

as if included in the enactment of the National Defense Authorization Act for Fiscal Year 2013 [Pub. L. 112-239].”

§ 496. Consideration of expansion of nuclear forces of other countries

(a) REPORT AND CERTIFICATION.—Not later than 60 days before the President recommends any reductions to the nuclear forces of the United States—

(1) the President shall transmit to the appropriate congressional committees a report detailing, for each country with nuclear weapons, the high-, medium-, and low- confidence assessment of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) with respect to—

(A) the number of each type of nuclear weapons possessed by such country;

(B) the modernization plans for such weapons of such country;

(C) the production capacity of nuclear warheads and strategic delivery systems (as defined in section 495(e)(2) of this title) of such country;

(D) the nuclear doctrine of such country; and

(E) the impact of such recommended reductions on the deterrence and extended deterrence capabilities of the United States; and

(2) the Commander of the United States Strategic Command shall certify to the appropriate congressional committees whether such recommended reductions in the nuclear forces of the United States will—

(A) impair the ability of the United States to address—

(i) unplanned strategic or geopolitical events; or

(ii) technical challenge; or

(B) degrade the deterrence or assurance provided by the United States to friends and allies of the United States.

(b) FORM.—The reports required by subsection (a)(1) shall be submitted in unclassified form, but may include a classified annex.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional defense committees.

(2) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(Added Pub. L. 112-239, div. A, title X, § 1036(a), Jan. 2, 2013, 126 Stat. 1924.)

§ 497. Notification required for reduction, consolidation, or withdrawal of nuclear forces based in Europe

(a) NOTIFICATION.—Upon any decision to reduce, consolidate, or withdraw the nuclear forces of the United States that are based in Europe, the President shall transmit to the appropriate congressional committees a notification containing—

(1) justification for such reduction, consolidation, or withdrawal; and

(2) an assessment of how member states of the North Atlantic Treaty Organization, in

light of such reduction, consolidation, or withdrawal, assess the credibility of the deterrence capability of the United States in support of its commitments undertaken pursuant to article 5 of the North Atlantic Treaty, signed at Washington, District of Columbia, on April 4, 1949, and entered into force on August 24, 1949 (63 Stat. 2241; TIAS 1964).

(b) PRIOR NOTIFICATION REQUIRED.—

(1) IN GENERAL.—The President shall transmit the notification required by subsection (a) by not later than 60 days before the date on which the President commences a reduction, consolidation, or withdrawal of the nuclear forces of the United States that are based in Europe described in such notification.

(2) EXCEPTION.—The limitation in paragraph (1) shall not apply to a reduction, consolidation, or withdrawal of nuclear weapons of the United States that are based in Europe made to ensure the safety, security, reliability, and credibility of such weapons.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committees on Armed Services of the House of Representatives and the Senate; and

(2) the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(Added Pub. L. 112-239, div. A, title X, § 1037(b)(1), Jan. 2, 2013, 126 Stat. 1926.)

§ 498¹ Unilateral change in nuclear weapons stockpile of the United States

(a) IN GENERAL.—Other than pursuant to a treaty, if the President has under consideration to unilaterally change the size of the total stockpile of nuclear weapons of the United States by more than 25 percent, prior to doing so the President shall initiate a Nuclear Posture Review.

(b) TERMS OF REFERENCE.—Prior to the initiation of a Nuclear Posture Review under this section, the President shall determine the terms of reference for the Nuclear Posture Review, which the President shall provide to the congressional defense committees.

(c) NUCLEAR POSTURE REVIEW.—Upon completion of a Nuclear Posture Review under this section, the President shall submit the Nuclear Posture Review to the congressional defense committees prior to implementing any change in the nuclear weapons stockpile by more than 25 percent.

(d) CONSTRUCTION.—This section shall not apply to changes to the nuclear weapons stockpile resulting from treaty obligations.

(e) FORM.—A Nuclear Posture Review under this section shall be submitted in unclassified form, but may include a classified annex.

