

Missile Defense Agency Congressional Reporting Requirements		
Reporting Requirement Reference	Reporting Requirement Language	Budget Documentation
Sec 231 of the FY12 National Defense Authorization Act (S 1867, p. 53-54, TITLE II – Subtitle C	<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:</p> <p>“§ 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>“(A) research and development milestones;</p> <p>“(B) acquisition milestones, including design reviews and key decision points;</p> <p>“(C) key test events, including ground and flight tests and ballistic missile defense system tests;</p> <p>“(D) delivery and fielding schedules;</p> <p>“(E) quantities of assets planned for acquisition and delivery in total and by fiscal year; and</p> <p>“(F) Planned contract award dates.</p> <p>“(2) A detailed technical description of—</p> <p>“(A) the capability to be developed, including hardware and software;</p> <p>“(B) system requirements, including performance requirements;</p> <p>“(C) how the proposed capability satisfies a capability identified by the commanders of the combatant commands on a prioritized capabilities list;</p>	MDA to provide BMDS Accountability Report (BAR) to Congressional Defense Committees. The BAR fully satisfies the requirement.

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- “(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 the report during the previous year.
- “(3) Each report under this subsection shall be submitted in unclassified form, but may include a classified annex.
- “(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—
- “(1) a justification for such adjustment or revision;
- “(2) the specific adjustments or revisions made to the acquisition baseline, including to

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	<p>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:</p> <p>“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 Department of Defense Appropriations Act, Report Language – Senate Report 112-77, p. 236, Missile Defense Agency (MDA)</p>	<p><i>Budget Justification Materials</i> - The fiscal year 2012 budget request includes \$8,558,556,000 for the Missile Defense Agency’s programs under the jurisdiction of the Defense Appropriations Subcommittee. The Committee has stated in the past its concerns with the poor quality and lack of detail of the corresponding budget justification materials and is pleased to note a signification improvement in the budget justification materials compared to prior years. However, the Committee believes that further improvement is warranted and looks forward to working with the Missile Defense Agency to continue improving its budget justification materials. In particular, the Committee is disturbed by the lack of programmatic detail contained in the budget justification materials, particularly as it relates to prior year accomplishments and scheduled events in the budget year. In addition, the Committee has noticed discrepancies between the budget request as detailed in the budget justification materials and funding requests identified in the corresponding Ballistic Missile Defense System Accountability Report (BAR); as well as a lack of coordination between budget assembly and the Integrated Master Test Plan (IMTP). While the Committee understands that evolving requirements can affect a budget request, the 'Committee believes that MDA and its suppliers would benefit from more coordinated strategic planning. For instance, updating the IMTP out of cycle from the budget submission creates a disconnect between resources requested and those required to conduct scheduled test events. Therefore, the Committee directs the MDA to synchronize its budget submission, BAR and IMTP beginning with the fiscal year 2013 budget submission.</p>	<p>MDA has included details for budget and prior years throughout budget documentation.</p> <p>MDA to provide BMDS Accountability Report (BAR) to Congressional Defense Committees. The BAR fully satisfies the requirement.</p>
<p>FY12 National Defense Authorization Act, Report Language –</p>	<p>(Sec. 231) The committee recommends a provision that would amend section 225 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383) to require the Comptroller General to review, for fiscal years 2012 through 2015, the annual reports of the Missile</p>	<p>MDA to provide BMDS Accountability Report (BAR) to Congressional Defense</p>

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Senate Report 112-26, p. 38-39, Subtitle C – Missile Defense Matters	<p>Defense Agency (MDA) on acquisition baselines and variances and assess the extent to which MDA has achieved its acquisition goals and objectives. The provision would also require the Comptroller General to report to the congressional defense committees on such assessment, and provide any findings and recommendations on missile defense acquisition programs that the Comptroller General considers appropriate. The provision would also provide a 3-year sunset for reports required on activities of the Missile Defense Executive Board. The committee notes that the Government Accountability Office (GAO) has played an instrumental role over many years in the oversight of missile defense acquisition programs, and in helping improve the oversight and accountability of such programs. Section 225 established the requirement for MDA acquisition baselines and annual reports on those baselines and variances. The existing legislative mandate for GAO's review of missile defense acquisition programs originated in fiscal year 2002, and is now out of date with the new MDA acquisition baseline process. The committee believes it is important for GAO to review and report on the new process.</p>	Committees. The BAR fully satisfies the requirement.
FY12 National Defense Authorization Act, Report Language Title II – RDT&E Subtitle C – Missile Defense Programs – House Report 112-78, p. 93-94	<p>Section 231—Acquisition Accountability Reports on the Ballistic Missile Defense System This section would amend chapter 9 of title 10, United States Code, by adding a new section 225 that would require the Secretary of Defense to establish and maintain an acquisition baseline for each program element and designated subprogram element of the ballistic missile defense system before the program or subprogram enters engineering and manufacturing development, and production and deployment.</p> <p>This section would incorporate and expand upon annual reporting requirements established in section 225 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383), to include reporting on schedules and milestones, acquisition quantities, requirements, technical capabilities, cost estimates, and test plans. Additionally, this section would repeal section 225 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011, section 223(g) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181), and section 221 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314), to reduce duplication in missile defense reporting requirements.</p>	MDA to provide BMDS Accountability Report (BAR) to Congressional Defense Committees. The BAR fully satisfies the requirement.
FY12 National Defense Authorization Act, Report Language – House Report 112-239, p. 43-44, Subtitle C Missile Defense Matters	<p>SEC. 232. COMPTROLLER GENERAL REVIEW AND ASSESSMENT OF MISSILE DEFENSE ACQUISITION PROGRAMS. (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</p>	MDA to provide BMDS Accountability Report (BAR) to Congressional Defense Committees. The BAR fully satisfies the requirement.

