

Recommendation 23: Establish a permanent, automatic 5-year sunset provision for DoD congressional reporting requirements.

Problem

As a result of the recurring problem posed by excessive congressional reporting requirements directed at DoD, as well as Congress's struggle to restrain the growth of reporting requirements over time, the notion of an automatic sunset has periodically entered the debate. Advocates for greater discipline in the imposition of reporting requirements have argued that automatic sunsets can be an effective means to encourage Congress to regularly assess the value of a report.

Background

The Clinton Administration's 1993 *Streamlining Management Control* study recommended the adoption of an automatic sunset provision for all new reporting requirements that would "ensure that the burdens of congressionally mandated reports are controlled."¹ Acting along similar lines, Congress passed the Federal Reports Elimination and Sunset Act of 1995 (FRESA), which instituted a *catch-all sunset provision* that terminated the legal requirements for all existing periodic reports 4 years after the date of enactment.² According to the Congressional Research Service, "many periodic reporting requirements appear to have been eliminated" by FRESA.³ Between 1999 and 2008, Congress repeatedly saved certain reporting requirements from the sunset, including the entire category of reports concerning federal budgetary matters.⁴ Elimination of numerous reporting requirements due to the FRESA sunset—along with Congress's unwillingness to allow the sunset to take full effect—demonstrated both the potential of sunset provisions and their dependence on congressional support.

Findings

A sunset created by Congress will always be susceptible to the decisions of a later Congress. Inevitably, sunset provisions are only as strong as the congressional will to uphold them. Yet an automatic sunset for reporting requirements is still a useful tool for maintaining congressional discipline. A sunset forces Congress to make an active decision to explicitly reauthorize a reporting requirement, prevents the unwitting growth of reports, and imposes an evaluation of costs and benefits for determining the necessity of a report. Moreover, Congress has already shifted toward this position in recent years by including sunset provisions in new reporting requirements with increasing frequency. The panel endorses the direction of recent congressional policy and aims to build on Congress's actions. The panel's proposed sunset provision is an attempt to bolster Congress's efforts and ensure that a similar standard is applied broadly across all relevant DoD reporting requirements.

Conclusions

In support of the goals above, the structure of a sunset is important. Rather than the one-time sunset of FRESA, a permanent, recurring sunset provides a more effective mechanism for restraint. Every

¹ White House Office of the Vice President, *Streamlining Management Control – Part 2*, September 1993, accessed August 7, 2017, <https://clintonwhitehouse6.archives.gov/1994/06/1994-06-30-npr-report-on-streamlining-management-control-part-a.html>.

² Congressional Research Service, *Reexamination of Agency Reporting Requirements: Annual Process Under the GPRA Modernization Act of 2010 (GPRAMA)*, May 29, 2013, accessed August 4, 2017, <https://fas.org/sgp/crs/misc/R42490.pdf>.

³ *Ibid.*

⁴ *Ibid.*

congressional reporting requirement for DoD should be justified at regular intervals to ensure that it remains of adequate value to merit the cost in time and resources. An automatic 5-year sunset—commencing in January 2022 for existing DoD reporting requirements, encompassing all new reporting requirements, and repeating every 5 years for each report—would provide a long-term answer to the growth of reporting requirements. The sunset would establish a permanent mechanism to impede the continuation of unnecessary or obsolete congressional reports.

Implementation

Legislative Branch

- Establish a permanent, automatic 5-year sunset provision for congressional reporting requirements directed to DoD.
- Begin the 5-year period in January 2022 for existing reports, after the expiration of the current December 2021 termination deadline. Begin the 5-year period immediately for all new reporting requirements created after the date of the sunset provision’s enactment. All new and existing DoD reporting requirements would subsequently terminate automatically at the end of their respective 5-year periods unless specifically reauthorized by Congress.
- Direct DoD to provide an annual list to Congress of all reporting requirements set to terminate during the upcoming year.
- Subject all reporting requirements recommended to be made *permanent* to the automatic sunset (see Recommendation 24).

Executive Branch

- No Executive Branch changes are required.

Implications for Other Agencies

- There are no cross-agency implications for this recommendation.

Recommendations 23 and 24

LEGISLATIVE PROVISIONS — 809 PANEL RECOMMENDATIONS RELATING TO TERMINATION OF REPORTING REQUIREMENTS

[NOTE: The draft legislative text below is followed by a “Sections Affected” display, showing the text of each provision of law affected by the draft legislative text below.]

TITLE V—REPORTING REQUIREMENTS

Sec. 501. Automatic sunset for future statutory reporting requirements.

Sec. 502. Repeal of certain Department of Defense reporting requirements that otherwise terminate as of December 31, 2021.

Sec. 503. Delay in sunset provision for certain Department of Defense reporting requirements that otherwise terminate as of December 31, 2021.

Sec. 504. Sunset of certain reporting requirements currently applicable to Department of Defense.

Sec. 505. Annual notification to Congress of expiring reporting requirements.

SEC. 501. AUTOMATIC SUNSET FOR FUTURE STATUTORY REPORTING REQUIREMENTS.

(a) IN GENERAL.—Chapter 23 of title 10, United States Code, is amended by inserting after section 480 the following new section:

“§ 480a. Reports to Congress: termination of indefinite-duration reports after five years

“(a) IN GENERAL.—Any provision of law enacted after the date of the enactment of this section that includes an indefinite-duration report requirement shall cease to be effective, with respect to that requirement, five years after the date of the enactment of that provision of law unless that provision of law expressly states that this section is inapplicable to that requirement or that provision of law.

“(b) INDEFINITE-DURATION REPORT REQUIREMENT DEFINED.—In this section, the term ‘indefinite-duration report requirement’ means a requirement in any provision of law for the Secretary of Defense (or any other officer or employee of the Department of Defense) to submit to Congress (or any committee of Congress) a periodic report for which the law does not—

1 “(1) state a specific period of time as the period during which that report is
2 required to be submitted or that provision of law is in effect; or

3 “(2) state a specific termination date for the requirement to submit the report or
4 for that provision of law.

5 “(c) PERIODIC REPORT DEFINED.—In this section, the term ‘periodic report’ means a
6 report required to be submitted on an annual, semiannual, or other regular periodic basis.”.

7 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is
8 amended by inserting after the item relating to section 480 the following new item:

“480a. Reports to Congress: termination of indefinite-duration reports after five years.”.

9 **SEC. 502. REPEAL OF CERTAIN DEPARTMENT OF DEFENSE REPORTING**
10 **REQUIREMENTS THAT OTHERWISE TERMINATE AS OF**
11 **DECEMBER 31, 2021.**

12 (a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as
13 follows:

14 (1) SECTION 196.—Section 196, relating to the Department of Defense Test
15 Resource Management Center, is amended by striking subsections (d) and (e)(3).

16 (2) SECTION 223a.—Section 223a, relating to budget justification materials for
17 ballistic missile defense programs, is amended by striking subsection (a).

18 (3) SECTION 229.—

19 (A) Section 229, relating to the display of budget information for programs
20 for combating terrorism, is repealed.

21 (B) The table of sections at the beginning of chapter 9 is amended by
22 striking the item relating to section 229.

23 (4) SECTION 231a.—

1 (A) Section 231a, relating to budgeting for life-cycle costs of aircraft for
2 the Navy, Army, and Air Force, is repealed.

3 (B) The table of sections at the beginning of chapter 9 is amended by
4 striking the item relating to section 231a.

5 (5) SECTION 238.—

6 (A) Section 238, relating to program elements for the cyber mission
7 forces, is repealed.

8 (B) The table of sections at the beginning of chapter 9 is amended by
9 striking the item relating to section 238.

10 (6) SECTION 2228.—Section 2228, relating to funding for the long-term strategy
11 to reduce corrosion and the effects of corrosion on the military equipment and
12 infrastructure of the Department of Defense, is amended by striking subsection (e).

13 (7) SECTION 2275.—

14 (A) Section 2275, relating to reports on integration of acquisition and
15 capability delivery schedules for segments of major satellite acquisition programs
16 and funding for such programs, is repealed.

17 (B) The table of sections at the beginning of chapter 135 is amended by
18 striking the item relating to section 2275.

19 (8) Section 2276.—Section 2276, relating to commercial space launch
20 cooperation, is amended by striking subsection (e).

