

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 L. 89-718 struck out designation “(a)” at beginning of section and repealed subsec.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.

#### Editorial Notes

##### 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 development activities of a military department is determined to be necessary by the Secretary of that department” in subsec. (a).

Pub. L. 101-510, §1481(d)(1), (2), substituted “Employment of non-citizens” for “Laws relating to employment of non-citizens: not applicable to research and development activities” in section catchline, designated existing provisions as subsec. (a) and inserted heading, and added subsec. (b).

1982—Pub. L. 97-295 substituted “pay” for “compensation”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by section 1482(b) of Pub. L. 101-510 effective Oct. 1, 1991, see section 1482(d) of Pub. L. 101-510, set out as a note under section 119 of this title.

##### CITIZENSHIP REQUIREMENT NOT APPLICABLE

Pub. L. 116-260, div. C, title VIII, §8002, Dec. 27, 2020, 134 Stat. 1302, provided that: “During the current fiscal

year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act [div. C of Pub. L. 116-260, see Tables for classification] shall not be at a rate in excess of the percentage 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, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980 [22 U.S.C. 3901 et seq.]: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 116-93, div. A, title VIII, §8002, Dec. 20, 2019, 133 Stat. 2334.

Pub. L. 115-245, div. A, title VIII, §8002, Sept. 28, 2018, 132 Stat. 2998.

Pub. L. 115-141, div. C, title VIII, §8002, Mar. 23, 2018, 132 Stat. 462.

Pub. L. 115-31, div. C, title VIII, §8002, May 5, 2017, 131 Stat. 245.

Pub. L. 114-113, div. C, title VIII, §8002, Dec. 18, 2015, 129 Stat. 2349.

Pub. L. 113-235, div. C, title VIII, §8002, Dec. 16, 2014, 128 Stat. 2251.

Pub. L. 113-76, div. C, title VIII, §8002, Jan. 17, 2014, 128 Stat. 103.

Pub. L. 113-6, div. C, title VIII, §8002, Mar. 26, 2013, 127 Stat. 295.

Pub. L. 112-74, div. A, title VIII, §8002, Dec. 23, 2011, 125 Stat. 804.

Pub. L. 112-10, div. A, title VIII, §8002, Apr. 15, 2011, 125 Stat. 55.

Pub. L. 111-118, div. A, title VIII, §8002, Dec. 19, 2009, 123 Stat. 3426.

Pub. L. 110-329, div. C, title VIII, §8002, Sept. 30, 2008, 122 Stat. 3619.

Pub. L. 110-116, div. A, title VIII, §8002, Nov. 13, 2007, 121 Stat. 1313.

Pub. L. 109-289, div. A, title VIII, §8002, Sept. 29, 2006, 120 Stat. 1271.

Pub. L. 109-148, div. A, title VIII, §8002, Dec. 30, 2005, 119 Stat. 2697.

Pub. L. 108-287, title VIII, §8002, Aug. 5, 2004, 118 Stat. 968.

Pub. L. 108-87, title VIII, §8002, Sept. 30, 2003, 117 Stat. 1071.

Pub. L. 107-248, title VIII, §8002, Oct. 23, 2002, 116 Stat. 1536.

Pub. L. 107-117, div. A, title VIII, §8002, Jan. 10, 2002, 115 Stat. 2247.

Pub. L. 106-259, title VIII, §8002, Aug. 9, 2000, 114 Stat. 674.

Pub. L. 106-79, title VIII, §8002, Oct. 25, 1999, 113 Stat. 1230.

Pub. L. 105-262, title VIII, §8002, Oct. 17, 1998, 112 Stat. 2296.

Pub. L. 105-56, title VIII, §8002, Oct. 8, 1997, 111 Stat. 1219.

Pub. L. 104-208, div. A, title I, §101(b) [title VIII, §8002], Sept. 30, 1996, 110 Stat. 3009-71, 3009-87.

Pub. L. 104-61, title VIII, §8002, Dec. 1, 1995, 109 Stat. 651.

Pub. L. 103-335, title VIII, §8002, Sept. 30, 1994, 108 Stat. 2616.

