

2493; Pub. L. 112-81, div. A, title IX, §934, Dec. 31, 2011, 125 Stat. 1544.)

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

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”.

ASSESSMENT OF STRUCTURE AND MIX OF ACTIVE AND RESERVE FORCES

Section 402 of Pub. L. 102-190, 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. Biennial strategic workforce plan

(a) BIENNIAL PLAN REQUIRED.—(1) The Secretary of Defense shall submit to the congressional defense committees in every even-numbered year a strategic workforce plan to shape and improve the civilian employee workforce of the Department of Defense.

(2) The Under Secretary of Defense for Personnel and Readiness shall have overall responsibility for developing and implementing the strategic workforce plan, in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(b) CONTENTS.—Each strategic workforce plan under subsection (a) shall include, at a minimum, the following:

(1) An assessment of—

(A) the critical skills and competencies that will be needed in the future within the civilian employee workforce by the Department of Defense to support national security requirements and effectively manage the Department during the five-year period corresponding to the current future-years defense program under section 221 of this title;

(B) the appropriate mix of military, civilian, and contractor personnel capabilities, as determined under the total force management policies and procedures established under section 129a of this title;

(C) the critical skills and competencies of the existing civilian employee workforce of the Department and projected trends in that workforce based on expected losses due to retirement and other attrition; and

(D) gaps in the existing or projected civilian employee workforce of the Department that should be addressed to ensure that the Department has continued access to the critical skills and competencies described in subparagraphs (A) and (C).

(2) A plan of action for developing and reshaping the civilian employee workforce of the Department to address the gaps in critical skills and competencies identified under paragraph (1)(D), including—

(A) specific recruiting and retention goals, especially in areas identified as critical skills and competencies under paragraph (1), including the program objectives of the Department to be achieved through such goals and the funding needed to achieve such goals;

(B) specific strategies for developing, training, deploying, compensating, and motivating the civilian employee workforce of the Department, including the program objectives of the Department to be achieved through such strategies and the funding needed to implement such strategies;

(C) any incentives necessary to attract or retain any civilian personnel possessing the skills and competencies identified under paragraph (1);

(D) any changes in the number of personnel authorized in any category of personnel listed in subsection (f)(1) or in the acquisition workforce that may be needed to address such gaps and effectively meet the needs of the Department;

(E) any changes in resources or in the rates or methods of pay for any category of personnel listed in subsection (f)(1) or in the acquisition workforce that may be needed to address inequities and ensure that the Department has full access to appropriately qualified personnel to address such gaps and meet the needs of the Department; and

(F) any legislative changes that may be necessary to achieve the goals referred to in subparagraph (A).

(3) An assessment, using results-oriented performance measures, of the progress of the Department in implementing the strategic workforce plan under this section during the previous year.

(4) Any additional matters the Secretary of Defense considers necessary to address.

(c) SENIOR MANAGEMENT, FUNCTIONAL, AND TECHNICAL WORKFORCE.—(1) Each strategic workforce plan under subsection (a) shall include a separate chapter to specifically address the shaping and improvement of the senior management, functional, and technical workforce (including scientists and engineers) of the Department of Defense.

(2) For purposes of paragraph (1), each plan shall include, with respect to such senior management, functional, and technical workforce—

(A) an assessment of the matters set forth in subparagraphs (A) through (D) of subsection (b)(1);

(B) a plan of action meeting the requirements set forth in subparagraphs (A) through (F) of subsection (b)(2);

(C) specific strategies for developing, training, deploying, compensating, motivating, and designing career paths and career opportunities; and

(D) specific steps that the Department has taken or plans to take to ensure that such workforce is managed in compliance with the requirements of section 129 of this title and the policies and procedures established under section 129a of this title.

(d) DEFENSE ACQUISITION WORKFORCE.—(1) Each strategic workforce plan under subsection (a) shall include a separate chapter to specifically address the shaping and improvement of the defense acquisition workforce, including both military and civilian personnel.

