PERSONNEL AND
READINESS

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

OCT 0 1 2020

MEMORANDUM FOR SENIOR PENTAGON LEADERSHIP (SEE DISTRIBUTION)
DEFENSE AGENCY AND DOD FIELD ACTIVITY DIRECTORS

SUBJECT: Extension of Temporary Direct-Hire Authority for Domestic Defense Industrial Base Facilities and the Major Range and Test Facilities Base in the Department of Defense

References: (a) Section 1107 of the National Defense Authorization Act of Fiscal Year 2020, Public Law 116-92 (copy attached)
(b) Under Secretary of Defense for Personnel and Readiness Memorandum, "Extension of Temporary Direct-Hire Authority for Domestic Defense Industrial Base Facilities and the Major Range and Test Facilities Base in the Department of Defense," dated July 19, 2018 (copy attached)
(c) Under Secretary of Defense for Personnel and Readiness Memorandum, "Temporary Direct- Hire Authority for Domestic Defense Industrial Base Facilities and the Major Range and Test Facilities Base in the Department of Defense," dated June 1, 2017 (copy attached)

Pursuant to reference (a), this memorandum amends reference (b) to extend the authority to use the temporary direct-hire authority through September 30, 2025. All remaining provisions of reference (b) and (c) remain in effect.

For more information, my point of contact is Ms. Melissa Lalonde, Associate Director, Employment and Compensation, Defense Civilian Personnel Advisory Service, whom you may reach at (571) 372-1557 or melissa.a.lalonde.civ@mail.mil.

Matthew P. Donovan

Attachments:
As stated

DISTRIBUTION:
Chief Management Officer of the Department of Defense
Secretaries of the Military Departments
Chairman of the Joint Chiefs of Staff
Under Secretaries of Defense
Chief of the National Guard Bureau
General Counsel of the Department of Defense
Director of Cost Assessment and Program Evaluation
Inspector General of the Department of Defense
Director of Operational Test and Evaluation
Chief Information Officer of the Department of Defense
Assistant Secretary of Defense for Legislative Affairs
Assistant to the Secretary of Defense for Public Affairs
Director of Net Assessment

Stat. 4616) and as most recently amended by section 1115 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is further amended by striking "2020" and inserting "2021".

SEC. 1105. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.

Subsection (a) of section 1101 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4615), as most recently amended by section 1104(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2001), is further amended by striking "through 2019" and inserting "through 2020".

SEC. 1106. PERFORMANCE OF CIVILIAN FUNCTIONS BY MILITARY PERSONNEL.

Subparagraph (B) of paragraph (1) of subsection (g) of section 129a of title 10, United States Code, is amended to read as follows:

"(B) such functions may be performed by military personnel for a period that does not exceed one year if the Secretary of the military department concerned determines that—

"(i) the performance of such functions by military personnel is required to address critical staffing needs resulting from a reduction in personnel or budgetary resources by reason of an Act of Congress; and

"(ii) the military department concerned is in compliance with the policies, procedures, and analysis required by this section and section 129 of this title.".

SEC. 1107. EXTENSION OF DIRECT HIRE AUTHORITY FOR DOMESTIC INDUSTRIAL BASE FACILITIES AND MAJOR RANGE AND TEST FACILITIES BASE.

(a) IN GENERAL.—Subsection (a) of section 1125 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), as amended by subsection (a) of section 1102 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91), is further amended by striking "through 2021," and inserting "through 2025,".

(b) BRIEFING.—Subsection (b) of such section 1102 is amended by striking "fiscal years 2019 and 2021" and inserting "fiscal years 2019 through 2025".

SEC. 1108. AUTHORITY TO PROVIDE ADDITIONAL ALLOWANCES AND BENEFITS FOR CERTAIN DEFENSE CLANDESTINE SERVICE EMPLOYEES.

Section 1603 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) ADDITIONAL ALLOWANCES AND BENEFITS FOR CERTAIN EMPLOYEES OF THE DEFENSE CLANDESTINE SERVICE.—(1) Beginning on the date on which the Secretary of Defense submits the report under paragraph (3)(A), in addition to the authority to provide compensation under subsection (a), the Secretary may provide a covered employee allowances and benefits under paragraph (1) of section 9904 of title 5 without regard to the limitations in that section—

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

PERSONNEL AND
READINESS

JUN 19 2018

MEMORANDUM FOR CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE
SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
CHIEF OF THE NATIONAL GUARD BUREAU
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR OF COST ASSESSMENT AND PROGRAM EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
DIRECTOR OF OPERATIONAL TEST AND EVALUATION
CHIEF INFORMATION OFFICER OF THE DEPARTMENT OF DEFENSE
ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE AFFAIRS
ASSISTANT TO THE SECRETARY OF DEFENSE FOR PUBLIC AFFAIRS
DIRECTOR OF NET ASSESSMENT
DIRECTORS OF DEFENSE AGENCIES
DIRECTORS OF DOD FIELD ACTIVITIES

