

“(a) REQUIREMENT FOR CENTER.—The Secretary of Defense shall direct the consolidation of existing single-service current intelligence centers that are located within the District of Columbia or its vicinity into a joint intelligence center that is responsible for preparing current intelligence assessments (including indications and warning). The joint intelligence center shall be located within the District of Columbia or its vicinity. As appropriate for the support of military operations, the joint intelligence center shall provide for and manage the collection and analysis of intelligence.

“(b) MANAGEMENT.—The center shall be managed by the Defense Intelligence Agency in its capacity as the intelligence staff activity of the Chairman of the Joint Chiefs of Staff.

“(c) RESPONSIVENESS TO COMMAND AUTHORITIES.—The Secretary shall ensure that the center is fully responsive to the intelligence needs of the Secretary, the Chairman of the Joint Chiefs of Staff, and the commanders of the combatant commands.”

**[§ 202. Repealed. Pub. L. 105-107, title V, § 503(c), Nov. 20, 1997, 111 Stat. 2262]**

Section, added Pub. L. 97-269, title V, § 501(a), Sept. 27, 1982, 96 Stat. 1145, § 191; amended Pub. L. 98-525, title XIV, § 1405(6), Oct. 19, 1984, 98 Stat. 2622; renumbered § 201, Pub. L. 99-433, title III, § 301(a)(1), Oct. 1, 1986, 100 Stat. 1019; renumbered § 202, Pub. L. 102-190, div. A, title IX, § 922(a)(1), Dec. 5, 1991, 105 Stat. 1453; Pub. L. 105-107, title V, § 503(b), Nov. 20, 1997, 111 Stat. 2262, related to unauthorized use of Defense Intelligence Agency name, initials, or seal, after amendment by Pub. L. 105-107, which transferred subsec. (b) to end of section 425.

**[§ 203. Repealed. Pub. L. 114-328, div. A, title V, § 502(d)(1), Dec. 23, 2016, 130 Stat. 2102]**

Section, added Pub. L. 105-85, div. A, title II, § 235(a), Nov. 18, 1997, 111 Stat. 1665; amended Pub. L. 107-314, div. A, title II, § 225(b)(1)(A), (B)(i), Dec. 2, 2002, 116 Stat. 2486, related to appointment of Director of Missile Defense Agency.

**[§ 204. Renumbered § 3848]**

**§ 205. Missile Defense Agency**

(a) APPOINTMENT OF DIRECTOR.—The Director of the Missile Defense Agency shall be appointed for a six-year term.

(b) NOTIFICATION OF CHANGES TO NON-STANDARD ACQUISITION AND REQUIREMENTS PROCESSES AND RESPONSIBILITIES.—(1) The Secretary of Defense may not make any changes to the missile defense non-standard acquisition and requirements processes and responsibilities unless, with respect to those proposed changes—

(A) the Secretary, without delegation, has taken each of the actions specified in paragraph (2); and

(B) a period of 120 days has elapsed following the date on which the Secretary submits the report under subparagraph (C) of such paragraph.

(2) If the Secretary proposes to make changes to the missile defense non-standard acquisition and requirements processes and responsibilities, the Secretary shall—

(A) consult with the Under Secretary of Defense for Research and Engineering, the Under Secretary of Defense for Acquisition and Sustainment, the Under Secretary of Defense for Policy, the Secretaries of the military departments, the Chairman of the Joint Chiefs of Staff, the Commander of the United States

Strategic Command, the Commander of the United States Northern Command, and the Director of the Missile Defense Agency, regarding the changes;

(B) certify to the congressional defense committees that the Secretary has coordinated the changes with, and received the views of, the individuals referred to in subparagraph (A);

(C) submit to the congressional defense committees a report that contains—

(i) a description of the changes, the rationale for the changes, and the views of the individuals referred to in subparagraph (A) with respect to the changes;

(ii) a certification that the changes will not impair the missile defense capabilities of the United States nor degrade the unique special acquisition authorities of the Missile Defense Agency; and

(iii) with respect to any such changes to Department of Defense Directive 5134.09, or successor directive issued in accordance with this subsection, a final draft of the proposed modified directive, both in an electronic format and in a hard copy format; and

(D) with respect to any such changes to Department of Defense Directive 5134.09, or successor directive issued in accordance with this subsection, provide to such committees a briefing on the proposed modified directive described in subparagraph (C)(iii).

