

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

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 3001 of this title.

**§ 3324. Prohibition on using journalists as agents or assets**

**(a) Policy**

It is the policy of the United States that an element of the Intelligence Community may not use as an agent or asset for the purposes of collecting intelligence any individual who—

(1) is authorized by contract or by the issuance of press credentials to represent himself or herself, either in the United States or abroad, as a correspondent of a United States news media organization; or

(2) is officially recognized by a foreign government as a representative of a United States media organization.

**(b) Waiver**

Pursuant to such procedures as the President may prescribe, the President or the Director of

Central Intelligence may waive subsection (a) of this section in the case of an individual if the President or the Director, as the case may be, makes a written determination that the waiver is necessary to address the overriding national security interest of the United States. The Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate shall be notified of any waiver under this subsection.

**(c) Voluntary cooperation**

Subsection (a) of this section shall not be construed to prohibit the voluntary cooperation of any person who is aware that the cooperation is being provided to an element of the United States Intelligence Community.

(Pub. L. 104-293, title III, § 309, Oct. 11, 1996, 110 Stat. 3467.)

CODIFICATION

Section was formerly classified to section 403-7 of this title prior to editorial reclassification and renumbering as this section.

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 3001 of this title.

**§ 3325. Reaffirmation of longstanding prohibition against drug trafficking by employees of the intelligence community**

**(a) Finding**

Congress finds that longstanding statutes, regulations, and policies of the United States prohibit employees, agents, and assets of the elements of the intelligence community, and of every other Federal department and agency, from engaging in the illegal manufacture, purchase, sale, transport, and distribution of drugs.

**(b) Obligation of employees of intelligence community**

Any employee of the intelligence community having knowledge of a fact or circumstance that reasonably indicates that an employee, agent, or asset of an element of the intelligence community is involved in any activity that violates a statute, regulation, or policy described in subsection (a) of this section shall report such knowledge to an appropriate official.

**(c) Intelligence community defined**

In this section, the term "intelligence community" has the meaning given that term in section 3003(4) of this title.

(Pub. L. 106-120, title III, § 313, Dec. 3, 1999, 113 Stat. 1615.)

CODIFICATION

Section was formerly classified to section 403-8 of this title prior to editorial reclassification and renumbering as this section.

**§ 3326. Limitation of expenditure of funds appropriated for Department of Defense intelligence programs**

During the current fiscal year and hereafter, none of the funds appropriated for intelligence programs to the Department of Defense which are transferred to another Federal agency for execution shall be expended by the Department of Defense in any fiscal year in excess of amounts required for expenditure during such fiscal year by the Federal agency to which such funds are transferred.

(Pub. L. 102-172, title VIII, §8089, Nov. 26, 1991, 105 Stat. 1193.)

CODIFICATION

Section was formerly classified as a note under section 414 of this title prior to editorial reclassification as this section.

**§ 3327. Limitation on transfer of funds between CIA and Department of Defense; congressional notification required**

During the current fiscal year and thereafter, no funds may be made available through transfer, reprogramming, or other means between the Central Intelligence Agency and the Department of Defense for any intelligence or special activity different from that previously justified to the Congress unless the Director of Central Intelligence or the Secretary of Defense has notified the House and Senate Appropriations Committees of the intent to make such funds available for such activity.

(Pub. L. 103-139, title VIII, §8107, Nov. 11, 1993, 107 Stat. 1464.)

CODIFICATION

Section was formerly classified as a note under section 414 of this title prior to editorial reclassification as this section.

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 3001 of this title.

SIMILAR PROVISIONS

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

Pub. L. 102-396, title IX, §9014, Oct. 6, 1992, 106 Stat. 1903.

Pub. L. 102-172, title VIII, §8014, Nov. 26, 1991, 105 Stat. 1174.

Pub. L. 101-511, title VIII, §8015, Nov. 5, 1990, 104 Stat. 1878.

Pub. L. 101-165, title IX, §9022, Nov. 21, 1989, 103 Stat. 1134.

Pub. L. 100-463, title VIII, §8035, Oct. 1, 1988, 102 Stat. 2270-23.

Pub. L. 100-202, §101(b) [title VIII, §8037], Dec. 22, 1987, 101 Stat. 1329-43, 1329-68.

**§ 3328. Study or plan of surrender; use of appropriations**

No part of the funds appropriated in any act shall be used to pay (1) any person, firm, or cor-

poration, or any combinations of persons, firms, or corporations, to conduct a study or to plan when and how or in what circumstances the Government of the United States should surrender this country and its people to any foreign power, (2) the salary or compensation of any employee or official of the Government of the United States who proposes or contracts or who has entered into contracts for the making of studies or plans for the surrender by the Government of the United States of this country and its people to any foreign power in any event or under any circumstances.

(Pub. L. 85-766, ch. XVI, §1602, Aug. 27, 1958, 72 Stat. 884.)

CODIFICATION

Section was formerly classified to section 407 of this title prior to editorial reclassification and renumbering as this section.

**§ 3329. Intelligence community contracting**

**(a) In general**

The Director of National Intelligence shall direct that elements of the intelligence community, whenever compatible with the national security interests of the United States and consistent with the operational and security concerns related to the conduct of intelligence activities, and where fiscally sound, shall award contracts in a manner that would maximize the procurement of products in the United States.

**(b) Intelligence community defined**

In this section, the term "intelligence community" has the meaning given that term in section 3003(4) of this title.

(Pub. L. 102-183, title IV, §403, Dec. 4, 1991, 105 Stat. 1267; Pub. L. 111-259, title VIII, §810, Oct. 7, 2010, 124 Stat. 2750.)

CODIFICATION

Section was formerly classified to section 403-2 of this title prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior authorization act: Pub. L. 102-88, title IV, §404, Aug. 14, 1991, 105 Stat. 434.

AMENDMENTS

2010—Pub. L. 111-259 added subsec. (b), designated existing provisions as subsec. (a), inserted heading, substituted "Director of National Intelligence" for "Director of Central Intelligence" and "intelligence community" for "Intelligence Community", and struck out at end "For purposes of this provision, the term 'Intelligence Community' has the same meaning as set forth in paragraph 3.4(f) of Executive Order 12333, dated December 4, 1981, or successor orders."

ENHANCED PROCUREMENT AUTHORITY TO MANAGE SUPPLY CHAIN RISK

Pub. L. 112-87, title III, §309, Jan. 3, 2012, 125 Stat. 1883, provided that:

"(a) DEFINITIONS.—In this section:

"(1) COVERED AGENCY.—The term 'covered agency' means any element of the intelligence community other than an element within the Department of Defense.

"(2) COVERED ITEM OF SUPPLY.—The term 'covered item of supply' means an item of information tech-