

memorandum from the Secretary of Defense relating to policy on senior mentors, dated April 1, 2010.”

REQUIREMENTS FOR DEPARTMENT OF DEFENSE SENIOR MENTORS

Pub. L. 111-383, div. A, title XI, § 1102, Jan. 7, 2011, 124 Stat. 4382, provided that:

“(a) IN GENERAL.—The Secretary of Defense shall issue appropriate policies and procedures to ensure that all senior mentors employed by the Department of Defense are—

“(1) hired as highly qualified experts under section 9903 of title 5, United States Code; and

“(2) required to comply with all applicable Federal laws and regulations on personnel and ethics matters.

“(b) SENIOR MENTOR DEFINED.—In this section, the term ‘senior mentor’ means a retired flag, general, or other military officer or retired senior civilian official who provides expert experience-based mentoring, teaching, training, advice, and recommendations to senior military officers, staffs, and students as they participate in war games, warfighting courses, operational planning, operational exercises, and decision-making exercises.”

§ 9904. Special pay and benefits for certain employees outside the United States

The Secretary may provide to certain civilian employees of the Department of Defense assigned to activities outside the United States as determined by the Secretary to be in support of Department of Defense activities abroad hazardous to life or health or so specialized because of security requirements as to be clearly distinguishable from normal Government employment—

(1) allowances and benefits—

(A) comparable to those provided by the Secretary of State to members of the Foreign Service under chapter 9 of title I of the Foreign Service Act of 1980 (Public Law 96-465, 22 U.S.C. 4081 et seq.) or any other provision of law; or

(B) comparable to those provided by the Director of Central Intelligence to personnel of the Central Intelligence Agency; and

(2) special retirement accrual benefits and disability in the same manner provided for by the Central Intelligence Agency Retirement Act (50 U.S.C. 2001 et seq.) and in section 18 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403r).¹

(Added Pub. L. 108-136, div. A, title XI, § 1101(a)(1), Nov. 24, 2003, 117 Stat. 1633.)

REFERENCES IN TEXT

The Foreign Service Act of 1980, referred to in par. (1)(A), is Pub. L. 96-465, Oct. 17, 1980, 94 Stat. 2071, as amended. Chapter 9 of title I of the Act is classified generally to subchapter IX (§4081 et seq.) of chapter 52 of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 3901 of Title 22 and Tables.

The Central Intelligence Agency Act of 1949, referred to in par. (2), is act June 20, 1949, ch. 227, 63 Stat. 208, which was formerly classified generally to section 403a et seq. of Title 50, War and National Defense, prior to editorial reclassification in Title 50, and is now classified generally to chapter 46 (§3501 et seq.) of Title 50. Section 18 of the Act is now classified to section 3518 of Title 50. For complete classification of this Act to the Code, see Tables.

¹ See References in Text note below.

CHANGE OF NAME

Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108-458, set out as a note under section 3001 of Title 50, War and National Defense.

§ 9905. Direct hire authority for certain personnel of the Department of Defense

(a) IN GENERAL.—The Secretary of Defense may appoint, without regard to the provisions of subchapter I of chapter 33 (other than sections 3303 and 3328 of such chapter), qualified candidates to any of the following positions in the competitive service in the Department of Defense:

(1) Any position involved with Department maintenance activities, including depot-level maintenance and repair.

(2) Any cyber workforce position.

(3) Any individual in the acquisition workforce that manages any services contracts necessary to the operation and maintenance of programs of the Department.

(4) Any science, technology, or engineering position, including any such position at the Major Range and Test Facilities Base, in order to allow development of new systems and provide for the maintenance of legacy systems.

(5) Any scientific, technical, engineering, or mathematics positions, including technicians, within the defense acquisition workforce, or any category of acquisition positions within the Department designated by the Secretary as a shortage or critical need category.

(6) Any scientific, technical, engineering, or mathematics position, except any such position within any defense Scientific and Technology Reinvention Laboratory, for which a qualified candidate is required to possess a bachelor’s degree or an advanced degree, or for which a veteran candidate is being considered.

(7) Any category of medical or health professional positions within the Department designated by the Secretary as a shortage category or critical need occupation.

(8) Any childcare services position for which there is a critical hiring need and a shortage of childcare providers.

(9) Any financial management, accounting, auditing, actuarial, cost estimation, operational research, or business or business administration position for which a qualified candidate is required to possess a finance, accounting, management or actuarial science degree or a related degree, or a related degree of equivalent experience.

(10) Any position, as determined by the Secretary, for the purpose of assisting and facilitating the efforts of the Department in business transformation and management innovation.

(b) SUNSET.—

(1) IN GENERAL.—Except as provided in paragraph (2), effective on September 30, 2025, the

authority provided under subsection (a) shall expire.

(2) EXCEPTION.—Paragraph (1) shall not apply to the authority provided under subsection (a) to make appointments to positions described under paragraph (5) of such subsection.

