

“(B) ensure that the Office complies with all applicable laws, regulations, Executive orders, and guidelines; and

“(C) carry out such other duties as the Executive may specify.”

Subsec. (d)(1), (2). Pub. L. 111-259, §412(b)(1), substituted “subsection (e)” for “subsection (f)”.

Subsec. (e). Pub. L. 111-259, §412(a)(2), redesignated subsec. (f) as (e). Former subsec. (e) redesignated (d).

Subsec. (e)(1). Pub. L. 111-259, §412(b)(2)(A), substituted “subsection (d)(1)” for “subsection (e)(1)”.

Subsec. (e)(2). Pub. L. 111-259, §412(b)(2)(B), substituted “subsection (d)(2)” for “subsection (e)(2)”.

Subsec. (f). Pub. L. 111-259, §412(a)(2), redesignated subsec. (g) as (f). Former subsec. (f) redesignated (e).

Subsec. (f)(3), (4). Pub. L. 111-259, §412(a)(3), struck out pars. (3) and (4) which read as follows:

“(3) The employment of personnel by the Office, including the appointment, compensation and benefits, management, and separation of such personnel, shall be governed by the provisions of law on such matters with respect to the personnel of the Central Intelligence Agency, except that, for purposes of the applicability of such provisions of law to personnel of the Office, the National Counterintelligence Executive shall be treated as the head of the Office.

“(4) Positions in the Office shall be excepted service positions for purposes of title 5.”

Subsecs. (g) to (m). Pub. L. 111-259, §412(a)(1), (2), redesignated subsecs. (k) to (m) as (g) to (i), respectively, and struck out former subsecs. (h) to (j) which related to support, availability of funds for reimbursement, and contracts, respectively. Former subsec. (g) redesignated (f).

2004—Subsec. (c). Pub. L. 108-458, §1072(d)(1)(C)(i), substituted “Office of the Director of National Intelligence” for “Office of the Director of Central Intelligence”.

Subsec. (e)(4). Pub. L. 108-458, §1071(g)(2)(B)(i), substituted “Director of National Intelligence” for “Director of Central Intelligence”.

Subsec. (e)(5). Pub. L. 108-458, §1071(g)(2)(B)(ii), substituted “Director of National Intelligence” for “Director of Central Intelligence” in introductory provisions.

Subsec. (h)(1), (2). Pub. L. 108-458, §1071(g)(2)(B)(iii), substituted “Director of National Intelligence” for “Director of Central Intelligence”.

Subsec. (l). Pub. L. 108-458, §1072(d)(1)(C)(ii), substituted “Office of the Director of National Intelligence” for “Office of the Director of Central Intelligence” in introductory provisions.

Subsec. (m). Pub. L. 108-458, §1071(g)(2)(B)(iv), substituted “Director of National Intelligence” for “Director of Central Intelligence”.

Statutory Notes and Related Subsidiaries

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.

RULE OF CONSTRUCTION—NO ENHANCED AUTHORITIES

Nothing in amendment made by Pub. L. 117-263 to be construed as enhancing, or otherwise changing, the authorities of the intelligence community to target, collect, process, or disseminate information regarding United States Government personnel, see section 6318(e) of Pub. L. 117-263, set out as a note under section 3232a of this title.

§ 3384. Intelligence Community Counterintelligence Office at the Department of Agriculture

(a) Definitions

In this section:

(1) Department

The term “Department” means the Department of Agriculture.

(2) Secretary

The term “Secretary” means the Secretary of Agriculture.

(b) Omitted

(c) Establishment of Intelligence Community Counterintelligence Office

(1) Agreement with Secretary of Agriculture

The Director of National Intelligence, acting through the Director of the National Counterintelligence and Security Center, shall seek to enter into an agreement with the Secretary under which the Director of National Intelligence and the Secretary shall establish within the Department an office, which shall be known as the “Intelligence Community Counterintelligence Office”, in accordance with this section.

(2) Location

The Intelligence Community Counterintelligence Office established pursuant to this section shall be physically located within the headquarters of the Department and within reasonable proximity to the offices of the leadership of the Department.

(3) Security

The Director of the National Counterintelligence and Security Center shall be responsible for the protection of classified information and for the establishment and enforcement of all security-related controls within the Intelligence Community Counterintelligence Office.

