

ment of Defense headquarters activities personnel: limitation”.

2006—Pub. L. 109-364, div. A, title XII, §1201(b), title XIV, §1405(b), Oct. 17, 2006, 120 Stat. 2412, 2436, added items 127c, relating to allied forces participating in combined operations, and 130d.

Pub. L. 109-163, div. A, title XII, §1231(b), Jan. 6, 2006, 119 Stat. 3468, added item 127c relating to purchase of weapons overseas.

2003—Pub. L. 108-136, div. A, title VIII, §841(b)(2), Nov. 24, 2003, 117 Stat. 1552, substituted “Authority to procure personal services” for “Experts and consultants: authority to procure services of” in item 129b.

2002—Pub. L. 107-314, div. A, title X, §1065(b), Dec. 2, 2002, 116 Stat. 2656, added item 127b.

2000—Pub. L. 106-398, §1 [[div. A], title X, §1073(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-280, added item 130c.

1999—Pub. L. 106-65, div. A, title IX, §921(a)(2), title X, §1044(b), Oct. 5, 1999, 113 Stat. 723, 762, substituted “Major Department of Defense headquarters activities personnel: limitation” for “Management headquarters and headquarters support activities personnel: limitation” in item 130a and added item 130b.

1997—Pub. L. 105-85, div. A, title IX, §911(a)(2), Nov. 18, 1997, 111 Stat. 1858, added item 130a.

1996—Pub. L. 104-106, div. A, title XV, §1504(a)(8), Feb. 10, 1996, 110 Stat. 513, made technical correction to directory language of Pub. L. 103-337, §1312(a)(2). See 1994 Amendment note below.

Pub. L. 104-106, div. A, title V, §564(a)(2), title X, §1003(a)(2), Feb. 10, 1996, 110 Stat. 326, 417, substituted “Operations for which funds are not provided in advance: funding mechanisms” for “Expenses for contingency operations” in item 127a and added item 129c.

1994—Pub. L. 103-337, div. A, title XVI, §1671(b)(2), Oct. 5, 1994, 108 Stat. 3013, added item 123 and struck out former item 123 “Suspension of certain provisions of law relating to reserve commissioned officers”.

Pub. L. 103-337, div. A, title XIII, §1312(a)(2), Oct. 5, 1994, 108 Stat. 2894, as amended by Pub. L. 104-106, div. A, title XV, §1504(a)(8), Feb. 10, 1996, 110 Stat. 513, added item 123b.

1993—Pub. L. 103-160, div. A, title XI, §1108(a)(2), Nov. 30, 1993, 107 Stat. 1752, added item 127a.

1990—Pub. L. 101-510, div. A, title XIV, §§1481(b)(2), 1483(c)(2), Nov. 5, 1990, 104 Stat. 1705, 1715, added items 123a, 129a, and 129b.

1989—Pub. L. 101-189, div. A, title XII, §1202(a)(2), Nov. 29, 1989, 103 Stat. 1563, added item 124.

1987—Pub. L. 100-180, div. A, title XI, §1123(b), Dec. 4, 1987, 101 Stat. 1150, added item 128.

Pub. L. 100-26, §9(b)(1), Apr. 21, 1987, 101 Stat. 287, struck out item 128 “Funds transfers for foreign cryptologic support”.

1986—Pub. L. 99-433, title I, §110(c)(2), (e)(1), title II, §211(c)(2), Oct. 1, 1986, 100 Stat. 1002, 1003, 1017, inserted “and Functions” after “General Powers” in chapter heading, struck out item 124 “Combatant commands: establishment; composition; functions; administration and support”, and added items 127 to 130.

1962—Pub. L. 87-651, title II, §201(b), Sept. 7, 1962, 76 Stat. 517, added items 124 to 126.

1958—Pub. L. 85-861, §1(2)(B), Sept. 2, 1958, 72 Stat. 1437, added items 122 and 123.

**§ 121. Regulations**

The President may prescribe regulations to carry out his functions, powers, and duties under this title.

(Aug. 10, 1956, ch. 1041, 70A Stat. 6.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
121 .....	[No source].	[No source].

