

Missile Defense Agency Congressional Reporting Requirements		
Reporting Requirement Reference	Reporting Requirement Language	Budget Documentation
Sec. 1679 of the FY16 National Defense Authorization Act (HR 1735), pp. 1041-1046	<p>SEC. 1679. ISRAELI COOPERATIVE MISSILE DEFENSE PROGRAM CODEVELOPMENT AND COPRODUCTION</p> <p>(a) IN GENERAL.—Subject to subsection (b), of the funds authorized to be appropriated for fiscal year 2016 for procurement, Defense-wide, and available for the Missile Defense Agency—</p> <p>(1) not more than \$150,000,000 may be provided to the Government of Israel to procure the David’s Sling Weapon System, including for coproduction of parts and components in the United States by United States industry; and</p> <p>(2) not more than \$15,000,000 may be provided to the Government of Israel for the Arrow 3 Upper Tier Interceptor Program, including for coproduction of parts and components in the United States by United States industry.</p> <p>(b) CERTIFICATION.—</p> <p>(1) CRITERIA.—Except as provided by subsection (c), the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the appropriate congressional committees a certification that—</p> <p>(A) the Government of Israel has demonstrated the successful completion of the knowledge points, technical milestones, and production readiness reviews required by the research, development, and technology agreements for the David’s Sling Weapon System and the Arrow 3 Upper Tier Development Program, respectively;</p> <p>(B) such funds will be provided on the basis of a one-for-one cash match made by Israel for such respective systems or in another matching amount that otherwise meets best efforts (as mutually agreed to by the United States and Israel);</p> <p>(C) the United States has entered into a bilateral agreement with Israel that establishes—</p> <p>(i) in accordance with subparagraph (D), the terms of coproduction of parts and components of such respective systems on the basis of the greatest practicable coproduction of parts, components, and all up rounds (if appropriate) by United States industry and minimizes nonrecurring engineering and facilitization expenses;</p> <p>(ii) complete transparency on the requirement of Israel for the number of interceptors and batteries of such respective systems that will be procured, including with respect to the procurement plans, acquisition strategy, and funding profiles of Israel;</p> <p>(iii) technical milestones for coproduction of parts and components and procurement of such respective systems; and</p> <p>(iv) joint approval processes for third party sales of such respective systems and the components of</p>	Submitted with the FY2017 Budget Release

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such respective systems; and

(D) the level of coproduction described in subparagraph (C)(i) for the David's Sling Weapon System is equal to or greater than 50 percent.

(2) NUMBER.—In carrying out paragraph (1), the Under Secretary may submit—

(A) one certification covering both the David's Sling Weapon System and the Arrow 3 Upper Tier Interceptor Program; or

(B) separate certifications for each such respective system.

(3) TIMING.—The Under Secretary shall submit to the congressional defense committees the certification under paragraph (1) by not later than 60 days before the funds specified in subsection (a) for the respective system covered by the certification are provided to the Government of Israel.

(c) WAIVER.—The Under Secretary may waive the certification required by subsection (b) if the Under Secretary certifies to the appropriate congressional committees that the Under Secretary has received sufficient data from the Government of Israel to demonstrate—

(1) the funds specified in paragraph (1) and (2) of subsection (a) are provided to Israel solely for funding the procurement of long-lead components in accordance with a production plan, including a funding profile detailing Israeli contributions for production, including long-lead production, of either David's Sling Weapon System or the Arrow 3 Upper Tier Interceptor Program;

(2) such long-lead components have successfully completed knowledge points, technical milestones, and production readiness reviews; and

(3) the long-lead procurement will be conducted in a manner that maximizes coproduction in the United States without incurring additional nonrecurring engineering activity or cost.

