

U.S.C. Title 10, Title 22, and Title 50

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August 2012

Title 10, Title 22, and Title 50 of the United States Code (U.S.C.) comprise the legislative foundation of US National Security and its related agents.

These pieces of legislation describe, structure, and constrain the operation of the country's national security agencies. They are also complex legislative structures.

To this end, the American Security Project is providing an in-brief examination of these three titles' major points.

U.S.C. Title 10, titled "Armed Forces," governs the form, function, duties, and responsibilities of all US Armed Forces: Army, Navy, Air Force, Marine Corps, and Coast Guard, as well as the Reserves.¹ Title 10 is organized into five subtitles and 1,805 chapters. Each subtitle includes provisions on force structure, personnel, training and education, and service, supply, and procurement.

- **Subtitle A - General Military Law** governs the form, function, duties, and responsibilities of all US Armed Forces. Relevant chapters are:
 - **Chapter 3 – General Powers and Functions** details and regulates the management of US Armed Forces.²
 - **Chapter 20 – Humanitarian and Other Assistance** authorizes US Armed Forces to provide humanitarian and other assistance alongside authorized military operations under the proscription of the Secretary of Defense.³
- **Subtitle B – Army** defines the force composition, organization, and function of the Army.⁴
- **Subtitle C - Navy and Marine Corps** defines the force composition, organization, and function of the Navy and Marine Corps. It also establishes the Naval Academy,⁵ the Naval Postgraduate School,⁶ and the degree-granting authority of Professional Military Education Schools.⁷
- **Subtitle D - Air Force** defines the force composition, organization, and function of the Air Force. This subtitle also established the US Air Force Academy.⁸

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- **Subtitle E - Reserve Components** defines the force composition, organization, and function of the several reserve components of the US Armed Forces.⁹ It also establishes the National Guard Bureau.¹⁰

U.S.C. Title 22, titled “Foreign Relations and Intercourse,” governs how the US conducts its foreign diplomatic relations and includes provisions on the Department of State, foreign assistance, and public diplomacy efforts.¹¹ Key chapters and sections under this title include:

- **Chapter 18 – United State Information and Education Exchange Programs** is enacted with the intent of enabling the US Government to “promote a better understanding of the united State in other countries, and to increase mutual understanding between the people of the United State and the people of other countries.” This chapter establishes an information service to disseminate information about the US and policies affecting foreign relations to foreign audiences.¹²
- **Chapter 32, Subchapter 1 – International Development** establishes the international development assistance policy of the US and details the methods of providing such assistance. The policy also outlines distinctions between concessional and conditional aid, bilateral and multilateral administration of assistance, as well as the stated goal of creating “a worldwide cooperative effort to overcome the worst aspects of absolute poverty by the year 2000.”¹³
- **Chapter 38 – Department of State** establishes the form and function of the State Department and governs its myriad activities in engaging other nations.¹⁴
 - **Section 2732 – Public Diplomacy Responsibilities of the Department of State** charges the Department with working alongside the Broadcasting Board of Governors (BBG) to “develop a comprehensive and coherent strategy” for public diplomacy efforts and resources, as well as coordinate the public diplomacy activities of Federal agencies.¹⁵
- **Chapter 71 – United States International Broadcasting** establishes as a US policy the promotion of the right to freedom of opinion and expression and “open communication of information and ideas among the peoples of the world,” and finds that it is in the interest of the US to support broadcasting to international audiences.¹⁶
 - **Section 6203 – Establishment of Broadcasting Board of Governors** establishes the BBG under the auspices of Section 104, Title 5, “Independent Establishment,” and governs its composition and obligation to “respect the journalistic integrity” of any broadcaster encompassed within Chapter 71.¹⁷
 - **Section 6204 – Authorities of the Board** details the function and duties of the BBG, charging it with supervising “all broadcasting activities conducted pursuant to [Chapter 71].”¹⁸

