

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) 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) 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) 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.