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10 USC CHAPTER 2 - DEPARTMENT OF DEFENSE

01/03/05

-EXPCITE-

TITLE 10 - ARMED FORCES

Subtitle A - General Military Law

PART I - ORGANIZATION AND GENERAL MILITARY POWERS

CHAPTER 2 - DEPARTMENT OF DEFENSE

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CHAPTER 2 - DEPARTMENT OF DEFENSE

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Sec.

111. Executive department.

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AMENDMENTS

2002 - Pub. L. 107-314, div. A, title V, Sec. 581(a)(2), title X, Sec. 1061(b), Dec. 2, 2002, 116 Stat. 2561, 2649, added items 113a and 118a.

1999 - Pub. L. 106-65, div. A, title IX, Sec. 901(a)(2), Oct. 5, 1999, 113 Stat. 717, added item 118.

1998 - Pub. L. 105-261, div. A, title III, Sec. 373(a)(2), Oct. 17, 1998, 112 Stat. 1992, added item 117.

1994 - Pub. L. 103-337, div. A, title XVI, Sec. 1671(b)(1), Oct. 5, 1994, 108 Stat. 3013, struck out item 115b "Annual report on National Guard and reserve component equipment".

1992 - Pub. L. 102-484, div. A, title X, Sec. 1002(d)(1), Oct. 23, 1992, 106 Stat. 2480, struck out item 114a "Multiyear Defense Program: submission to Congress; consistency in budgeting".

1990 - Pub. L. 101-510, div. A, title XIV, Sec. 1402(a)(3)(B), Nov. 5, 1990, 104 Stat. 1674, which directed amendment of item 114a by substituting "Multiyear" for "Five-year", was executed by substituting "Multiyear" for "Five-Year" as the probable intent of Congress.

Pub. L. 101-510, div. A, title XIII, Sec. 1331(1), title XIV, Sec. 1483(c)(1), Nov. 5, 1990, 104 Stat. 1673, 1715, substituted "Personnel strengths: requirement for annual authorization" for "Annual authorization of personnel strengths; annual manpower requirements report" in item 115, added items 115a and 115b, and struck out items 117 "Annual report on North Atlantic Treaty Organization readiness" and 118 "Sale or transfer of defense articles: reports to Congress".

1989 - Pub. L. 101-189, div. A, title XVI, Sec. 1602(a)(2), Nov. 29, 1989, 103 Stat. 1597, added item 114a.

1987 - Pub. L. 100-180, div. A, title XI, Sec. 1132(a)(2), Dec. 4, 1987, 101 Stat. 1152, added item 119.

1986 - Pub. L. 99-433, title I, Sec. 101(a)(1), Oct. 1, 1986, 100 Stat. 994, added chapter heading and analysis of sections for chapter 2, consisting of items 111 to 118.

-End-

-CITE-

10 USC Sec. 111

01/03/05

-EXPCITE-

TITLE 10 - ARMED FORCES

Subtitle A - General Military Law

PART I - ORGANIZATION AND GENERAL MILITARY POWERS

CHAPTER 2 - DEPARTMENT OF DEFENSE

-HEAD-

Sec. 111. Executive department

-STATUTE-

(a) The Department of Defense is an executive department of the United States.

(b) The Department is composed of the following:

(1) The Office of the Secretary of Defense.

- (2) The Joint Chiefs of Staff.
- (3) The Joint Staff.
- (4) The Defense Agencies.
- (5) Department of Defense Field Activities.
- (6) The Department of the Army.
- (7) The Department of the Navy.
- (8) The Department of the Air Force.
- (9) The unified and specified combatant commands.
- (10) Such other offices, agencies, activities, and commands as may be established or designated by law or by the President.
- (11) All offices, agencies, activities, and commands under the control or supervision of any element named in paragraphs (1) through (10).

(c) If the President establishes or designates an office, agency, activity, or command in the Department of Defense of a kind other than those described in paragraphs (1) through (9) of subsection (b), the President shall notify Congress not later than 60 days thereafter.

-SOURCE-

(Added Pub. L. 87-651, title II, Sec. 202, Sept. 7, 1962, 76 Stat. 517, Sec. 131; renumbered Sec. 111 and amended Pub. L. 99-433, title I, Sec. 101(a)(2), (b), Oct. 1, 1986, 100 Stat. 994, 995.)

-MISC1-

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
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131	5:171(a) (less last 10 words), (b).	July 26, 1947, ch. 343, Sec. 201(a) (less last 10 words), (b); restated Aug. 10, 1949, ch. 412, Sec. 4 (1st (less last 10 words) and 2d pars.), 63 Stat. 579.
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The words "There is established", in 5 U.S.C. 171(a), are omitted as executed. 5 U.S.C. 171(b) (1st 26 words) is omitted as covered by the definitions of "department" and "military departments" in section 101(5) and (7), respectively, of this title. 5 U.S.C. 171(b) (27th through 49th words) is omitted as executed. 5 U.S.C. 171(b) (last 18 words) is omitted as surplusage.

AMENDMENTS

1986 - Pub. L. 99-433 renumbered section 131 of this title as this section, designated existing provisions as subsec. (a), and added subsecs. (b) and (c).

-CHANGE-

CHANGE OF NAME

Pub. L. 104-106, div. A, title IX, Sec. 908, Feb. 10, 1996, 110

Stat. 406, provided that:

"(a) Redesignation. - The agency in the Department of Defense known as the Advanced Research Projects Agency shall after the date of the enactment of this Act [Feb. 10, 1996] be designated as the Defense Advanced Research Projects Agency.

"(b) References. - Any reference in any law, regulation, document, record, or other paper of the United States or in any provision of this Act to the Advanced Research Projects Agency shall be considered to be a reference to the Defense Advanced Research Projects Agency."

-MISC2-

SHORT TITLE OF 1986 AMENDMENT

Section 1(a) of Pub. L. 99-433 provided that: "This Act [see Tables for classification] may be cited as the 'Goldwater-Nichols Department of Defense Reorganization Act of 1986'."

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the Department of Defense, including the functions of the Secretary of Defense relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 121(g)(2), 183(2), 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.

Missions and functions of elements of Department of Defense as specified in classified annex to Pub. L. 104-201, and related

personnel, assets, and balances of appropriations and authorizations of appropriations, transferred to National Imagery and Mapping Agency, see sections 1111 and 1113 of Pub. L. 104-201, set out as notes under section 441 of this title.

COMMISSION ON REVIEW OF OVERSEAS MILITARY FACILITY STRUCTURE OF THE
UNITED STATES

Pub. L. 108-132, Sec. 128, Nov. 22, 2003, 117 Stat. 1382, as amended by Pub. L. 108-271, Sec. 8(b), July 7, 2004, 118 Stat. 814; Pub. L. 108-324, div. A, Sec. 127, Oct. 13, 2004, 118 Stat. 1229, provided that:

"(a) Commission on Review of Overseas Military Facility Structure of the United States. - (1) There is established the Commission on the Review of the Overseas Military Facility Structure of the United States (in this section referred to as the 'Commission').

"(2)(A) The Commission shall be composed of eight members of whom

-

"(i) two shall be appointed by the Majority Leader of the Senate;

"(ii) two shall be appointed by the Minority Leader of the Senate;

"(iii) two shall be appointed by the Speaker of the House of Representatives; and

"(iv) two shall be appointed by the Minority Leader of the House of Representatives.

"(B) Individuals appointed to the Commission shall have significant experience in the national security or foreign policy of the United States.

"(C) Appointments of the members of the Commission shall be made

not later than 45 days after the date of the enactment of this Act [Nov. 22, 2003].

"(3) Members shall be appointed for the life of the Commission.

Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

"(4) Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

"(5) The Commission shall meet at the call of the Chairman.

"(6) A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

"(7) The Commission shall select a Chairman and Vice Chairman from among its members.

"(b) Duties. - (1) The Commission shall conduct a thorough study of matters relating to the military facility structure of the United States overseas.

"(2) In conducting the study, the Commission shall -

"(A) assess the number of forces required to be forward based outside the United States;

"(B) examine the current state of the military facilities and training ranges of the United States overseas for all permanent stations and deployed locations, including the condition of land and improvements at such facilities and ranges and the availability of additional land, if required, for such facilities and ranges;

"(C) identify the amounts received by the United States, whether in direct payments, in-kind contributions, or otherwise, from foreign countries by reason of military facilities of the United States overseas;

"(D) assess whether or not the current military basing and training range structure of the United States overseas is adequate to meet the current and future mission of the Department of Defense, including contingency, mobilization, and future force requirements;

"(E) assess the feasibility and advisability of the closure or realignment of military facilities of the United States overseas, or of the establishment of new military facilities of the United States overseas; and

"(F) consider or assess any other issue relating to military facilities of the United States overseas that the Commission considers appropriate.

"(3)(A) Not later than August 15, 2005, the Commission shall submit to the President and Congress a report which shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

"(B) In addition to the matters specified in subparagraph (A), the report shall also include a proposal by the Commission for an overseas basing strategy for the Department of Defense in order to meet the current and future mission of the Department.

"(c) Powers. - (1) The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this section.

"(2) The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this section. Upon request of the Chairman of the Commission, the head of such department or agency shall

furnish such information to the Commission.

"(3) Upon request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support necessary for the Commission to carry out its duties under this section.

"(4) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

"(5) The Commission may accept, use, and dispose of gifts or donations of services or property.

"(d) Personnel Matters. - (1) Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission under this section. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

"(2)(A) Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission under this section.

"(B) Members and staff of the Commission may receive transportation on military aircraft to and from the United States,

and overseas, for purposes of the performance of the duties of the Commission to the extent that such transportation will not interfere with the requirements of military operations.

"(3)(A) The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties under this section. The employment of an executive director shall be subject to confirmation by the Commission.

"(B) The Commission may employ a staff to assist the Commission in carrying out its duties. The total number of the staff of the Commission, including an executive director under subparagraph (A), may not exceed 12.

"(C) The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

"(4) Any employee of the Department of Defense, the Department of State, or the Government Accountability Office may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

"(5) The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

"(e) Security. - (1) Members and staff of the Commission, and any experts and consultants to the Commission, shall possess security clearances appropriate for their duties with the Commission under this section.

"(2) The Secretary of Defense shall assume responsibility for the handling and disposition of any information relating to the national security of the United States that is received, considered, or used by the Commission under this section.

"(f) Termination. - The Commission shall terminate 45 days after the date on which the Commission submits its report under subsection (b).

"(g) Funding. - (1) Of the amount appropriated by this Act [see Tables for classification], \$3,000,000 shall be available to the Commission to carry out this section.

"(2) The amount made available by paragraph (1) shall remain available, without fiscal year limitation, until September 2005."

COMMISSION TO ASSESS UNITED STATES NATIONAL SECURITY SPACE

MANAGEMENT AND ORGANIZATION

Pub. L. 106-65, div. A, title XVI, subtitle C, Oct. 5, 1999, 113 Stat. 813, as amended by Pub. L. 106-398, Sec. 1 [[div. A], title X, Sec. 1091], Oct. 30, 2000, 114 Stat. 1654, 1654A-300, established Commission To Assess United States National Security Space Management and Organization for purpose of assessing (1) manner in which military space assets may be exploited to provide support for United States military operations, (2) current interagency coordination process regarding operation of national security space assets, (3) relationship between intelligence and nonintelligence aspects of national security space, and potential

costs and benefits of partial or complete merger of programs, projects, (4) manner in which military space issues are addressed by professional military education institutions, (5) potential costs and benefits of establishing changes to existing organizational structure of Department of Defense for national security space management and organization, and (6) advisability of certain actions relating to assignment of specified officers in United States Space Command; and further provided for report to Congress and Secretary of Defense on its findings and conclusions not later than six months after first meeting, submission to Congress by Secretary of Defense of assessment of Commission's report not later than 90 days after submission of Commission's report, and for termination of Commission 60 days after submission of its report to Congress.

COMMISSION ON NATIONAL MILITARY MUSEUM

Pub. L. 106-65, div. B, title XXIX, Oct. 5, 1999, 113 Stat. 881, as amended by Pub. L. 107-107, div. A, title X, Sec. 1048(g)(9), Dec. 28, 2001, 115 Stat. 1228, provided that:

"SEC. 2901. ESTABLISHMENT.

"(a) Establishment. - There is hereby established a commission to be known as the 'Commission on the National Military Museum' (in this title referred to as the 'Commission').

"(b) Composition. - (1) The Commission shall be composed of 11 voting members appointed from among individuals who have an expertise in military or museum matters as follows:

"(A) Five shall be appointed by the President.

"(B) Two shall be appointed by the Speaker of the House of

Representatives, in consultation with the chairman of the Committee on Armed Services of the House of Representatives.

"(C) One shall be appointed by the minority leader of the House of Representatives, in consultation with the ranking member of the Committee on Armed Services of the House of Representatives.

"(D) Two shall be appointed by the majority leader of the Senate, in consultation with the chairman of the Committee on Armed Services of the Senate.

"(E) One shall be appointed by the minority leader of the Senate, in consultation with the ranking member of the Committee on Armed Services of the Senate.

"(2) The following shall be nonvoting members of the Commission:

"(A) The Secretary of Defense.

"(B) The Secretary of the Army.

"(C) The Secretary of the Navy.

"(D) The Secretary of the Air Force.

"(E) The Secretary of Transportation.

"(F) The Secretary of the Smithsonian Institution.

"(G) The Chairman of the National Capital Planning Commission.

"(H) The Chairperson of the Commission of Fine Arts.

"(c) Chairman. - The President shall designate one of the individuals first appointed to the Commission under subsection (b)(1)(A) as the chairman of the Commission.

"(d) Period of Appointment; Vacancies. - Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

"(e) Initial Organization Requirements. - (1) All appointments to the Commission shall be made not later than 90 days after the date

of the enactment of this Act [Oct. 5, 1999].

"(2) The Commission shall convene its first meeting not later than 60 days after the date as of which all members of the Commission have been appointed.

"SEC. 2902. DUTIES OF COMMISSION.

"(a) Study of National Military Museum. - The Commission shall conduct a study in order to make recommendations to Congress regarding an authorization for the construction of a national military museum in the National Capital Area.

"(b) Study Elements. - In conducting the study, the Commission shall do the following:

"(1) Determine whether existing military museums, historic sites, and memorials in the United States are adequate -

"(A) to provide in a cost-effective manner for display of, and interaction with, adequately visited and adequately preserved artifacts and representations of the Armed Forces and of the wars in which the United States has been engaged;

"(B) to honor the service to the United States of the active and reserve members of the Armed Forces and the veterans of the United States;

"(C) to educate current and future generations regarding the Armed Forces and the sacrifices of members of the Armed Forces and the Nation in furtherance of the defense of freedom; and

"(D) to foster public pride in the achievements and activities of the Armed Forces.

"(2) Determine whether adequate inventories of artifacts and representations of the Armed Forces and of the wars in which the United States has been engaged are available, either in current

inventories or in private or public collections, for loan or other provision to a national military museum.

"(3) Develop preliminary proposals for -

"(A) the dimensions and design of a national military museum in the National Capital Area;

"(B) the location of the museum in that Area; and

"(C) the approximate cost of the final design and construction of the museum and of the costs of operating the museum.

"(c) Additional Duties. - If the Commission determines to recommend that Congress authorize the construction of a national military museum in the National Capital Area, the Commission shall also, as a part of the study under subsection (a), do the following:

"(1) Recommend not fewer than three sites for the museum ranked by preference.

"(2) Propose a schedule for construction of the museum.

"(3) Assess the potential effects of the museum on the environment, facilities, and roadways in the vicinity of the site or sites where the museum is proposed to be located.

"(4) Recommend the percentages of funding for the museum to be provided by the United States, State and local governments, and private sources, respectively.

"(5) Assess the potential for fundraising for the museum during the 20-year period following the authorization of construction of the museum.

"(6) Assess and recommend various governing structures for the museum, including a governing structure that places the museum within the Smithsonian Institution.

"(d) Requirements for Location on Navy Annex Property. - In the case of a recommendation under subsection (c)(1) to authorize construction of a national military museum on the Navy Annex property authorized for reservation for such purpose by section 2881(b) [113 Stat. 879], the design of the national military museum on such property shall be subject to the following requirements:

"(1) The design shall be prepared in consultation with the Superintendent of Arlington National Cemetery.

"(2) The design may not provide for access by vehicles to the national military museum through Arlington National Cemetery.

"SEC. 2903. REPORT.

"The Commission shall, not later than 12 months after the date of its first meeting, submit to Congress a report on its findings and conclusions under this title, including any recommendations under section 2902.

"SEC. 2904. POWERS.

"(a) Hearings. - The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this title, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

"(b) Information. - The Commission may secure directly from the Department of Defense and any other Federal department or agency information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this title.

"SEC. 2905. COMMISSION PROCEDURES.

"(a) Meetings. - The Commission shall meet at the call of the chairman.

"(b) Quorum. - (1) Six of the members appointed under section 2901(b)(1) shall constitute a quorum other than for the purpose of holding hearings.

"(2) The Commission shall act by resolution agreed to by a majority of the members of the Commission.

"(c) Commission. - The Commission may establish panels composed of less than full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

"(d) Authority of Individuals To Act for Commission. - Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this title.

"SEC. 2906. PERSONNEL MATTERS.

"(a) Pay of Members. - Members of the Commission appointed under section 2901(b)(1) shall serve without pay by reason of their work on the Commission.

"(b) Travel Expenses. - The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services

for the Commission.

"(c) Staff. - (1) The chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The appointment of a staff director shall be subject to the approval of the Commission.

"(2) The chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS-15 of the General Schedule.

"(d) Detail of Government Employees. - Upon request of the chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

"(e) Procurement of Temporary and Intermittent Services. - The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

"SEC. 2907. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

"(a) Postal and Printing Services. - The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the United States.

"(b) Miscellaneous Administrative and Support Services. - The Secretary of Defense shall furnish the Commission, on a reimbursable basis, any administrative and support services requested by the Commission.

"SEC. 2908. FUNDING.

"(a) In General. - Funds for activities of the Commission shall be provided from amounts appropriated for the Department of Defense for operation and maintenance for Defense-wide activities for fiscal year 2000.

"(b) Request. - Upon receipt of a written certification from the chairman of the Commission specifying the funds required for the activities of the Commission, the Secretary of Defense shall promptly disburse to the Commission, from such amounts, the funds required by the Commission as stated in such certification.

"(c) Availability of Certain Funds. - Of the funds available for activities of the Commission under this section, \$2,000,000 shall be available for the activities, if any, of the Commission under section 2902(c).

"SEC. 2909. TERMINATION OF COMMISSION.

"The Commission shall terminate 60 days after the date of the submission of its report under section 2903."

PROHIBITION ON RESTRICTION OF ARMED FORCES UNDER KYOTO PROTOCOL TO

UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE

Pub. L. 105-261, div. A, title XII, Sec. 1232, Oct. 17, 1998, 112

Stat. 2155, provided that:

"(a) In General. - Notwithstanding any other provision of law, no provision of the Kyoto Protocol to the United Nations Framework Convention on Climate Change, or any regulation issued pursuant to such protocol, shall restrict the training or operations of the United States Armed Forces or limit the military equipment procured by the United States Armed Forces.

"(b) Waiver. - A provision of law may not be construed as modifying or superseding the provisions of subsection (a) unless that provision of law -

"(1) specifically refers to this section; and

"(2) specifically states that such provision of law modifies or supersedes the provisions of this section.

"(c) Matters Not Affected. - Nothing in this section shall be construed to preclude the Department of Defense from implementing any measure to achieve efficiencies or for any other reason independent of the Kyoto Protocol."

APPLICABILITY OF CERTAIN PAY AUTHORITIES TO MEMBERS OF SPECIFIED

INDEPENDENT STUDY ORGANIZATIONS

Pub. L. 105-85, div. A, title X, Sec. 1081, Nov. 18, 1997, 111

Stat. 1916, provided that:

"(a) Applicability of Certain Pay Authorities. - (1) An individual who is a member of a commission or panel specified in subsection (b) and is an annuitant otherwise covered by section 8344 or 8468 of title 5, United States Code, by reason of membership on the commission or panel is not subject to the

provisions of that section with respect to such membership.

"(2) An individual who is a member of a commission or panel specified in subsection (b) and is a member or former member of a uniformed service is not subject to the provisions of subsections (b) and (c) of section 5532 of such title with respect to membership on the commission or panel.

"(b) Specified Entities. - Subsection (a) applies -

"(1) effective as of September 23, 1996, to members of the National Defense Panel established by section 924 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2626) [formerly set out below]; and

"(2) effective as of October 9, 1996, to members of the Commission on Servicemembers and Veterans Transition Assistance established by section 701 of the Veterans' Benefits Improvements Act of 1996 (Public Law 104-275; 110 Stat. 3346; 38 U.S.C. 545 note)."

MISSION OF WHITE HOUSE COMMUNICATIONS AGENCY

Pub. L. 104-201, div. A, title IX, Sec. 912, Sept. 23, 1996, 110 Stat. 2623, provided that:

"(a) Telecommunications Support. - The Secretary of Defense shall ensure that the activities of the White House Communications Agency in providing support services on a nonreimbursable basis for the President from funds appropriated for the Department of Defense for any fiscal year are limited to the provision of telecommunications support to the President and Vice President and to related elements (as defined in regulations of that agency and specified by the President with respect to particular individuals within those related elements).

"(b) Other Support. - Support services other than telecommunications support services described in subsection (a) may be provided by the Department of Defense for the President through the White House Communications Agency on a reimbursable basis.

"(c) White House Communications Agency. - For purposes of this section, the term 'White House Communications Agency' means the element of the Department of Defense within the Defense Communications Agency that is known on the date of the enactment of this Act [Sept. 23, 1996] as the White House Communications Agency and includes any successor agency.

"(d) Report on Issues Raised by DOD Inspector General Review of White House Communications Agency. - Not later than October 1, 1996, or 30 days after the date of the enactment of this Act [Sept. 23, 1996], whichever is later, the Secretary of Defense shall submit to Congress a report setting forth the actions taken by the Secretary to address the issues raised by the report of the Department of Defense Inspector General reviewing the mission of the White House Communications Agency.

"(e) Quarterly Reports During Fiscal Year 1997. - Not later than 30 days after the end of each quarter of fiscal year 1997, the Secretary of Defense shall submit to Congress a report describing the support services other than telecommunications support services described in subsection (a) that were provided during the preceding quarter by the Department of Defense for the President through the White House Communications Agency.

"(f) Effective Date. - This section takes effect on October 1, 1997, and applies to funds appropriated for the Department of Defense for any fiscal year after fiscal year 1997."

MILITARY FORCE STRUCTURE REVIEW

Pub. L. 104-201, div. A, title IX, subtitle B, Sept. 23, 1996, 110 Stat. 2623, directed Secretary of Defense, in consultation with Chairman of the Joint Chiefs of Staff, to complete in 1997 a review of defense program of United States, which was to include comprehensive examination of defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of defense program and policies with view toward determining and expressing defense strategy of United States and establishing revised defense program through year 2005, further established National Defense Panel to complete review and report to Secretary not later than Dec. 1, 1997, further directed Secretary to submit final report to Congress not later than Dec. 15, 1997, and provided for termination of Panel 30 days after submission of report to Secretary.

COMMISSION ON ROLES AND MISSIONS OF ARMED FORCES

Pub. L. 103-160, div. A, title IX, subtitle E, Nov. 30, 1993, 107 Stat. 1738, as amended by Pub. L. 103-337, div. A, title IX, Sec. 923(a)(1), (2), (b)-(d), Oct. 5, 1994, 108 Stat. 2830, 2831, provided that:

"SEC. 951. FINDINGS.

"Congress makes the following findings:

"(1) The current allocation of roles and missions among the Armed Forces evolved from the practice during World War II to meet the Cold War threat and may no longer be appropriate for the post-Cold War era.

"(2) Many analysts believe that a realignment of those roles

and mission [sic] is essential for the efficiency and effectiveness of the Armed Forces, particularly in light of lower budgetary resources that will be available to the Department of Defense in the future.

"(3) The existing process of a triennial review of roles and missions by the Chairman of the Joint Chiefs of Staff pursuant to provisions of law enacted by the Goldwater-Nichols Department of Defense Reorganization Act of 1986 [see Short Title of 1986 Amendment note above] has not produced the comprehensive review envisioned by Congress.

"(4) It is difficult for any organization, and may be particularly difficult for the Department of Defense, to reform itself without the benefit and authority provided by external perspectives and analysis.

"SEC. 952. ESTABLISHMENT OF COMMISSION.

"(a) Establishment. - There is hereby established a commission to be known as the Commission on Roles and Missions of the Armed Forces (hereinafter in this subtitle referred to as the 'Commission').

"(b) Composition and Qualifications. - (1) The Commission shall be composed of eleven members. Members of the Commission shall be appointed by the Secretary of Defense.

"(2) The Commission shall be appointed from among private United States citizens with appropriate and diverse military, organizational, and management experiences and historical perspectives.

"(3) The Secretary shall designate one of the members as chairman of the Commission.

"(c) Period of Appointment; Vacancies. - Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

"(d) Initial Organizational Requirements. - (1) The Secretary shall make all appointments to the Commission within 45 days after the date of the enactment of this Act [Nov. 30, 1993].

"(2) The Commission shall convene its first meeting within 30 days after the first date on which all members of the Commission have been appointed. At that meeting, the Commission shall develop an agenda and a schedule for carrying out its duties.

"SEC. 953. DUTIES OF COMMISSION.

"(a) In General. - The Commission shall -

"(1) review the efficacy and appropriateness for the post-Cold War era of the current allocations among the Armed Forces of roles, missions, and functions;

"(2) evaluate and report on alternative allocations of those roles, missions, and functions; and

"(3) make recommendations for changes in the current definition and distribution of those roles, missions, and functions.

"(b) Review of Potential Military Operations. - The Commission shall review the types of military operations that may be required in the post-Cold War era, taking into account the requirements for success in various types of operations. As part of such review, the Commission shall take into consideration the official strategic planning of the Department of Defense. The types of operations to be considered by the Commission as part of such review shall include the following:

"(1) Defense of the United States.

"(2) Warfare against other national military forces.

"(3) Participation in peacekeeping, peace enforcement, and other nontraditional activities.

"(4) Action against nuclear, chemical, and biological weapons capabilities in hostile hands.

"(5) Support of law enforcement.

"(6) Other types of operations as specified by the chairman of the Commission.

"(c) Commission To Define Broad Mission Areas and Key Support Requirements. - As a result of the review under subsection (b), the Commission shall define broad mission areas and key support requirements for the United States military establishment as a whole.

"(d) Development of Conceptual Framework for Organizational Allocations. - The Commission shall develop a conceptual framework for the review of the organizational allocation among the Armed Forces of military roles, missions, and functions. In developing that framework, the Commission shall consider -

"(1) static efficiency (such as duplicative overhead and economies of scale);

"(2) dynamic effectiveness (including the benefits of competition and the effect on innovation);

"(3) interoperability, responsiveness, and other aspects of military effectiveness in the field;

"(4) gaps in mission coverage and so-called orphan missions that are inadequately served by existing organizational entities;

"(5) division of responsibility on the battlefield;

"(6) exploitation of new technology and operational concepts;

"(7) the degree of disruption that a change in roles and missions would entail;

"(8) the experience of other nations; and

"(9) the role of the Army National Guard of the United States, the Air National Guard of the United States, and the other reserve components.

"(e) Recommendations Concerning Military Roles and Missions. -

Based upon the conceptual framework developed under subsection (d) to evaluate possible changes to the existing allocation among the Armed Forces of military roles, missions, and functions, the Commission shall recommend -

"(1) the functions for which each military department should organize, train, and equip forces;

"(2) the missions of combatant commands; and

"(3) the roles that Congress should assign to the various military elements of the Department of Defense, including the Army National Guard of the United States, the Air National Guard of the United States, and the other reserve components.

"(f) Recommendations Concerning Civilian Elements of Department of Defense. - The Commission may address the roles, missions, and functions of civilian portions of the Department of Defense and other national security agencies to the extent that changes in these areas are collateral to changes considered in military roles, missions, and functions.

"(g) Recommendations Concerning Process for Future Changes. - The Commission shall also recommend a process for continuing to adapt the roles, missions, and functions of the Armed Forces to future changes in technology and in the international security environment.

"(h) Recommendations Concerning Reserve Components. - The Commission shall also address the roles, missions, and functions of the Army National Guard of the United States, the Air National Guard of the United States, and the other reserve components within the total force of the Armed Forces, particularly in light of lower budgetary resources that will be available to the Department of Defense in the future.

"(i) Recommendations Concerning Programs and Force Structure. - The Commission may also recommend changes that would better align programs and force structure with projected missions and threats.

"SEC. 954. REPORTS.

"(a) Implementation Plan. - Not later than three months after the date on which all members of the Commission have been appointed, the Commission shall transmit to the Committees on Armed Services of the Senate and House of Representatives a report setting forth its plan for the work of the Commission. The plan shall be developed following discussions with the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the chairmen of those committees.

"(b) Commission Report. - The Commission shall, not later than one year after the date of its first meeting, submit to the committees named in subsection (a) and to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff a report setting forth the activities, findings, and recommendations of the Commission, including any recommendations for legislation that the Commission considers advisable.

"(c) Action by Secretary of Defense. - The Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff,

shall submit comments on the Commission's report to the committees referred to in subsection (b) not later than 90 days following receipt of the report.

"SEC. 955. POWERS.

"(a) Hearings. - The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this subtitle, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

"(b) Information. - The Commission may secure directly from the Department of Defense and any other Federal department or agency any information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this subtitle. Upon request of the chairman of the Commission, the head of such department or agency shall furnish such information expeditiously to the Commission.

"SEC. 956. COMMISSION PROCEDURES.

"(a) Meetings. - The Commission shall meet at the call of the chairman.

"(b) Quorum. - (1) Seven members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

"(2) The Commission shall act by resolution agreed to by a majority of the members of the Commission.

"(c) Panels. - The Commission may establish panels composed of less than the full membership of the Commission for the purpose of

carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

"(d) Authority of Individuals To Act for Commission. - Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this subtitle.

"SEC. 957. PERSONNEL MATTERS; EXPERT SERVICES.

"(a) Pay of Members. - Each member of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without pay in addition to that received for their services as officers or employees of the United States.

"(b) Travel Expenses. - The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

"(c) Staff. - (1) The chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director

and such additional personnel as may be necessary to enable the Commission to perform its duties. The appointment of a staff director shall be subject to the approval of the Commission.

"(2) The chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS-15 of the General Schedule.

"(d) Detail of Government Employees. - Upon request of the chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

"(e) Procurement of Temporary and Intermittent Services. - The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

"(f) FFRDC Support. - (1) Upon the request of the chairman of the Commission, the Secretary of Defense shall make available to the Commission, without reimbursement, the services of any federally funded research and development center that is covered by a sponsoring agreement of the Department of Defense. The cost of the services made available under this subsection may not exceed

\$20,000,000.

"(2) Notwithstanding any other provision of law, any analytic support or related services provided by such a center to the Commission shall not be subject to any overall ceiling established by this or any other Act on the activities or budgets of such centers.

"SEC. 958. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

"(a) Postal and Printing Services. - The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

"(b) Miscellaneous Administrative and Support Services. - The Secretary of Defense shall furnish the Commission, on a reimbursable basis, any administrative and support services requested by the Commission.

"(c) Gifts. - The Commission may accept, use, and dispose of gifts or donations of services or property.

"(d) Travel. - To the maximum extent practicable, the members and employees of the Commission shall travel on military aircraft, military ships, military vehicles, or other military conveyances when travel is necessary in the performance of a responsibility of the Commission, except that no such aircraft, ship, vehicle, or other conveyance may be scheduled primarily for the transportation of any such member or employee when the cost of commercial transportation is less expensive.

"SEC. 959. PAYMENT OF COMMISSION EXPENSES.

"The compensation, travel expenses, and per diem allowances of

members and employees of the Commission shall be paid out of funds available to the Department of Defense for the payment of compensation, travel allowances, and per diem allowances, respectively, of civilian employees of the Department of Defense. The other expenses of the Commission shall be paid out of funds available to the Department of Defense for the payment of similar expenses incurred by that Department.

"SEC. 960. TERMINATION OF THE COMMISSION.

"The Commission shall terminate on the last day of the sixteenth month that begins after the date of its first meeting, but not earlier than 30 days after the date of the Secretary of Defense's submission of comments on the Commission's report."

[Pub. L. 103-337, div. A, title IX, Sec. 923(a)(3), (4), Oct. 5, 1994, 108 Stat. 2830, provided that:

["(3) The additional members of the Commission on Roles and Missions of the Armed Forces authorized by the amendment made by paragraph (1) [amending section 952(b)(1) of Pub. L. 103-160, set out above] shall be appointed by the Secretary of Defense not later than 30 days after the date of the enactment of this Act [Oct. 5, 1994].

["(4) At least one of the additional members of the Commission appointed pursuant to the amendment made by paragraph (1) shall have previous military experience and management experience with the reserve components."]

TERMINATION OF DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS
DETERMINED BY SECRETARY OF DEFENSE TO BE UNNECESSARY OR
INCOMPATIBLE WITH EFFICIENT MANAGEMENT OF DEPARTMENT OF DEFENSE

Pub. L. 103-160, div. A, title XI, Sec. 1151, Nov. 30, 1993, 107 Stat. 1758, provided that:

"(a) Termination of Report Requirements. - Unless otherwise provided by a law enacted after the date of the enactment of this Act [Nov. 30, 1993], each provision of law requiring the submittal to Congress (or any committee of Congress) of any report specified in the list submitted under subsection (b) shall, with respect to that requirement, cease to be effective on October 30, 1995.

"(b) Preparation of List. - (1) The Secretary of Defense shall submit to Congress a list of each provision of law that, as of the date specified in subsection (c), imposes upon the Secretary of Defense (or any other officer of the Department of Defense) a reporting requirement described in paragraph (2). The list of provisions of law shall include a statement or description of the report required under each such provision of law.

"(2) Paragraph (1) applies to a requirement imposed by law to submit to Congress (or specified committees of Congress) a report on a recurring basis, or upon the occurrence of specified events, if the Secretary determines that the continued requirement to submit that report is unnecessary or incompatible with the efficient management of the Department of Defense.

"(3) The Secretary shall submit with the list an explanation, for each report specified in the list, of the reasons why the Secretary considers the continued requirement to submit the report to be unnecessary or incompatible with the efficient management of the Department of Defense.

"(c) Submission of List. - The list under subsection (a) shall be submitted not later than April 30, 1994.

"(d) Scope of Section. - For purposes of this section, the term

'report' includes a certification, notification, or other characterization of a communication.

"(e) Interpretation of Section. - This section does not require the Secretary of Defense to review each report required of the Department of Defense by law."

REPORT PROVISIONS PREVIOUSLY TERMINATED BY GOLDWATER-NICHOLS ACT

Pub. L. 101-510, div. A, title XIII, Sec. 1321, Nov. 5, 1990, 104 Stat. 1670, provided that section 1322 of Pub. L. 101-510, with respect to Goldwater-Nichols terminations, repeals certain provisions of law containing terminated report requirements and section 1323 of Pub. L. 101-510, with respect to such terminations, restores effectiveness of selected other provisions of law containing such requirements and described Goldwater-Nichols terminations for purposes of such repeals or restorations.

RESTORATION OF CERTAIN REPORTING REQUIREMENTS OF TITLE 10

TERMINATED BY GOLDWATER-NICHOLS ACT

Pub. L. 101-510, div. A, title XIII, Sec. 1323, Nov. 5, 1990, 104 Stat. 1672, restored effectiveness of following report and notification provisions previously terminated by section 602(c) of the Goldwater-Nichols Department of Defense Reorganization Act of 1986, Pub. L. 99-433, formerly set out below: (1) the quarterly report required by section 127(c) of this title relating to emergency and extraordinary expenses, (2) the notifications required by section 2672a(b) of this title relating to urgent acquisitions of interests in land, (3) the notifications required by section 7308(c) of this title relating to the transfer or gift of obsolete, condemned, or captured vessels, and (4) the

notifications required by section 7309(b) of this title relating to construction or repair of vessels in foreign shipyards.

GOLDWATER-NICHOLS DEPARTMENT OF DEFENSE REORGANIZATION ACT OF 1986;

CONGRESSIONAL DECLARATION OF POLICY

Section 3 of Pub. L. 99-433 provided that: "In enacting this Act [see Short Title of 1986 Amendment note above], it is the intent of Congress, consistent with the congressional declaration of policy in section 2 of the National Security Act of 1947 (50 U.S.C. 401) -

"(1) to reorganize the Department of Defense and strengthen civilian authority in the Department;

"(2) to improve the military advice provided to the President, the National Security Council, and the Secretary of Defense;

"(3) to place clear responsibility on the commanders of the unified and specified combatant commands for the accomplishment of missions assigned to those commands;

"(4) to ensure that the authority of the commanders of the unified and specified combatant commands is fully commensurate with the responsibility of those commanders for the accomplishment of missions assigned to their commands;

"(5) to increase attention to the formulation of strategy and to contingency planning;

"(6) to provide for more efficient use of defense resources;

"(7) to improve joint officer management policies; and

"(8) otherwise to enhance the effectiveness of military operations and improve the management and administration of the Department of Defense."

REDUCTION OF REPORTING REQUIREMENTS

Section 602 of Pub. L. 99-433, as amended by Pub. L. 100-180, div. A, title XIII, Sec. 1314(a)(4), Dec. 4, 1987, 101 Stat. 1175; Pub. L. 101-189, div. A, title II, Sec. 243, Nov. 29, 1989, 103 Stat. 1402; Pub. L. 101-510, div. A, title XIII, Sec. 1324, Nov. 5, 1990, 104 Stat. 1673; Pub. L. 102-83, Sec. 5(c)(2), Aug. 6, 1991, 105 Stat. 406, directed Secretary of Defense to compile a list of all provisions of law in effect on or after Oct. 1, 1986, and before Feb. 1, 1987, which require President or any official or employee of Department of Defense to submit a report, notification, or study to Congress or any committee of Congress and to submit this list not later than six months after Oct. 1, 1986, with any recommendation or draft of legislation to implement any changes in law recommended by the Secretary.

LEGISLATION TO MAKE REQUIRED CONFORMING CHANGES IN LAW

Section 604 of Pub. L. 99-433 directed Secretary of Defense, not later than six months after Oct. 1, 1986, to submit to Committees on Armed Services of Senate and House of Representatives a draft of legislation to make any technical and conforming changes to title 10, United States Code, and other provisions of law that are required or should be made by reason of the amendments made by Pub. L. 99-433.

READINESS STATUS OF MILITARY FORCES OF THE NORTH ATLANTIC TREATY ORGANIZATION; ASSESSMENT, FINDINGS, AND REPORT TO CONGRESSIONAL COMMITTEES

Pub. L. 96-107, title VIII, Sec. 808, Nov. 9, 1979, 93 Stat. 814, which directed Secretary of Defense to report annually to Congress

on readiness of military forces of NATO, was repealed and restated as section 133a (renumbered Sec. 117 and repealed) of this title by Pub. L. 97-295, Secs. 1(2)(A), 6(b), Oct. 12, 1982, 96 Stat. 1287, 1314.

DEFENSE MANPOWER COMMISSION

Pub. L. 93-155, title VII, Secs. 701-708, Nov. 16, 1973, 87 Stat. 609-611, established the Commission; provided for its composition, duties, powers, compensation, staff, appropriations, and use of General Services Administration; and directed that interim reports to President and Congress be submitted and that Commission terminate 60 days after its final report which was to be submitted not more than 24 months after appointment of Commission.

AIR FORCE RESERVE AND AIR NATIONAL GUARD OF UNITED STATES; STUDY AND INVESTIGATION OF RELATIVE STATUS; ADVANTAGES AND DISADVANTAGES OF ALTERNATIVES; MODERNIZATION AND MANPOWER NEEDS; REPORT TO PRESIDENT AND CONGRESS

Pub. L. 93-155, title VIII, Sec. 810, Nov. 16, 1973, 87 Stat. 618, directed the Secretary of Defense to study the relative status of the Air Force Reserve and the Air National Guard of the United States; to measure the effects on costs and combat capability as well as other advantages and disadvantages of (1) merging the Reserve into the Guard, (2) merging the Guard into the Reserve, and (3) retaining the status quo; and to consider the modernization needs and manpower problems of both; and also directed that a report of such study be submitted to the President and to the Congress no later than Jan. 31, 1975.

REORGANIZATION PLAN NO. 6 OF 1953

Eff. June 30, 1953, 18 F.R. 3743, 67 Stat. 638, as amended Aug. 6, 1958, Pub. L. 85-559, Sec. 10(b), 72 Stat. 521; Sept. 7, 1962, Pub. L. 87-651, title III, Sec. 307C, 76 Stat. 526

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, April 30, 1953, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949, as amended [see 5 U.S.C. 901 et seq.].

DEPARTMENT OF DEFENSE

SECTION 1. TRANSFERS OF FUNCTIONS

(a) All functions of the Munitions Board, the Research and Development Board, the Defense Supply Management Agency, and the Director of Installations are hereby transferred to the Secretary of Defense.

(b) The selection of the Director of the Joint Staff by the Joint Chiefs of Staff, and his tenure, shall be subject to the approval of the Secretary of Defense.

(c) The selection of the members of the Joint Staff by the Joint Chiefs of Staff, and their tenure, shall be subject to the approval of the Chairman of the Joint Chiefs of Staff.

(d) The functions of the Joint Chiefs of Staff with respect to managing the Joint Staff and the Director thereof are hereby transferred to the Chairman of the Joint Chiefs of Staff.

SEC. 2. ABOLITION OF AGENCIES AND FUNCTIONS

(a) There are hereby abolished the Munitions Board, the Research

and Development Board, and the Defense Supply Management Agency.

(b) The offices of Chairman of the Munitions Board, Chairman of the Research and Development Board, Director of the Defense Supply Management Agency, Deputy Director of the Defense Supply Management Agency, and Director of Installations are hereby abolished.

(c) The Secretary of Defense shall provide for winding up any outstanding affairs of the said abolished agency, boards, and offices, not otherwise provided for in this reorganization plan.

(d) The function of guidance to the Munitions Board in connection with strategic and logistic plans as required by section 213(c) of the National Security Act of 1947, as amended [section 171h(c) of former Title 5], is hereby abolished.

SEC. 3. ASSISTANT SECRETARIES OF DEFENSE

[Repealed. Pub. L. 85-599, Sec. 10(b), Aug. 6, 1958, 72 Stat. 521, eff. six months after Aug. 6, 1958. Section authorized appointment of six additional Assistant Secretaries and prescribed their duties and compensation.]

SEC. 4. GENERAL COUNSEL

[Repealed. Pub. L. 87-651, title III, Sec. 307C, Sept. 7, 1962, 76 Stat. 526. Section authorized appointment of a General Counsel for the Department of Defense. See section 140 of this title.]

SEC. 5. PERFORMANCE OF FUNCTIONS

[Repealed. Pub. L. 87-651, title III, Sec. 307C, Sept. 7, 1962, 76 Stat. 526. Section authorized the Secretary of Defense from time to time to make such provisions as he deemed appropriate authorizing the performance by any other officer, or by any agency

or employee, of the Department of any function of the Secretary.

See section 113 of this title.]

SEC. 6. MISCELLANEOUS PROVISIONS

(a) The Secretary of Defense may from time to time effect such transfers within the Department of Defense of any of the records, property, and personnel affected by this reorganization plan, and such transfers of unexpended balances (available or to be made available for use in connection with any affected function or agency) of appropriations, allocations, and other funds of such Department, as he deems necessary to carry out the provisions of this reorganization plan.

(b) Nothing herein shall affect the compensation of the Chairman of the Military Liaison Committee (63 Stat. 762).

-EXEC-

EXECUTIVE ORDER NO. 12049

Ex. Ord. No. 12049, Mar. 27, 1978, 43 F.R. 13363, as amended by Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055; Ex. Ord. No. 12608, Sept. 9, 1987, 52 F.R. 34617, which provided for establishment of Defense Economic Adjustment Program and continued the Economic Adjustment Committee, was superseded by Ex. Ord. No. 12788, Jan. 15, 1992, 57 F.R. 2213, set out as a note under section 2391 of this title.