U.S.C. Title 50, titled “War and National Defense,” governs how the US declares and conducts its wars, and how it ensures national security. Composed of 43 chapters, the title touches on intelligence operations, espionage, military equipment and assets, emergency powers, and nuclear security, among other issues. Several chapters within this title are of particular interest:

- **Chapter 1 – Council of National Defense** establishes the Council, comprised of the Secretaries of the Army, Navy, Interior, Agriculture, Commerce, and Labor, for the purpose of coordinating industry and resources for “national security and welfare.”¹⁹

- **Chapter 15 – National Security** is enacted with the intent of providing “a comprehensive program for the future security of the United States” via several distinct mechanisms:
 - “[I]ntegrated policies and procedures for the departments, agencies, and functions of the Government relating to the national security”;
 - The provision of a Department of Defense that includes the Departments of the Army, Navy, and Air Force;
 - The unified civilian control over the military under the direction of the Secretary of Defense;
 - The establishment of specified combatant commands with clear chains of authority;
 - The elimination of duplication in the Department of Defense; and
 - The provision for the “unified strategic direction of the combatant forces, for their operation under unified commands, and for their integration into an efficient team of land, naval, and air forces.”²⁰
- **Chapter 29 – National Defense Contracts** permits the President to authorize any department or agency of the US Government to enter into contracts as related to national security. Contracts in excess of \$50,000 may not be entered into without the approval of an Assistant Secretary or higher in rank; contracts in excess of \$25 million may not be entered into without notification to the Committees on Armed Services.²¹
- **Chapter 33 – War Powers Resolution** states that “the collective judgment of both the Congress and the President will apply” where US Armed Forces must be introduced into hostilities. The primary lawmaking power in such situations rests with the Congress; the Constitutional powers of the President as Commander-in-Chief only apply upon declaration of war, as necessitated by statutory authorization, or in instances of national emergencies predicated on an “attack upon the United States, its territories or possessions, or its armed forces.”²²
- **Chapter 34 – National Emergencies** authorizes the President alone to declare a national emergency by Executive Order.²³
- **Chapter 35 – International Emergency Economic Powers** provides the President with specific economic powers in regards to trade, foreign currencies transactions, and property seizure under specific constraints during national emergencies declared in response to “any unusual and extraordinary threat, which has its source in whole or substantial part outside the United States.”²⁴
- **Chapter 36 – Foreign Intelligence Surveillance** governs how the US Government conducts surveillance on foreign powers within the US.²⁵

