

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 Repealed.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).

Statutory Notes and Related Subsidiaries

ISSUANCE OF INSTRUCTION OR DIRECTIVE

Pub. L. 114–328, div. A, title X, §1065(b), Dec. 23, 2016, 130 Stat. 2410, provided that: “The Secretary of Defense shall—

“(1) not later than 180 days after the date of the enactment of this Act [Dec. 23, 2016], issue a Department of Defense Instruction or a Department of Defense Directive to carry out section 488(a) of title 10, United States Code, as amended by subsection (a); and

“(2) upon the date of the issuance of the instruction or directive issued under paragraph (1), submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] such instruction or directive.”

[§ 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.
- 492a. Annual report on the plan for the nuclear weapons stockpile, nuclear weapons complex, nuclear weapons delivery systems, and nuclear weapons 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.
499. Annual assessment of cyber resiliency of nuclear command and control system.
- 499a. Collection, storage, and sharing of data relating to nuclear security enterprise and nuclear forces.
- 499b. Participation in United States Strategic Command strategic deterrence exercises.

Editorial Notes

AMENDMENTS

2021—Pub. L. 117–81, div. A, title XVI, §1631, Dec. 27, 2021, 135 Stat. 2089, added item 499b.

2019—Pub. L. 116–92, div. A, title XVI, §1665(c)(2), Dec. 20, 2019, 133 Stat. 1774, added item 492a.

2017—Pub. L. 115–91, div. A, title XVI, §§1651(b), 1652(b), Dec. 12, 2017, 131 Stat. 1757, 1758, added items 499 and 499a.

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 stra-