

Editorial Notes

CODIFICATION

Section was formerly classified to section 403x of this title prior to editorial reclassification and renumbering as this section, and as a note under section 403-4 of this title prior to editorial transfer to section 403x.

Section was enacted as part of the Central Intelligence Agency Voluntary Separation Pay Act, and not as part of the Central Intelligence Agency Act of 1949 which comprises this chapter.

AMENDMENTS

2023—Subsec. (a)(1). Pub. L. 118-31 inserted “and” at end.

2004—Subsec. (a)(1). Pub. L. 108-458, § 1071(d), amended par. (1) generally. Prior to amendment, par. (1) read: “the term ‘Director’ means the Director of Central Intelligence; and”.

Subsecs. (f) to (h). Pub. L. 108-487, § 401(a), redesignated subsec. (g) and (h) as (f) and (g), respectively, and struck out former subsec. (f), which related to termination of payments under this section.

Subsec. (i). Pub. L. 108-487, § 401(b)(1), struck out subsec. (i) which related to remittance of funds.

2002—Subsec. (f). Pub. L. 107-306, § 401(1), substituted “September 30, 2005” for “September 30, 2003”.

Subsec. (i). Pub. L. 107-306, § 401(2), substituted “2003, 2004, or 2005” for “or 2003”.

2001—Subsec. (f). Pub. L. 107-108, § 402(1), substituted “September 30, 2003” for “September 30, 2002”.

Subsec. (i). Pub. L. 107-108, § 402(2), substituted “2002, or 2003” for “or 2002”.

1999—Subsec. (f). Pub. L. 106-120, § 402(a), substituted “September 30, 2002” for “September 30, 1999”.

Subsec. (i). Pub. L. 106-120, § 402(b), substituted “, 1999, 2000, 2001, or 2002” for “or fiscal year 1999”.

1996—Subsec. (f). Pub. L. 104-93, § 401(a), substituted “September 30, 1999” for “September 30, 1997”.

Subsec. (i). Pub. L. 104-293 inserted at end: “The remittance required by this subsection shall be in lieu of any remittance required by section 4(a) of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 8331 note).”

Pub. L. 104-93, § 401(b), added subsec. (i).

1994—Subsec. (b). Pub. L. 103-226, § 8(b), inserted four sentences at end relating to repayment of separation pay requirement.

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.

POST-EMPLOYMENT RESTRICTIONS

Pub. L. 104-293, title IV, § 402, Oct. 11, 1996, 110 Stat. 3468, which authorized the Director of Central Intelligence to prescribe regulations requiring each employee of the Central Intelligence Agency designated by the Director for such purpose to sign a written agreement restricting the activities of the employee upon ceasing employment with the Central Intelligence Agency, was repealed by Pub. L. 117-263, div. F, title LXIII, § 6301(f), Dec. 23, 2022, 136 Stat. 3501.

§ 3519b. Special rules for certain individuals injured by reason of war, insurgency, hostile act, terrorist activities, or incidents designated by the Director

(a) Definitions

In this section:

(1) Covered dependent

The term “covered dependent” means a family member (as defined by the Director) of a covered employee who, on or after September 11, 2001—

(A) accompanies the covered employee to an assigned duty station in a foreign country; and

(B) becomes injured by reason of a qualifying injury.

(2) Covered employee

The term “covered employee” means an officer or employee of the Central Intelligence Agency who, on or after September 11, 2001, becomes injured by reason of a qualifying injury.

(3) Covered individual

The term “covered individual” means an individual who—

(A)(i) is detailed to the Central Intelligence Agency from other agencies of the United States Government or from the Armed Forces; or

(ii) is affiliated with the Central Intelligence Agency, as determined by the Director; and

(B) who, on or after September 11, 2001, becomes injured by reason of a qualifying injury.

