

§ 615(7), Jan. 7, 2011, 124 Stat. 4237; Pub. L. 112–81, div. A, title VI, § 615(7), Dec. 31, 2011, 125 Stat. 1451; Pub. L. 112–239, div. A, title VI, § 615(7), Jan. 2, 2013, 126 Stat. 1777; Pub. L. 113–66, div. A, title VI, § 615(7), Dec. 26, 2013, 127 Stat. 781; Pub. L. 113–291, div. A, title VI, § 615(8), Dec. 19, 2014, 128 Stat. 3401; Pub. L. 114–92, div. A, title VI, § 615(8), Nov. 25, 2015, 129 Stat. 839.)

AMENDMENTS

2015—Subsec. (h). Pub. L. 114–92 substituted “December 31, 2016” for “December 31, 2015”.

2014—Subsec. (h). Pub. L. 113–291 substituted “December 31, 2015” for “December 31, 2014”.

2013—Subsec. (h). Pub. L. 113–66 substituted “December 31, 2014” for “December 31, 2013”.

Pub. L. 112–239 substituted “December 31, 2013” for “December 31, 2012”.

2011—Subsec. (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”.

2006—Subsec. (d)(1). Pub. L. 109–364, § 620(a), substituted “\$10,000” for “\$2,500”.

Subsec. (f). Pub. L. 109–163, § 687(b)(35), amended heading and text of subsec. (f) generally. Prior to amendment, text read as follows:

“(1) A member who is paid a bonus under an agreement under this section and who, voluntarily or because of misconduct, fails to serve for the period covered by such agreement shall refund to the United States an amount which bears the same ratio to the amount of the bonus paid such member as the period which such member failed to serve bears to the total period for which the bonus was paid.

“(2) An obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

“(3) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under paragraph (1).”

Subsec. (h). Pub. L. 109–364, § 614(h), substituted “2009” for “2006”.

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109–364, div. A, title VI, § 620(b), Oct. 17, 2006, 120 Stat. 2252, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on October 1, 2006, and shall apply to agreements entered into or revised under section 327 of title 37, United States Code, on or after that date.”

SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(b) of Pub. L. 109–163, see section 687(f) of Pub. L. 109–163, set out as a note under section 510 of Title 10, Armed Forces.

§ 328. Combat-related injury rehabilitation pay

(a) SPECIAL PAY AUTHORIZED.—The Secretary concerned may pay monthly special pay under this section to a member of the armed forces who, while in the line of duty, incurs a wound, injury, or illness in a combat operation or combat zone designated by the Secretary of Defense and is evacuated from the theater of the combat operation or from the combat zone for medical treatment.

(b) COMMENCEMENT OF PAYMENT.—Subject to subsection (c), the special pay authorized by subsection (a) may be paid to a member described in such subsection for any month beginning after the date on which the member was evacuated from the theater of the combat operation or the combat zone in which the member incurred the combat-related injury.

(c) TERMINATION OF PAYMENTS.—The payment of special pay to a member under subsection (a) shall terminate at the end of the first month during which any of the following occurs:

(1) The member is paid a benefit under the traumatic injury protection rider of the Servicemembers’ Group Life Insurance Program issued under section 1980A of title 38.

(2) The member receives notification of the eligibility of the member for a benefit under such traumatic injury protection rider and a period of 30 days expires after the date of such notification.

(3) The member is no longer hospitalized in a military treatment facility or a facility under the auspices of the military health care system.

(d) AMOUNT OF SPECIAL PAY.—The monthly amount of special pay paid to a member under this section shall be equal to \$430, less any payment received by the member for the same month under section 310(b)¹ of this title.

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

(Added Pub. L. 109–163, div. A, title VI, § 642(a), Jan. 6, 2006, 119 Stat. 3305.)

REFERENCES IN TEXT

Section 310(b) of this title, referred to in subsec. (d), was redesignated section 310(c) of this title, and a new section 310(b) was added, by Pub. L. 111–84, div. A, title VI, § 618(a)(3), (4), Oct. 28, 2009, 123 Stat. 2355.

