

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-40¹ 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

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

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.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

**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.

“(2) ELEMENTS.—Each briefing required by paragraph (1) shall include a discussion of the feasibility of—

“(A) subject to paragraph (3), releasing to the public the National Counterterrorism Budget report described in subsection (a)(2) for the prior fiscal year; and

“(B) declassifying other reports, documents, or activities of the intelligence community relating to counterterrorism and releasing such information to the public in a manner consistent with the protection of intelligence sources and methods and other national security interests.

“(3) RELEASE OF NATIONAL COUNTERTERRORISM BUDGET REPORT.—The President may satisfy the requirement under paragraph (2)(A) during a fiscal year by, not later than 90 days after the beginning of the fiscal year, releasing to the public the National Counterterrorism Budget report (with any redactions the Director determines necessary to protect intelligence sources and methods and other national security interests) for the prior fiscal year.”

[For definitions of “intelligence community” and “congressional intelligence committees” as used in section 5702 of Pub. L. 116–92, set out above, see section 5003 of div. E of Pub. L. 116–92, set out as a note under section 3003 of this title.]

§ 3307. Communications with the Committees on Armed Services of the Senate and the House of Representatives

(a) Requests of committees

The Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any element of the intelligence community shall, not later than 45 days