

(Added Pub. L. 109-364, div. A, title VI, §621(a), Oct. 17, 2006, 120 Stat. 2253.)

EFFECTIVE DATE

Pub. L. 109-364, div. A, title VI, §621(e), Oct. 17, 2006, 120 Stat. 2255, provided that: "No agreement may be entered into under section 329 of title 37, United States Code, as added by subsection (a), before October 1, 2006."

§ 330. Special pay: accession bonus for officer candidates

(a) **ACCESSION BONUS AUTHORIZED.**—Under regulations prescribed by the Secretary concerned, a person who executes a written agreement described in subsection (c) may be paid an accession bonus under this section upon acceptance of the agreement by the Secretary concerned.

(b) **AMOUNT OF BONUS.**—The amount of an accession bonus under subsection (a) may not exceed \$8,000.

(c) **AGREEMENT.**—A written agreement referred to in subsection (a) is a written agreement by a person—

- (1) to complete officer candidate school;
- (2) to accept a commission or appointment as an officer of the armed forces; and
- (3) to serve on active duty as a commissioned officer for a period specified in the agreement.

(d) **PAYMENT METHOD.**—Upon acceptance of a written agreement under subsection (a) by the Secretary concerned, the total amount of the accession bonus payable under the agreement becomes fixed. The agreement shall specify whether the accession bonus will be paid in a lump sum or installments.

(e) **REPAYMENT.**—A person who, having received all or part of the bonus under a written agreement under subsection (a), does not complete the total period of active duty as a commissioned officer as specified in such agreement shall be subject to the repayment provisions of section 303a(e) of this title.

(f) **TERMINATION OF AUTHORITY.**—No agreement under this section may be entered into after December 31, 2012.

(Added Pub. L. 109-364, div. A, title VI, §622(a)(1), Oct. 17, 2006, 120 Stat. 2255; amended Pub. L. 110-181, div. A, title VI, §614(g), Jan. 28, 2008, 122 Stat. 149; Pub. L. 110-417, [div. A], title VI, §614(g), Oct. 14, 2008, 122 Stat. 4485; Pub. L. 111-84, div. A, title VI, §615(8), Oct. 28, 2009, 123 Stat. 2354; Pub. L. 111-383, div. A, title VI, §615(8), Jan. 7, 2011, 124 Stat. 4237; Pub. L. 112-81, div. A, title VI, §615(8), Dec. 31, 2011, 125 Stat. 1451.)

AMENDMENTS

2011—Subsec. (f). 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. (f). Pub. L. 111-84 substituted "December 31, 2010" for "December 31, 2009".

2008—Subsec. (f). Pub. L. 110-417 substituted "December 31, 2009" for "December 31, 2008".

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

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-181 effective as of Dec. 31, 2007, and subject to various special provisions, see sec-

tion 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

Pub. L. 109-364, div. A, title VI, §622(a)(3), Oct. 17, 2006, 120 Stat. 2256, provided that: "The amendments made by this subsection [enacting this section] shall take effect on October 1, 2006."

SUBCHAPTER II—CONSOLIDATION OF SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES

§ 331. General bonus authority for enlisted members

(a) **AUTHORITY TO PROVIDE BONUS.**—The Secretary concerned may pay a bonus under this section to a person, including a member of the armed forces, who—

- (1) enlists in an armed force;
- (2) enlists in or affiliates with a reserve component of an armed force;
- (3) reenlists, voluntarily extends an enlistment, or otherwise agrees to serve—

(A) for a specified period in a designated career field, skill, or unit of an armed force; or

(B) under other conditions of service in an armed force;

(4) transfers from a regular component of an armed force to a reserve component of that same armed force or from a reserve component of an armed force to the regular component of that same armed force; or

(5) transfers from a regular component or reserve component of an armed force to a regular component or reserve component of another armed force, subject to the approval of the Secretary with jurisdiction over the armed force to which the member is transferring.

(b) **SERVICE ELIGIBILITY.**—A bonus authorized by subsection (a) may be paid to a person or member only if the person or member agrees under subsection (d)—

(1) to serve for a specified period in a designated career field, skill, unit, or grade; or

(2) to meet some other condition or conditions of service imposed by the Secretary concerned.

(c) **MAXIMUM AMOUNT AND METHOD OF PAYMENT.**—

(1) **MAXIMUM AMOUNT.**—The Secretary concerned shall determine the amount of a bonus to be paid under this section, except that—

(A) a bonus paid under paragraph (1) or (2) of subsection (a) may not exceed \$50,000 for a minimum two-year period of obligated service agreed to under subsection (d);

(B) a bonus paid under paragraph (3) of subsection (a) may not exceed \$30,000 for each year of obligated service in a regular component agreed to under subsection (d);

(C) a bonus paid under paragraph (3) of subsection (a) may not exceed \$15,000 for each year of obligated service in a reserve component agreed to under subsection (d); and

(D) a bonus paid under paragraph (4) or (5) of subsection (a) may not exceed \$10,000.

(2) LUMP SUM OR INSTALLMENTS.—A bonus under this section may be paid in a lump sum or in periodic installments, as determined by the Secretary concerned.

(3) FIXING BONUS AMOUNT.—Upon acceptance by the Secretary concerned of the written agreement required by subsection (d), the total amount of the bonus to be paid under the agreement shall be fixed.

(d) WRITTEN AGREEMENT.—To receive a bonus under this section, a person or member determined to be eligible for the bonus shall enter into a written agreement with the Secretary concerned that specifies—

- (1) the amount of the bonus;
- (2) the method of payment of the bonus under subsection (c)(2);
- (3) the period of obligated service; and
- (4) the type or conditions of the service.

(e) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—A bonus paid to a person or member under this section is in addition to any other pay and allowance to which the person or member is entitled.

(f) RELATIONSHIP TO PROHIBITION ON BOUNTIES.—A bonus authorized under this section is not a bounty for purposes of section 514(a) of title 10.

(g) REPAYMENT.—A person or member who receives a bonus under this section and who fails to complete the period of service, or meet the conditions of service, for which the bonus is paid, as specified in the written agreement under subsection (d), shall be subject to the repayment provisions of section 373 of this title.

(h) TERMINATION OF AUTHORITY.—No agreement may be entered into under this section after December 31, 2012.

(Added Pub. L. 110-181, div. A, title VI, §661(a)(2), Jan. 28, 2008, 122 Stat. 163; amended Pub. L. 111-84, div. A, title VI, §614(1), Oct. 28, 2009, 123 Stat. 2353; Pub. L. 111-383, div. A, title VI, §614(1), Jan. 7, 2011, 124 Stat. 4237; Pub. L. 112-81, div. A, title VI, §614(1), Dec. 31, 2011, 125 Stat. 1450.)

AMENDMENTS

2011—Subsec. (h). 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. (h). Pub. L. 111-84 substituted “December 31, 2010” for “December 31, 2009”.

§ 332. General bonus authority for officers

(a) AUTHORITY TO PROVIDE BONUS.—The Secretary concerned may pay a bonus under this section to a person, including an officer in the uniformed services, who—

- (1) accepts a commission or appointment as an officer in a uniformed service;
- (2) affiliates with a reserve component of a uniformed service;
- (3) agrees to remain on active duty or to serve in an active status for a specific period as an officer in a uniformed service;

(4) transfers from a regular component of a uniformed service to a reserve component of that same uniformed service or from a reserve component of a uniformed service to the regular component of that same uniformed service; or

(5) transfers from a regular component or reserve component of a uniformed service to a regular component or reserve component of another uniformed service, subject to the approval of the Secretary with jurisdiction over the uniformed service to which the member is transferring.

(b) SERVICE ELIGIBILITY.—A bonus authorized by subsection (a) may be paid to a person or officer only if the person or officer agrees under subsection (d)—

- (1) to serve for a specified period in a designated career field, skill, unit, or grade; or
- (2) to meet some other condition or conditions of service imposed by the Secretary concerned.

