
INTELLIGENCE COMMUNITY DIRECTIVE

NUMBER 623



APPOINTMENT OF HIGHLY QUALIFIED EXPERTS

(Effective: 16 October 2008)

A. AUTHORITY. The National Security Act of 1947, as amended; and other applicable provisions of law.

B. PURPOSE. This Intelligence Community Directive (ICD) establishes the process for the Director of National Intelligence (DNI) to select, appoint, compensate, and detail highly qualified experts (HQEs) within Intelligence Community (IC) elements under the terms and conditions specified herein. This process will ensure that the DNI has the flexibility to attract, appoint, and retain eminent experts who possess cutting edge skills and world-class knowledge in fields of critical importance to the mission of the Office of the DNI (ODNI) and the IC; compete more effectively for these eminent experts with other non-IC agencies presently using similar flexible processes; and reduce reliance on contract personnel for such expertise.

C. APPLICABILITY. This Directive applies to the IC, as defined by the National Security Act of 1947, as amended; and any other departments or agencies that may be designated by the President, or designated jointly by the DNI and the head of the executive department or agency concerned, as an IC element.

D. DEFINITION. A Highly Qualified Expert (HQE) is an individual, usually from outside of the Federal Government, who possesses cutting edge skills or world-class knowledge in a particular technical discipline or inter-disciplinary field beyond the usual range of expertise; other experts regard the individual as a leading authority or practitioner of high competence and skill in their common area of expertise. The expertise and skills of an HQE are generally not available within the ODNI and/or the IC and are needed to satisfy an emerging and non-permanent requirement.

E. POLICY. The DNI may appoint HQEs and prescribe a level of compensation appropriate to their expertise. The DNI may assign HQEs to positions in the ODNI or detail them to other IC elements. HQEs will be detailed in consultation with, and only upon, the concurrence of the head of the receiving IC element. Details will be administered in accordance with existing rules and regulations for such actions.

F. RESPONSIBILITIES.

1. The DNI, in consultation with the heads of the IC elements when appropriate, will provide the ODNI and the IC with individuals whose skills and expertise will enable the IC to execute its national security mission more effectively. The DNI will ensure, through oversight and program evaluation, that this authority is properly and effectively exercised.

2. The official requesting the appointment of the HQE shall submit written justification for each HQE appointment, as well as a recommendation for setting initial pay.

3. The Human Resources Office within the ODNI will maintain a record of the number of HQEs appointed at any given time, and maintain written documentation of the justification for each HQE appointment, as well as the factors and criteria used in setting initial pay, pay increases, and additional payments.

4. The ODNI Executive Review Board (ERB) and the IC human capital board (IC HCB) (or its successor body) will periodically review the use of this authority to ensure its effectiveness and consistency, and may recommend additional reporting and documentation requirements, as necessary.

G. PROCEDURES.

1. Appointment Authority. The DNI, or the Principal Deputy Director of National Intelligence (PDDNI) and the Director of the Intelligence Staff (DIS) as designees of the DNI, will exercise exclusive authority under this ICD.

a. In exercising this authority, the DNI may consult with the ODNI ERB or the IC HCB (or its successor body), as appropriate.

b. The Deputy and Associate Directors of National Intelligence (and other ODNI officials of equivalent position) and the heads of the IC elements may request that the DNI appoint HQEs.

c. This ICD does not affect other statutory or IC element authorities regarding the appointment of HQEs.

2. Appointment Procedures.

a. Appointments under this authority generally may not exceed five years. The DNI may, on a case-by-case basis, extend an appointment for up to an additional one year. As part of a request for extension, the office that initially requested the appointment of the HQE must:

(1) Justify the requirement to retain the services of the employee.

