

Pub. L. 98-94, title IV, § 401, Sept. 24, 1983, 97 Stat. 629.
 Pub. L. 97-252, title IV, § 401, Sept. 8, 1982, 96 Stat. 725.
 Pub. L. 97-86, title IV, § 401, Dec. 1, 1981, 95 Stat. 1104, as amended by Pub. L. 97-252, title IX, § 903, Sept. 8, 1982, 96 Stat. 729.
 Pub. L. 96-342, title III, § 301, Sept. 8, 1980, 94 Stat. 1082, as amended by Pub. L. 97-39, title III, § 301, Aug. 14, 1981, 95 Stat. 940.
 Pub. L. 96-107, title III, § 301, Nov. 9, 1979, 93 Stat. 806.
 Pub. L. 95-485, title III, § 301, Oct. 20, 1978, 92 Stat. 1613.
 Pub. L. 95-79, title III, § 301, July 30, 1977, 91 Stat. 326.
 Pub. L. 94-361, title III, § 301, July 14, 1976, 90 Stat. 924.
 Pub. L. 94-106, title III, § 301, Oct. 7, 1975, 89 Stat. 532.
 Pub. L. 93-365, title III, § 301, Aug. 5, 1974, 88 Stat. 401.
 Pub. L. 93-155, title III, § 301, Nov. 16, 1973, 87 Stat. 607.
 Pub. L. 92-436, title III, § 301, Sept. 26, 1972, 86 Stat. 735.

MINIMUM NUMBER OF NAVY HEALTH PROFESSIONS OFFICERS

Pub. L. 102-190, div. A, title VII, § 718(b), Dec. 5, 1991, 105 Stat. 1404, provided that, of the total number of officers authorized to be serving on active duty in Navy on last day of a fiscal year, 12,510 were to be available only for assignment to duties in health profession specialties, prior to repeal by Pub. L. 104-106, div. A, title V, § 564(d)(2), Feb. 10, 1996, 110 Stat. 327.

LIMITATIONS ON REDUCTIONS IN MEDICAL PERSONNEL

Pub. L. 101-510, div. A, title VII, § 711, Nov. 5, 1990, 104 Stat. 1582, as amended by Pub. L. 102-190, div. A, title VII, § 718(a), Dec. 5, 1991, 105 Stat. 1404, prohibited Secretary of Defense from reducing number of medical personnel of Department of Defense below baseline number unless Secretary certified to Congress that number of such personnel being reduced was excess to current and projected needs of military departments, and such reduction would not result in increase in cost of health care services provided under Civilian Health and Medical Program of the Uniformed Services, and, in case of military medical personnel, included in certification information on strength levels for individual category of medical personnel involved in reduction as of Sept. 30, 1989, projected requirements of Department over 5-fiscal year period following fiscal year in which certification was submitted for medical personnel in category of medical personnel involved, and strength level recommended for each component of Armed Forces for most recent fiscal year for which Secretary submitted recommendations pursuant to former section 115a(g)(1) of this title for personnel in category of medical personnel involved, prior to repeal by Pub. L. 104-106, div. A, title V, § 564(d)(1), Feb. 10, 1996, 110 Stat. 327. See section 129c of this title.

OPERATION DESERT SHIELD INCREASE IN END STRENGTHS OF ACTIVE DUTY PERSONNEL; AUTHORITY; CERTIFICATION

Pub. L. 101-510, div. A, title XI, § 1117, Nov. 5, 1990, 104 Stat. 1637, authorized Secretary of Defense, after determining that operational requirements of Operation Desert Shield so require, to increase the end strengths of active duty personnel for fiscal year 1991 by an amount not greater than 0.5 percent of the total end strengths authorized by section 401 of Pub. L. 101-510, set out above, and required certification by Secretary to Committees on Armed Services of Senate and House of Representatives of necessity of such increase, prior to repeal by Pub. L. 102-25, title II, § 204, Apr. 6, 1991, 105 Stat. 80.

