

given that term in section 101(a)(13) of title 10, United States Code.”

QUARTERLY DETAILED ACCOUNTING FOR OPERATIONS CONDUCTED AS PART OF THE GLOBAL WAR ON TERRORISM

Pub. L. 108-375, div. A, title X, §1041, Oct. 28, 2004, 118 Stat. 2048, which required the Secretary of Defense to submit quarterly reports on Operation Iraqi Freedom, Operation Enduring Freedom, Operation Noble Eagle, and any other operation designated by the President as being an operation of the Global War on Terrorism, was repealed by Pub. L. 112-81, div. A, title X, §1062(f)(2), Dec. 31, 2011, 125 Stat. 1585.

[§ 230. Repealed. Pub. L. 107-314, div. A, title X, § 1041(a)(2)(A), Dec. 2, 2002, 116 Stat. 2645]

Section, added Pub. L. 106-65, div. A, title X, §1041(a)(1), Oct. 5, 1999, 113 Stat. 758; amended Pub. L. 106-398, §1 [[div. A], title X, §1075(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-280, related to inclusion in the budget justification materials submitted to Congress of specific identification of amounts required for declassification of records.

§ 231. Budgeting for construction, maintenance, and modernization of naval vessels: annual plans and certifications

(a) ANNUAL NAVAL VESSEL CONSTRUCTION PLAN AND CERTIFICATION.—The Secretary of the Navy shall include with the defense budget materials for a fiscal year each of the following:

(1) A plan for the construction of naval vessels developed in accordance with this section for each of the following classes of ships:

- (A) Combatant and support vessels.
- (B) Auxiliary vessels.

(2) A certification by the Secretary that both the budget for that fiscal year and the future-years defense program submitted to Congress in relation to such budget under section 221 of this title provide for funding of the construction of naval vessels at a level that is sufficient for the procurement of the vessels provided for in the plan under paragraph (1) on the schedule provided in that plan, together with the views of the Chief of Naval Operations and Commandant of the Marine Corps on the budget.

(3) The unaltered assessment of the Chief of Naval Operations and the Commandant of the Marine Corps of the plan required under paragraph (1).

(b) ANNUAL NAVAL VESSEL CONSTRUCTION PLAN.—(1) The annual naval vessel construction plan developed for a fiscal year for purposes of subsection (a)(1) shall be designed so that the naval vessel force provided for under that plan supports the national security strategy of the United States as set forth in the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 3043), except that, if at the time such plan is submitted with the defense budget materials for that fiscal year, a national security strategy report required under such section 108 has not been submitted to Congress as required by paragraph (2) or paragraph (3), if applicable, of subsection (a) of such section, then such annual plan shall be designed so that the naval vessel force provided for under that plan

supports the ship force structure recommended in the report of the most recent national defense strategy.

(2) Each such naval vessel construction plan shall include the following:

(A) A detailed program for the construction of combatant and support vessels for the Navy over the next 30 fiscal years.

(B) A detailed program for the construction of auxiliary vessels for the Navy over the next 30 fiscal years.

(C) A description of the necessary naval vessel force structure and capabilities to meet the requirements of the national security strategy of the United States or the most recent national defense strategy, whichever is applicable under paragraph (1).

(D) The estimated levels of annual funding by ship class in both graphical and tabular form necessary to carry out the program, together with a discussion of the procurement strategies on which such estimated levels of annual funding are based.

(E) The estimated total cost of construction for each vessel used to determine estimated levels of annual funding under subparagraph (D).

(F) The estimated operations and sustainment costs required to support the vessels delivered under the naval vessel construction plan.

(G) The expected service life of each vessel in the naval vessel force provided for under the naval vessel construction plan, disaggregated by ship class, and the rationale for any changes to such expectations from the previous year's plan.

(H) A certification by the appropriate Senior Technical Authority designated under section 8669b of this title of the expected service life of each vessel in the naval vessel force provided for under the naval vessel construction plan, disaggregated by ship class, and the rationale for any changes to such expectations from the previous year's plan.

(I) For each battle force ship planned to be inactivated during the five-year period beginning on the date of the submittal of the report, a description of the planned disposition of each such ship following such inactivation and the potential gaps in warfighting capability that will result from such ship being removed from service.

