

formation derived through the interpretation or analysis of imagery and collateral materials.

(4) The term “geospatial information” means information that identifies the geographic location and characteristics of natural or constructed features and boundaries on the earth and includes—

(A) statistical data and information derived from, among other things, remote sensing, mapping, and surveying technologies; and

(B) mapping, charting, geodetic data, and related products.

(5) The term “geospatial intelligence” means the exploitation and analysis of imagery and geospatial information to describe, assess, and visually depict physical features and geographically referenced activities on the earth. Geospatial intelligence consists of imagery, imagery intelligence, and geospatial information.

(Added Pub. L. 104-201, div. A, title XI, §112(a)(2), Sept. 23, 1996, 110 Stat. 2682; amended Pub. L. 105-85, div. A, title IX, §933(b)(2), Nov. 18, 1997, 111 Stat. 1866; Pub. L. 108-136, div. A, title IX, §921(b), Nov. 24, 2003, 117 Stat. 1568.)

AMENDMENTS

2003—Par. (5). Pub. L. 108-136 added par. (5).
1997—Par. (4). Pub. L. 105-85 inserted “and” at end of subpar. (A), substituted “geodetic data, and related products.” for “and geodetic data; and” in subpar. (B), and struck out subpar. (C) which read as follows: “geodetic products, as defined in section 455(c) of this title.”

EFFECTIVE DATE

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

CHAPTER 23—MISCELLANEOUS STUDIES AND REPORTS

Sec.	
480.	Reports to Congress: submission in electronic form.
481.	Racial and ethnic issues; gender issues: surveys.
482.	Quarterly reports: personnel and unit readiness.
483.	Reports on transfers from high-priority readiness appropriations.
[484 to 487.	Repealed.]
488.	Management of electromagnetic spectrum: biennial strategic plan.
489.	Annual report on Department of Defense operation and financial support for military museums.
[490.	Repealed.]
490a.	Biennial assessment and report on the delivery platforms for nuclear weapons and the nuclear command and control system.
491.	Nuclear employment strategy of the United States: reports on modification of strategy.

AMENDMENTS

2011—Pub. L. 112-81, div. A, title X, §§1041(c), 1046(b)(2), 1061(6)(B), (7)(B), (8)(B), (9)(B), (10)(B), Dec. 31, 2011, 125 Stat. 1575, 1579, 1583, added items 490a and 491 and struck out items 484 “Annual report on aircraft inventory”, 485 “Joint and service concept development and experimentation”, 486 “Quadrennial report on emerging operational concepts”, 487 “Unit operations tempo and personnel tempo: annual report”, and 490 “Space cadre management: biennial report”.

2008—Pub. L. 110-417, [div. A], title II, §241(b), Oct. 14, 2008, 122 Stat. 4398, added item 485 and struck out former item 485 “Joint warfighting experimentation”.

Pub. L. 110-181, div. A, title IX, §912(b), Jan. 28, 2008, 122 Stat. 281, added item 490.

2004—Pub. L. 108-375, div. A, title X, §1033(b), Oct. 28, 2004, 118 Stat. 2048, added item 489.

2003—Pub. L. 108-136, div. A, title X, §1054(b), Nov. 24, 2003, 117 Stat. 1615, added item 488.

2002—Pub. L. 107-314, div. A, title V, §561(a)(2), Dec. 2, 2002, 116 Stat. 2554, substituted “Racial and ethnic issues; gender issues: surveys” for “Race relations, gender discrimination, and hate group activity: annual survey and report” in item 481.

2001—Pub. L. 107-107, div. A, title X, §1042(b), Dec. 28, 2001, 115 Stat. 1218, added item 480.

1999—Pub. L. 106-65, div. A, title II, §241(a)(2), title III, §361(d)(3), title IX, §923(b)(2), Oct. 5, 1999, 113 Stat. 550, 575, 725, added items 486 and 487 and repealed Pub. L. 105-261, §373(d)(2). See 1998 Amendment note below.

1998—Pub. L. 105-261, div. A, title IX, §923(b)(2), title X, §1069(a)(1), Oct. 17, 1998, 112 Stat. 2105, 2135, substituted “Annual report” for “Report” in item 484 and added item 485.

Pub. L. 105-261, div. A, title III, §373(d)(2), Oct. 17, 1998, 112 Stat. 1992, which directed amendment of analysis, effective June 1, 2001, by striking out item 482, was repealed by Pub. L. 106-65, div. A, title III, §361(d)(3), Oct. 5, 1999, 113 Stat. 575.