(d) PLAN ON COPRODUCTION OF DAVID'S SLING WEAPON SYSTEM.—At the same time that the President submits to Congress the budget for fiscal year 2017 under section 1105(a) of title 31, United States Code, the Director of the Missile Defense Agency and the Under Secretary shall jointly submit to the appropriate congressional committees a plan to achieve a rate of coproduction by United States industry of parts and components of the David's Sling Weapon System at a level that is not less than 50 percent. Such plan shall include—

(1) a timeline for achieving such a level of coproduction;

(2) any nonrecurring engineering or facilitization costs related to such coproduction, costs for additional testing and training, and other additional associated costs;

(3) a recommendation for whether carrying out such plan is in the national interest of the United States; and

(4) any other matter the Director and Under Secretary consider appropriate.

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	<p>(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means the following:</p> <p>(1) The congressional defense committees.</p> <p>(2) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.</p>	
Sec. 1681 of the FY16 National Defense Authorization Act (HR 1735), pp. 1050-1052	<p>SEC. 1681. DEVELOPMENT AND DEPLOYMENT OF MULTIPLE-OBJECT KILL VEHICLE FOR MISSILE DEFENSE OF THE UNITED STATES HOMELAND</p> <p>(a) It is the sense of Congress that—</p> <p>(1) the defense of the United States homeland against the threat of limited ballistic missile attack (whether accidental, unauthorized, or deliberate) is the highest priority of the Missile Defense Agency;</p> <p>(2) the Missile Defense Agency is appropriately prioritizing the design, development, and deployment of the redesigned kill vehicle; and</p> <p>(3) the multiple-object kill vehicle could contribute critical capabilities to the future of the ballistic missile defense of the United States homeland.</p> <p>(b) MULTIPLE-OBJECT KILL VEHICLE.—</p> <p>(1) DEVELOPMENT.—The Director of the Missile Defense Agency shall develop a highly reliable multiple-object kill vehicle for the ground-based midcourse defense system using sound acquisition practices.</p> <p>(2) DEPLOYMENT.—The Director shall—</p> <p>(A) conduct rigorous flight testing of the multiple-object kill vehicle developed under paragraph (1) by not later than 2020; and</p> <p>(B) recognizing the primacy of developing the redesigned kill vehicle, produce and deploy the multiple-object kill vehicle as early as practicable after the date on which the Director carries out subparagraph (A).</p> <p>(c) CAPABILITIES AND CRITERIA.—The Director shall ensure that the multiple-object kill vehicle developed under subsection (b)(1) meets, at a minimum, the following capabilities and criteria:</p> <p>(1) Vehicle-to-vehicle communications.</p> <p>(2) Vehicle-to-ground communications.</p> <p>(3) Kill assessment capability.</p> <p>(4) The ability to counter advanced countermeasures, decoys, and penetration aids.</p> <p>(5) Producibility and manufacturability.</p>	Submitted with the FY2017 Budget Release in PE 0603178C (Weapons Technology) and PE 0604894C (Multi Object Kill Vehicle)

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	<p>(6) Use of technology involving high technology readiness levels.</p> <p>(7) Options to be integrated onto other missile defense interceptor vehicles other than the ground based interceptors of the ground-based midcourse defense system.</p> <p>(8) Sound acquisition processes.</p> <p>(d) PROGRAM MANAGEMENT.—The management of the multiple-object kill vehicle program under subsection (b) shall report directly to the Deputy Director of the Missile Defense Agency.</p> <p>(e) REPORT ON FUNDING PROFILE.—The Director shall include with the budget justification materials submitted to Congress in support of the budget of the Department of Defense for fiscal year 2017 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a report on the funding profile necessary for the multiple-object kill vehicle program to meet the objectives under subsection (b).</p>	
Sec. 1684 of the FY16 National Defense Authorization Act (HR 1735), pp. 1056-1059	<p>SEC. 1684. ADDITIONAL MISSILE DEFENSE SENSOR COVERAGE FOR PROTECTION OF UNITED STATES HOMELAND</p> <p>(a) It is the sense of Congress that additional missile defense sensor discrimination capabilities are needed to enhance the protection of the United States homeland against potential long-range ballistic missiles from Iran that, according to the Department of Defense, could soon be obtained by Iran as a result of its active space launch program.</p> <p>(b) STUDIES AND EVALUATIONS ON HOMEPORT OF SEA-BASED X-BAND RADAR.—Not later than 60 days after the date of the enactment of this Act, the Director of the Missile Defense Agency shall commence any siting studies, environmental impact assessments or statements required pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that have not otherwise been prepared, homeport agreements for sea-based X-band radar support, evaluations of any needed pier modifications, and evaluations of any communications capabilities or other requirements to carry out the reassignment of the homeport of the sea-based X-band radar to a homeport on the East Coast of the United States.</p> <p>(c) POTENTIAL FUTURE MISSILE DEFENSE SENSOR SITES.—</p> <p>(1) EVALUATION.—Not later than March 31, 2016, the Director shall commence a study to evaluate at least three possible additional locations (in or outside the United States), selected by the Director, that would be best suited for future deployment of an advanced missile defense sensor site optimized against threats from Iran.</p>	Submitted in the FY2017 Budget Justification Materials in PE 0603890C (BMD Enabling Programs) and PE 0603884C (BMD Sensors)