-End-

-CITE-

10 USC Sec. 112

01/03/05

-EXPCITE-

TITLE 10 - ARMED FORCES

Subtitle A - General Military Law

PART I - ORGANIZATION AND GENERAL MILITARY POWERS

CHAPTER 2 - DEPARTMENT OF DEFENSE

-HEAD-

Sec. 112. Department of Defense: seal

-STATUTE-

The Secretary of Defense shall have a seal for the Department of Defense. The design of the seal is subject to approval by the President. Judicial notice shall be taken of the seal.

-SOURCE-

(Added Pub. L. 87-651, title II, Sec. 202, Sept. 7, 1962, 76 Stat. 517, Sec. 132; renumbered Sec. 112 and amended Pub. L. 99-433, title I, Secs. 101(a)(2), 110(d)(1), Oct. 1, 1986, 100 Stat. 994, 1002.)

-MISC1-

-HEAD-

Sec. 113. Secretary of Defense

-STATUTE-

(a) 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. A person may not be appointed as Secretary of Defense within 10 years after relief from active duty as a commissioned officer of a regular component of an armed force.

(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. 401), he has authority, direction, and control over the Department of Defense.

(c)(1) 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 -

(A) a report from each military department on the expenditures, work, and accomplishments of that department;

(B) itemized statements showing the savings of public funds, and the eliminations of unnecessary duplications, made under sections 125 and 191 of this title; and

(C) such recommendations as he considers appropriate.

(2) 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 the reserve programs of the Department of Defense and on any other matters that the Reserve Forces Policy Board considers appropriate to include in the report.

(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 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. 404a) 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) The Secretary of Defense, with the advice and assistance of the Chairman of the Joint Chiefs of Staff, shall provide annually to the heads of Department of Defense components written policy guidance for the preparation and review of the program recommendations and budget proposals of their respective components. Such guidance shall include guidance on -

(A) national security objectives and policies;

(B) the priorities of military missions; and

(C) the resource levels projected to be available for the period of time for which such recommendations and proposals are to be effective.

(2) The Secretary of Defense, with the approval of the President and after consultation with the Chairman of the Joint Chiefs of Staff, shall provide to the Chairman written policy guidance for the preparation and review of contingency plans. Such guidance shall be provided every two years or more frequently as needed and shall include guidance on the specific force levels and specific supporting resource levels projected to be available for the period of time for which such plans are to be effective.

(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.

(2) 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.

(j)(1) Not later than April 8 of each year, the Secretary of Defense shall submit to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives 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) 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.

(B) 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.

(C) The effect of such expenditures outside the United States on the balance of payments of the United States.

(2) Each report under this subsection shall be prepared in consultation with the Secretary of Commerce.

(3) 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) The Secretary shall include in the annual report to Congress under subsection (c) the following:

(1) A comparison of the amounts provided in the defense budget for support and for mission activities for each of the preceding five fiscal years.

(2) A comparison of the number of military and civilian personnel, shown by major occupational category, assigned to support positions and to mission positions for each of the preceding five fiscal years.

(3) An accounting, shown by service and by major occupational category, of the number of military and civilian personnel assigned to support positions during each of the preceding five fiscal years.

(4) A listing of the number of military and civilian personnel assigned to management headquarters and headquarters support activities as a percentage of military end-strength for each of the preceding five fiscal years.

(m) 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.

(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.

-SOURCE-

(Added Pub. L. 87-651, title II, Sec. 202, Sept. 7, 1962, 76 Stat. 517, Sec. 133; amended Pub. L. 96-513, title V, Sec. 511(3), Dec. 12, 1980, 94 Stat. 2920; Pub. L. 97-252, title XI, Sec. 1105, Sept. 8, 1982, 96 Stat. 739; Pub. L. 97-295, Sec. 1(1), Oct. 12, 1982, 96 Stat. 1287; renumbered Sec. 113 and amended Pub. L. 99-433, title I, Secs. 101(a)(2), 102, 110(b)(2), (d)(2), title III, Sec. 301(b)(2), title VI, Sec. 603(b), Oct. 1, 1986, 100 Stat. 994, 996, 1002, 1022, 1075; Pub. L. 100-26, Sec. 7(d)(1), Apr. 21, 1987, 101 Stat. 280; Pub. L. 100-180, div. A, title XII, Sec. 1214, Dec. 4, 1987, 101 Stat. 1157; Pub. L. 100-370, Sec. 1(o)(1), July 19, 1988, 102 Stat. 850; Pub. L. 100-456, div. A, title VII, Sec. 731, title XI, Sec. 1101, Sept. 29, 1988, 102 Stat. 2003, 2042; Pub. L. 101-189, div. A, title XVI, Sec. 1622(c)(1), Nov. 29, 1989, 103 Stat. 1604; Pub. L. 101-510, div. A, title XIII, Sec. 1322(a)(1), Nov. 5, 1990, 104 Stat. 1671; Pub. L. 102-190, div. A, title III, Sec. 341, Dec. 5, 1991, 105 Stat. 1343; Pub. L. 103-337, div. A, title X, Sec. 1070(a)(1), title XVI, Sec. 1671(c)(2), Oct. 5, 1994, 108 Stat. 2855, 3014; Pub. L. 104-106, div. A, title XV, Secs.

1501(a)(8)(B), 1502(a)(3), 1503(a)(1), Feb. 10, 1996, 110 Stat. 495, 502, 510; Pub. L. 104-201, div. A, title XII, Sec. 1255(c), Sept. 23, 1996, 110 Stat. 2698; Pub. L. 105-85, div. A, title IX, Sec. 903, Nov. 18, 1997, 111 Stat. 1854; Pub. L. 105-261, div. A, title IX, Sec. 915(a), title XII, Sec. 1212(b), Oct. 17, 1998, 112 Stat. 2101, 2152; Pub. L. 106-65, div. A, title X, Sec. 1067(1), Oct. 5, 1999, 113 Stat. 774.)

-MISC1-

HISTORICAL AND REVISION NOTES

1962 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
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133(a)	5:171(a) (last 10 words).	July 26, 1947, ch. 343, Secs. 201(a) (last 10 words), 202(a),(b); restated Aug. 10, 1949, ch. 412, Secs. 4 (last 10 words of 1st par.), 5 (1st and 2d pars.), 63 Stat. 579, 580.
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133(b)

133(c)

133(d)

5:171a(a).

5:171a(b).

5:171a(d).

5:171a-1.

5:171a(f).

5:171n(a) (as applicable

to 5:171a(f)).

[Uncodified: 1953 Reorg. July 26, 1947, ch. 343,

Plan No. 6, Sec. 5, eff. Sec. 202(d); added Apr.

June 30, 1953, 67 Stat. 2, 1949, ch. 47, Sec. 1;

639]. restated Aug. 10, 1949,

ch. 412, Sec. 5 (9th

par.); restated Aug. 6,

1958, Pub. L. 85-599,

Sec. 3(b), 72 Stat. 516.

5:171n(a).

July 26, 1947, ch. 343,

Sec. 202(f); added Aug.

10, 1949, ch. 412, Sec.

5 (11th par.), 63 Stat.

581.

July 26, 1947, ch. 343,

Sec. 308(a) (as

applicable to Sec.

202(f)), 61 Stat. 509.

July 9, 1952, ch. 608,

Sec. 257(e), 66 Stat.

497; Sept. 3, 1954, ch.

1257, Sec. 702(c), 68

Stat. 1189.
1953 Reorg. Plan No. 6,
Sec. 5, eff. June 30,
1953, 67 Stat. 639.

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) (13th 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 provisions 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 1953 Reorganization Plan No. 6 is omitted as covered by 5 U.S.C. 171a(f).

1982 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
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133(e) 10:133 (note). Oct. 7, 1975, Pub. L.

94-106, Sec. 812, 89

Stat. 540.

The words "prepare and" are omitted as surplus.

1988 ACT

Subsection (k) is based on Pub. L. 100-202, Sec. 101(b) [title VIII, Sec. 8042], 101 Stat. 1329-69.

Section 8042 of the FY88 Defense Appropriations Act (Public Law 100-202) established a requirement for the Secretary of Defense to submit an annual report on the cost of stationing United States forces overseas. Under that section, the annual report is to be sent to the Committees on Appropriations of the two Houses. In codifying that section as section 113(k) of title 10, the committee added the two Armed Services Committees as committees to be sent the annual report. This minor change from the source law does not change the nature of the report to be submitted.

The committee notes that the source section does not specify the period of time to be covered by the report. In the absence of statutory language specifying the period to be covered by the report, it would seem reasonable to conclude that the report should cover the previous fiscal year. The committee notes, however, that the report of the Senate Appropriations Committee on its FY88 defense appropriations bill (S. Rpt. 100-235) 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.

AMENDMENTS

1999 - Subsec. (j)(1). Pub. L. 106-65 substituted "and the Committee on Armed Services" for "and the Committee on National Security" in introductory provisions.

1998 - Subsec. (l). Pub. L. 105-261, Sec. 915(a), added subsec. (l).

Subsec. (m). Pub. L. 105-261, Sec. 1212(b), added subsec. (m).

1997 - Subsec. (g)(2). Pub. L. 105-85 struck out "annually" after "Staff, shall provide" and inserted "be provided every two years or more frequently as needed and shall" after "Such guidance shall".

1996 - Subsec. (c). Pub. L. 104-201, Sec. 1255(c)(2)-(5), inserted "(1)" after "(c)", redesignated former pars. (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. 104-201, Sec. 1255(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; and".

Pub. L. 104-106, Sec. 1501(a)(8)(B), made technical correction to directory language of Pub. L. 103-337, Sec. 1671(c)(2). See 1994 Amendment note below.

Subsec. (i)(2)(B). Pub. L. 104-106, Sec. 1503(a)(1), substituted "the period covered by the future-years defense program submitted to Congress during that year pursuant to section 221" for "the five years covered by the five-year defense program submitted to Congress during that year pursuant to section 114(g)".

Subsec. (j)(1). Pub. L. 104-106, Sec. 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" for "Committees on Armed Services and Committees on Appropriations of the Senate and".

1994 - Subsec. (c)(3). Pub. L. 103-337, Sec. 1671(c)(2), as amended by Pub. L. 104-106, Sec. 1501(a)(8)(B), which directed the

substitution of "1219 and 1401 through 1411 of this title" for "51, 337, 361, 363, 549, 573, 837, 861 and 863 of this title, as far as they apply to reserve officers", effective Oct. 1, 1996, could not be executed because of the intervening amendment by Pub. L. 104-201, Sec. 1255(c)(1). See 1996 Amendment note above.

Subsec. (e)(2). Pub. L. 103-337, Sec. 1070(a)(1), substituted "section 108" for "section 104".

1991 - Subsec. (i)(2)(C) to (E). Pub. L. 102-190 added subpar. (C) and redesignated former subpars. (C) and (D) as (D) and (E), respectively.

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."

1989 - Subsec. (j)(2)(B). Pub. L. 101-189 substituted "five-year defense program" for "Five-Year Defense Program".

1988 - Subsec. (j). Pub. L. 100-456, Sec. 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. (l). Pub. L. 100-456, Sec. 1101, added subsec. (l).

1987 - Subsec. (e)(2). Pub. L. 100-26 inserted "(50 U.S.C. 404a)" after "National Security Act of 1947".

Subsec. (j). Pub. L. 100-180 added subsec. (j).

1986 - Pub. L. 99-433, Sec. 110(d)(2), struck out ": appointment; powers and duties; delegation by" at end of section catchline.

Subsecs. (a) to (e). Pub. L. 99-443, Sec. 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, Sec. 301(b)(2), substituted "sections 125 and 191" for "section 125" in subsec. (c)(2).

Pub. L. 99-433, Sec. 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

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"(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, Sec. 102, added subsecs. (f) to (h).

Subsec. (i). Pub. L. 99-433, Secs. 101(a)(2), 110(b)(2), successively redesignated subsec. (h) of section 138 of this title as subsec. (h) of section 114 of this title and then as subsec. (i) of this section.

1982 - Subsec. (e). Pub. L. 97-295 added subsec. (e).

Subsec. (i) [formerly Sec. 138(h)]. Pub. L. 97-252, Sec. 1105,
added subsec. (h). See 1986 Amendment note above.

1980 - Subsec. (b). Pub. L. 96-513 substituted "section 2 of the
National Security Act of 1947 (50 U.S.C. 401)" for "section 401 of
title 50".

EFFECTIVE DATE OF 1996 AMENDMENT

Section 1501(f)(3) of Pub. L. 104-106 provided that: "The
amendments made by this section [see Tables for classification]
shall take effect as if included in the Reserve Officer Personnel
Management Act [Pub. L. 103-337, div. A, title XVI] as enacted on
October 5, 1994."

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by section 1671(c)(2) of Pub. L. 103-337 effective Oct.
1, 1996, see section 1691(b)(1) of Pub. L. 103-337, set out as an
Effective Date note under section 10001 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section
701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of
this title.

-TRANS-

DELEGATION OF FUNCTIONS

Functions of President under various sections delegated to
Secretary of Defense, see Ex. Ord. No. 10621, July 1, 1955, 20 F.R.

4759, as amended by Ex. Ord. No. 11294, Aug. 4, 1966, 31 F.R. 10601; see Ex. Ord. No. 10661, Feb. 27, 1956, 21 F.R. 1315; see Ex. Ord. No. 11390, Jan. 22, 1968, 33 F.R. 841; all set out as notes under section 301 of Title 3, The President.

EMERGENCY PREPAREDNESS FUNCTIONS

For assignment of certain emergency preparedness functions to Secretary of Defense, see Parts 1, 2, and 5 of Ex. Ord. No. 12656, Nov. 18, 1988, 53 F.R. 47491, set out as a note under section 5195 of Title 42, The Public Health and Welfare.

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ORDER OF SUCCESSION

For order of succession in event of death, disability, or resignation of Secretary, see Ex. Ord. No. 13000, Apr. 24, 1996, 61 F.R. 18483, set out as a note under section 3345 of Title 5, Government Organization and Employees.

PROCESSING OF FORENSIC EVIDENCE COLLECTION KITS AND ACQUISITION OF SUFFICIENT STOCKS OF SUCH KITS

Pub. L. 108-375, div. A, title V, Sec. 573, Oct. 28, 2004, 118 Stat. 1921, provided that:

"(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

"(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."

DEPARTMENT OF DEFENSE POLICY AND PROCEDURES ON PREVENTION AND RESPONSE TO SEXUAL ASSAULTS INVOLVING MEMBERS OF THE ARMED FORCES

Pub. L. 108-375, div. A, title V, Sec. 577, Oct. 28, 2004, 118

Stat. 1926, provided that:

"(a) Comprehensive Policy on Prevention and Response to Sexual Assaults. - (1) Not later than January 1, 2005, the Secretary of Defense shall develop a comprehensive policy for the Department of Defense on the prevention of and response to sexual assaults involving members of the Armed Forces.

"(2) The policy shall be based on the recommendations of the Department of Defense Task Force on Care for Victims of Sexual Assaults and on such other matters as the Secretary considers

appropriate.

"(3) Before developing the comprehensive policy required by paragraph (1), the Secretary of Defense shall develop a definition of sexual assault. The definition so developed shall be used in the comprehensive policy under paragraph (1) and otherwise within the Department of Defense and Coast Guard in matters involving members of the Armed Forces. The definition shall be uniform for all the Armed Forces and shall be developed in consultation with the Secretaries of the military departments and the Secretary of Homeland Security with respect to the Coast Guard.

"(b) Elements of Comprehensive Policy. - The comprehensive policy developed under subsection (a) shall, at a minimum, address the following matters:

"(1) Prevention measures.

"(2) Education and training on prevention and response.

"(3) Investigation of complaints by command and law enforcement personnel.

"(4) Medical treatment of victims.

"(5) Confidential reporting of incidents.

"(6) Victim advocacy and intervention.

"(7) Oversight by commanders of administrative and disciplinary actions in response to substantiated incidents of sexual assault.

"(8) Disposition of victims of sexual assault, including review by appropriate authority of administrative separation actions involving victims of sexual assault.

"(9) Disposition of members of the Armed Forces accused of sexual assault.

"(10) Liaison and collaboration with civilian agencies on the provision of services to victims of sexual assault.

"(11) Uniform collection of data on the incidence of sexual assaults and on disciplinary actions taken in substantiated cases of sexual assault.

"(c) Report on Improvement of Capability To Respond to Sexual Assaults. - Not later than March 1, 2005, the Secretary of Defense shall submit to Congress a proposal for such legislation as the Secretary considers necessary to enhance the capability of the Department of Defense to address matters relating to sexual assaults involving members of the Armed Forces.

"(d) Application of Comprehensive Policy To Military Departments. - The Secretary of Defense shall ensure that, to the maximum extent practicable, the policy developed under subsection (a) is implemented uniformly by the military departments.

"(e) Policies and Procedures of Military Departments. - (1) Not later than March 1, 2005, the Secretaries of the military departments shall prescribe regulations, or modify current regulations, on the policies and procedures of the military departments on the prevention of and response to sexual assaults involving members of the Armed Forces in order -

"(A) to conform such policies and procedures to the policy developed under subsection (a); and

"(B) to ensure that such policies and procedures include the elements specified in paragraph (2).

"(2) The elements specified in this paragraph are as follows:

"(A) A program to promote awareness of the incidence of sexual assaults involving members of the Armed Forces.

"(B) A program to provide victim advocacy and intervention for members of the Armed Force concerned who are victims of sexual assault, which program shall make available, at home stations and

in deployed locations, trained advocates who are readily available to intervene on behalf of such victims.

"(C) Procedures for members of the Armed Force concerned to follow in the case of an incident of sexual assault involving a member of such Armed Force, including -

"(i) specification of the person or persons to whom the alleged offense should be reported;

"(ii) specification of any other person whom the victim should contact;

"(iii) procedures for the preservation of evidence; and

"(iv) procedures for confidential reporting and for contacting victim advocates.

"(D) Procedures for disciplinary action in cases of sexual assault by members of the Armed Force concerned.

"(E) Other sanctions authorized to be imposed in substantiated cases of sexual assault, whether forcible or nonforcible, by members of the Armed Force concerned.

"(F) Training on the policies and procedures for all members of the Armed Force concerned, including specific training for members of the Armed Force concerned who process allegations of sexual assault against members of such Armed Force.

"(G) Any other matters that the Secretary of Defense considers appropriate.

"(f) Annual Report on Sexual Assaults. - (1) Not later than January 15 of each year, the Secretary of each military department shall submit to the Secretary of Defense a report on the sexual assaults involving members of the Armed Forces under the jurisdiction of that Secretary during the preceding year. In the case of the Secretary of the Navy, separate reports shall be

prepared for the Navy and for the Marine Corps.

"(2) Each report on an Armed Force under paragraph (1) shall contain the following:

"(A) The number of sexual assaults against members of the Armed Force, and the number of sexual assaults by members of the Armed Force, that were reported to military officials during the year covered by such report, and the number of the cases so reported that were substantiated.

"(B) A synopsis of, and the disciplinary action taken in, each substantiated case.

"(C) The policies, procedures, and processes implemented by the Secretary concerned during the year covered by such report in response to incidents of sexual assault involving members of the Armed Force concerned.

"(D) A plan for the actions that are to be taken in the year following the year covered by such report on the prevention of and response to sexual assault involving members of the Armed Forces concerned.

"(3) Each report under paragraph (1) for any year after 2005 shall include an assessment by the Secretary of the military department submitting the report of the implementation during the preceding fiscal year of the policies and procedures of such department on the prevention of and response to sexual assaults involving members of the Armed Forces in order to determine the effectiveness of such policies and procedures during such fiscal year in providing an appropriate response to such sexual assaults.

"(4) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives each report submitted to the Secretary under this subsection, together

with the comments of the Secretary on the report. The Secretary shall submit each such report not later than March 15 of the year following the year covered by the report.

"(5) For the report under this subsection covering 2004, the applicable date under paragraph (1) is April 1, 2005, and the applicable date under paragraph (4) is May 1, 2005."

POLICY FOR TIMELY NOTIFICATION OF NEXT OF KIN OF MEMBERS SERIOUSLY
ILL OR INJURED IN COMBAT ZONES

Pub. L. 108-375, div. A, title VII, Sec. 724, Oct. 28, 2004, 118

Stat. 1990, provided that:

"(a) Policy Required. - The Secretary of Defense shall prescribe the policy of the Department of Defense for providing, in the case of the serious illness or injury of a member of the Armed Forces in a combat zone, timely notification to the next of kin of the member regarding the illness or injury, including information on the condition of the member and the location at which the member is receiving treatment. In prescribing the policy, the Secretary shall ensure respect for the expressed desires of individual members of the Armed Forces regarding the notification of next of kin and shall include standards of timeliness for both the initial notification of next of kin under the policy and subsequent updates regarding the condition and location of the member.

"(b) Submission of Policy. - Not later than 120 days after the date of the enactment of this Act [Oct. 28, 2004], the Secretary of Defense shall submit to Congress a copy of the policy."

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

Pub. L. 108-375, div. A, title IX, Sec. 932, Oct. 28, 2004, 118

Stat. 2031, provided that:

"(a) Criteria for Critical Information. - (1) The Secretary of Defense shall establish criteria for determining categories of critical information that should be made known expeditiously to senior civilian and military officials in the Department of Defense. Those categories should be limited to matters of extraordinary significance and strategic impact to which rapid access by those officials is essential to the successful accomplishment of the national security strategy or a major military mission. The Secretary may from time to time modify the list to suit the current strategic situation.

"(2) The Secretary shall provide the criteria established under paragraph (1) to the Chairman of the Joint Chiefs of Staff, the Secretaries of the military departments, the commanders of the unified and specified commands, the commanders of deployed forces, and such other elements of the Department of Defense as the Secretary considers necessary.

"(b) Matters To Be Included. - The criteria established under subsection (a) shall include, at a minimum, requirement for identification of the following:

"(1) Any incident that may result in a contingency operation, based on the incident's nature, gravity, or potential for significant adverse consequences to United States citizens, military personnel, interests, or assets, including an incident that could result in significant adverse publicity having a major strategic impact.

"(2) Any event, development, or situation that could be reasonably assumed to escalate into an incident described in

paragraph (1).

"(3) Any deficiency or error in policy, standards, or training that could be reasonably assumed to have the effects described in paragraph (1).

"(c) Requirements for Transmission of Critical Information. - The criteria under subsection (a) shall include such requirements for transmission of such critical information to such senior civilian and military officials of the Department of Defense as the Secretary of Defense considers appropriate.

"(d) Time for Issuance of Criteria. - The Secretary of Defense shall establish the criteria required by subsection (a) not later than 120 days after the date of the enactment of this Act [Oct. 28, 2004]."

PROGRAM TO COMMEMORATE 60TH ANNIVERSARY OF WORLD WAR II

Pub. L. 108-375, div. A, title X, Sec. 1032, Oct. 28, 2004, 118

Stat. 2045, provided that:

"(a) In General. - For fiscal year 2005, the Secretary of Defense may conduct a program -

"(1) to commemorate the 60th anniversary of World War II; and

"(2) to coordinate, support, and facilitate other such commemoration programs and activities of the Federal Government, State and local governments, and other persons.

"(b) Program Activities. - The program referred to in subsection (a) may include activities and ceremonies -

"(1) to provide the people of the United States with a clear understanding and appreciation of the lessons and history of World War II;

"(2) to thank and honor veterans of World War II and their

families;

"(3) to pay tribute to the sacrifices and contributions made on the home front by the people of the United States;

"(4) to foster an awareness in the people of the United States that World War II was the central event of the 20th century that defined the postwar world;

"(5) to highlight advances in technology, science, and medicine related to military research conducted during World War II;

"(6) to inform wartime and postwar generations of the contributions of the Armed Forces of the United States to the United States;

"(7) to recognize the contributions and sacrifices made by World War II allies of the United States; and

"(8) to highlight the role of the Armed Forces of the United States, then and now, in maintaining world peace through strength.

"(c) Establishment of Account. - (1) There is established in the Treasury of the United States an account to be known as the 'Department of Defense 60th Anniversary of World War II Commemoration Account' which shall be administered by the Secretary as a single account.

"(2) There shall be deposited in the account, from amounts appropriated to the Department of Defense for operation and maintenance of Defense Agencies, such amounts as the Secretary considers appropriate to conduct the program referred to in subsection (a).

"(3) The Secretary may use the funds in the account established in paragraph (1) only for the purpose of conducting the program referred to in subsection (a).

"(4) Not later than 60 days after the termination of the authority of the Secretary to conduct the program referred to in subsection (a), the Secretary shall transmit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing an accounting of all the funds deposited into and expended from the account or otherwise expended under this section, and of any amount remaining in the account. Unobligated funds which remain in the account after termination of the authority of the Secretary under this section shall be held in the account until transferred by law after the Committees receive the report.

"(d) Acceptance of Voluntary Services. - (1) Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept from any person voluntary services to be provided in furtherance of the program referred to in subsection (a).

"(2) A person providing voluntary services under this subsection shall be considered to be an employee for the purposes of chapter 81 of title 5, United States Code, relating to compensation for work-related injuries. Such a person who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purposes by reason of the provision of such service.

"(3) The Secretary may reimburse a person providing voluntary services under this subsection for incidental expenses incurred by such person in providing such services. The Secretary shall determine which expenses are eligible for reimbursement under this paragraph."

GOVERNMENT

Pub. L. 108-375, div. A, title X, Sec. 1085, Oct. 28, 2004, 118

Stat. 2065, provided that: "The Secretary of Defense may not reduce or eliminate search and rescue capabilities at any military installation in the United States unless the Secretary first certifies to the Committees on Armed Services of the Senate and the House of Representatives that equivalent search and rescue capabilities will be provided, without interruption and consistent with the policies and objectives set forth in the United States National Search and Rescue Plan entered into force on January 1, 1999, by -

"(1) the Department of Interior, the Department of Commerce, the Department of Homeland Security, the Department of Transportation, the Federal Communications Commission, or the National Aeronautics and Space Administration; or

"(2) the Department of Defense, either directly or through a Department of Defense contract with an emergency medical service provider or other private entity to provide such capabilities."

SUNKEN MILITARY CRAFT

Pub. L. 108-375, div. A, title XIV, Oct. 28, 2004, 118 Stat.

2094, provided that:

"SEC. 1401. PRESERVATION OF TITLE TO SUNKEN MILITARY CRAFT AND ASSOCIATED CONTENTS.

"Right, title, and interest of the United States in and to any United States sunken military craft -

"(1) shall not be extinguished except by an express divestiture of title by the United States; and

"(2) shall not be extinguished by the passage of time,
regardless of when the sunken military craft sank.

"SEC. 1402. PROHIBITIONS.

"(a) Unauthorized Activities Directed at Sunken Military Craft. -

No person shall engage in or attempt to engage in any activity directed at a sunken military craft that disturbs, removes, or injures any sunken military craft, except -

"(1) as authorized by a permit under this title;

"(2) as authorized by regulations issued under this title; or

"(3) as otherwise authorized by law.

"(b) Possession of Sunken Military Craft. - No person may possess, disturb, remove, or injure any sunken military craft in violation of -

"(1) this section; or

"(2) any prohibition, rule, regulation, ordinance, or permit that applies under any other applicable law.

"(c) Limitations on Application. -

"(1) Actions by united states. - This section shall not apply to actions taken by, or at the direction of, the United States.

"(2) Foreign persons. - This section shall not apply to any action by a person who is not a citizen, national, or resident alien of the United States, except in accordance with -

"(A) generally recognized principles of international law;

"(B) an agreement between the United States and the foreign country of which the person is a citizen; or

"(C) in the case of an individual who is a crew member or other individual on a foreign vessel or foreign aircraft, an agreement between the United States and the flag State of the

foreign vessel or aircraft that applies to the individual.

"(3) Loan of sunken military craft. - This section does not prohibit the loan of United States sunken military craft in accordance with regulations issued by the Secretary concerned.

"SEC. 1403. PERMITS.

"(a) In General. - The Secretary concerned may issue a permit authorizing a person to engage in an activity otherwise prohibited by section 1402 with respect to a United States 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) Continuing Violations. - 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 and 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.

"(f) Limitation of Liability. - Nothing in sections 4281 through 4287 and 4289 of the Revised Statutes (46 U.S.C. App. 181 et seq.) or section 3 of the Act of February 13, 1893 (chapter 105; 27 Stat. 445; 46 U.S.C. App. 192), shall limit the liability of any person

under this section.

"(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 Delegations, 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.

"(6) United states territorial sea. - The term 'United States territorial sea' means the waters of the United States territorial sea under Presidential Proclamation 5928, dated December 27, 1988 [43 U.S.C. 1331 note].

"(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 MILITARY OPERATIONS AND RECONSTRUCTION ACTIVITIES IN
IRAQ AND AFGHANISTAN

Pub. L. 108-287, title IX, Sec. 9010, Aug. 5, 2004, 118 Stat.

1008, as amended by Pub. L. 108-324, div. B, Sec. 306, Oct. 13, 2004, 118 Stat. 1243, 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 Department of Defense in Iraq and Afghanistan.

"(b) Each report shall include the following information:

"(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 military operations of the Armed Forces and the amount expended for reconstruction activities, together with the cumulative total amounts expended for such operations 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 readiness of the Armed Forces.

"(4) An assessment of the effects of the operations and activities in Iraq and Afghanistan on the recruitment 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 equipment used in the operations and activities in Iraq and Afghanistan.

"(6) The foreign countries, international organizations, and nongovernmental organizations that are contributing support for the ongoing military operations and reconstruction activities, together with a discussion of the amount and types of support contributed by each during the half-fiscal year ending during the month preceding the due date of the report.

"(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 12302 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 outside the United States in support of a contingency operation are composed of reserve component forces."

REPORTS ON WEAPONS AND AMMUNITION OBTAINED BY IRAQ

Pub. L. 108-177, title III, Sec. 358, Dec. 13, 2003, 117 Stat.

2621, provided that:

"(a) Preliminary Report. - Not later than 90 days after the date

of the enactment of this Act [Dec. 13, 2003], the Director of the Defense Intelligence Agency shall, after such consultation with the Secretary of State and the Attorney General as the Director considers appropriate, submit to the appropriate committees of Congress a preliminary report on all information obtained by the Department of Defense and the intelligence community on the conventional weapons and ammunition obtained by Iraq in violation of applicable resolutions of the United Nations Security Council adopted since the invasion of Kuwait by Iraq in August 1990.

"(b) Final Report. - (1) Not later than one year after the date of the enactment of this Act [Dec. 13, 2003], the Director shall submit to the appropriate committees of Congress a final report on the information described in subsection (a).

"(2) The final report under paragraph (1) shall include such updates of the preliminary report under subsection (a) as the Director considers appropriate.

"(c) Elements. - Each report under this section shall set forth, to the extent practicable, with respect to each shipment of weapons or ammunition addressed in such report the following:

"(1) The country of origin.

"(2) Any country of transshipment.

"(d) Form. - Each report under this section shall be submitted in unclassified form, but may include a classified annex.

"(e) Appropriate Committees of Congress Defined. - In this section, the term 'appropriate committees of Congress' means -

"(1) the Select Committee on Intelligence and the Committees on Armed Services and Foreign Relations of the Senate; and

"(2) the Permanent Select Committee on Intelligence and the Committees on Armed Services and International Relations of the

House of Representatives."

Pub. L. 108-136, div. A, title XII, Sec. 1204, Nov. 24, 2003, 117

Stat. 1649, provided that:

"(a) Report. - Not later than one year after the date of the enactment of this Act [Nov. 24, 2003], the Secretary of Defense shall submit to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and International Relations of the House of Representatives a report on the acquisition by Iraq of weapons of mass destruction and associated delivery systems and the acquisition by Iraq of advanced conventional weapons.

"(b) Matters To Be Included. - The report shall include the following:

"(1) A description of any materials, technology, and know-how that Iraq was able to obtain for its nuclear, chemical, biological, ballistic missile, and unmanned aerial vehicle programs, and advanced conventional weapons programs, from 1979 through April 2003 from entities (including Iraqi citizens) outside of Iraq, as well as a description of how Iraq obtained these capabilities from those entities.

"(2) An assessment of the degree to which United States, foreign, and multilateral export control regimes prevented acquisition by Iraq of weapons of mass destruction-related technology and materials and advanced conventional weapons and delivery systems since the commencement of international inspections in Iraq.

"(3) An assessment of the effectiveness of United Nations sanctions at halting the flow of militarily-useful contraband to Iraq from 1991 until the end of Operation Iraqi Freedom.

"(4) An assessment of how Iraq was able to evade International Atomic Energy Agency and United Nations inspections regarding chemical, nuclear, biological, and missile weapons and related capabilities.

"(5) Identification and a catalog of the entities and countries that transferred militarily useful contraband and items described pursuant to paragraph (1) to Iraq between 1991 and the end of major combat operations of Operation Iraqi Freedom on May 1, 2003, and the nature of that contraband and of those items.

"(c) Form of Report. - The report shall be submitted in unclassified form with a classified annex, if necessary."

STUDIES OF FLEET PLATFORM ARCHITECTURES FOR THE NAVY

Pub. L. 108-136, div. A, title II, Sec. 216, Nov. 24, 2003, 117

Stat. 1418, provided that:

"(a) Independent Studies. - (1) The Secretary of Defense shall provide for the performance of two independent studies of alternative future fleet platform architectures for the Navy.

"(2) The Secretary shall forward the results of each study to the congressional defense committees [Committees on Armed Services and Appropriations of Senate and House of Representatives] not later than January 15, 2005.

"(3) Each such study shall be submitted both in unclassified, and to the extent necessary, in classified versions.

"(b) Entities to Perform Studies. - The Secretary of Defense shall provide for the studies under subsection (a) to be performed as follows:

"(1) One study shall be performed by a federally funded research and development center.

"(2) The other study shall be performed by the Office of Force Transformation within the Office of the Secretary of Defense and shall include participants from (A) the Office of Net Assessment within the Office of the Secretary of Defense, (B) the Department of the Navy, and (C) the Joint Staff.

"(c) Performance of Studies. - (1) The Secretary of Defense shall require the two studies under this section to be conducted independently of each other.

"(2) In performing a study under this section, the organization performing the study, while being aware of the current and projected fleet platform architectures, shall not be limited by the current or projected fleet platform architecture and shall consider the following:

"(A) The National Security Strategy of the United States.

"(B) Potential future threats to the United States and to United States naval forces.

"(C) The traditional roles and missions of United States naval forces.

"(D) Alternative roles and missions for United States naval forces.

"(E) Other government and non-government analyses that would contribute to the study through variations in study assumptions or potential scenarios.

"(F) The role of evolving technology on future naval forces.

"(G) Opportunities for reduced manning and unmanned ships and vehicles in future naval forces.

"(d) Study Results. - The results of each study under this section shall -

"(1) present the alternative fleet platform architectures

considered, with assumptions and possible scenarios identified for each;

"(2) provide for presentation of minority views of study participants; and

"(3) for the recommended architecture, provide -

"(A) the numbers, kinds, and sizes of vessels, the numbers and types of associated manned and unmanned vehicles, and the basic capabilities of each of those platforms; and

"(B) other information needed to understand that architecture in basic form and the supporting analysis."

REPORT REGARDING IMPACT OF CIVILIAN COMMUNITY ENCROACHMENT AND
CERTAIN LEGAL REQUIREMENTS ON MILITARY INSTALLATIONS AND RANGES AND
PLAN TO ADDRESS ENCROACHMENT

Pub. L. 108-136, div. A, title III, Sec. 320, Nov. 24, 2003, 117

Stat. 1435, provided that:

"(a) Study Required. - The Secretary of Defense shall conduct a study on the impact, if any, of the following types of encroachment issues affecting military installations and operational ranges:

"(1) Civilian community encroachment on those military installations and ranges whose operational training activities, research, development, test, and evaluation activities, or other operational, test and evaluation, maintenance, storage, disposal, or other support functions require, or in the future reasonably may require, safety or operational buffer areas. The requirement for such a buffer area may be due to a variety of factors, including air operations, ordnance operations and storage, or other activities that generate or might generate noise, electro-magnetic interference, ordnance arcs, or environmental

impacts that require or may require safety or operational buffer areas.

"(2) Compliance by the Department of Defense with State Implementation Plans for Air Quality under section 110 of the Clean Air Act (42 U.S.C. 7410).

"(3) Compliance by the Department of Defense with the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

"(b) Matters To Be Included With Respect to Civilian Community Encroachments. - With respect to paragraph (1) of subsection (a), the study shall include the following:

"(1) A list of all military installations described in subsection (a)(1) at which civilian community encroachment is occurring.

"(2) A description and analysis of the types and degree of such civilian community encroachment at each military installation included on the list.

"(3) An analysis, including views and estimates of the Secretary of Defense, of the current and potential future impact of such civilian community encroachment on operational training activities, research, development, test, and evaluation activities, and other significant operational, test and evaluation, maintenance, storage, disposal, or other support functions performed by military installations included on the list. The analysis shall include the following:

"(A) A review of training and test ranges at military installations, including laboratories and technical centers of the military departments, included on the list.

"(B) A description and explanation of the trends of such encroachment, as well as consideration of potential future readiness problems resulting from unabated encroachment.

"(4) An estimate of the costs associated with current and anticipated partnerships between the Department of Defense and non-Federal entities to create buffer zones to preclude further development around military installations included on the list, and the costs associated with the conveyance of surplus property around such military installations for purposes of creating buffer zones.

"(5) Options and recommendations for possible legislative or budgetary changes necessary to mitigate current and anticipated future civilian community encroachment problems.

"(c) Matters To Be Included With Respect to Compliance With Specified Laws. - With respect to paragraphs (2) and (3) of subsection (a), the study shall include the following:

"(1) A list of all military installations and other locations at which the Armed Forces are encountering problems related to compliance with the laws specified in such paragraphs.

"(2) A description and analysis of the types and degree of compliance problems encountered.

"(3) An analysis, including views and estimates of the Secretary of Defense, of the current and potential future impact of such compliance problems on the following functions performed at military installations:

"(A) Operational training activities.

"(B) Research, development, test, and evaluation activities.

"(C) Other significant operational, test and evaluation, maintenance, storage, disposal, or other support functions.

"(4) A description and explanation of the trends of such compliance problems, as well as consideration of potential future readiness problems resulting from such compliance problems.

"(d) Plan to Respond to Encroachment Issues. - On the basis of the study conducted under subsection (a), including the specific matters required to be addressed by subsections (b) and (c), the Secretary of Defense shall prepare a plan to respond to the encroachment issues described in subsection (a) affecting military installations and operational ranges.

"(e) Reporting Requirements. - 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 the following reports regarding the study conducted under subsection (a), including the specific matters required to be addressed by subsections (b) and (c):

"(1) Not later than January 31, 2004, an interim report describing the progress made in conducting the study and containing the information collected under the study as of that date.

"(2) Not later than January 31, 2006, a report containing the results of the study and the encroachment response plan required by subsection (d).

"(3) Not later than January 31, 2007, and each January 31 thereafter through January 31, 2010, a report describing the progress made in implementing the encroachment response plan."

HIGH-PERFORMING ORGANIZATION BUSINESS PROCESS REENGINEERING PILOT
PROGRAM

Stat. 1445, provided that:

"(a) Pilot Program. - The Secretary of Defense shall establish a pilot program under which the Secretary concerned shall create, or continue the implementation of, high-performing organizations through the conduct of a Business Process Reengineering initiative at selected military installations and facilities under the jurisdiction of the Secretary concerned.

"(b) Effect of Participation in Pilot Program. - (1) During the period of an organization's participation in the pilot program, including the periods referred to in paragraphs (2) and (3) of subsection (f), the Secretary concerned may not require the organization to undergo any Office of Management and Budget Circular A-76 competition or other public-private competition involving any function of the organization covered by the Business Process Reengineering initiative. The organization may elect to undergo such a competition as part of the initiative.

"(2) Civilian employee or military personnel positions of the participating organization that are part of the Business Process Reengineering initiative shall be counted toward any numerical goals, target, or quota that the Secretary concerned is required or requested to meet during the term of the pilot program regarding the number of positions to be covered by public-private competitions.

"(c) Eligible Organizations. - Subject to subsection (d), the Secretary concerned may select two types of organizations to participate in the pilot program:

"(1) Organizations that underwent a Business Process Reengineering initiative within the preceding five years, achieved major performance enhancements under the initiative, and

will be able to sustain previous or achieve new performance goals through the continuation of its existing or completed Business Process Reengineering plan.

"(2) Organizations that have not undergone or have not successfully completed a Business Process Reengineering initiative, but which propose to achieve, and reasonably could reach, enhanced performance goals through implementation of a Business Process Reengineering initiative.

"(d) Additional Eligibility Requirements. - (1) To be eligible for selection to participate in the pilot program under subsection (c)(1), an organization described in such subsection shall demonstrate, to the satisfaction of the Secretary concerned, the completion of a total organizational assessment that resulted in enhanced performance measures at least comparable to those performance measures that might be achieved through competitive sourcing.

"(2) To be eligible for selection to participate in the pilot program under subsection (c)(2), an organization described in such subsection shall identify, to the satisfaction of the Secretary concerned -

"(A) functions, processes, and measures to be studied under the Business Process Reengineering initiative;

"(B) adequate resources to carry out the Business Process Reengineering initiative; and

"(C) labor-management agreements in place to ensure effective implementation of the Business Process Reengineering initiative.

"(e) Limitation on Number of Participants. - Total participants in the pilot program is limited to eight military installations and facilities, with some participants to be drawn from organizations

described in subsection (c)(1) and some participants to be drawn from organizations described in subsection (c)(2).

"(f) Implementation and Duration. - (1) The implementation and management of a Business Process Reengineering initiative under the pilot program shall be the responsibility of the commander of the military installation or facility at which the Business Process Reengineering initiative is carried out.

"(2) An organization selected to participate in the pilot program shall be given a reasonable initial period, to be determined by the Secretary concerned, in which the organization must implement the Business Process Reengineering initiative. At the end of this period, the Secretary concerned shall determine whether the organization has achieved initial progress toward designation as a high-performing organization. In the absence of such progress, the Secretary concerned shall terminate the organization's participation in the pilot program.

"(3) If an organization successfully completes implementation of the Business Process Reengineering initiative under paragraph (2), the Secretary concerned shall designate the organization as a high-performing organization and grant the organization an additional five-year period in which to achieve projected or planned efficiencies and savings under the pilot program.

"(g) Reviews and Reports. - The Secretary concerned shall conduct annual performance reviews of the participating organizations or functions under the jurisdiction of the Secretary concerned. Reviews and reports shall evaluate organizational performance measures or functional performance measures and determine whether organizations are performing satisfactorily for purposes of continuing participation in the pilot program.

"(h) Performance Measures. - Performance measures utilized in the pilot program should include the following, which shall be measured against organizational baselines determined before participation in the pilot program:

"(1) Costs, savings, and overall financial performance of the organization.

"(2) Organic knowledge, skills or expertise.

"(3) Efficiency and effectiveness of key functions or processes.

"(4) Efficiency and effectiveness of the overall organization.

"(5) General customer satisfaction.

"(i) Definitions. - In this section[:]

"(1) The term 'Business Process Reengineering' refers to an organization's complete and thorough analysis and reengineering of mission and support functions and processes to achieve improvements in performance, including a fundamental reshaping of the way work is done to better support an organization's mission and reduce costs.

"(2) The term 'high-performing organization' means an organization whose performance exceeds that of comparable providers, whether public or private.

"(3) The term 'Secretary concerned' means the Secretary of a military department and the Secretary of Defense, with respect to matters concerning the Defense Agencies."

ASSESSMENT BY SECRETARY OF DEFENSE

Pub. L. 108-136, div. A, title V, Sec. 517(b), Nov. 24, 2003, 117

Stat. 1461, provided that:

"Not later than one year after the date of the enactment of this

Act [Nov. 24, 2003], 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 the following:

"(1) A description of the effects on reserve component recruitment and retention that have resulted from -

"(A) the calls and orders of Reserves to active duty during fiscal years 2002 and 2003; and

"(B) the tempo of the service of the Reserves on the active duty to which called or ordered.

"(2) A description of changes in the Armed Forces, including any changes in the allocation of roles and missions, in force structure, and in capabilities between the active components and the reserve components of the Armed Forces, that are envisioned by the Secretary of Defense on the basis of -

"(A) the effects discussed under paragraph (1);

"(B) the lessons learned from calling and ordering the reserve components to active duty during fiscal years 2002 and 2003; or

"(C) future military force structure and capabilities requirements.

