

-CITE-

10 USC CHAPTER 9 - DEFENSE BUDGET MATTERS

01/03/05

-EXPCITE-

TITLE 10 - ARMED FORCES

Subtitle A - General Military Law

PART I - ORGANIZATION AND GENERAL MILITARY POWERS

CHAPTER 9 - DEFENSE BUDGET MATTERS

-HEAD-

CHAPTER 9 - DEFENSE BUDGET MATTERS

-MISC1-

Sec.

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consistency in budgeting.

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AMENDMENTS

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

2003 - Pub. L. 108-136, div. A, title II, Sec. 223(a)(2), title X, Sec. 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, Secs. 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, Sec. 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, Sec. 932(b)(2), title X, Sec. 1041(a)(2), Oct. 5, 1999, 113 Stat. 728, 758, added items 229 and 230.

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

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

1996 - Pub. L. 104-106, div. A, title X, Sec. 1061(f)(2), Feb.

10, 1996, 110 Stat. 443, struck out item 227 "Recruiting costs".

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

1992 - Pub. L. 102-484, div. A, title X, Sec. 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, Sec. 1002(a)(1), Dec. 5,
1991, 105 Stat. 1455, substituted "DEFENSE BUDGET MATTERS" for
"REGULAR COMPONENTS" in chapter heading and added item 221.

-End-

-CITE-

10 USC Sec. 221

01/03/05

-EXPCITE-

TITLE 10 - ARMED FORCES

Subtitle A - General Military Law

PART I - ORGANIZATION AND GENERAL MILITARY POWERS

CHAPTER 9 - DEFENSE BUDGET MATTERS

-HEAD-

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

-STATUTE-

(a) The Secretary of Defense shall submit to Congress each year,

at or about the time that 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).

-SOURCE-

(Added Pub. L. 101-189, div. A, title XVI, Sec. 1602(a)(1), Nov. 29, 1989, 103 Stat. 1596, Sec. 114a; amended Pub. L. 101-510, div. A, title XIV, Sec. 1402(a)(1)-(3)(A), Nov. 5, 1990, 104 Stat. 1674; renumbered Sec. 221 and amended Pub. L. 102-484, div. A, title X, Sec. 1002(c), Oct. 23, 1992, 106 Stat. 2480.)

-MISC1-

PRIOR PROVISIONS

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

AMENDMENTS

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, Sec. 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, Sec. 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, Sec. 1402(a)(2)(A), substituted "multiyear" for "five-year".

ANNUAL SUBMISSION OF INFORMATION REGARDING INFORMATION TECHNOLOGY

CAPITAL ASSETS

Pub. L. 107-314, div. A, title III, Sec. 351, Dec. 2, 2002, 116

Stat. 2516, provided that:

"(a) Requirement To Submit Information. - Not later than 30 days after the date on which the President submits the budget for a fiscal year to Congress pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall submit to Congress information on the following information technology capital assets, including information technology capital assets that are a national security system, of the Department of Defense:

"(1) Information technology capital assets not covered by paragraph (2) that have an estimated total cost for the fiscal year for which the budget is submitted in excess of \$10,000,000.

"(2) Information technology capital assets that have an estimated total cost for the fiscal year for which the budget is submitted in excess of \$30,000,000 and an estimated total life cycle cost (as computed in fiscal year 2003 constant dollars) in excess of \$120,000,000.

"(b) Required Information For Low-Threshold Assets. - With respect to each information technology capital asset described in subsection (a)(1), the Secretary of Defense shall include the following information:

"(1) The name of the information technology capital asset.

"(2) The function of the asset.

"(3) The total cost of the asset for the fiscal year for which the budget is submitted, the current fiscal year, and the preceding fiscal year.

"(c) Required Information For High-Threshold Assets. - With respect to each information technology capital asset described in

subsection (a)(2), the Secretary of Defense shall include the following information:

"(1) The name and identifying acronym of the information technology capital asset.

"(2) The date of initiation of the asset.

"(3) A summary of performance measurements and metrics.

"(4) The total amount of funds, by appropriation account, appropriated and obligated for prior fiscal years, with a specific breakout of such information for the two preceding fiscal years.

"(5) The funds, by appropriation account, requested for the next fiscal year.

"(6) The name of each prime contractor and the work to be performed.

"(7) Program management and management oversight information.

"(8) The original baseline cost and most current baseline information.

"(9) Information regarding compliance with the provisions of law enacted or amended by the Government Performance Results Act of 1993 (Public Law 103-62; 107 Stat. 285) [see Short Title of 1993 Amendment note under 31 U.S.C. 1101] and the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104-106; 110 Stat. 642) [Secs. 5001-5703 and Secs. 4001-4402, see Tables for classification].

