Chapter 36—National Security Agency

§ 3601. Short title

This chapter may be cited as the “National Security Agency Act of 1959”.

§ 3602. Director of the Agency and Director of Compliance

(a)(1) There is a Director of the National Security Agency.

(2) The Director of the National Security Agency shall be appointed by the President, by and with the advice and consent of the Senate.

(3) The Director of the National Security Agency shall be the head of the National Security Agency and shall discharge such functions and duties as are provided by this chapter or otherwise by law or executive order.

(b) There is a Director of Compliance of the National Security Agency, who shall be appointed by the Director of the National Security Agency and who shall be responsible for the programs of compliance over mission activities of the National Security Agency.


“(1) IN GENERAL.—The President may designate the Director of the National Security Agency as a position of importance and responsibility under section 601 of title 10, United States Code.

“(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on the date of the enactment of this Act [July 7, 1974].”

REFERENCES IN TEXT

The first section and section 2 of the Act of August 28, 1935, referred to in subsection (a), are sections 1 and 2 of act Aug. 28, 1935, ch. 795, 49 Stat. 956, 957, which were classified to section 634 of former Title 5, Executive Departments and Government Officers and Employees, prior to repeal by Pub. L. 86–626, title I, § 101, July 12, 1960, 74 Stat. 427.


§ 3604. Additional compensation

 Officers and employees of the National Security Agency who are citizens or nationals of the United States may be granted additional compensation, in accordance with regulations which shall be prescribed by the Secretary of Defense, not in excess of additional compensation authorized by section 5941 of Title 5, for employees whose rates of basic compensation are fixed by statute.


CODIFICATION

Section was formerly classified in a note under section 402 of this title and repealed prior to editorial reclassification as this section.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1996, see section 1635 of Pub. L. 104–201, set out as an Effective Date of 1996 Amendment note under section 1585 of Title 10, Armed Forces.

§ 3605. Disclosure of Agency’s organization, function, activities, or personnel

(a) Except as provided in subsection (b) of this section, nothing in this chapter or any other law (including, but not limited to, the first section and section 2 of the Act of August 28, 1935) shall be construed to require the disclosure of the organization or any function of the National Security Agency, or any information with respect to the activities thereof, or of the names, titles, salaries, or number of the persons employed by such agency.

(b) The reporting requirements of section 1582 of title 10 shall apply to positions established in the National Security Agency in the manner provided by section 3603 of this title.

(Pub. L. 86–36, § 6, May 29, 1959, 73 Stat. 64.)

REFERENCES IN TEXT

The first section and section 2 of the Act of August 28, 1935, referred to in subsection (a), are sections 1 and 2 of Act Aug. 28, 1935, ch. 795, 49 Stat. 956, 957, which were classified to section 634 of former Title 5, Executive Departments and Government Officers and Employees, prior to repeal by Pub. L. 86–626, title I, § 101, July 12, 1960, 74 Stat. 427.


Section, Pub. L. 89–554, § 7, May 29, 1969, 73 Stat. 64, relating to reduction in number of positions in certain grades authorized by section 1105(b) of former Title 5, Executive Departments and Government Officers and Employees, by the number of positions in such grades allocated to the National Security Agency on effective date of section.

CODIFICATION

Section was formerly classified in a note under section 402 of this title prior to editorial reclassification as this section.

EFFECTIVE DATE

Section effective on the first day of the first pay period which begins later than the thirtieth day following May 29, 1959, see section 8 of Pub. L. 86–36, set out as a note under section 3604 of this title.

§ 3607. Support for activities and personnel outside the United States

(a) Leasing of real property

Notwithstanding section 322 of the Act of June 30, 1932, section 5336 of title 5, and section 2675 of title 10, the Director of the National Security Agency, on behalf of the Secretary of Defense, may lease real property outside the United States, for periods not exceeding ten years, for the use of the National Security Agency for special cryptographic activities and for housing for personnel assigned to such activities.

(b) Allowances and benefits, housing, and retirement accrual

The Director of the National Security Agency, on behalf of the Secretary of Defense, may provide to certain civilian and military personnel of the Department of Defense who are assigned to special cryptographic activities outside the United States and who are designated by the

1 See References in Text note below.

1654, 1654A–311.

