

case may be, who extends his enlistment under section 509 of title 10 is entitled to the same pay and allowances as though he had reenlisted. For the purposes of determining entitlement to reenlistment bonus or to travel and transportation allowances upon discharge, all such extensions of an enlistment are considered one continuous extension.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 489; Pub. L. 90-235, §2(c), Jan. 2, 1968, 81 Stat. 757; Pub. L. 116-283, div. A, title IX, §925(j), Jan. 1, 2021, 134 Stat. 3829.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
906(a) .....	10:3263(b). 10:8263(b).	[None.] [None.]
906(b) .....	10:5539(b).	[None.]

In subsection (a), the words “who extends his enlistment” are substituted for the words “While serving under an enlistment extended”. The words “same pay and allowances as though he had reenlisted” are substituted for the last 31 words of section 3263(b) of title 10 and the last 31 words of section 8263(b) of title 10.

#### Editorial Notes

##### AMENDMENTS

2021—Pub. L. 116-283 inserted “Space Force,” after “Marine Corps.”.

1968—Pub. L. 90-235 struck out provisions formerly set out as subsec. (a) which provided that a member of the Army or Air Force who had extended his enlistment was entitled to the same pay as though he had reenlisted, redesignated as entire section provisions formerly set out as subsec. (b) and substituted “Army, Navy, Air Force, Marine Corps, or Coast Guard” for “Regular Navy or the Regular Marine Corps” and “section 509 of title 10” for “section 5539 of title 10”.

#### Statutory Notes and Related Subsidiaries

##### 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.

#### § 907. Enlisted members and warrant officers appointed as officers: pay and allowances stabilized

(a) An enlisted member who accepts an appointment as an officer shall, for service as an officer, be paid the greater of—

(1) the pay and allowances to which the officer is entitled as an officer; or

(2) the pay and allowances to which the officer would be entitled if the officer were in the last enlisted grade the officer held before the appointment as an officer.

(b) A warrant officer who accepts an appointment as a commissioned officer in a pay grade above W-4 shall, for service as such a commissioned officer, be paid the greater of—

(1) the pay and allowances to which the officer is entitled as such a commissioned officer;

(2) the pay and allowances to which the officer would be entitled if the officer were in the last warrant officer grade the officer held before the appointment as such a commissioned officer; or

(3) in the case of an officer who was formerly an enlisted member, the pay and allowances to which the officer would be entitled if the officer were in the last enlisted grade the officer held before the appointment as an officer.

(c) For the purposes of this section—

(1) the pay and allowances of a grade formerly held by an officer include—

(A) subject to subsection (d), special and incentive pays under chapter 5 of this title; and

(B) subject to subsection (e), allowances under chapter 7 of this title; and

(2) the rates of pay and allowances of a grade which an officer formerly held are those to which the officer would have been entitled had the officer remained in that grade and continued to receive the increases in pay and allowances authorized for that grade, as otherwise provided in this title.

(d)(1) In determining the amount of the pay and allowances of a grade formerly held by an officer, the following special and incentive pays may be considered only so long as the officer continues to perform the duty that creates the entitlement to, or eligibility for, that pay and would otherwise be eligible to receive that pay in the former grade:

(A) Incentive pay for hazardous duty under section 301 or 351 of this title.

(B) Submarine duty incentive pay under section 301c or 352 of this title.

(C) Special pay for diving duty under section 304 or 353(a) of this title.

(D) Hardship duty pay under section 305 or 352 of this title.

(E) Career sea pay under section 305a or 352 of this title.

(F) Special pay for service as a member of a Weapons of Mass Destruction Civil Support Team under section 305b or 352 of this title.

(G) Assignment incentive pay under section 307a or 352 of this title.

(H) Special pay for duty subject to hostile fire or imminent danger under section 310 or 351 of this title.

(I) Special pay or bonus for an extension of duty at a designated overseas location under section 314 or 352 of this title.

(J) Foreign language proficiency pay under section 353(b) of this title.

(K) Critical skill retention bonus under section section<sup>1</sup> 355 of this title.

(2) The following special and incentive pays are dependent on a member being in an enlisted status and may not be considered in determining the amount of the pay and allowances of a grade formerly held by an officer:

(A) Special duty assignment pay under section 307 or 352 of this title.

(B) Reenlistment bonus under section 331 of this title.

<sup>1</sup> So in original.

(C) Enlistment bonus under section 331 of this title.

(D) Career enlisted flyer incentive pay under section 320 or 353 of this title.

(e) The clothing allowance under section 418 of this title may not be considered in determining the amount of the pay and allowances of a grade formerly held by an officer if the officer is entitled to a uniform allowance under section 415 of this title.

(Added Pub. L. 91-484, §1(1), Oct. 21, 1970, 84 Stat. 1083; amended Pub. L. 96-343, §6(a)(1), Sept. 8, 1980, 94 Stat. 1126; Pub. L. 102-25, title VII, §702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 105-85, div. A, title VI, §619(d), Nov. 18, 1997, 111 Stat. 1790; Pub. L. 105-261, div. A, title VI, §617(b), Oct. 17, 1998, 112 Stat. 2041; Pub. L. 109-163, div. A, title VI, §686(a), (b), Jan. 6, 2006, 119 Stat. 3325, 3326; Pub. L. 114-328, div. A, title VI, §618(h)(4), Dec. 23, 2016, 130 Stat. 2161; Pub. L. 115-91, div. A, title VI, §618(h), Dec. 12, 2017, 131 Stat. 1427.)

