

## 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—

(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 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.

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

**(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.)

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## 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.

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.