1654A–311.

1654, 1654A–311.

1654A–311.

1654A–311.

1654A–311.

1654A–311.

1654A–311.
Secretary of Defense for the purposes of this section—

(1) allowances and benefits—

(A) comparable to those provided by the Secretary of State to members of the Foreign Service under chapter 9 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4081 et seq.) or any other provision of law; and

(B) in the case of selected personnel serving in circumstances similar to those in which personnel of the Central Intelligence Agency serve, comparable to those provided by the Director of Central Intelligence to personnel of the Central Intelligence Agency;

(2) housing (including heat, light, and household equipment) without cost to such personnel, if the Director of the National Security Agency, on behalf of the Secretary of Defense determines that it would be in the public interest to provide such housing; and

(3) special retirement accrual in the same manner provided in section 2153 of this title and in section 3518 of this title.

(c) Authority subject to availability of appropriated funds

The authority of the Director of the National Security Agency, on behalf of the Secretary of Defense, to make payments under subsections (a) and (b), and under contracts for leases entered into under subsection (a), is effective for any fiscal year only to the extent that appropriated funds are available for such purpose.

(d) Members of Armed Forces

Members of the Armed Forces may not receive benefits under both subsection (b)(1) and title 37 for the same purpose. The Secretary of Defense shall prescribe such regulations as may be necessary to carry out this subsection.

(e) Regulations

Regulations issued pursuant to subsection (b)(1) shall be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate before such regulations take effect.

References in Text


Codification

Section was formerly classified in a note under section 402 of this title prior to editorial reclassification 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


1989—Subsec. (b). Pub. L. 101–193 substituted a semicolon for “(including special retirement accrual in the same manner provided in section 303 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note))” at end of subpar. (B) of par. (1) and added par. (3).


1981—Subsec. (b)(1). Pub. L. 97–89, § 601(a), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “allowances and benefits comparable to those provided by the Secretary of State to officers and employees of the Foreign Service under paragraphs (1), (2), (7), (9), (10), and (11) of section 1136, and under sections 1137, 1138a, 1148, 1156, 1157, and 1160, of title 22; and”.

Subsecs. (d), (e). Pub. L. 97–89, § 601(b), added subsecs. (d) and (e).

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, and 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.

Effective Date of 1992 Amendment

Amendment by Pub. L. 102–496 effective on the first day of the fourth month beginning after Oct. 24, 1992, see section 806 of Pub. L. 102–496, set out as an Effective Date note under section 2001 of this title.

Effective Date of 1986 Amendment

Amendment by Pub. L. 99–335 effective Jan. 1, 1987, see section 762(a) of Pub. L. 99–335, set out as an Effective Date note under section 8401 of Title 3, Government Organization and Employees.

Effective Date of 1981 Amendment

Amendment by Pub. L. 97–89 effective Oct. 1, 1981, see section 806 of Pub. L. 97–89, set out as an Effective Date note under section 1621 of Title 10, Armed Forces.

§ 3608. Language training and cryptologic linguist reserve programs

Reference to the Director of National Intelligence, and 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, and 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.

References in Text


(a) Programs

The Director of the National Security Agency shall arrange for, and shall prescribe regulations concerning, language and language-related training programs for military and civilian cryptologic personnel. In establishing programs under this section for language and language-related training, the Director—

(1) may provide for the training and instruction to be furnished, including functional and geographic area specializations;
(2) may arrange for training and instruction through other Government agencies and, in any case in which appropriate training or instruction is unavailable through Government facilities, through nongovernmental facilities that furnish training and instruction useful in the fields of language and foreign affairs;

(3) may support programs that furnish necessary language and language-related skills, including, in any case in which appropriate programs are unavailable at Government facilities, support through contracts, grants, or cooperation with nongovernmental educational institutions; and

(4) may obtain by appointment or contract the services of individuals to serve as language instructors, linguists, or special language project personnel.

(b) Incentives

(1) In order to maintain necessary capability in foreign language skills and related abilities needed by the National Security Agency, the Director, without regard to subchapter IV of chapter 55 of title 5, may provide special monetary or other incentives to encourage civilian cryptologic personnel of the Agency to acquire or retain proficiency in foreign languages or special related abilities needed by the Agency.

