§ 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, 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.

(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 of and of the military force structure of the United States for the next fiscal year;

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

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

(2) In preparing the matter referred to in paragraph (1), the Secretary shall take into consideration the content of the annual national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 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 (B), 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 2664 of this title), commercial logistics capabilities, and the national technology and industrial base (as defined in section 4801 of this title).

(x) 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 classified form with an unclassified summary.

(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 to in paragraph (1)(A) written guidance (to be known as "Defense Planning Guidance") establishing goals, priorities, including priorities 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.

(B) 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.

(i)(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;

(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; and

(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.

(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 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.

(6) 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.

(7) 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.

(8) 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.

(8) 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.

1So in original. Probably should be followed by period.

2So in original. There are two paras. (8).
(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.

(c) 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 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.


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) (3rd 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 proviso 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 1933 Reorganization Plan No. 6 is omitted as covered by 5 U.S.C. 171a(f).
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)(7)(A), (C), is set out under section 5382 of Title 5, Government Organization and Employees.

Senior Executive Service, referred to in subsec. (m)(7)(B), see section 5382 of Title 5, Government Organization and Employees.


Amendments

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 civil life by the President, 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(c), inserted “of members and civilian employees” after “inclusion.”

Pub. L. 117–81, § 573(a), 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.”


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)(2)(A). Pub. L. 117–81, § 331(a)(2), substituted “priorities, including priorities relating to the current or projected risks to military installation resilience,” for “priorities,” in introductory provisions.


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

Subsec. (i)(2)(B). Pub. L. 117–81, § 1101(3), inserted “and civilian employees of the Department” after “members of the armed forces”.


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(d), 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 (6).

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. 116–222 redesignated former par. (1) to (4) 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” before “congressional defense committees”.

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

2018—Subsec. (g)(2) to (4) to (2) and (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. 116–91, § 103(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 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” before “congressional defense committees”.

Subsec. (k). Pub. L. 115–91, § 1081(a)(1)(B), substituted “the” before “congressional defense committees”.

Subsec. (l). Pub. L. 115–383 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.


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 pro-
grams 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(d)(1)(B), (C), redesignated former 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. (k), 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).

2006—Subsec. (a), Pub. L. 110–181, § 902(a), substituted “seven” for “10”.

Subsec. (g)(2), Pub. L. 110–181, § 1813(e), substituted “contingency plans” for “any contingency plans”, redesignated former par. (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. 110–201–203, § 1253(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;”


Subsec. (j)(2)(B), Pub. L. 104–106, § 1503(a)(1), substituted the “the period covered by the future-years defense program submitted to Congress during that year pursuant to section 287t” for “the future-years 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 House of Representatives” for “Committees on Armed Services and Appropriations of the Senate and on Appropriations of the House”.


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.”


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. (j), Pub. L. 100–26 added subsec. (j).


Subsecs. (a) to (e), Pub. L. 99–433, §§ 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 194” for “section 125” in subc. (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. (b) of section 135 of this title as subsec. (h) of section 114 of this title and then as subsec. (i) of this section.


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. 1688, 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(x), Dec. 12, 2017, 131 Stat. 1568, provided that: “Except as provided in subsections (u), (v), and (w) [amending section 1061 of
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


"(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 disciplines involving all classes 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 Congress an updated 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


"(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."

COOPERATIVE PROGRAM WITH VIETNAMESE TO ACCOUNT FOR VIETNAMESE PERSONNEL MISSING IN ACTION


"(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 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.

"(c) TERMINATION.—The authority provided by subsection (a) shall terminate on October 1, 2026.

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


"(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 Director of the Joint Artificial Intelligence Center and such other 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.

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


"(A) WITH MERIT-BASED PROCESSES.—Any metric established pursuant to subsection (b) 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
ber 1, 2021, the Secretary of Defense shall publish in-
stance (amending this section and section 133b of
2021, 134 Stat. 3749, provided that: "Not later than Octo-
ber 1, 2021, the Secretary of Defense shall publish in-
terim guidance

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

"(1) identify policies and procedures protecting de-

defense-sensitive United States intellectual property,
technology, and other data and information, includ-
ing 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 poli-
cies and procedures under subsection (a), the Secretary
shall take the following actions:

"(1) Establish and maintain a list of critical na-
tional security technology that may require certain
restrictions on current or former employees, contrac-
tors, or subcontractors (at any tier) of the Depart-
ment of Defense that contribute to such technology.

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

"(3) Identify additional measures that may be nec-
essary to enhance the authorities described in para-
graph (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 sig-
ificantly 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 com-
panies that have been determined by a cognizant Fed-
eral agency to be under the ownership, control, or in-
fluence of the government of China.

ARTIC PLANNING, RESEARCH, DEVELOPMENT, INDE-
PENDENT ASSESSMENT, AND ARCTIC SECURITY INITIA-
TIVE
Stat. 1925, provided that:

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

"(B) The maintenance of the force structure and posture of the
United States required to achieve the objectives described in paragraph (1), which shall be
informe

"(2) To maximize execution of Department opera-
tion and contingency plans, in the event deter-
rrence fails.

"(2) ELEMENTS.—The assessment required by para-
graph (1) shall include the following:

"(A) An analysis of, and recommended changes to

achieve, the required force structure and posture of
capabilities of potential adversaries, assessed

and scenarios that consider—

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

"(2) use of near-, mid-, and far-time horizons
to encompass the range of circumstances re-
quired to test new concepts and doctrine;

"(3) 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 European Command, the
United States Northern Command, and the
United States European Command;

"(iii) an analysis of potential future realign-
ments of United States forces in the region, in-
cluding 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 ap-
propriate.

"(B) A discussion of any factor that may influ-
ence the United States posture, supported by an-
ual wargames and other forms of research and
analysis.

"(C) An assessment of capabilities requirements

to achieve such objectives.

"(D) An assessment of logistics requirements, in-
cluding personnel, equipment, supplies, storage,
and maintenance needs to achieve such objectives.

"(E) An assessment and identification of required
infrastructure and military construction invest-
ments to achieve such objectives.

"(3) REPORT.—

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

"(B) SUBMITTAL TO CONGRESS.—Not later than 30
days after the date on which the Commander of the
United States Northern Command, the Commander of the United States European
Command, the commander of the United States European
Command, the military services, and the defense agen-
cies, shall complete an independent assessment with
respect to the activities and resources required, for
fiscal years 2023 through 2027, to achieve the fol-
lowering objectives:

"(A) 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 pro-
vided 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, 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:

"(II) 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).

"(III) A summary of progress made toward achieving the objectives described in subsection (a)(I).

"(IV) 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)(I) 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.


"(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


"(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.
§ 113

TITLE 10—ARMED FORCES

Page 54

Implementation of the Women, Peace, and Security Act of 2017


"(f) Provision of funds under this section—

"(1) the term 'adverse event' means—

"(A) any event that indicates that a consumer product poses a substantial product hazard; or

"(B) any other event that is reasonably related to an adverse event described in subparagraph (A), including—

"(i) the condition of the consumer product that is reasonably related to the adverse event; and

"(ii) the consumer product's design, labeling, or manufacturing process.
 TITLE 10—ARMED FORCES

"(1) the demonstrated political commitment of the partner country to increasing the participation of women in the security sector; and

"(2) 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, deployment, retention, and promotion of women in the national security forces of such partner country (including for deployments to 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 a report containing the findings from each partner country assessment and a review of the implementation of the pilot program under this section 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.

"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


"(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 2022 (Pub. L. 117–81, see Tables for classification) for the Department of Defense for fiscal year 2022, 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 2023 and 2024, 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 activities or resources required to achieve such objectives.

“(vi)(I) A plan to fully resource United States forces 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 modernize and strengthen the 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 improve capabilities available to the United States Indo-Pacific Command;

“(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 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.

“(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 of 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 2023 and 2024, 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 2023 and 2024, 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 any written comments the Secretary of the 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.

“(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 2023 and 2024, 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 Initia-
tive 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


“(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, an explanation of any entities deleted from such list with respect to a prior list.

“(2) CONCURRENT PUBLICATION.—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.

“(3) ONGOING REVISIONS.—The Secretary shall make additions or deletions to the most recent list submitted under paragraph (1) on an ongoing basis based on the latest information available.

