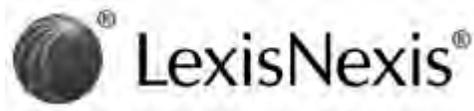


**DCMA Administrative Record for FY 2013 Furlough Appeals**

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\*\*\* Current through PL 113-22, approved 7/25/13 \*\*\*

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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10 USCS § 113

§ 113. Secretary of Defense

(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 seven 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 [10 USCS §§ 125 and 191]; 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 any reserve component matter 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, including plans for providing support to civil authorities in an incident of national significance or a catastrophic incident, for homeland defense, and for military support to civil authorities. 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 [10 USCS § 221];

(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) 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.

(B) The amount of direct and indirect support for the stationing of United States forces provided by each host nation.

(2) In this subsection, the term "United States", when used in a geographic sense, includes the territories and possessions of the United States.

(3) [Redesignated]

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

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

(B) A comparison of the following for each of the preceding five fiscal years:

(i) The number of military personnel, shown by major occupational category, assigned to support positions or to mission positions.

(ii) The number of civilian personnel, shown by major occupational category, assigned to support positions or to mission positions.

(iii) The number of contractor personnel performing support functions.

(C) An accounting for each of the preceding five fiscal years of the following:

(i) The number of military and civilian personnel, shown by armed force and by major occupational category, assigned to support positions.

(ii) The number of contractor personnel performing support functions.

(D) An identification, for each of the three workforce sectors (military, civilian, and contractor) of the percentage of the total number of personnel in that workforce sector that is providing support to headquarters and headquarters support activities for each of the preceding five fiscal years.

(2) Contractor personnel shall be determined for purposes of paragraph (1) by using contractor full-time equivalents, based on the inventory required under section 2330a of this title [10 USCS § 2330a].

(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.

#### **HISTORY:**

(Added Sept. 7, 1962, P.L. 87-651, Title II, § 202, 76 Stat. 517; Dec. 12, 1980, P.L. 96-513, Title V, Part B, § 511(3), 94 Stat. 2920; Oct. 12, 1982, P.L. 97-295, § 1(1), 96 Stat. 1287; Sept. 8, 1982, P.L. 97-252, Title XI, § 1105, 96 Stat. 739; Oct. 1, 1986, P.L. 99-433, Title I, §§ 101(a)(2), 102, 110(b)(2), 110(d)(2), Title III, § 301(b)(2), Title VI, § 603(b), 100 Stat. 994, 996, 1002, 1022, 1075; April 21, 1987, P.L. 100-26, § 7(d)(1), 101 Stat. 280; Dec. 4, 1987, P.L. 100-180, Div A, Title XII, Part B, § 1214, 101 Stat. 1157; July 19, 1988, P.L. 100-370, § 1(o)(1), 102 Stat. 850; Sept. 29, 1988, P.L. 100-456, Div A, Title VII, Part D, § 731, Title XI, § 1101, 102 Stat. 2003, 2042; Nov. 29, 1989, P.L. 101-189, Div A, Title XVI, Part C, § 1622(c)(1), 103 Stat. 1604; Nov. 5, 1990, P.L. 101-510, Div A, Title XIII, Part C, § 1322(a)(1), 104 Stat. 1671; Dec. 5, 1991, P.L. 102-190, Div A, Title III, Part D, § 341, 105 Stat. 1343; Oct. 5, 1994, P.L. 103-337, Div A, Title X, Subtitle G, § 1070(a)(1), Title XVI, Subtitle D, § 1671(b)(2), 108 Stat. 2855, 3014; Feb. 10, 1996, P.L. 104-106, Div A, Title XV, §§ 1501(a)(8)(B), 1502(a)(3), 1503(a)(1), 110 Stat. 495, 502, 510; Sept. 23, 1996, P.L. 104-201, Div A, Title XII, Subtitle C, § 1255(c), 110 Stat. 2698; Nov. 18, 1997, P.L. 105-85, Div A, Title IX, Subtitle A, § 903, 111 Stat. 1854; Oct. 17, 1998, P.L. 105-261, Div A, Title IX, Subtitle B, § 915(a), Title XII, Sub-

title B, § 1212(b), 112 Stat. 2101, 2152; Oct. 5, 1999, P.L. 106-65, Div A, Title X, Subtitle G, § 1067(1), 113 Stat. 774.)

(As amended Jan. 28, 2008, P.L. 110-181, Div A, Title IX, Subtitle A, § 903(a), Title XVIII, Subtitle A, § 1815(e), 122 Stat. 273, 500; Jan. 7, 2011, P.L. 111-383, Div A, Title V, Subtitle B, § 514(b), 124 Stat. 4213; Dec. 31, 2011, P.L. 112-81, Div A, Title IX, Subtitle D, § 933(a), Title X, Subtitle G, § 1064(1), 125 Stat. 1543, 1586; Jan. 2, 2013, P.L. 112-239, Div A, Title X, Subtitle H, § 1076(f)(1), 126 Stat. 1952.)

**HISTORY; ANCILLARY LAWS AND DIRECTIVES**

Prior law and revision:

1962 Act

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 Revised Section    Source (USCS)    Source (Statutes at Large)  
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133(a) ..... 5:171(a) (last  
                   10 words).        July 26, 1947, ch. 343,  
                   5:171a(a).        Secs. 201(a) (last 10  
 133(b) ..... 5:171a(b).        words), 202(a), (b); re-  
 133(c) ..... 5:171a(d).        stated Aug. 10, 1949,  
                   5:171a-1.        ch. 412, Secs. 4 (last 10  
 133(d)..... 5:171a(f).        words of 1st par.), 5  
                   5:171n(a) (as applic- (1st and 2d pars.), 63  
                   able to 5:171a(f)).    Stat. 579, 580.  
 [Uncodified: 1953 Reorg. July 26, 1947, ch. 343,  
                   Plan No. 6, Sec. 5, eff.    Sec. 202(d); added Apr. 2,  
                   June 30, 1953, 67 Stat. 1949, ch. 47, Sec. 1; re-  
                   639].                stated Aug. 10, 1949,  
                   5:171n(a).        ch. 412, Sec. 5 (9th par.);  
                                   restated Aug. 6, 1958,  
                                   Pub. L. 85-599, Sec. 3(b),  
                                   72 Stat. 516.  
                   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.



1980. Act Dec. 12, 1980 (effective upon enactment, as provided by § 701(b)(3) of such Act, which appears as 10 USCS § 101 note), in subsec. (b), substituted "section 2 of the National Security Act of 1947 (50 U.S.C. 401)" for "section 401 of title 50".

1982. Act Oct. 12, 1982, added subsec. (e).

1986. Act Oct. 1, 1986 redesignated this section, formerly 10 USCS § 133, as 10 USCS § 113, and in this section as redesignated, substituted the section heading for one which read: "§ 113. Secretary of Defense: appointment; powers and duties; delegation by"; in subsec. (c)(2), substituted "sections 125 and 191" for "section 125"; substituted subsec. (e) for one which read:

"(e) 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--

"(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.";

added subsecs. (f)-(h); and redesignated 10 USCS § 114(h) (formerly 10 USCS § 138(h)) as subsec. (i) of 10 USCS § 113.

1987. Act April 21, 1987, in subsec. (e)(2), inserted "(50 U.S.C. 404a)".

Act Dec. 4, 1987 added subsec. (j).

1988. Act July 19, 1988 added subsec. (k).

Act Sept. 29, 1988, in subsec. (j), designated the existing provisions as para. (1), in para. (1) as so designated, deleted "Each such report shall be transmitted in both a classified and an unclassified form." following "adversaries.", and added paras. (2) and (3); and added subsec. (l).

1989. Act Nov. 29, 1989, in subsec. (j)(2)(B), substituted "five-year defense program" for "Five-Year Defense Program".

1990. Act Nov. 5, 1990 deleted subsec. (i), which read: "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."; and redesignated former subsecs. (j)-(l) as subsecs. (i)-(k), respectively.

1991. Act Dec. 5, 1991, in subsec. (i)(2), redesignated subparas. (C) and (D) as subparas. (D) and (E), respectively, and added a new subpara. (C).

1994. Act Oct. 5, 1994, in subsec. (e)(2), substituted "section 108" for "section 104".

Such Act further (effective 10/1/96, as provided by § 1691(b)(1) of such Act, which appears as 10 USCS § 10001 note), as amended by Act Feb. 10, 1996 (effective as if included in Act Oct. 5, 1994, P.L. 103-337, as enacted on Oct. 5, 1994, as provided by § 1501(f)(3) of Act Feb. 10, 1996, which appears as a note to this section), in subsec. (c)(3), substituted "chapters 1219 and 1401 through 1411 of this title" for "chapters 51, 337, 361, 363, 549, 573, 837, 861 and 863 of this title, as far as they apply to reserve officers".

1996. Act Feb. 10, 1996, in subsec. (i)(2)(B), 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)"; and, in subsec. (j)(1), 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".

Such Act further (effective as if included in Act Oct. 5, 1994, P.L. 103-337, as enacted on Oct. 5, 1994, as provided by § 1501(f)(3) of Act Feb. 10, 1996, which appears as a note to this section) amended the directory language of § 1671(c)(2) of Act Oct. 5, 1994.

Act Sept 23. 1996, in subsec. (c), deleted para. (3), which read: "(3) 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 1219 and 1401 through 1411 of this title; and", redesignated paras. (1), (2), and (4) as subparas. (A), (B), and (C), respectively, in subpara. (B) as redesignated, inserted "and" after the concluding semicolon, designated the text of subsec. (c) as para. (1), and added para. (2).

1997. Act Nov. 18, 1997, in subsec. (g)(2), deleted "annually" following "shall provide" and inserted "be provided every two years or more frequently as needed and shall".

1998. Act Oct. 17, 1998 added subsecs. (l) and (m).

1999. Act Oct. 5, 1999, in subsec. (j)(1), substituted "Committee on Armed Services" for "Committee on National Security" following "and the".

2008. Act Jan. 28, 2008, in subsec. (a), substituted "seven" for "10"; and, in subsec. (g)(2), substituted "contingency plans, including plans for providing support to civil authorities in an incident of national significance or a catastrophic incident, for homeland defense, and for military support to civil authorities" for "contingency plans".

2011. Act Jan. 7, 2011, in subsec. (c)(2), substituted "on any reserve component matter" for "the reserve programs of the Department of Defense and on any other matters".

Act Dec. 31, 2011, in subsec. (j), in para. (1), deleted subpara. (A), which read: "(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.", redesignated subpara. (B) as subpara. (A), inserted new subpara. (B), and deleted subpara. (C), which read: "(C) The effect of such expenditures outside the United States on the balance of payments of the United States.", deleted para. (2), which read: "(2) Each report under this subsection shall be prepared in consultation with the Secretary of Commerce.", and redesignated para. (3) as para. (2); and substituted subsec. (l) for one which read:

"(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."

2013. Act Jan. 2, 2013, in subsec. (c)(2), deleted "on" following "Board on".

Other provisions:

**Delegation of functions to Secretary of Defense.** For functions of the President under various sections as delegated to the Secretary of Defense, see Ex. Ord. No. 10621, July 1, 1955, 20 Fed. Reg. 4759, as amended by Ex. Ord. No. 11294, Aug. 4, 1966, 31 Fed. Reg. 10601; Ex. Ord. No. 10661, Feb. 27, 1956, 21 Fed. Reg. 1315; and Ex. Ord. No. 11390, Jan. 22, 1968, 33 Fed. Reg. 841, all appearing as 3 USCS § 301 notes.

**Emergency preparedness functions.** For assignment of certain emergency preparedness functions to the Secretary of Defense, see Parts 1, 4, and 5 of Ex. Ord. No. 12656 of Nov. 18, 1988, 53 Fed. Reg. 47491, which appears as 50 Appx. USCS § 2251 note.

**Repeal of former notes to this section.** Act Nov. 16, 1973, P.L. 93-155, Title VIII, § 803(b), 87 Stat. 615, provided for the repeal of the following laws which were formerly set out as notes to this section: (1) Act Aug. 10, 1959, P.L. 86-149, § 412, 73 Stat. 322, as amended by Act April 27, 1962, P.L. 87-436, § 2, 76 Stat. 55; Act Nov. 7, 1963, P.L. 88-174, § 610, 77 Stat. 329; Act June 11, 1965, P.L. 89-37, § 304, 79 Stat. 128; Act Dec. 1, 1967, P.L. 90-168, § 6, 81 Stat. 526; Act Nov. 19, 1969, P.L. 91-121, § 405, 83 Stat. 207; Act Oct. 7, 1970, P.L. 91-441, §§ 505, 509, 84 Stat. 912, 913; Act Sept. 28, 1971, P.L. 92-129, § 701, 85 Stat. 362; and Act Sept. 26, 1972, P.L. 92-436, §§ 302, 604, 86 Stat. 736, 739; and (2) Act Nov. 17, 1971, P.L. 92-156, § 506, 85 Stat. 429. These Acts related to the procurement of aircraft, missiles, Naval vessels, tracked combat vehicles, and other weapons, the authorization of appropriations for procurement, research, development, testing and evaluation activities, the selected reserve of reserve components, and the annual authorization of personnel strength.

**Provisions for report to Congressional committees on foreign policy and military force structure repealed.** Act Oct. 7, 1975, P.L. 94-106, Title VIII, § 812, 89 Stat. 540, formerly classified as a note to this section, was repealed by Act Oct. 12, 1982, P.L. 97-295, § 6(b) in part, 96 Stat. 1314. Such section provided for a report to Congressional committees on foreign policy and military force structure. Similar provisions now appear as subsec. (e) of this section. For provisions as to the construction of repeals by § 6(b) of Act Oct. 12, 1982, see Act Oct. 12, 1982, P.L. 97-295, § 6, 96 Stat. 1314, which appears as 10 USCS § 101 note.

**Repeal of provision relating to report to Congress on proposed transfer or sale of defense articles.** Act Oct. 7, 1975, P.L. 94-106, Title VIII, § 813, 89 Stat. 540; July 30, 1977, P.L. 95-79, Title VIII, § 814, 91 Stat. 337; Sept. 8, 1982, P.L. 97-252, Title XI, § 1104, 96 Stat. 739, formerly classified as a note to this section, was repealed by Act Oct. 12, 1982, P.L. 97-295, § 6(b) in part, 96 Stat. 1314. Such section provided for a report to Congress on the proposed transfer or sale of defense articles. For similar provisions, see 10 USCS § 118. For provisions as to the construction of repeals by § 6(b) of Act Oct. 12, 1982, see Act Oct. 12, 1982, P.L. 97-295, § 6, 96 Stat. 1314, which appears as 10 USCS § 101 note.

**Study of potential use of military bases.** Act Sept. 30, 1976, P.L. 94-431, Title VI, § 610, 90 Stat. 1365, which formerly appeared as a note to this section, was repealed by Act Dec. 1, 1981, P.L. 97-86, Title IX, § 912(b), 95 Stat. 1123. Such section authorized the 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. For similar provisions, see 10 USCS § 2391.

**Prohibition against consolidating functions of the military transportation commands repealed.** Act Sept. 8, 1982, P.L. 97-252, Title XI, § 1110, 96 Stat. 747, which formerly appeared as a note to 10 USCS § 133, was repealed by Act Oct. 1, 1986, P.L. 99-433, Title II, § 213(a), 100 Stat. 1018. Such section provided for a prohibition against use of funds for the purpose of consolidating functions of the military transportation commands.

**Repeal of provision relating to fee for veterinary services.** Act Sept. 24, 1983, P.L. 98-94, Title X, Part D, § 1033, 97 Stat. 672; Oct. 19, 1984, P.L. 98-525, Title VI, Part F, § 656, 98 Stat. 2553, which formerly appeared as a note to this section, was repealed by Act Nov. 8, 1985, P.L. 99-145, Title VI, Part G, § 685(c), 99 Stat. 666, effective Oct. 1, 1985, as provided by § 685(d) of such Act. Such section provided for a fee for veterinary services for pets of armed forces members.

**Upgrade of Direct Communication Link.** Act Aug. 8, 1985, P.L. 99-85, §§ 1, 2, 99 Stat. 286, 287; Dec. 17, 1993, P.L. 103-199, Title IV, § 404(a), 107 Stat. 2325 (applicable as provided by § 404(b) of such Act, which appears as a note to this section), provides:

"[Section 1.] 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 [unclassified]. 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."

**Surcharge for sales at animal disease prevention and control centers.** Act Nov. 8, 1985, P.L. 99-145, Title VI, Part G, § 685(a), (b), 99 Stat. 666, effective Oct. 1, 1985, as provided by § 685(d) of such Act, provides:

"(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."

**Repeal of Military Family Act of 1985.** Act Nov. 8, 1985, P.L. 99-145, Title VIII, §§ 801-813, 99 Stat. 678; Nov. 14, 1986, P.L. 99-661, Div A, Title VI, Part E, § 653, 100 Stat. 3890; Dec. 4, 1987, P.L. 100-180, Div A, Title VI, Part D, § 635, 101 Stat. 1106; Sept. 29, 1988, P.L. 100-456, Div A, Title V, Part C, § 524, 102 Stat. 1975, which formerly appeared as a note to this section, was repealed by Act Feb. 10, 1996, P.L. 104-106, Div A, Title V, Subtitle F, § 568(e)(1), 110 Stat. 336. Such note related to military family policy and programs.

**Prohibition of certain restrictions on institutions eligible to provide educational services.** Act Nov. 8, 1985, P.L. 99-145, Title XII, Part A, § 1212, 99 Stat. 726; Nov. 29, 1989, P.L. 101-189, Div A, Title V, Part B, § 518, 103 Stat. 1443, provides:

"(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 [this note] 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 Act Nov. 29, 1989, P.L. 101-189, 103 Stat. 1352; for full classification, consult USCS Tables volumes] 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 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, 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 [this note] shall be construed to require more than one academic institution to be authorized to offer courses aboard a particular naval vessel."

**Repeal of provision for report of unobligated balances.** Act Nov. 8, 1985, P.L. 99-145, Title XIV, Part A, § 1407, 99 Stat. 745, which formerly appeared as a note to this section, was repealed by Act Nov. 14, 1986, P.L. 99-661, Div A, Title XIII, Part A, § 1307(b), 100 Stat. 3981. This section provided for a report to the Congress on unobligated balances.

**Repeal of provisions for defense industrial base for textile and apparel products.** Act Nov. 8, 1985, P.L. 99-145, Title XIV, Part E, § 1456, 99 Stat. 762, which formerly was classified as a note to this section, was repealed by Act Nov. 5, 1990, P.L. 101-510, Div A, Title VIII, Part C, § 826(b), 104 Stat. 1606. This section provided for the Secretary of Defense's monitoring of the capability of the domestic textile and apparel industrial base to support defense mobilization requirements.

**Security at military bases abroad.** Act Aug. 27, 1986, P.L. 99-399, Title XI, 100 Stat. 894, provides:

"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."

**Annual report on implementation.** Act Oct. 1, 1986, P.L. 99-433, Title IV, § 405, 100 Stat. 1032, provides: "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".

**Information contained in initial report.** Act Oct. 1, 1986, P.L. 99-433, Title IV, § 406(g), 100 Stat. 1034, provides: "The first report submitted by the Secretary of Defense after the date of the enactment of this Act 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."

**Transfer of Ex. Or. 12568.** Ex. Or. No. 12568 of Oct. 2, 1986, 51 Fed. Reg. 35497, which formerly appeared as a note to this section, has been reclassified as a note to 10 USCS § 1784.

**Repeal of provision for comparable budgeting for similar systems.** Acts Oct. 18, 1986, P.L. 99-500; Oct. 30, 1986, P.L. 99-591, Title I, § 101(c) in part, 100 Stat. 3341-173; Nov. 14, 1986, P.L. 99-661, Div A, Title IV [IX], Part E, § 955, 100 Stat. 3953; April 21, 1987, P.L. 100-26, § 3(5) in part, 101 Stat. 273, applicable as if included in Act Nov. 14, 1986, when enacted on Nov. 14, 1986, as provided by § 12(a) of Act April 21, 1987, which appears as 10 USCS § 774 note, formerly appeared as a note to this section and was repealed by Act July 19, 1988, P.L. 100-370, § 1(d)(3)(B), 102 Stat. 843. Such section provided for comparable budgeting for similar systems. For similar provisions, see 10 USCS § 2217.

**Coordination of permanent change of station moves with school year.** Act Nov. 14, 1986, P.L. 99-661, Div A, Title VI, Part B, § 612, 100 Stat. 3878, provides: "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."

**Construction of duplicate authorization and appropriation provisions.** For construction of the duplicate provisions of Act Oct. 18, 1986, P.L. 99-500, Act Oct. 30, 1986, P.L. 99-591, and Act Nov. 14, 1986, P.L. 99-661 and for the rule for the date of enactment of such Acts, see Act April 21, 1987, P.L. 100-26, § 6, 101 Stat. 274, which appears as 10 USCS § 2301 note.

**Regulations regarding employment and volunteer work of spouses of military personnel.** Act Dec. 4, 1987, P.L. 100-180, Div A, Title VI, Part D, § 637, 101 Stat. 1106, provides:

"Not later than 60 days after the date of the enactment of this Act, 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."

**Repeal of provision relating to counterintelligence polygraph program.** Act Dec. 4, 1987, P.L. 100-180, Div A, Title XI, Part C, § 1121, 101 Stat. 1147; Nov. 18, 1997, P.L. 105-85, Div A, Title X, Subtitle G, § 1073(d)(5), 111 Stat. 1906 (applicable as provided by § 1073(i) of such Act, which appears as 10 USCS § 101 note), which formerly appeared as a note to this section, was repealed by Act Nov. 24, 2003, P.L. 108-136, Div A, Title X, Subtitle E, § 1041(b), 117 Stat. 1608. It provided for a counterintelligence polygraph program. For similar provisions, see 10 USCS § 1564a.

**Repeal of provision for report to Congress on cost of overseas troops.** Act Dec. 22, 1987, P.L. 100-202, § 101(b) [Title VIII § 8042], 101 Stat. 1329-69, which formerly appeared as a note to this section, was repealed by Act July 19, 1988, P.L. 100-370, § 1(o)(2), 102 Stat. 851. Such section provided for an annual report to Congress on the cost of overseas troops. For similar provisions, see subsec. (j) of this section.

**Repeal of provision relating to lead agency for detection of illegal drug transit.** Act Sept. 29, 1988, P.L. 100-456, Div A, Title XI, § 1102, 102 Stat. 2042, which formerly appeared as a note to this section, was repealed by Act Nov. 29, 1989, P.L. 101-189, Div A, Title XII, § 1202(b), 103 Stat. 1563. Such section provided for the Department of Defense to serve as lead agency for detection of illegal drug transit. For similar provisions, see 10 USCS § 124.

**Repeal of provision for annual assessment of security at United States bases in the Philippines.** Act Sept. 29, 1988, P.L. 100-456, Div A, Title XIII, § 1309, 102 Stat. 2063, which formerly appeared as a note to this section, was repealed by Act Oct. 23, 1992, P.L. 102-484, Div A, Title X, Subtitle H, § 1074, 106 Stat. 2511. Such section provided for an annual report by the Secretary of Defense to Congress assessing security at United States military facilities in the Republic of the Philippines, including an assessment of the cooperation provided by the Philippine Government.

**Congressional report on military missions assignment; review of long-term strategic interests; appointment of Ambassador at Large; appropriations.** Act Oct. 1, 1988, P.L. 100-463, Title VIII, § 8125, 102 Stat. 2270-41; Nov. 29, 1989, P.L. 101-189, Div A, Title XVI, Part C, § 1623, 103 Stat. 1606; April 30, 1994, P.L. 103-236, Title I, Part C, § 162(j), 108 Stat. 408; Feb. 10, 1996, P.L. 104-106, Div A, Title XV, § 1502(f)(1), 110 Stat. 509; Oct. 5, 1999, P.L. 106-65, Div A, Title X, Subtitle G, § 1067(14), 113 Stat. 775, provides:

"(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) [Deleted]

"(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 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."

**Repeal of provision for annual report.** Act Nov. 29, 1989, P.L. 101-189, Div A, Title II, Part B, § 211(e), 103 Stat. 1394, which formerly appeared as a note to this section, was repealed by Act Feb. 10, 1996, P.L. 104-106, Div A, Title X, Subtitle F, § 1061(1), 110 Stat. 443. It provided for an annual report on the Balanced Technology Initiative and related matters.

**Repeal of provisions for military relocation assistance programs.** Act Nov. 29, 1989, P.L. 101-189, Div A, Title VI, Part G, § 661, 103 Stat. 1463, which formerly appeared as a note to this section, was repealed by Act Nov. 5, 1990, P.L. 101-510, Div A, Title XIV, Part H, § 1481(c)(3), 104 Stat. 1705. This section provided for military relocation assistance programs.

