ferred to in section 138(b)(3) of this title could be assigned supervision of the Defense Intelligence Agency other than day-to-day operational control over the Agency, set forth the responsibilities of the Director of the Defense Intelligence Agency during the period beginning on Dec. 5, 1991, and ending on Jan. 1, 1993, and directed the Secretary of the Army and the Director of the Defense Intelligence Agency to take all required actions in order to transfer the Armed Forces Medical Intelligence Center and the Missile and Space Intelligence Center from the Department of the Army to the control of the Defense Intelligence Agency not later than Jan. 1, 1992.

JOINT INTELLIGENCE CENTER

Pub. L. 102–190, div. A, title IX, §923, Dec. 5, 1991, 105 Stat. 1453, provided that:

''(a) REQUIREMENT FOR CENTER.—The Secretary of Defense shall direct the consolidation of existing single-service current intelligence centers that are located within the District of Columbia or its vicinity into a joint intelligence center that is responsible for preparing current intelligence assessments (including indications and warning). The joint intelligence center shall be located within the District of Columbia or its vicinity. As appropriate for the support of military operations, the joint intelligence center shall provide for and manage the collection and analysis of intelligence.

''(b) MANAGEMENT.—The center shall be managed by the Defense Intelligence Agency in its capacity as the intelligence staff activity of the Chairman of the Joint Chiefs of Staff.

''(c) RESPONSIVENESS TO COMMAND AUTHORITIES.—The Secretary shall ensure that the center is fully responsive to the intelligence needs of the Secretary, the Chairman of the Joint Chiefs of Staff, and the commanders of the combatant commands.''

[§ 202. Repealed. Pub. L. 105–107, title V, § 503(c), Nov. 20, 1997, 111 Stat. 2262]

Section, added Pub. L. 97–269, title V, §501(a), Sept. 27, 1982, 96 Stat. 1145, §191; amended Pub. L. 98–525, title XIV, §1405(6), Oct. 19, 1984, 98 Stat. 2622; renumbered §201, Pub. L. 99–433, title III, §301(a)(1), Oct. 1, 1986, 100 Stat. 1019; renumbered §202, Pub. L. 102–190, div. A, title IX, §922(a)(1), Dec. 5, 1991, 105 Stat. 1453; Pub. L. 105–107, title V, §503(b), Nov. 20, 1997, 111 Stat. 2262, related to unauthorized use of Defense Intelligence Agency name, initials, or seal, after amendment by Pub. L. 105–107, which transferred subsec. (b) to end of section 425.

[§ 203. Repealed. Pub. L. 114–328, div. A, title V, § 502(d)(1), Dec. 23, 2016, 130 Stat. 2102]

Section, added Pub. L. 105–85, div. A, title II, §235(a), Nov. 18, 1997, 111 Stat. 1665; amended Pub. L. 107–314, div. A, title II, §225(b)(1)(A), (B)(i), Dec. 2, 2002, 116 Stat. 2486, related to appointment of Director of Missile Defense Agency.

[§ 204. Renumbered § 3848]

[§ 205. Repealed. Pub. L. 118–159, div. A, title XVI, § 1649(b)(1), Dec. 23, 2024, 138 Stat. 2199]

Section, added Pub. L. 115–91, div. A, title XVI, §1676(c)(1), Dec. 12, 2017, 131 Stat. 1773; amended Pub. L. 116–283, div. A, title XVI, §1641(a), Jan. 1, 2021, 134 Stat. 4061; Pub. L. 117–81, div. A, title XVI, §1661(a), Dec. 27, 2021, 135 Stat. 2101; Pub. L. 118–31, div. A, title XVI, §1661, Dec. 22, 2023, 137 Stat. 602, related to the Missile Defense Agency. See section 5502 of this title.

Statutory Notes and Related Subsidiaries

APPLICATION

Pub. L. 115–91, div. A, title XVI, §1676(c)(3), Dec. 12, 2017, 131 Stat. 1773, as amended by Pub. L. 117–81, div. A, title XVI, §1671(d)(1), Dec. 27, 2021, 135 Stat. 2113, related to applicability of subsecs. (a) and (b) of former section 205 of this title.

CHAPTER 9—DEFENSE BUDGET MATTERS

Sec.
221. Future-years defense program: submission to Congress; consistency in budgeting.
222. Future-years mission budget.
222a. Unfunded priorities of the armed forces and combatant commands: annual report.
[222b. Repealed.]
222c. Armed forces: Out-Year Unconstrained Total Munitions Requirements; Out-Year inventory numbers.
222d. Annual report on industrial base constraints for munitions.
222e.[1] Programs, projects, and activities that were internally changed in the submission of the President's budget: annual report.
222e.[1] Unfunded priorities of the Under Secretary of Defense for Research and Engineering: annual report.
[223. Repealed.]
223a. Ballistic missile defense programs: procurement.
[224, 225. Repealed.]
226. Special operations forces: display of service-common and other support and enabling capabilities.
227. Budget justification for covered military unaccompanied housing Facilities Sustainment, Restoration, and Modernization projects.
[228. Repealed.]
229. Programs for combating terrorism: display of budget information.
[230. Repealed.]
231. Budgeting for construction, maintenance, and modernization of naval vessels: annual plans and certifications.
231a. Budgeting for life-cycle costs of aircraft for the Army, Navy, and Air Force: annual plan and certification.
[232. Repealed.]
233. Operation and maintenance budget presentation.
233a. Annual report on force structure changes exhibit for the defense budget.
234. POW/MIA activities: display of budget information.
[235. Repealed.]
236. Personal protection equipment procurement: display of budget information.
237. Embedded mental health providers of the reserve components: display of budget information.
238. Cyber mission forces: program elements.
239. National security space programs: major force program and budget assessment.
[239a. Repealed.]
239b. Certain intelligence-related programs: budget justification materials.
239c. Certain multiyear contracts for acquisition of property: budget justification materials.
239d. Budgeting for depot and ammunition production facility maintenance and repair: annual report.
239e. Nuclear command, control, and communications: major force program and budget assessment.

Editorial Notes

AMENDMENTS

2024—Pub. L. 118–159, div. A, title XVI, §1649(b)(1), div. B, title XXVIII, §2821, Dec. 23, 2024, 138 Stat. 2199, 2253,

[1] So in original. Two sections 222e have been enacted.

added item 227 and struck out items 222b ''Unfunded priorities of the Missile Defense Agency: annual report'', 223 ''Ballistic missile defense programs: program elements'', 224 ''Ballistic missile defense programs: display of amounts for research, development, test, and evaluation'', 225 ''Acquisition accountability reports on the ballistic missile defense system'', and 239a ''Missile defense and defeat programs: major force program and budget assessment''. Amendments were made pursuant to operation of section 102 of this title.

2023—Pub. L. 118–31, div. A, title I, §151, title II, §211, title X, §1002, title XVI, §1631, title XVIII, §1801(a)(3)(A), Dec. 22, 2023, 137 Stat. 179, 182, 378, 591, 683, added item 222e ''Programs, projects, and activities that were internally changed in the submission of the President's budget: annual report'', 222e ''Unfunded priorities of the Under Secretary of Defense for Research and Engineering: annual report'', and items 233a and 239e and substituted ''plans and certifications'' for ''plan and certification'' in item 231. Amendments were made pursuant to operation of section 102 of this title.

2022—Pub. L. 117–263, div. A, title III, §§352(b), 371, title XVII, §1701(d)(2), Dec. 23, 2022, 136 Stat. 2534, 2539, 2966, added items 222d, 231, and 239d and struck out former item 231 ''Budgeting for construction of naval vessels: annual plan and certification''.

2021—Pub. L. 117–81, div. A, title VIII, §811(b), Dec. 27, 2021, 135 Stat. 1823, added item 239c.

Pub. L. 116–283, div. A, title I, §151(b), title XVIII, §1809(h)(2), Jan. 1, 2021, 134 Stat. 3440, 4162, added item 231a and struck out item 235 ''Procurement of contract services: specification of amounts requested in budget''.

2019—Pub. L. 116–92, div. A, title X, §1007(b), Dec. 20, 2019, 133 Stat. 1575, added item 226.

2018—Pub. L. 115–232, div. A, title VIII, §813(a)(1)(B), title X, §1061(b), title XVI, §§1624(b)(2), 1677(b)(2), Aug. 13, 2018, 132 Stat. 1851, 1970, 2120, 2161, added items 222b, 222c, and 239b and struck out item 231a ''Budgeting for life-cycle cost of aircraft for the Navy, Army, and Air Force: annual plan and certification''.

2017—Pub. L. 115–91, div. A, title XVI, §1676(a)(2), Dec. 12, 2017, 131 Stat. 1772, added item 239a.

2016—Pub. L. 114–328, div. A, title X, §1064(a)(2), Dec. 23, 2016, 130 Stat. 2409, added item 222a.

2015—Pub. L. 114–92, div. A, title X, §1073(a)(2), title XVI, §1601(a)(2), Nov. 25, 2015, 129 Stat. 995, 1096, struck out item 228 ''Biannual reports on allocation of funds within operation and maintenance budget subactivities'' and added item 239.

2014—Pub. L. 113–291, div. A, title XVI, §1631(a)(2), Dec. 19, 2014, 128 Stat. 3638, added item 238.

2013—Pub. L. 113–66, div. A, title I, §141(b), title VII, §721(b), title X, §1091(a)(4), Dec. 26, 2013, 127 Stat. 697, 799, 875, added items 236 and 237 and inserted a period at end of item 231.

Pub. L. 112–239, div. A, title X, §§1076(f)(6), 1081(1)(B), Jan. 2, 2013, 126 Stat. 1952, 1960, transferred item 225 to appear after item 224 and struck out item 232 ''United States Joint Forces Command: amounts for research, development, test, and evaluation to be derived only from Defense-wide amounts''.

2011—Pub. L. 112–81, div. A, title X, §§1011(b), 1061(3)(B), 1064(4)(B)(ii), 1069(c), Dec. 31, 2011, 125 Stat. 1560, 1583, 1587, 1592, struck out item 226 ''Scoring of outlays'', added item 228 and struck out former item 228 ''Quarterly reports on allocation of funds within operation and maintenance budget subactivities'', added item 231 and struck out former item 231 ''Long-range plan for construction of naval vessels'', and amended item 231a generally. Prior to amendment, item 231a read as follows: ''Budgeting for procurement of aircraft for the Navy and Air Force: annual plan and certification''.

Pub. L. 112–81, div. A, title II, §231(a)(2), Dec. 31, 2011, 125 Stat. 1339, added item 225 at the end of this analysis.

Pub. L. 111–383, div. A, title X, §1023(b), Jan. 7, 2011, 124 Stat. 4350, added item 231 and struck out former item 231 ''Budgeting for construction of naval vessels: annual plan and certification''.

2009—Pub. L. 111–84, div. A, title VIII, §803(a)(2), Oct. 28, 2009, 123 Stat. 2402, added item 235.

2008—Pub. L. 110–417, [div. A], title I, §141(b), Oct. 14, 2008, 122 Stat. 4380, added item 231a.

2006—Pub. L. 109–364, div. A, title V, §563(b), Oct. 17, 2006, 120 Stat. 2222, added item 234.

2004—Pub. L. 108–375, div. A, title II, §214(b), title X, §1003(a)(2), Oct. 28, 2004, 118 Stat. 1834, 2035, added items 232 and 233.

2003—Pub. L. 108–136, div. A, title II, §223(a)(2), title X, §1031(a)(6)(B)(ii), Nov. 24, 2003, 117 Stat. 1420, 1596, added item 223a and substituted ''Quarterly'' for ''Monthly'' in item 228.

2002—Pub. L. 107–314, div. A, title X, §§1022(b), 1041(a)(2)(B), Dec. 2, 2002, 116 Stat. 2640, 2645, struck out item 230 ''Amounts for declassification of records'' and added item 231.

2001—Pub. L. 107–107, div. A, title II, §231(b)(2), Dec. 28, 2001, 115 Stat. 1037, substituted ''research, development, test, and evaluation'' for ''procurement'' in item 224.

1999—Pub. L. 106–65, div. A, title IX, §932(b)(2), title X, §1041(a)(2), Oct. 5, 1999, 113 Stat. 728, 758, added items 229 and 230.

1998—Pub. L. 105–261, div. A, title II, §235(a)(2), Oct. 17, 1998, 112 Stat. 1953, added item 223.

1997—Pub. L. 105–85, div. A, title II, §232(a)(2), title III, §321(a)(2), Nov. 18, 1997, 111 Stat. 1663, 1673, added items 224 and 228.

1996—Pub. L. 104–106, div. A, title X, §1061(f)(2), Feb. 10, 1996, 110 Stat. 443, struck out item 227 ''Recruiting costs''.

1993—Pub. L. 103–160, div. A, title III, §374(b), Nov. 30, 1993, 107 Stat. 1637, added item 227.

1992—Pub. L. 102–484, div. A, title X, §1002(d)(2), Oct. 23, 1992, 106 Stat. 2481, added items 221 and 222 and redesignated former item 221 as 226.

1991—Pub. L. 102–190, div. A, title X, §1002(a)(1), Dec. 5, 1991, 105 Stat. 1455, substituted ''DEFENSE BUDGET MATTERS'' for ''REGULAR COMPONENTS'' in chapter heading and added item 221.

§ 221. Future-years defense program: submission to Congress; consistency in budgeting

(a) The Secretary of Defense shall submit to Congress each year, not later than five days after the date on which the President's budget is submitted to Congress that year under section 1105(a) of title 31, a future-years defense program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years defense program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

(b)(1) The Secretary of Defense shall ensure that amounts described in subparagraph (A) of paragraph (2) for any fiscal year are consistent with amounts described in subparagraph (B) of paragraph (2) for that fiscal year.

(2) Amounts referred to in paragraph (1) are the following:

(A) The amounts specified in program and budget information submitted to Congress by the Secretary in support of expenditure estimates and proposed appropriations in the budget submitted to Congress by the President under section 1105(a) of title 31 for any fiscal year, as shown in the future-years defense program submitted pursuant to subsection (a).

(B) The total amounts of estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the Department of Defense included

pursuant to paragraph (5) of section 1105(a) of title 31 in the budget submitted to Congress under that section for any fiscal year.

(c) Nothing in this section shall be construed to prohibit the inclusion in the future-years defense program of amounts for management contingencies, subject to the requirements of subsection (b).

(d)(1) The Secretary of Defense shall make available to Congress, the Congressional Budget Office, the Comptroller General of the United States, and the Congressional Research Service each future-years defense program under this section as follows:

(A) By making such program available electronically in the form of an unclassified electronic database.

(B) By delivering printed copies of such program to the congressional defense committees.

(2) In the event inclusion of classified material in a future-years defense program would otherwise render the totality of the program classified for purposes of this subsection—

(A) such program shall be made available to Congress in unclassified form, with such material attached as a classified annex; and

(B) such annex shall be submitted to the congressional defense committees, the Congressional Budget Office, the Comptroller General of the United States, and the Congressional Research Service.

(e) Each future-years defense program under this subsection shall be accompanied by a certification by the Under Secretary of Defense (Comptroller), in the case of the Department of Defense, and the comptroller of each military department, in the case of such military department, that any information entered into the Standard Data Collection System of the Department of Defense, the Comptroller Information System, or any other data system, as applicable, for purposes of assembling such future-years defense program was accurate.

(Added Pub. L. 101–189, div. A, title XVI, § 1602(a)(1), Nov. 29, 1989, 103 Stat. 1596, § 114a; amended Pub. L. 101–510, div. A, title XIV, § 1402(a)(1)–(3)(A), Nov. 5, 1990, 104 Stat. 1674; renumbered § 221 and amended Pub. L. 102–484, div. A, title X, § 1002(c), Oct. 23, 1992, 106 Stat. 2480; Pub. L. 115–91, div. A, title X, § 1042(a)–(c), Dec. 12, 2017, 131 Stat. 1553, 1554.)

Editorial Notes

Prior Provisions

A prior section 221 was renumbered section 226 of this title.

Amendments

2017—Subsec. (a). Pub. L. 115–91, § 1042(a), substituted ''not later than five days after the date on which'' for ''at or about the time that''.

Subsec. (d). Pub. L. 115–91, § 1042(b), added subsec. (d).

Subsec. (e). Pub. L. 115–91, § 1042(c), added subsec. (e).

1992—Pub. L. 102–484 renumbered section 114a of this title as this section, amended section catchline generally, and substituted ''future-years'' for ''multiyear'' wherever appearing in text.

1990—Pub. L. 101–510, § 1402(a)(3)(A), which directed amendment of section catchline by substituting ''Multiyear'' for ''Five-year'', was executed by substituting ''Multiyear'' for ''Five-Year'' as the probable intent of Congress.

Subsec. (a). Pub. L. 101–510, § 1402(a)(1), (2), substituted ''a multiyear'' for ''the current five-year'' and inserted at end ''Any such multiyear defense program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.''

Subsecs. (b)(2)(A), (c). Pub. L. 101–510, § 1402(a)(2)(A), substituted ''multiyear'' for ''five-year''.

Statutory Notes and Related Subsidiaries

Effective Date of 2017 Amendment

Pub. L. 115–91, div. A, title X, § 1042(d), Dec. 12, 2017, 131 Stat. 1554, provided that: ''The amendments made by this section [amending this section] shall take effect on the date of the enactment of this Act [Dec. 12, 2017], and shall apply to future-years defense programs submitted at the time of budgets of the President for fiscal years beginning after fiscal year 2018.''

Cost Budgeting for Artificial Intelligence Data

Pub. L. 118–159, div. A, title XV, § 1533, Dec. 23, 2024, 138 Stat. 2145, provided that:

''(a) Plan Required.—Not later than 180 days after the date of the enactment of this Act [Dec. 23, 2024], the Chief Digital and Artificial Intelligence Officer of the Department of Defense, in consultation with the Under Secretary of Defense for Acquisition and Sustainment and the Under Secretary of Defense for Research and Engineering, shall develop a plan to ensure that the budgeting process for programs containing artificial intelligence components or subcomponents, including artificial intelligence support systems, models, or analysis tools, includes estimates for the types of data required to train, maintain, or improve the artificial intelligence components or subcomponents contained within such programs and estimated costs for the acquisition and sustainment of such data.

''(b) Elements of Plan.—The plan required under subsection (a) shall include the following:

''(1) An assessment of the current programs of the Department of Defense containing artificial intelligence components or subcomponents, such as large language models, including the sources and costs for structured and unstructured training data for such artificial intelligence components.

''(2) An estimate of the costs associated with the data required to train, maintain, or improve artificial intelligence models or systems for programs that are ongoing or proposed as of enactment of this Act and which are not otherwise currently accounted for in a program of record.

''(3) An estimate of the costs associated with providing access to capabilities for data preparation, including tooling, indexing, and data tagging or labeling, including for the protection of data provided by the Government from unauthorized use during the algorithm training process and the ongoing control by the Government of such data during such process.

''(4) Mapping of the acquisition lifecycle for the programs described in paragraph (1) to align budgeting milestones with critical design or decision points in the budgeting and execution processes of the Department of Defense.

''(5) A framework for estimating the costs described in paragraph (2) and ensuring the costs associated with the data required to train, maintain, or improve artificial intelligence models or systems are appropriately incorporated into lifecycle sustainment estimates for future programs containing artificial intelligence components or subcomponents.

''(c) Implementation.—The Secretary of Defense shall begin implementing the plan required by subsection (a) not later than 90 days after the date on which development of the plan required by subsection (a) is completed.

''(d) Briefings.—Not later than 180 days after the date of the enactment of this Act, and not less fre-

quently than once annually thereafter until 2027, the Secretary shall provide the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a briefing on the implementation of the plan developed pursuant to subsection (a).''

BUDGET DISPLAY FOR CRYPTOGRAPHIC MODERNIZATION ACTIVITIES FOR CERTAIN SYSTEMS OF THE DEPARTMENT OF DEFENSE

Pub. L. 117–263, div. A, title XV, §1512, Dec. 23, 2022, 136 Stat. 2893, provided that:

''(a) DISPLAY REQUIRED.—Beginning with fiscal year 2024, and for each fiscal year thereafter, the Secretary of Defense shall include with the budget justification materials submitted to Congress in support of the budget of the Department of Defense for that fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a consolidated cryptographic modernization budget justification display for each Department of Defense system or asset that is protected by cryptography and subject to certification by the National Security Agency (in this section, referred to as 'covered items').

''(b) ELEMENTS.—Each display included under subsection (a) for a fiscal year shall include the following:

''(1) CRYPTOGRAPHIC MODERNIZATION ACTIVITIES.—(A) Whether, in accordance with the schedule established under section 153(a) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 10 U.S.C. 142 note), the cryptographic modernization for each covered item is pending, in progress, complete, or, pursuant to paragraph (2) of such section, extended.

''(B) The funding required for the covered fiscal year and for each subsequent fiscal year of the Future Years Defense Program to complete the pending or in progress cryptographic modernization by the required replacement date of each covered item.

''(C)(i) A description of deviations between the funding annually required to complete the modernization prior to the required replacement date and the funding requested and planned within the Future Years Defense Program.

''(ii) An explanation—

''(I) justifying the deviations; and

''(II) of whether or how any delays resulting from a deviation shall be overcome to meet the required replacement date.

''(D) A description of operational or security risks resulting from each deviation from the modernization schedule required to meet replacement dates, including a current intelligence assessment of adversary progress on exploiting the covered item.

''(E) For any covered item that remains in service past its required replacement date, a description of the number of times the covered item has been extended and the circumstances attending each such extension.

''(2) MITIGATION ACTIVITIES FOR COVERED ITEMS.—(A) Whether activities to mitigate the risks associated with projected failure to replace a covered item by the required replacement date are planned, in progress, or complete.

''(B) The funding required for the covered fiscal year and for each subsequent fiscal year for required mitigation activities to complete any planned, pending, or in progress mitigation activities for a covered item.

''(C) A description of the activities planned in the covered fiscal year and each subsequent fiscal year to complete mitigation activities and an explanation of the efficacy of the mitigations.

''(c) FORM.—The display required by subsection (a) shall be included in unclassified form, but may include a classified annex.''

