

the Department of Defense during the immediately preceding quarter.

(Added Pub. L. 112-239, div. A, title IX, § 939(a), Jan. 2, 2013, 126 Stat. 1888.)

#### PRIOR PROVISIONS

A prior section 484, added Pub. L. 105-85, div. A, title III, § 324(a)(1), Nov. 18, 1997, 111 Stat. 1677, which related to annual report on aircraft inventory, was repealed by Pub. L. 112-81, div. A, title X, § 1061(6)(A), Dec. 31, 2011, 125 Stat. 1583.

#### INITIAL BRIEFING

Pub. L. 112-239, div. A, title IX, § 939(b), Jan. 2, 2013, 126 Stat. 1888, provided that: “The first briefing required under section 484 of title 10, United States Code, as added by subsection (a), shall be provided not later than March 1, 2013.”

### § 485. Quarterly counterterrorism operations briefings

(a) BRIEFINGS REQUIRED.—The Secretary of Defense shall provide to the congressional defense committees quarterly briefings outlining Department of Defense counterterrorism operations and related activities.

(b) ELEMENTS.—Each briefing under subsection (a) shall include each of the following:

- (1) A global update on activity within each geographic combatant command and how such activity supports the respective theater campaign plan.
- (2) An overview of authorities and legal issues, including limitations.
- (3) An overview of interagency activities and initiatives.
- (4) Any other matters the Secretary considers appropriate.

(Added Pub. L. 113-66, div. A, title X, § 1042(a)(1), Dec. 26, 2013, 127 Stat. 857.)

#### PRIOR PROVISIONS

A prior section 485, added Pub. L. 105-261, div. A, title IX, § 923(b)(1), Oct. 17, 1998, 112 Stat. 2105; amended Pub. L. 106-65, div. A, title IX, § 931, title X, § 1067(1), Oct. 5, 1999, 113 Stat. 726, 774; Pub. L. 107-107, div. A, title IX, § 922, Dec. 28, 2001, 115 Stat. 1198; Pub. L. 110-417, [div. A], title II, § 241(a), Oct. 14, 2008, 122 Stat. 4395, related to biennial reports on joint and service concept development and experimentation, prior to repeal by Pub. L. 112-81, div. A, title X, § 1061(7)(A), Dec. 31, 2011, 125 Stat. 1583.

### [§ 486. Repealed. Pub. L. 112-81, div. A, title X, § 1061(8)(A), Dec. 31, 2011, 125 Stat. 1583]

Section, added Pub. L. 106-65, div. A, title II, § 241(a)(1), Oct. 5, 1999, 113 Stat. 549, related to quadrennial report on emerging operational concepts.

### [§ 487. Repealed. Pub. L. 112-81, div. A, title X, § 1061(9)(A), Dec. 31, 2011, 125 Stat. 1583]

Section, added Pub. L. 106-65, div. A, title IX, § 923(b)(1), Oct. 5, 1999, 113 Stat. 724; amended Pub. L. 108-136, div. A, title V, § 541(c), Nov. 24, 2003, 117 Stat. 1477; Pub. L. 108-375, div. A, title X, § 1084(d)(4), Oct. 28, 2004, 118 Stat. 2061, related to annual report on unit operations tempo and personnel tempo.

### § 488. Management of electromagnetic spectrum

(a) REQUIREMENT FOR STRATEGIC PLAN.—Every three years, the Secretary of Defense, in consultation with the Director of National Intel-

ligence and the Secretary of Commerce, shall prepare a strategic plan for the management of the electromagnetic spectrum to ensure the accessibility and efficient use of that spectrum needed to support the national security of the United States. Each such strategic plan shall include each of the following:

(1) An inventory of the uses of the electromagnetic spectrum for national security purposes and other purposes.

(2) An estimate of the need for electromagnetic spectrum for national security and other purposes over each of the periods specified in subsection (b).

(3) Any other matters that the Secretary of Defense, in consultation with the Director of National Intelligence and the Secretary of Commerce, considers appropriate for the strategic plan.