"(3) On the basis of the lessons learned as a result of calling and ordering members of the reserve components to active duty during fiscal years 2002 and 2003, an assessment of the process for calling and ordering such members to active duty, preparing such members for active duty, processing such members into the force upon entry onto active duty, and deploying such members, including an assessment of the adequacy of the alert and notification process from the perspectives of individual members, of reserve component units, and of employers of such members."

POLICY ON PUBLIC IDENTIFICATION OF CASUALTIES

Pub. L. 108-136, div. A, title V, Sec. 546, Nov. 24, 2003, 117

Stat. 1479, provided that:

"(a) Requirement for Policy. - Not later than 180 days after the date of the enactment of this Act [Nov. 24, 2003], the Secretary of Defense shall prescribe the policy of the Department of Defense on public release of the name or other personally identifying information of any member of the Army, Navy, Air Force, or Marine Corps who while on active duty or performing inactive-duty training is killed or injured, whose duty status becomes unknown, or who is otherwise considered to be a casualty.

"(b) Guidance on Timing of Release. - The policy under subsection (a) shall include guidance for ensuring that any public release of information on a member under the policy occurs only after the lapse of an appropriate period following notification of the next-of-kin regarding the casualty status of such member."

PLAN FOR PROMPT GLOBAL STRIKE CAPABILITY

Pub. L. 108-136, div. A, title X, Sec. 1032, Nov. 24, 2003, 117

Stat. 1605, provided that:

"(a) Integrated Plan for Prompt Global Strike Capability. - The Secretary of Defense shall establish an integrated plan for developing, deploying, and sustaining a prompt global strike capability in the Armed Forces. The Secretary shall update the plan annually.

"(b) Annual Reports. - (1) Not later than April 1 of each of 2004, 2005, and 2006, the Secretary shall submit to the congressional defense committees [Committees on Armed Services and

Appropriations of Senate and House of Representatives] a report on the plan established under subsection (a).

"(2) Each report under paragraph (1) shall include the following:

"(A) A description and assessment of the targets against which long-range strike assets might be directed and the conditions under which those assets might be used.

"(B) The role of, and plans for ensuring, sustainment and modernization of current long-range strike assets, including bombers, intercontinental ballistic missiles, and submarine-launched ballistic missiles.

"(C) A description of the capabilities desired for advanced long-range strike assets and plans to achieve those capabilities.

"(D) A description of the capabilities desired for advanced conventional munitions and the plans to achieve those capabilities.

"(E) An assessment of advanced nuclear concepts that could contribute to the prompt global strike mission.

"(F) An assessment of the command, control, and communications capabilities necessary to support prompt global strike capabilities.

"(G) An assessment of intelligence, surveillance, and reconnaissance capabilities necessary to support prompt global strike capabilities.

"(H) A description of how prompt global strike capabilities are to be integrated with theater strike capabilities.

"(I) An estimated schedule for achieving the desired prompt global strike capabilities.

"(J) The estimated cost of achieving the desired prompt global strike capabilities.

"(K) A description of ongoing and future studies necessary for updating the plan appropriately."

REPORTS ON MILITARY OPERATIONS AND RECONSTRUCTION ACTIVITIES IN
IRAQ AND AFGHANISTAN

Pub. L. 108-106, title I, Sec. 1120, Nov. 6, 2003, 117 Stat.

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 Department of Defense in Iraq and Afghanistan.

"(b) Each report shall include the following information:

"(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 military operations of the Armed Forces and the amount expended for reconstruction activities, together with the cumulative total amounts expended for such operations 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 readiness of the Armed Forces.

"(4) An assessment of the effects of the operations and activities in Iraq and Afghanistan on the recruitment 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 equipment used in the operations and

activities in Iraq and Afghanistan.

"(6) The foreign countries, international organizations, and nongovernmental organizations that are contributing support for the ongoing military operations and reconstruction activities, together with a discussion of the amount and types of support contributed by each during the half-fiscal year ending during the month preceding the due date of the report.

"(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 12304 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 outside the United States in support of a contingency operation are composed of reserve component forces."

UNIFORM FINANCIAL MANAGEMENT SYSTEM FOR DEPARTMENT OF DEFENSE TEST
AND EVALUATION FACILITIES

Pub. L. 107-314, div. A, title II, Sec. 233, Dec. 2, 2002, 116

Stat. 2490, provided that:

"(a) Requirement for System. - The Secretary of Defense shall implement a single financial management and accounting system for

all test and evaluation facilities of the Department of Defense.

The Secretary shall implement such system as soon as practicable, and shall establish the objective that such system be implemented not later than September 30, 2006.

"(b) System Features. - The system required by subsection (a) shall be designed to achieve, at a minimum, the following functional objectives:

"(1) Enable managers within the Department of Defense to compare the costs of carrying out test and evaluation activities in the various facilities of the military departments.

"(2) Enable the Secretary of Defense -

"(A) to make prudent investment decisions; and

"(B) to reduce the extent to which unnecessary costs of owning and operating test and evaluation facilities of the Department of Defense are incurred.

"(3) Enable the Department of Defense to track the total cost of test and evaluation activities.

"(4) Comply with the financial management architecture established by the Secretary."

TRAINING RANGE SUSTAINMENT PLAN, GLOBAL STATUS OF RESOURCES AND

TRAINING SYSTEM, AND TRAINING RANGE INVENTORY

Pub. L. 107-314, div. A, title III, Sec. 366, Dec. 2, 2002, 116

Stat. 2522, provided that:

"(a) Plan Required. - (1) The Secretary of Defense shall develop a comprehensive plan for using existing authorities available to the Secretary of Defense and the Secretaries of the military departments to address training constraints caused by limitations on the use of military lands, marine areas, and airspace that are

available in the United States and overseas for training of the Armed Forces.

"(2) As part of the preparation of the plan, the Secretary of Defense shall conduct the following:

"(A) An assessment of current and future training range requirements of the Armed Forces.

"(B) An evaluation of the adequacy of current Department of Defense resources (including virtual and constructive training assets as well as military lands, marine areas, and airspace available in the United States and overseas) to meet those current and future training range requirements.

"(3) The plan shall include the following:

"(A) Proposals to enhance training range capabilities and address any shortfalls in current Department of Defense resources identified pursuant to the assessment and evaluation conducted under paragraph (2).

"(B) Goals and milestones for tracking planned actions and measuring progress.

"(C) Projected funding requirements for implementing planned actions.

"(D) Designation of an office in the Office of the Secretary of Defense and in each of the military departments that will have lead responsibility for overseeing implementation of the plan.

"(4) At the same time as the President submits to Congress the budget for fiscal year 2004, the Secretary of Defense shall submit to Congress a report describing the progress made in implementing this subsection, including -

"(A) the plan developed under paragraph (1);

"(B) the results of the assessment and evaluation conducted

under paragraph (2); and

"(C) any recommendations that the Secretary may have for legislative or regulatory changes to address training constraints identified pursuant to this section.

"(5) At the same time as the President submits to Congress the budget for each of fiscal years 2005 through 2008, the Secretary shall submit to Congress a report describing the progress made in implementing the plan and any additional actions taken, or to be taken, to address training constraints caused by limitations on the use of military lands, marine areas, and airspace.

"(b) Readiness Reporting Improvement. - Not later than June 30, 2003, the Secretary of Defense, using existing measures within the authority of the Secretary, shall submit to Congress a report on the plans of the Department of Defense to improve the Global Status of Resources and Training System to reflect the readiness impact that training constraints caused by limitations on the use of military lands, marine areas, and airspace have on specific units of the Armed Forces.

"(c) Training Range Inventory. - (1) The Secretary of Defense shall develop and maintain a training range inventory for each of the Armed Forces -

"(A) to identify all available operational training ranges;

"(B) to identify all training capacities and capabilities available at each training range; and

"(C) to identify 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 fiscal years 2005 through 2008.

"(d) GAO Evaluation. - The Secretary of Defense shall transmit copies of each report required by subsections (a) and (b) to the Comptroller General. Within 60 days after 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

Pub. L. 107-314, div. A, title X, Sec. 1004, Dec. 2, 2002, 116 Stat. 2629, which required Secretary of Defense to develop a financial management enterprise architecture for all budgetary, accounting, finance, enterprise resource planning, and mixed information systems of the Department of Defense by May 1, 2003, was repealed by Pub. L. 108-375, div. A, title III, Sec. 332(f), Oct. 28, 2004, 118 Stat. 1856.

RELIABILITY OF DEPARTMENT OF DEFENSE FINANCIAL STATEMENTS

Pub. L. 107-107, div. A, title X, Sec. 1008, Dec. 28, 2001, 115 Stat. 1204, provided that:

"(a) Annual Report on Reliability. - (1) Not later than September 30 of each year but subject to subsection (f), the Secretary of Defense shall submit to the recipients specified in paragraph (3) a report on the reliability of the Department of Defense financial statements, including the financial statements of each component of

the Department that is required to prepare a financial statement under section 3515(c) of title 31, United States Code.

"(2) The annual report shall contain the following:

"(A) A conclusion regarding whether the policies and procedures of the Department of Defense, and the systems used within the Department of Defense, for the preparation of financial statements allow the achievement of reliability in those financial statements.

"(B) For each of the financial statements prepared for the Department of Defense for the fiscal year in which the report is submitted, a conclusion regarding the expected reliability of the financial statement (evaluated on the basis of Office of Management and Budget guidance on financial statements), together with a discussion of the major deficiencies to be expected in the statement.

"(C) A summary of the specific sections of the annual Financial Management Improvement Plan of the Department of Defense, current as of the date of the report, that -

"(i) detail the priorities, milestones, and measures of success that apply to the preparation of the financial statements;

"(ii) detail the planned improvements in the process for the preparation of financial statements that are to be implemented within 12 months after the date on which the plan is issued; and

"(iii) provide an estimate of when each financial statement will convey reliable information.

"(3) The annual report shall be submitted to the following:

"(A) The Committee on Armed Services and the Committee on

Governmental Affairs [now Committee on Homeland Security and Governmental Affairs] of the Senate.

"(B) The Committee on Armed Services and the Committee on Government Reform of the House of Representatives.

"(C) The Director of the Office of Management and Budget.

"(D) The Secretary of the Treasury.

"(E) The Comptroller General of the United States.

"(4) The Secretary of Defense shall make a copy of the annual report available to the Inspector General of the Department of Defense.

"(b) Minimization of Use of Resources for Unreliable Financial Statements. - (1) With respect to each financial statement for a fiscal year that the Secretary of Defense assesses as being expected to be unreliable in the annual report under subsection (a), the Under Secretary of Defense (Comptroller) shall take appropriate actions to minimize, consistent with the benefits to be derived, the resources (including contractor support) that are used to develop, compile, and report the financial statement.

"(2) With the annual budget justifications for the Department of Defense submitted to Congress each year, the Under Secretary of Defense (Comptroller) shall submit, with respect to the fiscal year in which submitted, the preceding fiscal year, and the following fiscal year, the following information:

"(A) An estimate of the resources that the Department of Defense is saving or expects to save as a result of actions taken and to be taken under paragraph (1) with respect to the preparation of financial statements.

"(B) A discussion of how the resources saved as estimated under subparagraph (A) have been redirected or are to be redirected

from the preparation of financial statements to the improvement of systems underlying financial management within the Department of Defense and to the improvement of financial management policies, procedures, and internal controls within the Department of Defense.

"(c) Information to Auditors. - Not later than October 31 of each year, 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 statement. The 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.

"(d) Limitation on Inspector General Audits. - (1) On each financial statement that an official asserts is unreliable under subsection (b) or (c), the Inspector General of the Department of Defense shall only perform the audit procedures required by generally accepted government auditing standards consistent with any representation made by management.

"(2) With the annual budget justifications for the Department of Defense submitted to Congress each year, the Under Secretary of Defense (Comptroller) shall submit, with respect to the fiscal year in which submitted, the preceding fiscal year, and the following fiscal year, information which the Inspector General shall report to the Under Secretary, as follows:

"(A) An estimate of the resources that the Inspector General is saving or expects to save as a result of actions taken and to be taken under paragraph (1) with respect to the auditing of financial statements.

"(B) A discussion of how the resources saved as estimated under subparagraph (A) have been redirected or are to be redirected from the auditing of financial statements to the oversight and improvement of systems underlying financial management within the Department of Defense and to the oversight and improvement of financial management policies, procedures, and internal controls within the Department of Defense.

"(e) Effective Date. - The requirements of this section shall apply with respect to financial statements for fiscal years after fiscal year 2001 and to the auditing of those financial statements.

"(f) Termination of Applicability. - If the Secretary of Defense certifies to the Inspector General of the Department of Defense that the financial statement for the Department of Defense, or a financial statement for a component of the Department of Defense, for a fiscal year is reliable, this section shall not apply with respect to that financial statement or to any successive financial statement for the Department of Defense, or for that component, as the case may be, for any later fiscal year."

ANNUAL REPORT ON THE CONDUCT OF MILITARY OPERATIONS CONDUCTED AS

PART OF OPERATION ENDURING FREEDOM

Pub. L. 107-314, div. A, title X, Sec. 1043, Dec. 2, 2002, 116

Stat. 2646, provided that:

"(a) Reports Required. - (1) The Secretary of Defense shall submit to the congressional committees specified in subsection (d)

an annual report on the conduct of military operations conducted as part of Operation Enduring Freedom. The first report, which shall include a definition of the military operations carried out as part of Operation Enduring Freedom, shall be submitted not later than June 15, 2003. Subsequent reports shall be submitted not later than June 15 each year, and the final report shall be submitted not later than 180 days after the date (as determined by the Secretary of Defense) of the cessation of hostilities undertaken as part of Operation Enduring Freedom.

"(2) Each report under this section shall be prepared in consultation with the Chairman of the Joint Chiefs of Staff, the commander of the United States Central Command, the Director of Central Intelligence, and such other officials as the Secretary considers appropriate.

"(3) Each such report shall be submitted in both a classified form and an unclassified form, as necessary.

"(b) Special Matters To Be Included. - Each report under this section shall include the following:

"(1) A discussion of the command, control, coordination, and support relationship between United States special operations forces and Central Intelligence Agency elements participating in Operation Enduring Freedom and any lessons learned from the joint conduct of operations by those forces and elements.

"(2) Recommendations to improve operational readiness and effectiveness of these forces and elements.

"(c) Other Matters To Be Included. - Each report under this section shall include a discussion, with a particular emphasis on accomplishments and shortcomings, of the following matters with respect to Operation Enduring Freedom:

- "(1) The political and military objectives of the United States.
- "(2) The military strategy of the United States to achieve those political and military objectives.
- "(3) The concept of operations, including any new operational concepts, for the operation.
- "(4) The benefits and disadvantages of operating with local opposition forces.
- "(5) The benefits and disadvantages of operating in a coalition with the military forces of allied and friendly nations.
- "(6) The cooperation of nations in the region for overflight, basing, command and control, and logistic and other support.
- "(7) The conduct of relief operations both during and after the period of hostilities.
- "(8) The conduct of close air support (CAS), particularly with respect to the timeliness, efficiency, and effectiveness of such support.
- "(9) The use of unmanned aerial vehicles for intelligence, surveillance, reconnaissance, and combat support to operational forces.
- "(10) The use and performance of United States and coalition military equipment, weapon systems, and munitions.
- "(11) The effectiveness of reserve component forces, including their use and performance in the theater of operations.
- "(12) The importance and effectiveness of the International Security Assistance Force.
- "(13) The importance and effectiveness of United States civil affairs forces.
- "(14) The anticipated duration of the United States military

presence in Afghanistan.

"(15) The most critical lessons learned that could lead to long-term doctrinal, organizational, and technological changes.

"(d) Congressional Committees. - The committees referred to in subsection (a)(1) are the following:

"(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

"(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives."

[Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108-458, set out as a note under section 401 of Title 50, War and National Defense.]

COMPREHENSIVE PLAN FOR IMPROVING THE PREPAREDNESS OF MILITARY
INSTALLATIONS FOR TERRORIST INCIDENTS

Pub. L. 107-314, div. A, title XIV, Sec. 1402, Dec. 2, 2002, 116

Stat. 2675, provided that:

"(a) Comprehensive Plan. - The Secretary of Defense shall develop a comprehensive plan for improving the preparedness of military installations for preventing and responding to terrorist attacks, including attacks involving the use or threat of use of weapons of mass destruction.

"(b) Preparedness Strategy. - The plan under subsection (a) shall include a preparedness strategy that includes each of the following:

"(1) Identification of long-term goals and objectives for improving the preparedness of military installations for preventing and responding to terrorist attacks.

"(2) Identification of budget and other resource requirements necessary to achieve those goals and objectives.

"(3) Identification of factors beyond the control of the Secretary that could impede the achievement of those goals and objectives.

"(4) A discussion of the extent to which local, regional, or national military response capabilities are to be developed, integrated, and used.

"(5) A discussion of how the Secretary will coordinate the capabilities referred to in paragraph (4) with local, regional, or national civilian and other military capabilities.

"(c) Performance Plan. - The plan under subsection (a) shall include a performance plan that includes each of the following:

"(1) A reasonable schedule, with milestones, for achieving the goals and objectives of the strategy under subsection (b).

"(2) Performance criteria for measuring progress in achieving those goals and objectives.

"(3) A description of the process, together with a discussion of the resources, necessary to achieve those goals and objectives.

"(4) A description of the process for evaluating results in achieving those goals and objectives.

"(d) Submittal to Congress. - The Secretary shall submit the

comprehensive plan developed under subsection (a) to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives not later than 180 days after the date of the enactment of this Act [Dec. 2, 2002].

"(e) Comptroller General Review and Report. - Not later than 60 days after the date on which the Secretary submits the comprehensive plan under subsection (a), the Comptroller General shall review the plan and submit to the committees referred to in subsection (d) the Comptroller General's assessment of the plan.

"(f) Annual Report. - (1) In each of 2004, 2005, and 2006, the Secretary of Defense shall include a report on the comprehensive plan developed under subsection (a) with the materials that the Secretary submits to Congress in support of the budget submitted by the President that year pursuant to section 1105(a) of title 31, United States Code.

"(2) Each such report shall include -

"(A) a discussion of any revision that the Secretary has made in the comprehensive plan developed under subsection (a) since the last report under this subsection or, in the case of the first such report, since the plan was submitted under subsection (d); and

"(B) an assessment of the progress made in achieving the goals and objectives of the strategy set forth in the plan.

"(3) If the Secretary includes in the report for 2004 or 2005 under this subsection a declaration that the goals and objectives of the preparedness strategy set forth in the comprehensive plan have been achieved, no further report is required under this subsection."

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

Pub. L. 106-398, Sec. 1 [[div. A], title V, Sec. 552], Oct. 30,
2000, 114 Stat. 1654, 1654A-125, provided that:

"(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, Sec. 1 [[div. A], title V, Sec. 576], Oct. 30,
2000, 114 Stat. 1654, 1654A-138, provided that:

"(a) Test Program Required. - (1) Beginning not later than June

1, 2001, the Secretary of Defense shall conduct a three-year test program of reserve component intelligence units and personnel. The purpose of the test program shall be -

"(A) to determine the most effective peacetime structure and operational employment of reserve component intelligence assets for meeting current and future Department of Defense peacetime operational intelligence requirements; and

"(B) to establish a means to coordinate and transition that peacetime intelligence operational support network into use for meeting wartime requirements.

"(2) The test program shall be carried out using the Joint Reserve Intelligence Program and appropriate reserve component intelligence units and personnel.

"(3) In conducting the test program, the Secretary of Defense shall expand the current Joint Reserve Intelligence Program as needed to meet the objectives of the test program.

"(b) Oversight Panel. - The Secretary shall establish an oversight panel to structure the test program so as to achieve the objectives of the test program, ensure proper funding for the test program, and oversee the conduct and evaluation of the test program. The panel members shall include -

"(1) the Assistant Secretary of Defense for Command, Control, Communications and Intelligence;

"(2) the Assistant Secretary of Defense for Reserve Affairs;
and

"(3) representatives from the Defense Intelligence Agency, the Army, Navy, Air Force, and Marine Corps, the Joint Staff, and the combatant commands.

"(c) Test Program Objectives. - The test program shall have the

following objectives:

"(1) To identify the range of peacetime roles and missions that are appropriate for reserve component intelligence units and personnel, including the following missions: counterdrug, counterintelligence, counterterrorism, information operations, information warfare, and other emerging threats.

"(2) To recommend a process for justifying and validating reserve component intelligence force structure and manpower to support the peacetime roles and missions identified under paragraph (1) and to establish a means to coordinate and transition that peacetime operational support network and structure into wartime requirements.

"(3) To provide, pursuant to paragraphs (1) and (2), the basis for new or revised intelligence and reserve component policy guidelines for the peacetime use, organization, management, infrastructure, and funding of reserve component intelligence units and personnel.

"(4) To determine the most effective structure, organization, manning, and management of Joint Reserve Intelligence Centers to enable them to be both reserve training facilities and virtual collaborative production facilities in support of Department of Defense peacetime operational intelligence requirements.

"(5) To determine the most effective uses of technology for virtual collaborative intelligence operational support during peacetime and wartime.

"(6) To determine personnel and career management initiatives or modifications that are required to improve the recruiting and retention of personnel in the reserve component intelligence specialties and occupational skills.

"(7) To identify and make recommendations for the elimination of statutory prohibitions and barriers to using reserve component intelligence units and individuals to carry out peacetime operational requirements.

"(d) Reports. - The Secretary of Defense shall submit to Congress

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"(1) interim reports on the status of the test program not later than July 1, 2002, and July 1, 2003; and

"(2) a final report, with such recommendations for changes as the Secretary considers necessary, not later than December 1, 2004."

STUDY ON CIVILIAN PERSONNEL SERVICES

Pub. L. 106-398, Sec. 1 [[div. A], title XI, Sec. 1105], Oct. 30, 2000, 114 Stat. 1654, 1654A-311, provided that:

"(a) Study Required. - The Secretary of Defense shall assess the manner in which personnel services are provided for civilian personnel in the Department of Defense and determine whether -

"(1) administration of such services should continue to be centralized in individual military services and Defense Agencies or whether such services should be centralized within designated geographical areas to provide services to all Department of Defense elements;

"(2) offices that perform such services should be established to perform specific functions rather than cover an established geographical area;

"(3) processes and functions of civilian personnel offices should be reengineered to provide greater efficiency and better service to management and employees of the Department of Defense;

and

"(4) efficiencies could be gained by public-private competition of the delivery of any of the personnel services for civilian personnel of the Department of Defense.

"(b) Report. - Not later than January 1, 2002, the Secretary of Defense shall submit a report on the study, including recommendations, to the Committees on Armed Services of the Senate and the House of Representatives. The report shall include the Secretary's assessment of the items described in subsection (a), and, if appropriate, a proposal for a demonstration program to test the concepts developed under the study. The Secretary may also include any recommendations for legislation or other actions that the Secretary considers appropriate to increase the effectiveness and efficiency of the delivery of personnel services with respect to civilian personnel of the Department of Defense."

PILOT PROGRAM FOR REENGINEERING EQUAL EMPLOYMENT OPPORTUNITY

COMPLAINT PROCESS

Pub. L. 106-398, Sec. 1 [[div. A], title XI, Sec. 1111], Oct. 30, 2000, 114 Stat. 1654, 1654A-312, provided that:

"(a) Pilot Program. - (1) The Secretary of Defense shall carry out a pilot program to improve processes for the resolution of equal employment opportunity complaints by civilian employees of the Department of Defense. Complaints processed under the pilot program shall be subject to the procedural requirements established for the pilot program and shall not be subject to the procedural requirements of part 1614 of title 29 of the Code of Federal Regulations or other regulations, directives, or regulatory restrictions prescribed by the Equal Employment Opportunity

Commission.

"(2) The pilot program shall include procedures to reduce processing time and eliminate redundancy with respect to processes for the resolution of equal employment opportunity complaints, reinforce local management and chain-of-command accountability, and provide the parties involved with early opportunity for resolution.

"(3) The Secretary may carry out the pilot program for a period of three years, beginning on January 1, 2001.

"(4)(A) Participation in the pilot program shall be voluntary on the part of the complainant. Complainants who participate in the pilot program shall retain the right to appeal a final agency decision to the Equal Employment Opportunity Commission and to file suit in district court. The Equal Employment Opportunity Commission shall not reverse a final agency decision on the grounds that the agency did not comply with the regulatory requirements promulgated by the Commission.

"(B) Subparagraph (A) shall apply to all cases -

"(i) pending as of January 1, 2001, before the Equal Employment Opportunity Commission involving a civilian employee who filed a complaint under the pilot program of the Department of the Navy to improve processes for the resolution of equal employment opportunity complaints; and

"(ii) hereinafter filed with the Commission under the pilot program established by this section.

"(5) The pilot program shall be carried out in at least one military department and two Defense Agencies.

"(b) Report. - Not later than 90 days following the end of the first and last full or partial fiscal years during which the pilot program is implemented, the Comptroller General shall submit to

Congress a report on the pilot program. Such report shall contain the following:

"(1) A description of the processes tested by the pilot program.

"(2) The results of such testing.

"(3) Recommendations for changes to the processes for the resolution of equal employment opportunity complaints as a result of such pilot program.

"(4) A comparison of the processes used, and results obtained, under the pilot program to traditional and alternative dispute resolution processes used in the government or private industry."

WORK SAFETY DEMONSTRATION PROGRAM

Pub. L. 106-398, Sec. 1 [[div. A], title XI, Sec. 1112], Oct. 30, 2000, 114 Stat. 1654, 1654A-313, as amended by Pub. L. 107-314, div. A, title III, Sec. 363, Dec. 2, 2002, 116 Stat. 2520, provided that:

"(a) Establishment. - The Secretary of Defense shall carry out a defense employees work safety demonstration program.

"(b) Private Sector Work Safety Models. - Under the demonstration program, the Secretary shall -

"(1) adopt for use in the workplace of civilian employees of the Department of Defense such work safety models used by employers in the private sector that the Secretary considers as being representative of the best work safety practices in use by private sector employers; and

"(2) determine whether the use of those practices in the Department of Defense improves the work safety record of Department of Defense employees.

"(c) Sites. - (1) The Secretary shall carry out the demonstration program -

"(A) at not fewer than two installations of each of the Armed Forces (other than the Coast Guard), for employees of the military department concerned; and

"(B) in at least two Defense Agencies (as defined in section 101(a)(11) of title 10, United States Code).

"(2) The Secretary shall select the installations and Defense Agencies from among the installations and Defense Agencies listed in the Federal Worker 2000 Presidential Initiative.

"(d) Period for Program. - The demonstration program shall begin not later than 180 days after the date of the enactment of this Act [Oct. 30, 2000] and shall terminate on September 30, 2003.

"(e) Reports. - (1) The Secretary of Defense shall submit an interim report on the demonstration program to the Committees on Armed Services of the Senate and the House of Representatives not later than December 1, 2001. The interim report shall contain, at a minimum, for each site of the demonstration program the following:

"(A) A baseline assessment of the lost workday injury rate.

"(B) A comparison of the lost workday injury rate for fiscal year 2000 with the lost workday injury rate for fiscal year 1999.

"(C) The direct and indirect costs associated with all lost workday injuries.

"(2) The Secretary of Defense shall submit a final report on the demonstration program to the Committees on Armed Services of the Senate and the House of Representatives not later than December 1, 2003. The final report shall contain, at a minimum, for each site of the demonstration program the following:

"(A) The Secretary's determination on the issue described in

subsection (b)(2).

"(B) A comparison of the lost workday injury rate under the program with the baseline assessment of the lost workday injury rate.

"(C) The lost workday injury rate for fiscal years 2002 and 2003.

"(D) A comparison of the direct and indirect costs associated with all lost workday injuries for fiscal years 2002 and 2003 with the direct and indirect costs associated with all lost workday injuries for fiscal year 2001.

"(f) Funding. - Of the amount authorized to be appropriated under section 301(5) [114 Stat. 1654A-52], \$5,000,000 shall be available for the demonstration program under this section."

[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.]

GAO STUDY ON BENEFITS AND COSTS OF UNITED STATES MILITARY

ENGAGEMENT IN EUROPE

Pub. L. 106-398, Sec. 1 [[div. A], title XII, Sec. 1223], Oct.

30, 2000, 114 Stat. 1654, 1654A-328, provided that:

"(a) Comptroller General Study. - The Comptroller General shall conduct a study assessing the benefits and costs to the United States and United States national security interests of the

engagement of United States forces in Europe and of United States military strategies used to shape the international security environment in Europe.

"(b) Matters To Be Included. - The study shall include an assessment of the following matters:

"(1) The benefits and costs to the United States of having forces stationed in Europe and assigned to areas of regional conflict such as Bosnia and Kosovo.

"(2) The benefits and costs associated with stationing United States forces in Europe and with assigning those forces to areas of regional conflict, including an analysis of the benefits and costs of deploying United States forces with the forces of European allies.

"(3) The amount and type of the following kinds of contributions to European security made by European allies in 1999 and 2000:

"(A) Financial contributions.

"(B) Contributions of military personnel and units.

"(C) Contributions of nonmilitary personnel, such as medical personnel, police officers, judicial officers, and other civic officials.

"(D) Contributions, including contributions in kind, for humanitarian and reconstruction assistance and infrastructure building or activities that contribute to regional stability, whether in lieu of or in addition to military-related contributions.

"(4) The extent to which a forward United States military presence compensates for existing shortfalls of air and sea lift capability in the event of regional conflict in Europe or the

Middle East.

"(c) Report. - The Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the results of the study not later than December 1, 2001."

ESTABLISHMENT OF LOGISTICS STANDARDS FOR SUSTAINED MILITARY
OPERATIONS

Pub. L. 106-65, div. A, title III, Sec. 366, Oct. 5, 1999, 113

Stat. 578, provided that:

"(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 by the Secretary of a military department 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.

"(f) Reporting Requirement. - The Secretary of Defense shall include in the annual report required by section 113(c) of title 10, United States Code, an analysis of the then current spare parts, logistics, and sustainment standards of the Armed Forces, as described in subsection (a), including any shortfalls and the cost of addressing these shortfalls."

USE OF SMART CARD TECHNOLOGY IN THE DEPARTMENT OF DEFENSE

Pub. L. 106-65, div. A, title III, Sec. 373(a)-(g), Oct. 5, 1999, 113 Stat. 580, 581, provided that:

"(a) Department of Navy as Lead Agency. - The Department of the Navy shall serve as the lead agency for the development and implementation of a Smart Card program for the Department of Defense.

"(b) Cooperation of Other Military Departments. - The Department

of the Army and the Department of the Air Force shall each establish a project office and cooperate with the Department of the Navy to develop implementation plans for exploiting the capability of Smart Card technology as a means for enhancing readiness and improving business processes throughout the military departments.

"(c) Senior Coordinating Group. - (1) Not later than November 30, 1999, the Secretary of Defense shall establish a senior coordinating group to develop and implement -

"(A) Department-wide interoperability standards for use of Smart Card technology; and

"(B) a plan to exploit Smart Card technology as a means for enhancing readiness and improving business processes.

"(2) The senior coordinating group shall be chaired by a representative of the Secretary of the Navy and shall include senior representatives from each of the Armed Forces and such other persons as the Secretary of Defense considers appropriate.

"(3) Not later than March 31, 2000, 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 a report containing a detailed discussion of the progress made by the senior coordinating group in carrying out its duties.

"(d) Role of Department of Defense Chief Information Office. - The senior coordinating group established under subsection (c) shall report to and receive guidance from the Department of Defense Chief Information Office.

"(e) Increased Use Targeted to Certain Naval Regions. - Not later than November 30, 1999, the Secretary of the Navy shall establish a business plan to implement the use of Smart Cards in one major Naval region of the continental United States that is in the area

of operations of the United States Atlantic Command and one major Naval region of the continental United States that is in the area of operations of the United States Pacific Command. The regions selected shall include a major fleet concentration area. The implementation of the use of Smart Cards in each region shall cover the Navy and Marine Corps bases and all non-deployed units in the region. The Secretary of the Navy shall submit the business plan to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives].

"(f) Funding for Increased Use of Smart Cards. - Of the funds authorized to be appropriated for the Navy by section 102(a)(4) [113 Stat. 530] or 301(2) [113 Stat. 557], the Secretary of the Navy -

"(1) shall allocate such amounts as may be necessary, but not to exceed \$30,000,000, to ensure that significant progress is made toward complete implementation of the use of Smart Card technology in the Department of the Navy; and

"(2) may allocate additional amounts for the conversion of paper-based records to electronic media for records systems that have been modified to use Smart Card technology.

"(g) Definitions. - In this section:

"(1) The term 'Smart Card' means a credit card-size device, normally for carrying and use by personnel, that contains one or more integrated circuits and may also employ one or more of the following technologies:

"(A) Magnetic stripe.

"(B) Bar codes, linear or two-dimensional.

"(C) Non-contact and radio frequency transmitters.

"(D) Biometric information.

"(E) Encryption and authentication.

"(F) Photo identification.

"(2) The term 'Smart Card technology' means a Smart Card together with all of the associated information technology hardware and software that comprise the system for support and operation."

SECRETARY OF DEFENSE REVIEW OF ARMY TECHNICIAN COSTING PROCESS

Pub. L. 106-65, div. A, title V, Sec. 526, Oct. 5, 1999, 113

Stat. 600, required Secretary of Defense to review process used by the Army to develop estimates of annual authorizations and appropriations required for civilian personnel of Department of the Army generally and for 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, Sec. 581, Oct. 5, 1999, 113

Stat. 633, provided that:

"(a) Exit Survey. - The Secretary of Defense shall develop and implement, as part of outprocessing activities, a survey on attitudes toward military service to be completed by all members of the Armed Forces who during the period beginning on January 1, 2000, and ending on June 30, 2000, are voluntarily discharged or separated from the Armed Forces or transfer from a regular component to a reserve component.

"(b) Matters To Be Covered. - The survey shall, at a minimum,

cover the following subjects:

"(1) Reasons for leaving military service.

"(2) Command climate.

"(3) Attitude toward leadership.

"(4) Attitude toward pay and benefits.

"(5) Job satisfaction during service as a member of the Armed Forces.

"(6) Plans for activities after separation (such as enrollment in school, use of Montgomery GI Bill benefits, and work).

"(7) Affiliation with a reserve component, together with the reasons for affiliating or not affiliating, as the case may be.

"(8) Such other matters as the Secretary determines appropriate to the survey concerning reasons why military personnel are leaving military service.

"(c) Report to Congress. - Not later than October 1, 2000, the Secretary shall submit to Congress a report containing the results of the survey under subsection (a). The Secretary shall compile the information in the report so as to assist in assessing reasons why military personnel are leaving military service."

ANNUAL REPORT ON UNITED STATES MILITARY ACTIVITIES IN COLOMBIA

Pub. L. 106-65, div. A, title X, Sec. 1025, Oct. 5, 1999, 113

Stat. 748, provided that: "Not later than January 1 of each year, the Secretary of Defense shall submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on International Relations of the House of Representatives a report detailing the number of members of the United States Armed Forces deployed or otherwise assigned to duty in Colombia at any time during the

preceding year, the length and purpose of the deployment or assignment, and the costs and force protection risks associated with such deployments and assignments."

REPORT ON NATO DEFENSE CAPABILITIES INITIATIVE

Pub. L. 106-65, div. A, title X, Sec. 1039, Oct. 5, 1999, 113 Stat. 756, as amended by Pub. L. 108-136, div. A, title X, Sec. 1031(h)(3), Nov. 24, 2003, 117 Stat. 1605, provided that:

"(a) Findings. - Congress makes the following findings:

"(1) At the meeting of the North Atlantic Council held in Washington, DC, in April 1999, the NATO Heads of State and Governments launched a Defense Capabilities Initiative.

"(2) The Defense Capabilities Initiative is designed to improve the defense capabilities of the individual nations of the NATO Alliance to ensure the effectiveness of future operations across the full spectrum of Alliance missions in the present and foreseeable security environment.

"(3) Under the Defense Capabilities Initiative, special focus will be given to improving interoperability among Alliance forces and to increasing defense capabilities through improvements in the deployability and mobility of Alliance forces, the sustainability and logistics of those forces, the survivability and effective engagement capability of those forces, and command and control and information systems.

"(4) The successful implementation of the Defense Capabilities Initiative will serve to enable all members of the Alliance to make a more equitable contribution to the full spectrum of Alliance missions, thereby increasing burdensharing within the Alliance and enhancing the ability of European members of the

Alliance to undertake operations pursuant to the European Security and Defense Identity within the Alliance.

"[(b) Repealed. Pub. L. 108-136, div. A, title X, Sec. 1031(h)(3), Nov. 24, 2003, 117 Stat. 1605.]"

COMMEMORATION OF THE VICTORY OF FREEDOM IN THE COLD WAR

Pub. L. 106-65, div. A, title X, Sec. 1053, Oct. 5, 1999, 113 Stat. 764, as amended by Pub. L. 107-107, div. A, title X, Sec. 1048(g)(7), Dec. 28, 2001, 115 Stat. 1228, provided that:

"(a) Findings. - Congress makes the following findings:

"(1) The Cold War between the United States and its allies and the former Union of Soviet Socialist Republics and its allies was the longest and most costly struggle for democracy and freedom in the history of mankind.

"(2) Whether millions of people all over the world would live in freedom hinged on the outcome of the Cold War.

"(3) Democratic countries bore the burden of the struggle and paid the costs in order to preserve and promote democracy and freedom.

"(4) The Armed Forces and the taxpayers of the United States bore the greatest portion of that burden and struggle in order to protect those principles.

"(5) Tens of thousands of United States soldiers, sailors, airmen, and Marines paid the ultimate price during the Cold War in order to preserve the freedoms and liberties enjoyed in democratic countries.

"(6) The Berlin Wall erected in Berlin, Germany, epitomized the totalitarianism that the United States struggled to eradicate during the Cold War.

"(7) The fall of the Berlin Wall on November 9, 1989, was a major event of the Cold War.

"(8) The Soviet Union collapsed on December 25, 1991.

"(b) Sense of Congress. - It is the sense of Congress that the President should issue a proclamation calling on the people of the United States to observe the victory in the Cold War with appropriate ceremonies and activities.

"(c) Participation of Armed Forces in Celebration of End of Cold War. - (1) Subject to paragraphs (2), (3), and (4), amounts authorized to be appropriated by section 301 [113 Stat. 556] may be available for costs of the Armed Forces in participating in a celebration of the end of the Cold War to be held in Washington, District of Columbia.

"(2) The total amount of funds available under paragraph (1) for the purpose set forth in that paragraph shall not exceed \$5,000,000.

"(3) The Secretary of Defense may accept contributions from the private sector for the purpose of reducing the costs of the Armed Forces described in paragraph (1). The amount of funds available under paragraph (1) for the purpose set forth in that paragraph shall be reduced by an amount equal to the amount of contributions accepted by the Secretary under the preceding sentence.

"(4) The funding authorized in paragraph (1) shall not be available until 30 days after the date upon which the plan required by subsection (d) is submitted.

"(d) Report. - (1) The President shall transmit to Congress -

"(A) a report on the content of the proclamation referred to in subsection (b); and

"(B) a plan for appropriate ceremonies and activities.

"(2) The plan submitted under paragraph (1) shall include the following:

"(A) A discussion of the content, location, date, and time of each ceremony and activity included in the plan.

"(B) The funding allocated to support those ceremonies and activities.

"(C) The organizations and individuals consulted while developing the plan for those ceremonies and activities.

"(D) A list of private sector organizations and individuals that are expected to participate in each ceremony and activity.

"(E) A list of local, State, and Federal agencies that are expected to participate in each ceremony and activity.

"(e) Commission on Victory in the Cold War. - (1) There is hereby established a commission to be known as the 'Commission on Victory in the Cold War'.

"(2) The Commission shall be composed of twelve members, as follows:

"(A) Two shall be appointed by the President.

"(B) Three shall be appointed by the Speaker of the House of Representatives.

"(C) Two shall be appointed by the minority leader of the House of Representatives.

"(D) Three shall be appointed by the majority leader of the Senate.

"(E) Two shall be appointed by the minority leader of the Senate.

"(3) The Commission shall review and make recommendations regarding the celebration of the victory in the Cold War, to include the date of the celebration, usage of facilities,

participation of the Armed Forces, and expenditure of funds.

"(4) The Secretary shall -

"(A) consult with the Commission on matters relating to the celebration of the victory in the Cold War;

"(B) reimburse Commission members for expenses relating to participation of Commission members in Commission activities from funds made available under subsection (c); and

"(C) provide the Commission with administrative support.

"(5) The Commission shall be co-chaired by two members as follows:

"(A) One selected by and from among those appointed pursuant to subparagraphs (A), (C), and (E) of paragraph (2).

"(B) One selected by and from among those appointed pursuant to subparagraphs (B) and (D) of paragraph (2)."

ANNUAL REPORT ON MILITARY POWER OF THE PEOPLE'S REPUBLIC OF CHINA

Pub. L. 106-65, div. A, title XII, Sec. 1202, Oct. 5, 1999, 113

Stat. 781, as amended by Pub. L. 107-107, div. A, title XII, Sec.

1221, Dec. 28, 2001, 115 Stat. 1252, provided that:

"(a) Annual Report. - Not later than March 1 each year, the Secretary of Defense shall submit to the specified congressional committees a report, in both classified and unclassified form, on the current and future military strategy of the People's Republic of China. The report shall address the current and probable future course of military-technological development on the People's Liberation Army and the tenets and probable development of Chinese grand strategy, security strategy, and military strategy, and of military organizations and operational concepts, through the next 20 years.

"(b) Matters To Be Included. - Each report under this section shall include analyses and forecasts of the following:

"(1) The goals of Chinese grand strategy, security strategy, and military strategy.

"(2) Trends in Chinese strategy that would be designed to establish the People's Republic of China as the leading political power in the Asia-Pacific region and as a political and military presence in other regions of the world.

"(3) The security situation in the Taiwan Strait.

"(4) Chinese strategy regarding Taiwan.

"(5) The size, location, and capabilities of Chinese strategic, land, sea, and air forces, including detailed analysis of those forces facing Taiwan.

"(6) Developments in Chinese military doctrine, focusing on (but not limited to) efforts to exploit a transformation in military affairs or to conduct preemptive strikes.

"(7) Efforts, including technology transfers and espionage, by the People's Republic of China to develop, acquire, or gain access to information, communication, space and other advanced technologies that would enhance military capabilities.

"(8) An assessment of any challenges during the preceding year to the deterrent forces of the Republic of China on Taiwan, consistent with the commitments made by the United States in the Taiwan Relations Act (Public Law 96-8) [22 U.S.C. 3301 et seq.].

"(c) Specified Congressional Committees. - For purposes of this section, the term 'specified congressional committees' means the following:

"(1) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

"(2) The Committee on Armed Services and the Committee on International Relations of the House of Representatives.

"(d) Report on Significant Sales and Transfers to China. - (1)

The report to be submitted under this section not later than March 1, 2002, shall include in a separate section a report describing any significant sale or transfer of military hardware, expertise, and technology to the People's Republic of China. The report shall set forth the history of such sales and transfers since 1995, forecast possible future sales and transfers, and address the implications of those sales and transfers for the security of the United States and its friends and allies in Asia.

"(2) The report shall include analysis and forecasts of the following matters related to military cooperation between selling states and the People's Republic of China:

"(A) The extent in each selling state of government knowledge, cooperation, or condoning of sales or transfers of military hardware, expertise, or technology to the People's Republic of China.

"(B) An itemization of significant sales and transfers of military hardware, expertise, or technology from each selling state to the People's Republic of China that have taken place since 1995, with a particular focus on command, control, communications, and intelligence systems.

"(C) Significant assistance by any selling state to key research and development programs of China, including programs for development of weapons of mass destruction and delivery vehicles for such weapons, programs for development of advanced conventional weapons, and programs for development of unconventional weapons.

"(D) The extent to which arms sales by any selling state to the People's Republic of China are a source of funds for military research and development or procurement programs in the selling state.