(J) For any class of battle force ship for which the procurement of the final ship of the class is proposed in the relevant future-years defense program submitted under section 221 of this title—

(i) a description of the expected specific effects on the Navy shipbuilding industrial base of—

(I) the termination of the production program for the ship and the transition to a new or modified production program, or

(II) the termination of the production program for the ship without a new or modified production program to replace it; and

(ii) in the case of any such production program for which a replacement production program is proposed, a detailed schedule for

the replacement production program with planned decision points, solicitations, and contract awards.

(3) In developing annual naval vessel construction plans for purposes of subsection (a)(1), the Secretary of the Navy shall take into consideration the most recent biennial report on shipbuilder training and the defense industrial base required by section 8693 of this title.

(c) ASSESSMENT WHEN ANNUAL NAVAL VESSEL CONSTRUCTION PLAN DOES NOT MEET FORCE STRUCTURE REQUIREMENTS.—If the annual naval vessel construction plan for a fiscal year under subsection (b) does not result in a force structure or capabilities that meet the requirements identified in subsection (b)(2)(B), the Secretary shall include with the defense budget materials for that fiscal year an assessment of the extent of the strategic and operational risk to national security associated with the reduced force structure of naval vessels over the period of time that the required force structure or capabilities are not achieved. Such assessment shall include an analysis of whether the risks are acceptable, and plans to mitigate such risks. Such assessment shall be coordinated in advance with the commanders of the combatant commands and the Nuclear Weapons Council under section 179 of this title.

(d) ANNUAL PLAN FOR MAINTENANCE AND MODERNIZATION OF NAVAL VESSELS.—In addition to the plan included under subsection (a)(1), the Secretary of Defense shall include with the defense budget materials for a fiscal year each of the following:

(1) A plan for the maintenance and modernization of naval vessels that includes the following:

(A) A forecast of the maintenance and modernization requirements for both the naval vessels in the inventory of the Navy and the vessels required to be delivered under the naval vessel construction plan under subsection (a)(1).

(B) A description of the initiatives of the Secretary of the Navy to ensure that activities key to facilitating the maintenance and modernization of naval vessels (including with respect to increasing workforce and industrial base capability and capacity, shipyard level-loading, and facility improvements) receive sufficient resourcing, and are including in appropriate planning, to facilitate the requirements specified in subparagraph (A).

(2) A certification by the Secretary that both the budget for that fiscal year and the future-years defense program submitted to Congress in relation to such budget under section 221 of this title provide for funding for the maintenance and modernization of naval vessels at a level that is sufficient for such maintenance and modernization in accordance with the plan under paragraph (1).

(e) CBO EVALUATION.—Not later than 60 days after the date on which the congressional defense committees receive the plan under subsection (a)(1), the Director of the Congressional Budget Office shall submit to such committees a report assessing the sufficiency of the estimated

levels of annual funding included in such plan with respect to the budget submitted during the year in which the plan is submitted and the future-years defense program submitted under section 221 of this title.

(f) LIMITATION ON AVAILABILITY OF FUNDS FOR FISCAL YEARS WITHOUT PLAN AND CERTIFICATION.—(1) If the Secretary of Defense does not include with the defense budget materials for a fiscal year the plan and certification under subsection (a) and the plan and certification under subsection (d), the Secretary of Defense may not use more than 25 percent of the funds described in paragraph (2) during the fiscal year in which such materials are submitted until the date on which such plans and certifications are submitted to the congressional defense committees.

(2) The funds described in this paragraph are funds made available to the Secretary of Defense for operation and maintenance, Defense-wide, for emergencies and extraordinary expenses, that remain available for obligation or expenditure as of the date on which the plan and certification under subsection (a) and the plan and certification under subsection (d) are required to be submitted.

(g) REDUCTION IN BATTLE FORCE SHIPS.—If the plan and certification under subsection (a) for a fiscal year include a proposed reduction in the number of battle force ships proposed to be procured during that fiscal year or during the any of the subsequent nine fiscal years, as compared to the number of such ships proposed in the plan and certification for the preceding fiscal year for that fiscal year and the subsequent nine fiscal years, the Secretary of Defense shall provide to the congressional defense committees, by not later than 15 days after the date of the submission of the plan and certification under subsection (a), a briefing that includes each of the following:

(1) An identification of each specific ship for which funds are not requested in the budget for that fiscal year and an identification of any funds that were allocated to each such ship, for any prior fiscal year including funds for—

- (A) research, development, test, and evaluation;
- (B) advance procurement;
- (C) advanced construction; and
- (D) economic order quantity.

