

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

Pub. L. 102-484, div. A, title IX, §923(b), Oct. 23, 1992, 106 Stat. 2474, 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

Pub. L. 101-193, title V, §501(b), Nov. 30, 1989, 103 Stat. 1708, 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. In establishing the guidelines, the Secretary shall ensure that nothing in the guidelines conflicts with the requirements of section 129 of this title or the policies and procedures established under section 129a of this title. 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) EXCEPTIONS.—The Secretary of Defense may permit a variation from the guidelines established under subsection (b) 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.

(d) 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.

(e) REDUCTIONS BASED PRIMARILY ON PERFORMANCE.—The Secretary of Defense shall establish procedures to provide that, in implementing any reduction in force for civilian positions in the Department of Defense in the competitive service or the excepted service, the determination of which employees shall be separated from employment in the Department shall be made primarily on the basis of performance, as determined under any applicable performance management system.

(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; Pub. L. 112-81, div. A, title IX, §933(b), Dec. 31, 2011, 125 Stat. 1544; Pub. L. 114-92, div. A, title XI, §1101(a), Nov. 25, 2015, 129 Stat. 1022; Pub. L. 115-91, div. A, title X, §1051(a)(6)(A), Dec. 12, 2017, 131 Stat. 1560.)

AMENDMENTS

2017—Subsec. (c). Pub. L. 115-91, §1051(a)(6)(A)(iii), struck out “or a master plan prepared under subsection (c)” after “established under subsection (b)”.

Pub. L. 115-91, §1051(a)(6)(A)(ii), which directed the “striking” of subsec. (d) as (c), was executed by redesignating subsec. (d) as (c), to reflect the probable intent of Congress.

Pub. L. 115-91, §1051(a)(6)(A)(i), struck out subsec. (c) which related to civilian positions master plan.

Subsecs. (d) to (f). Pub. L. 115-91, §1051(a)(6)(A)(ii), which directed the “striking” of subsecs. (e) and (f) as (d) and (e), respectively, was executed by redesignating subsecs. (e) and (f) as (d) and (e), respectively, to reflect the probable intent of Congress.

2015—Subsec. (f). Pub. L. 114-92 added subsec. (f).

2011—Subsec. (b). Pub. L. 112-81 inserted after first sentence “In establishing the guidelines, the Secretary shall ensure that nothing in the guidelines conflicts with the requirements of section 129 of this title or the policies and procedures established under section 129a of this title.”

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.