

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.)

Editorial Notes

CODIFICATION

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

Statutory Notes and Related Subsidiaries

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.

§ 3514. Retirement equity for spouses of certain employees

(a) Manner and extent of applicability

The provisions of sections 2002, 2031(b)(1)–(3), 2031(f), 2031(g), 2031(i)(2), 2031(j), 2031(m), 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; Pub. L. 116-92, div. E, title LXII, §6202(a)(2)(B), Dec. 20, 2019, 133 Stat. 2185.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 403n of this title prior to editorial reclassification and renumbering as this section. Some section numbers of this title referenced in amendment notes below reflect the classification of such sections prior to their editorial reclassification.

AMENDMENTS

2019—Subsec. (a). Pub. L. 116-92 substituted “2031(i)(2), 2031(j), 2031(m),” for “2031(h)(2), 2031(i), 2031(l),”.

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,”.

Statutory Notes and Related Subsidiaries

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 3001 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 3001 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.

§ 3515. 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 yards;

(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 yards.

(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), or designated by the Director under section 3506(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, and 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; Pub. L. 116-92, div. E, title LXIV, §6413, Dec. 20, 2019, 133 Stat. 2198.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 4030 of this title prior to editorial reclassification and renumbering as this section.

Pub. L. 98-473, title I, §140 and Pub. L. 98-618, title IV, §401, added substantially identical sections 15 to act June 20, 1949, ch. 227. This section is based on the section 15 of act June 20, 1949, ch. 227, as added by Pub. L. 98-618.

AMENDMENTS

2019—Subsec. (a)(1)(B). Pub. L. 116-92, §6413(1), substituted “500 yards;” for “500 feet;”.

Subsec. (a)(1)(D). Pub. L. 116-92, §6413(2), substituted “500 yards.” for “500 feet.”.

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, 1998, and annually thereafter, the Director shall submit a report to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate that describes in detail the exercise of the authority granted by this subsection, and the underlying facts supporting the exercise of such authority, during the preceding fiscal year. The Director shall make such report available to the Inspector General of the Central Intelligence Agency.”

1997—Subsec. (a)(1). Pub. L. 105-107, §404(1), (2), inserted “(1)” after “(a)”, substituted “powers—” for “powers only within Agency installations, and the rules and regulations enforced by such personnel shall be rules and regulations promulgated by the Director.”, and added subpars. (A) to (D).

Subsec. (a)(2) to (5). Pub. L. 105-107, §404(3), added pars. (2) to (5).

Statutory Notes and Related Subsidiaries

DESIGNATION OF HEADQUARTERS COMPOUND OF CENTRAL INTELLIGENCE AGENCY AS THE GEORGE BUSH CENTER FOR INTELLIGENCE

Reference to the headquarters compound of the Central Intelligence Agency deemed to be a reference to the George Bush Center for Intelligence, see section 309 of Pub. L. 105-272, set out as a note under section 3501 of this title.

§ 3516. Health benefits for certain former spouses of Central Intelligence Agency employees

(a) Persons eligible

Except as provided in subsection (e), any individual—

(1) formerly married to an employee or former employee of the Agency, whose marriage was dissolved by divorce or annulment before May 7, 1985;

(2) who, at any time during the eighteen-month period before the divorce or annulment became final, was covered under a health benefits plan as a member of the family of such employee or former employee; and

(3) who was married to such employee for not less than ten years during periods of service by such employee with the Agency, at least five years of which were spent outside the United States by both the employee and the former spouse,

is eligible for coverage under a health benefits plan in accordance with the provisions of this section.

(b) Enrollment for health benefits

(1) Any individual eligible for coverage under subsection (a) may enroll in a health benefits plan for self alone or for self and family if, before the expiration of the six-month period beginning on October 1, 1986, and in accordance with such procedures as the Director of the Office of Personnel Management shall by regulation prescribe, such individual—

(A) files an election for such enrollment; and

(B) arranges to pay currently into the Employees Health Benefits Fund under section 8909 of title 5 an amount equal to the sum of the employee and agency contributions payable in the case of an employee enrolled under chapter 89 of such title in the same health benefits plan and with the same level of benefits.

(2) The Director of the Central Intelligence Agency shall, as soon as possible, take all steps practicable—

(A) to determine the identity and current address of each former spouse eligible for coverage under subsection (a); and

(B) to notify each such former spouse of that individual's rights under this section.

(3) The Director of the Office of Personnel Management, upon notification by the Director of the Central Intelligence Agency, shall waive the six-month limitation set forth in paragraph (1) in any case in which the Director of the Central Intelligence Agency determines that the circumstances so warrant.

(c) Eligibility of former wives or husbands

(1) Notwithstanding subsections (a) and (b) and except as provided in subsections (d), (e), and (f), an individual—

(A) who was divorced on or before December 4, 1991, from a participant or retired participant in the Central Intelligence Agency Retirement and Disability System or the Federal Employees Retirement System Special Category;

(B) who was married to such participant for not less than ten years during the participant's creditable service, at least five years of which were spent by the participant during the participant's service as an employee of the Agency outside the United States, or otherwise in a position the duties of which qualified the participant for designation by the Director as a participant under section 2013 of this title; and

(C) who was enrolled in a health benefits plan as a family member at any time during the 18-month period before the date of dissolution of the marriage to such participant;

is eligible for coverage under a health benefits plan.

(2) A former spouse eligible for coverage under paragraph (1) may enroll in a health benefits plan in accordance with subsection (b)(1), except that the election for such enrollment must be submitted within 60 days after the date on which the Director notifies the former spouse of such individual's eligibility for health insurance coverage under this subsection.

(d) Continuation of eligibility

Notwithstanding subsections (a), (b), and (c) and except as provided in subsections (e) and (f), an individual divorced on or before December 4, 1991, from a participant or retired participant in the Central Intelligence Agency Retirement and Disability System or Federal Employees' Retirement System Special Category who enrolled in a health benefits plan following the dissolution of the marriage to such participant may continue enrollment following the death of such participant notwithstanding the termination of the retirement annuity of such individual.

(e) Remarriage before age fifty-five; continued enrollment; restored eligibility

(1) Any former spouse who remarries before age fifty-five is not eligible to make an election under subsection (b)(1).

(2) Any former spouse enrolled in a health benefits plan pursuant to an election under subsection (b)(1) or to subsection (d) may continue the enrollment under the conditions of eligibility which the Director of the Office of Personnel Management shall by regulation prescribe, except that any former spouse who remarries before age fifty-five shall not be eligible for continued enrollment under this section after the end of the thirty-one-day period beginning on the date of remarriage.

(3)(A) A former spouse who is not eligible to enroll or to continue enrollment in a health benefits plan under this section solely because of remarriage before age fifty-five shall be restored to such eligibility on the date such remarriage is dissolved by death, annulment, or divorce.