

Subsec. (d)(1)(B). Pub. L. 113-66, §331(a)(2)(A)(ii), inserted “unit” before “personnel strength”.

Subsec. (d)(2). Pub. L. 113-66, §331(a)(2)(B), amended par. (2) generally. Prior to amendment, text read as follows:

- “(A) Recruit quality.
- “(B) Borrowed manpower.
- “(C) Personnel stability.”

Subsec. (d)(3), (4). Pub. L. 113-66, §331(a)(2)(C), (D), redesignated par. (4) as (3), substituted “Mission rehearsals” for “Training commitments” in subpar. (D), and struck out former par. (3). Prior to amendment, text of par. (3) read as follows:

- “(A) Personnel morale.
- “(B) Recruiting status.”

Subsec. (d)(5) to (7). Pub. L. 113-66, §331(a)(5)(A), redesignated pars. (5) to (7) of subsec. (d) as pars. (1) to (3), respectively, of subsec. (e).

Subsec. (e). Pub. L. 113-66, §331(a)(4), added subsec. (e). Former subsec. (e) redesignated (f).

Subsec. (e)(1). Pub. L. 113-66, §331(a)(5)(A), redesignated par. (5) of subsec. (d) as par. (1) of subsec. (e).

Subsec. (e)(1)(E). Pub. L. 113-66, §331(a)(5)(B), struck out subpar. (E) which read as follows: “Condition of nonpacing items.”

Subsec. (e)(2). Pub. L. 113-66, §331(a)(5)(A), redesignated par. (6) of subsec. (d) as par. (2) of subsec. (e).

Subsec. (e)(2)(A). Pub. L. 113-66, §331(a)(5)(C)(i), substituted “Depot maintenance” for “Maintenance”.

Subsec. (e)(2)(B). Pub. L. 113-66, §331(a)(5)(C)(ii), added subpar. (B).

Subsec. (e)(3). Pub. L. 113-66, §331(a)(5)(A), redesignated par. (7) of subsec. (d) as par. (3) of subsec. (e).

Subsecs. (f), (g). Pub. L. 113-66, §331(a)(3), redesignated subsecs. (e) and (f) as (f) and (g), respectively. Former subsec. (g) redesignated (l).

Subsecs. (h) to (k). Pub. L. 113-66, §331(a)(6), added subsecs. (h) to (k).

Subsec. (l). Pub. L. 113-66, §331(a)(3), redesignated subsec. (g) as (l).

2008—Subsec. (a). Pub. L. 110-181, §351(b)(1), substituted “(e), and (f)” for “and (e)”.

Subsecs. (f), (g). Pub. L. 110-181, §351(b)(2), (3), added subsec. (f) and redesignated former subsec. (f) as (g).

1999—Pub. L. 106-65, §361(d)(3), repealed Pub. L. 105-261, §373(d)(2). See 1998 Amendment note below.

Subsec. (a). Pub. L. 106-65, §361(e), substituted “45 days” for “30 days”.

1998—Pub. L. 105-261, §373(d)(2), which directed the repeal of this section effective June 1, 2001, was repealed by Pub. L. 106-65, §361(d)(3).

1997—Pub. L. 105-85 substituted “Quarterly reports: personnel and unit readiness” for “Quarterly readiness reports” in section catchline and amended text generally. Prior to amendment, text consisted of subsecs. (a) to (c) relating to requirement for submission of quarterly readiness reports, matters to be included in reports, and form of reports.

1996—Pub. L. 104-201 renumbered section 452 of this title as this section.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF PUB. L. 105-261

Pub. L. 105-261, div. A, title III, §373(d)(2), Oct. 17, 1998, 112 Stat. 1992, which provided that the repeal of this section was to be effective June 1, 2001, was repealed by Pub. L. 106-65, div. A, title III, §361(d)(3), Oct. 5, 1999, 113 Stat. 575.

