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Defense Primer: Defense and Intelligence Unfunded Priorities

Introduction

By law, certain U.S. Department of Defense (DOD) officials and other executive branch agency officials are required to submit reports to Congress describing defense and intelligence-related priorities that were not included in the President's annual budget request. (DOD is "using a secondary Department of War designation" under Executive Order (E.O.) 14347 dated September 5, 2025.) These reports, known as *unfunded priorities lists* (UPLs), identify certain programs, activities, or mission requirements for which appropriations were not requested, along with the funding amounts that may be necessary to resource them. Pursuant to 10 U.S.C. §222a, the highest-ranking officers of the U.S. military services and combatant commands (COCOMs) are to submit UPLs (also called unfunded requirements, or UFRs) to the Secretary of Defense (SECDEF, who is "using a secondary Secretary of War designation" under E.O. 14347), Chairman of the Joint Chiefs of Staff (CJCS), and congressional defense committees. Some Members have described DOD unfunded priorities as "wish lists" that reduce budget discipline and increase unnecessary spending. Others have described them as "risk lists" that identify items intended to support strategic objectives. With the value of such items sometimes totaling tens of billions of dollars a year (e.g., DOD submitted \$53.7 billion in FY2026 UPLs), Congress has typically debated authorization and appropriation of funding for certain unfunded priorities.

Background

For decades, reports accompanying defense authorization and appropriation legislation have sometimes referenced "unfunded requirements" of the military. For instance, the conference report (H.Rept. 97-749) to accompany the National Defense Authorization Act for FY1983 (NDAA; P.L. 97-252) authorized appropriations within the Operation and Maintenance, Air National Guard accounts for certain "unfunded requirements" (i.e., cold weather gear and chemical defense equipment). By the mid-1990s, according to some accounts, the services routinely submitted lists of unfunded priorities to Congress. In the 2000s, conference reports accompanying defense authorization and appropriation legislation sometimes referenced the "unfunded priority list" of DOD or a military service, or the "unfunded requirements list" of a military service. In 2009, in preparation of the FY2010 President's budget request to Congress, then-SECDEF Robert M. Gates limited access to information about proposals to decrease funding for certain defense programs—a move that he acknowledged generated congressional concerns over transparency into the department's budget development process. In 2021, then-Chairman of the Joint Chiefs of Staff General Mark A. Milley said unfunded priorities lists provide a "flexibility option" for lawmakers. In 2023, then-SECDEF Lloyd J.

Austin III said he would support removing statutory requirements for UPLs.

Selected Legislation

FY2013 NDAA. Section 1003 of P.L. 112-239 included a provision expressing the sense of Congress that certain military officers "should" submit to Congress, through the CJCS and the SECDEF, "a list of any priority military programs or activities under the jurisdiction of such officer for which, in the estimate of such officer additional funds, if available, would substantially reduce operational or programmatic risk or accelerate the creation or fielding of a critical military capability."

FY2017 NDAA. Section 1064 of P.L. 114-328 established the statutory requirement of 10 U.S.C. §222a for annual reports on unfunded priorities of the services and COCOMs. In particular, the statute requires the service chiefs and combatant commanders to submit within 10 days of the President's budget request to Congress a report on the unfunded priorities of the service or command under their jurisdiction. The statute requires the officers to submit the documents to the SECDEF, CJCS, and congressional defense committees (i.e., the House and Senate Committees on Armed Services and Appropriations). The reports are to include items in order of priority and such information as the line-item number in procurement accounts, program element number in research and development accounts, and the sub-activity group in operation and maintenance accounts. The statute defines an unfunded priority, in part, as a program, activity, or mission requirement that "is not funded in the budget of the President" and "is necessary to fulfill a requirement associated with an operational or contingency plan of a combatant command or other validated requirement." Section 1696 of the act established a similar statutory requirement (10 U.S.C. §222b) for an annual report on unfunded priorities of the Missile Defense Agency (MDA).

FY2021 NDAA. Sections 924 and 1006 of P.L. 116-283 amended 10 U.S.C. §222a to include among the officers required to submit reports on unfunded priorities the Chief of Space Operations and the Chief of the National Guard Bureau, respectively. Section 1005 established the statutory requirement of 10 U.S.C. §240i for the DOD Comptroller to submit a report on unfunded priorities related to audit readiness and remediation.

FY2024 NDAA. Section 1003 of the FY2024 NDAA (P.L. 118-31) amended 10 U.S.C. §222a to include additional reporting requirements related to UPLs of the armed forces and combatant commands.

