§ 102. Effect of certain amendments on conforming changes to tables of sections, tables of contents, and similar tabular entries

(a) AUTOMATIC EXECUTION OF CONFORMING CHANGES.—When an amendment to a covered defense law adds a section or larger organizational unit to the covered defense law, repeals or transfers a section or larger organizational unit in the covered defense law, or amends the designation or heading of a section or larger organizational unit in the covered defense law, that amendment also shall have the effect of amending any table of sections, table of contents, or similar tabular entries in the covered defense law to alter the table to conform to the changes made by the amendment.

(b) EXCEPTIONS.—Subsection (a) shall not apply to an amendment described in such subsection when—

(1) the amendment or a clerical amendment enacted at the same time expressly amends a table of sections, table of contents, or similar tabular entries in the covered defense law to alter the table to conform to the changes made by the amendment; or

(2) the amendment otherwise expressly exempts itself from the operation of this section.

(c) COVERED DEFENSE LAW.—In this section, the term ''covered defense law'' means—

(1) this title;

(2) titles 32 and 37;

(3) any national defense authorization Act that authorizes funds to be appropriated for a fiscal year to the Department of Defense; and

(4) any other law designated in the text thereof as a covered defense law for purposes of application of this section.

(Added Pub. L. 117–263, div. A, title X, § 1081(e)(1), Dec. 23, 2022, 136 Stat. 2798.)

Statutory Notes and Related Subsidiaries

APPLICATION OF AMENDMENT

Pub. L. 117–263, div. A, title X, § 1081(e)(3), Dec. 23, 2022, 136 Stat. 2798, provided that: ''Section 102 of title 10, United States Code, as added by paragraph (1), shall apply to the amendments made by this section and other amendments made by this Act [see Tables for classification].''

COORDINATION WITH OTHER AMENDMENTS MADE BY PUB. L. 117–263

Pub. L. 117–263, div. A, title X, § 1081(f), Dec. 23, 2022, 136 Stat. 2798, provided that: ''For purposes of applying amendments made by provisions of this Act other than this section [see Tables for classification], the amendments made by this section [enacting this section, amending sections 113, 2691, 3014, 4423, 4831, and 4833 of this title, and amending provisions set out as notes under sections 113, 391, and 2224 of this title] shall be treated as having been enacted immediately before any such amendments by other provisions of this Act.''

ELIMINATION OF NEED FOR CERTAIN SEPARATE CONFORMING AMENDMENTS

Pub. L. 117–263, div. B, § 2803(b), Dec. 23, 2022, 136 Stat. 2970, provided that:

''(1) AUTOMATIC EXECUTION OF CONFORMING CHANGES.—When an amendment made by a provision of this division [see Tables for classification] to a covered defense law adds a section or larger organizational unit to the covered defense law, repeals or transfers a section or larger organizational unit in the covered defense law, or amends the designation or heading of a section or larger organizational unit in the covered defense law, that amendment also shall have the effect of amending any table of sections, table of contents, or similar table of tabular entries in the covered defense law to alter the table to conform to the changes made by the amendment.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply to an amendment described in such paragraph when—

''(A) the amendment, or a separate clerical amendment enacted at the same time as the amendment, expressly amends a table of sections, table of contents, or similar table of tabular entries in the covered defense law to alter the table to conform to the changes made by the amendment; or

''(B) the amendment otherwise expressly exempts itself from the operation of this section.

''(3) COVERED DEFENSE LAW DEFINED.—In this subsection, the term 'covered defense law' means—

''(A) titles 10, 32, and 37 of the United States Code;

''(B) any national defense authorization Act or military construction authorization Act that authorizes funds to be appropriated for a fiscal year to the Department of Defense; and

''(C) any other law designated in the text thereof as a covered defense law for purposes of application of this section.''

[Another section 2803(b) of Pub. L. 117–263 enacted provisions set out as a note under section 2805 of this title. The section 2803(b) of Pub. L. 117–263 set out above probably should have been numbered section 2003(b) as it followed section 2002 of Pub. L. 117–263.]

Similar provisions were contained in the following prior act:

Pub. L. 117–81, div. B, § 2003(b), Dec. 27, 2021, 135 Stat. 2162.

CHAPTER 2—DEPARTMENT OF DEFENSE

Sec.
111. Executive department.
112. Department of Defense: seal.
113. Secretary of Defense.
113a. Transmission of annual defense authorization request.
114. Annual authorization of appropriations.
[114a. Renumbered.]
115. Personnel strengths: requirement for annual authorization.
115a. Annual defense manpower profile report and related reports.
[115b. Repealed.]
116. Annual operations and maintenance report.
117. Readiness reporting system.
118. Materiel readiness metrics and objectives for major weapon systems.
118a. Quadrennial quality of life review.
118b. National Defense Sustainment and Logistics Review.
118c. National Defense Science and Technology Strategy.
119. Special access programs: congressional oversight.
119a. Programs managed under alternative compensatory control measures: congressional oversight.
120. Department of Defense executive aircraft controlled by Secretaries of military departments.

Editorial Notes

AMENDMENTS

2021—Pub. L. 117–81, div. A, title X, § 1061(a)(2), Dec. 27, 2021, 135 Stat. 1909, which effectively directed the renumbering of the second item 118a (''Quadrennial quality of life review'') as 118b, could not be executed because there was no second item 118a after the renumbering of another item 118a (''National Defense

Sustainment and Logistics Review'') as 118b by Pub. L. 117–81, §§311(b)(2)(A), 1081(a)(3). See note below.

Pub. L. 117–81, div. A, title III, §311(b)(2)(A), title X, §1081(a)(3), Dec. 27, 2021, 135 Stat. 1625, 1919, made similar amendments, resulting in the renumbering of item 118a ''National Defense Sustainment and Logistics Review'' as 118b. Amendment by section 1081(a)(3) to be treated as applying before amendment by section 311(b)(2)(A), see section 1081(d) of Pub. L. 117–81, set out as a Coordination of Certain Sections of an Act With Other Provisions of That Act under section 101 of this title.

Pub. L. 117–81, div. A, title II, §211(b), title X, §1081(a)(2), Dec. 27, 2021, 135 Stat. 1587, 1919, substituted ''Materiel readiness metrics and objectives for major weapon systems'' for ''Materiel readiness metrics and objectives for major defense acquisition programs'' in item 118 and added item 118c.

Pub. L. 116–283, div. A, title III, §§341(b), 347(b), Jan. 1, 2021, 134 Stat. 3537, 3541, substituted ''Materiel readiness metrics and objectives for major defense acquisition programs'' for ''Annual report on major weapons systems sustainment'' in item 118 and added item 118a ''National Defense Sustainment and Logistics Review''.

2019—Pub. L. 116–92, div. A, title XVII, §1731(b), Dec. 20, 2019, 133 Stat. 1816, amended directory language of Pub. L. 115–232, §331(g)(2), and provided that the amendment is effective Aug. 13, 2018, and as if included in Pub. L. 115–232 as enacted. See 2018 Amendment note below.

Pub. L. 116–92, div. A, title XVII, §1701(c)(2), Dec. 20, 2019, 133 Stat. 1795, which directed amendment of item 115a in the analysis for chapter 3 of this title by substituting ''profile report and related reports'' for ''requirements report'', was executed by making the substitution in item 115a in the analysis for this chapter, to reflect the probable intent of Congress.

Pub. L. 116–92, div. A, title III, §351(a)(2), title X, §1051(b), Dec. 20, 2019, 133 Stat. 1320, 1590, added items 118 and 120.

2018—Pub. L. 115–232, div. A, title III, §331(g)(2), Aug. 13, 2018, 132 Stat. 1724, as amended by Pub. L. 116–92, div. A, title XVII, §1731(b)(1), Dec. 20, 2019, 133 Stat. 1816, struck out '': establishment; reporting to congressional committees'' after ''system'' in item 117.

2016—Pub. L. 114–328, div. A, title IX, §941(b)(2), title X, §1062(b), title XI, §1102(b), Dec. 23, 2016, 130 Stat. 2367, 2408, 2444, added item 119a and struck out items 115b ''Biennial strategic workforce plan'' and 118 ''Defense strategy review''.

2015—Pub. L. 114–92, div. A, title X, §1081(b)(3), Nov. 25, 2015, 129 Stat. 1001, amended directory language of Pub. L. 113–291, §1072(a)(2). See 2014 Amendment note below.

2014—Pub. L. 113–291, div. A, title X, §1072(b)(2), Dec. 19, 2014, 128 Stat. 3517, struck out item 118b ''Quadrennial roles and missions review''.

Pub. L. 113–291, div. A, title X, §1072(a)(2), Dec. 19, 2014, 128 Stat. 3516, as amended by Pub. L. 114–92, div. A, title X, §1081(b)(3), Nov. 25, 2015, 129 Stat. 1001, substituted ''Defense Strategy Review'' for ''Quadrennial defense review'' in item 118.

2011—Pub. L. 112–81, div. A, title IX, §935(a)(2), Dec. 31, 2011, 125 Stat. 1545, substituted ''Biennial strategic workforce plan'' for ''Annual strategic workforce plan'' in item 115b.

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 item 113a and item 118a ''Quadrennial quality of life review''.

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.

Editorial Notes

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).

Statutory Notes and Related Subsidiaries

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

Pub. L. 99–433, §1(a), Oct. 1, 1986, 100 Stat. 992, 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.

REVISION OF DEPARTMENT OF DEFENSE FINANCIAL MANAGEMENT REGULATION; ESTABLISHMENT OF CROSS-FUNCTIONAL TEAM

Pub. L. 118–159, div. A, title X, §§1005, 1006, Dec. 23, 2024, 138 Stat. 2047, 2048, provided that:

''SEC. 1005. REVISION OF DEPARTMENT OF DEFENSE FINANCIAL MANAGEMENT REGULATION.

''(a) Not later than September 30, 2026, the Under Secretary of Defense (Comptroller) shall revise the Department of Defense Financial Management Regulation 7000.14-R. The Under Secretary shall ensure that the revised regulation—

''(1) is consistent and clear throughout;

''(2) includes updated guidance with respect to legislative and regulatory requirements; and

''(3) does not include any outdated guidance or guidance subject to change annually in an annual appropriations Act.

''(b) CONSIDERATIONS.—In revising the regulation under subsection (a), the Under Secretary shall—

''(1) prioritize clarity and accessibility in the language and direction provided, including improvements to the coordination and approval process for recommended changes;

''(2) review and adopt modern financial practices that better align to current development and production cycles;

''(3) consider information technology solutions to improve the accessibility and usability of the Financial Management Regulation; and

''(4) in consultation with the Cross-Functional Team established under section 1006 consider the recommendations of the Commission on Planning, Programming, Budgeting, and Execution Reform.

''(c) BRIEFING.—Not later than 90 days after the date of the enactment of this Act [Dec. 23, 2024], and once every 180 days thereafter during the three-year period following such date of enactment, the Under Secretary shall provide to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a briefing on the efforts to revise the Financial Management Regulation. Each such briefing shall include each of the following:

''(1) The progress made in revising the Financial Management Regulation.

''(2) The plan and timeline for completing revisions to the Financial Management Regulation.

''(3) Any barriers to the ability of the Department of Defense to revising the Financial Management Regulation as required under this section.

''(4) Any legislation required to complete revisions of the Financial Management Regulation.

''(5) Any other information determined relevant by the Secretary.

''SEC. 1006. ESTABLISHMENT OF CROSS-FUNCTIONAL TEAM TO OVERSEE IMPLEMENTATION OF RECOMMENDATIONS OF COMMISSION ON PLANNING, PROGRAMMING, BUDGETING, AND EXECUTION REFORM.

''(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act [Dec. 23, 2024], using the authority provided under section 911(c) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 111 note) [set out below], the Secretary of Defense shall establish and appropriately resource a cross-functional team to plan and oversee, in coordination with the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives], the implementation of the recommendations of the Commission on Planning, Programming, Budgeting, and Execution Reform established by section 1004 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1884).

''(b) REPORTING.—The head of the cross-functional team required by subsection (a) shall be the Under Secretary of Defense (Comptroller) and such team shall report directly to the Deputy Secretary of Defense.

''(c) PERSONNEL.—

''(1) IN GENERAL.—The cross-functional team required by subsection (a) shall include dedicated, appropriate personnel with relevant expertise.

''(2) DIRECTOR.—There shall be a Director of the cross-functional team who shall be responsible for leading the daily activities of the cross-functional team. The Under Secretary of Defense (Comptroller) shall select either a member of the Senior Executive Service or a senior military officer to serve as the Director.

''(3) HIRING AUTHORITIES.—In establishing the cross-functional team, the Secretary may—

''(A) hire personnel on a temporary or term basis to support the activities of the cross-functional team; and

''(B) enter into contracts or other agreements with subject-matter experts with relevant expertise to support the cross-functional team.

''(4) COMPENSATION.—Basic pay for personnel on the cross-functional team may be administratively determined and set in accordance with section 3161(d) of title 5, United States Code.

''(5) INAPPLICABILITY OF CERTAIN LIMITATION.—An individual hired or selected for service under this subsection who is not assigned to perform functions in, or employed by, the Office of the Secretary of Defense (including performance of direct support activities of that Office and the Washington Headquarters Services of the Department of Defense) as of the date of the enactment of this Act is not subject to the limitations under section 143 of title 10, United States Code.

''(d) CONSULTATIONS WITH CONGRESS.—Not later than 60 days after the date of the enactment of this Act, the Under Secretary of Defense (Comptroller) shall—

''(1) provide to the congressional defense committees a briefing on the proposed leadership, composition, and charter of the cross-functional team required by subsection (a); and

''(2) seek feedback from the congressional defense committees on the recommendations of the Commission on Planning, Programming, Budgeting, and Execution Reform.

''(e) REPORTS.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter until the date that is three years after the date of the enactment of this Act, the Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees a report on the efforts of the Department of Defense to implement the recommendations of the Commission.

''(f) TERMINATION.—

''(1) IN GENERAL.—Except as provided by paragraph (2), this section and the cross-functional team required by subsection (a) shall terminate on December 31, 2029.

''(2) EARLY DISESTABLISHMENT OF TEAM.—The Secretary may, on or after December 31, 2027, and before the termination date specified in paragraph (1), disestablish the cross-functional team required by subsection (a) if—

''(A) the Under Secretary of Defense (Comptroller) determines that the cross-functional team is no longer required for the implementation of the recommendations of the Commission on Planning, Programming, Budgeting, and Execution Reform; and

''(B) the Secretary—

''(i) notifies the congressional defense committees not later than 30 days before disestablishing the cross-functional team; and

''(ii) includes in the notification the justification of the Secretary for the disestablishment of the cross-functional team.''

ASSESSMENTS OF CASUALTIES AND FATALITIES DURING HOSTILITIES

Pub. L. 118–159, div. A, title X, §1053, Dec. 23, 2024, 138 Stat. 2061, provided that: ''In making assessments of casualties and fatalities during hostilities, the Department of Defense may not cite as authoritative in public communications, fatality figures that are derived by United States-designated terrorist organizations, governmental entities controlled by United States-designated terrorist organizations, or any sources that rely on figures provided by United States-designated terrorist organizations.''

SOFTWARE-BASED CAPABILITY TO FACILITATE SCHEDULING BETWEEN THE DEPARTMENT OF DEFENSE AND CONGRESS

Pub. L. 118–31, div. A, title IX, §919, Dec. 22, 2023, 137 Stat. 372, provided that: ''Not later than September 30, 2024, the Secretary of Defense shall seek to develop and implement a software-based capability to facilitate the mutual scheduling of engagements between the Department of Defense and the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives]. Such capability shall—

''(1) enable the automated transmission of scheduling data to and from the congressional defense committees; and

''(2) be compatible and interoperable with the information technology systems of such committees.''

INTEGRATED AND AUTHENTICATED ACCESS TO DEPARTMENT OF DEFENSE SYSTEMS FOR CERTAIN CONGRESSIONAL STAFF FOR OVERSIGHT PURPOSES

Pub. L. 117–263, div. A, title X, §1046, Dec. 23, 2022, 136 Stat. 2773, as amended by Pub. L. 118–31, div. A, title X, §1081, Dec. 22, 2023, 137 Stat. 416, provided that:

''(a) IN GENERAL.—The Secretary of Defense shall develop processes and procedures under which the Secretary shall issue access tokens to staff of the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] to facilitate the performance of required congressional oversight activities. Such access tokens shall—

''(1) provide designated and authenticated staff with access to designated Department of Defense information systems, including—

''(A) the reporting system described in section 805(b) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81) [135 Stat. 1816] that will replace the Selected Acquisition Report requirements under section 4351 of title 10, United States Code; and

''(B) the process referred to in section 908 of the William (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) [10 U.S.C. 111 note] that is used by the Department of Defense to identify reports to Congress required by annual national defense authorization Acts, assign responsibility for preparation of such reports, and manage the completion and delivery of such reports to Congress;

''(2) to the extent feasible, be integrated with the provision of Pentagon Facilities Alternative Credentials; and

''(3) to the extent feasible, be integrated with software used by the Department of Defense Parking Management Office to validate parking requests.

''(b) IMPLEMENTATION.—The Secretary shall implement the processes and procedures developed under subsection (a) not later than 180 days after the date of the enactment of this Act [Dec. 23, 2022].

''(c) INTERIM BRIEFING.—Not later than 90 days after the date of the enactment of the Act, the Secretary of Defense shall provide to the congressional defense committees an interim briefing on the status of the processes and procedures required to be developed under subsection (a), including any updates to applicable policies, instructions, and guidance issued by the Department.''

MODERNIZATION OF PROCESS USED BY THE DEPARTMENT OF DEFENSE TO IDENTIFY, TASK, AND MANAGE CONGRESSIONAL REPORTING REQUIREMENTS

Pub. L. 116–283, div. A, title IX, §908, Jan. 1, 2021, 134 Stat. 3799, provided that:

''(a) ONGOING ANALYSIS REQUIRED.—The Assistant Secretary of Defense for Legislative Affairs shall conduct on an ongoing basis an analysis of the process used by the Department of Defense to identify reports to Congress required by annual national defense authorization Acts, assign responsibility for preparation of such reports, and manage the completion and delivery of such reports to Congress for the purpose of identifying mechanisms to optimize and otherwise modernize the process.

''(b) CONSULTATION.—The Assistant Secretary shall conduct the analysis required by subsection (a) with the assistance of and in consultation with the Chief Information Officer of the Department of Defense.

''(c) ELEMENTS.—The analysis required by subsection (a) shall include the following:

''(1) A business process reengineering of the process described in subsection (a).

''(2) An assessment of applicable commercially available analytics tools, technologies, and services

in connection with such business process reengineering.

''(3) Such other actions as the Assistant Secretary considers appropriate for purposes of the analysis.''

AUTHORITY OF PRESIDENT TO EXTEND MILITARY LEADER APPOINTMENTS

Pub. L. 116–136, div. B, title III, §13007, Mar. 27, 2020, 134 Stat. 522, provided that:

''(a) The President may extend the appointment of the Chief of Army Reserve as prescribed in section 7038(c) of title 10, United States Code, for the incumbent in that position as of the date of the enactment of this Act [Mar. 27, 2020] until the date of the appointment of the successor to such incumbent, notwithstanding any limitation otherwise imposed on such term by such section 7038(c).

''(b) The President may extend the appointment of the Chief of Navy Reserve as prescribed in section 8083(c) of title 10, United States Code, for the incumbent in that position as of the date of the enactment of this Act until the date of the appointment of the successor to such incumbent, notwithstanding any limitation otherwise imposed on such term by such section 8083(c).

''(c) The President may extend the appointment of the Chief of Staff of the Air Force prescribed in section 9033(a)(1) of title 10, United States Code, for the incumbent in that position as of the date of the enactment of this Act until the date of the appointment of the successor to such incumbent, notwithstanding any limitation otherwise imposed on such term by such section 9033(a)(1).

''(d) The President may extend the appointment of the Chief of Space Operations, as prescribed in section 9082(a)(2) of title 10, United States Code, for the incumbent in that position as of the date of the enactment of this Act until the date of the appointment of the successor to such incumbent, notwithstanding any limitation otherwise imposed on such term by such section 9082(a)(2).

''(e) The President may extend the appointment of the Chief of the National Guard Bureau as prescribed in section 10502(b) of title 10, United States Code, for the incumbent in that position as of the date of the enactment of this Act until the date of the appointment of the successor to such incumbent, notwithstanding any limitation otherwise imposed on such term by such section 10502(b).

''(f) The President may extend the appointment of Director, Army National Guard and Director, Air National Guard as prescribed in section 10506(a)(3)(D) of title 10, United States Code, for the incumbent in such position as of the date of the enactment of this Act until the date of the appointment of the successor to such incumbent, notwithstanding any limitation otherwise imposed on such term by such section 10506(a)(3)(D).

''(g) Notwithstanding paragraph (4) of section 10505(a) of title 10, United States Code, the Secretary of Defense may waive the limitations in paragraphs (2) and (3) of that section for a period of not more than 270 days.

''(h)(1) The President may delegate the exercise of the authorities in subsections (a) through (f) to the Secretary of Defense.

''(2) The Secretary of Defense may not redelegate the exercise of any authority delegated to the Secretary pursuant to paragraph (1), and may not delegate the exercise of the authority in subsection (g).''

TERMINATION OF REPORTING REQUIREMENTS

Pub. L. 116–92, div. A, title XVII, §1702(a), (b), Dec. 20, 2019, 133 Stat. 1796, provided that:

''(a) TERMINATION.—Effective on December 30, 2021, each report described in subsection (b) that is still required to be submitted to Congress as of such effective date shall no longer be required to be submitted to Congress.

''(b) COVERED REPORTS.—A report described in this subsection is any of the following:

''(1) The report required by section 1696(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) [132 Stat. 2171].

''(2) The report required by section 1071(b)(1) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91) [10 U.S.C. 4811 note].

''(3) The report required by section 1788a(d) of title 10, United States Code, as added by section 555 of such Act.

''(4) The report required under section 709(g) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 1071 note).

''(5) The report required by section 1292(a)(2) of such Act (22 U.S.C. 2751 note).

''(6) The quarterly report required by section 1236(c) of such Act [130 Stat. 2492].

''(7) The annual certification required by section 1666 of such Act (10 U.S.C. 2431 note) [section 1666 of Pub. L. 114–328 (130 Stat. 2617) is not classified to the Code].

''(8) The updates required under paragraph (3) of subsection (a) of section 1694 of such Act [130 Stat. 2637] to the report required under paragraph (1) of such subsection.

''(9) The notifications required by section 1695 of such Act [130 Stat. 2638].

''(10) The report required under section 522(g) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) [10 U.S.C. 503 note].''

REQUIREMENT FOR PREPARATION OF CERTAIN REPORTS TO CONGRESS BY CIVILIAN EMPLOYEES OF THE FEDERAL GOVERNMENT AND MEMBERS OF THE ARMED FORCES

Pub. L. 116–92, div. A, title XVII, §1702(d), Dec. 20, 2019, 133 Stat. 1796, provided that:

''(1) REQUIREMENT.—Except as expressly otherwise provided in the provision of law requiring such report, any report submitted to Congress pursuant to a provision of a national defense authorization Act that is enacted on or after the date that is three years after the date of the enactment of this Act [Dec. 20, 2019] shall be written by civilian employees of the Federal Government, members of the Armed Forces, or both, and not by contractor employees of the Federal Government.

''(2) BRIEFING.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall brief the Committees on Armed Services of the Senate and the House of Representatives on the actions to be taken to ensure compliance with the requirement in paragraph (1), including on any impediments to compliance with the requirement.''

Pub. L. 115–91, div. A, title X, §1051(x), Dec. 12, 2017, 131 Stat. 1567, provided that: ''Effective on December 31, 2021, the reports required under the following provisions of title 10, United States Code, shall no longer be required to be submitted to Congress:

''(1) Section 113(c)(1) [now 10 U.S.C. 113(c)].

''(2) Section 113(e).

''(3) Section 116.

''(4) Section 2432 [now 10 U.S.C. 4351].''

ORGANIZATIONAL STRATEGY FOR THE DEPARTMENT OF DEFENSE

Pub. L. 118–159, div. A, title IX, §903(b), Dec. 23, 2024, 138 Stat. 2026, provided that:

''(1) ESTABLISHMENT.—Not later than July 1, 2025, the Secretary of Defense shall establish not fewer than two Cross-Functional Teams to coordinate and support international cooperation activities of the Department of Defense.

''(2) PURPOSE.—Of the Cross-Functional Teams required under paragraph (1)—

''(A) at least one shall be dedicated to a geographic area of interest, such as a specific country or subset of an area of responsibility for a geographic combatant command; and

''(B) at least one shall be dedicated to a functional area of interest, such as munitions production, logistics, or additive manufacturing.

''(3) PARTICIPATION.—The Cross-Functional Teams established under paragraph (1)—

''(A) shall include representation from—

''(i) the Office of the Under Secretary of Defense for Policy;

''(ii) the Office of the Under Secretary of Defense for Acquisition and Sustainment; and

''(iii) the Office of the Under Secretary of Defense for Research and Engineering; and

''(B) may include such other participants from across the Department of Defense as the Secretary of Defense determines appropriate.

''(4) CHAIRPERSON.—Each Cross-Functional Team shall have a Chairperson who shall be designated by the Secretary of Defense from among the representatives on the Team from the Offices specified in paragraph (3)(A).''

Pub. L. 118–31, div. G, title III, §7353, Dec. 22, 2023, 137 Stat. 1065, provided that:

''(a) ACCESS TO INFORMATION.—Upon request by the cross-functional team of the Department of Defense established under section 910 of the National Defense Authorization Act of Fiscal Year 2022 (Public Law 117–81; 10 U.S.C. 111 note) [set out below] (in this section referred to as the 'cross-functional team'), and consistent with the protection of intelligence sources and methods, the head of any element of the intelligence community shall provide such team with access to any information (including any intelligence reporting, analysis, or finished intelligence product) of the element potentially relevant to the duties of such team required under subsection (b)(1) of such section.

''(b) RULE OF CONSTRUCTION.—Nothing in subsection (a) shall be construed as waiving the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191) or any other applicable law regarding privacy or the protection of health information.

''(c) STAFFING OF CROSS-FUNCTIONAL TEAM BY CERTAIN ELEMENTS.—

''(1) STAFFING.—

''(A) COVERED ELEMENTS.—The head of each covered element shall detail or assign to the cross-functional team, including through a joint duty assignment (as applicable), intelligence or counterintelligence personnel of that covered element in such numbers as the head, in consultation with such team, determines necessary to support such team in fulfilling the duties required under section 910(b)(1) of the National Defense Authorization Act of Fiscal Year 2022 (Public Law 117–81; 10 U.S.C. 111 note).

''(B) OTHER ELEMENTS.—The head any element that is not a covered element may only detail or assign to the cross-functional team, including through a joint duty assignment (as applicable), intelligence or counterintelligence personnel of such element if the head of such element—

''(i) receives written concurrence from the Director of National Intelligence and the Secretary of Defense regarding the specific personnel to be detailed or assigned; and

''(ii) submits to the congressional intelligence committees, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives a notification describing the personnel to be detailed or assigned and the rationale for participation in the cross functional team.

''(2) NATIONAL SECURITY AGENCY.—In carrying out paragraph (1) with respect to the National Security Agency, the Director of the National Security Agency shall ensure there is detailed or assigned to the cross-functional team at least 1 individual determined appropriate by the Director, who, while so detailed or assigned, shall provide such team with technical expertise of the National Security Agency relevant to the fulfilment of the duties referred to in paragraph (1).

''(d) ADDITIONAL DETAIL AUTHORITY.—Upon request by the cross-functional team, the head of any element of the intelligence community may detail to such team personnel of the element to provide intelligence, counterintelligence, or related support.

''(e) COVERED ELEMENT DEFINED.—In this section, the term 'covered element' means the following:

''(1) The National Security Agency.

''(2) The Defense Intelligence Agency.

''(3) The intelligence elements of the Army, the Navy, the Air Force, and the Marine Corps.''

[For definitions of ''intelligence community'' and ''congressional intelligence committees'' as used in section 7353 of Pub. L. 118–31, set out above, see section 7002 of Pub. L. 118–31, set out as a note under section 3003 of Title 50, War and National Defense.]

Pub. L. 117–81, div. A, title IX, §910, Dec. 27, 2021, 135 Stat. 1877, as amended by Pub. L. 117–263, div. A, title X, §1044(a), Dec. 23, 2022, 136 Stat. 2771; Pub. L. 118–31, div. A, title IX, §917, Dec. 22, 2023, 137 Stat. 369, provided that:

''(a) ESTABLISHMENT.—Using the authority provided pursuant to section 911(c) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 111 note), the Secretary of Defense shall establish a cross-functional team to address national security challenges posed by anomalous health incidents (as defined by the Secretary), including capabilities that plausibly could result in such incidents, and ensure that individuals affected by anomalous health incidents receive timely and comprehensive health care and treatment pursuant to title 10, United States Code, for symptoms consistent with an anomalous health incident.

''(b) DUTIES.—The duties of the cross-functional team established under subsection (a) shall be—

''(1) to investigate and carry out such other activities as may be necessary—

''(A) to identify anomalous health incidents;

''(B) to determine the causes and sources of such incidents, including identification of any individuals, entities, capabilities, or phenomena to which such incidents may plausibly be attributed; and

''(C) to understand how such incidents may be mitigated and treated;

''(2) to address the challenges posed by anomalous health incidents, including by coordinating research into—

''(A) non-kinetic capabilities that plausibly might result in such incidents, such as anti-personnel capabilities and directed energy capabilities;

''(B) the detection and mitigation of such capabilities; and

''(C) the development of countermeasures for such capabilities;

''(3) to integrate and deconflict the efforts of the Department of Defense regarding anomalous health incidents with the efforts of other departments or agencies of the Federal Government regarding such incidents; and

''(4) to undertake any other efforts regarding non-kinetic threats to personnel and anomalous health incidents that the Secretary considers appropriate.

''(c) TEAM LEADERSHIP.—The Secretary shall select an Under Secretary of Defense to lead the cross-functional team and a senior military officer to serve as the deputy to the Under Secretary so selected.

''(d) DETERMINATION OF ORGANIZATIONAL ROLES AND RESPONSIBILITIES.—The Secretary, acting through the cross-functional team established under subsection (a), shall determine the roles and responsibilities of the organizations and elements of the Department of Defense with respect to addressing anomalous health incidents, including the roles and responsibilities of the Office of the Secretary of Defense, the intelligence components of the Department, Defense agencies, Department of Defense field activities, the military departments, combatant commands, and the Joint Staff.

''(e) BRIEFINGS.—

''(1) INITIAL BRIEFING.—Not later than 45 days after the date of the enactment of this Act [Dec. 27, 2021], the Secretary shall provide to the appropriate congressional committees a briefing on—

''(A) the progress of the Secretary in establishing the cross-functional team; and

''(B) the progress the team has made in—

''(i) determining the roles and responsibilities of the organizations and elements of the Department of Defense with respect the cross-functional team; and

''(ii) carrying out the duties under subsection (b).

''(2) UPDATES.—Not later than March 1, 2023, and not less frequently than once every 180 days thereafter until March 1, 2028, the Secretary shall provide to the appropriate congressional committees a briefing containing updates on any activities carried out to fulfill the duties specified in subsection (b) since the date of the preceding briefing under this section.

''(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'appropriate congressional committees' means—

''(1) the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives]; and

''(2) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.''

Pub. L. 115–232, div. A, title IX, §918, Aug. 13, 2018, 132 Stat. 1925, provided that:

''(a) CROSS-FUNCTIONAL TEAM ON ELECTRONIC WARFARE.—

''(1) IN GENERAL.—Among the cross-functional teams established by the Secretary of Defense pursuant to subsection (c) of section 911 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2345; 10 U.S.C. 111 note) [set out below] in support of the organizational strategy for the Department of Defense required by subsection (a) of that section, the Secretary shall establish a cross-functional team on electronic warfare.

''(2) ESTABLISHMENT AND ACTIVITIES.—The cross-functional team established pursuant to paragraph (1) shall be established in accordance with subsection (c) of section 911 of the National Defense Authorization Act for Fiscal Year 2017, and shall be governed in its activities in accordance with the provisions of such subsection (c).

''(3) DEADLINE FOR ESTABLISHMENT.—The cross-functional team required by paragraph (1) shall be established by not later than 90 days after the date of the enactment of this Act [Aug. 13, 2018].

''(b) ADDITIONAL CROSS-FUNCTIONAL TEAMS MATTERS.—

''(1) CRITERIA FOR DISTINGUISHING AMONG CROSS-FUNCTIONAL TEAMS.—Not later than 60 days after the date of the enactment of this Act [Aug. 13, 2018], the Secretary shall issue criteria that distinguish cross-functional teams under section 911 of the National Defense Authorization Act for Fiscal Year 2017 from other types of cross-functional working groups, committees, integrated product teams, and task forces of the Department.

''(2) PRIMARY RESPONSIBILITY FOR IMPLEMENTATION OF TEAMS.—The Deputy Secretary of Defense shall establish or designate an office within the Department that shall have primary responsibility for implementing section 911 of the National Defense Authorization Act for Fiscal Year 2017.''

Pub. L. 114–328, div. A, title IX, §911, Dec. 23, 2016, 130 Stat. 2345, provided that:

''(a) ORGANIZATIONAL STRATEGY REQUIRED.—

''(1) IN GENERAL.—Not later than September 1, 2017, the Secretary of Defense shall formulate and issue to the Department of Defense an organizational strategy for the Department that—

''(A) identifies the critical objectives and other organizational outputs for the Department that span multiple functional boundaries and would benefit from the use of cross-functional teams under this section to ensure collaboration and integration across organizations within the Department;

''(B) improves the manner in which the Department integrates the expertise and capacities of the functional components of the Department for effective and efficient achievement of such objectives and outputs;

''(C) improves the management of relationships and processes involving the Office of the Secretary of Defense, the Joint Staff, the combatant commands, the military departments, and the Defense Agencies with regard to such objectives and outputs;

''(D) improves the ability of the Department to work effectively in interagency processes with regard to such objectives and outputs in order to better serve the President; and

''(E) achieves an organizational structure that enhances performance with regard to such objectives and outputs.

''(2) ELEMENTS.—The strategy shall provide for the following:

''(A) The appropriate use of cross-functional teams to manage critical objectives and outputs of the Department described in paragraph (1)(A).

''(B) The furtherance and advancement of a collaborative, team-oriented, results-driven, and innovative culture within the Department that fosters an open debate of ideas and alternative courses of action, and supports cross-functional teaming and integration.

''(b) ACTIONS IN SUPPORT OF STRATEGY.—

''(1) STUDY.—The Department of Defense shall conduct a study of the following in order to determine how best to implement effective cross-functional teams in the Department to achieve the strategic objectives of the Secretary of Defense:

''(A) Lessons learned, as reflected in academic literature, business and management school case studies, and the work of leading management consultant firms, on the successful and failed application of cross-functional teams in the private sector and government, and on the cultural factors necessary to support effective cross-functional teams.

''(B) The historical and current use by the Department of cross-functional working groups, integrated process teams, councils, and committees, and the reasons why such entities have or have not achieved high levels of teamwork or effectiveness.

''(2) CONDUCT OF STUDY.—The study required by paragraph (1) shall be conducted by an independent organization with widely acknowledged expertise in modern organizational management and teaming selected by the Secretary for purposes of the study.

''(3) SCHEDULE.—The Secretary shall award any necessary contract for the study required by paragraph (1) pursuant to paragraph (2) by not later than March 15, 2017, and shall provide the results of the study to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] by not later than July 15, 2017.

''(c) CROSS-FUNCTIONAL TEAMS.—In support of the strategy required by subsection (a):

''(1) IN GENERAL.—The Secretary of Defense shall establish cross-functional teams to address critical objectives and outputs for such teams as are determined to be appropriate in accordance with the organizational strategy issued under subsection (a), with initial teams established by not later than September 30, 2017.

''(2) PURPOSES.—The purposes of cross-functional teams established pursuant to this subsection shall be, as determined appropriate by the Secretary—

''(A) to provide for effective collaboration and integration across organizational and functional boundaries in the Department of Defense;

''(B) to develop, at the direction of the Secretary, recommendations for comprehensive and fully integrated policies, strategies, plans, and resourcing decisions;

''(C) to make decisions on cross-functional issues, to the extent authorized by the Secretary and within parameters established by the Secretary; and

''(D) to provide oversight for and, as directed by the Secretary, supervise the implementation of approved policies, strategies, plans, and resourcing decisions approved by the Secretary.

''(3) GUIDANCE ON TEAMS.—Not later than September 30, 2017, the Secretary shall issue guidance—

''(A) addressing the role, authorities, reporting relationships, resourcing, manning, training, and operations of cross-functional teams established pursuant to this subsection;

''(B) delineating decision-making authority of such teams;

''(C) providing that the leaders of functional components of the Department that provide personnel to such teams respect and respond to team needs and activities; and

''(D) emphasizing that personnel selected for assignment to such teams shall faithfully represent the views and expertise of their functional components while contributing to the best of their ability to the success of the team concerned.

''(4) PARTICIPANTS.—In establishing a cross-functional team pursuant to this subsection, the Secretary shall consider personnel from the Office of the Secretary of Defense, the Joint Staff, the military departments, and the Defense Agencies in all functional areas that the Secretary considers appropriate.

''(5) TEAM PERSONNEL.—For each cross-functional team established by the Secretary pursuant to this subsection, the Secretary shall—

''(A) assign as leader of such team a senior qualified and experienced individual, who shall report directly to the Secretary regarding the activities of such team;

''(B) delegate to the team leader designated pursuant to subparagraph (A) authority to select members of such team from among civilian employees of the Department and members of the Armed Forces in any grade who are recommended for membership on such team by the head of a functional component of the Department within the Office of the Secretary of Defense, the Joint Staff, and the military departments, by the commander of a combatant command, or by the director of a Defense Agency;

''(C) provide the team leader with necessary full time support from team members, and the means to co-locate team members;

''(D) ensure that team members and all leaders in functional organizations that are in the supervisory chain for personnel serving on such team receive training in elements of successful cross-functional teams, including teamwork, collaboration, conflict resolution, and appropriately representing the views and expertise of their functional components; and

''(E) ensure that the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] are provided information on the progress and results of such team upon request.

''(6) TEAM STRATEGIES AND DECISION-MAKING AUTHORITY.—

''(A) IN GENERAL.—The Secretary shall ensure that the objectives of each cross-functional team established pursuant to this subsection are clearly established in writing, through a memorandum, statement, charter, or similar document.

''(B) METRICS.—To improve team performance and accountability, the Secretary shall task each team, as appropriate, to establish a strategy to achieve the objectives specified by the Secretary, metrics for evaluation of the achievement of such objectives by such team, and the alignment of individual and team goals for the achievement of such objectives by such team.

''(C) DELEGATION OF AUTHORITY.—The Secretary may delegate to a team any decision-making authority that, and shall delegate such authority as, the Secretary considers appropriate to permit such team to achieve the objectives established by the Secretary.

''(7) REVIEW OF TEAMS.—Not later than 18 months after the date on which the first cross-functional team is established pursuant to this subsection, the Secretary shall complete an analysis, with support from external experts in organizational and management sciences, of the successes and failures of teams established pursuant to this subsection, and determine how to apply the lessons learned from that analysis.

''(8) REPORT ON ESTABLISHMENT.—Not later than 18 months after the date of the enactment of this Act [Dec. 23, 2016], the Secretary shall submit to Congress a report on the establishment of cross-functional teams under this subsection, including descriptions from the leaders of teams established prior to the date on which this report is submitted of the manner in which the teams were designed and how they functioned.

''(d) DIRECTIVE ON COLLABORATIVE CULTURE AND BEHAVIOR.—The guidance issued by the Secretary of Defense pursuant to subsection (c)(3) shall also—

''(1) articulate the shared purposes, values, and principles for the operation of the Office of the Secretary of Defense that are required to promote a team-oriented, collaborative, results-driven culture within the Office to support the primary objectives of the Department of Defense;

''(2) ensure that collaboration across functional and organizational boundaries is an important factor in the performance review of leaders of cross-functional teams established pursuant to subsection (c), members of teams, and other appropriate leaders of the Department; and

''(3) identify key practices that senior leaders of the Department should follow with regard to leadership, organizational practice, collaboration, and the functioning of cross-functional teams, and the types of personnel behavior that senior leaders should encourage and discourage.

''(e) STREAMLINING OF ORGANIZATIONAL STRUCTURE AND PROCESSES OF OSD.—Not later than 18 months after the date of the enactment of this Act [Dec. 23, 2016], the Secretary of Defense shall take such actions as the Secretary considers appropriate to streamline the organizational structure and processes of the Office of the Secretary of Defense in order to increase spans of control, achieve a reduction in layers of management, eliminate unnecessary duplication between the Office and the Joint Staff, and reduce the time required to complete standard processes and activities.

''(f) TRAINING FOR INDIVIDUALS NOMINATED FOR APPOINTMENT FOR OSD POSITIONS CONFIRMED BY THE SENATE.—

''(1) IN GENERAL.—Within three months of the appointment of an individual to a position in the Office of the Secretary of Defense appointable by and with the advice and consent of the Senate, the individual shall complete a course of instruction in leadership, modern organizational practice, collaboration, and the operation of teams described in subsection (c).

''(2) WAIVER.—The President may waive the requirement in paragraph (1) with respect to an individual if the Secretary determines in writing that the individual possesses, through training and experience, the skill and knowledge otherwise to be provided through a course of instruction as described in that paragraph.

''(g) COMPTROLLER GENERAL OF THE UNITED STATES ASSESSMENTS.—

''(1) BIANNUAL REPORT ON ASSESSMENTS.—Not later than six months after the date of the enactment of this Act [Dec. 23, 2016], and every six months thereafter through December 31, 2019, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a comprehensive assessment of the actions taken under this section during the six-month period ending on

the date of such report and cumulatively since the date of the enactment of this Act.

''(2) ASSESSMENT TEAM.—The Comptroller General may establish within the Government Accountability Office a team of analysts to assist the Comptroller General in the performance assessments required by this subsection.''

CONTINUATION OF REPORTING REQUIREMENTS

Pub. L. 118–159, div. A, title XVI, §1652(a)(1), Dec. 23, 2024, 138 Stat. 2200, provided that: ''Section 1080(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 111 note) does not apply to the report required to be submitted to Congress under section 1343(a) of the Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3743(a)).''

Pub. L. 117–263, div. A, title III, §314(c)(1), Dec. 23, 2022, 136 Stat. 2505, provided that: ''Section 1080(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1000; 10 U.S.C. 111 note) does not apply to the following reports:

''(A) The report required to be submitted to Congress under section 2711 of title 10, United States Code.

''(B) The report required to be submitted to Congress under section 2925 of title 10, United States Code.''

Pub. L. 117–263, div. A, title III, §375(a), Dec. 23, 2022, 136 Stat. 2542, provided that: ''Section 1080(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1000; 10 U.S.C. 111 note) does not apply to the report required to be submitted to Congress under section 2464(d) of title 10, United States Code.''

Pub. L. 117–263, div. A, title III, §376(a), Dec. 23, 2022, 136 Stat. 2542, provided that: ''Section 1080(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1000; 10 U.S.C. 111 note) does not apply to the report required to be submitted to Congress under section 2466(d) of title 10, United States Code.''

Pub. L. 117–263, div. A, title X, §1053(b)(1), Dec. 23, 2022, 136 Stat. 2778, provided that: ''Section 1080(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1000; 10 U.S.C. 111 note) does not apply to the report required to be submitted to Congress under section 2561(c) of title 10, United States Code.''

Pub. L. 117–263, div. A, title X, §1059(a), Dec. 23, 2022, 136 Stat. 2780, provided that: ''Section 1080(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1000; 10 U.S.C. 111 note) does not apply to the report required to be submitted to Congress under section 10541 of title 10, United States Code.''

