

of the Director of National Intelligence shall not be construed as affecting access by Congress, or any committee of Congress, to—

- (1) any information, document, record, or paper in the possession of the Office; or
- (2) any personnel of the Office.

#### (i) Construction

Nothing in this section shall be construed as affecting the authority of the Director of National Intelligence, the Secretary of Defense, the Secretary of State, the Attorney General, or the Director of the Federal Bureau of Investigation as provided or specified under the National Security Act of 1947 or under other provisions of law.

(Pub. L. 107–306, title IX, §904, Nov. 27, 2002, 116 Stat. 2434; Pub. L. 108–458, title I, §§1071(g)(2)(B), 1072(d)(1)(C), Dec. 17, 2004, 118 Stat. 3691, 3693; Pub. L. 111–259, title IV, §412, Oct. 7, 2010, 124 Stat. 2725; Pub. L. 112–18, title IV, §401, June 8, 2011, 125 Stat. 227; Pub. L. 112–87, title III, §311(b), Jan. 3, 2012, 125 Stat. 1886.)

#### REFERENCES IN TEXT

Section 104(d), referred to in subsec. (f)(2), is section 104(d) of Pub. L. 107–306, title I, Nov. 27, 2002, 116 Stat. 2387, which is not classified to the Code.

The National Security Act of 1947, referred to in subsec. (i), is act July 26, 1947, ch. 343, 61 Stat. 495, which is classified principally to chapter 44 (§3001 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

#### CODIFICATION

Section was formerly classified to section 402c of this title prior to editorial reclassification and renumbering as this section.

#### AMENDMENTS

2012—Subsec. (d)(1). Pub. L. 112–87 struck out “on an annual basis” after “to produce”.

2011—Subsec. (d)(2). Pub. L. 112–18 inserted subpar. (A) designation and heading, struck out “on an annual basis” after “to produce”, and added subpar. (B).

2010—Subsec. (d). Pub. L. 111–259, §412(a)(1), (2), redesignated subsec. (e) as (d) and struck out former subsec. (d). Text read as follows:

“(1) There shall be in the Office of the National Counterintelligence Executive a general counsel who shall serve as principal legal advisor to the National Counterintelligence Executive.

“(2) The general counsel shall—

“(A) provide legal advice and counsel to the Executive on matters relating to functions of the Office;

“(B) ensure that the Office complies with all applicable laws, regulations, Executive orders, and guidelines; and

“(C) carry out such other duties as the Executive may specify.”

Subsec. (d)(1), (2). Pub. L. 111–259, §412(b)(1), substituted “subsection (e)” for “subsection (f)”.

Subsec. (e). Pub. L. 111–259, §412(a)(2), redesignated subsec. (f) as (e). Former subsec. (e) redesignated (d).

Subsec. (e)(1). Pub. L. 111–259, §412(b)(2)(A), substituted “subsection (d)(1)” for “subsection (e)(1)”.

Subsec. (e)(2). Pub. L. 111–259, §412(b)(2)(B), substituted “subsection (d)(2)” for “subsection (e)(2)”.

Subsec. (f). Pub. L. 111–259, §412(a)(2), redesignated subsec. (g) as (f). Former subsec. (f) redesignated (e).

Subsec. (f)(3), (4). Pub. L. 111–259, §412(a)(3), struck out pars. (3) and (4) which read as follows:

“(3) The employment of personnel by the Office, including the appointment, compensation and benefits, management, and separation of such personnel, shall be governed by the provisions of law on such matters with

respect to the personnel of the Central Intelligence Agency, except that, for purposes of the applicability of such provisions of law to personnel of the Office, the National Counterintelligence Executive shall be treated as the head of the Office.

“(4) Positions in the Office shall be excepted service positions for purposes of title 5.”

Subsecs. (g) to (m). Pub. L. 111–259, §412(a)(1), (2), redesignated subsecs. (k) to (m) as (g) to (i), respectively, and struck out former subsecs. (h) to (j) which related to support, availability of funds for reimbursement, and contracts, respectively. Former subsec. (g) redesignated (f).

2004—Subsec. (c). Pub. L. 108–458, §1072(d)(1)(C)(i), substituted “Office of the Director of National Intelligence” for “Office of the Director of Central Intelligence”.

Subsec. (e)(4). Pub. L. 108–458, §1071(g)(2)(B)(i), substituted “Director of National Intelligence” for “Director of Central Intelligence”.

Subsec. (e)(5). Pub. L. 108–458, §1071(g)(2)(B)(ii), substituted “Director of National Intelligence” for “Director of Central Intelligence” in introductory provisions.

Subsec. (h)(1), (2). Pub. L. 108–458, §1071(g)(2)(B)(iii), substituted “Director of National Intelligence” for “Director of Central Intelligence”.

Subsec. (l). Pub. L. 108–458, §1072(d)(1)(C)(ii), substituted “Office of the Director of National Intelligence” for “Office of the Director of Central Intelligence” in introductory provisions.

Subsec. (m). Pub. L. 108–458, §1071(g)(2)(B)(iv), substituted “Director of National Intelligence” for “Director of Central Intelligence”.

#### 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.

### CHAPTER 46—CENTRAL INTELLIGENCE AGENCY

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### § 3501. Definitions

When used in this chapter, the term—

- (1) “Agency” means the Central Intelligence Agency;
- (2) “Director” means the Director of the Central Intelligence Agency; and
- (3) “Government agency” means any executive department, commission, council, independent establishment, corporation wholly or partly owned by the United States which is an instrumentality of the United States, board, bureau, division, service, office, officer, authority, administration, or other establishment, in the executive branch of the Government.

(June 20, 1949, ch. 227, §1, 63 Stat. 208; Pub. L. 86-707, title V, §511(a)(3), (c)(1), Sept. 6, 1960, 74 Stat. 800, 801; Pub. L. 108-458, title I, §1077, Dec. 17, 2004, 118 Stat. 3695.)

#### CODIFICATION

Section was formerly classified to section 403a of this title prior to editorial reclassification and renumbering as this section.

#### AMENDMENTS

2004—Pub. L. 108-458 redesignated subsecs. (a) to (c) as pars. (1) to (3), respectively, and amended par. (2) generally. Prior to amendment, par. (2) read as follows: “‘Director’ means the Director of Central Intelligence;”.

1960—Subsec. (c). Pub. L. 86-707, §511(c)(1), substituted “Government.” for “Government; and”.

Subsec. (d). Pub. L. 86-707, §511(a)(3), repealed subsec. (d) which defined “continental United States”. See section 5921 of Title 5, Government Organization and Employees.

#### 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.

#### SHORT TITLE

Act June 20, 1949, ch. 227, §10, formerly §12, 63 Stat. 213; renumbered §10, July 7, 1958, Pub. L. 85-507, §21(b)(2), 72 Stat. 337, provided that: “This Act [see Tables for classification] may be cited as the ‘Central Intelligence Agency Act of 1949’.”

#### SEPARABILITY

Act June 20, 1949, ch. 227, §9, formerly §11, 63 Stat. 213; renumbered §9, July 7, 1958, Pub. L. 85-507, §21(b)(2), 72 Stat. 337, provided that: “If any provision of this Act

[see Tables for classification], or the application of such provision to any person or circumstances, is held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.”

#### DESIGNATION OF HEADQUARTERS COMPOUND OF CENTRAL INTELLIGENCE AGENCY AS THE GEORGE BUSH CENTER FOR INTELLIGENCE

Pub. L. 105-272, title III, §309, Oct. 20, 1998, 112 Stat. 2403, provided that:

“(a) DESIGNATION.—The headquarters compound of the Central Intelligence Agency located in Langley, Virginia, shall be known and designated as the ‘George Bush Center for Intelligence’.

“(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the headquarters compound referred to in subsection (a) shall be deemed to be a reference to the ‘George Bush Center for Intelligence’.”

### § 3502. Seal of office

The Director shall cause a seal of office to be made for the Central Intelligence Agency, of such design as the President shall approve, and judicial notice shall be taken thereof.

(June 20, 1949, ch. 227, §2, 63 Stat. 208; Pub. L. 108-458, title I, §1071(b)(2)(A), Dec. 17, 2004, 118 Stat. 3690.)

#### CODIFICATION

Section was formerly classified to section 403b of this title prior to editorial reclassification and renumbering as this section.

#### AMENDMENTS

2004—Pub. L. 108-458 struck out “of Central Intelligence” after “Director”.

#### 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.

### § 3503. Procurement authorities

#### (a) Purchases and contracts for supplies and services

In the performance of its functions the Central Intelligence Agency is authorized to exercise the authorities contained in sections 2304(a)(1) to (6), (10), (12), (15), (17), and sections 2305(a) to (c), 2306, 2307, 2308, 2309, 2312, and 2313 of title 10.<sup>1</sup>

#### (b) “Agency head” defined

In the exercise of the authorities granted in subsection (a) of this section, the term “Agency head” shall mean the Director, the Deputy Director, or the Executive of the Agency.

#### (c) Classes of purchases and contracts; finality of decision; powers delegable

The determinations and decisions provided in subsection (a) of this section to be made by the

<sup>1</sup> See Codification note below.

Agency head may be made with respect to individual purchases and contracts or with respect to classes of purchases or contracts, and shall be final. Except as provided in subsection (d) of this section, the Agency head is authorized to delegate his powers provided in this section, including the making of such determinations and decisions, in his discretion and subject to his direction, to any other officer or officers or officials of the Agency.

**(d) Powers not delegable; written findings**

The power of the Agency head to make the determinations or decisions specified in paragraphs (12) and (15) of section 2304(a) and section 2307(a) of title 10<sup>1</sup> shall not be delegable. Each determination or decision required by paragraphs (12) and (15) of section 2304(a), by sections 2306 and 2313, or by section 2307(a) of title 10,<sup>1</sup> shall be based upon written findings made by the official making such determinations, which findings shall be final and shall be available within the Agency for a period of at least six years following the date of the determination.

(June 20, 1949, ch. 227, § 3, 63 Stat. 208; Pub. L. 97-269, title V, § 502(a), Sept. 27, 1982, 96 Stat. 1145; Pub. L. 104-106, div. E, title LVI, § 5607(f), Feb. 10, 1996, 110 Stat. 702.)

CODIFICATION

Section was formerly classified to section 403c of this title prior to editorial reclassification and renumbering as this section.

In subsecs. (a) and (d), references to the appropriate sections of title 10 were substituted for references to sections 2(c)(1) to (6), (10), (12), (15), (17), 3, 4, 5, 6, and 10 of the Armed Services Procurement Act of 1947 (Public Law 413, 80th Congress), on authority of section 49(b) of act Aug. 10, 1956, ch. 1041, 70A Stat. 640, section 1 of which enacted Title 10, Armed Forces. Prior to the enactment of Title 10, sections 2 to 6 and 10 of the Armed Services Procurement Act of 1947 were classified to sections 151 to 155 and 159 of former Title 41, Public Contracts. Cited sections of the Act were restated in sections of Title 10 as follows:

<i>Act</i>	<i>Title 10</i>
2(c) .....	2304(a)
3 .....	2305(a)-(c)
4 .....	2306, 2313
5 .....	2307
5(a) .....	2307(a)
6 .....	2312
10 .....	2308, 2309

Sections 2304 and 2305 of title 10 were amended generally by Pub. L. 98-369, and as so amended contain provisions differing from those referred to in subsecs. (a) and (d). Section 2308 of title 10 was repealed by Pub. L. 103-355, title I, § 1503(b)(1), Oct. 13, 1994, 108 Stat. 3297. For similar provisions, see section 2311 of title 10.

AMENDMENTS

1996—Subsec. (e). Pub. L. 104-106 struck out subsec. (e) which read as follows: “Notwithstanding subsection (e) of section 759 of title 40, the provisions of section 759 of title 40 relating to the procurement of automatic data processing equipment or services shall not apply with respect to such procurement by the Central Intelligence Agency.”

1982—Subsec. (e). Pub. L. 97-269 added subsec. (e).

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-106 effective 180 days after Feb. 10, 1996, see section 5701 of Pub. L. 104-106, div. E, title LVII, Feb. 10, 1996, 110 Stat. 702.

EFFECTIVE DATE OF 1982 AMENDMENT

Pub. L. 97-269, title VII, § 703, Sept. 27, 1982, 96 Stat. 1155, provided that: “The provisions of titles IV and V [enacting former section 202 of Title 10, Armed Forces, and amending this section] and of this title [which, except for enacting this note was not classified to the Code] shall become effective upon the date of the enactment of this Act [Sept. 27, 1982].”

PROCUREMENT OF AUTOMATIC DATA PROCESSING EQUIPMENT OR SERVICES; CONTRACTS MADE BEFORE SEPTEMBER 27, 1982

Pub. L. 97-269, title V, § 502(b), Sept. 27, 1982, 96 Stat. 1145, provided that former subsec. (e) of this section did not apply to a contract made before Sept. 27, 1982.

**§ 3504. Repealed. Pub. L. 85-507, § 21(b)(2), July 7, 1958, 72 Stat. 337**

Section, act June 20, 1949, ch. 227, § 4, 63 Stat. 208, related to education and training of officers and employees. See section 4101 et seq. of Title 5, Government Organization and Employees.

CODIFICATION

Section was formerly classified to section 403d of this title and repealed prior to editorial reclassification and renumbering as this section.

**§ 3505. Personnel allowances and benefits**

**(a) Travel, allowances, and related expenses for officers and employees assigned to duty stations outside United States**

Under such regulations as the Director may prescribe, the Agency, with respect to its officers and employees assigned to duty stations outside the several States of the United States of America, excluding Alaska and Hawaii, but including the District of Columbia, shall—

(1)(A) pay the travel expenses of officers and employees of the Agency, including expenses incurred while traveling pursuant to authorized home leave;

(B) pay the travel expenses of members of the family of an officer or employee of the Agency when proceeding to or returning from his post of duty; accompanying him on authorized home leave; or otherwise traveling in accordance with authority granted pursuant to the terms of this chapter or any other Act;

(C) pay the cost of transporting the furniture and household and personal effects of an officer or employee of the Agency to his successive posts of duty and, on the termination of his services, to his residence at time of appointment or to a point not more distant, or, upon retirement, to the place where he will reside;

(D) pay the cost of packing and unpacking, transporting to and from a place of storage, and storing the furniture and household and personal effects of an officer or employee of the Agency, when he is absent from his post of assignment under orders, or when he is assigned to a post to which he cannot take or at which he is unable to use such furniture and household and personal effects, or when it is in the public interest or more economical to authorize storage; but in no instance shall the weight or volume of the effects stored together with the weight or volume of the effects transported exceed the maximum limitations fixed by regulations, when not otherwise fixed by law;

(E) pay the cost of packing and unpacking, transporting to and from a place of storage, and storing the furniture and household and personal effects of an officer or employee of the Agency in connection with assignment or transfer to a new post, from the date of his departure from his last post or from the date of his departure, from his place of residence in the case of a new officer or employee and for not to exceed three months after arrival at the new post, or until the establishment of residence quarters, whichever shall be shorter; and in connection with separation of an officer or employee of the Agency, the cost of packing and unpacking, transporting to and from a place of storage, and storing for a period not to exceed three months, his furniture and household and personal effects; but in no instance shall the weight or volume of the effects stored together with the weight or volume of the effects transported exceed the maximum limitations fixed by regulations, when not otherwise fixed by law.<sup>1</sup>

(F) pay the travel expenses and transportation costs incident to the removal of the members of the family of an officer or employee of the Agency and his furniture and household and personal effects, including automobiles, from a post at which, because of the prevalence of disturbed conditions, there is imminent danger to life and property, and the return of such persons, furniture, and effects to such post upon the cessation of such conditions; or to such other post as may in the meantime have become the post to which such officer or employee has been assigned.

(2) Charge expenses in connection with travel of personnel, their dependents, and transportation of their household goods and personal effects, involving a change of permanent station, to the appropriation for the fiscal year current when any part of either the travel or transportation pertaining to the transfer begins pursuant to previously issued travel and transfer orders, notwithstanding the fact that such travel or transportation may not all be effected during such fiscal year, or the travel and transfer orders may have been issued during the prior fiscal year.

(3)(A) Order to any of the several States of the United States of America (including the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States) on leave of absence each officer or employee of the Agency who was a resident of the United States (as described above) at time of employment, upon completion of two years' continuous service abroad, or as soon as possible thereafter.

(B) While in the United States (as described in paragraph (3)(A) of this subsection)<sup>2</sup> on leave, the service of any officer or employee shall be available for work or duties in the Agency or elsewhere as the Director may prescribe; and the time of such work or duty shall not be counted as leave.

(C) Where an officer or employee on leave returns to the United States (as described in

paragraph (3)(A) of this subsection),<sup>2</sup> leave of absence granted shall be exclusive of the time actually and necessarily occupied in going to and from the United States (as so described) and such time as may be necessarily occupied in awaiting transportation.

(4) Notwithstanding the provisions of any other law, transport for or on behalf of an officer or employee of the Agency, a privately owned motor vehicle in any case in which it shall be determined that water, rail, or air transportation of the motor vehicle is necessary or expedient for all or any part of the distance between points of origin and destination, and pay the costs of such transportation. Not more than one motor vehicle of any officer or employee of the Agency may be transported under authority of this paragraph during any four-year period, except that, as a replacement for such motor vehicle, one additional motor vehicle of any such officer or employee may be so transported during such period upon approval, in advance, by the Director and upon a determination, in advance, by the Director that such replacement is necessary for reasons beyond the control of the officer or employee and is in the interest of the Government. After the expiration of a period of four years following the date of transportation under authority of this paragraph of a privately owned motor vehicle of any officer or employee who has remained in continuous service outside the several States of the United States of America, excluding Alaska and Hawaii, but including the District of Columbia, during such period, the transportation of a replacement for such motor vehicle for such officer or employee may be authorized by the Director in accordance with this paragraph.

