

for “Special pay: retention incentives for members qualified in a critical military skill” in section catch-line.

Subsec. (a). Pub. L. 109-163, §640(a)(1)(A), (b)(1), in introductory provisions, substituted “who is serving on active duty in a regular component or in an active status in a reserve component and who” for “who is serving on active duty and” and “critical military skill designated under subsection (b) or accepts an assignment to a high priority unit designated under such subsection” for “designated critical military skill”.

Subsec. (a)(1). Pub. L. 109-163, §640(a)(1)(B), inserted “or to remain in an active status in a reserve component for at least one year” before semicolon.

Subsec. (a)(3). Pub. L. 109-163, §640(a)(1)(C), inserted “or to remain in an active status in a reserve component for a period of at least one year” before period.

Subsec. (b). Pub. L. 109-163, §640(b)(2), substituted “Eligibility Criteria” for “Designation of Critical Skills” in heading, designated existing provisions as par. (1), and added par. (2).

Subsec. (d)(1). Pub. L. 109-163, §640(c), inserted “(or \$100,000 in the case of a reserve component member)” after “\$200,000”.

Subsec. (e)(1)(A). Pub. L. 109-163, §640(a)(2), inserted “or service in an active status in a reserve component” after “active duty”.

Subsec. (e)(1)(B). Pub. L. 109-163, §640(a)(2), inserted “or service in an active status in a reserve component” after “active duty” in two places.

Subsec. (e)(2), (3). Pub. L. 109-163, §640(d), added pars. (2) and (3) and struck out former par. (2) which read as follows: “The limitations in paragraph (1) do not apply with respect to an officer who is assigned duties as a health care professional during the period of active duty for which the bonus is being offered.”

Subsec. (g). Pub. L. 109-163, §687(b)(31), amended heading and text of subsec. (g) generally, substituting provisions referring to repayment provisions of section 303a(e) for specific provisions relating to repayment required when member fails to remain technically qualified in critical military skill or to satisfy other eligibility criteria for which bonus was paid.

Subsec. (g)(1). Pub. L. 109-163, §640(e), substituted “If a member paid a bonus under this section fails, during the period of service covered by the member’s agreement, reenlistment, or voluntary extension of enlistment under subsection (a), to remain qualified in the critical military skill or to satisfy the other eligibility criteria for which the bonus was paid,” for “If an officer who has entered into a written agreement under subsection (a) fails to complete the total period of active duty specified in the agreement, or an enlisted member who voluntarily or because of misconduct does not complete the term of enlistment for which a bonus was paid under this section.”.

Subsec. (h)(1). Pub. L. 109-163, §640(b)(3), substituted “members of the armed forces who were offered a bonus under this section” for “members qualified in the critical military skills for which the bonuses were offered”.

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

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

2004—Subsec. (a). Pub. L. 108-375, §621, inserted “other than an enlisted member referred to in paragraph (3),” after “enlisted member,” in par. (2) and added par. (3).

Subsec. (h). Pub. L. 108-375, §1084(e)(2), substituted “Secretary of Homeland Security” for “Secretary of Transportation” in introductory provisions.

Subsec. (i). Pub. L. 108-375, §614(e), substituted “December 31, 2005” for “December 31, 2004”.

2003—Subsec. (a). Pub. L. 108-136, §1045(b)(1), substituted “one year” for “1 year” in pars. (1) and (2).

Subsec. (b). Pub. L. 108-136, §622, struck out “(1)” before “A designated” and par. (2) which read as follows: “The Secretary of Defense, and the Secretary of Homeland Security with respect to the Coast Guard when it

is not operating as a service in the Navy, shall notify Congress, in advance, of each military skill to be designated by the Secretary as critical for purposes of this section. The notice shall be submitted at least 90 days before any bonus with regard to that critical skill is offered under subsection (a) and shall include a discussion of the necessity for the bonus, the amount and method of payment of the bonus, and the retention results that the bonus is expected to achieve.”

Subsec. (i). Pub. L. 108-136, §614(d), substituted “December 31, 2004” for “December 31, 2003”.

2002—Subsec. (b). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation” in pars. (1) and (2).

Subsec. (d). Pub. L. 107-314, §618(a), designated existing provisions as par. (1) and added par. (2).

Subsec. (e). Pub. L. 107-314, §618(b), designated existing provisions as par. (1), redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, of par. (1), and added par. (2).

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

Subsec. (i). Pub. L. 107-314, §614(d), substituted “December 31, 2003” for “December 31, 2002”.

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

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by section 614(d) of 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, §633(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-158, provided that: “Section 323 [now 355] of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2000.”

#### 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.

### § 356. Continuation pay: full TSP members with 8 to 12 years of service

(a) CONTINUATION PAY.—The Secretary concerned shall make a payment of continuation pay to each full TSP member (as defined in section 8440e(a) of title 5) of the uniformed services under the jurisdiction of the Secretary who—

(1) has completed not less than 8 and not more than 12 years of service in a uniformed service; and

(2) enters into an agreement with the Secretary to serve for not less than 3 additional years of obligated service.