"(d) Total Cost Determinations. - In estimating the total cost for a fiscal year or total life cycle cost of an information technology capital asset, the Secretary of Defense shall consider research and development costs, procurement costs, and operation and maintenance costs related to the information technology capital

asset.

"(e) Definitions. - In this section:

"(1) The term 'information technology' has the meaning given that term in section 11101 of title 40, United States Code.

"(2) The term 'capital asset' has the meaning given that term in Office of Management and Budget Circular A-11.

"(3) The term 'national security system' has the meaning given that term in section 11103 of title 40, United States Code."

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

Pub. L. 107-249, Sec. 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, Sec. 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, Sec. 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. 108-287, title VIII, Sec. 8116, Aug. 5, 2004, 118 Stat.

998.

Pub. L. 108-87, title VIII, Sec. 8115, Sept. 30, 2003, 117 Stat.

1099.

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

Pub. L. 106-259, title VIII, Sec. 8097, Aug. 9, 2000, 114 Stat.

695.

Pub. L. 106-79, title VIII, Sec. 8110, Oct. 25, 1999, 113 Stat.

1257.

BUDGET SUBMISSIONS ON ACTIVE AND RESERVE MILITARY PERSONNEL

ACCOUNTS

Pub. L. 105-262, title VIII, Sec. 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, Sec. 8104, Oct. 8, 1997, 111 Stat. 1243.

MODIFICATION OF BUDGET DATA EXHIBITS

Pub. L. 105-85, div. A, title III, Sec. 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, Sec. 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, Sec. 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, Sec. 8095, Oct. 17, 1998, 112 Stat. 2319.

Pub. L. 105-56, title VIII, Sec. 8116, Oct. 8, 1997, 111 Stat. 1245.

PROGRAM ELEMENTS FOR BALLISTIC MISSILE DEFENSE ORGANIZATION

Pub. L. 104-106, div. A, title II, Sec. 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 section 223 of this title by Pub. L. 105-261, div. A, title II, Sec. 235(a)(1), (b), Oct. 17, 1998, 112 Stat. 1953.

BUDGET SUBMISSIONS ON SALARIES AND EXPENSES RELATED TO ADMINISTRATIVE ACTIVITIES

Pub. L. 108-287, title VIII, Sec. 8036, Aug. 5, 2004, 118 Stat. 978, 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, 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. 108-87, title VIII, Sec. 8036, Sept. 30, 2003, 117 Stat. 1080.

Pub. L. 107-248, title VIII, Sec. 8036, Oct. 23, 2002, 116 Stat. 1544.

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

Pub. L. 106-259, title VIII, Sec. 8039, Aug. 9, 2000, 114 Stat. 683.

Pub. L. 106-79, title VIII, Sec. 8042, Oct. 25, 1999, 113 Stat. 1240.

Pub. L. 105-262, title VIII, Sec. 8042, Oct. 17, 1998, 112 Stat. 2306.

Pub. L. 105-56, title VIII, Sec. 8046, Oct. 8, 1997, 111 Stat. 1231.

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

Pub. L. 104-61, title VIII, Sec. 8058, Dec. 1, 1995, 109 Stat. 663.

Pub. L. 103-335, title VIII, Sec. 8069, Sept. 30, 1994, 108 Stat.

2635.

Pub. L. 103-139, title VIII, Sec. 8082, Nov. 11, 1993, 107 Stat.

1458.

Pub. L. 102-396, title IX, Sec. 9132, Oct. 6, 1992, 106 Stat.

1936.

SUBMISSION OF MULTIYEAR DEFENSE PROGRAM

Section 1402(b) of Pub. L. 101-510 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

Section 1404 of Pub. L. 101-510 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, Sec. 1002(b), Oct. 23, 1992, 106 Stat.
2480. See section 222 of this title.

-End-

-CITE-

-EXPCITE-

TITLE 10 - ARMED FORCES

Subtitle A - General Military Law

PART I - ORGANIZATION AND GENERAL MILITARY POWERS

CHAPTER 9 - DEFENSE BUDGET MATTERS

-HEAD-

Sec. 222. Future-years mission budget

-STATUTE-

(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 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.

(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 roles, missions, or forces of the Department of Defense.

(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.

-SOURCE-

(Added Pub. L. 102-484, div. A, title X, Sec. 1002(a)(2), Oct. 23, 1992, 106 Stat. 2480; amended Pub. L. 103-337, div. A, title X, Sec. 1004, Oct. 5, 1994, 108 Stat. 2834.)

-MISC1-

PRIOR PROVISIONS

Provisions similar to those in this section were contained in Pub. L. 101-510, div. A, title XIV, Sec. 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, Sec. 1002(b).

