

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.

**(e) “Covered persons” defined**

In this section the term “covered persons” means—

- (1) racial and ethnic minorities;
- (2) women; and
- (3) individuals with disabilities.

(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; Pub. L. 113–126, title III, § 329(a)(1), (c)(2), July 7, 2014, 128 Stat. 1405, 1406.)

## REFERENCES IN TEXT

The General Schedule, referred to in subsec. (b)(2), 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

2014—Pub. L. 113–126, § 329(c)(2)(A), substituted “Annual report on hiring and retention of minority employees” for “Additional annual reports from the Director of National Intelligence” in section catchline.

Subsec. (a). Pub. L. 113–126, § 329(c)(2)(B), (C), struck out subsec. (a) designation and heading “Annual report on hiring and retention of minority employees” and redesignated par. (1) as subsec. (a). Former pars. (2) to (5) redesignated subsecs. (b) to (e), respectively.

Subsec. (b). Pub. L. 113–126, § 329(c)(2)(C), (D), redesignated subsec. (a)(2) as (b), redesignated subpars. (A) to (C) of former subsec. (a)(2) as pars. (1) to (3), respectively, of subsec. (b), and in par. (2) as redesignated, substituted “subparagraphs (A) and (B)” for “clauses (i) and (ii)” in introductory provisions and redesignated cls. (i) and (ii) as subpars. (A) and (B), respectively.

Pub. L. 113–126, § 329(a)(1), struck out subsec. (b) which related to annual report on threat of attack on the United States using weapons of mass destruction.

Subsec. (c). Pub. L. 113–126, § 329(c)(2)(C), redesignated subsec. (a)(3) as (c).

Subsec. (d). Pub. L. 113–126, § 329(c)(2)(C), (E), redesignated subsec. (a)(4) as (d) and substituted “section” for “subsection”.

Subsec. (e). Pub. L. 113–126, § 329(c)(2)(C), (F), redesignated subsec. (a)(5) as (e), substituted “section” for “subsection,” in introductory provisions, and redesignated subpars. (A) to (C) of former subsec. (a)(5) as pars. (1) to (3), respectively, of subsec. (e).

2013—Pub. L. 112–277 redesignated subsecs. (b) and (c) as (a) and (b), respectively, struck out former subsec. (a) which required annual reports on the safety and security of Russian nuclear facilities and nuclear military forces, and struck out subsec. (d) which defined the term “congressional leadership”.

2004—Pub. L. 108–458, § 1071(a)(7), substituted “Additional annual reports from the Director of National Intelligence” for “Additional annual reports from the Director of Central Intelligence” in section catchline.

Subsec. (a)(1). Pub. L. 108–458, § 1071(a)(1)(N), substituted “Director of National Intelligence” for “Director of Central Intelligence”.

Subsec. (b)(1). Pub. L. 108–458, § 1071(a)(1)(O), substituted “Director of National Intelligence” for “Director of Central Intelligence”.

Subsec. (c)(1). Pub. L. 108–458, § 1071(a)(3)(A), substituted “Director of National Intelligence” for “Director”.

2003—Subsec. (a). Pub. L. 108–177, § 361(c), redesignated subsec. (b) as (a) and struck out former subsec. (a), which related to annual reports on intelligence community cooperation with Federal law enforcement agencies.

Subsecs. (b), (c). Pub. L. 108–177, § 361(c)(2), redesignated subsecs. (c) and (d) as (b) and (c), respectively. Former subsec. (b) redesignated (a).

Subsec. (d). Pub. L. 108–177, § 361(d), redesignated subsec. (e) as (d) and struck out former subsec. (d), which related to annual reports on covert leases of the intelligence community.

Pub. L. 108–177, § 361(c)(2), redesignated subsec. (e) as (d). Former subsec. (d) redesignated (c).

Subsec. (e). Pub. L. 108–177, § 361(d)(2), redesignated subsec. (e) as (d).

Pub. L. 108–177, § 361(c)(2), redesignated subsec. (f) as (e). Former subsec. (e) redesignated (d).

Subsec. (f). Pub. L. 108–177, § 361(c)(2), redesignated subsec. (f) as (e).