**Repeal of Military Child Care Act of 1989.** Act Nov. 29, 1989, P.L. 101-189, Div A, Title XV, §§ 1501-1510, 103 Stat. 1589, which formerly appeared as a note to this section, was repealed by Act Feb. 10, 1996, P.L. 104-106, Div A, Title V, Subtitle F, § 568(e)(2), 110 Stat. 336. Such note provided for funding for military child care for fiscal year 1990, training for child care employees, fees for attendance at military child development centers, child abuse prevention and safety at facilities, parent partnerships with child development centers, a report on five-year demand for child care, subsidies for family home day care, and an early childhood education demonstration program.

**National military strategy reports.** Act Nov. 5, 1990, P.L. 101-510, Div A, Title IX, Part A, § 901, 104 Stat. 1619, provides:

"(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."

**Permanent ceiling on United States Armed Forces in Japan and contributions by Japan to the support of United States forces in Japan.** Act Nov. 5, 1990, P.L. 101-510, Div A, Title XIV, Part E, § 1455, 104 Stat. 1695, provides:

"(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, 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--

"(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."

**Contributions by Japan to the support of United States forces in Japan.** Act Nov. 5, 1990, P.L. 101-511, Title VIII, § 8105, 104 Stat. 1902; Dec. 5, 1991, P.L. 102-190, Div A, Title X, Part E, § 1063(b), 105 Stat. 1476, provides:

"(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."

**Child care assistance.** Act April 6, 1991, P.L. 102-25, Title VI, § 601, 105 Stat. 105; Dec. 5, 1991, P.L. 102-190, Div A, Title X, Part E, § 1063(d)(1), 105 Stat. 1476; Oct. 23, 1992, P.L. 102-484, Div A, Title X, Subtitle F, § 1053(8), 106 Stat. 2502 (effective as of Dec. 5, 1991), provides:

"(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) [unclassified], \$ 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.** Act April 6, 1991, P.L. 102-25, Title VI, § 602, 105 Stat. 106; Dec. 5, 1991, P.L. 102-190, Div A, Title X, Part E, § 1063(d)(2), 105 Stat. 1476, provides:

"(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), 672(d), 673, 673b, 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) [unclassified], \$ 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.** Act April 6, 1991, P.L. 102-25, Title VI, § 608, 105 Stat. 112, provides:

"(a) General rule. Effective as of the end of the six-month period beginning on the date of the enactment of this Act, 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."

**Waiver of limitation with respect to end strength level of U.S. Armed Forces in Japan for fiscal year 1991; justification.** Presidential Memorandum of May 14, 1991, 56 Fed. Reg. 23991, provides:

"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) [note to this section], I hereby waive the limitation in section 8105(b) [note to this section] 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.

"Justification Pursuant to Section 8105(d)(2) of the Department of Defense Appropriations Act, 1991 (Public Law No. 101-511; 104 Stat 1856) [note to this section]

"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)."

Provisions similar to those in this note were contained in Act Nov. 5, 1990, P.L. 101-511, Title VIII, § 8092, 104 Stat. 1896.

**Delegation of certain defense related authorities of President to Secretary of Defense.** Ex. Or. No. 12765 of June 11, 1991, 56 Fed. Reg. 27401, provides:

"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."

**Requirements relating to European military procurement practices.** Act Dec. 5, 1991, P.L. 102-190, Div A, Title VIII, Part D, § 832, 105 Stat. 1446, provides:

"(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.** Act Dec. 5, 1991, P.L. 102-190, Div A, Title IX, Part C, § 924, 105 Stat. 1454, provides:

"(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."

**Family support center for families of prisoners of war and persons missing in action.** Act Dec. 5, 1991, P.L. 102-190, Div A, Title X, Part G, § 1083, 105 Stat. 1482, provides:

"(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."

**Commission on the Assignment of Women in the Armed Forces.** Act Dec. 5, 1991, P.L. 102-190, Div A, Title V, Part D, Subpart 2, §§ 541-550, 105 Stat. 1365, provide:

"Sec. 541. Establishment of Commission.

"(a) Establishment. There is established a commission to be known as the Commission on the Assignment of Women in the Armed Forces (hereinafter in this subpart referred to as the "Commission").

"(b) Composition.

(1) The Commission shall be composed of 15 members appointed by the President. The Commission membership shall be diverse with respect to race, ethnicity, gender, and age. The President shall designate one of the members as Chairman of the Commission.

"(2) The President shall appoint the members of the Commission from among persons who have distinguished themselves in the public or private sector and who have had significant experience (as determined by the President) with one or more of the following matters:

"(A) Social and cultural matters affecting the military and civilian workplace gained through recognized research and policymaking, as demonstrated by retired military personnel, representatives from educational organizations, and leaders from civilian industry and non-Department of Defense governmental agencies.

"(B) The law.

"(C) Factors used to define appropriate combat job qualifications, including physical, mental, educational, and other factors.

"(D) Service in the Armed Forces in a combat environment.

"(E) Military personnel management.

"(F) Experiences of women in the military gained through service as--

"(i) a female service member (current or former);

"(ii) a manager of an organization with a representative presence of women; or

"(iii) a member of an organization with responsibility for policy review, advice, or oversight of the status of women in the military.

"(G) Women's issues in American society.

"(3) In making appointments to the Commission, the President shall consult with the chairmen and ranking minority members of the Committees on Armed Services of the Senate and the House of Representatives.

"(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 President shall make all appointments under subsection (b) within 60 days after the date of the enactment of this Act.

"(2) The Commission shall convene its first meeting within 15 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. 542. Duties.

"(a) In general. The Commission shall assess the laws and policies restricting the assignment of female service members and shall make findings on such matters.

"(b) Studies. In carrying out such assessment, the Commission shall--

"(1) conduct a thorough study of duty assignments available for female service members;

"(2) examine studies already completed concerning duty assignments for female service members; and

"(3) conduct such additional studies as may be required.

"(c) Matters to be considered. Matters to be considered by the Commission shall include the following:

"(1) The implications, if any, for the combat readiness of the Armed Forces of permitting female service members to qualify for assignment to positions in some or all categories of combat positions and to be assigned to such positions, including the implications with respect to--

"(A) the physical readiness of the armed forces and the process for establishing minimum physical and other qualifications;

"(B) the effects, if any, of pregnancy and other factors resulting in time lost for male and female service members; in evaluating lost time, comparisons must be made between like mental categories and military occupational specialties rather than simple gender comparisons; and

"(C) the effects, if any, of such assignments on unit morale and cohesion.

"(2) The public attitudes in the United States on the use of women in the military.

"(3) The legal and policy implications (A) of permitting only voluntary assignments of female service members to combat positions, and (B) of permitting involuntary assignments of female service members to some or all combat positions.

"(4) The legal and policy implications--

"(A) of requiring females to register for and to be subject to conscription under the Military Selective Service Act [50 USCS Appx. §§ 451 et seq. generally; for full classification, consult USCS Tables volumes] on the same basis as males if females were provided the same opportunity as males for assignment to any position in the Armed Forces;

"(B) of requiring females to register for and to be subject to conscription under the Military Selective Service Act [50 USCS Appx. §§ 451 et seq. generally; for full classification, consult USCS Tables volumes] on the same basis as males if females in the Armed Forces were assigned to combat position only as volunteers; and

"(C) of requiring females to register for and to be subject to conscription under the Military Selective Service Act [50 USCS Appx. §§ 451 et seq. generally; for full classification, consult USCS Tables volumes] on a different basis than males if females in the Armed Forces were not assigned to combat positions on the same basis as males.

"(5) The extent of the need to modify facilities and vessels, aircraft, vehicles, and other equipment of the Armed Forces to accommodate the assignment of female service members to combat positions or to provide training in combat skills to female service members, including any need to modify quarters, weapons, and training facilities and equipment.

"(6) The costs of meeting the needs identified pursuant to paragraph (5).

"(7) The implications of restrictions on the assignment of women on the recruitment, retention, use, and promotion of qualified personnel in the Armed Forces.

"Sec. 543. Report.

"(a) In general.

(1) Not later than November 15, 1992, the Commission shall transmit to the President a final report on the results of the study conducted by the Commission.

"(2) The Commission may transmit to the President and to Congress such interim reports as the Commission considers appropriate.

"(b) Content of final report.

(1) The final report shall contain a detailed statement of the findings and conclusions of the Commission, together with such recommendations for further legislation and administrative action as the Commission considers appropriate.

"(2) The report shall include recommendations on the following matters:

"(A) Whether existing law and policies restricting the assignment of female service members should be retained, modified, or repealed.

"(B) What roles female service members should have in combat.

"(C) What transition process is appropriate if female service members are to be given the opportunity to be assigned to combat positions in the Armed Forces.

"(D) Whether special conditions and different standards should apply to females than apply to males performing similar roles in the Armed Forces.

"(c) Submission of final report to Congress. Not later than December 15, 1992, the President shall transmit to the Congress the report of the Commission, together with the President's comments and recommendations regarding such report.

"Sec. 544. 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 subpart, 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 subpart. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

"Sec. 545. Commission procedures.

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

"(b) Quorum.

(1) Five 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 present at a properly called meeting.

"(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 subpart.

"Sec. 546. Personnel matters.

"(a) Pay of members. Each member of the Commission who is not an officer or employee of the Federal Government 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 [5 USCS §§ 5701 et seq.], 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 [5 USCS §§ 5101 et seq., 5331 et seq.], relating to classification of positions and General Schedule pay rates, except that no rate of pay fixed under this paragraph may exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

"(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. 547. 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 Administrator of General Services 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) Procurement authority. The Commission may procure supplies, services, and property and make contracts, in any fiscal year, in order to carry out its duties, but (except in the case of temporary or intermittent services procured under section 546(e)) only to such extent or in such amounts as are provided in appropriation Acts or are donated pursuant to subsection (c). Contracts and other procurement arrangements may be entered into without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) [41 USCS § 6101] or any similar provision of Federal law.

"(e) Applicability of Federal Advisory Committee Act. The provisions of the Federal Advisory Committee Act [5 USCS Appx.] shall not apply to the Commission.

"(f) 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. 548. 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. 549. Termination of the Commission.

"The Commission shall terminate 90 days after the date on which Commission submits its final report under section 543(a)(1).

"Sec. 550. Test assignments of female service members to combat positions.

"(a) Test assignments. In carrying out its duties, the Commission may request the Secretary of Defense to conduct test assignments of female service members to combat positions. The Secretary shall determine, in consultation with the Commission, the types of tests that are appropriate and shall retain a record of the disposition of each such request.

"(b) Waiver authority. For the purpose of conducting test assignments of female service members to combat positions pursuant to requests under subsection (a), the Secretary of Defense may waive section 6015 of title 10, United States Code, and any other restriction that applies under Department of Defense regulations or policy to the assignment of female service members to combat positions."

**Programming language Ada to be used for Department of Defense software.** Act Oct. 6, 1992, P.L. 102-396, Title IX, § 9070, 106 Stat. 1918, provides: "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."

Provisions similar to those of this note were contained in Acts Nov. 5, 1990, P.L. 101-511, Title VIII, § 8092, 104 Stat. 1896; Nov. 26, 1991, P.L. 102-172, Title VIII, § 8073, 105 Stat. 1188.

**Program to commemorate World War II.** Act Oct. 23, 1992, P.L. 102-484, Div A, Title III, Subtitle G, § 378, 106 Stat. 2387; Oct. 5, 1994, P.L. 103-337, Div A, Title III, Subtitle H, § 382(a), 108 Stat. 2740, provides:

"(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) (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 [5 USCS §§ 8101 et seq.], 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.** Act Oct. 23, 1992, P.L. 102-484, Div A, Title III, Subtitle G, § 383, 106 Stat. 2392, provides:

"(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 taken to reduce or eliminate disincentives to report abuse of dependent.** Act Oct. 23, 1992, P.L. 102-484, Div A, Title VI, Subtitle E, § 653(d), 106 Stat. 2429, provides:

"(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.** Act Oct. 23, 1992, P.L. 102-484, Div A, Title X, Subtitle H, § 1072, 106 Stat. 2508, provides:

"(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.

"(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.** Act Oct. 23, 1992, P.L. 102-484, Div A, Title X, Subtitle I, § 1082, 106 Stat. 2516; Nov. 24, 2003, P.L. 108-136, Div A, Title X, Subtitle D, § 1031(d)(2), 117 Stat. 1604, provides:

"(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 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."

**Repeal of provision for overseas military end strength.** Act Oct. 23, 1992, P.L. 102-484, Div A, Title XIII, Subtitle A, § 1302, 106 Stat. 2545, which formerly appeared as a note to this section, was repealed by Act Oct. 5, 1994, P.L. 103-337, Div A, Title XIII, Subtitle B, § 1312(c), 108 Stat. 2894. Such § 1302 provided for overseas military end strength.

**Reports on overseas basing.** Act Oct. 23, 1992, P.L. 102-484, Div A, Title XIII, Subtitle A, § 1304, 106 Stat. 2546; Nov. 30, 1993, P.L. 103-160, Div B, Title XXIX, Subtitle B, § 2924(a), 107 Stat. 1931; Feb. 10, 1996, P.L. 104-106, Div A, Title XV, § 1502(c)(2)(A), 110 Stat. 506, provides:

"(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, 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) [unclassified] and reduced end strength levels under section 1302 [note to this section].

"(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."

**Repeal of provision relating to notice of proposed changes in combat assignments for female members.** Act Nov. 30, 1993, P.L. 103-160, Div A, Title V, Subtitle D, § 542, 107 Stat. 1659; Oct. 30, 2000, P.L. 106-398, § 1, 114 Stat. 1654 (enacting into law § 573(b) of Subtitle G of Title V of Division A of H.R. 5408 (114 Stat. 1654A-136), as introduced on Oct. 6, 2000); Dec. 28, 2001, P.L. 107-107, Div A, Title V, Subtitle J, § 591, 115 Stat. 1125, which formerly appeared as a note to this section, was repealed by Act Jan. 6, 2006, P.L. 109-163, Div A, Title V, Subtitle D, § 541(c), 119 Stat. 3253. Such note provided for notification to Congress of proposed changes in combat assignments to which female members may be assigned. For similar provisions, see 10 USCS § 652.

**Gender-neutral occupational performance standards.** Act Nov. 30, 1993, P.L. 103-160, Div A, Title V, Subtitle D, § 543, 107 Stat. 1659, provides:

"(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.** Act Nov. 30, 1993, P.L. 103-160, Div A, Title V, Subtitle G, § 575, 107 Stat. 1675, provides:

"(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: substituted this section for one which read: substituted this section for one which read:

"(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 for civilian employees.** Act Nov. 30, 1993, P.L. 103-160, Div A, Title XI, Subtitle H, § 1183, 107 Stat. 1774, provides:

"(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."

**Upgrade of Direct Communication Link; savings provision.** Act Dec. 17, 1993, P.L. 103-199, Title IV, § 404(b), 107 Stat. 2325, provides: "The amendment made by subsection (a)(2) [amending § 2(b) of Act Aug. 8, 1985, P.L. 99-85, 99 Stat. 287, which appears as a note to this section] does not affect the applicability of section 2(b) of that joint resolution to funds received from the Soviet Union."

**Requirements for automated information systems of the Department of Defense.** Act Oct. 5, 1994, P.L. 103-337, Div A, Title III, Subtitle H, § 381, 108 Stat. 2738, provides:

"(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 Depart-

ment of Defense dated October 13, 1993 (relating to accelerated implementation of migration systems, data standards, and process improvement)."

**Department of Defense policies and procedures on discrimination and sexual harassment.** Section 532 of Act Oct. 5, 1994, P.L. 103-337, which formerly appeared as a note to this section, was transferred to 10 USCS § 1561 note.

**Annual report on personnel readiness factors by race and gender.** Act Oct. 5, 1994, P.L. 103-337, Div A, Title V, Subtitle C, § 533, 108 Stat. 2760, provides:

"(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 para graph (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.** Act Oct. 5, 1994, P.L. 103-337, Div A, Title V, Subtitle C, § 534, 108 Stat. 2761, provides:

"(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.

"(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.** Act Oct. 5, 1994, P.L. 103-337, Div A, Title X, Subtitle D, § 1031, 108 Stat. 2838, provides:

"(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."

**Annual report on denial, revocation, and suspension of security clearances.** Act Oct. 5, 1994, P.L. 103-337, Div A, Title X, Subtitle E, § 1041, 108 Stat. 2842, provides:

"(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."

**George C. Marshall European Center for Security Studies.** Act Oct. 5, 1994, P.L. 103-337, Div A, Title XIII, Subtitle A, § 1306, 108 Stat. 2892; Nov. 24, 2003, P.L. 108-136, Div A, Title XII, Subtitle C, § 1223, 117 Stat. 1652; Jan. 6, 2006, P.L. 109-163, Div A, Title IX, Subtitle A, § 903(c)(1), 119 Stat. 3399, provides:, provides:

"(a) Waiver of charges. 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.

"(b) Source of funds. Costs for which reimbursement is waived pursuant to subsection (a) shall be paid from appropriations available for the Center."

**Effectiveness of amendments made by § 1501 of Act Feb. 10, 1996.** Act Feb. 10, 1996, P.L. 104-106, Div A, Title XV, § 1501(f)(3), 110 Stat. 501, provides: "The amendments made by this section [for full classification, consult USCS Tables volumes] shall take effect as if included in the Reserve Officer Personnel Management Act [Act Oct. 5, 1994, P.L. 103-337, 108 Stat. 2663] as enacted on October 5, 1994."

**Review of C<4>I by National Research Council.** Act Feb. 10, 1996, P.L. 104-106, Div A, Title II, Subtitle E, § 262, 110 Stat. 236, provides:

"(a) Review by National Research Council. Not later than 90 days after the date of the enactment of this Act, 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, 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 [unclassified] 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.** Act Feb. 10, 1996, P.L. 104-106, Div A, Title III, Subtitle F, § 366, 110 Stat. 275, provides:

"(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) [note to this section].

"(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.** Act Feb. 10, 1996, P.L. 104-106, Div A, Title V, Subtitle E, § 551, 110 Stat. 318, provides:

"(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.

"(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)."

**Order of succession.** For the order of succession in event of death, disability, or absence of the Secretary, see Ex. Ord. No. 13000 of April 24, 1996, 61 Fed. Reg. 18483, which appears as 5 USCS § 3345 note.

**Enforcement of child support obligations of members of the armed forces; availability of locator information.** Act Aug. 22, 1996, P.L. 104-193, Title III, Subtitle G, § 363(a), 110 Stat. 2247; Nov. 25, 2002, P.L. 107-296, Title XVII, § 1704(e)(1)(A), 116 Stat. 2315, provides:

"(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 USCS § 653]."

**Hate crimes in the military.** Act Sept. 23, 1996, P.L. 104-201, Div A, Title V, Subtitle H, § 571(a), (b), 110 Stat. 2532, provides:

"(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."

**Expansion of report on implementation of automated information systems to include additional matters regarding information resources management.** Act Sept. 23, 1996, P.L. 104-201, Div A, Title VIII, Subtitle B, § 830, 110 Stat. 2614; Sept. 30, 1996, P.L. 104-208, Div A, Title I, § 101(f) [Title VIII, § 808(c)], 110 Stat. 3009-394, provides:

"(a) Expanded report. The Secretary of Defense shall include in the report submitted in 1997 under section 381(f) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 10 U.S.C. 113 note) a discussion of the following matters relating to information resources management:

"(1) The progress made in implementing the Information Technology Management Reform Act of 1996 (division E of Public Law 104-106; 110 Stat. 679; 40 U.S.C. 1401 et seq.) [repealed and reenacted as 40 USCS §§ 11101 et seq.] and the amendments made by that Act [for full classification, consult USCS Tables volumes].

"(2) The progress made in implementing the strategy for the development or modernization of automated information systems for the Department of Defense, as required by section 366 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 275; 10 U.S.C. 113 note).

"(3) Plans of the Department of Defense for establishing an integrated framework for management of information resources within the department.

"(b) Specific elements of report. The presentation of matters under subsection (a) shall specifically include a discussion of the following:

"(1) The status of the implementation of performance measures.

"(2) The specific actions being taken to link the proposed performance measures to the planning, programming, and budgeting system of the Department of Defense and to the life-cycle management processes of the department.

"(3) The results of pilot program testing of proposed performance measures.

"(4) The additional training necessary for the implementation of performance-based information management.

"(5) The department-wide actions that are necessary to comply with the requirements of the following provisions of law:

"(A) The amendments made by the Government Performance and Results Act of 1993 (Public Law 103-62; 107 Stat. 285) [for full classification, consult USCS Tables volumes].

"(B) The Information Technology Management Reform Act of 1996 (division E of Public Law 104-106; 110 Stat. 679; 40 U.S.C. 1401 et seq.) [repealed and reenacted as 40 USCS §§ 11101 et seq.] and the amendments made by that Act [for full classification, consult USCS Tables volumes].

"(C) Title V of the Federal Acquisition Streamlining Act of 1994 (Public Law 103-355; 108 Stat. 3349) and the amendments made by that title [for full classification, consult USCS Tables volumes].

"(D) The Chief Financial Officers Act of 1990 (Public Law 101-576; 104 Stat. 2838) and the amendments made by that Act [for full classification, consult USCS Tables volumes]."

**Annual report on Operation Provide Comfort and Operation Enhanced Southern Watch.** Act Sept. 23, 1996, P.L. 104-201, Div A, Title X, Subtitle D, § 1041, 110 Stat. 2640, provides:

"(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."

**Repeal of provision requiring annual report on emerging operational concepts.** Act Sept. 23, 1996, P.L. 104-201, Div A, Title X, Subtitle D, § 1042, 110 Stat. 2642; Oct. 5, 1999, P.L. 106-65, Div A, Title X, Subtitle G, § 1067(5), 113 Stat. 774, which formerly appeared as a note to this section, was repealed by Act Oct. 5, 1999, P.L. 106-65, Div A, Title II, Subtitle D, § 241(b), 113 Stat. 550. Such note provided for an annual report on emerging operational concepts. For similar provisions, see 10 USCS § 486.

**George C. Marshall European Center for Strategic Security Studies.** Act Sept. 23, 1996, P.L. 104-201, Div A, Title X, Subtitle F, § 1065, 110 Stat. 2653; Nov. 24, 2003, P.L. 108-136, Div A, Title X, Subtitle D, § 1031(f)(2), 117 Stat. 1604; Jan. 6, 2006, P.L. 109-163, Div A, Title IX, Subtitle A, § 903(c)(2), 119 Stat. 3399, provides:

"(a) 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.

"(b) 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 [18 USCS § 219], a non-United States citizen may serve on the Marshall Center Board of Visitors even though registered as a foreign agent."

**Participation of members, dependents, and other persons in crime prevention efforts at installations.** Act Sept. 23, 1996, P.L. 104-201, Div A, Title X, Subtitle F, § 1070, 110 Stat. 2656, provides:

"(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)."

**Requirement for prior matching of disbursements to particular obligations.** Act Sept. 30, 1996, P.L. 104-208, Div A, Title I, § 101(b) [Title VIII, § 8106], 110 Stat. 3009-111; Oct. 8, 1997, P.L. 105-56, Title VIII, § 8113, 111 Stat. 1245 (effective June 30, 1998); Oct. 21, 1998, P.L. 105-277, Div C, Title I, § 143, 112 Stat. 2681-609; Oct. 25, 1999, P.L. 106-79, Title VIII, § 8135, 113 Stat. 1268, provides:

"(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."

Similar provisions were contained in Acts Sept. 30, 1994, P.L. 103-335, Title VIII, § 8137, 108 Stat. 2654; Dec. 1, 1995, P.L. 104-61, Title VIII, § 8102, 109 Stat. 672.

**Program to investigate fraud, waste, and abuse within Department of Defense.** Act Nov. 18, 1997, P.L. 105-85, Div A, Title III, Subtitle F, § 392, 111 Stat. 1717; Oct. 17, 1998, P.L. 105-261, Div A, Title III, Subtitle G, § 374, 112 Stat. 1992, provides: "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)."

**Coordination of Department of Defense criminal investigations and audits.** Act Nov. 18, 1997, P.L. 105-85, Div A, Title IX, Subtitle A, § 907, 111 Stat. 1856, provides:

"(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.** Act Nov. 18, 1997, P.L. 105-85, Div A, Title X, Subtitle E, § 1052, 111 Stat. 1889, provides:

"(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, 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.** Act Nov. 18, 1997, P.L. 105-85, Div A, Title X, Subtitle G, § 1072, 111 Stat. 1898, provides:

"(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. 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 USCS §§ 801 et seq.]."