21 (9) Section 2466.—Section 2466, relating to depot-level maintenance and repair
22 workloads, is amended by striking subsection (d).

1 (10) Section 7310.—Section 7310, relating to report on repair of certain vessels in
2 foreign shipyards, is amended by striking subsection (c).

3 (11) Section 10543.—Section 10543, relating to National Guard and reserve
4 component equipment procurement and military construction funding, is amended by
5 striking subsections (a) and (c).

6 (b) NDAA FOR FY 2002.— Section 232(h) of the National Defense Authorization Act for
7 Fiscal Year 2002 (Public Law 107-107; 10 U.S.C. 2431 note), relating to an annual report on
8 assessment of the adequacy and sufficiency of the Missile Defense Agency test program, is
9 amended by striking paragraph (3).

10 (c) NDAA FOR FY 2007.—The John Warner National Defense Authorization Act for
11 Fiscal Year 2007 (Public Law 109-364) is amended as follows:

12 (1) Section 122 (120 Stat. 2104), as amended by section 121 of the National
13 Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 127 Stat. 691),
14 relating to the CVN-78 class aircraft carrier program, is amended by striking paragraph
15 (1) of subsection (f).

16 (2) Section 1017 (120 Stat. 2379), relating to obtaining carriage by vessel, is
17 amended by striking subsection (e).

18 (d) NDAA FOR FY 2009.—Section 1047(d) of the Duncan Hunter National Defense
19 Authorization Act for Fiscal Year 2009 (Public Law 110-417; 10 U.S.C. 2366b note), relating to
20 reports on bandwidth requirements for major defense acquisition programs, is amended by
21 striking paragraph (2).

22 (e) NDAA FOR FY 2011.—Section 1217 of the Ike Skelton National Defense
23 Authorization Act for Fiscal Year 2011 (Public Law 111-383; 22 U.S.C. 7513 note), relating to

1 authority to establish a program to develop and carry out infrastructure projects in Afghanistan,
2 is amended by striking subsection (i).

3 (f) NDAA FOR FY 2013.—Section 904(h) of the National Defense Authorization Act for
4 Fiscal Year 2013 (Public Law 112-239; 10 U.S.C. 133 note), relating to recommendations of the
5 Deputy Assistant Secretary of Defense for Developmental Test and Evaluation, is amended by
6 striking paragraphs (1) and (2).

7 (g) NDAA FOR FY 2015.—The Carl Levin and Howard P. “Buck” McKeon National
8 Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291) is amended as follows:

9 (1) Section 1026(d) (128 Stat. 3490), relating to availability of funds for
10 retirement of inactivation of Ticonderoga-class cruisers or dock landing ships, is
11 amended by striking paragraph (1).

12 (2) Section 1662 (10 U.S.C. 2431 note), relating to testing and assessment of
13 missile defense systems prior to production and deployment, is amended by
14 striking subsections (c)(2) and (d)(2).

15 (h) CONFORMING AMENDMENTS.—

16 (1) SECTION 1061.—Section 1061 of the National Defense Authorization Act for
17 Fiscal Year 2017 (Public Law 114-328; 10 U.S.C. 111 note) is amended—

18 (A) in subsection (c), by striking paragraphs (11), (12), (14), (16), (17),
19 (36), (40), (41), (46), (59), and (63);

20 (B) in subsection (d), by striking paragraphs (3) and (16);

21 (C) in subsection (f), by striking paragraph (2);

22 (D) in subsection (g), by striking paragraph (3); and

23 (E) in subsection (i), by striking paragraphs (8), (13), (15), and (24).

1 (2) SECTION 1080.—Section 1080 of the National Defense Authorization Act for
2 Fiscal Year 2016 (Public Law 114-92; 10 U.S.C. 111 note) is repealed.

3 **SEC. 503. DELAY IN SUNSET PROVISION FOR CERTAIN DEPARTMENT OF**
4 **DEFENSE REPORTING REQUIREMENTS THAT OTHERWISE**
5 **TERMINATE AS OF DECEMBER 31, 2021.**

6 The reporting requirements under each of the following provisions of law (which
7 otherwise cease to be in effect as of December 31, 2021, pursuant to section 1061 of the National
8 Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 10 U.S.C. 111 note)),
9 shall remain in effect until December 31, 2023, and shall no longer be required to be submitted
10 to Congress after that date:

11 (1) Sections 139(h) and 2399(g) of title 10, United States Code, relating to the
12 annual report by the Director of Operational Test and Evaluation of the Department of
13 Defense.

14 (2) Section 231, relating to an annual naval vessel construction plan.

15 **SEC. 504. SUNSET OF CERTAIN REPORTING REQUIREMENTS CURRENTLY**
16 **APPLICABLE TO DEPARTMENT OF DEFENSE.**

17 (a) IN GENERAL.—This section provides for the termination of certain statutory reporting
18 requirements that are applicable to the Department of Defense as of the date of the enactment of
19 this Act.

20 (b) FISCAL YEAR 2018 SECTION 1051 REPORT LIST.—

21 (1) FIVE-YEAR SUNSET.—Any reporting requirement described in paragraph (2)
22 shall cease to be in effect as of December 31, 2023.

1 (2) COVERED REPORTING REQUIREMENTS.—Paragraph (1) applies to each
2 requirement to submit a report that is included on the list submitted by the Secretary of
3 Defense to the Committees on Armed Services of the Senate and House of
4 Representatives pursuant to section 1051(y) of the National Defense Authorization Act
5 for Fiscal Year 2018 (Public Law 115-91).

6 (c) REPORTS CURRENTLY SPECIFIED FOR TERMINATION EFFECTIVE DECEMBER 31,
7 2021.—

8 (1) FURTHER FIVE-YEAR SUNSET.—Any reporting requirement described in
9 paragraph (2) that is in effect on January 1, 2022, shall cease to be in effect as of
10 December 31, 2026.

11 (2) COVERED REPORTING REQUIREMENTS.—Paragraph (1) applies to the reporting
12 requirements specified in the following provisions of law:

13 (A) SECTION 1061.—Subsections (c) through (i) of section 1061 of the
14 National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328;
15 10 U.S.C. 111 note), as in effect on the day after the date of the enactment of this
16 Act.

17 (B) SECTION 1051.—Subsection (x) of section 1051 of the National
18 Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 10 U.S.C.
19 113 note).

20 **SEC. 505. ANNUAL NOTIFICATION TO CONGRESS OF EXPIRING REPORTING**
21 **REQUIREMENTS.**

22 (a) IN GENERAL.—Chapter 23 of title 10, United States Code, is amended by inserting
23 after section 480a, as added by section 501(a), the following new section:

1 **“§ 480b. Reports to Congress: annual notification of expiring provisions**

2 “Not later than February 1 each year, the Secretary of Defense shall submit to the
3 Committees on Armed Services of the Senate and House of Representatives a list setting forth
4 each statutory reporting requirement applicable to the Department of Defense that by law will
5 terminate during (or at the end of) the year during which the report is submitted.”.

6 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is
7 amended by inserting after the item relating to section 480a, as added by section 501(b), the
8 following new item:

“480b. Reports to Congress: annual notification of expiring provisions.”.

SECTIONS AFFECTED BY THE PROPOSAL

[The material below shows changes proposed to be made by the proposal to the text of existing statutes. Matter proposed to be deleted is shown in ~~stricken through~~ text; matter proposed to be inserted is shown in *bold italic*. (Where an amendment in the proposal would add a full new section to existing law, the text of that proposed new section is NOT set forth below since it is set out in full in the legislative text above.)]

[NOTE: Text shown as current law incorporates amendments made by the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91, enacted Dec. 12, 2017)]

TITLE 10, UNITED STATES CODE

§196. Department of Defense Test Resource Management Center

(a) ESTABLISHMENT AS DEPARTMENT OF DEFENSE FIELD ACTIVITY.—The Secretary of Defense shall establish within the Department of Defense under section 191 of this title a Department of Defense Test Resource Management Center (hereinafter in this section referred to as the “Center”). The Secretary shall designate the Center as a Department of Defense Field Activity.

(b) DIRECTOR AND DEPUTY DIRECTOR.—(1) At the head of the Center shall be a Director, selected by the Secretary from among individuals who have substantial experience in the field of test and evaluation.