(3) In this subsection, the term “non-standard acquisition and requirements processes and responsibilities” means the processes and responsibilities described in—

(A) the memorandum of the Secretary of Defense titled “Missile Defense Program Direction” signed on January 2, 2002, as in effect on the date of the enactment of this subsection or as modified in accordance with this subsection, or any successor memorandum issued in accordance with this subsection;

(B) Department of Defense Directive 5134.09, as in effect on the date of the enactment of this subsection (without regard to any modifications described in Directive-type Memorandum 20-002 of the Deputy Secretary of Defense, or any amendments or extensions thereto made before the date of such enactment), or as modified in accordance with this subsection, or any successor directive issued in accordance with this subsection; and

(C) United States Strategic Command Instruction 538-3 titled “MD Warfighter Involvement Process”, as in effect on the date of the enactment of this subsection or as modified in accordance with this subsection, or any successor instruction issued in accordance with this subsection.

(Added Pub. L. 115-91, div. A, title XVI, § 1676(c)(1), Dec. 12, 2017, 131 Stat. 1773; amended Pub. L. 116-283, div. A, title XVI, § 1641(a), Jan. 1, 2021, 134 Stat. 4061; Pub. L. 117-81, div. A, title XVI, § 1661(a), Dec. 27, 2021, 135 Stat. 2101.)

**Editorial Notes**

REFERENCES IN TEXT

The date of the enactment of this subsection, referred to in subsec. (b)(3), is the date of enactment of Pub. L. 117-81, which was approved Dec. 27, 2021.

AMENDMENTS

2021—Pub. L. 117–81 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

Pub. L. 116–283 amended section generally. Prior to amendment, text read as follows:

“(a) TERM OF DIRECTOR.—The Director of the Missile Defense Agency shall be appointed for a six-year term.

“(b) REPORTING.—The Missile Defense Agency shall be under the authority, direction, and control of the Under Secretary of Defense for Research and Engineering.”

**Statutory Notes and Related Subsidiaries**

**DIRECTED ENERGY PROGRAMS FOR BALLISTIC AND HYPERSONIC MISSILE DEFENSE**

Pub. L. 117–81, div. A, title XVI, §1664, Dec. 27, 2021, 135 Stat. 2104, provided that:

“(a) AUTHORITY OF THE MISSILE DEFENSE AGENCY.—The Secretary of Defense shall delegate to the Director of the Missile Defense Agency the authority to budget for, direct, and manage directed energy programs applicable for ballistic and hypersonic missile defense missions, in coordination with other directed energy efforts of the Department of Defense.

“(b) PRIORITIZATION.—In budgeting for and directing directed energy programs applicable for ballistic and hypersonic defensive missions pursuant to subsection (a), the Director of the Missile Defense Agency shall—

“(1) prioritize the early research and development of technologies; and

“(2) address the transition of such technologies to industry to support future operationally relevant capabilities.”

APPLICATION

Pub. L. 115–91, div. A, title XVI, §1676(c)(3), Dec. 12, 2017, 131 Stat. 1773, as amended by Pub. L. 117–81, div. A, title XVI, §1671(d)(1), Dec. 27, 2021, 135 Stat. 2113, provided that:

“(A) TERMS.—Subsection (a) of section 205 of title 10, United States Code, as added by paragraph (1), shall apply the day following the date on which the present incumbent in the office of the Director of the Missile Defense Agency, as of the date of the enactment of this Act [Dec. 12, 2017], ceases to serve as such.

“(B) REPORTING.—[Former] Subsection (b) of such section 205 [subsec. (b) omitted by Pub. L. 116–283 and new subsec. (b) added by Pub. L. 117–81] shall apply beginning on February 1, 2018. In carrying out such subsection, the Missile Defense Agency shall be under the authority, direction, and control of the Under Secretary of Defense for Research and Engineering in the same manner as the Missile Defense Agency was under the authority, direction, and control of the Under Secretary of Defense for Acquisition, Technology, and Logistics pursuant to Department of Defense Directive 5134.09. Any reference in such Instruction to the Under Secretary of Defense for Research and Engineering, including with respect to the Under Secretary serving as the chair of the Missile Defense Executive Board.”