**Program to commemorate 50th anniversary of the Korean War.** Act Nov. 18, 1997, P.L. 105-85, Div A, Title X, Subtitle G, § 1083, 111 Stat. 1918; Dec. 1, 1997, P.L. 105-129, § 1(b)(1), 111 Stat. 2551 (effective as if included in the provisions of Act Nov. 18, 1997 to which it relates, as provided by § 1(b)(2) of such Act); Oct. 17, 1998, P.L. 105-261, Div A, Title X, Subtitle G, § 1067(a), (c), 112 Stat. 2134; Oct. 5, 1999, P.L. 106-65, Div A, Title X, Subtitle F, §

1052(a), (b)(1), (c), 113 Stat. 764 (effective and applicable as provided by § 1052(b)(2), (d) of such Act); Dec. 28, 2001, P.L. 107-107, Div A, Title X, Subtitle E, §§ 1048(g)(6) (effective 10/5/99, and as if included in Act Oct. 5, 1999 as enacted, as provided by § 1048(g) of the 2001 Act), 1048(i)(1), 115 Stat. 1228, 1229; Dec. 2, 2002, P.L. 107-314, Div A, Title X, Subtitle F, § 1069, 116 Stat. 2660, provides:

"(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.

"(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."

**Annual report on moratorium on use by armed forces of antipersonnel landmines.** Act Nov. 18, 1997, P.L. 105-85, Div A, Title XIII, § 1309, 111 Stat. 1956, provides:

"(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 [unclassified]), 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 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."

**Oversight of development and implementation of automated identification technology.** Act Oct. 17, 1998, P.L. 105-261, Div A, Title III, Subtitle E, § 344, 112 Stat. 1977; Oct. 5, 1999, P.L. 106-65, Div A, Title III, Subtitle H, § 373(h), Title X, Subtitle G, § 1067(3), 113 Stat. 581, 774, provides:

"(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) [Deleted]

"(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 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 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.** Act Oct. 17, 1998, P.L. 105-261, Div A, Title III, Subtitle G, § 377, 112 Stat. 1993; Oct. 30, 2000, P.L. 106-398, § 1, 114 Stat. 1654 (enacting into law § 387 of Subtitle H of Title III of Division A of H.R. 5408 (114 Stat. 1654A-88), as introduced on Oct. 6, 2000), provides:

"(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.** Act Oct. 17, 1998, P.L. 105-261, Div A, Title IX, Subtitle B, § 915(b), 112 Stat. 2102, provides: "Not later than 90 days after the date of the enactment of this Act, 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 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)."

**Redesignation of Commemoration Account.** Act Oct. 17, 1998, P.L. 105-261, Div A, Title X, Subtitle G, § 1067(b), 112 Stat. 2134, provides: "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'."

**Construction of references to Korean Conflict Commemoration or Korean Conflict Commemoration Account.** Act Oct. 17, 1998, P.L. 105-261, Div A, Title X, Subtitle G, § 1067(d), 112 Stat. 2135, provides: "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."

**Report on supplemental nutrition assistance program benefits assistance for members of the Armed Forces.** Act Oct. 17, 1998, P.L. 105-262, Title VIII, § 8119, 112 Stat. 2331; May 22, 2008, P.L. 110-234, Title IV, Subtitle A, Part I, § 4002(b)(1)(B), (D), (E), (2)(K), 122 Stat. 1096, 1097 (repealed effective 5/22/2008 as provided by § 4 of Act June 18, 2008, which appears as 7 USCS § 8701 note); June 18, 2008, P.L. 110-246, Title IV, Subtitle A, Part I, § 4002(b)(1)(B), (D), (E), (2)(K), 122 Stat. 1857, 1858 (effective 10/1/2008, as provided by § 4407 of such Act, which appears as 2 USCS § 1161 note), provides:

"(a) The Secretary of Defense shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on supplemental nutrition assistance benefits 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 supplemental nutrition assistance program benefits.

"(2) The number of members of the Armed Forces and dependents of members of the Armed Forces who received supplemental nutrition assistance program benefits in fiscal year 1998.

"(3) A proposal for using, as a means for eliminating or reducing significantly the need of such personnel for supplemental nutrition assistance program benefits, 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 supplemental nutrition assistance program benefits.

"(5) Other potential alternative actions (including any recommended legislation) for eliminating or reducing significantly the need of such personnel for supplemental nutrition assistance program benefits.

"(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 supplemental nutrition assistance program benefits.

"(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 'supplemental nutrition assistance program benefits' means assistance under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.)."

**Defense reform initiative enterprise pilot program for military manpower and personnel information.** Act Oct. 17, 1998, P.L. 105-262, Title VIII, § 8147, 112 Stat. 2341, provides: "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 [Act Feb. 10, 1996; for full classification, consult USCS Tables volumes], 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."

**Establishment of logistics standards for sustained military operations.** Act Oct. 5, 1999, P.L. 106-65, Div A, Title III, Subtitle G, § 366, 113 Stat. 578, provides:

"(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 Department of Defense.** Act Oct. 5, 1999, P.L. 106-65, Div A, Title III, Subtitle H, § 373(a)-(g), 113 Stat. 580, provide:

"(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.

"(f) Funding for increased use of smart cards. Of the funds authorized to be appropriated for the Navy by section 102(a)(4) or 301(2), 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."

**Survey of members leaving military service on attitudes toward military service.** Act Oct. 5, 1999, P.L. 106-65, Div A, Title V, Subtitle J, § 581, 113 Stat. 633, provides:

"(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."

**Administration of defense reform initiative enterprise program for military manpower and personnel information.** Act Oct. 5, 1999, P.L. 106-65, Div A, Title IX, Subtitle C, § 924, 113 Stat. 726, provides:

"(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)."

**Repeal of provisions relating to annual report on United States military activities in Colombia.** Act Oct. 5, 1999, P.L. 106-65, Div A, Title X, Subtitle C, § 1025, 113 Stat. 748, which formerly appeared as a note to this section, was repealed by Act Dec. 31, 2011, P.L. 112-81, Div A, Title X, Subtitle G, § 1062(j)(2), 125 Stat. 1585. It provided for an annual report on United States military activities in Colombia.

**Report on NATO Defense Capabilities Initiative.** Act Oct. 5, 1999, P.L. 106-65, Div A, Title X, Subtitle D, § 1039, 113 Stat. 756; Nov. 24, 2003, P.L. 108-136, Div A, Title X, Subtitle D, § 1031(h)(3), 117 Stat. 1605, provides:

"(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) [Deleted]".

**Construction of amendment made to § 1083(c) of Act Nov. 18, 1997 (note to this section).** Act Oct. 5, 1999, P.L. 106-65, Div A, Title X, Subtitle F, § 1052(b)(2), 113 Stat. 764, provides: "The amendment made by paragraph (1) [substituting 'United States of America Korean War Commemoration' for 'Department of Defense Korean War Commemoration' in subsec. (c) of Act Nov. 18, 1997, P.L. 105-85, which appears as a note to this section] may not be construed to supersede rights that are established or vested before the date of the enactment of this Act."

**References to Department of Defense Korean War Commemoration.** Act Oct. 5, 1999, P.L. 106-65, Div A, Title X, Subtitle F, § 1052(b)(3), 113 Stat. 764, provides: "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."

**Commemoration of the victory of freedom in the Cold War.** Act Oct. 5, 1999, P.L. 106-65, Div A, Title X, Subtitle F, § 1053, 113 Stat. 764; Dec. 28, 2001, P.L. 107-107, Div A, Title X, Subtitle E, § 1048(g)(7), 115 Stat. 1228 (effective 10/5/99, and as if included in Act Oct. 5, 1999 as enacted, as provided by § 1048(g) of the 2001 Act), provides:

"(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 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 and security developments involving the People's Republic of China.** Act Oct. 5, 1999, P.L. 106-65, Div A, Title XII, Subtitle A, § 1202, 113 Stat. 781; Dec. 28, 2001, P.L. 107-107, Div A, Title XII, Subtitle C, § 1221, 115 Stat. 1252; Jan. 28, 2008, P.L. 110-181, Div A, Title XII, Subtitle E, § 1263, 122 Stat. 407; Oct. 28, 2009, P.L. 111-84, Div A, Title XII, Subtitle C, § 1246(a)-(c), 123 Stat. 2544 (effective on enactment and applicable as provided by § 1246(e) of such Act, which appears as a note to this section); Dec. 31, 2011, P.L. 112-81, Div A, Title X, Subtitle G, § 1066(e)(1), Title XII, Subtitle C, § 1238(a), 125 Stat. 1589, 1642 (§ 1238(a) effective on enactment and applicable to reports submitted on or after that date, as provided by § 1238(b) of such Act); Jan. 2, 2013, P.L. 112-239, Div A, Title XII, Subtitle F, § 1271, 126 Stat. 2022, provides:

"(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 military and security developments involving the People's Republic of China. The report shall address the current and probable future course of military-technological development of the People's Liberation Army and the tenets and probable development of Chinese security strategy and military strategy, and of military organizations and operational concepts, through the next 20 years. The report shall also address United States-China engagement and cooperation on security matters during the period covered by the report, including through United States-China military-to-military contacts, and the United States strategy for such engagement and cooperation in the future.

"(b) Matters to be included. Each report under this section shall include analyses and forecasts of the following:

"(1) The goals and factors shaping Chinese security strategy and military strategy.

"(2) Trends in Chinese security and military behavior that would be designed to achieve, or that are inconsistent with, the goals described in paragraph (1).

"(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 and training.

"(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 or otherwise undermine the Department of Defense's capability to conduct information assurance. Such analyses shall include an assessment of the damage inflicted on the Department of Defense by reason thereof.

"(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 USCS §§ 3301 et seq.].

"(9) Developments in China's asymmetric capabilities, including its strategy and efforts to develop and deploy cyberwarfare and electronic warfare capabilities, details on the number of malicious cyber incidents originating from China against Department of Defense infrastructure, and associated activities originating or suspected of originating from China.

"(10) The strategy and capabilities of Chinese space and counterspace programs, including trends, global and regional activities, the involvement of military and civilian organizations, including state-owned enterprises, academic institutions, and commercial entities, and efforts to develop, acquire, or gain access to advanced technologies that would enhance Chinese military capabilities.

"(11) Developments in China's nuclear program, including the size and state of China's stockpile, its nuclear strategy and associated doctrines, its civil and military production capacities, and projections of its future arsenals.

"(12) A description of China's anti-access and area denial capabilities.

"(13) A description of China's command, control, communications, computers, intelligence, surveillance, and reconnaissance modernization program and its applications for China's precision guided weapons.

"(14) A description of the roles and activities of the People's Liberation Army Navy and those of China's paramilitary and maritime law enforcement vessels, including their response to United States naval activities.

"(15) In consultation with the Secretary of Energy and the Secretary of State, developments regarding United States-China engagement and cooperation on security matters.

"(16) The current state of United States military-to-military contacts with the People's Liberation Army, which shall include the following:

"(A) A comprehensive and coordinated strategy for such military-to-military contacts and updates to the strategy.

"(B) A summary of all such military-to-military contacts during the period covered by the report, including a summary of topics discussed and questions asked by the Chinese participants in those contacts.

"(C) A description of such military-to-military contacts scheduled for the 12-month period following the period covered by the report and the plan for future contacts.

"(D) The Secretary's assessment of the benefits the Chinese expect to gain from such military-to-military contacts.

"(E) The Secretary's assessment of the benefits the Department of Defense expects to gain from such military-to-military contacts, and any concerns regarding such contacts.

"(F) The Secretary's assessment of how such military-to-military contacts fit into the larger security relationship between the United States and the People's Republic of China.

"(G) The Secretary's certification whether or not any military-to-military exchange or contact was conducted during the period covered by the report in violation of section 1201(a) [10 USCS § 168 note].

"(17) Other military and security developments involving the People's Republic of China that the Secretary of Defense considers relevant to United States national security.

"(18) A description of Chinese military-to-military relationships with other countries, including the size and activity of military attache offices around the world and military education programs conducted in China for other countries or in other countries for the Chinese.

"(19) A description of any significant sale or transfer of military hardware, expertise, and technology to or from the People's Republic of China, including a forecast of possible future sales and transfers, a description of the implications of those sales and transfers for the security of the United States and its partners and allies in Asia, and a description of any significant assistance to and from any selling state with military-related research and development programs in China.

"(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.** Act Oct. 5, 1999, P.L. 106-65, Div C, Title XXXI, Subtitle E, § 3163(d), 113 Stat. 945, provides:

"(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."

**Policy concerning rights of individuals whose names have been entered into Department of Defense official criminal investigative reports.** Act Oct. 30, 2000, P.L. 106-398, § 1, 114 Stat. 1654 (enacting into law § 552 of Subtitle E of Title V of Division A of H.R. 5408 (114 Stat. 1654A-125), as introduced on Oct. 6, 2000), provides:

"(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."

**Test of ability of reserve component intelligence units and personnel to meet current and emerging defense intelligence needs.** Act Oct. 30, 2000, P.L. 106-398, § 1, 114 Stat. 1654 (enacting into law § 576 of Subtitle G of Title V of Division A of H.R. 5408 (114 Stat. 1654A-138), as introduced on Oct. 6, 2000), provides:

"(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--

"(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.** Act Oct. 30, 2000, P.L. 106-398, § 1, 114 Stat. 1654 (enacting into law § 1105 of Subtitle A of Title XI of Division A of H.R. 5408 (114 Stat. 1654A-311), as introduced on Oct. 6, 2000), provides:

"(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 the equal employment opportunity complaint process.** Act Oct. 30, 2000, P.L. 106-398, § 1, 114 Stat. 1654 (enacting into law § 1111 of Subtitle B of Title XI of Division A of H.R. 5408 (114 Stat. 1654A-312), as introduced on Oct. 6, 2000), provides:

"(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.** Act Oct. 30, 2000, P.L. 106-398, § 1, 114 Stat. 1654 (enacting into law § 1112 of Subtitle B of Title XI of Division A of H.R. 5408 (114 Stat. 1654A-313), as introduced on Oct. 6, 2000); Dec. 2, 2002, P.L. 107-314, Div A, Title III, Subtitle G, § 363, 116 Stat. 2520, provides:

"(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 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) [unclassified], \$ 5,000,000 shall be available for the demonstration program under this section."

**GAO study on benefits and costs of United States military engagement in Europe.** Act Oct. 30, 2000, P.L. 106-398, § 1, 114 Stat. 1654 (enacting into law § 1223 of Subtitle C of Title XII of Division A of H.R. 5408 (114 Stat. 1654A-328), as introduced on Oct. 6, 2000), provides:

"(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."

**Reliability of Department of Defense financial statements.** Act Dec. 28, 2001, P.L. 107-107, Div A, Title X, Subtitle A, § 1008, 115 Stat. 1204; Dec. 31, 2011, P.L. 112-81, Div A, Title X, Subtitle F, § 1052, 125 Stat. 1582, provides:

"(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 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 the date that is 180 days prior to the date set by the Office of Management and Budget for the submission of financial statements 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."

**Uniform financial management system for Department of Defense test and evaluation facilities.** Act Dec. 2, 2002, P.L. 107-314, Div A, Title II, Subtitle D, § 233, 116 Stat. 2490, provides:

"(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.** Act Dec. 2, 2002, P.L. 107-314, Div A, Title III, Subtitle G, § 366, 116 Stat. 2522; Oct. 17, 2006, P.L. 109-364, Div

A, Title III, Subtitle E, § 348, 120 Stat. 2159; Jan. 28, 2008, P.L. 110-181, Div A, Title X, Subtitle F, § 1063(c)(2), 122 Stat. 322 (effective as if included in Act Oct. 17, 2006, as provided by § 1063(c) of such Act); Jan. 7, 2011, P.L. 111-383, Div A, Title X, Subtitle H, § 1075(g)(2), 124 Stat. 4376 (effective as of 10/17/2006 and as if included in Act Oct. 17, 2006 as enacted, as provided by § 1075(g) of the 2011 Act); Jan. 2, 2013, P.L. 112-239, Div A, Title III, Subtitle B, § 311, 126 Stat. 1691, provides:

"(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 fiscal year through fiscal year 2018, 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 each fiscal year through fiscal year 2018.

"(d) GAO evaluation. The Secretary of Defense shall transmit copies of each report required by subsections (a) and (b) to the Comptroller General. Within 90 days of 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."

**Repeal of provision relating to financial management enterprise architecture.** Act Dec. 2, 2002, P.L. 107-314, Div A, Title X, Subtitle A, § 1004, 116 Stat. 2629, which formerly appeared as a note to this section, was repealed by

Act Oct. 28, 2004, P.L. 108-375, Div A, Title III, Subtitle D, § 332(f), 118 Stat. 1846. It provided for development and implementation of financial management enterprise architecture.

**Annual report on military operations conducted as part of Operation Enduring Freedom.** Act Dec. 2, 2002, P.L. 107-314, Div A, Title X, Subtitle D, § 1043, 116 Stat. 2646, provides:

"(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."

**Comprehensive plan for improving the preparedness of military installations for terrorist incidents.** Act Dec. 2, 2002, P.L. 107-314, Div A, Title XIV, § 1402, 116 Stat. 2675, provides:

"(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.

"(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."

**Annual report on military operations and reconstruction activities in Iraq and Afghanistan.** Act Nov. 6, 2003, P.L. 108-106, Title I, Ch. 1, § 1120, 117 Stat. 1219, provides:

"(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."

**Studies of fleet platform architectures for the Navy.** Act Nov. 24, 2003, P.L. 108-136, Div A, Title II, Subtitle B, § 216, 117 Stat. 1418, provides:

"(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 [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] 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.** Act Nov. 24, 2003, P.L. 108-136, Div A, Title III, Subtitle B, § 320, 117 Stat. 1435, provides:

"(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.** Act Nov. 24, 2003, P.L. 108-136, Div A, Title III, Subtitle C, § 337, 117 Stat. 1445, provides:

"(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."

**Secretary of Defense assessment of mobilization of reserve component personnel.** Act Nov. 24, 2003, P.L. 108-136, Div A, Title V, Subtitle B, § 517(b), 117 Stat. 1461, provides:

"Not later than one year after the date of the enactment of this Act, 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.** Act Nov. 24, 2003, P.L. 108-136, Div A, Title V, Subtitle E, § 546, 117 Stat. 1479, provides:

"(a) Requirement for policy. Not later than 180 days after the date of the enactment of this Act, 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.** Act Nov. 24, 2003, P.L. 108-136, Div A, Title X, Subtitle D, § 1032, 117 Stat. 1605; Jan. 28, 2008, P.L. 110-181, Div A, Title X, Subtitle E, § 1043, 122 Stat. 311, provides:

"(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, and each of 2007, 2008, and 2009, the Secretary shall submit to the congressional defense committees [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 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."

**Report on acquisition by Iraq of advanced weapons.** Act Nov. 24, 2003, P.L. 108-136, Div A, Title XII, Subtitle A, § 1204, 117 Stat. 1649, provides:

"(a) Report. Not later than one year after the date of the enactment of this Act, 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."

**Reports on conventional weapons and ammunition obtained by Iraq in violation of certain United Nations Security Council resolutions.** Act Dec. 13, 2003, P.L. 108-177, Title III, Subtitle D, § 358, 117 Stat. 2621, provides:

"(a) Preliminary report. Not later than 90 days after the date of the enactment of this Act, 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, 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."

**Report on military operations and reconstruction activities in Iraq and Afghanistan.** Act Aug. 5, 2004, P.L. 108-287, Title IX, § 9010, 118 Stat. 1008; Oct. 13, 2004, P.L. 108-324, Div B, Ch. 3, § 306, 118 Stat. 1243, provides:

"(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."

**Processing of forensic evidence collection kits and acquisition of sufficient stocks of such kits.** Act Oct. 28, 2004, P.L. 108-375, Div A, Title V, Subtitle J, § 573, 118 Stat. 1921, provides:

"(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.** Section 577 of Act Oct. 28, 2004, P.L. 108-375, as amended, which formerly appeared as a note to this section, was transferred to 10 USCS § 1561 note.

**Policy for timely notification of next of kin of members seriously ill or injured in combat zones.** Act Oct. 28, 2004, P.L. 108-375, Div A, Title VII, Subtitle C, § 724, 118 Stat. 1990, provides:

"(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, 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.** Act Oct. 28, 2004, P.L. 108-375, Div A, Title IX, Subtitle D, § 932, 118 Stat. 2031, provides:

"(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."

**Program to commemorate 60th anniversary of World War II.** Act Oct. 28, 2004, P.L. 108-375, Div A, Title X, Subtitle D, § 1032, 118 Stat. 2045, provides:

"(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 [5 USCS §§ 8101 et seq.], 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."

**Preservation of search and rescue capabilities of the Federal government.** Act Oct. 28, 2004, P.L. 108-375, Div A, Title X, Subtitle I, § 1085, 118 Stat. 2065; Jan. 28, 2008, P.L. 110-181, Div A, Title III, Subtitle E, § 360(c), 122 Stat. 78; Jan. 7, 2011, P.L. 111-383, Div A, Title X, Subtitle H, § 1075(i)(2), 124 Stat. 4378, provides:

"The Secretary of Defense may not reduce or eliminate search and rescue capabilities at any military installation in the United States unless the Secretary, after reviewing the search and rescue capabilities report prepared by the Secretary of the Air Force under section 360(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 77) [unclassified], 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.** Act Oct. 28, 2004, P.L. 108-375, Div A, Title XIV, 118 Stat. 2094, provides:

"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 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. [46 USCS §§ 30501 et seq.]) or section 3 of the Act of February 13, 1893 (chapter 105; 27 Stat. 445; 46 U.S.C. App. 192 [46 USCS § 30706]), 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 USCS § 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 USCS § 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."

**Additional requirements for certain reports.** Act May 11, 2005, P.L. 109-13, Div A, Title I, § 1024(c), 119 Stat. 253, provides:

"(1) Each semiannual report to Congress required under a provision of law referred to in paragraph (2) shall include, in addition to the matters specified in the applicable provision of law, the following:

"(A) A statement of the cumulative total of all amounts obligated, and of all amounts expended, as of the date of such report for Operation Enduring Freedom.

"(B) A statement of the cumulative total of all amounts obligated, and of all amounts expended, as of the date of such report for Operation Iraqi Freedom.

"(C) An estimate of the reasonably foreseeable costs for ongoing military operations to be incurred during the 12-month period beginning on the date of such report.

"(2) The provisions of law referred to in this paragraph are as follows:

"(A) Section 1120 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108-106; 117 Stat. 1219; 10 U.S.C. 113 note).

"(B) Section 9010 of the Department of Defense Appropriations Act, 2005 (Public Law 108-287; 118 Stat. 1008; 10 U.S.C. 113 note)."

**Report regarding effect on military readiness of undocumented immigrants trespassing upon operational ranges.** Act Jan. 6, 2006, P.L. 109-163, Div A, Title III, Subtitle F, § 354, 119 Stat. 3204, provides:

"(a) Report containing assessment and response plan. Not later than April 15, 2006, the Secretary of Defense shall submit to Congress a report containing--

"(1) an assessment of the impact on military readiness caused by undocumented immigrants whose entry into the United States involves trespassing upon operational ranges of the Department of Defense; and

"(2) a plan for the implementation of measures to prevent such trespass.

"(b) Preparation and elements of assessment. The assessment required by subsection (a)(1) shall be prepared by the Secretary of Defense. The assessment shall include the following:

"(1) A listing of the operational ranges adversely affected by the trespass of undocumented immigrants upon operational ranges.

"(2) A description of the types of range activities affected by such trespass.

"(3) A determination of the amount of time lost for range activities, and the increased costs incurred, as a result of such trespass.

"(4) An evaluation of the nature and extent of such trespass and means of travel.

"(5) An evaluation of the factors that contribute to the use by undocumented immigrants of operational ranges as a means to enter the United States.

"(6) A description of measures currently in place to prevent such trespass, including the use of barriers to vehicles and persons, military patrols, border patrols, and sensors.

"(c) Preparation and elements of plan. The plan required by subsection (a)(2) shall be prepared jointly by the Secretary of Defense and the Secretary of Homeland Security. The plan shall include the following:

"(1) The types of measures to be implemented to improve prevention of trespass of undocumented immigrants upon operational ranges, including the specific physical methods, such as barriers and increased patrols or monitoring, to be implemented and any legal or other policy changes recommended by the Secretaries.

"(2) The costs of, and timeline for, implementation of the plan.

"(d) Implementation reports. Not later than September 15, 2006, March 15, 2007, September 15, 2007, and March 15, 2008, the Secretary of Defense shall submit to Congress a report detailing the progress made by the Department of Defense, during the period covered by the report, in implementing measures recommended in the plan required by subsection (a)(2) to prevent undocumented immigrants from trespassing upon operational ranges. Each report shall include the number and types of mitigation measures implemented and the success of such measures in preventing such trespass.