"(3) The report under paragraph (1) shall include, with respect to each area of analysis and forecasts specified in paragraph (2) -

"(A) an assessment of the military effects of such sales or transfers to entities in the People's Republic of China;

"(B) an assessment of the ability of the People's Liberation Army to assimilate such sales or transfers, mass produce new equipment, or develop doctrine for use; and

"(C) the potential threat of developments related to such effects on the security interests of the United States and its friends and allies in Asia."

NUCLEAR MISSION MANAGEMENT PLAN

Pub. L. 106-65, div. C, title XXXI, Sec. 3163(d), Oct. 5, 1999, 113 Stat. 945, provided that:

"(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 deterrent forces."

REPORT ON FOOD STAMP ASSISTANCE FOR MEMBERS OF ARMED FORCES

Pub. L. 105-262, title VIII, Sec. 8119, Oct. 17, 1998, 112 Stat.

2331, provided that:

"(a) The Secretary of Defense shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on food stamp assistance for members of the Armed Forces.

The Secretary shall submit the report at the same time that the Secretary submits to Congress, in support of the fiscal year 2001 budget, the materials that relate to the funding provided in that budget for the Department of Defense.

"(b) The report shall include the following:

"(1) The number of members of the Armed Forces and dependents of members of the Armed Forces who are eligible for food stamps.

"(2) The number of members of the Armed Forces and dependents of members of the Armed Forces who received food stamps in fiscal year 1998.

"(3) A proposal for using, as a means for eliminating or reducing significantly the need of such personnel for food stamps, the authority under section 2828 of title 10, United States Code, to lease housing facilities for enlisted members of the Armed Forces and their families when Government quarters are not available for such personnel.

"(4) A proposal for increased locality adjustments through the basic allowance for housing and other methods as a means for eliminating or reducing significantly the need of such personnel for food stamps.

"(5) Other potential alternative actions (including any recommended legislation) for eliminating or reducing significantly the need of such personnel for food stamps.

"(6) A discussion of the potential for each alternative action referred to in paragraph (3) or (4) to result in the elimination or a significant reduction in the need of such personnel for food stamps.

"(c) Each potential alternative action included in the report under paragraph (3) or (4) of subsection (b) shall meet the following requirements:

"(1) Apply only to persons referred to in paragraph (1) of such subsection.

"(2) Be limited in cost to the lowest amount feasible to achieve the objectives.

"(d) In this section:

"(1) The term 'fiscal year 2001 budget' means the budget for fiscal year 2001 that the President submits to Congress under section 1105(a) of title 31, United States Code.

"(2) The term 'food stamps' means assistance under the Food

Stamp Act of 1977 (7 U.S.C. 2011 et seq.)."

DEFENSE REFORM INITIATIVE ENTERPRISE PILOT PROGRAM FOR MILITARY

MANPOWER AND PERSONNEL INFORMATION

Pub. L. 106-65, div. A, title IX, Sec. 924, Oct. 5, 1999, 113

Stat. 726, provided that:

"(a) Executive Agent. - The Secretary of Defense may designate the Secretary of the Navy as the Department of Defense executive agent for carrying out the pilot program described in subsection (c).

"(b) Implementing Office. - If the Secretary of Defense makes the designation referred to in subsection (a), the Secretary of the Navy, in carrying out that pilot program, shall act through the head of the Systems Executive Office for Manpower and Personnel of the Department of the Navy, who shall act in coordination with the Under Secretary of Defense for Personnel and Readiness and the Chief Information Officer of the Department of Defense.

"(c) Pilot Program. - The pilot program referred to in subsection (a) is the defense reform initiative enterprise pilot program for military manpower and personnel information established pursuant to section 8147 of the Department of Defense Appropriations Act, 1999 (Public Law 105-262; 112 Stat. 2341; 10 U.S.C. 113 note)."

Pub. L. 105-262, title VIII, Sec. 8147, Oct. 17, 1998, 112 Stat. 2341, provided that: "The Secretary of Defense shall establish, through a revised Defense Integrated Military Human Resources System (DIMHRS), a defense reform initiative enterprise pilot program for military manpower and personnel information: Provided, That this pilot program should include all functions and systems currently included in DIMHRS and shall be expanded to include all

appropriate systems within the enterprise of personnel, manpower, training, and compensation: Provided further, That in establishing a revised DIMHRS enterprise program for manpower and personnel information superiority the functions of this program shall include, but not be limited to: (1) an analysis and determination of the number and kinds of information systems necessary to support manpower and personnel within the Department of Defense; and (2) the establishment of programs to develop and implement information systems in support of manpower and personnel to include an enterprise level strategic approach, performance and results based management, business process improvement and other non-material solutions, the use of commercial or government off-the-shelf technology, the use of modular contracting as defined by Public Law 104-106 [see 41 U.S.C. 434], and the integration and consolidation of existing manpower and personnel information systems: Provided further, That the Secretary of Defense shall re-instate fulfillment standards designated as ADS-97-03-GD, dated January, 1997: Provided further, That the requirements of this section should be implemented not later than 6 months after the date of the enactment of this Act [Oct. 17, 1998]."

OVERSIGHT OF DEVELOPMENT AND IMPLEMENTATION OF AUTOMATED
IDENTIFICATION TECHNOLOGY

Pub. L. 105-261, div. A, title III, Sec. 344, Oct. 17, 1998, 112 Stat. 1977, as amended by Pub. L. 106-65, div. A, title III, Sec. 373(h), title X, Sec. 1067(3), Oct. 5, 1999, 113 Stat. 581, 774, provided that:

"(a) Definitions. - In this section:

"(1) The term 'automated identification technology program'

means a program in the Department of Defense, including any pilot program, employing one or more of the following technologies:

"(A) Magnetic stripe.

"(B) Bar codes, both linear and two-dimensional (including matrix symbologies).

"(C) Smart Card.

"(D) Optical memory.

"(E) Personal computer memory card international association carriers.

"(F) Any other established or emerging automated identification technology, including biometrics and radio frequency identification.

"(2) The term 'Smart Card' means a credit card size device that contains one or more integrated circuits.

"[(b) Repealed. Pub. L. 106-65, div. A, title III, Sec. 373(h), Oct. 5, 1999, 113 Stat. 581.]

"(c) Funding for Increased Use of Smart Cards. - (1) Of the funds available for the Navy for fiscal year 1999 for operation and maintenance, the Secretary of the Navy shall allocate sufficient amounts, up to \$25,000,000, for the purpose of making significant progress toward ensuring that Smart Cards with a multi-application, multi-technology automated reading capability are issued and used throughout the Navy and the Marine Corps for purposes for which Smart Cards are suitable.

"(2) Not later than June 30, 1999, the Secretary of the Navy shall equip with Smart Card technology at least one carrier battle group, one carrier air wing, and one amphibious readiness group (including the Marine Corps units embarked on the vessels of such battle and readiness groups) in each of the United States Atlantic

Command and the United States Pacific Command.

"(3) None of the funds appropriated pursuant to any authorization of appropriations in this Act [see Tables for classification] may be expended after June 30, 1999, for the procurement of the Joint Uniformed Services Identification card for members of the Navy or the Marine Corps or for the issuance of such card to such members, until the Secretary of the Navy certifies in writing to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives that the Secretary has completed the issuance of Smart Cards in accordance with paragraph (2).

"(d) Defense-Wide Plan. - Not later than March 31, 1999, the Secretary of Defense shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of Senate and House of Representatives] a plan for the use of Smart Card technology by each military department. The Secretary shall include in the plan an estimate of the costs of the plan, the savings to be derived from carrying out the plan, and a description of the ways in which the Department of Defense will review and revise business practices to take advantage of Smart Card technology."

PILOT PROGRAM FOR ACCEPTANCE AND USE OF LANDING FEES CHARGED FOR

USE OF DOMESTIC MILITARY AIRFIELDS BY CIVIL AIRCRAFT

Pub. L. 105-261, div. A, title III, Sec. 377, Oct. 17, 1998, 112 Stat. 1993, as amended by Pub. L. 106-398, Sec. 1 [[div. A], title III, Sec. 387], Oct. 30, 2000, 114 Stat. 1654, 1654A-88, provided that:

"(a) Pilot Program Authorized. - The Secretary of each military

department may carry out a pilot program to demonstrate the use of landing fees as a source of funding for the operation and maintenance of airfields of that department.

"(b) Landing Fee Defined. - In this section, the term 'landing fee' means any fee that is established under or in accordance with regulations of the military department concerned (whether prescribed in a fee schedule or imposed under a joint-use agreement) to recover costs incurred for use by civil aircraft of an airfield of the military department in the United States or in a territory or possession of the United States.

"(c) Use of Proceeds. - Amounts received in payment of landing fees for use of a military airfield in a fiscal year of the pilot program shall be credited to the appropriation that is available for that fiscal year for the operation and maintenance of the military airfield, shall be merged with amounts in the appropriation to which credited, and shall be available for that military airfield for the same period and purposes as the appropriation is available.

"(d) Report. - Not later than March 31, 2003, the Secretary of Defense shall submit to Congress a report on the pilot programs carried out under this section by the Secretaries of the military departments. The report shall specify the amounts of fees received and retained by each military department under its pilot program as of December 31, 2002."

"(e) Duration of Pilot Program. - The pilot program under this section may not be carried out after September 30, 2010."

REPORT ON TERMINOLOGY FOR ANNUAL REPORT REQUIREMENT

Pub. L. 105-261, div. A, title IX, Sec. 915(b), Oct. 17, 1998,

112 Stat. 2102, provided that: "Not later than 90 days after the date of the enactment of this Act [Oct. 17, 1998], 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 [now Committee on Armed Services of the House of Representatives] a report setting forth the definitions of the terms 'support' and 'mission' that the Secretary proposes to use for purposes of the report requirement under section 113(l) of title 10, United States Code, as added by subsection (a)."

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

Section 392 of Pub. L. 105-85, as amended by Pub. L. 105-261, div. A, title III, Sec. 374, Oct. 17, 1998, 112 Stat. 1992, provided that: "The Secretary of Defense shall maintain a specific coordinated program for the investigation of evidence of fraud, waste, and abuse within the Department of Defense, particularly fraud, waste, and abuse regarding finance and accounting matters and any fraud, waste, and abuse occurring in connection with overpayments made to vendors by the Department of Defense, including overpayments identified under section 354 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 10 U.S.C. 2461 note)."

COMMISSION ON MILITARY TRAINING AND GENDER-RELATED ISSUES

Subtitle F of title V of div. A of Pub. L. 105-85, as amended by Pub. L. 105-261, div. A, title V, Sec. 524, Oct. 17, 1998, 112 Stat. 2014; Pub. L. 106-65, div. A, title X, Sec. 1066(c)(2), Oct. 5, 1999, 113 Stat. 773, established a Commission on Military

Training and Gender-Related Issues to review requirements and restrictions regarding cross-gender relationships of members of the Armed Forces, to review the basic training programs of the Army, Navy, Air Force, and Marine Corps, and to make recommendations on improvements to those programs, requirements, and restrictions, and further provided for composition, powers, and duties of Commission, administrative matters, funding, an interim report to Congress not later than Oct. 15, 1998, and a final report to Congress not later than Mar. 15, 1999, and for termination of Commission 60 days after submission of final report.

COORDINATION OF DEPARTMENT OF DEFENSE CRIMINAL INVESTIGATIONS AND AUDITS

Section 907 of Pub. L. 105-85 provided that:

"(a) Military Department Criminal Investigative Organizations. -

(1) The heads of the military department criminal investigative organizations shall take such action as may be practicable to conserve the limited resources available to the military department criminal investigative organizations by sharing personnel, expertise, infrastructure, training, equipment, software, and other resources.

"(2) The heads of the military department criminal investigative organizations shall meet on a regular basis to determine the manner in which and the extent to which the military department criminal investigative organizations will be able to share resources.

"(b) Defense Auditing Organizations. - (1) The heads of the defense auditing organizations shall take such action as may be practicable to conserve the limited resources available to the defense auditing organizations by sharing personnel, expertise,

infrastructure, training, equipment, software, and other resources.

"(2) The heads of the defense auditing organizations shall meet on a regular basis to determine the manner in which and the extent to which the defense auditing organizations will be able to share resources.

"(c) Implementation Plan. - Not later than December 31, 1997, the Secretary of Defense shall submit to Congress a plan designed to maximize the resources available to the military department criminal investigative organizations and the defense auditing organizations, as required by this section.

"(d) Definitions. - For purposes of this section:

"(1) The term 'military department criminal investigative organizations' means -

"(A) the Army Criminal Investigation Command;

"(B) the Naval Criminal Investigative Service; and

"(C) the Air Force Office of Special Investigations.

"(2) The term 'defense auditing organizations' means -

"(A) the Office of the Inspector General of the Department of Defense;

"(B) the Defense Contract Audit Agency;

"(C) the Army Audit Agency;

"(D) the Naval Audit Service; and

"(E) the Air Force Audit Agency."

PROVISION OF ADEQUATE TROOP PROTECTION EQUIPMENT FOR ARMED FORCES

PERSONNEL ENGAGED IN PEACE OPERATIONS; REPORT ON ANTITERRORISM

ACTIVITIES AND PROTECTION OF PERSONNEL

Section 1052 of Pub. L. 105-85 provided that:

"(a) Protection of Personnel. - The Secretary of Defense shall

take appropriate actions to ensure that units of the Armed Forces engaged in a peace operation are provided adequate troop protection equipment for that operation.

"(b) Specific Actions. - In taking actions under subsection (a), the Secretary shall -

"(1) identify the additional troop protection equipment, if any, required to equip a division (or the equivalent of a division) with adequate troop protection equipment for peace operations; and

"(2) establish procedures to facilitate the exchange or transfer of troop protection equipment among units of the Armed Forces.

"(c) Designation of Responsible Official. - The Secretary of Defense shall designate an official within the Department of Defense to be responsible for -

"(1) ensuring the appropriate allocation of troop protection equipment among the units of the Armed Forces engaged in peace operations; and

"(2) monitoring the availability, status or condition, and location of such equipment.

"(d) Troop Protection Equipment Defined. - In this section, the term 'troop protection equipment' means the equipment required by units of the Armed Forces to defend against any hostile threat that is likely during a peace operation, including an attack by a hostile crowd, small arms fire, mines, and a terrorist bombing attack.

"(e) Report on Antiterrorism Activities of the Department of Defense and Protection of Personnel. - Not later than 120 days after the date of the enactment of this Act [Nov. 18, 1997], the

Secretary of Defense shall submit to Congress a report, in classified and unclassified form, on antiterrorism activities of the Department of Defense and the actions taken by the Secretary under subsections (a), (b), and (c). The report shall include the following:

"(1) A description of the programs designed to carry out antiterrorism activities of the Department of Defense, any deficiencies in those programs, and any actions taken by the Secretary to improve implementation of such programs.

"(2) An assessment of the current policies and practices of the Department of Defense with respect to the protection of members of the Armed Forces overseas against terrorist attack, including any modifications 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 for determining accountability, if any, in 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 under 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

Section 1072 of Pub. L. 105-85 provided that:

"(a) Independent Study Required. - (1) The Secretary of Defense shall provide for an independent study 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.

"(2) The Secretary shall provide for the study to be conducted by the National Academy of Public Administration. The amount of a contract for the study may not exceed \$2,000,000.

"(3) The Secretary shall require that all components of the Department of Defense cooperate fully with the organization carrying out the study.

"(b) Matters To Be Included in Study. - The Secretary shall require that the organization conducting the study under this section specifically consider each of the following matters:

"(1) The need (if any) for greater organizational independence and autonomy for the military criminal investigative organizations than exists under current chain-of-command structures within the military departments.

"(2) The authority of each of the military criminal investigative organizations to investigate allegations of sex crimes and other criminal sexual misconduct and the policies of those organizations for carrying out such investigations.

"(3) The training (including training in skills and techniques related to the conduct of interviews) provided by each of those organizations to agents or prospective agents responsible for conducting or providing support to investigations of alleged sex crimes and other criminal sexual misconduct, including -

"(A) the extent to which that training is comparable to the training provided by the Federal Bureau of Investigation and other civilian law enforcement agencies; and

"(B) the coordination of training and investigative policies related to alleged sex crimes and other criminal sexual misconduct of each of those organizations with the Federal Bureau of Investigation and other civilian Federal law enforcement agencies.

"(4) The procedures and relevant professional standards of each military criminal investigative organization with regard to recruitment and hiring of agents, including an evaluation of the extent to which those procedures and standards provide for -

"(A) sufficient screening of prospective agents based on background investigations; and

"(B) obtaining sufficient information about the qualifications and relevant experience of prospective agents.

"(5) The advantages and disadvantages of establishing, within each of the military criminal investigative organizations or within the Defense Criminal Investigative Service only, a special unit for the investigation of alleged sex crimes and other criminal sexual misconduct.

"(6) The clarity of guidance for, and consistency of investigative tactics used by, each of the military criminal investigative organizations for the investigation of alleged sex

crimes and other criminal sexual misconduct, together with a comparison with the guidance and tactics used by the Federal Bureau of Investigation and other civilian law enforcement agencies for such investigations.

"(7) The number of allegations of agent misconduct in the investigation of sex crimes and other criminal sexual misconduct for each of those organizations, together with a comparison with the number of such allegations concerning agents of the Federal Bureau of Investigation and other civilian law enforcement agencies for such investigations.

"(8) The procedures of each of the military criminal investigative organizations for administrative identification (known as 'titling') of persons suspected of committing sex crimes or other criminal sexual misconduct, together with a comparison with the comparable procedures of the Federal Bureau of Investigation and other civilian Federal law enforcement agencies for such investigations.

"(9) The accuracy, timeliness, and completeness of reporting of sex crimes and other criminal sexual misconduct by each of the military criminal investigative organizations to the National Crime Information Center maintained by the Department of Justice.

"(10) Any recommendation for legislation or administrative action to revise the organizational or operational arrangements of the military criminal investigative organizations or to alter recruitment, training, or operational procedures, as they pertain to the investigation of sex crimes and other criminal sexual misconduct.

"(c) Report. - (1) The Secretary of Defense shall require the organization conducting the study under this section to submit to

the Secretary a report on the study not later than one year after the date of the enactment of this Act [Nov. 18, 1997]. The organization shall include in the report its findings and conclusions concerning each of the matters specified in subsection (b).

"(2) The Secretary shall submit the report under paragraph (1), together with the Secretary's comments on the report, to Congress not later than 30 days after the date on which the report is submitted to the Secretary under paragraph (1).

"(d) Military Criminal Investigative Organization Defined. - For the purposes of this section, the term 'military criminal investigative organization' means any of the following:

"(1) The Army Criminal Investigation Command.

"(2) The Naval Criminal Investigative Service.

"(3) The Air Force Office of Special Investigations.

"(4) The Defense Criminal Investigative Service.

"(e) Criminal Sexual Misconduct Defined. - For the purposes of this section, the term 'criminal sexual misconduct' means conduct by a member of the Armed Forces involving sexual abuse, sexual harassment, or other sexual misconduct that constitutes an offense under the Uniform Code of Military Justice [10 U.S.C. 801 et seq.]."

PROGRAM TO COMMEMORATE 50TH ANNIVERSARY OF THE KOREAN WAR

Pub. L. 106-65, div. A, title X, Sec. 1052(b)(3), Oct. 5, 1999, 113 Stat. 764, provided that: "Any reference to the Department of Defense Korean War Commemoration in any law, regulation, document, record, or other paper of the United States shall be considered to be a reference to the United States of America Korean War

Commemoration."

Pub. L. 105-261, div. A, title X, Sec. 1067(b), (d), Oct. 17, 1998, 112 Stat. 2134, 2135, provided that:

"(b) Redesignation of Commemoration Account. - The account in the Treasury known as the 'Department of Defense Korean Conflict Commemoration Account' is redesignated as the 'Department of Defense Korean War Commemoration Account'.

"(d) Cross References. - Any reference to the Department of Defense Korean Conflict Commemoration or the Department of Defense Korean Conflict Commemoration Account in any law, regulation, document, record, or other paper of the United States shall be considered to be a reference to the Department of Defense Korean War Commemoration or the Department of Defense Korean War Commemoration Account, respectively."

Pub. L. 105-85, div. A, title X, Sec. 1083, Nov. 18, 1997, 111 Stat. 1918, as amended by Pub. L. 105-129, Sec. 1(b)(1), Dec. 1, 1997, 111 Stat. 2551; Pub. L. 105-261, div. A, title X, Sec. 1067(a), (c), Oct. 17, 1998, 112 Stat. 2134; Pub. L. 106-65, div. A, title X, Sec. 1052(a), (b)(1), (c), Oct. 5, 1999, 113 Stat. 764; Pub. L. 107-107, div. A, title X, Sec. 1048(g)(6), (i)(1), Dec. 28, 2001, 115 Stat. 1228, 1229; Pub. L. 107-314, div. A, title X, Sec. 1069, Dec. 2, 2002, 116 Stat. 2660, provided that:

"(a) Commemorative Program. - During fiscal years 2000 through 2004, the Secretary of Defense may conduct a program to commemorate the 50th anniversary of the Korean War. In conducting the commemorative program, the Secretary may coordinate, support, and facilitate other programs and activities of the Federal Government, State and local governments, and other persons in commemoration of the Korean War.

"(b) Commemorative Activities. - The commemorative program may include activities and ceremonies -

"(1) to provide the people of the United States with a clear understanding and appreciation of the lessons and history of the Korean War;

"(2) to thank and honor veterans of the Korean War and their families;

"(3) to pay tribute to the sacrifices and contributions made on the home front by the people of the United States during the Korean War;

"(4) to highlight advances in technology, science, and medicine related to military research conducted during the Korean War;

"(5) to recognize the contributions and sacrifices made by the allies of the United States in the Korean War; and

"(6) to highlight the role of the Armed Forces of the United States, then and now, in maintaining world peace through strength.

"(c) Name and Symbols. - The Secretary of Defense shall have the sole and exclusive right to use the name 'The United States of America Korean 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 [Nov. 18, 1997].

"(d) Commemorative Account. - (1) There is established in the Treasury an account to be known as the 'Department of Defense Korean War Commemoration Account', which shall be administered by the Secretary of Defense. There shall be deposited into the account all proceeds derived from the Secretary's use of the exclusive

rights described in subsection (c). The Secretary may use funds in the account only for the purpose of conducting the commemorative program.

"(2) Not later than 60 days after completion of all activities and ceremonies conducted as part of the commemorative program, the Secretary shall submit to Congress a report containing an accounting of all of the funds deposited into and expended from the account or otherwise expended under this section, and of any funds remaining in the account. Unobligated funds remaining in the account on that date shall be held in the account until transferred by law.

"(e) Acceptance of Voluntary Services. - (1) 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.

"(2) A person providing voluntary services under this subsection shall be considered to be a Federal employee for purposes of chapter 81 of title 5, United States Code, relating to compensation for work-related injuries. The person shall also be considered a special governmental employee for purposes of standards of conduct and sections 202, 203, 205, 207, 208, and 209 of title 18, United States Code. A person who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purpose by reason of the provision of voluntary services under this subsection.

"(3) 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.

"(f) Use of Funds. - (1) Funds appropriated for the Army for fiscal years 2000 through 2004 for operation and maintenance shall be available for the commemorative program authorized under subsection (a).

"(2) The total amount expended by the Department of Defense through the Department of Defense 50th Anniversary of the Korean War Commemoration Committee, an entity within the Department of the Army, to carry out the commemorative program authorized under subsection (a) for fiscal years 2000 through 2004 may not exceed \$10,000,000."

[Pub. L. 106-65, div. A, title X, Sec. 1052(b)(2), Oct. 5, 1999, 113 Stat. 764, provided that: "The amendment made by paragraph (1) [amending section 1083 of Pub. L. 105-85, set out above] may not be construed to supersede rights that are established or vested before the date of the enactment of this Act [Oct. 5, 1995]."]

[Pub. L. 106-65, div. A, title X, Sec. 1052(d), Oct. 5, 1999, 113 Stat. 764, provided that: "The amendments made by this section [amending section 1083 of Pub. L. 105-85, set out above] shall take effect on October 1, 1999."]

[Section 1(b)(2) of Pub. L. 105-129 provided that: "The amendment made by paragraph (1) [amending section 1083 of Pub. L. 105-85, set out above] shall take effect as if included in the provisions of the National Defense Authorization Act for Fiscal Year 1998 [Pub. L. 105-85] to which such amendment relates."]

ANNUAL REPORT ON MORATORIUM ON USE BY ARMED FORCES OF ANTIPERSONNEL

LANDMINES

Section 1309 of Pub. L. 105-85 provided that:

"(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 lead an effort to negotiate an international treaty permanently banning the use of all 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 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 Senate and 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 that are in the 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."

HATE CRIMES IN THE MILITARY

Section 571(a), (b) of Pub. L. 104-201 provided that:

"(a) Human Relations Training. - (1) The Secretary of Defense shall ensure that the Secretary of each military department conducts ongoing programs for human relations training for all members of the Armed Forces under the jurisdiction of the Secretary. Matters to be covered by such training include race relations, equal opportunity, opposition to gender discrimination, and sensitivity to 'hate group' activity. Such training shall be provided during basic training (or other initial military training) and on a regular basis thereafter.

"(2) The Secretary of Defense shall also ensure that unit commanders are aware of their responsibilities in ensuring that impermissible activity based upon discriminatory motives does not occur in units under their command.

"(b) Information To Be Provided to Prospective Recruits. - The Secretary of Defense shall ensure that each individual preparing to enter an officer accession program or to execute an original enlistment agreement is provided information concerning the meaning of the oath of office or oath of enlistment for service in the Armed Forces in terms of the equal protection and civil liberties guarantees of the Constitution, and each such individual shall be informed that if supporting those guarantees is not possible personally for that individual, then that individual should decline to enter the Armed Forces."

ANNUAL REPORT ON OPERATION PROVIDE COMFORT AND OPERATION ENHANCED
SOUTHERN WATCH

Section 1041 of Pub. L. 104-201 provided that:

"(a) Annual Report. - Not later than March 1 of each year, the Secretary of Defense shall submit to Congress a report on Operation Provide Comfort and Operation Enhanced Southern Watch.

"(b) Matters Relating to Operation Provide Comfort. - Each report under subsection (a) shall include, with respect to Operation Provide Comfort, the following:

"(1) A detailed presentation of the projected costs to be incurred by the Department of Defense for that operation during the fiscal year in which the report is submitted and projected for the following fiscal year, together with a discussion of missions and functions expected to be performed by the Department as part of that operation during each of those fiscal years.

"(2) A detailed presentation of the projected costs to be incurred by other departments and agencies of the Federal Government participating in or providing support to that

operation during each of those fiscal years.

"(3) A discussion of options being pursued to reduce the involvement of the Department of Defense in those aspects of that operation that are not directly related to the military mission of the Department of Defense.

"(4) A discussion of the exit strategy for United States involvement in, and support for, that operation.

"(5) A description of alternative approaches to accomplishing the mission of that operation that are designed to limit the scope and cost to the Department of Defense of accomplishing that mission while maintaining mission success.

"(6) The contributions (both in-kind and actual) by other nations to the costs of conducting that operation.

"(7) A detailed presentation of significant Iraqi military activity (including specific violations of the no-fly zone) determined to jeopardize the security of the Kurdish population in northern Iraq.

"(c) Matters Relating to Operation Enhanced Southern Watch. - Each report under subsection (a) shall include, with respect to Operation Enhanced Southern Watch, the following:

"(1) The expected duration and annual costs of the various elements of that operation.

"(2) The political and military objectives associated with that operation.

"(3) The contributions (both in-kind and actual) by other nations to the costs of conducting that operation.

"(4) A description of alternative approaches to accomplishing the mission of that operation that are designed to limit the scope and cost of accomplishing that mission while maintaining

mission success.

"(5) A comprehensive discussion of the political and military objectives and initiatives that the Department of Defense has pursued, and intends to pursue, in order to reduce United States involvement in that operation.

"(6) A detailed presentation of significant Iraqi military activity (including specific violations of the no-fly zone) determined to jeopardize the security of the Shiite population by air attack in southern Iraq or to jeopardize the security of Kuwait.

"(d) Termination of Report Requirement. - The requirement under subsection (a) shall cease to apply with respect to an operation named in that subsection upon the termination of United States involvement in that operation.

"(e) Definitions. - For purposes of this section:

"(1) Operation enhanced southern watch. - The term 'Operation Enhanced Southern Watch' means the operation of the Department of Defense that as of October 30, 1995, is designated as Operation Enhanced Southern Watch.

"(2) Operation provide comfort. - The term 'Operation Provide Comfort' means the operation of the Department of Defense that as of October 30, 1995, is designated as Operation Provide Comfort."

ANNUAL REPORT ON EMERGING OPERATIONAL CONCEPTS

Pub. L. 104-201, div. A, title X, Sec. 1042, Sept. 23, 1996, 110 Stat. 2642, as amended by Pub. L. 106-65, div. A, title X, Sec. 1067(5), Oct. 5, 1999, 113 Stat. 774, directed Secretary of Defense to submit to Committees on Armed Services of the Senate and the House of Representatives a report on emerging operational concepts

not later than March 1 of each year through 2000, prior to repeal by Pub. L. 106-65, div. A, title II, Sec. 241(b), Oct. 5, 1999, 113 Stat. 550.

GEORGE C. MARSHALL EUROPEAN CENTER FOR STRATEGIC SECURITY STUDIES

Pub. L. 104-201, div. A, title X, Sec. 1065, Sept. 23, 1996, 110 Stat. 2653, as amended by Pub. L. 108-136, div. A, title X, Sec. 1031(f)(2), Nov. 24, 2003, 117 Stat. 1604, provided that:

"(a) Authority To Accept Foreign Gifts and Donations. - (1) The Secretary of Defense may, on behalf of the George C. Marshall European Center for Strategic Security Studies (in this section referred to as the 'Marshall Center'), accept foreign gifts or donations in order to defray the costs of, or enhance the operation of, the Marshall Center.

"(2) Funds received by the Secretary under paragraph (1) shall be credited to appropriations available for the Department of Defense for the Marshall Center. Funds so credited shall be merged with the appropriations to which credited and shall be available for the Marshall Center for the same purposes and same period as the appropriations with which merged.

"(3) The Secretary of Defense shall notify Congress if the total amount of money accepted under paragraph (1) exceeds \$2,000,000 in any fiscal year. Any such notice shall list each of the contributors of such amounts and the amount of each contribution in such fiscal year.

"(4) For purposes of this subsection, a foreign gift or donation is a gift or donation of funds, materials (including research materials), property, or services (including lecture services and faculty services) from a foreign government, a foundation or other

charitable organization in a foreign country, or an individual in a foreign country.

"(b) Marshall Center Participation By Foreign Nations. -

Notwithstanding any other provision of law, the Secretary of Defense may authorize participation by a European or Eurasian nation in Marshall Center programs if the Secretary determines, after consultation with the Secretary of State, that such participation is in the national interest of the United States.

"(c) Exemptions for Members of Marshall Center Board of Visitors From Certain Requirements. - (1) In the case of any person invited to serve without compensation on the Marshall Center Board of Visitors, the Secretary of Defense may waive any requirement for financial disclosure that would otherwise apply to that person solely by reason of service on such Board.

"(2) Notwithstanding any other provision of law, a member of the Marshall Center Board of Visitors may not be required to register as an agent of a foreign government solely by reason of service as a member of the Board.

"(3) Notwithstanding section 219 of title 18, United States Code, a non-United States citizen may serve on the Marshall Center Board of Visitors even though registered as a foreign agent."

Pub. L. 103-337, div. A, title XIII, Sec. 1306, Oct. 5, 1994, 108 Stat. 2892, as amended by Pub. L. 108-136, div. A, title XII, Sec. 1223, Nov. 24, 2003, 117 Stat. 1652, provided that:

"(a) Use of Contributions. - Funds received by the United States Government from the Federal Republic of Germany as its fair share of the costs of the George C. Marshall European Center for Security Studies shall be credited to appropriations available to the Department of Defense for the George C. Marshall European Center

for Security Studies. Funds so credited shall be merged with the appropriations to which credited and shall be available for the Center for the same purposes and the same period as the appropriations with which merged.

"(b) Waiver of Charges. - (1) The Secretary of Defense may waive reimbursement of the costs of conferences, seminars, courses of instruction, or similar educational activities of the George C. Marshall European Center for Security Studies for military officers and civilian officials from states located in Europe or the territory of the former Soviet Union if the Secretary determines that attendance by such personnel without reimbursement is in the national security interest of the United States.

"(2) Costs for which reimbursement is waived pursuant to paragraph (1) shall be paid from appropriations available for the Center."

PARTICIPATION OF MEMBERS, DEPENDENTS, AND OTHER PERSONS IN CRIME

PREVENTION EFFORTS AT INSTALLATIONS

Section 1070 of Pub. L. 104-201 provided that:

"(a) Crime Prevention Plan. - The Secretary of Defense shall prepare and implement an incentive-based plan to encourage members of the Armed Forces, dependents of members, civilian employees of the Department of Defense, and employees of defense contractors performing work at military installations to report to an appropriate military law enforcement agency any crime or criminal activity that the person reasonably believes occurred on a military installation or involves a member of the Armed Forces.

"(b) Incentives to Report Criminal Activity. - The Secretary of Defense shall include in the plan developed under subsection (a)

incentives for members and other persons described in such subsection to provide information to appropriate military law enforcement agencies regarding any crime or criminal activity occurring on a military installation or involving a member of the Armed Forces.

"(c) Report Regarding Implementation. - Not later than February 1, 1997, the Secretary shall submit to Congress a report describing the plan being developed under subsection (a)."

ENFORCEMENT OF CHILD SUPPORT OBLIGATIONS OF MEMBERS OF THE ARMED FORCES

Pub. L. 104-193, title III, Sec. 363(a), Aug. 22, 1996, 110 Stat. 2247, as amended by Pub. L. 107-296, title XVII, Sec. 1704(e)(1)(A), Nov. 25, 2002, 116 Stat. 2315, provided that:

"(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 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. 653]."

REVIEW OF C(!4)I BY NATIONAL RESEARCH COUNCIL

Section 262 of Pub. L. 104-106 provided that:

"(a) Review by National Research Council. - Not later than 90 days after the date of the enactment of this Act [Feb. 10, 1996], the Secretary of Defense shall request the National Research Council of the National Academy of Sciences to conduct a comprehensive review of current and planned service and defense-wide programs for command, control, communications, computers, and intelligence (C(!4)I) with a special focus on cross-service and inter-service issues.

"(b) Matters To Be Assessed in Review. - The review shall address the following:

"(1) The match between the capabilities provided by current service and defense-wide C(!4)I programs and the actual needs of users of these programs.

"(2) The interoperability of service and defense-wide C(!4)I systems that are planned to be operational in the future.

"(3) The need for an overall defense-wide architecture for C(!4)I.

"(4) Proposed strategies for ensuring that future C(!4)I acquisitions are compatible and interoperable with an overall architecture.

"(5) Technological and administrative aspects of the C(!4)I modernization effort to determine the soundness of the underlying plan and the extent to which it is consistent with concepts for joint military operations in the future.

"(c) Two-Year Period for Conducting Review. - The review shall be conducted over the two-year period beginning on the date on which the National Research Council and the Secretary of Defense enter into a contract or other agreement for the conduct of the review.

"(d) Reports. - (1) In the contract or other agreement for the conduct of the review, the Secretary of Defense shall provide that the National Research Council shall submit to the Department of Defense and Congress interim reports and progress updates on a regular basis as the review proceeds. A final report on the review shall set forth the findings, conclusions, and recommendations of the Council for defense-wide and service C(!4)I programs and shall be submitted to the Committee on Armed Services of the Senate, the Committee on National Security of the House of Representatives [now Committee on Armed Services of the House of Representatives], and the Secretary of Defense.

"(2) To the maximum degree possible, the final report shall be submitted in unclassified form with classified annexes as necessary.

"(e) Interagency Cooperation With Study. - All military departments, defense agencies, and other components of the Department of Defense shall cooperate fully with the National Research Council in its activities in carrying out the review under this section.

"(f) Expedited Processing of Security Clearances for Study. - For the purpose of facilitating the commencement of the study under this section, the Secretary of Defense shall expedite to the fullest degree possible the processing of security clearances that are necessary for the National Research Council to conduct the study.

"(g) Funding. - Of the amount authorized to be appropriated in section 201 [110 Stat. 216] for defense-wide activities, \$900,000 shall be available for the study under this section."

STRATEGY AND REPORT ON AUTOMATED INFORMATION SYSTEMS OF DEPARTMENT OF DEFENSE

Section 366 of Pub. L. 104-106 provided that:

"(a) Development of Strategy. - The Secretary of Defense shall develop a strategy for the development or modernization of automated information systems for the Department of Defense.

"(b) Matters to Consider. - In developing the strategy required under subsection (a), the Secretary shall consider the following:

"(1) The use of performance measures and management controls.

"(2) Findings of the Functional Management Review conducted by the Secretary.

"(3) Program management actions planned by the Secretary.

"(4) Actions and milestones necessary for completion of functional and economic analyses for -

"(A) the Automated System for Transportation data;

"(B) continuous acquisition and life cycle support;

"(C) electronic data interchange;

"(D) flexible computer integrated manufacturing;

"(E) the Navy Tactical Command Support System; and

"(F) the Defense Information System Network.

"(5) Progress made by the Secretary in resolving problems with respect to the Defense Information System Network and the Joint Computer-Aided Acquisition and Logistics Support System.

"(6) Tasks identified in the review conducted by the Secretary of the Standard Installation/Division Personnel System-3.

"(7) Such other matters as the Secretary considers appropriate.

"(c) Report on Strategy. - (1) Not later than April 15, 1996, the Secretary shall submit to Congress a report on the development of the strategy required under subsection (a).

"(2) In the case of the Air Force Wargaming Center, the Air Force Command Exercise System, the Cheyenne Mountain Upgrade, the Transportation Coordinator Automated Command and Control Information Systems, and the Wing Command and Control Systems, the report required by paragraph (1) shall provide functional economic analyses and address waivers exercised for compelling military importance under section 381(d) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2739) [set out below].

"(3) The report required by paragraph (1) shall also include the following:

"(A) A certification by the Secretary of the termination of the Personnel Electronic Record Management System or a justification for the continued need for such system.

"(B) Findings of the Functional Management Review conducted by the Secretary and program management actions planned by the Secretary for -

"(i) the Base Level System Modernization and the Sustaining Base Information System; and

"(ii) the Standard Installation/Division Personnel System-3.

"(C) An assessment of the implementation of migration systems and applications, including -

"(i) identification of the systems and applications by functional or business area, specifying target dates for operation of the systems and applications;

"(ii) identification of the legacy systems and applications that will be terminated;

"(iii) the cost of and schedules for implementing the migration systems and applications; and

"(iv) termination schedules.

"(D) A certification by the Secretary that each information system that is subject to review by the Major Automated Information System Review Committee of the Department is cost-effective and supports the corporate information management goals of the Department, including the results of the review conducted for each such system by the Committee."

REPORT CONCERNING APPROPRIATE FORUM FOR JUDICIAL REVIEW OF

DEPARTMENT OF DEFENSE PERSONNEL ACTIONS

Section 551 of Pub. L. 104-106 provided that:

"(a) Establishment. - The Secretary of Defense shall establish an advisory committee to consider issues relating to the appropriate forum for judicial review of Department of Defense administrative

personnel actions.

"(b) Membership. - (1) The committee shall be composed of five members, who shall be appointed by the Secretary of Defense after consultation with the Attorney General and the Chief Justice of the United States.

"(2) All members of the committee shall be appointed not later than 30 days after the date of the enactment of this Act [Feb. 10, 1996].

"(c) Duties. - The committee shall review, and provide findings and recommendations regarding, the following matters with respect to judicial review of administrative personnel actions of the Department of Defense:

"(1) Whether the existing forum for such review through the United States district courts provides appropriate and adequate review of such actions.

"(2) Whether jurisdiction to conduct judicial review of such actions should be established in a single court in order to provide a centralized review of such actions and, if so, in which court that jurisdiction should be vested.

"(d) Report. - (1) Not later than December 15, 1996, the committee shall submit to the Secretary of Defense a report setting forth its findings and recommendations, including its recommendations pursuant to subsection (c).

"(2) Not later than January 1, 1997, the Secretary of Defense, after consultation with the Attorney General, shall transmit the committee's report to Congress. The Secretary may include in the transmittal any comments on the report that the Secretary or the Attorney General consider appropriate.

"(e) Termination of Committee. - The committee shall terminate 30

days after the date of the submission of its report to Congress
under subsection (d)(2)."

REQUIREMENTS FOR AUTOMATED INFORMATION SYSTEMS OF DEPARTMENT OF
DEFENSE

Section 381 of Pub. L. 103-337 provided that:

"(a) Determination Required. - (1) Not later than March 15 in
each of 1995, 1996, and 1997, the Secretary of Defense shall -

"(A) determine whether each automated information system
described in paragraph (2) meets the requirements set forth in
subsection (b); and

"(B) take appropriate action to end the modernization or
development by the Department of Defense of any such system that
the Secretary determines does not meet such requirements.

"(2) An automated information system referred to in paragraph (1)
is an automated information system -

"(A) that is undergoing modernization or development by the
Department of Defense;

"(B) that exceeds \$50,000,000 in value; and

"(C) that is not a migration system, as determined by the
Enterprise Integration Executive Board of the Department of
Defense.

"(b) Requirements. - The use of an automated information system
by the Department of Defense shall -

"(1) contribute to the achievement of Department of Defense
strategies for the use of automated information systems;

"(2) as determined by the Secretary, provide an acceptable
benefit from the investment in the system or make a substantial
contribution to the performance of the defense mission for which

the system is used;

"(3) comply with Department of Defense directives applicable to life cycle management of automated information systems; and

"(4) be based on guidance developed under subsection (c).

"(c) Guidance for Use. - The Secretary of Defense shall develop guidance for the use of automated information systems by the Department of Defense. In developing the guidance, the Secretary shall consider the following:

"(1) Directives of the Office of Management and Budget applicable to returns of investment for such systems.

"(2) A sound, functional economic analysis.

"(3) Established objectives for the Department of Defense information infrastructure.

"(4) Migratory assessment criteria, including criteria under guidance provided by the Defense Information Systems Agency.

"(d) Waiver. - (1) The Secretary of Defense may waive the requirements of subsection (a) for an automated information system if the Secretary determines that the purpose for which the system is being modernized or developed is of compelling military importance.

"(2) If the Secretary exercises the waiver authority provided in paragraph (1), the Secretary shall include the following in the next report required by subsection (f):

"(A) The reasons for the failure of the automated information system to meet all of the requirements of subsection (b).

"(B) A determination of whether the system is expected to meet such requirements in the future, and if so, the date by which the system is expected to meet the requirements.

"(e) Performance Measures and Management Controls. - (1) The

Secretary of Defense shall establish performance measures and management controls for the supervision and management of the activities described in paragraph (2). The performance measures and management controls shall be adequate to ensure, to the maximum extent practicable, that the Department of Defense receives the maximum benefit possible from the development, modernization, operation, and maintenance of automated information systems.

"(2) The activities referred to in paragraph (1) are the following:

"(A) Accelerated implementation of migration systems.

"(B) Establishment of data standards.

"(C) Process improvement.

"(f) Reports. - Not later than March 15 in each of 1995, 1996, and 1997, the Secretary of Defense shall submit to Congress a report on the establishment and implementation of the performance measures and management controls referred to in subsection (e)(1).

Each such report shall also specify -

"(1) the automated information systems that, as determined under subsection (a), meet the requirements of subsection (b);

"(2) the automated information systems that, as determined under subsection (a), do not meet the requirements of subsection (b) and the action taken by the Secretary to end the use of such systems; and

"(3) the automated information systems that, as determined by the Enterprise Integration Executive Board, are migration systems.

"(g) Review by Comptroller General. - Not later than April 30, 1995, the Comptroller General of the United States shall submit to Congress a report that contains an evaluation of the following:

"(1) The progress made by the Department of Defense in achieving the goals of the corporate information management program of the Department.

"(2) The progress made by the Secretary of Defense in establishing the performance measures and management controls referred to in subsection (e)(1).

"(3) The progress made by the Department of Defense in using automated information systems that meet the requirements of subsection (b).

"(4) The report required by subsection (f) to be submitted in 1995.

"(h) Definitions. - In this section:

"(1) The term 'automated information system' means an automated information system of the Department of Defense described in the exhibits designated as 'IT-43' in the budget submitted to Congress by the President for fiscal year 1995 pursuant to section 1105 of title 31, United States Code.

