

Statutory Notes and Related Subsidiaries**TERMINATION OF REPORTING REQUIREMENTS**

For termination, effective Dec. 31, 2021, of provisions 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.

DEMONSTRATION PROGRAM FOR CYBER AND INFORMATION TECHNOLOGY BUDGET DATA ANALYTICS

Pub. L. 117-263, div. A, title XV, § 1552, Dec. 23, 2022, 136 Stat. 2919, provided that:

“(a) DEMONSTRATION PROGRAM.—

“(1) REQUIREMENT.—Not later than February 1, 2024, the Chief Information Officer of the Department of Defense shall, in coordination with the Chief Digital and Artificial Intelligence Officer, complete a pilot program to demonstrate the application of advanced data analytics to the fiscal year 2024 budget data of a military department for the purpose of identifying total cyber and information technology spending and the distribution of such resources across budget line items that are and are not identified, labeled, or categorized in a manner that would indicate that funds included in such line items will be expended on cyber and information technology activities.

“(2) COORDINATION WITH MILITARY DEPARTMENTS.—In carrying out the demonstration program under subsection (a), the Chief Information Officer shall, in coordination with the Secretary of the Air Force, the Secretary of the Army, and the Secretary of the Navy, select a military department for participation in the demonstration program.

“(b) ELEMENTS.—The demonstration program under subsection (a) shall include—

“(1) efforts to identify planned expenditures for cyber and information technology that are not captured in the total figures for cyber and information technology reported annually to Congress in support of the President’s budget submission and in budget documents and briefings to Congress on the cyber and information technology programs and activities;

“(2) efforts to improve transparency in cyber and information technology budget information to identify cyber and information technology activities funded out of noncyber and noninformation technology budget lines, including by the use of qualitative techniques such as semantic analysis or natural language processing technologies;

“(3) metrics developed to assess the effectiveness of the demonstration program;

“(4) a cost tradeoff analysis of implementing these cyber and information technology data analytics across the entire budget of the Department of Defense;

“(5) existing or planned efforts to use these data analytics to make budget decisions; and

“(6) existing or planned efforts to incorporate these data analytics into materials presented to Congress through the budget submission process.

“(c) BRIEFING.—

“(1) INITIAL BRIEFING.—Not later than 120 days after the date of the enactment of this Act [Dec. 23, 2022], the Chief Information Officer shall provide the Committees on Armed Services of the Senate and the House of Representatives a briefing on the plans and status of the Chief Information Officer with respect to the demonstration program under subsection (a).

“(2) FINAL BRIEFING.—Not later than March 1, 2024, the Chief Information Officer shall provide the Committees on Armed Services of the Senate and the House of Representatives a briefing on the results and findings of the Chief Information Officer with respect to the demonstration program under subsection (a), including the following:

“(A) Recommendations for expansion of the demonstration program to the entire cyber and information technology budget of the Department.

“(B) Plans for incorporating data analytics into the congressional budget submission process for the

cyber and information technology budget of the Department.”

§ 239. National security space programs: major force program and budget assessment

(a) ESTABLISHMENT OF MAJOR FORCE PROGRAM.—The Secretary of Defense shall establish a unified major force program for national security space programs pursuant to section 222(b) of this title to prioritize national security space activities in accordance with the requirements of the Department of Defense and national security.

(b) BUDGET ASSESSMENT.—(1) Not later than 30 days after the date on which the President submits to Congress the budget for each of fiscal years 2017 through 2021, the Secretary of Defense shall submit to the congressional defense committees a report on the budget for national security space programs of the Department of Defense. The Secretary may include the report in the defense budget materials if the Secretary submits such materials to Congress by such date.

(2) Each report on the budget for national security space programs of the Department of Defense under paragraph (1) shall include the following:

(A) An overview of the budget, including—

(i) a comparison between that budget, the previous budget, the most recent and prior future-years defense program submitted to Congress under section 221 of this title, and the amounts appropriated for such programs during the previous fiscal year; and

(ii) the specific identification, as a budgetary line item, for the funding under such programs.

(B) An assessment of the budget, including significant changes, priorities, challenges, and risks.

(C) Any additional matters the Secretary determines appropriate.

(3) Each report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) DEFINITIONS.—In this section:

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

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

(Added Pub. L. 114-92, div. A, title XVI, § 1601(a)(1), Nov. 25, 2015, 129 Stat. 1095; amended Pub. L. 115-232, div. A, title XVI, § 1605, Aug. 13, 2018, 132 Stat. 2107.)

Editorial Notes**AMENDMENTS**

2018—Subsec. (b)(1). Pub. L. 115-232 amended par. (1) generally. Prior to amendment, par. (1) read as follows: “The Secretary shall include with the defense budget materials for each of fiscal years 2017 through 2020 a report on the budget for national security space programs of the Department of Defense.”