Selected Permanent Laws

Table 1 lists statutory provisions requiring components of DOD, the intelligence community, and other agencies to submit UPLs, under varying terms.

Table 1. Selected Provisions in United States Code Related to Defense and Intelligence UPLs

Title and Section	Description
Department of Defense	
10 U.S.C. §222a	Military services and combatant commands unfunded priorities
10 U.S.C. §222e	Under Secretary of Defense (USD) for Research and Engineering unfunded priorities
10 U.S.C. §240i	USD(Comptroller) unfunded priorities for audit readiness and remediation
10 U.S.C. §4815	National technology and industrial base unfunded priorities
10 U.S.C. §4901 note	Small business innovation research and small business technology transfer programs unfunded priorities
10 U.S.C. §5513	Missile Defense Agency unfunded priorities
Department of Homeland Security	
14 U.S.C. §5102 note	Coast Guard shoreside infrastructure and facilities projects unfunded priorities
14 U.S.C. §5108	Coast Guard unfunded priorities list
Department of Energy	
50 U.S.C. §2756	National Nuclear Security Administration unfunded priorities
Intelligence Community	
50 U.S.C. §3113	Intelligence community unfunded priorities

Source: CRS analysis of selected provisions of the *United States Code*.

DOD UPLs

DOD unfunded priorities lists have typically lacked a standard format. Some UPL lists have included a narrative to describe each priority; others have provided line-item lists in a spreadsheet. Most UPL lists have been unclassified; some have been submitted with distribution restrictions. Combatant commanders do not always submit UPLs. In 2024, the heads of Transportation Command and Cyber Command did not submit FY2025 UPLs for their respective commands. The value of items on DOD unfunded priorities can vary. Previous UPLs have included items that ranged in cost from air defense activities valued at approximately \$100,000 to a Navy guided-missile destroyer (DDG-51) estimated to cost \$1.7 billion. Following the inclusion of the destroyer on a UPL for FY2022, some Members questioned whether the Navy's official budget request accurately reflected the service's most important priorities.

According to a September 2025 Government Accountability Office (GAO) report, DOD submitted

approximately \$134 billion in UPLs from FY2020 through FY2025, with total UPL value increasing 73% over the six-year period when adjusted for inflation, with COCOMs submitting a higher combined UPL amount than the services in FY2025. GAO concluded that certain DOD components "inconsistently addressed required statutory reporting elements" and "used different methodologies to prioritize and report their UPLs to Congress." For Congress, GAO recommended to consider revising 10 U.S.C. 222a "to clarify how unfunded priorities should be prioritized." For DOD, GAO made five recommendations "to ensure that all statutory elements are addressed in future submissions."

Selected Legislative Activity

Some Members of Congress have offered legislative proposals to authorize and appropriate funding to support unfunded priorities. Other Members have offered proposals to eliminate statutory requirements for UPLs. In the 117th Congress, during the House Armed Services Committee markup of its version of the FY2023 NDAA (H.R. 7900), Representative Mike Rogers supported an amendment to increase appropriations authorized in the bill by \$37.0 billion in part by saying, "The amendment funds critically needed priorities from our service chiefs and combatant commanders that were left unfunded by the President's budget." In the 117th Congress, Senator Elizabeth Warren wrote Secretary Austin to curtail the use of DOD UPLs and introduced legislation (S. 5255) to repeal statutory requirements for certain department UPLs. Senator Warren said of the proposal, "The Department of Defense's priorities should be reflected in its budget." In the 118th Congress, Representative Pramila Jayapal introduced legislation (H.R. 4740) to repeal statutory requirements for certain DOD and Department of Energy (DOE) UPLs. The bills were referred to, but not reported out of, committee. In the 119th Congress, the Senate Armed Services Committee-reported version of the FY2026 NDAA (S. 2572) recommended funding more than \$20 billion in UPLs, according to the accompanying report (S.Rept. 119-52).

Potential Issues for Congress

How might DOD's use of diverse methodologies to generate unfunded priorities affect the level of effort required for congressional oversight?

How might the upward trend in the combined value of UPLs since FY2020 affect overall funding levels and/or tradeoffs in the national defense budget?

What, if any, is the relationship between FY2025 and FY2026 UPL lists and the programs, projects, and activities funded by Title II of the 2025 reconciliation law (P.L. 119-21)?

How might the classification level of certain unfunded priorities lists affect congressional oversight?

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