Pub. L. 115–91, div. A, title VIII, §811(d)(2), Dec. 12, 2017, 131 Stat. 1460, provided that: ''Section 1080(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1000; 10 U.S.C. 111 note), as amended by section 1061(j) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2405; 10 U.S.C. 111 note), does not apply to the report required to be submitted to Congress under section 2313a of title 10, United States Code [now 10 U.S.C. 3847].''

Pub. L. 114–328, div. A, title X, §1061, Dec. 23, 2016, 130 Stat. 2400, as amended by Pub. L. 115–91, div. A, title X, §§1051(u)–(w), 1081(d)(11), (12), Dec. 12, 2017, 131 Stat. 1566, 1567, 1600; Pub. L. 115–232, div. A, title III, §314(b)(2), title VIII, §813(i)(1), Aug. 13, 2018, 132 Stat. 1712, 1851; Pub. L. 117–81, div. A, title X, §§1011(b), 1064, Dec. 27, 2021, 135 Stat. 1890, 1909; Pub. L. 117–263, div. A, title III, §§314(c)(2), 375(b), 376(b), title X, §§1053(b)(2), 1059(b), title XVI, §1633(e), Dec. 23, 2022, 136 Stat. 2505, 2542, 2778, 2780, 2938; Pub. L. 118–31, div. B, title XXVIII, §2821(c), Dec. 22, 2023, 137 Stat. 751; Pub. L. 118–159, div. A, title XVI, §1652(a)(2), Dec. 23, 2024, 138 Stat. 2201, provided that:

''(a) EXCEPTIONS TO REPORTS TERMINATION PROVISION.—Section 1080 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1000; 10 U.S.C. 111 note) does not apply to any report required to be submitted to Congress by the Department of Defense, or by any officer, official, component, or element of the Department, pursuant to a provision of law specified in this section, notwithstanding the enactment of the reporting requirement by an annual national defense authorization Act or the inclusion of the report in the list of reports prepared by the Secretary of Defense pursuant to subsection (c) of such section 1080.

''(b) FINAL TERMINATION DATE FOR SUBMITTAL OF EXEMPTED REPORTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), each report required pursuant to a provision of law specified in this section that is still required to be submitted to Congress as of December 31, 2021, shall no longer be required to be submitted to Congress after that date.

''(2) REPORTS EXEMPTED FROM TERMINATION.—The termination dates specified in paragraph (1) and section 1080 of the National Defense Authorization Act for Fiscal Year 2016 do not apply to the following:

''(A) The submission of the reports on the National Military Strategy and Risk Assessment under section 153(b)(3) of title 10, United States Code.

''(B) The submission of the future-years defense program (including associated annexes) under section 221 of title 10, United States Code.

''(C) The submission of the future-years mission budget for the military programs of the Department of Defense under section 221 of such title.

''(D) The submission of audits of contracting compliance by the Inspector General of the Department of Defense under section 1601(b) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 2533a note [now 10 U.S.C. 4862 note]).

''(E) The submission of the report required under section 14 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–5).

''(F) The submission of the report required under section 2504 of title 10, United States Code [now 10 U.S.C. 4814].

''(c) REPORTS REQUIRED BY TITLE 10, UNITED STATES CODE.—Subject to subsection (b), subsection (a) applies to reporting requirements contained in the following sections of title 10, United States Code:

''(1) Section 113(i).

''(2) [Former] Section 117(e).

''(3) [Section] 118a(d).

''(4) Section 119(a) and (b).

''(5) Section 127b(f).

''(6) Section 139(h).

''(7) [Former] Section 139b(d).

''(8) Sections [sic] 153(c).

''(9) Section 171a(e) and (g)(2).

''[(10) Repealed. Pub. L. 117–263, div. A, title XVI, §1633(e), Dec. 23, 2022, 136 Stat. 2938.]

''(11) Section 196(d)(1), (d)(4), and (e)(3) [now 10 U.S.C. 4173(d)(1), (4), (e)(3)].

''(12) Section 223a(a).

''(13) [Former] Section 225(c)[.]

''(14) Section 229.

''[(15) Repealed. Pub. L. 117–81, div. A, title X, §1011(b), Dec. 27, 2021, 135 Stat. 1890.]

''[(16) Repealed. Pub. L. 115–232, div. A, title VIII, §813(i)(1)(A), Aug. 13, 2018, 132 Stat. 1852.]

''(17) Section 238.

''(18) Section 341(f) of title 10, United States Code, as amended by section 1246 of this Act.

''(19) Section 401(d).

''(20) Section 407(d).

''(21) Section 481a(c).

''(22) Section 482(a).

''(23) [Former] Section 488(c).

''(24) Section 494(b).

''(25) Section 526(j).

''(26) Section 946(c) (Article 146 of the Uniform Code of Military Justice).

''(27) Section 981(c).
''(28) Section 1116(d).
''(29) Section 1566(c)(3).
''(30) Section 1557(e).
''[(31) Repealed. Pub. L. 118–31, div. B, title XXVIII, § 2821(c), Dec. 22, 2023, 137 Stat. 751.]
''(32) Section 1781c(h) [now 10 U.S.C. 1781c(g)].
''(33) Section 2011(e) [now 10 U.S.C. 322(e)].
''(34) Section 2166(i) [now 10 U.S.C. 343(i)].
''(35) Section 2218(h).
''(36) Section 2228(e).
''(37) Section 2229(d).
''(38) Section 2229a.
''(39) Section 2249c(c) [now 10 U.S.C. 345(d)].
''(40) Section 2275.
''[(41) Repealed. Pub. L. 115–232, div. A, title VIII, § 813(i)(1)(A), Aug. 13, 2018, 132 Stat. 1852.]
''(42) Section 2367(d) [now 10 U.S.C. 4126(d)].
''(43) Section 2399(g) [now 10 U.S.C. 4171(g)].
''(44) [Former] Section 2445b.
''[(45) Repealed. Pub. L. 117–263, div. A, title III, § 375(b), Dec. 23, 2022, 136 Stat. 2542.]
''[(46) Repealed. Pub. L. 117–263, div. A, title III, § 376(b), Dec. 23, 2022, 136 Stat. 2542.]
''[(47) Repealed. Pub. L. 117–81, div. A, title X, § 1064(2), Dec. 27, 2021, 135 Stat. 1909.]
''[(48) Repealed. Pub. L. 117–263, div. A, title X, § 1053(b)(2), Dec. 23, 2022, 136 Stat. 2778.]
''(49) Section 2684a(g) [now 10 U.S.C. 2684a(h)].
''(50) Section 2687a.
''[(51) Repealed. Pub. L. 117–263, div. A, title III, § 314(c)(2), Dec. 23, 2022, 136 Stat. 2505.]
''(52) Sections [sic] 2884(b) and (c).
''(53) Section 2911(a) and (b)(3) [now 10 U.S.C. 2911(c) and (d)(3)].
''[(54) Repealed. Pub. L. 117–263, div. A, title III, § 314(c)(2), Dec. 23, 2022, 136 Stat. 2505.]
''(55) Section 2926(e)(4) [now 10 U.S.C. 2926(f)(4)].
''(56) Section 4361(d)(4)(B) [now 10 U.S.C. 7461(d)(4)(B)].
''(57) Section 4721(e) [now 10 U.S.C. 7721(e)].
''(58) Section 6980(d)(4)(B) [now 10 U.S.C. 8480(d)(4)(B)].
''(59) Section 7310(c) [now 10 U.S.C. 8680(c)].
''(60) Section 9361(d)(4)(B) [now 10 U.S.C. 9461(d)(4)(B)].
''(61) Section 10216(c).
''[(62) Repealed. Pub. L. 117–263, div. A, title X, § 1059(b), Dec. 23, 2022, 136 Stat. 2780.]
''(63) Section 10543.
''(64) Section 10504(b) [now 10 U.S.C. 10504(c)].
''(65) [Former] Section 235.
''(66) Section 115a.
''(67) Section 2193b(g).

''(d) REPORTS REQUIRED BY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2015.—Subject to subsection (b), subsection (a) applies to reporting requirements contained in the following sections of the Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291):
''(1) Section 546(d) [now 546(e)] (10 U.S.C. 1561 note).
''(2) Section 1003 (10 U.S.C. 221 note).
''[(3) Repealed. Pub. L. 115–232, div. A, title VIII, § 813(i)(1)(B), Aug. 13, 2018, 132 Stat. 1852.]
''(4) Section 1055 (128 Stat. 3498).
''(5) Section 1204(b) (10 U.S.C. 2249e note) [now 10 U.S.C. 362 note].
''(6) Section 1205(e) (128 Stat. 3537).
''(7) Section 1206(e) ([former] 10 U.S.C. 2282 note).
''(8) Section 1211 (128 Stat. 3544).
''(9) Section 1225 (128 Stat. 3550).
''(10) Section 1235 (128 Stat. 3558).
''(11) [Former] Section 1245 (128 Stat. 3566).
''(12) Section 1253(b) (22 U.S.C. 2151 note).
''(13) Section 1275(b) (128 Stat. 3591).
''[(14) Repealed. Pub. L. 118–159, div. A, title XVI, § 1652(a)(2), Dec. 23, 2024, 138 Stat. 2201.]
''(15) Section 1650 (128 Stat. 3653).
''(16) Section 1662(c)(2) and (d)(2) (128 Stat. 3657; [former] 10 U.S.C. 2431 note).
''(17) Section 2821(a)(3) (10 U.S.C. 2687 note).
''(18) Section 1209(d) (128 Stat. 3542).

''(e) REPORTS REQUIRED BY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014.—Subject to subsection (b), subsection (a) applies to reporting requirements contained in the following sections of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66):
''(1) Section 704(e) (10 U.S.C. 1074 note).
''(2) Sections [sic] 713(f), (g), and (h) ([former] 10 U.S.C. 1071 note).
''(3) Section 904(d)(2) (10 U.S.C. 111 note).
''(4) [Former] Section 1205(f)(3) ([Former] 32 U.S.C. 107 note).

''(f) REPORTS REQUIRED BY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013.—Subject to subsection (b), subsection (a) applies to reporting requirements contained in the following sections of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239):
''[(1) Repealed. Pub. L. 115–232, div. A, title VIII, § 813(i)(1)(C), Aug. 13, 2018, 132 Stat. 1852.]
''(2) Section 904(h)(1) and (2) (10 U.S.C. 133 note) [now 10 U.S.C. 133a note].
''(3) Section 1009 (126 Stat. 1906).
''(4) Section 1023 (126 Stat. 1911).
''(5) Section 1052(b)(4) (126 Stat. 1936; 49 U.S.C. 40101 note) [now 49 U.S.C. 44802 note].

''(g) REPORTS REQUIRED BY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011.—Subject to subsection (b), subsection (a) applies to reporting requirements contained in the following sections of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383):
''(1) Section 123 (10 U.S.C. 167 note).
''(2) Section 1216(c) (124 Stat. 4392).
''[(3) Repealed. Pub. L. 115–232, div. A, title VIII, § 813(i)(1)(D), Aug. 13, 2018, 132 Stat. 1852.]
''(4) Section 1631(d) (10 U.S.C. 1561 note).

''(h) REPORTS REQUIRED BY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010.—Subject to subsection (b), subsection (a) applies to reporting requirements contained in the following sections of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84):
''(1) Section 711(d) (10 U.S.C. 1071 note).
''(2) Section 1003(b) ([former] 10 U.S.C. 2222 note).
''[(3) Repealed. Pub. L. 115–232, div. A, title VIII, § 813(i)(1)(E), Aug. 13, 2018, 132 Stat. 1852.]
''(4) Section 1245 (123 Stat. 2542) [10 U.S.C. 113 note].
''(5) Section 1806 (10 U.S.C. 948a note).

''(i) REPORTS REQUIRED BY OTHER LAWS.—Subject to subsection (b), subsection (a) applies to reporting requirements contained in the following provisions of law:
''(1) Sections [sic] 1412(i) and (j) of the National Defense Authorization Act, 1986 [probably should be ''Department of Defense Authorization Act, 1986''] (50 U.S.C. 1521), as amended by section 1421 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383).
''(2) Section 1703 of the National Defense Authorization Act for Fiscal Year 1994 (50 U.S.C. 1523).
''(3) Section 717(c) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 1073 note).
''(4) Section 234 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. 2367).
''(5) Section 1309(c) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 113 note).
''(6) Section 1237(b)(2) of the [Strom Thurmond] National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 1701 note).
''(7) Section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 10 U.S.C. 113 note).
''(8) Section 232(h)(2) [probably should be ''232(h)(3)''] of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; [former] 10 U.S.C. 2431 note).

''(9) Section 366(a)(5) and (c)(2) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 10 U.S.C. 113 note).

''(10) Section 1208(f) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086).

''(11) Section 1208(d) of the National Defense Authorization Act for [Fiscal Year] 2006 (Public Law 109–163; 119 Stat. 3459).

''(12) Section 1405(d) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 10 U.S.C. 801 note).

''(13) Section 122(f)(1) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2104).

''(14) Section 721 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2294) [10 U.S.C. 1074 note].

''[(15) Repealed. Pub. L. 115–232, div. A, title VIII, § 813(i)(1)(F), Aug. 13, 2018, 132 Stat. 1852.]

''(16) Section 1517(f) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2443).

''[(17) Repealed. Pub. L. 115–232, div. A, title VIII, § 813(i)(1)(F), Aug. 13, 2018, 132 Stat. 1852.]

''(18) Section 1034(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 309) [10 U.S.C. 272 note].

''(19) Section 1107(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 358) [10 U.S.C. 4121 note].

''(20) Section 1233(f) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393).

''(21) Section 1234(e) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 394).

''(22) Section 219(c) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; [former] 10 U.S.C. 2358 note).

''(23) Section 533(i) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; [former] 10 U.S.C. prec. 701 note).

''[(24) Repealed. Pub. L. 115–232, div. A, title VIII, § 813(i)(1)(F), Aug. 13, 2018, 132 Stat. 1852.]

''(25) Section 1201(b)(1) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1619).

''(26) Section 1236 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1641).

''(27) Section 103A(b)(3) [probably should be ''103a(b)(3)''] of the Sikes Act (16 U.S.C. 670c–1(b)(3)).

''(28) Section 1511(h) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 411(h)).

''(29) Section 901(f) [now 901(g)] of the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469; 32 U.S.C. 112 note), as added by section 1008 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239).

''[(30) Repealed. Pub. L. 117–81, div. A, title X, § 1064(3), Dec. 27, 2021, 135 Stat. 1910.]

''(31) Section 105A(b) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20308(b)), as added by section 586 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84).

''(32) Section 112(f) of title 32, United States Code.

''(33) Section 310b(i)(2) [probably should be ''301b(i)(2)''] of title 37, United States Code.

''(34) Section 509(k) of title 32, United States Code.

''(35) Section 1022(c) of the National Defense Authorization Act for [Fiscal Year] 2004 (Public Law 108–136; 10 U.S.C. 371 note [probably should be ''10 U.S.C. 271 note'']).

''(j) [Amended section 1080(a) of Pub. L. 114–92, set out below.]

''(k) REPORT TO CONGRESS.—Not later than February 1, 2017, 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 that includes each of the following:

''(1) A list of all reports that are required to be submitted to Congress as of the date of the enactment of this Act [Dec. 23, 2016] that will no longer be required to be submitted to Congress as of November 25, 2017.

''(2) For each such report, a citation to the provision of law under which the report is or was required to be submitted.''

[Pub. L. 115–91, div. A, title X, § 1051(u)–(w), Dec. 12, 2017, 131 Stat. 1566, 1567, provided that the amendments made by section 1051(u)–(w) to section 1061 of Pub. L. 114–328, set out above, are effective as of Dec. 23, 2016, and as if included in section 1061 as enacted.]

REDUCTION IN AMOUNTS AVAILABLE FOR DEPARTMENT OF DEFENSE HEADQUARTERS, ADMINISTRATIVE, AND SUPPORT ACTIVITIES

Pub. L. 114–92, div. A, title III, § 346(a), (b), (d), Nov. 25, 2015, 129 Stat. 796, as amended by Pub. L. 115–91, div. A, title IX, §§ 922, 923, Dec. 12, 2017, 131 Stat. 1525; Pub. L. 116–92, div. A, title IX, § 901(b), Dec. 20, 2019, 133 Stat. 1542, provided that:

''(a) PLAN FOR ACHIEVEMENT OF COST SAVINGS.—

''(1) IN GENERAL.—Commencing not later than 120 days after the date of the enactment of this Act [Nov. 25, 2015], the Secretary of Defense shall implement a plan to ensure that the Department of Defense achieves not less than $10,000,000,000 in cost savings from the headquarters, administrative, and support activities of the Department during the period beginning with fiscal year 2015 and ending with fiscal year 2019. The Secretary shall ensure that at least one half of the required cost savings are programmed for fiscal years before fiscal year 2018.

''(2) TREATMENT OF SAVINGS PURSUANT TO HEADQUARTERS REDUCTION.—Documented savings achieved pursuant to the headquarters reduction requirement in subsection (b), other than savings achieved in fiscal year 2020, shall count toward the cost savings required by paragraph (1).

''(3) TREATMENT OF SAVINGS PURSUANT TO MANAGEMENT ACTIVITIES.—Documented savings in the human resources management, health care management, financial flow management, information technology infrastructure and management, supply chain and logistics, acquisition and procurement, and real property management activities of the Department during the period referred to in paragraph (1) may be counted toward the cost savings required by paragraph (1).

''(4) TREATMENT OF SAVINGS PURSUANT TO FORCE STRUCTURE REVISIONS.—Savings or reductions to military force structure or military operating units of the Armed Forces may not count toward the cost savings required by paragraph (1).

''(5) REPORTS.—The Secretary shall include with the budget for the Department of Defense for each of fiscal years 2017, 2018, and 2019, as submitted to Congress pursuant to section 1105 of title 31, United States Code, a report describing and assessing the progress of the Department in implementing the plan required by paragraph (1) and in achieving the cost savings required by that paragraph.

''(6) COMPTROLLER GENERAL ASSESSMENTS.—Not later than 90 days after the submittal of each report required by paragraph (5), the Comptroller General of the United States shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report setting forth the assessment of the Comptroller General of the report and of the extent to which the Department of Defense is in compliance with the requirements of this section.

''(b) HEADQUARTERS REDUCTIONS.—

''(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act [Nov. 25, 2015], the Secretary of Defense shall modify the headquarters reduction plan required by section 904 of the National Defense Authorization Act for Fiscal Year 2014 (Pub-

lic Law 113–66; 127 Stat. 816; 10 U.S.C. 111 note) to ensure that it achieves savings in the total funding available for major Department of Defense headquarters activities by fiscal year 2020 that are not less than 25 percent of the baseline amount. The modified plan shall establish a specific savings objective for each major headquarters activity in each fiscal year through fiscal year 2020. The budget for the Department of Defense for each fiscal year after fiscal year 2016 shall reflect the savings required by the modified plan.

''(2) BASELINE AMOUNT.—For the purposes of this subsection, the baseline amount is the amount authorized to be appropriated by this Act [see Tables for classification] for fiscal year 2016 for major Department of Defense headquarters activities, adjusted by a credit for reductions in such headquarters activities that are documented, as of the date that is 90 days after the date of the enactment of this Act, as having been accomplished in earlier fiscal years in accordance with the December 2013 directive of the Secretary of Defense on headquarters reductions. The modified plan issued pursuant to paragraph (1) shall include an overall baseline amount for all of the major Department of Defense headquarters activities that credits reductions accomplished in earlier fiscal years in accordance with the December 2013 directive, and a specific baseline amount for each such headquarters activity that credits such reductions.

''(3) MAJOR DEPARTMENT OF DEFENSE HEADQUARTERS ACTIVITIES DEFINED.—In this subsection, the term 'major Department of Defense headquarters activities' means the following:

''(A) Each of the following organizations:

''(i) The Office of the Secretary of Defense and the Joint Staff.

''(ii) The Office of the Secretary of the Army and the Army Staff.

''(iii) The Office of the Secretary of the Navy, the Office of the Chief of Naval Operations, and Headquarters, Marine Corps.

''(iv) The Office of the Secretary of the Air Force and the Air Staff.

''(v) The Office of the Chief, National Guard Bureau, and the National Guard Joint Staff.

''(B)(i) Except as provided in clause (ii), headquarters elements of each of the following:

''(I) The combatant commands, the sub-unified commands, and subordinate commands that directly report to such commands.

''(II) The major commands of the military departments and the subordinate commands that directly report to such commands.

''(III) The component commands of the military departments.

''(IV) The Defense Agencies, the Department of Defense field activities, and the Office of the Inspector General of the Department of Defense.

''(V) Department of Defense components that report directly to the organizations specified in subparagraph (A).

''(ii) Subordinate commands and direct-reporting components otherwise described in clause (i) that do not have significant functions other than operational, operational intelligence, or tactical functions, or training for operational, operational intelligence, or tactical functions, are not headquarters elements for purposes of this subsection.

''(4) IMPLEMENTATION.—Not later than 120 days after the date of the enactment of this Act [Nov. 25, 2015], the Secretary shall revise applicable guidance on the Department of Defense major headquarters activities as needed to—

''(A) incorporate into such guidance the definition of the term 'major Department of Defense headquarters activities' as provided in paragraph (3);

''(B) ensure that the term 'headquarters element', as used in paragraph (3)(B), is consistently applied within such guidance to include—

''(i) senior leadership and staff functions of applicable commands and components; and

''(ii) direct support to senior leadership and staff functions of applicable commands and components and to higher headquarters;

''(C) ensure that the budget and accounting systems of the Department of Defense are modified to track funding for the major Department of Defense headquarters activities as separate funding lines; and

''(D) identify and address any deviation from the specific savings objective established for a headquarters activity in the modified plan issued by the Secretary pursuant to the requirement in paragraph (1).

''(5) MANNER OF CARRYING OUT REDUCTIONS.—

''(A) IN GENERAL.—The Secretary of Defense shall implement the headquarters reduction plan referred to in paragraph (1), as modified pursuant to that paragraph, so that reductions in major Department of Defense headquarters activities pursuant to the plan are carried out only after consideration of—

''(i) the current manpower levels of major Department of Defense headquarters activities;

''(ii) the historic manpower levels of major Department of Defense headquarters activities;

''(iii) the mission requirements of major Department of Defense headquarters activities; and

''(iv) the anticipated staffing needs of major Department of Defense headquarters activities necessary to meet national defense objectives.

''(B) CONFORMING MODIFICATION OF PLAN FOR ACHIEVEMENT OF COST SAVINGS.—The Secretary of Defense shall modify the plan for achievement of cost savings required by subsection (a) to take into account the requirement specified in subparagraph (A).

''(6) CERTIFICATIONS ON COST SAVINGS ACHIEVED.—Not later than 120 days after the date of the enactment of this paragraph [Dec. 12, 2017], and not later than 60 days after the end of each of fiscal years 2018 through 2020, the Director of Cost Assessment and Program Evaluation shall certify to the Secretary of Defense, and to the congressional defense committees, the following:

''(A) The validity of the cost savings achieved for each major Department of Defense headquarters activity during the previous fiscal year, including the cost of personnel detailed by another Department entity to the headquarters activity.

''(B) Whether the cost savings achieved for each major Department of Defense headquarters activity during that fiscal year met the savings objective for the headquarters activity for that fiscal year, as established pursuant to paragraph (1).

''(d) SUNSET.—No action is required under this section with respect to any fiscal year after fiscal year 2019.''

TERMINATION OF REQUIREMENT FOR SUBMITTAL TO CONGRESS OF REPORTS REQUIRED OF DEPARTMENT OF DEFENSE BY STATUTE

Pub. L. 114–92, div. A, title X, §1080, Nov. 25, 2015, 129 Stat. 1000, as amended by Pub. L. 114–328, div. A, title X, §1061(j), Dec. 23, 2016, 130 Stat. 2405, provided that:

''(a) TERMINATION.—Effective November 25, 2017, each report described in subsection (b) that is still required to be submitted to Congress as of such date shall no longer be required to be submitted to Congress.

''(b) COVERED REPORTS.—A report described in this subsection is a report that is required to be submitted to Congress by the Department of Defense, or by any officer, official, component, or element of the Department, by any annual national defense authorization Act as of April 1, 2015.

''(c) REPORT TO CONGRESS.—Not later than February 1, 2016, 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 that includes each of the following:

''(1) A list of all reports described in subsection (b).

''(2) For each such report, a citation to the provision of law under which the report is required to be submitted.

''(3) Draft legislation that would repeal each such report.''

STREAMLINING OF DEPARTMENT OF DEFENSE MANAGEMENT HEADQUARTERS

Pub. L. 113–66, div. A, title IX, § 904, Dec. 26, 2013, 127 Stat. 816, as amended by Pub. L. 113–291, div. A, title IX, § 905(e), Dec. 19, 2014, 128 Stat. 3472, provided that:

''(a) PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act [Dec. 26, 2013], the Secretary of Defense shall develop a plan for streamlining Department of Defense management headquarters by changing or reducing the size of staffs, eliminating tiers of management, cutting functions that provide little or no added value, and consolidating overlapping and duplicative programs and offices.

''(b) ELEMENTS OF PLAN.—The plan required by subsection (a) shall include the following for each covered organization:

''(1) A description of the planned changes or reductions in staffing and services provided by military personnel, civilian personnel, and contractor personnel.

''(2) A description of the planned changes or reductions in management, functions, and programs and offices.

''(3) The estimated cumulative savings to be achieved over a 10-fiscal-year period beginning with fiscal year 2015, and estimated savings to be achieved for each of fiscal years 2015 through 2024.

''(c) COVERED ORGANIZATION.—In this section, the term 'covered organization' includes each of the following:

''(1) The Office of the Secretary of Defense.

''(2) The Joint Staff.

''(3) The Defense Agencies.

''(4) The Department of Defense field activities.

''(5) The headquarters of the combatant commands.

''(6) Headquarters, Department of the Army, including the Office of the Secretary of the Army, the Office of the Chief of Staff of the Army, and the Army Staff.

''(7) The major command headquarters of the Army.

''(8) The Office of the Secretary of the Navy, the Office of the Chief of Naval Operations, and Headquarters, United States Marine Corps.

''(9) The major command headquarters of the Navy and the Marine Corps.

''(10) Headquarters, Department of the Air Force, including the Office of the Secretary of the Air Force, the Office of the Air Force Chief of Staff, and the Air Staff.

''(11) The major command headquarters of the Air Force.

''(12) The National Guard Bureau.

''(d) REPORTS.—

''(1) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] the plan required by subsection (a).

''(2) STATUS REPORT.—The Secretary shall include with the Department of Defense materials submitted to Congress with the budget of the President for each of fiscal years 2017 through 2024 (as submitted to Congress pursuant to section 1105 of title 31, United States Code) a report describing the implementation of the plan required by subsection (a) during the preceding fiscal year and any modifications to the plan required due to changing circumstances. Each such report shall include the following:

''(A) A summary of savings achieved for each covered organization in the fiscal year covered by such report.

''(B) A description of the savings through changes, consolidations, or reductions in staffing and services provided by military personnel, civilian personnel, and contractor personnel in the fiscal year covered by such report.

''(C) A description of the savings through changes, consolidations, or reductions in management, functions, and programs and offices, or other associated cost drivers, including a discussion of how the changes, consolidations, or reductions were prioritized, in the fiscal year covered by such report.

''(D) In any case in which savings under the plan fall short of the objective of the plan for the fiscal year covered by such report, an explanation of the reasons for the shortfall.

''(E) A description of any modifications to the plan made during the fiscal year covered by such report, and an explanation of the reasons for such modifications, including the risks of, and capabilities gained or lost by implementing, such modifications.

''(F) A description of how the plan supports or affects current Department of Defense strategic guidance, policy, and mission requirements, including the quadrennial defense review, the Unified Command Plan, and the strategic choices and management review.

''(G) A description of the associated costs specifically addressed by the savings.''

[For termination, effective Dec. 31, 2021, of annual reporting provisions in section 904(d)(2) of Pub. L. 113–66, set out above, see section 1061 of Pub. L. 114–328, set out as a note above.]

MILITARY ACTIVITIES IN CYBERSPACE

Pub. L. 112–81, div. A, title IX, § 954, Dec. 31, 2011, 125 Stat. 1551, provided that: ''Congress affirms that the Department of Defense has the capability, and upon direction by the President may conduct offensive operations in cyberspace to defend our Nation, Allies and interests, subject to—

''(1) the policy principles and legal regimes that the Department follows for kinetic capabilities, including the law of armed conflict; and

''(2) the War Powers Resolution (50 U.S.C. 1541 et seq.).''

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

Pub. L. 99–433, §3, Oct. 1, 1986, 100 Stat. 993, 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) [now 50 U.S.C. 3002]—

''(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

Pub. L. 99–433, title VI, §602, Oct. 1, 1986, 100 Stat. 1066, 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

Pub. L. 99–433, title VI, §604, Oct. 1, 1986, 100 Stat. 1075a, 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 (renumbered §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.

Executive Documents

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, Director 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.

Editorial Notes

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)(1) 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.

(2) A person may not be appointed as Secretary of Defense—

(A) within seven years after relief from active duty as a commissioned officer of a regular component of an armed force in a grade below O–7; or

(B) within 10 years after relief from active duty as a commissioned officer of a regular component of an armed force in the grade of O–7 or above.

(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. 3002) he has authority, direction, and control over the Department of Defense.

(c) 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—

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

(2) a report from each military department on the status of diversity and inclusion of members and civilian employees in such department, including the status of diversity and inclusion in the military service academies, the Officer Candidate and Training Schools, and the Senior Reserve Officers' Training Corps programs of such department;

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

(4) such recommendations as he considers appropriate.

(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 consider-

ation 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. 3043) for the fiscal year concerned.

(f) When a vacancy occurs in an office within the Department of Defense and the office is to 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)(A) Except as provided in subparagraph (E), in January every four years, and intermittently otherwise as may be appropriate, the Secretary of Defense shall provide to the Secretaries of the military departments, the Chiefs of Staff of the armed forces, the commanders of the unified and specified combatant commands, and the heads of all Defense Agencies and Field Activities of the Department of Defense and other elements of the Department specified in paragraphs (1) through (10) of section 111(b) of this title, and to the congressional defense committees, a defense strategy. Each strategy shall be known as the ''national defense strategy'', and shall support the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 3043).

(B) Each national defense strategy shall including the following:

(i) The priority missions of the Department of Defense, and the assumed force planning scenarios and constructs.

(ii) The assumed strategic environment, including the most critical and enduring threats to the national security of the United States and its allies posed by state or non-state actors, and the current or projected threats to military installation resilience, and the strategies that the Department will employ to counter such threats and provide for the national defense.

(iii) A strategic framework prescribed by the Secretary that guides how the Department will prioritize among the threats described in clause (ii) and the missions specified pursuant to clause (i), how the Department will allocate and mitigate the resulting risks, and how the Department will make resource investments.

(iv) The roles and missions of the armed forces to carry out the missions described in clause (i), and the assumed roles and capabilities provided by other United States Government agencies and by allies and international partners.

(v) The force size and shape, force posture, defense capabilities, force readiness, infrastructure, organization, personnel, technological innovation, and other elements of the defense program necessary to support such strategy.

(vi) The major investments in defense capabilities, force structure, force readiness, force posture, and technological innovation that the Department will make over the following five-year period in accordance with the strategic framework described in clause (iii).

(vii) Strategic goals related to diversity and inclusion in the armed forces, and an assessment of measures of performance related to the efforts of the armed forces to reflect the diverse population of the United States eligible to serve in the armed forces.

(viii) A strategic framework prescribed by the Secretary that guides how the Department will prioritize and integrate activities relating to sustainment of major defense acquisition programs, core logistics capabilities (as described under section 2464 of this title), commercial logistics capabilities, and the national technology and industrial base (as defined in section 4801 of this title).

(ix) A strategic framework prescribed by the Secretary that guides how the Department will specifically address contested logistics, including major investments for related infrastructure, logistics-related authorities, force posture, related emergent technology and advanced computing capabilities, operational resilience, and operational energy, over the following five-year period to support such strategy.

(x) Strategic goals to address or mitigate the current and projected risks to military installation resilience.

(C) The Secretary shall seek the military advice and assistance of the Chairman of the Joint Chiefs of Staff in preparing each national defense strategy required by this subsection.

(D) Each national defense strategy under this subsection shall be presented to the congressional defense committees in both classified and unclassified form. The unclassified form may not be a summary of the classified document.

(E) In a year following an election for President, which election results in the appointment by the President of a new Secretary of Defense, the Secretary shall present the national defense strategy required by this subsection as soon as possible after appointment by and with the advice and consent of the Senate.

(F) In February of each year in which the Secretary does not submit a new defense strategy as required by paragraph (A), the Secretary shall submit to the congressional defense committees an assessment of the current national defense strategy, including an assessment of the implementation of the strategy by the Department and an assessment whether the strategy requires revision as a result of changes in assumptions, policy, or other factors.

(2)(A) In implementing the requirement in paragraph (1), the Secretary, with the advice of the Chairman of the Joint Chiefs of Staff, shall each year provide to the officials and officers referred in paragraph (1)(A) written guidance (to be known as ''Defense Planning Guidance'') establishing goals, priorities, including priorities relating to the current or projected risks to military installation resilience, and objectives, including fiscal constraints, to direct the preparation and review of the program and budget recommendations of all elements of the Department, including—

(i) the priority military missions of the Department, including the assumed force planning scenarios and constructs;

(ii) the force size and shape, force posture, defense capabilities, force readiness, infrastructure, organization, personnel, techno-

logical innovation, and other elements of the defense program necessary to support the strategy required by paragraph (1);

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

(iv) a discussion of any changes in the strategy required by paragraph (1) and assumptions underpinning the strategy, as required by paragraph (1).

(B) The guidance required by this paragraph shall be produced in February each year in order to support the planning and budget process. A comprehensive briefing on the guidance shall be provided to the congressional defense committees at the same time as the submission of the budget of the President (as submitted to Congress pursuant to section 1105(a) of title 31) for the fiscal year beginning in the year in which such guidance is produced.

(3)(A) In implementing the requirement in paragraph (1) and in conjunction with the reporting requirement in section 2687a of this title, the Secretary, with the approval of the President and the advice of the Chairman of the Joint Chiefs of Staff, shall, on the basis provided in subparagraph (E), provide to the officials and officers referred to in paragraph (1)(A) written guidance (to be known as ''Contingency Planning Guidance'' or ''Guidance for Employment of the Force'') on the preparation and review of contingency and campaign 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.

(B) The guidance required by this paragraph shall include the following:

(i) A description of the manner in which limited existing forces and resources shall be prioritized and apportioned to achieve the objectives described in the strategy required by paragraph (1).

(ii) A description of the relative priority of contingency and campaign plans, specific force levels, and supporting resource levels projected to be available for the period of time for which such plans are to be effective.

(C) The guidance required by this paragraph shall include the following:

(i) Prioritized global, regional, and functional policy objectives that the armed forces should plan to achieve, including plans for deliberate and contingency scenarios.

(ii) Policy and strategic assumptions that should guide military planning, including the role of foreign partners.

(iii) Guidance on global posture and global force management.

(iv) Security cooperation priorities.

(v) Specific guidance on United States and Department nuclear policy.

(D) The guidance required by this paragraph shall be the primary source document to be used by the Chairman of the Joint Chiefs of Staff in—

(i) executing the global military integration responsibilities described in section 153 of this title; and

(ii) developing implementation guidance for the Joint Chiefs of Staff and the commanders of the combatant commands.

(E) The guidance required by this paragraph shall be produced every two years, or more frequently as needed.

(4)(A) In implementing the requirement in paragraph (1), the Secretary, with the advice of the Chairman of the Joint Chiefs of Staff, shall each year produce, and submit to the congressional defense committees, a report (to be known as the ''Global Defense Posture Report'') that shall include the following:

(i) A description of major changes to United States forces, capabilities, and equipment assigned and allocated outside the United States, focused on significant alterations, additions, or reductions to such global defense posture that are required to execute the strategy and plans of the Department.

(ii) A description of the supporting network of infrastructure, facilities, pre-positioned stocks, and war reserve materiel required for execution of major contingency plans of the Department.

(iii) A list of all enduring locations, including main operating bases, forward operating sites, and cooperative security locations.

(iv) A description of the status of treaty, access, cost-sharing, and status-protection agreements with foreign nations.

(v) A summary of the priority posture initiatives for each region by the commanders of the combatant commands.

(vi) For each military department, a summary of the implications for overseas posture of any force structure changes.

(vii) A description of the costs incurred outside the United States during the preceding fiscal year in connection with operating, maintaining, and supporting United States forces outside the United States for each military department, broken out by country, and whether for operation and maintenance, infrastructure, or transportation.

(viii) A description of the amount of direct support for the stationing of United States forces provided by each host nation during the preceding fiscal year.

(B) The report required by this paragraph shall be submitted to the congressional defense committees as required by subparagraph (A) by not later than April 30 each year.

(C) In this paragraph, the term ''United States'', when used in a geographic sense, includes the territories and possessions of the United States.

(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 defense 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 congressional defense committees 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) 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.

(B) The amount of direct and indirect support for the stationing of United States forces provided by each host nation.

(2) 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*)(1) The Secretary of Defense, in coordination with the Secretary of the Department in which the Coast Guard is operating, shall establish metrics to measure—

(A) efforts to reflect across all grades comprising the officer and enlisted corps of each armed force the diverse population of the United States eligible to serve in the armed forces;

(B) efforts to reflect, across the civilian workforce of the Department and of each armed force, the diversity of the population of the United States; and

(C) the efforts of the armed forces to generate and maintain a ready military force that will prevail in war, prevent and deter conflict, defeat adversaries, and succeed in a wide range of contingencies.

(2) In implementing the requirement in paragraph (1), the Secretary of Defense, in coordination with the Secretary of the Department in which the Coast Guard is operating, shall—

(A) ensure that data elements, data collection methodologies, and reporting processes and structures pertinent to each metric established pursuant to that paragraph are comparable across the armed forces, to the extent practicable;

(B) establish standard classifications that members of the armed forces and civilian employees of the Department may use to self-identify their gender, race, or ethnicity, which classifications shall be consistent with Office of Management and Budget Number Directive 15, entitled 'Race and Ethnic Standards for Federal Statistics and Administrative Reporting', or any successor directive;

(C) define conscious and unconscious bias with respect to matters of diversity and inclusion, and provide guidance to eliminate such bias;

(D) conduct a barrier analysis to review demographic diversity patterns across the military life cycle, starting with enlistment or accession into the armed forces, in order to—

(i) identify barriers to increasing diversity;

(ii) develop and implement plans and processes to resolve or eliminate any barriers to diversity; and

(iii) review the progress of the armed forces in implementing previous plans and processes to resolve or eliminate barriers to diversity;

(E) develop and implement plans and processes to ensure that advertising and marketing to promote enlistment or accession into the armed forces is representative of the diverse population of the United States eligible to serve in the armed forces; and

(F) meet annually with the Secretaries of the military departments, the Chairman of the Joint Chiefs of Staff, and the Chiefs of Staff of the Armed Forces to assess progress toward diversity and inclusion across the armed forces and to elicit recommendations and advice for enhancing diversity and inclusion in the armed forces.

(m) Accompanying each national defense strategy provided to the congressional defense

committees in accordance with subsection (g)(1)(D), the Secretary of Defense, in coordination with the Secretary of the Department in which the Coast Guard is operating, shall provide a report that sets forth a detailed discussion, current as of the preceding fiscal year, of the following:

(1) The number of officers and enlisted members of the armed forces, including the reserve components, disaggregated by gender, race, and ethnicity, for each grade in each armed force.

(2) The number of members of the armed forces, including the reserve components, who were promoted during the fiscal year covered by such report, disaggregated by gender, race, and ethnicity, for each grade in each armed force, and of the number so promoted, the number promoted below, in, and above the applicable promotion zone.

(3) The number of members of the armed forces, including the reserve components, who were enlisted or accessed into the armed forces during the fiscal year covered by such report, disaggregated by gender, race, and ethnicity, in each armed force.

(4) The number of graduates of each military service academy during the fiscal year covered by such report, disaggregated by gender, race, and ethnicity, for each military department and the United States Coast Guard.

(5) The number of Senior Reserve Officers' Training Corps scholarships awarded during the fiscal year covered by the report, disaggregated by gender, race, and ethnicity, for each military department.

(6) The program completion rates and program withdrawal rates of Senior Reserve Officers' Training Corps scholarship recipients during the fiscal year covered by the report, disaggregated by gender, race, and ethnicity, for each military department.

(7) The number of graduates of the Senior Reserve Officers' Training Corps during the fiscal year covered by the report, disaggregated by gender, race, and ethnicity, for each military department.

(8) The number of members of the armed forces, including the reserve components, who reenlisted or otherwise extended a commitment to military service during the fiscal year covered by such report, disaggregated by gender, race, and ethnicity, for each grade in each armed force.

(9) The number of civilian employees of the Department, disaggregated by military department, gender, race, and ethnicity—

(A) in each grade of the General Schedule;

(B) in each grade of the Senior Executive Service;

(C) paid at levels above grade GS-15 of the General Schedule but who are not members of the Senior Executive Service;

(D) paid under the Federal Wage System, and

(E) paid under alternative pay systems.

(10) An assessment of the pool of officers best qualified for promotion to grades O–9 and O–10, disaggregated by gender, race, and ethnicity, in each military department and the United States Coast Guard.

(11) Any other matter the Secretary considers appropriate.

(n) 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.

(*o*) NOTIFICATION OF CERTAIN OVERSEAS CONTINGENCY OPERATIONS FOR PURPOSES OF INSPECTOR GENERAL ACT OF 1978.—The Secretary of Defense shall provide the Chair of the Council of Inspectors General on Integrity and Efficiency written notification of the commencement or designation of a military operation as an overseas contingency operation upon the earlier of—

(1) a determination by the Secretary that the overseas contingency operation is expected to exceed 60 days; or

(2) the date on which the overseas contingency operation exceeds 60 days.

(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; Pub. L. 112–81, div. A, title IX, § 933(a), title X, § 1064(1), Dec. 31, 2011, 125 Stat. 1543, 1586; Pub. L. 112–239, div. A, title X, § 1076(f)(1), Jan. 2, 2013, 126 Stat. 1951; Pub. L. 113–291, div. A, title X, § 1071(c)(1), (2), Dec. 19, 2014, 128 Stat. 3508; Pub. L. 114–92, div. A, title X, § 1060(a), Nov. 25, 2015,

129 Stat. 987; Pub. L. 114–328, div. A, title IX, §941(a), Dec. 23, 2016, 130 Stat. 2365; Pub. L. 115–91, div. A, title X, §§1051(a)(1), 1081(a)(1), Dec. 12, 2017, 131 Stat. 1560, 1594; Pub. L. 115–232, div. A, title X, §1041, Aug. 13, 2018, 132 Stat. 1954; Pub. L. 116–92, div. A, title XVII, §§1731(a)(3), 1732(a), Dec. 20, 2019, 133 Stat. 1812, 1816; Pub. L. 116–283, div. A, title V, §551(a)(1), title VIII, §811(a)(1), title XVIII, §1883(b)(2), Jan. 1, 2021, 134 Stat. 3627, 3748, 4294; Pub. L. 117–81, div. A, title III, §311(a), title V, §573, title IX, §901(a), title XI, §1101, Dec. 27, 2021, 135 Stat. 1625, 1755, 1867, 1949; Pub. L. 117–263, div. A, title V, §511, title X, §§1041, 1081(a)(2), Dec. 23, 2022, 136 Stat. 2563, 2770, 2797.)

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.

Editorial Notes

REFERENCES IN TEXT

The General Schedule, referred to in subsec. (m)(9)(A), (C), is set out under section 5332 of Title 5, Government Organization and Employees.

Senior Executive Service, referred to in subsec. (m)(9)(B), (C), see section 5382 of Title 5, Government Organization and Employees.