1997—Pub. L. 105-85, div. A, title III, §322(a)(2), 323(b), 324(a)(2), Nov. 18, 1997, 111 Stat. 1675, 1677, substituted “Quarterly reports: personnel and unit readiness” for “Quarterly readiness reports” in item 482 and added items 483 and 484.

1996—Pub. L. 104-201, div. A, title V, §571(c)(2), title XI, §§112(a)(1), 1123(a)(4), Sept. 23, 1996, 110 Stat. 2532, 2677, 2688, substituted “Race relations, gender discrimination, and hate group activity: annual survey and report” for “Racial and ethnic issues; biennial survey; biennial report” in item 451, renamed chapter 22 of this title as this chapter, and redesignated items 451 and 452 as 481 and 482, respectively.

Pub. L. 104-106, div. A, title III, §361(a)(2), Feb. 10, 1996, 110 Stat. 273, added item 452.

§ 480. Reports to Congress: submission in electronic form

(a) REQUIREMENT.—Whenever the Secretary of Defense or any other official of the Department of Defense submits to Congress (or any committee of either House of Congress) a report that the Secretary (or other official) is required by law to submit, the Secretary (or other official) shall provide to Congress (or such committee) a copy of the report in an electronic medium.

(b) EXCEPTION.—Subsection (a) does not apply to a report submitted in classified form.

(c) DEFINITION.—In this section, the term “report” includes any certification, notification, or other communication in writing.

(Added Pub. L. 107-107, div. A, title X, §1042(a), Dec. 28, 2001, 115 Stat. 1218; amended Pub. L. 107-314, div. A, title X, §1042, Dec. 2, 2002, 116 Stat. 2646.)

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-314 substituted “shall provide to Congress (or)” for “shall, upon request by any committee of Congress to which the report is submitted or referred, provide to Congress (or each)”.

§ 481. Racial and ethnic issues; gender issues: surveys

(a) IN GENERAL.—(1) The Secretary of Defense shall carry out four quadrennial surveys (each in

a separate year) in accordance with this section to identify and assess racial and ethnic issues and discrimination, and to identify and assess gender issues and discrimination, among members of the armed forces. Each such survey shall be conducted so as to identify and assess the extent (if any) of activity among such members that may be seen as so-called ‘hate group’ activity.

(2) The four surveys shall be as follows:

(A) To identify and assess racial and ethnic issues and discrimination among members of the armed forces serving on active duty.

(B) To identify and assess racial and ethnic issues and discrimination among members of the armed forces in the reserve components.

(C) To identify and assess gender issues and discrimination among members of the armed forces serving on active duty.

(D) To identify and assess gender issues and discrimination members of the armed forces in the reserve components.

(3) The surveys under this section relating to racial and ethnic issues and discrimination shall be known as the ‘‘Armed Forces Workplace and Equal Opportunity Surveys’’. The surveys under this section relating to gender issues and discrimination shall be known as the ‘‘Armed Forces Workplace and Gender Relations Surveys’’.

(4) Each survey under this section shall be conducted separately from any other survey conducted by the Department of Defense.

(b) **ARMED FORCES WORKPLACE AND EQUAL OPPORTUNITY SURVEYS.**—The Armed Forces Workplace and Equal Opportunity Surveys shall be conducted so as to solicit information on racial and ethnic issues, including issues relating to harassment and discrimination, and the climate in the armed forces for forming professional relationships among members of the armed forces of various racial and ethnic groups. Both such surveys shall be conducted so as to solicit information on the following:

(1) Indicators of positive and negative trends for professional and personal relationships among members of all racial and ethnic groups.

(2) The effectiveness of Department of Defense policies designed to improve relationships among all racial and ethnic groups.

(3) The effectiveness of current processes for complaints on and investigations into racial and ethnic discrimination.

(c) **ARMED FORCES WORKPLACE AND GENDER RELATIONS SURVEYS.**—The Armed Forces Workplace and Gender Relations Surveys shall be conducted so as to solicit information on gender issues, including issues relating to gender-based harassment and discrimination, and the climate in the armed forces for forming professional relationships between male and female members of the armed forces. Both such surveys shall be conducted so as to solicit information on the following:

(1) Indicators of positive and negative trends for professional and personal relationships between male and female members of the armed forces.

(2) The effectiveness of Department of Defense policies designed to improve professional

relationships between male and female members of the armed forces.

(3) The effectiveness of current processes for complaints on and investigations into gender-based discrimination.

