

(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 1151<sup>1</sup> 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Section 1151 of this title, referred to in subsections (d)(2)(A), (B) and (f), was repealed by Pub.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 2410j 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 2410j 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 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).

WAGE RATE ADJUSTMENT FOR CERTAIN HEALTH CARE OCCUPATIONS

Pub. L. 112–10, div. A, title VIII, § 8086, Apr. 15, 2011, 125 Stat. 76, provided that: “Notwithstanding any other provision of law or regulation, during the current fiscal year and hereafter, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.”