(c) MAXIMUM AMOUNT AND METHOD OF PAYMENT.—

(1) MAXIMUM AMOUNT.—The Secretary concerned shall determine the amount of a bonus to be paid under this section, except that—

(A) a bonus paid under paragraph (1) of subsection (a) may not exceed \$60,000 for a minimum three-year period of obligated service agreed to under subsection (d);

(B) a bonus paid under paragraph (2) of subsection (a) may not exceed \$12,000 for a minimum three-year period of obligated service agreed to under subsection (d);

(C) a bonus paid under paragraph (3) of subsection (a) may not exceed \$50,000 for each year of obligated service in a regular component agreed to under subsection (d);

(D) a bonus paid under paragraph (3) of subsection (a) may not exceed \$12,000 for each year of obligated service in a reserve component agreed to under subsection (d); and

(E) a bonus paid under paragraph (4) or (5) of subsection (a) may not exceed \$10,000.

(2) LUMP SUM OR INSTALLMENTS.—A bonus under this section may be paid in a lump sum or in periodic installments, as determined by the Secretary concerned.

(3) FIXING BONUS AMOUNT.—Upon acceptance by the Secretary concerned of the written agreement required by subsection (d), the total amount of the bonus to be paid under the agreement shall be fixed.

(d) WRITTEN AGREEMENT.—To receive a bonus under this section, a person or officer determined to be eligible for the bonus shall enter into a written agreement with the Secretary concerned that specifies—

- (1) the amount of the bonus;
- (2) the method of payment of the bonus under subsection (c)(2);
- (3) the period of obligated service; and
- (4) the type or conditions of the service.

(e) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—The bonus paid to a person or officer under this section is in addition to any other

pay and allowance to which the person or officer is entitled.

(f) REPAYMENT.—A person or officer who receives a bonus under this section and who fails to complete the period of service, or meet the conditions of service, for which the bonus is paid, as specified in the written agreement under subsection (d), shall be subject to the repayment provisions of section 373 of this title.

(g) TERMINATION OF AUTHORITY.—No agreement may be entered into under this section after December 31, 2012.

(Added Pub. L. 110-181, div. A, title VI, §661(a)(2), Jan. 28, 2008, 122 Stat. 164; amended Pub. L. 111-84, div. A, title VI, §614(2), Oct. 28, 2009, 123 Stat. 2353; Pub. L. 111-383, div. A, title VI, §614(2), Jan. 7, 2011, 124 Stat. 4237; Pub. L. 112-81, div. A, title VI, §614(2), Dec. 31, 2011, 125 Stat. 1450.)

AMENDMENTS

2011—Subsec. (g). 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. (g). Pub. L. 111-84 substituted “December 31, 2010” for “December 31, 2009”.

§ 333. Special bonus and incentive pay authorities for nuclear officers

(a) NUCLEAR OFFICER BONUS.—The Secretary of the Navy may pay a nuclear officer bonus under this section to a person, including an officer in the Navy, who—

(1) is selected for the officer naval nuclear power training program in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants and agrees to serve, upon completion of such training, on active duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants; or

(2) has the current technical qualification for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants and agrees to remain on active duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants.

(b) NUCLEAR OFFICER INCENTIVE PAY.—The Secretary of the Navy may pay nuclear officer incentive pay under this section to an officer in the Navy who—

(1) is entitled to basic pay under section 204 of this title; and

(2) remains on active duty for a specified period while maintaining current technical qualifications, as approved by the Secretary, for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants.

(c) ADDITIONAL ELIGIBILITY CRITERIA.—The Secretary of the Navy may impose such additional criteria for the receipt of a nuclear officer bonus or nuclear officer incentive pay under this section as the Secretary determines to be appropriate.

(d) MAXIMUM AMOUNT AND METHOD OF PAYMENT.—

(1) MAXIMUM AMOUNT.—The Secretary of the Navy shall determine the amounts of a nuclear officer bonus or nuclear officer incentive pay to be paid under this section, except that—

(A) a nuclear officer bonus paid under subsection (a) may not exceed \$35,000 for each 12-month period of the agreement under subsection (e); and

(B) the amount of nuclear officer incentive pay under subsection (b) may not exceed \$25,000 for each 12-month period of qualifying service.

(2) LUMP SUM OR INSTALLMENTS.—A nuclear officer bonus or nuclear officer incentive pay under this section may be paid in a lump sum or in periodic installments.

(3) FIXING BONUS AMOUNT.—Upon acceptance by the Secretary concerned of the written agreement required by subsection (e), the total amount of the nuclear officer bonus to be paid under the agreement shall be fixed.

(e) WRITTEN AGREEMENT FOR BONUS.—

(1) AGREEMENT REQUIRED.—To receive a nuclear officer bonus under subsection (a), a person or officer determined to be eligible for the bonus shall enter into a written agreement with the Secretary of the Navy that specifies—

(A) the amount of the bonus;

(B) the method of payment of the bonus under subsection (d)(2);

(C) the period of obligated service; and

(D) the type or conditions of the service.

(2) REPLACEMENT AGREEMENT.—An officer who is performing obligated service under an agreement for a nuclear officer bonus may execute a new agreement to replace the existing agreement if the amount to be paid under the new agreement will be higher than the amount to be paid under the existing agreement. The period of the new agreement shall be equal to or exceed the remaining term of the period of the officer's existing agreement. If a new agreement is executed under this paragraph, the existing agreement shall be cancelled, effective on the day before an anniversary date of the existing agreement occurring after the date on which the amount to be paid under this paragraph is increased.

(f) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—A nuclear officer bonus or nuclear officer incentive pay paid to a person or officer under this section is in addition to any other pay and allowance to which the person or officer is entitled, except that a person or officer may not receive a payment under this section and section 332 or 353 of this title for the same skill and period of service.

(g) REPAYMENT.—A person or officer who receives a nuclear officer bonus or nuclear officer incentive pay under this section and who fails to complete the officer naval nuclear power training program, maintain required technical and operational qualifications, complete the period of service, or meet the types or conditions of service for which the bonus or incentive pay is paid, as specified in the written agreement under subsection (e) in the case of a nuclear offi-

cer bonus, shall be subject to the repayment provisions of section 373 of this title.

(h) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of the Navy.

(i) TERMINATION OF AUTHORITY.—No agreement may be entered into under this section after December 31, 2012.

(Added Pub. L. 110-181, div. A, title VI, §661(a)(2), Jan. 28, 2008, 122 Stat. 166; amended Pub. L. 110-417, [div. A], title VI, §618(a), Oct. 14, 2008, 122 Stat. 4486; Pub. L. 111-84, div. A, title VI, §614(3), Oct. 28, 2009, 123 Stat. 2353; Pub. L. 111-383, div. A, title VI, §614(3), Jan. 7, 2011, 124 Stat. 4237; Pub. L. 112-81, div. A, title VI, §614(3), Dec. 31, 2011, 125 Stat. 1450.)

AMENDMENTS

2011—Subsec. (i). 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. (i). Pub. L. 111-84 substituted “December 31, 2010” for “December 31, 2009”.

2008—Subsecs. (a)(2), (b)(2). Pub. L. 110-417 struck out “and operational” after “current technical”.

§ 334. Special aviation incentive pay and bonus authorities for officers

(a) AVIATION INCENTIVE PAY.—The Secretary concerned may pay aviation incentive pay under this section to an officer in a regular or reserve component of a uniformed service who—

(1) is entitled to basic pay under section 204 of this title or compensation under section 206 of this title;

(2) maintains, or is in training leading to, an aeronautical rating or designation that qualifies the officer to engage in operational flying duty or proficiency flying duty;

(3) engages in, or is in training leading to, frequent and regular performance of operational flying duty or proficiency flying duty;

(4) engages in or remains in aviation service for a specified period; and

(5) meets such other criteria as the Secretary concerned determines appropriate.

(b) AVIATION BONUS.—The Secretary concerned may pay an aviation bonus under this section to an officer in a regular or reserve component of a uniformed service who—

(1) is entitled to aviation incentive pay under subsection (a);

(2) has completed any active duty service commitment incurred for undergraduate aviator training or is within one year of completing such commitment;

(3) executes a written agreement to remain on active duty in a regular component or to serve in an active status in a reserve component in aviation service for at least one year; and

(4) meets such other criteria as the Secretary concerned determines appropriate.