Statutory Notes and Related Subsidiaries**PLAN TO CARRY OUT UNIFIED MAJOR FORCE PROGRAM DESIGNATION**

Pub. L. 114-92, div. A, title XVI, §1601(b), Nov. 25, 2015, 129 Stat. 1096, provided that: “Not later than 180 days after the date of the enactment of this Act [Nov. 25, 2015], the Secretary of Defense shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a plan to carry out the unified major force program designation required by section 239(a) of title 10, United States Code, as added by subsection (a)(1), including any recommendations for legislative action the Secretary determines appropriate.”

[§ 239a. 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(a)(1), Dec. 12, 2017, 131 Stat. 1771, related to major force program and budget assessment for missile defense and defeat programs. See section 5515 of this title.

§ 239b. Certain intelligence-related programs: budget justification materials

(a) **PROHIBITION ON USE OF PROGRAM ELEMENTS.**—In the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2021 and each fiscal year thereafter (as submitted with the budget of the President under section 1105(a) of title 31), the Secretary of Defense may not include in any single program element both funds made available under the Military Intelligence Program and funds made available outside of the Military Intelligence Program.

(b) **DEFINITIONS.**—In this section:

- (1) The term “budget” has the meaning given that term in section 231(f)¹ of this title.
- (2) The term “defense budget materials” has the meaning given that term in section 231(f)¹ of this title.

(Added Pub. L. 115-232, div. A, title XVI, §1624(b)(1), Aug. 13, 2018, 132 Stat. 2120.)

Editorial Notes**REFERENCES IN TEXT**

Section 231(f) of this title, referred to in subsec. (b), was redesignated as section 231(g) of this title by Pub. L. 117-263, div. A, title III, §352(a)(2), Dec. 23, 2022, 136 Stat. 2533, and subsequently was redesignated as section 231(h) of this title by Pub. L. 118-159, div. A, title X, §1021(1), Dec. 23, 2024, 138 Stat. 2052.

§ 239c. Certain multiyear contracts for acquisition of property: budget justification materials

(a) **IN GENERAL.**—In the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2023 and each fiscal year thereafter (as submitted with the budget of the President under section 1105(a) of title 31), the Secretary of Defense shall include a proposal for any multiyear contract of the Department entered into under section 3501 of this title that—

- (1) the head of an agency intends to cancel during the fiscal year; or

¹ See References in Text note below.

(2) with respect to which the head of an agency intends to effect a covered modification during the fiscal year.

(b) **ELEMENTS.**—Each proposal required by subsection (a) shall include the following:

(1) A detailed explanation of the rationale for the proposed cancellation or covered modification of the multiyear contract.

(2) A detailed assessment of any expected termination costs associated with the proposed cancellation or covered modification of the multiyear contract.

(3) An updated assessment of estimated savings of such cancellation or carrying out the multiyear contract as modified by such covered modification.

(4) An explanation of the proposed use of previously appropriated funds for advance procurement or procurement of property planned under the multiyear contract before such cancellation or covered modification.

(5) An assessment of expected impacts of the proposed cancellation or covered modification on the defense industrial base, including workload stability, loss of skilled labor, and reduced efficiencies.

(c) **DEFINITIONS.**—In this section:

(1) The term “covered modification” means a modification that will result in a reduction in the quantity of end items to be procured.

(2) The term “head of an agency” means—

- (A) the Secretary of Defense;
- (B) the Secretary of the Army;
- (C) the Secretary of the Navy; or
- (D) the Secretary of the Air Force.

(Added Pub. L. 117-81, div. A, title VIII, §811(a), Dec. 27, 2021, 135 Stat. 1822; amended Pub. L. 116-283, div. A, title XVIII, §1883(b)(2), Jan. 1, 2021, 134 Stat. 4294; Pub. L. 117-263, div. A, title VIII, §811, Dec. 23, 2022, 136 Stat. 2706.)

Editorial Notes**AMENDMENTS**

2022—Subsec. (b). Pub. L. 117-263 added par. (1) and redesignated former pars. (1) to (4) as (2) to (5), respectively.

2021—Subsec. (a). Pub. L. 116-283, which directed that each reference in the text of title 10 to a section that was redesignated by title XVIII of Pub. L. 116-283, as such section was in effect before the redesignation, be amended by striking such reference and inserting a reference to the appropriate redesignated section, was executed by substituting “section 3501” for “section 2306b”. Section 1822(b) of title XVIII of Pub. L. 116-283 directed the redesignation of section 2306b of this title as section 3501, but such redesignation was executed by transferring the text of section 2306b to section 3501, as the section designation and catchline had already been enacted.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 2021 AMENDMENT**

Amendment by Pub. L. 116-283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116-283, set out as a note preceding section 3001 of this title.