

cation referred to in subparagraph (D) of that paragraph.

(b) ELIGIBLE MEMBER DESCRIBED.—A member of the armed forces referred to in subsection (a) is a member who meets the requirement referred to in section 316(a)(3) of this title.

(c) PERIOD FOR CERTIFICATION.—The period referred to in subparagraph (D) of subsection (a)(1) with respect to a member of the armed forces is the 180-day period beginning on the date on which the member was released from the duty referred to in that subsection. The Secretary concerned may extend that period for a member in accordance with regulations prescribed by the Secretary of Defense.

(Added Pub. L. 102-190, div. A, title VI, § 636(a), Dec. 5, 1991, 105 Stat. 1382.)

#### OPERATION DESERT STORM DUTY ASSIGNMENT

Pub. L. 102-25, title III, § 306, Apr. 6, 1991, 105 Stat. 82, provided that:

“(a) CERTIFICATION INTERRUPTED BY OPERATION DESERT STORM.—A member of the Armed Forces described in subsection (b) who obtains a certification of foreign language proficiency before the end of the period established for the member in subsection (c) shall be paid foreign language proficiency pay under section 316 of title 37, United States Code, for active duty performed after August 2, 1990, and before the date of that certification if the Secretary of Defense determines that the member was unable to schedule or complete that certification earlier because of a duty assignment in connection with Operation Desert Storm.

“(b) ELIGIBLE MEMBERS DESCRIBED.—A member of the Armed Forces referred to in subsection (a) is a member on active duty who, except for subsection (a)(2) of that section, was otherwise eligible for special pay under that section during the duty assignment in connection with Operation Desert Storm.

“(c) PERIOD FOR CERTIFICATION.—The period referred to in subsection (a) for completion of certification of foreign language proficiency with respect to a member of the Armed Forces is the 180-day period (extended for such additional time as the Secretary of Defense determines to be appropriate) beginning on the date that the member is released from the duty to which the member was assigned in connection with Operation Desert Storm.”

#### § 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 and may be paid by the Secretary in either a lump sum or installments.

(e) ADDITIONAL PAY.—A bonus paid under this section is in addition to other pay and allowances to which an officer is entitled.

(f) REPAYMENT OF BONUS.—(1) If an officer who has entered into a written agreement under subsection (a) and who has received all or part of a bonus under this section fails to complete the total period of active duty specified in the agreement, the Secretary concerned may require the officer to repay the United States, on a pro rata basis and to the extent that the Secretary determines conditions and circumstances warrant, all sums paid under this section.

(2) An obligation to repay 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 a written agreement entered into under subsection (a) does not discharge the officer signing the agreement from a debt arising under such agreement or under paragraph (1). This paragraph applies to any case commenced under title 11 after January 1, 1991.

(g) PERIOD OF COMMITMENT.—The period of active duty agreed upon by an officer in a written agreement under this section is in addition to any other service commitment of the officer, except that any period of active duty agreed upon in a written agreement under subsection (a)(2) or (b)(2) of section 1734 of title 10 by the officer may be counted concurrently with the commitment under this section.

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

(Added Pub. L. 101-510, div. A, title XII, § 1203(a)(1), Nov. 5, 1990, 104 Stat. 1656.)

#### EFFECTIVE DATE

Section 1203(b) of Pub. L. 101-510 provided that: “Section 317 of title 37, United States Code, as added by subsection (a), shall take effect as of October 1, 1991.”

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 section 1762.

#### CHAPTER 7—ALLOWANCES

Sec.	
401.	Definitions.
402.	Basic allowance for subsistence.
403.	Basic allowance for housing.
[403a.	Repealed.]
403b.	Cost-of-living allowance in the continental United States.
404.	Travel and transportation allowances: general.
404a.	Travel and transportation allowances: temporary lodging expenses.

