

29, 1992, 106 Stat. 4544; Pub. L. 105-244, title IX, § 901(d), Oct. 7, 1998, 112 Stat. 1828; Pub. L. 110-315, title IX, § 941(k)(2)(I)(ii), Aug. 14, 2008, 122 Stat. 3467.)

REFERENCES IN TEXT

Section 1058 of title 20, referred to in subsec. (e)(3), was amended by Pub. L. 105-244, title III, § 303(b)(1), Oct. 7, 1998, 112 Stat. 1639, which redesignated subsecs. (d) and (e) as (e) and (f), respectively.

AMENDMENTS

2008—Subsec. (e)(1)(A). Pub. L. 110-315, § 941(k)(2)(I)(ii)(I), substituted “a junior or community college that is a tribally controlled college or university” for “a tribally controlled community college”.

Subsec. (e)(2). Pub. L. 110-315, § 941(k)(2)(I)(ii)(II), added par. (2) and struck out former par. (2) which read as follows: “The term ‘tribally controlled community college’ has the meaning given to such term by section 1801(4) of this title.”

1998—Subsec. (e)(2). Pub. L. 105-244 made technical amendment to reference in original act which appears in text as reference to section 1801(4) of this title.

1992—Subsec. (f). Pub. L. 102-573 struck out subsec. (f) which authorized appropriations for fiscal years 1990 to 1992.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of Title 20, Education.

§ 1616i. Additional incentives for health professionals

(a) Incentive special pay

The Secretary may provide the incentive special pay authorized under section 302(b) or 335(b) of title 37 to civilian medical officers of the Indian Health Service who are assigned to, and serving in, positions included in the list established under subsection (b)(1) for which recruitment or retention of personnel is difficult.

(b) List of positions; bonus pay

(1) The Secretary shall establish and update on an annual basis a list of positions of health care professionals employed by, or assigned to, the Service for which recruitment or retention is difficult.

(2)(A) The Secretary may pay a bonus to any commissioned officer or civil service employee, other than a commissioned medical officer, dental officer, optometrist, and veterinarian, who is employed in or assigned to, and serving in, a position in the Service included in the list established by the Secretary under paragraph (1).

(B) The total amount of bonus payments made by the Secretary under this paragraph to any employee during any 1-year period shall not exceed \$2,000.

(c) Work schedules

The Secretary may establish programs to allow the use of flexible work schedules, and compressed work schedules, in accordance with the provisions of subchapter II of chapter 61 of title 5, for health professionals employed by, or assigned to, the Service.

(Pub. L. 94-437, title I, § 116, as added Pub. L. 100-713, title I, § 109, Nov. 23, 1988, 102 Stat. 4798; amended Pub. L. 102-573, title I, § 117(b)(8), title

IX, § 901(1), Oct. 29, 1992, 106 Stat. 4544, 4590; Pub. L. 115-91, div. A, title VI, § 618(f), Dec. 12, 2017, 131 Stat. 1427.)

AMENDMENTS

2017—Subsec. (a). Pub. L. 115-91 inserted “or 335(b)” after “section 302(b)”.

1992—Subsec. (d). Pub. L. 102-573, § 901(1), struck out subsec. (d) which required a report to Congress by the Secretary no later than 6 months after Nov. 23, 1988, relating to overtime pay for individuals employed by the Service.

Subsec. (e). Pub. L. 102-573, § 117(b)(8), struck out subsec. (e) which authorized appropriations for fiscal years 1990 to 1992.

§ 1616j. Retention bonus

(a) Eligibility

The Secretary may pay a retention bonus to any physician or nurse employed by, or assigned to, and serving in, the Service either as a civilian employee or as a commissioned officer in the Regular or Reserve Corps of the Public Health Service who—

(1) is assigned to, and serving in, a position included in the list established under section 1616i(b)(1) of this title for which recruitment or retention of personnel is difficult,

(2) the Secretary determines is needed by the Service,

(3) has—

(A) completed 3 years of employment with the Service, or

(B) completed any service obligations incurred as a requirement of—

(i) any Federal scholarship program, or

(ii) any Federal education loan repayment program, and

(4) enters into an agreement with the Service for continued employment for a period of not less than 1 year.

(b) Minimum award percentage to nurses

Beginning with fiscal year 1993, not less than 25 percent of the retention bonuses awarded each year under subsection (a) shall be awarded to nurses.

(c) Rates; maximum rate

The Secretary may establish rates for the retention bonus which shall provide for a higher annual rate for multiyear agreements than for single year agreements referred to in subsection (a)(4), but in no event shall the annual rate be more than \$25,000 per annum.

(d) Time of payment

The retention bonus for the entire period covered by the agreement described in subsection (a)(4) shall be paid at the beginning of the agreed upon term of service.

(e) Refund; interest

Any physician or nurse failing to complete the agreed upon term of service, except where such failure is through no fault of the individual, shall be obligated to refund to the Government the full amount of the retention bonus for the period covered by the agreement, plus interest as determined by the Secretary in accordance with section 1616a(l)(2)(B) of this title.

(f) Physicians and nurses employed under Indian Self-Determination Act

The Secretary may pay a retention bonus to any physician or nurse employed by an organiza-