

Subsec. (e). Pub. L. 111-383, § 829(a), added subsec. (e).

FIRST MEETING OF BOARD

Pub. L. 109-364, div. A, title VIII, § 843(c), Oct. 17, 2006, 120 Stat. 2339, provided that: "The first meeting of the Strategic Materials Protection Board, established by section 187 of title 10, United States Code (as added by subsection (a)) shall be not later than 180 days after the date of the enactment of this Act [Oct. 17, 2006]."

**CHAPTER 8—DEFENSE AGENCIES AND DEPARTMENT OF DEFENSE FIELD ACTIVITIES**

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**SUBCHAPTER I—COMMON SUPPLY AND SERVICE ACTIVITIES**

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AMENDMENTS

2004—Pub. L. 108-375, div. A, title X, § 1010(b), Oct. 28, 2004, 118 Stat. 2038, added item 197.

2002—Pub. L. 107-314, div. A, title II, § 231(a)(2), Dec. 2, 2002, 116 Stat. 2489, added item 196.

1997—Pub. L. 105-85, div. A, title III, § 383(b), Nov. 18, 1997, 111 Stat. 1711, added item 195.

1986—Pub. L. 99-433, title III, § 301(a)(2), Oct. 1, 1986, 100 Stat. 1019, inserted "AND DEPARTMENT OF DEFENSE FIELD ACTIVITIES" in chapter heading, added subchapter analysis and subchapter I analysis, and struck out former chapter analysis consisting of item 191 "Unauthorized use of Defense Intelligence Agency name, initials, or seal".

1985—Pub. L. 99-145, title XIII, § 1302(a)(2), Nov. 8, 1985, 99 Stat. 737, redesignated item 192 "Benefits for certain employees of the Defense Intelligence Agency" as item 1605 and transferred it to chapter 83 of this title.

1983—Pub. L. 98-215, title V, § 501(b), Dec. 9, 1983, 97 Stat. 1479, added item 192.

1982—Pub. L. 97-269, title V, § 501(a), Sept. 27, 1982, 96 Stat. 1144, added chapter 8 heading and analysis of sections for chapter 8, consisting of a single item 191.

**§ 191. Secretary of Defense: authority to provide for common performance of supply or service activities**

(a) **AUTHORITY.**—Whenever the Secretary of Defense determines such action would be more effective, economical, or efficient, the Secretary may provide for the performance of a supply or service activity that is common to more than one military department by a single agency of the Department of Defense.

(b) **DESIGNATION OF COMMON SUPPLY OR SERVICE AGENCY.**—Any agency of the Department of Defense established under subsection (a) (or under the second sentence of section 125(d) of this title (as in effect before October 1, 1986)) for the performance of a supply or service activity

referred to in such subsection shall be designated as a Defense Agency or a Department of Defense Field Activity.

(Added Pub. L. 99-433, title III, § 301(a)(2), Oct. 1, 1986, 100 Stat. 1019; amended Pub. L. 100-26, § 7(i)(1), Apr. 21, 1987, 101 Stat. 282.)

REFERENCES IN TEXT

Subsection (d) of section 125 of this title, referred to in subsec. (b), was repealed by section 301(b)(1) of Pub. L. 99-433.

PRIOR PROVISIONS

A prior section 191 was renumbered section 202 of this title and subsequently repealed.

AMENDMENTS

1987—Subsec. (b). Pub. L. 100-26 substituted "October 1, 1986" for "the date of the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986".

COMPTROLLER GENERAL REVIEW OF OPERATIONS OF DEFENSE LOGISTICS AGENCY

Pub. L. 106-398, § 1 [[div. A], title IX, § 917], Oct. 30, 2000, 114 Stat. 1654, 1654A-232, directed the Comptroller General to review the operations of the Defense Logistics Agency and to submit to committees of Congress one or more reports setting forth the Comptroller General's findings not later than Feb. 1, 2002.

COMPTROLLER GENERAL REVIEW OF OPERATIONS OF DEFENSE INFORMATION SYSTEMS AGENCY

Pub. L. 106-398, § 1 [[div. A], title IX, § 918], Oct. 30, 2000, 114 Stat. 1654, 1654A-232, directed the Comptroller General to review the operations of the Defense Information Systems Agency and to submit to committees of Congress one or more reports setting forth the Comptroller General's findings not later than Feb. 1, 2002.

REASSESSMENT OF DEFENSE AGENCIES AND DEPARTMENT OF DEFENSE FIELD ACTIVITIES

Section 303 of Pub. L. 99-433 directed Secretary of Defense to conduct a study of functions and organizational structure of Defense Agencies and Department of Defense Field Activities to determine the most effective, economical, or efficient means of providing supply or service activities common to more than one military department, with Secretary to submit a report to Congress not later than Oct. 1, 1987. The report was to include a study of improved application of computer systems to functions of Defense Agencies and Department of Defense Field Activities, including a plan for rapid replacement, where necessary, of existing automated data processing equipment with new equipment, and plans to achieve reductions in total number of members of Armed Forces and civilian employees assigned or detailed to permanent duty in Defense Agencies and Department of Defense Field Activities (other than National Security Agency) by 5 percent, 10 percent, and 15 percent of total number of such members and employees projected to be assigned or detailed to such duty on Sept. 30, 1988, together with a discussion of implications of each such reduction and a draft of any legislation that would be required to implement each such plan.

**§ 192. Defense Agencies and Department of Defense Field Activities: oversight by the Secretary of Defense**

(a) **OVERALL SUPERVISION.**—(1) The Secretary of Defense shall assign responsibility for the overall supervision of each Defense Agency and Department of Defense Field Activity designated under section 191(b) of this title—

(A) to a civilian officer within the Office of the Secretary of Defense listed in section 131(b) of this title; or

(B) to the Chairman of the Joint Chiefs of Staff.

(2) An official assigned such a responsibility with respect to a Defense Agency or Department of Defense Field Activity shall advise the Secretary of Defense on the extent to which the program recommendations and budget proposals of such agency or activity conform with the requirements of the military departments and of the unified and specified combatant commands.

