

this section [amending this section, section 1681b of Title 15, Commerce and Trade, and sections 2366, 3038, 3047, 3050, 3106, and 3381 of Title 50, War and National Defense, repealing section 540C of Title 28, Judiciary and Judicial Procedure, and repealing provisions set out as notes under sections 3036 and 3381 of Title 50] shall take effect on December 31, 2003.”

#### EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-201 effective Oct. 1, 1996, see section 1635 of Pub. L. 104-201, set out as a note under section 1593 of this title.

### § 1612. Merit system principles and civil service protections: applicability

(a) **APPLICABILITY OF MERIT SYSTEM PRINCIPLES.**—Section 2301 of title 5 shall apply to the exercise of authority under this subchapter (other than sections 1605 and 1611).

(b) **CIVIL SERVICE PROTECTIONS.**—(1) If, in the case of a position established under authority other than section 1601(a)(1) of this title that is reestablished as an excepted service position under that section, the provisions of law referred to in paragraph (2) applied to the person serving in that position immediately before the position is so reestablished and such provisions of law would not otherwise apply to the person while serving in the position as so reestablished, then such provisions of law shall, subject to paragraph (3), continue to apply to the person with respect to service in that position for as long as the person continues to serve in the position without a break in service.

(2) The provisions of law referred to in paragraph (1) are the following provisions of title 5:

(A) Section 2302, relating to prohibited personnel practices.

(B) Chapter 75, relating to adverse actions.

(3)(A) Notwithstanding any provision of chapter 75 of title 5, an appeal of an adverse action by an individual employee covered by paragraph (1) shall be determined within the Department of Defense if the employee so elects.

(B) The Secretary of Defense shall prescribe the procedures for initiating and determining appeals of adverse actions pursuant to elections made under subparagraph (A).

(Added Pub. L. 104-201, div. A, title XVI, §1632(d), Sept. 23, 1996, 110 Stat. 2750.)

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section effective Oct. 1, 1996, see section 1635 of Pub. L. 104-201, set out as an Effective Date of 1996 Amendment note under section 1593 of this title.

### § 1613. Miscellaneous provisions

(a) **COLLECTIVE BARGAINING AGREEMENTS.**—Nothing in sections 1601 through 1603 and 1606 through 1610 may be construed to impair the continued effectiveness of a collective bargaining agreement with respect to an agency or office that is a successor to an agency or office covered by the agreement before the succession.

(b) **NOTICE TO CONGRESS OF REGULATIONS.**—The Secretary of Defense shall notify Congress of any regulations prescribed to carry out this subchapter (other than sections 1605 and 1611). Such notice shall be provided by submitting a copy of

the regulations to the congressional oversight committees not less than 60 days before such regulations take effect.

(Added Pub. L. 104-201, div. A, title XVI, §1632(d), Sept. 23, 1996, 110 Stat. 2750; amended Pub. L. 105-85, div. A, title X, §1073(a)(32), Nov. 18, 1997, 111 Stat. 1902.)

#### Editorial Notes

##### AMENDMENTS

1997—Subsec. (a). Pub. L. 105-85 substituted “1603” for “1604”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section effective Oct. 1, 1996, see section 1635 of Pub. L. 104-201, set out as an Effective Date of 1996 Amendment note under section 1593 of this title.

### § 1614. Definitions

In this subchapter:

(1) The term “defense intelligence position” means a civilian position as an intelligence officer or intelligence employee of the Department of Defense.

(2) The term “intelligence component of the Department of Defense” means any of the following:

(A) The National Security Agency.

(B) The Defense Intelligence Agency.

(C) The National Geospatial-Intelligence Agency.

(D) Any other component of the Department of Defense that performs intelligence functions and is designated by the Secretary of Defense as an intelligence component of the Department of Defense.

(E) Any successor to a component specified in, or designated pursuant to, this paragraph.

(3) The term “congressional oversight committees” means—

(A) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(4) The term “excepted service” has the meaning given such term in section 2103 of title 5.

(5) The term “preference eligible” has the meaning given such term in section 2108(3) of title 5.

(6) The term “Senior Executive Service position” has the meaning given such term in section 3132(a)(2) of title 5.

(7) The term “collective bargaining agreement” has the meaning given such term in section 7103(8) of title 5.

(Added Pub. L. 104-201, div. A, title XVI, §1632(d), Sept. 23, 1996, 110 Stat. 2750; amended Pub. L. 106-65, div. A, title X, §1067(1), Oct. 5, 1999, 113 Stat. 774; Pub. L. 106-398, §1 [[div. A], title XI, §1141(c)], Oct. 30, 2000, 114 Stat. 1654, 1654A-319; Pub. L. 108-136, div. A, title IX, §921(d)(7), Nov. 24, 2003, 117 Stat. 1569.)

**Editorial Notes**

## AMENDMENTS

2003—Par. (2)(C). Pub. L. 108-136 substituted “National Geospatial-Intelligence Agency” for “National Imagery and Mapping Agency”.

2000—Par. (1). Pub. L. 106-398 substituted “of the Department of Defense” for “of an intelligence component of the Department of Defense or of a military department”.

1999—Par. (3)(B). Pub. L. 106-65 substituted “Committee on Armed Services” for “Committee on National Security”.

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE

Section effective Oct. 1, 1996, see section 1635 of Pub. L. 104-201, set out as an Effective Date of 1996 Amendment note under section 1593 of this title.

**SUBCHAPTER II—DEFENSE INTELLIGENCE AGENCY PERSONNEL**

Sec.