The Inspector General Act of 1978, referred to in subsec. (*o*), is Pub. L. 95–452, Oct. 12, 1978, 92 Stat. 1101, which was set out in the Appendix to Title 5, Government Organization and Employees, and was substantially repealed and restated in chapter 4 (§401 et seq.) of Title 5 by Pub. L. 117–286, §§3(b), 7, Dec. 27, 2022, 136 Stat. 4206, 4361. For disposition of sections of the Act into chapter 4 of Title 5, see Disposition Table preceding section 101 of Title 5.

AMENDMENTS

2022—Subsec. (g)(1)(D). Pub. L. 117–263, §1041, substituted ''in both classified and unclassified form. The unclassified form may not be a summary of the classified document.'' for ''in classified form with an unclassified summary.''

Subsec. (*l*)(2)(F). Pub. L. 117–263, §1081(a)(2)(A), inserted period after ''inclusion in the armed forces''.

Subsec. (m)(5), (6). Pub. L. 117–263, §511(4), added pars. (5) and (6). Former pars. (5) and (6) redesignated (7) and (8), respectively.

Subsec. (m)(7). Pub. L. 117–263, §511(3), redesignated par. (5) as (7). Former par. (7) redesignated (9).

Subsec. (m)(8). Pub. L. 117–263, § 511(3), redesignated par. (6) as (8).

Pub. L. 117–263, § 511(2), redesignated par. (8) relating to providing assessment of pool of officers best qualified for promotion in each military department and United States Coast Guard in report as (10).

Pub. L. 117–263, § 511(1), redesignated par. (8) relating to providing any other matter Secretary considers appropriate in report as (11).

Subsec. (m)(9). Pub. L. 117–263, § 1081(a)(2)(B), which directed redesignation of ''second paragraph (8) as paragraph (9)'', was not executed in light of the redesignations made by section 511 of Pub. L. 117–263, notwithstanding section 1081(f) of Pub. L. 117–263, set out as a note under section 102 of this title, which provided that amendments made by section 1081 of Pub. L. 117–263 should be treated as having been enacted immediately before other amendments by Pub. L. 117–263.

Pub. L. 117–263, § 511(3), redesignated par. (7) as (9).

Subsec. (m)(10). Pub. L. 117–263, § 511(2), redesignated par. (8) relating to providing assessment of pool of officers best qualified for promotion in each military department and United States Coast Guard in report as (10).

Subsec. (m)(11). Pub. L. 117–263, § 511(1), redesignated par. (8) relating to providing any other matter Secretary considers appropriate in report as (11).

2021—Subsec. (a). Pub. L. 117–81, § 901(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: ''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.''

Subsec. (c)(2). Pub. L. 117–81, § 1101(1), inserted ''of members and civilian employees'' after ''inclusion''.

Pub. L. 117–81, § 573(1), inserted before semicolon at end '', including the status of diversity and inclusion in the military service academies, the Officer Candidate and Training Schools, and the Senior Reserve Officers' Training Corps programs of such department''.

Pub. L. 116–283, § 551(a)(1)(A)(ii), added par. (2). Former par. (2) redesignated (3).

Subsec. (c)(3), (4). Pub. L. 116–283, § 551(a)(1)(A)(i), redesignated pars. (2) and (3) as (3) and (4), respectively.

Subsec. (g)(1)(B)(ii). Pub. L. 117–81, § 311(a)(1)(A), substituted ''actors, and the current or projected threats to military installation resilience,'' for ''actors,''.

Subsec. (g)(1)(B)(vii). Pub. L. 116–283, § 551(a)(1)(B), added cl. (vii).

Subsec. (g)(1)(B)(viii). Pub. L. 116–283, § 1883(b)(2), substituted ''section 4801'' for ''section 2500''.

Pub. L. 116–283, § 881(a)(1), added cl. (viii).

Subsec. (g)(1)(B)(ix). Pub. L. 116–283, § 811(a)(1), added cl. (ix).

Subsec. (g)(1)(B)(x). Pub. L. 117–81, § 311(a)(1)(B), added cl. (x).

Subsec. (g)(2)(A). Pub. L. 117–81, § 311(a)(2), substituted ''priorities, including priorities relating to the current or projected risks to military installation resilience,'' for ''priorities,'' in introductory provisions.

Subsec. (*l*). Pub. L. 116–283, § 551(a)(1)(D), added subsec. (*l*).

Subsec. (*l*)(1)(B), (C). Pub. L. 117–81, § 1101(2)(A), added subpar. (B) and redesignated former subpar. (B) as (C).

Subsec. (*l*)(2)(B). Pub. L. 117–81, § 1101(2)(B), inserted ''and civilian employees of the Department'' after ''members of the armed forces''.

Subsec. (m). Pub. L. 116–283, § 551(a)(1)(D), added subsec. (m). Former subsec. (m) redesignated (n).

Subsec. (m)(5), (6). Pub. L. 117–81, § 573(2)(A), (B), added par. (5) and redesignated former par. (5) as (6). Former par. (6) redesignated (7).

Subsec. (m)(7), (8). Pub. L. 117–81, § 1101(3), added par. (7) and redesignated former par. (7), relating to providing assessment of pool of officers best qualified for promotion in each military department and United States Coast Guard in report, as (8).

Pub. L. 117–81, § 573(2)(A), redesignated pars. (6) and (7), relating to providing any other matter Secretary considers appropriate in report, as (7) and (8), respectively.

Subsecs. (n), (*o*). Pub. L. 116–283, § 551(a)(1)(C), redesignated subsecs. (m) and (n) as (n) and (*o*), respectively.

2019—Subsec. (j)(1). Pub. L. 116–92, § 1731(a)(3), inserted ''the'' before ''congressional defense committees''.

Subsec. (n). Pub. L. 116–92, § 1732(a), added subsec. (n).

2018—Subsec. (g)(2) to (4). Pub. L. 115–232 added pars. (2) to (4) and struck out former pars. (2) to (4) which related to annual provision of written policy guidance for preparation and review of program recommendations and budget proposals, provision every two years of written policy guidance for preparation and review of contingency plans including those providing support to civil authorities in an incident of national significance or a catastrophic incident, and provision to congressional defense committees of a detailed classified briefing summarizing such guidance not later than Feb. 15 in any calendar year in which guidance is required.

2017—Subsec. (c). Pub. L. 115–91, § 1051(a)(1)(A), redesignated par. (1) as subsec. (c) and subpars. (A) to (C) of former par. (1) as pars. (1) to (3), respectively, and struck out former par. (2) which read as follows: ''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 any reserve component matter that the Reserve Forces Policy Board considers appropriate to include in the report.''

Subsec. (j)(1). Pub. L. 115–91, § 1081(a)(1), substituted ''congressional defense committees'' for ''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'' in introductory provisions.

Subsec. (*l*). Pub. L. 115–91, § 1051(a)(1)(B), struck out subsec. (*l*) which listed items to be included in the Secretary's annual report to Congress under subsec. (c).

2016—Subsec. (g). Pub. L. 114–328 amended subsec. (g) generally. Prior to amendment, subsec. (g) required Secretary of Defense to provide annually to Department of Defense heads written policy guidance for preparation and review of program recommendations and budget proposals, to provide to the Chairman of the Joint Chiefs of Staff written policy guidance for contingency plans for homeland defense and for military support to civil authorities, and to include in budget materials submitted to Congress summaries of the guidance developed and summaries of any plans developed in accordance with that guidance.

2015—Subsec. (g)(3). Pub. L. 114–92 added par. (3).

2014—Subsec. (b). Pub. L. 113–291, § 1071(c)(1), substituted ''(50 U.S.C. 3002)'' for ''(50 U.S.C. 401)''.

Subsec. (e)(2). Pub. L. 113–291, § 1071(c)(2), substituted ''(50 U.S.C. 3043)'' for ''(50 U.S.C. 404a)''.

2013—Subsec. (c)(2). Pub. L. 112–239 struck out ''on'' after ''Board on''.

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''.

Subsec. (j)(1)(A) to (C). Pub. L. 112–81, § 1064(1)(A), added subpar. (B), redesignated former subpar. (B) as (A), and struck out former subpars. (A) and (C) which read as follows:

''(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.

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

Subsec. (j)(2), (3). Pub. L. 112–81, § 1064(1)(B), (C), redesignated par. (3) as (2) and struck out former par. (2) which read as follows: ''Each report under this subsection shall be prepared in consultation with the Secretary of Commerce.''

Subsec. (*l*). Pub. L. 112–81, §933(a), amended subsec. (*l*) generally. Prior to amendment, subsec. (*l*) related to contents of the Secretary's annual report to Congress under subsec. (c).

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 Appropriations 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 138 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''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Pub. L. 117–81, div. A, title IX, §901(g), Dec. 27, 2021, 135 Stat. 1868, provided that: ''The amendments made by subsections (a) through (e) [amending sections 113, 138, 7013, 8013, and 9013 of this title] shall apply with respect to appointments made on or after the date of the enactment of this Act [Dec. 27, 2021].''

Amendment by section 1883(b)(2) of Pub. L. 116–283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116–283, set out as a note preceding section 3001 of this title.

EFFECTIVE DATE OF 2017 AMENDMENT

Pub. L. 115–91, div. A, title X, §1051(z), Dec. 12, 2017, 131 Stat. 1568, provided that: ''Except as provided in subsections (u), (v), and (w) [amending section 1061 of Pub. L. 114–328, set out as a note under section 111 of this title] the amendments made by this section [see Tables for classification] shall take effect on the later of—

''(1) the date of the enactment of this Act [Dec. 12, 2017]; or

''(2) November 25, 2017.''

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104–106, div. A, title XV, §1501(f)(3), Feb. 10, 1996, 110 Stat. 501, 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.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective Dec. 31, 2021, of provisions in subsecs. (c)(1) and (e) of this section requiring submittal of annual report to Congress, see section 1051(x) of Pub. L. 115–91, set out as a note under section 111 of this title.

For termination, effective Dec. 31, 2021, of provisions in subsec. (i) of this section requiring submittal of annual report to Congress, see section 1061 of Pub. L. 114–328, set out as a note under section 111 of this title.

TRANSFER OF RESPONSIBILITIES AND FUNCTIONS RELATING TO ELECTROMAGNETIC SPECTRUM OPERATIONS

Pub. L. 116–283, div. A, title I, §152, Jan. 1, 2021, 134 Stat. 3440, as amended by Pub. L. 117–81, div. A, title IX, §907(c)(1), Dec. 27, 2021, 135 Stat. 1875, which authorized the Secretary of Defense to transfer the responsibilities and functions of the Commander of the United States Strategic Command relating to electromagnetic spectrum operations, was transferred to section 1053 of Pub. L. 115–232, formerly set out as a note below, and redesignated as subsec. (g) of that section by Pub. L. 117–81, div. A, title IX, §907(c)(2), Dec. 27, 2021, 135 Stat. 1875. Section 1053 of Pub. L. 115–232 was repealed by Pub. L. 118–31, div. A, title XVI, §1682(c), Dec. 22, 2023, 137 Stat. 617.

PLAN TO ADVANCE INTERESTS OF DEPARTMENT OF DEFENSE IN MATTERS RELATING TO ELECTROMAGNETIC SPECTRUM IN INTERNATIONAL FORA

Pub. L. 118–159, div. A, title II, §243, Dec. 23, 2024, 138 Stat. 1848, provided that:

''(a) PLAN REQUIRED.—Not later than 60 days after the date of the enactment of this Act [Dec. 23, 2024], the Secretary of Defense, in coordination with the Chief Information Officer of the Department of Defense, shall develop and commence implementation of a five-year plan for advancing United States defense policy interests at meetings of relevant international organizations and other international fora relating to electromagnetic spectrum, including all phases of the World Radiocommunication Conferences preparatory process.

''(b) ELEMENTS.—At a minimum, the plan developed under subsection (a) shall include the following:

''(1) Actions and resourcing required to ensure that the Department of Defense has the personnel and expertise required to engage meaningfully in the international activities described in subsection (a).

''(2) Processes to increase pre-coordination with relevant domestic partners and Federal agencies on matters relating to the international activities described in subsection (a), including the defense industrial base and industry.

''(3) Appropriate avenues to increase cooperation activities with friendly foreign partners relating to the international activities described in subsection (a).

''(c) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Chief Information officer of the Department of Defense, shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the plan developed under subsection (a), which shall include information on relevant funded and unfunded resourcing requirements for current and future fiscal years.''

INCLUSION IN DEFENSE PLANNING GUIDANCE OF GUIDANCE ON SIZE, STRUCTURE, AND POSTURE OF SPECIAL OPERATIONS FORCES

Pub. L. 118–159, div. A, title IX, §908(a), Dec. 23, 2024, 138 Stat. 2032, provided that: ''As part of the annual Defense Planning Guidance issued under section 113(g)(2)(A) of title 10, United States Code, the Secretary of Defense shall include guidance with respect to the size, structure, posture, and other force development planning priorities specific to special operations forces.''

DISCLOSURE AND NOTICE REQUIREMENTS REGARDING EXECUTE ORDERS

Pub. L. 118–159, div. A, title X, §1067(c), Dec. 23, 2024, 138 Stat. 2066, provided that:

''(1) INITIAL NOTICE.—Not later than 30 days after the date of the enactment of this Act [Dec. 23, 2024], the Secretary of Defense shall provide to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a copy of each extant execute order issued at the direction of the President or the Secretary of Defense.

''(2) NOTICE OF ISSUANCE OR REVISION.—Not later than 15 days after the issuance or revision of any execute order issued at the direction of the President or the Secretary of Defense, the Secretary of Defense shall provide to the congressional defense committees a copy of the new or revised execute order.

''(3) NOTICE OF TERMINATIONS.—Not later than 15 days after the date on which any execute order that was issued at the direction of the President or the Secretary of Defense is terminated or rescinded, the Secretary of Defense shall notify the congressional defense committees in writing of the termination or rescission of the execute order.''

PILOT PROGRAM TO PROVIDE MILITARY AIRCRAFT SUPPORT TO AIR SHOWS

Pub. L. 118–159, div. A, title X, §1094(b), Dec. 23, 2024, 138 Stat. 2084, provided that: ''Not later than 90 days after the date of the enactment of this Act [Dec. 23, 2024], the Secretary of Defense, in coordination with the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force, shall establish a one-year pilot program under which the Secretary shall provide military aircraft and aerial demonstration teams in support of not fewer than five air shows located in rural or small market areas across the country for the purpose of providing the public with positive exposure to the Armed Forces.''

PUBLIC DISCLOSURE OF AFGHANISTAN WAR RECORDS

Pub. L. 118–31, div. A, title X, §1087, Dec. 22, 2023, 137 Stat. 419, provided that: ''The Secretary of Defense, in a manner consistent with the protection of intelligence sources and methods, shall expeditiously disclose to the public all relevant unclassified records of the Department of Defense relating to the war in Afghanistan.''

U.S. BASING, TRAINING, AND EXERCISES IN NORTH ATLANTIC TREATY ORGANIZATION MEMBER COUNTRIES

Pub. L. 118–31, div. A, title XII, §1250, Dec. 22, 2023, 137 Stat. 464, provided that: ''When considering decisions related to United States military basing, training, and exercises, the Secretary of Defense shall include among the factors whether a country, if a member of the North Atlantic Treaty Organization, has achieved defense spending of not less than 2 percent of its gross domestic product.''

PLAN OF ACTION TO EQUIP AND TRAIN IRAQI SECURITY FORCES AND KURDISH PESHMERGA FORCES

Pub. L. 118–31, div. A, title XII, §1266, Dec. 22, 2023, 137 Stat. 483, provided that:

''(a) IN GENERAL.—Not later than February 1, 2024, the Secretary of Defense, in consultation with the Secretary of State, shall develop a plan of action to equip and train Iraqi security forces and Kurdish Peshmerga forces to defend against attack by missiles, rockets, and unmanned systems. The plan of action shall be based on and informed by the results of the report submitted by the Secretary of Defense pursuant to section

1237 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263; 136 Stat. 2839).

''(b) MATTERS TO BE INCLUDED.—The plan required by subsection (a) shall include the following:

''(1) The provision of available equipment to Iraq and the Iraqi Kurdistan Region to counter the air and missile threats addressed in the report, to include air defense systems, to counter attack by missiles, rockets, and unmanned systems.

''(2) The provision of appropriate training of Iraqi security forces and Kurdish Peshmerga forces to support fielding and operational employment of the available equipment described in paragraph (1).

''(c) IMPLEMENTATION.—

''(1) IN GENERAL.—The Secretary of Defense shall begin implementation of the plan required by subsection (a) not later than 90 days after development of the plan required by subsection (a).

''(2) WAIVER.—The Secretary of Defense may delay implementation of the plan required by subsection (a) if such implementation would adversely impact United States stocks and readiness.

''(3) CONGRESSIONAL NOTIFICATION.—If the Secretary of Defense exercises the waiver authority under paragraph (2), the Secretary shall—

''(A) notify the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] of the exercise of such authority and the reason therefor not later than 10 days prior to the exercise of such authority; and

''(B) notify the congressional defense committees of the exercise of such authority every 30 days thereafter until implementation of the plan required by subsection (a) begins.

''(d) CONGRESSIONAL BRIEFING.—Not later than July 1, 2024, the Secretary of Defense should provide to the congressional defense committees a briefing on progress of the air defense equipping and training effort against the air and missile threat to Iraq, including in the Iraqi Kurdistan Region.''

INTRODUCTION OF ENTITIES IN TRANSACTIONS CRITICAL TO NATIONAL SECURITY

Pub. L. 117–263, div. A, title X, §1047, Dec. 23, 2022, 136 Stat. 2774, as amended by Pub. L. 118–159, div. A, title X, §1081, Dec. 23, 2024, 138 Stat. 2077, provided that:

''(a) IN GENERAL.—The Secretary of Defense shall facilitate the introduction of entities for the purpose of discussing a covered transaction that the Secretary has determined is in the national security interests of the United States.

''(b) COVERED TRANSACTION DEFINED.—The term 'covered transaction' means a transaction that the Secretary has reason to believe would likely involve an entity affiliated with a strategic competitor unless an alternative transaction were to occur.''

JUSTIFICATION FOR TRANSFER OR ELIMINATION OF CERTAIN FLYING MISSIONS

Pub. L. 117–263, div. A, title X, §1065, Dec. 23, 2022, 136 Stat. 2786, provided that: ''Prior to the relocation or elimination of any flying mission that involves 50 personnel or more assigned to a unit performing that mission, either with respect to an active or reserve component of a military department, 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 describing the justification of the Secretary for the decision to relocate or eliminate such flying mission. Such report shall include each of the following:

''(1) A description of how the decision supports the national defense strategy, the national military strategy, the North American Aerospace Defense Command strategy, and other relevant strategies.

''(2) A specific analysis and metrics supporting such decision.

''(3) An analysis and metrics to show that the elimination or relocation of the flying mission would not negatively affect broader mission sets, such as the homeland defense mission.

''(4) A plan for how the Department of Defense intends to fulfill or continue to meet the mission requirements of the eliminated or relocated flying mission.

''(5) An assessment of the effect of the elimination or relocation on the national defense strategy, the national military strategy, the North American Aerospace Defense Command strategy, and broader mission sets, such as the homeland defense mission.

''(6) An analysis and metrics to show that the elimination or relocation of the flying mission and its secondary and tertiary impacts would not degrade capabilities and readiness of the Joint Force.

''(7) An analysis and metrics to show that the elimination or relocation of the flying mission would not negatively affect the continental United States national airspace system.''

JOINT CONCEPT FOR COMPETING

Pub. L. 118–31, div. A, title X, §1088, Dec. 22, 2023, 137 Stat. 419, provided that:

''(a) IMPLEMENTATION PLAN REQUIRED.—Not later than March 1, 2024, the Chairman of the Joint Chiefs of Staff shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] an implementation plan for of the Joint Concept for Competing, released on February 10, 2023.

''(b) ELEMENTS.—The implementation plan required by subsection (a) shall include—

''(1) timelines for the development of integrated competitive strategies for engaging in strategic competition, as described in the Joint Concept for Competing, to address the challenges posed by specific competitors, including such strategies designed to—

''(A) deter adversarial military action;

''(B) counter the efforts of specific competitors, as necessary; and

''(C) support the efforts of the United States interagency and foreign allies, partners, and multilateral organizations;

''(2) an identification of any relevant updates to joint doctrine or professional military education;

''(3) a description of the integration of the Joint Concept for Competing with other joint force development and design efforts;

''(4) a description of concept-required capabilities that are necessary for joint force development and design in support of the Joint Concept for Competing, including the assignment of roles and responsibilities and the timelines for attaining such capabilities;

''(5) a description of efforts to coordinate and synchronize Department of Defense activities with the activities of interagency and foreign partners for the purpose of integrated campaigning;

''(6) an identification of any recommendations to better integrate the role of the Joint Force, as identified by the Joint Concept for Competing, with national security efforts of interagency and foreign partners;

''(7) an identification of any changes to authorities or resources necessary to implement the Joint Concept for Competing; and

''(8) a description of any other matters the Chairman determines appropriate.

''(c) BRIEFING.—Not later than 180 days after the delivery of the implementation plan required under subsection (a), and every 180 days thereafter through March 1, 2026, the Chairman of the Joint Chiefs of Staff shall provide to the congressional defense committees a briefing that includes an update on the status of the implementation plan required under subsection (a).''

Pub. L. 117–263, div. A, title X, §1074, Dec. 23, 2022, 136 Stat. 2794, provided that:

''(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act [Dec. 23, 2022], the

Secretary of Defense shall develop a Joint Concept for Competing.

''(b) PURPOSES.—The purposes of the Joint Concept for Competing are to—

''(1) define the roles and missions of the Department of Defense in long-term strategic competition with specific competitors;

''(2) conceptualize the employment of joint forces capabilities to deter adversarial military action by strategic competitors;

''(3) describe the manner in which the Department of Defense will use its forces, capabilities, posture, indications and warning systems, and authorities to protect United States national interests in the course of participating in long-term strategic competition, including through—

''(A) departmental efforts to integrate Department of Defense roles and missions with other instruments of national power;

''(B) security cooperation with partners and allies; and

''(C) operations relating to long-term strategic competition, particularly below the threshold of traditional armed conflict;

''(4) identify priority lines of effort and assign responsibility to relevant Armed Forces, combatant commands, and other elements of the Department of Defense for each specified line of effort in support of the Joint Concept for Competing; and

''(5) provide means for integrating and continuously improving the ability of the Department to engage in long-term strategic competition.

''(c) REPORT.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter for two years, 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 implementation of the Joint Concept for Competing.

''(2) ELEMENTS.—Each report required under paragraph (1) shall include the following elements:

''(A) A detailed description of any actions taken by the Department of Defense relative to the purposes specified under subsection (b).

''(B) An articulation of any new concepts or strategies necessary to support the Joint Concept for Competing.

''(C) An articulation of any capabilities, resources, or authorities necessary to implement the Joint Concept for Competing.

''(D) An explanation of the manner in which the Joint Concept for Competing relates to and integrates with the Joint Warfighting Concept.

''(E) An explanation of the manner in which the Joint Concept for Competing synchronizes and integrates with efforts of other departments and agencies of the United States Government to address long-term strategic competition.

''(F) Any other matters the Secretary of Defense determines relevant.''

INTEGRATED NON-KINETIC FORCE DEVELOPMENT

Pub. L. 117–263, div. A, title XV, § 1510, Dec. 23, 2022, 136 Stat. 2890, provided that:

''(a) FORCE DEVELOPMENT.—

''(1) IN GENERAL.—The Secretary of Defense shall establish forces, capabilities, and information support to enable the delivery of non-kinetic effects that provide increased survivability and effectiveness of military forces within a defense planning scenario.

''(2) FORCE PLANNING.—To support the development of the forces, capabilities, and information support under paragraph (1), the Secretary shall establish a force planning activity to identify and define the relevant forces, capabilities, and information support required to develop and deliver non-kinetic effects within a defense planning scenario. The Secretary shall ensure that the force planning activity identifies—

''(A) desired operational effects within such scenario;

''(B) the gaps that limit the ability to access important targets, the development of capabilities, the conduct of mission planning, and the execution of operations to deliver such effects;

''(C) the collection systems, analytic expertise and capacity, analytic tools and processes, foreign materiel, and product lines required to support development and delivery of such effects;

''(D) the forces required to deliver such effects, including associated doctrine, training, expertise, organization, authorities, and command and control arrangements; and

''(E) the cyber, electronic warfare, sensing, and communications capabilities, and delivery platforms and mechanisms, required to achieve such effects and the extent to which such capabilities, platforms, and mechanisms should be integrated with each other.

''(3) INITIAL ORGANIZATION STRUCTURE.—During an initial period of not less than 24 months, the Under Secretary of Defense for Research and Engineering shall organize the force planning activity established under paragraph (2). The Under Secretary shall designate a planning official from the Office of the Under Secretary for Research and Engineering to lead development and execution of the force planning activity, in coordination with staff designated by the Director of the Joint Staff of the Joint Chiefs of Staff. The designated planning official shall select a lead technical director. After such initial period, the Secretary may re-assign the force planning activity to another organization under different leadership.

''(4) PLAN FOR FOLLOW-ON ACTIVITIES.—Not later than 270 days after the date of the enactment of this Act [Dec. 23, 2022], the Secretary shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a plan for follow-on activities regarding the delivery of non-kinetic effects described in paragraph (1). The Secretary shall ensure the plan—

''(A) includes the identification of dedicated resources to be controlled by the designated planning official described in paragraph (3) and an approach under which the planning official apportions such resources across the Department of Defense to establish, augment, and accelerate new and ongoing activities described in paragraph (1) and subsections (b), (c), and (d); and

''(B) identifies—

''(i) a dedicated program element for non-kinetic force development;

''(ii) the suitability of the mission management authorities established through the pilot program under section 871 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 10 U.S.C. 191 note);

''(iii) the utility of using joint capability technology demonstrations to drive prototyping, experimentation, and technical integration of non-kinetic capabilities;

''(iv) how the Rapid Defense Experimentation Reserve might drive prototyping, experimentation, and technical integration of non-kinetic capabilities; and

''(v) alignment with other experimentation activities with the appropriate combatant commands.

''(5) IMPLEMENTATION.—During the initial period specified in paragraph (3), the designated planning official described in such paragraph shall report directly to the Deputy Secretary of Defense, to whom the official shall provide updates and recommendations not less frequently than quarterly. The Secretary shall ensure that the force planning activity established under paragraph (2) is supported by representatives from the military services, relevant combatant commands, the Strategic Capabilities Of-

fice, the Defense Advanced Research Projects Agency, and other elements within the Department of Defense, as appropriate.

''(b) FORCES.—In order to generate the forces identified in subsection (a)(2)(D), the Secretary of Defense shall—

''(1) through the Secretaries of the military departments and the heads of other Department of Defense components, as appropriate, establish appropriate forces and accompanying doctrine, training, and tradecraft;

''(2) acting through the Vice Chairman of the Joint Chiefs of Staff, serving as the Chairman of the Joint Requirements Oversight Council, ensure that appropriate requirements exist to guide the development and fielding of forces and means to deliver non-kinetic effects within a defense planning scenario;

''(3) through the Under Secretary of Defense for Policy, in coordination with the Chairman of the Joint Chiefs of Staff and the combatant commands, establish appropriate command and control structures and relationships governing such forces; and

''(4) determine the appropriate responsibilities of—

''(A) Cyber Mission Force of the United States Cyber Command;

''(B) cyber, electronic warfare, and space forces provided to other combatant commands; and

''(C) other operational entities within the Department of Defense in delivering non-kinetic effects.

''(c) CAPABILITIES.—In order to develop the capabilities identified in subsection (a)(2)(E), the Secretary of Defense, acting through the Director of the Defense Advanced Research Projects Agency, the Director of the Strategic Capabilities Office, the Secretaries of the military departments, and the heads of other elements of the Department of Defense, shall develop the capabilities required for the delivery of non-kinetic effects within a defense planning scenario.

''(d) POLICY.—The Secretary of Defense, acting through the Under Secretary of Defense for Policy and in coordination with the Chairman of the Joint Chiefs of Staff, shall develop policy governing the delivery of non-kinetic effects within a defense planning scenario.

''(e) BRIEFING.—Not later than one year after the date of the enactment of this Act [Dec. 23, 2022], the Secretary of Defense shall provide to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a briefing on the status of the implementation of this section.

''(f) NON-KINETIC EFFECTS DEFINED.—In this section, the term 'non-kinetic effects' means effects achieved through radio-frequency transmission of integrated cyber and electronic warfare techniques and other related and supporting technical measures.''

CLIMATE RESILIENCE IN PLANNING, ENGAGEMENT STRATEGIES, INFRASTRUCTURE, AND FORCE DEVELOPMENT OF DEPARTMENT OF DEFENSE

Pub. L. 117–81, div. A, title III, §§331, 334, Dec. 27, 2021, 135 Stat. 1637, 1638, provided that:

''SEC. 331. DEFINITIONS.

''In this subtitle [subtitle C (§§331–335) of title III of div. A of Pub. L. 117–81, enacting section 2285 of this title, amending sections 101 and 2504 of this title, and enacting this note]:

''(1) The terms 'climate resilience' and 'extreme weather' have the meanings given such terms in section 101(a) of title 10, United States Code, as amended by section 332.

''(2) The term 'climate security' has the meaning given such term in the second subsection (e) of section 120 of the National Security Act of 1947 (50 U.S.C. 3060(e)).

''(3) The term 'military installation resilience' has the meaning given such term in section 101(e) of title 10, United States Code [now 10 U.S.C. 101(f)].

''SEC. 334. CLIMATE RESILIENCE IN PLANNING, ENGAGEMENT STRATEGIES, INFRASTRUCTURE, AND FORCE DEVELOPMENT OF DEPARTMENT OF DEFENSE.

''(a) CLIMATE CHALLENGES AND CLIMATE RESILIENCE IN KEY PROCESSES OF DEPARTMENT OF DEFENSE.—The Secretary of Defense shall direct that the acquisition, budget planning and execution, infrastructure planning and sustainment, force development, engagement strategy development, security assistance, and other core processes of the Department of Defense fully consider and make needed adjustments to account for current and emerging climate and environmental challenges and to ensure the climate resilience of assets and capabilities of the Department, to include cost effectiveness over the life cycle of the investment weighed against threat reduction.

''(b) CLIMATE RESILIENCE MISSION IMPACT ASSESSMENT.—

''(1) IN GENERAL.—The Secretary shall conduct a mission impact assessment on climate resilience for the Department.

''(2) ELEMENTS.—The assessment conducted under paragraph (1) shall include the following:

''(A) An assessment of the direct impacts of extreme weather on the deployment and operations of the Armed Forces, and the manner in which extreme weather may impact the requirements of the commanders of the combatant commands in the respective areas of responsibility of such commanders, including—

''(i) an assessment of the evolving posture of peer competitors and impacts to deployment and operations of peer competitors due to extreme weather;

''(ii) an assessment of the impacts of expanding requirements for Department humanitarian assistance and disaster response due to extreme weather;

''(iii) a threat assessment of the impacts of extreme weather, drought, and desertification on regional stability;

''(iv) an assessment of risks to home station strategic and operational support area readiness, including the strategic highway network, the strategic rail network, and strategic air and sea ports; and

''(v) the development of standards for data collection to assist decision-making processes for research, development, and acquisition priorities for installation and infrastructure resilience to extreme weather.

''(B) A long-term strategic plan, including war games and exercises, centered on climate-driven crises, and a long-term assessment of climate security by the Office of Net Assessment of the Department.

''(C) A review outlining near-term and long-term needs for research, development, and deployment for equipment and other measures required to assure the resilience of the assets and capabilities of the Department and each component thereof, and of key elements of the defense industrial base and supporting transportation networks, to the impacts of extreme weather.

''(c) REPORTS.—

''(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act [Dec. 27, 2021], and every five years thereafter, the Chairman of the Joint Chiefs of Staff shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the broader strategic and operational impacts of extreme weather on the Department, measures to address such impacts, and progress in implementing new technologies and platforms, training and education methods, and data collection and dissemination for each military department to meet the respective mission requirements of the department.

''(2) RESEARCH, DEVELOPMENT, AND DEPLOYMENT NEEDS.—Each report required by paragraph (1) shall

identify research, development, and deployment needs for each combatant command and functional command.''

REQUIREMENTS RELATING TO EMISSIONS CONTROL TACTICS, TECHNIQUES, AND PROCEDURES

Pub. L. 117–81, div. A, title III, § 378, Dec. 27, 2021, 135 Stat. 1669, provided that:

''(a) REVIEW.—Not later than 180 days after the date of the enactment of this Act [Dec. 27, 2021], the Secretary of Defense shall conduct a review of current electromagnetic spectrum emissions control tactics, techniques, and procedures across the joint force.

''(b) REQUIREMENTS.—Not later than 60 days after completing the review under subsection (a), the Secretary of Defense shall direct each Secretary of a military department to update or establish, as applicable, standard tactics, techniques, and procedures, including down to the operational level, pertaining to emissions control discipline during all phases of operations.

''(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation status of the tactics, techniques, and procedures updated or established, as applicable, under subsection (b) by each of the military departments, including—

''(1) incorporation into doctrine of the military departments;

''(2) integration into training of the military departments; and

''(3) efforts to coordinate with the militaries of partner countries and allies to develop similar standards and associated protocols, including through the use of working groups.''

DEPARTMENT OF DEFENSE RESPONSE TO MILITARY LAZING INCIDENTS

Pub. L. 117–81, div. A, title III, § 382, Dec. 27, 2021, 135 Stat. 1672, provided that:

''(a) INVESTIGATION INTO LAZING OF MILITARY AIRCRAFT.—

''(1) INVESTIGATION REQUIRED.—The Secretary of Defense shall conduct a formal investigation into all incidents of lazing of military aircraft that occurred during fiscal year 2021. The Secretary shall carry out such investigation in coordination and collaboration with appropriate non-Department of Defense entities.

''(2) REPORT TO CONGRESS.—Not later than March 31, 2022, the Secretary 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 findings of the investigation conducted pursuant to paragraph (1).

''(b) INFORMATION SHARING.—The Secretary shall seek to increase information sharing between the Department of Defense and the States with respect to incidents of lazing of military aircraft, including by entering into memoranda of understanding with State law enforcement agencies on information sharing in connection with such incidents to provide for procedures for closer cooperation with local law enforcement in responding to such incidents as soon as they are reported.

''(c) DATA COLLECTION AND TRACKING.—The Secretary shall collect such data as may be necessary to track the correlation between noise complaints and incidents of military aircraft lazing.

''(d) OPERATING PROCEDURES.—The Secretary shall give consideration to adapting local operating procedures in areas with high incidence of military aircraft lazing incidents to reduce potential injury to aircrew.

''(e) EYE PROTECTION.—The Secretary shall examine the availability of commercial off-the-shelf laser eye protection equipment that protects against the most commonly available green light lasers that are available to the public. If the Secretary determines that no such laser eye protection equipment is available, the Secretary shall conduct research and develop such equipment.''

VIETNAM WARTIME ACCOUNTING INITIATIVE

Pub. L. 117–81, div. A, title XII, § 1245, Dec. 27, 2021, 135 Stat. 1986, as amended by Pub. L. 118–159, div. A, title XIII, § 1342, Dec. 23, 2024, 138 Stat. 2120, provided that:

''(a) IN GENERAL.—The Secretary of Defense, in coordination with the heads of other relevant Federal departments and agencies, may carry out a cooperative program with the Ministry of Defense of Vietnam and other entities of the Government of Vietnam to assist in accounting for killed or missing Vietnamese persons from the Vietnam War (referred to in this section as 'missing persons from the Vietnam War').

''(b) PURPOSE.—The purpose of the cooperative program under subsection (a) is to carry out the following activities:

''(1) Collection, digitization, verification, and sharing of archival information.

''(2) Building the capacity of Vietnam to manage archival information and personal data.

''(3) Supporting activities to build the capacity of Vietnam for locating, recovering, and conducting DNA analysis and identification of missing persons from the Vietnam War.

''(4) Increasing exchanges, training, and dialogue among veterans and families of missing persons from the Vietnam War.

''(5) Other support activities the Secretary of Defense considers necessary and appropriate.

''(c) DESIGNATION OF LEAD COORDINATING OFFICE.—The Secretary shall designate an office within the Department of Defense to serve as the lead coordinating office for the program carried out under this section.

''(d) TERMINATION.—The authority provided by subsection (a) shall terminate on October 1, 2031.''

APPLICATION OF ARTIFICIAL INTELLIGENCE TO THE DEFENSE REFORM PILLAR OF THE NATIONAL DEFENSE STRATEGY

Pub. L. 116–283, div. A, title II, § 234, Jan. 1, 2021, 134 Stat. 3483, as amended by Pub. L. 117–263, div. A, title II, § 212(g), Dec. 23, 2022, 136 Stat. 2468, provided that:

''(a) IDENTIFICATION OF USE CASES.—The Secretary of Defense, acting through such officers and employees of the Department of Defense as the Secretary considers appropriate, including the chief data officers and chief management officers of the military departments, shall identify a set of no fewer than five use cases of the application of existing artificial intelligence enabled systems to support improved management of enterprise acquisition, personnel, audit, or financial management functions, or other appropriate management functions, that are consistent with reform efforts that support the National Defense Strategy.

''(b) PROTOTYPING ACTIVITIES ALIGNED TO USE CASES.—The Secretary, acting through the Under Secretary of Defense for Research and Engineering and in coordination with the official designated under section 238(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. note prec. 4061) and such other officers and employees as the Secretary considers appropriate, shall pilot technology development and prototyping activities that leverage commercially available technologies and systems to demonstrate new artificial intelligence enabled capabilities to support the use cases identified under subsection (a).

''(c) BRIEFING.—Not later than October 1, 2021, the Secretary shall provide to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a briefing summarizing the activities carried out under this section.''

PUBLIC AVAILABILITY OF REPORTS

Pub. L. 116–283, div. A, title V, § 551(a)(2), Jan. 1, 2021, 134 Stat. 3629, provided that: ''Not later than 72 hours after submitting to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives]

a report required by subsection (m) of section 113 of title 10, United States Code (as amended by paragraph (1)), the Secretary of Defense shall make the report available on an Internet website of the Department of Defense available to the public. In so making a report available, the Secretary shall ensure that any data included in the report is made available in a machine-readable format that is downloadable, searchable, and sortable.''

CONSTRUCTION OF METRICS

Pub. L. 116–283, div. A, title V, §551(a)(3), Jan. 1, 2021, 134 Stat. 3629, provided that:

''(A) WITH MERIT-BASED PROCESSES.—Any metric established pursuant to subsection (*l*) of section 113 of title 10, United States Code (as so amended [subsec. (*l*) added by section 551(a)(1)(D) of Pub. L. 116–283]), may not be used in a manner that undermines the merit-based processes of the Department of Defense and the Coast Guard, including such processes for accession, retention, and promotion.

''(B) WITH OTHER MATTERS.—Any such metric may not be used to identify or specify specific quotas based upon diversity characteristics. The Secretary concerned shall continue to account for diversified language and cultural skills among the total force of the Armed Forces.''

INTERIM GUIDANCE

Pub. L. 116–283, div. A, title VIII, §811(a)(3), Jan. 1, 2021, 134 Stat. 3749, provided that: ''Not later than October 1, 2021, the Secretary of Defense shall publish interim guidance to carry out the requirements of this subsection [amending this section and section 133b of this title].''

SAFEGUARDING DEFENSE-SENSITIVE UNITED STATES INTELLECTUAL PROPERTY, TECHNOLOGY, AND OTHER DATA AND INFORMATION

Pub. L. 116–283, div. A, title VIII, §837, Jan. 1, 2021, 134 Stat. 3760, provided that:

''(a) IN GENERAL.—The Secretary of Defense shall, in coordination with relevant departments and agencies—

''(1) identify policies and procedures protecting defense-sensitive United States intellectual property, technology, and other data and information, including hardware and software, from acquisition by the government of China; and

''(2) to the extent that the Secretary determines that such policies and procedures are insufficient to provide such protection, develop additional policies and procedures.

''(b) MATTERS CONSIDERED.—In developing the policies and procedures under subsection (a), the Secretary shall take the following actions:

''(1) Establish and maintain a list of critical national security technology that may require certain restrictions on current or former employees, contractors, or subcontractors (at any tier) of the Department of Defense that contribute to such technology.

''(2) Review the existing authorities under which employees of the Department of Defense may be subject to post-employment restrictions with foreign governments and with organizations subject to foreign ownership, control, or influence.

''(3) Identify additional measures that may be necessary to enhance the authorities described in paragraph (2).

''(c) POST-EMPLOYMENT MATTERS.—The Secretary shall consider mechanisms to restrict current or former employees of contractors or subcontractors (at any tier) of the Department of Defense that contribute significantly and materially to a technology referred to in subsection (b)(1) from working directly for companies wholly owned by the government of China, or for companies that have been determined by a cognizant Federal agency to be under the ownership, control, or influence of the government of China.''

ARCTIC PLANNING, RESEARCH, DEVELOPMENT, INDEPENDENT ASSESSMENT, AND ARCTIC SECURITY INITIATIVE

Pub. L. 117–81, div. A, title X, §1090, Dec. 27, 2021, 135 Stat. 1925, provided that:

''(a) INDEPENDENT ASSESSMENT.—

''(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act [Dec. 27, 2021], the Commander of the United States Northern Command, in consultation and coordination with the Commander of the United States Indo-Pacific Command, the Commander of the United States European Command, the military services, and the defense agencies, shall complete an independent assessment with respect to the activities and resources required, for fiscal years 2023 through 2027, to achieve the following objectives:

''(A) The implementation of the National Defense Strategy and military service-specific strategies with respect to the Arctic region.

''(B) The maintenance or restoration of the comparative military advantage of the United States in response to great power competitors in the Arctic region.

''(C) The reduction of the risk of executing operation and contingency plans of the Department of Defense.

''(D) To maximize execution of Department operation and contingency plans, in the event deterrence fails.

''(2) ELEMENTS.—The assessment required by paragraph (1) shall include the following:

''(A) An analysis of, and recommended changes to achieve, the required force structure and posture of assigned and allocated forces within the Arctic region for fiscal year 2027 necessary to achieve the objectives described in paragraph (1), which shall be informed by—

''(i) a review of United States military requirements based on operation and contingency plans, capabilities of potential adversaries, assessed gaps or shortfalls of the Armed Forces within the Arctic region, and scenarios that consider—

''(I) potential contingencies that commence in the Arctic region and contingencies that commence in other regions but affect the Arctic region;

''(II) use of near-, mid-, and far-time horizons to encompass the range of circumstances required to test new concepts and doctrine;

''(III) supporting analyses that focus on the number of regionally postured military units and the quality of capability of such units;

''(ii) a review of current United States military force posture and deployment plans within the Arctic region, especially of Arctic-based forces that provide support to, or receive support from, the United States Northern Command, the United States Indo-Pacific Command, or the United States European Command;

''(iii) an analysis of potential future realignments of United States forces in the region, including options for strengthening United States presence, access, readiness, training, exercises, logistics, and pre-positioning; and

''(iv) any other matter the Commander of the United States Northern Command considers appropriate.

''(B) A discussion of any factor that may influence the United States posture, supported by annual wargames and other forms of research and analysis.

''(C) An assessment of capabilities requirements to achieve such objectives.

''(D) An assessment of logistics requirements, including personnel, equipment, supplies, storage, and maintenance needs to achieve such objectives.

''(E) An assessment and identification of required infrastructure and military construction investments to achieve such objectives.

''(3) REPORT.—

''(A) IN GENERAL.—Upon completion of the assessment required by paragraph (1), the Commander of the United States Northern Command shall submit to the Secretary of Defense a report on the assessment.

''(B) SUBMITTAL TO CONGRESS.—Not later than 30 days after the date on which the Secretary receives the report under subparagraph (A), the Secretary shall provide to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives]—

''(i) a copy of the report, in its entirety; and

''(ii) any additional analysis or information, as the Secretary considers appropriate.

''(C) FORM.—The report required by subparagraph (A), and any additional analysis or information provided under subparagraph (B)(i)(II), may be submitted in classified form, but shall include an unclassified summary.

