

Guard when it is not operating as a service in the Navy," after "Secretary of Defense,".

Subsec. (c). Pub. L. 106-65, § 611(d), substituted "December 31, 2000" for "December 31, 1999".

1998—Subsec. (c). Pub. L. 105-261 substituted "December 31, 1999" for "September 30, 1999".

1997—Subsec. (c). Pub. L. 105-85 substituted "September 30, 1999" for "September 30, 1998".

1996—Subsec. (c). Pub. L. 104-201 substituted "September 30, 1998" for "September 30, 1997".

Pub. L. 104-106 substituted "September 30, 1997" for "September 30, 1996".

1994—Subsec. (c). Pub. L. 103-337 substituted "September 30, 1996" for "September 30, 1995".

1993—Subsec. (c). Pub. L. 103-160 substituted "September 30, 1995" for "September 30, 1993".

1992—Subsec. (c). Pub. L. 102-484 substituted "September 30, 1993" for "September 30, 1992".

1991—Subsec. (c). Pub. L. 102-190 substituted "1992" for "1991".

#### 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.

#### 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 OF 1993 AMENDMENT

Pub. L. 103-160, div. A, title VI, § 613(h)(2), Nov. 30, 1993, 107 Stat. 1682, provided that: "The amendment made by subsection (d) [amending this section] shall take effect as of September 30, 1993, and shall apply with respect to inactive duty for training performed after that date for which special pay is authorized under section 308d of title 37, United States Code."

#### EFFECTIVE DATE OF 1992 AMENDMENT

Pub. L. 102-484, div. A, title VI, § 612(j)(1), Oct. 23, 1992, 106 Stat. 2421, provided that: "The amendment made by subsection (e) [amending this section] shall take effect as of September 30, 1992, and shall apply with respect to inactive duty for training performed after that date for which special pay is authorized under section 308d of title 37, United States Code."

#### EFFECTIVE DATE OF 1991 AMENDMENT

Pub. L. 102-190, div. A, title VI, § 612(b)(2), Dec. 5, 1991, 105 Stat. 1376, provided that: "The amendment made by paragraph (1) [amending this section] shall take effect as of September 30, 1991, and shall apply with respect to inactive duty for training performed after that date for which special pay is authorized under section 308d of such title."

#### REPORT TO CONGRESS

Pub. L. 101-189, div. A, title V, § 505(b), Nov. 29, 1989, 103 Stat. 1438, directed Secretary of Defense, not later than May 1, 1991, to submit to Congress a report on the administration of the special pay program provided for in 37 U.S.C. 308d.

#### **[§ 308e. Repealed. Pub. L. 109-163, div. A, title VI, § 631(b), Jan. 6, 2006, 119 Stat. 3299]**

Section, added Pub. L. 96-342, title VIII, § 805(a)(1), Sept. 8, 1980, 94 Stat. 1093; amended Pub. L. 97-86, title V, § 505, Dec. 1, 1981, 95 Stat. 1109; Pub. L. 99-145, title

