

essary 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.

(11) Any position in the military housing office of a military installation whose primary function is supervision of military housing covered by subchapter IV of chapter 169 of title 10.

(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. 114-92, div. A, title XI, § 1109(a), Dec. 20, 2019, 133 Stat. 1598; Pub. L. 116-283, div. A, title XI, § 1117, Jan. 1, 2021, 134 Stat. 3897.)

Editorial Notes

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

2021—Subsec. (a)(11). Pub. L. 116-283 added par. (11).

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

Sec.	
10101.	Definitions.
10102.	Strategic human capital plan.
10103.	Career paths.
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10105.	Retention bonuses.
10106.	Quarterly report on vacancy rate in employee positions.

§ 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.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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);

(2) a plan of action for developing and reshaping the workforce of the Agency to address the gaps in critical skills and competencies identified under paragraph (1)(C), including—

(A) specific recruitment and retention goals, including the use of the bonus authorities under this chapter as well as other bonus authorities (including the program objective of the Agency to be achieved through such goals);

(B) specific strategies for developing, training, deploying, compensating, and motivating and retaining the Agency workforce and its ability to fulfill the Agency's mission and responsibilities (including the program objectives of the Department and the

Agency to be achieved through such strategies);

(C) specific strategies for recruiting individuals who have served in multiple State agencies with emergency management responsibilities; and

(D) specific strategies for the development, training, and coordinated and rapid deployment of the Surge Capacity Force; and

(3) a discussion that—

(A) details the number of employees of the Department not employed by the Agency serving in the Surge Capacity Force and the qualifications or credentials of such individuals;

(B) details the number of individuals not employed by the Department serving in the Surge Capacity Force and the qualifications or credentials of such individuals;

(C) describes the training given to the Surge Capacity Force during the calendar year preceding the year of submission of the plan under subsection (c);

(D) states whether the Surge Capacity Force is able to adequately prepare for, respond to, and recover from natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents; and

(E) describes any additional authorities or resources necessary to address any deficiencies in the Surge Capacity Force.

(c) ANNUAL UPDATES.—Not later than May 1, 2007, and May 1st of each of the next 5 succeeding years, the Administrator shall submit to the appropriate committees of Congress an update of the strategic human capital plan, including an assessment by the Administrator, using results-oriented performance measures, of the progress of the Department and the Agency in implementing the strategic human capital plan.

(Added Pub. L. 109-295, title VI, § 621(a), Oct. 4, 2006, 120 Stat. 1412.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this chapter, referred to in subsecs. (a) and (b)(1), is the date of enactment of Pub. L. 109-295, which was approved Oct. 4, 2006.

§ 10103. Career paths

(a) IN GENERAL.—The Administrator shall—

(1) ensure that appropriate career paths for personnel of the Agency are identified, including the education, training, experience, and assignments necessary for career progression within the Agency; and

(2) publish information on the career paths described in paragraph (1).

(b) EDUCATION, TRAINING, AND EXPERIENCE.—The Administrator shall ensure that all personnel of the Agency are provided the opportunity to acquire the education, training, and experience necessary to qualify for promotion within the Agency, including, as appropriate, the opportunity to participate in the Rotation Program established under section 844 of the Homeland Security Act of 2002.