

ent with those set forth in section 5401(a) of title 5.

**(c) Maximum pay for fiscal year**

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

(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.)

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 (a)(1)(H), was repealed by Pub.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 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).

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 color-

able 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,<sup>1</sup> must agree in writing—

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

(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<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 obliga-