Sec.		427.	Family separation allowance.
405.	Travel and transportation allowances: per diem while on duty outside the United States or in Hawaii or Alaska.	428.	Allowance for recruiting expenses.
405a.	Travel and transportation allowances: departure allowances.	429.	Travel and transportation allowances: minor dependent schooling.
406.	Travel and transportation allowances: dependents; baggage and household effects.	430.	Travel and transportation: dependent children of members stationed overseas.
406a.	Travel and transportation allowances: authorized for travel performed under orders that are canceled, revoked, or modified.	431.	Benefits for certain members assigned to the Defense Intelligence Agency.
406b.	Travel and transportation allowances: members of the uniformed services attached to a ship overhauling or inactivating.	432.	Travel and transportation: members escorting certain dependents.
406c.	Travel and transportation allowances: members assigned to a vessel under construction.	433.	Allowance for muster duty.
407.	Travel and transportation allowances: dislocation allowances. <sup>1</sup>	434.	Subsistence reimbursement relating to escorts of foreign arms control inspection teams.
408.	Travel and transportation allowances: travel within limits of duty station.		
409.	Travel and transportation allowances: house trailers and mobile homes.		
410.	Travel and transportation allowances: miscellaneous categories.		
411.	Travel and transportation allowances: administrative provisions.		
411a.	Travel and transportation allowances: travel performed in connection with convalescent leave.		
411b.	Travel and transportation allowances: travel performed in connection with leave between consecutive overseas tours.		
411c.	Travel and transportation allowances: travel performed in connection with leave from certain stations in foreign countries.		
411d.	Travel and transportation allowances: transportation incident to personal emergencies for certain members and dependents.		
411e.	Travel and transportation allowances: transportation incident to certain emergencies for members performing temporary duty.		
411f.	Travel and transportation allowances: transportation for survivors of deceased member to attend the member's burial ceremonies.		
411g.	Travel and transportation allowances: transportation incident to voluntary extensions of overseas tours of duty.		
411h.	Travel and transportation allowances: transportation of family members incident to the serious illness or injury of members.		
412.	Appropriations for travel: may not be used for attendance at certain meetings.		
413.	Chairman and Vice Chairman of the Joint Chiefs of Staff.		
414.	Personal money allowance.		
415.	Uniform allowance: officers; initial allowance.		
416.	Uniform allowance: officers; additional allowances.		
417.	Uniform allowance: officers; general provisions.		
418.	Clothing allowance: enlisted members.		
419.	Civilian clothing allowance.		
420.	Allowances while participating in international sports.		
421.	Allowances: no increase while dependent is entitled to basic pay.		
422.	Cadets and midshipmen.		
423.	Validity of allowance payments based on purported marriages.		
424.	Band leaders.		
425.	United States Navy Band; United States Marine Band: allowances while on concert tour. <sup>1</sup>		
[426.	Repealed.]		

## AMENDMENTS

1997—Pub. L. 105-85, div. A, title VI, §603(c)(4), Nov. 18, 1997, 111 Stat. 1782, substituted "housing" for "quarters" in item 403 and struck out item 403a "Variable housing allowance".

1994—Pub. L. 103-337, div. A, title VI, §602(a)(2), Oct. 5, 1994, 108 Stat. 2781, added item 403b.

1992—Pub. L. 102-484, div. A, title VI, §623(a)(2), Oct. 23, 1992, 106 Stat. 2423, added item 434.

1990—Pub. L. 101-510, div. A, title V, §504(a)(1), title XIV, §1484(f)(1), Nov. 5, 1990, 104 Stat. 1559, 1717, revised chapter heading so as to appear in all capital letters and renumbered Pub. L. 95-561, §1407(c)(1)(B). See 1978 Amendment note below.

1989—Pub. L. 101-189, div. A, title V, §502(b)(2), title VI, §624(a)(2), Nov. 29, 1989, 103 Stat. 1437, 1448, added items 406c and 433.

1987—Pub. L. 100-180, div. A, title VI, §§611(a)(2), 614(a)(2), (d)(3), 615(a)(2), title XIII, §1314(c)(2), Dec. 4, 1987, 101 Stat. 1093-1096, 1176, substituted "leave between consecutive overseas tours" for "certain leave" in item 411b, added items 411g and 411h, inserted "and Vice Chairman" in item 413, added item 419, and redesignated former items 419 and 420 as 420 and 421, respectively.

Pub. L. 100-26, §8(b)(1), Apr. 21, 1987, 101 Stat. 285, redesignated item 431 "Travel and transportation: members escorting certain dependents" as item 432.

1986—Pub. L. 99-661, div. A, title VI, §615(a)(2), Nov. 14, 1986, 100 Stat. 3880, added item 431 "Travel and transportation: members escorting certain dependents".

1985—Pub. L. 99-145, title VI, §§616(c)(2), 620(a)(2), title XIII, §§1302(b)(2), 1303(b)(7), Nov. 8, 1985, 99 Stat. 641, 643, 738, 740, substituted "allowances:" for "allowances;" in item 404 and "departure" for "evacuation" in item 405a, struck out "away from home port" after "inactivating" in item 406b, added item 411f, substituted "allowances" for "allowance" in item 425, and added item 431 "Benefits for certain members assigned to the Defense Intelligence Agency".

1984—Pub. L. 98-525, title VI, §§602(d)(2), 612(a)(2), Oct. 19, 1984, 98 Stat. 2536, 2539, struck out "variable housing allowance" after "Basic allowance for quarters" in item 403, and added item 403a, and substituted "personal emergencies for certain members and dependents" for "certain emergencies for members performing temporary duty" in item 411d.

1983—Pub. L. 98-94, title IX, §§910(a)(2), 932(e)(2), Sept. 24, 1983, 97 Stat. 639, 650, struck out item 421 "Contract surgeons" and added item 430.

1981—Pub. L. 97-60, title I, §§122(a)(2), 126(b), Oct. 14, 1981, 95 Stat. 1003, 1005, added items 404a, 411c, 411d, and 411e.

Pub. L. 97-22, §11(b)(3)(B), July 10, 1981, 95 Stat. 138, substituted "uniformed services" for "Uniformed Services" in item 406b.

1980—Pub. L. 96-343, §4(a)(3), Sept. 8, 1980, 94 Stat. 1125, substituted "for quarters; variable housing allowance" for "for quarters" in item 403.

Pub. L. 96-342, title VIII, §808(a)(2), Sept. 8, 1980, 94 Stat. 1097, substituted "house trailers and mobile homes" for "trailers" in item 409.

<sup>1</sup> So in original. Does not conform to section catchline.