(b) PERIODS COVERED BY STRATEGIC PLAN.—Each strategic plan prepared under subsection (a) shall cover each of the following periods (counting from the date of the issuance of the plan):

- (1) Zero to five years.
- (2) Five to ten years.
- (3) Ten to thirty years.

(c) SUBMISSION OF PLAN TO CONGRESS.—(1) The Secretary of Defense shall submit to Congress the strategic plan most recently prepared under subsection (a) at the same time that the President submits to Congress the budget for an even-numbered fiscal year under section 1105(a) of title 31.

(2) Each strategic plan submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(Added Pub. L. 108-136, div. A, title X, § 1054(a), Nov. 24, 2003, 117 Stat. 1615; amended Pub. L. 113-66, div. A, title X, § 1072(a), (b)(1), Dec. 26, 2013, 127 Stat. 868, 869; Pub. L. 113-291, div. A, title X, § 1071(f)(7), Dec. 19, 2014, 128 Stat. 3510.)

#### AMENDMENTS

2014—Subsec. (a). Pub. L. 113-291 inserted a comma after “Every three years” in introductory provisions.

2013—Pub. L. 113-66, § 1072(b)(1), struck out “: biennial strategic plan” after “spectrum” in section catchline.

Subsec. (a). Pub. L. 113-66, § 1072(a)(1), substituted “three years” for “other year, and in time for submission to Congress under subsection (b),”, inserted “, in consultation with the Director of National Intelligence and the Secretary of Commerce,” after “Secretary of Defense”, substituted “the national security of the United States. Each such strategic plan shall include each of the following:” for “the mission of the Department of Defense.”, and added pars. (1) to (3).

Subsec. (b). Pub. L. 113-66, § 1072(a)(2), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 113-66, § 1072(a)(3), designated existing provisions as par. (1) and added par. (2).

Pub. L. 113-66, § 1072(a)(2), redesignated subsec. (b) as (c).

### [§ 489. Repealed. Pub. L. 113-291, div. A, title III, § 331(a), Dec. 19, 2014, 128 Stat. 3344]

Section, added Pub. L. 108-375, div. A, title X, § 1033(a), Oct. 28, 2004, 118 Stat. 2047, related to annual report on Department of Defense operation and financial support for military museums.

**[§ 490. Repealed. Pub. L. 112–81, div. A, title X, § 1061(10)(A), Dec. 31, 2011, 125 Stat. 1583]**

Section, added Pub. L. 110–181, div. A, title IX, §912(a), Jan. 28, 2008, 122 Stat. 280; amended Pub. L. 111–84, div. A, title X, §1073(a)(6), Oct. 28, 2009, 123 Stat. 2472, related to management of space cadre personnel and submission of a biennial report.

**[§ 490a. Renumbered § 492]**

**CHAPTER 24—NUCLEAR POSTURE**

- Sec.  
491. Nuclear weapons employment strategy of the United States: reports on modification of strategy.  
492. Biennial assessment and report on the delivery platforms for nuclear weapons and the nuclear command and control system.  
493. Reports to Congress on the modification of the force structure for the strategic nuclear weapons delivery systems of the United States.  
494. Nuclear force reductions.  
495. Strategic delivery systems.  
496. Consideration of expansion of nuclear forces of other countries.  
497. Notification required for reduction, consolidation, or withdrawal of nuclear forces based in Europe.  
497a. Notification required for reduction or consolidation of dual-capable aircraft based in Europe.  
498. Unilateral change in nuclear weapons stockpile of the United States.

AMENDMENTS

2013—Pub. L. 113–66, div. A, title X, §1051(b)(2), Dec. 26, 2013, 127 Stat. 859, added item 497a.

Pub. L. 112–239, div. A, title X, §§1031(b)(1), (3)(C)(i), 1033(b)(2)(A), 1035(b), 1036(b), 1037(b)(2), 1038(b), Jan. 2, 2013, 126 Stat. 1918, 1919, 1921, 1924, 1925, 1927, added chapter heading and items 491 to 498.