''(b) ARCTIC SECURITY INITIATIVE.—

''(1) PLAN.—

''(A) IN GENERAL.—Not later than 30 days after the date on which the Secretary receives the report under subsection (a)(3)(A), the Secretary shall provide to the congressional defense committees a briefing on the plan to carry out a program of activities to enhance security in the Arctic region.

''(B) OBJECTIVES.—The plan required by subparagraph (A) shall be—

''(i) consistent with the objectives described in paragraph (1) of subsection (a); and

''(ii) informed by the assessment required by that paragraph.

''(C) ACTIVITIES.—The plan shall include, as necessary, the following prioritized activities to improve the design and posture of the joint force in the Arctic region:

''(i) Modernize and strengthen the presence of the Armed Forces, including those with advanced capabilities.

''(ii) Improve logistics and maintenance capabilities and the pre-positioning of equipment, munitions, fuel, and materiel.

''(iii) Conduct exercises, wargames, education, training, experimentation, and innovation for the joint force.

''(iv) Improve infrastructure to enhance the responsiveness and resiliency of the Armed Forces.

''(2) ESTABLISHMENT.—

''(A) IN GENERAL.—Not earlier than 30 days after the submittal of the plan required by paragraph (1), the Secretary may establish a program of activities to enhance security in the Arctic region, to be known as the 'Arctic Security Initiative' (in this paragraph referred to as the 'Initiative').

''(B) FIVE-YEAR PLAN FOR THE INITIATIVE.—

''(i) IN GENERAL.—If the Initiative is established, the Secretary, in consultation with the Commander of the United States Northern Command, shall submit to the congressional defense committees a future years plan for the activities and resources of the Initiative that includes the following:

''(I) A description of the activities and resources for the first fiscal year beginning after the date on which the Initiative is established, and the plan for not fewer than the four subsequent fiscal years, organized by the activities described in paragraph (1)(C).

''(II) A summary of progress made toward achieving the objectives described in subsection (a)(1).

''(III) A summary of the activity, resource, capability, infrastructure, and logistics requirements necessary to achieve progress in reducing risk to the ability of the joint force to achieve objectives in the Arctic region, including, as appropriate, investments in—

''(aa) active and passive defenses against—

''(AA) manned aircraft, surface vessels, and submarines;

''(BB) unmanned naval systems;

''(CC) unmanned aerial systems; and

''(DD) theater cruise, ballistic, and hypersonic missiles;

''(bb) advanced long-range precision strike systems;

''(cc) command, control, communications, computers, intelligence, surveillance, and reconnaissance systems;

''(dd) training and test range capacity, capability, and coordination;

''(ee) dispersed resilient and adaptive basing to support distributed operations, including expeditionary airfields and ports, space launch facilities, and command posts;

''(ff) advanced critical munitions;

''(gg) pre-positioned forward stocks of fuel, munitions, equipment, and materiel;

''(hh) distributed logistics and maintenance capabilities;

''(ii) strategic mobility assets, including icebreakers;

''(jj) improved interoperability, logistics, transnational supply lines and infrastructure, and information sharing with allies and partners, including scientific missions; and

''(kk) information operations capabilities.

''(IV) A detailed timeline for achieving the requirements identified under subclause (III).

''(V) A detailed explanation of any significant modification to such requirements, as compared to—

''(aa) the assessment required by subsection (a)(1) for the first fiscal year; and

''(bb) the plans previously submitted for each subsequent fiscal year.

''(VI) Any other matter the Secretary considers necessary.

''(ii) FORM.—A plan under clause (i) shall be submitted in unclassified form, but may include a classified annex.''

Pub. L. 116–283, div. A, title X, § 1060, Jan. 1, 2021, 134 Stat. 3857, provided that:

''(a) ARCTIC PLANNING AND IMPLEMENTATION.—

''(1) IN GENERAL.—The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall continue assessing potential multi-domain risks in the Arctic, identifying capability and capacity gaps in the current and projected force, and planning for and implementing the training, equipping, and doctrine requirements necessary to mitigate such risks and gaps.

''(2) TRAINING.—In carrying out paragraph (1), the Secretary may direct the Armed Forces to conduct training in the Arctic or training relevant to military operations in the Arctic.

''(b) ARCTIC RESEARCH AND DEVELOPMENT PROGRAM.—

''(1) IN GENERAL.—If the Secretary of Defense determines that there are capability or capacity gaps for the Armed Forces in the Arctic, the Secretary may conduct research and development on the current and future requirements and needs of the Armed Forces for operations in the Arctic.

''(2) ELEMENTS.—Research and development conducted under paragraph (1) may include the following:

''(A) Development of doctrine to address any identified gaps, including the study of existing doctrine of partners and allies of the United States.

''(B) Development of materiel solutions for operating in extreme weather environments of the Arctic, including equipment for individual members of the Armed Forces, ground vehicles, and communications systems.

''(C) Development of a plan for fielding future weapons platforms able to operate in Arctic conditions.

''(D) Development of capabilities to monitor, assess, and predict environmental and weather conditions in the Arctic and the effect of such conditions on military operations.

''(E) Determining requirements for logistics and sustainment of the Armed Forces operating in the Arctic.''

REPORTING OF ADVERSE EVENTS RELATING TO CONSUMER PRODUCTS ON MILITARY INSTALLATIONS

Pub. L. 116–283, div. A, title X, §1082, Jan. 1, 2021, 134 Stat. 3875, provided that:

''(a) IN GENERAL.—The Secretary of Defense shall issue to the military departments guidance to encourage the reporting of any adverse event related to a consumer product that occurs on a military installation on the appropriate consumer product safety website.

''(b) DEFINITIONS.—In this section:

''(1) The term 'adverse event' means—

''(A) any event that indicates that a consumer product—

''(i) fails to comply with an applicable consumer product safety rule or with a voluntary consumer product safety standard upon which the Consumer Product Safety Commission has relied under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058);

''(ii) fails to comply with any other rule, regulation, standard, or ban under that Act or any other Act enforced by the Commission;

''(iii) contains a defect that could create a substantial product hazard described in section 15(a)(2) of the Consumer Product Safety Act (15 U.S.C. 2064(a)(2)); or

''(iv) creates an unreasonable risk of serious injury or death; or

''(B) any other harm described in subsection (b)(1)(A) of section 6A of the Consumer Product Safety Act (15 U.S.C. 2055a) and required to be reported in the database established under subsection (a) of that section.

''(2) The term 'consumer product' has the meaning given that term in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052).''

IMPLEMENTATION OF THE WOMEN, PEACE, AND SECURITY ACT OF 2017

Pub. L. 116–283, div. A, title XII, §1210E, Jan. 1, 2021, 134 Stat. 3917, as amended by Pub. L. 117–81, div. A, title XIII, §1334, Dec. 27, 2021, 135 Stat. 2009; Pub. L. 118–159, div. A, title XII, §1206(b), Dec. 23, 2024, 138 Stat. 2095, provided that:

''(a) IN GENERAL.—During the period beginning on the date of the enactment of this Act [Jan. 1, 2021] and ending on September 30, 2027, the Secretary of Defense shall undertake activities consistent with the Women, Peace, and Security Act of 2017 (Public Law 115–68; 131 Stat. 1202 [22 U.S.C. 2152j to 2152j–4]) and with the guidance specified in this section, including—

''(1) implementation of the Department of Defense plan entitled 'Women, Peace, and Security Strategic Framework and Implementation Plan' published in June 2020, or any successor plan;

''(2) establishing Department of Defense-wide policies and programs that advance the implementation of the Act, including military doctrine and Department-specific and combatant command-specific programs;

''(3) ensuring the Department has sufficient qualified personnel to advance implementation of that Act, including by hiring and training full-time equivalent personnel, as necessary, and establishing roles, responsibilities, and requirements for such personnel;

''(4) as appropriate, the deliberate integration of relevant training curriculum for members of the Armed Forces across all ranks; and

''(5) security cooperation activities that further the implementation of that Act.

''(b) BUILDING PARTNER DEFENSE INSTITUTION AND SECURITY FORCE CAPACITY.—

''(1) INCORPORATION OF GENDER ANALYSIS AND PARTICIPATION OF WOMEN INTO SECURITY COOPERATION ACTIVITIES.—Consistent with the Women, Peace, and Security Act of 2017 (Public Law 115–68; 131 Stat. 1202), the Secretary of Defense, in coordination with the Secretary of State, shall incorporate participation by women and the analysis described in the Women's Entrepreneurship and Economic Empowerment Act of 2018 (Public Law 115–428; 132 Stat. 5509 [see Tables for classification]) into the institutional and national security force capacity-building activities of security cooperation programs carried out under title 10, United States Code, including, as appropriate, by—

''(A) incorporating gender analysis and women, peace, and security priorities into educational and training materials and programs authorized by section 333 of title 10, United States Code;

''(B) advising on the recruitment, employment, development, retention, and promotion of women in such national security forces, including by—

''(i) identifying existing military career opportunities for women;

''(ii) exposing women and girls to careers available in such national security forces and the skills necessary for such careers; and

''(iii) encouraging women's and girls' interest in such careers by highlighting as role models women of the United States and applicable foreign countries in uniform;

''(C) addressing sexual harassment and abuse against women within such national security forces;

''(D) integrating gender analysis into security sector policy, planning, and training for such national security forces; and

''(E) improving infrastructure to address the requirements of women serving in such national security forces, including appropriate equipment for female security and police forces.

''(2) BARRIERS AND OPPORTUNITIES.—Partner country assessments conducted in the course of Department security cooperation activities to build the capacity of the national security forces of foreign countries shall include attention to the barriers and opportunities with respect to strengthening recruitment, employment, development, retention, and promotion of women in the military forces of such partner countries.

''(c) DEPARTMENT-WIDE POLICIES ON WOMEN, PEACE, AND SECURITY.—Not later than 90 days after the date of the enactment of this Act [Jan. 1, 2021], the Secretary of Defense shall initiate a process to establish standardized policies described in subsection (a)(2).

''(d) FUNDING.—The Secretary of Defense may use funds authorized to be appropriated in each fiscal year to the Department of Defense for operation and maintenance as specified in the table in section 4301 for carrying out the full implementation of the Women, Peace, and Security Act of 2017 (Public Law 115–68; 131 Stat. 1202) and the guidance on the matters described in paragraphs (1) through (5) of subsection (a) and subparagraphs (A) through (E) of subsection (b)(1).

''(e) ANNUAL REPORT.—Not later than one year after the date of the enactment of this Act, and annually thereafter through 2025, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the steps the Department has taken to implement the Women, Peace, and Security Act of 2017, including—

''(1) implementation of defense lines of effort outlined in the June 2020 Department of Defense 'Women, Peace, and Security Strategic Framework and Implementation Plan' and described in paragraphs (1) through (5) of subsection (a) and subparagraphs (A) through (E) of subsection (b)(1), as appropriate; and

''(2) an enumeration of the funds used in such implementation and an identification of funding shortfalls, if any, that may inhibit implementation.

''(f) PILOT PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary of Defense, in consultation with the Secretary of State, shall establish and carry out a pilot program for the purpose of conducting partner country assessments described in subsection (b)(2).

''(2) CONTRACT AUTHORITY.—The Secretary of Defense, in consultation with the Secretary of State, shall seek to enter into one or more contracts with a nonprofit organization or a federally funded research and development center independent of the Department for the purpose of conducting such partner country assessments.

''(3) SELECTION OF COUNTRIES.—

''(A) IN GENERAL.—The Secretary of Defense, in consultation with the commanders of the combatant commands and relevant United States ambassadors, shall select one partner country within the area of responsibility of each geographic combatant command for participation in the pilot program.

''(B) CONSIDERATIONS.—In making the selection under subparagraph (A), the Secretary of Defense shall consider—

''(i) the demonstrated political commitment of the partner country to increasing the participation of women in the security sector; and

''(ii) the national security priorities and theater campaign strategies of the United States.

''(4) PARTNER COUNTRY ASSESSMENTS.—Partner country assessments conducted under the pilot program shall be—

''(A) adapted to the local context of the partner country being assessed;

''(B) conducted in collaboration with the security sector of the partner country being assessed; and

''(C) based on tested methodologies.

''(5) REVIEW AND ASSESSMENT.—With respect to each partner country assessment conducted under the pilot program, the Secretary of Defense, in consultation with the Secretary of State, shall—

''(A) review the methods of research and analysis used by any entity contracted with under paragraph (2) in conducting the assessment and identify lessons learned from such review; and

''(B) assess the ability of the Department to conduct future partner country assessments without entering into such a contract, including by assessing potential costs and benefits for the Department that may arise in conducting such future assessments.

''(6) FINDINGS.—

''(A) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of State, shall use findings from each partner country assessment to inform effective security cooperation activities and security sector assistance interventions by the United States in the partner country assessed, which shall be designed to substantially increase opportunities for the recruitment, employment, development, retention, deployment, and promotion of women in the national security forces of such partner country (including for deployments to peace operations and for participation in counterterrorism operations and activities).

''(B) MODEL METHODOLOGY.—The Secretary of Defense, in consultation with the Secretary of State, shall develop, based on the findings of the pilot program, a model barrier assessment methodology for use across the geographic combatant commands.

''(7) REPORTS.—

''(A) IN GENERAL.—Not later than 2 years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022 [Dec. 27, 2021], the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate committees of Congress an initial report on the implementation of the pilot program under this subsection that includes an identification of the partner countries selected for participation in the program and the justifications for such selections.

''(B) METHODOLOGY.—On the date on which the Secretary of Defense determines the pilot program to be complete, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate committees of Congress a report on the model barrier assessment methodology developed under paragraph (6)(B).

''(g) BRIEFING.—Not later than 1 year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the Director of the Defense Security Cooperation Agency shall provide to the appropriate committees of Congress a briefing on the efforts to build partner defense institution and security force capacity pursuant to this section.

''(h) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

''(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

''(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.''

PACIFIC DETERRENCE INITIATIVE

Pub. L. 116–283, div. A, title XII, §1251(a)–(g), Jan. 1, 2021, 134 Stat. 3951–3954, as amended by Pub. L. 117–81, div. A, title XII, §1242, Dec. 27, 2021, 135 Stat. 1978; Pub. L. 117–263, div. A, title XII, §1254, Dec. 23, 2022, 136 Stat. 2850; Pub. L. 118–31, div. A, title XIII, §1302, Dec. 22, 2023, 137 Stat. 489; Pub. L. 118–159, div. A, title XIII, §1313, Dec. 23, 2024, 138 Stat. 2113, provided that:

''(a) IN GENERAL.—The Secretary of Defense shall establish an initiative, to be known as the 'Pacific Deterrence Initiative' (in this section referred to as the 'Initiative'), to carry out prioritized activities to enhance the United States deterrence and defense posture in the Indo-Pacific region, assure allies and partners, and increase capability and readiness in the Indo-Pacific region.

''(b) PURPOSE.—The Initiative required under subsection (a) shall carry out the following prioritized activities to improve the design and posture of the joint force in the Indo-Pacific region, primarily west of the International Date Line:

''(1) Modernize and strengthen the presence of the United States Armed Forces, including those with advanced capabilities.

''(2) Improve logistics and maintenance capabilities and the pre-positioning of equipment, munitions, fuel, and materiel.

''(3) Carry out a program of exercises, training, experimentation, and innovation for the joint force.

''(4) Improve infrastructure to enhance the responsiveness and resiliency of the United States Armed Forces.

''(5) Build the defense and security capabilities, capacity, and cooperation of allies and partners.

''(c) FUNDING.—Of the amounts authorized to be appropriated by the National Defense Authorization Act for Fiscal Year 2025 [Pub. L. 118–159, see Tables for classification] for the Department of Defense for fiscal year 2025, there is authorized to be appropriated for the Pacific Deterrence Initiative such sums as may be necessary, as indicated in sections 4101, 4201, 4301, and 4601 [of div. D] of such Act [see Tables for classification].

''(d) REPORT ON RESOURCING UNITED STATES DEFENSE REQUIREMENTS FOR THE INDO-PACIFIC REGION AND STUDY ON COMPETITIVE STRATEGIES.—

''(1) REPORT REQUIRED.—

''(A) IN GENERAL.—At the same time as the submission of the budget of the President (submitted to Congress pursuant to section 1105 of title 31, United States Code) for each of fiscal years 2026 and 2027, the Commander of the United States Indo-Pacific Command shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the

House of Representatives] a report containing the independent assessment of the Commander with respect to the activities and resources required, for the first fiscal year beginning after the date of submission of the report and the four following fiscal years, to achieve the following objectives:

''(i) The implementation of the National Defense Strategy with respect to the Indo-Pacific region.

''(ii) The maintenance or restoration of the comparative military advantage of the United States with respect to the People's Republic of China.

''(iii) The reduction of the risk of executing contingency plans of the Department of Defense.

''(B) MATTERS TO BE INCLUDED.—The report required under subparagraph (A) shall include the following:

''(i) With respect to the achievement of the objectives described in subparagraph (A), a description of the intended force structure and posture of assigned and allocated forces in each of the following:

''(I) West of the International Date Line.

''(II) In States outside the contiguous United States east of the International Date Line.

''(III) In the contiguous United States.

''(ii) An assessment of capabilities requirements to achieve such objectives.

''(iii) An assessment of logistics requirements, including personnel, equipment, supplies, storage, and maintenance needs to achieve such objectives.

''(iv) An identification of required infrastructure and military construction investments to achieve such objectives.

''(v) An assessment of security cooperation authorities, activities, or resources required to achieve such objectives.

''(vi)(I) A plan to fully resource United States force posture and capabilities, including—

''(aa) a detailed assessment of the resources necessary to address the elements described in clauses (i) through (v), including specific cost estimates for recommended investments or projects—

''(AA) to improve the posture and presence of the United States Armed Forces, including those with advanced capabilities;

''(BB) to improve logistics and maintenance capabilities and the pre-positioning of equipment, munitions, fuel, and materiel;

''(CC) to carry out a program of exercises, training, experimentation, and innovation for the joint force;

''(DD) to improve infrastructure to enhance the responsiveness and resiliency of the United States Armed Forces;

''(EE) to build the defense and security capabilities, capacity, and cooperation of allies and partners; and

''(FF) to modernize and improve capabilities available to the United States Indo-Pacific Command; and

''(bb) a detailed timeline to achieve the intended force structure and posture described in clause (i).

''(II) The specific cost estimates required by subclause (I)(aa) shall, to the maximum extent practicable, include the following:

''(aa) With respect to procurement accounts—

''(AA) amounts displayed by account, budget activity, line number, line item, and line item title; and

''(BB) a description of the requirements for each such amount.

''(bb) With respect to research, development, test, and evaluation accounts—

''(AA) amounts displayed by account, budget activity, line number, program element, and program element title; and

''(BB) a description of the requirements for each such amount.

''(cc) With respect to operation and maintenance accounts—

''(AA) amounts displayed by account title, budget activity title, line number, and subactivity group title; and

''(BB) a description of the specific manner in which each such amount would be used.

''(dd) With respect to military personnel accounts—

''(AA) amounts displayed by account, budget activity, budget subactivity, and budget subactivity title; and

''(BB) a description of the requirements for each such amount.

''(ee) With respect to each project under military construction accounts (including unspecified minor military construction and amounts for planning and design), the country, location, project title, and project amount for each fiscal year.

''(ff) With respect to any expenditure or proposed appropriation not described in items (aa) through (ee), a level of detail equivalent to or greater than the level of detail provided in the future-years defense program submitted pursuant to section 221(a) of title 10, United States Code.

''(vii) A budget display, prepared with the assistance of the Under Secretary of Defense (Comptroller), that compares the independent assessment of the Commander of the United States Indo-Pacific Command with the amounts contained in the budget display for the applicable fiscal year under subsection (f).

''(C) FORM.—The report required under subparagraph (A) may be submitted in classified form, but shall include an unclassified summary.

''(D) AVAILABILITY.—Not later than February 1 each year, the Commander of the United States Indo-Pacific Command shall make the report available to the Secretary of Defense, the Under Secretary of Defense for Policy, the Under Secretary of Defense (Comptroller), the Director of Cost Assessment and Program Evaluation, the Chairman of the Joint Chiefs of Staff, the Secretaries of the military departments, and the chiefs of staff of each military service.

''(2) BRIEFINGS REQUIRED.—

''(A) INITIAL BRIEFING.—Not later than 15 days after the submission of the budget of the President (submitted to Congress pursuant to section 1105 of title 31, United States Code) for each of fiscal years 2025 and 2026, the Secretary of Defense (acting through the Under Secretary of Defense for Policy, the Under Secretary of Defense (Comptroller), and the Director of Cost Assessment and Program Evaluation) and the Chairman of the Joint Chiefs of Staff shall provide to the congressional defense committees a joint briefing, and any written comments the Secretary of Defense and the Chairman of the Joint Chiefs of Staff consider necessary, with respect to their assessments of the report submitted under paragraph (1), including their assessments of the feasibility and advisability of the plan required by subparagraph (B)(vi) of that paragraph.

''(B) SUBSEQUENT BRIEFING.—Not later than 30 days after the submission of the budget of the President (submitted to Congress pursuant to section 1105 of title 31, United States Code) for each of fiscal years 2025 and 2026, the Secretary of the Air Force, the Secretary of the Army, and the Secretary of the Navy shall provide to the congressional defense committees a joint briefing, and documents as appropriate, with respect to their assessments of the report submitted under paragraph (1), including their assessments of the feasibility and advisability of the plan required by subparagraph (B)(vi) of that paragraph.

''(e) PLAN REQUIRED.—At the same time as the submission of the budget of the President (submitted to Congress pursuant to section 1105 of title 31, United States Code) for each of fiscal years 2026 and 2027, the Secretary, in consultation with the Commander of the United States Indo-Pacific Command, shall submit to the congressional defense committees a report on future year activities and resources for the Initiative that includes the following:

''(1) A description of the activities and resources for the first fiscal year beginning after the date of submission of the report and the plan for not fewer than the four following fiscal years, organized—

''(A) functionally, by the activities described in paragraphs (1) through (5) of subsection (b); and

''(B) geographically by—

''(i) areas west of the International Date Line;

''(ii) States outside the contiguous United States east of the International Date Line; and

''(iii) States in the contiguous United States.

''(2) A summary of progress made toward achieving the purposes of the Initiative.

''(3) A summary of the activity, resource, capability, infrastructure, and logistics requirements necessary to achieve measurable progress in reducing risk to the joint force's ability to achieve objectives in the region.

''(4) A detailed timeline to achieve the requirements identified under paragraph (3).

''(5) A detailed explanation of any significant modifications to such requirements, as compared to plans previously submitted under this subsection.

''(6) Any other matter, as determined by the Secretary.

''(f) BUDGET DISPLAY INFORMATION.—The Secretary shall include a detailed budget display for the Initiative in the materials of the Department of Defense in support of the budget of the President (submitted to Congress pursuant to section 1105 of title 31, United States Code) for fiscal year 2022 and each fiscal year thereafter that includes the following information:

''(1) The resources necessary for the Initiative to carry out the activities required under subsection (b) for the applicable fiscal year and not fewer than the four following fiscal years, organized by the activities described in paragraphs (1) through (5) of that subsection.

''(2) With respect to procurement accounts—

''(A) amounts displayed by account, budget activity, line number, line item, and line item title; and

''(B) a description of the requirements for such amounts specific to the Initiative.

''(3) With respect to research, development, test, and evaluation accounts—

''(A) amounts displayed by account, budget activity, line number, program element, and program element title; and

''(B) a description of the requirements for such amounts specific to the Initiative.

''(4) With respect to operation and maintenance accounts—

''(A) amounts displayed by account title, budget activity title, line number, and subactivity group title; and

''(B) a description of the specific manner in which such amounts will be used.

''(5) With respect to military personnel accounts—

''(A) amounts displayed by account, budget activity, budget subactivity, and budget subactivity title; and

''(B) a description of the requirements for such amounts specific to the Initiative.

''(6) With respect to each project under military construction accounts (including with respect to unspecified minor military construction and amounts for planning and design), the country, location, project title, and project amount by fiscal year.

''(7) With respect to the activities described in subsection (b)—

''(A) amounts displayed by account title, budget activity title, line number, and subactivity group title; and

''(B) a description of the specific manner in which such amounts will be used.

''(8) With respect to each military service—

''(A) amounts displayed by account title, budget activity title, line number, and subactivity group title; and

''(B) a description of the specific manner in which such amounts will be used.

''(9) With respect to the amounts described in each of paragraphs (2)(A), (3)(A), (4)(A), (5)(A), (6), (7)(A), and (8)(A), a comparison between—

''(A) the amount in the budget of the President for the following fiscal year;

''(B) the amount projected in the previous budget of the President for the following fiscal year;

''(C) a detailed summary of funds obligated for the Initiative during the preceding fiscal year; and

''(D) a detailed comparison of funds obligated for the Initiative during the previous fiscal year to the amount of funds requested for such fiscal year.

''(g) BRIEFINGS REQUIRED.—Not later than March 1, 2021, and annually thereafter, the Secretary shall provide to the congressional defense committees a briefing on the budget proposal and programs, including the budget display information for the applicable fiscal year required by subsection (f).''

COOPERATIVE PROGRAM WITH VIETNAM TO ACCOUNT FOR VIETNAMESE PERSONNEL MISSING IN ACTION

Pub. L. 116–283, div. A, title XII, § 1254, Jan. 1, 2021, 134 Stat. 3955, provided that:

''(a) IN GENERAL.—The Secretary of Defense, in coordination with the Secretary of State, is authorized to carry out a cooperative program with the Ministry of Defense of Vietnam to assist in accounting for Vietnamese personnel missing in action.

''(b) PURPOSE.—The purpose of the cooperative program under subsection (a) is to carry out the following activities:

''(1) Collection, digitization, and sharing of archival information.

''(2) Building the capacity of Vietnam to conduct archival research, investigations, and excavations.

''(3) Improving DNA analysis capacity.

''(4) Increasing veteran-to-veteran exchanges.

''(5) Other support activities the Secretary of Defense considers necessary and appropriate.''

PUBLIC REPORTING OF CHINESE MILITARY COMPANIES OPERATING IN THE UNITED STATES

Pub. L. 116–283, div. A, title XII, § 1260H, Jan. 1, 2021, 134 Stat. 3965, as amended by Pub. L. 118–159, div. A, title XIII, § 1346, Dec. 23, 2024, 138 Stat. 2123, provided that:

''(a) DETERMINATION.—The Secretary of Defense shall identify each entity the Secretary determines, based on the most recent information available, is operating directly or indirectly in the United States or any of its territories and possessions, that is a Chinese military company.

''(b) REPORTING AND PUBLICATION.—

''(1) ANNUAL REPORT.—Not later than April 15, 2021, and annually thereafter until December 31, 2030, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a list of each entity identified pursuant to subsection (a) to be a Chinese military company, in classified and unclassified forms, and shall include in such submission, as applicable, a justification for adding any entities to the list and for deleting any entities from a prior list.

''(2) CONCURRENT PUBLICATION.—

''(A) IN GENERAL.—Concurrent with the submission of each list described in paragraph (1), the Secretary shall publish the unclassified portion of such list in the Federal Register.

''(B) INCLUSION.—The publication required by subparagraph (A) shall include, for each entity included in the unclassified portion of such list, the justification for inclusion in such list.

''(3) ANNUAL REVISIONS.—The Secretary shall make additions or deletions to the most recent list submitted under paragraph (1) not less frequently than annually based on the latest information available.

''(4) LANGUAGE REQUIREMENT.—The Secretary shall prepare the list required by paragraph (1) in English and in Mandarin Chinese. If the name of a Chinese military company included on the list is referred to by the Government of China in a language other than English or Mandarin Chinese, the Secretary shall also include on the list the name of that company in that language.

''(c) CONSULTATION.—The Secretary may consult with the head of any appropriate Federal department or agency in making the determinations described in subsection (a) and shall transmit a copy of each list submitted under subsection (b)(1) to the heads of each appropriate Federal department and agency.

''(d) DEFENSE INDUSTRIAL BASE REPORT.—

''(1) IN GENERAL.—Not later than December 31, 2026, and biennially thereafter through December 31, 2031, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the status of Department of Defense procurement restrictions on entities included in the list described in subsection (b)(1).

''(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

''(A) A list of each entity included in the list described in subsection (b)(1) that is likely present in the United States defense industrial base.

''(B) Available unclassified data on any such entity and its presence within the United States defense industrial base.

''(C) A description of any update to policies or procedures implemented to enforce procurement restrictions on entities included in the list described in subsection (b)(1).

''(e) PROCEDURES FOR IMPLEMENTATION.—The Secretary of Defense shall establish such reasonable procedures as are necessary to implement the provisions of this section, including for obtaining information from outside entities relevant to the list described in subsection (b)(1) and procedures for removal of entities from the list described in subsection (b)(1).

''(f) JUDICIAL REVIEW.— In any judicial review of a determination made under this section, if the determination was based on classified information (as defined in section 1(a) of the Classified Information Procedures Act [18 U.S.C. App.]) such information may be submitted to the reviewing court ex parte and in camera. This subsection does not confer or imply any right to judicial review.

''(g) DEFINITIONS.—In this section:

''(1) AFFILIATED WITH.—The term 'affiliated with' means in close formal or informal association.

''(2) CHINESE MILITARY COMPANY.—The term 'Chinese military company'—

''(A) does not include natural persons;

''(B) means an entity that is—

''(i)(I) directly or indirectly owned by, controlled by, or beneficially owned by, affiliated with, or in an official or unofficial capacity acting as an agent of or on behalf of, the People's Liberation Army, Chinese military and paramilitary elements, security forces, police, law enforcement, border control, the People's Armed Police, the Ministry of State Security (MSS), or any other organization subordinate to the Central Military Commission of the Chinese Communist Party, the Chinese Ministry of Industry and Information Technology (MIIT), the State-Owned Assets Supervision and Administration Commission of the State Council (SASAC), or the State Administration of Science, Technology, and Industry for National Defense (SASTIND); or

''(II) identified as a military-civil fusion contributor to the Chinese defense industrial base; and

''(ii) engaged in providing commercial services, manufacturing, producing, or exporting; and

''(C) includes a wholly-owned or wholly-controlled subsidiary or wholly-owned or wholly-controlled affiliate of such an entity or any entity that owns in the aggregate, directly or indirectly, 50 percent or more of any entity or entities described in subparagraph (B).

''(3) MILITARY-CIVIL FUSION CONTRIBUTOR.—The term 'military-civil fusion contributor' includes any of the following:

''(A) Entities knowingly receiving assistance from the Government of China or the Chinese Communist Party through science, technology, research, and industrial efforts initiated, granted, or created by, or provided under, or related to, the Chinese military industrial planning apparatus, or in furtherance of Chinese military industrial planning objectives, including selection or designation as a 'Single Champion', 'Little Giant', or any other successor selection or designation as an enterprise associated with industrial planning or military-civil fusion efforts.

''(B) Entities managed, overseen, or supervised by, otherwise under the control of, or affiliated with (including by means of formal participation in research partnerships and projects)—

''(i) the Chinese Ministry of Industry and Information Technology (MIIT);

''(ii) the State-Owned Assets Supervision and Administration Commission of the State Council (SASAC);

''(iii) the State Administration of Science, Technology and Industry for National Defense (SASTIND);

''(iv) the Ministry of State Security (MSS); or

''(v) the People's Liberation Army.

''(C) Entities receiving assistance, operational direction or policy guidance from the State Administration for Science, Technology and Industry for National Defense.

''(D) Any entities or subsidiaries defined as a 'defense enterprise' by the State Council of the People's Republic of China.

''(E) Entities residing in or affiliated with a military-civil fusion enterprise zone or receiving assistance from the Government of China through such enterprise zone.

''(F) Entities awarded with receipt of military production licenses by the Government of China, including a Weapons and Equipment Research and Production Unit Classified Qualification Permit, Weapons and Equipment Research and Production Certificate, Weapons and Equipment Quality Management System Certificate, or Equipment Manufacturing Unit Qualification.

''(G) Entities that advertise on national, provincial, and non-governmental military equipment procurement platforms in the People's Republic of China.

''(H) Any other entities the Secretary determines is appropriate.

''(4) OPERATING DIRECTLY OR INDIRECTLY IN THE UNITED STATES OR ANY OF ITS TERRITORIES AND POSSESSIONS.—With respect to an entity, the term 'operating directly or indirectly in the United States or any of its territories and possessions' includes an entity selling goods in, or receiving goods or services from, the United States or any of its territories or possessions, regardless of whether the entity has a physical presence in the United States.

''(5) PEOPLE'S LIBERATION ARMY.—The term 'People's Liberation Army' means the land, naval, and air military services, the People's Armed Police, the Strategic Support Force, the Rocket Force, and any other related security or intelligence element within the Government of China or the Chinese Communist Party that the Secretary determines is appropriate, including other Chinese military and paramilitary elements, security forces, police, law enforcement, border control, and the Ministry of State Security.''

[Pub. L. 118–159, §1346(1)(C)(i), which directed amendment of section 1260H(b)(3) of Pub. L. 116–283, set out

above, by substituting ''ANNUAL'' for ''ONGOING'' in par. heading, was executed by substituting ''ANNUAL'' for ''ONGOING'', to reflect the probable intent of Congress.]

REVIEW OF DEPARTMENT OF DEFENSE COMPLIANCE WITH ''PRINCIPLES RELATED TO THE PROTECTION OF MEDICAL CARE PROVIDED BY IMPARTIAL HUMANITARIAN ORGANIZATIONS DURING ARMED CONFLICTS''

Pub. L. 116–283, div. A, title XII, § 1299J, Jan. 1, 2021, 134 Stat. 4012, provided that:

''(a) REVIEW.—Not later than 180 days after the date of the enactment of this Act [Jan. 1, 2021], 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 any available results of the review requested on October 3, 2016, by the Secretary of Defense of compliance of all relevant Department of Defense orders, rules of engagement, directives, regulations, policies, practices, and procedures, with the 'Principles Related to the Protection of Medical Care Provided by Impartial Humanitarian Organizations During Armed Conflicts'.

''(b) ADDITIONAL REQUIREMENT.—The Secretary of Defense shall continue to ensure that all Department of Defense orders, rules of engagement, directives, regulations, policies, practices, and procedures that were reviewed as described in subsection (a), including any other guidance, training, or standard operating procedures relating to the protection of health care during armed conflict, are consistent with the 'Principles Related to the Protection of Medical Care Provided by Impartial Humanitarian Organizations During Armed Conflicts'.''

INDEPENDENT ASSESSMENT ON GENDER AND COUNTERING VIOLENT EXTREMISM

Pub. L. 116–92, div. A, title X, § 1047, Dec. 20, 2019, 133 Stat. 1588, provided that:

''(a) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of State, shall seek to enter into a contract with a nonprofit entity or a federally funded research and development center independent of the Department of Defense and the Department of State to conduct research and analysis on the relationship between gender and violent extremism.

''(b) ELEMENTS.—The research and analysis conducted under subsection (a) shall include consideration of the following:

''(1) The probable causes and historical trends of women's participation in violent extremist organizations.

''(2) Potential ways in which women's participation in violent extremism is likely to change in the near- and medium-term.

''(3) The relationship between violent extremism and each of the following:

''(A) Gender-based violence, abduction, and human trafficking.

''(B) The perceived role or value of women at the community level, including with respect to property and inheritance rights and bride-price and dowry.

''(C) Community opinions of killing or harming of women.

''(D) Violations of girls' rights, including child, early, and forced marriage and access to education.

''(4) Ways for the Department of Defense to engage and support women and girls who are vulnerable to extremist behavior and activities as a means to counter violent extremism and terrorism.

''(c) UTILIZATION.—The Secretary of Defense and the Secretary of State shall utilize the results of the research and analysis conducted under subsection (a) to inform the strategic and operational objectives of the geographic combatant command, where appropriate. Such utilization shall be in accordance with the Women, Peace, and Security Act of 2017 (Public Law 115–68; 22 U.S.C. 2152j et seq.).

''(d) REPORTS.—

''(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act [Dec. 20, 2019], the nonprofit entity or federally funded research and development center with which the Secretary of Defense enters into the contract under subsection (a) shall submit to the Secretary of Defense and Secretary of State a report on the results of the research and analysis required by subsection (a).

''(2) SUBMISSION TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees each of the following:

''(A) A copy of the report submitted under paragraph (1) without change.

''(B) Any comments, changes, recommendations, or other information provided by the Secretary of Defense and the Secretary of State relating to the research and analysis required by subsection (a) and contained in such report.

''(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this paragraph, the term 'appropriate congressional committees' means—

''(A) the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives];

''(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives; and

''(C) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.''

TRANSMITTAL TO CONGRESS OF REQUESTS FOR ASSISTANCE FROM OTHER DEPARTMENTS OF THE FEDERAL GOVERNMENT THAT ARE APPROVED BY THE DEPARTMENT OF DEFENSE

Pub. L. 116–92, div. A, title XVII, § 1707, Dec. 20, 2019, 133 Stat. 1799, provided that:

''(a) REQUESTS FOLLOWING APPROVAL.—Not later than seven calendar days after the Department of Defense approves a Request for Assistance from the Department of Homeland Security or the Department of Health and Human Services, the Secretary of Defense shall electronically transmit to the Committees on Armed Services of the Senate and the House of Representatives a copy of such Request for Assistance.

''(b) OFFICIAL RESPONSES TO APPROVED REQUESTS.—At the same time the Secretary of Defense submits to the Secretary of Homeland Security or the Secretary of Health and Human Services an official response of the Department of Defense approving a Request for Assistance from the Department of Homeland Security or the Department of Health and Human Services, as applicable, the Secretary of Defense shall electronically transmit to the Committees on Armed Services of the Senate and the House of Representatives a copy of such official response.''

ACTIONS TO INCREASE ANALYTIC SUPPORT

Pub. L. 116–92, div. A, title XVII, § 1709, Dec. 20, 2019, 133 Stat. 1801, provided that:

''(a) IN GENERAL.—The Secretary of Defense shall direct the Under Secretary of Defense for Policy, the Director of the Joint Staff, and the Director of Cost Assessment and Program Evaluation, in consultation with the Secretary of each of the military services, to jointly develop and implement a plan to strengthen the analytic capabilities, expertise, and processes necessary to implement the national defense strategy, as required under section 113(g) of title 10, United States Code.

''(b) ELEMENTS.—The plan under subsection (a) shall include—

''(1) an assessment of the decision support capability of the Department of Defense to support decision-making, specifically the analytic expertise available to inform senior leader decisions that link national defense strategy objectives with approaches to competing effectively across the full spectrum of engagement against strategic competitors;

''(2) an analytic approach to force structure development, including an assessment of the major elements, products, and milestones of the force planning process of the Department;

''(3) the conclusions and recommendations of the Defense Planning and Analysis Community initiative;

''(4) the progress of the Department in implementing the recommendations of the Comptroller General of the United States set forth in Government Accountability Office Report (GAO-19-40C);

''(5) the progress of the Under Secretary, the Chairman of the Joint Chiefs of Staff, and the Director of Cost Assessment and Program Evaluation in implementing paragraph (5) of section 134(b) of title 10, United States Code, as added by section 902(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232); and

''(6) such other matters as the Secretary of Defense determines to be appropriate.

''(c) BRIEFING REQUIRED.—Not later than March 1, 2020, the Secretary of Defense shall provide to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a briefing on the plan under subsection (a).''

OVERSIGHT OF DEPARTMENT OF DEFENSE EXECUTE ORDERS

Pub. L. 116–92, div. A, title XVII, §1744, Dec. 20, 2019, 133 Stat. 1842, provided that:

''(a) REVIEW OF EXECUTE ORDERS.—Not later than 30 days after receiving a written request by the Chairman or Ranking Member of a congressional defense committee, the Secretary of Defense shall provide the committee, including appropriately designated staff of the committee, with—

''(1) an execute order approved by the Secretary or the commander of a combatant command for review; and

''(2) a detailed briefing on such execute order.

''(b) EXCEPTION.—

''(1) IN GENERAL.—In extraordinary circumstances necessary to protect operations security or the sensitivity of the execute order, the Secretary may limit review of an execute order. A determination that extraordinary circumstances exist for purposes of this paragraph may only be made by the Secretary and the decision to limit the review of an execute order may not be delegated.

''(2) SUMMARY AND OTHER INFORMATION.—In extraordinary circumstances described in paragraph (1) with respect to an execute order, within 30 days of receiving a written request under subsection (a), the Secretary shall provide to the committee concerned, including appropriately designated staff of the committee—

''(A) a written explanation of the extraordinary circumstances that led to the determination by the Secretary to limit review of the execute order; and

''(B) a detailed summary of the execute order and other information necessary for the conduct of the oversight duties of the committee.

''(c) QUARTERLY REPORT.—Not later than 30 days after the date on which the budget of the President is submitted to Congress under section 1105(a) of title 31, United States Code, for fiscal year 2021 and every 90 days thereafter, 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 comprehensive report identifying and summarizing all execute orders approved by the Secretary or the commander of a combatant command in effect for the Department of Defense as of the date of the report.''

PROHIBITION AND REMOVAL OF NAMES RELATED TO THE CONFEDERACY ON DEPARTMENT OF DEFENSE ASSETS; COMMISSION ESTABLISHED

Pub. L. 116–283, div. A, title III, §370, Jan. 1, 2021, 134 Stat. 3553, provided that:

''(a) REMOVAL.—Not later than three years after the date of the enactment of this Act [Jan. 1, 2021], the Secretary of Defense shall implement the plan submitted by the commission described in paragraph (b) and remove all names, symbols, displays, monuments, and paraphernalia that honor or commemorate the Confederate States of America (commonly referred to as the 'Confederacy') or any person who served voluntarily with the Confederate States of America from all assets of the Department of Defense.

''(b) IN GENERAL.—The Secretary of Defense shall establish a commission relating to assigning, modifying, or removing of names, symbols, displays, monuments, and paraphernalia to assets of the Department of Defense that commemorate the Confederate States of America or any person who served voluntarily with the Confederate States of America.

''(c) DUTIES.—The Commission shall—

''(1) assess the cost of renaming or removing names, symbols, displays, monuments, or paraphernalia that commemorate the Confederate States of America or any person who served voluntarily with the Confederate States of America;

''(2) develop procedures and criteria to assess whether an existing name, symbol, monument, display, or paraphernalia commemorates the Confederate States of America or person who served voluntarily with the Confederate States of America;

''(3) recommend procedures for renaming assets of the Department of Defense to prevent commemoration of the Confederate States of America or any person who served voluntarily with the Confederate States of America;

''(4) develop a plan to remove names, symbols, displays, monuments, or paraphernalia that commemorate the Confederate States of America or any person who served voluntarily with the Confederate States of America from assets of the Department of Defense, within the timeline established by this Act; and

''(5) include in the plan procedures and criteria for collecting and incorporating local sensitivities associated with naming or renaming of assets of the Department of Defense.

''(d) MEMBERSHIP.—The Commission shall be composed of eight members, of whom—

''(1) four shall be appointed by the Secretary of Defense;

''(2) one shall be appointed by the Chairman of the Committee on Armed Services of the Senate;

''(3) one shall be appointed by the Ranking Member of the Committee on Armed Services of the Senate;

''(4) one shall be appointed by the Chairman of the Committee on Armed Services of the House of Representatives; and

''(5) one shall be appointed by the Ranking Member of the Committee on Armed Services of the House of Representatives.

''(e) APPOINTMENT.—Members of the Commission shall be appointed not later than 45 days after the date of the enactment of this Act [Jan. 1, 2021].

''(f) INITIAL MEETING.—The Commission shall hold its initial meeting on the date that is 60 days after the enactment of this Act.

''(g) BRIEFINGS AND REPORTS.—Not later than October 1, 2021, the Commission shall brief the Committees on Armed Services of the Senate and House of Representatives detailing the progress of the requirements under subsection (c). Not later than October 1, 2022, and not later than 90 days before the implementation of the plan in subsection (c)(4), the Commission shall present a briefing and written report detailing the results of the requirements under subsection (c), including:

''(1) A list of assets to be removed or renamed.

''(2) Costs associated with the removal or renaming of assets in subsection (g)(1).