"(e) Definitions. In this section, the terms 'operational range' and 'range activities' have the meaning given those terms in section 101(e) of title 10, United States Code."

**Reports by officers and senior enlisted members of conviction of criminal law.** Act Jan. 6, 2006, P.L. 109-163, Div A, Title III, Subtitle E, § 554, 119 Stat. 3264, provides:

"(a) Requirement for reports.

(1) In general. The Secretary of Defense shall prescribe in regulations a requirement that each covered member of the Armed Forces shall submit to an authority in the military department concerned designated pursuant to such regulations a timely report of any conviction of such member by any law enforcement authority of the United States for a violation of a criminal law of the United States, whether or not the member is on active duty at the time of the conduct that provides the basis for the conviction. The regulations shall apply uniformly throughout the military departments.

"(2) Covered members. In this section, the term 'covered member of the Armed Forces' means a member of the Army, Navy, Air Force, or Marine Corps who is on the active-duty list or the reserve active-status list and who is--

"(A) an officer; or

"(B) an enlisted member in a pay grade above pay grade E-6.

"(b) Law enforcement authority of the United States. For purposes of this section, a law enforcement authority of the United States includes--

"(1) a military or other Federal law enforcement authority;

"(2) a State or local law enforcement authority; and

"(3) such other law enforcement authorities within the United States as the Secretary shall specify in the regulations prescribed pursuant to subsection (a).

"(c) Criminal law of the United States.

(1) In general. Except as provided in paragraph (2), for purposes of this section, a criminal law of the United States includes--

"(A) any military or other Federal criminal law;

"(B) any State, county, municipal, or local criminal law or ordinance; and

"(C) such other criminal laws and ordinances of jurisdictions within the United States as the Secretary shall specify in the regulations prescribed pursuant to subsection (a).

"(2) Exception. For purposes of this section, a criminal law of the United States shall not include a law or ordinance specifying a minor traffic offense (as determined by the Secretary for purposes of such regulations).

"(d) Timeliness of reports. The regulations prescribed pursuant to subsection (a) shall establish requirements for the timeliness of reports under this section.

"(e) Forwarding of information. The regulations prescribed pursuant to subsection (a) shall provide that, in the event a military department receives information that a covered member of the Armed Forces under the jurisdiction of another military department has become subject to a conviction for which a report is required by this section, the Secretary of the military department receiving such information shall, in accordance with such procedures as the Secretary of Defense shall establish in such regulations, forward such information to the authority in the military department having jurisdiction over such member designated pursuant to such regulations.

"(f) Convictions. In this section, the term 'conviction' includes any plea of guilty or nolo contendere.

"(g) Deadline for regulations. The regulations required by subsection (a), including the requirement in subsection (e), shall go into effect not later than the end of the 180-day period beginning on the date of the enactment of this Act.

"(h) Applicability of requirement. The requirement under the regulations required by subsection (a) that a covered member of the Armed Forces submit notice of a conviction shall apply only to a conviction that becomes final after the date of the enactment of this Act."

**Policy and procedures on assistance to severely wounded or injured service members.** Act Jan. 6, 2006, P.L. 109-163, Div A, Title V, Subtitle F, § 563, 119 Stat. 3269, provides:

"(a) Comprehensive policy.

(1) Policy required. Not later than June 1, 2006, the Secretary of Defense shall prescribe a comprehensive policy for the Department of Defense on the provision of assistance to members of the Armed Forces who incur severe wounds or injuries in the line of duty (in this section referred to as 'severely wounded or injured servicemembers').

"(2) Consultation. The Secretary shall develop the policy required by paragraph (1) in consultation with the Secretaries of the military departments, the Secretary of Veterans Affairs, and the Secretary of Labor.

"(3) Incorporation of past experience and practice. The policy required by paragraph (1) shall be based on--

"(A) the experience and best practices of the military departments, including the Army Wounded Warrior Program, the Marine Corps Marine for Life Injured Support Program, the Air Force Palace HART program, and the Navy Wounded Marines and Sailors Initiative;

"(B) the recommendations of nongovernment organizations with demonstrated expertise in responding to the needs of severely wounded or injured servicemembers; and

"(C) such other matters as the Secretary of Defense considers appropriate.

"(4) Procedures and standards. The policy shall include guidelines to be followed by the military departments in the provision of assistance to severely wounded or injured servicemembers. The procedures and standards shall be uniform across the military departments except to the extent necessary to reflect the traditional practices or customs of a particular military department. The procedures and standards shall establish a minimum level of support and shall specify the duration of programs.

"(b) Elements of policy. The comprehensive policy developed under subsection (a) shall address the following matters:

"(1) Coordination with the Severely Injured Joint Support Operations Center of the Department of Defense.

"(2) Promotion of a seamless transition to civilian life for severely wounded or injured servicemembers who are or are likely to be separated on account of their wound or injury.

"(3) Identification and resolution of special problems or issues related to the transition to civilian life of severely wounded or injured servicemembers who are members of the reserve components.

"(4) The qualifications, assignment, training, duties, supervision, and accountability for the performance of responsibilities for the personnel providing assistance to severely wounded or injured servicemembers.

"(5) Centralized, short-term and long-term case-management procedures for assistance to severely wounded or injured servicemembers by each military department, including rapid access for severely wounded or injured servicemembers to case managers and counselors.

"(6) The provision, through a computer accessible Internet website and other means and at no cost to severely wounded or injured servicemembers, of personalized, integrated information on the benefits and financial assistance available to such members from the Federal Government.

"(7) The provision of information to severely wounded or injured servicemembers on mechanisms for registering complaints about, or requests for, additional assistance.

"(8) Participation of family members.

"(9) Liaison with the Department of Veterans Affairs and the Department of Labor in order to ensure prompt and accurate resolution of issues relating to benefits administered by those agencies for severely wounded or injured servicemembers.

"(10) Data collection regarding the incidence and quality of assistance provided to severely wounded or injured servicemembers, including surveys of such servicemembers and military and civilian personnel whose assigned duties include assistance to severely wounded or injured servicemembers.

"(c) Adoption by military departments. Not later than September 1, 2006, the Secretary of each military department shall prescribe regulations, or modify current regulations, on the policies and procedures of such military department on the provision of assistance to severely wounded or injured servicemembers in order to conform such policies and procedures to the policy prescribed under subsection (a)."

**Improvement to Department of Defense capacity to respond to sexual assault affecting members of Armed Forces.** Section 596(a), (b) of Act Jan. 6, 2006, P.L. 109-163, which formerly appeared as a note to this section, was transferred to 10 USCS § 1561 note.

**Preservation of records pertaining to radioactive fallout from nuclear weapons testing.** Act Jan. 6, 2006, P.L. 109-163, Div A, Title X, Subtitle F, § 1055, 119 Stat. 3438, provides:

"(a) Prohibition of destruction of certain records. The Secretary of Defense may not destroy any official record in the custody or control of the Department of Defense that contains information relating to radioactive fallout from nuclear weapons testing.

"(b) Preservation and publication of information. The Secretary of Defense shall identify, preserve, and make available any unclassified information contained in official records referred to in subsection (a)."

**Safe delivery of mail in military mail system.** Act Jan. 6, 2006, P.L. 109-163, Div A, Title X, Subtitle G, § 1071, 119 Stat. 3446, provides:

"(a) Plan for safe delivery of military mail.

(1) Plan required. The Secretary of Defense shall develop and implement a plan to ensure that the mail within the military mail system is safe for delivery. The plan shall provide for the screening of all mail within the military mail system in order to detect the presence of biological, chemical, or radiological weapons, agents, or pathogens or explosive devices before mail within the military mail system is delivered to its intended recipients.

"(2) Funding. The budget justification materials submitted to Congress with the budget of the President for fiscal year 2007 and each fiscal year thereafter shall include a description of the amounts required in such fiscal year to carry out the plan.

"(b) Report on safety of mail for delivery.

(1) Report required. Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the safety of mail within the military mail system for delivery.

"(2) Elements. The report shall include the following:

"(A) An assessment of any existing deficiencies in the military mail system in ensuring that mail within the military mail system is safe for delivery.

"(B) The plan required by subsection (a).

"(C) An estimate of the time and resources required to implement the plan.

"(D) A description of the delegation within the Department of Defense of responsibility for ensuring that mail within the military mail system is safe for delivery, including responsibility for the development, implementation, and oversight of improvements to the military mail system to ensure that mail within the military mail system is safe for delivery.

"(3) Form. The report shall be submitted in unclassified form, but may include a classified annex.

"(c) Mail within the military mail system defined.

(1) In general. In this section, the term 'mail within the military mail system' means--

"(A) any mail that is posted through the Military Post Offices (including Army Post Offices (APOs) and Fleet Post Offices (FPOs)), Department of Defense mail centers, military Air Mail Terminals, and military Fleet Mail Centers; and

"(B) any mail or package posted in the United States that is addressed to an unspecified member of the Armed Forces.

"(2) Inclusions and exception. The term includes any official mail posted by the Department of Defense. The term does not include any mail posted as otherwise described in paragraph (1) that has been screened for safety for delivery by the United States Postal Service before such posting."

**War-related reporting requirements.** Act Jan. 6, 2006, P.L. 109-163, Div A, Title XII, Subtitle C, § 1221, 119 Stat. 3462; Oct. 17, 2006, P.L. 109-364, Div A, Title XV, § 1518, 120 Stat. 2443; Oct. 28, 2009, P.L. 111-84, Div A, Title XII, Subtitle B, § 1233, 123 Stat. 2531, provides:

"(a) Report required for Operation Iraqi Freedom, Operation Enduring Freedom, and Operation Noble Eagle. The Secretary of Defense shall submit to the congressional defense committees, in accordance with this section, a report on procurement and equipment maintenance costs for each of Operation Iraqi Freedom, Operation Enduring Freedom, and Operation Noble Eagle and on facility infrastructure costs associated with each of Operation Iraqi Freedom and Operation Enduring Freedom. The report shall include the following:

"(1) Procurement. A specification of costs of procurement funding requested since fiscal year 2003, together with end-item quantities requested and the purpose of the request (such as replacement for battle losses, improved capability, increase in force size, restructuring of forces), shown by service.

"(2) Equipment maintenance. A cost comparison of the requirements for equipment maintenance expenditures during peacetime and for such requirements during wartime, as shown by the requirements in each of Operation Iraqi Freedom, Operation Enduring Freedom, and Operation Noble Eagle. The cost comparison shall include--

"(A) a description of the effect of war operations on the backlog of maintenance requirements over the period of fiscal years 2003 to the time of the report; and

"(B) an examination of the extent to which war operations have precluded maintenance from being performed because equipment was unavailable.

"(3) Operation Iraqi Freedom and Operation Enduring Freedom Infrastructure. A specification of the number of United States military personnel that can be supported by the facility infrastructure in Iraq and Afghanistan and in the neighboring countries from where Operation Iraq Freedom and Operation Enduring Freedom are supported.

"(b) Submission requirements. The report under subsection (a) shall be submitted not later than 180 days after the date of the enactment of this Act. The Secretary of Defense shall submit an updated report on procurement, equipment maintenance, and military construction costs, as specified in subsection (a), concurrently with any request made to Congress after the date of the enactment of this Act for war-related funding.

"(c) Submission to Congress and GAO of certain reports on costs. The Secretary of Defense shall submit to the Comptroller General, not later than 45 days after the end of each reporting month, the Department of Defense Supplemental and Cost of War Execution reports."

**Annual report on Department of Defense costs to carry out United Nations resolutions.** Act Jan. 6, 2006, P.L. 109-163, Div A, Title XII, Subtitle C, § 1224, 119 Stat. 3463, provides:

"(a) Requirement for annual report.

(1) Department of Defense costs. Not later than April 30 of each year, the Secretary of Defense shall submit to the congressional committees specified in paragraph (2) a report on Department of Defense costs during the preceding fiscal year to carry out United Nations resolutions.

"(2) Specified committees. The committees specified in this paragraph are--

"(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

"(B) the Committee on Armed Services, the Committee on International Relations, and the Committee on Appropriations of the House of Representatives.

"(b) Matters to be included. Each report under subsection (a) shall set forth the following:

"(1) All direct and indirect costs (including incremental costs) incurred by the Department of Defense during the preceding fiscal year in implementing or supporting any resolution adopted by the United Nations Security Council, including any such resolution calling for--

"(A) international sanctions;

"(B) international peacekeeping operations;

"(C) international peace enforcement operations;

"(D) monitoring missions;

"(E) observer missions; or

"(F) humanitarian missions.

"(2) An aggregate of all such Department of Defense costs by operation or mission and the total cost to United Nations members of each operation or mission.

"(3) All direct and indirect costs (including incremental costs) incurred by the Department of Defense during the preceding fiscal year in training, equipping, and otherwise assisting, preparing, providing resources for, and transporting foreign defense or security forces for implementing or supporting any resolution adopted by the United Nations Security Council, including any such resolution specified in paragraph (1).

"(4) All efforts made to seek credit against past United Nations expenditures.

"(5) All efforts made to seek compensation from the United Nations for costs incurred by the Department of Defense in implementing and supporting United Nations activities.

"(c) Coordination. The report under subsection (a) each year shall be prepared in coordination with the Secretary of State.

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

**Requirement for establishment of certain criteria applicable to global posture review.** Act Jan. 6, 2006, P.L. 109-163, Div A, Title XII, Subtitle D, § 1233, 119 Stat. 3469, provides:

"(a) Criteria. As part of the Integrated Global Presence and Basing Strategy (IGPBS) developed by the Department of Defense that is referred to as the 'Global Posture Review', the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall develop criteria for assessing, with respect to each type of facility specified in subsection (c) that is to be located in a foreign country, the following factors:

"(1) The effect of any new basing arrangements on the strategic mobility requirements of the Department of Defense.

"(2) The ability of units deployed to overseas locations in areas in which United States Armed Forces have not traditionally been deployed to meet mobility response times required by operational planners.

"(3) The cost of deploying units to areas referred to in paragraph (2) on a rotational basis (rather than on a permanent basing basis).

"(4) The strategic benefit of rotational deployments through countries with which the United States is developing a close or new security relationship.

"(5) Whether the relative speed and complexity of conducting negotiations with a particular country is a discriminator in the decision to deploy forces within the country.

"(6) The appropriate and available funding mechanisms for the establishment, operation, and sustainment of specific Main Operating Bases, Forward Operating Bases, or Cooperative Security Locations.

"(7) The effect on military quality of life of the unaccompanied deployment of units to new facilities in overseas locations.

"(8) Other criteria as Secretary of Defense determines appropriate.

"(b) Analysis of alternatives to basing or operating locations. The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall develop a mechanism for analyzing alternatives to any particular overseas basing or operating location. Such a mechanism shall incorporate the factors specified in each of paragraphs (1) through (5) of subsection (a).

"(c) Minimal infrastructure requirements for overseas installations. The Secretary of Defense shall develop a description of minimal infrastructure requirements for each of the following types of facilities:

"(1) Facilities categorized as Main Operating Bases.

"(2) Facilities categorized as Forward Operating Bases.

"(3) Facilities categorized as Cooperative Security Locations.

"(d) Notification required. Not later than 30 days after an agreement is entered into between the United States and a foreign country to support the deployment of elements of the United States Armed Forces in that country, the Secretary of Defense shall submit to the congressional defense committees a written notification of such agreement. The notification under this subsection shall include the terms of the agreement, any costs to the United States resulting from the agreement, and a timeline to carry out the terms of the agreement.

"(e) Annual budget element. The Secretary of Defense shall submit to Congress, as an element of the annual budget request of the Secretary, information regarding the funding sources for the establishment, operation, and sustainment of individual Main Operating Bases, Forward Operating Bases, or Cooperative Security Locations.

"(f) Report. Not later than March 30, 2006, the Secretary of Defense shall submit to Congress a report on the matters specified in subsections (a) through (c)."

**Military Severely Injured Center.** Act Oct. 17, 2006, P.L. 109-364, Div A, Title V, Subtitle G, § 564, 120 Stat. 222, provides:

"(a) Center required. In support of the comprehensive policy on the provision of assistance to severely wounded or injured servicemembers required by section 563 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3269; 10 U.S.C. 113 note), the Secretary of Defense shall establish within the Department of Defense a center to augment and support the programs and activities of the military departments for the provision of such assistance, including the programs of the military departments referred to in subsection (c).

"(b) Designation. The center established under subsection (a) shall be known as the 'Military Severely Injured Center' (in this section referred to as the 'Center').

"(c) Programs of the military departments. The programs of the military departments referred to in this subsection are the following:

"(1) The Army Wounded Warrior Support Program.

"(2) The Navy Safe Harbor Program.

"(3) The Palace HART Program of the Air Force.

"(4) The Marine for Life Injured Support Program of the Marine Corps.

"(d) Activities of Center.

(1) In general. The Center shall carry out such programs and activities to augment and support the programs and activities of the military departments for the provision of assistance to severely wounded or injured servicemembers and their families as the Secretary of Defense, in consultation with the Secretaries of the military departments and the heads of other appropriate departments and agencies of the Federal Government (including the Secretary of Labor and the Secretary of Veterans Affairs), determines appropriate.

"(2) Database. The activities of the Center under this subsection shall include the establishment and maintenance of a central database. The database shall be transparent and shall be accessible for use by all of the programs of the military departments referred to in subsection (c).

"(e) Resources. The Secretary of Defense shall allocate to the Center such personnel and other resources as the Secretary of Defense, in consultation with the Secretaries of the military departments, considers appropriate in order to permit the Center to carry out effectively the programs and activities assigned to the Center under subsection (d)."

**Repeal of provisions relating to quarterly reports on Department of Defense response to threat posed by improvised explosive devices.** Act Oct. 17, 2006, P.L. 109-364, Div A, Title XIV, § 1402, 120 Stat. 2433, which formerly appeared as a note to this section, was repealed by Act Dec. 31, 2011, P.L. 112-81, Div A, Title X, Subtitle G, § 1062(d)(5), 125 Stat. 1585. Such note provided for quarterly reports on the Department of Defense response to the threat posed by IEDs.

**Database of emergency response capabilities.** Act Oct. 17, 2006, P.L. 109-364, Div A, Title XIV, § 1406, 120 Stat. 2436, provides:

"The Secretary of Defense shall maintain a database of emergency response capabilities that includes the following:

"(1) The types of emergency response capabilities that each State's National Guard, as reported by the States, may be able to provide in response to a domestic natural or manmade disaster, both to their home States and under State-to-State mutual assistance agreements.

"(2) The types of emergency response capabilities that the Department of Defense may be able to provide in support of the National Response Plan's Emergency Support Functions, and identification of the units that provide these capabilities."

**Prompt global strike.** Act Jan. 28, 2008, P.L. 110-181, Div A, Title II, Subtitle D, § 243, 122 Stat. 51, provides:

"(a) Research, development, and testing plan. The Secretary of Defense shall submit to the congressional defense committees a research, development, and testing plan for prompt global strike program objectives for fiscal years 2008 through 2013.

"(b) Plan for obligation and expenditure of funds.

(1) In general. The Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a plan for obligation and expenditure of funds available for prompt global strike for fiscal year 2008. The plan shall include correlations between each technology application being developed in fiscal year 2008 and the prompt global strike alternative or alternatives toward which the technology application applies.

"(2) Limitation. The Under Secretary shall not implement the plan required by paragraph (1) until at least 10 days after the plan is submitted as required by that paragraph."

**Program to commemorate 50th anniversary of the Vietnam War.** Act Jan. 28, 2008, P.L. 110-181, Div A, Title V, Subtitle I § 598, 122 Stat. 141, provides:

"(a) Commemorative program authorized. The Secretary of Defense may conduct a program to commemorate the 50th anniversary of the Vietnam War. In conducting the commemorative program, the Secretary shall coordinate, support, and facilitate other programs and activities of the Federal Government, State and local governments, and other persons and organizations in commemoration of the Vietnam War.

"(b) Schedule. The Secretary of Defense shall determine the schedule of major events and priority of efforts for the commemorative program in order to ensure achievement of the objectives specified in subsection (c).

"(c) Commemorative activities and objectives. The commemorative program may include activities and ceremonies to achieve the following objectives:

"(1) To thank and honor veterans of the Vietnam War, including personnel who were held as prisoners of war or listed as missing in action, for their service and sacrifice on behalf of the United States and to thank and honor the families of these veterans.

"(2) To highlight the service of the Armed Forces during the Vietnam War and the contributions of Federal agencies and governmental and non-governmental organizations that served with, or in support of, the Armed Forces.

"(3) To pay tribute to the contributions made on the home front by the people of the United States during the Vietnam War.

"(4) To highlight the advances in technology, science, and medicine related to military research conducted during the Vietnam War.

"(5) To recognize the contributions and sacrifices made by the allies of the United States during the Vietnam War.

"(d) Names and symbols. The Secretary of Defense shall have the sole and exclusive right to use the name "The United States of America Vietnam 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.

"(e) Commemorative fund.

(1) Establishment and administration. If the Secretary establishes the commemorative program under subsection (a), the Secretary the Treasury shall establish in the Treasury of the United States an account to be known as the 'Department of Defense Vietnam War Commemoration Fund' (in this section referred to as the 'Fund'). The Fund shall be administered by the Secretary of Defense.

"(2) Use of Fund. The Secretary shall use the assets of the Fund only for the purpose of conducting the commemorative program and shall prescribe such regulations regarding the use of the Fund as the Secretary considers to be necessary.

"(3) Deposits. There shall be deposited into the Fund--

"(A) amounts appropriated to the Fund;

"(B) proceeds derived from the Secretary's use of the exclusive rights described in subsection (d);

"(C) donations made in support of the commemorative program by private and corporate donors; and

"(D) funds transferred to the Fund by the Secretary from funds appropriated for fiscal year 2008 and subsequent years for the Department of Defense.

"(4) Availability. Subject to subsection (g)(2), amounts deposited under paragraph (3) shall constitute the assets of the Fund and remain available until expended.

"(5) Budget request. The Secretary of Defense may establish a separate budget line for the commemorative program. In the budget justification materials submitted by the Secretary in support of the budget of the President for any fiscal year for which the Secretary establishes the separate budget line, the Secretary shall--

"(A) identify and explain any amounts expended for the commemorative program in the fiscal year preceding the budget request;

"(B) identify and explain the amounts being requested to support the commemorative program for the fiscal year of the budget request; and

"(C) present a summary of the fiscal status of the Fund.

"(f) Acceptance of voluntary services.

(1) Authority to accept services. 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. The Secretary of Defense shall prohibit the solicitation of any voluntary services if the nature or circumstances of such solicitation would compromise the integrity or the appearance of integrity of any program of the Department of Defense or of any individual involved in the program.

"(2) Reimbursement of incidental expenses. 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.

"(g) Final report.

(1) Report required. Not later than 60 days after the end of the commemorative program, if established by the Secretary of Defense under subsection (a), the Secretary shall submit to Congress a report containing an accounting of--

"(A) all of the funds deposited into and expended from the Fund;

"(B) any other funds expended under this section; and

"(C) any unobligated funds remaining in the Fund.

"(2) Treatment of unobligated funds. Unobligated amounts remaining in the Fund as of the end of the commemorative period specified in subsection (b) shall be held in the Fund until transferred by law.

"(h) Limitation on expenditures. Total expenditures from the Fund, using amounts appropriated to the Department of Defense, may not exceed \$ 5,000,000 for fiscal year 2008 or for any subsequent fiscal year to carry out the commemorative program.

"(i) Funding. Of the amount authorized to be appropriated pursuant to section 301(5) [unclassified] for Defense-wide activities, \$ 1,000,000 shall be available for deposit in the Fund for fiscal year 2008 if the Fund is established under subsection (e)."

**Standards required for entry to military installations in United States.** Act Jan. 28, 2008, P.L. 110-181, Div A, Title X, Subtitle F, § 1069, 122 Stat. 326; Oct. 14, 2008, P.L. 110-417, [Div A,] Title X, Subtitle F, § 1059, 122 Stat. 4611; Oct. 28, 2009, P.L. 111-84, Div A, Title X, Subtitle F, § 1073(c)(11), 123 Stat. 2475 (effective as of 10/14/2008, as provided by § 1073(c) of such Act, which appears as 6 USCS § 121 note), provides:

"(a) Development of standards.

(1) Access standards for visitors. The Secretary of Defense shall develop access standards applicable to all military installations in the United States. The standards shall require screening standards appropriate to the type of installation involved, the security level, category of individuals authorized to visit the installation, and level of access to be granted, including--

"(A) protocols to determine the fitness of the individual to enter an installation; and

"(B) standards and methods for verifying the identity of the individual.

"(2) Additional criteria. The standards required under paragraph (1) may--

"(A) provide for expedited access to a military installation for Department of Defense personnel and employees and family members of personnel who reside on the installation;

"(B) provide for closer scrutiny of categories of individuals determined by the Secretary of Defense to pose a higher potential security risk; and

"(C) in the case of an installation that the Secretary determines contains particularly sensitive facilities, provide additional screening requirements, as well as physical and other security measures for the installation.