EFFECTIVE DATE

Pub. L. 104-106, div. A, title III, §361(b), Feb. 10, 1996, 110 Stat. 273, provided that: “Section 452 [now 482] of title 10, United States Code, as added by subsection (a), shall take effect with the calendar-year quarter during which this Act is enacted [enacted Feb. 10, 1996].”

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective Dec. 31, 2021, of provisions in subsec. (a) of this section requiring submittal of

quarterly reports to Congress, see section 1061 of Pub. L. 114-328, set out as a note under section 111 of this title.

PROHIBITION ON SUBJECTIVE UPGRADES BY COMMANDERS OF UNIT RATINGS IN MONTHLY READINESS REPORTING ON MILITARY UNITS

Pub. L. 116-92, div. A, title III, §365, Dec. 20, 2019, 133 Stat. 1328, provided that:

“(a) IN GENERAL.—The Chairman of the Joint Chiefs of Staff shall modify Chairman of the Joint Chiefs of Staff Instruction (CJCSI) 3401.02B, on Force Readiness Reporting, to prohibit the commander of a military unit who is responsible for monthly reporting of the readiness of the unit under the instruction from making any upgrade of the overall rating of the unit (commonly referred to as the ‘C-rating’) for such reporting purposes based in whole or in part on subjective factors.

“(b) WAIVER.—

“(1) IN GENERAL.—The modification required by subsection (a) shall authorize an officer in a general or flag officer grade in the chain of command of a commander described in that subsection to waive the prohibition described in that subsection in connection with readiness reporting on the unit concerned if the officer considers the waiver appropriate in the circumstances.

“(2) REPORTING ON WAIVERS.—Each report on personnel and unit readiness submitted to Congress for a calendar year quarter pursuant to section 482 of title 10, United States Code, shall include information on each waiver, if any, issued pursuant to paragraph (1) during such calendar year quarter.”

QUARTERLY REPORTS ON PERSONNEL AND UNIT READINESS

Pub. L. 110-181, div. A, title III, §351(c)(2), Jan. 28, 2008, 122 Stat. 71, provided that: “The amendment made by subsection (b) [amending this section] shall apply with respect to the quarterly report required under section 482 of title 10, United States Code, for the second quarter of fiscal year 2009 and each subsequent report required under that section.”

QUARTERLY READINESS REPORT REQUIREMENT

Pub. L. 105-261, div. A, title III, §373(d)(1), Oct. 17, 1998, 112 Stat. 1992, which provided that effective Jan. 15, 2000, or the date on which the first report of the Secretary of Defense is submitted under section 117(e) of this title, whichever is later, the Secretary of Defense was to cease to submit reports under this section, was repealed by Pub. L. 106-65, div. A, title III, §361(d)(3), Oct. 5, 1999, 113 Stat. 575.

IMPLEMENTATION PLAN TO EXAMINE READINESS INDICATORS

Pub. L. 105-85, div. A, title III, §322(b), Nov. 18, 1997, 111 Stat. 1675, directed the Secretary of Defense, not later than Jan. 15, 1998, to submit to the congressional defense committees a plan specifying the manner in which the additional reporting requirement of subsec. (d) of this section would be implemented and the criteria proposed to be used to evaluate the readiness indicators identified in subsec. (d).

TRANSITION TO COMPLETE REPORT

Pub. L. 105-85, div. A, title III, §322(d), Nov. 18, 1997, 111 Stat. 1675, provided that until the report under this section for the third quarter of 1998 was submitted, the Secretary of Defense was authorized to omit the information required by subsec. (d) of this section if the Secretary determined that it was impracticable to comply.

§ 483. Notifications related to basing decision-making process

(a) NOTIFICATION REQUIRED.—At each point in the decision-making process specified in sub-

section (b), the Secretary concerned shall notify the congressional defense committees of the decision-making process to be used or the decision-making process used, whichever applies—

(1) to select a military installation to serve as the first permanent location for a new major headquarters, covered military unit, or major weapon system; or

(2) to make a permanent change in the basing of a major headquarters, covered military unit, or major weapon system by relocating the major headquarters, covered military unit, or major weapon system from its current military installation to a different military installation.