(b) PAYMENT AMOUNT.—The Secretary concerned shall determine the payment amount under this section as a multiple of a full TSP member’s monthly basic pay. The multiple for a

full TSP member who is a member of a regular component or a reserve component, if the member is performing active Guard and Reserve duty (as defined in section 101(d)(6) of title 10), shall not be less than 2.5 times the member's monthly basic pay. The multiple for a full TSP member who is a member of a reserve component not performing active Guard or Reserve duty (as so defined) shall not be less than 0.5 times the monthly basic pay to which the member would be entitled if the member were a member of a regular component. The maximum amount the Secretary concerned may pay a member under this section is—

(1) in the case of a member of a regular component—

(A) the monthly basic pay of the member at 12 years of service multiplied by 2.5; plus

(B) at the discretion of the Secretary concerned, the monthly basic pay of the member at 12 years of service multiplied by such number of months (not to exceed 13 months) as the Secretary concerned shall specify in the agreement of the member under subsection (a); and

(2) in the case of a member of a reserve component—

(A) the amount of monthly basic pay to which the member would be entitled at 12 years of service if the member were a member of a regular component multiplied by 0.5; plus

(B) at the discretion of the Secretary concerned, the amount of monthly basic pay described in subparagraph (A) multiplied by such number of months (not to exceed 6 months) as the Secretary concerned shall specify in the agreement of the member under subsection (a).

(c) **ADDITIONAL DISCRETIONARY AUTHORITY.**—In addition to the continuation pay required under subsection (a), the Secretary concerned may provide continuation pay under this subsection to a full TSP member described in subsection (a), and subject to the service agreement referred to in paragraph (2) of such subsection, in an amount determined by the Secretary concerned.

(d) **TIMING OF PAYMENT.**—The Secretary concerned shall pay continuation pay under subsection (a) to a full TSP member when the member has completed not less than 8 and not more than 12 years of service in a uniformed service.

(e) **LUMP SUM OR INSTALLMENTS.**—A full TSP member may elect to receive continuation pay provided under subsection (a) or (c) in a lump sum or in a series of not more than four payments.

(f) **RELATIONSHIP TO OTHER PAY AND ALLOWANCES.**—Continuation pay under this section is in addition to any other pay or allowance to which the full TSP member is entitled.

(g) **REPAYMENT.**—A full TSP member who receives continuation pay under this section (a)<sup>1</sup> and fails to complete the obligated service required under such subsection shall be subject to

the repayment provisions of section 373 of this title.

(h) **REGULATIONS.**—Each Secretary concerned shall prescribe regulations to carry out this section.

(Added Pub. L. 114-92, div. A, title VI, §634(a), Nov. 25, 2015, 129 Stat. 850; amended Pub. L. 114-328, div. A, title VI, §633(a)–(d)(1), Dec. 23, 2016, 130 Stat. 2163.)

#### AMENDMENTS

2016—Pub. L. 114-328, §633(d)(1), substituted “Continuation pay: full TSP members with 8 to 12 years of service” for “Continuation pay: full TSP members with 12 years of service” in section catchline.

Subsec. (a)(1). Pub. L. 114-328, §633(a)(1), added par. (1) and struck out former par. (1) which read as follows: “completes 12 years of service; and”.

Subsec. (a)(2). Pub. L. 114-328, §633(a)(2), substituted “not less than 3 additional years” for “an additional 4 years”.

Subsec. (b). Pub. L. 114-328, §633(b), substituted heading and introductory provisions for former heading and introductory provisions which read as follows: “AMOUNT.—The amount of continuation pay payable to a full TSP member under subsection (a) shall be the amount that is equal to—”.

Subsec. (d). Pub. L. 114-328, §633(c), amended subsec. (d) generally. Prior to amendment, text read as follows: “The Secretary concerned shall pay continuation pay under subsection (a) to a full TSP member when the member completes 12 years of service. If the Secretary concerned also provides continuation pay under subsection (c) to the member, that continuation pay shall be provided when the member completes 12 years of service.”

#### EFFECTIVE DATE OF 2016 AMENDMENT

Pub. L. 114-328, div. A, title VI, §633(e), Dec. 23, 2016, 130 Stat. 2163, provided that: “The amendments made by this section [amending this section] shall take effect on January 1, 2018, immediately after the coming into effect of the amendments providing for section 356 of title 37, United States Code, to which the amendments made by this section relate.”

#### EFFECTIVE DATE; IMPLEMENTATION

Section effective Jan. 1, 2018, with certain implementation requirements, see section 635 of Pub. L. 114-92, set out as an Effective Date of 2015 Amendment; Implementation note under section 8432 of Title 5, Government Organization and Employees.

### SUBCHAPTER III—GENERAL PROVISIONS

#### § 371. Relationship to other incentives and pays

(a) **TREATMENT.**—A bonus or incentive pay paid to a member of the uniformed services under subchapter II is in addition to any other pay and allowance to which a member is entitled, unless otherwise provided under this chapter.

(b) **EXCEPTION.**—A member may not receive a bonus or incentive pay under both subchapter I and subchapter II for the same activity, skill, or period of service.

(c) **RELATIONSHIP TO OTHER COMPUTATIONS.**—The amount of a bonus or incentive pay to which a member is entitled under subchapter II may not be included in computing the amount of—

(1) any increase in pay authorized by any other provision of this title; or

<sup>1</sup> So in original.