"(b) Use of technology. The Secretary of Defense is encouraged to procure and field existing identification screening technology and to develop additional technology only to the extent necessary to assist commanders of military installations in implementing the standards developed under this section at points of entry for such installations.

"(c) Deadlines.

(1) Development and implementation. The Secretary of Defense shall develop the standards required under this section by not later than February 1, 2009, and implement such standards by not later than October 1, 2010.

"(2) Submission to Congress. Not later than August 1, 2009, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives the standards developed pursuant to paragraph (1)."

**Protection of certain individuals.** Act Jan. 28, 2008, P.L. 110-181, Div A, Title X, Subtitle F, § 1074, 122 Stat. 330, provides:

"(a) Protection for Department leadership. The Secretary of Defense, under regulations prescribed by the Secretary and in accordance with guidelines approved by the Secretary and the Attorney General, may authorize qualified members of the Armed Forces and qualified civilian employees of the Department of Defense to provide physical protection and personal security within the United States to the following persons who, by nature of their positions, require continuous security and protection:

"(1) Secretary of Defense.

"(2) Deputy Secretary of Defense.

"(3) Chairman of the Joint Chiefs of Staff.

"(4) Vice Chairman of the Joint Chiefs of Staff.

"(5) Secretaries of the military departments.

"(6) Chiefs of the Services.

"(7) Commanders of combatant commands.

"(b) Protection for additional personnel.

(1) Authority to provide. The Secretary of Defense, under regulations prescribed by the Secretary and in accordance with guidelines approved by the Secretary and the Attorney General, may authorize qualified members of the Armed Forces and qualified civilian employees of the Department of Defense to provide physical protection and personal security within the United States to individuals other than individuals described in paragraphs (1) through (7) of subsection (a) if the Secretary determines that such protection and security are necessary because--

"(A) there is an imminent and credible threat to the safety of the individual for whom protection is to be provided; or

"(B) compelling operational considerations make such protection essential to the conduct of official Department of Defense business.

"(2) Personnel. Individuals authorized to receive physical protection and personal security under this subsection include the following:

"(A) Any official, military member, or employee of the Department of Defense.

"(B) A former or retired official who faces serious and credible threats arising from duties performed while employed by the Department for a period of up to two years beginning on the date on which the official separates from the Department.

"(C) A head of a foreign state, an official representative of a foreign government, or any other distinguished foreign visitor to the United States who is primarily conducting official business with the Department of Defense.

"(D) Any member of the immediate family of a person authorized to receive physical protection and personal security under this section.

"(E) An individual who has been designated by the President, and who has received the advice and consent of the Senate, to serve as Secretary of Defense, but who has not yet been appointed as Secretary of Defense.

"(3) Limitation on delegation. The authority of the Secretary of Defense to authorize the provision of physical protection and personal security under this subsection may be delegated only to the Deputy Secretary of Defense.

"(4) Requirement for written determination. A determination of the Secretary of Defense to provide physical protection and personal security under this subsection shall be in writing, shall be based on a threat assessment by an appropriate law enforcement, security, or intelligence organization, and shall include the name and title of the officer, employee, or other individual affected, the reason for such determination, the duration of the authorized protection and security for such officer, employee, or individual, and the nature of the arrangements for the protection and security.

"(5) Duration of protection.

(A) Initial period of protection. After making a written determination under paragraph (4), the Secretary of Defense may provide protection and security to an individual under this subsection for an initial period of not more than 90 calendar days.

"(B) Subsequent period. If, at the end of the period that protection and security is provided to an individual under subsection (A), the Secretary determines that a condition described in subparagraph (A) or (B) of paragraph (1) continues to exist with respect to the individual, the Secretary may extend the period that such protection and security is

provided for additional 60-day periods. The Secretary shall review such a determination at the end of each 60-day period to determine whether to continue to provide such protection and security.

"(C) Requirement for compliance with regulations. Protection and personal security provided under subparagraph (B) shall be provided in accordance with the regulations and guidelines referred to in paragraph (1).

"(6) Submission to Congress.

(A) In general. The Secretary of Defense shall submit to the congressional defense committees each determination made under paragraph (4) to provide protection and security to an individual and of each determination under paragraph (5)(B) to extend such protection and security, together with the justification for such determination, not later than 15 days after the date on which the determination is made.

"(B) Form of report. A report submitted under subparagraph (A) may be made in classified form.

"(C) Regulations and guidelines. The Secretary of Defense shall submit to the congressional defense committees the regulations and guidelines prescribed pursuant to paragraph (1) not less than 20 days before the date on which such regulations take effect.

"(c) Definitions. In this section:

"(1) Congressional defense committees. The term 'congressional defense committees' means 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.

"(2) Qualified members of the armed forces and qualified civilian employees of the Department of Defense. The terms 'qualified members of the Armed Forces' and 'qualified civilian employees of the Department of Defense' refer collectively to members or employees who are assigned to investigative, law enforcement, or security duties of any of the following:

"(A) The Army Criminal Investigation Command.

"(B) The Naval Criminal Investigative Service.

"(C) The Air Force Office of Special Investigations.

"(D) The Defense Criminal Investigative Service.

"(E) The Pentagon Force Protection Agency.

"(d) Construction.

(1) No additional law enforcement or arrest authority. Other than the authority to provide protection and security under this section, nothing in this section may be construed to bestow any additional law enforcement or arrest authority upon the qualified members of the Armed Forces and qualified civilian employees of the Department of Defense.

"(2) Posse comitatus. Nothing in this section shall be construed to abridge section 1385 of title 18, United States Code.

"(3) Authorities of other Departments. Nothing in this section may be construed to preclude or limit, in any way, the express or implied powers of the Secretary of Defense or other Department of Defense officials, or the duties and authorities of the Secretary of State, the Director of the United States Secret Service, the Director of the United States Marshals Service, or any other Federal law enforcement agency."

**Authority to provide automatic identification system data on maritime shipping to foreign countries and international organizations.** Act Jan. 28, 2008, P.L. 110-181, Div A, Title XII, Subtitle A, § 1208, 122 Stat. 367, provides:

"(a) Authority to provide data. The Secretary of Defense, with the concurrence of the Secretary of State, may authorize the Secretary of a military department or a commander of a combatant command to exchange or furnish automatic identification system data broadcast by merchant or private ships and collected by the United States to a foreign country or international organization pursuant to an agreement for the exchange or production of such data. Such data may be transferred pursuant to this section without cost to the recipient country or international organization.

"(b) Definitions. In this section:

"(1) Automatic identification system. The term 'automatic identification system' means a system that is used to satisfy the requirements of the Automatic Identification System under the International Convention for the Safety of Life at Sea, signed at London on November 1, 1974 (TIAS 9700).

"(2) Geographic combatant commander. The term 'commander of a combatant command' means a commander of a combatant command (as such term is defined in section 161(c) of title 10, United States Code) with a geographic area of responsibility."

**Repeal of provisions relating to report on support from Iran for attacks against coalition forces in Iraq.** Act Jan. 28, 2008, P.L. 110-181, Div A, Title XII, Subtitle B, § 1225, 122 Stat. 375, which formerly appeared as a note to this section, was repealed by Act Jan. 7, 2011, P.L. 111-383, Div A, Title XII, Subtitle C, § 1233(f)(2), 124 Stat. 4397. Such note provided for a report on support from Iran for attacks against coalition forces in Iraq.

**Requirement for Secretary of Defense to prepare plan for response to natural disasters and terrorist events.** Act Jan. 28, 2008, P.L. 110-181, Div A, Title XVIII, Subtitle A, § 1814, 122 Stat. 498, provides:

"(a) Requirement for plan.

(1) In general. Not later than June 1, 2008, the Secretary of Defense, in consultation with the Secretary of Homeland Security, the Chairman of the Joint Chiefs of Staff, the commander of the United States Northern Command, and the Chief of the National Guard Bureau, shall prepare and submit to Congress a plan for coordinating the use of the National Guard and members of the Armed Forces on active duty when responding to natural disasters, acts of terrorism, and other man-made disasters as identified in the national planning scenarios described in subsection (e).

"(2) Update. Not later than June 1, 2010, the Secretary, in consultation with the persons consulted under paragraph (1), shall submit to Congress an update of the plan required under paragraph (1).

"(b) Information to be provided to Secretary. To assist the Secretary of Defense in preparing the plan, the National Guard Bureau, pursuant to its purpose as channel of communications as set forth in section 10501(b) of title 10, United States Code [10 USCS § 10501(b)], shall provide to the Secretary information gathered from Governors, adjutants general of States, and other State civil authorities responsible for homeland preparation and response to natural and man-made disasters.

"(c) Two versions. The plan shall set forth two versions of response, one using only members of the National Guard, and one using both members of the National Guard and members of the regular components of the Armed Forces.

"(d) Matters covered. The plan shall cover, at a minimum, the following:

"(1) Protocols for the Department of Defense, the National Guard Bureau, and the Governors of the several States to carry out operations in coordination with each other and to ensure that Governors and local communities are properly informed and remain in control in their respective States and communities.

"(2) An identification of operational procedures, command structures, and lines of communication to ensure a coordinated, efficient response to contingencies.

"(3) An identification of the training and equipment needed for both National Guard personnel and members of the Armed Forces on active duty to provide military assistance to civil authorities and for other domestic operations to respond to hazards identified in the national planning scenarios.

"(e) National planning scenarios. The plan shall provide for response to the following hazards:

"(1) Nuclear detonation, biological attack, biological disease outbreak/pandemic flu, the plague, chemical attack-blister agent, chemical attack-toxic industrial chemicals, chemical attack-nerve agent, chemical attack-chlorine tank explosion, major hurricane, major earthquake, radiological attack-radiological dispersal device, explosives attack-bombing using improvised explosive device, biological attack-food contamination, biological attack-foreign animal disease and cyber attack.

"(2) Any other hazards identified in a national planning scenario developed by the Homeland Security Council."

**Determination of Department of Defense civil support requirements.** Act Jan. 28, 2008, P.L. 110-181, Div A, Title XVIII, Subtitle A, § 1815(a)-(d), 122 Stat. 499, provides:

"(a) Determination of requirements. The Secretary of Defense, in consultation with the Secretary of Homeland Security, shall determine the military-unique capabilities needed to be provided by the Department of Defense to support civil authorities in an incident of national significance or a catastrophic incident.

"(b) Plan for funding capabilities.

(1) Plan. The Secretary of Defense shall develop and implement a plan, in coordination with the Secretaries of the military departments and the Chairman of the Joint Chiefs of Staff, for providing the funds and resources necessary to develop and maintain the following:

"(A) The military-unique capabilities determined under subsection (a).

"(B) Any additional capabilities determined by the Secretary to be necessary to support the use of the active components and the reserve components of the Armed Forces for homeland defense missions, domestic emergency responses, and providing military support to civil authorities.

"(2) Term of plan. The plan required under paragraph (1) shall cover at least five years.

"(c) Budget. The Secretary of Defense shall include in the materials accompanying the budget submitted for each fiscal year a request for funds necessary to carry out the plan required under subsection (b) during the fiscal year covered by the budget. The defense budget materials shall delineate and explain the budget treatment of the plan for each component of each military department, each combatant command, and each affected Defense Agency.

"(d) Definitions. In this section:

"(1) The term 'military-unique capabilities' means those capabilities that, in the view of the Secretary of Defense--

"(A) cannot be provided by other Federal, State, or local civilian agencies; and

"(B) are essential to provide support to civil authorities in an incident of national significance or a catastrophic incident.

"(2) The term 'defense budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year."

**Requirement for common ground stations and payloads for manned and unmanned aerial vehicle systems.** Act Oct. 14, 2008, P.L. 110-417, [Div A,] Title I, Subtitle E, § 144, 122 Stat. 4382, provides:

"(a) Policy and acquisition strategy required. The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall establish a policy and an acquisition strategy for intelligence, surveillance, and reconnaissance payloads and ground stations for manned and unmanned aerial vehicle systems. The policy and acquisition strategy shall be applicable throughout the Department of Defense and shall achieve integrated research, development, test, and evaluation, and procurement commonality.

"(b) Objectives. The policy and acquisition strategy required by subsection (a) shall have the following objectives:

"(1) Procurement of common payloads by vehicle class, including--

"(A) signals intelligence;

"(B) electro optical;

"(C) synthetic aperture radar;

"(D) ground moving target indicator;

"(E) conventional explosive detection;

"(F) foliage penetrating radar;

"(G) laser designator;

"(H) chemical, biological, radiological, nuclear, explosive detection; and

"(I) national airspace operations avionics or sensors, or both.

"(2) Commonality of ground system architecture by vehicle class.

"(3) Common management of vehicle and payloads procurement.

"(4) Ground station interoperability standardization.

"(5) Maximum use of commercial standard hardware and interfaces.

"(6) Open architecture software.

"(7) Acquisition of technical data rights in accordance with section 2320 of title 10, United States Code.

"(8) Acquisition of vehicles, payloads, and ground stations through competitive procurement.

"(9) Common standards for exchange of data and metadata.

"(c) Affected systems. For the purposes of this section, the Secretary shall establish manned and unmanned aerial vehicle classes for all intelligence, surveillance, and reconnaissance programs of record based on factors such as vehicle weight, payload capacity, and mission.

"(d) Report. Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate a report containing--

"(1) the policy required by subsection (a); and

"(2) the acquisition strategy required by subsection (a)."

**Implementation of information database on sexual assault incidents in the armed forces; database required, availability of database, implementation, reports.** Section 563(a)-(d) of Div A of Act Oct. 14, 2008, P.L. 110-417, which formerly appeared as a note to this section, was transferred to 10 USCS § 1561 note.

**Report on command and control structure for military forces operating in Afghanistan.** Act Oct. 14, 2008, P.L. 110-417, [Div A,] Title XII, Subtitle B, § 1216, 122 Stat. 4633; Oct. 28, 2009, P.L. 111-84, Div A, Title XII, Subtitle B, § 1229, 123 Stat. 2528, provides:

"(a) Report required. Not later than 60 days after the date of the enactment of this Act, or December 1, 2008, whichever occurs later, the Secretary of Defense shall submit to the appropriate congressional committees a report on the command and control structure for military forces operating in Afghanistan.

"(b) Matters to Be included. The report required under subsection (a) shall include the following:

"(1) A detailed description of efforts by the Secretary of Defense, in coordination with senior leaders of NATO ISAF forces, including the commander of NATO ISAF forces, to modify the chain of command structure for military forces operating in Afghanistan to better coordinate and de-conflict military operations and achieve unity of command whenever possible in Afghanistan, and the results of such efforts, including--

"(A) any United States or NATO ISAF plan for improving the command and control structure for military forces operating in Afghanistan; and

"(B) any efforts to establish a headquarters in Afghanistan that is led by a commander--

"(i) with command authority over NATO ISAF forces and separate United States forces operating under Operation Enduring Freedom and charged with closely coordinating the efforts of such forces; and

"(ii) responsible for coordinating other United States and international security efforts in Afghanistan.

"(2) A description of how rules of engagement are determined and managed for United States forces operating under NATO ISAF or Operation Enduring Freedom, and a description of any key differences between rules of engagement for NATO ISAF forces and separate United States forces operating under Operation Enduring Freedom.

"(3) An assessment of how any modifications to the command and control structure for military forces operating in Afghanistan would impact coordination of military and civilian efforts in Afghanistan.

"(c) Update of report. The Secretary of Defense shall submit to the appropriate congressional committees an update of the report required under subsection (a) as warranted by any modifications to the command and control structure for military forces operating in Afghanistan as described in the report.

"(d) Form. The report required under subsection (a) and any update of the report required under subsection (c) shall be submitted in an unclassified form, but may include a classified annex, if necessary. Any update of the report required under subsection (c) may be included in the report required under section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 385) [unclassified].

"(e) Appropriate congressional committees defined. In this section, the term 'appropriate congressional committees' means--

"(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

"(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate."

**Military protective orders.** Sec. 567(c) of Act Oct. 28, 2009, P.L. 111-84, which formerly appeared as a note to this section, was transferred to 10 USCS § 1561 note.

**Reports on progress in completion of certain incident information management tools.** Sec. 598 of Act Oct. 28, 2009, P.L. 111-84, which formerly appeared as a note to this section, was transferred to 10 USCS § 1561 note.

**Policy and requirements to ensure the safety of facilities, infrastructure, and equipment for military operations.** Act Oct. 28, 2009, P.L. 111-84, Div A, Title VIII, Subtitle A, § 807, 123 Stat. 2404, provides:

"(a) Policy. It shall be the policy of the Department of Defense that facilities, infrastructure, and equipment that are intended for use by military or civilian personnel of the Department in current or future military operations should be inspected for safety and habitability prior to such use, and that such facilities should be brought into compliance with generally accepted standards for the safety and health of personnel to the maximum extent practicable and consistent with the requirements of military operations and the best interests of the Department of Defense, to minimize the safety and health risk posed to such personnel.

"(b) Requirements. Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall--

"(1) ensure that each contract or task or delivery order entered into for the construction, installation, repair, maintenance, or operation of facilities for use by military or civilian personnel of the Department complies with the policy established in subsection (a);

"(2) ensure that contracts entered into prior to the date that is 60 days after the date of the enactment of this Act comply with such policy to the maximum extent practicable;

"(3) define the term 'generally accepted standards' with respect to fire protection, structural integrity, electrical systems, plumbing, water treatment, waste disposal, and telecommunications networks for the purposes of this section; and

"(4) provide such exceptions and limitations as may be needed to ensure that this section can be implemented in a manner that is consistent with the requirements of military operations and the best interests of the Department of Defense."

**Defense Integrated Military Human Resources System development and transition.** Act Oct. 28, 2009, P.L. 111-84, Div A, Title IX, Subtitle D, § 932, 123 Stat. 2433, provides:

"(a) In general. The Secretary of Defense shall establish a Defense Integrated Military Human Resources System development and transition Council to provide advice to the Secretary of Defense and the Secretaries of the military departments on the modernization of the integrated pay and personnel system for each military department and the collection of data generated by each such system into the enterprise information warehouse.

"(b) Council. The Council shall include the following members:

"(1) The Deputy Chief Management Officer of the Department of Defense.

"(2) The Director of the Business Transformation Agency.

"(3) The Under Secretary of Defense for Acquisition, Technology, and Logistics, or a designated representative.

"(4) The Under Secretary of Defense for Personnel and Readiness, or a designated representative.

"(5) One representative from each of the Army, Navy, Air Force, and Marine Corps who is a lieutenant general or vice admiral, or a civilian equivalent.

"(6) One representative of the National Guard Bureau who is a lieutenant general or vice admiral, or a civilian equivalent.

"(7) The Assistant Secretary of Defense for Networks and Information Integration, or a designated representative.

"(8) The Director of Operational Test and Evaluation, or a designated representative.

"(9) Such other individuals as may be designated by the Deputy Secretary of Defense, acting in the Deputy Secretary's capacity as the Chief Management Officer.

"(c) Meetings. The Council shall meet not less than twice a year, or more often as specified by the Deputy Secretary of Defense.

"(d) Duties. The Council shall have the following responsibilities:

"(1) Resolution of significant policy, programmatic, or budgetary issues impeding modernization or deployment of integrated personnel and pay systems for each military department, including issues relating to--

"(A) common interfaces, architectures, and systems engineering;

"(B) ensuring that developmental systems are consistent with current and future enterprise accounting and pay and personnel standards and practices; and

"(C) ensuring that developmental systems are consistent with current and future Department of Defense business enterprise architecture.

"(2) Coordination of implementation of the integrated personnel and pay system within defense organizations to ensure interoperability between all appropriate elements of the system.

"(3) Establishment of metrics to assess the following:

"(A) Business process re-engineering needed for successful deployment of the integrated pay and personnel system.

"(B) Interoperability between legacy, operational, and developmental pay and personnel systems.

"(C) Interface and systems architecture control and standardization.

"(D) Retirement of legacy systems.

"(E) Use of the enterprise information warehouse.

"(F) Any other relevant matters.

"(4) Such other responsibilities as the Secretary determines are appropriate.

"(e) Termination. This section shall not be in effect after September 30, 2013.

"(f) Report. Not later than March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on actions taken pursuant to this section."

**Report on basing plans for certain United States geographic combatant commands.** Act Oct. 28, 2009, P.L. 111-84, Div A, Title X, Subtitle E, § 1063, 123 Stat. 2469; Jan. 7, 2011, P.L. 111-383, Div A, Title X, Subtitle H, § 1075(d)(14), 124 Stat. 4373 (effective as of 10/28/2009 and as if included in Act Oct. 28, 2009 as enacted, as provided by § 1075(d) of the 2011 Act), provides:

"(a) Report requirement. Concurrent with the delivery of the report on the 2009 quadrennial defense review required by section 118 of title 10, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report on the plan for basing of forces outside the United States.

"(b) Matters covered. The report required under subsection (a) shall contain a description of--

"(1) how the plan supports the United States national security strategy;

"(2) how the plan supports the security commitments undertaken by the United States pursuant to any international security treaty, including the North Atlantic Treaty, the Treaty of Mutual Cooperation and Security between the United States and Japan, and the Security Treaty Between Australia, New Zealand, and the United States of America;

"(3) how the plan addresses the current security environment in each geographic combatant command's area of responsibility, including United States participation in theater security cooperation activities and bilateral partnership, exchanges, and training exercises;

"(4) the impact that a permanent change in the basing of a unit currently stationed outside the United States would have on the matters described in paragraphs (1) through (3);

"(5) the impact the plan will have on the status of overseas base closure and realignment actions undertaken as part of a global defense posture realignment strategy and the status of development and execution of comprehensive master plans for overseas military main operating bases, forward operating sites, and cooperative security locations of the global defense posture of the United States;

"(6) any recommendations for additional closures or realignments of military installations outside of the United States; and

"(7) any comments resulting from an interagency review of the plan that includes the Department of State and other relevant Federal departments and agencies.

"(c) Notification requirement. The Secretary of Defense shall notify Congress at least 30 days before the permanent relocation of a unit stationed outside the United States as of the date of the enactment of this Act.

"(d) Definitions. In this section:

"(1) Unit. The term 'unit' has the meaning determined by the Secretary of Defense for purposes of this section.

"(2) Geographic combatant command. The term 'geographic combatant command' means a combatant command with a geographic area of responsibility that does not include North America."

**Effective date and application of Oct. 28, 2009 amendments.** Act Oct. 28, 2009, P.L. 111-84, Div A, Title XII, Subtitle C, § 1246(e), 123 Stat. 2545, provides:

"(1) In general. The amendments made by this section [amending 10 USCS §§ 113 note, 168 note] shall take effect on the date of the enactment of this Act, and shall apply with respect to reports required to be submitted under subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2000 [note to this section], as so amended, on or after that date.

"(2) Strategy and updates for military-to-military contacts with People's Liberation Army. The requirement to include the strategy described in paragraph (11)(A) of section 1202(b) of the National Defense Authorization Act for Fiscal Year 2000, as so amended, in the report required to be submitted under section 1202(a) of such Act, as so amended, shall apply with respect to the first report required to be submitted under section 1202(a) of such Act on or after the date of the enactment of this Act. The requirement to include updates to such strategy shall apply with respect to each subsequent report required to be submitted under section 1202(a) of such Act on or after the date of the enactment of this Act."

**Counter-improvised explosive device initiatives database.** Act Jan. 7, 2011, P.L. 111-383, Div A, Title I, Subtitle C, § 124, 124 Stat. 4159, provides:

"(a) Comprehensive database.

(1) In general. The Secretary of Defense, acting through the Director of the Joint Improvised Explosive Device Defeat Organization, shall develop and maintain a comprehensive database containing appropriate information for coordinating, tracking, and archiving each counter-improvised explosive device initiative within the Department of Defense. The database shall, at a minimum, ensure the visibility of each counter-improvised explosive device initiative.

"(2) Use of information. Using information contained in the database developed under paragraph (1), the Secretary, acting through the Director of the Joint Improvised Explosive Device Defeat Organization, shall--

"(A) identify and eliminate redundant counter-improvised explosive device initiatives;

"(B) facilitate the transition of counter-improvised explosive device initiatives from funding under the Joint Improvised Explosive Device Defeat Fund to funding provided by the military departments; and

"(C) notify the appropriate personnel and organizations prior to a counter-improvised explosive device initiative being funded through the Joint Improvised Explosive Device Defeat Fund.

"(3) Coordination. In carrying out paragraph (1), the Secretary shall ensure that the Secretary of each military department coordinates and collaborates on development of the database to ensure its interoperability, completeness, consistency, and effectiveness.