(4) Qualifying injury

The term “qualifying injury” means the following:

(A) With respect to a covered dependent, an injury incurred—

(i) during a period in which the covered dependent is accompanying the covered employee to an assigned duty station in a foreign country;

(ii) in connection with war, insurgency, hostile act, terrorist activity, or an incident designated for purposes of this section by the Director; and

(iii) that was not the result of the willful misconduct of the covered dependent.

(B) With respect to a covered employee or a covered individual—

(i) an injury incurred—

(I) during a period of assignment to a duty station in a foreign country;

(II) in connection with war, insurgency, hostile act, or terrorist activity; and

(III) that was not the result of the willful misconduct of the covered employee or the covered individual; or

(ii) an injury incurred—

(I) in connection with an incident designated for purposes of this section by the Director; and

(II) that was not the result of the willful misconduct of the covered employee or the covered individual.

(b) Adjustment of compensation for total disability resulting from certain injuries

(1) Increase

The Director may increase the amount of monthly compensation paid to a covered employee under section 8105 of title 5. Subject to

paragraph (2), the Director may determine the amount of each such increase by taking into account—

- (A) the severity of the qualifying injury;
- (B) the circumstances by which the covered employee became injured; and
- (C) the seniority of the covered employee.

(2) Maximum

Notwithstanding chapter 81 of title 5, the total amount of monthly compensation increased under paragraph (1) may not exceed the monthly pay of the maximum rate of basic pay for GS-15 of the General Schedule under section 5332 of such title.

(c) Costs for treating qualifying injuries

The Director may pay the costs of treating a qualifying injury of a covered employee, a covered individual, or a covered dependent, or may reimburse a covered employee, a covered individual, or a covered dependent for such costs, that are not otherwise covered by chapter 81 of title 5, or other provision of Federal law.

(d) Authority to make payments for qualifying injuries to the brain

(1) Definitions

In this subsection:

(A) Covered dependent

The term “covered dependent” has the meaning given such term in subsection (a), except that the assigned duty station need not be in a foreign country.

(B) Qualifying injury

The term “qualifying injury” has the meaning given such term in subsection (a), except that the assigned duty station need not be in a foreign country.

(2) Authority

Notwithstanding any other provision of law but subject to paragraph (3), the Director may provide payment to a covered dependent, a covered employee, and a covered individual for a qualifying injury to the brain.

(3) Funding

(A) In general

Payment under paragraph (2) in a fiscal year may be made using any funds—

- (i) appropriated specifically for payments under such paragraph; or
- (ii) reprogrammed in accordance with section 3094 of this title.

(B) Budget

For each fiscal year, the Director shall include with the budget justification materials submitted to Congress in support of the budget of the President for that fiscal year pursuant to section 1105(a) of title 31 an estimate of the funds required in that fiscal year to make payments under paragraph (2).

(4) Regulations

(A) In general

The Director shall prescribe regulations to carry out this subsection.

(B) Elements

The regulations prescribed under subparagraph (A) shall include regulations detailing

fair and equitable criteria for payment under paragraph (2).

(5) No effect on other benefits

(A) In general

Payments made under paragraph (2) are supplemental to any other benefit furnished by the United States Government for which a covered dependent, covered employee, or covered individual is entitled, and the receipt of such payments may not affect the eligibility of such a person to any other benefit furnished by the United States Government.

(B) Relation to certain Federal workers compensation laws

Without regard to the requirements in sections (b) and (c), covered employees need not first seek benefits provided under chapter 81 of title 5 to be eligible solely for payment authorized under paragraph (2) of this subsection.

(June 20, 1949, ch. 227, §19A, as added Pub. L. 116-92, div. E, title LXIV, §6412(a), Dec. 20, 2019, 133 Stat. 2197; amended Pub. L. 117-46, §2(b), (f), Oct. 8, 2021, 135 Stat. 391, 393; Pub. L. 117-103, div. X, title VI, §603(a), Mar. 15, 2022, 136 Stat. 995; Pub. L. 118-31, div. G, title VIII, §§7801, 7802(a), Dec. 22, 2023, 137 Stat. 1102.)

