

The National Voter Registration Act of 1993, referred to in subsec. (e), is Pub. L. 103-31, May 20, 1993, 107 Stat. 77, which is classified principally to subchapter I-H (§1973gg et seq.) of chapter 20 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1971 of Title 42 and Tables.

AMENDMENTS

2011—Subsec. (a)(1). Pub. L. 111-383 inserted closing parenthesis before period at end.

§ 1567. Duration of military protective orders

A military protective order issued by a military commander shall remain in effect until such time as the military commander terminates the order or issues a replacement order.

(Added Pub. L. 110-417, [div. A], title V, §561(a), Oct. 14, 2008, 122 Stat. 4470; amended Pub. L. 111-84, div. A, title X, §1073(a)(16), Oct. 28, 2009, 123 Stat. 2473.)

AMENDMENTS

2009—Pub. L. 111-84 made technical amendment to section catchline.

§ 1567a. Mandatory notification of issuance of military protective order to civilian law enforcement

(a) INITIAL NOTIFICATION.—In the event a military protective order is issued against a member of the armed forces and any individual involved in the order does not reside on a military installation at any time during the duration of the military protective order, the commander of the military installation shall notify the appropriate civilian authorities of—

- (1) the issuance of the protective order; and
- (2) the individuals involved in the order.

(b) NOTIFICATION OF CHANGES OR TERMINATION.—The commander of the military installation also shall notify the appropriate civilian authorities of—

- (1) any change made in a protective order covered by subsection (a); and
- (2) the termination of the protective order.

(Added Pub. L. 110-417, [div. A], title V, §562(a), Oct. 14, 2008, 122 Stat. 4470; amended Pub. L. 111-84, div. A, title X, §1073(a)(17), Oct. 28, 2009, 123 Stat. 2473.)

AMENDMENTS

2009—Pub. L. 111-84 made technical amendment to section catchline.

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AMENDMENTS

2008—Pub. L. 110-181, div. A, title XVI, §1636(b), Jan. 28, 2008, 122 Stat. 464, added item 1599c and struck out former item 1599c "Appointment in excepted service of certain health care professionals".

2004—Pub. L. 108-375, div. A, title XI, §1104(b), Oct. 28, 2004, 118 Stat. 2074, added item 1587a.

Pub. L. 108-375, div. A, title X, §1084(g), Oct. 28, 2004, 118 Stat. 2064, amended directory language of Pub. L. 107-314, §1064(a)(2), effective Dec. 2, 2002, as if included in Pub. L. 107-314 as enacted. See 2002 Amendment note below.

2002—Pub. L. 107-314, div. A, title XI, §1104(a)(2), Dec. 2, 2002, 116 Stat. 2661, added item 1599d.

Pub. L. 107-314, div. A, title X, §1064(a)(2), Dec. 2, 2002, 116 Stat. 2654, as amended by Pub. L. 108-375, div. A, title X, §1084(g), Oct. 28, 2004, 118 Stat. 2064, added item 1596b.

2001—Pub. L. 107-107, div. A, title XI, §1104(b), Dec. 28, 2001, 115 Stat. 1238, added item 1599c.

2000—Pub. L. 106-398, §1 [[div. A], title VII, §751(c)(2), title XI, §§1102(b), 1131(c)], Oct. 30, 2000, 114 Stat. 1654, 1654A-194, 1654A-311, 1654A-317, added items 1580a, 1582, 1596, and 1596a and struck out former item 1596 "Foreign language proficiency: special pay".

1999—Pub. L. 106-65, div. A, title XI, §1103(b)(2), Oct. 5, 1999, 113 Stat. 777, added item 1580.

1998—Pub. L. 105-339, §6(c)(1)(B), Oct. 31, 1998, 112 Stat. 3188, struck out item 1599c "Veterans' preference requirements: Department of Defense failure to comply treated as a prohibited personnel practice".

1997—Pub. L. 105-85, div. A, title V, §593(b)(2), title X, §1071(b), Nov. 18, 1997, 111 Stat. 1764, 1898, added items 1585a and 1589.

1996—Pub. L. 104–201, div. A, title X, §1074(a)(7), title XVI, §§1604(b), 1614(b)(2), 1615(a)(2), 1633(c)(2), Sept. 23, 1996, 110 Stat. 2659, 2736, 2739, 2741, 2751, struck out items 1589 “Prohibition on payment of lodging expenses when adequate Government quarters are available”, 1590 “Management of civilian intelligence personnel of the military departments”, and 1599 “Postemployment assistance: certain terminated intelligence employees”, struck out “Sec.” at beginning of item 1599a, and added items 1599b and 1599c.

Pub. L. 104–106, div. A, title X, §1040(d)(2), Feb. 10, 1996, 110 Stat. 433, inserted “: reprisals” after “instrumentalities” in item 1587.

Pub. L. 104–93, title V, §505(b), Jan. 6, 1996, 109 Stat. 974, added item 1599a.

1994—Pub. L. 103–359, title VIII, §806(a)(2), Oct. 14, 1994, 108 Stat. 3442, added item 1599.

1993—Pub. L. 103–160, div. A, title IX, §923(a)(2), Nov. 30, 1993, 107 Stat. 1731, substituted “Civilian faculty members at certain Department of Defense schools: employment and compensation” for “National Defense University; Foreign Language Center of the Defense Language Institute: civilian faculty members” in item 1595.

1992—Pub. L. 102–484, div. A, title III, §371(b), title IX, §923(a)(2)(B), div. D, title XLIV, §4442(b), Oct. 23, 1992, 106 Stat. 2384, 2474, 2732, substituted “University; Foreign Language Center of the Defense Language Institute” for “University:” in item 1595, substituted “Civilian positions: guidelines for reductions” for “Employees of industrial-type or commercial-type activities: guidelines for future reductions” in item 1597, and added item 1598.

1991—Pub. L. 102–190, div. A, title X, §1003(a)(2), Dec. 5, 1991, 105 Stat. 1456, added item 1581.

Pub. L. 102–25, title VII, §701(e)(4), (8)(B), Apr. 6, 1991, 105 Stat. 114, 115, substituted “Employment of non-citizens” for “Laws relating to employment of non-citizens: not applicable to research and development activities” in item 1584 and struck out “mandatory” after “error in” in item 1594.

1990—Pub. L. 101–510, div. A, title III, §322(a)(2), title XIV, §1484(a), Nov. 5, 1990, 104 Stat. 1529, 1715, redesignated item 1592 “Foreign language proficiency: special pay” as item 1596 and added item 1597.

1989—Pub. L. 101–193, title V, §501(a)(2), Nov. 30, 1989, 103 Stat. 1708, added item 1592 “Foreign language proficiency: special pay”.

Pub. L. 101–189, div. A, title III, §§311(b)(2), 336(a)(2), title VI, §664(b)(2), title XI, §1124(a)(2), Nov. 29, 1989, 103 Stat. 1412, 1419, 1467, 1558, added item 1592 “Prohibition on payment of severance pay to foreign nationals in the event of certain overseas base closures.”, and items 1593 to 1595.

1987—Pub. L. 100–180, div. A, title VI, §617(b)(2), Dec. 4, 1987, 101 Stat. 1097, added item 1591.

1986—Pub. L. 99–569, title V, §504(b), Oct. 27, 1986, 100 Stat. 3199, added item 1590.

1984—Pub. L. 98–525, title XIV, §1401(f)(2), Oct. 19, 1984, 98 Stat. 2618, added item 1589.

1983—Pub. L. 98–94, title XII, §§1253(a)(2), 1266(b), Sept. 24, 1983, 97 Stat. 700, 705, added items 1587 and 1588.

1982—Pub. L. 97–295, §1(19)(B), (20)(C), Oct. 12, 1982, 96 Stat. 1290, struck out items 1581 “Appointment: professional and scientific services” and 1582 “Professional and scientific services: reports to Congress on appointments”, and substituted “pay” for “compensation” in item 1583.

1966—Pub. L. 89–718, §13, Nov. 2, 1966, 80 Stat. 1117, struck out item 1580 “Appointment generally”.

1962—Pub. L. 87–651, title II, §206(b), Sept. 7, 1962, 76 Stat. 520, added item 1580.

1960—Pub. L. 86–585, §2, July 5, 1960, 74 Stat. 327, added item 1586.

1958—Pub. L. 85–577, §1(2), July 31, 1958, 72 Stat. 456, added item 1585.

AVAILABILITY OF FUNDS FOR COMPENSATION OF CERTAIN CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE

Pub. L. 111–84, div. A, title XI, §1111, Oct. 28, 2009, 123 Stat. 2495, as amended by Pub. L. 111–383, div. A, title X, §1075(d)(16), Jan. 7, 2011, 124 Stat. 4373, provided that:

“(a) AVAILABILITY OF FUNDS.—Funds authorized to be appropriated for the Department of Defense that are available for the purchase of contract services to meet a requirement that is anticipated to continue for five years or more shall be available to provide compensation for civilian employees of the Department to meet the same requirement.

“(b) REGULATIONS.—Not later than 120 days after the date of the enactment of this Act [Oct. 28, 2009], the Secretary of Defense shall prescribe regulations implementing the authority in subsection (a). Such regulations—

“(1) shall ensure that the authority in subsection (a) is utilized to build government capabilities that are needed to perform inherently governmental functions, functions closely associated with inherently governmental functions, and other critical functions;

“(2) shall include a mechanism to ensure that follow-on funding to provide compensation for civilian employees of the Department to perform functions described in paragraph (1) is provided from appropriate accounts; and

“(3) may establish additional criteria and levels of approval within the Department for the utilization of funds to provide compensation for civilian employees of the Department pursuant to subsection (a).

“(c) ANNUAL REPORT.—Not later than 60 days after the end of each fiscal year for which the authority in subsection (a) is in effect, the Secretary shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report on the use of such authority. Each report shall cover the preceding fiscal year and shall identify, at a minimum, the following:

“(1) The amount of funds used under the authority in subsection (a) to provide compensation for civilian employees.

“(2) The source or sources of the funds so used.

“(3) The number of civilian employees employed through the use of such funds.

“(4) The actions taken by the Secretary to ensure that follow-on funding for such civilian employees is provided through appropriate accounts.

“(d) TEMPORARY AUTHORITY.—The authority in subsection (a) shall apply to funds authorized to be appropriated for the Department of Defense for fiscal years 2010 through 2019.”

DEPARTMENT OF DEFENSE CIVILIAN LEADERSHIP PROGRAM

Pub. L. 111–84, div. A, title XI, §1112, Oct. 28, 2009, 123 Stat. 2496, provided that:

“(a) LEADERSHIP PROGRAM REQUIRED.—

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [Oct. 28, 2009], the Secretary of Defense shall establish a program of leadership recruitment and development for civilian employees of the Department of Defense, to be known as the ‘Department of Defense Civilian Leadership Program’ (in this section referred to as the ‘program’).

“(2) OBJECTIVES.—The objectives of the program shall be as follows:

“(A) To develop a new generation of civilian leaders for the Department of Defense.

“(B) To recruit individuals with the academic merit, work experience, and demonstrated leadership skills to meet the future needs of the Department.

“(C) To offer rapid advancement, competitive compensation, and leadership opportunities to highly qualified civilian employees of the Department.

“(3) AVAILABLE AUTHORITIES.—In carrying out the program, the Secretary may exercise any authority available to the Office of Personnel Management under section 4703 of title 5, United States Code, except that the Secretary shall not be bound by the limitations in subsection (d) of such section. Nothing in this section shall be construed to authorize the waiver of any part of chapter 71 of title 5, United States Code, or any regulation implementing such chapter, in the carrying out of the program.

“(b) ELIGIBLE INDIVIDUALS.—

“(1) IN GENERAL.—The following individuals shall be eligible to participate in the program:

“(A) Current employees of the Department of Defense.

“(B) Appropriate individuals in the private sector.

“(2) LIMITATION ON NUMBER OF PARTICIPANTS IN PROGRAM.—The total number of individuals who may participate in the program in any fiscal year may not exceed 5,000.

“(3) LIMITATION ON PERIOD OF PARTICIPATION IN PROGRAM.—The maximum period of time that an individual may participate in the program is three years.

“(c) ELEMENTS OF PROGRAM.—

“(1) COMPETITIVE ENTRY.—The selection of individuals for entry into the program shall be made on the basis of a competition conducted at least twice each year. In each competition, participants in the program shall be selected from among applicants determined by the Secretary to be the most highly qualified in terms of academic merit, work experience, and demonstrated leadership skills. Each competition shall provide for entry-level participants and mid-career participants in the program.

“(2) ALLOCATION OF POSITIONS.—The Secretary shall allocate positions in the program among the components of the Department of Defense that—

“(A) offer the most challenging assignments;

“(B) provide the greatest level of responsibility; and

“(C) demonstrate the greatest need for participants in the program.

“(3) ASSIGNMENTS TO POSITIONS.—Participants in the program shall be assigned to components of the Department that best match their skills and qualifications. Participants in the program may be rotated among components of the Department of Defense at the discretion of the Secretary.

“(4) INITIAL COMPENSATION.—The initial compensation of participants in the program shall be determined by the Secretary based on the qualifications of such participants and applicable market conditions.

“(5) EDUCATION AND TRAINING.—The Secretary shall provide participants in the program with training, mentoring, and educational opportunities that are appropriate to facilitate the development of such participants into effective civilian leaders for the Department of Defense.

“(6) OBJECTIVE, MERIT-BASED PRINCIPLES FOR PERSONNEL DECISIONS.—The Secretary shall make personnel decisions under the program in accordance with such objective, merit-based criteria as the Secretary shall prescribe in regulations for purposes of the program. Such criteria shall include, but not be limited to, criteria applicable to the following:

“(A) The selection of individuals for entry into the program.

“(B) The assignment of participants in the program to positions in the Department of Defense.

“(C) The initial compensation of participants in the program.

“(D) The access of participants in the program to training, mentoring, and educational opportunities under the program.

“(E) The consideration of participants in the program for selection into the senior management,

functional, and technical workforce of the Department.

“(7) CONSIDERATION FOR SENIOR MANAGEMENT, FUNCTIONAL, AND TECHNICAL WORKFORCE.—Any participant in the program who, as determined by the Secretary, demonstrates outstanding performance shall be afforded priority in consideration for selection into the appropriate element of the senior management, functional, and technical workforce of the Department of Defense (as defined in section 115b(f) of title 10, United States Code).”

DIRECT HIRE AUTHORITY AT PERSONNEL DEMONSTRATION LABORATORIES FOR CERTAIN CANDIDATES

Pub. L. 110-417, [div. A], title XI, §1108, Oct. 14, 2008, 122 Stat. 4618, as amended by Pub. L. 111-383, div. A, title XI, §1101(a), Jan. 7, 2011, 124 Stat. 4381, provided that:

“(a) AUTHORITY.—The Secretary of Defense may appoint qualified candidates possessing an advanced degree to positions described in subsection (b) without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of such title.

“(b) APPLICABILITY.—This section applies with respect to candidates for scientific and engineering positions within any laboratory designated by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2486; 10 U.S.C. 2358 note) as a Department of Defense science and technology reinvention laboratory.

“(c) LIMITATION.—(1) Authority under this section may not, in any calendar year and with respect to any laboratory, be exercised with respect to a number of candidates greater than the number equal to 5 percent of the total number of scientific and engineering positions within such laboratory that are filled as of the close of the fiscal year last ending before the start of such calendar year.