DATA ON PHASE III SMALL BUSINESS INNOVATION RESEARCH AND SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM AWARDS

Pub. L. 117–81, div. A, title VIII, §867, Dec. 27, 2021, 135 Stat. 1854, provided that:

''(a) DEFINITIONS.—In this section, the terms 'Phase I', 'Phase II', 'Phase III', 'SBIR', and 'STTR' have the meanings given those terms in section 9(e) of the Small Business Act (15 U.S.C. 638(e)).

''(b) DATA ON PHASE III AWARDS.—Each Secretary of a military department (as defined in section 101 of title 10, United States Code) shall collect and submit to the President for inclusion in each budget submitted to Congress under section 1105 of title 31, United States Code, data on the Phase III awards under the SBIR and STTR programs of the military department of the Secretary for the immediately preceding fiscal year, including—

''(1) the cumulative funding amount for Phase III awards;

''(2) the number of Phase III award topics;

''(3) the total funding obligated for Phase III awards by State;

''(4) the original Phase I or Phase II award topics and the associated Phase III contracts awarded;

''(5) where possible, an identification of the specific program executive office involved in each Phase III transition; and

''(6) a list of the five highest performing projects, as determined by the Secretary.''

TREATMENT IN FUTURE BUDGETS OF THE PRESIDENT OF SYSTEMS ADDED BY CONGRESS

Pub. L. 116–283, div. A, title I, §126, Jan. 1, 2021, 134 Stat. 3428, provided that: ''In the event the procurement quantity for a system authorized by Congress in a National Defense Authorization Act for a fiscal year, and for which funds for such procurement quantity are appropriated by Congress in the Shipbuilding and Conversion, Navy account for such fiscal year, exceeds the procurement quantity specified in the budget of the President, as submitted to Congress under section 1105 of title 31, United States Code, for such fiscal year, such excess procurement quantity shall not be specified as a new procurement quantity in any budget of the President, as so submitted, for any fiscal year after such fiscal year.''

BUDGETING OF DEPARTMENT OF DEFENSE RELATING TO OPERATIONAL ENERGY IMPROVEMENT

Pub. L. 116–283, div. A, title III, §322, Jan. 1, 2021, 134 Stat. 3522, provided that: ''The Secretary of Defense shall include in the annual budget submission of the President under section 1105(a) of title 31, United States Code, a dedicated budget line item for fielding operational energy improvements, including such improvements for which funds from the Operational Energy Capability Improvement Fund have been expended to create the operational and business case for broader employment.''

REPORT AND BUDGET DETAILS REGARDING OPERATION INHERENT RESOLVE

Pub. L. 116–283, div. A, title XII, §1221(d), Jan. 1, 2021, 134 Stat. 3928, provided that:

''(1) REPORT REQUIRED.—At the same time as the submission of the budget of the President (as submitted to Congress pursuant to section 1105 of title 31, United States Code) for fiscal year 2022 and each fiscal year thereafter, the Secretary of Defense shall submit a report with accompanying budgetary details regarding Operation Inherent Resolve.

''(2) ELEMENTS OF REPORT.—At a minimum, the report required by paragraph (1) shall include—

''(A)(i) for the first report, a history of the operation and its objectives; and

''(ii) for each subsequent report, a description of the operation and its objectives during the prior fiscal year;

''(B) a detailed description of the weapons and equipment purchased using the Counter-ISIS Train and Equip Fund in the prior fiscal year;

''(C) a list and description of activities and exercises carried out under the operation during the prior fiscal year;

''(D) a description of the purpose and goals of such activities and exercises and an assessment of the degree to which stated goals were achieved during the prior fiscal year;

''(E) a description of criteria used to judge the effectiveness of joint exercises and other efforts to build partner capacity under the operation during the prior fiscal year;

''(F) a description of the forces deployed under the operation, their deployment locations, and activities undertaken;

''(G) the information required under paragraph (3); and

''(H) any other matters the Secretary determines appropriate.

''(3) ELEMENTS OF BUDGETARY DETAILS.—At a minimum, the budgetary details accompanying the report required by paragraph (1)—

''(A) shall include—

''(i) a description of expenditures related to the operation for the fiscal year preceding the fiscal year of the budget covered by the report;

''(ii) with respect to the amount requested for the operation in the budget covered by the report—

''(I) any significant change in methodology used to determine the budgetary details included in the report and the categories used to organize such details; and

''(II) a narrative justification for any significant changes in the amount requested as compared to the amount requested and the amount expended for the fiscal year preceding the fiscal year of the budget covered by the report; and

''(iii) with respect to the estimated direct and indirect expenditures for the operation in the budget covered by the report—

''(I) detailed information on the estimated direct expenditures and indirect expenditures broken down by category (including with respect to operations, force protection, in-theater support, equipment reset and readiness, military construction, mobilization, incremental and total deployment costs, and exercises) and any additional accounts and categories the Secretary determines to be relevant; and

''(II) a description of the methodology and metrics used by the Secretary to define the contribution of indirect costs to the operation or an explanation of pro-rated amounts based on the level of support provided to the operation; and

''(B) may include a breakdown of expenditures and the amount requested for the operation in the budget covered by the report by line item, including with respect to procurement accounts, military personnel accounts, operation and maintenance accounts, research, development, test, and evaluation accounts, and military construction accounts.

''(4) FORM.—The report and accompanying budget details required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

''(5) SUNSET.—The requirements of this subsection shall terminate on the date on which Operation Inherent Resolve (or a successor operation) concludes.

''(6) DEFINITIONS.—In this subsection:

''(A) The term 'direct expenditures' means, with respect to amounts expended or estimated to be expended for Operation Inherent Resolve, amounts used directly for supporting counter-ISIS activities and missions.

''(B) The term 'indirect expenditures' means, with respect to amounts expended or estimated to be expended for Operation Inherent Resolve, amounts used for programs or activities that the Secretary of Defense determines enable the Armed Forces to carry out the operation.''

REPORT AND BUDGET DETAILS REGARDING OPERATION SPARTAN SHIELD

Pub. L. 116–283, div. A, title XII, § 1225, Jan. 1, 2021, 134 Stat. 3931, as amended by Pub. L. 117–263, div. A, title X, § 1055, Dec. 23, 2022, 136 Stat. 2778, provided that:

''(a) REPORT REQUIRED.—At the same time as the submission of the budget of the President (as submitted to Congress pursuant to section 1105 of title 31, United States Code) for fiscal year 2022 and each fiscal year thereafter, the Secretary of Defense shall submit a report with accompanying budgetary details regarding Operation Spartan Shield.

''(b) ELEMENTS OF REPORT.—At a minimum, the report required by subsection (a) shall include—

''(1)(A) for the first report, a history of the operation and its objectives; and

''(B) for each subsequent report, a description of the operation and its objectives during the prior fiscal year;

''(2) a list and description of activities and exercises carried out under the operation during the prior fiscal year;

''(3) a description of the purpose and goals of such activities and exercises and an assessment of the degree to which stated goals were achieved during the prior fiscal year;

''(4) a description of criteria used to judge the effectiveness of joint exercises and other efforts to build partner capacity under the operation during the prior fiscal year;

''(5) a description of the forces deployed under the operation, their deployment locations, and activities undertaken;

''(6) the information required under subsection (c);

''(7) a list of all countries in which Task Force Spartan operated during the prior fiscal year;

''(8) a description of activities conducted pursuant to the operation to build the military readiness of partner forces during the prior fiscal year, including—

''(A) training exercises;

''(B) joint exercises; and

''(C) bilateral or multilateral exchanges;

''(9) an assessment of the extent to which the activities described in paragraph (8) improved—

''(A) the military readiness of such partner forces;

''(B) the national security of the United States; and

''(C) the national security of allies and partners of the United States;

''(10) a description of criteria used to make the assessment required under paragraph (9); and

''(11) any other matters the Secretary determines appropriate.

''(c) ELEMENTS OF BUDGETARY DETAILS.—At a minimum, the budgetary details accompanying the report required by subsection (a)—

''(1) shall include—

''(A) a description of expenditures related to the operation for the fiscal year preceding the fiscal year of the budget covered by the report;

''(B) with respect to the amount requested for the operation in the budget covered by the report—

''(i) any significant change in methodology used to determine the budgetary details included in the report and the categories used to organize such details; and

''(ii) a narrative justification for any significant changes in the amount requested as compared to the amount requested and the amount expended for the fiscal year preceding the fiscal year of the budget covered by the report; and

''(C) with respect to the estimated direct and indirect expenditures for the operation in the budget covered by the report—

''(i) detailed information on the estimated direct expenditures and indirect expenditures broken down by category (including with respect to operations, force protection, in-theater support, equipment reset and readiness, military construction, mobilization, incremental and total deployment costs, and exercises) and any additional accounts and categories the Secretary determines to be relevant; and

''(ii) a description of the methodology and metrics used by the Secretary to define the con-

tribution of indirect costs to the operation or an explanation of pro-rated amounts based on the level of support provided to the operation; and

''(2) may include a breakdown of expenditures and the amount requested for the operation in the budget covered by the report by line item, including with respect to procurement accounts, military personnel accounts, operation and maintenance accounts, research, development, test, and evaluation accounts, and military construction accounts.

''(d) FORM.—The report and accompanying budget details required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

''(e) SUNSET.—The requirements of this section shall terminate on the date on which Operation Spartan Shield (or a successor operation) concludes.

''(f) DEFINITIONS.—In this section:

''(1) The term 'direct expenditures' means, with respect to amounts expended or estimated to be expended for Operation Spartan Shield, amounts used directly for supporting deterrence activities and missions.

''(2) The term 'indirect expenditures' means, with respect to amounts expended or estimated to be expended for Operation Spartan Shield, amounts used for programs or activities that the Secretary of Defense determines enable the Armed Forces to carry out the operation.''

BUDGETING OF DEPARTMENT OF DEFENSE RELATING TO EXTREME WEATHER

Pub. L. 116–92, div. A, title III, §328, Dec. 20, 2019, 133 Stat. 1311, as amended by Pub. L. 117–263, div. A, title III, §321, Dec. 23, 2022, 136 Stat. 2510, provided that:

''(a) IN GENERAL.—The Secretary of Defense shall include in the annual budget submission of the President under section 1105(a) of title 31, United States Code—

''(1) a dedicated budget line item for adaptation to, and mitigation of, effects of extreme weather on military networks, systems, installations, facilities, and other assets and capabilities of the Department of Defense;

''(2) an estimate of the anticipated adverse impacts to the readiness of the Department and the financial costs to the Department during the year covered by the budget of the loss of, or damage to, military networks, systems, installations, facilities, and other assets and capabilities of the Department, including loss of or obstructed access to training ranges, as a result [of] extreme weather events; and

''(3) a calculation of the annual costs to the Department for—

''(A) assistance that is—

''(i) provided to the Federal Emergency Management Agency or any Federal land management agency (as such term is defined in section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801)) pursuant to a request for such assistance and in consultation with the National Interagency Fire Center; or

''(ii) provided under title 10 or title 32, United States Code, to any State, territory, or possession of the United States, regarding extreme weather; and

''(B) resourcing required to support—

''(i) wildfire response, recovery, or restoration efforts occurring within military installations or other facilities of the Department; or

''(ii) any Federal agency other than the Department (including the Federal Emergency Management Agency and the National Interagency Fire Center) with respect to wildfire response, recovery, or restoration efforts, where such resourcing is not reimbursed.

''(b) DISAGGREGATION OF IMPACTS AND COSTS.—The estimate under subsection (a)(2) shall set forth the adverse readiness impacts and financial costs under that subsection by military department, Defense Agency, and other component or element of the Department.

''(c) EXTREME WEATHER DEFINED.—In this section, the term 'extreme weather' means recurrent flooding, drought, desertification, wildfires, and thawing permafrost.''

INCLUSION OF PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENT PROGRAM IN ANNUAL BUDGET JUSTIFICATION DOCUMENTS

Pub. L. 116–92, div. A, title VIII, §852(c), Dec. 20, 2019, 133 Stat. 1511, provided that: ''The Secretary of Defense shall submit to Congress, as a part of the defense budget materials (as defined in section 234(d) of title 10, United States Code) for fiscal year 2021 and each fiscal year thereafter, a budget justification display that includes the procurement technical assistance cooperative agreement program under [former] chapter 142 of title 10, United States Code [see chapter 388 of this title], as part of the budget justification for Operation and Maintenance, Defense-wide for the Office of the Secretary of Defense.''

INCLUSION OF EUROPEAN DETERRENCE INITIATIVE IN ANNUAL BUDGET DISPLAY INFORMATION

Pub. L. 116–92, div. A, title XII, §1243(b)–(d), Dec. 20, 2019, 133 Stat. 1657, 1658, provided that:

''(b) BUDGET DISPLAY INFORMATION.—The Secretary of Defense shall include in the materials submitted to Congress by the Secretary in support of the budget of the President for fiscal year 2021 and each fiscal year thereafter (as submitted under section 1105 of title 31, United States Code), a detailed budget display for the European Deterrence Initiative that includes the following information (regardless of whether the funding line is for overseas contingency operations):

''(1) With respect to procurement accounts—

''(A) amounts displayed by account, budget activity, line number, line item, and line item title; and

''(B) a description of the requirements for each such amounts specific to the Initiative.

''(2) With respect to research, development, test, and evaluation accounts—

''(A) amounts displayed by account, budget activity, line number, program element, and program element title; and

''(B) a description of the requirements for each such amounts specific to the Initiative.

''(3) With respect to operation and maintenance accounts—

''(A) amounts displayed by account title, budget activity title, line number, and subactivity group title; and

''(B) a description of how such amounts will specifically be used.

''(4) With respect to military personnel accounts—

''(A) amounts displayed by account, budget activity, budget subactivity, and budget subactivity title; and

''(B) a description of the requirements for each such amounts specific to the Initiative.

''(5) With respect to each project under military construction accounts (including with respect to unspecified minor military construction and amounts for planning and design), the country, location, project title, and project amount by fiscal year.

''(c) END OF FISCAL YEAR REPORT.—Not later than November 30, 2020, and annually thereafter, the Secretary of Defense shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report that contains—

''(1) a detailed summary of funds obligated for the European Deterrence Initiative for the preceding fiscal year; and

''(2) a detailed comparison of funds obligated for the European Deterrence Initiative for the preceding fiscal year to amounts requested for the Initiative for that fiscal year in the materials submitted to Congress by the Secretary in support of the budget of the President for that fiscal year as required by subsection (c), including with respect to each of the accounts described in paragraphs (1), (2), (3), (4), and (5)

of subsection (b) and the information required under each such paragraph.

''(d) INTERIM BRIEFING.—Not later than March 30, 2021, and annually thereafter, the Secretary of Defense shall provide the congressional defense committees with an interim briefing on the status of all matters covered by the end of fiscal year report required by section (c).''

REPORTING ON FUTURE YEARS BUDGETING BY SUBACTIVITY GROUP

Pub. L. 115–232, div. A, title III, § 357, Aug. 13, 2018, 132 Stat. 1732, provided that: ''Along with the budget for each fiscal year submitted by the President pursuant to section 1105(a) of title 31, United States Code, the Secretary of Defense and the Secretaries of the military departments shall include in the OP-5 Justification Books, as detailed by Department of Defense Financial Management Regulation 7000.14–R, the amount for each individual subactivity group, as detailed in the Department's future years defense program pursuant to section 221 of title 10, United States Code.''

INCLUSION OF AIRCRAFT CARRIER REFUELING OVERHAUL BUDGET REQUEST IN ANNUAL BUDGET JUSTIFICATION MATERIALS

Pub. L. 115–232, div. A, title X, § 1018, Aug. 13, 2018, 132 Stat. 1951, provided that: ''The Secretary of Defense shall include in the budget justification materials submitted to Congress by the Secretary in support of the budget of the President for fiscal year 2020 and each subsequent fiscal year, as part of the budget request for Shipbuilding and Conversion, Navy, a detailed aircraft carrier refueling overhaul budget request, by hull number, including all funding requested for reactor power units and reactor components.''

BUDGET DISPLAY FOR CYBER VULNERABILITY EVALUATIONS AND MITIGATION ACTIVITIES FOR MAJOR WEAPON SYSTEMS OF THE DEPARTMENT OF DEFENSE

Pub. L. 115–232, div. A, title XVI, § 1637, Aug. 13, 2018, 132 Stat. 2127, which provided that, beginning in fiscal year 2021 and in each fiscal year thereafter, the Secretary of Defense was to submit to Congress, as a part of the documentation that supported the President's annual budget for the Department of Defense, a consolidated Cyber Vulnerability Evaluation and Mitigation budget justification display for each major weapons system of the Department of Defense, was repealed by Pub. L. 118–31, div. A, title XV, § 1502(a)(2)(D), Dec. 22, 2023, 137 Stat. 537.

BUDGET EXHIBIT ON SUPPORT PROVIDED TO EXECUTIVE OFFICE OF THE PRESIDENT

Pub. L. 115–232, div. A, title XVI, § 1697, Aug. 13, 2018, 132 Stat. 2171, provided that:

''(a) IN GENERAL.—The Under Secretary of Defense (Comptroller) shall include in the budget justification materials submitted to Congress in support of the Department of Defense budget for each fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a single budget exhibit containing relevant details pertaining to support provided by the Department of Defense to the Executive Office of the President related to senior leader communications and continuity of Government programs.

''(b) INCLUSIONS.—The budget exhibit required by subsection (a) shall include—

''(1) support provided by the White House Military Office, the White House Communications Agency, special mission area activities of the Defense Information Systems Agency, and other relevant programs; and

''(2) specific appropriation and line numbers where appropriate.

''(c) FORM.—The budget exhibit required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.''

SUBMISSION OF FUTURE YEAR DEFENSE PROGRAM FOR CONSTRUCTION PROJECTS RELATED TO EUROPEAN REASSURANCE INITIATIVE AND EUROPEAN DETERRENCE INITIATIVE

Pub. L. 115–141, div. J, title IV, § 402, Mar. 23, 2018, 132 Stat. 831, provided that: ''Notwithstanding any other provision of law, the Secretary of Defense is directed to provide the congressional defense committees [Committees on Armed Services of the House of Representatives and the Senate, the Subcommittee on Military Construction and Veterans Affairs of the Committee on Appropriations of the Senate, and the Subcommittee on Military Construction and Veterans Affairs of the Committee on Appropriations of the House of Representatives] a future years defense program for funds appropriated to the Department of Defense for construction projects related to European Reassurance Initiative and European Deterrence Initiative beginning in fiscal year 2018 and each subsequent fiscal year that funding is requested for either initiative. Further, the Secretary of Defense is directed to submit the future years defense program with each fiscal year budget submission.''

DOD GUIDANCE

Pub. L. 115–91, div. A, title X, § 1042(e), Dec. 12, 2017, 131 Stat. 1554, provided that: ''The Secretary of Defense shall, in coordination with the Under Secretary of Defense (Comptroller), update Department of Defense Financial Management Regulation 7000.14–R, and any other appropriate instructions and guidance, to ensure that the Department of Defense takes appropriate actions to comply with the amendments made by this section [amending this section] in the submittal of future-years defense programs in calendar years after calendar year 2017.''

FUTURE YEARS PLANS FOR THE EUROPEAN DETERRENCE INITIATIVE

Pub. L. 115–91, div. A, title XII, § 1273, Dec. 12, 2017, 131 Stat. 1696, as amended by Pub. L. 116–92, div. A, title XII, § 1243(a), Dec. 20, 2019, 133 Stat. 1656, provided that:

''(a) INITIAL PLAN.—Not later than December 31, 2019, the Secretary of Defense, in consultation with the Commander of the United States European Command, shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a future years plan on activities and resources of the European Deterrence Initiative (EDI) for fiscal year 2020 and not fewer than the four succeeding fiscal years.

''(b) MATTERS TO BE INCLUDED.—The plan required under subsection (a) shall include the following:

''(1) A description of the objectives of the EDI, including a description of—

''(A) the intended force structure and posture of the assigned and allocated forces within the area of responsibility of the United States European Command for the last fiscal year of the plan; and

''(B) the manner in which such force structure and posture support the implementation of the National Defense Strategy.

''(2) An assessment of resource requirements to achieve the objectives of the EDI.

''(3) An assessment of capabilities requirements to achieve the objectives of the EDI.

''(4) An assessment of logistics requirements, including force enablers, equipment, supplies, storage, and maintenance requirements, to achieve the objectives of the EDI.

''(5) An identification and assessment of required infrastructure and military construction investments to achieve the objectives of the EDI, including potential infrastructure investments by host nations and new construction or modernization of existing sites that would be funded by the United States.

''(6) An assessment of security cooperation investments required to achieve the objectives of the EDI.

''(7) An analysis of the challenges to the ability of the United States to deploy significant forces from the continental United States to the European theater in the event of a major contingency, and a description of the plans of the Department of Defense, including military exercises, to address such challenges.

''(8) A plan to fully resource United States force posture and capabilities, including—

''(A) details regarding the strategy to balance the force structure of the United States forces to source additional permanently stationed United States forces in Europe as a part of any planned growth in end strength and force posture;

''(B) the infrastructure capacity of existing locations and their ability to accommodate additional permanently stationed United States forces in Europe;

''(C) the potential new locations for additional permanently stationed United States forces in Europe, including an assessment of infrastructure and military construction resources necessary to accommodate additional United States forces in Europe;

''(D) a detailed timeline to achieve desired permanent posture requirements;

''(E) a reevaluation of sites identified for divestiture but not yet divested under the European Infrastructure Consolidation initiative, accounting for updated military requirements;

''(F) any changes and associated costs incurred with retaining each site identified for divestiture but not yet divested under the European Infrastructure Consolidation initiative, including possible leasing agreements, sustainment, and maintenance;

''(G) a detailed assessment of the resources necessary to achieve the requirements of the plan, including specific cost estimates for each project under the EDI to support increased presence, exercises and training, enhanced prepositioning, improved infrastructure, and building partnership capacity;

''(H) a detailed timeline to achieve the force posture and capabilities, including permanent force posture requirements; and

''(I) a detailed explanation of any significant modifications to activities and resources as compared to the future years plan on activities and resources of the EDI submitted for the previous year.