(5)(A) In the event of illness or injury requiring the hospitalization of an officer or full time employee of the Agency incurred while on assignment abroad, in a locality where there does not exist a suitable hospital or clinic, pay the travel expenses of such officer or employee by whatever means the Director deems appropriate and without regard to the Standardized Government Travel Regulations and section 5731 of title 5, to the nearest locality where a suitable hospital or clinic exists and on the recovery of such officer or employee pay for the travel expenses of the return to the post of duty of such officer or employee. If the officer or employee is too ill to travel unattended, the Director may also pay the travel expenses of an attendant;

(B) Establish a first-aid station and provide for the services of a nurse at a post at which, in the opinion of the Director, sufficient personnel is employed to warrant such a station: *Provided*, That, in the opinion of the Director, it is not feasible to utilize an existing facility;

(C) In the event of illness or injury requiring hospitalization of an officer or full time employee of the Agency incurred in the line of duty while such person is assigned abroad, pay for the cost of the treatment of such illness or injury at a suitable hospital or clinic;

(D) Provide for the periodic physical examination of officers and employees of the Agen-

<sup>1</sup> So in original. The period probably should be a semicolon.

<sup>2</sup> See Codification note below.

cy and for the cost of administering inoculation or vaccinations to such officers or employees.

(6) Pay the costs of preparing and transporting the remains of an officer or employee of the Agency or a member of his family who may die while in travel status or abroad, to his home or official station, or to such other place as the Director may determine to be the appropriate place of interment, provided that in no case shall the expense payable be greater than the amount which would have been payable had the destination been the home or official station.

(7) Pay the costs of travel of new appointees and their dependents, and the transportation of their household goods and personal effects, from places of actual residence in foreign countries at time of appointment to places of employment and return to their actual residences at the time of appointment or a point not more distant: *Provided*, That such appointees agree in writing to remain with the United States Government for a period of not less than twelve months from the time of appointment.

Violation of such agreement for personal convenience of an employee or because of separation for misconduct will bar such return payments and, if determined by the Director or his designee to be in the best interests of the United States, any money expended by the United States on account of such travel and transportation shall be considered as a debt due by the individual concerned to the United States.

**(b) Allowances and benefits comparable to those paid members of Foreign Service; special requirements; persons detailed or assigned from other agencies; regulations**

(1) The Director may pay to officers and employees of the Agency, and to persons detailed or assigned to the Agency from other agencies of the Government or from the Armed Forces, allowances and benefits comparable to the allowances and benefits authorized to be paid to members of the Foreign Service under chapter 9 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4081 et seq.) or any other provision of law.

(2) The Director may pay allowances and benefits related to officially authorized travel, personnel and physical security activities, operational activities, and cover-related activities (whether or not such allowances and benefits are otherwise authorized under this section or any other provision of law) when payment of such allowances and benefits is necessary to meet the special requirements of work related to such activities. Payment of allowances and benefits under this paragraph shall be in accordance with regulations prescribed by the Director. Rates for allowances and benefits under this paragraph may not be set at rates in excess of those authorized by section 5724 and 5724a of title 5 when reimbursement is provided for relocation attributable, in whole or in part, to relocation within the United States.

(3) Notwithstanding any other provision of this section or any other provision of law relating to the officially authorized travel of Govern-

ment employees, the Director, in order to reflect Agency requirements not taken into account in the formulation of Government-wide travel procedures, may by regulation—

(A) authorize the travel of officers and employees of the Agency, and of persons detailed or assigned to the Agency from other agencies of the Government or from the Armed Forces who are engaged in the performance of intelligence functions, and

(B) provide for payment for such travel, in classes of cases, as determined by the Director, in which such travel is important to the performance of intelligence functions.

(4) Members of the Armed Forces may not receive benefits under both this section and title 37 for the same purpose. The Director and Secretary of Defense shall prescribe joint regulations to carry out the preceding sentence.

(5) Regulations, other than regulations under paragraph (1), issued pursuant to this subsection shall be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate before such regulations take effect.

(June 20, 1949, ch. 227, § 4, formerly § 5, 63 Stat. 209; renumbered § 4, Pub. L. 85-507, § 21(b)(2), July 7, 1958, 72 Stat. 337; amended Pub. L. 86-707, title III, §§ 301(b), 323, title V, § 511(a)(3), (c)(2)-(5), Sept. 6, 1960, 74 Stat. 795, 798, 800, 801; Pub. L. 97-89, title V, § 501, Dec. 4, 1981, 95 Stat. 1152; Pub. L. 103-359, title IV, § 401, Oct. 14, 1994, 108 Stat. 3427; Pub. L. 108-177, title IV, § 401, Dec. 13, 2003, 117 Stat. 2631.)

REFERENCES IN TEXT

The Foreign Service Act of 1980, referred to in subsec. (b)(1), is Pub. L. 96-465, Oct. 17, 1980, 94 Stat. 2071. Chapter 9 of title I of the Act is classified generally to subchapter IX (§ 4081 et seq.) of chapter 52 of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 3901 of Title 22 and Tables.

CODIFICATION

Section was formerly classified to section 403e of this title prior to editorial reclassification and renumbering as this section.

In subsec. (a)(3)(B), (C), “this subsection” substituted for “this section” as the probable intent of Congress in view of the designation of the existing provisions of this section as subsec. (a) and the addition of subsec. (b) by Pub. L. 97-89, title V, § 501, Dec. 4, 1981, 95 Stat. 1152.

PRIOR PROVISIONS

A prior section 4 of act June 20, 1949, was classified to former section 403d of this title prior to repeal by Pub. L. 85-507 and editorial reclassification and renumbering as section 3504 of this title.

AMENDMENTS

2003—Subsec. (b)(5). Pub. L. 108-177 inserted “, other than regulations under paragraph (1),” after “Regulations”.

1994—Subsec. (a)(5)(A). Pub. L. 103-359, § 401(1)(A)-(D), struck out “, not the result of vicious habits, intemperance, or misconduct on his part,” after “the Agency” and substituted “the Director deems” for “he shall deem”, “section 5731 of title 5” for “section 10 of the Act of March 3, 1933 (47 Stat. 1516; 5 U.S.C. 73b)”, and “the recovery of such officer or employee” for “his recovery”.

Pub. L. 103-359, §401(1)(E), which directed the substitution of “the return to the post of duty of such officer or employee” for “his return to his post”, was executed by making the substitution for “his return to his post of duty” to reflect the probable intent of Congress.

Subsec. (a)(5)(B). Pub. L. 103-359, §401(2), substituted “the opinion of the Director” for “his opinion” in two places.

Subsec. (a)(5)(C). Pub. L. 103-359, §401(3), struck out “, not the result of vicious habits, intemperance, or misconduct on his part,” after “the Agency”.

1981—Pub. L. 97-89 designated existing provisions as subsec. (a) and added subsec. (b).

1960—Pub. L. 86-707, §323(a), substituted “duty stations outside the several States of the United States of America, excluding Alaska and Hawaii, but including the District of Columbia” for “permanent-duty stations outside the continental United States, its territories, and possessions” in opening provisions, and struck out subsec. (a) designation.

Par. (1)(A). Pub. L. 86-707, §511(c)(2), substituted “pursuant to authorized home leave” for “pursuant to orders issued by the Director in accordance with the provisions of subsection (a)(3) of this section with regard to the granting of home leave”.

Par. (1)(D). Pub. L. 86-707, §301(b), authorized payment of cost of packing and unpacking and transporting to and from a place of storage, extended authority to pay storage costs for an officer or employee assigned to a post to which he cannot take or at which he is unable to use his furniture and household personal effects by striking out provisions which restricted such payment only to cases where an emergency exists, empowered Director to pay storage costs when it is in the public interest or more economical to authorize storage, and limited weight or volume of effects stored or weight or volume of effects transported to not more than maximum limitations fixed by regulations, when not otherwise fixed by law.

Par. (1)(E). Pub. L. 86-707, §301(b), authorized payment of cost of packing and unpacking and transporting to and from a place of storage, permitted payment from date of departure from officer’s or employee’s last post or from date of departure from place of residence in the case of a new officer or employee, empowered Director to pay storage costs in connection with separation of an officer or employee from the Agency, and limited weight or volume of effects stored or weight or volume of effects transported to not more than maximum limitations fixed by regulations, when not otherwise fixed by law.

Par. (3)(A). Pub. L. 86-707, §511(c)(3), substituted “to any of the several States of the United States of America (including the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States) on leave of absence each officer or employee of the Agency who was a resident of the United States (as described above) at time of employment, upon completion of two years’ continuous service abroad, or as soon as possible thereafter” for “to the United States or its Territories and possessions on leave provided for in sections 30-30b of Title 5 [former Title 5, Executive Departments and Government Officers and Employees], or as such sections may hereafter be amended, every officer and employee of the agency who was a resident of the United States or its Territories and possessions at time of employment, upon completion of two years’ continuous service abroad, or as soon as possible thereafter: Provided, That such officer or employee has accrued to his credit at the time of such order, annual leave sufficient to carry him in a pay status while in the United States for at least a thirty-day period”.

Par. (3)(B). Pub. L. 86-707, §511(c)(4), substituted “United States (as described in paragraph (3)(A) of this section) on leave, the service of any officer or employee shall be available for work or duties in the Agency or elsewhere as the Director may prescribe” for “continental United States on leave, the service of any officer or employee shall not be available for work or du-

ties except in the agency or for training or for reorientation for work”.

Par. (3)(C). Pub. L. 86-707, §511(c)(5), substituted “returns to the United States (as described in paragraph (3)(A) of this section)” for “returns to the United States or its Territories and possessions”, and “from the United States (as so described)” for “from the United States or its Territories and possessions”.

Par. (4). Pub. L. 86-707, §323(b), limited transportation of motor vehicles to one for any officer or employee during any four-year period, and empowered Director to approve transportation of one additional motor vehicle for replacement either during the four-year period or after expiration of four years following date of transportation of a motor vehicle of any officer or employee who has remained in continuous service outside the several States, excluding Alaska and Hawaii, but including the District of Columbia, for such period.

Pub. L. 86-707, §511(a)(3), repealed subsec. (b) which authorized Director to grant allowances in accordance with provisions of section 1131(1), (2) of Title 22, Foreign Relations and Intercourse. See pars. (1)(D) and (1)(E) of this section.

#### EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-89 effective Oct. 1, 1981, see section 806 of Pub. L. 97-89, set out as an Effective Date note under section 1621 of Title 10, Armed Forces.

#### IMPLEMENTATION OF COMPENSATION REFORM PLAN

Pub. L. 108-177, title IV, §405(c), Dec. 13, 2003, 117 Stat. 2633, required the Director of Central Intelligence to submit to the congressional intelligence committees a report on the compensation of Central Intelligence Agency employees participating in the pilot project under section 402(b) of Pub. L. 107-306, formerly set out below.

Pub. L. 107-306, title IV, §402, Nov. 27, 2002, 116 Stat. 2403, as amended by Pub. L. 108-177, title IV, §405(a), Dec. 13, 2003, 117 Stat. 2632, delayed implementation of a compensation reform plan for Central Intelligence Agency employees, required the Director of Central Intelligence to conduct a pilot project to test the efficacy and fairness of the plan and to submit a report on the project to the congressional intelligence committees, and expressed the sense of Congress that the Director of the National Security Agency should delay implementation of a compensation reform plan for National Security Agency employees and that an employee performance evaluation mechanism should be phased in before implementation of any new compensation plan at either Agency.

#### CLARIFICATION OF TERMS APPLIED TO FURNITURE, HOUSEHOLD GOODS, AND PERSONAL EFFECTS IN 1960 AMENDMENT

Pub. L. 86-707, title III, §301(d), Sept. 6, 1960, 74 Stat. 796, provided that: “The term ‘furniture and household and personal effects’, as used in the amendments made by this part to the Foreign Service Act of 1946, as amended [amending section 1136 of Title 22, Foreign Relations and Intercourse], and the Central Intelligence Agency Act of 1949, as amended [amending this section], and the term ‘household goods and personal effects’, as used in the amendments made by this part to the Administrative Expenses Act of 1946, as amended [amending section 73b-1 of former Title 5, Executive Departments and Government Officers and Employees], mean such personal property of an employee and the dependents of such employee as the Secretary of State and the Director of Central Intelligence, as the case may be, with respect to the term ‘furniture and household and personal effects’, and the President, with respect to the term ‘household goods and personal effects’, shall by regulation authorize to be transported or stored under the amendments made by this part to such Acts (including, in emergencies, motor vehicles authorized to be shipped at Government expense). Such motor vehicle shall be excluded from the weight and

volume limitations prescribed by the laws set forth in this part.”

[Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108-458, set out as a note under section 3001 of this title.]

Pub. L. 86-707, title III, §301(d), Sept. 6, 1960, 74 Stat. 796, was repealed by Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 661, insofar as it is applicable to the Administrative Expenses Act of 1946, as amended.

EXECUTIVE ORDER NO. 10100

Ex. Ord. No. 10100, Jan. 28, 1950, 15 F.R. 499, which provided for regulations governing the granting of allowances by the Director of the Central Intelligence Agency under this section, was revoked by section 5(a) of Ex. Ord. No. 10903, Jan. 9, 1961, 26 F.R. 217, set out under section 5921 of Title 5, Government Organization and Employees.

**§ 3506. General authorities**

**(a) In general**

In the performance of its functions, the Central Intelligence Agency is authorized to—

(1) Transfer to and receive from other Government agencies such sums as may be approved by the Office of Management and Budget, for the performance of any of the functions or activities authorized under section 3036 of this title,<sup>1</sup> and any other Government agency is authorized to transfer to or receive from the Agency such sums without regard to any provisions of law limiting or prohibiting transfers between appropriations. Sums transferred to the Agency in accordance with this paragraph may be expended for the purposes and under the authority of this chapter without regard to limitations of appropriations from which transferred;

(2) Exchange funds without regard to section 3651 of the Revised Statutes;

(3) Reimburse other Government agencies for services of personnel assigned to the Agency, and such other Government agencies are authorized, without regard to provisions of law to the contrary, so to assign or detail any officer or employee for duty with the Agency;

(4) Authorize personnel designated by the Director to carry firearms to the extent necessary for the performance of the Agency's authorized functions, except that, within the United States, such authority shall be limited to the purposes of protection of classified materials and information, the training of Agency personnel and other authorized persons in the use of firearms, the protection of Agency installations and property, the protection of current and former Agency personnel and their immediate families, defectors and their immediate families, and other persons in the United States under Agency auspices, and the protection of the Director of National Intelligence and such personnel of the Office of the Director of National Intelligence as the Director of National Intelligence may designate;

(5) Make alterations, improvements, and repairs on premises rented by the Agency, and pay rent therefor;

(6) Determine and fix the minimum and maximum limits of age within which an original appointment may be made to an operational position within the Agency, notwithstanding the provision of any other law, in accordance with such criteria as the Director, in his discretion, may prescribe; and

(7) Notwithstanding section 1341(a)(1) of title 31, enter into multiyear leases for up to 15 years.

**(b) Scope of authority for expenditure**

(1) The authority to enter into a multiyear lease under subsection (a)(7) of this section shall be subject to appropriations provided in advance for—

(A) the entire lease; or

(B) the first 12 months of the lease and the Government's estimated termination liability.

(2) In the case of any such lease entered into under subparagraph (B) of paragraph (1)—

(A) such lease shall include a clause that provides that the contract shall be terminated if budget authority (as defined by section 622(2) of title 2) is not provided specifically for that project in an appropriations Act in advance of an obligation of funds in respect thereto;

(B) notwithstanding section 1552 of title 31, amounts obligated for paying termination costs with respect to such lease shall remain available until the costs associated with termination of such lease are paid;

(C) funds available for termination liability shall remain available to satisfy rental obligations with respect to such lease in subsequent fiscal years in the event such lease is not terminated early, but only to the extent those funds are in excess of the amount of termination liability at the time of their use to satisfy such rental obligations; and

(D) funds appropriated for a fiscal year may be used to make payments on such lease, for a maximum of 12 months, beginning any time during such fiscal year.

**(c) Transfers for acquisition of land**

(1) Sums appropriated or otherwise made available to the Agency for the acquisition of land that are transferred to another department or agency for that purpose shall remain available for 3 years.

(2) The Director shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report on the transfer of sums described in paragraph (1) each time that authority is exercised.

(June 20, 1949, ch. 227, §5, formerly §6, 63 Stat. 211; June 26, 1951, ch. 151, 65 Stat. 89; renumbered §5, Pub. L. 85-507, §21(b)(2), July 7, 1958, 72 Stat. 337; amended Pub. L. 88-448, title IV, §402(a)(28), Aug. 19, 1964, 78 Stat. 494; Pub. L. 97-89, title V, §502, Dec. 4, 1981, 95 Stat. 1153; Pub. L. 98-215, title IV, §401, Dec. 9, 1983, 97 Stat. 1477; Pub. L. 103-178, title V, §501(1), Dec. 3, 1993, 107 Stat. 2038; Pub. L. 105-107, title IV, §401(a), Nov. 20, 1997, 111 Stat. 2257; Pub. L. 105-272, title IV,

<sup>1</sup> So in original. The period probably should not appear.

§§ 401, 403(a)(1), Oct. 20, 1998, 112 Stat. 2403, 2404; Pub. L. 106-567, title IV, § 405(a), (b), Dec. 27, 2000, 114 Stat. 2849; Pub. L. 107-306, title VIII, § 841(c), Nov. 27, 2002, 116 Stat. 2431; Pub. L. 108-177, title III, § 377(b)(1), Dec. 13, 2003, 117 Stat. 2630; Pub. L. 111-259, title IV, § 421, title VIII, § 802(1), Oct. 7, 2010, 124 Stat. 2727, 2746.)

## REFERENCES IN TEXT

Section 3651 of the Revised Statutes, referred to in subsec. (a)(2), was classified to section 543 of former Title 31, and was repealed by Pub. L. 97-258, § 5(b), Sept. 13, 1982, 96 Stat. 1084, the first section of which enacted Title 31, Money and Finance.

## CODIFICATION

Section was formerly classified to section 403f 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.

## PRIOR PROVISIONS

A prior section 5 of act June 20, 1949, was renumbered section 4 and is classified to section 3505 of this title.

## AMENDMENTS

2010—Subsec. (a)(1). Pub. L. 111-259, § 802(1), substituted “authorized under section 403-4a of this title.” for “authorized under paragraphs (2) and (3) of section 403(a) of this title, subsections (c)(7) and (d) of section 403-3 of this title, subsections (a) and (g) of section 403-4 of this title, and section 405 of this title”.

Subsec. (a)(4). Pub. L. 111-259, § 421, substituted “the protection of current” for “and the protection of current” and inserted “, and the protection of the Director of National Intelligence and such personnel of the Office of the Director of National Intelligence as the Director of National Intelligence may designate” before the semicolon.