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	<p>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>(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>	
<p>Sec. 225 of the FY11 National Defense Authorization Act (H.R. 6523), p. 34.</p>	<p>SEC. 225. ACQUISITION ACCOUNTABILITY REPORTS ON THE BALLISTIC MISSILE DEFENSE SYSTEM.</p> <p>(a) BASELINES REQUIRED.—The Secretary of Defense shall ensure that the Missile Defense Agency establishes and maintains an acquisition baseline for each program element of the ballistic missile defense system, as specified in section 223 of title 10, United States Code.</p> <p>(b) ELEMENTS OF BASELINES.—Each acquisition baseline required by subsection (a) for a program element shall include the following:</p> <p>(1) A comprehensive schedule for the program element, including—</p> <p>(A) research and development milestones;</p> <p>(B) acquisition milestones, including design reviews and key decision points;</p> <p>(C) key test events, including ground and flight tests and ballistic missile defense system tests; and</p> <p>(D) delivery and fielding schedules.</p> <p>(2) A detailed technical description of—</p> <p>(A) the capability to be developed, including hardware and software;</p>	<p>MDA to provide BMDS Accountability Report (BAR) to Congressional Defense Committees. The BAR fully satisfies the requirement.</p>

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- (B) system 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 Missile Defense Agency plans to improve the capability over time.
- (3) A cost estimate for the program element, including—
- (A) a life cycle cost estimate;
- H. R. 6523—35
- (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 when the program joint cost analysis requirements description document is scheduled to be approved.
- (4) A test baseline summarizing the comprehensive test program for the program element outlined in the integrated master test plan.
- (c) ANNUAL REPORTS ON ACQUISITION BASELINES.—
- (1) ANNUAL REPORTS REQUIRED.—Not later than February 15, 2011, and annually thereafter, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report on the acquisition baselines required by subsection (a). The first such report shall set forth the acquisition baselines, and each later report shall identify the significant changes or variances, if any, in any such baseline from any earlier report under this subsection.
- (2) FORM.—Each report under this subsection shall be submitted in unclassified form, but may include a classified annex.
- (d) ANNUAL REPORTS ON MISSILE DEFENSE EXECUTIVE BOARD ACTIVITIES.—The Director shall include in each report under subsection
- (c) a description of the activities of the Missile Defense Executive Board during the preceding fiscal year, including the following:
 - (1) A list of each meeting of the Board during the preceding fiscal year.
 - (2) The agenda and issues considered at each such meeting.
- (3) A description of any decisions or recommendations made by the Board at each such meeting.

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<p>H. Rpt. 110-279, the House Appropriations Committee Report to accompany the FY 2008 Department of Defense Appropriations Act (H.R. 3222), p. 382</p>	<p>The Committee directs MDA to develop a system-wide plan to report according to the spirit of existing acquisition laws to improve accountability and transparency of its program. MDA is directed to report all elements that are effectively in System Development and Demonstration or production corresponding baselines, the results of independent cost estimates performed by the Cost Analysis Improvement Group, unit costs, and unit cost growth. This direction should not be construed as requiring full compliance with DoD Regulation 5000.2. In addition, while developing and fielding the BMDS outside DoD's normal acquisition cycle, MDA should address operational testing by including operational test objectives in developmental tests. The Committee directs that this plan be delivered to the congressional defense committees with the submission of the fiscal year 2009 budget and updated semiannually.</p>	<p>MDA to provide BMDS Accountability Report (BAR) to Congressional Defense Committees. The BAR fully satisfies the requirement.</p>
<p>Sec 223(a). Ballistic Missile Defense Programs: Procurement; National Defense Authorization Act for Fiscal Year 2004 (H.R. 1588, H. Rpt. 108-354, pp. 30-31)</p>	<p><i>Budget Justification Materials</i> - 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 Procurement -MDA 0208866C, Terminal Defense,</p> <p>0208866C, Aegis BMD,</p> <p>0208866C, BMD Sensors</p>