

**Editorial Notes****PRIOR PROVISIONS**

Provisions similar to those in this section were contained in Pub. L. 101-510, div. A, title XIV, §1404, Nov. 5, 1990, 104 Stat. 1675, which was set out as a note under section 114a [now 221] of this title, prior to repeal by Pub. L. 102-484, §1002(b).

**AMENDMENTS**

2017—Subsec. (b). Pub. L. 115-91 substituted “major force programs.” for “both major force programs and the core mission areas identified under the most recent quadrennial roles and missions review pursuant to section 118b of this title.”

2008—Subsec. (a). Pub. L. 110-181, §944(a), amended last sentence generally. Prior to amendment, last sentence read as follows: “That budget shall be submitted for any fiscal year not later than 60 days after the date on which the President’s budget for that fiscal year is submitted to Congress pursuant to section 1105 of title 31.”

Subsec. (b). Pub. L. 110-181, §944(b), substituted “on the basis of both major force programs and the core mission areas identified under the most recent quadrennial roles and missions review pursuant to section 118b of this title.” for “on the basis of major roles, missions, or forces of the Department of Defense.”

1994—Subsec. (a). Pub. L. 103-337 substituted “not later than 60 days after the date on which” for “at the same time that”.

**Statutory Notes and Related Subsidiaries****EFFECTIVE DATE OF 2008 AMENDMENT**

Pub. L. 110-181, div. A, title IX, §944(c), Jan. 28, 2008, 122 Stat. 290, provided that: “The amendments made by this section [amending this section] shall apply with respect to the future-years mission budget for fiscal year 2010 and each fiscal year thereafter.”

**§ 222a. Unfunded priorities of the armed forces and combatant commands: annual report**

(a) **ANNUAL REPORT.**—Not later than 10 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105 of title 31, each officer specified in subsection (b) shall submit to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, and to the congressional defense committees, a report on the unfunded priorities of the armed force or forces or combatant command under the jurisdiction or command of such officer.

(b) **OFFICERS.**—The officers specified in this subsection are the following:

- (1) The Chief of Staff of the Army.
- (2) The Chief of Naval Operations.
- (3) The Chief of Staff of the Air Force.
- (4) The Commandant of the Marine Corps.
- (5) The Chief of Space Operations.

(6) The commanders of the combatant commands established under section 161 of this title.

(7) The Chief of the National Guard Bureau in the role assigned to that position in section 10502(c)(1) of this title.

(c) **ELEMENTS.**—

(1) **IN GENERAL.**—Each report under this subsection shall specify, for each unfunded priority covered by such report, the following:

(A) A summary description of such priority, including the objectives to be achieved 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 shall present the unfunded priorities covered by such report as follows:

(A) In overall order of urgency of priority.

(B) In overall order of urgency of priority among unfunded priorities (other than covered military construction projects).

(C) In overall order of urgency of priority among covered military construction projects.

(3) **NATIONAL GUARD UNFUNDED PRIORITIES.**—

(A) **IN GENERAL.**—The officer specified under subsection (b)(6) shall only include in a report submitted under subsection (a) such priorities that—

(i) relate to equipping requirements in support of non-federalized National Guard responsibilities for the homeland defense or civil support missions; and

(ii) except as provided in subparagraph (B), were not included in a report under this section submitted by an officer specified in subsection (b)(1) or (3) for any of five fiscal years preceding the fiscal year for which the report is submitted, on behalf of National Guard forces to address a warfighting requirement.

(B) **EXCEPTION.**—The officer specified under subsection (b)(6) may include in a report submitted under subsection (a) an unfunded priority covered by subparagraph (A)(ii) if the Secretary of Defense—

(i) determines that the inclusion such unfunded priority reasonably supports the priorities of the Department under the national defense strategy under section 113(g) of this title; and

(ii) submits to the congressional defense committees written notice of such determination.

(d) **DEFINITIONS.**—In this section:

(1) The term “unfunded priority”, in the case of a fiscal year, means a program, activity, or mission requirement, including a covered military construction project, that—

(A) is not funded in the budget of the President for the fiscal year as submitted to Congress pursuant to section 1105 of title 31;

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

(C) would have been recommended for funding through the budget referred to in subparagraph (1) by the officer submitting

the report required by subsection (a) in connection with the budget if—

- (i) additional resources had been available for the budget to fund the program, activity, or mission requirement; or
- (ii) the program, activity, or mission requirement has emerged since the budget was formulated.

(2) The term “covered military construction project”, in connection with a fiscal year, means a military construction project that—

(A) is included in any fiscal year of the future-years defense program under section 221 of this title that is submitted in connection with the budget of the President for the fiscal year, and is executable in the fiscal year; or

(B) is considered by the commander of a combatant command referred to in subsection (b)(5) to be an urgent need, and is executable in the fiscal year.

(Added Pub. L. 114-328, div. A, title X, §1064(a)(1), Dec. 23, 2016, 130 Stat. 2408; amended Pub. L. 116-92, div. A, title X, §1005, title XVII, §1731(a)(12), Dec. 20, 2019, 133 Stat. 1573, 1813; Pub. L. 116-283, div. A, title IX, §924(b)(10), title X, §§1006, 1081(a)(12), Jan. 1, 2021, 134 Stat. 3823, 3838, 3871.)

### Editorial Notes

#### AMENDMENTS

2021—Subsec. (b)(5), (6). Pub. L. 116-283, §924(b)(10), added par. (5) and redesignated former par. (5) as (6).

Subsec. (b)(7). Pub. L. 116-283, §1006(1), added par. (7).

Subsec. (c)(3). Pub. L. 116-283, §1006(2), added par. (3).

Subsec. (d)(1)(C)(i). Pub. L. 116-283, §1081(a)(12), inserted “had” before “been available”.

2019—Subsec. (c)(2). Pub. L. 116-92, §1005(b), amended par. (2) generally. Prior to amendment, text read as follows: “Each report shall present the unfunded priorities covered by such report in order of urgency of priority.”

Subsec. (d). Pub. L. 116-92, §1005(a), amended subsec. (d) generally. Prior to amendment, subsec. (d) defined the term “unfunded priority”.

Subsec. (d)(3)(A). Pub. L. 116-92, §1731(a)(12), inserted “had” before “been” prior to the general amendment of subsec. (d). See Amendment note above and Coordination of Amendments by Pub. L. 116-92 note below.

### Statutory Notes and Related Subsidiaries

#### COORDINATION OF AMENDMENTS BY PUB. L. 116-92

Amendments to this section by section 1731 of Pub. L. 116-92 to be treated as having been enacted immediately before amendments by other provisions of Pub. L. 116-92, see section 1731(f) of Pub. L. 116-92, set out as a Coordination of Certain Sections of an Act With Other Provisions of That Act note under section 101 of this title.

#### ANNUAL REPORT ON UNFUNDED REQUIREMENTS FOR LABORATORY MILITARY CONSTRUCTION PROJECTS

Pub. L. 115-91, div. B, title XXVIII, §2806, Dec. 12, 2017, 131 Stat. 1847, as amended by Pub. L. 116-92, div. B, title XXVIII, §2807, Dec. 20, 2019, 133 Stat. 1885, provided that: “The Under Secretary of Defense for Research and Engineering, in coordination with the Under Secretary of Defense for Acquisition and Sustainment, shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] each year, at the time the budget of the President for the

fiscal year beginning in such year is submitted to Congress under section 1105(a) of title 31, United States Code, a report listing unfunded requirements on major and minor military construction projects for Department of Defense science and technology laboratories and facilities and test and evaluation facilities, in prioritized order, with specific accounts and program elements identified, and shall include a Department of Defense Form DD1391 for each major and minor military construction project included in the report.”

### § 222b. Unfunded priorities of the Missile Defense Agency: annual report

(a) REPORTS.—Not later than 10 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105 of title 31, the Director of the Missile Defense Agency shall submit to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, and to the congressional defense committees, a report on the unfunded priorities of the Missile Defense Agency.

(b) ELEMENTS.—

(1) IN GENERAL.—Each report under subsection (a) shall specify, for each unfunded priority covered by such report, the following:

(A) A summary description of such priority, including the objectives to be achieved 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,