(c) SUSPENSION OF OTHER HIRING AUTHORITIES.—During the period beginning on the effective date of the regulations issued to carry out the hiring authority with respect to positions described in paragraphs (5) through (10) of subsection (a) and ending on the date described in subsection (b)(1), the Secretary of Defense may not exercise or otherwise use any hiring authority provided under the following provisions of law:

(1) Sections 1599c(a)(2) and 1705(h) of title 10.

(2) Sections 1112 and 1113 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1033).

(3) Sections 1110 and 1643(a)(3) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2450 and 2602).

(4) Sections 559 and 1101 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1406 and 1627).

(Added Pub. L. 115-232, div. A, title XI, §1101(a), Aug. 13, 2018, 132 Stat. 2000; amended Pub. L. 116-92, div. A, title XI, §1109(a), Dec. 20, 2019, 133 Stat. 1598.)

REFERENCES IN TEXT

Sections 1112 and 1113 of Pub. L. 114-92, referred to in subsec. (c)(2), are sections 1112 and 1113 of Pub. L. 114-92, div. A, title XI, Nov. 25, 2015, 129 Stat. 1033, which are set out as notes under section 1701 of Title 10, Armed Forces.

Sections 1110 and 1643(a)(3) of Pub. L. 114-328, referred to in subsec. (c)(3), are section 1110 of Pub. L. 114-328, div. A, title XI, Dec. 23, 2016, 130 Stat. 2450, which is set out as a note preceding section 1580 of Title 10, Armed Forces, and section 1643(a)(3) of Pub. L. 114-328, div. A, title XVI, Dec. 23, 2016, 130 Stat. 2602, which is set out in a note under section 1599f of Title 10.

Sections 559 and 1101 of Pub. L. 115-91, referred to in subsec. (c)(4), are section 559 of Pub. L. 115-91, div. A, title V, Dec. 12, 2017, 131 Stat. 1406, which is set out as a note under section 1792 of Title 10, Armed Forces, and section 1101 of Pub. L. 115-91, div. A, title XI, Dec. 12, 2017, 131 Stat. 1627, which is set out as a note preceding section 1580 of Title 10.

AMENDMENTS

2019—Subsec. (a)(2). Pub. L. 116-92, §1109(a)(1)(A), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “Any position involved with cybersecurity.”

Subsec. (a)(5) to (10). Pub. L. 116-92, §1109(a)(1)(B), added pars. (5) to (10).

Subsecs. (b), (c). Pub. L. 116-92, §1109(a)(2), added subsecs. (b) and (c) and struck out former subsec. (b) which provided that effective on Sept. 30, 2025, the authority provided under subsec. (a) would expire.

CHAPTER 101—FEDERAL EMERGENCY MANAGEMENT AGENCY PERSONNEL

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§ 10101. Definitions

For purposes of this chapter—

(1) the term “Agency” means the Federal Emergency Management Agency;

(2) the term “Administrator” means the Administrator of the Federal Emergency Management Agency;

(3) the term “appropriate committees of Congress” has the meaning given the term in section 602 of the Post-Katrina Emergency Management Reform Act of 2006;

(4) the term “Department” means the Department of Homeland Security; and

(5) the term “Surge Capacity Force” refers to the Surge Capacity Force, described under section 624 of the Post-Katrina Emergency Management Reform Act of 2006.

(Added Pub. L. 109-295, title VI, §621(a), Oct. 4, 2006, 120 Stat. 1411.)

REFERENCES IN TEXT

Section 602 of the Post-Katrina Emergency Management Reform Act of 2006, referred to in par. (3), is classified to section 701 of Title 6, Domestic Security.

Section 624 of the Post-Katrina Emergency Management Reform Act of 2006, referred to in par. (5), is classified to section 711 of Title 6, Domestic Security.

CHANGE OF NAME

Any reference to the Administrator of the Federal Emergency Management Agency in title VI of Pub. L. 109-295 or an amendment by title VI to be considered to refer and apply to the Director of the Federal Emergency Management Agency until Mar. 31, 2007, see section 612(f)(2) of Pub. L. 109-295, set out as a note under section 313 of Title 6, Domestic Security.

§ 10102. Strategic human capital plan

(a) PLAN DEVELOPMENT.—Not later than 6 months after the date of enactment of this chapter, the Administrator shall develop and submit to the appropriate committees of Congress a strategic human capital plan to shape and improve the workforce of the Agency.

(b) CONTENTS.—The strategic human capital plan shall include—

(1) a workforce gap analysis, including an assessment of—

(A) the critical skills and competencies that will be needed in the workforce of the Agency to support the mission and responsibilities of, and effectively manage, the Agency during the 10-year period beginning on the date of enactment of this chapter;

(B) the skills and competencies of the workforce of the Agency on the day before the date of enactment of this chapter and projected trends in that workforce, based on expected losses due to retirement and other attrition; and

(C) the staffing levels of each category of employee, including gaps in the workforce of the Agency on the day before the date of enactment of this chapter and in the projected workforce of the Agency that should be addressed to ensure that the Agency has continued access to the critical skills and competencies described in subparagraph (A);