''(3) Criteria and requirements used to nominate and rename assets in subsection (g)(1).

''(4) Methods of collecting and incorporating local sensitivities associated with the removal or renaming of assets in subsection (g)(1).

''(h) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $2,000,000 to carry out this section.

''(2) OFFSET.—The amount authorized to be appropriated by the Act [sic] for fiscal year 2021 for Operations and Maintenance, Army, sub activity group 434 - other personnel support is hereby reduced by $2,000,000.

''(i) ASSETS DEFINED.—In this section, the term 'assets' includes any base, installation, street, building, facility, aircraft, ship, plane, weapon, equipment, or any other property owned or controlled by the Department of Defense.

''(j) EXEMPTION FOR GRAVE MARKERS.—Shall not cover monuments but shall exempt grave markers. [sic] Congress expects the commission to further define what constitutes a grave marker.''

Pub. L. 116–92, div. A, title XVII, §1749, Dec. 20, 2019, 133 Stat. 1848, provided that:

''(a) PROHIBITION ON NAMES RELATED TO THE CONFEDERACY.—In naming a new asset or renaming an existing asset, the Secretary of Defense or the Secretary of a military department may not give a name to an asset that refers to, or includes a term referring to, the Confederate States of America (commonly referred to as the 'Confederacy'), including any name referring to—

''(1) a person who served or held leadership within the Confederacy; or

''(2) a Confederate battlefield victory.

''(b) ASSET DEFINED.—In this section, the term 'asset' includes any base, installation, facility, aircraft, ship, equipment, or any other property owned or controlled by the Department of Defense or a military department.

''(c) SAVINGS CLAUSE.—Nothing in this section may be construed as requiring a Secretary concerned to initiate a review of previously named assets.''

INSTALLATION AND MAINTENANCE OF FIRE EXTINGUISHERS IN DEPARTMENT OF DEFENSE FACILITIES

Pub. L. 116–92, div. B, title XXVIII, §2861, Dec. 20, 2019, 133 Stat. 1899, as amended by Pub. L. 117–81, div. B, title XXVIII, §2881, Dec. 27, 2021, 135 Stat. 2216, provided that: ''The Secretary of Defense shall ensure that portable fire extinguishers are installed and maintained in all Department of Defense facilities, in accordance with NFPA 1, Fire Code of the National Fire Protection Association and applicable requirements of the international building code and international fire code of the International Code Council that require redundancy and extinguishers throughout occupancies regardless of the presence of other suppression systems or alarm systems.''

ANNUAL REPORT ON CIVILIAN CASUALTIES IN CONNECTION WITH UNITED STATES MILITARY OPERATIONS

Pub. L. 115–91, div. A, title X, §1057, Dec. 12, 2017, 131 Stat. 1572, as amended by Pub. L. 115–232, div. A, title X, §1062, Aug. 13, 2018, 132 Stat. 1970; Pub. L. 116–92, div. A, title XVII, §1703(a), Dec. 20, 2019, 133 Stat. 1797; Pub. L. 117–263, div. A, title X, §1056(a), Dec. 23, 2022, 136 Stat. 2779; Pub. L. 118–159, div. A, title X, §1064, Dec. 23, 2024, 138 Stat. 2065, provided that:

''(a) ANNUAL REPORT REQUIRED.—Not later than May 1 each year, 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 civilian casualties caused as a result of United States military operations during the preceding year.

''(b) ELEMENTS.—Each report under subsection (a) shall set forth the following:

''(1) A list of all the United States military operations, including each specific mission, strike, engagement, raid, or incident, during the year covered by such report that resulted in civilian casualties that have been confirmed or are reasonably suspected to have occurred.

''(2) For each military operation listed pursuant to paragraph (1), each of the following:

''(A) The date.

''(B) The location, including, to the extent practicable, the closest town, city, or identifiable place.

''(C) An identification of whether the operation occurred inside or outside of a declared theater of active armed conflict.

''(D) The type of operation, including the specific justification or use of authority for each strike conducted.

''(E) An assessment of the number of civilian and enemy combatant casualties, including a differentiation between those killed and those injured, formulated as a range, if necessary, and including, to the extent practicable, information regarding the number of men, women, and children involved.

''(F) A summary of the determination of each completed civilian casualty assessment or investigation.

''(G) For each assessment or investigation of an incident that resulted in civilian casualties—

''(i) whether the Department conducted any witness interviews or site visits occurred, and if not, an explanation of why not; and

''(ii) whether information pertaining to the incident that was collected by one or more non-governmental entities was considered, if such information exists.

''(3) A description of the process by which the Department of Defense investigates allegations of civilian casualties resulting from United States military operations, including how the Department incorporates information from interviews with witnesses, civilian survivors of United States operations, and public reports or other nongovernmental sources.

''(4) A description of any new or updated civilian harm policies and procedures implemented by the Department of Defense.

''(5) A description of any allegations of civilian casualties made by public or non-governmental sources formally investigated by the Department of Defense.

''(6) A description of the general reasons for any discrepancies between the assessments of the United States and reporting from nongovernmental organizations regarding non-combatant deaths resulting from strikes and operations undertaken by the United States.

''(7) The definitions of 'combatant' and 'non-combatant' used in the preparation of the report, which shall be consistent with the laws of armed conflict.

''(8) Any update or modification to any report under this section during a previous year.

''(9) Any other matters the Secretary of Defense determines are relevant.

''(c) USE OF SOURCES.—In preparing a report under this section, the Secretary of Defense shall take into account relevant and credible all-source reporting, including information from public reports and nongovernmental sources.

''(d) FORM.—Each report under subsection (a) shall be submitted in unclassified form, but may include a classified annex. The unclassified form of each report shall, at a minimum, be responsive to each element under subsection (b) of a report under subsection (a), and shall be made available to the public at the same time it is submitted to Congress (unless the Secretary certifies in writing that the publication of such information poses a threat to the national security interests of the United States).

''(e) SUNSET.—The requirement to submit a report under subsection (a) shall expire on December 31, 2030.''

[Pub. L. 117–263, div. A, title X, §1056(b), Dec. 23, 2022, 136 Stat. 2779, provided that: ''The amendments made by this section [amending section 1057 of Pub. L. 115–91, set out above] shall apply as follows:

[''(1) Except as provided in paragraph (2), the amendments made by this section shall apply with respect to a report submitted on or after May 1, 2024.

[''(2) The amendments made by subparagraphs (A) and (B) of subsection (a)(2) shall apply with respect to

a report submitted after the date of the enactment of this Act [Dec. 23, 2022].''

[Pub. L. 116–92, div. A, title XVII, §1703(b), Dec. 20, 2019, 133 Stat. 1797, provided that: ''The Law Revision Counsel is directed to place such section 1057 [section 1057 of Pub. L. 115–91, set out above] in a note following section 113 of title 10, United States Code.'']

IMPROVED CRIME REPORTING

Pub. L. 115–232, div. A, title V, §546, Aug. 13, 2018, 132 Stat. 1765, provided that:

''(a) TRACKING PROCESS.—The Secretary of Defense, in consultation with the secretaries of the military departments, shall establish a consolidated tracking process for the Department of Defense to ensure increased oversight of the timely submission of crime reporting data to the Federal Bureau of Investigation under section 922(g) of title 18, United States Code, and Department of Defense Instruction 5505.11, 'Fingerprint Card and Final Disposition Report Submission Requirements'. The tracking process shall, to the maximum extent possible, standardize and automate reporting and increase the ability of the Department to track such submissions.

''(b) LETTER REQUIRED.—Not later than July 1, 2019, the Secretary of Defense shall submit a letter to the Committees on Armed Services of the Senate and House of Representatives that details the tracking process under subsection (a).''

CRITICAL TECHNOLOGIES LIST

Pub. L. 115–232, div. A, title X, §1049, Aug. 13, 2018, 132 Stat. 1961, provided that:

''(a) LIST REQUIRED.—The Secretary of Defense shall establish and maintain a list of acquisition programs, technologies, manufacturing capabilities, and research areas that are critical for maintaining the national security technological advantage of the United States over foreign countries of special concern. The list shall be accompanied by a justification for inclusion of items on the list, including specific performance and technical figures of merit.

''(b) USE OF LIST.—The Secretary may use the list required under subsection (a) to—

''(1) guide the recommendations of the Secretary in any interagency determinations conducted pursuant to Federal law relating to technology protection, including relating to export licensing, deemed exports, technology transfer, and foreign direct investment;

''(2) inform the Secretary while engaging in interagency processes on promotion and protection activities involving acquisition programs and technologies that are necessary to achieve and maintain the national security technology advantage of the United States and that are supportive of military requirements and strategies;

''(3) inform the Department's activities to integrate acquisition, intelligence, counterintelligence and security, and law enforcement to inform requirements, acquisition, programmatic, and strategic courses of action for technology protection;

''(4) inform development of research investment strategies and activities and develop innovation centers and an emerging technology industrial base through the employment of financial assistance from the United States Government through appropriate statutory authorities and programs;

''(5) identify opportunities for alliances and partnerships in key research and development areas to achieve and maintain a national security technology advantage; and

''(6) carry out such other purposes as identified by the Secretary.

''(c) PUBLICATION.—The Secretary shall—

''(1) publish the list required under subsection (a) by not later than December 31, 2018; and

''(2) update such list at least annually.''

GUIDANCE ON THE ELECTRONIC WARFARE MISSION AREA AND JOINT ELECTROMAGNETIC SPECTRUM OPERATIONS

Pub. L. 115–232, div. A, title X, §1053, Aug. 13, 2018, 132 Stat. 1966, as amended by Pub. L. 117–81, div. A, title IX, §907(a), (b), (c)(2), Dec. 27, 2021, 135 Stat. 1873, 1875; Pub. L. 117–263, div. A, title IX, §914, title X, §1081(b), Dec. 23, 2022, 136 Stat. 2751, 2797, which required the Secretary of Defense to establish processes and procedures to develop, integrate, and enhance the electronic warfare mission area and the conduct of joint electromagnetic spectrum operations in all domains across the Department of Defense, was repealed by Pub. L. 118–31, div. A, title XVI, §1682(c), Dec. 22, 2023, 137 Stat. 617.

UNITED STATES POLICY WITH RESPECT TO FREEDOM OF NAVIGATION AND OVERFLIGHT

Pub. L. 115–232, div. A, title X, §1086, Aug. 13, 2018, 132 Stat. 1992, provided that:

''(a) DECLARATION OF POLICY.—It is the policy of the United States to fly, sail, and operate throughout the oceans, seas, and airspace of the world wherever international law allows.

''(b) IMPLEMENTATION OF POLICY.—In furtherance of the policy set forth in subsection (a), the Secretary of Defense should—

''(1) plan and execute a robust series of routine and regular air and naval presence missions throughout the world and throughout the year, including for critical transportation corridors and key routes for global commerce;

''(2) in addition to the missions executed pursuant to paragraph (1), execute routine and regular air and maritime freedom of navigation operations throughout the year, in accordance with international law, including, but not limited to, maneuvers beyond innocent passage; and

''(3) to the maximum extent practicable, execute the missions pursuant to paragraphs (1) and (2) with regional partner countries and allies of the United States.''

REPORT ON MILITARY AND COERCIVE ACTIVITIES OF THE PEOPLE'S REPUBLIC OF CHINA IN SOUTH CHINA SEA

Pub. L. 115–232, div. A, title XII, §1262, Aug. 13, 2018, 132 Stat. 2061, provided that:

''(a) IN GENERAL.—Except as provided in subsection (d), immediately after the commencement of any significant reclamation, assertion of an excessive territorial claim, or militarization activity by the People's Republic of China in the South China Sea, including any significant military deployment or operation or infrastructure construction, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees, and release to the public, a report on the military and coercive activities of China in the South China Sea in connection with such activity.

''(b) ELEMENTS OF REPORT TO PUBLIC.—Each report on the commencement of a significant reclamation, an assertion of an excessive territorial claim, or a militarization activity under subsection (a) shall include a short narrative on, and one or more corresponding images of, such commencement of a significant reclamation, assertion of an excessive territorial claim, or militarization activity.

''(c) FORM.—

''(1) SUBMISSION TO CONGRESS.—Any report under subsection (a) that is submitted to the appropriate congressional committees shall be submitted in unclassified form, but may include a classified annex.

''(2) RELEASE TO PUBLIC.—If a report under subsection (a) is released to the public, such report shall be so released in unclassified form.

''(d) WAIVER.—

''(1) RELEASE OF REPORT TO PUBLIC.—The Secretary of Defense may waive the requirement in subsection (a) for the release to the public of a report on the commencement of any significant reclamation, an assertion of an excessive territorial claim, or a militarization activity by the People's Republic of China in the South China Sea if the Secretary determines that the release to the public of a report on such ac-

tivity under that subsection in the form required by subsection (c)(2) would have an adverse effect on the national security interests of the United States.

''(2) NOTICE TO CONGRESS.—If the Secretary issues a waiver under paragraph (1) with respect to a report on an activity, not later than 48 hours after the Secretary issues such waiver, the Secretary shall submit to the appropriate congressional committees written notice of, and justification for, such waiver.

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

''(1) the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives]; and

''(2) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.''

STRATEGIC PLAN TO IMPROVE CAPABILITIES OF DEPARTMENT OF DEFENSE TRAINING RANGES AND INSTALLATIONS

Pub. L. 115–232, div. B, title XXVIII, § 2862, Aug. 13, 2018, 132 Stat. 2283, provided that:

''(a) PLAN REQUIRED.—The Secretary of Defense shall develop and implement a comprehensive strategic plan to identify and address deficits in the capabilities of Department of Defense training ranges to support current and anticipated readiness requirements to execute the National Defense Strategy (NDS).

''(b) EVALUATION.—As part of the preparation of the strategic plan, the Secretary shall conduct an evaluation of the following:

''(1) The adequacy of current training range resources to include the ability to train against near-peer or peer threats in a realistic 5th Generation environment.

''(2) The adequacy of current training enablers to meet current and anticipated demands of the Armed Forces.

''(c) ELEMENTS.—The strategic plan shall include the following:

''(1) An integrated priority list of location-specific proposals and/or infrastructure project priorities, with associated Department of Defense Form 1391 documentation, required to both address any limitations or constraints on current Department resources, including any climatically induced impacts or shortfalls, and achieve full spectrum training (integrating virtual and constructive entities into live training) against a more technologically advanced peer adversary.

''(2) Goals and milestones for tracking actions under the plan and measuring progress in carrying out such actions.

''(3) Projected funding requirements for implementing actions under the plan.

''(d) DEVELOPMENT AND IMPLEMENTATION.—The Under Secretary of Defense for Acquisition and Sustainment, as the principal staff assistant to the Secretary on installation management, shall have lead responsibility for developing and overseeing implementation of the strategic plan and for coordination of the discharge of the plan by components of the Department.

''(e) REPORT ON IMPLEMENTATION.—Not later than April 1, 2020, the Secretary shall, through the Under Secretary of Defense for Acquisition and Sustainment, submit to Congress a report on the progress made in implementing this section, including the following:

''(1) A description of the strategic plan.

''(2) A description of the results of the evaluation conducted under subsection (b).

''(3) Such recommendations as the Secretary considers appropriate with respect to improvements of the capabilities of training ranges and enablers.

''(f) PROGRESS REPORTS.—Not later than April 1, 2019, and annually thereafter for 3 years, the Secretary shall, through the Under Secretary, submit to Congress a report setting forth the following:

''(1) A description of the progress made during the preceding fiscal year in implementing the strategic plan.

''(2) A description of any additional actions taken, or to be taken, to address limitations and constraints on training ranges and enablers.

''(3) Assessments of individual training ranges addressing the evaluation conducted under subsection (b).

''(g) ADDITIONAL REPORT ELEMENT.—Each report under subsections (e) and (f) shall also include a list of significant modifications to training range inventory, such as range closures or expansions, during the preceding fiscal year, including any limitations or impacts due to climatic conditions.''

IMPROVEMENT OF UPDATE PROCESS FOR POPULATING MISSION DATA FILES USED IN ADVANCED COMBAT AIRCRAFT

Pub. L. 115–91, div. A, title II, § 224, Dec. 12, 2017, 131 Stat. 1334, provided that:

''(a) IMPROVEMENTS TO UPDATE PROCESS.—

''(1) IN GENERAL.—The Secretary of Defense shall take such actions as may be necessary to improve the process used to update the mission data files used in advanced combat aircraft of the United States so that such updates can occur more quickly.

''(2) REQUIREMENTS.—In improving the process under paragraph (1), the Secretary shall ensure the following:

''(A) That under such process, updates to the mission data files are developed, operationally tested, and loaded onto systems of advanced combat aircraft while in theaters of operation in a time-sensitive manner to allow for the distinguishing of threats, including distinguishing friends from foes, loading and delivery of weapon suites, and coordination with allied and coalition armed forces.

''(B) When updates are made to the mission data files, all areas of responsibility (AoRs) are included.

''(C) The process includes best practices relating to such mission data files that have been identified by industry and allies of the United States.

''(D) The process improves the exchange of information between weapons systems of the United States and weapon systems of allies and partners of the United States, with respect to such mission data files.

''(b) CONSULTATION AND PILOT PROGRAMS.—In carrying out subsection (a), the Secretary shall consult the innovation organizations resident in the Department of Defense and may consider carrying out a pilot program under another provision of this Act [see Tables for classification].

''(c) REPORT.—Not later than March 31, 2018, the Secretary 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 actions taken by the Secretary under subsection (a)(1) and how the process described in such subsection has been improved.''

DEPARTMENT OF DEFENSE ENGAGEMENT WITH COVERED NON-FEDERAL ENTITIES

Pub. L. 115–91, div. A, title X, § 1088, Dec. 12, 2017, 131 Stat. 1604, provided that:

''(a) REVIEW OF CURRENT GUIDANCE.—Not later than 120 days after the date of the enactment of this Act [Dec. 12, 2017], the Secretary of Defense and the Secretary of State shall jointly conduct a review of the guidance of the Department of Defense applicable to Department of Defense engagements with covered non-Federal entities.

''(b) ADDITIONAL GUIDANCE.—If the Secretary of Defense and the Secretary of State determine pursuant to the review under subsection (a) that additional guidance is required in connection with Department of Defense engagements with covered non-Federal entities, the Secretary of Defense, with the concurrence of the Secretary of State, shall, by not later than 180 days after the date of the enactment of this Act, issue such additional guidance as the Secretaries consider appro-

priate in light of the review. Any such additional guidance shall be consistent with—

''(1) applicable law, as in effect on the date of the enactment of this Act;

''(2) Department of Defense guidance with respect to solicitation and preferential treatment, as in effect on the date of the enactment of this Act, including such guidance specified in the Department of Defense Joint Ethics Regulations; and

''(3) the principle that the Department of State and the United States Agency for International Development are the principal United States agencies with primary responsibility for providing and coordinating humanitarian and economic assistance.

''(c) BRIEFING.—Not later than 150 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly provide to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a briefing on the findings of the review required under subsection (a).

''(d) COVERED NON-FEDERAL ENTITY DEFINED.—In this section, the term 'covered non-Federal entity' means an organization that—

''(1) is based in the United States;

''(2) has an independent board of directors and is subject to independent financial audits;

''(3) is substantially privately-funded;

''(4) is described in section 501(c)(3) of the Internal Revenue Code of 1986 [26 U.S.C. 501(c)(3)] and is exempt from taxation under section 501(a) of such Code [26 U.S.C. 501(a)];

''(5) provides international assistance; and

''(6) has a stated mission of supporting United States military missions abroad.''

NOTICE TO CONGRESS OF TERMS OF DEPARTMENT OF DEFENSE SETTLEMENT AGREEMENTS

Pub. L. 115–91, div. A, title X, §1096, Dec. 12, 2017, 131 Stat. 1614, provided that:

''(a) REQUEST OF SETTLEMENT AGREEMENTS.—At the request of the Chairman, in coordination with the Ranking Member, of the Committee on Armed Services of the Senate or the House of Representatives or the Chairman, in coordination with the Ranking Member, of the Committee on Appropriations of the Senate or the House of Representatives, the Secretary of Defense shall make available (in an appropriate manner with respect to classified or other protected information) to the Chairman and Ranking Member of the requesting committee a settlement agreement (including a consent decree) in any civil action in a court of competent jurisdiction involving the Department of Defense, a military department, or a Defense Agency.

''(b) PROVISION OF SETTLEMENT AGREEMENTS.—The Secretary shall take all necessary steps to ensure the settlement agreement is provided to the Chairman and Ranking Member of the requesting committee, including by making any necessary requests to a court with competent jurisdiction over the settlement.''

STRATEGY TO COUNTER THREATS BY THE RUSSIAN FEDERATION

Pub. L. 115–91, div. A, title XII, §1239, Dec. 12, 2017, 131 Stat. 1666, provided that:

''(a) STRATEGY REQUIRED.—The Secretary of Defense, in coordination with the Secretary of State and in consultation with each of the Secretaries of the military departments, the Joint Chiefs of Staff, and the commanders of each of the regional and functional combatant commands, shall develop and implement a comprehensive strategy to counter threats by the Russian Federation.

''(b) REPORT REQUIRED.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [Dec. 12, 2017], the Secretary of Defense shall submit to the appropriate congressional committees a report on the strategy required by subsection (a).

''(2) ELEMENTS.—The report required by this subsection shall include the following elements:

''(A) An evaluation of strategic objectives and motivations of the Russian Federation.

''(B) A detailed description of Russian threats to the national security of the United States, including threats that may pose challenges below the threshold of armed conflict.

''(C) A discussion of how the strategy complements the National Defense Strategy and the National Military Strategy.

''(D) A discussion of the ends, ways, and means inherent to the strategy.

''(E) A discussion of the strategy's objectives with respect to deterrence, escalation control, and conflict resolution.

''(F) A description of the military activities across geographic regions and military functions and domains that are inherent to the strategy.

''(G) A description of the posture, forward presence, and readiness requirements inherent to the strategy.

''(H) A description of the roles of the United States Armed Forces in implementing the strategy, including—

''(i) the role of United States nuclear capabilities;

''(ii) the role of United States space capabilities;

''(iii) the role of United States cyber capabilities;

''(iv) the role of United States conventional ground forces;

''(v) the role of United States naval forces;

''(vi) the role of United States air forces; and

''(vii) the role of United States special operations forces.

''(I) An assessment of the force requirements needed to implement and sustain the strategy.

''(J) A description of the logistical requirements needed to implement and sustain the strategy.

''(K) An assessment of the technological research and development requirements needed to implement and sustain the strategy.

''(L) An assessment of the training and exercise requirements needed to implement and sustain the strategy.

''(M) An assessment of the budgetary resource requirements needed to implement and sustain the strategy through December 31, 2030.

''(N) An analysis of the adequacy of current authorities and command structures for countering unconventional warfare.

''(O) Recommendations for improving the counter-unconventional warfare capabilities, authorities, and command structures of the Department of Defense.

''(P) A discussion of how the strategy provides a framework for future planning and investments in regional defense initiatives, including the European Deterrence Initiative.

''(Q) A plan to increase conventional precision strike weapon stockpiles in the United States European Command's areas of responsibility, which shall include necessary increases in the quantities of such stockpiles that the Secretary of Defense determines will enhance deterrence and warfighting capability of the North Atlantic Treaty Organization forces.

''(R) A plan to counter the military capabilities of the Russian Federation, which, in addition to elements the Secretary of Defense determines to be appropriate, shall include recommendations for—

''(i) improving the capability of United States Armed Forces to operate in a Global Positioning System (GPS)-denied or GPS-degraded environment;

''(ii) improving the capability of United States Armed Forces to counter Russian unmanned aircraft systems, electronic warfare, and long-range precision strike capabilities; and

''(iii) countering unconventional capabilities and hybrid threats from the Russian Federation.

''(3) FORM.—The report required by this subsection shall be submitted in unclassified form but may contain a classified annex.''

CULTURAL HERITAGE PROTECTION COORDINATOR

Pub. L. 115–91, div. A, title XII, § 1279C, Dec. 12, 2017, 131 Stat. 1702, provided that: ''Not later than 90 days after the date of the enactment of this Act [Dec. 12, 2017], the Secretary of Defense shall designate an employee of the Department of Defense to serve concurrently as the Coordinator for Cultural Heritage Protection, who shall be responsible for—

''(1) coordinating the existing obligations of the Department of Defense for the protection of cultural heritage, including the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, and other obligations for the protection of cultural heritage; and

''(2) coordinating with the Cultural Heritage Coordinating Committee convened by the Secretary of State for the national security interests of the United States, as appropriate.''

EXCEPTION TO LIMITATION AGAINST APPOINTMENT OF PERSONS AS SECRETARY OF DEFENSE WITHIN SEVEN YEARS OF RELIEF FROM ACTIVE DUTY AS REGULAR COMMISSIONED OFFICERS OF THE ARMED FORCES

Pub. L. 117–1, § 1, Jan. 22, 2021, 135 Stat. 3, provided for an exception to the seven-year limitation under subsec. (a) of this section for the first person appointed as Secretary of Defense after Jan. 20, 2021.

Pub. L. 115–2, § 1, Jan. 20, 2017, 131 Stat. 6, provided for an exception to the seven-year limitation under subsec. (a) of this section for the first person appointed as Secretary of Defense after Jan. 20, 2017.

PILOT PROGRAM ON MODERNIZATION AND FIELDING OF ELECTROMAGNETIC SPECTRUM WARFARE SYSTEMS AND ELECTRONIC WARFARE CAPABILITIES

Pub. L. 114–328, div. A, title II, § 234, Dec. 23, 2016, 130 Stat. 2064, provided that:

''(a) PILOT PROGRAM.—

''(1) IN GENERAL.—The Secretary of Defense may carry out a pilot program on the modernization and fielding of electromagnetic spectrum warfare systems and electronic warfare systems.

''(2) SELECTION.—If the Secretary carries out the pilot program under paragraph (1), the Electronic Warfare Executive Committee shall select from the list described in section 240(b)(4) [130 Stat. 2070] a total of 10 electromagnetic spectrum warfare systems and electronic warfare systems across at least two military departments for modernization and fielding under the pilot program.

''(b) TERMINATION.—The pilot program authorized by subsection (a) shall terminate on September 30, 2023.

''(c) FUNDING.—For the purposes of this pilot program, funds authorized to be appropriated for electromagnetic spectrum warfare and electronic warfare may be used for the development and fielding of electromagnetic spectrum warfare systems and electronic warfare capabilities.

''(d) DEFINITIONS.—In this section:

''(1) The term 'electromagnetic spectrum warfare' means electronic warfare that encompasses military communications and sensing operations that occur in the electromagnetic operational domain.

''(2) The term 'electronic warfare' means military action involving the use of electromagnetic and directed energy to control the electromagnetic spectrum or to attack the enemy.''

IMPROVED DEPARTMENT OF DEFENSE PREVENTION OF AND RESPONSE TO HAZING AND BULLYING IN THE ARMED FORCES

Pub. L. 114–328, div. A, title V, § 549, Dec. 23, 2016, 130 Stat. 2129, as amended by Pub. L. 117–81, div. A, title V, § 549L, Dec. 27, 2021, 135 Stat. 1732, provided that:

''(a) ANTI-HAZING AND ANTI-BULLYING DATABASE.—The Secretary of Defense shall provide for the establishment and use of a comprehensive and consistent data-collection system for the collection of reports, including anonymous reports, of incidents of hazing or bullying involving a member of the Armed Forces. The Secretary shall issue department-wide guidance regarding the availability and use of the database, including information on protected classes, such as race and religion, who are often the victims of hazing or bullying.

''(b) IMPROVED TRAINING.—Each Secretary of a military department, in consultation with the Chief of Staff of each Armed Force under the jurisdiction of such Secretary, shall seek to improve training to assist members of the Armed Forces [to] better recognize, prevent, and respond to hazing and bullying at all command levels.

''(c) ANNUAL REPORTS ON HAZING AND BULLYING.—

''(1) REPORT REQUIRED.—Not later than May 31, 2023, and annually thereafter for five years,, [sic] the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing a description of efforts during the previous year—

''(A) to prevent and to respond to incidents of hazing or bullying involving members of the Armed Forces;

''(B) to track and encourage reporting, including reporting anonymously, incidents of hazing in the Armed Force; and

''(C) to ensure the consistent implementation of anti-hazing and anti-bullying policies.

''(2) ADDITIONAL ELEMENTS.—Each report required by this subsection shall include the following:

''(A) A description of comprehensive data-collection systems of each Armed Force described in subsection (b) and the Office of the Secretary of Defense for collecting hazing or bullying reports involving a member of the Armed Forces.

''(B) A description of processes of each Armed Force described in subsection (b) to identify, document, and report alleged instances of hazing or bullying. Such description shall include the methodology each such Armed Force uses to categorize and count potential instances of hazing or bullying.

''(C) An assessment by each Secretary of a military department of the quality and need for training on recognizing and preventing hazing and bullying provided to members under the jurisdiction of such Secretary.

''(D) An assessment by the Office of the Secretary of Defense of—

''(i) the effectiveness of each Armed Force described in subsection (b) in tracking and reporting instances of hazing or bullying;

''(ii) whether the performance of each such Armed Force was satisfactory or unsatisfactory in the preceding fiscal year.

''(E) Recommendations of the Secretary to improve—

''(i) elements described in subparagraphs (A) through (D).

''(ii) the Uniform Code of Military Justice or the Manual for Courts-Martial to improve the prosecution of persons alleged to have committed hazing or bullying in the Armed Forces.

''(F) The status of efforts of the Secretary to evaluate the prevalence of hazing and bullying in the Armed Forces.

''(G) Data on allegations of hazing and bullying in the Armed Forces, including final disposition of investigations.

''(H) Plans of the Secretary to improve hazing and bullying prevention and response during the next reporting year.''

NOTIFICATION ON THE PROVISION OF DEFENSE SENSITIVE SUPPORT

Pub. L. 114–328, div. A, title X, § 1055, Dec. 23, 2016, 130 Stat. 2399, as amended by Pub. L. 115–232, div. A, title

X, §1042, Aug. 13, 2018, 132 Stat. 1956; Pub. L. 116–92, div. A, title X, §1054, Dec. 20, 2019, 133 Stat. 1591; Pub. L. 118–159, div. A, title X, §1085, Dec. 23, 2024, 138 Stat. 2078, provided that:

''(a) LIMITATION.—The Secretary of Defense may provide defense sensitive support to a non-Department of Defense Federal department or agency only after the Secretary has determined that such support—

''(1) is consistent with the mission and functions of the Department of Defense;

''(2) does—

''(A) not significantly interfere with the mission or functions of the Department; or

''(B) interfere with the mission and functions of the Department of Defense but such support is in the national security interest of the United States; and

''(3) has been requested by the head of a non-Department of Defense Federal department or agency who has certified to the Secretary that the department or agency has reasonably attempted to use capabilities and resources internal to the department or agency.

''(b) NOTICE REQUIRED.—

''(1) IN GENERAL.—Except as provided in paragraphs (3) and (4), before providing defense sensitive support to a non-Department of Defense Federal department or agency, the Secretary of Defense shall notify the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives], and, when the part of the Department of Defense providing the sensitive support is a member of the intelligence community, the congressional intelligence committees of the Secretary's intent to provide such support.

''(2) CONTENTS.—Notice provided under paragraph (1) shall include the following:

''(A) A description of the support to be provided.

''(B) A description of how the support is consistent with the mission and functions of the Department.

''(C) A description of the required duration of the support.

''(D) A description of the initial costs for the support.

''(E) A description of how the support—

''(i) does not significantly interfere with the mission or functions of the Department; or

''(ii) significantly interferes with the mission or functions of the Department but is in the national security interest of the United States.

''(3) ROUTINE DEFENSE SENSITIVE SUPPORT.—In the event that the provision of defense sensitive support is routine defense sensitive support, the Secretary shall provide notification under paragraph (1) on a quarterly basis after providing the support.

''(4) TIME SENSITIVE SUPPORT.—In the event that the provision of defense sensitive support is time-sensitive, the Secretary—

''(A) may provide notification under paragraph (1) after providing the support; and

''(B) shall provide such notice as soon as practicable after providing such support, but not later than 48 hours after providing the support.

''(5) REVERSE DEFENSE SENSITIVE SUPPORT REQUEST.—The Secretary shall notify the congressional defense committees (and the congressional intelligence committees with respect to matters relating to members of the intelligence community) of requests made by the Secretary to a non-Department of Defense Federal department or agency for support that requires special protection from disclosure in the same manner and containing the same information as the Secretary notifies such committees of defense sensitive support requests under paragraphs (1), (3), and (4).

''(6) SUSTAINMENT COSTS.—If the Secretary determines that sustainment costs will be incurred as a result of the provision of defense sensitive support, the Secretary, not later than 15 days after the initial provision of such support, shall certify to the congressional defense committees (and the congressional intelligence committees with respect to matters relating to members of the intelligence community) that such sustainment costs will not interfere with the ability of the Department to execute operations, accomplish mission objectives, and maintain readiness.

''(c) DEFINITIONS.—In this section:

''(1) The term 'defense sensitive support' means support provided by the Department of Defense to a non-Department of Defense Federal department or agency that requires special protection from disclosure.

''(2) The term 'routine defense sensitive support' has the meaning given such term elsewhere in the National Defense Authorization Act for Fiscal Year 2025 [Pub. L. 118–159, see Tables for classification, which does not contain definition for ''routine defense sensitive support'']."

WOMEN'S MILITARY SERVICE MEMORIALS AND MUSEUMS

Pub. L. 115–91, div. A, title III, §342, Dec. 12, 2017, 131 Stat. 1361, provided that:

''(a) IN GENERAL.—The Secretary of Defense may provide not more than $5,000,000 in financial support for the acquisition, installation, and maintenance of exhibits, facilities, historical displays, and programs at military service memorials and museums that highlight the role of women in the military. The Secretary may enter into a contract, partnership, or grant with a nonprofit organization for the purpose of performing such acquisition, installation, and maintenance.

''(b) PURPOSES.—The contracts, partnerships, or grants shall be limited to serving the purposes of—

''(1) preserving the history of the 3,000,000 women who have served in the United States Armed Forces;

''(2) managing an archive of artifacts, historic memorabilia, and documents related to servicewomen;

''(3) maintaining a women veterans' oral history program; and

''(4) conducting other educational programs related to women in service."

Pub. L. 114–328, div. B, title XXVIII, §2833, Dec. 23, 2016, 130 Stat. 2740, provided that:

''(a) AUTHORIZATION.—The Secretary of Defense may provide not more than $5,000,000 in financial support for the acquisition, installation, and maintenance of exhibits, facilities, historical displays, and programs at military service memorials and museums that highlight the role of women in the military. The Secretary may enter into a contract with a nonprofit organization for the purpose of performing such acquisition, installation, and maintenance.

''(b) OFFSET.—Of the funds authorized to be appropriated by section 301 [130 Stat. 2072] for operation and maintenance, Army, and available for the National Museum of the United States Army, not more than $5,000,000 shall be provided, at the discretion of the Secretary of Defense, to carry out activities under subsection (a)."

STRATEGIC FRAMEWORK FOR DEPARTMENT OF DEFENSE SECURITY COOPERATION

Pub. L. 114–92, div. A, title XII, §1202, Nov. 25, 2015, 129 Stat. 1036, provided for the development of a strategic framework for Department of Defense security cooperation to guide prioritization of resources and activities and required submission of an initial report and biennial reports thereafter to certain congressional committees, prior to ceasing to be effective 6 years after Nov. 25, 2015.

ROLE OF SECRETARY OF DEFENSE IN DEVELOPMENT OF GENDER-NEUTRAL OCCUPATIONAL STANDARDS

Pub. L. 113–291, div. A, title V, §524(a), Dec. 19, 2014, 128 Stat. 3361, as amended by Pub. L. 114–92, div. A, title V, §525, Nov. 25, 2015, 129 Stat. 813, provided that: ''The Secretary of Defense shall ensure that the gender-neu-

tral occupational standards being developed by the Secretaries of the military departments pursuant to section 543 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 113 note), as amended by section 523 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 756)—

''(1) accurately predict performance of actual, regular, and recurring duties of a military occupation;

''(2) are applied equitably to measure individual capabilities; and

''(3) measure the combat readiness of combat units, including special operations forces.''

Female Personal Protection Gear

Pub. L. 113–291, div. A, title V, § 524(b), Dec. 19, 2014, 128 Stat. 3362, provided that: ''The Secretary of Defense shall direct each Secretary of a military department to take immediate steps to ensure that combat equipment distributed to female members of the Armed Forces—

''(1) is properly designed and fitted; and

''(2) meets required standards for wear and survivability.''

Office of Net Assessment

Pub. L. 113–291, div. A, title IX, § 904, Dec. 19, 2014, 128 Stat. 3471, provided that:

''(a) Independent Office Required.—The Secretary of Defense shall establish and maintain an independent organization within the Department of Defense to develop and coordinate net assessments of the standing, trends, and future prospects of the military capabilities and potential of the United States in comparison with the military capabilities and potential of other countries or groups of countries, so as to identify emerging or future threats or opportunities for the United States.

''(b) Direct Report to the Secretary of Defense.—The head of the office established and maintained pursuant to subsection (a) shall report directly to the Secretary of Defense without intervening authority and may communicate views on matters within the responsibility of the office directly to the Secretary without obtaining the approval or concurrence of any other official within the Department of Defense.''

Clarification of Policies on Management of Special Use Airspace of Department of Defense

Pub. L. 113–291, div. A, title X, § 1076, Dec. 19, 2014, 128 Stat. 3519, required the Secretary of Defense to issue guidance, no later than 90 days after Dec. 19, 2014, to clarify the policies of the Department with respect to special use airspace and to provide a briefing, no later than 120 days after Dec. 19, 2014, on the status of implementing the guidance.

Provision of Military Service Records to the Secretary of Veterans Affairs in an Electronic Format

Pub. L. 113–66, div. A, title V, § 525, Dec. 26, 2013, 127 Stat. 757, provided that:

''(a) Provision in Electronic Format.—In accordance with subsection (b), the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, shall make the covered records of each member of the Armed Forces available to the Secretary of Veterans Affairs in an electronic format.

''(b) Deadline for Provision of Records.—With respect to a member of the Armed Forces who is discharged or released from the Armed Forces on or after January 1, 2014, the Secretary of Defense shall ensure that the covered records of the member are made available to the Secretary of Veterans Affairs not later than 90 days after the date of the member's discharge or release.

''(c) Sharing of Protected Health Information.—For purposes of the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 42 U.S.C. 1320d–2 note), making medical records available to the Secretary of Veterans Affairs under subsection (a) shall be treated as a permitted disclosure.

''(d) Records Currently Available to Secretary of Veterans Affairs.—The Secretary of Veterans Affairs, in consultation with the Secretary of Defense, shall ensure that the covered records of members of the Armed Forces that are available to the Secretary of Veterans Affairs as of the date of the enactment of this Act [Dec. 26, 2013] are made electronically accessible and available as soon as practicable after that date to the Veterans Benefits Administration.

''(e) Covered Records Defined.—In this section, the term 'covered records' means, with respect to a member of the Armed Forces—

''(1) service treatment records;

''(2) accompanying personal records;

''(3) relevant unit records; and

''(4) medical records created by reason of treatment or services received pursuant to chapter 55 of title 10, United States Code.''

Strategy for Future Military Information Operations Capabilities

Pub. L. 113–66, div. A, title X, § 1096, Dec. 26, 2013, 127 Stat. 880, provided that:

''(a) Strategy Required.—The Secretary of Defense shall develop and implement a strategy for developing and sustaining through fiscal year 2020 information operations capabilities for future contingencies. The Secretary shall submit such strategy to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] by not later than 180 days after the date of the enactment of this Act [Dec. 26, 2013].

''(b) Contents of Strategy.—The strategy required by subsection (a) shall include each of the following:

''(1) A plan for the sustainment of existing capabilities that have been developed during the ten-year period prior to the date of the enactment of this Act, including such capabilities developed using funds authorized to be appropriated for overseas contingency operations determined to be of enduring value for continued sustainment.

''(2) A discussion of how the capabilities referred to in paragraph (1) are integrated into policy, doctrine, and operations.

''(3) An assessment of the force structure that is required to sustain operational planning and potential contingency operations, including the integration across the active and reserve components.

''(4) Estimates of the steady-state resources needed to support the force structure referred to in paragraph (3), as well as estimates for resources that might be needed based on selected operational plans, contingency plans, and named operations.

''(5) An assessment of the impact of how new and emerging technologies can be incorporated into policy, doctrine, and operations.

''(6) A description of ongoing research into new capabilities that may be needed to fill any identified gaps and programs that might be required to develop such capabilities.

''(7) Potential policy implications or legal challenges that may prevent the integration of new and emerging technologies into the projected force structure.

''(8) Potential policy implications or challenges to the better leveraging of capabilities from interagency partners.''

Prohibition of Retaliation Against Members of the Armed Forces for Reporting a Criminal Offense

Pub. L. 113–66, div. A, title XVII, § 1709(a), (b), Dec. 26, 2013, 127 Stat. 962, as amended by Pub. L. 113–291, div. A, title X, § 1071(g)(5), Dec. 19, 2014, 128 Stat. 3511, required the prescription, no later than 120 days after Dec. 26, 2013, of regulations prohibiting retaliation

against an alleged victim or other member of the Armed Forces who reports a criminal offense.

REVIEW AND POLICY REGARDING DEPARTMENT OF DEFENSE INVESTIGATIVE PRACTICES IN RESPONSE TO ALLEGATIONS OF UNIFORM CODE OF MILITARY JUSTICE VIOLATIONS

Pub. L. 113–66, div. A, title XVII, §1732, Dec. 26, 2013, 127 Stat. 975, required a review, by no later than 180 days after Dec. 26, 2013, of the practices of the military criminal investigative organizations in response to allegations of Uniform Code of Military Justice violations and required the development of a uniform policy regarding the use of case determinations to record the results of investigations of such allegations.

DESIGNATION OF DEPARTMENT OF DEFENSE SENIOR OFFICIAL FOR ENTERPRISE RESOURCE PLANNING SYSTEM DATA CONVERSION

Pub. L. 112–239, div. A, title IX, §903, Jan. 2, 2013, 126 Stat. 1866, directed the designation, by no later than 90 days after Jan. 2, 2013, of a Department of Defense senior official with principal responsibility for coordination and management oversight of data conversion for all enterprise resource planning systems of the Department.

ELECTRONIC WARFARE STRATEGY OF THE DEPARTMENT OF DEFENSE

Pub. L. 112–239, div. A, title X, §1061(a), (b), Jan. 2, 2013, 126 Stat. 1939, directed the Secretary of Defense to review and update guidance related to electronic warfare and directed the Commander of the United States Strategic Command to update and issue guidance regarding the responsibilities of the Command with regard to joint electronic warfare capabilities.

UNITED STATES PARTICIPATION IN HEADQUARTERS EUROCORPS

Pub. L. 112–239, div. A, title XII, §1275, Jan. 2, 2013, 126 Stat. 2027, provided that:

''(a) PARTICIPATION AUTHORIZED.—The Secretary of Defense may, with the concurrence of the Secretary of State, authorize the participation of members of the Armed Forces as members of the staff of Headquarters Eurocorps for the purpose of supporting the North Atlantic Treaty Organization (NATO) activities of the NATO Rapid Deployable Corps Eurocorps.

''(b) MEMORANDUM OF UNDERSTANDING.—

''(1) REQUIREMENT.—The participation of members of the Armed Forces as members of the staff of Headquarters Eurocorps shall be in accordance with the terms of one or more memoranda of understanding entered into by the Secretary of Defense, with the concurrence of the Secretary of State, and Headquarters Eurocorps.

''(2) COST-SHARING ARRANGEMENTS.—If Department of Defense facilities, equipment, or funds are used to support Headquarters Eurocorps, the memoranda of understanding under paragraph (1) shall provide details of any cost-sharing arrangement or other funding arrangement.