(Added Pub. L. 112-239, div. A, title X, § 1038(a), Jan. 2, 2013, 126 Stat. 1927.)

PART II—PERSONNEL

Chap.		Sec.
31.	Enlistments	501

¹ So in original. Probably should be followed by a period.

Chap.		Sec.	
32.	Officer Strength and Distribution in Grade	521	2009—Pub. L. 111-84, div. A, title X, §1073(a)(7), Oct. 28, 2009, 123 Stat. 2472, substituted “1580” for “1581” in item for chapter 81.
33.	Original Appointments of Regular Officers in Grades Above Warrant Officer Grades	531	2006—Pub. L. 109-366, §3(a)(2), Oct. 17, 2006, 120 Stat. 2630, added item for chapter 47A.
33A.	Appointment, Promotion, and Involuntary Separation and Retirement for Members on the Warrant Officer Active-Duty List	571	2001—Pub. L. 107-107, div. A, title X, §1048(a)(1), Dec. 28, 2001, 115 Stat. 1222, struck out period after “1111” in item for chapter 56.
34.	Appointments as Reserve Officers	591	2000—Pub. L. 106-398, §1 [[div. A], title VII, §713(a)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A-184, added item for chapter 56.
35.	Temporary Appointments in Officer Grades	601	1999—Pub. L. 106-65, div. A, title V, §586(c)(1), title VII, §721(c)(2), Oct. 5, 1999, 113 Stat. 638, 694, added item for chapter 50 and substituted “Deceased Personnel” for “Death Benefits” and “1471” for “1475” in item for chapter 75.
36.	Promotion, Separation, and Involuntary Retirement of Officers on the Active-Duty List	611	1997—Pub. L. 105-85, div. A, title V, §591(a)(2), Nov. 18, 1997, 111 Stat. 1762, added item for chapter 80.
37.	General Service Requirements	661	1996—Pub. L. 104-201, div. A, title XVI, §1633(c)(3), Sept. 23, 1996, 110 Stat. 2751, substituted “Civilian Defense Intelligence Employees” for “Defense Intelligence Agency and Central Imagery Office Civilian Personnel” in item for chapter 83.
38.	Joint Officer Management	671	Pub. L. 104-106, div. A, title V, §§568(a)(2), 569(b)(2), title X, §1061(a)(2), Feb. 10, 1996, 110 Stat. 335, 351, 442, added items for chapters 76 and 88 and struck out item for chapter 89 “Volunteers Investing in Peace and Security”.
39.	Active Duty	701	1994—Pub. L. 103-359, title V, §501(b)(2), Oct. 14, 1994, 108 Stat. 3429, substituted “Defense Intelligence Agency and Central Imagery Office Civilian Personnel” for “Defense Intelligence Agency Civilian Personnel” in item for chapter 83.
40.	Leave	711	1992—Pub. L. 102-484, div. A, title XIII, §1322(a)(2), Oct. 23, 1992, 106 Stat. 2553, added item for chapter 89.
41.	Special Appointments, Assignments, Details, and Duties	741	1991—Pub. L. 102-190, div. A, title X, §1061(a)(26)(C)(ii), Dec. 5, 1991, 105 Stat. 1474, effective Oct. 1, 1993, struck out item for chapter 85 “Procurement Management Personnel”.
43.	Rank and Command	771	Pub. L. 102-190, div. A, title XI, §1112(b)(2), Dec. 5, 1991, 105 Stat. 1501, substituted “Original Appointments of Regular Officers in Grades Above Warrant Officer Grades” for “Appointments in Regular Components” in item for chapter 33 and added item for chapter 33A.
45.	The Uniform	801	Pub. L. 102-25, title VII, §701(e)(1), Apr. 6, 1991, 105 Stat. 114, added item for chapter 85.
47.	Uniform Code of Military Justice	948a	1990—Pub. L. 101-510, div. A, title V, §502(a)(2), title XII, §1202(b), Nov. 5, 1990, 104 Stat. 1557, 1656, added items for chapters 58 and 87 and struck out item for chapter 85 “Procurement Management Personnel”.
