

The following provisions defined the term “congressional defense committees” for purposes of the Acts in which they were contained to mean the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives:

Pub. L. 111–118, div. A, title VIII, §8028, Dec. 19, 2009, 123 Stat. 3434.

Pub. L. 110–329, div. C, title VIII, §8028, Sept. 30, 2008, 122 Stat. 3627 (definition applies to div. C only).

Pub. L. 110–116, div. A, title VIII, §8027, Nov. 13, 2007, 121 Stat. 1320.

Pub. L. 109–289, div. A, title VIII, §8025, Sept. 29, 2006, 120 Stat. 1279.

Pub. L. 108–287, title VIII, §8030, Aug. 5, 2004, 118 Stat. 977.

Pub. L. 108–87, title VIII, §8031, Sept. 30, 2003, 117 Stat. 1079.

Pub. L. 107–248, title VIII, §8031, Oct. 23, 2002, 116 Stat. 1543.

Pub. L. 107–117, div. A, title VIII, §8034, Jan. 10, 2002, 115 Stat. 2255.

Pub. L. 106–259, title VIII, §8034, Aug. 9, 2000, 114 Stat. 682.

Pub. L. 106–79, title VIII, §8036, Oct. 25, 1999, 113 Stat. 1239.

The following provisions defined the term “congressional defense committees” for purposes of the Acts in which they were contained to mean 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:

Pub. L. 108–136, §3, Nov. 24, 2003, 117 Stat. 1406.

Pub. L. 107–314, §3, Dec. 2, 2002, 116 Stat. 2471.

Pub. L. 107–107, §3, Dec. 28, 2001, 115 Stat. 1027.

Pub. L. 106–398, §1 [§3], Oct. 30, 2000, 114 Stat. 1654, 1654A–19.

Pub. L. 106–65, §3, Oct. 5, 1999, 113 Stat. 529.

Pub. L. 103–337, §3, Oct. 5, 1994, 108 Stat. 2678.

Pub. L. 103–160, §3, Nov. 30, 1993, 107 Stat. 1562.

Pub. L. 102–484, §3, Oct. 23, 1992, 106 Stat. 2331.

Pub. L. 102–190, §3, Dec. 5, 1991, 105 Stat. 1301.

Pub. L. 102–25, §3(4), Apr. 6, 1991, 105 Stat. 77.

Pub. L. 101–510, §3, Nov. 5, 1990, 104 Stat. 1498.

Pub. L. 101–189, §4, Nov. 29, 1989, 103 Stat. 1364.

The following provisions defined the term “congressional defense committees” for purposes of the Acts in which they were contained to mean the National Security Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on National Security of the Committee on Appropriations of the House of Representatives:

Pub. L. 105–262, title VIII, §8036, Oct. 17, 1998, 112 Stat. 2305.

Pub. L. 105–56, title VIII, §8038, Oct. 8, 1997, 111 Stat. 1229.

Pub. L. 104–208, div. A, title I, §101(b) [title VIII, §8040], Sept. 30, 1996, 110 Stat. 3009–71, 3009–97.

Pub. L. 104–61, title VIII, §8049, Dec. 1, 1995, 109 Stat. 661.

The following provisions defined the term “congressional defense committees” for purposes of the Acts in which they were contained to mean the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives:

Pub. L. 105–261, §3, Oct. 17, 1998, 112 Stat. 1935.

Pub. L. 105–85, §3, Nov. 18, 1997, 111 Stat. 1645.

Pub. L. 104–201, §3, Sept. 23, 1996, 110 Stat. 2439.

Pub. L. 104–106, §3, Feb. 10, 1996, 110 Stat. 204.

The following provisions defined the term “congressional defense committees” for purposes of the Acts in which they were contained to mean the Committees on

Armed Services, the Committees on Appropriations, and the subcommittees on Defense of the Committee on Appropriations, of the Senate and the House of Representatives:

Pub. L. 103–335, title VIII, §8056, Sept. 30, 1994, 108 Stat. 2631.

Pub. L. 103–139, title VIII, §8067, Nov. 11, 1993, 107 Stat. 1455.

Pub. L. 102–172, title VIII, §8116, Nov. 26, 1991, 105 Stat. 1203.

#### DEFINITIONS FOR PURPOSES OF PUB. L. 102–25

Pub. L. 102–25, §3, Apr. 6, 1991, 105 Stat. 77, as amended by Pub. L. 102–190, div. A, title XII, §1203(a), Dec. 5, 1991, 105 Stat. 1508, provided that: “For the purposes of this Act [see Short Title of 1991 Amendment note above]:

“(1) The term ‘Operation Desert Storm’ means operations of United States Armed Forces conducted as a consequence of the invasion of Kuwait by Iraq (including operations known as Operation Desert Shield, Operation Desert Storm, and Operation Provide Comfort).

“(2) The term ‘incremental costs associated with Operation Desert Storm’ means costs referred to in section 251(b)(2)(D)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)(ii)).

“(3) The term ‘Persian Gulf conflict’ means the period beginning on August 2, 1990, and ending thereafter on the date prescribed by Presidential proclamation or by law.

“(4) The term ‘congressional defense committees’ has the meaning given that term in section 3 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1498).”

#### CHAPTER 2—DEPARTMENT OF DEFENSE

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#### AMENDMENTS

2009—Pub. L. 111–84, div. A, title XI, §§1108(a)(2), 1109(b)(2)(B)(ii), Oct. 28, 2009, 123 Stat. 2491, 2493, amended item 115a generally, substituting “Annual defense manpower requirements report” for “Annual manpower requirements report”, and added item 115b.

2008—Pub. L. 110–417, [div. A], title X, §1061(a)(1), Oct. 14, 2008, 122 Stat. 4612, added item 118b.

2002—Pub. L. 107–314, div. A, title V, §581(a)(2), title X, §1061(b), Dec. 2, 2002, 116 Stat. 2561, 2649, added items 113a and 118a.

1999—Pub. L. 106–65, div. A, title IX, §901(a)(2), Oct. 5, 1999, 113 Stat. 717, added item 118.

1998—Pub. L. 105–261, div. A, title III, §373(a)(2), Oct. 17, 1998, 112 Stat. 1992, added item 117.

1994—Pub. L. 103–337, div. A, title XVI, §1671(b)(1), Oct. 5, 1994, 108 Stat. 3013, struck out item 115b “Annual report on National Guard and reserve component equipment”.

1992—Pub. L. 102-484, div. A, title X, §1002(d)(1), Oct. 23, 1992, 106 Stat. 2480, struck out item 114a “Multiyear Defense Program: submission to Congress; consistency in budgeting”.

1990—Pub. L. 101-510, div. A, title XIV, §1402(a)(3)(B), Nov. 5, 1990, 104 Stat. 1674, which directed amendment of item 114a by substituting “Multiyear” for “Five-year”, was executed by substituting “Multiyear” for “Five-Year” as the probable intent of Congress.

Pub. L. 101-510, div. A, title XIII, §1331(1), title XIV, §1483(c)(1), Nov. 5, 1990, 104 Stat. 1673, 1715, substituted “Personnel strengths: requirement for annual authorization” for “Annual authorization of personnel strengths; annual manpower requirements report” in item 115, added items 115a and 115b, and struck out items 117 “Annual report on North Atlantic Treaty Organization readiness” and 118 “Sale or transfer of defense articles: reports to Congress”.

1989—Pub. L. 101-189, div. A, title XVI, §1602(a)(2), Nov. 29, 1989, 103 Stat. 1597, added item 114a.

1987—Pub. L. 100-180, div. A, title XI, §1132(a)(2), Dec. 4, 1987, 101 Stat. 1152, added item 119.

1986—Pub. L. 99-433, title I, §101(a)(1), Oct. 1, 1986, 100 Stat. 994, added chapter heading and analysis of sections for chapter 2, consisting of items 111 to 118.

**§ 111. Executive department**

(a) The Department of Defense is an executive department of the United States.

(b) The Department is composed of the following:

- (1) The Office of the Secretary of Defense.
- (2) The Joint Chiefs of Staff.
- (3) The Joint Staff.
- (4) The Defense Agencies.
- (5) Department of Defense Field Activities.
- (6) The Department of the Army.
- (7) The Department of the Navy.
- (8) The Department of the Air Force.
- (9) The unified and specified combatant commands.
- (10) Such other offices, agencies, activities, and commands as may be established or designated by law or by the President.
- (11) All offices, agencies, activities, and commands under the control or supervision of any element named in paragraphs (1) through (10).

(c) If the President establishes or designates an office, agency, activity, or command in the Department of Defense of a kind other than those described in paragraphs (1) through (9) of subsection (b), the President shall notify Congress not later than 60 days thereafter.

(Added Pub. L. 87-651, title II, §202, Sept. 7, 1962, 76 Stat. 517, §131; renumbered §111 and amended Pub. L. 99-433, title I, §101(a)(2), (b), Oct. 1, 1986, 100 Stat. 994, 995.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
131 .....	5:171(a) (less last 10 words), (b).	July 26, 1947, ch. 343, §201(a) (less last 10 words), (b); restated Aug. 10, 1949, ch. 412, §4 (1st (less last 10 words) and 2d pars.), 63 Stat. 579.

The words “There is established”, in 5 U.S.C. 171(a), are omitted as executed. 5 U.S.C. 171(b) (1st 26 words) is omitted as covered by the definitions of “department” and “military departments” in section 101(5) and (7), respectively, of this title. 5 U.S.C. 171(b) (27th through 49th words) is omitted as executed. 5 U.S.C. 171(b) (last 18 words) is omitted as surplusage.

AMENDMENTS

1986—Pub. L. 99-433 renumbered section 131 of this title as this section, designated existing provisions as subsec. (a), and added subsecs. (b) and (c).

CHANGE OF NAME

Pub. L. 104-106, div. A, title IX, §908, Feb. 10, 1996, 110 Stat. 406, provided that:

“(a) REDESIGNATION.—The agency in the Department of Defense known as the Advanced Research Projects Agency shall after the date of the enactment of this Act [Feb. 10, 1996] be designated as the Defense Advanced Research Projects Agency.

“(b) REFERENCES.—Any reference in any law, regulation, document, record, or other paper of the United States or in any provision of this Act to the Advanced Research Projects Agency shall be considered to be a reference to the Defense Advanced Research Projects Agency.”

SHORT TITLE OF 1986 AMENDMENT

Section 1(a) of Pub. L. 99-433 provided that: “This Act [see Tables for classification] may be cited as the ‘Goldwater-Nichols Department of Defense Reorganization Act of 1986.’”

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the Department of Defense, including the functions of the Secretary of Defense relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 121(g)(2), 183(2), 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.

Missions and functions of elements of Department of Defense as specified in classified annex to Pub. L. 104-201, and related personnel, assets, and balances of appropriations and authorizations of appropriations, transferred to National Imagery and Mapping Agency, see sections 1111 and 1113 of Pub. L. 104-201, set out as notes under section 441 of this title.

INTERAGENCY POLICY COORDINATION

Pub. L. 110-181, div. A, title IX, §952, Jan. 28, 2008, 122 Stat. 291, provided that:

“(a) PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act [Jan. 28, 2008], the Secretary of Defense shall develop and submit to Congress a plan to improve and reform the Department of Defense’s participation in and contribution to the interagency coordination process on national security issues.

“(b) ELEMENTS.—The elements of the plan shall include the following:

“(1) Assigning either the Under Secretary of Defense for Policy or another official to be the lead policy official for improving and reforming the interagency coordination process on national security issues for the Department of Defense, with an explanation of any decision to name an official other than the Under Secretary and the relative advantages and disadvantages of such decision.

“(2) Giving the official assigned under paragraph (1) the following responsibilities:

“(A) To be the lead person at the Department of Defense for the development of policy affecting the national security interagency process.

“(B) To serve, or designate a person to serve, as the representative of the Department of Defense in Federal Government forums established to address interagency policy, planning, or reforms.

“(C) To advocate, on behalf of the Secretary, for greater interagency coordination and contributions in the execution of the National Security Strategy and particularly specific operational objectives undertaken pursuant to that strategy.

“(D) To make recommendations to the Secretary of Defense on changes to existing Department of Defense regulations or laws to improve the interagency process.

“(E) To serve as the coordinator for all planning and training assistance that is—

“(i) designed to improve the interagency process or the capabilities of other agencies to work with the Department of Defense; and

“(ii) provided by the Department of Defense at the request of other agencies.

“(F) To serve as the lead official in Department of Defense for the development of deployable joint interagency task forces.

“(c) FACTORS TO BE CONSIDERED.—In drafting the plan, the Secretary of Defense shall also consider the following factors:

“(1) How the official assigned under subsection (b)(1) shall provide input to the Secretary of Defense on an ongoing basis on how to incorporate the need to coordinate with other agencies into the establishment and reform of combatant commands.

“(2) How such official shall develop and make recommendations to the Secretary of Defense on a regular or an ongoing basis on changes to military and civilian personnel to improve interagency coordination.

“(3) How such official shall work with the combatant command that has the mission for joint warfighting experimentation and other interested agencies to develop exercises to test and validate interagency planning and capabilities.

“(4) How such official shall lead, coordinate, or participate in after-action reviews of operations, tests, and exercises to capture lessons learned regarding the functioning of the interagency process and how those lessons learned will be disseminated.

“(5) The role of such official in ensuring that future defense planning guidance takes into account the capabilities and needs of other agencies.

“(d) RECOMMENDATION ON CHANGES IN LAW.—The Secretary of Defense may submit with the plan or with any future budget submissions recommendations for any changes to law that are required to enhance the ability of the official assigned under subsection (b)(1) in the Department of Defense to coordinate defense interagency efforts or to improve the ability of the Department of Defense to work with other agencies.

“(e) ANNUAL REPORT.—If an official is named by the Secretary of Defense under subsection (b)(1), the official shall annually submit to Congress a report, beginning in the fiscal year following the naming of the official, on those actions taken by the Department of Defense to enhance national security interagency coordination, the views of the Department of Defense on efforts and challenges in improving the ability of agencies to work together, and suggestions on changes needed to laws or regulations that would enhance the coordination of efforts of agencies.

“(f) DEFINITION.—In this section, the term ‘interagency coordination’, within the context of Department of Defense involvement, means the coordination that occurs between elements of the Department of Defense and engaged Federal Government agencies for the purpose of achieving an objective.

“(g) CONSTRUCTION.—Nothing in this provision shall be construed as preventing the Secretary of Defense from naming an official with the responsibilities listed in subsection (b) before the submission of the report required under this section.”

#### COMMISSION ON REVIEW OF OVERSEAS MILITARY FACILITY STRUCTURE OF THE UNITED STATES

Pub. L. 108-132, §128, Nov. 22, 2003, 117 Stat. 1382, as amended by Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814; Pub. L. 108-324, div. A, §127, Oct. 13, 2004, 118 Stat. 1229, established the Commission on the Review of the Overseas Military Facility Structure of the United States to conduct a thorough study of matters relating to the military facility structure of the United States

overseas, directed the Commission to submit a report to the President and Congress not later than Aug. 15, 2005, and provided that the Commission would terminate 45 days after such date.

#### COMMISSION TO ASSESS UNITED STATES NATIONAL SECURITY SPACE MANAGEMENT AND ORGANIZATION

Pub. L. 106-65, div. A, title XVI, subtitle C, Oct. 5, 1999, 113 Stat. 813, as amended by Pub. L. 106-398, §1 [[div. A], title X, §1091], Oct. 30, 2000, 114 Stat. 1654, 1654A-300, established Commission To Assess United States National Security Space Management and Organization for purpose of assessing (1) manner in which military space assets may be exploited to provide support for United States military operations, (2) current interagency coordination process regarding operation of national security space assets, (3) relationship between intelligence and nonintelligence aspects of national security space, and potential costs and benefits of partial or complete merger of programs, projects, (4) manner in which military space issues are addressed by professional military education institutions, (5) potential costs and benefits of establishing changes to existing organizational structure of Department of Defense for national security space management and organization, and (6) advisability of certain actions relating to assignment of specified officers in United States Space Command; and further provided for report to Congress and Secretary of Defense on its findings and conclusions not later than six months after first meeting, submission to Congress by Secretary of Defense of assessment of Commission’s report not later than 90 days after submission of Commission’s report, and for termination of Commission 60 days after submission of its report to Congress.

#### COMMISSION ON NATIONAL MILITARY MUSEUM

Pub. L. 106-65, div. B, title XXIX, Oct. 5, 1999, 113 Stat. 881, as amended by Pub. L. 107-107, div. A, title X, §1048(g)(9), Dec. 28, 2001, 115 Stat. 1228, established the Commission on the National Military Museum to conduct a study regarding construction of a national military museum in the National Capital Area, directed that appointments to the Commission be made not later than 90 days after Oct. 5, 1999, directed the Commission to convene its first meeting not later than 60 days after all appointments, directed the Commission to submit a report to Congress not later than 12 months after its first meeting, and provided for the termination of the Commission 60 days after submission of its report.

#### PROHIBITION ON RESTRICTION OF ARMED FORCES UNDER KYOTO PROTOCOL TO UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE

Pub. L. 105-261, div. A, title XII, §1232, Oct. 17, 1998, 112 Stat. 2155, provided that:

“(a) IN GENERAL.—Notwithstanding any other provision of law, no provision of the Kyoto Protocol to the United Nations Framework Convention on Climate Change, or any regulation issued pursuant to such protocol, shall restrict the training or operations of the United States Armed Forces or limit the military equipment procured by the United States Armed Forces.

“(b) WAIVER.—A provision of law may not be construed as modifying or superseding the provisions of subsection (a) unless that provision of law—

“(1) specifically refers to this section; and

“(2) specifically states that such provision of law modifies or supersedes the provisions of this section.

“(c) MATTERS NOT AFFECTED.—Nothing in this section shall be construed to preclude the Department of Defense from implementing any measure to achieve ef-

ficiencies or for any other reason independent of the Kyoto Protocol.”

**APPLICABILITY OF CERTAIN PAY AUTHORITIES TO MEMBERS OF SPECIFIED INDEPENDENT STUDY ORGANIZATIONS**

Pub. L. 105–85, div. A, title X, §1081, Nov. 18, 1997, 111 Stat. 1916, provided that:

“(a) **APPLICABILITY OF CERTAIN PAY AUTHORITIES.**—(1) An individual who is a member of a commission or panel specified in subsection (b) and is an annuitant otherwise covered by section 8344 or 8468 of title 5, United States Code, by reason of membership on the commission or panel is not subject to the provisions of that section with respect to such membership.

“(2) An individual who is a member of a commission or panel specified in subsection (b) and is a member or former member of a uniformed service is not subject to the provisions of subsections (b) and (c) of section 5532 of such title with respect to membership on the commission or panel.

“(b) **SPECIFIED ENTITIES.**—Subsection (a) applies—

“(1) effective as of September 23, 1996, to members of the National Defense Panel established by section 924 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2626) [formerly set out below]; and

“(2) effective as of October 9, 1996, to members of the Commission on Servicemembers and Veterans Transition Assistance established by section 701 of the Veterans’ Benefits Improvements Act of 1996 (Public Law 104–275; 110 Stat. 3346; 38 U.S.C. 545 note).”

**MISSION OF WHITE HOUSE COMMUNICATIONS AGENCY**

Pub. L. 104–201, div. A, title IX, §912, Sept. 23, 1996, 110 Stat. 2623, as amended by Pub. L. 109–163, div. A, title IX, §906, Jan. 6, 2006, 119 Stat. 3402, provided that:

“(a) **TELECOMMUNICATIONS SUPPORT AND AUDIOVISUAL SUPPORT SERVICES.**—The Secretary of Defense shall ensure that the activities of the White House Communications Agency in providing support services on a nonreimbursable basis for the President from funds appropriated for the Department of Defense for any fiscal year are limited to the provision of telecommunications support and audiovisual support services to the President and Vice President and to related elements (as defined in regulations of that agency and specified by the President with respect to particular individuals within those related elements).

“(b) **OTHER SUPPORT.**—Support services other than telecommunications and audiovisual support services described in subsection (a) may be provided by the Department of Defense for the President through the White House Communications Agency on a reimbursable basis.

“(c) **WHITE HOUSE COMMUNICATIONS AGENCY.**—For purposes of this section, the term ‘White House Communications Agency’ means the element of the Department of Defense within the Defense Communications Agency that is known on the date of the enactment of this Act [Sept. 23, 1996] as the White House Communications Agency and includes any successor agency.”

**MILITARY FORCE STRUCTURE REVIEW**

Pub. L. 104–201, div. A, title IX, subtitle B, Sept. 23, 1996, 110 Stat. 2623, directed Secretary of Defense, in consultation with Chairman of the Joint Chiefs of Staff, to complete in 1997 a review of defense program of United States, which was to include comprehensive examination of defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of defense program and policies with view toward determining and expressing defense strategy of United States and establishing revised defense program through year 2005, further established National Defense Panel to complete review and report to Secretary not later than Dec. 1, 1997, further directed Secretary to submit final report to Congress not later

than Dec. 15, 1997, and provided for termination of Panel 30 days after submission of report to Secretary.

**COMMISSION ON ROLES AND MISSIONS OF ARMED FORCES**

Pub. L. 103–160, div. A, title IX, subtitle E, Nov. 30, 1993, 107 Stat. 1738, as amended by Pub. L. 103–337, div. A, title IX, §923(a)(1), (2), (b)–(d), Oct. 5, 1994, 108 Stat. 2830, 2831, established the Commission on Roles and Missions of the Armed Forces to review the efficacy and appropriateness of post-Cold War era allocations of roles, missions, and functions among the Armed Forces and to evaluate and report on alternatives and make recommendations for changes, directed that appointments to the Commission be made within 45 days after Nov. 30, 1993, and that the Commission convene its first meeting within 30 days of all appointments, and thereafter submit a report not later than one year after the date of its first meeting, directed the Secretary of Defense to submit comments on the report not later than 90 days following receipt, and provided for the termination of the Commission on the last day of the sixteenth month after its first meeting or no earlier than 30 days after submission of comments by the Secretary of Defense.

**TERMINATION OF DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS DETERMINED BY SECRETARY OF DEFENSE TO BE UNNECESSARY OR INCOMPATIBLE WITH EFFICIENT MANAGEMENT OF DEPARTMENT OF DEFENSE**

Pub. L. 103–160, div. A, title XI, §1151, Nov. 30, 1993, 107 Stat. 1758, provided that:

“(a) **TERMINATION OF REPORT REQUIREMENTS.**—Unless otherwise provided by a law enacted after the date of the enactment of this Act [Nov. 30, 1993], each provision of law requiring the submittal to Congress (or any committee of Congress) of any report specified in the list submitted under subsection (b) shall, with respect to that requirement, cease to be effective on October 30, 1995.

“(b) **PREPARATION OF LIST.**—(1) The Secretary of Defense shall submit to Congress a list of each provision of law that, as of the date specified in subsection (c), imposes upon the Secretary of Defense (or any other officer of the Department of Defense) a reporting requirement described in paragraph (2). The list of provisions of law shall include a statement or description of the report required under each such provision of law.

“(2) Paragraph (1) applies to a requirement imposed by law to submit to Congress (or specified committees of Congress) a report on a recurring basis, or upon the occurrence of specified events, if the Secretary determines that the continued requirement to submit that report is unnecessary or incompatible with the efficient management of the Department of Defense.

“(3) The Secretary shall submit with the list an explanation, for each report specified in the list, of the reasons why the Secretary considers the continued requirement to submit the report to be unnecessary or incompatible with the efficient management of the Department of Defense.

“(c) **SUBMISSION OF LIST.**—The list under subsection (a) shall be submitted not later than April 30, 1994.

“(d) **SCOPE OF SECTION.**—For purposes of this section, the term ‘report’ includes a certification, notification, or other characterization of a communication.

“(e) **INTERPRETATION OF SECTION.**—This section does not require the Secretary of Defense to review each report required of the Department of Defense by law.”

**REPORT PROVISIONS PREVIOUSLY TERMINATED BY GOLDWATER-NICHOLS ACT**

Pub. L. 101–510, div. A, title XIII, §1321, Nov. 5, 1990, 104 Stat. 1670, provided that section 1322 of Pub. L. 101–510, with respect to Goldwater-Nichols terminations, repeals certain provisions of law containing terminated report requirements and section 1323 of Pub. L. 101–510, with respect to such terminations, re-

stores effectiveness of selected other provisions of law containing such requirements and described Goldwater-Nichols terminations for purposes of such repeals or restorations.

**RESTORATION OF CERTAIN REPORTING REQUIREMENTS OF TITLE 10 TERMINATED BY GOLDWATER-NICHOLS ACT**

Pub. L. 101-510, div. A, title XIII, §1323, Nov. 5, 1990, 104 Stat. 1672, restored effectiveness of following report and notification provisions previously terminated by section 602(c) of the Goldwater-Nichols Department of Defense Reorganization Act of 1986, Pub. L. 99-433, formerly set out below: (1) the quarterly report required by section 127(c) of this title relating to emergency and extraordinary expenses, (2) the notifications required by section 2672a(b) of this title relating to urgent acquisitions of interests in land, (3) the notifications required by section 7308(c) of this title relating to the transfer or gift of obsolete, condemned, or captured vessels, and (4) the notifications required by section 7309(b) of this title relating to construction or repair of vessels in foreign shipyards.

**GOLDWATER-NICHOLS DEPARTMENT OF DEFENSE REORGANIZATION ACT OF 1986; CONGRESSIONAL DECLARATION OF POLICY**

Section 3 of Pub. L. 99-433 provided that: "In enacting this Act [see Short Title of 1986 Amendment note above], it is the intent of Congress, consistent with the congressional declaration of policy in section 2 of the National Security Act of 1947 (50 U.S.C. 401)—

"(1) to reorganize the Department of Defense and strengthen civilian authority in the Department;

"(2) to improve the military advice provided to the President, the National Security Council, and the Secretary of Defense;

"(3) to place clear responsibility on the commanders of the unified and specified combatant commands for the accomplishment of missions assigned to those commands;

"(4) to ensure that the authority of the commanders of the unified and specified combatant commands is fully commensurate with the responsibility of those commanders for the accomplishment of missions assigned to their commands;

"(5) to increase attention to the formulation of strategy and to contingency planning;

"(6) to provide for more efficient use of defense resources;

"(7) to improve joint officer management policies; and

"(8) otherwise to enhance the effectiveness of military operations and improve the management and administration of the Department of Defense."

**REDUCTION OF REPORTING REQUIREMENTS**

Section 602 of Pub. L. 99-433, as amended by Pub. L. 100-180, div. A, title XIII, §1314(a)(4), Dec. 4, 1987, 101 Stat. 1175; Pub. L. 101-189, div. A, title II, §243, Nov. 29, 1989, 103 Stat. 1402; Pub. L. 101-510, div. A, title XIII, §1324, Nov. 5, 1990, 104 Stat. 1673; Pub. L. 102-83, §5(c)(2), Aug. 6, 1991, 105 Stat. 406, directed Secretary of Defense to compile a list of all provisions of law in effect on or after Oct. 1, 1986, and before Feb. 1, 1987, which require President or any official or employee of Department of Defense to submit a report, notification, or study to Congress or any committee of Congress and to submit this list not later than six months after Oct. 1, 1986, with any recommendation or draft of legislation to implement any changes in law recommended by the Secretary.

**LEGISLATION TO MAKE REQUIRED CONFORMING CHANGES IN LAW**

Section 604 of Pub. L. 99-433 directed Secretary of Defense, not later than six months after Oct. 1, 1986, to submit to Committees on Armed Services of Senate and House of Representatives a draft of legislation to make any technical and conforming changes to title 10,

United States Code, and other provisions of law that are required or should be made by reason of the amendments made by Pub. L. 99-433.

**READINESS STATUS OF MILITARY FORCES OF THE NORTH ATLANTIC TREATY ORGANIZATION; ASSESSMENT, FINDINGS, AND REPORT TO CONGRESSIONAL COMMITTEES**

Pub. L. 96-107, title VIII, §808, Nov. 9, 1979, 93 Stat. 814, which directed Secretary of Defense to report annually to Congress on readiness of military forces of NATO, was repealed and restated as section 133a (re-numbered §117 and repealed) of this title by Pub. L. 97-295, §§1(2)(A), 6(b), Oct. 12, 1982, 96 Stat. 1287, 1314.

**DEFENSE MANPOWER COMMISSION**

Pub. L. 93-155, title VII, §§701-708, Nov. 16, 1973, 87 Stat. 609-611, established the Commission; provided for its composition, duties, powers, compensation, staff, appropriations, and use of General Services Administration; and directed that interim reports to President and Congress be submitted and that Commission terminate 60 days after its final report which was to be submitted not more than 24 months after appointment of Commission.

**AIR FORCE RESERVE AND AIR NATIONAL GUARD OF UNITED STATES; STUDY AND INVESTIGATION OF RELATIVE STATUS; ADVANTAGES AND DISADVANTAGES OF ALTERNATIVES; MODERNIZATION AND MANPOWER NEEDS; REPORT TO PRESIDENT AND CONGRESS**

Pub. L. 93-155, title VIII, §810, Nov. 16, 1973, 87 Stat. 618, directed the Secretary of Defense to study the relative status of the Air Force Reserve and the Air National Guard of the United States; to measure the effects on costs and combat capability as well as other advantages and disadvantages of (1) merging the Reserve into the Guard, (2) merging the Guard into the Reserve, and (3) retaining the status quo; and to consider the modernization needs and manpower problems of both; and also directed that a report of such study be submitted to the President and to the Congress no later than Jan. 31, 1975.

**REORGANIZATION PLAN NO. 6 OF 1953**

Eff. June 30, 1953, 18 F.R. 3743, 67 Stat. 638, as amended Aug. 6, 1958, Pub. L. 85-559, §10(b), 72 Stat. 521; Sept. 7, 1962, Pub. L. 87-651, title III, §307C, 76 Stat. 526

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, April 30, 1953, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949, as amended [see 5 U.S.C. 901 et seq.].

**DEPARTMENT OF DEFENSE**

**SECTION 1. TRANSFERS OF FUNCTIONS**

(a) All functions of the Munitions Board, the Research and Development Board, the Defense Supply Management Agency, and the Director of Installations are hereby transferred to the Secretary of Defense.

(b) The selection of the Director of the Joint Staff by the Joint Chiefs of Staff, and his tenure, shall be subject to the approval of the Secretary of Defense.

(c) The selection of the members of the Joint Staff by the Joint Chiefs of Staff, and their tenure, shall be subject to the approval of the Chairman of the Joint Chiefs of Staff.

(d) The functions of the Joint Chiefs of Staff with respect to managing the Joint Staff and the Director thereof are hereby transferred to the Chairman of the Joint Chiefs of Staff.

**SEC. 2. ABOLITION OF AGENCIES AND FUNCTIONS**

(a) There are hereby abolished the Munitions Board, the Research and Development Board, and the Defense Supply Management Agency.

(b) The offices of Chairman of the Munitions Board, Chairman of the Research and Development Board, Di-

rector of the Defense Supply Management Agency, Deputy Director of the Defense Supply Management Agency, and Director of Installations are hereby abolished.

(c) The Secretary of Defense shall provide for winding up any outstanding affairs of the said abolished agency, boards, and offices, not otherwise provided for in this reorganization plan.

(d) The function of guidance to the Munitions Board in connection with strategic and logistic plans as required by section 213(c) of the National Security Act of 1947, as amended [section 171h(c) of former Title 5], is hereby abolished.

SEC. 3. ASSISTANT SECRETARIES OF DEFENSE

[Repealed. Pub. L. 85-599, §10(b), Aug. 6, 1958, 72 Stat. 521, eff. six months after Aug. 6, 1958. Section authorized appointment of six additional Assistant Secretaries and prescribed their duties and compensation.]

SEC. 4. GENERAL COUNSEL

[Repealed. Pub. L. 87-651, title III, §307C, Sept. 7, 1962, 76 Stat. 526. Section authorized appointment of a General Counsel for the Department of Defense. See section 140 of this title.]

SEC. 5. PERFORMANCE OF FUNCTIONS

[Repealed. Pub. L. 87-651, title III, §307C, Sept. 7, 1962, 76 Stat. 526. Section authorized the Secretary of Defense from time to time to make such provisions as he deemed appropriate authorizing the performance by any other officer, or by any agency or employee, of the Department of any function of the Secretary. See section 113 of this title.]

SEC. 6. MISCELLANEOUS PROVISIONS

(a) The Secretary of Defense may from time to time effect such transfers within the Department of Defense of any of the records, property, and personnel affected by this reorganization plan, and such transfers of unexpended balances (available or to be made available for use in connection with any affected function or agency) of appropriations, allocations, and other funds of such Department, as he deems necessary to carry out the provisions of this reorganization plan.

(b) Nothing herein shall affect the compensation of the Chairman of the Military Liaison Committee (63 Stat. 762).

EXECUTIVE ORDER NO. 12049

Ex. Ord. No. 12049, Mar. 27, 1978, 43 F.R. 13363, as amended by Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055; Ex. Ord. No. 12608, Sept. 9, 1987, 52 F.R. 34617, which provided for establishment of Defense Economic Adjustment Program and continued the Economic Adjustment Committee, was superseded by Ex. Ord. No. 12788, Jan. 15, 1992, 57 F.R. 2213, set out as a note under section 2391 of this title.

§ 112. Department of Defense: seal

The Secretary of Defense shall have a seal for the Department of Defense. The design of the seal is subject to approval by the President. Judicial notice shall be taken of the seal.

(Added Pub. L. 87-651, title II, §202, Sept. 7, 1962, 76 Stat. 517, §132; renumbered §112 and amended Pub. L. 99-433, title I, §§101(a)(2), 110(d)(1), Oct. 1, 1986, 100 Stat. 994, 1002.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
132 .....	5:171a(e).	July 26, 1947, ch. 343, §202(e); added Aug. 10, 1949, ch. 412, §5 (10th par.), 63 Stat. 580.

AMENDMENTS

1986—Pub. L. 99-433 renumbered section 132 of this title as this section and substituted “Department of Defense: seal” for “Seal” in section catchline.

§ 113. Secretary of Defense

(a) There is a Secretary of Defense, who is the head of the Department of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate. A person may not be appointed as Secretary of Defense within seven years after relief from active duty as a commissioned officer of a regular component of an armed force.

(b) The Secretary is the principal assistant to the President in all matters relating to the Department of Defense. Subject to the direction of the President and to this title and section 2 of the National Security Act of 1947 (50 U.S.C. 401), he has authority, direction, and control over the Department of Defense.

(c)(1) The Secretary shall report annually in writing to the President and the Congress on the expenditures, work, and accomplishments of the Department of Defense during the period covered by the report, together with—

(A) a report from each military department on the expenditures, work, and accomplishments of that department;

(B) itemized statements showing the savings of public funds, and the eliminations of unnecessary duplications, made under sections 125 and 191 of this title; and

(C) such recommendations as he considers appropriate.

(2) At the same time that the Secretary submits the annual report under paragraph (1), the Secretary shall transmit to the President and Congress a separate report from the Reserve Forces Policy Board on on<sup>1</sup> any reserve component matter that the Reserve Forces Policy Board considers appropriate to include in the report.

(d) Unless specifically prohibited by law, the Secretary may, without being relieved of his responsibility, perform any of his functions or duties, or exercise any of his powers through, or with the aid of, such persons in, or organizations of, the Department of Defense as he may designate.

(e)(1) The Secretary shall include in his annual report to Congress under subsection (c)—

(A) a description of the major military missions and of the military force structure of the United States for the next fiscal year;

(B) an explanation of the relationship of those military missions to that force structure; and

(C) the justification for those military missions and that force structure.

(2) In preparing the matter referred to in paragraph (1), the Secretary shall take into consideration the content of the annual national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a) for the fiscal year concerned.

(f) When a vacancy occurs in an office within the Department of Defense and the office is to

<sup>1</sup> So in original.

be filled by a person appointed from civilian life by the President, by and with the advice and consent of the Senate, the Secretary of Defense shall inform the President of the qualifications needed by a person serving in that office to carry out effectively the duties and responsibilities of that office.

(g)(1) The Secretary of Defense, with the advice and assistance of the Chairman of the Joint Chiefs of Staff, shall provide annually to the heads of Department of Defense components written policy guidance for the preparation and review of the program recommendations and budget proposals of their respective components. Such guidance shall include guidance on—

(A) national security objectives and policies;

(B) the priorities of military missions; and

(C) the resource levels projected to be available for the period of time for which such recommendations and proposals are to be effective.

(2) The Secretary of Defense, with the approval of the President and after consultation with the Chairman of the Joint Chiefs of Staff, shall provide to the Chairman written policy guidance for the preparation and review of contingency plans, including plans for providing support to civil authorities in an incident of national significance or a catastrophic incident, for homeland defense, and for military support to civil authorities. Such guidance shall be provided every two years or more frequently as needed and shall include guidance on the specific force levels and specific supporting resource levels projected to be available for the period of time for which such plans are to be effective.

(h) The Secretary of Defense shall keep the Secretaries of the military departments informed with respect to military operations and activities of the Department of Defense that directly affect their respective responsibilities.

(i)(1) The Secretary of Defense shall transmit to Congress each year a report that contains a comprehensive net assessment of the defense capabilities and programs of the armed forces of the United States and its allies as compared with those of their potential adversaries.

(2) Each such report shall—

(A) include a comparison of the defense capabilities and programs of the armed forces of the United States and its allies with the armed forces of potential adversaries of the United States and allies of the United States;

(B) include an examination of the trends experienced in those capabilities and programs during the five years immediately preceding the year in which the report is transmitted and an examination of the expected trends in those capabilities and programs during the period covered by the future-years defense program submitted to Congress during that year pursuant to section 221 of this title;

(C) include a description of the means by which the Department of Defense will maintain the capability to reconstitute or expand the defense capabilities and programs of the armed forces of the United States on short notice to meet a resurgent or increased threat to the national security of the United States;

(D) reflect, in the overall assessment and in the strategic and regional assessments, the de-

fense capabilities and programs of the armed forces of the United States specified in the budget submitted to Congress under section 1105 of title 31 in the year in which the report is submitted and in the five-year defense program submitted in such year; and

(E) identify the deficiencies in the defense capabilities of the armed forces of the United States in such budget and such five-year defense program.

(3) The Secretary shall transmit to Congress the report required for each year under paragraph (1) at the same time that the President submits the budget to Congress under section 1105 of title 31 in that year. Such report shall be transmitted in both classified and unclassified form.

(j)(1) Not later than April 8 of each year, 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 the cost of stationing United States forces outside of the United States. Each such report shall include a detailed statement of the following:

(A) Costs incurred in the United States and costs incurred outside the United States in connection with the stationing of United States forces outside the United States.

(B) The costs incurred outside the United States in connection with operating, maintaining, and supporting United States forces outside the United States, including all direct and indirect expenditures of United States funds in connection with such stationing.

(C) The effect of such expenditures outside the United States on the balance of payments of the United States.

(2) Each report under this subsection shall be prepared in consultation with the Secretary of Commerce.

(3) In this subsection, the term “United States”, when used in a geographic sense, includes the territories and possessions of the United States.

(k) The Secretary of Defense, with the advice and assistance of the Chairman of the Joint Chiefs of Staff, shall provide annually to the Secretaries of the military departments and to the commanders of the combatant commands written guidelines to direct the effective detection and monitoring of all potential aerial and maritime threats to the national security of the United States. Those guidelines shall include guidance on the specific force levels and specific supporting resources to be made available for the period of time for which the guidelines are to be in effect.

(l) The Secretary shall include in the annual report to Congress under subsection (c) the following:

(1) A comparison of the amounts provided in the defense budget for support and for mission activities for each of the preceding five fiscal years.

(2) A comparison of the number of military and civilian personnel, shown by major occupational category, assigned to support posi-

tions and to mission positions for each of the preceding five fiscal years.

(3) An accounting, shown by service and by major occupational category, of the number of military and civilian personnel assigned to support positions during each of the preceding five fiscal years.

(4) A listing of the number of military and civilian personnel assigned to management headquarters and headquarters support activities as a percentage of military end-strength for each of the preceding five fiscal years.

(m) INFORMATION TO ACCOMPANY FUNDING REQUEST FOR CONTINGENCY OPERATION.—Whenever the President submits to Congress a request for appropriations for costs associated with a contingency operation that involves, or likely will involve, the deployment of more than 500 members of the armed forces, the Secretary of Defense shall submit to Congress a report on the objectives of the operation. The report shall include a discussion of the following:

- (1) What clear and distinct objectives guide the activities of United States forces in the operation.
- (2) What the President has identified on the basis of those objectives as the date, or the set of conditions, that defines the endpoint of the operation.

(Added Pub. L. 87-651, title II, §202, Sept. 7, 1962, 76 Stat. 517, §133; amended Pub. L. 96-513, title V, §511(3), Dec. 12, 1980, 94 Stat. 2920; Pub. L. 97-252, title XI, §1105, Sept. 8, 1982, 96 Stat. 739; Pub. L. 97-295, §1(1), Oct. 12, 1982, 96 Stat. 1287; renumbered §113 and amended Pub. L. 99-433, title I, §§101(a)(2), 102, 110(b)(2), (d)(2), title III, §301(b)(2), title VI, §603(b), Oct. 1, 1986, 100 Stat. 994, 996, 1002, 1022, 1075; Pub. L. 100-26, §7(d)(1), Apr. 21, 1987, 101 Stat. 280; Pub. L. 100-180, div. A, title XII, §1214, Dec. 4, 1987, 101 Stat. 1157; Pub. L. 100-370, §1(o)(1), July 19, 1988, 102 Stat. 850; Pub. L. 100-456, div. A, title VII, §731, title XI, §1101, Sept. 29, 1988, 102 Stat. 2003, 2042; Pub. L. 101-189, div. A, title XVI, §1622(c)(1), Nov. 29, 1989, 103 Stat. 1604; Pub. L. 101-510, div. A, title XIII, §1322(a)(1), Nov. 5, 1990, 104 Stat. 1671; Pub. L. 102-190, div. A, title III, §341, Dec. 5, 1991, 105 Stat. 1343; Pub. L. 103-337, div. A, title X, §1070(a)(1), title XVI, §1671(c)(2), Oct. 5, 1994, 108 Stat. 2855, 3014; Pub. L. 104-106, div. A, title XV, §§1501(a)(8)(B), 1502(a)(3), 1503(a)(1), Feb. 10, 1996, 110 Stat. 495, 502, 510; Pub. L. 104-201, div. A, title XII, §1255(c), Sept. 23, 1996, 110 Stat. 2698; Pub. L. 105-85, div. A, title IX, §903, Nov. 18, 1997, 111 Stat. 1854; Pub. L. 105-261, div. A, title IX, §915(a), title XII, §1212(b), Oct. 17, 1998, 112 Stat. 2101, 2152; Pub. L. 106-65, div. A, title X, §1067(1), Oct. 5, 1999, 113 Stat. 774; Pub. L. 110-181, div. A, title IX, §903(a), title XVIII, §1815(e), Jan. 28, 2008, 122 Stat. 273, 500; Pub. L. 111-383, div. A, title V, §514(b), Jan. 7, 2011, 124 Stat. 4213.)

HISTORICAL AND REVISION NOTES  
1962 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
133(a) .....	5:171(a) (last 10 words).	July 26, 1947, ch. 343, §201(a) (last 10 words), 202(a),(b); restated Aug. 10, 1949, ch. 412, §4 (last 10 words of 1st par.), 5 (1st and 2d pars.), 63 Stat. 579, 580.
133(b) .....	5:171a(a).	
133(c) .....	5:171a(b).	
133(d) .....	5:171a(d).	
	5:171a-1.	
	5:171a(f).	
	5:171n(a) (as applicable to 5:171a(f)).	
	[Uncodified: 1953 Reorg. Plan No. 6, §5, eff. June 30, 1953, 67 Stat. 639].	July 26, 1947, ch. 343, §202(d); added Apr. 2, 1949, ch. 47, §1; restated Aug. 10, 1949, ch. 412, §5 (9th par.); restated Aug. 6, 1958, Pub. L. 85-599, §3(b), 72 Stat. 516.
	5:171n(a).	July 26, 1947, ch. 343, §202(f); added Aug. 10, 1949, ch. 412, §5 (11th par.), 63 Stat. 581.
		July 26, 1947, ch. 343, §308(a) (as applicable to §202(f)), 61 Stat. 509.
		July 9, 1952, ch. 608, §257(e), 66 Stat. 497; Sept. 3, 1954, ch. 1257, §702(c), 68 Stat. 1189.
		1953 Reorg. Plan No. 6, §5, eff. June 30, 1953, 67 Stat. 639.

In subsection (a), the last sentence is substituted for 5 U.S.C. 171a(a) (proviso).

In subsection (b), the words “this title and section 401 of title 50” are substituted for 5 U.S.C. 171a(b) (13th through 30th words of last sentence), since those words merely described the coverage of this title and section 401 of title 50.

In subsection (c), the words “during the period covered by the report” are inserted for clarity. The following substitutions are made: “under section 125 of this title” for “pursuant to the provisions of this Act” since 125 of this title relates to the duty of the Secretary of Defense to take action to save public funds and to eliminate duplication in the Department of Defense; and the last 22 words of clause (3) for 5 U.S.C. 171a-1 (last 13 words).

In subsection (d), section 5 of 1953 Reorganization Plan No. 6 is omitted as covered by 5 U.S.C. 171a(f).

1982 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
133(e) .....	10:133 (note).	Oct. 7, 1975, Pub. L. 94-106, §812, 89 Stat. 540.

The words “prepare and” are omitted as surplus.

1988 ACT

Subsection (k) is based on Pub. L. 100-202, §101(b) [title VIII, §8042], 101 Stat. 1329-69.

Section 8042 of the FY88 Defense Appropriations Act (Public Law 100-202) established a requirement for the Secretary of Defense to submit an annual report on the cost of stationing United States forces overseas. Under that section, the annual report is to be sent to the Committees on Appropriations of the two Houses. In codifying that section as section 113(k) of title 10, the committee added the two Armed Services Committees as committees to be sent the annual report. This minor change from the source law does not change the nature of the report to be submitted.

The committee notes that the source section does not specify the period of time to be covered by the report. In the absence of statutory language specifying the period to be covered by the report, it would seem reasonable to conclude that the report should cover the previous fiscal year. The committee notes, however, that the report of the Senate Appropriations Committee on its FY88 defense appropriations bill (S. Rpt. 100-235)

states that this new annual report “should cover the budget years and the 2 previous fiscal years” (page 54). The committee believes that such a requirement may be unnecessarily burdensome and in any case, if such a requirement is intended, should be stated in the statute. In the absence of clear intent, the provision is proposed to be codified without specifying the period of time to be covered by the annual report.

In codifying this provision, the committee also changed the term “United States troops” in the source law to “United States forces” for consistency in usage in title 10 and as being preferable usage. No change in meaning is intended. The committee also changed “overseas” to “outside the United States” and defined “United States” for this purpose to include the territories and possessions of the United States. The committee was concerned that the term “overseas” read literally could include Hawaii or Guam, an interpretation clearly not intended in enacting section 8042. The committee notes that the Senate report referred to above states “For the purposes of this report [meaning the new DOD annual report], U.S. forces stationed overseas are considered to be those outside of the United States and its territories.”. The committee extrapolates from this statement that provisions in the report requirement relating to expenditures “overseas” and costs incurred “overseas” are also to be construed as relating to matters outside the United States and its territories and has prepared the codified provision accordingly.

#### AMENDMENTS

2011—Subsec. (c)(2). Pub. L. 111-383 substituted “on any reserve component matter” for “the reserve programs of the Department of Defense and on any other matters”.

2008—Subsec. (a). Pub. L. 110-181, §903(a), substituted “seven” for “10”.

Subsec. (g)(2). Pub. L. 110-181, §1815(e), substituted “contingency plans, including plans for providing support to civil authorities in an incident of national significance or a catastrophic incident, for homeland defense, and for military support to civil authorities” for “contingency plans”.

1999—Subsec. (j)(1). Pub. L. 106-65 substituted “and the Committee on Armed Services” for “and the Committee on National Security” in introductory provisions.

1998—Subsec. (l). Pub. L. 105-261, §915(a), added subsec. (l).

Subsec. (m). Pub. L. 105-261, §1212(b), added subsec. (m).

1997—Subsec. (g)(2). Pub. L. 105-85 struck out “annually” after “Staff, shall provide” and inserted “be provided every two years or more frequently as needed and shall” after “Such guidance shall”.

1996—Subsec. (c). Pub. L. 104-201, §1255(c)(2)–(5), inserted “(1)” after “(c)”, redesignated former pars. (1), (2), and (4) as subpars. (A), (B), and (C), respectively, inserted “and” at end of subpar. (B), and added par. (2).

Subsec. (c)(3). Pub. L. 104-201, §1255(c)(1), struck out par. (3) which read as follows: “a report from the Reserve Forces Policy Board on the reserve programs of the Department of Defense, including a review of the effectiveness of chapters 51, 337, 361, 363, 549, 573, 837, 861 and 863 of this title, as far as they apply to reserve officers; and”.

Pub. L. 104-106, §1501(a)(8)(B), made technical correction to directory language of Pub. L. 103-337, §1671(c)(2). See 1994 Amendment note below.

Subsec. (i)(2)(B). Pub. L. 104-106, §1503(a)(1), substituted “the period covered by the future-years defense program submitted to Congress during that year pursuant to section 221” for “the five years covered by the five-year defense program submitted to Congress during that year pursuant to section 114(g)”.

Subsec. (j)(1). Pub. L. 104-106, §1502(a)(3), substituted “Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropria-

tions of the” for “Committees on Armed Services and Committees on Appropriations of the Senate and”.

1994—Subsec. (c)(3). Pub. L. 103-337, §1671(c)(2), as amended by Pub. L. 104-106, §1501(a)(8)(B), which directed the substitution of “1219 and 1401 through 1411 of this title” for “51, 337, 361, 363, 549, 573, 837, 861 and 863 of this title, as far as they apply to reserve officers”, effective Oct. 1, 1996, could not be executed because of the intervening amendment by Pub. L. 104-201, §1255(c)(1). See 1996 Amendment note above.

Subsec. (e)(2). Pub. L. 103-337, §1070(a)(1), substituted “section 108” for “section 104”.

1991—Subsec. (i)(2)(C) to (E). Pub. L. 102-190 added subpar. (C) and redesignated former subpars. (C) and (D) as (D) and (E), respectively.

1990—Subsecs. (i) to (l). Pub. L. 101-510 redesignated subsecs. (j) to (l) as (i) to (k), respectively, and struck out former subsec. (i) which read as follows: “The Secretary of Defense shall submit to Congress a written report, not later than February 15 of each fiscal year, recommending the amount of funds to be appropriated to the Department of Defense for the next fiscal year for functions relating to the formulation and carrying out of Department of Defense policies on the control of technology transfer and activities related to the control of technology transfer. The Secretary shall include in that report the proposed allocation of the funds requested for such purpose and the number of personnel proposed to be assigned to carry out such activities during such fiscal year.”

1989—Subsec. (j)(2)(B). Pub. L. 101-189 substituted “five-year defense program” for “Five-Year Defense Program”.

1988—Subsec. (j). Pub. L. 100-456, §731, designated existing provisions as par. (1), struck out provision requiring that each report be transmitted in both a classified and an unclassified form, and added pars. (2) and (3).

Subsec. (k). Pub. L. 100-370 added subsec. (k).

Subsec. (l). Pub. L. 100-456, §1101, added subsec. (l).

1987—Subsec. (e)(2). Pub. L. 100-26 inserted “(50 U.S.C. 404a)” after “National Security Act of 1947”.

Subsec. (j). Pub. L. 100-180 added subsec. (j).

1986—Pub. L. 99-433, §110(d)(2), struck out “; appointment; powers and duties; delegation by” at end of section catchline.

Subsecs. (a) to (e). Pub. L. 99-443, §101(a)(2), redesignated subsecs. (a) to (e) of section 133 of this title as subsecs. (a) to (e) of this section.

Pub. L. 99-433, §301(b)(2), substituted “sections 125 and 191” for “section 125” in subsec. (c)(2).

Pub. L. 99-433, §603(b), amended subsec. (e) generally. Prior to amendment, subsec. (e) read as follows: “After consulting with the Secretary of State, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives before February 1 of each year a written report on—

“(1) the foreign policy and military force structure for the next fiscal year;

“(2) the relationship of that policy and structure to each other; and

“(3) the justification for the policy and structure.”

Subsecs. (f) to (h). Pub. L. 99-433, §102, added subsecs. (f) to (h).

Subsec. (i). Pub. L. 99-433, §§101(a)(2), 110(b)(2), successively redesignated subsec. (h) of section 133 of this title as subsec. (h) of section 114 of this title and then as subsec. (i) of this section.

1982—Subsec. (e). Pub. L. 97-295 added subsec. (e).

Subsec. (i) [formerly §138(h)]. Pub. L. 97-252, §1105, added subsec. (h). See 1986 Amendment note above.

1980—Subsec. (b). Pub. L. 96-513 substituted “section 2 of the National Security Act of 1947 (50 U.S.C. 401)” for “section 401 of title 50”.

#### EFFECTIVE DATE OF 1996 AMENDMENT

Section 1501(f)(3) of Pub. L. 104-106 provided that: “The amendments made by this section [see Tables for classification] shall take effect as if included in the Reserve Officer Personnel Management Act [Pub. L. 103-337, div. A, title XVI] as enacted on October 5, 1994.”

## EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by section 1671(c)(2) of Pub. L. 103-337 effective Oct. 1, 1996, see section 1691(b)(1) of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

## EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

## DELEGATION OF FUNCTIONS

Functions of President under various sections delegated to Secretary of Defense, see Ex. Ord. No. 10621, July 1, 1955, 20 F.R. 4759, as amended by Ex. Ord. No. 11294, Aug. 4, 1966, 31 F.R. 10601; see Ex. Ord. No. 10661, Feb. 27, 1956, 21 F.R. 1315; see Ex. Ord. No. 11390, Jan. 22, 1968, 33 F.R. 841; all set out as notes under section 301 of Title 3, The President.

## EMERGENCY PREPAREDNESS FUNCTIONS

For assignment of certain emergency preparedness functions to Secretary of Defense, see Parts 1, 2, and 5 of Ex. Ord. No. 12656, Nov. 18, 1988, 53 F.R. 47491, set out as a note under section 5195 of Title 42, The Public Health and Welfare.

## ORDER OF SUCCESSION

For order of succession during any period when the Secretary has died, resigned, or is otherwise unable to perform the functions and duties of the office of Secretary, see Ex. Ord. No. 13533, Mar. 1, 2010, 75 F.R. 10163, set out as a note under section 3345 of Title 5, Government Organization and Employees.

COUNTER-IMPROVISED EXPLOSIVE DEVICE INITIATIVES  
DATABASE

Pub. L. 111-383, div. A, title I, §124, Jan. 7, 2011, 124 Stat. 4159, provided that:

## “(a) COMPREHENSIVE DATABASE.—

“(1) IN GENERAL.—The Secretary of Defense, acting through the Director of the Joint Improvised Explosive Device Defeat Organization, shall develop and maintain a comprehensive database containing appropriate information for coordinating, tracking, and archiving each counter-improvised explosive device initiative within the Department of Defense. The database shall, at a minimum, ensure the visibility of each counter-improvised explosive device initiative.

“(2) USE OF INFORMATION.—Using information contained in the database developed under paragraph (1), the Secretary, acting through the Director of the Joint Improvised Explosive Device Defeat Organization, shall—

“(A) identify and eliminate redundant counter-improvised explosive device initiatives;

“(B) facilitate the transition of counter-improvised explosive device initiatives from funding under the Joint Improvised Explosive Device Defeat Fund to funding provided by the military departments; and

“(C) notify the appropriate personnel and organizations prior to a counter-improvised explosive device initiative being funded through the Joint Improvised Explosive Device Defeat Fund.

“(3) COORDINATION.—In carrying out paragraph (1), the Secretary shall ensure that the Secretary of each military department coordinates and collaborates on development of the database to ensure its interoperability, completeness, consistency, and effectiveness.

“(b) METRICS.—The Secretary of Defense, acting through the Director of the Joint Improvised Explosive Device Defeat Organization, shall—

“(1) develop appropriate means to measure the effectiveness of counter-improvised explosive device initiatives; and

“(2) prioritize the funding of such initiatives according to such means.

“(c) COUNTER-IMPROVISED EXPLOSIVE DEVICE INITIATIVE DEFINED.—In this section, the term ‘counter-improvised explosive device initiative’ means any project, program, or research activity funded by any component of the Department of Defense that is intended to assist or support efforts to counter, combat, or defeat the use of improvised explosive devices.”

PROGRAM TO COMMEMORATE 60TH ANNIVERSARY OF THE  
KOREAN WAR

Pub. L. 111-383, div. A, title V, §574, Jan. 7, 2011, 124 Stat. 4223, provided that:

“(a) COMMEMORATIVE PROGRAM AUTHORIZED.—The Secretary of Defense may establish and conduct a program to commemorate the 60th anniversary of the Korean War (in this section referred to as the ‘commemorative program’). In conducting the commemorative program, the Secretary of Defense shall coordinate and support other programs and activities of the Federal Government, State and local governments, and other persons and organizations in commemoration of the Korean War.

“(b) SCHEDULE.—If the Secretary of Defense establishes the commemorative program, the Secretary shall determine the schedule of major events and priority of efforts for the commemorative program to achieve the commemorative objectives specified in subsection (c). The Secretary of Defense may establish a committee to assist the Secretary in determining the schedule and conducting the commemorative program.

“(c) COMMEMORATIVE ACTIVITIES AND OBJECTIVES.—The commemorative program may include activities and ceremonies to achieve the following objectives:

“(1) To thank and honor veterans of the Korean War, including members of the Armed Forces who were held as prisoners of war or listed as missing in action, for their service and sacrifice on behalf of the United States.

“(2) To thank and honor the families of veterans of the Korean War for their sacrifices and contributions, especially families who lost a loved one in the Korean War.

“(3) To highlight the service of the Armed Forces during the Korean War and the contributions of Federal agencies and governmental and non-governmental organizations that served with, or in support of, the Armed Forces.

“(4) To pay tribute to the sacrifices and contributions made on the home front by the people of the United States during the Korean War.

“(5) To provide the people of the United States with a clear understanding and appreciation of the lessons and history of the Korean War.

“(6) To highlight the advances in technology, science, and medicine related to military research conducted during the Korean War.

“(7) To recognize the contributions and sacrifices made by the allies of the United States during the Korean War.

“(d) USE OF THE UNITED STATES OF AMERICA KOREAN WAR COMMEMORATION AND SYMBOLS.—Subsection (c) of section 1083 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1918)[10 U.S.C. 113 note], as amended by section 1067 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2134) and section 1052 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 764), shall apply to the commemorative program.

## “(e) COMMEMORATIVE FUND.—

“(1) ESTABLISHMENT OF NEW ACCOUNT.—If the Secretary of Defense establishes the commemorative program, the Secretary [of] the Treasury shall establish in the Treasury of the United States an account to be known as the ‘Department of Defense Korean War Commemoration Fund’ (in this section referred to as the ‘Fund’).

“(2) ADMINISTRATION AND USE OF FUND.—The Fund shall be available to, and administered by, the Secretary of Defense. The Secretary of Defense shall use

the assets of the Fund only for the purpose of conducting the commemorative program and shall prescribe such regulations regarding the use of the Fund as the Secretary of Defense considers to be necessary.

“(3) DEPOSITS.—There shall be deposited into the Fund the following:

“(A) Amounts appropriated to the Fund.

“(B) Proceeds derived from the use by the Secretary of Defense of the exclusive rights described in subsection (c) of section 1083 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1918).

“(C) Donations made in support of the commemorative program by private and corporate donors.

“(4) AVAILABILITY.—Subject to paragraph (5), amounts in the Fund shall remain available until expended.

“(5) TREATMENT OF UNOBLIGATED FUNDS; TRANSFER.—If unobligated amounts remain in the Fund as of September 30, 2013, the Secretary of the Treasury shall transfer the remaining amounts to the Department of Defense Vietnam War Commemorative Fund established pursuant to section 598(e) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 113 note). The transferred amounts shall be merged with, and available for the same purposes as, other amounts in the Department of Defense Vietnam War Commemorative Fund.

“(f) ACCEPTANCE OF VOLUNTARY SERVICES.—

“(1) AUTHORITY TO ACCEPT SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Secretary of Defense may accept from any person voluntary services to be provided in furtherance of the commemorative program. The Secretary of Defense shall prohibit the solicitation of any voluntary services if the nature or circumstances of such solicitation would compromise the integrity or the appearance of integrity of any program of the Department of Defense or of any individual involved in the program.

“(2) COMPENSATION FOR WORK-RELATED INJURY.—A person providing voluntary services under this subsection shall be considered to be a Federal employee for purposes of chapter 81 of title 5, United States Code, relating to compensation for work-related injuries. The person shall also be considered a special governmental employee for purposes of standards of conduct and sections 202, 203, 205, 207, 208, and 209 of title 18, United States Code. A person who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purpose by reason of the provision of voluntary services under this subsection.

“(3) REIMBURSEMENT OF INCIDENTAL EXPENSES.—The Secretary of Defense may provide for reimbursement of incidental expenses incurred by a person providing voluntary services under this subsection. The Secretary of Defense shall determine which expenses are eligible for reimbursement under this paragraph.

“(g) REPORT REQUIRED.—If the Secretary of Defense conducts the commemorative program, the Inspector General of the Department of Defense shall submit to Congress, not later than 60 days after the end of the commemorative program, a report containing an accounting of—

“(1) all of the funds deposited into and expended from the Fund;

“(2) any other funds expended under this section; and

“(3) any unobligated funds remaining in the Fund as of September 30, 2013, that are transferred to the Department of Defense Vietnam War Commemorative Fund pursuant to subsection (e)(5).

“(h) LIMITATION ON EXPENDITURES.—Using amounts appropriated to the Department of Defense, the Sec-

retary of Defense may not expend more than \$5,000,000 to carry out the commemorative program.”

REPORT ON ORGANIZATIONAL STRUCTURE AND POLICY GUIDANCE OF THE DEPARTMENT OF DEFENSE REGARDING INFORMATION OPERATIONS

Pub. L. 111–383, div. A, title IX, §943, Jan. 7, 2011, 124 Stat. 4341, provided that:

“(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act [Jan. 7, 2011], the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the organizational structure and policy guidance of the Department of Defense with respect to information operations.

“(b) REVIEW.—In preparing the report required by subsection (a), the Secretary shall review the following:

“(1) The extent to which the current definition of ‘information operations’ in Department of Defense Directive 3600.1 is appropriate.

“(2) The location of the office within the Department of the lead official responsible for information operations of the Department, including assessments of the most effective location and the need to designate a principal staff assistant to the Secretary of Defense for information operations.

“(3) Departmental responsibility for the development, coordination, and oversight of Department policy on information operations and for the integration of such operations.

“(4) Departmental responsibility for the planning, execution, and oversight of Department information operations.

“(5) Departmental responsibility for coordination within the Department, and between the Department and other departments and agencies of the Federal Government, regarding Department information operations, and for the resolution of conflicts in the discharge of such operations, including an assessment of current coordination bodies and decisionmaking processes.

“(6) The roles and responsibilities of the military departments, combat support agencies, the United States Special Operations Command, and the other combatant commands in the development and implementation of information operations.

“(7) The roles and responsibilities of the defense intelligence agencies for support of information operations.

“(8) The role in information operations of the following Department officials:

“(A) The Assistant Secretary of Defense for Public Affairs.

“(B) The Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict.

“(C) The senior official responsible for information processing and networking capabilities.

“(9) The role of related capabilities in the discharge of information operations, including public affairs capabilities, civil-military operations capabilities, defense support of public diplomacy, and intelligence.

“(10) The management structure of computer network operations in the Department for the discharge of information operations, and the policy in support of that component.

“(11) The appropriate use, management, and oversight of contractors in the development and implementation of information operations, including an assessment of current guidance and policy directives pertaining to the uses of contractors for these purposes.

“(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, with a classified annex, if necessary.

“(d) DEPARTMENT OF DEFENSE DIRECTIVE.—Upon the submittal of the report required by subsection (a), the Secretary shall prescribe a revised directive for the Department of Defense on information operations. The di-

rective shall take into account the results of the review conducted for purposes of the report.

“(e) INFORMATION OPERATIONS DEFINED.—In this section, the term ‘information operations’ means the information operations specified in Department of Defense Directive 3600.1, as follows:

- “(1) Electronic warfare.
- “(2) Computer network operations.
- “(3) Psychological operations.
- “(4) Military deception.
- “(5) Operations security.”

#### BIENNIAL REPORT ON NUCLEAR TRIAD

Pub. L. 111-383, div. A, title X, §1054, Jan. 7, 2011, 124 Stat. 4358, provided that:

“(a) REPORT.—Not later than March 1 of each even-numbered year, beginning March 1, 2012, the Secretary of Defense, in consultation with the Administrator for Nuclear Security, shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report on the nuclear triad.

“(b) MATTERS INCLUDED.—The report under subsection (a) shall include the following:

“(1) A detailed discussion of the modernization and sustainment plans for each component of the nuclear triad over the 10-year period beginning on the date of the report.

“(2) The funding required for each platform of the nuclear triad with respect to operation and maintenance, modernization, and replacement.

“(3) Any industrial capacities that the Secretary considers vital to ensure the viability of the nuclear triad.

“(c) NUCLEAR TRIAD DEFINED.—In this section, the term ‘nuclear triad’ means the nuclear deterrent capabilities of the United States composed of ballistic missile submarines, land-based missiles, and strategic bombers.”

#### TREATMENT OF SUCCESSOR CONTINGENCY OPERATION TO OPERATION IRAQI FREEDOM

Pub. L. 111-383, div. A, title X, §1077, Jan. 7, 2011, 124 Stat. 4379, provided that: “Any law applicable to Operation Iraqi Freedom shall apply in the same manner and to the same extent to the successor contingency operation known as Operation New Dawn, except as specifically provided in this Act [see Tables for classification], any amendment made by this Act, or any other law enacted after the date of the enactment of this Act [Jan. 7, 2011].”

#### POLICY AND REQUIREMENTS TO ENSURE THE SAFETY OF FACILITIES, INFRASTRUCTURE, AND EQUIPMENT FOR MILITARY OPERATIONS

Pub. L. 111-84, div. A, title VIII, §807, Oct. 28, 2009, 123 Stat. 2404, provided that:

“(a) POLICY.—It shall be the policy of the Department of Defense that facilities, infrastructure, and equipment that are intended for use by military or civilian personnel of the Department in current or future military operations should be inspected for safety and habitability prior to such use, and that such facilities should be brought into compliance with generally accepted standards for the safety and health of personnel to the maximum extent practicable and consistent with the requirements of military operations and the best interests of the Department of Defense, to minimize the safety and health risk posed to such personnel.

“(b) REQUIREMENTS.—Not later than 60 days after the date of the enactment of this Act [Oct. 28, 2009], the Secretary of Defense shall—

“(1) ensure that each contract or task or delivery order entered into for the construction, installation, repair, maintenance, or operation of facilities for use by military or civilian personnel of the Department complies with the policy established in subsection (a);

“(2) ensure that contracts entered into prior to the date that is 60 days after the date of the enactment

of this Act comply with such policy to the maximum extent practicable;

“(3) define the term ‘generally accepted standards’ with respect to fire protection, structural integrity, electrical systems, plumbing, water treatment, waste disposal, and telecommunications networks for the purposes of this section; and

“(4) provide such exceptions and limitations as may be needed to ensure that this section can be implemented in a manner that is consistent with the requirements of military operations and the best interests of the Department of Defense.”

#### DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM DEVELOPMENT AND TRANSITION

Pub. L. 111-84, div. A, title IX, §932, Oct. 28, 2009, 123 Stat. 2433, provided that:

“(a) IN GENERAL.—The Secretary of Defense shall establish a Defense Integrated Military Human Resources System development and transition Council to provide advice to the Secretary of Defense and the Secretaries of the military departments on the modernization of the integrated pay and personnel system for each military department and the collection of data generated by each such system into the enterprise information warehouse.

“(b) COUNCIL.—The Council shall include the following members:

“(1) The Deputy Chief Management Officer of the Department of Defense.

“(2) The Director of the Business Transformation Agency.

“(3) The Under Secretary of Defense for Acquisition, Technology, and Logistics, or a designated representative.

“(4) The Under Secretary of Defense for Personnel and Readiness, or a designated representative.

“(5) One representative from each of the Army, Navy, Air Force, and Marine Corps who is a lieutenant general or vice admiral, or a civilian equivalent.

“(6) One representative of the National Guard Bureau who is a lieutenant general or vice admiral, or a civilian equivalent.

“(7) The Assistant Secretary of Defense for Networks and Information Integration, or a designated representative.

“(8) The Director of Operational Test and Evaluation, or a designated representative.

“(9) Such other individuals as may be designated by the Deputy Secretary of Defense, acting in the Deputy Secretary’s capacity as the Chief Management Officer.

“(c) MEETINGS.—The Council shall meet not less than twice a year, or more often as specified by the Deputy Secretary of Defense.

“(d) DUTIES.—The Council shall have the following responsibilities:

“(1) Resolution of significant policy, programmatic, or budgetary issues impeding modernization or deployment of integrated personnel and pay systems for each military department, including issues relating to—

“(A) common interfaces, architectures, and systems engineering;

“(B) ensuring that developmental systems are consistent with current and future enterprise accounting and pay and personnel standards and practices; and

“(C) ensuring that developmental systems are consistent with current and future Department of Defense business enterprise architecture.

“(2) Coordination of implementation of the integrated personnel and pay system within defense organizations to ensure interoperability between all appropriate elements of the system.

“(3) Establishment of metrics to assess the following:

“(A) Business process re-engineering needed for successful deployment of the integrated pay and personnel system.

“(B) Interoperability between legacy, operational, and developmental pay and personnel systems.

“(C) Interface and systems architecture control and standardization.

“(D) Retirement of legacy systems.

“(E) Use of the enterprise information warehouse.

“(F) Any other relevant matters.

“(4) Such other responsibilities as the Secretary determines are appropriate.

“(e) TERMINATION.—This section shall not be in effect after September 30, 2013.

“(f) REPORT.—Not later than March 1, 2010, 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 report on actions taken pursuant to this section.”

#### REQUIREMENT FOR COMMON GROUND STATIONS AND PAYLOADS FOR MANNED AND UNMANNED AERIAL VEHICLE SYSTEMS

Pub. L. 110-417, [div. A], title I, § 144, Oct. 14, 2008, 122 Stat. 4382, provided that:

“(a) POLICY AND ACQUISITION STRATEGY REQUIRED.—The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall establish a policy and an acquisition strategy for intelligence, surveillance, and reconnaissance payloads and ground stations for manned and unmanned aerial vehicle systems. The policy and acquisition strategy shall be applicable throughout the Department of Defense and shall achieve integrated research, development, test, and evaluation, and procurement commonality.

“(b) OBJECTIVES.—The policy and acquisition strategy required by subsection (a) shall have the following objectives:

“(1) Procurement of common payloads by vehicle class, including—

“(A) signals intelligence;

“(B) electro optical;

“(C) synthetic aperture radar;

“(D) ground moving target indicator;

“(E) conventional explosive detection;

“(F) foliage penetrating radar;

“(G) laser designator;

“(H) chemical, biological, radiological, nuclear, [or] explosive detection; and

“(I) national airspace operations avionics or sensors, or both.

“(2) Commonality of ground system architecture by vehicle class.

“(3) Common management of vehicle and payloads procurement.

“(4) Ground station interoperability standardization.

“(5) Maximum use of commercial standard hardware and interfaces.

“(6) Open architecture software.

“(7) Acquisition of technical data rights in accordance with section 2320 of title 10, United States Code.

“(8) Acquisition of vehicles, payloads, and ground stations through competitive procurement.

“(9) Common standards for exchange of data and metadata.

“(c) AFFECTED SYSTEMS.—For the purposes of this section, the Secretary shall establish manned and unmanned aerial vehicle classes for all intelligence, surveillance, and reconnaissance programs of record based on factors such as vehicle weight, payload capacity, and mission.

“(d) REPORT.—Not later than 120 days after the date of the enactment of this Act [Oct. 14, 2008], the Secretary shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives], the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate a report containing—

“(1) the policy required by subsection (a); and

“(2) the acquisition strategy required by subsection (a).”

#### REPORT ON COMMAND AND CONTROL STRUCTURE FOR MILITARY FORCES OPERATING IN AFGHANISTAN

Pub. L. 110-417, [div. A], title XII, § 1216, Oct. 14, 2008, 122 Stat. 4633, as amended by Pub. L. 111-84, div. A, title XII, § 1229, Oct. 28, 2009, 123 Stat. 2528, provided that:

“(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act [Oct. 14, 2008], or December 1, 2008, whichever occurs later, the Secretary of Defense shall submit to the appropriate congressional committees a report on the command and control structure for military forces operating in Afghanistan.

“(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include the following:

“(1) A detailed description of efforts by the Secretary of Defense, in coordination with senior leaders of NATO ISAF forces, including the commander of NATO ISAF forces, to modify the chain of command structure for military forces operating in Afghanistan to better coordinate and de-conflict military operations and achieve unity of command whenever possible in Afghanistan, and the results of such efforts, including—

“(A) any United States or NATO ISAF plan for improving the command and control structure for military forces operating in Afghanistan; and

“(B) any efforts to establish a headquarters in Afghanistan that is led by a commander—

“(i) with command authority over NATO ISAF forces and separate United States forces operating under Operation Enduring Freedom and charged with closely coordinating the efforts of such forces; and

“(ii) responsible for coordinating other United States and international security efforts in Afghanistan.

“(2) A description of how rules of engagement are determined and managed for United States forces operating under NATO ISAF or Operation Enduring Freedom, and a description of any key differences between rules of engagement for NATO ISAF forces and separate United States forces operating under Operation Enduring Freedom.

“(3) An assessment of how any modifications to the command and control structure for military forces operating in Afghanistan would impact coordination of military and civilian efforts in Afghanistan.

“(c) UPDATE OF REPORT.—The Secretary of Defense shall submit to the appropriate congressional committees an update of the report required under subsection (a) as warranted by any modifications to the command and control structure for military forces operating in Afghanistan as described in the report.

“(d) FORM.—The report required under subsection (a) and any update of the report required under subsection (c) shall be submitted in an unclassified form, but may include a classified annex, if necessary. Any update of the report required under subsection (c) may be included in the report required under section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 385).

“(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ means—

“(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

“(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.”

#### PROGRAM TO COMMEMORATE 50TH ANNIVERSARY OF THE VIETNAM WAR

Pub. L. 110-181, div. A, title V, § 598, Jan. 28, 2008, 122 Stat. 141, provided that:

“(a) COMMEMORATIVE PROGRAM AUTHORIZED.—The Secretary of Defense may conduct a program to com-

memorate the 50th anniversary of the Vietnam War. In conducting the commemorative program, the Secretary shall coordinate, support, and facilitate other programs and activities of the Federal Government, State and local governments, and other persons and organizations in commemoration of the Vietnam War.

“(b) SCHEDULE.—The Secretary of Defense shall determine the schedule of major events and priority of efforts for the commemorative program in order to ensure achievement of the objectives specified in subsection (c).

“(c) COMMEMORATIVE ACTIVITIES AND OBJECTIVES.—The commemorative program may include activities and ceremonies to achieve the following objectives:

“(1) To thank and honor veterans of the Vietnam War, including personnel who were held as prisoners of war or listed as missing in action, for their service and sacrifice on behalf of the United States and to thank and honor the families of these veterans.

“(2) To highlight the service of the Armed Forces during the Vietnam War and the contributions of Federal agencies and governmental and non-governmental organizations that served with, or in support of, the Armed Forces.

“(3) To pay tribute to the contributions made on the home front by the people of the United States during the Vietnam War.

“(4) To highlight the advances in technology, science, and medicine related to military research conducted during the Vietnam War.

“(5) To recognize the contributions and sacrifices made by the allies of the United States during the Vietnam War.

“(d) NAMES AND SYMBOLS.—The Secretary of Defense shall have the sole and exclusive right to use the name ‘The United States of America Vietnam War Commemoration’, and such seal, emblems, and badges incorporating such name as the Secretary may lawfully adopt. Nothing in this section may be construed to supersede rights that are established or vested before the date of the enactment of this Act [Jan. 28, 2008].

“(e) COMMEMORATIVE FUND.—

“(1) ESTABLISHMENT AND ADMINISTRATION.—If the Secretary establishes the commemorative program under subsection (a), the Secretary the Treasury shall establish in the Treasury of the United States an account to be known as the ‘Department of Defense Vietnam War Commemoration Fund’ (in this section referred to as the ‘Fund’). The Fund shall be administered by the Secretary of Defense.

“(2) USE OF FUND.—The Secretary shall use the assets of the Fund only for the purpose of conducting the commemorative program and shall prescribe such regulations regarding the use of the Fund as the Secretary considers to be necessary.

“(3) DEPOSITS.—There shall be deposited into the Fund—

“(A) amounts appropriated to the Fund;

“(B) proceeds derived from the Secretary’s use of the exclusive rights described in subsection (d);

“(C) donations made in support of the commemorative program by private and corporate donors; and

“(D) funds transferred to the Fund by the Secretary from funds appropriated for fiscal year 2008 and subsequent years for the Department of Defense.

“(4) AVAILABILITY.—Subject to subsection (g)(2), amounts deposited under paragraph (3) shall constitute the assets of the Fund and remain available until expended.

“(5) BUDGET REQUEST.—The Secretary of Defense may establish a separate budget line for the commemorative program. In the budget justification materials submitted by the Secretary in support of the budget of the President for any fiscal year for which the Secretary establishes the separate budget line, the Secretary shall—

“(A) identify and explain any amounts expended for the commemorative program in the fiscal year preceding the budget request;

“(B) identify and explain the amounts being requested to support the commemorative program for the fiscal year of the budget request; and

“(C) present a summary of the fiscal status of the Fund.

“(f) ACCEPTANCE OF VOLUNTARY SERVICES.—

“(1) AUTHORITY TO ACCEPT SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Secretary of Defense may accept from any person voluntary services to be provided in furtherance of the commemorative program. The Secretary of Defense shall prohibit the solicitation of any voluntary services if the nature or circumstances of such solicitation would compromise the integrity or the appearance of integrity of any program of the Department of Defense or of any individual involved in the program.

“(2) REIMBURSEMENT OF INCIDENTAL EXPENSES.—The Secretary may provide for reimbursement of incidental expenses incurred by a person providing voluntary services under this subsection. The Secretary shall determine which expenses are eligible for reimbursement under this paragraph.

“(g) FINAL REPORT.—

“(1) REPORT REQUIRED.—Not later than 60 days after the end of the commemorative program, if established by the Secretary of Defense under subsection (a), the Secretary shall submit to Congress a report containing an accounting of—

“(A) all of the funds deposited into and expended from the Fund;

“(B) any other funds expended under this section; and

“(C) any unobligated funds remaining in the Fund.

“(2) TREATMENT OF UNOBLIGATED FUNDS.—Unobligated amounts remaining in the Fund as of the end of the commemorative period specified in subsection (b) shall be held in the Fund until transferred by law.

“(h) LIMITATION ON EXPENDITURES.—Total expenditures from the Fund, using amounts appropriated to the Department of Defense, may not exceed \$5,000,000 for fiscal year 2008 or for any subsequent fiscal year to carry out the commemorative program.

“(i) FUNDING.—Of the amount authorized to be appropriated pursuant to section 301(5) [122 Stat. 53] for Defense-wide activities, \$1,000,000 shall be available for deposit in the Fund for fiscal year 2008 if the Fund is established under subsection (e).”

#### STANDARDS REQUIRED FOR ENTRY TO MILITARY INSTALLATIONS IN UNITED STATES

Pub. L. 110–181, div. A, title X, § 1069, Jan. 28, 2008, 122 Stat. 326, as amended by Pub. L. 110–417, [div. A], title X, § 1059, Oct. 14, 2008, 122 Stat. 4611; Pub. L. 111–84, div. A, title X, § 1073(c)(11), Oct. 28, 2009, 123 Stat. 2475, provided that:

“(a) DEVELOPMENT OF STANDARDS.—

“(1) ACCESS STANDARDS FOR VISITORS.—The Secretary of Defense shall develop access standards applicable to all military installations in the United States. The standards shall require screening standards appropriate to the type of installation involved, the security level, category of individuals authorized to visit the installation, and level of access to be granted, including—

“(A) protocols to determine the fitness of the individual to enter an installation; and

“(B) standards and methods for verifying the identity of the individual.

“(2) ADDITIONAL CRITERIA.—The standards required under paragraph (1) may—

“(A) provide for expedited access to a military installation for Department of Defense personnel and employees and family members of personnel who reside on the installation;

“(B) provide for closer scrutiny of categories of individuals determined by the Secretary of Defense to pose a higher potential security risk; and

“(C) in the case of an installation that the Secretary determines contains particularly sensitive

facilities, provide additional screening requirements, as well as physical and other security measures for the installation.

“(b) USE OF TECHNOLOGY.—The Secretary of Defense is encouraged to procure and field existing identification screening technology and to develop additional technology only to the extent necessary to assist commanders of military installations in implementing the standards developed under this section at points of entry for such installations.

“(c) DEADLINES.—

“(1) DEVELOPMENT AND IMPLEMENTATION.—The Secretary of Defense shall develop the standards required under this section by not later than February 1, 2009, and implement such standards by not later than October 1, 2010.

“(2) SUBMISSION TO CONGRESS.—Not later than August 1, 2009, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives the standards developed pursuant to paragraph (1).”

[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)(11) to section 1059 of Pub. L. 110–417, included in the credit set out above, is effective as of Oct. 14, 2008, and as if included in Pub. L. 110–417 as enacted.]

#### PROTECTION OF CERTAIN INDIVIDUALS

Pub. L. 110–181, div. A, title X, § 1074, Jan. 28, 2008, 122 Stat. 330, provided that:

“(a) PROTECTION FOR DEPARTMENT LEADERSHIP.—The Secretary of Defense, under regulations prescribed by the Secretary and in accordance with guidelines approved by the Secretary and the Attorney General, may authorize qualified members of the Armed Forces and qualified civilian employees of the Department of Defense to provide physical protection and personal security within the United States to the following persons who, by nature of their positions, require continuous security and protection:

- “(1) Secretary of Defense.
- “(2) Deputy Secretary of Defense.
- “(3) Chairman of the Joint Chiefs of Staff.
- “(4) Vice Chairman of the Joint Chiefs of Staff.
- “(5) Secretaries of the military departments.
- “(6) Chiefs of the Services.
- “(7) Commanders of combatant commands.

“(b) PROTECTION FOR ADDITIONAL PERSONNEL.—

“(1) AUTHORITY TO PROVIDE.—The Secretary of Defense, under regulations prescribed by the Secretary and in accordance with guidelines approved by the Secretary and the Attorney General, may authorize qualified members of the Armed Forces and qualified civilian employees of the Department of Defense to provide physical protection and personal security within the United States to individuals other than individuals described in paragraphs (1) through (7) of subsection (a) if the Secretary determines that such protection and security are necessary because—

“(A) there is an imminent and credible threat to the safety of the individual for whom protection is to be provided; or

“(B) compelling operational considerations make such protection essential to the conduct of official Department of Defense business.

“(2) PERSONNEL.—Individuals authorized to receive physical protection and personal security under this subsection include the following:

“(A) Any official, military member, or employee of the Department of Defense.

“(B) A former or retired official who faces serious and credible threats arising from duties performed while employed by the Department for a period of up to two years beginning on the date on which the official separates from the Department.

“(C) A head of a foreign state, an official representative of a foreign government, or any other distinguished foreign visitor to the United States who is primarily conducting official business with the Department of Defense.

“(D) Any member of the immediate family of a person authorized to receive physical protection and personal security under this section.

“(E) An individual who has been designated by the President, and who has received the advice and consent of the Senate, to serve as Secretary of Defense, but who has not yet been appointed as Secretary of Defense.

“(3) LIMITATION ON DELEGATION.—The authority of the Secretary of Defense to authorize the provision of physical protection and personal security under this subsection may be delegated only to the Deputy Secretary of Defense.

“(4) REQUIREMENT FOR WRITTEN DETERMINATION.—A determination of the Secretary of Defense to provide physical protection and personal security under this subsection shall be in writing, shall be based on a threat assessment by an appropriate law enforcement, security, or intelligence organization, and shall include the name and title of the officer, employee, or other individual affected, the reason for such determination, the duration of the authorized protection and security for such officer, employee, or individual, and the nature of the arrangements for the protection and security.

“(5) DURATION OF PROTECTION.—

“(A) INITIAL PERIOD OF PROTECTION.—After making a written determination under paragraph (4), the Secretary of Defense may provide protection and security to an individual under this subsection for an initial period of not more than 90 calendar days.

“(B) SUBSEQUENT PERIOD.—If, at the end of the period that protection and security is provided to an individual under subsection (A), the Secretary determines that a condition described in subparagraph (A) or (B) of paragraph (1) continues to exist with respect to the individual, the Secretary may extend the period that such protection and security is provided for additional 60-day periods. The Secretary shall review such a determination at the end of each 60-day period to determine whether to continue to provide such protection and security.

“(C) REQUIREMENT FOR COMPLIANCE WITH REGULATIONS.—Protection and personal security provided under subparagraph (B) shall be provided in accordance with the regulations and guidelines referred to in paragraph (1).

“(6) SUBMISSION TO CONGRESS.—

“(A) IN GENERAL.—The Secretary of Defense shall submit to the congressional defense committees each determination made under paragraph (4) to provide protection and security to an individual and of each determination under paragraph (5)(B) to extend such protection and security, together with the justification for such determination, not later than 15 days after the date on which the determination is made.

“(B) FORM OF REPORT.—A report submitted under subparagraph (A) may be made in classified form.

“(C) REGULATIONS AND GUIDELINES.—The Secretary of Defense shall submit to the congressional defense committees the regulations and guidelines prescribed pursuant to paragraph (1) not less than 20 days before the date on which such regulations take effect.

“(c) DEFINITIONS.—In this section:

“(1) CONGRESSIONAL DEFENSE COMMITTEES.—The term ‘congressional defense committees’ means the Committee on Appropriations and the Committee on Armed Services of the Senate and the Committee on Appropriations and the Committee on Armed Services of the House of Representatives.

“(2) QUALIFIED MEMBERS OF THE ARMED FORCES AND QUALIFIED CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.—The terms ‘qualified members of the Armed Forces’ and ‘qualified civilian employees of the Department of Defense’ refer collectively to members or employees who are assigned to investigative, law enforcement, or security duties of any of the following:

- “(A) The Army Criminal Investigation Command.
- “(B) The Naval Criminal Investigative Service.
- “(C) The Air Force Office of Special Investigations.
- “(D) The Defense Criminal Investigative Service.
- “(E) The Pentagon Force Protection Agency.

“(d) CONSTRUCTION.—

“(1) NO ADDITIONAL LAW ENFORCEMENT OR ARREST AUTHORITY.—Other than the authority to provide protection and security under this section, nothing in this section may be construed to bestow any additional law enforcement or arrest authority upon the qualified members of the Armed Forces and qualified civilian employees of the Department of Defense.

“(2) POSSE COMITATUS.—Nothing in this section shall be construed to abridge section 1385 of title 18, United States Code.

“(3) AUTHORITIES OF OTHER DEPARTMENTS.—Nothing in this section may be construed to preclude or limit, in any way, the express or implied powers of the Secretary of Defense or other Department of Defense officials, or the duties and authorities of the Secretary of State, the Director of the United States Secret Service, the Director of the United States Marshals Service, or any other Federal law enforcement agency.”

AUTHORITY TO PROVIDE AUTOMATIC IDENTIFICATION SYSTEM DATA ON MARITIME SHIPPING TO FOREIGN COUNTRIES AND INTERNATIONAL ORGANIZATIONS

Pub. L. 110-181, div. A, title XII, §1208, Jan. 28, 2008, 122 Stat. 367, provided that:

“(a) AUTHORITY TO PROVIDE DATA.—The Secretary of Defense, with the concurrence of the Secretary of State, may authorize the Secretary of a military department or a commander of a combatant command to exchange or furnish automatic identification system data broadcast by merchant or private ships and collected by the United States to a foreign country or international organization pursuant to an agreement for the exchange or production of such data. Such data may be transferred pursuant to this section without cost to the recipient country or international organization.

“(b) DEFINITIONS.—In this section:

“(1) AUTOMATIC IDENTIFICATION SYSTEM.—The term ‘automatic identification system’ means a system that is used to satisfy the requirements of the Automatic Identification System under the International Convention for the Safety of Life at Sea, signed at London on November 1, 1974 (TIAS 9700) [see 33 U.S.C. 1602 and notes thereunder].

“(2) GEOGRAPHIC COMBATANT COMMANDER.—The term ‘commander of a combatant command’ means a commander of a combatant command (as such term is defined in section 161(c) of title 10, United States Code) with a geographic area of responsibility.”

REPORT ON SUPPORT FROM IRAN FOR ATTACKS AGAINST COALITION FORCES IN IRAQ

Pub. L. 110-181, div. A, title XII, §1225, Jan. 28, 2008, 122 Stat. 375, which required the Secretary of Defense, in coordination with the Director of National Intelligence, to submit to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives reports describing and assessing any support provided to anti-coalition forces in Iraq by Iran or its agents, the strategy and ambitions in Iraq of Iran, and any strategy or efforts by the United States to counter the activities of agents of Iran in Iraq, was repealed by Pub. L. 111-383, div. A, title XII, §1233(f)(2), Jan. 7, 2011, 124 Stat. 4397.

REQUIREMENT FOR SECRETARY OF DEFENSE TO PREPARE PLAN FOR RESPONSE TO NATURAL DISASTERS AND TERRORIST EVENTS

Pub. L. 110-181, div. A, title XVIII, §1814, Jan. 28, 2008, 122 Stat. 498, provided that:

“(a) REQUIREMENT FOR PLAN.—

“(1) IN GENERAL.—Not later than June 1, 2008, the Secretary of Defense, in consultation with the Secretary of Homeland Security, the Chairman of the Joint Chiefs of Staff, the commander of the United States Northern Command, and the Chief of the National Guard Bureau, shall prepare and submit to Congress a plan for coordinating the use of the National Guard and members of the Armed Forces on active duty when responding to natural disasters, acts of terrorism, and other man-made disasters as identified in the national planning scenarios described in subsection (e).

“(2) UPDATE.—Not later than June 1, 2010, the Secretary, in consultation with the persons consulted under paragraph (1), shall submit to Congress an update of the plan required under paragraph (1).

“(b) INFORMATION TO BE PROVIDED TO SECRETARY.—To assist the Secretary of Defense in preparing the plan, the National Guard Bureau, pursuant to its purpose as channel of communications as set forth in section 10501(b) of title 10, United States Code, shall provide to the Secretary information gathered from Governors, adjutants general of States, and other State civil authorities responsible for homeland preparation and response to natural and man-made disasters.

“(c) TWO VERSIONS.—The plan shall set forth two versions of response, one using only members of the National Guard, and one using both members of the National Guard and members of the regular components of the Armed Forces.

“(d) MATTERS COVERED.—The plan shall cover, at a minimum, the following:

“(1) Protocols for the Department of Defense, the National Guard Bureau, and the Governors of the several States to carry out operations in coordination with each other and to ensure that Governors and local communities are properly informed and remain in control in their respective States and communities.

“(2) An identification of operational procedures, command structures, and lines of communication to ensure a coordinated, efficient response to contingencies.

“(3) An identification of the training and equipment needed for both National Guard personnel and members of the Armed Forces on active duty to provide military assistance to civil authorities and for other domestic operations to respond to hazards identified in the national planning scenarios.

“(e) NATIONAL PLANNING SCENARIOS.—The plan shall provide for response to the following hazards:

“(1) Nuclear detonation, biological attack, biological disease outbreak/pandemic flu, the plague, chemical attack-blister agent, chemical attack-toxic industrial chemicals, chemical attack-nerve agent, chemical attack-chlorine tank explosion, major hurricane, major earthquake, radiological attack-radiological dispersal device, explosives attack-bombing using improvised explosive device, biological attack-food contamination, biological attack-foreign animal disease and cyber attack.

“(2) Any other hazards identified in a national planning scenario developed by the Homeland Security Council.”

DETERMINATION OF DEPARTMENT OF DEFENSE CIVIL SUPPORT REQUIREMENTS

Pub. L. 110-181, div. A, title XVIII, §1815(a)-(d), Jan. 28, 2008, 122 Stat. 499, provided that:

“(a) DETERMINATION OF REQUIREMENTS.—The Secretary of Defense, in consultation with the Secretary of Homeland Security, shall determine the military-unique capabilities needed to be provided by the Department of Defense to support civil authorities in an incident of national significance or a catastrophic incident.

“(b) PLAN FOR FUNDING CAPABILITIES.—

“(1) PLAN.—The Secretary of Defense shall develop and implement a plan, in coordination with the Secretaries of the military departments and the Chair-

man of the Joint Chiefs of Staff, for providing the funds and resources necessary to develop and maintain the following:

“(A) The military-unique capabilities determined under subsection (a).

“(B) Any additional capabilities determined by the Secretary to be necessary to support the use of the active components and the reserve components of the Armed Forces for homeland defense missions, domestic emergency responses, and providing military support to civil authorities.

“(2) TERM OF PLAN.—The plan required under paragraph (1) shall cover at least five years.

“(c) BUDGET.—The Secretary of Defense shall include in the materials accompanying the budget submitted for each fiscal year a request for funds necessary to carry out the plan required under subsection (b) during the fiscal year covered by the budget. The defense budget materials shall delineate and explain the budget treatment of the plan for each component of each military department, each combatant command, and each affected Defense Agency.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘military-unique capabilities’ means those capabilities that, in the view of the Secretary of Defense—

“(A) cannot be provided by other Federal, State, or local civilian agencies; and

“(B) are essential to provide support to civil authorities in an incident of national significance or a catastrophic incident.

“(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.”

#### MILITARY SEVERELY INJURED CENTER

Pub. L. 109-364, div. A, title V, § 564, Oct. 17, 2006, 120 Stat. 2222, provided that:

“(a) CENTER REQUIRED.—In support of the comprehensive policy on the provision of assistance to severely wounded or injured servicemembers required by section 563 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3269; 10 U.S.C. 113 note), the Secretary of Defense shall establish within the Department of Defense a center to augment and support the programs and activities of the military departments for the provision of such assistance, including the programs of the military departments referred to in subsection (c).

“(b) DESIGNATION.—The center established under subsection (a) shall be known as the ‘Military Severely Injured Center’ (in this section referred to as the ‘Center’).

“(c) PROGRAMS OF THE MILITARY DEPARTMENTS.—The programs of the military departments referred to in this subsection are the following:

“(1) The Army Wounded Warrior Support Program.

“(2) The Navy Safe Harbor Program.

“(3) The Palace HART Program of the Air Force.

“(4) The Marine for Life Injured Support Program of the Marine Corps.

“(d) ACTIVITIES OF CENTER.—

“(1) IN GENERAL.—The Center shall carry out such programs and activities to augment and support the programs and activities of the military departments for the provision of assistance to severely wounded or injured servicemembers and their families as the Secretary of Defense, in consultation with the Secretaries of the military departments and the heads of other appropriate departments and agencies of the Federal Government (including the Secretary of Labor and the Secretary of Veterans Affairs), determines appropriate.

“(2) DATABASE.—The activities of the Center under this subsection shall include the establishment and maintenance of a central database. The database shall be transparent and shall be accessible for use by all of the programs of the military departments referred to in subsection (c).

“(e) RESOURCES.—The Secretary of Defense shall allocate to the Center such personnel and other resources as the Secretary of Defense, in consultation with the Secretaries of the military departments, considers appropriate in order to permit the Center to carry out effectively the programs and activities assigned to the Center under subsection (d).”

#### QUARTERLY REPORTS ON DEPARTMENT OF DEFENSE RESPONSE TO THREAT POSED BY IMPROVISED EXPLOSIVE DEVICES

Pub. L. 109-364, div. A, title XIV, § 1402, Oct. 17, 2006, 120 Stat. 2433, provided that:

“(a) REPORTS REQUIRED.—

“(1) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this Act [Oct. 17, 2006], the Secretary of Defense shall submit to Congress a report—

“(A) regarding the status of the threat posed to United States and allied forces in Iraq and Afghanistan by improvised explosive devices; and

“(B) describing efforts being undertaken by the Department of Defense to defeat that threat.

“(2) SUPPLEMENTAL QUARTERLY REPORTS.—After the submission of the report under paragraph (1), the Secretary shall submit to Congress a supplemental report, not later than 30 days after the end of each calendar-year quarter, to account for every reported incident involving the detonation or discovery of an improvised explosive device during the preceding quarter that involved United States or allied forces in Iraq and Afghanistan.

“(3) CLASSIFICATION OF REPORTS.—Reports under this section shall be transmitted in an unclassified manner with a classified annex, if necessary.

“(b) JOINT IED DEFEAT ORGANIZATION AND RELATED OFFICES.—Each report under subsection (a) shall provide the following information regarding the joint entity in the Office of the Secretary of Defense known as the ‘Joint IED Defeat Organization’ and those portions of all other organizational elements within the Department of Defense that are focused on countering improvised explosive devices:

“(1) The number of Department of Defense personnel assigned to the Joint IED Defeat Organization and each other organizational element.

“(2) The major locations to which such personnel are assigned and the organizational structure of those elements.

“(3) The projected budget of the Joint IED Defeat Organization and those other elements relating to the counter-IED mission.

“(4) The level of funding required for administrative costs relating to the counter-IED mission.

“(c) EXISTING THREAT AND COUNTER MEASURES.—Each report under subsection (a) shall include the following information regarding the threat posed by improvised explosive devices and the countermeasures employed to defeat those threats:

“(1) The number of improvised explosive devices being encountered by United States and allied military personnel, including general trends in tactics and technology used by the enemy.

“(2) Passive countermeasures employed and the success rate of each such countermeasure.

“(3) Active countermeasures employed and the success rate of each such countermeasure.

“(4) Any evidence of assistance to the enemy by foreign countries or other entities not directly involved in fighting United States and allied forces in Iraq and Afghanistan.

“(5) A summary of data collected and reports generated by the Department of Defense on efforts to counter improvised explosive devices in Iraq and Afghanistan and other fronts in the Global War on Terrorism.

“(d) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION OF NEW COUNTERMEASURES.—Each report under subsection (a) shall include the following information regarding research, development, test, and evaluation ac-

tivities relating to new active and passive countermeasures and any impediments to those activities:

“(1) The status of any effort within the Department of Defense to conduct research, development, test, and evaluation of passive and active countermeasures and to accelerate the introduction of those countermeasures into deployed units.

“(2) Impediments to introduction of new passive and active countermeasures.

“(e) INTERDICTION EFFORTS.—

“(1) DESCRIPTION OF INTERDICTION EFFORTS.—Each report under subsection (a) shall identify those portions of any office within the Department of Defense (in addition to those discussed pursuant to subsection (b)) that are focused on interdiction of improvised explosive devices, together with the personnel and funding requirements for that office (as specified in subsection (b)) and the success of the interdiction efforts of that office.

“(2) INTERDICTION DEFINED.—For purposes of this subsection, the term ‘interdiction’ includes—

“(A) the development of intelligence regarding persons and locations involved in the manufacture or deployment of improvised explosive devices; and

“(B) subsequent action against those persons or locations, including efforts to prevent emplacement of improvised explosive devices.”

#### DATABASE OF EMERGENCY RESPONSE CAPABILITIES

Pub. L. 109-364, div. A, title XIV, §1406, Oct. 17, 2006, 120 Stat. 2436, provided that: “The Secretary of Defense shall maintain a database of emergency response capabilities that includes the following:

“(1) The types of emergency response capabilities that each State’s National Guard, as reported by the States, may be able to provide in response to a domestic natural or manmade disaster, both to their home States and under State-to-State mutual assistance agreements.

“(2) The types of emergency response capabilities that the Department of Defense may be able to provide in support of the National Response Plan’s Emergency Support Functions, and identification of the units that provide these capabilities.”

#### REPORT REGARDING EFFECT ON MILITARY READINESS OF UNDOCUMENTED IMMIGRANTS TRESPASSING UPON OPERATIONAL RANGES

Pub. L. 109-163, div. A, title III, §354, Jan. 6, 2006, 119 Stat. 3204, provided that:

“(a) REPORT CONTAINING ASSESSMENT AND RESPONSE PLAN.—Not later than April 15, 2006, the Secretary of Defense shall submit to Congress a report containing—

“(1) an assessment of the impact on military readiness caused by undocumented immigrants whose entry into the United States involves trespassing upon operational ranges of the Department of Defense; and

“(2) a plan for the implementation of measures to prevent such trespass.

“(b) PREPARATION AND ELEMENTS OF ASSESSMENT.—The assessment required by subsection (a)(1) shall be prepared by the Secretary of Defense. The assessment shall include the following:

“(1) A listing of the operational ranges adversely affected by the trespass of undocumented immigrants upon operational ranges.

“(2) A description of the types of range activities affected by such trespass.

“(3) A determination of the amount of time lost for range activities, and the increased costs incurred, as a result of such trespass.

“(4) An evaluation of the nature and extent of such trespass and means of travel.

“(5) An evaluation of the factors that contribute to the use by undocumented immigrants of operational ranges as a means to enter the United States.

“(6) A description of measures currently in place to prevent such trespass, including the use of barriers to

vehicles and persons, military patrols, border patrols, and sensors.

“(c) PREPARATION AND ELEMENTS OF PLAN.—The plan required by subsection (a)(2) shall be prepared jointly by the Secretary of Defense and the Secretary of Homeland Security. The plan shall include the following:

“(1) The types of measures to be implemented to improve prevention of trespass of undocumented immigrants upon operational ranges, including the specific physical methods, such as barriers and increased patrols or monitoring, to be implemented and any legal or other policy changes recommended by the Secretaries.

“(2) The costs of, and timeline for, implementation of the plan.

“(d) IMPLEMENTATION REPORTS.—Not later than September 15, 2006, March 15, 2007, September 15, 2007, and March 15, 2008, the Secretary of Defense shall submit to Congress a report detailing the progress made by the Department of Defense, during the period covered by the report, in implementing measures recommended in the plan required by subsection (a)(2) to prevent undocumented immigrants from trespassing upon operational ranges. Each report shall include the number and types of mitigation measures implemented and the success of such measures in preventing such trespass.

“(e) DEFINITIONS.—In this section, the terms ‘operational range’ and ‘range activities’ have the meaning given those terms in section 101(e) of title 10, United States Code.”

#### REPORTS BY OFFICERS AND SENIOR ENLISTED MEMBERS OF CONVICTION OF CRIMINAL LAW

Pub. L. 109-163, div. A, title V, §554, Jan. 6, 2006, 119 Stat. 3264, provided that:

“(a) REQUIREMENT FOR REPORTS.—

“(1) IN GENERAL.—The Secretary of Defense shall prescribe in regulations a requirement that each covered member of the Armed Forces shall submit to an authority in the military department concerned designated pursuant to such regulations a timely report of any conviction of such member by any law enforcement authority of the United States for a violation of a criminal law of the United States, whether or not the member is on active duty at the time of the conduct that provides the basis for the conviction. The regulations shall apply uniformly throughout the military departments.

“(2) COVERED MEMBERS.—In this section, the term ‘covered member of the Armed Forces’ means a member of the Army, Navy, Air Force, or Marine Corps who is on the active-duty list or the reserve active-status list and who is—

“(A) an officer; or

“(B) an enlisted member in a pay grade above pay grade E-6.

“(b) LAW ENFORCEMENT AUTHORITY OF THE UNITED STATES.—For purposes of this section, a law enforcement authority of the United States includes—

“(1) a military or other Federal law enforcement authority;

“(2) a State or local law enforcement authority; and

“(3) such other law enforcement authorities within the United States as the Secretary shall specify in the regulations prescribed pursuant to subsection (a).

“(c) CRIMINAL LAW OF THE UNITED STATES.—

“(1) IN GENERAL.—Except as provided in paragraph (2), for purposes of this section, a criminal law of the United States includes—

“(A) any military or other Federal criminal law;

“(B) any State, county, municipal, or local criminal law or ordinance; and

“(C) such other criminal laws and ordinances of jurisdictions within the United States as the Secretary shall specify in the regulations prescribed pursuant to subsection (a).

“(2) EXCEPTION.—For purposes of this section, a criminal law of the United States shall not include a law or ordinance specifying a minor traffic offense (as

determined by the Secretary for purposes of such regulations).

“(d) **TIMELINESS OF REPORTS.**—The regulations prescribed pursuant to subsection (a) shall establish requirements for the timeliness of reports under this section.

“(e) **FORWARDING OF INFORMATION.**—The regulations prescribed pursuant to subsection (a) shall provide that, in the event a military department receives information that a covered member of the Armed Forces under the jurisdiction of another military department has become subject to a conviction for which a report is required by this section, the Secretary of the military department receiving such information shall, in accordance with such procedures as the Secretary of Defense shall establish in such regulations, forward such information to the authority in the military department having jurisdiction over such member designated pursuant to such regulations.

“(f) **CONVICTIONS.**—In this section, the term ‘conviction’ includes any plea of guilty or nolo contendere.

“(g) **DEADLINE FOR REGULATIONS.**—The regulations required by subsection (a), including the requirement in subsection (e), shall go into effect not later than the end of the 180-day period beginning on the date of the enactment of this Act [Jan. 6, 2006].

“(h) **APPLICABILITY OF REQUIREMENT.**—The requirement under the regulations required by subsection (a) that a covered member of the Armed Forces submit notice of a conviction shall apply only to a conviction that becomes final after the date of the enactment of this Act [Jan. 6, 2006].”

**POLICY AND PROCEDURES ON ASSISTANCE TO SEVERELY WOUNDED OR INJURED SERVICE MEMBERS**

Pub. L. 109-163, div. A, title V, §563, Jan. 6, 2006, 119 Stat. 3269, provided that:

“(a) **COMPREHENSIVE POLICY.**—

“(1) **POLICY REQUIRED.**—Not later than June 1, 2006, the Secretary of Defense shall prescribe a comprehensive policy for the Department of Defense on the provision of assistance to members of the Armed Forces who incur severe wounds or injuries in the line of duty (in this section referred to as ‘severely wounded or injured servicemembers’).

“(2) **CONSULTATION.**—The Secretary shall develop the policy required by paragraph (1) in consultation with the Secretaries of the military departments, the Secretary of Veterans Affairs, and the Secretary of Labor.

