

submit to the congressional defense committees certification¹ in writing that the prepositioned stocks of each of the military departments meet all operations plans, in both fill and readiness, that are in effect as of the date of the submission of the certification.

(2) If, for any year, the Secretary cannot certify that any of the prepositioned stocks meet such operations plans, the Secretary shall include with the certification for that year a list of the operations plans affected, a description of any measures that have been taken to mitigate any risk associated with prepositioned stock shortfalls, and an anticipated timeframe for the replenishment of the stocks.

(3) A certification under this subsection shall be in an unclassified form but may have a classified annex.

(Added Pub. L. 109-364, div. A, title III, §351(a), Oct. 17, 2006, 120 Stat. 2160; amended Pub. L. 112-81, div. A, title III, §341(a), Dec. 31, 2011, 125 Stat. 1369; Pub. L. 113-66, div. A, title III, §321(a), Dec. 26, 2013, 127 Stat. 730.)

AMENDMENTS

2013—Subsec. (a). Pub. L. 113-66 amended subsec. (a) generally. Prior to amendment, text read as follows: “The Secretary of Defense shall maintain a strategic policy on the programs of the Department of Defense for the prepositioning of materiel and equipment. Such policy shall take into account national security threats, strategic mobility, service requirements, and the requirements of the combatant commands.”

2011—Subsec. (d). Pub. L. 112-81 added subsec. (d).

IMPLEMENTATION PLAN AND REPORT

Pub. L. 113-66, div. A, title III, §321(b), (c), Dec. 26, 2013, 127 Stat. 731, 732, provided that:

“(b) IMPLEMENTATION PLAN.—

“(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act [Dec. 26, 2013], the Secretary of Defense shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a plan for implementation of the prepositioning strategic policy required under section 2229(a) of title 10, United States Code, as amended by subsection (a).

“(2) ELEMENTS.—The implementation plan required under paragraph (1) shall include the following elements:

“(A) Detailed guidance for how the Department of Defense will achieve the vision, end state, and goals outlined in the strategic policy.

“(B) A comprehensive list of the Department’s prepositioned materiel and equipment programs.

“(C) A detailed description of how the plan will be implemented.

“(D) A schedule with milestones for the implementation of the plan.

“(E) An assignment of roles and responsibilities for the implementation of the plan.

“(F) A description of the resources required to implement the plan.

“(G) A description of how the plan will be reviewed and assessed to monitor progress.

“(c) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Comptroller General of the United States shall review the implementation plan submitted under subsection (b) and the prepositioning strategic policy required under section 2229(a) of title 10, United States Code, as amended by subsection (a), and submit to the congressional defense

committees a report describing the findings of such review and including any additional information relating to the positioning strategic policy and plan that the Comptroller General determines appropriate.”

DEADLINE FOR ESTABLISHMENT OF POLICY

Pub. L. 109-364, div. A, title III, §351(c), Oct. 17, 2006, 120 Stat. 2160, provided that:

“(1) DEADLINE.—Not later than six months after the date of the enactment of this Act [Oct. 17, 2006], the Secretary of Defense shall establish the strategic policy on the programs of the Department of Defense for the prepositioning of materiel and equipment required under section 2229 of title 10, United States Code, as added by subsection (a).

“(2) LIMITATION ON DIVERSION OF PREPOSITIONED MATERIEL.—During the period beginning on the date of the enactment of this Act [Oct. 17, 2006] and ending on the date on which the Secretary of Defense submits the report required under section 2229(c) of title 10, United States Code, on the policy referred to in paragraph (1), the Secretary of a military department may not divert materiel or equipment from prepositioned stocks except for the purpose of directly supporting a contingency operation or providing humanitarian assistance under chapter 20 of that title.”

IMPROVING DEPARTMENT OF DEFENSE SUPPORT FOR CIVIL AUTHORITIES

Pub. L. 109-364, div. A, title III, §359, Oct. 17, 2006, 120 Stat. 2164, provided that:

“(a) CONSULTATION.—In the development of concept plans for the Department of Defense for providing support to civil authorities, the Secretary of Defense may consult with the Secretary of Homeland Security and State governments.

“(b) PREPOSITIONING OF DEPARTMENT OF DEFENSE ASSETS.—The Secretary of Defense may provide for the prepositioning of prepackaged or preidentified basic response assets, such as medical supplies, food and water, and communications equipment, in order to improve the ability of the Department of Defense to rapidly provide support to civil authorities. The prepositioning of basic response assets shall be carried out in a manner consistent with Department of Defense concept plans for providing support to civil authorities and section 2229 of title 10, United States Code, as added by section 351.

“(c) REIMBURSEMENT.—To the extent required by section 1535 of title 31, United States Code, or other applicable law, the Secretary of Defense shall require that the Department of Defense be reimbursed for costs incurred by the Department in the prepositioning of basic response assets under subsection (b).

“(d) MILITARY READINESS.—The Secretary of Defense shall ensure that the prepositioning of basic response assets under subsection (b) does not adversely affect the military preparedness of the United States.

“(e) PROCEDURES AND GUIDELINES.—The Secretary may develop procedures and guidelines applicable to the prepositioning of basic response assets under subsection (b).”

