

section, the Director shall prescribe such regulations as may be necessary to carry out this section.

**(j) Notification of exercise of authority**

The Director may not make an offer of early retirement, separation pay, or both, pursuant to this section until 15 days after submitting to the congressional intelligence committees a report describing the occupational groups or geographic locations, or other similar limitations or conditions, required by the Director under subsection (h) of this section, and includes<sup>1</sup> the proposed regulations issued pursuant to subsection (i) of this section.

**(k) Remittance of funds**

In addition to any other payment that is required to be made under subchapter III of chapter 83 or chapter 84 of title 5, the National Security Agency shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund, an amount equal to 15 percent of the final basic pay of each employee to whom a voluntary separation payment has been or is to be paid under this section. The remittance required by this subsection shall be in lieu of any remittance required by section 4(a) of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 8331 note).

(July 26, 1947, ch. 343, title III, §301, as added Pub. L. 106-567, title III, §304(a), Dec. 27, 2000, 114 Stat. 2836; amended Pub. L. 107-306, title III, §353(b)(2)(A), title VIII, §841(b), Nov. 27, 2002, 116 Stat. 2402, 2431.)

REFERENCES IN TEXT

Section 4(a) of the Federal Workforce Restructuring Act of 1994, referred to in subsec. (k), is section 4(a) of Pub. L. 103-226, which is set out as a note under section 8331 of Title 5, Government Organization and Employees.

PRIOR PROVISIONS

A prior section 301 of act July 26, 1947, ch. 343, title III, 61 Stat. 507; Apr. 2, 1949, ch. 47, §2, 63 Stat. 31; Aug. 10, 1949, ch. 412, §10(a), 63 Stat. 585, was classified to sections 171b and 171c-1 of former Title 5, Executive Departments and Government Officers and Employees, prior to repeal by Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 632.

AMENDMENTS

2002—Subsec. (j). Pub. L. 107-306, §841(b), substituted “Notification of exercise of authority” for “Reporting requirements” in subsec. heading and struck out “(1) NOTIFICATION.—” before “The Director may” and par. (2) which read as follows:

“(2) ANNUAL REPORT.—The Director shall submit to the President and the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate an annual report on the effectiveness and costs of carrying out this section.”

Pub. L. 107-306, §353(b)(2)(A), substituted “congressional intelligence committees” for “Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate”.

<sup>1</sup> So in original. Probably should be “including”.

**§ 409b. Authority of Federal Bureau of Investigation to award personal services contracts**

**(a) In general**

The Director of the Federal Bureau of Investigation may enter into personal services contracts if the personal services to be provided under such contracts directly support the intelligence or counterintelligence missions of the Federal Bureau of Investigation.

**(b) Inapplicability of certain requirements**

Contracts under subsection (a) of this section shall not be subject to the annuity offset requirements of sections 8344 and 8468 of title 5, the requirements of section 3109 of title 5, or any law or regulation requiring competitive contracting.

**(c) Contract to be appropriate means of securing services**

The Chief Contracting Officer of the Federal Bureau of Investigation shall ensure that each personal services contract entered into by the Director under this section is the appropriate means of securing the services to be provided under such contract.

(July 26, 1947, ch. 343, title III, §302, as added Pub. L. 108-177, title III, §311(a)(1), Dec. 13, 2003, 117 Stat. 2605.)

PRIOR PROVISIONS

A prior section 302 of act July 26, 1947, ch. 343, title III, 61 Stat. 507; Aug. 10, 1949, ch. 412, §10(b), 63 Stat. 585; Aug. 10, 1956, ch. 1041, §21, 70A Stat. 629, was classified to section 171c-2 of former Title 5, Executive Departments and Government Officers and Employees, prior to repeal by Pub. L. 87-651, title III, §307A, Sept. 7, 1962, 76 Stat. 526.

**§ 409b-1. Reports on exercise of authority**

(1) Not later than one year after December 13, 2003, and annually thereafter, the Director of the Federal Bureau of Investigation shall submit to the appropriate committees of Congress a report on the exercise of the authority in section 409b of this title.

(2) Each report under this section shall include, for the one-year period ending on the date of such report, the following:

(A) The number of contracts entered into during the period.

(B) The cost of each such contract.

(C) The length of each such contract.

(D) The types of services to be provided under each such contract.

(E) The availability, if any, of United States Government personnel to perform functions similar to the services to be provided under each such contract.

(F) The efforts of the Federal Bureau of Investigation to fill available personnel vacancies, or request additional personnel positions, in areas relating to the intelligence or counterintelligence mission of the Bureau.

(3) Each report under this section shall be submitted in unclassified form, but may include a classified annex.