(c) MAXIMUM AMOUNT AND METHOD OF PAYMENT.—

(1) MAXIMUM AMOUNT.—The Secretary concerned shall determine the amount of a bonus or incentive pay to be paid under this section, except that—

(A) aviation incentive pay under subsection (a) shall be paid at a monthly rate, not to exceed \$850 per month; and

(B) an aviation bonus under subsection (b) may not exceed \$25,000 for each 12-month period of obligated service agreed to under subsection (d).

(2) LUMP SUM OR INSTALLMENTS.—A bonus under this section may be paid in a lump sum or in periodic installments, as determined by the Secretary concerned.

(3) FIXING BONUS AMOUNT.—Upon acceptance by the Secretary concerned of the written agreement required by subsection (d), the total amount of the bonus to be paid under the agreement shall be fixed.

(d) WRITTEN AGREEMENT FOR BONUS.—To receive an aviation officer bonus under this section, an officer determined to be eligible for the bonus shall enter into a written agreement with the Secretary concerned that specifies—

(1) the amount of the bonus;

(2) the method of payment of the bonus under subsection (c)(2);

(3) the period of obligated service; and

(4) the type or conditions of the service.

(e) RESERVE COMPONENT OFFICERS PERFORMING INACTIVE DUTY TRAINING.—A reserve component officer who is entitled to compensation under section 206 of this title and who is authorized aviation incentive pay under this section may be paid an amount of incentive pay that is proportionate to the compensation received under section 206 for inactive-duty training.

(f) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—

(1) AVIATION INCENTIVE PAY.—Aviation incentive pay paid to an officer under subsection (a) shall be in addition to any other pay and allowance to which the officer is entitled, except that an officer may not receive a payment under such subsection and section 351(a)(2) or 353 of this title for the same skill and period of service.

(2) AVIATION BONUS.—An aviation bonus paid to an officer under subsection (b) shall be in addition to any other pay and allowance to which the officer is entitled, except that an officer may not receive a payment under such subsection and section 332 or 353 of this title for the same skill and period of service.

(g) REPAYMENT.—An officer who receives aviation incentive pay or an aviation bonus under this section and who fails to fulfill the eligibility requirements for the receipt of the incentive pay or bonus or complete the period of service for which the incentive pay or bonus is paid, as specified in the written agreement under subsection (d) in the case of a bonus, shall be subject to the repayment provisions of section 373 of this title.

(h) DEFINITIONS.—In this section:

(1) The term “aviation service” means service performed by an officer in a regular or reserve component (except a flight surgeon or other medical officer) while holding an aeronautical rating or designation or while in training to receive an aeronautical rating or designation.

(2) The term “operational flying duty” means flying performed under competent orders by rated or designated regular or reserve component officers while serving in assignments in which basic flying skills normally are maintained in the performance of assigned duties as determined by the Secretary concerned, and flying performed by members in training that leads to the award of an aeronautical rating or designation.

(3) The term “proficiency flying duty” means flying performed under competent orders by rated or designated regular or reserve component officers while serving in assignments in which such skills would normally not be maintained in the performance of assigned duties.

(4) The term “officer” includes an individual enlisted and designated as an aviation cadet under section 6911 of title 10.

(i) TERMINATION OF AUTHORITY.—No agreement may be entered into under this section after December 31, 2012.

(Added Pub. L. 110-181, div. A, title VI, §661(a)(2), Jan. 28, 2008, 122 Stat. 167; amended Pub. L. 110-417, [div. A], title VI, §618(b), Oct. 14, 2008, 122 Stat. 4486; Pub. L. 111-84, div. A, title VI, §614(4), Oct. 28, 2009, 123 Stat. 2353; Pub. L. 111-383, div. A, title VI, §614(4), Jan. 7, 2011, 124 Stat. 4237; Pub. L. 112-81, div. A, title VI, §614(4), Dec. 31, 2011, 125 Stat. 1450.)

AMENDMENTS

2011—Subsec. (i). 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. (i). Pub. L. 111-84 substituted “December 31, 2010” for “December 31, 2009”.

2008—Subsec. (f)(1). Pub. L. 110-417 substituted “section 351(a)(2)” for “section 351”.

§ 335. Special bonus and incentive pay authorities for officers in health professions

(a) HEALTH PROFESSIONS BONUS.—The Secretary concerned may pay a health professions bonus under this section to a person, including an officer in the uniformed services, who is a graduate of an accredited school in a health profession and who—

(1) accepts a commission or appointment as an officer in a regular or reserve component of a uniformed service, or affiliates with a reserve component of a uniformed service, and agrees to serve on active duty in a regular component or in an active status in a reserve component in a health profession;

(2) accepts a commission or appointment as an officer and whose health profession specialty is designated by the Secretary of Defense as a critically short wartime specialty; or

(3) agrees to remain on active duty or continue serving in an active status in a reserve component in a health profession.

(b) HEALTH PROFESSIONS INCENTIVE PAY.—The Secretary concerned may pay incentive pay under this section to an officer in a regular or reserve component of a uniformed service who—

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

(2) is serving on active duty or in an active status in a designated health profession specialty or skill.

(c) BOARD CERTIFICATION INCENTIVE PAY.—The Secretary concerned may pay board certification incentive pay under this section to an officer in a regular or reserve component of a uniformed service who—

(1) is entitled to basic pay under section 204 of this title or compensation under section 206 of this title;

(2) is board certified in a designated health profession specialty or skill; and

(3) is serving on active duty or in an active status in such designated health profession specialty or skill.

(d) ADDITIONAL ELIGIBILITY CRITERIA.—The Secretary concerned may impose such additional criteria for the receipt of a bonus or incentive pay under this section as the Secretary determines to be appropriate.

(e) MAXIMUM AMOUNT AND METHOD OF PAYMENT.—

(1) MAXIMUM AMOUNT.—The Secretary concerned shall determine the amounts of a bonus or incentive pay to be paid under this section, except that—

(A) a health professions bonus paid under paragraph (1) of subsection (a) may not exceed \$30,000 for each 12-month period of obligated service agreed to under subsection (f);

(B) a health professions bonus paid under paragraph (2) of subsection (a) may not exceed \$100,000 for each 12-month period of obligated service agreed to under subsection (f);

(C) a health professions bonus paid under paragraph (3) of subsection (a) may not exceed \$75,000 for each 12-month period of obligated service agreed to under subsection (f);

(D) health professions incentive pay under subsection (b) may be paid monthly and may not exceed, in any 12-month period—

(i) \$100,000 for medical officers and dental officers; and

(ii) \$15,000 for officers in other health professions; and

(E) board certification incentive pay under subsection (c) may not exceed \$6,000 for each 12-month period an officer remains certified in the designated health profession specialty or skill.

(2) LUMP SUM OR INSTALLMENTS.—A health professions bonus under subsection (a) may be paid in a lump sum or in periodic installments, as determined by the Secretary concerned. Board certification incentive pay under subsection (c) may be paid monthly, in a lump sum at the beginning of the certification period, or in periodic installments during the certification period, as determined by the Secretary concerned.

(3) FIXING BONUS AMOUNT.—Upon acceptance by the Secretary concerned of the written agreement required by subsection (f), the total

amount of the health professions bonus to be paid under the agreement shall be fixed.

(f) WRITTEN AGREEMENT FOR BONUS.—To receive a bonus under this section, an officer determined to be eligible for the bonus shall enter into a written agreement with the Secretary concerned that specifies—

- (1) the amount of the bonus;
- (2) the method of payment of the bonus under subsection (e)(2);
- (3) the period of obligated service;
- (4) whether the service will be performed on active duty or in an active status in a reserve component; and
- (5) the type or conditions of the service.

(g) RESERVE COMPONENT OFFICERS.—An officer in a reserve component authorized incentive pay under subsection (b) or (c) who is not serving on continuous active duty and is entitled to compensation under section 204 of this title or compensation under section 206 of this title may be paid a monthly amount of incentive pay that is proportionate to the basic pay or compensation received under this title.