VI, § 645(a), Nov. 8, 1985, 99 Stat. 654; Pub. L. 100-180, div. A, title VI, § 626(b), Dec. 4, 1987, 101 Stat. 1104; Pub. L. 101-189, div. A, title VI, § 613, Nov. 29, 1989, 103 Stat. 1446; Pub. L. 102-25, title VII, § 702(b)(1), (2), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 102-484, div. A, title VI, § 612(d), Oct. 23, 1992, 106 Stat. 2421; Pub. L. 103-160, div. A, title VI, § 612(c), Nov. 30, 1993, 107 Stat. 1680; Pub. L. 103-337, div. A, title VI, § 611(c), Oct. 5, 1994, 108 Stat. 2782; Pub. L. 104-106, div. A, title VI, § 611(c), Feb. 10, 1996, 110 Stat. 359; Pub. L. 104-201, div. A, title VI, § 611(e), Sept. 23, 1996, 110 Stat. 2543; Pub. L. 105-85, div. A, title VI, § 611(e), 623, Nov. 18, 1997, 111 Stat. 1785, 1793; Pub. L. 105-261, div. A, title VI, § 611(e), Oct. 17, 1998, 112 Stat. 2038; Pub. L. 106-65, div. A, title VI, § 611(e), Oct. 5, 1999, 113 Stat. 650; Pub. L. 106-398, § 1 [[div. A], title VI, § 621(e)], Oct. 30, 2000, 114 Stat. 1654, 1654A-151; Pub. L. 107-107, div. A, title VI, § 611(e), Dec. 28, 2001, 115 Stat. 1135; Pub. L. 107-296, title XVII, § 1704(c), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 107-314, div. A, title VI, § 611(d), Dec. 2, 2002, 116 Stat. 2567; Pub. L. 108-136, div. A, title VI, § 611(d), Nov. 24, 2003, 117 Stat. 1500; Pub. L. 108-375, div. A, title VI, § 611(d), Oct. 28, 2004, 118 Stat. 1946, related to payment of bonus for reserve affiliation agreement.

#### **[§ 308f. Repealed. Pub. L. 106-398, § 1 [[div. A], title VI, § 624(b)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-153]**

Section, added Pub. L. 97-60, title I, § 117(c)(1), Oct. 14, 1981, 95 Stat. 996; amended Pub. L. 98-14, § 2, Mar. 30, 1983, 97 Stat. 55; Pub. L. 98-525, title VI, § 621(a), Oct. 19, 1984, 98 Stat. 2540; Pub. L. 100-180, div. A, title VI, § 626(a), Dec. 4, 1987, 101 Stat. 1104; Pub. L. 102-25, title VII, § 702(b)(2), Apr. 6, 1991, 105 Stat. 117; Pub. L. 103-160, div. A, title VI, § 613(e), Nov. 30, 1993, 107 Stat. 1681; Pub. L. 103-337, div. A, title VI, § 613(c), Oct. 5, 1994, 108 Stat. 2783; Pub. L. 104-106, div. A, title VI, § 613(c), Feb. 10, 1996, 110 Stat. 359; Pub. L. 104-201, div. A, title VI, § 613(c), Sept. 23, 1996, 110 Stat. 2544; Pub. L. 105-85, div. A, title VI, § 613(c), Nov. 18, 1997, 111 Stat. 1786; Pub. L. 105-261, div. A, title VI, §§ 613(c), 620, Oct. 17, 1998, 112 Stat. 2039, 2042; Pub. L. 106-65, div. A, title VI, §§ 613(d), 622(a), Oct. 5, 1999, 113 Stat. 650, 653, related to bonus for enlistment in the Army.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 2000, and not to affect the validity or terms of any bonus provided under such section for enlistments in the Armed Forces made before that date, see section 1 [[div. A], title VI, § 624(c)(2)] of Pub. L. 106-398, set out as a note under section 308a of this title.

#### **§ 308g. Special pay: bonus for enlistment in elements of the Ready Reserve other than the Selected Reserve**

(a) An eligible person who enlists in a combat or combat support skill of an element (other than the Selected Reserve) of the Ready Reserve of an armed force for a term of enlistment of not less than six years, and who has not previously served in an armed force, may be paid a bonus as provided in subsection (b).

(b) Eligibility for and the amount and method of payment of a bonus under this section shall be determined in accordance with regulations prescribed under subsection (g), except that the amount of such a bonus may not exceed \$3,000. A person entitled to a bonus under this section who is called or ordered to active duty shall be paid, during that period of active duty, any amount of the bonus that becomes payable to the member during that period of active duty.

(c) A bonus may not be paid under this section for a term of enlistment to any person who fails

to complete satisfactorily initial active duty for training or who, upon completion of initial active duty for training, elects to serve the remainder of the term of enlistment in the Selected Reserve or in an active component of an armed force.