AMENDMENTS

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

-End-

-CITE-

10 USC Sec. 223

01/03/05

-EXPCITE-

TITLE 10 - ARMED FORCES

Subtitle A - General Military Law

PART I - ORGANIZATION AND GENERAL MILITARY POWERS

CHAPTER 9 - DEFENSE BUDGET MATTERS

-HEAD-

Sec. 223. Ballistic missile defense programs: program elements

-STATUTE-

(a) Program Elements Specified by President. - 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 amount requested for activities of the Missile Defense Agency shall be set forth in accordance with such program elements as the President may specify.

(b) Separate Program Elements for Programs Entering Engineering and Manufacturing Development. - (1) The Secretary of Defense shall ensure that each ballistic missile defense program that enters engineering and manufacturing development is assigned a separate, dedicated program element.

(2) In this subsection, the term "engineering and manufacturing development" means the period in the course of an acquisition program during which the primary objectives are to -

(A) translate the most promising design approach into a stable, interoperable, producible, supportable, and cost-effective design;

(B) validate the manufacturing or production process; and

(C) demonstrate system capabilities through testing.

(c) Management and Support. - The amount requested for a fiscal year for any program element specified for that fiscal year pursuant to subsection (a) shall include requests for the amounts necessary for the management and support of the programs, projects, and activities contained in that program element.

-SOURCE-

(Added Pub. L. 105-261, div. A, title II, Sec. 235(a)(1), Oct. 17, 1998, 112 Stat. 1953; amended Pub. L. 107-107, div. A, title II, Sec. 232(a), (b), Dec. 28, 2001, 115 Stat. 1037; Pub. L. 107-314, div. A, title II, Sec. 225(b)(1)(A), Dec. 2, 2002, 116 Stat. 2486; Pub. L. 108-136, div. A, title II, Sec. 221(a), (b)(1), (c)(1), Nov. 24, 2003, 117 Stat. 1419.)

-MISC1-

PRIOR PROVISIONS

Provisions similar to those in this section were contained in Pub. L. 104-106, div. A, title II, Sec. 251, Feb. 10, 1996, 110 Stat. 233, which was set out as a note under section 221 of this title, prior to repeal by Pub. L. 105-261, Sec. 235(b).

AMENDMENTS

2003 - Subsec. (a). Pub. L. 108-136, Sec. 221(a), inserted "by President" after "Specified" in heading, substituted "such program elements as the President may specify." for "program elements governing functional areas as follows:" in introductory provisions, and struck out pars. (1) to (6), which read as follows:

"(1) Technology.

"(2) Ballistic Missile Defense System.

"(3) Terminal Defense Segment.

"(4) Midcourse Defense Segment.

"(5) Boost Defense Segment.

"(6) Sensors Segment."

Subsec. (b)(2). Pub. L. 108-136, Sec. 221(c)(1), substituted

"means the period in the course of an acquisition program during which the" for "means the development phase whose".

Subsec. (c). Pub. L. 108-136, Sec. 221(b)(1), substituted "for a fiscal year for any program element specified for that fiscal year pursuant to subsection (a)" for "for each program element specified in subsection (a)".

2002 - Subsec. (a). Pub. L. 107-314 substituted "Missile Defense Agency" for "Ballistic Missile Defense Organization".

2001 - Subsec. (a). Pub. L. 107-107, Sec. 232(a), substituted "in accordance with program elements governing functional areas as follows:" for "in accordance with the following program elements:" in introductory provisions, added pars. (1) to (6), and struck out former pars. (1) to (12) which read as follows:

"(1) The Patriot system.

"(2) The Navy Area system.

"(3) The Theater High-Altitude Area Defense system.

"(4) The Navy Theater Wide system.

"(5) The Medium Extended Air Defense System.

"(6) Joint Theater Missile Defense.

"(7) National Missile Defense.

"(8) Support Technologies.

"(9) Family of Systems Engineering and Integration.

"(10) Ballistic Missile Defense Technical Operations.

"(11) Threat and Countermeasures.

"(12) International Cooperative Programs."

Subsec. (b). Pub. L. 107-107, Sec. 232(b), amended heading and text of subsec. (b) generally. Prior to amendment, text read as follows: "Amounts requested for Theater Missile Defense and National Missile Defense major defense acquisition programs shall be specified in individual, dedicated program elements, and amounts appropriated for those programs shall be available only for Ballistic Missile Defense activities."

REFERENCES TO NEW NAME FOR BALLISTIC MISSILE DEFENSE ORGANIZATION

Pub. L. 107-314, div. A, title II, Sec. 225(a), Dec. 2, 2002, 116 Stat. 2486, provided that: "Any reference to the Ballistic Missile Defense Organization in any provision of law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Missile Defense Agency."