(d) **SURVEYS TO BE CONDUCTED IN DIFFERENT YEARS.**—Each of the four quadrennial surveys conducted under this section shall be conducted in a different year from any other survey conducted under this section, so that one such survey is conducted during each year.

(e) **REPORTS TO CONGRESS.**—Upon the completion of a survey under this section, the Secretary shall submit to Congress a report containing the results of the survey.

(f) **INAPPLICABILITY TO COAST GUARD.**—This section does not apply to the Coast Guard.

(Added Pub. L. 103–337, div. A, title V, § 554(a)(1), Oct. 5, 1994, 108 Stat. 2773, § 451; renumbered § 481 and amended Pub. L. 104–201, div. A, title V, § 571(c)(1), title XI, § 1121(a), Sept. 23, 1996, 110 Stat. 2532, 2687; Pub. L. 107–314, div. A, title V, § 561(a)(1), Dec. 2, 2002, 116 Stat. 2553.)

AMENDMENTS

2002—Pub. L. 107–314 substituted ‘‘Racial and ethnic issues; gender issues: surveys’’ for ‘‘Race relations, gender discrimination, and hate group activity: annual survey and report’’ as section catchline and amended text generally, substituting provisions requiring four quadrennial surveys and report for provisions requiring an annual survey and report.

1996—Pub. L. 104–201, § 1121(a), renumbered section 451 of this title as this section.

Pub. L. 104–201, § 571(c)(1), substituted ‘‘Race relations, gender discrimination, and hate group activity: annual survey and report’’ for ‘‘Racial and ethnic issues; biennial survey; biennial report’’ as section catchline and amended text generally, substituting provisions requiring an annual survey and report for provisions requiring a biennial survey and report.

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107–314, div. A, title V, § 561(b), Dec. 2, 2002, 116 Stat. 2554, provided that: ‘‘The first survey under section 481 of title 10, United States Code, as amended by subsection (a)(1), shall be carried out during 2003.’’

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

ANNUAL REPORT ON STATUS OF FEMALE MEMBERS OF THE ARMED FORCES

Pub. L. 107–314, div. A, title V, § 562, Dec. 2, 2002, 116 Stat. 2554, provided that:

‘‘(a) **REQUIREMENT FOR REPORT.**—The Secretary of Defense shall submit to Congress, for each of fiscal years 2002 through 2006, a report on the status of female members of the Armed Forces. Information in the annual report shall be shown for the Department of Defense as a whole and separately for each of the Army, Navy, Air Force, and Marine Corps.

‘‘(b) **MATTERS TO BE INCLUDED.**—The report for a fiscal year under subsection (a) shall include the following information:

‘‘(1) The positions, weapon systems, and fields of skills for which, by policy, female members are not eligible for assignment, as follows:

“(A) In the report for fiscal year 2002—

“(i) an identification of each position, weapon system, and field of skills for which, by policy, female members are not eligible; and

“(ii) the rationale for the applicability of the policy to each such position, weapon system, and field.

“(B) In the report for each fiscal year after fiscal year 2002, the positions, weapon systems, and fields for which policy on the eligibility of female members for assignment has changed during that fiscal year, including a discussion of how the policy has changed and the rationale for the change.

“(2) Information on joint spouse assignments, as follows:

“(A) The number of cases in which members of the Armed Forces married to each other are in assignments to which they were jointly assigned during that fiscal year, as defined in the applicable Department of Defense and military department personnel assignment policies.

“(B) The number of cases in which members of the Armed Forces married to each other are in assignments to which they were assigned during that fiscal year, but were not jointly assigned (as so defined).

“(3) Promotion selection rates for female members, for male members, and for all personnel in the reports submitted by promotion selection boards in that fiscal year for promotion to grades E-7, E-8, and E-9, and, in the case of commissioned officers, promotion to grades O-4, O-5, and O-6.

“(4) Retention rates for female members in each grade and for male members in each grade during that fiscal year.

“(5) Selection rates for female members and for male members for assignment to grade O-6 and grade O-5 command positions in reports of command selection boards that were submitted during that fiscal year.

“(6) Selection rates for female members and for male members for attendance at intermediate service schools (ISS) and, separately, for attendance at senior service schools (SSS) in reports of selection boards that were submitted during that fiscal year.

“(7) The extent of assignments of female members during that fiscal year in each field in which at least 80 percent of the Armed Forces personnel assigned in the field are men.

“(8) The incidence of sexual harassment complaints made during that fiscal year, stated as the number of cases in which complaints of sexual harassment were filed under procedures of military departments that are applicable to the submission of sexual harassment complaints, together with the number and percent of the complaints that were substantiated.