''(c) SUBSEQUENT PLANS.—

''(1) IN GENERAL.—Not later than the date on which the Secretary of Defense submits to Congress the budget request for the Department of Defense for fiscal year 2021 and each fiscal year thereafter, the Secretary, in consultation with the Commander of the United States European Command, shall submit to the congressional defense committees a future years plan on activities and resources of the European Deterrence Initiative for such fiscal year and not fewer than the four succeeding fiscal years.

''(2) MATTERS TO BE INCLUDED.—The plan required under paragraph (1) shall include—

''(A) the matters described in subsection (b); and

''(B) a detailed explanation of any significant modifications in requirements or resources, as compared to the plan submitted under such subsection (b).

''(d) FORM.—The plans required under subsections (a) and (c) shall be submitted in unclassified form, but may include a classified annex.

''(e) LIMITATIONS.—In the case of a proposed divestiture of a site under the European Infrastructure Consolidation initiative, the Secretary of Defense may not take any action to divest the site unless prior to taking such action, the Secretary certifies to the congressional defense committees that no military requirement for future use of the site is foreseeable.''

REVIEW OF SUPPORT PROVIDED BY DEFENSE INTELLIGENCE ELEMENTS TO ACQUISITION ACTIVITIES OF THE DEPARTMENT

Pub. L. 115–91, div. A, title XVI, §1626, Dec. 12, 2017, 131 Stat. 1733, provided that:

''(a) REVIEW.—The Secretary of Defense shall review the support provided by Defense intelligence elements to the acquisition activities conducted by the Secretary, with a specific focus on such support—

''(1) consisting of planning, prioritizing, and resourcing relating to developmental weapon systems; and

''(2) for existing weapon systems throughout the program lifecycle of such systems.

''(b) BUDGET STRUCTURE.—The Secretary shall develop a specific budget structure for a sustainable funding profile to ensure the support provided by Defense intelligence elements described in subsection (a). The Secretary shall implement such structure beginning with the defense budget materials for fiscal year 2020.

''(c) BRIEFING.—Not later than May 1, 2018, the Secretary of Defense shall provide to the appropriate congressional committees a briefing on the results of the review under subsection (a) and a plan to carry out subsection (b).

''(d) CONSTRUCTION.—Nothing in this section may be construed to relieve the Director of National Intelligence of the responsibility to support the acquisition activities of the Department of Defense through the National Intelligence Program.

''(e) DEFINITIONS.—In this section:

''(1) The term 'appropriate congressional committees' means—

''(A) the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives]; and

''(B) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

''(2) The term 'defense budget materials' has the meaning given that term in section 231(f) of title 10, United States Code [now 10 U.S.C. 231(h)].

''(3) The term 'Defense intelligence element' means any of the agencies, offices, and elements of the Department of Defense included within the definition of 'intelligence community' under section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).''

REPORTING OF BALANCES CARRIED FORWARD BY THE DEPARTMENT OF DEFENSE AT THE END OF EACH FISCAL YEAR

Pub. L. 113–291, div. A, title X, §1003, Dec. 19, 2014, 128 Stat. 3482, provided that: ''Not later March 1 of each year, the Secretary of Defense shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives], and make publicly available on the Internet website of the Department of Defense, the following information:

''(1) The total dollar amount, by account, of all balances carried forward by the Department of Defense at the end of the fiscal year preceding the fiscal year during which such information is submitted.

''(2) The total dollar amount, by account, of all unobligated balances carried forward by the Department of Defense at the end of the fiscal year preceding the fiscal year during which such information is submitted.

''(3) The total dollar amount, by account, of any balances (both obligated and unobligated) that have been carried forward by the Department of Defense for five years or more as of the end of the fiscal year preceding the fiscal year during which such information is submitted.''

[For termination, effective Dec. 31, 2021, of annual reporting provisions in section 1003 of Pub. L. 113–291, set

out above, see section 1061 of Pub. L. 114–328, set out as a note under section 111 of this title.]

BUDGET DOCUMENTATION REQUIREMENT

Pub. L. 113–66, div. A, title II, § 213(c), Dec. 26, 2013, 127 Stat. 704, provided that: ''In the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2015, and each subsequent fiscal year, the Secretary shall include individual project lines for each program segment of the unmanned carrier-launched surveillance and strike system, within program element 0604404N, that articulate all costs, contractual actions, and other information associated with technology development for each such program segment.''

EVALUATION AND ASSESSMENT OF THE DISTRIBUTED COMMON GROUND SYSTEM

Pub. L. 113–66, div. A, title II, § 219, Dec. 26, 2013, 127 Stat. 708, provided that:

''(a) PROJECT CODES FOR BUDGET SUBMISSIONS.—In the budget submitted by the President to Congress under section 1105 of title 31, United States Code, for fiscal year 2015 and each subsequent fiscal year, each capability component within the distributed common ground system program shall be set forth as a separate project code within the program element line, and each covered official shall submit supporting justification for the project code within the program element descriptive summary.

''(b) ANALYSIS.—

''(1) REQUIREMENT.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall conduct an analysis of capability components that are compliant with the intelligence community data standards and could be used to meet the requirements of the distributed common ground system program.

''(2) ELEMENTS.—The analysis required under paragraph (1) shall include the following:

''(A) Revalidation of the distributed common ground system program requirements based on current program needs, recent operational experience, and the requirement for nonproprietary solutions that adhere to open-architecture principles.

''(B) Market research of current commercially available tools to determine whether any such tools could potentially satisfy the requirements described in subparagraph (A).

''(C) Analysis of the competitive acquisition options for any tools identified in subparagraph (B).

''(3) SUBMISSION.—Not later than 180 days after the date of the enactment of this Act [Dec. 26, 2013], the Under Secretary shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] the results of the analysis conducted under paragraph (1).

''(c) COVERED OFFICIAL DEFINED.—In this section, the term 'covered official' means the following:

''(1) The Secretary of the Army, with respect to matters concerning the Army.

''(2) The Secretary of the Navy, with respect to matters concerning the Navy.

''(3) The Secretary of the Air Force, with respect to matters concerning the Air Force.

''(4) The Commandant of the Marine Corps, with respect to matters concerning the Marine Corps.

''(5) The Commander of the United States Special Operations Command, with respect to matters concerning the United States Special Operations Command.''

CONSOLIDATED BUDGET JUSTIFICATION DISPLAY FOR AEROSPACE CONTROL ALERT MISSION

Pub. L. 112–239, div. A, title III, § 352(a), Jan. 2, 2013, 126 Stat. 1701, provided that: ''The Secretary of Defense shall establish a consolidated budget justification display that fully identifies the baseline aerospace control alert budget for each of the military services and encompasses all programs and activities of the aerospace control alert mission for each of the following functions:

''(1) Procurement.

''(2) Operation and maintenance.

''(3) Research, development, testing, and evaluation.

''(4) Military construction.''

BUDGET JUSTIFICATION DOCUMENTS; BUDGET FOR FULL-SPECTRUM MILITARY CYBERSPACE OPERATIONS

Pub. L. 112–239, div. A, title X, § 1079(c), Jan. 2, 2013, 126 Stat. 1959, which required Secretary of Defense to submit dedicated budget documentation materials with budget submissions for fiscal year 2015 and subsequent fiscal years, was repealed by Pub. L. 115–91, div. A, title X, § 1051(r)(7), Dec. 12, 2017, 131 Stat. 1565.

SEPARATE PROCUREMENT LINE ITEM FOR CERTAIN LITTORAL COMBAT SHIP MISSION MODULES

Pub. L. 112–81, div. A, title I, § 122, Dec. 31, 2011, 125 Stat. 1319, provided that:

''(a) IN GENERAL.—In the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2013, and each subsequent fiscal year, the Secretary shall ensure that a separate, dedicated procurement line item is designated for each covered module that includes the quantity and cost of each such module requested.

''(b) FORM.—The Secretary shall ensure that any classified components of covered modules not included in a procurement line item under subsection (a) shall be included in a classified annex.

''(c) COVERED MODULE.—In this section, the term 'covered module' means, with respect to mission modules of the Littoral Combat Ship, the following modules:

''(1) Surface warfare.

''(2) Mine countermeasures.

''(3) Anti-submarine warfare.''

DISPLAY OF PROCUREMENT OF EQUIPMENT FOR THE RESERVE COMPONENTS OF THE ARMED FORCES UNDER ESTIMATED EXPENDITURES FOR PROCUREMENT IN FUTURE-YEARS DEFENSE PROGRAMS

Pub. L. 112–81, div. A, title X, § 1003A, Dec. 31, 2011, 125 Stat. 1556, provided that: ''Each future-years defense program submitted to Congress under section 221 of title 10, United States Code, shall, in setting forth estimated expenditures and item quantities for procurement for the Armed Forces for the fiscal years covered by such program, display separately under such estimated expenditures and item quantities the estimated expenditures for each such fiscal year for equipment for each reserve component of the Armed Forces that will receive items in any fiscal year covered by such program.''

DISPLAY OF ANNUAL BUDGET REQUIREMENTS FOR ORGANIZATIONAL CLOTHING AND INDIVIDUAL EQUIPMENT

Pub. L. 112–81, div. A, title X, § 1094, Dec. 31, 2011, 125 Stat. 1607, provided that:

''(a) SUBMISSION WITH ANNUAL BUDGET JUSTIFICATION DOCUMENTS.—For fiscal year 2013 and each subsequent fiscal year, the Secretary of Defense shall submit to the President, for inclusion with the budget materials submitted to Congress under section 1105(a) of title 31, United States Code, a budget justification display that covers all programs and activities associated with the procurement of organizational clothing and individual equipment.

''(b) REQUIREMENTS FOR BUDGET DISPLAY.—The budget justification display under subsection (a) for a fiscal year shall include the following:

''(1) The funding requirements in each budget activity and for each Armed Force for organizational clothing and individual equipment.

''(2) The amount in the budget for each of the Armed Forces for organizational clothing and equipment for that fiscal year.

''(c) DEFINITION.—In this section, the term 'organizational clothing and individual equipment' means an item of organizational clothing or equipment prescribed for wear or use with the uniform.''

SEPARATE PROGRAM ELEMENTS REQUIRED FOR RESEARCH AND DEVELOPMENT OF JOINT LIGHT TACTICAL VEHICLE

Pub. L. 111–383, div. A, title II, §213, Jan. 7, 2011, 124 Stat. 4163, provided that: ''In the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2012, and each subsequent fiscal year, the Secretary shall ensure that within each research, development, test, and evaluation account of the Army and the Navy a separate, dedicated program element is assigned to the Joint Light Tactical Vehicle.''

SEPARATE PROCUREMENT LINE ITEM FOR BODY ARMOR

Pub. L. 111–84, div. A, title I, §141(b), Oct. 28, 2009, 123 Stat. 2223, provided that: ''In the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2011, and each subsequent fiscal year, the Secretary shall ensure that within each military department procurement account, a separate, dedicated procurement line item is designated for body armor.''

SEPARATE PROGRAM ELEMENTS REQUIRED FOR RESEARCH AND DEVELOPMENT OF INDIVIDUAL BODY ARMOR AND ASSOCIATED COMPONENTS

Pub. L. 111–84, div. A, title II, §216, Oct. 28, 2009, 123 Stat. 2227, provided that: ''In the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2011, and each subsequent fiscal year, the Secretary shall ensure that within each research, development, test, and evaluation account of each military department a separate, dedicated program element is assigned to the research and development of individual body armor and associated components.''

SEPARATE PROCUREMENT AND RESEARCH, DEVELOPMENT, TEST, AND EVALUATION LINE ITEMS AND PROGRAM ELEMENTS FOR THE F–35B AND F–35C JOINT STRIKE FIGHTER AIRCRAFT

Pub. L. 111–84, div. A, title II, §217, Oct. 28, 2009, 123 Stat. 2228, provided that: ''In the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2011, and each subsequent fiscal year, the Secretary shall ensure that within the Navy research, development, test, and evaluation account and the Navy aircraft procurement account, a separate, dedicated line item and program element is assigned to each of the F-35B aircraft and the F-35C aircraft, to the extent that such accounts include funding for each such aircraft.''

GUIDANCE ON BUDGET JUSTIFICATION MATERIALS DESCRIBING FUNDING REQUESTED FOR OPERATION, SUSTAINMENT, MODERNIZATION, AND PERSONNEL OF MAJOR RANGES AND TEST FACILITIES

Pub. L. 111–84, div. A, title II, §220, Oct. 28, 2009, 123 Stat. 2229, as amended by Pub. L. 116–283, div. A, title XVIII, §1845(c)(6), Jan. 1, 2021, 134 Stat. 4247; Pub. L. 118–159, div. B, title XXVIII, §2871(c)(2), Dec. 23, 2024, 138 Stat. 2281, provided that:

''(a) GUIDANCE ON BUDGET JUSTIFICATION MATERIALS.—The Secretary of Defense, acting through the Under Secretary of Defense (Comptroller) and the Director of the Department of Defense Test Resource Management Center, shall issue guidance clarifying and standardizing the information required in budget justification materials describing amounts to be requested in the budget of the President for a fiscal year (as submitted to Congress pursuant to section 1105(a) of title 31, United States Code) for funding for each facility and resource of the Major Range and Test Facility Base in connection with each of the following:

''(1) Operation.

''(2) Sustainment.

''(3) Investment and modernization.

''(4) Government personnel.

''(5) Contractor personnel.

''(b) APPLICABILITY.—The guidance issued under subsection (a) shall apply with respect to budgets of the President for fiscal years after fiscal year 2010.

''(c) MAJOR RANGE AND TEST FACILITY BASE DEFINED.—In this section, the term 'Major Range and Test Facility Base' has the meaning given that term in section 4173 of title 10, United States Code.''

MILITARY MUNITIONS RESPONSE PROGRAM AND INSTALLATION RESTORATION PROGRAM

Pub. L. 111–84, div. A, title III, §318(b), Oct. 28, 2009, 123 Stat. 2250, provided that: ''As part of the annual budget submission of the Secretary of Defense to Congress, the Secretary shall include the funding levels requested for the Military Munitions Response Program and the Installation Restoration Program.''

SEPARATE PROCUREMENT LINE ITEMS FOR FUTURE COMBAT SYSTEMS PROGRAM

Pub. L. 110–417, [div. A], title I, §111, Oct. 14, 2008, 122 Stat. 4373, provided that: ''Effective for the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, for fiscal year 2011 and for each fiscal year thereafter, the Secretary of Defense shall ensure that a separate, dedicated procurement line item is designated for each of the following elements of the Future Combat Systems program (in this section referred to as 'FCS'), to the extent the budget includes funding for such elements:

''(1) FCS Manned Ground Vehicles.

''(2) FCS Unmanned Ground Vehicles.

''(3) FCS Unmanned Aerial Systems.

''(4) FCS Unattended Ground Systems.

''(5) Other FCS elements.''

SEPARATE PROCUREMENT AND RESEARCH, DEVELOPMENT, TEST, AND EVALUATION LINE ITEMS AND PROGRAM ELEMENTS FOR SKY WARRIOR UNMANNED AERIAL SYSTEMS PROJECT

Pub. L. 110–417, [div. A], title II, §214, Oct. 14, 2008, 122 Stat. 4386, provided that: ''Effective for fiscal year 2010 and for each fiscal year thereafter, the Secretary of Defense shall ensure that, in the annual budget submission of the Department of Defense to the President, within both the account for procurement and the account for research, development, test, and evaluation, a separate, dedicated line item and program element is designated for the Sky Warrior Unmanned Aerial Systems project, to the extent such accounts include funding for such project.''

DISPLAY OF ANNUAL BUDGET REQUIREMENTS FOR AIR SOVEREIGNTY ALERT MISSION

Pub. L. 110–417, [div. A], title III, §354, Oct. 14, 2008, 122 Stat. 4426, which required the Secretary of Defense to submit to the President a display of annual budget requirements for the Air Sovereignty Alert Mission of the Air Force, was repealed by Pub. L. 113–188, title IV, §401(a), Nov. 26, 2014, 128 Stat. 2019.

[Pub. L. 113–291, div. A, title X, §1060(b), Dec. 19, 2014, 128 Stat. 3502, which directed repeal of section 354 of Pub. L. 110–417, formerly set out above, could not be executed because of the prior repeal by Pub. L. 113–188, title IV, §401(a), Nov. 26, 2014, 128 Stat. 2019.]

REQUIREMENT FOR SEPARATE DISPLAY OF BUDGETS FOR AFGHANISTAN AND IRAQ

Pub. L. 110–417, [div. A], title XV, § 1502, Oct. 14, 2008, 122 Stat. 4649, provided that:

''(a) OPERATIONS IN IRAQ AND AFGHANISTAN.—In any annual or supplemental budget request for the Department of Defense that is submitted to Congress after the date of the enactment of this Act [Oct. 14, 2008], the Secretary of Defense shall set forth separately any funding requested in such budget request for—

''(1) operations of the Department of Defense in Afghanistan; and

''(2) operations of the Department of Defense in Iraq.

''(b) SPECIFICITY OF DISPLAY.—Each budget request covered by subsection (a) shall, for any funding requested for operations in Iraq or Afghanistan—

''(1) clearly display the amount of such funding at the appropriation account level and at the program, project, or activity level; and

''(2) include a detailed description of the assumptions underlying the funding for the period covered by the budget request, including the anticipated troop levels, the operations intended to be carried out, and the equipment reset requirements necessary to support such operations.''

REPORT ON FUNDING OF THE DEPARTMENT OF DEFENSE FOR HEALTH CARE

Pub. L. 110–181, div. A, title VII, § 718, Jan. 28, 2008, 122 Stat. 197, provided that:

''(a) REPORT.—If the President submits to Congress the budget for a fiscal year under section 1105 of title 31, United States Code, and the aggregate amount included in that budget for the Department of Defense for health care for such fiscal year is less than the aggregate amount provided by Congress for the Department for health care for the preceding fiscal year, and, in the case of the Department, the total allocation from the Defense Health Program to any military department is less than the total of such allocation in the preceding fiscal year, the President shall submit to Congress a report on—

''(1) the reasons for the determination that inclusion of a lesser aggregate amount or allocation to any military department is in the national interest; and

''(2) the anticipated effects of the inclusion of such lesser aggregate amount or allocation to any military department on the access to and delivery of medical and support services to members of the Armed Forces and their family members.

''(b) TERMINATION.—The section shall not be in effect after December 31, 2017.''

SPECIFICATION OF AMOUNTS REQUESTED FOR PROCUREMENT OF CONTRACT SERVICES

Pub. L. 110–181, div. A, title VIII, § 806, Jan. 28, 2008, 122 Stat. 213, which required that materials submitted to Congress in support of the Defense Department budget identify clearly and separately the amounts requested in each budget account for procurement of contract services, was repealed and restated as former section 235 of this title by Pub. L. 111–84, div. A, title VIII, § 803(a)(1), (3), Oct. 28, 2009, 123 Stat. 2402.

REPORT ON MAJOR DEPARTMENT OF DEFENSE HEADQUARTERS ACTIVITIES PERSONNEL

Pub. L. 110–181, div. A, title IX, § 901(b), (c), Jan. 28, 2008, 122 Stat. 272, which required that the Secretary of Defense include a report with the defense budget materials for each fiscal year concerning the number of military personnel and civilian employees of the Department of Defense assigned to major headquarters activities for each component of the Department, any increase in personnel assigned to major headquarters activities attributable to certain reasons, and any cost savings associated with the elimination of contracts for the performance of major headquarters activities, was repealed by Pub. L. 111–84, div. A, title XI, § 1109(b)(3), Oct. 28, 2009, 123 Stat. 2493.

MAJOR FORCE PROGRAM CATEGORY FOR SPACE

Pub. L. 112–10, div. A, title VIII, § 8092, Apr. 15, 2011, 125 Stat. 77, provided that: ''The Secretary of Defense shall create a major force program category for space for each future-years defense program of the Department of Defense submitted to Congress under section 221 of title 10, United States Code, during fiscal year 2011. The Secretary of Defense shall designate an official in the Office of the Secretary of Defense to provide overall supervision of the preparation and justification of program recommendations and budget proposals to be included in such major force program category.''

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 111–118, div. A, title VIII, § 8099, Dec. 19, 2009, 123 Stat. 3450.

Pub. L. 110–329, div. C, title VIII, § 8104, Sept. 30, 2008, 122 Stat. 3644.

Pub. L. 110–116, div. A, title VIII, § 8111, Nov. 13, 2007, 121 Stat. 1339.

REQUEST FOR FUNDS FOR ONGOING MILITARY OPERATION OVERSEAS

Pub. L. 110–116, div. A, title VIII, § 8116, Nov. 13, 2007, 121 Stat. 1340, provided that: ''Any request for funds for a fiscal year after fiscal year 2008 for an ongoing military operation overseas, including operations in Afghanistan and Iraq, shall be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1105(a) of title 31, United States Code.''

ANNUAL REPORT ON PERSONNEL SECURITY INVESTIGATIONS FOR INDUSTRY AND NATIONAL INDUSTRIAL SECURITY PROGRAM

Pub. L. 109–364, div. A, title III, § 347(a), (b), Oct. 17, 2006, 120 Stat. 2158, which required that the Secretary of Defense include in budget justification documents for each fiscal year a report on future requirements of the Department of Defense concerning Personnel Security Investigations for Industry and the National Industrial Security Program of the Defense Security Service, was repealed by Pub. L. 112–81, div. A, title X, § 1062(d)(1), Dec. 31, 2011, 125 Stat. 1585.

BUDGETING FOR ONGOING MILITARY OPERATIONS IN AFGHANISTAN AND IRAQ

Pub. L. 109–364, div. A, title X, § 1008, Oct. 17, 2006, 120 Stat. 2374, provided that: ''The President's budget submitted to Congress pursuant to section 1105(a) of title 31, United States Code, for each fiscal year after fiscal year 2007 shall include—

''(1) a request for the appropriation of funds for such fiscal year for ongoing military operations in Afghanistan and Iraq;

''(2) an estimate of all funds expected to be required in that fiscal year for such operations; and

''(3) a detailed justification of the funds requested.''