(2) If a shipyard is identified in relation to a ship identified under paragraph (1), the projected change in workload at the shipyard as a result of the reduction of the ship.

(3) The projected change in the estimated value of any major subcontracted components or sequence critical material as a result of the reduction of the ship.

(h) DEFINITIONS.—In this section:

(1) The term “budget”, with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

(2) The term “defense budget materials”, with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.

(3) The term “national defense strategy” means the review of the defense programs and policies of the United States that is carried out every four years under section 113(g) of this title.

(4) The term “combatant and support vessel” means any commissioned ship built or armed for naval combat or any naval ship designed to provide support to combatant ships and other naval operations. Such term does not include patrol coastal ships, non-commissioned combatant craft specifically designed for combat roles, or ships that are designated for potential mobilization.

(5) The term “auxiliary vessel” means any ship designed to operate in the open ocean in a variety of sea states to provide general support to either combatant forces or shore based establishments.

(6) The term “expected service life” means the number of years a naval vessel is expected to be in service.

(Added Pub. L. 107-314, div. A, title X, §1022(a)(1), Dec. 2, 2002, 116 Stat. 2639; amended Pub. L. 111-383, div. A, title X, §1023(a), Jan. 7, 2011, 124 Stat. 4349; Pub. L. 112-81, div. A, title X, §1011(a), Dec. 31, 2011, 125 Stat. 1558; Pub. L. 112-239, div. A, title X, §1014(a), Jan. 2, 2013, 126 Stat. 1908; Pub. L. 113-66, div. A, title X, §1021, Dec. 26, 2013, 127 Stat. 844; Pub. L. 113-291, div. A, title X, §1021, 1071(c)(2), Dec. 19, 2014, 128 Stat. 3486, 3508; Pub. L. 114-92, div. A, title X, §1021, Nov. 25, 2015, 129 Stat. 965; Pub. L. 115-91, div. A, title X, §1021(d), Dec. 12, 2017, 131 Stat. 1547; Pub. L. 115-232, div. A, title X, §1011, Aug. 13, 2018, 132 Stat. 1947; Pub. L. 116-283, div. A, title X, §§1021, 1081(a)(13), Jan. 1, 2021, 134 Stat. 3839, 3871; Pub. L. 117-81, div. A, title X, §1011(a), Dec. 27, 2021, 135 Stat. 1889; Pub. L. 117-263, div. A, title III, §352(a), title X, §1021, Dec. 23, 2022, 136 Stat. 2533, 2763; Pub. L. 118-31, div. A, title X, §1015, title XVIII, §1801(a)(3), Dec. 22, 2023, 137 Stat. 382, 683; Pub. L. 118-159, div. A, title X, §1021, Dec. 23, 2024, 138 Stat. 2052.)

Editorial Notes

AMENDMENTS

2024—Subsecs. (g), (h). Pub. L. 118-159 added subsec. (g) and redesignated former subsec. (g) as (h).

2023—Pub. L. 118-31, §1801(a)(3)(A), substituted “plans and certifications” for “plan and certification” in section catchline.

Subsec. (a)(2). Pub. L. 118-31, §1015(1)(A), inserted before period at end “, together with the views of the Chief of Naval Operations and Commandant of the Marine Corps on the budget”.

Subsec. (a)(3). Pub. L. 118-31, §1015(1)(B), added par. (3).

Subsec. (b)(3). Pub. L. 118-31, §1015(2), added par. (3).

Subsec. (f)(1). Pub. L. 118-31, §1801(a)(3)(B), substituted “such plans and certifications” for “such plan and certification”.

2022—Pub. L. 117-263, §352(a)(1), inserted “, maintenance, and modernization” after “construction” in section catchline.

Subsec. (b)(2)(J). Pub. L. 117-263, §1021, added subpar. (J).

Subsecs. (d), (e). Pub. L. 117-263, §352(a)(2), (3), added subsec. (d) and redesignated former subsec. (d) as (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 117-263, §352(a)(4), which directed amendment of subsec. (f) by inserting “and the plan

and certification under subsection (d)” after “subsection (a)”, was executed by making the insertion both places it appeared to reflect the probable intent of Congress.