(3) This subsection does not apply to the Defense Intelligence Agency or the National Security Agency.

(b) PROGRAM AND BUDGET REVIEW.—The Secretary of Defense shall establish procedures to ensure that there is full and effective review of the program recommendations and budget proposals of each Defense Agency and Department of Defense Field Activity.

(c) PERIODIC REVIEW.—(1) Periodically (and not less often than every two years), the Secretary of Defense shall review the services and supplies provided by each Defense Agency and Department of Defense Field Activity to ensure that—

(A) there is a continuing need for each such agency and activity; and

(B) the provision of those services and supplies by each such agency and activity, rather than by the military departments, is a more effective, economical, or efficient manner of providing those services and supplies or of meeting the requirements for combat readiness of the armed forces.

(2) Paragraph (1) shall apply to the National Security Agency as determined appropriate by the Secretary, in consultation with the Director of National Intelligence. The Secretary shall establish procedures under which information required for review of the National Security Agency shall be obtained.

(d) SPECIAL RULE FOR DEFENSE COMMISSARY AGENCY.—Notwithstanding the results of any periodic review under subsection (c) with regard to the Defense Commissary Agency, the Secretary of Defense may not transfer to the Secretary of a military department the responsibility to manage and fund the provision of services and supplies provided by the Defense Commissary Agency unless the transfer of the management and funding responsibility is specifically authorized by a law enacted after October 17, 1998.

(e) SPECIAL RULE FOR DEFENSE BUSINESS TRANSFORMATION AGENCY.—(1) The Defense Business Transformation Agency shall be supervised by the vice chairman of the Defense Business System Management Committee.

(2) Notwithstanding the results of any periodic review under subsection (c) with regard to the Defense Business Transformation Agency, the Secretary of Defense shall designate that the Director of the Agency shall report directly to the Deputy Chief Management Officer of the Department of Defense.

(Added Pub. L. 99-433, title III, §301(a)(2), Oct. 1, 1986, 100 Stat. 1020; amended Pub. L. 105-261, div. A, title III, §361(a), Oct. 17, 1998, 112 Stat. 1984;

Pub. L. 106-65, div. A, title X, §1066(a)(3), Oct. 5, 1999, 113 Stat. 770; Pub. L. 109-163, div. A, title III, §371, Jan. 6, 2006, 119 Stat. 3209; Pub. L. 110-181, div. A, title IX, §§904(c), 931(a)(1), Jan. 28, 2008, 122 Stat. 274, 285.)

#### PRIOR PROVISIONS

A prior section 192, Pub. L. 98-215, title V, §501(a), Dec. 9, 1983, 97 Stat. 1478, which related to benefits for certain personnel of the Defense Intelligence Agency, was redesignated as section 1605 of this title and amended by Pub. L. 99-145, title XIII, §1302(a)(1), Nov. 8, 1985, 99 Stat. 737. Provisions of prior section 192 as related to members of the armed forces were enacted as section 431 of Title 37, Pay and Allowances of the Uniformed Services, by section 1302(b)(1) of Pub. L. 99-145.

#### AMENDMENTS

2008—Subsec. (c)(2). Pub. L. 110-181, §931(a)(1), substituted “Director of National Intelligence” for “Director of Central Intelligence”.

Subsec. (e)(2). Pub. L. 110-181, §904(c), substituted “that the Director of the Agency shall report directly to the Deputy Chief Management Officer of the Department of Defense.” for “that the Agency be managed cooperatively by the Deputy Under Secretary of Defense for Business Transformation and the Deputy Under Secretary of Defense for Financial Management.”

2006—Subsec. (e). Pub. L. 109-163 added subsec. (e).

1999—Subsec. (d). Pub. L. 106-65 substituted “October 17, 1998” for “the date of the enactment of this subsection”.

1998—Subsec. (d). Pub. L. 105-261 added subsec. (d).

#### FIRST REVIEW OF DEFENSE AGENCIES BY SECRETARY OF DEFENSE

Pub. L. 99-433, title III, §304(a), Oct. 1, 1986, 100 Stat. 1024, required the first review under subsec. (c) of this section to be completed not later than two years after the date that the report under Pub. L. 99-433, §303(e), formerly set out as a note under section 191 of this title, was required to be submitted to Congress (Oct. 1, 1987).

#### § 193. Combat support agencies: oversight

(a) COMBAT READINESS.—(1) Periodically (and not less often than every two years), the Chairman of the Joint Chiefs of Staff shall submit to the Secretary of Defense a report on the combat support agencies. Each such report shall include—

(A) a determination with respect to the responsiveness and readiness of each such agency to support operating forces in the event of a war or threat to national security; and

(B) any recommendations that the Chairman considers appropriate.

(2) In preparing each such report, the Chairman shall review the plans of each such agency with respect to its support of operating forces in the event of a war or threat to national security. After consultation with the Secretaries of the military departments and the commanders of the unified and specified combatant commands, as appropriate, the Chairman may, with the approval of the Secretary of Defense, take steps to provide for any revision of those plans that the Chairman considers appropriate.

(b) PARTICIPATION IN JOINT TRAINING EXERCISES.—The Chairman shall—

(1) provide for the participation of the combat support agencies in joint training exercises to the extent necessary to ensure that those agencies are capable of performing their

support missions with respect to a war or threat to national security; and

(2) assess the performance in joint training exercises of each such agency and, in accordance with guidelines established by the Secretary of Defense, take steps to provide for any change that the Chairman considers appropriate to improve that performance.

(c) **READINESS REPORTING SYSTEM.**—The Chairman shall develop, in consultation with the director of each combat support agency, a uniform system for reporting to the Secretary of Defense, the commanders of the unified and specified combatant commands, and the Secretaries of the military departments concerning the readiness of each such agency to perform with respect to a war or threat to national security.