2003—Subsec. (a)(1). Pub. L. 108-177 substituted “(c)(7)” for “(c)(6)”.

2002—Subsec. (c)(2). Pub. L. 107-306 substituted “a report on the transfer of sums described in paragraph (1) each time that authority is exercised.” for “an annual report on the transfers of sums described in paragraph (1).”

2000—Pub. L. 106-567 added subsec. (a) and (b) headings and subsec. (c).

1998—Subsec. (a)(1). Pub. L. 105-272, § 403(a)(1), substituted “paragraphs (2) and (3) of section 403(a)” for “subparagraphs (B) and (C) of section 403(a)(2)” and “(c)(6)” for “(c)(5)” and made technical amendments to references in original act which appear in text as references to sections 403, 403-3, 403-4 of this title.

Subsec. (a)(4). Pub. L. 105-272, § 401, substituted “and the protection of current and former Agency personnel and their immediate families, defectors and their immediate families,” for “and the protection of Agency personnel and of defectors, their families.”

1997—Pub. L. 105-107 designated existing provisions as subsec. (a), redesignated former subsections (a) to (f) as pars. (1) to (6), respectively, of subsec. (a), in par. (5) substituted semicolon for “without regard to limitations on expenditures contained in the Act of June 30, 1932, as amended: *Provided*, That in each case the Director shall certify that exception from such limitations is necessary to the successful performance of the Agency’s functions or to the security of its activities; and”, and added par. (7) and subsec. (b).

1993—Subsec. (a). Pub. L. 103-178 substituted “Office of Management and Budget” for “Bureau of the Budget” and “subparagraphs (B) and (C) of section 403(a)(2) of this title, subsections (c)(5) and (d) of section 403-3 of this title, subsections (a) and (g) of section 403-4 of this title, and section 405 of this title” for “sections 403 and 405 of this title”.

1983—Subsec. (f). Pub. L. 98-215 added subsec. (f).

1981—Subsec. (d). Pub. L. 97-89 substituted “Authorize personnel designated by the Director to carry firearms to the extent necessary for the performance of the Agency’s authorized functions, except that, within the United States, such authority shall be limited to the purposes of protection of classified materials and information, the training of Agency personnel and other authorized persons in the use of firearms, the protection of Agency installations and property, and the protection of Agency personnel and of defectors, their families, and other persons in the United States under Agency auspices; and” for “Authorize couriers and guards designated by the Director to carry firearms when engaged in transportation of confidential documents and materials affecting the national defense and security;”.

1964—Subsec. (f). Pub. L. 88-448 repealed subsec. (f) which authorized employment of not more than fifteen retired officers who must elect between civilian salary and retired pay. See section 3101 et seq. of Title 5, Government Organization and Employees.

1951—Subsec. (f). Act June 26, 1951, added subsec. (f).

## EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-567, title IV, § 405(c), Dec. 27, 2000, 114 Stat. 2849, provided that: “Subsection (c) of section 5 of the Central Intelligence Agency Act of 1949 [50 U.S.C. 3506(c)], as added by subsection (a) of this section, shall apply with respect to amounts appropriated or otherwise made available for the Central Intelligence Agency for fiscal years after fiscal year 2000.”

## EFFECTIVE DATE OF 1997 AMENDMENT

Pub. L. 105-107, title IV, § 401(b), Nov. 20, 1997, 111 Stat. 2257, provided that: “The amendments made by subsection (a) [amending this section] apply to multi-year leases entered into under section 5 of the Central Intelligence Agency Act of 1949 [this section], as so amended, on or after October 1, 1997.”

## EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-89 effective Oct. 1, 1981, see section 806 of Pub. L. 97-89, set out as an Effective Date note under section 1621 of Title 10, Armed Forces.

## EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88-448 effective on first day of first month which begins later than the ninetieth day following Aug. 19, 1964, see section 403 of Pub. L. 88-448, title IV, Aug. 19, 1964, 78 Stat. 496.

## RESTRICTION ON TRANSFER OF FUNDS AVAILABLE TO CENTRAL INTELLIGENCE AGENCY FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES

Pub. L. 113-6, div. C, title VIII, § 8045(b), Mar. 26, 2013, 127 Stat. 308, provided that: “None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 112-74, div. A, title VIII, § 8045(b), Dec. 23, 2011, 125 Stat. 817.

Pub. L. 112-10, div. A, title VIII, § 8045(b), Apr. 15, 2011, 125 Stat. 67.

Pub. L. 111-118, div. A, title VIII, § 8047(b), Dec. 19, 2009, 123 Stat. 3439.

Pub. L. 110-329, div. C, title VIII, § 8047(b), Sept. 30, 2008, 122 Stat. 3632.

Pub. L. 110-116, div. A, title VIII, § 8048(b), Nov. 13, 2007, 121 Stat. 1325.

Pub. L. 109-289, div. A, title VIII, § 8045(b), Sept. 29, 2006, 120 Stat. 1283.

Pub. L. 109-148, div. A, title VIII, § 8052(b), Dec. 30, 2005, 119 Stat. 2710.

Pub. L. 108-287, title VIII, § 8057(b), Aug. 5, 2004, 118 Stat. 983.

Pub. L. 108-87, title VIII, §8057(b), Sept. 30, 2003, 117 Stat. 1085.

Pub. L. 107-248, title VIII, §8058(b), Oct. 23, 2002, 116 Stat. 1550.

Pub. L. 107-117, div. A, title VIII, §8063(b), Jan. 10, 2002, 115 Stat. 2261.

Pub. L. 106-259, title VIII, §8062(b), Aug. 9, 2000, 114 Stat. 688.

Pub. L. 106-79, title VIII, §8065(b), Oct. 25, 1999, 113 Stat. 1244.

Pub. L. 105-262, title VIII, §8065(b), Oct. 17, 1998, 112 Stat. 2312.

Pub. L. 105-56, title VIII, §8071(b), Oct. 8, 1997, 111 Stat. 1235.

Pub. L. 104-208, div. A, title I, §101(b) [title VIII, §8080(b)], Sept. 30, 1996, 110 Stat. 3009-71, 3009-104.

Pub. L. 104-61, title VIII, §8096(b), Dec. 1, 1995, 109 Stat. 671.

Pub. L. 103-335, title VIII, §8154(b), Sept. 30, 1994, 108 Stat. 2658.

### § 3506a. Transformation of Central Intelligence Agency

The Director of the Central Intelligence Agency shall, in accordance with standards developed by the Director in consultation with the Director of National Intelligence—

(1) enhance the analytic, human intelligence, and other capabilities of the Central Intelligence Agency;

(2) develop and maintain an effective language program within the Agency;

(3) emphasize the hiring of personnel of diverse backgrounds for purposes of improving the capabilities of the Agency;

(4) establish and maintain effective relationships between human intelligence and signals intelligence within the Agency at the operational level; and

(5) achieve a more effective balance within the Agency with respect to unilateral operations and liaison operations.

(Pub. L. 108-458, title I, §1011(c), Dec. 17, 2004, 118 Stat. 3661.)

#### CODIFICATION

Section was formerly classified to section 403-4b of this title prior to editorial reclassification and renumbering as this section.

Section was enacted as part of the Intelligence Reform and Terrorism Prevention Act of 2004, and also as part of the National Security Intelligence Reform Act of 2004, and not as part of the Central Intelligence Agency Act of 1949 which comprises this chapter.

#### EFFECTIVE DATE

For Determination by President that section 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.

Section 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.

#### SENSE OF CONGRESS

Pub. L. 108-458, title I, §1011(b), Dec. 17, 2004, 118 Stat. 3661, provided that: "It is the sense of Congress that—

"(1) the human intelligence officers of the intelligence community have performed admirably and honorably in the face of great personal dangers;

"(2) during an extended period of unprecedented investment and improvements in technical collection means, the human intelligence capabilities of the

United States have not received the necessary and commensurate priorities;

"(3) human intelligence is becoming an increasingly important capability to provide information on the asymmetric threats to the national security of the United States;

"(4) the continued development and improvement of a robust and empowered and flexible human intelligence work force is critical to identifying, understanding, and countering the plans and intentions of the adversaries of the United States; and

"(5) an increased emphasis on, and resources applied to, enhancing the depth and breadth of human intelligence capabilities of the United States intelligence community must be among the top priorities of the Director of National Intelligence."

### § 3507. Protection of nature of Agency's functions

In the interests of the security of the foreign intelligence activities of the United States and in order further to implement section 3024(i) of this title that the Director of National Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure, the Agency shall be exempted from the provisions of sections 1 and 2 of the Act of August 28, 1935 (49 Stat. 956, 957; 5 U.S.C. 654), and the provisions of any other law which require the publication or disclosure of the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency: *Provided*, That in furtherance of this section, the Director of the Office of Management and Budget shall make no reports to the Congress in connection with the Agency under section 607 of the Act of June 30, 1945, as amended (5 U.S.C. 947(b)).

(June 20, 1949, ch. 227, §6, formerly §7, 63 Stat. 211; renumbered §6, Pub. L. 85-507, §21(b)(2), July 7, 1958, 72 Stat. 337; amended Pub. L. 103-178, title V, §501(2), Dec. 3, 1993, 107 Stat. 2038; Pub. L. 105-272, title IV, §403(a)(2), Oct. 20, 1998, 112 Stat. 2404; Pub. L. 108-177, title III, §377(b)(2), Dec. 13, 2003, 117 Stat. 2630; Pub. L. 108-458, title I, §§1071(b)(1)(A), 1072(b), Dec. 17, 2004, 118 Stat. 3690, 3692; Pub. L. 111-259, title VIII, §806(a)(3), Oct. 7, 2010, 124 Stat. 2748.)

#### REFERENCES IN TEXT

Act of August 28, 1935, referred to in text, which provided for the yearly publication of the Official Register of the United States, was repealed by Pub. L. 86-626, title I, §101, July 12, 1960, 74 Stat. 427.

Section 607 of the Act of June 30, 1945, as amended, referred to in text, was repealed by act Sept. 12, 1950, ch. 946, title III, §301(85), 64 Stat. 843.

#### CODIFICATION

Section was formerly classified to section 403g 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.

#### PRIOR PROVISIONS

A prior section 6 of act June 20, 1949, was renumbered section 5 and is classified to section 3506 of this title.

#### AMENDMENTS

2010—Pub. L. 111-259 made technical amendment to directory language of Pub. L. 108-458, §1072(b). See 2004 Amendment note below.

2004—Pub. L. 108-458, §1072(b), as amended by Pub. L. 111-259, substituted "section 403-1(i)" for "section 403-3(c)(7)".

Pub. L. 108-458, §1071(b)(1)(A), substituted “Director of National Intelligence” for “Director of Central Intelligence”.

2003—Pub. L. 108-177 substituted “section 403-3(c)(7) of this title” for “section 403-3(c)(6) of this title”.

1998—Pub. L. 105-272 substituted “403-3(c)(6)” for “403-3(c)(5)”.

1993—Pub. L. 103-178 substituted “section 403-3(c)(5) of this title” for “the proviso of section 403(d)(3) of this title” and “Office of Management and Budget” for “Bureau of the Budget”.

#### 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.

### § 3508. Admission of essential aliens; limitation on number

Whenever the Director, the Attorney General, and the Commissioner of Immigration and Naturalization shall determine that the admission of a particular alien into the United States for permanent residence is in the interest of national security or essential to the furtherance of the national intelligence mission, such alien and his immediate family shall be admitted to the United States for permanent residence without regard to their inadmissibility under the immigration or any other laws and regulations, or to the failure to comply with such laws and regulations pertaining to admissibility: *Provided*, That the number of aliens and members of their immediate families admitted to the United States under the authority of this section shall in no case exceed one hundred persons in any one fiscal year.

(June 20, 1949, ch. 227, §7, formerly §8, 63 Stat. 212; renumbered §7, Pub. L. 85-507, §21(b)(2), July 7, 1958, 72 Stat. 337; Pub. L. 104-208, div. C, title III, §308(f)(6), Sept. 30, 1996, 110 Stat. 3009-622.)

#### CODIFICATION

Section was formerly classified to section 403h of this title prior to editorial reclassification and renumbering as this section.

#### PRIOR PROVISIONS

A prior section 7 of act June 20, 1949, was renumbered section 6 and is classified to section 3507 of this title.

#### AMENDMENTS

1996—Pub. L. 104-208 substituted “that the admission” for “that the entry”, “shall be admitted to” for “shall be given entry into”, and “families admitted to” for “families entering”.

#### CHANGE OF NAME

Ex. Ord. No. 6166, §14, June 10, 1933, set out as a note under section 901 of Title 5, Government Organization and Employees, consolidated Bureaus of Immigration and Naturalization of Department of Labor to form an Immigration and Naturalization Service in Department of Labor, to be administered by a Commissioner of Immigration and Naturalization, which was then transferred from Department of Labor to Department of Justice by Reorg. Plan No. V of 1940, eff. June 14, 1940, 5

F.R. 2223, 54 Stat. 1238, set out in the Appendix to Title 5. Accordingly, “Commissioner of Immigration and Naturalization” was substituted for “Commissioner of Immigration”.

#### EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-208 effective, with certain transitional provisions, on the first day of the first month beginning more than 180 days after Sept. 30, 1996, see section 309 of Pub. L. 104-208, set out as a note under section 1101 of Title 8, Aliens and Nationality.

#### TRANSFER OF FUNCTIONS

Functions of all other officers of Department of Justice and functions of all agencies and employees of such Department, with a few exceptions, were transferred to Attorney General, with power vested in the Attorney General to authorize their performance or performance of any of the Attorney General’s functions by any of such officers, agencies, and employees, by Reorg. Plan No. 2 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3173, 64 Stat. 1261, formerly set out in the Appendix to Title 5, Government Organization and Employees, prior to repeal by Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 662. See sections 509 and 510 of Title 28, Judiciary and Judicial Procedure.

#### ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of Title 8, Aliens and Nationality.

### § 3509. Repealed. Sept. 1, 1954, ch. 1208, title VI, § 601(b), 68 Stat. 1115

Section, acts June 20, 1949, ch. 227, §9, 63 Stat. 212; Aug. 16, 1950, ch. 719, 64 Stat. 450, related to establishment of positions in the professional and scientific field.

#### CODIFICATION

Section was formerly classified to section 403i of this title and repealed prior to editorial reclassification and renumbering as this section.

### § 3510. Appropriations

(a) Notwithstanding any other provisions of law, sums made available to the Agency by appropriation or otherwise may be expended for purposes necessary to carry out its functions, including—

- (1) personal services, including personal services without regard to limitations on types of persons to be employed, and rent at the seat of government and elsewhere; health-service program as authorized by law (5 U.S.C. 7901); rental of news-reporting services; purchase or rental and operation of photographic, reproduction, cryptographic, duplication, and printing machines, equipment, and devices, and radio-receiving and radio-sending equipment and devices, including telegraph and teletype equipment; purchase, maintenance, operation, repair, and hire of passenger motor vehicles, and aircraft, and vessels of all kinds; subject to policies established by the Director, transportation of officers and employees of the Agency in Government-owned automotive equipment between their domiciles and places of employment, where such personnel are engaged in work which makes such transportation necessary, and transportation in such equipment, to and from school, of children of

Agency personnel who have quarters for themselves and their families at isolated stations outside the continental United States where adequate public or private transportation is not available; printing and binding; purchase, maintenance, and cleaning of firearms, including purchase, storage, and maintenance of ammunition; subject to policies established by the Director, expenses of travel in connection with, and expenses incident to attendance at meetings of professional, technical, scientific, and other similar organizations when such attendance would be a benefit in the conduct of the work of the Agency; association and library dues; payment of premiums or costs of surety bonds for officers or employees without regard to the provisions of section 14<sup>1</sup> of title 6; payment of claims pursuant to title 28; acquisition of necessary land and the clearing of such land; construction of buildings and facilities without regard to 36 Stat. 699; 40 U.S.C. 259, 267;<sup>1</sup> repair, rental, operation, and maintenance of buildings, utilities, facilities, and apartments; and

(2) supplies, equipment, and personnel and contractual services otherwise authorized by law and regulations, when approved by the Director.

(b) The sums made available to the Agency may be expended without regard to the provisions of law and regulations relating to the expenditure of Government funds; and for objects of a confidential, extraordinary, or emergency nature, such expenditures to be accounted for solely on the certificate of the Director and every such certificate shall be deemed a sufficient voucher for the amount therein certified.

(June 20, 1949, ch. 227, § 8, formerly § 10, 63 Stat. 212; renumbered § 8, Pub. L. 85-507, § 21(b)(2), July 7, 1958, 72 Stat. 337.)

#### REFERENCES IN TEXT

Section 14 of title 6, referred to in subsec. (a)(1), was repealed by Pub. L. 93-310, title II, § 203(1), June 6, 1972, 86 Stat. 202.

The reference to 36 Stat. 699; 40 U.S.C. 259, 267, in subsec. (a)(1), was probably meant to be a reference to section 3734 of the Revised Statutes. Section 33 of act June 25, 1910, ch. 383, which appears at 36 Stat. 699, amended generally section 3734 of the Revised Statutes which was classified to sections 259 and 267 of former Title 40, Public Buildings, Property, and Works. Section 3734 of the Revised Statutes was subsequently repealed by Pub. L. 86-249, § 17(12), Sept. 9, 1959, 73 Stat. 485.

#### CODIFICATION

Section was formerly classified to section 403j of this title prior to editorial reclassification and renumbering as this section.

In subsec. (a)(1), “(5 U.S.C. 7901)” substituted for “(5 U.S.C. 150)” on authority of Pub. L. 89-554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

#### PRIOR PROVISIONS

A prior section 8 of act June 20, 1949, was renumbered section 7 and is classified to section 3508 of this title.

#### § 3510a. Availability of appropriations for construction projects

During the current fiscal year and thereafter, funds appropriated for construction projects of

the Central Intelligence Agency, which are transferred to another Agency for execution, shall remain available until expended.

(Pub. L. 103-139, title VIII, § 8104, Nov. 11, 1993, 107 Stat. 1463.)

#### CODIFICATION

Section was formerly classified as a note under section 403j of this title prior to editorial reclassification as this section.