“(3) **INCORPORATION OF PAST EXPERIENCE AND PRACTICE.**—The policy required by paragraph (1) shall be based on—

“(A) the experience and best practices of the military departments, including the Army Wounded Warrior Program, the Marine Corps Marine for Life Injured Support Program, the Air Force Palace HART program, and the Navy Wounded Marines and Sailors Initiative;

“(B) the recommendations of nongovernment organizations with demonstrated expertise in responding to the needs of severely wounded or injured servicemembers; and

“(C) such other matters as the Secretary of Defense considers appropriate.

“(4) **PROCEDURES AND STANDARDS.**—The policy shall include guidelines to be followed by the military departments in the provision of assistance to severely wounded or injured servicemembers. The procedures and standards shall be uniform across the military departments except to the extent necessary to reflect the traditional practices or customs of a particular military department. The procedures and standards shall establish a minimum level of support and shall specify the duration of programs.

“(b) **ELEMENTS OF POLICY.**—The comprehensive policy developed under subsection (a) shall address the following matters:

“(1) Coordination with the Severely Injured Joint Support Operations Center of the Department of Defense.

“(2) Promotion of a seamless transition to civilian life for severely wounded or injured servicemembers who are or are likely to be separated on account of their wound or injury.

“(3) Identification and resolution of special problems or issues related to the transition to civilian life of severely wounded or injured servicemembers who are members of the reserve components.

“(4) The qualifications, assignment, training, duties, supervision, and accountability for the performance of responsibilities for the personnel providing assistance to severely wounded or injured servicemembers.

“(5) Centralized, short-term and long-term case-management procedures for assistance to severely wounded or injured servicemembers by each military department, including rapid access for severely wounded or injured servicemembers to case managers and counselors.

“(6) The provision, through a computer accessible Internet website and other means and at no cost to severely wounded or injured servicemembers, of personalized, integrated information on the benefits and financial assistance available to such members from the Federal Government.

“(7) The provision of information to severely wounded or injured servicemembers on mechanisms for registering complaints about, or requests for, additional assistance.

“(8) Participation of family members.

“(9) Liaison with the Department of Veterans Affairs and the Department of Labor in order to ensure prompt and accurate resolution of issues relating to benefits administered by those agencies for severely wounded or injured servicemembers.

“(10) Data collection regarding the incidence and quality of assistance provided to severely wounded or injured servicemembers, including surveys of such servicemembers and military and civilian personnel whose assigned duties include assistance to severely wounded or injured servicemembers.

“(c) **ADOPTION BY MILITARY DEPARTMENTS.**—Not later than September 1, 2006, the Secretary of each military department shall prescribe regulations, or modify current regulations, on the policies and procedures of such military department on the provision of assistance to severely wounded or injured servicemembers in order to conform such policies and procedures to the policy prescribed under subsection (a).”

**PRESERVATION OF RECORDS PERTAINING TO RADIOACTIVE FALLOUT FROM NUCLEAR WEAPONS TESTING**

Pub. L. 109-163, div. A, title X, §1055, Jan. 6, 2006, 119 Stat. 3438, provided that:

“(a) **PROHIBITION OF DESTRUCTION OF CERTAIN RECORDS.**—The Secretary of Defense may not destroy any official record in the custody or control of the Department of Defense that contains information relating to radioactive fallout from nuclear weapons testing.

“(b) **PRESERVATION AND PUBLICATION OF INFORMATION.**—The Secretary of Defense shall identify, preserve, and make available any unclassified information contained in official records referred to in subsection (a).”

**SAFE DELIVERY OF MAIL IN MILITARY MAIL SYSTEM**

Pub. L. 109-163, div. A, title X, §1071, Jan. 6, 2006, 119 Stat. 3446, provided that:

“(a) **PLAN FOR SAFE DELIVERY OF MILITARY MAIL.**—

“(1) **PLAN REQUIRED.**—The Secretary of Defense shall develop and implement a plan to ensure that the mail within the military mail system is safe for delivery. The plan shall provide for the screening of all mail within the military mail system in order to detect the presence of biological, chemical, or radiological weapons, agents, or pathogens or explosive devices before mail within the military mail system is delivered to its intended recipients.

“(2) **FUNDING.**—The budget justification materials submitted to Congress with the budget of the Presi-

dent for fiscal year 2007 and each fiscal year thereafter shall include a description of the amounts required in such fiscal year to carry out the plan.

“(b) REPORT ON SAFETY OF MAIL FOR DELIVERY.—

“(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act [Jan. 6, 2006], the Secretary shall submit to Congress a report on the safety of mail within the military mail system for delivery.

“(2) ELEMENTS.—The report shall include the following:

“(A) An assessment of any existing deficiencies in the military mail system in ensuring that mail within the military mail system is safe for delivery.

“(B) The plan required by subsection (a).

“(C) An estimate of the time and resources required to implement the plan.

“(D) A description of the delegation within the Department of Defense of responsibility for ensuring that mail within the military mail system is safe for delivery, including responsibility for the development, implementation, and oversight of improvements to the military mail system to ensure that mail within the military mail system is safe for delivery.

“(3) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

“(c) MAIL WITHIN THE MILITARY MAIL SYSTEM DEFINED.—

“(1) IN GENERAL.—In this section, the term ‘mail within the military mail system’ means—

“(A) any mail that is posted through the Military Post Offices (including Army Post Offices (APOs) and Fleet Post Offices (FPOs)), Department of Defense mail centers, military Air Mail Terminals, and military Fleet Mail Centers; and

“(B) any mail or package posted in the United States that is addressed to an unspecified member of the Armed Forces.

“(2) INCLUSIONS AND EXCEPTION.—The term includes any official mail posted by the Department of Defense. The term does not include any mail posted as otherwise described in paragraph (1) that has been screened for safety for delivery by the United States Postal Service before such posting.”

#### WAR-RELATED REPORTING REQUIREMENTS

Pub. L. 109-163, div. A, title XII, §1221, Jan. 6, 2006, 119 Stat. 3462, as amended by Pub. L. 109-364, div. A, title XV, §1518, Oct. 17, 2006, 120 Stat. 2443; Pub. L. 111-84, div. A, title XII, §1233, Oct. 28, 2009, 123 Stat. 2531, provided that:

“(a) REPORT REQUIRED FOR OPERATION IRAQI FREEDOM, OPERATION ENDURING FREEDOM, AND OPERATION NOBLE EAGLE.—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], in accordance with this section, a report on procurement and equipment maintenance costs for each of Operation Iraqi Freedom, Operation Enduring Freedom, and Operation Noble Eagle and on facility infrastructure costs associated with each of Operation Iraqi Freedom and Operation Enduring Freedom. The report shall include the following:

“(1) PROCUREMENT.—A specification of costs of procurement funding requested since fiscal year 2003, together with end-item quantities requested and the purpose of the request (such as replacement for battle losses, improved capability, increase in force size, restructuring of forces), shown by service.

“(2) EQUIPMENT MAINTENANCE.—A cost comparison of the requirements for equipment maintenance expenditures during peacetime and for such requirements during wartime, as shown by the requirements in each of Operation Iraqi Freedom, Operation Enduring Freedom, and Operation Noble Eagle. The cost comparison shall include—

“(A) a description of the effect of war operations on the backlog of maintenance requirements over the period of fiscal years 2003 to the time of the report; and

“(B) an examination of the extent to which war operations have precluded maintenance from being performed because equipment was unavailable.

“(3) OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM INFRASTRUCTURE.—A specification of the number of United States military personnel that can be supported by the facility infrastructure in Iraq and Afghanistan and in the neighboring countries from where Operation Iraq Freedom and Operation Enduring Freedom are supported.

“(b) SUBMISSION REQUIREMENTS.—The report under subsection (a) shall be submitted not later than 180 days after the date of the enactment of this Act [Jan. 6, 2006]. The Secretary of Defense shall submit an updated report on procurement, equipment maintenance, and military construction costs, as specified in subsection (a), concurrently with any request made to Congress after the date of the enactment of this Act for war-related funding.

“(c) SUBMISSION TO CONGRESS AND GAO OF CERTAIN REPORTS ON COSTS.—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] and the Comptroller General, not later than 45 days after the end of each reporting month, the Department of Defense Supplemental and Cost of War Execution reports.”

#### ANNUAL REPORT ON DEPARTMENT OF DEFENSE COSTS TO CARRY OUT UNITED NATIONS RESOLUTIONS

Pub. L. 109-163, div. A, title XII, §1224, Jan. 6, 2006, 119 Stat. 3463, provided that:

“(a) REQUIREMENT FOR ANNUAL REPORT.—

“(1) DEPARTMENT OF DEFENSE COSTS.—Not later than April 30 of each year, the Secretary of Defense shall submit to the congressional committees specified in paragraph (2) a report on Department of Defense costs during the preceding fiscal year to carry out United Nations resolutions.

“(2) SPECIFIED COMMITTEES.—The committees specified in this paragraph are—

“(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

“(B) the Committee on Armed Services, the Committee on International Relations [now Committee on Foreign Affairs], and the Committee on Appropriations of the House of Representatives.

“(b) MATTERS TO BE INCLUDED.—Each report under subsection (a) shall set forth the following:

“(1) All direct and indirect costs (including incremental costs) incurred by the Department of Defense during the preceding fiscal year in implementing or supporting any resolution adopted by the United Nations Security Council, including any such resolution calling for—

“(A) international sanctions;

“(B) international peacekeeping operations;

“(C) international peace enforcement operations;

“(D) monitoring missions;

“(E) observer missions; or

“(F) humanitarian missions.

“(2) An aggregate of all such Department of Defense costs by operation or mission and the total cost to United Nations members of each operation or mission.

“(3) All direct and indirect costs (including incremental costs) incurred by the Department of Defense during the preceding fiscal year in training, equipping, and otherwise assisting, preparing, providing resources for, and transporting foreign defense or security forces for implementing or supporting any resolution adopted by the United Nations Security Council, including any such resolution specified in paragraph (1).

“(4) All efforts made to seek credit against past United Nations expenditures.

“(5) All efforts made to seek compensation from the United Nations for costs incurred by the Department

of Defense in implementing and supporting United Nations activities.

“(c) COORDINATION.—The report under subsection (a) each year shall be prepared in coordination with the Secretary of State.

“(d) FORM OF REPORT.—Each report required by this section shall be submitted in unclassified form, but may include a classified annex.”

REQUIREMENT FOR ESTABLISHMENT OF CERTAIN CRITERIA APPLICABLE TO GLOBAL POSTURE REVIEW

Pub. L. 109-163, div. A, title XII, §1233, Jan. 6, 2006, 119 Stat. 3469, provided that:

“(a) CRITERIA.—As part of the Integrated Global Presence and Basing Strategy (IGPBS) developed by the Department of Defense that is referred to as the ‘Global Posture Review’, the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall develop criteria for assessing, with respect to each type of facility specified in subsection (c) that is to be located in a foreign country, the following factors:

“(1) The effect of any new basing arrangements on the strategic mobility requirements of the Department of Defense.

“(2) The ability of units deployed to overseas locations in areas in which United States Armed Forces have not traditionally been deployed to meet mobility response times required by operational planners.

“(3) The cost of deploying units to areas referred to in paragraph (2) on a rotational basis (rather than on a permanent basing basis).

“(4) The strategic benefit of rotational deployments through countries with which the United States is developing a close or new security relationship.

“(5) Whether the relative speed and complexity of conducting negotiations with a particular country is a discriminator in the decision to deploy forces within the country.

“(6) The appropriate and available funding mechanisms for the establishment, operation, and sustainment of specific Main Operating Bases, Forward Operating Bases, or Cooperative Security Locations.

“(7) The effect on military quality of life of the unaccompanied deployment of units to new facilities in overseas locations.

“(8) Other criteria as Secretary of Defense determines appropriate.

“(b) ANALYSIS OF ALTERNATIVES TO BASING OR OPERATING LOCATIONS.—The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall develop a mechanism for analyzing alternatives to any particular overseas basing or operating location. Such a mechanism shall incorporate the factors specified in each of paragraphs (1) through (5) of subsection (a).

“(c) MINIMAL INFRASTRUCTURE REQUIREMENTS FOR OVERSEAS INSTALLATIONS.—The Secretary of Defense shall develop a description of minimal infrastructure requirements for each of the following types of facilities:

“(1) Facilities categorized as Main Operating Bases.

“(2) Facilities categorized as Forward Operating Bases.

“(3) Facilities categorized as Cooperative Security Locations.

“(d) NOTIFICATION REQUIRED.—Not later than 30 days after an agreement is entered into between the United States and a foreign country to support the deployment of elements of the United States Armed Forces in that country, 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 written notification of such agreement. The notification under this subsection shall include the terms of the agreement, any costs to the United States resulting from the agreement, and a timeline to carry out the terms of the agreement.

“(e) ANNUAL BUDGET ELEMENT.—The Secretary of Defense shall submit to Congress, as an element of the an-

nual budget request of the Secretary, information regarding the funding sources for the establishment, operation, and sustainment of individual Main Operating Bases, Forward Operating Bases, or Cooperative Security Locations.

“(f) REPORT.—Not later than March 30, 2006, the Secretary of Defense shall submit to Congress a report on the matters specified in subsections (a) through (c).”

PROCESSING OF FORENSIC EVIDENCE COLLECTION KITS AND ACQUISITION OF SUFFICIENT STOCKS OF SUCH KITS

Pub. L. 108-375, div. A, title V, §573, Oct. 28, 2004, 118 Stat. 1921, provided that:

“(a) ELIMINATION OF BACKLOG, ETC.—The Secretary of Defense shall take such steps as may be necessary to ensure that—

“(1) the United States Army Criminal Investigation Laboratory has the personnel and resources to effectively process forensic evidence used by the Department of Defense within 60 days of receipt by the laboratory of such evidence;

“(2) consistent policies are established among the Armed Forces to reduce the time period between the collection of forensic evidence and the receipt and processing of such evidence by United States Army Criminal Investigation Laboratory; and

“(3) there is an adequate supply of forensic evidence collection kits—

“(A) for all United States military installations, including the military service academies; and

“(B) for units of the Armed Forces deployed in theaters of operation.

“(b) TRAINING.—The Secretary shall take such measures as the Secretary considers appropriate to ensure that personnel are appropriately trained—

“(1) in the use of forensic evidence collection kits; and

“(2) in the prescribed procedures to ensure protection of the chain of custody of such kits once used.”

POLICY FOR TIMELY NOTIFICATION OF NEXT OF KIN OF MEMBERS SERIOUSLY ILL OR INJURED IN COMBAT ZONES

Pub. L. 108-375, div. A, title VII, §724, Oct. 28, 2004, 118 Stat. 1990, provided that:

“(a) POLICY REQUIRED.—The Secretary of Defense shall prescribe the policy of the Department of Defense for providing, in the case of the serious illness or injury of a member of the Armed Forces in a combat zone, timely notification to the next of kin of the member regarding the illness or injury, including information on the condition of the member and the location at which the member is receiving treatment. In prescribing the policy, the Secretary shall ensure respect for the expressed desires of individual members of the Armed Forces regarding the notification of next of kin and shall include standards of timeliness for both the initial notification of next of kin under the policy and subsequent updates regarding the condition and location of the member.

“(b) SUBMISSION OF POLICY.—Not later than 120 days after the date of the enactment of this Act [Oct. 28, 2004], the Secretary of Defense shall submit to Congress a copy of the policy.”

SECRETARY OF DEFENSE CRITERIA FOR AND GUIDANCE ON IDENTIFICATION AND INTERNAL TRANSMISSION OF CRITICAL INFORMATION

Pub. L. 108-375, div. A, title IX, §932, Oct. 28, 2004, 118 Stat. 2031, provided that:

“(a) CRITERIA FOR CRITICAL INFORMATION.—(1) The Secretary of Defense shall establish criteria for determining categories of critical information that should be made known expeditiously to senior civilian and military officials in the Department of Defense. Those categories should be limited to matters of extraordinary significance and strategic impact to which rapid access by those officials is essential to the successful accomplishment of the national security strategy or a major military mission. The Secretary may from time

to time modify the list to suit the current strategic situation.

“(2) The Secretary shall provide the criteria established under paragraph (1) to the Chairman of the Joint Chiefs of Staff, the Secretaries of the military departments, the commanders of the unified and specified commands, the commanders of deployed forces, and such other elements of the Department of Defense as the Secretary considers necessary.

“(b) MATTERS TO BE INCLUDED.—The criteria established under subsection (a) shall include, at a minimum, requirement for identification of the following:

“(1) Any incident that may result in a contingency operation, based on the incident’s nature, gravity, or potential for significant adverse consequences to United States citizens, military personnel, interests, or assets, including an incident that could result in significant adverse publicity having a major strategic impact.

“(2) Any event, development, or situation that could be reasonably assumed to escalate into an incident described in paragraph (1).

“(3) Any deficiency or error in policy, standards, or training that could be reasonably assumed to have the effects described in paragraph (1).

“(c) REQUIREMENTS FOR TRANSMISSION OF CRITICAL INFORMATION.—The criteria under subsection (a) shall include such requirements for transmission of such critical information to such senior civilian and military officials of the Department of Defense as the Secretary of Defense considers appropriate.

“(d) TIME FOR ISSUANCE OF CRITERIA.—The Secretary of Defense shall establish the criteria required by subsection (a) not later than 120 days after the date of the enactment of this Act [Oct. 28, 2004].”

PROGRAM TO COMMEMORATE 60TH ANNIVERSARY OF  
WORLD WAR II

Pub. L. 108–375, div. A, title X, §1032, Oct. 28, 2004, 118 Stat. 2045, authorized the Secretary of Defense to conduct a program during fiscal year 2005 to commemorate the 60th anniversary of World War II.

PRESERVATION OF SEARCH AND RESCUE CAPABILITIES  
OF THE FEDERAL GOVERNMENT

Pub. L. 108–375, div. A, title X, §1085, Oct. 28, 2004, 118 Stat. 2065, as amended by Pub. L. 110–181, div. A, title III, §360(c), Jan. 28, 2008, 122 Stat. 78; Pub. L. 111–383, div. A, title X, §1075(i)(2), Jan. 7, 2011, 124 Stat. 4378, provided that: “The Secretary of Defense may not reduce or eliminate search and rescue capabilities at any military installation in the United States unless the Secretary, after reviewing the search and rescue capabilities report prepared by the Secretary of the Air Force under section 360(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 77), first certifies to the Committees on Armed Services of the Senate and the House of Representatives that equivalent search and rescue capabilities will be provided, without interruption and consistent with the policies and objectives set forth in the United States National Search and Rescue Plan entered into force on January 1, 1999, by—

“(1) the Department of Interior, the Department of Commerce, the Department of Homeland Security, the Department of Transportation, the Federal Communications Commission, or the National Aeronautics and Space Administration; or

“(2) the Department of Defense, either directly or through a Department of Defense contract with an emergency medical service provider or other private entity to provide such capabilities.”

SUNKEN MILITARY CRAFT

Pub. L. 108–375, div. A, title XIV, Oct. 28, 2004, 118 Stat. 2094, provided that:

“SEC. 1401. PRESERVATION OF TITLE TO SUNKEN MILITARY CRAFT AND ASSOCIATED CONTENTS.

“Right, title, and interest of the United States in and to any United States sunken military craft—

“(1) shall not be extinguished except by an express divestiture of title by the United States; and

“(2) shall not be extinguished by the passage of time, regardless of when the sunken military craft sank.

“SEC. 1402. PROHIBITIONS.

“(a) UNAUTHORIZED ACTIVITIES DIRECTED AT SUNKEN MILITARY CRAFT.—No person shall engage in or attempt to engage in any activity directed at a sunken military craft that disturbs, removes, or injures any sunken military craft, except—

“(1) as authorized by a permit under this title;

“(2) as authorized by regulations issued under this title; or

“(3) as otherwise authorized by law.

“(b) POSSESSION OF SUNKEN MILITARY CRAFT.—No person may possess, disturb, remove, or injure any sunken military craft in violation of—

“(1) this section; or

“(2) any prohibition, rule, regulation, ordinance, or permit that applies under any other applicable law.

“(c) LIMITATIONS ON APPLICATION.—

“(1) ACTIONS BY UNITED STATES.—This section shall not apply to actions taken by, or at the direction of, the United States.

“(2) FOREIGN PERSONS.—This section shall not apply to any action by a person who is not a citizen, national, or resident alien of the United States, except in accordance with—

“(A) generally recognized principles of international law;

“(B) an agreement between the United States and the foreign country of which the person is a citizen; or

“(C) in the case of an individual who is a crew member or other individual on a foreign vessel or foreign aircraft, an agreement between the United States and the flag State of the foreign vessel or aircraft that applies to the individual.

“(3) LOAN OF SUNKEN MILITARY CRAFT.—This section does not prohibit the loan of United States sunken military craft in accordance with regulations issued by the Secretary concerned.

“SEC. 1403. PERMITS.

“(a) IN GENERAL.—The Secretary concerned may issue a permit authorizing a person to engage in an activity otherwise prohibited by section 1402 with respect to a United States sunken military craft, for archaeological, historical, or educational purposes, in accordance with regulations issued by such Secretary that implement this section.

“(b) CONSISTENCY WITH OTHER LAWS.—The Secretary concerned shall require that any activity carried out under a permit issued by such Secretary under this section must be consistent with all requirements and restrictions that apply under any other provision of Federal law.

“(c) CONSULTATION.—In carrying out this section (including the issuance after the date of the enactment of this Act [Oct. 28, 2004] of regulations implementing this section), the Secretary concerned shall consult with the head of each Federal agency having authority under Federal law with respect to activities directed at sunken military craft or the locations of such craft.

“(d) APPLICATION TO FOREIGN CRAFT.—At the request of any foreign State, the Secretary of the Navy, in consultation with the Secretary of State, may carry out this section (including regulations promulgated pursuant to this section) with respect to any foreign sunken military craft of that foreign State located in United States waters.

“SEC. 1404. PENALTIES.

“(a) IN GENERAL.—Any person who violates this title, or any regulation or permit issued under this title, shall be liable to the United States for a civil penalty under this section.

“(b) ASSESSMENT AND AMOUNT.—The Secretary concerned may assess a civil penalty under this section,

after notice and an opportunity for a hearing, of not more than \$100,000 for each violation.

“(c) CONTINUING VIOLATIONS.—Each day of a continued violation of this title or a regulation or permit issued under this title shall constitute a separate violation for purposes of this section.

“(d) IN REM LIABILITY.—A vessel used to violate this title shall be liable in rem for a penalty under this section for such violation.

“(e) OTHER RELIEF.—If the Secretary concerned determines that there is an imminent risk of disturbance of, removal of, or injury to any sunken military craft, or that there has been actual disturbance of, removal of, or injury to a sunken military craft, the Attorney General, upon request of the Secretary concerned, may seek such relief as may be necessary to abate such risk or actual disturbance, removal, or injury and to return or restore the sunken military craft. The district courts of the United States shall have jurisdiction in such a case to order such relief as the public interest and the equities of the case may require.

“(f) LIMITATIONS.—An action to enforce a violation of section 1402 or any regulation or permit issued under this title may not be brought more than 8 years after the date on which—

“(1) all facts material to the right of action are known or should have been known by the Secretary concerned; and

“(2) the defendant is subject to the jurisdiction of the appropriate district court of the United States or administrative forum.

#### “SEC. 1405. LIABILITY FOR DAMAGES.

“(a) IN GENERAL.—Any person who engages in an activity in violation of section 1402 or any regulation or permit issued under this title that disturbs, removes, or injures any United States sunken military craft shall pay the United States enforcement costs and damages resulting from such disturbance, removal, or injury.

“(b) INCLUDED DAMAGES.—Damages referred to in subsection (a) may include—

“(1) the reasonable costs incurred in storage, restoration, care, maintenance, conservation, and curation of any sunken military craft that is disturbed, removed, or injured in violation of section 1402 or any regulation or permit issued under this title; and

“(2) the cost of retrieving, from the site where the sunken military craft was disturbed, removed, or injured, any information of an archaeological, historical, or cultural nature.

#### “SEC. 1406. RELATIONSHIP TO OTHER LAWS.

“(a) IN GENERAL.—Except to the extent that an activity is undertaken as a subterfuge for activities prohibited by this title, nothing in this title is intended to affect—

“(1) any activity that is not directed at a sunken military craft; or

“(2) the traditional high seas freedoms of navigation, including—

“(A) the laying of submarine cables and pipelines;

“(B) operation of vessels;

“(C) fishing; or

“(D) other internationally lawful uses of the sea related to such freedoms.

“(b) INTERNATIONAL LAW.—This title and any regulations implementing this title shall be applied in accordance with generally recognized principles of international law and in accordance with the treaties, conventions, and other agreements to which the United States is a party.

“(c) LAW OF FINDS.—The law of finds shall not apply to—

“(1) any United States sunken military craft, wherever located; or

“(2) any foreign sunken military craft located in United States waters.

“(d) LAW OF SALVAGE.—No salvage rights or awards shall be granted with respect to—

“(1) any United States sunken military craft without the express permission of the United States; or

“(2) any foreign sunken military craft located in United States waters without the express permission of the relevant foreign state.

“(e) LAW OF CAPTURE OR PRIZE.—Nothing in this title is intended to alter the international law of capture or prize with respect to sunken military craft.

“(f) LIMITATION OF LIABILITY.—Nothing in sections 4281 through 4287 and 4289 of the Revised Statutes ([former] 46 U.S.C. App. 181 et seq.) [see chapter 305 of Title 46, Shipping] or section 3 of the Act of February 13, 1893 (chapter 105; 27 Stat. 445; [former] 46 U.S.C. App. 192) [now 46 U.S.C. 30706], shall limit the liability of any person under this section.

“(g) AUTHORITIES OF THE COMMANDANT OF THE COAST GUARD.—Nothing in this title is intended to preclude or limit the application of any other law enforcement authorities of the Commandant of the Coast Guard.

“(h) PRIOR DELEGATIONS, AUTHORIZATIONS, AND RELATED REGULATIONS.—Nothing in this title shall invalidate any prior delegation, authorization, or related regulation that is consistent with this title.

“(i) CRIMINAL LAW.—Nothing in this title is intended to prevent the United States from pursuing criminal sanctions for plundering of wrecks, larceny of Government property, or violation of any applicable criminal law.

#### “SEC. 1407. ENCOURAGEMENT OF AGREEMENTS WITH FOREIGN COUNTRIES.

“The Secretary of State, in consultation with the Secretary of Defense, is encouraged to negotiate and conclude bilateral and multilateral agreements with foreign countries with regard to sunken military craft consistent with this title.

#### “SEC. 1408. DEFINITIONS.

“In this title:

“(1) ASSOCIATED CONTENTS.—The term ‘associated contents’ means—

“(A) the equipment, cargo, and contents of a sunken military craft that are within its debris field; and

“(B) the remains and personal effects of the crew and passengers of a sunken military craft that are within its debris field.

“(2) SECRETARY CONCERNED.—The term ‘Secretary concerned’ means—

“(A) subject to subparagraph (B), the Secretary of a military department; and

“(B) in the case of a Coast Guard vessel, the Secretary of the Department in which the Coast Guard is operating.

“(3) SUNKEN MILITARY CRAFT.—The term ‘sunken military craft’ means all or any portion of—

“(A) any sunken warship, naval auxiliary, or other vessel that was owned or operated by a government on military noncommercial service when it sank;

“(B) any sunken military aircraft or military spacecraft that was owned or operated by a government when it sank; and

“(C) the associated contents of a craft referred to in subparagraph (A) or (B),

if title thereto has not been abandoned or transferred by the government concerned.

“(4) UNITED STATES CONTIGUOUS ZONE.—The term ‘United States contiguous zone’ means the contiguous zone of the United States under Presidential Proclamation 7219, dated September 2, 1999 [43 U.S.C. 1331 note].

“(5) UNITED STATES INTERNAL WATERS.—The term ‘United States internal waters’ means all waters of the United States on the landward side of the baseline from which the breadth of the United States territorial sea is measured.

“(6) UNITED STATES TERRITORIAL SEA.—The term ‘United States territorial sea’ means the waters of the United States territorial sea under Presidential Proclamation 5928, dated December 27, 1988 [43 U.S.C. 1331 note].

“(7) UNITED STATES WATERS.—The term ‘United States waters’ means United States internal waters,

the United States territorial sea, and the United States contiguous zone.”

REPORTS ON WEAPONS AND AMMUNITION OBTAINED BY IRAQ

Pub. L. 108-177, title III, §358, Dec. 13, 2003, 117 Stat. 2621, directed the Director of the Defense Intelligence Agency, not later than one year after Dec. 13, 2003, to submit preliminary and final reports to committees of Congress on information obtained by the Department of Defense and the intelligence community on the conventional weapons and ammunition obtained by Iraq in violation of applicable resolutions of the United Nations Security Council adopted since the invasion of Kuwait by Iraq in 1990.

Pub. L. 108-136, div. A, title XII, §1204, Nov. 24, 2003, 117 Stat. 1649, directed the Secretary of Defense, not later than one year after Nov. 24, 2003, to submit to committees of Congress a report on the acquisition by Iraq of weapons of mass destruction and associated delivery systems and the acquisition by Iraq of advanced conventional weapons.

STUDIES OF FLEET PLATFORM ARCHITECTURES FOR THE NAVY

Pub. L. 108-136, div. A, title II, §216, Nov. 24, 2003, 117 Stat. 1418, directed the Secretary of Defense to provide for the performance of two independent studies of alternative future fleet platform architectures for the Navy and to forward the results of each study to congressional defense committees not later than Jan. 15, 2005.

REPORT REGARDING IMPACT OF CIVILIAN COMMUNITY ENCROACHMENT AND CERTAIN LEGAL REQUIREMENTS ON MILITARY INSTALLATIONS AND RANGES AND PLAN TO ADDRESS ENCROACHMENT

Pub. L. 108-136, div. A, title III, §320, Nov. 24, 2003, 117 Stat. 1435, provided that:

“(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study on the impact, if any, of the following types of encroachment issues affecting military installations and operational ranges:

“(1) Civilian community encroachment on those military installations and ranges whose operational training activities, research, development, test, and evaluation activities, or other operational, test and evaluation, maintenance, storage, disposal, or other support functions require, or in the future reasonably may require, safety or operational buffer areas. The requirement for such a buffer area may be due to a variety of factors, including air operations, ordnance operations and storage, or other activities that generate or might generate noise, electro-magnetic interference, ordnance arcs, or environmental impacts that require or may require safety or operational buffer areas.

“(2) Compliance by the Department of Defense with State Implementation Plans for Air Quality under section 110 of the Clean Air Act (42 U.S.C. 7410).

“(3) Compliance by the Department of Defense with the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

“(b) MATTERS TO BE INCLUDED WITH RESPECT TO CIVILIAN COMMUNITY ENCROACHMENTS.—With respect to paragraph (1) of subsection (a), the study shall include the following:

“(1) A list of all military installations described in subsection (a)(1) at which civilian community encroachment is occurring.

“(2) A description and analysis of the types and degree of such civilian community encroachment at each military installation included on the list.

“(3) An analysis, including views and estimates of the Secretary of Defense, of the current and potential future impact of such civilian community encroachment on operational training activities, research, development, test, and evaluation activities, and other

significant operational, test and evaluation, maintenance, storage, disposal, or other support functions performed by military installations included on the list. The analysis shall include the following:

“(A) A review of training and test ranges at military installations, including laboratories and technical centers of the military departments, included on the list.

“(B) A description and explanation of the trends of such encroachment, as well as consideration of potential future readiness problems resulting from unabated encroachment.

“(4) An estimate of the costs associated with current and anticipated partnerships between the Department of Defense and non-Federal entities to create buffer zones to preclude further development around military installations included on the list, and the costs associated with the conveyance of surplus property around such military installations for purposes of creating buffer zones.

“(5) Options and recommendations for possible legislative or budgetary changes necessary to mitigate current and anticipated future civilian community encroachment problems.

“(c) MATTERS TO BE INCLUDED WITH RESPECT TO COMPLIANCE WITH SPECIFIED LAWS.—With respect to paragraphs (2) and (3) of subsection (a), the study shall include the following:

“(1) A list of all military installations and other locations at which the Armed Forces are encountering problems related to compliance with the laws specified in such paragraphs.

“(2) A description and analysis of the types and degree of compliance problems encountered.

“(3) An analysis, including views and estimates of the Secretary of Defense, of the current and potential future impact of such compliance problems on the following functions performed at military installations:

“(A) Operational training activities.

“(B) Research, development, test, and evaluation activities.

“(C) Other significant operational, test and evaluation, maintenance, storage, disposal, or other support functions.

“(4) A description and explanation of the trends of such compliance problems, as well as consideration of potential future readiness problems resulting from such compliance problems.

“(d) PLAN TO RESPOND TO ENCROACHMENT ISSUES.—On the basis of the study conducted under subsection (a), including the specific matters required to be addressed by subsections (b) and (c), the Secretary of Defense shall prepare a plan to respond to the encroachment issues described in subsection (a) affecting military installations and operational ranges.

“(e) REPORTING REQUIREMENTS.—The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives the following reports regarding the study conducted under subsection (a), including the specific matters required to be addressed by subsections (b) and (c):

“(1) Not later than January 31, 2004, an interim report describing the progress made in conducting the study and containing the information collected under the study as of that date.

“(2) Not later than January 31, 2006, a report containing the results of the study and the encroachment response plan required by subsection (d).

“(3) Not later than January 31, 2007, and each January 31 thereafter through January 31, 2010, a report describing the progress made in implementing the encroachment response plan.”

HIGH-PERFORMING ORGANIZATION BUSINESS PROCESS REENGINEERING PILOT PROGRAM

Pub. L. 108-136, div. A, title III, §337, Nov. 24, 2003, 117 Stat. 1445, provided that:

“(a) PILOT PROGRAM.—The Secretary of Defense shall establish a pilot program under which the Secretary

concerned shall create, or continue the implementation of, high-performing organizations through the conduct of a Business Process Reengineering initiative at selected military installations and facilities under the jurisdiction of the Secretary concerned.

“(b) EFFECT OF PARTICIPATION IN PILOT PROGRAM.—(1) During the period of an organization’s participation in the pilot program, including the periods referred to in paragraphs (2) and (3) of subsection (f), the Secretary concerned may not require the organization to undergo any Office of Management and Budget Circular A-76 competition or other public-private competition involving any function of the organization covered by the Business Process Reengineering initiative. The organization may elect to undergo such a competition as part of the initiative.

“(2) Civilian employee or military personnel positions of the participating organization that are part of the Business Process Reengineering initiative shall be counted toward any numerical goals, target, or quota that the Secretary concerned is required or requested to meet during the term of the pilot program regarding the number of positions to be covered by public-private competitions.

“(c) ELIGIBLE ORGANIZATIONS.—Subject to subsection (d), the Secretary concerned may select two types of organizations to participate in the pilot program:

“(1) Organizations that underwent a Business Process Reengineering initiative within the preceding five years, achieved major performance enhancements under the initiative, and will be able to sustain previous or achieve new performance goals through the continuation of its existing or completed Business Process Reengineering plan.

“(2) Organizations that have not undergone or have not successfully completed a Business Process Reengineering initiative, but which propose to achieve, and reasonably could reach, enhanced performance goals through implementation of a Business Process Reengineering initiative.

“(d) ADDITIONAL ELIGIBILITY REQUIREMENTS.—(1) To be eligible for selection to participate in the pilot program under subsection (c)(1), an organization described in such subsection shall demonstrate, to the satisfaction of the Secretary concerned, the completion of a total organizational assessment that resulted in enhanced performance measures at least comparable to those performance measures that might be achieved through competitive sourcing.

“(2) To be eligible for selection to participate in the pilot program under subsection (c)(2), an organization described in such subsection shall identify, to the satisfaction of the Secretary concerned—

“(A) functions, processes, and measures to be studied under the Business Process Reengineering initiative;

“(B) adequate resources to carry out the Business Process Reengineering initiative; and

“(C) labor-management agreements in place to ensure effective implementation of the Business Process Reengineering initiative.

“(e) LIMITATION ON NUMBER OF PARTICIPANTS.—Total participants in the pilot program is limited to eight military installations and facilities, with some participants to be drawn from organizations described in subsection (c)(1) and some participants to be drawn from organizations described in subsection (c)(2).

“(f) IMPLEMENTATION AND DURATION.—(1) The implementation and management of a Business Process Reengineering initiative under the pilot program shall be the responsibility of the commander of the military installation or facility at which the Business Process Reengineering initiative is carried out.

“(2) An organization selected to participate in the pilot program shall be given a reasonable initial period, to be determined by the Secretary concerned, in which the organization must implement the Business Process Reengineering initiative. At the end of this period, the Secretary concerned shall determine whether the organization has achieved initial progress toward designa-

tion as a high-performing organization. In the absence of such progress, the Secretary concerned shall terminate the organization’s participation in the pilot program.

“(3) If an organization successfully completes implementation of the Business Process Reengineering initiative under paragraph (2), the Secretary concerned shall designate the organization as a high-performing organization and grant the organization an additional five-year period in which to achieve projected or planned efficiencies and savings under the pilot program.

“(g) REVIEWS AND REPORTS.—The Secretary concerned shall conduct annual performance reviews of the participating organizations or functions under the jurisdiction of the Secretary concerned. Reviews and reports shall evaluate organizational performance measures or functional performance measures and determine whether organizations are performing satisfactorily for purposes of continuing participation in the pilot program.

“(h) PERFORMANCE MEASURES.—Performance measures utilized in the pilot program should include the following, which shall be measured against organizational baselines determined before participation in the pilot program:

“(1) Costs, savings, and overall financial performance of the organization.

“(2) Organic knowledge, skills or expertise.

“(3) Efficiency and effectiveness of key functions or processes.

“(4) Efficiency and effectiveness of the overall organization.

“(5) General customer satisfaction.

“(i) DEFINITIONS.—In this section[:]

“(1) The term ‘Business Process Reengineering’ refers to an organization’s complete and thorough analysis and reengineering of mission and support functions and processes to achieve improvements in performance, including a fundamental reshaping of the way work is done to better support an organization’s mission and reduce costs.

“(2) The term ‘high-performing organization’ means an organization whose performance exceeds that of comparable providers, whether public or private.

“(3) The term ‘Secretary concerned’ means the Secretary of a military department and the Secretary of Defense, with respect to matters concerning the Defense Agencies.”

#### ASSESSMENT BY SECRETARY OF DEFENSE

Pub. L. 108-136, div. A, title V, §517(b), Nov. 24, 2003, 117 Stat. 1461, directed the Secretary of Defense to submit to committees of Congress, not later than one year after Nov. 24, 2003, a description of the effects on reserve component recruitment and retention that have resulted from calls and orders to active duty and the tempo of such service, an assessment of the process for calling and ordering reserve members to active duty, preparing such members for active duty, processing such members into the force, and deploying such members, and a description of changes in the Armed Forces envisioned by the Secretary of Defense.

#### POLICY ON PUBLIC IDENTIFICATION OF CASUALTIES

Pub. L. 108-136, div. A, title V, §546, Nov. 24, 2003, 117 Stat. 1479, provided that:

“(a) REQUIREMENT FOR POLICY.—Not later than 180 days after the date of the enactment of this Act [Nov. 24, 2003], the Secretary of Defense shall prescribe the policy of the Department of Defense on public release of the name or other personally identifying information of any member of the Army, Navy, Air Force, or Marine Corps who while on active duty or performing inactive-duty training is killed or injured, whose duty status becomes unknown, or who is otherwise considered to be a casualty.

“(b) GUIDANCE ON TIMING OF RELEASE.—The policy under subsection (a) shall include guidance for ensuring

that any public release of information on a member under the policy occurs only after the lapse of an appropriate period following notification of the next-of-kin regarding the casualty status of such member.”

PLAN FOR PROMPT GLOBAL STRIKE CAPABILITY

Pub. L. 110-181, div. A, title II, §243, Jan. 28, 2008, 122 Stat. 51, provided that:

“(a) RESEARCH, DEVELOPMENT, AND TESTING PLAN.—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 research, development, and testing plan for prompt global strike program objectives for fiscal years 2008 through 2013.

“(b) PLAN FOR OBLIGATION AND EXPENDITURE OF FUNDS.—

“(1) IN GENERAL.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a plan for obligation and expenditure of funds available for prompt global strike for fiscal year 2008. The plan shall include correlations between each technology application being developed in fiscal year 2008 and the prompt global strike alternative or alternatives toward which the technology application applies.

“(2) LIMITATION.—The Under Secretary shall not implement the plan required by paragraph (1) until at least 10 days after the plan is submitted as required by that paragraph.”

Pub. L. 108-136, div. A, title X, §1032, Nov. 24, 2003, 117 Stat. 1605, as amended by Pub. L. 110-181, div. A, title X, §1043, Jan. 28, 2008, 122 Stat. 311, provided that:

“(a) INTEGRATED PLAN FOR PROMPT GLOBAL STRIKE CAPABILITY.—The Secretary of Defense shall establish an integrated plan for developing, deploying, and sustaining a prompt global strike capability in the Armed Forces. The Secretary shall update the plan annually.

“(b) ANNUAL REPORTS.—(1) Not later than April 1 of each of 2004, 2005, and 2006, and each of 2007, 2008, and 2009, the Secretary shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of Senate and House of Representatives] a report on the plan established under subsection (a).

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

“(A) A description and assessment of the targets against which long-range strike assets might be directed and the conditions under which those assets might be used.

“(B) The role of, and plans for ensuring, sustainment and modernization of current long-range strike assets, including bombers, intercontinental ballistic missiles, and submarine-launched ballistic missiles.

“(C) A description of the capabilities desired for advanced long-range strike assets and plans to achieve those capabilities.

“(D) A description of the capabilities desired for advanced conventional munitions and the plans to achieve those capabilities.

“(E) An assessment of advanced nuclear concepts that could contribute to the prompt global strike mission.

“(F) An assessment of the command, control, and communications capabilities necessary to support prompt global strike capabilities.

“(G) An assessment of intelligence, surveillance, and reconnaissance capabilities necessary to support prompt global strike capabilities.

“(H) A description of how prompt global strike capabilities are to be integrated with theater strike capabilities.

“(I) An estimated schedule for achieving the desired prompt global strike capabilities.

“(J) The estimated cost of achieving the desired prompt global strike capabilities.

“(K) A description of ongoing and future studies necessary for updating the plan appropriately.”

REPORTS ON MILITARY OPERATIONS AND RECONSTRUCTION ACTIVITIES IN IRAQ AND AFGHANISTAN

Pub. L. 109-13, div. A, title I, §1024(c), May 11, 2005, 119 Stat. 253, provided that:

“(1) Each semiannual report to Congress required under a provision of law referred to in paragraph (2) shall include, in addition to the matters specified in the applicable provision of law, the following:

“(A) A statement of the cumulative total of all amounts obligated, and of all amounts expended, as of the date of such report for Operation Enduring Freedom.

“(B) A statement of the cumulative total of all amounts obligated, and of all amounts expended, as of the date of such report for Operation Iraqi Freedom.

“(C) An estimate of the reasonably foreseeable costs for ongoing military operations to be incurred during the 12-month period beginning on the date of such report.

“(2) The provisions of law referred to in this paragraph are as follows:

“(A) Section 1120 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108-106; 117 Stat. 1219; 10 U.S.C. 113 note).

“(B) Section 9010 of the Department of Defense Appropriations Act, 2005 (Public Law 108-287; 118 Stat. 1008; 10 U.S.C. 113 note).”

Pub. L. 108-287, title IX, §9010, Aug. 5, 2004, 118 Stat. 1008, as amended by Pub. L. 108-324, div. B, §306, Oct. 13, 2004, 118 Stat. 1243, provided that:

“(a) Not later than April 30 and October 31 of each year, the Secretary of Defense shall submit to Congress a report on the military operations of the Armed Forces and the reconstruction activities of the Department of Defense in Iraq and Afghanistan.

“(b) Each report shall include the following information:

“(1) For each of Iraq and Afghanistan for the half-fiscal year ending during the month preceding the due date of the report, the amount expended for military operations of the Armed Forces and the amount expended for reconstruction activities, together with the cumulative total amounts expended for such operations and activities.

“(2) An assessment of the progress made toward preventing attacks on United States personnel.

“(3) An assessment of the effects of the operations and activities in Iraq and Afghanistan on the readiness of the Armed Forces.

“(4) An assessment of the effects of the operations and activities in Iraq and Afghanistan on the recruitment and retention of personnel for the Armed Forces.

“(5) For the half-fiscal year ending during the month preceding the due date of the report, the costs incurred for repair of Department of Defense equipment used in the operations and activities in Iraq and Afghanistan.

“(6) The foreign countries, international organizations, and nongovernmental organizations that are contributing support for the ongoing military operations and reconstruction activities, together with a discussion of the amount and types of support contributed by each during the half-fiscal year ending during the month preceding the due date of the report.

“(7) The extent to which, and the schedule on which, the Selected Reserve of the Ready Reserve of the Armed Forces is being involuntarily ordered to active duty under section 12302 of title 10, United States Code.

“(8) For each unit of the National Guard of the United States and the other reserve components of the Armed Forces on active duty pursuant to an order to active duty under section 12302 of title 10, United States Code, the following information:

“(A) The unit.

“(B) The projected date of return of the unit to its home station.

“(C) The extent (by percentage) to which the forces deployed within the United States and outside the United States in support of a contingency operation are composed of reserve component forces.”

Pub. L. 108-106, title I, §1120, Nov. 6, 2003, 117 Stat. 1219, provided that:

“(a) Not later than April 30 and October 31 of each year, the Secretary of Defense shall submit to Congress a report on the military operations of the Armed Forces and the reconstruction activities of the Department of Defense in Iraq and Afghanistan.

“(b) Each report shall include the following information:

“(1) For each of Iraq and Afghanistan for the half-fiscal year ending during the month preceding the due date of the report, the amount expended for military operations of the Armed Forces and the amount expended for reconstruction activities, together with the cumulative total amounts expended for such operations and activities.

“(2) An assessment of the progress made toward preventing attacks on United States personnel.

“(3) An assessment of the effects of the operations and activities in Iraq and Afghanistan on the readiness of the Armed Forces.

“(4) An assessment of the effects of the operations and activities in Iraq and Afghanistan on the recruitment and retention of personnel for the Armed Forces.

“(5) For the half-fiscal year ending during the month preceding the due date of the report, the costs incurred for repair of Department of Defense equipment used in the operations and activities in Iraq and Afghanistan.

“(6) The foreign countries, international organizations, and nongovernmental organizations that are contributing support for the ongoing military operations and reconstruction activities, together with a discussion of the amount and types of support contributed by each during the half-fiscal year ending during the month preceding the due date of the report.

“(7) The extent to which, and the schedule on which, the Selected Reserve of the Ready Reserve of the Armed Forces is being involuntarily ordered to active duty under section 12304 of title 10, United States Code.

“(8) For each unit of the National Guard of the United States and the other reserve components of the Armed Forces on active duty pursuant to an order to active duty under section 12304 of title 10, United States Code, the following information:

“(A) The unit.

“(B) The projected date of return of the unit to its home station.

“(C) The extent (by percentage) to which the forces deployed within the United States and outside the United States in support of a contingency operation are composed of reserve component forces.”

#### UNIFORM FINANCIAL MANAGEMENT SYSTEM FOR DEPARTMENT OF DEFENSE TEST AND EVALUATION FACILITIES

Pub. L. 107-314, div. A, title II, §233, Dec. 2, 2002, 116 Stat. 2490, provided that:

“(a) REQUIREMENT FOR SYSTEM.—The Secretary of Defense shall implement a single financial management and accounting system for all test and evaluation facilities of the Department of Defense. The Secretary shall implement such system as soon as practicable, and shall establish the objective that such system be implemented not later than September 30, 2006.

“(b) SYSTEM FEATURES.—The system required by subsection (a) shall be designed to achieve, at a minimum, the following functional objectives:

“(1) Enable managers within the Department of Defense to compare the costs of carrying out test and

evaluation activities in the various facilities of the military departments.

“(2) Enable the Secretary of Defense—

“(A) to make prudent investment decisions; and

“(B) to reduce the extent to which unnecessary costs of owning and operating test and evaluation facilities of the Department of Defense are incurred.

“(3) Enable the Department of Defense to track the total cost of test and evaluation activities.

“(4) Comply with the financial management architecture established by the Secretary.”

#### TRAINING RANGE SUSTAINMENT PLAN, GLOBAL STATUS OF RESOURCES AND TRAINING SYSTEM, AND TRAINING RANGE INVENTORY

Pub. L. 107-314, div. A, title III, §366, Dec. 2, 2002, 116 Stat. 2522, as amended by Pub. L. 109-364, div. A, title III, §348, Oct. 17, 2006, 120 Stat. 2159; Pub. L. 110-181, div. A, title X, §1063(c)(2), Jan. 28, 2008, 122 Stat. 322; Pub. L. 111-383, div. A, title X, §1075(g)(2), Jan. 7, 2011, 124 Stat. 4376, provided that:

“(a) PLAN REQUIRED.—(1) The Secretary of Defense shall develop a comprehensive plan for using existing authorities available to the Secretary of Defense and the Secretaries of the military departments to address training constraints caused by limitations on the use of military lands, marine areas, and airspace that are available in the United States and overseas for training of the Armed Forces.

“(2) As part of the preparation of the plan, the Secretary of Defense shall conduct the following:

“(A) An assessment of current and future training range requirements of the Armed Forces.

“(B) An evaluation of the adequacy of current Department of Defense resources (including virtual and constructive training assets as well as military lands, marine areas, and airspace available in the United States and overseas) to meet those current and future training range requirements.

“(3) The plan shall include the following:

“(A) Proposals to enhance training range capabilities and address any shortfalls in current Department of Defense resources identified pursuant to the assessment and evaluation conducted under paragraph (2).

“(B) Goals and milestones for tracking planned actions and measuring progress.

“(C) Projected funding requirements for implementing planned actions.

“(D) Designation of an office in the Office of the Secretary of Defense and in each of the military departments that will have lead responsibility for overseeing implementation of the plan.

“(4) At the same time as the President submits to Congress the budget for fiscal year 2004, the Secretary of Defense shall submit to Congress a report describing the progress made in implementing this subsection, including—

“(A) the plan developed under paragraph (1);

“(B) the results of the assessment and evaluation conducted under paragraph (2); and

“(C) any recommendations that the Secretary may have for legislative or regulatory changes to address training constraints identified pursuant to this section.

“(5) At the same time as the President submits to Congress the budget for each of fiscal years 2005 through 2013, the Secretary shall submit to Congress a report describing the progress made in implementing the plan and any additional actions taken, or to be taken, to address training constraints caused by limitations on the use of military lands, marine areas, and airspace.

“(b) READINESS REPORTING IMPROVEMENT.—Not later than June 30, 2003, the Secretary of Defense, using existing measures within the authority of the Secretary, shall submit to Congress a report on the plans of the Department of Defense to improve the Global Status of Resources and Training System to reflect the readiness

impact that training constraints caused by limitations on the use of military lands, marine areas, and airspace have on specific units of the Armed Forces.

“(c) TRAINING RANGE INVENTORY.—(1) The Secretary of Defense shall develop and maintain a training range inventory for each of the Armed Forces—

“(A) to identify all available operational training ranges;

“(B) to identify all training capacities and capabilities available at each training range; and

“(C) to identify training constraints caused by limitations on the use of military lands, marine areas, and airspace at each training range.

“(2) The Secretary of Defense shall submit an initial inventory to Congress at the same time as the President submits the budget for fiscal year 2004 and shall submit an updated inventory to Congress at the same time as the President submits the budget for fiscal years 2005 through 2013.

“(d) GAO EVALUATION.—The Secretary of Defense shall transmit copies of each report required by subsections (a) and (b) to the Comptroller General. Within 90 days of receiving a report, the Comptroller General shall submit to Congress an evaluation of the report.

“(e) ARMED FORCES DEFINED.—In this section, the term ‘Armed Forces’ means the Army, Navy, Air Force, and Marine Corps.”

#### DEVELOPMENT AND IMPLEMENTATION OF FINANCIAL MANAGEMENT ENTERPRISE ARCHITECTURE

Pub. L. 107-314, div. A, title X, §1004, Dec. 2, 2002, 116 Stat. 2629, which required Secretary of Defense to develop a financial management enterprise architecture for all budgetary, accounting, finance, enterprise resource planning, and mixed information systems of the Department of Defense by May 1, 2003, was repealed by Pub. L. 108-375, div. A, title III, §332(f), Oct. 28, 2004, 118 Stat. 1856.

#### RELIABILITY OF DEPARTMENT OF DEFENSE FINANCIAL STATEMENTS

Pub. L. 107-107, div. A, title X, §1008, Dec. 28, 2001, 115 Stat. 1204, provided that:

“(a) ANNUAL REPORT ON RELIABILITY.—(1) Not later than September 30 of each year but subject to subsection (f), the Secretary of Defense shall submit to the recipients specified in paragraph (3) a report on the reliability of the Department of Defense financial statements, including the financial statements of each component of the Department that is required to prepare a financial statement under section 3515(c) of title 31, United States Code.

“(2) The annual report shall contain the following:

“(A) A conclusion regarding whether the policies and procedures of the Department of Defense, and the systems used within the Department of Defense, for the preparation of financial statements allow the achievement of reliability in those financial statements.

“(B) For each of the financial statements prepared for the Department of Defense for the fiscal year in which the report is submitted, a conclusion regarding the expected reliability of the financial statement (evaluated on the basis of Office of Management and Budget guidance on financial statements), together with a discussion of the major deficiencies to be expected in the statement.

