

(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.

(Added Pub. L. 104-201, div. A, title XVI, § 1632(a)(3), Sept. 23, 1996, 110 Stat. 2746.)

PRIOR PROVISIONS

A prior section 1603, added Pub. L. 97-89, title VII, § 701(a)(1), Dec. 4, 1981, 95 Stat. 1160; amended Pub. L. 99-145, title XIII, § 1302(a)(3), Nov. 8, 1985, 99 Stat. 738; Pub. L. 99-661, div. A, title XIII, § 1343(a)(9), Nov. 14, 1986, 100 Stat. 3992, related to limits on pay to members of 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.

Provisions similar to those in this section were contained in sections 1590(d) and 1604(b)(2), (d) of this title prior to repeal by Pub. L. 104-201, §§ 1632(a)(3), 1633(a).

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.

[§ 1604. Repealed. Pub. L. 104-201, div. A, title XVI, § 1632(a)(3), Sept. 23, 1996, 110 Stat. 2745]

Section, added Pub. L. 98-618, title V, § 501(a), Nov. 8, 1984, 98 Stat. 3301; amended Pub. L. 99-569, title V, § 502, Oct. 27, 1986, 100 Stat. 3198; Pub. L. 100-178, title VI, § 602(a), Dec. 2, 1987, 101 Stat. 1015; Pub. L. 101-193, title V, § 503(b), Nov. 30, 1989, 103 Stat. 1708; Pub. L. 102-496, title IV, § 401(a), Oct. 24, 1992, 106 Stat. 3183; Pub. L. 103-359, title V, § 501(b)(1)(D), title VIII, § 806(b)(1), Oct. 14, 1994, 108 Stat. 3428, 3442; Pub. L. 104-93, title V, § 501, Jan. 6, 1996, 109 Stat. 970, related to civilian personnel management. See sections 1601 to 1603, 1607, and 1609 of this title.

EFFECTIVE DATE OF REPEAL

Repeal 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.

§ 1605. Benefits for certain employees assigned outside the United States

(a)(1) The Secretary of Defense may provide to civilian personnel described in subsection (d) allowances and benefits comparable to those provided by the Secretary of State to officers and employees of the Foreign Service under paragraphs (2), (3), (4), (5), (6), (7), (8), and (13) of section 901 and sections 705 and 903 of the Foreign Service Act of 1980 (22 U.S.C. 4081(2), (3), (4), (5), (6), (7), (8), and (13), 4025, 4083) and under section 5924(4) of title 5.

(2) The Secretary may also provide to any such civilian personnel special retirement accrual benefits in the same manner provided for certain officers and employees of the Central Intelligence Agency in section 303 of the Central Intelligence Agency Retirement Act (50 U.S.C.

2153) and in section 18 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3518).

(b) The authority of the Secretary of Defense to make payments under subsection (a) is effective for any fiscal year only to the extent that appropriated funds are available for such purpose.

(c) Regulations prescribed under subsection (a) may not take effect until the Secretary of Defense has submitted such regulations to—

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

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

(d) Subsection (a) applies to civilian personnel of the Department of Defense who—

(1) are United States nationals;

(2) in the case of employees of the Defense Intelligence Agency, are assigned to duty outside the United States and, in the case of other employees, are assigned to Defense Attaché Offices or Defense Intelligence Agency Liaison Offices outside the United States; and

(3) are designated by the Secretary of Defense for the purposes of subsection (a).

(Added Pub. L. 98-215, title V, § 501(a), Dec. 9, 1983, 97 Stat. 1478, § 192; renumbered § 1605 and amended Pub. L. 99-145, title XIII, § 1302(a)(1), Nov. 8, 1985, 99 Stat. 737; Pub. L. 99-335, title V, § 507(b), June 6, 1986, 100 Stat. 628; Pub. L. 99-569, title V, § 501, Oct. 27, 1986, 100 Stat. 3198; Pub. L. 101-193, title V, § 505(a), Nov. 30, 1989, 103 Stat. 1709; Pub. L. 102-496, title VIII, § 803(d), Oct. 24, 1992, 106 Stat. 3253; Pub. L. 103-160, div. A, title XI, § 1182(a)(3), Nov. 30, 1993, 107 Stat. 1771; Pub. L. 104-93, title V, § 502(a), Jan. 6, 1996, 109 Stat. 972; Pub. L. 104-201, div. A, title XVI, § 1633(c)(1), Sept. 23, 1996, 110 Stat. 2751; Pub. L. 106-65, div. A, title X, § 1067(1), Oct. 5, 1999, 113 Stat. 774; Pub. L. 113-291, div. A, title X, § 1071(c)(11), Dec. 19, 2014, 128 Stat. 3509.)

AMENDMENTS

2014—Subsec. (a)(2). Pub. L. 113-291 substituted “(50 U.S.C. 3518)” for “(50 U.S.C. 403r)”.

1999—Subsec. (c)(2). Pub. L. 106-65 substituted “Committee on Armed Services” for “Committee on National Security”.

1996—Pub. L. 104-201 substituted “assigned outside the United States” for “of the Defense Intelligence Agency” in section catchline.

Subsec. (a). Pub. L. 104-93, § 502(a)(1), designated first sentence of existing text as par. (1) and substituted “described in subsection (d)” for “of the Department of Defense who are United States nationals, who are assigned to Defense Attaché Offices and Defense Intelligence Agency Liaison Offices outside the United States, and who are designated by the Secretary of Defense for the purposes of this subsection.”, and designated second sentence of existing text as par. (2).

Subsec. (c). Pub. L. 104-93, § 502(a)(2), added subsec. (c) and struck out former subsec. (c) which read as follows: “Regulations issued pursuant to subsection (a) shall be submitted to the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Armed Services and the Select Committee on Intelligence of the Senate before such regulations take effect.”

Subsec. (d). Pub. L. 104-93, § 502(a)(3), added subsec. (d).

1993—Subsec. (a). Pub. L. 103-160 substituted “(50 U.S.C. 2153)” for “(50 U.S.C. 403 note)”.