Editorial Notes

AMENDMENTS

2023—Subsec. (d)(3). Pub. L. 118-31, §7801, added par. (3) and struck out former par. (3). Prior to amendment, text read as follows:

“(A) APPROPRIATIONS REQUIRED.—Payment under paragraph (2) in a fiscal year may only be made using amounts appropriated in advance specifically for payments under such paragraph in such fiscal year.

“(B) MATTER OF PAYMENTS.—Payments under paragraph (2) using amounts appropriated for such purpose shall be made on a first come, first serve, or pro rata basis.

“(C) AMOUNTS OF PAYMENTS.—The total amount of funding obligated for payments under paragraph (2) may not exceed the amount specifically appropriated for providing payments under such paragraph during its period of availability.”

Subsec. (d)(5). Pub. L. 118-31, §7802(a), designated existing provisions as subpar. (A), inserted heading, and added subpar. (B).

2022—Subsec. (d)(5). Pub. L. 117-103 added par. (5).

2021—Subsec. (b). Pub. L. 117-46, §2(f), inserted “total disability resulting from” before “certain injuries” in heading.

Subsec. (d). Pub. L. 117-46, §2(b), added subsec. (d).

Statutory Notes and Related Subsidiaries

APPLICABILITY

Pub. L. 117-46, §2(c), Oct. 8, 2021, 135 Stat. 392, provided that: “Payment under subsection (d) of such section [meaning 50 U.S.C. 3519b(d)], as added by subsection (b) of this section, may be made available for a qualifying injury to the brain that occurs before, on, or after the date of the enactment of this Act [Oct. 8, 2021] as the Director of the Central Intelligence Agency considers appropriate.”

[For definition of “qualifying injury” as used in section 2(c) of Pub. L. 117-46, set out above, see section 2(a) of Pub. L. 117-46, set out below.]

Pub. L. 116-92, div. E, title LXIV, §6412(c), Dec. 20, 2019, 133 Stat. 2198, provided that: “Section 19A of the

Central Intelligence Agency Act of 1949 [50 U.S.C. 3519b], as added by subsection (a), shall apply with respect to—

“(1) payments made to covered employees (as defined in such section) under section 8105 of title 5, United States Code, beginning on or after the date of the enactment of this Act [Dec. 20, 2019]; and

“(2) treatment described in subsection (b) of such section 19A occurring on or after the date of the enactment of this Act.”

REGULATIONS

Pub. L. 118–31, div. G, title VIII, § 7802(b), Dec. 22, 2023, 137 Stat. 1103, provided that: “Not later than 90 days after the date of the enactment of this Act [Dec. 22, 2023], the Director of the Central Intelligence Agency shall—

“(1) revise applicable regulations to conform with the amendment made by subsection (a) [amending this section]; and

“(2) submit to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives copies of such regulations, as revised pursuant to paragraph (1).”

[For definition of “congressional intelligence committees” as used in section 7802(b) of Pub. L. 118–31, set out above, see section 7002 of Pub. L. 118–31, set out as a note under section 3003 of this title.]

Pub. L. 117–46, § 2(e), Oct. 8, 2021, 135 Stat. 393, provided that:

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [Oct. 8, 2021], the Director shall prescribe regulations required under section 19A(d)(4)(A) of such Act [meaning act June 20, 1949, 50 U.S.C. 3519b(d)(4)(A)], as added by subsection (b) of this section.

“(2) NOTICE TO CONGRESS.—Not later than 210 days after the date of the enactment of this Act, the Director shall submit to the appropriate congressional committees the regulations prescribed in accordance with paragraph (1).”

[For definition of “appropriate congressional committees” as used in section 2(e) of Pub. L. 117–46, set out above, see section 2(a) of Pub. L. 117–46, set out below.]

