

duty for which the benefit under such section is provided.

(Added Pub. L. 96-579, §5(a)(1), Dec. 23, 1980, 94 Stat. 3366; amended Pub. L. 99-145, title VI, §641(a), Nov. 8, 1985, 99 Stat. 652; Pub. L. 105-85, div. A, title VI, §625(a)(1), Nov. 18, 1997, 111 Stat. 1794; Pub. L. 107-314, div. A, title VI, §654(b)(1), Dec. 2, 2002, 116 Stat. 2582; Pub. L. 108-136, div. A, title VI, §621(a)(1), (2)(A), Nov. 24, 2003, 117 Stat. 1505; Pub. L. 109-163, div. A, title VI, §687(b)(23), Jan. 6, 2006, 119 Stat. 3331.)

REFERENCES IN TEXT

The date of the enactment of the National Defense Authorization Act for Fiscal Year 1998, referred to in subsec. (d)(4), is the date of enactment of Pub. L. 105-85, which was approved Nov. 18, 1997.

AMENDMENTS

2006—Subsec. (d). Pub. L. 109-163 amended heading and text of subsec. (d) generally, substituting provisions referring to repayment provisions of section 303a(e) for specific provisions relating to refunds required when member receives bonus payment but fails to complete agreed upon extended tour of duty.

2003—Pub. L. 108-136, §621(a)(2)(A), substituted “qualified members” for “qualified enlisted members” in section catchline.

Subsecs. (a), (b). Pub. L. 108-136, §621(a)(1), substituted “a member” for “an enlisted member” in introductory provisions.

2002—Subsec. (a)(3). Pub. L. 107-314 substituted “the continental United States” for “the 48 contiguous States and the District of Columbia”.

1997—Pub. L. 105-85 amended section catchline and text generally. Prior to amendment, section consisted of subsecs. (a) and (b) relating to special pay for qualified enlisted members extending duty at designated locations overseas.

1985—Subsec. (a). Pub. L. 99-145 substituted “\$80” for “\$50” in provision following par. (4).

EFFECTIVE DATE OF 1997 AMENDMENT

Pub. L. 105-85, div. A, title VI, §625(b), Nov. 18, 1997, 111 Stat. 1795, provided that: “Section 314 of title 37, United States Code, as amended by subsection (a), shall apply with respect to an agreement to extend a tour of duty as provided in such section executed on or after October 1, 1997.”

EFFECTIVE DATE OF 1985 AMENDMENT

Pub. L. 99-145, title VI, §641(b), Nov. 8, 1985, 99 Stat. 652, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1985.”

EFFECTIVE DATE

Pub. L. 96-579, §5(c)(1), Dec. 23, 1980, 94 Stat. 3367, provided: “Section 314 of title 37, United States Code, as added by subsection (a), shall take effect on the first day of the first month following the month in which this section is enacted [Dec. 1980] and shall apply to periods of extended duty overseas beginning before, on, or after such date, but no payment may be made under such section for any month before the first day of the first month following the month in which this section is enacted.”

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.

§ 315. Special pay: engineering and scientific career continuation pay

(a) In this section, the term “engineering or scientific duty” means service performed by an officer—

(1) that requires an engineering or science degree; and

(2) that requires a skill designated (under regulations prescribed by the Secretary of Defense for the armed forces, by the Secretary of Commerce for the National Oceanic and Atmospheric Administration, or by the Secretary of Health and Human Services for the Public Health Service) as critical and as a skill in which there is a critical shortage of officers in the uniformed service concerned.

(b) Under regulations prescribed by the Secretary concerned, an officer of a uniformed service who—

(1) is entitled to basic pay;

(2) is below the pay grade of O-7;

(3) holds a degree in engineering or science from an accredited college or university;

(4) has been certified by the Secretary concerned as having the technical qualifications for detail to engineering or scientific duty;

(5) has completed at least three but less than nineteen years of engineering or scientific duty as an officer; and

(6) executes a written agreement to remain on active duty for detail to engineering or scientific duty for at least one year, but not more than four years;

may, upon acceptance of the written agreement by the Secretary concerned, be paid, in addition to all other compensation to which the officer is entitled, an amount not to exceed \$3,000 multiplied by the number of years, or monthly fraction thereof, of obligated service to which the officer agrees under the agreement. The total amount payable may be paid in a lump sum or in equal periodic installments, as determined by the Secretary concerned.

(c) An officer who, having entered into a written agreement under subsection (b) and having received all or part of a bonus under this section, does not complete the period of active duty as specified in the agreement shall be subject to the repayment provisions of section 303a(e) of this title.

(Added Pub. L. 97-60, title I, §120(a), Oct. 14, 1981, 95 Stat. 998; amended Pub. L. 99-145, title VI, §637(a), Nov. 8, 1985, 99 Stat. 648; Pub. L. 100-26, §8(e)(6), Apr. 21, 1987, 101 Stat. 286; Pub. L. 102-25, title VII, §702(b)(1), (2), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 109-163, div. A, title VI, §687(b)(24), Jan. 6, 2006, 119 Stat. 3331.)