(4) In this section—

(A) for purposes of the submittal of the classified annex to any report under this section,

the term “appropriate committees of Congress” means—

- (i) the Select Committee on Intelligence of the Senate; and
- (ii) the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) for purposes of the submittal of the unclassified portion of any report under this section, the term “appropriate committees of Congress” means—

- (i) the committees specified in subparagraph (A);
- (ii) the Committees on Appropriations, Governmental Affairs, and the Judiciary of the Senate; and
- (iii) the Committees on Appropriations, Government Reform and Oversight, and the Judiciary of the House of Representatives.

(Pub. L. 108-177, title III, §311(b), Dec. 13, 2003, 117 Stat. 2605.)

#### CODIFICATION

Section was enacted as part of the Intelligence Authorization Act for Fiscal Year 2004, and not as part of the National Security Act of 1947 which comprises this chapter.

#### CHANGE OF NAME

Committee on Government Reform and Oversight of House of Representatives changed to Committee on Government Reform of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999. Committee on Government Reform of House of Representatives changed to Committee on Oversight and Government Reform of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

### § 410. “Function” and “Department of Defense” defined

(a) As used in this Act, the term “function” includes functions, powers, and duties.

(b) As used in this Act, the term “Department of Defense” shall be deemed to include the military departments of the Army, the Navy, and the Air Force, and all agencies created under title II of this Act.

(July 26, 1947, ch. 343, title III, §308, 61 Stat. 509; Aug. 10, 1949, ch. 412, §12(e), 63 Stat. 591.)

#### PARTIAL REPEAL

*Section 307 of Pub. L. 87-651, title III, Sept. 7, 1962, 76 Stat. 526, repealed subsection (a) of this section less its applicability to sections 401, 402, 403, 404, and 405 of this title.*

#### REFERENCES IN TEXT

This Act, referred to in text, means act July 26, 1947, ch. 343, 61 Stat. 495, as amended, known as the National Security Act of 1947. For complete classification of this Act to the Code, see Short Title note set out under section 401 of this title and Tables.

Title II of this Act, referred to in subsec. (b), means title II of the National Security Act of 1947, act July 26, 1947, ch. 343, 61 Stat. 499, as amended, which enacted sections 408 and 409 of this title and sections 171, 171-1, 171-2, 171a, 171c, 171d, and 171e to 171i of former Title 5, Executive Department and Government Officers and Employees, amended sections 1 and 11 of former Title 5 and section 1517 of Title 15, Commerce and Trade, and enacted a provision formerly set out as a note under

section 135 [now 137] of Title 10, Armed Forces. Section 171 of former Title 5 was repealed by Pub. L. 87-651, title III, §307, Sept. 7, 1962, and reenacted in part as section 131 of Title 10. Sections 171e, 171f, and 171g of former Title 5 were repealed by act Aug. 10, 1956, ch. 1041, §53, 70A Stat. 641, and reenacted as sections 171, 141, 142, and 143 of Title 10, respectively. Sections 171-1 and 171-2 of former Title 5 were transferred to sections 408 and 409 of this title, respectively. For complete classification of title II to the Code, see Tables.

#### CODIFICATION

Section was formerly classified to section 171n of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

#### AMENDMENTS

1949—Subsec. (b). Act Aug. 10, 1949, substituted definition of “Department of Defense” for definition of “budget program”.

### § 411. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary and appropriate to carry out the provisions and purposes of this Act (other than the provisions and purposes of sections 102, 103, 104, 105 [50 U.S.C. 403, 403-3, 403-4, 403-5] and titles V, VI, and VII [50 U.S.C. 413 et seq., 421 et seq., 431 et seq.]).

(July 26, 1947, ch. 343, title III, §307, 61 Stat. 509; Pub. L. 103-178, title III, §309, Dec. 3, 1993, 107 Stat. 2036.)

#### REFERENCES IN TEXT

This Act, referred to in text, means act July 26, 1947, ch. 343, 61 Stat. 495, as amended, known as the National Security Act of 1947. Titles V, VI, and VII of the Act are classified generally to subchapters III (§413 et seq.), IV (§421 et seq.), and V (§431 et seq.) of this chapter, respectively. For complete classification of this Act to the Code, see Short Title note set out under section 401 of this title and Tables.

#### CODIFICATION

Section was formerly classified to section 171m of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

#### AMENDMENTS

1993—Pub. L. 103-178 substituted “provisions and purposes of this Act (other than the provisions and purposes of sections 102, 103, 104, 105 and titles V, VI, and VII)” for “provisions and purposes of this Act”.

### § 412. Repealing and savings provisions

All laws, orders, and regulations inconsistent with the provisions of this title are repealed insofar as they are inconsistent with the powers, duties, and responsibilities enacted hereby: *Provided*, That the powers, duties, and responsibilities of the Secretary of Defense under this title shall be administered in conformance with the policy and requirements for administration of budgetary and fiscal matters in the Government generally, including accounting and financial reporting, and that nothing in this title shall be construed as eliminating or modifying the powers, duties, and responsibilities of any other department, agency, or officer of the Government in connection with such matters, but no such department, agency, or officer shall exercise any such powers, duties, or responsibilities in a man-