(d) A person who does not serve satisfactorily in the element of the Ready Reserve in the combat or combat support skill for the period for which the bonus was paid under this section shall be subject to the repayment provisions of section 303a(e) of this title.

(e) 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 it is not operating as a service in the Navy.

(f) A bonus may not be paid under this section to any person for an enlistment—

- (1) during the period beginning on October 1, 1992, and ending on September 30, 2005; or
- (2) after December 31, 2018.

(Added Pub. L. 98-94, title X, §1011(a), Sept. 24, 1983, 97 Stat. 663; amended Pub. L. 99-145, title VI, §646(a)(1), title XIII, §1303(b)(3), Nov. 8, 1985, 99 Stat. 654, 740; Pub. L. 100-180, div. A, title VI, §626(b), Dec. 4, 1987, 101 Stat. 1104; Pub. L. 101-189, div. A, title VI, §613, Nov. 29, 1989, 103 Stat. 1446; Pub. L. 102-25, title VII, §702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 107-296, title XVII, §1704(c), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 108-375, div. A, title VI, §618(d), Oct. 28, 2004, 118 Stat. 1950; Pub. L. 109-163, div. A, title VI, §§621(c), 687(b)(17), Jan. 6, 2006, 119 Stat. 3294, 3330; Pub. L. 109-364, div. A, title VI, §611(d), title X, §1071(c)(3), Oct. 17, 2006, 120 Stat. 2247, 2400; Pub. L. 110-181, div. A, title VI, §611(d), Jan. 28, 2008, 122 Stat. 148; Pub. L. 110-417, [div. A], title VI, §611(d), Oct. 14, 2008, 122 Stat. 4484; Pub. L. 111-84, div. A, title VI, §611(4), Oct. 28, 2009, 123 Stat. 2352; Pub. L. 111-383, div. A, title VI, §611(4), Jan. 7, 2011, 124 Stat. 4236; Pub. L. 112-81, div. A, title VI, §611(4), Dec. 31, 2011, 125 Stat. 1449; Pub. L. 112-239, div. A, title VI, §611(4), Jan. 2, 2013, 126 Stat. 1776; Pub. L. 113-66, div. A, title VI, §611(4), Dec. 26, 2013, 127 Stat. 779; Pub. L. 113-291, div. A, title VI, §611(4), Dec. 19, 2014, 128 Stat. 3399; Pub. L. 114-92, div. A, title VI, §611(4), Nov. 25, 2015, 129 Stat. 837; Pub. L. 114-328, div. A, title VI, §611(4), Dec. 23, 2016, 130 Stat. 2157; Pub. L. 115-91, div. A, title VI, §611(4), Dec. 12, 2017, 131 Stat. 1421.)

#### AMENDMENTS

2017—Subsec. (f)(2). Pub. L. 115-91 substituted “December 31, 2018” for “December 31, 2017”.

2016—Subsec. (f)(2). Pub. L. 114-328 substituted “December 31, 2017” for “December 31, 2016”.

2015—Subsec. (f)(2). Pub. L. 114-92 substituted “December 31, 2016” for “December 31, 2015”.

2014—Subsec. (f)(2). Pub. L. 113-291 substituted “December 31, 2015” for “December 31, 2014”.

2013—Subsec. (f)(2). 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. (f)(2). 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. (f)(2). Pub. L. 111-84 substituted “December 31, 2010” for “December 31, 2009”.

2008—Subsec. (f)(2). 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. (d). Pub. L. 109-163, §687(b)(17)(A), added subsec. (d) and struck out former subsec. (d) which read as follows: “A person who receives a bonus payment under this section and who fails during the period for which the bonus was paid to serve satisfactorily in the element of the Ready Reserve with respect to which the bonus was paid shall refund to the United States an amount which bears the same ratio to the amount of the bonus paid to such person as the period which such person failed to serve satisfactorily bears to the total period for which the bonus was paid.”