### Editorial Notes

#### AMENDMENTS

2017—Subsec. (d)(1)(A). Pub. L. 115-91, §618(h)(1)(A), inserted “or 351” after “section 301”.

Subsec. (d)(1)(B). Pub. L. 115-91, §618(h)(1)(B), inserted “or 352” after “section 301c”.

Subsec. (d)(1)(C). Pub. L. 115-91, §618(h)(1)(C), inserted “or 353(a)” after “section 304”.

Subsec. (d)(1)(D). Pub. L. 115-91, §618(h)(1)(D), inserted “or 352” after “section 305”.

Subsec. (d)(1)(E). Pub. L. 115-91, §618(h)(1)(E), inserted “or 352” after “section 305a”.

Subsec. (d)(1)(F). Pub. L. 115-91, §618(h)(1)(F), inserted “or 352” after “section 305b”.

Subsec. (d)(1)(G). Pub. L. 115-91, §618(h)(1)(G), inserted “or 352” after “section 307a”.

Subsec. (d)(1)(I). Pub. L. 115-91, §618(h)(1)(H), inserted “or 352” after “section 314”.

Subsec. (d)(1)(J). Pub. L. 115-91, §618(h)(1)(I), substituted “353(b)” for “316”.

Subsec. (d)(1)(K). Pub. L. 115-91, §618(h)(1)(J), substituted “section 355” for “323”.

Subsec. (d)(2)(A). Pub. L. 115-91, §618(h)(2)(A), inserted “or 352” after “section 307”.

Subsec. (d)(2)(B). Pub. L. 115-91, §618(h)(2)(B), substituted “331” for “308”.

Subsec. (d)(2)(C). Pub. L. 115-91, §618(h)(2)(C), substituted “331” for “309”.

Subsec. (d)(2)(D). Pub. L. 115-91, §618(h)(2)(D), inserted “or 353” after “section 320”.

2016—Subsec. (d)(1)(H). Pub. L. 114-328 inserted “or 351” after “section 310”.

2006—Subsecs. (a), (b). Pub. L. 109-163, §686(b)(1), substituted “the officer” for “he” wherever appearing and “the appointment” for “his appointment” wherever appearing.

Subsec. (c)(2). Pub. L. 109-163, §686(b)(2), substituted “the officer remained” for “he remained”.

Subsec. (d). Pub. L. 109-163, §686(a), amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: “In determining the amount of the pay and allowances of a grade formerly held by an officer, incentive pay for hazardous duty under section 301 of this title, special pay for diving duty under section 304 of this title, for hardship duty under section 305 of this title, and for sea duty under section 305a of this title, and proficiency pay under section 307 of this title may be considered only so long as the officer continues to perform the duty creating the entitlement to or eligibility for that pay and would otherwise be eligible to receive that pay in his former grade.”

1998—Subsec. (d). Pub. L. 105-261 substituted “hardship duty” for “duty at a hardship duty location”.

1997—Subsec. (d). Pub. L. 105-85 substituted “duty at a hardship duty location” for “duty at certain places”.

1991—Subsec. (c)(1). Pub. L. 102-25 struck out “of this section” after “subsection (d)” in subpar. (A) and after “subsection (e)” in subpar. (B).

1980—Pub. L. 96-343 substituted “and warrant officers appointed as officers:” for “appointed as officers;” in section catchline, and, in generally revising section, struck out provision for temporary appointment of enlisted members as officers, provided for pay and allowances for warrant officers who accept appointment as commissioned officers, and specified what pay and allowances include and what rates and allowances of a grade which an officer formerly held are for purposes of this section.

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-163, div. A, title VI, §686(c), Jan. 6, 2006, 119 Stat. 3326, provided that: “Subsection (d) of section 907 of title 37, United States Code, as amended by subsection (a), shall apply with respect to any acceptance by an enlisted member of the Armed Forces of an appointment as an officer made on or after the date of the enactment of this Act [Jan. 6, 2006].”

#### EFFECTIVE DATE OF 1980 AMENDMENT

Pub. L. 96-343, §6(c), Sept. 8, 1980, 94 Stat. 1127, provided that: “The amendments made by this section [amending this section and section 203 of this title] shall be effective with respect to periods for which pay and allowances are payable which begin after August 31, 1980.”

### § 908. Reserves and retired members: acceptance of employment, payments, and awards from foreign governments

(a) CONGRESSIONAL CONSENT.—Subject to subsections (b) and (c), Congress consents to the following persons accepting civil employment (and compensation for that employment), accepting payment for speeches, travel, meals, lodging, or registration fees, or accepting a non-cash award, for which the consent of Congress is required by the last paragraph of section 9 of article I of the Constitution, related to acceptance of emoluments, offices, or titles from a foreign government:

(1) Retired members of the uniformed services.

(2) Members of a reserve component of the armed forces, except members serving on active duty under a call or order to active duty for a period in excess of 30 days.

(3) Members of the Commissioned Reserve Corps<sup>1</sup> of the Public Health Service.

(b) APPROVAL REQUIRED FOR EMPLOYMENT AND COMPENSATION.—A person described in subsection (a) may accept employment or compensation described in that subsection only if the Secretary concerned and the Secretary of State approve the employment.

(c) APPROVAL REQUIRED FOR CERTAIN PAYMENTS AND AWARDS.—A person described in subsection (a) may accept payment for speeches, travel, meals, lodging, or registration fees described in that subsection, or accept a non-cash

<sup>1</sup> See Change of Name note below.