(2) There shall be a Deputy Director of the Center, selected by the Secretary from among individuals who have substantial experience in the field of test and evaluation. The Deputy Director shall act for, and exercise the powers of, the Director when the Director is disabled or the position of Director is vacant.

(c) DUTIES OF DIRECTOR.—***

~~(d) STRATEGIC PLAN FOR DEPARTMENT OF DEFENSE TEST AND EVALUATION RESOURCES.—(1) Not less often than once every two fiscal years, the Director, in coordination with the Director of Operational Test and Evaluation, the Secretaries of the military departments, and the heads of Defense Agencies with test and evaluation responsibilities, shall complete a strategic plan reflecting the needs of the Department of Defense with respect to test and evaluation facilities and resources. Each such strategic plan shall cover the period of ten fiscal years beginning with the fiscal year in which the plan is submitted under paragraph (3). The strategic plan shall be based on a comprehensive review of the test and evaluation requirements of the Department and the adequacy of the test and evaluation facilities and resources of the Department to meet those requirements.~~

~~(2) The strategic plan shall include the following:~~

~~(A) An assessment of the test and evaluation requirements of the Department for the period covered by the plan.~~

~~(B) An identification of performance measures associated with the successful achievement of test and evaluation objectives for the period covered by the plan.~~

~~(C) An assessment of the test and evaluation facilities and resources that will be needed to meet such requirements and satisfy such performance measures.~~

~~(D) An assessment of the current state of the test and evaluation facilities and resources of the Department.~~

~~(E) An assessment of plans and business case analyses supporting any significant modification of the test and evaluation facilities and resources of the Department projected, proposed, or recommended by the Secretary of a military department or the head of a Defense Agency for such period, including with respect to the expansion, divestment, consolidation, or curtailment of activities.~~

~~(F) An itemization of acquisitions, upgrades, and improvements necessary to ensure that the test and evaluation facilities and resources of the Department are adequate to meet such requirements and satisfy such performance measures.~~

~~(G) An assessment of the budgetary resources necessary to implement such acquisitions, upgrades, and improvements.~~

~~(3) Upon completing a strategic plan under paragraph (1), the Director shall submit to the Secretary of Defense a report on that plan. The report shall include the plan and a description of the review on which the plan is based.~~

~~(4) Not later than 60 days after the date on which the report is submitted under paragraph (3), the Secretary of Defense shall transmit to the Committee on Armed Services and Committee on Appropriations of the Senate and the Committee on Armed Services and Committee on Appropriations of the House of Representatives the report, together with any comments with respect to the report that the Secretary considers appropriate.~~

(e) CERTIFICATION OF BUDGETS.—(1) The Secretary of Defense, acting through the Under Secretary of Defense (Comptroller), shall require that the Secretary of each military department and the head of each Defense Agency with test and evaluation responsibilities transmit such Secretary's or Defense Agency head's proposed budget for test and evaluation activities for a fiscal year and for the period covered by the future-years defense program submitted to Congress under section 221 of this title for that fiscal year to the Director of the Center for review under paragraph (2) before submitting such proposed budget to the Under Secretary of Defense (Comptroller).

(2)(A) The Director of the Center shall review each proposed budget transmitted under paragraph (1) and shall, not later than January 31 of the year preceding the fiscal year for which such budgets are proposed, submit to the Secretary of Defense a report containing the comments of the Director with respect to all such proposed budgets, together with the certification of the Director as to whether such proposed budgets are adequate.

(B) The Director shall also submit, together with such report and such certification, an additional certification as to whether such proposed budgets provide balanced support for such strategic plan.

(3) The Secretary of Defense shall, not later than March 31 of the year preceding the fiscal year for which such budgets are proposed, submit to Congress a report on those proposed budgets which the Director has not certified under paragraph (2)(A) to be adequate. The report shall include the following matters:

(A) A discussion of the actions that the Secretary proposes to take, together with any recommended legislation that the Secretary considers appropriate, to address the inadequacy of the proposed budgets.

(B) Any additional comments that the Secretary considers appropriate regarding the inadequacy of the proposed budgets.

(f) ***

§223a. Ballistic missile defense programs: procurement

~~(a) BUDGET JUSTIFICATION MATERIALS. — 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 Secretary of Defense shall specify, for each ballistic missile defense system element for which the Missile Defense Agency is engaged in planning for production and initial fielding, the following information:~~

~~(1) The production rate capabilities of the production facilities planned to be used for production of that element.~~

~~(2) The potential date of availability of that element for initial fielding.~~

~~(3) The estimated date on which the administration of the acquisition of that element is to be transferred from the Director of the Missile Defense Agency to the Secretary of a military department.~~

(b) ***

§ 229. Programs for combating terrorism: display of budget information

~~(a) SUBMISSION WITH ANNUAL BUDGET JUSTIFICATION DOCUMENTS. — The Secretary of Defense shall submit to Congress, as a part of the documentation that supports the President's annual budget for the Department of Defense, a consolidated budget justification display, in classified and unclassified form, that includes all programs and activities of the Department of Defense combating terrorism program.~~

~~(b) REQUIREMENTS FOR BUDGET DISPLAY. — The budget display under subsection (a) shall include—~~

~~(1) the amount requested, by appropriation and functional area, for each of the program elements, projects, and initiatives that support the Department of Defense combating terrorism program, with supporting narrative descriptions and rationale for the funding levels requested; and~~

~~(2) a summary, to the program element and project level of detail, of estimated expenditures for the current year, funds requested for the budget year, and budget estimates through the completion of the current future years defense plan for the Department of Defense combating terrorism program.~~

~~(c) EXPLANATION OF INCONSISTENCIES. — As part of the budget display under subsection (a) for any fiscal year, the Secretary shall identify and explain—~~

~~(1) any inconsistencies between (A) the information submitted under subsection (b) for that fiscal year, and (B) the information provided to the Director of the Office of Management and Budget in support of the annual report of the President to Congress on funding for executive branch counterterrorism and antiterrorism programs and activities for that fiscal year in accordance with section 1051(b) of the National Defense Authorization Act for Fiscal Year 1998 (31 U.S.C. 1113 note); and~~

~~(2) any inconsistencies between (A) the execution, during the previous fiscal year and the current fiscal year, of programs and activities of the Department of Defense combating terrorism program, and (B) the funding and specification for such programs and activities for those fiscal years in the manner provided by Congress (both in statutes and in relevant legislative history).~~

~~(d) DEPARTMENT OF DEFENSE COMBATING TERRORISM PROGRAM. — In this section, the term "Department of Defense combating terrorism program" means the programs, projects, and activities of the Department of Defense related to combating terrorism inside and outside the United States.~~

§231a. Budgeting for life cycle cost of aircraft for the Navy, Army, and Air Force: annual plan and certification

~~(a) ANNUAL AIRCRAFT PROCUREMENT PLAN AND CERTIFICATION.— Not later than 45 days after the date on which the President submits to Congress the budget for a fiscal year, the Secretary of Defense shall submit to the congressional defense committees—~~

~~(1) a plan for the procurement of the aircraft specified in subsection (b) for the Department of the Navy, the Department of the Army, and the Department of the Air Force developed in accordance with this section; and~~

~~(2) a certification by the Secretary that both the budget for such fiscal year and the future years defense program submitted to Congress in relation to such budget under section 221 of this title provide for funding of the procurement of aircraft at a level that is sufficient for the procurement of the aircraft provided for in the plan under paragraph (1) on the schedule provided in the plan.~~

~~(b) COVERED AIRCRAFT.— The aircraft specified in this subsection are the aircraft as follows:~~

~~(1) Fighter aircraft.~~

~~(2) Attack aircraft.~~

~~(3) Bomber aircraft.~~

~~(4) Intertheater lift aircraft.~~

~~(5) Intratheater lift aircraft.~~

~~(6) Intelligence, surveillance, and reconnaissance aircraft.~~

~~(7) Tanker aircraft.~~

~~(8) Remotely piloted aircraft.~~

~~(9) Rotary wing aircraft.~~

~~(10) Operational support and executive lift aircraft.~~

~~(11) Any other major support aircraft designated by the Secretary of Defense for purposes of this section.~~