“(2) For purposes of this subsection, positions and candidates shall be counted on a full-time equivalent basis.

“(d) EMPLOYEE DEFINED.—As used in this section, the term ‘employee’ has the meaning given such term by section 2105 of title 5, United States Code.

“(e) TERMINATION.—The authority to make appointments under this section shall not be available after December 31, 2013.”

[Amendment by section 1101(a)(1) of Pub. L. 111-383 to section 1108(b) of Pub. L. 110-417, set out above, effective Oct. 28, 2009, and amendment by section 1101(a)(2) of Pub. L. 111-383 to section 1108(c) of Pub. L. 110-417, set out above, effective Jan. 7, 2011, see section 1101(d) of Pub. L. 111-383, set out as an Effective Date of 2011 Amendment note under section 9902 of Title 5, Government Organization and Employees.]

EMPLOYMENT FOR RESETTLED IRAQIS

Pub. L. 110-417, [div. A], title XII, §1235, Oct. 14, 2008, 122 Stat. 4641, provided that:

“(a) IN GENERAL.—The Secretary of Defense and the Secretary of State are authorized to jointly establish and operate a temporary program to offer employment as translators, interpreters, or cultural awareness instructors to individuals described in subsection (b). Individuals described in such subsection may be appointed to temporary positions of one year or less outside Iraq with either the Department of Defense or the Department of State, without competition and without regard for the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code. Such individuals may also be hired as personal services contractors by either of such Departments to provide translation, interpreting, or cultural awareness instruction, except that such individuals so hired shall not by virtue of such employment be considered employees of the United States Government, except for purposes of chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.

“(b) ELIGIBILITY.—Individuals referred to in subsection (a) are Iraqi nationals who—

“(1) have received a special immigrant visa issued pursuant to section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) [8 U.S.C. 1101 note] or section 1244 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) [8 U.S.C. 1157 note]; and

“(2) are lawfully present in the United States.

“(c) FUNDING.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the program established under subsection (a) shall be funded from the annual general operating budget of the Department of Defense.

“(2) EXCEPTION.—The Secretary of State shall reimburse the Department of Defense for any costs associated with individuals described in subsection (b) whose work is for or on behalf of the Department of State.

“(d) RULE OF CONSTRUCTION REGARDING ACCESS TO CLASSIFIED INFORMATION.—Nothing in this section may be construed as affecting in any manner practices and procedures regarding the handling of or access to classified information.

“(e) INFORMATION SHARING.—The Secretary of Defense and the Secretary of State shall work with the Secretary of Homeland Security and the Office of Refugee Resettlement of the Department of Health and Human Services to ensure that individuals described in subsection (b) are informed of the program established under subsection (a).

“(f) REGULATION.—The Secretary of Defense, jointly with the Secretary of State and with the concurrence of the Director of the Office of Personnel Management, shall prescribe such regulations as are necessary to carry out the program established under subsection (a), including ensuring the suitability for employment described in subsection (a) of individuals described in subsection (b), determining the number of positions, and establishing pay scales and hiring procedures.

“(g) TERMINATION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the program established under subsection (a) shall terminate on December 31, 2014.

“(2) EARLIER TERMINATION.—If the Secretary of Defense, jointly with the Secretary of State, determines that the program established under subsection (a) should terminate before the date specified in paragraph (1), the Secretaries may terminate the program if the Secretaries notify Congress in writing of such termination at least 180 days before such termination.”

STRATEGIC HUMAN CAPITAL PLAN FOR CIVILIAN
EMPLOYEES OF THE DEPARTMENT OF DEFENSE

Pub. L. 110-181, div. A, title VIII, §851, Jan. 28, 2008, 122 Stat. 247, which required that, in updates of the strategic human capital plan, the Secretary of Defense was to include a separate section focused on the defense acquisition workforce, was repealed by Pub. L. 111-84, div. A, title XI, §1108(c)(3), Oct. 28, 2009, 123 Stat. 2492.

Pub. L. 109-163, div. A, title XI, §1122, Jan. 6, 2006, 119 Stat. 3452, which required the Secretary of Defense to develop and submit to the Committees on Armed Services of the Senate and House of Representatives a strategic human capital plan to shape and improve the civilian employee workforce of the Department of Defense, along with updates and the assessment of the Secretary of the progress of the Department in implementing the plan, and required the Comptroller General to submit to the Committees on Armed Services a report on the plan, was repealed by Pub. L. 111-84, div. A, title XI, §1108(c)(1), Oct. 28, 2009, 123 Stat. 2491.

§ 1580. Emergency essential employees: designation

(a) CRITERIA FOR DESIGNATION.—The Secretary of Defense or the Secretary of the military department concerned may designate as an emer-

gency essential employee any employee of the Department of Defense, whether permanent or temporary, the duties of whose position meet all of the following criteria:

(1) It is the duty of the employee to provide immediate and continuing support for combat operations or to support maintenance and repair of combat essential systems of the armed forces.

(2) It is necessary for the employee to perform that duty in a combat zone after the evacuation of nonessential personnel, including any dependents of members of the armed forces, from the zone in connection with a war, a national emergency declared by Congress or the President, or the commencement of combat operations of the armed forces in the zone.

(3) It is impracticable to convert the employee's position to a position authorized to be filled by a member of the armed forces because of a necessity for that duty to be performed without interruption.

(b) ELIGIBILITY OF EMPLOYEES OF NONAPPROPRIATED FUND INSTRUMENTALITIES.—A nonappropriated fund instrumentality employee is eligible for designation as an emergency essential employee under subsection (a).

(c) DEFINITIONS.—In this section:

(1) The term “combat zone” has the meaning given that term in section 112(c)(2) of the Internal Revenue Code of 1986.

(2) The term “nonappropriated fund instrumentality employee” has the meaning given that term in section 1587(a)(1) of this title.

(Added Pub. L. 106-65, div. A, title XI, §1103(b)(1), Oct. 5, 1999, 113 Stat. 776.)

REFERENCES IN TEXT

Section 112(c)(2) of the Internal Revenue Code of 1986, referred to in subsec. (c)(1), is classified to section 112(c)(2) of Title 26, Internal Revenue Code.

PRIOR PROVISIONS

A prior section 1580, added Pub. L. 87-651, title II, §206(a), Sept. 7, 1962, 76 Stat. 519, related to appointment of civilian employees by the Secretary of Defense, prior to repeal by Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 663.

§ 1580a. Emergency essential employees: notification of required participation in anthrax vaccine immunization program

The Secretary of Defense shall—

(1) prescribe regulations for the purpose of ensuring that any civilian employee of the Department of Defense who is determined to be an emergency essential employee and who is required to participate in the anthrax vaccine immunization program is notified of the requirement to participate in the program and the consequences of a decision not to participate; and

(2) ensure that any individual who is being considered for a position as such an employee is notified of the obligation to participate in the program before being offered employment in such position.

(Added Pub. L. 106-398, §1 [[div. A], title VII, §751(c)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-194.)

§ 1581. Foreign National Employees Separation Pay Account

(a) ESTABLISHMENT AND PURPOSE.—There is established on the books of the Treasury an account to be known as the “Foreign National Employees Separation Pay Account, Defense”. The account shall be used for the accumulation of funds to finance obligations of the United States for separation pay for foreign nationals referred to in subsection (e).

(b) DEPOSITS INTO ACCOUNT.—The Secretary of Defense shall deposit into the account from applicable appropriations all amounts obligated for separation pay for foreign nationals referred to in subsection (e).

(c) PAYMENTS FROM ACCOUNT.—Amounts in the account shall remain available for expenditure in accordance with the purpose for which obligated until expended.

(d) DEOBLIGATED FUNDS.—Any amount in the account that is deobligated shall be available for a period of two years from the date of deobligation for recording, adjusting, and liquidating amounts properly chargeable to the liability of the United States for which the obligation was made. Any such deobligated amount remaining at the end of such two-year period shall be canceled.

(e) EMPLOYEES COVERED.—This section applies only with respect to separation pay of foreign nationals employed by the Department of Defense, and foreign nationals employed by a foreign government for the benefit of the Department of Defense, under any of the following agreements that provide for payment of separation pay:

- (1) A contract.
- (2) A treaty.
- (3) A memorandum of understanding with a foreign nation.

(Added Pub. L. 102-190, div. A, title X, §1003(a)(1), Dec. 5, 1991, 105 Stat. 1456; amended Pub. L. 102-484, div. A, title X, §1052(20), Oct. 23, 1992, 106 Stat. 2500; Pub. L. 103-337, div. A, title III, §346, Oct. 5, 1994, 108 Stat. 2724; Pub. L. 107-107, div. A, title X, §1048(e)(2), Dec. 28, 2001, 115 Stat. 1227.)

PRIOR PROVISIONS

A prior section 1581, acts Aug. 10, 1956, ch. 1041, 70A Stat. 118; Sept. 2, 1958, Pub. L. 85-861, §1(34), 72 Stat. 1456; May 29, 1959, Pub. L. 86-36, §3, 73 Stat. 63; Sept. 23, 1959, Pub. L. 86-377, §2, 73 Stat. 701; Oct. 4, 1961, Pub. L. 87-367, title II, §203, 75 Stat. 790; Oct. 11, 1962, Pub. L. 87-793, §1001(b), 76 Stat. 863, provided for appointment of a limited number of civilian research and development personnel and prescribed their relationship to civil service provisions, prior to repeal by Pub. L. 97-295, §1(19)(A), Oct. 12, 1982, 96 Stat. 1290.

AMENDMENTS

2001—Subsec. (b). Pub. L. 107-107 struck out par. (2) designation and “on or after December 5, 1991,” after “all amounts obligated” and struck out par. (1) which read as follows: “The Secretary of the Treasury shall deposit into the account all amounts that were obligated by the Secretary of Defense before December 5, 1991, and that remain unexpended for separation pay for foreign nationals referred to in subsection (e).”

1994—Subsecs. (a), (b). Pub. L. 103-337, §346(1), substituted “foreign nationals referred to in subsection (e)” for “foreign national employees of the Department of Defense” wherever appearing.

Subsec. (e). Pub. L. 103-337, §346(2), added subsec. (e) and struck out former subsec. (e) which read as follows: “EMPLOYEES COVERED.—This section applies only with respect to separation pay of foreign nationals employed by the Department of Defense under any of the following agreements that provide for payment of separation pay:

- “(1) A contract.
- “(2) A treaty.
- “(3) A memorandum of understanding with a foreign nation.”

1992—Subsec. (b)(1), (2). Pub. L. 102-484 substituted “December 5, 1991,” for “the date of the enactment of this section”.

§ 1582. Assistive technology, assistive technology devices, and assistive technology services

(a) AUTHORITY.—The Secretary of Defense may provide assistive technology, assistive technology devices, and assistive technology services to the following:

- (1) Department of Defense employees with disabilities.
- (2) Organizations within the Department that have requirements to make programs or facilities accessible to, and usable by, persons with disabilities.
- (3) Any other department or agency of the Federal Government, upon the request of the head of that department or agency, for its employees with disabilities or for satisfying a requirement to make its programs or facilities accessible to, and usable by, persons with disabilities.

(b) DEFINITIONS.—In this section, the terms “assistive technology”, “assistive technology device”, “assistive technology service”, and “disability” have the meanings given those terms in section 3 of the Assistive Technology Act of 1998 (29 U.S.C. 3002).

(Added Pub. L. 106-398, §1 [[div. A], title XI, §1102(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-311.)

PRIOR PROVISIONS

A prior section 1582, acts Aug. 10, 1956, ch. 1041, 70A Stat. 118; Sept. 2, 1958, Pub. L. 85-861, §1(35), 72 Stat. 1456; Sept. 23, 1959, Pub. L. 86-377, §3, 73 Stat. 701, directed Secretary of Defense to report annually to Congress on civilian research and development personnel employed by Department of Defense under former section 1581 of this title, prior to repeal by Pub. L. 97-295, §1(19)(A), Oct. 12, 1982, 96 Stat. 1290.

§ 1583. Employment of certain persons without pay

The Secretary of Defense may employ, without pay, not more than 10 persons of outstanding experience and ability. However, a person so employed may be allowed transportation, and not more than \$15 a day instead of subsistence, while away from his home or regular place of business pursuant to employment under this section.

(Aug. 10, 1956, ch. 1041, 70A Stat. 118; Pub. L. 89-718, §14, Nov. 2, 1966, 80 Stat. 1117; Pub. L. 97-295, §1(20)(A), (B), Oct. 12, 1982, 96 Stat. 1290.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1583(a)	5:171v (less words of 1st sentence after semicolon).	Jan. 6, 1951, ch. 1213, subch. VII, §704, 64 Stat. 1235.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1583(b)	5:171v (words of 1st sentence after semicolon).	

AMENDMENTS

1982—Pub. L. 97-295 substituted “pay” for “compensation” in section catchline and text.

1966—Pub. L. 89-718 struck out designation “(a)” at beginning of section and repealed subsec. (b) which authorized the Secretary, by regulation, to exempt persons employed under provisions formerly designated subsec. (a) from former sections 281, 283, 284, 434, and 1914 of title 18 and former section 99 of title 5.

§ 1584. Employment of non-citizens

Laws prohibiting the employment of, or payment of pay or expenses to, a person who is not a citizen of the United States do not apply to personnel of the Department of Defense.

(Aug. 10, 1956, ch. 1041, 70A Stat. 118; Pub. L. 97-295, §1(20)(A), Oct. 12, 1982, 96 Stat. 1290; Pub. L. 101-510, div. A, title XIV, §§1481(d)(1), (2), 1482(b), Nov. 5, 1990, 104 Stat. 1706, 1709; Pub. L. 104-106, div. A, title X, §1062(b), Feb. 10, 1996, 110 Stat. 444.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1584	5:235c. 5:475h. 5:628c.	July 16, 1952, ch. 882, §2, 66 Stat. 725.

The words “appointment or” are omitted as surplusage.

AMENDMENTS

1996—Pub. L. 104-106 struck out subsec. (a) heading “Waiver of employment restrictions for certain personnel”, designated subsec. (a) as entire section, and struck out subsec. (b) which read as follows: “NOTICE TO CONGRESS OF CERTAIN SALARY INCREASES.—The Secretary of Defense shall notify the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives when any salary increase granted to direct and indirect hire foreign national employees of the Department of Defense overseas, stated as a percentage, is greater than the higher of the following percentages:

“(1) The percentage pay increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5.

“(2) The percentage increase provided to national government employees of the host nation.”

1990—Pub. L. 101-510, §1482(b), substituted “personnel of the Department of Defense” for “any expert, scientist, technician, or professional person whose employment in connection with the research and development activities of a military department is determined to be necessary by the Secretary of that department” in subsec. (a).

Pub. L. 101-510, §1481(d)(1), (2), substituted “Employment of non-citizens” for “Laws relating to employment of non-citizens: not applicable to research and development activities” in section catchline, designated existing provisions as subsec. (a) and inserted heading, and added subsec. (b).

1982—Pub. L. 97-295 substituted “pay” for “compensation”.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by section 1482(b) of Pub. L. 101-510 effective Oct. 1, 1991, see section 1482(d) of Pub. L. 101-510, set out as a note under section 119 of this title.

CITIZENSHIP REQUIREMENT NOT APPLICABLE

Pub. L. 111-118, div. A, title VIII, §8002, Dec. 19, 2009, 123 Stat. 3426, provided that: “During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act [div. A of Pub. L. 111-118, see Tables for classification] shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980 [22 U.S.C. 3901 et seq.]: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 110-329, div. C, title VIII, §8002, Sept. 30, 2008, 122 Stat. 3619.

