

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 Repealed.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.

§ 239d. Budgeting for depot and ammunition production facility maintenance and repair: annual report

(a) ANNUAL REPORT.—The Secretary of Defense, in coordination with the Secretaries of the military departments, shall include with the defense budget materials for each fiscal year a report regarding the maintenance and repair of covered facilities.

(b) ELEMENTS.—Each report required under subsection (a) shall include, at a minimum, the following (disaggregated by military department):

(1) With respect to each of the three fiscal years preceding the fiscal year covered by the defense budget materials with which the report is included, revenue data for that fiscal year for the maintenance, repair, and overhaul workload funded at all the depots of the military department.

(2) With respect to the fiscal year covered by the defense budget materials with which the report is included and each of the two fiscal years prior, an identification of the following:

(A) The amount of appropriations budgeted for that fiscal year for depots, further disaggregated by the type of appropriation.

(B) The amount budgeted for that fiscal year for working-capital fund investments by the Secretary of the military department for the capital budgets of the covered depots of the military department, shown in total and further disaggregated by whether the investment relates to the efficiency of depot facilities, work environment, equipment, equipment (non-capital investment program), or processes.

(C) The total amount required to be invested by the Secretary of the military department for that fiscal year for the capital budgets of covered depots pursuant to section 2476(a) of this title.

(D) A comparison of the budgeted amount identified under subparagraph (B) with the total required amount identified under subparagraph (C).

(E) For each covered depot of the military department, of the total required amount identified under subparagraph (C), the percentage of such amount allocated, or projected to be allocated, to the covered depot for that fiscal year.

(3) For each covered facility of the military department, the following:

(A) Information on the average facility condition, average critical facility condition, restoration and maintenance project backlog, and average equipment age, including a description of any changes in such metrics from previous years.

(B) Information on the status of the implementation at the covered facility of the plans and strategies of the Department of Defense relating to covered facility improvement, including, as applicable, the implementation of the strategy required under section 359 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 136 Stat. 1323; 10 U.S.C. 2460¹ note).

(c) DEFINITIONS.—In this section:

(1) The term “ammunition production facility” means an ammunition organic industrial base production facility.

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

(3) The term “covered depot” has the meaning given that term in section 2476 of this title.

(4) The term “covered facility” means a covered depot or an ammunition production facility.

(Added Pub. L. 117-263, div. A, title III, § 371, Dec. 23, 2022, 136 Stat. 2539.)

Editorial Notes

REFERENCES IN TEXT

Section 359 of the National Defense Authorization Act for Fiscal Year 2020, referred to in subsec. (b)(3)(B), is section 359 of Pub. L. 116-92, which is set out as a note under section 2476 of this title.

§ 239e. Nuclear command, control, and communications: major force program and budget assessment

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

(b) BUDGET ASSESSMENT.—(1) The Secretary shall include with the defense budget materials for each of fiscal years 2025 through 2030 a report on the budget for nuclear command, control, and communications programs of the Department of Defense.

(2) Each report on the budget for nuclear command, control, and communications programs of the Department 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 (such comparison shall exclude the responsibility for research and development of the continuing improvement of such nuclear command, control, and communications program), and the amounts appropriated for such nuclear command, control, and communications 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 See References in Text note below.