

Editorial Notes

AMENDMENTS

2004—Subsec. (a)(2). Pub. L. 108-375 struck out “during a contingency operation supported by the armed forces” after “foreign language”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-375, div. A, title XI, § 1102(b), Oct. 28, 2004, 118 Stat. 2072, provided that: “The amendment by this section [amending this section] shall take effect on the first day of the first month that begins after the date of the enactment of this Act [Oct. 28, 2004].”

§ 1596b. Foreign language proficiency: National Foreign Language Skills Registry

(a) ESTABLISHMENT.—(1) The Secretary of Defense may establish and maintain a registry of persons who—

(A) have proficiency in one or more critical foreign languages;

(B) are willing to provide linguistic services to the United States in the interests of national security during war or a national emergency; and

(C) meet the eligibility requirements of subsection (b).

(2) The registry shall be known as the “National Foreign Language Skills Registry” (in this section referred to as the “Registry”).

(b) ELIGIBLE PERSONS.—To be eligible for listing on the Registry, a person—

(1) must be—

(A) a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))); or

(B) an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)));

(2) shall express willingness, in a form and manner prescribed by the Secretary—

(A) to provide linguistic services for a foreign language as described in subsection (a); and

(B) to be listed on the Registry; and

(3) shall meet such language proficiency and other selection criteria as may be prescribed by the Secretary.

(c) REGISTERED INFORMATION.—The Registry shall consist of the following:

(1) The names of eligible persons selected by the Secretary for listing on the Registry.

(2) Such other information on such persons as the Secretary determines pertinent to the use of such persons to provide linguistic services as described in subsection (a).

(d) PROTECTION OF PRIVACY.—The Secretary may withhold from public disclosure the information maintained in the Registry in accordance with section 552a of title 5.

(e) DESIGNATION OF CRITICAL FOREIGN LANGUAGES.—The Secretary shall designate those languages that are critical foreign languages for the purposes of this section. The Secretary shall make such a designation for any foreign language for which there is a shortage of experts in

translation or interpretation available to meet requirements of the Secretary or of the head of any other department or agency of the United States for translation or interpretation in the national security interests of the United States.

(f) LINGUISTIC SERVICES DEFINED.—In this section, the term “linguistic services” means translation or interpretation of communication in a foreign language.

(Added Pub. L. 107-314, div. A, title X, § 1064(a)(1), Dec. 2, 2002, 116 Stat. 2653.)

§ 1596c. Programming language proficiency: special pay for proficiency beneficial for national security interests

(a) AUTHORITY.—The Secretary of Defense, under the sole and exclusive discretion of the Secretary, may pay special pay under this section to an employee of the Department of Defense who—

(1) has been certified by the Secretary to be proficient in a computer or digital programming language identified by the Secretary as being a language in which proficiency by civilian personnel of the Department is necessary because of national security interests; and

(2) is assigned duties requiring proficiency in that programming language.

(b) RATE.—The rate of special pay for an employee under this section shall be prescribed by the Secretary, but may not exceed 20 percent of the employee’s rate of basic pay.

(c) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—Special pay under this section is in addition to any other pay or allowances to which the employee is entitled.

(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.

(Added Pub. L. 116-283, div. A, title II, § 241(c)(1), Jan. 1, 2021, 134 Stat. 3487.)

§ 1597. Civilian positions: guidelines for reductions

(a) REQUIREMENT OF GUIDELINES FOR REDUCTIONS IN CIVILIAN POSITIONS.—Reductions in the number of civilian positions of the Department of Defense during a fiscal year, if any, shall be carried out in accordance with the guidelines established pursuant to subsection (b).

(b) GUIDELINES.—The Secretary of Defense shall establish guidelines for the manner in which reductions in the number of civilian positions of the Department of Defense are made. In establishing the guidelines, the Secretary shall ensure that nothing in the guidelines conflicts with the requirements of section 129 of this title or the policies and procedures established under section 129a of this title. The guidelines shall include procedures for reviewing civilian positions for reductions according to the following order:

(1) Positions filled by foreign national employees overseas.

