

(2) Experience in the administration and management of Federal grants programs.

(c) DUTIES.—The Office shall—

(1) serve as the office in the Department of Defense with primary responsibility for—

(A) providing assistance to States, counties, municipalities, regions, and other communities to foster cooperation with military installations to enhance the military mission, achieve facility and infrastructure savings and reduced operating costs, address encroachment and compatible land use issues, support military families, and increase military, civilian, and industrial readiness and resiliency; and

(B) providing adjustment and diversification assistance to State and local governments under section 2391(b) of this title to achieve the objectives described in subparagraph (A);

(2) coordinate the provision of such assistance with other organizations and elements of the Department;

(3) provide support to the Economic Adjustment Committee established under Executive Order No. 12788 (57 Fed. Reg. 2213; 10 U.S.C. 2391 note) or any successor to such Committee; and

(4) carry out such other activities as the Secretary considers appropriate.

(d) ANNUAL REPORT TO CONGRESS.—Not later than June 1 each year, the Director of the Office of Local Defense Community Cooperation shall submit to the congressional defense committees a report on the activities of the Office during the preceding year, including the assistance provided pursuant to subsection (c)(1) during such year.

(Added Pub. L. 116-283, div. A, title IX, §905(a)(1), Jan. 1, 2021, 134 Stat. 3798, §146; renumbered §198 and amended Pub. L. 117-81, div. A, title IX, §902(a)(1)–(3), Dec. 27, 2021, 135 Stat. 1868, 1869.)

### Editorial Notes

#### REFERENCES IN TEXT

The date of the enactment of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, referred to in subsec. (a), is the date of enactment of Pub. L. 116-283, which was approved Jan. 1, 2021.

#### AMENDMENTS

2021—Pub. L. 117-81, §902(a)(1), renumbered section 146 of this title as this section.

Subsec. (a). Pub. L. 117-81, §902(a)(2), substituted “in the Department of Defense an” for “in the Office of the Secretary of Defense an office to be known as the” and inserted at end “The Secretary shall designate the Office as a Department of Defense Field Activity pursuant to section 191, effective as of the date of the enactment of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283).”

Subsec. (b). Pub. L. 117-81, §902(a)(3)(A), substituted “Secretary of Defense” for “Under Secretary of Defense for Acquisition and Sustainment” in introductory provisions.

Subsec. (c)(4). Pub. L. 117-81, §902(a)(3)(B), substituted “Secretary” for “Under Secretary of Defense for Acquisition and Sustainment”.

### Statutory Notes and Related Subsidiaries

#### LIMITATION ON INVOLUNTARY SEPARATION OF PERSONNEL

Pub. L. 117-81, div. A, title IX, §902(b), Dec. 27, 2021, 135 Stat. 1869, provided that: “No personnel of the Office of Local Defense Community Cooperation under section 198 of title 10, United States Code (as added by subsection (a)), may be involuntarily separated from service with that Office during the one-year period beginning on the date of the enactment of this Act [Dec. 27, 2021], except for cause.”

#### ADMINISTRATION OF PROGRAMS

Pub. L. 117-81, div. A, title IX, §902(c), Dec. 27, 2021, 135 Stat. 1869, provided that: “Any program, project, or other activity administered by the Office of Economic Adjustment of the Department of Defense as of the date of the enactment of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283) [Jan. 1, 2021] shall be administered by the Office of Local Defense Community Cooperation under section 198 of title 10, United States Code (as added by subsection (a)).”

#### SUBCHAPTER II—MISCELLANEOUS DEFENSE AGENCY MATTERS

- Sec.  
201. Certain intelligence officials: consultation and concurrence regarding appointments; evaluation of performance.  
[202, 203. Repealed.]  
204. Small Business Ombudsman for defense audit agencies.<sup>1</sup>  
205. Missile Defense Agency.

### Editorial Notes

#### AMENDMENTS

2017—Pub. L. 115-91, div. A, title XVI, §1676(c)(2), Dec. 12, 2017, 131 Stat. 1773, added item 205.

2016—Pub. L. 114-328, div. A, title V, §502(d)(2), Dec. 23, 2016, 130 Stat. 2102, which directed amendment of the “table of sections at the beginning of chapter 8” of this title by striking item 203, was executed by striking item 203 “Director of Missile Defense Agency” in the analysis preceding subchapter II of chapter 8 of this title to reflect the probable intent of Congress.

