

## AMENDMENTS

2010—Pub. L. 111-259, §805(d)(1), struck out “foreign” after “national” in section catchline.

Subsec. (a). Pub. L. 111-259, §805(a), (b)(1), struck out “foreign” after “national” wherever appearing in heading and text and substituted “Director of National Intelligence” for “Director of Central Intelligence” in text.

Subsec. (b). Pub. L. 111-259, §805(b)(2), inserted “of National Intelligence” after “Director”.

Subsec. (c). Pub. L. 111-259, §805(b)(1), (c), substituted “Director of National Intelligence” for “Director of Central Intelligence” and “future-years defense program submitted pursuant to section 221 of title 10” for “multiyear defense program submitted pursuant to section 114a of title 10”.

1999—Subsec. (d)(2). Pub. L. 106-65 substituted “Committee on Armed Services” for “Committee on National Security”.

1996—Subsec. (a). Pub. L. 104-106, §1502(c)(4)(B)(i), substituted “the congressional committees specified in subsection (d) each year” for “the Committees on Armed Services and Appropriations of the Senate and the House of Representatives and the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives each year”.

Subsec. (d). Pub. L. 104-106, §1502(c)(4)(B)(ii), added subsec. (d).

## SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-306, title IX, §901(a), Nov. 27, 2002, 116 Stat. 2432, provided that: “This title [see Tables for classification] may be cited as the ‘Counterintelligence Enhancement Act of 2002’.”

### § 3302. Identification of constituent components of base intelligence budget

The Director of Central Intelligence shall include the same level of budgetary detail for the Base Budget that is provided for Ongoing Initiatives and New Initiatives to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate in the congressional justification materials for the annual submission of the National Foreign Intelligence Program of each fiscal year.

(Pub. L. 103-359, title VI, §603, Oct. 14, 1994, 108 Stat. 3433.)

## CODIFICATION

Section was formerly classified as a note under section 403-1 of this title prior to editorial reclassification as this section.

## TRANSFER OF FUNCTIONS

Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108-458, set out as a note under section 3001 of this title.

### § 3303. Construction of intelligence community facilities; Presidential authorization

(a) No project for the construction of any facility, or improvement to any facility, having an estimated Federal cost in excess of \$300,000, may be undertaken in any fiscal year unless spe-

cifically identified as a separate item in the President’s annual fiscal year budget request or otherwise specifically authorized and appropriated if such facility or improvement would be used primarily by personnel of the intelligence community.

(b) As used in this section, the term “intelligence community” has the same meaning given that term in section 3003(4) of this title.

(Pub. L. 103-335, title VIII, §8131, Sept. 30, 1994, 108 Stat. 2653.)

## CODIFICATION

Section was formerly classified to section 403-2a of this title prior to editorial reclassification and renumbering as this section.

### § 3304. Limitation on construction of facilities to be used primarily by intelligence community

#### (a) In general

##### (1) In general

Except as provided in subsection (b), no project for the construction of any facility to be used primarily by personnel of any component of the intelligence community which has an estimated Federal cost in excess of \$5,000,000 may be undertaken in any fiscal year unless such project is specifically identified as a separate item in the President’s annual fiscal year budget request and is specifically authorized by the Congress.

##### (2) Notification

In the case of a project for the construction of any facility to be used primarily by personnel of any component of the intelligence community which has an estimated Federal cost greater than \$1,000,000 but less than \$5,000,000, or where any project for the improvement, repair, or modification of such a facility has an estimated Federal cost greater than \$1,000,000, the Director of National Intelligence shall submit a notification to the intelligence committees specifically identifying such project.

#### (b) Exception

##### (1) In general

Notwithstanding subsection (a) but subject to paragraphs (2) and (3), a project for the construction of a facility to be used primarily by personnel of any component of the intelligence community may be carried out if the Secretary of Defense and the Director of National Intelligence jointly determine—

(A) that the project is vital to the national security or to the protection of health, safety, or the quality of the environment, and

(B) that the requirement for the project is so urgent that deferral of the project for inclusion in the next Act authorizing appropriations for the intelligence community would be inconsistent with national security or the protection of health, safety, or environmental quality, as the case may be.

##### (2) Report

(A) When a decision is made to carry out a construction project under this subsection, the Secretary of Defense and the Director of National Intelligence jointly shall submit a report in writing to the appropriate committees

of Congress on that decision. Each such report shall include (i) the justification for the project and the current estimate of the cost of the project, (ii) the justification for carrying out the project under this subsection, and (iii) a statement of the source of the funds to be used to carry out the project. The project may then be carried out only after the end of the 7-day period beginning on the date the notification is received by such committees.

(B) Notwithstanding subparagraph (A), a project referred to in paragraph (1) may begin on the date the notification is received by the appropriate committees of Congress under that paragraph if the Director of National Intelligence and the Secretary of Defense jointly determine that—

- (i) an emergency exists with respect to the national security or the protection of health, safety, or environmental quality; and
- (ii) any delay in the commencement of the project would harm any or all of those interests.