SEPARATE PROGRAM ELEMENTS REQUIRED FOR SIGNIFICANT SYSTEMS DEVELOPMENT AND DEMONSTRATION PROJECTS FOR ARMORED SYSTEMS MODERNIZATION PROGRAM

Pub. L. 109–163, div. A, title II, § 214, Jan. 6, 2006, 119 Stat. 3168, provided that:

''(a) PROGRAM ELEMENTS SPECIFIED.—Effective for the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, for fiscal year 2008 and each fiscal year thereafter, the Secretary of Defense shall ensure that a separate, dedicated program element is assigned to each of the following systems development and demonstration projects of the Armored Systems Modernization program:

''(1) Manned Ground Vehicles.

''(2) Systems of Systems Engineering and Program Management.

''(3) Future Combat Systems Reconnaissance Platforms and Sensors.

''(4) Future Combat Systems Unmanned Ground Vehicles.

''(5) Unattended Sensors.

''(6) Sustainment.

''(b) EARLY COMMENCEMENT OF DISPLAY IN BUDGET JUSTIFICATION MATERIALS.—As part of the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2007, as submitted with the budget of the President under such section 1105(a), the Secretary of the Army shall set forth the budget justification material for the systems development and demonstration projects of the Armored Systems Modernization program identified in subsection (a) as if the projects were already separate program elements.

''(c) TECHNOLOGY INSERTION TO CURRENT FORCE.—

''(1) REPORT ON ESTABLISHMENT OF ADDITIONAL PROGRAM ELEMENT.—Not later than June 1, 2006, the Secretary of the Army shall submit a report to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] describing the manner in which the costs of integrating Future Combat Systems capabilities into current force programs could be assigned to a separate, dedicated program element and any management issues that would be raised as a result of establishing such a program element.

''(2) DISPLAY IN BUDGET JUSTIFICATION MATERIALS.—As part of the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2007 and each fiscal year thereafter, as submitted with the budget of the President under such section 1105(a), the Secretary of the Army shall set forth the budget justification material for technology insertion to the current force under the Armored Systems Modernization program.''

ANNUAL SUBMISSION OF INFORMATION REGARDING INFORMATION TECHNOLOGY CAPITAL ASSETS

Pub. L. 107–314, div. A, title III, §351, Dec. 2, 2002, 116 Stat. 2516, as amended by Pub. L. 110–417, [div. A], title X, §1051, Oct. 14, 2008, 122 Stat. 4604; Pub. L. 113–66, div. A, title III, §333, Dec. 26, 2013, 127 Stat. 739, which related to annual submission of information regarding information technology capital assets, was repealed by Pub. L. 114–92, div. A, title X, §1079(h), Nov. 25, 2015, 129 Stat. 1000.

DEPARTMENT OF DEFENSE REQUESTS FOR FUNDS FOR ENVIRONMENTAL RESTORATION AT BRAC SITES IN FUTURE FISCAL YEARS

Pub. L. 107–249, §131, Oct. 23, 2002, 116 Stat. 1586, provided that:

''(a) REQUESTS FOR FUNDS FOR ENVIRONMENTAL RESTORATION AT BRAC SITES IN FUTURE FISCAL YEARS.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year after fiscal year 2003, the amount requested for environmental restoration, waste management, and environmental compliance activities in such fiscal year with respect to military installations approved for closure or realignment under the base closure laws shall accurately reflect the anticipated cost of such activities in such fiscal year.

''(b) BASE CLOSURE LAWS DEFINED.—In this section, the term 'base closure laws' means the following:

''(1) Section 2687 of title 10, United States Code.

''(2) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

''(3) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).''

Similar provisions were contained in the following prior appropriation act:

Pub. L. 107–64, §131, Nov. 5, 2001, 115 Stat. 482.

BUDGET JUSTIFICATION DOCUMENTS FOR COSTS OF ARMED FORCES' PARTICIPATION IN CONTINGENCY OPERATIONS

Pub. L. 107–248, title VIII, §8132, Oct. 23, 2002, 116 Stat. 1568, provided that: ''The budget of the President for fiscal year 2004 submitted to the Congress pursuant to section 1105 of title 31, United States Code, and each annual budget request thereafter, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Overseas Contingency Operations Transfer Fund, the Operation and Maintenance accounts, and the Procurement accounts: *Provided*, That these budget justification documents shall include a description of the funding requested for each anticipated contingency operation, for each military service, to include active duty and Guard and Reserve components, and for each appropriation account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for ongoing contingency operations, and programmatic data including, but not limited to troop strength for each active duty and Guard and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further*, That these documents shall include budget exhibits OP–5 and OP–32, as defined in the Department of Defense Financial Management Regulation, for the Overseas Contingency Operations Transfer Fund for fiscal years 2002 and 2003.''

Similar provisions were contained in the following appropriation acts:

Pub. L. 117–103, div. C, title VIII, §8079, Mar. 15, 2022, 136 Stat. 194.

Pub. L. 116–260, div. C, title VIII, §8076, Dec. 27, 2020, 134 Stat. 1323.

Pub. L. 116–93, div. A, title VIII, §8076, Dec. 20, 2019, 133 Stat. 2355.

Pub. L. 115–245, div. A, title VIII, §8074, Sept. 28, 2018, 132 Stat. 3018.

Pub. L. 115–141, div. C, title VIII, §8075, Mar. 23, 2018, 132 Stat. 482.

Pub. L. 115–31, div. C, title VIII, §8076, May 5, 2017, 131 Stat. 265.

Pub. L. 114–113, div. C, title VIII, §8075, Dec. 18, 2015, 129 Stat. 2370.

Pub. L. 113–235, div. C, title VIII, §8078, Dec. 16, 2014, 128 Stat. 2272.

Pub. L. 113–76, div. C, title VIII, §8075, Jan. 17, 2014, 128 Stat. 123.

Pub. L. 113–6, div. C, title VIII, §8075, Mar. 26, 2013, 127 Stat. 315.

Pub. L. 112–74, div. A, title VIII, §8077, Dec. 23, 2011, 125 Stat. 824.

Pub. L. 112–10, div. A, title VIII, §8077, Apr. 15, 2011, 125 Stat. 74.

Pub. L. 111–118, div. A, title VIII, §8083, Dec. 19, 2009, 123 Stat. 3447.

Pub. L. 110–329, div. C, title VIII, §8086, Sept. 30, 2008, 122 Stat. 3641.

Pub. L. 110–116, div. A, title VIII, §8091, Nov. 13, 2007, 121 Stat. 1335.

Pub. L. 109–289, div. A, title VIII, §8089, Sept. 29, 2006, 120 Stat. 1294.

Pub. L. 109–148, div. A, title VIII, §8100, Dec. 30, 2005, 119 Stat. 2721.

Pub. L. 108–287, title VIII, §8116, Aug. 5, 2004, 118 Stat. 998.

Pub. L. 108–87, title VIII, §8115, Sept. 30, 2003, 117 Stat. 1099.

Pub. L. 107–117, div. A, title VIII, §8097, Jan. 10, 2002, 115 Stat. 2268.

Pub. L. 106–259, title VIII, §8097, Aug. 9, 2000, 114 Stat. 695.

Pub. L. 106–79, title VIII, §8110, Oct. 25, 1999, 113 Stat. 1257.

BUDGET SUBMISSIONS ON ACTIVE AND RESERVE MILITARY PERSONNEL ACCOUNTS

Pub. L. 105–262, title VIII, § 8093, Oct. 17, 1998, 112 Stat. 2319, provided that: ''At the time the President submits his budget for fiscal year 2000 and any fiscal year thereafter, the Department of Defense shall transmit to the congressional defense committees [Committee on Armed Services and Subcommittee on National Security of the Committee on Appropriations of the House of Representatives and Committee on Armed Services and Subcommittee on Defense of the Committee on Appropriations of the Senate] a budget justification document for the active and reserve Military Personnel accounts, to be known as the 'M–1', which shall identify, at the budget activity, activity group, and subactivity group level, the amounts requested by the President to be appropriated to the Department of Defense for military personnel in any budget request, or amended budget request, for that fiscal year.''

Similar provisions were contained in the following prior appropriation act:

Pub. L. 105–56, title VIII, § 8104, Oct. 8, 1997, 111 Stat. 1243.

MODIFICATION OF BUDGET DATA EXHIBITS

Pub. L. 105–85, div. A, title III, § 324(c), Nov. 18, 1997, 111 Stat. 1678, provided that: ''The Under Secretary of Defense (Comptroller) shall ensure that aircraft budget data exhibits of the Department of Defense that are submitted to Congress display total numbers of active aircraft where numbers of primary aircraft or primary authorized aircraft are displayed in those exhibits.''

INCLUSION OF AIR FORCE DEPOT MAINTENANCE AS OPERATION AND MAINTENANCE BUDGET LINE ITEMS

Pub. L. 105–85, div. A, title III, § 327, Nov. 18, 1997, 111 Stat. 1679, provided that: ''For fiscal year 1999 and each fiscal year thereafter, Air Force depot-level maintenance of materiel shall be displayed as one or more separate line items under each subactivity within the authorization request for operation and maintenance, Air Force, in the proposed budget for that fiscal year submitted to Congress pursuant to section 1105 of title 31, United States Code.''

IDENTIFICATION IN PRESIDENT'S BUDGET OF NATO COSTS

Pub. L. 106–79, title VIII, § 8091, Oct. 25, 1999, 113 Stat. 1253, provided that: ''The budget of the President for fiscal year 2001 submitted to the Congress pursuant to section 1105 of title 31, United States Code, and each annual budget request thereafter, shall include budget activity groups (known as 'subactivities') in all appropriations accounts provided in this Act [see Tables for classification], as may be necessary, to separately identify all costs incurred by the Department of Defense to support the North Atlantic Treaty Organization and all Partnership For Peace programs and initiatives. The budget justification materials submitted to the Congress in support of the budget of the Department of Defense for fiscal year 2001, and subsequent fiscal years, shall provide complete, detailed estimates for all such costs.''

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 105–262, title VIII, § 8095, Oct. 17, 1998, 112 Stat. 2319.

Pub. L. 105–56, title VIII, § 8116, Oct. 8, 1997, 111 Stat. 1245.

PROGRAM ELEMENTS FOR BALLISTIC MISSILE DEFENSE ORGANIZATION

Pub. L. 104–106, div. A, title II, § 251, Feb. 10, 1996, 110 Stat. 233, which required that in budget justification materials submitted to Congress in support of Department of Defense budget, the amount requested for activities of the Ballistic Missile Defense Organization be set forth in accordance with specified program elements, was repealed and restated as former section 223 of this title by Pub. L. 105–261, div. A, title II, § 235(a)(1), (b), Oct. 17, 1998, 112 Stat. 1953.

BUDGET SUBMISSIONS ON SALARIES AND EXPENSES RELATED TO ADMINISTRATIVE ACTIVITIES

Pub. L. 109–148, div. A, title VIII, § 8032, Dec. 30, 2005, 119 Stat. 2705, provided that: ''The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, and hereafter, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the defense agencies.''

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 108–287, title VIII, § 8036, Aug. 5, 2004, 118 Stat. 978.

Pub. L. 108–87, title VIII, § 8036, Sept. 30, 2003, 117 Stat. 1080.

Pub. L. 107–248, title VIII, § 8036, Oct. 23, 2002, 116 Stat. 1544.

Pub. L. 107–117, div. A, title VIII, § 8039, Jan. 10, 2002, 115 Stat. 2256.

Pub. L. 106–259, title VIII, § 8039, Aug. 9, 2000, 114 Stat. 683.

Pub. L. 106–79, title VIII, § 8042, Oct. 25, 1999, 113 Stat. 1240.

Pub. L. 105–262, title VIII, § 8042, Oct. 17, 1998, 112 Stat. 2306.

Pub. L. 105–56, title VIII, § 8046, Oct. 8, 1997, 111 Stat. 1231.

Pub. L. 104–208, div. A, title I, § 101(b) [title VIII, § 8047], Sept. 30, 1996, 110 Stat. 3009–71, 3009–98.

Pub. L. 104–61, title VIII, § 8058, Dec. 1, 1995, 109 Stat. 663.

Pub. L. 103–335, title VIII, § 8069, Sept. 30, 1994, 108 Stat. 2635.

Pub. L. 103–139, title VIII, § 8082, Nov. 11, 1993, 107 Stat. 1458.

Pub. L. 102–396, title IX, § 9132, Oct. 6, 1992, 106 Stat. 1936.

SUBMISSION OF MULTIYEAR DEFENSE PROGRAM

Pub. L. 101–510, div. A, title XIV, § 1402(b), Nov. 5, 1990, 104 Stat. 1674, provided for limitations on obligation by Secretary of Defense of fiscal year 1991 advance procurement funds if, as of end of 90-day period beginning on date on which President's budget for fiscal year 1992 was submitted to Congress, the Secretary had not submitted to Congress fiscal year 1992 multiyear defense program.

MISSION ORIENTED PRESENTATION OF DEPARTMENT OF DEFENSE MATTERS IN BUDGET

Pub. L. 101–510, div. A, title XIV, § 1404, Nov. 5, 1990, 104 Stat. 1675, directed President to submit with budget submitted to Congress each year of programs of Department of Defense, a budget that organizes programs within major functional category 050 (National Defense) on basis of major roles and missions of Department of Defense, prior to repeal by Pub. L. 102–484, div. A, title X, § 1002(b), Oct. 23, 1992, 106 Stat. 2480. See section 222 of this title.

DEFINITION OF ''CONGRESSIONAL DEFENSE COMMITTEES''

Pub. L. 115–141, div. J, title I, § 127, Mar. 23, 2018, 132 Stat. 804, provided that: ''For the purposes of this Act [div. J of Pub. L. 115–141, 132 Stat. 796, see Tables for classification], the term 'congressional defense committees' means the Committees on Armed Services of the House of Representatives and the Senate, the Subcommittee on Military Construction and Veterans Affairs of the Committee on Appropriations of the Senate, and the Subcommittee on Military Construction and Veterans Affairs of the Committee on Appropriations of the House of Representatives.''

§ 222. Future-years mission budget

(a) FUTURE-YEARS MISSION BUDGET.—The Secretary of Defense shall submit to Congress for each fiscal year a future-years mission budget for the military programs of the Department of Defense. That budget shall be submitted for any fiscal year with the future-years defense program submitted under section 221 of this title.

(b) CONSISTENCY WITH FUTURE-YEARS DEFENSE PROGRAM.—The future-years mission budget shall be consistent with the future-years defense program required under section 221 of this title. In the future-years mission budget, the military programs of the Department of Defense shall be organized on the basis of major force programs.

(c) RELATIONSHIP TO OTHER DEFENSE BUDGET FORMATS.—The requirement in subsection (a) is in addition to the requirements in any other provision of law regarding the format for the presentation regarding military programs of the Department of Defense in the budget submitted pursuant to section 1105 of title 31 for any fiscal year.

(Added Pub. L. 102–484, div. A, title X, §1002(a)(2), Oct. 23, 1992, 106 Stat. 2480; amended Pub. L. 103–337, div. A, title X, §1004, Oct. 5, 1994, 108 Stat. 2834; Pub. L. 110–181, div. A, title IX, §944(a), (b), Jan. 28, 2008, 122 Stat. 289, 290; Pub. L. 115–91, div. A, title X, §1081(a)(16), Dec. 12, 2017, 131 Stat. 1595.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in Pub. L. 101–510, div. A, title XIV, §1404, Nov. 5, 1990, 104 Stat. 1675, which was set out as a note under section 114a [now 221] of this title, prior to repeal by Pub. L. 102–484, §1002(b).

AMENDMENTS

2017—Subsec. (b). Pub. L. 115–91 substituted ''major force programs.'' for ''both major force programs and the core mission areas identified under the most recent quadrennial roles and missions review pursuant to section 118b of this title.''

2008—Subsec. (a). Pub. L. 110–181, §944(a), amended last sentence generally. Prior to amendment, last sentence read as follows: ''That budget shall be submitted for any fiscal year not later than 60 days after the date on which the President's budget for that fiscal year is submitted to Congress pursuant to section 1105 of title 31.''

Subsec. (b). Pub. L. 110–181, §944(b), substituted ''on the basis of both major force programs and the core mission areas identified under the most recent quadrennial roles and missions review pursuant to section 118b of this title.'' for ''on the basis of major roles, missions, or forces of the Department of Defense.''

1994—Subsec. (a). Pub. L. 103–337 substituted ''not later than 60 days after the date on which'' for ''at the same time that''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110–181, div. A, title IX, §944(c), Jan. 28, 2008, 122 Stat. 290, provided that: ''The amendments made by this section [amending this section] shall apply with respect to the future-years mission budget for fiscal year 2010 and each fiscal year thereafter.''

§ 222a. Unfunded priorities of the armed forces and combatant commands: annual report

(a) ANNUAL REPORT.—Not later than 10 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105 of title 31, each officer specified in subsection (b) shall submit to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, and to the congressional defense committees, a report on the unfunded priorities of the armed force or forces or combatant command under the jurisdiction or command of such officer.

(b) OFFICERS.—The officers specified in this subsection are the following:

(1) The Chief of Staff of the Army.

(2) The Chief of Naval Operations.

(3) The Chief of Staff of the Air Force.

(4) The Commandant of the Marine Corps.

(5) The Chief of Space Operations.

(6) The commanders of the combatant commands established under section 161 of this title.

(7) The Chief of the National Guard Bureau in the role assigned to that position in section 10502(c)(1) of this title.

(c) ELEMENTS.—

(1) IN GENERAL.—Each report under this subsection shall specify, for each unfunded priority covered by such report, the following:

(A) A summary description of such priority, including the objectives outlined in the national defense strategy required under section 113(g) of this title and the National Military Strategy required under section 139(b) of this title to be advanced if such priority is funded (whether in whole or in part).

(B) The additional amount of funds recommended in connection with the objectives under subparagraph (A).

(C) Account information with respect to such priority, including the following (as applicable):

(i) Line Item Number (LIN) for applicable procurement accounts.

(ii) Program Element (PE) number for applicable research, development, test, and evaluation accounts.

(iii) Sub-activity group (SAG) for applicable operation and maintenance accounts.

(D) A detailed assessment of each specific risk that would be reduced in executing the national defense strategy required under section 113(g) of this title and the National Military Strategy required under section 139(b) of this title if such priority is funded (whether in whole or in part).

(E) The requirement to be addressed by the unfunded priority.

(F) The reason why funding for the priority was not included in the budget of the President.

(G) A description of any funding provided for the requirement for the current and preceding fiscal year.

(H) An assessment of the effect that providing funding for the priority would have on the future-years defense plan.

(2) PRIORITIZATION OF PRIORITIES.—Each report shall present the unfunded priorities covered by such report as follows:

(A) In overall order of urgency of priority according to the amount of risk reduced.

(B) In overall order of urgency of priority among unfunded priorities (other than covered military construction projects).

(C) In overall order of urgency of priority among covered military construction projects.

(3) NATIONAL GUARD UNFUNDED PRIORITIES.—

(A) IN GENERAL.—The officer specified under subsection (b)(7) shall only include in a report submitted under subsection (a) such priorities that—

(i) relate to equipping requirements in support of non-federalized National Guard responsibilities for the homeland defense or civil support missions; and

(ii) except as provided in subparagraph (B), were not included in a report under this section submitted by an officer specified in subsection (b)(1) or (3) for any of five fiscal years preceding the fiscal year for which the report is submitted, on behalf of National Guard forces to address a warfighting requirement.

(B) EXCEPTION.—The officer specified under subsection (b)(7) may include in a report submitted under subsection (a) an unfunded priority covered by subparagraph (A)(ii) if the Secretary of Defense—

(i) determines that the inclusion such unfunded priority reasonably supports the priorities of the Department under the national defense strategy under section 113(g) of this title; and

(ii) submits to the congressional defense committees written notice of such determination.

(d) PRIORITIZATION.—Not later than 10 days after the receipt of all of the reports referred to in subsection (a), the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall submit to the congressional defense committees a report that prioritizes each specific unfunded priority across all unfunded priorities submitted by officers specified in (b) according to the risk reduced in executing the national defense strategy required under section 113(g) of this title and the National Military Strategy required under section 139(b) of this title.

(e) DEFINITIONS.—In this section:

(1) The term ''unfunded priority'', in the case of a fiscal year, means a program, activity, or mission requirement, including a covered military construction project, that—

(A) is not funded in the budget of the President for the fiscal year as submitted to Congress pursuant to section 1105 of title 31;

(B) is necessary to fulfill a requirement associated with an operational or contingency plan of a combatant command or other validated requirement; and

(C) would have been recommended for funding through the budget referred to in subparagraph (1) by the officer submitting the report required by subsection (a) in connection with the budget if—

(i) additional resources had been available for the budget to fund the program, activity, or mission requirement; or

(ii) the program, activity, or mission requirement has emerged since the budget was formulated.

(2) The term ''covered military construction project'', in connection with a fiscal year, means a military construction project that—

(A) is included in any fiscal year of the future-years defense program under section 221 of this title that is submitted in connection with the budget of the President for the fiscal year, and is executable in the fiscal year; or

(B) is considered by the commander of a combatant command referred to in subsection (b)(5) to be an urgent need, and is executable in the fiscal year.

(Added Pub. L. 114–328, div. A, title X, § 1064(a)(1), Dec. 23, 2016, 130 Stat. 2408; amended Pub. L. 116–92, div. A, title X, § 1005, title XVII, § 1731(a)(12), Dec. 20, 2019, 133 Stat. 1573, 1813; Pub. L. 116–283, div. A, title IX, § 924(b)(10), title X, §§ 1006, 1081(a)(12), Jan. 1, 2021, 134 Stat. 3823, 3838, 3871; Pub. L. 117–263, div. A, title III, § 384(b), title X, § 1051, Dec. 23, 2022, 136 Stat. 2544, 2775; Pub. L. 118–31, div. A, title X, § 1003, Dec. 22, 2023, 137 Stat. 379; Pub. L. 118–159, div. A, title XVII, § 1701(a)(5), Dec. 23, 2024, 138 Stat. 2203.)

Editorial Notes

AMENDMENTS

2024—Subsec. (d). Pub. L. 118–159 struck out ''the'' before ''all of the reports''.

2023—Subsec. (c)(1)(E) to (H). Pub. L. 118–31 added subpars. (E) to (H).