“(9) Satisfaction (based on surveys) of female active-duty members, female dependents of active-duty members, and female dependents of nonactive duty members entitled to health care provided by the Department of Defense with access to, and quality of, women's health care benefits provided by the Department of Defense.

“(c) TIME FOR REPORT.—The report for a fiscal year under this section shall be submitted not later than 120 days after the end of that fiscal year.”

FIRST REPORT REQUIRED UNDER SUBSECTION (c)

Section 554(b) of Pub. L. 103-337 required Secretary of Defense to submit first report under former subsec. (c) of this section not later than May 1, 1995.

§ 482. Quarterly reports: personnel and unit readiness

(a) QUARTERLY REPORTS REQUIRED.—Not later than 45 days after the end of each calendar-year quarter, the Secretary of Defense shall submit to Congress a report regarding military readi-

ness. The report for a quarter shall contain the information required by subsections (b), (d), (e), and (f).

(b) READINESS PROBLEMS AND REMEDIAL ACTIONS.—Each report shall specifically describe—

- (1) each readiness problem and deficiency identified using the assessments considered under subsection (c);
- (2) planned remedial actions; and
- (3) the key indicators and other relevant information related to each identified problem and deficiency.

(c) CONSIDERATION OF READINESS ASSESSMENTS.—The information required under subsection (b) to be included in the report for a quarter shall be based on readiness assessments that are provided during that quarter—

(1) to any council, committee, or other body of the Department of Defense—

(A) that has responsibility for readiness oversight; and

(B) whose membership includes at least one civilian officer in the Office of the Secretary of Defense at the level of Assistant Secretary of Defense or higher;

(2) by senior civilian and military officers of the military departments and the commanders of the unified and specified commands; and

(3) as part of any regularly established process of periodic readiness reviews for the Department of Defense as a whole.

(d) COMPREHENSIVE READINESS INDICATORS FOR ACTIVE COMPONENTS.—Each report shall also include information regarding each of the active components of the armed forces (and an evaluation of such information) with respect to each of the following readiness indicators:

(1) PERSONNEL STRENGTH.—

(A) Personnel status, including the extent to which members of the armed forces are serving in positions outside of their military occupational specialty, serving in grades other than the grades for which they are qualified, or both.

(B) Historical data and projected trends in personnel strength and status.

(2) PERSONNEL TURBULENCE.—

(A) Recruit quality.

(B) Borrowed manpower.

(C) Personnel stability.

(3) OTHER PERSONNEL MATTERS.—

(A) Personnel morale.

(B) Recruiting status.

(4) TRAINING.—

(A) Training unit readiness and proficiency.

(B) Operations tempo.

(C) Training funding.

(D) Training commitments and deployments.

(5) LOGISTICS—EQUIPMENT FILL.—

(A) Deployed equipment.

(B) Equipment availability.

(C) Equipment that is not mission capable.

(D) Age of equipment.

(E) Condition of nonpacing items.

(6) LOGISTICS—EQUIPMENT MAINTENANCE.—

(A) Maintenance backlog.

(7) LOGISTICS—SUPPLY.—

- (A) Availability of ordnance and spares.
(B) Status of prepositioned equipment.

(e) UNIT READINESS INDICATORS.—Each report shall also include information regarding the readiness of each active component unit of the armed forces at the battalion, squadron, or an equivalent level (or a higher level) that received a readiness rating of C-3 (or below) for any month of the calendar-year quarter covered by the report. With respect to each such unit, the report shall separately provide the following information:

- (1) The unit designation and level of organization.
- (2) The overall readiness rating for the unit for the quarter and each month of the quarter.
- (3) The resource area or areas (personnel, equipment and supplies on hand, equipment condition, or training) that adversely affected the unit's readiness rating for the quarter.
- (4) The reasons why the unit received a readiness rating of C-3 (or below).

(f) READINESS OF NATIONAL GUARD TO PERFORM CIVIL SUPPORT MISSIONS.—(1) Each report shall also include an assessment of the readiness of the National Guard to perform tasks required to support the National Response Plan for support to civil authorities.

(2) Any information in an assessment under this subsection that is relevant to the National Guard of a particular State shall also be made available to the Governor of that State.

(3) The Secretary shall ensure that each State Governor has an opportunity to provide to the Secretary an independent evaluation of that State's National Guard, which the Secretary shall include with each assessment submitted under this subsection.