Pub. L. 110-116, div. A, title VIII, §8002, Nov. 13, 2007, 121 Stat. 1313.

Pub. L. 109-289, div. A, title VIII, §8002, Sept. 29, 2006, 120 Stat. 1271.

Pub. L. 109-148, div. A, title VIII, §8002, Dec. 30, 2005, 119 Stat. 2697.

Pub. L. 108-287, title VIII, §8002, Aug. 5, 2004, 118 Stat. 968.

Pub. L. 108-87, title VIII, §8002, Sept. 30, 2003, 117 Stat. 1071.

Pub. L. 107-248, title VIII, §8002, Oct. 23, 2002, 116 Stat. 1536.

Pub. L. 107-117, div. A, title VIII, §8002, Jan. 10, 2002, 115 Stat. 2247.

Pub. L. 106-259, title VIII, §8002, Aug. 9, 2000, 114 Stat. 674.

Pub. L. 106-79, title VIII, §8002, Oct. 25, 1999, 113 Stat. 1230.

Pub. L. 105-262, title VIII, §8002, Oct. 17, 1998, 112 Stat. 2296.

Pub. L. 105-56, title VIII, §8002, Oct. 8, 1997, 111 Stat. 1219.

Pub. L. 104-208, div. A, title I, §101(b) [title VIII, §8002], Sept. 30, 1996, 110 Stat. 3009-71, 3009-87.

Pub. L. 104-61, title VIII, §8002, Dec. 1, 1995, 109 Stat. 651.

Pub. L. 103-335, title VIII, §8002, Sept. 30, 1994, 108 Stat. 2616.

Pub. L. 103-139, title VIII, §8002, Nov. 11, 1993, 107 Stat. 1437.

Pub. L. 102-396, title IX, §9002, Oct. 6, 1992, 106 Stat. 1900.

Pub. L. 102-172, title VIII, §8002, Nov. 26, 1991, 105 Stat. 1170.

Pub. L. 101-511, title VIII, §8002, Nov. 5, 1990, 104 Stat. 1873.

Pub. L. 101-165, title IX, §9003, Nov. 21, 1989, 103 Stat. 1129.

Pub. L. 100-463, title VIII, §8003, Oct. 1, 1988, 102 Stat. 2270-17.

Pub. L. 100-202, §101(b) [title VIII, §8004], Dec. 22, 1987, 101 Stat. 1329-43, 1329-62.

Pub. L. 99-500, §101(c) [title IX, §9004], Oct. 18, 1986, 100 Stat. 1783-82, 1783-101, and Pub. L. 99-591, §101(c) [title IX, §9004], Oct. 30, 1986, 100 Stat. 3341-82, 3341-101.

Pub. L. 99-190, §101(b) [title VIII, §8004], Dec. 19, 1985, 99 Stat. 1185, 1202.

Pub. L. 98-473, title I, §101(h) [title VIII, §8004], Oct. 12, 1984, 98 Stat. 1904, 1922.

Pub. L. 98-212, title VII, §704, Dec. 8, 1983, 97 Stat. 1437.

Pub. L. 97-377, title I, §101(c) [title VII, §704], Dec. 21, 1982, 96 Stat. 1833, 1349.

Pub. L. 97-114, title VII, §704, Dec. 29, 1981, 95 Stat. 1578.

Pub. L. 96-527, title VII, §704, Dec. 15, 1980, 94 Stat. 3080.

Pub. L. 96-154, title VII, §704, Dec. 21, 1979, 93 Stat. 1152.

Pub. L. 95-457, title VIII, §804, Oct. 13, 1978, 92 Stat. 1243.

Pub. L. 95-111, title VIII, §803, Sept. 21, 1977, 91 Stat. 899.

Pub. L. 94-419, title VII, §703, Sept. 22, 1976, 90 Stat. 1290.

Pub. L. 94-212, title VII, §703, Feb. 9, 1976, 90 Stat. 168.

Pub. L. 93-437, title VIII, §803, Oct. 8, 1974, 88 Stat. 1224.

Pub. L. 93-238, title VII, §703, Jan. 2, 1974, 87 Stat. 1038.

Pub. L. 92-570, title VII, §703, Oct. 26, 1972, 86 Stat. 1196.

Pub. L. 92-204, title VII, §703, Dec. 18, 1971, 85 Stat. 726.

Pub. L. 91-668, title VIII, §803, Jan. 11, 1971, 84 Stat. 2029.

Pub. L. 91-171, title VI, §603, Dec. 29, 1969, 83 Stat. 479.

Pub. L. 90-580, title V, §502, Oct. 17, 1968, 82 Stat. 1129.

Pub. L. 90-96, title VI, §602, Sept. 29, 1967, 81 Stat. 241.

Pub. L. 89-687, title VI, §602, Oct. 15, 1966, 80 Stat. 990.

Pub. L. 89-213, title VI, §602, Sept. 29, 1965, 79 Stat. 873.

Pub. L. 88-446, title V, §502, Aug. 19, 1964, 78 Stat. 474.

Pub. L. 88-149, title V, §502, Oct. 17, 1963, 77 Stat. 263.

Pub. L. 87-577, title V, §502, Aug. 9, 1962, 76 Stat. 327.

Pub. L. 87-144, title VI, §602, Aug. 17, 1961, 75 Stat. 375.

Pub. L. 86-601, title V, §502, July 7, 1960, 74 Stat. 349.

Pub. L. 86-166, title V, §602, Aug. 18, 1959, 73 Stat. 378.

Pub. L. 85-724, title VI, §602, Aug. 22, 1958, 72 Stat. 723.

Pub. L. 85-117, title VI, §602, Aug. 2, 1957, 71 Stat. 323.

July 2, 1956, ch. 488, title VI, §602, 70 Stat. 467.

July 13, 1955, ch. 358, title VI, §603, 69 Stat. 314.

June 30, 1954, ch. 432, title VII, §703, 68 Stat. 349.

Aug. 1, 1953, ch. 305, title VI, §603, 67 Stat. 349.

July 10, 1952, ch. 630, title VI, §603, 66 Stat. 531.

Oct. 18, 1951, ch. 512, title VI, §603, 65 Stat. 444.

Sept. 6, 1950, ch. 896, Ch. X, title VI, §603, 64 Stat. 752.

Oct. 29, 1949, ch. 787, title VI, §603, 63 Stat. 1017.

June 24, 1948, ch. 632, 62 Stat. 651.

July 30, 1947, ch. 357, title I, §1, 61 Stat. 553.

July 16, 1946, ch. 583, §1, 60 Stat. 543.

July 28, 1945, ch. 265, §1, 59 Stat. 386.

June 28, 1944, ch. 303, §1, 58 Stat. 575.

July 1, 1943, ch. 185, §1, 57 Stat. 349.

July 2, 1942, ch. 477, §1, 56 Stat. 613.

SALARY INCREASES TO FOREIGN NATIONAL EMPLOYEES; NOTICE TO CONGRESS

Pub. L. 100-463, title VIII, §8114, Oct. 1, 1988, 102 Stat. 2270-38, which directed Secretary of Defense to notify House and Senate Committees on Appropriations when salary increases granted to foreign national employees were at a rate in excess of the percentage pay increase authorized by law for civilian employees of Department of Defense whose pay was computed under section 5332 of title 5 or at a rate in excess of the percentage increase provided to National Government employees of the host nation, whichever was higher, was repealed and restated in subsec. (b) of this section by Pub. L. 101-510, §1481(d)(1)(B), (4)(A).

§ 1585. Carrying of firearms

Under regulations to be prescribed by the Secretary of Defense, civilian officers and employees of the Department of Defense may carry firearms or other appropriate weapons while assigned investigative duties or such other duties as the Secretary may prescribe.

(Added Pub. L. 85-577, §1(1), July 31, 1958, 72 Stat. 455.)

§ 1585a. Special agents of the Defense Criminal Investigative Service: authority to execute warrants and make arrests

(a) AUTHORITY.—The Secretary of Defense may authorize any DCIS special agent described in subsection (b)—

(1) to execute and serve any warrant or other process issued under the authority of the United States; and

(2) to make arrests without a warrant—

(A) for any offense against the United States committed in the presence of that agent; and

(B) for any felony cognizable under the laws of the United States if the agent has probable cause to believe that the person to be arrested has committed or is committing the felony.

(b) AGENTS TO HAVE AUTHORITY.—Subsection (a) applies to any DCIS special agent whose duties include conducting, supervising, or coordinating investigations of criminal activity in programs and operations of the Department of Defense.

(c) GUIDELINES ON EXERCISE OF AUTHORITY.—The authority provided under subsection (a) shall be exercised in accordance with guidelines prescribed by the Inspector General of the Department of Defense and approved by the Attorney General and any other applicable guidelines prescribed by the Secretary of Defense or the Attorney General.

(d) DCIS SPECIAL AGENT DEFINED.—In this section, the term “DCIS special agent” means an employee of the Department of Defense who is a special agent of the Defense Criminal Investigative Service (or any successor to that service).

(Added Pub. L. 105-85, div. A, title X, §1071(a), Nov. 18, 1997, 111 Stat. 1897.)

§ 1586. Rotation of career-conditional and career employees assigned to duty outside the United States

(a) In order to advance the programs and activities of the Defense Establishment, it is hereby declared to be the policy of the Congress to facilitate the interchange of civilian employees of the Defense Establishment between posts of duty in the United States and posts of duty outside the United States through the establishment and operation of programs for the rotation, to the extent consistent with the missions of the Defense Establishment and sound principles of administration, of such employees who are assigned to duty outside the United States.

(b) Notwithstanding any other provision of law, the Secretary of Defense with respect to civilian employees of the Department of Defense other than employees of a military department, and the Secretary of each military department with respect to civilian employees of such military department, may, under such regulations as each such Secretary may prescribe with respect to the employees concerned and in accordance with the policy and other provisions of this section, establish and operate programs of rotation which provide for the granting of the right to return to a position in the United States to each civilian employee in the department concerned—

(1) who, while serving under a career-conditional or career appointment in the competitive civil service, is assigned at the request of the department concerned to duty outside the United States,

(2) who satisfactorily completes such duty, and

(3) who applies, not later than 30 days after his completion of such duty, for the right to return to a position in the United States as provided by subsection (c).

The Secretary of the department concerned may provide by regulation for the waiver of the provisions of paragraphs (2) and (3), or of either of such paragraphs, in those cases in which the application of such paragraphs, or either of them, would be against equity and good conscience or against the public interest.

(c) The right to return to a position in the United States granted under this section shall be without reduction in the seniority, status, and tenure held by the employee immediately before his assignment to duty outside the United States and the employee shall be placed, not later than 30 days after the date on which he is determined to be immediately available to exercise such right in accordance with the following provisions:

(1) The employee shall be placed in the position which he held immediately before his assignment to duty outside the United States, if such position exists.

(2) If such position does not exist, or with his consent, the employee shall be placed in a vacant existing position, or in a new continuing position, for which he is qualified, available for the purposes of this section in the department concerned, in the same geographical area as, with rights and benefits equal to the rights and benefits of, and in a grade equal to the grade of, the position which he held immediately before his assignment to duty outside the United States.

(3) If the positions described in paragraph (1) and paragraph (2) do not exist, the employee shall be placed in an additional position which shall be established by the department concerned for a period not in excess of 90 days in order to carry out the purposes of this section. Such additional position shall be in the same geographical area as, with rights and benefits not less than the rights and benefits of, and in a grade not lower than the grade of, the position held by the employee immediately before his assignment to duty outside the United States.

(4) If, within 90 days after his placement in a position under paragraph (3) a vacant existing position or new continuing position, for which the employee is qualified, is available for the purposes of this section in the department concerned, in the same geographical area as, with rights and benefits equal to the rights and benefits of, and in a grade equal to the grade of, the position which he held immediately before his assignment to duty outside the United States, the employee shall be placed in such vacant existing position or new continuing position.

(5) If, within the 90-day period referred to in paragraphs (3) and (4), the employee cannot be

placed in a position under paragraph (4), he shall be reassigned or separated under the regulations prescribed by the Office of Personnel Management to carry out sections 3501-3503 of title 5.

(6) If there is a termination of or material change in the activity in which the former position of the employee (referred to in paragraph (1)) was located, he shall be placed, in the manner provided by paragraphs (2), (3), and (4), as applicable, in a position in the department concerned in a geographical area other than the geographical area in which such former position was located.

(d) Each employee who is placed in a position under paragraph (1), (2), (3), (4), or (6) of subsection (c) shall be paid at a rate of basic pay which is not less than the rate of basic pay to which he would have been entitled if he had not been assigned to duty outside the United States.

(e)(1) Each employee who is displaced from a position by reason of the exercise of a return right under subsection (c)(1) shall be placed, as of the date of such displacement, without reduction in seniority, status, and tenure, in a vacant existing position or new continuing position, for which he is qualified, available in the department concerned, in the same geographical area as, with rights and benefits equal to the rights and benefits of, in a grade equal to the grade of, and at a rate of basic pay not less than the last rate of basic pay which is not less than the last rate of basic pay to which he was entitled while in, the position from which he is displaced.

(2) If the employee cannot be placed in a position under paragraph (1), he shall be reassigned to a position other than the position from which he is displaced, or separated, under the regulations prescribed by the Office of Personnel Management to carry out sections 3501-3503 of title 5.

(f) The President may, upon his determination that such action is necessary in the national interest, declare that, for such period as he may specify, an assignment of an employee to duty in Alaska or Hawaii shall be held and considered, for the purposes of this section, to be an assignment to duty outside the United States.

(g) In this section:

(1) The term "rotation" means the assignment of civilian employees referred to in subsection (b) to duty outside the United States and the return of such employees to duty within the United States.

(2) The term "grade" means, as applicable, a grade of the General Schedule as prescribed in section 5104 of title 5 or a grade or level of the appropriate prevailing rate schedule.

(h) The Secretary of Defense may, under such regulations as he may prescribe, make the provisions of subsections (a) through (g) applicable to civilian employees of the Department of Defense who are residents of Guam, the Virgin Islands, or the Commonwealth of Puerto Rico at the time of their employment by the Department of Defense in the same manner as if the references in such subsections to the United States (when used in a geographical sense) were references to Guam, the Virgin Islands, or the Commonwealth of Puerto Rico, as the case may be.

(Added Pub. L. 86-585, §1, July 5, 1960, 74 Stat. 325; amended Pub. L. 89-718, §15, Nov. 2, 1966, 80 Stat. 1117; Pub. L. 90-83, §3(3), Sept. 11, 1967, 81 Stat. 220; Pub. L. 96-513, title V, §511(61), Dec. 12, 1980, 94 Stat. 2925; Pub. L. 96-600, §1, Dec. 24, 1980, 94 Stat. 3493; Pub. L. 97-295, §1(20)(A), Oct. 12, 1982, 96 Stat. 1290; Pub. L. 98-525, title XIV, §1405(29), Oct. 19, 1984, 98 Stat. 2623; Pub. L. 101-189, div. A, title XVI, §1622(e)(4), Nov. 29, 1989, 103 Stat. 1605.)

AMENDMENTS

1989—Subsec. (g). Pub. L. 101-189, in introductory provisions, substituted “In this section:” for “For the purposes of this section—”, in par. (1), inserted “The term” before “rotation” and substituted the period for “; and”, and in par. (2), inserted “The term” before “grade”.

