

(Pub. L. 108-458, title I, §1041, Dec. 17, 2004, 118 Stat. 3678; Pub. L. 112-87, title III, §311(a), Jan. 3, 2012, 125 Stat. 1886.)

#### Editorial Notes

##### CODIFICATION

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

##### AMENDMENTS

2012—Subsec. (b)(3), (4). Pub. L. 112-87 struck out pars. (3) and (4) which read as follows:

“(3) Not later than one year after December 17, 2004, and annually thereafter, the Director shall submit to Congress a report on the requirements identified under paragraph (1), including the success of the Office of the Director of National Intelligence in meeting such requirements. Each report shall notify Congress of any additional resources determined by the Director to be required to meet such requirements.

“(4) Each report under paragraph (3) shall be in unclassified form, but may include a classified annex.”

#### Statutory Notes and Related Subsidiaries

##### 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.

##### PILOT PROJECT ON CIVILIAN LINGUIST RESERVE CORPS

Pub. L. 109-364, div. A, title IX, §944(a)(1), Oct. 17, 2006, 120 Stat. 2366, transferred administration of pilot project on establishment of Civilian Linguist Reserve Corps required by section 613 of the Intelligence Authorization Act for Fiscal Year 2005 [Pub. L. 108-487, formerly set out as a note below] from Director of National Intelligence to Secretary of Defense.

Pub. L. 109-163, div. A, title XI, §1124, Jan. 6, 2006, 119 Stat. 3454, authorized Secretary of Defense to support implementation of Civilian Linguist Reserve Corps pilot project authorized by section 613 of the Intelligence Authorization Act for Fiscal Year 2005 [Pub. L. 108-487, formerly set out as a note below], subject to availability of appropriated funds.

Pub. L. 108-487, title VI, §613, Dec. 23, 2004, 118 Stat. 3959, as amended by Pub. L. 109-364, div. A, title IX, §944(a)(2), (b)-(e), Oct. 17, 2006, 120 Stat. 2366, provided that Secretary of Defense, in coordination with Director of National Intelligence, shall conduct five-year pilot project to assess feasibility and advisability of establishing Civilian Linguist Reserve Corps comprised of United States citizens with advanced levels of proficiency in foreign languages who would be available upon the call of the Secretary to perform such service or duties with respect to such foreign languages in the intelligence community as the Secretary may specify and provided that the Secretary shall submit final report on project to Congress six months after completion of project.

#### § 3323. 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.)

#### Editorial Notes

##### 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).

#### Statutory Notes and Related Subsidiaries

##### 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.)

**Editorial Notes**

CODIFICATION

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

**Statutory Notes and Related Subsidiaries**

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.)

**Editorial Notes**

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.)

**Editorial Notes**

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.)

**Editorial Notes**

CODIFICATION

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

**Statutory Notes and Related Subsidiaries**

CHANGE OF NAME

Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the