SEC. ___. REPEAL OF CERTAIN NATIONAL DEFENSE AUTHORIZATION ACT REPORTING REQUIREMENTS.

(a) ANNUAL UPDATE ON SYSTEM MANAGEMENT PLAN AND MATRIX FOR THE F-35 JOINT STRIKE FIGHTER AIRCRAFT PROGRAM.—Section 122 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383) is amended by striking subsection (b).

(b) CONGRESSIONAL NOTIFICATION OF CANCELLATION OF MAJOR AUTOMATED INFORMATION SYSTEM.—Section 806 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 10 U.S.C. 2302 note) is repealed.

Section-by-Section Analysis

This proposal requests the repeal of two National Defense Authorization Act reporting requirements:

1) Section 122(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011

The Department of Defense (DoD) requests repeal of the annual update for this report because it is redundant. The initial report required by section 122(b)(1) is complete. The requirement for an annual update is redundant because there is now sufficient transparency in the program via monthly reports and other provisions. As a result, this report is not being relied on to track systems level development issues that the legislation was intended to facilitate.

The original report explained that

> "The JSF Program Executive Officer uses several program documents as the basis for the System Management Plan. These include the JSF Management Control Plan (MCP) and the Systems Engineering Plan (SEP). The F-35 JSF Program Executive Officer (PEO) uses metrics on all aspects of the program, to include engineering, manufacturing, testing, mission effectiveness, system reliability, training, fielding, and deployment status to support programmatic decisions. This report provides a list of top-level metrics that are used by the JSF PEO as a tool to manage the program and identify areas that need leadership attention. These top-level metrics are based on a larger set of more detailed metrics that are provided to Congress monthly."

The F-35 program is dynamic and the metrics are continuously updated. It is redundant and inefficient to provide a portion of these metrics on an annual basis, which is neither timely nor as useful as the product already provided on a monthly basis.

2) Section 806 of the National Defense Authorization Act for Fiscal Year 2006

DoD requests repeal of this report because it is overly burdensome and redundant. First, the requirement unnecessarily delays implementation of a decision to cancel or reduce the scope of a program. The accompanying curtailment of program costs is also delayed. The Section 806 notification requirement has delayed program termination by an average of 20 months. Second, repealing Section 806 will remove a time-consuming administrative burden on the Department. Repeal will support the Department's continuing initiative to promote efficiencies and streamline congressional reporting requirements. Third, 10 U.S.C. Chapter 144A, enacted the year after section 806, requires a major automated information system Annual Report that will also notify Congress of changes to Major Automated Information System (MAIS) programs, including program termination.

The Section 806 notification is prospective; we are required to notify Congress 60 days before we cancel the program. Effectively, it requires the Department to make a termination decision, generate the Section 806 Notification, then wait two months before acting on the termination. The termination would then be reported to Congress in the next MAIS Annual Report as well. With the expected budget curtailments, we can anticipate the frequency of (admittedly rare) Section 806 Notifications to increase.

Whether rare or more frequent, repeal of Section 806 is a clear step toward efficiency and streamlining of congressional reporting. Once a termination decision is made, it is distinctly in the government's interest to accomplish the termination as efficiently as possible. A pause for congressional notification is attended by continued accrual of contractor charges and delayed realignment of program office resources. The generation of a Notification to Congress is not a trivial undertaking by the Department--it has its own costs. And once delivered, we contemplate no improvement to congressional oversight that would benefit the taxpayer. Congress should prefer to remove any resistance to paring un-needed acquisitions and achieving efficiencies in government.

The MAIS Annual Report notification of a termination would occur on average six months after the decision.

Budget Implications: This proposal would reduce the cost to the Department of Defense of producing these recurring reports for Congress.

Changes to Existing Law: This proposal would amend section 122 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 and section 806 of the National Defense Authorization Act for Fiscal Year 2006 as follows:

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

SEC. 122. SYSTEM MANAGEMENT PLAN AND MATRIX FOR THE F–35 JOINT STRIKE FIGHTER AIRCRAFT PROGRAM.

