

§ 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 section 3304 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 authority in such section 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) 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, 2025.

(2) The Secretary may not appoint a person to a position of employment under subsection (a)(2) after December 31, 2025.

(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; Pub. L. 113–66, div. A, title XI, §1109, Dec. 26, 2013, 127 Stat. 890; Pub. L. 116–283, div. A, title XI, §1116, Jan. 1, 2021, 134 Stat. 3897.)

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

2021—Subsec. (b). Pub. L. 116–283 substituted “December 31, 2025” for “December 31, 2020” in pars. (1) and (2).
2013—Subsec. (a)(2)(A). Pub. L. 113–66, §1109(c)(1), substituted “section 3304 of title 5” for “sections 3304, 5333, and 5753 of title 5” in introductory provisions.

Subsec. (a)(2)(A)(ii). Pub. L. 113–66, §1109(c)(2), substituted “the authority in such section” for “the authorities in such sections”.

Subsec. (b). Pub. L. 113–66, §1109(b), redesignated subsec. (c) as (b) and struck out former subsec. (b) which related to recruitment of personnel.

Subsec. (c). Pub. L. 113–66, §1109(b)(2), redesignated subsec. (c) as (b).

Pub. L. 113–66, §1109(a), substituted “December 31, 2020” for “December 31, 2015” in pars. (1) and (2).

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 to accepted 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—