

Subsec. (b)(3). Pub. L. 108-177, §361(b)(3), substituted “the annual” for “periodic”.

Subsec. (d)(1). Pub. L. 108-177, §377(a), substituted “section 403-3(c)(7)” for “section 403-3(c)(6)”.

2002—Subsec. (b)(3). Pub. L. 107-306 added par. (3).

#### EFFECTIVE DATE OF 2004 AMENDMENT

For Determination by President that amendment by Pub. L. 108-458 take effect on Apr. 21, 2005, see Memorandum of President of the United States, Apr. 21, 2005, 70 F.R. 23925, set out as a note under section 3001 of this title.

Amendment by Pub. L. 108-458 effective not later than six months after Dec. 17, 2004, except as otherwise expressly provided, see section 1097(a) of Pub. L. 108-458, set out in an Effective Date of 2004 Amendment; Transition Provisions note under section 3001 of this title.

#### EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by section 361(b) of Pub. L. 108-177 effective Dec. 31, 2003, see section 361(n) of Pub. L. 108-177, set out as a note under section 1611 of Title 10, Armed Forces.

### § 3048. Detail of intelligence community personnel—Intelligence Community Assignment Program

#### (a) Detail

(1) Notwithstanding any other provision of law, the head of a department with an element in the intelligence community or the head of an intelligence community agency or element may detail any employee within that department, agency, or element to serve in any position in the Intelligence Community Assignment Program on a reimbursable or a nonreimbursable basis.

(2) Nonreimbursable details may be for such periods as are agreed to between the heads of the parent and host agencies, up to a maximum of three years, except that such details may be extended for a period not to exceed one year when the heads of the parent and host agencies determine that such extension is in the public interest.

#### (b) Benefits, allowances, travel, incentives

(1) An employee detailed under subsection (a) of this section may be authorized any benefit, allowance, travel, or incentive otherwise provided to enhance staffing by the organization from which the employee is detailed.

(2) The head of an agency of an employee detailed under subsection (a) of this section may pay a lodging allowance for the employee subject to the following conditions:

(A) The allowance shall be the lesser of the cost of the lodging or a maximum amount payable for the lodging as established jointly by the Director of National Intelligence and—

(i) with respect to detailed employees of the Department of Defense, the Secretary of Defense; and

(ii) with respect to detailed employees of other agencies and departments, the head of such agency or department.

(B) The detailed employee maintains a primary residence for the employee’s immediate family in the local commuting area of the parent agency duty station from which the employee regularly commuted to such duty station before the detail.

(C) The lodging is within a reasonable proximity of the host agency duty station.

(D) The distance between the detailed employee’s parent agency duty station and the host agency duty station is greater than 20 miles.

(E) The distance between the detailed employee’s primary residence and the host agency duty station is 10 miles greater than the distance between such primary residence and the employee’s parent duty station.

(F) The rate of pay applicable to the detailed employee does not exceed the rate of basic pay for grade GS-15 of the General Schedule.

(July 26, 1947, ch. 343, title I, § 113, as added Pub. L. 105-107, title III, §303(a), Nov. 20, 1997, 111 Stat. 2251; amended Pub. L. 107-108, title III, §304, Dec. 28, 2001, 115 Stat. 1398; Pub. L. 107-306, title VIII, §841(a), Nov. 27, 2002, 116 Stat. 2431; Pub. L. 108-458, title I, §1071(a)(1)(M), Dec. 17, 2004, 118 Stat. 3689.)

#### REFERENCES IN TEXT

GS-15 of the General Schedule, referred to in subsec. (b)(2)(F), is set out under section 5332 of Title 5, Government Organization and Employees.

#### CODIFICATION

Section was formerly classified to section 404h of this title prior to editorial reclassification and renumbering as this section.

#### AMENDMENTS

2004—Subsec. (b)(2)(A). Pub. L. 108-458 substituted “Director of National Intelligence” for “Director of Central Intelligence” in introductory provisions.

2002—Subsec. (c). Pub. L. 107-306 struck out heading and text of subsec. (c). Text read as follows: “Not later than March 1, 1999, and annually thereafter, the Director of Central Intelligence shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report describing the detail of intelligence community personnel pursuant to subsection (a) of this section during the 12-month period ending on the date of the report. The report shall set forth the number of personnel detailed, the identity of parent and host agencies or elements, and an analysis of the benefits of the details.”

2001—Subsec. (b). Pub. L. 107-108 designated existing provisions as par. (1) and added par. (2).

#### EFFECTIVE DATE OF 2004 AMENDMENT

For Determination by President that amendment by Pub. L. 108-458 take effect on Apr. 21, 2005, see Memorandum of President of the United States, Apr. 21, 2005, 70 F.R. 23925, set out as a note under section 3001 of this title.

Amendment by Pub. L. 108-458 effective not later than six months after Dec. 17, 2004, except as otherwise expressly provided, see section 1097(a) of Pub. L. 108-458, set out in an Effective Date of 2004 Amendment; Transition Provisions note under section 3001 of this title.

#### EFFECTIVE DATE

Pub. L. 105-107, title III, §303(d), Nov. 20, 1997, 111 Stat. 2252, provided that: “The amendment made by subsection (a) [enacting this section] shall apply to an employee on detail on or after January 1, 1997.”

