

## 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.

## 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 401 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 L. 86-707, title III, §301(d), Sept. 6, 1960, 74 Stat. 796, was repealed by Pub.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.

**§ 403e-1. Eligibility for incentive awards****(a) Scope of authority with respect to Federal employees and members of Armed Forces**

The Director of Central Intelligence may exercise the authority granted in section 4503 of title 5, with respect to Federal employees and members of the Armed Forces detailed or assigned to the Central Intelligence Agency or to the Intelligence Community Staff, in the same manner as such authority may be exercised with respect to the personnel of the Central Intelligence Agency and the Intelligence Community Staff.

**(b) Time for exercise of authority**

The authority granted by subsection (a) of this section may be exercised with respect to Federal employees or members of the Armed Forces detailed or assigned to the Central Intelligence

Agency or to the Intelligence Community Staff on or after a date five years before December 9, 1983.

**(c) Exercise of authority with respect to members of Armed Forces assigned to foreign intelligence duties**

During fiscal year 1987, the Director of Central Intelligence may exercise the authority granted in section 4503(2) of title 5 with respect to members of the Armed Forces who are assigned to foreign intelligence duties at the time of the conduct which gives rise to the exercise of such authority.

**(d) Payment and acceptance of award**

An award made by the Director of Central Intelligence to an employee or member of the Armed Forces under the authority of section 4503 of title 5 or this section may be paid and accepted notwithstanding—

(1) section 5536 of title 5; and

(2) the death, separation, or retirement of the employee or the member of the Armed Forces whose conduct gave rise to the award, or the assignment of such member to duties other than foreign intelligence duties.

(Pub. L. 98-215, title IV, §402, Dec. 9, 1983, 97 Stat. 1477; Pub. L. 99-569, title V, §503, Oct. 27, 1986, 100 Stat. 3198.)

## CODIFICATION

Section was enacted as part of the Intelligence Authorization Act for Fiscal Year 1984, and not as part of the Central Intelligence Agency Act of 1949 which is classified to section 403a et seq. of this title, nor as part of the National Security Act of 1947 which comprises this chapter.

## AMENDMENTS

1986—Subsecs. (c), (d). Pub. L. 99-569 added subsecs. (c) and (d).

## 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. 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 401 of this title.

**§ 403f. General authorities of Agency****(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 403-4a 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

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

may be expended for the purposes and under the authority of sections 403a to 403s of this title 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, §§ 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 enacted as part of the Central Intelligence Agency Act of 1949, and not as part of the National Security Act of 1947 which comprises this chapter.

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 subsecs. (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. 403f(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.

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

Pub. L. 112-74, div. A, title VIII, § 8045(b), Dec. 23, 2011, 125 Stat. 817, 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. 112-10, 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.

#### § 403g. 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 403-1(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,