(g) CLASSIFICATION OF REPORTS.—A report under this section shall be submitted in unclassified form. To the extent the Secretary of Defense determines necessary, the report may also be submitted in classified form.

(Added Pub. L. 104-106, div. A, title III, §361(a)(1), Feb. 10, 1996, 110 Stat. 272, §452; renumbered §482, Pub. L. 104-201, div. A, title XI, §1121(a), Sept. 23, 1996, 110 Stat. 2687; amended Pub. L. 105-85, div. A, title III, §322(a)(1), Nov. 18, 1997, 111 Stat. 1673; Pub. L. 106-65, div. A, title III, §361(d)(3), (e), Oct. 5, 1999, 113 Stat. 575; Pub. L. 110-181, div. A, title III, §351(b), Jan. 28, 2008, 122 Stat. 70.)

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-181, §351(b)(1), substituted “(e), and (f)” for “and (e)”.

Subsecs. (f), (g). Pub. L. 110-181, §351(b)(2), (3), added subsec. (f) and redesignated former subsec. (f) as (g).

1999—Pub. L. 106-65, §361(d)(3), repealed Pub. L. 105-261, §373(d)(2). See 1998 Amendment note below.

Subsec. (a). Pub. L. 106-65, §361(e), substituted “45 days” for “30 days”.

1998—Pub. L. 105-261, §373(d)(2), which directed the repeal of this section effective June 1, 2001, was repealed by Pub. L. 106-65, §361(d)(3).

1997—Pub. L. 105-85 substituted “Quarterly reports: personnel and unit readiness” for “Quarterly readiness reports” in section catchline and amended text generally. Prior to amendment, text consisted of subsecs. (a)

to (c) relating to requirement for submission of quarterly readiness reports, matters to be included in reports, and form of reports.

1996—Pub. L. 104-201 renumbered section 452 of this title as this section.

EFFECTIVE DATE OF PUB. L. 105-261

Pub. L. 105-261, div. A, title III, §373(d)(2), Oct. 17, 1998, 112 Stat. 1992, which provided that the repeal of this section was to be effective June 1, 2001, was repealed by Pub. L. 106-65, div. A, title III, §361(d)(3), Oct. 5, 1999, 113 Stat. 575.

EFFECTIVE DATE

Section 361(b) of Pub. L. 104-106 provided that: “Section 452 [now 482] of title 10, United States Code, as added by subsection (a), shall take effect with the calendar-year quarter during which this Act is enacted [enacted Feb. 10, 1996].”

QUARTERLY REPORTS ON PERSONNEL AND UNIT READINESS

Pub. L. 110-181, div. A, title III, §351(c)(2), Jan. 28, 2008, 122 Stat. 71, provided that: “The amendment made by subsection (b) [amending this section] shall apply with respect to the quarterly report required under section 482 of title 10, United States Code, for the second quarter of fiscal year 2009 and each subsequent report required under that section.”

QUARTERLY READINESS REPORT REQUIREMENT

Pub. L. 105-261, div. A, title III, §373(d)(1), Oct. 17, 1998, 112 Stat. 1992, which provided that effective Jan. 15, 2000, or the date on which the first report of the Secretary of Defense is submitted under section 117(e) of this title, whichever is later, the Secretary of Defense was to cease to submit reports under this section, was repealed by Pub. L. 106-65, div. A, title III, §361(d)(3), Oct. 5, 1999, 113 Stat. 575.

IMPLEMENTATION PLAN TO EXAMINE READINESS INDICATORS

Pub. L. 105-85, div. A, title III, §322(b), Nov. 18, 1997, 111 Stat. 1675, directed the Secretary of Defense, not later than Jan. 15, 1998, to submit to the congressional defense committees a plan specifying the manner in which the additional reporting requirement of subsec. (d) of this section would be implemented and the criteria proposed to be used to evaluate the readiness indicators identified in subsec. (d).

TRANSITION TO COMPLETE REPORT

Pub. L. 105-85, div. A, title III, §322(d), Nov. 18, 1997, 111 Stat. 1675, provided that until the report under this section for the third quarter of 1998 was submitted, the Secretary of Defense was authorized to omit the information required by subsec. (d) of this section if the Secretary determined that it was impracticable to comply.

§ 483. Reports on transfers from high-priority readiness appropriations

(a) ANNUAL REPORTS.—Not later than the date on which the President submits the budget for a fiscal year to Congress pursuant to section 1105 of title 31, the Secretary of Defense shall submit to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives a report on transfers during the preceding fiscal year from funds available for each covered budget activity.

