

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) SUBMISSION WITH ANNUAL BUDGET JUSTIFICATION DOCUMENTS.—The Secretary of De-

fense shall submit to Congress, as a part of the defense budget materials for a fiscal year, a consolidated budget justification display, in classified and unclassified form, that covers all programs and activities of Department of Defense POW/MIA accounting and recovery organizations.

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

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

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

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

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

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

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

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

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

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

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

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

(d) OTHER DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

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

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

(3) For each category planned to be procured using funds made available for operation and maintenance (whether under the base budget or any overseas contingency operations budget)—

(A) the relevant appropriations account, budget activity, and subactivity group for the category; and

(B) the funding profile for the fiscal year as requested, including cost and quantities, and an estimate of projected investments or procurements for each of the subsequent five fiscal years.

(4) For each category planned to be developed using funds made available for research, development, test, and evaluation (whether under the base budget or any overseas contingency operations budget)—

(A) the relevant appropriations account, program, project or activity; program element number, and line number; and

(B) the funding profile for the fiscal year as requested and an estimate of projected investments for each of the subsequent five fiscal years.

(c) DEFINITIONS.—In this section:

(1) The terms “budget” and “defense budget materials” have the meaning given those terms in section 234 of this title.

(2) The term “category of personal protection equipment” means the following:

(A) Body armor components.

(B) Combat helmets.

(C) Combat protective eyewear.

(D) Other items as determined appropriate by the Secretary.

(Added Pub. L. 113-66, div. A, title I, §141(a), Dec. 26, 2013, 127 Stat. 696.)

**§ 237. Embedded mental health providers of the reserve components: display of budget information**

The Secretary of Defense shall submit to Congress, as a part of the documentation that supports the President’s annual budget for the Department of Defense, a budget justification display with respect to embedded mental health providers within each reserve component, including the amount requested for each such component.

(Added Pub. L. 113-66, div. A, title VII, §721(a), Dec. 26, 2013, 127 Stat. 799.)

**§ 238. Cyber mission forces: program elements**

(a) BUDGET JUSTIFICATION DISPLAY.—The Secretary of Defense shall submit to Congress, as a part of the defense budget materials for fiscal year 2021 and each fiscal year thereafter, a budget justification display, in electronic and print formats, that includes—

(1) a major force program category for the five-year defense plan of the Department of Defense for the training, manning, and equipping of the cyber mission forces and the cyberspace operations forces; and

(2) program elements for the cyber mission forces and the cyberspace operations forces.

(b) WAIVER.—The Secretary may waive the requirement under subsection (a) for fiscal year 2021 if the Secretary—

(1) determines the Secretary is unable to comply with such requirement for fiscal year 2021; and

(2) establishes a plan to implement the requirement for fiscal year 2022.

(c) SUBMISSION.—The Secretary shall provide the displays described in subsection (a)—

(1) in electronic format not later than five days after the submission by the President under section 1105(a) of title 31 of the budget; and

(2) in print format not later than 21 days after the submission by the President under section 1105(a) of title 31 of the budget.

(Added Pub. L. 113-291, div. A, title XVI, §1631(a)(1), Dec. 19, 2014, 128 Stat. 3637; amended Pub. L. 116-283, div. A, title XVII, §1701(2), Jan. 1, 2021, 134 Stat. 4080.)

**Editorial Notes**

AMENDMENTS

2021—Subsec. (a). Pub. L. 116-283, §1701(2)(A)(i), substituted “2021” for “2017” and inserted “, in electronic and print formats,” after “display” in introductory provisions.

Subsec. (a)(1). Pub. L. 116-283, §1701(2)(A)(ii), inserted “and the cyberspace operations forces” before the semicolon.

Subsec. (a)(2). Pub. L. 116-283, §1701(2)(A)(iii), inserted “and the cyberspace operations forces” before period at end.

Subsec. (b). Pub. L. 116-283, §1701(2)(B)(i), substituted “2021” for “2017” in introductory provisions.

Subsec. (b)(1). Pub. L. 116-283, §1701(2)(B)(ii), substituted “2021” for “2017”.

Subsec. (b)(2). Pub. L. 116-283, §1701(2)(B)(iii), substituted “2022” for “2018”.

Subsec. (c). Pub. L. 116-283, §1701(2)(C), added subsec. (c).