**§ 491. Nuclear weapons employment strategy of the United States: reports on modification of strategy**

(a) REPORTS.—By not later than 60 days before the date on which the President implements a nuclear weapons employment strategy of the United States that differs from the nuclear weapons employment strategy of the United States then in force, the President shall submit to Congress a report setting forth the following:

(1) A description of the modifications to the nuclear weapons employment strategy, plans, and options of the United States made by the strategy so issued.

(2) An assessment of effects of such modification for the nuclear posture of the United States.

(3) The implication of such changes on the flexibility and resilience of the strategic forces of the United States and the ability of such forces to support the goals of the United States with respect to nuclear deterrence, extended deterrence, assurance, and defense.

(4) The extent to which such modifications include an increased reliance on conventional or non-nuclear global strike capabilities or missile defenses of the United States.

(b) ANNUAL BRIEFINGS.—Not later than March 15 of each year, the Secretary of Defense shall provide to the congressional defense committees

a briefing regarding the nuclear weapons employment strategy, plans, and options of the United States.

(c) REPORTS ON 2010 NUCLEAR POSTURE REVIEW IMPLEMENTATION STUDY DECISIONS.—During each of fiscal years 2012 through 2021, not later than 60 days before the date on which the President carries out the results of the decisions made pursuant to the 2010 Nuclear Posture Review Implementation Study that would alter the nuclear weapons employment strategy, guidance, plans, or options of the United States, the President shall—

(1) ensure that the annual report required under section 1043(a)(1) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1576) is transmitted to Congress, if so required;

(2) ensure that the report required under section 494(a)(2)(A) of this title is transmitted to Congress, if so required under such section; and

(3) transmit to the congressional defense committees a report providing the high-, medium-, and low-confidence assessments of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4))) as to whether the United States will have significant warning of a strategic surprise or breakout caused by foreign nuclear weapons developments.

(Added Pub. L. 112–81, div. A, title X, §1046(b)(1), Dec. 31, 2011, 125 Stat. 1579; amended Pub. L. 112–239, div. A, title X, §§1031(a), 1032, Jan. 2, 2013, 126 Stat. 1917, 1919; Pub. L. 113–66, div. A, title X, §1052(b), Dec. 26, 2013, 127 Stat. 861; Pub. L. 113–291, div. A, title X, §1071(c)(10), Dec. 19, 2014, 128 Stat. 3509.)

CODIFICATION

Section was formerly part of chapter 23 of this title, prior to being transferred to this chapter by Pub. L. 112–239, §1031(a)(1).

REFERENCES IN TEXT

Section 1043(a)(1) of the National Defense Authorization Act for Fiscal Year 2012, referred to in subsec. (c)(1), is section 1043(a)(1) of title X of Pub. L. 112–81, div. A, Dec. 31, 2011, 125 Stat. 1579, which is not classified to the Code.

AMENDMENTS

2014—Subsec. (c)(3). Pub. L. 113–291 substituted “(50 U.S.C. 3003(4))” for “(50 U.S.C. 401a(4))”.

2013—Pub. L. 112–239, §1031(a)(2)(A)–(D), inserted “weapons” after “Nuclear” in section catchline, substituted “nuclear weapons employment strategy” for “nuclear employment strategy” in two places in introductory provisions and “to the nuclear weapons employment strategy, plans, and options of” for “to nuclear employment strategy of” in par. (1), and added par. (4).

Subsec. (a). Pub. L. 112–239, §1032(a), substituted “By not later than 60 days before the date on which the President implements” for “On the date on which the President issues” in introductory provisions.

Pub. L. 112–239, §1031(a)(2)(E), designated existing provisions as subsec. (a) and inserted heading.

Subsec. (b). Pub. L. 112–239, §1031(a)(2)(F), added subsec. (b).

Subsec. (c). Pub. L. 113–66, §1052(b), redesignated subsec. (d) as (c) and struck out former subsec. (c). Prior to amendment, text of subsec. (c) read as follows:

“(1) The Secretary of Defense shall submit to the congressional defense committees written notification of