

title 10, United States Code, as added by subsection (b), shall take effect on the date of the enactment of this Act [Oct. 5, 1994] and shall apply with respect to (1) civil actions brought before such date that are pending adjudication on such date, and (2) civil actions brought on or after such date.”

§ 457. Operational files previously maintained by or concerning activities of National Photographic Interpretation Center: authority to withhold from public disclosure

(a) **AUTHORITY.**—The Secretary of Defense may withhold from public disclosure operational files described in subsection (b) to the same extent that operational files may be withheld under section 701 of the National Security Act of 1947 (50 U.S.C. 3141).

(b) **COVERED OPERATIONAL FILES.**—The authority under subsection (a) applies to operational files in the possession of the National Geospatial-Intelligence Agency that—

- (1) as of September 22, 1996, were maintained by the National Photographic Interpretation Center; or
- (2) concern the activities of the Agency that, as of such date, were performed by the National Photographic Interpretation Center.

(c) **OPERATIONAL FILES DEFINED.**—In this section, the term “operational files” has the meaning given that term in section 701(b) of the National Security Act of 1947 (50 U.S.C. 3141(b)).

(Added Pub. L. 106–65, div. A, title X, §1045(a), Oct. 5, 1999, 113 Stat. 762; amended Pub. L. 108–136, div. A, title IX, §921(d)(2)(A), Nov. 24, 2003, 117 Stat. 1568; Pub. L. 113–291, div. A, title X, §1071(c)(8), Dec. 19, 2014, 128 Stat. 3509.)

Editorial Notes

AMENDMENTS

2014—Subsec. (a). Pub. L. 113–291, §1071(c)(8)(A), substituted “(50 U.S.C. 3141)” for “(50 U.S.C. 431)”.

Subsec. (c). Pub. L. 113–291, §1071(c)(8)(B), substituted “(50 U.S.C. 3141(b))” for “(50 U.S.C. 431(b))”.

2003—Subsec. (b). Pub. L. 108–136 substituted “National Geospatial-Intelligence Agency” for “National Imagery and Mapping Agency” in introductory provisions.

**SUBCHAPTER III—PERSONNEL
MANAGEMENT**

Sec.

461. Management rights.

462. Financial assistance to certain employees in acquisition of critical skills.

Editorial Notes

AMENDMENTS

2001—Pub. L. 107–108, title V, §504(b), Dec. 28, 2001, 115 Stat. 1406, added item 462.

§ 461. Management rights

(a) **SCOPE.**—If there is no obligation under the provisions of chapter 71 of title 5 for the head of an agency of the United States to consult or negotiate with a labor organization on a particular matter by reason of that matter being covered by a provision of law or a Governmentwide regulation, the Director of the National Geospatial-Intelligence Agency is not obligated to consult

or negotiate with a labor organization on that matter even if that provision of law or regulation is inapplicable to the National Geospatial-Intelligence Agency.

(b) **BARGAINING UNITS.**—The Director of the National Geospatial-Intelligence Agency shall accord exclusive recognition to a labor organization under section 7111 of title 5 only for a bargaining unit that was recognized as appropriate for the Defense Mapping Agency on September 30, 1996.

(c) **TERMINATION OF BARGAINING UNIT COVERAGE OF POSITION MODIFIED TO AFFECT NATIONAL SECURITY DIRECTLY.**—(1) If the Director of the National Geospatial-Intelligence Agency determines that the responsibilities of a position within a collective bargaining unit should be modified to include intelligence, counterintelligence, investigative, or security duties not previously assigned to that position and that the performance of the newly assigned duties directly affects the national security of the United States, then, upon such a modification of the responsibilities of that position, the position shall cease to be covered by the collective bargaining unit and the employee in that position shall cease to be entitled to representation by a labor organization accorded exclusive recognition for that collective bargaining unit.

(2) A determination described in paragraph (1) that is made by the Director of the National Geospatial-Intelligence Agency may not be reviewed by the Federal Labor Relations Authority or any court of the United States.

(Added Pub. L. 104–201, div. A, title XI, §1112(a)(2), Sept. 23, 1996, 110 Stat. 2681; amended Pub. L. 108–136, div. A, title IX, §921(d)(2)(A), (C), Nov. 24, 2003, 117 Stat. 1568.)

Editorial Notes

AMENDMENTS

2003—Subsec. (a). Pub. L. 108–136, §921(d)(2)(A), substituted “National Geospatial-Intelligence Agency” for “National Imagery and Mapping Agency” in two places.

Subsec. (b). Pub. L. 108–136, §921(d)(2)(C), substituted “The Director of the National Geospatial-Intelligence Agency” for “The National Imagery and Mapping Agency” and “on September 30, 1996” for “on the day before the date on which employees and positions of the Defense Mapping Agency in that bargaining unit became employees and positions of the National Imagery and Mapping Agency under the National Imagery and Mapping Agency Act of 1996 (title XI of the National Defense Authorization Act for Fiscal Year 1997)”.

Subsec. (c). Pub. L. 108–136, §921(d)(2)(A), substituted “National Geospatial-Intelligence Agency” for “National Imagery and Mapping Agency” in two places.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Oct. 1, 1996, see section 1124 of Pub. L. 104–201, set out as an Effective Date of 1996 Amendment note under section 193 of this title.

§ 462. Financial assistance to certain employees in acquisition of critical skills

The Secretary of Defense may establish an undergraduate training program with respect to civilian employees of the National Geospatial-Intelligence Agency.