

cial who is responsible for correcting such long-standing, correctable material weakness shall make and issue a determination of the correction.

“(2) BASIS FOR DETERMINATION.—The determination of the senior intelligence management official under paragraph (1) shall be based on the findings of an independent review.

“(3) NOTIFICATION AND SUBMISSION OF FINDINGS.—A senior intelligence management official who makes a determination under paragraph (1) shall—

“(A) notify the head of the appropriate covered element of the intelligence community of such determination at the time the determination is made; and

“(B) ensure that the independent auditor whose findings are the basis of a determination under paragraph (1) submits to the head of the covered element of the intelligence community and the Director of National Intelligence the findings that such determination is based on not later than 5 days after the date on which such determination is made.

“(e) CONGRESSIONAL OVERSIGHT.—The head of a covered element of the intelligence community shall notify the congressional intelligence committees not later than 30 days after the date—

“(1) on which a senior intelligence management official is designated under paragraph (1) or (3) of subsection (b) and notified under subsection (c); or

“(2) of the correction of a long-standing, correctable material weakness, as verified by an independent auditor under subsection (d)(2).”

[For definition of “congressional intelligence committees” as used in section 368 of Pub. L. 111-259, set out above, see section 2 of Pub. L. 111-259, set out as a Definitions note under section 401a of this title.]

#### § 404j. Limitation on establishment or operation of diplomatic intelligence support centers

##### (a) In general

(1) A diplomatic intelligence support center may not be established, operated, or maintained without the prior approval of the Director of National Intelligence.

(2) The Director may only approve the establishment, operation, or maintenance of a diplomatic intelligence support center if the Director determines that the establishment, operation, or maintenance of such center is required to provide necessary intelligence support in furtherance of the national security interests of the United States.

##### (b) Prohibition of use of appropriations

Amounts appropriated pursuant to authorizations by law for intelligence and intelligence-related activities may not be obligated or expended for the establishment, operation, or maintenance of a diplomatic intelligence support center that is not approved by the Director of National Intelligence.

##### (c) Definitions

In this section:

(1) The term “diplomatic intelligence support center” means an entity to which employees of the various elements of the intelligence community (as defined in section 401a(4) of this title) are detailed for the purpose of providing analytical intelligence support that—

(A) consists of intelligence analyses on military or political matters and expertise to conduct limited assessments and dynamic taskings for a chief of mission; and

(B) is not intelligence support traditionally provided to a chief of mission by the Director of National Intelligence.

(2) The term “chief of mission” has the meaning given that term by section 3902(3) of title 22, and includes ambassadors at large and ministers of diplomatic missions of the United States, or persons appointed to lead United States offices abroad designated by the Secretary of State as diplomatic in nature.

##### (d) Termination

This section shall cease to be effective on October 1, 2000.

(July 26, 1947, ch. 343, title I, § 115, as added Pub. L. 106-120, title III, § 303(a), Dec. 3, 1999, 113 Stat. 1610; amended Pub. L. 108-458, title I, § 1071(a)(1)(P)–(R), Dec. 17, 2004, 118 Stat. 3689.)

##### AMENDMENTS

2004—Subsec. (a)(1). Pub. L. 108-458, § 1071(a)(1)(P), substituted “Director of National Intelligence” for “Director of Central Intelligence”.

Subsec. (b). Pub. L. 108-458, § 1071(a)(1)(Q), substituted “Director of National Intelligence” for “Director of Central Intelligence”.

Subsec. (c)(1)(B). Pub. L. 108-458, § 1071(a)(1)(R), substituted “Director of National Intelligence” for “Director of Central Intelligence”.

##### 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 401 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 401 of this title.

#### § 404k. Travel on any common carrier for certain intelligence collection personnel

##### (a) In general

Notwithstanding any other provision of law, the Director of National Intelligence may authorize travel on any common carrier when such travel, in the discretion of the Director—

(1) is consistent with intelligence community mission requirements, or

(2) is required for cover purposes, operational needs, or other exceptional circumstances necessary for the successful performance of an intelligence community mission.

##### (b) Authorized delegation of duty

The Director of National Intelligence may only delegate the authority granted by this section to the Principal Deputy Director of National Intelligence, or with respect to employees of the Central Intelligence Agency, to the Director of the Central Intelligence Agency, who may delegate such authority to other appropriate officials of the Central Intelligence Agency.

(July 26, 1947, ch. 343, title I, § 116, as added Pub. L. 106-567, title III, § 305(a), Dec. 27, 2000, 114 Stat. 2838; amended Pub. L. 108-458, title I, §§ 1071(a)(1)(S), (3)(B), 1072(a)(5), Dec. 17, 2004, 118 Stat. 3689, 3690, 3692; Pub. L. 111-259, title IV, § 424, Oct. 7, 2010, 124 Stat. 2728.)

## AMENDMENTS

2010—Subsec. (b). Pub. L. 111-259 substituted “, who may delegate such authority to other appropriate officials of the Central Intelligence Agency.” for the period.

2004—Subsec. (a). Pub. L. 108-458, §1071(a)(1)(S), substituted “Director of National Intelligence” for “Director of Central Intelligence” in introductory provisions.

Subsec. (b). Pub. L. 108-458, §1072(a)(5), which directed amendment of subsec. (b) by substituting “to the Principal Deputy Director of National Intelligence, or with respect to employees of the Central Intelligence Agency, to the Director of the Central Intelligence Agency” for “to the Deputy Director of Central Intelligence, or with respect to employees of the Central Intelligence Agency, the Director may delegate such authority to the Deputy Director for Operations”, was executed by making the substitution for “to the Deputy Director of Central Intelligence, or with respect to employees of the Central Intelligence Agency the Director may delegate such authority to the Deputy Director for Operations”, to reflect the probable intent of Congress.

Pub. L. 108-458, §1071(a)(3)(B), which directed amendment of subsec. (b) by substituting “Director of National Intelligence” for “Director” each place it appeared, was executed by making the substitution the first place it appeared to reflect the probable intent of Congress.

## 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 401 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 401 of this title.

**§ 404I. POW/MIA analytic capability****(a) Requirement**

(1) The Director of National Intelligence shall, in consultation with the Secretary of Defense, establish and maintain in the intelligence community an analytic capability with responsibility for intelligence in support of the activities of the United States relating to individuals who, after December 31, 1990, are unaccounted for United States personnel.

(2) The analytic capability maintained under paragraph (1) shall be known as the “POW/MIA analytic capability of the intelligence community”.

**(b) Unaccounted for United States personnel**

In this section, the term “unaccounted for United States personnel” means the following:

(1) Any missing person (as that term is defined in section 1513(1) of title 10).

(2) Any United States national who was killed while engaged in activities on behalf of the United States and whose remains have not been repatriated to the United States.

(July 26, 1947, ch. 343, title I, §117, as added Pub. L. 106-567, title III, §307(a), Dec. 27, 2000, 114 Stat. 2839; amended Pub. L. 108-458, title I, §1071(a)(1)(T), Dec. 17, 2004, 118 Stat. 3689.)

## AMENDMENTS

2004—Subsec. (a)(1). Pub. L. 108-458 substituted “Director of National Intelligence” for “Director of Central Intelligence”.

## 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 401 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 401 of this title.

**§ 404m. Annual report on financial intelligence on terrorist assets****(a) Annual report**

On a<sup>1</sup> annual basis, the Secretary of the Treasury (acting through the head of the Office of Intelligence Support) shall submit a report to the appropriate congressional committees that fully informs the committees concerning operations against terrorist financial networks. Each such report shall include with respect to the preceding one-year period—

(1) the total number of asset seizures, designations, and other actions against individuals or entities found to have engaged in financial support of terrorism;

(2) the total number of physical searches of offices, residences, or financial records of individuals or entities suspected of having engaged in financial support for terrorist activity; and

(3) whether the financial intelligence information seized in these cases has been shared on a full and timely basis with the all departments, agencies, and other entities of the United States Government involved in intelligence activities participating in the Foreign Terrorist Asset Tracking Center.

**(b) Immediate notification for emergency designation**

In the case of a designation of an individual or entity, or the assets of an individual or entity, as having been found to have engaged in terrorist activities, the Secretary of the Treasury shall report such designation within 24 hours of such a designation to the appropriate congressional committees.

**(c) Submittal date of reports to congressional intelligence committees**

In the case of the reports required to be submitted under subsection (a) of this section to the congressional intelligence committees, the submittal dates for such reports shall be as provided in section 415b of this title.

**(d) Appropriate congressional committees defined**

In this section, the term “appropriate congressional committees” means the following:

(1) The Permanent Select Committee on Intelligence, the Committee on Appropriations, the Committee on Armed Services, and the Committee on Financial Services of the House of Representatives.

(2) The Select Committee on Intelligence, the Committee on Appropriations, the Com-

<sup>1</sup> So in original. Probably should be “an”.