§ 2229a. Annual report on prepositioned materiel and equipment

(a) ANNUAL REPORT REQUIRED.—Not later than the date of the submission of the President’s budget request for a fiscal year under section 1105 of title 31, the Secretary of Defense shall submit to the congressional defense committees a report on the status of the materiel in the prepositioned stocks as of the end of the fiscal year preceding the fiscal year during which the report is submitted. Each report shall be unclassified and may contain a classified annex. Each report shall include the following information:

(1) The level of fill for major end items of equipment and spare parts in each pre-

¹ So in original. Probably should be “a certification”.

positioned set as of the end of the fiscal year covered by the report.

(2) The material condition of equipment in the prepositioned stocks as of the end of such fiscal year, grouped by category or major end item.

(3) A list of major end items of equipment drawn from the prepositioned stocks during such fiscal year and a description of how that equipment was used and whether it was returned to the stocks after being used.

(4) A timeline for completely reconstituting any shortfall in the prepositioned stocks.

(5) An estimate of the amount of funds required to completely reconstitute any shortfall in the prepositioned stocks and a description of the Secretary's plan for carrying out such complete reconstitution.

(6) A list of any operations plan affected by any shortfall in the prepositioned stocks and a description of any action taken to mitigate any risk that such a shortfall may create.

(7) A list of any non-standard items slated for inclusion in the prepositioned stocks and a plan for funding the inclusion and sustainment of such items.

(8) A list of any equipment used in support of Operation Iraqi Freedom, Operation New Dawn, or Operation Enduring Freedom slated for retrograde and subsequent inclusion in the prepositioned stocks.

(9) An efficiency strategy for limited shelf-life medical stock replacement.

(10) The status of efforts to develop a joint strategy, integrate service requirements, and eliminate redundancies.

(11) The operational planning assumptions used in the formulation of prepositioned stock levels and composition.

(12) A list of any strategic plans affected by changes to the levels, composition, or locations of the prepositioned stocks and a description of any action taken to mitigate any risk that such changes may create.

(b) COMPTROLLER GENERAL REVIEW.—(1) The Comptroller General shall review each report submitted under subsection (a) and, as the Comptroller General determines appropriate, submit to the congressional defense committees any additional information that the Comptroller General determines will further inform such committees on issues relating to the status of the materiel in the prepositioned stocks.

(2) The Secretary of Defense shall ensure the full cooperation of the Department of Defense with the Comptroller General for purposes of the conduct of the review required by this subsection, both before and after each report is submitted under subsection (a). The Secretary shall conduct periodic briefings for the Comptroller General on the information covered by each report required under subsection (a) and provide to the Comptroller General access to the data and preliminary results to be used by the Secretary in preparing each such report before the Secretary submits the report to enable the Comptroller General to conduct each review required under paragraph (1) in a timely manner.

(3) The requirement to conduct a review under this subsection shall terminate on September 30, 2015.

(Added Pub. L. 110-181, div. A, title III, §352(a), Jan. 28, 2008, 122 Stat. 71; amended Pub. L. 112-81, div. A, title III, §341(b), Dec. 31, 2011, 125 Stat. 1369; Pub. L. 112-239, div. A, title III, §343, Jan. 2, 2013, 126 Stat. 1700.)

AMENDMENTS

2013—Subsec. (b)(1). Pub. L. 112-239 substituted “The” for “By not later than 120 days after the date on which a report is submitted under subsection (a), the” and “each report submitted under subsection (a)” for “the report”.

2011—Subsec. (a)(7) to (12). Pub. L. 112-81 added pars. (7) to (12).

CHAPTER 133—FACILITIES FOR RESERVE COMPONENTS

Sec. 2231. Reference to chapter 1803.

PRIOR PROVISIONS

A prior chapter 133 was transferred to end of part V of subtitle E of this title and renumbered chapter 1803.

§ 2231. Reference to chapter 1803

Provisions of law relating to facilities for reserve components are set forth in chapter 1803 of this title (beginning with section 18231).

(Added Pub. L. 103-337, div. A, title XVI, §1664(b)(11), Oct. 5, 1994, 108 Stat. 3011.)

PRIOR PROVISIONS

Prior sections 2231 to 2239 were renumbered sections 18231 to 18239 of this title, respectively.

EFFECTIVE DATE

Section effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as a note under section 10001 of this title.

CHAPTER 134—MISCELLANEOUS ADMINISTRATIVE PROVISIONS

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SUBCHAPTER I—MISCELLANEOUS AUTHORITIES, PROHIBITIONS, AND LIMITATIONS ON THE USE OF APPROPRIATED FUNDS

Sec.	
2241.	Availability of appropriations for certain purposes.
2241a.	Prohibition on use of funds for publicity or propaganda purposes within the United States.
2242.	Authority to use appropriated funds for certain investigations and security services.
2243.	Authority to use appropriated funds to support student meal programs in overseas dependents' schools.
2244.	Security investigations.
2244a.	Equipment scheduled for retirement or disposal: limitation on expenditures for modifications.
2245.	Use of aircraft for proficiency flying: limitation.
2245a.	Use of operation and maintenance funds for purchase of investment items: limitation.
[2246 to 2248.	Renumbered or Repealed.]
2249.	Prohibition on use of funds for documenting economic or employment impact of certain acquisition programs.