§ 115a. Annual defense manpower profile report and related reports

(a) Not later than April 1 each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives, and furnish to any

Member of Congress upon request, a defense manpower profile report. The report shall contain the Secretary's recommendations for—

(1) the annual active-duty end-strength level for each component of the armed forces for the next fiscal year; and

(2) the annual civilian personnel requirements level for each component of the Department of Defense for the next fiscal year and the civilian end-strength level for the prior fiscal year.

(b)(1) The Secretary shall include in each report under subsection (a) justification for the strength levels recommended and an explanation of the relationship between the personnel strength levels recommended for that fiscal year and the national security policies of the United States in effect at the time.

(2) The justification and explanation required by paragraph (1) shall include the following:

(A) An explanation of how personnel end strength level requests address threats described in the national defense strategy under section 113(g) of this title.

(B) The rationale for recommended increases or decreases in active, reserve, and civilian personnel for each component of the Department of Defense.

(C) The actual end strength number for each armed force for the prior fiscal year, compared to authorized end strength levels.

(D) The shortfall in recruiting by each armed force as a percentage, as the Secretary determines appropriate.

(c) The Secretary shall include in each report under subsection (a) a detailed discussion of the manpower required for support and overhead functions within the armed forces and the Department of Defense.

(d) Not later than April 1 each year, the Secretary shall submit to Congress a report that sets forth, with respect to each armed force under the jurisdiction of the Secretary of a military department, the following:

(1) The number of positions that require warrant officers or commissioned officers serving on active duty in each of the officer grades during the current fiscal year and the estimated number of such positions for each of the next five fiscal years.

(2) The estimated number of officers that will be serving on active duty in each grade on the last day of the current fiscal year and the estimated numbers of officers that will be needed on active duty on the last day of each of the next five fiscal years.

(3) An estimate and analysis for the current fiscal year and for each of the next five fiscal years of gains to and losses from the number of members on active duty in each officer grade, including a tabulation of—

(A) retirements displayed by year of active commissioned service;

(B) discharges;

(C) other separations;

(D) deaths;

(E) promotions; and

(F) reserve and regular officers ordered to active duty or, in the case of the Space Force, officers ordered to active duty other than under section 20105(b) of this title.

(4) The opportunities for promotion of commissioned officers anticipated to be estimated pursuant to section 623(b)(4) of this title for the fiscal year in which such report is submitted for purposes of promotion selection boards convened pursuant to section 611 of this title during such fiscal year.

(e)(1) Not later than April 1 each year, the Secretary shall submit to Congress a report that sets forth recommendations for the end-strength levels for medical personnel for each component of the armed forces as of the end of the next fiscal year.

(2) For purposes of this subsection, the term “medical personnel” includes—

(A) in the case of the Army, members of the Medical Corps, Dental Corps, Nurse Corps, Medical Service Corps, Veterinary Corps, and Army Medical Specialist Corps;

(B) in the case of the Navy, members of the Medical Corps, Dental Corps, Nurse Corps, and Medical Service Corps;

(C) in the case of the Air Force, members designated as medical officers, dental officers, Air Force nurses, medical service officers, and biomedical science officers;

(D) enlisted members engaged in or supporting medically related activities; and

(E) such other personnel as the Secretary considers appropriate.

(f) Not later than June 1 each year, the Secretary shall submit to Congress a report that sets forth the following information with respect to personnel assigned to or supporting major Department of Defense headquarters activities:

(1) The military end strength and civilian full-time equivalents assigned to major Department of Defense headquarters activities for the preceding fiscal year.

(2) A summary of the replacement during the preceding fiscal year of contract workyears providing support to major Department of Defense headquarters activities with military end strength or civilian full-time equivalents, including an estimate of the number of contract workyears associated with the replacement of contracts performing inherently governmental or exempt functions.

(3) The plan for the continued review of contract personnel supporting major Department of Defense headquarters activities for possible conversion to military or civilian performance in accordance with section 2463 of this title.

(4) The amount of any adjustment in the limitation on personnel made by the Secretary of Defense or the Secretary of a military department, and, for each adjustment made pursuant to section 1111(b)(2) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. 143 note), the purpose of the adjustment.