“(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) DEFINITIONS.—In this section:

“(1) CHINESE MILITARY COMPANY.—The term ‘Chinese military company’—

“(A) includes an entity that—

“(i)(I) directly or indirectly owned, controlled, or beneficially owned by, or in an official or unofficial capacity acting as an agent of or on behalf of, the People’s Liberation Army or any other organization subordinate to the Central Military Commission of the Chinese Communist Party; or

“(ii) identified as a military-civil fusion contributor to the Chinese defense industrial base; and

“(B) means an entity that—

“(i)(I) directly or indirectly owned, controlled, or beneficially owned by, or in an official or unofficial capacity acting as an agent of or on behalf of, the People’s Liberation Army or any other organization subordinate to the Central Military Commission of the Chinese Communist Party; 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.

“(2) 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 and technology efforts initiated under the Chinese military industrial planning apparatus.

“(B) Entities affiliated with the Chinese Ministry of Industry and Information Technology, including research partnerships and projects.

“(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, such as 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.

“(3) 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 element within the Government of China or the Chinese Communist Party that the Secretary determines is appropriate.”

REVIEW OF DEPARTMENT OF DEFENSE COMPLIANCE WITH “PRINCIPLES RELATED TO THE PROTECTION OF MEDICAL CARE PROVIDED BY IMPARTIAL HUMANITARIAN ORGANIZATIONS DURING ARMED CONFLICTS”


“(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


“(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 that has a history of profiling and identifying prevention activities that contribute to the reduction of gender-based violence and associated hate crimes.

“(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.

“(E) 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.

“(F) 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 115–48; 22 U.S.C. 2152j et seq.).

“(4) 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.

“(C) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this paragraph, 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];

“(2) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives; and

“(3) 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


“(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 Sen-
ate and the House of Representatives a copy of such official response.’’

**Actions to Increase Analytic Support**


“(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 114(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 Executive Orders**


“(a) REMOVAL.—Not later than three years after the date of the enactment of this Act (Jan. 1, 2021), the Secretary of Defense shall develop and implement a plan submitted by the commission described in paragraph (5) 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 that commemorate 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

“...
annual report on civilian casualties in connection with United States military operations


(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 were confirmed, or reasonably suspected, to have resulted in civilian casualties.

(2) For each military operation listed pursuant to paragraph (1), each of the following:

(A) The date.

(B) The location.

(C) An identification of whether the operation occurred inside or outside of a declared theater of active armed conflict.

(D) The type of operation.

(E) An assessment of the number of civilian and enemy combatant casualties, including a differentiation between those killed and those injured.

(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—

(A) steps taken by the Department to mitigate harm to civilians in conducting such operations; and

(B) in the case of harm caused by such an operation to a civilian, any ex gratia payment or other assistance provided to the civilian or the family of the civilian.

(5) A description of any allegations of civilian casualties made by public or nongovernmental 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).
GUIDANCE ON THE ELECTRONIC WARFARE MISSION AREA AND JOINT ELECTROMAGNETIC SPECTRUM OPERATIONS


IMPROVED CRIME REPORTING


"(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 113 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


"(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.

(cross-referenced content)

"(1) ESTABLISHMENT REQUIRED.—The Secretary shall, in accordance with section 911(c) of the Na-
§ 113

FARE

associated roadmap developed by the cross-functional lowing:

''(d) P

graph. 

address gaps identified as described in that para-

and joint electromagnetic spectrum operations, capa-

abilities, and capacities within the Department across

personnel, procedural, and equipment areas.

(2) Specific plans addressing gaps identified as described in that paragraph shall provide recommendations to the senior designated official to address gaps identified as described in that paragraph.

(d) PLANS AND REQUIREMENTS FOR ELECTRONIC WAR-

FARE

''(1) IN GENERAL.—The Secretary shall require the designated senior official to task the cross-functional team established pursuant to subsection (c) to develop requirements and specific plans for addressing personnel, capability, and capacity gaps in the electronic warfare mission area, and plans for future war-

fare in that domain (including maintaining a roadmap for the current future-years defense program under section 221 of title 10, United States Code).

''(2) UPDAT E OF STRATEGY.—Not later than 180 days after the date of the enactment of this Act [Aug. 13, 2018], and biennially thereafter during the life of the cross-functional team established pursuant to subsection (c), the Electronic Warfare Executive Committee, in coordination with the cross-functional team shall:

''(A) update the strategy of the Department of Defense entitled 'The DOD Electronic Warfare Strategy' and dated June 16, 2017, to include the roadmap developed by the cross-functional team pursuant to in paragraph (1); and

''(B) submit the updated strategy to the congres-

sional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives].

''(3) ELEMENTS.—The requirements and plans and associated roadmap developed by the cross-functional team pursuant to paragraph (1) shall include the fol-

lowing:

''(A) An accounting of the efforts undertaken in support of the strategy referred to in paragraph (2)(A) and to implement applicable elements of Depart-


''(B) A description of any updates or changes to the strategy since its issuance, and a description of any anticipated updates or changes to the strategy as a result of the designation of the designated sen-

ior official.

''(C) An assessment of vulnerabilities identified in the May 2018 Electronic Warfare assessment by the Defense Science Board.

''(D) An assessment of the capability of joint forces to conduct joint electromagnetic spectrum operations against near-peer adversaries and any capability or capacity gaps in such capability that need to be addressed, including an assessment of the ability of joint forces to conduct coordinated military operations to exploit, attack, protect, and manage the electromagnetic environment in the signals intelligence, electronic warfare, and spec-

trum management mission areas, including the ca-

pability to conduct integrated cyber and electronic warfare on the battlefield, for all level 3 and level 4 contingency plans (as such plans are described in Joint Publication 5-0 of the Joint Chiefs of Staff, entitled Joint Planning dated June 16, 2017).

''(E) A review of the roles and functions of offices within the Joint Staff, the Office of the Secretary of Defense, and the combatant commands with pri-

mary responsibility for joint electromagnetic spec-

trum policy and operations.

''(F) A description of any assumptions about the roles and contributions of the Department, in coordination with other departments and agencies of the United States Government, with respect to the strategy.

''(G) A description of actions, performance metrics, and projected timelines for achieving key capabilities for electronic warfare and joint electro-
magnetic spectrum operations to correspond to the thematic goals identified in the strategy and as ad-
dressed by the roadmap.

''(H) An analysis of any personnel, resourcing, ca-

pability, authority, or other gaps to be addressed in order to ensure effective implementation of the strategy across all relevant elements of the Depart-

ment, including an update on each of the following:

''(i) The development of an electromagnetic battle management capability for joint electromagnetic spectrum operations.

''(ii) The establishment and operation of joint electromagnetic spectrum operations cells at combatant command locations.

''(iii) The integration and synchronization of cyber and electromagnetic activities.

''(I) An investment framework and projected timeline for addressing any gaps described by sub-

paragraph (H).

''(J) In consultation with the Director of the De-

fense Intelligence Agency—

''(i) comprehensive assessments of the elec-

tronic warfare capabilities of the Russian Federa-

tion and the People's Republic of China, which shall include—

''(i) electronic warfare doctrine;

''(ii) order of battle on land, sea, air, space, and cyberspace; and

''(iii) expected direction of technology and re-

search over the next 10 years; and

''(ii) a review of vulnerabilities with respect to electronic systems, such as the Global Posi-

tioning System, and Department-wide abilities to conduct countermeasures in response to elec-

tronic warfare attacks.

''(K) A review of the sufficiency of experimen-

tation, testing, and training infrastructure, ranges, instrumentation, and threat simulators required to support the development of electromagnetic spectrum capabilities.

''(L) A plan, and the estimated cost and schedule of implementing the plan, to conduct joint cam-
paign modeling and wargaming for joint electro-
magnetic spectrum operations.

''(M) Any other matters as the Secretary con-

siders appropriate.

''(4) PERIODIC STATUS REPORTS.—Not later than 90 days after the requirements and plans required by paragraph (1) are submitted in accordance with para-

graph (2), and every 180 days thereafter during the three-year period beginning on the date such plans and requirements are first submitted in accordance with paragraph (2), the designated senior official shall submit to the congressional defense committees a report describing the status of the efforts of the Depart-

ment in accomplishing the tasks specified in sub-

paragraphs (A) through (I) and (K) through (M) of paragraph (3).