(h) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—

(1) HEALTH PROFESSIONS BONUS.—A bonus paid to a person or officer under subsection (a) shall be in addition to any other pay and allowance to which the person or officer is entitled, except that a person or officer may not receive a payment under such subsection and section 332 of this title for the same period of obligated service.

(2) HEALTH PROFESSIONS INCENTIVE PAY.—Incentive pay paid to an officer under subsection (b) shall be in addition to any other pay and allowance to which an officer is entitled, except that an officer may not receive a payment under such subsection and section 353 of this title for the same skill and period of service.

(3) BOARD CERTIFICATION INCENTIVE PAY.—Incentive pay paid to an officer under subsection (c) shall be in addition to any other pay and allowance to which an officer is entitled, except that an officer may not receive a payment under such subsection and section 353(b) of this title for the same skill and period of service covered by the certification.

(i) REPAYMENT.—An officer who receives a bonus or incentive pay under this section and who fails to fulfill the eligibility requirements for the receipt of the bonus or incentive pay or complete the period of service for which the bonus or incentive pay is paid, as specified in the written agreement under subsection (f) in the case of a bonus, shall be subject to the repayment provisions of section 373 of this title.

(j) HEALTH PROFESSION DEFINED.—In this section, the term “health profession” means the following:

- (1) Any health profession performed by officers in the Medical Corps of a uniformed service or by officers designated as a medical officer.
- (2) Any health profession performed by officers in the Dental Corps of a uniformed service or by officers designated as a dental officer.

(3) Any health profession performed by officers in the Medical Service Corps of a uniformed service or by officers designated as a medical service officer or biomedical sciences officer.

(4) Any health profession performed by officers in the Medical Specialist Corps of a uniformed service or by officers designated as a medical specialist.

(5) Any health profession performed by officers of the Nurse Corps of a uniformed service or by officers designated as a nurse.

(6) Any health profession performed by officers in the Veterinary Corps of a uniformed service or by officers designated as a veterinary officer.

(7) Any health profession performed by officers designated as a physician assistant.

(8) Any health profession performed by officers in the regular or reserve corps of the Public Health Service.

(k) TERMINATION OF AUTHORITY.—No agreement may be entered into under this section after December 31, 2012.

(Added Pub. L. 110–181, div. A, title VI, §661(a)(2), Jan. 28, 2008, 122 Stat. 169; amended Pub. L. 110–417, [div. A], title VI, §618(c), Oct. 14, 2008, 122 Stat. 4486; Pub. L. 111–84, div. A, title VI, §614(5), Oct. 28, 2009, 123 Stat. 2354; Pub. L. 111–383, div. A, title VI, §614(5), Jan. 7, 2011, 124 Stat. 4237; Pub. L. 112–81, div. A, title VI, §614(5), Dec. 31, 2011, 125 Stat. 1450.)

AMENDMENTS

2011—Subsec. (k). 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. (k). Pub. L. 111–84 substituted “December 31, 2010” for “December 31, 2009”.

2008—Subsec. (e)(1)(D)(i). Pub. L. 110–417 substituted “dental officers” for “dental surgeons”.

TARGETED BONUS AUTHORITY TO INCREASE DIRECT ACCESSIONS

Pub. L. 110–417, [div. A], title VI, §620(a), Oct. 14, 2008, 122 Stat. 4489, provided that:

“(1) DESIGNATION OF CRITICALLY SHORT WARTIME HEALTH SPECIALTIES.—For purposes of section 335 of title 37, United States Code, as added by section 661 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 169), the following health professions are designated as a critically short wartime specialty under subsection (a)(2) of such section:

“(A) Psychologists who have been awarded a diploma as a Diplomate in Psychology by the American Board of Professional Psychology and are fully licensed and such other mental health practitioners as the Secretary concerned determines to be necessary.

“(B) Registered nurses.

“(2) SPECIAL AGREEMENT AUTHORITY.—Under the authority provided by this section [enacting this note and section 302c–1 of this title], the Secretary concerned may enter into an agreement under subsection (f) of section 335 of title 37, United States Code, to pay a health professions bonus under such section to a person who accepts a commission or appointment as an officer and whose health profession specialty is specified in paragraph (1) of this subsection.

“(3) SECRETARY CONCERNED DEFINED.—In this subsection, the term ‘Secretary concerned’ has the meaning given that term in section 101(5) of title 37, United States Code.

“(4) EFFECTIVE PERIOD.—The designations made by this subsection and the authority to enter into an agreement under paragraph (2) of this subsection expire on September 30, 2010.”

§ 351. Hazardous duty pay

(a) HAZARDOUS DUTY PAY.—The Secretary concerned may pay hazardous duty pay under this section to a member of a regular or reserve component of the uniformed services entitled to basic pay under section 204 of this title or compensation under section 206 of this title who—

(1) performs duty in a hostile fire area designated by the Secretary concerned, is exposed to a hostile fire event, explosion of a hostile explosive device, or any other hostile action, or is on duty during a month in an area in which a hostile event occurred which placed the member in grave danger of physical injury;

(2) performs duty designated by the Secretary concerned as hazardous duty based upon the inherent dangers of that duty and risks of physical injury; or

(3) performs duty in a foreign area designated by the Secretary concerned as an area in which the member is subject to imminent danger of physical injury due to threat conditions.

(b) MAXIMUM AMOUNT.—The amount of hazardous duty pay paid to a member under subsection (a) shall be based on the type of duty and the area in which the duty is performed, as follows:

(1) In the case of a member who performs duty in a designated hostile fire area, as described in subsection (a)(1), hazardous duty pay may not exceed \$450 per month.

(2) In the case of a member who performs a designated hazardous duty, as described in subsection (a)(2), hazardous duty pay may not exceed \$250 per month.

(3) In the case of a member who performs duty in a foreign area designated as an imminent danger area, as described in subsection (a)(3), hazardous duty pay may not exceed \$250 per month.

(c) METHOD OF PAYMENT; PRORATION.—

(1) MONTHLY PAYMENT.—Subject to paragraph (2), hazardous duty pay shall be paid on a monthly basis.

(2) PRORATION.—If a member does not satisfy the eligibility requirements specified in paragraph (1), (2), or (3) of subsection (a) for an entire month for receipt of hazardous duty pay—

(A) in the case of hazardous duty pay payable under paragraph (1) of subsection (a), the Secretary concerned—

(i) shall prorate the payment amount to reflect the duration of the member's actual qualifying service during the month; or

(ii) in the case of a member who is exposed to hostile fire or an explosion of a hostile explosive device in or for a day or portion of a day, may, at the election of the Secretary, pay the member hazardous duty pay in an amount not to exceed the entire amount of hazardous duty pay that would be payable to the member under

such paragraph (1) for the month in which the duty concerned occurs (with the total amount of hazardous duty pay paid the member under this clause in any given month not to exceed such entire amount); and

(B) in the case of hazardous duty pay payable under paragraph (2) or (3) of subsection (a), the Secretary concerned may prorate the payment amount to reflect the duration of the member's actual qualifying service during the month.

(d) ADMINISTRATION AND RETROACTIVE PAYMENTS.—The effective date for the designation of a hostile fire area, as described in paragraph (1) of subsection (a), and for the designation of a foreign area as an imminent danger area, as described in paragraph (3) of such subsection, may be a date that occurs before, on, or after the actual date of the designation by the Secretary concerned.

(e) DETERMINATION OF FACT.—Any determination of fact that is made in connection with determining whether a triggering event has occurred for the provision of hazardous duty pay under subsection (a)(1) is conclusive. The 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 Secretary concerned may change the determination on the basis of new evidence or for other good cause.

(f) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—

(1) IN ADDITION TO OTHER PAY AND ALLOWANCES.—A member may be paid hazardous duty pay under this section in addition to any other pay and allowances to which the member is entitled. The regulations prescribed to administer this section shall address dual compensation under this section for multiple circumstances involving performance of a designated hazardous duty, as described in paragraph (2) of subsection (a), or for duty in certain designated areas, as described in paragraph (1) or (3) of such subsection, that is performed by a member during a single month of service.

