

§ 1599d. Financial management positions: authority to prescribe professional certification and credential standards

(a) AUTHORITY TO PRESCRIBE PROFESSIONAL CERTIFICATION AND CREDENTIAL STANDARDS.—The Secretary of Defense may prescribe professional certification and credential standards for financial management positions within the Department of Defense, including requirements for formal education and requirements for certifications that individuals have met predetermined qualifications set by an agency of Government or by an industry or professional group. Any such professional certification or credential standard shall be prescribed as a Department regulation.

(b) WAIVER.—The Secretary may waive any standard prescribed under subsection (a) whenever the Secretary determines such a waiver to be appropriate.

(c) APPLICABILITY.—(1) Except as provided in paragraph (2), the Secretary may, in the Secretary's discretion—

(A) require that a standard prescribed under subsection (a) apply immediately to all personnel holding financial management positions designated by the Secretary; or

(B) delay the imposition of such a standard for a reasonable period to permit persons holding financial management positions so designated time to comply.

(2) A formal education requirement prescribed under subsection (a) shall not apply to any person employed by the Department in a financial management position before the standard is prescribed.

(d) DISCHARGE OF AUTHORITY.—The Secretary shall prescribe any professional certification or credential standards under subsection (a) through the Under Secretary of Defense (Comptroller), in consultation with the Under Secretary of Defense for Personnel and Readiness.

(e) REPORTS.—Not later than one year after the effective date of any regulations prescribed under subsection (a), or any significant modification of such regulations, the Secretary shall, in conjunction with the Director of the Office of Personnel Management, submit to Congress a report setting forth the plans of the Secretary to provide training to appropriate Department personnel to meet any new professional certification or credential standard under such regulations or modification.

(f) FINANCIAL MANAGEMENT POSITION DEFINED.—In this section, the term "financial management position" means a position or group of positions (including civilian and military positions), as designated by the Secretary for purposes of this section, that perform, supervise, or manage work of a fiscal, financial management, accounting, auditing, cost, or budgetary nature, or that require the performance of financial management-related work.

(Added Pub. L. 107-314, div. A, title XI, §1104(a)(1), Dec. 2, 2002, 116 Stat. 2661; amended Pub. L. 110-417, [div. A], title XI, §1110, Oct. 14, 2008, 122 Stat. 4619; Pub. L. 112-81, div. A, title X, §1051(a), Dec. 31, 2011, 125 Stat. 1581.)

AMENDMENTS

2011—Pub. L. 112-81 amended section generally. Prior to amendment, section related to the authority to prescribe certification and credential standards for professional accounting positions.

2008—Subsec. (e). Pub. L. 110-417 substituted "0505, 0510, 0511, or equivalent" for "GS-510, GS-511, and GS-505".

EFFECTIVE DATE

Pub. L. 107-314, div. A, title XI, §1104(b), Dec. 2, 2002, 116 Stat. 2661, provided that: "Standards established pursuant to section 1599d of title 10, United States Code, as added by subsection (a), may take effect no sooner than 120 days after the date of the enactment of this Act [Dec. 2, 2002]."

CHAPTER 83—CIVILIAN DEFENSE INTELLIGENCE EMPLOYEES

Table with 2 columns: Subchapter and Sec. Subchapter I. Defense-Wide Intelligence Personnel Policy ..... 1601 Subchapter II. Defense Intelligence Agency Personnel ..... 1621

PRIOR PROVISIONS

A prior chapter 85 of this title was repealed by Pub. L. 102-190, div. A, title X, §1061(a)(26)(C)(i), Dec. 5, 1991, 105 Stat. 1474, effective Oct. 1, 1993. Previously, the individual sections of that chapter, sections 1621 to 1624, were repealed by Pub. L. 101-510, div. A, title XII, §1207(c)(1), (3), (4), Nov. 5, 1990, 104 Stat. 1665.

AMENDMENTS

1996—Pub. L. 104-201, div. A, title XVI, §1632(a)(3), Sept. 23, 1996, 110 Stat. 2745, substituted "CIVILIAN DEFENSE INTELLIGENCE EMPLOYEES" for "DEFENSE INTELLIGENCE AGENCY AND CENTRAL IMAGERY OFFICE CIVILIAN PERSONNEL" as chapter heading and added subchapter analysis.