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	<p>(2) ENVIRONMENTAL IMPACT STATEMENTS.— Except as provided by paragraph (3), the evaluation under paragraph (1) shall include an environmental impact statement or other analysis in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for each location included in the evaluation.</p> <p>(3) EXCEPTION.—If an environmental impact statement or other analysis described in paragraph (2) has already been prepared, or is not required by law, for a location included in the evaluation under paragraph (1), the Director shall not be required to carry out paragraph (2) with respect to such location.</p> <p>(d) DEPLOYMENT OF ADDITIONAL COVERAGE.— (1) DEPLOYMENT.—Not later than December 31, 2020, the Director, in cooperation with the relevant combatant command, shall deploy a long-range discrimination radar or other appropriate sensor capability in a location optimized to support the defense of the homeland of the United States from emerging long-range ballistic missile threats from Iran.</p> <p>(2) SEA-BASED X-BAND RADAR.—If the Director carries out paragraph (1) by reassigning the homeport of the sea-based X-band radar, the Director and the Secretary of the Navy may not carry out such reassignment until the date on which the Director certifies to the congressional defense committees that Hawaii will have adequate missile defense coverage prior to such reassignment.</p> <p>(e) SUBMISSION OF INFORMATION.—</p> <p>(1) REPORT.—Not later than December 31, 2018, the Director shall submit to the congressional defense committees a report containing the following:</p> <p>(A) The findings of the study conducted under paragraph (1) of subsection (c), including any environmental impact statements or analyses required by paragraph (2) of such subsection.</p> <p>(B) Notification of the manner in which Hawaii is being provided ballistic missile defense coverage.</p> <p>(2) PLAN.—In the budget justification materials submitted to Congress in support of the budget for each of fiscal years 2017 through 2020 submitted by the President to Congress under section 1105 of title 31, United States Code, the Director shall include—</p> <p>(A) the plan of the Director to carry out subsection (d); and</p> <p>(B) an update on the progress of the Director in implementing subsections (b) and (c).</p>	
Sec 231 of the FY14 National Defense Authorization Act (HR 3304, TITLE II – Subtitle C),	<p>SEC 231. IMPROVEMENTS TO ACQUISITION ACCOUNTABILITY REPORTS ON BALLISTIC MISSILE DEFENSE SYSTEM</p> <p>(a) Improvement to Operations and Sustainment Cost Estimates- In preparing the acquisition accountability reports on the ballistic missile defense system required by section 225 of title 10,</p>	MDA to provide BMDS Accountability Report (BAR) to Congressional Defense Committees. The BAR fully satisfies the requirement.