The revised section is inserted to make express the President’s general authority to issue regulations,

which has been expressly reflected in many laws and left to inference in the remainder.

**§ 122. Official registers**

The Secretary of a military department may have published, annually or at such other times as he may designate, official registers containing the names of, and other pertinent information about, such regular and reserve officers of the armed forces under his jurisdiction as he considers appropriate. The register may also contain any other list that the Secretary considers appropriate.

(Added Pub. L. 85-861, §1(2)(A), Sept. 2, 1958, 72 Stat. 1437.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
122 .....	10 App.:20b. 34 App.:609.	July 24, 1956, ch. 677, §1, 70 Stat. 623.

**§ 122a. Public availability of Department of Defense reports required by law**

(a) IN GENERAL.—To the maximum extent practicable, on or after the date on which each report described in subsection (b) is submitted to Congress, the Secretary of Defense, acting through the Assistant to the Secretary of Defense for Public Affairs, shall ensure that the report is made available to the public by—

(1) posting the report on a publicly accessible Internet website of the Department of Defense; and

(2) upon request, transmitting the report by other means, as long as such transmission is at no cost to the Department.

(b) COVERED REPORTS.—(1) Except as provided in paragraph (2), a report described in this subsection is any report that is required by law to be submitted to Congress by the Secretary of Defense, or by any element of the Department of Defense.

(2) A report otherwise described in paragraph (1) is not a report described in this subsection if the report contains—

(A) classified information;

(B) proprietary information;

(C) information that is exempt from disclosure under section 552 of title 5 (commonly referred to as the “Freedom of Information Act”); or

(D) any other type of information that the Secretary of Defense determines should not be made available to the public in the interest of national security.

(c) SEMI-ANNUAL SUMMARIES.—Not later than January 1 and July 1 of each year, the Secretary of Defense shall make publicly available on an appropriate internet website a summary of all reports submitted to Congress by the Department of Defense for the preceding six-month period that are required to be submitted by statute. Each such summary shall include, for each report covered by the summary, the title of report, the date of delivery, and the section of law under which such report is required.

(Added Pub. L. 111-383, div. A, title X, §1061(a)(1), Jan. 7, 2011, 124 Stat. 4362; amended

Pub. L. 112–81, div. A, title X, § 1068, Dec. 31, 2011, 125 Stat. 1589; Pub. L. 113–66, div. A, title X, § 1081(a), Dec. 26, 2013, 127 Stat. 871; Pub. L. 115–91, div. A, title X, § 1081(a)(3), Dec. 12, 2017, 131 Stat. 1594; Pub. L. 117–81, div. A, title X, § 1062(a), Dec. 27, 2021, 135 Stat. 1909.)

### Editorial Notes

#### AMENDMENTS

2021—Subsec. (c). Pub. L. 117–81 added subsec. (c).

2017—Subsec. (a). Pub. L. 115–91 substituted “acting through the Assistant to the Secretary of Defense for Public Affairs” for “acting through the Office of the Assistant Secretary of Defense for Public Affairs” in introductory provisions.

2013—Subsec. (a). Pub. L. 113–66 amended subsec. (a) generally. Prior to amendment, text read as follows: “The Secretary of Defense shall ensure that each report described in subsection (b) is

“(1) made available to the public, upon request submitted on or after the date on which such report is submitted to Congress, through the Office of the Assistant Secretary of Defense for Public Affairs; and

“(2) to the maximum extent practicable, transmitted in an electronic format.”

2011—Subsec. (a). Pub. L. 112–81 substituted pars. (1) and (2) for “made available to the public, upon request submitted on or after the date on which such report is submitted to Congress, through the Office of the Assistant Secretary of Defense for Public Affairs.”

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 2021 AMENDMENT

Pub. L. 117–81, div. A, title X, § 1062(b), Dec. 27, 2021, 135 Stat. 1909, provided that: “Subsection (c) of section 122a of title 10, United States Code, as added by subsection (a), shall apply beginning on the date that is one year after the date of the enactment of this Act [Dec. 27, 2021].”

#### EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 113–66, div. A, title X, § 1081(b), Dec. 26, 2013, 127 Stat. 871, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to reports submitted to Congress after the date of the enactment of this Act [Dec. 26, 2013].”

