

sions referring to repayment provisions of section 303a(e) for specific provisions relating to refunds required when member fails to serve in specified military occupational specialty for agreed upon period.

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

2004—Subsec. (a). Pub. L. 108-375, §622(a)(1), inserted “of a regular or reserve component” after “an eligible member”.

Subsec. (b). Pub. L. 108-375, §622(a)(2), substituted comma for dash after “if”, struck out “(1) the member is entitled to basic pay; and” and par. (2) designation before “at the time”, and redesignated subpars. (A) and (B) of former par. (2) as pars. (1) and (2), respectively.

Subsec. (c)(1). Pub. L. 108-375, §622(b), inserted before period at end “, in the case of a member of a regular component of the armed forces, and \$2,000, in the case of a member of a reserve component of the armed forces”.

Subsec. (c)(2). Pub. L. 108-375, §622(a)(3), inserted “regular or reserve component of the” after “chief personnel officer of the”.

### Statutory Notes and Related Subsidiaries

#### 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.

### § 327. Incentive bonus: transfer between armed forces

(a) INCENTIVE BONUS AUTHORIZED.—A bonus under this section may be paid to an eligible member of a regular component or reserve component of an armed force who executes a written agreement—

(1) to transfer from such regular component or reserve component to a regular component or reserve component of another armed force; and

(2) to serve pursuant to such agreement for a period of not less than three years in the component to which transferred.

(b) ELIGIBLE MEMBERS.—A member is eligible to enter into an agreement under subsection (a) if, as of the date of the agreement, the member—

(1) has not failed to satisfactorily complete any term of enlistment in the armed forces;

(2) is eligible for reenlistment in the armed forces or, in the case of an officer, is eligible to continue in service in a regular or reserve component of the armed forces; and

(3) has fulfilled such requirements for transfer to the component of the armed force to which the member will transfer as the Secretary having jurisdiction over such armed force shall establish.

(c) LIMITATION.—A member may enter into an agreement under subsection (a) to transfer to a

regular component or reserve component of another armed force only if the Secretary having jurisdiction over such armed force determines that there is shortage of trained and qualified personnel in such component.

(d) AMOUNT AND PAYMENT OF BONUS.—(1) A bonus under this section may not exceed \$10,000.

(2) A bonus under this section shall be paid by the Secretary having jurisdiction of the armed force to which the member to be paid the bonus is transferring.

(3) A bonus under this section shall, at the election of the Secretary paying the bonus—

(A) be disbursed to the member in one lump sum when the transfer for which the bonus is paid is approved by the chief personnel officer of the armed force to which the member is transferring; or

(B) be paid to the member in annual installments in such amounts as may be determined by the Secretary paying the bonus.

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

(f) REPAYMENT.—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 be subject to the repayment provisions of section 303a(e) of this title.

(g) REGULATIONS.—The Secretaries concerned shall prescribe regulations to carry out this section. Regulations prescribed by the Secretary of a military department under this subsection shall be subject to the approval of the Secretary of Defense.

(h) TERMINATION OF AUTHORITY.—No agreement under this section may be entered into after December 31, 2018.

(Added and amended Pub. L. 109-163, div. A, title VI, §§641(a), 687(b)(35), Jan. 6, 2006, 119 Stat. 3304, 3333; Pub. L. 109-364, div. A, title VI, §§614(h), 620(a), Oct. 17, 2006, 120 Stat. 2249, 2252; Pub. L. 111-84, div. A, title VI, §615(7), Oct. 28, 2009, 123 Stat. 2354; Pub. L. 111-383, div. A, title VI, §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; Pub. L. 114-328, div. A, title VI, §615(8), Dec. 23, 2016, 130 Stat. 2159; Pub. L. 115-91, div. A, title VI, §615(8), Dec. 12, 2017, 131 Stat. 1423.)

### Editorial Notes

#### AMENDMENTS

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

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

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”.

#### Statutory Notes and Related Subsidiaries

##### 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. Repealed. Pub. L. 114-328, div. A, title VI, § 647(a), Dec. 23, 2016, 130 Stat. 2168]

Section, added Pub. L. 109-163, div. A, title VI, § 642(a), Jan. 6, 2006, 119 Stat. 3305, related to combat-related injury rehabilitation pay.

#### § 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 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.