2013—Pub. L. 112-239, div. A, title XVI, §1612(b), Jan. 2, 2013, 126 Stat. 2065, added item 204.

2002—Pub. L. 107-314, div. A, title II, §225(b)(1)(B)(ii), Dec. 2, 2002, 116 Stat. 2486, substituted “Missile Defense Agency” for “Ballistic Missile Defense Organization” in item 203.

1997—Pub. L. 105-107, title V, §503(d)(1), Nov. 20, 1997, 111 Stat. 2262, struck out item 202 “Unauthorized use of Defense Intelligence Agency name, initials, or seal”.

Pub. L. 105-85, div. A, title II, §235(b), Nov. 18, 1997, 111 Stat. 1665, added item 203.

1996—Pub. L. 104-201, div. A, title XI, §1103(b), Sept. 23, 1996, 110 Stat. 2677, substituted “Certain intelligence officials: consultation and concurrence regarding appointments; evaluation of performance” for “Consultation regarding appointment of certain intelligence officials” in item 201.

1991—Pub. L. 102-190, div. A, title IX, §922(b), Dec. 5, 1991, 105 Stat. 1453, added item 201 and redesignated former item 201 as 202.

1986—Pub. L. 99-433, title III, §301(a)(2), Oct. 1, 1986, 100 Stat. 1022, added subchapter heading and analysis of sections for subchapter II.

<sup>1</sup> Section 204 was renumbered section 3848 of this title by Pub. L. 116-283 without corresponding amendment of subchapter analysis.

**§ 201. Certain intelligence officials: consultation and concurrence regarding appointments; evaluation of performance**

(a) CONSULTATION REGARDING APPOINTMENT.—Before submitting a recommendation to the President regarding the appointment of an individual to the position of Director of the Defense Intelligence Agency, the Secretary of Defense shall consult with the Director of National Intelligence regarding the recommendation.

(b) CONCURRENCE IN APPOINTMENT.—(1) In the event of a vacancy in a position referred to in paragraph (2), before appointing an individual to fill the vacancy or recommending to the President an individual to be nominated to fill the vacancy, the Secretary of Defense shall obtain the concurrence of the Director of National Intelligence as provided in section 106(b) of the National Security Act of 1947 (50 U.S.C. 3041(b)).

(2) Paragraph (1) applies to the following positions:

(A) The Director of the National Security Agency.

(B) The Director of the National Reconnaissance Office.

(C) The Director of the National Geospatial-Intelligence Agency.

(c) PERFORMANCE EVALUATIONS.—(1) The Director of National Intelligence shall provide annually to the Secretary of Defense, for the Secretary's consideration, an evaluation of the performance of the individuals holding the positions referred to in paragraph (2) in fulfilling their respective responsibilities with regard to the National Intelligence Program.

(2) The positions referred to in paragraph (1) are the following:

(A) The Director of the National Security Agency.

(B) The Director of the National Reconnaissance Office.

(C) The Director of the National Geospatial-Intelligence Agency.

(Added Pub. L. 102-190, div. A, title IX, §922(a)(2), Dec. 5, 1991, 105 Stat. 1453; amended Pub. L. 104-201, div. A, title XI, §1103(a), Sept. 23, 1996, 110 Stat. 2676; Pub. L. 108-136, div. A, title IX, §921(d)(4), Nov. 24, 2003, 117 Stat. 1569; Pub. L. 110-181, div. A, title IX, §931(a)(4), (5), (c)(2), Jan. 28, 2008, 122 Stat. 285; Pub. L. 110-417, [div. A], title IX, §932(a)(3)-(5), Oct. 14, 2008, 122 Stat. 4576; Pub. L. 111-84, div. A, title X, §1073(c)(10), Oct. 28, 2009, 123 Stat. 2475; Pub. L. 113-291, div. A, title X, §1071(c)(4), Dec. 19, 2014, 128 Stat. 3508.)

**Editorial Notes**

**PRIOR PROVISIONS**

A prior section 201 was renumbered section 202 of this title and subsequently repealed.