(d) **REVIEW OF NATIONAL SECURITY AGENCY AND NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.**—

(1) Subsections (a), (b), and (c) shall apply to the National Security Agency and the National Geospatial-Intelligence Agency, but only with respect to combat support functions that the agencies perform for the Department of Defense.

(2) The Secretary, after consulting with the Director of National Intelligence, shall establish policies and procedures with respect to the application of subsections (a), (b), and (c) to the National Security Agency and the National Geospatial-Intelligence Agency.

(e) **COMBAT SUPPORT CAPABILITIES OF DIA, NSA, AND NGA.**—The Secretary of Defense, in consultation with the Director of National Intelligence, shall develop and implement, as they may determine to be necessary, policies and programs to correct such deficiencies as the Chairman of the Joint Chiefs of Staff and other officials of the Department of Defense may identify in the capabilities of the Defense Intelligence Agency, the National Security Agency, and the National Geospatial-Intelligence Agency to accomplish assigned missions in support of military combat operations.

(f) **DEFINITION OF COMBAT SUPPORT AGENCY.**—In this section, the term “combat support agency” means any of the following Defense Agencies:

- (1) The Defense Information Systems Agency.
- (2) The Defense Intelligence Agency.
- (3) The Defense Logistics Agency.
- (4) The National Geospatial-Intelligence Agency.
- (5) Any other Defense Agency designated as a combat support agency by the Secretary of Defense.

(Added Pub. L. 99-433, title III, §301(a)(2), Oct. 1, 1986, 100 Stat. 1020; amended Pub. L. 104-201, div. A, title XI, §1112(c), Sept. 23, 1996, 110 Stat. 2683; Pub. L. 105-85, div. A, title X, §1073(a)(5), Nov. 18, 1997, 111 Stat. 1900; Pub. L. 108-136, div. A, title IX, §921(d)(3), Nov. 24, 2003, 117 Stat. 1568; Pub. L. 109-364, div. A, title IX, §907, Oct. 17, 2006, 120 Stat. 2354; Pub. L. 110-181, div. A, title IX, §931(a)(2), (3), Jan. 28, 2008, 122 Stat. 285; Pub. L. 110-417, [div. A], title IX, §932(a)(1), (2), Oct. 14, 2008, 122 Stat. 4576; Pub. L. 111-84, div. A, title X, §1073(c)(10), Oct. 28, 2009, 123 Stat. 2475.)

## AMENDMENTS

2009—Subsecs. (d)(2), (e). Pub. L. 111-84 repealed Pub. L. 110-417, §932(a)(1), (2). See 2008 Amendment note below.

2008—Subsecs. (d)(2), (e). Pub. L. 110-181 and Pub. L. 110-417, §932(a)(1), (2), made identical amendments, substituting “Director of National Intelligence” for “Director of Central Intelligence”. Pub. L. 110-417, §932(a)(1), (2), was repealed by Pub. L. 111-84.

2006—Subsec. (f)(1). Pub. L. 109-364 substituted “Defense Information Systems Agency” for “Defense Communications Agency”.

2003—Subsec. (d). Pub. L. 108-136, §921(d)(3)(B), substituted “National Geospatial-Intelligence Agency” for “National Imagery and Mapping Agency” in heading.

Subsec. (d)(1), (2). Pub. L. 108-136, §921(d)(3)(A), substituted “National Geospatial-Intelligence Agency” for “National Imagery and Mapping Agency”.

Subsec. (e). Pub. L. 108-136, §921(d)(3)(A), (C), substituted “NGA” for “NIMA” in heading and “National Geospatial-Intelligence Agency” for “National Imagery and Mapping Agency” in text.

Subsec. (f)(4). Pub. L. 108-136, §921(d)(3)(A), substituted “National Geospatial-Intelligence Agency” for “National Imagery and Mapping Agency”.

1997—Subsec. (d)(1). Pub. L. 105-85 substituted “agencies perform” for “agencies performs”.

1996—Subsec. (d). Pub. L. 104-201, §1112(c)(1)(A), substituted “Review of National Security Agency and National Imagery and Mapping Agency” for “Review of National Security Agency” in heading.

Subsec. (d)(1). Pub. L. 104-201, §1112(c)(1)(B), inserted “and the National Imagery and Mapping Agency” after “the National Security Agency” and substituted “that the agencies” for “the Agency”.

Subsec. (d)(2). Pub. L. 104-201, §1112(c)(1)(C), inserted “and the National Imagery and Mapping Agency” after “the National Security Agency”.

Subsec. (e). Pub. L. 104-201, §1112(c)(2), substituted “DIA, NSA, and NIMA” for “DIA and NSA” in heading and “, the National Security Agency, and the National Imagery and Mapping Agency” for “and the National Security Agency” in text.

Subsec. (f)(4). Pub. L. 104-201, §1112(c)(3), substituted “The National Imagery and Mapping Agency” for “Defense Mapping Agency”.

## EFFECTIVE DATE OF 2009 AMENDMENT

Pub. L. 111-84, div. A, title X, §1073(c), Oct. 28, 2009, 123 Stat. 2474, provided that the amendment made by section 1073(c)(10) is effective as of Oct. 14, 2008, and as if included in Pub. L. 110-417 as enacted.

## EFFECTIVE DATE OF 1996 AMENDMENT

Section 1124 of title XI of div. A of Pub. L. 104-201 provided that: “This title [enacting section 424 and chapter 22 of this title and sections 404e and 404f of Title 50, War and National Defense, amending this section, sections 201 and 451 to 456 of this title, sections 2302, 3132, 4301, 4701, 5102, 5342, 6339, and 7323 of Title 5, Government Organization and Employees, section 105 of the Ethics in Government Act of 1978, set out in the Appendix to Title 5, section 82 of Title 14, Coast Guard, section 2006 of Title 29, Labor, section 1336 of Title 44, Public Printing and Documents, and sections 401a and 403-5 of Title 50, renumbering chapter 22 and sections 451, 452, 2792 to 2796, and 2798 of this title as chapter 23 and sections 481, 482, 451 to 455, and 456 of this title, respectively, repealing sections 424, 425, 2791, and 2797 of this title, enacting provisions set out as notes under section 441 of this title, and amending provisions set out as a note under section 501 of Title 44] and the amendments made by this title shall take effect on October 1, 1996, or the date of the enactment of this Act [Sept. 23, 1996], whichever is later.”