(2) LIMITATION.—A member may not receive hazardous duty pay under this section for a month for more than three qualifying instances described in subsection (a)(2).

(g) PROHIBITION ON VARIABLE RATES.—The regulations prescribed to administer this section may not include varied criteria or rates for payment of hazardous duty for officers and enlisted members.

(h) TERMINATION OF AUTHORITY.—No hazardous duty pay under this section may be paid after December 31, 2012.

(Added Pub. L. 110-181, div. A, title VI, §661(a)(2), Jan. 28, 2008, 122 Stat. 172; amended Pub. L. 110-417, [div. A], title VI, §618(d), (e), Oct. 14, 2008, 122 Stat. 4486; Pub. L. 111-84, div. A, title VI, §§614(6), 618(b), Oct. 28, 2009, 123 Stat. 2354, 2356; Pub. L. 111-383, div. A, title VI, §614(6), Jan. 7, 2011, 124 Stat. 4237; Pub. L. 112-81, div. A, title VI, §§614(6), 616(b), Dec. 31, 2011, 125 Stat. 1450, 1451.)

AMENDMENTS

2011—Subsec. (c)(2). Pub. L. 112-81, §616(b), substituted “receipt of hazardous duty pay—” for “receipt of hazardous duty pay, the Secretary concerned may prorate the payment amount to reflect the duration of the member’s actual qualifying service during the month.” and added subpars. (A) and (B).

Subsec. (h). Pub. L. 112-81, §614(6), substituted “December 31, 2012” for “December 31, 2011”.

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

2009—Subsecs. (c) to (h). Pub. L. 111-84, §618(b), added subsec. (c), redesignated former subsecs. (e) to (i) as (d) to (h), respectively, and struck out former subsecs. (c) and (d), which related to method of payment and reserve component members performing inactive duty training.

Subsec. (i). Pub. L. 111-84, §618(b)(1), redesignated subsec. (i) as (h).

Pub. L. 111-84, §614(6), substituted “December 31, 2010” for “December 31, 2009”.

2008—Subsec. (c). Pub. L. 110-417, §618(d), substituted “paragraph (1) or (3) of subsection (a)” for “subsection (a)”.

Subsec. (f). Pub. L. 110-417, §618(e), substituted “in connection with determining whether a triggering event has occurred for the provision of hazardous duty pay under subsection (a)(1)” for “in administering subsection (a)” and struck out at end “The regulations prescribed to administer this section shall define the activities that are considered hazardous for purposes of subsection (a)(2).”

§ 352. Assignment pay or special duty pay

(a) **ASSIGNMENT OR SPECIAL DUTY PAY AUTHORIZED.**—The Secretary concerned may pay assignment or special duty pay under this section to a member of a regular or reserve component of the uniformed services who—

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

(2) performs duties in an assignment, location, or unit designated by, and under the conditions of service specified by, the Secretary concerned.

(b) **MAXIMUM AMOUNT AND METHOD OF PAYMENT.**—

(1) **LUMP SUM OR INSTALLMENTS.**—Assignment or special duty pay under subsection (a) may be paid monthly, in a lump sum, or in periodic installments other than monthly, as determined by the Secretary concerned. If paid monthly, the Secretary concerned may prorate the monthly amount of the assignment or special duty pay for a member who does not satisfy the eligibility requirement for an entire month to reflect the duration of the member’s actual qualifying service during the month.

(2) **MAXIMUM MONTHLY AMOUNT.**—The maximum monthly amount of assignment or special duty pay may not exceed \$5,000.

(3) **MAXIMUM LUMP SUM AMOUNT.**—The amount of a lump sum payment of assignment or special duty pay payable to a member may not exceed the amount equal to the product of—

(A) the maximum monthly rate authorized under paragraph (2) at the time the member enters into a written agreement under subsection (c); and

(B) the number of continuous months in the period for which assignment or special duty pay will be paid pursuant to the agreement.

(4) **MAXIMUM INSTALLMENT AMOUNT.**—The amount of each installment payment of assignment or special duty pay payable to a member on an installment basis may not exceed the amount equal to—

(A) the product of—

(i) a monthly rate specified in the written agreement entered into under subsection (c), which monthly rate may not exceed the maximum monthly rate authorized under paragraph (2) at the time the member enters into the agreement; and

(ii) the number of continuous months in the period for which the assignment or special duty pay will be paid; divided by

(B) the number of installments over such period.

(5) **EFFECT OF EXTENSION.**—If a member extends an assignment or performance of duty specified in an agreement with the Secretary concerned under subsection (c), assignment or special duty pay for the period of the extension may be paid on a monthly basis, in a lump sum, or in installments, consistent with this subsection.

(c) **WRITTEN AGREEMENT.**—

(1) **DISCRETIONARY FOR MONTHLY PAYMENTS.**—The Secretary concerned may require a member to enter into a written agreement with the Secretary in order to qualify for the payment of assignment or special duty pay on a monthly basis. The written agreement shall specify the period for which the assignment or special duty pay will be paid to the member and the monthly rate of the assignment or special duty pay.

(2) **REQUIRED FOR LUMP SUM OR INSTALLMENT PAYMENTS.**—The Secretary concerned shall require a member to enter into a written agreement with the Secretary in order to qualify for payment of assignment or special duty pay on a lump sum or installment basis. The written agreement shall specify the period for which the assignment or special duty pay will be paid to the member and the amount of the lump sum or each periodic installment.

(d) **RESERVE COMPONENT MEMBERS PERFORMING INACTIVE DUTY TRAINING.**—A member of a reserve component entitled to compensation under section 206 of this title who is authorized assignment or special duty pay under this section may be paid an amount of assignment or special duty pay that is proportionate to the compensation received by the member under section 206 of this title for inactive-duty training.

(e) **RELATIONSHIP TO OTHER PAY AND ALLOWANCES.**—Assignment or special duty pay paid to a member under this section is in addition to any other pay and allowances to which the member is entitled.

(f) **REPAYMENT.**—A member who receives assignment or special duty pay under this section and who fails to fulfill the eligibility requirements under subsection (a) for receipt of such

pay shall be subject to the repayment provisions of section 373 of this title.

(g) TERMINATION OF AUTHORITY.—No agreement may be entered into under this section after December 31, 2012.

(Added Pub. L. 110-181, div. A, title VI, §661(a)(2), Jan. 28, 2008, 122 Stat. 173; amended Pub. L. 111-84, div. A, title VI, §§614(7), 618(c), Oct. 28, 2009, 123 Stat. 2354, 2356; Pub. L. 111-383, div. A, title VI, §614(7), Jan. 7, 2011, 124 Stat. 4237; Pub. L. 112-81, div. A, title VI, §614(7), Dec. 31, 2011, 125 Stat. 1450.)

AMENDMENTS

2011—Subsec. (g). 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. (b)(1). Pub. L. 111-84, §618(c), inserted at end “If paid monthly, the Secretary concerned may prorate the monthly amount of the assignment or special duty pay for a member who does not satisfy the eligibility requirement for an entire month to reflect the duration of the member’s actual qualifying service during the month.”

Subsec. (g). Pub. L. 111-84, §614(7), substituted “December 31, 2010” for “December 31, 2009”.

ADDITIONAL ASSIGNMENT PAY OR SPECIAL DUTY PAY AUTHORIZED FOR MEMBERS AGREEING TO SERVE IN AFGHANISTAN FOR EXTENDED PERIODS

Pub. L. 111-84, div. A, title VI, §619, Oct. 28, 2009, 123 Stat. 2357, provided that:

“(a) AUTHORITY TO PROVIDE ADDITIONAL ASSIGNMENT PAY OR SPECIAL DUTY PAY.—The Secretary of Defense may provide assignment pay or special duty pay under section 352 of title 37, United States Code, in excess of the maximum amount of monthly or lump sum assignment or special duty pay authorized under subsection (b) of such section, to members of the Armed Forces (particularly members who achieve language proficiency at levels and in languages specified by the Secretary of Defense) who agree to serve on active duty in Afghanistan for a minimum of three years. The assignment period required by the agreement shall provide for reasonable periods of leave.