“(C) A summary of the specific sections of the annual Financial Management Improvement Plan of the Department of Defense, current as of the date of the report, that—

“(i) detail the priorities, milestones, and measures of success that apply to the preparation of the financial statements;

“(ii) detail the planned improvements in the process for the preparation of financial statements that are to be implemented within 12 months after the date on which the plan is issued; and

“(iii) provide an estimate of when each financial statement will convey reliable information.

“(3) The annual report shall be submitted to the following:

“(A) The Committee on Armed Services and the Committee on Governmental Affairs [now Committee on Homeland Security and Governmental Affairs] of the Senate.

“(B) The Committee on Armed Services and the Committee on Government Reform [now Committee on Oversight and Government Reform] of the House of Representatives.

“(C) The Director of the Office of Management and Budget.

“(D) The Secretary of the Treasury.

“(E) The Comptroller General of the United States.

“(4) The Secretary of Defense shall make a copy of the annual report available to the Inspector General of the Department of Defense.

“(b) MINIMIZATION OF USE OF RESOURCES FOR UNRELIABLE FINANCIAL STATEMENTS.—(1) With respect to each financial statement for a fiscal year that the Secretary of Defense assesses as being expected to be unreliable in the annual report under subsection (a), the Under Secretary of Defense (Comptroller) shall take appropriate actions to minimize, consistent with the benefits to be derived, the resources (including contractor support) that are used to develop, compile, and report the financial statement.

“(2) With the annual budget justifications for the Department of Defense submitted to Congress each year, the Under Secretary of Defense (Comptroller) shall submit, with respect to the fiscal year in which submitted, the preceding fiscal year, and the following fiscal year, the following information:

“(A) An estimate of the resources that the Department of Defense is saving or expects to save as a result of actions taken and to be taken under paragraph (1) with respect to the preparation of financial statements.

“(B) A discussion of how the resources saved as estimated under subparagraph (A) have been redirected or are to be redirected from the preparation of financial statements to the improvement of systems underlying financial management within the Department of Defense and to the improvement of financial management policies, procedures, and internal controls within the Department of Defense.

“(c) INFORMATION TO AUDITORS.—Not later than October 31 of each year, the Under Secretary of Defense (Comptroller) and the Assistant Secretary of each military department with responsibility for financial management and comptroller functions shall each provide to the auditors of the financial statement of that official's department for the fiscal year ending during the preceding month that official's preliminary management representation, in writing, regarding the expected reliability of the financial statement. The representation shall be consistent with guidance issued by the Director of the Office of Management and Budget and shall include the basis for the reliability assessment stated in the representation.

“(d) LIMITATION ON INSPECTOR GENERAL AUDITS.—(1) On each financial statement that an official asserts is unreliable under subsection (b) or (c), the Inspector General of the Department of Defense shall only perform the audit procedures required by generally accepted government auditing standards consistent with any representation made by management.

“(2) With the annual budget justifications for the Department of Defense submitted to Congress each year, the Under Secretary of Defense (Comptroller) shall submit, with respect to the fiscal year in which submitted, the preceding fiscal year, and the following fiscal year, information which the Inspector General shall report to the Under Secretary, as follows:

“(A) An estimate of the resources that the Inspector General is saving or expects to save as a result of actions taken and to be taken under paragraph (1) with respect to the auditing of financial statements.

“(B) A discussion of how the resources saved as estimated under subparagraph (A) have been redirected

or are to be redirected from the auditing of financial statements to the oversight and improvement of systems underlying financial management within the Department of Defense and to the oversight and improvement of financial management policies, procedures, and internal controls within the Department of Defense.

“(e) EFFECTIVE DATE.—The requirements of this section shall apply with respect to financial statements for fiscal years after fiscal year 2001 and to the auditing of those financial statements.

“(f) TERMINATION OF APPLICABILITY.—If the Secretary of Defense certifies to the Inspector General of the Department of Defense that the financial statement for the Department of Defense, or a financial statement for a component of the Department of Defense, for a fiscal year is reliable, this section shall not apply with respect to that financial statement or to any successive financial statement for the Department of Defense, or for that component, as the case may be, for any later fiscal year.”

ANNUAL REPORT ON THE CONDUCT OF MILITARY OPERATIONS CONDUCTED AS PART OF OPERATION ENDURING FREEDOM

Pub. L. 107-314, div. A, title X, §1043, Dec. 2, 2002, 116 Stat. 2646, provided that:

“(a) REPORTS REQUIRED.—(1) The Secretary of Defense shall submit to the congressional committees specified in subsection (d) an annual report on the conduct of military operations conducted as part of Operation Enduring Freedom. The first report, which shall include a definition of the military operations carried out as part of Operation Enduring Freedom, shall be submitted not later than June 15, 2003. Subsequent reports shall be submitted not later than June 15 each year, and the final report shall be submitted not later than 180 days after the date (as determined by the Secretary of Defense) of the cessation of hostilities undertaken as part of Operation Enduring Freedom.

“(2) Each report under this section shall be prepared in consultation with the Chairman of the Joint Chiefs of Staff, the commander of the United States Central Command, the Director of Central Intelligence, and such other officials as the Secretary considers appropriate.

“(3) Each such report shall be submitted in both a classified form and an unclassified form, as necessary.

“(b) SPECIAL MATTERS TO BE INCLUDED.—Each report under this section shall include the following:

“(1) A discussion of the command, control, coordination, and support relationship between United States special operations forces and Central Intelligence Agency elements participating in Operation Enduring Freedom and any lessons learned from the joint conduct of operations by those forces and elements.

“(2) Recommendations to improve operational readiness and effectiveness of these forces and elements.

“(c) OTHER MATTERS TO BE INCLUDED.—Each report under this section shall include a discussion, with a particular emphasis on accomplishments and shortcomings, of the following matters with respect to Operation Enduring Freedom:

“(1) The political and military objectives of the United States.

“(2) The military strategy of the United States to achieve those political and military objectives.

“(3) The concept of operations, including any new operational concepts, for the operation.

“(4) The benefits and disadvantages of operating with local opposition forces.

“(5) The benefits and disadvantages of operating in a coalition with the military forces of allied and friendly nations.

“(6) The cooperation of nations in the region for overflight, basing, command and control, and logistic and other support.

“(7) The conduct of relief operations both during and after the period of hostilities.

“(8) The conduct of close air support (CAS), particularly with respect to the timeliness, efficiency, and effectiveness of such support.

“(9) The use of unmanned aerial vehicles for intelligence, surveillance, reconnaissance, and combat support to operational forces.

“(10) The use and performance of United States and coalition military equipment, weapon systems, and munitions.

“(11) The effectiveness of reserve component forces, including their use and performance in the theater of operations.

“(12) The importance and effectiveness of the International Security Assistance Force.

“(13) The importance and effectiveness of United States civil affairs forces.

“(14) The anticipated duration of the United States military presence in Afghanistan.

“(15) The most critical lessons learned that could lead to long-term doctrinal, organizational, and technological changes.

“(d) CONGRESSIONAL COMMITTEES.—The committees referred to in subsection (a)(1) are the following:

“(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

“(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.”

[Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108-458, set out as a note under section 401 of Title 50, War and National Defense.]

COMPREHENSIVE PLAN FOR IMPROVING THE PREPAREDNESS OF MILITARY INSTALLATIONS FOR TERRORIST INCIDENTS

Pub. L. 107-314, div. A, title XIV, §1402, Dec. 2, 2002, 116 Stat. 2675, provided that:

“(a) COMPREHENSIVE PLAN.—The Secretary of Defense shall develop a comprehensive plan for improving the preparedness of military installations for preventing and responding to terrorist attacks, including attacks involving the use or threat of use of weapons of mass destruction.

“(b) PREPAREDNESS STRATEGY.—The plan under subsection (a) shall include a preparedness strategy that includes each of the following:

“(1) Identification of long-term goals and objectives for improving the preparedness of military installations for preventing and responding to terrorist attacks.

“(2) Identification of budget and other resource requirements necessary to achieve those goals and objectives.

“(3) Identification of factors beyond the control of the Secretary that could impede the achievement of those goals and objectives.

“(4) A discussion of the extent to which local, regional, or national military response capabilities are to be developed, integrated, and used.

“(5) A discussion of how the Secretary will coordinate the capabilities referred to in paragraph (4) with local, regional, or national civilian and other military capabilities.

“(c) PERFORMANCE PLAN.—The plan under subsection (a) shall include a performance plan that includes each of the following:

“(1) A reasonable schedule, with milestones, for achieving the goals and objectives of the strategy under subsection (b).

“(2) Performance criteria for measuring progress in achieving those goals and objectives.

“(3) A description of the process, together with a discussion of the resources, necessary to achieve those goals and objectives.

“(4) A description of the process for evaluating results in achieving those goals and objectives.

“(d) SUBMITTAL TO CONGRESS.—The Secretary shall submit the comprehensive plan developed under subsection (a) to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives not later than 180 days after the date of the enactment of this Act [Dec. 2, 2002].

“(e) COMPTROLLER GENERAL REVIEW AND REPORT.—Not later than 60 days after the date on which the Secretary submits the comprehensive plan under subsection (a), the Comptroller General shall review the plan and submit to the committees referred to in subsection (d) the Comptroller General’s assessment of the plan.

“(f) ANNUAL REPORT.—(1) In each of 2004, 2005, and 2006, the Secretary of Defense shall include a report on the comprehensive plan developed under subsection (a) with the materials that the Secretary submits to Congress in support of the budget submitted by the President that year pursuant to section 1105(a) of title 31, United States Code.

“(2) Each such report shall include—

“(A) a discussion of any revision that the Secretary has made in the comprehensive plan developed under subsection (a) since the last report under this subsection or, in the case of the first such report, since the plan was submitted under subsection (d); and

“(B) an assessment of the progress made in achieving the goals and objectives of the strategy set forth in the plan.

“(3) If the Secretary includes in the report for 2004 or 2005 under this subsection a declaration that the goals and objectives of the preparedness strategy set forth in the comprehensive plan have been achieved, no further report is required under this subsection.”

#### POLICY CONCERNING RIGHTS OF INDIVIDUALS WHOSE NAMES HAVE BEEN ENTERED INTO DEPARTMENT OF DEFENSE OFFICIAL CRIMINAL INVESTIGATIVE REPORTS

Pub. L. 106-398, §1 [[div. A], title V, §552], Oct. 30, 2000, 114 Stat. 1654, 1654A-125, provided that:

“(a) POLICY REQUIREMENT.—The Secretary of Defense shall establish a policy creating a uniform process within the Department of Defense that—

“(1) affords any individual who, in connection with the investigation of a reported crime, is designated (by name or by any other identifying information) as a suspect in the case in any official investigative report, or in a central index for potential retrieval and analysis by law enforcement organizations, an opportunity to obtain a review of that designation; and

“(2) requires the expungement of the name and other identifying information of any such individual from such report or index in any case in which it is determined the entry of such identifying information on that individual was made contrary to Department of Defense requirements.

“(b) EFFECTIVE DATE.—The policy required by subsection (a) shall be established not later than 120 days after the date of the enactment of this Act [Oct. 30, 2000].”

#### TEST OF ABILITY OF RESERVE COMPONENT INTELLIGENCE UNITS AND PERSONNEL TO MEET CURRENT AND EMERGING DEFENSE INTELLIGENCE NEEDS

Pub. L. 106-398, §1 [[div. A], title V, §576], Oct. 30, 2000, 114 Stat. 1654, 1654A-138, directed the Secretary of Defense to conduct a three-year test program to determine the most effective peacetime structure and operational employment of reserve component intelligence assets and to establish a means to coordinate and transition the peacetime intelligence support network into use for meeting wartime needs, and to submit to Congress interim and final reports on such program not later than Dec. 1, 2004.

#### STUDY ON CIVILIAN PERSONNEL SERVICES

Pub. L. 106-398, §1 [[div. A], title XI, §1105], Oct. 30, 2000, 114 Stat. 1654, 1654A-311, directed the Secretary of Defense to conduct a study to assess the manner in which personnel services were provided for civilian personnel in the Department of Defense and to submit a report on such study to committees of Congress not later than Jan. 1, 2002.

#### PILOT PROGRAM FOR REENGINEERING EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT PROCESS

Pub. L. 106-398, §1 [[div. A], title XI, §1111], Oct. 30, 2000, 114 Stat. 1654, 1654A-312, directed the Secretary of Defense to carry out a three-year pilot program to improve processes for the resolution of equal employment opportunity complaints by civilian employees of the Department of Defense, and directed the Comptroller General to submit to Congress a report on such program not later than 90 days following the end of the first and last full or partial fiscal years during which such program had been implemented.

#### WORK SAFETY DEMONSTRATION PROGRAM

Pub. L. 106-398, §1 [[div. A], title XI, §1112], Oct. 30, 2000, 114 Stat. 1654, 1654A-313, as amended by Pub. L. 107-314, div. A, title III, §363, Dec. 2, 2002, 116 Stat. 2520, directed the Secretary of Defense to carry out a defense employees work safety demonstration program under which work safety models used by employers in the private sector would be adopted and any improvement to work safety records would be assessed, directed that such program would terminate on Sept. 30, 2003, and required the Secretary to submit interim and final reports on such program to committees of Congress not later than Dec. 1, 2003.

#### GAO STUDY ON BENEFITS AND COSTS OF UNITED STATES MILITARY ENGAGEMENT IN EUROPE

Pub. L. 106-398, §1 [[div. A], title XII, §1223], Oct. 30, 2000, 114 Stat. 1654, 1654A-328, directed the Comptroller General to conduct a study assessing the benefits and costs to the United States and United States national security interests of the engagement of United States forces in Europe and of United States military strategies used to shape the international security environment in Europe and to submit to committees of Congress a report on the results of such study not later than Dec. 1, 2001.

#### ESTABLISHMENT OF LOGISTICS STANDARDS FOR SUSTAINED MILITARY OPERATIONS

Pub. L. 106-65, div. A, title III, §366, Oct. 5, 1999, 113 Stat. 578, provided that:

“(a) ESTABLISHMENT OF STANDARDS.—The Secretary of each military department shall establish, for deployable units of each of the Armed Forces under the jurisdiction of the Secretary, standards regarding—

“(1) the level of spare parts that the units must have on hand; and

“(2) similar logistics and sustainment needs of the units.

“(b) BASIS FOR STANDARDS.—The standards to be established for a unit under subsection (a) shall be based upon the following:

“(1) The unit’s wartime mission, as reflected in the war-fighting plans of the relevant combatant commanders.

“(2) An assessment of the likely requirement for sustained operations under each such war-fighting plan.

“(3) An assessment of the likely requirement for that unit to conduct sustained operations in an austere environment, while drawing exclusively on its own internal logistics capabilities.

“(c) SUFFICIENCY CAPABILITIES.—The standards to be established by the Secretary of a military department under subsection (a) shall reflect those spare parts and similar logistics capabilities that the Secretary consid-

ers sufficient for the units of each of the Armed Forces under the Secretary's jurisdiction to successfully execute their missions under the conditions described in subsection (b).

“(d) RELATION TO READINESS REPORTING SYSTEM.—The standards established under subsection (a) shall be taken into account in designing the comprehensive readiness reporting system for the Department of Defense required by section 117 of title 10, United States Code, and shall be an element in determining a unit's readiness status.

“(e) RELATION TO ANNUAL FUNDING NEEDS.—The Secretary of Defense shall consider the standards established under subsection (a) in establishing the annual funding requirements for the Department of Defense.

“(f) REPORTING REQUIREMENT.—The Secretary of Defense shall include in the annual report required by section 113(c) of title 10, United States Code, an analysis of the then current spare parts, logistics, and sustainment standards of the Armed Forces, as described in subsection (a), including any shortfalls and the cost of addressing these shortfalls.”

#### USE OF SMART CARD TECHNOLOGY IN THE DEPARTMENT OF DEFENSE

Pub. L. 106-65, div. A, title III, § 373(a)-(g), Oct. 5, 1999, 113 Stat. 580, 581, provided that:

“(a) DEPARTMENT OF NAVY AS LEAD AGENCY.—The Department of the Navy shall serve as the lead agency for the development and implementation of a Smart Card program for the Department of Defense.

“(b) COOPERATION OF OTHER MILITARY DEPARTMENTS.—The Department of the Army and the Department of the Air Force shall each establish a project office and cooperate with the Department of the Navy to develop implementation plans for exploiting the capability of Smart Card technology as a means for enhancing readiness and improving business processes throughout the military departments.

“(c) SENIOR COORDINATING GROUP.—(1) Not later than November 30, 1999, the Secretary of Defense shall establish a senior coordinating group to develop and implement—

“(A) Department-wide interoperability standards for use of Smart Card technology; and

“(B) a plan to exploit Smart Card technology as a means for enhancing readiness and improving business processes.

“(2) The senior coordinating group shall be chaired by a representative of the Secretary of the Navy and shall include senior representatives from each of the Armed Forces and such other persons as the Secretary of Defense considers appropriate.

“(3) Not later than March 31, 2000, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing a detailed discussion of the progress made by the senior coordinating group in carrying out its duties.

“(d) ROLE OF DEPARTMENT OF DEFENSE CHIEF INFORMATION OFFICE.—The senior coordinating group established under subsection (c) shall report to and receive guidance from the Department of Defense Chief Information Office.

“(e) INCREASED USE TARGETED TO CERTAIN NAVAL REGIONS.—Not later than November 30, 1999, the Secretary of the Navy shall establish a business plan to implement the use of Smart Cards in one major Naval region of the continental United States that is in the area of operations of the United States Atlantic Command and one major Naval region of the continental United States that is in the area of operations of the United States Pacific Command. The regions selected shall include a major fleet concentration area. The implementation of the use of Smart Cards in each region shall cover the Navy and Marine Corps bases and all non-deployed units in the region. The Secretary of the Navy shall submit the business plan to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives].

“(f) FUNDING FOR INCREASED USE OF SMART CARDS.—Of the funds authorized to be appropriated for the Navy by section 102(a)(4) [113 Stat. 530] or 301(2) [113 Stat. 557], the Secretary of the Navy—

“(1) shall allocate such amounts as may be necessary, but not to exceed \$30,000,000, to ensure that significant progress is made toward complete implementation of the use of Smart Card technology in the Department of the Navy; and

“(2) may allocate additional amounts for the conversion of paper-based records to electronic media for records systems that have been modified to use Smart Card technology.

“(g) DEFINITIONS.—In this section:

“(1) The term ‘Smart Card’ means a credit card-size device, normally for carrying and use by personnel, that contains one or more integrated circuits and may also employ one or more of the following technologies:

“(A) Magnetic stripe.

“(B) Bar codes, linear or two-dimensional.

“(C) Non-contact and radio frequency transmitters.

“(D) Biometric information.

“(E) Encryption and authentication.

“(F) Photo identification.

“(2) The term ‘Smart Card technology’ means a Smart Card together with all of the associated information technology hardware and software that comprise the system for support and operation.”

#### SECRETARY OF DEFENSE REVIEW OF ARMY TECHNICIAN COSTING PROCESS

Pub. L. 106-65, div. A, title V, § 526, Oct. 5, 1999, 113 Stat. 600, required Secretary of Defense to review process used by the Army to develop estimates of annual authorizations and appropriations required for civilian personnel of Department of the Army generally and for National Guard and Army Reserve technicians in particular and to report on results of review to the Committees on Armed Services of the Senate and House of Representatives not later than Mar. 31, 2000.

#### SURVEY OF MEMBERS LEAVING MILITARY SERVICE ON ATTITUDES TOWARD MILITARY SERVICE

Pub. L. 106-65, div. A, title V, § 581, Oct. 5, 1999, 113 Stat. 633, directed the Secretary of Defense to develop and implement a survey on attitudes toward military service to be completed by all members of the Armed Forces who had been voluntarily discharged or separated or transferred from a regular to a reserve component between Jan. 1, 2000, and June 30, 2000, and to submit a report to Congress on the results of such survey not later than Oct. 1, 2000.

#### ANNUAL REPORT ON UNITED STATES MILITARY ACTIVITIES IN COLOMBIA

Pub. L. 106-65, div. A, title X, § 1025, Oct. 5, 1999, 113 Stat. 748, provided that: “Not later than January 1 of each year, the Secretary of Defense shall submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on International Relations [now Committee on Foreign Affairs] of the House of Representatives a report detailing the number of members of the United States Armed Forces deployed or otherwise assigned to duty in Colombia at any time during the preceding year, the length and purpose of the deployment or assignment, and the costs and force protection risks associated with such deployments and assignments.”

#### REPORT ON NATO DEFENSE CAPABILITIES INITIATIVE

Pub. L. 106-65, div. A, title X, § 1039, Oct. 5, 1999, 113 Stat. 756, as amended by Pub. L. 108-136, div. A, title X, § 1031(h)(3), Nov. 24, 2003, 117 Stat. 1605, provided findings of Congress relating to the Defense Capabilities Initiative.

COMMEMORATION OF THE VICTORY OF FREEDOM IN THE  
COLD WAR

Pub. L. 106-65, div. A, title X, §1053, Oct. 5, 1999, 113 Stat. 764, as amended by Pub. L. 107-107, div. A, title X, §1048(g)(7), Dec. 28, 2001, 115 Stat. 1228, established a commission to review and make recommendations regarding the celebration of victory in the Cold War, directed the President to transmit to Congress a report on the content of a Presidential proclamation and a plan for appropriate ceremonies and activities, and authorized funds.

ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE'S REPUBLIC OF CHINA

Pub. L. 106-65, div. A, title XII, §1202, Oct. 5, 1999, 113 Stat. 781, as amended by Pub. L. 107-107, div. A, title XII, §1221, Dec. 28, 2001, 115 Stat. 1252; Pub. L. 110-181, div. A, title XII, §1263, Jan. 28, 2008, 122 Stat. 407; Pub. L. 111-84, div. A, title XII, §1246(a)-(c), Oct. 28, 2009, 123 Stat. 2544, 2545, provided that:

“(a) ANNUAL REPORT.—Not later than March 1 each year, the Secretary of Defense shall submit to the specified congressional committees a report, in both classified and unclassified form, on military and security developments involving the People's Republic of China. The report shall address the current and probable future course of military-technological development of the People's Liberation Army and the tenets and probable development of Chinese security strategy and military strategy, and of military organizations and operational concepts, through the next 20 years. The report shall also address United States-China engagement and cooperation on security matters during the period covered by the report, including through United States-China military-to-military contacts, and the United States strategy for such engagement and cooperation in the future.

“(b) MATTERS TO BE INCLUDED.—Each report under this section shall include analyses and forecasts of the following:

“(1) The goals and factors shaping Chinese security strategy and military strategy.

“(2) Trends in Chinese security and military behavior that would be designed to achieve, or that are inconsistent with, the goals described in paragraph (1).

“(3) The security situation in the Taiwan Strait.

“(4) Chinese strategy regarding Taiwan.

“(5) The size, location, and capabilities of Chinese strategic, land, sea, and air forces, including detailed analysis of those forces facing Taiwan.

“(6) Developments in Chinese military doctrine and training.

“(7) Efforts, including technology transfers and espionage, by the People's Republic of China to develop, acquire, or gain access to information, communication, space and other advanced technologies that would enhance military capabilities.

“(8) An assessment of any challenges during the preceding year to the deterrent forces of the Republic of China on Taiwan, consistent with the commitments made by the United States in the Taiwan Relations Act (Public Law 96-8) [22 U.S.C. 3301 et seq.].

“(9) Developments in China's asymmetric capabilities, including efforts to acquire, develop, and deploy cyberwarfare capabilities.

“(10) In consultation with the Secretary of Energy and the Secretary of State, developments regarding United States-China engagement and cooperation on security matters.

“(11) The current state of United States military-to-military contacts with the People's Liberation Army, which shall include the following:

“(A) A comprehensive and coordinated strategy for such military-to-military contacts and updates to the strategy.

“(B) A summary of all such military-to-military contacts during the period covered by the report, including a summary of topics discussed and questions asked by the Chinese participants in those contacts.

“(C) A description of such military-to-military contacts scheduled for the 12-month period following the period covered by the report and the plan for future contacts.

“(D) The Secretary's assessment of the benefits the Chinese expect to gain from such military-to-military contacts.

“(E) The Secretary's assessment of the benefits the Department of Defense expects to gain from such military-to-military contacts, and any concerns regarding such contacts.

“(F) The Secretary's assessment of how such military-to-military contacts fit into the larger security relationship between the United States and the People's Republic of China.

“(12) Other military and security developments involving the People's Republic of China that the Secretary of Defense considers relevant to United States national security.

“(c) SPECIFIED CONGRESSIONAL COMMITTEES.—For purposes of this section, the term ‘specified congressional committees’ means the following:

“(1) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

“(2) The Committee on Armed Services and the Committee on International Relations [now Committee on Foreign Affairs] of the House of Representatives.

“(d) REPORT ON SIGNIFICANT SALES AND TRANSFERS TO CHINA.—(1) The report to be submitted under this section not later than March 1, 2002, shall include in a separate section a report describing any significant sale or transfer of military hardware, expertise, and technology to the People's Republic of China. The report shall set forth the history of such sales and transfers since 1995, forecast possible future sales and transfers, and address the implications of those sales and transfers for the security of the United States and its friends and allies in Asia.

“(2) The report shall include analysis and forecasts of the following matters related to military cooperation between selling states and the People's Republic of China:

“(A) The extent in each selling state of government knowledge, cooperation, or condoning of sales or transfers of military hardware, expertise, or technology to the People's Republic of China.

“(B) An itemization of significant sales and transfers of military hardware, expertise, or technology from each selling state to the People's Republic of China that have taken place since 1995, with a particular focus on command, control, communications, and intelligence systems.

“(C) Significant assistance by any selling state to key research and development programs of China, including programs for development of weapons of mass destruction and delivery vehicles for such weapons, programs for development of advanced conventional weapons, and programs for development of unconventional weapons.

“(D) The extent to which arms sales by any selling state to the People's Republic of China are a source of funds for military research and development or procurement programs in the selling state.

“(3) The report under paragraph (1) shall include, with respect to each area of analysis and forecasts specified in paragraph (2)—

“(A) an assessment of the military effects of such sales or transfers to entities in the People's Republic of China;

“(B) an assessment of the ability of the People's Liberation Army to assimilate such sales or transfers, mass produce new equipment, or develop doctrine for use; and

“(C) the potential threat of developments related to such effects on the security interests of the United States and its friends and allies in Asia.”

[Pub. L. 111-84, div. A, title XII, §1246(e), Oct. 28, 2009, 123 Stat. 2545, provided that:

“(1) IN GENERAL.—The amendments made by this section [amending section 1202 of Pub. L. 106-65, set out

above, and provisions set out as a note under section 168 of this title] shall take effect on the date of the enactment of this Act [Oct. 28, 2009], and shall apply with respect to reports required to be submitted under subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2000 [Pub. L. 106-65, set out above], as so amended, on or after that date.

“(2) STRATEGY AND UPDATES FOR MILITARY-TO-MILITARY CONTACTS WITH PEOPLE’S LIBERATION ARMY.—The requirement to include the strategy described in paragraph (1)(A) of section 1202(b) of the National Defense Authorization Act for Fiscal Year 2000, as so amended, in the report required to be submitted under section 1202(a) of such Act, as so amended, shall apply with respect to the first report required to be submitted under section 1202(a) of such Act on or after the date of the enactment of this Act. The requirement to include updates to such strategy shall apply with respect to each subsequent report required to be submitted under section 1202(a) of such Act on or after the date of the enactment of this Act.”]

#### NUCLEAR MISSION MANAGEMENT PLAN

Pub. L. 106-65, div. C, title XXXI, §3163(d), Oct. 5, 1999, 113 Stat. 945, provided that:

“(1) The Secretary of Defense shall develop and implement a plan to ensure the continued reliability of the capability of the Department of Defense to carry out its nuclear deterrent mission.

“(2) The plan shall do the following:

“(A) Articulate the current policy of the United States on the role of nuclear weapons and nuclear deterrence in the conduct of defense and foreign relations matters.

“(B) Establish stockpile viability and capability requirements with respect to that mission, including the number and variety of warheads required.

“(C) Establish requirements relating to the contractor industrial base, support infrastructure, and surveillance, testing, assessment, and certification of nuclear weapons necessary to support that mission.

“(3) The plan shall take into account the following:

“(A) Requirements for the critical skills, readiness, training, exercise, and testing of personnel necessary to meet that mission.

“(B) The relevant programs and plans of the military departments and the Defense Agencies with respect to readiness, sustainment (including research and development), and modernization of the strategic deterrent forces.”

#### REPORT ON SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS ASSISTANCE FOR MEMBERS OF ARMED FORCES

Pub. L. 105-262, title VIII, §8119, Oct. 17, 1998, 112 Stat. 2331, as amended by Pub. L. 110-234, title IV, §4002(b)(1)(B), (D), (E), (2)(K), May 22, 2008, 122 Stat. 1096, 1097; Pub. L. 110-246, §4(a), title IV, §4002(b)(1)(B), (D), (E), (2)(K), June 18, 2008, 122 Stat. 1664, 1857, 1858, directed the Secretary of Defense to submit to committees of Congress, at the same time that materials relating to Department of Defense funding for fiscal year 2001 were to be submitted, a report on supplemental nutrition assistance program benefits assistance for members of the Armed Forces.

#### DEFENSE REFORM INITIATIVE ENTERPRISE PILOT PROGRAM FOR MILITARY MANPOWER AND PERSONNEL INFORMATION

Pub. L. 106-65, div. A, title IX, §924, Oct. 5, 1999, 113 Stat. 726, provided that:

“(a) EXECUTIVE AGENT.—The Secretary of Defense may designate the Secretary of the Navy as the Department of Defense executive agent for carrying out the pilot program described in subsection (c).

“(b) IMPLEMENTING OFFICE.—If the Secretary of Defense makes the designation referred to in subsection (a), the Secretary of the Navy, in carrying out that pilot program, shall act through the head of the Sys-

tems Executive Office for Manpower and Personnel of the Department of the Navy, who shall act in coordination with the Under Secretary of Defense for Personnel and Readiness and the Chief Information Officer of the Department of Defense.

“(c) PILOT PROGRAM.—The pilot program referred to in subsection (a) is the defense reform initiative enterprise pilot program for military manpower and personnel information established pursuant to section 8147 of the Department of Defense Appropriations Act, 1999 (Public Law 105-262; 112 Stat. 2341; 10 U.S.C. 113 note).”

Pub. L. 105-262, title VIII, §8147, Oct. 17, 1998, 112 Stat. 2341, provided that: “The Secretary of Defense shall establish, through a revised Defense Integrated Military Human Resources System (DIMHRS), a defense reform initiative enterprise pilot program for military manpower and personnel information: *Provided*, That this pilot program should include all functions and systems currently included in DIMHRS and shall be expanded to include all appropriate systems within the enterprise of personnel, manpower, training, and compensation: *Provided further*, That in establishing a revised DIMHRS enterprise program for manpower and personnel information superiority the functions of this program shall include, but not be limited to: (1) an analysis and determination of the number and kinds of information systems necessary to support manpower and personnel within the Department of Defense; and (2) the establishment of programs to develop and implement information systems in support of manpower and personnel to include an enterprise level strategic approach, performance and results based management, business process improvement and other non-material solutions, the use of commercial or government off-the-shelf technology, the use of modular contracting as defined by Public Law 104-106 [see 41 U.S.C. 2308], and the integration and consolidation of existing manpower and personnel information systems: *Provided further*, That the Secretary of Defense shall re-instate fulfillment standards designated as ADS-97-03-GD, dated January, 1997: *Provided further*, That the requirements of this section should be implemented not later than 6 months after the date of the enactment of this Act [Oct. 17, 1998].”

#### OVERSIGHT OF DEVELOPMENT AND IMPLEMENTATION OF AUTOMATED IDENTIFICATION TECHNOLOGY

Pub. L. 105-261, div. A, title III, §344, Oct. 17, 1998, 112 Stat. 1977, as amended by Pub. L. 106-65, div. A, title III, §373(h), title X, §1067(3), Oct. 5, 1999, 113 Stat. 581, 774, directed the Secretary of the Navy to allocate up to \$25,000,000 of fiscal year 1999 funds for the purpose of making progress toward the issuance and use of Smart Cards throughout the Navy and the Marine Corps and to equip with Smart Card technology at least one carrier battle group, one carrier air wing, and one amphibious readiness group in each of the United States Atlantic and Pacific Commands not later than June 30, 1999, and directed the Secretary of Defense, not later than Mar. 31, 1999, to submit to congressional defense committees a plan for the use of Smart Card technology by each military department.

#### PILOT PROGRAM FOR ACCEPTANCE AND USE OF LANDING FEES CHARGED FOR USE OF DOMESTIC MILITARY AIRFIELDS BY CIVIL AIRCRAFT

Pub. L. 105-261, div. A, title III, §377, Oct. 17, 1998, 112 Stat. 1993, as amended by Pub. L. 106-398, §1 [[div. A], title III, §387], Oct. 30, 2000, 114 Stat. 1654, 1654A-88, provided that:

“(a) PILOT PROGRAM AUTHORIZED.—The Secretary of each military department may carry out a pilot program to demonstrate the use of landing fees as a source of funding for the operation and maintenance of airfields of that department.

“(b) LANDING FEE DEFINED.—In this section, the term ‘landing fee’ means any fee that is established under or in accordance with regulations of the military department concerned (whether prescribed in a fee schedule or imposed under a joint-use agreement) to recover

costs incurred for use by civil aircraft of an airfield of the military department in the United States or in a territory or possession of the United States.

“(c) USE OF PROCEEDS.—Amounts received in payment of landing fees for use of a military airfield in a fiscal year of the pilot program shall be credited to the appropriation that is available for that fiscal year for the operation and maintenance of the military airfield, shall be merged with amounts in the appropriation to which credited, and shall be available for that military airfield for the same period and purposes as the appropriation is available.

“(d) REPORT.—Not later than March 31, 2003, the Secretary of Defense shall submit to Congress a report on the pilot programs carried out under this section by the Secretaries of the military departments. The report shall specify the amounts of fees received and retained by each military department under its pilot program as of December 31, 2002.”

“(e) DURATION OF PILOT PROGRAM.—The pilot program under this section may not be carried out after September 30, 2010.”

#### REPORT ON TERMINOLOGY FOR ANNUAL REPORT REQUIREMENT

Pub. L. 105-261, div. A, title IX, §915(b), Oct. 17, 1998, 112 Stat. 2102, directed the Secretary of Defense, not later than 90 days after Oct. 17, 1998, to submit to committees of Congress a report setting forth the definitions of the terms “support” and “mission” to use for purposes of the report requirement under subsec. (l) of this section.

#### PROGRAM TO INVESTIGATE FRAUD, WASTE, AND ABUSE WITHIN DEPARTMENT OF DEFENSE

Section 392 of Pub. L. 105-85, as amended by Pub. L. 105-261, div. A, title III, §374, Oct. 17, 1998, 112 Stat. 1992, provided that: “The Secretary of Defense shall maintain a specific coordinated program for the investigation of evidence of fraud, waste, and abuse within the Department of Defense, particularly fraud, waste, and abuse regarding finance and accounting matters and any fraud, waste, and abuse occurring in connection with overpayments made to vendors by the Department of Defense, including overpayments identified under section 354 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 10 U.S.C. 2461 note).”

#### COMMISSION ON MILITARY TRAINING AND GENDER- RELATED ISSUES

Subtitle F of title V of div. A of Pub. L. 105-85, as amended by Pub. L. 105-261, div. A, title V, §524, Oct. 17, 1998, 112 Stat. 2014; Pub. L. 106-65, div. A, title X, §1066(c)(2), Oct. 5, 1999, 113 Stat. 773, established a Commission on Military Training and Gender-Related Issues to review requirements and restrictions regarding cross-gender relationships of members of the Armed Forces, to review the basic training programs of the Army, Navy, Air Force, and Marine Corps, and to make recommendations on improvements to those programs, requirements, and restrictions, and further provided for composition, powers, and duties of Commission, administrative matters, funding, an interim report to Congress not later than Oct. 15, 1998, and a final report to Congress not later than Mar. 15, 1999, and for termination of Commission 60 days after submission of final report.

#### COORDINATION OF DEPARTMENT OF DEFENSE CRIMINAL INVESTIGATIONS AND AUDITS

Section 907 of Pub. L. 105-85 provided that:

“(a) MILITARY DEPARTMENT CRIMINAL INVESTIGATIVE ORGANIZATIONS.—(1) The heads of the military department criminal investigative organizations shall take such action as may be practicable to conserve the limited resources available to the military department criminal investigative organizations by sharing personnel, expertise, infrastructure, training, equipment, software, and other resources.

“(2) The heads of the military department criminal investigative organizations shall meet on a regular basis to determine the manner in which and the extent to which the military department criminal investigative organizations will be able to share resources.

“(b) DEFENSE AUDITING ORGANIZATIONS.—(1) The heads of the defense auditing organizations shall take such action as may be practicable to conserve the limited resources available to the defense auditing organizations by sharing personnel, expertise, infrastructure, training, equipment, software, and other resources.

“(2) The heads of the defense auditing organizations shall meet on a regular basis to determine the manner in which and the extent to which the defense auditing organizations will be able to share resources.

“(c) IMPLEMENTATION PLAN.—Not later than December 31, 1997, the Secretary of Defense shall submit to Congress a plan designed to maximize the resources available to the military department criminal investigative organizations and the defense auditing organizations, as required by this section.

“(d) DEFINITIONS.—For purposes of this section:

“(1) The term ‘military department criminal investigative organizations’ means—

“(A) the Army Criminal Investigation Command;

“(B) the Naval Criminal Investigative Service;

and

“(C) the Air Force Office of Special Investigations.

“(2) The term ‘defense auditing organizations’ means—

“(A) the Office of the Inspector General of the Department of Defense;

“(B) the Defense Contract Audit Agency;

“(C) the Army Audit Agency;

“(D) the Naval Audit Service; and

“(E) the Air Force Audit Agency.”

#### PROVISION OF ADEQUATE TROOP PROTECTION EQUIP- MENT FOR ARMED FORCES PERSONNEL ENGAGED IN PEACE OPERATIONS; REPORT ON ANTITERRORISM AC- TIVITIES AND PROTECTION OF PERSONNEL

Section 1052 of Pub. L. 105-85 provided that:

“(a) PROTECTION OF PERSONNEL.—The Secretary of Defense shall take appropriate actions to ensure that units of the Armed Forces engaged in a peace operation are provided adequate troop protection equipment for that operation.

“(b) SPECIFIC ACTIONS.—In taking actions under subsection (a), the Secretary shall—

“(1) identify the additional troop protection equipment, if any, required to equip a division (or the equivalent of a division) with adequate troop protection equipment for peace operations; and

“(2) establish procedures to facilitate the exchange or transfer of troop protection equipment among units of the Armed Forces.

“(c) DESIGNATION OF RESPONSIBLE OFFICIAL.—The Secretary of Defense shall designate an official within the Department of Defense to be responsible for—

“(1) ensuring the appropriate allocation of troop protection equipment among the units of the Armed Forces engaged in peace operations; and

“(2) monitoring the availability, status or condition, and location of such equipment.

“(d) TROOP PROTECTION EQUIPMENT DEFINED.—In this section, the term ‘troop protection equipment’ means the equipment required by units of the Armed Forces to defend against any hostile threat that is likely during a peace operation, including an attack by a hostile crowd, small arms fire, mines, and a terrorist bombing attack.

“(e) REPORT ON ANTITERRORISM ACTIVITIES OF THE DEPARTMENT OF DEFENSE AND PROTECTION OF PERSONNEL.—Not later than 120 days after the date of the enactment of this Act [Nov. 18, 1997], the Secretary of Defense shall submit to Congress a report, in classified and unclassified form, on antiterrorism activities of the Department of Defense and the actions taken by the Secretary under subsections (a), (b), and (c). The report shall include the following:

“(1) A description of the programs designed to carry out antiterrorism activities of the Department of Defense, any deficiencies in those programs, and any actions taken by the Secretary to improve implementation of such programs.

“(2) An assessment of the current policies and practices of the Department of Defense with respect to the protection of members of the Armed Forces overseas against terrorist attack, including any modifications to such policies or practices that are proposed or implemented as a result of the assessment.

“(3) An assessment of the procedures of the Department of Defense for determining accountability, if any, in the command structure of the Armed Forces in instances in which a terrorist attack results in the loss of life at an overseas military installation or facility.

“(4) A detailed description of the roles of the Office of the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Secretaries of the military departments, and the combatant commanders in providing guidance and support with respect to the protection of members of the Armed Forces deployed overseas against terrorist attack (both before and after the November 1995 bombing in Riyadh, Saudi Arabia) and how these roles have changed since the June 25, 1996, terrorist bombing at Khobar Towers in Dhahran, Saudi Arabia.

“(5) A description of the actions taken by the Secretary of Defense under subsections (a), (b), and (c) to provide adequate troop protection equipment for units of the Armed Forces engaged in a peace operation.”

STUDY OF INVESTIGATIVE PRACTICES OF MILITARY CRIMINAL INVESTIGATIVE ORGANIZATIONS RELATING TO SEX CRIMES

Pub. L. 105-85, div. A, title X, §1072, Nov. 18, 1997, 111 Stat. 1898, required the Secretary of Defense to provide for a study to be conducted by the National Academy of Public Administration of the policies, procedures, and practices of the military criminal investigative organizations for the conduct of investigations of complaints of sex crimes and other criminal sexual misconduct arising in the Armed Forces, required the Academy to submit a report to the Secretary not later than one year after Nov. 18, 1997, and directed the Secretary to submit the report and comments on the report to Congress not later than 30 days afterwards.

PROGRAM TO COMMEMORATE 50TH ANNIVERSARY OF THE KOREAN WAR

Pub. L. 105-85, div. A, title X, §1083, Nov. 18, 1997, 111 Stat. 1918, as amended by Pub. L. 105-129, §1(b)(1), Dec. 1, 1997, 111 Stat. 2551; Pub. L. 105-261, div. A, title X, §1067(a), (c), Oct. 17, 1998, 112 Stat. 2134; Pub. L. 106-65, div. A, title X, §1052(a), (b)(1), (c), Oct. 5, 1999, 113 Stat. 764; Pub. L. 107-107, div. A, title X, §1048(g)(6), (i)(1), Dec. 28, 2001, 115 Stat. 1228, 1229; Pub. L. 107-314, div. A, title X, §1069, Dec. 2, 2002, 116 Stat. 2660, authorized the Secretary of Defense to conduct a program to commemorate the 50th anniversary of the Korean War during fiscal years 2000 through 2004, provided that up to \$10,000,000 of funds appropriated for the Army for such fiscal years be made available for the program, and directed the Secretary to submit to Congress a report containing an accounting not later than 60 days after completion of all activities and ceremonies.

ANNUAL REPORT ON MORATORIUM ON USE BY ARMED FORCES OF ANTIPERSONNEL LANDMINES

Section 1309 of Pub. L. 105-85 provided that:

“(a) FINDINGS.—Congress makes the following findings:

“(1) The United States has stated its support for a ban on antipersonnel landmines that is global in scope and verifiable.

“(2) On May 16, 1996, the President announced that the United States, as a matter of policy, would elimi-

nate its stockpile of non-self-destructing antipersonnel landmines, except those used for training purposes and in Korea, and that the United States would reserve the right to use self-destructing antipersonnel landmines in the event of conflict.

“(3) On May 16, 1996, the President also announced that the United States would lead an effort to negotiate an international treaty permanently banning the use of all antipersonnel landmines.

“(4) The United States is currently participating at the United Nations Conference on Disarmament in negotiations aimed at achieving a global ban on the use of antipersonnel landmines.

“(5) On August 18, 1997, the administration agreed to participate in international negotiations sponsored by Canada (the so-called ‘Ottawa process’) designed to achieve a treaty that would outlaw the production, use, and sale of antipersonnel landmines.

“(6) On September 17, 1997, the President announced that the United States would not sign the antipersonnel landmine treaty concluded in Oslo, Norway, by participants in the Ottawa process because the treaty would not provide a geographic exception to allow the United States to stockpile and use antipersonnel landmines in Korea or an exemption that would preserve the ability of the United States to use mixed antitank mine systems which could be used to deter an armored assault against United States forces.

“(7) The President also announced a change in United States policy whereby the United States—

“(A) would no longer deploy antipersonnel landmines, including self-destructing antipersonnel landmines, by 2003, except in Korea;

“(B) would seek to field alternatives by that date, or by 2006 in the case of Korea;

“(C) would undertake a new initiative in the United Nations Conference on Disarmament to establish a global ban on the transfer of antipersonnel landmines; and

“(D) would increase its current humanitarian demining activities around the world.

“(8) The President’s decision would allow the continued use by United States forces of self-destructing antipersonnel landmines that are used as part of a mixed antitank mine system.

“(9) Under existing law (as provided in section 580 of Public Law 104-107; 110 Stat. 751), on February 12, 1999, the United States will implement a one-year moratorium on the use of antipersonnel landmines by United States forces except along internationally recognized national borders or in demilitarized zones within a perimeter marked area that is monitored by military personnel and protected by adequate means to ensure the exclusion of civilians.

“(b) SENSE OF CONGRESS.—It is the sense of Congress that—

“(1) the United States should not implement a moratorium on the use of antipersonnel landmines by United States Armed Forces in a manner that would endanger United States personnel or undermine the military effectiveness of United States Armed Forces in executing their missions; and

“(2) the United States should pursue the development of alternatives to self-destructing antipersonnel landmines.

“(c) ANNUAL REPORT.—Not later than December 31 each year, the Secretary of Defense shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of Senate and House of Representatives] a report concerning antipersonnel landmines. Each such report shall include the Secretary’s description of the following:

“(1) The military utility of the continued deployment and use by the United States of antipersonnel landmines.

“(2) The effect of a moratorium on the production, stockpiling, and use of antipersonnel landmines on the ability of United States forces to deter and defend against attack on land by hostile forces, including on the Korean peninsula.

“(3) Progress in developing and fielding systems that are effective substitutes for antipersonnel landmines, including an identification and description of the types of systems that are being developed and fielded, the costs associated with those systems, and the estimated timetable for developing and fielding those systems.

“(4) The effect of a moratorium on the use of antipersonnel landmines on the military effectiveness of current antitank mine systems.

“(5) The number and type of pure antipersonnel landmines that remain in the United States inventory and that are subject to elimination under the President’s September 17, 1997, declaration on United States antipersonnel landmine policy.

“(6) The number and type of mixed antitank mine systems that are in the United States inventory, the locations where they are deployed, and their effect on the deterrence and warfighting ability of United States Armed Forces.

“(7) The effect of the elimination of pure antipersonnel landmines on the warfighting effectiveness of the United States Armed Forces.

“(8) The costs already incurred and anticipated of eliminating antipersonnel landmines from the United States inventory in accordance with the policy enunciated by the President on September 17, 1997.

“(9) The benefits that would result to United States military and civilian personnel from an international treaty banning the production, use, transfer, and stockpiling of antipersonnel landmines.”

#### HATE CRIMES IN THE MILITARY

Section 571(a), (b) of Pub. L. 104-201 provided that:

“(a) HUMAN RELATIONS TRAINING.—(1) The Secretary of Defense shall ensure that the Secretary of each military department conducts ongoing programs for human relations training for all members of the Armed Forces under the jurisdiction of the Secretary. Matters to be covered by such training include race relations, equal opportunity, opposition to gender discrimination, and sensitivity to ‘hate group’ activity. Such training shall be provided during basic training (or other initial military training) and on a regular basis thereafter.

“(2) The Secretary of Defense shall also ensure that unit commanders are aware of their responsibilities in ensuring that impermissible activity based upon discriminatory motives does not occur in units under their command.

“(b) INFORMATION TO BE PROVIDED TO PROSPECTIVE RECRUITS.—The Secretary of Defense shall ensure that each individual preparing to enter an officer accession program or to execute an original enlistment agreement is provided information concerning the meaning of the oath of office or oath of enlistment for service in the Armed Forces in terms of the equal protection and civil liberties guarantees of the Constitution, and each such individual shall be informed that if supporting those guarantees is not possible personally for that individual, then that individual should decline to enter the Armed Forces.”

#### ANNUAL REPORT ON OPERATION PROVIDE COMFORT AND OPERATION ENHANCED SOUTHERN WATCH

Pub. L. 104-201, div. A, title X, §1041, Sept. 23, 1996, 110 Stat. 2640, required the Secretary of Defense to submit to Congress a report on Operation Provide Comfort and Operation Enhanced Southern Watch not later than Mar. 1 of each year and provided for the termination of the requirement with respect to each operation upon the termination of United States involvement in that operation.

#### ANNUAL REPORT ON EMERGING OPERATIONAL CONCEPTS

Pub. L. 104-201, div. A, title X, §1042, Sept. 23, 1996, 110 Stat. 2642, as amended by Pub. L. 106-65, div. A, title X, §1067(5), Oct. 5, 1999, 113 Stat. 774, directed Secretary of Defense to submit to Committees on Armed Services of the Senate and the House of Representatives a report

on emerging operational concepts not later than March 1 of each year through 2000, prior to repeal by Pub. L. 106-65, div. A, title II, §241(b), Oct. 5, 1999, 113 Stat. 550.

#### GEORGE C. MARSHALL EUROPEAN CENTER FOR STRATEGIC SECURITY STUDIES

Pub. L. 104-201, div. A, title X, §1065, Sept. 23, 1996, 110 Stat. 2653, as amended by Pub. L. 108-136, div. A, title X, §1031(f)(2), Nov. 24, 2003, 117 Stat. 1604; Pub. L. 109-163, div. A, title IX, §903(c)(2), Jan. 6, 2006, 119 Stat. 3399, provided that:

“(a) MARSHALL CENTER PARTICIPATION BY FOREIGN NATIONS.—Notwithstanding any other provision of law, the Secretary of Defense may authorize participation by a European or Eurasian nation in Marshall Center programs if the Secretary determines, after consultation with the Secretary of State, that such participation is in the national interest of the United States.

“(b) EXEMPTIONS FOR MEMBERS OF MARSHALL CENTER BOARD OF VISITORS FROM CERTAIN REQUIREMENTS.—(1) In the case of any person invited to serve without compensation on the Marshall Center Board of Visitors, the Secretary of Defense may waive any requirement for financial disclosure that would otherwise apply to that person solely by reason of service on such Board.

“(2) Notwithstanding any other provision of law, a member of the Marshall Center Board of Visitors may not be required to register as an agent of a foreign government solely by reason of service as a member of the Board.

“(3) Notwithstanding section 219 of title 18, United States Code, a non-United States citizen may serve on the Marshall Center Board of Visitors even though registered as a foreign agent.”

Pub. L. 103-337, div. A, title XIII, §1306, Oct. 5, 1994, 108 Stat. 2892, as amended by Pub. L. 108-136, div. A, title XII, §1223, Nov. 24, 2003, 117 Stat. 1652; Pub. L. 109-163, div. A, title IX, §903(c)(1), Jan. 6, 2006, 119 Stat. 3399, provided that:

“(a) WAIVER OF CHARGES.—The Secretary of Defense may waive reimbursement of the costs of conferences, seminars, courses of instruction, or similar educational activities of the George C. Marshall European Center for Security Studies for military officers and civilian officials from states located in Europe or the territory of the former Soviet Union if the Secretary determines that attendance by such personnel without reimbursement is in the national security interest of the United States.

“(b) SOURCE OF FUNDS.—Costs for which reimbursement is waived pursuant to subsection (a) shall be paid from appropriations available for the Center.”

#### PARTICIPATION OF MEMBERS, DEPENDENTS, AND OTHER PERSONS IN CRIME PREVENTION EFFORTS AT INSTALLATIONS

Pub. L. 104-201, div. A, title X, §1070, Sept. 23, 1996, 110 Stat. 2656, provided that:

“(a) CRIME PREVENTION PLAN.—The Secretary of Defense shall prepare and implement an incentive-based plan to encourage members of the Armed Forces, dependents of members, civilian employees of the Department of Defense, and employees of defense contractors performing work at military installations to report to an appropriate military law enforcement agency any crime or criminal activity that the person reasonably believes occurred on a military installation or involves a member of the Armed Forces.

“(b) INCENTIVES TO REPORT CRIMINAL ACTIVITY.—The Secretary of Defense shall include in the plan developed under subsection (a) incentives for members and other persons described in such subsection to provide information to appropriate military law enforcement agencies regarding any crime or criminal activity occurring on a military installation or involving a member of the Armed Forces.

“(c) REPORT REGARDING IMPLEMENTATION.—Not later than February 1, 1997, the Secretary shall submit to Congress a report describing the plan being developed under subsection (a).”

ENFORCEMENT OF CHILD SUPPORT OBLIGATIONS OF  
MEMBERS OF THE ARMED FORCES

Pub. L. 104-193, title III, §363(a), Aug. 22, 1996, 110 Stat. 2247, as amended by Pub. L. 107-296, title XVII, §1704(e)(1)(A), Nov. 25, 2002, 116 Stat. 2315, provided that:

“(1) MAINTENANCE OF ADDRESS INFORMATION.—The Secretary of Defense shall establish a centralized personnel locator service that includes the address of each member of the Armed Forces under the jurisdiction of the Secretary. Upon request of the Secretary of Homeland Security, addresses for members of the Coast Guard shall be included in the centralized personnel locator service.

