

ment for that fiscal year under subsection (a), the Secretary shall include with the defense budget materials for that fiscal year an assessment that describes and discusses the risks associated with the reduced force structure of aircraft that will result from funding aircraft procurement at such level. Such assessment shall be coordinated in advance with the commanders of the combatant commands.

(e) 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 “Quadrennial Defense Review” means the review of the defense programs and policies of the United States that is carried out every 4 years under section 118<sup>1</sup> of this title.

(Added Pub. L. 110–417, [div. A], title I, §141(a), Oct. 14, 2008, 122 Stat. 4379; amended Pub. L. 112–81, div. A, title X, §1069(a), (b), Dec. 31, 2011, 125 Stat. 1589, 1591; Pub. L. 113–66, div. A, title X, §1091(a)(5), Dec. 26, 2013, 127 Stat. 875; Pub. L. 113–291, div. A, title X, §1071(c)(2), Dec. 19, 2014, 128 Stat. 3508; Pub. L. 114–328, div. A, title I, §137, Dec. 23, 2016, 130 Stat. 2039.)

#### REFERENCES IN TEXT

Section 118 of this title, referred to in subsec. (e)(2), was repealed by Pub. L. 114–328, div. A, title IX, §941(b)(1), Dec. 23, 2016, 130 Stat. 2367. For provisions related to national defense strategy similar to those contained in former section 118 prior to repeal, see section 113(g) of this title.

#### AMENDMENTS

2016—Subsecs. (e), (f). Pub. L. 114–328 redesignated subsec. (f) as (e) and struck out former subsec. (e), which required the Secretary of Defense to include a report on the aircraft in the inventory of the Department of Defense as part of the annual plan and certification required to be submitted under this section.

2014—Subsec. (c)(1). Pub. L. 113–291 substituted “(50 U.S.C. 3043)” for “(50 U.S.C. 404a)”.

2013—Subsec. (a). Pub. L. 113–66 substituted “fiscal year, the Secretary of Defense” for “fiscal year of Defense” in introductory provisions.

2011—Pub. L. 112–81, §1069(b), amended section catchline generally, substituting “Budgeting for life-cycle cost of aircraft for the Navy, Army, and Air Force: annual plan and certification” for “Budgeting for procurement of aircraft for the Navy and Air Force: annual plan and certification”.

Subsec. (a). Pub. L. 112–81, §1069(a)(1)(A), substituted “Not later than 45 days after the date on which the President submits to Congress the budget for a fiscal year” for “The Secretary” and “submit to the congressional defense committees” for “include with the defense budget materials for each fiscal year” in introductory provisions.

Subsec. (a)(1). Pub. L. 112–81, §1069(a)(1)(B), inserted “, the Department of the Army,” after “Navy”.

Subsec. (b)(4). Pub. L. 112–81, §1069(a)(2)(A), substituted “Intertheater” for “Strategic”.

Subsec. (b)(8) to (11). Pub. L. 112–81, §1069(a)(2)(B), (C), added pars. (8) to (10) and redesignated former par. (8) as (11).

Subsec. (c)(1). Pub. L. 112–81, §1069(a)(3)(A), substituted “national military strategy of the United States” for “national security strategy of the United States”.

Subsec. (c)(2)(A). Pub. L. 112–81, §1069(a)(3)(B)(i), inserted “, the Department of the Army,” after “Navy”.

Subsec. (c)(2)(B). Pub. L. 112–81, §1069(a)(3)(B)(ii), substituted “national military strategy of the United States” for “national security strategy of the United States”.

Subsec. (c)(2)(C). Pub. L. 112–81, §1069(a)(3)(B)(iii)(II), (III), substituted “each aircraft program” for “the program” and inserted before period at end “, set forth in aggregate for the Department of Defense and in aggregate for each military department”.

Pub. L. 112–81, §1069(a)(3)(B)(iii)(I), which directed the insertion of “investment” before “funding”, was executed by inserting “investment” before “funding” both places it appeared, to reflect the probable intent of Congress.

Subsec. (c)(2)(D) to (F). Pub. L. 112–81, §1069(a)(3)(B)(iv)–(vi), added subpars. (D) and (E), redesignated former subpar. (D) as (F), and, in subpar. (F), inserted “, the Department of the Army,” after “Navy”.

Subsec. (c)(3), (4). Pub. L. 112–81, §1069(a)(3)(C), added pars. (3) and (4).

Subsec. (d). Pub. L. 112–81, §1069(a)(4), inserted “, the Department of the Army,” after “Navy”.

Subsec. (e). Pub. L. 112–81, §1069(a)(6), added subsec. (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 112–81, §1069(a)(5), (7), redesignated subsec. (e) as (f), redesignated par. (3) as (2), and struck out former par. (2) which read as follows: “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.”

#### 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.

#### § 232. Repealed. Pub. L. 112–239, div. A, title X, § 1081(1)(A), Jan. 2, 2013, 126 Stat. 1960]

Section, added Pub. L. 108–375, div. A, title II, §214(a), Oct. 28, 2004, 118 Stat. 1834, provided that amounts for research, development, test, and evaluation for the United States Joint Forces Command would be derived only from Defense-wide amounts and required a separate display for such amounts in the budget.

#### § 233. Operation and maintenance budget presentation

(a) IDENTIFICATION OF BASELINE AMOUNTS IN O&M JUSTIFICATION DOCUMENTS.—In any case in which the amount requested in the President’s budget for a fiscal year for a Department of Defense operation and maintenance program, project, or activity is different from the amount appropriated for that program, project, or activity for the current year, the O&M justification documents supporting that budget shall identify that appropriated amount and the difference between that amount and the amount requested in the budget, stated as an amount and as a percentage.

(b) NAVY FOR SHIP DEPOT MAINTENANCE AND FOR INTERMEDIATE SHIP MAINTENANCE.—In the O&M justification documents for the Navy for any fiscal year, amounts requested for ship depot maintenance and amounts requested for intermediate ship maintenance shall be identified and distinguished.

(c) DEFINITIONS.—In this section:

(1) The term “O&M justification documents” means Department of Defense budget justification documents with respect to accounts for operation and maintenance submitted to the

<sup>1</sup> See References in Text note below.