

cepted 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).

§ 403m. 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 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.

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.

§ 403n. Special provisions for spouses of Central Intelligence Agency employees applicable to Agency participants in Civil Service Retirement and Disability System

(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 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

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 401 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 401 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.

§ 403o. 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 403f(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, as added 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 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.

Provisions of this section were also enacted by the Intelligence Authorization Act for fiscal year 1985, Pub. L. 98-618, title IV, § 401, Nov. 8, 1984, 98 Stat. 3301.

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,