

Editorial Notes

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-314 substituted “shall provide to Congress (or” for “shall, upon request by any committee of Congress to which the report is submitted or referred, provide to Congress (or each”.

§ 481. Racial and ethnic issues; gender issues: surveys

(a) IN GENERAL.—(1) The Secretary of Defense shall carry out four surveys in accordance with this section to identify and assess racial and ethnic issues and discrimination, and to identify and assess gender issues and discrimination, among members of the armed forces. Each such survey shall be conducted so as to identify and assess the extent (if any) of activity among such members that may be seen as so-called “hate group” activity.

(2) The four surveys shall be as follows:

(A) To identify and assess racial and ethnic issues and discrimination among members of the armed forces serving on active duty.

(B) To identify and assess racial and ethnic issues and discrimination among members of the armed forces in the reserve components.

(C) To identify and assess gender issues and discrimination among members of the armed forces serving on active duty.

(D) To identify and assess gender issues and discrimination members of the armed forces in the reserve components.

(3) The surveys under this section relating to racial and ethnic issues and discrimination shall be known as the “Armed Forces Workplace and Equal Opportunity Surveys”. The surveys under this section relating to gender issues and discrimination shall be known as the “Armed Forces Workplace and Gender Relations Surveys”.

(4) Each survey under this section shall be conducted separately from any other survey conducted by the Department of Defense.

(b) ARMED FORCES WORKPLACE AND EQUAL OPPORTUNITY SURVEYS.—The Armed Forces Workplace and Equal Opportunity Surveys shall be conducted so as to solicit information on racial and ethnic issues, including issues relating to harassment and discrimination, and the climate in the armed forces for forming professional relationships among members of the armed forces of various racial and ethnic groups. Both such surveys shall be conducted so as to solicit information on the following:

(1) Indicators of positive and negative trends for professional and personal relationships among members of all racial and ethnic groups.

(2) The effectiveness of Department of Defense policies designed to improve relationships among all racial and ethnic groups.

(3) The effectiveness of current processes for complaints on and investigations into racial and ethnic discrimination.

(c) ARMED FORCES WORKPLACE AND GENDER RELATIONS SURVEYS.—The Armed Forces Workplace and Gender Relations Surveys shall be conducted so as to solicit information on gender issues, including issues relating to gender-based

harassment, assault (including unwanted sexual contact), and discrimination, and the climate in the armed forces for forming professional relationships between male and female members of the armed forces. Both such surveys shall be conducted so as to solicit information on the following:

(1) Indicators of positive and negative trends for professional and personal relationships between male and female members of the armed forces.

(2) The specific types of assault (including unwanted sexual contact) that have occurred, and the number of times each respondent has been assaulted during the preceding year.

(3) Indicators of the assault (including unwanted sexual contact) that give reason to believe that the victim was targeted, or discriminated against, or both, for a status in a group.

(4) The effectiveness of Department of Defense policies designed to improve professional relationships between male and female members of the armed forces.

(5) The effectiveness of current processes for complaints on and investigations into gender-based discrimination, harassment, and assault (including unwanted sexual contact).

(6) Any other issues relating to discrimination, harassment, or assault (including unwanted sexual contact) as the Secretary of Defense considers appropriate.

(d) WHEN SURVEYS REQUIRED.—(1) The Armed Forces Workplace and Gender Relations Surveys of the Active Duty and the Armed Forces Workplace and Gender Relations Survey of the Reserve Components shall each be conducted once every two years. The surveys may be conducted within the same year or in two separate years, and shall be conducted in a manner designed to reduce the burden of the surveys on members of the armed forces.

(2) The two Armed Forces Workplace and Equal Opportunity Surveys shall be conducted at least once every four years. The surveys may be conducted within the same year or in two separate years, and shall be conducted in a manner designed to reduce the burden of the surveys on members of the armed forces.

(3)(A) The Secretary of Defense may postpone the conduct of a survey under this section if the Secretary determines that conducting such survey is not practicable due to a war or national emergency declared by the President or Congress.

