

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”.

Statutory Notes and Related Subsidiaries

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 7 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 7 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 mem-

ber has completed not less than 7 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)¹ 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; Pub. L. 118-31, div. A, title VI, §611(a), Dec. 22, 2023, 137 Stat. 290.)

Editorial Notes

AMENDMENTS

2023—Pub. L. 118-31, §611(a)(1), substituted “7” for “8” in section catchline.

Subsec. (a)(1). Pub. L. 118-31, §611(a)(2), substituted “7” for “8”.

Subsec. (d). Pub. L. 118-31, §611(a)(2), substituted “7” for “8”.

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.”

Statutory Notes and Related Subsidiaries

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.”

¹ So in original.

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.

§357. Special and incentive pay authorities for members of the reserve components of the armed forces

Notwithstanding section 1004 of this title, the Secretary concerned shall pay a member of the reserve component of an armed force special or incentive pay in the same monthly amount as that paid to a member in the regular component of such armed force performing comparable work requiring comparable skills if the Secretary concerned is paying the member of the reserve component the special or incentive pay for the purpose of—

(1) maintaining a skill certification or proficiency identical to a skill certification or proficiency required of the member in the regular component; or

(2) compensating the member of the reserve component for exposure to hazards or risks identical to hazards or risks to which the member in the regular component was exposed.

(Added Pub. L. 117-81, div. A, title VI, §602(a), Dec. 27, 2021, 135 Stat. 1765; amended Pub. L. 118-31, div. A, title VI, §612(a), (b)(1), Dec. 22, 2023, 137 Stat. 290.)

Editorial Notes

AMENDMENTS

2023—Pub. L. 118-31, in section catchline, substituted “Special and incentive” for “Incentive” and, in text, substituted “special or incentive pay” for “incentive pay” and “if the Secretary concerned is paying the member of the reserve component the special or incentive pay for the purpose of—” for period, and added pars. (1) and (2).

Statutory Notes and Related Subsidiaries

IMPLEMENTATION OF SECTION

Pub. L. 117-81, div. A, title VI, §602(c), (d), Dec. 27, 2021, 135 Stat. 1765, as amended by Pub. L. 118-31, div. A, title VI, §612(c), Dec. 22, 2023, 137 Stat. 291, provided that:

“(c) REPORT.—Not later than September 30, 2022, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing—

“(1) the plan of the Secretary to implement section 357 of such title [37 U.S.C. 357], as added by subsection (a);

“(2) an estimate of the costs of such implementation;

“(3) the number of members described in such section; and

“(4) any other matter the Secretary determines relevant.

“(d) IMPLEMENTATION DATE.—

“(1) IN GENERAL.—The Secretary shall not implement section 357 of such title, as added by subsection (a) until after—

“(A) submission of the report under subsection (c); and

“(B) the Secretary determines and certifies in writing to the Committees on Armed Services of