Subsec. (e). Pub. L. 109-163, §687(b)(17)(B), (C), redesignated subsec. (g) as (e) and struck out former subsec. (e) which read as follows: “An obligation to reimburse the United States imposed under subsection (d) is, for all purposes, a debt owed to the United States.”

Subsec. (f). Pub. L. 109-163, §687(b)(17)(B), (C), redesignated subsec. (h) as (f) and struck out former subsec. (f) which read as follows: “A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an enlistment for which a bonus was paid under this section does not discharge the person receiving such bonus payment from the debt arising under subsection (d). This subsection applies to any case commenced under title 11 after September 24, 1983.”

Subsec. (f)(2). Pub. L. 109-364, §1071(c)(3), struck out second period at end.

Pub. L. 109-364, §611(d), substituted “December 31, 2007” for “December 31, 2006”.

Subsec. (g). Pub. L. 109-163, §687(b)(17)(C), redesignated subsec. (g) as (e).

Subsec. (h). Pub. L. 109-163, §687(b)(17)(C), redesignated subsec. (h) as (f).

Pub. L. 109-163, §621(c), substituted “an enlistment—” for “an enlistment after September 30, 1992” and added pars. (1) and (2).

2004—Subsec. (b). Pub. L. 108-375 substituted “\$3,000” for “\$1,000” and inserted last sentence.

2002—Subsec. (g). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

1991—Pub. L. 102-25 struck out “of this section” wherever appearing in subsections (a), (b), (e), and (f).

1989—Subsec. (h). Pub. L. 101-189 substituted “September 30, 1992” for “September 30, 1990”.

1987—Subsec. (h). Pub. L. 100-180 substituted “September 30, 1990” for “September 30, 1987”.

1985—Subsec. (f). Pub. L. 99-145, §1303(b)(3), substituted “September 24, 1983” for “the date of the enactment of the Department of Defense Authorization Act, 1984”.

Subsec. (h). Pub. L. 99-145, §646(a)(1), substituted “September 30, 1987” for “September 30, 1985”.

#### 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.

#### 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 OF 1985 AMENDMENT

Amendment by section 646(a)(1) of Pub. L. 99-145 effective Oct. 1, 1985, see section 646(d) of Pub. L. 99-145, set out as a note under section 308h of this title.

## EFFECTIVE DATE

Pub. L. 98-94, title X, §1011(c), Sept. 24, 1983, 97 Stat. 664, provided that: "The amendments made by subsections (a) and (b) [enacting this section and section 308h of this title and repealing section 308d of this title] shall take effect on October 1, 1983."

## 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.

## COAST GUARD; RESERVE FORCES READINESS PROVISIONS INAPPLICABLE

Reserve Forces Readiness provisions, including amendment of subsec. (b) of this section by Pub. L. 98-525 and Individual Ready Reserve Reenlistment Bonuses note above inapplicable to Coast Guard, see section 552(g) of Pub. L. 98-525, set out as a Reserve Forces Readiness note under section 12001 of Title 10, Armed Forces.

**§ 308h. Special pay: bonus for reenlistment, enlistment, or voluntary extension of enlistment in elements of the Ready Reserve other than the Selected Reserve**

(a) AUTHORITY AND ELIGIBILITY REQUIREMENTS.—(1) The Secretary concerned may pay a bonus as provided in subsection (b) to an eligible person who reenlists, enlists, or voluntarily extends an enlistment in a reserve component of an armed force for assignment to an element (other than the Selected Reserve) of the Ready Reserve of that armed force if the reenlistment, enlistment, or extension is for a period of three years, or for a period of six years, beyond any other period the person is obligated to serve.

(2) A person is eligible for a bonus under this section if the person—

(A) is or has been a member of an armed force;

(B) is qualified in a skill or specialty designated by the Secretary concerned as a critically short wartime skill or critically short wartime specialty; and

(C) has not failed to complete satisfactorily any original term of enlistment in the armed forces.