Section was enacted as part of the Department of Defense Appropriations Act, 1994, and not as part of the Central Intelligence Agency Act of 1949 which comprises this chapter.

#### PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Pub. L. 102-396, title IX, § 9030, Oct. 6, 1992, 106 Stat. 1907.

Pub. L. 102-172, title VIII, § 8030, Nov. 26, 1991, 105 Stat. 1177.

Pub. L. 101-511, title VIII, § 8031, Nov. 5, 1990, 104 Stat. 1881.

Pub. L. 101-165, title IX, § 9042, Nov. 21, 1989, 103 Stat. 1137.

Pub. L. 100-463, title VIII, § 8074, Oct. 1, 1988, 102 Stat. 2270-29.

Pub. L. 100-202, § 101(b) [title VIII, § 8095], Dec. 22, 1987, 101 Stat. 1329-43, 1329-79.

Pub. L. 99-500, § 101(c) [title IX, § 9130], Oct. 18, 1986, 100 Stat. 1783-82, 1783-128; Pub. L. 99-591, § 101(c) [title IX, § 9130], Oct. 30, 1986, 100 Stat. 3341-82, 3341-128.

#### § 3510b. Acquisition of critical skills

Pursuant to the authority granted in section 3510 of this title, the Director of Central Intelligence shall establish an undergraduate training program with respect to civilian employees of the Central Intelligence Agency similar in purpose, conditions, content, and administration to the program which the Secretary of Defense is authorized to establish under section 3614 of this title for civilian employees of the National Security Agency.

(Pub. L. 99-569, title V, § 506, Oct. 27, 1986, 100 Stat. 3202.)

#### CODIFICATION

Section was formerly classified as a note under section 403j of this title prior to editorial reclassification as this section.

Section was enacted as part of the Intelligence Authorization Act for Fiscal Year 1987, and not as part of the Central Intelligence Agency Act of 1949 which comprises this chapter.

#### CHANGE OF NAME

Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence, and reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency, see section 1081(a), (b) of Pub. L. 108-458, set out as a note under section 3001 of this title.

#### § 3511. Authority to pay death gratuities

(a)(1) The Director may pay a gratuity to the surviving dependents of any officer or employee of the Agency who dies as a result of injuries

<sup>1</sup> See References in Text note below.

(other than from disease) sustained outside the United States and whose death—

(A) resulted from hostile or terrorist activities; or

(B) occurred in connection with an intelligence activity having a substantial element of risk.

(2) The provisions of this subsection shall apply with respect to deaths occurring after June 30, 1974.

(b) Any payment under subsection (a) of this section—

(1) shall be in an amount equal to the amount of the annual salary of the officer or employee concerned at the time of death;

(2) shall be considered a gift and shall be in lieu of payment of any lesser death gratuity authorized by any other Federal law; and

(3) shall be made under the same conditions as apply to payments authorized by section 3973 of title 22.

(June 20, 1949, ch. 227, §11, as added Pub. L. 96-450, title IV, §403(a), Oct. 14, 1980, 94 Stat. 1978.)

#### CODIFICATION

Section was formerly classified to section 403k of this title prior to editorial reclassification and renumbering as this section.

In subsec. (b)(3), “section 3973 of title 22” substituted for “section 14 of the Act of August 1, 1956 (22 U.S.C. 2679a)” on authority of section 2401(c) of the Foreign Service Act of 1980 (22 U.S.C. 4172(c)), section 2205(10) of which repealed section 14 of the 1956 Act (22 U.S.C. 2679a).

### § 3512. Authority to accept gifts, devises, and bequests

#### (a) Use for operational purposes prohibited

(1) Subject to the provisions of this section, the Director may accept, hold, administer, and use gifts of money, securities, or other property whenever the Director determines it would be in the interest of the United States to do so.

(2) Any gift accepted under this section (and any income produced by any such gift)—

(A) may be used only for—<sup>1</sup>

(i) artistic display;

(ii) purposes relating to the general welfare, education, or recreation of employees or dependents of employees of the Agency or for similar purposes; or

(iii) purposes relating to the welfare, education, or recreation of an individual described in paragraph (3); and

(B) under no circumstances may such a gift (or any income produced by any such gift) be used for operational purposes.

(3) An individual described in this paragraph is an individual who—

(A) is an employee or a former employee of the Agency who suffered injury or illness while employed by the Agency that—

(i) resulted from hostile or terrorist activities;

(ii) occurred in connection with an intelligence activity having a significant element of risk; or

(iii) occurred under other circumstances determined by the Director to be analogous to the circumstances described in clause (i) or (ii);

(B) is a family member of such an employee or former employee; or

(C) is a surviving family member of an employee of the Agency who died in circumstances described in clause (i), (ii), or (iii) of subparagraph (A).

(4) The Director may not accept any gift under this section that is expressly conditioned upon any expenditure not to be met from the gift itself or from income produced by the gift unless such expenditure has been authorized by law.

(5) The Director may, in the Director’s discretion, determine that an individual described in subparagraph (A) or (B) of paragraph (3) may accept a gift for the purposes described in paragraph (2)(A)(iii).

#### (b) Sale, exchange and investment of gifts

Unless otherwise restricted by the terms of the gift, the Director may sell or exchange, or invest or reinvest, any property which is accepted under this section, but any such investment may only be in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

#### (c) Deposit of gifts into special fund

There is hereby created on the books of the Treasury of the United States a fund into which gifts of money, securities, and other intangible property accepted under the authority of this section, and the earnings and proceeds thereof, shall be deposited. The assets of such fund shall be disbursed upon the order of the Director for the purposes specified in subsection (a) or (b) of this section.

#### (d) Taxation of gifts

For purposes of Federal income, estate, and gift taxes, gifts accepted by the Director under this section shall be considered to be to or for the use of the United States.

#### (e) “Gift” defined

For the purposes of this section, the term “gift” includes a bequest or devise.

#### (f) Regulations

The Director, in consultation with the Director of the Office of Government Ethics, shall issue regulations to carry out the authority provided in this section. Such regulations shall ensure that such authority is exercised consistent with all relevant ethical constraints and principles, including—

(1) the avoidance of any prohibited conflict of interest or appearance of impropriety; and

(2) a prohibition against the acceptance of a gift from a foreign government or an agent of a foreign government.

(June 20, 1949, ch. 227, §12, as added Pub. L. 96-450, title IV, §404, Oct. 14, 1980, 94 Stat. 1979; amended Pub. L. 112-87, title IV, §411, Jan. 3, 2012, 125 Stat. 1889.)

#### CODIFICATION

Section was formerly classified to section 403l of this title prior to editorial reclassification and renumbering as this section.

<sup>1</sup> So in original. The quotation marks probably should not appear.

## AMENDMENTS

2012—Subsec. (a). Pub. L. 112-87, §411(1), designated existing provisions as par. (1), struck out “Any gift accepted under this section (and any income produced by any such gift) may be used only for artistic display or for purposes relating to the general welfare, education, or recreation of employees or dependents of employees of the Agency or for similar purposes, and under no circumstances may such a gift (or any income produced by any such gift) be used for operational purposes. The Director may not accept any gift under this section which is expressly conditioned upon any expenditure not to be met from the gift itself or from income produced by the gift unless such expenditure has been authorized by law.” at end, and added pars. (2) to (5).

Subsec. (f). Pub. L. 112-87, §411(2), added subsec. (f).

**§ 3513. Misuse of Agency name, initials, or seal****(a) Prohibited acts**

No person may, except with the written permission of the Director, knowingly use the words “Central Intelligence Agency”, the initials “CIA”, the seal of the Central Intelligence Agency, or any colorable imitation of such words, initials, or seal in connection with any merchandise, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Central Intelligence Agency.

**(b) Injunction**

Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a) of this section, the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.

(June 20, 1949, ch. 227, §13, as added Pub. L. 97-89, title V, §503, Dec. 4, 1981, 95 Stat. 1153.)

## CODIFICATION

Section was formerly classified to section 403m of this title prior to editorial reclassification and renumbering as this section.

## EFFECTIVE DATE

Section effective Oct. 1, 1981, see section 806 of Pub. L. 97-89, set out as a note under section 1621 of Title 10, Armed Forces.

**§ 3514. Retirement equity for spouses of certain employees****(a) Manner and extent of applicability**

The provisions of sections 2002, 2031(b)(1)–(3), 2031(f), 2031(g), 2031(h)(2), 2031(i), 2031(l), 2032, 2033, 2034, 2035, 2052(b), 2071(b), 2071(d), and 2094(b) of this title establishing certain requirements, limitations, rights, entitlements, and benefits relating to retirement annuities, survivor benefits, and lump-sum payments for a spouse or former spouse of an Agency employee who is a participant in the Central Intelligence Agency

Retirement and Disability System shall apply in the same manner and to the same extent in the case of an Agency employee who is a participant in the Civil Service Retirement and Disability System.

**(b) Regulations**

The Director of the Office of Personnel Management, in consultation with the Director of the Central Intelligence Agency, shall prescribe such regulations as may be necessary to implement the provisions of this section.

(June 20, 1949, ch. 227, §14, as added Pub. L. 97-269, title VI, §612, Sept. 27, 1982, 96 Stat. 1154; amended Pub. L. 99-569, title III, §302(b), Oct. 27, 1986, 100 Stat. 3194; Pub. L. 100-178, title IV, §§401(b), 402(b)(3), Dec. 2, 1987, 101 Stat. 1013, 1014; Pub. L. 102-496, title VIII, §803(a)(1), Oct. 24, 1992, 106 Stat. 3251; Pub. L. 108-458, title I, §1071(b)(3)(A), Dec. 17, 2004, 118 Stat. 3690.)

## CODIFICATION

Section was formerly classified to section 403n 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

2004—Subsec. (b). Pub. L. 108-458 substituted “Director of the Central Intelligence Agency” for “Director of Central Intelligence”.

1992—Subsec. (a). Pub. L. 102-496 substituted references to sections 2002, 2031 to 2035, 2052, 2071, and 2094 of this title for references in original to sections 204, 221 to 225, 232, 234 and 263 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees which were formerly set out in a note under section 403 of this title.

1987—Subsec. (a). Pub. L. 100-178, §402(b)(3), inserted “232(b),” before “234(c), 234(d),”.

Pub. L. 100-178, §401(b), inserted “225,” after “223, 224,”.

1986—Subsec. (a). Pub. L. 99-569 inserted “224,” after “223,”.

## 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 1992 AMENDMENT

Amendment by Pub. L. 102-496 effective on first day of fourth month beginning after Oct. 24, 1992, see section 805 of Pub. L. 102-496, set out as an Effective Date note under section 2001 of this title.

## EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-178 effective Nov. 15, 1982, but not to be construed to require forfeiture by any individual of benefits received before Dec. 2, 1987, nor to require reduction in level of benefits received by any individual who was receiving benefits under section 232 of Pub. L. 88-643 before Dec. 2, 1987, see section 402(c)–(e) of Pub. L. 100-178, set out as an Effective Date of Amendments to Pub. L. 88-643 Prior to Enactment of Pub. L. 102-496 note under section 2001 of this title.

## EFFECTIVE DATE OF 1986 AMENDMENT

Pub. L. 99-569, title III, §302(d), Oct. 27, 1986, 100 Stat. 3194, provided that: "The amendments made by this section [amending this section and provisions formerly set out as a note under section 403 of this title] shall take effect on October 1, 1986."

## EFFECTIVE DATE

Section effective Nov. 15, 1982, see section 613 of Pub. L. 97-269 set out as an Effective Date of Amendments to Pub. L. 88-643 Prior to Enactment of Pub. L. 102-496 note under section 2001 of this title.

**§ 3515. Security personnel at Agency installations****(a) Special policemen: functions and powers; regulations: promulgation and enforcement**

(1) The Director may authorize Agency personnel within the United States to perform the same functions as officers and agents of the Department of Homeland Security, as provided in section 1315(b)(2) of title 40, with the powers set forth in that section, except that such personnel shall perform such functions and exercise such powers—

(A) within the Agency Headquarters Compound and the property controlled and occupied by the Federal Highway Administration located immediately adjacent to such Compound;

(B) in the streets, sidewalks, and the open areas within the zone beginning at the outside boundary of such Compound and property and extending outward 500 feet;

(C) within any other Agency installation and protected property; and

(D) in the streets, sidewalks, and open areas within the zone beginning at the outside boundary of any installation or property referred to in subparagraph (C) and extending outward 500 feet.

(2) The performance of functions and exercise of powers under subparagraph (B) or (D) of paragraph (1) shall be limited to those circumstances where such personnel can identify specific and articulable facts giving such personnel reason to believe that the performance of such functions and exercise of such powers is reasonable to protect against physical damage or injury, or threats of physical damage or injury, to Agency installations, property, or employees.

(3) Nothing in this subsection shall be construed to preclude, or limit in any way, the authority of any Federal, State, or local law enforcement agency, or any other Federal police or Federal protective service.

(4) The rules and regulations enforced by such personnel shall be the rules and regulations prescribed by the Director and shall only be applicable to the areas referred to in subparagraph (A) or (C) of paragraph (1).

**(b) Penalties for violations of regulations**

The Director is authorized to establish penalties for violations of the rules or regulations promulgated by the Director under subsection (a) of this section. Such penalties shall not exceed those specified in section 1315(c)(2) of title 40.

**(c) Identification**

Agency personnel designated by the Director under subsection (a) of this section shall be

clearly identifiable as United States Government security personnel while engaged in the performance of the functions to which subsection (a) of this section refers.

**(d) Protection of certain CIA personnel from tort liability**

(1) Notwithstanding any other provision of law, any Agency personnel designated by the Director under subsection (a) of this section, or designated by the Director under section 3506(a)(4) of this title to carry firearms for the protection of current or former Agency personnel and their immediate families, defectors and their immediate families, and other persons in the United States under Agency auspices, shall be considered for purposes of chapter 171 of title 28, or any other provision of law relating to tort liability, to be acting within the scope of their office or employment when such Agency personnel take reasonable action, which may include the use of force, to—

(A) protect an individual in the presence of such Agency personnel from a crime of violence;

(B) provide immediate assistance to an individual who has suffered or who is threatened with bodily harm; or

(C) prevent the escape of any individual whom such Agency personnel reasonably believe to have committed a crime of violence in the presence of such Agency personnel.

(2) Paragraph (1) shall not affect the authorities of the Attorney General under section 2679 of title 28.

(3) In this subsection, the term "crime of violence" has the meaning given that term in section 16 of title 18.

(June 20, 1949, ch. 227, §15, as added Pub. L. 98-473, title I, §140, Oct. 12, 1984, 98 Stat. 1973, and Pub. L. 98-618, title IV, §401, Nov. 8, 1984, 98 Stat. 3301; amended Pub. L. 105-107, title IV, §404, Nov. 20, 1997, 111 Stat. 2260; Pub. L. 107-306, title VIII, §841(d), Nov. 27, 2002, 116 Stat. 2432; Pub. L. 108-177, title III, §377(b)(3), title IV, §402, Dec. 13, 2003, 117 Stat. 2630, 2631.)

## CODIFICATION

Section was formerly classified to section 403o of this title prior to editorial reclassification and renumbering as this section.

Pub. L. 98-473, title I, §140 and Pub. L. 98-618, title IV, §401, added substantially identical sections 15 to act June 20, 1949, ch. 227. This section is based on the section 15 of act June 20, 1949, ch. 227, as added by Pub. L. 98-618.

## AMENDMENTS

2003—Subsec. (a)(1). Pub. L. 108-177, §377(b)(3)(A), substituted "officers and agents of the Department of Homeland Security, as provided in section 1315(b)(2) of title 40," for "special policemen of the General Services Administration perform under the first section of the Act entitled 'An Act to authorize the Federal Works Administrator or officials of the Federal Works Agency duly authorized by him to appoint special policeman for duty upon Federal property under the jurisdiction of the Federal Works Agency, and for other purposes' (40 U.S.C. 318)."

Subsec. (b). Pub. L. 108-177, §377(b)(3)(B), substituted "section 1315(c)(2) of title 40" for "the fourth section of the Act referred to in subsection (a) of this section (40 U.S.C. 318c)".

Subsec. (d). Pub. L. 108-177, § 402, added subsec. (d).

2002—Subsec. (a)(5). Pub. L. 107-306 struck out par. (5) which read as follows: “Not later than December 1, 1998, and annually thereafter, the Director shall submit a report to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate that describes in detail the exercise of the authority granted by this subsection, and the underlying facts supporting the exercise of such authority, during the preceding fiscal year. The Director shall make such report available to the Inspector General of the Central Intelligence Agency.”

1997—Subsec. (a)(1). Pub. L. 105-107, § 404(1), (2), inserted “(1)” after “(a)”, substituted “powers—” for “powers only within Agency installations, and the rules and regulations enforced by such personnel shall be rules and regulations promulgated by the Director.”, and added subpars. (A) to (D).

Subsec. (a)(2) to (5). Pub. L. 105-107, § 404(3), added pars. (2) to (5).

DESIGNATION OF HEADQUARTERS COMPOUND OF CENTRAL INTELLIGENCE AGENCY AS THE GEORGE BUSH CENTER FOR INTELLIGENCE

Reference to the headquarters compound of the Central Intelligence Agency deemed to be a reference to the George Bush Center for Intelligence, see section 309 of Pub. L. 105-272, set out as a note under section 3501 of this title.

**§ 3516. Health benefits for certain former spouses of Central Intelligence Agency employees**

**(a) Persons eligible**

Except as provided in subsection (e) of this section, any individual—

(1) formerly married to an employee or former employee of the Agency, whose marriage was dissolved by divorce or annulment before May 7, 1985;

(2) who, at any time during the eighteen-month period before the divorce or annulment became final, was covered under a health benefits plan as a member of the family of such employee or former employee; and

(3) who was married to such employee for not less than ten years during periods of service by such employee with the Agency, at least five years of which were spent outside the United States by both the employee and the former spouse,

is eligible for coverage under a health benefits plan in accordance with the provisions of this section.

**(b) Enrollment for health benefits**

(1) Any individual eligible for coverage under subsection (a) of this section may enroll in a health benefits plan for self alone or for self and family if, before the expiration of the six-month period beginning on October 1, 1986, and in accordance with such procedures as the Director of the Office of Personnel Management shall by regulation prescribe, such individual—

(A) files an election for such enrollment; and

(B) arranges to pay currently into the Employees Health Benefits Fund under section 8909 of title 5 an amount equal to the sum of the employee and agency contributions payable in the case of an employee enrolled under chapter 89 of such title in the same health benefits plan and with the same level of benefits.