(d) Personnel

(1) Director

(A) Appointment

There shall be at the head of the Intelligence Community Counterintelligence Office a Director who is appointed by the Director of National Intelligence. The Director of the Intelligence Community Counterintelligence Office shall—

(i) be supervised and subject to performance evaluations by the Director of the National Counterintelligence and Security Center, in consultation with the Secretary;

(ii) be an employee of the intelligence community with significant counterintelligence experience; and

(iii) serve for a period of 3 years.

(B) Responsibilities

The Director of the Intelligence Community Counterintelligence Office shall carry out the following responsibilities:

(i) Serving as the head of the Intelligence Community Counterintelligence

Office, with supervisory responsibility for the Intelligence Community Counterintelligence Office and any other personnel assigned to the Intelligence Community Counterintelligence Office.

(ii) Advising the Secretary on counterintelligence and intelligence information.

(iii) Ensuring that counterintelligence threat information and, as appropriate, finished intelligence on topics related to the functions of the Department, are provided to appropriate personnel of the department or agency without delay.

(iv) Ensuring critical intelligence relevant to the Secretary is requested and disseminated in a timely manner.

(v) Establishing, as appropriate, mechanisms for collaboration through which Department subject matter experts, including those without security clearances, can share information and expertise with the intelligence community.

(vi) Correlating and evaluating counterintelligence threats identified within intelligence community reporting, in coordination with the National Counterintelligence and Security Center, and providing appropriate dissemination of such intelligence to officials of the Department with a need-to-know.

(vii) Advising the Secretary on methods to improve the counterintelligence posture of the Department.

(viii) Where appropriate, supporting the Department's leadership in engaging with the National Security Council.

(ix) In coordination with the National Counterintelligence and Security Center, establishing counterintelligence partnerships to improve the counterintelligence defense of the Department.

(2) Deputy Director

There shall be within the Intelligence Community Counterintelligence Office a Deputy Director who is appointed by the Secretary, in coordination with the Director of National Intelligence. The Deputy Director shall—

(A) be supervised and subject to performance evaluations by the Secretary, in consultation with the Director of the National Counterintelligence and Security Center;

(B) be a current or former employee of the Department with significant experience within the Department; and

(C) serve at the pleasure of the Secretary.

(3) Other employees

(A) Joint duty assignment

There shall be within the Intelligence Community Counterintelligence Office such other employees as the Director of National Intelligence, in consultation with the Secretary, determines appropriate. Employment at the Intelligence Community Counterintelligence Office is an intelligence community joint duty assignment. A permanent change of station to the Intelligence Community Counterintelligence Office shall be for a period of not less than 2 years.

(B) Supervision

The Director of the Intelligence Community Counterintelligence Office shall be re-

sponsible for the supervision and management of employees assigned to the Intelligence Community Counterintelligence Office, including employees assigned by program elements of the intelligence community and other Federal departments and agencies, as appropriate.

(C) Joint duty or assigned personnel reimbursement

The Director of National Intelligence shall reimburse a program element of the intelligence community or a Federal department or agency for any permanent change of station employee assigned to the Intelligence Community Counterintelligence Office from amounts authorized to be appropriated for the Office of the Director of National Intelligence.

(D) Operation under authority of Director of National Intelligence

Employees assigned to the Intelligence Community Counterintelligence Office under this paragraph shall operate under the authorities of the Director of National Intelligence for the duration of their assignment or period of employment within the Intelligence Community Counterintelligence Office, except for temporary duty assignment employees.

(E) Incentive pay

(i) In general

An employee who accepts employment at the Intelligence Community Counterintelligence Office during the 120-day period after the date of the establishment of the Intelligence Community Counterintelligence Office shall receive an incentive payment, which shall be payable by the Director of National Intelligence, in an amount equal to 10 percent of the base annual pay of the employee. Such an employee who completes 2 years of service in the Intelligence Community Counterintelligence Office may receive an incentive payment in an amount equal to 10 percent of the base annual pay of the employee if the Director of the Intelligence Community Counterintelligence Office determines the performance of the employee is exceptional.

(ii) Eligibility

An employee is only eligible for an incentive payment under clause (i) if the employee enters into an agreement with the Director of National Intelligence to serve in the Intelligence Community Counterintelligence Office for a period of at least 2 years.