Pub. L. 116–92, div. E, title LXIV, § 6412(b), Dec. 20, 2019, 133 Stat. 2198, provided that: “Not later than 120 days after the date of the enactment of this Act [Dec. 20, 2019], the Director of the Central Intelligence Agency shall—

“(1) prescribe regulations ensuring the fair and equitable implementation of section 19A of the Central Intelligence Agency Act of 1949 [50 U.S.C. 3519b], as added by subsection (a); and

“(2) submit to the congressional intelligence committees such regulations.”

[For definition of “congressional intelligence committees” as used in section 6412(b) of Pub. L. 116–92, set out above, see section 5003 of div. E of Pub. L. 116–92, set out as a note under section 3003 of this title.]

INTELLIGENCE COMMUNITY IMPLEMENTATION OF HAVANA ACT OF 2021 AUTHORITIES

Pub. L. 118–31, div. G, title VIII, § 7803, Dec. 22, 2023, 137 Stat. 1103, provided that:

“(a) REGULATIONS.—Except as provided in subsection (c), not later than 180 days after the date of the enactment of this Act [Dec. 22, 2023], each head of an element of the intelligence community that has not already done so shall—

“(1) issue regulations and procedures to implement the authorities provided by section 19A(d) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3519b(d)) and section 901(i) of title IX of division J of the Further Consolidated Appropriations Act, 2020 (22 U.S.C. 2680b(i)) to provide payments under such sec-

tions, to the degree that such authorities are applicable to the head of the element; and

“(2) submit to the congressional intelligence committees, the Committee on Armed Services and the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Committee on Armed Services and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives copies of such regulations.

“(b) REPORTING.—Not later than 210 days after the date of the enactment of this Act, each head of an element of the intelligence community shall submit to the congressional intelligence committees, the Committee on Armed Services and the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Committee on Armed Services and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives a report on—

“(1) the estimated number of individuals associated with their element that may be eligible for payment under the authorities described in subsection (a)(1);

“(2) an estimate of the obligation that the head of the intelligence community element expects to incur in fiscal year 2025 as a result of establishing the regulations pursuant to subsection (a)(1); and

“(3) any perceived barriers or concerns in implementing such authorities.

“(c) ALTERNATIVE REPORTING.—Not later than 180 days after the date of the enactment of this Act, each head of an element of the intelligence community (other than the Director of the Central Intelligence Agency) who believes that the authorities described in subsection (a)(1) are not currently relevant for individuals associated with their element, or who are not otherwise in position to issue the regulations and procedures required by subsection (a)(1) shall provide written and detailed justification to the congressional intelligence committees, the Committee on Armed Services and the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Committee on Armed Services and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives to explain this position.”

[For definitions of “intelligence community” and “congressional intelligence committees” as used in section 7803 of Pub. L. 118–31, set out above, see section 7002 of Pub. L. 118–31, set out as a note under section 3003 of this title.]

DEFINITIONS

Pub. L. 117–46, § 2(a), Oct. 8, 2021, 135 Stat. 391, provided that:

“(a) DEFINITIONS.—In this section [amending this section and enacting provisions set out as notes above]:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ mean—

“(A) the congressional intelligence committees (as that term is defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003));

“(B) the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate; and

“(C) the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives.

“(2) COVERED DEPENDENT.—The term ‘covered dependent’ has the meaning given such term in subsection (d)(1) of section 19 [probably should be “19A”] of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3519) [50 U.S.C. 3519b], as added by subsection (b).

“(3) COVERED EMPLOYEE.—The term ‘covered employee’ has the meaning given such term in section 19A(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3519b(a)).

“(4) COVERED INDIVIDUAL.—The term ‘covered individual’ has the meaning given such term in section 19A(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3519b(a)).

“(5) QUALIFYING INJURY.—The term ‘qualifying injury’ has the meaning given such term in subsection

(d)(1) of section 19 [probably should be “19A”] of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3519) [50 U.S.C. 3519b], as added by subsection (b).”