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pp. 18	<p>United States Code, the Director of the Missile Defense Agency shall improve the quality of cost estimates relating to operations and sustainment that are included in such reports under subsection (b)(3)(A) of such section, including with respect to the confidence levels of such cost estimates.</p> <p>(b) Operations and Sustainment Responsibility- Section 225 of title 10, United States Code, is amended by adding at the end the following new subsection:</p> <p>(e) Operations and Sustainment Cost Estimates- The Director shall ensure that each life-cycle cost estimate included in an acquisition baseline pursuant to subsection (b)(3)(A) includes--</p> <p>(1) all of the operations and sustainment costs for which the Director is responsible; and</p> <p>(2) a description of the operations and sustainment functions and costs for which a military department is responsible.'</p> <p>(c) Report-</p> <p>(1) IN GENERAL- Not later than one year after the date of the enactment of this Act, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report outlining the plans of the Director to improve the quality of cost estimates pursuant to subsection (a).</p> <p>(2) ELEMENTS- The report under paragraph (1) shall include--</p> <p>(A) a description of the actions planned to improve the quality of cost estimates included in the acquisition accountability reports on the ballistic missile defense system required by section 225 of title 10, United States Code;</p> <p>(B) the schedule for such planned actions, including the planned schedule for meeting the requirements of subsection (e) of such section 225, as added by subsection (b);</p> <p>(C) a description of any steps taken during the previous year to improve the quality of such cost estimates;</p> <p>(D) an assessment of how the planned improvements compare to the best practices and cost-estimation guidelines recommended by the Comptroller General of the United States for cost estimates of the ballistic missile defense system;</p> <p>(E) any other matters the Director considers appropriate; and</p> <p>(F) the views of the Comptroller General of the United States with respect to the contents of the report.</p> <p>(3) FORM- The report under paragraph (1) shall be submitted in unclassified form.</p>	
Sec 234 of H.R. 1960 H. Rpt 113-02, FY14 House Armed Services Committee Report, pp. 67-68	<p>REPORT ON IMPROVEMENTS TO ACQUISITION ACCOUNTABILITY REPORTS ON BALLISTIC MISSILE DEFENSE SYSTEM</p> <p>This section would amend section 225 of title 10, United States Code, to include a requirement that the Director, Missile Defense Agency include in the annual Ballistic Missile Defense System Accountability Report certain operation and support costs, and statements as to the quality estimate</p>	MDA to provide BMDS Accountability Report (BAR) to Congressional Defense Committees. The BAR fully satisfies the requirement.

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	<p>level of each cost estimate as well as the steps the Director will take to ensure these estimates reach the “high-quality estimate” level established by the Comptroller General of the United States.</p> <p>(a) In General.—Section 225 of title 10, United States Code, is amended—</p> <p>(1) in subsection (b)(3)(A), by inserting “comprehensive” before “life-cycle”; and</p> <p>(2) by adding at the end the following:</p> <p>(e) Quality of Cost Estimates.—(1) The Director shall ensure that each cost estimate included in an acquisition baseline pursuant to subsection (b)(3) includes all operation and support costs, regardless of funding source, for which the Director is responsible.</p> <p>(2) In each such baseline submitted to the congressional defense committees, the Director shall state whether the underlying cost estimates in such baseline meet the criteria of the Comptroller General of the United States to be considered a high-quality estimate. If the Director states that such estimates do not meet such criteria, the Director shall include in such baseline the actions, including a schedule, that the Director plans to carry out for the estimates to meet such criteria.”.</p>	
<p>Sec 231 of the FY12 National Defense Authorization Act (S 1867, TITLE II – Subtitle C), pp. 53-54</p>	<p>SEC. 231. ACQUISITION ACCOUNTABILITY REPORTS ON THE BALLISTIC MISSILE DEFENSE SYSTEM</p> <p>(a) BASELINE REQUIRED.—</p> <p>(1) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by inserting after section 224 the following new section: 225. Acquisition accountability reports on the ballistic missile defense system</p> <p>(a) BASELINES REQUIRED.—(1) In accordance with paragraph (2), the Director of the Missile Defense Agency shall establish and maintain an acquisition baseline for—</p> <p>(A) each program element of the ballistic missile defense system, as specified in section 223 of this title; and</p> <p>(B) each designated major subprogram of such program elements.</p> <p>(2) The Director shall establish an acquisition baseline required by paragraph (1) before the date on which the program element or major subprogram enters—</p> <p>(A) engineering and manufacturing development; and</p> <p>(B) production and deployment.</p> <p>(3) Except as provided by subsection (d), the Director may not adjust or revise an acquisition baseline established under this section.</p> <p>(b) ELEMENTS OF BASELINES.—Each acquisition baseline required by subsection (a) for a program element or major subprogram shall include the following:</p> <p>(1) A comprehensive schedule, including—</p>	<p>MDA to provide BMDS Accountability Report (BAR) to Congressional Defense Committees. The BAR fully satisfies the requirement.</p>