Pub. L. 103-139, title VIII, §8002, Nov. 11, 1993, 107 Stat. 1437.

Pub. L. 102-396, title IX, §9002, Oct. 6, 1992, 106 Stat. 1900.

Pub. L. 102-172, title VIII, §8002, Nov. 26, 1991, 105 Stat. 1170.

Pub. L. 101-511, title VIII, §8002, Nov. 5, 1990, 104 Stat. 1873.

Pub. L. 101-165, title IX, §9003, Nov. 21, 1989, 103 Stat. 1129.

Pub. L. 100-463, title VIII, §8003, Oct. 1, 1988, 102 Stat. 2270-17.

Pub. L. 100-202, §101(b) [title VIII, §8004], Dec. 22, 1987, 101 Stat. 1329-43, 1329-62.

Pub. L. 99-500, §101(c) [title IX, §9004], Oct. 18, 1986, 100 Stat. 1783-82, 1783-101, and Pub. L. 99-591, §101(c) [title IX, §9004], Oct. 30, 1986, 100 Stat. 3341-82, 3341-101.

Pub. L. 99-190, §101(b) [title VIII, §8004], Dec. 19, 1985, 99 Stat. 1185, 1202.

Pub. L. 98-473, title I, §101(h) [title VIII, §8004], Oct. 12, 1984, 98 Stat. 1904, 1922.

Pub. L. 98-212, title VII, §704, Dec. 8, 1983, 97 Stat. 1437.

Pub. L. 97-377, title I, §101(c) [title VII, §704], Dec. 21, 1982, 96 Stat. 1833, 1349.

Pub. L. 97-114, title VII, §704, Dec. 29, 1981, 95 Stat. 1578.

Pub. L. 96-527, title VII, §704, Dec. 15, 1980, 94 Stat. 3080.

Pub. L. 96-154, title VII, §704, Dec. 21, 1979, 93 Stat. 1152.

Pub. L. 95-457, title VIII, §804, Oct. 13, 1978, 92 Stat. 1243.

Pub. L. 95-111, title VIII, §803, Sept. 21, 1977, 91 Stat. 899.

Pub. L. 94-419, title VII, §703, Sept. 22, 1976, 90 Stat. 1290.

Pub. L. 94-212, title VII, §703, Feb. 9, 1976, 90 Stat. 168.

Pub. L. 93-437, title VIII, §803, Oct. 8, 1974, 88 Stat. 1224.

Pub. L. 93-238, title VII, §703, Jan. 2, 1974, 87 Stat. 1038.

Pub. L. 92-570, title VII, §703, Oct. 26, 1972, 86 Stat. 1196.

Pub. L. 92-204, title VII, §703, Dec. 18, 1971, 85 Stat. 726.

Pub. L. 91-668, title VIII, §803, Jan. 11, 1971, 84 Stat. 2029.

Pub. L. 91-171, title VI, §603, Dec. 29, 1969, 83 Stat. 479.

Pub. L. 90-580, title V, §502, Oct. 17, 1968, 82 Stat. 1129.

Pub. L. 90-96, title VI, §602, Sept. 29, 1967, 81 Stat. 241.

Pub. L. 89-687, title VI, §602, Oct. 15, 1966, 80 Stat. 990.

Pub. L. 89-213, title VI, §602, Sept. 29, 1965, 79 Stat. 873.

Pub. L. 88-446, title V, §502, Aug. 19, 1964, 78 Stat. 474.

Pub. L. 88-149, title V, §502, Oct. 17, 1963, 77 Stat. 263.

Pub. L. 87-577, title V, §502, Aug. 9, 1962, 76 Stat. 327.

Pub. L. 87-144, title VI, §602, Aug. 17, 1961, 75 Stat. 375.

Pub. L. 86-601, title V, §502, July 7, 1960, 74 Stat. 349.

Pub. L. 86-166, title V, §602, Aug. 18, 1959, 73 Stat. 378.

Pub. L. 85-724, title VI, §602, Aug. 22, 1958, 72 Stat. 723.