(b) DEADLINES FOR SUBMISSION OF NOTICE.—The Secretary concerned shall provide the notice required by subsection (a) within seven days after each of the following decision points during the decision-making process:

(1) When the Secretary concerned issues any formal internal guidance to begin the decision-making process regarding the location or relocation of a major headquarters, covered military unit, or major weapon system.

(2) When the Secretary concerned selects between two and five military installations as the most likely candidate locations for a major headquarters, covered military unit, or major weapon system in order to subject those installations to additional analysis.

(3) When the Secretary concerned selects a specific military installation as the preferred location for the major headquarters, covered military unit, or major weapon system.

(c) REQUIRED ELEMENTS OF NOTIFICATION.—In a notice required by subsection (a), the Secretary concerned shall include at a minimum the following:

(1) A description of the manner in which the joint and all-domain training capabilities at each candidate location, if applicable to the type of basing decision-making process at issue, will be or was, whichever applies, comparatively analyzed among candidate military installations, separate from and in addition to the mission criteria to be used or that was used to make the basing decision.

(2) A description of the manner in which the airspace and training areas available at each candidate location, if applicable to the type of basing decision-making process at issue, will be or was, whichever applies, comparatively analyzed among candidate military installations, separate from and in addition to the mission criteria to be used or that was used to make the basing decision.

(3) A description of the manner in which community support for the basing decision-making process described in subsection (a) will be or was, whichever applies, comparatively analyzed among candidate military installations, including consultation with appropriate State officials and officials of units of local government in which each installation is located regarding matters affecting the local community, such as transportation, utility infrastructure, housing, education, and family support activities. In any case in which the Secretary concerned selects as the preferred

location a military installation with less community support compared to other locations, as indicated by such a comparative analysis, an explanation of the operational considerations that formed the basis for such selection.

(4) An explanation of how each candidate location will be or was, whichever applies, scored against the factors referred to in the preceding paragraphs, including the weight assigned to each factor.

(5) A summary of any internal score cards that will be or were, whichever applies, used to make the basing decision.

(d) NOTICE AND WAIT REQUIREMENTS.—No irrevocable action may be taken to effect or implement a basing decision reached through the decision-making process described in subsection (a) until the end of the 14-day period beginning on the date on which the Secretary concerned submits, in an electronic medium pursuant to section 480 of this title, the notice referred to in subsection (b)(3) regarding a preferred location for the major headquarters, covered military unit, or major weapon system.

(e) ANNUAL REPORTING REQUIREMENT.—

(1) REPORT REQUIRED.—Not later than 10 days after the date on which the budget request for a fiscal year is submitted to Congress under section 1105 of title 31, the Secretary concerned shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report providing the following:

(A) An update on the status and anticipated completion date of each decision-making process that was commenced or was underway during the previous two fiscal years regarding the location or relocation of a major headquarters, covered military unit, or major weapon system.

(B) A list and description of anticipated basing decisions to be made regarding the location or relocation of a major headquarters, covered military unit, or major weapon system over the period covered by the future-years defense plan.

(C) A timeline for a congressional engagement plan to brief the Committees on Armed Services of the House of Representatives and the Senate during the decision-making process and when decision notifications would be provided to interested Members of Congress.

(2) ELEMENTS OF REPORT.—To satisfy the requirements of paragraph (1)(B), a report under this subsection shall include at a minimum the following:

(A) An estimate of the number of members of the armed forces and civilian personnel potentially impacted by the basing decision.

(B) The locations to be considered, if already known.

(C) The expected timeline for beginning the decision-making process and reaching a final determination.

(f) DEFINITIONS.—In this section:

(1) The term “covered military unit” means a unit of the armed forces whose initial assignment to a military installation or relocation from a military installation to a different

military installation requires the preparation of an environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) The term “major headquarters” means the headquarters of a military unit or command that is the appropriate command of a general officer or flag officer.

(3) The term “major weapon system” means a weapon system that is treatable as a major system under section 3041(a) and (b) of this title.

