

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. 3041(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; Pub. L. 113–291, div. A, title X, §1071(c)(4), Dec. 19, 2014, 128 Stat. 3508.)

Editorial Notes

PRIOR PROVISIONS

A prior section 201 was renumbered section 202 of this title and subsequently repealed.

AMENDMENTS

2014—Subsec. (b)(1). Pub. L. 113–291 substituted “(50 U.S.C. 3041(b))” for “(50 U.S.C. 403–6(b))”.

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 intelligence 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.”

Statutory Notes and Related Subsidiaries

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.

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 re-

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

JOINT INTELLIGENCE CENTER

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

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

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

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

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

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

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

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

[§ 204. Renumbered § 3848]

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

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

Statutory Notes and Related Subsidiaries

APPLICATION

Pub. L. 115-91, div. A, title XVI, §1676(c)(3), Dec. 12, 2017, 131 Stat. 1773, as amended by Pub. L. 117-81, div.

A, title XVI, §1671(d)(1), Dec. 27, 2021, 135 Stat. 2113, related to applicability of subsecs. (a) and (b) of former section 205 of this title.

CHAPTER 9—DEFENSE BUDGET MATTERS

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

Editorial Notes

AMENDMENTS

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

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