"(2) The term 'migration system' has the meaning given such term in the document entitled 'Department of Defense Strategy for Acceleration of Migration Systems and Data Standards' attached to the memorandum of the Department of Defense dated October 13, 1993 (relating to accelerated implementation of migration systems, data standards, and process improvement)."

Section 830 of Pub. L. 104-201, as amended by Pub. L. 104-208, div. A, title I, Sec. 101(f) [title VIII, Sec. 808(c)], Sept. 30, 1996, 110 Stat. 3009-314, 3009-394, provided that Secretary of Defense was to include in report submitted in 1997 under section 381(f) of Pub. L. 103-337 [set out above] a discussion of progress made in implementing div. E of Pub. L. 104-106 [Secs. 5001-5703,

see Tables for classification] and strategy for development or modernization of automated information systems for Department of Defense, as required by section 366 of Pub. L. 104-106 [set out as a note above] and plans of Department of Defense for establishing an integrated framework for management of information resources within the Department, and provided further specifications of the elements to be included in the discussion.

DEPARTMENT OF DEFENSE POLICIES AND PROCEDURES ON DISCRIMINATION AND SEXUAL HARASSMENT

Section 532 of Pub. L. 103-337 provided that:

"(a) Report of Task Force. - (1) The Department of Defense Task Force on Discrimination and Sexual Harassment, constituted by the Secretary of Defense on March 15, 1994, shall transmit a report of its findings and recommendations to the Secretary of Defense not later than October 1, 1994.

"(2) The Secretary shall transmit to Congress the report of the task force not later than October 10, 1994.

"(b) Secretarial Review. - Not later than 45 days after receiving the report under subsection (a), the Secretary shall -

"(1) review the recommendations for action contained in the report;

"(2) determine which recommendations the Secretary approves for implementation and which recommendations the Secretary disapproves; and

"(3) submit to Congress a report that -

"(A) identifies the approved recommendations and the disapproved recommendations; and

"(B) explains the reasons for each such approval and

disapproval.

"(c) Comprehensive DOD Policy. - (1) Based on the approved recommendations of the task force and such other factors as the Secretary considers appropriate, the Secretary shall develop a comprehensive Department of Defense policy for processing complaints of sexual harassment and discrimination involving members of the Armed Forces under the jurisdiction of the Secretary.

"(2) The Secretary shall issue policy guidance for the implementation of the comprehensive policy and shall require the Secretaries of the military departments to prescribe regulations to implement that policy not later than March 1, 1995.

"(3) The Secretary shall ensure that the policy is implemented uniformly by the military departments insofar as practicable.

"(4) Not later than March 31, 1995, the Secretary of Defense shall submit to Congress a proposal for any legislation necessary to enhance the capability of the Department of Defense to address the issues of unlawful discrimination and sexual harassment.

"(d) Military Department Policies. - (1) The Secretary of the Navy and the Secretary of the Air Force shall review and revise the regulations of the Department of the Navy and the Department of the Air Force, respectively, relating to equal opportunity policy and procedures in that Department for the making of, and responding to, complaints of unlawful discrimination and sexual harassment in order to ensure that those regulations are substantially equivalent to the regulations of the Department of the Army on such matters.

"(2) In revising regulations pursuant to paragraph (1), the Secretary of the Navy and the Secretary of the Air Force may make such additions and modifications as the Secretary of Defense

determines appropriate to strengthen those regulations beyond the substantial equivalent of the Army regulations in accordance with -

"(A) the approved recommendations of the Department of Defense Task Force on Discrimination and Sexual Harassment; and

"(B) the experience of the Army, Navy, Air Force, and Marine Corps regarding equal opportunity cases.

"(3) The Secretary of the Army shall review the regulations of the Department of the Army relating to equal opportunity policy and complaint procedures and revise the regulations as the Secretary of Defense considers appropriate to strengthen the regulations in accordance with the recommendations and experience described in subparagraphs (A) and (B) of paragraph (2).

"(e) Report of Advisory Board. - (1) The Secretary of Defense shall direct the Advisory Board on the Investigative Capability of the Department of Defense, established by the Secretary of Defense in November 1993, to include in its report to the Secretary (scheduled to be transmitted to the Secretary during December 1994)

-

"(A) the recommendations of the Advisory Board as to whether the current Department of Defense organizational structure is adequate to oversee all investigative matters related to unlawful discrimination, sexual harassment, and other misconduct related to the gender of the victim; and

"(B) recommendations as to whether additional data collection and reporting procedures are needed to enhance the ability of the Department of Defense to respond to unlawful discrimination, sexual harassment, and other misconduct related to the gender of the victim.

"(2) The Secretary shall transmit to Congress the report of the Advisory Board not later than 15 days after receiving the report.

"(f) Performance Evaluation Standards for Members of the Armed Forces. - The Secretary of Defense shall ensure that Department of Defense regulations governing consideration of equal opportunity matters in evaluations of the performance of members of the Armed Forces include provisions requiring as a factor in such evaluations consideration of a member's commitment to elimination of unlawful discrimination or of sexual harassment in the Armed Forces."

ANNUAL REPORT ON PERSONNEL READINESS FACTORS BY RACE AND GENDER

Section 533 of Pub. L. 103-337 provided that:

"(a) Required Assessment. - The Secretary of Defense shall submit to Congress an annual report on trends in recruiting, retention, and personnel readiness.

"(b) Data To Be Collected. - Each annual report under subsection (a) shall include the following information with respect to the preceding fiscal year for the active components of each of the Armed Forces under the jurisdiction of the Secretary (as well as such additional information as the Secretary considers appropriate):

"(1) The numbers of members of the Armed Forces temporarily and permanently nondeployable and rates of temporary and permanent nondeployability, displayed by cause of nondeployability, rank, and gender.

"(2) The numbers and rates of complaints and allegations within the Armed Forces that involve gender and other unlawful discrimination and sexual harassment, and the rates of substantiation for those complaints and allegations.

"(3) The numbers and rates of disciplinary proceedings, displayed (A) by offense or infraction committed, (B) by gender, rank, and race, and (C) by the categories specified in paragraph (2).

"(4) The retention rates, by gender, rank, and race, with an analysis of factors influencing those rates.

"(5) The propensity of persons to enlist, displayed by gender and race, with an analysis of the factors influencing those propensities.

"(c) Submission to Congress. - The Secretary shall submit the report under this section for any fiscal year as part of the annual Department of Defense posture statement provided to Congress in connection with the Department of Defense budget request for that fiscal year.

"(d) Initial Submission. - The first report under this section shall be submitted in connection with the Department of Defense budget request for fiscal year 1996 and shall include data, to the degree such data already exists, for fiscal years after fiscal year 1991."

VICTIMS' ADVOCATES PROGRAMS IN DEPARTMENT OF DEFENSE

Section 534 of Pub. L. 103-337 provided that:

"(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 fullest coordination and effectiveness of the victims' advocates program of that military department. To the extent 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 interests 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 principally through the family advocacy programs of the military departments.

"(e) Staffing. - The Secretary of Defense shall provide 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 the 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

Section 1031 of Pub. L. 103-337 provided that:

"(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 Korean conflict POW/MIA or unaccounted-for Cold War POW/MIA, as the case may be;

"(2) in learning where they may locate 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 all 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) Definitions. - For purposes of this section:

"(1) The term 'unaccounted-for Korean conflict POW/MIA' means a member of the Armed Forces or 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(9) of title 38, United States Code."

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

Pub. L. 108-287, title VIII, Sec. 8091, Aug. 5, 2004, 118 Stat.

992, provided that: "Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104-208; 110 Stat. 3009-111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2005."

Similar provisions were contained in the following prior

appropriation acts:

Pub. L. 108-87, title VIII, Sec. 8092, Sept. 30, 2003, 117 Stat.

1094.

Pub. L. 107-248, title VIII, Sec. 8098, Oct. 23, 2002, 116 Stat.

1559.

Pub. L. 107-117, div. A, title VIII, Sec. 8118, Jan. 10, 2002,

115 Stat. 2273.

Pub. L. 106-259, title VIII, Sec. 8137, Aug. 9, 2000, 114 Stat.

704.

Pub. L. 104-208, div. A, title I, Sec. 101(b) [title VIII, Sec.

8106], Sept. 30, 1996, 110 Stat. 3009-71, 3009-111, as amended by

Pub. L. 105-56, title VIII, Sec. 8113, Oct. 8, 1997, 111 Stat.

1245; Pub. L. 105-277, div. C, title I, Sec. 143, Oct. 21, 1998,

112 Stat. 2681-609; Pub. L. 106-79, title VIII, Sec. 8135, Oct. 25,

1999, 113 Stat. 1268, provided that:

"(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."

[Section 8113 of Pub. L. 105-56 provided that the amendment made by that section [amending section 101(b) [title VIII, Sec. 8106] of Pub. L. 104-208] set out above, is effective June 30, 1998.]

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 104-61, title VIII, Sec. 8102, Dec. 1, 1995, 109 Stat.

672.

Pub. L. 103-335, title VIII, Sec. 8137, Sept. 30, 1994, 108 Stat.

2654.

NOTICE TO CONGRESS OF PROPOSED CHANGES IN COMBAT ASSIGNMENTS TO
WHICH FEMALE MEMBERS MAY BE ASSIGNED

Pub. L. 103-160, div. A, title V, Sec. 542, Nov. 30, 1993, 107
Stat. 1659, as amended by Pub. L. 106-398, Sec. 1 [[div. A], title
V, Sec. 573(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-136; Pub. L.
107-107, div. A, title V, Sec. 591, Dec. 28, 2001, 115 Stat. 1125,
provided that:

"(a) In General. - (1) Except in a case covered by subsection (b)
or by section 6035 of title 10, United States Code, whenever the
Secretary of Defense proposes to change 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 is not open to such assignments, the
Secretary shall, not less than 30 days before such change is
implemented, transmit to the Committees on Armed Services of the
Senate and House of Representatives notice of the proposed change
in personnel policy.

"(2) If before the date of the enactment of this Act [Nov. 30,
1993] the Secretary made any change to 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 previously open to such
assignments, the Secretary shall, not later than 30 days after the
date of the enactment of this Act, transmit to the Committees on
Armed Services of the Senate and House of Representatives notice of

that change in personnel policy.

"(b) Special Rule for Ground Combat Exclusion Policy. - (1) If the Secretary of Defense proposes to make any change described in paragraph (2) to the ground combat exclusion policy, the Secretary shall, before any such change is implemented, submit to Congress a report providing notice of the proposed change. Such a change may then be implemented only after the end of a period of 30 days of continuous session of Congress (excluding any day on which either House of Congress is not in session) following the date on which the report is received.

"(2) A change referred to in paragraph (1) is a change that either -

"(A) closes to female members of the Armed Forces any category of unit or position that at that time is open to service by such members; or

"(B) opens to service by such members any category of unit or position that at that time is closed to service by such members.

"(3) The Secretary shall include in any report under paragraph (1) -

"(A) a detailed description of, and justification for, the proposed change to the ground combat exclusion policy; and

"(B) a detailed analysis of legal implication of the proposed change with respect to the constitutionality of the application of the Military Selective Service Act [50 App. U.S.C. 451 et seq.] to males only.

"(4) For purposes of this subsection, the term 'ground combat exclusion policy' means the military personnel policies of the Department of Defense and the military departments, as in effect on January 1, 1993, by which female members of the Armed Forces are

restricted from assignment to units and positions whose mission requires routine engagement in direct combat on the ground.

"(5) For purposes of this subsection, the continuity of a session of Congress is broken only by an adjournment of the Congress sine die."

GENDER-NEUTRAL OCCUPATIONAL PERFORMANCE STANDARDS

Pub. L. 103-160, div. A, title V, Sec. 543, Nov. 30, 1993, 107

Stat. 1660, provided that:

"(a) Gender Neutrality Requirement. - In the case of any military occupational career field 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 common, relevant performance standards, 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 occupational specialty 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 for members in that specialty and shall ensure (in the case of an occupational

specialty 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 an occupational specialty, a member serving in that occupational specialty 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 specialty.

"(c) Notice to Congress of Changes. - Whenever the Secretary of Defense proposes to implement changes to the occupational standards for a military occupational field 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 occupational field, 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."

FOREIGN LANGUAGE PROFICIENCY TEST PROGRAM

Pub. L. 103-160, div. A, title V, Sec. 575, Nov. 30, 1993, 107

Stat. 1675, provided that:

"(a) Test Program. - The Secretary of Defense shall develop and carry out a test program for improving foreign language proficiency in the Department of Defense through improved management and other

measures. The test program shall be designed to evaluate the findings and recommendations of -

"(1) the June 1993 inspection report of the Inspector General of the Department of Defense on the Defense Foreign Language Program (report numbered 93-INS-10);

"(2) the report of the Sixth Quadrennial Review of Military Compensation (August 1988); and

"(3) any other recent study of the foreign language proficiency program of the Department of Defense.

"(b) Evaluation of Prior Recommendations. - The test program shall include an evaluation of the following possible changes to current practice identified in the reports referred to in subsection (a):

"(1) Management of linguist billets and personnel for the active and reserve components from a Total Force perspective.

"(2) Improvement of linguist training programs, both resident and nonresident, to provide greater flexibility, to accommodate missions other than signals intelligence, and to improve the provision of resources for nonresident programs.

"(3) Centralized responsibility within the Office of the Secretary of Defense to provide coordinated oversight of all foreign language issues and programs, including a centralized process for determination, validation, and documentation of foreign language requirements for different services and missions.

"(4) Revised policies of each of the military departments to foster maintenance of highly perishable linguistic skills through improved management of the careers of language-trained personnel, including more effective use of language skills, improved career

opportunities within the linguistics field, and specific linkage of language proficiency to promotions.

"(5) In the case of language-trained members of the reserve components -

"(A) the use of additional training assemblies (ATAs) as a means of sustaining linguistic proficiency and enhancing retention; and

"(B) the use of larger enlistment and reenlistment bonuses, Special Duty Assignment Pay, and educational incentives.

"(6) Such other management changes as the Secretary may consider necessary.

"(c) Evaluation of Adjustment in Foreign Language Proficiency Pay. - (1) The Secretary shall include in the test program an evaluation of adjustments in foreign language proficiency pay for active and reserve component personnel (which may be adjusted for purposes of the test program without regard to section 316(b) of title 37, United States Code).

"(2) Before any adjustment in foreign language proficiency pay is included in the test program as authorized by paragraph (1), the Secretary shall submit to the committees named in subsection (d)(2) the following information related to proficiency pay adjustments:

"(A) The response of the Secretary to the findings of the Inspector General in the report on the Defense Foreign Language Program referred to in subsection (a)(1), specifically including the following matters raised in that report:

"(i) Inadequate centralized oversight of planning, policy, roles, responsibilities, and funding for foreign language programs.

"(ii) Inadequate management and validation of the

requirements process for foreign language programs.

"(iii) Inadequate uniform career management of language-trained personnel, including failure to take sufficient advantage of language skills and to recoup investment of training dollars.

"(iv) Inadequate training programs, both resident and nonresident.

"(B) The current manning of linguistic billets (shown by service, by active or reserve component, and by career field).

"(C) The rates of retention in the service for language-trained personnel (shown by service, by active or reserve component, and by career field).

"(D) The rates of retention by career field for language-trained personnel (shown by service and by active or reserve component).

"(E) The rates of language proficiency for personnel serving in linguistic billets (shown by service, by active or reserve component, and by career field).

"(F) Trends in performance ratings for personnel serving in linguistic billets (shown by service, by active or reserve component, and by career field).

"(G) Promotion rates for personnel serving in linguistic billets (shown by service, by active or reserve component, and by career field).

"(H) The estimated cost of foreign language proficiency pay as proposed to be paid at the adjusted rates for the test program under paragraph (1) -

"(i) for each year of the test program; and

"(ii) for five years, if those rates are subsequently applied

to the entire Department of Defense.

"(3) The rates for adjusted foreign language proficiency pay as proposed to be paid for the test program under paragraph (1) may not take effect for the test program unless the senior official responsible for personnel matters in the Office of the Secretary of Defense determines that -

"(A) the foreign language proficiency pay levels established for the test program are consistent with proficiency pay levels for other functions throughout the Department of Defense; and

"(B) the terms and conditions for receiving foreign language proficiency pay conform to current policies and practices within the Department of Defense.

"(d) Report on Plan for Test Program. - (1) The Secretary of Defense shall submit to the committees named in paragraph (2) a report containing a plan for the test program required in subsection (a), an explanation of the plan, and a discussion of the matters stated in subsection (c)(2). The report shall be submitted not later than April 1, 1994.

"(2) The committees referred to in paragraph (1) are -

"(A) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives; and

"(B) the Committee on Armed Services and the Select Committee on Intelligence of the Senate.

"(e) Period of Test Program. - (1) The test program required by subsection (a) shall begin on October 1, 1994. However, if the report required by subsection (d) is not submitted by the date specified in that subsection for the submission of the report, the test program shall begin at the end of a period of 180 days (as computed under paragraph (2)) beginning on the date on which such

report is submitted.

"(2) For purposes of paragraph (1), days on which either House is not in session because of an adjournment of more than 3 days to a day certain or because of an adjournment sine die shall be excluded in the computation of such 180-day period.

"(3) The test program shall terminate two years after it begins."

SECURITY CLEARANCES

Section 1041 of Pub. L. 103-337 provided that:

"(a) In General. - The Secretary of Defense shall submit to Congress, not later than 90 days after the close of each of fiscal years 1995 through 2000, a report concerning the denial, revocation, or suspension of security clearances for Department of Defense military and civilian personnel, and for Department of Defense contractor employees, for that fiscal year.

"(b) Matter To Be Included in Report. - The Secretary shall include in each such report the following information with respect to the fiscal year covered by the report (shown separately for members of the Armed Forces, civilian officers and employees of the Department of Defense, and employees of contractors of the Department of Defense):

"(1) The number of denials, revocations, and suspensions of a security clearance, including clearance for special access programs and for sensitive compartmented information.

"(2) For cases involving the denial or revocation of a security clearance, the average period from the date of the initial determination and notification to the individual concerned of the denial or revocation of the clearance to the date of the final determination of the denial or revocation, as well as the

shortest and longest period in such cases.

"(3) For cases involving the suspension of a security clearance, the average period from the date of the initial determination and notification to the individual concerned of the suspension of the clearance to the date of the final determination of the suspension, as well as the shortest and longest period of such cases.

"(4) The number of cases in which a security clearance was suspended in which the resolution of the matter was the restoration of the security clearance, and the average period for such suspensions.

"(5) The number of cases (shown only for members of the Armed Forces and civilian officers and employees of the Department of Defense) in which an individual who had a security clearance denied or revoked remained a member of the Armed Forces or a civilian officer or employee, as the case may be, at the end of the fiscal year.

"(6) The number of cases in which an individual who had a security clearance suspended, and in which no final determination had been made, remained a member of the Armed Forces, a civilian officer or employee, or an employee of a contractor, as the case may be, at the end of the fiscal year.

"(7) The number of cases in which an appeal was made from a final determination to deny or revoke a security clearance and, of those, the number in which the appeal resulted in the granting or restoration of the security clearance."

Pub. L. 103-160, div. A, title XI, Sec. 1183, Nov. 30, 1993, 107

Stat. 1774, provided that:

"(a) Review of Security Clearance Procedures. - (1) The Secretary

of Defense shall conduct a review of the procedural safeguards available to Department of Defense civilian employees who are facing denial or revocation of security clearances.

"(2) Such review shall specifically consider -

"(A) whether the procedural rights provided to Department of Defense civilian employees should be enhanced to include the procedural rights available to Department of Defense contractor employees;

"(B) whether the procedural rights provided to Department of Defense civilian employees should be enhanced to include the procedural rights available to similarly situated employees in those Government agencies that provide greater rights than the Department of Defense; and

"(C) whether there should be a difference between the rights provided to both Department of Defense civilian and contractor employees with respect to security clearances and the rights provided with respect to sensitive compartmented information and special access programs.

"(b) Report. - The Secretary shall submit to Congress a report on the results of the review required by subsection (a) not later than March 1, 1994.

"(c) Regulations. - The Secretary shall revise the regulations governing security clearance procedures for Department of Defense civilian employees not later than May 15, 1994."

INVESTIGATIONS OF DEATHS OF MEMBERS OF ARMED FORCES FROM
SELF-INFLICTED CAUSES

Pub. L. 103-160, div. A, title XI, Sec. 1185, Nov. 30, 1993, 107
Stat. 1774, required the Secretary of Defense to review, not later

than June 30, 1994, the procedures of the military departments for investigating deaths of members of the Armed Forces that may have resulted from self-inflicted causes, to submit 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 respect 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

Pub. L. 102-484, div. A, title III, Sec. 378, Oct. 23, 1992, 106 Stat. 2387, as amended by Pub. L. 103-337, div. A, title III, Sec. 382(a), Oct. 5, 1994, 108 Stat. 2740, provided that:

"(a) In General. - The Secretary of Defense may, during fiscal years 1993 through 1996, conduct a program to commemorate the 50th anniversary of World War II and to coordinate, support, and facilitate other such commemoration programs and activities of the Federal Government, State and local governments, and other persons.

"(b) Use of Funds. - During fiscal years 1993 through 1996, funds appropriated to the Department of Defense for operation and maintenance of Defense Agencies shall be available to conduct the program referred to in subsection (a).

"(c) Program Activities. - The program referred to in subsection (a) may include activities and ceremonies -

"(1) to provide the people of the United States with a clear

understanding and appreciation of the lessons and history of World War II;

"(2) to thank and honor veterans of World War II and their families;

"(3) to pay tribute to the sacrifices and contributions made on the home front by the people of the United States;

"(4) to foster an awareness in the people of the United States that World War II was the central event of the 20th century that defined the postwar world;

"(5) to highlight advances in technology, science, and medicine related to military research conducted during World War II;

"(6) to inform wartime and postwar generations of the contributions of the Armed Forces of the United States to the United States;

"(7) to recognize the contributions and sacrifices made by World War II allies of the United States; and

"(8) to highlight the role of the Armed Forces of the United States, then and now, in maintaining world peace through strength.

"(d) Authority of the Secretary. - (1) In connection with the program referred to in subsection (a), the Secretary of Defense may adopt, use, and register as trademarks and service marks, emblems, signs, insignia, or words. The Secretary shall have the exclusive right to use such emblems, signs, insignia or words, subject to the preexisting rights described in paragraph (3), and may grant exclusive or nonexclusive licenses in connection therewith.

"(2) Without the consent of the Secretary of Defense, any person who uses any emblem, sign, insignia, or word adopted, used, or registered as a trademark or service mark by the Secretary in

accordance with paragraph (1), or any combination or simulation thereof tending to cause confusion, to cause mistake, to deceive, or to falsely suggest a connection with the program referred to in subsection (a), shall be subject to suit in a civil action by the Attorney General, upon complaint by the Secretary of Defense, for the remedies provided in the Act of July 5, 1946, as amended (60 Stat. 427; popularly known as the Trademark Act of 1945 [1946]) (15 U.S.C. 1051 et seq.).

"(3) Any person who actually used an emblem, sign, insignia, or word adopted, used, or registered as a trademark or service mark by the Secretary in accordance with paragraph (1), or any combination or simulation thereof, for any lawful purpose before such adoption, use, or registration as a trademark or service mark by the Secretary shall not be prohibited by this section from continuing such lawful use for the same purpose and for the same goods or services.

"(e) Establishment of Account. - (1) There is established in the Treasury of the United States an account to be known as the 'Department of Defense 50th Anniversary of World War II Commemoration Account' which shall be administered by the Secretary of Defense as a single account. There shall be deposited into the account all proceeds derived from activities described in subsection (d).

"(2) The Secretary may use the funds in the account established in paragraph (1) only for the purpose of conducting the program referred to in subsection (a).

"(3) Not later than 60 days after the termination of the authority of the Secretary to conduct the commemoration program referred to in subsection (a), the Secretary shall transmit to the

Committees on Armed Services of the Senate and House of Representatives a report containing an accounting of all the funds deposited into and expended from the account or otherwise expended under this section, and of any amount remaining in the account.

Unobligated funds which remain in the account after termination of the authority of the Secretary under this section shall be held in the account until transferred by law after the Committees receive the report.

"(f) Provision of Voluntary Services. - (1) 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 program referred to in subsection (a).

"(2) A person providing voluntary services under this subsection shall be considered to be an employee for the purposes of chapter 81 of title 5, relating to compensation for work-related injuries. Such a person who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purposes by reason of the provision of such service.

"(3) The Secretary of Defense may provide for reimbursement of incidental expenses which are incurred by a person providing voluntary services under this subsection. The Secretary of Defense shall determine which expenses are eligible for reimbursement under this paragraph."

REVIEW OF MILITARY FLIGHT TRAINING ACTIVITIES AT CIVILIAN AIRFIELDS

Pub. L. 102-484, div. A, title III, Sec. 383, Oct. 23, 1992, 106

Stat. 2392, provided that:

"(a) Review Required. - The Secretary of Defense shall provide

for a review of the practices and procedures of the military departments regarding the use of civilian airfields in flight training activities of the Armed Forces.

"(b) Purpose. - The purpose of the review is to determine whether the practices and procedures referred to in subsection (a) should be modified to better protect the public safety while meeting training requirements of the Armed Forces.

"(c) Special Requirement. - In the conduct of the review, particular consideration shall be given to the practices and procedures regarding the use of civilian airfields in heavily populated areas."

REPORT ON ACTIONS TO REDUCE DISINCENTIVES FOR DEPENDENTS TO REPORT
ABUSE BY MEMBERS OF ARMED FORCES

Pub. L. 102-484, div. A, title VI, Sec. 653(d), Oct. 23, 1992,
106 Stat. 2429, provided that:

"(1) Not later than December 15, 1993, the Secretary of Defense shall transmit to the Congress a report on the actions taken and 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 to appropriate authorities.

"(2) The actions considered by the Secretary should include the provision of treatment, child care services, health care services, job training, job placement services, and transitional financial assistance for dependents of members of the Armed Forces referred to in paragraph (1)."

SURVIVOR NOTIFICATION AND ACCESS TO REPORTS RELATING TO SERVICE

MEMBERS WHO DIE

Pub. L. 102-484, div. A, title X, Sec. 1072, Oct. 23, 1992, 106

Stat. 2508, provided that:

"(a) 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 so 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) to 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 -

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

"(ii) 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.

"(b) 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 should, 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 the enactment of this Act [Oct. 23, 1992].

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

Pub. L. 102-484, div. A, title X, Sec. 1082, Oct. 23, 1992, 106 Stat. 2516, as amended by Pub. L. 108-136, div. A, title X, Sec. 1031(d)(2), Nov. 24, 2003, 117 Stat. 1604, provided that:

"(a) Support for Contractors. - In the event that a United States defense contractor or industrial association requests the Department of Defense or a military department to provide support in the form of military equipment for any airshow or trade exhibition to be held outside the United States, such equipment may not be supplied unless the contractor or association agrees to reimburse the Treasury of the United States for -

"(1) all incremental costs of military personnel accompanying the equipment, including food, lodging, and local transportation;

"(2) all incremental transportation costs incurred in moving such equipment from its normally assigned location to the airshow or trade exhibition and return; and

"(3) any other miscellaneous incremental costs not included under paragraphs (1) and (2) that are incurred by the Federal Government but would not have been incurred had military support

not been provided to the contractor or industrial association.

"(b) Department of Defense Exhibitions. - (1) A military department may not participate directly in any airshow or trade exhibition held outside the United States unless the Secretary of Defense determines that it is in the national security interests of the United States for the military departments to do so.

"(2) The Secretary of Defense may not delegate the authority to make the determination referred to in [former] paragraph (1)(A) below the level of the Under Secretary of Defense for Policy.

"(c) Definition. - In this section, the term 'incremental transportation cost' includes the cost of transporting equipment to an airshow or trade exhibition only to the extent that the provision of transportation by the Department of Defense described in subsection (a)(2) does not fulfill legitimate training requirements that would otherwise have to be met."

OVERSEAS MILITARY END STRENGTH

Pub. L. 102-484, div. A, title XIII, Sec. 1302, Oct. 23, 1992, 106 Stat. 2545, which provided that on and after Sept. 30, 1996, no appropriated funds may be used to support an end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in nations outside the United States at any level in excess of 60 percent of the end strength level of such members on Sept. 30, 1992, with exceptions in the event of declarations of war or emergency, was repealed and restated as section 123b of this title by Pub. L. 103-337, Sec. 1312(a), (c).

REPORTS ON OVERSEAS BASING

Pub. L. 102-484, div. A, title XIII, Sec. 1304, Oct. 23, 1992,

106 Stat. 2546, as amended by Pub. L. 103-160, div. B, title XXIX, Sec. 2924(a), Nov. 30, 1993, 107 Stat. 1931; Pub. L. 104-106, div. A, title XV, Sec. 1502(c)(2)(A), Feb. 10, 1996, 110 Stat. 506, provided that:

"(a) Annual Report. - The Secretary of Defense shall, not later than March 31 of each year through 1997, submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives [now Committee on Armed Services of House of Representatives], either separately or as part of another relevant report, a report that specifies -

"(1) the stationing and basing plan by installation for United States military forces outside the United States;

"(2) the status of closures of United States military installations located outside the United States;

"(3) both -

"(A) the status of negotiations, if any, between the United States and the host government as to (i) United States claims for compensation for the fair market value of the improvements made by the United States at each installation referred to in paragraph (2), and (ii) any claims of the host government for damages or restoration of the installation; and

"(B) the representative of the United States in any such negotiations;

"(4) the potential savings to the United States resulting from such closures;

"(5) the cost to the United States of any improvements made at each installation referred to in paragraph (2) and the fair market value of such improvements, expressed in constant dollars based on the date of completion of the improvements;

"(6) in each case in which negotiations between the United States and a host government have resulted in an agreement for the payment to the United States by the host government of the value of improvements to an installation made by the United States, the amount of such payment, the form of such payment, and the expected date of such payment; and

"(7) efforts and progress toward achieving host nation offsets under section 1301(e) [106 Stat. 2545] and reduced end strength levels under section 1302 [set out above].

"(b) Report on Budget Implications of Overseas Basing Agreements.

- Whenever the Secretary of Defense enters into a basing agreement between the United States and a foreign country with respect to United States military forces outside the United States, the Secretary of Defense shall, in advance of the signing of the agreement, submit to the congressional defense committees a report on the Federal budget implications of the agreement."

COMMISSION ON ASSIGNMENT OF WOMEN IN ARMED FORCES

Sections 541-550 of Pub. L. 102-190 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

Section 832 of Pub. L. 102-190 provided that:

"(a) European Procurement Practices. - The Secretary of Defense shall -

"(1) compute the total value of American-made military goods and services procured each year by European governments or companies;

"(2) review defense procurement practices of European governments to determine what factors are considered in the selection of contractors and to determine whether American firms are discriminated against in the selection of contractors for purchases by such governments of military goods and services; and

"(3) establish a procedure for discussion with European governments about defense contract awards made by them that American firms believe were awarded unfairly.

"(b) Defense Trade and Cooperation Working Group. - The Secretary of Defense shall establish a defense trade and cooperation working group. The purpose of the group is to evaluate the impact of, and formulate United States positions on, European initiatives that affect United States defense trade, cooperation, and technology security. In carrying out the responsibilities of the working group, members of the group shall consult, as appropriate, with personnel in the Departments of State and Commerce and in the

Office of the United States Trade Representative.

"(c) GAO Review. - The Comptroller General shall conduct a review to determine how the members of the North Atlantic Treaty Organization are implementing their bilateral reciprocal defense procurement memoranda of understanding with the United States. The Comptroller General shall complete the review, and submit to Congress a report on the results of the review, not later than February 1, 1992."

DEPARTMENT OF DEFENSE USE OF NATIONAL INTELLIGENCE COLLECTION
SYSTEMS

Pub. L. 102-190, div. A, title IX, Sec. 924, Dec. 5, 1991, 105 Stat. 1454, provided that:

"(a) Procedures for Use. - The Secretary of Defense, after consultation with the Director of Central Intelligence, shall prescribe procedures for regularly and periodically exercising national intelligence collection systems and exploitation organizations that would be used to provide intelligence support, including support of the combatant commands, during a war or threat to national security.

"(b) Use in Joint Training Exercises. - In accordance with procedures prescribed under subsection (a), the Chairman of the Joint Chiefs of Staff shall provide for the use of the national intelligence collection systems and exploitation organizations in joint training exercises to the extent necessary to ensure that those systems and organizations are capable of providing intelligence support, including support of the combatant commands, during a war or threat to national security.

"(c) Report. - Not later than May 1, 1992, the Secretary of

Defense and the Director of Central Intelligence shall submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a joint report -

"(1) describing the procedures prescribed under subsection (a); and

"(2) stating the assessment of the Chairman of the Joint Chiefs of Staff of the performance in joint training exercises of the national intelligence collection systems and the Chairman's recommendations for any changes that the Chairman considers appropriate to improve that performance."

[Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108-458, set out as a note under section 401 of Title 50, War and National Defense.]

FAMILY SUPPORT CENTER FOR FAMILIES OF PRISONERS OF WAR AND PERSONS

MISSING IN ACTION

Section 1083 of Pub. L. 102-190 provided that:

"(a) Request for Establishment. - The President is authorized and requested to establish in the Department of Defense a family support center to provide information and assistance to members of the families of persons who at any time while members of the Armed

Forces were classified as prisoners of war or missing in action in Southeast Asia and who have not been accounted for. Such a support center should be located in a facility in the National Capital region.

"(b) Duties. - The center should be organized and provided with such personnel as necessary to permit the center to assist family members referred to in subsection (a) in contacting the departments and agencies of the Federal Government having jurisdiction over matters relating to such persons."

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 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 response 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

Pub. L. 102-25, title VI, Sec. 601, Apr. 6, 1991, 105 Stat. 105, as amended by Pub. L. 102-190, div. A, title X, Sec. 1063(d)(1), Dec. 5, 1991, 105 Stat. 1476; Pub. L. 102-484, div. A, title X, Sec. 1053(8), Oct. 23, 1992, 106 Stat. 2502, provided that:

"(a) In General. - The Secretary of Defense may provide assistance for families of members of the Armed Forces and of members of the National Guard who served on active duty during the Persian Gulf conflict in order to ensure that the children of such families obtain needed child care services. The assistance authorized by this section should be directed primarily toward providing needed child care services for children of such personnel who are serving in the Persian Gulf area or who were otherwise deployed, assigned, or ordered to active duty in connection with Operation Desert Storm.

"(b) Authorization of Appropriations. - Of the amounts authorized to be appropriated from the Defense Cooperation Account for fiscal year 1991 under section 101(a) [105 Stat. 78], \$20,000,000 shall be available to carry out the provisions of this section. The costs of carrying out such provisions are incremental costs associated with Operation Desert Storm.

"(c) Supplementation of Other Public Funds. - Funds appropriated pursuant to subsection (b) that are made available to carry out this section may be used only to supplement, and not to supplant, the amount of any other Federal, State, or local government funds otherwise expended or authorized for the support of child care programs for members of the Armed Forces."

FAMILY EDUCATION AND SUPPORT SERVICES TO FAMILIES OF MEMBERS

SERVING ON ACTIVE DUTY IN OPERATION DESERT STORM

Pub. L. 102-25, title VI, Sec. 602, Apr. 6, 1991, 105 Stat. 106, as amended by Pub. L. 102-190, div. A, title X, Sec. 1063(d)(2), Dec. 5, 1991, 105 Stat. 1476, provided that:

"(a) In General. - The Secretary of Defense may provide

assistance in accordance with this section to families of members of the Armed Forces and members of the National Guard who served on active duty during the Persian Gulf conflict in order to ensure that those families receive educational assistance and family support services necessary to meet needs arising out of Operation Desert Storm.

"(b) Types of Assistance. - The assistance authorized by this section may be provided to families directly or through the awarding of grants, contracts, or other forms of financial assistance to appropriate private or public entities.

"(c) Geographic Areas Assisted. - (1) Such assistance shall be provided primarily in geographic areas -

"(A) in which a substantial number of members of the active components of the Armed Forces of the United States are permanently assigned and from which a significant number of such members are being deployed, or have been deployed, in connection with Operation Desert Storm; or

"(B) from which a significant number of members of the reserve components of the Armed Forces ordered to, or retained on, active duty pursuant to section 672(a) [now 12301(a)], 672(d) [now 12301(d)], 673 [now 12302], 673b [now 12304], or 688 of title 10, United States Code, are being deployed, or have been deployed, in connection with Operation Desert Storm.

"(2) The Secretary of Defense shall determine which areas meet the criteria set out in paragraph (1).

"(d) Educational Assistance. - Educational assistance authorized by this section may be used for the furnishing of one or more of the following forms of assistance:

"(1) Individual or group counseling for children and other

members of the families of members of the Armed Forces of the United States who have been deployed in connection with, or are casualties of, Operation Desert Storm.

"(2) Training and technical assistance to better prepare teachers and other school employees to address questions and concerns of children of such members of the Armed Forces.

"(3) Other appropriate programs, services, and information designed to address the special needs of children and other members of the families of members of the Armed Forces referred to in paragraph (1) resulting from the deployment, the return from deployment, or the medical or rehabilitation needs of such members.

"(e) Family Support Assistance. - Family support assistance authorized by this section may be used for the following purposes:

"(1) Family crisis intervention.

"(2) Family counseling.

"(3) Family support groups.

"(4) Expenses for volunteer activities.

"(5) Respite care.

"(6) Housing protection and advocacy.

"(7) Food assistance.

"(8) Employment assistance.

"(9) Child care.

"(10) Benefits eligibility determination services.

"(11) Transportation assistance.

"(12) Adult day care for dependent elderly and disabled adults.

"(13) Temporary housing assistance for immediate family members visiting soldiers wounded during Operation Desert Storm and receiving medical treatment at military hospitals and facilities

in the United States.

"(f) Authorization of Appropriations. - Of the amounts authorized to be appropriated from the Defense Cooperation Account for fiscal year 1991 under section 101(a) [105 Stat. 78], \$30,000,000 shall be available to carry out the provisions of this section. The costs of carrying out such provisions are incremental costs of Operation Desert Storm."

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

Pub. L. 102-25, title VI, Sec. 608, Apr. 6, 1991, 105 Stat. 112,
provided that:

"(a) General Rule. - Effective as of the end of the six-month period beginning on the date of the enactment of this Act [Apr. 6, 1991], the Secretary of Defense shall withhold payments to any nonpaying pledging nation that would otherwise be paid as reimbursements for expenses of indirect-hire civilian personnel of the Department of Defense in that nation.

"(b) Nonpaying Pledging Nation Defined. - For purposes of this section, the term 'nonpaying pledging nation' means a foreign nation that has pledged to the United States that it will make contributions to assist the United States in defraying the incremental costs of Operation Desert Shield and which has not paid to the United States the full amount so pledged.

"(c) Release of Withheld Amounts. - When a nation affected by subsection (a) has paid to the United States the full amount pledged, the Secretary of Defense shall release the amounts withheld from payment pursuant to subsection (a).

"(d) Waiver Authority. - The Secretary of Defense may waive the

requirement in subsection (a) upon certification to Congress that the waiver is required in the national security interests of the United States."

PROGRAMMING LANGUAGE FOR DEPARTMENT OF DEFENSE SOFTWARE

Pub. L. 102-396, title IX, Sec. 9070, Oct. 6, 1992, 106 Stat.

1918, 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:

Pub. L. 102-172, title VIII, Sec. 8073, Nov. 26, 1991, 105 Stat.

1188.

Pub. L. 101-511, title VIII, Sec. 8092, Nov. 5, 1990, 104 Stat.

1896.

CONTRIBUTIONS BY JAPAN TO SUPPORT OF UNITED STATES FORCES IN JAPAN

Pub. L. 101-511, title VIII, Sec. 8105, Nov. 5, 1990, 104 Stat.

1902, as amended by Pub. L. 102-190, div. A, title X, Sec. 1063(b), Dec. 5, 1991, 105 Stat. 1476, provided that:

"(a) Permanent Ceiling on United States Armed Forces in Japan. - After September 30, 1990, funds appropriated pursuant to an appropriation 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.

"(b) Annual Reduction in Ceiling Unless Support Furnished. - Unless the President certifies to Congress before the end of each

fiscal year that Japan has agreed to offset for that fiscal year the direct costs incurred by the United States related to the presence of all United States military personnel in Japan, excluding the military personnel title costs, the end strength level for that 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.

"(c) Sense of Congress. - It is the sense of Congress that all those countries that share the benefits of international security and stability should share in the responsibility for that stability and security commensurate with their national capabilities. The Congress also recognizes that Japan has made a substantial pledge of financial support to the effort to support the United Nations Security Council resolutions on Iraq. The Congress also recognizes that Japan has a greater economic capability to contribute to international security and stability than any other member of the international community and wishes to encourage Japan to contribute commensurate with that capability.

"(d) Exceptions. - (1) This section shall not apply in the event of a declaration of war or an armed attack on Japan.

"(2) The President may waive the limitation in this section for any fiscal year if he declares that it is in the national interest to do so and immediately informs Congress of the waiver and the reasons for the waiver.

"(e) Effective Date. - This section shall take effect on the date of enactment of this Act [Nov. 5, 1990]."

Section 1455 of Pub. L. 101-510 provided that:

"(a) Purpose. - It is the purpose of this section to require Japan to offset the direct costs (other than pay and allowances for United States military and civilian personnel) incurred by the United States related to the presence of United States military personnel in Japan.

"(b) 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 the 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

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"(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

Section 901 of Pub. L. 101-510 provided that:

"(a) Reports by the Secretary of Defense. - (1) The Secretary of Defense shall submit to Congress a national military strategy report during each of fiscal years 1992, 1993, and 1994. Each such report shall be submitted with the Secretary's annual report to Congress for that year under section 113(j) of title 10, United States Code.

"(b) Matters To Be Covered in Reports. - Each such report shall cover a period of at least ten years and shall address the following:

"(1) The threats facing the United States and its allies.

"(2) The degree to which military forces can contribute to the achievement of national objectives.

"(3) The strategic military plan for applying those forces to the achievement of national objectives.

"(4) The risk to the national security of the United States and its allies that ensues.

"(5) The organization and structure of military forces to implement the strategy.

"(6) The broad mission areas for various components of the forces and the broad support requirements to implement the strategy.

"(7) The functions for which each military department should organize, train, and equip forces for the combatant commands responsible for implementing the strategy.

"(8) The priorities assigned to major weapons and equipment acquisitions and to research and development programs in order to fill the needs and eliminate deficiencies of the combatant commands.

"(c) Relationship of Plans to Budget. - The strategic military plans and other matters covered by each report shall be fiscally constrained and shall relate to the current Department of Defense Multiyear Defense Plan and resource levels projected by the Secretary of Defense to be available over the period covered by the report.

"(d) Effects of Alternative Budget Levels. - Each such report shall also include an assessment of the effect on the risk and the other components of subsection (b) in the event that (1) an additional \$50,000,000,000 is available in budget authority in the fiscal year which is addressed by the budget request that the report accompanies, and (2) budget authority for that fiscal year is reduced by \$50,000,000,000. For these assessments the Secretary of Defense shall make appropriate assumptions about the funds available for the remainder of the period covered by the report.

"(e) Role of Chairman of Joint Chiefs of Staff. - In accordance with his role as principal military adviser to the Secretary of

Defense, the Chairman of the Joint Chiefs of Staff shall participate fully in the development of each such report. The Secretary of Defense shall provide the Chairman such additional guidance as is necessary to enable the Chairman to develop and recommend fiscally constrained strategic plans for the Secretary's consideration in accordance with section 153(a)(2) of title 10, United States Code. In accordance with additional responsibilities of the Chairman set out in section 153, the Chairman shall provide recommendations to the Secretary on the other components of paragraph (2).

"(f) Classification of Reports. - The reports submitted to Congress under subsection (a) shall be submitted in both classified and (to the extent practicable) unclassified versions."

ANNUAL REPORT ON BALANCED TECHNOLOGY INITIATIVE

Section 211(e) of Pub. L. 101-189, which required Secretary of Defense to submit annual report to congressional defense committees on Balanced Technology Initiative, was repealed by Pub. L. 104-106, div. A, title X, Sec. 1061(l), Feb. 10, 1996, 110 Stat. 443.