"(b) Metrics. The Secretary of Defense, acting through the Director of the Joint Improvised Explosive Device Defeat Organization, shall--

"(1) develop appropriate means to measure the effectiveness of counter-improvised explosive device initiatives; and

"(2) prioritize the funding of such initiatives according to such means.

"(c) Counter-improvised explosive device initiative defined. In this section, the term 'counter-improvised explosive device initiative' means any project, program, or research activity funded by any component of the Department of Defense that is intended to assist or support efforts to counter, combat, or defeat the use of improvised explosive devices."

**Program to commemorate 60th anniversary of the Korean War.** Act Jan. 7, 2011, P.L. 111-383, Div A, Title V, Subtitle H, § 574, 124 Stat. 4223, provides:

"(a) Commemorative program authorized. The Secretary of Defense may establish and conduct a program to commemorate the 60th anniversary of the Korean War (in this section referred to as the 'commemorative program'). In conducting the commemorative program, the Secretary of Defense shall coordinate and support other programs and activities of the Federal Government, State and local governments, and other persons and organizations in commemoration of the Korean War.

"(b) Schedule. If the Secretary of Defense establishes the commemorative program, the Secretary shall determine the schedule of major events and priority of efforts for the commemorative program to achieve the commemorative objec-

tives specified in subsection (c). The Secretary of Defense may establish a committee to assist the Secretary in determining the schedule and conducting the commemorative program.

"(c) Commemorative activities and objectives. The commemorative program may include activities and ceremonies to achieve the following objectives:

"(1) To thank and honor veterans of the Korean War, including members of the Armed Forces who were held as prisoners of war or listed as missing in action, for their service and sacrifice on behalf of the United States.

"(2) To thank and honor the families of veterans of the Korean War for their sacrifices and contributions, especially families who lost a loved one in the Korean War.

"(3) To highlight the service of the Armed Forces during the Korean War and the contributions of Federal agencies and governmental and non-governmental organizations that served with, or in support of, the Armed Forces.

"(4) To pay tribute to the sacrifices and contributions made on the home front by the people of the United States during the Korean War.

"(5) To provide the people of the United States with a clear understanding and appreciation of the lessons and history of the Korean War.

"(6) To highlight the advances in technology, science, and medicine related to military research conducted during the Korean War.

"(7) To recognize the contributions and sacrifices made by the allies of the United States during the Korean War.

"(d) Use of the United States of America Korean War Commemoration and symbols. Subsection (c) of section 1083 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1918) [note to this section], as amended by section 1067 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2134) and section 1052 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 764), shall apply to the commemorative program.

"(e) Commemorative fund.

(1) Establishment of new account. If the Secretary of Defense establishes the commemorative program, the Secretary the Treasury shall establish in the Treasury of the United States an account to be known as the 'Department of Defense Korean War Commemoration Fund' (in this section referred to as the 'Fund').

"(2) Administration and use of Fund. The Fund shall be available to, and administered by, the Secretary of Defense. The Secretary of Defense shall use the assets of the Fund only for the purpose of conducting the commemorative program and shall prescribe such regulations regarding the use of the Fund as the Secretary of Defense considers to be necessary.

"(3) Deposits. There shall be deposited into the Fund the following:

"(A) Amounts appropriated to the Fund.

"(B) Proceeds derived from the use by the Secretary of Defense of the exclusive rights described in subsection (c) of section 1083 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1918) [note to this section].

"(C) Donations made in support of the commemorative program by private and corporate donors.

"(4) Availability. Subject to paragraph (5), amounts in the Fund shall remain available until expended.

"(5) Treatment of unobligated funds; transfer. If unobligated amounts remain in the Fund as of September 30, 2013, the Secretary of the Treasury shall transfer the remaining amounts to the Department of Defense Vietnam War Commemorative Fund established pursuant to section 598(e) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 113 note). The transferred amounts shall be merged with, and available for the same purposes as, other amounts in the Department of Defense Vietnam War Commemorative Fund.

"(f) Acceptance of voluntary services.

(1) Authority to accept services. 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. The Secretary of Defense shall prohibit the solicitation of any voluntary services if the nature or circumstances of such solicitation would compromise the integrity or the appearance of integrity of any program of the Department of Defense or of any individual involved in the program.

"(2) Compensation for work-related injury. 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 [5 USCS §§ 8101 et seq.], 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) Reimbursement of incidental expenses. The Secretary of Defense may provide for reimbursement of incidental expenses 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.

"(g) Report required. If the Secretary of Defense conducts the commemorative program, the Inspector General of the Department of Defense shall submit to Congress, not later than 60 days after the end of the commemorative program, a report containing an accounting of--

"(1) all of the funds deposited into and expended from the Fund;

"(2) any other funds expended under this section; and

"(3) any unobligated funds remaining in the Fund as of September 30, 2013, that are transferred to the Department of Defense Vietnam War Commemorative Fund pursuant to subsection (e)(5).

"(h) Limitation on expenditures. Using amounts appropriated to the Department of Defense, the Secretary of Defense may not expend more than \$ 5,000,000 to carry out the commemorative program."

**Report on organizational structure and policy guidance of the Department of Defense regarding information operations.** Act Jan. 7, 2011, P.L. 111-383, Title IX, Subtitle E, § 943, 124 Stat. 4341, provides:

"(a) Report required. Not later than 90 days after the date of the enactment of this Act, 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 on the organizational structure and policy guidance of the Department of Defense with respect to information operations.

"(b) Review. In preparing the report required by subsection (a), the Secretary shall review the following:

"(1) The extent to which the current definition of 'information operations' in Department of Defense Directive 3600.1 is appropriate.

"(2) The location of the office within the Department of the lead official responsible for information operations of the Department, including assessments of the most effective location and the need to designate a principal staff assistant to the Secretary of Defense for information operations.

"(3) Departmental responsibility for the development, coordination, and oversight of Department policy on information operations and for the integration of such operations.

"(4) Departmental responsibility for the planning, execution, and oversight of Department information operations.

"(5) Departmental responsibility for coordination within the Department, and between the Department and other departments and agencies of the Federal Government, regarding Department information operations, and for the resolution of conflicts in the discharge of such operations, including an assessment of current coordination bodies and decisionmaking processes.

"(6) The roles and responsibilities of the military departments, combat support agencies, the United States Special Operations Command, and the other combatant commands in the development and implementation of information operations.

"(7) The roles and responsibilities of the defense intelligence agencies for support of information operations.

"(8) The role in information operations of the following Department officials:

"(A) The Assistant Secretary of Defense for Public Affairs.

"(B) The Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict.

"(C) The senior official responsible for information processing and networking capabilities.

"(9) The role of related capabilities in the discharge of information operations, including public affairs capabilities, civil-military operations capabilities, defense support of public diplomacy, and intelligence.

"(10) The management structure of computer network operations in the Department for the discharge of information operations, and the policy in support of that component.

"(11) The appropriate use, management, and oversight of contractors in the development and implementation of information operations, including an assessment of current guidance and policy directives pertaining to the uses of contractors for these purposes.

"(c) Form. The report required by subsection (a) shall be submitted in unclassified form, with a classified annex, if necessary.

"(d) Department of Defense directive. Upon the submittal of the report required by subsection (a), the Secretary shall prescribe a revised directive for the Department of Defense on information operations. The directive shall take into account the results of the review conducted for purposes of the report.

"(e) Information operations defined. In this section, the term 'information operations' means the information operations specified in Department of Defense Directive 3600.1, as follows:

"(1) Electronic warfare.

"(2) Computer network operations.

"(3) Psychological operations.

"(4) Military deception.

"(5) Operations security."

**Biennial report on nuclear triad.** Act Jan. 7, 2011, P.L. 111-383, Div A, Title X, Subtitle F, § 1054, 124 Stat. 4358, provides:

"(a) Report. Not later than March 1 of each even-numbered year, beginning March 1, 2012, the Secretary of Defense, in consultation with the Administrator for Nuclear Security, shall submit to the congressional defense committees a report on the nuclear triad.

"(b) Matters included. The report under subsection (a) shall include the following:

"(1) A detailed discussion of the modernization and sustainment plans for each component of the nuclear triad over the 10-year period beginning on the date of the report.

"(2) The funding required for each platform of the nuclear triad with respect to operation and maintenance, modernization, and replacement.

"(3) Any industrial capacities that the Secretary considers vital to ensure the viability of the nuclear triad.

"(c) Nuclear triad defined. In this section, the term 'nuclear triad' means the nuclear deterrent capabilities of the United States composed of ballistic missile submarines, land-based missiles, and strategic bombers.

**Treatment of successor contingency operation to Operation Iraqi Freedom.** Act Jan. 7, 2011, P.L. 111-383, Div A, Title X, Subtitle H, § 1077, 124 Stat. 4379, provides: "Any law applicable to Operation Iraqi Freedom shall apply in the same manner and to the same extent to the successor contingency operation known as Operation New Dawn, except as specifically provided in this Act, any amendment made by this Act, or any other law enacted after the date of the enactment of this Act."

**Designation of Department of Defense senior official with principal responsibility for airship programs.** Act Dec. 31, 2011, P.L. 112-81, Div A, Title IX, Subtitle A, § 903, 125 Stat. 1532, provides:

"Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall--

"(1) designate a senior official of the Department of Defense as the official with principal responsibility for the airship programs of the Department; and

"(2) set forth the responsibilities of that senior official with respect to such programs."

**Authority to support operations and activities of the Office of Security Cooperation in Iraq.** Act Dec. 31, 2011, P.L. 112-81, Div A, Title XII, Subtitle B, § 1215, 125 Stat. 1631; Jan. 2, 2013, P.L. 112-239, Div A, Title XII, Subtitle B, § 1211(a)-(c), 126 Stat. 1982, provides:

"(a) Authority. The Secretary of Defense may support United States Government transition activities in Iraq by providing funds for the following:

"(1) Operations and activities of the Office of Security Cooperation in Iraq.

"(2) Operations and activities of security assistance teams in Iraq.

"(b) Types of support. The operations and activities for which the Secretary may provide funds under the authority in subsection (a) may include life support, transportation and personal security, and construction and renovation of facilities.

"(c) Limitation on amount. The total amount of funds provided under the authority in subsection (a) in fiscal year 2012 may not exceed \$ 524,000,000 and in fiscal year 2013 may not exceed \$ 508,000,000.

"(d) Source of funds. Funds for purposes of subsection (a) for fiscal year 2012 or fiscal year 2013 shall be derived from amounts available for fiscal year 2012 or 2013, as the case may be, for operation and maintenance for the Air Force.

"(e) Coverage of costs of OSCI in connection with sales of defense articles or defense services to Iraq. The President shall ensure that any letter of offer for the sale to Iraq of any defense articles or defense services issued after the date of the enactment of this Act includes, consistent with the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.), charges sufficient to recover the costs of operations and activities of security assistance teams in Iraq in connection with such sale.

"(f) Additional authority for activities of OSCI. During fiscal year 2013, the Secretary of Defense, with the concurrence of the Secretary of State, may authorize the Office of Security Cooperation in Iraq to conduct non-operational training activities in support of Iraqi Ministry of Defense and Counter Terrorism Service personnel in an institutional environment to address capability gaps, integrate processes relating to intelligence, air sovereignty, combined arms, logistics and maintenance, and to manage and integrate defense-related institutions.

"(g) Report. Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State, submit to the congressional defense committees, the Committee on Foreign

Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report on the activities of the Office of Security Cooperation in Iraq. The report shall include the following:

"(1) A description, in unclassified form (but with a classified annex if appropriate), of any capability gaps in the security forces of Iraq, including capability gaps relating to intelligence matters, protection of Iraq airspace, and logistics and maintenance.

"(2) A description of the manner in which the programs of the Office of Security Cooperation in Iraq, in conjunction with other United States programs such as the Foreign Military Financing program, the Foreign Military Sales program, and joint training exercises, will address the capability gaps described in paragraph (1) if the Government of Iraq requests assistance in addressing such capability gaps."

**Strategy to counter improvised explosive devices.** Act Jan. 3, 2012, P.L. 112-87, Title V, § 503, 125 Stat. 1896, provides:

"(a) Strategy.

(1) Establishment. The Director of National Intelligence and the Secretary of Defense shall establish a coordinated strategy utilizing all available personnel and assets for intelligence collection and analysis to identify and counter network activity and operations in Pakistan and Afghanistan relating to the development and use of improvised explosive devices.

"(2) Contents. The strategy established under paragraph (1) shall identify--

"(A) the networks that design improvised explosive devices, provide training on improvised explosive device assembly and employment, and smuggle improvised explosive device components into Afghanistan;

"(B) the persons and organizations not directly affiliated with insurgents in Afghanistan who knowingly enable the movement of commercial products and material used in improvised explosive device construction from factories and vendors in Pakistan into Afghanistan;

"(C) the financiers, financial networks, institutions, and funding streams that provide resources to the insurgency in Afghanistan; and

"(D) the links to military, intelligence services, and government officials who are complicit in allowing the insurgent networks in Afghanistan to operate.

"(b) Report and implementation. Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence and the Secretary of Defense shall--

"(1) submit to the congressional intelligence committees and the Committees on Armed Services of the House of Representatives and the Senate a report containing the strategy established under subsection (a); and

"(2) implement such strategy."

**Commemoration of the 50th Anniversary of the Vietnam War.** Pres. Proc. No. 8829 of May 25, 2012, 77 Fed. Reg. 32875, provides:

"By the President of the United States of America

"A Proclamation

"As we observe the 50th anniversary of the Vietnam War, we reflect with solemn reverence upon the valor of a generation that served with honor. We pay tribute to the more than 3 million servicemen and women who left their families to serve bravely, a world away from everything they knew and everyone they loved. From Ia Drang to Khe Sanh, from Hue to Saigon and countless villages in between, they pushed through jungles and rice paddies, heat and monsoon, fighting heroically to protect the ideals we hold dear as Americans. Through more than a decade of combat, over air, land, and sea, these proud Americans upheld the highest traditions of our Armed Forces.

"As a grateful Nation, we honor more than 58,000 patriots--their names etched in black granite--who sacrificed all they had and all they would ever know. We draw inspiration from the heroes who suffered unspeakably as prisoners of war, yet who returned home with their heads held high. We pledge to keep faith with those who were wounded and still carry the scars of war, seen and unseen. With more than 1,600 of our service members still among the missing, we pledge as a Nation to do everything in our power to bring these patriots home. In the reflection of The Wall, we see the military family members and veterans who carry a pain that may never fade. May they find peace in knowing their loved ones endure, not only in medals and memories, but in the hearts of all Americans, who are forever grateful for their service, valor, and sacrifice.

"In recognition of a chapter in our Nation's history that must never be forgotten, let us renew our sacred commitment to those who answered our country's call in Vietnam and those who awaited their safe return. Beginning on Memorial Day 2012, the Federal Government will partner with local governments, private organizations, and communities across America to participate in the Commemoration of the 50th Anniversary of the Vietnam War--a 13-year program to honor and give thanks to a generation of proud Americans who saw our country through one of the most challenging missions we have ever faced. While no words will ever be fully worthy of their service, nor any honor truly befitting their sacri-

face, let us remember that it is never too late to pay tribute to the men and women who answered the call of duty with courage and valor. Let us renew our commitment to the fullest possible accounting for those who have not returned. Throughout this Commemoration, let us strive to live up to their example by showing our Vietnam veterans, their families, and all who have served the fullest respect and support of a grateful Nation.

"NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 28, 2012, through November 11, 2025, as the Commemoration of the 50th Anniversary of the Vietnam War. I call upon Federal, State, and local officials to honor our Vietnam veterans, our fallen, our wounded, those unaccounted for, our former prisoners of war, their families, and all who served with appropriate programs, ceremonies, and activities.

"IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of May, in the year of our Lord two thousand twelve, and of the Independence of the United States of America the two hundred and thirty-sixth."

**Designation of Department of Defense senior official for enterprise resource planning system data conversion.** Act Jan. 2, 2013, P.L. 112-239, Div A, Title IX, Subtitle A, § 903, 126 Stat. 1866, provides:

"Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall--

"(1) designate a senior official of the Department of Defense as the official with principal responsibility for coordination and management oversight of data conversion for all enterprise resource planning systems of the Department; and

"(2) set forth the responsibilities of that senior official with respect to such data conversion."

**Electronic warfare strategy of the Department of Defense; guidance and plan required.** Act Jan. 2, 2013, P.L. 112-239, Div A, Title X, Subtitle G, § 1061(a), (b), 126 Stat. 1939, provides:

"(a) Guidance required. Not later than January 1, 2013, the Secretary of Defense shall review and update Department of Defense guidance related to electronic warfare to ensure that oversight roles and responsibilities within the Department related to electronic warfare policy and programs are clearly defined. Such guidance shall clarify, as appropriate, the roles and responsibilities related to the integration of electronic warfare matters and cyberspace operations.

"(b) Plan required. Not later than October 1, 2013, the Commander of the United States Strategic Command shall update and issue guidance regarding the responsibilities of the Command with regard to joint electronic warfare capabilities. Such guidance shall--

"(1) define the role and objectives of the Joint Electromagnetic Spectrum Control Center or any other center established in the Command to provide governance and oversight of electronic warfare matters; and

"(2) include an implementation plan outlining tasks, metrics, and timelines to establish such a center."

**United States participation in Headquarters Eurocorps.** Act Jan. 2, 2013, P.L. 112-239, Div A, Title XII, Subtitle F, § 1275, 126 Stat. 2027, provides:

"(a) Participation authorized. The Secretary of Defense may, with the concurrence of the Secretary of State, authorize the participation of members of the Armed Forces as members of the staff of Headquarters Eurocorps for the purpose of supporting the North Atlantic Treaty Organization (NATO) activities of the NATO Rapid Deployable Corps Eurocorps.

"(b) Memorandum of understanding.

(1) Requirement. The participation of members of the Armed Forces as members of the staff of Headquarters Eurocorps shall be in accordance with the terms of one or more memoranda of understanding entered into by the Secretary of Defense, with the concurrence of the Secretary of State, and Headquarters Eurocorps.

"(2) Cost-sharing arrangements. If Department of Defense facilities, equipment, or funds are used to support Headquarters Eurocorps, the memoranda of understanding under paragraph (1) shall provide details of any cost-sharing arrangement or other funding arrangement.

"(c) Limitation on number of members participating as staff. Not more than two members of the Armed Forces may participate as members of the staff of Headquarters Eurocorps, until the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the following:

"(1) A certification by the Secretary of Defense that the participation of more than two members of the Armed Forces in Headquarters Eurocorps is in the national interests of the United States.

"(2) A description of the benefits of the participation of the additional members proposed by the Secretary.

"(3) A description of the plans for the participation of the additional members proposed by the Secretary, including the grades and posts to be filled.

"(4) A description of the costs associated with the participation of the additional members proposed by the Secretary.

"(d) Notice on participation of number of members above certain ceiling. Not more than 10 members of the Armed Forces may participate as members of the staff of Headquarters Eurocorps unless the Secretary of Defense submits to

the Committees on Armed Services of the Senate and the House of Representatives a notice that the number of members so participating will exceed 10 members.

"(e) Availability of appropriated funds.

(1) Availability. Funds appropriated to the Department of Defense for operation and maintenance are available as follows:

"(A) To pay the United States' share of the operating expenses of Headquarters Eurocorps.

"(B) To pay the costs of the participation of members of the Armed Forces participating as members of the staff of Headquarters Eurocorps, including the costs of expenses of such participants.

"(2) Limitation. No funds may be used under this section to fund the pay or salaries of members of the Armed Forces who participate as members of the staff of the Headquarters, North Atlantic Treaty Organization (NATO) Rapid Deployable Corps under this section.

"(f) Headquarters Eurocorps defined. In this section, the term 'Headquarters Eurocorps' refers to the multinational military headquarters, established on October 1, 1993, which is one of the High Readiness Forces (Land) associated with the Allied Rapid Reaction Corps of NATO."

**Identification requirements for access to military installations.** Act Jan. 2, 2013, P.L. 112-239, Div B, Title XXVIII, Subtitle B, § 2812, 126 Stat. 2150, provides:

"(a) Procedural requirements for identification verification. Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall publish procedural requirements regarding access to military installations in the United States by individuals, including individuals performing work under a contract awarded by the Department of Defense. The procedural requirements may vary between military installations, or parts of installations, depending on the nature of the installation, the nature of the access granted, and the level of security required.

"(b) Issues addressed. The procedures required by subsection (a) shall address, at a minimum, the following:

"(1) The forms of identification to be required to permit entry.

"(2) The measures to be used to verify the authenticity of such identification and identify individuals who seek unauthorized access to a military installation through the use of fraudulent identification or other means.

"(3) The measures to be used to notify Department of Defense security personnel of any attempt to gain unauthorized access to a military installation."

**Continuation of requirement for prior matching of disbursements to particular obligations in fiscal year 2013.** Act March 26, 2013, P.L. 113-6, Div C, Title VIII, § 8067, 127 Stat. 313, provides: "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 2013."

Similar provisions were contained in Acts Aug. 9, 2000, P.L. 106-259, Title VIII, § 8137, 114 Stat. 704; Jan. 10, 2002, P.L. 107-117, Div A, Title VIII, § 8118, 115 Stat. 2273; Oct. 23, 2002, P.L. 107-248, Title VIII, § 8098, 116 Stat. 1559; Sept. 30, 2003, P.L. 108-87, Title VIII, § 8092, 117 Stat. 1094; Aug. 5, 2004, P.L. 108-287, Title VIII, § 8091, 118 Stat. 992; Dec. 30, 2005, P.L. 109-148, Div A, Title VIII, § 8083, 119 Stat. 2717; Sept. 29, 2006, P.L. 109-289, Div A, Title VIII, § 8074, 120 Stat. 1291; Nov. 13, 2007, P.L. 110-116, Div A, Title VIII, § 8076, 121 Stat. 1332; Sept. 30, 2008, P.L. 110-329, Div C, Title VIII, § 8073, 122 Stat. 3637; Dec. 19, 2009, P.L. 111-118, Div A, Title VIII, § 8073, 123 Stat. 3445; April 15, 2011, P.L. 112-10, Div A, Title VIII, § 8070, 125 Stat. 73; Dec. 23, 2011, P.L. 112-74, Div A, Title VIII, § 8068, 125 Stat. 822.

## NOTES:

Code of Federal Regulations:

Department of Defense--Nonprocurement debarment and suspension, 2 CFR 1125.10 et seq.

United States Nuclear Regulatory Commission--Nonprocurement debarment and suspension, 2 CFR 2000.10 et seq.

Office of the Secretary of Defense--Military commission instructions, 32 CFR 10.1 et seq.

Office of the Secretary of Defense--Responsibilities of the chief prosecutor, prosecutors, and assistant prosecutors, 32 CFR 12.1 et seq.

Office of the Secretary of Defense--Responsibilities of the chief defense counsel, detailed defense counsel, and civilian defense counsel, 32 CFR 13.1 et seq.

Office of the Secretary of Defense--Qualification of civilian defense counsel, 32 CFR 14.1 et seq.

Office of the Secretary of Defense--Reporting relationships for military commission personnel, 32 CFR 15.1 et seq.

Office of the Secretary of Defense--Sentencing, 32 CFR 16.1 et seq.

Office of the Secretary of Defense--Administrative procedures, 32 CFR 17.1 et seq.

Office of the Secretary of Defense--DoD grants and agreements--general matters, 32 CFR 21.100 et seq.  
Office of the Secretary of Defense--DoD grants and agreements--awards and administration, 32 CFR 22.100 et seq.  
Office of the Secretary of Defense--New restrictions on lobbying, 32 CFR 28.100 et seq.  
Office of the Secretary of Defense--Administrative requirements for grants and agreements with institutions of higher education, hospitals, and other non-profit organizations, 32 CFR 32.1 et seq.  
Office of the Secretary of Defense--Uniform administrative requirements for grants and cooperative agreements to State and local governments, 32 CFR 33.1 et seq.  
Office of the Secretary of Defense--Administrative requirements for grants and agreements with for-profit organizations, 32 CFR 34.1 et seq.  
Office of the Secretary of Defense--Technology investment agreements, 32 CFR 37.100 et seq.  
Office of the Secretary of Defense--Sexual Assault Prevention and Response (SAPR) Program, 32 CFR 103.1 et seq.  
Office of the Secretary of Defense--Indebtedness of military personnel, 32 CFR 112.1 et seq.  
Office of the Secretary of Defense--Indebtedness procedures of military personnel, 32 CFR 113.1 et seq.  
Office of the Secretary of Defense--Revitalizing base closure communities and addressing impacts of realignment, 32 CFR 174.1 et seq.  
Office of the Secretary of Defense--Defense support of civil authorities (DSCA), 32 CFR 185.1 et seq.  
Office of the Secretary of Defense--The DoD Civilian Equal Employment Opportunity (EEO) program, 32 CFR 191.1 et seq.  
Office of the Secretary of Defense--Administration and support of basic research by the Department of Defense, 32 CFR 272.1 et seq.  
Office of the Secretary of Defense--Defense Finance and Accounting Service (DFAS), 32 CFR 352a.1 et seq.  
Department of the Navy--Release of official information in litigation and testimony by Department of the Navy personnel as witnesses, 32 CFR 725.1 et seq.

