

if such priority is funded (whether in whole or in part).

(B) The additional amount of funds recommended in connection with the objectives under subparagraph (A).

(C) Account information with respect to such priority, including the following (as applicable):

(i) Line Item Number (LIN) for applicable procurement accounts.

(ii) Program Element (PE) number for applicable research, development, test, and evaluation accounts.

(iii) Sub-activity group (SAG) for applicable operation and maintenance accounts.

(2) **PRIORITIZATION OF PRIORITIES.**—Each report under subsection (a) shall present the unfunded priorities covered by such report in order of urgency of priority.

(c) **UNFUNDED PRIORITY DEFINED.**—In this section, the term “unfunded priority”, in the case of a fiscal year, means a program, activity, or mission requirement of the Missile Defense Agency that—

(1) is not funded in the budget of the President for the fiscal year as submitted to Congress pursuant to section 1105 of title 31, United States Code;

(2) is necessary to fulfill a requirement associated with an operational or contingency plan of a combatant command or other validated requirement; and

(3) would have been recommended for funding through the budget referred to in paragraph (1) by the Director of the Missile Defense Agency in connection with the budget if additional resources had been available for the budget to fund the program, activity, or mission requirement.

(Added and amended Pub. L. 115–232, div. A, title XVI, §1677(a), (b)(1), Aug. 13, 2018, 132 Stat. 2160, 2161; Pub. L. 116–92, div. A, title XVII, §1731(a)(13), Dec. 20, 2019, 133 Stat. 1813.)

#### CODIFICATION

Section, as added and amended by Pub. L. 115–232, is based on Pub. L. 114–328, div. A, title XVI, §1696, Dec. 23, 2016, 130 Stat. 2638, which was transferred to this chapter and renumbered as this section.

#### AMENDMENTS

2019—Subsec. (a). Pub. L. 116–92 struck out “United States Code,” after “section 1105 of title 31.”

2018—Pub. L. 115–232, §1677(b)(1), in section catchline, substituted “§” for “SEC.” and “Unfunded priorities of the Missile Defense Agency: annual report” for “REPORTS ON UNFUNDED PRIORITIES OF THE MISSILE DEFENSE AGENCY.”

Pub. L. 115–232, §1677(a)(1), transferred section 1696 of Pub. L. 114–328 to this chapter and renumbered it as this section. See Codification note above.

Subsec. (a). Pub. L. 115–232, §1677(a)(2)(A), substituted “for a fiscal year” for “for each of fiscal years 2018 and 2019”.

Subsec. (c)(3). Pub. L. 115–232, §1677(a)(2)(B), substituted “in connection with the budget if additional resources had been available for the budget to fund the program, activity, or mission requirement.” for “in connection with the budget if—

“(A) additional resources had been available for the budget to fund the program, activity, or mission requirement; or

“(B) the program, activity, or mission requirement has emerged since the budget was formulated.”

### § 222c. Armed forces: Out-Year Unconstrained Total Munitions Requirements; Out-Year inventory numbers

(a) **ANNUAL REPORTS.**—At the same time each year that the budget for the fiscal year beginning in such year is submitted to Congress pursuant to section 1105(a) of title 31, the chief of staff of each armed force (other than the Coast Guard) shall submit to the congressional defense committees a report setting forth for such armed force each of the following for such fiscal year, broken out as specified in subsection (c):

(1) The Out-Year Unconstrained Total Munitions Requirement.

(2) The Out-Year inventory numbers.

(b) **PROHIBITION ON DELEGATION OF SUBMITTAL RESPONSIBILITY.**—The responsibility of the chief of staff of an armed force in subsection (a) to submit a report may not be delegated outside the armed force concerned.

(c) **PRESENTATION.**—The Out-Year Unconstrained Total Munitions Requirement and Out-Year inventory numbers for an armed force for a fiscal year pursuant to subsection (a) shall include specific inventory objective requirements for each variant of munitions with respect to each of the following:

(1) Combat Requirement, broken out by operation plan (OPLAN).

