

§ 3051. Repealed. Pub. L. 111-259, title III, § 347(c), Oct. 7, 2010, 124 Stat. 2698

Section, act July 26, 1947, ch. 343, title I, § 114A, as added Pub. L. 107-306, title VIII, § 823(a), Nov. 27, 2002, 116 Stat. 2427; amended Pub. L. 108-136, div. A, title IX, § 921(g), Nov. 24, 2003, 117 Stat. 1570; Pub. L. 108-458, title I, § 1071(a)(4), Dec. 17, 2004, 118 Stat. 3690, related to annual report on improvement of financial statements for auditing purposes.

CODIFICATION

Section was formerly classified to section 404i-1 of this title and repealed prior to editorial reclassification and renumbering as this section.

CORRECTING LONG-STANDING MATERIAL WEAKNESSES

Pub. L. 111-259, title III, § 368, Oct. 7, 2010, 124 Stat. 2705, provided that:

“(a) DEFINITIONS.—In this section:

“(1) COVERED ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term ‘covered element of the intelligence community’ means—

“(A) the Central Intelligence Agency;

“(B) the Defense Intelligence Agency;

“(C) the National Geospatial-Intelligence Agency;

“(D) the National Reconnaissance Office; or

“(E) the National Security Agency.

“(2) INDEPENDENT AUDITOR.—The term ‘independent auditor’ means an individual who—

“(A)(i) is a Federal, State, or local government auditor who meets the independence standards included in generally accepted government auditing standards; or

“(ii) is a public accountant who meets such independence standards; and

“(B) is designated as an auditor by the Director of National Intelligence or the head of a covered element of the intelligence community, as appropriate.

“(3) INDEPENDENT REVIEW.—The term ‘independent review’ means an audit, attestation, or examination conducted by an independent auditor in accordance with generally accepted government auditing standards.

“(4) LONG-STANDING, CORRECTABLE MATERIAL WEAKNESS.—The term ‘long-standing, correctable material weakness’ means a material weakness—

“(A) that was first reported in the annual financial report of a covered element of the intelligence community for a fiscal year prior to fiscal year 2007; and

“(B) the correction of which is not substantially dependent on a business system that was not implemented prior to the end of fiscal year 2010.

“(5) MATERIAL WEAKNESS.—The term ‘material weakness’ has the meaning given that term under the Office of Management and Budget Circular A-123, entitled ‘Management’s Responsibility for Internal Control,’ revised December 21, 2004.

“(6) SENIOR INTELLIGENCE MANAGEMENT OFFICIAL.—The term ‘senior intelligence management official’ means an official within a covered element of the intelligence community who is—

“(A)(i) compensated under the Senior Intelligence Service pay scale; or

“(ii) the head of a covered element of the intelligence community; and

“(B) compensated for employment with funds appropriated pursuant to an authorization of appropriations in this Act [Pub. L. 111-259, see Tables for classification].

“(b) IDENTIFICATION OF SENIOR INTELLIGENCE MANAGEMENT OFFICIALS.—

“(1) REQUIREMENT TO IDENTIFY.—Not later than 30 days after the date of the enactment of this Act [Oct. 7, 2010], the head of a covered element of the intelligence community shall designate a senior intelligence management official of such element to be re-

sponsible for correcting each long-standing, correctable material weakness of such element.

“(2) HEAD OF A COVERED ELEMENT OF THE INTELLIGENCE COMMUNITY.—The head of a covered element of the intelligence community may designate himself or herself as the senior intelligence management official responsible for correcting a long-standing, correctable material weakness under paragraph (1).

“(3) REQUIREMENT TO UPDATE DESIGNATION.—If the head of a covered element of the intelligence community determines that a senior intelligence management official designated under paragraph (1) is no longer responsible for correcting a long-standing, correctable material weakness, the head of such element shall designate the successor to such official not later than 10 days after the date of such determination.

“(c) NOTIFICATION.—Not later than 10 days after the date on which the head of a covered element of the intelligence community has designated a senior intelligence management official pursuant to paragraph (1) or (3) of subsection (b), the head of such element shall provide written notification of such designation to the Director of National Intelligence and to such senior intelligence management official.

“(d) CORRECTION OF LONG-STANDING, MATERIAL WEAKNESS.—

“(1) DETERMINATION OF CORRECTION OF DEFICIENCY.—If a long-standing, correctable material weakness is corrected, the senior intelligence management official 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 3003 of this title.]

§ 3052. 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 3003(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.)

CODIFICATION

Section was formerly classified to section 404j of this title prior to editorial reclassification and renumbering as this section.

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 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.

§ 3053. 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.)

CODIFICATION

Section was formerly classified to section 404k of this title prior to editorial reclassification and renumbering as this section.

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 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;