COOPERATIVE BALLISTIC MISSILE DEFENSE PROGRAM ELEMENT

Pub. L. 105-85, div. A, title II, Sec. 233, Nov. 18, 1997, 111 Stat. 1663, as amended by Pub. L. 107-314, div. A, title II, Sec. 225(b)(4)(A), Dec. 2, 2002, 116 Stat. 2486, provided that:

"(a) Requirement for New Program Element. - The Secretary of Defense shall establish a program element for the Missile Defense Agency, to be referred to as the 'Cooperative Ballistic Missile Defense Program', to support technical and analytical cooperative efforts between the United States and other nations that contribute to United States ballistic missile defense capabilities. Except as provided in subsection (b), all international cooperative ballistic missile defense programs of the Department of Defense shall be

budgeted and administered through that program element.

"(b) Authority for Exceptions. - The Secretary of Defense may exclude from the program element established pursuant to subsection (a) any international cooperative ballistic missile defense program of the Department of Defense that after the date of the enactment of this Act [Nov. 18, 1997] is designated by the Secretary of Defense (pursuant to applicable Department of Defense acquisition regulations and policy) to be managed as a separate acquisition program.

"(c) Relationship to Other Program Elements. - The program element established pursuant to subsection (a) is in addition to the program elements for activities of the Missile Defense Agency required under section 251 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 233; [former] 10 U.S.C. 221 note)."

-End-

-CITE-

10 USC Sec. 223a

01/03/05

-EXPCITE-

TITLE 10 - ARMED FORCES

Subtitle A - General Military Law

PART I - ORGANIZATION AND GENERAL MILITARY POWERS

CHAPTER 9 - DEFENSE BUDGET MATTERS

-HEAD-

Sec. 223a. Ballistic missile defense programs: procurement

-STATUTE-

(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.

(d) Testing Progress. - 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).

-SOURCE-

(Added Pub. L. 108-136, div. A, title II, Sec. 223(a)(1), Nov. 24, 2003, 117 Stat. 1420.)

-MISC1-

IMPLEMENTATION OF REQUIREMENT FOR AVAILABILITY OF TEST PLANS

Pub. L. 108-136, div. A, title II, Sec. 223(b), Nov. 24, 2003, 117 Stat. 1420, provided that: "Subsection (d) of section 223a of title 10, United States Code, as added by subsection (a), shall be implemented not later than March 1, 2004."

-End-

-CITE-

10 USC Sec. 224

01/03/05

-EXPCITE-

TITLE 10 - ARMED FORCES

Subtitle A - General Military Law

PART I - ORGANIZATION AND GENERAL MILITARY POWERS

CHAPTER 9 - DEFENSE BUDGET MATTERS

-HEAD-

Sec. 224. Ballistic missile defense programs: display of amounts
for research, development, test, and evaluation

-STATUTE-

(a) Requirement. - Any amount in the budget submitted to Congress under section 1105 of title 31 for any fiscal year for research, development, test, and evaluation for the integration of a ballistic missile defense element into the overall ballistic missile defense architecture shall be set forth under the account of the Department of Defense for Defense-wide research, development, test, and evaluation and, within that account, under the subaccount (or other budget activity level) for the Missile Defense Agency.

(b) Transfer Criteria. - (1) The Secretary of Defense shall establish criteria for the transfer of responsibility for a ballistic missile defense program from the Director of the Missile Defense Agency to the Secretary of a military department. The criteria established for such a transfer shall, at a minimum, address the following:

(A) The technical maturity of the program.

(B) The availability of facilities for production.

(C) The commitment of the Secretary of the military department concerned to procurement funding for that program, as shown by

funding through the future-years defense program and other defense planning documents.

(2) The Secretary shall submit the criteria established, and any modifications to those criteria, to the congressional defense committees.

(c) Notification of Transfer. - Before responsibility for a ballistic missile defense program is transferred from the Director of the Missile Defense Agency to the Secretary of a military department, the Secretary of Defense shall submit to the congressional defense committees notice in writing of the Secretary's intent to make that transfer. The Secretary shall include with such notice a certification that the program has met the criteria established under subsection (b) for such a transfer. The transfer may then be carried out after the end of the 60-day period beginning on the date of such notice.

(d) Conforming Budget and Planning Transfers. - When a ballistic missile defense program is transferred from the Missile Defense Agency to the Secretary of a military department in accordance with this section, the Secretary of Defense shall ensure that all appropriate conforming changes are made to proposed or projected funding allocations in the future-years defense program under section 221 of this title and other Department of Defense program, budget, and planning documents.

(e) Follow-on Research, Development, Test, and Evaluation. - The Secretary of Defense shall ensure that, before a ballistic missile defense program is transferred from the Director of the Missile Defense Agency to the Secretary of a military department, roles and responsibilities for research, development, test, and evaluation

related to system improvements for that program are clearly delineated.

-SOURCE-

(Added Pub. L. 105-85, div. A, title II, Sec. 232(a)(1), Nov. 18, 1997, 111 Stat. 1662; amended Pub. L. 107-107, div. A, title II, Sec. 231(a), (b)(1), Dec. 28, 2001, 115 Stat. 1035, 1036; Pub. L. 107-314, div. A, title II, Secs. 222, 225(b)(1)(A), Dec. 2, 2002, 116 Stat. 2485, 2486; Pub. L. 108-136, div. A, title II, Sec. 226, title X, Sec. 1043(b)(4), Nov. 24, 2003, 117 Stat. 1421, 1611.)

-MISC1-

AMENDMENTS

2003 - Subsec. (a). Pub. L. 108-136, Sec. 226(b), substituted "the integration of a ballistic missile defense element into the overall ballistic missile defense architecture" for "a Department of Defense missile defense program described in subsection (b)".

Subsec. (e). Pub. L. 108-136, Sec. 226(a), substituted "before a" for "for each", inserted "is" before "transferred", and substituted "roles and responsibilities" for "responsibility" and "are clearly delineated" for "remains with the Director".

Subsec. (f). Pub. L. 108-136, Sec. 1043(b)(4), struck out heading and text of subsec. (f). Text read as follows: "In this section, the term 'congressional defense committees' means the following:

"(1) The Committee on Armed Services and the Committee on Appropriations of the Senate.

"(2) The Committee on Armed Services and the Committee on Appropriations of the House of Representatives."

2002 - Subsecs. (a), (b)(1), (c), (d). Pub. L. 107-314, Sec. 225(b)(1)(A), substituted "Missile Defense Agency" for "Ballistic Missile Defense Organization".

Subsec. (e). Pub. L. 107-314 substituted "for each" for "before a", "transferred" for "is transferred", "Missile Defense Agency" for "Ballistic Missile Defense Organization", and "responsibility for research, development, test, and evaluation related to system improvements for that program remains with the Director" for "roles and responsibilities for research, development, test, and evaluation related to system improvements for that program are clearly defined".

2001 - Pub. L. 107-107, Sec. 231(b)(1), substituted "research, development, test, and evaluation" for "procurement" in section catchline.

Subsec. (a). Pub. L. 107-107, Sec. 231(a)(1), substituted "research, development, test, and evaluation" for "procurement" in two places.

Subsecs. (b) to (f). Pub. L. 107-107, Sec. 231(a)(2), added subsecs. (b) to (f) and struck out former subsecs. (b) and (c) which related to covered programs and core theater ballistic missile defense program, respectively.

-End-

-CITE-

-EXPCITE-

TITLE 10 - ARMED FORCES

Subtitle A - General Military Law

PART I - ORGANIZATION AND GENERAL MILITARY POWERS

CHAPTER 9 - DEFENSE BUDGET MATTERS

-HEAD-

Sec. 226. Scoring of outlays

-STATUTE-

(a) Annual OMB/CBO Report. - Not later than January 15 of each year, the Director of the Office of Management and Budget and the Director of the Congressional Budget Office shall submit to the Speaker of the House of Representatives and the Committees on Armed Services, Appropriations, and the Budget of the Senate a joint report containing an agreed resolution of all differences between -

(1) the technical assumptions to be used by the Office of Management and Budget in preparing estimates with respect to all accounts in major functional category 050 (National Defense) for the budget to be submitted to Congress in that year pursuant to section 1105 of title 31; and

(2) the technical assumptions to be used by the Congressional Budget Office in preparing estimates with respect to those accounts for that budget.

(b) Use of Averages. - If the two Directors are unable to agree upon any technical assumption, the report shall reflect the average of the relevant outlay rates or assumptions used by the two

offices.

(c) Matters To Be Included. - The report with respect to a budget shall identify the following:

(1) The agreed first-year and outyear outlay rates for each account in budget function 050 (National Defense) for each fiscal year covered by the budget.

(2) The agreed amount of outlays estimated to occur from unexpended appropriations made for fiscal years before the fiscal year that begins after submission of the report.

-SOURCE-

(Added Pub. L. 102-190, div. A, title X, Sec. 1002(a)(1), Dec. 5, 1991, 105 Stat. 1455, Sec. 221; renumbered Sec. 226, Pub. L. 102-484, div. A, title X, Sec. 1002(a)(1), Oct. 23, 1992, 106 Stat. 2480; amended Pub. L. 103-160, div. A, title XI, Sec. 1104, Nov. 30, 1993, 107 Stat. 1749; Pub. L. 108-136, div. A, title X, Sec. 1031(a)(5), Nov. 24, 2003, 117 Stat. 1596.)

-MISC1-

PRIOR PROVISIONS

Provisions similar to those in this section were contained in Pub. L. 101-189, Sec. 5(a), Nov. 29, 1989, 103 Stat. 1364, which was set out as a note under section 114a [now 221] of this title, prior to repeal by Pub. L. 102-190, Sec. 1002(b)(1).

AMENDMENTS

2003 - Subsec. (a). Pub. L. 108-136 substituted "January 15" for "December 15" in introductory provisions and "in that year" for "in

the following year" in par. (1).

1993 - Subsec. (a). Pub. L. 103-160 substituted "Not later than December 15 of each year" for "Not later than the day on which the budget for any fiscal year is submitted to Congress pursuant to section 1105 of title 31" in introductory provisions and "the budget to be submitted to Congress in the following year pursuant to section 1105 of title 31" for "that budget" in par. (1).

1992 - Pub. L. 102-484 renumbered section 221 of this title as this section.

SENSE OF CONGRESS REGARDING BUDGET RESOLUTIONS, BUDGET
SCOREKEEPING, AND REQUIRED REDUCTIONS IN NATIONAL DEFENSE OUTLAYS

Pub. L. 101-189, Sec. 5, Nov. 29, 1989, 103 Stat. 1364, as amended by Pub. L. 102-190, div. A, title X, Sec. 1002(b), Dec. 5, 1991, 105 Stat. 1455, provided that:

"(a) Sense of Congress Regarding Budget Resolutions and Budget Scorekeeping. - It is the sense of Congress that, in order to prevent a recurrence of a mismatch between budget authority and outlays for budget function 050 (National Defense), the technical assumptions contained in the report under section 221 [now 226] of title 10, United States Code, with respect to any budget should be used in the preparation of that budget, the preparation of the budget resolution, and in all scorekeeping in connection with budget function 050 (National Defense).

"(b) Sense of Congress Regarding Required Reductions and Other Changes in National Defense Outlays in Relation to Budget Authority. - It is the sense of Congress that the outlay level specified for national defense for any fiscal year in the budget resolution for that fiscal year should not require a reduction (or

other change) in outlays for national defense for that fiscal year below (or in relation to) the estimated outlays specified for national defense in the budget for such fiscal year (submitted to Congress pursuant to section 1105 of title 31, United States Code) by more than the amount by which such estimated outlays would be reduced (or otherwise changed) if the amount of budget authority provided for in each title of the President's request for budget authority for national defense (as contained in such budget) were reduced (or otherwise changed) by the uniform percentage necessary for the requested budget authority for national defense to be equal to the budget authority specified for national defense in that budget resolution unless the budget resolution is accompanied by a report that describes the difference between the budget authority and outlays for National Defense (function 050) in the President's budget and the budget resolution."

-End-

-CITE-

10 USC Sec. 227

01/03/05

-EXPCITE-

TITLE 10 - ARMED FORCES

Subtitle A - General Military Law

PART I - ORGANIZATION AND GENERAL MILITARY POWERS

CHAPTER 9 - DEFENSE BUDGET MATTERS

-HEAD-

[Sec. 227. Repealed. Pub. L. 104-106, div. A, title X, Sec.
1061(f)(1), Feb. 10, 1996, 110 Stat. 443]

-MISC1-

Section, added Pub. L. 103-160, div. A, title III, Sec. 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.

-End-

-CITE-

10 USC Sec. 228

01/03/05

-EXPCITE-

TITLE 10 - ARMED FORCES

Subtitle A - General Military Law

PART I - ORGANIZATION AND GENERAL MILITARY POWERS

CHAPTER 9 - DEFENSE BUDGET MATTERS

-HEAD-

Sec. 228. Quarterly reports on allocation of funds within operation
and maintenance budget subactivities

-STATUTE-

(a) Quarterly Report. - The Secretary of Defense shall submit to the congressional defense committees a quarterly report on the allocation of appropriations to O&M budget activities and to the subactivities of those budget activities. Each such report shall be submitted not later than 60 days after the end of the fiscal-year quarter to which the report pertains.

(b) Matters To Be Included. - Each such report shall set forth the following for each subactivity of the O&M budget activities:

(1) The amount of budget authority appropriated for that subactivity in the most recent regular Department of Defense Appropriations Act.

(2) The amount of budget authority actually made available for that subactivity, taking into consideration supplemental appropriations, rescissions, and other adjustments required by law or made pursuant to law.

(3) The amount programmed to be expended from such subactivity.