#### EFFECTIVE DATE

Pub. L. 111–383, div. A, title X, § 1061(b), Jan. 7, 2011, 124 Stat. 4362, provided that: “Section 122a of title 10, United States Code (as added by subsection (a)), shall take effect 90 days after the date of the enactment of this Act [Jan. 7, 2011], and shall apply with respect to reports that are required by law to be submitted to Congress on or after that date.”

#### PUBLIC AVAILABILITY OF DEPARTMENT OF DEFENSE LEGISLATIVE PROPOSALS

Pub. L. 116–283, div. A, title X, § 1059, Jan. 1, 2021, 134 Stat. 3857, provided that: “Not later than 21 days after the transmission to the Committee on Armed Services of the Senate or the Committee on Armed Services of the House of Representatives of any official Department of Defense legislative proposal, the Secretary of Defense shall make publicly available on a website of the Department such legislative proposal, including any bill text and section-by-section analysis associated with the proposal.”

#### PUBLIC AVAILABILITY OF TOP-LINE NUMBERS OF DEPLOYED MEMBERS OF THE ARMED FORCES

Pub. L. 115–232, div. A, title V, § 595, Aug. 13, 2018, 132 Stat. 1789, provided that:

“(a) IN GENERAL.—Except as provided in subsection (b), the Secretary of Defense shall make publicly avail-

able, on a quarterly basis, on a website of the Department the top-line numbers of members of the Armed Forces deployed for each country as of the date of the submittal of the report and the total number of members of the Armed Forces so deployed during the quarter covered by the report.

“(b) WAIVER.—

“(1) IN GENERAL.—The Secretary may waive the requirement under subsection (a) in the case of a sensitive military operation if—

“(A) the Secretary determines the public disclosure of the number of deployed members of the Armed Forces could reasonably be expected to provide an operational military advantage to an adversary; or

“(B) members of the Armed Forces are deployed for a period that does not exceed 30 days.

“(2) NOTICE.— If the Secretary issues a waiver under this subsection, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives—

“(A) a notice of the waiver; and

“(B) the reasons for the determination to issue the waiver.

“(c) SENSITIVE MILITARY OPERATION DEFINED.—The term ‘sensitive military operation’ has the meaning given that term in section 130f(d) of title 10, United States Code.”

#### COST OF WARS

Pub. L. 114–328, div. A, title X, § 1090, Dec. 23, 2016, 130 Stat. 2428, as amended by Pub. L. 117–263, div. A, title X, § 1085, Dec. 23, 2022, 136 Stat. 2800, provided that:

“(a) PUBLICATION OF INFORMATION.—The Secretary of Defense, in consultation with the Commissioner of the Internal Revenue Service and the Director of the Bureau of Economic Analysis, shall post on the public Internet website of the Department of Defense the costs to each United States taxpayer of any contingency operation conducted by the United States Armed Forces on or after September 18, 2001.

“(b) DISPLAY OF INFORMATION.—The information required to be posted under subsection (a) shall, to the extent practicable—

“(1) be posted directly on the website of the Department of Defense, in an accessible and clear format;

“(2) include corresponding documentation as links or attachments; and

“(3) include, for each contingency operation, a list of countries where the contingency operation has taken place.

“(c) UPDATES.—The Secretary shall ensure that all the information required to be posted under subsection (a) is updated by not later than 90 days after the last day of each fiscal year.

“(d) CONTINGENCY OPERATION DEFINED.—In this section, the term ‘contingency operation’ has the meaning given such term in section 101(a)(13) of title 10, United States Code.”

### § 123. Authority to suspend officer personnel laws during war or national emergency

(a) In time of war, or of national emergency declared by Congress or the President after November 30, 1980, the President may suspend the operation of any provision of law relating to the promotion, involuntary retirement, or separation of commissioned officers of the Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard Reserve. So long as such war or national emergency continues, any such suspension may be extended by the President.

(b) Any such suspension shall, if not sooner ended, end on the last day of the two-year period beginning on the date on which the suspension (or the last extension thereof) takes effect or on the last day of the one-year period beginning on