1984—Subsec. (b). Pub. L. 98-525, §1405(29)(A)(iii), in provisions following par. (3) struck out “of this subsection” after “paragraphs (2) and (3)”.

Subsec. (b)(3). Pub. L. 98-525, §1405(29)(A)(i), (ii), substituted “30” for “thirty” and struck out “of this section” after “subsection (c)”.

Subsec. (c). Pub. L. 98-525, §1405(29)(B)(i), in provisions preceding par. (1) substituted “30” for “thirty”.

Subsec. (c)(3). Pub. L. 98-525, §1405(29)(B)(ii), (iv), substituted “90 days” for “ninety days” and struck out “of this subsection” after “paragraph (2)”.

Subsec. (c)(4). Pub. L. 98-525, §1405(29)(B)(ii), (iv), substituted “90 days” for “ninety days” and struck out “of this subsection” after “paragraph (3)”.

Subsec. (c)(5). Pub. L. 98-525, §1405(29)(B)(iii)-(v), substituted “90-day” for “ninety-day”, struck out “of this subsection” after “paragraphs (3) and (4)”, and struck out “such” before “paragraph (4)”.

Subsec. (c)(6). Pub. L. 98-525, §1405(29)(B)(vi), struck out “of this subsection” after “paragraph (1)” and “of this subsection.” after “as applicable.”.

Subsec. (d). Pub. L. 98-525, §1405(29)(C), struck out “of this section” after “subsection (c)”.

Subsec. (e)(1). Pub. L. 98-525, §1405(29)(C), struck out “of this section” after “subsection (c)(1)”.

Subsec. (e)(2). Pub. L. 98-525, §1405(29)(D), struck out “of this subsection” after “paragraph (1)”.

Subsec. (g)(1). Pub. L. 98-525, §1405(29)(C), struck out “of this section” after “subsection (b)”.

1982—Subsecs. (d), (e)(1). Pub. L. 97-295 substituted “pay” for “compensation” wherever appearing.

1980—Subsecs. (c)(5), (e)(2). Pub. L. 96-513 substituted “Office of Personnel Management” for “United States Civil Service Commission”.

Subsec. (h). Pub. L. 96-600 added subsec. (h).

1967—Subsec. (g)(2). Pub. L. 90-83 substituted “General Schedule as prescribed in section 5104 of title 5” for “compensation schedule for the General Schedule of the Classification Act of 1949, as amended.”.

1966—Pub. L. 89-718 substituted “sections 3501-3503 of title 5” for “section 12 of the Act of June 27, 1944 (5 U.S.C. 861)” wherever appearing.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

EX. ORD. NO. 10895. DUTY IN ALASKA OR HAWAII

Ex. Ord. No. 10895, Nov. 25, 1960, 25 F.R. 12165, provided:

By virtue of the authority vested in me by section 1586(f) of title 10 of the United States Code, and as President of the United States, and having determined that such action is necessary in the national interest, it is ordered as follows:

SECTION 1. Assignment of an employee to duty in the State of Alaska or Hawaii under regulations prescribed pursuant to section 1586 of title 10 of the United States Code shall be held and considered for the purposes of

that section, to be an assignment to duty outside the United States.

SEC. 2. The Secretary of Defense shall from time to time, and at least annually, consider the need for continuing this order in effect, and he shall recommend the revocation thereof at such time as he may deem such action advisable.

DWIGHT D. EISENHOWER.

§ 1587. Employees of nonappropriated fund instrumentalities: reprisals

(a) In this section:

(1) The term “nonappropriated fund instrumentality employee” means a civilian employee who is paid from nonappropriated funds of Army and Air Force Exchange Service, Navy Exchange Service Command, Marine Corps exchanges, or any other instrumentality of the United States under the jurisdiction of the armed forces which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the armed forces. Such term includes a civilian employee of a support organization within the Department of Defense or a military department, such as the Defense Finance and Accounting Service, who is paid from nonappropriated funds on account of the nature of the employee’s duties.

(2) The term “civilian employee” has the meaning given the term “employee” by section 2105(a) of title 5.

(3) The term “personnel action”, with respect to a nonappropriated fund instrumentality employee (or an applicant for a position as such an employee), means—

(A) an appointment;

(B) a promotion;

(C) a disciplinary or corrective action;

(D) a detail, transfer, or reassignment;

(E) a reinstatement, restoration, or reemployment;

(F) a decision concerning pay, benefits, or awards, or concerning education or training if the education or training may reasonably be expected to lead to an appointment, promotion, or other action described in this paragraph; and

(G) any other significant change in duties or responsibilities that is inconsistent with the employee’s salary or grade level.

(b) Any civilian employee or member of the armed forces who has authority to take, direct others to take, recommend, or approve any personnel action shall not, with respect to such authority, take or fail to take a personnel action with respect to any nonappropriated fund instrumentality employee (or any applicant for a position as such an employee) as a reprisal for—

(1) a disclosure of information by such an employee or applicant which the employee or applicant reasonably believes evidences—

(A) a violation of any law, rule, or regulation; or

(B) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

if such disclosure is not specifically prohibited by law and if the information is not specifi-

cally required by or pursuant to executive order to be kept secret in the interest of national defense or the conduct of foreign affairs; or

(2) a disclosure by such an employee or applicant to any civilian employee or member of the armed forces designated by law or by the Secretary of Defense to receive disclosures described in clause (1), of information which the employee or applicant reasonably believes evidences—

(A) a violation of any law, rule, or regulation; or

(B) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

(c) This section does not apply to an employee in a position excluded from the coverage of this section by the President based upon a determination by the President that the exclusion is necessary and warranted by conditions of good administration.

(d) The Secretary of Defense shall be responsible for the prevention of actions prohibited by subsection (b) and for the correction of any such actions that are taken. The authority of the Secretary to correct such actions may not be delegated to the Secretary of a military department or to the Assistant Secretary of Defense for Manpower and Logistics.

(e) The Secretary of Defense, after consultation with the Director of the Office of Personnel Management and the Special Counsel of the Merit Systems Protection Board, shall prescribe regulations to carry out this section. Such regulations shall include provisions to protect the confidentiality of employees and applicants making disclosures described in clauses (1) and (2) of subsection (b) and to permit the reporting of alleged violations of subsection (b) directly to the Inspector General of the Department of Defense.

(Added Pub. L. 98-94, title XII, §1253(a)(1), Sept. 24, 1983, 97 Stat. 699; amended Pub. L. 100-26, §7(k)(2), Apr. 21, 1987, 101 Stat. 284; Pub. L. 104-106, div. A, title IX, §903(f)(3), title X, §1040(a)-(d)(1), Feb. 10, 1996, 110 Stat. 402, 433; Pub. L. 104-201, div. A, title IX, §901, Sept. 23, 1996, 110 Stat. 2617.)

AMENDMENTS

1996—Pub. L. 104-106, §1040(d)(1), inserted “: reprisals” after “instrumentalities” in section catchline.

Subsec. (a)(1). Pub. L. 104-106, §1040(c), substituted “Navy Exchange Service Command” for “Navy Resale and Services Support Office”.

Pub. L. 104-106, §1040(a), inserted at end “Such term includes a civilian employee of a support organization within the Department of Defense or a military department, such as the Defense Finance and Accounting Service, who is paid from nonappropriated funds on account of the nature of the employee’s duties.”

Subsec. (d). Pub. L. 104-106, §903(a), (f)(3), which directed amendment of subsec. (d), eff. Jan. 31, 1997, by substituting “official in the Department of Defense with principal responsibility for personnel and readiness” for “Assistant Secretary of Defense for Manpower and Logistics”, was repealed by Pub. L. 104-201.

Subsec. (e). Pub. L. 104-106, §1040(b), inserted before period at end of second sentence “and to permit the re-

porting of alleged violations of subsection (b) directly to the Inspector General of the Department of Defense”.

1987—Subsec. (a). Pub. L. 100-26 inserted “The term” after each par. designation and struck out uppercase letter of first word after first quotation marks in each par. and substituted lowercase letter.

EFFECTIVE DATE

Section 1253(b) of Pub. L. 98-94 provided that: “Section 1587 of such title [this section], as added by subsection (a), shall apply with respect to any conduct prohibited by subsection (b) of such section which occurs after the date of the enactment of this Act [Sept. 24, 1983].”

LIMITATION ON PROVISION OF OVERSEAS LIVING QUARTERS ALLOWANCES FOR NONAPPROPRIATED FUND INSTRUMENTALITY EMPLOYEES

Section 1042 of Pub. L. 104-106 provided that:

“(a) CONFORMING ALLOWANCE TO ALLOWANCES FOR OTHER CIVILIAN EMPLOYEES.—Subject to subsection (b), an overseas living quarters allowance paid from nonappropriated funds and provided to a nonappropriated fund instrumentality employee after the date of the enactment of this Act [Feb. 10, 1996] may not exceed the amount of a quarters allowance provided under subchapter III of chapter 59 of title 5 to a similarly situated civilian employee of the Department of Defense paid from appropriated funds.

“(b) APPLICATION TO CERTAIN CURRENT EMPLOYEES.—In the case of a nonappropriated fund instrumentality employee who, as of the date of the enactment of this Act [Feb. 10, 1996], receives an overseas living quarters allowance under any other authority, subsection (a) shall apply to such employee only after the earlier of—

“(1) September 30, 1997; or

“(2) the date on which the employee otherwise ceases to be eligible for such an allowance under such other authority.

“(c) NONAPPROPRIATED FUND INSTRUMENTALITY EMPLOYEE DEFINED.—For purposes of this section, the term ‘nonappropriated fund instrumentality employee’ has the meaning given such term in section 1587(a)(1) of title 10, United States Code.”

UNIFORM HEALTH BENEFITS PROGRAM FOR EMPLOYEES OF DEPARTMENT OF DEFENSE ASSIGNED TO NONAPPROPRIATED FUND INSTRUMENTALITIES

Pub. L. 103-337, div. A, title III, §349, Oct. 5, 1994, 108 Stat. 2727, as amended by Pub. L. 108-375, div. A, title VI, §652, Oct. 28, 2004, 118 Stat. 1973, provided that:

“(a) IN GENERAL.—Not later than October 1, 1995, the Secretary of Defense shall take such steps as may be necessary to provide a uniform health benefits program for employees of the Department of Defense assigned to a nonappropriated fund instrumentality of the Department.

“(b) PROGRESS REPORT.—Not later than March 15, 1995, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the progress made by the Secretary in implementing subsection (a).

“(c) TREATMENT OF PROGRAM AS FEDERAL HEALTH BENEFIT PROGRAM.—(1) No State tax, fee, other monetary payment, or State health plan requirement, may be imposed, directly or indirectly, on the Nonappropriated Fund Uniform Health Benefits Program of the Department of Defense, or on a carrier or an underwriting or plan administration contractor of the Program, to the same extent as such prohibition applies to the health insurance program authorized by chapter 89 of title 5, United States Code, under section 8909(f) of such title.

“(2) Paragraph (1) shall not be construed to exempt the Nonappropriated Fund Uniform Health Benefits Program of the Department of Defense, or any carrier or underwriting or plan administration contractor of the Program from the imposition, payment, or collec-

tion of a tax, fee, or other monetary payment on the net income or profit accruing to, or realized by, the Program or by such carrier or contractor from business conducted under the Program, so long as the tax, fee, or payment is applicable to a broad range of business activity.

“(3) In this subsection, the term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, and any political subdivision or other non-Federal authority thereof.”

§ 1587a. Employees of nonappropriated fund instrumentalities: senior executive pay levels

(a) **AUTHORITY.**—To achieve the objective stated in subsection (b), the Secretary of Defense may regulate the amount of total compensation that is provided for senior executives of nonappropriated fund instrumentalities who, for the fixing of pay by administrative action, are under the jurisdiction of the Secretary of Defense or the Secretary of a military department.

(b) **PAY PARITY.**—The objective of an action taken with respect to the compensation of senior executives under subsection (a) is to provide for parity between the total compensation provided for such senior executives and total compensation that is provided for Department of Defense employees in Senior Executive Service positions or other senior executive positions.

(c) **STANDARDS OF COMPARABILITY.**—Subject to subsection (d), the Secretary of Defense shall prescribe the standards of comparison that are to apply in the making of the determinations necessary to achieve the objective stated in subsection (b).

(d) **ESTABLISHMENT OF PAY RATES.**—The Secretary of Defense shall apply subsections (a) and (b) of section 5382 of title 5 in the regulation of compensation under this section.

(e) **RELATIONSHIP TO PAY LIMITATION.**—The Secretary of Defense may exercise the authority provided in subsection (a) without regard to section 5373 of title 5.

(f) **DEFINITIONS.**—In this section:

(1) The term “compensation” includes rate of basic pay.

(2) The term “Senior Executive Service position” has the meaning given such term in section 3132 of title 5.

(Added Pub. L. 108-375, div. A, title XI, § 1104(a), Oct. 28, 2004, 118 Stat. 2073.)

§ 1588. Authority to accept certain voluntary services

(a) **AUTHORITY TO ACCEPT SERVICES.**—Subject to subsection (b) and notwithstanding section 1342 of title 31, the Secretary concerned may accept from any person the following services:

(1) Voluntary medical services, dental services, nursing services, or other health-care related services.

(2) Voluntary services to be provided for a museum or a natural resources program.

(3) Voluntary services to be provided for programs providing services to members of the armed forces and the families of such members, including the following programs:

(A) Family support programs.

(B) Child development and youth services programs.

(C) Library and education programs.

(D) Religious programs.

(E) Housing referral programs.

(F) Programs providing employment assistance to spouses of such members.

(G) Morale, welfare, and recreation programs, to the extent not covered by another subparagraph of this paragraph.

(4) Voluntary services as a member of a funeral honors detail under section 1491 of this title.

(5) Legal services voluntarily provided as legal assistance under section 1044 of this title.

(6) Voluntary services as a proctor for administration to secondary school students of the test known as the “Armed Services Vocational Aptitude Battery”.

(7) Voluntary translation or interpretation services offered with respect to a foreign language by a person (A) who is registered for such foreign language on the National Foreign Language Skills Registry under section 1596b of this title, or (B) who otherwise is approved to provide voluntary translation or interpretation services for national security purposes, as determined by the Secretary of Defense.

(8) Voluntary services to support programs of a committee of the Employer Support of the Guard and Reserve as authorized by the Secretary of Defense.

(b) **REQUIREMENTS AND LIMITATIONS.**—(1) The Secretary concerned shall notify the person of the scope of the services accepted.

(2) With respect to a person providing voluntary services accepted under subsection (a), the Secretary concerned shall—

(A) supervise the person to the same extent as the Secretary would supervise a compensated employee providing similar services; and

(B) ensure that the person is licensed, privileged, has appropriate credentials, or is otherwise qualified under applicable law or regulations to provide such services.

(3) With respect to a person providing voluntary services accepted under subsection (a), the Secretary concerned may not—

(A) place the person in a policy-making position; or

(B) except as provided in subsection (e), compensate the person for the provision of such services.

(c) **AUTHORITY TO RECRUIT AND TRAIN PERSONS PROVIDING SERVICES.**—The Secretary concerned may recruit and train persons to provide voluntary services accepted under subsection (a).

(d) **STATUS OF PERSONS PROVIDING SERVICES.**—(1) Subject to paragraph (3), while providing voluntary services accepted under subsection (a) or receiving training under subsection (c), a person, other than a person referred to in paragraph (2), shall be considered to be an employee of the Federal Government only for purposes of the following provisions of law:

(A) Subchapter I of chapter 81 of title 5 (relating to compensation for work-related injuries).

(B) Section 2733 of this title and chapter 171 of title 28 (relating to claims for damages or loss) and chapters 309 and 311 of title 46 (relating to claims for damages or loss on navigable waters).

(C) Section 552a of title 5 (relating to maintenance of records on individuals).

(D) Chapter 11 of title 18 (relating to conflicts of interest).

(E) Section 1054 of this title (relating to legal malpractice), for a person voluntarily providing legal services accepted under subsection (a)(5), as if the person were providing the services as an attorney of a legal staff within the Department of Defense.

(2) Subject to paragraph (3), while providing a nonappropriated fund instrumentality of the United States with voluntary services accepted under subsection (a), or receiving training under subsection (c) to provide such an instrumentality with services accepted under subsection (a), a person shall be considered an employee of that instrumentality only for the following purposes:

(A) Subchapter II of chapter 81 of title 5 (relating to compensation of nonappropriated fund employees for work-related injuries).

(B) Section 2733 of this title and chapter 171 of title 28 (relating to claims for damages or loss).

(3) A person providing voluntary services accepted under subsection (a) shall be considered to be an employee of the Federal Government under paragraph (1) or (2) only with respect to services that are within the scope of the services so accepted.

(4) For purposes of determining the compensation for work-related injuries payable under chapter 81 of title 5 (pursuant to this subsection) to a person providing voluntary services accepted under subsection (a), the monthly pay of the person for such services shall be deemed to be the amount determined by multiplying—

(A) the average monthly number of hours that the person provided the services, by

(B) the minimum wage determined in accordance with section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)).

(e) REIMBURSEMENT OF INCIDENTAL EXPENSES.—The Secretary concerned may provide for reimbursement of a person for incidental expenses incurred by the person in providing voluntary services accepted under subsection (a). The Secretary shall determine which expenses are eligible for reimbursement under this subsection. Any such reimbursement may be made from appropriated or nonappropriated funds.

(f) AUTHORITY TO INSTALL EQUIPMENT.—(1) The Secretary concerned may install telephone lines and any necessary telecommunication equipment in the private residences of persons, designated in accordance with the regulations prescribed under paragraph (4), who provide voluntary services accepted under paragraph (3) or (8) of subsection (a).

(2) In the case of equipment installed under the authority of paragraph (1), the Secretary concerned may pay the charges incurred for the use of the equipment for authorized purposes.

(3) To carry out this subsection, the Secretary concerned may use appropriated funds (notwith-

standing section 1348 of title 31) or nonappropriated funds of the military department under the jurisdiction of the Secretary or, with respect to the Coast Guard, the department in which the Coast Guard is operating.

(4) The Secretary of Defense and, with respect to the Coast Guard when it is not operating as a service in the Navy, the Secretary of Homeland Security shall prescribe regulations to carry out this subsection.

(Added Pub. L. 98-94, title XII, §1266(a), Sept. 24, 1983, 97 Stat. 704; amended Pub. L. 99-145, title XVI, §1624(a), Nov. 8, 1985, 99 Stat. 778; Pub. L. 99-661, div. A, title XIII, §1355, Nov. 14, 1986, 100 Stat. 3996; Pub. L. 100-26, §3(9), Apr. 21, 1987, 101 Stat. 274; Pub. L. 101-189, div. A, title XVI, §1634, Nov. 29, 1989, 103 Stat. 1608; Pub. L. 102-190, div. A, title III, §345, Dec. 5, 1991, 105 Stat. 1346; Pub. L. 103-337, div. A, title X, §1061(a), Oct. 5, 1994, 108 Stat. 2845; Pub. L. 104-201, div. A, title X, §1074(a)(8), Sept. 23, 1996, 110 Stat. 2659; Pub. L. 106-65, div. A, title III, §371(a), title V, §578(f), Oct. 5, 1999, 113 Stat. 579, 627; Pub. L. 107-107, div. A, title V, §583, Dec. 28, 2001, 115 Stat. 1125; Pub. L. 107-296, title XVII, §1704(b)(1), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 107-314, div. A, title V, §553, title X, §1064(b), Dec. 2, 2002, 116 Stat. 2552, 2654; Pub. L. 108-375, div. A, title V, §516, title X, §1081, Oct. 28, 2004, 118 Stat. 1884, 2059; Pub. L. 110-181, div. A, title X, §1063(a)(9), Jan. 28, 2008, 122 Stat. 322.)

AMENDMENTS

2008—Subsec. (d)(1)(B). Pub. L. 110-181 substituted “chapters 309 and 311 of title 46” for “the Act of March 9, 1920, commonly known as the ‘Suits in Admiralty Act’ (41 Stat. 525; 46 U.S.C. App. 741 et seq.) and the Act of March 3, 1925, commonly known as the ‘Public Vessels Act’ (43 Stat. 1112; 46 U.S.C. App. 781 et seq.)”.

2004—Subsec. (a)(8). Pub. L. 108-375, §516(1), added par. (8).

Subsec. (d)(1)(B). Pub. L. 108-375, §1081, inserted before period at end “and the Act of March 9, 1920, commonly known as the ‘Suits in Admiralty Act’ (41 Stat. 525; 46 U.S.C. App. 741 et seq.) and the Act of March 3, 1925, commonly known as the ‘Public Vessels Act’ (43 Stat. 1112; 46 U.S.C. App. 781 et seq.) (relating to claims for damages or loss on navigable waters)”.

Subsec. (f)(1). Pub. L. 108-375, §516(2), substituted “paragraph (3) or (8) of subsection (a)” for “subsection (a)(3)”.

2002—Subsec. (a)(6). Pub. L. 107-314, §553, added par. (6).

Subsec. (a)(7). Pub. L. 107-314, §1064(b), added par. (7).

Subsec. (f)(4). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

2001—Subsec. (a)(5). Pub. L. 107-107, §583(a), added par. (5).

Subsec. (d)(1)(E). Pub. L. 107-107, §583(b), added subpar. (E).

1999—Subsec. (a)(4). Pub. L. 106-65, §578(f), added par. (4).

Subsec. (f). Pub. L. 106-65, §371(a), added subsec. (f).

1996—Subsec. (d)(1)(C). Pub. L. 104-201 substituted “Section 552a” for “Section 522a”.

1994—Pub. L. 103-337 amended section generally, substituting subssecs. (a) to (e) for former subssecs. (a) to (c) which related to acceptance by Secretary concerned of voluntary services, status of persons providing voluntary services, and reimbursement of expenses incurred by such persons.

1991—Subsec. (c). Pub. L. 102-190 substituted “may be made from appropriated or nonappropriated funds” for “may only be made from nonappropriated funds”.

1989—Subsec. (a). Pub. L. 101-189 substituted “a museum, a natural resources program, or” for “a museum or”.

1987—Subsec. (c). Pub. L. 100-26 made technical amendment to directory language of Pub. L. 99-661. See 1986 Amendment note below.

1986—Subsec. (c). Pub. L. 99-661, as amended by Pub. L. 100-26, added subsec. (c).

1985—Subsec. (a). Pub. L. 99-145 substituted “Secretary concerned” and “operated by the military department concerned or the Coast Guard, as appropriate” for “Secretary of a military department” and “operated by that military department”, respectively.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-26 applicable as if included in Pub. L. 99-661 when enacted on Nov. 14, 1986, see section 12(a) of Pub. L. 100-26, set out as a note under section 776 of this title.

EFFECTIVE DATE OF 1985 AMENDMENT

Section 1624(b) of Pub. L. 99-145 provided that: “The amendments made by this section [amending this section] shall take effect on October 1, 1985.”

REPORT ON IMPLEMENTATION OF AUTHORITY TO INSTALL TELECOMMUNICATIONS EQUIPMENT FOR PERSONS PERFORMING VOLUNTARY SERVICES

Pub. L. 106-65, div. A, title III, § 371(b), Oct. 5, 1999, 113 Stat. 579, provided that: “Not later than two years after final regulations prescribed under subsection (f)(4) of section 1588 of title 10, United States Code, as added by subsection (a), take effect, the Comptroller General shall review the exercise of authority under such subsection (f) and submit to Congress a report on the findings resulting from the review.”

ACCEPTANCE OF VOLUNTARY SERVICES PILOT PROGRAM

Section 1061(b) of Pub. L. 103-337 provided that:

“(1) The Secretary of Defense shall conduct a pilot program, for not less than six months, to accept voluntary services under the authority provided in section 1588 of title 10, United States Code, as amended by subsection (a). The purpose of the pilot program shall be to evaluate the policies and procedures of the Department of Defense for the acceptance of voluntary services under such section. The pilot program shall involve a variety of services, programs, and locations.

“(2) The Secretary may not accept voluntary services under section 1588 of title 10, United States Code (other than services that may have been accepted under such section before the date of the enactment of this Act [Oct. 5, 1994]), and may not issue regulations to implement the amendment to such section made by subsection (a), until after the termination of the pilot program.

“(3) Not later than 60 days after the termination of the pilot program, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the results of the pilot program.”

§ 1589. Participation in management of specified non-Federal entities: authorized activities

(a) AUTHORIZATION.—(1) The Secretary concerned may authorize an employee described in paragraph (2) to serve without compensation as a director, officer, or trustee, or to otherwise participate, in the management of an entity designated under subsection (b). Any such authorization shall be made on a case-by-case basis, for a particular employee to participate in a specific capacity with a specific designated entity. Such authorization may be made only for the

purpose of providing oversight and advice to, and coordination with, the designated entity, and participation of the employee in the activities of the designated entity may not extend to participation in the day-to-day operations of the entity.

(2) Paragraph (1) applies to any employee of the Department of Defense or, in the case of the Coast Guard when not operating as a service in the Navy, of the Department of Homeland Security. For purposes of this section, the term “employee” includes a civilian officer.

(b) DESIGNATED ENTITIES.—The Secretary of Defense, and the Secretary of Homeland Security in the case of the Coast Guard when it is not operating as a service in the Navy, shall designate those entities for which authorization under subsection (a) may be provided. The list of entities so designated may not be revised more frequently than semiannually. In making such designations, the Secretary shall designate each military welfare society named in paragraph (2) of section 1033(b) of this title and may designate any other entity described in paragraph (3) of such section. No other entities may be designated.

(c) PUBLICATION OF DESIGNATED ENTITIES AND OF AUTHORIZED PERSONS.—A designation of an entity under subsection (b), and an authorization under subsection (a) of an employee to participate in the management of such an entity, shall be published in the Federal Register.

(d) CIVILIANS OUTSIDE THE MILITARY DEPARTMENTS.—In this section, the term “Secretary concerned” includes the Secretary of Defense with respect to employees of the Department of Defense who are not employees of a military department.

(e) REGULATIONS.—The Secretary of Defense, and the Secretary of Homeland Security in the case of the Coast Guard when it is not operating as a service in the Navy, shall prescribe regulations to carry out this section.

(Added Pub. L. 105-85, div. A, title V, § 593(b)(1), Nov. 18, 1997, 111 Stat. 1763; amended Pub. L. 107-296, title XVII, § 1704(b)(1), Nov. 25, 2002, 116 Stat. 2314.)

PRIOR PROVISIONS

A prior section 1589, added Pub. L. 98-525, title XIV, § 1401(f)(1), Oct. 19, 1984, 98 Stat. 2618, provided, with exceptions, for prohibition on payment of lodging expenses when adequate Government quarters were available, prior to repeal by Pub. L. 104-201, div. A, title XVI, § 1614(b)(1), Sept. 23, 1996, 110 Stat. 2739.

AMENDMENTS

2002—Subsecs. (a)(2), (b), (e). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of this title.

[§ 1590. Repealed. Pub. L. 104-201, div. A, title XVI, § 1633(a), Sept. 23, 1996, 110 Stat. 2751]

Section, added Pub. L. 99-569, title V, § 504(a), Oct. 27, 1986, 100 Stat. 3198; amended Pub. L. 100-178, title VI, § 602(b), Dec. 2, 1987, 101 Stat. 1016; Pub. L. 101-193, title

V, §503(a), Nov. 30, 1989, 103 Stat. 1708; Pub. L. 102-496, title IV, §402(a), Oct. 24, 1992, 106 Stat. 3184; Pub. L. 103-35, title II, §201(g)(2), May 31, 1993, 107 Stat. 100, related to management of civilian intelligence personnel of the military departments. See sections 1601 to 1603, 1606, and 1609 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1996, see section 1635 of Pub. L. 104-201, set out as an Effective Date of 1996 Amendment note under section 1593 of this title.

§ 1591. Reimbursement for travel and transportation expenses when accompanying Members of Congress

(a) Subject to subsection (b), the Secretary concerned may authorize reimbursement to a civilian employee who is accompanying a Member of Congress or a congressional employee on official travel for actual travel and transportation expenses incurred for such travel.

(b) The allowance provided in subsection (a) may be paid—

(1) at a rate that does not exceed the rate approved for official congressional travel; and

(2) only when the travel of the member is directed or approved by the Secretary concerned.

(c) In this section:

(1) The term “Member of Congress” means a member of the Senate or the House of Representatives, a Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico.

(2) The term “congressional employee” means an employee of a Member of Congress or an employee of Congress.

(3) The term “Secretary concerned” includes the Secretary of Defense with respect to civilian employees of the Department of Defense other than a military department.

(Added Pub. L. 100-180, div. A, title VI, §617(b)(1), Dec. 4, 1987, 101 Stat. 1097.)

EFFECTIVE DATE

Section 617(c) of Pub. L. 100-180 provided that: “Subsection (h) of section 404 of title 37, United States Code (as added by subsection (a)), and section 1591 of title 10, United States Code (as added by subsection (b)), shall apply with respect to travel performed after the date of the enactment of this Act [Dec. 4, 1987].”

§ 1592. Prohibition on payment of severance pay to foreign nationals in the event of certain overseas base closures

Funds available to the Department of Defense (including funds in the Foreign National Employees Separation Pay Account, Defense, established under section 1581 of this title) may not be used to pay severance pay to a foreign national employed by the Department of Defense under a contract, a treaty, or a memorandum of understanding with a foreign nation that provides for payment of separation pay if the termination of the employment of the foreign national is the result of the closing of, or the curtailment of activities at, a United States military facility in that country at the request of the government of that country.

(Added Pub. L. 101-189, div. A, title III, §311(b)(1), Nov. 29, 1989, 103 Stat. 1411; amended

Pub. L. 102-190, div. A, title X, §1003(b), Dec. 5, 1991, 105 Stat. 1456; Pub. L. 102-484, div. A, title X, §1052(21), Oct. 23, 1992, 106 Stat. 2500.)

CODIFICATION

Another section 1592 was renumbered section 1596 of this title.

AMENDMENTS

1992—Pub. L. 102-484 inserted “section” after “established under”.

1991—Pub. L. 102-190 inserted “(including funds in the Foreign National Employees Separation Pay Account, Defense, established under 1581 of this title)” and substituted “a contract, a treaty, or a memorandum of understanding with a foreign nation that provides for payment of separation pay” for “a contract performed in a foreign country”.

