

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

§ 223a. Ballistic missile defense programs: procurement

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

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

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

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

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

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

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

Editorial Notes

AMENDMENTS

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

Statutory Notes and Related Subsidiaries

TERMINATION OF REPORTING REQUIREMENTS

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

IMPLEMENTATION OF REQUIREMENT FOR AVAILABILITY OF TEST PLANS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Editorial Notes

PRIOR PROVISIONS

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

AMENDMENTS

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

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

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

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

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

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

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

(A) military installation;

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

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

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

(b) DEFINITIONS.—In this section:

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

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

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

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

Editorial Notes

PRIOR PROVISIONS

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

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

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

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

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

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

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

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