Pub. L. 117-263, §352(a)(2), redesignated subsec. (e) as (f). Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 117-263, §352(a)(2), redesignated subsec. (f) as (g).

2021—Pub. L. 116-283, §1081(a)(13)(A), substituted “national defense strategy” for “quadrennial defense review” wherever appearing.

Subsec. (a). Pub. L. 116-283, §1021(1)(A), substituted “Secretary of the Navy” for “Secretary of Defense” in introductory provisions.

Subsec. (a)(1). Pub. L. 116-283, §1021(1)(B), struck out “and” after colon at end.

Subsec. (b)(2)(G) to (I). Pub. L. 117-81, §1011(a)(1), added subpars. (G) to (I).

Subsec. (e)(1). Pub. L. 116-283, §1021(2)(A), substituted “the Secretary of Defense may not use more than 25 percent of the funds” for “the Secretary of the Navy may not use more than 50 percent of the funds”.

Subsec. (e)(2). Pub. L. 116-283, §1021(2)(B), substituted “Secretary of Defense” for “Secretary of the Navy” and “operation and maintenance, Defense-wide” for “operation and maintenance, Navy” and inserted “, that remain available for obligation or expenditure as of the date on which the plan and certification under subsection (a) are required to be submitted” before period at end.

Subsec. (f)(3). Pub. L. 116-283, §1081(a)(13)(B), substituted “section 113(g)” for “section 118”.

Subsec. (f)(6). Pub. L. 117-81, §1011(a)(2), added par. (6).

2018—Subsec. (b)(2)(F). Pub. L. 115-232 added subpar. (F).

2017—Subsec. (a). Pub. L. 115-91, §1021(d)(1)(A), substituted “year each of the following:” for “year—” in introductory provisions.

Subsec. (a)(1). Pub. L. 115-91, §1021(d)(1)(B), substituted “A plan for the construction of naval vessels developed in accordance with this section for each of the following classes of ships:” for “a plan for the construction of combatant and support vessels for the Navy developed in accordance with this section;” and added subpars. (A) and (B).

Subsec. (a)(2). Pub. L. 115-91, §1021(d)(1)(C), substituted “A certification” for “a certification”.

Subsec. (b)(2)(B) to (D). Pub. L. 115-91, §1021(d)(2)(A), (B), added subpar. (B) and redesignated former subpars. (B) to (D) as (C) to (E), respectively.

Subsec. (b)(2)(E). Pub. L. 115-91, §1021(d)(2)(C), substituted “subparagraph (D)” for “subparagraph (C)”.

Pub. L. 115-91, §1021(d)(2)(A), redesignated subpar. (D) as (E).

Subsec. (f)(5). Pub. L. 115-91, §1021(d)(3), added par. (5).

2015—Subsec. (b)(2)(C). Pub. L. 114-92 inserted “by ship class in both graphical and tabular form” after “The estimated levels of annual funding”.

2014—Subsec. (b)(1). Pub. L. 113-291, §1071(c)(2), substituted “(50 U.S.C. 3043)” for “(50 U.S.C. 404a)”.

Subsec. (f)(4). Pub. L. 113-291, §1021, added par. (4).

2013—Subsec. (b)(1). Pub. L. 113-66, §1021(a)(1), substituted “shall be designed” for “should be designed” in two places and “supports” for “is capable of supporting” in two places.

Subsec. (b)(2)(B). Pub. L. 113-66, §1021(a)(2)(A), inserted “and capabilities” after “naval vessel force structure”.

Subsec. (b)(2)(D). Pub. L. 113-66, §1021(a)(2)(B), added subpar. (D).

Subsec. (c). Pub. L. 113-66, §1021(b), added subsec. (c) and struck out former subsec. (c). Text read as follows: “If the budget for a fiscal year provides for funding of the construction of naval vessels at a level that is not sufficient to sustain the naval vessel force structure specified in the naval vessel construction plan for that fiscal year under subsection (a), the Secretary shall include with the defense budget materials for that fiscal

year an assessment that describes and discusses the risks associated with the reduced force structure of naval vessels that will result from funding naval vessel construction at such level. Such assessment shall be coordinated in advance with the commanders of the combatant commands.”

Subsecs. (e), (f). Pub. L. 112-239 added subsec. (e) and redesignated former subsec. (e) as (f).