(2) In order to provide linguistic training and support for cryptologic personnel, the Director—

(A) may pay all or part of the tuition and other expenses related to the training of personnel who are assigned or detailed for language and language-related training, orientation, or instruction; and

(B) may pay benefits and allowances to civilian personnel in accordance with chapters 57 and 59 of title 5, and applicable provisions of title 10, when such personnel are assigned to training at sites away from their designated duty station.

(c) Cryptologic linguist reserve

(1) To the extent not inconsistent, in the opinion of the Secretary of Defense, with the operation of military cryptologic reserve units and in order to maintain necessary capability in foreign language skills and related abilities needed by the National Security Agency, the Director may establish a cryptologic linguist reserve. The cryptologic linguist reserve may consist of former or retired civilian or military cryptologic personnel of the National Security Agency and of other qualified individuals, as determined by the Director of the Agency. Each member of the cryptologic linguist reserve shall agree that, during any period of emergency (as determined by the Director), the member shall return to active civilian status with the National Security Agency and shall perform such linguistic or language-related duties as the Director may assign.

(2) In order to attract individuals to become members of the cryptologic linguist reserve, the Director, without regard to subchapter IV of chapter 55 of title 5, may provide special monetary incentives to individuals eligible to become members of the reserve who agree to become members of the cryptologic linguist reserve and to acquire or retain proficiency in foreign languages or special related abilities.

(3) In order to provide training and support for members of the cryptologic linguist reserve, the Director—

(A) may pay all or part of the tuition and other expenses related to the training of individuals in the cryptologic linguist reserve who are assigned or detailed for language and language-related training, orientation, or instruction; and

(B) may pay benefits and allowances in accordance with chapters 57 and 59 of title 5 to individuals in the cryptologic linguist reserve who are assigned to training at sites away from their homes or regular places of business.

(d) Training agreements

(1) The Director, before providing training under this section to any individual, may obtain an agreement with that individual that—

(A) in the case of current employees, pertains to continuation of service of the employee, and repayment of the expenses of such training for failure to fulfill the agreement, consistent with the provisions of section 4108 of title 5; and

(B) in the case of individuals accepted for membership in the cryptologic linguist reserve, pertains to return to service when requested, and repayment of the expenses of such training for failure to fulfill the agreement, consistent with the provisions of section 4108 of title 5.

(2) The Director, under regulations prescribed under this section, may waive, in whole or in part, a right of recovery under an agreement made under this subsection if it is shown that the recovery would be against equity and good conscience or against the public interest.

(e) Orientation and language training for family members

(1) Subject to paragraph (2), the Director may provide to family members of military and civilian cryptologic personnel assigned to representational duties outside the United States, in anticipation of the assignment of such personnel outside the United States or while outside the United States, appropriate orientation and language training that is directly related to the assignment abroad.

(2) Language training under paragraph (1) may not be provided to any individual through payment of the expenses of tuition or other cost of instruction at a non-Government educational institution unless appropriate instruction is not available at a Government facility.

(f) Waiver chapter 41 of title 5

The Director may waive the applicability of any provision of chapter 41 of title 5 to any provision of this section if he finds that such waiver is important to the performance of cryptologic functions.

(g) Authority subject to availability of appropriated funds

The authority of the Director to enter into contracts or to make grants under this section is effective for any fiscal year only to the extent that appropriated funds are available for such purpose.
(h) Regulations

Regulations issued pursuant to this section shall be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate before such regulations take effect.

(i) Travel, transportation, storage, and subsistence expenses

The Director of the National Security Agency, on behalf of the Secretary of Defense, may, without regard to section 4109(a)(2)(B) of title 5, pay travel, transportation, storage, and subsistence expenses under chapter 57 of such title to civilian and military personnel of the Department of Defense who are assigned to duty outside the United States for a period of one year or longer which involves cryptologic training, language training, or related disciplines.


COMPARISON

Section was formerly classified in a note under section 1315(b)(2) of title 40.

AMENDMENTS

1981—Pub. L. 97–89 added subsec. (a) to (h) and redesignated existing provisions as subsec. (i).

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–89 effective Oct. 1, 1981, see section 806 of Pub. L. 97–89, set out as an Effective Date note under section 1621 of Title 10, Armed Forces.

§ 3609. Enhancement of security authorities

(a) Law enforcement authority

(1) The Director of the National Security Agency 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) at the National Security Agency Headquarters complex and at any facilities and protected property which are solely under the administration and control of, or are used exclusively by, the National Security Agency; and

(B) in the streets, sidewalks, and the open areas within the zone beginning at the outside boundary of such facilities or protected property and extending outward 500 feet.

(2) The performance of functions and exercise of powers under subparagraph (B) 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) of paragraph (1).

(5) Agency personnel authorized by the Director under paragraph (1) may transport an individual apprehended under the authority of this section from the premises at which the individual was apprehended, as described in subparagraph (A) or (B) of paragraph (1), for the purpose of transferring such individual to the custody of law enforcement officials. Such transportation may be provided only to make a transfer of custody at a location within 30 miles of the premises described in subparagraphs (A) and (B) of paragraph (1).

(b) Penalties

The Director of the National Security Agency is authorized to establish penalties for violations of the rules or regulations prescribed by the Director under subsection (a). Such penalties shall not exceed those specified in section 1315(c)(2) of title 40.

(c) Identification of designated personnel

Agency personnel designated by the Director of the National Security Agency under subsection (a) shall be clearly identifiable as United States Government security personnel while engaged in the performance of the functions to which subsection (a) refers.

(d) Tort liability

(1) Notwithstanding any other provision of law, agency personnel designated by the Director of the National Security Agency under subsection (a) 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;

(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; or

(D) transport an individual pursuant to subsection (a)(2).

(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.

§ 3610  TITLE 50—WAR AND NATIONAL DEFENSE


CODIFICATION

Section was formerly classified in a note under section 402 of this title prior to editorial reclassification as this section.

AMENDMENTS

2012—Subsec. (a)(5). Pub. L. 112–87, § 421(a), amended par. (5) generally. Prior to amendment, par. (5) read as follows: "Not later than July 1 each year, the Director shall submit to the Permanent Select Committee on Intelligence of the Senate a report that describes 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 National Security Agency.

Subsec. (d)(1)(D), added subpar. (D).

2003—Subsec. (a)(1). Pub. L. 108–177, § 377(c)(1), substituted "officers and agents of the Department of Homeland Security, as provided in section 1515(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 policemen for duty upon Federal property under the jurisdiction of the Federal Works Agency, and for other purposes' (49 U.S.C. 318)."

Subsec. (b), Pub. L. 108–177, § 377(c)(2), substituted "section 1515(c)(2) of title 40" for "the fourth section of the Act referred to in subsection (a) (40 U.S.C. 318c)".

Subsec. (d), Pub. L. 108–177, § 901, added subsec. (d).

2002—Subsec. (a)(5). Pub. L. 107–306 inserted "through 2004" after "Not later than July 1 each year".

2001—Pub. L. 107–108 amended section generally. Prior to amendment, section read as follows: "The Administrator of General Services, upon the application of the Director of the National Security Agency, may provide for the protection in accordance with section 318b of title 40, of certain facilities (as designated by the Director of such Agency) which are under the administration and control of, or are used by, the National Security Agency in the same manner as if such facilities were property of the United States over which the United States has acquired exclusive or concurrent criminal jurisdiction."

§ 3610. Senior Cryptologic Executive Service

(a) Establishment; applicable personnel provisions

(1) The Secretary of Defense (or his designee) may by regulation establish a personnel system for senior civilian cryptologic personnel in the National Security Agency to be known as the Senior Cryptologic Executive Service. The regulations establishing the Senior Cryptologic Executive Service shall—

(A) meet the requirements set forth in section 3131 of title 5 for the Senior Executive Service;

(B) provide that positions in the Senior Cryptologic Executive Service meet requirements that are consistent with the provisions of section 3132(a)(2) of such title;

(C) provide, without regard to section 2, rates of pay for the Senior Cryptologic Executive Service that are not in excess of the maximum rate or less than the minimum rate of basic pay established for the Senior Executive Service under section 5382 of such title, and that are adjusted at the same time and to the same extent as rates of basic pay for the Senior Executive Service are adjusted;

(D) provide a performance appraisal system for the Senior Cryptologic Executive Service that conforms to the provisions of subchapter II of chapter 43 of such title;

(E) provide for removal consistent with section 3592 of such title, and removal or suspension consistent with subsections (a), (b), and (c) of section 7543 of such title (except that any hearing or appeal to which a member of the Senior Cryptologic Executive Service is entitled shall be held or decided pursuant to procedures established by the regulations of the Secretary of Defense or his designee);

(F) permit the payment of performance awards to members of the Senior Cryptologic Executive Service consistent with the provisions applicable to performance awards under section 5384 of such title;

(G) provide that members of the Senior Cryptologic Executive Service may be granted sabbatical leaves consistent with the provisions of section 3396(c) of such title; and

(H) provide for the recertification of members of the Senior Cryptologic Executive Service consistent with the provisions of section 3393a of such title.

(2) Except as otherwise provided in subsection (a), the Secretary of Defense (or his designee) may—

(A) make applicable to the Senior Cryptologic Executive Service any of the provisions of title 5 applicable to applicants for or members of the Senior Executive Service; and

(B) appoint, promote, and assign individuals to positions established within the Senior Cryptologic Executive Service without regard to the provisions of title 5 governing appointments and other personnel actions in the competitive service.

(3) The President, based on the recommendations of the Secretary of Defense, may award ranks to members of the Senior Cryptologic Executive Service in a manner consistent with the provisions of section 4507 of title 5.

(4) Notwithstanding any other provision of this section, the Director of the National Security Agency may detail or assign any member of the Senior Cryptologic Executive Service to serve in a position outside the National Security Agency in which the member’s expertise and experience may be of benefit to the National Security Agency or another Government agency. Any such member shall not by reason of such detail or assignment lose any entitlement or status associated with membership in the Senior Cryptologic Executive Service.

(b) Merit pay system

The Secretary of Defense (or his designee) may by regulation establish a merit pay system for such employees of the National Security Agency as the Secretary of Defense (or his designee) considers appropriate. The merit pay system shall be designed to carry out purposes consist-

\footnote{See References in Text note below.}
ent with those set forth in section 5401(a) of title 5.

(c) Maximum pay for fiscal year

Nothing in this section shall be construed to allow the aggregate amount payable to a member of the Senior Cryptologic Executive Service under this section during any fiscal year to exceed the annual rate payable for positions at level I of the Executive Schedule in effect at the end of such year.


REFERENCES IN TEXT


Section was formerly classified in a note under section 402 of this title prior to editorial reclassification of this section.


Level I of the Executive Schedule, referred to in subsec. (c), is set out in section 5312 of Title 5, Government Organization and Employees.

CODIFICATION

Section was formerly classified in a note under section 402 of this title prior to editorial reclassification of this section.

AMENDMENTS

1989—Subsec. (a)(5). Pub. L. 101–106 struck out par. (5), which required the Director of the National Security Agency to submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate annual reports on executive personnel in the National Security Agency.


Subsec. (a)(1)(G). Pub. L. 101–194, §506(c)(2)(B), which directed amendment by inserting “and” after the semicolon at the end of subpar. (G), was executed by substituting “;” for “,” and for the period at the end of subpar. (G), to reflect the probable intent of Congress.


erfective Date of 1989 Amendment


erfective 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.

§ 3611. Cryptologic research grant program

(a) Authorization

The Director of the National Security Agency may make grants to private individuals and institutions for the conduct of cryptologic research. An application for a grant under this section may not be approved unless the Director determines that the award of the grant would be clearly consistent with the national security.

(b) Conduct of program

The grant program established by subsection (a) shall be conducted in accordance with chapter 63 of title 31 to the extent that appropriated funds are available for such purpose.

(c) Authority limited to availability of appropriated funds

The authority of the Director to make grants under this section is effective for any fiscal year only to the extent that appropriated funds are available for such purpose.