“(b) REPORTING REQUIREMENTS.—The Secretary shall submit to Congress an annual report on the use of the authority provided under subsection (a) during the preceding year, including—

“(1) the number of members of the Armed Forces receiving assignment pay or special duty pay under section 352 of title 37, United States Code, in excess of the maximum amount otherwise authorized under such section; and

“(2) an assessment of the impact of the use of such authority on the effectiveness and efficiency in achieving the United States mission in Afghanistan.

“(c) DURATION OF AUTHORITY.—The authority provided by subsection (a) to offer additional assignment pay or special duty pay under section 352 of title 37, United States Code, expires on December 31, 2012. The expiration of such authority shall not affect the terms or duration of any agreement entered into before that date to provide additional assignment pay or special duty pay under such section.”

§ 353. Skill incentive pay or proficiency bonus

(a) SKILL INCENTIVE PAY.—The Secretary concerned may pay a monthly skill incentive pay to a member of a regular or reserve component of the uniformed services who—

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

(2) serves in a career field or skill designated as critical by the Secretary concerned.

(b) SKILL PROFICIENCY BONUS.—

(1) AVAILABILITY; ELIGIBLE PERSONS.—The Secretary concerned may pay a proficiency bonus to a member of a regular or reserve component of the uniformed services who—

(A) is entitled to basic pay under section 204 of this title or compensation under section 206 of this title or is enrolled in an officer training program; and

(B) is determined to have, and maintains, certified proficiency under subsection (d) in a skill designated as critical by the Secretary concerned or is in training to acquire proficiency in a critical foreign language or expertise in foreign cultural studies or a related skill designated as critical by the Secretary concerned.

(2) INCLUSION OF CERTAIN SENIOR ROTC MEMBERS.—A proficiency bonus may be paid under this subsection to a student who is enrolled in the Senior Reserve Officers’ Training Corps program even though the student is in the first year of the four-year course under the program. During the period covered by the proficiency bonus, the student shall also be entitled to a monthly subsistence allowance under section 209(c) of this title even though the student has not entered into an agreement under section 2103a of title 10. However, if the student receives incentive pay under subsection (g)(2)¹ for the same period, the student may receive only a single monthly subsistence allowance under section 209(c) of this title.

(c) MAXIMUM AMOUNTS AND METHODS OF PAYMENT.—

(1) SKILL INCENTIVE PAY.—(A) Skill incentive pay under subsection (a) may not exceed \$1,000 a month.

(B) 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 skill incentive pay, the Secretary concerned may prorate the payment amount to reflect the duration of the member’s actual qualifying service during the month. A member of a reserve component entitled to compensation under section 206 of this title who is authorized skill incentive pay under subsection (a) may be paid an amount of such pay that is proportionate to the compensation received by the member under section 206 of this title for inactive-duty training.

(2) PROFICIENCY BONUS.—A proficiency bonus under subsection (b) may be paid in a lump sum at the beginning of the proficiency certification period or in periodic installments during the proficiency certification period. The amount of the bonus may not exceed \$12,000 for each 12-month period of certification. The Secretary concerned may not vary the criteria or rates for the proficiency bonus paid for officers and enlisted members.

(d) CERTIFIED PROFICIENCY FOR PROFICIENCY BONUS.—

¹ See References in Text note below.

(1) CERTIFICATION REQUIRED.—Proficiency in a designated critical skill for purposes of subsection (b) shall be subject to annual certification by the Secretary concerned.

(2) DURATION OF CERTIFICATION.—A certification period for purposes of subsection (c)(2) shall expire at the end of the one-year period beginning on the first day of the first month beginning on or after the certification date.

(3) WAIVER.—Notwithstanding paragraphs (1) and (2), the regulations prescribed to administer this section shall address the circumstances under which the Secretary concerned may waive the certification requirement under paragraph (1) or extend a certification period under paragraph (2).

(e) WRITTEN AGREEMENT.—

(1) DISCRETIONARY FOR SKILL INCENTIVE PAY.—The Secretary concerned may require a member to enter into a written agreement with the Secretary in order to qualify for the payment of skill incentive pay under subsection (a). The written agreement shall specify the period for which the skill incentive pay will be paid to the member and the monthly rate of the pay.

(2) REQUIRED FOR PROFICIENCY BONUS.—The Secretary concerned shall require a member to enter into a written agreement with the Secretary in order to qualify for payment of a proficiency bonus under subsection (b). The written agreement shall specify the amount of the proficiency bonus, the period for which the bonus will be paid, and the initial certification or recertification necessary for payment of the proficiency bonus.

(f) FOREIGN LANGUAGE STUDIES IN OFFICER TRAINING PROGRAMS.—

(1) AVAILABILITY OF INCENTIVE PAY.—The Secretary concerned may pay incentive pay to a person enrolled in an officer training program to also participate in an education or training program to acquire proficiency in a critical foreign language or expertise in foreign cultural studies or a related skill designated as critical by the Secretary concerned.

(2) INCLUSION OF CERTAIN SENIOR ROTC MEMBERS.—Incentive pay may be paid under this subsection to a student who is enrolled in the Senior Reserve Officers' Training Corps program even though the student is in the first year of the four-year course under the program. While the student receives the incentive pay, the student shall also be entitled to a monthly subsistence allowance under section 209(c) of this title even though the student has not entered into an agreement under section 2103a of title 10. However, if the student receives a proficiency bonus under subsection (b)(2) covering the same month, the student may receive only a single monthly subsistence allowance under section 209(c) of this title.

(3) CRITICAL FOREIGN LANGUAGE DEFINED.—In this section, the term “critical foreign language” includes Arabic, Korean, Japanese, Chinese, Pashto, Persian-Farsi, Serbian-Croatian, Russian, Portuguese, or other language designated as critical by the Secretary concerned.

(g) REPAYMENT.—A member who receives skill incentive pay or a proficiency bonus under this section and who fails to fulfill the eligibility requirement for receipt of the pay or bonus shall be subject to the repayment provisions of section 373 of this title.

(h) RELATIONSHIP TO OTHER PAYS AND ALLOWANCES.—A member may not be paid more than one pay under this section in any month for the same period of service and skill. A member may be paid skill incentive pay or the proficiency bonus under this section in addition to any other pay and allowances to which the member is entitled, except that a member may not be paid skill incentive pay or a proficiency bonus under this section and hazardous duty pay under section 351 of this title for the same period of service in the same career field or skill.

(i) TERMINATION OF AUTHORITY.—No agreement may be entered into under this section after December 31, 2012.

(Added Pub. L. 110–181, div. A, title VI, § 661(a)(2), Jan. 28, 2008, 122 Stat. 175; amended Pub. L. 110–417, [div. A], title VI, § 619(a), Oct. 14, 2008, 122 Stat. 4487; Pub. L. 111–84, div. A, title VI, §§ 614(8), 618(d), Oct. 28, 2009, 123 Stat. 2354, 2356; Pub. L. 111–383, div. A, title VI, § 614(8), Jan. 7, 2011, 124 Stat. 4237; Pub. L. 112–81, div. A, title VI, § 614(8), Dec. 31, 2011, 125 Stat. 1450.)

REFERENCES IN TEXT

Subsection (g)(2), referred to in subsec. (b)(2), was redesignated subsec. (f)(2) by Pub. L. 111–84, div. A, title VI, § 618(d)(1), Oct. 28, 2009, 123 Stat. 2356.

AMENDMENTS

2011—Subsec. (i). 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. (c)(1). Pub. L. 111–84, § 618(d)(2), added par. (1) and struck out former par. (1) which provided that skill incentive pay was not to exceed \$1,000 per month.

Subsecs. (f) to (i). Pub. L. 111–84, § 618(d)(1), redesignated subsecs. (g) to (j) as (f) to (i), respectively, and struck out former subsec. (f) which related to reserve component members performing inactive duty training.

Subsec. (j). Pub. L. 111–84, § 618(d)(1), redesignated subsec. (j) as (i).

Pub. L. 111–84, § 614(8), substituted “December 31, 2010” for “December 31, 2009”.