~~(c) ANNUAL AIRCRAFT PROCUREMENT PLAN.—(1) The annual aircraft procurement plan developed for a fiscal year for purposes of subsection (a)(1) should be designed so that the aviation force provided for under the plan is capable of supporting the national military strategy of the United States as set forth in the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 3043), except that, if at the time the plan is submitted with the defense budget materials for that fiscal year, a national security strategy report required under such section 108 has not been submitted to Congress as required by paragraph (2) or paragraph (3), if applicable, of subsection (a) of such section, then the plan should be designed so that the aviation force provided for under the plan is capable of supporting the aviation force structure recommended in the report of the most recent Quadrennial Defense Review.~~

~~(2) Each annual aircraft procurement plan shall include the following:~~

~~(A) A detailed program for the procurement of the aircraft specified in subsection (b) for each of the Department of the Navy, the Department of the Army, and the Department of the Air Force over the next 30 fiscal years.~~

~~(B) A description of the necessary aviation force structure to meet the requirements of the national military strategy of the United States or the most recent Quadrennial Defense Review, whichever is applicable under paragraph (1).~~

~~(C) The estimated levels of annual investment funding necessary to carry out each aircraft program, together with a discussion of the procurement strategies on which such estimated levels of annual investment funding are based, set forth in aggregate for the Department of Defense and in aggregate for each military department.~~

~~(D) The estimated level of annual funding necessary to operate, maintain, sustain, and support each aircraft program throughout the life cycle of the program, set forth in aggregate for the Department of Defense and in aggregate for each military department.~~

~~(E) For each of the cost estimates required by subparagraphs (C) and (D)—~~

~~(i) a description of whether the cost estimate is derived from the cost estimate position of the military department or derived from the cost estimate position of the Cost Analysis and Program Evaluation office of the Secretary of Defense;~~

~~(ii) if the cost estimate position of the military department and the cost estimate position of the Cost Analysis and Program Evaluation office differ by more than .5 percent for any aircraft program, an annotated cost estimate difference and sufficient rationale to explain the difference; and~~

~~(iii) the confidence or certainty level associated with the cost estimate for each aircraft program.~~

~~(F) An assessment by the Secretary of Defense of the extent to which the combined aircraft forces of the Department of the Navy, the Department of the Army, and the Department of the Air Force meet the national security requirements of the United States.~~

~~(3) For any cost estimate required by paragraph (2)(C) or (D), for any aircraft program for which the Secretary is required to include in a report under section 2432 of this title, the source of the cost information used to prepare the annual aircraft plan, shall be sourced from the Selected Acquisition Report data that the Secretary plans to submit to the congressional defense committees in accordance with subsection (f) of that section for the year for which the annual aircraft plan is prepared.~~

~~(4) The annual aircraft procurement plan shall be submitted in unclassified form and shall contain a classified annex.~~

~~(d) ASSESSMENT WHEN AIRCRAFT PROCUREMENT BUDGET IS INSUFFICIENT TO MEET APPLICABLE REQUIREMENTS.—If the budget for a fiscal year provides for funding of the procurement of aircraft for either the Department of the Navy, the Department of the Army, or the Department of the Air Force at a level that is not sufficient to sustain the aviation force structure specified in the aircraft procurement plan for such Department for that fiscal year under subsection (a), the Secretary shall include with the defense budget materials for that fiscal year an assessment that describes and discusses the risks associated with the reduced force structure of aircraft that will result from funding aircraft procurement at such level. Such assessment shall be coordinated in advance with the commanders of the combatant commands.~~

~~(e) DEFINITIONS.—In this section:~~

~~(1) The term "budget", with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.~~

~~(2) The term "Quadrennial Defense Review" means the review of the defense programs and policies of the United States that is carried out every 4 years under section 118¹ of this title.~~

§238. Cyber mission forces: program elements

~~(a) BUDGET JUSTIFICATION DISPLAY.—The Secretary of Defense shall submit to Congress, as a part of the defense budget materials for fiscal year 2017 and each fiscal year thereafter, a budget justification display that includes—~~

~~(1) a major force program category for the five year defense plan of the Department of Defense for the training, manning, and equipping of the cyber mission forces; and~~

~~(2) program elements for the cyber mission forces.~~

~~(b) WAIVER.—The Secretary may waive the requirement under subsection (a) for fiscal year 2017 if the Secretary—~~

~~(1) determines the Secretary is unable to comply with such requirement for fiscal year 2017; and~~

~~(2) establishes a plan to implement the requirement for fiscal year 2018.~~

§228. Office of Corrosion Policy and Oversight

~~(a) ***~~

~~(e) REPORT.—(1) For each budget for a fiscal year, beginning with the budget for fiscal year 2009 and ending with the budget for fiscal year 2022, the Secretary of Defense shall submit, with the defense budget materials, a report on the following:~~

~~(A) Funding requirements for the long term strategy developed under subsection (d).~~

~~(B) The estimated composite return on investment achieved by implementing the strategy, and documented in the assessments by the Department of Defense of completed corrosion projects and activities.~~

~~(C) For the fiscal year covered by the report and the preceding fiscal year, the funds requested in the budget compared to the funding requirements.~~

~~(D) If the full amount of funding requirements is not requested in the budget, the reasons for not including the full amount and a description of the impact on readiness, logistics, and safety of not fully funding required corrosion prevention and mitigation activities.~~

~~(E) For the fiscal year preceding the fiscal year covered by the report, the amount of funds requested in the budget for each project or activity described in subsection (d) compared to the funding requirements for the project or activity.~~

~~(F) For the fiscal year preceding the fiscal year covered by the report, a description of the specific amount of funds used for military corrosion projects, the Technical Corrosion Collaboration program, and other corrosion-related activities.~~

(2)(A) Each report under this section shall include, in an annex to the report, a summary of the most recent report required by subparagraph (B).

(B) Not later than December 31 of each year, through December 31, 2020, the corrosion control and prevention executive of a military department shall submit to the Director of Corrosion Policy and Oversight a report containing recommendations pertaining to the corrosion control and prevention program of the military department. Such report shall include recommendations for the funding levels necessary for the executive to carry out the duties of the executive under this section. The report required under this subparagraph shall—

(i) provide a summary of key accomplishments, goals, and objectives of the corrosion control and prevention program of the military department; and

(ii) include the performance measures used to ensure that the corrosion control and prevention program achieved the goals and objectives described in clause (i).

(f) ***

§2275. Reports on integration of acquisition and capability delivery schedules for segments of major satellite acquisition programs and funding for such programs

(a) **REPORTS REQUIRED.**—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on each major satellite acquisition program in accordance with subsection (d) that assesses—

(1) the integration of the schedules for the acquisition and the delivery of the capabilities of the segments for the program; and

(2) funding for the program.

(b) **ELEMENTS.**—Each report required by subsection (a) with respect to a major satellite acquisition program shall include the following:

(1) The amount of funding approved for the program and for each segment of the program that is necessary for full operational capability of the program.

(2) The dates by which the program and each segment of the program is anticipated to reach initial and full operational capability.

(3) A description of the intended primary capabilities and key performance parameters of the program.

(4) An assessment of the extent to which the schedules for the acquisition and the delivery of the capabilities of the segments for the program or any related program referred to in paragraph (1) are integrated.