SUBJECT: Extension of Temporary Direct-Hire Authority for Domestic Defense Industrial Base Facilities and the Major Range and Test Facilities Base in the Department of Defense

References: (a) Section 1102 of the National Defense Authorization Act of Fiscal Year 2018, Public Law 115-91
(b) Under Secretary of Defense for Personnel and Readiness memorandum, "Temporary Direct- hire Authority for Domestic Defense Industrial Base Facilities and the Major Range and Test Facilities Base in the Department of Defense," dated June 1, 2017 (copy attached)

Pursuant to reference (a), this memorandum amends reference (b) to extend the authority to use the temporary Direct-Hire Authority through September 30, 2021. This memorandum also amends reference (b) by changing the Legal Authority Code/Legal Authority in section 5 of reference (b) to: Z5CU/Direct-Hire Authority (Domestic DIB, MRTFB), Sec 1102, PL 115-91, 12/12/2017

This memorandum further amends reference (b) by adding a new section 7 as follows:

7. Reporting. Department of Defense Components must report annually to the Defense Civilian Personnel Advisory Service by October 31 of each year. Reports should be developed with input from the Domestic Defense Industrial Base Facilities, Major Range and Test Facilities Base, and Human Resources Specialists, and should include the following:

a. Description of the effectiveness of this authority on the management of the Department's civilian workforce during the most recently ended fiscal year; and

b. The number of employees:

(1) Hired pursuant to this authority during the most recently ended fiscal year by position, series, and grade/pay band; and

(2) Expected to be hired pursuant to this authority during the current fiscal year by position, series, and grade/pay band.

All remaining provisions of reference (b) remain in effect.

For more information, my point of contact is Ms. Hong Miller, Associate Director, Employment and Compensation, Defense Civilian Personnel Advisory Service, whom you may reach at (571) 372-1536 or email at hong.v.miller.civ@mail.mil.

Robert L. Willie

Attachment:
As stated

OFFICE OF THE UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

PERSONNEL AND READINESS

JUN 1 2017

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DEPUTY CHIEF MANAGEMENT OFFICER
CHIEF, NATIONAL GUARD BUREAU
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR OF COST ASSESSMENT AND PROGRAM EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
DIRECTOR OF OPERATIONAL TEST AND EVALUATION
CHIEF INFORMATION OFFICER OF THE DEPARTMENT OF DEFENSE
ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE AFFAIRS
ASSISTANT TO THE SECRETARY OF DEFENSE FOR PUBLIC AFFAIRS
DIRECTOR OF NET ASSESSMENT
DIRECTOR, STRATEGIC CAPABILITIES OFFICE
DIRECTORS OF DEFENSE AGENCIES
DIRECTORS OF DOD FIELD ACTIVITIES

SUBJECT: Temporary Direct-Hire Authority for Domestic Defense Industrial Base Facilities and the Major Range and Test Facilities Base in the Department of Defense

Section 1125(a) and (c) of the National Defense Authorization Act for Fiscal Year 2017 allows the Secretary of Defense to directly appoint qualified candidates to positions in the competitive service within the DoD at any domestic defense industrial base facility or Major Range and Test Facilities Base for GS-15 and below (or equivalent pay grades), and Federal Wage System, without regard to chapter 33, subchapter I of title 5, U.S. Code (U.S.C.), other than sections 3303 and 3328 of such title. Sections 3321, 3323, and 3326 of chapter 33, subchapter I of title 5, U.S.C., and corresponding Code of Federal Regulations provisions related to selection and appointment, remain in effect.

The attachment to this memorandum provides implementing procedures for the use of this authority.

For more information, my point of contact is Ms. Megan Maciejewski, Acting Chief, Staffing Policy Division, Defense Civilian Personnel Advisory Service, whom you may reach at (571) 372-1538 or by email at megan.e.maciejewski.civ@mail.mil.