(g) Not later than April 1 each year, the Secretary shall submit to Congress a report on the Army and Air Force military technician programs. The report shall include a presentation, shown by reserve component and shown both as of the end of the preceding fiscal year and for the next fiscal year, of the following (displayed in the aggregate and separately for military

technicians (dual status) and non-dual status military technicians):

(1) The number of military technicians required to be employed (as specified in accordance with Department of Defense procedures), the number authorized to be employed under Department of Defense personnel procedures, and the number actually employed.

(2) Within each of the numbers under paragraph (1)—

(A) the number applicable to a reserve component management headquarter organization; and

(B) the number applicable to high-priority units and organizations (as specified in section 10216(a) of this title).

(h) Not later than April 1 each year, the Secretary shall submit to Congress a report that sets forth the following with respect to personnel:

(1) The number of members of the Armed Forces who are not citizens of the United States during the year covered by such report.

(2) The immigration status of such members.

(3) The number of such members naturalized.

(Added Pub. L. 101-510, div. A, title XIV, §1483(a), Nov. 5, 1990, 104 Stat. 1711; amended Pub. L. 102-190, div. A, title X, §1061(a)(1), Dec. 5, 1991, 105 Stat. 1472; Pub. L. 104-106, div. A, title V, §513(e), title X, §1061(d), Feb. 10, 1996, 110 Stat. 307, 442; Pub. L. 105-85, div. A, title V, §522(i)(2), Nov. 18, 1997, 111 Stat. 1736; Pub. L. 105-261, div. A, title IV, §403, Oct. 17, 1998, 112 Stat. 1996; Pub. L. 111-84, div. A, title XI, §1109(b)(1)-(2)(B)(i), Oct. 28, 2009, 123 Stat. 2492, 2493; Pub. L. 112-81, div. A, title IX, §934, Dec. 31, 2011, 125 Stat. 1544; Pub. L. 112-239, div. A, title V, §519(b), Jan. 2, 2013, 126 Stat. 1721; Pub. L. 115-91, div. A, title X, §1051(a)(2), Dec. 12, 2017, 131 Stat. 1560; Pub. L. 115-232, div. A, title V, §591, Aug. 13, 2018, 132 Stat. 1788; Pub. L. 116-92, div. A, title XVII, §1701(a)-(c)(1), Dec. 20, 2019, 133 Stat. 1794, 1795; Pub. L. 116-283, div. A, title V, §551(a)(4), Jan. 1, 2021, 134 Stat. 3629; Pub. L. 117-263, div. A, title V, §591, Dec. 23, 2022, 136 Stat. 2611; Pub. L. 118-31, div. A, title XVII, §1722(a)(1), Dec. 22, 2023, 137 Stat. 667; Pub. L. 118-159, div. A, title IV, §431, Dec. 23, 2024, 138 Stat. 1865.)

Editorial Notes

REFERENCES IN TEXT

Section 1111(b)(2) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, referred to in subsec. (f)(4), is section 1111(b)(2) of Pub. L. 110-417, which is set out as a note under section 143 of this title.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 115(b)(1)(D), (3), (c)(2) of this title, prior to repeal by Pub. L. 101-510, §1483(a).

AMENDMENTS

2024—Subsec. (a). Pub. L. 118-159, §431(1), substituted “the Committees on Armed Services of the Senate and the House of Representatives, and furnish to any Member of Congress upon request,” for “Congress” in introductory provisions.

Subsec. (b). Pub. L. 118-159, §431(2), designated existing provisions as par. (1) and added par. (2).

2023—Subsec. (d)(3)(F). Pub. L. 118-31 inserted before period at end “or, in the case of the Space Force, officers ordered to active duty other than under section 20105(b) of this title”.

2022—Subsec. (h). Pub. L. 117-263 added subsec. (h).

2021—Subsecs. (g), (h). Pub. L. 116-283 redesignated subsec. (h) as (g) and struck out former subsec. (g) which set out elements to be included in a required annual report to Congress.

2019—Pub. L. 116-92, §1701(c)(1), substituted “Annual defense manpower profile report and related reports” for “Annual defense manpower requirements report” in section catchline.

