

officers”, substituted “Army Reserve; Army National Guard of the United States: strength in grade; temporary increases” for “Regular Army; Army Reserve; Army National Guard of United States: strength in grade; temporary increases” in item 3212, and struck out items 3213 “Regular Army: warrant officers on active list”, 3214 “Regular Army: enlisted members on active duty”, 3216 “Corps of Engineers: enlisted members on active duty”, and 3230 “Personnel detailed outside Department of Defense”.

1978—Pub. L. 95-485, title VIII, § 820(c)(5), Oct. 20, 1978, 92 Stat. 1627, substituted “other branches” for “other branches; Women’s Army Corps” in item 3209 and struck out item 3215 “Regular Army: Women’s Army Corps; warrant officers on active list; enlisted members on active duty”.

1958—Pub. L. 85-861, § 1(70), Sept. 2, 1958, 72 Stat. 1464, inserted “; Army Reserve; Army National Guard of United States” in item 3212, and added items 3217 to 3220 and 3230.

1957—Pub. L. 85-155, title I, § 101(6), Aug. 21, 1957, 71 Stat. 376, substituted “Army Medical Specialist Corps” for “Women’s Medical Specialist Corps” in item 3207.

#### § 7101. Officers on active duty: minimum strength based on requirements

(a) The Secretary of the Army shall ensure that the strength at the end of each fiscal year of officers on active duty is sufficient to enable the Army to meet at least that percentage of the programmed manpower structure for officers for the active component of the Army that is provided for in the most recent Defense Planning Guidance issued by the Secretary of Defense.

(b) The number of officers on active duty shall be counted for purposes of this section in the same manner as applies under section 115(a)(1) of this title.

(c) In this section:

(1) The term “programmed manpower structure” means the aggregation of billets describing the full manpower requirements for units and organizations in the programmed force structure.

(2) The term “programmed force structure” means the set of units and organizations that exist in the current year and that is planned to exist in each future year under the then-current Future-Years Defense Program.

(Added Pub. L. 104-106, div. A, title V, § 505(a)(1), Feb. 10, 1996, 110 Stat. 295, § 3201; amended Pub. L. 112-239, div. A, title X, § 1076(f)(37), Jan. 2, 2013, 126 Stat. 1954; renumbered § 7101, Pub. L. 115-232, div. A, title VIII, § 808(b)(1), Aug. 13, 2018, 132 Stat. 1838.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 7101 was renumbered section 8591 of this title.

##### AMENDMENTS

2018—Pub. L. 115-232 renumbered section 3201 of this title as this section.

2013—Subsec. (a). Pub. L. 112-239 struck out “(beginning with fiscal year 1999)” after “shall ensure that”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and

special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

##### ASSISTANCE IN ACCOMPLISHING REQUIREMENT

Pub. L. 104-106, div. A, title V, § 505(b), Feb. 10, 1996, 110 Stat. 296, as amended by Pub. L. 115-232, div. A, title VIII, § 809(b)(5), Aug. 13, 2018, 132 Stat. 1840, provided that: “The Secretary of Defense shall provide to the Army sufficient personnel and financial resources to enable the Army to meet the requirement specified in section 7101 of title 10, United States Code, as added by subsection (a).”

#### § 7102. Congressional notification of significant Army force structure changes

(a) NOTIFICATION REQUIRED.—Except as provided in subsection (c), the Secretary of the Army shall submit to the congressional defense committees written notification of any decision to make a significant change to Army force structure prior to implementing or announcing such change.

(b) CONTENTS.—A notification required under subsection (a) shall include each of the following:

- (1) The justification for the planned change.
- (2) A description of the details of the planned change and timing for implementation.
- (3) A description of the operational implications of the planned change.
- (4) The estimated costs of such change.

(c) EXCEPTION.—The notification requirement under subsection (a) shall not apply if the Secretary of Defense certifies to the congressional defense committees in advance that the planned Army force structure change must be implemented immediately for reasons of military urgency.

(d) DEFINITION OF SIGNIFICANT CHANGE TO ARMY FORCE STRUCTURE.—In this section, the term “significant change to Army force structure” means—

- (1) a change in the number, type, or component of brigade-level organizations or higher-echelon headquarters;
- (2) a change in the number or component of theater-level capabilities, such as a multi-domain task force, Terminal High Altitude Area Defense, long range fires unit, or headquarters; or
- (3) a permanent or temporary activation or inactivation of an experimental unit or brigade-size or higher task force.

(Added Pub. L. 117-81, div. A, title X, § 1044(a)(1), Dec. 27, 2021, 135 Stat. 1904.)

#### Editorial Notes

##### PRIOR PROVISIONS

Prior sections 7102 to 7104 were renumbered sections 8592 to 8594 of this title, respectively.

#### § 7110. Regular Army: strength in grade; general officers

(a) Subject to section 526 of this title, the authorized strength of the Regular Army in general officers on the active-duty list is 75/10,000 of the authorized strength of the Regular Army in commissioned officers on the active-duty list.