(4) The term “military installation” means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, or Guam. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

(5) The term “Secretary concerned” means—

(A) the Secretary of the military department concerned; and

(B) the Secretary of Defense with respect to matters concerning the Defense Agencies and the Joint Staff.

(Added and amended Pub. L. 116-283, div. A, title XVIII, §1883(b)(2), div. B, title XXVIII, §2871(b), Jan. 1, 2021, 134 Stat. 4294, 4363; Pub. L. 117-81, div. A, title X, §1081(a)(10), Dec. 27, 2021, 135 Stat. 1920.)

Editorial Notes

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (f)(1), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

PRIOR PROVISIONS

A prior section 483, added Pub. L. 105-85, div. A, title III, §323(a), Nov. 18, 1997, 111 Stat. 1675; amended Pub. L. 106-65, div. A, title X, §1067(1), Oct. 5, 1999, 113 Stat. 774; Pub. L. 106-398, §1 [[div. A], title III, §372], Oct. 30, 2000, 114 Stat. 1654, 1654A-80, related to reports on transfers from high-priority readiness appropriations, prior to repeal by Pub. L. 113-66, div. A, title X, §1084(a)(1)(A), Dec. 26, 2013, 127 Stat. 871.

AMENDMENTS

2021—Subsec. (f)(3). Pub. L. 117-81 inserted “this” before “title”.

Pub. L. 116-283, §1883(b)(2), which directed that each reference in the text of title 10 to a section that was redesignated by title XVIII of Pub. L. 116-283, as such section was in effect before the redesignation, be amended by striking such reference and inserting a reference to the appropriate redesignated section, was executed by substituting “section 3041(a) and (b) of this title” for “section 2302(5) of title”. Section 1806(c)(2) of Pub. L. 116-283 first redesignated section 2302(5) of this title as section 3041(a) and subsequently designated the third sentence thereof as subsec. (b).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by section 1883(b)(2) of Pub. L. 116-283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116-283, set out as a note preceding section 3001 of this title.

§ 484. Quarterly cyber operations briefings

(a) BRIEFINGS REQUIRED.—The Under Secretary of Defense for Policy, the Commander of United States Cyber Command, and the Chairman of the Joint Chiefs of Staff, or designees from each of their offices, shall provide to the congressional defense committees quarterly briefings on all offensive and significant defensive military operations in cyberspace, including clandestine cyber activities, carried out by the Department of Defense during the immediately preceding quarter.

(b) ELEMENTS.—Each briefing under subsection (a) shall include, with respect to the military operations in cyberspace described in such subsection, the following:

(1) An update, set forth separately for each applicable geographic and functional command, that describes the operations carried out in the area of operations of that command or by that command.

(2) An update, set forth for each applicable geographic and functional command, that describes defensive cyber operations executed to protect or defend forces, networks, and equipment in the area of operations of that command.

(3) An update on relevant authorities and legal issues applicable to operations, including any presidential directives and delegations of authority received since the last quarterly update.

(4) An overview of critical operational challenges posed by major adversaries or encountered in operational activities conducted since the last quarterly update.

(5) An overview of the readiness of the Cyber Mission Forces to perform assigned missions that—

(A) addresses all of the abilities of such Forces to conduct cyberspace operations based on capability and capacity of personnel, equipment, training, and equipment condition—

(i) using both quantitative and qualitative metrics; and

(ii) in a way that is common to all military departments; and

(B) is consistent with readiness reporting pursuant to section 482 of this title.

(6) Any other matters that the briefers determine to be appropriate.

(c) DOCUMENTS.—Each briefing under subsection (a) shall include a classified placemat, summarizing the elements specified in paragraphs (1), (2), (3), and (5) of subsection (b), and an unclassified memorandum, summarizing the briefing’s contents.

(Added Pub. L. 112-239, div. A, title IX, §939(a), Jan. 2, 2013, 126 Stat. 1888; amended Pub. L. 115-91, div. A, title XVI, §1632(a), Dec. 12, 2017,