2008—Subsec. (b). Pub. L. 110–417, § 619(a)(1), amended subsec. (b) generally. Prior to amendment, text read as follows: “The Secretary concerned may pay a proficiency bonus to a member of a regular or reserve component of the uniformed services who—

“(1) is entitled to basic pay under section 204 of this title or compensation under section 206 of this title; and

“(2) is determined to have, and maintains, certified proficiency under subsection (d) in a skill designated as critical by the Secretary concerned.”

Subsecs. (g) to (j). Pub. L. 110–417, § 619(a)(2), added subsec. (g) and redesignated former subsecs. (g) to (i) as (h) to (j), respectively.

PILOT PROGRAM FOR FOREIGN LANGUAGE PROFICIENCY TRAINING FOR RESERVE MEMBERS

Pub. L. 110–417, [div. A], title VI, § 619(c), Oct. 14, 2008, 122 Stat. 4489, provided that:

“(1) PILOT PROGRAM REQUIRED.—The Secretary of Defense shall conduct a pilot program to provide a skill proficiency bonus under section 353(b) of title 37,

United States Code, to a member of a reserve component of the uniformed services who is entitled to compensation under section 206 of such title while the member participates in an education or training program to acquire proficiency in a critical foreign language or expertise in foreign cultural studies or a related skill designated as critical under such section 353.

“(2) DURATION OF PILOT PROGRAM.—The Secretary shall conduct the pilot program during the period beginning on October 1, 2008, and ending on December 31, 2013. Incentive pay may not be provided under the pilot program after December 31, 2013.

“(3) REPORTING REQUIREMENT.—Not later than March 31, 2012, the Secretary shall submit to Congress a report containing the results of the pilot program and the recommendations of the Secretary regarding whether to continue or expand the pilot program.”

EXPEDITED IMPLEMENTATION

Pub. L. 110-417, [div. A], title VI, §619(d), Oct. 14, 2008, 122 Stat. 4489, as amended by Pub. L. 111-383, div. A, title X, §1075(e)(10), Jan. 7, 2011, 124 Stat. 4375, provided that: “Notwithstanding section 662 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 180; 37 U.S.C. 301 note), the Secretary of a military department may immediately implement the amendments made by subsection (a) [amending this section] in order to ensure the prompt availability of proficiency bonuses and incentive pay under section 353 of title 37, United States Code, as amended by such subsection, for persons enrolled in officer training programs.”

§ 354. Special pay: 15-year career status bonus for members entering service on or after August 1, 1986

(a) AVAILABILITY OF BONUS.—The Secretary concerned shall pay a bonus under this section to an eligible career bonus member if the member—

(1) elects to receive the bonus under this section; and

(2) executes a written agreement (prescribed by the Secretary concerned) to remain continuously on active duty until the member has completed 20 years of active-duty service creditable under section 1405 of title 10.

(b) ELIGIBLE CAREER BONUS MEMBER DEFINED.—In this section, the term “eligible career bonus member” means a member of a uniformed service serving on active duty who—

(1) first became a member on or after August 1, 1986; and

(2) has completed 15 years of active duty in the uniformed services (or has received notification under subsection (e) that the member is about to complete that duty).

(c) ELECTION METHOD.—An election under subsection (a)(1) shall be made in such form and within such period as the Secretary concerned may prescribe. An election under that subsection is irrevocable.

(d) AMOUNT OF BONUS; PAYMENT.—(1) A bonus under this section shall be equal to \$30,000.

(2) A member electing to receive the bonus under this section shall elect one of the following payment options:

- (A) A single lump sum of \$30,000.
- (B) Two installments of \$15,000 each.
- (C) Three installments of \$10,000 each.
- (D) Four installments of \$7,500 each.
- (E) Five installments of \$6,000 each.

(3) If a member elects installment payments under paragraph (2), the second installment (and subsequent installments, as applicable) shall be paid on the earlier of the following dates:

(A) The annual anniversary date of the payment of the first installment.

(B) January 15 of each succeeding calendar year.

(4) The lump sum payment of the bonus, and the first installment payment in the case of members who elect to receive the bonus in installments, shall be paid to an eligible career bonus member not later than the first month that begins on or after the date that is 60 days after the date on which the Secretary concerned receives from the member the election required under subsection (a)(1) and the written agreement required under subsection (a)(2), if applicable.

(e) NOTIFICATION OF ELIGIBILITY.—(1) The Secretary concerned shall transmit to each member who meets the definition of eligible career bonus member a written notification of the opportunity of the member to elect to receive a bonus under this section. The Secretary shall provide the notification not later than 180 days before the date on which the member will complete 15 years of active duty.

(2) The notification shall include the following:

(A) The procedures for electing to receive the bonus.

(B) An explanation of the effects under sections 1401a, 1409, and 1410 of title 10 that such an election has on the computation of any retired or retainer pay that the member may become eligible to receive.

(f) REPAYMENT.—If a person paid a bonus under this section does not complete a period of active duty beginning on the date on which the election of the person under paragraph (1) of subsection (a) is received and ending on the date on which the person completes 20 years of active duty service as described in paragraph (2) of such subsection, the person shall be subject to the repayment provisions of section 373 of this title.

(Added Pub. L. 106-65, div. A, title VI, §642(a), Oct. 5, 1999, 113 Stat. 662, §322; amended Pub. L. 107-107, div. A, title VI, §620(a), Dec. 28, 2001, 115 Stat. 1138; Pub. L. 109-163, div. A, title VI, §687(b)(30), Jan. 6, 2006, 119 Stat. 3332; renumbered §354 and amended Pub. L. 110-181, div. A, title VI, §661(b)(1), (2), Jan. 28, 2008, 122 Stat. 178.)

AMENDMENTS

2008—Pub. L. 110-181, §661(b)(1), renumbered section 322 of this title as this section.

Subsec. (f). Pub. L. 110-181, §661(b)(2), substituted “section 373” for “section 303a(e)”.

2006—Subsec. (f). Pub. L. 109-163, amended heading and text of subsec. (f) generally, substituting provisions referring to repayment provisions of section 303a(e) for specific provisions relating to repayment required when person elects to receive bonus to remain continuously on active duty until completion of 20 years but fails to complete total period.

2001—Subsec. (d)(1). Pub. L. 107-107, §620(a)(1), substituted “equal to \$30,000” for “paid in a single lump sum of \$30,000”.

Subsec. (d)(2) to (4), Pub. L. 107-107, §620(a)(2), (3), added pars. (2) and (3), redesignated former par. (2) as (4), and substituted therein “The lump sum payment of the bonus, and the first installment payment in the case of members who elect to receive the bonus in installments,” for “The bonus”.

EFFECTIVE DATE

Section effective Oct. 1, 1999, see section 644 of Pub. L. 106-65, set out as an Effective Date of 1999 Amendment note under section 1401a of Title 10, Armed Forces.

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.

APPLICATION TO EXISTING AGREEMENTS

Pub. L. 107-107, div. A, title VI, §620(b), Dec. 28, 2001, 115 Stat. 1139, provided that: “The Secretary concerned (as defined in section 101(5) of title 37, United States Code) shall extend to each member of the uniformed services who has executed the written agreement required by subsection (a)(2) of section 322 [now 354] of such title before the date of the enactment of this Act [Dec. 28, 2001], but who has not received the lump sum payment by that date, an opportunity to make the election authorized by subsection (d) of such section, as amended by this section.”

§ 355. Special pay: retention incentives for members qualified in critical military skills or assigned to high priority units

(a) **RETENTION BONUS AUTHORIZED.**—An officer or enlisted member of the armed forces who is serving on active duty in a regular component or in an active status in a reserve component and who is qualified in a critical military skill designated under subsection (b) or accepts an assignment to a high priority unit designated under such subsection may be paid a retention bonus as provided in this section if—

(1) in the case of an officer, the member executes a written agreement to remain on active duty for at least one year or to remain in an active status in a reserve component for at least one year;

(2) in the case of an enlisted member, other than an enlisted member referred to in paragraph (3), the member reenlists or voluntarily extends the member’s enlistment for a period of at least one year; or

(3) in the case of an enlisted member serving pursuant to an indefinite reenlistment, the member executes a written agreement to remain on active duty for a period of at least one year or to remain in an active status in a reserve component for a period of at least one year.

