

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 1999 AMENDMENT

Pub. L. 106-65, div. A, title VI, § 625(b), Oct. 5, 1999, 113 Stat. 654, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1999, and shall apply with respect to foreign language proficiency pay paid under section 316 of such title for months beginning on or after that date.”

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-201, div. A, title VI, § 616(c), Sept. 23, 1996, 110 Stat. 2547, provided that: “The amendments made by this section [amending this section] shall take effect on October 1, 1996, and apply with respect to months beginning on or after such date.”

EFFECTIVE DATE

Pub. L. 99-661, div. A, title VI, § 634(b), Nov. 14, 1986, 100 Stat. 3885, provided that: “Section 316 of title 37, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act [Nov. 14, 1986], and shall apply with respect to pay periods beginning 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.

§ 316a. Special pay: incentive pay for members of precommissioning programs pursuing foreign language proficiency

(a) INCENTIVE PAY.—The Secretary of Defense may pay incentive pay under this section to an individual who—

(1) is enrolled as a member of the Senior Reserve Officers’ Training Corps or the Marine Corps Platoon Leaders Class, as determined in accordance with regulations prescribed by the Secretary of Defense under subsection (e); and

(2) participates in a language immersion program approved for purposes of the Senior Reserve Officers’ Training Corps, or in study abroad, or is enrolled in an academic course that involves instruction in a foreign language of strategic interest to the Department of Defense as designated by the Secretary of Defense for purposes of this section.

(b) PERIOD OF PAYMENT.—Incentive pay is payable under this section to an individual described in subsection (a) for the period of the individual’s participation in the language program or study described in paragraph (2) of that subsection.

(c) AMOUNT.—The amount of incentive pay payable to an individual under this section may not exceed \$3,000 per year.

(d) REPAYMENT.—An individual who is paid incentive pay under this section but who does not satisfactorily complete participation in the individual’s language program or study as described in subsection (a)(2), or who does not complete the requirements of the Senior Reserve Officers’ Training Corps or the Marine Corps Platoon Leaders Class, as applicable, shall

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

(e) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense.

(f) TERMINATION OF AUTHORITY.—No incentive pay may be paid under this section after December 31, 2016.

(Added Pub. L. 110-417, [div. A], title VI, § 619(b)(1), Oct. 14, 2008, 122 Stat. 4488; amended Pub. L. 112-81, div. A, title X, § 1065(b), Dec. 31, 2011, 125 Stat. 1588; Pub. L. 113-66, div. A, title VI, § 616, Dec. 26, 2013, 127 Stat. 781; Pub. L. 113-291, div. A, title VI, § 615(5), Dec. 19, 2014, 128 Stat. 3401; Pub. L. 114-92, div. A, title VI, § 615(5), title X, § 1072(a), Nov. 25, 2015, 129 Stat. 839, 994.)

PRIOR PROVISIONS

A prior section 316a, added Pub. L. 102-190, div. A, title VI, § 636(a), Dec. 5, 1991, 105 Stat. 1382, related to waiver of certification requirement, prior to repeal by Pub. L. 108-375, div. A, title VI, § 620(b)(1), Oct. 28, 2004, 118 Stat. 1954.

AMENDMENTS

2015—Subsec. (f). Pub. L. 114-92, § 1072(a), redesignated subsec. (g) as (f) and struck out former subsec. (f) which related to annual reports on the payment of incentive pay under this section.

Subsec. (g). Pub. L. 114-92, § 1072(a)(2), redesignated subsec. (g) as (f).

Pub. L. 114-92, § 615(5), 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”.

2011—Subsec. (f). Pub. L. 112-81 substituted “April 1, 2012” for “January 1, 2010” in introductory provisions.

§ 317. Special pay: officers in critical acquisition positions extending period of active duty

(a) BONUS AUTHORIZED.—An officer described in subsection (b) who executes a written agreement to remain on active duty in a critical acquisition position for at least one year may, upon the acceptance of the agreement by the Secretary concerned, be paid a retention bonus as provided in this section.

(b) COVERED OFFICERS.—An officer referred to in subsection (a) is an officer of the Army, Navy, Air Force, or Marine Corps who—

(1) is a member of an Acquisition Corps selected to serve in, or serving in, a critical acquisition position designated under section 1733 of title 10; and

(2) is eligible to retire, or is assigned to such position for a period that will extend beyond the date on which the officer will be eligible to retire, under any provision of law.

(c) AMOUNT OF BONUS.—The amount of a bonus paid under this section for each year a member agrees to remain on active duty may not be more than 15 percent of the annual rate of basic pay paid to the member at the time the member executes a written agreement under this section.

(d) PAYMENT OF BONUS.—Upon the acceptance of a written agreement under subsection (a) by the Secretary concerned, the total amount payable pursuant to the agreement becomes fixed