(2) All other positions filled by civilian employees overseas.

(3) Overhead, indirect, and administrative positions in headquarters or field operating agencies in the United States.

(4) Direct operating or production positions in the United States.

(c) EXCEPTIONS.—The Secretary of Defense may permit a variation from the guidelines established under subsection (b) if the Secretary determines that such variation is critical to the national security. The Secretary shall immediately notify the Congress of any such variation and the reasons for such variation.

(d) INVOLUNTARY REDUCTIONS OF CIVILIAN POSITIONS.—The Secretary of Defense may not implement any involuntary reduction or furlough of civilian positions in a military department, Defense Agency, or other component of the Department of Defense until the expiration of the 45-day period beginning on the date on which the Secretary submits to Congress a report setting forth the reasons why such reductions or furloughs are required and a description of any change in workload or positions requirements that will result from such reductions or furloughs.

(e) CONSIDERATION OF EMPLOYEE PERFORMANCE IN REDUCTIONS.—The Secretary of Defense shall establish procedures to provide that, in implementing any reduction in force for civilian positions in the Department of Defense in the competitive service or the excepted service, the determination of which employees shall be separated from employment in the Department shall, among other factors as determined by the Secretary, account for employee performance, as determined under any applicable performance management system.

(Added Pub. L. 101-510, div. A, title III, §322(a)(1), Nov. 5, 1990, 104 Stat. 1528; amended Pub. L. 102-484, div. A, title III, §371(a), Oct. 23, 1992, 106 Stat. 2382; Pub. L. 103-35, title II, §201(d)(1), May 31, 1993, 107 Stat. 98; Pub. L. 103-160, div. A, title III, §363, Nov. 30, 1993, 107 Stat. 1628; Pub. L. 112-81, div. A, title IX, §933(b), Dec. 31, 2011, 125 Stat. 1544; Pub. L. 114-92, div. A, title XI, §1101(a), Nov. 25, 2015, 129 Stat. 1022; Pub. L. 115-91, div. A, title X, §1051(a)(6)(A), Dec. 12, 2017, 131 Stat. 1560; Pub. L. 117-81, div. A, title XI, §1105, Dec. 27, 2021, 135 Stat. 1950.)

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2021—Subsec. (e). Pub. L. 117-81 substituted “Consideration of Employee Performance in Reductions” for “Reductions Based Primarily on Performance” in heading and “, among other factors as determined by the Secretary, account for employee” for “be made primarily on the basis of” in text.

2017—Subsec. (c). Pub. L. 115-91, §1051(a)(6)(A)(iii), struck out “or a master plan prepared under subsection (c)” after “established under subsection (b)”.

Pub. L. 115-91, §1051(a)(6)(A)(ii), which directed the “striking” of subsec. (d) as (c), was executed by redesignating subsec. (d) as (c), to reflect the probable intent of Congress.

Pub. L. 115-91, §1051(a)(6)(A)(i), struck out subsec. (c) which related to civilian positions master plan.

Subsecs. (d) to (f). Pub. L. 115-91, §1051(a)(6)(A)(ii), which directed the “striking” of subsecs. (e) and (f) as (d) and (e), respectively, was executed by redesignating subsecs. (e) and (f) as (d) and (e), respectively, to reflect the probable intent of Congress.

2015—Subsec. (f). Pub. L. 114-92 added subsec. (f).

2011—Subsec. (b). Pub. L. 112-81 inserted after first sentence “In establishing the guidelines, the Secretary shall ensure that nothing in the guidelines conflicts with the requirements of section 129 of this title or the

policies and procedures established under section 129a of this title.”

1993—Subsec. (a). Pub. L. 103-160, §363(a)(1), substituted “during a fiscal year” for “during fiscal year 1993”.