### § 3049. Non-reimbursable detail of other personnel

An officer or employee of the United States or member of the Armed Forces may be detailed to

the staff of an element of the intelligence community funded through the National Intelligence Program from another element of the intelligence community or from another element of the United States Government on a non-reimbursable basis, as jointly agreed to by the heads of the receiving and detailing elements, for a period not to exceed three years. This section does not limit any other source of authority for reimbursable or non-reimbursable details. A non-reimbursable detail made under this section shall not be considered an augmentation of the appropriations of the receiving element of the intelligence community.

(July 26, 1947, ch. 343, title I, §113A, as added Pub. L. 111-259, title III, §302(a), Oct. 7, 2010, 124 Stat. 2658; amended Pub. L. 112-18, title III, §303(a), June 8, 2011, 125 Stat. 226; Pub. L. 112-277, title III, §303, Jan. 14, 2013, 126 Stat. 2471.)

#### CODIFICATION

Section was formerly classified to section 404h-1 of this title prior to editorial reclassification and renumbering as this section. Some section numbers of this title referenced in amendment notes below reflect the classification of such sections prior to their editorial reclassification.

#### AMENDMENTS

2013—Pub. L. 112-277 substituted “three years.” for “two years.” and inserted at end “A non-reimbursable detail made under this section shall not be considered an augmentation of the appropriations of the receiving element of the intelligence community.”

2011—Pub. L. 112-18 amended section generally. Prior to amendment, text read as follows: “Except as provided in section 402c(g)(2) of this title and section 404h of this title, and notwithstanding any other provision of law, an officer or employee of the United States or member of the Armed Forces may be detailed to the staff of an element of the intelligence community funded through the National Intelligence Program from another element of the intelligence community or from another element of the United States Government on a reimbursable or nonreimbursable basis, as jointly agreed to by the head of the receiving element and the head of the detailing element, for a period not to exceed 2 years.”

### § 3050. Additional annual reports from the Director of National Intelligence

#### (a) Annual report on hiring and retention of minority employees

(1) The Director of National Intelligence shall, on an annual basis, submit to Congress a report on the employment of covered persons within each element of the intelligence community for the preceding fiscal year.

(2) Each such report shall include disaggregated data by category of covered person from each element of the intelligence community on the following:

(A) Of all individuals employed in the element during the fiscal year involved, the aggregate percentage of such individuals who are covered persons.

(B) Of all individuals employed in the element during the fiscal year involved at the levels referred to in clauses (i) and (ii), the percentage of covered persons employed at such levels:

(i) Positions at levels 1 through 15 of the General Schedule.

(ii) Positions at levels above GS-15.

(C) Of all individuals hired by the element involved during the fiscal year involved, the percentage of such individuals who are covered persons.

(3) Each such report shall be submitted in unclassified form, but may contain a classified annex.

(4) Nothing in this subsection shall be construed as providing for the substitution of any similar report required under another provision of law.

(5) In this subsection, the term “covered persons” means—

(A) racial and ethnic minorities;

(B) women; and

(C) individuals with disabilities.

#### (b) Annual report on threat of attack on the United States using weapons of mass destruction

(1) Not later each year than the date provided in section 3106 of this title, the Director of National Intelligence shall submit to the congressional committees specified in paragraph (3) a report assessing the following:

(A) The current threat of attack on the United States using ballistic missiles or cruise missiles.

(B) The current threat of attack on the United States using a chemical, biological, or nuclear weapon delivered by a system other than a ballistic missile or cruise missile.

(2) Each report under paragraph (1) shall be a national intelligence estimate, or have the formality of a national intelligence estimate.

(3) The congressional committees referred to in paragraph (1) are the following:

(A) The congressional intelligence committees.

(B) The Committees on Foreign Relations and Armed Services of the Senate.

(C) The Committees on International Relations and Armed Services of the House of Representatives.

(July 26, 1947, ch. 343, title I, §114, as added Pub. L. 105-272, title III, §307(a), Oct. 20, 1998, 112 Stat. 2401; amended Pub. L. 107-306, title III, §§324, 353(b)(6), title VIII, §§811(b)(1)(D), 821, 822, Nov. 27, 2002, 116 Stat. 2393, 2402, 2422, 2426, 2427; Pub. L. 108-177, title III, §361(c), (d), Dec. 13, 2003, 117 Stat. 2625; Pub. L. 108-458, title I, §1071(a)(1)(N), (O), (3)(A), (7), Dec. 17, 2004, 118 Stat. 3689, 3690; Pub. L. 112-277, title III, §310(a)(2), Jan. 14, 2013, 126 Stat. 2474.)

#### REFERENCES IN TEXT

The General Schedule, referred to in subsec. (a)(2)(B), is set out under section 5332 of Title 5, Government Organization and Employees.

#### CODIFICATION

Section was formerly classified to section 404i of this title prior to editorial reclassification and renumbering as this section. Some section numbers of this title referenced in amendment notes below reflect the classification of such sections prior to their editorial reclassification.

#### AMENDMENTS

2013—Pub. L. 112-277 redesignated subsecs. (b) and (c) as (a) and (b), respectively, struck out former subsec.