§ 3520. General Counsel of Central Intelligence Agency

(a) Appointment

There is a General Counsel of the Central Intelligence Agency, appointed from civilian life by the President, by and with the advice and consent of the Senate.

(b) Chief legal officer

The General Counsel is the chief legal officer of the Central Intelligence Agency.

(c) Functions

The General Counsel of the Central Intelligence Agency shall perform such functions as the Director may prescribe.

(June 20, 1949, ch. 227, § 20, as added Pub. L. 104-293, title VIII, § 813(a), Oct. 11, 1996, 110 Stat. 3483; amended Pub. L. 108-458, title I, § 1071(b)(2)(D), Dec. 17, 2004, 118 Stat. 3690.)

Editorial Notes

CODIFICATION

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

AMENDMENTS

2004—Subsec. (c). Pub. L. 108-458 struck out “of Central Intelligence” after “Director”.

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.

APPLICABILITY OF APPOINTMENT REQUIREMENTS

Pub. L. 104-293, title VIII, § 813(b), Oct. 11, 1996, 110 Stat. 3483, provided that: “The requirement established by section 20 of the Central Intelligence Agency Act of 1949 [50 U.S.C. 3520], as added by subsection (a), for the appointment by the President, by and with the advice and consent of the Senate, of an individual to the position of General Counsel of the Central Intelligence Agency shall apply as follows:

“(1) To any vacancy in such position that occurs after the date of the enactment of this Act [Oct. 11, 1996].

“(2) To the incumbent serving in such position on the date of the enactment of this Act as of the date that is six months after such date of enactment, if such incumbent has served in such position continuously between such date of enactment and the date that is six months after such date of enactment.”

§ 3521. Central services program

(a) In general

The Director may carry out a program under which elements of the Agency provide items and

services on a reimbursable basis to other elements of the Agency, nonappropriated fund entities or instrumentalities associated or affiliated with the Agency, and other Government agencies. The Director shall carry out the program in accordance with the provisions of this section.

(b) Participation of Agency elements

(1) In order to carry out the program, the Director shall—

(A) designate the elements of the Agency that are to provide items or services under the program (in this section referred to as “central service providers”);

(B) specify the items or services to be provided under the program by such providers;

(C) assign to such providers for purposes of the program such inventories, equipment, and other assets (including equipment on order) as the Director determines necessary to permit such providers to provide items or services under the program; and

(D) authorize such providers to make known their services to the entities specified in subsection (a) through Government communication channels.

(2) The designation of elements and the specification of items and services under paragraph (1) shall be subject to the approval of the Director of the Office of Management and Budget.

(3) The authority in paragraph (1)(D) does not include the authority to distribute gifts or promotional items.

(c) Central Services Working Capital Fund

(1) There is established a fund to be known as the Central Services Working Capital Fund (in this section referred to as the “Fund”). The purpose of the Fund is to provide sums for activities under the program.

(2) There shall be deposited in the Fund the following:

(A) Amounts appropriated to the Fund.

(B) Amounts credited to the Fund from payments received by central service providers under subsection (e).

(C) Fees imposed and collected under subsection (f)(1).

(D) Amounts received in payment for loss or damage to equipment or property of a central service provider as a result of activities under the program.

(E) Other receipts from the sale or exchange of equipment, recyclable materials, or property of a central service provider as a result of activities under the program.

(F) Receipts from individuals in reimbursement for utility services and meals provided under the program.

(G) Receipts from individuals for the rental of property and equipment under the program.

(H) Such other amounts as the Director is authorized to deposit in or transfer to the Fund.

(3) Amounts in the Fund shall be available, without fiscal year limitation, for the following purposes:

(A) To pay the costs of providing items or services under the program.

(B) To pay the costs of carrying out activities under subsections (b)(1)(D) and (f)(2).