(B) The Secretary shall ensure that a survey postponed under subparagraph (A) is conducted as soon as practicable after the end of the period of war or national emergency concerned, or earlier if the Secretary determines appropriate.

(C) The Secretary shall notify Congress of a determination under subparagraph (A) not later than 30 days after the date on which the Secretary makes such determination.

(e) REPORTS TO CONGRESS.—Upon the completion of a survey under this section, the Secretary shall submit to Congress a report containing the results of the survey.

(f) INAPPLICABILITY TO COAST GUARD.—This section does not apply to the Coast Guard.

(Added Pub. L. 103-337, div. A, title V, §554(a)(1), Oct. 5, 1994, 108 Stat. 2773, §451; renumbered §481

and amended Pub. L. 104-201, div. A, title V, § 571(c)(1), title XI, § 1121(a), Sept. 23, 1996, 110 Stat. 2532, 2687; Pub. L. 107-314, div. A, title V, § 561(a)(1), Dec. 2, 2002, 116 Stat. 2553; Pub. L. 112-239, div. A, title V, § 570, Jan. 2, 2013, 126 Stat. 1752; Pub. L. 116-92, div. A, title V, § 591(a), Dec. 20, 2019, 133 Stat. 1414; Pub. L. 116-283, div. A, title V, § 552(a), Jan. 1, 2021, 134 Stat. 3631; Pub. L. 118-31, div. A, title V, § 591, Dec. 22, 2023, 137 Stat. 286.)

Editorial Notes

AMENDMENTS

2023—Subsec. (c)(3) to (6). Pub. L. 118-31 added par. (3) and redesignated former pars. (3) to (5) as (4) to (6), respectively.

2021—Subsec. (d). Pub. L. 116-283 amended subsec. (d) generally. Prior to amendment, subsec. (d) provided for timing and frequency of Armed Forces Workplace and Gender Relations Surveys and Armed Forces Workplace and Equal Opportunity Surveys.

2019—Subsec. (c). Pub. L. 116-92 inserted “(including unwanted sexual contact)” after “assault” wherever appearing.

2013—Subsec. (a)(1). Pub. L. 112-239, § 570(b)(1), substituted “four surveys” for “four quadrennial surveys (each in a separate year)”.

Subsec. (c). Pub. L. 112-239, § 570(a)(1), substituted “harassment, assault, and discrimination” for “harassment and discrimination” in introductory provisions.

Subsec. (c)(2) to (4). Pub. L. 112-239, § 570(a)(2)–(4), added par. (2), redesignated former pars. (2) and (3) as (3) and (4), respectively, and substituted “discrimination, harassment, and assault” for “discrimination” in par. (4).

Subsec. (c)(5). Pub. L. 112-239, § 570(a)(5), added par. (5).

Subsec. (d). Pub. L. 112-239, § 570(b)(2), added subsec. (d) and struck out former subsec. (d). Prior to amendment, text read as follows: “Each of the four quadrennial surveys conducted under this section shall be conducted in a different year from any other survey conducted under this section, so that one such survey is conducted during each year.”

2002—Pub. L. 107-314 substituted “Racial and ethnic issues; gender issues: surveys” for “Race relations, gender discrimination, and hate group activity: annual survey and report” as section catchline and amended text generally, substituting provisions requiring four quadrennial surveys and report for provisions requiring an annual survey and report.

1996—Pub. L. 104-201, § 1121(a), renumbered section 451 of this title as this section.

Pub. L. 104-201, § 571(c)(1), substituted “Race relations, gender discrimination, and hate group activity: annual survey and report” for “Racial and ethnic issues; biennial survey; biennial report” as section catchline and amended text generally, substituting provisions requiring an annual survey and report for provisions requiring a biennial survey and report.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2019 AMENDMENT

Pub. L. 116-92, div. A, title V, § 591(c), Dec. 20, 2019, 133 Stat. 1414, provided that: “The amendments made by subsections (a) and (b) [amending this section and section 481a of this title] shall take effect on the date of the enactment of this Act [Dec. 20, 2019] and shall apply with respect to surveys under sections 481 and 481a of title 10, United States Code, that are initiated after such date.”

