SEC. ___. AUTHORITY TO PROVIDE ADDITIONAL ALLOWANCES AND BENEFITS FOR 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 EMPLOYEES OF THE DEFENSE CLANDESTINE SERVICE.—In addition to the authority to provide compensation under subsection (a), the Secretary of Defense may provide an employee in a defense intelligence position who is assigned to the Defense Clandestine Service allowances and benefits under paragraph (1) of section 9904 of title 5 without regard to the limitations in that section—

"(1) that the employee be assigned to activities outside the United States; or

"(2) that the activities to which the employee is assigned be in support of Department of Defense activities abroad.".

[Please note: The "Changes to Existing Law" section below sets out in red-line format how the legislative text would amend existing law.]

Section-by-Section Analysis

This proposal would enable the Secretary of Defense to include certain civilians who are assigned to the Defense Clandestine Service among the population of the Department of Defense workforce eligible to receive special pay, allowances, and benefits, in addition to basic pay, similar to that provided to employees performing comparable, specialized work.

Among other matters, this proposal would provide authority for the Secretary of Defense to establish a special allowance to help create and maintain a workforce that is more mobile in support of the Defense Intelligence Agency's worldwide mission.

Additional classified justification will be provided separately

Budget Implications: Classified budget display will be provided separately, upon request.

Changes to Existing Law: This proposal would add a new subsection to section 1603 of title 10, United States Code, as follows:

§1603. Additional compensation, incentives, and allowances

(a) ADDITIONAL COMPENSATION BASED ON TITLE 5 AUTHORITIES.—The Secretary of Defense may provide employees in defense intelligence positions compensation (in addition to basic pay), including benefits, incentives, and allowances, consistent with, and not in excess of the level authorized for, comparable positions authorized by title 5.

(b) ALLOWANCES BASED ON LIVING COSTS AND ENVIRONMENT.—(1) In addition to basic pay, employees in defense intelligence positions who are citizens or nationals of the United States and are stationed outside the continental United States or in Alaska may be paid an allowance, in accordance with regulations prescribed by the Secretary of Defense, while they are so stationed.

(2) An allowance under this subsection shall be based on—

(A) living costs substantially higher than in the District of Columbia;

(B) conditions of environment which (i) differ substantially from conditions of environment in the continental United States, and (ii) warrant an allowance as a recruitment incentive; or

(C) both of the factors specified in subparagraphs (A) and (B).

(3) An allowance under this subsection may not exceed the allowance authorized to be paid by section 5941(a) of title 5 for employees whose rates of basic pay are fixed by statute.

(c) ADDITIONAL ALLOWANCES AND BENEFITS FOR EMPLOYEES OF THE DEFENSE CLANDESTINE SERVICE.—In addition to the authority to provide compensation under subsection (a), the Secretary of Defense may provide an employee in a defense intelligence position who is assigned to the Defense Clandestine Service allowances and benefits under paragraph (1) of section 9904 without regard to the limitations in that section—

(1) that the employees be assigned to activities outside the United States; or

(2) that the activities to which the employee is assigned be in support of Department of Defense activities abroad.

For the information of the reader, section 9904 of title 5, United States Code, appears as follows:

§9904. Special pay and benefits for certain employees outside the United States

The Secretary may provide to certain civilian employees of the Department of Defense assigned to activities outside the United States as determined by the Secretary to be in support of Department of Defense activities abroad hazardous to life or health or so specialized because of security requirements as to be clearly distinguishable from normal Government employment—

(1) allowances and benefits—

(A) comparable to those provided by the Secretary of State to members of the Foreign Service under chapter 9 of title I of the Foreign Service Act of 1980 (Public Law 96–465, 22 U.S.C. 4081 et seq.) or any other provision of law; or

(B) comparable to those provided by the Director of Central Intelligence to personnel of the Central Intelligence Agency; and

(2) special retirement accrual benefits and disability in the same manner provided for by the Central Intelligence Agency Retirement Act (50 U.S.C. 2001 et seq.) and in section 18 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403r).