(2) The Director of the Central Intelligence Agency shall, as soon as possible, take all steps practicable—

(A) to determine the identity and current address of each former spouse eligible for coverage under subsection (a) of this section; and

(B) to notify each such former spouse of that individual's rights under this section.

(3) The Director of the Office of Personnel Management, upon notification by the Director of the Central Intelligence Agency, shall waive the six-month limitation set forth in paragraph (1) in any case in which the Director of the Central Intelligence Agency determines that the circumstances so warrant.

**(c) Eligibility of former wives or husbands**

(1) Notwithstanding subsections (a) and (b) of this section and except as provided in subsections (d), (e), and (f) of this section, an individual—

(A) who was divorced on or before December 4, 1991, from a participant or retired participant in the Central Intelligence Agency Retirement and Disability System or the Federal Employees Retirement System Special Category;

(B) who was married to such participant for not less than ten years during the participant's creditable service, at least five years of which were spent by the participant during the participant's service as an employee of the Agency outside the United States, or otherwise in a position the duties of which qualified the participant for designation by the Director as a participant under section 2013 of this title; and

(C) who was enrolled in a health benefits plan as a family member at any time during the 18-month period before the date of dissolution of the marriage to such participant;

is eligible for coverage under a health benefits plan.

(2) A former spouse eligible for coverage under paragraph (1) may enroll in a health benefits plan in accordance with subsection (b)(1) of this section, except that the election for such enrollment must be submitted within 60 days after the date on which the Director notifies the former spouse of such individual's eligibility for health insurance coverage under this subsection.

**(d) Continuation of eligibility**

Notwithstanding subsections (a), (b), and (c) of this section and except as provided in subsections (e) and (f) of this section, an individual divorced on or before December 4, 1991, from a participant or retired participant in the Central Intelligence Agency Retirement and Disability System or Federal Employees' Retirement System Special Category who enrolled in a health benefits plan following the dissolution of the marriage to such participant may continue enrollment following the death of such participant notwithstanding the termination of the retirement annuity of such individual.

**(e) Remarriage before age fifty-five; continued enrollment; restored eligibility**

(1) Any former spouse who remarries before age fifty-five is not eligible to make an election under subsection (b)(1) of this section.

(2) Any former spouse enrolled in a health benefits plan pursuant to an election under subsection (b)(1) of this section or to subsection (d) of this section may continue the enrollment under the conditions of eligibility which the Director of the Office of Personnel Management shall by regulation prescribe, except that any former spouse who remarries before age fifty-five shall not be eligible for continued enrollment under this section after the end of the thirty-one-day period beginning on the date of remarriage.

(3)(A) A former spouse who is not eligible to enroll or to continue enrollment in a health benefits plan under this section solely because of remarriage before age fifty-five shall be restored to such eligibility on the date such remarriage is dissolved by death, annulment, or divorce.

(B) A former spouse whose eligibility is restored under subparagraph (A) may, under regulations which the Director of the Office of Personnel Management shall prescribe, enroll in a health benefits plan if such former spouse—

(i) was an individual referred to in paragraph (1) and was an individual covered under a benefits plan as a family member at any time during the 18-month period before the date of dissolution of the marriage to the Agency employee or annuitant; or

(ii) was an individual referred to in paragraph (2) and was an individual covered under a benefits plan immediately before the remarriage ended the enrollment.

**(f) Enrollment in health benefits plan under other authority**

No individual may be covered by a health benefits plan under this section during any period in which such individual is enrolled in a health benefits plan under any other authority, nor may any individual be covered under more than one enrollment under this section.

**(g) “Health benefits plan” defined**

For purposes of this section the term “health benefits plan” means an approved health benefits plan under chapter 89 of title 5.

(June 20, 1949, ch. 227, §16, as added Pub. L. 99-569, title III, §303(a), Oct. 27, 1986, 100 Stat. 3194; amended Pub. L. 102-88, title III, §307(c), Aug. 14, 1991, 105 Stat. 433; Pub. L. 103-178, title II, §203(c), Dec. 3, 1993, 107 Stat. 2031; Pub. L. 108-458, title I, §1071(b)(2)(B), (b)(3)(B), (C), Dec. 17, 2004, 118 Stat. 3690, 3691.)

CODIFICATION

Section was formerly classified to section 403p of this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2004—Subsec. (b)(2). Pub. L. 108-458, §1071(b)(3)(B), substituted “Director of the Central Intelligence Agency” for “Director of Central Intelligence” in introductory provisions.

Subsec. (b)(3). Pub. L. 108-458, §1071(b)(3)(C), substituted “Director of the Central Intelligence Agency” for “Director of Central Intelligence” in two places.

Subsec. (c)(1)(B). Pub. L. 108-458, §1071(b)(2)(B), struck out “of Central Intelligence” after “Director”.

1993—Subsec. (a). Pub. L. 103-178, §203(c)(2)(A), substituted “subsection (e)” for “subsection (c)(1)” in introductory provisions.

Subsecs. (c), (d). Pub. L. 103-178, §203(c)(1), added subsecs. (c) and (d). Former subsecs. (c) and (d) redesignated (e) and (f), respectively.

Subsec. (e). Pub. L. 103-178, §203(c)(2)(B), inserted “or to subsection (d) of this section” after “subsection (b)(1) of this section” in par. (2).

Pub. L. 103-178, §203(c)(1)(A), redesignated subsec. (c) as (e). Former subsec. (e) redesignated (g).

Subsecs. (f), (g). Pub. L. 103-178, §203(c)(1)(A), redesignated subsecs. (d) and (e) as (f) and (g), respectively.

1991—Subsec. (c)(3). Pub. L. 102-88 added par. (3).

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 1993 AMENDMENT

Amendment by section 203(c) of Pub. L. 103-178 applicable to individuals on and after Oct. 1, 1994, with no benefits provided pursuant to section 203(c) payable with respect to any period before Oct. 1, 1994, except that subsec. (d) of this section applicable to individuals beginning Dec. 3, 1993, see section 203(e) of Pub. L. 103-178, set out as a Survivor Annuity, Retirement Annuity, and Health Benefits for Certain Ex-Spouses of Central Intelligence Agency Employees; Effective Date note under section 2032 of this title.

EFFECTIVE DATE OF 1991 AMENDMENT

Pub. L. 102-88, title III, §307(d), Aug. 14, 1991, 105 Stat. 433, provided that: “The amendments made by this section [amending this section and provisions formerly set out as a note under section 403 of this title] shall take effect as of October 1, 1990. No benefits provided pursuant to the amendments made by this section shall be payable with respect to any period before such date.”

EFFECTIVE DATE

Pub. L. 99-569, title III, §303(b), Oct. 27, 1986, 100 Stat. 3195, provided that: “The amendment made by this section [enacting this section] shall take effect on October 1, 1986.”

COMPLIANCE WITH BUDGET ACT

Pub. L. 102-88, title III, §307(e), Aug. 14, 1991, 105 Stat. 433, provided that: “Any new spending authority (with the meaning of section 401(c) of the Congressional Budget Act of 1974 [2 U.S.C. 651(c)]) provided pursuant to the amendments made by this section [amending this section and provisions formerly set out as a note under section 403 of this title] shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts.”

**§ 3517. Inspector General for Agency**

**(a) Purpose; establishment**

In order to—

(1) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently inspections, investigations, and audits relating to programs and operations of the Agency;

(2) provide leadership and recommend policies designed to promote economy, efficiency, and effectiveness in the administration of such programs and operations, and detect fraud and abuse in such programs and operations;

(3) provide a means for keeping the Director fully and currently informed about problems and deficiencies relating to the administration of such programs and operations, and the necessity for and the progress of corrective actions; and

(4) in the manner prescribed by this section, ensure that the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence (hereafter in this section referred to collectively as the “intelligence committees”) are kept similarly informed of significant problems and deficiencies as well as the necessity for and the progress of corrective actions,

there is hereby established in the Agency an Office of Inspector General (hereafter in this section referred to as the “Office”).

**(b) Appointment; supervision; removal**

(1) There shall be at the head of the Office an Inspector General who shall be appointed by the President, by and with the advice and consent of the Senate. This appointment shall be made without regard to political affiliation and shall be on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigation. Such appointment shall also be made on the basis of compliance with the security standards of the Agency and prior experience in the field of foreign intelligence.

(2) The Inspector General shall report directly to and be under the general supervision of the Director.

(3) The Director may prohibit the Inspector General from initiating, carrying out, or completing any audit, inspection, or investigation, or from issuing any subpoena, after the Inspector General has decided to initiate, carry out, or complete such audit, inspection, or investigation or to issue such subpoena, if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

(4) If the Director exercises any power under paragraph (3), he shall submit an appropriately classified statement of the reasons for the exercise of such power within seven days to the intelligence committees. The Director shall advise the Inspector General at the time such report is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of any such report. In such cases, the Inspector General may submit such comments to the intelligence committees that he considers appropriate.

(5) In accordance with section 535 of title 28, the Inspector General shall report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involve a program or operation of the Agency, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of all such reports shall be furnished to the Director.

(6) The Inspector General may be removed from office only by the President. The President

shall communicate in writing to the intelligence committees the reasons for any such removal not later than 30 days prior to the effective date of such removal. Nothing in this paragraph shall be construed to prohibit a personnel action otherwise authorized by law, other than transfer or removal.

**(c) Duties and responsibilities**

It shall be the duty and responsibility of the Inspector General appointed under this section—

(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the inspections, investigations, and audits relating to the programs and operations of the Agency to ensure they are conducted efficiently and in accordance with applicable law and regulations;

(2) to keep the Director fully and currently informed concerning violations of law and regulations, fraud and other serious problems, abuses and deficiencies that may occur in such programs and operations, and to report the progress made in implementing corrective action;

(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Office, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

(4) in the execution of his responsibilities, to comply with generally accepted government auditing standards.

**(d) Semiannual reports; immediate reports of serious or flagrant problems; reports of functional problems; reports to Congress on urgent concerns**

(1) The Inspector General shall, not later than October 31 and April 30 of each year, prepare and submit to the Director a classified semiannual report summarizing the activities of the Office during the immediately preceding six-month periods ending September 30 and March 31, respectively. Not later than 30 days after the date of the receipt of such reports, the Director shall transmit such reports to the intelligence committees with any comments he may deem appropriate. Such reports shall, at a minimum, include a list of the title or subject of each inspection, investigation, review, or audit conducted during the reporting period and—

(A) a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the Agency identified by the Office during the reporting period;

(B) a description of the recommendations for corrective action made by the Office during the reporting period with respect to significant problems, abuses, or deficiencies identified in subparagraph (A);

(C) a statement of whether corrective action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action;

(D) a certification that the Inspector General has had full and direct access to all infor-

mation relevant to the performance of his functions;

(E) a description of the exercise of the subpoena authority under subsection (e)(5) of this section by the Inspector General during the reporting period; and

(F) such recommendations as the Inspector General may wish to make concerning legislation to promote economy and efficiency in the administration of programs and operations undertaken by the Agency, and to detect and eliminate fraud and abuse in such programs and operations.

(2) The Inspector General shall report immediately to the Director whenever he becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs or operations. The Director shall transmit such report to the intelligence committees within seven calendar days, together with any comments he considers appropriate.

(3) In the event that—

(A) the Inspector General is unable to resolve any differences with the Director affecting the execution of the Inspector General's duties or responsibilities;

(B) an investigation, inspection, or audit carried out by the Inspector General should focus on any current or former Agency official who—

(i) holds or held a position in the Agency that is subject to appointment by the President, by and with the advice and consent of the Senate, including such a position held on an acting basis; or

(ii) holds or held the position in the Agency, including such a position held on an acting basis, of—

- (I) Deputy Director;
- (II) Associate Deputy Director;
- (III) Director of the National Clandestine Service;
- (IV) Director of Intelligence;
- (V) Director of Support; or
- (VI) Director of Science and Technology.

(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former Agency official described or referred to in subparagraph (B);

(D) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any of the officials described in subparagraph (B); or

(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit,

the Inspector General shall immediately notify and submit a report on such matter to the intelligence committees.

(4) Pursuant to Title V of the National Security Act of 1947 [50 U.S.C. 3091 et seq.], the Director shall submit to the intelligence committees any report or findings and recommendations of an inspection, investigation, or audit conducted by the office which has been requested by the

Chairman or Ranking Minority Member of either committee.

(5)(A) An employee of the Agency, or of a contractor to the Agency, who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

(B) Not later than the end of the 14-calendar day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall transmit to the Director notice of that determination, together with the complaint or information.

(C) Upon receipt of a transmittal from the Inspector General under subparagraph (B), the Director shall, within 7 calendar days of such receipt, forward such transmittal to the intelligence committees, together with any comments the Director considers appropriate.

(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the intelligence committees directly.

(ii) The employee may contact the intelligence committees directly as described in clause (i) only if the employee—

(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact the intelligence committees directly; and

(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the intelligence committees in accordance with appropriate security practices.

(iii) A member or employee of one of the intelligence committees who receives a complaint or information under clause (i) does so in that member or employee's official capacity as a member or employee of that committee.

(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

(G) In this paragraph:

(i) The term "urgent concern" means any of the following:

- (I) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operations of an intelligence activity involving classified information, but does not include differences of opinions concerning public policy matters.

(II) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

(III) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, constituting reprisal or threat of reprisal prohibited under subsection (e)(3)(B) of this section in response to an employee's reporting an urgent concern in accordance with this paragraph.

(ii) The term "intelligence committees" means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

**(e) Authorities of Inspector General**

(1) The Inspector General shall have direct and prompt access to the Director when necessary for any purpose pertaining to the performance of his duties.

(2) The Inspector General shall have access to any employee or any employee of a contractor of the Agency whose testimony is needed for the performance of his duties. In addition, he shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section. Failure on the part of any employee or contractor to cooperate with the Inspector General shall be grounds for appropriate administrative actions by the Director, to include loss of employment or the termination of an existing contractual relationship.

(3) The Inspector General is authorized to receive and investigate complaints or information from any person concerning the existence of an activity constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the Agency—

(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; and

(B) no action constituting a reprisal, or threat of reprisal, for making such complaint or providing such information may be taken by any employee of the Agency in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(4) The Inspector General shall have authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of his duties, which oath<sup>1</sup> affirmation, or affidavit when adminis-

tered or taken by or before an employee of the Office designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal.

(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data in any medium (including electronically stored information or any tangible thing) and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

(B) In the case of Government agencies, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

(C) The Inspector General may not issue a subpoena for or on behalf of any other element or component of the Agency.

(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

(6) The Inspector General shall be provided with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

(7) Subject to applicable law and the policies of the Director, the Inspector General shall select, appoint and employ such officers and employees as may be necessary to carry out his functions. In making such selections, the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable him to carry out his duties effectively. In this regard, the Inspector General shall create within his organization a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of his duties.

(8)(A) The Inspector General shall—

(i) appoint a Counsel to the Inspector General who shall report to the Inspector General; or

(ii) obtain the services of a counsel appointed by and directly reporting to another Inspector General or the Council of the Inspectors General on Integrity and Efficiency on a reimbursable basis.

(B) The counsel appointed or obtained under subparagraph (A) shall perform such functions as the Inspector General may prescribe.

(9) The Inspector General may request such information or assistance as may be necessary for carrying out his duties and responsibilities from any Government agency. Upon request of the Inspector General for such information or assistance, the head of the Government agency involved shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the Government agency concerned, furnish to the Inspector General, or to an authorized designee, such information or assistance. Consistent with budgetary and per-

<sup>1</sup> So in original. Probably should be followed by a comma.

sonnel resources allocated by the Director, the Inspector General has final approval of—

(A) the selection of internal and external candidates for employment with the Office of Inspector General; and

(B) all other personnel decisions concerning personnel permanently assigned to the Office of Inspector General, including selection and appointment to the Senior Intelligence Service, but excluding all security-based determinations that are not within the authority of a head of other Central Intelligence Agency offices.

**(f) Separate budget account**

(1) Beginning with fiscal year 1991, and in accordance with procedures to be issued by the Director of National Intelligence in consultation with the intelligence committees, the Director of National Intelligence shall include in the National Intelligence Program budget a separate account for the Office of Inspector General established pursuant to this section.

(2) For each fiscal year, the Inspector General shall transmit a budget estimate and request through the Director to the Director of National Intelligence that specifies for such fiscal year—

(A) the aggregate amount requested for the operations of the Inspector General;

(B) the amount requested for all training requirements of the Inspector General, including a certification from the Inspector General that the amount requested is sufficient to fund all training requirements for the Office; and

(C) the amount requested to support the Council of the Inspectors General on Integrity and Efficiency, including a justification for such amount.

(3) In transmitting a proposed budget to the President for a fiscal year, the Director of National Intelligence shall include for such fiscal year—

(A) the aggregate amount requested for the Inspector General of the Central Intelligence Agency;

(B) the amount requested for Inspector General training;

(C) the amount requested to support the Council of the Inspectors General on Integrity and Efficiency; and

(D) the comments of the Inspector General, if any, with respect to such proposed budget.

(4) The Director of National Intelligence shall submit to the Committee on Appropriations and the Select Committee on Intelligence of the Senate and the Committee on Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives for each fiscal year—

(A) a separate statement of the budget estimate transmitted pursuant to paragraph (2);

(B) the amount requested by the Director of National Intelligence for the Inspector General pursuant to paragraph (3)(A);

(C) the amount requested by the Director of National Intelligence for training of personnel of the Office of the Inspector General pursuant to paragraph (3)(B);

(D) the amount requested by the Director of National Intelligence for support for the Coun-

cil of the Inspectors General on Integrity and Efficiency pursuant to paragraph (3)(C); and

(E) the comments of the Inspector General under paragraph (3)(D), if any, on the amounts requested pursuant to paragraph (3), including whether such amounts would substantially inhibit the Inspector General from performing the duties of the Office.

**(g) Transfer**

There shall be transferred to the Office of the Agency referred to as the “Office of Inspector General.” The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, or available to such “Office of Inspector General” are hereby transferred to the Office established pursuant to this section.