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-314, div. A, title V, § 561(b), Dec. 2, 2002, 116 Stat. 2554, provided that: “The first survey under sec-

tion 481 of title 10, United States Code, as amended by subsection (a)(1), shall be carried out during 2003.”

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

BEST PRACTICES FOR THE RETENTION OF CERTAIN FEMALE MEMBERS OF THE ARMED FORCES

Pub. L. 117-263, div. A, title V, § 537, Dec. 23, 2022, 136 Stat. 2577, provided that: “The Secretaries of the military departments shall share and implement best practices regarding the use of retention and exit survey data to identify barriers and lessons learned to improve the retention of female members of the Armed Forces under the jurisdiction of such Secretaries.”

ANNUAL REPORT ON STATUS OF FEMALE MEMBERS OF THE ARMED FORCES

Pub. L. 107-314, div. A, title V, § 562, Dec. 2, 2002, 116 Stat. 2554, provided that:

“(a) REQUIREMENT FOR REPORT.—The Secretary of Defense shall submit to Congress, for each of fiscal years 2002 through 2006, a report on the status of female members of the Armed Forces. Information in the annual report shall be shown for the Department of Defense as a whole and separately for each of the Army, Navy, Air Force, and Marine Corps.

“(b) MATTERS TO BE INCLUDED.—The report for a fiscal year under subsection (a) shall include the following information:

“(1) The positions, weapon systems, and fields of skills for which, by policy, female members are not eligible for assignment, as follows:

“(A) In the report for fiscal year 2002—

“(i) an identification of each position, weapon system, and field of skills for which, by policy, female members are not eligible; and

“(ii) the rationale for the applicability of the policy to each such position, weapon system, and field.

“(B) In the report for each fiscal year after fiscal year 2002, the positions, weapon systems, and fields for which policy on the eligibility of female members for assignment has changed during that fiscal year, including a discussion of how the policy has changed and the rationale for the change.

“(2) Information on joint spouse assignments, as follows:

“(A) The number of cases in which members of the Armed Forces married to each other are in assignments to which they were jointly assigned during that fiscal year, as defined in the applicable Department of Defense and military department personnel assignment policies.

“(B) The number of cases in which members of the Armed Forces married to each other are in assignments to which they were assigned during that fiscal year, but were not jointly assigned (as so defined).

“(3) Promotion selection rates for female members, for male members, and for all personnel in the reports submitted by promotion selection boards in that fiscal year for promotion to grades E-7, E-8, and E-9, and, in the case of commissioned officers, promotion to grades O-4, O-5, and O-6.

“(4) Retention rates for female members in each grade and for male members in each grade during that fiscal year.

“(5) Selection rates for female members and for male members for assignment to grade O-6 and grade O-5 command positions in reports of command selec-

tion boards that were submitted during that fiscal year.

“(6) Selection rates for female members and for male members for attendance at intermediate service schools (ISS) and, separately, for attendance at senior service schools (SSS) in reports of selection boards that were submitted during that fiscal year.

“(7) The extent of assignments of female members during that fiscal year in each field in which at least 80 percent of the Armed Forces personnel assigned in the field are men.

“(8) The incidence of sexual harassment complaints made during that fiscal year, stated as the number of cases in which complaints of sexual harassment were filed under procedures of military departments that are applicable to the submission of sexual harassment complaints, together with the number and percent of the complaints that were substantiated.

“(9) Satisfaction (based on surveys) of female active-duty members, female dependents of active-duty members, and female dependents of nonactive duty members entitled to health care provided by the Department of Defense with access to, and quality of, women’s health care benefits provided by the Department of Defense.

“(c) TIME FOR REPORT.—The report for a fiscal year under this section shall be submitted not later than 120 days after the end of that fiscal year.”