CODIFICATION

Section was formerly classified in a note under section 402 of this title prior to editorial reclassification of this section.


erfective 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.

§ 3612. Availability of appropriations

Funds appropriated to an entity of the Federal Government other than an element of the Department of Defense that have been specifically appropriated for the purchase of cryptologic equipment, materials, or services with respect to which the National Security Agency has been designated as the central source of procurement for the Government shall remain available for a period of three fiscal years.

CODIFICATION

Section was formerly classified in a note under section 402 of this title prior to editorial reclassification of this section.


erfective 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.

§ 3613. Misuse of Agency name, initials, or seal

(a) No person may, except with the written permission of the Director of the National Security Agency, knowingly use the words “National Security Agency”, the initials “NSA”, the seal of the National Security Agency, or any color-
§ 3614 Louis Stokes Educational Scholarship Program

(a) Establishment

The purpose of this section is to establish an undergraduate and graduate training program, which may lead to a baccalaureate or graduate degree, to facilitate the recruitment of individuals, particularly minority high school students, with a demonstrated capability to develop skills critical to the mission of the National Security Agency, including mathematics, computer science, engineering, and foreign languages.

(b) Assignment for training

The Secretary of Defense is authorized, in his discretion, to assign civilians who may or may not be employees of the National Security Agency as students at accredited professional, technical, and other institutions of higher learning for training at the undergraduate or graduate level in skills critical to effective performance of the mission of the Agency.

(c) Payment of expenses

The National Security Agency may pay, directly or by reimbursement to program participants, expenses incident to assignments under subsection (b), in any fiscal year only to the extent that appropriated funds are available for such purpose.

(d) Eligibility

(1) To be eligible for assignment under subsection (b), a program participant, must agree in writing—

(A) to continue in the service of the Agency for the period of the assignment and to complete the educational course of training for which the program participant is assigned;

(B) to continue in the service of the Agency following completion of the assignment for a period of one-and-a-half years for each year of the assignment or part thereof;

(C) to reimburse the United States for the total cost of education (excluding the program participant’s pay and allowances) provided under this section to the program participant if, prior to the program participant’s completing the educational course of training for which the program participant is assigned, the assignment or the program participant’s employment with the Agency is terminated—

(i) by the Agency due to misconduct by the program participant;

(ii) by the program participant voluntarily; or

(iii) by the Agency for the failure of the program participant to maintain such level of academic standing in the educational course of training as the Director of the National Security Agency shall have specified in the agreement of the program participant under this subsection; and

(D) to reimburse the United States if, after completing the educational course of training for which the program participant is assigned, the program participant’s employment with the Agency is terminated either by the Agency due to misconduct by the program participant or by the program participant voluntarily, prior to the program participant’s completion of the service obligation period described in subparagraph (B), in an amount that bears the same ratio to the total cost of the education (excluding the program participant’s pay and allowances) provided to the program participant as the unserved portion of the service obligation period described in subparagraph (B) bears to the total period of the service obligation described in subparagraph (B).

(2) Subject to paragraph (3), the obligation to reimburse the United States under an agreement described in paragraph (1), including interest due on such obligation, is for all purposes a debt owing the United States.

(3)(A) A discharge in bankruptcy under title 11 shall not release a person from an obligation to reimburse the United States required under an agreement described in paragraph (1) if the final decree of the discharge in bankruptcy is issued within five years after the last day of the combined period of service obligation described in subparagraphs (A) and (B) of paragraph (1).

(B) The Secretary of Defense may release a person, in whole or in part, from the obligation to reimburse the United States under an agreement described in paragraph (1) when, in his discretion, the Secretary determines that equity or the interests of the United States so require.

(C) The Secretary of Defense shall permit an eligible program participant assigned under this section who, prior to commencing a second academic year of such assignment, voluntarily terminates the assignment or the program participant’s employment with the Agency, to satisfy his obliga-

1 So in original.
tion under an agreement described in paragraph (1) to reimburse the United States by reimbursement according to a schedule of monthly payments which results in completion of reimbursement by a date five years after the date of termination of the assignment or employment or earlier at the option of the program participant.