## FIRST REPORT AND OTHER ACTIONS BY CHAIRMAN OF JOINT CHIEFS OF STAFF

Section 304(b) of Pub. L. 99-433 required the first report under subsec. (a) of section 193 of this title to be

submitted and subsecs. (b) and (c) of section 193 to be implemented not later than one year after Oct. 1, 1986, and a report on implementation to be submitted to Congress for 1988 under section 113(c) of this title.

#### § 194. Limitations on personnel

(a) CAP ON HEADQUARTERS MANAGEMENT PERSONNEL.—The total number of members of the armed forces and civilian employees assigned or detailed to permanent duty in the management headquarters activities or management headquarters support activities in the Defense Agencies and Department of Defense Field Activities may not exceed the number that is the number of such members and employees assigned or detailed to such duty on September 30, 1989.

(b) CAP ON OTHER PERSONNEL.—The total number of members of the armed forces and civilian employees assigned or detailed to permanent duty in the Defense Agencies and Department of Defense Field Activities, other than members and employees assigned to management headquarters activities or management headquarters support activities, may not exceed the number that is the number of such members and employees assigned or detailed to such duty on September 30, 1989.

(c) PROHIBITION AGAINST CERTAIN ACTIONS TO EXCEED LIMITATIONS.—The limitations in subsections (a) and (b) may not be exceeded by re-categorizing or redefining duties, functions, offices, or organizations.

(d) EXCLUSION OF NSA.—The National Security Agency shall be excluded in computing and maintaining the limitations required by this section.

(e) WAIVER.—The limitations in this section do not apply—

- (1) in time of war; or
- (2) during a national emergency declared by the President or Congress.

(f) DEFINITIONS.—In this section, the terms “management headquarters activities” and “management headquarters support activities” have the meanings given those terms in Department of Defense Directive 5100.73, entitled “Department of Defense Management Headquarters and Headquarters Support Activities” and dated January 7, 1985.

(Added Pub. L. 99-433, title III, §301(a)(2), Oct. 1, 1986, 100 Stat. 1021; amended Pub. L. 100-180, div. A, title XIII, §1314(b)(3), Dec. 4, 1987, 101 Stat. 1175; Pub. L. 101-189, div. A, title XVI, §1622(h)(1), Nov. 29, 1989, 103 Stat. 1605.)

#### AMENDMENTS

1989—Subsecs. (a), (b). Pub. L. 101-189 substituted “The” for “After September 30, 1989, the”.

1987—Subsec. (e)(2). Pub. L. 100-180 inserted “the President or” after “declared by”.

#### EXCEPTIONS AND ADJUSTMENTS TO LIMITATIONS ON PERSONNEL

Baseline personnel limitations in this section inapplicable to certain acquisition personnel and personnel hired pursuant to a shortage category designation for fiscal year 2009 and fiscal years thereafter, and Secretary of Defense or a secretary of a military department authorized to adjust such limitations for fiscal year 2009 and fiscal years thereafter, see section 1111 of Pub. L. 110-417, set out as a note under section 143 of this title.

#### REDUCTIONS IN DEFENSE INTELLIGENCE AGENCY PERSONNEL

Pub. L. 100-202, §101(b) [title VIII, §8122], Dec. 22, 1987, 101 Stat. 1329-43, 1329-85, provided that nothing in section 102d(1) of Public Law 100-178, 101 Stat. 1010, section 601(b)(2)(A) of Public Law 99-433, 100 Stat. 1065 [set out below], or section 601(d) of Public Law 99-433, 100 Stat. 1065 [set out below], shall be construed as requiring or suggesting that the Secretary of Defense avoid allocating personnel reductions to the Defense Intelligence Agency, prior to repeal by Pub. L. 100-456, div. A, title XII, §1213, Sept. 29, 1988, 102 Stat. 2053.

#### REDUCTION IN PERSONNEL ASSIGNED TO MANAGEMENT HEADQUARTERS ACTIVITIES AND CERTAIN OTHER ACTIVITIES

Section 601 of Pub. L. 99-433, as amended by Pub. L. 100-180, div. A, title XIII, §1312, Dec. 4, 1987, 101 Stat. 1174; Pub. L. 101-189, div. A, title XVI, §1622(h)(2), Nov. 29, 1989, 103 Stat. 1606, provided that:

“(a) MILITARY DEPARTMENTS AND COMBATANT COMMANDS.—(1) The total number of members of the Armed Forces and civilian employees assigned or detailed to duty described in paragraph (2) may not exceed the number equal to 90 percent of the total number of such members and employees assigned or detailed to such duty on September 30, 1986.

“(2) Duty referred to in paragraph (1) is permanent duty in the military departments and in the unified and specified combatant commands to perform management headquarters activities or management headquarters support activities.

“(3) In computing and implementing the limitation in paragraph (1), the Secretary of Defense shall exclude members and employees who are assigned or detailed to permanent duty to perform management headquarters activities or management headquarters support activities in the following:

“(A) The Office of the Secretary of the Army and the Army Staff.

“(B) The Office of the Secretary of the Navy, the Office of the Chief of Naval Operations, and the Headquarters, Marine Corps.

“(C) The Office of the Secretary of the Air Force and the Air Staff.

“(D) The immediate headquarters staff of the commander of each unified or specified combatant command.

“(4) If the Secretary of Defense applies any reduction in personnel required by the limitation in paragraph (1) to a unified or specified combatant command, the commander of that command, after consulting with his directly subordinate commanders, shall determine the manner in which the reduction shall be accomplished.

