

**(2) Policies**

The Under Secretary shall develop and supervise the implementation of policies to integrate and communicate Department of Defense requirements and requests for support from the Central Intelligence Agency that are coordinated by the Associate Director pursuant to paragraph (1)(B).

(Pub. L. 114-328, div. A, title X, §1054, Dec. 23, 2016, 130 Stat. 2398.)

## CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2017, and not as part of the Central Intelligence Agency Act of 1949 which comprises this chapter.

## CHANGE OF NAME

Under Secretary of Defense for Intelligence redesignated and references deemed to refer to Under Secretary of Defense for Intelligence and Security, see section 1621(a) of Pub. L. 116-92, set out as a note under section 137 of Title 10, Armed Forces.

**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.)

## 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 appointed by the Director of the National Security Agency and who shall be responsible for the programs of compliance over mission activities of the National Security Agency.

(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.)

## 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).

## EFFECTIVE DATE OF 2014 AMENDMENT

Amendment by Pub. L. 113-126 effective Oct. 1, 2014, and applicable upon the earlier of 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 Oct. 1, 2014, or 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 Oct. 1, 2014, subject to an exception for initial nominations, see section 403 of Pub. L. 113-126, set out as a note under section 8G of the Inspector General Act of 1978, Pub. L. 95-452, in the Appendix to Title 5, Government Organization and Employees.

## 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 cryptology.

## CODIFICATION

Section was formerly classified in a note under section 402 of this title and repealed prior to editorial reclassification as this section.

## EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1996, see section 1635 of Pub. L. 104-201, set out as an Effective Date of 1996 Amendment note under section 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.)

## 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.

## 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.)

## 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

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

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.

## 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.

## 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