(2) For purposes of paragraph (1), each plan shall include, with respect to the defense acquisition workforce—

(A) an assessment of the matters set forth in subparagraphs (A) through (D) of subsection (b)(1);

(B) a plan of action meeting the requirements set forth in subparagraphs (A) through (F) of subsection (b)(2);

(C) specific steps that the Department has taken or plans to take to develop appropriate career paths for civilian employees in the acquisition field and to implement the requirements of section 1722a of this title with regard to members of the armed forces in the acquisition field; and

(D) a plan for funding needed improvements in the acquisition workforce of the Department through the period of the future-years defense program, including—

(i) the funding programmed for defense acquisition workforce improvements, including a specific identification of funding provided in the Department of Defense Acquisition Workforce Fund established under section 1705 of this title, along with a description of how such funding is being implemented and whether it is being fully used; and

(ii) a description of any continuing shortfalls in funding available for the acquisition workforce.

(e) FINANCIAL MANAGEMENT WORKFORCE.—(1) Each strategic workforce plan under subsection (a) shall include a separate chapter to specifically address the shaping and improvement of the financial management workforce of the Department of Defense, including both military and civilian personnel of that workforce.

(2) For purposes of paragraph (1), each plan shall include, with respect to the financial management workforce of the Department—

(A) an assessment of the matters set forth in subparagraphs (A) through (D) of subsection (b)(1);

(B) a plan of action meeting the requirements set forth in subparagraphs (A) through (F) of subsection (b)(2);

(C) specific steps that the Department has taken or plans to take to develop appropriate career paths for civilian employees in the financial management field and to implement the requirements of section 1599d of this title; and

(D) a plan for funding needed improvements in the financial management workforce of the Department through the period of the current future-years defense program under section 221 of this title, including a description of any continuing shortfalls in funding available for that workforce.

(f) **SUBMITTALS BY SECRETARIES OF THE MILITARY DEPARTMENTS AND HEADS OF THE DEFENSE AGENCIES.**—The Secretary of Defense shall require the Secretary of each military department and the head of each Defense Agency to submit a report to the Secretary addressing each of the matters described in this section. The Secretary of Defense shall establish a deadline for the submittal of reports under this subsection that enables the Secretary to consider the material submitted in a timely manner and incorporate such material, as appropriate, into the strategic workforce plan required by this section.

(g) **DEFINITIONS.**—In this section:

(1) The term “senior management, functional, and technical workforce of the Department of Defense” includes the following categories of Department of Defense civilian personnel:

(A) Appointees in the Senior Executive Service under section 3131 of title 5.

(B) Persons serving in positions described in section 5376(a) of title 5.

(C) Highly qualified experts appointed pursuant to section 9903 of title 5.

(D) Scientists and engineers appointed pursuant to section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2721), as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398 (114 Stat. 1654A-315)).

(E) Scientists and engineers appointed pursuant to section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note).

(F) Persons serving in the Defense Intelligence Senior Executive Service under section 1606 of this title.

(G) Persons serving in Intelligence Senior Level positions under section 1607 of this title.

(2) The term “acquisition workforce” includes individuals designated under section 1721 as filling acquisition positions.

(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.)

REFERENCES IN TEXT

Section 342(b) of the National Defense Authorization Act for Fiscal Year 1995, referred to in subsec. (g)(1)(D), is section 342(b) of Pub. L. 103-337, which is set out as a note under section 2358 of this title.

Section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, referred

to in subsec. (g)(1)(E), is section 1101 of Pub. L. 105-261, which is set out as a note under section 3104 of Title 5, Government Organization and Employees.

PRIOR PROVISIONS

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

AMENDMENTS

2011—Pub. L. 112-81, §935(a)(1)(A), substituted “Biennial strategic” for “Annual strategic” in section catchline.

Subsec. (a). Pub. L. 112-81, §935(a)(1)(B), substituted “Biennial” for “Annual” in heading.

Subsec. (a)(1). Pub. L. 112-81, §935(a)(1)(C), substituted “in every even-numbered year” for “on an annual basis”.

Subsec. (b)(1)(A). Pub. L. 112-81, §935(b)(1), substituted “five-year period corresponding to the current future-years defense program under section 221 of this title” for “seven-year period following the year in which the plan is submitted”.

Subsec. (b)(1)(B). Pub. L. 112-81, §935(b)(2), inserted “, as determined under the total force management policies and procedures established under section 129a of this title” before semicolon at end.

Subsec. (c)(2)(D). Pub. L. 112-81, §935(c), inserted “and the policies and procedures established under section 129a of this title” before period at end.

Subsecs. (e) to (g). Pub. L. 112-81, §1053, added subsec. (e) and redesignated former subsecs. (e) and (f) as (f) and (g), respectively.

§ 116. Annual operations and maintenance report

(a)(1) 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, and Marine Corps 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: