

(4) serve as the case agent for a criminal investigation in any venue, where appropriate;

(5) facilitate engagement with other law enforcement relating to such allegations, where appropriate, including coordinating on the matter and any related matters with other Federal, State, local, and Tribal law enforcement agencies, as necessary and appropriate, pursuant to regulations, requirements, and procedures developed in consultation with the Federal Bureau of Investigation, the Department of State's Diplomatic Security Service, or other Federal, State, local, or Tribal law enforcement authorities, for any such inquiries, investigations, or other fact-finding activities;

(6) develop and implement policies and procedures necessary for the Special Victim Investigator or any law enforcement partner to conduct effective investigations and also protect sensitive information;

(7) serve as the primary internal investigative body in the Agency for allegations of sexual assault, except that, in the case of an allegation of a sexual assault involving an employee of the Office of Security, the Special Victim Investigator shall coordinate with the Inspector General or appropriate criminal investigators employed by a Federal, State, local, or Tribal law enforcement entity, as necessary, to maintain the integrity of the investigation and mitigate potential conflicts of interest;

(8) establish and coordinate clear policies regarding which agency should take the lead on conducting, or be the lead in coordinating with local law enforcement when applicable, investigations of sexual assault and sexual harassment overseas; and

(9) sharing information with the Sexual Harassment/Assault Response and Prevention Office, including providing a copy of materials related to investigations with such redactions as deemed necessary, to facilitate the support and advocacy of such Office for victims of alleged sexual assault or sexual harassment.

**(c) Timeframe for investigations**

The Special Victim Investigator shall—

(1) ensure that any Special Victim Investigator investigation into an allegation of a sexual assault or sexual harassment contained in an unrestricted report submitted under section 3532 of this title is completed by not later than 60 days after the date on which the report is referred to the Special Victim Investigator; and

(2) if the Special Victim Investigator determines that the completion of an investigation will take longer than 60 days—

(A) not later than 60 days after the date on which the report is referred to the Special Victim Investigator, submit to the Director a request for an extension that contains a summary of the progress of the investigation, the reasons why the completion of the investigation requires additional time, and a plan for the completion of the investigation; and

(B) provide to the person who made the report and the person against whom the alle-

gation in the report was made notice of the extension of the investigation.

(June 20, 1949, ch. 227, §32, as added Pub. L. 118-31, div. G, title III, §7339(d), Dec. 22, 2023, 137 Stat. 1060.)

**CHAPTER 47—NATIONAL SECURITY AGENCY**

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**§ 3601. Short title**

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

(Pub. L. 86-36, §1, as added Pub. L. 96-450, title IV, §402(a)(2), Oct. 14, 1980, 94 Stat. 1978.)

**Editorial Notes**

**CODIFICATION**

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

**PRIOR PROVISIONS**

A prior section 1 of Pub. L. 86-36, May 29, 1959, 73 Stat. 63, amended section 1082 of former Title 5, Executive Departments and Government Officers and Employees, prior to repeal by Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 660.

**§ 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 ap-

pointed 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.

(Pub. L. 86-36, § 2, as added Pub. L. 111-259, title IV, § 433, Oct. 7, 2010, 124 Stat. 2732; amended Pub. L. 113-126, title IV, § 401(a), July 7, 2014, 128 Stat. 1407.)

#### Editorial Notes

##### CODIFICATION

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

##### PRIOR PROVISIONS

A prior section 2 of Pub. L. 86-36, May 29, 1959, 73 Stat. 63; Pub. L. 87-367, title II, § 201, Oct. 4, 1961, 75 Stat. 789; Sept. 23, 1950, ch. 1024, title III, § 306(a), as added Pub. L. 88-290, Mar. 26, 1964, 78 Stat. 170; Pub. L. 88-426, title III, § 306(h), Aug. 14, 1964, 78 Stat. 430; Pub. L. 88-631, § 3(d), Oct. 6, 1964, 78 Stat. 1008; Pub. L. 89-632, § 1(e)(1), Oct. 8, 1966, 80 Stat. 878; Pub. L. 102-496, title IV, § 405, Oct. 24, 1992, 106 Stat. 3186, related to authority of Secretary of Defense to establish positions and fix compensation, prior to repeal by Pub. L. 104-201, div. A, title XVI, §§ 1633(b)(1), 1635, Sept. 23, 1996, 110 Stat. 2751, 2752, effective Oct. 1, 1996.

##### AMENDMENTS

2014—Pub. L. 113-126 added subsec. (a) and designated existing provisions as subsec. (b).

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2014 AMENDMENT

Pub. L. 113-126, title IV, § 403, July 7, 2014, 128 Stat. 1408, as amended by Pub. L. 117-286, § 4(b)(11), Dec. 27, 2022, 136 Stat. 4344, provided that:

“(a) IN GENERAL.—Except as otherwise specifically provided, the amendments made by sections 401 [amending this section] and 402 [amending sections 8G and 12 of Pub. L. 95-452, formerly set out in the Appendix to Title 5, Government Organization and Employees] shall take effect on October 1, 2014, and shall apply upon the earlier of—

“(1) in the case of section 401—

“(A) the date of the first nomination by the President of an individual to serve as the Director of the National Security Agency that occurs on or after October 1, 2014; or

“(B) the date of the cessation of the performance of the duties of the Director of the National Security Agency by the individual performing such duties on October 1, 2014; and

“(2) in the case of section 402—

“(A) the date of the first nomination by the President of an individual to serve as the Inspector General of the National Security Agency that occurs on or after October 1, 2014; or

“(B) the date of the cessation of the performance of the duties of the Inspector General of the National Security Agency by the individual performing such duties on October 1, 2014.

“(b) EXCEPTION FOR INITIAL NOMINATIONS.—Notwithstanding paragraph (1)(A) or (2)(A) of subsection (a), an individual serving as the Director of the National Security Agency or the Inspector General of the National Security Agency on the date that the President first nominates an individual for such position on or after October 1, 2014, may continue to perform in that position after such date of nomination and until the individual appointed to the position, by and with the advice and consent of the Senate, assumes the duties of the position.

“(c) INCUMBENT INSPECTOR GENERAL.—The individual serving as Inspector General of the National Security

Agency on the date of the enactment of this Act [July 7, 2014] shall be eligible to be appointed by the President to a new term of service under section 403 of title 5, United States Code, by and with the advice and consent of the Senate.”

##### POSITION OF IMPORTANCE AND RESPONSIBILITY

Pub. L. 113-126, title IV, § 401(b), July 7, 2014, 128 Stat. 1408, provided that:

“(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, 2014].”

#### § 3603. Repealed. Pub. L. 104-201, div. A, title XVI, § 1633(b)(1), Sept. 23, 1996, 110 Stat. 2751

Section, Pub. L. 86-36, § 4, May 29, 1959, 73 Stat. 63; Pub. L. 87-367, title II, § 204, Oct. 4, 1961, 75 Stat. 791; Pub. L. 87-793, § 1001(c), Oct. 11, 1962, 76 Stat. 864; Pub. L. 89-632, § 1(e)(2), Oct. 8, 1966, 80 Stat. 878; Pub. L. 91-187, § 2, Dec. 30, 1969, 83 Stat. 850, authorized establishment of civilian positions in research, development, science, medicine, and cryptography.

#### Editorial Notes

##### CODIFICATION

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

#### Statutory Notes and Related Subsidiaries

##### 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 1593 of Title 10, Armed Forces.

#### § 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.

(Pub. L. 86-36, § 5, May 29, 1959, 73 Stat. 63.)

#### Editorial Notes

##### CODIFICATION

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

In text, “section 5941 of title 5” substituted for “section 207 of the Independent Offices Appropriation Act, 1949, as amended (5 U.S.C. 118h)” on authority of Pub. L. 89-554, § 7(b), Sept. 6, 1966, 80 Stat. 631. Section 1 of Pub. L. 89-554 enacted Title 5, Government Organization and Employees.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Pub. L. 86-36, § 8, May 29, 1959, 73 Stat. 64, provided that: “The foregoing provisions of this Act [see Tables for classification] shall take effect on the first day of the first pay period which begins later than the thirtieth day following the date of enactment of this Act [May 29, 1959].”

**§ 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)<sup>1</sup> 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<sup>1</sup> shall apply to positions established in the National Security Agency in the manner provided by section 3603<sup>1</sup> of this title.