“(2) TYPE OF ADDRESS.—

“(A) RESIDENTIAL ADDRESS.—Except as provided in subparagraph (B), the address for a member of the Armed Forces shown in the locator service shall be the residential address of that member.

“(B) DUTY ADDRESS.—The address for a member of the Armed Forces shown in the locator service shall be the duty address of that member in the case of a member—

“(i) who is permanently assigned overseas, to a vessel, or to a routinely deployable unit; or

“(ii) with respect to whom the Secretary concerned makes a determination that the member’s residential address should not be disclosed due to national security or safety concerns.

“(3) UPDATING OF LOCATOR INFORMATION.—Within 30 days after a member listed in the locator service establishes a new residential address (or a new duty address, in the case of a member covered by paragraph (2)(B)), the Secretary concerned shall update the locator service to indicate the new address of the member.

“(4) AVAILABILITY OF INFORMATION.—The Secretary of Defense shall make information regarding the address of a member of the Armed Forces listed in the locator service available, on request, to the Federal Parent Locator Service established under section 453 of the Social Security Act [42 U.S.C. 653].”

REVIEW OF C<sup>4</sup>I BY NATIONAL RESEARCH COUNCIL

Pub. L. 104-106, div. A, title II, §262, Feb. 10, 1996, 110 Stat. 236, directed the Secretary of Defense, not later than 90 days after Feb. 10, 1996, to request the National Research Council of the National Academy of Sciences to conduct a two-year review of current and planned service and defense-wide programs for command, control, communications, computers, and intelligence, and required the Secretary to provide that the Council submit interim reports and a final report on the review to the Department of Defense and committees of Congress.

STRATEGY AND REPORT ON AUTOMATED INFORMATION  
SYSTEMS OF DEPARTMENT OF DEFENSE

Pub. L. 104-106, div. A, title III, §366, Feb. 10, 1996, 110 Stat. 275, directed the Secretary of Defense to develop a strategy for the development or modernization of automated information systems for the Department of Defense and to submit to Congress a report on the development of such strategy not later than Apr. 15, 1996.

REPORT CONCERNING APPROPRIATE FORUM FOR JUDICIAL  
REVIEW OF DEPARTMENT OF DEFENSE PERSONNEL  
ACTIONS

Pub. L. 104-106, div. A, title V, §551, Feb. 10, 1996, 110 Stat. 318, directed the Secretary of Defense to establish an advisory committee to consider issues relating to the appropriate forum for judicial review of Department of Defense administrative personnel actions, required the committee to submit a report to the Secretary of Defense not later than Dec. 15, 1996, required the Secretary to transmit the committee’s report to Congress not later than Jan. 1, 1997, and provided for the termination of the committee 30 days after the date of the submission of its report to Congress.

REQUIREMENTS FOR AUTOMATED INFORMATION SYSTEMS  
OF DEPARTMENT OF DEFENSE

Pub. L. 103-337, div. A, title III, §381, Oct. 5, 1994, 108 Stat. 2738, provided that:

“(a) DETERMINATION REQUIRED.—(1) Not later than March 15 in each of 1995, 1996, and 1997, the Secretary of Defense shall—

“(A) determine whether each automated information system described in paragraph (2) meets the requirements set forth in subsection (b); and

“(B) take appropriate action to end the modernization or development by the Department of Defense of any such system that the Secretary determines does not meet such requirements.

“(2) An automated information system referred to in paragraph (1) is an automated information system—

“(A) that is undergoing modernization or development by the Department of Defense;

“(B) that exceeds \$50,000,000 in value; and

“(C) that is not a migration system, as determined by the Enterprise Integration Executive Board of the Department of Defense.

“(b) REQUIREMENTS.—The use of an automated information system by the Department of Defense shall—

“(1) contribute to the achievement of Department of Defense strategies for the use of automated information systems;

“(2) as determined by the Secretary, provide an acceptable benefit from the investment in the system or make a substantial contribution to the performance of the defense mission for which the system is used;

“(3) comply with Department of Defense directives applicable to life cycle management of automated information systems; and

“(4) be based on guidance developed under subsection (c).

“(c) GUIDANCE FOR USE.—The Secretary of Defense shall develop guidance for the use of automated information systems by the Department of Defense. In developing the guidance, the Secretary shall consider the following:

“(1) Directives of the Office of Management and Budget applicable to returns of investment for such systems.

“(2) A sound, functional economic analysis.

“(3) Established objectives for the Department of Defense information infrastructure.

“(4) Migratory assessment criteria, including criteria under guidance provided by the Defense Information Systems Agency.

“(d) WAIVER.—(1) The Secretary of Defense may waive the requirements of subsection (a) for an automated information system if the Secretary determines that the purpose for which the system is being modernized or developed is of compelling military importance.

“(2) If the Secretary exercises the waiver authority provided in paragraph (1), the Secretary shall include the following in the next report required by subsection (f):

“(A) The reasons for the failure of the automated information system to meet all of the requirements of subsection (b).

“(B) A determination of whether the system is expected to meet such requirements in the future, and if so, the date by which the system is expected to meet the requirements.

“(e) PERFORMANCE MEASURES AND MANAGEMENT CONTROLS.—(1) The Secretary of Defense shall establish performance measures and management controls for the supervision and management of the activities described in paragraph (2). The performance measures and management controls shall be adequate to ensure, to the maximum extent practicable, that the Department of Defense receives the maximum benefit possible from the development, modernization, operation, and maintenance of automated information systems.

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

“(A) Accelerated implementation of migration systems.

“(B) Establishment of data standards.

“(C) Process improvement.

“(f) REPORTS.—Not later than March 15 in each of 1995, 1996, and 1997, the Secretary of Defense shall submit to Congress a report on the establishment and implementation of the performance measures and management controls referred to in subsection (e)(1). Each such report shall also specify—

“(1) the automated information systems that, as determined under subsection (a), meet the requirements of subsection (b);

“(2) the automated information systems that, as determined under subsection (a), do not meet the requirements of subsection (b) and the action taken by the Secretary to end the use of such systems; and

“(3) the automated information systems that, as determined by the Enterprise Integration Executive Board, are migration systems.

“(g) REVIEW BY COMPTROLLER GENERAL.—Not later than April 30, 1995, the Comptroller General of the United States shall submit to Congress a report that contains an evaluation of the following:

“(1) The progress made by the Department of Defense in achieving the goals of the corporate information management program of the Department.

“(2) The progress made by the Secretary of Defense in establishing the performance measures and management controls referred to in subsection (e)(1).

“(3) The progress made by the Department of Defense in using automated information systems that meet the requirements of subsection (b).

“(4) The report required by subsection (f) to be submitted in 1995.

“(h) DEFINITIONS.—In this section:

“(1) The term ‘automated information system’ means an automated information system of the Department of Defense described in the exhibits designated as ‘IT-43’ in the budget submitted to Congress by the President for fiscal year 1995 pursuant to section 1105 of title 31, United States Code.

“(2) The term ‘migration system’ has the meaning given such term in the document entitled ‘Department of Defense Strategy for Acceleration of Migration Systems and Data Standards’ attached to the memorandum of the Department of Defense dated October 13, 1993 (relating to accelerated implementation of migration systems, data standards, and process improvement).”

Section 830 of Pub. L. 104-201, as amended by Pub. L. 104-208, div. A, title I, § 101(f) [title VIII, § 808(c)], Sept. 30, 1996, 110 Stat. 3009-314, 3009-394, provided that Secretary of Defense was to include in report submitted in 1997 under section 381(f) of Pub. L. 103-337 [set out above] a discussion of progress made in implementing div. E of Pub. L. 104-106 [§§ 5001-5703, see Tables for classification] and strategy for development or modernization of automated information systems for Department of Defense, and plans of Department of Defense for establishing an integrated framework for management of information resources within the Department, and provided further specifications of the elements to be included in the discussion.

#### ANNUAL REPORT ON PERSONNEL READINESS FACTORS BY RACE AND GENDER

Section 533 of Pub. L. 103-337 provided that:

“(a) REQUIRED ASSESSMENT.—The Secretary of Defense shall submit to Congress an annual report on trends in recruiting, retention, and personnel readiness.

“(b) DATA TO BE COLLECTED.—Each annual report under subsection (a) shall include the following information with respect to the preceding fiscal year for the active components of each of the Armed Forces under the jurisdiction of the Secretary (as well as such additional information as the Secretary considers appropriate):

“(1) The numbers of members of the Armed Forces temporarily and permanently nondeployable and

rates of temporary and permanent nondeployability, displayed by cause of nondeployability, rank, and gender.

“(2) The numbers and rates of complaints and allegations within the Armed Forces that involve gender and other unlawful discrimination and sexual harassment, and the rates of substantiation for those complaints and allegations.

“(3) The numbers and rates of disciplinary proceedings, displayed (A) by offense or infraction committed, (B) by gender, rank, and race, and (C) by the categories specified in paragraph (2).

“(4) The retention rates, by gender, rank, and race, with an analysis of factors influencing those rates.

“(5) The propensity of persons to enlist, displayed by gender and race, with an analysis of the factors influencing those propensities.

“(c) SUBMISSION TO CONGRESS.—The Secretary shall submit the report under this section for any fiscal year as part of the annual Department of Defense posture statement provided to Congress in connection with the Department of Defense budget request for that fiscal year.

“(d) INITIAL SUBMISSION.—The first report under this section shall be submitted in connection with the Department of Defense budget request for fiscal year 1996 and shall include data, to the degree such data already exists, for fiscal years after fiscal year 1991.”

#### VICTIMS' ADVOCATES PROGRAMS IN DEPARTMENT OF DEFENSE

Section 534 of Pub. L. 103-337 provided that:

“(a) ESTABLISHMENT.—(1) The Secretary of Defense, acting through the Under Secretary of Defense for Personnel and Readiness, shall revise policies and regulations of the Department of Defense with respect to the programs of the Department of Defense specified in paragraph (2) in order to establish within each of the military departments a victims' advocates program.

“(2) Programs referred to in paragraph (1) are the following:

“(A) Victim and witness assistance programs.

“(B) Family advocacy programs.

“(C) Equal opportunity programs.

“(3) In the case of the Department of the Navy, separate victims' advocates programs shall be established for the Navy and the Marine Corps.

“(b) PURPOSE.—A victims' advocates program established pursuant to subsection (a) shall provide assistance described in subsection (d) to members of the Armed Forces and their dependents who are victims of any of the following:

“(1) Crime.

“(2) Intrafamilial sexual, physical, or emotional abuse.

“(3) Discrimination or harassment based on race, gender, ethnic background, national origin, or religion.

“(c) INTERDISCIPLINARY COUNCILS.—(1) The Secretary of Defense shall establish a Department of Defense council to coordinate and oversee the implementation of programs under subsection (a). The membership of the council shall be selected from members of the Armed Forces and officers and employees of the Department of Defense having expertise or experience in a variety of disciplines and professions in order to ensure representation of the full range of services and expertise that will be needed in implementing those programs.

“(2) The Secretary of each military department shall establish similar interdisciplinary councils within that military department as appropriate to ensure the fullest coordination and effectiveness of the victims' advocates program of that military department. To the extent practicable, such a council shall be established at each significant military installation.

“(d) ASSISTANCE.—(1) Under a victims' advocates program established under subsection (a), individuals working in the program shall principally serve the interests of a victim by initiating action to provide (A)

information on available benefits and services, (B) assistance in obtaining those benefits and services, and (C) other appropriate assistance.

“(2) Services under such a program in the case of an individual who is a victim of family violence (including intrafamilial sexual, physical, and emotional abuse) shall be provided principally through the family advocacy programs of the military departments.

“(e) STAFFING.—The Secretary of Defense shall provide for the assignment of personnel (military or civilian) on a full-time basis to victims’ advocates programs established pursuant to subsection (a). The Secretary shall ensure that sufficient numbers of such full-time personnel are assigned to those programs to enable those programs to be carried out effectively.

“(f) IMPLEMENTATION DEADLINE.—Subsection (a) shall be carried out not later than six months after the date of the enactment of this Act [Oct. 5, 1994].

“(g) IMPLEMENTATION REPORT.—Not later than 30 days after the date on which Department of Defense policies and regulations are revised pursuant to subsection (a), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the implementation (and plans for implementation) of this section.”

**ASSISTANCE TO FAMILY MEMBERS OF KOREAN CONFLICT AND COLD WAR POW/MIAS WHO REMAIN UNACCOUNTED FOR**

Section 1031 of Pub. L. 103-337 provided that:

“(a) SINGLE POINT OF CONTACT.—The Secretary of Defense shall designate an official of the Department of Defense to serve as a single point of contact within the department—

“(1) for the immediate family members (or their designees) of any unaccounted-for Korean conflict POW/MIA; and

“(2) for the immediate family members (or their designees) of any unaccounted-for Cold War POW/MIA.

“(b) FUNCTIONS.—The official designated under subsection (a) shall serve as a liaison between the family members of unaccounted-for Korean conflict POW/MIAs and unaccounted-for Cold War POW/MIAs and the Department of Defense and other Federal departments and agencies that may hold information that may relate to such POW/MIAs. The functions of that official shall include assisting family members—

“(1) with the procedures the family members may follow in their search for information about the unaccounted-for Korean conflict POW/MIA or unaccounted-for Cold War POW/MIA, as the case may be;

“(2) in learning where they may locate information about the unaccounted-for POW/MIA; and

“(3) in learning how and where to identify classified records that contain pertinent information and that will be declassified.

“(c) ASSISTANCE IN OBTAINING DECLASSIFICATION.—The official designated under subsection (a) shall seek to obtain the rapid declassification of any relevant classified records that are identified.

“(d) REPOSITORY.—The official designated under subsection (a) shall provide all documents relating to unaccounted-for Korean conflict POW/MIAs and unaccounted-for Cold War POW/MIAs that are located as a result of the official’s efforts to the National Archives and Records Administration, which shall locate them in a centralized repository.

“(e) DEFINITIONS.—For purposes of this section:

“(1) The term ‘unaccounted-for Korean conflict POW/MIA’ means a member of the Armed Forces or civilian employee of the United States who, as a result of service during the Korean conflict, was at any time classified as a prisoner of war or missing-in-action and whose person or remains have not been returned to United States control and who remains unaccounted for.

“(2) The term ‘unaccounted-for Cold War POW/MIA’ means a member of the Armed Forces or civilian employee of the United States who, as a result of service

during the period from September 2, 1945, to August 21, 1991, was at any time classified as a prisoner of war or missing-in-action and whose person or remains have not been returned to United States control and who remains unaccounted for.

“(3) The term ‘Korean conflict’ has the meaning given such term in section 101(9) of title 38, United States Code.”

**PLAN REQUIRING DISBURSING OFFICIALS OF DEPARTMENT OF DEFENSE TO MATCH DISBURSEMENTS TO PARTICULAR OBLIGATIONS**

Pub. L. 111-118, div. A, title VIII, §8073, Dec. 19, 2009, 123 Stat. 3445, provided that: “Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104-208; 110 Stat. 3009-111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2010.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 110-329, div. C, title VIII, §8073, Sept. 30, 2008, 122 Stat. 3637.

Pub. L. 110-116, div. A, title VIII, §8076, Nov. 13, 2007, 121 Stat. 1332.

Pub. L. 109-289, div. A, title VIII, §8074, Sept. 29, 2006, 120 Stat. 1291.

Pub. L. 109-148, div. A, title VIII, §8083, Dec. 30, 2005, 119 Stat. 2717.

Pub. L. 108-287, title VIII, §8091, Aug. 5, 2004, 118 Stat. 992.

Pub. L. 108-87, title VIII, §8092, Sept. 30, 2003, 117 Stat. 1094.

Pub. L. 107-248, title VIII, §8098, Oct. 23, 2002, 116 Stat. 1559.

Pub. L. 107-117, div. A, title VIII, §8118, Jan. 10, 2002, 115 Stat. 2273.

Pub. L. 106-259, title VIII, §8137, Aug. 9, 2000, 114 Stat. 704.

Pub. L. 104-208, div. A, title I, §101(b) [title VIII, §8106], Sept. 30, 1996, 110 Stat. 3009-71, 3009-111, as amended by Pub. L. 105-56, title VIII, §8113, Oct. 8, 1997, 111 Stat. 1245; Pub. L. 105-277, div. C, title I, §143, Oct. 21, 1998, 112 Stat. 2681-609; Pub. L. 106-79, title VIII, §8135, Oct. 25, 1999, 113 Stat. 1263, provided that:

“(a) The Secretary of Defense shall require each disbursement by the Department of Defense in an amount in excess of \$500,000 be matched to a particular obligation before the disbursement is made.

“(b) The Secretary shall ensure that a disbursement in excess of the threshold amount applicable under section (a) is not divided into multiple disbursements of less than that amount for the purpose of avoiding the applicability of such section to that disbursement.”

[Section 8113 of Pub. L. 105-56 provided that the amendment made by that section [amending section 101(b) [title VIII, §8106] of Pub. L. 104-208] set out above, is effective June 30, 1998.]

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 104-61, title VIII, §8102, Dec. 1, 1995, 109 Stat. 672.

Pub. L. 103-335, title VIII, §8137, Sept. 30, 1994, 108 Stat. 2654.

**NOTICE TO CONGRESS OF PROPOSED CHANGES IN COMBAT ASSIGNMENTS TO WHICH FEMALE MEMBERS MAY BE ASSIGNED**

Pub. L. 103-160, div. A, title V, §542, Nov. 30, 1993, 107 Stat. 1659, as amended by Pub. L. 106-398, §1 [[div. A], title V, §573(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-136; Pub. L. 107-107, div. A, title V, §591, Dec. 28, 2001, 115 Stat. 1125, which generally required the Secretary of Defense to transmit to the Committees on Armed Services of the Senate and House of Representatives notice of a proposed change in military personnel policies in order to make available to female members of the Armed Forces assignment to any type of combat unit,

class of combat vessel, or type of combat platform that was not open to such assignments, and also required the Secretary to submit to Congress a report providing notice of certain proposed changes to the ground combat exclusion policy, was repealed and restated as section 652 of this title by Pub. L. 109-163, div. A, title V, §541(a)(1), (c), Jan. 6, 2006, 119 Stat. 3251, 3253.

GENDER-NEUTRAL OCCUPATIONAL PERFORMANCE  
STANDARDS

Pub. L. 103-160, div. A, title V, §543, Nov. 30, 1993, 107 Stat. 1660, provided that:

“(a) GENDER NEUTRALITY REQUIREMENT.—In the case of any military occupational career field that is open to both male and female members of the Armed Forces, the Secretary of Defense—

“(1) shall ensure that qualification of members of the Armed Forces for, and continuance of members of the Armed Forces in, that occupational career field is evaluated on the basis of common, relevant performance standards, without differential standards or evaluation on the basis of gender;

“(2) may not use any gender quota, goal, or ceiling except as specifically authorized by law; and

“(3) may not change an occupational performance standard for the purpose of increasing or decreasing the number of women in that occupational career field.

“(b) REQUIREMENTS RELATING TO USE OF SPECIFIC PHYSICAL REQUIREMENTS.—(1) For any military occupational specialty for which the Secretary of Defense determines that specific physical requirements for muscular strength and endurance and cardiovascular capacity are essential to the performance of duties, the Secretary shall prescribe specific physical requirements for members in that specialty and shall ensure (in the case of an occupational specialty that is open to both male and female members of the Armed Forces) that those requirements are applied on a gender-neutral basis.

“(2) Whenever the Secretary establishes or revises a physical requirement for an occupational specialty, a member serving in that occupational specialty when the new requirement becomes effective, who is otherwise considered to be a satisfactory performer, shall be provided a reasonable period, as determined under regulations prescribed by the Secretary, to meet the standard established by the new requirement. During that period, the new physical requirement may not be used to disqualify the member from continued service in that specialty.

“(c) NOTICE TO CONGRESS OF CHANGES.—Whenever the Secretary of Defense proposes to implement changes to the occupational standards for a military occupational field that are expected to result in an increase, or in a decrease, of at least 10 percent in the number of female members of the Armed Forces who enter, or are assigned to, that occupational field, the Secretary of Defense shall submit to Congress a report providing notice of the change and the justification and rationale for the change. Such changes may then be implemented only after the end of the 60-day period beginning on the date on which such report is submitted.”

SECURITY CLEARANCES

Pub. L. 103-337, div. A, title X, §1041, Oct. 5, 1994, 108 Stat. 2842, directed the Secretary of Defense to submit to Congress, not later than 90 days after the close of each of fiscal years 1995 through 2000, a report concerning the denial, revocation, or suspension of security clearances for Department of Defense military and civilian personnel, and for Department of Defense contractor employees, for that fiscal year.

Pub. L. 103-160, div. A, title XI, §1183, Nov. 30, 1993, 107 Stat. 1774, provided that:

“(a) REVIEW OF SECURITY CLEARANCE PROCEDURES.—(1) The Secretary of Defense shall conduct a review of the procedural safeguards available to Department of Defense civilian employees who are facing denial or revocation of security clearances.

“(2) Such review shall specifically consider—

“(A) whether the procedural rights provided to Department of Defense civilian employees should be enhanced to include the procedural rights available to Department of Defense contractor employees;

“(B) whether the procedural rights provided to Department of Defense civilian employees should be enhanced to include the procedural rights available to similarly situated employees in those Government agencies that provide greater rights than the Department of Defense; and

“(C) whether there should be a difference between the rights provided to both Department of Defense civilian and contractor employees with respect to security clearances and the rights provided with respect to sensitive compartmented information and special access programs.

“(b) REPORT.—The Secretary shall submit to Congress a report on the results of the review required by subsection (a) not later than March 1, 1994.

“(c) REGULATIONS.—The Secretary shall revise the regulations governing security clearance procedures for Department of Defense civilian employees not later than May 15, 1994.”

FOREIGN LANGUAGE PROFICIENCY TEST PROGRAM

Pub. L. 103-160, div. A, title V, §575, Nov. 30, 1993, 107 Stat. 1675, directed the Secretary of Defense to develop and carry out a test program for improving foreign language proficiency in the Department of Defense through improved management and other measures and to submit a report to committees of Congress not later than Apr. 1, 1994, containing a plan for the program, an explanation of the plan, and a discussion of proficiency pay adjustments, and provided for the program to begin on Oct. 1, 1994, or 180 days after the date of submission of the report and to terminate two years later.

INVESTIGATIONS OF DEATHS OF MEMBERS OF ARMED  
FORCES FROM SELF-INFLICTED CAUSES

Pub. L. 103-160, div. A, title XI, §1185, Nov. 30, 1993, 107 Stat. 1774, required the Secretary of Defense to review, not later than June 30, 1994, the procedures of the military departments for investigating deaths of members of the Armed Forces that may have resulted from self-inflicted causes, to submit to Congress, not later than July 15, 1994, a report on the review, and to prescribe, not later than Oct. 1, 1994, regulations governing the investigation of deaths of members of the Armed Forces that may have resulted from self-inflicted causes, required the Inspector General of the Department of Defense to review certain death investigations, and required the Secretary of Transportation to implement with respect to the Coast Guard the requirements that were imposed on the Secretary of Defense and the Inspector General of the Department of Defense.

PROGRAM TO COMMEMORATE WORLD WAR II

Pub. L. 102-484, div. A, title III, §378, Oct. 23, 1992, 106 Stat. 2387, as amended by Pub. L. 103-337, div. A, title III, §382(a), Oct. 5, 1994, 108 Stat. 2740, authorized the Secretary of Defense, during fiscal years 1993 through 1996, to conduct a program to commemorate the 50th anniversary of World War II and to coordinate, support, and facilitate commemoration programs and activities of Federal, State, and local governments.

REVIEW OF MILITARY FLIGHT TRAINING ACTIVITIES AT  
CIVILIAN AIRFIELDS

Pub. L. 102-484, div. A, title III, §383, Oct. 23, 1992, 106 Stat. 2392, provided that:

“(a) REVIEW REQUIRED.—The Secretary of Defense shall provide for a review of the practices and procedures of the military departments regarding the use of civilian airfields in flight training activities of the Armed Forces.

“(b) PURPOSE.—The purpose of the review is to determine whether the practices and procedures referred to in subsection (a) should be modified to better protect

the public safety while meeting training requirements of the Armed Forces.

“(C) SPECIAL REQUIREMENT.—In the conduct of the review, particular consideration shall be given to the practices and procedures regarding the use of civilian airfields in heavily populated areas.”

REPORT ON ACTIONS TO REDUCE DISINCENTIVES FOR DEPENDENTS TO REPORT ABUSE BY MEMBERS OF ARMED FORCES

Pub. L. 102-484, div. A, title VI, §653(d), Oct. 23, 1992, 106 Stat. 2429, directed the Secretary of Defense to transmit a report to Congress not later than Dec. 15, 1993, on actions that had been taken and were planned to be taken in the Department of Defense to reduce or eliminate disincentives for a dependent of a member of the Armed Forces abused by the member to report the abuse.

SURVIVOR NOTIFICATION AND ACCESS TO REPORTS RELATING TO SERVICE MEMBERS WHO DIE

Pub. L. 102-484, div. A, title X, §1072, Oct. 23, 1992, 106 Stat. 2508, provided that:

“(a) AVAILABILITY OF FATALITY REPORTS AND RECORDS.—

“(1) REQUIREMENT.—The Secretary of each military department shall ensure that fatality reports and records pertaining to any member of the Armed Forces who dies in the line of duty shall be made available to family members of the service member in accordance with this subsection.

“(2) INFORMATION TO BE PROVIDED AFTER NOTIFICATION OF DEATH.—Within a reasonable period of time after family members of a service member are notified of the member’s death, but not more than 30 days after the date of notification, the Secretary concerned shall ensure that the family members—

“(A) in any case in which the cause or circumstances surrounding the death are under investigation, are informed of that fact, of the names of the agencies within the Department of Defense conducting the investigations, and of the existence of any reports by such agencies that have been or will be issued as a result of the investigations; and

“(B) are furnished, if the family members so desire, a copy of any completed investigative report and any other completed fatality reports that are available at the time family members are provided the information described in subparagraph (A) to the extent such reports may be furnished consistent with sections 552 and 552a of title 5, United States Code.

“(3) ASSISTANCE IN OBTAINING REPORTS.—(A) In any case in which an investigative report or other fatality reports are not available at the time family members of a service member are provided the information described in paragraph (2)(A) about the member’s death, the Secretary concerned shall ensure that a copy of such investigative report and any other fatality reports are furnished to the family members, if they so desire, when the reports are completed and become available, to the extent such reports may be furnished consistent with sections 552 and 552a of title 5, United States Code.

“(B) In any case in which an investigative report or other fatality reports cannot be released at the time family members of a service member are provided the information described in paragraph (2)(A) about the member’s death because of section 552 or 552a of title 5, United States Code, the Secretary concerned shall ensure that the family members—

“(i) are informed about the requirements and procedures necessary to request a copy of such reports; and

“(ii) are assisted, if the family members so desire, in submitting a request in accordance with such requirements and procedures.

“(C) The requirement of subparagraph (B) to inform and assist family members in obtaining copies of fa-

tality reports shall continue until a copy of each report is obtained, or access to any such report is denied by competent authority within the Department of Defense.

“(4) WAIVER.—The requirements of paragraph (2) or (3) may be waived on a case-by-case basis, but only if the Secretary of the military department concerned determines that compliance with such requirements is not in the interests of national security.

“(b) REVIEW OF COMBAT FATALITY NOTIFICATION PROCEDURES.—

“(1) REVIEW.—The Secretary of Defense shall conduct a review of the fatality notification procedures used by the military departments. Such review shall examine the following matters:

“(A) Whether uniformity in combat fatality notification procedures among the military departments is desirable, particularly with respect to—

“(i) the use of one or two casualty notification and assistance officers;

“(ii) the use of standardized fatality report forms and witness statements;

“(iii) the use of a single center for all military departments through which combat fatality information may be processed; and

“(iv) the use of uniform procedures and the provision of a dispute resolution process for instances in which members of one of the Armed Forces inflict casualties on members of another of the Armed Forces.

“(B) Whether existing combat fatality report forms should be modified to include a block or blocks with which to identify the cause of death as ‘friendly fire’, ‘U.S. ordnance’, or ‘unknown’.

“(C) Whether the existing ‘Emergency Data’ form prepared by members of the Armed Forces should be revised to allow members to specify provision for notification of additional family members in cases such as the case of a divorced service member who leaves children with both a current and a former spouse.

“(D) Whether the military departments should, in all cases, provide family members of a service member who died as a result of injuries sustained in combat with full and complete details of the death of the service member, regardless of whether such details may be graphic, embarrassing to the family members, or reflect negatively on the military department concerned.

“(E) Whether, and when, the military departments should inform family members of a service member who died as a result of injuries sustained in combat about the possibility that the death may have been the result of friendly fire.

“(F) The criteria and standards which the military departments should use in deciding when disclosure is appropriate to family members of a member of the military forces of an allied nation who died as a result of injuries sustained in combat when the death may have been the result of fire from United States armed forces and an investigation into the cause or circumstances of the death has been conducted.

“(2) REPORT.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the review conducted under paragraph (1). Such report shall be submitted not later than March 31, 1993, and shall include recommendations on the matters examined in the review and on any other matters the Secretary determines to be appropriate based upon the review or on any other reviews undertaken by the Department of Defense.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘fatality reports’ includes investigative reports and any other reports pertaining to the cause or circumstances of death of a member of the Armed Forces in the line of duty (such as autopsy reports, battlefield reports, and medical reports).

“(2) The term ‘family members’ means parents, spouses, adult children, and such other relatives as the Secretary concerned considers appropriate.

“(d) APPLICABILITY.—(1) Except as provided in paragraph (2), this section applies with respect to deaths of members of the Armed Forces occurring after the date of the enactment of this Act [Oct. 23, 1992].

“(2) With respect to deaths of members of the Armed Forces occurring before the date of the enactment of this Act, the Secretary concerned shall provide fatality reports to family members upon request as promptly as practicable.”

LIMITATION ON SUPPORT FOR UNITED STATES  
CONTRACTORS SELLING ARMS OVERSEAS

Pub. L. 102-484, div. A, title X, §1082, Oct. 23, 1992, 106 Stat. 2516, as amended by Pub. L. 108-136, div. A, title X, §1031(d)(2), Nov. 24, 2003, 117 Stat. 1604, provided that:

“(a) SUPPORT FOR CONTRACTORS.—In the event that a United States defense contractor or industrial association requests the Department of Defense or a military department to provide support in the form of military equipment for any airshow or trade exhibition to be held outside the United States, such equipment may not be supplied unless the contractor or association agrees to reimburse the Treasury of the United States for—

“(1) all incremental costs of military personnel accompanying the equipment, including food, lodging, and local transportation;

“(2) all incremental transportation costs incurred in moving such equipment from its normally assigned location to the airshow or trade exhibition and return; and

“(3) any other miscellaneous incremental costs not included under paragraphs (1) and (2) that are incurred by the Federal Government but would not have been incurred had military support not been provided to the contractor or industrial association.

“(b) DEPARTMENT OF DEFENSE EXHIBITIONS.—(1) A military department may not participate directly in any airshow or trade exhibition held outside the United States unless the Secretary of Defense determines that it is in the national security interests of the United States for the military departments to do so.

“(2) The Secretary of Defense may not delegate the authority to make the determination referred to in [former] paragraph (1)(A) below the level of the Under Secretary of Defense for Policy.

“(c) DEFINITION.—In this section, the term ‘incremental transportation cost’ includes the cost of transporting equipment to an airshow or trade exhibition only to the extent that the provision of transportation by the Department of Defense described in subsection (a)(2) does not fulfill legitimate training requirements that would otherwise have to be met.”

OVERSEAS MILITARY END STRENGTH

Pub. L. 102-484, div. A, title XIII, §1302, Oct. 23, 1992, 106 Stat. 2545, which provided that on and after Sept. 30, 1996, no appropriated funds may be used to support an end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in nations outside the United States at any level in excess of 60 percent of the end strength level of such members on Sept. 30, 1992, with exceptions in the event of declarations of war or emergency, was repealed and restated as section 123b of this title by Pub. L. 103-337, §1312(a), (c).

REPORTS ON OVERSEAS BASING

Pub. L. 111-84, div. A, title X, §1063, Oct. 28, 2009, 123 Stat. 2469, as amended by Pub. L. 111-383, div. A, title X, §1075(d)(14), Jan. 7, 2011, 124 Stat. 4373, provided that:

“(a) REPORT REQUIREMENT.—Concurrent with the delivery of the report on the 2009 quadrennial defense review required by section 118 of title 10, United States Code, 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 report on the plan for basing of forces outside the United States.

“(b) MATTERS COVERED.—The report required under subsection (a) shall contain a description of—

“(1) how the plan supports the United States national security strategy;

“(2) how the plan supports the security commitments undertaken by the United States pursuant to any international security treaty, including the North Atlantic Treaty, the Treaty of Mutual Cooperation and Security between the United States and Japan, and the Security Treaty Between Australia, New Zealand, and the United States of America;

“(3) how the plan addresses the current security environment in each geographic combatant command’s area of responsibility, including United States participation in theater security cooperation activities and bilateral partnership, exchanges, and training exercises;

“(4) the impact that a permanent change in the basing of a unit currently stationed outside the United States would have on the matters described in paragraphs (1) through (3);

“(5) the impact the plan will have on the status of overseas base closure and realignment actions undertaken as part of a global defense posture realignment strategy and the status of development and execution of comprehensive master plans for overseas military main operating bases, forward operating sites, and cooperative security locations of the global defense posture of the United States;

“(6) any recommendations for additional closures or realignments of military installations outside of the United States; and

“(7) any comments resulting from an interagency review of the plan that includes the Department of State and other relevant Federal departments and agencies.

“(c) NOTIFICATION REQUIREMENT.—The Secretary of Defense shall notify Congress at least 30 days before the permanent relocation of a unit stationed outside the United States as of the date of the enactment of this Act [Oct. 28, 2009].

“(d) DEFINITIONS.—In this section:

“(1) UNIT.—The term ‘unit’ has the meaning determined by the Secretary of Defense for purposes of this section.

“(2) GEOGRAPHIC COMBATANT COMMAND.—The term ‘geographic combatant command’ means a combatant command with a geographic area of responsibility that does not include North America.”

Pub. L. 102-484, div. A, title XIII, §1304, Oct. 23, 1992, 106 Stat. 2546, as amended by Pub. L. 103-160, div. B, title XXIX, §2924(a), Nov. 30, 1993, 107 Stat. 1931; Pub. L. 104-106, div. A, title XV, §1502(c)(2)(A), Feb. 10, 1996, 110 Stat. 506, provided that:

“(a) ANNUAL REPORT.—The Secretary of Defense shall, not later than March 31 of each year through 1997, submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives [now Committee on Armed Services of House of Representatives], either separately or as part of another relevant report, a report that specifies—

“(1) the stationing and basing plan by installation for United States military forces outside the United States;

“(2) the status of closures of United States military installations located outside the United States;

“(3) both—

“(A) the status of negotiations, if any, between the United States and the host government as to (i) United States claims for compensation for the fair market value of the improvements made by the United States at each installation referred to in paragraph (2), and (ii) any claims of the host government for damages or restoration of the installation; and

“(B) the representative of the United States in any such negotiations;

“(4) the potential savings to the United States resulting from such closures;

“(5) the cost to the United States of any improvements made at each installation referred to in paragraph (2) and the fair market value of such improvements, expressed in constant dollars based on the date of completion of the improvements;

“(6) in each case in which negotiations between the United States and a host government have resulted in an agreement for the payment to the United States by the host government of the value of improvements to an installation made by the United States, the amount of such payment, the form of such payment, and the expected date of such payment; and

“(7) efforts and progress toward achieving host nation offsets under section 1301(e) [106 Stat. 2545] and reduced end strength levels under section 1302 [set out above].

“(b) REPORT ON BUDGET IMPLICATIONS OF OVERSEAS BASING AGREEMENTS.—Whenever the Secretary of Defense enters into a basing agreement between the United States and a foreign country with respect to United States military forces outside the United States, the Secretary of Defense shall, in advance of the signing of the agreement, submit to the congressional defense committees a report on the Federal budget implications of the agreement.”

#### COMMISSION ON ASSIGNMENT OF WOMEN IN ARMED FORCES

Sections 541–550 of Pub. L. 102–190 provided for the creation of a Commission on the Assignment of Women in the Armed Forces to assess the laws and policies restricting the assignment of female service members and the implications, if any, for the combat readiness of the Armed Forces of permitting female members to qualify for assignment to positions in some or all categories of combat positions, with a report to be submitted to the President no later than Nov. 15, 1992, and to the Congress no later than Dec. 15, 1992, containing recommendations as to what roles female members should have in combat and what laws and policies restricting such assignments should be repealed or modified, and further provided for powers and procedures of the Commission, personnel matters, payment of Commission expenses and other miscellaneous administrative provisions, termination of the Commission 90 days after submission of its final report, and test assignments of female service members to combat positions.

#### REQUIREMENTS RELATING TO EUROPEAN MILITARY PROCUREMENT PRACTICES

Section 832 of Pub. L. 102–190 provided that:

“(a) EUROPEAN PROCUREMENT PRACTICES.—The Secretary of Defense shall—

“(1) compute the total value of American-made military goods and services procured each year by European governments or companies;

“(2) review defense procurement practices of European governments to determine what factors are considered in the selection of contractors and to determine whether American firms are discriminated against in the selection of contractors for purchases by such governments of military goods and services; and

“(3) establish a procedure for discussion with European governments about defense contract awards made by them that American firms believe were awarded unfairly.

“(b) DEFENSE TRADE AND COOPERATION WORKING GROUP.—The Secretary of Defense shall establish a defense trade and cooperation working group. The purpose of the group is to evaluate the impact of, and formulate United States positions on, European initiatives that affect United States defense trade, cooperation, and technology security. In carrying out the responsibilities of the working group, members of the group shall consult, as appropriate, with personnel in the Departments of State and Commerce and in the Office of the United States Trade Representative.

“(c) GAO REVIEW.—The Comptroller General shall conduct a review to determine how the members of the

North Atlantic Treaty Organization are implementing their bilateral reciprocal defense procurement memoranda of understanding with the United States. The Comptroller General shall complete the review, and submit to Congress a report on the results of the review, not later than February 1, 1992.”

#### DEPARTMENT OF DEFENSE USE OF NATIONAL INTELLIGENCE COLLECTION SYSTEMS

Pub. L. 102–190, div. A, title IX, §924, Dec. 5, 1991, 105 Stat. 1454, provided that:

“(a) PROCEDURES FOR USE.—The Secretary of Defense, after consultation with the Director of Central Intelligence, shall prescribe procedures for regularly and periodically exercising national intelligence collection systems and exploitation organizations that would be used to provide intelligence support, including support of the combatant commands, during a war or threat to national security.

“(b) USE IN JOINT TRAINING EXERCISES.—In accordance with procedures prescribed under subsection (a), the Chairman of the Joint Chiefs of Staff shall provide for the use of the national intelligence collection systems and exploitation organizations in joint training exercises to the extent necessary to ensure that those systems and organizations are capable of providing intelligence support, including support of the combatant commands, during a war or threat to national security.

“(c) REPORT.—Not later than May 1, 1992, the Secretary of Defense and the Director of Central Intelligence shall submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a joint report—

“(1) describing the procedures prescribed under subsection (a); and

“(2) stating the assessment of the Chairman of the Joint Chiefs of Staff of the performance in joint training exercises of the national intelligence collection systems and the Chairman’s recommendations for any changes that the Chairman considers appropriate to improve that performance.”

[Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 104–458, set out as a note under section 401 of Title 50, War and National Defense.]

#### FAMILY SUPPORT CENTER FOR FAMILIES OF PRISONERS OF WAR AND PERSONS MISSING IN ACTION

Section 1083 of Pub. L. 102–190 provided that:

“(a) REQUEST FOR ESTABLISHMENT.—The President is authorized and requested to establish in the Department of Defense a family support center to provide information and assistance to members of the families of persons who at any time while members of the Armed Forces were classified as prisoners of war or missing in action in Southeast Asia and who have not been accounted for. Such a support center should be located in a facility in the National Capital region.

“(b) DUTIES.—The center should be organized and provided with such personnel as necessary to permit the center to assist family members referred to in subsection (a) in contacting the departments and agencies of the Federal Government having jurisdiction over matters relating to such persons.”

#### REPORTS ON FOREIGN CONTRIBUTIONS AND COSTS OF OPERATION DESERT STORM

Pub. L. 102–25, title IV, Apr. 6, 1991, 105 Stat. 99, directed Director of Office of Management and Budget to submit to Congress a number of reports on incremental

costs associated with Operation Desert Storm and amounts of contributions made to United States by foreign countries to offset those costs, with a final report due not later than Nov. 15, 1992, and directed Secretary of State and Secretary of the Treasury to jointly submit to Congress a number of reports on contributions made by foreign countries as part of international response to Persian Gulf crisis, with a final report due not later than Nov. 15, 1992.

CHILD CARE ASSISTANCE TO FAMILIES OF MEMBERS SERVING ON ACTIVE DUTY DURING PERSIAN GULF CONFLICT

Pub. L. 102-25, title VI, §601, Apr. 6, 1991, 105 Stat. 105, as amended by Pub. L. 102-190, div. A, title X, §1063(d)(1), Dec. 5, 1991, 105 Stat. 1476; Pub. L. 102-484, div. A, title X, §1053(8), Oct. 23, 1992, 106 Stat. 2502, authorized the Secretary of Defense to provide child care assistance for families of members of the Armed Forces and the National Guard who had served on active duty during the Persian Gulf conflict in Operation Desert Storm.

FAMILY EDUCATION AND SUPPORT SERVICES TO FAMILIES OF MEMBERS SERVING ON ACTIVE DUTY IN OPERATION DESERT STORM

Pub. L. 102-25, title VI, §602, Apr. 6, 1991, 105 Stat. 106, as amended by Pub. L. 102-190, div. A, title X, §1063(d)(2), Dec. 5, 1991, 105 Stat. 1476, authorized the Secretary of Defense to provide assistance to families of members of the Armed Forces and National Guard who had served on active duty during the Persian Gulf conflict in Operation Desert Storm in order to ensure that they would receive educational assistance and support services necessary to meet needs.

WITHHOLDING OF PAYMENTS TO INDIRECT-HIRE CIVILIAN PERSONNEL OF NONPAYING PLEDGING NATIONS

Pub. L. 102-25, title VI, §608, Apr. 6, 1991, 105 Stat. 112, provided that:

“(a) GENERAL RULE.—Effective as of the end of the six-month period beginning on the date of the enactment of this Act [Apr. 6, 1991], the Secretary of Defense shall withhold payments to any nonpaying pledging nation that would otherwise be paid as reimbursements for expenses of indirect-hire civilian personnel of the Department of Defense in that nation.

“(b) NONPAYING PLEDGING NATION DEFINED.—For purposes of this section, the term ‘nonpaying pledging nation’ means a foreign nation that has pledged to the United States that it will make contributions to assist the United States in defraying the incremental costs of Operation Desert Shield and which has not paid to the United States the full amount so pledged.

“(c) RELEASE OF WITHHELD AMOUNTS.—When a nation affected by subsection (a) has paid to the United States the full amount pledged, the Secretary of Defense shall release the amounts withheld from payment pursuant to subsection (a).

“(d) WAIVER AUTHORITY.—The Secretary of Defense may waive the requirement in subsection (a) upon certification to Congress that the waiver is required in the national security interests of the United States.”

PROGRAMMING LANGUAGE FOR DEPARTMENT OF DEFENSE SOFTWARE

Pub. L. 102-396, title IX, §9070, Oct. 6, 1992, 106 Stat. 1918, provided that: “Notwithstanding any other provision of law, where cost effective, all Department of Defense software shall be written in the programming language Ada, in the absence of special exemption by an official designated by the Secretary of Defense.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 102-172, title VIII, §8073, Nov. 26, 1991, 105 Stat. 1188.

Pub. L. 101-511, title VIII, §8092, Nov. 5, 1990, 104 Stat. 1896.

CONTRIBUTIONS BY JAPAN TO SUPPORT OF UNITED STATES FORCES IN JAPAN

Pub. L. 101-511, title VIII, §8105, Nov. 5, 1990, 104 Stat. 1902, as amended by Pub. L. 102-190, div. A, title X, §1063(b), Dec. 5, 1991, 105 Stat. 1476, provided that:

“(a) PERMANENT CEILING ON UNITED STATES ARMED FORCES IN JAPAN.—After September 30, 1990, funds appropriated pursuant to an appropriation contained in this Act or any subsequent Act may not be used to support an end strength level of all personnel of the Armed Forces of the United States stationed in Japan at any level in excess of 50,000.

“(b) ANNUAL REDUCTION IN CEILING UNLESS SUPPORT FURNISHED.—Unless the President certifies to Congress before the end of each fiscal year that Japan has agreed to offset for that fiscal year the direct costs incurred by the United States related to the presence of all United States military personnel in Japan, excluding the military personnel title costs, the end strength level for that fiscal year of all personnel of the Armed Forces of the United States stationed in Japan may not exceed the number that is 5,000 less than such end strength level for the preceding fiscal year.

“(c) SENSE OF CONGRESS.—It is the sense of Congress that all those countries that share the benefits of international security and stability should share in the responsibility for that stability and security commensurate with their national capabilities. The Congress also recognizes that Japan has made a substantial pledge of financial support to the effort to support the United Nations Security Council resolutions on Iraq. The Congress also recognizes that Japan has a greater economic capability to contribute to international security and stability than any other member of the international community and wishes to encourage Japan to contribute commensurate with that capability.

“(d) EXCEPTIONS.—(1) This section shall not apply in the event of a declaration of war or an armed attack on Japan.

“(2) The President may waive the limitation in this section for any fiscal year if he declares that it is in the national interest to do so and immediately informs Congress of the waiver and the reasons for the waiver.

“(e) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act [Nov. 5, 1990].”

Section 1455 of Pub. L. 101-510 provided that:

“(a) PURPOSE.—It is the purpose of this section to require Japan to offset the direct costs (other than pay and allowances for United States military and civilian personnel) incurred by the United States related to the presence of United States military personnel in Japan.

“(b) PERMANENT CEILING ON UNITED STATES ARMED FORCES IN JAPAN.—Funds appropriated pursuant to an authorization contained in this Act or any subsequent Act may not be used to support an end strength level of all personnel of the Armed Forces of the United States stationed in Japan at any level in excess of 50,000.

“(c) SENSE OF CONGRESS ON ALLIED BURDEN SHARING.—(1) Congress recognizes that Japan has made a substantial pledge of financial support to the effort to support the United Nations Security Council resolutions on Iraq.

“(2) It is the sense of Congress that—

“(A) all countries that share the benefits of international security and stability should, commensurate with their national capabilities, share in the responsibility for maintaining that security and stability; and

“(B) given the economic capability of Japan to contribute to international security and stability, Japan should make contributions commensurate with that capability.

“(d) NEGOTIATIONS.—At the earliest possible date after the date of the enactment of this Act [Nov. 5, 1990], the President shall enter into negotiations with Japan for the purpose of achieving an agreement before September 30, 1991, under which Japan offsets all direct costs (other than pay and allowances for United States

military and civilian personnel) incurred by the United States related to the presence of all United States military personnel stationed in Japan.

“(e) EXCEPTIONS.—(1) This section shall not apply in the event of a declaration of war or an armed attack on Japan.

“(2) This section may be waived by the President if the President—

“(A) declares an emergency or determines that such a waiver is required by the national security interests of the United States; and

“(B) immediately informs the Congress of the waiver and the reasons for the waiver.”

#### NATIONAL MILITARY STRATEGY REPORTS

Pub. L. 101-510, div. A, title IX, §901, Nov. 5, 1990, 104 Stat. 1619, directed the Secretary of Defense to submit, with the Secretary's annual report to Congress during each of fiscal years 1992, 1993, and 1994, a report covering a period of at least ten years addressing threats facing the United States and strategic military plans to aid in the achievement of national objectives.

#### ANNUAL REPORT ON BALANCED TECHNOLOGY INITIATIVE

Section 211(e) of Pub. L. 101-189, which required Secretary of Defense to submit annual report to congressional defense committees on Balanced Technology Initiative, was repealed by Pub. L. 104-106, div. A, title X, §1061(l), Feb. 10, 1996, 110 Stat. 443.

#### MILITARY RELOCATION ASSISTANCE PROGRAMS

Section 661 of Pub. L. 101-189, which related to establishment by Secretary of Defense of programs to provide relocation assistance to members of Armed Forces and their families, was repealed and restated in section 1056 of this title by Pub. L. 101-510, div. A, title XIV, §1481(c)(1), (3), Nov. 5, 1990, 104 Stat. 1705.

#### MILITARY CHILD CARE

Title XV of div. A of Pub. L. 101-189, which provided that such title could be cited as the “Military Child Care Act of 1989”, and which related to funding for military child care for fiscal year 1990, child care employees, parent fees, child abuse prevention and safety at facilities, parent partnerships with child development centers, report on 5-year demand for child care, subsidies for family home day care, early childhood education demonstration program, and deadline for regulations, was repealed and restated in subchapter II (§1791 et seq.) of chapter 88 of this title by Pub. L. 104-106, div. A, title V, §568(a)(1), (e)(2), Feb. 10, 1996, 110 Stat. 331, 336.

#### LEAD AGENCY FOR DETECTION OF TRANSIT OF ILLEGAL DRUGS

Section 1102 of Pub. L. 100-456, which designated the Department of Defense as the single lead agency of the Federal Government for detection and monitoring of aerial and maritime transit of illegal drugs into the United States, was repealed and restated as section 124 of this title by Pub. L. 101-189, §1202(a)(1), (b).

#### ANNUAL ASSESSMENT OF SECURITY AT UNITED STATES BASES IN PHILIPPINES

Section 1309 of Pub. L. 100-456 directed Secretary of Defense to submit to Congress annual reports assessing security at United States military facilities in Republic of Philippines, prior to repeal by Pub. L. 102-484, div. A, title X, §1074, Oct. 23, 1992, 106 Stat. 2511.

#### DEPARTMENT OF DEFENSE OVERSEAS PERSONNEL; ACTIONS RESULTING IN MORE BALANCED SHARING OF DEFENSE AND FOREIGN ASSISTANCE SPENDING BURDENS BY UNITED STATES AND ALLIES; REPORTS TO CONGRESS; LIMITATION ON ACTIVE DUTY ARMED FORCES MEMBERS IN JAPAN AND REPUBLIC OF KOREA

Pub. L. 100-463, title VIII, §8125, Oct. 1, 1988, 102 Stat. 2270-41, as amended by Pub. L. 101-189, div. A, title XVI,

§1623, Nov. 29, 1989, 103 Stat. 1606; Pub. L. 103-236, title I, §162(j), Apr. 30, 1994, 108 Stat. 408; Pub. L. 104-106, div. A, title XV, §1502(f)(1), Feb. 10, 1996, 110 Stat. 509; Pub. L. 106-65, div. A, title X, §1067(14), Oct. 5, 1999, 113 Stat. 775, provided that:

“(a)(1) Not later than March 1, 1989, the Secretary of Defense shall submit to Congress a report on the assignment of military missions among the member countries of North Atlantic Treaty Organization (NATO) and on the prospects for the more effective assignment of such missions among such countries.

“(2) The report shall include a discussion of the following:

“(A) The current assignment of military missions among the member countries of NATO.

“(B) Military missions for which there is duplication of capability or for which there is inadequate capability within the current assignment of military missions within NATO.

“(C) Alternatives to the current assignment of military missions that would maximize the military contributions of the member countries of NATO.

“(D) Any efforts that are underway within NATO or between individual member countries of NATO at the time the report is submitted that are intended to result in a more effective assignment of military missions within NATO.

“(b) The Secretary of Defense and the Secretary of State shall (1) conduct a review of the long-term strategic interests of the United States overseas and the future requirements for the assignment of members of the Armed Forces of the United States to permanent duty ashore outside the United States, and (2) determine specific actions that, if taken, would result in a more balanced sharing of defense and foreign assistance spending burdens by the United States and its allies. Not later than August 1, 1989, the Secretary of Defense and the Secretary of State shall transmit to Congress a report containing the findings resulting from the review and their determinations.

“[(c) Repealed. Pub. L. 103-236, title I, §162(j), Apr. 30, 1994, 108 Stat. 408.]

“(d) The President shall specify (separately by appropriation account) in the Department of Defense items included in each budget submitted to Congress under section 1105 of title 31, United States Code, (1) the amounts necessary for payment of all personnel, operations, maintenance, facilities, and support costs for Department of Defense overseas military units, and (2) the costs for all dependents who accompany Department of Defense personnel outside the United States.

“(e) Not later than May 1, 1989, the Secretary of Defense shall submit to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives a report that sets forth the total costs required to support the dependents who accompany Department of Defense personnel assigned to permanent duty overseas.

“(f) As of September 30 of each fiscal year, the number of members of the Armed Forces on active duty assigned to permanent duty ashore in Japan and the Republic of Korea may not exceed 94,450 (the number of members of the Armed Forces on active duty assigned to permanent duty ashore in Japan and the Republic of Korea on September 30, 1987). The limitation in the preceding sentence may be increased if and when (1) a major reduction of United States forces in the Republic of the Philippines is required because of a loss of basing rights in that nation, and (2) the President determines and certifies to Congress that, as a consequence of such loss, an increase in United States forces stationed in Japan and the Republic of Korea is necessary.

