

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.)

Editorial Notes

AMENDMENTS

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.

Statutory Notes and Related Subsidiaries

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective Dec. 31, 2021, of provisions of this section requiring submittal of annual report to Congress, see section 1061 of Pub. L. 114–328, set out as a note under section 111 of this title.

§ 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 version of the unclassified report shall be made available to the public.

(d) ASSESSMENT WHEN AIRCRAFT PROCUREMENT BUDGET IS INSUFFICIENT TO MEET APPLICABLE REQUIREMENTS.—If the budget for any fiscal year provides for funding of the procurement of aircraft for the Department of the Army, the Department of the Navy, or the Department of the Air Force at a level that is not sufficient to sustain the aviation force structure specified in the aircraft procurement plan for such Department for that fiscal year under subsection (a), the Secretary shall include with the defense budget materials for that fiscal year an assessment that describes the funding shortfall and discusses the risks associated with the reduced force structure of aircraft that will result from funding aircraft procurement at such level. The assessment shall be coordinated in advance with the commanders of the combatant commands.

(e) ANNUAL REPORT ON AIRCRAFT INVENTORY.—

(1) As part of the annual plan and certification required to be submitted under this section, the Secretary shall include a report on the aircraft in the inventory of the Department of Defense.

(2) Each report under paragraph (1) shall include for the year covered by such report, the following:

(A) The total number of aircraft in the inventory.

(B) The total number of the aircraft in the inventory that are active, stated in the following categories (with appropriate subcategories for mission aircraft, training aircraft, dedicated test aircraft, and other aircraft):

(i) Primary aircraft.

(ii) Backup aircraft.

(iii) Attrition and reconstitution reserve aircraft.

(C) The total number of the aircraft in the inventory that are inactive, stated in the following categories:

(i) Bailment aircraft.

(ii) Drone aircraft.

(iii) Aircraft for sale or other transfer to foreign governments.

(iv) Leased or loaned aircraft.

(v) Aircraft for maintenance training.

(vi) Aircraft for reclamation.

(vii) Aircraft in storage.

(D) The aircraft inventory requirements approved by the Joint Chiefs of Staff.

(3) Each report under paragraph (1) shall set forth each item specified in paragraph (2) separately for the regular component of each armed force and for each reserve component of each armed force and, for each such component, shall set forth each type, model, and series of aircraft provided for in the future-years defense program

that covers the fiscal year for which the budget accompanying the plan, certification and report is submitted.

(f) BUDGET DEFINED.—In this section, the term “budget” means the budget of the President for a fiscal year as submitted to Congress pursuant to section 1105 of title 31.

(Added and amended Pub. L. 116–283, div. A, title I, §151(a), title XVIII, §1883(b)(2), Jan. 1, 2021, 134 Stat. 3437, 4294; Pub. L. 117–81, div. A, title X, §1081(a)(6), Dec. 27, 2021, 135 Stat. 1919.)

Editorial Notes

PRIOR PROVISIONS

A prior section 231a, added Pub. L. 110–417, [div. A], title I, §141(a), Oct. 14, 2008, 122 Stat. 4379; amended Pub. L. 112–81, div. A, title X, §1069(a), (b), Dec. 31, 2011, 125 Stat. 1589, 1591; Pub. L. 113–66, div. A, title X, §1091(a)(5), Dec. 26, 2013, 127 Stat. 875; Pub. L. 113–291, div. A, title X, §1071(c)(2), Dec. 19, 2014, 128 Stat. 3508; Pub. L. 114–328, div. A, title I, §137, Dec. 23, 2016, 130 Stat. 2039, set forth provisions providing for the annual budgeting for life-cycle cost of specified aircraft for the Navy, Army, and Air Force, prior to repeal by Pub. L. 115–232, div. A, title VIII, §813(a)(1)(A), Aug. 13, 2018, 132 Stat. 1851.