(5) If the Under Secretary determines pursuant to the assessment under paragraph (4) that the program is a non-integrated program, an identification of—

(A) the impact on the mission of the program of having the delivery of the segment capabilities of the program more than one year apart;

~~(B) the measures the Under Secretary is taking or is planning to take to improve the integration of the acquisition and delivery schedules of the segment capabilities; and~~

~~(C) the risks and challenges that impede the ability of the Department of Defense to fully integrate those schedules.~~

~~(e) CONSIDERATION BY MILESTONE DECISION AUTHORITY.— The Milestone Decision Authority shall include the report required by subsection (a) with respect to a major satellite acquisition program as part of the documentation used to approve the acquisition of the program.~~

~~(d) SUBMITTAL OF REPORTS.— (1) In the case of a major satellite acquisition program initiated before January 2, 2013, the Under Secretary shall submit the report required by subsection (a) with respect to the program not later than one year after such date of enactment.¹~~

~~(2) In the case of a major satellite acquisition program initiated on or after January 2, 2013, the Under Secretary shall submit the report required by subsection (a) with respect to the program at the time of the Milestone B approval of the program.~~

~~(e) NOTIFICATION TO CONGRESS OF NON-INTEGRATED ACQUISITION AND CAPABILITY DELIVERY SCHEDULES.— If, after submitting the report required by subsection (a) with respect to a major satellite acquisition program, the Under Secretary determines that the program is a non-integrated program, the Under Secretary shall, not later than 30 days after making that determination, submit to the congressional defense committees a report—~~

~~(1) notifying the committees of that determination; and~~

~~(2) identifying—~~

~~(A) the impact on the mission of the program of having the delivery of the segment capabilities of the program more than one year apart;~~

~~(B) the measures the Under Secretary is taking or is planning to take to improve the integration of the acquisition and delivery schedules of the segment capabilities; and~~

~~(C) the risks and challenges that impede the ability of the Department of Defense to fully integrate those schedules.~~

~~(f) ANNUAL UPDATES FOR NON-INTEGRATED PROGRAMS.—~~

~~(1) REQUIREMENT.— For each major satellite acquisition program that the Under Secretary has determined under subsection (b)(5) or subsection (e) is a non-integrated program, the Under Secretary shall annually submit to Congress, at the same time the budget of the President for a fiscal year is submitted under section 1105 of title 31, an update to the report required by subsection (a) for such program.~~

~~(2) TERMINATION OF REQUIREMENT.— The requirement to submit an annual report update for a program under paragraph (1) shall terminate on the date on which the Under Secretary submits to the congressional defense committees notice that the Under Secretary has determined that such program is no longer a non-integrated program, or on the date that is five years after the date on which the initial report update required under paragraph (1) is submitted, whichever is earlier.~~

~~(3) GAO REVIEW OF CERTAIN NON-INTEGRATED PROGRAMS.— If at the time of the termination of the requirement to annually update a report for a program under paragraph (1) the Under Secretary has not provided notice to the congressional defense committees that the Under Secretary has determined that the program is no longer a non-integrated program, the Comptroller General shall conduct a review of such program and submit the results of such review to the congressional defense committees.~~

~~(g) DEFINITIONS.— In this section:~~

~~(1) SEGMENTS.— The term "segments", with respect to a major satellite acquisition program, refers to any satellites acquired under the program and the ground equipment and user terminals necessary to fully exploit the capabilities provided by those satellites.~~

~~(2) MAJOR SATELLITE ACQUISITION PROGRAM.— The term "major satellite acquisition program" means a major defense acquisition program (as defined in section 2430 of this title) for the acquisition of a satellite.~~

~~(3) MILESTONE B APPROVAL.— The term "Milestone B approval" has the meaning given that term in section 2366(e)(7) of this title.~~

~~(4) NON-INTEGRATED PROGRAM.— The term "non-integrated program" means a program with respect to which the schedules for the acquisition and the delivery of the capabilities of the segments for the~~

~~program, or a related program that is necessary for the operational capability of the program, provide for the acquisition or the delivery of the capabilities of at least two of the three segments for the program or related program more than one year apart.~~

§2276. Commercial space launch cooperation

(a) **AUTHORITY.**—The Secretary of Defense may take such actions as the Secretary considers to be in the best interest of the Federal Government to-

- (1) maximize the use of the capacity of the space transportation infrastructure of the Department of Defense by the private sector in the United States;
- (2) maximize the effectiveness and efficiency of the space transportation infrastructure of the Department of Defense;
- (3) reduce the cost of services provided by the Department of Defense related to space transportation infrastructure at launch support facilities and space recovery support facilities;
- (4) encourage commercial space activities by enabling investment by covered entities in the space transportation infrastructure of the Department of Defense; and
- (5) foster cooperation between the Department of Defense and covered entities.

(b) **AUTHORITY FOR CONTRACTS AND OTHER AGREEMENTS RELATING TO SPACE TRANSPORTATION INFRASTRUCTURE.**—The Secretary of Defense-

- (1) may enter into an agreement with a covered entity to provide the covered entity with support and services related to the space transportation infrastructure of the Department of Defense; and
- (2) upon the request of such covered entity, may include such support and services in the space launch and reentry range support requirements of the Department of Defense if-
 - (A) the Secretary determines that the inclusion of such support and services in such requirements-
 - (i) is in the best interest of the Federal Government;
 - (ii) does not interfere with the requirements of the Department of Defense; and
 - (iii) does not compete with the commercial space activities of other covered entities, unless that competition is in the national security interests of the United States; and
 - (B) any commercial requirement included in the agreement has full non-Federal funding before the execution of the agreement.

(c) **CONTRIBUTIONS.**—

(1) **IN GENERAL.**—The Secretary of Defense may enter into an agreement with a covered entity on a cooperative and voluntary basis to accept contributions of funds, services, and equipment to carry out this section.

(2) **USE OF CONTRIBUTIONS.**—Any funds, services, or equipment accepted by the Secretary under this subsection-

- (A) may be used only for the objectives specified in this section in accordance with terms of use set forth in the agreement entered into under this subsection; and
- (B) shall be managed by the Secretary in accordance with regulations of the Department of Defense.

(3) **REQUIREMENTS WITH RESPECT TO AGREEMENTS.**—An agreement entered into with a covered entity under this subsection-

- (A) shall address the terms of use, ownership, and disposition of the funds, services, or equipment contributed pursuant to the agreement; and
- (B) shall include a provision that the covered entity will not recover the costs of its contribution through any other agreement with the United States.

(d) **DEFENSE COOPERATION SPACE LAUNCH ACCOUNT.**—

(1) **ESTABLISHMENT.**—There is established in the Treasury of the United States a special account to be known as the "Defense Cooperation Space Launch Account".

(2) **CREDITING OF FUNDS.**—Funds received by the Secretary of Defense under subsection (c) shall be credited to the Defense Cooperation Space Launch Account.

(3) USE OF FUNDS.—Funds deposited in the Defense Cooperation Space Launch Account under paragraph (2) are authorized to be appropriated and shall be available for obligation only to the extent provided in advance in an appropriation Act for costs incurred by the Department of Defense in carrying out subsection (b). Funds in the Account shall remain available until expended.

~~(e) ANNUAL REPORT.—Not later than January 31 of each year, the Secretary of Defense shall submit to the congressional defense committees a report on the funds, services, and equipment accepted and used by the Secretary under this section during the preceding fiscal year.~~

(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.

(g) DEFINITIONS.—In this section:

(1) COVERED ENTITY.—The term "covered entity" means a non-Federal entity that-

(A) is organized under the laws of the United States or of any jurisdiction within the United States; and

(B) is engaged in commercial space activities.

(2) LAUNCH SUPPORT FACILITIES.—The term "launch support facilities" has the meaning given the term in section 50501(7) of title 51.

(3) SPACE RECOVERY SUPPORT FACILITIES.—The term "space recovery support facilities" has the meaning given the term in section 50501(11) of title 51.

(4) SPACE TRANSPORTATION INFRASTRUCTURE.—The term "space transportation infrastructure" has the meaning given that term in section 50501(12) of title 51.

§2466. Limitations on the performance of depot-level maintenance of materiel

(a) PERCENTAGE LIMITATION.—Not more than 50 percent of the funds made available in a fiscal year to a military department or a Defense Agency for depot-level maintenance and repair workload may be used to contract for the performance by non-Federal Government personnel of such workload for the military department or the Defense Agency. Any such funds that are not used for such a contract shall be used for the performance of depot-level maintenance and repair workload by employees of the Department of Defense.

(b) WAIVER OF LIMITATION.—The Secretary of Defense may waive the limitation in subsection (a) for a fiscal year if-

(1) the Secretary determines that the waiver is necessary for reasons of national security; and

(2) the Secretary submits to Congress a notification of the waiver together with the reasons for the waiver.

(c) PROHIBITION ON DELEGATION OF WAIVER AUTHORITY.—The authority to grant a waiver under subsection (b) may not be delegated.