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- (A) research and development milestones;
- (B) acquisition milestones, including design reviews and key decision points;
- (C) key test events, including ground and flight tests and ballistic missile defense system tests;
- (D) delivery and fielding schedules;
- (E) quantities of assets planned for acquisition and delivery in total and by fiscal year; and
- (F) Planned contract award dates.
- (2) A detailed technical description of—
 - (A) the capability to be developed, including hardware and software;
 - (B) system requirements, including performance requirements;
- (C) how the proposed capability satisfies a capability identified by the commanders of the combatant commands on a prioritized capabilities list;
- (D) key knowledge points that must be achieved to permit continuation of the program and to inform production and deployment decisions; and
- (E) how the Director plans to improve the capability over time.
- (3) A cost estimate, including—
 - (A) a life-cycle cost estimate that separately identifies the costs regarding research and development, procurement, military construction, operations and sustainment, and disposal;
 - (B) program acquisition unit costs for the program element;
 - (C) average procurement unit costs and program acquisition costs for the program element; and
 - (D) an identification of when the document regarding the program joint cost analysis requirements description is scheduled to be approved.
- (4) A test baseline summarizing the comprehensive test program for the program element or major subprogram outlined in the integrated master test plan.
- (c) ANNUAL REPORTS ON ACQUISITION BASELINES.—
 - (1) Not later than February 15 of each year, the Director shall submit to the congressional defense committees a report on the acquisition baselines required by subsection (a).
 - (2)(A) The first report under paragraph (1) shall set forth each acquisition baseline required by subsection (a) for a program element or major subprogram.
 - (3) Each subsequent report under paragraph (1) shall include—
 - (i) any new acquisition baselines required by subsection (a) for a program element or major subprogram; and
 - (ii) with respect to an acquisition baseline that was previously included in a report under paragraph (1), an identification of any changes or variances made to the elements described in subsection (b) for such acquisition baseline, as compared to—
 - (I) the initial acquisition baseline for such program element or major subprogram; and
 - (II) the acquisition baseline for such program element or major subprogram that was submitted in

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	<p>the report during the previous year.</p> <p>(3) Each report under this subsection shall be submitted in unclassified form, but may include a classified annex.</p> <p>(d) EXCEPTION TO LIMITATION ON REVISION.—The Director may adjust or revise an acquisition baseline established under this section if the Director submits to the congressional defense committees notification of—</p> <p>(1) a justification for such adjustment or revision;</p> <p>(2) the specific adjustments or revisions made to the acquisition baseline, including to the elements described in subsection (b); and</p> <p>(3) the effective date of the adjusted or revised acquisition baseline.”.</p> <p>(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item: section 225. Acquisition accountability reports on the ballistic missile defense system.”.</p> <p>(b) CONFORMING AMENDMENTS.—</p> <p>(1) FISCAL YEAR 2011 NDAA.—Section 225 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4170; 10 U.S.C. 223 note) is repealed.</p> <p>(2) FISCAL YEAR 2008 NDAA.—Section 223 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 39; 10 U.S.C. 223 note) is amended by striking subsection (g).</p> <p>(3) FISCAL YEAR 2003 NDAA.—Section 221 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2484; 10 U.S.C. 2431 note) is repealed.</p>	
<p>FY12 National Defense Authorization Act, Report Language – House Report 112-239 (Subtitle C Missile Defense Matters), pp. 43-44</p>	<p>SEC. 232. COMPTROLLER GENERAL REVIEW AND ASSESSMENT OF MISSILE DEFENSE ACQUISITION PROGRAMS</p> <p>(a) Comptroller General Assessment—</p> <p>(1) IN GENERAL- The Comptroller General of the United States shall review the annual reports submitted under section 225(c) of title 10, United States Code, as added by section 231 of this Act, that cover any of fiscal years 2012 through 2015 and assess the extent to which the Missile Defense Agency has achieved its acquisition goals and objectives.</p> <p>(2) REPORTS- Not later than March 15, 2013, and each year thereafter through 2016, the Comptroller General shall submit to the congressional defense committees a report on the assessment under paragraph (1) with respect to the acquisition baselines for the preceding fiscal year. Each report shall include any findings and recommendations on missile defense acquisition programs and accountability therefore that the Comptroller General considers appropriate.</p>	<p>MDA to provide BMDs Accountability Report (BAR) to Congressional Defense Committees. The BAR fully satisfies the requirement.</p>