“(g)(1) After fiscal year 1990, budget submissions to Congress under section 1105 of title 31, United States Code, shall identify funds requested for Department of Defense personnel and units in permanent duty stations ashore outside the United States that exceed the amount of such costs incurred in fiscal year 1989 and shall set forth a detailed description of (A) the types of

expenditures increased, by appropriation account, activity and program; and (B) specific efforts to obtain allied host nations' financing for these cost increases.

“(2) The Secretary of Defense shall notify in advance the Committee on Appropriations and the Committee on Armed Services of the Senate and the Committee on Appropriations and the Committee on Armed Services of the House of Representatives, through existing notification procedures, when costs of maintaining Department of Defense personnel and units in permanent duty stations ashore outside the United States will exceed the amounts as defined in the Department of Defense budget as enacted for that fiscal year. Such notification shall describe: (A) the type of expenditures that increased; and (B) the source of funds (including prior year unobligated balances) by appropriation account, activity and program, proposed to finance these costs.

“(3) In computing the costs incurred for maintaining Department of Defense personnel and forces in permanent duty stations ashore outside the United States compared with the amount of such costs incurred in fiscal year 1989, the Secretary shall—

“(A) exclude increased costs resulting from increases in the rates of pay provided for members of the Armed Forces and civilian employees of the United States Government and exclude any cost increases in supplies and services resulting from inflation; and

“(B) include (i) the costs of operation and maintenance and of facilities for the support of Department of Defense overseas personnel, and (ii) increased costs resulting from any decline in the foreign exchange rate of the United States dollar.

“(h) The provisions of subsections (f) and (g) shall not apply in time of war or during a national emergency declared by the President or Congress.

“(i) In this section—

“(1) the term ‘personnel’ means members of the Armed Forces of the United States and civilian employees of the Department of Defense;

“(2) the term ‘Department of Defense overseas personnel’ means those Department of Defense personnel who are assigned to permanent duty ashore outside the United States; and

“(3) the term ‘United States’ includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.”

#### ANNUAL REPORT ON COSTS OF STATIONING UNITED STATES TROOPS OVERSEAS

Pub. L. 100-202, §101(b) [title VIII, §8042], Dec. 22, 1987, 101 Stat. 1329-43, 1329-69, which required Secretary of Defense to submit annual report on full costs of stationing United States troops overseas, etc., was repealed and restated in subsec. (k) [now (j)] of this section by Pub. L. 100-370, §1(o).

#### REGULATIONS REGARDING EMPLOYMENT AND VOLUNTEER WORK OF SPOUSES OF MILITARY PERSONNEL

Section 637 of Pub. L. 100-180 provided that: “Not later than 60 days after the date of the enactment of this Act [Dec. 4, 1987], the Secretary of Defense shall prescribe regulations to establish the policy that—

“(1) the decision by a spouse of a member of the Armed Forces to be employed or to voluntarily participate in activities relating to the Armed Forces should not be influenced by the preferences or requirements of the Armed Forces; and

“(2) neither such decision nor the marital status of a member of the Armed Forces should have an effect on the assignment or promotion opportunities of the member.”

#### TEST PROGRAM FOR REIMBURSEMENT FOR ADOPTION EXPENSES

Section 638 of Pub. L. 100-180, as amended by Pub. L. 101-189, div. A, title VI, §662, Nov. 29, 1989, 103 Stat. 1465; Pub. L. 101-510, div. A, title XIV, §1484(l)(1), Nov. 5, 1990, 104 Stat. 1719, provided that the Secretary of Defense,

with respect to members of the Armed Forces, and the Secretary of Transportation, with respect to members of the Coast Guard, were to carry out a test program providing for reimbursement for qualifying adoption expenses incurred by members of the Army, Navy, Air Force, or Marine Corps for adoption proceedings initiated after September 30, 1987, and before October 1, 1990, and for qualifying adoption expenses incurred by members of the Coast Guard for adoption proceedings initiated after September 30, 1989, and before October 1, 1990.

#### COUNTERINTELLIGENCE POLYGRAPH PROGRAM

Pub. L. 100-180, div. A, title XI, §1121, Dec. 4, 1987, 101 Stat. 1147, as amended by Pub. L. 105-85, div. A, title X, §1073(d)(5), Nov. 18, 1997, 111 Stat. 1906, which provided for a counterintelligence polygraph program to be carried out by the Secretary of Defense, was repealed and restated in section 1564a of this title by Pub. L. 108-136, div. A, title X, §1041(a)(1)(b), Nov. 24, 2003, 117 Stat. 1607, 1608.

#### COORDINATION OF PERMANENT CHANGE OF STATION MOVES WITH SCHOOL YEAR

Pub. L. 99-661, div. A, title VI, §612, Nov. 14, 1986, 100 Stat. 3878, provided that: “The Secretary of each military department shall establish procedures to ensure that, to the maximum extent practicable within operational and other military requirements, permanent change of station moves for members of the Armed Forces under the jurisdiction of the Secretary who have dependents in elementary or secondary school occur at times that avoid disruption of the school schedules of such dependents.”

#### COMPARABLE BUDGETING FOR SIMILAR SYSTEMS

Pub. L. 99-500, §101(c) [title X, §955], Oct. 18, 1986, 100 Stat. 1783-82, 1783-173, and Pub. L. 99-591, §101(c) [title X, §955], Oct. 30, 1986, 100 Stat. 3341-82, 3341-173; Pub. L. 99-661, div. A, title IX, formerly title IV, §955, Nov. 14, 1986, 100 Stat. 3953, renumbered title IX, Pub. L. 100-26, §3(5), Apr. 21, 1987, 101 Stat. 273, which provided that in preparing the defense budget for any fiscal year, the Secretary of Defense was to specifically identify each common procurement weapon system included in the budget, take all feasible steps to minimize variations in procurement unit costs for any such system as shown in the budget requests of the different armed forces requesting procurement funds for the system, and identify and justify in the budget all such variations in procurement unit costs for common procurement weapon systems, and that the Secretary of Defense carry out this section through the Assistant Secretary of Defense (Comptroller), was repealed and restated in section 2217 of this title by Pub. L. 100-370, §1(d)(3).

#### ANNUAL REPORT TO CONGRESS ON IMPLEMENTATION OF JOINT OFFICER PERSONNEL POLICY

Pub. L. 99-433, title IV, §405, Oct. 1, 1986, 100 Stat. 1032, required the Secretary of Defense to include in the Secretary's annual report to Congress under subsec. (c) of this section for each year from 1987 through 1991 a detailed report on the implementation of title IV of Pub. L. 99-433.

#### INITIAL REPORT TO CONGRESS

Pub. L. 99-433, title IV, §406(g), Oct. 1, 1986, 100 Stat. 1034, required that the first report submitted by the Secretary of Defense under subsec. (c) of this section after Oct. 1, 1986, would contain as much of the information required by section 667 of this title as had been available to the Secretary at the time of its preparation.

#### SECURITY AT MILITARY BASES ABROAD

Pub. L. 99-399, title XI, Aug. 27, 1986, 100 Stat. 894, directed the Secretary of Defense to report to Congress

not later than June 30, 1987, on actions taken to review the security of each base and installation of the Department of Defense outside the United States, to improve the security of such bases and installations, and to institute a training program for members of the Armed Forces stationed outside the United States and their families concerning security and antiterrorism.

**SURCHARGE FOR SALES BY ANIMAL DISEASE PREVENTION AND CONTROL CENTERS; FEE FOR VETERINARY SERVICES**

Pub. L. 99-145, title VI, §685(a), (b), (d), Nov. 8, 1985, 99 Stat. 666, provided that:

“(a) **REQUIRED SURCHARGE.**—The Secretary of Defense shall require that each time a sale is recorded at a military animal disease prevention and control center the person to whom the sale is made shall be charged a surcharge of \$2.

“(b) **DEPOSIT OF RECEIPTS IN TREASURY.**—Amounts received from surcharges under this section shall be deposited in the Treasury in accordance with section 3302 of title 31.”

“(d) **EFFECTIVE DATE.**—This section shall take effect on October 1, 1985.”

Pub. L. 98-94, title X, §1033, Sept. 24, 1983, 97 Stat. 672, as amended by Pub. L. 98-525, title VI, §656, Oct. 19, 1984, 98 Stat. 2553, effective Oct. 1, 1985, required payment by a member of the Armed Forces of a \$10 fee for veterinary services, prior to repeal by Pub. L. 99-145, title VI, §685(c), (d), Nov. 8, 1985, 99 Stat. 666, effective Oct. 1, 1985.

**MILITARY FAMILY POLICY AND PROGRAMS**

Pub. L. 99-145, title VIII, Nov. 8, 1985, 99 Stat. 678, as amended by Pub. L. 99-661, div. A, title VI, §653, Nov. 14, 1986, 100 Stat. 3890; Pub. L. 100-180, div. A, title VI, §635, Dec. 4, 1987, 101 Stat. 1106; Pub. L. 100-456, div. A, title V, §524, Sept. 29, 1988, 102 Stat. 1975, which provided that such title could be cited as the “Military Family Act of 1985”, and which related to Office of Family Policy, transfer of Military Family Resource Center, surveys of military families, family members serving on advisory committees, employment opportunities for military spouses, youth sponsorship program, dependent student travel within United States, relocation and housing, food programs, reporting of child abuse, miscellaneous reporting requirements, and effective date, was repealed and restated in subchapter I (§1781 et seq.) of chapter 88 of this title by Pub. L. 104-106, div. A, title V, §568(a)(1), (e)(1), Feb. 10, 1996, 110 Stat. 329, 336.

**ACADEMIC INSTITUTIONS ELIGIBLE TO PROVIDE EDUCATIONAL SERVICES; PROHIBITION OF CERTAIN RESTRICTIONS**

Pub. L. 99-145, title XII, §1212, Nov. 8, 1985, 99 Stat. 726, as amended by Pub. L. 101-189, div. A, title V, §518, Nov. 29, 1989, 103 Stat. 1443, provided that:

“(a) No solicitation, contract, or agreement for the provision of off-duty postsecondary education services for members of the Armed Forces of the United States, civilian employees of the Department of Defense, or the dependents of such members or employees may discriminate against or preclude any accredited academic institution authorized to award one or more associate degrees from offering courses within its lawful scope of authority solely on the basis of such institution’s lack of authority to award a baccalaureate degree.

“(b) No solicitation, contract, or agreement for the provision of off-duty postsecondary education services for members of the Armed Forces of the United States, civilian employees of the Department of Defense, or the dependents of such members or employees, other than those for services at the graduate or postgraduate level, may limit the offering of such services or any group, category, or level of courses to a single academic institution. However, nothing in this section shall prohibit such actions taken in accordance with regulations of the Secretary of Defense which are uni-

form for all armed services as may be necessary to avoid unnecessary duplication of offerings, consistent with the purpose of this provision of ensuring the availability of alternative offerors of such services to the maximum extent feasible.

“(c)(1) The Secretary of Defense shall conduct a study to determine the current and future needs of members of the Armed Forces, civilian employees of the Department of Defense, and the dependents of such members and employees for postsecondary education services at overseas locations. The Secretary shall determine on the basis of the results of that study whether the policies and procedures of the Department in effect on the date of the enactment of the Department of Defense Authorization Act for Fiscal Years 1990 and 1991 [probably means date of enactment of Pub. L. 101-189, Nov. 29, 1989] with respect to the procurement of such services are—

“(A) consistent with the provisions of subsections (a) and (b);

“(B) adequate to ensure the recipients of such services the benefit of a choice in the offering of such services; and

“(C) adequate to ensure that persons stationed at geographically isolated military installations or at installations with small complements of military personnel are adequately served.

The Secretary shall complete the study in such time as necessary to enable the Secretary to submit the report required by paragraph (2)(A) by the deadline specified in that paragraph.

“(2)(A) The Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study referred to in paragraph (1), together with a copy of any revisions in policies and procedures made as a result of such study. The report shall be submitted not later than March 1, 1990.

“(B) The Secretary shall include in the report an explanation of how determinations are made with regard to—

“(i) affording members, employees, and dependents a choice in the offering of courses of postsecondary education; and

“(ii) whether the services provided under a contract for such services should be limited to an installation, theater, or other geographic area.

“(3)(A) Except as provided in subparagraph (B), no contract for the provision of services referred to in subsection (a) may be awarded, and no contract or agreement entered into before the date of the enactment of this paragraph [Nov. 29, 1989] may be renewed or extended on or after such date, until the end of the 60-day period beginning on the date on which the report referred to in paragraph (2)(A) is received by the committees named in that paragraph.

“(B) A contract or an agreement in effect on October 1, 1989, for the provision of postsecondary education services in the European Theater for members of the Armed Forces, civilian employees of the Department of Defense, and the dependents of such members and employees may be renewed or extended without regard to the limitation in subparagraph (A).

“(C) In the case of a contract for services with respect to which a solicitation is pending on the date of the enactment of this paragraph [Nov. 29, 1989], the contract may be awarded—

“(i) on the basis of the solicitation as issued before the date of the enactment of this paragraph;

“(ii) on the basis of the solicitation issued before the date of the enactment of this paragraph modified so as to conform to any changes in policies and procedures the Secretary determines should be made as a result of the study required under paragraph (1); or

“(iii) on the basis of a new solicitation.

“(d) Nothing in this section shall be construed to require more than one academic institution to be authorized to offer courses aboard a particular naval vessel.”

**REPORT OF UNOBLIGATED BALANCES**

Pub. L. 99-145, title XIV, §1407, Nov. 8, 1985, 99 Stat. 745, required reports on unobligated balances, prior to

repeal by Pub. L. 99-661, div. A, title XIII, §1307(b), Nov. 14, 1986, 100 Stat. 3981. See section 2215 of this title.

DEFENSE INDUSTRIAL BASE FOR TEXTILE AND APPAREL PRODUCTS

Pub. L. 99-145, title XIV, §1456, Nov. 8, 1985, 99 Stat. 762, which directed Secretary of Defense to monitor capability of domestic textile and apparel industrial base to support defense mobilization requirements and to make annual reports to Congress on status of such industrial base, was repealed and restated in section 2510 of this title by Pub. L. 101-510, §826(a)(1), (b).

HOTLINE BETWEEN UNITED STATES AND SOVIET UNION

Pub. L. 99-85, Aug. 8, 1985, 99 Stat. 286, as amended by Pub. L. 103-199, title IV, §404(a), Dec. 17, 1993, 107 Stat. 2325, provided: "That the Secretary of Defense may provide to Russia, as provided in the Exchange of Notes Between the United States of America and the Union of Soviet Socialist Republics Concerning the Direct Communications Link Upgrade, concluded on July 17, 1984, such equipment and services as may be necessary to upgrade or maintain the Russian part of the Direct Communications Link agreed to in the Memorandum of Understanding between the United States and the Soviet Union signed June 20, 1963. The Secretary shall provide such equipment and services to Russia at the cost thereof to the United States.

"SEC. 2. (a) The Secretary of Defense may use any funds available to the Department of Defense for the procurement of the equipment and providing the services referred to in the first section.

"(b) Funds received from Russia as payment for such equipment and services shall be credited to the appropriate account of Department of Defense."

[Pub. L. 103-199, title IV, §404(b), Dec. 17, 1993, 107 Stat. 2325, provided that: "The amendment made by subsection (a)(2) [amending section 2(b) of Pub. L. 99-85, set out above] does not affect the applicability of section 2(b) of that joint resolution to funds received from the Soviet Union."]

CONSOLIDATION OF FUNCTIONS OF MILITARY TRANSPORTATION COMMANDS PROHIBITED

Pub. L. 97-252, title XI, §1110, Sept. 8, 1982, 96 Stat. 747, provided that none of funds appropriated pursuant to an authorization of appropriations could be used for purpose of consolidating any functions being performed on Sept. 8, 1982, by Military Traffic Management Command of Army, Military Sealift Command of Navy, or Military Airlift Command of Air Force with any function being performed on such date by either or both of the other commands, prior to repeal by Pub. L. 99-433, title II, §213(a), Oct. 1, 1986, 100 Stat. 1018.

REPORTS TO CONGRESS ON RECOMMENDATIONS WITH RESPECT TO ELIMINATION OF WASTE, FRAUD, ABUSE, AND MISMANAGEMENT IN DEPARTMENT OF DEFENSE

Pub. L. 97-86, title IX, §918, Dec. 1, 1981, 95 Stat. 1132, directed Secretary of Defense, not later than Jan. 15, 1982 and 1983, to submit to Congress reports containing recommendations to improve efficiency and management of, and to eliminate waste, fraud, abuse, and mismanagement in, operation of Department of Defense, and to include each recommendation by Comptroller General since Jan. 1, 1979, for elimination of waste, fraud, abuse, or mismanagement in Department of Defense with a statement as to which have been adopted and, to extent practicable actual and projected cost savings from each, and which have not been adopted and, to extent practicable, projected cost savings from each and an explanation of why each such recommendation was not adopted.

MILITARY INSTALLATIONS TO BE CLOSED IN UNITED STATES, GUAM, OR PUERTO RICO; STUDIES TO DETERMINE POTENTIAL USE

Pub. L. 94-431, title VI, §610, Sept. 30, 1976, 90 Stat. 1365, authorized Secretary of Defense to conduct stud-

ies with regard to possible use of military installations being closed and to make recommendations with regard to such installations, prior to repeal by Pub. L. 97-86, title IX, §912(b), Dec. 1, 1981, 95 Stat. 1123. See section 2391 of this title.

REPORTS TO CONGRESSIONAL COMMITTEES ON FOREIGN POLICY AND MILITARY FORCE STRUCTURE

Pub. L. 94-106, title VIII, §812, Oct. 7, 1975, 89 Stat. 540, which directed Secretary of Defense, after consultation with Secretary of State, to prepare and submit not later than January 31 of each year to Committees on Armed Services of Senate and House of Representatives a written annual report on foreign policy and military force structure of United States for next fiscal year, how such policy and force structure relate to each other, and justification for each, was repealed and restated as subsec. (e) of section 133 [now §113] of this title by Pub. L. 97-295, §§1(1), 6(b).

REPORT TO CONGRESS ON SALE OR TRANSFER OF DEFENSE ARTICLES

Pub. L. 94-106, title VIII, §813, Oct. 7, 1975, 89 Stat. 540, as amended by Pub. L. 95-79, title VIII, §814, July 30, 1977, 91 Stat. 337; Pub. L. 97-252, title XI, §1104, Sept. 8, 1982, 96 Stat. 739, which directed Secretary of Defense to report to Congress on any letter proposing to transfer \$50,000,000 or more of defense articles, detailing impact of such a sale on readiness, adequacy of price for replacement, and armed forces needs and supply for each article, was repealed and restated as section 133b (renumbered §118 and repealed) of this title by Pub. L. 97-295, §§1(2)(A), 6(b).

PROCUREMENT OF AIRCRAFT, MISSILES, NAVAL VESSELS, TRACKED COMBAT VEHICLES, AND OTHER WEAPONS; AUTHORIZATION OF APPROPRIATIONS FOR PROCUREMENT, RESEARCH, DEVELOPMENT, TEST, AND EVALUATION ACTIVITIES; SELECTED RESERVE OF RESERVE COMPONENTS; ANNUAL AUTHORIZATION OF PERSONNEL STRENGTH

Section 412 of Pub. L. 86-149, title IV, Aug. 10, 1959, 73 Stat. 322, as amended by Pub. L. 87-436, §2, Apr. 27, 1962, 76 Stat. 55; Pub. L. 88-174, title VI, §610, Nov. 7, 1963, 77 Stat. 329; Pub. L. 89-37, title III, §304, June 11, 1965, 79 Stat. 128; Pub. L. 90-168, §6, Dec. 1, 1967, 81 Stat. 526; Pub. L. 91-121, title IV, §405, Nov. 19, 1969, 83 Stat. 207; Pub. L. 91-441, title V, §§505, 509, Oct. 7, 1970, 84 Stat. 912, 913; Pub. L. 92-129, title VII, §701, Sept. 28, 1971, 85 Stat. 362; Pub. L. 92-436, title III, §302, title VI, §604, Sept. 26, 1972, 86 Stat. 736, 739, was repealed by Pub. L. 93-155, title VIII, §803(b)(1), Nov. 16, 1973, 87 Stat. 615. See sections 114 to 116 of this title.

EX. ORD. NO. 12765. DELEGATION OF CERTAIN DEFENSE RELATED AUTHORITIES OF PRESIDENT TO SECRETARY OF DEFENSE

Ex. Ord. No. 12765, June 11, 1991, 56 F.R. 27401, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3 of the United States Code, and my authority as Commander in Chief of the Armed Forces of the United States, it is hereby ordered as follows:

SECTION 1. The Secretary of Defense is hereby designated and empowered, without the approval, ratification, or other action by the President, to exercise the authority vested in the President by section 749 of title 10 of the United States Code to assign the command without regard to rank in grade to any commissioned officer otherwise eligible to command when two or more commissioned officers of the same grade or corresponding grades are assigned to the same area, field command, or organization.

SEC. 2. The Secretary of Defense is hereby designated and empowered, without the approval, ratification, or other action by the President, to exercise the authority vested in the President by section 7299a(a) of title 10 of

the United States Code to direct that combatant vessels and escort vessels be constructed in a Navy or private yard, as the case may be, if the requirement of the Act of March 27, 1934 (ch. 95, 48 Stat. 503) that the first and each succeeding alternate vessel of the same class be constructed in a Navy yard is inconsistent with the public interest.

SEC. 3. For vessels, and for any major component of the hull or superstructure of vessels to be constructed or repaired for any of the armed forces, the Secretary of Defense is hereby designated and empowered, without the approval, ratification, or other action by the President, to exercise the authority vested in the President by section 7309(b) of title 10 of the United States Code to authorize exceptions to the prohibition in section 7309(a) of title 10 of the United States Code. Such exceptions shall be based on a determination that it is in the national security interest of the United States to authorize an exception. The Secretary of Defense shall transmit notice of any such determination to the Congress, as required by section 7309(b).

SEC. 4. The Secretary of Defense may redelegate the authority delegated to him by this order, in accordance with applicable law.

SEC. 5. This order shall be effective immediately.

GEORGE BUSH.

WAIVER OF LIMITATION WITH RESPECT TO END STRENGTH LEVEL OF U.S. ARMED FORCES IN JAPAN FOR FISCAL YEAR 1991

Memorandum of the President of the United States, May 14, 1991, 56 F.R. 23991, provided:

Memorandum for the Secretary of Defense

Consistent with section 8105(d)(2) of the Department of Defense Appropriation Act, 1991 (Public Law 101-511; 104 Stat. 1856) [set out above], I hereby waive the limitation in section 8105(b) which states that the end strength level for each fiscal year of all personnel of the Armed Forces of the United States stationed in Japan may not exceed the number that is 5,000 less than such end strength level for the preceding fiscal year, and declare that it is in the national interest to do so.

You are authorized and directed to inform the Congress of this waiver and of the reasons for the waiver contained in the attached justification, and to publish this memorandum in the Federal Register.

GEORGE BUSH.

JUSTIFICATION PURSUANT TO SECTION 8105(d)(2) OF THE DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1991 (PUBLIC LAW NO. 101-511; 104 STAT. 1856)

In January of this year the Department of Defense signed a new Host Nation Support Agreement with the Government of Japan in which that government agreed to pay all utility and Japanese labor costs incrementally over the next five years (worth \$1.7 billion). Because United States forward deployed forces stationed in Japan have regional missions in addition to the defense of Japan, we did not seek to have the Government of Japan offset all of the direct costs incurred by the United States related to the presence of all United States military personnel in Japan (excluding military personnel title costs).

**§ 113a. Transmission of annual defense authorization request**

(a) TIME FOR TRANSMITTAL.—The Secretary of Defense shall transmit to Congress the annual defense authorization request for a fiscal year during the first 30 days after the date on which the President transmits to Congress the budget for that fiscal year pursuant to section 1105 of title 31.

(b) DEFENSE AUTHORIZATION REQUEST DEFINED.—In this section, the term “defense authorization request”, with respect to a fiscal

year, means a legislative proposal submitted to Congress for the enactment of the following:

(1) Authorizations of appropriations for that fiscal year, as required by section 114 of this title.

(2) Personnel strengths for that fiscal year, as required by section 115 of this title.

(3) Authority to carry out military construction projects, as required by section 2802 of this title.

(4) Any other matter that is proposed by the Secretary of Defense to be enacted as part of the annual defense authorization bill for that fiscal year.

(Added Pub. L. 107-314, div. A, title X, §1061(a), Dec. 2, 2002, 116 Stat. 2649; amended Pub. L. 108-136, div. A, title X, §1044(a), Nov. 24, 2003, 117 Stat. 1612.)

AMENDMENTS

2003—Subsec. (b)(3), (4). Pub. L. 108-136 added par. (3) and redesignated former par. (3) as (4).

**§ 114. Annual authorization of appropriations**

(a) No funds may be appropriated for any fiscal year to or for the use of any armed force or obligated or expended for—

(1) procurement of aircraft, missiles, or naval vessels;

(2) any research, development, test, or evaluation, or procurement or production related thereto;

(3) procurement of tracked combat vehicles;

(4) procurement of other weapons;

(5) procurement of naval torpedoes and related support equipment;

(6) military construction;

(7) the operation and maintenance of any armed force or of the activities and agencies of the Department of Defense (other than the military departments);

(8) procurement of ammunition; or

(9) other procurement by any armed force or by the activities and agencies of the Department of Defense (other than the military departments);

unless funds therefor have been specifically authorized by law.

(b) In subsection (a)(6), the term “military construction” includes any construction, development, conversion, or extension of any kind which is carried out with respect to any military facility or installation (including any Government-owned or Government-leased industrial facility used for the production of defense articles and any facility to which section 2353 of this title applies), any activity to which section 2807 of this title applies, any activity to which chapter 1803 of this title applies, and advances to the Secretary of Transportation for the construction of defense access roads under section 210 of title 23. Such term does not include any activity to which section 2821 or 2854 of this title applies.

(c)(1) The size of the Special Defense Acquisition Fund established pursuant to chapter 5 of the Arms Export Control Act (22 U.S.C. 2795 et seq.) may not exceed \$1,070,000,000.

(2) Notwithstanding section 37(a) of the Arms Export Control Act (22 U.S.C. 2777(a)), amounts received by the United States pursuant to sub-

paragraph (A) of section 21(a)(1) of that Act (22 U.S.C. 2761(a)(1))—

(A) shall be credited to the Special Defense Acquisition Fund established pursuant to chapter 5 of that Act (22 U.S.C. 2795 et seq.), as authorized by section 51(b)(1) of that Act (22 U.S.C. 2795(b)(1)), but subject to the limitation in paragraph (1) and other applicable law; and

(B) to the extent not so credited, shall be deposited in the Treasury as miscellaneous receipts as provided in section 3302(b) of title 31.

(d) Funds may be appropriated for the armed forces for use as an emergency fund for research, development, test, and evaluation, or related procurement or production, only if the appropriation of the funds is authorized by law after June 30, 1966.

(e) In each budget submitted by the President to Congress under section 1105 of title 31, amounts requested for procurement of equipment for the reserve components of the armed forces (including the National Guard) shall be set forth separately from other amounts requested for procurement for the armed forces.

(f) In each budget submitted by the President to Congress under section 1105 of title 31, amounts requested for procurement of ammunition for the Navy and Marine Corps, and for procurement of ammunition for the Air Force, shall be set forth separately from other amounts requested for procurement.

(Added Pub. L. 93-155, title VIII, §803(a), Nov. 16, 1973, 87 Stat. 612, §138; amended Pub. L. 94-106, title VIII, §801(a), Oct. 7, 1975, 89 Stat. 537; Pub. L. 94-361, title III, §302, July 14, 1976, 90 Stat. 924; Pub. L. 96-107, title III, §303(b), Nov. 9, 1979, 93 Stat. 806; Pub. L. 96-342, title X, §1001(a)(1), (b)-(d)(1), Sept. 8, 1980, 94 Stat. 1117-1119; Pub. L. 96-513, title I, §102, title V, §511(4), Dec. 12, 1980, 94 Stat. 2840, 2920; Pub. L. 97-22, §2(b), July 10, 1981, 95 Stat. 124; Pub. L. 97-86, title III, §302, title IX, §§901(a), 902, 903, Dec. 1, 1981, 95 Stat. 1104, 1113, 1114; Pub. L. 97-113, title I, §108(b), Dec. 29, 1981, 95 Stat. 1524; Pub. L. 97-214, §4, July 12, 1982, 96 Stat. 170; Pub. L. 97-252, title IV, §402(a), title XI, §§1103, 1105, Sept. 8, 1982, 96 Stat. 725, 738, 739; Pub. L. 97-295, §1(3), (4), Oct. 12, 1982, 96 Stat. 1289; Pub. L. 98-525, title XIV, §1405(2), Oct. 19, 1984, 98 Stat. 2621; Pub. L. 99-145, title XII, §1208, title XIV, §1403, Nov. 8, 1985, 99 Stat. 723, 743; renumbered §114 and amended Pub. L. 99-433, title I, §§101(a)(2), 110(b)(1)-(9), (11), Oct. 1, 1986, 100 Stat. 994, 1001, 1002; Pub. L. 99-661, div. A, title I, §105(d), title XIII, §1304(a), Nov. 14, 1986, 100 Stat. 3827, 3979; Pub. L. 100-26, §7(j)(1), Apr. 21, 1987, 101 Stat. 282; Pub. L. 100-180, div. A, title XII, §1203, Dec. 4, 1987, 101 Stat. 1154; Pub. L. 101-189, div. A, title XVI, §1602(b), Nov. 29, 1989, 103 Stat. 1597; Pub. L. 101-510, div. A, title XIV, §1481(a)(1), Nov. 5, 1990, 104 Stat. 1704; Pub. L. 104-106, div. A, title XV, §1501(c)(2), Feb. 10, 1996, 110 Stat. 498; Pub. L. 104-201, div. A, title X, §1005, Sept. 23, 1996, 110 Stat. 2632.)

HISTORICAL AND REVISION NOTES  
1982 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
138(c)(5) ..	10:138 (note).	Aug. 5, 1974, Pub. L. 93-365, §502, 88 Stat. 404.

HISTORICAL AND REVISION NOTES—CONTINUED  
1982 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
138(i) .....	10:135 (note).	June 11, 1965, Pub. L. 89-37, §305, 79 Stat. 128.

In subsection (c)(5), the words “It is the sense of Congress that” are omitted as unnecessary. The words “Secretary of Defense” are substituted for “Department of Defense” the first time it appears because the responsibility is in the head of the agency. The word “Therefore” is omitted as surplus. The word “complete” is substituted for “full”, and the word “personnel” is substituted for “manpower” except in the phrase “manpower requirements”, for consistency.

In subsection (i), the words “may be . . . only if” are substituted for “No . . . may be . . . unless” to use the positive voice. The words “after June 30, 1966” are substituted for “after that date” for clarity.

REFERENCES IN TEXT

The Arms Export Control Act, referred to in subsec. (c), is Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320, as amended. Chapter 5 of the Arms Export Control Act is classified generally to subchapter V (§2795 et seq.) of chapter 39 of Title 22, Foreign Relations and Inter-course. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of Title 22 and Tables.

PRIOR PROVISIONS

Provisions similar to those in subsec. (c)(2) of this section were contained in Pub. L. 101-165, title IX, §9017, Nov. 21, 1989, 103 Stat. 1133, which was set out as a note below, prior to repeal by Pub. L. 101-510, §1481(a)(2).

Prior similar provisions were contained in Pub. L. 86-149, title IV, §412, Aug. 10, 1959, 73 Stat. 322, as amended by Pub. L. 87-436, §2, Apr. 27, 1962, 76 Stat. 55; Pub. L. 88-174, title VI, §610, Nov. 7, 1963, 77 Stat. 329; Pub. L. 89-37, title III, §304, June 11, 1965, 79 Stat. 128; Pub. L. 90-168, §6, Dec. 1, 1967, 81 Stat. 526; Pub. L. 91-121, title IV, §405, Nov. 19, 1969, 83 Stat. 207; Pub. L. 91-441, title V, §§505, 509, Oct. 7, 1970, 84 Stat. 912, 913; Pub. L. 92-129, title VII, §701, Sept. 28, 1971, 85 Stat. 362; Pub. L. 92-436, title III, §302, title VI, §604, Sept. 26, 1972, 86 Stat. 736, 739, prior to repeal by Pub. L. 93-155, §803(b)(1).

AMENDMENTS

1996—Subsec. (b). Pub. L. 104-106 substituted “chapter 1803” for “chapter 133”.

Subsec. (f). Pub. L. 104-201 added subsec. (f).

1990—Subsec. (c). Pub. L. 101-510 designated existing provisions as par. (1) and added par. (2).

1989—Subsecs. (f), (g). Pub. L. 101-189 struck out subsecs. (f) and (g) which read as follows:

“(f) The amounts of the estimated expenditures and proposed appropriations necessary to support programs, projects, and activities of the Department of Defense included pursuant to paragraph (5) of section 1105(a) of title 31 in the budget submitted to Congress by the President under such section for any fiscal year or years and the amounts specified in all program and budget information submitted to Congress by the Department of Defense in support of such estimates and proposed appropriations shall be mutually consistent unless, in the case of each inconsistency, there is included detailed reasons for the inconsistency.

“(g) The Secretary of Defense shall submit to Congress not later than April 1 of each year, the five-year defense program (including associated annexes) used by the Secretary in formulating the estimated expenditures and proposed appropriations included in such budget to support programs, projects, and activities of the Department of Defense.”

1987—Subsec. (e). Pub. L. 100-26 redesignated subsec. (f) as (e).

Subsec. (f). Pub. L. 100-180 added subsec. (f).  
 Pub. L. 100-26, §7(j)(1), redesignated subsec. (f) as (e).  
 Subsec. (g). Pub. L. 100-180, §1203, added subsec. (g).  
 1986—Pub. L. 99-433, §101(a)(2), renumbered section 138 of this title as this section.  
 Pub. L. 99-433, §110(b)(1), struck out “and personnel strengths for the armed forces; annual manpower requirements and operations and maintenance reports” at end of section catchline.  
 Subsec. (a)(6). Pub. L. 99-433, §110(b)(3), struck out “(as defined in subsection (f))” after “military construction”.  
 Subsec. (b). Pub. L. 99-433, §110(b)(4), (5), (8), redesignated subsec. (f)(1) as (b). Former subsec. (b) redesignated section 115(a) of this title.  
 Subsec. (c). Pub. L. 99-661, §1304(a), substituted “\$1,070,000,000” for “\$1,000,000,000”.  
 Pub. L. 99-433, §110(b)(4), (5), (11), redesignated subsec. (g) as (c). Former subsec. (c) redesignated section 115(b) of this title.  
 Subsec. (d). Pub. L. 99-433, §110(b)(4), (5), (11), redesignated subsec. (i) as (d). Former subsec. (d) redesignated section 115(c) of this title.  
 Subsec. (e). Pub. L. 99-433, §110(b)(6), (7), redesignated subsec. (e) as section 116(a) of this title.  
 Subsec. (f). Pub. L. 99-661, §105(d), added subsec. (f).  
 Subsec. (f)(1). Pub. L. 99-433, §110(b)(8), redesignated subsec. (f)(1) as (b).  
 Subsec. (f)(2). Pub. L. 99-433, §110(b)(9), redesignated subsec. (f)(2) as section 116(b) of this title.  
 Subsec. (g). Pub. L. 99-433, §110(b)(11), redesignated subsec. (g) as (c).  
 Subsec. (h). Pub. L. 99-433, §110(b)(2), redesignated subsec. (h) as section 113(i) of this title.  
 Subsec. (i). Pub. L. 99-433, §110(b)(11), redesignated subsec. (i) as (d).  
 1985—Subsec. (b)(3). Pub. L. 99-145, §1208, added par. (3).  
 Subsec. (g). Pub. L. 99-145, §1403, substituted “\$1,000,000,000” for “\$300,000,000 in fiscal year 1982, may not exceed \$600,000,000 in fiscal year 1983, and may not exceed \$900,000,000 in fiscal year 1984 or any fiscal year thereafter”.  
 1984—Subsec. (g). Pub. L. 98-525 inserted “(22 U.S.C. 2795 et seq.)”.  
 1982—Subsec. (c)(1)(A). Pub. L. 97-252, §402(a), authorized increase in fiscal year end-strength authorizations determined by the Secretary of Defense to be in the national interest.  
 Subsec. (c)(5). Pub. L. 97-295, §1(3), added par. (5).  
 Subsec. (f)(1). Pub. L. 97-214 substituted “, any activity to which section 2807 of this title applies, any activity to which chapter 133 of this title applies, and advances to the Secretary of Transportation for the construction of defense access roads under section 210 of title 23” for “but excludes any activity to which section 2673 or 2674, or chapter 133, of this title apply, or to which section 406(a) of Public Law 85-241 (42 U.S.C. 1594i) applies” and inserted provision that “military construction” does not include any activity to which section 2821 or 2854 of this title applies.  
 Subsec. (g). Pub. L. 97-252, §1103, limited size of Special Defense Acquisition Fund to \$600,000,000 in fiscal year 1983, striking out such sum as a limit in any fiscal year thereafter, and limited size of Fund to \$900,000,000 in fiscal year 1984 or any fiscal year thereafter.  
 Subsec. (h). Pub. L. 97-252, §1105, added subsec. (h).  
 Subsec. (i). Pub. L. 97-295, §1(4), added subsec. (i).  
 1981—Subsec. (a)(8), (9). Pub. L. 97-86, §901(a), added pars. (8) and (9).  
 Subsec. (b). Pub. L. 97-86, §902, designated existing provisions as par. (1), substituted “authorize the average personnel strength” for “authorize the personnel strength”, and added par. (2).  
 Subsec. (c)(3)(D)(iii)(I). Pub. L. 97-22 struck out “and active military service” after “active commissioned service”.  
 Subsec. (c)(4). Pub. L. 97-86, §903, added par. (4).  
 Subsec. (e)(3), (4). Pub. L. 97-86, §302, struck out pars. (3) and (4) which required the Secretary to include in

each report a projection of the combat readiness of specified military units proposed to be maintained during the next fiscal year.

Subsec. (g). Pub. L. 97-113 added subsec. (g).  
 1980—Pub. L. 96-342, §1001(d)(1), substituted “Annual authorization of appropriations and personnel strengths for the armed forces; annual manpower requirements and operations and maintenance reports” for “Secretary of Defense: Annual authorization of appropriations for armed forces” in section catchline.  
 Subsec. (a). Pub. L. 96-342, §1001(a)(1), (b)(1), in cl. (6) substituted reference to subsec. (f) for reference to subsec. (e), and added cl. (7).  
 Subsec. (c)(1). Pub. L. 96-513, §102(a), designated existing provisions as subpar. (A) and added subpars. (B) and (C).

Subsec. (c)(3)(D). Pub. L. 96-513, §102(b), substituted provisions relating to expanded coverage in the annual report of the Secretary of Defense for provisions under which the report had formerly covered only the estimated requirements in members on active duty during the next fiscal year, the estimated number of commissioned officers in each grade on active duty and to be promoted during the next fiscal year, and an analysis of the distribution by grade of commissioned officers on active duty at the time the report was prepared.

Subsec. (e). Pub. L. 96-342, §1001(b)(2), (3), added subsec. (e). Former subsec. (e) redesignated (f)(1).  
 Subsec. (f). Pub. L. 96-513, §511(4), substituted “(42 U.S.C. 1594i)” for “(71 Stat. 556)” in par. (1), and substituted “In subsection (e)” for “In subsection (f)” in par. (2).

Pub. L. 96-342, §1001(b)(2), (c), redesignated subsec. (e) as (f), substituted “(1) In subsection (a)(6)” for “For purposes of subsection (a)(6) of this section”, and added par. (2).

1979—Subsec. (c)(3). Pub. L. 96-107 restructured existing provisions into subpars. (A) to (C) with minor changes in phraseology and added subpar. (D).

1976—Subsec. (c)(3). Pub. L. 94-361 required the report to Congress to identify, define, and group by mission and by region the types of military bases, installations, and facilities and to provide an explanation and justification of the relationship between the base structure and the proposed military force structure together with a comprehensive identification of base operating support costs and an evaluation of possible alternatives to reduce the costs.

1975—Subsec. (a)(6). Pub. L. 94-106, §801(a)(1), added par. (6).

Subsec. (e). Pub. L. 94-106, §801(a)(2), added subsec. (e).

#### EFFECTIVE DATE OF 1996 AMENDMENT

Section 1501(c) of Pub. L. 104-106 provided that the amendment made by that section is effective as of Dec. 1, 1994, and as if included as an amendment made by the Reserve Officer Personnel Management Act, title XVI of Pub. L. 103-337, as originally enacted.

#### EFFECTIVE DATE OF 1982 AMENDMENTS

Section 402(b) of Pub. L. 97-252 provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to end strengths for active-duty personnel authorized for fiscal years beginning after September 30, 1981.”

Amendment by Pub. L. 97-214 applicable with respect to funds appropriated for fiscal years beginning after Sept. 30, 1983, see section 12(b) of Pub. L. 97-214, set out as a note under section 2801 of this title.

#### EFFECTIVE DATE OF 1981 AMENDMENT

Section 901(b) of Pub. L. 97-86 provided that: “The amendments made by subsection (a) [amending this section] shall apply with respect to funds appropriated for fiscal years beginning after September 30, 1982.”

#### EFFECTIVE DATE OF 1980 AMENDMENTS

Amendment by section 102 of Pub. L. 96-513 effective Sept. 15, 1981, but the authority to prescribe regula-

tions under the amendment by Pub. L. 96-513 effective on Dec. 12, 1980, see section 701 of Pub. L. 96-513, set out as a note under section 101 of this title.

Amendment by section 511(4) of Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513.

Section 1001(a)(2) of Pub. L. 96-342 provided that: "The amendments made by paragraph (1) [amending this section] shall apply with respect to funds appropriated for fiscal years beginning after September 30, 1981."

#### APPLICABILITY OF PROVISIONS RELATING TO FUNDS NOT HERETOFORE REQUIRED TO BE AUTHORIZED

Section 801(b) of Pub. L. 94-106 provided that: "The amendment provided by paragraph (2) of subsection (a) above [enacting subsec. (e) of this section] with respect to funds not heretofore required to be authorized shall only apply to funds authorized for appropriation for fiscal year 1977 and thereafter."

#### AVAILABILITY OF APPROPRIATIONS

Pub. L. 101-165, title IX, §9017, Nov. 21, 1989, 103 Stat. 1133, which prohibited funding to be used for planning or executing programs which utilized amounts credited to the Department of Defense pursuant to section 2777(a) of Title 22, Foreign Relations and Intercourse, was repealed and restated in subsec. (c)(2) of this section by Pub. L. 101-510, div. A, title XIV, §1481(a), Nov. 5, 1990, 104 Stat. 1704.

The following general provisions, which had been repeated as fiscal year provisions in prior appropriation acts, were enacted as permanent law in the Department of Defense Appropriations Act, 1986, Pub. L. 99-190, §101(b) [title VIII, §§8005, 8006, 8009], Dec. 19, 1985, 99 Stat. 1185, 1202, 1203, 1204:

"SEC. 8005. [Authorized use of appropriated funds for expenses in connection with administration of occupied areas; payment of rewards for information leading to discovery of missing naval property or recovery thereof; payment of deficiency judgments and interests thereon arising out of condemnation proceedings; leasing of buildings and facilities; payments under contracts for maintenance of tools and facilities for twelve months; maintenance of defense access roads; purchase of milk for enlisted personnel; payments under leases for real or personal property, including maintenance; purchase of right-hand-drive vehicles not to exceed \$12,000 per vehicle; payment of unusual cost overruns incident to ship overhaul, maintenance, and repair; payments from annual appropriations to industrial fund activities and/or under contract for changes in scope of ship overhaul, maintenance, and repair after expiration of such appropriations; and payments for depot maintenance contracts for twelve months; and was repealed and (except for section 8005(e)) restated in sections 2242(2), 2252, 2253(a)(2), 2389(b), 2410a, 2661(b), and 7313 of this title by Pub. L. 100-370, §1(e)(1), (h)(1), (2), (l)(3), (n)(1), (p)(3), July 19, 1988, 102 Stat. 844, 847, 849-851. Section 8005(c) was not restated in view of section 2676(e) [now 2664(e)] of this title.]

"SEC. 8006. [Authorized use of appropriated funds for military courts, boards, and commissions; utility services for buildings erected at private cost and buildings on military reservations authorized by regulations to be used for welfare and recreational purposes; and exchange fees, and losses in accounts of disbursing officers or agents; and was repealed and restated in sections 2242(3), 2490, and 2781 of this title by Pub. L. 100-370, §1(e)(1), (j)(1), (m)(1), (p)(3), July 19, 1988, 102 Stat. 844, 848, 849, 851.]

"SEC. 8009. [Provided for exemption from apportionment requirement; exceptions for cost of airborne alerts and cost of increased military personnel on active duty; and for reports to Congress; and was repealed and restated in section 2201 of this title by Pub. L. 100-370, §1(d)(1), July 19, 1988, 102 Stat. 841.]"

The following general provisions, that had been repeated as fiscal year provisions in prior appropriation acts, were enacted as permanent law in the Department

of Defense Appropriation Act, 1984, Pub. L. 98-212, title VII, §§705-707, 723, 728, 735, 774, Dec. 8, 1983, 97 Stat. 1437, 1438, 1443, 1444, 1452:

"SEC. 705. [Authorized use of appropriated funds for insurance of official motor vehicles in foreign countries; advance payments for investigations in foreign countries; security guard services for protection of confidential files; and other necessary expenses; and was repealed and restated in sections 2241(b), 2242(1), (4), and 2253(a)(1) of this title by Pub. L. 100-370, §1(e)(1), (p)(1), July 19, 1988, 102 Stat. 844, 851.]

"SEC. 706. [Authorized use of appropriated funds for expenses incident to maintenance, pay, and allowances of prisoners of war, other persons in Army, Navy, or Air Force custody whose status was determined by Secretary concerned to be similar to prisoners of war, and persons detained in such custody pursuant to Presidential proclamation, and was repealed by Pub. L. 98-525, title XIV, §§1403(a)(1), 1404, Oct. 19, 1984, 98 Stat. 2621, effective Oct. 1, 1985. See section 956(5) of this title.]

"SEC. 707. [Authorized use of appropriated funds for acquisition of certain interests in land, and was repealed and restated in sections 2673 and 2828(h) of this title by Pub. L. 100-370, §1(j)(1), (2), (p)(1), July 19, 1988, 102 Stat. 849, 851.]

"SEC. 723. [Authorized use of appropriated funds for purchase of household furnishings, and automobiles from military and civilian personnel on duty outside continental United States, for purpose of resale at cost to incoming personnel, and for providing furnishings, without charge, in other than public quarters occupied by military or civilian personnel of Department of Defense on duty outside continental United States or in Alaska, and was repealed and restated in section 2251 of this title by Pub. L. 100-370, §1(e)(1), (p)(1), July 19, 1988, 102 Stat. 844, 851.]

"SEC. 728. [Prohibited use of appropriated funds for payment of costs of advertising by any defense contractor, except advertising for which payment is made from profits, provided exemptions for advertising for personnel recruitment, procurement of scarce required items, and disposal of scrap or surplus materials, and was repealed by Pub. L. 100-370, §1(p)(1), July 19, 1988, 102 Stat. 851. See section 2324(e)(1)(H) of this title.]

"SEC. 735. [Authorized use of appropriated funds for operation and maintenance of the active forces for welfare and recreation; hire of passenger motor vehicles; repair of facilities; modification of personal property; design of vessels; industrial mobilization; installation of equipment in public and private plants; military communications facilities on merchant vessels; acquisition of services, special clothing, supplies, and equipment; and expenses for the Reserve Officers' Training Corps and other units at educational institutions was amended by Pub. L. 98-525, title XIV, §§1403(a)(2), 1404, Oct. 19, 1984, 98 Stat. 2621, eff. Oct. 1, 1985, and was repealed and restated in sections 2241(a) and 2661(a) of this title by Pub. L. 100-370, §1(e)(1), (l)(3), (p)(1), July 19, 1988, 102 Stat. 844, 849, 851.]

"SEC. 774. During the current fiscal year and subsequent fiscal years, for the purposes of the appropriation 'Foreign Currency Fluctuations, Defense' the foreign currency exchange rates used in preparing budget submissions shall be the foreign currency exchange rates as adjusted or modified, as reflected in applicable Committee reports on this Act."

#### WITHDRAWAL OF UNITED STATES GROUND FORCES FROM REPUBLIC OF BOSNIA AND HERZEGOVINA

Pub. L. 105-85, div. A, title XII, §§1203, 1206, Nov. 18, 1997, 111 Stat. 1929, 1932, provided that:

"SEC. 1203. WITHDRAWAL OF UNITED STATES GROUND FORCES FROM REPUBLIC OF BOSNIA AND HERZEGOVINA.

"(a) LIMITATION.—No funds appropriated or otherwise made available for the Department of Defense for fiscal year 1998 or any subsequent fiscal year may be used for the deployment of any United States ground combat

forces in the Republic of Bosnia and Herzegovina after June 30, 1998, unless the President, not later than May 15, 1998, and after consultation with the bipartisan leadership of the two Houses of Congress, transmits to Congress a certification—

“(1) that the continued presence of United States ground combat forces, after June 30, 1998, in the Republic of Bosnia and Herzegovina is required in order to meet the national security interests of the United States; and

“(2) that after June 30, 1998, it will remain United States policy that United States ground forces will not serve as, or be used as, civil police in the Republic of Bosnia and Herzegovina.

“(b) REPORT.—The President shall submit with the certification under subsection (a) a report that includes the following:

“(1) The reasons why that presence is in the national security interest of the United States.

“(2) The number of United States military personnel to be deployed in and around the Republic of Bosnia and Herzegovina and other areas of the former Yugoslavia after that date.

“(3) The expected duration of any such deployment.

“(4) The mission and objectives of the United States Armed Forces to be deployed in and around the Republic of Bosnia and Herzegovina and other areas of the former Yugoslavia after June 30, 1998.

“(5) The exit strategy of such forces.

“(6) The incremental costs associated with any such deployment.

“(7) The effect of such deployment on the morale, retention, and effectiveness of United States armed forces.

“(8) A description of the forces from other nations involved in a follow-on mission, shown on a nation-by-nation basis.

“(9) A description of the command and control arrangement established for United States forces involved in a follow-on mission.

“(10) An assessment of the expected threats to United States forces involved in a follow-on mission.

“(11) The plan for rotating units and personnel to and from the Republic of Bosnia and Herzegovina during a follow-on mission, including the level of participation by reserve component units and personnel.

“(12) The mission statement and operational goals of the United States forces involved in a follow-on mission.

“(c) REQUEST FOR SUPPLEMENTAL APPROPRIATIONS.—The President shall transmit to Congress with a certification under subsection (a) a supplemental appropriations request for the Department of Defense for such amounts as are necessary for the costs of any continued deployment beyond June 30, 1998.

“(d) CONSTRUCTION WITH PRESIDENT’S CONSTITUTIONAL AUTHORITY.—Nothing in this section shall be deemed to restrict the authority of the President under the Constitution to protect the lives of United States citizens.

“(e) CONSTRUCTION WITH APPROPRIATIONS PROVISION.—The provisions of this section are enacted, and shall be applied, as supplemental to (and not in lieu of) the provisions of section 8132 of the Department of Defense Appropriations Act, 1998 (Public Law 105-56) [11 Stat. 1250].

“SEC. 1206. DEFINITIONS.

“As used in this subtitle [subtitle A (§§1201-1206) of title XII of div. A of Pub. L. 105-85, enacting this note]:

“(1) DAYTON PEACE AGREEMENT.—The term ‘Dayton Peace Agreement’ means the General Framework Agreement for Peace in Bosnia and Herzegovina, initiated by the parties in Dayton, Ohio, on November 21, 1995, and signed in Paris on December 14, 1995.

“(2) IMPLEMENTATION FORCE.—The term ‘Implementation Force’ means the NATO-led multinational military force in the Republic of Bosnia and Herzegovina (commonly referred to as ‘IFOR’), authorized under the Dayton Peace Agreement.

“(3) STABILIZATION FORCE.—The term ‘Stabilization Force’ means the NATO-led follow-on force to the Im-

plementation Force in the Republic of Bosnia and Herzegovina and other countries in the region (commonly referred to as ‘SFOR’), authorized under United Nations Security Council Resolution 1088 (December 12, 1996).

“(4) FOLLOW-ON MISSION.—The term ‘follow-on mission’ means a mission involving the deployment of ground elements of the United States Armed Forces in the Republic of Bosnia and Herzegovina after June 30, 1998 (other than as described in section 1203(b)).

“(5) NATO.—The term ‘NATO’ means the North Atlantic Treaty Organization.”

BUDGET DETERMINATION BY DIRECTOR OF OMB

Pub. L. 102-484, div. D, title XLV, §4501, Oct. 23, 1992, 106 Stat. 2769, directed that amounts made available under Pub. L. 102-484 for defense programs covered by certain portions of that Act could be obligated for such programs only if expenditures for such programs had been determined by the Director of the Office of Management and Budget to be counted against the defense category of the discretionary spending limits for fiscal year 1993 for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), and required the President to submit to Congress a report listing amounts appropriated for fiscal year 1993 for programs that the Director had determined would not classify against the defense category.

CLASSIFIED ANNEX

Pub. L. 107-107, div. A, title X, §1002, Dec. 28, 2001, 115 Stat. 1202, provided that:

“(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the committee of conference to accompany the conference report on the bill S. 1438 of the One Hundred Seventh Congress [Pub. L. 107-107] and transmitted to the President is hereby incorporated into this Act [see Tables for classification].