SUBCHAPTER I—DEFENSE-WIDE INTELLIGENCE PERSONNEL POLICY

Table with 2 columns: Sec. and Description. 1601. Civilian intelligence personnel: general authority to establish excepted positions, appoint personnel, and fix rates of pay. 1602. Basic pay. 1603. Additional compensation, incentives, and allowances. [1604. Repealed.] 1605. Benefits for certain employees assigned outside the United States. 1606. Defense Intelligence Senior Executive Service. 1607. Intelligence Senior Level positions. 1608. Time-limited appointments. 1609. Termination of defense intelligence employees. 1610. Reductions and other adjustments in force. 1611. Postemployment assistance: certain terminated intelligence employees. 1612. Merit system principles and civil service protections: applicability. 1613. Miscellaneous provisions. 1614. Definitions.

AMENDMENTS

1996—Pub. L. 104-201, div. A, title XVI, §1632(a)(3), Sept. 23, 1996, 110 Stat. 2745, added table of sections for subchapter and struck out former table of sections consisting of items 1601 "Defense Intelligence Senior Executive Service", 1602 "Defense Intelligence Agency merit pay system", 1603 "Limit on pay", 1604 "Civilian personnel management", 1605 "Benefits for certain employees of the Defense Intelligence Agency", 1606 "Uniform allowance: civilian employees", and 1608 "Financial assistance to certain employees in acquisition of critical skills".

1994—Pub. L. 103-359, title V, § 501(b)(1)(A), Oct. 14, 1994, 108 Stat. 3428, amended chapter heading generally, inserting “AND CENTRAL IMAGERY OFFICE”.

1989—Pub. L. 101-193, title V, § 507(a)(2), Nov. 30, 1989, 103 Stat. 1710, added item 1608.

1987—Pub. L. 100-178, title VI, § 601(b), Dec. 2, 1987, 101 Stat. 1015, added item 1606.

1985—Pub. L. 99-145, title XIII, § 1302(a)(2), Nov. 8, 1985, 99 Stat. 737, redesignated item 192 of chapter 8 of this title as item 1605 and transferred it to this chapter.

1984—Pub. L. 98-618, title V, § 501(b), Nov. 8, 1984, 98 Stat. 3302, added item 1604.

**§ 1601. Civilian intelligence personnel: general authority to establish excepted positions, appoint personnel, and fix rates of pay**

(a) GENERAL AUTHORITY.—The Secretary of Defense may—

(1) establish, as positions in the excepted service, such defense intelligence positions in the Department of Defense as the Secretary determines necessary to carry out the intelligence functions of the Department, including—

(A) Intelligence Senior Level positions designated under section 1607 of this title; and

(B) positions in the Defense Intelligence Senior Executive Service;

(2) appoint individuals to those positions (after taking into consideration the availability of preference eligibles for appointment to those positions); and

(3) fix the compensation of such individuals for service in those positions.

(b) CONSTRUCTION WITH OTHER LAWS.—The authority of the Secretary of Defense under subsection (a) applies without regard to the provisions of any other law relating to the appointment, number, classification, or compensation of employees.

(Added Pub. L. 104-201, div. A, title XVI, § 1632(a)(3), Sept. 23, 1996, 110 Stat. 2746; amended Pub. L. 106-398, § 1 [[div. A], title XI, § 1141(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-318.)

PRIOR PROVISIONS

A prior section 1601, added Pub. L. 97-89, title VII, § 701(a)(1), Dec. 4, 1981, 95 Stat. 1159; amended Pub. L. 101-194, title V, § 506(c)(3), Nov. 30, 1989, 103 Stat. 1759; Pub. L. 101-280, § 6(d)(4), May 4, 1990, 104 Stat. 161; Pub. L. 101-510, div. A, title XIV, § 1484(l)(5), Nov. 5, 1990, 104 Stat. 1720; Pub. L. 103-359, title V, § 501(b)(1)(B), Oct. 14, 1994, 108 Stat. 3428, related to the Defense Intelligence Senior Executive Service, prior to repeal by Pub. L. 104-201, div. A, title XVI, §§ 1632(a)(3), 1635, Sept. 23, 1996, 110 Stat. 2745, 2752, effective Oct. 1, 1996. See section 1606 of this title.