MILITARY RELOCATION ASSISTANCE PROGRAMS

Section 661 of Pub. L. 101-189, which related to establishment by Secretary of Defense of programs to provide relocation assistance to members of Armed Forces and their families, was repealed and restated in section 1056 of this title by Pub. L. 101-510, div. A, title XIV, Sec. 1481(c)(1), (3), Nov. 5, 1990, 104 Stat. 1705.

MILITARY CHILD CARE

Title XV of div. A of Pub. L. 101-189, which provided that such

title could be cited as the "Military Child Care Act of 1989", and which related to funding for military child care for fiscal year 1990, child care employees, parent fees, child abuse prevention and safety at facilities, parent partnerships with child development centers, report on 5-year demand for child care, subsidies for family home day care, early childhood education demonstration program, and deadline for regulations, was repealed and restated in subchapter II (Sec. 1791 et seq.) of chapter 88 of this title by Pub. L. 104-106, div. A, title V, Sec. 568(a)(1), (e)(2), Feb. 10, 1996, 110 Stat. 331, 336.

LEAD AGENCY FOR DETECTION OF TRANSIT OF ILLEGAL DRUGS

Section 1102 of Pub. L. 100-456, which designated the Department of Defense as the single lead agency of the Federal Government for detection and monitoring of aerial and maritime transit of illegal drugs into the United States, was repealed and restated as section 124 of this title by Pub. L. 101-189, Sec. 1202(a)(1), (b).

ANNUAL ASSESSMENT OF SECURITY AT UNITED STATES BASES IN PHILIPPINES

Section 1309 of Pub. L. 100-456 directed Secretary of Defense to submit to Congress annual reports assessing security at United States military facilities in Republic of Philippines, prior to repeal by Pub. L. 102-484, div. A, title X, Sec. 1074, Oct. 23, 1992, 106 Stat. 2511.

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

Pub. L. 100-463, title VIII, Sec. 8125, Oct. 1, 1988, 102 Stat. 2270-41, as amended by Pub. L. 101-189, div. A, title XVI, Sec. 1623, Nov. 29, 1989, 103 Stat. 1606; Pub. L. 103-236, title I, Sec. 162(j), Apr. 30, 1994, 108 Stat. 408; Pub. L. 104-106, div. A, title XV, Sec. 1502(f)(1), Feb. 10, 1996, 110 Stat. 509; Pub. L. 106-65, div. A, title X, Sec. 1067(14), Oct. 5, 1999, 113 Stat. 775, provided that:

"(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 of the United States 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.

"[(c) Repealed. Pub. L. 103-236, title I, Sec. 162(j), Apr. 30, 1994, 108 Stat. 408.]

"(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 [sic] 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 1990, 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) 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.

"(3) 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.

"(h) 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, Sec. 101(b) [title VIII, Sec. 8042], Dec. 22, 1987, 101 Stat. 1329-43, 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 subsec.

(k) [now (j)] of this section by Pub. L. 100-370, Sec. 1(o).

REGULATIONS REGARDING EMPLOYMENT AND VOLUNTEER WORK OF SPOUSES OF MILITARY PERSONNEL

Section 637 of Pub. L. 100-180 provided that: "Not later than 60 days after the date of the enactment of this Act [Dec. 4, 1987], the Secretary of Defense shall prescribe regulations to establish the policy that -

"(1) the decision by a spouse of a member of the Armed Forces to be employed or to voluntarily participate in activities relating to the Armed Forces should not be influenced by the preferences or requirements of the Armed Forces; and

"(2) neither such decision nor the marital status of a member of the Armed Forces should have an effect on the assignment or promotion opportunities of the member."

TEST PROGRAM FOR REIMBURSEMENT FOR ADOPTION EXPENSES

Section 638 of Pub. L. 100-180, as amended by Pub. L. 101-189, div. A, title VI, Sec. 662, Nov. 29, 1989, 103 Stat. 1465; Pub. L. 101-510, div. A, title XIV, Sec. 1484(l)(1), Nov. 5, 1990, 104 Stat. 1719, provided that the Secretary of Defense, with respect to members of the Armed Forces, and the Secretary of Transportation, with respect to members of the Coast Guard, were to carry out a test program providing for reimbursement for qualifying adoption expenses incurred by members of the Army, Navy, Air Force, or Marine Corps for adoption proceedings initiated after September 30, 1987, and before October 1, 1990, and for qualifying adoption expenses incurred by members of the Coast Guard for adoption

proceedings initiated after September 30, 1989, and before October 1, 1990.

COUNTERINTELLIGENCE POLYGRAPH PROGRAM

Pub. L. 100-180, div. A, title XI, Sec. 1121, Dec. 4, 1987, 101 Stat. 1147, as amended by Pub. L. 105-85, div. A, title X, Sec. 1073(d)(5), Nov. 18, 1997, 111 Stat. 1906, which provided for a counterintelligence polygraph program to be carried out by the Secretary of Defense, was repealed and restated in section 1564a of this title by Pub. L. 108-136, div. A, title X, Sec. 1041(a)(1),(b), Nov. 24, 2003, 117 Stat. 1607, 1608.

COORDINATION OF PERMANENT CHANGE OF STATION MOVES WITH SCHOOL YEAR

Pub. L. 99-661, div. A, title VI, Sec. 612, Nov. 14, 1986, 100 Stat. 3878, 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, Sec. 101(c) [title X, Sec. 955], Oct. 18, 1986, 100 Stat. 1783-82, 1783-173, and Pub. L. 99-591, Sec. 101(c) [title X, Sec. 955], Oct. 30, 1986, 100 Stat. 3341-82, 3341-173; Pub. L. 99-661, div. A, title IX, formerly title IV, Sec. 955, Nov. 14, 1986, 100 Stat. 3953, renumbered title IX, Pub. L. 100-26, Sec. 3(5), 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. 100-370, Sec. 1(d)(3).

ANNUAL REPORT TO CONGRESS ON IMPLEMENTATION OF JOINT OFFICER
PERSONNEL POLICY

Section 405 of Pub. L. 99-433 provided that: "The Secretary of Defense shall include in the annual report of the Secretary to Congress under section 113(c) of title 10, United States Code (as redesignated by section 101(a)), for each year from 1987 through 1991 a detailed report on the implementation of this title and the amendments made by this title [enacting chapter 38 of this title, amending sections 601, 612, 615, 618, and 619 of this title, and enacting provisions set out as notes under sections 113, 612, 661, 663, and 664 of this title]."

INITIAL REPORT TO CONGRESS

Section 406(g) of Pub. L. 99-433 provided that: "The first report submitted by the Secretary of Defense after the date of the enactment of this Act [Oct. 1, 1986] under section 113(c) of title 10, United States Code (as redesignated by section 101), shall

contain as much of the information required by section 667 of such title (as added by section 401) as is available to the Secretary at the time of the preparation of the report."

SECURITY AT MILITARY BASES ABROAD

Pub. L. 99-399, title XI, Aug. 27, 1986, 100 Stat. 894, provided that:

"SEC. 1101. FINDINGS.

"The Congress finds that -

"(1) there is evidence that terrorists consider bases and installations of United States Armed Forces outside the United States to be targets for attack;

"(2) more attention should be given to the protection of members of the Armed Forces, and members of their families, stationed outside the United States; and

"(3) current programs to educate members of the Armed Forces, and members of their families, stationed outside of the United States to the threats of terrorist activity and how to protect themselves should be substantially expanded.

"SEC. 1102. RECOMMENDED ACTIONS BY THE SECRETARY OF DEFENSE.

"It is the sense of the Congress that -

"(1) the Secretary of Defense should review the security of each base and installation of the Department of Defense outside the United States, including the family housing and support activities of each such base or installation, and take the steps the Secretary considers necessary to improve the security of such bases and installations; and

"(2) the Secretary of Defense should institute a program of training for members of the Armed Forces, and for members of their families, stationed outside the United States concerning security and antiterrorism.

"SEC. 1103. REPORT TO THE CONGRESS.

"No later than June 30, 1987, the Secretary of Defense shall report to the Congress on any actions taken by the Secretary described in section 1102."

SURCHARGE FOR SALES BY ANIMAL DISEASE PREVENTION AND CONTROL
CENTERS; FEE FOR VETERINARY SERVICES

Pub. L. 99-145, title VI, Sec. 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."

Pub. L. 98-94, title X, Sec. 1033, Sept. 24, 1983, 97 Stat. 672, as amended by Pub. L. 98-525, title VI, Sec. 656, Oct. 19, 1984, 98 Stat. 2553, effective Oct. 1, 1985, required payment by a member of the Armed Forces of a \$10 fee for veterinary services, prior to repeal by Pub. L. 99-145, title VI, Sec. 685(c), (d), Nov. 8, 1985, 99 Stat. 666, effective Oct. 1, 1985.

MILITARY FAMILY POLICY AND PROGRAMS

Pub. L. 99-145, title VIII, Nov. 8, 1985, 99 Stat. 678, as amended by Pub. L. 99-661, div. A, title VI, Sec. 653, Nov. 14, 1986, 100 Stat. 3890; Pub. L. 100-180, div. A, title VI, Sec. 635, Dec. 4, 1987, 101 Stat. 1106; Pub. L. 100-456, div. A, title V, Sec. 524, Sept. 29, 1988, 102 Stat. 1975, which provided that such title could be cited as the "Military Family Act of 1985", and which related to Office of Family Policy, transfer of Military Family Resource Center, surveys of military families, family members serving on advisory committees, employment opportunities for military spouses, youth sponsorship program, dependent student travel within United States, relocation and housing, food programs, reporting of child abuse, miscellaneous reporting requirements, and effective date, was repealed and restated in subchapter I (Sec. 1781 et seq.) of chapter 88 of this title by Pub. L. 104-106, div. A, title V, Sec. 568(a)(1), (e)(1), Feb. 10, 1996, 110 Stat. 329, 336.

ACADEMIC INSTITUTIONS ELIGIBLE TO PROVIDE EDUCATIONAL SERVICES;

PROHIBITION OF CERTAIN RESTRICTIONS

Pub. L. 99-145, title XII, Sec. 1212, Nov. 8, 1985, 99 Stat. 726, as amended by Pub. L. 101-189, div. A, title V, Sec. 518, Nov. 29, 1989, 103 Stat. 1443, provided that:

"(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 one or more associate degrees from offering courses within its lawful scope of authority solely on the basis of such institution's lack of authority to award a baccalaureate degree.

"(b) 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, other than those for services at the graduate or postgraduate level, may limit the offering of such services or any group, category, or level of courses to a single academic institution. However, nothing in this section shall prohibit such actions taken in accordance with regulations of the Secretary of Defense which are uniform for all armed services as may be necessary to avoid unnecessary duplication of offerings, consistent with the purpose of this provision of ensuring the availability of alternative offerors of such services to the maximum extent feasible.

"(c)(1) The Secretary of Defense shall conduct a study to determine the current and future needs of members of the Armed Forces, civilian employees of the Department of Defense, and the dependents of such members and employees for postsecondary education services at overseas locations. The Secretary shall determine on the basis of the results of that study whether the policies and procedures of the Department in effect on the date of the enactment of the Department of Defense Authorization Act for Fiscal Years 1990 and 1991 [probably means date of enactment of Pub. L. 101-189, Nov. 29, 1989] with respect to the procurement of such services are -

"(A) consistent with the provisions of subsections (a) and (b);

"(B) adequate to ensure the recipients of such services the benefit of a choice in the offering of such services; and

"(C) adequate to ensure that persons stationed at geographically isolated military installations or at installations with small complements of military personnel are adequately served.

The Secretary shall complete the study in such time as necessary to enable the Secretary to submit the report required by paragraph (2)(A) by the deadline specified in that paragraph.

"(2)(A) The Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study referred to in paragraph (1), together with a copy of any revisions in policies and procedures made as a result of such study. The report shall be submitted not later than March 1, 1990.

"(B) The Secretary shall include in the report an explanation of how determinations are made with regard to -

"(i) affording 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 60-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 -

"(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 before the date of the enactment of this paragraph modified so as to conform to any changes in policies and procedures the Secretary determines should be made as a result of the study required under paragraph (1); or

"(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

Pub. L. 99-145, title XIV, Sec. 1407, Nov. 8, 1985, 99 Stat. 745, required reports on unobligated balances, prior to repeal by Pub. L. 99-661, div. A, title XIII, Sec. 1307(b), Nov. 14, 1986, 100 Stat. 3981. See section 2215 of this title.

DEFENSE INDUSTRIAL BASE FOR TEXTILE AND APPAREL PRODUCTS

Pub. L. 99-145, title XIV, Sec. 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, Sec. 826(a)(1), (b).

HOTLINE BETWEEN UNITED STATES AND SOVIET UNION

Pub. L. 99-85, Aug. 8, 1985, 99 Stat. 286, as amended by Pub. L. 103-199, title IV, Sec. 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, Sec. 404(b), Dec. 17, 1993, 107 Stat. 2325, provided that: "The amendment made by subsection (a)(2) [amending section 2(b) of Pub. L. 99-85, 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. 97-252, title XI, Sec. 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, Sec. 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, Sec. 918, Dec. 1, 1981, 95 Stat. 1132, directed Secretary of Defense, not later than Jan. 15, 1982 and 1983, to submit to Congress reports containing recommendations to improve efficiency and management of, and to eliminate waste, fraud, abuse, and mismanagement in, operation of Department of Defense, and to include each recommendation by Comptroller General since Jan. 1, 1979, for elimination of waste, fraud, abuse, or mismanagement in Department of Defense with a statement as to which have been adopted and, to extent practicable actual and projected cost savings from each, and which have not been adopted and, to extent practicable, projected 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

Pub. L. 94-431, title VI, Sec. 610, Sept. 30, 1976, 90 Stat.

1365, authorized Secretary of Defense to conduct studies with regard to possible use of military installations being closed and to make recommendations with regard to such installations, prior to repeal by Pub. L. 97-86, title IX, Sec. 912(b), Dec. 1, 1981, 95 Stat. 1123. See section 2391 of this title.

REPORTS TO CONGRESSIONAL COMMITTEES ON FOREIGN POLICY AND MILITARY
FORCE STRUCTURE

Pub. L. 94-106, title VIII, Sec. 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. (e) of section 133 [now Sec. 113] of this title by Pub. L. 97-295, Secs. 1(1), 6(b).

REPORT TO CONGRESS ON SALE OR TRANSFER OF DEFENSE ARTICLES

Pub. L. 94-106, title VIII, Sec. 813, Oct. 7, 1975, 89 Stat. 540, as amended by Pub. L. 95-79, title VIII, Sec. 814, July 30, 1977, 91 Stat. 337; Pub. L. 97-252, title XI, Sec. 1104, Sept. 8, 1982, 96 Stat. 739, which directed Secretary of Defense to report to Congress on any letter proposing to transfer \$50,000,000 or more of

defense articles, detailing impact of such a sale on readiness, adequacy of price for replacement, and armed forces needs and supply for each article, was repealed and restated as section 133b (renumbered Sec. 118 and repealed) of this title by Pub. L. 97-295, Secs. 1(2)(A), 6(b).

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

Section 412 of Pub. L. 86-149, title IV, Aug. 10, 1959, 73 Stat. 322, as amended by Pub. L. 87-436, Sec. 2, Apr. 27, 1962, 76 Stat. 55; Pub. L. 88-174, title VI, Sec. 610, Nov. 7, 1963, 77 Stat. 329; Pub. L. 89-37, title III, Sec. 304, June 11, 1965, 79 Stat. 128; Pub. L. 90-168, Sec. 6, Dec. 1, 1967, 81 Stat. 526; Pub. L. 91-121, title IV, Sec. 405, Nov. 19, 1969, 83 Stat. 207; Pub. L. 91-441, title V, Secs. 505, 509, Oct. 7, 1970, 84 Stat. 912, 913; Pub. L. 92-129, title VII, Sec. 701, Sept. 28, 1971, 85 Stat. 362; Pub. L. 92-436, title III, Sec. 302, title VI, Sec. 604, Sept. 26, 1972, 86 Stat. 736, 739, was repealed by Pub. L. 93-155, title VIII, Sec. 803(b)(1), Nov. 16, 1973, 87 Stat. 615. See sections 114 to 116 of this title.

-EXEC-

EX. ORD. NO. 12765. DELEGATION OF CERTAIN DEFENSE RELATED AUTHORITIES OF PRESIDENT TO SECRETARY OF DEFENSE

Ex. Ord. No. 12765, June 11, 1991, 56 F.R. 27401, 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 7299a(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 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 8105(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 Bush.

-MISC3-

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).

-End-

-CITE-

10 USC Sec. 113a

01/03/05

-EXPCITE-

TITLE 10 - ARMED FORCES

Subtitle A - General Military Law

PART I - ORGANIZATION AND GENERAL MILITARY POWERS

CHAPTER 2 - DEPARTMENT OF DEFENSE

-HEAD-

Sec. 113a. Transmission of annual defense authorization request

-STATUTE-

(a) Time for Transmittal. - The Secretary of Defense shall transmit to Congress the annual defense authorization request for a fiscal year during the first 30 days after the date on which the President transmits to Congress the budget for that fiscal year pursuant to section 1105 of title 31.

(b) Defense Authorization Request Defined. - In this section, the term "defense authorization request", with respect to a fiscal year, means a legislative proposal submitted to Congress for the enactment of the following:

(1) Authorizations of appropriations for that fiscal year, as required by section 114 of this title.

(2) Personnel strengths for that fiscal year, as required by section 115 of this title.

(3) Authority to carry out military construction projects, as required by section 2802 of this title.

(4) Any other matter that is proposed by the Secretary of Defense to be enacted as part of the annual defense authorization bill for that fiscal year.

-SOURCE-

(Added Pub. L. 107-314, div. A, title X, Sec. 1061(a), Dec. 2, 2002, 116 Stat. 2649; amended Pub. L. 108-136, div. A, title X, Sec. 1044(a), Nov. 24, 2003, 117 Stat. 1612.)

-MISC1-

AMENDMENTS

2003 - Subsec. (b)(3), (4). Pub. L. 108-136 added par. (3) and redesignated former par. (3) as (4).

-End-

-CITE-

10 USC Sec. 114

01/03/05

-EXPCITE-

TITLE 10 - ARMED FORCES

Subtitle A - General Military Law

PART I - ORGANIZATION AND GENERAL MILITARY POWERS

CHAPTER 2 - DEPARTMENT OF DEFENSE

-HEAD-

Sec. 114. Annual authorization of appropriations

-STATUTE-

(a) No funds may be appropriated for any fiscal year to or for the use of any armed force or obligated or expended for -

(1) procurement of aircraft, missiles, or naval vessels;

(2) any research, development, test, or evaluation, or procurement or production related thereto;

(3) procurement of tracked combat vehicles;

(4) procurement of other weapons;

- (5) procurement of naval torpedoes and related support equipment;
- (6) military construction;
- (7) the operation and maintenance of any armed force or of the activities and agencies of the Department of Defense (other than the military departments);
- (8) procurement of ammunition; or
- (9) other procurement by any armed force or by the activities and agencies of the Department of Defense (other than the military departments);

unless funds therefor have been specifically authorized by law.

(b) In subsection (a)(6), the term "military construction" includes any construction, development, conversion, or extension of any kind which is carried out with respect to any military facility or installation (including any Government-owned or Government-leased industrial facility used for the production of defense articles and any facility to which section 2353 of this title applies), any activity to which section 2807 of this title applies, any activity to which chapter 1803 of this title applies, and advances to the Secretary of Transportation for the construction of defense access roads under section 210 of title 23. Such term does not include any activity to which section 2821 or 2854 of this title applies.

(c)(1) The size of the Special Defense Acquisition Fund established pursuant to chapter 5 of the Arms Export Control Act (22 U.S.C. 2795 et seq.) may not exceed \$1,070,000,000.

(2) Notwithstanding section 37(a) of the Arms Export Control Act (22 U.S.C. 2777(a)), amounts received by the United States pursuant

to subparagraph (A) of section 21(a)(1) of that Act (22 U.S.C.

2761(a)(1)) -

(A) shall be credited to the Special Defense Acquisition Fund established pursuant to chapter 5 of that Act (22 U.S.C. 2795 et seq.), as authorized by section 51(b)(1) of that Act (22 U.S.C. 2795(b)(1)), but subject to the limitation in paragraph (1) and other applicable law; and

(B) to the extent not so credited, shall be deposited in the Treasury as miscellaneous receipts as provided in section 3302(b) of title 31.

(d) Funds may be appropriated for the armed forces for use as an emergency fund for research, development, test, and evaluation, or related procurement or production, only if the appropriation of the funds is authorized by law after June 30, 1966.

(e) In each budget submitted by the President to Congress under section 1105 of title 31, amounts requested for procurement of equipment for the reserve components of the armed forces (including the National Guard) shall be set forth separately from other amounts requested for procurement for the armed forces.

(f) In each budget submitted by the President to Congress under section 1105 of title 31, amounts requested for procurement of ammunition for the Navy and Marine Corps, and for procurement of ammunition for the Air Force, shall be set forth separately from other amounts requested for procurement.

-SOURCE-

(Added Pub. L. 93-155, title VIII, Sec. 803(a), Nov. 16, 1973, 87 Stat. 612, Sec. 138; amended Pub. L. 94-106, title VIII, Sec.

801(a), Oct. 7, 1975, 89 Stat. 537; Pub. L. 94-361, title III, Sec. 302, July 14, 1976, 90 Stat. 924; Pub. L. 96-107, title III, Sec. 303(b), Nov. 9, 1979, 93 Stat. 806; Pub. L. 96-342, title X, Sec. 1001(a)(1), (b)-(d)(1), Sept. 8, 1980, 94 Stat. 1117-1119; Pub. L. 96-513, title I, Sec. 102, title V, Sec. 511(4), Dec. 12, 1980, 94 Stat. 2840, 2920; Pub. L. 97-22, Sec. 2(b), July 10, 1981, 95 Stat. 124; Pub. L. 97-86, title III, Sec. 302, title IX, Secs. 901(a), 902, 903, Dec. 1, 1981, 95 Stat. 1104, 1113, 1114; Pub. L. 97-113, title I, Sec. 108(b), Dec. 29, 1981, 95 Stat. 1524; Pub. L. 97-214, Sec. 4, July 12, 1982, 96 Stat. 170; Pub. L. 97-252, title IV, Sec. 402(a), title XI, Secs. 1103, 1105, Sept. 8, 1982, 96 Stat. 725, 738, 739; Pub. L. 97-295, Sec. 1(3), (4), Oct. 12, 1982, 96 Stat. 1289; Pub. L. 98-525, title XIV, Sec. 1405(2), Oct. 19, 1984, 98 Stat. 2621; Pub. L. 99-145, title XII, Sec. 1208, title XIV, Sec. 1403, Nov. 8, 1985, 99 Stat. 723, 743; renumbered Sec. 114 and amended Pub. L. 99-433, title I, Secs. 101(a)(2), 110(b)(1)-(9), (11), Oct. 1, 1986, 100 Stat. 994, 1001, 1002; Pub. L. 99-661, div. A, title I, Sec. 105(d), title XIII, Sec. 1304(a), Nov. 14, 1986, 100 Stat. 3827, 3979; Pub. L. 100-26, Sec. 7(j)(1), Apr. 21, 1987, 101 Stat. 282; Pub. L. 100-180, div. A, title XII, Sec. 1203, Dec. 4, 1987, 101 Stat. 1154; Pub. L. 101-189, div. A, title XVI, Sec. 1602(b), Nov. 29, 1989, 103 Stat. 1597; Pub. L. 101-510, div. A, title XIV, Sec. 1481(a)(1), Nov. 5, 1990, 104 Stat. 1704; Pub. L. 104-106, div. A, title XV, Sec. 1501(c)(2), Feb. 10, 1996, 110 Stat. 498; Pub. L. 104-201, div. A, title X, Sec. 1005, Sept. 23, 1996, 110 Stat. 2632.)

HISTORICAL AND REVISION NOTES

1982 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
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138(c)(5)	10:138 (note).	Aug. 5, 1974, Pub. L. 93-365, Sec. 502, 88 Stat. 404.
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138(i)	10:135 (note).	June 11, 1965, Pub. L. 89-37, Sec. 305, 79 Stat. 128.
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In subsection (c)(5), the words "It is the sense of Congress that" are omitted as unnecessary. The words "Secretary of Defense" are substituted for "Department of Defense" the first time it appears because the responsibility is in the head of the agency. The word "Therefore" is omitted as surplus. The word "complete" is substituted for "full", and the word "personnel" is substituted for "manpower" except in the phrase "manpower requirements", for consistency.

In subsection (i), the words "may be . . . only if" are substituted for "No . . . may be . . . unless" to use the positive voice. The words "after June 30, 1966" are substituted for "after that date" for clarity.

-REFTEXT-

REFERENCES IN TEXT

The Arms Export Control Act, referred to in subsec. (c), is Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320, as amended. Chapter 5 of the Arms Export Control Act is classified generally to subchapter V (Sec. 2795 et seq.) of chapter 39 of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of Title 22 and Tables.

-MISC2-

PRIOR PROVISIONS

Provisions similar to those in subsec. (c)(2) of this section were contained in Pub. L. 101-165, title IX, Sec. 9017, Nov. 21, 1989, 103 Stat. 1133, which was set out as a note below, prior to repeal by Pub. L. 101-510, Sec. 1481(a)(2).

Prior similar provisions were contained in Pub. L. 86-149, title IV, Sec. 412, Aug. 10, 1959, 73 Stat. 322, as amended by Pub. L. 87-436, Sec. 2, Apr. 27, 1962, 76 Stat. 55; Pub. L. 88-174, title VI, Sec. 610, Nov. 7, 1963, 77 Stat. 329; Pub. L. 89-37, title III, Sec. 304, June 11, 1965, 79 Stat. 128; Pub. L. 90-168, Sec. 6, Dec. 1, 1967, 81 Stat. 526; Pub. L. 91-121, title IV, Sec. 405, Nov. 19, 1969, 83 Stat. 207; Pub. L. 91-441, title V, Secs. 505, 509, Oct. 7, 1970, 84 Stat. 912, 913; Pub. L. 92-129, title VII, Sec. 701, Sept. 28, 1971, 85 Stat. 362; Pub. L. 92-436, title III, Sec. 302, title VI, Sec. 604, Sept. 26, 1972, 86 Stat. 736, 739, prior to repeal by Pub. L. 93-155, Sec. 803(b)(1).

AMENDMENTS

1996 - Subsec. (b). Pub. L. 104-106 substituted "chapter 1803" for "chapter 133".

Subsec. (f). Pub. L. 104-201 added subsec. (f).

1990 - Subsec. (c). Pub. L. 101-510 designated existing provisions as par. (1) and added par. (2).

1989 - Subsecs. (f), (g). Pub. L. 101-189 struck out subsecs. (f) and (g) which read as follows:

"(f) The amounts of the estimated expenditures and proposed appropriations necessary to support programs, projects, and activities of the Department of Defense included pursuant to paragraph (5) of section 1105(a) of title 31 in the budget submitted to Congress by the President under such section for any fiscal year or years and the amounts specified in all program and budget information submitted to Congress by the Department of Defense in support of such estimates and proposed appropriations shall be mutually consistent unless, in the case of each inconsistency, there is included detailed reasons for the inconsistency.

"(g) The Secretary of Defense shall submit to Congress not later than April 1 of each year, the five-year defense program (including associated annexes) used by the Secretary in formulating the estimated expenditures and proposed appropriations included in such budget to support programs, projects, and activities of the Department of Defense."

1987 - Subsec. (e). Pub. L. 100-26 redesignated subsec. (f) as (e).

Subsec. (f). Pub. L. 100-180 added subsec. (f).

Pub. L. 100-26, Sec. 7(j)(1), redesignated subsec. (f) as (e).

Subsec. (g). Pub. L. 100-180, Sec. 1203, added subsec. (g).

1986 - Pub. L. 99-433, Sec. 101(a)(2), renumbered section 138 of this title as this section.

Pub. L. 99-433, Sec. 110(b)(1), struck out "and personnel strengths for the armed forces; annual manpower requirements and operations and maintenance reports" at end of section catchline.

Subsec. (a)(6). Pub. L. 99-433, Sec. 110(b)(3), struck out "(as defined in subsection (f))" after "military construction".

Subsec. (b). Pub. L. 99-433, Sec. 110(b)(4), (5), (8), redesignated subsec. (f)(1) as (b). Former subsec. (b) redesignated section 115(a) of this title.

Subsec. (c). Pub. L. 99-661, Sec. 1304(a), substituted "\$1,070,000,000" for "\$1,000,000,000".

Pub. L. 99-433, Sec. 110(b)(4), (5), (11), redesignated subsec. (g) as (c). Former subsec. (c) redesignated section 115(b) of this title.

Subsec. (d). Pub. L. 99-433, Sec. 110(b)(4), (5), (11), redesignated subsec. (i) as (d). Former subsec. (d) redesignated section 115(c) of this title.

Subsec. (e). Pub. L. 99-433, Sec. 110(b)(6), (7), redesignated subsec. (e) as section 116(a) of this title.

Subsec. (f). Pub. L. 99-661, Sec. 105(d), added subsec. (f).

Subsec. (f)(1). Pub. L. 99-433, Sec. 110(b)(8), redesignated subsec. (f)(1) as (b).

Subsec. (f)(2). Pub. L. 99-433, Sec. 110(b)(9), redesignated subsec. (f)(2) as section 116(b) of this title.

Subsec. (g). Pub. L. 99-433, Sec. 110(b)(11), redesignated subsec. (g) as (c).

Subsec. (h). Pub. L. 99-433, Sec. 110(b)(2), redesignated subsec.

(h) as section 113(i) of this title.

Subsec. (i). Pub. L. 99-433, Sec. 110(b)(11), redesignated subsec. (i) as (d).

1985 - Subsec. (b)(3). Pub. L. 99-145, Sec. 1208, added par. (3).

Subsec. (g). Pub. L. 99-145, Sec. 1403, substituted "\$1,000,000,000" for "\$300,000,000 in fiscal year 1982, may not exceed \$600,000,000 in fiscal year 1983, and may not exceed \$900,000,000 in fiscal year 1984 or any fiscal year thereafter".

1984 - Subsec. (g). Pub. L. 98-525 inserted "(22 U.S.C. 2795 et seq.)".

1982 - Subsec. (c)(1)(A). Pub. L. 97-252, Sec. 402(a), authorized increase in fiscal year end-strength authorizations determined by the Secretary of Defense to be in the national interest.

Subsec. (c)(5). Pub. L. 97-295, Sec. 1(3), added par. (5).

Subsec. (f)(1). Pub. L. 97-214 substituted ", any activity to which section 2807 of this title applies, any activity to which chapter 133 of this title applies, and advances to the Secretary of Transportation for the construction of defense access roads under section 210 of title 23" for "but excludes any activity to which section 2673 or 2674, or chapter 133, of this title apply, or to which section 406(a) of Public Law 85-241 (42 U.S.C. 1594i) applies" and inserted provision that "military construction" does not include any activity to which section 2821 or 2854 of this title applies.

Subsec. (g). Pub. L. 97-252, Sec. 1103, limited size of Special Defense Acquisition Fund to \$600,000,000 in fiscal year 1983, striking out such sum as a limit in any fiscal year thereafter, and limited size of Fund to \$900,000,000 in fiscal year 1984 or any fiscal year thereafter.

Subsec. (h). Pub. L. 97-252, Sec. 1105, added subsec. (h).

Subsec. (i). Pub. L. 97-295, Sec. 1(4), added subsec. (i).

1981 - Subsec. (a)(8), (9). Pub. L. 97-86, Sec. 901(a), added pars. (8) and (9).

Subsec. (b). Pub. L. 97-86, Sec. 902, designated existing provisions as par. (1), substituted "authorize the average personnel strength" for "authorize the personnel strength", and added par. (2).

Subsec. (c)(3)(D)(iii)(I). Pub. L. 97-22 struck out "and active military service" after "active commissioned service".

Subsec. (c)(4). Pub. L. 97-86, Sec. 903, added par. (4).

Subsec. (e)(3), (4). Pub. L. 97-86, Sec. 302, struck out pars. (3) and (4) which required the Secretary to include in each report a projection of the combat readiness of specified military units proposed to be maintained during the next fiscal year.

Subsec. (g). Pub. L. 97-113 added subsec. (g).

1980 - Pub. L. 96-342, Sec. 1001(d)(1), substituted "Annual authorization of appropriations and personnel strengths for the armed forces; annual manpower requirements and operations and maintenance reports" for "Secretary of Defense: Annual authorization of appropriations for armed forces" in section catchline.

Subsec. (a). Pub. L. 96-342, Sec. 1001(a)(1), (b)(1), in cl. (6) substituted reference to subsec. (f) for reference to subsec. (e), and added cl. (7).

Subsec. (c)(1). Pub. L. 96-513, Sec. 102(a), designated existing provisions as subpar. (A) and added subpars. (B) and (C).

Subsec. (c)(3)(D). Pub. L. 96-513, Sec. 102(b), substituted provisions relating to expanded coverage in the annual report of

the Secretary of Defense for provisions under which the report had formerly covered only the estimated requirements in members on active duty during the next fiscal year, the estimated number of commissioned officers in each grade on active duty and to be promoted during the next fiscal year, and an analysis of the distribution by grade of commissioned officers on active duty at the time the report was prepared.

Subsec. (e). Pub. L. 96-342, Sec. 1001(b)(2), (3), added subsec. (e). Former subsec. (e) redesignated (f)(1).

Subsec. (f). Pub. L. 96-513, Sec. 511(4), substituted "(42 U.S.C. 1594i)" for "(71 Stat. 556)" in par. (1), and substituted "In subsection (e)" for "In subsection (f)" in par. (2).

Pub. L. 96-342, Sec. 1001(b)(2), (c), redesignated subsec. (e) as (f), substituted "(1) In subsection (a)(6)" for "For purposes of subsection (a)(6) of this section", and added par. (2).

1979 - Subsec. (c)(3). Pub. L. 96-107 restructured existing provisions into subpars. (A) to (C) with minor changes in phraseology and added subpar. (D).

1976 - Subsec. (c)(3). Pub. L. 94-361 required the report to Congress to identify, define, and group by mission and by region the types of military bases, installations, and facilities and to provide an explanation and justification of the relationship between the base structure and the proposed military force structure together with a comprehensive identification of base operating support costs and an evaluation of possible alternatives to reduce the costs.

1975 - Subsec. (a)(6). Pub. L. 94-106, Sec. 801(a)(1), added par. (6).

Subsec. (e). Pub. L. 94-106, Sec. 801(a)(2), added subsec. (e).

EFFECTIVE DATE OF 1996 AMENDMENT

Section 1501(c) of Pub. L. 104-106 provided that the amendment made by that section is effective as of Dec. 1, 1994, and as if included as an amendment made by the Reserve Officer Personnel Management Act, title XVI of Pub. L. 103-337, as originally enacted.

EFFECTIVE DATE OF 1982 AMENDMENTS

Section 402(b) of Pub. L. 97-252 provided that: "The amendment made by subsection (a) [amending this section] shall apply with respect to end strengths for active-duty personnel authorized for fiscal years beginning after September 30, 1981."

Amendment by Pub. L. 97-214 applicable with respect to funds appropriated for fiscal years beginning after Sept. 30, 1983, see section 12(b) of Pub. L. 97-214, set out as a note under section 2801 of this title.

EFFECTIVE DATE OF 1981 AMENDMENT

Section 901(b) of Pub. L. 97-86 provided that: "The amendments made by subsection (a) [amending this section] shall apply with respect to funds appropriated for fiscal years beginning after September 30, 1982."

EFFECTIVE DATE OF 1980 AMENDMENTS

Amendment by section 102 of Pub. L. 96-513 effective Sept. 15, 1981, but the authority to prescribe regulations under the amendment by Pub. L. 96-513 effective on Dec. 12, 1980, see section 701 of Pub. L. 96-513, set out as a note under section 101 of this

title.

Amendment by section 511(4) of Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513.

Section 1001(a)(2) of Pub. L. 96-342 provided that: "The amendments made by paragraph (1) [amending this section] shall apply with respect to funds appropriated for fiscal years beginning after September 30, 1981."

APPLICABILITY OF PROVISIONS RELATING TO FUNDS NOT HERETOFORE REQUIRED TO BE AUTHORIZED

Section 801(b) of Pub. L. 94-106 provided that: "The amendment provided by paragraph (2) of subsection (a) above [enacting subsec. (e) of this section] with respect to funds not heretofore required to be authorized shall only apply to funds authorized for appropriation for fiscal year 1977 and thereafter."

AVAILABILITY OF APPROPRIATIONS

Pub. L. 101-165, title IX, Sec. 9017, Nov. 21, 1989, 103 Stat. 1133, which prohibited funding to be used for planning or executing programs which utilized amounts credited to the Department of Defense pursuant to section 2777(a) of Title 22, Foreign Relations and Intercourse, was repealed and restated in subsec. (c)(2) of this section by Pub. L. 101-510, div. A, title XIV, Sec. 1481(a), Nov. 5, 1990, 104 Stat. 1704.

The following general provisions, which had been repeated as fiscal year provisions in prior appropriation acts, were enacted as permanent law in the Department of Defense Appropriations Act, 1986, Pub. L. 99-190, Sec. 101(b) [title VIII, Secs. 8005, 8006, 8009], Dec. 19, 1985, 99 Stat. 1185, 1202, 1203, 1204:

"Sec. 8005. [Authorized use of appropriated funds for expenses in connection with administration of occupied areas; payment of rewards for information leading to discovery of missing naval property or recovery thereof; payment of deficiency judgments and interests thereon arising out of condemnation proceedings; leasing of buildings and facilities; payments under contracts for maintenance of tools and facilities for twelve months; maintenance of defense access roads; purchase of milk for enlisted personnel; payments under leases for real or personal property, including maintenance; purchase of right-hand-drive vehicles not to exceed \$12,000 per vehicle; payment of unusual cost overruns incident to ship overhaul, maintenance, and repair; payments from annual appropriations to industrial fund activities and/or under contract for changes in scope of ship overhaul, maintenance, and repair after expiration of such appropriations; and payments for depot maintenance contracts for twelve months; and was repealed and (except for section 8005(e)) restated in sections 2242(2), 2252, 2253(a)(2), 2389(b), 2410a, 2661(b), and 7313 of this title by Pub. L. 100-370, Sec. 1(e)(1), (h)(1), (2), (l)(3), (n)(1), (p)(3), July 19, 1988, 102 Stat. 844, 847, 849-851. Section 8005(c) was not restated in view of section 2676(e) of this title.]

"Sec. 8006. [Authorized use of appropriated funds for military courts, boards, and commissions; utility services for buildings erected at private cost and buildings on military reservations authorized by regulations to be used for welfare and recreational purposes; and exchange fees, and losses in accounts of disbursing officers or agents; and was repealed and restated in sections 2242(3), 2490, and 2781 of this title by Pub. L. 100-370, Sec. 1(e)(1), (j)(1), (m)(1), (p)(3), July 19, 1988, 102 Stat. 844, 848,

849, 851.]

"Sec. 8009. [Provided for exemption from apportionment requirement; exceptions for cost of airborne alerts and cost of increased military personnel on active duty; and for reports to Congress; and was repealed and restated in section 2201 of this title by Pub. L. 100-370, Sec. 1(d)(1), July 19, 1988, 102 Stat.

841.]"

The following general provisions, that had been repeated as fiscal year provisions in prior appropriation acts, were enacted as permanent law in the Department of Defense Appropriation Act, 1984, Pub. L. 98-212, title VII, Secs. 705-707, 723, 728, 735, 774, Dec. 8, 1983, 97 Stat. 1437, 1438, 1443, 1444, 1452:

"Sec. 705. [Authorized use of appropriated funds for insurance of official motor vehicles in foreign countries; advance payments for investigations in foreign countries; security guard services for protection of confidential files; and other necessary expenses; and was repealed and restated in sections 2241(b), 2242(1), (4), and 2253(a)(1) of this title by Pub. L. 100-370, Sec. 1(e)(1), (p)(1), July 19, 1988, 102 Stat. 844, 851.]

"Sec. 706. [Authorized use of appropriated funds for expenses incident to maintenance, pay, and allowances of prisoners of war, other persons in Army, Navy, or Air Force custody whose status was determined by Secretary concerned to be similar to prisoners of war, and persons detained in such custody pursuant to Presidential proclamation, and was repealed by Pub. L. 98-525, title XIV, Secs. 1403(a)(1), 1404, Oct. 19, 1984, 98 Stat. 2621, effective Oct. 1, 1985. See section 956(5) of this title.]

"Sec. 707. [Authorized use of appropriated funds for acquisition of certain interests in land, and was repealed and restated in

sections 2673 and 2828(h) of this title by Pub. L. 100-370, Sec.

1(l)(1), (2), (p)(1), July 19, 1988, 102 Stat. 849, 851.]

"Sec. 723. [Authorized use of appropriated funds for purchase of household furnishings, and automobiles from military and civilian personnel on duty outside continental United States, for purpose of resale at cost to incoming personnel, and for providing furnishings, without charge, in other than public quarters occupied by military or civilian personnel of Department of Defense on duty outside continental United States or in Alaska, and was repealed and restated in section 2251 of this title by Pub. L. 100-370, Sec. 1(e)(1), (p)(1), July 19, 1988, 102 Stat. 844, 851.]

"Sec. 728. [Prohibited use of appropriated funds for payment of costs of advertising by any defense contractor, except advertising for which payment is made from profits, provided exemptions for advertising for personnel recruitment, procurement of scarce required items, and disposal of scrap or surplus materials, and was repealed by Pub. L. 100-370, Sec. 1(p)(1), July 19, 1988, 102 Stat. 851. See section 2324(e)(1)(H) of this title.]

"Sec. 735. [Authorized use of appropriated funds for operation and maintenance of the active forces for welfare and recreation; hire of passenger motor vehicles; repair of facilities; modification of personal property; design of vessels; industrial mobilization; installation of equipment in public and private plants; military communications facilities on merchant vessels; acquisition of services, special clothing, supplies, and equipment; and expenses for the Reserve Officers' Training Corps and other units at educational institutions was amended by Pub. L. 98-525, title XIV, Secs. 1403(a)(2), 1404, Oct. 19, 1984, 98 Stat. 2621, eff. Oct. 1, 1985, and was repealed and restated in sections

2241(a) and 2661(a) of this title by Pub. L. 100-370, Sec. 1(e)(1), (l)(3), (p)(1), July 19, 1988, 102 Stat. 844, 849, 851.]

"Sec. 774. During the current fiscal year and subsequent fiscal years, for the purposes of the appropriation 'Foreign Currency Fluctuations, Defense' the foreign currency exchange rates used in preparing budget submissions shall be the foreign currency exchange rates as adjusted or modified, as reflected in applicable Committee reports on this Act."

WITHDRAWAL OF UNITED STATES GROUND FORCES FROM REPUBLIC OF BOSNIA
AND HERZEGOVINA

Pub. L. 105-85, div. A, title XII, Secs. 1203, 1206, Nov. 18, 1997, 111 Stat. 1929, 1932, provided that:

"SEC. 1203. WITHDRAWAL OF UNITED STATES GROUND FORCES FROM
REPUBLIC OF BOSNIA AND HERZEGOVINA.

"(a) Limitation. - No funds appropriated or otherwise made available for the Department of Defense for fiscal year 1998 or any subsequent fiscal year may be used for the deployment of any United States ground combat forces in the Republic of Bosnia and Herzegovina after June 30, 1998, unless the President, not later than May 15, 1998, and after consultation with the bipartisan leadership of the two Houses of Congress, transmits to Congress a certification -

"(1) that the continued presence of United States ground combat forces, after June 30, 1998, in the Republic of Bosnia and Herzegovina is required in order to meet the national security interests of the United States; and

"(2) that after June 30, 1998, it will remain United States

policy that United States ground forces will not serve as, or be used as, civil police in the Republic of Bosnia and Herzegovina.

"(b) Report. - The President shall submit with the certification under subsection (a) a report that includes the following:

"(1) The reasons why that presence is in the national security interest of the United States.

"(2) The number of United States military personnel to be deployed in and around the Republic of Bosnia and Herzegovina and other areas of the former Yugoslavia after that date.

