

tion 222c(a) of this title, the Under Secretary of Defense for Acquisition and Sustainment, in coordination with the service acquisition executive of each military department, shall submit to the congressional defense committees a report detailing the industrial base constraints for each munition identified in the Out-Year Unconstrained Total Munitions Requirement.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements, broken down by munition:

(1) Programmed purchase quantities per year.

(2) Average procurement unit cost per year.

(3) Contract type.

(4) Current minimum sustaining rate of production per month and year.

(5) Current maximum rate of production per month and year.

(6) Expected date to meet the Out-Year Unconstrained Total Munitions Requirement in section 222c of this title under the programmed purchase quantities established for the period covered by the report.

(7) A description of industrial base constraints on increased production of each munition, including any supply chain weaknesses.

(8) A description of investments or policy changes made by a defense contractor or by the United States Government to increase production, enable more efficient production, or mitigate significant loss of stability in potential production.

(9) A description of potential investments or policy changes identified by a defense contractor or the United States Government to increase munitions production, enable more efficient production, or mitigate significant loss of stability in potential production, including—

(A) direct investments in test and tooling equipment, workforce development, or improvements to existing production facilities;

(B) a pool of rotatable critical components or subcomponents for munitions;

(C) multiyear contracts or other contracting strategies;

(D) direct investments in components, subcomponents, or raw materials commonly used across the industrial base;

(E) direct investments in additive manufacturing or expeditionary manufacturing capabilities;

(F) direct investments in simplification of supply chains; and

(G) direct investments in technologies or methods to enable increased scalability and reduced complexity of production processes for current or future munitions.

(10) A list of each contract for a munition with a priority rating of “critical to national defense” (commonly referred to as a “DO-rated order”) or a priority rating of “highest national defense urgency” (commonly referred to as a “DX-rated order”) in the Defense Priorities and Allocation System pursuant to part 700 of title 15, Code of Federal Regulations (or any successor regulation).

(11) A prioritized list of munitions judged to have high value for export for which additional investments would be necessary to en-

able export, including a description of such investments required.

(12) A list of munitions subject to the requirements of chapter 2 of the Arms Export Control Act (22 U.S.C. 2761 et seq.) relating to foreign military sales that are anticipated to be exported based on developments in the conflict in Ukraine.

(c) MUNITION DEFINED.—In this section, the term “munition” has the meaning given by the Under Secretary of Defense for Acquisition.

(Added Pub. L. 117-263, div. A, title XVII, § 1701(d)(1), Dec. 23, 2022, 136 Stat. 2965.)

Editorial Notes

REFERENCES IN TEXT

The Arms Export Control Act, referred to in subsec. (b)(12), is Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320. Chapter 2 of the Act is classified generally to subchapter II (§2761 et seq.) of chapter 39 of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of Title 22 and Tables.

§ 222e.¹ Programs, projects, and activities that were internally changed in the submission of the President’s budget: annual report

(a) IN GENERAL.—The Secretary of Defense, acting through the Secretaries of the military departments and the officers of Department of Defense agencies and offices not under the control of a Secretary of a military department, shall submit to the congressional defense committees each year, not later than 30 days after the submission of the budget of the President for the fiscal year beginning in such year under section 1105(a) of title 31, a report that includes organized tabulations of programs, projects, and activities in research, development, test, and evaluation, procurement, and military construction the total obligational authority for which was changed in the current budget year proposal compared to the prior-year projection for the current year.

(b) ELEMENTS.—The tabulations required under subsection (a) shall include, for each program, project, or activity that was internally changed, the following elements:

(1) Whether the program, project, or activity was added, eliminated, or reduced and in which fiscal year.

(2) The appropriations sub-account.

(3) The appropriate program element, line item number, or sub-activity group.

(4) The program, project, or activity name.

(5) The prior year enacted appropriation.

(6) The prior year projected current year budget.

(7) The current year budget request.

(8) If applicable, the amount reduced or saved by the current year elimination or reduction over the future years defense plan.

