

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.)

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.

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 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.

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

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 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.)

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 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,¹ 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 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.)

CODIFICATION

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

AMENDMENTS

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.

¹ So in original.

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.

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.)

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 Federal Advisory Committee Act

The Federal Advisory Committee Act (5 U.S.C. App.) 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.)

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).

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

CODIFICATION

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