(2) Current Operation/Forward Presence Requirement.

(3) Strategic Readiness Requirement.

(4) Homeland Defense.

(5) Training and Testing Requirement.

(6) Total Out-Year Unconstrained Total Munitions Requirement, calculated in accordance with the implementation guidance described in subsection (d).

(7) Out-year worldwide inventory.

(d) **IMPLEMENTATION GUIDANCE USED.**—In submitting information pursuant to subsection (a) for a fiscal year, the chief of staff of each armed force shall describe and explain the munitions requirements process implementation guidance developed by the Under Secretary of Defense for Acquisition and Sustainment and used by such armed force for the munitions requirements process for such armed force for that fiscal year.

(e) **DEFINITIONS.**—In this section:

(1) The term “chief of staff”, with respect to the Marine Corps, means the Commandant of the Marine Corps.

(2) The term “Out-Year Unconstrained Total Munitions Requirement” has the meaning given that term in and for purposes of Department of Defense Instruction 3000.04, or any successor instruction.

(Added Pub. L. 115–232, div. A, title X, §1061(a), Aug. 13, 2018, 132 Stat. 1969; amended Pub. L. 116–92, div. A, title X, §1006, Dec. 20, 2019, 133 Stat. 1574.)

#### AMENDMENTS

2019—Subsec. (a). Pub. L. 116–92, §1006(1), substituted “subsection (c)” for “subsection (b)” in introductory provisions.

Subsecs. (b) to (e). Pub. L. 116–92, §1006(2)–(4), added subsec. (b), redesignated former subsec. (b) as (c) and in

par. (6) substituted “subsection (d)” for “subsection (c)”, and redesignated former subsecs. (c) and (d) as (d) and (e), respectively.

**§ 223. Ballistic missile defense programs: program elements**

(a) PROGRAM ELEMENTS SPECIFIED BY PRESIDENT.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31), the amount requested for activities of the Missile Defense Agency shall be set forth in accordance with such program elements as the President may specify.

(b) SEPARATE PROGRAM ELEMENTS FOR PROGRAMS ENTERING ENGINEERING AND MANUFACTURING DEVELOPMENT.—(1) The Secretary of Defense shall ensure that each ballistic missile defense program that enters engineering and manufacturing development is assigned a separate, dedicated program element.

(2) In this subsection, the term “engineering and manufacturing development” means the period in the course of an acquisition program during which the primary objectives are to—

(A) translate the most promising design approach into a stable, interoperable, producible, supportable, and cost-effective design;

(B) validate the manufacturing or production process; and

(C) demonstrate system capabilities through testing.

(c) MANAGEMENT AND SUPPORT.—The amount requested for a fiscal year for any program element specified for that fiscal year pursuant to subsection (a) shall include requests for the amounts necessary for the management and support of the programs, projects, and activities contained in that program element.

(Added Pub. L. 105–261, div. A, title II, §235(a)(1), Oct. 17, 1998, 112 Stat. 1953; amended Pub. L. 107–107, div. A, title II, §232(a), (b), Dec. 28, 2001, 115 Stat. 1037; Pub. L. 107–314, div. A, title II, §225(b)(1)(A), Dec. 2, 2002, 116 Stat. 2486; Pub. L. 108–136, div. A, title II, §221(a), (b)(1), (c)(1), Nov. 24, 2003, 117 Stat. 1419.)

**PRIOR PROVISIONS**

Provisions similar to those in this section were contained in Pub. L. 104–106, div. A, title II, §251, Feb. 10, 1996, 110 Stat. 233, which was set out as a note under section 221 of this title, prior to repeal by Pub. L. 105–261, §235(b).