2022—Subsec. (c)(1)(A). Pub. L. 117–263, § 1051(1)(A)(i), substituted ''outlined in the national defense strategy required under section 113(g) of this title and the National Military Strategy required under section 139(b) of this title to be advanced'' for ''to be achieved''.

Subsec. (c)(1)(D). Pub. L. 117–263, § 1051(1)(A)(ii), added subpar. (D).

Subsec. (c)(2)(A). Pub. L. 117–263, § 1051(1)(B), inserted ''according to the amount of risk reduced'' after ''priority''.

Subsec. (c)(3). Pub. L. 117–263, § 384(b), substituted ''subsection (b)(7)'' for ''subsection (b)(6)'' in introductory provisions of subpars. (A) and (B).

Subsecs. (d), (e). Pub. L. 117–263, § 1051(2), (3), added subsec. (d) and redesignated former subsec. (d) as (e).

2021—Subsec. (b)(5), (6). Pub. L. 116–283, § 924(b)(10), added par. (5) and redesignated former par. (5) as (6).

Subsec. (b)(7). Pub. L. 116–283, § 1006(1), added par. (7).

Subsec. (c)(3). Pub. L. 116–283, § 1006(2), added par. (3).

Subsec. (d)(1)(C)(i). Pub. L. 116–283, § 1081(a)(12), inserted ''had'' before ''been available''.

2019—Subsec. (c)(2). Pub. L. 116–92, § 1005(b), amended par. (2) generally. Prior to amendment, text read as follows: ''Each report shall present the unfunded priorities covered by such report in order of urgency of priority.''

Subsec. (d). Pub. L. 116–92, § 1005(a), amended subsec. (d) generally. Prior to amendment, subsec. (d) defined the term ''unfunded priority''.

Subsec. (d)(3)(A). Pub. L. 116–92, § 1731(a)(12), inserted ''had'' before ''been'' prior to the general amendment of subsec. (d). See Amendment note above and Coordination of Amendments by Pub. L. 116–92 note below.

Statutory Notes and Related Subsidiaries

COORDINATION OF AMENDMENTS BY PUB. L. 116–92

Amendments to this section by section 1731 of Pub. L. 116–92 to be treated as having been enacted imme-

diately before amendments by other provisions of Pub. L. 116–92, see section 1731(f) of Pub. L. 116–92, set out as a Coordination of Certain Sections of an Act With Other Provisions of That Act note under section 101 of this title.

ANNUAL REPORT ON UNFUNDED REQUIREMENTS FOR LABORATORY MILITARY CONSTRUCTION PROJECTS

Pub. L. 115–91, div. B, title XXVIII, §2806, Dec. 12, 2017, 131 Stat. 1847, as amended by Pub. L. 116–92, div. B, title XXVIII, §2807, Dec. 20, 2019, 133 Stat. 1885, provided that: ''The Under Secretary of Defense for Research and Engineering, in coordination with the Under Secretary of Defense for Acquisition and Sustainment, shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] each year, at the time the budget of the President for the fiscal year beginning in such year is submitted to Congress under section 1105(a) of title 31, United States Code, a report listing unfunded requirements on major and minor military construction projects for Department of Defense science and technology laboratories and facilities and test and evaluation facilities, in prioritized order, with specific accounts and program elements identified, and shall include a Department of Defense Form DD1391 for each major and minor military construction project included in the report.''

[§ 222b. Repealed. Pub. L. 118–159, div. A, title XVI, § 1649(b)(1), Dec. 23, 2024, 138 Stat. 2199]

Section, added and amended Pub. L. 115–232, div. A, title XVI, §1677(a), (b)(1), Aug. 13, 2018, 132 Stat. 2160, 2161; Pub. L. 116–92, div. A, title XVII, §1731(a)(13), Dec. 20, 2019, 133 Stat. 1813, related to annual report on the unfunded priorities of the Missile Defense Agency. See section 5513 of this title. Section, as added and amended by Pub. L. 115–232, was based on Pub. L. 114–328, div. A, title XVI, §1696, Dec. 23, 2016, 130 Stat. 2638.

§ 222c. Armed forces: Out-Year Unconstrained Total Munitions Requirements; Out-Year inventory numbers

(a) ANNUAL REPORTS.—At the same time each year that the budget for the fiscal year beginning in such year is submitted to Congress pursuant to section 1105(a) of title 31, the chief of staff of each armed force (other than the Coast Guard) shall submit to the congressional defense committees a report setting forth for such armed force each of the following for such fiscal year, broken out as specified in subsection (c):

(1) The Out-Year Unconstrained Total Munitions Requirement.

(2) The Out-Year inventory numbers.

(b) PROHIBITION ON DELEGATION OF SUBMITTAL RESPONSIBILITY.—The responsibility of the chief of staff of an armed force in subsection (a) to submit a report may not be delegated outside the armed force concerned.

(c) PRESENTATION.—The Out-Year Unconstrained Total Munitions Requirement and Out-Year inventory numbers for an armed force for a fiscal year pursuant to subsection (a) shall include specific inventory objective requirements for each variant of munitions with respect to each of the following:

(1) Combat Requirement, broken out by operation plan (OPLAN).

(2) Current Operation/Forward Presence Requirement.

(3) Strategic Readiness Requirement.

(4) Homeland Defense.

(5) Training and Testing Requirement.

(6) Total Out-Year Unconstrained Total Munitions Requirement, calculated in accordance with the implementation guidance described in subsection (d).

(7) Out-year worldwide inventory.

(8) Requirement for Protracted Warfare Scenarios, calculated by doubling the duration of each applicable operation plan.

(d) IMPLEMENTATION GUIDANCE USED.—In submitting information pursuant to subsection (a) for a fiscal year, the chief of staff of each armed force shall describe and explain the munitions requirements process implementation guidance developed by the Under Secretary of Defense for Acquisition and Sustainment and used by such armed force for the munitions requirements process for such armed force for that fiscal year.

(e) ADDITIONAL REQUIREMENTS.—Each report required under subsection (a) shall include the following:

(1) The number of years required to meet the Out-Year Unconstrained Total Munitions Requirement at the rate requested for the fiscal year covered by the report.

(2) The average rate of procurement during the three-year period preceding the date of the submission of the report, and the number of years required to meet the Out-Year Unconstrained Total Munitions Requirement at such three-year average rate.

(3) The additional amount of funding that would be required, for each fiscal year, to meet the Out-Year Unconstrained Total Munitions Requirement for each munition by the end of the period covered by the most recent future-years defense program submitted to Congress pursuant to section 221 of this title.

(f) DEFINITIONS.—In this section:

(1) The term ''chief of staff'', with respect to the Marine Corps, means the Commandant of the Marine Corps.

(2) The term ''Out-Year Unconstrained Total Munitions Requirement'' has the meaning given that term in and for purposes of Department of Defense Instruction 3000.04, or any successor instruction.

(Added Pub. L. 115–232, div. A, title X, §1061(a), Aug. 13, 2018, 132 Stat. 1969; amended Pub. L. 116–92, div. A, title X, §1006, Dec. 20, 2019, 133 Stat. 1574; Pub. L. 117–263, div. A, title XVII, §1701(c), Dec. 23, 2022, 136 Stat. 2964.)

Editorial Notes

AMENDMENTS

2022—Subsec. (c)(8). Pub. L. 117–263, §1701(c)(1), added par. (8).

Subsecs. (e), (f). Pub. L. 117–263, §1701(c)(2), (3), added subsec. (e) and redesignated former subsec. (e) as (f).

2019—Subsec. (a). Pub. L. 116–92, §1006(1), substituted ''subsection (c)'' for ''subsection (b)'' in introductory provisions.

Subsecs. (b) to (e). Pub. L. 116–92, §1006(2)–(4), added subsec. (b), redesignated former subsec. (b) as (c) and in par. (6) substituted ''subsection (d)'' for ''subsection (c)'', and redesignated former subsecs. (c) and (d) as (d) and (e), respectively.

§ 222d. Annual report on industrial base constraints for munitions

(a) IN GENERAL.—Not later than 30 days after the submission of all reports required under sec-

tion 222c(a) of this title, the Under Secretary of Defense for Acquisition and Sustainment, in coordination with the service acquisition executive of each military department, shall submit to the congressional defense committees a report detailing the industrial base constraints for each munition identified in the Out-Year Unconstrained Total Munitions Requirement.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements, broken down by munition:

(1) Programmed purchase quantities per year.

(2) Average procurement unit cost per year.

(3) Contract type.

(4) Current minimum sustaining rate of production per month and year.

(5) Current maximum rate of production per month and year.

(6) Expected date to meet the Out-Year Unconstrained Total Munitions Requirement in section 222c of this title under the programmed purchase quantities established for the period covered by the report.

(7) A description of industrial base constraints on increased production of each munition, including any supply chain weaknesses.

(8) A description of investments or policy changes made by a defense contractor or by the United States Government to increase production, enable more efficient production, or mitigate significant loss of stability in potential production.

(9) A description of potential investments or policy changes identified by a defense contractor or the United States Government to increase munitions production, enable more efficient production, or mitigate significant loss of stability in potential production, including—

(A) direct investments in test and tooling equipment, workforce development, or improvements to existing production facilities;

(B) a pool of rotable critical components or subcomponents for munitions;

(C) multiyear contracts or other contracting strategies;

(D) direct investments in components, subcomponents, or raw materials commonly used across the industrial base;

(E) direct investments in additive manufacturing or expeditionary manufacturing capabilities;

(F) direct investments in simplification of supply chains; and

(G) direct investments in technologies or methods to enable increased scalability and reduced complexity of production processes for current or future munitions.

(10) A list of each contract for a munition with a priority rating of ''critical to national defense'' (commonly referred to as a ''DO-rated order'') or a priority rating of ''highest national defense urgency'' (commonly referred to as a ''DX-rated order'') in the Defense Priorities and Allocation System pursuant to part 700 of title 15, Code of Federal Regulations (or any successor regulation).

(11) A prioritized list of munitions judged to have high value for export for which additional investments would be necessary to enable export, including a description of such investments required.

(12) A list of munitions subject to the requirements of chapter 2 of the Arms Export Control Act (22 U.S.C. 2761 et seq.) relating to foreign military sales that are anticipated to be exported based on developments in the conflict in Ukraine.

(c) MUNITION DEFINED.—In this section, the term ''munition'' has the meaning given by the Under Secretary of Defense for Acquisition.

(Added Pub. L. 117–263, div. A, title XVII, § 1701(d)(1), Dec. 23, 2022, 136 Stat. 2965.)

Editorial Notes

REFERENCES IN TEXT

The Arms Export Control Act, referred to in subsec. (b)(12), is Pub. L. 90–629, Oct. 22, 1968, 82 Stat. 1320. Chapter 2 of the Act is classified generally to subchapter II (§ 2761 et seq.) of chapter 39 of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of Title 22 and Tables.

§ 222e.[1] Programs, projects, and activities that were internally changed in the submission of the President's budget: annual report

(a) IN GENERAL.—The Secretary of Defense, acting through the Secretaries of the military departments and the officers of Department of Defense agencies and offices not under the control of a Secretary of a military department, shall submit to the congressional defense committees each year, not later than 30 days after the submission of the budget of the President for the fiscal year beginning in such year under section 1105(a) of title 31, a report that includes organized tabulations of programs, projects, and activities in research, development, test, and evaluation, procurement, and military construction the total obligational authority for which was changed in the current budget year proposal compared to the prior-year projection for the current year.

(b) ELEMENTS.—The tabulations required under subsection (a) shall include, for each program, project, or activity that was internally changed, the following elements:

(1) Whether the program, project, or activity was added, eliminated, or reduced and in which fiscal year.

(2) The appropriations sub-account.

(3) The appropriate program element, line item number, or sub-activity group.

(4) The program, project, or activity name.

(5) The prior year enacted appropriation.

(6) The prior year projected current year budget.

(7) The current year budget request.

(8) If applicable, the amount reduced or saved by the current year elimination or reduction over the future years defense plan.

(9) A characterization of the change as a fact-of-life change, a prioritization change, a programmatic change, or a change due to congressional action.

[1] Another section 222e is set out after this section. See Codification note below.

(c) FORM.—The report required under subsection (a) shall be submitted in machine readable, electronic form.

(Added Pub. L. 118–31, div. A, title X, §1002, Dec. 22, 2023, 137 Stat. 378.)

Editorial Notes

CODIFICATION

Pub. L. 118–31, div. A, title X, §1002, Dec. 22, 2023, 137 Stat. 378, provided that this chapter was amended by inserting this section ''after section 222d''. Another section 222e, which is set out after this section, had been added and inserted ''after section 222d'' by Pub. L. 118–31, div. A, title II, §211, Dec. 22, 2023, 137 Stat. 182.

§ 222e.[1] Unfunded priorities of the Under Secretary of Defense for Research and Engineering: annual report

(a) ANNUAL REPORT.—Not later than 10 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105 of title 31, the Secretary of Defense, after coordinating with the Secretaries of the military departments, shall submit to the congressional defense committees a report on the unfunded priorities of the Department of Defense related to activities for which the Under Secretary of Defense for Research and Engineering has authority.

(b) ELEMENTS.—

(1) IN GENERAL.—Except as provided in subsection (c), each report submitted under subsection (a) shall specify, for each unfunded priority covered by such report, the following:

(A) A summary description of such priority, including the objectives to be achieved if such priority is funded (whether in whole or in part).

(B) The additional amount of funds recommended in connection with the objectives under subparagraph (A).

(C) Account information with respect to such priority, including the following (as applicable):

(i) Line Item Number (LIN) for applicable procurement accounts.

(ii) Program Element (PE) number for applicable research, development, test, and evaluation accounts.

(2) PRIORITIZATION OF PRIORITIES.—The report under subsection (a) shall present the unfunded priorities covered by such report in order of urgency of priority.

(c) EXCLUSION OF PRIORITIES COVERED IN OTHER REPORTS.—The report submitted under subsection (a) shall not include unfunded priorities or requirements covered in reports submitted under—

(1) section 222a or 222b[2] of this title; or

(2) section 2806 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 222a note).

(d) FORM OF REPORT.—Each report submitted under subsection (a) shall be submitted in classified form, but may include an unclassified summary as the Secretary considers appropriate.

(e) UNFUNDED PRIORITY DEFINED.—In this section, the term ''unfunded priority'', in the case of a fiscal year, means a program, activity, or mission requirement, that—

(1) is not funded in the budget of the President for the fiscal year as submitted to Congress pursuant to section 1105 of title 31;

(2) would have been recommended for funding through that budget if—

(A) additional resources had been available for the budget to fund the program, activity, or mission requirement; or

(B) the program, activity, or mission requirement has emerged since the budget was formulated; and

(3) in the case of a military construction project, has reached 35 percent design.

(Added Pub. L. 118–31, div. A, title II, §211, Dec. 22, 2023, 137 Stat. 182; amended Pub. L. 118–159, div. A, title II, §212, Dec. 23, 2024, 138 Stat. 1824.)

Editorial Notes

REFERENCES IN TEXT

Section 222b of this title, referred to in subsec. (c)(1), was repealed by Pub. L. 118–159, div. A, title XVI, §1649(b)(1), Dec. 23, 2024, 138 Stat. 2199. For provisions similar to those in former section 222b of this title, see section 5513 of this title.

CODIFICATION

Pub. L. 118–31, div. A, title II, §211, Dec. 22, 2023, 137 Stat. 182, provided that this chapter was amended by inserting this section ''after section 222d''. Another section 222e, which is set out preceding this section, was subsequently added and inserted ''after section 222d'' by Pub. L. 118–31, div. A, title X, §1002, Dec. 22, 2023, 137 Stat. 378.

AMENDMENTS

2024—Subsec. (a). Pub. L. 118–159, §212(1), substituted ''the Secretary of Defense, after coordinating with the Secretaries of the military departments, shall'' for ''the Secretary of Defense shall''.

Subsec. (e)(3). Pub. L. 118–159, §212(2), added par. (3).

[§ 223. Repealed. Pub. L. 118–159, div. A, title XVI, § 1649(b)(1), Dec. 23, 2024, 138 Stat. 2199]

Section, added Pub. L. 105–261, div. A, title II, §235(a)(1), Oct. 17, 1998, 112 Stat. 1953; amended Pub. L. 107–107, div. A, title II, §232(a), (b), Dec. 28, 2001, 115 Stat. 1037; Pub. L. 107–314, div. A, title II, §225(b)(1)(A), Dec. 2, 2002, 116 Stat. 2486; Pub. L. 108–136, div. A, title II, §221(a), (b)(1), (c)(1), Nov. 24, 2003, 117 Stat. 1419, related to program elements for ballistic missile defense programs. See section 5511 of this title.

Statutory Notes and Related Subsidiaries

ACQUISITION ACCOUNTABILITY REPORTS ON THE BALLISTIC MISSILE DEFENSE SYSTEM

Pub. L. 111–383, div. A, title II, §225, Jan. 7, 2011, 124 Stat. 4170, related to acquisition baselines, elements of baselines, and annual reports, prior to repeal by Pub. L. 112–81, div. A, title II, §231(b)(1), Dec. 31, 2011, 125 Stat. 1339.

COOPERATIVE BALLISTIC MISSILE DEFENSE PROGRAM ELEMENT

Pub. L. 105–85, div. A, title II, §233, Nov. 18, 1997, 111 Stat. 1663, as amended by Pub. L. 107–314, div. A, title II, §225(b)(4)(A), Dec. 2, 2002, 116 Stat. 2486, directed the Secretary of Defense to establish the Cooperative Ballistic Missile Defense Program to support cooperative

[1] Another section 222e is set out preceding this section. See Codification note below.

[2] See References in Text note below.

efforts between the United States and other nations that contributed to United States ballistic missile defense capabilities.

§ 223a. Ballistic missile defense programs: procurement

(a) BUDGET JUSTIFICATION MATERIALS.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31), the Secretary of Defense shall specify, for each ballistic missile defense system element for which the Missile Defense Agency is engaged in planning for production and initial fielding, the following information:

(1) The production rate capabilities of the production facilities planned to be used for production of that element.

(2) The potential date of availability of that element for initial fielding.

(3) The estimated date on which the administration of the acquisition of that element is to be transferred from the Director of the Missile Defense Agency to the Secretary of a military department.

(b) FUTURE-YEARS DEFENSE PROGRAM.—The Secretary of Defense shall include in the future-years defense program submitted to Congress each year under section 221 of this title an estimate of the amount necessary for procurement for each ballistic missile defense system element, together with a discussion of the underlying factors and reasoning justifying the estimate.

(c) PERFORMANCE CRITERIA.—The Director of the Missile Defense Agency shall include in the performance criteria prescribed for planned development phases of the ballistic missile defense system and its elements a description of the intended effectiveness of each such phase against foreign adversary capabilities.

(Added Pub. L. 108–136, div. A, title II, § 223(a)(1), Nov. 24, 2003, 117 Stat. 1420; amended Pub. L. 113–291, div. A, title X, § 1060(a)(1), Dec. 19, 2014, 128 Stat. 3502.)

Editorial Notes

AMENDMENTS

2014—Subsec. (d). Pub. L. 113–291 struck out subsec. (d). Text read as follows: ''The Director of Operational Test and Evaluation shall make available for review by the congressional defense committees the developmental and operational test plans established to assess the effectiveness of the ballistic missile defense system and its elements with respect to the performance criteria described in subsection (c).''

Statutory Notes and Related Subsidiaries

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective Dec. 31, 2021, of provisions in subsec. (a) of this section requiring submittal of annual report to Congress, see section 1061 of Pub. L. 114–328, set out as a note under section 111 of this title.

IMPLEMENTATION OF REQUIREMENT FOR AVAILABILITY OF TEST PLANS

Pub. L. 108–136, div. A, title II, § 223(b), Nov. 24, 2003, 117 Stat. 1420, directed that subsec. (d) of this section was to be implemented not later than Mar. 1, 2004.

[§ 224. Repealed. Pub. L. 118–159, div. A, title XVI, § 1649(b)(1), Dec. 23, 2024, 138 Stat. 2199]

Section, added Pub. L. 105–85, div. A, title II, § 232(a)(1), Nov. 18, 1997, 111 Stat. 1662; amended Pub. L. 107–107, div. A, title II, § 231(a), (b)(1), Dec. 28, 2001, 115 Stat. 1035, 1036; Pub. L. 107–314, div. A, title II, §§ 222, 225(b)(1)(A), Dec. 2, 2002, 116 Stat. 2485, 2486; Pub. L. 108–136, div. A, title II, § 226, title X, § 1043(b)(4), Nov. 24, 2003, 117 Stat. 1421, 1611, related to display of amounts for research, development, test, and evaluation for ballistic missile defense programs. See section 5512 of this title.

[§ 225. Repealed. Pub. L. 118–159, div. A, title XVI, § 1649(b)(1), Dec. 23, 2024, 138 Stat. 2199]

Section, added Pub. L. 112–81, div. A, title II, § 231(a)(1), Dec. 31, 2011, 125 Stat. 1337; amended Pub. L. 113–66, div. A, title II, § 231(b), Dec. 26, 2013, 127 Stat. 711; Pub. L. 117–263, div. A, title XVI, § 1652, Dec. 23, 2022, 136 Stat. 2948, provided for acquisition accountability reports on the ballistic missile defense system. See section 5514 of this title.

§ 226. Special operations forces: display of service-common and other support and enabling capabilities

(a) IN GENERAL.—The Secretary of Defense and the Secretary of each of the military departments shall include, in the budget materials submitted to Congress under section 1105 of title 31 for fiscal year 2022 and any subsequent fiscal year, a budget justification display for each applicable appropriation showing service-common and other support and enabling capabilities for special operations forces requested by a military service or Defense Agency. Such budget justification displays shall include each of the following:

(1) Details at the appropriation and line item level, including any amount for service-common support, acquisition support, training, operations, pay and allowances, base operations sustainment, and any other common services and support.

(2) An identification of any change in the level or type of service-common support and enabling capabilities provided by each of the military services or Defense Agencies to special operations forces for the fiscal year covered by the budget justification display when compared to the preceding fiscal year, including the rationale for any such change and any mitigating actions.

(3) An assessment of the specific effects that the budget justification display for the fiscal year covered by the display and any anticipated future manpower and force structure changes are likely to have on the ability of each of the military services to provide service-common support and enabling capabilities to special operations forces.