**CHAPTER 9—DEFENSE BUDGET MATTERS**

- Sec. 221. Future-years defense program: submission to Congress; consistency in budgeting.
- 222. Future-years mission budget.
- 222a. Unfunded priorities of the armed forces and combatant commands: annual report.
- 222b. Unfunded priorities of the Missile Defense Agency: annual report.
- 222c. Armed forces: Out-Year Unconstrained Total Munitions Requirements; Out-Year inventory numbers.
- 223. Ballistic missile defense programs: program elements.

- Sec. 223a. Ballistic missile defense programs: procurement.
- 224. Ballistic missile defense programs: display of amounts for research, development, test, and evaluation.
- 225. Acquisition accountability reports on the ballistic missile defense system.
- 226. Special operations forces: display of service-common and other support and enabling capabilities.
- [227, 228. Repealed.]
- 229. Programs for combating terrorism: display of budget information.
- [230. Repealed.]
- 231. Budgeting for construction of naval vessels: annual plan and certification.
- 231a. Budgeting for life-cycle costs of aircraft for the Army, Navy, and Air Force: annual plan and certification.
- [232. Repealed.]
- 233. Operation and maintenance budget presentation.
- 234. POW/MIA activities: display of budget information.
- [235. Repealed.]
- 236. Personal protection equipment procurement: display of budget information.
- 237. Embedded mental health providers of the reserve components: display of budget information.
- 238. Cyber mission forces: program elements.
- 239. National security space programs: major force program and budget assessment.
- 239a. Missile defense and defeat programs: major force program and budget assessment.
- 239b. Certain intelligence-related programs: budget justification materials.
- 239c. Certain multiyear contracts for acquisition of property: budget justification materials.

**Editorial Notes**

AMENDMENTS

2021—Pub. L. 117–81, div. A, title VIII, §811(b), Dec. 27, 2021, 135 Stat. 1823, added item 239c.

Pub. L. 116–283, div. A, title I, §151(b), title XVIII, §1809(h)(2), Jan. 1, 2021, 134 Stat. 3440, 4162, added item 231a and struck out item 235 “Procurement of contract services: specification of amounts requested in budget”.

2019—Pub. L. 116–92, div. A, title X, §1007(b), Dec. 20, 2019, 133 Stat. 1575, added item 226.

2018—Pub. L. 115–232, div. A, title VIII, §813(a)(1)(B), title X, §1061(b), title XVI, §§1624(b)(2), 1677(b)(2), Aug. 13, 2018, 132 Stat. 1851, 1970, 2120, 2161, added items 222b, 222c, and 239b and struck out item 231a “Budgeting for life-cycle cost of aircraft for the Navy, Army, and Air Force: annual plan and certification”.

2017—Pub. L. 115–91, div. A, title XVI, §1676(a)(2), Dec. 12, 2017, 131 Stat. 1772, added item 239a.

2016—Pub. L. 114–328, div. A, title X, §1064(a)(2), Dec. 23, 2016, 130 Stat. 2409, added item 222a.

2015—Pub. L. 114–92, div. A, title X, §1073(a)(2), title XVI, §1601(a)(2), Nov. 25, 2015, 129 Stat. 995, 1096, struck out item 228 “Biannual reports on allocation of funds within operation and maintenance budget subactivities” and added item 239.

2014—Pub. L. 113–291, div. A, title XVI, §1631(a)(2), Dec. 19, 2014, 128 Stat. 3638, added item 238.

2013—Pub. L. 113–66, div. A, title I, §141(b), title VII, §721(b), title X, §1091(a)(4), Dec. 26, 2013, 127 Stat. 697, 799, 875, added items 236 and 237 and inserted a period at end of item 231.

Pub. L. 112–239, div. A, title X, §§1076(f)(6), 1081(1)(B), Jan. 2, 2013, 126 Stat. 1952, 1960, transferred item 225 to appear after item 224 and struck out item 232 “United States Joint Forces Command: amounts for research, development, test, and evaluation to be derived only from Defense-wide amounts”.