EFFECTIVE DATE

Section 311(b)(3) of Pub. L. 101-189, as amended by Pub. L. 102-484, div. A, title XIII, §1352(a), Oct. 23, 1992, 106 Stat. 2558, provided that:

“(A) Section 1592 of title 10, United States Code, as added by paragraph (1), shall take effect on the date of the enactment of this Act [Nov. 29, 1989].

“(B) Repealed. Pub. L. 102-484, div. A, title XIII, §1352(a), Oct. 23, 1992, 106 Stat. 2558.”

PROHIBITION ON PAYMENT OF SEVERANCE PAY TO CERTAIN FOREIGN NATIONALS IN THE PHILIPPINES

Section 1351 of Pub. L. 102-484 provided that:

“(a) PROHIBITION.—Funds available to the Department of Defense may not be used to pay severance pay to a foreign national employed by the Department of Defense in the Republic of the Philippines if the discontinuation of the employment of the foreign national is the result of the termination of basing rights of the United States military in the Republic of the Philippines.

“(b) PROHIBITION ON ALLOWANCE OF CERTAIN SEVERANCE PAY AS CONTRACT COSTS.—Funds available to the Department of Defense may not be used to pay the costs of severance pay paid by a contractor to a foreign national employed by the contractor under a defense service contract in the Philippines if the discontinuation of the employment of the foreign national is the result of the termination of basing rights of the United States military in the Philippines.”

§ 1593. Uniform allowance: civilian employees

(a) ALLOWANCE AUTHORIZED.—(1) The Secretary of Defense may pay an allowance to each civilian employee of the Department of Defense who is required by law or regulation to wear a prescribed uniform in the performance of official duties.

(2) In lieu of providing an allowance under paragraph (1), the Secretary may provide a uniform to a civilian employee referred to in such paragraph.

(3) This subsection shall not apply with respect to a civilian employee of the Defense Intelligence Agency who is entitled to an allowance under section 1622 of this title.

(b) AMOUNT OF ALLOWANCE.—Notwithstanding section 5901(a) of title 5, the amount of an allowance paid, and the cost of uniforms provided, under subsection (a) to a civilian employee may not exceed \$400 per year (or such higher maximum amount as the Secretary of Defense may by regulation prescribe).

(c) TREATMENT OF ALLOWANCE.—An allowance paid, or uniform provided, under subsection (a) shall be treated in the same manner as is pro-

vided in section 5901(c) of title 5 for an allowance paid under that section.

(d) USE OF APPROPRIATED FUNDS FOR ALLOWANCE.—Amounts appropriated annually to the Department of Defense for the pay of civilian employees may be used for uniforms, or for allowance for uniforms, as authorized by this section and section 5901 of title 5.

(Added Pub. L. 101-189, div. A, title III, §336(a)(1), Nov. 29, 1989, 103 Stat. 1419; amended Pub. L. 101-510, div. A, title XIV, §1481(d)(3), Nov. 5, 1990, 104 Stat. 1706; Pub. L. 104-201, div. A, title XVI, §1633(e)(1), Sept. 23, 1996, 110 Stat. 2752; Pub. L. 110-181, div. A, title XI, §1113, Jan. 28, 2008, 122 Stat. 360.)

PRIOR PROVISIONS

Provisions similar to those in subsec. (d) of this section were contained in Pub. L. 101-165, title IX, §9010, Nov. 21, 1989, 103 Stat. 1131, which was set out as a note below, prior to repeal by Pub. L. 101-510, §1481(d)(4)(B).

AMENDMENTS

2008—Subsec. (b). Pub. L. 110-181 substituted “\$400 per year (or such higher maximum amount as the Secretary of Defense may by regulation prescribe).” for “\$400 per year.”

1996—Subsec. (a)(3). Pub. L. 104-201 substituted “section 1622” for “section 1606”.

1990—Subsec. (d). Pub. L. 101-510 added subsec. (d).

EFFECTIVE DATE OF 1996 AMENDMENT

Section 1635 of Pub. L. 104-201 provided that: “This subtitle [subtitle B (§§1631-1635) of title XVI of div. A of Pub. L. 104-201, enacting sections 1601 to 1603, 1606 to 1610, and 1612 to 1614 of this title, amending this section, sections 1596, 1605, 1611, and 1621 of this title, and sections 7103 and 7511 of Title 5, Government Organization and Employees, renumbering sections 1599, 1602, 1606, and 1608 of this title as sections 1611, 1621, 1622, and 1623 of this title, respectively, repealing sections 1590, 1601, 1603, and 1604 of this title and section 833 of Title 50, War and National Defense, enacting provisions set out as a note under section 1601 of this title, and repealing provisions set out as a note under section 402 of Title 50] and the amendments made by this subtitle shall take effect on October 1, 1996.”

EFFECTIVE DATE

Section 336(c) of Pub. L. 101-189 provided that: “The amendments made by this section [enacting this section and amending section 1606 of this title] shall take effect on January 1, 1990.”

AVAILABILITY OF FUNDS FOR PAY OF CIVILIAN EMPLOYEES FOR UNIFORMS

Pub. L. 101-165, title IX, §9010, Nov. 21, 1989, 103 Stat. 1131, which made appropriations available to Department of Defense for pay of civilian employees for uniforms, or allowances therefor, as authorized by section 5901 of title 5, was repealed and restated in subsec. (d) of this section by Pub. L. 101-510, §1481(d)(3), (4)(B).

§ 1594. Reimbursement for financial institution charges incurred because of Government error in direct deposit of pay

(a)(1) A civilian officer or employee of the Department of Defense who, in accordance with law or regulation, participates in a program for the automatic deposit of pay to a financial institution may be reimbursed for a covered late-deposit charge.

(2) A covered late-deposit charge for purposes of paragraph (1) is a charge (including an over-

draft charge or a minimum balance charge) that is levied by a financial institution and that results from an administrative or mechanical error on the part of the Government that causes the pay of the officer or employee concerned to be deposited late or in an incorrect manner or amount.

(b) Reimbursements under this section shall be made from appropriations available for the pay of the officer or employee concerned.

(c) The Secretaries concerned shall prescribe regulations to carry out this section, including regulations for the manner in which reimbursement under this section is to be made.

(d) In this section:

(1) The term “financial institution” means a bank, savings and loan association, or similar institution or a credit union chartered by the United States or a State.

(2) The term “pay” includes allowances.

(Added Pub. L. 101-189, div. A, title VI, §664(b)(1), Nov. 29, 1989, 103 Stat. 1466; amended Pub. L. 101-510, div. A, title XIV, §1484(k)(6), Nov. 5, 1990, 104 Stat. 1719; Pub. L. 102-25, title VII, §701(e)(8)(A), Apr. 6, 1991, 105 Stat. 115; Pub. L. 105-261, div. A, title V, §564(b), Oct. 17, 1998, 112 Stat. 2029.)

AMENDMENTS

1998—Subsec. (d)(1). Pub. L. 105-261 amended par. (1) generally. Prior to amendment, par. (1) read as follows: “The term ‘financial institution’ has the meaning given the term ‘financial organization’ in section 3332(a) of title 31.”

1991—Pub. L. 102-25 struck out “mandatory” after “error in” in section catchline.

1990—Subsec. (d). Pub. L. 101-510 substituted “In this section” for “in this section”.

EFFECTIVE DATE

Section applicable with respect to pay and allowances deposited (or scheduled to be deposited) on or after first day of first month beginning after Nov. 29, 1989, see section 664(c) of Pub. L. 101-189, set out as an Effective Date of 1989 Amendment note under section 1053 of this title.

§ 1595. Civilian faculty members at certain Department of Defense schools: employment and compensation

(a) AUTHORITY OF SECRETARY.—The Secretary of Defense may employ as many civilians as professors, instructors, and lecturers at the institutions specified in subsection (c) as the Secretary considers necessary.

(b) COMPENSATION OF FACULTY MEMBERS.—The compensation of persons employed under this section shall be as prescribed by the Secretary.

(c) COVERED INSTITUTIONS.—This section applies with respect to the following institutions of the Department of Defense:

- (1) The National Defense University.
- (2) The Foreign Language Center of the Defense Language Institute.
- (3) The English Language Center of the Defense Language Institute.
- (4) The Western Hemisphere Institute for Security Cooperation.

(d) APPLICATION TO FACULTY MEMBERS AT NDU.—In the case of the National Defense University, this section applies with respect to per-

sons selected by the Secretary for employment as professors, instructors, and lecturers at the National Defense University after February 27, 1990.

(Added Pub. L. 101-189, div. A, title XI, §1124(a)(1), Nov. 29, 1989, 103 Stat. 1558; amended Pub. L. 102-25, title VII, §701(h)(1), Apr. 6, 1991, 105 Stat. 115; Pub. L. 102-190, div. A, title IX, §911, Dec. 5, 1991, 105 Stat. 1452; Pub. L. 102-484, div. A, title IX, §923(a)(1), (2)(A), Oct. 23, 1992, 106 Stat. 2474; Pub. L. 103-160, div. A, title IX, §923(a)(1), Nov. 30, 1993, 107 Stat. 1731; Pub. L. 104-201, div. A, title XVI, §1607, Sept. 23, 1996, 110 Stat. 2737; Pub. L. 105-85, div. A, title IX, §921(c), 922(b), Nov. 18, 1997, 111 Stat. 1863; Pub. L. 108-136, div. A, title XI, §1115, Nov. 24, 2003, 117 Stat. 1636; Pub. L. 109-364, div. A, title IX, §904(b)(1), Oct. 17, 2006, 120 Stat. 2353.)

AMENDMENTS

2006—Subsec. (c)(3) to (6). Pub. L. 109-364, §904(b)(1)(A), redesignated pars. (4) and (6) as (3) and (4), respectively, and struck out former pars. (3) and (5) which related to the George C. Marshall European Center for Security Studies and the Asia-Pacific Center for Security Studies, respectively.

Subsec. (e). Pub. L. 109-364, §904(b)(1)(B), struck out heading and text of subsec. (e). Text read as follows: “In addition to the persons specified in subsection (a), this section also applies with respect to the Director and the Deputy Director of the following:

“(1) The George C. Marshall European Center for Security Studies.

“(2) The Asia-Pacific Center for Security Studies.

“(3) The Center for Hemispheric Defense Studies.”

2003—Subsec. (c)(6). Pub. L. 108-136 added par. (6).

1997—Subsec. (d). Pub. L. 105-85, §921(c), struck out “(1)” before “In the case of” and struck out par. (2) which read as follows: “For purposes of this section, the National Defense University includes the National War College, the Armed Forces Staff College, the Institute for National Strategic Study, and the Industrial College of the Armed Forces.”

Subsecs. (e), (f). Pub. L. 105-85, §922(b), added subsec. (e) and struck out former subsecs. (e) and (f) which read as follows:

“(e) APPLICATION TO DIRECTOR AND DEPUTY DIRECTOR AT GEORGE C. MARSHALL CENTER.—In the case of the George C. Marshall European Center for Security Studies, this section also applies with respect to the Director and the Deputy Director.

“(f) APPLICATION TO DIRECTOR AND DEPUTY DIRECTOR AT ASIA-PACIFIC CENTER FOR SECURITY STUDIES.—In the case of the Asia-Pacific Center for Security Studies, this section also applies with respect to the Director and the Deputy Director.”

1996—Subsec. (c)(4), (5). Pub. L. 104-201, §1607(a), added pars. (4) and (5).

Subsec. (f). Pub. L. 104-201, §1607(b), added subsec. (f).

1993—Pub. L. 103-160 substituted “Civilian faculty members at certain Department of Defense schools: employment and compensation” for “National Defense University: Foreign Language Center of the Defense Language Institute: civilian faculty members” as section catchline and amended text generally, substituting subsecs. (a) to (e) for former subsecs. (a) to (d) relating to similar subject matter but not including coverage of the George C. Marshall European Center for Security Studies.

1992—Pub. L. 102-484, §923(a)(2)(A), substituted “University; Foreign Language Center of the Defense Language Institute” for “University;” in section catchline.

Subsec. (a). Pub. L. 102-484, §923(a)(1)(A), inserted “and the Foreign Language Center of the Defense Language Institute” after “National Defense University”.

Subsec. (c). Pub. L. 102-484, §923(a)(1)(B), substituted “In the case of the National Defense University, this section” for “This section”.

1991—Subsec. (c). Pub. L. 102-25 substituted “after February 27, 1990” for “after the end of the 90-day period beginning on the date of the enactment of this section”.

Subsec. (d). Pub. L. 102-190 inserted “the Institute for National Strategic Study,” after “Staff College;”.

EFFECT OF 1992 AMENDMENTS ON CURRENT EMPLOYEES

Section 923(b) of Pub. L. 102-484 provided that: “In the case of a person who, on the day before the date of the enactment of this Act [Oct. 23, 1992], is employed as a professor, instructor, or lecturer at the Foreign Language Center of the Defense Language Institute, the Secretary of Defense shall afford the person an opportunity to elect to be paid under the compensation plan authorized by section 1595(b) of title 10, United States Code, or to continue to be paid under the General Schedule (with no reduction in pay) under section 5332 of title 5, United States Code.”

§ 1596. Foreign language proficiency: special pay for proficiency beneficial for intelligence interests

(a) The Secretary of Defense may pay special pay under this section to a civilian officer or employee of the Department of Defense who—

(1) has been certified as being proficient in a foreign language identified by the Secretary of Defense as being a language in which proficiency by civilian personnel of the Department is important for the effective collection, production, or dissemination of foreign intelligence information; and

(2) is serving in a position, or is subject to assignment to a position, in which proficiency in that language facilitates performance of officially assigned intelligence or intelligence-related duties.

(b) The annual rate of special pay under subsection (a) shall be determined by the Secretary of Defense.

(c) Special pay under this section may be paid in addition to any compensation authorized under section 1602 of this title for which an officer or employee is eligible.

(Added Pub. L. 101-193, title V, §501(a)(1), Nov. 30, 1989, 103 Stat. 1707, §1592; renumbered §1596, Pub. L. 101-510, div. A, title XIV, §1484(a), Nov. 5, 1990, 104 Stat. 1715; amended Pub. L. 104-201, div. A, title XVI, §1633(e)(2), Sept. 23, 1996, 110 Stat. 2752; Pub. L. 106-398, §1 [[div. A], title XI, §1131(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-317.)

AMENDMENTS

2000—Pub. L. 106-398 substituted “Foreign language proficiency: special pay for proficiency beneficial for intelligence interests” for “Foreign language proficiency: special pay” as section catchline.

1996—Subsec. (c). Pub. L. 104-201 substituted “section 1602” for “section 1604(b)”.

1990—Pub. L. 101-510 renumbered the second section 1592 of this title as this section.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-201 effective Oct. 1, 1996, see section 1635 of Pub. L. 104-201, set out as a note under section 1593 of this title.

EFFECTIVE DATE

Section 501(b) of Pub. L. 101-193 provided that: “Section 1592 [now 1596] of title 10, United States Code, as added by subsection (a), shall take effect on the first day of the first pay period beginning on or after the later of—

- “(1) October 1, 1989, or
“(2) the date of the enactment of this Act [Nov. 30, 1989].”

§ 1596a. Foreign language proficiency: special pay for proficiency beneficial for other national security interests

(a) **AUTHORITY.**—The Secretary of Defense may pay special pay under this section to an employee of the Department of Defense who—

- (1) has been certified by the Secretary to be proficient in a foreign language identified by the Secretary as being a language in which proficiency by civilian personnel of the Department is necessary because of national security interests;
- (2) is assigned duties requiring proficiency in that foreign language; and
- (3) is not receiving special pay under section 1596 of this title.

(b) **RATE.**—The rate of special pay for an employee under this section shall be prescribed by the Secretary, but may not exceed five percent of the employee's rate of basic pay.

(c) **RELATIONSHIP TO OTHER PAY AND ALLOWANCES.**—Special pay under this section is in addition to any other pay or allowances to which the employee is entitled.

(d) **REGULATIONS.**—The Secretary of Defense shall prescribe regulations to carry out this section.

(Added Pub. L. 106-398, §1 [[div. A], title XI, §1131(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-317; amended Pub. L. 108-375, div. A, title XI, §1102(a), Oct. 28, 2004, 118 Stat. 2072.)

AMENDMENTS

2004—Subsec. (a)(2). Pub. L. 108-375 struck out “during a contingency operation supported by the armed forces” after “foreign language”.

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-375, div. A, title XI, §1102(b), Oct. 28, 2004, 118 Stat. 2072, provided that: “The amendment by this section [amending this section] shall take effect on the first day of the first month that begins after the date of the enactment of this Act [Oct. 28, 2004].”

§ 1596b. Foreign language proficiency: National Foreign Language Skills Registry

(a) **ESTABLISHMENT.**—(1) The Secretary of Defense may establish and maintain a registry of persons who—

- (A) have proficiency in one or more critical foreign languages;
- (B) are willing to provide linguistic services to the United States in the interests of national security during war or a national emergency; and
- (C) meet the eligibility requirements of subsection (b).

(2) The registry shall be known as the “National Foreign Language Skills Registry” (in this section referred to as the “Registry”).

(b) **ELIGIBLE PERSONS.**—To be eligible for listing on the Registry, a person—

- (1) must be—
 - (A) a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))); or

(B) an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)));

(2) shall express willingness, in a form and manner prescribed by the Secretary—

- (A) to provide linguistic services for a foreign language as described in subsection (a); and
- (B) to be listed on the Registry; and

(3) shall meet such language proficiency and other selection criteria as may be prescribed by the Secretary.

(c) **REGISTERED INFORMATION.**—The Registry shall consist of the following:

- (1) The names of eligible persons selected by the Secretary for listing on the Registry.
- (2) Such other information on such persons as the Secretary determines pertinent to the use of such persons to provide linguistic services as described in subsection (a).

(d) **PROTECTION OF PRIVACY.**—The Secretary may withhold from public disclosure the information maintained in the Registry in accordance with section 552a of title 5.

(e) **DESIGNATION OF CRITICAL FOREIGN LANGUAGES.**—The Secretary shall designate those languages that are critical foreign languages for the purposes of this section. The Secretary shall make such a designation for any foreign language for which there is a shortage of experts in translation or interpretation available to meet requirements of the Secretary or of the head of any other department or agency of the United States for translation or interpretation in the national security interests of the United States.

(f) **LINGUISTIC SERVICES DEFINED.**—In this section, the term “linguistic services” means translation or interpretation of communication in a foreign language.

(Added Pub. L. 107-314, div. A, title X, §1064(a)(1), Dec. 2, 2002, 116 Stat. 2653.)

§ 1597. Civilian positions: guidelines for reductions

(a) **REQUIREMENT OF GUIDELINES FOR REDUCTIONS IN CIVILIAN POSITIONS.**—Reductions in the number of civilian positions of the Department of Defense during a fiscal year, if any, shall be carried out in accordance with the guidelines established pursuant to subsection (b).

(b) **GUIDELINES.**—The Secretary of Defense shall establish guidelines for the manner in which reductions in the number of civilian positions of the Department of Defense are made. The guidelines shall include procedures for reviewing civilian positions for reductions according to the following order:

- (1) Positions filled by foreign national employees overseas.
- (2) All other positions filled by civilian employees overseas.
- (3) Overhead, indirect, and administrative positions in headquarters or field operating agencies in the United States.
- (4) Direct operating or production positions in the United States.

(c) **MASTER PLAN.**—(1) The Secretary of Defense shall include in the materials submitted to

Congress in support of the budget request for the Department of Defense for each fiscal year a civilian positions master plan described in paragraph (2) for the Department of Defense as a whole and for each military department, Defense Agency, and other principal component of the Department of Defense.

(2) The master plan referred to in paragraph (1) shall include the information described in paragraph (3). Such information shall include information for each of the two fiscal years immediately preceding such fiscal year and projected information for such fiscal year and each of the two fiscal years immediately following such fiscal year.

(3) The information referred to in paragraph (2) is the following:

(A) A profile of the levels of civilian positions sufficient to establish and maintain a baseline for tracking annual accessions and losses of civilian positions and to provide for the analysis of trends in the levels of civilian positions within the Department of Defense as a whole and for each military department, major subordinate command of each military department, Defense Agency, and other principal component of the Department of Defense. The profile shall include information on the following:

(i) The total number of civilian employees.

(ii) Of the total number of civilian employees, the number of civilian employees in the United States, the number of civilian employees overseas, and the number of foreign national employees overseas.

(iii) Of the total number of civilian employees at the end of each fiscal year covered by the master plan, the number of full-time employees, the number of part-time employees, and the number of temporary and on-call employees.

(iv) Accessions and losses of civilian positions, shown in the aggregate and by the number of full-time employees, the number of part-time employees, and the number of temporary and on-call employees.

(v) The number of losses of civilian positions, by appropriation account, due to reductions in force, furloughs, or functional transfers or other significant transfers of work away from the military department, Defense Agency, or other component.

(vi) The extent to which accessions and losses of civilian positions are due to functional transfers or competitive actions that are related to the Department of Defense management review initiatives of the Secretary of Defense.

(vii) The total number of individuals employed by contractors and subcontractors of the Department of Defense under a contract or subcontract entered into pursuant to Office of Management and Budget Circular A-76 to perform commercial activities for the Department of Defense, a military department, a defense agency, or other component.

(B) For industrial-type and commercial-type activities funded through the Defense Business Operations Fund, the following information:

(i) Annual trends in the amount of funded workload for each activity, based upon the

average number of months of accumulated, funded workload to be performed, or projected to be performed, by the activity.

(ii) The extent to which such workload is funded by funds that are appropriated from appropriation accounts and managed through the Defense Business Operations Fund.

(C) Information that indicates trends in the extent to which the military department, Defense Agency, or other component enters into contracts with persons outside of the Department of Defense, rather than uses civilian positions, to perform work for the military department, Defense Agency, or other component.

(D) Information that indicates the extent to which the Department of Defense management review initiatives of the Secretary of Defense and other productivity enhancement programs of the Department of Defense significantly affect the number of losses of civilian positions, particularly administrative and management positions.

(4) The Secretary of Defense shall include in the materials referred to in paragraph (1) a report on the implementation of the master plan for the fiscal year immediately preceding the fiscal year for which such materials are submitted.

(d) EXCEPTIONS.—The Secretary of Defense may permit a variation from the guidelines established under subsection (b) or a master plan prepared under subsection (c) if the Secretary determines that such variation is critical to the national security. The Secretary shall immediately notify the Congress of any such variation and the reasons for such variation.

(e) INVOLUNTARY REDUCTIONS OF CIVILIAN POSITIONS.—The Secretary of Defense may not implement any involuntary reduction or furlough of civilian positions in a military department, Defense Agency, or other component of the Department of Defense until the expiration of the 45-day period beginning on the date on which the Secretary submits to Congress a report setting forth the reasons why such reductions or furloughs are required and a description of any change in workload or positions requirements that will result from such reductions or furloughs.

(Added Pub. L. 101-510, div. A, title III, §322(a)(1), Nov. 5, 1990, 104 Stat. 1528; amended Pub. L. 102-484, div. A, title III, §371(a), Oct. 23, 1992, 106 Stat. 2382; Pub. L. 103-35, title II, §201(d)(1), May 31, 1993, 107 Stat. 98; Pub. L. 103-160, div. A, title III, §363, Nov. 30, 1993, 107 Stat. 1628.)

AMENDMENTS

1993—Subsec. (a). Pub. L. 103-160, §363(a)(1), substituted “during a fiscal year” for “during fiscal year 1993”.

Subsec. (b). Pub. L. 103-160, §363(a)(2), struck out “for fiscal year 1993” after “establish guidelines” in introductory provisions.

Subsec. (c)(1). Pub. L. 103-160, §363(b)(1), substituted “for each fiscal year” for “for fiscal year 1994”.

Subsec. (c)(3)(A)(v). Pub. L. 103-35, §201(d)(1)(A)(i), substituted “Defense Agency” for “defense agency”.

Subsec. (c)(3)(A)(vii). Pub. L. 103-160, §363(b)(2), added cl. (vii).

Subsec. (c)(3)(C). Pub. L. 103-35, §201(d)(1)(A)(ii), substituted "Defense Agency" for "defense agency" after "to which the military department," and "Defense Agency," for "defense agency" after "for the military department."

Subsec. (c)(4). Pub. L. 103-160, §363(b)(3), added par. (4).

Subsec. (e). Pub. L. 103-35, §201(d)(1)(B), substituted "on the date" for "of the date".

1992—Pub. L. 102-484 substituted "Civilian positions: guidelines for reductions" for "Employees of industrial-type or commercial-type activities: guidelines for future reductions" as section catchline and amended text generally, substituting subsecs. (a) to (e) for former subsecs. (a) to (c).

PILOT PROGRAM FOR PAYMENT OF RETRAINING EXPENSES

Pub. L. 107-107, div. A, title XI, §1102, Dec. 28, 2001, 115 Stat. 1235, authorized the Secretary of Defense to establish a pilot program to facilitate the reemployment of eligible employees of the Department of Defense who were involuntarily separated due to a reduction in force, relocation as a result of a transfer of function, realignment, or change of duty station, and to pay retraining incentives to encourage non-Federal employers to hire and retain such employees, and provided that no incentive could be paid under such program for training commenced after Sept. 30, 2005.

NON-FEDERAL EMPLOYMENT INCENTIVE PILOT PROGRAM

Pub. L. 103-337, div. A, title III, §348, Oct. 5, 1994, 108 Stat. 2725, authorized the Secretary of Defense to establish a pilot program for the payment of incentives to facilitate the reemployment of eligible employees of the Department of Defense whose employment with the Department was being terminated by reason of the closure or realignment of the military installations where such persons were employed, to pay retraining and relocation incentives to encourage non-Federal employers to hire and retain such employees, and to pay a relocation incentive to an eligible employee if it was necessary for the employee to relocate in order to commence employment with a non-Federal employer under such program, and provided that no incentive could be paid under such program for training or relocations commenced after Sept. 30, 1999.

SKILL TRAINING PROGRAMS IN DEPARTMENT OF DEFENSE

Pub. L. 102-484, div. D, title XLIV, §4435, Oct. 23, 1992, 106 Stat. 2722, authorized the Secretaries of the military departments and the Secretary of Defense, during the period beginning on Oct. 1, 1992, and ending on Sept. 30, 1995, to provide not more than one year of training in training facilities of the Department of Defense to civilian employees of the Department who were separated from employment as a result of a reduction in force or a closure or realignment of a military installation, and directed the Secretary to publish a register of the skill training programs carried out by the Department not later than Feb. 1, 1993.

INVOLUNTARY REDUCTIONS OF CIVILIAN PERSONNEL IN FISCAL YEAR 1991

Pub. L. 101-510, div. A, title III, §322(b), Nov. 5, 1990, 104 Stat. 1529, provided that after Nov. 5, 1990, an agency or component of the Department of Defense could not implement any involuntary reductions or furloughs of civilian personnel in industrial-type or commercial-type activities in fiscal year 1991 until 45 days after the date on which the agency or component submitted a report to Congress outlining the reasons why such reductions or furloughs were required.

§ 1598. Assistance to terminated employees to obtain certification and employment as teachers or employment as teachers' aides

(a) PLACEMENT PROGRAM.—The Secretary of Defense may establish a program—

(1) to assist eligible civilian employees of the Department of Defense and the Department of Energy after the termination of their employment to obtain—

(A) certification or licensure as elementary or secondary school teachers; or

(B) the credentials necessary to serve as teachers' aides; and

(2) to facilitate the employment of such employees by local educational agencies that—

(A) are receiving grants under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) as a result of having within their jurisdictions concentrations of children from low-income families; and

(B) are also experiencing a shortage of teachers or teachers' aides.

(b) ELIGIBLE EMPLOYEES.—(1) A civilian employee of the Department of Defense or the Department of Energy shall be eligible for selection by the Secretary of Defense to participate in the placement program authorized by subsection (a) if the employee—

(A) during the five-year period beginning October 1, 1992, is terminated from such employment as a result of reductions in defense spending or the closure or realignment of a military installation, as determined by the Secretary of Defense or the Secretary of Energy, as the case may be;

(B) has received—

(i) in the case of an employee applying for assistance for placement as an elementary or secondary school teacher, a baccalaureate or advanced degree from an accredited institution of higher education; or

(ii) in the case of an employee applying for assistance for placement as a teacher's aide in an elementary or secondary school, an associate, baccalaureate, or advanced degree from an accredited institution of higher education or a junior or community college; and

(C) satisfies such other criteria for selection as the Secretary of Defense may prescribe.

(2) The Secretary of Defense may accept an application from a civilian employee referred to in paragraph (1) who was terminated during the period beginning on October 1, 1990, and ending on October 1, 1992, if the employee otherwise satisfies the eligibility criteria specified in that paragraph.

(c) SELECTION OF PARTICIPANTS.—(1) Selection of civilian employees to participate in the placement program shall be made on the basis of applications submitted to the Secretary of Defense after the employees receive a notice of termination. An application shall be filed within such time, in such form, and contain such information as the Secretary of Defense may require.

(2) In selecting participants to receive assistance for placement as elementary or secondary school teachers, the Secretary of Defense shall give priority to civilian employees who—

(A) have educational, military, or employment experience in science, mathematics, or engineering and agree to seek employment as science, mathematics, or engineering teachers in elementary or secondary schools; or

(B) have educational, military, or employment experience in another subject area iden-

tified by the Secretary, in consultation with the Secretary of Education, as important for national educational objectives and agree to seek employment in that subject area in elementary or secondary schools.

(3) The Secretary of Defense may not select a civilian employee to participate in the program unless the Secretary has sufficient appropriations for the placement program available at the time of the selection to satisfy the obligations to be incurred by the United States under the program with respect to that member.

(d) AGREEMENT.—A civilian employee selected to participate in the placement program shall be required to enter into an agreement with the Secretary of Defense in which the employee agrees—

(1) to obtain, within such time as the Secretary may require, certification or licensure as an elementary or secondary school teacher or the necessary credentials to serve as a teacher's aide in an elementary or secondary school; and

(2) to accept—

(A) in the case of an employee selected for assistance for placement as a teacher, an offer of full-time employment as an elementary or secondary school teacher for not less than two school years with a local educational agency identified under section 1151(b)(2)¹ of this title, as in effect on October 4, 1999, to begin the school year after obtaining that certification or licensure; or

(B) in the case of an employee selected for assistance for placement as a teacher's aide, an offer of full-time employment as a teacher's aide in an elementary or secondary school for not less than two school years with a local educational agency identified under section 1151(b)(3)¹ of this title, as in effect on October 4, 1999, to begin the school year after obtaining the necessary credentials.