Subsec. (b). Pub. L. 103-160, §363(a)(2), struck out “for fiscal year 1993” after “establish guidelines” in introductory provisions.

Subsec. (c)(1). Pub. L. 103-160, §363(b)(1), substituted “for each fiscal year” for “for fiscal year 1994”.

Subsec. (c)(3)(A)(v). Pub. L. 103-35, §201(d)(1)(A)(i), substituted “Defense Agency” for “defense agency”.

Subsec. (c)(3)(A)(vii). Pub. L. 103-160, §363(b)(2), added cl. (vii).

Subsec. (c)(3)(C). Pub. L. 103-35, §201(d)(1)(A)(ii), substituted “Defense Agency” for “defense agency” after “to which the military department,” and “Defense Agency,” for “defense agency” after “for the military department,”.

Subsec. (c)(4). Pub. L. 103-160, §363(b)(3), added par. (4).

Subsec. (e). Pub. L. 103-35, §201(d)(1)(B), substituted “on the date” for “of the date”.

1992—Pub. L. 102-484 substituted “Civilian positions: guidelines for reductions” for “Employees of industrial-type or commercial-type activities: guidelines for future reductions” as section catchline and amended text generally, substituting subsecs. (a) to (e) for former subsecs. (a) to (c).

Statutory Notes and Related Subsidiaries

PILOT PROGRAM FOR PAYMENT OF RETRAINING EXPENSES

Pub. L. 107-107, div. A, title XI, §1102, Dec. 28, 2001, 115 Stat. 1235, authorized the Secretary of Defense to establish a pilot program to facilitate the reemployment of eligible employees of the Department of Defense who were involuntarily separated due to a reduction in force, relocation as a result of a transfer of function, realignment, or change of duty station, and to pay retraining incentives to encourage non-Federal employers to hire and retain such employees, and provided that no incentive could be paid under such program for training commenced after Sept. 30, 2005.

NON-FEDERAL EMPLOYMENT INCENTIVE PILOT PROGRAM

Pub. L. 103-337, div. A, title III, §348, Oct. 5, 1994, 108 Stat. 2725, authorized the Secretary of Defense to establish a pilot program for the payment of incentives to facilitate the reemployment of eligible employees of the Department of Defense whose employment with the Department was being terminated by reason of the closure or realignment of the military installations where such persons were employed, to pay retraining and relocation incentives to encourage non-Federal employers to hire and retain such employees, and to pay a relocation incentive to an eligible employee if it was necessary for the employee to relocate in order to commence employment with a non-Federal employer under such program, and provided that no incentive could be paid under such program for training or relocations commenced after Sept. 30, 1999.

SKILL TRAINING PROGRAMS IN DEPARTMENT OF DEFENSE

Pub. L. 102-484, div. D, title XLIV, §4435, Oct. 23, 1992, 106 Stat. 2722, authorized the Secretaries of the military departments and the Secretary of Defense, during the period beginning on Oct. 1, 1992, and ending on Sept. 30, 1995, to provide not more than one year of training in training facilities of the Department of Defense to civilian employees of the Department who were separated from employment as a result of a reduction in force or a closure or realignment of a military installation, and directed the Secretary to publish a register of the skill training programs carried out by the Department not later than Feb. 1, 1993.

INVOLUNTARY REDUCTIONS OF CIVILIAN PERSONNEL IN
FISCAL YEAR 1991

Pub. L. 101-510, div. A, title III, §322(b), Nov. 5, 1990, 104 Stat. 1529, provided that after Nov. 5, 1990, an agency or component of the Department of Defense could not implement any involuntary reductions or furloughs of civilian personnel in industrial-type or commercial-type activities in fiscal year 1991 until 45 days after the date on which the agency or component submitted a report to Congress outlining the reasons why such reductions or furloughs were required.

