

§ 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.

(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.

(3) The term “nuclear command, control, and communications programs” means programs through which presidential authority and operational command and control of nuclear weapons is conducted, including programs that facilitate senior-level decisions on nuclear weapons employment.

(Added Pub. L. 118–31, div. A, title XVI, §1631, Dec. 22, 2023, 137 Stat. 591.)

CHAPTER 9A—AUDIT

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240a.	Audit of Department of Defense financial statements.
240b.	Financial Improvement and Audit Remediation Plan.
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240d.	Audits: audit of financial statements of Department of Defense components by independent external auditors.
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240i.	Annual report on unfunded priorities.
	[251 to 254Renumbered.]

Editorial Notes

AMENDMENTS

2021—Pub. L. 116–283, div. A, title X, §1005(b)(2), Jan. 1, 2021, 134 Stat. 3838, added item 240i.

2019—Pub. L. 116–92, div. A, title X, §§1002(b), 1004(a)(2), Dec. 20, 2019, 133 Stat. 1571, 1573, added items 240g and 240h.

2018—Pub. L. 115–232, div. A, title X, §1002(a)(1)(B), Aug. 13, 2018, 132 Stat. 1945, renumbered items 251 to 254b as 240a to 240f, respectively.

§ 240a. Audit of Department of Defense financial statements

The Secretary of Defense shall ensure that a full audit is performed on the financial statements of the Department of Defense for each fiscal year as required by section 3521(e) of title 31.

(Added Pub. L. 115–91, div. A, title X, §1002(b)(1), Dec. 12, 2017, 131 Stat. 1538, §251; renumbered §240a, Pub. L. 115–232, div. A, title X, §1002(a)(1)(A), Aug. 13, 2018, 132 Stat. 1945; amended Pub. L. 118–31, div. A, title X, §1061(g), Dec. 22, 2023, 137 Stat. 400.)

Editorial Notes

AMENDMENTS

2023—Pub. L. 118–31 struck out subsec. (a) designation and heading before “The Secretary” and struck out subsec. (b). Text of subsec. (b) read as follows: “The Secretary shall submit to Congress the results of the audit performed in accordance with subsection (a) for a

fiscal year by not later than March 31 of the following fiscal year.”

2018—Pub. L. 115–232 renumbered section 251 of this title as this section.

Statutory Notes and Related Subsidiaries

USE OF TECHNOLOGY USING ARTIFICIAL INTELLIGENCE TO FACILITATE AUDIT OF THE FINANCIAL STATEMENTS OF THE DEPARTMENT OF DEFENSE FOR FISCAL YEAR 2025

Pub. L. 118–159, div. A, title X, §1007, Dec. 23, 2024, 138 Stat. 2049, provided that:

“(a) USE OF AI TECHNOLOGY FOR AUDITS.—The Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force shall encourage, to the greatest extent practicable, the use of technology that uses artificial intelligence or machine learning for the purpose of facilitating audits of the financial statements of the Department of Defense.

“(b) IMPLEMENTATION OF AI TECHNOLOGY FOR AUDITS.—The Director of the Chief Digital and Artificial Intelligence Office of the Department, in coordination with the Under Secretary of Defense for Research and Engineering and the Inspector General of the Department, shall oversee the adoption of artificial intelligence and machine learning technologies in support of financial management and enterprise business operations.”

REQUIREMENT FOR UNQUALIFIED OPINION ON DEPARTMENT OF DEFENSE FINANCIAL STATEMENTS

Pub. L. 118–31, div. A, title X, §1005, Dec. 22, 2023, 137 Stat. 379, provided that: “The Secretary of Defense shall ensure that the Department of Defense has received an unqualified opinion on the financial statements of the Department by not later than December 31, 2028.”

REVIEW AND RECOMMENDATIONS ON EFFORTS TO OBTAIN AUDIT OPINION ON FULL FINANCIAL STATEMENTS

Pub. L. 115–91, div. A, title X, §1006, Dec. 12, 2017, 131 Stat. 1544, provided that:

“(a) IN GENERAL.—The Secretary of Defense may establish within the Department of Defense a team of distinguished, private sector experts with experience conducting financial audits of large public or private sector organizations to review and make recommendations to improve the efforts of the Department to obtain an audit opinion on its full financial statements.

“(b) SCOPE OF ACTIVITIES.—A team established pursuant to subsection (a) shall—

“(1) identify impediments to the progress of the Department in obtaining an audit opinion on its full financial statements, including an identification of the organizations or elements that are lagging in their efforts toward obtaining such audit opinion;

“(2) estimate when an audit opinion on the full financial statements of the Department will be obtained; and

“(3) consider mechanisms and incentives to support efficient achievement by the Department of its audit goals, including organizational mechanisms to transfer direction and management control of audit activities from subordinate organizations to the Office of the Secretary of Defense, individual personnel incentives, workforce improvements (including in senior leadership positions), business process, technology, and systems improvements (including the use of data analytics), and metrics by which the Secretary and Congress may measure and assess progress toward achievement of the audit goals of the Department.

“(c) REPORTS.—

“(1) REPORT ON ESTABLISHMENT OF TEAM.—If the Secretary takes action pursuant to subsection (a), the Secretary shall, not later than September 30, 2019, submit to the congressional defense committees [Committees on Armed Services and Appropriations