

(Pub. L. 107-306, title III, §343, Nov. 27, 2002, 116 Stat. 2399; Pub. L. 108-177, title III, §377(d), Dec. 13, 2003, 117 Stat. 2631; Pub. L. 108-458, title I, §§1071(g)(2)(A)(ii), 1072(d)(1)(A), Dec. 17, 2004, 118 Stat. 3691, 3693; Pub. L. 111-259, title III, §347(f), Oct. 7, 2010, 124 Stat. 2699.)

## REFERENCES IN TEXT

Section 403-3 of this title, referred to in subsec. (d)(2), was repealed and a new section 403-3 enacted by Pub. L. 108-458, title I, §1011(a), Dec. 17, 2004, 118 Stat. 3643, without corresponding amendment to this section. The new section 403-3 contains a subsec. (c) relating to the composition of the Office of the Director of National Intelligence.

## CODIFICATION

Section was enacted as part of the Intelligence Authorization Act for Fiscal Year 2003, and not as part of the National Security Act of 1947 which comprises this chapter.

## AMENDMENTS

Subsecs. (d) to (h). Pub. L. 111-259 redesignated subsecs. (e) to (h) as (d) to (g), respectively, and struck out former subsec. (d). Prior to amendment, text of subsec. (d) read as follows:

“(1) The Director shall review on an annual basis the information provided by various departments and agencies for purposes of the list under subsection (a) of this section in order to determine whether or not the information so provided is derived from the widest possible range of intelligence available to such departments and agencies.

“(2) The Director shall, as a result of each review under paragraph (1), certify whether or not the elements of the intelligence community responsible for the collection of intelligence related to the list have provided information for purposes of the list that is derived from the widest possible range of intelligence available to such department and agencies.”

2004—Subsec. (a)(1). Pub. L. 108-458, §1071(g)(2)(A)(ii), which directed amendment of par. (1) by substituting “Director of National Intelligence” for “Director of Central Intelligence, acting as the head of the intelligence community,” was executed by making the substitution for “Director of Central Intelligence, acting as head of the Intelligence Community,” in introductory provisions to reflect the probable intent of Congress.

Subsec. (c). Pub. L. 108-458, §1072(d)(1)(A), which directed amendment of subsec. (c) by substituting “section 403-1(i)” for “section 403-3(c)(6)”, was executed by making the substitution for “section 403-3(c)(7)” to reflect the probable intent of Congress and the amendment by Pub. L. 108-177. See 2003 Amendment note below.

2003—Subsecs. (c), (e)(2). Pub. L. 108-177, §377(d), substituted “section 403-3(c)(7) of this title” for “section 403-3(c)(6) of this title”.

## 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.

**§ 404n-3. Repealed. Pub. L. 108-177, title III, § 361(e), Dec. 13, 2003, 117 Stat. 2625**

Section, Pub. L. 107-306, title VIII, §827, Nov. 27, 2002, 116 Stat. 2430, related to annual report on foreign com-

panies involved in the proliferation of weapons of mass destruction that raise funds in the United States capital markets.

## EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 31, 2003, see section 361(n) of Pub. L. 108-177, set out as an Effective Date of 2003 Amendment note under section 1611 of Title 10, Armed Forces.

**§ 404o. National Counterterrorism Center**

**(a) Establishment of Center**

There is within the Office of the Director of National Intelligence a National Counterterrorism Center.

**(b) Director of National Counterterrorism Center**

(1) There is a Director of the National Counterterrorism Center, who shall be the head of the National Counterterrorism Center, and who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) The Director of the National Counterterrorism Center may not simultaneously serve in any other capacity in the executive branch.

**(c) Reporting**

(1) The Director of the National Counterterrorism Center shall report to the Director of National Intelligence with respect to matters described in paragraph (2) and the President with respect to matters described in paragraph (3).

(2) The matters described in this paragraph are as follows:

(A) The budget and programs of the National Counterterrorism Center.

(B) The activities of the Directorate of Intelligence of the National Counterterrorism Center under subsection (i).

(C) The conduct of intelligence operations implemented by other elements of the intelligence community; and

(3) The matters described in this paragraph are the planning and progress of joint counterterrorism operations (other than intelligence operations).

**(d) Primary missions**

The primary missions of the National Counterterrorism Center shall be as follows:

(1) To serve as the primary organization in the United States Government for analyzing and integrating all intelligence possessed or acquired by the United States Government pertaining to terrorism and counterterrorism, excepting intelligence pertaining exclusively to domestic terrorists and domestic counterterrorism.

(2) To conduct strategic operational planning for counterterrorism activities, integrating all instruments of national power, including diplomatic, financial, military, intelligence, homeland security, and law enforcement activities within and among agencies.

(3) To assign roles and responsibilities as part of its strategic operational planning duties to lead Departments or agencies, as appropriate, for counterterrorism activities that are consistent with applicable law and that support counterterrorism strategic operational plans, but shall not direct the execution of any resulting operations.