

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 1604(e)(4) of this title and in section 17 of Pub. L. 86-36 as added by Pub. L. 102-88, title V, §503, Aug. 14, 1991, 105 Stat. 436, which was formerly set out in a note under section 402 of Title 50, War and National Defense, prior to repeal by Pub. L. 103-359, §806(b), and editorial reclassification to section 3615 of Title 50.

AMENDMENTS

2003—Subsec. (e). Pub. L. 108-177 struck out heading and text of subsec. (e). Text read as follows:

“(1) The Secretary of Defense shall submit to the congressional committees specified in paragraph (3) an annual report with respect to any expenditure made under this section.

“(2) In the case of a report required to be submitted under paragraph (1) to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives, the date for the submittal of such report shall be as provided in section 507 of the National Security Act of 1947.

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

“(A) The Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

“(B) The Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.”

2002—Subsec. (e)(1). Pub. L. 107-306, §811(b)(4)(B)(i), substituted “paragraph (3)” for “paragraph (2)”.

Subsec. (e)(2), (3). Pub. L. 107-306, §811(b)(4)(B)(ii), (iii), added par. (2) and redesignated former par. (2) as (3).

2001—Subsec. (d). Pub. L. 107-107 struck out “with” before “in a defense intelligence position”.

2000—Subsec. (a)(1). Pub. L. 106-398, §1 [[div. A], title XI, §1141(b)(1)], substituted “a defense intelligence position” for “an intelligence component of the Department of Defense”.

Subsec. (b). Pub. L. 106-398, §1 [[div. A], title XI, §1141(b)(2)], substituted “sensitive defense intelligence position” for “sensitive position in an intelligence component of the Department of Defense” in introductory provisions and “in a defense intelligence position” for “with the intelligence component” in pars. (1) and (2).

Subsec. (d). Pub. L. 106-398, §1 [[div. A], title XI, §1141(b)(3)], substituted “in a defense intelligence position” for “an intelligence component of the Department of Defense”.

Subsec. (f). Pub. L. 106-398, §1 [[div. A], title XI, §1141(b)(4)], struck out heading and text of subsec. (f). Text read as follows: “In this section, the term ‘intelligence component of the Department of Defense’ includes the National Reconnaissance Office and any intelligence component of a military department.”

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

1996—Pub. L. 104-201 renumbered section 1599 of this title as this section.

Subsec. (e)(2)(A). Pub. L. 104-106, §1502(a)(11)(A), substituted “The Committee on National Security, the Committee on Appropriations,” for “The Committees on Armed Services and Appropriations”.

Subsec. (e)(2)(B). Pub. L. 104-106, §1502(a)(11)(B), substituted “The Committee on Armed Services, the Committee on Appropriations,” for “The Committees on Armed Services and Appropriations”.

Subsec. (f). Pub. L. 104-201 substituted “includes the National Reconnaissance Office and any intelligence component of a military department.” for “means any of the following:

“(1) The National Security Agency.

“(2) The Defense Intelligence Agency.

“(3) The National Reconnaissance Office.

“(4) The Central Imagery Office.

“(5) The intelligence components of any of the military departments.”

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-177, title III, §361(n), Dec. 13, 2003, 117 Stat. 2626, provided that: “The amendments made by this section [amending this section, section 1681b of Title 15, Commerce and Trade, and sections 2366, 3038, 3047, 3050, 3106, and 3381 of Title 50, War and National Defense, repealing section 540C of Title 28, Judiciary and Judicial Procedure, and repealing provisions set out as notes under sections 3036 and 3381 of Title 50] shall take effect on December 31, 2003.”

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-201 effective Oct. 1, 1996, see section 1635 of Pub. L. 104-201, set out as a note under section 1593 of this title.

§ 1612. Merit system principles and civil service protections: applicability

(a) **APPLICABILITY OF MERIT SYSTEM PRINCIPLES.**—Section 2301 of title 5 shall apply to the exercise of authority under this subchapter (other than sections 1605 and 1611).

(b) **CIVIL SERVICE PROTECTIONS.**—(1) If, in the case of a position established under authority other than section 1601(a)(1) of this title that is reestablished as an excepted service position under that section, the provisions of law referred to in paragraph (2) applied to the person serving in that position immediately before the position is so reestablished and such provisions of law would not otherwise apply to the person while serving in the position as so reestablished, then such provisions of law shall, subject to paragraph (3), continue to apply to the person with respect to service in that position for as long as the person continues to serve in the position without a break in service.

(2) The provisions of law referred to in paragraph (1) are the following provisions of title 5:

(A) Section 2302, relating to prohibited personnel practices.

(B) Chapter 75, relating to adverse actions.

(3)(A) Notwithstanding any provision of chapter 75 of title 5, an appeal of an adverse action by an individual employee covered by paragraph (1) shall be determined within the Department of Defense if the employee so elects.

(B) The Secretary of Defense shall prescribe the procedures for initiating and determining appeals of adverse actions pursuant to elections made under subparagraph (A).

(Added Pub. L. 104-201, div. A, title XVI, §1632(d), Sept. 23, 1996, 110 Stat. 2750.)

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.

§ 1613. Miscellaneous provisions

(a) **COLLECTIVE BARGAINING AGREEMENTS.**—Nothing in sections 1601 through 1603 and 1606 through 1610 may be construed to impair the continued effectiveness of a collective bargaining agreement with respect to an agency or office that is a successor to an agency or office covered by the agreement before the succession.