

§ 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.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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