Pub. L. 85-117, title VI, §602, Aug. 2, 1957, 71 Stat. 323.

July 2, 1956, ch. 488, title VI, §602, 70 Stat. 467.

July 13, 1955, ch. 358, title VI, §603, 69 Stat. 314.

June 30, 1954, ch. 432, title VII, §703, 68 Stat. 349.

Aug. 1, 1953, ch. 305, title VI, §603, 67 Stat. 349.

July 10, 1952, ch. 630, title VI, §603, 66 Stat. 531.

Oct. 18, 1951, ch. 512, title VI, §603, 65 Stat. 444.

Sept. 6, 1950, ch. 896, Ch. X, title VI, §603, 64 Stat. 752.

Oct. 29, 1949, ch. 787, title VI, §603, 63 Stat. 1017.

June 24, 1948, ch. 632, 62 Stat. 651.

July 30, 1947, ch. 357, title I, §1, 61 Stat. 553.

July 16, 1946, ch. 583, §1, 60 Stat. 543.

July 28, 1945, ch. 265, §1, 59 Stat. 386.

June 28, 1944, ch. 303, §1, 58 Stat. 575.

July 1, 1943, ch. 185, §1, 57 Stat. 349.

July 2, 1942, ch. 477, §1, 56 Stat. 613.

**SALARY INCREASES TO FOREIGN NATIONAL EMPLOYEES;  
NOTICE TO CONGRESS**

Pub. L. 100-463, title VIII, §8114, Oct. 1, 1988, 102 Stat. 2270-38, which directed Secretary of Defense to notify House and Senate Committees on Appropriations when salary increases granted to foreign national employees

were at a rate in excess of the percentage pay increase authorized by law for civilian employees of Department of Defense whose pay was computed under section 5332 of title 5 or at a rate in excess of the percentage increase provided to National Government employees of the host nation, whichever was higher, was repealed and restated in subsec. (b) of this section by Pub. L. 101-510, §1481(d)(1)(B), (4)(A).

**§ 1585. Carrying of firearms**

Under regulations to be prescribed by the Secretary of Defense, civilian officers and employees of the Department of Defense may carry firearms or other appropriate weapons while assigned investigative duties or such other duties as the Secretary may prescribe.

(Added Pub. L. 85-577, §1(1), July 31, 1958, 72 Stat. 455.)

**§ 1585a. Special agents of the Defense Criminal Investigative Service: authority to execute warrants and make arrests**

(a) **AUTHORITY.**—The Secretary of Defense may authorize any DCIS special agent described in subsection (b)—

(1) to execute and serve any warrant or other process issued under the authority of the United States; and

(2) to make arrests without a warrant—

(A) for any offense against the United States committed in the presence of that agent; and

(B) for any felony cognizable under the laws of the United States if the agent has probable cause to believe that the person to be arrested has committed or is committing the felony.

(b) **AGENTS TO HAVE AUTHORITY.**—Subsection (a) applies to any DCIS special agent whose duties include conducting, supervising, or coordinating investigations of criminal activity in programs and operations of the Department of Defense.

(c) **GUIDELINES ON EXERCISE OF AUTHORITY.**—The authority provided under subsection (a) shall be exercised in accordance with guidelines prescribed by the Inspector General of the Department of Defense and approved by the Attorney General and any other applicable guidelines prescribed by the Secretary of Defense or the Attorney General.

(d) **DCIS SPECIAL AGENT DEFINED.**—In this section, the term “DCIS special agent” means an employee of the Department of Defense who is a special agent of the Defense Criminal Investigative Service (or any successor to that service).

(Added Pub. L. 105-85, div. A, title X, §1071(a), Nov. 18, 1997, 111 Stat. 1897.)

**§ 1586. Rotation of career-conditional and career employees assigned to duty outside the United States**

(a) In order to advance the programs and activities of the Defense Establishment, it is hereby declared to be the policy of the Congress to facilitate the interchange of civilian employees of the Defense Establishment between posts of duty in the United States and posts of duty outside the United States through the establishment and operation of programs for the rota-