(4) Any other matters the Secretary of Defense or the Secretary of a military department determines are relevant.

(b) CONSOLIDATED BUDGET JUSTIFICATION DISPLAY.—The Secretary of Defense shall include, in the budget materials submitted to Congress under section 1105 of title 31, for fiscal year 2022 and any subsequent fiscal year, a consolidated budget justification display containing the same information as is required in the budget jus-

tification displays required under subsection (a). Such consolidated budget justification display may be provided as a summary by appropriation for each military department and a summary by appropriation for all Defense Agencies.

(c) SERVICE-COMMON AND OTHER SUPPORT AND ENABLING CAPABILITIES.—In this section, the term ''service-common and other support and enabling capabilities'' means capabilities provided in support of special operations that are not reflected in Major Force Program–11 or designated as special operations forces-peculiar.

(Added Pub. L. 116–92, div. A, title X, §1007(a), Dec. 20, 2019, 133 Stat. 1575; amended Pub. L. 116–283, div. A, title X, §1002, Jan. 1, 2021, 134 Stat. 3836.)

Editorial Notes

PRIOR PROVISIONS

A prior section 226, added Pub. L. 102–190, div. A, title X, §1002(a)(1), Dec. 5, 1991, 105 Stat. 1455, §221; renumbered §226, Pub. L. 102–484, div. A, title X, §1002(a)(1), Oct. 23, 1992, 106 Stat. 2480; amended Pub. L. 103–160, div. A, title XI, §1104, Nov. 30, 1993, 107 Stat. 1749; Pub. L. 108–136, div. A, title X, §1031(a)(5), Nov. 24, 2003, 117 Stat. 1596; Pub. L. 109–364, div. A, title X, §1007, Oct. 17, 2006, 120 Stat. 2373, related to scoring of outlays by the Director of the Office of Management and Budget and the Director of the Congressional Budget Office, prior to repeal by Pub. L. 112–81, div. A, title X, §1061(3)(A), Dec. 31, 2011, 125 Stat. 1583.

AMENDMENTS

2021—Subsec. (a). Pub. L. 116–283, §1002(1)(A)–(D), inserted ''of Defense and the Secretary of each of the military departments'' after ''Secretary'' and substituted ''2022'' for ''2021'', ''a budget justification display for each applicable appropriation'' for ''a consolidated budget justification display'', and ''displays shall include each of the following:'' for ''display shall include any amount for service-common or other capability development and acquisition, training, operations, pay, base operations sustainment, and other common services and support.''

Subsec. (a)(1) to (4). Pub. L. 116–283, §1002(1)(E), added pars. (1) to (4).

Subsecs. (b), (c). Pub. L. 116–283, §1002(2), (3), added subsec. (b) and redesignated former subsec. (b) as (c).

§ 227. Budget justification for covered military unaccompanied housing Facilities Sustainment, Restoration, and Modernization projects

(a) IN GENERAL.—Along with the budget for each fiscal year submitted by the President pursuant to section 1105(a) of title 31, United States Code, each Secretary of a military department shall include a consolidated budget justification display for the congressional defense committees that individually identifies—

(1) for the fiscal year covered by the budget, the total requested expenditure for Facilities Sustainment, Restoration, and Modernization projects for covered military unaccompanied housing compared to the total expenditure required by such projects, disaggregated by military department; and

(2) the total expenditure for Facilities Sustainment, Restoration, and Modernization projects made during the fiscal year beginning two years before the fiscal year covered by the budget, disaggregated by—

(A) military installation;

(B) the type of facility repaired or restored under such repair projects;

(C) the number of such repair projects that were for sustainment or repair of a facility; and

(D) the number of such repair projects that were for restoration or modernization of a facility.

(b) DEFINITIONS.—In this section:

(1) The term ''covered military unaccompanied housing'' has the meaning given in section 2856 of this title.

(2) The terms ''facility'' and ''military installation'' have the meanings given, respectively, in section 2801 of this title.

(3) The term ''repair project'' has the meaning given in section 2811 of this title.

(Added Pub. L. 118–159, div. B, title XXVIII, §2821, Dec. 23, 2024, 138 Stat. 2253.)

Editorial Notes

PRIOR PROVISIONS

A prior section 227, added Pub. L. 103–160, div. A, title III, §374(a), Nov. 30, 1993, 107 Stat. 1636, directed Secretary of Defense to include recruiting costs in budget justification documents submitted to Congress each year in connection with submission of budget, prior to repeal by Pub. L. 104–106, div. A, title X, §1061(f)(1), Feb. 10, 1996, 110 Stat. 443.

[§ 228. Repealed. Pub. L. 114–92, div. A, title X, § 1073(a)(1), Nov. 25, 2015, 129 Stat. 995]

Section, added Pub. L. 105–85, div. A, title III, §321(a)(1), Nov. 18, 1997, 111 Stat. 1672; amended Pub. L. 107–314, div. A, title III, §361, Dec. 2, 2002, 116 Stat. 2519; Pub. L. 108–136, div. A, title X, §§1031(a)(6)(A), (B)(i), 1043(b)(5), Nov. 24, 2003, 117 Stat. 1596, 1611; Pub. L. 112–81, div. A, title X, §1064(4)(A), (B)(i), Dec. 31, 2011, 125 Stat. 1587, related to biannual reports on allocation of funds within operation and maintenance budget subactivities.

§ 229. Programs for combating terrorism: display of budget information

(a) SUBMISSION WITH ANNUAL BUDGET JUSTIFICATION DOCUMENTS.—The Secretary of Defense shall submit to Congress, as a part of the documentation that supports the President's annual budget for the Department of Defense, a consolidated budget justification display, in classified and unclassified form, that includes all programs and activities of the Department of Defense combating terrorism program.

(b) REQUIREMENTS FOR BUDGET DISPLAY.—The budget display under subsection (a) shall include—

(1) the amount requested, by appropriation and functional area, for each of the program elements, projects, and initiatives that support the Department of Defense combating terrorism program, with supporting narrative descriptions and rationale for the funding levels requested; and

(2) a summary, to the program element and project level of detail, of estimated expenditures for the current year, funds requested for the budget year, and budget estimates through the completion of the current future-years defense plan for the Department of Defense combating terrorism program.

(c) EXPLANATION OF INCONSISTENCIES.—As part of the budget display under subsection (a) for any fiscal year, the Secretary shall identify and explain—

(1) any inconsistencies between (A) the information submitted under subsection (b) for that fiscal year, and (B) the information provided to the Director of the Office of Management and Budget in support of the annual report of the President to Congress on funding for executive branch counterterrorism and antiterrorism programs and activities for that fiscal year in accordance with section 1051(b) of the National Defense Authorization Act for Fiscal Year 1998 (31 U.S.C. 1113 note); and

(2) any inconsistencies between (A) the execution, during the previous fiscal year and the current fiscal year, of programs and activities of the Department of Defense combating terrorism program, and (B) the funding and specification for such programs and activities for those fiscal years in the manner provided by Congress (both in statutes and in relevant legislative history).

(d) DEPARTMENT OF DEFENSE COMBATING TERRORISM PROGRAM.—In this section, the term ''Department of Defense combating terrorism program'' means the programs, projects, and activities of the Department of Defense related to combating terrorism inside and outside the United States.

(e) TERMINATION.—The requirement to submit a budget justification display under this section shall terminate on December 31, 2020.

(Added Pub. L. 106–65, div. A, title IX, § 932(b)(1), Oct. 5, 1999, 113 Stat. 727; amended Pub. L. 108–136, div. A, title X, § 1043(b)(6), Nov. 24, 2003, 117 Stat. 1611; Pub. L. 114–92, div. A, title X, § 1044, Nov. 25, 2015, 129 Stat. 977; Pub. L. 115–91, div. A, title X, § 1032, Dec. 12, 2017, 131 Stat. 1550.)

Editorial Notes

REFERENCES IN TEXT

Section 1051(b) of the National Defense Authorization Act for Fiscal Year 1998, referred to in subsec. (c)(1), is section 1051(b) of Pub. L. 105–85, which is set out as a note under section 1113 of Title 31, Money and Finance.

AMENDMENTS

2017—Subsec. (e). Pub. L. 115–91 added subsec. (e).

2015—Subsecs. (d), (e). Pub. L. 114–92 redesignated subsec. (e) as (d) and struck out former subsec. (d). Prior to amendment, text of subsec. (d) read as follows: ''The Secretary shall submit to the congressional defense committees a semiannual report on the obligation and expenditure of funds for the Department of Defense combating terrorism program. Such reports shall be submitted not later than April 15 each year, with respect to the first half of a fiscal year, and not later than November 15 each year, with respect to the second half of a fiscal year. Each such report shall compare the amounts of those obligations and expenditures to the amounts authorized and appropriated for the Department of Defense combating terrorism program for that fiscal year, by budget activity, sub-budget activity, and program element or line item. The second report for a fiscal year shall show such information for the second half of the fiscal year and cumulatively for the whole fiscal year. The report shall be submitted in unclassified form, but may have a classified annex.''

2003—Subsec. (f). Pub. L. 108–136 struck out heading and text of subsec. (f). Text read as follows: ''In this section, the term 'congressional defense committees' means—

''(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

''(B) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.''

Statutory Notes and Related Subsidiaries

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective Dec. 31, 2021, of provisions of this section requiring submittal of annual report to Congress, see section 1061 of Pub. L. 114–328, set out as a note under section 111 of this title.

PRIORITIZATION OF FUNDS FOR EQUIPMENT READINESS AND STRATEGIC CAPABILITY

Pub. L. 109–364, div. A, title III, § 323, Oct. 17, 2006, 120 Stat. 2146, as amended by Pub. L. 110–181, div. A, title III, § 353, Jan. 28, 2008, 122 Stat. 72; Pub. L. 111–383, div. A, title III, § 332(a)–(f), Jan. 7, 2011, 124 Stat. 4185, 4187; Pub. L. 113–66, div. A, title III, § 332, Dec. 26, 2013, 127 Stat. 739, provided that:

''(a) PRIORITIZATION OF FUNDS.—The Secretary of Defense shall take such steps as may be necessary through the planning, programming, budgeting, and execution systems of the Department of Defense to ensure that financial resources are provided for each fiscal year as necessary to enable—

''(1) the Secretary of each military department to meet the requirements of that military department for that fiscal year for the repair, recapitalization, and replacement of equipment used in overseas contingency operations; and

''(2) the Secretary of the Army to meet the requirements of the Army, and the Secretary of the Navy to meet the requirements of the Marine Corps, for that fiscal year, in addition to the requirements under paragraph (1), for the reconstitution of equipment and materiel in prepositioned stocks in accordance with requirements under the policy or strategy implemented under the guidelines in section 2229 of title 10, United States Code.

''(b) SUBMISSION OF BUDGET INFORMATION.—

''(1) SUBMISSION OF INFORMATION.—As part of the budget justification materials submitted to Congress in support of the President's budget for a fiscal year or a request for supplemental appropriations, the Secretary of Defense shall include the following:

''(A) The information described in paragraph (2) for the fiscal year for which the budget justification materials are submitted, the fiscal year during which the materials are submitted, and the preceding fiscal year.

''(B) The information described in paragraph (2) for each of the fiscal years covered by the future-years defense program for the fiscal year in which the report is submitted based on estimates of any amounts required to meet each of the requirements under subsection (a) that are not met for that fiscal year and are deferred to the future-years defense program.

''(C) A consolidated budget justification summary of the information submitted under subparagraphs (A) and (B).

''(2) INFORMATION DESCRIBED.—The information described in this paragraph is information that clearly and separately identifies, by appropriations account, budget activity, activity group, sub-activity group, and program element or line item, the amounts requested for the programs, projects, and activities of—

''(A) each of the military departments for the repair, recapitalization, or replacement of equipment used in overseas contingency operations; and

''(B) the Army and the Marine Corps for the reconstitution of equipment and materiel in prepositioned stocks.

''(c) CONTINGENCY OPERATION DEFINED.—In this section, the term 'contingency operation' has the meaning

given that term in section 101(a)(13) of title 10, United States Code.''

QUARTERLY DETAILED ACCOUNTING FOR OPERATIONS CONDUCTED AS PART OF THE GLOBAL WAR ON TERRORISM

Pub. L. 108–375, div. A, title X, §1041, Oct. 28, 2004, 118 Stat. 2048, which required the Secretary of Defense to submit quarterly reports on Operation Iraqi Freedom, Operation Enduring Freedom, Operation Noble Eagle, and any other operation designated by the President as being an operation of the Global War on Terrorism, was repealed by Pub. L. 112–81, div. A, title X, §1062(f)(2), Dec. 31, 2011, 125 Stat. 1585.

[§ 230. Repealed. Pub. L. 107–314, div. A, title X, § 1041(a)(2)(A), Dec. 2, 2002, 116 Stat. 2645]

Section, added Pub. L. 106–65, div. A, title X, §1041(a)(1), Oct. 5, 1999, 113 Stat. 758; amended Pub. L. 106–398, §1 [[div. A], title X, §1075(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A–280, related to inclusion in the budget justification materials submitted to Congress of specific identification of amounts required for declassification of records.

§ 231. Budgeting for construction, maintenance, and modernization of naval vessels: annual plans and certifications

(a) ANNUAL NAVAL VESSEL CONSTRUCTION PLAN AND CERTIFICATION.—The Secretary of the Navy shall include with the defense budget materials for a fiscal year each of the following:

(1) A plan for the construction of naval vessels developed in accordance with this section for each of the following classes of ships:

(A) Combatant and support vessels.

(B) Auxiliary vessels.

(2) A certification by the Secretary that both the budget for that fiscal year and the future-years defense program submitted to Congress in relation to such budget under section 221 of this title provide for funding of the construction of naval vessels at a level that is sufficient for the procurement of the vessels provided for in the plan under paragraph (1) on the schedule provided in that plan, together with the views of the Chief of Naval Operations and Commandant of the Marine Corps on the budget.

(3) The unaltered assessment of the Chief of Naval Operations and the Commandant of the Marine Corps of the plan required under paragraph (1).

(b) ANNUAL NAVAL VESSEL CONSTRUCTION PLAN.—(1) The annual naval vessel construction plan developed for a fiscal year for purposes of subsection (a)(1) shall be designed so that the naval vessel force provided for under that plan supports the national security strategy of the United States as set forth in the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 3043), except that, if at the time such plan is submitted with the defense budget materials for that fiscal year, a national security strategy report required under such section 108 has not been submitted to Congress as required by paragraph (2) or paragraph (3), if applicable, of subsection (a) of such section, then such annual plan shall be designed so that the naval vessel force provided for under that plan supports the ship force structure recommended in the report of the most recent national defense strategy.

(2) Each such naval vessel construction plan shall include the following:

(A) A detailed program for the construction of combatant and support vessels for the Navy over the next 30 fiscal years.

(B) A detailed program for the construction of auxiliary vessels for the Navy over the next 30 fiscal years.

(C) A description of the necessary naval vessel force structure and capabilities to meet the requirements of the national security strategy of the United States or the most recent national defense strategy, whichever is applicable under paragraph (1).

(D) The estimated levels of annual funding by ship class in both graphical and tabular form necessary to carry out the program, together with a discussion of the procurement strategies on which such estimated levels of annual funding are based.

(E) The estimated total cost of construction for each vessel used to determine estimated levels of annual funding under subparagraph (D).

(F) The estimated operations and sustainment costs required to support the vessels delivered under the naval vessel construction plan.

(G) The expected service life of each vessel in the naval vessel force provided for under the naval vessel construction plan, disaggregated by ship class, and the rationale for any changes to such expectations from the previous year's plan.

(H) A certification by the appropriate Senior Technical Authority designated under section 8669b of this title of the expected service life of each vessel in the naval vessel force provided for under the naval vessel construction plan, disaggregated by ship class, and the rationale for any changes to such expectations from the previous year's plan.

(I) For each battle force ship planned to be inactivated during the five-year period beginning on the date of the submittal of the report, a description of the planned disposition of each such ship following such inactivation and the potential gaps in warfighting capability that will result from such ship being removed from service.

(J) For any class of battle force ship for which the procurement of the final ship of the class is proposed in the relevant future-years defense program submitted under section 221 of this title—

(i) a description of the expected specific effects on the Navy shipbuilding industrial base of—

(I) the termination of the production program for the ship and the transition to a new or modified production program, or

(II) the termination of the production program for the ship without a new or modified production program to replace it; and

(ii) in the case of any such production program for which a replacement production program is proposed, a detailed schedule for

the replacement production program with planned decision points, solicitations, and contract awards.

(3) In developing annual naval vessel construction plans for purposes of subsection (a)(1), the Secretary of the Navy shall take into consideration the most recent biennial report on shipbuilder training and the defense industrial base required by section 8693 of this title.

(c) ASSESSMENT WHEN ANNUAL NAVAL VESSEL CONSTRUCTION PLAN DOES NOT MEET FORCE STRUCTURE REQUIREMENTS.—If the annual naval vessel construction plan for a fiscal year under subsection (b) does not result in a force structure or capabilities that meet the requirements identified in subsection (b)(2)(B), the Secretary shall include with the defense budget materials for that fiscal year an assessment of the extent of the strategic and operational risk to national security associated with the reduced force structure of naval vessels over the period of time that the required force structure or capabilities are not achieved. Such assessment shall include an analysis of whether the risks are acceptable, and plans to mitigate such risks. Such assessment shall be coordinated in advance with the commanders of the combatant commands and the Nuclear Weapons Council under section 179 of this title.

(d) ANNUAL PLAN FOR MAINTENANCE AND MODERNIZATION OF NAVAL VESSELS.—In addition to the plan included under subsection (a)(1), the Secretary of Defense shall include with the defense budget materials for a fiscal year each of the following:

(1) A plan for the maintenance and modernization of naval vessels that includes the following:

(A) A forecast of the maintenance and modernization requirements for both the naval vessels in the inventory of the Navy and the vessels required to be delivered under the naval vessel construction plan under subsection (a)(1).

(B) A description of the initiatives of the Secretary of the Navy to ensure that activities key to facilitating the maintenance and modernization of naval vessels (including with respect to increasing workforce and industrial base capability and capacity, shipyard level-loading, and facility improvements) receive sufficient resourcing, and are including in appropriate planning, to facilitate the requirements specified in subparagraph (A).

(2) A certification by the Secretary that both the budget for that fiscal year and the future-years defense program submitted to Congress in relation to such budget under section 221 of this title provide for funding for the maintenance and modernization of naval vessels at a level that is sufficient for such maintenance and modernization in accordance with the plan under paragraph (1).

(e) CBO EVALUATION.—Not later than 60 days after the date on which the congressional defense committees receive the plan under subsection (a)(1), the Director of the Congressional Budget Office shall submit to such committees a report assessing the sufficiency of the estimated levels of annual funding included in such plan with respect to the budget submitted during the year in which the plan is submitted and the future-years defense program submitted under section 221 of this title.

(f) LIMITATION ON AVAILABILITY OF FUNDS FOR FISCAL YEARS WITHOUT PLAN AND CERTIFICATION.—(1) If the Secretary of Defense does not include with the defense budget materials for a fiscal year the plan and certification under subsection (a) and the plan and certification under subsection (d), the Secretary of Defense may not use more than 25 percent of the funds described in paragraph (2) during the fiscal year in which such materials are submitted until the date on which such plans and certifications are submitted to the congressional defense committees.

(2) The funds described in this paragraph are funds made available to the Secretary of Defense for operation and maintenance, Defense-wide, for emergencies and extraordinary expenses, that remain available for obligation or expenditure as of the date on which the plan and certification under subsection (a) and the plan and certification under subsection (d) are required to be submitted.

(g) REDUCTION IN BATTLE FORCE SHIPS.—If the plan and certification under subsection (a) for a fiscal year include a proposed reduction in the number of battle force ships proposed to be procured during that fiscal year or during the any of the subsequent nine fiscal years, as compared to the number of such ships proposed in the plan and certification for the preceding fiscal year for that fiscal year and the subsequent nine fiscal years, the Secretary of Defense shall provide to the congressional defense committees, by not later than 15 days after the date of the submission of the plan and certification under subsection (a), a briefing that includes each of the following:

(1) An identification of each specific ship for which funds are not requested in the budget for that fiscal year and an identification of any funds that were allocated to each such ship, for any prior fiscal year including funds for—

(A) research, development, test, and evaluation;

(B) advance procurement;

(C) advanced construction; and

(D) economic order quantity.

(2) If a shipyard is identified in relation to a ship identified under paragraph (1), the projected change in workload at the shipyard as a result of the reduction of the ship.

(3) The projected change in the estimated value of any major subcontracted components or sequence critical material as a result of the reduction of the ship.

(h) DEFINITIONS.—In this section:

(1) The term ''budget'', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

(2) The term ''defense budget materials'', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.

(3) The term ''national defense strategy'' means the review of the defense programs and policies of the United States that is carried out every four years under section 113(g) of this title.

(4) The term ''combatant and support vessel'' means any commissioned ship built or armed for naval combat or any naval ship designed to provide support to combatant ships and other naval operations. Such term does not include patrol coastal ships, non-commissioned combatant craft specifically designed for combat roles, or ships that are designated for potential mobilization.

(5) The term ''auxiliary vessel'' means any ship designed to operate in the open ocean in a variety of sea states to provide general support to either combatant forces or shore based establishments.

(6) The term ''expected service life'' means the number of years a naval vessel is expected to be in service.