**AMENDMENTS**

2014—Subsec. (b)(1). Pub. L. 113-291 substituted “(50 U.S.C. 3041(b))” for “(50 U.S.C. 403-6(b))”.

2009—Subsecs. (a), (b)(1), (c)(1). Pub. L. 111-84 repealed Pub. L. 110-417, §932(a)(3)-(5). See 2008 Amendment notes below.

2008—Subsec. (a). Pub. L. 110-181, §931(a)(4), and Pub. L. 110-417, §932(a)(3), amended subsec. (a) identically, substituting “Director of National Intelligence” for

“Director of Central Intelligence”. Pub. L. 110-417, §932(a)(3), was repealed by Pub. L. 111-84.

Subsec. (b)(1). Pub. L. 110-417, §932(a)(4), which directed substitution of “Director of National Intelligence” for “Director of Central Intelligence”, could not be executed because of the intervening amendment by Pub. L. 110-181, §931(c)(2)(A), and was repealed by Pub. L. 111-84.

Pub. L. 110-181, §931(c)(2)(A), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “Before submitting a recommendation to the President regarding the appointment of an individual to a position referred to in paragraph (2), the Secretary of Defense shall seek the concurrence of the Director of Central Intelligence in the recommendation. If the Director does not concur in the recommendation, the Secretary may make the recommendation to the President without the Director's concurrence, but shall include in the recommendation a statement that the Director does not concur in the recommendation.”

Subsec. (c)(1). Pub. L. 110-181, §931(c)(2)(B), substituted “National Intelligence Program” for “National Foreign Intelligence Program”.

Pub. L. 110-181, §931(a)(5), and Pub. L. 110-417, §932(a)(5), amended par. (1) identically, substituting “Director of National Intelligence” for “Director of Central Intelligence”. Pub. L. 110-417, §932(a)(5), was repealed by Pub. L. 111-84.

2003—Subsecs. (b)(2)(C), (c)(2)(C). Pub. L. 108-136 substituted “National Geospatial-Intelligence Agency” for “National Imagery and Mapping Agency”.

1996—Pub. L. 104-201 substituted “Certain intelligence officials: consultation and concurrence regarding appointments; evaluation of performance” for “Consultation regarding appointment of certain intelligence officials” in section catchline and amended text generally. Prior to amendment, text read as follows: “Before submitting a recommendation to the President regarding the appointment of an individual to the position of Director of the Defense Intelligence Agency or Director of the National Security Agency, the Secretary of Defense shall consult with the Director of Central Intelligence regarding the recommendation.”

**Statutory Notes and Related Subsidiaries**

**EFFECTIVE DATE OF 2009 AMENDMENT**

Pub. L. 111-84, div. A, title X, §1073(c), Oct. 28, 2009, 123 Stat. 2474, provided that the amendment made by section 1073(c)(10) is effective as of Oct. 14, 2008, and as if included in Pub. L. 110-417 as enacted.

**EFFECTIVE DATE OF 1996 AMENDMENT**

Amendment by Pub. L. 104-201 effective Oct. 1, 1996, see section 1124 of Pub. L. 104-201, set out as a note under section 193 of this title.

**DEFENSE INTELLIGENCE AGENCY**

Pub. L. 102-190, div. A, title IX, §921, Dec. 5, 1991, 105 Stat. 1452, as amended by Pub. L. 103-337, div. A, title X, §1070(d)(1), Oct. 5, 1994, 108 Stat. 2858, provided that, during the period beginning on Dec. 5, 1991, and ending on Jan. 1, 1993, the Assistant Secretary of Defense referred to in section 138(b)(3) of this title could be assigned supervision of the Defense Intelligence Agency other than day-to-day operational control over the Agency, set forth the responsibilities of the Director of the Defense Intelligence Agency during the period beginning on Dec. 5, 1991, and ending on Jan. 1, 1993, and directed the Secretary of the Army and the Director of the Defense Intelligence Agency to take all required actions in order to transfer the Armed Forces Medical Intelligence Center and the Missile and Space Intelligence Center from the Department of the Army to the control of the Defense Intelligence Agency not later than Jan. 1, 1992.

**JOINT INTELLIGENCE CENTER**

Pub. L. 102-190, div. A, title IX, §923, Dec. 5, 1991, 105 Stat. 1453, provided that: