

(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 begin-

ning 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 sub-