(b) MIDYEAR REPORTS.—Not later than June 1 of each fiscal year, the Secretary of Defense shall submit to the congressional committees

specified in subsection (a) a report on transfers, during the first six months of that fiscal year, from funds available for each covered budget activity.

(c) MATTERS TO BE INCLUDED.—In each report under subsection (a) or (b), the Secretary of Defense shall include for each covered budget activity the following:

(1) A statement, for the period covered by the report, of—

- (A) the total amount of transfers into funds available for that activity;
- (B) the total amount of transfers from funds available for that activity; and
- (C) the net amount of transfers into, or out of, funds available for that activity.

(2) A detailed explanation of the transfers into, and out of, funds available for that activity during the period covered by the report, including identification of the sources from which funds were transferred into that activity and identification of the recipients of the funds transferred out of that activity.

(d) COVERED BUDGET ACTIVITY DEFINED.—In this section, the term “covered budget activity” means each of the following:

(1) The budget activity groups (known as “subactivities”) within the Operating Forces budget activity of the annual Operation and Maintenance, Army, appropriation that are designated as follows:

- (A) All subactivities under the category of Land Forces.
- (B) Land Forces Depot Maintenance.
- (C) Base Support.
- (D) Maintenance of Real Property.

(2) The Air Operations budget activity groups (known as “subactivities”) within the Operating Forces budget activity of the annual Operation and Maintenance, Navy, appropriation that are designated as follows:

- (A) Mission and Other Flight Operations.
- (B) Fleet Air Training.
- (C) Aircraft Depot Maintenance.
- (D) Base Support.
- (E) Maintenance of Real Property.

(3) The Ship Operations budget activity groups (known as “subactivities”) within the Operating Forces budget activity of the annual Operation and Maintenance, Navy, appropriation that are designated as follows:

- (A) Mission and Other Ship Operations.
- (B) Ship Operational Support and Training.
- (C) Ship Depot Maintenance.
- (D) Base Support.
- (E) Maintenance of Real Property.

(4) The Expeditionary Forces budget activity groups (known as “subactivities”) within the Operating Forces budget activity of the annual Operation and Maintenance, Marine Corps, appropriation that are designated as follows:

- (A) Operational Forces.
- (B) Depot Maintenance.
- (C) Base Support.
- (D) Maintenance of Real Property.

(5) The Air Operations and Combat Related Operations budget activity groups (known as

“subactivities”) within the Operating Forces budget activity of the annual Operation and Maintenance, Air Force, appropriation that are designated as follows:

- (A) Primary Combat Forces.
- (B) Primary Combat Weapons.
- (C) Air Operations Training.
- (D) Depot Maintenance.
- (E) Base Support.
- (F) Maintenance of Real Property.
- (G) Combat Enhancement Forces.
- (H) Combat Communications.

(6) The Mobility Operations budget activity group (known as a “subactivity”) within the Mobilization budget activity of the annual Operation and Maintenance, Air Force, appropriation that is designated as Airlift Operations.

(Added Pub. L. 105-85, div. A, title III, §323(a), Nov. 18, 1997, 111 Stat. 1675; amended Pub. L. 106-65, div. A, title X, §1067(1), Oct. 5, 1999, 113 Stat. 774; Pub. L. 106-398, §1 [[div. A], title III, §372], Oct. 30, 2000, 114 Stat. 1654, 1654A-80.)

AMENDMENTS

2000—Subsec. (c)(2). Pub. L. 106-398, §1 [[div. A], title III, §372(b)], inserted before period “”, including identification of the sources from which funds were transferred into that activity and identification of the recipients of the funds transferred out of that activity”.

Subsec. (d)(5)(G), (H). Pub. L. 106-398, §1 [[div. A], title III, §372(c)], added subpars. (G) and (H).

Subsec. (e). Pub. L. 106-398, §1 [[div. A], title III, §372(a)], struck out heading and text of subsec. (e). Text read as follows: “The requirements specified in subsections (a) and (b) shall terminate upon the submission of the annual report under subsection (a) covering fiscal year 2000.”

1999—Subsec. (a). Pub. L. 106-65 substituted “and the Committee on Armed Services” for “and the Committee on National Security”.

[§ 484. Repealed. Pub. L. 112-81, div. A, title X, § 1061(6)(A), Dec. 31, 2011, 125 Stat. 1583]

Section, added Pub. L. 105-85, div. A, title III, §324(a)(1), Nov. 18, 1997, 111 Stat. 1677, related to annual report on aircraft inventory.