~~(d) ANNUAL REPORT.—(1) Not later than 90 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 shall submit to Congress a report identifying, for each of the armed forces (other than the Coast Guard) and each Defense Agency, the percentage of the funds referred to in subsection (a) that was expended during the preceding fiscal year, and are projected to be expended during the current fiscal year and the ensuing fiscal year, for performance of depot level maintenance and repair workloads by the public and private sectors.~~

~~(2) Each report required under paragraph (1) shall include as a separate item any expenditure covered by section 2474(f) of this title that was made during the fiscal year covered by the report and shall specify the amount and nature of each such expenditure.~~

§7310. Overhaul, repair, etc. of vessels in foreign shipyards: restrictions

(a) **VESSELS WITH HOMEPORT IN UNITED STATES OR GUAM.**—A naval vessel (or any other vessel under the jurisdiction of the Secretary of the Navy) the homeport of which is in the United States or Guam may not be overhauled, repaired, or maintained in a shipyard outside the United States or Guam, other than in the case of voyage repairs.

(b) **VESSEL CHANGING HOMEPORTS.**—(1) In the case of a naval vessel the homeport of which is not in the United States (or a territory of the United States), the Secretary of the Navy may not during the 15-month period preceding the planned reassignment of the vessel to a homeport in the United States (or a territory of the United States) begin any work for the overhaul, repair, or maintenance of the vessel that is scheduled to be for a period of more than six months.

(2) In the case of a naval vessel the homeport of which is in the United States (or a territory of the United States), the Secretary of the Navy shall during the 15-month period preceding the planned reassignment of the vessel to a homeport not in the United States (or a territory of the United States) perform in the United States (or a territory of the United States) any work for the overhaul, repair, or maintenance of the vessel that is scheduled-

(A) to begin during the 15-month period; and

(B) to be for a period of more than six months.

(c) **REPORT.**—(1) The Secretary of the Navy shall submit to Congress each year, at the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, a report listing all repairs and maintenance performed on any covered naval vessel that has undergone work for the repair of the vessel in any shipyard outside the United States or Guam (in this section referred to as a "foreign shipyard") during the fiscal year preceding the fiscal year in which the report is submitted.

(2) The report shall include the percentage of the annual ship repair budget of the Navy that was spent on repair of covered naval vessels in foreign shipyards during the fiscal year covered by the report.

(3) Except as provided in paragraph (4), the report also shall include the following with respect to each covered naval vessel:

(A) The justification under law and operational justification for the repair in a foreign shipyard.

(B) The name and class of vessel repaired.

(C) The category of repair and whether the repair qualified as voyage repair as defined in Commander Military Sealift Command Instruction 4700.15C (September 13, 2007) or Joint Fleet Maintenance Manual (Commander Fleet Forces Command Instruction 4790.3 Revision A, Change 7), Volume III. Scheduled availabilities are to be considered as a composite and reported as a single entity without individual repair and maintenance items listed separately.

(D) The shipyard where the repair work was carried out.

(E) The number of days the vessel was in port for repair.

(F) The cost of the repair and the amount (if any) that the cost of the repair was less than or greater than the cost of the repair provided for in the contract.

(G) The schedule for repair, the amount of work accomplished (stated in terms of work days), whether the repair was accomplished on schedule, and, if not so accomplished, the reason for the schedule over run.

(H) The homeport or location of the vessel prior to its voyage for repair.

(I) Whether the repair was performed under a contract awarded through the use of competitive procedures or procedures other than competitive procedures.

(4) In the case of a covered vessel described in subparagraph (C) of paragraph (5), the report shall not be required to include the information described in subparagraphs (A), (E), (F), (G), and (I) of paragraph (3).

(5) In this subsection, the term "covered naval vessel" means any of the following:

(A) A naval vessel.

(B) Any other vessel under the jurisdiction of the Secretary of the Navy.

(C) A vessel not described in subparagraph (A) or (B) that is operated pursuant to a contract entered into by the Secretary of the Navy and the Maritime Administration or the United States Transportation Command in support of Department of Defense operations.

§10543. National Guard and reserve component equipment procurement and military construction funding: inclusion in future-years defense program

~~(a) IN GENERAL.—The Secretary of Defense shall specify in each future years defense program submitted to Congress under section 221 of this title the estimated expenditures and the proposed appropriations, for each fiscal year of the period covered by that program, for the procurement of equipment and for military construction for each of the reserve components of the armed forces.~~

~~(b) ASSOCIATED ANNEXES.—The associated annexes of the future-years defense program shall specify, at the same level of detail as is set forth in the annexes for the active components, the amount requested for--~~

- ~~(1) procurement of each item of equipment to be procured for each reserve component; and~~
- ~~(2) each military construction project to be carried out for each reserve component, together with the location of the project.~~

~~(c) REPORT.—(1) If the aggregate of the amounts specified in paragraphs (1) and (2) of subsection (b) for a fiscal year is less than the amount equal to 90 percent of the average authorized amount applicable for that fiscal year under paragraph (2), the Secretary of Defense shall submit to Congress a report specifying for each reserve component the additional items of equipment that would be procured, and the additional military construction projects that would be carried out, if that aggregate amount were an amount equal to such average authorized amount. The report shall be at the same level of detail as is required by subsection (b).~~

~~(2) In this subsection, the term "average authorized amount", with respect to a fiscal year, means the average of--~~

~~(A) the aggregate of the amounts authorized to be appropriated for the preceding fiscal year for the procurement of items of equipment, and for military construction, for the reserve components; and~~

~~(B) the aggregate of the amounts authorized to be appropriated for the fiscal year preceding the fiscal year referred to in subparagraph (A) for the procurement of items of equipment, and for military construction, for the reserve components.~~

~~(3) A report required under paragraph (1) for a fiscal year shall be submitted not later than 90 days after the date on which the President submits to Congress the budget for such fiscal year under section 1105(a) of title 31.~~

NATIONAL DEFENSE AUTHORIZATION ACTS

National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107)

SEC. 232. [10 U.S.C. 2431 note] MISSILE DEFENSE AGENCY TEST PROGRAM.

(a) ***

~~(h) ANNUAL OT&E ASSESSMENT AND CHARACTERIZATION OF CERTAIN BALLISTIC MISSILE DEFENSE MATTERS.—(1) The Director of Operational Test and Evaluation shall each year assess the adequacy and sufficiency of the Missile Defense Agency test program during the preceding fiscal year.~~

~~(2) The Director of Operational Test and Evaluation shall also each year characterize the operational effectiveness, suitability, and survivability of the ballistic missile defense system, and its elements, that have been fielded or tested before the end of the preceding fiscal year.~~

~~(3) Not later than February 15 each year the Director shall submit to the congressional defense committees a report on the assessment under paragraph (1) and the characterization under paragraph (2) with respect to the preceding fiscal year.~~

John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364)

SEC. 122. ADHERENCE TO NAVY COST ESTIMATES FOR CVN-78 CLASS OF AIRCRAFT CARRIERS.

(a) ***

(f) REQUIREMENTS FOR CVN-79.—

~~(1) QUARTERLY COST ESTIMATE.—The Secretary of the Navy shall submit to the congressional defense committees on a quarterly basis a report setting forth the most current cost estimate for the aircraft carrier designated as CVN-79 (as estimated by the program manager). Each cost estimate shall include the current percentage of completion of the program, the total costs incurred, and an estimate of costs at completion for ship construction, Government furnished equipment, and engineering and support costs.~~

SEC. 1017. OBTAINING CARRIAGE BY VESSEL: CRITERION REGARDING OVERHAUL, REPAIR, AND MAINTENANCE OF VESSELS IN THE UNITED STATES.

(a) ***

~~(e) ANNUAL REPORT.—The Secretary, acting through the United States Transportation Command, shall annually submit to the Committees on Armed Services of the Senate and the House of Representatives a report regarding overhaul, repair, and maintenance performed on covered vessels of each offeror of carriage to which the acquisition policy applies.~~

Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417)

SEC. 1047. [10 U.S.C. 2366b note] FORMAL REVIEW PROCESS FOR BANDWIDTH REQUIREMENTS.

(a) ***

(d) ***

~~(2) REPORTS.—Not later than January 1 of each year, the Secretary of Defense and the Director of National Intelligence shall each submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives], the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a report on any determinations made under paragraph (1) with respect to meeting the bandwidth requirements for major defense acquisition programs and major system acquisition programs during the preceding fiscal year.~~

Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383)

SEC. 1217. [22 U.S.C. 7513 note] AUTHORITY TO ESTABLISH A PROGRAM TO DEVELOP AND CARRY OUT INFRASTRUCTURE PROJECTS IN AFGHANISTAN.

