

(c) HEALTH CARE PROGRAM.—The Secretary of Defense may establish a health care program that is comparable to the health care program established by the Secretary of State under section 904 of the Foreign Service Act of 1980 (22 U.S.C. 4084).

(d) ASSISTANCE.—The Secretary of Defense may enter into agreements with the heads of other departments and agencies of the Government in order to facilitate the payment of expenses authorized by subsection (b) and to carry out a health care program authorized by subsection (c).

(e) ABROAD DEFINED.—In this section, the term “abroad” means outside—

- (1) the United States; and
- (2) the territories and possessions of the United States.

(Added Pub. L. 104-201, div. A, title XVI, §1604(a), Sept. 23, 1996, 110 Stat. 2735.)

§ 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.)

Editorial Notes

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 in excepted 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).

Statutory Notes and Related Subsidiaries

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—

(A) require that a standard prescribed under subsection (a) apply immediately to all personnel holding financial management positions designated by the Secretary; or

(B) delay the imposition of such a standard for a reasonable period to permit persons holding financial management positions so designated time to comply.

(2) A formal education requirement prescribed under subsection (a) shall not apply to any person employed by the Department in a financial management position before the standard is prescribed.

(d) **DISCHARGE OF AUTHORITY.**—The Secretary shall prescribe any professional certification or credential standards under subsection (a) through the Under Secretary of Defense (Comptroller), in consultation with the Under Secretary of Defense for Personnel and Readiness.

(e) **REPORTS.**—Not later than one year after the effective date of any regulations prescribed under subsection (a), or any significant modification of such regulations, the Secretary shall, in conjunction with the Director of the Office of Personnel Management, submit to Congress a report setting forth the plans of the Secretary to provide training to appropriate Department personnel to meet any new professional certification or credential standard under such regulations or modification.

(f) **FINANCIAL MANAGEMENT POSITION DEFINED.**—In this section, the term “financial management position” means a position or group of positions (including civilian and military positions), as designated by the Secretary for purposes of this section, that perform, supervise, or manage work of a fiscal, financial management, accounting, auditing, cost, or budgetary nature, or that require the performance of financial management-related work.

(Added Pub. L. 107–314, div. A, title XI, §1104(a)(1), Dec. 2, 2002, 116 Stat. 2661; amended Pub. L. 110–417, [div. A], title XI, §1110, Oct. 14, 2008, 122 Stat. 4619; Pub. L. 112–81, div. A, title X, §1051(a), Dec. 31, 2011, 125 Stat. 1581.)

Editorial Notes

AMENDMENTS

2011—Pub. L. 112–81 amended section generally. Prior to amendment, section related to the authority to prescribe certification and credential standards for professional accounting positions.

2008—Subsec. (e). Pub. L. 110–417 substituted “0505, 0510, 0511, or equivalent” for “GS–510, GS–511, and GS–505”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 107–314, div. A, title XI, §1104(b), Dec. 2, 2002, 116 Stat. 2661, provided that: “Standards established pursuant to section 1599d of title 10, United States Code, as added by subsection (a), may take effect no sooner than 120 days after the date of the enactment of this Act [Dec. 2, 2002].”

§ 1599e. Probationary period for employees

(a) **IN GENERAL.**—Notwithstanding sections 3321 and 3393(d) of title 5, the appointment of a covered employee shall become final only after such employee has served a probationary period of two years. The Secretary concerned may extend a probationary period under this subsection at the discretion of such Secretary.

(b) **DEFINITIONS.**—In this section:

(1) The term “covered employee” means any individual—

(A) appointed to a permanent position within the competitive service at the Department of Defense; or

(B) appointed as a career appointee (as that term is defined in section 3132(a)(4) of title 5) within the Senior Executive Service at the Department.

(2) The term “Secretary concerned” includes the Secretary of Defense with respect to employees of the Department of Defense who are not employees of a military department.

(c) **EMPLOYMENT BECOMES FINAL.**—Upon the expiration of a covered employee's probationary period under subsection (a), the supervisor of the employee shall determine whether the appointment becomes final based on regulations prescribed for such purpose by the Secretary of Defense.

(d) **APPLICATION OF CHAPTER 75 OF TITLE 5 FOR EMPLOYEES IN THE COMPETITIVE SERVICE.**—With respect to any individual described in subsection (b)(1)(A) and to whom this section applies, section 7501(1) and section 7511(a)(1)(A)(ii) of title 5 shall be applied to such individual by substituting “completed 2 years” for “completed 1 year” in each instance it appears.

(Added Pub. L. 114–92, div. A, title XI, §1105(a)(1), Nov. 25, 2015, 129 Stat. 1023.)

REPEAL OF SECTION

Pub. L. 117–81, div. A, title XI, §1106(a)(1), Dec. 27, 2021, 135 Stat. 1950, provided that, effective Dec. 31, 2022, this section is repealed.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Pub. L. 117–81, div. A, title XI, §1106(a)(1), Dec. 27, 2021, 135 Stat. 1950, provided that the repeal of this section is effective Dec. 31, 2022.