

and has received all or part of the amount payable under the agreement but who does not complete the total period of active duty specified in the agreement, shall be subject to the repayment provisions of section 303a(e) of this title.

(g) REGULATIONS.—The Secretary concerned shall prescribe regulations to carry out this section.

(Added Pub. L. 106-65, div. A, title VI, §629(a)(1), Oct. 5, 1999, 113 Stat. 659; amended Pub. L. 109-163, div. A, title VI, §687(b)(29), Jan. 6, 2006, 119 Stat. 3332.)

#### AMENDMENTS

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 officer fails to complete total period of agreed upon active duty.

#### EFFECTIVE DATE

Pub. L. 106-65, div. A, title VI, §629(c), Oct. 5, 1999, 113 Stat. 661, provided that: “The amendments made by subsection (a) [enacting this section] shall take effect on October 1, 1999.”

#### 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.

#### [§ 322. Renumbered § 354]

#### [§ 323. Renumbered § 355]

#### § 324. Special pay: accession bonus for new officers in critical skills

(a) ACCESSION BONUS AUTHORIZED.—Under regulations prescribed by the Secretary concerned, a person who executes a written agreement to accept a commission or an appointment as an officer of the armed forces and serve on active duty in a designated critical officer skill for the period specified in the agreement may, upon acceptance of the agreement by the Secretary concerned, be paid an accession bonus in an amount determined by the Secretary concerned.

(b) DESIGNATION OF CRITICAL OFFICER SKILLS.—The Secretary concerned shall designate the critical officer skills for the purposes of this section. A skill may be designated as a critical officer skill for an armed force under this subsection if—

(1) in order to meet requirements of the armed force, it is critical for the armed force to have a sufficient number of officers who are qualified in that skill; and

(2) in order to mitigate a current or projected significant shortage of personnel in the armed force who are qualified in that skill, it is critical to access into that armed force in sufficient numbers persons who are qualified in that skill or are to be trained in that skill.

(c) LIMITATION ON AMOUNT OF BONUS.—The amount of an accession bonus under subsection (a) may not exceed \$60,000.

(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 by the Secretary in a lump sum or installments.

(e) RELATION TO OTHER ACCESSION BONUS AUTHORITY.—An individual may not receive an accession bonus under this section and section 302d, 302h, 302j, or 312b of this title for the same period of service.

(f) REPAYMENT.—An individual who, having received all or part of the bonus under an agreement referred to in subsection (a), is not thereafter commissioned as an officer or does not commence or complete the total period of active duty service specified in the agreement shall be subject to the repayment provisions of section 303a(e) of this title.

(g) TERMINATION OF AUTHORITY.—No agreement under this section may be entered into after December 31, 2017.

(Added Pub. L. 107-107, div. A, title VI, §621(a), Dec. 28, 2001, 115 Stat. 1139; amended Pub. L. 107-314, div. A, title VI, §614(e), title X, §1062(c)(2), Dec. 2, 2002, 116 Stat. 2568, 2651; Pub. L. 108-136, div. A, title VI, §§614(e), 623, Nov. 24, 2003, 117 Stat. 1502, 1505; Pub. L. 108-375, div. A, title VI, §614(f), Oct. 28, 2004, 118 Stat. 1948; Pub. L. 109-163, div. A, title VI, §§624(f), 687(b)(32), Jan. 6, 2006, 119 Stat. 3295, 3332; Pub. L. 109-364, div. A, title VI, §614(f), Oct. 17, 2006, 120 Stat. 2249; Pub. L. 110-181, div. A, title VI, §614(e), Jan. 28, 2008, 122 Stat. 149; Pub. L. 110-417, [div. A], title VI, §614(e), Oct. 14, 2008, 122 Stat. 4485; Pub. L. 111-84, div. A, title VI, §615(5), Oct. 28, 2009, 123 Stat. 2354; Pub. L. 111-383, div. A, title VI, §615(5), Jan. 7, 2011, 124 Stat. 4237; Pub. L. 112-81, div. A, title VI, §615(5), Dec. 31, 2011, 125 Stat. 1450; Pub. L. 112-239, div. A, title VI, §615(5), Jan. 2, 2013, 126 Stat. 1777; Pub. L. 113-66, div. A, title VI, §615(5), Dec. 26, 2013, 127 Stat. 781; Pub. L. 113-291, div. A, title VI, §615(6), Dec. 19, 2014, 128 Stat. 3401; Pub. L. 114-92, div. A, title VI, §615(6), Nov. 25, 2015, 129 Stat. 839; Pub. L. 114-328, div. A, title VI, §615(6), Dec. 23, 2016, 130 Stat. 2159.)

#### AMENDMENTS

2016—Subsec. (g). Pub. L. 114-328 substituted “December 31, 2017” for “December 31, 2016”.

