

(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-40¹ Budget Item Justification.

¹ So in original. Probably should be followed by a comma.

(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 shall disclose to the public the aggregate amount of funds appropriated by Congress for the National Intelligence Program for such fiscal year.

(c) Waiver

(1) In general

The President may waive or postpone the disclosure required by subsection (a) or (b) for a fiscal year by submitting to the Select Committee on Intelligence of the Senate and Permanent Select Committee on Intelligence of the House of Representatives—

(A) a statement, in unclassified form, that the disclosure required in subsection (a) or (b) for that fiscal year would damage national security; and

(B) a statement detailing the reasons for the waiver or postponement, which may be submitted in classified form.

(2) Submission dates

The President shall submit the statements required under paragraph (1)—

(A) in the case of a waiver or postponement of a disclosure required under subsection (a), at the time of the submission of the budget for the fiscal year for which such disclosure is waived or postponed; and

(B) in the case of a waiver or postponement of a disclosure required under subsection (b), not later than 30 days after the date of the end of the fiscal year for which such disclosure is waived or postponed.

(d) Definition

As used in this section, the term “National Intelligence Program” has the meaning given the term in section 3003(6) of this title.

(Pub. L. 110-53, title VI, § 601, Aug. 3, 2007, 121 Stat. 335; Pub. L. 111-259, title III, § 364, Oct. 7, 2010, 124 Stat. 2702.)

CODIFICATION

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

AMENDMENTS

2010—Pub. L. 111-259 amended section generally. Prior to amendment, section related to availability to public of certain intelligence funding information.

INCREASED TRANSPARENCY REGARDING COUNTERTERRORISM BUDGET OF THE UNITED STATES

Pub. L. 116-92, div. E, title LVII, § 5702, Dec. 20, 2019, 133 Stat. 2160, provided that:

“(a) FINDINGS.—Congress finds the following:

“(1) Consistent with section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 3306(a)), the recent practice of the intelligence community has been to release to the public—

“(A) around the date on which the President submits to Congress a budget for a fiscal year pursuant to section 1105 of title 31, United States Code, the ‘top-line’ amount of total funding requested for the National Intelligence Program for such fiscal year; and

“(B) the amount of requested and appropriated funds for the National Intelligence Program and Military Intelligence Program for certain prior fiscal years, consistent with the protection of intelligence sources and methods.

“(2) The Directorate of Strategic Operational Planning of the National Counterterrorism Center is responsible for producing an annual National Counterterrorism Budget report, which examines the alignment of intelligence and other resources in the applicable fiscal year budget with the counterterrorism goals and areas of focus in the National Strategy for Counterterrorism.

“(b) SENSE OF CONGRESS.—It is the sense of Congress that—

“(1) despite the difficulty of compiling and releasing to the public comprehensive information on the resource commitments of the United States to counterterrorism activities and programs, including with respect to such activities and programs of the intelligence community, the United States Government could take additional steps to enhance the understanding of the public with respect to such resource commitments, in a manner consistent with the protection of intelligence sources and methods and other national security interests; and

“(2) the United States Government should release to the public as much information as possible regarding the funding of counterterrorism activities and programs, including activities and programs of the intelligence community, in a manner consistent with the protection of intelligence sources and methods and other national security interests.

“(c) BRIEFING ON PUBLIC RELEASE OF INFORMATION.—

“(1) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act [Dec. 20, 2019], and not later than 90 days after the beginning of each fiscal year thereafter, the President shall ensure that the congressional intelligence committees receive a briefing from appropriate personnel of the United States Government on the feasibility of releasing to the public additional information relating to counterterrorism efforts of the intelligence community.