EFFECTIVE DATE

Pub. L. 109–163, div. A, title VI, § 642(d), Jan. 6, 2006, 119 Stat. 3306, provided that: “The Secretary of a military department may provide special pay under section 328 of title 37, United States Code, as added by subsection (a), for months beginning on or after the date of the enactment of this Act [Jan. 6, 2006]. A member of the Armed Forces who incurred a wound, injury, or illness under the circumstances described in subsection (a) of such section before the date of the enactment of this Act may receive such pay for such wound, injury, or illness for months beginning on or after that date so long as the member continues to satisfy the eligibility criteria specified in such section.”

§ 329. Incentive bonus: retired members and reserve component members volunteering for high-demand, low-density assignments

(a) INCENTIVE BONUS AUTHORIZED.—The Secretary of Defense may pay a bonus under this section to a retired member or former member of the Army, Navy, Air Force, or Marine Corps or to a member of a reserve component of the Army, Navy, Air Force, or Marine Corps (who is

¹ See References in Text note below.

not otherwise serving on active duty) who executes a written agreement to serve on active duty for a period specified in the agreement in an assignment intended to alleviate the need for members in a high-demand, low-density military capability or in any other specialty designated by the Secretary as critical to meet wartime or peacetime requirements.

(b) **MAXIMUM AMOUNT OF BONUS.**—A bonus under subsection (a) and any incentive developed under subsection (d) may not exceed \$50,000.

(c) **METHODS OF PAYMENT.**—At the election of the Secretary of Defense, a bonus under subsection (a) and any incentive developed under subsection (d) shall be paid or provided—

- (1) when the member commences service on active duty; or
- (2) in annual installments in such amounts as may be determined by the Secretary.

(d) **DEVELOPMENT OF ADDITIONAL INCENTIVES.**—

(1) The Secretary of Defense may develop and provide to members referred to in subsection (a) additional incentives to encourage such members to return to active duty in assignments intended to alleviate the need for members in a high-demand, low-density military capability or in other specialties designated by the Secretary as critical to meet wartime or peacetime requirements.

(2) The provision of any incentive developed under this subsection shall be subject to an agreement, as required for bonuses under subsection (a).

(3) Not later than 30 days before first offering any incentive developed under this subsection, the Secretary shall submit to the congressional defense committees a report that contains a description of that incentive and an explanation why a bonus under subsection (a) or other pay and allowances are not sufficient to alleviate the high-demand, low-density military capability or otherwise fill critical military specialties.

(4) In this subsection, the term “congressional defense committees” has the meaning given that term in section 101(a)(16) of title 10.

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

(f) **PROHIBITION ON PROMOTIONS.**—The written agreement required by subsections (a) and (d) shall specify that a member who is paid or receives a bonus or other incentive under this section is not eligible for promotion while serving in the assignment for which the bonus or other incentive is provided.

(g) **REPAYMENT.**—A member who does not complete the period of active duty specified in the agreement executed under subsection (a) or (d) shall be subject to the repayment provisions of section 303a(e) of this title.

(h) **HIGH-DEMAND, LOW-DENSITY MILITARY CAPABILITY.**—In this section, the term “high-demand, low-density military capability” means a combat, combat support or service support capability, unit, system, or occupational specialty that the Secretary of Defense determines has

funding, equipment, or personnel levels that are substantially below the levels required to fully meet or sustain actual or expected operational requirements set by regional commanders.

(i) **REGULATIONS.**—The Secretary of Defense may prescribe such regulations as the Secretary considers necessary to carry out this section.

(j) **TERMINATION OF AUTHORITY.**—No agreement under subsection (a) or (d) may be entered into after December 31, 2010.

(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, 2016.

(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; Pub. L. 112-239, div. A, title VI, §615(8), Jan. 2, 2013, 126 Stat. 1777; Pub. L. 113-66, div. A, title VI, §615(8), Dec. 26, 2013, 127 Stat. 781; Pub. L.