(a) ***

~~(i) REPORTS.—~~

~~(1) REPORT REQUIRED.— Not later than 30 days after the end of each fiscal year in which funds are obligated, expended, or transferred under the program authorized under subsection (a), the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees a report regarding implementation of the program during such fiscal year.~~

~~(2) MATTERS TO BE INCLUDED.— The report required under paragraph (1) shall include the following:~~

~~(A) The allocation and use of funds under the program during the fiscal year.~~

~~(B) A description of each project for which funds were expended or transferred during the fiscal year.~~

National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239)

SEC. 904. ***

~~(h) [10 U.S.C. 133 note] REPORTS TO CONGRESS ON FAILURE TO COMPLY WITH RECOMMENDATIONS.—~~

~~(1) REPORT REQUIRED.— Not later than 60 days after the end of each fiscal year, from fiscal year 2013 through fiscal year 2018, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report on each case in which a major defense acquisition program, in the preceding fiscal year—~~

~~(A) proceeded to implement a test and evaluation master plan notwithstanding a decision of the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation to disapprove the developmental test and evaluation plan within that plan in accordance with former section 139b(a)(5)(B) of title 10, United States Code; or~~

~~(B) proceeded to initial operational testing and evaluation notwithstanding a determination by the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation on the basis of an assessment of operational test readiness that the program is not ready for operational testing.~~

~~(2) MATTERS COVERED.—~~

~~(A) For each program covered by paragraph (1)(A), the report shall include the following:~~

~~(i) A description of the specific aspects of the developmental test and evaluation plan that the Deputy Assistant Secretary determined to be inadequate.~~

~~(ii) An explanation of the reasons why the program disregarded the Deputy Assistant Secretary's recommendations with regard to those aspects of the developmental test and evaluation plan.~~

~~(iii) The steps taken to address those aspects of the developmental test and evaluation plan and address the concerns of the Deputy Assistant Secretary.~~

~~(B) For each program covered by paragraph (1)(B), the report shall include the following:~~

~~(i) An explanation of the reasons why the program proceeded to initial operational testing and evaluation notwithstanding the findings of the assessment of operational test readiness.~~

~~(ii) A description of the aspects of the approved testing and evaluation master plan that had to be set aside to enable the program to proceed to initial operational testing and evaluation.~~

~~(iii) A description of how the program addressed the specific areas of concern raised in the assessment of operational test readiness.~~

~~(iv) A statement of whether initial operational testing and evaluation identified any significant shortcomings in the program.~~

Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291)

SEC. 1026. AVAILABILITY OF FUNDS FOR RETIREMENT OR INACTIVATION OF TICONDEROGA CLASS CRUISERS OR DOCK LANDING SHIPS.

(a) ***

(d) REPORTS.—

~~(1) IN GENERAL.—At the same time as the submittal to Congress of the budget of the President under section 1105 of title 31, United States, for each fiscal year during which activities under the modernization of vessels will be carried out under this section, the Secretary of the Navy shall submit to the congressional defense committees a written report on the status of the modernization of vessels under this section.~~

SEC. 1662. [10 U.S.C. 2431 note] TESTING AND ASSESSMENT OF MISSILE DEFENSE SYSTEMS PRIOR TO PRODUCTION AND DEPLOYMENT.

(a) ***

(c) ASSESSMENT BY DIRECTOR OF OPERATIONAL TEST AND EVALUATION.—The Director of Operational Test and Evaluation shall-

(1) provide to the Secretary the assessment of the Director, based on the available test data, of the sufficiency, adequacy, and results of the testing of each covered system, including an assessment of whether the covered system will be sufficiently effective, suitable, and survivable when needed; and

~~(2) submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a written summary of such assessment.~~

(d) ASSESSMENT BY COMMANDER OF UNITED STATES STRATEGIC COMMAND.—The Commander of the United States Strategic Command shall-

(1) provide to the Secretary a military utility assessment of the operational utility of each covered system; and

~~(2) not later than 30 days after providing such assessment to the Secretary, submit to the congressional defense committees a written summary of such assessment.~~

National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328)

SEC. 1061. [10 USC 111 note] TEMPORARY CONTINUATION OF CERTAIN DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS.

(a) EXCEPTIONS TO REPORTS TERMINATION PROVISION.—Section 1080 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1000; 10 U.S.C. 111 note) does not apply to any report required to be submitted to Congress by the Department of Defense, or by any officer, official, component, or element of the Department, pursuant to a provision of law specified in this section, notwithstanding the enactment of the reporting requirement by an annual national defense authorization Act or the inclusion of the report in the list of reports prepared by the Secretary of Defense pursuant to subsection (c) of such section 1080.

(b) FINAL TERMINATION DATE FOR SUBMITTAL OF EXEMPTED REPORTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), each report required pursuant to a provision of law specified in this section that is still required to be submitted to Congress as of December 31, 2021, shall no longer be required to be submitted to Congress after that date.

(2) REPORTS EXEMPTED FROM TERMINATION.—The termination dates specified in paragraph (1) and section 1080 of the National Defense Authorization Act for Fiscal Year 2016 do not apply to the following:

(A) The submission of the reports on the National Military Strategy and Risk Assessment under section 153(b)(3) of title 10, United States Code.

(B) The submission of the future-years defense program (including associated annexes) under section 221 of title 10, United States Code.

(C) The submission of the future-years mission budget for the military programs of the Department of Defense under section 221 of such title.

(D) The submission of audits of contracting compliance by the Inspector General of the Department of Defense under section 1601(b) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 10 U.S.C. 2533a note).

(c) REPORTS REQUIRED BY TITLE 10, UNITED STATES CODE.—Subject to subsection (b), subsection (a) applies to reporting requirements contained in the following sections of title 10, United States Code:

- (1) Section 113(i).
- (2) Section 117(e).
- (3) [Section] 118a(d).
- (4) Section 119(a) and (b).
- (5) Section 127b(f).
- (6) Section 139(h).
- (7) [Former] Section 139b(d).
- (8) Sections [sic] 153(c).
- (9) Section 171a(e) and (g)(2).
- (10) Section 179(f).
- ~~(11) Section 196(d)(1), (d)(4), and (e)(3).~~
- ~~(12) Section 223a(a).~~
- (13) Section 225(c)[.]
- ~~(14) Section 229.~~
- (15) Section 231.
- ~~(16) Section 231a.~~
- ~~(17) Section 238.~~
- (18) Section 341(f) of title 10, United States Code, as amended by section 1246 of this Act.
- (19) Section 401(d).
- (20) Section 407(d).
- (21) Section 481a(c).
- (22) Section 482(a).
- (23) Section 488.
- (24) Section 494(b).
- (25) Section 526(j).
- (26) Section 946(c) (Article 146 of the Uniform Code of Military Justice).
- (27) Section 981(c).
- (28) Section 1116(d).
- (29) Section 1566(c)(3).
- (30) Section 1557(e).
- (31) Section 1781a(e).
- (32) Section 1781c(h) [now 1781c(g)].
- (33) Section 2011(e) [now 322(e)].
- (34) Section 2166(i) [now 343(i)].
- (35) Section 2218(h).
- ~~(36) Section 2228(e).~~
- (37) Section 2229(d).
- (38) Section 2229a.
- (39) Section 2249c(c) [now 345(c)].
- ~~(40) Section 2275.~~
- ~~(41) Section 2276(e).~~

- (42) Section 2367(d).
- (43) Section 2399(g).
- (44) Section 2445b.
- (45) Section 2464(d).
- ~~(46) Section 2466(d).~~
- (47) Section 2504.
- (48) Section 2561(c).
- (49) Section 2684a(g).
- (50) Section 2687a.
- (51) Section 2711.
- (52) Sections [sic] 2884(b) and (c).
- (53) Section 2911(a) and (b)(3).
- (54) Section 2925.
- (55) Section 2926(c)(4).
- (56) Section 4361(d)(4)(B).
- (57) Section 4721(e).
- (58) Section 6980(d)(4)(B).
- ~~(59) Section 7310(e).~~
- (60) Section 9361(d)(4)(B).
- (61) Section 10216(c).
- (62) Section 10541.
- ~~(63) Section 10543.~~
- (64) Section 10504(b).
- (65) Section 235.
- (66) Section 115a.
- (67) Section 2193b(g).

