

(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. Procurement of contract services: specification of amounts requested in budget

(a) SUBMISSION WITH ANNUAL BUDGET JUSTIFICATION MATERIALS.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31), the Secretary of Defense shall include the information described in subsection (b) with respect to the procurement of contract services.

(b) INFORMATION PROVIDED.—For each budget account, the materials submitted shall clearly and separately identify—

(1) the amount requested for the procurement of contract services for each Department of Defense component, installation, or activity; and

(2) the number of full-time contractor employees (or the equivalent of full-time in the case of part-time contractor employees) projected and justified for each Department of Defense component, installation, or activity based on the inventory of contracts for services required by subsection (c) of section 2330a of this title and the review required by subsection (e) of such section.

(c) CONTRACT SERVICES DEFINED.—In this section, the term “contract services”—

(1) means services from contractors; but

(2) excludes services relating to research and development and services relating to military construction.

(Added Pub. L. 111–84, div. A, title VIII, § 803(a)(1), Oct. 28, 2009, 123 Stat. 2401.)

TRANSFER OF SECTION

Pub. L. 116–283, div. A, title XVIII, §§ 1801(d), 1809(h)(1), Jan. 1, 2021, 134 Stat. 4151, 4162, provided that, effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, this section is transferred to chapter 207 of this title, as amended by section 1809(a) of Pub. L. 116–283, added after section 3136, as transferred and redesignated by section 1809(g) of Pub. L. 116–283, and renumbered as section 3137 of this title. See Effective Date of 2021 Amendment note below.

PRIOR PROVISIONS

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).

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.

§ 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 De-

partment 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.)

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).

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.

§ 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.)

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.”

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 uni-