''(5) COMPREHENSIVE ASSESSMENTS AND REVIEW.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees the comprehensive assessments and review required under paragraph (3)(J).

''(e) TRAINING AND EDUCATION.—Consistent with the elements under subsection (d)(3) of the plans and re-

quirements required by subsection (d)(1), the cross-

functional team established pursuant to subsection (c) shall provide the senior designated official rec-

ommendations for programs to provide training and education to such members of the Armed Forces and ci-
vilian employees of the Department as the Secretary considers appropriate in order to ensure that such members and employees understand the roles and vulnerabilities associated with electronic warfare and dependence on the electromagnetic spectrum.

''(f) ELECTROMAGNETIC SPECTRUM SUPERIORITY STRAT-

EGY.—
“(1) DESIGNATION.—

“(A) REQUIREMENT.—Not later than 60 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022 [Dec. 27, 2021], the Secretary of Defense shall designate a senior official of the Department of Defense to be responsible for, and accountable to the Secretary with respect to, the implementation of the electromagnetic spectrum superiority strategy. The Secretary shall designate the senior official from among individuals who are appointed to a position in the Department by the President, by and with the advice and consent of the Senate.

“(B) CONDITIONS RELATING TO DESIGNATION OF CHIEF INFORMATION OFFICER.—

“(i) CERTIFICATION.—The Secretary may not designate the Chief Information Officer of the Department of Defense as the senior official under subparagraph (A) unless the Secretary has first included in the report under paragraph (3)(A) a certification that the Chief Information Officer has the expertise, authority, funding, and personnel to ensure the successful implementation of the electromagnetic spectrum superiority strategy.

“(ii) CAPE ASSESSMENT.—If the Secretary designates the Chief Information Officer of the Department of Defense as the senior official under subparagraph (A), not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the Director of Cost Assessment and Program Evaluation shall submit to the congressional defense committees an evaluation of the ability of the Chief Information Officer to ensure the successful implementation of the electromagnetic spectrum superiority strategy, including, at a minimum, an evaluation of the expertise, authority, funding, and personnel of the Chief Information Officer.

“(2) RESPONSIBILITIES.—The senior official designated under paragraph (1)(A) shall be responsible for the following:

“(A) Oversight of policy, strategy, planning, resource management, operational considerations, personnel, and technology development necessary to implement the electromagnetic spectrum superiority strategy.

“(B) Evaluating whether the amount that the Department of Defense expends on electromagnetic warfare and electromagnetic spectrum operations capabilities is properly aligned.

“(C) Evaluating whether the Department is effectively incorporating electromagnetic spectrum operations capabilities and considerations into current and future operational plans and concepts.

“(D) Such other matters relating to electromagnetic spectrum operations as the Secretary specifies for purposes of this paragraph.

“(3) REPORTS.—

“(A) IMPLEMENTATION REPORT.—Not later than 60 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the Secretary shall submit to the congressional defense committees a report on the implementation of the Electromagnetic Spectrum Superiority Strategy published in October 2020, including—

“(i) an evaluation of the additional personnel, resources, and authorities the Secretary determines will be needed by the senior official designated under paragraph (1)(A) who is responsible for implementing the electromagnetic spectrum superiority strategy; and

“(ii) a description of how the Secretary will ensure that such implementation will be successful.

“(B) RULES OF ENGAGEMENT REPORT.—Not later than 270 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the Secretary shall submit to the congressional defense committees a report that includes the following:

“(i) A review of the sufficiency of the authorities and rules of engagement of the Department of Defense relating to electromagnetic spectrum operations, in particular with respect to operating below the level of armed conflict short of or in advance of kinetic activity and to protect the Department from electronic attack and disruption.

“(ii) Recommended changes to the authorities or rules of engagement to ensure the Department can effectively compete, deter conflict, and maintain protection from electronic attack and disruption.

“(iii) Any other matters the Secretary determines relevant.

“(4) SEMIANNUAL BRIEFCINGS.—On a semiannual basis during the five-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the Secretary shall provide to the congressional defense committees a briefing on the status of the implementation of the electromagnetic spectrum superiority strategy. Each briefing shall include, at a minimum, the following:

“(A) An update on the efforts of the Department of Defense to—

“(i) achieve the strategic goals set out in the electromagnetic spectrum superiority strategy; and

“(ii) implement such strategy through various elements of the Department of Defense.

“(B) An identification of any additional authorities or resources relating to electromagnetic spectrum operations that the Secretary determines is necessary to implement the strategy.

“(5) ELECTROMAGNETIC SPECTRUM SUPERIORITY STRATEGY DEFINED.—In this subsection, the term ‘electromagnetic spectrum superiority strategy’ means the Electromagnetic Spectrum Superiority Strategy of the Department of Defense published in October 2020, and any such successor strategy.

“(g) TRANSFER OF RESPONSIBILITIES AND FUNCTIONS RELATING TO ELECTROMAGNETIC SPECTRUM OPERATIONS.—

“(1) TRANSFER.—Not later than January 1, 2023, and in accordance with the plan developed pursuant to paragraph (2), the Secretary of Defense shall transfer to an appropriate entity within the Department of Defense all the responsibilities and functions of the Commander of the United States Strategic Command that are germane to electromagnetic spectrum operations (EMSO), including—

“(A) advocacy for joint electronic warfare capabilities;

“(B) providing contingency electronic warfare support to other combatant commands; and

“(C) supporting combatant command joint training and planning related to electromagnetic spectrum operations.

“(2) PLAN FOR TRANSFER OF RESPONSIBILITIES.—

“(A) IN GENERAL.—Not later than 180 days before the date of the transfer of responsibilities required by paragraph (1), the Secretary shall develop a plan to carry out the transfer.

“(B) CONSIDERATIONS.—In developing the plan required by subparagraph (A), the Secretary shall consider the following:

“(i) All appropriate entities having potential for designation as the receiving electromagnetic spectrum operations organization, including elements of the Joint Staff, the functional and geographic combatant commands, Defense agencies, and other organizations, including the establishment of a new entity for that purpose within any such entity.

“(ii) Whether the receiving electromagnetic spectrum operations organization should have a unitary structure or hybrid structure (in which operational and capability development and direction are headed by separate organizations).
§ 113

**EVALUATIONS OF ARMED FORCES.**—Not later than October 1, 2021, and annually thereafter through 2025, the Chief of Staff of the Army, the Chief of Naval Operations, the Commander of the Marine Corps, and the Chief of Space Operations shall each carry out an evaluation of the ability of the United States Army, the United States Navy, the United States Marine Corps, and the United States Space Force to perform the missions required by each of the following:

(i) The plan developed under subparagraph (A).

(ii) The ability of electronic warfare capabilities to disrupt adversary operations.

(iii) The need for automated and machine learning- or artificial intelligence-assisted electronic warfare capabilities.

(iv) Order of battle.

(v) The ability of weapon systems to perform missions in contested electromagnetic spectrum environments; and

(vi) Integration of nonkinetic and kinetic fires.

(b) **ELEMENTS.**—Each evaluation under subparagraph (A) shall include assessment of the following:


(ii) The Joint Staff-developed concept of operations for electromagnetic spectrum operations.

(iii) The operations and contingency plans of the combatant commands.

(c) **ELEMENTS.**—Each evaluation under subparagraph (A) shall include assessment of the following:

(i) The need for distributed or network-centric electronic warfare and signals intelligence capabilities; and

(ii) The need for automated and machine learning- or artificial intelligence-assisted electronic warfare capabilities.

2. **EVALUATIONS OF COMBATANT COMMANDS.**—Not later than October 1, 2021, and annually thereafter through 2025, the Commander of the United States European Command shall each carry out an evaluation of the plans and posture of the command concerning the missions envisioned in each of the following:

(i) The plan developed under subparagraph (A).

(ii) The joint Staff-developed concept of operations for electromagnetic spectrum operations.

(iii) The analysis conducted to determine the electromagnetic spectrum operations organization, including the input in the plan or analysis of the results of consultation with any independent entities involved in development of the plan.