[§ 485. Repealed. Pub. L. 112-81, div. A, title X, § 1061(7)(A), Dec. 31, 2011, 125 Stat. 1583]

Section, added Pub. L. 105-261, div. A, title IX, §923(b)(1), Oct. 17, 1998, 112 Stat. 2105; amended Pub. L. 106-65, div. A, title IX, §931, title X, §1067(1), Oct. 5, 1999, 113 Stat. 726, 774; Pub. L. 107-107, div. A, title IX, §922, Dec. 28, 2001, 115 Stat. 1198; Pub. L. 110-417, [div. A], title II, §241(a), Oct. 14, 2008, 122 Stat. 4395, related to biennial reports on joint and service concept development and experimentation.

[§ 486. Repealed. Pub. L. 112-81, div. A, title X, § 1061(8)(A), Dec. 31, 2011, 125 Stat. 1583]

Section, added Pub. L. 106-65, div. A, title II, §241(a)(1), Oct. 5, 1999, 113 Stat. 549, related to quadrennial report on emerging operational concepts.

[§ 487. Repealed. Pub. L. 112-81, div. A, title X, § 1061(9)(A), Dec. 31, 2011, 125 Stat. 1583]

Section, added Pub. L. 106-65, div. A, title IX, §923(b)(1), Oct. 5, 1999, 113 Stat. 724; amended Pub. L. 108-136, div. A, title V, §541(c), Nov. 24, 2003, 117 Stat. 1477; Pub. L. 108-375, div. A, title X, §1084(d)(4), Oct. 28, 2004, 118 Stat. 2061, related to annual report on unit operations tempo and personnel tempo.

§ 488. Management of electromagnetic spectrum: biennial strategic plan

(a) **REQUIREMENT FOR STRATEGIC PLAN.**—Every other year, and in time for submission to Congress under subsection (b), the Secretary of Defense shall prepare a strategic plan for the management of the electromagnetic spectrum to ensure the accessibility and efficient use of that spectrum needed to support the mission of the Department of Defense.

(b) **SUBMISSION OF PLAN TO CONGRESS.**—The Secretary of Defense shall submit to Congress the strategic plan most recently prepared under subsection (a) at the same time that the President submits to Congress the budget for an even-numbered fiscal year under section 1105(a) of title 31.

(Added Pub. L. 108–136, div. A, title X, § 1054(a), Nov. 24, 2003, 117 Stat. 1615.)

§ 489. Annual report on Department of Defense operation and financial support for military museums

(a) **REPORT REQUIRED.**—As part of the budget materials submitted to Congress in connection with the submission of the budget for a fiscal year pursuant to section 1105 of title 31, but in no case later than March 15 of each year, the Secretary of Defense shall submit a report identifying all military museums that, during the most recently completed fiscal year—

(1) were operated by the Secretary of Defense or the Secretary of a military department;

(2) were otherwise supported using funds appropriated to the Department of Defense; or

(3) were located on property under the jurisdiction of the Department of Defense, although neither operated by the Department of Defense nor supported using funds appropriated to the Department of Defense.

(b) **INFORMATION ON INDIVIDUAL MUSEUMS.**—For each museum identified in a report under this section, the Secretary of Defense shall include in the report the following:

(1) The purpose and functions of the museum and the justification for the museum.

(2) A description of the facilities dedicated to the museum, including the location, size, and type of facilities and whether the facilities are included or eligible for inclusion on the National Register of Historic Places.

(3) An itemized listing of the funds appropriated to the Department of Defense that were obligated to support the museum during the fiscal year covered by the report and a description of the process used to determine the annual allocation of Department of Defense funds for the museum.

(4) An itemized listing of any other Federal funds, funds from a nonappropriated fund instrumentality account of the Department of Defense, and non-Federal funds obligated to support the museum.

(5) The management structure of the museum, including identification of the persons responsible for preparing the budget for the museum and for making acquisition and management decisions for the museum.

(6) The number of civilian employees of the Department of Defense and members of the armed forces who served full-time or part-time at the museum and their role in the management structure of the museum.

(c) **INFORMATION ON SUPPORT PRIORITIES.**—Each report under this section shall also include a separate description of the procedures used by the Secretary of Defense, in the case of museums identified in the report that are operated or supported by the Secretary of Defense, and the Secretary of a military department, in the case of museums identified in the report that are operated or supported by that Secretary, to prioritize funding and personnel support to the museums. The Secretary of Defense shall include a description of any such procedures applicable to the entire Department of Defense.