(e) STIPEND FOR PARTICIPANTS.—(1) Except as provided in paragraph (2), the Secretary of Defense shall pay to each participant in the placement program a stipend in an amount equal to the lesser of—

(A) \$5,000; or

(B) the total costs of the type described in paragraphs (1), (2), (3), (8), and (9) of section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087*ll*) incurred by the participant while obtaining teacher certification or licensure or the necessary credentials to serve as a teacher's aide and employment as an elementary or secondary school teacher or teacher aide.

(2) A civilian employee selected to participate in the placement program who receives separation pay under section 5597 of title 5 shall not be paid a stipend under paragraph (1).

(3) A stipend paid under paragraph (1) shall be taken into account in determining the eligibility of the participant for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(f) PLACEMENT OF PARTICIPANTS AS TEACHERS AND TEACHERS' AIDES.—Subsections (h) through

(k) of section 1151¹ of this title, as in effect on October 4, 1999, shall apply with respect to the placement program authorized by this section.

(Added Pub. L. 102-484, div. D, title XLIV, § 4442(a), Oct. 23, 1992, 106 Stat. 2730; amended Pub. L. 103-35, title II, § 201(h)(1), May 31, 1993, 107 Stat. 100; Pub. L. 103-160, div. A, title XIII, § 1331(c)(2), Nov. 30, 1993, 107 Stat. 1792; Pub. L. 103-382, title III, § 391(b)(3), Oct. 20, 1994, 108 Stat. 4021; Pub. L. 104-106, div. A, title XV, § 1503(a)(14), Feb. 10, 1996, 110 Stat. 511; Pub. L. 104-201, div. A, title V, § 576(b), Sept. 23, 1996, 110 Stat. 2535; Pub. L. 106-398, § 1 [[div. A], title X, § 1087(a)(11)], Oct. 30, 2000, 114 Stat. 1654, 1654A-290.)

REFERENCES IN TEXT

The Elementary and Secondary Education Act of 1965, referred to in subsec. (a)(2)(A), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, as amended. Title I of the Act is classified generally to subchapter I (§6301 et seq.) of chapter 70 of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of Title 20 and Tables.

Section 1151 of this title, referred to in subsecs. (d)(2)(A), (B) and (f), was repealed by Pub. L. 106-65, div. A, title XVII, § 1707(a)(1), Oct. 5, 1999, 113 Stat. 823, and a new section 1151 of this title was subsequently added by Pub. L. 109-364, § 561(a).

The Higher Education Act of 1965, referred to in subsec. (e)(3), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219, as amended. Title IV of the Act is classified generally to subchapter IV (§1070 et seq.) of chapter 28 of Title 20, and part C (§2751 et seq.) of subchapter I of chapter 34 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

AMENDMENTS

2000—Subsec. (d)(2). Pub. L. 106-398, § 1 [[div. A], title X, § 1087(a)(11)(A)], inserted “as in effect on October 4, 1999,” after “of this title,” in subpars. (A) and (B).

Subsec. (f). Pub. L. 106-398, § 1 [[div. A], title X, § 1087(a)(11)(B)], inserted “, as in effect on October 4, 1999,” after “of this title”.

1996—Subsec. (a)(2)(A). Pub. L. 104-106 substituted “6301” for “2701”.

Subsec. (d)(2)(A), (B). Pub. L. 104-201 substituted “two school years” for “five school years”.

1994—Subsec. (a)(2)(A). Pub. L. 103-382 struck out “chapter 1 of” after “grants under”.

1993—Subsec. (d)(2)(A), (B). Pub. L. 103-160 substituted “five school years” for “two school years”.

Subsec. (e)(4). Pub. L. 103-35 struck out par. (4) which read as follows: “A person who receives a stipend under section 4436 of this title shall not be paid a stipend pursuant to paragraph (1).”

EFFECTIVE DATE OF 1993 AMENDMENT

Pub. L. 103-160, div. A, title XIII, § 1331(h), Nov. 30, 1993, 107 Stat. 1793, provided that: “The amendments made by subsections (c) and (d) [amending this section and sections 1151 and 2410] of this title shall not apply with respect to—

“(1) persons selected by the Secretary of Defense before the date of the enactment of this Act [Nov. 30, 1993] to participate in the teacher and teacher's aide placement programs established pursuant to sections 1151, 1598, and 2410] of title 10, United States Code; or

“(2) agreements entered into by the Secretary before such date with local educational agencies under such sections.”

SAVINGS PROVISION

Pub. L. 104-201, div. A, title V, § 576(d), Sept. 23, 1996, 110 Stat. 2535, provided that: “The amendments made

¹ See References in Text note below.

by this section [amending this section and sections 1151 and 2410j of this title] do not affect obligations under agreements entered into in accordance with section 1151, 1598, or 2410j of title 10, United States Code, before the date of the enactment of this Act [Sept. 23, 1996].”

[§ 1599. Renumbered § 1611]

§ 1599a. Financial assistance to certain employees in acquisition of critical skills

(a) TRAINING PROGRAM.—The Secretary of Defense shall establish an undergraduate training program with respect to civilian employees in the Military Department Civilian Intelligence Personnel Management System that is similar in purpose, conditions, content, and administration to the program established by the Secretary of Defense under section 16 of the National Security Act of 1959 (50 U.S.C. 402 note) for civilian employees of the National Security Agency.

(b) USE OF FUNDS FOR TRAINING PROGRAM.—Any payment made by the Secretary to carry out the program required to be established by subsection (a) may be made in any fiscal year only to the extent that appropriated funds are available for that purpose.

(Added Pub. L. 104-93, title V, §505(a), Jan. 6, 1996, 109 Stat. 973.)

REFERENCES IN TEXT

Section 16 of the National Security Act of 1959, referred to in subsec. (a), probably means section 16 of the National Security Agency Act of 1959, Pub. L. 86-36, as amended, which is set out as a note under section 402 of Title 50, War and National Defense.

§ 1599b. Employees abroad: travel expenses; health care

(a) IN GENERAL.—The Secretary of Defense may provide civilian employees, and members of their families, abroad with benefits that are comparable to certain benefits that are provided by the Secretary of State to members of the Foreign Service and their families abroad as described in subsections (b) and (c). The Secretary may designate the employees and members of families who are eligible to receive the benefits.

(b) TRAVEL AND RELATED EXPENSES.—The Secretary of Defense may pay travel expenses and related expenses for purposes and in amounts that are comparable to the purposes for which, and the amounts in which, travel and related expenses are paid by the Secretary of State under section 901 of the Foreign Service Act of 1980 (22 U.S.C. 4081).

(c) HEALTH CARE PROGRAM.—The Secretary of Defense may establish a health care program that is comparable to the health care program established by the Secretary of State under section 904 of the Foreign Service Act of 1980 (22 U.S.C. 4084).

(d) ASSISTANCE.—The Secretary of Defense may enter into agreements with the heads of other departments and agencies of the Government in order to facilitate the payment of expenses authorized by subsection (b) and to carry out a health care program authorized by subsection (c).

(e) ABROAD DEFINED.—In this section, the term “abroad” means outside—

(1) the United States; and

(2) the territories and possessions of the United States.

(Added Pub. L. 104-201, div. A, title XVI, §1604(a), Sept. 23, 1996, 110 Stat. 2735.)

§ 1599c. Health care professionals: enhanced appointment and compensation authority for personnel for care and treatment of wounded and injured members of the armed forces

(a) IN GENERAL.—(1) The Secretary of Defense may, at the discretion of the Secretary, exercise any authority for the appointment and pay of health care personnel under chapter 74 of title 38 for purposes of the recruitment, employment, and retention of civilian health care professionals for the Department of Defense if the Secretary determines that the exercise of such authority is necessary in order to provide or enhance the capacity of the Department to provide care and treatment for members of the armed forces who are wounded or injured on active duty in the armed forces and to support the ongoing patient care and medical readiness, education, and training requirements of the Department of Defense.

(2)(A) For purposes of sections 3304, 5333, and 5753 of title 5, the Secretary of Defense may—

(i) designate any category of medical or health professional positions within the Department of Defense as a shortage category occupation or critical need occupation; and

(ii) utilize the authorities in such sections to recruit and appoint qualified persons directly in the competitive service to positions so designated.

(B) In using the authority provided by this paragraph, the Secretary shall apply the principles of preference for the hiring of veterans and other persons established in subchapter I of chapter 33 of title 5.

(C) Any designation by the Secretary for purposes of subparagraph (A)(i) shall be based on an analysis of current and future Department of Defense workforce requirements.

(b) RECRUITMENT OF PERSONNEL.—(1) The Secretaries of the military departments shall each develop and implement a strategy to disseminate among appropriate personnel of the military departments authorities and best practices for the recruitment of medical and health professionals, including the authorities under subsection (a).

(2) Each strategy under paragraph (1) shall—

(A) assess current recruitment policies, procedures, and practices of the military department concerned to assure that such strategy facilitates the implementation of efficiencies which reduce the time required to fill vacant positions for medical and health professionals; and

(B) clearly identify processes and actions that will be used to inform and educate military and civilian personnel responsible for the recruitment of medical and health professionals.

(c) TERMINATION OF AUTHORITY.—(1) The authority of the Secretary of Defense under subsection (a)(1) to exercise authorities available

under chapter 74 of title 38 for purposes of the recruitment, employment, and retention of civilian health care professionals for the Department of Defense expires December 31, 2015.

(2) The Secretary may not appoint a person to a position of employment under subsection (a)(2) after December 31, 2015.

(Added Pub. L. 107-107, div. A, title XI, §1104(a), Dec. 28, 2001, 115 Stat. 1236; amended Pub. L. 110-181, div. A, title XVI, §1636(a), Jan. 28, 2008, 122 Stat. 463; Pub. L. 110-417, [div. A], title XI, §1107, Oct. 14, 2008, 122 Stat. 4617; Pub. L. 111-383, div. A, title X, §1075(b)(22), title XI, §1104, Jan. 7, 2011, 124 Stat. 4370, 4383.)

PRIOR PROVISIONS

A prior section 1599c, added Pub. L. 104-201, div. A, title XVI, §1615(a)(1), Sept. 23, 1996, 110 Stat. 2740; amended Pub. L. 105-85, div. A, title X, §1073(a)(31), Nov. 18, 1997, 111 Stat. 1902, related to treatment of a Department of Defense violation of veterans' preference requirements as a prohibited personnel practice, prior to repeal by Pub. L. 105-339, §6(c)(1)(A), Oct. 31, 1998, 112 Stat. 3188.

AMENDMENTS

2011—Subsec. (a)(2)(A)(i). Pub. L. 111-383, §1104(a)(1)(A), substituted "a shortage category occupation or critical need occupation" for "shortage category positions".

Subsec. (a)(2)(A)(ii). Pub. L. 111-383, §1104(a)(1)(B), substituted "qualified persons directly in the competitive service" for "highly qualified persons directly".

Subsec. (a)(2)(B). Pub. L. 111-383, §1075(b)(22), substituted "subchapter I" for "subchapter 1".

Subsec. (a)(2)(C). Pub. L. 111-383, §1104(a)(2), added subpar. (C).

Subsec. (c)(1). Pub. L. 111-383, §1104(b)(1), inserted "under subsection (a)(1)" after "Secretary of Defense" and substituted "December 31, 2015" for "September 30, 2012".

Subsec. (c)(2). Pub. L. 111-383, §1104(b)(2), substituted "December 31, 2015" for "September 30, 2012".

2008—Pub. L. 110-181 amended section generally. Prior to amendment, section related to appointment in excepted service of certain health care professionals.

Subsec. (a). Pub. L. 110-417, §1107(a), designated existing provisions as par. (1) and added par. (2).

Subsec. (c). Pub. L. 110-417, §1107(b), designated existing provisions as par. (1), substituted "September 30, 2012" for "September 30, 2010", and added par. (2).

§ 1599d. Professional accounting positions: authority to prescribe certification and credential standards

(a) AUTHORITY TO PRESCRIBE PROFESSIONAL CERTIFICATION STANDARDS.—The Secretary of Defense may prescribe professional certification and credential standards for professional accounting positions within the Department of Defense. Any such standard shall be prescribed as a Department of Defense regulation.

(b) WAIVER AUTHORITY.—The Secretary may waive any standard prescribed under subsection (a) whenever the Secretary determines such a waiver to be appropriate.

(c) APPLICABILITY.—A standard prescribed under subsection (a) shall not apply to any person employed by the Department of Defense before the standard is prescribed.

(d) REPORT.—The Secretary of Defense shall submit to Congress a report on the Secretary's plans to provide training to appropriate Department of Defense personnel to meet any new pro-

fessional and credential standards prescribed under subsection (a). Such report shall be prepared in conjunction with the Director of the Office of Personnel Management. Such a report shall be submitted not later than one year after the effective date of any regulations, or any revision to regulations, prescribed pursuant to subsection (a).

(e) DEFINITION.—In this section, the term "professional accounting position" means a position or group of positions in the 0505, 0510, 0511, or equivalent series that involves professional accounting work.

(Added Pub. L. 107-314, div. A, title XI, §1104(a)(1), Dec. 2, 2002, 116 Stat. 2661; amended Pub. L. 110-417, [div. A], title XI, §1110, Oct. 14, 2008, 122 Stat. 4619.)

AMENDMENTS

2008—Subsec. (e). Pub. L. 110-417 substituted "0505, 0510, 0511, or equivalent" for "GS-510, GS-511, and GS-505".

EFFECTIVE DATE

Pub. L. 107-314, div. A, title XI, §1104(b), Dec. 2, 2002, 116 Stat. 2661, provided that: "Standards established pursuant to section 1599d of title 10, United States Code, as added by subsection (a), may take effect no sooner than 120 days after the date of the enactment of this Act [Dec. 2, 2002]."

CHAPTER 83—CIVILIAN DEFENSE INTELLIGENCE EMPLOYEES

Table with 2 columns: Subchapter and Sec. I. Defense-Wide Intelligence Personnel Policy 1601 II. Defense Intelligence Agency Personnel 1621

PRIOR PROVISIONS

A prior chapter 85 of this title was repealed by Pub. L. 102-190, div. A, title X, §1061(a)(26)(C)(i), Dec. 5, 1991, 105 Stat. 1474, effective Oct. 1, 1993. Previously, the individual sections of that chapter, sections 1621 to 1624, were repealed by Pub. L. 101-510, div. A, title XII, §1207(c)(1), (3), (4), Nov. 5, 1990, 104 Stat. 1665.

AMENDMENTS

1996—Pub. L. 104-201, div. A, title XVI, §1632(a)(3), Sept. 23, 1996, 110 Stat. 2745, substituted "CIVILIAN DEFENSE INTELLIGENCE EMPLOYEES" for "DEFENSE INTELLIGENCE AGENCY AND CENTRAL IMAGERY OFFICE CIVILIAN PERSONNEL" as chapter heading and added subchapter analysis.

SUBCHAPTER I—DEFENSE-WIDE INTELLIGENCE PERSONNEL POLICY

Table with 2 columns: Sec. and Description. 1601. Civilian intelligence personnel: general authority to establish excepted positions, appoint personnel, and fix rates of pay. 1602. Basic pay. 1603. Additional compensation, incentives, and allowances. [1604. Repealed.] 1605. Benefits for certain employees assigned outside the United States. 1606. Defense Intelligence Senior Executive Service. 1607. Intelligence Senior Level positions. 1608. Time-limited appointments. 1609. Termination of defense intelligence employees. 1610. Reductions and other adjustments in force. 1611. Postemployment assistance: certain terminated intelligence employees.