

§ 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

out as a note under section 510 of Title 10, Armed Forces.

§ 310. Special pay: duty subject to hostile fire or imminent danger

(a) **ELIGIBILITY.**—Under regulations prescribed by the Secretary of Defense, a member of a uniformed service may be paid special pay under subsection (b) for any day or portion of a day in which—

(1) the member was entitled to basic pay or compensation under section 204 or 206 of this title; and

(2) the member—

(A) was subject to hostile fire or explosion of hostile mines;

(B) was on duty in an area in which the member was in imminent danger of being exposed to hostile fire or explosion of hostile mines and in which, during the period the member was on duty in the area, other members of the uniformed services were subject to hostile fire or explosion of hostile mines;

(C) was killed, injured, or wounded by hostile fire, explosion of a hostile mine, or any other hostile action; or

(D) was on duty in a foreign area in which the member was subject to the threat of physical harm or imminent danger on the basis of civil insurrection, civil war, terrorism, or wartime conditions.

(b) **SPECIAL PAY AMOUNT.**—(1) Except as provided in paragraph (2), the amount of special pay authorized by subsection (a) for qualifying service during a day or portion of a day shall be the amount equal to 1/30th of the maximum monthly amount of special pay payable to a member as specified in paragraph (3).

(2) In the case of a member who is exposed to hostile fire or a hostile mine explosion event in or for a day or portion of a day, the Secretary concerned may, at the election of the Secretary, pay the member special pay under subsection (a) for such service in an amount not to exceed the maximum monthly amount of special pay payable to a member as specified in paragraph (3).

(3) The maximum monthly amount of special pay payable to a member under this subsection for any month is \$225.

(c) **CONTINUATION DURING HOSPITALIZATION.**—(1) A member described in paragraph (2) may be paid special pay under this section for any day (or portion of a day) of not more than three additional months during which the member is hospitalized as described in such paragraph.

(2) Paragraph (1) applies with respect to a member who—

(A) is injured or wounded under the circumstances described in subsection (a)(2)(C) and is hospitalized for the treatment of the injury or wound; or

(B) while in the line of duty, incurs a wound, injury, or illness in a combat operation or combat zone designated by the Secretary of Defense and is hospitalized outside of the theater of the combat operation or the combat zone for the treatment of the wound, injury, or illness.

(d) **LIMITATIONS AND ADMINISTRATION.**—(1) In the case of an area described in subparagraph

(B) or (D) of subsection (a)(2), the Secretary of Defense shall be responsible for designating the period during which duty in the area will qualify members for special pay under this section. The effective date designated for the commencement of such a period may be a date occurring before, on, or after the actual date on which the Secretary makes the designation. If the commencement date for such a period is a date occurring before the date on which the Secretary makes the designation, the payment of special pay under this section for the period between the commencement date and the date on which the Secretary makes the designation shall be subject to the availability of appropriated funds for that purpose.

(2) A member may not be paid more than one special pay under this section for any day. A member may be paid special pay under this section in addition to any other pay and allowances to which he may be entitled.

(e) **DETERMINATIONS OF FACT.**—Any determination of fact that is made in administering this section is conclusive. Such a determination may not be reviewed by any other officer or agency of the United States unless there has been fraud or gross negligence. However, the determination may be changed on the basis of new evidence or for other good cause.

(Added Pub. L. 88-132, §9(a)(1), Oct. 2, 1963, 77 Stat. 216; amended Pub. L. 89-132, §4, Aug. 21, 1965, 79 Stat. 547; Pub. L. 98-94, title IX, §905(a), (b)(1), Sept. 24, 1983, 97 Stat. 636, 637; Pub. L. 99-145, title VI, §638(a), Nov. 8, 1985, 99 Stat. 649; Pub. L. 101-510, div. A, title XIII, §1322(c)(6), Nov. 5, 1990, 104 Stat. 1672; Pub. L. 102-190, div. A, title VI, §§611(a), 613, Dec. 5, 1991, 105 Stat. 1376, 1377; Pub. L. 105-261, div. A, title VI, §621, Oct. 17, 1998, 112 Stat. 2042; Pub. L. 108-11, title I, §1316(a), (c)(2), Apr. 16, 2003, 117 Stat. 570; Pub. L. 108-136, div. A, title VI, §§618(a), (b), (d)(2), 619, Nov. 24, 2003, 117 Stat. 1503, 1504; Pub. L. 108-375, div. A, title VI, §623(a), Oct. 28, 2004, 118 Stat. 1955; Pub. L. 109-163, div. A, title VI, §§636, 642(b), Jan. 6, 2006, 119 Stat. 3300, 3306; Pub. L. 111-84, div. A, title VI, §618(a), Oct. 28, 2009, 123 Stat. 2355; Pub. L. 112-81, div. A, title VI, §616(a), Dec. 31, 2011, 125 Stat. 1451; Pub. L. 112-239, div. A, title X, §1076(h)(1), Jan. 2, 2013, 126 Stat. 1955.)

AMENDMENTS

2013—Subsec. (c)(1). Pub. L. 112-239 substituted “section for” for “section for for”.

2011—Subsec. (a). Pub. L. 112-81, §616(a)(1), substituted “for any day or portion of a day” for “for any month or portion of a month” in introductory provisions.

Subsec. (b). Pub. L. 112-81, §616(a)(2), added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows:

“(1) The special pay authorized by subsection (a) may not exceed \$225 a month.

“(2) Except as provided in subsection (c), if a member does not satisfy the eligibility requirements specified in paragraphs (1) and (2) of subsection (a) for an entire month for receipt of special pay under subsection (a), the Secretary concerned may prorate the payment amount to reflect the duration of the member’s actual qualifying service during the month.”

Subsec. (c)(1). Pub. L. 112-81, §616(a)(3), inserted “for any day (or portion of a day) of” before “not more than three additional months”.