

“(a) CONSULTATION.—In the development of concept plans for the Department of Defense for providing support to civil authorities, the Secretary of Defense may consult with the Secretary of Homeland Security and State governments.

“(b) PREPOSITIONING OF DEPARTMENT OF DEFENSE ASSETS.—The Secretary of Defense may provide for the prepositioning of prepackaged or preidentified basic response assets, such as medical supplies, food and water, and communications equipment, in order to improve the ability of the Department of Defense to rapidly provide support to civil authorities. The prepositioning of basic response assets shall be carried out in a manner consistent with Department of Defense concept plans for providing support to civil authorities and section 2229 of title 10, United States Code, as added by section 351.

“(c) REIMBURSEMENT.—To the extent required by section 1535 of title 31, United States Code, or other applicable law, the Secretary of Defense shall require that the Department of Defense be reimbursed for costs incurred by the Department in the prepositioning of basic response assets under subsection (b).

“(d) MILITARY READINESS.—The Secretary of Defense shall ensure that the prepositioning of basic response assets under subsection (b) does not adversely affect the military preparedness of the United States.

“(e) PROCEDURES AND GUIDELINES.—The Secretary may develop procedures and guidelines applicable to the prepositioning of basic response assets under subsection (b).”

§ 2229a. Annual report on prepositioned materiel and equipment

(a) ANNUAL REPORT REQUIRED.—Not later than the date of the submission of the President’s budget request for a fiscal year under section 1105 of title 31, the Secretary of Defense shall submit to the congressional defense committees a report on the status of the materiel in the prepositioned stocks as of the end of the fiscal year preceding the fiscal year during which the report is submitted. Each report shall be unclassified and may contain a classified annex. Each report shall include the following information:

(1) The level of fill for major end items of equipment and spare parts in each prepositioned set as of the end of the fiscal year covered by the report.

(2) The material condition of equipment in the prepositioned stocks as of the end of such fiscal year, grouped by category or major end item.

(3) A list of major end items of equipment drawn from the prepositioned stocks during such fiscal year and a description of how that equipment was used and whether it was returned to the stocks after being used.

(4) A timeline for completely reconstituting any shortfall in the prepositioned stocks.

(5) An estimate of the amount of funds required to completely reconstitute any shortfall in the prepositioned stocks and a description of the Secretary’s plan for carrying out such complete reconstitution.

(6) A list of any operations plan affected by any shortfall in the prepositioned stocks and a description of any action taken to mitigate any risk that such a shortfall may create.

(7) A list of any non-standard items slated for inclusion in the prepositioned stocks and a plan for funding the inclusion and sustainment of such items.

(8) A list of any equipment used in support of contingency operations slated for retrograde

and subsequent inclusion in the prepositioned stocks.

(9) An efficiency strategy for limited shelf-life medical stock replacement.

(10) The status of efforts to develop a joint strategy, integrate service requirements, and eliminate redundancies.

(11) The operational planning assumptions used in the formulation of prepositioned stock levels and composition.

(12) A list of any strategic plans affected by changes to the levels, composition, or locations of the prepositioned stocks and a description of any action taken to mitigate any risk that such changes may create.

(b) COMPTROLLER GENERAL REVIEW.—(1) The Comptroller General shall review each report submitted under subsection (a) and, as the Comptroller General determines appropriate, submit to the congressional defense committees any additional information that the Comptroller General determines will further inform such committees on issues relating to the status of the materiel in the prepositioned stocks.

(2) The Secretary of Defense shall ensure the full cooperation of the Department of Defense with the Comptroller General for purposes of the conduct of the review required by this subsection, both before and after each report is submitted under subsection (a). The Secretary shall conduct periodic briefings for the Comptroller General on the information covered by each report required under subsection (a) and provide to the Comptroller General access to the data and preliminary results to be used by the Secretary in preparing each such report before the Secretary submits the report to enable the Comptroller General to conduct each review required under paragraph (1) in a timely manner.

(3) The requirement to conduct a review under this subsection shall terminate on September 30, 2015.

(Added Pub. L. 110-181, div. A, title III, §352(a), Jan. 28, 2008, 122 Stat. 71; amended Pub. L. 112-81, div. A, title III, §341(b), Dec. 31, 2011, 125 Stat. 1369; Pub. L. 112-239, div. A, title III, §343, Jan. 2, 2013, 126 Stat. 1700; Pub. L. 114-92, div. A, title III, §331, Nov. 25, 2015, 129 Stat. 791.)

Editorial Notes

AMENDMENTS

2015—Subsec. (a)(8). Pub. L. 114-92 amended par. (8) generally. Prior to amendment, par. (8) read as follows: “A list of any equipment used in support of Operation Iraqi Freedom, Operation New Dawn, or Operation Enduring Freedom slated for retrograde and subsequent inclusion in the prepositioned stocks.”

2013—Subsec. (b)(1). Pub. L. 112-239 substituted “The” for “By not later than 120 days after the date on which a report is submitted under subsection (a), the” and “each report submitted under subsection (a)” for “the report”.

2011—Subsec. (a)(7) to (12). Pub. L. 112-81 added pars. (7) to (12).

Statutory Notes and Related Subsidiaries

TERMINATION OF REPORTING REQUIREMENTS

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

[§ 2229b. Renumbered § 3072]

CHAPTER 133—FACILITIES FOR RESERVE COMPONENTS

Sec. 2231. Reference to chapter 1803.

Editorial Notes

PRIOR PROVISIONS

A prior chapter 133 was transferred to end of part V of subtitle E of this title and renumbered chapter 1803.

§ 2231. Reference to chapter 1803

Provisions of law relating to facilities for reserve components are set forth in chapter 1803 of this title (beginning with section 18231).