(iv) The resources required to implement the plan, and a timeline for the receiving electromagnetic spectrum operations organization to reach initial operational capability and full operational capability.

3. **EVALUATIONS OF ARMED FORCES.**—Not later than October 1, 2021, and annually thereafter through 2025, the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of the Marine Corps, and the Chief of Space Operations shall each carry out an evaluation of the ability of the Armed Forces concerned to perform electromagnetic spectrum operations missions required by each of the following:


(ii) The Joint Staff-developed concept of operations for electromagnetic spectrum operations.

(iii) The operations and contingency plans of the combatant commands.

(b) **ELEMENTS.**—Each evaluation under subparagraph (A) shall include assessment of the following:

(i) Current programs of record, including—

(I) The ability of weapon systems to perform missions in contested electromagnetic spectrum environments; and

(II) The need for automated and machine learning- or artificial intelligence-assisted electronic warfare capabilities.

(ii) Future programs of record, including—

(I) The need for distributed or network-centric electronic warfare and signals intelligence capabilities; and

(II) The need for automated and machine learning- or artificial intelligence-assisted electronic warfare capabilities.

(iii) Order of battle.

(iv) Individual and unit training.

(v) Tactics, techniques, and procedures, including—

(I) Maneuver, distribution of assets, and the use of decoys; and

(II) Integration of nonkinetic and kinetic fires.

3. **EVALUATIONS OF COMBATANT COMMANDS.**—Not later than October 1, 2021, and annually thereafter through 2025, the Commander of the United States European Command, the Commander of the United States Pacific Command, and the Commander of the United States Central Command shall each carry out an evaluation of the plans and posture of the command concerning the missions envisioned in each of the following:


(ii) The Joint Staff-developed concept of operations for electromagnetic spectrum operations.

(b) **ELEMENTS.**—Each evaluation under subparagraph (A) shall include assessment of the following:

(i) The plan developed under subparagraph (A).

(ii) The construction and elements of the receiving electromagnetic spectrum operations organization under the plan, including the allocation of responsibilities among senior officials in such organization.

(iii) The analysis conducted to determine the electromagnetic spectrum operations organization, including the input in the plan or analysis of the results of consultation with any independent entities involved in development of the plan.

(iv) The resources required to implement the plan, and a timeline for the receiving electromagnetic spectrum operations organization to reach initial operational capability and full operational capability.

3. **EVALUATIONS OF ARMED FORCES.**—Not later than October 1, 2021, and annually thereafter through 2025, the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of the Marine Corps, and the Chief of Space Operations shall each carry out an evaluation of the ability of the Armed Forces concerned to perform electromagnetic spectrum operations missions required by each of the following:


(ii) The Joint Staff-developed concept of operations for electromagnetic spectrum operations.

(iii) The operations and contingency plans of the combatant commands.

(b) **ELEMENTS.**—Each evaluation under subparagraph (A) shall include assessment of the following:

(i) Current programs of record, including—

(I) The ability of weapon systems to perform missions in contested electromagnetic spectrum environments; and

(II) The need for automated and machine learning- or artificial intelligence-assisted electronic warfare capabilities.

(ii) Future programs of record, including—

(I) The need for distributed or network-centric electronic warfare and signals intelligence capabilities; and

(II) The need for automated and machine learning- or artificial intelligence-assisted electronic warfare capabilities.

(iii) Order of battle.

(iv) Individual and unit training.

(v) Tactics, techniques, and procedures, including—

(I) Maneuver, distribution of assets, and the use of decoys; and

(II) Integration of nonkinetic and kinetic fires.

3. **EVALUATIONS OF COMBATANT COMMANDS.**—Not later than October 1, 2021, and annually thereafter through 2025, the Commander of the United States European Command, the Commander of the United States Pacific Command, and the Commander of the United States Central Command shall each carry out an evaluation of the plans and posture of the command concerning the missions envisioned in each of the following:


(ii) The Joint Staff-developed concept of operations for electromagnetic spectrum operations.

(b) **ELEMENTS.**—Each evaluation under subparagraph (A) shall include assessment of the following:

(i) The plan developed under subparagraph (A).

(ii) The construction and elements of the receiving electromagnetic spectrum operations organization under the plan, including the allocation of responsibilities among senior officials in such organization.

(iii) The analysis conducted to determine the electromagnetic spectrum operations organization, including the input in the plan or analysis of the results of consultation with any independent entities involved in development of the plan.

(iv) The resources required to implement the plan, and a timeline for the receiving electromagnetic spectrum operations organization to reach initial operational capability and full operational capability.
“(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 activity 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**


“(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**


“(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 appropriate 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 190 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


“(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


“(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:


“(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 manned 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. 702, 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 1964 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:

“(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 technologies.

“(2) SELECTION.—If the Secretary carries out the pilot program under paragraph (1), the Secretary shall select from the list described in section 240(b)(4) (130 Stat. 2700) 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) FINDING.—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


“(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, 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 Forces; 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) The status of efforts of the Secretary to identify, document, and report alleged instances of hazing or bullying.

“(H) The effectiveness of each Armed Force described in subsection (b) in tracking and reporting instances of hazing or bullying.

“(I) The performance of each such Armed Force in satisfactorily or unsatisfactorily in the preceding fiscal year.

“(J) Recommendations of the Secretary to improve—

“(i) 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;
‘‘(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


‘‘(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 paragraph (3), 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) 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.

‘‘(4) REVERSIBLE DEFENSE SENSITIVE SUPPORT REQUIREMENT.—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 notice provided by the Secretary of Defense sensitive support requests under paragraphs (1) and (3).

‘‘(5) 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) DEFENSE SENSITIVE SUPPORT DEFINED.—In this section, 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.’’

WOMEN’S MILITARY SERVICE MEMORIALS AND MUSEUMS


‘‘(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 service-women;

‘‘(3) maintaining a women veterans’ oral history program; and

‘‘(4) conducting other educational programs related to women in service.’’


‘‘(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) DUTIES.—The non-profit organization shall—

‘‘(1) waive all admission fees for women and individuals with a service-connected disability; and

‘‘(2) manage and preserve a library to include books, pamphlets, and periodicals related to the role of women in the United States Armed Forces.

‘‘(c) USE.—Of the funds appropriated to the Secretary of Defense to carry out the purposes of subsection (a), the Secretary may use the funds—

‘‘(1) to pay the salary and expenses of the personnel necessary to carry out the purposes of subsection (a) (limited to $150,000 in each of fiscal years 2015 and 2017, and $300,000 in each of fiscal years 2016, 2018, and 2019);

‘‘(2) to pay the expenses of operations and maintenance of the library established under this section (limited to $150,000 in each of fiscal years 2015 and 2016);

‘‘(3) to pay the expenses incurred in performing research related to the role of women in the United States Armed Forces (limited to $250,000 in each of fiscal years 2015 and 2016); and

‘‘(4) only for the purposes of subsection (a).

‘‘(d) REPORT.—The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the activities carried out under this section, including a description of the provisions of this section, at least—

‘‘(1) not later than 180 days after the date of the enactment of this Act; and

‘‘(2) not later than 180 days after the date of each succeeding annual appropriation to the Department of Defense.'’

STRATEGIC FRAMEWORK FOR 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


"(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**


"(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**


**PROVISION OF MILITARY SERVICE RECORDS TO THE SECRETARY OF VETERANS AFFAIRS IN AN ELECTRONIC FORMAT**


"(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), 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 the Armed Forces that are available to the Secretary of Veterans Affairs as of the date of the enactment of this Act are made electronically accessible and available as soon as practicable after that date to the Secretary of Veterans Affairs.

"(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**


"(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 by not later than 180 days after the date of enactment of this Act.

"(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**

against an alleged victim or other member of the Armed Forces who reports a criminal offense.


Designation of Department of Defense Senior Official for Enterprise Resource Planning System Data Conversion


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


“(a) Participation Authorized.—The Secretary of Defense may, with the concurrence of the Secretary of State and Headquar ters Eurocorps, 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 a memorandum 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 memorandum 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


Designation of Department of Defense Senior Official With Principal Responsibility for Airship Programs


Authority To Support Operations and Activities of the Office of Security Cooperation in Iraq


“(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 2022 may not exceed $25,000,000.