**(h) Information on website**

(1) The Director of the Central Intelligence Agency shall establish and maintain on the homepage of the Agency’s publicly accessible website information relating to the Office of the Inspector General including methods to contact the Inspector General.

(2) The information referred to in paragraph (1) shall be obvious and facilitate accessibility to the information related to the Office of the Inspector General.

(June 20, 1949, ch. 227, §17, as added Pub. L. 100-453, title V, §504, Sept. 29, 1988, 102 Stat. 1910; amended Pub. L. 101-193, title VIII, §801, Nov. 30, 1989, 103 Stat. 1711; Pub. L. 102-496, title VI, §601, Oct. 24, 1992, 106 Stat. 3187; Pub. L. 103-359, title IV, §402, Oct. 14, 1994, 108 Stat. 3427; Pub. L. 104-93, title IV, §403, Jan. 6, 1996, 109 Stat. 969; Pub. L. 105-107, title IV, §402, Nov. 20, 1997, 111 Stat. 2257; Pub. L. 105-272, title VII, §702(a), Oct. 20, 1998, 112 Stat. 2414; Pub. L. 106-567, title IV, §§402, 403, Dec. 27, 2000, 114 Stat. 2847, 2848; Pub. L. 107-108, title III, §309(a), Dec. 28, 2001, 115 Stat. 1399; Pub. L. 107-306, title VIII, §811(b)(2), Nov. 27, 2002, 116 Stat. 2422; Pub. L. 108-458, title I, §§1071(b)(1)(B), (2)(C), 1074(b)(2), Dec. 17, 2004, 118 Stat. 3690, 3694; Pub. L. 111-259, title IV, §§425(a)-(f)(1), 426, title VIII, §802(2), Oct. 7, 2010, 124 Stat. 2728-2730, 2746; Pub. L. 112-87, title IV, §413, Jan. 3, 2012, 125 Stat. 1891; Pub. L. 112-277, title III, §309(b)(1), Jan. 14, 2013, 126 Stat. 2474.)

REFERENCES IN TEXT

The National Security Act of 1947, referred to in subsec. (d)(4), is act July 26, 1947, ch. 343, 61 Stat. 495. Title V of the Act is classified generally to subchapter III (§3091 et seq.) of chapter 44 of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 403q of this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2013—Subsec. (d)(1). Pub. L. 112-277, in introductory provisions, substituted “October 31 and April 30” for “January 31 and July 31”, “September 30 and March 31,” for “December 31 (of the preceding year) and June 30,” and “Not later than 30 days after the date of the receipt of such reports,” for “Not later than the dates each year provided for the transmittal of such reports in section 507 of the National Security Act of 1947.”

2012—Subsec. (h). Pub. L. 112-87 added subsec. (h).

2010—Subsec. (b)(1). Pub. L. 111-259, § 425(a), substituted “This appointment shall be made without regard to political affiliation and shall be on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigation. Such appointment shall also be made on the basis of compliance with the security standards of the Agency and prior experience in the field of foreign intelligence.” for “This appointment shall be made without regard to political affiliation and shall be solely on the basis of integrity, compliance with the security standards of the Agency, and prior experience in the field of foreign intelligence. Such appointment shall also be made on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or auditing.”

Subsec. (b)(6). Pub. L. 111-259, § 425(b), struck out “immediately” after “President shall” and substituted “not later than 30 days prior to the effective date of such removal. Nothing in this paragraph shall be construed to prohibit a personnel action otherwise authorized by law, other than transfer or removal.” for period at end.

Subsec. (d)(1). Pub. L. 111-259, § 425(c), inserted “review,” after “investigation,” in introductory provisions.

Subsec. (d)(3)(B)(i). Pub. L. 111-259, § 802(2)(A), substituted “advice” for “advise”.

Subsec. (d)(3)(B)(ii). Pub. L. 111-259, § 802(2)(B), amended cl. (ii) generally. Prior to amendment, cl. (ii) read as follows: “holds or held the position in the Agency, including such a position held on an acting basis, of—

- “(I) Executive Director;
- “(II) Deputy Director for Operations;
- “(III) Deputy Director for Intelligence;
- “(IV) Deputy Director for Administration; or
- “(V) Deputy Director for Science and Technology;”.

Subsec. (e)(3)(B). Pub. L. 111-259, § 425(d), inserted “or providing such information” after “making such complaint”.

Subsec. (e)(5)(A). Pub. L. 111-259, § 425(e), inserted “in any medium (including electronically stored information or any tangible thing)” after “other data”.

Subsec. (e)(8). Pub. L. 111-259, § 425(f)(1)(C), added par. (8). Former par. (8) redesignated (9).

Subsec. (e)(9). Pub. L. 111-259, § 425(f)(1)(A), (B), redesignated par. (8) as (9), substituted “The” for “Subject to the concurrence of the Director, the” and inserted at end “Consistent with budgetary and personnel resources allocated by the Director, the Inspector General has final approval of—

“(A) the selection of internal and external candidates for employment with the Office of Inspector General; and

“(B) all other personnel decisions concerning personnel permanently assigned to the Office of Inspector General, including selection and appointment to the Senior Intelligence Service, but excluding all security-based determinations that are not within the authority of a head of other Central Intelligence Agency offices.”

Subsec. (f). Pub. L. 111-259, § 426, designated existing provisions as par. (1) and added pars. (2) to (4).

2004—Subsec. (d)(1). Pub. L. 108-458, § 1071(b)(2)(C), struck out “of Central Intelligence” after “to the Director” in introductory provisions.

Subsec. (f). Pub. L. 108-458, §§ 1071(b)(1)(B), 1074(b)(2), substituted “Director of National Intelligence” for “Director of Central Intelligence” in two places and “National Intelligence Program” for “National Foreign Intelligence Program”.

2002—Subsec. (d)(1). Pub. L. 107-306 substituted “Not later than the dates each year provided for the transmittal of such reports in section 507 of the National Security Act of 1947,” for “Within thirty days of receipt of such reports,” in introductory provisions.

2001—Subsec. (d)(5)(B). Pub. L. 107-108, § 309(a)(1), substituted “Upon making such a determination, the In-

spector General shall transmit to the Director notice of that determination, together with the complaint or information.” for “If the Inspector General determines that the complaint or information appears credible, the Inspector General shall, before the end of such period, transmit the complaint or information to the Director.”

Subsec. (d)(5)(D)(i). Pub. L. 107-108, § 309(a)(2), substituted “does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B),” for “does not transmit, or does not transmit in an accurate form, the complaint or information described in subparagraph (B).”

2000—Subsec. (d)(1)(E). Pub. L. 106-567, § 402(a)(1), added subpar. (E) and struck out former subpar. (E) which read as follows: “a description of all cases occurring during the reporting period where the Inspector General could not obtain documentary evidence relevant to any inspection, audit, or investigation due to his lack of authority to subpoena such information; and”.

Subsec. (d)(3). Pub. L. 106-567, § 403, added subpars. (B) to (E) and concluding provisions and struck out former subpars. (B) and (C) which read as follows:

“(B) an investigation, inspection, or audit carried out by the Inspector General should focus upon the Director or Acting Director; or

“(C) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit, the Inspector General shall immediately report such matter to the intelligence committees.”

Subsec. (e)(5)(E). Pub. L. 106-567, § 402(a)(2), struck out subpar. (E) which read as follows: “Not later than January 31 and July 31 of each year, the Inspector General shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report of the Inspector General’s exercise of authority under this paragraph during the preceding six months.”

Subsec. (e)(8). Pub. L. 106-567, § 402(b), substituted “Government” for “Federal” wherever appearing.

1998—Subsec. (d). Pub. L. 105-272 inserted “; reports to Congress on urgent concerns” after “functional problems” in heading and added par. (5).

1997—Subsec. (b)(3). Pub. L. 105-107, § 402(b), inserted “, or from issuing any subpoena, after the Inspector General has decided to initiate, carry out, or complete such audit, inspection, or investigation or to issue such subpoena,” after “or investigation”.

Subsec. (e)(5) to (8). Pub. L. 105-107, § 402(a), added par. (5) and redesignated former pars. (5) to (7) as (6) to (8), respectively.

1996—Subsec. (b)(5). Pub. L. 104-93, § 403(a), amended par. (5) generally. Prior to amendment, par. (5) read as follows: “In accordance with section 535 of title 28, the Director shall report to the Attorney General any information, allegation, or complaint received from the Inspector General, relating to violations of Federal criminal law involving any officer or employee of the Agency, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of all such reports shall be furnished to the Inspector General.”

Subsec. (e)(3)(A). Pub. L. 104-93, § 403(b), inserted “or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken” after “investigation”.

1994—Subsec. (b)(1). Pub. L. 103-359, § 402(1), substituted “analysis, public administration, or auditing” for “analysis, or public administration”.

Subsec. (c)(1). Pub. L. 103-359, § 402(2), substituted “to plan, conduct” for “to conduct”.

Subsec. (d)(1). Pub. L. 103-359, § 402(3), in introductory provisions, substituted “January 31 and July 31” for “June 30 and December 31” and “periods ending December 31 (of the preceding year) and June 30, respectively”

for “period” and inserted “of receipt of such reports” after “thirty days”.

Subsec. (d)(3)(C). Pub. L. 103-359, § 402(4), substituted “investigation, inspection, or audit,” for “investigation.”

Subsec. (d)(4). Pub. L. 103-359, § 402(5), inserted “or findings and recommendations” after “report”.

Subsec. (e)(6). Pub. L. 103-359, § 402(6), substituted “the Inspector General shall” for “it is the sense of Congress that the Inspector General should”.

1992—Subsec. (e)(3). Pub. L. 102-496, in introductory provisions, substituted “any person” for “an employee of the Agency” and inserted “from an employee of the Agency” after “received”.

1989—Pub. L. 101-193 amended section generally, substituting subsecs. (a) to (g) relating to establishment of the Office of Inspector General and appointment, duties, and authority of Inspector General for introductory par. and subsecs. (a) to (e) relating to various reports to be filed with the intelligence committees by Director of Central Intelligence concerning selection and activities of Inspector General.

#### 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.

#### CONSTRUCTION OF 2010 AMENDMENT

Pub. L. 111-259, title IV, § 425(f)(2), Oct. 7, 2010, 124 Stat. 2729, provided that: “Nothing in the amendment made by paragraph (1)(C) [amending this section] shall be construed to alter the duties and responsibilities of the General Counsel of the Central Intelligence Agency.”

#### TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103-7 (in which the 4th item on page 156, relating to the transmittal of semiannual reports to the intelligence committees, identifies a reporting provision which, as subsequently amended, is contained in subsec. (d)(1) of this section), see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

### § 3518. Special annuity computation rules for certain employees’ service abroad

#### (a) Officers and employees to whom rules apply

Notwithstanding any provision of chapter 83 of title 5, the annuity under subchapter III of such chapter of an officer or employee of the Central Intelligence Agency who retires on or after October 1, 1989, is not designated under section 2013 of this title, and has served abroad as an officer or employee of the Agency on or after January 1, 1987, shall be computed as provided in subsection (b) of this section.

#### (b) Computation rules

(1) The portion of the annuity relating to such service abroad that is actually performed at any time during the officer’s or employee’s first ten years of total service shall be computed at the rate and using the percent of average pay specified in section 8339(a)(3) of title 5 that is nor-

mally applicable only to so much of an employee’s total service as exceeds ten years.

(2) The portion of the annuity relating to service abroad as described in subsection (a) of this section but that is actually performed at any time after the officer’s or employee’s first ten years of total service shall be computed as provided in section 8339(a)(3) of title 5; but, in addition, the officer or employee shall be deemed for annuity computation purposes to have actually performed an equivalent period of service abroad during his or her first ten years of total service, and in calculating the portion of the officer’s or employee’s annuity for his or her first ten years of total service, the computation rate and percent of average pay specified in paragraph (1) shall also be applied to the period of such deemed or equivalent service abroad.

(3) The portion of the annuity relating to other service by an officer or employee as described in subsection (a) of this section shall be computed as provided in the provisions of section 8339(a) of title 5 that would otherwise be applicable to such service.

(4) For purposes of this subsection, the term “total service” has the meaning given such term under chapter 83 of title 5.

#### (c) Annuities deemed annuities under section 8339 of title 5

For purposes of subsections (f) through (m) of section 8339 of title 5, an annuity computed under this section shall be deemed to be an annuity computed under subsections (a) and (o)<sup>1</sup> of section 8339 of title 5.

#### (d) Officers and employees entitled to greater annuities under section 8339 of title 5

The provisions of subsection (a) of this section shall not apply to an officer or employee of the Central Intelligence Agency who would otherwise be entitled to a greater annuity computed under an otherwise applicable subsection of section 8339 of title 5.

(June 20, 1949, ch. 227, § 18, as added Pub. L. 101-193, title III, § 305, Nov. 30, 1989, 103 Stat. 1704; amended Pub. L. 102-496, title VIII, § 803(a)(2), Oct. 24, 1992, 106 Stat. 3252.)

#### REFERENCES IN TEXT

Subsection (o) of section 8339 of title 5, referred to in subsec. (c), was redesignated subsec. (p) of that section by Pub. L. 102-378, § 2(62), Oct. 2, 1992, 106 Stat. 1354.

#### CODIFICATION

Section was formerly classified to section 403r 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

1992—Subsec. (a). Pub. L. 102-496 substituted reference to section 2013 of this title for reference in original to section 203 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees which was formerly set out as a note under section 403 of this title.

#### EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-496 effective on first day of fourth month beginning after Oct. 24, 1992, see sec-

<sup>1</sup> See References in Text note below.

tion 805 of Pub. L. 102-496, set out as an Effective Date note under section 2001 of this title.

**§ 3518a. Portability of overseas service retirement benefit**

The special accrual rates provided by section 2153 of this title and by section 3518 of this title for computation of the annuity of an individual who has served abroad as an officer or employee of the Central Intelligence Agency shall be used to compute that portion of the annuity of such individual relating to such service abroad whether or not the individual is employed by the Central Intelligence Agency at the time of retirement from Federal service.

(Pub. L. 101-193, title III, §306, Nov. 30, 1989, 103 Stat. 1704; Pub. L. 103-178, title II, §204(a), Dec. 3, 1993, 107 Stat. 2033.)

CODIFICATION

Section was formerly classified to section 403r-1 of this title prior to editorial reclassification and renumbering as this section.

Section was enacted as part of the Intelligence Authorization Act, Fiscal Year 1990, and not as part of the Central Intelligence Agency Act of 1949 which comprises this chapter.

AMENDMENTS

1993—Pub. L. 103-178 substituted reference to section 2153 of this title for reference in original to section 303 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees.

**§ 3519. Special rules for disability retirement and death-in-service benefits with respect to certain employees**

**(a) Officers and employees to whom section 2051 rules apply**

Notwithstanding any other provision of law, an officer or employee of the Central Intelligence Agency subject to retirement system coverage under subchapter III of chapter 83 of title 5 who—

(1) has five years of civilian service credit toward retirement under such subchapter III of chapter 83, title 5;

(2) has not been designated under section 2013 of this title,<sup>1</sup> as a participant in the Central Intelligence Agency Retirement and Disability System;

(3) has become disabled during a period of assignment to the performance of duties that are qualifying toward such designation under such section 2013 of this title; and

(4) satisfies the requirements for disability retirement under section 8337 of title 5—

shall, upon his own application or upon order of the Director, be retired on an annuity computed in accordance with the rules prescribed in section 2051 of this title, in lieu of an annuity computed as provided by section 8337 of title 5.

**(b) Survivors of officers and employees to whom section 2052 rules apply**

Notwithstanding any other provision of law, in the case of an officer or employee of the Central Intelligence Agency subject to retirement system coverage under subchapter III of chapter 83, title 5, who—

(1) has at least eighteen months of civilian service credit toward retirement under such subchapter III of chapter 83, title 5;

(2) has not been designated under section 2013 of this title,<sup>1</sup> as a participant in the Central Intelligence Agency Retirement and Disability System;

(3) prior to separation or retirement from the Agency, dies during a period of assignment to the performance of duties that are qualifying toward such designation under such section 2013 of this title; and

(4) is survived by a surviving spouse, former spouse, or child as defined in section 2002 of this title, who would otherwise be entitled to an annuity under section 8341 of title 5—

such surviving spouse, former spouse, or child of such officer or employee shall be entitled to an annuity computed in accordance with section 2052 of this title, in lieu of an annuity computed in accordance with section 8341 of title 5.

**(c) Annuities under this section deemed annuities under chapter 83 of title 5**

The annuities provided under subsections (a) and (b) of this section shall be deemed to be annuities under chapter 83 of title 5 for purposes of the other provisions of such chapter and other laws (including title 26) relating to such annuities, and shall be payable from the Central Intelligence Agency Retirement and Disability Fund maintained pursuant to section 2012 of this title.

(June 20, 1949, ch. 227, §19, as added Pub. L. 101-193, title III, §307(a), Nov. 30, 1989, 103 Stat. 1705; amended Pub. L. 102-496, title VIII, §803(a)(3), Oct. 24, 1992, 106 Stat. 3252; Pub. L. 103-178, title V, §501(3), Dec. 3, 1993, 107 Stat. 2038.)

CODIFICATION

Section was formerly classified to section 403s 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

1993—Subsec. (b). Pub. L. 103-178, §501(3)(A), (C), substituted “section 2052” for “section 2051” in heading and concluding provisions.

Subsec. (b)(2). Pub. L. 103-178, §501(3)(B), made technical amendment to reference to section 2013 of this title to update reference to corresponding section of original act.

1992—Subsec. (a). Pub. L. 102-496, §803(a)(3)(A), inserted heading, redesignated cl. (i) as par. (1), in cl. (ii), substituted reference to section 2013 of this title for reference in original to section 203 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended, which was formerly set out as a note under section 403 of this title, and redesignated such cl. as par. (2), in cl. (iii), inserted “such” before reference to section 2013 of this title and redesignated such cl. as par. (3), redesignated cl. (iv) as par. (4), and substituted reference to section 2051 of this title for “such section 231” in concluding provisions.