(c) Identification of Certain Fluctuations. - (1) If, in the report under this section for a quarter of a fiscal year after the first quarter of that fiscal year, an amount shown under subsection (b) for a subactivity is different by more than \$15,000,000 from the corresponding amount for that subactivity in the report for the first quarter of that fiscal year, the Secretary shall include in the report notice of that difference.

(2) If, in the report under this section for a quarter of a fiscal year after a quarter for which the report under this section includes a notice under paragraph (1), an amount shown under subsection (b) for a subactivity is different by more than \$15,000,000 from the corresponding amount for that subactivity in

the most recent report that includes a notice under paragraph (1) or this paragraph, the Secretary shall include in the report notice of that difference.

(d) Report on Fluctuations. - If a report under this section includes a notice under subsection (c), the Secretary shall include in the report with each such notice the following:

(1) The reasons for the reallocations of funds resulting in the inclusion of that notice in the report.

(2) Each budget subactivity involved in those reallocations.

(3) The effect of those reallocations on the operation and maintenance activities funded through the subactivity with respect to which the notice is included in the report.

(e) O&M Budget Activity Defined. - In this section, the term "O&M budget activity" means a budget activity within an operation and maintenance appropriation of the Department of Defense for a fiscal year.

-SOURCE-

(Added Pub. L. 105-85, div. A, title III, Sec. 321(a)(1), Nov. 18, 1997, 111 Stat. 1672; amended Pub. L. 107-314, div. A, title III, Sec. 361, Dec. 2, 2002, 116 Stat. 2519; Pub. L. 108-136, div. A, title X, Secs. 1031(a)(6)(A), (B)(i), 1043(b)(5), Nov. 24, 2003, 117 Stat. 1596, 1611.)

-MISC1-

AMENDMENTS

2003 - Pub. L. 108-136, Sec. 1031(a)(6)(B)(i), substituted

"Quarterly" for "Monthly" in section catchline.

Subsec. (a). Pub. L. 108-136, Sec. 1031(a)(6)(A)(i), substituted "Quarterly" for "Monthly" in heading, "quarterly" for "monthly" in first sentence, and "fiscal-year quarter" for "month" in second sentence.

Subsec. (c). Pub. L. 108-136, Sec. 1031(a)(6)(A)(ii), substituted "quarter" for "month" wherever appearing.

Subsec. (e). Pub. L. 108-136, Sec. 1043(b)(5), substituted "O&M Budget Activity Defined" for "Definitions" in heading and a comma for a colon after "section", struck out par. (1) designation before "The term", and struck out par. (2) which read as follows: "The term 'congressional defense committees' means the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives."

2002 - Subsec. (a). Pub. L. 107-314, Sec. 361(a), substituted "to the congressional defense committees" for "to Congress".

Subsec. (e). Pub. L. 107-314, Sec. 361(b), substituted "Definitions" for "O&M Budget Activity Defined" in heading, inserted introductory provisions, designated existing provisions as par. (1) and substituted "The" for "For purposes of this section, the", and added par. (2).

FIRST REPORT

Section 321(b) of Pub. L. 105-85 provided that: "The first report under section 228 of title 10, United States Code, as added by subsection (a), shall be for the month of December 1997."

-CITE-

10 USC Sec. 229

01/03/05

-EXPCITE-

TITLE 10 - ARMED FORCES

Subtitle A - General Military Law

PART I - ORGANIZATION AND GENERAL MILITARY POWERS

CHAPTER 9 - DEFENSE BUDGET MATTERS

-HEAD-

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

-STATUTE-

(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) Semiannual Reports on Obligations and Expenditures. - 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.

(e) 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.

-SOURCE-

(Added Pub. L. 106-65, div. A, title IX, Sec. 932(b)(1), Oct. 5, 1999, 113 Stat. 727; amended Pub. L. 108-136, div. A, title X, Sec. 1043(b)(6), Nov. 24, 2003, 117 Stat. 1611.)

-REFTEXT-

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.

-MISC1-

AMENDMENTS

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."

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

Pub. L. 108-375, div. A, title X, Sec. 1041, Oct. 28, 2004, 118

Stat. 2048, provided that:

"(a) Quarterly Accounting. - Not later than 45 days after the end of each quarter of a 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], for each operation specified in subsection (b) -

"(1) a full accounting of all costs incurred for such operation during such quarter and all amounts expended during such quarter for such operation; and

"(2) a description of the purposes for which those costs were incurred and those amounts were expended.

"(b) Operations Covered. - The operations referred to in subsection (a) are the following:

"(1) Operation Iraqi Freedom.

"(2) Operation Enduring Freedom.

"(3) Operation Noble Eagle.