“(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

“(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

“(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.”

Similar provisions were contained in the following prior authorization or appropriation acts:

Pub. L. 106-398, §1 [[div. A], title X, §1002], Oct. 30, 2000, 114 Stat. 1654, 1654A-245.

Pub. L. 106-65, div. A, title X, §1002, Oct. 5, 1999, 113 Stat. 732.

Pub. L. 105-261, div. A, title X, §1002, Oct. 17, 1998, 112 Stat. 2111.

Pub. L. 105-85, div. A, title X, §1002, Nov. 18, 1997, 111 Stat. 1868.

Pub. L. 104-201, div. A, title X, §1002, Sept. 23, 1998, 110 Stat. 2631.

Pub. L. 104-106, div. A, title X, §1002, Feb. 10, 1996, 110 Stat. 414.

Pub. L. 103-337, div. A, title X, §1003, Oct. 5, 1994, 108 Stat. 2834.

Pub. L. 103-335, title VIII, §8084, Sept. 30, 1994, 108 Stat. 2637.

Pub. L. 103-160, div. A, title XI, §1103, Nov. 30, 1993, 107 Stat. 1749.

Pub. L. 103-139, title VIII, §8108, Nov. 11, 1993, 107 Stat. 1464.

Pub. L. 102-484, div. A, title X, §1006, Oct. 23, 1992, 106 Stat. 2482.

Pub. L. 102-396, title IX, §9126, Oct. 6, 1992, 106 Stat. 1931.

Pub. L. 102-190, div. A, title X, §1005, Dec. 5, 1991, 105 Stat. 1457.

Pub. L. 102-172, title VIII, §8124, Nov. 26, 1991, 105 Stat. 1206.

Pub. L. 101-511, title VIII, §8111, Nov. 5, 1990, 104 Stat. 1904.

Pub. L. 101-510, div. A, title XIV, §1409, Nov. 5, 1990, 104 Stat. 1681.

#### BUDGET ACT LIMITATION

Section 1304(b) of Pub. L. 99-661 provided that: "New spending authority (as defined in section 401(c)(2) of the Congressional Budget Act of 1974 [2 U.S.C. 651(c)(2)]) provided by the amendment made by subsection (a) [amending this section] shall be effective for any fiscal year only to the extent or in such amounts as are provided in appropriation Acts."

#### LIMITATION ON SOURCE OF FUNDS FOR NICARAGUAN DEMOCRATIC RESISTANCE

Section 1351 of Pub. L. 99-661, as amended by Pub. L. 104-106, div. A, title X, §1063(a), Feb. 10, 1996, 110 Stat. 444, provided that: "Notwithstanding title II of the Military Construction Appropriations Act, 1987 [Pub. L. 99-500, §101(k) [title II], Oct. 18, 1986, 100 Stat. 1783-287, 1783-295, and Pub. L. 99-591, §101(k) [title II], Oct. 30, 1986, 100 Stat. 3341-287, 3341-295], or any other provision of law, funds appropriated or otherwise made available to the Department of Defense for any fiscal year for operation and maintenance may not be used to provide assistance for the democratic resistance forces in Nicaragua. If funds appropriated or otherwise made available to the Department of Defense for any fiscal year are authorized by law to be used for such assistance, funds for such purpose may only be derived from amounts appropriated or otherwise made available to the Department for procurement (other than ammunition)."

#### USE OF APPROPRIATED FUNDS TO SUPPORT REVENUE GENERATING ACTIVITIES IN LARGE METROPOLITAN AREAS PROHIBITED

Pub. L. 99-500, §101(c) [title IX, §9102], Oct. 18, 1986, 100 Stat. 1783-82, 1783-118, and Pub. L. 99-591, §101(c) [title IX, §9102], Oct. 30, 1986, 100 Stat. 3341-82, 3341-118, which provided that after Sept. 30, 1987, no appropriated funds could be used to support revenue generating morale, welfare, and recreation activities in large metropolitan areas, was repealed by Pub. L. 100-202, §101(b) [title VIII, §8099], Dec. 22, 1987, 101 Stat. 1329-43, 1329-78.

#### TRANSFER OF OPERATION AND MAINTENANCE APPROPRIATIONS UNOBLIGATED BALANCES TO FOREIGN CURRENCY FLUCTUATIONS, DEFENSE, APPROPRIATION

Pub. L. 97-377, title I, §101(c) [title VII, §791], Dec. 21, 1982, 96 Stat. 1865, which provided that no later than end of second fiscal year following fiscal year for which appropriations for Operation and Maintenance have been made available to Department of Defense, unobligated balances of such appropriations provided for fiscal year 1982 and thereafter could be transferred into appropriation "Foreign Currency Fluctuations, Defense" to be merged with and available for same time period and same purposes as appropriation to which transferred, except that any transfer made pursuant to any use of this authority was limited so that amount in appropriation did not exceed \$970,000,000 at time of transfer, was repealed and restated in section 2779(d) of this title by Pub. L. 104-106, div. A, title IX, §911(b), (d)(2), (f), Feb. 10, 1996, 110 Stat. 406, 407, applicable only with respect to amounts appropriated for a fiscal year after fiscal year 1995.

#### WAIVER OF APPLICABILITY OF OMB CIRCULAR A-76 TO CONTRACTING OUT OF CERTAIN RESEARCH AND DEVELOPMENT ACTIVITIES

Section 802 of Pub. L. 96-107 provided that:

"(a) Except as provided in subsection (b), neither the implementing instructions for, nor the provisions of, Office of Management and Budget Circular A-76 (issued on August 30, 1967, and reissued on October 18, 1976, June 13, 1977, and March 29, 1979) shall control or be used for policy guidance for the obligation or expenditure of any funds which under section 138(a)(2) [now 114(a)(2)] of title 10, United States Code, are required to be specifically authorized by law.

"(b) Funds which under section 138(a)(2) [now 114(a)(2)] of title 10, United States Code, are required to be specifically authorized by law may be obligated or expended for operation or support of installations or equipment used for research and development (including maintenance support of laboratories, operation and maintenance of test ranges, and maintenance of test aircraft and ships) in compliance with the implementing instructions for and the provisions of such Office of Management and Budget Circular.

"(c) No law enacted after the date of the enactment of this Act [Nov. 9, 1979] shall be held, considered, or construed as amending, superseding, or otherwise modifying any provision of this section unless such law does so by specifically and explicitly amending, repealing, or superseding this section."

#### MANPOWER CONVERSION POLICIES; DEVELOPMENT FOR ANNUAL MANPOWER AUTHORIZATION REQUESTS; JUSTIFICATION FOR CONVERSION TO BE CONTAINED IN ANNUAL MANPOWER REQUIREMENTS REPORT TO CONGRESS

Pub. L. 93-365, title V, §502, Aug. 5, 1974, 88 Stat. 404, which provided that it was the sense of Congress that the Department of Defense use the least costly form of manpower consistent with military requirements and other needs of the Department of Defense, that in developing the annual manpower authorization requests to the Congress and in carrying out manpower policies, the Secretary of Defense was to consider the advantages of converting from one form of manpower to another (military, civilian, or private contract) for the performance of a specified job, and that a full justification of any conversion from one form of manpower to another be contained in the annual manpower requirements report to the Congress required by subsec. (c)(3) of this section, was repealed and restated as subsec. (c)(5) of this section by Pub. L. 97-295, §§1(3), 6(b).

#### [§ 114a. Renumbered § 221]

#### § 115. Personnel strengths: requirement for annual authorization

(a) ACTIVE-DUTY AND SELECTED RESERVE END STRENGTHS TO BE AUTHORIZED BY LAW.—Congress shall authorize personnel strength levels for each fiscal year for each of the following:

(1) The end strength for each of the armed forces (other than the Coast Guard) for (A) active-duty personnel who are to be paid from funds appropriated for active-duty personnel unless on active duty pursuant to subsection (b), and (B) active-duty personnel and full-time National Guard duty personnel who are to be paid from funds appropriated for reserve personnel unless on active duty or full-time National Guard duty pursuant to subsection (b).

(2) The end strength for the Selected Reserve of each reserve component of the armed forces.

(b) CERTAIN RESERVES ON ACTIVE DUTY TO BE AUTHORIZED BY LAW.—(1) Congress shall annually authorize the maximum number of members of a reserve component permitted to be on active duty or full-time National Guard duty at any given time who are called or ordered to—

(A) active duty under section 12301(d) of this title for the purpose of providing operational support, as prescribed in regulation issued by the Secretary of Defense;

(B) full-time National Guard duty under section 502(f)(2) of title 32 for the purpose of providing operational support when authorized by the Secretary of Defense;

(C) active duty under section 12301(d) of this title or full-time National Guard duty under section 502(f)(2) of title 32 for the purpose of preparing for and performing funeral honors functions for funerals of veterans under section 1491 of this title;

(D) active duty or retained on active duty under sections 12301(g) of this title while in a captive status; or

(E) active duty or retained on active duty under 12301(h) or 12322 of this title for the purpose of medical evaluation or treatment.

(2) A member of a reserve component who exceeds either of the following limits shall be included in the strength authorized under subparagraph (A) or subparagraph (B), as appropriate, of subsection (a)(1):

(A) A call or order to active duty or full-time National Guard duty that specifies a period greater than three years.

(B) The cumulative periods of active duty and full-time National Guard duty performed by the member exceed 1095 days in the previous 1460 days.

(3) In determining the period of active service under paragraph (2), the following periods of active service performed by a member shall not be included:

(A) All periods of active duty performed by a member who has not previously served in the Selected Reserve of the Ready Reserve.

(B) All periods of active duty or full-time National Guard duty for which the member is exempt from strength accounting under paragraphs (1) through (8) of subsection (i).

(4) As part of the budget justification materials submitted by the Secretary of Defense to Congress in support of the end strength authorizations required under subparagraphs (A) and (B) of subsection (a)(1) for fiscal year 2009 and each fiscal year thereafter, the Secretary shall provide the following:

(A) The number of members, specified by reserve component, authorized under subparagraphs (A) and (B) of paragraph (1) who were serving on active duty or full-time National Guard duty for operational support beyond each of the limits specified under subparagraphs (A) and (B) of paragraph (2) at the end of the fiscal year preceding the fiscal year for which the budget justification materials are submitted.

(B) The number of members, specified by reserve component, on active duty for operational support who, at the end of the fiscal year for which the budget justification materials are submitted, are projected to be serving on active duty or full-time National Guard duty for operational support beyond such limits.

(C) The number of members, specified by reserve component, on active duty or full-time

National Guard duty for operational support who are included in, and counted against, the end strength authorizations requested under subparagraphs (A) and (B) of subsection (a)(1).

(D) A summary of the missions being performed by members identified under subparagraphs (A) and (B).

(c) LIMITATION ON APPROPRIATIONS FOR MILITARY PERSONNEL.—No funds may be appropriated for any fiscal year to or for—

(1) the use of active-duty personnel or full-time National Guard duty personnel of any of the armed forces (other than the Coast Guard) unless the end strength for such personnel of that armed force for that fiscal year has been authorized by law;

(2) the use of the Selected Reserve of any reserve component of the armed forces unless the end strength for the Selected Reserve of that component for that fiscal year has been authorized by law; or

(3) the use of reserve component personnel to perform active duty or full-time National Guard duty under subsection (b) unless the strength for such personnel for that reserve component for that fiscal year has been authorized by law.

(d) MILITARY TECHNICIAN (DUAL STATUS) END STRENGTHS TO BE AUTHORIZED BY LAW.—Congress shall authorize for each fiscal year the end strength for military technicians (dual status) for each reserve component of the Army and Air Force. Funds available to the Department of Defense for any fiscal year may not be used for the pay of a military technician (dual status) during that fiscal year unless the technician fills a position that is within the number of such positions authorized by law for that fiscal year for the reserve component of that technician. This subsection applies without regard to section 129 of this title. In each budget submitted by the President to Congress under section 1105 of title 31, the end strength requested for military technicians (dual status) for each reserve component of the Army and Air Force shall be specifically set forth.

(e) END-OF-QUARTER STRENGTH LEVELS.—(1) The Secretary of Defense shall prescribe and include in the budget justification documents submitted to Congress in support of the President's budget for the Department of Defense for any fiscal year the Secretary's proposed end-of-quarter strengths for each of the first three quarters of the fiscal year for which the budget is submitted, in addition to the Secretary's proposed fiscal-year end-strengths for that fiscal year. Such end-of-quarter strengths shall be submitted for each category of personnel for which end strengths are required to be authorized by law under subsection (a) or (d). The Secretary shall ensure that resources are provided in the budget at a level sufficient to support the end-of-quarter and fiscal-year end-strengths as submitted.

(2)(A) After annual end-strength levels required by subsections (a) and (d) are authorized by law for a fiscal year, the Secretary of Defense shall promptly prescribe end-of-quarter strength levels for the first three quarters of that fiscal year applicable to each such end-strength level. Such end-of-quarter strength levels shall be es-

tablished for any fiscal year as levels to be achieved in meeting each of those annual end-strength levels authorized by law in accordance with subsection (a) (as such levels may be adjusted pursuant to subsection (f)) and subsection (d).

(B) At least annually, the Secretary of Defense shall establish for each of the armed forces (other than the Coast Guard) the maximum permissible variance of actual strength for an armed force at the end of any given quarter from the end-of-quarter strength established pursuant to subparagraph (A). Such variance shall be such that it promotes the maintaining of the strength necessary to achieve the end-strength levels authorized in accordance with subsection (a) (as adjusted pursuant to subsection (f)) and subsection (d).

(3) Whenever the Secretary establishes an end-of-quarter strength level under subparagraph (A) of paragraph (2), or modifies a strength level under the authority provided in subparagraph (B) of paragraph (2), the Secretary shall notify the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives of that strength level or of that modification, as the case may be.

(f) AUTHORITY FOR SECRETARY OF DEFENSE VARIANCES FOR ACTIVE-DUTY AND SELECTED RESERVE STRENGTHS.—Upon determination by the Secretary of Defense that such action is in the national interest, the Secretary may—

(1) increase the end strength authorized pursuant to subsection (a)(1)(A) for a fiscal year for any of the armed forces by a number equal to not more than 3 percent of that end strength;

(2) increase the end strength authorized pursuant to subsection (a)(1)(B) for a fiscal year for any of the armed forces by a number equal to not more than 2 percent of that end strength;

(3) vary the end strength authorized pursuant to subsection (a)(2) for a fiscal year for the Selected Reserve of any of the reserve components by a number equal to not more than 3 percent of that end strength; and

(4) increase the maximum strength authorized pursuant to subsection (b)(1) for a fiscal year for certain reserves on active duty for any of the reserve components by a number equal to not more than 10 percent of that strength.

(g) AUTHORITY FOR SERVICE SECRETARY VARIANCES FOR ACTIVE-DUTY AND SELECTED RESERVE END STRENGTHS.—(1) Upon determination by the Secretary of a military department that such action would enhance manning and readiness in essential units or in critical specialties or ratings, the Secretary may—

(A) increase the end strength authorized pursuant to subsection (a)(1)(A) for a fiscal year for the armed force under the jurisdiction of that Secretary or, in the case of the Secretary of the Navy, for any of the armed forces under the jurisdiction of that Secretary, by a number equal to not more than 2 percent of such authorized end strength; and

(B) increase the end strength authorized pursuant to subsection (a)(2) for a fiscal year for the Selected Reserve of the reserve component

of the armed force under the jurisdiction of that Secretary or, in the case of the Secretary of the Navy, for the Selected Reserve of the reserve component of any of the armed forces under the jurisdiction of that Secretary, by a number equal to not more than 2 percent of such authorized end strength.

(2) Any increase under paragraph (1)(A) of the end strength for an armed force for a fiscal year shall be counted as part of the increase for that armed force for that fiscal year authorized under subsection (f)(1). Any increase under paragraph (1)(B) of the end strength for the Selected Reserve of a reserve component of an armed force for a fiscal year shall be counted as part of the increase for that Selected Reserve for that fiscal year authorized under subsection (f)(3).

(h) ADJUSTMENT WHEN COAST GUARD IS OPERATING AS A SERVICE IN THE NAVY.—The authorized strength of the Navy under subsection (a)(1) is increased by the authorized strength of the Coast Guard during any period when the Coast Guard is operating as a service in the Navy.

(i) CERTAIN PERSONNEL EXCLUDED FROM COUNTING FOR ACTIVE-DUTY END STRENGTHS.—In counting personnel for the purpose of the end strengths authorized pursuant to subsection (a)(1), persons in the following categories shall be excluded:

(1) Members of a reserve component ordered to active duty under section 12301(a) of this title.

(2) Members of a reserve component in an active status ordered to active duty under section 12301(b) of this title.

(3) Members of the Ready Reserve ordered to active duty under section 12302 of this title.

(4) Members of the Selected Reserve of the Ready Reserve or members of the Individual Ready Reserve mobilization category described in section 10144(b) of this title ordered to active duty under section 12304 of this title.

(5) Members of the National Guard called into Federal service under section 12406 of this title.

(6) Members of the militia called into Federal service under chapter 15 of this title.

(7) Members of the National Guard on full-time National Guard duty under section 502(f)(1) of title 32.

(8) Members of reserve components on active duty for training or full-time National Guard duty for training.

(9) Members of the Selected Reserve of the Ready Reserve on active duty to support programs described in section 1203(b) of the Cooperative Threat Reduction Act of 1993 (22 U.S.C. 5952(b)).

(10) Members of the National Guard on active duty or full-time National Guard duty for the purpose of carrying out drug interdiction and counter-drug activities under section 112 of title 32.

(11) Members of a reserve component on active duty under section 10(b)(2) of the Military Selective Service Act (50 U.S.C. App. 460(b)(2)) for the administration of the Selective Service System.

(12) Members of the National Guard on full-time National Guard duty for the purpose of

providing command, administrative, training, or support services for the National Guard Challenge Program authorized by section 509 of title 32.

(13) Members of the National Guard on full-time National Guard duty involuntarily and performing homeland defense activities under chapter 9 of title 32.

(Added Pub. L. 101-510, div. A, title XIV, §1483(a), Nov. 5, 1990, 104 Stat. 1710; amended Pub. L. 102-190, div. A, title III, §312(a), Dec. 5, 1991, 105 Stat. 1335; Pub. L. 104-106, div. A, title IV, §§401(c), 415, title V, §513(a)(1), title X, §1061(c), title XV, §1501(c)(3), Feb. 10, 1996, 110 Stat. 286, 288, 305, 442, 498; Pub. L. 105-85, div. A, title IV, §413(b), title V, §522(i)(1), Nov. 18, 1997, 111 Stat. 1720, 1736; Pub. L. 106-65, div. A, title IV, §415, Oct. 5, 1999, 113 Stat. 587; Pub. L. 106-398, §1 [[div. A], title IV, §422], Oct. 30, 2000, 114 Stat. 1654, 1654A-96; Pub. L. 107-107, div. A, title IV, §§421(a), 422, Dec. 28, 2001, 115 Stat. 1076, 1077; Pub. L. 107-314, div. A, title IV, §403, Dec. 2, 2002, 116 Stat. 2525; Pub. L. 108-136, div. A, title IV, §403(a), (b), Nov. 24, 2003, 117 Stat. 1450, 1451; Pub. L. 108-375, div. A, title IV, §416(a)-(d), title V, §512(b), Oct. 28, 2004, 118 Stat. 1866, 1867, 1880; Pub. L. 109-364, div. A, title X, §1071(a)(1), (g)(1)(A), Oct. 17, 2006, 120 Stat. 2398, 2402; Pub. L. 110-181, div. A, title IV, §§416(b), 417, Jan. 28, 2008, 122 Stat. 91, 92; Pub. L. 111-84, div. A, title IV, §418, Oct. 28, 2009, 123 Stat. 2268.)

#### PRIOR PROVISIONS

A prior section 115, added Pub. L. 93-155, title VIII, §803(a), Nov. 16, 1973, 87 Stat. 612, §138(b)-(d); amended Pub. L. 94-361, title III, §302, July 14, 1976, 90 Stat. 924; Pub. L. 96-107, title III, §303(b), Nov. 9, 1979, 93 Stat. 806; Pub. L. 96-513, title I, §102, Dec. 12, 1980, 94 Stat. 2840; Pub. L. 97-22, §2(b), July 10, 1981, 95 Stat. 124; Pub. L. 97-86, title IX, §§902, 903, Dec. 1, 1981, 95 Stat. 1113, 1114; Pub. L. 97-252, title IV, §402(a), Sept. 8, 1982, 96 Stat. 725; Pub. L. 97-295, §1(3), Oct. 12, 1982, 96 Stat. 1289; Pub. L. 99-145, title XII, §1208, Nov. 8, 1985, 99 Stat. 723; renumbered §115, Pub. L. 99-433, title I, §§101(a)(2), 110(b)(4), (5), Oct. 1, 1986, 100 Stat. 994, 1002; Pub. L. 99-661, div. A, title IV, §§411(c) [(d)], 413, Nov. 14, 1986, 100 Stat. 3861, 3862; Pub. L. 100-26, §7(j)(2), Apr. 21, 1987, 101 Stat. 283; Pub. L. 100-456, div. A, title VI, §641, Sept. 29, 1988, 102 Stat. 1987, related to annual authorization of personnel strengths and annual manpower requirements reports, prior to repeal and reenactment as sections 115, 115a, 115b [now 10541], 123a, and 129a of this title by Pub. L. 101-510, §1483(a), (b).

#### AMENDMENTS

2009—Subsec. (g). Pub. L. 111-84 amended subsec. (g) generally. Prior to amendment, subsec. (g) related to authority for service secretary variances for active-duty end strengths.

2008—Subsec. (b)(4). Pub. L. 110-181, §416(b), added par. (4).

Subsec. (f)(3). Pub. L. 110-181, §417, substituted “3 percent” for “2 percent”.

2006—Subsec. (a)(1)(A). Pub. L. 109-364, §1071(g)(1)(A), made technical correction to directory language of Pub. L. 108-375, §416(a)(1). See 2004 Amendment note below.

Subsec. (i). Pub. L. 109-364, §1071(a)(1)(A), struck out heading and text of subsec. (i) enacted by Pub. L. 108-375, §512(b). Text read as follows: “In counting full-time National Guard duty personnel for the purpose of end-strengths authorized pursuant to subsection (a)(1), persons involuntarily performing homeland defense activities under chapter 9 of title 32 shall be excluded.”

Subsec. (i)(13). Pub. L. 109-364, §1071(a)(1)(B), added par. (13).

2004—Subsec. (a)(1)(A). Pub. L. 108-375, §416(a)(1), as amended by Pub. L. 109-364, §1071(g)(1)(A), inserted “unless on active duty pursuant to subsection (b)” after “funds appropriated for active-duty personnel”.

Subsec. (a)(1)(B). Pub. L. 108-375, §416(a)(2), inserted “unless on active duty or full-time National Guard duty pursuant to subsection (b)” after “reserve personnel”.

Subsec. (b). Pub. L. 108-375, §416(a)(4), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 108-375, §416(a)(3), redesignated subsec. (b) as (c). Former subsec. (c) redesignated (d).

Subsec. (c)(3). Pub. L. 108-375, §416(b), added par. (3).

Subsec. (d). Pub. L. 108-375, §416(a)(3), redesignated subsec. (c) as (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 108-375, §416(a)(3), redesignated subsec. (d) as (e). Former subsec. (e) redesignated (f).

Subsec. (e)(1). Pub. L. 108-375, §416(d)(1)(A), substituted “subsection (a) or (d)” for “subsection (a) or (c)”.

Subsec. (e)(2). Pub. L. 108-375, §416(d)(1)(B), substituted “subsections (a) and (d)” for “subsections (a) and (c)” in subpar. (A) and substituted “pursuant to subsection (f) and subsection (d)” for “pursuant to subsection (e) and subsection (c)” in subpars. (A) and (B).

Subsec. (f). Pub. L. 108-375, §416(c)(1), struck out “End” after “Reserve” in heading.

Pub. L. 108-375, §416(a)(3), redesignated subsec. (e) as (f). Former subsec. (f) redesignated (g).

Subsec. (f)(4). Pub. L. 108-375, §416(c)(2)-(4), added par. (4).

Subsec. (g). Pub. L. 108-375, §416(a)(3), redesignated subsec. (f) as (g). Former subsec. (g) redesignated (h).

Subsec. (g)(2). Pub. L. 108-375, §416(d)(2), substituted “subsection (f)(1)” for “subsection (e)(1)”.

Subsec. (h). Pub. L. 108-375, §416(a)(3), redesignated subsec. (g) as (h). Former subsec. (h) redesignated (i).

Subsec. (i). Pub. L. 108-375, §512(b), added subsec. (i) relating to certain full-time National Guard duty personnel excluded from counting for full-time National Guard duty end strengths.

Pub. L. 108-375, §416(d)(3), amended heading and text of subsec. (i) generally, substituting provisions relating to 12 categories of personnel excluded from counting for active-duty end strengths for provisions relating to 11 categories of active-duty personnel excluded from counting for active-duty end strengths.

Pub. L. 108-375, §416(a)(3), redesignated subsec. (h) as (i).

2003—Subsecs. (a), (b). Pub. L. 108-136, §403(b)(1), (2), inserted headings.

Subsec. (c). Pub. L. 108-136, §403(a)(1), (b)(3), redesignated subsec. (g) as (c), transferred it to appear after subsec. (b), and inserted heading. Former subsec. (c) redesignated (e).

Subsec. (d). Pub. L. 108-136, §403(a)(3), added subsec. (d). Former subsec. (d) redesignated (h).

Subsec. (e). Pub. L. 108-136, §403(a)(1), (b)(4), redesignated subsec. (c) as (e), transferred it to appear after subsec. (d), and inserted heading. Former subsec. (e) redesignated (g).

Subsec. (f). Pub. L. 108-136, §403(b)(5), inserted heading and, in par. (2), substituted “subsection (e)(1)” for “subsection (c)(1)”.

Subsec. (g). Pub. L. 108-136, §403(a)(1), (b)(6), redesignated subsec. (e) as (g), transferred it to appear after subsec. (f), and inserted heading. Former subsec. (g) redesignated (c).

Subsec. (h). Pub. L. 108-136, §403(a)(2), (b)(7), redesignated subsec. (d) as (h), transferred it to appear at end of section, and inserted heading.

2002—Subsec. (c)(1). Pub. L. 107-314, §403(a), substituted “3 percent” for “2 percent”.

Subsec. (f). Pub. L. 107-314, §403(b), added subsec. (f).

2001—Subsec. (c)(1). Pub. L. 107-107, §421(a), substituted “2 percent” for “1 percent”.

Subsec. (d)(10), (11). Pub. L. 107-107, §422, added pars. (10) and (11).

2000—Subsec. (d)(9). Pub. L. 106-398 added par. (9).

1999—Subsec. (c)(3). Pub. L. 106-65 added par. (3).

1997—Subsec. (g). Pub. L. 105–85, §522(i)(1), inserted “(dual status)” after “military technicians” in first sentence and after “military technician” in second sentence.

Pub. L. 105–85, §413(b), inserted at end “In each budget submitted by the President to Congress under section 1105 of title 31, the end strength requested for military technicians (dual status) for each reserve component of the Army and Air Force shall be specifically set forth.”

1996—Subsec. (a)(3). Pub. L. 104–106, §1061(c)(1), struck out par. (3) which read as follows: “The average military training student loads for each of the armed forces (other than the Coast Guard).”

Subsec. (b). Pub. L. 104–106, §1061(c)(2), inserted “or” at end of par. (1), substituted a period for “; or” at end of par. (2), and struck out par. (3) which read as follows: “training military personnel in the training categories described in subsection (f) of any of the armed forces (other than the Coast Guard) unless the average student load of that armed force for that fiscal year has been authorized by law.”

Subsec. (c)(1). Pub. L. 104–106, §401(c), substituted “1 percent” for “0.5 percent”.

Subsec. (d)(1). Pub. L. 104–106, §1501(c)(3)(A), substituted “section 12302” for “section 673”.

Subsec. (d)(2). Pub. L. 104–106, §1501(c)(3)(B), substituted “section 12304” for “section 673b”.

Subsec. (d)(3). Pub. L. 104–106, §1501(c)(3)(C), substituted “section 12406” for “section 3500 or 8500”.

Subsec. (d)(8). Pub. L. 104–106, §415, added par. (8).

Subsec. (f). Pub. L. 104–106, §1061(c)(3), struck out subsec. (f) which read as follows: “Authorization under subsection (a)(3) is not required for unit or crew training student loads, but is required for student loads for the following individual training categories:

“(1) Recruit and specialized training.

“(2) Flight training.

“(3) Professional training in military and civilian institutions.

“(4) Officer acquisition training.”

Subsec. (g). Pub. L. 104–106, §513(a)(1), added subsec. (g).

1991—Subsec. (a)(4). Pub. L. 102–190, §312(a)(1), struck out par. (4) which read as follows: “The end strength for civilian personnel for each component of the Department of Defense.”

Subsec. (b)(2) to (4). Pub. L. 102–190, §312(a)(2), inserted “or” at end of par. (2), substituted a period for “; or” at end of par. (3), and struck out par. (4) which read as follows: “the use of the civilian personnel of any component of the Department of Defense unless the end strength for civilian personnel of that component for that fiscal year has been authorized by law.”

#### EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109–364, div. A, title X, §1071(g), Oct. 17, 2006, 120 Stat. 2402, provided that the amendment made by section 1071(g)(1)(A) is effective as of Oct. 28, 2004, and as if included in Pub. L. 108–375 as enacted.

#### EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108–136, div. A, title IV, §403(d), Nov. 24, 2003, 117 Stat. 1452, provided that: “Subsection (d) of section 115 of title 10, United States Code, as added by subsection (a)(3), shall apply with respect to the budget request for fiscal year 2005 and thereafter.”

#### EFFECTIVE DATE OF 1996 AMENDMENT

Section 513(a)(2) of Pub. L. 104–106 provided that: “The amendment made by paragraph (1) [amending this section] does not apply with respect to fiscal year 1995.”

Section 1501(c) of Pub. L. 104–106 provided that the amendment made by that section is effective as of Dec. 1, 1994, and as if included as an amendment made by the Reserve Officer Personnel Management Act, title XVI of Pub. L. 103–337, as originally enacted.

#### REGULATIONS

Pub. L. 108–375, div. A, title IV, §416(m), Oct. 28, 2004, 118 Stat. 1869, provided that: “The Secretary of Defense

shall prescribe by regulation the meaning of the term ‘operational support’ for purposes of paragraph (1) of subsection (b) of section 115 of title 10, United States Code, as added by subsection (a).”

#### 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.

#### ADDITIONAL AUTHORITY FOR INCREASES OF ARMY ACTIVE DUTY PERSONNEL END STRENGTHS FOR FISCAL YEARS 2008 AND 2009

Pub. L. 108–375, div. A, title IV, §403, Oct. 28, 2004, 118 Stat. 1863, as amended by Pub. L. 109–163, div. A, title IV, §403, Jan. 6, 2006, 119 Stat. 3219; Pub. L. 109–364, div. A, title IV, §403, Oct. 17, 2006, 120 Stat. 2169, which authorized the Secretary of Defense, for each of fiscal years 2008 and 2009, to establish the active-duty end strengths for the Army and the Marine Corps at numbers greater than the numbers otherwise authorized by law up to the numbers equal to the fiscal-year 2007 baseline plus 20,000 with respect to the Army and plus 4,000 with respect to the Marine Corps, was repealed by Pub. L. 110–181, div. A, title IV, §403(h), Jan. 28, 2008, 122 Stat. 87.

#### AUTHORIZATION FOR INCREASE IN ACTIVE-DUTY END STRENGTHS FOR FISCAL YEAR 1996

Pub. L. 104–106, div. A, title IV, §432, Feb. 10, 1996, 110 Stat. 290, authorized \$112,000,000 to be appropriated to the Department of Defense for fiscal year 1996 to increase the number of active-component military personnel for that fiscal year and provided that end-strength authorizations would each be deemed to be increased as necessary.

#### END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS)

Pub. L. 109–163, div. A, title IV, §413, Jan. 6, 2006, 119 Stat. 3221, which authorized the minimum number of military technicians (dual status) as of the last day of a fiscal year for each of the reserve components of the Army and the Air Force, was from the National Defense Authorization Act for Fiscal Year 2006 and was repeated in provisions of subsequent authorization acts which are not set out in the Code. Similar provisions were contained in the following prior authorization acts:

Pub. L. 108–375, div. A, title IV, §413, Oct. 28, 2004, 118 Stat. 1865.

Pub. L. 108–136, div. A, title IV, §413, Nov. 24, 2003, 117 Stat. 1453.

Pub. L. 107–314, div. A, title IV, §413, Dec. 2, 2002, 116 Stat. 2527.

Pub. L. 107–107, div. A, title IV, §413, Dec. 28, 2001, 115 Stat. 1070.

Pub. L. 106–398, §1 [[div. A], title IV, §413], Oct. 30, 2000, 114 Stat. 1654, 1654A–93.

Pub. L. 106–65, div. A, title IV, §413, Oct. 5, 1999, 113 Stat. 586.

Pub. L. 105–261, div. A, title IV, §413, Oct. 17, 1998, 112 Stat. 1997.

Pub. L. 105–85, div. A, title IV, §413(a), Nov. 18, 1997, 111 Stat. 1720.

Pub. L. 104–201, div. A, title IV, §413(a), Sept. 23, 1996, 110 Stat. 2507.

Pub. L. 104–106, div. A, title V, §513(b), Feb. 10, 1996, 110 Stat. 305.

#### COMPTROLLER GENERAL REVIEW OF PROPOSED ARMY END STRENGTH ALLOCATIONS

Pub. L. 104–106, title V, §552, Feb. 10, 1996, 110 Stat. 319, provided that, during fiscal years 1996 through 2001,

the Comptroller General was (1) to analyze the plans of the Secretary of the Army for the allocation of assigned active component end strengths for the Army through the requirements process known as Total Army Analysis 2003 and through any subsequent similar requirements process of the Army that was conducted before 2002, (2) to consider whether the proposed active component end strengths and planned allocation of forces for that period was sufficient to implement the national military strategy, and (3) to submit to Congress an annual report by Mar. 1 of each year through 2002 on the Comptroller General's findings and conclusions, prior to repeal by Pub. L. 107-107, div. A, title V, §595, Dec. 28, 2001, 115 Stat. 1126.

**EFFECT OF RESERVE COMPONENT ON COMPUTATION OF END STRENGTH LIMITATION FOR ACTIVE FORCES FOR FISCAL YEAR 1995**

Pub. L. 103-337, div. A, title XIII, §1316(c), Oct. 5, 1994, 108 Stat. 2899, provided that a member of a reserve component who is on active duty under a call or order to active duty for 180 days or more for activities under section 168 of this title shall not be counted (under subsec. (a)(1) of this section) against the applicable end strength limitation for members of the Armed Forces on active duty for fiscal year 1995 prescribed in section 401 of Pub. L. 103-337, formerly set out below.

**END STRENGTHS FOR ACTIVE FORCES**

Pub. L. 109-163, div. A, title IV, §401, Jan. 6, 2006, 119 Stat. 3218, which authorized specified strengths for Armed Forces active duty personnel as of Sept. 30, 2006, and provided that costs for that fiscal year of active duty personnel of the Army and the Marine Corps in excess of specified amounts would be paid out of funds authorized to be appropriated for that fiscal year for a contingent emergency reserve fund or as an emergency supplemental appropriation, was from the National Defense Authorization Act for Fiscal Year 2006 and was repeated in provisions of subsequent authorization acts which are not set out in the Code. Similar provisions were contained in the following prior authorization acts:

Pub. L. 108-375, div. A, title IV, §401, Oct. 28, 2004, 118 Stat. 1862.

Pub. L. 108-136, div. A, title IV, §401, Nov. 24, 2003, 117 Stat. 1450.

Pub. L. 107-314, div. A, title IV, §401, Dec. 2, 2002, 116 Stat. 2524.

Pub. L. 107-107, div. A, title IV, §401, Dec. 28, 2001, 115 Stat. 1069.

Pub. L. 106-398, §1 [[div. A], title IV, §401], Oct. 30, 2000, 114 Stat. 1654, 1654A-92.

Pub. L. 106-65, div. A, title IV, §401, Oct. 5, 1999, 113 Stat. 585.

Pub. L. 105-261, div. A, title IV, §401, Oct. 17, 1998, 112 Stat. 1995.

Pub. L. 105-85, div. A, title IV, §401, Nov. 18, 1997, 111 Stat. 1719.

Pub. L. 104-201, div. A, title IV, §401, Sept. 23, 1996, 110 Stat. 2503.

Pub. L. 104-106, div. A, title IV, §401(a), Feb. 10, 1996, 110 Stat. 285.

Pub. L. 103-337, div. A, title IV, §401, Oct. 5, 1994, 108 Stat. 2743.

Pub. L. 103-160, div. A, title IV, §§401, 403, Nov. 30, 1993, 107 Stat. 1639, 1640.

Pub. L. 102-484, div. A, title IV, §§401, 402, Oct. 23, 1992, 106 Stat. 2397.

Pub. L. 102-190, div. A, title IV, §401, title VI, §664, Dec. 5, 1991, 105 Stat. 1349, 1399.

Pub. L. 101-510, div. A, title IV, §§401, 402, Nov. 5, 1990, 104 Stat. 1543, 1544; Pub. L. 102-25, title II, §§201(a), 202, 205(a), Apr. 6, 1991, 105 Stat. 79, 80; Pub. L. 104-106, div. A, title XV, §1502(c)(4)(A), Feb. 10, 1996, 110 Stat. 507.

Pub. L. 101-189, div. A, title IV, §401, Nov. 29, 1989, 103 Stat. 1431, as amended by Pub. L. 101-510, div. A, title IV, §401(d), Nov. 5, 1990, 104 Stat. 1544.

Pub. L. 100-456, div. A, title IV, §401, Sept. 29, 1988, 102 Stat. 1963.

Pub. L. 100-180, div. A, title IV, §401, Dec. 4, 1987, 101 Stat. 1081.

Pub. L. 99-661, div. A, title IV, §401, Nov. 14, 1986, 100 Stat. 3859.

Pub. L. 99-145, title IV, §401, Nov. 8, 1985, 99 Stat. 618.  
Pub. L. 98-525, title IV, §401, Oct. 19, 1984, 98 Stat. 2516.

Pub. L. 98-94, title IV, §401, Sept. 24, 1983, 97 Stat. 629.  
Pub. L. 97-252, title IV, §401, Sept. 8, 1982, 96 Stat. 725.

Pub. L. 97-86, title IV, §401, Dec. 1, 1981, 95 Stat. 1104, as amended by Pub. L. 97-252, title IX, §903, Sept. 8, 1982, 96 Stat. 729.

Pub. L. 96-342, title III, §301, Sept. 8, 1980, 94 Stat. 1082, as amended by Pub. L. 97-39, title III, §301, Aug. 14, 1981, 95 Stat. 940.

Pub. L. 96-107, title III, §301, Nov. 9, 1979, 93 Stat. 806.  
Pub. L. 95-485, title III, §301, Oct. 20, 1978, 92 Stat. 1613.

Pub. L. 95-79, title III, §301, July 30, 1977, 91 Stat. 326.  
Pub. L. 94-361, title III, §301, July 14, 1976, 90 Stat. 924.

Pub. L. 94-106, title III, §301, Oct. 7, 1975, 89 Stat. 532.  
Pub. L. 93-365, title III, §301, Aug. 5, 1974, 88 Stat. 401.

Pub. L. 93-155, title III, §301, Nov. 16, 1973, 87 Stat. 607.  
Pub. L. 92-436, title III, §301, Sept. 26, 1972, 86 Stat. 735.

**MINIMUM NUMBER OF NAVY HEALTH PROFESSIONS OFFICERS**

Section 718(b) of Pub. L. 102-190 provided that, of the total number of officers authorized to be serving on active duty in Navy on last day of a fiscal year, 12,510 were to be available only for assignment to duties in health profession specialties, prior to repeal by Pub. L. 104-106, div. A, title V, §564(d)(2), Feb. 10, 1996, 110 Stat. 327.

**LIMITATIONS ON REDUCTIONS IN MEDICAL PERSONNEL**

Section 711 of Pub. L. 101-510, as amended by Pub. L. 102-190, div. A, title VII, §718(a), Dec. 5, 1991, 105 Stat. 1404, prohibited Secretary of Defense from reducing number of medical personnel of Department of Defense below baseline number unless Secretary certified to Congress that number of such personnel being reduced was excess to current and projected needs of military departments, and such reduction would not result in increase in cost of health care services provided under Civilian Health and Medical Program of the Uniformed Services, and, in case of military medical personnel, included in certification information on strength levels for individual category of medical personnel involved in reduction as of Sept. 30, 1989, projected requirements of Department over 5-fiscal year period following fiscal year in which certification was submitted for medical personnel in category of medical personnel involved, and strength level recommended for each component of Armed Forces for most recent fiscal year for which Secretary submitted recommendations pursuant to section 115a(g)(1) of this title for personnel in category of medical personnel involved, prior to repeal by Pub. L. 104-106, div. A, title V, §564(d)(1), Feb. 10, 1996, 110 Stat. 327. See section 129c of this title.

**OPERATION DESERT SHIELD INCREASE IN END STRENGTHS OF ACTIVE DUTY PERSONNEL; AUTHORITY; CERTIFICATION**

Section 1117 of Pub. L. 101-510, authorized Secretary of Defense, after determining that operational requirements of Operation Desert Shield so require, to increase the end strengths of active duty personnel for fiscal year 1991 by an amount not greater than 0.5 percent of the total end strengths authorized by section 401 of Pub. L. 101-510, set out above, and required certification by Secretary to Committees on Armed Services of Senate and House of Representatives of necessity of such increase, prior to repeal by Pub. L. 102-25, title II, §204, Apr. 6, 1991, 105 Stat. 80.

**§ 115a. Annual defense manpower requirements report**

(a) The Secretary of Defense shall submit to Congress an annual defense manpower require-

ments report. The report, which shall be in writing, shall be submitted each year not later than 45 days after the date on which the President submits to Congress the budget for the next fiscal year under section 1105 of title 31. The report shall contain the Secretary's recommendations for—

(1) the annual active-duty end-strength level for each component of the armed forces for the next fiscal year; and

(2) the annual civilian personnel end-strength level for each component of the Department of Defense for the next fiscal year.

(b)(1) The Secretary shall include in each report under subsection (a) justification for the strength levels recommended and an explanation of the relationship between the personnel strength levels recommended for that fiscal year and the national security policies of the United States in effect at the time.

(2) The justification and explanation shall specify in detail for all major military force units (including each land force division, carrier and other major combatant vessel, air wing, and other comparable unit) the following:

(A) Unit mission and capability.

(B) Strategy which the unit supports.

(3) The justification and explanation shall also specify in detail the manpower required to perform the medical missions of each of the armed forces and of the Department of Defense.

(c) The Secretary shall include in each report under subsection (a) a detailed discussion of the following:

(1) The manpower required for support and overhead functions within the armed forces and the Department of Defense.

(2) The relationship of the manpower required for support and overhead functions to the primary combat missions and support policies.

(3) The manpower required to be stationed or assigned to duty in foreign countries and aboard vessels located outside the territorial limits of the United States, its territories, and possessions.

(d) The Secretary shall also include in each such report, with respect to each armed force under the jurisdiction of the Secretary of a military department, the following:

(1) The number of positions that require warrant officers or commissioned officers serving on active duty in each of the officer grades during the current fiscal year and the estimated number of such positions for each of the next five fiscal years.

(2) The estimated number of officers that will be serving on active duty in each grade on the last day of the current fiscal year and the estimated numbers of officers that will be needed on active duty on the last day of each of the next five fiscal years.

(3) An estimate and analysis for the current fiscal year and for each of the next five fiscal years of gains to and losses from the number of members on active duty in each officer grade, including a tabulation of—

(A) retirements displayed by year of active commissioned service;

(B) discharges;

(C) other separations;

(D) deaths;

(E) promotions; and

(F) reserve and regular officers ordered to active duty.

(e)(1) In each such report, the Secretary shall also include recommendations for the end-strength levels for medical personnel for each component of the armed forces as of the end of the next fiscal year.

(2) For purposes of this subsection, the term "medical personnel" includes—

(A) in the case of the Army, members of the Medical Corps, Dental Corps, Nurse Corps, Medical Service Corps, Veterinary Corps, and Army Medical Specialist Corps;

(B) in the case of the Navy, members of the Medical Corps, Dental Corps, Nurse Corps, and Medical Service Corps;

(C) in the case of the Air Force, members designated as medical officers, dental officers, Air Force nurses, medical service officers, and biomedical science officers;

(D) enlisted members engaged in or supporting medically related activities; and

(E) such other personnel as the Secretary considers appropriate.

(f) The Secretary shall also include in each such report the following information with respect to personnel assigned to or supporting major Department of Defense headquarters activities:

(1) The military end strength and civilian full-time equivalents assigned to major Department of Defense headquarters activities for the preceding fiscal year and estimates of such numbers for the current fiscal year and subsequent fiscal years.

(2) A summary of the replacement during the preceding fiscal year of contract workyears providing support to major Department of Defense headquarters activities with military end strength or civilian full-time equivalents, including an estimate of the number of contract workyears associated with the replacement of contracts performing inherently governmental or exempt functions.

(3) The plan for the continued review of contract personnel supporting major Department of Defense headquarters activities for possible conversion to military or civilian performance in accordance with section 2463 of this title.

(4) The amount of any adjustment in the limitation on personnel made by the Secretary of Defense or the Secretary of a military department, and, for each adjustment made pursuant to section 1111(b)(2) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. 143 note), the purpose of the adjustment.

[(g) Redesignated (e)]

(h) In each such report, the Secretary shall include a separate report on the Army and Air Force military technician programs. The report shall include a presentation, shown by reserve component and shown both as of the end of the preceding fiscal year and for the next fiscal year, of the following (displayed in the aggregate and separately for military technicians (dual status) and non-dual status military technicians):

(1) The number of military technicians required to be employed (as specified in accordance with Department of Defense procedures), the number authorized to be employed under Department of Defense personnel procedures, and the number actually employed.

(2) Within each of the numbers under paragraph (1)—

(A) the number applicable to a reserve component management headquarter organization; and

(B) the number applicable to high-priority units and organizations (as specified in section 10216(a) of this title).

(Added Pub. L. 101-510, div. A, title XIV, §1483(a), Nov. 5, 1990, 104 Stat. 1711; amended Pub. L. 102-190, div. A, title X, §1061(a)(1), Dec. 5, 1991, 105 Stat. 1472; Pub. L. 104-106, div. A, title V, §513(e), title X, §1061(d), Feb. 10, 1996, 110 Stat. 307, 442; Pub. L. 105-85, div. A, title V, §522(i)(2), Nov. 18, 1997, 111 Stat. 1736; Pub. L. 105-261, div. A, title IV, §403, Oct. 17, 1998, 112 Stat. 1996; Pub. L. 111-84, div. A, title XI, §1109(b)(1)–(2)(B)(i), Oct. 28, 2009, 123 Stat. 2492, 2493.)

#### REFERENCES IN TEXT

Section 1111(b)(2) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, referred to in subsec. (f)(4), is section 1111(b)(2) of Pub. L. 110-417, which is set out as a note under section 143 of this title.

#### PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 115(b)(1)(D), (3), (c)(2) of this title, prior to repeal by Pub. L. 101-510, §1483(a).

#### AMENDMENTS

2009—Pub. L. 111-84, §1109(b)(2)(B)(i), inserted “defense” before “manpower” in section catchline.

Subsec. (a). Pub. L. 111-84, §1109(b)(2)(A), inserted “defense” before “manpower requirements report” in introductory provisions.

Subsec. (f). Pub. L. 111-84, §1109(b)(1), added subsec. (f).

1998—Subsec. (a). Pub. L. 105-261, in introductory provisions, struck out “, not later than February 15 of each fiscal year,” after “submit to Congress” and substituted “The report, which shall be in writing, shall be submitted each year not later than 45 days after the date on which the President submits to Congress the budget for the next fiscal year under section 1105 of title 31. The report” for “The report shall be in writing and”.

1997—Subsec. (h). Pub. L. 105-85, §522(i)(2)(A), inserted “(displayed in the aggregate and separately for military technicians (dual status) and non-dual status military technicians)” after “of the following” in introductory provisions.

Subsec. (h)(3). Pub. L. 105-85, §522(i)(2)(B), struck out par. (3) which read as follows: “Within each of the numbers under paragraph (1), the numbers of military technicians who are not themselves members of a reserve component (so-called ‘single-status’ technicians), with a further display of such numbers as specified in paragraph (2).”

1996—Subsec. (b)(2)(C). Pub. L. 104-106, §1061(d)(1), struck out subpar. (C) which read as follows: “Area of deployment and illustrative areas of potential deployment, including a description of any United States commitment to defend such areas.”

Subsec. (d). Pub. L. 104-106, §1061(d)(3), redesignated subsec. (e) as (d) and struck out pars. (4) and (5) which read as follows:

“(4) An analysis of the distribution of each of the following categories of officers serving on active duty on the last day of the preceding fiscal year by grade in which serving and years of active commissioned service:

“(A) Regular officers.

“(B) Reserve officers on the active-duty list.

“(C) Reserve officers described in clauses (B) and (C) of section 523(b)(1) of this title.

“(D) Officers other than those specified in subparagraphs (A), (B), and (C) serving in a temporary grade.

“(5) An analysis of the number of officers and enlisted members serving on active duty for training as of the last day of the preceding fiscal year under orders specifying an aggregate period in excess of 180 days and an estimate for the current fiscal year of the number that will be ordered to such duty, tabulated by—

“(A) recruit and specialized training;

“(B) flight training;

“(C) professional training in military and civilian institutions; and

“(D) officer acquisition training.”

Pub. L. 104-106, §1061(d)(2), struck out subsec. (d) which read as follows: “In each such report, the Secretary shall also—

“(1) identify, define, and group by mission and by region the types of military bases, installations, and facilities;

“(2) provide an explanation and justification of the relationship between this base structure and the proposed military force structure; and

“(3) provide a comprehensive identification of base operating support costs and an evaluation of possible alternatives to reduce those costs.”

Subsec. (e). Pub. L. 104-106, §1061(d)(5), redesignated subsec. (g) as (e). Former subsec. (e) redesignated (d).

Subsec. (f). Pub. L. 104-106, §1061(d)(4), struck out subsec. (f) which read as follows: “In each such report, the Secretary shall also include recommendations for the average student load for each category of training for each component of the armed forces for the next three fiscal years. The Secretary shall include in the report justification for, and explanation of, the average student loads recommended.”

Subsec. (g). Pub. L. 104-106, §1061(d)(5), redesignated subsec. (g) as (e).

Subsec. (h). Pub. L. 104-106, §513(e), added subsec. (h). 1991—Subsec. (d)(3). Pub. L. 102-190 inserted “provide” before “a comprehensive”.

#### ASSESSMENT OF STRUCTURE AND MIX OF ACTIVE AND RESERVE FORCES

Section 402 of Pub. L. 102-190, as amended by Pub. L. 102-484, div. A, title V, §513(b), Oct. 23, 1992, 106 Stat. 2406, required Secretary of Defense to submit to Congress a report containing an assessment of alternatives relating to structure and mix of active and reserve forces appropriate for carrying out assigned missions in mid- to late-1990s and an evaluation and recommendations of Secretary and Chairman of Joint Chiefs of Staff as to mix or mixes of reserve and active forces considered acceptable to carry out expected future missions, and further provided for matters to be included in report and evaluation, commencement of assessment, submission of interim and final reports, and funding for assessment.

#### § 115b. Annual strategic workforce plan

(a) ANNUAL PLAN REQUIRED.—(1) The Secretary of Defense shall submit to the congressional defense committees on an annual basis a strategic workforce plan to shape and improve the civilian employee workforce of the Department of Defense.

(2) The Under Secretary of Defense for Personnel and Readiness shall have overall responsibility for developing and implementing the strategic workforce plan, in consultation with the

Under Secretary of Defense for Acquisition, Technology, and Logistics.

(b) CONTENTS.—Each strategic workforce plan under subsection (a) shall include, at a minimum, the following:

(1) An assessment of—

(A) the critical skills and competencies that will be needed in the future within the civilian employee workforce by the Department of Defense to support national security requirements and effectively manage the Department during the seven-year period following the year in which the plan is submitted;

(B) the appropriate mix of military, civilian, and contractor personnel capabilities;

(C) the critical skills and competencies of the existing civilian employee workforce of the Department and projected trends in that workforce based on expected losses due to retirement and other attrition; and

(D) gaps in the existing or projected civilian employee workforce of the Department that should be addressed to ensure that the Department has continued access to the critical skills and competencies described in subparagraphs (A) and (C).

(2) A plan of action for developing and reshaping the civilian employee workforce of the Department to address the gaps in critical skills and competencies identified under paragraph (1)(D), including—

(A) specific recruiting and retention goals, especially in areas identified as critical skills and competencies under paragraph (1), including the program objectives of the Department to be achieved through such goals and the funding needed to achieve such goals;

(B) specific strategies for developing, training, deploying, compensating, and motivating the civilian employee workforce of the Department, including the program objectives of the Department to be achieved through such strategies and the funding needed to implement such strategies;

(C) any incentives necessary to attract or retain any civilian personnel possessing the skills and competencies identified under paragraph (1);

(D) any changes in the number of personnel authorized in any category of personnel listed in subsection (f)(1) or in the acquisition workforce that may be needed to address such gaps and effectively meet the needs of the Department;

(E) any changes in resources or in the rates or methods of pay for any category of personnel listed in subsection (f)(1) or in the acquisition workforce that may be needed to address inequities and ensure that the Department has full access to appropriately qualified personnel to address such gaps and meet the needs of the Department; and

(F) any legislative changes that may be necessary to achieve the goals referred to in subparagraph (A).