(9) A characterization of the change as a fact-of-life change, a prioritization change, a programmatic change, or a change due to congressional action.

¹ Another section 222e is set out after this section. See Codification note below.

(c) FORM.—The report required under subsection (a) shall be submitted in machine readable, electronic form.

(Added Pub. L. 118–31, div. A, title X, § 1002, Dec. 22, 2023, 137 Stat. 378.)

Editorial Notes

CODIFICATION

Pub. L. 118–31, div. A, title X, § 1002, Dec. 22, 2023, 137 Stat. 378, provided that this chapter was amended by inserting this section “after section 222d”. Another section 222e, which is set out after this section, had been added and inserted “after section 222d” by Pub. L. 118–31, div. A, title II, § 211, Dec. 22, 2023, 137 Stat. 182.

§ 222e.¹ Unfunded priorities of the Under Secretary of Defense for Research and Engineering: 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, the Secretary of Defense, after coordinating with the Secretaries of the military departments, shall submit to the congressional defense committees a report on the unfunded priorities of the Department of Defense related to activities for which the Under Secretary of Defense for Research and Engineering has authority.

(b) ELEMENTS.—

(1) IN GENERAL.—Except as provided in subsection (c), each report submitted 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.

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

(c) EXCLUSION OF PRIORITIES COVERED IN OTHER REPORTS.—The report submitted under subsection (a) shall not include unfunded priorities or requirements covered in reports submitted under—

(1) section 222a or 222b² of this title; or

(2) section 2806 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 222a note).

(d) FORM OF REPORT.—Each report submitted under subsection (a) shall be submitted in classified form, but may include an unclassified summary as the Secretary considers appropriate.

¹ Another section 222e is set out preceding this section. See Codification note below.

² See References in Text note below.

(e) UNFUNDED PRIORITY DEFINED.—In this section, the term “unfunded priority”, in the case of a fiscal year, means a program, activity, or mission requirement, 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;

(2) would have been recommended for funding through that 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; and

(3) in the case of a military construction project, has reached 35 percent design.

(Added Pub. L. 118–31, div. A, title II, § 211, Dec. 22, 2023, 137 Stat. 182; amended Pub. L. 118–159, div. A, title II, § 212, Dec. 23, 2024, 138 Stat. 1824.)

Editorial Notes

REFERENCES IN TEXT

Section 222b of this title, referred to in subsec. (c)(1), was repealed by Pub. L. 118–159, div. A, title XVI, § 1649(b)(1), Dec. 23, 2024, 138 Stat. 2199. For provisions similar to those in former section 222b of this title, see section 5513 of this title.

CODIFICATION

Pub. L. 118–31, div. A, title II, § 211, Dec. 22, 2023, 137 Stat. 182, provided that this chapter was amended by inserting this section “after section 222d”. Another section 222e, which is set out preceding this section, was subsequently added and inserted “after section 222d” by Pub. L. 118–31, div. A, title X, § 1002, Dec. 22, 2023, 137 Stat. 378.

AMENDMENTS

2024—Subsec. (a). Pub. L. 118–159, § 212(1), substituted “the Secretary of Defense, after coordinating with the Secretaries of the military departments, shall” for “the Secretary of Defense shall”.

Subsec. (e)(3). Pub. L. 118–159, § 212(2), added par. (3).

[§ 223. Repealed. Pub. L. 118–159, div. A, title XVI, § 1649(b)(1), Dec. 23, 2024, 138 Stat. 2199]

Section, 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, related to program elements for ballistic missile defense programs. See section 5511 of this title.

Statutory Notes and Related Subsidiaries

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.

COOPERATIVE BALLISTIC MISSILE DEFENSE PROGRAM ELEMENT

Pub. L. 105–85, div. A, title II, § 233, Nov. 18, 1997, 111 Stat. 1663, as amended by Pub. L. 107–314, div. A, title II, § 225(b)(4)(A), Dec. 2, 2002, 116 Stat. 2486, directed the Secretary of Defense to establish the Cooperative Ballistic Missile Defense Program to support cooperative