Subsec. (a). Pub. L. 116-92, §1701(a)(1)(A), in introductory provisions, substituted “Not later than April 1 each year, the Secretary of Defense shall submit to Congress a defense manpower profile report.” for “The Secretary of Defense shall submit to Congress an annual defense manpower requirements report. The report, which shall be in writing, shall be submitted each year on the date on which the President submits to Congress the budget for the next fiscal year under section 1105 of title 31.”

Subsec. (a)(3). Pub. L. 116-92, §1701(a)(1)(B)-(D), struck out par. (3) which read as follows: “the projected number of contractor personnel full-time equivalents required to provide contract services (as that term is defined in section 235 of this title) for each component of the Department of Defense for the next fiscal year and the contractor personnel full-time equivalents that provided contract services for each component of the Department of Defense for the prior fiscal year as reported in the inventory of contracts for services required by section 2330a(c) of this title.”

Subsec. (b). Pub. L. 116-92, §1701(a)(2), struck out “(1)” before “The Secretary” and struck out pars. (2) and (3) which read as follows:

“(2) The justification and explanation shall specify in detail for all major military force units (including each land force division, carrier and other major combatant vessel, air wing, and other comparable unit) the following:

“(A) Unit mission and capability.

“(B) Strategy which the unit supports.

“(3) The justification and explanation shall also specify in detail the manpower required to perform the medical missions of each of the armed forces and of the Department of Defense.”

Subsec. (c). Pub. L. 116-92, §1701(a)(3), substituted “discussion of the manpower required for support and overhead functions within the armed forces and the Department of Defense.” for “discussion of the following:

“(1) The manpower required for support and overhead functions within the armed forces and the Department of Defense.

“(2) The relationship of the manpower required for support and overhead functions to the primary combat missions and support policies.

“(3) The manpower required to be stationed or assigned to duty in foreign countries and aboard vessels located outside the territorial limits of the United States, its territories, and possessions.”

Subsec. (d). Pub. L. 116-92, §1701(b)(1), substituted “Not later than April 1 each year, the Secretary shall submit to Congress a report that sets forth” for “The Secretary shall also include in each such report”.

Subsec. (e)(1). Pub. L. 116-92, §1701(b)(2), substituted “Not later than April 1 each year, the Secretary shall submit to Congress a report that sets forth” for “In each such report, the Secretary shall also include”.

Subsec. (f). Pub. L. 116-92, §1701(b)(3)(A), substituted “Not later than June 1 each year, the Secretary shall submit to Congress a report that sets forth” for “The Secretary shall also include in each such report” in introductory provisions.

Subsec. (f)(1). Pub. L. 116-92, §1701(b)(3)(B), struck out “and estimates of such numbers for the current fiscal year and subsequent fiscal years” before period at end.

Subsec. (g). Pub. L. 116-92, §1701(b)(4), substituted “Not later than September 1 each year, the Secretary

shall submit to Congress a report that sets forth a detailed discussion, current as of the preceding fiscal year,” for “In each report submitted under subsection (a), the Secretary shall also include a detailed discussion” in introductory provisions and “the fiscal year” for “the year” in pars. (3) and (4).

Subsec. (h). Pub. L. 116-92, §1701(b)(5), substituted “Not later than April 1 each year, the Secretary shall submit to Congress a report” for “In each such report, the Secretary shall include a separate report” in introductory provisions.

2018—Subsec. (a). Pub. L. 115-232, §591(a), substituted “on the date on which” for “not later than 45 days after the date on which” in introductory provisions.

Subsec. (d)(4). Pub. L. 115-232, §591(b), added par. (4).

2017—Subsec. (g). Pub. L. 115-91 struck out “during fiscal years 2013 through 2017” after “subsection (a)” in introductory provisions.

2013—Subsec. (g). Pub. L. 112-239 added subsec. (g).

2011—Subsec. (a)(2), (3). Pub. L. 112-81 added pars. (2) and (3) and struck out former par. (2) which read as follows: “the annual civilian personnel end-strength level for each component of the Department of Defense for the next fiscal year.”

2009—Pub. L. 111-84, §1109(b)(2)(B)(i), inserted “defense” before “manpower” in section catchline.