A M Kurta

A. M. Kurta
Performing the Duties of the Under Secretary of Defense for Personnel and Readiness

Attachment:
As stated

TEMPORARY DIRECT-HIRE AUTHORITY FOR DOMESTIC DEFENSE INDUSTRIAL BASE FACILITIES AND THE MAJOR RANGE AND TEST FACILITIES BASE IN THE DOD IMPLEMENTATION PROCEDURES

1. Authority.

a. Section 1125(a) and (c) of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2017 provides that, during FYs 2017 and 2018, the Secretary of Defense may appoint qualified candidates to positions in the competitive service in the DoD at any domestic defense industrial base facility or Major Range and Test Facilities Base without regard to chapter 33, subchapter I of title 5, U.S. Code (U.S.C.), other than sections 3303 and 3328 of such title. Sections 3321, 3323, and 3326 of chapter 33, subchapter I of title 5, U.S.C., and corresponding Code of Federal Regulations provisions related to selection and appointment, remain in effect.

(1) The authority to appoint qualified persons under this direct-hire authority (DHA) is delegated to Secretaries of the Military Departments, Directors of the Defense Agencies, and Directors of the DoD Field Activities with independent appointing authority for themselves and their serviced organizations as defined in their respective DoD chartering directives [hereafter referred to as "DoD Components"].

(2) Appointments under this authority may not be made after September 30, 2018, unless it is extended by future legislation. DoD Components must maintain records on their use of this authority for themselves and for their serviced organizations until the authority expires.

2. Use of Direct-Hire Authority. DHA enables the Department to recruit and appoint qualified persons directly without applying competitive rating and ranking procedures. The following principles shall be followed when exercising this authority:

a. A highly-qualified workforce is critical to the Department's mission.

b. Recruitment efforts should be expansive enough to be designed to attract a diverse candidate pool.

c. Merit factors shall be the basis for selecting individuals for positions. All personnel programs and practices shall be administered in accordance with DoD Directive 1020.02E, "Diversity Management and Equal Opportunity in the DoD."

d. DoD Components must ensure transparency, accountability, and auditability in hiring processes.

3. Definitions. For the purposes of section 1125(a) and (c) of the NDAA for FY 2017:

a. "qualified candidates" are defined as individuals who:

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(1) Meet the minimum standards for the position as published in the applicable Office of Personnel Management qualification standard and any DoD qualification standards specific to the position to be filled; and

(2) Meet any selective placement factor(s) and/or competencies identified as necessary for appointment to the position.

b. "Defense Industrial Base Facility" means any DoD depot, arsenal, or shipyard located within the U.S.

c. "Major Range and Test Facilities Base" means those ranges and facilities which, pursuant to DoD Instruction 3200.18, "Management and Operation of the Major Range and Test Facility Base," comprise the list that is published and disseminated, at least annually, by the Director, Test Resource Management Center.

4. Announcement and Assessment Process.

a. If using vacancy announcements, DoD Components must use job opportunity announcements that are concise and easily understood.

(1) DoD Components will establish procedures for recruiting that ensure the identification of qualified individuals for referral to management for selection and appointment.

(2) Potential applicants should have ready access to information about how to apply for positions, and the basis on which they will be assessed to meet the qualifying criteria.

b. DoD Components will assess candidates against job-related criteria, ensuring they have the skills and behavioral attributes that lead to success.

(1) Selectees for entry level positions requiring the Administrative Careers With America (ACWA) assessment must be assessed using the most recent, streamlined ACWA examination or a validated alternative assessment instrument (e.g., select USA HIRE assessments).

5. Appointing Authority. Appointments may be made on a permanent, term, or temporary basis using the following Legal Authority Code/Legal Authority:

Z5CJ/Direct-Hire Auth (Domestic DIB, MRTFB), Sec 1125(a) and (c), PL 114-328, 12/23/2016

6. Oversight and Accountability. Within the scope of this authority, each DoD Component is responsible for determining the appropriate use of this authority relating to recruitment needs, and coverage for specific occupational series, in the GS or Federal Wage System (or equivalent pay bands/levels), but not for positions above GS-15 (or comparable levels), such as Senior Executive Service positions, ensuring implementation is in accordance with merit system principles and applicable collective bargaining agreements.

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a. The Under Secretary of Defense for Personnel and Readiness is responsible for the development of implementing guidance and policies, in consultation with the Under Secretary of Defense for Acquisition, Technology and Logistics, and the Director, Test Resource Management Center.

b. Defense Civilian Personnel Advisory Service will oversee and monitor use of this authority throughout the Department and ensure compliance with reporting requirements on the use of this authority, if any.

c. The Secretaries of the Military Departments, Directors of the Defense Agencies, and Directors of the DoD Field Activities, or their designees, are responsible for oversight, accountability, and reporting for their respective DoD Component.

d. Documentation for appointments made under this authority must be sufficient to allow reconstruction of actions taken and must be maintained for a time frame consistent with other appointing authorities.

e. Appointments under this authority will be evaluated as part of the DoD Human Capital Framework.

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