- 1621. Defense Intelligence Agency merit pay system.
- 1622. Uniform allowance: civilian employees.
- 1623. Financial assistance to certain employees in acquisition of critical skills.

**§ 1621. Defense Intelligence Agency merit pay system**

The Secretary of Defense may by regulation establish a merit pay system for such employees of the Defense Intelligence Agency as the Secretary considers appropriate. The merit pay system shall be designed to carry out purposes consistent with those set forth in section 5401 of title 5, as in effect on October 31, 1993.

(Added Pub. L. 97-89, title VII, § 701(a)(1), Dec. 4, 1981, 95 Stat. 1160, § 1602; amended Pub. L. 98-615, title II, § 204(b), Nov. 8, 1984, 98 Stat. 3216; Pub. L. 103-89, § 3(b)(3)(A), Sept. 30, 1993, 107 Stat. 982; Pub. L. 103-359, title V, § 501(b)(1)(C), Oct. 14, 1994, 108 Stat. 3428; renumbered § 1621 and amended Pub. L. 104-201, div. A, title XVI, §§ 1632(a)(1), 1633(d), Sept. 23, 1996, 110 Stat. 2745, 2752.)

**Editorial Notes**

## REFERENCES IN TEXT

Section 5401 of title 5, referred to in text, was repealed by Pub. L. 103-89, § 3(a)(1), (c), Sept. 30, 1993, 107 Stat. 981, eff. Nov. 1, 1993.

## PRIOR PROVISIONS

A prior section 1621, added Pub. L. 99-145, title IX, § 924(a)(1), Nov. 8, 1985, 99 Stat. 697; amended Pub. L. 99-433, title I, § 110(g)(2), Oct. 1, 1986, 100 Stat. 1004; Pub. L. 100-26, § 7(c)(2), (k)(2), Apr. 21, 1987, 101 Stat. 280, 284; Pub. L. 101-189, div. A, title VIII, § 853(c)(1), Nov. 29, 1989, 103 Stat. 1518, defined “program manager”, “procurement command”, and “major defense acquisition program”, prior to repeal by Pub. L. 101-510, div. A, title XII, § 1207(c)(4), Nov. 5, 1990, 104 Stat. 1665; Pub. L. 102-190, div. A, title X, § 1061(a)(26)(C)(i), Dec. 5, 1991, 105 Stat. 1474, effective Oct. 1, 1993.

## AMENDMENTS

1996—Pub. L. 104-201 renumbered section 1602 of this title as this section and struck out “and Central Imagery Office” after “Intelligence Agency”.

1994—Pub. L. 103-359 inserted “and Central Imagery Office” after “Defense Intelligence Agency”.

1993—Pub. L. 103-89 inserted “, as in effect on October 31, 1993”.

1984—Pub. L. 98-615 substituted “section 5401 of title 5” for “section 5401(a) of title 5”.

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-201 effective Oct. 1, 1996, see section 1635 of Pub. L. 104-201, set out as a note under section 1593 of this title.

## EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-89 effective Nov. 1, 1993, see section 3(c) of Pub. L. 103-89, set out as a note under section 3372 of Title 5, Government Organization and Employees.

## EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98-615, title II, § 205, Nov. 8, 1984, 98 Stat. 3217, provided that amendment by Pub. L. 98-615 was effective Oct. 1, 1984, and applicable with respect to pay periods commencing on or after that date, with certain exceptions and qualifications.

## EFFECTIVE DATE

Pub. L. 97-89, title VIII, § 806, Dec. 4, 1981, 95 Stat. 1162, provided that: “The amendments made by titles V, VI, and VII and by this title [enacting this chapter and sections 3513 and 3610 to 3613 of Title 50, War and National Defense, and amending sections 2108, 6304, and 8336 of Title 5, Government Organization and Employees, and sections 3073, 3505, 3506, 3607, and 3608 of Title 50] shall take effect as of October 1, 1981.”

**§ 1622. Uniform allowance: civilian employees**

(a) The Secretary of Defense may pay an allowance under this section to any civilian employee of the Defense Intelligence Agency who—

- (1) is assigned to a Defense Attaché Office outside the United States; and
- (2) is required by regulation to wear a prescribed uniform in performance of official duties.

(b) Notwithstanding section 5901(a) of title 5, the amount of any such allowance shall be the greater of the following:

- (1) The amount provided for employees of the Department of State assigned to positions outside the United States and required by regulation to wear a prescribed uniform in performance of official duties.
- (2) The maximum allowance provided under section 1593(b) of this title.

(c) An allowance paid under this section shall be treated in the same manner as is provided in subsection (c) of section 5901 of title 5 for an allowance paid under that section.

(Added Pub. L. 100-178, title VI, § 601(a), Dec. 2, 1987, 101 Stat. 1015, § 1606; amended Pub. L. 101-189, div. A, title III, § 336(b), Nov. 29, 1989, 103 Stat. 1419; renumbered § 1622, Pub. L. 104-201, div. A, title XVI, § 1632(a)(2), Sept. 23, 1996, 110 Stat. 2745.)

**Editorial Notes**

## PRIOR PROVISIONS

A prior section 1622, added Pub. L. 99-145, title IX, § 924(a)(1), Nov. 8, 1985, 99 Stat. 698; amended Pub. L. 99-500, § 101(c) [title X, § 933], Oct. 18, 1986, 100 Stat. 1783-82, 1783-161; Pub. L. 99-591, § 101(c) [title X, § 933],