

Public Law 88-290  
88th Congress, H. R. 950  
March 26, 1964



## An Act

To amend the Internal Security Act of 1950.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Internal Security Act of 1950 is amended by adding at the end thereof the following new title:

Internal Security Act of 1950, Amendment, 64 Stat. 987, 50 USC 781 note.

### "TITLE III—PERSONNEL SECURITY PROCEDURES IN NATIONAL SECURITY AGENCY

#### "REGULATIONS FOR EMPLOYMENT SECURITY

"SEC. 301. Subject to the provisions of this title, the Secretary of Defense (hereafter in this title referred to as the 'Secretary') shall prescribe such regulations relating to continuing security procedures as he considers necessary to assure—

"(1) that no person shall be employed in, or detailed or assigned to, the National Security Agency (hereafter in this title referred to as the 'Agency'), or continue to be so employed, detailed, or assigned; and

"(2) that no person so employed, detailed, or assigned shall have access to any classified information; unless such employment, detail, assignment, or access to classified information is clearly consistent with the national security.

#### "FULL FIELD INVESTIGATION AND APPRAISAL

"SEC. 302. (a) No person shall be employed in, or detailed or assigned to, the Agency unless he has been the subject of a full field investigation in connection with such employment, detail, or assignment, and is cleared for access to classified information in accordance with the provisions of this title; excepting that conditional employment without access to sensitive cryptologic information or material may be tendered an applicant, under such regulations as the Secretary may prescribe, pending the completion of such full field investigation: *And provided further*, That such full field investigation at the discretion of the Secretary need not be required in the case of persons assigned or detailed to the Agency who have a current security clearance for access to sensitive cryptologic information under equivalent standards of investigation and clearance. During any period of war declared by the Congress, or during any period when the Secretary determines that a national disaster exists, or in exceptional cases in which the Secretary (or his designee for such purpose) makes a determination in writing that his action is necessary or advisable in the national interest, he may authorize the employment of any person in, or the detail or assignment of any person to, the Agency, and may grant to any such person access to classified information, on a temporary basis, pending the completion of the full field investigation and the clearance for access to classified information required by this subsection, if the Secretary determines that such action is clearly consistent with the national security.

Conditional employment.

78 STAT. 168.  
78 STAT. 169.

"(b) To assist the Secretary and the Director of the Agency in carrying out their personnel security responsibilities, one or more boards of appraisal of three members each, to be appointed by the Director of the Agency, shall be established in the Agency. Such board shall appraise the loyalty and suitability of persons for access to classified information, in those cases in which the Director of the

Boards of appraisal.

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Agency determines that there is a doubt whether their access to that information would be clearly consistent with the national security, and shall submit a report and recommendation on each such a case. However, appraisal by such a board is not required before action may be taken under section 14 of the Act of June 27, 1944, chapter 287, as amended (5 U.S.C. 863), section 1 of the Act of August 26, 1950, chapter 803, as amended (5 U.S.C. 22-1), or any other similar provision of law. Each member of such a board shall be specially qualified and trained for his duties as such a member, shall have been the subject of a full field investigation in connection with his appointment as such a member, and shall have been cleared by the Director for access to classified information at the time of his appointment as such a member. No person shall be cleared for access to classified information, contrary to the recommendations of any such board, unless the Secretary (or his designee for such purpose) shall make a determination in writing that such employment, detail, assignment, or access to classified information is in the national interest.

58 Stat. 390;  
61 Stat. 723.  
64 Stat. 476.  
Board members.  
Qualifications.

#### "TERMINATION OF EMPLOYMENT"

"SEC. 303. (a) Notwithstanding section 14 of the Act of June 27, 1944, chapter 287, as amended (5 U.S.C. 863), section 1 of the Act of August 26, 1950, chapter 803, as amended (5 U.S.C. 22-1), or any other provision of law, the Secretary may terminate the employment of any officer or employee of the Agency, whenever he considers that action to be in the interest of the United States, and he determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of that officer or employee cannot be invoked consistently with the national security. Such a determination is final.

Employment with  
other agencies.

"(b) Termination of employment under this section shall not affect the right of the officer or employee involved to seek or accept employment with any other department or agency of the United States if he is declared eligible for such employment by the United States Civil Service Commission.

76 Stat. 517.  
Delegation of  
authority.  
Limitation.

"(c) Notwithstanding section 133(d) of title 10, United States Code, any authority vested in the Secretary of Defense by subsection (a) may be delegated only to the Deputy Secretary of Defense or the Director of the National Security Agency, or both.

78 STAT. 169.  
78 STAT. 170.

#### "DEFINITION OF CLASSIFIED INFORMATION"

"SEC. 304. For the purposes of this section, the term 'classified information' means information which, for reasons of national security, is specifically designated by a United States Government agency for limited or restricted dissemination or distribution.

#### "NONAPPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT"

60 Stat. 237.

"SEC. 305. The Administrative Procedure Act, as amended (5 U.S.C. 1001 et seq.), shall not apply to the use or exercise of any authority granted by this title.

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"AMENDMENTS

"Sec. 306. (a) The first sentence of section 2 of the Act of May 29, 1959 (50 U.S.C. 402 note), is amended by inserting ', without regard to the civil service laws,' immediately after 'and to appoint therefo'. 73 Stat. 63;  
75 Stat. 789.

"(b) Subsection (b) of section 2 of the Performance Rating Act of 1950 (5 U.S.C. 2001(b)) is amended— 64 Stat. 1098;  
71 Stat. 293.

"(1) by striking out the period at the end of paragraph (13) and inserting in lieu thereof a semicolon; and

"(2) by adding at the end thereof the following new paragraph:

"(14) 'The National Security Agency.'"

Approved March 26, 1964.

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LEGISLATIVE HISTORY:

HOUSE REPORT No. 108 (Comm. on Un-American Activities).

SENATE REPORT No. 926 (Comm. on the Judiciary).

CONGRESSIONAL RECORD:

Vol. 109 (1963): May 9, considered and passed House.

Vol. 110 (1964): Mar. 2, considered and passed Senate, amended.

Mar. 19, House concurred in Senate amendment.