

107–306, Nov. 27, 2002, 116 Stat. 2432. For complete classification of this Act to the Code, see Tables.

#### CODIFICATION

Section was formerly classified to section 402a of this title prior to editorial reclassification and renumbering as this section. Some section numbers of this title referenced in amendment notes below reflect the classification of such sections prior to their editorial reclassification.

#### AMENDMENTS

2017—Subsec. (b). Pub. L. 115–31, § 401(f)(1), substituted “Director of the National Counterintelligence and Security Center appointed under section 902 of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 3382)” for “National Counterintelligence Executive under section 902 of the Counterintelligence Enhancement Act of 2002”.

Subsec. (c)(1). Pub. L. 115–31, § 401(f)(2), substituted “Director of the National Counterintelligence and Security Center.” for “National Counterintelligence Executive.”

Subsec. (d)(1)(B)(ii). Pub. L. 115–31, § 401(f)(3), substituted “Director of the National Counterintelligence and Security Center” for “National Counterintelligence Executive” and “pursuant to section 904(d)(2) of that Act (50 U.S.C. 3383(d)(2))” for “by the Office of the National Counterintelligence Executive under section 904(e)(2) of that Act”.

2004—Subsec. (c)(6)(C). Pub. L. 108–458, which directed amendment of subsec. (c)(6)(C) by substituting “Director of National Intelligence” for “Director of Central Intelligence”, could not be executed because of the amendments by Pub. L. 107–306, § 903(a)(2), and Pub. L. 108–177. See 2002 and 2003 Amendment notes below.

2003—Subsec. (e). Pub. L. 108–177, which directed the amendment of subsec. (c) by redesignating pars. (7) and (8) as (6) and (7), respectively, and striking out former par. (6), was executed by making the amendment to subsec. (e) to reflect the probable intent of Congress and the redesignation of subsec. (c) as (e) by Pub. L. 107–306, § 903(a)(2), see below. Prior to amendment, par. (6) read as follows:

“(6)(A) Not later than each year than the date provided in section 415b of this title, the Director of the Federal Bureau of Investigation shall submit to the congressional intelligence committees (as defined in section 401a of this title) a report with respect to compliance with paragraphs (1) and (2) during the previous calendar year.

“(B) Not later than February 1 each year, the Director shall, in accordance with applicable security procedures, submit to the Committees on the Judiciary of the Senate and House of Representatives a report with respect to compliance with paragraphs (1) and (2) during the previous calendar year.

“(C) The Director of the Federal Bureau of Investigation shall submit each report under this paragraph in consultation with the Director of Central Intelligence and the Secretary of Defense.”

2002—Subsec. (b). Pub. L. 107–306, § 903(a)(1), (3), added subsec. (b) and struck out heading and text of former subsec. (b). Text read as follows: “The Board shall serve as the principal mechanism for—

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

“(2) resolving conflicts, as directed by the President, which may arise between elements of the Government which carry out such activities.”

Subsec. (c). Pub. L. 107–306, § 903(b), added subsec. (c). Former subsec. (c) redesignated (e).

Subsec. (c)(6). Pub. L. 107–306, § 811(b)(5)(B), amended par. (6) generally. Prior to amendment, par. (6) read as follows: “The Director of the Federal Bureau of Investigation shall, in consultation with the Director of Central Intelligence and the Secretary of Defense, report annually, beginning on February 1, 1995, and continuing

each year thereafter, to the Select Committee on Intelligence of the Senate and to the Permanent Select Committee on Intelligence of the House of Representatives and, in accordance with applicable security procedures, the Committees on the Judiciary of the House of Representatives and the Senate with respect to compliance with paragraphs (1) and (2) during the previous calendar year.”

Subsec. (d). Pub. L. 107–306, § 903(c), added subsec. (d).

Subsec. (e). Pub. L. 107–306, § 903(a)(2), redesignated subsec. (c) as (e).

2000—Subsec. (c)(1). Pub. L. 106–567, § 605(a)(1), substituted “paragraph (5)” for “paragraph (3)”.

Subsec. (c)(2). Pub. L. 106–567, § 605(a)(1), (b), substituted “paragraph (5)” for “paragraph (3)” and inserted “in a timely manner” after “through appropriate channels” and “are consulted”.

Subsec. (c)(3). Pub. L. 106–567, § 605(a)(3), added par. (3). Former par. (3) redesignated (5).