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

**Editorial Notes**

**REFERENCES IN TEXT**

The first section and section 2 of the Act of August 28, 1935, referred to in subsec. (a), are sections 1 and 2 of act Aug. 28, 1935, ch. 795, 49 Stat. 956, 957, which were classified to section 654 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 1582 of title 10, referred to in subsec. (b), was repealed by Pub. L. 97-295, § 1(19)(A), Oct. 12, 1982, 96 Stat. 1290, and a new section 1582, relating to assistive technology, was subsequently added by Pub. L. 106-398, § 1 [div. A], title XI, § 1102(a), Oct. 30, 2000, 114 Stat. 1654, 1654A-311.

Section 3603, referred to in subsec. (b), was repealed by Pub. L. 104-201, div. A, title XVI, § 1633(b)(1), Sept. 23, 1996, 110 Stat. 2751.

**CODIFICATION**

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

**Statutory Notes and Related Subsidiaries**

**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.

**§ 3606. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 660**

Section, Pub. L. 86-36, § 7, May 29, 1959, 73 Stat. 64, related 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.

**Editorial Notes**

**CODIFICATION**

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

**§ 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 5536 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 cryptologic 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 cryptologic activities outside the United States and who are designated by the Secretary of Defense for the purposes of this subsection—

**(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.

(Pub. L. 86-36, § 9, as added Pub. L. 96-450, title IV, § 402(a)(1), Oct. 14, 1980, 94 Stat. 1977; amended Pub. L. 97-89, title VI, § 601, Dec. 4, 1981, 95 Stat. 1154; Pub. L. 99-335, title V, § 507(a), June 6, 1986, 100 Stat. 628; Pub. L. 101-193, title V, § 505(b), Nov. 30, 1989, 103 Stat. 1709; Pub. L.

<sup>1</sup> See References in Text note below.

102-496, title VIII, § 803(b), Oct. 24, 1992, 106 Stat. 3253.)

### Editorial Notes

#### REFERENCES IN TEXT

Section 322 of the Act of June 30, 1932, referred to in subsec. (a), is section 322 of act June 30, 1932, ch. 314, title III, 47 Stat. 412, which was classified to section 278a of former Title 40, Public Buildings, Property, and Works, prior to repeal by Pub. L. 100-678, § 7, Nov. 17, 1988, 102 Stat. 4052.

The Foreign Service Act of 1980, referred to in subsec. (b)(1)(A), is Pub. L. 96-465, Oct. 17, 1980, 94 Stat. 2071. Chapter 9 of title I of the Act is classified generally to subchapter IX (§ 4081 et seq.) of chapter 52 of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 3901 of Title 22 and Tables.

#### 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

1992—Subsec. (b)(3). Pub. L. 102-496 substituted “the Central Intelligence Agency Retirement Act” for “the Central Intelligence Agency Retirement Act of 1964 for Certain Employees”.

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)); and” at end of subpar. (B) of par. (1) and added par. (3).

1986—Subsec. (b)(1)(B). Pub. L. 99-335 inserted “(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))” before semicolon.

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).

### 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, 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 805 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 702(a) of Pub. L. 99-335, set out as an Effective

Date note under section 8401 of Title 5, 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

#### (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 to military personnel in accordance with chapter 7 of title 37, 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 linguistic-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.

(Pub. L. 86-36, §10, as added Pub. L. 96-450, title IV, §402(a)(1), Oct. 14, 1980, 94 Stat. 1978; amended Pub. L. 97-89, title VI, §602, Dec. 4, 1981, 95 Stat. 1154.)

**Editorial Notes**

**CODIFICATION**

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

**AMENDMENTS**

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

**Statutory Notes and Related Subsidiaries**

**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.

(Pub. L. 86-36, §11, as added Pub. L. 96-450, title IV, §402(a)(1), Oct. 14, 1980, 94 Stat. 1978; amended Pub. L. 107-108, title V, §506, Dec. 28, 2001, 115 Stat. 1406; Pub. L. 107-306, title VIII, §841(f), Nov. 27, 2002, 116 Stat. 2432; Pub. L. 108-177, title III, §377(c), title V, §501, Dec. 13, 2003, 117 Stat. 2630, 2633; Pub. L. 112-87, title IV, §421, Jan. 3, 2012, 125 Stat. 1893.)

### Editorial Notes

#### 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 through 2004, the Director shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report 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 each such report available to the Inspector General of the National Security Agency.”