"(3) The expected duration of any such deployment.

"(4) The mission and objectives of the United States Armed Forces to be deployed in and around the Republic of Bosnia and Herzegovina and other areas of the former Yugoslavia after June 30, 1998.

"(5) The exit strategy of such forces.

"(6) The incremental costs associated with any such deployment.

"(7) The effect of such deployment on the morale, retention, and effectiveness of United States armed forces.

"(8) A description of the forces from other nations involved in a follow-on mission, shown on a nation-by-nation basis.

"(9) A description of the command and control arrangement established for United States forces involved in a follow-on mission.

"(10) An assessment of the expected threats to United States forces involved in a follow-on mission.

"(11) The plan for rotating units and personnel to and from the Republic of Bosnia and Herzegovina during a follow-on mission, including the level of participation by reserve component units and personnel.

"(12) The mission statement and operational goals of the United States forces involved in a follow-on mission.

"(c) Request for Supplemental Appropriations. - The President shall transmit to Congress with a certification under subsection (a) a supplemental appropriations request for the Department of Defense for such amounts as are necessary for the costs of any continued deployment beyond June 30, 1998.

"(d) Construction With President's Constitutional Authority. - Nothing in this section shall be deemed to restrict the authority of the President under the Constitution to protect the lives of United States citizens.

"(e) Construction With Appropriations Provision. - The provisions of this section are enacted, and shall be applied, as supplemental to (and not in lieu of) the provisions of section 8132 of the Department of Defense Appropriations Act, 1998 (Public Law 105-56) [111 Stat. 1250].

"SEC. 1206. DEFINITIONS.

"As used in this subtitle [subtitle A (Secs. 1201-1206) of title XII of div. A of Pub. L. 105-85, enacting this note]:

"(1) Dayton peace agreement. - The term 'Dayton Peace Agreement' means the General Framework Agreement for Peace in Bosnia and Herzegovina, initialed by the parties in Dayton, Ohio, on November 21, 1995, and signed in Paris on December 14, 1995.

"(2) Implementation force. - The term 'Implementation Force' means the NATO-led multinational military force in the Republic of Bosnia and Herzegovina (commonly referred to as 'IFOR'), authorized under the Dayton Peace Agreement.

"(3) Stabilization force. - The term 'Stabilization Force'

means the NATO-led follow-on force to the Implementation Force in the Republic of Bosnia and Herzegovina and other countries in the region (commonly referred to as 'SFOR'), authorized under United Nations Security Council Resolution 1088 (December 12, 1996).

"(4) Follow-on mission. - The term 'follow-on mission' means a mission involving the deployment of ground elements of the United States Armed Forces in the Republic of Bosnia and Herzegovina after June 30, 1998 (other than as described in section 1203(b)).

"(5) NATO. - The term 'NATO' means the North Atlantic Treaty Organization."

BUDGET DETERMINATION BY DIRECTOR OF OMB

Pub. L. 102-484, div. D, title XLV, Sec. 4501, Oct. 23, 1992, 106 Stat. 2769, provided that:

"(a) Requirement for Determination. - An amount made available under this Act [see Tables for classification] for a program described in subsection (b) may be obligated for that program only if expenditures for that program have been determined by the Director of the Office of Management and Budget to be counted against the defense category of the discretionary spending limits for fiscal year 1993 (as defined in section 601(a)(2) of the Congressional Budget Act of 1974 [2 U.S.C. 665(a)(2)]) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 900 et seq.].

"(b) Covered Programs. - The programs referred to in subsection (a) are the programs under title XLIII [enacting section 2552 of this title, amending section 2391 of this title, and enacting provisions set out as notes under section 2391 of this title] and subtitles D through G of title XLIV [Secs. 4441 to 4497, enacting

sections 1143a, 1151, 1598, 2410c, and 2410d of this title and section 1662d-1 of Title 29, Labor, amending sections 1142 and 1144 of this title and sections 1551, 1661, 1661c, and 1662d of Title 29, and enacting provisions set out as notes under sections 1143, 1143a, 2410d, 2501, 2504, and 2701 of this title and section 1662d-1 of Title 29].

"(c) Effect on Appropriations for Programs Not Counted Against Defense Category. - (1) Not later than the third day after the date of the enactment of this Act [Oct. 23, 1992], the Director of the Office of Management and Budget shall make a determination as to the classification by discretionary spending limit category for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 [see Short Title note set out under section 900 of Title 2, The Congress] of amounts appropriated for fiscal year 1993 for each of the programs described in subsection (b). If the Director determines that any such amount shall not classify against the defense category, then the President shall submit to Congress a report listing all such amounts that the Director has determined will not classify against the defense category (as described in subsection (a)). Such report shall contain an explanation for each such determination.

"(2) All amounts listed in the report under paragraph (1) may be transferred only to the programs under titles XLII, XLIII, and XLIV [see Tables for classification] that are classified against the defense category by virtue of the report of the President submitted under paragraph (1) pursuant to amounts specified in appropriation Acts. Any such transfer shall be taken into account for purposes of calculating all reports under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 904]."

CLASSIFIED ANNEX

Pub. L. 107-107, div. A, title X, Sec. 1002, Dec. 28, 2001, 115

Stat. 1202, provided that:

"(a) Status of Classified Annex. - The Classified Annex prepared by the committee of conference to accompany the conference report on the bill S. 1438 of the One Hundred Seventh Congress [Pub. L. 107-107] and transmitted to the President is hereby incorporated into this Act [see Tables for classification].

"(b) Construction With Other Provisions of Act. - The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

"(c) Limitation on Use of Funds. - Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

"(d) Distribution of Classified Annex. - The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government."

Similar provisions were contained in the following prior authorization or appropriation acts:

Pub. L. 106-398, Sec. 1 [[div. A], title X, Sec. 1002], Oct. 30, 2000, 114 Stat. 1654, 1654A-245.

Pub. L. 106-65, div. A, title X, Sec. 1002, Oct. 5, 1999, 113 Stat. 732.

Pub. L. 105-261, div. A, title X, Sec. 1002, Oct. 17, 1998, 112 Stat. 2111.

Pub. L. 105-85, div. A, title X, Sec. 1002, Nov. 18, 1997, 111 Stat. 1868.

Pub. L. 104-201, div. A, title X, Sec. 1002, Sept. 23, 1998, 110 Stat. 2631.

Pub. L. 104-106, div. A, title X, Sec. 1002, Feb. 10, 1996, 110 Stat. 414.

Pub. L. 103-337, div. A, title X, Sec. 1003, Oct. 5, 1994, 108 Stat. 2834.

Pub. L. 103-335, title VIII, Sec. 8084, Sept. 30, 1994, 108 Stat. 2637.

Pub. L. 103-160, div. A, title XI, Sec. 1103, Nov. 30, 1993, 107 Stat. 1749.

Pub. L. 103-139, title VIII, Sec. 8108, Nov. 11, 1993, 107 Stat. 1464.

Pub. L. 102-484, div. A, title X, Sec. 1006, Oct. 23, 1992, 106 Stat. 2482.

Pub. L. 102-396, title IX, Sec. 9126, Oct. 6, 1992, 106 Stat. 1931.

Pub. L. 102-190, div. A, title X, Sec. 1005, Dec. 5, 1991, 105 Stat. 1457.

Pub. L. 102-172, title VIII, Sec. 8124, Nov. 26, 1991, 105 Stat. 1206.

Pub. L. 101-511, title VIII, Sec. 8111, Nov. 5, 1990, 104 Stat. 1904.

Pub. L. 101-510, div. A, title XIV, Sec. 1409, Nov. 5, 1990, 104 Stat. 1681.

BUDGET ACT LIMITATION

Section 1304(b) of Pub. L. 99-661 provided that: "New spending authority (as defined in section 401(c)(2) of the Congressional Budget Act of 1974 [2 U.S.C. 651(c)(2)]) provided by the amendment made by subsection (a) [amending this section] shall be effective for any fiscal year only to the extent or in such amounts as are provided in appropriation Acts."

LIMITATION ON SOURCE OF FUNDS FOR NICARAGUAN DEMOCRATIC RESISTANCE

Section 1351 of Pub. L. 99-661, as amended by Pub. L. 104-106, div. A, title X, Sec. 1063(a), Feb. 10, 1996, 110 Stat. 444, provided that: "Notwithstanding title II of the Military Construction Appropriations Act, 1987 [Pub. L. 99-500, Sec. 101(k) [title II], Oct. 18, 1986, 100 Stat. 1783-287, 1783-295, and Pub. L. 99-591, Sec. 101(k) [title II], Oct. 30, 1986, 100 Stat. 3341-287, 3341-295], or any other provision of law, funds appropriated or otherwise made available to the Department of Defense for any fiscal year for operation and maintenance may not be used to provide assistance for the democratic resistance forces in Nicaragua. If funds appropriated or otherwise made available to the Department of Defense for any fiscal year are authorized by law to be used for such assistance, funds for such purpose may only be derived from amounts appropriated or otherwise made available to the Department for procurement (other than ammunition)."

USE OF APPROPRIATED FUNDS TO SUPPORT REVENUE GENERATING ACTIVITIES

IN LARGE METROPOLITAN AREAS PROHIBITED

Pub. L. 99-500, Sec. 101(c) [title IX, Sec. 9102], Oct. 18, 1986, 100 Stat. 1783-82, 1783-118, and Pub. L. 99-591, Sec. 101(c) [title

IX, Sec. 9102], Oct. 30, 1986, 100 Stat. 3341-82, 3341-118, which provided that after Sept. 30, 1987, no appropriated funds could be used to support revenue generating morale, welfare, and recreation activities in large metropolitan areas, was repealed by Pub. L. 100-202, Sec. 101(b) [title VIII, Sec. 8099], Dec. 22, 1987, 101 Stat. 1329-43, 1329-78.

TRANSFER OF OPERATION AND MAINTENANCE APPROPRIATIONS UNOBLIGATED
BALANCES TO FOREIGN CURRENCY FLUCTUATIONS, DEFENSE, APPROPRIATION

Pub. L. 97-377, title I, Sec. 101(c) [title VII, Sec. 791], Dec. 21, 1982, 96 Stat. 1865, which provided that no later than end of second fiscal year following fiscal year for which appropriations for Operation and Maintenance have been made available to Department of Defense, unobligated balances of such appropriations provided for fiscal year 1982 and thereafter could be transferred into appropriation "Foreign Currency Fluctuations, Defense" to be merged with and available for same time period and same purposes as appropriation to which transferred, except that any transfer made pursuant to any use of this authority was limited so that amount in appropriation did not exceed \$970,000,000 at time of transfer, was repealed and restated in section 2779(d) of this title by Pub. L. 104-106, div. A, title IX, Sec. 911(b), (d)(2), (f), Feb. 10, 1996, 110 Stat. 406, 407, applicable only with respect to amounts appropriated for a fiscal year after fiscal year 1995.

WAIVER OF APPLICABILITY OF OMB CIRCULAR A-76 TO CONTRACTING OUT OF
CERTAIN RESEARCH AND DEVELOPMENT ACTIVITIES

Section 802 of Pub. L. 96-107 provided that:

"(a) Except as provided in subsection (b), neither the

implementing instructions for, nor the provisions of, Office of Management and Budget Circular A-76 (issued on August 30, 1967, and reissued on October 18, 1976, June 13, 1977, and March 29, 1979) shall control or be used for policy guidance for the obligation or expenditure of any funds which under section 138(a)(2) [now 114(a)(2)] of title 10, United States Code, are required to be specifically authorized by law.

"(b) Funds which under section 138(a)(2) [now 114(a)(2)] of title 10, United States Code, are required to be specifically authorized by law may be obligated or expended for operation or support of installations or equipment used for research and development (including maintenance support of laboratories, operation and maintenance of test ranges, and maintenance of test aircraft and ships) in compliance with the implementing instructions for and the provisions of such Office of Management and Budget Circular.

"(c) No law enacted after the date of the enactment of this Act [Nov. 9, 1979] shall be held, considered, or construed as amending, superseding, or otherwise modifying any provision of this section unless such law does so by specifically and explicitly amending, repealing, or superseding this section."

MANPOWER CONVERSION POLICIES; DEVELOPMENT FOR ANNUAL MANPOWER AUTHORIZATION REQUESTS; JUSTIFICATION FOR CONVERSION TO BE CONTAINED IN ANNUAL MANPOWER REQUIREMENTS REPORT TO CONGRESS
Pub. L. 93-365, title V, Sec. 502, Aug. 5, 1974, 88 Stat. 404,
which provided that it was the sense of Congress that the Department of Defense use the least costly form of manpower consistent with military requirements and other needs of the Department of Defense, that in developing the annual manpower

authorization requests to the Congress and in carrying out manpower policies, the Secretary of Defense was to consider the advantages of converting from one form of manpower to another (military, civilian, or private contract) for the performance of a specified job, and that a full justification of any conversion from one form of manpower to another be contained in the annual manpower requirements report to the Congress required by subsec. (c)(3) of this section, was repealed and restated as subsec. (c)(5) of this section by Pub. L. 97-295, Secs. 1(3), 6(b).

-End-

-CITE-

10 USC Sec. 114a

01/03/05

-EXPCITE-

TITLE 10 - ARMED FORCES

Subtitle A - General Military Law

PART I - ORGANIZATION AND GENERAL MILITARY POWERS

CHAPTER 2 - DEPARTMENT OF DEFENSE

-HEAD-

[Sec. 114a. Renumbered Sec. 221]

-STATUTE-

-End-

-CITE-

10 USC Sec. 115

01/03/05

-EXPCITE-

TITLE 10 - ARMED FORCES

Subtitle A - General Military Law

PART I - ORGANIZATION AND GENERAL MILITARY POWERS

CHAPTER 2 - DEPARTMENT OF DEFENSE

-HEAD-

Sec. 115. Personnel strengths: requirement for annual authorization

-STATUTE-

(a) Active-Duty and Selected Reserve End Strengths To Be

Authorized by Law. - Congress shall authorize personnel strength levels for each fiscal year for each of the following:

(1) The end strength for each of the armed forces (other than the Coast Guard) for (A) active-duty personnel unless on active duty pursuant to subsection (b) who are to be paid from funds appropriated for active-duty personnel, and (B) active-duty personnel and full-time National Guard duty personnel who are to be paid from funds appropriated for reserve personnel unless on active duty or full-time National Guard duty pursuant to subsection (b).

(2) The end strength for the Selected Reserve of each reserve component of the armed forces.

(b) Certain Reserves on Active Duty To Be Authorized by Law. -

(1) Congress shall annually authorize the maximum number of members of a reserve component permitted to be on active duty or full-time National Guard duty at any given time who are called or ordered to

-

(A) active duty under section 12301(d) of this title for the purpose of providing operational support, as prescribed in regulation issued by the Secretary of Defense;

(B) full-time National Guard duty under section 502(f)(2) of title 32 for the purpose of providing operational support when authorized by the Secretary of Defense;

(C) active duty under section 12301(d) of this title or full-time National Guard duty under section 502(f)(2) of title 32 for the purpose of preparing for and performing funeral honors functions for funerals of veterans under section 1491 of this title;

(D) active duty or retained on active duty under sections 12301(g) of this title while in a captive status; or

(E) active duty or retained on active duty under 12301(h) or 12322 of this title for the purpose of medical evaluation or treatment.

(2) A member of a reserve component who exceeds either of the following limits shall be included in the strength authorized under subparagraph (A) or subparagraph (B), as appropriate, of subsection (a)(1):

(A) A call or order to active duty or full-time National Guard duty that specifies a period greater than three years.

(B) The cumulative periods of active duty and full-time National Guard duty performed by the member exceed 1095 days in the previous 1460 days.

(3) In determining the period of active service under paragraph (2), the following periods of active service performed by a member shall not be included:

(A) All periods of active duty performed by a member who has not previously served in the Selected Reserve of the Ready Reserve.

(B) All periods of active duty or full-time National Guard duty for which the member is exempt from strength accounting under paragraphs (1) through (8) of subsection (i).

(c) Limitation on Appropriations for Military Personnel. - No funds may be appropriated for any fiscal year to or for -

(1) the use of active-duty personnel or full-time National Guard duty personnel of any of the armed forces (other than the Coast Guard) unless the end strength for such personnel of that armed force for that fiscal year has been authorized by law;

(2) the use of the Selected Reserve of any reserve component of the armed forces unless the end strength for the Selected Reserve of that component for that fiscal year has been authorized by law; or

(3) the use of reserve component personnel to perform active duty or full-time National Guard duty under subsection (b) unless the strength for such personnel for that reserve component for that fiscal year has been authorized by law.

(d) Military Technician (Dual Status) End Strengths To Be Authorized by Law. - Congress shall authorize for each fiscal year the end strength for military technicians (dual status) for each reserve component of the Army and Air Force. Funds available to the Department of Defense for any fiscal year may not be used for the pay of a military technician (dual status) during that fiscal year unless the technician fills a position that is within the number of such positions authorized by law for that fiscal year for the reserve component of that technician. This subsection applies without regard to section 129 of this title. In each budget submitted by the President to Congress under section 1105 of title 31, the end strength requested for military technicians (dual status) for each reserve component of the Army and Air Force shall be specifically set forth.

(e) End-of-Quarter Strength Levels. - (1) The Secretary of Defense shall prescribe and include in the budget justification documents submitted to Congress in support of the President's budget for the Department of Defense for any fiscal year the Secretary's proposed end-of-quarter strengths for each of the first three quarters of the fiscal year for which the budget is submitted, in addition to the Secretary's proposed fiscal-year end-strengths for that fiscal year. Such end-of-quarter strengths shall be submitted for each category of personnel for which end strengths are required to be authorized by law under subsection (a) or (d). The Secretary shall ensure that resources are provided in the budget at a level sufficient to support the end-of-quarter and fiscal-year end-strengths as submitted.

(2)(A) After annual end-strength levels required by subsections (a) and (d) are authorized by law for a fiscal year, the Secretary

of Defense shall promptly prescribe end-of-quarter strength levels for the first three quarters of that fiscal year applicable to each such end-strength level. Such end-of-quarter strength levels shall be established for any fiscal year as levels to be achieved in meeting each of those annual end-strength levels authorized by law in accordance with subsection (a) (as such levels may be adjusted pursuant to subsection (f)) and subsection (d).

(B) At least annually, the Secretary of Defense shall establish for each of the armed forces (other than the Coast Guard) the maximum permissible variance of actual strength for an armed force at the end of any given quarter from the end-of-quarter strength established pursuant to subparagraph (A). Such variance shall be such that it promotes the maintaining of the strength necessary to achieve the end-strength levels authorized in accordance with subsection (a) (as adjusted pursuant to subsection (f)) and subsection (d).

(3) Whenever the Secretary establishes an end-of-quarter strength level under subparagraph (A) of paragraph (2), or modifies a strength level under the authority provided in subparagraph (B) of paragraph (2), the Secretary shall notify the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives of that strength level or of that modification, as the case may be.

(f) Authority for Secretary of Defense Variances for Active-Duty and Selected Reserve Strengths. - Upon determination by the Secretary of Defense that such action is in the national interest, the Secretary may -

(1) increase the end strength authorized pursuant to subsection (a)(1)(A) for a fiscal year for any of the armed forces by a

number equal to not more than 3 percent of that end strength;

(2) increase the end strength authorized pursuant to subsection (a)(1)(B) for a fiscal year for any of the armed forces by a number equal to not more than 2 percent of that end strength;

(3) vary the end strength authorized pursuant to subsection (a)(2) for a fiscal year for the Selected Reserve of any of the reserve components by a number equal to not more than 2 percent of that end strength; and

(4) increase the maximum strength authorized pursuant to subsection (b)(1) for a fiscal year for certain reserves on active duty for any of the reserve components by a number equal to not more than 10 percent of that strength.

(g) Authority for Service Secretary Variances for Active-Duty End Strengths. - Upon determination by the Secretary of a military department that such action would enhance manning and readiness in essential units or in critical specialties or ratings, the Secretary may increase the end strength authorized pursuant to subsection (a)(1)(A) for a fiscal year for the armed force under the jurisdiction of that Secretary or, in the case of the Secretary of the Navy, for any of the armed forces under the jurisdiction of that Secretary. Any such increase for a fiscal year -

(1) shall be by a number equal to not more than 2 percent of such authorized end strength; and

(2) shall be counted as part of the increase for that armed force for that fiscal year authorized under subsection (f)(1).

(h) Adjustment When Coast Guard is Operating as a Service in the Navy. - The authorized strength of the Navy under subsection (a)(1)

is increased by the authorized strength of the Coast Guard during any period when the Coast Guard is operating as a service in the Navy.

(i) (!1) Certain Personnel Excluded From Counting for Active-Duty End Strengths. - In counting personnel for the purpose of the end strengths authorized pursuant to subsection (a)(1), persons in the following categories shall be excluded:

(1) Members of a reserve component ordered to active duty under section 12301(a) of this title.

(2) Members of a reserve component in an active status ordered to active duty under section 12301(b) of this title.

(3) Members of the Ready Reserve ordered to active duty under section 12302 of this title.

(4) Members of the Selected Reserve of the Ready Reserve or members of the Individual Ready Reserve mobilization category described in section 10144(b) of this title ordered to active duty under section 12304 of this title.

(5) Members of the National Guard called into Federal service under section 12406 of this title.

(6) Members of the militia called into Federal service under chapter 15 of this title.

(7) Members of the National Guard on full-time National Guard duty under section 502(f)(1) of title 32.

(8) Members of reserve components on active duty for training or full-time National Guard duty for training.

(9) Members of the Selected Reserve of the Ready Reserve on active duty to support programs described in section 1203(b) of the Cooperative Threat Reduction Act of 1993 (22 U.S.C. 5952(b)).

(10) Members of the National Guard on active duty or full-time National Guard duty for the purpose of carrying out drug interdiction and counter-drug activities under section 112 of title 32.

(11) Members of a reserve component on active duty under section 10(b)(2) of the Military Selective Service Act (50 U.S.C. App. 460(b)(2)) for the administration of the Selective Service System.

(12) Members of the National Guard on full-time National Guard duty for the purpose of providing command, administrative, training, or support services for the National Guard Challenge Program authorized by section 509 of title 32.

(i) (!1) Certain Full-Time National Guard Duty Personnel Excluded From Counting for Full-Time National Guard Duty End Strengths. - In counting full-time National Guard duty personnel for the purpose of end-strengths authorized pursuant to subsection (a)(1), persons involuntarily performing homeland defense activities under chapter 9 of title 32 shall be excluded.

-SOURCE-

(Added Pub. L. 101-510, div. A, title XIV, Sec. 1483(a), Nov. 5, 1990, 104 Stat. 1710; amended Pub. L. 102-190, div. A, title III, Sec. 312(a), Dec. 5, 1991, 105 Stat. 1335; Pub. L. 104-106, div. A, title IV, Secs. 401(c), 415, title V, Sec. 513(a)(1), title X, Sec. 1061(c), title XV, Sec. 1501(c)(3), Feb. 10, 1996, 110 Stat. 286, 288, 305, 442, 498; Pub. L. 105-85, div. A, title IV, Sec. 413(b), title V, Sec. 522(i)(1), Nov. 18, 1997, 111 Stat. 1720, 1736; Pub. L. 106-65, div. A, title IV, Sec. 415, Oct. 5, 1999, 113 Stat. 587;

Pub. L. 106-398, Sec. 1 [[div. A], title IV, Sec. 422], Oct. 30, 2000, 114 Stat. 1654, 1654A-96; Pub. L. 107-107, div. A, title IV, Secs. 421(a), 422, Dec. 28, 2001, 115 Stat. 1076, 1077; Pub. L. 107-314, div. A, title IV, Sec. 403, Dec. 2, 2002, 116 Stat. 2525; Pub. L. 108-136, div. A, title IV, Sec. 403(a), (b), Nov. 24, 2003, 117 Stat. 1450, 1451; Pub. L. 108-375, div. A, title IV, Sec. 416(a)-(d), title V, Sec. 512(b), Oct. 28, 2004, 118 Stat. 1866, 1867, 1880.)

-MISC1-

PRIOR PROVISIONS

A prior section 115, added Pub. L. 93-155, title VIII, Sec. 803(a), Nov. 16, 1973, 87 Stat. 612, Sec. 138(b)-(d); amended Pub. L. 94-361, title III, Sec. 302, July 14, 1976, 90 Stat. 924; Pub. L. 96-107, title III, Sec. 303(b), Nov. 9, 1979, 93 Stat. 806; Pub. L. 96-513, title I, Sec. 102, Dec. 12, 1980, 94 Stat. 2840; Pub. L. 97-22, Sec. 2(b), July 10, 1981, 95 Stat. 124; Pub. L. 97-86, title IX, Secs. 902, 903, Dec. 1, 1981, 95 Stat. 1113, 1114; Pub. L. 97-252, title IV, Sec. 402(a), Sept. 8, 1982, 96 Stat. 725; Pub. L. 97-295, Sec. 1(3), Oct. 12, 1982, 96 Stat. 1289; Pub. L. 99-145, title XII, Sec. 1208, Nov. 8, 1985, 99 Stat. 723; renumbered Sec. 115 Pub. L. 99-433, title I, Secs. 101(a)(2), 110(b)(4), (5), Oct. 1, 1986, 100 Stat. 994, 1002; Pub. L. 99-661, div. A, title IV, Secs. 411(c) [(d)], 413, Nov. 14, 1986, 100 Stat. 3861, 3862; Pub. L. 100-26, Sec. 7(j)(2), Apr. 21, 1987, 101 Stat. 283; Pub. L. 100-456, div. A, title VI, Sec. 641, Sept. 29, 1988, 102 Stat. 1987, related to annual authorization of personnel strengths and annual manpower requirements reports, prior to repeal and

reenactment as sections 115, 115a, 115b [now 10541], 123a, and 129a of this title by Pub. L. 101-510, Sec. 1483(a), (b).

AMENDMENTS

2004 - Subsec. (a)(1)(A). Pub. L. 108-375, Sec. 416(a)(1), which directed insertion of "unless on active duty pursuant to subsection (b)" after "active-duty personnel", was executed by making the insertion after "active-duty personnel" the first time appearing to reflect the probable intent of Congress.

Subsec. (a)(1)(B). Pub. L. 108-375, Sec. 416(a)(2), inserted "unless on active duty or full-time National Guard duty pursuant to subsection (b)" after "reserve personnel".

Subsec. (b). Pub. L. 108-375, Sec. 416(a)(4), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 108-375, Sec. 416(a)(3), redesignated subsec. (b) as (c). Former subsec. (c) redesignated (d).

Subsec. (c)(3). Pub. L. 108-375, Sec. 416(b), added par. (3).

Subsec. (d). Pub. L. 108-375, Sec. 416(a)(3), redesignated subsec. (c) as (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 108-375, Sec. 416(a)(3), redesignated subsec. (d) as (e). Former subsec. (e) redesignated (f).

Subsec. (e)(1). Pub. L. 108-375, Sec. 416(d)(1)(A), substituted "subsection (a) or (d)" for "subsection (a) or (c)".

Subsec. (e)(2). Pub. L. 108-375, Sec. 416(d)(1)(B), substituted "subsections (a) and (d)" for "subsections (a) and (c)" in subpar. (A) and substituted "pursuant to subsection (f)) and subsection (d)" for "pursuant to subsection (e)) and subsection (c)" in subpars. (A) and (B).

Subsec. (f). Pub. L. 108-375, Sec. 416(c)(1), struck out "End"

after "Reserve" in heading.

Pub. L. 108-375, Sec. 416(a)(3), redesignated subsec. (e) as (f).

Former subsec. (f) redesignated (g).

Subsec. (f)(4). Pub. L. 108-375, Sec. 416(c)(2)-(4), added par. (4).

Subsec. (g). Pub. L. 108-375, Sec. 416(a)(3), redesignated subsec. (f) as (g). Former subsec. (g) redesignated (h).

Subsec. (g)(2). Pub. L. 108-375, Sec. 416(d)(2), substituted "subsection (f)(1)" for "subsection (e)(1)".

Subsec. (h). Pub. L. 108-375, Sec. 416(a)(3), redesignated subsec. (g) as (h). Former subsec. (h) redesignated (i).

Subsec. (i). Pub. L. 108-375, Sec. 512(b), added subsec. (i) relating to certain full-time National Guard duty personnel excluded from counting for full-time National Guard duty end strengths.

Pub. L. 108-375, Sec. 416(d)(3), amended heading and text of subsec. (i) generally, substituting provisions relating to 12 categories of personnel excluded from counting for active-duty end strengths for provisions relating to 11 categories of active-duty personnel excluded from counting for active-duty end strengths.

Pub. L. 108-375, Sec. 416(a)(3), redesignated subsec. (h) as (i).

2003 - Subsecs. (a), (b). Pub. L. 108-136, Sec. 403(b)(1), (2), inserted headings.

Subsec. (c). Pub. L. 108-136, Sec. 403(a)(1), (b)(3), redesignated subsec. (g) as (c), transferred it to appear after subsec. (b), and inserted heading. Former subsec. (c) redesignated (e).

Subsec. (d). Pub. L. 108-136, Sec. 403(a)(3), added subsec. (d). Former subsec. (d) redesignated (h).

Subsec. (e). Pub. L. 108-136, Sec. 403(a)(1), (b)(4), redesignated subsec. (c) as (e), transferred it to appear after subsec. (d), and inserted heading. Former subsec. (e) redesignated (g).

Subsec. (f). Pub. L. 108-136, Sec. 403(b)(5), inserted heading and, in par. (2), substituted "subsection (e)(1)" for "subsection (c)(1)".

Subsec. (g). Pub. L. 108-136, Sec. 403(a)(1), (b)(6), redesignated subsec. (e) as (g), transferred it to appear after subsec. (f), and inserted heading. Former subsec. (g) redesignated (c).

Subsec. (h). Pub. L. 108-136, Sec. 403(a)(2), (b)(7), redesignated subsec. (d) as (h), transferred it to appear at end of section, and inserted heading.

2002 - Subsec. (c)(1). Pub. L. 107-314, Sec. 403(a), substituted "3 percent" for "2 percent".

Subsec. (f). Pub. L. 107-314, Sec. 403(b), added subsec. (f).

2001 - Subsec. (c)(1). Pub. L. 107-107, Sec. 421(a), substituted "2 percent" for "1 percent".

Subsec. (d)(10), (11). Pub. L. 107-107, Sec. 422, added pars. (10) and (11).

2000 - Subsec. (d)(9). Pub. L. 106-398 added par. (9).

1999 - Subsec. (c)(3). Pub. L. 106-65 added par. (3).

1997 - Subsec. (g). Pub. L. 105-85, Sec. 522(i)(1), inserted "(dual status)" after "military technicians" in first sentence and after "military technician" in second sentence.

Pub. L. 105-85, Sec. 413(b), inserted at end "In each budget submitted by the President to Congress under section 1105 of title 31, the end strength requested for military technicians (dual

status) for each reserve component of the Army and Air Force shall be specifically set forth."

1996 - Subsec. (a)(3). Pub. L. 104-106, Sec. 1061(c)(1), struck out par. (3) which read as follows: "The average military training student loads for each of the armed forces (other than the Coast Guard)."

Subsec. (b). Pub. L. 104-106, Sec. 1061(c)(2), inserted "or" at end of par. (1), substituted a period for "; or" at end of par. (2), and struck out par. (3) which read as follows: "training military personnel in the training categories described in subsection (f) of any of the armed forces (other than the Coast Guard) unless the average student load of that armed force for that fiscal year has been authorized by law."

Subsec. (c)(1). Pub. L. 104-106, Sec. 401(c), substituted "1 percent" for "0.5 percent".

Subsec. (d)(1). Pub. L. 104-106, Sec. 1501(c)(3)(A), substituted "section 12302" for "section 673".

Subsec. (d)(2). Pub. L. 104-106, Sec. 1501(c)(3)(B), substituted "section 12304" for "section 673b".

Subsec. (d)(3). Pub. L. 104-106, Sec. 1501(c)(3)(C), substituted "section 12406" for "section 3500 or 8500".

Subsec. (d)(8). Pub. L. 104-106, Sec. 415, added par. (8).

Subsec. (f). Pub. L. 104-106, Sec. 1061(c)(3), struck out subsec. (f) which read as follows: "Authorization under subsection (a)(3) is not required for unit or crew training student loads, but is required for student loads for the following individual training categories:

"(1) Recruit and specialized training.

"(2) Flight training.

"(3) Professional training in military and civilian institutions.

"(4) Officer acquisition training."

Subsec. (g). Pub. L. 104-106, Sec. 513(a)(1), added subsec. (g).

1991 - Subsec. (a)(4). Pub. L. 102-190, Sec. 312(a)(1), struck out par. (4) which read as follows: "The end strength for civilian personnel for each component of the Department of Defense."

Subsec. (b)(2) to (4). Pub. L. 102-190, Sec. 312(a)(2), inserted "or" at end of par. (2), substituted a period for "; or" at end of par. (3), and struck out par. (4) which read as follows: "the use of the civilian personnel of any component of the Department of Defense unless the end strength for civilian personnel of that component for that fiscal year has been authorized by law."

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-136, div. A, title IV, Sec. 403(d), Nov. 24, 2003, 117 Stat. 1452, provided that: "Subsection (d) of section 115 of title 10, United States Code, as added by subsection (a)(3), shall apply with respect to the budget request for fiscal year 2005 and thereafter."

EFFECTIVE DATE OF 1996 AMENDMENT

Section 513(a)(2) of Pub. L. 104-106 provided that: "The amendment made by paragraph (1) [amending this section] does not apply with respect to fiscal year 1995."

Section 1501(c) of Pub. L. 104-106 provided that the amendment made by that section is effective as of Dec. 1, 1994, and as if included as an amendment made by the Reserve Officer Personnel Management Act, title XVI of Pub. L. 103-337, as originally

enacted.

REGULATIONS

Pub. L. 108-375, div. A, title IV, Sec. 416(m), Oct. 28, 2004, 118 Stat. 1869, provided that: "The Secretary of Defense shall prescribe by regulation the meaning of the term 'operational support' for purposes of paragraph (1) of subsection (b) of section 115 of title 10, United States Code, as added by subsection (a)."

-TRANS-

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.

-MISC2-

ADDITIONAL AUTHORITY FOR INCREASES OF ARMY ACTIVE DUTY PERSONNEL

END STRENGTHS FOR FISCAL YEARS 2005 THROUGH 2009

Pub. L. 108-375, div. A, title IV, Sec. 403, Oct. 28, 2004, 118 Stat. 1863, provided that:

"(a) Authority. - During fiscal years 2005 through 2009, the Secretary of Defense is authorized to increase by up to 30,000 the

end strength authorized for the Army, and by up to 9,000 the end strength authorized for the Marine Corps, above the levels authorized for those services in the National Defense Authorization Act for Fiscal Year 2004 [Pub. L. 108-136, see section 401 of Pub. L. 108-375 set out below], as necessary -

"(1) to support the operational mission of the Army and Marine Corps in Iraq and Afghanistan; and

"(2) with respect to end strengths for the Army, to achieve transformational reorganization objectives of the Army, including objectives for increased numbers of combat brigades, unit manning, force stabilization and shaping, and rebalancing of the active and reserve component forces of the Army.

"(b) Relationship to Presidential Waiver Authority. - Nothing in this section shall be construed to limit the President's authority under section 123a of title 10, United States Code, to waive any statutory end strength in a time of war or national emergency.

"(c) Relationship to Other Variance Authority. - The authority under subsection (a) is in addition to the authority to vary authorized end strengths that is provided in subsections (e) and (f) of section 115 of title 10, United States Code.

"(d) Budget Treatment. - (1) If the Secretary of Defense plans to increase the Army or Marine Corps active duty end strength for a fiscal year under subsection (a) of this section or pursuant to a suspension of end-strength limitation under section 123a of title 10, United States Code, then the budget for the Department of Defense for such fiscal year as submitted to Congress shall specify the amounts necessary for funding the active duty end strength of the Army in excess of 482,400 and the Marine Corps in excess of 175,000 (the end strengths authorized for active duty personnel of

the Army and Marine Corps, respectively, for fiscal year 2004 in paragraphs (1) and (3) of section 401 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1450)).

"(2) If the amount proposed for the Department of Defense for fiscal year 2006 within budget function 050 (National Defense) includes amounts necessary for funding an active duty end strength of the Army in excess of 482,400, or an active duty end strength of the Marine Corps in excess of 175,000, for that fiscal year, the specification of amounts necessary for funding such end strength (as required under paragraph (1)) shall include the following additional information:

"(A) A display of the following amounts:

"(i) The amount that is to be funded out of the amounts proposed for the Department of Defense within budget function 050 (National Defense) other than out of amounts for the Army and Marine Corps.

"(ii) The amount that is to be funded out of the amounts proposed for the Army and Marine Corps within budget function 050 (National Defense).

"(iii) The estimated amounts that are to be funded out of emergency reserve funds and supplemental appropriations for fiscal year 2006.

"(B) A detailed justification for reliance on each funding source described in subparagraph (A).

"(C) A detailed discussion of which programs and plans of the Army and Marine Corps funded in the proposed budget for fiscal year 2006 must be modified if the funding sources relied on, as presented under subparagraph (A), must be changed.

"(D) The projected Army and Marine Corps active duty end strengths for each of fiscal years 2006 through 2010, together with a detailed enumeration of the component costs of the projected end strengths for each such fiscal year."

AUTHORIZATION FOR INCREASE IN ACTIVE-DUTY END STRENGTHS FOR FISCAL
YEAR 1996

Section 432 of Pub. L. 104-106 provided that:

"(a) Authorization. - There is hereby authorized to be appropriated to the Department of Defense for fiscal year 1996 for military personnel the sum of \$112,000,000. Any amount appropriated pursuant to this section shall be allocated, in such manner as the Secretary of Defense prescribes, among appropriations for active-component military personnel for that fiscal year and shall be available only to increase the number of members of the Armed Forces on active duty during that fiscal year (compared to the number of members that would be on active duty but for such appropriation).

"(b) Effect on End Strengths. - The end-strength authorizations in section 401 [set out below] shall each be deemed to be increased by such number as necessary to take account of additional members of the Armed Forces authorized by the Secretary of Defense pursuant to subsection (a)."

END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS)

Pub. L. 108-375, div. A, title IV, Sec. 413, Oct. 28, 2004, 118 Stat. 1865, provided that: "The minimum number of military technicians (dual status) as of the last day of fiscal year 2005 for the reserve components of the Army and the Air Force

(notwithstanding section 129 of title 10, United States Code) shall be the following:

"(1) For the Army Reserve, 7,299.

"(2) For the Army National Guard of the United States, 25,076.

"(3) For the Air Force Reserve, 9,954.

"(4) For the Air National Guard of the United States, 22,956."

Similar provisions were contained in the following prior authorization acts:

Pub. L. 108-136, div. A, title IV, Sec. 413, Nov. 24, 2003, 117 Stat. 1453.

Pub. L. 107-314, div. A, title IV, Sec. 413, Dec. 2, 2002, 116 Stat. 2527.

Pub. L. 107-107, div. A, title IV, Sec. 413, Dec. 28, 2001, 115 Stat. 1070.

Pub. L. 106-398, Sec. 1 [[div. A], title IV, Sec. 413], Oct. 30, 2000, 114 Stat. 1654, 1654A-93.

Pub. L. 106-65, div. A, title IV, Sec. 413, Oct. 5, 1999, 113 Stat. 586.

Pub. L. 105-261, div. A, title IV, Sec. 413, Oct. 17, 1998, 112 Stat. 1997.

Pub. L. 105-85, div. A, title IV, Sec. 413(a), Nov. 18, 1997, 111 Stat. 1720.

Pub. L. 104-201, div. A, title IV, Sec. 413(a), Sept. 23, 1996, 110 Stat. 2507.

Pub. L. 104-106, div. A, title V, Sec. 513(b), Feb. 10, 1996, 110 Stat. 305.

Pub. L. 104-106, title V, Sec. 552, Feb. 10, 1996, 110 Stat. 319, provided that, during fiscal years 1996 through 2001, the Comptroller General was (1) to analyze the plans of the Secretary of the Army for the allocation of assigned active component end strengths for the Army through the requirements process known as Total Army Analysis 2003 and through any subsequent similar requirements process of the Army that was conducted before 2002, (2) to consider whether the proposed active component end strengths and planned allocation of forces for that period was sufficient to implement the national military strategy, and (3) to submit to Congress an annual report by Mar. 1 of each year through 2002 on the Comptroller General's findings and conclusions, prior to repeal by Pub. L. 107-107, div. A, title V, Sec. 595, Dec. 28, 2001, 115 Stat. 1126.

EFFECT OF RESERVE COMPONENT ON COMPUTATION OF END STRENGTH

LIMITATION FOR ACTIVE FORCES FOR FISCAL YEAR 1995

Pub. L. 103-337, div. A, title XIII, Sec. 1316(c), Oct. 5, 1994, 108 Stat. 2899, provided that a member of a reserve component who is on active duty under a call or order to active duty for 180 days or more for activities under section 168 of this title shall not be counted (under section 115(a)(1) of this title) against the applicable end strength limitation for members of the Armed Forces on active duty for fiscal year 1995 prescribed in section 401 of Pub. L. 103-337, formerly set out below.

END STRENGTHS FOR ACTIVE FORCES

Pub. L. 108-375, div. A, title IV, Sec. 401, Oct. 28, 2004, 118 Stat. 1862, provided that:

"(a) In General. - The Armed Forces are authorized strengths for active duty personnel as of September 30, 2005, as follows:

"(1) The Army, 502,400.

"(2) The Navy, 365,900.

"(3) The Marine Corps, 178,000.

"(4) The Air Force, 359,700.

"(b) Limitation. - (1) The authorized strength for the Army provided in paragraph (1) of subsection (a) for active duty personnel for fiscal year 2005 is subject to the condition that costs of active duty personnel of the Army for that fiscal year in excess of 482,400 shall be paid out of funds authorized to be appropriated for that fiscal year for a contingent emergency reserve fund or as an emergency supplemental appropriation.

"(2) The authorized strength for the Marine Corps provided in paragraph (3) of subsection (a) for active duty personnel for fiscal year 2005 is subject to the condition that costs of active duty personnel of the Marine Corps for that fiscal year in excess of 175,000 shall be paid out of funds authorized to be appropriated for that fiscal year for a contingent emergency reserve fund or as an emergency supplemental appropriation."

Similar provisions were contained in the following prior authorization acts:

Pub. L. 108-136, div. A, title IV, Sec. 401, Nov. 24, 2003, 117 Stat. 1450.

Pub. L. 107-314, div. A, title IV, Sec. 401, Dec. 2, 2002, 116 Stat. 2524.

Pub. L. 107-107, div. A, title IV, Sec. 401, Dec. 28, 2001, 115 Stat. 1069.

Pub. L. 106-398, Sec. 1 [[div. A], title IV, Sec. 401], Oct. 30,

2000, 114 Stat. 1654, 1654A-92.

Pub. L. 106-65, div. A, title IV, Sec. 401, Oct. 5, 1999, 113

Stat. 585.

Pub. L. 105-261, div. A, title IV, Sec. 401, Oct. 17, 1998, 112

Stat. 1995.

Pub. L. 105-85, div. A, title IV, Sec. 401, Nov. 18, 1997, 111

Stat. 1719.

Pub. L. 104-201, div. A, title IV, Sec. 401, Sept. 23, 1996, 110

Stat. 2503.

Pub. L. 104-106, div. A, title IV, Sec. 401(a), Feb. 10, 1996,

110 Stat. 285.

Pub. L. 103-337, div. A, title IV, Sec. 401, Oct. 5, 1994, 108

Stat. 2743.

Pub. L. 103-160, div. A, title IV, Secs. 401, 403, Nov. 30, 1993,

107 Stat. 1639, 1640.

Pub. L. 102-484, div. A, title IV, Secs. 401, 402, Oct. 23, 1992,

106 Stat. 2397.

Pub. L. 102-190, div. A, title IV, Sec. 401, title VI, Sec. 664,

Dec. 5, 1991, 105 Stat. 1349, 1399.

Pub. L. 101-510, div. A, title IV, Secs. 401, 402, Nov. 5, 1990,

104 Stat. 1543, 1544; Pub. L. 102-25, title II, Secs. 201(a), 202,

205(a), Apr. 6, 1991, 105 Stat. 79, 80; Pub. L. 104-106, div. A,

title XV, Sec. 1502(c)(4)(A), Feb. 10, 1996, 110 Stat. 507.

