

section 2104(b)(6)(B) of title 10, as in section 203 of this title for enlisted men grade E-1, for provisions entitling midshipmen appointed under section 6904 of title 10 to \$50 a month for his instruction period up to 4 academic years, seamen recruits under section 6905 of title 10 to \$50 monthly for his instruction period under said section 6905, and midshipmen in flight training or on flight duty under section 6906 of title 10 to pay as for midshipmen at the Naval Academy plus an amount equal to 50 percent of his pay for flight duty.

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-136 effective Jan. 1, 2004, see section 523(c) of Pub. L. 108-136, set out as an Effective Date note under section 2103a of Title 10, Armed Forces.

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-314, div. A, title X, §1062(g), Dec. 2, 2002, 116 Stat. 2651, provided that the amendment made by section 1062(g)(2) is effective as of Oct. 30, 2000, and as if included in Pub. L. 106-398 as enacted.

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by section 1 [[div. A], title VI, §612(b)] of Pub. L. 106-398 effective Oct. 1, 2001, see section 1 [[div. A], title VI, §612(d)] of Pub. L. 106-398, set out as a note under section 203 of this title.

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106-65, div. A, title V, §546(b), Oct. 5, 1999, 113 Stat. 608, provided that: "The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1999."

EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103-337, div. A, title VI, §603(b), Oct. 5, 1994, 108 Stat. 2782, provided that:

"(1) Except as provided in paragraph (2), the amendments made by subsection (a) [amending this section] shall apply with respect to months beginning after August 31, 1995.

"(2) Upon the approval of the Secretary of Defense, the Secretary of a military department may implement such amendments at an earlier date with respect to members of the Senior Reserve Officers' Training Corps under the jurisdiction of the Secretary if funds are available for the monthly subsistence allowances authorized by such amendments."

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-456 applicable with respect to training performed after Sept. 30, 1988, see section 633(e) of Pub. L. 100-456, set out as a note under section 2109 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1971 AMENDMENT

Pub. L. 92-171, §2, Nov. 24, 1971, 85 Stat. 490, provided that: "The amendments made by this Act [amending this section] shall become effective on July 1, 1971."

EFFECTIVE DATE OF 1965 AMENDMENT

Amendment by Pub. L. 89-51 effective Oct. 13, 1964, see section 4 of Pub. L. 89-51, set out as a note under section 2109 of Title 10, Armed Forces.

SUBSISTENCE ALLOWANCES FOR MEMBERS OF THE MARINE CORPS OFFICER CANDIDATE PROGRAMS

Pub. L. 92-172, Nov. 24, 1971, 85 Stat. 491, as amended by Pub. L. 94-361, title VI, §604, July 14, 1976, 90 Stat. 929; Pub. L. 95-79, title VIII, §806, July 30, 1977, 91 Stat.

334; Pub. L. 95-485, title VIII, §803, Oct. 20, 1978, 92 Stat. 1620, which provided that until Sept. 30, 1980, except when on active duty, a member enrolled in a Marine Corps officer candidate program which required a baccalaureate degree as a prerequisite to being commissioned as a regular or reserve officer, and who was not enrolled in a program or an academy established under chapter 103, 403, 603, or 903 of Title 10, Armed Forces, could be paid a subsistence allowance at the same rate as that prescribed by subsec. (a) of this section, was repealed by Pub. L. 96-342, title VIII, §811(b), Sept. 8, 1980, 94 Stat. 1098. See subsec. (d) of this section.

§ 210. Pay of senior enlisted members during terminal leave and while hospitalized

(a) A noncommissioned officer of an armed force who, immediately following the completion of service as the senior enlisted member of that armed force or the senior enlisted advisor to the Chairman of the Joint Chiefs of Staff or the Chief of the National Guard Bureau, is placed on terminal leave pending retirement shall be entitled, for not more than 60 days while in such status, to the rate of basic pay authorized for the senior enlisted member of that armed force.

(b) A noncommissioned officer of an armed force who is hospitalized and who, during or immediately before such hospitalization, completed service as the senior enlisted member of that armed force, shall continue to be entitled, for not more than 180 days while so hospitalized, to the rate of basic pay authorized for the senior enlisted member of that armed force.

(c) In this section, the term "senior enlisted member" means the following:

- (1) The Sergeant Major of the Army.
- (2) The Master Chief Petty Officer of the Navy.
- (3) The Chief Master Sergeant of the Air Force.
- (4) The Sergeant Major of the Marine Corps.
- (5) The Master Chief Petty Officer of the Coast Guard.

(Added Pub. L. 102-190, div. A, title VI, §606(a), Dec. 5, 1991, 105 Stat. 1374; amended Pub. L. 104-201, div. A, title VI, §603(a), (b)(1), Sept. 23, 1996, 110 Stat. 2540; Pub. L. 109-163, div. A, title VI, §685(b), Jan. 6, 2006, 119 Stat. 3325; Pub. L. 109-364, div. A, title X, §1071(c)(1), Oct. 17, 2006, 120 Stat. 2400; Pub. L. 113-291, div. A, title VI, §603(b), Dec. 19, 2014, 128 Stat. 3398.)

AMENDMENTS

2014—Subsec. (a). Pub. L. 113-291, §603(b)(1), inserted "or the senior enlisted advisor to the Chairman of the Joint Chiefs of Staff or the Chief of the National Guard Bureau" after "that armed force" the first place appearing.

Subsec. (c)(6). Pub. L. 113-291, §603(b)(2), struck out par. (6) which read as follows: "The Senior Enlisted Advisor to the Chairman of the Joint Chiefs of Staff."

2006—Subsec. (c)(6). Pub. L. 109-364 substituted "Advisor to" for "Advisor for".

Pub. L. 109-163 added par. (6).