Related Statutes & Rules:

Annual rate of compensation of Secretary, 5 USCS § 5312.  
Reports to Congressional committees, policies and procedures on recall to active duty of Ready Reserve members, 10 USCS § 12302.  
National Security Agency employment, delegation of authority for terminating, notwithstanding subsec. (d) of this section, 50 USCS § 833.  
This section is referred to in 10 USCS §§ 117, 153, 487, 667, 2501, 3038, 5143, 5144, 8038, 10504; 22 USCS § 2595a; 50 USCS § 1523; 50 USCS Appx §§ 2077, 2152.

Research Guide:

Am Jur:

53 Am Jur 2d, Military and Civil Defense § 4.

Law Review Articles:

Zamir. Administrative Control of Administrative Action: The Exceptions. 51 NYU L Rev 587, 1976.

Interpretive Notes and Decisions:

1. Generally 2. Particular directives of Secretary

**1. Generally**

Secretary of War [now Secretary of Army] was regular constitutional organ of President for administration of military establishment of United States, and rules and orders publicly promulgated through him had to be received as acts of executive, and as such, were binding upon all within sphere of his legal and constitutional authority. *United States v Eliason* (1842) 41 US 291, 16 Pet 291, 10 L Ed 968, 2 AFTR 2195.

## **2. Particular directives of Secretary**

Neither President by executive order nor Congress in National Security Act of 1947, as amended, and Armed Service Procurement Act of 1947 (10 USCS §§ 2304, 2306), has authorized Department of Defense to create industrial security clearance program under which affected persons may lose their jobs and may be restrained in following their chosen professions on basis of fact determinations concerning their fitness for clearance made in proceedings in which they are denied traditional procedural safeguards of confrontation and cross-examination. *Greene v McElroy* (1959) 360 US 474, 79 S Ct 1400, 3 L Ed 2d 1377, 37 CCH LC P 65644.

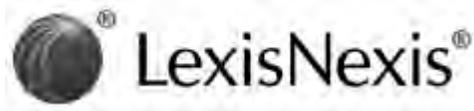
Right of person in Armed Forces to be classified as conscientious objector after induction is based on Department of Defense Directive No. 1300.6 (May 10, 1968), issued by Secretary of Defense pursuant to his authority under 10 USCS § 133, directive's purpose being to provide uniform procedures for utilization of conscientious objectors in Armed Forces and consideration of requests for discharge on grounds of conscientious objection. *Parisi v Davidson* (1972) 405 US 34, 31 L Ed 2d 17, 92 S Ct 815.

Directive issued by Secretary of Defense establishing insurance requirements on automobiles parked or driven on military reservations and qualification requirements for agents soliciting insurance on military reservations was within his authority. *Royal Standard Ins. Co. v McNamara* (1965, CA8 Ark) 344 F2d 240.

Determination by particular military department whether it is practicable and equitable under facts and circumstances of particular case to discharge conscientious objector, once enlisted or illegally inducted into armed forces, is ultimately vested by statute, directive issued by Secretary of Defense under 10 USCS § 133 [now § 113] and regulation with discretion of military itself. *United States ex rel. O'Hare v Eichstaedt* (1967, ND Cal) 285 F Supp 476.

## **Unpublished Opinions**

Unpublished: Under 10 USCS § 113, Secretary of Department of Defense delegated to Under Secretary for Personnel and Readiness authority to regulate in area of readiness and training, and while current Departmental directive was not in effect when Under Secretary issued Dep't Def. Directive 1334.01 regarding wearing of uniforms, its provisions were consistent with those that governed at time and Under Secretary was vested with sufficient statutory and regulatory authority to issue, in his own right, that regulation. *United States v Simmons* (2011, NMCCA) 2011 CCA LEXIS 164.



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\*\*\* Current through PL 113-22, approved 7/25/13 \*\*\*

TITLE 10. ARMED FORCES  
SUBTITLE A. GENERAL MILITARY LAW  
PART I. ORGANIZATION AND GENERAL MILITARY POWERS  
CHAPTER 2. DEPARTMENT OF DEFENSE

**Go to the United States Code Service Archive Directory**

10 USCS § 111

§ 111. Executive department

(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.

**HISTORY:**

(Added Sept. 7, 1962, P.L. 87-651, Title II, § 202, 76 Stat. 517; Oct. 1, 1986, P.L. 99-433, Title I, § 101(a)(2) in part, (b), 100 Stat. 994, 995.)

**HISTORY; ANCILLARY LAWS AND DIRECTIVES**

Prior law and revision:

Revised Section	Source (USCS)	Source (Statutes at Large)
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.

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. Act Oct. 1, 1986 redesignated this section, formerly 10 USCS § 131, as 10 USCS § 111, and in this section as redesignated, designated the existing provisions as subsec. (a); and added subsecs. (b) and (c).

Short titles:

Act Oct. 1, 1986, P.L. 99-433, § 1, 100 Stat. 993, provides: "This Act 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 6 USCS §§ 121(g)(2), 183(2), 551(d), 552(d), and 557, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, which appears as 6 USCS § 542 note.

Missions and functions of elements of Department of Defense as specified in classified annex to Act Sept. 23, 1996, P.L. 104-201, and related personnel, assets, and balances of appropriations and authorizations of appropriations, transferred to National Imagery and Mapping Agency, see §§ 1111 and 1113 of Act Sept. 23, 1996, P.L. 104-201, which appear as 10 USCS § 441 notes.

Other provisions:

**Reorganization Plan No. 6 of 1953, effective June 30, 1953, 18 Fed. Reg. 3743, 67 Stat. 638, provides:**

**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 USCS §§ 901 et seq.].**

**Department of Defense**

§ 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.

§ 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 [former 5 USC § 171h(c)], is hereby abolished.

§ 3. Assistant Secretaries of Defense

[Repealed by Act Aug. 6, 1958, P.L. 85-599, § 10(b), 72 Stat. 521. This section authorized the appointment of six additional Assistant Secretaries and prescribed their duties and compensation. For the effective date of repeal, see 10 USCS § 3014 note.]

§ 4. General Counsel

[Repealed by Act Sept. 7, 1962, P.L. 87-651, Title III, § 307C, 76 Stat. 526. This Section authorized appointment of a General Counsel for the Department of Defense. For similar provisions, see 10 USCS § 139.]

§ 5. Performance of functions

[Repealed by Act Sept. 7, 1962, P.L. 87-651, Title III, § 307C, 76 Stat. 526. This 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. For similar provisions, see 10 USCS § 113.]

§ 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).

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

**Study and investigation of the Air Force Reserve and the Air National Guard.** Act Nov. 16, 1973, P.L. 93-155, Title VIII, § 810, 87 Stat. 618, provided that the Secretary of Defense study the relative status of the Air Force Reserve and the Air National Guard of the United States; 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 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.

**Ex. Or. No. 12049 superseded.** Ex. Or. No. 12049 of March 27, 1978, 43 Fed. Reg. 13363, as amended by Ex. Or. No. 12107 of Dec. 28, 1978, 44 Fed. Reg. 1055; Ex. Or. No. 12608 of Sept. 9, 1987, § 15, 52 Fed. Reg. 34617, which formerly appeared as a note to this section, was superseded by Ex. Or. 12788 of Jan. 15, 1992, 57 Fed. Reg. 2213, which appears as 10 USCS § 2391 note. The superseded order provided for the design and establishment of a Defense Economic Adjustment Program.

**Provisions as to annual report on NATO readiness repealed.** Act Nov. 9, 1979, P.L. 96-107, Title VIII, § 808, 93 Stat. 814, formerly classified as a note to this section, was repealed by Act Oct. 12, 1982, P.L. 97-295, § 6(b) in part, 96 Stat. 1315. Such section provided for an annual report on NATO readiness. For provisions as to the construction of repeals by § 6(b) of Act Oct. 12, 1982, see Act Oct. 12, 1982, P.L. 97-295, § 6, 96 Stat. 1314, which appears as 10 USCS § 101 note. For similar provisions, see 10 USCS § 117.

**Declaration of Congressional policy.** Act Oct. 1, 1986, P.L. 99-433, § 3, 100 Stat. 993, provides:

"In enacting this Act [this note, among other things; for full classification, consult USCS Tables volumes], 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."

**Commission on Roles and Missions of the Armed Forces.** Act Nov. 30, 1993, P.L. 103-160, Div A, Title IX, Subtitle E, §§ 951-960, 107 Stat. 1738; Oct. 5, 1994, P.L. 103-337, Div A, Title IX, Subtitle C, § 923(a)(1), (2), (b)-(d), 108 Stat. 2830, provide:

"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 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 [Act Nov. 5, 1990, P.L. 101-510, 103 Stat. 1485; for full classification, consult USCS Tables volumes] 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.

"(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 dis-

cussions 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 [5 USCS §§ 5701 et seq.], 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 [5 USCS §§ 5100 et seq., 5331 et seq.], 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 [5 USCS § 5332].

"(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 ex-

ceed 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."

**Termination of Department of Defense reporting requirements determined by Secretary of Defense to be unnecessary or incompatible with efficient management of the Department of Defense.** Act Nov. 30, 1993, P.L. 103-160, Div A, Title XI, Subtitle F, § 1151, 107 Stat. 1758, provides:

"(a) Termination of report requirements. Unless otherwise provided by a law enacted after the date of the enactment of this Act, 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."

**Armed Forces Commission on Roles and Missions; additional members.** Act Oct. 5, 1994, P.L. 103-337, Div A, Title IX, Subtitle C, § 923(a)(3), (4), 108 Stat. 2830, provides:

"(3) The additional members of the Commission on Roles and Missions of the Armed Forces authorized by the amendment made by paragraph (1) [amending § 952(b)(1) of Act Nov. 30, 1994, P.L. 103-160, which appears as a note to this section] shall be appointed by the Secretary of Defense not later than 30 days after the date of the enactment of this Act.

"(4) At least one of the additional members of the Commission appointed pursuant to the amendment made by paragraph (1) [amending § 952(b)(1) of Act Nov. 30, 1994, P.L. 103-160, which appears as a note to this section] shall have previous military experience and management experience with the reserve components."

**Redesignation of Advanced Research Projects Agency.** Act Feb. 10, 1996, P.L. 104-106, Div A, Title IX, Subtitle A, § 908, 110 Stat. 406, provides:

"(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 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."

**Mission of the White House Communications Agency.** Act Sept. 23, 1996, P.L. 104-201, Div A, Title IX, Subtitle A, § 912, 110 Stat. 9623; Jan. 6, 2006, P.L. 109-163, Div A, Title IX, Subtitle A, § 906, 119 Stat. 3402, provides:

"(a) Telecommunications support and audiovisual support services. 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 and audiovisual support services 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 and audiovisual 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 as the White House Communications Agency and includes any successor agency."

**Force structure review.** Act Sept. 23, 1996, P.L. 104-201, Div A, Title IX, Subtitle B, §§ 921-926, 110 Stat. 2623, provide:

"Sec. 921. Short title.

"This subtitle may be cited as the 'Military Force Structure Review Act of 1996'.

"Sec. 922. Findings.

"Congress makes the following findings:

"(1) Since the collapse of the Soviet Union in 1991, the United States has conducted two substantial assessments of the force structure of the Armed Forces necessary to meet United States defense requirements.

"(2) The assessment by the Bush Administration (known as the 'Base Force' assessment) and the assessment by the Clinton Administration (known as the 'Bottom-Up Review') were intended to reassess the force structure of the Armed Forces in light of the changing realities of the post-Cold War world.

"(3) Both assessments served an important purpose in focusing attention on the need to reevaluate the military posture of the United States, but the pace of global change necessitates a new, comprehensive assessment of the defense strategy of the United States and the force structure of the Armed Forces required to meet the threats to the United States in the twenty-first century.

"(4) The Bottom-Up Review has been criticized on several points, including--

"(A) the assumptions underlying the strategy of planning to fight and win two nearly simultaneous major regional conflicts;

"(B) the force levels recommended to carry out that strategy; and

"(C) the funding proposed for such recommended force levels.

"(5) In response to the recommendations of the Commission on Roles and Missions of the Armed Forces, the Secretary of Defense endorsed the concept of conducting a quadrennial review of the defense program at the beginning of each newly elected Presidential administration, and the Department intends to complete the first such review in 1997.

"(6) The review is to involve a comprehensive examination of defense strategy, the force structure of the active, guard, and reserve components, force modernization plans, infrastructure, and other elements of the defense program and policies in order to determine and express the defense strategy of the United States and to establish a revised defense program through the year 2005.

"(7) In order to ensure that the force structure of the Armed Forces is adequate to meet the challenges to the national security interests of the United States in the twenty-first century, to assist the Secretary of Defense in conducting the review referred to in paragraph (5), and to assess the appropriate force structure of the Armed Forces through the year 2010 and beyond (if practicable), it is important to provide for the conduct of an independent, nonpartisan review of the force structure that is more comprehensive than prior assessments of the force structure, extends beyond the quadrennial defense review, and explores innovative and forward-thinking ways of meeting such challenges.

"Sec. 923. Quadrennial Defense Review.

"(a) Requirement in 1997. The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall complete in 1997 a review of the defense program of the United States intended to satisfy the requirements for a Quadrennial Defense Review as identified in the recommendations of the Commission on Roles and Missions of the Armed Forces. The review shall include a comprehensive examination of the defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies with a view toward determining and expressing the defense strategy of the United States and establishing a revised defense program through the year 2005.

"(b) Involvement of National Defense Panel.

(1) The Secretary shall apprise the National Defense Panel established under section 924, on an ongoing basis, of the work undertaken in the conduct of the review.

"(2) Not later than March 14, 1997, the Chairman of the National Defense Panel shall submit to the Secretary the Panel's assessment of work undertaken in the conduct of the review as of that date and shall include in the assessment the recommendations of the Panel for improvements to the review, including recommendations for additional matters to be covered in the review.

"(c) Assessments of review. Upon completion of the review, the Chairman of the Joint Chiefs of Staff and the Chairman of the National Defense Panel, on behalf of the Panel, shall each prepare and submit to the Secretary such Chairman's assessment of the review in time for the inclusion of the assessment in its entirety in the report under subsection (d).

"(d) Report. Not later than May 15, 1997, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a comprehensive report on the review. The report shall include the following:

"(1) The results of the review, including a comprehensive discussion of the defense strategy of the United States and the force structure best suited to implement that strategy.

"(2) The threats examined for purposes of the review and the scenarios developed in the examination of such threats.

"(3) The assumptions used in the review, including assumptions relating to the cooperation of allies and mission-sharing, levels of acceptable risk, warning times, and intensity and duration of conflict.

"(4) The effect on the force structure of preparations for and participation in peace operations and military operations other than war.

"(5) The effect on the force structure of the utilization by the Armed Forces of technologies anticipated to be available by the year 2005, including precision guided munitions, stealth, night vision, digitization, and communications, and the changes in doctrine and operational concepts that would result from the utilization of such technologies.

"(6) The manpower and sustainment policies required under the defense strategy to support engagement in conflicts lasting more than 120 days.

"(7) The anticipated roles and missions of the reserve components in the 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 defense strategy, including, in particular, the appropriate number and size of headquarter units and Defense Agencies for that purpose.

"(9) The air-lift and sea-lift capabilities required to support the defense strategy.

"(10) The forward presence, pre-positioning, and other anticipatory deployments necessary under the 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 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 defense strategy.

"(13) Any other matter the Secretary considers appropriate.

"Sec. 924. National Defense Panel.

"(a) Establishment. Not later than December 1, 1996, the Secretary of Defense shall establish a nonpartisan, independent panel to be known as the National Defense Panel (in this section referred to as the 'Panel'). The Panel shall have the duties set forth in this section.

"(b) Membership. The Panel shall be composed of a chairman and eight other individuals appointed by the Secretary, in consultation with the chairman and ranking member of the Committee on Armed Services of the Senate and the chairman and ranking member of the Committee on National Security of the House of Representatives, from among individuals in the private sector who are recognized experts in matters relating to the national security of the United States.

"(c) Duties. The Panel shall--

"(1) conduct and submit to the Secretary the assessment of the review under section 923 that is required by subsection (b)(2) of that section;

"(2) conduct and submit to the Secretary the comprehensive assessment of the review that is required by subsection (c) of that section upon completion of the review; and

"(3) conduct the assessment of alternative force structures for the Armed Forces required under subsection (d).

"(d) Alternative force structure assessment.

(1) The Panel shall submit to the Secretary an independent assessment of a variety of possible force structures of the Armed Forces through the year 2010 and beyond, including the force structure identified in the report on the review under section 923(d). The purpose of the assessment is to develop proposals for an 'above the line' force structure of the Armed Forces and to provide the Secretary and Congress recommendations regarding the optimal force structure to meet anticipated threats to the national security of the United States through the time covered by the assessment.

"(2) In conducting the assessment, the Panel shall examine a variety of potential threats (including near-term threats and long-term threats) to the national security interests of the United States, including the following:

"(A) Conventional threats across a spectrum of conflicts.

"(B) The proliferation of weapons of mass destruction and the means of delivering such weapons, and the illicit transfer of technology relating to such weapons.

"(C) The vulnerability of United States technology to nontraditional threats, including information warfare.

"(D) Domestic and international terrorism.

"(E) The emergence of a major potential adversary having military capabilities similar to those of the United States.

"(F) Any other significant threat, or combination of threats, identified by the Panel.

"(3) For purposes of the assessment, the Panel shall develop a variety of scenarios requiring a military response by the United States, including the following:

"(A) Scenarios developed in light of the threats examined under paragraph (2).

"(B) Scenarios developed in light of a continuum of conflicts ranging from a conflict of lesser magnitude than the conflict described in the Bottom-Up Review to a conflict of greater magnitude than the conflict so described.

"(4) As part of the assessment, the Panel shall also--

"(A) develop recommendations regarding a variety of force structures for the Armed Forces that permit the forward deployment of sufficient air, land, and sea-based forces to provide an effective deterrent to conflict and to permit a military response by the United States to the scenarios developed under paragraph (3);

"(B) to the extent practicable, estimate the funding required by fiscal year, in constant fiscal year 1997 dollars, to organize, equip, and support the forces contemplated under the force structures assessed in the assessment; and

"(C) comment on each of the matters also to be included by the Secretary in the report required by section 923(d).

"(e) Report.

(1) Not later than December 1, 1997, the Panel shall submit to the Secretary a report setting forth the activities and the findings and recommendations of the Panel under subsection (d), including any recommendations for legislation that the Panel considers appropriate.

"(2) Not later than December 15, 1997, the Secretary shall, after consultation with the Chairman of the Joint Chiefs of Staff, submit to the committees referred to in subsection (b) a copy of the report under paragraph (1), together with the Secretary's comments on the report.

"(f) Information from Federal agencies. The Panel may secure directly from the Department of Defense and any of its components and from any other Federal department and agency such information as the Panel considers necessary to carry out its duties under this section. The head of the department or agency concerned shall ensure that information requested by the Panel under this subsection is promptly provided.

"(g) Personnel matters.

(1) Each member of the Panel 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 Panel.

"(2) The members of the Panel 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 [5 USCS §§ 5701 et seq.], while away from their homes or regular places of business in the performance of services for the Panel.

"(3)

(A) The chairman of the Panel may, without regard to the civil service laws and regulations, appoint and terminate an executive director, and a staff of not more than four additional individuals, if the Panel determines that an executive director and staff are necessary in order for the Panel to perform its duties effectively. The employment of an executive director shall be subject to confirmation by the Panel.

"(B) The chairman may fix the compensation of the executive director without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code [5 USCS §§ 5331 et seq.], relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

"(4) Any Federal Government employee may be detailed to the Panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege. The Secretary shall ensure that sufficient personnel are detailed to the Panel to enable the Panel to carry out its duties effectively.

"(5) To the maximum extent practicable, the members and employees of the Panel shall travel on military aircraft, military ships, military vehicles, or other military conveyances when travel is necessary in the performance of a duty of the Panel, 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.

"(h) Administrative provisions.

(1) The Panel 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.

"(2) The Secretary shall furnish the Panel any administrative and support services requested by the Panel.

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

"(i) Payment of panel expenses. The compensation, travel expenses, and per diem allowances of members and employees of the Panel 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. The other expenses of the Panel shall be paid out of funds available to the Department for the payment of similar expenses incurred by the Department.

"(j) Termination. The Panel shall terminate 30 days after the date on which the Panel submits its report to the Secretary under subsection (e).

"Sec. 925. Postponement of deadlines.

"If the Presidential election in 1996 results in the election of a new President, each deadline set forth in this subtitle shall be postponed by three months.

"Sec. 926. Definitions.

"In this subtitle:

"(1) The term 'above the line' force structure of the Armed Forces' means the force structure (including numbers, strengths, and composition and major items of equipment) for the Armed Forces at the following unit levels:

"(A) In the case of the Army, the division.

"(B) In the case of the Navy, the battle group.

"(C) In the case of the Air Force, the wing.

"(D) In the case of the Marine Corps, the expeditionary force.

"(E) In the case of special operations forces of the Army, Navy, or Air Force, the major operating unit.

"(F) In the case of the strategic forces, the ballistic missile submarine fleet, the heavy bomber force, and the intercontinental ballistic missile force.

"(2) The term 'Commission on Roles and Missions of the Armed Forces' means the Commission on Roles and Missions of the Armed Forces established by subtitle E of title IX of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1738; 10 U.S.C. 111 note).

"(3) The term 'military operation other than war' means any operation other than war that requires the utilization of the military capabilities of the Armed Forces, including peace operations, humanitarian assistance operations and activities, counter-terrorism operations and activities, disaster relief activities, and counter-drug operations and activities.

"(4) The term 'peace operations' means military operations in support of diplomatic efforts to reach long-term political settlements of conflicts and includes peacekeeping operations and peace enforcement operations."

**Applicability of certain pay authorities to members of specified independent study organizations.** Act Nov. 18, 1997, P.L. 105-85, Div A, Title X, Subtitle G, § 1081, 111 Stat. 1916, provides:

"(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) [note to this section]; 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)."

**Prohibition on restriction of Armed Forces under Kyoto Protocol to the United Nations Framework Convention on Climate Change.** Act Oct. 17, 1998, P.L. 105-261, Div A, Title XII, Subtitle D, § 1232, 112 Stat. 2155, provides:

"(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."

**Commission on National Military Museum.** Act Oct. 5, 1999, P.L. 106-65, Div B, Title XXIX, 113 Stat. 881; Dec. 28, 2001, P.L. 107-107, Div A, Title X, Subtitle E, § 1048(g)(9), 115 Stat. 1228 (effective 10/5/99, and as if included in Act Oct. 5, 1999 as enacted, as provided by § 1048(g) of the 2001 Act), provides:

"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.

"(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) [unclassified], 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 [5 USCS § 5701 et seq.], 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 [5 USCS §§ 5100 et seq., 5331 et seq.], 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 ex-

ceed 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."

**Commission on Review of Overseas Military Facility Structure of the United States.** Act Nov. 22, 2003, P.L. 108-132, § 128, 117 Stat. 1382; Oct. 13, 2004, P.L. 108-324, Div A, § 127, 118 Stat. 1229, provides:

"(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.

"(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 [5 USCS §§ 5701 et seq.], 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 [5 USCS §§ 5101 et seq. and 5331 et seq.], 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 General Accounting Office [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, \$ 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."

**Interagency policy coordination.** Act Jan. 28, 2008, P.L. 110-181, Div A, Title IX, Subtitle F, § 952, 122 Stat. 291, provides:

"(a) Plan required. Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop and submit to Congress a plan to improve and reform the Department of Defense's participation in and contribution to the interagency coordination process on national security issues.

"(b) Elements. The elements of the plan shall include the following:

"(1) Assigning either the Under Secretary of Defense for Policy or another official to be the lead policy official for improving and reforming the interagency coordination process on national security issues for the Department of Defense, with an explanation of any decision to name an official other than the Under Secretary and the relative advantages and disadvantages of such decision.

"(2) Giving the official assigned under paragraph (1) the following responsibilities:

"(A) To be the lead person at the Department of Defense for the development of policy affecting the national security interagency process.

"(B) To serve, or designate a person to serve, as the representative of the Department of Defense in Federal Government forums established to address interagency policy, planning, or reforms.

"(C) To advocate, on behalf of the Secretary, for greater interagency coordination and contributions in the execution of the National Security Strategy and particularly specific operational objectives undertaken pursuant to that strategy.