(Added Pub. L. 107–314, div. A, title X, §1022(a)(1), Dec. 2, 2002, 116 Stat. 2639; amended Pub. L. 111–383, div. A, title X, §1023(a), Jan. 7, 2011, 124 Stat. 4349; Pub. L. 112–81, div. A, title X, §1011(a), Dec. 31, 2011, 125 Stat. 1558; Pub. L. 112–239, div. A, title X, §1014(a), Jan. 2, 2013, 126 Stat. 1908; Pub. L. 113–66, div. A, title X, §1021, Dec. 26, 2013, 127 Stat. 844; Pub. L. 113–291, div. A, title X, §§1021, 1071(c)(2), Dec. 19, 2014, 128 Stat. 3486, 3508; Pub. L. 114–92, div. A, title X, §1021, Nov. 25, 2015, 129 Stat. 965; Pub. L. 115–91, div. A, title X, §1021(d), Dec. 12, 2017, 131 Stat. 1547; Pub. L. 115–232, div. A, title X, §1011, Aug. 13, 2018, 132 Stat. 1947; Pub. L. 116–283, div. A, title X, §§1021, 1081(a)(13), Jan. 1, 2021, 134 Stat. 3839, 3871; Pub. L. 117–81, div. A, title X, §1011(a), Dec. 27, 2021, 135 Stat. 1889; Pub. L. 117–263, div. A, title III, §352(a), title X, §1021, Dec. 23, 2022, 136 Stat. 2533, 2763; Pub. L. 118–31, div. A, title X, §1015, title XVIII, §1801(a)(3), Dec. 22, 2023, 137 Stat. 382, 683; Pub. L. 118–159, div. A, title X, §1021, Dec. 23, 2024, 138 Stat. 2052.)

Editorial Notes

AMENDMENTS

2024—Subsecs. (g), (h). Pub. L. 118–159 added subsec. (g) and redesignated former subsec. (g) as (h).

2023—Pub. L. 118–31, §1801(a)(3)(A), substituted ''plans and certifications'' for ''plan and certification'' in section catchline.

Subsec. (a)(2). Pub. L. 118–31, §1015(1)(A), inserted before period at end '', together with the views of the Chief of Naval Operations and Commandant of the Marine Corps on the budget''.

Subsec. (a)(3). Pub. L. 118–31, §1015(1)(B), added par. (3).

Subsec. (b)(3). Pub. L. 118–31, §1015(2), added par. (3).

Subsec. (f)(1). Pub. L. 118–31, §1801(a)(3)(B), substituted ''such plans and certifications'' for ''such plan and certification''.

2022—Pub. L. 117–263, §352(a)(1), inserted '', maintenance, and modernization'' after ''construction'' in section catchline.

Subsec. (b)(2)(J). Pub. L. 117–263, §1021, added subpar. (J).

Subsecs. (d), (e). Pub. L. 117–263, §352(a)(2), (3), added subsec. (d) and redesignated former subsec. (d) as (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 117–263, §352(a)(4), which directed amendment of subsec. (f) by inserting ''and the plan and certification under subsection (d)'' after ''subsection (a)'', was executed by making the insertion both places it appeared to reflect the probable intent of Congress.

Pub. L. 117–263, §352(a)(2), redesignated subsec. (e) as (f). Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 117–263, §352(a)(2), redesignated subsec. (f) as (g).

2021—Pub. L. 116–283, §1081(a)(13)(A), substituted ''national defense strategy'' for ''quadrennial defense review'' wherever appearing.

Subsec. (a). Pub. L. 116–283, §1021(1)(A), substituted ''Secretary of the Navy'' for ''Secretary of Defense'' in introductory provisions.

Subsec. (a)(1). Pub. L. 116–283, §1021(1)(B), struck out ''and'' after colon at end.

Subsec. (b)(2)(G) to (I). Pub. L. 117–81, §1011(a)(1), added subpars. (G) to (I).

Subsec. (e)(1). Pub. L. 116–283, §1021(2)(A), substituted ''the Secretary of Defense may not use more than 25 percent of the funds'' for ''the Secretary of the Navy may not use more than 50 percent of the funds''.

Subsec. (e)(2). Pub. L. 116–283, §1021(2)(B), substituted ''Secretary of Defense'' for ''Secretary of the Navy'' and ''operation and maintenance, Defense-wide'' for ''operation and maintenance, Navy'' and inserted '', that remain available for obligation or expenditure as of the date on which the plan and certification under subsection (a) are required to be submitted'' before period at end.

Subsec. (f)(3). Pub. L. 116–283, §1081(a)(13)(B), substituted ''section 113(g)'' for ''section 118''.

Subsec. (f)(6). Pub. L. 117–81, §1011(a)(2), added par. (6).

2018—Subsec. (b)(2)(F). Pub. L. 115–232 added subpar. (F).

2017—Subsec. (a). Pub. L. 115–91, §1021(d)(1)(A), substituted ''year each of the following:'' for ''year—'' in introductory provisions.

Subsec. (a)(1). Pub. L. 115–91, §1021(d)(1)(B), substituted ''A plan for the construction of naval vessels developed in accordance with this section for each of the following classes of ships:'' for ''a plan for the construction of combatant and support vessels for the Navy developed in accordance with this section;'' and added subpars. (A) and (B).

Subsec. (a)(2). Pub. L. 115–91, §1021(d)(1)(C), substituted ''A certification'' for ''a certification''.

Subsec. (b)(2)(B) to (D). Pub. L. 115–91, §1021(d)(2)(A), (B), added subpar. (B) and redesignated former subpars. (B) to (D) as (C) to (E), respectively.

Subsec. (b)(2)(E). Pub. L. 115–91, §1021(d)(2)(C), substituted ''subparagraph (D)'' for ''subparagraph (C)''.

Pub. L. 115–91, §1021(d)(2)(A), redesignated subpar. (D) as (E).

Subsec. (f)(5). Pub. L. 115–91, §1021(d)(3), added par. (5).

2015—Subsec. (b)(2)(C). Pub. L. 114–92 inserted ''by ship class in both graphical and tabular form'' after ''The estimated levels of annual funding''.

2014—Subsec. (b)(1). Pub. L. 113–291, §1071(c)(2), substituted ''(50 U.S.C. 3043)'' for ''(50 U.S.C. 404a)''.

Subsec. (f)(4). Pub. L. 113–291, §1021, added par. (4).

2013—Subsec. (b)(1). Pub. L. 113–66, §1021(a)(1), substituted ''shall be designed'' for ''should be designed'' in two places and ''supports'' for ''is capable of supporting'' in two places.

Subsec. (b)(2)(B). Pub. L. 113–66, §1021(a)(2)(A), inserted ''and capabilities'' after ''naval vessel force structure''.

Subsec. (b)(2)(D). Pub. L. 113–66, §1021(a)(2)(B), added subpar. (D).

Subsec. (c). Pub. L. 113–66, §1021(b), added subsec. (c) and struck out former subsec. (c). Text read as follows: ''If the budget for a fiscal year provides for funding of the construction of naval vessels at a level that is not sufficient to sustain the naval vessel force structure specified in the naval vessel construction plan for that fiscal year under subsection (a), the Secretary shall include with the defense budget materials for that fiscal

year an assessment that describes and discusses the risks associated with the reduced force structure of naval vessels that will result from funding naval vessel construction at such level. Such assessment shall be coordinated in advance with the commanders of the combatant commands.''

Subsecs. (e), (f). Pub. L. 112–239 added subsec. (e) and redesignated former subsec. (e) as (f).

2011—Pub. L. 112–81 amended section generally. Prior to amendment, section related to submission of a long-range plan for construction of combatant and support naval vessels that supports the force structure recommendations of a quadrennial defense review.

Pub. L. 111–383 amended section generally. Prior to amendment, section related to submission of an annual plan for construction of naval vessels and certification that the budget for the current fiscal year and the future-years defense program is sufficient for procurement of vessels provided for in the plan.

§ 231a. Budgeting for life-cycle costs of aircraft for the Army, Navy, and Air Force: annual plan and certification

(a) ANNUAL AIRCRAFT PROCUREMENT PLAN AND CERTIFICATION.—Not later than 30 days after the date on which the President submits to Congress the budget for a fiscal year, the Secretary of Defense shall submit to the congressional defense committees the following:

(1) A plan for the procurement of the aircraft specified in subsection (b) for each of the Department of the Army, the Department of the Navy, and the Department of the Air Force developed in accordance with this section.

(2) A certification by the Secretary that both the budget for such fiscal year and the future-years defense program submitted to Congress in relation to such budget under section 221 of this title provide for funding of the procurement of aircraft at a level that is sufficient for the procurement of the aircraft provided for in the plan under paragraph (1) on the schedule provided in the plan.

(b) COVERED AIRCRAFT.—The aircraft specified in this subsection are the aircraft as follows:

(1) Fighter aircraft.
(2) Attack aircraft.
(3) Bomber aircraft.
(4) Intertheater lift aircraft.
(5) Intratheater lift aircraft.
(6) Intelligence, surveillance, and reconnaissance aircraft.
(7) Tanker aircraft.
(8) Remotely piloted aircraft.
(9) Rotary-wing aircraft.
(10) Operational support and executive lift aircraft.
(11) Any other major support aircraft designated by the Secretary of Defense for purposes of this section.

(c) ANNUAL AIRCRAFT PROCUREMENT PLAN.—(1) The annual aircraft procurement plan developed for a fiscal year for purposes of subsection (a) should be designed so that the aviation force provided for under the plan is capable of supporting the national military strategy of the United States as set forth in the most recent National Defense Strategy submitted under section 113(g) of this title and the most recent National Military Strategy submitted under section 153(b) of this title.

(2) Each annual aircraft procurement plan shall include the following:

(A) A detailed program for the procurement of the aircraft specified in subsection (b) for each of the Department of the Army, the Department of the Navy, and the Department of the Air Force over the next 15 fiscal years.

(B) A description of the aviation force structure necessary to meet the requirements of the national military strategy of the United States.

(C) The estimated levels of annual investment funding necessary to carry out each aircraft program, together with a discussion of the procurement strategies on which such estimated levels of annual investment funding are based, set forth in aggregate for the Department of Defense and in aggregate for each military department.

(D) The estimated level of annual funding necessary to operate, maintain, sustain, and support each aircraft program throughout the life-cycle of the program, set forth in aggregate for the Department of Defense and in aggregate for each military department.

(E) For each of the cost estimates required by subparagraphs (C) and (D)—

(i) a description of whether the cost estimate is derived from the cost estimate position of the military department concerned or from the cost estimate position of the Office of Cost Assessment and Program Evaluation;

(ii) if the cost estimate position of the military department and the cost estimate position of the Office of Cost Assessment and Program Evaluation differ by more than 5 percent for any aircraft program, an annotated cost estimate difference and sufficient rationale to explain the difference;

(iii) the confidence or certainty level associated with the cost estimate for each aircraft program; and

(iv) a certification that the calculations from which the cost estimate is derived are based on common cost categories used by the Under Secretary of Defense for Acquisition and Sustainment for calculating the life-cycle cost of an aircraft program.

(F) An assessment by the Secretary of Defense of the extent to which the combined aircraft forces of the Department of the Army, the Department of the Navy, and the Department of the Air Force meet the national security requirements of the United States.

(3) For any cost estimate required by subparagraph (C) or (D) of paragraph (2) for any aircraft program for which the Secretary is required to include in a report under section 4351 of this title, the source of the cost information used to prepare the annual aircraft plan shall be derived from the Selected Acquisition Report data that the Secretary plans to submit to the congressional defense committees in accordance with subsection (f) of that section for the year for which the annual aircraft procurement plan is prepared.

(4) Each annual aircraft procurement plan shall be submitted in unclassified form, and shall contain a classified annex. A summary

version of the unclassified report shall be made available to the public.

(d) ASSESSMENT WHEN AIRCRAFT PROCUREMENT BUDGET IS INSUFFICIENT TO MEET APPLICABLE REQUIREMENTS.—If the budget for any fiscal year provides for funding of the procurement of aircraft for the Department of the Army, the Department of the Navy, or the Department of the Air Force at a level that is not sufficient to sustain the aviation force structure specified in the aircraft procurement plan for such Department for that fiscal year under subsection (a), the Secretary shall include with the defense budget materials for that fiscal year an assessment that describes the funding shortfall and discusses the risks associated with the reduced force structure of aircraft that will result from funding aircraft procurement at such level. The assessment shall be coordinated in advance with the commanders of the combatant commands.

(e) ANNUAL REPORT ON AIRCRAFT INVENTORY.—(1) As part of the annual plan and certification required to be submitted under this section, the Secretary shall include a report on the aircraft in the inventory of the Department of Defense.

(2) Each report under paragraph (1) shall include for the year covered by such report, the following:

(A) The total number of aircraft in the inventory.

(B) The total number of the aircraft in the inventory that are active, stated in the following categories (with appropriate subcategories for mission aircraft, training aircraft, dedicated test aircraft, and other aircraft):

(i) Primary aircraft.

(ii) Backup aircraft.

(iii) Attrition and reconstitution reserve aircraft.

(C) The total number of the aircraft in the inventory that are inactive, stated in the following categories:

(i) Bailment aircraft.

(ii) Drone aircraft.

(iii) Aircraft for sale or other transfer to foreign governments.

(iv) Leased or loaned aircraft.

(v) Aircraft for maintenance training.

(vi) Aircraft for reclamation.

(vii) Aircraft in storage.

(D) The aircraft inventory requirements approved by the Joint Chiefs of Staff.

(3) Each report under paragraph (1) shall set forth each item specified in paragraph (2) separately for the regular component of each armed force and for each reserve component of each armed force and, for each such component, shall set forth each type, model, and series of aircraft provided for in the future-years defense program that covers the fiscal year for which the budget accompanying the plan, certification and report is submitted.

(f) BUDGET DEFINED.—In this section, the term ''budget'' means the budget of the President for a fiscal year as submitted to Congress pursuant to section 1105 of title 31.

(Added and amended Pub. L. 116–283, div. A, title I, §151(a), title XVIII, §1883(b)(2), Jan. 1, 2021, 134 Stat. 3437, 4294; Pub. L. 117–81, div. A, title X, §1081(a)(6), Dec. 27, 2021, 135 Stat. 1919.)

Editorial Notes

PRIOR PROVISIONS

A prior section 231a, added Pub. L. 110–417, [div. A], title I, §141(a), Oct. 14, 2008, 122 Stat. 4379; amended Pub. L. 112–81, div. A, title X, §1069(a), (b), Dec. 31, 2011, 125 Stat. 1589, 1591; Pub. L. 113–66, div. A, title X, §1091(a)(5), Dec. 26, 2013, 127 Stat. 875; Pub. L. 113–291, div. A, title X, §1071(c)(2), Dec. 19, 2014, 128 Stat. 3508; Pub. L. 114–328, div. A, title I, §137, Dec. 23, 2016, 130 Stat. 2039, set forth provisions providing for the annual budgeting for life-cycle cost of specified aircraft for the Navy, Army, and Air Force, prior to repeal by Pub. L. 115–232, div. A, title VIII, §813(a)(1)(A), Aug. 13, 2018, 132 Stat. 1851.

AMENDMENTS

2021—Subsec. (c)(3). Pub. L. 116–283, §1883(b)(2), substituted ''section 4351'' for ''section 2432''.

Subsec. (e)(2). Pub. L. 117–81 substituted ''include'' for ''include the following,'' in introductory provisions.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by section 1883(b)(2) of Pub. L. 116–283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116–283, set out as a note preceding section 3001 of this title.

[§ 232. Repealed. Pub. L. 112–239, div. A, title X, § 1081(1)(A), Jan. 2, 2013, 126 Stat. 1960]

Section, added Pub. L. 108–375, div. A, title II, §214(a), Oct. 28, 2004, 118 Stat. 1834, provided that amounts for research, development, test, and evaluation for the United States Joint Forces Command would be derived only from Defense-wide amounts and required a separate display for such amounts in the budget.

§ 233. Operation and maintenance budget presentation

(a) IDENTIFICATION OF BASELINE AMOUNTS IN O&M JUSTIFICATION DOCUMENTS.—In any case in which the amount requested in the President's budget for a fiscal year for a Department of Defense operation and maintenance program, project, or activity is different from the amount appropriated for that program, project, or activity for the current year, the O&M justification documents supporting that budget shall identify that appropriated amount and the difference between that amount and the amount requested in the budget, stated as an amount and as a percentage.

(b) NAVY FOR SHIP DEPOT MAINTENANCE AND FOR INTERMEDIATE SHIP MAINTENANCE.—In the O&M justification documents for the Navy for any fiscal year, amounts requested for ship depot maintenance and amounts requested for intermediate ship maintenance shall be identified and distinguished.

(c) DEFINITIONS.—In this section:

(1) The term ''O&M justification documents'' means Department of Defense budget justification documents with respect to accounts for operation and maintenance submitted to the congressional defense committees in support of the Department of Defense component of the President's budget for any fiscal year.

(2) The term ''President's budget'' means the budget of the President submitted to Congress under section 1105 of title 31 for any fiscal year.

(3) The term ''current year'' means the fiscal year during which the President's budget is submitted in any year.

(Added Pub. L. 108–375, div. A, title X, § 1003(a)(1), Oct. 28, 2004, 118 Stat. 2035.)

§ 233a. Annual report on force structure changes exhibit for the defense budget

(a) ANNUAL REPORT.—Not later than 10 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105 of title 31, the Secretary of Defense shall submit to the congressional defense committees a report on any major weapon systems proposed to be divested, re-prioritized, or retired in such budget.

(b) CONTENTS.—Each report under subsection (a) shall include the following:

(1) Identification of each major weapon system the Secretary of Defense proposes to divest, re-prioritize, or retire in the period of five fiscal years following the date of the report.

(2) Budget line-item details related to each major weapon system identified under paragraph (1).

(3) For each proposed divestment, re-prioritization, or retirement, an explanation of—

(A) the timeline for the divestment, re-prioritization, or retirement, including any factors that may affect such timelines positively or negatively;

(B) any cost savings associated with the divestment, re-prioritization, or retirement;

(C) the rationale for the divestment, re-prioritization, or retirement, including a qualitative description of the risk associated with the divestment, re-prioritization, or retirement based on the most recent National Defense Strategy (as of the date of the report);

(D) any critical dependencies with other program efforts that might affect the timeline for such divestment, reprioritization, or retirement;

(E) the expected disposition of the weapon system after divestment, re-prioritization or retirement; and

(F) identification of the system or systems that are expected to satisfy the military requirements that were fulfilled by the weapon system once the divestment, re-prioritization, or retirement of that weapon system is completed.

(c) RELATIONSHIP TO OTHER REPORTS.—The Secretary of Defense shall ensure that the report required under subsection (a) is deconflicted with the report required under section 222e of this title.

(d) MAJOR WEAPON SYSTEM DEFINED.—In this section, the term ''major weapon system'' has the meaning given that term in section 3455(f) of this title.

(Added Pub. L. 118–31, div. A, title I, § 151, Dec. 22, 2023, 137 Stat. 179.)

§ 234. POW/MIA activities: display of budget information

(a) SUBMISSION WITH ANNUAL BUDGET JUSTIFICATION DOCUMENTS.—The Secretary of Defense shall submit to Congress, as a part of the defense budget materials for a fiscal year, a consolidated budget justification display, in classified and unclassified form, that covers all programs and activities of Department of Defense POW/MIA accounting and recovery organizations.

(b) REQUIREMENTS FOR BUDGET DISPLAY.—The budget display under subsection (a) for a fiscal year shall include for each such organization the following:

(1) A statement of what percentage of the requirements originally requested by the organization in the budget review process that the budget requests funds for.

(2) A summary of actual or estimated expenditures by that organization for the fiscal year during which the budget is submitted and for the fiscal year preceding that year.

(3) The amount in the budget for that organization.

(4) A detailed explanation of the shortfalls, if any, in the funding of any requirement shown pursuant to paragraph (1), when compared to the amount shown pursuant to paragraph (3).

(5) The budget estimate for that organization for the five fiscal years after the fiscal year for which the budget is submitted.

(c) DEPARTMENT OF DEFENSE POW/MIA ACCOUNTING AND RECOVERY ORGANIZATIONS.—In this section, the term ''Department of Defense POW/MIA accounting and recovery organization'' means any of the following (and any successor organization):

(1) The Defense Prisoner of War/Missing Personnel Office (DPMO).

(2) The Joint POW/MIA Accounting Command (JPAC).

(3) The Armed Forces DNA Identification Laboratory (AFDIL).

(4) The Life Sciences Equipment Laboratory (LSEL) of the Air Force.

(5) Any other element of the Department of Defense the mission of which (as designated by the Secretary of Defense) involves the accounting for and recovery of members of the armed forces who are missing in action or prisoners of war or who are unaccounted for.

(d) OTHER DEFINITIONS.—In this section:

(1) The term ''defense budget materials'', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.

(2) The term ''budget'', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

(Added Pub. L. 109–364, div. A, title V, § 563(a), Oct. 17, 2006, 120 Stat. 2221.)

[§ 235. Repealed. Pub. L. 117–81, div. A, title VIII, § 815(b)(1), Dec. 27, 2021, 135 Stat. 1825]

Section, added Pub. L. 111–84, div. A, title VIII, § 803(a)(1), Oct. 28, 2009, 123 Stat. 2401, related to the specification of amounts requested in the Department of Defense budget with respect to the procurement of contract services submitted to Congress in the budget justification materials.

Provisions similar to those in this section were contained in Pub. L. 110–181, div. A, title VIII, § 806, Jan. 28, 2008, 122 Stat. 213, which was set out as a note under section 221 of this title, prior to repeal by Pub. L. 111–84, § 803(a)(3).

§ 236. Personal protection equipment procurement: display of budget information

(a) BUDGET JUSTIFICATION DISPLAY.—The Secretary of Defense shall submit to Congress, as a part of the defense budget materials for each fiscal year after fiscal year 2014, a consolidated budget justification display that covers all programs and activities associated with the procurement of personal protection equipment during the period covered by the future-years defense program submitted in that fiscal year under section 221.

(b) REQUIREMENTS FOR BUDGET DISPLAY.—The consolidated budget justification display under subsection (a) for a fiscal year shall include the following:

(1) The amount for personal protection equipment included in both the base budget of the President and any overseas contingency operations budget of the President.

(2) A brief description of each category of personal protection equipment for each military department planned to be procured and developed.

(3) For each category planned to be procured using funds made available for operation and maintenance (whether under the base budget or any overseas contingency operations budget)—

(A) the relevant appropriations account, budget activity, and subactivity group for the category; and

(B) the funding profile for the fiscal year as requested, including cost and quantities, and an estimate of projected investments or procurements for each of the subsequent five fiscal years.

(4) For each category planned to be developed using funds made available for research, development, test, and evaluation (whether under the base budget or any overseas contingency operations budget)—

(A) the relevant appropriations account, program, project or activity; program element number, and line number; and

(B) the funding profile for the fiscal year as requested and an estimate of projected investments for each of the subsequent five fiscal years.

