

(3) Protection of sources and methods

This subsection shall be carried out in a manner that is consistent with the protection of sources and methods.

(Pub. L. 116-92, div. E, title LXV, §6507, Dec. 20, 2019, 133 Stat. 2207.)

DEFINITIONS

For definition of “congressional intelligence committees”, referred to in subsec. (c)(1), see section 5003 of div. E of Pub. L. 116-92, set out as a note under section 3003 of this title.

§ 3371d. Designation of counterintelligence officer to lead election security matters**(a) In general**

The Director of National Intelligence shall designate a national counterintelligence officer within the National Counterintelligence and Security Center to lead, manage, and coordinate counterintelligence matters relating to election security.

(b) Additional responsibilities

The person designated under subsection (a) shall also lead, manage, and coordinate counterintelligence matters relating to risks posed by interference from foreign powers (as defined in section 1801 of this title) to the following:

- (1) The Federal Government election security supply chain.
- (2) Election voting systems and software.
- (3) Voter registration databases.
- (4) Critical infrastructure related to elections.
- (5) Such other Government goods and services as the Director of National Intelligence considers appropriate.

(Pub. L. 116-92, div. E, title LXV, §6508, Dec. 20, 2019, 133 Stat. 2208.)

SUBCHAPTER V—MANAGEMENT OF COUNTERINTELLIGENCE ACTIVITIES

§ 3381. Coordination of counterintelligence activities**(a) Establishment of Counterintelligence Policy Board**

There is established within the executive branch of Government a National Counterintelligence Policy Board (in this section referred to as the “Board”). The Board shall report to the President through the National Security Council.

(b) Chairperson

The Director of the National Counterintelligence and Security Center appointed under section 902 of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 3382) shall serve as the chairperson of the Board.

(c) Membership

The membership of the National Counterintelligence Policy Board shall consist of the following:

- (1) The Director of the National Counterintelligence and Security Center.
- (2) Senior personnel of departments and elements of the United States Government, ap-

pointed by the head of the department or element concerned, as follows:

- (A) The Department of Justice, including the Federal Bureau of Investigation.
- (B) The Department of Defense, including the Joint Chiefs of Staff.
- (C) The Department of State.
- (D) The Department of Energy.
- (E) The Central Intelligence Agency.
- (F) Any other department, agency, or element of the United States Government specified by the President.

(d) Functions and discharge of functions

(1) The Board shall—

(A) serve as the principal mechanism for—

(i) developing policies and procedures for the approval of the President to govern the conduct of counterintelligence activities; and

(ii) upon the direction of the President, resolving conflicts that arise between elements of the Government conducting such activities; and

(B) act as an interagency working group to—

(i) ensure the discussion and review of matters relating to the implementation of the Counterintelligence Enhancement Act of 2002; and

(ii) provide advice to the Director of the National Counterintelligence and Security Center on priorities in the implementation of the National Counterintelligence Strategy produced pursuant to section 904(d)(2) of that Act (50 U.S.C. 3383(d)(2)).

(2) The Board may, for purposes of carrying out its functions under this section, establish such interagency boards and working groups as the Board considers appropriate.

(e) Coordination of counterintelligence matters with Federal Bureau of Investigation

(1) Except as provided in paragraph (5), the head of each department or agency within the executive branch shall ensure that—

(A) the Federal Bureau of Investigation is advised immediately of any information, regardless of its origin, which indicates that classified information is being, or may have been, disclosed in an unauthorized manner to a foreign power or an agent of a foreign power;

(B) following a report made pursuant to subparagraph (A), the Federal Bureau of Investigation is consulted with respect to all subsequent actions which may be undertaken by the department or agency concerned to determine the source of such loss or compromise; and

(C) where, after appropriate consultation with the department or agency concerned, the Federal Bureau of Investigation undertakes investigative activities to determine the source of the loss or compromise, the Federal Bureau of Investigation is given complete and timely access to the employees and records of the department or agency concerned for purposes of such investigative activities.

(2) Except as provided in paragraph (5), the Director of the Federal Bureau of Investigation shall ensure that espionage information obtained by the Federal Bureau of Investigation