"(D) To make recommendations to the Secretary of Defense on changes to existing Department of Defense regulations or laws to improve the interagency process.

"(E) To serve as the coordinator for all planning and training assistance that is--

"(i) designed to improve the interagency process or the capabilities of other agencies to work with the Department of Defense; and

"(ii) provided by the Department of Defense at the request of other agencies.

"(F) To serve as the lead official in Department of Defense for the development of deployable joint interagency task forces.

"(c) Factors to be considered. In drafting the plan, the Secretary of Defense shall also consider the following factors:

"(1) How the official assigned under subsection (b)(1) shall provide input to the Secretary of Defense on an ongoing basis on how to incorporate the need to coordinate with other agencies into the establishment and reform of combatant commands.

"(2) How such official shall develop and make recommendations to the Secretary of Defense on a regular or an ongoing basis on changes to military and civilian personnel to improve interagency coordination.

"(3) How such official shall work with the combatant command that has the mission for joint warfighting experimentation and other interested agencies to develop exercises to test and validate interagency planning and capabilities.

"(4) How such official shall lead, coordinate, or participate in after-action reviews of operations, tests, and exercises to capture lessons learned regarding the functioning of the interagency process and how those lessons learned will be disseminated.

"(5) The role of such official in ensuring that future defense planning guidance takes into account the capabilities and needs of other agencies.

"(d) Recommendation on changes in law. The Secretary of Defense may submit with the plan or with any future budget submissions recommendations for any changes to law that are required to enhance the ability of the official assigned under subsection (b)(1) in the Department of Defense to coordinate defense interagency efforts or to improve the ability of the Department of Defense to work with other agencies.

"(e) Annual report. If an official is named by the Secretary of Defense under subsection (b)(1), the official shall annually submit to Congress a report, beginning in the fiscal year following the naming of the official, on those actions taken by the Department of Defense to enhance national security interagency coordination, the views of the Department of Defense on efforts and challenges in improving the ability of agencies to work together, and suggestions on changes needed to laws or regulations that would enhance the coordination of efforts of agencies.

"(f) Definition. In this section, the term 'interagency coordination', within the context of Department of Defense involvement, means the coordination that occurs between elements of the Department of Defense and engaged Federal Government agencies for the purpose of achieving an objective.

"(g) Construction. Nothing in this provision shall be construed as preventing the Secretary of Defense from naming an official with the responsibilities listed in subsection (b) before the submission of the report required under this section."

**Military activities in cyberspace.** Act Dec. 31, 2011, P.L. 112-81, Div A, Title IX, Subtitle F, § 954, 125 Stat. 1551, provides:

"Congress affirms that the Department of Defense has the capability, and upon direction by the President may conduct offensive operations in cyberspace to defend our Nation, Allies and interests, subject to--

"(1) the policy principles and legal regimes that the Department follows for kinetic capabilities, including the law of armed conflict; and

"(2) the War Powers Resolution (50 U.S.C. 1541 et seq.)."

**NOTES:**

Related Statutes & Rules:

This section is referred to in 10 USCS § 2304.

Research Guide:

Am Jur:

53 Am Jur 2d, Military and Civil Defense § 4.

Interpretive Notes and Decisions:

Arrestees' Bivens claims failed on summary judgment because Army investigators had qualified immunity based on their observation of arrestees removing government goods in plain view from warehouse to private residence, investigators' conduct was objective and reasonable, and 18 USCS § 1385 was inapplicable in that investigators had arrest powers under P.R. Laws Ann. tit. 34, app. II, R. 11, and 10 USCS § 111(b)(6). *Aviles v Dep't of Army* (2009, DC Puerto Rico) 666 F Supp 2d 224.

## § 752.401

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**Subpart D—Regulatory Requirements for Removal, Suspension for More Than 14 Days, Reduction in Grade or Pay, or Furlough for 30 Days or Less****§ 752.401 Coverage.**

(a) *Adverse actions covered.* This subpart applies to the following actions:

- (1) Removals;
- (2) Suspensions for more than 14 days, including indefinite suspensions;
- (3) Reductions in grade;
- (4) Reductions in pay; and
- (5) Furloughs of 30 days or less.

(b) *Actions excluded.* This subpart does not apply to:

- (1) An action imposed by the Merit Systems Protection Board under the authority of 5 U.S.C. 1215;
- (2) The reduction in grade of a supervisor or manager who has not completed the probationary period under 5 U.S.C. 3321(a)(2) if such a reduction is to the grade held immediately before becoming a supervisor or manager;
- (3) A reduction-in-force action under 5 U.S.C. 3502;
- (4) A reduction in grade or removal under 5 U.S.C. 4303;
- (5) An action against an administrative law judge under 5 U.S.C. 7521;
- (6) A suspension or removal under 5 U.S.C. 7532;
- (7) Actions taken under any other provision of law which excepts the action from subchapter II of chapter 75 of title 5, United States Code;
- (8) Action that entitles an employee to grade retention under part 536 of this chapter, and an action to terminate this entitlement;
- (9) A voluntary action by the employee;
- (10) Action taken or directed by the Office of Personnel Management under part 731 of this chapter;
- (11) Termination of appointment on the expiration date specified as a basic condition of employment at the time the appointment was made;
- (12) Action that terminates a temporary or term promotion and returns the employee to the position from which temporarily promoted, or to a different position of equivalent grade and pay, if the agency informed the employee that it was to be of limited duration;

(13) Cancellation of a promotion to a position not classified prior to the promotion;

(14) Placement of an employee serving on an intermittent or seasonal basis in a temporary nonduty, nonpay status in accordance with conditions established at the time of appointment; or

(15) Reduction of an employee's rate of basic pay from a rate that is contrary to law or regulation, including a reduction necessary to comply with the amendments made by Public Law 108-411, regarding pay-setting under the General Schedule and Federal Wage System and regulations implementing those amendments.

(c) *Employees covered.* This subpart covers:

- (1) A career or career conditional employee in the competitive service who is not serving a probationary or trial period;
- (2) An employee in the competitive service who has completed 1 year of current continuous service under other than a temporary appointment limited to 1 year or less;
- (3) An employee in the excepted service who is a preference eligible in an Executive agency as defined at section 105 of title 5, United States Code, the U.S. Postal Service, or the Postal Regulatory Commission and who has completed 1 year of current continuous service in the same or similar positions;
- (4) A Postal Service employee covered by Public Law 100-90 who has completed 1 year of current continuous service in the same or similar positions and who is either a supervisory or management employee or an employee engaged in personnel work in other than a purely nonconfidential clerical capacity;
- (5) An employee in the excepted service who is a nonpreference eligible in an Executive agency as defined at section 105 of title 5, United States Code, and who has completed 2 years of current continuous service in the same or similar positions under other than a temporary appointment limited to 2 years or less;
- (6) An employee with competitive status who occupies a position in Schedule B of part 213 of this chapter;

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(7) An employee who was in the competitive service at the time his or her position was first listed under Schedule A, B, or C of the excepted service and who still occupies that position;

(8) An employee of the Department of Veterans Affairs appointed under section 7401(3) of title 38, United States Code; and

(9) An employee of the Government Printing Office.

(d) *Employees excluded.* This subpart does not apply to:

(1) An employee whose appointment is made by and with the advice and consent of the Senate;

(2) An employee whose position has been determined to be of a confidential, policy-determining, policy-making, or policy-advocating character by the President for a position that the President has excepted from the competitive service; the Office of Personnel Management for a position that the Office has excepted from the competitive service (Schedule C); or the President or the head of an agency for a position excepted from the competitive service by statute;

(3) A Presidential appointee;

(4) A reemployed annuitant;

(5) A technician in the National Guard described in section 8337(h)(1) of title 5, United States Code, who is employed under section 709(a) of title 32, United States Code;

(6) A Foreign Service member as described in section 103 of the Foreign Service Act of 1980;

(7) An employee of the Central Intelligence Agency or the Government Accountability Office;

(8) An employee of the Veterans Health Administration (Department of Veterans Affairs) in a position which has been excluded from the competitive service by or under a provision of title 38, United States Code, unless the employee was appointed to the position under section 7401(3) of title 38, United States Code;

(9) A nonpreference eligible employee with the U.S. Postal Service, the Postal Regulatory Commission, the Panama Canal Commission, the Tennessee Valley Authority, the Federal Bureau of Investigation, the National Security Agency, the Defense Intelligence Agency, or any other intelligence compo-

ment of the Department of Defense (as defined in section 1614 of title 10, United States Code), or an intelligence activity of a military department covered under subchapter I of chapter 83 of title 10, United States Code;

(10) An employee described in section 5102(c)(11) of title 5, United States Code, who is an alien or noncitizen occupying a position outside the United States;

(11) A nonpreference eligible employee serving a probationary or trial period under an initial appointment in the excepted service pending conversion to the competitive service, unless he or she meets the requirements of paragraph (c)(5) of this section;

(12) An employee whose agency or position has been excluded from the appointing provisions of title 5, United States Code, by separate statutory authority in the absence of any provision to place the employee within the coverage of chapter 75 of title 5, United States Code; and

(13) An employee in the competitive service serving a probationary or trial period, unless he or she meets the requirements of paragraph (c)(2) of this section.

**§ 752.402 Definitions.**

In this subpart—

*Current continuous employment* means a period of employment or service immediately preceding an adverse action without a break in Federal civilian employment of a workday.

*Day* means a calendar day.

*Furlough* means the placing of an employee in a temporary status without duties and pay because of lack of work or funds or other nondisciplinary reasons.

*Grade* means a level of classification under a position classification system.

*Indefinite suspension* means the placing of an employee in a temporary status without duties and pay pending investigation, inquiry, or further agency action. The indefinite suspension continues for an indeterminate period of time and ends with the occurrence of the pending conditions set forth in the notice of action which may include the completion of any subsequent administrative action.

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*Pay* means the rate of basic pay fixed by law or administrative action for the position held by the employee, that is, the rate of pay before any deductions and exclusive of additional pay of any kind.

*Similar positions* means positions in which the duties performed are similar in nature and character and require substantially the same or similar qualifications, so that the incumbent could be interchanged between the positions without significant training or undue interruption to the work.

*Suspension* means the placing of an employee, for disciplinary reasons, in a temporary status without duties and pay for more than 14 days.

**§ 752.403 Standard for action.**

(a) An agency may take an adverse action, including a performance-based adverse action or an indefinite suspension, under this subpart only for such cause as will promote the efficiency of the service.

(b) An agency may not take an adverse action against an employee on the basis of any reason prohibited by 5 U.S.C. 2302.

**§ 752.404 Procedures.**

(a) *Statutory entitlements.* An employee against whom action is proposed under this subpart is entitled to the procedures provided in 5 U.S.C. 7513(b).

(b) *Notice of proposed action.* (1) An employee against whom an action is proposed is entitled to at least 30 days' advance written notice unless there is an exception pursuant to paragraph (d) of this section. The notice must state the specific reason(s) for the proposed action, and inform the employee of his or her right to review the material which is relied on to support the reasons for action given in the notice.

(2) When some but not all employees in a given competitive level are being furloughed, the notice of proposed action must state the basis for selecting a particular employee for furlough, as well as the reasons for the furlough.

(3) Under ordinary circumstances, an employee whose removal or suspension, including indefinite suspension, has been proposed will remain in a duty status in his or her regular position during the advance notice period. In

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those rare circumstances where the agency determines that the employee's continued presence in the workplace during the notice period may pose a threat to the employee or others, result in loss of or damage to Government property, or otherwise jeopardize legitimate Government interests, the agency may elect one or a combination of the following alternatives:

(i) Assigning the employee to duties where he or she is no longer a threat to safety, the agency mission, or to Government property;

(ii) Allowing the employee to take leave, or carrying him or her in an appropriate leave status (annual, sick, leave without pay, or absence without leave) if the employee has absented himself or herself from the worksite without requesting leave;

(iii) Curtailing the notice period when the agency can invoke the provisions of paragraph (d)(1) of this section; or

(iv) Placing the employee in a paid, nonduty status for such time as is necessary to effect the action.

(c) *Employee's answer.* (1) An employee may answer orally and in writing except as provided in paragraph (c)(2) of this section. The agency must give the employee a reasonable amount of official time to review the material relied on to support its proposed action, to prepare an answer orally and in writing, and to secure affidavits, if the employee is in an active duty status. The agency may require the employee to furnish any answer to the proposed action, and affidavits and other documentary evidence in support of the answer, within such time as would be reasonable, but not less than 7 days.

(2) The agency will designate an official to hear the employee's oral answer who has authority either to make or recommend a final decision on the proposed adverse action. The right to answer orally in person does not include the right to a formal hearing with examination of witnesses unless the agency provides for such hearing in its regulations. Under 5 U.S.C. 7513(c), the agency may, in its regulations, provide a hearing in place of or in addition to the opportunity for written and oral answer.

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(3) If the employee wishes the agency to consider any medical condition which may contribute to a conduct, performance, or leave problem, the employee must be given a reasonable time to furnish medical documentation (as defined in §339.104 of this chapter) of the condition. Whenever possible, the employee will supply such documentation within the time limits allowed for an answer.

(d) *Exceptions.* (1) Section 7513(b) of title 5, U.S. Code, authorizes an exception to the 30 days' advance written notice when the agency has reasonable cause to believe that the employee has committed a crime for which a sentence of imprisonment may be imposed and is proposing a removal or suspension, including indefinite suspension. This notice exception is commonly referred to as the "crime provision." This provision may be invoked even in the absence of judicial action.

(2) The advance written notice and opportunity to answer are not required for furlough without pay due to unforeseeable circumstances, such as sudden breakdowns in equipment, acts of God, or sudden emergencies requiring immediate curtailment of activities.

(e) *Representation.* Section 7513(b)(3) of title 5, U.S. Code, provides that an employee covered by this part is entitled to be represented by an attorney or other representative. An agency may disallow as an employee's representative an individual whose activities as representative would cause a conflict of interest or position, or an employee of the agency whose release from his or her official position would give rise to unreasonable costs or whose priority work assignments preclude his or her release.

(f) *Agency review of medical information.* When medical information is supplied by the employee pursuant to paragraph (c)(3) of this section, the agency may, if authorized, require a medical examination under the criteria of §339.301 of this chapter, or otherwise, at its option, offer a medical examination in accordance with the criteria of §339.302 of this chapter. If the employee has the requisite years of service under the Civil Service Retirement System or the Federal Employees' Retirement System, the agency must provide infor-

mation concerning disability retirement. The agency must be aware of the affirmative obligations of the provisions of 29 CFR 1614.203, which require reasonable accommodation of a qualified individual with a disability.

(g) *Agency decision.* (1) In arriving at its decision, the agency will consider only the reasons specified in the notice of proposed action and any answer of the employee or his or her representative, or both, made to a designated official and any medical documentation reviewed under paragraph (f) of this section.

(2) The notice must specify in writing the reasons for the decision and advise the employee of any appeal or grievance rights under §752.405 of this part. The agency must deliver the notice of decision to the employee on or before the effective date of the action.

(h) *Applications for disability retirement.* Section 831.1204(e) of this chapter provides that an employee's application for disability retirement need not delay any other appropriate personnel action. Section 831.1205 and §844.202 of this chapter set forth the basis under which an agency must file an application for disability retirement on behalf of an employee.

#### § 752.405 Appeal and grievance rights.

(a) *Appeal rights.* Under the provisions of 5 U.S.C. 7513(d), an employee against whom an action is taken under this subpart is entitled to appeal to the Merit Systems Protection Board.

(b) *Grievance rights.* As provided at 5 U.S.C. 7121(e)(1), if a matter covered by this subpart falls within the coverage of an applicable negotiated grievance procedure, an employee may elect to file a grievance under that procedure or appeal to the Merit Systems Protection Board under 5 U.S.C. 7701, but not both. Sections 7114(a)(5) and 7121(b)(1)(C) of title 5, U.S. Code, and the terms of an applicable collective bargaining agreement, govern representation for employees in an exclusive bargaining unit who grieve a matter under this subpart through the negotiated grievance procedure.

#### § 752.406 Agency records.

The agency must maintain copies of, and will furnish to the Merit Systems

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Protection Board and to the employee upon his or her request, the following documents:

- (a) Notice of the proposed action;
- (b) Employee's written reply, if any;
- (c) Summary of the employee's oral reply, if any;
- (d) Notice of decision; and
- (e) Any order effecting the action, together with any supporting material.

**Subpart E [Reserved]****Subpart F—Regulatory Requirements for Taking Adverse Action Under the Senior Executive Service****§ 752.601 Coverage.**

(a) *Adverse actions covered.* This subpart applies to suspensions for more than 14 days and removals from the civil service as set forth in 5 U.S.C. 7542.

(b) *Actions excluded.* (1) An agency may not take a suspension action of 14 days or less.

(2) This subpart does not apply to actions taken under 5 U.S.C. 1215, 3592, 3595, or 7532.

(c) *Employees covered.* This subpart covers the following appointees:

- (1) A career appointee—
  - (i) Who has completed the probationary period in the Senior Executive Service;
  - (ii) Who is not required to serve a probationary period in the Senior Executive Service; or
  - (iii) Who was covered under 5 U.S.C. 7511 immediately before appointment to the Senior Executive Service.
- (2) A limited term or limited emergency appointee—
  - (i) Who received the limited appointment without a break in service in the same agency as the one in which the employee held a career or career-conditional appointment (or an appointment of equivalent tenure as determined by the Office of Personnel Management) in a permanent civil service position outside the Senior Executive Service; and
  - (ii) Who was covered under 5 U.S.C. 7511 immediately before appointment to the Senior Executive Service.

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(d) *Employees excluded.* This subpart does not cover an appointee who is serving as a reemployed annuitant.

**§ 752.602 Definitions.**

In this subpart—

*Career appointee, limited term appointee, and limited emergency appointee* have the meaning given in 5 U.S.C. 3132(a).

*Day* means calendar day.

*Suspension* has the meaning given in 5 U.S.C. 7501(2).

**§ 752.603 Standard for action.**

(a) An agency may take an adverse action under this subpart only for reasons of misconduct, neglect of duty, malfeasance, or failure to accept a directed reassignment or to accompany a position in a transfer of function.

(b) An agency may not take an adverse action under this subpart on the basis of any reason prohibited by 5 U.S.C. 2302.

**§ 752.604 Procedures.**

(a) *Statutory entitlements.* An appointee against whom action is proposed under this subpart is entitled to the procedures provided in 5 U.S.C. 7543(b).

(b) *Notice of proposed action.* (1) An appointee against whom an action is proposed is entitled to at least 30 days' advance written notice unless there is an exception pursuant to paragraph (d) of this section. The notice must state the specific reason(s) for the proposed action, and inform the appointee of his or her right to review the material that is relied on to support the reasons for action given in the notice.

(2) Under ordinary circumstances, an appointee whose removal has been proposed will remain in a duty status in his or her regular position during the advance notice period. In those rare circumstances where the agency determines that the appointee's continued presence in the work place during the notice period may pose a threat to the appointee or others, result in loss of or damage to Government property, or otherwise jeopardize legitimate Government interests, the agency may elect one or a combination of the following alternatives:

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in application of paragraph (d)(1) of this section.

(4) When an employee's saved rate becomes equal to or lower than the maximum payable rate of basic pay for the grade or level of the employee's position, the employee is entitled to the maximum payable rate, and saved pay under this section ceases to apply.

(e) When an employee receiving a saved rate established under this section is covered by a pay system that provides different basic pay schedules based on geographic location (such as the General Schedule pay system), the saved rate must be adjusted in conjunction with a change in the employee's official worksite consistent with the geographic conversion rule for retained rates under 5 CFR 536.303(b).

(f) A saved rate established under this section must be terminated if—

(1) The employee has a break in service of 1 workday or more;

(2) The employee is demoted based on unacceptable performance or conduct or at the employee's request; or

(3) The employee becomes entitled to a rate of basic pay that is equal to or higher than the saved rate.

(g) If an employee is receiving a saved rate established under this section on May 1, 2005 (when section 301 of Pub. L. 108-411 took effect), any locality payment under 5 U.S.C. 5304 formerly paid in addition to the employee's saved rate no longer applies as of that date. Any locality-adjusted saved rate in effect and payable on April 30, 2005, must be converted to an equal saved rate effective on May 1, 2005. If the employee received no locality payment because of a pay limitation, no conversion under this paragraph is required.

[70 FR 31286, May 31, 2005, as amended at 73 FR 66151, Nov. 7, 2008]

### Subpart H—Furloughs in the Senior Executive Service

AUTHORITY: 5 U.S.C. 3133 and 3136.

SOURCE: 48 FR 11925, Mar. 2, 1983, unless otherwise noted.

#### § 359.801 Agency authority.

This subpart sets the conditions under which an agency may furlough

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career appointees in the Senior Executive Service. The furlough of a non-career, limited term, or limited emergency appointee is not subject to this subpart. The furlough of a reemployed annuitant holding a career appointment also is not subject to the subpart.

#### § 359.802 Definitions.

For the purpose of this subpart, *furlough* means the placing of an appointee in a temporary status without duties and pay because of lack of work or funds or other nondisciplinary reasons.

#### § 359.803 Competition.

Any furlough for more than 30 calendar days, or for more than 22 workdays if the furlough does not cover consecutive calendar days, shall be made under competitive procedures established by the agency. The procedures shall be made known to the SES members in the agency.

[48 FR 11925, Mar. 2, 1983, as amended at 60 FR 6389, Feb. 2, 1995]

#### § 359.804 Length of furlough.

A furlough may not extend more than one year. It may be made only when the agency intends to recall the appointee within one year.

#### § 359.805 Appeals.

A career appointee who has been furloughed and who believes this subpart or the agency's procedures have not been correctly applied may appeal to the Merit Systems Protection Board under provisions of the Board's regulations.

#### § 359.806 Notice.

(a) An appointee is entitled to a 30 days' advance written notice of a furlough. The full notice period may be shortened, or waived, only in the event of unforeseeable circumstances, such as sudden emergencies requiring immediate curtailment of activities.

(b) The written notice shall advise the appointee of:

(1) The reason for the agency decision to take the furlough action.

(2) The expected duration of the furlough and the effective dates;

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(3) The basis for selecting the appointee for furlough when some but not all Senior Executive Service appointees in a given organizational unit are being furloughed;

(4) The reason if the notice period is less than 30 days;

(5) The place where the appointee may inspect the regulations and records pertinent to the action; and

(6) The appointee's appeal rights, including the time limit for the appeal and the location of the Merit Systems Protection Board office to which the appeal should be sent.

**§ 359.807 Records.**

The agency shall preserve all records relating to an action under this subpart for at least one year from the effective date of the action.

**Subpart I—Removal of Noncareer and Limited Appointees and Reemployed Annuitants**

**§ 359.901 Coverage.**

(a) This subpart covers the removal from the SES of—

- (1) A noncareer appointee;
- (2) A limited emergency or a limited term appointee; and
- (3) A reemployed annuitant holding any type of appointment under the SES.

(b) Coverage does not include, however, a limited emergency or a limited term appointee who is being removed for disciplinary reasons and who is covered by 5 CFR 752.601(c)(2).

**§ 359.902 Conditions of removal.**

(a) *Authority.* The agency may remove an appointee subject to this subpart at any time.

(b) *Notice.* The agency shall notify the appointee in writing before the effective date of the removal.

(c) *Placement rights.* An appointee covered by this subpart is not entitled to the placement rights provided for career appointees under subpart G of this part.

(d) *Appeals.* Actions taken under this subpart are not appealable to the Merit Systems Protection Board under 5 U.S.C. 7701.

**PART 362—PRESIDENTIAL MANAGEMENT FELLOWS PROGRAM**

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**Subpart B—Program Administration**

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- 362.209 Placement upon completion.
- 362.210 Transition.

*AUTHORITY:* E.O. 13318 of Nov. 21, 2003, 3 CFR, 2003 Comp., p. 265.

*SOURCE:* 70 FR 28780, May 19, 2005, unless otherwise noted.

**Subpart A—Definitions**

**§ 362.101 Definitions.**

For purposes of this part,  
An *agency* means a component within the Executive Office of the President, or an Executive department, Government corporation, or independent establishment as defined in 5 U.S.C. 101, 103, and 104, respectively.

An *Executive Resources Board (ERB)* has the same meaning as specified in § 317.501(a) of this chapter; in those agencies that are not required to have an ERB pursuant to that section, it means the senior agency official or officials who have been given executive resource management and oversight responsibility by the agency head.

A *Presidential Management Fellow* or *Fellow* is an individual appointed, at the GS-9, GS-11, or GS-12 level (or equivalent), in the excepted service under § 213.3102(1) of this chapter, or under an agency-specific authority if the agency is excepted from the competitive service. The individual must have completed a graduate course of study at a qualifying college or university, received the nomination of the dean or academic director, successfully