Subsec. (a). Pub. L. 111-84, §1109(b)(2)(A), inserted “defense” before “manpower requirements report” in introductory provisions.

Subsec. (f). Pub. L. 111-84, §1109(b)(1), added subsec. (f).

1998—Subsec. (a). Pub. L. 105-261, in introductory provisions, struck out “, not later than February 15 of each fiscal year,” after “submit to Congress” and substituted “The report, which shall be in writing, shall be submitted each year not later than 45 days after the date on which the President submits to Congress the budget for the next fiscal year under section 1105 of title 31. The report” for “The report shall be in writing and”.

1997—Subsec. (h). Pub. L. 105-85, §522(i)(2)(A), inserted “(displayed in the aggregate and separately for military technicians (dual status) and non-dual status military technicians)” after “of the following” in introductory provisions.

Subsec. (h)(3). Pub. L. 105-85, §522(i)(2)(B), struck out par. (3) which read as follows: “Within each of the numbers under paragraph (1), the numbers of military technicians who are not themselves members of a reserve component (so-called ‘single-status’ technicians), with a further display of such numbers as specified in paragraph (2).”

1996—Subsec. (b)(2)(C). Pub. L. 104-106, §1061(d)(1), struck out subpar. (C) which read as follows: “Area of deployment and illustrative areas of potential deployment, including a description of any United States commitment to defend such areas.”

Subsec. (d). Pub. L. 104-106, §1061(d)(3), redesignated subsec. (e) as (d) and struck out pars. (4) and (5) which read as follows:

“(4) An analysis of the distribution of each of the following categories of officers serving on active duty on the last day of the preceding fiscal year by grade in which serving and years of active commissioned service:

“(A) Regular officers.

“(B) Reserve officers on the active-duty list.

“(C) Reserve officers described in clauses (B) and (C) of section 523(b)(1) of this title.

“(D) Officers other than those specified in subparagraphs (A), (B), and (C) serving in a temporary grade.

“(5) An analysis of the number of officers and enlisted members serving on active duty for training as of the last day of the preceding fiscal year under orders specifying an aggregate period in excess of 180 days and an estimate for the current fiscal year of the number that will be ordered to such duty, tabulated by—

“(A) recruit and specialized training;

“(B) flight training;

“(C) professional training in military and civilian institutions; and

“(D) officer acquisition training.”

Pub. L. 104-106, §1061(d)(2), struck out subsec. (d) which read as follows: “In each such report, the Secretary shall also—

“(1) identify, define, and group by mission and by region the types of military bases, installations, and facilities;

“(2) provide an explanation and justification of the relationship between this base structure and the proposed military force structure; and

“(3) provide a comprehensive identification of base operating support costs and an evaluation of possible alternatives to reduce those costs.”

Subsec. (e). Pub. L. 104-106, §1061(d)(5), redesignated subsec. (g) as (e). Former subsec. (e) redesignated (d).

Subsec. (f). Pub. L. 104-106, §1061(d)(4), struck out subsec. (f) which read as follows: “In each such report, the Secretary shall also include recommendations for the average student load for each category of training for each component of the armed forces for the next three fiscal years. The Secretary shall include in the report justification for, and explanation of, the average student loads recommended.”

Subsec. (g). Pub. L. 104-106, §1061(d)(5), redesignated subsec. (g) as (e).

Subsec. (h). Pub. L. 104-106, §513(e), added subsec. (h).

1991—Subsec. (d)(3). Pub. L. 102-190 inserted “provide” before “a comprehensive”.

Statutory Notes and Related Subsidiaries

CENTRALIZED DATABASE OF INFORMATION ON MILITARY TECHNICIAN POSITIONS

Pub. L. 113-291, div. A, title V, §513, Dec. 19, 2014, 128 Stat. 3359, provided that:

“(a) CENTRALIZED DATABASE REQUIRED.—The Secretary of Defense shall establish and maintain a centralized database of information on military technician positions that will contain and set forth current information on all military technician positions of the Armed Forces.

“(b) ELEMENTS.—

“(1) IDENTIFICATION OF POSITIONS.—The database required by subsection (a) shall identify each military technician position, whether dual-status or non-dual status.