(3) An assessment, using results-oriented performance measures, of the progress of the Department in implementing the strategic

workforce plan under this section during the previous year.

(4) Any additional matters the Secretary of Defense considers necessary to address.

(c) SENIOR MANAGEMENT, FUNCTIONAL, AND TECHNICAL WORKFORCE.—(1) Each strategic workforce plan under subsection (a) shall include a separate chapter to specifically address the shaping and improvement of the senior management, functional, and technical workforce (including scientists and engineers) of the Department of Defense.

(2) For purposes of paragraph (1), each plan shall include, with respect to such senior management, functional, and technical workforce—

(A) an assessment of the matters set forth in subparagraphs (A) through (D) of subsection (b)(1);

(B) a plan of action meeting the requirements set forth in subparagraphs (A) through (F) of subsection (b)(2);

(C) specific strategies for developing, training, deploying, compensating, motivating, and designing career paths and career opportunities; and

(D) specific steps that the Department has taken or plans to take to ensure that such workforce is managed in compliance with the requirements of section 129 of this title.

(d) DEFENSE ACQUISITION WORKFORCE.—(1) Each strategic workforce plan under subsection (a) shall include a separate chapter to specifically address the shaping and improvement of the defense acquisition workforce, including both military and civilian personnel.

(2) For purposes of paragraph (1), each plan shall include, with respect to the defense acquisition workforce—

(A) an assessment of the matters set forth in subparagraphs (A) through (D) of subsection (b)(1);

(B) a plan of action meeting the requirements set forth in subparagraphs (A) through (F) of subsection (b)(2);

(C) specific steps that the Department has taken or plans to take to develop appropriate career paths for civilian employees in the acquisition field and to implement the requirements of section 1722a of this title with regard to members of the armed forces in the acquisition field; and

(D) a plan for funding needed improvements in the acquisition workforce of the Department through the period of the future-years defense program, including—

(i) the funding programmed for defense acquisition workforce improvements, including a specific identification of funding provided in the Department of Defense Acquisition Workforce Fund established under section 1705 of this title, along with a description of how such funding is being implemented and whether it is being fully used; and

(ii) a description of any continuing shortfalls in funding available for the acquisition workforce.

(e) SUBMITTALS BY SECRETARIES OF THE MILITARY DEPARTMENTS AND HEADS OF THE DEFENSE AGENCIES.—The Secretary of Defense shall re-

quire the Secretary of each military department and the head of each Defense Agency to submit a report to the Secretary addressing each of the matters described in this section. The Secretary of Defense shall establish a deadline for the submittal of reports under this subsection that enables the Secretary to consider the material submitted in a timely manner and incorporate such material, as appropriate, into the strategic workforce plan required by this section.

(f) DEFINITIONS.—In this section:

(1) The term “senior management, functional, and technical workforce of the Department of Defense” includes the following categories of Department of Defense civilian personnel:

(A) Appointees in the Senior Executive Service under section 3131 of title 5.

(B) Persons serving in positions described in section 5376(a) of title 5.

(C) Highly qualified experts appointed pursuant to section 9903 of title 5.

(D) Scientists and engineers appointed pursuant to section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2721), as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398 (114 Stat. 1654A-315)).

(E) Scientists and engineers appointed pursuant to section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note).

(F) Persons serving in the Defense Intelligence Senior Executive Service under section 1606 of this title.

(G) Persons serving in Intelligence Senior Level positions under section 1607 of this title.

(2) The term “acquisition workforce” includes individuals designated under section 1721 as filling acquisition positions.

(Added Pub. L. 111-84, div. A, title XI, § 1108(a)(1), Oct. 28, 2009, 123 Stat. 2488.)

#### REFERENCES IN TEXT

Section 342(b) of the National Defense Authorization Act for Fiscal Year 1995, referred to in subsec. (f)(1)(D), is section 342(b) of Pub. L. 103-337, which is set out as a note under section 2358 of this title.

Section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, referred to in subsec. (f)(1)(E), is section 1101 of Pub. L. 105-261, which is set out as a note under section 3104 of Title 5, Government Organization and Employees.

#### PRIOR PROVISIONS

A prior section 115b was renumbered section 10541 of this title.

### § 116. Annual operations and maintenance report

(a)(1) The Secretary of Defense shall submit to Congress a written report, not later than February 15 of each fiscal year, with respect to the operations and maintenance of the Army, Navy, Air Force, and Marine Corps for the next fiscal year. The Secretary shall include in each such report recommendations for—

(A) the number of aircraft flying hours for the Army, Navy, Air Force, and Marine Corps

for the next fiscal year, the number of ship steaming hours for the Navy for the next fiscal year, and the number of field training days for the combat arms battalions of the Army and Marine Corps for the next fiscal year;

(B) the number of ships over 3,000 tons (full load displacement) in each Navy ship classification on which major repair work should be performed during the next fiscal year; and

(C) the number of airframe reworks, aircraft engine reworks, and vehicle overhauls which should be performed by the Army, Navy, Air Force, and Marine Corps during the next fiscal year.

(2) The Secretary shall also include in each such report the justification for and an explanation of the level of funding recommended in the Budget of the President for the next fiscal year for aircraft flying hours, ship steaming hours, field training days for the combat arms battalions, major repair work to be performed on ships of the Navy, airframe reworks, aircraft engine reworks, and vehicle overhauls.

(b) In this section:

(1) The term “combat arms battalions” means armor, infantry, mechanized infantry, air assault infantry, airborne infantry, ranger, artillery, and combat engineer battalions and armored cavalry and air cavalry squadrons.

(2) The term “major repair work” means, in the case of any ship to which subsection (a) is applicable, any overhaul, modification, alteration, or conversion work which will result in a total cost to the United States of more than \$10,000,000.

(Added Pub. L. 96-342, title X, § 1001(b)(3), (c)(2), Sept. 8, 1980, 94 Stat. 1118, 1119, § 138(e), (f)(2); amended Pub. L. 96-513, title V, § 511(4)(B), Dec. 12, 1980, 94 Stat. 2920; Pub. L. 97-86, title III, § 302, Dec. 1, 1981, 95 Stat. 1104; renumbered § 116 and amended Pub. L. 99-433, title I, §§ 101(a)(2), 110(b)(6), (7), (9), (10), Oct. 1, 1986, 100 Stat. 994, 1002; Pub. L. 105-85, div. A, title X, § 1073(a)(3), Nov. 18, 1997, 111 Stat. 1900.)

#### AMENDMENTS

1997—Subsec. (b)(2). Pub. L. 105-85 substituted “subsection (a)” for “such subsection”.

1986—Pub. L. 99-433 successively redesignated subssecs. (e) and (f)(2) of section 138 of this title as subssecs. (e) and (f)(2) of section 114 of this title and then as subssecs. (a) and (b), respectively, of this section, added section catchline, and made minor conforming changes in text.

1981—Subsec. (a)(3), (4), formerly § 138(e)(3), (4). Pub. L. 97-86 struck out pars. (3) and (4) which required the Secretary to include in each report a projection of the combat readiness of specified military units proposed to be maintained during the next fiscal year.

1980—Subsec. (b), formerly § 138(f)(2). Pub. L. 96-513 substituted “In subsection (e)” for “In subsection (f)”.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513.

### § 117. Readiness reporting system: establishment; reporting to congressional committees

(a) REQUIRED READINESS REPORTING SYSTEM.—The Secretary of Defense shall establish a comprehensive readiness reporting system for the Department of Defense. The readiness reporting

system shall measure in an objective, accurate, and timely manner the capability of the armed forces to carry out—

(1) the National Security Strategy prescribed by the President in the most recent annual national security strategy report under section 108 of the National Security Act of 1947 (50 U.S.C. 404a);

(2) the defense planning guidance provided by the Secretary of Defense pursuant to section 113(g) of this title; and

(3) the National Military Strategy prescribed by the Chairman of the Joint Chiefs of Staff.

(b) **READINESS REPORTING SYSTEM CHARACTERISTICS.**—In establishing the readiness reporting system, the Secretary shall ensure—

(1) that the readiness reporting system is applied uniformly throughout the Department of Defense;

(2) that information in the readiness reporting system is continually updated, with (A) any change in the overall readiness status of a unit that is required to be reported as part of the readiness reporting system being reported within 24 hours of the event necessitating the change in readiness status, and (B) any change in the overall readiness status of an element of the training establishment or an element of defense infrastructure that is required to be reported as part of the readiness reporting system being reported within 72 hours of the event necessitating the change in readiness status; and

(3) that sufficient resources are provided to establish and maintain the system so as to allow reporting of changes in readiness status as required by this section.

(c) **CAPABILITIES.**—The readiness reporting system shall measure such factors relating to readiness as the Secretary prescribes, except that the system shall include the capability to do each of the following:

(1) Measure, on a monthly basis, the capability of units (both as elements of their respective armed force and as elements of joint forces) to conduct their assigned wartime missions.

(2) Measure, on an annual basis, the capability of training establishments to provide trained and ready forces for wartime missions.

(3) Measure, on an annual basis, the capability of defense installations and facilities and other elements of Department of Defense infrastructure, both in the United States and abroad, to provide appropriate support to forces in the conduct of their wartime missions.

(4) Measure, on a monthly basis, critical warfighting deficiencies in unit capability.

(5) Measure, on an annual basis, critical warfighting deficiencies in training establishments and defense infrastructure.

(6) Measure, on a monthly basis, the level of current risk based upon the readiness reporting system relative to the capability of forces to carry out their wartime missions.

(7) Measure, on a quarterly basis, the extent to which units of the armed forces remove serviceable parts, supplies, or equipment from

one vehicle, vessel, or aircraft in order to render a different vehicle, vessel, or aircraft operational.

(d) **QUARTERLY AND MONTHLY JOINT READINESS REVIEWS.**—(1) The Chairman of the Joint Chiefs of Staff shall—

(A) on a quarterly basis, conduct a joint readiness review; and

(B) on a monthly basis, review any changes that have been reported in readiness since the previous joint readiness review.

(2) The Chairman shall incorporate into both the joint readiness review required under paragraph (1)(A) and the monthly review required under paragraph (1)(B) the current information derived from the readiness reporting system and shall assess the capability of the armed forces to execute their wartime missions based upon their posture at the time the review is conducted. The Chairman shall submit to the Secretary of Defense the results of each review under paragraph (1), including the deficiencies in readiness identified during that review.

(e) **SUBMISSION TO CONGRESSIONAL COMMITTEES.**—The Secretary shall each quarter submit to the congressional defense committees a report in writing containing the results of the most recent joint readiness review under subsection (d)(1)(A), including the current information derived from the readiness reporting system. Each such report shall be submitted in unclassified form and may, as the Secretary determines necessary, also be submitted in classified form.

(f) **REGULATIONS.**—The Secretary shall prescribe regulations to carry out this section. In those regulations, the Secretary shall prescribe the units that are subject to reporting in the readiness reporting system, what type of equipment is subject to such reporting, and the elements of the training establishment and of defense infrastructure that are subject to such reporting.

(Added Pub. L. 105-261, div. A, title III, §373(a)(1), Oct. 17, 1998, 112 Stat. 1990; amended Pub. L. 106-65, div. A, title III, §361(d)(1), title X, §1067(1), Oct. 5, 1999, 113 Stat. 575, 774; Pub. L. 106-398, §1 [[div. A], title III, §371], Oct. 30, 2000, 114 Stat. 1654, 1654A-80; Pub. L. 108-136, div. A, title X, §1031(a)(1), Nov. 24, 2003, 117 Stat. 1595.)

#### PRIOR PROVISIONS

A prior section 117, added Pub. L. 97-295, §1(2)(A), Oct. 12, 1982, 96 Stat. 1287, §133a; renumbered §117 and amended Pub. L. 99-433, title I, §§101(a)(2), 110(d)(3), Oct. 1, 1986, 100 Stat. 994, 1002, required annual report on North Atlantic Treaty Organization readiness, prior to repeal by Pub. L. 101-510, div. A, title XIII, §1301(1), Nov. 5, 1990, 104 Stat. 1668.

#### AMENDMENTS

2003—Subsec. (e). Pub. L. 108-136 substituted “each quarter submit to the congressional defense committees a report in writing containing the results of the most recent joint readiness review under subsection (d)(1)(A)” for “each month 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 in writing containing the results of the most recent joint readiness review or monthly review conducted under subsection (d)”.

2000—Subsec. (c)(7). Pub. L. 106-398 added par. (7).

1999—Subsec. (b)(2). Pub. L. 106-65, §361(d)(1)(A), substituted “with (A) any change in the overall readiness status of a unit that is required to be reported as part of the readiness reporting system being reported within 24 hours of the event necessitating the change in readiness status, and (B) any change in the overall readiness status of an element of the training establishment or an element of defense infrastructure that is required to be reported as part of the readiness reporting system being reported within 72 hours” for “with any change in the overall readiness status of a unit, an element of the training establishment, or an element of defense infrastructure, that is required to be reported as part of the readiness reporting system, being reported within 24 hours”.

Subsec. (c)(2), (3), (5). Pub. L. 106-65, §361(d)(1)(B), substituted “an annual” for “a quarterly”.

Subsec. (e). Pub. L. 106-65, §1067(1), substituted “and the Committee on Armed Services” for “and the Committee on National Security”.

#### DEFENSE MATERIEL READINESS BOARD

Pub. L. 110-181, div. A, title VIII, subtitle G, Jan. 28, 2008, 122 Stat. 260, provided that:

#### “SEC. 871. ESTABLISHMENT OF DEFENSE MATERIEL READINESS BOARD.

“(a) ESTABLISHMENT.—Not later than 6 months after the date of the enactment of this Act [Jan. 28, 2008], the Secretary of Defense shall establish a Defense Materiel Readiness Board (in this subtitle referred to as the ‘Board’) within the Office of the Secretary of Defense.

“(b) MEMBERSHIP.—The Secretary shall appoint the chairman and the members of the Board from among officers of the Armed Forces with expertise in matters relevant to the function of the Board to assess materiel readiness and evaluate plans and policies relating to materiel readiness. At a minimum, the Board shall include representatives of the Joint Chiefs of Staff, each of the Armed Forces, and each of the reserve components of the Armed Forces.

“(c) STAFF.—The Secretary of Defense shall assign staff, and request the Secretaries of the military departments to assign staff, as necessary to assist the Board in carrying out its duties.

“(d) FUNCTIONS.—The Board shall provide independent assessments of materiel readiness, materiel readiness shortfalls, and materiel readiness plans to the Secretary of Defense and the Congress. To carry out such functions, the Board shall—

“(1) monitor and assess the materiel readiness of the Armed Forces;

“(2) assist the Secretary of Defense in the identification of deficiencies in the materiel readiness of the Armed Forces caused by shortfalls in weapons systems, equipment, and supplies;

“(3) identify shortfalls in materiel readiness, including critical materiel readiness shortfalls, for purposes of the Secretary’s designations under section 872 and the funding needed to address such shortfalls;

“(4) assess the adequacy of current Department of Defense plans, policies, and programs to address shortfalls in materiel readiness, including critical materiel readiness shortfalls (as designated by the Secretary under section 872), and to sustain and improve materiel readiness;

“(5) assist the Secretary of Defense in determining whether the industrial capacity of the Department of Defense and of the defense industrial base is being best utilized to support the materiel readiness needs of the Armed Forces;

“(6) review and assess Department of Defense systems for measuring the status of current materiel readiness of the Armed Forces; and

“(7) make recommendations with respect to materiel readiness funding, measurement techniques, plans, policies, and programs.

“(e) REPORTS.—The Board shall submit to the Secretary of Defense a report summarizing its findings and

recommendations not less than once every six months. Within 30 days after receiving a report from the Board, the Secretary shall forward the report in its entirety, together with his comments, to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives]. The report shall be submitted in unclassified form. To the extent necessary, the report may be accompanied by a classified annex.

#### “SEC. 872. CRITICAL MATERIEL READINESS SHORTFALLS.

“(a) DESIGNATION OF CRITICAL MATERIEL READINESS SHORTFALLS.—

“(1) DESIGNATION.—The Secretary of Defense may designate any requirement of the Armed Forces for equipment or supplies as a critical materiel readiness shortfall if there is a shortfall in the required equipment or supplies that materially reduces readiness of the Armed Forces and that—

“(A) cannot be adequately addressed by identifying acceptable substitute capabilities or cross leveling of equipment that does not unacceptably reduce the readiness of other Armed Forces; and

“(B) that is likely to persist for more than two years based on currently projected budgets and schedules for deliveries of equipment and supplies.

“(2) CONSIDERATION OF BOARD FINDINGS AND RECOMMENDATIONS.—In making any such designation, the Secretary shall take into consideration the findings and recommendations of the Defense Materiel Readiness Board.

“(b) MEASURES TO ADDRESS CRITICAL MATERIEL READINESS SHORTFALLS.—The Secretary of Defense shall ensure that critical materiel readiness shortfalls designated pursuant to subsection (a)(1) are transmitted to the relevant officials of the Department of Defense responsible for requirements, budgets, and acquisition, and that such officials prioritize and address such shortfalls in the shortest time frame practicable.

“(c) TRANSFER AUTHORITY.—

“(1) IN GENERAL.—The amounts of authorizations that the Secretary may transfer under the authority of section 1001 of this Act [122 Stat. 299] is hereby increased by \$2,000,000,000.

“(2) LIMITATIONS.—The additional transfer authority provided by this section—

“(A) may be made only from authorizations to the Department of Defense for fiscal year 2008;

“(B) may be exercised solely for the purpose of addressing critical materiel readiness shortfalls as designated by the Secretary of Defense under subsection (a); and

“(C) is subject to the same terms, conditions, and procedures as other transfer authority under section 1001 of this Act [122 Stat. 299].

“(d) STRATEGIC READINESS FUND.—

“(1) ESTABLISHMENT.—There is established on the books of the Treasury a fund to be known as the Department of Defense Strategic Readiness Fund (in this subsection referred to as the ‘Fund’), which shall be administered by the Secretary of the Treasury.

“(2) PURPOSES.—The Fund shall be used to address critical materiel readiness shortfalls as designated by the Secretary of Defense under subsection (a).

“(3) ASSETS OF FUND.—There shall be deposited into the Fund any amount appropriated to the Fund, which shall constitute the assets of the Fund.

“(4) LIMITATION.—The procurement unit cost (as defined in section 2432(a) of title 10, United States Code) of any item purchased using assets of the Fund, whether such assets are in the Fund or after such assets have been transferred from the Fund using the authority provided in subsection (c), shall not exceed \$30,000,000.

“(e) MULTIYEAR CONTRACT NOTIFICATION.—

“(1) NOTIFICATION.—If the Secretary of a military department makes the determination described in paragraph (2) with respect to the use of a multiyear contract, the Secretary shall notify the congressional

defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] within 30 days of the determination and provide a detailed description of the proposed multiyear contract.

“(2) DETERMINATION.—The determination referred to in paragraph (1) is a determination by the Secretary of a military department that the use of a multiyear contract to procure an item to address a critical materiel readiness shortfall—

“(A) will significantly accelerate efforts to address a critical materiel readiness shortfall;

“(B) will provide savings compared to the total anticipated costs of carrying out the contract through annual contracts; and

“(C) will serve the interest of national security.

“(f) DEFINITION.—In this section, the term ‘critical materiel readiness shortfall’ means a critical materiel readiness shortfall designated by the Secretary of Defense under this section.”

#### IMPLEMENTATION

Pub. L. 105-261, div. A, title III, §373(b), (c), Oct. 17, 1998, 112 Stat. 1992, as amended by Pub. L. 106-65, div. A, title III, §361(d)(2), Oct. 5, 1999, 113 Stat. 575, directed the Secretary of Defense to submit to Congress a report, not later than Mar. 1, 1999, setting forth a plan for implementation of this section, and required the Secretary to establish and implement the readiness reporting system required by this section so as to ensure that required capabilities would be attained not later than Apr. 1, 2000.

#### § 118. Quadrennial defense review

(a) REVIEW REQUIRED.—The Secretary of Defense shall every four years, during a year following a year evenly divisible by four, conduct a comprehensive examination (to be known as a “quadrennial defense review”) of the national defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies of the United States with a view toward determining and expressing the defense strategy of the United States and establishing a defense program for the next 20 years. Each such quadrennial defense review shall be conducted in consultation with the Chairman of the Joint Chiefs of Staff.

(b) CONDUCT OF REVIEW.—Each quadrennial defense review shall be conducted so as—

(1) to delineate a national defense strategy consistent with the most recent National Security Strategy prescribed by the President pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 404a);

(2) to define sufficient force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program of the United States associated with that national defense strategy that would be required to execute successfully the full range of missions called for in that national defense strategy;

(3) to identify (A) the budget plan that would be required to provide sufficient resources to execute successfully the full range of missions called for in that national defense strategy at a low-to-moderate level of risk, and (B) any additional resources (beyond those programmed in the current future-years defense program) required to achieve such a level of risk; and

(4) to make recommendations that are not constrained to comply with the budget sub-

mitted to Congress by the President pursuant to section 1105 of title 31.

(c) ASSESSMENT OF RISK.—The assessment of risk for the purposes of subsection (b) shall be undertaken by the Secretary of Defense in consultation with the Chairman of the Joint Chiefs of Staff. That assessment shall define the nature and magnitude of the political, strategic, and military risks associated with executing the missions called for under the national defense strategy.

(d) SUBMISSION OF QDR TO CONGRESSIONAL COMMITTEES.—The Secretary shall submit a report on each quadrennial defense review to the Committees on Armed Services of the Senate and the House of Representatives. The report shall be submitted in the year following the year in which the review is conducted, but not later than the date on which the President submits the budget for the next fiscal year to Congress under section 1105(a) of title 31. The report shall include the following:

(1) The results of the review, including a comprehensive discussion of the national defense strategy of the United States, the strategic planning guidance, and the force structure best suited to implement that strategy at a low-to-moderate level of risk.

(2) The assumed or defined national security interests of the United States that inform the national defense strategy defined in the review.

(3) The threats to the assumed or defined national security interests of the United States that were examined for the purposes of the review and the scenarios developed in the examination of those threats.

(4) The assumptions used in the review, including assumptions relating to—

(A) the status of readiness of United States forces;

(B) the cooperation of allies, mission-sharing and additional benefits to and burdens on United States forces resulting from coalition operations;

(C) warning times;

(D) levels of engagement in operations other than war and smaller-scale contingencies and withdrawal from such operations and contingencies; and

(E) the intensity, duration, and military and political end-states of conflicts and smaller-scale contingencies.

(5) The effect on the force structure and on readiness for high-intensity combat of preparations for and participation in operations other than war and smaller-scale contingencies.

(6) The manpower and sustainment policies required under the national defense strategy to support engagement in conflicts lasting longer than 120 days.

(7) The anticipated roles and missions of the reserve components in the national defense strategy and the strength, capabilities, and equipment necessary to assure that the reserve components can capably discharge those roles and missions.

(8) The appropriate ratio of combat forces to support forces (commonly referred to as the

“tooth-to-tail” ratio) under the national defense strategy, including, in particular, the appropriate number and size of headquarters units and Defense Agencies for that purpose.

(9) The specific capabilities, including the general number and type of specific military platforms, needed to achieve the strategic and warfighting objectives identified in the review.

(10) The strategic and tactical air-lift, sea-lift, and ground transportation capabilities required to support the national defense strategy.

(11) The forward presence, pre-positioning, and other anticipatory deployments necessary under the national defense strategy for conflict deterrence and adequate military response to anticipated conflicts.

(12) The extent to which resources must be shifted among two or more theaters under the national defense strategy in the event of conflict in such theaters.

(13) The advisability of revisions to the Unified Command Plan as a result of the national defense strategy.

(14) The effect on force structure of the use by the armed forces of technologies anticipated to be available for the ensuing 20 years.

(15) The national defense mission of the Coast Guard.

(16) The homeland defense and support to civil authority missions of the active and reserve components, including the organization and capabilities required for the active and reserve components to discharge each such mission.

(17) Any other matter the Secretary considers appropriate.

(e) CJCS REVIEW.—(1) Upon the completion of each review under subsection (a), the Chairman of the Joint Chiefs of Staff shall prepare and submit to the Secretary of Defense the Chairman’s assessment of the review, including the Chairman’s assessment of risk and a description of the capabilities needed to address such risk.

(2) The Chairman’s assessment shall be submitted to the Secretary in time for the inclusion of the assessment in the report. The Secretary shall include the Chairman’s assessment, together with the Secretary’s comments, in the report in its entirety.

(f) NATIONAL DEFENSE PANEL.—

(1) ESTABLISHMENT.—Not later than February 1 of a year in which a quadrennial defense review is conducted under this section, there shall be established an independent panel to be known as the National Defense Panel (in this subsection referred to as the “Panel”). The Panel shall have the duties set forth in this subsection.

(2) MEMBERSHIP.—The Panel shall be composed of ten members from private civilian life who are recognized experts in matters relating to the national security of the United States. Eight of the members shall be appointed as follows:

(A) Two by the chairman of the Committee on Armed Services of the House of Representatives.

(B) Two by the chairman of the Committee on Armed Services of the Senate.

(C) Two by the ranking member of the Committee on Armed Services of the House of Representatives.

(D) Two by the ranking member of the Committee on Armed Services of the Senate.

(3) CO-CHAIRS OF THE PANEL.—In addition to the members appointed under paragraph (2), the Secretary of Defense shall appoint two members from private civilian life to serve as co-chairs of the panel.

(4) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Panel. Any vacancy in the Panel shall be filled in the same manner as the original appointment.

(5) DUTIES.—The Panel shall have the following duties with respect to a quadrennial defense review:

(A) While the review is being conducted, the Panel shall review the updates from the Secretary of Defense required under paragraph (8) on the conduct of the review.

(B) The Panel shall—

(i) review the Secretary of Defense’s terms of reference and any other materials providing the basis for, or substantial inputs to, the work of the Department of Defense on the quadrennial defense review;

(ii) conduct an assessment of the assumptions, strategy, findings, and risks of the report on the quadrennial defense review required in subsection (d), with particular attention paid to the risks described in that report;

(iii) conduct an independent assessment of a variety of possible force structures of the armed forces, including the force structure identified in the report on the quadrennial defense review required in subsection (d);

(iv) review the resource requirements identified pursuant to subsection (b)(3) and, to the extent practicable, make a general comparison to the resource requirements to support the forces contemplated under the force structures assessed under this subparagraph; and

(v) provide to Congress and the Secretary of Defense, through the report under paragraph (7), any recommendations it considers appropriate for their consideration.

(6) FIRST MEETING.—If the Secretary of Defense has not made the Secretary’s appointments to the Panel under paragraph (3) by February 1 of a year in which a quadrennial defense review is conducted under this section, the Panel shall convene for its first meeting with the remaining members.

(7) REPORT.—Not later than 3 months after the date on which the report on a quadrennial defense review is submitted under subsection (d) to the congressional committees named in that subsection, the Panel established under paragraph (1) shall submit to those committees an assessment of the quadrennial defense review, including a description of the items addressed under paragraph (5) with respect to that quadrennial defense review.

(8) UPDATES FROM SECRETARY OF DEFENSE.—The Secretary of Defense shall ensure that pe-

riodically, but not less often than every 60 days, or at the request of the co-chairs, the Department of Defense briefs the Panel on the progress of the conduct of a quadrennial defense review under subsection (a).

(9) ADMINISTRATIVE PROVISIONS.—

(A) The Panel may request directly from the Department of Defense and any of its components such information as the Panel considers necessary to carry out its duties under this subsection. The head of the department or agency concerned shall cooperate with the Panel to ensure that information requested by the Panel under this paragraph is promptly provided to the maximum extent practical.

(B) Upon the request of the co-chairs, the Secretary of Defense shall make available to the Panel the services of any federally funded research and development center that is covered by a sponsoring agreement of the Department of Defense.

(C) The Panel shall have the authorities provided in section 3161 of title 5 and shall be subject to the conditions set forth in such section.

(D) Funds for activities of the Panel shall be provided from amounts available to the Department of Defense.

(10) TERMINATION.—The Panel for a quadrennial defense review shall terminate 45 days after the date on which the Panel submits its final report on the quadrennial defense review under paragraph (7).

(g) CONSIDERATION OF EFFECT OF CLIMATE CHANGE ON DEPARTMENT FACILITIES, CAPABILITIES, AND MISSIONS.—(1) The first national security strategy and national defense strategy prepared after January 28, 2008, shall include guidance for military planners—

(A) to assess the risks of projected climate change to current and future missions of the armed forces;

(B) to update defense plans based on these assessments, including working with allies and partners to incorporate climate mitigation strategies, capacity building, and relevant research and development; and

(C) to develop the capabilities needed to reduce future impacts.

(2) The first quadrennial defense review prepared after January 28, 2008, shall also examine the capabilities of the armed forces to respond to the consequences of climate change, in particular, preparedness for natural disasters from extreme weather events and other missions the armed forces may be asked to support inside the United States and overseas.

(3) For planning purposes to comply with the requirements of this subsection, the Secretary of Defense shall use—

(A) the mid-range projections of the fourth assessment report of the Intergovernmental Panel on Climate Change;

(B) subsequent mid-range consensus climate projections if more recent information is available when the next national security strategy, national defense strategy, or quadrennial defense review, as the case may be, is conducted; and

(C) findings of appropriate and available estimations or studies of the anticipated strategic, social, political, and economic effects of global climate change and the implications of such effects on the national security of the United States.

(4) In this subsection, the term “national security strategy” means the annual national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a).

(h) RELATIONSHIP TO BUDGET.—Nothing in this section shall be construed to affect section 1105(a) of title 31.

(i) INTERAGENCY OVERSEAS BASING REPORT.—(1) Not later than 90 days after submitting a report on a quadrennial defense review under subsection (d), the Secretary of Defense shall submit to the congressional defense committees a report detailing how the results of the assessment conducted as part of such review will impact—

(A) the status of overseas base closure and realignment actions undertaken as part of a global defense posture realignment strategy; and

(B) the status of development and execution of comprehensive master plans for overseas military main operating bases, forward operating sites, and cooperative security locations of the global defense posture of the United States.

(2) A report under paragraph (1) shall include any recommendations for additional closures or realignments of military installations outside of the United States and any comments resulting from an interagency review of these plans that includes the Department of State and other relevant Federal departments and agencies.

(Added Pub. L. 106-65, div. A, title IX, § 901(a)(1), Oct. 5, 1999, 113 Stat. 715; amended Pub. L. 107-107, div. A, title IX, § 921(a), Dec. 28, 2001, 115 Stat. 1198; Pub. L. 107-314, div. A, title IX, §§ 922, 923, Dec. 2, 2002, 116 Stat. 2623; Pub. L. 109-364, div. A, title X, § 1031(c)-(f), Oct. 17, 2006, 120 Stat. 2385, 2386; Pub. L. 110-181, div. A, title IX, §§ 941(b), 951(a), Jan. 28, 2008, 122 Stat. 287, 290; Pub. L. 111-84, div. A, title X, §§ 1002, 1073(a)(2), div. B, title XXVIII, § 2822(b), Oct. 28, 2009, 123 Stat. 2439, 2472, 2666; Pub. L. 111-383, div. A, title X, § 1071, Jan. 7, 2011, 124 Stat. 4364.)

PRIOR PROVISIONS

A prior section 118, added Pub. L. 97-295, § 1(2)(A), Oct. 12, 1982, 96 Stat. 1288, § 133b; renumbered § 118, Pub. L. 99-433, title I, § 101(a)(2), Oct. 1, 1986, 100 Stat. 994, required reports to Congress on sales or transfers of defense articles, prior to repeal by Pub. L. 101-510, div. A, title XIII, § 1301(2), Nov. 5, 1990, 104 Stat. 1668.

AMENDMENTS

2011—Subsec. (f). Pub. L. 111-383 amended subsec. (f) generally. Prior to amendment, text read as follows:

“(1) Not later than six months before the date on which the report on a Quadrennial Defense Review is to be submitted under subsection (d), the Secretary of Defense shall establish a panel to conduct an assessment of the quadrennial defense review.

“(2) Not later than three months after the date on which the report on a quadrennial defense review is submitted under subsection (d) to the congressional

committees named in that subsection, the panel appointed under paragraph (1) shall submit to those committees an assessment of the review, including the recommendations of the review, the stated and implied assumptions incorporated in the review, and the vulnerabilities of the strategy and force structure underlying the review. The assessment of the panel shall include analyses of the trends, asymmetries, and concepts of operations that characterize the military balance with potential adversaries, focusing on the strategic approaches of possible opposing forces.”

2009—Subsec. (g)(1), (2). Pub. L. 111-84, §1073(a)(2), substituted “January 28, 2008,” for “the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008”.

Subsec. (h). Pub. L. 111-84, §1002, added subsec. (h).

Subsec. (i). Pub. L. 111-84, §2822(b), added subsec. (i).

2008—Subsec. (e)(2), (3). Pub. L. 110-181, §941(b), redesignated par. (3) as (2) and struck out former par. (2) which read as follows: “The Chairman shall include as part of that assessment the Chairman’s assessment of the assignment of functions (or roles and missions) to the armed forces, together with any recommendations for changes in assignment that the Chairman considers necessary to achieve maximum efficiency of the armed forces. In preparing the assessment under this paragraph, the Chairman shall consider (among other matters) the following:

“(A) Unnecessary duplication of effort among the armed forces.

“(B) Changes in technology that can be applied effectively to warfare.”

Subsec. (g). Pub. L. 110-181, §951(a), added subsec. (g).  
2006—Subsec. (b)(4). Pub. L. 109-364, §1031(c), added par. (4).

Subsec. (d)(1). Pub. L. 109-364, §1031(d)(1), inserted “, the strategic planning guidance,” after “United States”.

Subsec. (d)(9) to (15). Pub. L. 109-364, §1031(d)(2), (3), added par. (9) and redesignated former pars. (9) to (14) as (10) to (15), respectively. Former par. (15) redesignated (17).

Subsec. (d)(16). Pub. L. 109-364, §1031(d)(4), added par. (16).

Subsec. (d)(17). Pub. L. 109-364, §1031(d)(2), redesignated par. (15) as (17).

Subsec. (e)(1). Pub. L. 109-364, §1031(e), inserted “and a description of the capabilities needed to address such risk” before period at end.

Subsec. (f). Pub. L. 109-364, §1031(f), added subsec. (f).

2002—Subsec. (d). Pub. L. 107-314, §922, substituted “in the year following the year in which the review is conducted, but not later than the date on which the President submits the budget for the next fiscal year to Congress under section 1105(a) of title 31” for “not later than September 30 of the year in which the review is conducted” in second sentence of introductory provisions.

Subsec. (d)(14), (15). Pub. L. 107-314, §923, added par. (14) and redesignated former par. (14) as (15).

2001—Subsec. (e). Pub. L. 107-107 designated the first sentence of existing provisions as par. (1), the second and third sentences of existing provisions as par. (3), and added par. (2).

#### 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.

#### IMPLEMENTATION

Pub. L. 110-181, div. A, title IX, §951(b), Jan. 28, 2008, 122 Stat. 291, provided that: “The Secretary of Defense

shall ensure that subsection (g) of section 118 of title 10, United States Code, as added by subsection (a), is implemented in a manner that does not have a negative impact on the national security of the United States.”

#### FINDINGS AND SENSE OF CONGRESS

Pub. L. 109-364, div. A, title X, §1031(a), (b), Oct. 17, 2006, 120 Stat. 2385, provided that:

“(a) FINDINGS.—Congress finds that the comprehensive examination of the defense program and policies of the United States that is undertaken by the Security [Secretary of] Defense every four years pursuant to section 118 of title 10, United States Code, known as the Quadrennial Defense Review, is—

“(1) vital in laying out the strategic military planning and threat objectives of the Department of Defense; and

“(2) critical to identifying the correct mix of military planning assumptions, defense capabilities, and strategic focuses for the Armed Forces.

“(b) SENSE OF CONGRESS.—It is the sense of Congress that the Quadrennial Defense Review is intended to provide more than an overview of global threats and the general strategic orientation of the Department of Defense.”

#### ASSESSMENT WITH RESPECT TO 2001 QDR

Pub. L. 107-107, div. A, title IX, §921(c), Dec. 28, 2001, 115 Stat. 1198, directed the Chairman of the Joint Chiefs of Staff to submit to Congress, not later than one year after Dec. 28, 2001, an assessment of functions (or roles and missions) of the Armed Forces in accordance with par. (2) of subsec. (e) of this section based on the findings in the 2001 Quadrennial Defense Review issued by the Secretary of Defense on Sept. 30, 2001.

#### REVISED NUCLEAR POSTURE REVIEW

Pub. L. 106-398, §1 [[div. A], title X, §1041], Oct. 30, 2000, 114 Stat. 1654, 1654A-262, as amended by Pub. L. 107-107, div. A, title X, §1033, Dec. 28, 2001, 115 Stat. 1216, directed the Secretary of Defense to conduct a comprehensive review of the nuclear posture of the United States for the next 5 to 10 years, and to submit to Congress a report on the results of such review concurrently with the Quadrennial Defense Review report due in Dec. 2001.

#### SPECIFIED MATTER FOR FIRST QDR

Pub. L. 106-65, div. A, title IX, §901(c), Oct. 5, 1999, 113 Stat. 717, directed the Secretary of Defense to include, in the first quadrennial defense review conducted under this section, precision guided munitions, stealth, night vision, digitization, and communications within the technologies considered for the purposes of subsec. (d)(13) of this section.

#### § 118a. Quadrennial quality of life review

(a) REVIEW REQUIRED.—(1) The Secretary of Defense shall every four years conduct a comprehensive examination of the quality of life of the members of the armed forces (to be known as the “quadrennial quality of life review”). The review shall include examination of the programs, projects, and activities of the Department of Defense, including the morale, welfare, and recreation activities.

(2) The quadrennial quality of life review shall be designed to result in determinations, and to foster policies and actions, that reflect the priority given the quality of life of members of the armed forces as a primary concern of the Department of Defense leadership.

(b) CONDUCT OF REVIEW.—Each quadrennial quality of life review shall be conducted so as—

(1) to assess quality of life priorities and issues consistent with the most recent National

Security Strategy prescribed by the President pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 404a);

(2) to identify actions that are needed in order to provide members of the armed forces with the quality of life reasonably necessary to encourage the successful execution of the full range of missions that the members are called on to perform under the national security strategy; and

(3) to identify other actions that have the potential for improving the quality of life of the members of the armed forces.

(c) **CONSIDERATIONS.**—The Secretary shall consider addressing the following matters as part of the quadrennial quality of life review:

(1) Infrastructure.

(2) Military construction.

(3) Physical conditions at military installations and other Department of Defense facilities.

(4) Budget plans.

(5) Adequacy of medical care for members of the armed forces and their dependents.

(6) Adequacy of housing and the basic allowance for housing and basic allowance for subsistence.

(7) Housing-related utility costs.

(8) Educational opportunities and costs.

(9) Length of deployments.

(10) Rates of pay and pay differentials between the pay of members and the pay of civilians.

(11) Retention and recruiting efforts.

(12) Workplace safety.

(13) Support services for spouses and children.

(14) Other elements of Department of Defense programs and Government policies and programs that affect the quality of life of members.

(d) **SUBMISSION TO CONGRESSIONAL COMMITTEES.**—(1) The Secretary shall submit a report on each quadrennial quality of life review to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives. The report shall include the following:

(A) The assumptions used in the review.

(B) The results of the review, including a comprehensive discussion of how the quality of life of members of the armed forces affects the national security strategy of the United States.

(2) The report shall be submitted in the year following the year in which the review is conducted, but not later than the date on which the President submits the budget for the next fiscal year to Congress under section 1105(a) of title 31.

(Added Pub. L. 107-314, div. A, title V, § 581(a)(1), Dec. 2, 2002, 116 Stat. 2559.)

#### FIRST QUADRENNIAL QUALITY OF LIFE REVIEW

Pub. L. 107-314, div. A, title V, § 581(b), Dec. 2, 2002, 116 Stat. 2561, directed that the first quadrennial quality of life review under this section would be conducted during 2003, and that the report on such review was to be submitted not later than the date on which the President submitted the budget for fiscal year 2005 to Congress.

#### § 118b. Quadrennial roles and missions review

(a) **REVIEW REQUIRED.**—The Secretary of Defense shall every four years conduct a comprehensive assessment (to be known as the “quadrennial roles and missions review”) of the roles and missions of the armed forces and the core competencies and capabilities of the Department of Defense to perform and support such roles and missions.

(b) **INDEPENDENT MILITARY ASSESSMENT OF ROLES AND MISSIONS.**—(1) In each year in which the Secretary of Defense is required to conduct a comprehensive assessment pursuant to subsection (a), the Chairman of the Joint Chiefs of Staff shall prepare and submit to the Secretary the Chairman’s assessment of the roles and missions of the armed forces and the assignment of functions to the armed forces, together with any recommendations for changes in assignment that the Chairman considers necessary to achieve maximum efficiency and effectiveness of the armed forces.

(2) The Chairman’s assessment shall be conducted so as to—

(A) organize the significant missions of the armed forces into core mission areas that cover broad areas of military activity;

(B) ensure that core mission areas are defined and functions are assigned so as to avoid unnecessary duplication of effort among the armed forces; and

(C) provide the Chairman’s recommendations with regard to issues to be addressed by the Secretary of Defense under subsection (c).

(c) **IDENTIFICATION OF CORE MISSION AREAS AND CORE COMPETENCIES AND CAPABILITIES.**—Upon receipt of the Chairman’s assessment, and after giving appropriate consideration to the Chairman’s recommendations, the Secretary of Defense shall identify—

(1) the core mission areas of the armed forces;

(2) the core competencies and capabilities that are associated with the performance or support of a core mission area identified pursuant to paragraph (1);

(3) the elements of the Department of Defense (including any other office, agency, activity, or command described in section 111(b) of this title) that are responsible for providing the core competencies and capabilities required to effectively perform the core missions identified pursuant to paragraph (1);

(4) any gaps in the ability of the elements (or other office, agency activity, or command) of the Department of Defense to provide core competencies and capabilities required to effectively perform the core missions identified pursuant to paragraph (1);

(5) any unnecessary duplication of core competencies and capabilities between defense components; and

(6) a plan for addressing any gaps or unnecessary duplication identified pursuant to paragraph (4) or paragraph (5).

(d) **REPORT.**—The Secretary shall submit a report on the quadrennial roles and missions review to the Committees on Armed Services of the Senate and the House of Representatives. The report shall be submitted in the year follow-

ing the year in which the review is conducted, but not later than the date on which the President submits the budget for the next fiscal year to Congress under section 1105(a) of title 31.

(Added Pub. L. 110–181, div. A, title IX, §941(a), Jan. 28, 2008, 122 Stat. 286.)

**TIMING OF QUADRENNIAL ROLES AND MISSIONS REVIEW**

Pub. L. 110–181, div. A, title IX, §941(c), Jan. 28, 2008, 122 Stat. 287, provided that:

“(1) **FIRST REVIEW.**—The first quadrennial roles and missions review under section 118b of title 10, United States Code, as added by subsection (a), shall be conducted during 2008.

“(2) **SUBSEQUENT REVIEWS.**—Subsequent reviews shall be conducted every four years, beginning in 2011.”

**§ 119. Special access programs: congressional oversight**

(a)(1) Not later than March 1 of each year, the Secretary of Defense shall submit to the defense committees a report on special access programs.

(2) Each such report shall set forth—

(A) the total amount requested for special access programs of the Department of Defense in the President’s budget for the next fiscal year submitted under section 1105 of title 31; and

(B) for each program in that budget that is a special access program—

- (i) a brief description of the program;
- (ii) a brief discussion of the major milestones established for the program;
- (iii) the actual cost of the program for each fiscal year during which the program has been conducted before the fiscal year during which that budget is submitted; and
- (iv) the estimated total cost of the program and the estimated cost of the program for (I) the current fiscal year, (II) the fiscal year for which the budget is submitted, and (III) each of the four succeeding fiscal years during which the program is expected to be conducted.

(3) In the case of a report under paragraph (1) submitted in a year during which the President’s budget for the next fiscal year, because of multiyear budgeting for the Department of Defense, does not include a full budget request for the Department of Defense, the report required by paragraph (1) shall set forth—

(A) the total amount already appropriated for the next fiscal year for special access programs of the Department of Defense and any additional amount requested in that budget for such programs for such fiscal year; and

(B) for each program of the Department of Defense that is a special access program, the information specified in paragraph (2)(B).

(b)(1) Not later than February 1 of each year, the Secretary of Defense shall submit to the defense committees a report that, with respect to each new special access program, provides—

- (A) notice of the designation of the program as a special access program; and
- (B) justification for such designation.

(2) A report under paragraph (1) with respect to a program shall include—

(A) the current estimate of the total program cost for the program; and

(B) an identification of existing programs or technologies that are similar to the technology, or that have a mission similar to the mission, of the program that is the subject of the notice.

(3) In this subsection, the term “new special access program” means a special access program that has not previously been covered in a notice and justification under this subsection.

(c)(1) Whenever a change in the classification of a special access program of the Department of Defense is planned to be made or whenever classified information concerning a special access program of the Department of Defense is to be declassified and made public, the Secretary of Defense shall submit to the defense committees a report containing a description of the proposed change, the reasons for the proposed change, and notice of any public announcement planned to be made with respect to the proposed change.

(2) Except as provided in paragraph (3), any report referred to in paragraph (1) shall be submitted not less than 14 days before the date on which the proposed change or public announcement is to occur.

(3) If the Secretary determines that because of exceptional circumstances the requirement of paragraph (2) cannot be met with respect to a proposed change or public announcement concerning a special access program of the Department of Defense, the Secretary may submit the report required by paragraph (1) regarding the proposed change or public announcement at any time before the proposed change or public announcement is made and shall include in the report an explanation of the exceptional circumstances.

(d) Whenever there is a modification or termination of the policy and criteria used for designating a program of the Department of Defense as a special access program, the Secretary of Defense shall promptly notify the defense committees of such modification or termination. Any such notification shall contain the reasons for the modification or termination and, in the case of a modification, the provisions of the policy as modified.

(e)(1) The Secretary of Defense may waive any requirement under subsection (a), (b), or (c) that certain information be included in a report under that subsection if the Secretary determines that inclusion of that information in the report would adversely affect the national security. Any such waiver shall be made on a case-by-case basis.

(2) If the Secretary exercises the authority provided under paragraph (1), the Secretary shall provide the information described in that subsection with respect to the special access program concerned, and the justification for the waiver, jointly to the chairman and ranking minority member of each of the defense committees.

(f) A special access program may not be initiated until—

- (1) the defense committees are notified of the program; and
- (2) a period of 30 days elapses after such notification is received.

(g) In this section, the term “defense committees” means—

(1) the Committee on Armed Services and the Committee on Appropriations, and the Defense Subcommittee of the Committee on Appropriations, of the Senate; and  
 (2) the Committee on Armed Services and the Committee on Appropriations, and the Subcommittee on Defense of the Committee on Appropriations, of the House of Representatives.

(Added Pub. L. 100-180, div. A, title XI, §1132(a)(1), Dec. 4, 1987, 101 Stat. 1151; amended Pub. L. 101-510, div. A, title XIV, §§1461, 1482(a), Nov. 5, 1990, 104 Stat. 1698, 1709; Pub. L. 104-106, div. A, title X, §1055, title XV, §1502(a)(4), Feb. 10, 1996, 110 Stat. 442, 502; Pub. L. 106-65, div. A, title X, §1067(1), Oct. 5, 1999, 113 Stat. 774; Pub. L. 107-107, div. A, title X, §1048(a)(2), Dec. 28, 2001, 115 Stat. 1222.)

AMENDMENTS

2001—Subsec. (g)(2). Pub. L. 107-107 substituted “Subcommittee on Defense” for “National Security Subcommittee”.

1999—Subsec. (g)(2). Pub. L. 106-65 substituted “Committee on Armed Services” for “Committee on National Security”.

1996—Subsec. (a)(1). Pub. L. 104-106, §1055, substituted “March 1” for “February 1”.

Subsec. (g). Pub. L. 104-106, §1502(a)(4), added pars. (1) and (2) and struck out former pars. (1) and (2) which read as follows:

“(1) the Committees on Armed Services and Appropriations of the Senate and House of Representatives; and

“(2) the Defense Subcommittees of the Committees on Appropriations of the Senate and House of Representatives.”

1990—Subsec. (c). Pub. L. 101-510, §1461(a), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “Whenever a change is made in the status of a program of the Department of Defense as a special access program, the Secretary of Defense shall submit to the defense committees a report describing the change. Any such report shall be submitted not later than 30 days after the date on which the change takes effect.”

Subsec. (f). Pub. L. 101-510, §1482(a)(2), added subsec. (f). Former subsec. (f) redesignated (g).

Pub. L. 101-510, §1461(b), inserted “and Appropriations” after “Armed Services” in par. (1).

Subsec. (g). Pub. L. 101-510, §1482(a)(1), redesignated subsec. (f) as (g).

EFFECTIVE DATE OF 1990 AMENDMENT

Section 1482(d) of Pub. L. 101-510 provided that: “The amendments made by this section [enacting section 2214 of this title and amending this section and section 1584 of this title] shall take effect on October 1, 1991.”

INITIAL REPORTS ON SPECIAL ACCESS PROGRAMS

Pub. L. 100-180, div. A, title XI, §1132(b), (c), Dec. 4, 1987, 101 Stat. 1152, required that the first report under subsec. (a) of this section set forth the amount that had been requested in the President’s budget for each of the five previous fiscal years for special access programs of the Department of Defense and the amount appropriated for each such year for such programs, and required that the first report under subsec. (b) of this section cover existing special access programs.

CHAPTER 3—GENERAL POWERS AND FUNCTIONS

- Sec. 121. Regulations.
- 122. Official registers.

- Sec. 122a. Public availability of Department of Defense reports required by law.
- 123. Authority to suspend officer personnel laws during war or national emergency.
- 123a. Suspension of end-strength and other strength limitations in time of war or national emergency.
- 123b. Forces stationed abroad: limitation on number.
- 124. Detection and monitoring of aerial and maritime transit of illegal drugs: Department of Defense to be lead agency.
- 125. Functions, powers, and duties: transfer, reassignment, consolidation, or abolition.
- 126. Transfer of funds and employees.
- 127. Emergency and extraordinary expenses.
- 127a. Operations for which funds are not provided in advance: funding mechanisms.
- 127b. Assistance in combating terrorism: rewards.
- 127c. Purchase of weapons overseas: force protection.
- 127d. Allied forces participating in combined operations: authority to provide logistic support, supplies, and services.
- 128. Physical protection of special nuclear material: limitation on dissemination of unclassified information.
- 129. Prohibition of certain civilian personnel management constraints.
- 129a. General personnel policy.
- 129b. Authority to procure personal services.
- 129c. Medical personnel: limitations on reductions.
- 130. Authority to withhold from public disclosure certain technical data.
- [130a. Repealed.]
- 130b. Personnel in overseas, sensitive, or routinely deployable units: nondisclosure of personally identifying information.
- 130c. Nondisclosure of information: certain sensitive information of foreign governments and international organizations.
- 130d. Treatment under Freedom of Information Act of certain confidential information shared with State and local personnel.

AMENDMENTS

2011—Pub. L. 111-383, div. A, title X, §1061(a)(2), Jan. 7, 2011, 124 Stat. 4362, added item 122a.

2008—Pub. L. 110-417, [div. A], title IV, §416(c)(2), Oct. 14, 2008, 122 Stat. 4430, substituted “Suspension of end-strength and other strength limitations in time of war or national emergency” for “Suspension of end-strength limitations in time of war or national emergency” in item 123a.

Pub. L. 110-181, div. A, title X, §1063(a)(1)(B), Jan. 28, 2008, 122 Stat. 321, which directed amendment of chapter 3 of title 10 “by revising the table of sections at the beginning of such chapter to reflect the redesignation and transfer made by paragraph (1)”, was executed to reflect the probable intent of Congress by amending the analysis to this chapter to reflect the redesignation and transfer made by section 1063(a)(1)(A) of Pub. L. 110-181, which redesignated the section 127c relating to allied forces participating in combined operations as 127d, and transferred it so as to appear immediately after section 127c relating to purchase of weapons overseas.

Pub. L. 110-181, div. A, title IX, §901(a)(2), Jan. 28, 2008, 122 Stat. 272, struck out item 130a “Major Department of Defense headquarters activities personnel: limitation”.

2006—Pub. L. 109-364, div. A, title XII, §1201(b), title XIV, §1405(b), Oct. 17, 2006, 120 Stat. 2412, 2436, added items 127c, relating to allied forces participating in combined operations, and 130d.

Pub. L. 109-163, div. A, title XII, §1231(b), Jan. 6, 2006, 119 Stat. 3468, added item 127c relating to purchase of weapons overseas.

2003—Pub. L. 108-136, div. A, title VIII, §841(b)(2), Nov. 24, 2003, 117 Stat. 1552, substituted “Authority to pro-