(b) **ELIGIBILITY CRITERIA.**—(1) A designated critical military skill referred to in subsection (a) is a military skill designated as critical by the Secretary of Defense, or by the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy.

(2) 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, may designate a unit as a high priority unit regarding which a retention bonus will be provided to a member of the armed forces who agrees to accept an assignment to the unit under subsection (a).

(c) **PAYMENT METHODS.**—A bonus under this section may be paid in a single lump sum or in periodic installments.

(d) **MAXIMUM BONUS AMOUNT.**—(1) A member may enter into an agreement under this section, or reenlist or voluntarily extend the member’s enlistment, more than once to receive a bonus under this section. However, a member may not receive a total of more than \$200,000 (or \$100,000 in the case of a reserve component member) in payments under this section.

(2) The limitation in paragraph (1) on the total bonus payments that a member may receive under this section does not apply with respect to an officer who is assigned duties as a health care professional.

(e) **CERTAIN MEMBERS INELIGIBLE.**—(1) A retention bonus may not be provided under subsection (a) to a member of the armed forces who—

(A) has completed more than 25 years of active duty or service in an active status in a reserve component; or

(B) will complete the member’s twenty-fifth year of active duty or service in an active status in a reserve component before the end of the period of active duty or service in an active status in a reserve component for which the bonus is being offered.

(2) The limitations in paragraph (1) do not apply with respect to an officer who, during the period of active duty or service in an active status in a reserve component for which the bonus is being offered, is assigned duties as a health care professional.

(3) The limitations in paragraph (1) do not apply with respect to a member who, during the period of active duty or service in an active status in a reserve component for which the bonus is being offered—

(A) is qualified in a skill designated as critical under subsection (b)(1) related to special operations forces; or

(B) is qualified for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants.

(4) The Secretary of Defense, or the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, may waive the limitations in paragraph (1) with respect to a member who, during the period of active duty or service in an active status in a reserve component for which the bonus is being offered, is assigned duties in a skill designated as critical under subsection (b)(1). The authority to grant a waiver under this paragraph may not be delegated below the Under Secretary of Defense for Personnel and Readiness or the Deputy Secretary of the Department of Homeland Security.

(f) **RELATIONSHIP TO OTHER INCENTIVES.**—A retention bonus paid under this section is in addition to any other pay and allowances to which a member is entitled.

(g) REPAYMENT.—A member paid a bonus under this section who 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 shall be subject to the repayment provisions of section 373 of this title.

(h) TERMINATION OF BONUS AUTHORITY.—No bonus may be paid under this section with respect to any reenlistment, or voluntary extension of an enlistment, in the armed forces entered into after December 31, 2012, and no agreement under this section may be entered into after that date.

(Added Pub. L. 106-398, §1 [[div. A], title VI, §633(a)(1), Oct. 30, 2000, 114 Stat. 1654, 1654A-157, §323; amended Pub. L. 107-107, div. A, title VI, §614(d), 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(d), 618, Dec. 2, 2002, 116 Stat. 2568, 2570; Pub. L. 108-136, div. A, title VI, §§614(d), 622, title X, §1045(b)(1), Nov. 24, 2003, 117 Stat. 1501, 1505, 1612; Pub. L. 108-375, div. A, title VI, §§614(e), 621, title X, §1084(e)(2), Oct. 28, 2004, 118 Stat. 1948, 1954, 2064; Pub. L. 109-163, div. A, title VI, §§624(e), 640(a)-(f)(1), 687(b)(31), Jan. 6, 2006, 119 Stat. 3295, 3302, 3303, 3332; Pub. L. 109-364, div. A, title VI, §614(e), Oct. 17, 2006, 120 Stat. 2248; renumbered §355 and amended Pub. L. 110-181, div. A, title VI, §§614(d), 622, 661(c), Jan. 28, 2008, 122 Stat. 149, 152, 178; Pub. L. 110-417, [div. A], title VI, §614(h), Oct. 14, 2008, 122 Stat. 4485; Pub. L. 111-84, div. A, title VI, §614(9), Oct. 28, 2009, 123 Stat. 2354; Pub. L. 111-207, §4(a)(4), July 27, 2010, 124 Stat. 2251; Pub. L. 111-383, div. A, title VI, §614(9), Jan. 7, 2011, 124 Stat. 4237; Pub. L. 112-81, div. A, title VI, §614(9), Dec. 31, 2011, 125 Stat. 1450.)

AMENDMENTS

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

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

2010—Subsecs. (h), (i). Pub. L. 111-207 redesignated subsec. (i) as (h) and struck out former subsec. (h) which required the Secretaries of Defense and Homeland Security to submit to Congress annual reports on retention bonuses.

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

2008—Pub. L. 110-181, §661(c)(1), renumbered section 323 of this title as this section.

Subsec. (e)(4). Pub. L. 110-181, §622, added par. (4).

Subsec. (g). Pub. L. 110-181, §661(c)(2), substituted “section 373” for “section 303a(e)”.

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

Pub. L. 110-181, §614(d), substituted “December 31, 2008” for “December 31, 2007”.

2006—Pub. L. 109-163, §640(f)(1), substituted “Special pay: retention incentives for members qualified in critical military skills or assigned to high priority units” for “Special pay: retention incentives for members qualified in a critical military skill” in section catchline.

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.

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
- (2) any retired pay, retainer pay, separation pay, or disability severance pay.

(Added Pub. L. 110-181, div. A, title VI, §661(a)(2), Jan. 28, 2008, 122 Stat. 176.)

§ 372. Continuation of pays during hospitalization and rehabilitation resulting from wounds, injury, or illness incurred while on duty in a hostile fire area or exposed to an event of hostile fire or other hostile action

(a) CONTINUATION OF PAYS.—If a member of a regular or reserve component of a uniformed service incurs a wound, injury, or illness in the line of duty while serving in a combat operation or a combat zone, while serving in a hostile fire area, or while exposed to a hostile fire event, as described under section 351 of this title, and is hospitalized for treatment of the wound, injury, or illness, the Secretary concerned may continue to pay to the member, notwithstanding any provision of this chapter to the contrary, all pay and allowances (including any bonus, incentive pay, or similar benefit) that were being paid to the member at the time the member incurred the wound, injury, or illness.

(b) DURATION.—The payment of pay and allowances to a member under subsection (a) may continue until the end of the first month beginning after the earliest of the following dates:

- (1) The date on which the member is returned for assignment to other than a medical or patient unit for duty.
- (2) One year after the date on which the member is first hospitalized for the treatment of the wound, injury, or illness, except that the Secretary concerned may extend the termination date in six-month increments.
- (3) The date on which the member is discharged, separated, or retired (including temporary disability retirement) from the uniformed services.

(c) BONUS, INCENTIVE PAY, OR SIMILAR BENEFIT DEFINED.—In this section, the term “bonus, incentive pay, or similar benefit” means a bonus, incentive pay, special pay, or similar payment paid to a member of the uniformed services under this title or title 10.

(Added Pub. L. 110-181, div. A, title VI, §661(a)(2), Jan. 28, 2008, 122 Stat. 176.)

§ 373. Repayment of unearned portion of bonus, incentive pay, or similar benefit, and termination of remaining payments, when conditions of payment not met

(a) REPAYMENT AND TERMINATION.—Except as provided in subsection (b), a member of the uniformed services who is paid a bonus, incentive pay, or similar benefit, the receipt of which is contingent upon the member’s satisfaction of certain service or eligibility requirements, shall repay to the United States any unearned portion of the bonus, incentive pay, or similar benefit if the member fails to satisfy any such service or eligibility requirement, and the member may not receive any unpaid amounts of the bonus, incentive pay, or similar benefit after the member fails to satisfy such service or eligibility requirement.

(b) EXCEPTIONS.—

(1) DISCRETION TO PROVIDE EXCEPTION TO TERMINATION AND REPAYMENT REQUIREMENTS.—Pursuant to the regulations prescribed to administer this section, the Secretary concerned