Subsec. (b). Pub. L. 102-496, §803(a)(3)(B)(i), (ii), (iv)–(vi), inserted heading, redesignated cl. (i) as par. (1), in cl. (ii), substituted reference to section 2013 of this title for reference in original to section 203 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended, which was formerly

<sup>1</sup> So in original. The comma probably should not appear.

set out as a note under section 403 of this title, and redesignated cl. (ii) as par. (2), redesignated cls. (iii) and (iv) as pars. (3) and (4), respectively, and in concluding provisions, substituted “surviving spouse, former spouse, or child” for “widow or widower, former spouse, and/or child or children” and substituted reference to section 2051 of this title for “such section 232”.

Pub. L. 102-496, § 803(a)(3)(B)(iii), which directed the substitution of “surviving spouse, former spouse, or child as defined in section 2002 of this title” in cl. (iv) for “widow or widower, former spouse, and/or child or children as defined in section 204 and section 232 of such the Central Intelligence Agency Retirement Act of 1964 for Certain Employees”, was executed by making the substitution for “widow or widower, former spouse, and/or a child or children as defined in section 204 and section 232 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees”, to reflect the probable intent of Congress.

Subsec. (c). Pub. L. 102-496, § 803(a)(3)(D)(i)–(iii), inserted heading, struck out par. (1) designation before “The annuities provided”, substituted “maintained pursuant to section 2012 of this title” for “established by section 202 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees”, and struck out par. (2) which read as follows: “The annuities and/or other benefits provided under subsections (c) and (d) of this section shall be deemed to be annuities and/or benefits under chapter 84 of title 5 for purposes of the other provisions of such chapter and other laws (including title 26) relating to such annuities and/or benefits, but shall be payable from the Central Intelligence Agency Retirement and Disability Fund established by section 202 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees.”

Pub. L. 102-496, § 803(a)(3)(C), (D), redesignated subsec. (e) as (c) and struck out former subsec. (c) which provided for retirement of officers and employees of the Central Intelligence Agency as though designated pursuant to section 302(a) of Pub. L. 88-643 which was formerly set out as a note under section 403 of this title.

Subsec. (d). Pub. L. 102-496, § 803(a)(3)(C), struck out subsec. (d) which provided that survivors of officers and employees of the Central Intelligence Agency were to receive benefits as though deceased had been designated pursuant to section 302(a) of Pub. L. 88-643, which was formerly set out as a note under section 403 of this title.

Subsec. (e). Pub. L. 102-496, § 803(a)(3)(D), redesignated subsec. (e) as (c).

#### EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-496 effective on first day of fourth month beginning after Oct. 24, 1992, see section 805 of Pub. L. 102-496, set out as an Effective Date note under section 2001 of this title.

### § 3519a. Separation pay program for voluntary separation from service

#### (a) Definitions

For purposes of this section—

(1) the term “Director” means the Director of the Central Intelligence Agency;<sup>1</sup>

(2) the term “employee” means an employee of the Central Intelligence Agency, serving under an appointment without time limitation, who has been currently employed for a continuous period of at least 12 months, except that such term does not include—

(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5 or another retirement system for employees of the Government; or

(B) an employee having a disability on the basis of which such employee is or would be

eligible for disability retirement under any of the retirement systems referred to in subparagraph (A).

#### (b) Establishment of program

In order to avoid or minimize the need for involuntary separations due to downsizing, reorganization, transfer of function, or other similar action, the Director may establish a program under which employees may be offered separation pay to separate from service voluntarily (whether by retirement or resignation). An employee who receives separation pay under such program may not be reemployed by the Central Intelligence Agency for the 12-month period beginning on the effective date of the employee's separation. An employee who receives separation pay under this section on the basis of a separation occurring on or after March 30, 1994, and accepts employment with the Government of the United States within 5 years after the date of the separation on which payment of the separation pay is based shall be required to repay the entire amount of the separation pay to the Central Intelligence Agency. If the employment is with an Executive agency (as defined by section 105 of title 5), the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position. If the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position. If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

#### (c) Bar on certain employment

##### (1) Bar

An employee may not be separated from service under this section unless the employee agrees that the employee will not—

(A) act as agent or attorney for, or otherwise represent, any other person (except the United States) in any formal or informal appearance before, or, with the intent to influence, make any oral or written communication on behalf of any other person (except the United States) to the Central Intelligence Agency; or

(B) participate in any manner in the award, modification, extension, or performance of any contract for property or services with the Central Intelligence Agency,

during the 12-month period beginning on the effective date of the employee's separation from service.

##### (2) Penalty

An employee who violates an agreement under this subsection shall be liable to the United States in the amount of the separation pay paid to the employee pursuant to this section times the proportion of the 12-month pe-

<sup>1</sup> So in original. Probably should be followed by “and”.

riod during which the employee was in violation of the agreement.

**(d) Limitations**

Under this program, separation pay may be offered only—

- (1) with the prior approval of the Director; and
- (2) to employees within such occupational groups or geographic locations, or subject to such other similar limitations or conditions, as the Director may require.

**(e) Amount and treatment for other purposes**

Such separation pay—

- (1) shall be paid in a lump sum;
- (2) shall be equal to the lesser of—
  - (A) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, if the employee were entitled to payment under such section; or
  - (B) \$25,000;
- (3) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and
- (4) shall not be taken into account for the purpose of determining the amount of any severance pay to which an individual may be entitled under section 5595 of title 5 based on any other separation.

**(f) Regulations**

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

**(g) Reporting requirements**

**(1) Offering notification**

The Director may not make an offering of voluntary separation pay pursuant to this section until 30 days after submitting to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report describing the occupational groups or geographic locations, or other similar limitations or conditions, required by the Director under subsection (d) of this section.

**(2) Annual report**

At the end of each of the fiscal years 1993 through 1997, 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 a report on the effectiveness and costs of carrying out this section.

(Pub. L. 103-36, § 2, June 8, 1993, 107 Stat. 104; Pub. L. 103-226, § 8(b), Mar. 30, 1994, 108 Stat. 118; Pub. L. 104-93, title IV, § 401, Jan. 6, 1996, 109 Stat. 968; Pub. L. 104-293, title IV, § 401, Oct. 11, 1996, 110 Stat. 3468; Pub. L. 106-120, title IV, § 402, Dec. 3, 1999, 113 Stat. 1616; Pub. L. 107-108, title IV, § 402, Dec. 28, 2001, 115 Stat. 1403; Pub. L. 107-306, title IV, § 401, Nov. 27, 2002, 116 Stat. 2403; Pub. L. 108-458, title I, § 1071(d), Dec. 17, 2004, 118 Stat. 3691; Pub. L. 108-487, title IV, § 401(a), (b)(1), Dec. 23, 2004, 118 Stat. 3945, 3946.)

CODIFICATION

Section was formerly classified to section 403x of this title prior to editorial reclassification and renumbering

as this section, and as a note under section 403-4 of this title prior to editorial transfer to section 403x.

Section was enacted as part of the Central Intelligence Agency Voluntary Separation Pay Act, and not as part of the Central Intelligence Agency Act of 1949 which comprises this chapter.

AMENDMENTS

2004—Subsec. (a)(1). Pub. L. 108-458, § 1071(d), amended par. (1) generally. Prior to amendment, par. (1) read: “the term ‘Director’ means the Director of Central Intelligence; and”.

Subsecs. (f) to (h). Pub. L. 108-487, § 401(a), redesignated subsecs. (g) and (h) as (f) and (g), respectively, and struck out former subsec. (f), which related to termination of payments under this section.

Subsec. (i). Pub. L. 108-487, § 401(b)(1), struck out subsec. (i) which related to remittance of funds.

2002—Subsec. (f). Pub. L. 107-306, § 401(1), substituted “September 30, 2005” for “September 30, 2003”.

Subsec. (i). Pub. L. 107-306, § 401(2), substituted “2003, 2004, or 2005” for “or 2003”.

2001—Subsec. (f). Pub. L. 107-108, § 402(1), substituted “September 30, 2003” for “September 30, 2002”.

Subsec. (i). Pub. L. 107-108, § 402(2), substituted “2002, or 2003” for “or 2002”.

1999—Subsec. (f). Pub. L. 106-120, § 402(a), substituted “September 30, 2002” for “September 30, 1999”.

Subsec. (i). Pub. L. 106-120, § 402(b), substituted “, 1999, 2000, 2001, or 2002” for “or fiscal year 1999”.

1996—Subsec. (f). Pub. L. 104-93, § 401(a), substituted “September 30, 1999” for “September 30, 1997”.

Subsec. (i). Pub. L. 104-293 inserted at end: “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).”

Pub. L. 104-93, § 401(b), added subsec. (i).

1994—Subsec. (b). Pub. L. 103-226, § 8(b), inserted four sentences at end relating to repayment of separation pay requirement.

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.

POST-EMPLOYMENT RESTRICTIONS

Pub. L. 104-293, title IV, § 402, Oct. 11, 1996, 110 Stat. 3468, provided that:

“(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act [Oct. 11, 1996], the Director of Central Intelligence shall prescribe regulations requiring each employee of the Central Intelligence Agency designated by the Director for such purpose to sign a written agreement restricting the activities of the employee upon ceasing employment with the Central Intelligence Agency. The Director may designate a group or class of employees for such purpose.

“(b) AGREEMENT ELEMENTS.—The regulations shall provide that an agreement contain provisions specifying that the employee concerned not represent or advise the government, or any political party, of any foreign country during the three-year period beginning on the cessation of the employee’s employment with the Central Intelligence Agency unless the Director determines that such representation or advice would be in the best interests of the United States.

“(c) DISCIPLINARY ACTIONS.—The regulations shall specify appropriate disciplinary actions (including loss of retirement benefits) to be taken against any em-

ployee determined by the Director of Central Intelligence to have violated the agreement of the employee under this section.”

[Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108-458, set out as a note under section 3001 of this title.]

### § 3520. General Counsel of Central Intelligence Agency

#### (a) Appointment

There is a General Counsel of the Central Intelligence Agency, appointed from civilian life by the President, by and with the advice and consent of the Senate.

#### (b) Chief legal officer

The General Counsel is the chief legal officer of the Central Intelligence Agency.

#### (c) Functions

The General Counsel of the Central Intelligence Agency shall perform such functions as the Director may prescribe.

(June 20, 1949, ch. 227, §20, as added Pub. L. 104-293, title VIII, §813(a), Oct. 11, 1996, 110 Stat. 3483; amended Pub. L. 108-458, title I, §1071(b)(2)(D), Dec. 17, 2004, 118 Stat. 3690.)

#### CODIFICATION

Section was formerly classified to section 403t of this title prior to editorial reclassification and renumbering as this section.

#### AMENDMENTS

2004—Subsec. (c). Pub. L. 108-458 struck out “of Central Intelligence” after “Director”.

#### 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.

#### APPLICABILITY OF APPOINTMENT REQUIREMENTS

Pub. L. 104-293, title VIII, §813(b), Oct. 11, 1996, 110 Stat. 3483, provided that: “The requirement established by section 20 of the Central Intelligence Agency Act of 1949 [50 U.S.C. 3520], as added by subsection (a), for the appointment by the President, by and with the advice and consent of the Senate, of an individual to the position of General Counsel of the Central Intelligence Agency shall apply as follows:

“(1) To any vacancy in such position that occurs after the date of the enactment of this Act [Oct. 11, 1996].

“(2) To the incumbent serving in such position on the date of the enactment of this Act as of the date that is six months after such date of enactment, if such incumbent has served in such position continuously between such date of enactment and the date that is six months after such date of enactment.”

### § 3521. Central services program

#### (a) In general

The Director may carry out a program under which elements of the Agency provide items and services on a reimbursable basis to other elements of the Agency, nonappropriated fund entities or instrumentalities associated or affiliated with the Agency, and other Government agencies. The Director shall carry out the program in accordance with the provisions of this section.

#### (b) Participation of Agency elements

(1) In order to carry out the program, the Director shall—

(A) designate the elements of the Agency that are to provide items or services under the program (in this section referred to as “central service providers”);

(B) specify the items or services to be provided under the program by such providers;

(C) assign to such providers for purposes of the program such inventories, equipment, and other assets (including equipment on order) as the Director determines necessary to permit such providers to provide items or services under the program; and

(D) authorize such providers to make known their services to the entities specified in section<sup>1</sup> (a) through Government communication channels.

(2) The designation of elements and the specification of items and services under paragraph (1) shall be subject to the approval of the Director of the Office of Management and Budget.

(3) The authority in paragraph (1)(D) does not include the authority to distribute gifts or promotional items.

#### (c) Central Services Working Capital Fund

(1) There is established a fund to be known as the Central Services Working Capital Fund (in this section referred to as the “Fund”). The purpose of the Fund is to provide sums for activities under the program.

(2) There shall be deposited in the Fund the following:

(A) Amounts appropriated to the Fund.

(B) Amounts credited to the Fund from payments received by central service providers under subsection (e) of this section.

(C) Fees imposed and collected under subsection (f)(1) of this section.

(D) Amounts received in payment for loss or damage to equipment or property of a central service provider as a result of activities under the program.

(E) Other receipts from the sale or exchange of equipment, recyclable materials, or property of a central service provider.<sup>2</sup> as a result of activities under the program.

(F) Receipts from individuals in reimbursement for utility services and meals provided under the program.

(G) Receipts from individuals for the rental of property and equipment under the program.

(H) Such other amounts as the Director is authorized to deposit in or transfer to the Fund.

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

<sup>2</sup> So in original. The period probably should not appear.

(3) Amounts in the Fund shall be available, without fiscal year limitation, for the following purposes:

(A) To pay the costs of providing items or services under the program.

(B) To pay the costs of carrying out activities under subsections (b)(1)(D) and (f)(2) of this section.

**(d) Limitation on amount of orders**

The total value of all orders for items or services to be provided under the program in any fiscal year may not exceed an amount specified in advance by the Director of the Office of Management and Budget.

**(e) Payment for items and services**

(1) A Government agency provided items or services under the program shall pay the central service provider concerned for such items or services an amount equal to the costs incurred by the provider in providing such items or services plus any fee imposed under subsection (f) of this section. In calculating such costs, the Director shall take into account personnel costs (including costs associated with salaries, annual leave, and workers' compensation), plant and equipment costs (including depreciation of plant and equipment other than structures owned by the Agency), operation and maintenance expenses, amortized costs, and other expenses.

(2) Payment for items or services under paragraph (1) may take the form of an advanced payment by an agency from appropriations available to such agency for the procurement of such items or services.

**(f) Fees**

(1) The Director may permit a central service provider to impose and collect a fee with respect to the provision of an item or service under the program. The amount of the fee may not exceed an amount equal to four percent of the payment received by the provider for the item or service.

(2) The Director may obligate and expend amounts in the Fund that are attributable to the fees imposed and collected under paragraph (1) to acquire equipment or systems for, or to improve the equipment or systems of, central service providers and any elements of the Agency that are not designated for participation in the program in order to facilitate the designation of such elements for future participation in the program.

**(g) Termination**

(1) Subject to paragraph (2), the Director of the Central Intelligence Agency and the Director of the Office of Management and Budget, acting jointly—

(A) may terminate the program under this section and the Fund at any time; and

(B) upon such termination, shall provide for the disposition of the personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with the program or the Fund.

(2) The Director of the Central Intelligence Agency and the Director of the Office of Man-

agement and Budget may not undertake any action under paragraph (1) until 60 days after the date on which the Directors jointly submit notice of such action to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(June 20, 1949, ch. 227, §21, as added Pub. L. 105-107, title IV, §403(a), Nov. 20, 1997, 111 Stat. 2258; amended Pub. L. 106-120, title IV, §401, Dec. 3, 1999, 113 Stat. 1615; Pub. L. 106-567, title IV, §401, Dec. 27, 2000, 114 Stat. 2847; Pub. L. 107-108, title IV, §401, Dec. 28, 2001, 115 Stat. 1403; Pub. L. 107-306, title VIII, §841(e), Nov. 27, 2002, 116 Stat. 2432; Pub. L. 108-177, title IV, §403, Dec. 13, 2003, 117 Stat. 2632; Pub. L. 108-458, title I, §1071(b)(3)(D), (E), Dec. 17, 2004, 118 Stat. 3691; Pub. L. 112-277, title IV, §401, Jan. 14, 2013, 126 Stat. 2475.)

CODIFICATION

Section was formerly classified to section 403u of this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2013—Subsec. (b)(1)(D). Pub. L. 112-277, §401(1)(A), added subpar. (D).

Subsec. (b)(3). Pub. L. 112-277, §401(1)(B), added par. (3).

Subsec. (c)(2)(E). Pub. L. 112-277, §401(2)(A), substituted “from the sale or exchange of equipment, recyclable materials, or property of a central service provider.” for “from the sale or exchange of equipment or property of a central service provider”.

Subsec. (c)(3)(B). Pub. L. 112-277, §401(2)(B), substituted “subsections (b)(1)(D) and (f)(2)” for “subsection (f)(2)”.

2004—Subsec. (g)(1). Pub. L. 108-458, §1071(b)(3)(D), substituted “Director of the Central Intelligence Agency” for “Director of Central Intelligence” in introductory provisions.

Subsec. (g)(2). Pub. L. 108-458, §1071(b)(3)(E), substituted “Director of the Central Intelligence Agency” for “Director of Central Intelligence”.

2003—Subsec. (f)(2). Pub. L. 108-177 substituted “The Director” for “(A) Subject to subparagraph (B), the Director” and struck out subpar. (B) which read as follows: “The Director may not expend amounts in the Fund for purposes specified in subparagraph (A) in fiscal year 1998, 1999, or 2000 unless the Director—

“(i) secures the prior approval of the Director of the Office of Management and Budget; and

“(ii) submits notice of the proposed expenditure to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.”

2002—Subsecs. (g), (h). Pub. L. 107-306 redesignated subsec. (h) as (g) and struck out former subsec. (g), which required annual audit of program activities, set forth provisions relating to form, content, and procedures, and required submission of copies to the Director of the Office of Management and Budget, the Director of Central Intelligence, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate.

2001—Subsec. (g)(1). Pub. L. 107-108, §401(a), substituted “January 31” for “December 31” and “complete an audit” for “conduct an audit”.

Subsec. (h). Pub. L. 107-108, §401(b), redesignated pars. (2) and (3) as (1) and (2), respectively, substituted “paragraph (2)” for “paragraph (3)” in par. (1) and “paragraph (1)” for “paragraph (2)” in par. (2), and struck out former par. (1) which read as follows: “The authority of the Director to carry out the program under this section shall terminate on March 31, 2002.”