(e) Funding

To the extent and in such amounts as specifically provided in advance in appropriations Acts for the purposes detailed in this subsection, the Director of National Intelligence may expend such sums as are authorized within the National Intelligence Program of the Office of the Director of National Intelligence for—

(1) the renovation, furnishing, and equipping of a Federal building, as necessary, to meet

the security and operational requirements of the Intelligence Community Counterintelligence Office;

(2) the provision of connectivity to the Intelligence Community Counterintelligence Office to enable briefings, secure audio and video communications, and collaboration between employees of the Department and the intelligence community at the unclassified, secret, and top secret levels;

(3) the provision of other information technology systems and devices, such as computers, printers, and phones, for use by employees of the Intelligence Community Counterintelligence Office;

(4) the assignment of employees of the intelligence community to support the operation of the Intelligence Community Counterintelligence Office; and

(5) the provision of other personal services necessary for the operation of the Intelligence Community Counterintelligence Office.

(f) Deadline for establishment of the Intelligence Community Counterintelligence Office

(1) Establishment

Not later than January 1, 2025, the Director of National Intelligence shall seek to establish, in accordance with this section, the Intelligence Community Counterintelligence Office within the Department.

(2) Report

Not later than 180 days after December 22, 2023, the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report on the plan to establish the Intelligence Community Counterintelligence Office required under paragraph (1). Such report shall include the costs and schedule associated with establishing the Intelligence Community Counterintelligence Office.

(Pub. L. 118-31, div. G, title III, § 7318, Dec. 22, 2023, 137 Stat. 1033.)

Editorial Notes

CODIFICATION

Section is comprised of section 7318 of Pub. L. 118-31. Subsec. (b) of section 7318 of Pub. L. 118-31 repealed section 415 of Pub. L. 117-103, formerly set out as a note under section 532 of Title 28, Judiciary and Judicial Procedure.

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definitions of “intelligence community” and “congressional intelligence committees” as used in this section, see section 7002 of Pub. L. 118-31, set out as a note under section 3003 of this title.

§ 3385. Benjamin Tallmadge Institute as primary Central Intelligence Agency entity for education and training in counterintelligence

(a) In general

The Director of the Central Intelligence Agency shall maintain the Benjamin Tallmadge In-

stitute as the primary entity within the Central Intelligence Agency for education and training related to all aspects of counterintelligence.

(b) Responsibilities of Director

The Director of the Central Intelligence Agency shall—

(1) ensure the Institute is fully and properly organized and has the resources necessary to provide counterintelligence education and training for all career fields within the Agency, including specialized certifications for Agency counterintelligence personnel;

(2) develop appropriate certification courses that are designed to educate, train, and certify Agency personnel in—

(A) counterintelligence threats, insider threats, and other counterintelligence processes and issues;

(B) the conduct and support of counterintelligence inquiries and investigations;

(C) relevant skills necessary for coordination with Federal law enforcement; and

(D) any other skills as the Director determines necessary;

(3) identify and designate specific positions for which an individual shall be required to have a certification described in paragraph (2) prior to filling such a position; and

(4) develop necessary infrastructure and capacity to support the availability of courses under subsection (c) to increase participation by personnel from other components of the intelligence community in the courses offered by the Institute.

(c) Training and familiarization courses

(1) In general

The head of the Institute shall—

(A) develop training and familiarization courses at different classification levels, including courses at an unclassified level; and

(B) offer instruction in the courses developed under subparagraph (A) or make training curricula available to other intelligence community components, as appropriate, to support outreach efforts.

(2) Availability of courses

The training and familiarization courses developed under paragraph (1) shall be made available to any of the following that have a need and appropriate clearance, as determined by the Director of the National Counterintelligence and Security Center in consultation with the Director of the Central Intelligence Agency, for a general education on counterintelligence threats, briefings on specific topics, or other training related to counterintelligence:

(A) Federal departments and agencies that are not elements of the intelligence community.

(B) State, local, and Tribal governments.

(C) Private sector entities.

(D) Such other personnel and entities as appropriate.

(d) Baseline certification course

(1) In general

The Institute shall develop, in coordination with the National Counterintelligence and Se-