''(c) LIMITATION ON NUMBER OF MEMBERS PARTICIPATING AS STAFF.—Not more than two members of the Armed Forces may participate as members of the staff of Headquarters Eurocorps, until the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the following:

''(1) A certification by the Secretary of Defense that the participation of more than two members of the Armed Forces in Headquarters Eurocorps is in the national interests of the United States.

''(2) A description of the benefits of the participation of the additional members proposed by the Secretary.

''(3) A description of the plans for the participation of the additional members proposed by the Secretary, including the grades and posts to be filled.

''(4) A description of the costs associated with the participation of the additional members proposed by the Secretary.

''(d) NOTICE ON PARTICIPATION OF NUMBER OF MEMBERS ABOVE CERTAIN CEILING.—Not more than 10 members of the Armed Forces may participate as members of the staff of Headquarters Eurocorps unless the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives a notice that the number of members so participating will exceed 10 members.

''(e) AVAILABILITY OF APPROPRIATED FUNDS.—

''(1) AVAILABILITY.—Funds appropriated to the Department of Defense for operation and maintenance are available as follows:

''(A) To pay the United States' share of the operating expenses of Headquarters Eurocorps.

''(B) To pay the costs of the participation of members of the Armed Forces participating as members of the staff of Headquarters Eurocorps, including the costs of expenses of such participants.

''(2) LIMITATION.—No funds may be used under this section to fund the pay or salaries of members of the Armed Forces who participate as members of the staff of the Headquarters, North Atlantic Treaty Organization (NATO) Rapid Deployable Corps under this section.

''(f) HEADQUARTERS EUROCORPS DEFINED.—In this section, the term 'Headquarters Eurocorps' refers to the multinational military headquarters, established on October 1, 1993, which is one of the High Readiness Forces (Land) associated with the Allied Rapid Reaction Corps of NATO.''

STRATEGY TO COUNTER IMPROVISED EXPLOSIVE DEVICES IN PAKISTAN AND AFGHANISTAN

Pub. L. 112–87, title V, §503, Jan. 3, 2012, 125 Stat. 1896, directed the establishment of a strategy to identify and counter network activity and operations in Pakistan and Afghanistan regarding improvised explosive devices and required a report and implementation of the strategy no later than 120 days after Jan. 3, 2012.

DESIGNATION OF DEPARTMENT OF DEFENSE SENIOR OFFICIAL WITH PRINCIPAL RESPONSIBILITY FOR AIRSHIP PROGRAMS

Pub. L. 112–81, div. A, title IX, §903, Dec. 31, 2011, 125 Stat. 1532, directed the Secretary of Defense to designate an official to have principal responsibility for the airship programs of the Department and to set forth the responsibilities of that official by no later than 180 days after Dec. 31, 2011.

AUTHORITY TO SUPPORT OPERATIONS AND ACTIVITIES OF THE OFFICE OF SECURITY COOPERATION IN IRAQ

Pub. L. 112–81, div. A, title XII, §1215, Dec. 31, 2011, 125 Stat. 1631, as amended by Pub. L. 112–239, div. A, title XII, §1211(a)–(c), Jan. 2, 2013, 126 Stat. 1982; Pub. L. 113–66, div. A, title XII, §1214(a)–(c), Dec. 26, 2013, 127 Stat. 906; Pub. L. 113–291, div. A, title XII, §1237, Dec. 19, 2014, 128 Stat. 3562; Pub. L. 114–92, div. A, title XII, §1221, Nov. 25, 2015, 129 Stat. 1047; Pub. L. 114–328, div. A, title XII, §1223, Dec. 23, 2016, 130 Stat. 2486; Pub. L. 115–91, div. A, title XII, §1224(a), (b)(1), (c), Dec. 12, 2017, 131 Stat. 1654; Pub. L. 115–232, div. A, title XII, §1235(a), (b)(1), (c), Aug. 13, 2018, 132 Stat. 2041, 2042; Pub. L. 116–92, div. A, title XII, §1223, Dec. 20, 2019, 133 Stat. 1641; Pub. L. 116–283, div. A, title XII, §1223, Jan. 1, 2021, 134 Stat. 3930; Pub. L. 117–81, div. A, title XII, §1224, Dec. 27, 2021, 135 Stat. 1971; Pub. L. 117–263, div. A, title XII, §1232(a), Dec. 23, 2022, 136 Stat. 2837; Pub. L. 118–31, div. A, title XII, §1265, Dec. 22, 2023, 137 Stat. 482; Pub. L. 118–159, div. A, title XII, §1230, Dec. 23, 2024, 138 Stat. 2108, provided that:

''(a) AUTHORITY.—The Secretary of Defense may support United States Government security cooperation activities in Iraq by providing funds for the operations and activities of the Office of Security Cooperation in Iraq.

''(b) TYPES OF SUPPORT.—The operations and activities for which the Secretary may provide funds under the authority in subsection (a) may include life support and transportation and personal security.

''(c) LIMITATION ON AMOUNT.—The total amount of funds provided under the authority in subsection (a) in fiscal year 2025 may not exceed $18,000,000.

''(d) SOURCE OF FUNDS.—Funds for purposes of subsection (a) for fiscal year 2025 shall be derived from amounts available for that fiscal year for operation and maintenance for the Air Force.

''(e) COVERAGE OF COSTS IN CONNECTION WITH SALES OF DEFENSE ARTICLES OR DEFENSE SERVICES TO IRAQ.—The President shall ensure that any letter of offer for the sale to Iraq of any defense articles or defense services issued after the date of the enactment of this Act [Dec. 31, 2011] includes appropriate administrative charges, consistent with the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.).

''(f) ADDITIONAL AUTHORITY FOR ACTIVITIES OF OSCI.—

''(1) IN GENERAL.—During fiscal year 2019, the Secretary of Defense, with the concurrence of the Secretary of State, may authorize the Office of Security Cooperation in Iraq to conduct activities to support the following:

''(A) Defense institution building to mitigate capability gaps and promote effective and sustainable defense institutions.

''(B) Professionalization, strategic planning and reform, financial management, manpower management, and logistics management of military and other security forces with a national security mission.

''(2) REQUIRED ELEMENTS.—The activities of the Office of Security Cooperation in Iraq conducted under paragraph (1) shall include elements that promote the following:

''(A) Observance of and respect for human rights and fundamental freedoms.

''(B) Military professionalism.

''(C) Respect for legitimate civilian authority within Iraq.

''(3) SUNSET.—The authority provided in this subsection shall terminate on the date that is 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020 [Pub. L. 116–92, approved Dec. 20, 2019].

''(g) REPORTS.—

''(1) IN GENERAL.—Not later than September 30, 2020, and every 180 days thereafter until the authority in this section expires, the Secretary of Defense shall, in consultation with the Secretary of State, submit to the appropriate committees of Congress a report on the activities of the Office of Security Cooperation in Iraq.

''(2) ELEMENTS.—Each report under this subsection shall include the following:

''(A) A description of capability gaps in the security forces of Iraq that also addresses capability gaps relating to intelligence matters, protection of Iraq airspace, and logistics and maintenance, and a description of the extent, if any, to which the Government of Iraq has requested assistance in addressing such capability gaps.

''(B) A description of the activities of the Office of Security Cooperation in Iraq and the extent, if any, to which United States security assistance and security cooperation activities are intended to address the capability gaps described pursuant to subparagraph (A).

''(C) A description of how the activities of the Office of Security Cooperation in Iraq are coordinated with, and complement and enhance, the assistance provided pursuant to section 1236 of the Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015.

''(D) A description of end use monitoring programs, and any other programs or procedures, used to improve accountability for equipment provided to the Government of Iraq.

''(E) A description of the measures of effectiveness used to evaluate the activities of the Office of the Security Cooperation in Iraq, and an analysis of any determinations to expand, alter, or terminate specific activities of the Office based on such evaluations.

''(F) An evaluation of the effectiveness of United States efforts to promote respect for human rights, military professionalism, and respect for legitimate civilian authority in Iraq.

''(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term 'appropriate committees of Congress' means—

''(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 Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

''(h) LIMITATION ON AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated by this Act [probably means Pub. L. 117–81, see Tables for classification] for fiscal year 2022 to carry out this section, not more than $10,000,000 may be obligated or expended for the Office of Security Cooperation in Iraq until the date on which the Secretary of Defense provides to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives], the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report that—

''(1) details further steps to reorganize the Office in a manner similar to that of other security cooperation offices in the region and indicates whether such reorganization will be achieved by 2023;

''(2) describes progress made toward the continuation of bilateral engagement with the Government of Iraq, with the objective of establishing a joint mechanism for security assistance planning;

''(3) includes a five-year security assistance roadmap for developing sustainable military capacity and capabilities and enabling defense institution building and reform; and

''(4) describes progress made toward, and a timeline for, the transition of the preponderance of funding for the activities of the Office from current sources to the Foreign Military Financing Administrative Fund and the Foreign Military Sales Trust Fund Administrative Surcharge Account in future years.''

[Section 1235(b)(1)(B) and (c) of Pub. L. 115–232 made identical amendment to subsec. (d) of section 1215 of Pub. L. 112–81, set out above.]

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.''

PROGRAMS TO COMMEMORATE ANNIVERSARIES OF THE KOREAN WAR

Pub. L. 111–383, div. A, title V, §574, Jan. 7, 2011, 124 Stat. 4223, authorized the Secretary of Defense to conduct a program to commemorate the 60th anniversary of the Korean War, authorized the establishment of a Department of Defense Korean War Commemoration Fund, and directed the Inspector General of the Department of Defense to submit to Congress a report containing an accounting of various funds no later than 60 days after the end of the commemorative program.

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.

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, required a report on the organizational structure and policy guidance of the Department of Defense with respect to information operations to be submitted to Congress no later than 90 days after Jan. 7, 2011, and a revised directive on information operations to be prescribed upon submittal of the report.

BIENNIAL REPORT ON NUCLEAR TRIAD

Pub. L. 111–383, div. A, title X, §1054, Jan. 7, 2011, 124 Stat. 4358, which provided that, not later than March 1 of each even-numbered year, beginning March 1, 2012, the Secretary of Defense was to submit to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives a report on the nuclear triad, was repealed by Pub. L. 115–91, div. A, title X, §1051(p)(4), Dec. 12, 2017, 131 Stat. 1565.

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, as amended by Pub. L. 113–291, div. A, title IX, §901(n)(1), Dec. 19, 2014, 128 Stat. 3469; Pub. L. 115–91, div. A, title X, §1081(b)(1)(D), Dec. 12, 2017, 131 Stat. 1597, established a Defense Integrated Military Human Resources System development and transition Council to provide advice on the modernization of the integrated pay and personnel systems, required a report to Congress on actions taken, and went out of effect after Sept. 30, 2013.

ANNUAL REPORT ON MILITARY POWER OF IRAN

Pub. L. 111–84, div. A, title XII, §1245, Oct. 28, 2009, 123 Stat. 2542, as amended by Pub. L. 113–66, div. A, title XII, §1232(a), Dec. 26, 2013, 127 Stat. 920; Pub. L. 113–291, div. A, title XII, §1277, Dec. 19, 2014, 128 Stat. 3592; Pub. L. 114–92, div. A, title XII, §1231(a)–(d), Nov. 25, 2015, 129 Stat. 1057, 1058; Pub. L. 114–328, div. A, title XII, §1225(a), Dec. 23, 2016, 130 Stat. 2487; Pub. L. 115–91, div. A, title XII, §1225(a), Dec. 12, 2017, 131 Stat. 1655; Pub. L. 115–232, div. A, title XII, §1236, Aug. 13, 2018, 132 Stat. 2042; Pub. L. 117–263, div. A, title XII, §1231, Dec. 23, 2022, 136 Stat. 2837; Pub. L. 118–31, div. A, title XII, §1268, Dec. 22, 2023, 137 Stat. 484; Pub. L. 118–159, div. A, title XII, §1222, Dec. 23, 2024, 138 Stat. 2103, provided that:

''(a) ANNUAL REPORT.—Not later than January 30 of each year, the Secretary of Defense shall submit to Congress a report, in both classified and unclassified

form, on the current and future military strategy of Iran.

''(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include a description of the security posture of Iran, including at least the following:

''(1) A description and assessment of Iranian grand strategy, security strategy, and military strategy, including—

''(A) the goals of Iran's grand strategy, security strategy, and military strategy. [sic]

''(B) any adjustments to the use of proxy forces by Iran;

''(C) trends in Iran's strategy that would be designed to establish Iran as the leading power in the Middle East and to enhance the influence of Iran in other regions of the world;

''(D) Iranian strategy regarding other countries in the region, including other specified countries;; [sic]

''(E) Iranian strategy regarding offensive cyber capabilities and defensive cyber capabilities; and [sic]

''(2) An assessment of the capabilities of Iran's conventional forces, including—

''(A) the size and capabilities of Iran's conventional forces;

''(B) the effectiveness of Iran's conventional forces when facing United States forces in the region and other specified countries;

''(C) a description of Iranian military doctrine, including Iranian anti-access or area denial and other maritime harassment capabilities; and

''(D) an estimate of the funding provided for each branch of Iran's conventional forces and Iran's unconventional or parallel military forces.

''(3) An assessment of Iran's unconventional forces and related activities, including—

''(A) the size and capability of Iranian special operations units, including the Islamic Revolutionary Guard Corps–Quds Force;

''(B) the types and amount of support, including funding, lethal and non-lethal supplies, and training, provided to groups designated by the United States as foreign terrorist organizations, regional militant groups, and Iranian-linked proxy groups, in particular those forces as having been assessed as to be willing to carry out terrorist operations on behalf of Iran or in response to a military attack by another country on Iran;

''(C) the types and amount of support to be assessed under subparagraph (B) shall include support provided to Lebanese Hezbollah, Hamas, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine, Asa'ib ahl al-Haq, Harakat Hezbollah al-Nujaba, Kata'ib Sayyid al-Shuhada, Kata'ib al-Imam Ali, Kata'ib Hezbollah, the Badr Organization, the Fatemiyoun, the Zainabiyoun, and Ansar Allah (also known as the 'Houthis');

''(D) the threat from Special Groups in Iraq, including Kata'ib Hezbollah and Asa'ib Ahl al-Haq, to United States and coalition forces located in Iraq and Syria;

''(E) the role of Iran in supporting, facilitating, directing, or conducting attacks on United States forces in the region;

''(F) an analysis of the effectiveness of Iran's unconventional forces when facing United States forces in the region and other specified countries in the region;

''(G) an estimate of the amount of funds spent by Iran to develop and support special operations forces and terrorist groups;

''(H) a description of the structure of Iran's global network of terrorist and criminal groups and an analysis of the capability of such network of groups and how such network of groups operates to support and reinforce Iran's grand strategy;

''(I) Iran's cyber capabilities, including—

''(i) Iran's ability to use proxies and other actors to mask its cyber operations;

''(ii) Iran's ability to target United States governmental and nongovernmental entities and activities; and

''(iii) cooperation with or assistance from state and non-state actors in support or enhancement of Iran's cyber capabilities;

''(J) Iranian ability to manipulate the information environment both domestically and against the interests of the United States and its allies; and

''(K) all formal or informal agreements involving a strategic military or security partnership with the Russian Federation, the People's Republic of China, or any proxies of either such country; and [sic]

''(4) An assessment of Iranian capabilities related to nuclear and missile forces, including—

''(A) a summary of nuclear weapons capabilities and developments in the preceding year;

''(B) a summary of the capabilities of Iran's ballistic missile forces, including developments in the preceding year, the size of Iran's ballistic missile forces and Iran's cruise missile forces, and the locations of missile launch, storage, and production sites;

''(C) a detailed analysis of the effectiveness of Iran's ballistic missile forces and Iran's cruise missile forces when facing United States forces in the region and other specified countries[;]

''(D) an estimate of the amount of funding expended by Iran since 2004 on programs to develop a capability to build nuclear weapons or to enhance Iran's ballistic missile forces;

''(E) an assessment of Iran's space launch vehicle program and the ability of Iran to use those technologies to develop and field an intermediate-range ballistic missile or an intercontinental ballistic missile;

''(F) a detailed analysis of the effectiveness of Iran's drone forces and the exportation of Iranian drones to the Middle East and Europe; and

''(G) a description or estimation of the threat posed by Iran's Islamic Revolutionary Guard Corps to European citizens or to member countries of the European Union.

''(5) An assessment of transfers to and from Iran of military equipment, technology, and training from or to non-Iranian sources or destinations, including transfers that pertain to nuclear development, ballistic missiles, and chemical, biological, and advanced conventional weapons, weapon systems, and delivery vehicles.

''(6) An assessment of the use of civilian transportation assets and infrastructure, including commercial aircraft, airports, commercial vessels, and seaports, used to transport illicit military cargo to or from Iran, including military personnel, military goods, weapons, military-related electric parts, and related components.

''(7) An assessment of military-to-military cooperation between Iran and foreign counties [sic], including the People's Republic of China, Cuba, North Korea, Pakistan, the Russian Federation, Sudan, Syria, Venezuela, and any other country designated by the Secretary of Defense with additional reference to cooperation and collaboration on the trafficking or development of nuclear, biological, chemical, and advanced conventional weapons, weapon systems, and delivery vehicles.

''(8) An assessment of the extent to which the commercial aviation sector of Iran knowingly provides financial, material, or technological support to the Islamic Revolutionary Guard Corps, the Ministry of Defense and Armed Forces Logistics of Iran, the Bashar al-Assad regime, Hezbollah, Hamas, Kata'ib Hezbollah, or any other foreign terrorist organization.

''(9) An assessment of the use of civilians by groups supported by Iran to shield military objectives from attack, including groups such as—

''(A) Hezbollah, Hamas, and the Houthis; and

''(B) the Special Groups in Iraq.

''(10) An assessment of the threat posed by Iran against United States and partner military bases, to include missile, unmanned aircraft systems, and loitering munition attacks.

''(11) An assessment of the sale, supply, or transfer of narcotics in the Middle East region by the Islamic Revolutionary Guard Corps and Iran backed groups.

''(12) An assessment of groups that are supported by Iran and designated by the United States as foreign terrorist organizations and regional military groups, including Hezbollah, Hamas, the Houthis, and the Special Groups in Iraq, in particular those forces as having been assessed as to be willing to carry out terrorist operations on behalf of Iran.

''(13) An assessment of how Iran would utilize additional resources to further activities described in paragraphs (1) through (12).

''(14) An assessment of the manner and extent to which the advances or improvements in the capabilities of Iran's conventional and unconventional forces described in this section have affected Israel's qualitative military edge during the preceding year.

''(c) DEFINITIONS.—In this section:

''(1) IRAN'S CONVENTIONAL FORCES.—The term 'Iran's conventional forces'—

''(A) means military forces of the Islamic Republic of Iran designed to conduct operations on sea, air, or land, other than Iran's unconventional forces and Iran's ballistic missile forces and Iran's cruise missile forces; and

''(B) includes all branches and sub-branches of Iran's national army or Artesh, such as its ground forces, air force, navy, and air defense forces as well as most branches of its parallel military, and the Islamic Revolutionary Guard Corps excluding its Quds-Force.

''(2) IRAN'S UNCONVENTIONAL FORCES.—The term 'Iran's unconventional forces'—

''(A) means forces of the Islamic Republic of Iran that carry out missions typically associated with special operations forces; and

''(B) includes—

''(i) the Islamic Revolutionary Guard Corps–Quds Force; and

''(ii) any organization that—

''(I) has been designated a terrorist organization by the United States;

''(II) receives assistance from Iran; and

''(III)(aa) is assessed as being willing in some or all cases of carrying out attacks on behalf of Iran; or

''(bb) is assessed as likely to carry out attacks in response to a military attack by another country on Iran or its regional interests.

''(3) IRAN'S BALLISTIC MISSILE FORCES.—The term 'Iran's ballistic missile forces' means those elements of the military forces of Iran that employ ballistic missiles.

''(4) IRAN'S CRUISE MISSILE FORCES.—The term 'Iran's cruise missile forces' means those elements of the military forces of Iran that employ cruise missiles[.]

''(5) SPECIFIED COUNTRIES.—The term 'specified countries' means the countries in the same geographic region as Iran, including Israel, Lebanon, Syria, Jordan, Iraq, Afghanistan, Saudi Arabia, Turkey, Bahrain, Kuwait, the United Arab Emirates, Armenia, and Azerbaijan.

''(d) TERMINATION.—The requirement to submit the report required under subsection (a) shall terminate on December 31, 2026.''

[Pub. L. 118–159, §1222(b)(2), which directed amendment of section 1245 of Pub. L. 111–84, set out above, by inserting ''or its regional interests'' before the period at the end of subsec. ''(c)(2)(B)(ii)(bb)'', was executed to subsec. (c)(2)(B)(ii)(III)(bb), to reflect the probable intent of Congress.]

[Pub. L. 115–91, div. A, title XII, §1225(b), Dec. 12, 2017, 131 Stat. 1655, provided that: ''The amendments made by this section [amending section 1245 of Pub. L. 111–84, set out above] shall take effect on the date of the enactment of this Act [Dec. 12, 2017], and shall apply with respect to reports required to be submitted under section 1245 of the National Defense Authorization Act for Fiscal Year 2010 [Pub. L. 111–84] after that date.'']

[Pub. L. 114–328, div. A, title XII, §1225(b), Dec. 23, 2016, 130 Stat. 2487, provided that: ''The amendment made by subsection (a) [amending section 1245 of Pub. L. 111–84, set out above] shall take effect on January 1, 2018, and shall apply with respect to reports required to be submitted under section 1245 of the National Defense Authorization Act for Fiscal Year 2010 [Pub. L. 111–84] on or after that date.'']

[Pub. L. 114–92, div. A, title XII, §1231(e), Nov. 25, 2015, 129 Stat. 1058, provided that: ''The amendments made by this section [amending section 1245 of Pub. L. 111–84, set out above] shall take effect on the date of the enactment of this Act [Nov. 25, 2015], and shall apply with respect to reports required to be submitted under section 1245 of the National Defense Authorization Act for Fiscal Year 2010 [Pub. L. 111–84], as so amended, after that date.'']

[Pub. L. 113–66, div. A, title XII, §1232(b), Dec. 26, 2013, 127 Stat. 920, provided that: ''The amendments made by this section [amending section 1245 of Pub. L. 111–84, set out above] shall take effect on the date of the enactment of this Act [Dec. 26, 2013] and shall apply with respect to reports required to be submitted under section 1245 of the National Defense Authorization Act for Fiscal Year 2010 [Pub. L. 111–84], as so amended, on or after that date.'']

[For termination, effective Dec. 31, 2021, of annual reporting provisions in section 1245 of Pub. L. 111–84, set out above, see section 1061 of Pub. L. 114–328, set out as a note under section 111 of this title.]

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, required the establishment of a policy and an acquisition strategy for intelligence, surveillance, and reconnaissance payloads and ground stations for manned and unmanned aerial vehicle systems and submission of a report containing the policy and acquisition strategy no later than 120 days after Oct. 14, 2008.

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, required a report on the command and control structure for military forces operating in Afghanistan to be submitted in December of 2008, with a subsequent update as warranted by any modifications to the command and control structure.

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 commemorate 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).''

ACCESS TO MILITARY INSTALLATIONS

Pub. L. 116–283, div. A, title X, § 1090, Jan. 1, 2021, 134 Stat. 3879, as amended by Pub. L. 118–31, div. A, title X, § 1046, Dec. 22, 2023, 137 Stat. 390, which related to vetting procedures and monitoring requirements for certain military training, was transferred and is set out as a note preceding section 2661 of this title.

Pub. L. 115–232, div. A, title VI, § 626, Aug. 13, 2018, 132 Stat. 1802, which related to access to military installations for certain surviving spouses or next of kin, was transferred and is set out as a note preceding section 2661 of this title.

Pub. L. 114–328, div. A, title III, § 346, Dec. 23, 2016, 130 Stat. 2085, as amended by Pub. L. 115–91, div. B, title XXVIII, § 2819, Dec. 12, 2017, 131 Stat. 1853, which related to access to military installations by transportation companies, was transferred and is set out as a note preceding section 2661 of this title.

Pub. L. 114–328, div. A, title X, § 1050, Dec. 23, 2016, 130 Stat. 2396, as amended by Pub. L. 116–92, div. B, title XXVIII, § 2822, Dec. 20, 2019, 133 Stat. 1889, which related to access to military installations for credentialed transportation workers, was transferred and is set out as a note preceding section 2661 of this title.

Pub. L. 112–239, div. B, title XXVIII, § 2812, Jan. 2, 2013, 126 Stat. 2150, required the Secretary of Defense to publish procedural requirements regarding access to military installations in the United States by individuals, including individuals performing work under a contract awarded by the Department of Defense, by no later than 180 days after Jan. 2, 2013.

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, directed the Secretary of Defense to develop access standards applicable to all military installations in the United States by Feb. 1, 2009, submit the standards to Congress by Aug. 1, 2009, and implement the standards by Oct. 1, 2010.

PROTECTION OF CERTAIN INDIVIDUALS

Pub. L. 110–181, div. A, title X, § 1074, Jan. 28, 2008, 122 Stat. 330, as amended by Pub. L. 113–66, div. A, title X,

§ 1084(b)(2)(A), Dec. 26, 2013, 127 Stat. 872; Pub. L. 113–291, div. A, title X, § 1046, Dec. 19, 2014, 128 Stat. 3494, which provided for protection of Department of Defense leadership and certain additional individuals within the military, Department of Defense, and certain foreign government representatives, was repealed by Pub. L. 114–328, div. A, title IX, § 952(c)(3), Dec. 23, 2016, 130 Stat. 2375. See section 714 of this title.

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, required, by June 1, 2008, the preparation and submission to Congress of 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 certain other disasters and submission of an update of the plan by June 1, 2010.

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 Chairman 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).''

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).''

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, which required the Secretary of Defense to submit quarterly reports on incidents involving the detonation or discovery of an improvised explosive device that involved United States or allied forces in Iraq and Afghanistan and on certain efforts of the Department of Defense to counter the threat of improvised explosive devices, was repealed by Pub. L. 112–81, div. A, title X, § 1062(d)(5), Dec. 31, 2011, 125 Stat. 1585.

DATABASE OF EMERGENCY RESPONSE CAPABILITIES

Pub. L. 115–232, div. A, title X, § 1084(b), Aug. 13, 2018, 132 Stat. 1990, provided that:

''(1) DEADLINE FOR ESTABLISHMENT.—The Secretary of Defense shall establish the database required by section 1406 of the John Warner National Defense Authorization Act for Fiscal Year 2007 [section 1406 of Pub. L. 109–364, set out below], as amended by subsection (a), by not later than one year after the date of the enactment of this Act [Aug. 13, 2018].

''(2) USE OF EXISTING DATABASE OR SYSTEM FOR CERTAIN CAPABILITIES.—The Secretary may meet the requirement with respect to the capabilities described in subsection (a)(1) of section 1406 of the John Warner National Defense Authorization Act for Fiscal Year 2007, as so amended, in connection with the database required by that section through the use or modification of current databases and tracking systems of the Department of Defense, including the Defense Readiness Reporting System, if the Secretary determines that such action will—

''(A) expedite compliance with the requirement; and

''(B) achieve such compliance at a cost not greater than the cost of establishing anew the database otherwise covered by the requirement.''

Pub. L. 109–364, div. A, title XIV, § 1406, Oct. 17, 2006, 120 Stat. 2436, as amended by Pub. L. 115–232, div. A, title X, § 1084(a), Aug. 13, 2018, 132 Stat. 1990, provided that:

''(a) DATABASE REQUIRED.—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 pro-

vide in support of the National Response Plan's Emergency Support Functions, and identification of the units that provide these capabilities.

''(3) The types of emergency response cyber capabilities that the National Guard of each State and territory may be able to provide in response to domestic or natural man-made disasters, as reported by the States and territories, including—

''(A) capabilities that can be provided within the State or territory;

''(B) capabilities that can be provided under State-to-State mutual assistance agreements; and

''(C) capabilities for defense support to civil authorities.

''(4) The types of emergency response cyber capabilities of other reserve components of the Armed Forces identified by the Secretary that are available for defense support to civil authorities in response to domestic or natural man-made disasters.

''(b) INFORMATION REQUIRED TO KEEP DATABASE CURRENT.—In maintaining the database required by subsection (a), the Secretary shall identify and revise the information required to be reported and included in the database at least once every two years for purposes of keeping the database current.''

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 [now 10 U.S.C. 101(f)].''

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, directed the Secretary of Defense to prescribe regulations, to go into effect by 180 days after Jan. 6, 2006, that require certain officers and senior enlisted members to report a conviction for a violation of a criminal law of the United States that becomes final after Jan. 6, 2006.

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 President 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; Pub. L. 115–91, div. A, title XII, §1266, Dec. 12, 2017, 131 Stat. 1691, 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) QUARTERLY SUBMITTAL TO CONGRESS AND GAO OF CERTAIN REPORTS ON COSTS.—Not later than 45 days after the end of each fiscal year quarter, 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 of the United States the Department of Defense Supplemental and Cost of War Execution report for such fiscal year quarter.''

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, which provided that, no later than April 30 of each year, the Secretary of Defense was to submit a report to certain congressional committees on Department of Defense costs during the preceding fiscal year to carry out United Nations resolutions, was repealed by Pub. L. 115–91, div. A, title X, §1051(k)(3), Dec. 12, 2017, 131 Stat. 1564.

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 annual 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, required the Secretary of Defense to prescribe a policy for providing timely notification to the next of kin of seriously ill or injured members in combat zones and to submit to Congress a copy of the policy no later than 120 days after Oct. 28, 2004.

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, required the Secretary of Defense, no later than 120 days after Oct. 28, 2004, to 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.

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, as amended by Pub. L. 117–263, div. A, title X, §1027, Dec. 23, 2022, 136 Stat. 2767, 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 ac-

tivity 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.

''(j) WITHHOLDING OF CERTAIN INFORMATION.—Pursuant to subparagraphs (A)(ii) and (B) of section 552(b)(3) of title 5[,] United States Code, the Secretary concerned may withhold from public disclosure information and data about the location or related artifacts of a sunken military craft under the jurisdiction of the Secretary, if such disclosure would increase the risk of the unauthorized disturbance of one or more sunken military craft.

''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, required a study on the impact of various civilian and environmental encroachment issues affecting military installations and operational ranges, a plan to respond to any encroachment issues found, and reports from 2004 to 2010 regarding the results of the study and progress being made on 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, established a pilot program designed to create, or continue the implementation of, high-performing organizations through the conduct of a Business Process Reengineering initiative at selected military installations and facilities.

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, directed the Secretary of Defense, no later than 180 days after Nov. 24, 2003, to prescribe a policy on the public release of the names or other personally identifying information of casualties.

PROCUREMENT OF DEFENSE BIOMEDICAL COUNTERMEASURES

Pub. L. 108–136, div. A, title XVI, §1602, Nov. 24, 2003, 117 Stat. 1682, as amended by Pub. L. 110–181, div. A, title X, §1063(g)(3), Jan. 28, 2008, 122 Stat. 324, provided that:

''(a) DETERMINATION OF MATERIAL THREATS.—(1) The Secretary of Defense (in this section referred to as the 'Secretary') shall on an ongoing basis—

''(A) assess current and emerging threats of use of biological, chemical, radiological, and nuclear agents; and

''(B) identify, on the basis of such assessment, those agents that present a material risk of use against the Armed Forces.

''(2) The Secretary shall on an ongoing basis—

''(A) assess the potential consequences to the health of members of the Armed Forces of use against the Armed Forces of the agents identified under paragraph (1)(B); and

''(B) identify, on the basis of such assessment, those agents for which countermeasures are necessary to protect the health of members of the Armed Forces.

''(b) ASSESSMENT OF AVAILABILITY AND APPROPRIATENESS OF COUNTERMEASURES.—The Secretary shall on an ongoing basis assess the availability and appropriateness of specific countermeasures to address specific threats identified under subsection (a).

''(c) SECRETARY'S DETERMINATION OF COUNTERMEASURES APPROPRIATE FOR PROCUREMENT.—(1) The Secretary, in accordance with paragraph (2), shall on an ongoing basis identify specific countermeasures that the Secretary determines to be appropriate for procure-

ment for the Department of Defense stockpile of biomedical countermeasures.

''(2) The Secretary may not identify a specific countermeasure under paragraph (1) unless the Secretary determines that—

''(A) the countermeasure is a qualified countermeasure; and

''(B) it is reasonable to expect that producing and delivering, within 5 years, the quantity of that countermeasure required to meet the needs of the Department (as determined by the Secretary) is feasible.

''(d) INTERAGENCY COOPERATION.—(1) Activities of the Secretary under this section shall be carried out in regular, structured, and close consultation and coordination with the Secretaries of Homeland Security and Health and Human Services, including the activities described in subsections (a), (b), and (c) and those activities with respect to interagency agreements described in paragraph (2).

''(2) The Secretary may enter into an interagency agreement with the Secretaries of Homeland Security and Health and Human Services to provide for acquisition by the Secretary of Defense for use by the Armed Forces of biomedical countermeasures procured for the Strategic National Stockpile by the Secretary of Health and Human Services. The Secretary may transfer such funds to the Secretary of Health and Human Services as are necessary to carry out such agreements (including administrative costs of the Secretary of Health and Human Services), and the Secretary of Health and Human Services may expend any such transferred funds to procure such countermeasures for use by the Armed Forces, or to replenish the stockpile. The Secretaries are authorized to establish such terms and conditions for such agreements as the Secretaries determine to be in the public interest. The transfer authority provided under this paragraph is in addition to any other transfer authority available to the Secretary.

''(e) DEFINITIONS.—In this section:

''(1) The term 'qualified countermeasure' means a biomedical countermeasure—

''(A) that is approved under section 505(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) or licensed under section 351 of the Public Health Service Act (42 U.S.C. 262), or that is approved under section 515 or cleared under section 510(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e and 360) for use as such a countermeasure to a biological, chemical, radiological, or nuclear agent identified as a material threat under subsection (a); or

''(B) with respect to which the Secretary of Health and Human Services makes a determination that sufficient and satisfactory clinical experience or research data (including data, if available, from preclinical and clinical trials) exists to support a reasonable conclusion that the product will qualify for such approval or licensing for use as such a countermeasure.

''(2) The term 'biomedical countermeasure' means a drug (as defined in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1))), device (as defined in section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h))), or biological product (as defined in section 351(i) of the Public Health Service Act (42 U.S.C. 262(i))) that is—

''(A) used to treat, identify, or prevent harm from any biological, chemical, radiological, or nuclear agent that may cause a military health emergency affecting the Armed Forces; or

''(B) used to treat, identify, or prevent harm from a condition that may result in adverse health consequences or death and may be caused by administering a drug or biological product that is used as described in subparagraph (A).

''(3) The term 'Strategic National Stockpile' means the stockpile established under section 121(a) of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (42 U.S.C. 300hh–12(a)).

''(f) FUNDING.—Of the amount authorized to be appropriated for the Department of Defense and available within the transfer authority established under section 1001 of this Act [117 Stat. 1582] for fiscal year 2004 and for each fiscal year thereafter, such sums are authorized as may be necessary for the costs incurred by the Secretary in the procurement of countermeasures under this section.''

PLAN FOR PROMPT GLOBAL STRIKE CAPABILITY

Pub. L. 110–181, div. A, title II, § 243, Jan. 28, 2008, 122 Stat. 51, required submission of a research, development, and testing plan for prompt global strike program objectives for fiscal years 2008 through 2013 and a plan for obligation and expenditure of funds available for prompt global strike for fiscal year 2008.

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, required establishment of, and annual updates to, an integrated plan for developing, deploying, and sustaining a prompt global strike capability in the Armed Forces and submission of reports on the plan from 2004 to 2009.

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, directed the Secretary of Defense to implement a single financial management and accounting system for all test and evaluation facilities of the Department of Defense, with the goal that such system be implemented no later than Sept. 30, 2006.

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; Pub. L. 112–239, div. A, title III, §311, Jan. 2, 2013, 126 Stat. 1691, 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 fiscal year through fiscal year 2018, 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 each fiscal year through fiscal year 2018.

''(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, as amended by Pub. L. 112–81, div. A, title X, § 1052, Dec. 31, 2011, 125 Stat. 1582; Pub. L. 113–188, title IV, § 401(b), Nov. 26, 2014, 128 Stat. 2019; Pub. L. 115–91, div. A, title X, §§ 1002(h), 1051(i)(2), Dec. 12, 2017, 131 Stat. 1542, 1563, provided that:

''[(a), (b) Repealed. Pub. L. 113–188, title IV, § 401(b)(1), Nov. 26, 2014, 128 Stat. 2019.]

''(c) INFORMATION TO AUDITORS.—Not later than the date that is 180 days prior to the date set by the Office of Management and Budget for the submission of financial statements of each year [sic], 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) to (f) Repealed. Pub. L. 115–91, div. A, title X, § 1002(h), Dec. 12, 2017, 131 Stat. 1542.]''

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, required annual reports on the conduct of military operations conducted as part of Operation Enduring Freedom, starting June 15, 2003, and ending no later than 180 days after the date of the cessation of hostilities undertaken as part of Operation Enduring Freedom.

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, directed the Secretary of Defense to develop and submit to Congress a comprehensive plan for improving the preparedness of military installations for preventing and responding to terrorist attacks, directed the Comptroller General to review the plan, and required reports on the plan in 2004, 2005, and 2006.

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, as amended by Pub. L. 115–91, div. A, title X, §1051(h), Dec. 12, 2017, 131 Stat. 1563, 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 considers 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.''

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, designated the Navy as the lead agency for the development and implementation of a Smart Card program for the Department of Defense, required the Army and Air Force to establish project offices and cooperate with the Navy to develop implementation plans for using Smart Card technology, established a senior coordinating group, and provided for allocation of certain funds for the Navy to implement Smart Card technology.

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, which required the Secretary of Defense to submit an annual report regarding the deployments and assignments of the United States Armed Forces in Colombia, was repealed by Pub. L. 112–81, div. A, title X, §1062(j)(2), Dec. 31, 2011, 125 Stat. 1585.

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. 118–50, div. G, §2, Apr. 24, 2024, 138 Stat. 954, provided that:

''(a) IN GENERAL.—As part of each annual report submitted under section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 10 U.S.C. 113 note) (commonly referred to as the 'China Military Power report'), the Secretary of Defense and Secretary of State, in consultation with the heads of such other Federal departments and agencies as the Secretary of Defense and Secretary of State may determine appropriate, shall include a component on emerging technological developments involving the People's Republic of China.

''(b) MATTERS.—Each report component referred to in subsection (a) shall include an identification and assessment of at least five fields of critical or emerging technologies in which the People's Liberation Army is

invested, or for which there are Military-Civil Fusion Development Strategy programs of the People's Republic of China, including the following:

''(1) A brief summary of each such identified field and its relevance to the military power and national security of the People's Republic of China.

''(2) The implications for the national security of the United States as a result of the leadership or dominance by the People's Republic of China in each such identified field and associated supply chains.

''(3) The identification of at least 10 entities domiciled in, controlled by, or directed by the People's Republic of China (including any subsidiaries of such entity), involved in each such identified field, and an assessment of, with respect to each such entity, the following:

''(A) Whether the entity has procured components from any known United States suppliers.

''(B) Whether any United States technology imported by the entity is controlled under United States regulations.

''(C) Whether United States capital is invested in the entity, either through known direct investment or passive investment flows.

''(D) Whether the entity has any connection to the People's Liberation Army, the Military-Civil Fusion program of the People's Republic of China, or any other state-sponsored initiatives of the People's Republic of China to support the development of national champions.

''(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'appropriate congressional committees' means—

''(1) the Committee on Foreign Affairs of the House of Representatives;

''(2) the Committee on Armed Services of the House of Representatives;

''(3) the Committee on Foreign Relations of the Senate; and

''(4) the Committee on Armed Services of the Senate.''

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; Pub. L. 112–81, div. A, title X, §1066(e)(1), title XII, §1238(a), Dec. 31, 2011, 125 Stat. 1589, 1642; Pub. L. 112–239, div. A, title XII, §1271, Jan. 2, 2013, 126 Stat. 2022; Pub. L. 113–66, div. A, title XII, §1242, Dec. 26, 2013, 127 Stat. 920; Pub. L. 113–291, div. A, title XII, §1252(a), Dec. 19, 2014, 128 Stat. 3571; Pub. L. 114–328, div. A, title XII, §1271(a), (b), Dec. 23, 2016, 130 Stat. 2538; Pub. L. 115–91, div. A, title XII, §1261, Dec. 12, 2017, 131 Stat. 1688; Pub. L. 115–232, div. A, title XII, §1260, Aug. 13, 2018, 132 Stat. 2059; Pub. L. 116–92, div. A, title XII, §1260, Dec. 20, 2019, 133 Stat. 1677; Pub. L. 116–283, div. A, title XII, §1260D, Jan. 1, 2021, 134 Stat. 3963; Pub. L. 117–81, div. A, title XII, §1243, Dec. 27, 2021, 135 Stat. 1982; Pub. L. 117–263, div. A, title XII, §1251, Dec. 23, 2022, 136 Stat. 2849, provided that:

''(a) ANNUAL REPORT.—Not later than January 31 of each year through January 31, 2027, the Secretary of Defense, in consultation with the heads of other Federal departments and agencies as appropriate, shall submit to the specified congressional committees a report on military and security developments involving the People's Republic of China.

''(b) MATTERS TO BE INCLUDED.—Each report under this section shall include analyses and forecasts, through the next 20 years, of the following:

''(1) The goals, factors, and trends shaping Chinese security strategy and military strategy.

''(2) The role of the People's Liberation Army in the strategy, governance systems, and foreign and economic policies of the People's Republic of China, including the following:

''(A) Developments in the defense policy and military strategy of the People's Republic of China, and the role and mission of the People's Liberation Army.

''(B) The role of the People's Liberation Army in the Chinese Communist Party, including the structure and leadership of the Central Military Commission.

''(C) The internal security role and affiliation of the People's Liberation Army with the People's Armed Police and other law enforcement, intelligence, and paramilitary entities of the People's Republic of China, including any activities supporting or implementing mass surveillance, mass detentions, forced labor, or gross violations of human rights.

''(3) The role of the People's Liberation Army in, and its support of, the overall foreign policy of the People's Republic of China, as expressed through military diplomacy and other external actions, activities, and operations, including the following:

''(A) Chinese military-to-military relationships with other countries, including—

''(i) Chinese military attache presence, activities, exercises, and agreements with the militaries of other countries; and

''(ii) military education programs conducted—

''(I) in the People's Republic of China for militaries of other countries; or

''(II) in other countries for personnel of the People's Liberation Army.

''(B) Any significant sale or transfer of military hardware, expertise, and technology to or from the People's Republic of China, including—

''(i) a forecast of possible future sales and transfers;

''(ii) the implications of such sales and transfers for the security of the United States and its partners and allies; and

''(iii) any significant assistance to and from any selling state with military-related research and development programs in the People's Republic of China.

''(C) Relations between the People's Republic of China and the Russian Federation, and between the People's Republic of China and Iran, with respect to security and military matters.

''(4) Developments in the military doctrine, operational concepts, joint command and organizational structures, and significant military operations and deployments of the People's Liberation Army.

''(5) Developments and future course of the services, theater-level commands, and paramilitary organizations of the People's Liberation Army, including—

''(A) the specific roles and missions, organization, capabilities, force structure, readiness, and modernization efforts of such services, theater-level commands, special operations, and paramilitary organizations;

''(B) a summary of the order of battle of the People's Liberation Army, including ballistic and cruise missile inventories; and

''(C) developments relating to the Chinese Coast Guard, including its interactions with the Armed Forces of the United States, and the implications for its use as a coercive tool in maritime disputes.

''(7) [sic; there is no par. (6)] Developments in the People's Liberation Army as a global actor, such as overseas military basing, military logistics capabilities, and infrastructure to project power, and the overseas command and control structure of the People's Liberation Army, including—

''(A) Chinese overseas investments or projects likely, or with significant potential, to be converted into military or intelligence assets of the People's Republic of China; and

''(B) efforts by the People's Republic of China to use the People's Liberation Army to expand its presence and influence overseas and the implications of such efforts on United States' national defense and security interests in—

''(i) Latin America and the Caribbean;

''(ii) Africa;

''(iii) the Indo-Pacific region, including the Pacific Islands; and

''(iv) the Middle East.