2002—Subsec. (a)(1). Pub. L. 107–306, § 811(b)(1)(D)(i)(I), struck out “the congressional intelligence committees and” before “the congressional leadership”.

Subsec. (a)(2) to (4). Pub. L. 107–306, § 811(b)(1)(D)(i)(II), (III), added par. (2) and redesignated former pars. (2) and (3) as (3) and (4), respectively.

Subsec. (b)(1). Pub. L. 107–306, § 811(b)(1)(D)(ii), substituted “submit to the congressional leadership on an annual basis, and to the congressional intelligence committees on the date each year provided in section 415b of this title,” for “, on an annual basis, submit to the congressional intelligence committees and the congressional leadership”.

Subsec. (c). Pub. L. 107–306, § 324(2), added subsec. (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 107–306, § 821(2), added subsec. (d). Former subsec. (d) redesignated (e).

Pub. L. 107–306, § 353(b)(6), added subsec. (d) and struck out heading and text of former subsec. (d). Text read as follows: “In this section:

“(1) The term ‘congressional intelligence committees’ means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

“(2) The term ‘congressional leadership’ means the Speaker and the minority leader of the House of Representatives and the majority leader and the minority leader of the Senate.”

Pub. L. 107–306, § 324(1), redesignated subsec. (c) as (d).

Subsec. (e). Pub. L. 107–306, § 822(2), added subsec. (e). Former subsec. (e) redesignated (f).

Pub. L. 107–306, § 821(1), redesignated subsec. (d) as (e). Subsec. (f). Pub. L. 107–306, § 822(1), redesignated subsec. (e) as (f).

## CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

## 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 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.

## REPORT AND STRATEGIC PLAN ON BIOLOGICAL WEAPONS

Pub. L. 111-259, title III, § 335, Oct. 7, 2010, 124 Stat. 2688, provided that:

“(a) REQUIREMENT FOR REPORT.—Not later than 180 days after the date of the enactment of this Act [Oct. 7, 2010], the Director of National Intelligence shall submit to the congressional intelligence committees a report on—

“(1) the intelligence collection efforts of the United States dedicated to assessing the threat from biological weapons from state, nonstate, or rogue actors, either foreign or domestic; and

“(2) efforts to protect the biodefense knowledge and infrastructure of the United States.

“(b) CONTENT.—The report required by subsection (a) shall include—

“(1) an assessment of the intelligence collection efforts of the United States dedicated to detecting the development or use of biological weapons by state, nonstate, or rogue actors, either foreign or domestic;

“(2) information on fiscal, human, technical, open-source, and other intelligence collection resources of the United States dedicated for use to detect or protect against the threat of biological weapons;

“(3) an assessment of any problems that may reduce the overall effectiveness of United States intelligence collection and analysis to identify and protect biological weapons targets, including—

“(A) intelligence collection gaps or inefficiencies;

“(B) inadequate information sharing practices; or

“(C) inadequate cooperation among departments or agencies of the United States;

“(4) a strategic plan prepared by the Director of National Intelligence, in coordination with the Attorney General, the Secretary of Defense, and the Secretary of Homeland Security, that provides for actions for the appropriate elements of the intelligence community to close important intelligence gaps related to biological weapons;

“(5) a description of appropriate goals, schedules, milestones, or metrics to measure the long-term effectiveness of actions implemented to carry out the plan described in paragraph (4); and

“(6) any long-term resource and human capital issues related to the collection of intelligence regarding biological weapons, including any recommendations to address shortfalls of experienced and qualified staff possessing relevant scientific, language, and technical skills.

“(c) IMPLEMENTATION OF STRATEGIC PLAN.—Not later than 30 days after the date on which the Director of National Intelligence submits the report required by subsection (a), the Director shall begin implementation of the strategic plan referred to in subsection (b)(4).”

[For definitions of terms used in section 335 of Pub. L. 111-259, set out above, see section 2 of Pub. L. 111-259, set out as a Definitions note under section 3003 of this title.]