FIRST REPORT REQUIRED UNDER SUBSECTION (c)

Pub. L. 103-337, div. A, title V, §554(b), Oct. 5, 1994, 108 Stat. 2773, required Secretary of Defense to submit first report under former subsec. (c) of this section not later than May 1, 1995.

§ 481a. Workplace and gender relations issues: surveys of Department of Defense civilian employees

(a) IN GENERAL.—(1) The Secretary of Defense shall carry out every other fiscal year a survey of civilian employees of the Department of Defense to solicit information on gender issues, including issues relating to gender-based assault (including unwanted sexual contact), harassment, and discrimination, and the climate in the Department for forming professional relationships between male and female civilian employees of the Department.

(2) Each survey under this section shall be known as a “Department of Defense Civilian Employee Workplace and Gender Relations Survey”.

(b) ELEMENTS.—Each survey conducted under this section shall be conducted so as to solicit information on the following:

(1) Indicators of positive and negative trends for professional and personal relationships between male and female civilian employees of the Department of Defense.

(2) The specific types of assault (including unwanted sexual contact) on civilian employees of the Department by other personnel of the Department (including contractor personnel) that have occurred, and the number of times each respondent has been so assaulted during the preceding fiscal year.

(3) The effectiveness of Department policies designed to improve professional relationships between male and female civilian employees of the Department.

(4) The effectiveness of current processes for complaints on and investigations into gender-based assault (including unwanted sexual contact), harassment, and discrimination involving civilian employees of the Department.

(5) Any other issues relating to assault (including unwanted sexual contact), harassment, or discrimination involving civilian employees of the Department that the Secretary considers appropriate.

(c) REPORT TO CONGRESS.—Upon the completion of a survey under this section, the Secretary shall submit to Congress a report containing the results of the survey.

(d) POSTPONEMENT.—(1) The Secretary of Defense may postpone the conduct of a survey under this section if the Secretary determines that conducting such survey is not practicable due to a war or national emergency declared by the President or Congress.

(2) The Secretary shall ensure that a survey postponed under paragraph (1) is conducted as soon as practicable after the end of the period of war or national emergency concerned, or earlier if the Secretary determines appropriate.

(3) The Secretary shall notify Congress of a determination under paragraph (1) not later than 30 days after the date on which the Secretary makes such determination.

(Added Pub. L. 113-291, div. A, title X, §1073(a)(1), Dec. 19, 2014, 128 Stat. 3517; amended Pub. L. 116-92, div. A, title V, §591(b), Dec. 20, 2019, 133 Stat. 1414; Pub. L. 116-283, div. A, title V, §552(c), Jan. 1, 2021, 134 Stat. 3632.)

Editorial Notes

AMENDMENTS

2021—Subsec. (d). Pub. L. 116-283 added subsec. (d).

2019—Subsecs. (a), (b). Pub. L. 116-92 inserted “(including unwanted sexual contact)” after “assault” wherever appearing.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2019 AMENDMENT

Amendment by Pub. L. 116-92 effective Dec. 20, 2019, and applicable with respect to surveys under this section that are initiated after such date, see section 591(c) of Pub. L. 116-92, set out as a note under section 481 of this title.

TERMINATION OF REPORTING REQUIREMENTS

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

INITIAL SURVEY

Pub. L. 113-291, div. A, title X, §1073(a)(3), Dec. 19, 2014, 128 Stat. 3518, provided that: “The Secretary of Defense shall carry out the first survey required by section 481a of title 10, United States Code (as added by this subsection), during fiscal year 2016.”

§ 482. Readiness reports

(a) REPORTS AND BRIEFINGS.—(1) Not later than 30 days after the end of the second and fourth quarter of each calendar year, the Secretary of Defense shall submit to Congress a report regarding the military readiness of the active and reserve components and the Space Force. The Secretary of Defense shall submit each such report in writing and shall also submit a copy of each such report to the Chairman of the Joint Chiefs of Staff.

(2) Not later than 30 days after the end of the first and third quarter of each calendar year, the