(Added Pub. L. 103-337, div. A, title XVI, §1664(b)(11), Oct. 5, 1994, 108 Stat. 3011.)

Editorial Notes

PRIOR PROVISIONS

Prior sections 2231 to 2239 were renumbered sections 18231 to 18239 of this title, respectively.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as a note under section 10001 of this title.

CHAPTER 134—MISCELLANEOUS ADMINISTRATIVE PROVISIONS

Subchapter I. Miscellaneous Authorities, Prohibitions, and Limitations on the Use of Appropriated Funds 2241
II. Miscellaneous Administrative Authority 2251

SUBCHAPTER I—MISCELLANEOUS AUTHORITIES, PROHIBITIONS, AND LIMITATIONS ON THE USE OF APPROPRIATED FUNDS

Sec. 2241. Availability of appropriations for certain purposes.
2241a. Prohibition on use of funds for publicity or propaganda purposes within the United States.
2241b. Prohibition on contracts providing payments for activities at sporting events to honor members of the armed forces.
2242. Authority to use appropriated funds for certain investigations and security services.
2243. Authority to use appropriated funds to support student meal programs in overseas defense dependents' schools.
2244. Security investigations.
2244a. Equipment scheduled for retirement or disposal: limitation on expenditures for modifications.
2245. Use of aircraft for proficiency flying: limitation.
[2245a. Repealed.]
2246. Authorization of certain support for military service academy foundations.
[2247 to 2249a. Renumbered or Repealed.]
2249b. Display of State, District of Columbia, commonwealth, and territorial flags by the armed forces.
[2249c to 2249e. Renumbered.]

Sec.

Editorial Notes

AMENDMENTS

2023—Pub. L. 118-31, div. A, title XVIII, §1801(a)(20), Dec. 22, 2023, 137 Stat. 684, which directed amendment of the analysis for this chapter by striking item 2249 "Prohibition on use of funds for documenting economic or employment impact of certain acquisition programs", was executed to the analysis for this subchapter to reflect the probable intent of Congress.

2022—Pub. L. 117-263, div. A, title V, §551(b), Dec. 23, 2022, 136 Stat. 2592, added item 2246.

2016—Pub. L. 114-328, div. A, title VIII, §833(b)(1)(B), title XII, §§1241(o)(6), 1247(d), Dec. 23, 2016, 130 Stat. 2284, 2512, 2522, struck out items 2245a "Use of operation and maintenance funds for purchase of investment items: limitation", 2249a "Prohibition on providing financial assistance to terrorist countries", 2249c "Regional Defense Combating Terrorism Fellowship Program: authority to use appropriated funds for costs associated with education and training of foreign officials", 2249d "Distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability with the armed forces", and 2249e "Prohibition on use of funds for assistance to units of foreign security forces that have committed a gross violation of human rights".

2015—Pub. L. 114-92, div. A, title III, §341(b), title V, §573(b)(2), Nov. 25, 2015, 129 Stat. 793, 831, added item 2241b and substituted "Authority to use appropriated funds to support student meal programs in overseas defense dependents' schools" for "Authority to use appropriated funds to support student meal programs in overseas dependents' schools" in item 2243.

2014—Pub. L. 113-291, div. A, title XII, §1204(a)(2), Dec. 19, 2014, 128 Stat. 3533, added item 2249e.

2013—Pub. L. 112-239, div. A, title V, §588(b)(2), Jan. 2, 2013, 126 Stat. 1769, substituted "Display of State, District of Columbia, commonwealth, and territorial flags by the armed forces." for "Display of State flags: prohibition on use of funds to arbitrarily exclude flag; position and manner of display." in item 2249b.

2011—Pub. L. 111-383, div. A, title X, §1075(b)(30), Jan. 7, 2011, 124 Stat. 4370, transferred item 2241a "Prohibition on use of funds for publicity or propaganda purposes within the United States" to appear after item 2241.

2009—Pub. L. 111-84, div. A, title X, §1031(a)(2), Oct. 28, 2009, 123 Stat. 2448, added item 2241a at the end.

2008—Pub. L. 110-417, [div. A], title XII, §1205(a)(2), Oct. 14, 2008, 122 Stat. 4624, added item 2249d.

2006—Pub. L. 109-364, div. A, title XII, §1204(d)(3), Oct. 17, 2006, 120 Stat. 2416, substituted "Regional Defense Combating Terrorism Fellowship Program: authority to use appropriated funds for costs associated with education and training of foreign officials" for "Authority to use appropriated funds for costs of attendance of foreign visitors under Regional Defense Counterterrorism Fellowship Program" in item 2249c.

Pub. L. 109-163, div. A, title III, §§372(b), 373(b), Jan. 6, 2006, 119 Stat. 3210, 3211, added items 2244a and 2245a.

2004—Pub. L. 108-375, div. A, title VI, §651(f)(3), Oct. 28, 2004, 118 Stat. 1972, struck out items 2246 "Department of Defense golf courses: limitation on use of appropriated funds" and 2247 "Use of appropriated funds for operation of Armed Forces Recreation Center, Europe: limitation".

2003—Pub. L. 108-136, div. A, title X, §1045(a)(5)(B), title XII, §1221(a)(2), Nov. 24, 2003, 117 Stat. 1612, 1651, struck out item 2248 "Purchase of surety bonds: prohibition" and added item 2249c.

1996—Pub. L. 104-201, div. A, title X, §1071(b), Sept. 23, 1996, 110 Stat. 2657, added item 2249b.

Pub. L. 104-106, div. A, title XIII, §1341(b), div. D, title XLIII, §4321(b)(2)(B), Feb. 10, 1996, 110 Stat. 485, 672, redesignated item 2247, relating to prohibition on use of funds for documenting economic or employment impact of certain acquisition programs, as 2249 and added item 2249a.