(Added Pub. L. 108–375, div. A, title X, § 1033(a), Oct. 28, 2004, 118 Stat. 2047.)

[§ 490. Repealed. Pub. L. 112–81, div. A, title X, § 1061(10)(A), Dec. 31, 2011, 125 Stat. 1583]

Section, added Pub. L. 110–181, div. A, title IX, § 912(a), Jan. 28, 2008, 122 Stat. 280; amended Pub. L. 111–84, div. A, title X, § 1073(a)(6), Oct. 28, 2009, 123 Stat. 2472, related to management of space cadre personnel and submission of a biennial report.

§ 490a. Biennial assessment and report on the delivery platforms for nuclear weapons and the nuclear command and control system

(a) **BIENNIAL ASSESSMENTS.**—(1) For each even-numbered year, each covered official shall assess the safety, security, reliability, sustainability, performance, and military effectiveness of the systems described in paragraph (2) for which such official has responsibility.

(2) The systems described in this paragraph are the following:

(A) Each type of delivery platform for nuclear weapons.

(B) The nuclear command and control system.

(b) **BIENNIAL REPORT.**—(1) Not later than December 1 of each even-numbered year, each covered official shall submit to the Secretary of Defense and the Nuclear Weapons Council established by section 179 of this title a report on the assessments conducted under subsection (a).

(2) Each report under paragraph (1) shall include the following:

(A) The results of the assessment.

(B) An identification and discussion of any capability gaps or shortfalls with respect to the systems described in subsection (a)(2) covered under the assessment.

(C) An identification and discussion of any risks with respect to meeting mission or capability requirements.

(D) In the case of an assessment by the Commander of the United States Strategic Command, if the Commander identifies any deficiency with respect to a nuclear weapons delivery platform covered under the assessment, a discussion of the relative merits of any other nuclear weapons delivery platform type or compensatory measure that would accomplish the mission of such nuclear weapons delivery platform.

(E) An identification and discussion of any matter having an adverse effect on the capability of the covered official to accurately determine the matters covered by the assessment.

(c) REPORT TO PRESIDENT AND CONGRESS.—(1) Not later than March 1 of each year following a year for which a report under subsection (b) is submitted, the Secretary of Defense shall submit to the President a report containing—

(A) each report under subsection (b) submitted during the previous year, as originally submitted to the Secretary;

(B) any comments that the Secretary considers appropriate with respect to each such report;

(C) any conclusions that the Secretary considers appropriate with respect to the safety, security, reliability, sustainability, performance, or military effectiveness of the systems described in subsection (a)(2); and

(D) any other information that the Secretary considers appropriate.

(2) Not later than March 15 of each year during which a report under paragraph (1) is submitted, the President shall transmit to the congressional defense committees the report submitted to the President under paragraph (1), including any comments the President considers appropriate.

(3) Each report under this subsection may be in classified form if the Secretary of Defense determines it necessary.

(d) COVERED OFFICIAL DEFINED.—In this section, the term “covered official” means—

(1) the Commander of the United States Strategic Command;

(2) the Director of the Strategic Systems Program of the Navy; and

(3) the Commander of the Global Strike Command of the Air Force.

(Added Pub. L. 112–81, div. A, title X, §1041(a), Dec. 31, 2011, 125 Stat. 1573.)

INITIAL ASSESSMENT AND REPORTS

Pub. L. 112–81, div. A, title X, §1041(b), Dec. 31, 2011, 125 Stat. 1574, provided that: “Not later than 30 days after the date of enactment of this Act [Dec. 31, 2011], each covered official, as such term is defined in subsection (d) of section 490a of title 10, United States Code, as added by subsection (a), shall conduct an initial assessment as described by subsection (a) of such section and submit an initial report as described by subsection (b) of such section. The requirements of subsection (c) of such section shall apply with respect to the report submitted under this subsection.”

§ 491. Nuclear employment strategy of the United States: reports on modification of strategy

On the date on which the President issues a nuclear employment strategy of the United States that differs from the nuclear employment strategy of the United States then in force, the President shall submit to Congress a report setting forth the following:

(1) A description of the modifications to nuclear employment strategy of the United States made by the strategy so issued.

(2) An assessment of effects of such modification for the nuclear posture of the United States.

(3) The implication of such changes on the flexibility and resilience of the strategic forces of the United States and the ability of such forces to support the goals of the United States with respect to nuclear deterrence, extended deterrence, assurance, and defense.

(Added Pub. L. 112–81, div. A, title X, §1046(b)(1), Dec. 31, 2011, 125 Stat. 1579.)

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