### (3) Projects primarily for CIA

If a project referred to in paragraph (1) is primarily for the Central Intelligence Agency, the Director of the Central Intelligence Agency shall make the determination and submit the report required by paragraphs (1) and (2).

### (4) Limitation

A project carried out under this subsection shall be carried out within the total amount of funds appropriated for intelligence and intelligence-related activities that have not been obligated.

### (c) Application

This section shall not apply to any project which is subject to subsection (a)(1)(A) or (c) of section 601.

(Pub. L. 103-359, title VI, § 602, Oct. 14, 1994, 108 Stat. 3432; Pub. L. 108-177, title III, § 314, Dec. 13, 2003, 117 Stat. 2610; Pub. L. 111-259, title VIII, § 809, Oct. 7, 2010, 124 Stat. 2749; Pub. L. 115-31, div. N, title III, § 307, May 5, 2017, 131 Stat. 813.)

#### REFERENCES IN TEXT

Section 601, referred to in subsec. (c), means section 601 of Pub. L. 103-359, title VI, Oct. 14, 1994, 108 Stat. 3431, which is not classified to the Code.

#### CODIFICATION

Section was formerly classified to section 403-2b of this title prior to editorial reclassification and renumbering as this section.

#### AMENDMENTS

2017—Subsec. (a)(2). Pub. L. 115-31 substituted “project for the improvement, repair, or modification of” for “improvement project to”.

2010—Subsecs. (a)(2), (b)(1), (2)(A), (B). Pub. L. 111-259, § 809(1), (2)(A), (B), substituted “Director of National Intelligence” for “Director of Central Intelligence”.

Subsec. (b)(3). Pub. L. 111-259, § 809(2)(C), substituted “Director of the Central Intelligence Agency” for “Director of Central Intelligence”.

2003—Subsec. (a). Pub. L. 108-177, § 314(a), substituted “\$5,000,000” for “\$750,000” in pars. (1) and (2) and “\$1,000,000” for “\$500,000” in two places in par. (2).

Subsec. (b)(2). Pub. L. 108-177, § 314(b), designated existing provisions as subpar. (A), redesignated former

subpars. (A) to (C) as cls. (i) to (iii), respectively, substituted “7-day period” for “21-day period”, and added subpar. (B).

#### DEFINITIONS

Pub. L. 103-359, title VI, § 604, Oct. 14, 1994, 108 Stat. 3433, provided that: “As used in this title [enacting this section and section 3302 of this title]:

“(1) INTELLIGENCE COMMITTEES.—The term ‘intelligence committees’ means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

“(2) INTELLIGENCE COMMUNITY.—The term ‘intelligence community’ has the same meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4) [now 50 U.S.C. 3003(4)]).”

### § 3305. Exhibits for inclusion with budget justification books

Beginning with the fiscal year 2010 budget request, the Director of National Intelligence shall include the budget exhibits identified in paragraphs (1) and (2) as described in the Department of Defense Financial Management Regulation with the congressional budget justification books.

(1) For procurement programs requesting more than \$20,000,000 in any fiscal year, the P-1, Procurement Program; P-5, Cost Analysis; P-5a, Procurement History and Planning; P-21, Production Schedule; and P-40<sup>1</sup> Budget Item Justification.

(2) For research, development, test and evaluation projects requesting more than \$10,000,000 in any fiscal year, the R-1, RDT&E Program; R-2, RDT&E Budget Item Justification; R-3, RDT&E Project Cost Analysis; and R-4, RDT&E Program Schedule Profile.

(Pub. L. 110-329, div. C, title VIII, § 8107, Sept. 30, 2008, 122 Stat. 3644.)

#### CODIFICATION

Section was formerly classified to section 415a-2 of this title prior to editorial reclassification and renumbering as this section.

#### SIMILAR PROVISIONS

Provisions similar to those in this section were contained in the following appropriation acts:

Pub. L. 113-6, div. C, title VIII, § 8087, Mar. 26, 2013, 127 Stat. 317.

Pub. L. 112-74, div. A, title VIII, § 8090, Dec. 23, 2011, 125 Stat. 827.

Pub. L. 112-10, div. A, title VIII, § 8091, Apr. 15, 2011, 125 Stat. 77.

Pub. L. 111-118, div. A, title VIII, § 8100, Dec. 19, 2009, 123 Stat. 3450.

### § 3306. Availability to public of certain intelligence funding information

#### (a) Budget request

At the time that the President submits to Congress the budget for a fiscal year pursuant to section 1105 of title 31, the President shall disclose to the public the aggregate amount of appropriations requested for that fiscal year for the National Intelligence Program.

#### (b) Amounts appropriated each fiscal year

Not later than 30 days after the end of each fiscal year, the Director of National Intelligence

<sup>1</sup> So in original. Probably should be followed by a comma.