Subsec. (d)(1)(D). Pub. L. 112-87, §421(b), 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 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 policemen 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(c)(2), substituted “section 1315(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, §501, 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,<sup>1</sup> 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 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<sup>1</sup> 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 consistent 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.

(Pub. L. 86-36, §12, as added Pub. L. 97-89, title VI, §603, Dec. 4, 1981, 95 Stat. 1156; amended Pub. L. 101-194, title V, §506(c)(2), Nov. 30, 1989, 103 Stat. 1759; Pub. L. 104-106, div. A, title X, §1064(b), Feb. 10, 1996, 110 Stat. 445.)

### Editorial Notes

#### REFERENCES IN TEXT

Section 2, referred to in subsec. (a)(1)(C), meant section 2 of Pub. L. 86-36, May 29, 1959, 73 Stat. 63; Pub. L. 87-367, title II, §201, Oct. 4, 1961, 75 Stat. 789; Sept. 23, 1950, ch. 1024, title III, §306(a), as added Pub. L. 88-290, Mar. 26, 1964, 78 Stat. 170; Pub. L. 88-426, title III, §306(h), Aug. 14, 1964, 78 Stat. 430; Pub. L. 88-631, §3(d), Oct. 6, 1964, 78 Stat. 1008; Pub. L. 89-632, §1(e)(1), Oct. 8, 1966, 80 Stat. 878; Pub. L. 102-496, title IV, §405, Oct. 24, 1992, 106 Stat. 3186, which related to authority of Secretary of Defense to establish positions and fix compensation, prior to repeal by Pub. L. 104-201, div. A, title XVI, §§1633(b)(1), 1635, Sept. 23, 1996, 110 Stat. 2751, 2752, effective Oct. 1, 1996. A new section 2 of Pub. L. 86-36 subsequently was added by Pub. L. 111-259, title IV, §433, Oct. 7, 2010, 124 Stat. 2732, and is classified to section 3602 of this title.

Section 3393a of title 5, referred to in subsec. (a)(1)(H), was repealed by Pub. L. 107-296, title XIII, §1321(a)(1)(B), Nov. 25, 2002, 116 Stat. 2296.

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 as this section.

#### AMENDMENTS

1996—Subsec. (a)(5). Pub. L. 104-106 struck out par. (5), which required the Director of the National Security

<sup>1</sup> See References in Text note below.

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.

1989—Subsec. (a)(1)(F). Pub. L. 101-194, §506(c)(2)(A), struck out “and” at end of subpar. (F).

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 “; and” for the period at the end of subpar. (G), to reflect the probable intent of Congress.

Subsec. (a)(1)(H). Pub. L. 101-194, §506(c)(2)(C), added subpar. (H).

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101-194 effective Jan. 1, 1991, see section 506(d) of Pub. L. 101-194, set out as a note under section 3151 of Title 5, Government Organization and Employees.

##### 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.

### § 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 such chapter is consistent with and in accordance with section 3605 of this title.

#### (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.

(Pub. L. 86-36, §13, as added Pub. L. 97-89, title VI, §603, Dec. 4, 1981, 95 Stat. 1158.)

#### Editorial Notes

##### CODIFICATION

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

In subsec. (b), “chapter 63 of title 31” substituted for “the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 et seq.)” and “such chapter” substituted for “such Act” on authority of Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

#### 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.

### § 3612. Availability of appropriations

Funds appropriated to an entity of the Federal Government other than an element of the De-

partment 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.

(Pub. L. 86-36, §14, as added Pub. L. 97-89, title VI, §603, Dec. 4, 1981, 95 Stat. 1158.)

#### Editorial Notes

##### CODIFICATION

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

### § 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 colorable imitation of such words, initials, or seal in connection with any merchandise, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the National Security Agency.

(b) Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), 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.

(Pub. L. 86-36, §15, as added Pub. L. 97-89, title VI, §603, Dec. 4, 1981, 95 Stat. 1158.)

#### Editorial Notes

##### CODIFICATION

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

### § 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 partici-

pant 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<sup>1</sup> 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 obligation 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.

