SEC. ___. PLACEMENT ON THE EXECUTIVE SCHEDULE FOR DEPARTMENT OF DEFENSE DIRECTORS OF THE NATIONAL SECURITY AGENCY AND THE NATIONAL RECONNAISSANCE OFFICE.

Section 5314 of title 5, United States Code, is amended by inserting after the item relating to the Executive Secretary, National Space Council the following new items:

"Director of the National Security Agency.

"Director of the National Reconnaissance Office.".

[Please note: The "Changes to Existing Law" section below sets out in red-line format how the legislative text would amend existing law.]

Section-by-Section Analysis

This proposal would amend section 5314 of title 5, United States Code, to set the pay for the Director of the National Security Agency and the Director of the National Reconnaissance Office at Level III of the Executive Schedule. This legislation is required to correct the omission of the positions under the provisions of title 5, United States Code, governing the pay for Presidentially-appointed, Senate-confirmed positions. This level of pay would be consistent with the stature and responsibilities of each of the positions.

The National Security Agency was established by President Truman in 1952 and was given specific administrative authorities by the National Security Agency Act of 1959 (50 U.S.C. 3602 et seq.). Section 401 of the Intelligence Authorization Act for Fiscal Year 2014 (Public Law 113–126) amended section 2 of the National Security Agency Act of 1959 to specify that "the Director of the National Security Agency shall be appointed by the President, by and with the advice and consent of the Senate." Section 401 established in statute the position of the Director of the National Security Agency as a presidentially-appointed and Senate confirmed position, but did not place the position in a level of the Executive Service. This position has typically been filled by a general or flag officer who has been appointed to head the National Security Agency and the Central Security Service, and has concurrently served as Commander of United States Cyber Command. The proposed legislation is required in anticipation that a future civilian Director of the National Security Agency may be appointed.

As specified in DoD Directive 5100.20, the Director of the National Security Agency, under the authority, direction, and control of the Under Secretary of Defense for Intelligence, serves as the principal advisor to the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Combatant Commanders on signals intelligence (SIGINT), advises the Director of National Intelligence (DNI) and the Director of Defense Intelligence on all matters under the purview of the DNI concerning SIGINT and serves as the SIGINT Functional Manager. In the exercise of these responsibilities, the Director of the National Security Agency plans, organizes,

directs, and manages the agency and all assigned resources to provide peacetime, contingency, crisis, and combat SIGINT and information assurance support to the operational Armed Forces of the United States.

The National Reconnaissance Office was established in September of 1961 in response to the Soviet launch of the Sputnik satellite. Section 411 of the Intelligence Authorization Act for FY 2014 (Public Law 113-125, July 7, 2014) amended the National Security Act of 1947 (50 U.S.C 3001 et seq), adding Section 106A to specify that "the Director of the National Reconnaissance Office shall be appointed by the President, by and with the advice and consent of the Senate." Section 411 established in statute the position of the Director of the National Reconnaissance Office as presidentially-appointed and Senate confirmed, but did not place the position in a level of the Executive Service. The position has previously been held by a general or flag officer, a civilian appointee on a term executive appointment, or by a career intelligence executive.

As specified in DoD Directive 5105.23, the Director of the National Reconnaissance Office, under the authority, direction, and control of the Under Secretary of Defense for Intelligence, serves as the principal advisor on overhead reconnaissance to the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Combatant Commanders, the Secretary of the Air Force, and the DoD Executive Agent for Space. The Director is responsible for the management and operations of the National Reconnaissance Office, its program activities, and the acquisition of its systems. The position directs and manages all assigned resources to provide peacetime, contingency, crisis, and combat overhead reconnaissance support to the Armed Forces of the United States, and delivers intelligence, surveillance, and reconnaissance capabilities, information products, services, and tools in response to national-level tasking in coordination with the Functional Managers.

Budget Implications: The Department of Defense estimates this proposal would cost approximately $0.230 million for FY 2021 if the Director, NSA were a civilian appointee. The Director, NRO position would be cost-neutral as this change converts an existing Defense Intelligence Senior Executive Service Position to a Presidentially- Appointed, Senate Confirmed position This proposal would be funded from National Intelligence Program accounts. This is funded in the FY 2021 President's Budget request.

RESOURCE IMPACT ($MILLIONS)									
Program	**FY 2021**	**FY 2022**	**FY 2023**	**FY 2024**	**FY 2025**	**Appropriation**	**Budget Activity**	**BLI/SAG**	**Program Element (for all RDT&E programs)**
NRO						National Intelligence Program			
NSA	$0.23	$0.232	$0.234	$0.236	$0.239	National Intelligence Program			

Total	$0.230	$0.232	$0.234	$0.236	$0.239				

Cost Methodology: The costs reflects the proposed salary and benefits load of the Executive Schedule for each position, with a 1.0% projected increase each year.

Changes to Existing Law: This proposal would amend section 5314 of title 5, United States Code, as follows:

§ 5314. Positions at level III

Level III of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

Solicitor General of the United States.

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Executive Secretary, National Space Council.
Director, National Security Agency.
Director, National Reconnaissance Office.

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