(d) REPORTS REQUIRED BY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2015.—Subject to subsection (b), subsection (a) applies to reporting requirements contained in the following sections of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291):

- (1) Section 546(d) (10 U.S.C. 1561 note).
- (2) Section 1003[A] (10 U.S.C. 221 note).
- ~~(3) Section 1026(d) (128 Stat. 3490).~~
- (4) Section 1055 (128 Stat. 3498).
- (5) Section 1204(b) (10 U.S.C. 2249e note) [now 10 U.S.C. 362 note].
- (6) Section 1205(e) (128 Stat. 3537).
- (7) Section 1206(e) (10 U.S.C. 2282 note).
- (8) Section 1211 (128 Stat. 3544).
- (9) Section 1225 (128 Stat. 3550).
- (10) Section 1235 (128 Stat. 3558).
- (11) Section 1245 (128 Stat. 3566).
- (12) Section 1253(b) (22 U.S.C. 2151 note).
- (13) Section 1275(b) (128 Stat. 3591).
- (14) Section 1343 (128 Stat. 3605; 50 U.S.C. 3743).
- (15) Section 1650 (128 Stat. 3653).
- ~~(16) Section 1662(c)(2) and (d)(2) (128 Stat. 3657; 10 U.S.C. 2431 note).~~
- (17) Section 2821(a)(3) (10 U.S.C. 2687 note).
- (18) Section 1209(d) (128 Stat. 3542).

(e) REPORTS REQUIRED BY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014.—Subject to subsection (b), subsection (a) applies to reporting requirements contained in the following sections of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66):

- (1) Section 704(e) (10 U.S.C. 1074 note).
- (2) Sections [sic] 713(f), (g), and (h) (10 U.S.C. 1071 note).
- (3) Section 904(d)(2) (10 U.S.C. 111 note).
- (4) [Former] Section 1205(f)(3) ([Former] 32 U.S.C. 107 note).

(f) REPORTS REQUIRED BY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013.—Subject to subsection (b), subsection (a) applies to reporting requirements contained in the following sections of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239):

- (1) Section 524(c)(2) (10 U.S.C. 1222 note).
- ~~(2) Section 904(h)(1) and (2) (10 U.S.C. 133 note).~~
- (3) Section 1009 (126 Stat. 1906).
- (4) Section 1023 (126 Stat. 1911).
- (5) Section 1052(b)(4) (126 Stat. 1936; 49 U.S.C. 40101 note).

(g) REPORTS REQUIRED BY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011.—Subject to subsection (b), subsection (a) applies to reporting requirements contained in the following sections of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383):

- (1) Section 123 (10 U.S.C. 167 note).
- (2) Section 1216(c) (124 Stat. 4392).
- ~~(3) Section 1217(i) (22 U.S.C. 7513 note).~~
- (4) Section 1631(d) (10 U.S.C. 1561 note).

(h) REPORTS REQUIRED BY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010.—Subject to subsection (b), subsection (a) applies to reporting requirements contained in the following sections of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84):

- (1) Section 711(d) (10 U.S.C. 1071 note).
- (2) Section 1003(b) (10 U.S.C. 2222 note).
- (3) Section 1244(d) (22 U.S.C. 1928 note).
- (4) Section 1245 (123 Stat. 2542) [10 U.S.C. 113 note].
- (5) Section 1806 (10 U.S.C. 948a note).

(i) REPORTS REQUIRED BY OTHER LAWS.—Subject to subsection (b), subsection (a) applies to reporting requirements contained in the following provisions of law:

- (1) Sections [sic] 1412(i) and (j) of the National Defense Authorization Act, 1986 [probably should be “Department of Defense Authorization Act, 1986”] (50 U.S.C. 1521), as amended by section 1421 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383).
- (2) Section 1703 of the National Defense Authorization Act for Fiscal Year 1994 (50 U.S.C. 1523).
- (3) Section 717(c) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 10 U.S.C. 1073 note).
- (4) Section 234 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. 2367).
- (5) Section 1309(c) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 10 U.S.C. 113 note).
- (6) Section 1237(b)(2) of the [Strom Thurmond] National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 50 U.S.C. 1701 note).
- (7) Section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 10 U.S.C. 113 note).
- ~~(8) Section 232(h)(2) [probably should be “232(h)(3)”] of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 10 U.S.C. 2431 note).~~
- (9) Section 366(a)(5) and (c)(2) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 10 U.S.C. 113 note).
- (10) Section 1208(f) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2086).
- (11) Section 1208(d) of the National Defense Authorization Act for [Fiscal Year] 2006 (Public Law 109-163; 119 Stat. 3459).
- (12) Section 1405(d) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 10 U.S.C. 801 note).
- ~~(13) Section 122(f)(1) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2104).~~

- (14) Section 721 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2294).
- ~~(15) Section 1017(e) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 10 U.S.C. 2631 note).~~
- (16) Section 1517(f) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2443).
- (17) Section 911(f)(2) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 2271 note).
- (18) Section 1034(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 309) [10 U.S.C. 272 note].
- (19) Section 1107(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 358) [10 U.S.C. 2358 note].
- (20) Section 1233(f) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 393).
- (21) Section 1234(e) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 394).
- (22) Section 219(c) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 10 U.S.C. 2358 note).
- (23) Section 533(i) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 10 U.S.C. prec. 701 note).
- ~~(24) Section 1047(d)(2) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 10 U.S.C. 2366b note).~~
- (25) Section 1201(b)(1) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1619).
- (26) Section 1236 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1641).
- (27) Section 103A(b)(3) of the Sikes Act (16 U.S.C. 670c-1(b)(3)).
- (28) Section 1511(h) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 411(h)).
- (29) Section 901(f) [now 901(g)] of the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109-469; 32 U.S.C. 112 note), as added by section 1008 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239).
- (30) Section 14 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-5).
- (31) Section 105A(b) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20308(b)), as added by section 586 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84).
- (32) Section 112(f) of title 32, United States Code.
- (33) Section 310b(i)(2) [probably should be "301b(i)(2)"] of title 37, United States Code.
- (34) Section 509(k) of title 32, United States Code.
- (35) Section 1022(c) of the National Defense Authorization Act for 2004 (Public Law 108-136; 10 U.S.C. 371 note).

(j) CONFORMING AMENDMENT.—Section 1080(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1000; 10 U.S.C. 111 note) is amended—

- (1) by striking “on the date that is two years after the date of the enactment of this Act” and inserting “November 25, 2017”; and
- (2) by striking “effective”.

(k) REPORT TO CONGRESS.—Not later than February 1, 2017, the Secretary of Defense shall submit to the congressional defense committees a report that includes each of the following:

- (1) A list of all reports that are required to be submitted to Congress as of the date of the enactment of this Act [Dec. 23, 2016] that will no longer be required to be submitted to Congress as of November 25, 2017.
- (2) For each such report, a citation to the provision of law under which the report is or was required to be submitted.

National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-328)

~~SEC. 1080. [10 USC 111 note] TERMINATION OF REQUIREMENT FOR SUBMITTAL TO CONGRESS OF REPORTS REQUIRED OF DEPARTMENT OF DEFENSE BY STATUTE.~~

~~—(a) TERMINATION. Effective November 25, 2017, each report described in subsection (b) that is still required to be submitted to Congress as of such date shall no longer be required to be submitted to Congress.~~

~~—(b) COVERED REPORTS. A report described in this subsection is a report that is required to be submitted to Congress by the Department of Defense, or by any officer, official, component, or element of the Department, by any annual national defense authorization Act as of April 1, 2015.~~

~~—(c) REPORT TO CONGRESS. Not later than February 1, 2016, the Secretary of Defense shall submit to the congressional defense committees a report that includes each of the following:~~

- ~~(1) A list of all reports described in subsection (b).~~
 - ~~(2) For each such report, a citation to the provision of law under which the report is required to be submitted.~~
 - ~~(3) Draft legislation that would repeal each such report.~~
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