“(b) DEFENSE AGENCIES AND DOD FIELD ACTIVITIES.—(1)(A) Not later than September 30, 1988, the Secretary of Defense shall reduce the total number of members of the Armed Forces and civilian employees assigned or detailed to permanent duty in the management headquarters activities and management headquarters support activities in the Defense Agencies and Department of Defense Field Activities by a number that is at least 5 percent of the total number of such members and employees assigned or detailed to such duty on September 30, 1986.

“(B) Not later than September 30, 1989, the Secretary shall carry out an additional reduction in such members and employees of not less than 10 percent of the number of such members and employees assigned or detailed to such duty on September 30, 1988.

“(C) If the number of members and employees reduced under subparagraph (A) or (B) is in excess of the reduction required to be made by that subparagraph, such excess number may be applied to the number required to be reduced under paragraph (2).

“(2)(A) Not later than September 30, 1988, the Secretary of Defense shall reduce the total number of members of the Armed Forces and civilian employees assigned or detailed to permanent duty in the Defense

Agencies and Department of Defense Field Activities, other than members and employees assigned or detailed to duty in management headquarters activities or management headquarters support activities, by a number that is at least 5 percent of the total number of such members and employees assigned or detailed to such duty on September 30, 1986.

“(B) Not later than September 30, 1989, the Secretary shall carry out an additional reduction in such members and employees of not less than 5 percent of the number of such members and employees assigned or detailed to such duty on September 30, 1988.

“(3) If after the date of the enactment of this Act [Oct. 1, 1986] and before October 1, 1988, the total number of members and employees described in paragraph (1)(A) or (2)(A) is reduced by a number that is in excess of the number required to be reduced under that paragraph, the Secretary may, in meeting the additional reduction required by paragraph (1)(B) or (2)(B), as the case may be, offset such additional reduction by that excess number.

“(4) The National Security Agency shall be excluded in computing and making reductions under this subsection.

“(c) PROHIBITION AGAINST CERTAIN ACTIONS TO ACHIEVE REDUCTIONS.—Compliance with the limitations and reductions required by subsections (a) and (b) may not be accomplished by recategorizing or redefining duties, functions, offices, or organizations.

“(d) ALLOCATIONS TO BE MADE BY SECRETARY OF DEFENSE.—(1) The Secretary of Defense shall allocate the reductions required to comply with the limitations in subsections (a) and (b) in a manner consistent with the efficient operation of the Department of Defense. If the Secretary determines that national security requirements dictate that a reduction (or any portion of a reduction) required by subsection (b) not be made from the Defense Agencies and Department of Defense Field Activities, the Secretary may allocate such reduction (or any portion of such reduction) (A) to personnel assigned or detailed to permanent duty in management headquarters activities or management headquarters support activities, or (B) to personnel assigned or detailed to permanent duty in other than management headquarters activities or management headquarters support activities, as the case may be, of the Department of Defense other than the Defense Agencies and Department of Defense Field Activities.

“(2) Among the actions that are taken to carry out the reductions required by subsections (a) and (b), the Secretary shall consolidate and eliminate unnecessary management headquarters activities and management headquarters support activities.

“(e) TOTAL REDUCTIONS.—Reductions in personnel required to be made under this section are in addition to any reductions required to be made under other provisions of this Act or any amendment made by this Act [see Short Title of 1986 Amendment note set out under section 111 of the title].

“(f) EXCLUSION.—In computing and making reductions under this section, there shall be excluded not more than 1,600 personnel transferred during fiscal year 1988 from the General Services Administration to the Department of Defense for the purpose of having the Department of Defense assume responsibility for the management, operation, and administration of certain real property under the jurisdiction of that Department.

“(g) DEFINITIONS.—For purposes of this section, the terms ‘management headquarters activities’ and ‘management headquarters support activities’ have the meanings given those terms in Department of Defense Directive 5100.73, entitled ‘Department of Defense Management Headquarters and Headquarters Support Activities’ and dated January 7, 1985.”

#### § 195. Defense Automated Printing Service: applicability of Federal printing requirements

The Defense Automated Printing Service shall comply fully with the requirements of section

501 of title 44 relating to the production and procurement of printing, binding, and blank-book work.

(Added Pub. L. 105-85, div. A, title III, §383(a), Nov. 18, 1997, 111 Stat. 1711.)

#### AUTHORITY TO PROCURE SERVICES FROM GOVERNMENT PRINTING OFFICE

Section 387(c) of Pub. L. 105-85 provided that: “Consistent with section 501 of title 44, United States Code, the Secretary of a military department or head of a Defense Agency may contract directly with the Government Printing Office for printing and duplication services otherwise available through the Defense Automated Printing Service.”

#### § 196. Department of Defense Test Resource Management Center

(a) ESTABLISHMENT AS DEPARTMENT OF DEFENSE FIELD ACTIVITY.—The Secretary of Defense shall establish within the Department of Defense under section 191 of this title a Department of Defense Test Resource Management Center (hereinafter in this section referred to as the “Center”). The Secretary shall designate the Center as a Department of Defense Field Activity.

(b) DIRECTOR AND DEPUTY DIRECTOR.—(1) At the head of the Center shall be a Director, selected by the Secretary from among individuals who have substantial experience in the field of test and evaluation. A commissioned officer serving as the Director, while so serving, holds the grade of lieutenant general or, in the case of an officer of the Navy, vice admiral. A civilian officer or employee serving as the Director, while so serving, has a pay level equivalent in grade to lieutenant general.

(2) There shall be a Deputy Director of the Center, selected by the Secretary from among individuals who have substantial experience in the field of test and evaluation. The Deputy Director shall act for, and exercise the powers of, the Director when the Director is disabled or the position of Director is vacant.

(c) DUTIES OF DIRECTOR.—(1) The Director shall have the following duties:

(A) To review and provide oversight of proposed Department of Defense budgets and expenditures for—

(i) the test and evaluation facilities and resources of the Major Range and Test Facility Base of the Department of Defense; and

(ii) all other test and evaluation facilities and resources within and outside of the Department of Defense, other than budgets and expenditures for activities described in section 139(i)<sup>1</sup> of this title.