Subsec. (c)(4). Pub. L. 106–567, § 605(a), (c), added par. (4). Former par. (4) redesignated (6).

Subsec. (c)(5). Pub. L. 106–567, § 605(a)(2), (4), redesignated par. (3) as (5) and substituted “paragraph (1), (2), or (3)” for “paragraph (1) or (2)”. Former par. (5) redesignated (7).

Subsec. (c)(6) to (8). Pub. L. 106–567, § 605(a)(2), redesignated pars. (4) to (6) as (6) to (8), respectively.

1999—Subsec. (c)(2). Pub. L. 106–120 struck out “after a report has been provided pursuant to paragraph (1)(A)” before period at end.

#### 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.

#### EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108–177 effective Dec. 31, 2003, see section 361(n) of Pub. L. 108–177, set out as a note under section 1611 of Title 10, Armed Forces.

#### ANNUAL REPORTS ON INTELLIGENCE ACTIVITIES OF THE PEOPLE’S REPUBLIC OF CHINA

Pub. L. 105–107, title III, § 308, Nov. 20, 1997, 111 Stat. 2253, as amended by Pub. L. 107–306, title VIII, § 811(b)(5)(D), Nov. 27, 2002, 116 Stat. 2424, related to annual reports to Congress by the Director of Central Intelligence and the Director of the Federal Bureau of Investigation on intelligence activities of the People’s Republic of China directed against or affecting the interests of the United States, prior to repeal by Pub. L. 108–177, title III, § 361(f), Dec. 13, 2003, 117 Stat. 2625.

### § 3382. Director of the National Counterintelligence and Security Center

#### (a) Establishment

There shall be a Director of the National Counterintelligence and Security Center (referred to in this section as the “Director”), who shall be appointed by the President, by and with the advice and consent of the Senate.

#### (b) Mission

The mission of the Director 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 Director are as follows:

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

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

(3) To act as head of the National Counterintelligence and Security Center established 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 Director and the National Counterintelligence and Security Center 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; Pub. L. 114-113, div. M, title IV, §401(a), Dec. 18, 2015, 129 Stat. 2920; Pub. L. 115-31, div. N, title IV, §401(a)(1), (3), May 5, 2017, 131 Stat. 816, 817.)

#### CODIFICATION

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

#### AMENDMENTS

2017—Pub. L. 115-31, §401(a)(1), amended section generally. Prior to amendment, section related to the National Counterintelligence Executive.

Subsec. (a). Pub. L. 115-31, §401(a)(3), provided that the amendment made by Pub. L. 114-113, §401(a), was deemed to not have taken effect. See 2015 Amendment and Effective Date of 2015 Amendment notes below.

2015—Subsec. (a). Pub. L. 114-113, which directed that subsec. (a) be amended to read as follows:

“(a) ESTABLISHMENT.—There shall be a National Counterintelligence Executive who shall be appointed by the President, by and with the advice and consent of the Senate.”, was deemed to not have taken effect by Pub. L. 115-31, §401(a)(3). See 2017 Amendment note above.

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 2015 AMENDMENT

Pub. L. 115-31, div. N, title IV, §401(a)(3), May 5, 2017, 131 Stat. 817, provided that: “The amendment made by subsection (a) of section 401 of the Intelligence Authorization Act for Fiscal Year 2016 (division M of Public Law 114-113) [amending this section] shall not take effect, or, if the date of the enactment of this Act [May 5, 2017] is on or after the effective date specified in subsection (b) of such section [Dec. 18, 2016, see note below], such amendment shall be deemed to not have taken effect.”

Pub. L. 114-113, div. M, title IV, §401(b), Dec. 18, 2015, 129 Stat. 2921, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on the date that is one year after the date of the enactment of this Act [Dec. 18, 2015].”

#### 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. National Counterintelligence and Security Center

#### (a) Establishment

There shall be a National Counterintelligence and Security Center.

#### (b) Head of Center

The Director of the National Counterintelligence and Security Center shall be the head of the National Counterintelligence and Security Center.

#### (c) Location of Center

The National Counterintelligence and Security Center shall be located in the Office of the Director of National Intelligence.

#### (d) Functions

Subject to the direction and control of the Director of the National Counterintelligence and Security Center, the functions of the National Counterintelligence and Security Center 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