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Endnotes

- 1 U.S. House of Representatives. “Downloadable U.S. Code,” U.S. House of Representatives. July 2012, http://uscode.house.gov/download/title_10.shtml.
- 2 U.S. House of Representatives. “10 USC Chapter 3 – General Powers and Functions,” U.S. House of Representatives Downloadable U.S. Code. July 2012, <http://uscode.house.gov/download/pls/10C3.txt>.
- 3 U.S. House of Representatives. “10 USC Chapter 20 – Humanitarian and Other Assistance,” U.S. House of Representatives Downloadable U.S. Code. July 2012, <http://uscode.house.gov/download/pls/10C20.txt>.
- 4 U.S. House of Representatives. “10 USC Chapter 301 - Definitions,” U.S. House of Representatives Downloadable U.S. Code. July 2012, <http://uscode.house.gov/download/pls/10C301.txt>.
- 5 U.S. House of Representatives. “10 USC Chapter 603 – United States Naval Academy,” U.S. House of Representatives Downloadable U.S. Code. July 2012, <http://uscode.house.gov/download/pls/10C603.txt>.
- 6 U.S. House of Representatives. “10 USC Chapter 605 – United States Naval Postgraduate School,” U.S. House of Representatives Downloadable U.S. Code. July 2012, <http://uscode.house.gov/download/pls/10C605.txt>.
- 7 U.S. House of Representatives. “10 USC Chapter 609 – Professional Military Education Schools,” U.S. House of Representatives Downloadable U.S. Code. July 2012, <http://uscode.house.gov/download/pls/10C609.txt>.
- 8 U.S. House of Representatives. “10 USC Chapter 903 – United States Air Force Academy,” U.S. House of Representatives Downloadable U.S. Code. July 2012, <http://uscode.house.gov/download/pls/10C903.txt>.
- 9 U.S. House of Representatives. “10 USC Chapter 1001 - Definitions,” U.S. House of Representatives Downloadable U.S. Code. July 2012, <http://uscode.house.gov/download/pls/10C1001.txt>.
- 10 U.S. House of Representatives. “10 USC Chapter 1011 – National Guard Bureau,” U.S. House of Representatives Downloadable U.S. Code. July 2012, <http://uscode.house.gov/download/pls/10C1011.txt>.
- 11 U.S. House of Representatives. “Title 22 – Foreign Relations and Intercourse,” U.S. House of Representatives Downloadable U.S. Code. August 2012, <http://uscode.house.gov/download/pls/22T.txt>.
- 12 U.S. House of Representatives. “22 USC Chapter 18 – United States Information and Education Exchange Programs,” U.S. House of Representatives Downloadable U.S. Code. August 2012, <http://uscode.house.gov/download/pls/22C18.txt>.
- 13 U.S. House of Representatives. “22 USC Chapter 32 – Foreign Assistance,” U.S. House of Representatives Downloadable U.S. Code. August 2012, <http://uscode.house.gov/download/pls/22C32.txt>.
- 14 U.S. House of Representatives. “22 USC Chapter 38 – Department of State,” U.S. House of Representatives Downloadable U.S. Code. August 2012, <http://uscode.house.gov/download/pls/22C38.txt>.
- 15 Ibid.
- 16 U.S. House of Representatives. “22 USC Chapter 71, Section 6201 – Congressional Findings and Declaration of Purpose,” U.S. House of Representatives Downloadable U.S. Code. August 2012, <http://uscode.house.gov/download/pls/22C71.txt>.
- 17 Ibid.
- 18 Ibid.
- 19 U.S. House of Representatives. “50 USC Chapter 1 – Council of National Defense,” U.S. House of Representatives Downloadable U.S. Code. July 2012, <http://uscode.house.gov/download/pls/50C1.txt>.
- 20 U.S. House of Representatives. “50 USC Chapter 15 – National Security,” U.S. House of Representatives Downloadable U.S. Code. July 2012, <http://uscode.house.gov/download/pls/50C29.txt>.

- 21 U.S. House of Representatives. “50 USC Chapter 29 – National Defense Contracts,” U.S. House of Representatives Downloadable U.S. Code. July 2012, <http://uscode.house.gov/download/pls/50C15.txt>.
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- 25 U.S. House of Representatives. “50 USC Chapter 36 – Foreign Intelligence Surveillance,” U.S. House of Representatives Downloadable U.S. Code. July 2012, <http://uscode.house.gov/download/pls/50C36.txt>.

Building a New American Arsenal

The American Security Project (ASP) is a non-partisan initiative to educate the American public about the changing nature of national security in the 21st century.

Gone are the days when a nation's strength could be measured by bombers and battleships. Security in this new era requires a New American Arsenal harnessing all of America's strengths: the force of our diplomacy; the might of our military; the vigor of our economy; and the power of our ideals.

We believe that America must lead other nations in the pursuit of our common goals and shared security. We must confront international challenges with all the tools at our disposal. We must address emerging problems before they become security crises. And to do this, we must forge a new bipartisan consensus at home.

ASP brings together prominent American leaders, current and former members of Congress, retired military officers, and former government officials. Staff direct research on a broad range of issues and engages and empowers the American public by taking its findings directly to them.

We live in a time when the threats to our security are as complex and diverse as terrorism, the spread of weapons of mass destruction, climate change, failed and failing states, disease, and pandemics. The same-old solutions and partisan bickering won't do. America needs an honest dialogue about security that is as robust as it is realistic.

ASP exists to promote that dialogue, to forge consensus, and to spur constructive action so that America meets the challenges to its security while seizing the opportunities the new century offers.



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