AMENDMENTS

2006—Subsec. (c). Pub. L. 109-163 amended subsec. (c) generally, substituting provisions referring to repayment provisions of section 303a(e) for specific provisions relating to refunds required when officer receives bonus but fails to complete agreed upon period of active duty.

1991—Subsec. (c). Pub. L. 102-25 struck out “of this section” after “subsection (b)” in two places in par. (1) and struck out “of this subsection” after “paragraph (1)” in pars. (2) to (4) and after “paragraph (3)” in par. (2).

1987—Subsec. (a). Pub. L. 100-26 inserted “the term” after “In this section.”.

1985—Subsec. (a). Pub. L. 99-145, § 637(a)(1), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “In this section, the term ‘engineering or scientific duty’ means service performed by an officer that requires an engineering or science degree and that requires a skill designated under regulations prescribed by the Secretary of Defense as critical and as a skill in which there is a critical shortage of officers in the armed force concerned.”

Subsec. (b). Pub. L. 99-145, § 637(a)(2), in provision preceding par. (1), substituted “prescribed by the Secretary concerned” for “prescribed by the Secretary of Defense” and “officer of a uniformed service” for “officer of an armed force”.

EFFECTIVE DATE OF 1985 AMENDMENT

Pub. L. 99-145, title VI, § 637(b), Nov. 8, 1985, 99 Stat. 649, provided that: “The amendments made by subsection (a) [amending this section] shall take effect on October 1, 1985.”

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.

§ 316. Special pay: bonus for members with foreign language proficiency

(a) AVAILABILITY OF BONUS.—Subject to subsection (c), the Secretary concerned may pay a bonus under this section to a member of the uniformed services who—

(1) is qualified in a uniformed services specialty requiring proficiency in a foreign language identified by the Secretary concerned as a foreign language in which it is necessary to have personnel proficient because of national defense or public health considerations;

(2) received training, under regulations prescribed by the Secretary concerned, designed to develop a proficiency in such a foreign language;

(3) is assigned to duties requiring a proficiency in such a foreign language; or

(4) is proficient in a foreign language for which the uniformed service may have a critical need, as determined by the Secretary concerned.

(b) BONUS AMOUNT; TIME FOR PAYMENT.—A bonus under subsection (a) may not exceed \$12,000 per one-year certification period under subsection (c). The Secretary concerned may pay the bonus in a single lump sum at the beginning of the certification period or in installments during the certification period. The bonus is in addition to any other pay or allowance payable to a member under any other provision of law.

(c) CERTIFICATION OF PROFICIENCY.—To be eligible to receive a bonus under this section, a member described in subsection (a) must be certified by the Secretary concerned as being proficient in the foreign language for which the bonus is offered. The certification of the member shall expire at the end of the one-year period beginning on the first day of the first month beginning on or after the certification date.

(d) CERTIFICATION INTERRUPTED BY CONTINGENCY OPERATION.—(1) Notwithstanding subsection (c), the Secretary concerned may waive the certification requirement under such subsection and pay a bonus under this section to a member who—

(A) is assigned to duty in connection with a contingency operation;

(B) is unable to schedule or complete the certification required by subsection (c) because of that assignment; and

(C) except for the lack of such certification, satisfies the eligibility requirements under subsection (a).

(2) The Secretary concerned may treat the date on which the member was assigned to duty in connection with the contingency operation as equivalent to a certification date. In the case of a member whose certification will expire during such a duty assignment, the Secretary shall commence the next one-year certification period on the date on which the prior certification period expires.

(3) A member who is paid a bonus under the authority of this subsection shall complete the certification required by subsection (c) for the foreign language for which the bonus was paid not later than the end of the 180-day period beginning on the date on which the member is released from the assignment in connection with the contingency operation. The Secretary concerned may extend that period for a member in accordance with regulations prescribed under subsection (f).

(4) If a member fails to obtain the required certification under subsection (c) before the end of the period provided under paragraph (3), the Secretary concerned may require the member to repay all or a portion of the bonus in the manner provided in section 303a(e) of this title.

(e) REPAYMENT.—A member who receives a bonus under this section, but who does not satisfy an eligibility requirement specified in paragraph (1), (2), (3), or (4) of subsection (a) for the entire certification period, shall be subject to the repayment provisions of section 303a(e) of this title.

(f) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under the jurisdiction of the Secretary, by the Secretary of Homeland Security for the Coast Guard when the Coast Guard is not operating as a service in the Navy, by the Secretary of Health and Human Services for the Commissioned Corps of the Public Health Service, and by the Secretary of Commerce for the National Oceanic and Atmospheric Administration.

(Added Pub. L. 99-661, div. A, title VI, § 634(a)(1), Nov. 14, 1986, 100 Stat. 3884; amended Pub. L. 104-201, div. A, title VI, § 616(a), (b), Sept. 23, 1996, 110 Stat. 2547; Pub. L. 106-65, div. A, title VI, § 625(a), Oct. 5, 1999, 113 Stat. 654; Pub. L. 107-296, title XVII, § 1704(c), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 108-375, div. A, title VI, § 620(a)(1), Oct. 28, 2004, 118 Stat. 1952; Pub. L. 109-163, div. A, title VI, §§ 639(a)-(e)(1), 687(b)(25), Jan. 6, 2006, 119 Stat. 3301, 3302, 3331.)