

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; Pub. L. 116-260, div. W, title III, §309, Dec. 27, 2020, 134 Stat. 2369.)

### Editorial Notes

#### 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

2020—Subsec. (a)(2). Pub. L. 116-260 substituted “\$2,000,000” for “\$1,000,000” in two places and substituted “the head of such component, in coordination with and subject to the approval of the Director of National Intelligence, shall submit a notification” for “the Director of National Intelligence shall submit a notification”.

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).

### Statutory Notes and Related Subsidiaries

#### 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.)

### Editorial Notes

#### 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.