“(d) SOURCE OF FUNDS.—Funds for purposes of subsection (a) for fiscal year 2022 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 and 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 1296 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.

“(4) 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;

“(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


“(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-improved explosive device initiatives; and

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

“(c) Counter-improved Explosive Device Initiative Defined.—In this section, the term ‘counter-improved 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 Department of Defense

Pub. L. 111–383, div. A, title V, §574, Jan. 7, 2012, 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.


Report on Organizational Structure and Policy Guidance of the Department of Defense Regarding Information Operations


Biennial Report on Nuclear Triad


Treatment of Successor Contingency Operation to Operation Iraqi Freedom

Pub. L. 111–383, div. A, title X, §1077, Jan. 7, 2011, 124 Stat. 4579, 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


“(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


Annual Report on Military Power of Iran


“(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.
"(B) 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;
"(C) Iranian strategy regarding other countries in the region, including other specified countries; and
"(D) Iranian strategy regarding offensive cyber capabilities and defensive cyber capabilities.
"(2) An assessment of the capabilities of Iran's conventional forces, including—
"(A) the size and capabilities of Iran's conventional forces;
"(B) an analysis of 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; and
"(D) an estimate of the funding provided for each branch of Iran's conventional 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 Iranian 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 and regional militant 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 or in response to a military attack by another country on Iran;
"(C) 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;
"(D) an estimate of the amount of funds spent by Iran to develop and support special operations forces and terrorist groups;
"(E) 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;
"(F) Iran's cyber capabilities, including—
"(i) Iran's ability to use proxies and other actors to maintain 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;
"(G) Iranian ability to manipulate the information environment both domestically and against the interests of the United States and its allies.
"(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 missiles and Iran's cruise missile forces, and the locations of missile launch 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; and
"(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.
"(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 electronic parts, and related components.
"(7) An assessment of military-to-military cooperation between Iran and foreign countries (sic), including 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.
"(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 Iran's Army, Iran's Air Force, Iran's Navy, and elements of the Iranian Revolutionary Guard Corps, other than the Iranian Revolutionary Guard Corps–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 Iranian 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.
"(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 capable of flights less than 500 kilometers.
"(5) Specified countries.—The term 'specified countries' means the countries in the same geographic region as Iran, including Israeli, Lebanon, 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, 2025.
"[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.”]


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 MANAGED AND UNMANNED AERIAL VEHICLE SYSTEMS**


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


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


““(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 shall establish a Treasury fund known as the ‘Department of Defense Vietnam War Commemoration Fund’ in accordance with section 1245 of the National Defense Authorization Act for Fiscal Year 2010 [Pub. L. 111–84], as so amended, on or after that date.

“(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 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) amounts deposited under paragraphs (a), (b), (c), and (d) that constitute the assets of the Fund and remain available until expended.

“(4) **AVAILABILITY.**—Subject to subsection (g), funds transferred to the Fund for the Secretary to use for the commemorative program may be used for any purpose that the Secretary considers to be appropriate in carrying out the commemorative program.

“(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 of 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 90 days after the end of the commemorative period, 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) [22 Stat. 33] 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


“(a) Establishment of Vetting Procedures.—

“(1) In General.—Not later than 90 days after the date of the enactment of this Act [Jan. 1, 2021], the Secretary of Defense shall establish procedures to vet covered individuals for eligibility for physical access to Department of Defense installations and facilities within the United States.

“(2) Criteria for Procedures.—The procedures established under paragraph (1) shall include biographic and biometric screening of covered individuals, continuous review of whether covered individuals should continue to be authorized for physical access, biographic checks of the immediate family members of covered individuals, and any other measures that the Secretary determines appropriate for vetting.

“(b) Information Required.—The Secretary shall identify the information required to conduct the vetting under this section.

“(c) Collection of Information.—The Secretary shall—

“(1) collect the information required to vet individuals under the procedures established under this subsection;

“(2) as required for the effective implementation of this section, seek to enter into agreements with the relevant departments and agencies of the United States to facilitate the sharing of information in the possession of such departments and agencies concerning covered individuals; and

“(C) ensure that the initial vetting of covered individuals is conducted as early and promptly as practicable, to minimize disruptions to United States programs to train foreign military students.

“(b) Determination Authority.—

“(1) Review of Vetting Results.—The Secretary shall assign to an organization within the Department with responsibility for security and counterintelligence the responsibility of—

“(A) reviewing the results of the vetting of a covered individual conducted under subsection (a); and

“(B) making a recommendation regarding whether such individual should be given physical access to a Department of Defense installation or facility.

“(2) Negative Recommendation.—If the recommendation with respect to a covered individual under paragraph (1)(B) is that the individual should not be given physical access to a Department of Defense installation or facility—

“(A) such individual shall only be given such access if such access is authorized by the Secretary of Defense or the Deputy Secretary of Defense; and

“(B) the Secretary of Defense shall ensure that the Secretary of State is promptly notified of such recommendation.

“(c) Additional Security Measures.—

“(1) Security Measures Required.—The Secretary of Defense shall ensure that—

“(A) all Department of Defense common access cards issued to foreign nationals in the United States comply with the credentialing standards issued by the Office of Personnel Management;

“(B) all such common access cards issued to foreign nationals in the United States include a visual indicator as required by the standard developed by the Department of Commerce National Institute of Standards and Technology;

“(C) physical access by covered individuals is limited, as appropriate, to those Department of Defense installations or facilities within the United States directly associated with the training or education or necessary for such individuals to access authorized benefits;

“(D) a policy is in place covering possession of firearms on Department of Defense property by covered individuals;

“(E) covered individuals who have been granted physical access to Department of Defense installations and facilities are incorporated into the Insider Threat Program of the Department of Defense; and

“(F) covered individuals are prohibited from transporting, possessing, storing, or using personally owned firearms on Department of Defense installations or property consistent with the Secretary of Defense policy memorandum dated January 16, 2020, or any successor policy guidance that restricts transporting, possessing, storing, or using personally owned firearms on Department of Defense installations or property.

“(2) Effective date.—The security measures required under paragraph (1) shall take effect on the date that is 180 days after the date of the enactment of this Act [Jan. 1, 2021].

“(3) Notification Required.—Upon the establishment of the security measures required under paragraph (1), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives notice of the establishment of such security measures.

“(d) Reporting Requirements.—

“(1) Report.—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on the implementation and effects of this section. Such report shall include a description of—

“(A) any positive or negative effects on the training of foreign military students as a result of this section;

“(B) the effectiveness of the vetting procedures implemented pursuant to this section in preventing harm to members of the Armed Forces and United States persons;

“(C) any mitigation strategies used to address any negative effects of the implementation of this section; and

“(D) a proposed plan to mitigate any ongoing negative effects to the vetting and training of foreign military students by the Department of Defense.

“(2) Report by Comptroller General.—Not later than three years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees an unclassified report (which may contain a classified annex) on the safety and security of

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§ 113

United States personnel and international students assigned to United States military bases participating in programs authorized under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.) (relating to international military education and training), particularly with respect to whether—

(A) relevant United States diplomatic and consular personnel properly vet foreign personnel participating in such programs and entering such bases;

(B) existing screening protocols with respect to such vetting include counter-terrorism screening and are sufficiently effective at ensuring the safety and security of United States personnel and international students assigned to such bases; and

(C) whether existing screening protocols with respect to such vetting are in compliance with applicable requirements of section 362 of title 10, United States Code, and sections 621B and 623M of the Foreign Assistance Act of 1961 (22 U.S.C. 2304 and 2378d).

"(e) Definitions. — In this section:

"(1) The term 'appropriate congressional committees' means—

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

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

"(2) The term 'covered individual' means any foreign national (except foreign nationals of Australia, Canada, New Zealand, and the United Kingdom who have been granted a security clearance that is reciprocally accepted by the United States for access to classified information) who—

(A) is seeking physical access to a Department of Defense installation or facility within the United States; and

(B) is—

(i) selected, nominated, or accepted for training or education for a period of more than 14 days occurring on a Department of Defense installation or facility within the United States; or

(ii) an immediate family member accompanying any foreign national who has been selected, nominated, or accepted for such training or education.

"(3) The term 'United States' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and Guam.

