

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

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).

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 chap-

ter 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.)

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).

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.)

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