(B) To review proposed significant changes to the test and evaluation facilities and resources of the Major Range and Test Facility Base before they are implemented by the Secretaries of the military departments or the heads of the Defense Agencies with test and evaluation responsibilities and advise the Secretary of Defense and the Under Secretary of Acquisition, Technology, and Logistics of the impact of such changes on the adequacy of such test and evaluation facilities and re-

<sup>1</sup> See References in Text note below.

sources to meet the test and evaluation requirements of the Department.

(C) To complete and maintain the strategic plan required by subsection (d).

(D) To review proposed budgets under subsection (e) and submit reports and certifications required by such subsection.

(E) To administer the Central Test and Evaluation Investment Program and the program of the Department of Defense for test and evaluation science and technology.

(2) The Director shall have access to such records and data of the Department of Defense (including the appropriate records and data of each military department and Defense Agency) that are necessary in order to carry out the duties of the Director under this section.

(d) STRATEGIC PLAN FOR DEPARTMENT OF DEFENSE TEST AND EVALUATION RESOURCES.—(1) Not less often than once every two fiscal years, the Director, in coordination with the Director of Operational Test and Evaluation, the Secretaries of the military departments, and the heads of Defense Agencies with test and evaluation responsibilities, shall complete a strategic plan reflecting the needs of the Department of Defense with respect to test and evaluation facilities and resources. Each such strategic plan shall cover the period of ten fiscal years beginning with the fiscal year in which the plan is submitted under paragraph (3). The strategic plan shall be based on a comprehensive review of the test and evaluation requirements of the Department and the adequacy of the test and evaluation facilities and resources of the Department to meet those requirements.

(2) The strategic plan shall include the following:

(A) An assessment of the test and evaluation requirements of the Department for the period covered by the plan.

(B) An identification of performance measures associated with the successful achievement of test and evaluation objectives for the period covered by the plan.

(C) An assessment of the test and evaluation facilities and resources that will be needed to meet such requirements and satisfy such performance measures.

(D) An assessment of the current state of the test and evaluation facilities and resources of the Department.

(E) An itemization of acquisitions, upgrades, and improvements necessary to ensure that the test and evaluation facilities and resources of the Department are adequate to meet such requirements and satisfy such performance measures.

(F) An assessment of the budgetary resources necessary to implement such acquisitions, upgrades, and improvements.

(3) Upon completing a strategic plan under paragraph (1), the Director shall submit to the Secretary of Defense a report on that plan. The report shall include the plan and a description of the review on which the plan is based.

(4) Not later than 60 days after the date on which the report is submitted under paragraph (3), the Secretary of Defense shall transmit to the Committee on Armed Services and Commit-

tee on Appropriations of the Senate and the Committee on Armed Services and Committee on Appropriations of the House of Representatives the report, together with any comments with respect to the report that the Secretary considers appropriate.

(e) CERTIFICATION OF BUDGETS.—(1) The Secretary of Defense, acting through the Under Secretary of Defense (Comptroller), shall require that the Secretary of each military department and the head of each Defense Agency with test and evaluation responsibilities transmit such Secretary's or Defense Agency head's proposed budget for test and evaluation activities for a fiscal year to the Director of the Center for review under paragraph (2) before submitting such proposed budget to the Under Secretary of Defense (Comptroller).

(2)(A) The Director of the Center shall review each proposed budget transmitted under paragraph (1) and shall, not later than January 31 of the year preceding the fiscal year for which such budgets are proposed, submit to the Secretary of Defense a report containing the comments of the Director with respect to all such proposed budgets, together with the certification of the Director as to whether such proposed budgets are adequate.

(B) The Director shall also submit, together with such report and such certification, an additional certification as to whether such proposed budgets provide balanced support for such strategic plan.

(3) The Secretary of Defense shall, not later than March 31 of the year preceding the fiscal year for which such budgets are proposed, submit to Congress a report on those proposed budgets which the Director has not certified under paragraph (2)(A) to be adequate. The report shall include the following matters:

(A) A discussion of the actions that the Secretary proposes to take, together with any recommended legislation that the Secretary considers appropriate, to address the inadequacy of the proposed budgets.

(B) Any additional comments that the Secretary considers appropriate regarding the inadequacy of the proposed budgets.

(f) SUPERVISION OF DIRECTOR BY UNDER SECRETARY.—The Director of the Center shall be subject to the supervision of the Under Secretary of Defense for Acquisition, Technology, and Logistics. The Director shall report directly to the Under Secretary, without the interposition of any other supervising official.

(g) ADMINISTRATIVE SUPPORT OF CENTER.—The Secretary of Defense shall provide the Director with administrative support adequate for carrying out the Director's responsibilities under this section. The Secretary shall provide the support out of the headquarters activities of the Department or any other activities that the Secretary considers appropriate.

(h) DEFINITION.—In this section, the term "Major Range and Test Facility Base" means the test and evaluation facilities and resources that are designated by the Secretary of Defense as facilities and resources comprising the Major Range and Test Facility Base.

(Added Pub. L. 107-314, div. A, title II, § 231(a)(1), Dec. 2, 2002, 116 Stat. 2487; amended Pub. L.

108-136, div. A, title II, §212, Nov. 24, 2003, 117 Stat. 1416; Pub. L. 109-163, div. A, title II, §258(a), title IX, §902, Jan. 6, 2006, 119 Stat. 3185, 3397; Pub. L. 111-84, div. A, title II, §251, Oct. 28, 2009, 123 Stat. 2241.)

## REFERENCES IN TEXT

Section 139(i) of this title, referred to in subsec. (c)(1)(A)(ii), was redesignated as section 139(j) of this title by Pub. L. 110-181, title II, §221, Jan. 28, 2008, 122 Stat. 37.

## AMENDMENTS

2009—Subsec. (c). Pub. L. 111-84 inserted par. (1) designation before “The Director”, redesignated former par. (1) as subpar. (A) and former subpars. (A) and (B) as cl. (i) and (ii), respectively, of subpar. (A), added subpar. (B), redesignated former pars. (2) to (4) as subpars. (C) to (E), respectively, and added par. (2).