"(4) The term 'immediate family member' with respect to any individual means the parent, step-parent, spouse, sibling, step-sibling, half-sibling, child, or stepparent of the individual.''


"(a) In General. — Not later than one year after the date of the enactment of this Act [Dec. 23, 2016], the Secretary of Defense shall establish policies under which covered drivers may be authorized to access military installations;

"(b) Elements. — The policies established under subsection (a)

(1) shall include the terms and conditions under which a covered driver may be authorized to access a military installation;

(2) may require a transportation company or transportation network company and a covered driver to enter into a written agreement with the Department of Defense as a precondition for obtaining authorization to access a military installation;

(3) shall be consistent across military installations, to the extent practicable;

(4) shall be designed, to the extent practicable, to give covered drivers access to barracks areas, housing areas, temporary lodging facilities, hospitals, and community support facilities;

(5) shall place appropriate restrictions on entry into sensitive areas of military installations;

(6) shall be designed, to the extent practicable, to give covered drivers access to barracks areas, housing areas, temporary lodging facilities, hospitals, and community support facilities;

(7) shall require transportation companies and transportation network companies—

(A) to track, in real-time, the location of the entry and exit of covered drivers onto and off of military installations; and

(B) to provide, on demand, the information described in subparagraph (A) to appropriate personnel and agencies of the Department; and

(8) shall take into account force protection requirements and ensure the protection and safety of members of the Armed Forces, civilian employees of the Department of Defense, and the families of such members and employees.

"(c) Confidentiality of Information. — The Secretary shall ensure that any information provided to the Department by a transportation company or transportation network company under subsection (b)(7)—
"(1) is treated as confidential and proprietary information of the company that is exempt from public disclosure pursuant to section 552 of title 5, United States Code (commonly known as the 'Freedom of Information Act'); and

"(2) except as provided in subsection (b)(7), is not disclosed to any person or entity without the express written consent of the company unless disclosure of such information is required by a court order.

"(d) DEFINITIONS.—In this section:

"(1) TRANSPORTATION COMPANY.—The term 'transportation company' means a corporation, partnership, sole proprietorship, or other entity outside of the Department of Defense that provides a commercial transportation service to a rider.

"(2) TRANSPORTATION NETWORK COMPANY.—The term 'transportation network company'—

"(A) means a corporation, partnership, sole proprietorship, or other entity, that uses a digital network to connect riders to covered drivers in order for the driver to transport the rider using a vehicle owned, leased, or otherwise authorized for use by the driver to a point chosen by the rider; and

"(B) does not include a shared-expense carpool or vanpool arrangement that is not intended to generate profit for the driver.

"(3) COVERED DRIVER.—The term 'covered driver'—

"(A) means an individual—

(i) who is an employee of a transportation company or transportation network company or who is affiliated with a transportation company or transportation network company; and

(ii) who provides a commercial transportation service to a rider; and

"(B) includes a vehicle operated by such individual for the purpose of providing such service.


"(d) 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.

"(c) REQUIREMENTS.—

"(1) PROVIDE DATA.—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 XIII, § 1323(c)(2), Jan. 7, 2011, 124 Stat. 4397.

"(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.

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"(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.

"(c) REQUIREMENTS.—

"(1) PROVIDE DATA.—The Secretary of Defense, in coordination with the Secretary of Homeland Security, shall determine the military-unique capabilities needed to be provided by the Department 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 XIII, § 1323(c)(2), Jan. 7, 2011, 124 Stat. 4397.

"(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.
partment of Defense to support civil authorities in an incident of national significance or a catastrophic inci-

dent.

"(B) PLAN FOR FUNDING CAPABILITIES.—

"(1) PLAN.—The Secretary of Defense shall develop and implement a plan, in coordination with the Sec-

retaries of the military departments and the Chair-

man of the Joint Chiefs of Staff, for providing the funds and resources necessary to develop and main-
tain 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 and the reserve components of the Armed Forces for homeland defense missions, domestic emergency responses, and providing mili-

tary support to civil authorities.

"(2) TERM OF PLAN.—The plan required under para-

graph (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 mili-
tary 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 au-

thorities in an incident of national significance or a catastrophic incident.

"(2) The term ‘defense budget materials’, with re-

spect 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


“(a) CENTER REQUIRED.—In support of the comprehen-

sive 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 a center to develop and support the programs and activities of the military departments for the provision of such assistance, including the programs of the military depart-
ments referred to in subsection (c).

“(b) DESIGNATION.—The center established under sub-

section (a) shall be known as the ‘Military Severely In-

jured Center’ (in this section referred to as the ‘Cen-

ter”).

“(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.


“(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 Sec-

retary of Defense, in consultation with the Secre-

taries 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), deter-

mines 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 re-

ferred to in subsection (c).

“(e) RESOURCES.—The Secretary of Defense shall allo-

cate to the Center such personnel and other resources as the Secretary of Defense, in consultation with the Secre-

taries of the military departments, considers ap-

propriate in order to permit the Center to carry out ef-

fectively the programs and activities assigned to the Center under subsection (d).”


“(a) COMPREHENSIVE POLICY.—

“(1) POLICY REQUIRED.—Not later than June 1, 2006, the Secretary of Defense shall prescribe a comprehen-

sive policy for the Department of Defense on the pro-

vision 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 mili-

tary 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 or-

ganizations with demonstrated expertise in re-

sponding to the needs of severely wounded or in-

jured servicemembers; and

“(C) such other matters as the Secretary of De-

fense considers appropriate.

“(4) PROCEDURES AND STANDARDS.—The policy shall include guidelines to be followed by the military de-

partments 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 fol-

lowing matters:

“(1) Coordination with the Severely Injured Joint Support Operations Center of the Department of De-

fense.

“(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 prob-

lems 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, dut-

ies, supervision, and accountability for the perform-

ance 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 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 the 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 X, §1084(b), Aug. 13, 2006, 120 Stat. 2433, which required the Secretary of Defense and the Secretary of Homeland Security. The plan 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 provide in support of the National Response Plan’s Emergency Support Functions, and identification of the units that provide these capabilities.

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


"(2) The types of emergency response capabilities that the Department of Defense 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**


"(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 provide in support of the National Response Plan’s Emergency Support Functions, and identification of the units that provide these capabilities.

"(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 trespasses.

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

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


PRESTATION OF RECORDS PERTAINING TO RADIOACTIVE Fallout FROM NUCLEAR WEAPONS TESTING


SAFE DELIVERY OF MAIL IN MILITARY MAIL SYSTEM


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

“(1) PLAN REQUIRED.—The Secretary of Defense shall develop and implement a plan to ensure that 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.

“(b) 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.

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

“(1) REPORT REQUIRED.—Not later than 120 days after the date of 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.

“(d) MAIL WITHIN THE MILITARY MAIL SYSTEM DESIGNATION.—

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

“(A) any mail that is posted through the Military Postal Service (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 packages 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


“(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, reconfiguring 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 Iraqi 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 SUBMITAL TO CONGRESS AND GAO OF CERTAIN REPORTS ON COSTS.—Not later than 45 days after the end of each fiscal 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


REQUIREMENT FOR ESTABLISHMENT OF CERTAIN CRITERIA APPLICABLE TO GLOBAL POSTURE REVIEW


“(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 military response times required by operational planners.

“(3) The effect 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 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


“(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 the United States Marine Corps Criminal Investigative 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


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


PROGRAM TO COMMEMORATE 60TH ANNIVERSARY OF WORLD WAR II


PRESERVATION OF SEARCH AND RESCUE CAPABILITIES OF THE FEDERAL GOVERNMENT

§ 113  TITLE 10—ARMED FORCES  Page 82

III, §350(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 rescind, terminate, or extinguish (in whole or in part) any authorization to engage in any activity directed at a 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) CIVIL ACTIONS.—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 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.


“(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 Deliberations, Authorizations, and Related Regulations.—Nothing in this title shall invalidate any prior delegation, authorization, or related regulation that is consistent with this title.

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

‘SEC. 1407. ENCOURAGEMENT OF AGREEMENTS WITH FOREIGN COUNTRIES.

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

‘SEC. 1408. DEFINITIONS.