§ 1598. Assistance to terminated employees to obtain certification and employment as teachers or employment as teachers' aides

(a) **PLACEMENT PROGRAM.**—The Secretary of Defense may establish a program—

(1) to assist eligible civilian employees of the Department of Defense and the Department of Energy after the termination of their employment to obtain—

(A) certification or licensure as elementary or secondary school teachers; or

(B) the credentials necessary to serve as teachers' aides; and

(2) to facilitate the employment of such employees by local educational agencies that—

(A) are receiving grants under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) as a result of having within their jurisdictions concentrations of children from low-income families; and

(B) are also experiencing a shortage of teachers or teachers' aides.

(b) **ELIGIBLE EMPLOYEES.**—(1) A civilian employee of the Department of Defense or the Department of Energy shall be eligible for selection by the Secretary of Defense to participate in the placement program authorized by subsection (a) if the employee—

(A) during the five-year period beginning October 1, 1992, is terminated from such employment as a result of reductions in defense spending or the closure or realignment of a military installation, as determined by the Secretary of Defense or the Secretary of Energy, as the case may be;

(B) has received—

(i) in the case of an employee applying for assistance for placement as an elementary or secondary school teacher, a baccalaureate or advanced degree from an accredited institution of higher education; or

(ii) in the case of an employee applying for assistance for placement as a teacher's aide in an elementary or secondary school, an associate, baccalaureate, or advanced degree from an accredited institution of higher education or a junior or community college; and

(C) satisfies such other criteria for selection as the Secretary of Defense may prescribe.

(2) The Secretary of Defense may accept an application from a civilian employee referred to in paragraph (1) who was terminated during the period beginning on October 1, 1990, and ending on October 1, 1992, if the employee otherwise satisfies the eligibility criteria specified in that paragraph.

(c) **SELECTION OF PARTICIPANTS.**—(1) Selection of civilian employees to participate in the place-

ment program shall be made on the basis of applications submitted to the Secretary of Defense after the employees receive a notice of termination. An application shall be filed within such time, in such form, and contain such information as the Secretary of Defense may require.

(2) In selecting participants to receive assistance for placement as elementary or secondary school teachers, the Secretary of Defense shall give priority to civilian employees who—

(A) have educational, military, or employment experience in science, mathematics, or engineering and agree to seek employment as science, mathematics, or engineering teachers in elementary or secondary schools; or

(B) have educational, military, or employment experience in another subject area identified by the Secretary, in consultation with the Secretary of Education, as important for national educational objectives and agree to seek employment in that subject area in elementary or secondary schools.

(3) The Secretary of Defense may not select a civilian employee to participate in the program unless the Secretary has sufficient appropriations for the placement program available at the time of the selection to satisfy the obligations to be incurred by the United States under the program with respect to that member.

(d) **AGREEMENT.**—A civilian employee selected to participate in the placement program shall be required to enter into an agreement with the Secretary of Defense in which the employee agrees—

(1) to obtain, within such time as the Secretary may require, certification or licensure as an elementary or secondary school teacher or the necessary credentials to serve as a teacher's aide in an elementary or secondary school; and

(2) to accept—

(A) in the case of an employee selected for assistance for placement as a teacher, an offer of full-time employment as an elementary or secondary school teacher for not less than two school years with a local educational agency identified under section 1151(b)(2)¹ of this title, as in effect on October 4, 1999, to begin the school year after obtaining that certification or licensure; or

(B) in the case of an employee selected for assistance for placement as a teacher's aide, an offer of full-time employment as a teacher's aide in an elementary or secondary school for not less than two school years with a local educational agency identified under section 1151(b)(3)¹ of this title, as in effect on October 4, 1999, to begin the school year after obtaining the necessary credentials.

(e) **STIPEND FOR PARTICIPANTS.**—(1) Except as provided in paragraph (2), the Secretary of Defense shall pay to each participant in the placement program a stipend in an amount equal to the lesser of—

(A) \$5,000; or

(B) the total costs of the type described in paragraphs (1), (2), (3), (8), and (9)¹ of section

¹ See References in Text note below.