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

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

2013—Subsec. (g). 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. (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”.

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

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

2006—Subsec. (f). Pub. L. 109-163, §687(b)(32), 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 individual receives accession bonus payment but fails to accept commission or appointment as officer or to commence or complete agreed upon period of active duty.

Subsec. (g). Pub. L. 109-364 substituted “December 31, 2007” for “December 31, 2006”.

Pub. L. 109-163, § 624(f), substituted “December 31, 2006” for “December 31, 2005”.

2004—Subsec. (g). Pub. L. 108-375 substituted “December 31, 2005” for “December 31, 2004”.

2003—Subsecs. (a), (f)(1). Pub. L. 108-136, § 623, inserted “or an appointment” after “commission”.

Subsec. (g). Pub. L. 108-136, § 614(e), substituted “December 31, 2004” for “December 31, 2003”.

2002—Subsec. (b). Pub. L. 107-314, § 1062(c)(2), struck out par. (1) designation before “The Secretary”.

Subsec. (g). Pub. L. 107-314, § 614(e), substituted “December 31, 2003” for “December 31, 2002”.

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by 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.

#### 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.

### § 325. Incentive bonus: savings plan for education expenses and other contingencies

(a) **BENEFIT AND ELIGIBILITY.**—The Secretary concerned may purchase United States savings bonds under this section for a member of the armed forces who is eligible as follows:

(1) A member who, before completing three years of service on active duty, enters into a commitment to perform qualifying service.

(2) A member who, after completing three years of service on active duty, but not more than nine years of service on active duty, enters into a commitment to perform qualifying service.

(3) A member who, after completing nine years of service on active duty, enters into a commitment to perform qualifying service.

(b) **QUALIFYING SERVICE.**—For the purposes of this section, qualifying service is service on active duty in a specialty designated by the Secretary concerned as critical to meet requirements (whether or not such specialty is designated as critical to meet wartime or peacetime requirements) for a period that—

(1) is not less than six years; and

(2) does not include any part of a period for which the member is obligated to serve on active duty under an enlistment or other agreement for which a benefit has previously been paid under this section.

(c) **FORMS OF COMMITMENT TO ADDITIONAL SERVICE.**—For the purposes of this section, a commitment means—

(1) in the case of an enlisted member, a reenlistment; and

(2) in the case of a commissioned officer, an agreement entered into with the Secretary concerned.

(d) **AMOUNTS OF BONDS.**—The total of the face amounts of the United States savings bonds authorized to be purchased for a member under this section for a commitment shall be as follows:

(1) In the case of a purchase for a member under paragraph (1) of subsection (a), \$5,000.

(2) In the case of a purchase for a member under paragraph (2) of subsection (a), the amount equal to the excess of \$15,000 over the total of the face amounts of any United States savings bonds previously purchased for the member under this section.

(3) In the case of a purchase for a member under paragraph (3) of subsection (a), the amount equal to the excess of \$30,000 over the total of the face amounts of any United States savings bonds previously purchased for the member under this section.

(e) **TOTAL AMOUNT OF BENEFIT.**—The total amount of the benefit authorized for a member when United States savings bonds are purchased for the member under this section by reason of a commitment by that member shall be the sum of—

(1) the purchase price of the United States savings bonds; and

(2) the amounts that would be deducted and withheld for the payment of individual income taxes if the total amount computed under this subsection for that commitment were paid to the member as a bonus.

(f) **AMOUNT WITHHELD FOR TAXES.**—The total amount payable for a member under subsection (e)(2) for a commitment by that member shall be withheld, credited, and otherwise treated in the same manner as amounts deducted and withheld from the basic pay of the member.

(g) **REPAYMENT.**—If a person does not complete the qualifying service for which the person is obligated under a commitment for which a benefit has been paid under this section, the person shall be subject to the repayment provisions of section 303a(e) of this title.

(h) **RELATIONSHIP TO OTHER SPECIAL PAYS.**—The benefit authorized under this section is in addition to any other bonus or incentive or special pay that is paid or payable to a member under any other provision of this chapter for any portion of the same qualifying service.

(i) **REGULATIONS.**—This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary of Homeland Security for the Coast Guard when the Coast Guard is not operating as a service in the Navy.

(Added Pub. L. 107-107, div. A, title VI, § 622(a)(1), Dec. 28, 2001, 115 Stat. 1140; amended Pub. L. 107-296, title XVII, § 1704(c), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 109-163, div. A, title VI, § 687(b)(33), Jan. 6, 2006, 119 Stat. 3332.)

#### AMENDMENTS

2006—Subsec. (g). Pub. L. 109-163, amended heading and text of subsec. (g) generally, substituting provi-