"(4) Any other operation that the President designates as being an operation of the Global War on Terrorism.

"(c) Requirement for Comprehensiveness. - For the purpose of providing a full and complete accounting of the costs and expenditures under subsection (a) for an operation specified in subsection (b), the Secretary shall account in the quarterly submission under subsection (a) for all costs and expenditures that are reasonably attributable to that operation, including personnel costs."

-End-

-CITE-

10 USC Sec. 230

01/03/05

-EXPCITE-

TITLE 10 - ARMED FORCES

Subtitle A - General Military Law

PART I - ORGANIZATION AND GENERAL MILITARY POWERS

CHAPTER 9 - DEFENSE BUDGET MATTERS

-HEAD-

[Sec. 230. Repealed. Pub. L. 107-314, div. A, title X, Sec.

1041(a)(2)(A), Dec. 2, 2002, 116 Stat. 2645]

-MISC1-

Section, added Pub. L. 106-65, div. A, title X, Sec. 1041(a)(1),
Oct. 5, 1999, 113 Stat. 758; amended Pub. L. 106-398, Sec. 1 [[div.
A], title X, Sec. 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.

-End-

-CITE-

10 USC Sec. 231

01/03/05

-EXPCITE-

TITLE 10 - ARMED FORCES

Subtitle A - General Military Law

PART I - ORGANIZATION AND GENERAL MILITARY POWERS

CHAPTER 9 - DEFENSE BUDGET MATTERS

-HEAD-

Sec. 231. Budgeting for construction of naval vessels: annual plan
and certification

-STATUTE-

(a) Annual Naval Vessel Construction Plan and Certification. -

The Secretary of Defense shall include with the defense budget
materials for a fiscal year -

(1) a plan for the construction of combatant and support vessels for the Navy developed in accordance with this section; and

(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.

(b) Annual Naval Vessel Construction Plan. - (1) The annual naval vessel construction plan developed for a fiscal year for purposes of subsection (a)(1) should be designed so that the naval vessel force provided for under that plan is capable of supporting 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. 404a), 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 should be designed so that the naval vessel force provided for under that plan is capable of supporting the ship force structure recommended in the report of the most recent Quadrennial Defense Review.

(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 description of the necessary naval vessel force structure to meet the requirements of the national security strategy of the United States or the most recent Quadrennial Defense Review, whichever is applicable under paragraph (1).

(C) The estimated levels of annual funding necessary to carry out the program, together with a discussion of the procurement strategies on which such estimated levels of annual funding are based.

(c) Assessment When Vessel Construction Budget is Insufficient To Meet Applicable Requirements. - 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.

(d) 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 "Quadrennial Defense Review" means the review of the defense programs and policies of the United States that is carried out every four years under section 118 of this title.

-SOURCE-

(Added Pub. L. 107-314, div. A, title X, Sec. 1022(a)(1), Dec. 2, 2002, 116 Stat. 2639.)

-End-

-CITE-

10 USC Sec. 232

01/03/05

-EXPCITE-

TITLE 10 - ARMED FORCES

Subtitle A - General Military Law

PART I - ORGANIZATION AND GENERAL MILITARY POWERS

CHAPTER 9 - DEFENSE BUDGET MATTERS

-HEAD-

Sec. 232. United States Joint Forces Command: amounts for research, development, test, and evaluation to be derived only from Defense-wide amounts

-STATUTE-

(a) Requirement. - Amounts for research, development, test, and evaluation for the United States Joint Forces Command shall be derived only from amounts made available to the Department of Defense for Defense-wide research, development, test, and evaluation.

(b) Separate Display in Budget. - Any amount in the budget submitted to Congress under section 1105 of title 31 for any fiscal year for research, development, test, and evaluation for the United States Joint Forces Command shall be set forth under the account of the Department of Defense for Defense-wide research, development, test, and evaluation.

-SOURCE-

(Added Pub. L. 108-375, div. A, title II, Sec. 214(a), Oct. 28, 2004, 118 Stat. 1834.)

-MISC1-

EFFECTIVE DATE

Pub. L. 108-375, div. A, title II, Sec. 214(c), Oct. 28, 2004, 118 Stat. 1834, provided that: "Section 232 of title 10, United States Code (as added by subsection (a))[,] applies to fiscal years beginning with fiscal year 2007."

-End-

-CITE-

-EXPCITE-

TITLE 10 - ARMED FORCES

Subtitle A - General Military Law

PART I - ORGANIZATION AND GENERAL MILITARY POWERS

CHAPTER 9 - DEFENSE BUDGET MATTERS

-HEAD-

Sec. 233. Operation and maintenance budget presentation

-STATUTE-

(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.

-SOURCE-

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

-End-