

109TH CONGRESS
1ST SESSION

H. R. 1371

To amend title 37, United States Code, to ensure equal treatment for members of reserve components who perform inactive-duty training in determining their entitlement for hazardous duty pay, aviation incentive pay, diving duty special pay, and foreign language proficiency pay.

IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 2005

Mrs. CAPITO introduced the following bill; which was referred to the
Committee on Armed Services

A BILL

To amend title 37, United States Code, to ensure equal treatment for members of reserve components who perform inactive-duty training in determining their entitlement for hazardous duty pay, aviation incentive pay, diving duty special pay, and foreign language proficiency pay.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. EQUAL TREATMENT OF RESERVE COMPONENT**
2 **MEMBERS PERFORMING INACTIVE-DUTY**
3 **TRAINING FOR RECEIPT OF VARIOUS SPE-**
4 **CIAL PAYS.**

5 (a) **HAZARDOUS DUTY INCENTIVE PAY.**—Section
6 301 of title 37, United States Code, is amended—

7 (1) in subsection (a), by inserting after “basic
8 pay” in the first sentence the following: “under sec-
9 tion 204 of this title or compensation under section
10 206 of this title”; and

11 (2) by striking subsection (f).

12 (b) **OFFICER AVIATION CAREER INCENTIVE PAY.**—
13 Section 301a of such title is amended—

14 (1) in subsection (a)(1), by inserting after
15 “basic pay” the following: “under section 204 of this
16 title or compensation under section 206 of this
17 title”;

18 (2) by striking subsection (d); and

19 (3) by redesignating subsection (f) as sub-
20 section (d).

21 (c) **DIVING DUTY SPECIAL PAY.**—Section 304 of
22 such title is amended by striking subsections (d) and (e).

23 (d) **FOREIGN LANGUAGE PROFICIENCY PAY.**—Sec-
24 tion 316 of such title is amended—

1 (1) in subsection (a), by inserting “or com-
2 pensation under section 206 of this title” after “of
3 this title”;

4 (2) by striking subsections (b) and (g);

5 (3) in subsection (c), by striking the first sen-
6 tence and inserting the following new sentence: “To
7 be eligible to receive special pay under this section,
8 a member described in subsection (a) must be cer-
9 tified by the Secretary concerned as being proficient
10 in the foreign language for which the special pay is
11 offered.”;

12 (4) in subsection (d), by striking “(1)” and
13 paragraph (2);

14 (5) by striking subsection (e) and inserting the
15 following new subsection:

16 “(e) RELATIONSHIP TO OTHER PAY OR ALLOW-
17 ANCE.—Special pay under this section is in addition to
18 any other pay or allowance payable to a member under
19 any other provision of law.”; and

20 (6) in subsection (f)—

21 (A) in paragraph (1), by striking “or a
22 bonus” in the matter preceding subparagraph
23 (A);

1 (B) in paragraph (1)(C), by striking “or a
2 bonus under subsection (b), whichever applies
3 to the member”;

4 (C) by striking paragraphs (2) and (4);
5 and

6 (D) by redesignating paragraph (3) as
7 paragraph (2), and in such paragraph, by strik-
8 ing “or a bonus” and “or bonus”.

9 (e) CAREER ENLISTED FLYERS INCENTIVE PAY.—
10 Section 320 of such title is amended—

11 (1) in subsection (a)(1), by striking “, or is en-
12 titled to pay under section 206 of this title as de-
13 scribed in subsection (e) of this section” and insert-
14 ing “or compensation under section 206 of this
15 title”;

16 (2) by striking subsection (e); and

17 (3) by redesignating subsections (f), (g), (h),
18 and (i) as subsections (e), (f), (g), and (h), respec-
19 tively.

20 (f) CLERICAL AMENDMENTS.—

21 (1) SECTION HEADING.—The heading of section
22 316 of such title is amended to read as follows:

1 **“§ 316. Special pay for members with foreign lan-**
2 **guage proficiency”.**

3 (2) TABLE OF SECTIONS.—The table of sections
4 at the beginning of chapter 5 of such title is amend-
5 ed by striking the item relating to section 316 and
6 inserting the following new item:

“316. Special pay for members with foreign language proficiency.”.

7 (g) EFFECTIVE DATE.—The amendments made by
8 this section shall take effect on October 1, 2005, and apply
9 to duty described in sections 301, 301a, 304, 316, and
10 320 of such title performed on or after that date.

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