

131 Stat. 1738; Pub. L. 116–92, div. A, title XVI, § 1634(a), Dec. 20, 2019, 133 Stat. 1747; Pub. L. 116–283, div. A, title XVII, § 1703, Jan. 1, 2021, 134 Stat. 4081.)

Editorial Notes

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 A, title III, § 324(a)(1), Nov. 18, 1997, 111 Stat. 1677, which related to annual report on aircraft inventory, was repealed by Pub.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.

AMENDMENTS

2021—Subsecs. (a) to (c). Pub. L. 116–283 added subsecs. (a) to (c) and struck out former subsecs. (a) and (b) which related to required quarterly cyber operations briefings and their elements.

2019—Subsec. (b)(4), (5). Pub. L. 116–92 added par. (4) and redesignated former par. (4) as (5).

2017—Pub. L. 115–91 designated existing provisions as subsec. (a), inserted heading, substituted “congressional defense committees” for “Committees on Armed Services of the House of Representatives and the Senate”, and added subsec. (b).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2019 AMENDMENT

Pub. L. 116–92, div. A, title XVI, § 1634(d), Dec. 20, 2019, 133 Stat. 1748, provided that: “The amendments made by subsection (a) [amending this section] shall take effect on the date that is 180 days after the date of the enactment of this Act [Dec. 20, 2019].”

EFFECTIVE DATE OF 2017 AMENDMENT

Pub. L. 115–91, div. A, title XVI, § 1632(b), Dec. 12, 2017, 131 Stat. 1738, provided that: “The amendments made by subsection (a) [amending this section] shall take effect on the date of the enactment of this Act [Dec. 12, 2017], and shall apply with respect to briefings required [to] be provided under section 484 of title 10, United States Code, on or after that date.”

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. Monthly counterterrorism operations briefings

(a) **BRIEFINGS REQUIRED.**—The Secretary of Defense shall provide to the congressional defense committees monthly briefings outlining Department of Defense counterterrorism operations and related activities, including the use of military force under the notion of collective self-defense of foreign partners.

(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; amended Pub. L.

114–328, div. A, title X, § 1031(a), (b), Dec. 23, 2016, 130 Stat. 2389; Pub. L. 117–81, div. A, title X, § 1031, Dec. 27, 2021, 135 Stat. 1900.)

Editorial Notes

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.

AMENDMENTS

2021—Subsec. (a). Pub. L. 117–81 inserted “, including the use of military force under the notion of collective self-defense of foreign partners” after “activities”.

2016—Pub. L. 114–328, § 1031(b), substituted “Monthly” for “Quarterly” in section catchline.

Subsec. (a). Pub. L. 114–328, § 1031(a), substituted “monthly” for “quarterly”.

§ 486. Annual reports on racial and ethnic demographics in the military justice system

(a) **IN GENERAL.**—Not later than March 1 of each year, the Secretary of each military department shall submit to the Secretary of Defense a report on racial, ethnic, and sex demographics in the military justice system during the preceding year. In the case of the Secretary of the Navy, separate reports shall be prepared for the Navy and for the Marine Corps. In the case of the Secretary of the Air Force, separate reports shall be prepared for the Air Force and for the Space Force.

(b) **CONTENTS.**—The report of a Secretary of a military department for an armed force under subsection (a) shall contain, to the extent possible, statistics on offenses under chapter 47 of this title (the Uniform Code of Military Justice), during the year covered by the report, including—

(1) the number of offenses in the armed force that were reported to military officials, disaggregated by—

(A) statistical category as related to the victim; and

(B) statistical category as related to the principal;

(2) the number of offenses in the armed forces that were investigated, disaggregated by statistical category as related to the principal;

(3) the number of offenses in which administrative action was imposed, disaggregated by statistical category as related to the principal and each type of administrative action imposed;

(4) the number of offenses in which non judicial punishment was imposed under section 815 of this title (article 15 of the Uniform Code of Military Justice), disaggregated by statistical category as related to the principal;

(5) the number of offenses in which charges were preferred, disaggregated by statistical category as related to the principal;

(6) the number of offenses in which charges were referred to court-martial, disaggregated

by statistical category as related to the principal and type of court-martial;

(7) the number of offenses which resulted in conviction at court-martial, disaggregated by statistical category as related to the principal and type of court-martial; and

(8) the number of offenses which resulted in acquittal at court-martial, disaggregated by statistical category as related to the principal and type of court-martial.

(c) SUBMISSION TO CONGRESS.—Not later than April 30 of each year in which the Secretary of Defense receives reports under subsection (a), the Secretary of Defense shall forward the reports to the Committees on Armed Services of the Senate and the House of Representatives.

(e)¹ DEFINITIONS.—In this section:

(1) The term “statistical category” means each of the following categories:

(A) race;

(B) sex;

(C) ethnicity;

(D) rank; and

(E) offense enumerated under chapter 47 of this title (the Uniform Code of Military Justice).

(2) The term “principal” has the meaning given that term in section 877 of this title (article 77 of the Uniform Code of Military Justice).

(Added Pub. L. 117–81, div. A, title V, § 549G(a)(1), Dec. 27, 2021, 135 Stat. 1727.)

Editorial Notes

PRIOR PROVISIONS

A prior section 486, 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, prior to repeal by Pub. L. 112–81, div. A, title X, § 1061(8)(A), Dec. 31, 2011, 125 Stat. 1583.

[§ 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 and review of electromagnetic spectrum

(a) ORGANIZATION.—The Secretary of Defense shall—

(1) ensure the effective organization and management of the electromagnetic spectrum used by the Department of Defense; and

(2) establish an enduring review and evaluation process that—

(A) considers all requirements relating to such spectrum; and

(B) ensures that all users of such spectrum, regardless of the classification of such uses, are involved in the decision-making process of the Department concerning the potential sharing, reassigning, or reallocating of such spectrum, or the relocation of

the uses by the Department of such spectrum.

(b) REPORTS.—(1) From time to time as the Secretary and the Chairman of the Joint Chiefs of Staff determine useful for the effective oversight of the access by the Department to electromagnetic spectrum, but not less frequently than every two years, the Secretary and the Chairman shall jointly submit to the congressional defense committees a report on national policy plans regarding implications for such access in bands identified for study for potential reallocation, or under consideration for potential reallocation, by the Policy and Plans Steering Group established by the National Telecommunications and Information Administration.

(2) Each report under paragraph (1) shall address, with respect to the electromagnetic spectrum used by the Department that is covered by the report, the implications to the missions of the Department resulting from sharing, reassigning, or reallocating the spectrum, or relocating the uses by the Department of such spectrum, if the Secretary and the Chairman jointly determine that such sharing, reassigning, reallocating, or relocation—

(A) would potentially create a loss of essential military capability to the missions of the Department, as determined under feasibility assessments to ensure comparable capability; or

(B) would not likely be possible within the 10-year period beginning on the date of the report.

(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; Pub. L. 114–328, div. A, title X, § 1065(a)(1), Dec. 23, 2016, 130 Stat. 2409.)

Editorial Notes

AMENDMENTS

2016—Pub. L. 114–328 amended section generally. Prior to amendment, section required Secretary of Defense, in consultation with Director of National Intelligence and Secretary of Commerce, to prepare strategic plan for the management of the electromagnetic spectrum.

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).

¹ So in original. There is no subsec. (d).