## DATE FOR FIRST REPORT ON COOPERATION WITH CIVILIAN LAW ENFORCEMENT AGENCIES

Pub. L. 105-272, title III, § 307(c), Oct. 20, 1998, 112 Stat. 2402, provided that the first report under former subsection (a) of this section was to be submitted not later than Dec. 31, 1999.

**§ 3051. Repealed. Pub. L. 111-259, title III, § 347(c), Oct. 7, 2010, 124 Stat. 2698**

Section, act July 26, 1947, ch. 343, title I, § 114A, as added Pub. L. 107-306, title VIII, § 823(a), Nov. 27, 2002, 116 Stat. 2427; amended Pub. L. 108-136, div. A, title IX, § 921(g), Nov. 24, 2003, 117 Stat. 1570; Pub. L. 108-458, title I, § 1071(a)(4), Dec. 17, 2004, 118 Stat. 3690, related to annual report on improvement of financial statements for auditing purposes.

## CODIFICATION

Section was formerly classified to section 404i-1 of this title and repealed prior to editorial reclassification and renumbering as this section.

## CORRECTING LONG-STANDING MATERIAL WEAKNESSES

Pub. L. 111-259, title III, § 368, Oct. 7, 2010, 124 Stat. 2705, provided that:

“(a) DEFINITIONS.—In this section:

“(1) COVERED ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term ‘covered element of the intelligence community’ means—

“(A) the Central Intelligence Agency;

“(B) the Defense Intelligence Agency;

“(C) the National Geospatial-Intelligence Agency;

“(D) the National Reconnaissance Office; or

“(E) the National Security Agency.

“(2) INDEPENDENT AUDITOR.—The term ‘independent auditor’ means an individual who—

“(A)(i) is a Federal, State, or local government auditor who meets the independence standards included in generally accepted government auditing standards; or

“(ii) is a public accountant who meets such independence standards; and

“(B) is designated as an auditor by the Director of National Intelligence or the head of a covered element of the intelligence community, as appropriate.

“(3) INDEPENDENT REVIEW.—The term ‘independent review’ means an audit, attestation, or examination conducted by an independent auditor in accordance with generally accepted government auditing standards.

“(4) LONG-STANDING, CORRECTABLE MATERIAL WEAKNESS.—The term ‘long-standing, correctable material weakness’ means a material weakness—

“(A) that was first reported in the annual financial report of a covered element of the intelligence community for a fiscal year prior to fiscal year 2007; and

“(B) the correction of which is not substantially dependent on a business system that was not implemented prior to the end of fiscal year 2010.

“(5) MATERIAL WEAKNESS.—The term ‘material weakness’ has the meaning given that term under the Office of Management and Budget Circular A-123, entitled ‘Management’s Responsibility for Internal Control,’ revised December 21, 2004.

“(6) SENIOR INTELLIGENCE MANAGEMENT OFFICIAL.—The term ‘senior intelligence management official’ means an official within a covered element of the intelligence community who is—

“(A)(i) compensated under the Senior Intelligence Service pay scale; or

“(ii) the head of a covered element of the intelligence community; and

“(B) compensated for employment with funds appropriated pursuant to an authorization of appropriations in this Act [Pub. L. 111-259, see Tables for classification].

“(b) IDENTIFICATION OF SENIOR INTELLIGENCE MANAGEMENT OFFICIALS.—

“(1) REQUIREMENT TO IDENTIFY.—Not later than 30 days after the date of the enactment of this Act [Oct. 7, 2010], the head of a covered element of the intelligence community shall designate a senior intelligence management official of such element to be responsible for correcting each long-standing, correctable material weakness of such element.

“(2) HEAD OF A COVERED ELEMENT OF THE INTELLIGENCE COMMUNITY.—The head of a covered element of the intelligence community may designate himself or herself as the senior intelligence management official responsible for correcting a long-standing, correctable material weakness under paragraph (1).

“(3) REQUIREMENT TO UPDATE DESIGNATION.—If the head of a covered element of the intelligence community determines that a senior intelligence management official designated under paragraph (1) is no longer responsible for correcting a long-standing, correctable material weakness, the head of such element shall designate the successor to such official not later than 10 days after the date of such determination.