

Missile Defense Agency Congressional Reporting Requirements		
Reporting Requirement Reference	Reporting Requirement Language	Budget Documentation
H.R. 83 – Consolidated Appropriations Act 2015 – Public Law No. 113-235; Division C -- Joint Explanatory Statement Committee Report; pp. 4-6	<p>ISRAELI MISSILE DEFENSE PROGRAMS</p> <p>The fiscal year 2015 budget request includes \$272,775,000 for Israeli missile defense programs within the Missile Defense Agency (MDA) budget, including \$175,972,000 for the procurement of Iron Dome. This request concludes a previous U.S. commitment to the Government of Israel to provide \$680,000,000 from fiscal years 2012 to 2015 for the Iron Dome program in response to a request from the Government of Israel. Strong bipartisan congressional support remains for Israeli missile defense programs to ensure fulfillment of Israel's missile defense needs and the retention of Israel's qualitative military edge. Long-standing and successful contributions of U.S. industry toward meeting these goal include co-production of Arrow and David's Sling; and, beginning in fiscal year 2014, co-production of Iron Dome components.</p> <p>Subsequent to the fiscal year 2015 budget submission, the Government of Israel increased its funding requirement for Iron Dome. Therefore, the agreement provides an additional \$175,000,000 above the request for Iron Dome, which brings U.S. investment in Iron Dome production since fiscal year 2011 to over \$1,200,000,000. The Iron Dome program, which was developed by Israel solely with Israeli funding, is not subject to conditions of other joint Israel-U.S. cooperative missile defense programs, but rather is governed by a Memorandum of Agreement signed in March 2014. Therefore, the agreement directs that all funds appropriated in fiscal year 2015 for Iron Dome be subject to the terms and provisions of this Memorandum of Agreement, as amended, to reflect an agreed-upon implementation plan between MDA and the Israel Missile Defense Organization (IMDO).</p> <p>In addition, the agreement directs that not more than \$175,972,000 may be obligated or expended for Iron Dome in fiscal year 2015 until IMDO provides additional justification and documentation to MDA, and the Director of MDA certifies receipt of all such information to the congressional defense committees. The documentation should include a timeline for the expenditure of Iron Dome funds included in the fiscal year 2015 budget request and the additional funds recommended in fiscal year 2015, a delivery schedule for items funded with these and prior year funds, and a report to MDA documenting full and complete delivery by Israeli industry and acceptance by U.S. industry suppliers of all technical data packages required for U.S. co-production of Iron Dome components. Further, this report shall document that all export licenses required to enable the release of classified technical data packages from the U.S. prime contractor to U.S. subcontractors are completed; a common cost model of Iron Dome components that includes recurring and non-</p>	Submitted with the FY2016 Budget Release

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	<p>recurring engineering costs, to be jointly developed and agreed upon by MDA and IMDO; actual Iron Dome production costs beginning in fiscal year 2013; and component lead-times and delivery schedules for each fiscal year thereafter. It is expected that to fully satisfy the requirements listed above, the Government of Israel will provide to MDA copies of signed and ratified contracts, subcontracts, and teaming arrangements between Israeli and U.S. industry for all Iron Dome co-production efforts. In addition, the Director of MDA, in coordination with the Under Secretary of Defense (Acquisition, Technology, and Logistics), is directed to provide a report to the congressional defense committees with the fiscal year 2016 budget submission on the information provided in the detailed cost and schedule justification required above, including the views of the Director and the Under Secretary on its sufficiency. It is noted that moving forward with Iron Dome co-production will not negatively impact development, test, and production schedules of the Arrow and David's Sling programs. Therefore, the agreement recommends an additional \$172,039,000 above the request for the Arrow and David's Sling programs.</p>	
<p>Sec 231 of the FY14 National Defense Authorization Act (HR 3304, TITLE II – Subtitle C) pp. 18</p>	<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, 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</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>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>	
<p>Sec 234 of H.R. 1960 H. Rpt 113-02 FY14 House Armed Services Committee Report pp. 67-68</p>	<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 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>MDA to provide BMDS Accountability Report (BAR) to Congressional Defense Committees. The BAR fully satisfies the requirement.</p>
	(b) Report.—Not later than February 15, 2014, the Director of the Missile Defense Agency shall	

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	submit to the congressional defense committees a report of the plans and schedule of the Director with respect to when the Director will meet the quality and criteria of cost estimates required by section 225(e) of title 10, United States Code, as added by subsection (a)(2).	
Sec 231 of the FY12 National Defense Authorization Act (S 1867, TITLE II – Subtitle C) pp. 53-54	<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>(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> <p>(D) key knowledge points that must be achieved to permit continuation of the program and to</p>	MDA to provide BMDS Accountability Report (BAR) to Congressional Defense Committees. The BAR fully satisfies the requirement.

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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 the elements described in subsection (b); and
 (3) the effective date of the adjusted or revised acquisition baseline.”.

(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

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	<p>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>(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>MDA to provide BMDS Accountability Report (BAR) to Congressional Defense Committees. The BAR fully satisfies the requirement.</p>

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<p><i>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)</i></p>	<p>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.</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> <p>0208866C, Aegis Ashore Phase III</p> <p>0208866C, BMDS AN/TPY-2 Radars</p> <p>0208866C Iron Dome</p>
<p><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></p>	<p>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.</p>	<p>Procurement -MDA 0208866C, Terminal Defense,</p> <p>0208866C, Aegis BMD,</p> <p>0208866C, Aegis Ashore Phase III</p> <p>0208866C, BMDS AN/TPY-2 Radars</p> <p>0208866C, Iron Dome</p>