

retary of Defense. Such support may include the use and application of personnel, technical expertise, legal authorities, and available financial resources. This support may be used, to the extent permitted by law, to provide a coordinated Federal response to the needs of individual States, regions, municipalities, and communities adversely affected by necessary Defense changes;

(2) Afford priority consideration to requests from Defense-affected communities for Federal technical assistance, financial resources, excess or surplus property, or other requirements, that are part of a comprehensive plan used by the Committee.

SEC. 6. *Judicial Review.* This order shall not be interpreted to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, its agents, or any person.

SEC. 7. *Construction.* (a) Nothing in this order shall be construed as subjecting any function vested by law in, or assigned pursuant to law to, any agency or head thereof to the authority of any other agency or officer or as abrogating or restricting any such function in any manner.

(b) This order shall be effective immediately and shall supersede Executive Order No. 12049.

[Amendment by Ex. Ord. 13378 directing insertion of “and” after “diminish;” in section 3(m) of Ex. Ord. 12788, was executed by substituting “; and” for the comma after “diminish”.]

### **§ 2392. Process for strategic basing actions for the Department of the Air Force**

(a) PROGRAMMATIC BASING DECISIONS PROHIBITED.—The Secretary of the Air Force (or a designee) shall not make any basing decision during the resource allocation plan or program objective memorandum process.

(b) QUARTERLY BRIEFINGS.—Not later than 90 days after the date of the enactment of this section, and quarterly thereafter, the Secretary of the Air Force (or a designee) shall brief the congressional defense committees on the following:

(1) Strategic basing actions approved by the strategic basing panel for review by the strategic basing executive steering group during the quarter covered by the briefing.

(2) For each strategic basing action not covered by a previous briefing, a description of the criteria for selection of candidate location for each such strategic basing action and how each criterion will be applied to the candidate locations to determine preferred location.

(3) Updates regarding candidate locations, preferred locations, and the final location selected for each strategic basing action covered by the briefing.

(4) Any strategic basing actions with projected decision dates that will occur before the next scheduled briefing under this subsection.

(c) ADDITIONAL BRIEFINGS.—Upon request by either the Committee on Armed Services of the House of Representatives or of the Senate, the Secretary of the Air Force (or a designee) shall provide to such Committee a briefing on the information described in subsection (b).

(d) POST-BRIEFING CHANGES.—The Secretary of the Air Force (or a designee) shall notify the congressional defense committees, not later than seven days after the effective date of a change, if such change is a change—

(1) to the selection criteria or the application of selection criteria, that would result in a different decision than briefed under sub-

section (b) regarding the enterprise definition, identified candidate locations, or identified preferred location; or

(2) to the governance process used to oversee a strategic basing action.

(e) OVERSEAS STRATEGIC BASING ACTIONS.—With respect to a strategic basing action relating to a military installation located outside of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, or Guam, a notification required under this section may be provided in a classified form.

(f) DEFINITIONS.—In this section, the terms “enterprise definition”, “program objective memorandum process”, “resource allocation plan”, “strategic basing action”, “strategic basing executive steering group”, and “strategic basing panel” have the meanings given, respectively, under the Department of the Air Force Instruction 10-503 (issued June 12, 2023, as in effect on November 1, 2024).

(Added Pub. L. 118-159, div. B, title XXVIII, §2803(a), Dec. 23, 2024, 138 Stat. 2247.)

#### **Editorial Notes**

##### **REFERENCES IN TEXT**

The date of the enactment of this section, referred to in subsec. (b), is the date of enactment of Pub. L. 118-159, which was approved Dec. 23, 2024.

##### **PRIOR PROVISIONS**

A prior section 2392 was renumbered section 4653 of this title.

#### **Statutory Notes and Related Subsidiaries**

##### **EFFECTIVE DATE**

Pub. L. 118-159, div. B, title XXVIII, §2803(b), Dec. 23, 2024, 138 Stat. 2248, provided that: “This section [enacting this section] and the amendments made by this section shall apply with respect to strategic basing actions (as defined in section 2392 of title 10, United States Code, as added by this section) made by the Secretary of the Air Force on or after the date of the enactment of this Act [Dec. 23, 2024].”

#### **[§ 2393. Renumbered § 4654]**

#### **[§ 2394. Renumbered § 2922a]**

#### **Editorial Notes**

##### **CODIFICATION**

Another section 2394 was renumbered section 2395 of this title.

#### **[§ 2394a. Renumbered § 2922b]**

#### **[§ 2395. Renumbered § 3132]**

#### **Editorial Notes**

##### **CODIFICATION**

Another section 2395 was renumbered section 2396 of this title.