“(2) ADDITIONAL DETAILS.—For each military technician position identified pursuant to paragraph (1), the database required by subsection (a) shall include the following:

“(A) A description of the functions of the position.

“(B) A statement of the military necessity for the position.

“(C) A statement of whether the position is—

“(i) a general administration, clerical, or office service occupation; or

“(ii) directly related to the maintenance of military readiness.

“(c) CONSULTATION.—The Secretary of Defense shall establish the database required by subsection (a) in consultation with the Secretaries of the military departments.

“(d) IMPLEMENTATION REPORT.—Not later than September 1, 2015, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing the progress made in establishing the database required by subsection (a).”

ASSESSMENT OF STRUCTURE AND MIX OF ACTIVE AND RESERVE FORCES

Pub. L. 102-190, div. A, title IV, §402, Dec. 5, 1991, 105 Stat. 1349, as amended by Pub. L. 102-484, div. A, title V, §513(b), Oct. 23, 1992, 106 Stat. 2406, required Secretary of Defense to submit to Congress a report containing an assessment of alternatives relating to structure and mix of active and reserve forces appropriate for carrying out assigned missions in mid- to late-1990s

and an evaluation and recommendations of Secretary and Chairman of Joint Chiefs of Staff as to mix or mixes of reserve and active forces considered acceptable to carry out expected future missions, and further provided for matters to be included in report and evaluation, commencement of assessment, submission of interim and final reports, and funding for assessment.

[§ 115b. Repealed. Pub. L. 114-328, div. A, title XI, § 1102(a), Dec. 23, 2016, 130 Stat. 2444]

Section, added Pub. L. 111-84, div. A, title XI, §1108(a)(1), Oct. 28, 2009, 123 Stat. 2488; amended Pub. L. 112-81, div. A, title IX, §935(a)(1), (b), (c), title X, §1053, Dec. 31, 2011, 125 Stat. 1545, 1582; Pub. L. 113-291, div. A, title IX, §911, Dec. 19, 2014, 128 Stat. 3472; Pub. L. 114-92, div. A, title VIII, §841(b), Nov. 25, 2015, 129 Stat. 914, required Secretary of Defense to submit biennial strategic workforce plan.

A prior section 115b was renumbered section 10541 of this title.

§ 116. Annual operations and maintenance report

(a) The Secretary of Defense shall submit to Congress a written report, not later than February 15 of each fiscal year, with respect to the operations and maintenance of the Army, Navy, Air Force, Marine Corps, and Space Force for the next fiscal year. The Secretary shall include in each such report recommendations for—

(A) the number of aircraft flying hours for the Army, Navy, Air Force, and Marine Corps for the next fiscal year, the number of ship steaming hours for the Navy for the next fiscal year, and the number of field training days for the combat arms battalions of the Army and Marine Corps for the next fiscal year;

(B) the number of ships over 3,000 tons (full load displacement) in each Navy ship classification on which major repair work should be performed during the next fiscal year; and

(C) the number of airframe reworks, aircraft engine reworks, and vehicle overhauls which should be performed by the Army, Navy, Air Force, and Marine Corps during the next fiscal year.

(2) The Secretary shall also include in each such report the justification for and an explanation of the level of funding recommended in the Budget of the President for the next fiscal year for aircraft flying hours, ship steaming hours, field training days for the combat arms battalions, major repair work to be performed on ships of the Navy, airframe reworks, aircraft engine reworks, and vehicle overhauls.

(b) The Secretary may submit the report required by subsection (a) by including the materials required in the report as an exhibit to the defense authorization request submitted pursuant to section 113a of this title in the fiscal year concerned.

(c) In this section:

(1) The term “combat arms battalions” means armor, infantry, mechanized infantry, air assault infantry, airborne infantry, ranger, artillery, and combat engineer battalions and armored cavalry and air cavalry squadrons.

(2) The term “major repair work” means, in the case of any ship to which subsection (a) is applicable, any overhaul, modification, alteration, or conversion work which will result in a total cost to the United States of more than \$10,000,000.