

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.”

#### **§ 3049a. Special pay authority for science, technology, engineering, or mathematics positions**

##### **(a) Authority to set special rates of pay**

Notwithstanding part III of title 5, the head of each element of the intelligence community may establish higher minimum rates of pay for 1 or more categories of positions in such element that require expertise in science, technology, engineering, or mathematics (STEM).

##### **(b) Maximum special rate of pay**

A minimum rate of pay established for a category of positions under subsection (a) may not exceed the maximum rate of basic pay (excluding any locality-based comparability payment under section 5304 of title 5 or similar provision of law) for the position in that category of positions without the authority of subsection (a) by more than 30 percent, and no rate may be established under this section in excess of the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5.

##### **(c) Notification of removal from special rate of pay**

If the head of an element of the intelligence community removes a category of positions from coverage under a rate of pay authorized by subsection (a) after that rate of pay takes effect—

- (1) the head of such element shall provide notice of the loss of coverage of the special rate of pay to each individual in such category; and
- (2) the loss of coverage will take effect on the first day of the first pay period after the date of the notice.

##### **(d) Revision of special rates of pay**

Subject to the limitations in this section, rates of pay established under this section by

the head of the element of the intelligence community may be revised from time to time by the head of such element and the revisions have the force and effect of statute.

#### **(e) Regulations**

The head of each element of the intelligence community shall promulgate regulations to carry out this section with respect to such element, which shall, to the extent practicable, be comparable to the regulations promulgated to carry out section 5305 of title 5.

#### **(f) Reports**

##### **(1) Requirement for reports**

Not later than 90 days after May 5, 2017, the head of each element of the intelligence community shall submit to the congressional intelligence committees a report on any rates of pay established for such element under this section.

##### **(2) Contents**

Each report required by paragraph (1) shall contain for each element of the intelligence community—

- (A) a description of any rates of pay established under subsection (a); and
- (B) the number of positions in such element that will be subject to such rates of pay.

(July 26, 1947, ch. 343, title I, §113B, as added Pub. L. 115-31, div. N, title III, §305(a), May 5, 2017, 131 Stat. 811.)

#### **§ 3050. Annual report on hiring and retention of minority employees**

##### **(a) In general**

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.

##### **(b) Content**

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

- (1) Of all individuals employed in the element during the fiscal year involved, the aggregate percentage of such individuals who are covered persons.
- (2) Of all individuals employed in the element during the fiscal year involved at the levels referred to in subparagraphs (A) and (B), the percentage of covered persons employed at such levels:
  - (A) Positions at levels 1 through 15 of the General Schedule.
  - (B) Positions at levels above GS-15.
- (3) Of all individuals hired by the element involved during the fiscal year involved, the percentage of such individuals who are covered persons.

##### **(c) Form**

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

##### **(d) Construction**

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