

(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 exempt 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.”

§ 1599d. Financial management positions: authority to prescribe professional certification and credential standards

(a) AUTHORITY TO PRESCRIBE PROFESSIONAL CERTIFICATION AND CREDENTIAL STANDARDS.—The Secretary of Defense may prescribe professional certification and credential standards for financial management positions within the Department of Defense, including requirements for formal education and requirements for certifications that individuals have met predetermined qualifications set by an agency of Government or by an industry or professional group. Any such professional certification or credential standard shall be prescribed as a Department regulation.

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

(c) APPLICABILITY.—(1) Except as provided in paragraph (2), the Secretary may, in the Secretary's discretion—

(A) require that a standard prescribed under subsection (a) apply immediately to all personnel holding financial management positions designated by the Secretary; or

(B) delay the imposition of such a standard for a reasonable period to permit persons holding financial management positions so designated time to comply.

(2) A formal education requirement prescribed under subsection (a) shall not apply to any person employed by the Department in a financial management position before the standard is prescribed.

(d) DISCHARGE OF AUTHORITY.—The Secretary shall prescribe any professional certification or credential standards under subsection (a) through the Under Secretary of Defense (Comptroller), in consultation with the Under Secretary of Defense for Personnel and Readiness.

(e) REPORTS.—Not later than one year after the effective date of any regulations prescribed under subsection (a), or any significant modification of such regulations, the Secretary shall, in conjunction with the Director of the Office of Personnel Management, submit to Congress a report setting forth the plans of the Secretary to provide training to appropriate Department personnel to meet any new professional certification or credential standard under such regulations or modification.

(f) FINANCIAL MANAGEMENT POSITION DEFINED.—In this section, the term “financial management position” means a position or group of positions (including civilian and military positions), as designated by the Secretary for purposes of this section, that perform, supervise, or manage work of a fiscal, financial management, accounting, auditing, cost, or budgetary nature, or that require the performance of financial management-related 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; Pub. L. 112–81, div. A, title X, §1051(a), Dec. 31, 2011, 125 Stat. 1581.)

AMENDMENTS

2011—Pub. L. 112–81 amended section generally. Prior to amendment, section related to the authority to prescribe certification and credential standards for professional accounting positions.

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.

Table with 2 columns: Sec. and description. 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. 1612. Merit system principles and civil service protections: applicability. 1613. Miscellaneous provisions. 1614. Definitions.

AMENDMENTS

1996—Pub. L. 104–201, div. A, title XVI, §1632(a)(3), Sept. 23, 1996, 110 Stat. 2745, added table of sections for subchapter and struck out former table of sections consisting of items 1601 “Defense Intelligence Senior Executive Service”, 1602 “Defense Intelligence Agency merit pay system”, 1603 “Limit on pay”, 1604 “Civilian personnel management”, 1605 “Benefits for certain employees of the Defense Intelligence Agency”, 1606 “Uniform allowance: civilian employees”, and 1608 “Financial assistance to certain employees in acquisition of critical skills”.

1994—Pub. L. 103–359, title V, §501(b)(1)(A), Oct. 14, 1994, 108 Stat. 3428, amended chapter heading generally, inserting “AND CENTRAL IMAGERY OFFICE”.

1989—Pub. L. 101–193, title V, §507(a)(2), Nov. 30, 1989, 103 Stat. 1710, added item 1608.

1987—Pub. L. 100–178, title VI, §601(b), Dec. 2, 1987, 101 Stat. 1015, added item 1606.

1985—Pub. L. 99–145, title XIII, §1302(a)(2), Nov. 8, 1985, 99 Stat. 737, redesignated item 192 of chapter 8 of this title as item 1605 and transferred it to this chapter.

1984—Pub. L. 98–618, title V, §501(b), Nov. 8, 1984, 98 Stat. 3302, added item 1604.

§ 1601. Civilian intelligence personnel: general authority to establish excepted positions, appoint personnel, and fix rates of pay

(a) GENERAL AUTHORITY.—The Secretary of Defense may—

(1) establish, as positions in the excepted service, such defense intelligence positions in the Department of Defense as the Secretary determines necessary to carry out the intelligence functions of the Department, including—

- (A) Intelligence Senior Level positions designated under section 1607 of this title; and (B) positions in the Defense Intelligence Senior Executive Service;

(2) appoint individuals to those positions (after taking into consideration the availability of preference eligibles for appointment to those positions); and

(3) fix the compensation of such individuals for service in those positions.

(b) CONSTRUCTION WITH OTHER LAWS.—The authority of the Secretary of Defense under subsection (a) applies without regard to the provisions of any other law relating to the appointment, number, classification, or compensation of employees.

(Added Pub. L. 104–201, div. A, title XVI, §1632(a)(3), Sept. 23, 1996, 110 Stat. 2746; amended