(3) For the purposes of this section, the Secretary concerned may designate a skill or specialty as a critically short wartime skill or critically short wartime specialty for an armed force under the jurisdiction of the Secretary if the Secretary determines that—

(A) the skill or specialty is critical to meet wartime requirements of the armed force; and

(B) there is a critical shortage of personnel in that armed force who are qualified in that skill or specialty.

(4) The Secretary concerned may waive the eligibility requirement in paragraph (2)(B) in the case of a reenlistment or voluntary extension of enlistment by a member of the armed forces that is entered into as described in this subsection while the member is serving on active duty in Afghanistan, Iraq, or Kuwait in support of Operation Enduring Freedom and Operation Iraqi Freedom.

(b) BONUS AMOUNTS; PAYMENT.—(1) Eligibility for and the amount and method of payment of a bonus under this section shall be determined under regulations to be prescribed under subsection (f).

(2) The amount of a bonus under this section—

(A) may not exceed \$3,000, in the case of a person who enlists for a period of six years; and

(B) may not exceed \$1,500 in the case of a person who enlists for a period of three years.

(3) A bonus paid under this section shall be paid as follows:

(A) In the case of a bonus under paragraph (2)(A)—

(i) \$500 shall be paid at the time of the reenlistment, enlistment, or extension of enlistment for which the bonus is paid; and

(ii) the remainder shall be paid in equal annual increments.

(B) In the case of a bonus under paragraph (2)(B), the amount of the bonus shall be paid in equal annual increments.

(4) A person entitled to a bonus under this section who is called or ordered to active duty shall be paid, during that period of active duty, any amount of the bonus that becomes payable to the member during that period of active duty.

(c) REPAYMENT.—A person who does not complete the period of enlistment or extension of enlistment for which the bonus was paid under this section shall be subject to the repayment provisions of section 303a(e) of this title.

(d) REGULATIONS.—(1) This section shall be administered under regulations to be 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 it is not operating as a service in the Navy.

(2) Regulations under this section may require that as a condition of receiving a bonus under this section the person receiving the bonus agree to participate in an annual muster of the Reserves, or in active duty for training, as may be required by the Secretary concerned.

(e) TERMINATION OF AUTHORITY.—A bonus may not be paid under this section to any person for a reenlistment, enlistment, or voluntary extension of an enlistment after December 31, 2018.

(Added Pub. L. 98-94, title X, §1011(a), Sept. 24, 1983, 97 Stat. 663; amended Pub. L. 98-525, title V, §552(f)(2), Oct. 19, 1984, 98 Stat. 2532; Pub. L. 99-145, title VI, §646(a)-(c), title XIII, §1303(b)(3), Nov. 8, 1985, 99 Stat. 654, 740; Pub. L. 100-180, div. A, title VI, §626(b), Dec. 4, 1987, 101 Stat. 1104; Pub. L. 101-189, div. A, title VI, §613, Nov. 29, 1989, 103 Stat. 1446; Pub. L. 102-25, title VII, §702(b)(1), (2), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 102-484, div. A, title VI, §612(d), Oct. 23, 1992, 106 Stat. 2421; Pub. L. 103-160, div. A, title VI, §612(d), Nov. 30, 1993, 107 Stat. 1680; Pub. L. 103-337, div. A, title VI, §611(d), Oct. 5, 1994, 108 Stat. 2783; Pub. L. 104-106, div. A, title VI, §611(d), Feb. 10, 1996, 110 Stat. 359; Pub. L. 104-201, div. A, title VI, §611(f), Sept. 23, 1996, 110 Stat. 2543; Pub. L. 105-85, div. A, title VI, §611(f), Nov. 18, 1997, 111 Stat. 1785; Pub. L. 105-261, div. A, title VI, §611(f), Oct. 17, 1998, 112 Stat. 2038;