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	<p>(b) Annual Reports on Missile Defense Executive Board Activities- In each of the first three reports submitted under section 225(c) of title 10, United States Code, as added by section 231 of this Act, the Director shall include a description of the activities of the Missile Defense Executive Board during the fiscal year preceding the date of the report, including the following:</p> <p>(1) A list of each meeting of the Board during such year.</p> <p>(2) The agenda and issues considered at each such meeting.</p> <p>(3) A description of any decisions or recommendations made by the Board at each such meeting.</p> <p>(c) Repeal of Superseded Reporting Authority- Section 232 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1037; 10 U.S.C. 2431 note) is amended by striking subsection (g).</p>	
Sec. 1688 of the FY16 National Defense Authorization Act (HR 1735), pp. 1065	<p>SEC. 1688. EXTENSION OF REQUIREMENT FOR COMPTROLLER GENERAL OF THE UNITED STATES REVIEW AND ASSESSMENT OF MISSILE DEFENSE ACQUISITION PROGRAMS</p> <p>Section 232(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1339) is amended—</p> <p>(1) in paragraph (1), by striking “through 2015” and inserting “through 2020”; and</p> <p>(2) in paragraph (2), in the first sentence, by striking “through 2016” and inserting “through 2021”.</p>	MDA to provide BMDS Accountability Report (BAR) to Congressional Defense Committees. The BAR fully satisfies the requirement.
<i>Sec 223(a). Ballistic Missile Defense Programs: Procurement;</i> National Defense Authorization Act for Fiscal Year 2004 (H.R. 1588, H. Rpt. 108-354), pp. 30-31	<p>BUDGET JUSTIFICATION MATERIALS</p> <p>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.</p>	<p>MDA to provide BMDS Accountability Report (BAR) to Congressional Defense Committees. The BAR partially satisfies the requirement through its schedule baseline.</p> <p>Exhibit P-21 – Budget Production Schedule</p> <p>Procurement -MDA 0208866C, Terminal Defense,</p> <p>0208866C, Aegis BMD,</p>

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		0208866C , Aegis Ashore Phase III 0208866C , BMDS AN/TPY-2 Radars 0208866C Iron Dome
<i>Sec 223(b). Ballistic Missile Defense Programs: Procurement; National Defense Authorization Act for Fiscal Year 2004 (H.R. 1588, H. Rpt. 108-354, pp. 30-31)</i>	FUTURE-YEARS DEFENSE PROGRAM The Secretary of Defense shall include in the future-years defense program submitted to Congress each year under section 221 of this title an estimate of the amount necessary for procurement for each ballistic missile defense system element, together with a discussion of the underlying factors and reasoning justifying the estimate.	Procurement -MDA 0208866C , Terminal Defense, 0208866C , Aegis BMD, 0208866C , Aegis Ashore Phase III 0208866C , BMDS AN/TPY-2 Radars 0208866C , Iron Dome