(c) Recruitment of individuals

Agency efforts to recruit individuals at educational institutions for participation in the undergraduate and graduate training program established by this section shall be made openly and according to the common practices of universities and employers recruiting at such institutions.

(f) Applicability of other laws

Chapter 41 of title 5 and subsections (a) and (b) of section 3024 of title 31 shall not apply with respect to this section.

(g) Regulations

The Secretary of Defense may issue such regulations as may be necessary to implement this section.

(h) Program name

The undergraduate and graduate training program established under this section shall be known as the Louis Stokes Educational Scholarship Program.

(j) Applicability of other laws

Chapter 41 of title 5 and subsections (a) and (b) of section 3024 of title 31 shall not apply with respect to this section.

(k) Regulations

The Secretary of Defense may issue such regulations as may be necessary to implement this section.
§ 3618  Collection of service charges for certification or validation of information assurance products

(a) Collection

The Director may collect charges for evaluating, certifying, or validating information assurance products under the National Information Assurance Program or successor program.

(b) Establishment of charges

The charges collected under subsection (a) shall be established through a public rule-making process in accordance with Office of Management and Budget Circular No. A–25.

(c) Limitation on charges

Charges collected under subsection (a) shall not exceed the direct costs of the program referred to in that subsection.

(d) Reimbursement or advance payment

The appropriation or fund bearing the cost of the service for which charges are collected under the program referred to in subsection (a) may be reimbursed, or the Director may require advance payment subject to such adjustment on completion of the work as may be agreed upon.

(e) Crediting of amounts collected

Amounts collected under this section shall be credited to the account or accounts from which costs associated with such amounts have been or will be incurred, to reimburse or offset the direct costs of the program referred to in subsection (a).


CODIFICATION

Section was formerly classified in a note under section 402 of this title prior to editorial reclassification as this section.

§ 3618. Collection of service charges for certification or validation of information assurance products

(a) Collection

The Director may collect charges for evaluating, certifying, or validating information assurance products under the National Information Assurance Program or successor program.

(b) Establishment of charges

The charges collected under subsection (a) shall be established through a public rule-making process in accordance with Office of Management and Budget Circular No. A–25.

(c) Limitation on charges

Charges collected under subsection (a) shall not exceed the direct costs of the program referred to in that subsection.

(d) Reimbursement or advance payment

The appropriation or fund bearing the cost of the service for which charges are collected under the program referred to in subsection (a) may be reimbursed, or the Director may require advance payment subject to such adjustment on completion of the work as may be agreed upon.

(e) Crediting of amounts collected

Amounts collected under this section shall be credited to the account or accounts from which costs associated with such amounts have been or will be incurred, to reimburse or offset the direct costs of the program referred to in subsection (a).


CODIFICATION

Section was formerly classified in a note under section 402 of this title prior to editorial reclassification as this section.

CHAPTER 48—DEPARTMENT OF DEFENSE COOPERATIVE THREAT REDUCTION

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§ 3701. Definitions

In this chapter:

(1) The term ‘‘congressional defense committees’’ has the meaning given that term in section 101(a)(16) of title 10.

(2) The term ‘‘Cooperative Threat Reduction funds’’ means funds appropriated pursuant to an authorization of appropriations for the Program, or otherwise made available to the Program.

(3) The term ‘‘Program’’ means the Cooperative Threat Reduction Program of the Department of Defense established under section 3711 of this title.


REFERENCES IN TEXT

This chapter, referred to in text, was in the original ‘‘this subtitle’’, meaning subtitle B (§§1311–1352) of title XIII of div. A of Pub. L. 113–291, Dec. 19, 2014, 128 Stat. 3595, known as the Department of Defense Cooperative Threat Reduction Act, which is classified principally to this chapter. For complete classification of subtitle B to the Code, see Short Title note set out below and Tables.

SHORT TITLE


SUBCHAPTER I—PROGRAM AUTHORITIES

§ 3711. Authority to carry out Department of Defense Cooperative Threat Reduction Program

(a) Authority

The Secretary of Defense may carry out a program, referred to as the ‘‘Department of Defense Cooperative Threat Reduction Program’’, with respect to foreign countries to do the following:

(1) Facilitate the elimination and the safe and secure transportation and storage of