“In this title:

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

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

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

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

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

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

“(3) Sunken Military Craft.—The term ‘sunken military craft’ means all or any portion of—

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

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

“(C) the associated contents of a craft referred to in subparagraph (A) or (B), if title thereto has not been abandoned or transferred by the government concerned.

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

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


“(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


STUDIES OF FLEET PLATFORM ARCHITECTURES FOR THE NAVY


REPORT REGARDING IMPACT OF CIVILIAN COMMUNITY ENCROACHMENT AND CERTAIN LEGAL REQUIREMENTS ON MILITARY INSTALLATIONS AND RANDS 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


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


PROCUREMENT OF DEFENSE BIOMEDICAL COUNTERMEASURES


"(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); 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 procurement 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 210(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 subsection 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. 1382) for fiscal year 2004 and for each fiscal year thereafter, such sums are authorized to be appropriated for such purposes as the Deputy Secretary of Defense determines to be necessary to carry out countermeasures procurement programs for fiscal years 2004 through 2011, and for obligation and expenditure of funds available for prompt global strike for fiscal year 2008.
the applicable provision of law, the following:

shall include, in addition to the matters specified in

Stat. 253, provided that:

ment 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
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 Free-
dom.

“(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 para-
graph are as follows:

“(A) Section 1120 of the Emergency Supplemental
Appropriations Act for Defense and for the Recon-
struction of Iraq and Afghanistan, 2004 (Public Law

“(B) Section 9010 of the Department of Defense Ap-
1008; 10 U.S.C. 113 note).

2004, 118 Stat. 1283, 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 Depart-
ment of Defense in Iraq and Afghanistan.

“(b) Each report shall include the following informa-
tion:

“(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 mili-
tary operations of the Armed Forces and the amount
expenditure for construction activities, together with
the cumulative total amounts expended for such op-
erations 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 readi-
ness of the Armed Forces.

“(4) An assessment of the effects of the operations
and activities in Iraq and Afghanistan on the recruit-
ment 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 equip-
ment used in the operations and activities in Iraq and
Afghanistan.

“(6) The foreign countries, international organiza-
tions, and nongovernmental organizations that are
contributing support for the ongoing military oper-
ations and reconstruction activities, together with a
discussion of the amount and types of support con-
tributed by each during the half-fiscal year ending
during the month preceding the due date of the re-
port.

“(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 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 out-
side the United States in support of a contingency
operation are composed of reserve component
forces.

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 Depart-
ment of Defense in Iraq and Afghanistan.

“(b) Each report shall include the following informa-
tion:

“(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 mili-
tary operations of the Armed Forces and the amount
expenditure for construction activities, together with
the cumulative total amounts expended for such op-
erations 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 readi-
ness of the Armed Forces.

“(4) An assessment of the effects of the operations
and activities in Iraq and Afghanistan on the recruit-
ment 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 equip-
ment used in the operations and activities in Iraq and
Afghanistan.

“(6) The foreign countries, international organiza-
tions, and nongovernmental organizations that are
contributing support for the ongoing military oper-
ations and reconstruction activities, together with a
discussion of the amount and types of support con-
tributed by each during the half-fiscal year ending
during the month preceding the due date of the re-
port.

“(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 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 out-
side the United States in support of a contingency
operation are composed of reserve component
forces.

UNIFORM FINANCIAL MANAGEMENT SYSTEM FOR DE-
PARTMENT OF DEFENSE TEST AND EVALUATION FA-
CILITIES
Stat. 2490, directed the Secretary of Defense to imple-
mate a single financial management and accounting
system for all test and evaluation facilities of the De-
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


Reliability of Department of Defense Financial Statements


[(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 statements. That 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.]
rected the Comptroller General to review the plan, and required reports on the plan in 2004, 2005, and 2006.

POLLICY CONCERNING RIGHTS OF INDIVIDUALS WHOSE NAMES HAVE BEEN ENTERED INTO DEPARTMENT OF DEFENSE OFFICIAL CRIMINAL INVESTIGATIVE REPORTS


(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 operation 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–132, 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, last full or partial fiscal years during which such program had been implemented.

WORK SAFETY DEMONSTRATION PROGRAM


GAO STUDY ON BENEFITS AND COSTS OF UNITED STATES MILITARY ENGAGEMENT IN EUROPE


ESTABLISHMENT OF LOGISTICS STANDARDS FOR SUSTAINED MILITARY OPERATIONS


(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 for a unit 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

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

REPORT ON NATO DEFENSE CAPABILITIES INITIATIVE

COMMEMORATION OF THE VICTORY OF FREEDOM IN THE COLD WAR

ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE'S REPUBLIC OF CHINA

'’(A) the specific roles and missions, organization, human rights.

‘’(5) Developments and future course of the services, theater-level commands, and paramilitary organizations of the People's Liberation Army, including—

‘’(i) military education programs conducted—

‘’(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.

‘’(B) 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:

‘’(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:

‘’(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:

‘’(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—

‘’(i) any significant assistance to and from any selling state with military-related research and development programs in the People's Republic of China.

‘’(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.

‘’(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 sale or transfer of military hardware, expertise, and technology to or from the People's Republic of China, including—

‘’(1) any significant sale or transfer of military hardware, expertise, and technology to or from the People's Republic of China, including—

‘’(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:

‘’(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:

‘’(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—

‘’(i) any significant assistance to and from any selling state with military-related research and development programs in the People's Republic of China.

‘’(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.

‘’(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) 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.

‘’(D) 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.

‘’(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 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 support 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 for its use as a coercive tool in maritime disputes.

‘’(C) 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.

‘’(D) 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.

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tions of such efforts on United States' national defense and security interests in—

"(i) Latin America and the Caribbean;

"(ii) Africa; and

"(iii) the Indo-Pacific region, including the Pacific Islands.

"(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, including command, control, communications, computers, intelligence, surveillance, and reconnaissance modernization program and capabilities and the applications for such program and capabilities for precision-guided weapons.

"(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—

"(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, communications, 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 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 currentstate 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."

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 respect to reports required to be submitted under section (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 section (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 section (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2000 [Pub. L. 106–65, set out above], as so amended, on or after that date.

‘‘(2) STRATEGY AND UPDATES FOR MILITARY-TO-MILITARY CONTACTS WITH PEOPLE’S LIBERATION ARMY.—The requirement to include the strategy described in paragraph (1)(A) of section 1202(b) of the National Defense Authorization Act for Fiscal Year 2000, as so amended, in the report required to be submitted under section 1202(a) of such Act, as so amended, shall apply with respect to the first report required to be submitted under section 1202(a) of such Act on or after the date of the enactment of this Act. The requirement to include updates to such strategy shall apply with respect to each subsequent report required to be submitted under section 1202(a) of such Act on or after the date of the enactment of this Act.’’)

NUCLEAR MISSION MANAGEMENT PLAN


‘‘(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 deterrence forces.’’

REPORT ON SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS ASSISTANCE FOR MEMBERS OF ARMED FORCES


DEFENSE REFORM INITIATIVE ENTERPRISE PILOT PROGRAM FOR MILITARY MANPOWER AND PERSONNEL INFORMATION


OVERSIGHT OF DEVELOPMENT AND IMPLEMENTATION OF AUTOMATED IDENTIFICATION TECHNOLOGY


PILOT PROGRAM FOR ACCEPTANCE AND USE OF LANDING FEES CHARGED FOR USE OF DOMESTIC MILITARY AIRFIELDS BY CIVIL AIRCRAFT


REPORT ON TERMINOLOGY FOR ANNUAL REPORT REQUIREMENT


PROGRAM TO INVESTIGATE FRAUD, WASTE, AND ABUSE WITHIN DEPARTMENT OF DEFENSE


COMMISSION ON MILITARY TRAINING AND GENDER-RELATED ISSUES

tions 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 regarding 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 to implement 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, § 1052, Nov. 18, 1997, 111 Stat. 1856, 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


(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 not sign the antipersonnel landmine treaty concluded in Oslo, Norway, that the United States would not 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.

(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
§ 113

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that—

The Secretary’s description of the following:

the House of Representatives] a report concerning anti-

congressional defense committees 

on Armed Services and Appropriations of the Senate and

each year, the Secretary of Defense shall submit to the

United States policy whereby the United States—

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 in 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 1303(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 training for all members of the Armed Forces, 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


GEORGE C. MARSHALL EUROPEAN CENTER FOR STRATEGIC SECURITY STUDIES


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


“(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 address for a member of the Armed Forces shown in the locator service shall be the new residential address (or duty address, in the case of a member covered by paragraph (2)(B)) and 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. 633).