''(8) The strategy, policy, development, and modernization of key military capabilities of the People's Republic of China across the People's Liberation Army, including the following:

''(A) The cyberwarfare and electronic warfare capabilities (including details on the number of malicious cyber incidents originating from the People's Republic of China against Department of Defense infrastructure) and associated activities originating or suspected to have originated from the People's Republic of China.

''(B) The space and counter-space programs and capabilities.

''(C) The nuclear program and capabilities, including—

''(i) its nuclear strategy and associated doctrines;

''(ii) the size and state of its stockpile and projections of its future arsenals;

''(iii) its civil and military production capacities; and

''(iv) the modernization and force structure of its strategic forces.

''(D) The anti-access and area denial capabilities.

''(E) The command, control, communications, computers, intelligence, surveillance, and reconnaissance modernization program and capabilities and the applications for such program and capabilities for precision-guided weapons.

''(F) Special operations capabilities.

''(9) Trends and developments in the budget, resources, strategies, and policies of the People's Liberation Army with respect to science and technology, defense industry reform, and the use of espionage and technology transfers by the People's Republic of China, including—

''(A) the relationship between Chinese overseas investment (including the Belt and Road Initiative, the Digital Silk Road, and any state- owned or state-controlled digital or physical infrastructure projects of the People's Republic of China) and Chinese security and military strategy objectives, including—

''(i) any Chinese investment or project, located in any other country, that is linked to military or intelligence cooperation with such country, such as cooperation on satellite navigation or arms production; and

''(ii) the implications for United States military or governmental interests related to denial of access, compromised intelligence activities, and network advantages of Chinese investments or projects in other countries, including in port or port-related infrastructure; and

''(B) efforts (including by espionage and technology transfers through investment, industrial espionage, cyber theft, academia, forced technological transfers, and other means) to develop, acquire, or gain access to information, communication, space, and other advanced technologies that would enhance defense capabilities or otherwise undermine the capability of the Department of Defense to conduct information assurance, including an assessment of the damage inflicted on the Department of Defense by such efforts.

''(10) The strategy of the People's Republic of China regarding Taiwan and the security situation in the Taiwan Strait, including—

''(A) the posture of the forces of the People's Liberation Army facing Taiwan; and

''(B) 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.).

''(11) The maritime strategy and military and nonmilitary activities in the South China Sea and East China Sea of the People's Republic of China, including—

''(A) the role and activities of the People's Liberation Army and maritime law enforcement, the People's Armed Forces Maritime Militia or other subset national militias, and paramilitary entities of the People's Republic of China; and

''(B) any such activities in the South China Sea or East China Sea affecting United States military activities or the military activities of a United States ally or partner.

''(12) The current state of United States military-to-military contacts with the People's Liberation Army, including the following:

''(A) A comprehensive and coordinated strategy for such military-to-military contacts and any necessary update to the strategy.

''(B) A summary of all such military-to-military contacts during the preceding fiscal year including a summary of topics discussed.

''(C) A description of such military-to-military contacts scheduled for the 1-year 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.

''(G) The Secretary's certification whether or not any military-to-military exchange or contact was conducted during the period covered by the report in violation of section 1201(a) [10 U.S.C. 311 note].

''(13) Any influence operations or campaigns by the People's Republic of China targeting military alliances and partnerships of which the United States is a member, including—

''(A) United States military alliances and partnerships targeted or that may be targeted;

''(B) the objectives of such operations;

''(C) the tactics, techniques, and procedures used; and

''(D) the impact of such operations on military alliances and partnerships of which the United States is a member.

''(14) Any other significant military or security development involving the People's Republic of China the Secretary considers relevant to United States national security.

''(c) FORM.—Each report required by subsection (a) shall be submitted in unclassified form but may include a classified annex.

''(d) SPECIFIED CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'specified congressional committees' means—

''(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

''(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.''

[Pub. L. 114–328, div. A, title XII, §1271(c), Dec. 23, 2016, 130 Stat. 2538, provided that: ''The amendments made by this section [amending section 1202 of Pub. L. 106–65, set out above] take effect on the date of the enactment of this Act [Dec. 23, 2016] and 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] on or after that date.'']

[Pub. L. 113–291, div. A, title XII, §1252(b), Dec. 19, 2014, 128 Stat. 3571, provided that: ''The amendment made by this section [amending section 1202 of Pub. L. 106–65, set out above] takes effect on the date of the enactment of this Act [Dec. 19, 2014] and applies with re-

spect 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] on or after that date.'']

[Pub. L. 112–81, div. A, title XII, § 1238(b), Dec. 31, 2011, 125 Stat. 1642, provided that: ''The amendments made by this section [amending section 1202 of Pub. L. 106–65, set out above] shall take effect on the date of the enactment of this Act [Dec. 31, 2011], 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], as so amended, on or after that date.'']

[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 311 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 (11)(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, authorized the Secretary of Defense to designate the Secretary of the Navy as the Department of Defense executive agent for carrying out the pilot program described in Pub. L. 105–262, § 8147.

Pub. L. 105–262, title VIII, § 8147, Oct. 17, 1998, 112 Stat. 2341, established a defense reform initiative enterprise pilot program for military manpower and personnel information to be implemented no later than 6 months after 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, authorized pilot programs for each military department to demonstrate the use of landing fees as a source of funding for the operation and maintenance of airfields, required a report on the pilot programs by Mar. 31, 2003, and terminated the program as of Sept. 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

Pub. L. 105–85, div. A, title III, § 392, Nov. 18, 1997, 111 Stat. 1717, 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

Pub. L. 105–85, div. A, title V, subtitle F, Nov. 18, 1997, 111 Stat. 1750, 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

Pub. L. 105–85, div. A, title IX, § 907, Nov. 18, 1997, 111 Stat. 1856, directed the heads of the military department criminal investigative organizations and the heads of the defense auditing organizations to take action to conserve and share their resources and required the Secretary of Defense to submit to Congress an implementation plan by Dec. 31, 1997.

PROVISION OF ADEQUATE TROOP PROTECTION EQUIPMENT FOR ARMED FORCES PERSONNEL ENGAGED IN PEACE OPERATIONS; REPORT ON ANTITERRORISM ACTIVITIES AND PROTECTION OF PERSONNEL

Pub. L. 105–85, div. A, title X, § 1052, Nov. 18, 1997, 111 Stat. 1889, 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.

ANNUAL REPORT ON MORATORIUM ON USE BY ARMED FORCES OF ANTIPERSONNEL LANDMINES

Pub. L. 105–85, div. A, title XIII, § 1309, Nov. 18, 1997, 111 Stat. 1956, 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 eliminate 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 the Senate and the 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.''

[For termination, effective Dec. 31, 2021, of annual reporting provisions in section 1309(c) of Pub. L. 105–85, set out above, see section 1061 of Pub. L. 114–328, set out as a note under section 111 of this title.]

HATE CRIMES IN THE MILITARY

Pub. L. 104–201, div. A, title V, § 571(a), (b), Sept. 23, 1996, 110 Stat. 2532, which authorized the Secretary of Defense to ensure that the Secretary of each military department conducted ongoing programs for human relations training for all members of the Armed Forces and that prospective recruits be provided with such information, was repealed by Pub. L. 117–81, div. A, title V, § 552(b)(2), Dec. 27, 2021, 135 Stat. 1736. See section 2001 of this title, as added by section 552(a) of Pub. L. 117–81.

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, which related to participation by a European or Eurasian nation in Marshall Center programs and exemptions for members of Marshall Center Board of Visitors from certain requirements, was repealed by Pub. L. 114–328, div. A, title XII, § 1241(e)(5)(B), Dec. 23, 2016, 130 Stat. 2507. See section 342(h)(1), (2) of this title.

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, which related to waiver of reimbursement of costs of 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, was repealed by Pub. L. 114–328, div. A, title XII, § 1241(e)(5)(C), Dec. 23, 2016, 130 Stat. 2507. See section 342(h)(3) of this title.

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, required the development of an incentive-based plan to encourage reporting of criminal activity occurring on military installations or involving mem-

bers of the Armed Forces and submission to Congress of a report describing the plan by Feb. 1, 1997.

AVAILABILITY OF LOCATOR INFORMATION FOR 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 C4I 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, required determinations, evaluations, and guidance regarding certain automated information systems, establishment of performance measures and management controls, and submission to Congress of reports in 1995, 1996, and 1997.

Pub. L. 104–201, div. A, title VIII, § 830, Sept. 23, 1996, 110 Stat. 2614, 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

Pub. L. 103–337, div. A, title V, § 533, Oct. 5, 1994, 108 Stat. 2760, which provided that the Secretary of Defense was to submit to Congress an annual report on trends in recruiting, retention, and personnel readiness, was repealed by Pub. L. 115–91, div. A, title X, § 1051(g), Dec. 12, 2017, 131 Stat. 1563.

VICTIMS' ADVOCATES PROGRAMS IN DEPARTMENT OF DEFENSE

Pub. L. 103–337, div. A, title V, § 534, Oct. 5, 1994, 108 Stat. 2761, 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

Pub. L. 103–337, div. A, title X, §1031, Oct. 5, 1994, 108 Stat. 2838, 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. 113–76, div. C, title VIII, §8067, Jan. 17, 2014, 128 Stat. 121, 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 2014.''

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 113–6, div. C, title VIII, §8067, Mar. 26, 2013, 127 Stat. 313.

Pub. L. 112–74, div. A, title VIII, §8068, Dec. 23, 2011, 125 Stat. 822.

Pub. L. 112–10, div. A, title VIII, §8070, Apr. 15, 2011, 125 Stat. 73.

Pub. L. 111–118, div. A, title VIII, §8073, Dec. 19, 2009, 123 Stat. 3445.

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. 1268, 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, as amended by Pub. L. 113–66, div. A, title V, § 523, Dec. 26, 2013, 127 Stat. 756, provided that:

''(a) GENDER NEUTRALITY REQUIREMENT.—In the case of any military career designator 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 an occupational standard, 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 career designator 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 as part of the gender-neutral occupational standard for members in that career designator and shall ensure (in the case of a career designator 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 a military career designator, a member serving in that military career designator 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 military career designator.

''(c) NOTICE TO CONGRESS OF CHANGES.—Whenever the Secretary of Defense proposes to implement changes to the gender-neutral occupational standard for a military career designator 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 military career designator, 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.

''(d) DEFINITIONS.—In this section:

''(1) GENDER-NEUTRAL OCCUPATIONAL STANDARD.—The term 'gender-neutral occupational standard', with respect to a military career designator, means that all members of the Armed Forces serving in or assigned to the military career designator must meet the same performance outcome-based standards for the successful accomplishment of the necessary and required specific tasks associated with the qualifications and duties performed while serving in or assigned to the military career designator.

''(2) MILITARY CAREER DESIGNATOR.—The term 'military career designator' refers to—

''(A) in the case of enlisted members and warrant officers of the Armed Forces, military occupational specialties, specialty codes, enlisted designators, enlisted classification codes, additional skill identifiers, and special qualification identifiers; and

''(B) in the case of commissioned officers (other than commissioned warrant officers), officer areas of concentration, occupational specialties, specialty codes, additional skill identifiers, and special qualification identifiers.''

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, required a review of the procedural safeguards available to Department of Defense civilian employees facing denial or revocation of security clearances, a report on the review by Mar. 1, 1994, and revision of regulations governing security clearance procedures for Department of Defense civilian employees by 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, required 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.

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 fatality 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 paragraph (1)(A) [now par. (1)] 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, required a report on the plan for basing of forces outside the United States to be submitted along with the 2009 quadrennial defense review and required the Secretary of Defense to notify Congress at least 30 days before the permanent relocation of a unit stationed outside the United States as of Oct. 28, 2009.

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, required annual reports through 1997 relating to basing plans, closures, and negotiations regarding military installations located outside the United States and required a report on the Federal budget implications before a basing agreement was entered into between the United States and a foreign country.

COMMISSION ON ASSIGNMENT OF WOMEN IN ARMED FORCES

Pub. L. 102–190, div. A, title V, part D, subpart 2, Dec. 5, 1991, 105 Stat. 1365, 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

Pub. L. 102–190, div. A, title VIII, §832, Dec. 5, 1991, 105 Stat. 1446, required various reviews relating to European procurement of American-made military goods and services and established a defense trade and cooperation working group.

DEPARTMENT OF DEFENSE USE OF NATIONAL INTELLIGENCE COLLECTION SYSTEMS

Pub. L. 102–190, div. A, title IX, §924, Dec. 5, 1991, 105 Stat. 1454, required procedures for exercising national intelligence collection systems and exploitation organizations and required a report to be submitted to Congress no later than May 1, 1992.

FAMILY SUPPORT CENTER FOR FAMILIES OF PRISONERS OF WAR AND PERSONS MISSING IN ACTION

Pub. L. 102–190, div. A, title X, §1083, Dec. 5, 1991, 105 Stat. 1482, authorized the President to establish a support center for families of prisoners of war or those missing in action in Southeast Asia.

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 re-

sponse 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, related to withholding payments to nations pledging to contribute to certain expenses of Operation Desert Shield but not paying the full amount pledged.

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].''

Pub. L. 101–510, div. A, title XIV, § 1455, Nov. 5, 1990, 104 Stat. 1695, 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

Pub. L. 101–189, div. A, title II, § 211(e), Nov. 29, 1989, 103 Stat. 1394, which required Secretary of Defense to submit annual report to congressional defense commit-

tees 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

Pub. L. 101–189, div. A, title VI, § 661, Nov. 29, 1989, 103 Stat. 1463, 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

Pub. L. 101–189, div. A, title XV, Nov. 29, 1989, 103 Stat. 1589, 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

Pub. L. 100–456, div. A, title XI, § 1102, Sept. 29, 1988, 102 Stat. 2042, 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

Pub. L. 100–456, div. A, title XIII, § 1309, Sept. 29, 1988, 102 Stat. 2063, 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 Unied [sic] 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

Pub. L. 100–180, div. A, title VI, § 637, Dec. 4, 1987, 101 Stat. 1106, required the Secretary of Defense to prescribe regulations regarding employment and volunteer work of spouses of military personnel by no later than 60 days after Dec. 4, 1987.

TEST PROGRAM FOR REIMBURSEMENT FOR ADOPTION EXPENSES

Pub. L. 100–180, div. A, title VI, § 638, Dec. 4, 1987, 101 Stat. 1106, 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 Sept. 30, 1987, and before Oct. 1, 1990, and for qualifying adoption expenses incurred by members of the Coast Guard for adoption proceedings initiated after Sept. 30, 1989, and before Oct. 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 former 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.

PROHIBITION OF CERTAIN RESTRICTIONS ON INSTITUTIONS ELIGIBLE TO PROVIDE EDUCATIONAL SERVICES; PROVISION OF OFF-DUTY POSTSECONDARY EDUCATION SERVICES OVERSEAS

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 uniform 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.

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). Section 2510 of this title was repealed by Pub. L. 102–484, div. D, title XLII, § 4202(a), Oct. 23, 1992, 106 Stat. 2659.

HOTLINE BETWEEN UNITED STATES AND RUSSIA

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 studies 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

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, 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.

REGULATIONS GOVERNING LIQUOR SALES; PENALTIES

Act June 19, 1951, ch. 144, title I, § 6, 65 Stat. 88, as amended by Pub. L. 99–145, title XII, § 1224(b)(2), Nov. 8, 1985, 99 Stat. 729, provided that: ''Subject to section 2683(c) of title 10, United States Code, the Secretary of Defense is authorized to make such regulations as he may deem to be appropriate governing the sale, consumption, possession of or traffic in beer, wine, or any other intoxicating liquors to or by members of the Armed Forces or the National Security Training Corps at or near any camp, station, post, or other place primarily occupied by members of the Armed Forces or the National Security Training Corps. Any person, corporation, partnership, or association who knowingly violates the regulations which may be made hereunder shall, unless otherwise punishable under the Uniform Code of Military Justice [10 U.S.C. 801 et seq.], be deemed guilty of a misdemeanor and be punished by a fine of not more than $1,000 or imprisonment for not more than twelve months, or both.''

Executive Documents

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, listed in a table under section 3345 of Title 5, Government Organization and Employees.

COMMEMORATION OF THE 50TH ANNIVERSARY OF THE VIETNAM WAR

Proc. No. 8829, May 25, 2012, 77 F.R. 32875, provided:

As we observe the 50th anniversary of the Vietnam War, we reflect with solemn reverence upon the valor of a generation that served with honor. We pay tribute to the more than 3 million servicemen and women who

left their families to serve bravely, a world away from everything they knew and everyone they loved. From Ia Drang to Khe Sanh, from Hue to Saigon and countless villages in between, they pushed through jungles and rice paddies, heat and monsoon, fighting heroically to protect the ideals we hold dear as Americans. Through more than a decade of combat, over air, land, and sea, these proud Americans upheld the highest traditions of our Armed Forces.

As a grateful Nation, we honor more than 58,000 patriots—their names etched in black granite—who sacrificed all they had and all they would ever know. We draw inspiration from the heroes who suffered unspeakably as prisoners of war, yet who returned home with their heads held high. We pledge to keep faith with those who were wounded and still carry the scars of war, seen and unseen. With more than 1,600 of our service members still among the missing, we pledge as a Nation to do everything in our power to bring these patriots home. In the reflection of The Wall, we see the military family members and veterans who carry a pain that may never fade. May they find peace in knowing their loved ones endure, not only in medals and memories, but in the hearts of all Americans, who are forever grateful for their service, valor, and sacrifice.

In recognition of a chapter in our Nation's history that must never be forgotten, let us renew our sacred commitment to those who answered our country's call in Vietnam and those who awaited their safe return. Beginning on Memorial Day 2012, the Federal Government will partner with local governments, private organizations, and communities across America to participate in the Commemoration of the 50th Anniversary of the Vietnam War—a 13-year program to honor and give thanks to a generation of proud Americans who saw our country through one of the most challenging missions we have ever faced. While no words will ever be fully worthy of their service, nor any honor truly befitting their sacrifice, let us remember that it is never too late to pay tribute to the men and women who answered the call of duty with courage and valor. Let us renew our commitment to the fullest possible accounting for those who have not returned. Throughout this Commemoration, let us strive to live up to their example by showing our Vietnam veterans, their families, and all who have served the fullest respect and support of a grateful Nation.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 28, 2012, through November 11, 2025, as the Commemoration of the 50th Anniversary of the Vietnam War. I call upon Federal, State, and local officials to honor our Vietnam veterans, our fallen, our wounded, those unaccounted for, our former prisoners of war, their families, and all who served with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of May, in the year of our Lord two thousand twelve, and of the Independence of the United States of America the two hundred and thirty-sixth.

BARACK OBAMA.

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.)

Editorial Notes

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 4174 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 $3,500,000,000.

(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 subparagraph (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 limitations in paragraphs (1) and (3) 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.

(3) Of the amount of annual obligations from the Special Defense Acquisition Fund in each of fiscal years 2018 through 2022, not less than 20 percent shall be for funds to procure and stock precision guided munitions that may be required by partner and allied forces to enhance the effectiveness of current or future contributions of such forces to overseas contingency operations conducted or supported by the United States.

(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; Pub. L. 114–328, div. A, title XII, §1202(a), (b), Dec. 23, 2016, 130 Stat. 2474; Pub. L. 115–91, div. A, title XII, §1203(a), Dec. 12, 2017, 131 Stat. 1642; Pub. L. 116–283, div. A, title XVIII, §§1844(e)(1), 1883(b)(2), Jan. 1, 2021, 134 Stat. 4246, 4294; Pub. L. 117–81, div. A, title XVII, §1701(u)(5)(B), Dec. 27, 2021, 135 Stat. 2154; Pub. L. 117–263, div. A, title XVII, §1702, Dec. 23, 2022, 136 Stat. 2966.)

HISTORICAL AND REVISION NOTES
1982 ACT

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
138(c)(5) ..	10:138 (note).	Aug. 5, 1974, Pub. L. 93–365, §502, 88 Stat. 404.
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.

Editorial Notes

REFERENCES IN TEXT

The Arms Export Control Act, referred to in subsec. (c), is Pub. L. 90–629, Oct. 22, 1968, 82 Stat. 1320. 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 Intercourse. 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

2022—Subsec. (c)(1). Pub. L. 117–263 substituted ''$3,500,000,000'' for ''$2,500,000,000''.

2021—Subsec. (b). Pub. L. 116–283, §1883(b)(2), substituted ''section 4174'' for ''section 2353''.

Pub. L. 116–283, §1844(e)(1), which had directed the substitution of ''section 4141'' for ''section 2353'', was repealed by Pub. L. 117–81, §1701(u)(5)(B).

2017—Subsec. (c)(3). Pub. L. 115–91 substituted ''Of the amount of annual obligations from the Special Defense Acquisition Fund in each of fiscal years 2018 through 2022, not less than 20 percent shall be for funds to procure'' for ''Of the amount available in the Special Defense Acquisition Fund in any fiscal year after fiscal year 2016, $500,000,000 may be used in such fiscal year only to procure''.

2016—Subsec. (c)(1). Pub. L. 114–328, §1202(a), substituted ''$2,500,000,000'' for ''$1,070,000,000''.

Subsec. (c)(2)(A). Pub. L. 114–328, §1202(b)(1), substituted ''limitations in paragraphs (1) and (3)'' for ''limitation in paragraph (1)''.

Subsec. (c)(3). Pub. L. 114–328, §1202(b)(2), added par. (3).

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).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 117–81 applicable as if included in the enactment of title XVIII of Pub. L. 116–283 as enacted, see section 1701(a)(2) of Pub. L. 117–81, set out in a note preceding section 3001 of this title and note below.

Amendment by Pub. L. 116–283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116–283, set out as a note preceding section 3001 of this title.

EFFECTIVE DATE OF 2017 AMENDMENT

Pub. L. 115–91, div. A, title XII, §1203(b), Dec. 12, 2017, 131 Stat. 1642, provided that: ''The amendment made by subsection (a) [amending this section] shall take effect as of October 1, 2017.''

EFFECTIVE DATE OF 2016 AMENDMENT

Pub. L. 114–328, div. A, title XII, §1202(a), Dec. 23, 2016, 130 Stat. 2474, provided that the amendment made by section 1202(a) is effective as of Oct. 1, 2016.

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104–106, div. A, title XV, §1501(c), Feb. 10, 1996, 110 Stat. 498, 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

Pub. L. 97–252, title IV, §402(b), Sept. 8, 1982, 96 Stat. 725, 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

Pub. L. 97–86, title IX, §901(b), Dec. 1, 1981, 95 Stat. 1113, 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.

Pub. L. 96–342, title X, §1001(a)(2), Sept. 8, 1980, 94 Stat. 1118, 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

Pub. L. 94–106, title VIII, §801(b), Oct. 7, 1975, 89 Stat. 537, 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 [now 10 U.S.C. 3133], 2661(b), and 7313 [now 10 U.S.C. 8683] 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 [now 10 U.S.C. 2868], 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(*l*)(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 3744(a)(8) 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.''

REPORTS

Pub. L. 114–328, div. A, title XII, §1202(c), Dec. 23, 2016, 130 Stat. 2474, provided that:

''(1) INITIAL PLAN ON USE OF AUTHORITY.—Before exercising authority for use of amounts in the Special Defense Acquisition Fund in excess of the size of that Fund as of September 30, 2016, by reason of the amendments made by this section [amending this section], the Secretary of Defense shall, with the concurrence of the Secretary of State, submit to the appropriate committees of Congress a report on the plan for the use of such amounts.

''(2) QUARTERLY SPENDING PLAN.—Not later than 30 days before the beginning of each fiscal year quarter, the Secretary of Defense shall, with the concurrence of the Secretary of State, submit to the appropriate committees of Congress a detailed plan for the use of amounts in the Special Defense Acquisition Fund for such fiscal year quarter.

''(3) ANNUAL UPDATES.—Not later than 90 days after the end of each fiscal year, the Secretary of Defense shall, with the concurrence of the Secretary of State, submit to the appropriate committees of Congress a report setting forth the inventory of defense articles and services acquired, possessed, and transferred through the Special Defense Acquisition Fund in such fiscal year.

''(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term 'appropriate committees of Congress' has the meaning given that term in section 301(1) of title 10, United States Code (as added by section 1241(a)(3) of 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) [111 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, initialed 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 Implementation 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

Pub. L. 99–661, div. A, title XIII, §1304(b), Nov. 14, 1986, 100 Stat. 3979, 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

Pub. L. 99–661, div. A, title XIII, §1351, Nov. 14, 1986, 100 Stat. 3995, 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

Pub. L. 96–107, title VIII, §802, Nov. 9, 1979, 93 Stat. 811, 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 require-

ments 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, SELECTED RESERVE, AND SPACE FORCE 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 the Army, Navy, Air Force, and Marine Corps 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.

(3) The end strength for the Space Force for members in space force active status.

(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)(1)(B) 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)(1)(B) 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 1825 days in the previous 2190 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;

(3) the use of members of the Space Force in space force active status unless the end strength for the Space Force for that fiscal year for members in space force active status has been authorized by law; or

(4) 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 both the minimum end strength for non-temporary military technicians (dual status) and the end strength for temporary 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 minimum end strength for non-temporary military technicians (dual status), and the end strength for temporary military technicians (dual status), requested 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 established 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) vary 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) vary 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 3 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) vary 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) vary the end strength pursuant to subsection (a)(1)(A) for a fiscal year for the armed force or forces under the jurisdiction of that Secretary by a number not equal to more than 2 percent of such authorized end strength;

(B) vary the end strength pursuant to subsection (a)(1)(B) for a fiscal year for the armed force or forces under the jurisdiction of that Secretary by a number not equal to more than 2 percent of such authorized end strength; and

(C) vary the end strength pursuant to subsection (a)(2) for a fiscal year for the Selected Reserve of the reserve component of the armed force or forces under the jurisdiction of that Secretary by a number equal to not more than 2 percent of such authorized end strength.

(2) Any variance under paragraph (1)(A) of the end strength for an armed force for a fiscal year shall be counted as part of the variance for that armed force for that fiscal year authorized under subsection (f)(1). Any variance 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 variance for that Selected Reserve for that fiscal year authorized under subsection (f)(3).

(3) The Secretary of the military department concerned shall promptly notify the congressional defense committees if such Secretary exceeds a variance under paragraph (1), and at least once every 90 days thereafter for so long as such end strength is outside such variance. Each such notification shall include the following:

(A) Modified projected end strengths for active and reserve components of the armed force or forces for which such Secretary exceeds such variance.

(B) An identification of any budgetary effects projected as a result of such modified end strength projections.

(C) An explanation of any effects on readiness resulting from such modified end strength projections.

(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 13 of this title.

(7) Members of the National Guard on full-time National Guard duty under section 502(f)(1)(A) 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 1321(a) of the Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3711(a)).

(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))[1] 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; Pub. L. 114–328, div. A, title IV, § 416, Dec. 23, 2016, 130 Stat. 2093; Pub. L. 115–91, div. A, title X, § 1081(a)(2), Dec. 12, 2017, 131 Stat. 1594; Pub. L. 115–232, div. A, title XII, § 1204(a)(4), Aug. 13, 2018, 132 Stat. 2017; Pub. L. 116–283, div. A, title IV, § 415(a), Jan. 1, 2021, 134 Stat. 3558; Pub. L. 117–81, div. A, title IV, § 415, Dec. 27, 2021, 135 Stat. 1675; Pub. L. 117–263, div. A, title IV, § 402(b), Dec. 23, 2022, 136 Stat. 2551; Pub. L. 118–31, div. A, title IV, § 402, Dec. 22, 2023, 137 Stat. 235; Pub. L. 118–159, div. A, title IV, § 402(a)–(c)(2), Dec. 23, 2024, 138 Stat. 1862.)

AMENDMENT OF SECTION

Pub. L. 118–159, div. A, title IV, § 402(c), Dec. 23, 2024, 138 Stat. 1862, provided that, effective upon the date specified under paragraph (2) of section 1736(a) of Pub. L. 118–31 (set out in a note under section 20001 of this title) for the expiration of the authority provided by paragraph (1) of that section, this section is amended as follows:

(1) in subsection (f)—

(A) in the subsection heading, by striking ''and Selected Reserve'' and inserting '', Selected Reserve, and Space Force''; and

(B) in paragraph (1), by striking ''subsection (a)(1)(A)'' and inserting ''paragraph (1)(A) or (3) of subsection (a)''; and

(2) in subsection (g)—

(A) in the subsection heading, by striking ''and Selected Reserve'' and inserting '', Selected Reserve, and Space Force''; and

(B) in paragraph (1)(A), by striking ''subsection (a)(1)(A)'' and inserting ''paragraph (1)(A) or (3) of subsection (a)''.

See 2024 Amendment notes below.

Editorial Notes

REFERENCES IN TEXT

Section 10(b)(2) of the Military Selective Service Act, referred to in subsec. (i)(11), was classified to section 460(b)(2) of the former Appendix to Title 50, War and National Defense, prior to editorial reclassification and renumbering as section 3809(b)(2) of Title 50.

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.

[1] See References in Text note below.

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

2024—Subsec. (a). Pub. L. 118–159, §402(a)(2)(A), substituted '', Selected Reserve, and Space Force'' for ''and Selected Reserve'' in heading.

Subsec. (a)(1). Pub. L. 118–159, §402(a)(2)(B), substituted ''the Army, Navy, Air Force, and Marine Corps'' for ''each of the armed forces (other than the Coast Guard)'' in introductory provisions.

Subsec. (a)(3). Pub. L. 118–159, §402(a)(1), added par. (3).

Subsec. (c)(3), (4). Pub. L. 118–159, §402(b), added par. (3) and redesignated former par. (3) as (4).

Subsec. (f). Pub. L. 118–159, §402(c)(1)(A), substituted '', Selected Reserve, and Space Force'' for ''and Selected Reserve'' in heading.

Subsec. (f)(1). Pub. L. 118–159, §402(c)(1)(B), substituted ''paragraph (1)(A) or (3) of subsection (a)'' for ''subsection (a)(1)(A)''.

Subsec. (g). Pub. L. 118–159, §402(c)(2)(A), substituted '', Selected Reserve, and Space Force'' for ''and Selected Reserve'' in heading.

Subsec. (g)(1)(A). Pub. L. 118–159, §402(c)(2)(B), substituted ''paragraph (1)(A) or (3) of subsection (a)'' for ''subsection (a)(1)(A)''.

2023—Subsec. (f)(2). Pub. L. 118–31, §402(1), substituted ''not more than 3 percent'' for ''not more than 2 percent''.

Subsec. (g)(1). Pub. L. 118–31, §402(2), added subpars. (A) to (C) and struck out former subpars. (A) and (B) which read as follows:

''(A) vary the end strength pursuant to subsection (a)(1)(A) for a fiscal year for the armed force or forces under the jurisdiction of that Secretary by a number not equal to more than two percent of such authorized end strength; and

''(B) vary the end strength pursuant to subsection (a)(2) for a fiscal year for the Selected Reserve of the reserve component of the armed force or forces under the jurisdiction of that Secretary by a number equal to not more than one percent of such authorized end strength.''

2022—Subsec. (f). Pub. L. 117–263, §402(b)(1), substituted ''vary'' for ''increase'' in pars. (1), (2), and (4).

Subsec. (g)(1)(A), (B). Pub. L. 117–263, §402(b)(2)(A), added subpars. (A) and (B) and struck out former subpars. (A) and (B) which read as follows:

''(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.''

Subsec. (g)(2). Pub. L. 117–263, §402(b)(2)(B), substituted ''variance'' for ''increase'' wherever appearing.

Subsec. (g)(3). Pub. L. 117–263, §402(b)(2)(C), added par. (3).

2021—Subsec. (b)(2)(B). Pub. L. 117–81 substituted ''1825 days in the previous 2190 days'' for ''1095 days in the previous 1460 days''.

Subsec. (d). Pub. L. 116–283, §415(a)(2), which directed substitution of ''the minimum end strength for non-temporary military technicians (dual status), and the end strength for temporary military technicians (dual status), requested'' for ''the end strength requested for military technicians (dual status)'' in the third sentence, was executed in the fourth sentence, to reflect to the probable intent of Congress.

Pub. L. 116–283, §415(a)(1), substituted ''both the minimum end strength for non-temporary military technicians (dual status) and the end strength for temporary military technicians (dual status)'' for ''the end strength for military technicians (dual status)'' in the first sentence.

2018—Subsec. (i)(6). Pub. L. 115–232 substituted ''chapter 13'' for ''chapter 15''.

2017—Subsec. (i)(9). Pub. L. 115–91 substituted ''section 1321(a) of the Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3711(a))'' for ''section 1203(b) of the Cooperative Threat Reduction Act of 1993 (22 U.S.C. 5952(b))''.

2016—Subsec. (b)(1)(B), (C). Pub. L. 114–328, §416(1), substituted ''502(f)(1)(B)'' for ''502(f)(2)''.

Subsec. (i)(7). Pub. L. 114–328, §416(2), substituted ''502(f)(1)(A)'' for ''502(f)(1)''.

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.''

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2024 AMENDMENT

Pub. L. 118–159, div. A, title IV, §402(c)(3), Dec. 23, 2024, 138 Stat. 1862, provided that: ''The amendments made by paragraphs (1) and (2) [amending this section] shall take effect upon the date specified under paragraph (2) of section 1736(a) of the Space Force Personnel Management Act (title XVII of Public Law 118–31; 137 Stat. 677) [10 U.S.C. 20001 note] for the expiration of the authority provided by paragraph (1) of that section.''

EFFECTIVE DATE OF 2021 AMENDMENT

Pub. L. 116–283, div. A, title IV, §415(b), Jan. 1, 2021, 134 Stat. 3558, provided that: ''The amendments made by subsection (a) [amending this section] shall take effect on the day after the date of the enactment of this Act [Jan. 1, 2021]. The amendment made by subsection (a)(2) shall apply with respect to budgets submitted by the President to Congress under section 1105 of title 31, United States Code, after such effective date.''

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

Pub. L. 104–106, div. A, title V, §513(a)(2), Feb. 10, 1996, 110 Stat. 305, provided that: ''The amendment made by paragraph (1) [amending this section] does not apply with respect to fiscal year 1995.''

Pub. L. 104–106, div. A, title XV, §1501(c), Feb. 10, 1996, 110 Stat. 498, 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 relat-

ing 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 former 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

Pub. L. 102–190, div. A, title VII, § 718(b), Dec. 5, 1991, 105 Stat. 1404, 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

Pub. L. 101–510, div. A, title VII, § 711, Nov. 5, 1990, 104 Stat. 1582, 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 former 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

Pub. L. 101–510, div. A, title XI, § 1117, Nov. 5, 1990, 104 Stat. 1637, 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 profile report and related reports

(a) Not later than April 1 each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives, and furnish to any Member of Congress upon request, a defense manpower profile report. 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 requirements level for each component of the Department of Defense for the next fiscal year and the civilian end-strength level for the prior 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 required by paragraph (1) shall include the following:

(A) An explanation of how personnel end strength level requests address threats described in the national defense strategy under section 113(g) of this title.

(B) The rationale for recommended increases or decreases in active, reserve, and civilian personnel for each component of the Department of Defense.

(C) The actual end strength number for each armed force for the prior fiscal year, compared to authorized end strength levels.

(D) The shortfall in recruiting by each armed force as a percentage, as the Secretary determines appropriate.

(c) The Secretary shall include in each report under subsection (a) a detailed discussion of the manpower required for support and overhead functions within the armed forces and the Department of Defense.

(d) Not later than April 1 each year, the Secretary shall submit to Congress a report that sets forth, 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 or, in the case of the Space Force, officers ordered to active duty other than under section 20105(b) of this title.

(4) The opportunities for promotion of commissioned officers anticipated to be estimated pursuant to section 623(b)(4) of this title for the fiscal year in which such report is submitted for purposes of promotion selection boards convened pursuant to section 611 of this title during such fiscal year.

(e)(1) Not later than April 1 each year, the Secretary shall submit to Congress a report that sets forth 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) Not later than June 1 each year, the Secretary shall submit to Congress a report that sets forth 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.

(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) Not later than April 1 each year, the Secretary shall submit to Congress a 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).

(h) Not later than April 1 each year, the Secretary shall submit to Congress a report that sets forth the following with respect to personnel:

(1) The number of members of the Armed Forces who are not citizens of the United States during the year covered by such report.

(2) The immigration status of such members.

(3) The number of such members naturalized.

(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; Pub. L. 112–81, div. A, title IX, §934, Dec. 31, 2011, 125 Stat. 1544; Pub. L. 112–239, div. A, title V, §519(b), Jan. 2, 2013, 126 Stat. 1721; Pub. L. 115–91, div. A, title X, §1051(a)(2), Dec. 12, 2017, 131 Stat. 1560; Pub. L. 115–232, div. A, title V, §591, Aug. 13, 2018, 132 Stat. 1788; Pub. L. 116–92, div. A, title XVII, §1701(a)–(c)(1), Dec. 20, 2019, 133 Stat. 1794, 1795; Pub. L. 116–283, div. A, title V, §551(a)(4), Jan. 1, 2021, 134 Stat. 3629; Pub. L. 117–263, div. A, title V, §591, Dec. 23, 2022, 136 Stat. 2611; Pub. L. 118–31, div. A, title XVII, §1722(a)(1), Dec. 22, 2023, 137 Stat. 667; Pub. L. 118–159, div. A, title IV, §431, Dec. 23, 2024, 138 Stat. 1865.)

Editorial Notes

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

2024—Subsec. (a). Pub. L. 118–159, §431(1), substituted ''the Committees on Armed Services of the Senate and the House of Representatives, and furnish to any Member of Congress upon request,'' for ''Congress'' in introductory provisions.

Subsec. (b). Pub. L. 118–159, §431(2), designated existing provisions as par. (1) and added par. (2).

2023—Subsec. (d)(3)(F). Pub. L. 118–31 inserted before period at end ''or, in the case of the Space Force, officers ordered to active duty other than under section 20105(b) of this title''.

2022—Subsec. (h). Pub. L. 117–263 added subsec. (h).

2021—Subsecs. (g), (h). Pub. L. 116–283 redesignated subsec. (h) as (g) and struck out former subsec. (g) which set out elements to be included in a required annual report to Congress.

2019—Pub. L. 116–92, §1701(c)(1), substituted ''Annual defense manpower profile report and related reports'' for ''Annual defense manpower requirements report'' in section catchline.

Subsec. (a). Pub. L. 116–92, §1701(a)(1)(A), in introductory provisions, substituted ''Not later than April 1 each year, the Secretary of Defense shall submit to Congress a defense manpower profile report.'' for ''The Secretary of Defense shall submit to Congress an annual defense manpower requirements report. The report, which shall be in writing, shall be submitted each year on the date on which the President submits to Congress the budget for the next fiscal year under section 1105 of title 31.''

Subsec. (a)(3). Pub. L. 116–92, §1701(a)(1)(B)–(D), struck out par. (3) which read as follows: ''the projected number of contractor personnel full-time equivalents required to provide contract services (as that term is defined in section 235 of this title) for each component of the Department of Defense for the next fiscal year and the contractor personnel full-time equivalents that provided contract services for each component of the Department of Defense for the prior fiscal year as reported in the inventory of contracts for services required by section 2330a(c) of this title.''

Subsec. (b). Pub. L. 116–92, §1701(a)(2), struck out ''(1)'' before ''The Secretary'' and struck out pars. (2) and (3) which read as follows:

''(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.''

Subsec. (c). Pub. L. 116–92, §1701(a)(3), substituted ''discussion of the manpower required for support and overhead functions within the armed forces and the Department of Defense.'' for ''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.''

Subsec. (d). Pub. L. 116–92, §1701(b)(1), substituted ''Not later than April 1 each year, the Secretary shall submit to Congress a report that sets forth'' for ''The Secretary shall also include in each such report''.

Subsec. (e)(1). Pub. L. 116–92, §1701(b)(2), substituted ''Not later than April 1 each year, the Secretary shall submit to Congress a report that sets forth'' for ''In each such report, the Secretary shall also include''.

Subsec. (f). Pub. L. 116–92, §1701(b)(3)(A), substituted ''Not later than June 1 each year, the Secretary shall submit to Congress a report that sets forth'' for ''The Secretary shall also include in each such report'' in introductory provisions.

Subsec. (f)(1). Pub. L. 116–92, §1701(b)(3)(B), struck out ''and estimates of such numbers for the current fiscal year and subsequent fiscal years'' before period at end.

Subsec. (g). Pub. L. 116–92, §1701(b)(4), substituted ''Not later than September 1 each year, the Secretary shall submit to Congress a report that sets forth a detailed discussion, current as of the preceding fiscal year,'' for ''In each report submitted under subsection (a), the Secretary shall also include a detailed discussion'' in introductory provisions and ''the fiscal year'' for ''the year'' in pars. (3) and (4).

Subsec. (h). Pub. L. 116–92, §1701(b)(5), substituted ''Not later than April 1 each year, the Secretary shall submit to Congress a report'' for ''In each such report, the Secretary shall include a separate report'' in introductory provisions.

2018—Subsec. (a). Pub. L. 115–232, §591(a), substituted ''on the date on which'' for ''not later than 45 days after the date on which'' in introductory provisions.

Subsec. (d)(4). Pub. L. 115–232, §591(b), added par. (4).

2017—Subsec. (g). Pub. L. 115–91 struck out ''during fiscal years 2013 through 2017'' after ''subsection (a)'' in introductory provisions.

2013—Subsec. (g). Pub. L. 112–239 added subsec. (g).

2011—Subsec. (a)(2), (3). Pub. L. 112–81 added pars. (2) and (3) and struck out former par. (2) which read as follows: ''the annual civilian personnel end-strength level for each component of the Department of Defense for the next fiscal year.''

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''.

Statutory Notes and Related Subsidiaries

CENTRALIZED DATABASE OF INFORMATION ON MILITARY TECHNICIAN POSITIONS

Pub. L. 113–291, div. A, title V, § 513, Dec. 19, 2014, 128 Stat. 3359, provided that:

''(a) CENTRALIZED DATABASE REQUIRED.—The Secretary of Defense shall establish and maintain a centralized database of information on military technician positions that will contain and set forth current information on all military technician positions of the Armed Forces.

''(b) ELEMENTS.—

''(1) IDENTIFICATION OF POSITIONS.—The database required by subsection (a) shall identify each military technician position, whether dual-status or non-dual status.

''(2) ADDITIONAL DETAILS.—For each military technician position identified pursuant to paragraph (1), the database required by subsection (a) shall include the following:

''(A) A description of the functions of the position.

''(B) A statement of the military necessity for the position.

''(C) A statement of whether the position is—

''(i) a general administration, clerical, or office service occupation; or

''(ii) directly related to the maintenance of military readiness.

''(c) CONSULTATION.—The Secretary of Defense shall establish the database required by subsection (a) in consultation with the Secretaries of the military departments.

''(d) IMPLEMENTATION REPORT.—Not later than September 1, 2015, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing the progress made in establishing the database required by subsection (a).''

ASSESSMENT OF STRUCTURE AND MIX OF ACTIVE AND RESERVE FORCES

Pub. L. 102–190, div. A, title IV, § 402, Dec. 5, 1991, 105 Stat. 1349, 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. Repealed. Pub. L. 114–328, div. A, title XI, § 1102(a), Dec. 23, 2016, 130 Stat. 2444]

Section, added Pub. L. 111–84, div. A, title XI, § 1108(a)(1), Oct. 28, 2009, 123 Stat. 2488; amended Pub. L. 112–81, div. A, title IX, § 935(a)(1), (b), (c), title X, § 1053, Dec. 31, 2011, 125 Stat. 1545, 1582; Pub. L. 113–291, div. A, title IX, § 911, Dec. 19, 2014, 128 Stat. 3472; Pub. L. 114–92, div. A, title VIII, § 841(b), Nov. 25, 2015, 129 Stat. 914, required Secretary of Defense to submit biennial strategic workforce plan.

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, Marine Corps, and Space Force 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) The Secretary may submit the report required by subsection (a) by including the materials required in the report as an exhibit to the defense authorization request submitted pursuant to section 113a of this title in the fiscal year concerned.

(c) 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; Pub. L. 112–81, div. A, title X, § 1064(2), Dec. 31, 2011, 125 Stat. 1586; Pub. L. 116–283, div. A, title IX, § 924(b)(1)(A), Jan. 1, 2021, 134 Stat. 3820.)

Editorial Notes

AMENDMENTS

2021—Subsec. (a)(1). Pub. L. 116–283 substituted ''Marine Corps, and Space Force'' for ''and Marine Corps'' in introductory provisions.

2011—Subsecs. (b), (c). Pub. L. 112–81 added subsec. (b) and redesignated former subsec. (b) as (c).

1997—Subsec. (b)(2). Pub. L. 105–85 substituted ''subsection (a)'' for ''such subsection''.

1986—Pub. L. 99–433 successively redesignated subsecs. (e) and (f)(2) of section 138 of this title as subsecs. (e) and (f)(2) of section 114 of this title and then as subsecs. (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)''.

Statutory Notes and Related Subsidiaries

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.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective Dec. 31, 2021, of provisions in this section requiring submittal of reports to Congress, see section 1051(x) of Pub. L. 115–91, set out as a note under section 111 of this title.

§ 117. Readiness reporting system

(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. 3043);

(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 and maintaining the readiness reporting system, the Secretary shall ensure—

(1) that the readiness reporting system and associated policies are applied uniformly throughout the Department of Defense, including between and among the joint staff and each of the armed forces;

(2) that is the single authoritative readiness reporting system for the Department, and that there shall be no military service specific systems;

(3) that readiness assessments are accomplished at an organizational level at, or below, the level at which forces are employed;

(4) that the reporting system include resources information, force posture, and mission centric capability assessments, as well as predicted changes to these attributes;

(5) that information in the readiness reporting system is continually updated, with (A) any change in the overall readiness status of a unit, or element 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

(6) 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 the readiness of units (both as elements of their respective armed force and as elements of joint forces) to conduct their designed and assigned missions.

(2) Measure the capability of training establishments to provide trained and ready forces for designed and assigned missions.

(3) Measure 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 designed and assigned missions.

(4) Measure critical warfighting deficiencies in unit capability.

(5) Measure critical warfighting deficiencies in training establishments and defense infrastructure.

(6) Measure 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) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section. In those regulations, the Secretary shall prescribe the established information technology system for Department of Defense reporting, specifically authorize exceptions to a single-system architecture, and identify the organizations, units, and entities that are subject to reporting in the readiness reporting system, what organization resources are 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; Pub. L. 112–239, div. A, title VIII, §845(a), Jan. 2, 2013, 126 Stat. 1848; Pub. L. 113–291, div. A, title X, §1071(c)(2), Dec. 19, 2014, 128 Stat. 3508; Pub. L. 115–91, div. A, title III, §331(b), Dec. 12, 2017, 131 Stat. 1354; Pub. L. 115–232, div. A, title III, §331(a)–(g)(1), Aug. 13, 2018, 132 Stat. 1723, 1724; Pub. L. 116–92, div. A, title III, §361(a), Dec. 20, 2019, 133 Stat. 1325.)

Editorial Notes

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

2019—Subsecs. (d) to (h). Pub. L. 116–92 redesignated subsec. (h) as (d) and struck out former subsecs. (d) to (g) which related to semi-annual and monthly joint readiness reviews, semi-annual report to congressional committees on most recent joint readiness review, quarterly report on monthly changes in current state of readiness, and annual report on operational contract support, respectively.

2018—Pub. L. 115–232, §331(g)(1), struck out ‘‘: establishment; reporting to congressional committees’’ after ‘‘system’’ in section catchline.

Subsec. (b). Pub. L. 115–232, §331(a)(1), inserted ‘‘and maintaining’’ after ‘‘establishing’’ in introductory provisions.

Subsec. (b)(1). Pub. L. 115–232, §331(a)(2), substituted ‘‘reporting system and associated policies are applied uniformly throughout the Department of Defense, including between and among the joint staff and each of the armed forces’’ for ‘‘reporting system is applied uniformly throughout the Department of Defense’’.

Subsec. (b)(2) to (4). Pub. L. 115–232, §331(a)(4), added pars. (2) to (4). Former pars. (2) and (3) redesignated (5) and (6), respectively.

Subsec. (b)(5). Pub. L. 115–232, §331(a)(3), (5), redesignated par. (2) as (5) and inserted ‘‘, or element of a unit,’’ after ‘‘readiness status of a unit’’.

Subsec. (b)(6). Pub. L. 115–232, §331(a)(3), redesignated par. (3) as (6).

Subsec. (c)(1). Pub. L. 115–232, §331(b)(1), substituted ‘‘Measure the readiness of units’’ for ‘‘Measure, on a monthly basis, the capability of units’’ and ‘‘conduct their designed and assigned missions’’ for ‘‘conduct their assigned wartime missions’’.

Subsec. (c)(2), (3). Pub. L. 115–232, §331(b)(2), (3), substituted ‘‘Measure’’ for ‘‘Measure, on an annual basis,’’ and ‘‘designed and assigned missions’’ for ‘‘wartime missions’’.

Subsec. (c)(4). Pub. L. 115–232, §331(b)(4), substituted ‘‘Measure’’ for ‘‘Measure, on a monthly basis,’’.

Subsec. (c)(5). Pub. L. 115–232, §331(b)(5), substituted ‘‘Measure’’ for ‘‘Measure, on an annual basis,’’.

Subsec. (c)(6) to (8). Pub. L. 115–232, §331(b)(6), (7), redesignated par. (7) as (6), substituted ‘‘Measure’’ for ‘‘Measure, on a quarterly basis,’’, and struck out former pars. (6) and (8) which read as follows:

‘‘(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.

‘‘(8) Measure, on an annual basis, the capability of operational contract support to support current and anticipated wartime missions of the armed forces.’’

Subsec. (d)(1)(A). Pub. L. 115–232, §331(c), inserted ‘‘, which includes a validation of readiness data currency and accuracy’’ after ‘‘joint readiness review’’.

Subsec. (f). Pub. L. 115–232, §331(d)(2), added subsec. (f). Former subsec. (f) redesignated (h).

Subsec. (g). Pub. L. 115–232, §331(e), added subsec. (g).

Subsec. (h). Pub. L. 115–232, §331(d)(1), (f), redesignated subsec. (f) as (h) and substituted ‘‘prescribe the established information technology system for Department of Defense reporting, specifically authorize exceptions to a single-system architecture, and identify the organizations, units, and entities that are subject to reporting in the readiness reporting system, what organization resources are subject to such reporting’’ for ‘‘prescribe the units that are subject to reporting in the readiness reporting system, what type of equipment is subject to such reporting’’.

2017—Subsec. (d). Pub. L. 115–91, §331(b)(1)(A), substituted ‘‘Semi-annual’’ for ‘‘Quarterly’’ in heading.

Subsec. (d)(1)(A). Pub. L. 115–91, §331(b)(1)(B), substituted ‘‘semi-annual’’ for ‘‘quarterly’’.

Subsec. (e). Pub. L. 115–91, §331(b)(2), substituted ‘‘semi-annually’’ for ‘‘each quarter’’.

2014—Subsec. (a)(1). Pub. L. 113–291 substituted ‘‘(50 U.S.C. 3043)’’ for ‘‘(50 U.S.C. 404a)’’.

2013—Subsec. (c)(8). Pub. L. 112–239 added par. (8).

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’’.

Statutory Notes and Related Subsidiaries

Requirement To Include Foreign Language Proficiency in Readiness Reporting Systems of Department of Defense

Pub. L. 116–92, div. A, title III, §366, Dec. 20, 2019, 133 Stat. 1328, provided that: ‘‘Not later than 90 days after the date of the enactment of this Act [Dec. 20, 2019], the Secretary of Defense and the Secretary of each military department shall include in the Global Readiness and Force Management Enterprise, for the appropriate billets with relevant foreign language requirements, measures of foreign language proficiency as a manda-

tory element of unit readiness reporting, to include the Defense Readiness Reporting Systems-Strategic (DRRS-S) and all other subordinate systems that report readiness data.''

METRICS FOR ASSESSMENT OF READINESS OF CYBER MISSION FORCES

Pub. L. 116–92, div. A, title XVI, §1634(b), (c), Dec. 20, 2019, 133 Stat. 1747, provided that:

''(b) METRICS.—

''(1) ESTABLISHMENT REQUIRED.—The Secretary of Defense shall establish metrics for the assessment of the readiness of the Cyber Mission Forces of the Department of Defense.

''(2) BRIEFINGS REQUIRED.—Not later than 90 days after the date of the enactment of this Act [Dec. 20, 2019] and quarterly thereafter until completion of the establishment of the metrics under paragraph (1), the Secretary shall provide a briefing to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] on such metrics, including progress as required pursuant to subsection (c).

''(c) MODIFICATION OF READINESS REPORTING SYSTEM.—Not later than 180 days after the date of the enactment of this Act [Dec. 20, 2019], the Secretary shall take such actions as the Secretary considers appropriate to ensure that the comprehensive readiness reporting system established pursuant to section 117(a) of title 10, United States Code, covers matters relating to the readiness of the Cyber Mission Forces—

''(1) using the metrics established pursuant to subsection (b)(1); and

''(2) in a manner that is consistent with sections 117 and 482 of such title.''

LIMITATION ON AVAILABILITY OF FUNDS FOR SERVICE-SPECIFIC DEFENSE READINESS REPORTING SYSTEMS

Pub. L. 115–232, div. A, title III, §358, Aug. 13, 2018, 132 Stat. 1732, as amended by Pub. L. 116–92, div. A, title III, §362, Dec. 20, 2019, 133 Stat. 1327, provided that:

''(a) LIMITATION.—None of the funds authorized to be appropriated by this Act [see Tables for classification] or otherwise made available for the Department of Defense for fiscal year 2019 for research, development, test, and evaluation or procurement, and available to develop service-specific Defense Readiness Reporting Systems (referred to in this section as 'DRRS') may be made available for such purpose except for required maintenance and in order to facilitate the transition to DRRS-Strategic (referred to in this section as 'DRRS-S').

''(b) PLAN.—Not later than February 1, 2019, the Under Secretary for Personnel and Readiness shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a resource and funding plan to include a schedule with relevant milestones on the elimination of service-specific DRRS and the migration of the military services and other organizations to DRRS-S.

''(c) TRANSITION.—The military services shall complete the transition to DRRS-S not later than October 1, 2020. The Secretary of Defense shall notify the congressional defense committees upon the complete transition of the services.

''(d) REPORTING REQUIREMENT.—

''(1) IN GENERAL.—The Under Secretary for Personnel and Readiness, the Under Secretary for Acquisition and Sustainment, and the Under Secretary for Research and Engineering, in coordination with the Secretaries of the military departments and other organizations with relevant technical expertise, shall establish a working group including individuals with expertise in application or software development, data science, testing, and development and assessment of performance metrics to assess the current process for collecting, analyzing, and communicating readiness data, and develop a strategy for implementing any recommended changes to improve and establish readiness metrics using the current DRRS-Strategic platform.

''(2) ELEMENTS.—The assessment conducted pursuant to paragraph (1) shall include—

''(A) identification of modern tools, methods, and approaches to readiness to more effectively and efficiently collect, analyze, and make decision based on readiness data; and

''(B) consideration of cost and schedule.

''(3) SUBMISSION TO CONGRESS.—Not later than February 1, 2020, the Secretary of Defense shall submit to the congressional defense committees the assessment conducted pursuant to paragraph (1).

''(e) DEFENSE READINESS REPORTING REQUIREMENTS.—To the maximum extent practicable, the Secretary of Defense shall meet defense readiness reporting requirements consistent with the recommendations of the working group established under subsection (d)(1).''

DEFENSE MATERIEL READINESS BOARD

Pub. L. 112–239, div. A, title XVI, §1601(a), Jan. 2, 2013, 126 Stat. 2062, provided that: ''The Defense Materiel Readiness Board established pursuant to section 871 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 117 note) [formerly set out below] is hereby disestablished.''

Pub. L. 112–239, div. A, title XVI, §1601(b), Jan. 2, 2013, 126 Stat. 2062, provided that: ''The Department of Defense Strategic Readiness Fund established by section 872(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 117 note) [formerly set out below] is hereby closed.''

Pub. L. 110–181, div. A, title VIII, subtitle G, Jan. 28, 2008, 122 Stat. 260, which required Secretary of Defense to establish Defense Materiel Readiness Board to provide independent assessments of materiel readiness, materiel readiness shortfalls, and materiel readiness plans to Secretary of Defense and Congress; provided for designation of critical materiel readiness shortfalls; established Department of Defense Strategic Readiness Fund; and required Secretary of military department to notify Congress with respect to determination that use of a multiyear procurement contract would address a critical material readiness shortfall, was repealed by Pub. L. 112–239, div. A, title XVI, §1601(c), Jan. 2, 2013, 126 Stat. 2062.

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. Materiel readiness metrics and objectives for major weapon systems

(a) MATERIEL READINESS METRICS.—Each head of an element of the Department specified in paragraphs (1) through (10) of section 111(b) of this title shall establish and maintain materiel readiness metrics to enable assessment of the readiness of members of the armed forces to carry out—

(1) the strategic framework required by section 113(g)(1)(B)(vii) of this title; and

(2) guidance issued by the Secretary of Defense pursuant to section 113(g)(1)(B) of this title.

(b) REQUIRED METRICS.—At a minimum, the materiel readiness metrics required by sub-

section (a) shall address the materiel availability, operational availability, operational capability, and materiel reliability of each major weapon system by designated mission, design series, variant, or class.

(c) MATERIEL READINESS OBJECTIVES.—(1) Not later than one year after the date of the enactment of this subsection, each head of an element described in subsection (a) shall establish the metrics required by subsection (b) necessary to support the strategic framework and guidance referred to in paragraph (1) and (2) of subsection (a).

(2) Annually, each head of an element described in subsection (a) shall review and revise the metrics required by subsection (b) and include any such revisions in the materials submitted to Congress in support of the budget of the President under section 1105 of title 31.

(d) BUDGET JUSTIFICATION.—Not later than five days after the date on which the Secretary of Defense submits to Congress the materials in support of the budget of the President for a fiscal year, the Secretary of Defense shall submit to the congressional defense committees an annual report on major weapons systems sustainment for the period covered by the future years defense program specified by section 221 of this title. Such report shall include—

(1) an assessment of the materiel availability, operational availability, and materiel reliability for each major weapon system; and

(2) a detailed explanation of any factors that could preclude the Department of Defense or any of the military departments from meeting applicable readiness goals or objectives, such as infrastructure, workforce, or supply chain considerations.

(e) FUNDING ESTIMATES.—Not later than five days after the date on which the Secretary of Defense submits to Congress the materials in support of the budget of the President for a fiscal year, the Director of Cost Assessment and Performance Evaluation shall submit to the congressional defense committees a comprehensive estimate of the funds necessary to meet the materiel readiness objectives required by subsection (c) through the period covered by the most recent future-years defense program. At a minimum, the Director shall provide, for each major weapon system, by designated mission design series, variant, or class, a comprehensive estimate of the funds necessary to meet such objectives that—

(1) have been obligated by subactivity group within the operation and maintenance accounts for the second fiscal year preceding the budget year;

(2) the Director estimates will have been obligated by subactivity group within the operation and maintenance accounts by the end of the fiscal year preceding the budget year; and

(3) have been budgeted and programmed across the future years defense program within the operation and maintenance accounts by subactivity group.

(f) DEFINITIONS.—In this section:

(1) The term ''major weapon system'' has the meaning given in section 3455(f) of this title.

(2) The term ''materiel availability'' means a measure of the percentage of the total inventory of a major weapon system that is operationally capable of performing an assigned mission.

(3) The term ''materiel reliability'' means the probability that a major weapon system will perform without failure over a specified interval.

(4) The term ''operational availability'' means a measure of the percentage of time a major weapon system is operationally capable.

(5) The term ''operationally capable'' means a materiel condition indicating that a major weapon system is capable of performing its assigned mission and has no discrepancies with a subsystem of a major weapon system.

(Added Pub. L. 116–92, div. A, title III, §351(a)(1), Dec. 20, 2019, 133 Stat. 1319; amended Pub. L. 116–283, div. A, title III, §347(a), title X, §1081(a)(6), title XVIII, §1883(b)(2), Jan. 1, 2021, 134 Stat. 3540, 3871, 4294; Pub. L. 117–263, div. A, title III, §351(a), Dec. 23, 2022, 136 Stat. 2532.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of this subsection, referred to in subsec. (c), is the date of enactment of Pub. L. 116–283, which was approved Jan. 1, 2021.

PRIOR PROVISIONS

A prior section 118, 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; Pub. L. 112–81, div. A, title VIII, §820(a), title IX, §942, Dec. 31, 2011, 125 Stat. 1501, 1548; Pub. L. 113–291, div. A, title X, §§1071(c)(2), (f)(1), 1072(a)(1), Dec. 19, 2014, 128 Stat. 3508, 3510, 3512, related to quadrennial defense strategy review by Secretary of Defense, prior to repeal by Pub. L. 114–328, div. A, title IX, §941(b)(1), Dec. 23, 2016, 130 Stat. 2367.

Another 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

2022—Subsec. (d)(2). Pub. L. 117–263, §351(a)(1), substituted ''objectives, such as infrastructure, workforce, or supply chain considerations'' for ''objectives''.

Subsecs. (e), (f). Pub. L. 117–263, §351(a)(2), (3), added subsec. (e) and redesignated former subsec. (e) as (f).

2021—Pub. L. 116–283, §347(a)(1), amended section catchline generally. Prior to amendment, catchline read as follows: ''Annual report on major weapons systems sustainment''.

Subsecs. (a) to (c). Pub. L. 116–283, §347(a)(3), added subsecs. (a) to (c).

Subsec. (d). Pub. L. 116–283, §347(a)(2), designated existing provisions as subsec. (d) and inserted heading.

Subsec. (d)(1). Pub. L. 116–283, §347(a)(4)(A), substituted ''operational availability, and materiel reliability for each major weapon system'' for ''materiel reliability, and mean down time metrics for each major weapons system'' and inserted ''and'' at end.

Subsec. (d)(3). Pub. L. 116–283, §1081(a)(6), which directed inserting ''and'' after '' 'materiel and oper-

ational capability','', could not be executed because of the prior amendment by section 347(a)(4)(C) of Pub. L. 116–283. See below.

Pub. L. 116–283, § 347(a)(4)(C), struck out par. (3). Text read as follows: ''an assessment of the validity and effectiveness of the definitions used to determine defense readiness, including the terms 'major weapons system', 'covered asset', 'total and required inventory', 'materiel and operational availability', 'materiel and operational capability', 'materiel and operational reliability' ''.

Subsec. (e). Pub. L. 116–283, § 347(a)(5), added subsec. (e).

Subsec. (e)(1). Pub. L. 116–283, § 1883(b)(2), substituted ''section 3455'' for ''section 2379''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by 1883(b)(2) of Pub. L. 116–283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116–283, set out as a note preceding section 3001 of this title.

PHASED IMPLEMENTATION

Pub. L. 117–263, div. A, title III, § 351(b), Dec. 23, 2022, 136 Stat. 2533, provided that: ''The Director of Cost Assessment and Performance Evaluation may meet the requirements of subsection (e) of section 118 of title 10, United States Code, as added by subsection (a), through a phased submission of the funding estimates required under such subsection. In conducting a phased implementation, the Director shall ensure that—

''(1) for the budget request for fiscal year 2024, funding estimates are provided for a representative sample by military department of at least one-third of the major weapon systems;

''(2) for the budget request for fiscal year 2025, funding estimates are provided for an additional one-third of the major weapon systems; and

''(3) full implementation for all major weapons systems is completed not later than five days after the date on which the Secretary of Defense submits to Congress the materials in support of the budget of the President for fiscal year 2026.''

§ 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. 3043);

(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.

(15) Support services for Gold Star families.

(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; amended Pub. L. 113–291, div. A, title X, § 1071(c)(2), Dec. 19, 2014, 128 Stat. 3508; Pub. L. 117–81, div. A, title X, § 1061(a)(1), (b), Dec. 27, 2021, 135 Stat. 1909.)

Editorial Notes

CODIFICATION

Another section 118a was renumbered section 118b of this title.

AMENDMENTS

2021—Pub. L. 117–81, § 1061(a)(1), which directed renumbering of the ''second section 118a'' of this title, relating to quadrennial quality of life review, as section 118b of this title could not be executed because there was no second section 118a of this title after the renum-

bering of another section 118a of this title, relating to National Defense Sustainment and Logistics Review, as section 118b by Pub. L. 117–81, §311(b)(1)(B), (C). See 2021 Amendment note set out under section 118b of this title.

Subsec. (c)(15). Pub. L. 117–81, §1061(b), which directed the addition of par. (15) to subsec. (c) of section 118b of this title, as redesignated by Pub. L. 117–81, §1061(a)(1), was executed by adding par. (15) to subsec. (c) of this section to reflect the probable intent of Congress. See above.

2014—Subsec. (b)(1). Pub. L. 113–291 substituted ''(50 U.S.C. 3043)'' for ''(50 U.S.C. 404a)''.

Statutory Notes and Related Subsidiaries

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective Dec. 31, 2021, of provisions in subsec. (d) of this section requiring submittal of report to Congress, see section 1061 of Pub. L. 114–328, set out as a note under section 111 of this title.

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. National Defense Sustainment and Logistics Review

(a) REVIEW REQUIRED.—Upon submission of each national defense strategy under section 113(g) of this title, the Secretary of Defense shall conduct a comprehensive review of the sustainment and logistics requirements necessary to support the force structure, force modernization, infrastructure, force deployment capabilities, response to risks to military installation resilience, and other elements of the defense program and policies of the United States during the subsequent 5-, 10-, and 25-year periods. Each such review shall be known as the 'National Defense Sustainment and Logistics Review'. Each such review shall be conducted in consultation with the Secretaries of the military departments, the Chiefs of Staff of the Armed Forces, all functional and geographic combatant commanders, and the Director of the Defense Logistics Agency.

(b) REPORT TO CONGRESS.—(1) Not later than the first Monday in February of the year following the fiscal year during which the National Defense Strategy was submitted under section 113(g) of this title, the Secretary shall submit to the congressional defense committees a report on the review required by subsection (a). Each such report shall include each of the following:

(A) An assessment of the strategic, operational, and tactical maritime logistics force (including non-military assets provided by Military Sealift Command, the Maritime Administration, and through the Voluntary Intermodal Sealift Agreement and Voluntary Tanker Agreement) required to support sealift, at sea logistics, and over-the-shore logistics of forces to meet steady state and contingency requirements and the strategic and intra-theater movement of supplies, personnel, and equipment.

(B) An assessment of the strategic, operational, and tactical airlift and tankers (including non-military assets provided by the Civil Reserve Air Fleet) required to meet steady state and contingency requirements.

(C) An assessment of the location, configuration, material condition, and inventory of prepositioned materiel, equipment, and war reserves programs, as well as the ability to store and distribute these items to deployed military forces, required to meet steady state and contingency requirements.

(D) An assessment of the location, infrastructure, and storage capacity for petroleum, oil, and lubricant products, as well as the ability to store, transport, and distribute such products from storage supply points to deployed military forces, required to meet steady state and contingency requirements.

(E) An assessment of the capabilities, capacity, and infrastructure of the Department of Defense organic industrial base and private sector industrial base required to meet steady-state and surge software and depot maintenance requirements.

(F) An assessment of the production capability, capacity, and infrastructure, of the Department of Defense organic industrial base and private sector industrial base required to meet steady-state and surge production requirements for ammunition and other military munitions.

(G) An assessment of the condition, capacity, location, and survivability under likely threats of military infrastructure located both inside the continental United States and outside the continental United States, including agreements with and infrastructure provided by international partners, required to generate, project, and sustain military forces to meet steady-state and contingency requirements.

(H) An assessment of the cybersecurity risks to military and commercial logistics networks and information technology systems.

(I) An assessment of the gaps between the requirements identified under subparagraphs (A) through (H) compared to the actual force structure and infrastructure capabilities, capacity, and posture and the risks associated with each gap as it relates to the ability to meet the national defense strategy.

(J) A discussion of the identified mitigations being pursued to address each gap and risk identified under subparagraph (I) as well as the initiatives and resources planned to address such gaps, as included in the Department of Defense budget request submitted during the same year as the report and the applicable future-years defense program.

(K) An assessment of the extent to which wargames incorporate logistics capabilities and threats and a description of the logistics constraints and restraints to operations identified through such wargames.

(L) An assessment of the ability of the Department of Defense, the Armed Forces, and the combatant commands to leverage and integrate emergent logistics related technologies and advanced computing systems.

(M) Such other matters the Secretary of Defense considers appropriate.

(2) In preparing the report under paragraph (1), the Secretary of Defense shall consult with, and

consider the recommendations of, the Chairman of the Joint Chiefs of Staff.

(3) The report required under this subsection shall be submitted in classified form and shall include an unclassified summary.

(c) COMPTROLLER GENERAL REVIEW.—Not later than 180 days after the date on which Secretary submits each report required under subsection (b), the Comptroller General shall submit to the congressional defense committees a report that includes an assessment of each of the following:

(1) Whether the report includes each of the elements referred to in subsection (b).

(2) The strengths and weaknesses of the approach and methodology used in conducting the review required under subsection (a) that is covered by the report.

(3) Any other matters relating to sustainment that may arise from the report, as the Comptroller General considers appropriate.

(d) RELATIONSHIP TO BUDGET.—Nothing in this section shall be construed to affect section 1105(a) of title 31.

(Added Pub. L. 116–283, div. A, title III, § 341(a), Jan. 1, 2021, 134 Stat. 3535, § 118a; renumbered § 118b and amended Pub. L. 117–81, div. A, title III, § 311(b)(1), title X, § 1081(a)(3), Dec. 27, 2021, 135 Stat. 1625, 1919.)

Editorial Notes

PRIOR PROVISIONS

A prior section 118b, added Pub. L. 110–181, div. A, title IX, § 941(a), Jan. 28, 2008, 122 Stat. 286, related to quadrennial roles and missions review, prior to repeal by Pub. L. 113–291, div. A, title X, § 1072(b)(1), Dec. 19, 2014, 128 Stat. 3516, effective Oct. 1, 2015.

AMENDMENTS

2021—Pub. L. 117–81, §§ 311(b)(1)(B), (C), 1081(a)(3), made similar amendments, renumbering section 118a, relating to National Defense Sustainment and Logistics Review, as this section. Section 1081(a)(3), which directed the renumbering of the ''second'' section 118a, as added by section 341 of Pub. L. 116–283, was read as referring to this section, which had appeared as the first section 118a, to reflect the probable intent of Congress. Amendment by section 1081(a)(3) to be treated as applying before amendment by section 311(b)(1)(B), (C), see section 1081(d) of Pub. L. 117–81, listed in a table of Coordination of Certain Sections of an Act With Other Provisions of That Act under section 101 of this title.

Subsec. (a). Pub. L. 117–81, § 311(b)(1)(A), substituted ''capabilities, response to risks to military installation resilience,'' for ''capabilities,''.

Statutory Notes and Related Subsidiaries

DEADLINE FOR SUBMITTAL OF FIRST REPORT

Pub. L. 116–283, div. A, title III, § 341(c), Jan. 1, 2021, 134 Stat. 3537, as amended by Pub. L. 117–81, div. A, title III, § 311(b)(2)(B), Dec. 27, 2021, 135 Stat. 1625, provided that: ''Notwithstanding the deadline in subsection (b)(1) of section 118b of title 10, United States Code, as added by subsection (a), the Secretary of Defense shall submit the first report under such section not later than the date that is 18 months after the date of the enactment of this Act [Jan. 1, 2021], unless a new National Defense Strategy is released prior to such date.''

[Pub. L. 117–81, div. A, title III, § 311(b)(2)(B), which directed amendment of section ''314(c)'' of Pub. L. 116–283 by substituting ''section 118b'' for ''section 118a'', was executed by making the amendment to section 341(c) of Pub. L. 116–283, set out above, to reflect the probable intent of Congress.]

§ 118c. National Defense Science and Technology Strategy

(a) IN GENERAL.—The Secretary of Defense shall develop a strategy—

(1) to articulate the science and technology priorities, goals, and investments of the Department of Defense;

(2) to make recommendations on the future of the defense research and engineering enterprise and its continued success in an era of strategic competition; and

(3) to establish an integrated approach to the identification, prioritization, development, and fielding of emerging capabilities and technologies.

(b) ELEMENTS.—The strategy required under subsection (a) shall—

(1) inform the development of each National Defense Strategy under section 113(g) of this title and be aligned with Government-wide strategic science and technology priorities, including the defense budget priorities of the Office of Science and Technology Policy of the President;

(2) link the priorities, goals, and investments in subsection (a)(1) with needed critical enablers to specific programs, or broader portfolios, including—

(A) personnel and workforce capabilities;

(B) facilities for research and test infrastructure;

(C) relationships with academia, the acquisition community, the operational community, the defense industry, and the commercial sector; and

(D) funding, investments, personnel, facilities, and relationships with other departments and agencies of the Federal Government outside the Department of Defense without which defense capabilities would be severely degraded;

(3) support the coordination of acquisition priorities, programs, and timelines of the Department with the activities of the defense research and engineering enterprise;

(4) include recommendations for changes in authorities, regulations, policies, or any other relevant areas, that would support the achievement of the goals set forth in the strategy;

(5) identify mechanisms that may be used to identify critical capabilities and technological applications required to address operational challenges outlined in the National Defense Strategy under section 113(g) of this title;

(6) identify processes to inform senior leaders and policy makers on the potential impacts of emerging technologies for the purpose of shaping the development of policies and regulations;

(7) support the efficient integration of capabilities and technologies to close near-term, mid-term, and long-term capability gaps;

(8) support the development of appropriate investments in research and technology development within the Department, and appropriate partnerships with the defense industry and commercial industry; and

(9) identify mechanisms to provide information on defense technology priorities to industry to enable industry to invest deliberately in emerging technologies to build and broaden the capabilities of the industrial base.

(c) COORDINATION.—The Secretary of Defense shall develop the strategy under subsection (a) in coordination with relevant entities within the Office of the Secretary of Defense, the military departments, the research organizations of Defense Agencies and Department of Defense Field Activities, the intelligence community, defense and technology industry partners, research and development partners, other Federal research agencies, allies and partners of the United States, and other appropriate organizations.

(d) CONSIDERATIONS.—In developing the strategy under subsection (a), the Secretary of Defense shall consider—

(1) the operational challenges identified in the National Defense Strategy and the technological threats and opportunities identified through the global technology review and assessment activities of the Department of Defense, the intelligence community, and other technology partners;

(2) current military requirements and emerging technologies in the defense and commercial sectors;

(3) the capabilities of foreign near-peer and peer nations;

(4) the need to support the development of a robust trusted and assured industrial base to manufacture and sustain the technologies and capabilities to meet defense requirements; and

(5) near-term, mid-term, and long-term technology and capability development goals.

(e) REPORTS.—

(1) SUBSEQUENT REPORTS AND UPDATES.—Not later than February 1 of the year following each fiscal year in which the National Defense Strategy is submitted under section 113(g) of this title, the Secretary of Defense shall submit to the congressional defense committees a report that includes an updated version of the strategy under subsection (a). Each update to such strategy shall be prepared for purposes of such report based on emerging requirements, technological developments in the United States, and technical intelligence derived from global technology reviews conducted by the Secretary of Defense.

(2) FORM OF REPORTS.—The reports submitted under paragraph (1) may be submitted in a form determined appropriate by the Secretary of Defense, which may include classified, unclassified, and publicly releasable formats, as appropriate.

(f) BRIEFING.—Not later than 90 days after the date on which the strategy under subsection (a) is completed, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the implementation plan for the strategy.

(g) DESIGNATION.—The strategy developed under subsection (a) shall be known as the ''National Defense Science and Technology Strategy''.

(Added Pub. L. 117–81, div. A, title II, §211(a), Dec. 27, 2021, 135 Stat. 1585.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in Pub. L. 115–232, div. A, title II, §218, Aug. 13, 2018, 132 Stat. 1679, which was not classified to the Code and was repealed by Pub. L. 117–81, div. A, title II, §211(c), Dec. 27, 2021, 135 Stat. 1587.

§ 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.)

Editorial Notes

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).

Statutory Notes and Related Subsidiaries

Effective Date of 1990 Amendment

Pub. L. 101–510, div. A, title XIV, §1482(d), Nov. 5, 1990, 104 Stat. 1710, 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.''

Termination of Reporting Requirements

For termination, effective Dec. 31, 2021, of provisions in subsecs. (a) and (b) of this section requiring submittal of annual report to Congress, see section 1061 of Pub. L. 114–328, set out as a note under section 111 of this title.

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.

§ 119a. Programs managed under alternative compensatory control measures: congressional oversight

(a) ANNUAL REPORT ON CURRENT PROGRAMS UNDER ACCMS.—

(1) IN GENERAL.—Not later than March 1 each year, the Secretary of Defense shall submit to the congressional defense committees a report on the programs being managed under alternative compensatory control measures in the Department of Defense.

(2) ELEMENTS.—Each report under paragraph (1) shall set forth the following:

(A) The total amount requested for programs being managed under alternative compensatory control measures in the Department in the budget of the President under section 1105 of title 31 for the fiscal year beginning in the fiscal year in which such report is submitted.

(B) For each program in that budget that is a program being managed under alternative compensatory control measures in the Department—

(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 that budget is submitted; and

(III) each of the four succeeding fiscal years during which the program is expected to be conducted.

(3) ELEMENTS ON PROGRAMS COVERED BY MULTIYEAR BUDGETING.—In the case of a report under paragraph (1) submitted in a year during which the budget of the President for the fiscal year concerned does not, because of multiyear budgeting for the Department, include a full budget request for the Department, the report required by paragraph (1) shall set forth—

(A) the total amount already appropriated for the next fiscal year for programs being managed under alternative compensatory control measures in the Department, and any additional amount requested in that budget for such programs for such fiscal year; and

(B) for each program that is a program being managed under alternative compensatory control measures in the Department, the information specified in paragraph (2)(B).

(b) ANNUAL REPORT ON NEW PROGRAMS UNDER ACCMS.—

(1) IN GENERAL.—Not later than February 1 each year, the Secretary shall submit to the congressional defense committees a report that, with respect to each new program being managed under alternative compensatory control measures in the Department, provides—

(A) notice of the designation of the program as a program being managed under alternative compensatory control measures in the Department; and

(B) a justification for such designation.

(2) ADDITIONAL ELEMENTS.—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 report.

(3) NEW PROGRAM BEING MANAGED UNDER ALTERNATIVE COMPENSATORY CONTROL MEASURES DEFINED.—In this subsection, the term ''new program being managed under alternative compensatory control measures'' means a program in the Department that has not previously been covered by a report under this subsection.

(c) REPORT ON CHANGE IN CLASSIFICATION OR DECLASSIFICATION OF PROGRAMS.—

(1) IN GENERAL.—Whenever a change in the classification of a program being managed under alternative compensatory control measures in the Department is planned to be made, or whenever classified information concerning a program being managed under alternative compensatory control measures in the Department is to be declassified and made public, the Secretary shall submit to the congressional 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) DEADLINE FOR REPORT.—Except as provided in paragraph (3), a report required by paragraph (1) shall be submitted not less than 14 days before the date on which the proposed change or public announcement concerned is to occur.

(3) EXCEPTION.—If the Secretary determines that because of exceptional circumstances the requirement in paragraph (2) cannot be met with respect to a proposed change or public announcement concerning a program covered by paragraph (1), the Secretary may submit the report required by that paragraph 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) MODIFICATION OF CRITERIA OR POLICY FOR DESIGNATING PROGRAMS UNDER ACCMS.—Whenever there is a modification or termination of the policy or criteria used for designating a program as a program being managed under alternative compensatory control measures in the Department, the Secretary shall promptly notify the congressional 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 or criteria as modified.

(e) WAIVER.—

(1) IN GENERAL.—The Secretary may waive any requirement in subsection (a), (b), or (c) that certain information be included in a report under such 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) NOTICE TO CONGRESS.—If the Secretary exercises the authority in paragraph (1), the Secretary shall provide the information described in the applicable subsection with respect to the program concerned, and the justification for the waiver, jointly to the chairman and ranking minority member of each of the congressional defense committees.

(f) LIMITATION ON INITIATION OF PROGRAMS UNDER ACCMS.—

(1) NOTICE AND WAIT.—Except as provided in paragraph (2), a program to be managed under alternative compensatory control measures in the Department may not be initiated until—

(A) the congressional defense committees are notified of the program; and

(B) a period of 30 days elapses after such notification is received.

(2) EXCEPTION.—If the Secretary determines that waiting for the regular notification process before initiating a program as described in paragraph (1) would cause exceptionally grave damage to the national security, the Secretary may begin a program to be managed under alternative compensatory control measures in the Department before such waiting period elapses. The Secretary shall notify the congressional defense committees within 10 days of initiating a program under this paragraph, including a justification for the determination of the Secretary that waiting for the regular notification process would cause exceptionally grave damage to the national security.

(g) CONGRESSIONAL OVERSIGHT.—(1) Neither the Secretary of Defense nor the Director of National Intelligence may take any action that would have the effect of limiting the access of the congressional defense committees to—

(A) any classified program, or any information about any classified program, to which such committees have access as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022; or

(B) any classified program established, or any information about any classified program that becomes available, after the date of the enactment of such Act that is within the jurisdiction of such committees.

(2) In this subsection, the term ''classified program'' includes any special access program, alternative compensatory control measure, or any other controlled access program.

(Added Pub. L. 114–328, div. A, title X, §1062(a), Dec. 23, 2016, 130 Stat. 2405; amended Pub. L. 116–92, div. A, title XVII, §1731(a)(4), Dec. 20, 2019, 133 Stat. 1812; Pub. L. 117–81, div. A, title X, §1041(b), Dec. 27, 2021, 135 Stat. 1903.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the National Defense Authorization Act for Fiscal Year 2022 and the date of the enactment of such Act, referred to in subsec. (g)(1), is the date of enactment of Pub. L. 117–81, which was approved Dec. 27, 2021.

AMENDMENTS

2021—Subsec. (g). Pub. L. 117–81 added subsec. (g).

2019—Subsecs. (a), (b). Pub. L. 116–92 substituted ''ACCMS'' for ''AACMS'' in subsec. heading.

§ 120. Department of Defense executive aircraft controlled by Secretaries of military departments

(a) IN GENERAL.—The Secretary of Defense shall ensure that the Chief of the Air Force Special Air Mission Office is given the responsibility for coordination of scheduling all Department of Defense executive aircraft controlled by the Secretaries of the military departments in order to support required use travelers.

(b) RESPONSIBILITIES.—(1) Not later than 180 days after the date of the enactment of this section, the Secretary of each of the military departments shall execute a memorandum of understanding with the Air Force Special Air Mission Office regarding oversight and management of executive aircraft controlled by that military department.

(2) The Secretary of Defense shall be responsible for prioritizing travel when requests exceed available executive airlift capability.

(3) The Secretary of a military department shall maintain overall authority for scheduling the required use travelers of that military department on executive aircraft controlled by the Secretary. When an executive aircraft controlled by the Secretary of a military department is not supporting required use travelers of that military department, the Secretary of the military department shall make such executive aircraft available for scheduling of other required use travelers.

(c) LIMITATIONS.—(1) The Secretary of Defense may not establish a new command and control organization to support aircraft.

(2) No executive aircraft controlled by the Secretary of a military department may be permanently stationed at any location without a required use traveler without the approval of the Secretary of Defense.

(d) DEFINITIONS.—In this section:

(1) The term ''required use traveler'' has the meaning given such term in Department of Defense directive 4500.56, as in effect on the date of the enactment of this section.

(2) The term ''executive aircraft'' has the meaning given such term in Department of Defense directive 4500.43, as in effect on the date of the enactment of this section.

(Added Pub. L. 116–92, div. A, title X, §1051(a), Dec. 20, 2019, 133 Stat. 1590.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsecs. (b) and (d), is the date of enactment of Pub. L. 116–92, which was approved Dec. 20, 2019.

CHAPTER 3—GENERAL POWERS AND FUNCTIONS

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[130g. Renumbered.]
[130h. Repealed.]
130i. Protection of certain facilities and assets from unmanned aircraft.
[130j, 130k Renumbered.]

Editorial Notes

AMENDMENTS

2024—Pub. L. 118–159, div. A, title XVI, §1649(b)(1), Dec. 23, 2024, 138 Stat. 2199, struck out item 130h ''Prohibitions relating to missile defense information and systems''. Amendment was made pursuant to operation of section 102 of this title.

2023—Pub. L. 118–31, div. A, title XII, §§1201(b), 1221(b), Dec. 22, 2023, 137 Stat. 441, 453, added items 127d and 127f and struck out former item 127f ''Expenditure of funds for clandestine activities that support operational preparation of the environment''.

2022—Pub. L. 117–263, div. A, title X, §1042(b), Dec. 23, 2022, 136 Stat. 2770, added item 130a.

2021—Pub. L. 116–283, div. A, title IX, §911(a)(2), title X, §1052(b), Jan. 1, 2021, 134 Stat. 3801, 3850, added items 125a and 127f.

2018—Pub. L. 115–232, div. A, title X, §1081(a)(2), title XVI, §1631(c)(1), Aug. 13, 2018, 132 Stat. 1983, 2123, struck out item 130g ''Authorities concerning military cyber operations'' and made technical correction to and struck out items 130j ''Notification requirements for sensitive military cyber operations'' and 130k ''Notification requirements for cyber weapons''.

2017—Pub. L. 115–91, div. A, title XVI, §1631(b), Dec. 12, 2017, 131 Stat. 1738, added items 130j and 130k.

2016—Pub. L. 114–328, div. A, title X, §1036(f)(2), title XI, §1101(b)(2), title XII, §§1203(a)(2), 1245(b), title XVI, §§1662(a)(3), 1682(a)(2), 1697(b), Dec. 23, 2016, 130 Stat. 2392, 2444, 2476, 2520, 2614, 2624, 2640, added items 127e, 128, 130f, 130h, and 130i, substituted ''Civilian personnel management'' for ''Prohibition of certain civilian personnel management constraints'' in item 129, and struck out former items 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'', 130f ''Congressional notification of sensitive military operations'', and 130h ''Prohibitions on providing certain missile defense information to Russian Federation''.

2015—Pub. L. 114–92, div. A, title X, §1042(d)(2), title XVI, §§1642(b), 1671(a)(2), Nov. 25, 2015, 129 Stat. 977, 1116, 1130, added items 130g and 130h and substituted ''Department of Defense rewards program'' for ''Assistance in combating terrorism: rewards'' in item 127b.

2014—Pub. L. 113–291, div. A, title X, §1071(f)(2), Dec. 19, 2014, 128 Stat. 3510, substituted ''Treatment under Freedom of Information Act of certain critical infrastructure security information'' for ''Treatment under Freedom of Information Act of critical infrastructure security information'' in item 130e and ''Congressional notification of sensitive military operations'' for ''Congressional notification regarding sensitive military operations'' in item 130f.

2013—Pub. L. 113–66, div. A, title X, §§1041(a)(2), 1091(a)(2), Dec. 26, 2013, 127 Stat. 857, 875, added item 130f and substituted ''Treatment under Freedom of Information Act of critical infrastructure security information'' for ''Treatment under Freedom of Information Act of certain critical infrastructure security information'' in item 130e.

2011—Pub. L. 112–81, div. A, title VIII, §802(a)(2), title IX, §931(b), title X, §1091(b), Dec. 31, 2011, 125 Stat. 1485, 1543, 1605, added items 129d and 130e and substituted ''General policy for total force management'' for ''General personnel policy'' in item 129a.

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 Depart-