2006—Subsec. (b)(1). Pub. L. 109-163, §902(a), substituted “individuals who have substantial experience in the field of test and evaluation.” for “commissioned officers of the armed forces on active duty or from among senior civilian officers and employees of the Department of Defense.”

Subsec. (b)(2). Pub. L. 109-163, §902(b), substituted “individuals” for “senior civilian officers and employees of the Department of Defense”.

Subsec. (h). Pub. L. 109-163, §258(a), substituted “Secretary of Defense” for “Director of Operational Test and Evaluation”.

2003—Subsec. (b)(1). Pub. L. 108-136, §212(a), substituted “on active duty or from among senior civilian officers and employees of the Department of Defense. A commissioned officer serving as the Director” for “on active duty. The Director” and inserted at end “A civilian officer or employee serving as the Director, while so serving, has a pay level equivalent in grade to lieutenant general.”

Subsec. (c)(1)(B). Pub. L. 108-136, §212(b)(1), inserted “, other than budgets and expenditures for activities described in section 139(i) of this title” after “Department of Defense”.

Subsec. (e)(1). Pub. L. 108-136, §212(b)(2), struck out “, the Director of Operational Test and Evaluation,” after “each military department” and substituted “or Defense Agency head’s” for “, Director’s, or head’s”.

## ADMINISTRATION OF PROGRAMS TO BEGIN AFTER FIRST STRATEGIC PLAN

Pub. L. 107-314, div. A, title II, §231(b), (c), Dec. 2, 2002, 116 Stat. 2489, directed that the first strategic plan required to be completed under subsec. (d)(1) of this section was to be completed not later than six months after Dec. 2, 2002, and that the duty of the Director of the Department of Defense Test Resource Management Center to administer the programs specified in subsec. (c)(4) of this section would take effect upon the beginning of the first fiscal year that began after the report on the first strategic plan was transmitted to committees of Congress.

### § 197. Defense Logistics Agency: fees charged for logistics information

(a) **AUTHORITY.**—The Secretary of Defense may charge fees for providing information in the Federal Logistics Information System through Defense Logistics Information Services to a department or agency of the executive branch outside the Department of Defense, or to a State, a political subdivision of a State, or any person.

(b) **AMOUNT.**—The fee or fees prescribed under subsection (a) shall be such amount or amounts as the Secretary of Defense determines appropriate for recovering the costs of providing information as described in such subsection.

(c) **RETENTION OF FEES.**—Fees collected under this section shall be credited to the appropriation available for Defense Logistics Information Services for the fiscal year in which collected, shall be merged with other sums in such appropriation, and shall be available for the same purposes and period as the appropriation with which merged.

(d) **DEFENSE LOGISTICS INFORMATION SERVICES DEFINED.**—In this section, the term “Defense Logistics Information Services” means the organization within the Defense Logistics Agency that is known as Defense Logistics Information Services.

(Added Pub. L. 108-375, div. A, title X, §1010(a), Oct. 28, 2004, 118 Stat. 2038.)

### SUBCHAPTER II—MISCELLANEOUS DEFENSE AGENCY MATTERS

Sec.  
201. Certain intelligence officials: consultation and concurrence regarding appointments; evaluation of performance.  
[202. Repealed.]  
203. Director of Missile Defense Agency.

## AMENDMENTS

2002—Pub. L. 107-314, div. A, title II, §225(b)(1)(B)(ii), Dec. 2, 2002, 116 Stat. 2486, substituted “Missile Defense Agency” for “Ballistic Missile Defense Organization” in item 203.

1997—Pub. L. 105-107, title V, §503(d)(1), Nov. 20, 1997, 111 Stat. 2262, struck out item 202 “Unauthorized use of Defense Intelligence Agency name, initials, or seal”.

Pub. L. 105-85, div. A, title II, §235(b), Nov. 18, 1997, 111 Stat. 1665, added item 203.

1996—Pub. L. 104-201, div. A, title XI, §1103(b), Sept. 23, 1996, 110 Stat. 2677, substituted “Certain intelligence officials: consultation and concurrence regarding appointments; evaluation of performance” for “Consultation regarding appointment of certain intelligence officials” in item 201.

1991—Pub. L. 102-190, div. A, title IX, §922(b), Dec. 5, 1991, 105 Stat. 1453, added item 201 and redesignated former item 201 as 202.

1986—Pub. L. 99-433, title III, §301(a)(2), Oct. 1, 1986, 100 Stat. 1022, added subchapter heading and analysis of sections for subchapter II.

### § 201. Certain intelligence officials: consultation and concurrence regarding appointments; evaluation of performance

(a) **CONSULTATION REGARDING APPOINTMENT.**—Before submitting a recommendation to the President regarding the appointment of an individual to the position of Director of the Defense Intelligence Agency, the Secretary of Defense shall consult with the Director of National Intelligence regarding the recommendation.

(b) **CONCURRENCE IN APPOINTMENT.**—(1) In the event of a vacancy in a position referred to in paragraph (2), before appointing an individual to fill the vacancy or recommending to the President an individual to be nominated to fill the vacancy, the Secretary of Defense shall obtain the concurrence of the Director of National Intelligence as provided in section 106(b) of the National Security Act of 1947 (50 U.S.C. 403-6(b)).

(2) Paragraph (1) applies to the following positions:

(A) The Director of the National Security Agency.

(B) The Director of the National Reconnaissance Office.

(C) The Director of the National Geospatial-Intelligence Agency.

(c) PERFORMANCE EVALUATIONS.—(1) The Director of National Intelligence shall provide annually to the Secretary of Defense, for the Secretary's consideration, an evaluation of the performance of the individuals holding the positions referred to in paragraph (2) in fulfilling their respective responsibilities with regard to the National Intelligence Program.

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

(A) The Director of the National Security Agency.

(B) The Director of the National Reconnaissance Office.

(C) The Director of the National Geospatial-Intelligence Agency.