**AMENDMENTS**

2003—Subsec. (a). Pub. L. 108–136, §221(a), inserted “by President” after “Specified” in heading, substituted “such program elements as the President may specify.” for “program elements governing functional areas as follows:” in introductory provisions, and struck out pars. (1) to (6), which read as follows:

“(1) Technology.

“(2) Ballistic Missile Defense System.

“(3) Terminal Defense Segment.

“(4) Midcourse Defense Segment.

“(5) Boost Defense Segment.

“(6) Sensors Segment.”

Subsec. (b)(2). Pub. L. 108–136, §221(c)(1), substituted “means the period in the course of an acquisition program during which the” for “means the development phase whose”.

Subsec. (c). Pub. L. 108–136, §221(b)(1), substituted “for a fiscal year for any program element specified for that fiscal year pursuant to subsection (a)” for “for each program element specified in subsection (a)”.

2002—Subsec. (a). Pub. L. 107–314 substituted “Missile Defense Agency” for “Ballistic Missile Defense Organization”.

2001—Subsec. (a). Pub. L. 107–107, §232(a), substituted “in accordance with program elements governing functional areas as follows:” for “in accordance with the following program elements:” in introductory provisions, added pars. (1) to (6), and struck out former pars. (1) to (12) which read as follows:

“(1) The Patriot system.

“(2) The Navy Area system.

“(3) The Theater High-Altitude Area Defense system.

“(4) The Navy Theater Wide system.

“(5) The Medium Extended Air Defense System.

“(6) Joint Theater Missile Defense.

“(7) National Missile Defense.

“(8) Support Technologies.

“(9) Family of Systems Engineering and Integration.

“(10) Ballistic Missile Defense Technical Operations.

“(11) Threat and Countermeasures.

“(12) International Cooperative Programs.”

Subsec. (b). Pub. L. 107–107, §232(b), amended heading and text of subsec. (b) generally. Prior to amendment, text read as follows: “Amounts requested for Theater Missile Defense and National Missile Defense major defense acquisition programs shall be specified in individual, dedicated program elements, and amounts appropriated for those programs shall be available only for Ballistic Missile Defense activities.”

**ACQUISITION ACCOUNTABILITY REPORTS ON THE BALLISTIC MISSILE DEFENSE SYSTEM**

Pub. L. 111–383, div. A, title II, §225, Jan. 7, 2011, 124 Stat. 4170, related to acquisition baselines, elements of baselines, and annual reports, prior to repeal by Pub. L. 112–81, div. A, title II, §231(b)(1), Dec. 31, 2011, 125 Stat. 1339.

**BUDGET AND ACQUISITION REQUIREMENTS FOR MISSILE DEFENSE AGENCY ACTIVITIES**

Pub. L. 110–181, div. A, title II, §223, Jan. 28, 2008, 122 Stat. 39, as amended by Pub. L. 112–81, div. A, title II, §231(b)(2), Dec. 31, 2011, 125 Stat. 1339, provided that:

“(a) REVISED BUDGET STRUCTURE.—The budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year after fiscal year 2009 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) shall set forth separately amounts requested for the Missile Defense Agency for each of the following:

“(1) Research, development, test, and evaluation.

“(2) Procurement.

“(3) Operation and maintenance.

“(4) Military construction.

“(b) REVISED BUDGET STRUCTURE FOR FISCAL YEAR 2009.—The budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2009 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) shall—

“(1) identify all known and estimated operation and support costs; and

“(2) set forth separately amounts requested for the Missile Defense Agency for each of the following:

“(A) Research, development, test, and evaluation.

“(B) Procurement or advance procurement of long lead items, including for Terminal High Altitude Area Defense firing units 3 and 4, and for Standard Missile-3 Block 1A interceptors.

“(C) Military construction.

“(c) AVAILABILITY OF RDT&E FUNDS FOR FISCAL YEAR 2009.—Upon approval by the Secretary of Defense, and consistent with the plan submitted under subsection (f), funds appropriated pursuant to an authorization of