

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,