(Added Pub. L. 102-190, div. A, title IX, §922(a)(2), Dec. 5, 1991, 105 Stat. 1453; amended Pub. L. 104-201, div. A, title XI, §1103(a), Sept. 23, 1996, 110 Stat. 2676; Pub. L. 108-136, div. A, title IX, §921(d)(4), Nov. 24, 2003, 117 Stat. 1569; Pub. L. 110-181, div. A, title IX, §931(a)(4), (5), (c)(2), Jan. 28, 2008, 122 Stat. 285; Pub. L. 110-417, [div. A], title IX, §932(a)(3)-(5), Oct. 14, 2008, 122 Stat. 4576; Pub. L. 111-84, div. A, title X, §1073(c)(10), Oct. 28, 2009, 123 Stat. 2475.)

#### PRIOR PROVISIONS

A prior section 201 was renumbered section 202 of this title and subsequently repealed.

#### AMENDMENTS

2009—Subsecs. (a), (b)(1), (c)(1). Pub. L. 111-84 repealed Pub. L. 110-417, §932(a)(3)-(5). See 2008 Amendment notes below.

2008—Subsec. (a). Pub. L. 110-181, §931(a)(4), and Pub. L. 110-417, §932(a)(3), amended subsec. (a) identically, substituting "Director of National Intelligence" for "Director of Central Intelligence". Pub. L. 110-417, §932(a)(3), was repealed by Pub. L. 111-84.

Subsec. (b)(1). Pub. L. 110-417, §932(a)(4), which directed substitution of "Director of National Intelligence" for "Director of Central Intelligence", could not be executed because of the intervening amendment by Pub. L. 110-181, §931(c)(2)(A), and was repealed by Pub. L. 111-84.

Pub. L. 110-181, §931(c)(2)(A), amended par. (1) generally. Prior to amendment, par. (1) read as follows: "Before submitting a recommendation to the President regarding the appointment of an individual to a position referred to in paragraph (2), the Secretary of Defense shall seek the concurrence of the Director of Central Intelligence in the recommendation. If the Director does not concur in the recommendation, the Secretary may make the recommendation to the President without the Director's concurrence, but shall include in the recommendation a statement that the Director does not concur in the recommendation."

Subsec. (c)(1). Pub. L. 110-181, §931(c)(2)(B), substituted "National Intelligence Program" for "National Foreign Intelligence Program".

Pub. L. 110-181, §931(a)(5), and Pub. L. 110-417, §932(a)(5), amended par. (1) identically, substituting "Director of National Intelligence" for "Director of Central Intelligence". Pub. L. 110-417, §932(a)(5), was repealed by Pub. L. 111-84.

2003—Subsecs. (b)(2)(C), (c)(2)(C). Pub. L. 108-136 substituted "National Geospatial-Intelligence Agency" for "National Imagery and Mapping Agency".

1996—Pub. L. 104-201 substituted "Certain intelligence officials: consultation and concurrence regarding appointments; evaluation of performance" for "Consultation regarding appointment of certain intel-

ligence officials" in section catchline and amended text generally. Prior to amendment, text read as follows: "Before submitting a recommendation to the President regarding the appointment of an individual to the position of Director of the Defense Intelligence Agency or Director of the National Security Agency, the Secretary of Defense shall consult with the Director of Central Intelligence regarding the recommendation."

#### EFFECTIVE DATE OF 2009 AMENDMENT

Pub. L. 111-84, div. A, title X, §1073(c), Oct. 28, 2009, 123 Stat. 2474, provided that the amendment made by section 1073(c)(10) is effective as of Oct. 14, 2008, and as if included in Pub. L. 110-417 as enacted.

#### EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-201 effective Oct. 1, 1996, see section 1124 of Pub. L. 104-201, set out as a note under section 193 of this title.

#### SIMILAR PROVISIONS

Provisions similar to those in subsecs. (a) and (b) of this section are contained in section 403-6(a) and (b) of Title 50, War and National Defense.

#### DEFENSE INTELLIGENCE AGENCY

Pub. L. 102-190, div. A, title IX, §921, Dec. 5, 1991, 105 Stat. 1452, as amended by Pub. L. 103-337, div. A, title X, §1070(d)(1), Oct. 5, 1994, 108 Stat. 2858, provided that, during the period beginning on Dec. 5, 1991, and ending on Jan. 1, 1993, the Assistant Secretary of Defense referred 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

Section 923 of Pub. L. 102-190 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. Director of Missile Defense Agency

If an officer of the armed forces on active duty is appointed to the position of Director of the Missile Defense Agency, the position shall be treated as having been designated by the President as a position of importance and responsibility for purposes of section 601 of this title and shall carry the grade of lieutenant general or general or, in the case of an officer of the Navy, vice admiral or admiral.

(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.)

#### AMENDMENTS

2002—Pub. L. 107-314 substituted “Missile Defense Agency” for “Ballistic Missile Defense Organization” in section catchline and text.

## CHAPTER 9—DEFENSE BUDGET MATTERS

Sec.	
221.	Future-years defense program: submission to Congress; consistency in budgeting.
222.	Future-years mission budget.
223.	Ballistic missile defense programs: program elements.
223a.	Ballistic missile defense programs: procurement.
224.	Ballistic missile defense programs: display of amounts for research, development, test, and evaluation.
226.	Scoring of outlays.
[227.	Repealed.]
228.	Quarterly reports on allocation of funds within operation and maintenance budget sub-activities.
229.	Programs for combating terrorism: display of budget information.
[230.	Repealed.]
231.	Long-range plan for construction of naval vessels.
231a.	Budgeting for procurement of aircraft for the Navy and Air Force: annual plan and certification.
232.	United States Joint Forces Command: amounts for research, development, test, and evaluation to be derived only from Defense-wide amounts.
233.	Operation and maintenance budget presentation.
234.	POW/MIA activities: display of budget information.
235.	Procurement of contract services: specification of amounts requested in budget.

#### AMENDMENTS

2011—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, 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).

(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; re-