1996—Pub. L. 104-201, §603(b)(1), substituted "Pay of senior enlisted members during terminal leave and while hospitalized" for "Pay of the senior noncommissioned officer of an armed force during terminal leave" in section catchline.

Subsecs. (b), (c). Pub. L. 104-201, §603(a), added subsec. (b) and redesignated former subsec. (b) as (c).

EFFECTIVE DATE OF 2014 AMENDMENT

Amendment by Pub. L. 113-291 effective on Dec. 19, 2014 and applicable with respect to months of service that begin on or after that date, see section 603(e) of Pub. L. 113-291, set out as a note under section 1406 of Title 10, Armed Forces.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 211. Participation in Thrift Savings Plan

(a) DEFINITION.—In this section, the term “member” means—

- (1) a member of the uniformed services serving on active duty; and
- (2) a member of the Ready Reserve in any pay status.

(b) AUTHORITY.—Any member may participate in the Thrift Savings Plan in accordance with section 8440e of title 5.

(c) RULE OF CONSTRUCTION REGARDING SEPARATION.—For purposes of subchapters III and VII of chapter 84 of title 5, each of the following actions shall, in the case of a member participating in the Thrift Savings Plan in accordance with section 8440e of such title, be considered a separation from Government employment:

- (1) Release of the member from active duty, not followed, before the end of the 31-day period beginning on the day following the effective date of the release, by—

- (A) a resumption of active duty; or
- (B) an appointment to a position covered by chapter 83 or 84 of title 5 or an equivalent retirement system, as identified by the Executive Director (appointed by the Federal Retirement Thrift Investment Board) in regulations.

- (2) Transfer of the member to inactive status, or to a retired list pursuant to any provision of title 10.

(d) AGENCY CONTRIBUTIONS FOR RETENTION IN CRITICAL SPECIALTIES AND FIRST-TIME ENLISTEES.—(1) The Secretary concerned may enter into an agreement with a member to make contributions to the Thrift Savings Fund for the benefit of the member if the member—

- (A)(i) is in a specialty designated by the Secretary as critical to meet requirements (whether such specialty is designated as critical to meet wartime or peacetime requirements); and

- (ii) commits in such agreement to continue to serve on active duty in that specialty for a period of 6 years; or

- (B) is enlisting in the armed forces for the first time and the period of the member's enlistment is not less than two years.

(2) Under any agreement entered into with a member under paragraph (1)(A), the Secretary shall make contributions to the Fund for the

benefit of the member for each pay period of the 6-year period of the agreement for which the member makes a contribution to the Fund under section 8440e of title 5 (other than under subsection (d)(2) thereof).

(3) In the case of a member described by paragraph (1)(B), the Secretary shall make contributions to the Fund for the benefit of the member for each pay period of the enlistment of the member described in that paragraph for which the member makes a contribution to the Fund under section 8440e of title 5 (other than under subsection (d)(2) thereof).

(4) Paragraph (2) of section 8432(c) of title 5 applies to the Secretary's obligation to make contributions under this subsection, except that the reference in such paragraph (2) to contributions under paragraph (1) of such section 8432(c) does not apply.

(e) REPAYMENT OF AMOUNTS BORROWED FROM MEMBER ACCOUNT.—If a loan is issued to a member under section 8433(g) of title 5 from funds in the member's account in the Thrift Savings Plan, repayment of the loan may be required on the same semi-monthly basis as authorized for contributions to the Thrift Savings Fund on behalf of the member under section 1014(c) of this title.

(Added and amended Pub. L. 106-65, div. A, title VI, §§661(a)(1)(A), 662, Oct. 5, 1999, 113 Stat. 670, 672; Pub. L. 109-163, div. A, title VI, §605, Jan. 6, 2006, 119 Stat. 3287; Pub. L. 110-181, div. A, title VI, §605(b), Jan. 28, 2008, 122 Stat. 146; Pub. L. 114-92, div. A, title VI, §632(e)(1), Nov. 25, 2015, 129 Stat. 847.)

AMENDMENT OF SECTION

Pub. L. 114-92, div. A, title VI, §§632(e)(1), 635, Nov. 25, 2015, 129 Stat. 847, 851, provided that, effective Jan. 1, 2018, with certain implementation requirements, this section is amended by striking subsection (d) and redesignating subsection (e) as subsection (d). See 2015 Amendment note below.

AMENDMENTS

2015—Subsecs. (d), (e). Pub. L. 114-92 redesignated subsec. (e) as (d) and struck out former subsec. (d) which related to agency contributions for retention in critical specialties and first-time enlistees.

2008—Subsec. (e). Pub. L. 110-181 added subsec. (e).

2006—Subsec. (d). Pub. L. 109-163, §605(b), inserted “and First-Time Enlistees” after “Specialties” in heading.

Subsec. (d)(1). Pub. L. 109-163, §605(a)(1), designated existing provisions of subpar. (A) as cl. (i), redesignated former subpar. (B) as cl. (ii) of subpar. (A) and substituted “; or” for period at end, and added a new subpar. (B).

Subsec. (d)(2) to (4). Pub. L. 109-163, §605(a)(2)-(4), substituted “member under paragraph (1)(A)” for “member under paragraph (1)” in first sentence of par. (2), added par. (3), designated second sentence of par. (2) as (4), and in par. (4) substituted “this subsection” for “this paragraph”.

1999—Subsec. (d). Pub. L. 106-65, §662, added subsec. (d).

EFFECTIVE DATE OF 2015 AMENDMENT; IMPLEMENTATION

Amendment by Pub. L. 114-92 effective Jan. 1, 2018, with certain implementation requirements, see section 635 of Pub. L. 114-92, set out as a note under section 8432 of Title 5, Government Organization and Employees.