

report on the plan, was repealed by Pub.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 emergency 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 and the Secretaries of the military departments may each 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; Pub. L. 112-81, div. A, title XI, §1111, Dec. 31, 2011, 125 Stat. 1616.)

#### 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.
1583(b) .....	5:171v (words of 1st sentence after semicolon).	

#### AMENDMENTS

2011—Pub. L. 112-81, §1111(2), inserted “each” after “may” in first sentence.

Pub. L. 112-81, §1111(1), which directed amendment of first sentence by inserting “and the Secretaries of the military departments” after “the Secretary of Defense”, was executed by making the insertion after “The Secretary of Defense” to reflect the probable intent of Congress.

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 develop-