2011—Pub. L. 112-81 amended section generally. Prior to amendment, section related to submission of a long-range plan for construction of combatant and support naval vessels that supports the force structure recommendations of a quadrennial defense review.

Pub. L. 111-383 amended section generally. Prior to amendment, section related to submission of an annual plan for construction of naval vessels and certification that the budget for the current fiscal year and the future-years defense program is sufficient for procurement of vessels provided for in the plan.

§ 231a. Budgeting for life-cycle costs of aircraft for the Army, Navy, and Air Force: annual plan and certification

(a) ANNUAL AIRCRAFT PROCUREMENT PLAN AND CERTIFICATION.—Not later than 30 days after the date on which the President submits to Congress the budget for a fiscal year, the Secretary of Defense shall submit to the congressional defense committees the following:

(1) A plan for the procurement of the aircraft specified in subsection (b) for each of the Department of the Army, the Department of the Navy, and the Department of the Air Force developed in accordance with this section.

(2) A certification by the Secretary that both the budget for such fiscal year and the future-years defense program submitted to Congress in relation to such budget under section 221 of this title provide for funding of the procurement of aircraft at a level that is sufficient for the procurement of the aircraft provided for in the plan under paragraph (1) on the schedule provided in the plan.

(b) COVERED AIRCRAFT.—The aircraft specified in this subsection are the aircraft as follows:

- (1) Fighter aircraft.
- (2) Attack aircraft.
- (3) Bomber aircraft.
- (4) Intertheater lift aircraft.
- (5) Intratheater lift aircraft.
- (6) Intelligence, surveillance, and reconnaissance aircraft.
- (7) Tanker aircraft.
- (8) Remotely piloted aircraft.
- (9) Rotary-wing aircraft.
- (10) Operational support and executive lift aircraft.

(11) Any other major support aircraft designated by the Secretary of Defense for purposes of this section.

(c) ANNUAL AIRCRAFT PROCUREMENT PLAN.—(1) The annual aircraft procurement plan developed for a fiscal year for purposes of subsection (a) should be designed so that the aviation force provided for under the plan is capable of supporting the national military strategy of the United States as set forth in the most recent National Defense Strategy submitted under section 113(g) of this title and the most recent National Military Strategy submitted under section 153(b) of this title.

(2) Each annual aircraft procurement plan shall include the following:

(A) A detailed program for the procurement of the aircraft specified in subsection (b) for each of the Department of the Army, the Department of the Navy, and the Department of the Air Force over the next 15 fiscal years.

(B) A description of the aviation force structure necessary to meet the requirements of the national military strategy of the United States.

(C) The estimated levels of annual investment funding necessary to carry out each aircraft program, together with a discussion of the procurement strategies on which such estimated levels of annual investment funding are based, set forth in aggregate for the Department of Defense and in aggregate for each military department.

(D) The estimated level of annual funding necessary to operate, maintain, sustain, and support each aircraft program throughout the life-cycle of the program, set forth in aggregate for the Department of Defense and in aggregate for each military department.

(E) For each of the cost estimates required by subparagraphs (C) and (D)—

(i) a description of whether the cost estimate is derived from the cost estimate position of the military department concerned or from the cost estimate position of the Office of Cost Assessment and Program Evaluation;

(ii) if the cost estimate position of the military department and the cost estimate position of the Office of Cost Assessment and Program Evaluation differ by more than 5 percent for any aircraft program, an annotated cost estimate difference and sufficient rationale to explain the difference;

(iii) the confidence or certainty level associated with the cost estimate for each aircraft program; and

(iv) a certification that the calculations from which the cost estimate is derived are based on common cost categories used by the Under Secretary of Defense for Acquisition and Sustainment for calculating the life-cycle cost of an aircraft program.

(F) An assessment by the Secretary of Defense of the extent to which the combined aircraft forces of the Department of the Army, the Department of the Navy, and the Department of the Air Force meet the national security requirements of the United States.

(3) For any cost estimate required by subparagraph (C) or (D) of paragraph (2) for any aircraft program for which the Secretary is required to include in a report under section 4351 of this title, the source of the cost information used to prepare the annual aircraft plan shall be derived from the Selected Acquisition Report data that the Secretary plans to submit to the congressional defense committees in accordance with subsection (f) of that section for the year for which the annual aircraft procurement plan is prepared.

(4) Each annual aircraft procurement plan shall be submitted in unclassified form, and shall contain a classified annex. A summary