(2) Discuss the role of the extension in promoting the national security mission of the IC.

b. HQEs may or may not be selected through a competitive process.

c. The DNI may appoint HQEs from within or outside the Federal Government. The HQEs may be appointed to any work schedule (i.e., full-time, part-time, or intermittent).

d. An employee who separated from the Federal Government under any voluntary separation incentive pay program may not be appointed under this authority for five years from the date of such separation, unless the employee repays the separation incentive on a prorated basis.

e. Appointments under this authority constitute employment with the ODNI.

(1) Individuals appointed under this authority will be categorized as HQEs, but for all other purposes are subject to the performance management, compensation and benefits (e.g., retirement, health and life insurance), and employment policies applicable to members of the Senior National Intelligence Service, except for those policies specifically established by this ICD.

(2) Current Federal employees must resign before accepting an appointment as an HQE.

(3) Those HQEs detailed to an IC element will be subject to the applicable performance management policies in accordance with ICD 601, Joint Intelligence Community Duty Assignments.

f. Either the requesting or appointing authority may terminate the appointment of an individual to an HQE position at any time and for any reason. The individual involved will be notified in writing, with a copy provided to the Associate DNI for Human Capital. The decision to terminate an appointment under this authority is final and not subject to any further appeal or review.

g. The authority to appoint HQEs will not be used for the following purposes:

(1) To temporarily employ an individual in anticipation of a permanent appointment to ODNI or to another IC element.

(2) To provide expertise that is readily available within the ODNI or another IC element after a reasonable inquiry.

(3) To treat former Federal employees preferentially.

(4) To fill in during staff shortages.

3. Pay Administration.

a. The DNI may set the rate of basic pay for HQEs up to or equal to the salary of the Vice-President of the United States (as established by 3 U.S.C. 104).

b. The employee's initial basic pay is determined according to factors that include, but are not limited to: compensation for a comparable position in the private sector, personal qualifications, type of degree, professional experience, type of position, organizational needs, and mission impact of work assignments.

c. No position-based special rates will supplement the employee's basic pay. In addition, the employee will not be eligible for any type of premium pay or time (e.g., overtime or compensatory time off).

d. Subject to the preceding limitations, the DNI may adjust upwardly the rate of basic pay for an HQE as a result of the employee's performance and level of accomplishment related to projects, programs, or tasks that contribute to the national security mission of the IC.

e. To the extent consistent with applicable law, an HQE may be detailed to an IC element on either a reimbursable or non-reimbursable basis. This status will be decided jointly by the DNI and the head of the receiving IC element at the time of the detail.

f. The DNI may authorize an additional payment only as a recruitment or relocation incentive (including permanent change of station payments), or to recognize specific accomplishments, contributions, or performance subject to the following limitations:

(1) The employee's total compensation in any calendar year, including basic pay and any additional payments, may not exceed the total annual compensation of the Vice-President of the United States (as established by 3 U.S.C. 104).

(2) If a payment is authorized as a recruitment or relocation incentive, the HQE recipient must sign a written service agreement, which may include a provision requiring the repayment of any incentive payment if the HQE voluntarily terminates his or her appointment, before receiving the incentive payment.

g. A receiving IC element may award incentive or recognition payments to HQEs who are serving on either a reimbursable or non-reimbursable basis, subject to the limitations in section G.3.f. The IC element that granted the award will notify the DNI of such action.

h. The rate of basic pay prescribed for the position may be reduced if there is a break in service.

H. EFFECTIVE DATE. This Directive becomes effective on the date of signature.



Director of National Intelligence

16 OCT 08

Date

APPENDIX A – ACRONYMS**ICD 623 – APPOINTMENT OF HIGHLY QUALIFIED EXPERTS**

DIS	Director of the Intelligence Staff
DNI	Director of National Intelligence
ERB	Executive Review Board
HQE	Highly Qualified Expert
IC	Intelligence Community
ICD	Intelligence Community Directive
IC HCB	Intelligence Community Human Capital Board
ODNI	Office of the Director of National Intelligence
PDDNI	Principal Deputy Director of National Intelligence