

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)<sup>1</sup> and fails to complete the obligated service required under such subsection shall be subject to the repayment provisions of section 373 of this title.

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

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

<sup>1</sup> 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

the Senate and House of Representatives that such implementation shall not have a detrimental effect on the force structure of an Armed Force concerned, including with regard to recruiting or retention of members in the regular component of such Armed Force.

“(2) EVALUATION OF TYPES OF SPECIAL AND INCENTIVE PAY.—In making the determination and certification described in paragraph (1)(B), the Secretary shall evaluate each type or category of special and incentive pay separately and may make the determination and certification based on the effect on an Armed Force concerned of a particular type or category of special or incentive pay.”

#### 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; however, in the case of a member under the jurisdiction of a Secretary of a military department, the date on which the member is determined fit 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; amended Pub. L. 116–92, div. A, title VI, § 601, Dec. 20, 2019, 133 Stat. 1423.)

#### Editorial Notes

##### AMENDMENTS

2019—Subsec. (b)(1). Pub. L. 116–92 amended par. (1) generally. Prior to amendment, par. (1) read as follows: “The date on which the member is returned for assignment to other than a medical or patient unit for duty.”

### § 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 may grant an exception to the repayment requirement and requirement to terminate the payment of unpaid amounts of a bonus, incentive pay, or similar benefit if the Secretary concerned determines that the imposition of the repayment and termination requirements with regard to a member of the uniformed services would be contrary to a personnel policy or management objective, would be against equity and good conscience, or would be contrary to the best interests of the United States.

(2) SPECIAL RULE FOR DECEASED AND DISABLED MEMBERS.—(A) If a member of the uniformed services dies or is retired or separated with a combat-related disability, the Secretary concerned—

- (i) shall not require repayment by the member or the member’s estate of the unearned portion of any bonus, incentive pay,