

§ 3382. National Counterintelligence Executive**(a) Establishment**

(1) There shall be a National Counterintelligence Executive, who shall be appointed by the Director of National Intelligence.

(2) It is the sense of Congress that the Director of National Intelligence should seek the views of the Attorney General, Secretary of Defense, and Director of the Central Intelligence Agency in selecting an individual for appointment as the Executive.

(b) Mission

The mission of the National Counterintelligence Executive shall be to serve as the head of national counterintelligence for the United States Government.

(c) Duties

Subject to the direction and control of the Director of National Intelligence, the duties of the National Counterintelligence Executive are as follows:

(1) To carry out the mission referred to in subsection (b) of this section.

(2) To act as chairperson of the National Counterintelligence Policy Board under section 3381 of this title.

(3) To act as head of the Office of the National Counterintelligence Executive under section 3383 of this title.

(4) To participate as an observer on such boards, committees, and entities of the executive branch as the Director of National Intelligence considers appropriate for the discharge of the mission and functions of the Executive and the Office of the National Counterintelligence Executive under section 3383 of this title.

(Pub. L. 107-306, title IX, §902, Nov. 27, 2002, 116 Stat. 2432; Pub. L. 108-458, title I, §1072(d)(1)(B), Dec. 17, 2004, 118 Stat. 3693.)

CODIFICATION

Section was formerly classified to section 402b of this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2004—Subsec. (a)(1). Pub. L. 108-458, §1072(d)(1)(B)(i), substituted “Director of National Intelligence” for “President”.

Subsec. (a)(2). Pub. L. 108-458, §1072(d)(1)(B), substituted “Director of National Intelligence” for “President” and “Director of the Central Intelligence Agency” for “Director of Central Intelligence”.

Subsec. (c). Pub. L. 108-458, §1072(d)(1)(B)(i), substituted “Director of National Intelligence” for “President” in two places.

EFFECTIVE DATE OF 2004 AMENDMENT

For Determination by President that amendment by Pub. L. 108-458 take effect on Apr. 21, 2005, see Memorandum of President of the United States, Apr. 21, 2005, 70 F.R. 23925, set out as a note under section 3001 of this title.

Amendment by Pub. L. 108-458 effective not later than six months after Dec. 17, 2004, except as otherwise expressly provided, see section 1097(a) of Pub. L. 108-458, set out in an Effective Date of 2004 Amendment; Transition Provisions note under section 3001 of this title.

PURPOSE

Pub. L. 107-306, title IX, §901(b), Nov. 27, 2002, 116 Stat. 2432, provided that: “The purpose of this title [see

Tables for classification] is to facilitate the enhancement of the counterintelligence activities of the United States Government by—

“(1) enabling the counterintelligence community of the United States Government to fulfill better its mission of identifying, assessing, prioritizing, and countering the intelligence threats to the United States;

“(2) ensuring that the counterintelligence community of the United States Government acts in an efficient and effective manner; and

“(3) providing for the integration of all the counterintelligence activities of the United States Government.”

§ 3383. Office of the National Counterintelligence Executive**(a) Establishment**

There shall be an Office of the National Counterintelligence Executive.

(b) Head of Office

The National Counterintelligence Executive shall be the head of the Office of the National Counterintelligence Executive.

(c) Location of Office

The Office of the National Counterintelligence Executive shall be located in the Office of the Director of National Intelligence.

(d) Functions

Subject to the direction and control of the National Counterintelligence Executive, the functions of the Office of the National Counterintelligence Executive shall be as follows:

(1) National threat identification and prioritization assessment

Subject to subsection (e), in consultation with appropriate department and agencies of the United States Government, and private sector entities, to produce a strategic planning assessment of the counterintelligence requirements of the United States to be known as the National Threat Identification and Prioritization Assessment.

(2) National Counterintelligence Strategy**(A) Requirement to produce**

Subject to subsection (e), in consultation with appropriate department and agencies of the United States Government, and private sector entities, and based on the most current National Threat Identification and Prioritization Assessment under paragraph (1), to produce a strategy for the counterintelligence programs and activities of the United States Government to be known as the National Counterintelligence Strategy.

(B) Revision and requirement

The National Counterintelligence Strategy shall be revised or updated at least once every three years and shall be aligned with the strategy and policies of the Director of National Intelligence.

(3) Implementation of National Counterintelligence Strategy

To evaluate on an ongoing basis the implementation of the National Counterintelligence Strategy and to submit to the President periodic reports on such evaluation, including a