**(e) 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 3324 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.

(Pub. L. 86-36, §16, as added Pub. L. 99-569, title V, §505, Oct. 27, 1986, 100 Stat. 3200; amended Pub. L. 111-259, title III, §312(a)-(d), Oct. 7, 2010, 124 Stat. 2663, 2664; Pub. L. 118-31, div. G, title IX, §7901(i), Dec. 22, 2023, 137 Stat. 1107.)

<sup>1</sup> So in original.

**Editorial Notes**

## CODIFICATION

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

## AMENDMENTS

2023—Subsec. (d)(1). Pub. L. 118-31 substituted “program participant must” for “program participant, must”.

2010—Subsec. (a). Pub. L. 111-259, §312(a)(1), inserted “and graduate” after “undergraduate” and substituted “a baccalaureate or graduate” for “the baccalaureate”.

Subsec. (b). Pub. L. 111-259, §312(b)(1), substituted “civilians who may or may not be employees” for “civilian employees”.

Pub. L. 111-259, §312(a)(2), inserted “or graduate” after “undergraduate”.

Subsec. (c). Pub. L. 111-259, §312(b)(2)(A), substituted “program participants” for “employees”.

Subsec. (d)(1). Pub. L. 111-259, §312(b)(2)(B)(i)(I), which directed substitution of “a program participant,” for “an employee of the Agency,” in introductory provisions, was executed by making the substitution for “an employee of the Agency” in introductory provisions, to reflect the probable intent of Congress.

Subsec. (d)(1)(A). Pub. L. 111-259, §312(b)(2)(B)(i)(II), substituted “program participant” for “employee”.

Subsec. (d)(1)(C). Pub. L. 111-259, §312(c), substituted “terminated—” and cls. (i) to (iii) for “terminated either by the Agency due to misconduct by the employee or by the employee voluntarily; and”.

Pub. L. 111-259, §312(b)(2)(B)(i)(III), substituted “program participant” for “employee” and “program participant’s” for “employee’s” wherever appearing.

Subsec. (d)(1)(D). Pub. L. 111-259, §312(b)(2)(B)(i)(IV), substituted “program participant” for “employee” and “program participant’s” for “employee’s” wherever appearing.

Subsec. (d)(3)(C). Pub. L. 111-259, §312(b)(2)(B)(ii), substituted “program participant” for “employee” in two places and “program participant’s” for “employee’s”.

Subsec. (e). Pub. L. 111-259, §312(d), struck out par. (2) designation before “Agency efforts” and struck out par. (1) which read as follows: “When an employee is assigned under this section to an institution, the Agency shall disclose to the institution to which the employee is assigned that the Agency employs the employee and that the Agency funds the employee’s education.”

Subsec. (e)(2). Pub. L. 111-259, §312(a)(3), inserted “and graduate” after “undergraduate”.

Subsec. (h). Pub. L. 111-259, §312(a)(4), added subsec. (h).

**§ 3615. Repealed. Pub. L. 103-359, title VIII, § 806(b)(2), Oct. 14, 1994, 108 Stat. 3442**

Section, Pub. L. 86-36, §17, as added Pub. L. 102-88, title V, §503, Aug. 14, 1991, 105 Stat. 436, related to post-employment assistance for certain National Security Agency employees.

**Editorial Notes**

## CODIFICATION

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

Another section 17 of Pub. L. 86-36 was renumbered section 18 and is classified to section 3616 of this title.

**§ 3616. Transportation of remains of certain employees**

(a) The Secretary of Defense may pay the expenses referred to in section 5742(b) of title 5 in the case of any employee of the National Security

Agency who dies while on a rotational tour of duty within the United States or while in transit to or from such tour of duty.

(b) For the purposes of this section, the term “rotational tour of duty”, with respect to an employee, means a permanent change of station involving the transfer of the employee from the National Security Agency headquarters to another post of duty for a fixed period established by regulation to be followed at the end of such period by a permanent change of station involving a transfer of the employee back to such headquarters.

(Pub. L. 86-36, §18, formerly §17, as added Pub. L. 102-183, title IV, §405, Dec. 4, 1991, 105 Stat. 1267; renumbered §18, Pub. L. 102-496, title III, §304(a), Oct. 24, 1992, 106 Stat. 3183.)

**Editorial Notes**

## CODIFICATION

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

**§ 3617. National Security Agency Emerging Technologies Panel****(a) Establishment**

There is established the National Security Agency Emerging Technologies Panel. The Panel is a standing panel of the National Security Agency. The Panel shall be appointed by, and shall report directly to, the Director of the National Security Agency.