2000—Subsec. (c)(2)(F) to (H). Pub. L. 106-567, §401(a), added subpars. (F) and (G) and redesignated former subpar. (F) as (H).

Subsec. (e)(1). Pub. L. 106-567, §401(b), in second sentence, inserted “other than structures owned by the Agency” after “depreciation of plant and equipment”.

Subsec. (g)(2). Pub. L. 106-567, §401(c), substituted “financial statements to be prepared with respect to the program. Office of Management and Budget guidance shall also determine the procedures for conducting annual audits under paragraph (1).” for “annual audits under paragraph (1)”.

1999—Subsec. (a). Pub. L. 106-120, §401(a), substituted “, nonappropriated fund entities or instrumentalities associated or affiliated with the Agency, and other” for “and to other”.

Subsec. (c)(2)(D). Pub. L. 106-120, §401(b)(1), amended subpar. (D) generally. Prior to amendment, subpar. (D) read as follows: “Amounts collected in payment for loss or damage to equipment or other property of a central service provider as a result of activities under the program.”

Subsec. (c)(2)(E), (F). Pub. L. 106-120, §401(b)(2), (3), added subpar. (E) and redesignated former subpar. (E) as (F).

Subsec. (f)(2)(A). Pub. L. 106-120, §401(c), inserted “central service providers and any” before “elements of the Agency”.

Subsec. (h)(1). Pub. L. 106-120, §401(d), substituted “2002” for “2000”.

#### 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.

#### AVAILABILITY OF FUNDS CREDITED TO CENTRAL SERVICES WORKING CAPITAL FUND

Pub. L. 113-6, div. C, title VIII, §8032, Mar. 26, 2013, 127 Stat. 304, provided in part: “That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended”.

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 112-74, div. A, title VIII, §8032, Dec. 23, 2011, 125 Stat. 812.

Pub. L. 112-10, div. A, title VIII, §8033, Apr. 15, 2011, 125 Stat. 64.

Pub. L. 111-118, div. A, title VIII, §8035, Dec. 19, 2009, 123 Stat. 3436.

Pub. L. 110-329, div. C, title VIII, §8035, Sept. 30, 2008, 122 Stat. 3629.

Pub. L. 110-116, div. A, title VIII, §8035, Nov. 13, 2007, 121 Stat. 1322.

Pub. L. 109-289, div. A, title VIII, §8033, Sept. 29, 2006, 120 Stat. 1281.

Pub. L. 109-148, div. A, title VIII, §8038, Dec. 30, 2005, 119 Stat. 2707.

Pub. L. 108-287, title VIII, §8042, Aug. 5, 2004, 118 Stat. 979.

Pub. L. 108-87, title VIII, §8042, Sept. 30, 2003, 117 Stat. 1081.

Pub. L. 107-248, title VIII, §8042, Oct. 23, 2002, 116 Stat. 1546.

Pub. L. 107-117, div. A, title VIII, §8045, Jan. 10, 2002, 115 Stat. 2257.

Pub. L. 106-259, title VIII, §8045, Aug. 9, 2000, 114 Stat. 684.

Pub. L. 106-79, title VIII, §8048, Oct. 25, 1999, 113 Stat. 1241.

Pub. L. 105-262, title VIII, §8048, Oct. 17, 1998, 112 Stat. 2307.

#### § 3522. Detail of employees

The Director may—

(1) detail any personnel of the Agency on a reimbursable basis indefinitely to the National Reconnaissance Office without regard to any limitation under law on the duration of details of Federal Government personnel; and

(2) hire personnel for the purpose of any detail under paragraph (1).

(June 20, 1949, ch. 227, §22, as added Pub. L. 106-567, title IV, §404, Dec. 27, 2000, 114 Stat. 2848.)

#### CODIFICATION

Section was formerly classified to section 403v of this title prior to editorial reclassification and renumbering as this section.

#### § 3523. Intelligence operations and cover enhancement authority

##### (a) Definitions

In this section—

(1) the term “designated employee” means an employee designated by the Director of the Central Intelligence Agency under subsection (b) of this section; and

(2) the term “Federal retirement system” includes the Central Intelligence Agency Retirement and Disability System, and the Federal Employees’ Retirement System (including the Thrift Savings Plan).

##### (b) In general

###### (1) Authority

Notwithstanding any other provision of law, the Director of the Central Intelligence Agency may exercise the authorities under this section in order to—

(A) protect from unauthorized disclosure—

(i) intelligence operations;

(ii) the identities of undercover intelligence officers;

(iii) intelligence sources and methods; or

(iv) intelligence cover mechanisms; or

(B) meet the special requirements of work related to collection of foreign intelligence or other authorized activities of the Agency.

###### (2) Designation of employees

The Director of the Central Intelligence Agency may designate any employee of the Agency who is under nonofficial cover to be an employee to whom this section applies. Such designation may be made with respect to any or all authorities exercised under this section.

##### (c) Compensation

The Director of the Central Intelligence Agency may pay a designated employee salary, allowances, and other benefits in an amount and in a manner consistent with the nonofficial cover of that employee, without regard to any limitation that is otherwise applicable to a Federal employee. A designated employee may accept, utilize, and, to the extent authorized by regulations prescribed under subsection (i) of this section, retain any salary, allowances, and other benefits provided under this section.

**(d) Retirement benefits****(1) In general**

The Director of the Central Intelligence Agency may establish and administer a non-official cover employee retirement system for designated employees (and the spouse, former spouses, and survivors of such designated employees). A designated employee may not participate in the retirement system established under this paragraph and another Federal retirement system at the same time.

**(2) Conversion to other Federal retirement system****(A) In general**

A designated employee participating in the retirement system established under paragraph (1) may convert to coverage under the Federal retirement system which would otherwise apply to that employee at any appropriate time determined by the Director of the Central Intelligence Agency (including at the time of separation of service by reason of retirement), if the Director of the Central Intelligence Agency determines that the employee's participation in the retirement system established under this subsection is no longer necessary to protect from unauthorized disclosure—

- (i) intelligence operations;
- (ii) the identities of undercover intelligence officers;
- (iii) intelligence sources and methods; or
- (iv) intelligence cover mechanisms.

**(B) Conversion treatment**

Upon a conversion under this paragraph—

- (i) all periods of service under the retirement system established under this subsection shall be deemed periods of creditable service under the applicable Federal retirement system;
- (ii) the Director of the Central Intelligence Agency shall transmit an amount for deposit in any applicable fund of that Federal retirement system that—

(I) is necessary to cover all employee and agency contributions including—

- (aa) interest as determined by the head of the agency administering the Federal retirement system into which the employee is converting; or
- (bb) in the case of an employee converting into the Federal Employees' Retirement System, interest as determined under section 8334(e) of title 5; and

(II) ensures that such conversion does not result in any unfunded liability to that fund; and

(iii) in the case of a designated employee who participated in an employee investment retirement system established under paragraph (1) and is converted to coverage under subchapter III of chapter 84 of title 5, the Director of the Central Intelligence Agency may transmit any or all amounts of that designated employee in that employee investment retirement system (or similar part of that retirement system) to the Thrift Savings Fund.

**(C) Transmitted amounts****(i) In general**

Amounts described under subparagraph (B)(ii) shall be paid from the fund or appropriation used to pay the designated employee.

**(ii) Offset**

The Director of the Central Intelligence Agency may use amounts contributed by the designated employee to a retirement system established under paragraph (1) to offset amounts paid under clause (i).

**(D) Records**

The Director of the Central Intelligence Agency shall transmit all necessary records relating to a designated employee who converts to a Federal retirement system under this paragraph (including records relating to periods of service which are deemed to be periods of creditable service under subparagraph (B)) to the head of the agency administering that Federal retirement system.

**(e) Health insurance benefits****(1) In general**

The Director of the Central Intelligence Agency may establish and administer a non-official cover employee health insurance program for designated employees (and the family of such designated employees). A designated employee may not participate in the health insurance program established under this paragraph and the program under chapter 89 of title 5 at the same time.

**(2) Conversion to Federal employees health benefits program****(A) In general**

A designated employee participating in the health insurance program established under paragraph (1) may convert to coverage under the program under chapter 89 of title 5 at any appropriate time determined by the Director of the Central Intelligence Agency (including at the time of separation of service by reason of retirement), if the Director of the Central Intelligence Agency determines that the employee's participation in the health insurance program established under this subsection is no longer necessary to protect from unauthorized disclosure—

- (i) intelligence operations;
- (ii) the identities of undercover intelligence officers;
- (iii) intelligence sources and methods; or
- (iv) intelligence cover mechanisms.

**(B) Conversion treatment**

Upon a conversion under this paragraph—

- (i) the employee (and family, if applicable) shall be entitled to immediate enrollment and coverage under chapter 89 of title 5;
- (ii) any requirement of prior enrollment in a health benefits plan under chapter 89 of that title for continuation of coverage purposes shall not apply;
- (iii) the employee shall be deemed to have had coverage under chapter 89 of that

title from the first opportunity to enroll for purposes of continuing coverage as an annuitant; and

(iv) the Director of the Central Intelligence Agency shall transmit an amount for deposit in the Employees' Health Benefits Fund that is necessary to cover any costs of such conversion.

**(C) Transmitted amounts**

Any amount described under subparagraph (B)(iv) shall be paid from the fund or appropriation used to pay the designated employee.

**(f) Life insurance benefits**

**(1) In general**

The Director of the Central Intelligence Agency may establish and administer a non-official cover employee life insurance program for designated employees (and the family of such designated employees). A designated employee may not participate in the life insurance program established under this paragraph and the program under chapter 87 of title 5 at the same time.

**(2) Conversion to Federal employees group life insurance program**

**(A) In general**

A designated employee participating in the life insurance program established under paragraph (1) may convert to coverage under the program under chapter 87 of title 5 at any appropriate time determined by the Director of the Central Intelligence Agency (including at the time of separation of service by reason of retirement), if the Director of the Central Intelligence Agency determines that the employee's participation in the life insurance program established under this subsection is no longer necessary to protect from unauthorized disclosure—

- (i) intelligence operations;
- (ii) the identities of undercover intelligence officers;
- (iii) intelligence sources and methods; or
- (iv) intelligence cover mechanisms.

**(B) Conversion treatment**

Upon a conversion under this paragraph—

- (i) the employee (and family, if applicable) shall be entitled to immediate coverage under chapter 87 of title 5;

- (ii) any requirement of prior enrollment in a life insurance program under chapter 87 of that title for continuation of coverage purposes shall not apply;

- (iii) the employee shall be deemed to have had coverage under chapter 87 of that title for the full period of service during which the employee would have been entitled to be insured for purposes of continuing coverage as an annuitant; and

- (iv) the Director of the Central Intelligence Agency shall transmit an amount for deposit in the Employees' Life Insurance Fund that is necessary to cover any costs of such conversion.

**(C) Transmitted amounts**

Any amount described under subparagraph (B)(iv) shall be paid from the fund or appro-

priation used to pay the designated employee.

**(g) Exemption from certain requirements**

The Director of the Central Intelligence Agency may exempt a designated employee from mandatory compliance with any Federal regulation, rule, standardized administrative policy, process, or procedure that the Director of the Central Intelligence Agency determines—

- (1) would be inconsistent with the nonofficial cover of that employee; and
- (2) could expose that employee to detection as a Federal employee.

**(h) Taxation and social security**

**(1) In general**

Notwithstanding any other provision of law, a designated employee—

(A) shall file a Federal or State tax return as if that employee is not a Federal employee and may claim and receive the benefit of any exclusion, deduction, tax credit, or other tax treatment that would otherwise apply if that employee was not a Federal employee, if the Director of the Central Intelligence Agency determines that taking any action under this paragraph is necessary to—

- (i) protect from unauthorized disclosure—

- (I) intelligence operations;
  - (II) the identities of undercover intelligence officers;
  - (III) intelligence sources and methods;
- or

- (IV) intelligence cover mechanisms; and

- (ii) meet the special requirements of work related to collection of foreign intelligence or other authorized activities of the Agency; and

(B) shall receive social security benefits based on the social security contributions made.

**(2) Internal Revenue Service review**

The Director of the Central Intelligence Agency shall establish procedures to carry out this subsection. The procedures shall be subject to periodic review by the Internal Revenue Service.

**(i) Regulations**

The Director of the Central Intelligence Agency shall prescribe regulations to carry out this section. The regulations shall ensure that the combination of salary, allowances, and benefits that an employee designated under this section may retain does not significantly exceed, except to the extent determined by the Director of the Central Intelligence Agency to be necessary to exercise the authority in subsection (b) of this section, the combination of salary, allowances, and benefits otherwise received by Federal employees not designated under this section.

**(j) Finality of decisions**

Any determinations authorized by this section to be made by the Director of the Central Intelligence Agency or the Director's designee shall

be final and conclusive and shall not be subject to review by any court.

**(k) Subsequently enacted laws**

No law enacted after the effective date of this section shall affect the authorities and provisions of this section unless such law specifically refers to this section.

(June 20, 1949, ch. 227, §23, as added Pub. L. 108-487, title IV, §402, Dec. 23, 2004, 118 Stat. 3946.)

REFERENCES IN TEXT

The effective date of this section, referred to in subsec. (k), is the date of enactment of Pub. L. 108-487, which was approved December 23, 2004. See section 801 of Pub. L. 108-487, set out as an Effective Date of 2004 Amendments note under section 2656f of Title 22, Foreign Relations and Intercourse.

CODIFICATION

Section was formerly classified to section 403w of this title prior to editorial reclassification and renumbering as this section.

**CHAPTER 47—NATIONAL SECURITY AGENCY**

Sec.	
3601.	Short title.
3602.	Director of Compliance.
3603.	Repealed.
3604.	Additional compensation.
3605.	Disclosure of Agency's organization, function, activities, or personnel.
3606.	Repealed.
3607.	Support for activities and personnel outside the United States.
3608.	Language training and cryptologic linguist reserve programs.
3609.	Enhancement of security authorities.
3610.	Senior Cryptologic Executive Service.
3611.	Cryptologic research grant program.
3612.	Availability of appropriations.
3613.	Misuse of Agency name, initials, or seal.
3614.	Louis Stokes Educational Scholarship Program.
3615.	Repealed.
3616.	Transportation of remains of certain employees.
3617.	National Security Agency Emerging Technologies Panel.
3618.	Collection of service charges for certification or validation of information assurance products.

**§ 3601. Short title**

This chapter may be cited as the "National Security Agency Act of 1959".

(Pub. L. 86-36, §1, as added Pub. L. 96-450, title IV, §402(a)(2), Oct. 14, 1980, 94 Stat. 1978.)

CODIFICATION

Section was formerly classified in a note under section 402 of this title prior to editorial reclassification as this section.

PRIOR PROVISIONS

A prior section 1 of Pub. L. 86-36, May 29, 1959, 73 Stat. 63, amended section 1082 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. 660.

**§ 3602. Director of Compliance**

There is a Director of Compliance of the National Security Agency, who shall be appointed

by the Director of the National Security Agency and who shall be responsible for the programs of compliance over mission activities of the National Security Agency.

(Pub. L. 86-36, §2, as added Pub. L. 111-259, title IV, §433, Oct. 7, 2010, 124 Stat. 2732.)

CODIFICATION

Section was formerly classified in a note under section 402 of this title prior to editorial reclassification as this section.

PRIOR PROVISIONS

A prior section 2 of Pub. L. 86-36, May 29, 1959, 73 Stat. 63; Pub. L. 87-367, title II, §201, Oct. 4, 1961, 75 Stat. 789; Sept. 23, 1950, ch. 1024, title III, §306(a), as added Pub. L. 88-290, Mar. 26, 1964, 78 Stat. 170; Pub. L. 88-426, title III, §306(h), Aug. 14, 1964, 78 Stat. 430; Pub. L. 88-631, §3(d), Oct. 6, 1964, 78 Stat. 1008; Pub. L. 89-632, §1(e)(1), Oct. 8, 1966, 80 Stat. 878; Pub. L. 102-496, title IV, §405, Oct. 24, 1992, 106 Stat. 3186, related to authority of Secretary of Defense to establish positions and fix compensation, prior to repeal by Pub. L. 104-201, div. A, title XVI, §§1633(b)(1), 1635, Sept. 23, 1996, 110 Stat. 2751, 2752, effective Oct. 1, 1996.

**§ 3603. Repealed. Pub. L. 104-201, div. A, title XVI, § 1633(b)(1), Sept. 23, 1996, 110 Stat. 2751**

Section, Pub. L. 86-36, §4, May 29, 1959, 73 Stat. 63; Pub. L. 87-367, title II, §204, Oct. 4, 1961, 75 Stat. 791; Pub. L. 87-793, §1001(c), Oct. 11, 1962, 76 Stat. 864; Pub. L. 89-632, §1(e)(2), Oct. 8, 1966, 80 Stat. 878; Pub. L. 91-187, §2, Dec. 30, 1969, 83 Stat. 850, authorized establishment of civilian positions in research, development, science, medicine, and cryptology.

CODIFICATION

Section was formerly classified in a note under section 402 of this title and repealed prior to editorial reclassification as this section.

EFFECTIVE DATE OF REPEAL

Repeal 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 Title 10, Armed Forces.

**§ 3604. Additional compensation**

Officers and employees of the National Security Agency who are citizens or nationals of the United States may be granted additional compensation, in accordance with regulations which shall be prescribed by the Secretary of Defense, not in excess of additional compensation authorized by section 5941 of title 5, for employees whose rates of basic compensation are fixed by statute.

(Pub. L. 86-36, §5, May 29, 1959, 73 Stat. 63.)

CODIFICATION

Section was formerly classified in a note under section 402 of this title prior to editorial reclassification as this section.

In text, "section 5941 of title 5" substituted for "section 207 of the Independent Offices Appropriation Act, 1949, as amended (5 U.S.C. 118h)" on authority of Pub. L. 89-554, §7(b), Sept. 6, 1966, 80 Stat. 631. Section 1 of Pub. L. 89-554 enacted Title 5, Government Organization and Employees.

EFFECTIVE DATE

Pub. L. 86-36, §8, May 29, 1959, 73 Stat. 64, provided that: "The foregoing provisions of this Act [see Tables for classification] shall take effect on the first day of the first pay period which begins later than the thirti-