Provisions similar to those in this section were contained in sections 1590(a) and 1604(a) of this title prior to repeal by Pub. L. 104-201, §§ 1632(a)(3), 1633(a).

AMENDMENTS

2000—Subsec. (a)(1). Pub. L. 106-398, in introductory provisions, substituted “in the Department of Defense” for “in the intelligence components of the Department of Defense and the military departments” and “of the Department” for “of those components and departments”.

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.

SHORT TITLE OF 1996 AMENDMENT

Section 1631 of Pub. L. 104-201 provided that: “This subtitle [subtitle B (§§ 1631-1635) of title XVI of div. A of Pub. L. 104-201, enacting this section and sections 1602, 1603, 1606 to 1610, and 1612 to 1614 of this title, amending sections 1593, 1596, 1605, 1611, and 1621 of this title and sections 7103 and 7511 of Title 5, Government Organization and Employees, renumbering sections 1599, 1602, 1606, and 1608 of this title as sections 1611, 1621, 1622, and 1623 of this title, respectively, repealing sections 1590, 1601, 1603, and 1604 of this title and section 833 of Title 50, War and National Defense, enacting provisions set out as a note under section 1593 of this title, and repealing provisions set out as a note under section 402 of Title 50] may be cited as the ‘Department of Defense Civilian Intelligence Personnel Policy Act of 1996’.”

DELEGATION OF AUTHORITY

Section 701(b) of Pub. L. 97-89 provided that: “The authority of the Secretary of Defense under chapter 83 of title 10, United States Code, as added by subsection (a), may be delegated in accordance with section 133(d) [now 113(d)] of title 10, United States Code.”

PROVISIONS RELATING TO THE DEFENSE CIVILIAN INTELLIGENCE PERSONNEL SYSTEM

Pub. L. 111-84, div. A, title XI, § 1114, Oct. 28, 2009, 123 Stat. 2504, provided that:

“(a) SUSPENSION OF CERTAIN PAY AUTHORITY.—Effective with respect to amounts paid during the period beginning on the date of the enactment of this Act [Oct. 28, 2009] and ending on December 31, 2010, rates of basic pay for employees and positions within any element of the intelligence community (as defined by the National Security Act of 1947 [50 U.S.C. 401 et seq.]—

“(1) may not be fixed under the Defense Civilian Intelligence Personnel System; and

“(2) shall instead be fixed in accordance with the provisions of law that (disregarding DCIPS) would then otherwise apply.

The preceding sentence shall not apply with respect to the National Geospatial-Intelligence Agency.

“(b) RESPONSE TO GAO REPORT.—Not later than 3 months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional oversight committees a written description of any actions taken or proposed to be taken by such Secretary in response to the review and recommendations of the Government Accountability Office regarding the Defense Civilian Intelligence Personnel System.

“(c) INDEPENDENT ORGANIZATION.—

“(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, the Director of the Office of Personnel Management, and the Director of National Intelligence shall jointly designate an independent organization to review the operation of the Defense Civilian Intelligence Personnel System, including—

“(A) its impact on career progression;

“(B) its appropriateness or inappropriateness in light of the complexities of the workforce affected;

“(C) its sufficiency in terms of providing protections for diversity in promotion and retention of personnel; and

“(D) the adequacy of the training, policy guidelines, and other preparations afforded in connection with transitioning to that system.

“(2) DEADLINE.—The independent organization shall, after appropriate consultation with employees and employee organizations, submit its findings and recommendations under this section to the Secretary of Defense and the congressional oversight committees, in a written report, not later than June 1, 2010.

“(d) PROPOSED ACTIONS BASED ON REPORT.—Not later than 60 days after receiving the report of the independent organization under subsection (c), the Secretary of Defense, in coordination with the Director of the Office of Personnel Management and the Director of National Intelligence, shall submit to the congressional over-