(c) DEFINITIONS.—In this section:

(1) The terms ''budget'' and ''defense budget materials'' have the meaning given those terms in section 234 of this title.

(2) The term ''category of personal protection equipment'' means the following:

(A) Body armor components.

(B) Combat helmets.

(C) Combat protective eyewear.

(D) Other items as determined appropriate by the Secretary.

(Added Pub. L. 113–66, div. A, title I, § 141(a), Dec. 26, 2013, 127 Stat. 696.)

§ 237. Embedded mental health providers of the reserve components: display of budget information

The Secretary of Defense shall submit to Congress, as a part of the documentation that supports the President's annual budget for the Department of Defense, a budget justification display with respect to embedded mental health providers within each reserve component, including the amount requested for each such component.

(Added Pub. L. 113–66, div. A, title VII, § 721(a), Dec. 26, 2013, 127 Stat. 799.)

§ 238. Cyber mission forces: program elements

(a) BUDGET JUSTIFICATION DISPLAY.—The Secretary of Defense shall submit to Congress, as a part of the defense budget materials for fiscal year 2021 and each fiscal year thereafter, a budget justification display, in electronic and print formats, that includes—

(1) a major force program category for the five-year defense plan of the Department of Defense for the training, manning, and equipping of the cyber mission forces and the cyberspace operations forces; and

(2) program elements for the cyber mission forces and the cyberspace operations forces.

(b) WAIVER.—The Secretary may waive the requirement under subsection (a) for fiscal year 2021 if the Secretary—

(1) determines the Secretary is unable to comply with such requirement for fiscal year 2021; and

(2) establishes a plan to implement the requirement for fiscal year 2022.

(c) SUBMISSION.—The Secretary shall provide the displays described in subsection (a)—

(1) in electronic format not later than five days after the submission by the President under section 1105(a) of title 31 of the budget; and

(2) in print format not later than 21 days after the submission by the President under section 1105(a) of title 31 of the budget.

(Added Pub. L. 113–291, div. A, title XVI, § 1631(a)(1), Dec. 19, 2014, 128 Stat. 3637; amended Pub. L. 116–283, div. A, title XVII, § 1701(2), Jan. 1, 2021, 134 Stat. 4080.)

Editorial Notes

AMENDMENTS

2021—Subsec. (a). Pub. L. 116–283, § 1701(2)(A)(i), substituted ''2021'' for ''2017'' and inserted '', in electronic and print formats,'' after ''display'' in introductory provisions.

Subsec. (a)(1). Pub. L. 116–283, § 1701(2)(A)(ii), inserted ''and the cyberspace operations forces'' before the semicolon.

Subsec. (a)(2). Pub. L. 116–283, § 1701(2)(A)(iii), inserted ''and the cyberspace operations forces'' before period at end.

Subsec. (b). Pub. L. 116–283, § 1701(2)(B)(i), substituted ''2021'' for ''2017'' in introductory provisions.

Subsec. (b)(1). Pub. L. 116–283, § 1701(2)(B)(ii), substituted ''2021'' for ''2017''.

Subsec. (b)(2). Pub. L. 116–283, § 1701(2)(B)(iii), substituted ''2022'' for ''2018''.

Subsec. (c). Pub. L. 116–283, § 1701(2)(C), added subsec. (c).

Statutory Notes and Related Subsidiaries

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective Dec. 31, 2021, of provisions of this section requiring submittal of annual report to Congress, see section 1061 of Pub. L. 114–328, set out as a note under section 111 of this title.

DEMONSTRATION PROGRAM FOR CYBER AND INFORMATION TECHNOLOGY BUDGET DATA ANALYTICS

Pub. L. 117–263, div. A, title XV, § 1552, Dec. 23, 2022, 136 Stat. 2919, provided that:

''(a) DEMONSTRATION PROGRAM.—

''(1) REQUIREMENT.—Not later than February 1, 2024, the Chief Information Officer of the Department of Defense shall, in coordination with the Chief Digital and Artificial Intelligence Officer, complete a pilot program to demonstrate the application of advanced data analytics to the fiscal year 2024 budget data of a military department for the purpose of identifying total cyber and information technology spending and the distribution of such resources across budget line items that are and are not identified, labeled, or categorized in a manner that would indicate that funds included in such line items will be expended on cyber and information technology activities.

''(2) COORDINATION WITH MILITARY DEPARTMENTS.—In carrying out the demonstration program under subsection (a), the Chief Information Officer shall, in coordination with the Secretary of the Air Force, the Secretary of the Army, and the Secretary of the Navy, select a military department for participation in the demonstration program.

''(b) ELEMENTS.—The demonstration program under subsection (a) shall include—

''(1) efforts to identify planned expenditures for cyber and information technology that are not captured in the total figures for cyber and information technology reported annually to Congress in support of the President's budget submission and in budget documents and briefings to Congress on the cyber and information technology programs and activities;

''(2) efforts to improve transparency in cyber and information technology budget information to identify cyber and information technology activities funded out of noncyber and noninformation technology budget lines, including by the use of qualitative techniques such as semantic analysis or natural language processing technologies;

''(3) metrics developed to assess the effectiveness of the demonstration program;

''(4) a cost tradeoff analysis of implementing these cyber and information technology data analytics across the entire budget of the Department of Defense;

''(5) existing or planned efforts to use these data analytics to make budget decisions; and

''(6) existing or planned efforts to incorporate these data analytics into materials presented to Congress through the budget submission process.

''(c) BRIEFING.—

''(1) INITIAL BRIEFING.—Not later than 120 days after the date of the enactment of this Act [Dec. 23, 2022], the Chief Information Officer shall provide the Committees on Armed Services of the Senate and the House of Representatives a briefing on the plans and status of the Chief Information Officer with respect to the demonstration program under subsection (a).

''(2) FINAL BRIEFING.—Not later than March 1, 2024, the Chief Information Officer shall provide the Committees on Armed Services of the Senate and the House of Representatives a briefing on the results and findings of the Chief Information Officer with respect to the demonstration program under subsection (a), including the following:

''(A) Recommendations for expansion of the demonstration program to the entire cyber and information technology budget of the Department.

''(B) Plans for incorporating data analytics into the congressional budget submission process for the cyber and information technology budget of the Department.''

§ 239. National security space programs: major force program and budget assessment

(a) ESTABLISHMENT OF MAJOR FORCE PROGRAM.—The Secretary of Defense shall establish a unified major force program for national security space programs pursuant to section 222(b) of this title to prioritize national security space activities in accordance with the requirements of the Department of Defense and national security.

(b) BUDGET ASSESSMENT.—(1) Not later than 30 days after the date on which the President submits to Congress the budget for each of fiscal years 2017 through 2021, the Secretary of Defense shall submit to the congressional defense committees a report on the budget for national security space programs of the Department of Defense. The Secretary may include the report in the defense budget materials if the Secretary submits such materials to Congress by such date.

(2) Each report on the budget for national security space programs of the Department of Defense under paragraph (1) shall include the following:

(A) An overview of the budget, including—

(i) a comparison between that budget, the previous budget, the most recent and prior future-years defense program submitted to Congress under section 221 of this title, and the amounts appropriated for such programs during the previous fiscal year; and

(ii) the specific identification, as a budgetary line item, for the funding under such programs.

(B) An assessment of the budget, including significant changes, priorities, challenges, and risks.

(C) Any additional matters the Secretary determines appropriate.

(3) Each report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) DEFINITIONS.—In this section:

(1) The term ''budget'', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

(2) The term ''defense budget materials'', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.

(Added Pub. L. 114–92, div. A, title XVI, § 1601(a)(1), Nov. 25, 2015, 129 Stat. 1095; amended Pub. L. 115–232, div. A, title XVI, § 1605, Aug. 13, 2018, 132 Stat. 2107.)

Editorial Notes

AMENDMENTS

2018—Subsec. (b)(1). Pub. L. 115–232 amended par. (1) generally. Prior to amendment, par. (1) read as follows: ''The Secretary shall include with the defense budget materials for each of fiscal years 2017 through 2020 a report on the budget for national security space programs of the Department of Defense.''

Statutory Notes and Related Subsidiaries

PLAN TO CARRY OUT UNIFIED MAJOR FORCE PROGRAM DESIGNATION

Pub. L. 114–92, div. A, title XVI, §1601(b), Nov. 25, 2015, 129 Stat. 1096, provided that: ''Not later than 180 days after the date of the enactment of this Act [Nov. 25, 2015], the Secretary of Defense shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a plan to carry out the unified major force program designation required by section 239(a) of title 10, United States Code, as added by subsection (a)(1), including any recommendations for legislative action the Secretary determines appropriate.''

[§ 239a. Repealed. Pub. L. 118–159, div. A, title XVI, § 1649(b)(1), Dec. 23, 2024, 138 Stat. 2199]

Section, added Pub. L. 115–91, div. A, title XVI, §1676(a)(1), Dec. 12, 2017, 131 Stat. 1771, related to major force program and budget assessment for missile defense and defeat programs. See section 5515 of this title.

§ 239b. Certain intelligence-related programs: budget justification materials

(a) PROHIBITION ON USE OF PROGRAM ELEMENTS.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2021 and each fiscal year thereafter (as submitted with the budget of the President under section 1105(a) of title 31), the Secretary of Defense may not include in any single program element both funds made available under the Military Intelligence Program and funds made available outside of the Military Intelligence Program.

(b) DEFINITIONS.—In this section:

(1) The term ''budget'' has the meaning given that term in section 231(f)[1] of this title.

(2) The term ''defense budget materials'' has the meaning given that term in section 231(f)[1] of this title.

(Added Pub. L. 115–232, div. A, title XVI, §1624(b)(1), Aug. 13, 2018, 132 Stat. 2120.)

Editorial Notes

REFERENCES IN TEXT

Section 231(f) of this title, referred to in subsec. (b), was redesignated as section 231(g) of this title by Pub. L. 117–263, div. A, title III, §352(a)(2), Dec. 23, 2022, 136 Stat. 2533, and subsequently was redesignated as section 231(h) of this title by Pub. L. 118–159, div. A, title X, §1021(1), Dec. 23, 2024, 138 Stat. 2052.

§ 239c. Certain multiyear contracts for acquisition of property: budget justification materials

(a) IN GENERAL.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2023 and each fiscal year thereafter (as submitted with the budget of the President under section 1105(a) of title 31), the Secretary of Defense shall include a proposal for any multiyear contract of the Department entered into under section 3501 of this title that—

(1) the head of an agency intends to cancel during the fiscal year; or

(2) with respect to which the head of an agency intends to effect a covered modification during the fiscal year.

(b) ELEMENTS.—Each proposal required by subsection (a) shall include the following:

(1) A detailed explanation of the rationale for the proposed cancellation or covered modification of the multiyear contract.

(2) A detailed assessment of any expected termination costs associated with the proposed cancellation or covered modification of the multiyear contract.

(3) An updated assessment of estimated savings of such cancellation or carrying out the multiyear contract as modified by such covered modification.

(4) An explanation of the proposed use of previously appropriated funds for advance procurement or procurement of property planned under the multiyear contract before such cancellation or covered modification.

(5) An assessment of expected impacts of the proposed cancellation or covered modification on the defense industrial base, including workload stability, loss of skilled labor, and reduced efficiencies.

(c) DEFINITIONS.—In this section:

(1) The term ''covered modification'' means a modification that will result in a reduction in the quantity of end items to be procured.

(2) The term ''head of an agency'' means—

(A) the Secretary of Defense;

(B) the Secretary of the Army;

(C) the Secretary of the Navy; or

(D) the Secretary of the Air Force.

(Added Pub. L. 117–81, div. A, title VIII, §811(a), Dec. 27, 2021, 135 Stat. 1822; amended Pub. L. 116–283, div. A, title XVIII, §1883(b)(2), Jan. 1, 2021, 134 Stat. 4294; Pub. L. 117–263, div. A, title VIII, §811, Dec. 23, 2022, 136 Stat. 2706.)

Editorial Notes

AMENDMENTS

2022—Subsec. (b). Pub. L. 117–263 added par. (1) and redesignated former pars. (1) to (4) as (2) to (5), respectively.

2021—Subsec. (a). Pub. L. 116–283, which directed that each reference in the text of title 10 to a section that was redesignated by title XVIII of Pub. L. 116–283, as such section was in effect before the redesignation, be amended by striking such reference and inserting a reference to the appropriate redesignated section, was executed by substituting ''section 3501'' for ''section 2306b''. Section 1822(b) of title XVIII of Pub. L. 116–283 directed the redesignation of section 2306b of this title as section 3501, but such redesignation was executed by transferring the text of section 2306b to section 3501, as the section designation and catchline had already been enacted.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 116–283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116–283, set out as a note preceding section 3001 of this title.

[1] See References in Text note below.

§ 239d. Budgeting for depot and ammunition production facility maintenance and repair: annual report

(a) ANNUAL REPORT.—The Secretary of Defense, in coordination with the Secretaries of the military departments, shall include with the defense budget materials for each fiscal year a report regarding the maintenance and repair of covered facilities.

(b) ELEMENTS.—Each report required under subsection (a) shall include, at a minimum, the following (disaggregated by military department):

(1) With respect to each of the three fiscal years preceding the fiscal year covered by the defense budget materials with which the report is included, revenue data for that fiscal year for the maintenance, repair, and overhaul workload funded at all the depots of the military department.

(2) With respect to the fiscal year covered by the defense budget materials with which the report is included and each of the two fiscal years prior, an identification of the following:

(A) The amount of appropriations budgeted for that fiscal year for depots, further disaggregated by the type of appropriation.

(B) The amount budgeted for that fiscal year for working-capital fund investments by the Secretary of the military department for the capital budgets of the covered depots of the military department, shown in total and further disaggregated by whether the investment relates to the efficiency of depot facilities, work environment, equipment, equipment (non-capital investment program), or processes.

(C) The total amount required to be invested by the Secretary of the military department for that fiscal year for the capital budgets of covered depots pursuant to section 2476(a) of this title.

(D) A comparison of the budgeted amount identified under subparagraph (B) with the total required amount identified under subparagraph (C).

(E) For each covered depot of the military department, of the total required amount identified under subparagraph (C), the percentage of such amount allocated, or projected to be allocated, to the covered depot for that fiscal year.

(3) For each covered facility of the military department, the following:

(A) Information on the average facility condition, average critical facility condition, restoration and maintenance project backlog, and average equipment age, including a description of any changes in such metrics from previous years.

(B) Information on the status of the implementation at the covered facility of the plans and strategies of the Department of Defense relating to covered facility improvement, including, as applicable, the implementation of the strategy required under section 359 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1323; 10 U.S.C. 2460[1] note).

(c) DEFINITIONS.—In this section:

(1) The term ''ammunition production facility'' means an ammunition organic industrial base production facility.

(2) The terms ''budget'' and ''defense budget materials'' have the meaning given those terms in section 234 of this title.

(3) The term ''covered depot'' has the meaning given that term in section 2476 of this title.

(4) The term ''covered facility'' means a covered depot or an ammunition production facility.

(Added Pub. L. 117–263, div. A, title III, § 371, Dec. 23, 2022, 136 Stat. 2539.)

Editorial Notes

REFERENCES IN TEXT

Section 359 of the National Defense Authorization Act for Fiscal Year 2020, referred to in subsec. (b)(3)(B), is section 359 of Pub. L. 116–92, which is set out as a note under section 2476 of this title.

§ 239e. Nuclear command, control, and communications: major force program and budget assessment

(a) ESTABLISHMENT OF MAJOR FORCE PROGRAM.—The Secretary of Defense shall establish a unified major force program for nuclear command, control, and communications programs pursuant to section 222(b) of this title to prioritize such programs in accordance with the requirements of the Department of Defense and national security.

(b) BUDGET ASSESSMENT.—(1) The Secretary shall include with the defense budget materials for each of fiscal years 2025 through 2030 a report on the budget for nuclear command, control, and communications programs of the Department of Defense.

(2) Each report on the budget for nuclear command, control, and communications programs of the Department under paragraph (1) shall include the following:

(A) An overview of the budget, including—

(i) a comparison between that budget, the previous budget, the most recent and prior future-years defense program submitted to Congress under section 221 of this title (such comparison shall exclude the responsibility for research and development of the continuing improvement of such nuclear command, control, and communications program), and the amounts appropriated for such nuclear command, control, and communications programs during the previous fiscal year; and

(ii) the specific identification, as a budgetary line item, for the funding under such programs.

(B) An assessment of the budget, including significant changes, priorities, challenges, and risks.

(C) Any additional matters the Secretary determines appropriate.

(3) Each report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) DEFINITIONS.—In this section:

[1] See References in Text note below.

(1) The term ''budget'', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

(2) The term ''defense budget materials'', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.

(3) The term ''nuclear command, control, and communications programs'' means programs through which presidential authority and operational command and control of nuclear weapons is conducted, including programs that facilitate senior-level decisions on nuclear weapons employment.

(Added Pub. L. 118–31, div. A, title XVI, § 1631, Dec. 22, 2023, 137 Stat. 591.)

CHAPTER 9A—AUDIT

Sec.
240a. Audit of Department of Defense financial statements.
240b. Financial Improvement and Audit Remediation Plan.
240c. Audit: consolidated corrective action plan; centralized reporting system.
240d. Audits: audit of financial statements of Department of Defense components by independent external auditors.
240e. Audits: use of commercial data integration and analysis products in preparing audits.
240f. Audits: selection of service providers for audit services.
240g. Defense Business Audit Remediation Plan.
240h. Annual report on auditable financial statements.
240i. Annual report on unfunded priorities.
[251 to 254 Renumbered.]

Editorial Notes

AMENDMENTS

2021—Pub. L. 116–283, div. A, title X, § 1005(b)(2), Jan. 1, 2021, 134 Stat. 3838, added item 240i.

2019—Pub. L. 116–92, div. A, title X, §§ 1002(b), 1004(a)(2), Dec. 20, 2019, 133 Stat. 1571, 1573, added items 240g and 240h.

2018—Pub. L. 115–232, div. A, title X, § 1002(a)(1)(B), Aug. 13, 2018, 132 Stat. 1945, renumbered items 251 to 254b as 240a to 240f, respectively.

§ 240a. Audit of Department of Defense financial statements

The Secretary of Defense shall ensure that a full audit is performed on the financial statements of the Department of Defense for each fiscal year as required by section 3521(e) of title 31.

(Added Pub. L. 115–91, div. A, title X, § 1002(b)(1), Dec. 12, 2017, 131 Stat. 1538, § 251; renumbered § 240a, Pub. L. 115–232, div. A, title X, § 1002(a)(1)(A), Aug. 13, 2018, 132 Stat. 1945; amended Pub. L. 118–31, div. A, title X, § 1061(g), Dec. 22, 2023, 137 Stat. 400.)

Editorial Notes

AMENDMENTS

2023—Pub. L. 118–31 struck out subsec. (a) designation and heading before ''The Secretary'' and struck out subsec. (b). Text of subsec. (b) read as follows: ''The Secretary shall submit to Congress the results of the audit performed in accordance with subsection (a) for a fiscal year by not later than March 31 of the following fiscal year.''

2018—Pub. L. 115–232 renumbered section 251 of this title as this section.

Statutory Notes and Related Subsidiaries

USE OF TECHNOLOGY USING ARTIFICIAL INTELLIGENCE TO FACILITATE AUDIT OF THE FINANCIAL STATEMENTS OF THE DEPARTMENT OF DEFENSE FOR FISCAL YEAR 2025

Pub. L. 118–159, div. A, title X, § 1007, Dec. 23, 2024, 138 Stat. 2049, provided that:

''(a) USE OF AI TECHNOLOGY FOR AUDITS.—The Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force shall encourage, to the greatest extent practicable, the use of technology that uses artificial intelligence or machine learning for the purpose of facilitating audits of the financial statements of the Department of Defense.

''(b) IMPLEMENTATION OF AI TECHNOLOGY FOR AUDITS.—The Director of the Chief Digital and Artificial Intelligence Office of the Department, in coordination with the Under Secretary of Defense for Research and Engineering and the Inspector General of the Department, shall oversee the adoption of artificial intelligence and machine learning technologies in support of financial management and enterprise business operations.''

REQUIREMENT FOR UNQUALIFIED OPINION ON DEPARTMENT OF DEFENSE FINANCIAL STATEMENTS

Pub. L. 118–31, div. A, title X, § 1005, Dec. 22, 2023, 137 Stat. 379, provided that: ''The Secretary of Defense shall ensure that the Department of Defense has received an unqualified opinion on the financial statements of the Department by not later than December 31, 2028.''

REVIEW AND RECOMMENDATIONS ON EFFORTS TO OBTAIN AUDIT OPINION ON FULL FINANCIAL STATEMENTS

Pub. L. 115–91, div. A, title X, § 1006, Dec. 12, 2017, 131 Stat. 1544, provided that:

''(a) IN GENERAL.—The Secretary of Defense may establish within the Department of Defense a team of distinguished, private sector experts with experience conducting financial audits of large public or private sector organizations to review and make recommendations to improve the efforts of the Department to obtain an audit opinion on its full financial statements.

''(b) SCOPE OF ACTIVITIES.—A team established pursuant to subsection (a) shall—

''(1) identify impediments to the progress of the Department in obtaining an audit opinion on its full financial statements, including an identification of the organizations or elements that are lagging in their efforts toward obtaining such audit opinion;

''(2) estimate when an audit opinion on the full financial statements of the Department will be obtained; and

''(3) consider mechanisms and incentives to support efficient achievement by the Department of its audit goals, including organizational mechanisms to transfer direction and management control of audit activities from subordinate organizations to the Office of the Secretary of Defense, individual personnel incentives, workforce improvements (including in senior leadership positions), business process, technology, and systems improvements (including the use of data analytics), and metrics by which the Secretary and Congress may measure and assess progress toward achievement of the audit goals of the Department.

''(c) REPORTS.—

''(1) REPORT ON ESTABLISHMENT OF TEAM.—If the Secretary takes action pursuant to subsection (a), the Secretary shall, not later than September 30, 2019, submit to the congressional defense committees [Committees on Armed Services and Appropriations