REVIEW OF CH BY NATIONAL RESEARCH COUNCIL


STRATEGY AND REPORT ON AUTOMATED INFORMATION SYSTEMS OF DEPARTMENT OF DEFENSE


REPORT CONCERNING APPROPRIATE FORUM FOR JUDICIAL REVIEW OF DEPARTMENT OF DEFENSE PERSONNEL ACTIONS

Pub. L. 104-106, div. A, title V, §531, 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


ANNUAL REPORT ON PERSONNEL READINESS FACTORS BY RANK AND GENDER


VICTIMS’ ADVOCATES PROGRAMS IN DEPARTMENT OF DEFENSE


“(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 full est coordination and effectiveness of the victims' advocates program of that military department. To the ex tent 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 inter ests 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 primarily through the family advocacy programs of the military departments.

“(e) STAFFING.—The Secretary of Defense shall pro vide 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 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

“(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 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 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) DEPORTURES.—For purposes of this section:

“(1) The term 'unaccounted-for Korean conflict POW/MIA' means a member of the Armed Forces or a 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(b) of title 38, United States Code.''

PLAN REQUIRING DISBURSING OFFICIALS OF DEPARTMENT OF DEFENSE TO MATCH DISBURSEMENTS TO PARTICULAR OBLIGATIONS

Similar provisions were contained in the following prior appropriation acts:

“(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.’’

Similar provisions were contained in the following prior appropriation acts:

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. 1669, as amended by Pub. L. 106–398, §1 [((div. A), title V, §201(b)), Oct. 30, 2000, 114 Stat. 1654, 1854A–196; 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, §541a(1), (c), Jan. 6, 2006, 119 Stat. 3251, 3253.

GENDER-NEUTRAL OCCUPATIONAL PERFORMANCE STANDARDS


"(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 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


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 benefits and 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-INFICTED CAUSES

Pub. L. 103–160, div. A, title XI, §1183, Nov. 30, 1993, 107 Stat. 1774, required the Secretary of Defense to submit, not later than June 30, 1994, a report 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 regard 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

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**


**Report on Actions to Reduce Disincentives for Dependents to Report Abuse by Members of the 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**


(1) **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 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) by 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—

(1) are informed about the requirements and procedures necessary to request a copy of such reports; and

(2) 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.

(5) 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, 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 enactment of this Act (Oct. 23, 1992).

"(2) With respect to deaths of members of the Armed Forces occurring before the date of 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


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. 1369, 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


DEPARTMENT OF DEFENSE USE OF NATIONAL INTELLIGENCE COLLECTION SYSTEMS


FAMILY SUPPORT CENTER FOR FAMILIES OF PRISONERS OF WAR AND PERSONS MISSING IN ACTION


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 the 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


FAMILY EDUCATION AND SUPPORT SERVICES TO FAMILIES OF MEMBERS SERVING ON ACTIVE DUTY IN OPERATIONAL DESERT STORM


WITHHOLDING OF PAYMENTS TO INDIFFERENT-HIRE CIVILIAN PERSONNEL OF NONPAYING PLEDGING NATIONS

Pub. L. 102–25, title VI, §606, 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. 102–386, title IX, §9070, Oct. 6, 1991, 105 Stat. 1916, 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:


CONTRIBUTIONS BY JAPAN TO SUPPORT OF UNITED STATES FORCES IN JAPAN


“(d) 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 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


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-

MILITARY RELOCATION ASSISTANCE PROGRAMS


MILITARY CHILD CARE


LEAD AGENCY FOR DETECTION OF TRANSIT OF ILLEGAL DRUGS


ANNUAL ASSESSMENT OF SECURITY AT UNITED STATES BASES IN PHILIPPINES


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


"(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 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."


"(d) The President shall specify (separately by appropriation account) in the Department of Defense items included in each budget submitted to Congress under section 1105 of title 31, United States Code, (1) the amounts necessary for payment of all personnel, operations, maintenance, facilities, and support costs for Department of Defense overseas military units, and (2) the costs for all dependents who accompany Department of Defense personnel outside the United States.

"(e) Not later than May 1, 1989, the Secretary of Defense shall submit to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives a report that sets forth the total costs required to support the dependents who accompany Department of Defense personnel assigned to permanent duty overseas.

"(f) As of September 30 of each fiscal year, the number of members of the Armed Forces on active duty assigned to permanent duty ashore in Japan and the Republic of Korea may not exceed 94,450 (the number of members of the Armed Forces on active duty assigned to permanent duty ashore in Japan and the Republic of Korea on September 30, 1987). The limitation in the preceding sentence may be increased if and when (1) a major reduction of United States forces in the Republic of the Philippines is required because of a loss of basing rights in that nation, and (2) the President determines and certifies to Congress that, as a consequence of such loss, an increase in United States forces stationed in Japan and the Republic of Korea is necessary.

"(g)(1) After fiscal year 1989, 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) any 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.

"(h)(1) 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.

“(b) 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), Dec. 22, 1987, 101 Stat. 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 subsection (b) of this section by Pub. L. 100–357, §15(b).

**REGULATIONS REGARDING EMPLOYMENT AND VOLUNTEER WORK OF SPOUSES OF MILITARY PERSONNEL**


**TEST PROGRAM FOR REIMBURSEMENT FOR ADOPTION EXPENSES**


**COUNTERINTELLIGENCE POLYGRAPH PROGRAM**


**COORDINATION OF PERMANENT CHANGE OF STATION MOVES WITH SCHOOL YEAR**

Pub. L. 99–661, div. A, title VI, §612, Nov. 14, 1986, 100 Stat. 3378, 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), Oct. 18, 1986, 100 Stat. 1738–1739, and Pub. L. 99–991, §101(c), title X, §955, Oct. 30, 1986, 100 Stat. 3341–173; Pub. L. 99–661, div. A, title X, formerly title IV, §8042, Nov. 14, 1986, 101 Stat. 3953, renumbered title IX, Pub. L. 100–26, §3(6), 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. 100–357, §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 967 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.”


**MILITARY FAMILY POLICY AND PROGRAMS**


“(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 a baccalaureate degree from offering courses within its lawful scope of authority on the basis of the results of a study whether the policy of the institution is as follows:—

“(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 after the date of the enactment of this paragraph; or

“(iii) on the basis of a new solicitation.

“(b) Nothing in this section shall be construed to require the Secretary to—

“(i) afford 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 90-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—

“(A) on the basis of a new solicitation.

“(ii) on the basis of the solicitation issued after the date of the enactment of this paragraph;

“(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


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, §828(a)(1), (b), Section 2510 of this title was repealed by Pub. L. 102–484, div. D, title XXII, §232(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. 103–109, 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 128a of Pub. L. 95–452, 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. 97–232, 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. 1332, directed Secretary of Defense, not later than Jan. 15, 1982 and, to extent practicable, projected cost savings from each, and which have not been adopted and, to extent practicable actual and projected cost savings from each, and which have not been adopted and, to extent practicable, project 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


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. (c) of section 133 [now §113] of this title by Pub. L. 97–265, §§111(1), 6(b).

REPORT TO CONGRESS ON SALE OR TRANSFER OF DEFENSE ARTICLES


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


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, §§1244(b)(2), Nov. 8, 1985, 99 Stat. 729, provided that: “Subject to section 2936(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 liquor to or by any member 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. App.], 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


EMERGENCY PREPAREDNESS FUNCTIONS

For assignment of certain emergency preparedness functions to Secretary of Defense, see Parts 1, 2, and 5 of Ex. Ord. No. 12366, Nov. 18, 1958, 33 F.R. 14741, 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. 32675, 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 places 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 laws of the United States, do hereby proclaim May 28, 2012, beginning May 22, 2012, and ending May 29, 2012, as the Commemoration for 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 from our time 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. 12763. Delegation of Certain Defense Related Authorities of President to Secretary of Defense

Ex. Ord. No. 12765, June 11, 1991, 56 F.R. 27601, 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 729(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 W. 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 610(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 W. 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