47A.	Military Commissions	951	1988—Pub. L. 100-370, §1(c)(3), July 19, 1988, 102 Stat. 841, added item for chapter 54.
48.	Military Correctional Facilities	971	1986—Pub. L. 99-433, title IV, §401(b), Oct. 1, 1986, 100 Stat. 1030, added item for chapter 38.
49.	Miscellaneous Prohibitions and Penalties	991	1985—Pub. L. 99-145, title IX, §924(a)(2), Nov. 8, 1985, 99 Stat. 698, added item for chapter 85.
50.	Miscellaneous Command Responsibilities	1001	1983—Pub. L. 98-94, title IX, §925(a)(2), title XII, §1268(15), Sept. 24, 1983, 97 Stat. 648, 707, added item for chapter 74, and substituted “or” for “and” in item for chapter 60.
51.	Reserve Components: Standards and Procedures for Retention and Promotion	1030	1981—Pub. L. 97-89, title VII, §701(a)(2), Dec. 4, 1981, 95 Stat. 1160, added item for chapter 83.
53.	Miscellaneous Rights and Benefits	1061	1980—Pub. L. 96-513, title V, §§501(1), 511(29), (54)(B), Dec. 12, 1980, 94 Stat. 2907, 2922, 2925, added item for chapter 32, substituted “531” for “541” as section number in item for chapter 33, substituted “34” for “35” as chapter number of chapter relating to appointments as reserve officers, added items for chapters 35 and 36, substituted “Reserve Components: Standards and Procedures for Retention and Promotion” for “Retention of Reserves” in item for chapter 51, added item for chapter 60, substituted “1251” for “1255” as section number in item for chapter 63, substituted “Retirement of Warrant Officers” for “Retirement” in item for chapter 65, substituted “1370” for “1371” as section number in item for chapter 69, and amended item for chapter 73 to read: “Annuities Based on Retired or Retainer Pay”.
54.	Commissary and Exchange Benefits	1071	1972—Pub. L. 92-425, §2, Sept. 21, 1972, 86 Stat. 711, amended item for chapter 73 by inserting “; Survivor Benefit Plan” after “Pay” which could not be executed
55.	Medical and Dental Care	1111	
56.	Department of Defense Medicare-Eligible Retiree Health Care Fund	1121	
57.	Decorations and Awards	1141	
58.	Benefits and Services for Members Being Separated or Recently Separated	1161	
59.	Separation	1181	
60.	Separation of Regular Officers for Substandard Performance of Duty or for Certain Other Reasons	1201	
61.	Retirement or Separation for Physical Disability	1251	
63.	Retirement for Age	1293	
65.	Retirement of Warrant Officers for Length of Service	1331	
67.	Retired Pay for Non-Regular Service	1370	
69.	Retired Grade	1401	
71.	Computation of Retired Pay	1431	
73.	Annuities Based on Retired or Retainer Pay	1461	
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75.	Deceased Personnel	1501	
76.	Missing Persons	1521	
77.	Posthumous Commissions and Warrants	1551	
79.	Correction of Military Records	1561	
80.	Miscellaneous Investigation Requirements and Other Duties	1580	
81.	Civilian Employees	1601	
83.	Civilian Defense Intelligence Employees	1701	
[85.	Repealed.]	1781	
87.	Defense Acquisition Workforce		
88.	Military Family Programs and Military Child Care		
[89.	Repealed.]		

AMENDMENTS

2011—Pub. L. 111-383, div. A, title X, §1075(b)(1), Jan. 7, 2011, 124 Stat. 4368, substituted “1030” for “1031” in item for chapter 53.

1972—Pub. L. 92-425, §2, Sept. 21, 1972, 86 Stat. 711, amended item for chapter 73 by inserting “; Survivor Benefit Plan” after “Pay” which could not be executed