Pub. L. 101-189, div. A, title IV, Sec. 401, Nov. 29, 1989, 103

Stat. 1431, as amended by Pub. L. 101-510, div. A, title IV, Sec.

401(d), Nov. 5, 1990, 104 Stat. 1544.

Pub. L. 100-456, div. A, title IV, Sec. 401, Sept. 29, 1988, 102

Stat. 1963.

Pub. L. 100-180, div. A, title IV, Sec. 401, Dec. 4, 1987, 101

Stat. 1081.

Pub. L. 99-661, div. A, title IV, Sec. 401, Nov. 14, 1986, 100

Stat. 3859.

Pub. L. 99-145, title IV, Sec. 401, Nov. 8, 1985, 99 Stat. 618.

Pub. L. 98-525, title IV, Sec. 401, Oct. 19, 1984, 98 Stat. 2516.

Pub. L. 98-94, title IV, Sec. 401, Sept. 24, 1983, 97 Stat. 629.

Pub. L. 97-252, title IV, Sec. 401, Sept. 8, 1982, 96 Stat. 725.

Pub. L. 97-86, title IV, Sec. 401, Dec. 1, 1981, 95 Stat. 1104,

as amended by Pub. L. 97-252, title IX, Sec. 903, Sept. 8, 1982, 96

Stat. 729.

Pub. L. 96-342, title III, Sec. 301, Sept. 8, 1980, 94 Stat.

1082, as amended by Pub. L. 97-39, title III, Sec. 301, Aug. 14,

1981, 95 Stat. 940.

Pub. L. 96-107, title III, Sec. 301, Nov. 9, 1979, 93 Stat. 806.

Pub. L. 95-485, title III, Sec. 301, Oct. 20, 1978, 92 Stat.

1613.

Pub. L. 95-79, title III, Sec. 301, July 30, 1977, 91 Stat. 326.

Pub. L. 94-361, title III, Sec. 301, July 14, 1976, 90 Stat. 924.

Pub. L. 94-106, title III, Sec. 301, Oct. 7, 1975, 89 Stat. 532.

Pub. L. 93-365, title III, Sec. 301, Aug. 5, 1974, 88 Stat. 401.

Pub. L. 93-155, title III, Sec. 301, Nov. 16, 1973, 87 Stat. 607.

Pub. L. 92-436, title III, Sec. 301, Sept. 26, 1972, 86 Stat.

735.

MINIMUM NUMBER OF NAVY HEALTH PROFESSIONS OFFICERS

Section 718(b) of Pub. L. 102-190 provided that, of the total number of officers authorized to be serving on active duty in Navy on last day of a fiscal year, 12,510 were to be available only for assignment to duties in health profession specialties, prior to

repeal by Pub. L. 104-106, div. A, title V, Sec. 564(d)(2), Feb. 10, 1996, 110 Stat. 327.

LIMITATIONS ON REDUCTIONS IN MEDICAL PERSONNEL

Section 711 of Pub. L. 101-510, as amended by Pub. L. 102-190, div. A, title VII, Sec. 718(a), Dec. 5, 1991, 105 Stat. 1404, prohibited Secretary of Defense from reducing number of medical personnel of Department of Defense below baseline number unless Secretary certified to Congress that number of such personnel being reduced was excess to current and projected needs of military departments, and such reduction would not result in increase in cost of health care services provided under Civilian Health and Medical Program of the Uniformed Services, and, in case of military medical personnel, included in certification information on strength levels for individual category of medical personnel involved in reduction as of Sept. 30, 1989, projected requirements of Department over 5-fiscal year period following fiscal year in which certification was submitted for medical personnel in category of medical personnel involved, and strength level recommended for each component of Armed Forces for most recent fiscal year for which Secretary submitted recommendations pursuant to section 115a(g)(1) of this title for personnel in category of medical personnel involved, prior to repeal by Pub. L. 104-106, div. A, title V, Sec. 564(d)(1), Feb. 10, 1996, 110 Stat. 327. See section 129c of this title.

OPERATION DESERT SHIELD INCREASE IN END STRENGTHS OF ACTIVE DUTY PERSONNEL; AUTHORITY; CERTIFICATION

Section 1117 of Pub. L. 101-510, authorized Secretary of Defense,

after determining that operational requirements of Operation Desert Shield so require, to increase the end strengths of active duty personnel for fiscal year 1991 by an amount not greater than 0.5 percent of the total end strengths authorized by section 401 of Pub. L. 101-510, set out above, and required certification by Secretary to Committees on Armed Services of Senate and House of Representatives of necessity of such increase, prior to repeal by Pub. L. 102-25, title II, Sec. 204, Apr. 6, 1991, 105 Stat. 80.

-FOOTNOTE-

(!1) So in original. Two subsecs. (i) have been enacted.

-End-

-CITE-

10 USC Sec. 115a

01/03/05

-EXPCITE-

TITLE 10 - ARMED FORCES

Subtitle A - General Military Law

PART I - ORGANIZATION AND GENERAL MILITARY POWERS

CHAPTER 2 - DEPARTMENT OF DEFENSE

-HEAD-

Sec. 115a. Annual manpower requirements report

-STATUTE-

(a) The Secretary of Defense shall submit to Congress an annual manpower requirements report. The report, which shall be in writing, shall be submitted each year not later than 45 days after the date on which the President submits to Congress the budget for the next fiscal year under section 1105 of title 31. The report shall contain the Secretary's recommendations for -

- (1) the annual active-duty end-strength level for each component of the armed forces for the next fiscal year; and
- (2) the annual civilian personnel end-strength level for each component of the Department of Defense for the next fiscal year.

(b)(1) The Secretary shall include in each report under subsection (a) justification for the strength levels recommended and an explanation of the relationship between the personnel strength levels recommended for that fiscal year and the national security policies of the United States in effect at the time.

(2) The justification and explanation shall specify in detail for all major military force units (including each land force division, carrier and other major combatant vessel, air wing, and other comparable unit) the following:

- (A) Unit mission and capability.
- (B) Strategy which the unit supports.

(3) The justification and explanation shall also specify in detail the manpower required to perform the medical missions of each of the armed forces and of the Department of Defense.

(c) The Secretary shall include in each report under subsection (a) a detailed discussion of the following:

(1) The manpower required for support and overhead functions within the armed forces and the Department of Defense.

(2) The relationship of the manpower required for support and overhead functions to the primary combat missions and support policies.

(3) The manpower required to be stationed or assigned to duty in foreign countries and aboard vessels located outside the territorial limits of the United States, its territories, and possessions.

(d) The Secretary shall also include in each such report, with respect to each armed force under the jurisdiction of the Secretary of a military department, the following:

(1) The number of positions that require warrant officers or commissioned officers serving on active duty in each of the officer grades during the current fiscal year and the estimated number of such positions for each of the next five fiscal years.

(2) The estimated number of officers that will be serving on active duty in each grade on the last day of the current fiscal year and the estimated numbers of officers that will be needed on active duty on the last day of each of the next five fiscal years.

(3) An estimate and analysis for the current fiscal year and for each of the next five fiscal years of gains to and losses from the number of members on active duty in each officer grade, including a tabulation of -

(A) retirements displayed by year of active commissioned service;

(B) discharges;

- (C) other separations;
- (D) deaths;
- (E) promotions; and
- (F) reserve and regular officers ordered to active duty.

(e)(1) In each such report, the Secretary shall also include recommendations for the end-strength levels for medical personnel for each component of the armed forces as of the end of the next fiscal year.

(2) For purposes of this subsection, the term "medical personnel" includes -

(A) in the case of the Army, members of the Medical Corps, Dental Corps, Nurse Corps, Medical Service Corps, Veterinary Corps, and Army Medical Specialist Corps;

(B) in the case of the Navy, members of the Medical Corps, Dental Corps, Nurse Corps, and Medical Service Corps;

(C) in the case of the Air Force, members designated as medical officers, dental officers, Air Force nurses, medical service officers, and biomedical science officers;

(D) enlisted members engaged in or supporting medically related activities; and

(E) such other personnel as the Secretary considers appropriate.

[(f) Repealed. Pub. L. 104-106, div. A, title X, Sec. 1061(d)(4), Feb. 10, 1996, 110 Stat. 442.]

[(g) Redesignated (e)]

(h) In each such report, the Secretary shall include a separate report on the Army and Air Force military technician programs. The

report shall include a presentation, shown by reserve component and shown both as of the end of the preceding fiscal year and for the next fiscal year, of the following (displayed in the aggregate and separately for military technicians (dual status) and non-dual status military technicians):

(1) The number of military technicians required to be employed (as specified in accordance with Department of Defense procedures), the number authorized to be employed under Department of Defense personnel procedures, and the number actually employed.

(2) Within each of the numbers under paragraph (1) -

(A) the number applicable to a reserve component management headquarter organization; and

(B) the number applicable to high-priority units and organizations (as specified in section 10216(a) of this title).

-SOURCE-

(Added Pub. L. 101-510, div. A, title XIV, Sec. 1483(a), Nov. 5, 1990, 104 Stat. 1711; amended Pub. L. 102-190, div. A, title X, Sec. 1061(a)(1), Dec. 5, 1991, 105 Stat. 1472; Pub. L. 104-106, div. A, title V, Sec. 513(e), title X, Sec. 1061(d), Feb. 10, 1996, 110 Stat. 307, 442; Pub. L. 105-85, div. A, title V, Sec. 522(i)(2), Nov. 18, 1997, 111 Stat. 1736; Pub. L. 105-261, div. A, title IV, Sec. 403, Oct. 17, 1998, 112 Stat. 1996.)

-MISC1-

PRIOR PROVISIONS

Provisions similar to those in this section were contained in

section 115(b)(1)(D), (3), (c)(2) of this title, prior to repeal by Pub. L. 101-510, Sec. 1483(a).

AMENDMENTS

1998 - Subsec. (a). Pub. L. 105-261, in introductory provisions, struck out ", not later than February 15 of each fiscal year," after "submit to Congress" and substituted "The report, which shall be in writing, shall be submitted each year not later than 45 days after the date on which the President submits to Congress the budget for the next fiscal year under section 1105 of title 31. The report" for "The report shall be in writing and".

1997 - Subsec. (h). Pub. L. 105-85, Sec. 522(i)(2)(A), inserted "(displayed in the aggregate and separately for military technicians (dual status) and non-dual status military technicians)" after "of the following" in introductory provisions.

Subsec. (h)(3). Pub. L. 105-85, Sec. 522(i)(2)(B), struck out par. (3) which read as follows: "Within each of the numbers under paragraph (1), the numbers of military technicians who are not themselves members of a reserve component (so-called 'single-status' technicians), with a further display of such numbers as specified in paragraph (2)."

1996 - Subsec. (b)(2)(C). Pub. L. 104-106, Sec. 1061(d)(1), struck out subpar. (C) which read as follows: "Area of deployment and illustrative areas of potential deployment, including a description of any United States commitment to defend such areas."

Subsec. (d). Pub. L. 104-106, Sec. 1061(d)(3), redesignated subsec. (e) as (d) and struck out pars. (4) and (5) which read as follows:

"(4) An analysis of the distribution of each of the following

categories of officers serving on active duty on the last day of the preceding fiscal year by grade in which serving and years of active commissioned service:

"(A) Regular officers.

"(B) Reserve officers on the active-duty list.

"(C) Reserve officers described in clauses (B) and (C) of section 523(b)(1) of this title.

"(D) Officers other than those specified in subparagraphs (A), (B), and (C) serving in a temporary grade.

"(5) An analysis of the number of officers and enlisted members serving on active duty for training as of the last day of the preceding fiscal year under orders specifying an aggregate period in excess of 180 days and an estimate for the current fiscal year of the number that will be ordered to such duty, tabulated by -

"(A) recruit and specialized training;

"(B) flight training;

"(C) professional training in military and civilian institutions; and

"(D) officer acquisition training."

Pub. L. 104-106, Sec. 1061(d)(2), struck out subsec. (d) which read as follows: "In each such report, the Secretary shall also -

"(1) identify, define, and group by mission and by region the types of military bases, installations, and facilities;

"(2) provide an explanation and justification of the relationship between this base structure and the proposed military force structure; and

"(3) provide a comprehensive identification of base operating support costs and an evaluation of possible alternatives to reduce those costs."

Subsec. (e). Pub. L. 104-106, Sec. 1061(d)(5), redesignated subsec. (g) as (e). Former subsec. (e) redesignated (d).

Subsec. (f). Pub. L. 104-106, Sec. 1061(d)(4), struck out subsec. (f) which read as follows: "In each such report, the Secretary shall also include recommendations for the average student load for each category of training for each component of the armed forces for the next three fiscal years. The Secretary shall include in the report justification for, and explanation of, the average student loads recommended."

Subsec. (g). Pub. L. 104-106, Sec. 1061(d)(5), redesignated subsec. (g) as (e).

Subsec. (h). Pub. L. 104-106, Sec. 513(e), added subsec. (h).
1991 - Subsec. (d)(3). Pub. L. 102-190 inserted "provide" before "a comprehensive".

ASSESSMENT OF STRUCTURE AND MIX OF ACTIVE AND RESERVE FORCES

Section 402 of Pub. L. 102-190, as amended by Pub. L. 102-484, div. A, title V, Sec. 513(b), Oct. 23, 1992, 106 Stat. 2406, required Secretary of Defense to submit to Congress a report containing an assessment of alternatives relating to structure and mix of active and reserve forces appropriate for carrying out assigned missions in mid- to late-1990s and an evaluation and recommendations of Secretary and Chairman of Joint Chiefs of Staff as to mix or mixes of reserve and active forces considered acceptable to carry out expected future missions, and further provided for matters to be included in report and evaluation, commencement of assessment, submission of interim and final reports, and funding for assessment.

-End-

-CITE-

10 USC Sec. 115b

01/03/05

-EXPCITE-

TITLE 10 - ARMED FORCES

Subtitle A - General Military Law

PART I - ORGANIZATION AND GENERAL MILITARY POWERS

CHAPTER 2 - DEPARTMENT OF DEFENSE

-HEAD-

[Sec. 115b. Renumbered Sec. 10541]

-STATUTE-

-End-

-CITE-

10 USC Sec. 116

01/03/05

-EXPCITE-

TITLE 10 - ARMED FORCES

Subtitle A - General Military Law

PART I - ORGANIZATION AND GENERAL MILITARY POWERS

CHAPTER 2 - DEPARTMENT OF DEFENSE

-HEAD-

Sec. 116. Annual operations and maintenance report

-STATUTE-

(a)(1) The Secretary of Defense shall submit to Congress a written report, not later than February 15 of each fiscal year, with respect to the operations and maintenance of the Army, Navy, Air Force, and Marine Corps for the next fiscal year. The Secretary shall include in each such report recommendations for -

(A) the number of aircraft flying hours for the Army, Navy, Air Force, and Marine Corps for the next fiscal year, the number of ship steaming hours for the Navy for the next fiscal year, and the number of field training days for the combat arms battalions of the Army and Marine Corps for the next fiscal year;

(B) the number of ships over 3,000 tons (full load displacement) in each Navy ship classification on which major repair work should be performed during the next fiscal year; and

(C) the number of airframe reworks, aircraft engine reworks, and vehicle overhauls which should be performed by the Army, Navy, Air Force, and Marine Corps during the next fiscal year.

(2) The Secretary shall also include in each such report the justification for and an explanation of the level of funding recommended in the Budget of the President for the next fiscal year for aircraft flying hours, ship steaming hours, field training days for the combat arms battalions, major repair work to be performed on ships of the Navy, airframe reworks, aircraft engine reworks,

and vehicle overhauls.

(b) In this section:

(1) The term "combat arms battalions" means armor, infantry, mechanized infantry, air assault infantry, airborne infantry, ranger, artillery, and combat engineer battalions and armored cavalry and air cavalry squadrons.

(2) The term "major repair work" means, in the case of any ship to which subsection (a) is applicable, any overhaul, modification, alteration, or conversion work which will result in a total cost to the United States of more than \$10,000,000.

-SOURCE-

(Added Pub. L. 96-342, title X, Sec. 1001(b)(3), (c)(2), Sept. 8, 1980, 94 Stat. 1118, 1119, Sec. 138(e), (f)(2); amended Pub. L. 96-513, title V, Sec. 511(4)(B), Dec. 12, 1980, 94 Stat. 2920; Pub. L. 97-86, title III, Sec. 302, Dec. 1, 1981, 95 Stat. 1104; renumbered Sec. 116 and amended Pub. L. 99-433, title I, Secs. 101(a)(2), 110(b)(6), (7), (9), (10), Oct. 1, 1986, 100 Stat. 994, 1002; Pub. L. 105-85, div. A, title X, Sec. 1073(a)(3), Nov. 18, 1997, 111 Stat. 1900.)

-MISC1-

AMENDMENTS

1997 - Subsec. (b)(2). Pub. L. 105-85 substituted "subsection (a)" for "such subsection".

1986 - Pub. L. 99-433 successively redesignated subsecs. (e) and (f)(2) of section 138 of this title as subsecs. (e) and (f)(2) of section 114 of this title and then as subsecs. (a) and (b),

respectively, of this section, added section catchline, and made minor conforming changes in text.

1981 - Subsec. (a)(3), (4), formerly Sec. 138(e)(3), (4). Pub. L. 97-86 struck out pars. (3) and (4) which required the Secretary to include in each report a projection of the combat readiness of specified military units proposed to be maintained during the next fiscal year.

1980 - Subsec. (b), formerly Sec. 138(f)(2). Pub. L. 96-513 substituted "In subsection (e)" for "In subsection (f)".

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513.

-End-

-CITE-

10 USC Sec. 117

01/03/05

-EXPCITE-

TITLE 10 - ARMED FORCES

Subtitle A - General Military Law

PART I - ORGANIZATION AND GENERAL MILITARY POWERS

CHAPTER 2 - DEPARTMENT OF DEFENSE

-HEAD-

Sec. 117. Readiness reporting system: establishment; reporting to

congressional committees

-STATUTE-

(a) Required Readiness Reporting System. - The Secretary of Defense shall establish a comprehensive readiness reporting system for the Department of Defense. The readiness reporting system shall measure in an objective, accurate, and timely manner the capability of the armed forces to carry out -

(1) the National Security Strategy prescribed by the President in the most recent annual national security strategy report under section 108 of the National Security Act of 1947 (50 U.S.C. 404a);

(2) the defense planning guidance provided by the Secretary of Defense pursuant to section 113(g) of this title; and

(3) the National Military Strategy prescribed by the Chairman of the Joint Chiefs of Staff.

(b) Readiness Reporting System Characteristics. - In establishing the readiness reporting system, the Secretary shall ensure -

(1) that the readiness reporting system is applied uniformly throughout the Department of Defense;

(2) that information in the readiness reporting system is continually updated, with (A) any change in the overall readiness status of a unit that is required to be reported as part of the readiness reporting system being reported within 24 hours of the event necessitating the change in readiness status, and (B) any change in the overall readiness status of an element of the training establishment or an element of defense infrastructure that is required to be reported as part of the readiness

reporting system being reported within 72 hours of the event necessitating the change in readiness status; and

(3) that sufficient resources are provided to establish and maintain the system so as to allow reporting of changes in readiness status as required by this section.

(c) Capabilities. - The readiness reporting system shall measure such factors relating to readiness as the Secretary prescribes, except that the system shall include the capability to do each of the following:

(1) Measure, on a monthly basis, the capability of units (both as elements of their respective armed force and as elements of joint forces) to conduct their assigned wartime missions.

(2) Measure, on an annual basis, the capability of training establishments to provide trained and ready forces for wartime missions.

(3) Measure, on an annual basis, the capability of defense installations and facilities and other elements of Department of Defense infrastructure, both in the United States and abroad, to provide appropriate support to forces in the conduct of their wartime missions.

(4) Measure, on a monthly basis, critical warfighting deficiencies in unit capability.

(5) Measure, on an annual basis, critical warfighting deficiencies in training establishments and defense infrastructure.

(6) Measure, on a monthly basis, the level of current risk based upon the readiness reporting system relative to the capability of forces to carry out their wartime missions.

(7) Measure, on a quarterly basis, the extent to which units of the armed forces remove serviceable parts, supplies, or equipment from one vehicle, vessel, or aircraft in order to render a different vehicle, vessel, or aircraft operational.

(d) Quarterly and Monthly Joint Readiness Reviews. - (1) The Chairman of the Joint Chiefs of Staff shall -

(A) on a quarterly basis, conduct a joint readiness review; and

(B) on a monthly basis, review any changes that have been reported in readiness since the previous joint readiness review.

(2) The Chairman shall incorporate into both the joint readiness review required under paragraph (1)(A) and the monthly review required under paragraph (1)(B) the current information derived from the readiness reporting system and shall assess the capability of the armed forces to execute their wartime missions based upon their posture at the time the review is conducted. The Chairman shall submit to the Secretary of Defense the results of each review under paragraph (1), including the deficiencies in readiness identified during that review.

(e) Submission to Congressional Committees. - The Secretary shall each quarter submit to the congressional defense committees a report in writing containing the results of the most recent joint readiness review under subsection (d)(1)(A), including the current information derived from the readiness reporting system. Each such report shall be submitted in unclassified form and may, as the Secretary determines necessary, also be submitted in classified form.

(f) Regulations. - The Secretary shall prescribe regulations to

carry out this section. In those regulations, the Secretary shall prescribe the units that are subject to reporting in the readiness reporting system, what type of equipment is subject to such reporting, and the elements of the training establishment and of defense infrastructure that are subject to such reporting.

-SOURCE-

(Added Pub. L. 105-261, div. A, title III, Sec. 373(a)(1), Oct. 17, 1998, 112 Stat. 1990; amended Pub. L. 106-65, div. A, title III, Sec. 361(d)(1), title X, Sec. 1067(1), Oct. 5, 1999, 113 Stat. 575, 774; Pub. L. 106-398, Sec. 1 [[div. A], title III, Sec. 371], Oct. 30, 2000, 114 Stat. 1654, 1654A-80; Pub. L. 108-136, div. A, title X, Sec. 1031(a)(1), Nov. 24, 2003, 117 Stat. 1595.)

-MISC1-

PRIOR PROVISIONS

A prior section 117, added Pub. L. 97-295, Sec. 1(2)(A), Oct. 12, 1982, 96 Stat. 1287, Sec. 133a; renumbered Sec. 117 and amended Pub. L. 99-433, title I, Secs. 101(a)(2), 110(d)(3), Oct. 1, 1986, 100 Stat. 994, 1002, required annual report on North Atlantic Treaty Organization readiness, prior to repeal by Pub. L. 101-510, div. A, title XIII, Sec. 1301(1), Nov. 5, 1990, 104 Stat. 1668.

AMENDMENTS

2003 - Subsec. (e). Pub. L. 108-136 substituted "each quarter submit to the congressional defense committees a report in writing containing the results of the most recent joint readiness review under subsection (d)(1)(A)" for "each month submit to the Committee

on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives a report in writing containing the results of the most recent joint readiness review or monthly review conducted under subsection (d)".

2000 - Subsec. (c)(7). Pub. L. 106-398 added par. (7).

1999 - Subsec. (b)(2). Pub. L. 106-65, Sec. 361(d)(1)(A), substituted "with (A) any change in the overall readiness status of a unit that is required to be reported as part of the readiness reporting system being reported within 24 hours of the event necessitating the change in readiness status, and (B) any change in the overall readiness status of an element of the training establishment or an element of defense infrastructure that is required to be reported as part of the readiness reporting system being reported within 72 hours" for "with any change in the overall readiness status of a unit, an element of the training establishment, or an element of defense infrastructure, that is required to be reported as part of the readiness reporting system, being reported within 24 hours".

Subsec. (c)(2), (3), (5). Pub. L. 106-65, Sec. 361(d)(1)(B), substituted "an annual" for "a quarterly".

Subsec. (e). Pub. L. 106-65, Sec. 1067(1), substituted "and the Committee on Armed Services" for "and the Committee on National Security".

IMPLEMENTATION

Pub. L. 105-261, div. A, title III, Sec. 373(b), (c), Oct. 17, 1998, 112 Stat. 1992, as amended by Pub. L. 106-65, div. A, title III, Sec. 361(d)(2), Oct. 5, 1999, 113 Stat. 575, provided that:

"(b) Implementation. - The Secretary of Defense shall establish and implement the readiness reporting system required by section 117 of title 10, United States Code, as added by subsection (a), so as to ensure that the capabilities required by subsection (c) of that section are attained not later than April 1, 2000.

"(c) Implementation Plan. - Not later than March 1, 1999, the Secretary of Defense shall submit to Congress a report setting forth the Secretary's plan for implementation of section 117 of title 10, United States Code, as added by subsection (a)."

-End-

-CITE-

10 USC Sec. 118

01/03/05

-EXPCITE-

TITLE 10 - ARMED FORCES

Subtitle A - General Military Law

PART I - ORGANIZATION AND GENERAL MILITARY POWERS

CHAPTER 2 - DEPARTMENT OF DEFENSE

-HEAD-

Sec. 118. Quadrennial defense review

-STATUTE-

(a) Review Required. - The Secretary of Defense shall every four years, during a year following a year evenly divisible by four,

conduct a comprehensive examination (to be known as a "quadrennial defense review") of the national defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies of the United States with a view toward determining and expressing the defense strategy of the United States and establishing a defense program for the next 20 years. Each such quadrennial defense review shall be conducted in consultation with the Chairman of the Joint Chiefs of Staff.

(b) Conduct of Review. - Each quadrennial defense review shall be conducted so as -

(1) to delineate a national defense strategy consistent with the most recent National Security Strategy prescribed by the President pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 404a);

(2) to define sufficient force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program of the United States associated with that national defense strategy that would be required to execute successfully the full range of missions called for in that national defense strategy; and

(3) to identify (A) the budget plan that would be required to provide sufficient resources to execute successfully the full range of missions called for in that national defense strategy at a low-to-moderate level of risk, and (B) any additional resources (beyond those programmed in the current future-years defense program) required to achieve such a level of risk.

(c) Assessment of Risk. - The assessment of risk for the purposes

of subsection (b) shall be undertaken by the Secretary of Defense in consultation with the Chairman of the Joint Chiefs of Staff.

That assessment shall define the nature and magnitude of the political, strategic, and military risks associated with executing the missions called for under the national defense strategy.

(d) Submission of QDR to Congressional Committees. - The Secretary shall submit a report on each quadrennial defense review to the Committees on Armed Services of the Senate and the House of Representatives. The report shall be submitted in the year following the year in which the review is conducted, but not later than the date on which the President submits the budget for the next fiscal year to Congress under section 1105(a) of title 31. The report shall include the following:

(1) The results of the review, including a comprehensive discussion of the national defense strategy of the United States and the force structure best suited to implement that strategy at a low-to-moderate level of risk.

(2) The assumed or defined national security interests of the United States that inform the national defense strategy defined in the review.

(3) The threats to the assumed or defined national security interests of the United States that were examined for the purposes of the review and the scenarios developed in the examination of those threats.

(4) The assumptions used in the review, including assumptions relating to -

(A) the status of readiness of United States forces;

(B) the cooperation of allies, mission-sharing and additional benefits to and burdens on United States forces resulting from

coalition operations;

(C) warning times;

(D) levels of engagement in operations other than war and smaller-scale contingencies and withdrawal from such operations and contingencies; and

(E) the intensity, duration, and military and political end-states of conflicts and smaller-scale contingencies.

(5) The effect on the force structure and on readiness for high-intensity combat of preparations for and participation in operations other than war and smaller-scale contingencies.

(6) The manpower and sustainment policies required under the national defense strategy to support engagement in conflicts lasting longer than 120 days.

(7) The anticipated roles and missions of the reserve components in the national defense strategy and the strength, capabilities, and equipment necessary to assure that the reserve components can capably discharge those roles and missions.

(8) The appropriate ratio of combat forces to support forces (commonly referred to as the "tooth-to-tail" ratio) under the national defense strategy, including, in particular, the appropriate number and size of headquarters units and Defense Agencies for that purpose.

(9) The strategic and tactical air-lift, sea-lift, and ground transportation capabilities required to support the national defense strategy.

(10) The forward presence, pre-positioning, and other anticipatory deployments necessary under the national defense strategy for conflict deterrence and adequate military response

to anticipated conflicts.

(11) The extent to which resources must be shifted among two or more theaters under the national defense strategy in the event of conflict in such theaters.

(12) The advisability of revisions to the Unified Command Plan as a result of the national defense strategy.

(13) The effect on force structure of the use by the armed forces of technologies anticipated to be available for the ensuing 20 years.

(14) The national defense mission of the Coast Guard.

(15) Any other matter the Secretary considers appropriate.

(e) CJCS Review. - (1) Upon the completion of each review under subsection (a), the Chairman of the Joint Chiefs of Staff shall prepare and submit to the Secretary of Defense the Chairman's assessment of the review, including the Chairman's assessment of risk.

(2) The Chairman shall include as part of that assessment the Chairman's assessment of the assignment of functions (or roles and missions) to the armed forces, together with any recommendations for changes in assignment that the Chairman considers necessary to achieve maximum efficiency of the armed forces. In preparing the assessment under this paragraph, the Chairman shall consider (among other matters) the following:

(A) Unnecessary duplication of effort among the armed forces.

(B) Changes in technology that can be applied effectively to warfare.

(3) The Chairman's assessment shall be submitted to the Secretary

in time for the inclusion of the assessment in the report. The Secretary shall include the Chairman's assessment, together with the Secretary's comments, in the report in its entirety.

-SOURCE-

(Added Pub. L. 106-65, div. A, title IX, Sec. 901(a)(1), Oct. 5, 1999, 113 Stat. 715; amended Pub. L. 107-107, div. A, title IX, Sec. 921(a), Dec. 28, 2001, 115 Stat. 1198; Pub. L. 107-314, div. A, title IX, Secs. 922, 923, Dec. 2, 2002, 116 Stat. 2623.)

-MISC1-

PRIOR PROVISIONS

A prior section 118, added Pub. L. 97-295, Sec. 1(2)(A), Oct. 12, 1982, 96 Stat. 1288, Sec. 133b; renumbered Sec. 118, Pub. L. 99-433, title I, Sec. 101(a)(2), Oct. 1, 1986, 100 Stat. 994, required reports to Congress on sales or transfers of defense articles, prior to repeal by Pub. L. 101-510, div. A, title XIII, Sec. 1301(2), Nov. 5, 1990, 104 Stat. 1668.

AMENDMENTS

2002 - Subsec. (d). Pub. L. 107-314, Sec. 922, substituted "in the year following the year in which the review is conducted, but not later than the date on which the President submits the budget for the next fiscal year to Congress under section 1105(a) of title 31" for "not later than September 30 of the year in which the review is conducted" in second sentence of introductory provisions.

Subsec. (d)(14), (15). Pub. L. 107-314, Sec. 923, added par. (14) and redesignated former par. (14) as (15).

2001 - Subsec. (e). Pub. L. 107-107 designated the first sentence of existing provisions as par. (1), the second and third sentences of existing provisions as par. (3), and added par. (2).

-TRANS-

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.

-MISC2-

ASSESSMENT WITH RESPECT TO 2001 QDR

Pub. L. 107-107, div. A, title IX, Sec. 921(c), Dec. 28, 2001, 115 Stat. 1198, provided that: "With respect to the 2001 Quadrennial Defense Review, the Chairman of the Joint Chiefs of Staff shall submit to Congress a separate assessment of functions (or roles and missions) of the Armed Forces in accordance with paragraph (2) of section 118(e) of title 10, United States Code, as added by subsection (a)(3). Such assessment shall be based on the findings in the 2001 Quadrennial Defense Review, issued by the Secretary of Defense on September 30, 2001, and shall be submitted to Congress not later than one year after the date of the enactment

of this Act [Dec. 28, 2001]."

REVISED NUCLEAR POSTURE REVIEW

Pub. L. 106-398, Sec. 1 [[div. A], title X, Sec. 1041], Oct. 30, 2000, 114 Stat. 1654, 1654A-262, as amended by Pub. L. 107-107, div. A, title X, Sec. 1033, Dec. 28, 2001, 115 Stat. 1216, provided that:

"(a) Requirement for Comprehensive Review. - In order to clarify United States nuclear deterrence policy and strategy for the near term, the Secretary of Defense shall conduct a comprehensive review of the nuclear posture of the United States for the next 5 to 10 years. The Secretary shall conduct the review in consultation with the Secretary of Energy.

"(b) Elements of Review. - The nuclear posture review shall include the following elements:

"(1) The role of nuclear forces in United States military strategy, planning, and programming.

"(2) The policy requirements and objectives for the United States to maintain a safe, reliable, and credible nuclear deterrence posture.

"(3) The relationship among United States nuclear deterrence policy, targeting strategy, and arms control objectives.

"(4) The levels and composition of the nuclear delivery systems that will be required for implementing the United States national and military strategy, including any plans for replacing or modifying existing systems.

"(5) The nuclear weapons complex that will be required for implementing the United States national and military strategy, including any plans to modernize or modify the complex.

"(6) The active and inactive nuclear weapons stockpile that will be required for implementing the United States national and military strategy, including any plans for replacing or modifying warheads.

"(7) The possibility of deactivating or dealerting nuclear warheads or delivery systems immediately, or immediately after a decision to retire any specific warhead, class of warheads, or delivery system.

"(c) Report to Congress. - The Secretary of Defense shall submit to Congress, in unclassified and classified forms as necessary, a report on the results of the nuclear posture review conducted under this section. The report shall be submitted concurrently with the Quadrennial Defense Review report due in December 2001.

"(d) Sense of Congress. - It is the sense of Congress that the nuclear posture review conducted under this section should be used as the basis for establishing future United States arms control objectives and negotiating positions."

SPECIFIED MATTER FOR NEXT QDR

Pub. L. 106-65, div. A, title IX, Sec. 901(c), Oct. 5, 1999, 113 Stat. 717, provided that: "In the first quadrennial defense review conducted under section 118 of title 10, United States Code, as added by subsection (a), the Secretary shall include in the technologies considered for the purposes of paragraph (13) of subsection (d) of that section the following: precision guided munitions, stealth, night vision, digitization, and communications."

-CITE-

10 USC Sec. 118a

01/03/05

-EXPCITE-

TITLE 10 - ARMED FORCES

Subtitle A - General Military Law

PART I - ORGANIZATION AND GENERAL MILITARY POWERS

CHAPTER 2 - DEPARTMENT OF DEFENSE

-HEAD-

Sec. 118a. Quadrennial quality of life review

-STATUTE-

(a) Review Required. - (1) The Secretary of Defense shall every four years conduct a comprehensive examination of the quality of life of the members of the armed forces (to be known as the "quadrennial quality of life review"). The review shall include examination of the programs, projects, and activities of the Department of Defense, including the morale, welfare, and recreation activities.

(2) The quadrennial quality of life review shall be designed to result in determinations, and to foster policies and actions, that reflect the priority given the quality of life of members of the armed forces as a primary concern of the Department of Defense leadership.

(b) Conduct of Review. - Each quadrennial quality of life review

shall be conducted so as -

(1) to assess quality of life priorities and issues consistent with the most recent National Security Strategy prescribed by the President pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 404a);

(2) to identify actions that are needed in order to provide members of the armed forces with the quality of life reasonably necessary to encourage the successful execution of the full range of missions that the members are called on to perform under the national security strategy; and

(3) to identify other actions that have the potential for improving the quality of life of the members of the armed forces.

(c) Considerations. - The Secretary shall consider addressing the following matters as part of the quadrennial quality of life review:

(1) Infrastructure.

(2) Military construction.

(3) Physical conditions at military installations and other Department of Defense facilities.

(4) Budget plans.

(5) Adequacy of medical care for members of the armed forces and their dependents.

(6) Adequacy of housing and the basic allowance for housing and basic allowance for subsistence.

(7) Housing-related utility costs.

(8) Educational opportunities and costs.

(9) Length of deployments.

(10) Rates of pay and pay differentials between the pay of

members and the pay of civilians.

(11) Retention and recruiting efforts.

(12) Workplace safety.

(13) Support services for spouses and children.

(14) Other elements of Department of Defense programs and Government policies and programs that affect the quality of life of members.

(d) Submission to Congressional Committees. - (1) The Secretary shall submit a report on each quadrennial quality of life review to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives. The report shall include the following:

(A) The assumptions used in the review.

(B) The results of the review, including a comprehensive discussion of how the quality of life of members of the armed forces affects the national security strategy of the United States.

(2) The report shall be submitted in the year following the year in which the review is conducted, but not later than the date on which the President submits the budget for the next fiscal year to Congress under section 1105(a) of title 31.

-SOURCE-

(Added Pub. L. 107-314, div. A, title V, Sec. 581(a)(1), Dec. 2, 2002, 116 Stat. 2559.)

-MISC1-

FIRST QUADRENNIAL QUALITY OF LIFE REVIEW

Pub. L. 107-314, div. A, title V, Sec. 581(b), Dec. 2, 2002, 116 Stat. 2561, provided that: "The first quadrennial quality of life review under section 118a of title 10, United States Code, as added by subsection (a), shall be conducted during 2003, and the report on that review required to be submitted to Congress under subsection (d) of such section shall be submitted not later than the date on which the President submits the budget for fiscal year 2005 to Congress."

-End-

-CITE-

10 USC Sec. 119

01/03/05

-EXPCITE-

TITLE 10 - ARMED FORCES

Subtitle A - General Military Law

PART I - ORGANIZATION AND GENERAL MILITARY POWERS

CHAPTER 2 - DEPARTMENT OF DEFENSE

-HEAD-

Sec. 119. Special access programs: congressional oversight

-STATUTE-

(a)(1) Not later than March 1 of each year, the Secretary of

Defense shall submit to the defense committees a report on special access programs.

(2) Each such report shall set forth -

(A) the total amount requested for special access programs of the Department of Defense in the President's budget for the next fiscal year submitted under section 1105 of title 31; and

(B) for each program in that budget that is a special access program -

(i) a brief description of the program;

(ii) a brief discussion of the major milestones established for the program;

(iii) the actual cost of the program for each fiscal year during which the program has been conducted before the fiscal year during which that budget is submitted; and

(iv) the estimated total cost of the program and the estimated cost of the program for (I) the current fiscal year, (II) the fiscal year for which the budget is submitted, and (III) each of the four succeeding fiscal years during which the program is expected to be conducted.

(3) In the case of a report under paragraph (1) submitted in a year during which the President's budget for the next fiscal year, because of multiyear budgeting for the Department of Defense, does not include a full budget request for the Department of Defense, the report required by paragraph (1) shall set forth -

(A) the total amount already appropriated for the next fiscal year for special access programs of the Department of Defense and any additional amount requested in that budget for such programs for such fiscal year; and

(B) for each program of the Department of Defense that is a special access program, the information specified in paragraph (2)(B).

(b)(1) Not later than February 1 of each year, the Secretary of Defense shall submit to the defense committees a report that, with respect to each new special access program, provides -

(A) notice of the designation of the program as a special access program; and

(B) justification for such designation.

(2) A report under paragraph (1) with respect to a program shall include -

(A) the current estimate of the total program cost for the program; and

(B) an identification of existing programs or technologies that are similar to the technology, or that have a mission similar to the mission, of the program that is the subject of the notice.

(3) In this subsection, the term "new special access program" means a special access program that has not previously been covered in a notice and justification under this subsection.

(c)(1) Whenever a change in the classification of a special access program of the Department of Defense is planned to be made or whenever classified information concerning a special access program of the Department of Defense is to be declassified and made public, the Secretary of Defense shall submit to the defense committees a report containing a description of the proposed change, the reasons for the proposed change, and notice of any

public announcement planned to be made with respect to the proposed change.

(2) Except as provided in paragraph (3), any report referred to in paragraph (1) shall be submitted not less than 14 days before the date on which the proposed change or public announcement is to occur.

(3) If the Secretary determines that because of exceptional circumstances the requirement of paragraph (2) cannot be met with respect to a proposed change or public announcement concerning a special access program of the Department of Defense, the Secretary may submit the report required by paragraph (1) regarding the proposed change or public announcement at any time before the proposed change or public announcement is made and shall include in the report an explanation of the exceptional circumstances.

(d) Whenever there is a modification or termination of the policy and criteria used for designating a program of the Department of Defense as a special access program, the Secretary of Defense shall promptly notify the defense committees of such modification or termination. Any such notification shall contain the reasons for the modification or termination and, in the case of a modification, the provisions of the policy as modified.

(e)(1) The Secretary of Defense may waive any requirement under subsection (a), (b), or (c) that certain information be included in a report under that subsection if the Secretary determines that inclusion of that information in the report would adversely affect the national security. Any such waiver shall be made on a case-by-case basis.

(2) If the Secretary exercises the authority provided under paragraph (1), the Secretary shall provide the information

described in that subsection with respect to the special access program concerned, and the justification for the waiver, jointly to the chairman and ranking minority member of each of the defense committees.

(f) A special access program may not be initiated until -

(1) the defense committees are notified of the program; and

(2) a period of 30 days elapses after such notification is received.

(g) In this section, the term "defense committees" means -

(1) the Committee on Armed Services and the Committee on Appropriations, and the Defense Subcommittee of the Committee on Appropriations, of the Senate; and

(2) the Committee on Armed Services and the Committee on Appropriations, and the Subcommittee on Defense of the Committee on Appropriations, of the House of Representatives.

-SOURCE-

(Added Pub. L. 100-180, div. A, title XI, Sec. 1132(a)(1), Dec. 4, 1987, 101 Stat. 1151; amended Pub. L. 101-510, div. A, title XIV, Secs. 1461, 1482(a), Nov. 5, 1990, 104 Stat. 1698, 1709; Pub. L. 104-106, div. A, title X, Sec. 1055, title XV, Sec. 1502(a)(4), Feb. 10, 1996, 110 Stat. 442, 502; Pub. L. 106-65, div. A, title X, Sec. 1067(1), Oct. 5, 1999, 113 Stat. 774; Pub. L. 107-107, div. A, title X, Sec. 1048(a)(2), Dec. 28, 2001, 115 Stat. 1222.)

-MISC1-

AMENDMENTS

2001 - Subsec. (g)(2). Pub. L. 107-107 substituted "Subcommittee on Defense" for "National Security Subcommittee".

1999 - Subsec. (g)(2). Pub. L. 106-65 substituted "Committee on Armed Services" for "Committee on National Security".

1996 - Subsec. (a)(1). Pub. L. 104-106, Sec. 1055, substituted "March 1" for "February 1".

Subsec. (g). Pub. L. 104-106, Sec. 1502(a)(4), added pars. (1) and (2) and struck out former pars. (1) and (2) which read as follows:

"(1) the Committees on Armed Services and Appropriations of the Senate and House of Representatives; and

"(2) the Defense Subcommittees of the Committees on Appropriations of the Senate and House of Representatives."

1990 - Subsec. (c). Pub. L. 101-510, Sec. 1461(a), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: "Whenever a change is made in the status of a program of the Department of Defense as a special access program, the Secretary of Defense shall submit to the defense committees a report describing the change. Any such report shall be submitted not later than 30 days after the date on which the change takes effect."

Subsec. (f). Pub. L. 101-510, Sec. 1482(a)(2), added subsec. (f). Former subsec. (f) redesignated (g).

Pub. L. 101-510, Sec. 1461(b), inserted "and Appropriations" after "Armed Services" in par. (1).

Subsec. (g). Pub. L. 101-510, Sec. 1482(a)(1), redesignated subsec. (f) as (g).

Section 1482(d) of Pub. L. 101-510 provided that: "The amendments made by this section [enacting section 2214 of this title and amending this section and section 1584 of this title] shall take effect on October 1, 1991."

INITIAL REPORTS ON SPECIAL ACCESS PROGRAMS

Section 1132(b), (c) of Pub. L. 100-180 provided that:

"(b) Five-Year Reference Amounts. - The first report under subsection (a) of section 119 of title 10, United States Code (as added by subsection (a)), shall set forth -

"(1) the total amount requested in the President's budget for each of the five previous fiscal years for special access programs of the Department of Defense that were included in the budget; and

"(2) the total amount appropriated for each such year for such programs.

"(c) Initial Report on Special Access Program Designations. - The first report under subsection (b) of section 119 of title 10, United States Code (as added by subsection (a)), shall cover each existing special access program."

-End-