

#### § 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).

#### 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.
492b.	Biannual briefing on nuclear weapons and related activities.
493.	Reports to Congress on the modification of the force structure for the strategic nuclear weapons delivery systems of the United States.
493a.	Industrial base monitoring for B-21 and Sentinel programs.
494.	Nuclear force reductions.
495.	Strategic delivery systems.