**(b) Duties**

The Panel shall study and assess, and periodically advise the Director on, the research, development, and application of existing and emerging science and technology advances, advances in encryption, and other topics.

**(c) Applicability of chapter 10 of title 5**

Chapter 10 of title 5 shall not apply with respect to the Panel.

(Pub. L. 86-36, §19, as added Pub. L. 108-487, title V, §501, Dec. 23, 2004, 118 Stat. 3950; amended Pub. L. 117-286, §4(a)(320), Dec. 27, 2022, 136 Stat. 4341.)

**Editorial Notes**

## CODIFICATION

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

## AMENDMENTS

2022—Subsec. (c). Pub. L. 117-286 substituted “Chapter 10 of title 5” for “The Federal Advisory Committee Act (5 U.S.C. App.)”.

**§ 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).

(Pub. L. 86-36, §20, as added Pub. L. 109-364, div. A, title IX, §933, Oct. 17, 2006, 120 Stat. 2363.)

**Editorial Notes**

**CODIFICATION**

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

**§ 3619. Senior Chief Petty Officer Shannon Kent Award for Distinguished Female Personnel**

**(a) Establishment**

The Director of the National Security Agency shall establish an honorary award for the recognition of female personnel of the National Security Agency for distinguished career contributions in support of the mission of the Agency as civilian employees or members of the Armed Forces assigned to the Agency. The award shall be known as the “Senior Chief Petty Officer Shannon Kent Award” and shall consist of a design determined appropriate by the Director.

**(b) Award**

The Director shall award the Senior Chief Petty Officer Shannon Kent Award to female civilian employees, members of the Armed Forces, or former civilian employees or members, whom the Director determines meet the criteria under subsection (a).

(Pub. L. 86-36, §21, as added Pub. L. 116-260, div. W, title IV, §403, Dec. 27, 2020, 134 Stat. 2378.)

**§ 3620. Congressional notification of intelligence collection adjustments**

**(a) Notification**

Not later than 30 days after the date on which the Director of the National Security Agency determines the occurrence of an intelligence collection adjustment, the Director shall submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the

House of Representatives a notification of the intelligence collection adjustment.

**(b) Definitions**

In this section:

**(1) Congressional intelligence committees**

The term “congressional intelligence committees” has the meaning given that term in section 3003 of this title.

**(2) Intelligence collection adjustment**

The term “intelligence collection adjustment” includes a change by the United States Government to a policy on intelligence collection or the prioritization thereof that results in a significant loss of intelligence.

(Pub. L. 86-36, §22, as added Pub. L. 118-31, div. G, title III, §7351, Dec. 22, 2023, 137 Stat. 1064.)

**CHAPTER 48—DEPARTMENT OF DEFENSE COOPERATIVE THREAT REDUCTION**

Sec.

3701. Definitions.

**SUBCHAPTER I—PROGRAM AUTHORITIES**

- 3711. Authority to carry out Department of Defense Cooperative Threat Reduction Program.
- 3712. Use of funds for certain emergent threats or opportunities.
- 3713. Authority for urgent threat reduction activities under Department of Defense Cooperative Threat Reduction Program.
- 3714. Use of funds for unspecified purposes or for increased amounts.
- 3715. Use of contributions to Department of Defense Cooperative Threat Reduction Program.

**SUBCHAPTER II—RESTRICTIONS AND LIMITATIONS**

- 3731. Prohibition on use of funds for specified purposes.
- 3732. Requirement for on-site managers.
- 3733. Limitation on use of funds until certain permits obtained.
- 3734. Limitation on availability of funds for Cooperative Threat Reduction activities with Russian Federation.
- 3735. Limitation on availability of funds for Cooperative Threat Reduction activities in People’s Republic of China.

**SUBCHAPTER III—RECURRING CERTIFICATIONS AND REPORTS**

- 3741, 3742. Repealed.
- 3743. Reports on activities and assistance under Department of Defense Cooperative Threat Reduction Program.
- 3744. Metrics for Department of Defense Cooperative Threat Reduction Program.

**SUBCHAPTER IV—TRANSITION PROVISIONS**

- 3751. Transition provisions.

**§ 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.