2016—Subsec. (e). Pub. L. 114-328 substituted “December 31, 2017” for “December 31, 2016”.

2015—Subsec. (e). Pub. L. 114-92 substituted “December 31, 2016” for “December 31, 2015”.

2014—Subsec. (e). Pub. L. 113-291 substituted “December 31, 2015” for “December 31, 2014”.

2013—Subsec. (e). Pub. L. 113-66 substituted “December 31, 2014” for “December 31, 2013”.

Pub. L. 112-239 substituted “December 31, 2013” for “December 31, 2012”.

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. (a). Pub. L. 109-163, §635, substituted “\$40,000” for “\$20,000”.

Subsec. (b). Pub. L. 109-163, §687(b)(20), amended heading and text of subsec. (b) generally, substituting provisions referring to repayment provisions of section 303a(e) for specific provisions relating to refunds required when member is not technically qualified in skill for which bonus was paid or fails to complete term of enlistment for which bonus was paid.

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

Pub. L. 109-163, §624(d), substituted “December 31, 2006” for “December 31, 2005”.

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

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

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

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

2001—Subsec. (e). Pub. L. 107-107 substituted “December 31, 2002” for “December 31, 2001”.

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 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

Pub. L. 106-398, §1 [[div. A], title VI, §624(c)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-153, provided that: “The amendments made by subsection (a) [enacting this section] shall take effect on October 1, 2000, and apply with respect to enlistments in the Armed Forces made on or after that date.”

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