(a) SYSTEM MANAGEMENT PLAN.—

(1) PLAN REQUIRED.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall establish a management plan for the F–35 Joint Strike Fighter aircraft program under which decisions to commit to specified levels of production are linked to progress in meeting specified program milestones, including design, manufacturing, testing, and fielding milestones for critical system maturity elements.

(2) NATURE OF PLAN.—The plan under paragraph (1) shall align technical progress milestones with acquisition milestones in a system maturity matrix. The matrix shall provide criteria and conditions for comparing expected levels of demonstrated system maturity with annual production commitments, starting with the fiscal year 2012 production program, and continuing over the remaining life of the system development and demonstration program. The matrix and criteria shall include elements such as the following:

(A) Manufacturing maturity, including on-time deliveries, manufacturing process control, quality rates, and labor efficiency rates.

(B) Engineering maturity, including metrics for the number of new design actions and number of design changes in a given period.

(C) Performance and testing progress, including test points, hours and flights accomplished, capabilities demonstrated, key performance parameters, and attributes demonstrated.

(D) Mission effectiveness and system reliability, including operational effectiveness and reliability growth.

(E) Training, fielding, and deployment status.

~~(b) REPORTS TO CONGRESS.—~~

~~(1) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the plan required by subsection (a). The report shall include—~~

~~(A) the proposed system maturity matrix described in subsection (a)(2), including a description, for each element specified in the matrix under subsection (a)(2), of the criteria and milestones to be used in evaluating actual program performance against planned performance for each annual production commitment; and~~

~~(B) a description of the actions to be taken to implement the plan.~~

~~(2) UPDATES.—The Secretary shall submit to Congress, at or about the same time as the submittal to Congress of the budget of the President for any fiscal year after fiscal year 2012 (as submitted pursuant to section 1105(a) of title 31, United States Code), any modification to the plan required by subsection (a) that was made during the preceding calendar year, including a rationale for each such modification.~~

(c) REPORT ON CAPABILITIES OF MARINE CORPS VARIANT OF F–35 FIGHTER AIRCRAFT AT INITIAL OPERATING CAPABILITY.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the

expected capabilities of the F–35B Joint Strike Fighter aircraft at the time when the Marine Corps plans to declare Initial Operating Capability for the F–35B Joint Strike Fighter aircraft. The report shall be prepared in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(2) ELEMENTS.—The report under paragraph (1) shall including a description of the following with respect to the

F–35B Joint Strike Fighter aircraft:

(A) Performance of the aircraft and its subsystems, compared to key performance parameters.

(B) Expected capability to perform Marine Corps missions.

(C) Required maintenance and logistics standards, including mission capability rates.

(D) Expected levels of crew training and performance.

(E) Product improvements that are planned before the Initial Operating Capability of the aircraft to be made after the Initial Operating Capability of the aircraft, as planned in March 2010.

National Defense Authorization Act for Fiscal Year 2006
(Public Law 109-364)

SEC. 806. CONGRESSIONAL NOTIFICATION OF CANCELLATION OF MAJOR AUTOMATED INFORMATION SYSTEMS.

~~(a) REPORT REQUIRED.—The Secretary of Defense shall notify the congressional defense committees not less than 60 days before cancelling a major automated information system program that has been fielded or approved to be fielded, or making a change that will significantly reduce the scope of such a program, of the proposed cancellation or change.~~

~~(b) CONTENT.—Each notification submitted under subsection (a) with respect to a proposed cancellation or change shall include—~~

~~(1) the specific justification for the proposed cancellation or change;~~

~~(2) a description of the impact of the proposed cancellation or change on the ability of the Department to achieve the objectives of the program proposed for cancellation or change;~~

~~(3) a description of the steps that the Department plans to take to achieve those objectives; and~~

~~(4) other information relevant to the change in acquisition strategy.~~

~~(c) DEFINITIONS.—In this section:~~

~~(1) The term 'major automated information system' has the meaning given that term in Department of Defense directive 5000.1.~~

~~(2) The term 'approved to be fielded' means having received Milestone C approval~~