AMENDMENTS

2021—Subsec. (c)(3). Pub. L. 116–283, §1883(b)(2), substituted “section 4351” for “section 2432”.

Subsec. (e)(2). Pub. L. 117–81 substituted “include” for “include the following,” in introductory provisions.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by section 1883(b)(2) of Pub. L. 116–283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116–283, set out as a note preceding section 3001 of this title.

[§ 232. Repealed. Pub. L. 112–239, div. A, title X, § 1081(1)(A), Jan. 2, 2013, 126 Stat. 1960]

Section, added Pub. L. 108–375, div. A, title II, §214(a), Oct. 28, 2004, 118 Stat. 1834, provided that amounts for research, development, test, and evaluation for the United States Joint Forces Command would be derived only from Defense-wide amounts and required a separate display for such amounts in the budget.

§ 233. Operation and maintenance budget presentation

(a) IDENTIFICATION OF BASELINE AMOUNTS IN O&M JUSTIFICATION DOCUMENTS.—In any case in which the amount requested in the President’s budget for a fiscal year for a Department of Defense operation and maintenance program, project, or activity is different from the amount appropriated for that program, project, or activity for the current year, the O&M justification documents supporting that budget shall identify that appropriated amount and the difference between that amount and the amount requested in the budget, stated as an amount and as a percentage.

(b) NAVY FOR SHIP DEPOT MAINTENANCE AND FOR INTERMEDIATE SHIP MAINTENANCE.—In the O&M justification documents for the Navy for any fiscal year, amounts requested for ship depot maintenance and amounts requested for intermediate ship maintenance shall be identified and distinguished.

(c) DEFINITIONS.—In this section:

(1) The term “O&M justification documents” means Department of Defense budget justification documents with respect to accounts for operation and maintenance submitted to the congressional defense committees in support of the Department of Defense component of the President’s budget for any fiscal year.

(2) The term “President’s budget” means the budget of the President submitted to Congress under section 1105 of title 31 for any fiscal year.

(3) The term “current year” means the fiscal year during which the President’s budget is submitted in any year.

(Added Pub. L. 108–375, div. A, title X, §1003(a)(1), Oct. 28, 2004, 118 Stat. 2035.)

§ 234. POW/MIA activities: display of budget information

(a) SUBMISSION WITH ANNUAL BUDGET JUSTIFICATION DOCUMENTS.—The Secretary of Defense shall submit to Congress, as a part of the defense budget materials for a fiscal year, a consolidated budget justification display, in classified and unclassified form, that covers all programs and activities of Department of Defense POW/MIA accounting and recovery organizations.

(b) REQUIREMENTS FOR BUDGET DISPLAY.—The budget display under subsection (a) for a fiscal year shall include for each such organization the following:

(1) A statement of what percentage of the requirements originally requested by the organization in the budget review process that the budget requests funds for.

(2) A summary of actual or estimated expenditures by that organization for the fiscal year during which the budget is submitted and for the fiscal year preceding that year.

(3) The amount in the budget for that organization.

(4) A detailed explanation of the shortfalls, if any, in the funding of any requirement shown pursuant to paragraph (1), when compared to the amount shown pursuant to paragraph (3).

(5) The budget estimate for that organization for the five fiscal years after the fiscal year for which the budget is submitted.

(c) DEPARTMENT OF DEFENSE POW/MIA ACCOUNTING AND RECOVERY ORGANIZATIONS.—In this section, the term “Department of Defense POW/MIA accounting and recovery organization” means any of the following (and any successor organization):

(1) The Defense Prisoner of War/Missing Personnel Office (DPMO).

(2) The Joint POW/MIA Accounting Command (JPAC).

(3) The Armed Forces DNA Identification Laboratory (AFDIL).

(4) The Life Sciences Equipment Laboratory (LSEL) of the Air Force.

(5) Any other element of the Department of Defense the mission of which (as designated by the Secretary of Defense) involves the accounting for and recovery of members of the armed forces who are missing in action or prisoners of war or who are unaccounted for.