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APR - 1 2002

The Honorable J. Dennis Hastert  
Speaker of the House of Representatives  
Washington, D.C. 20515

Dear Mr. Speaker:

The Department of Defense proposes the enclosed bill, Repeal of Various Reports Required of the Department of Defense, as part of its legislative program for the Second Session of the 107th Congress, and we urge its enactment. The legislation supports our continuing effort to streamline the management of the Department of Defense.

The Department has carefully examined the numerous recurring reporting requirements throughout title 10, United States Code, and in various Department of Defense authorization bills. We are also looking at reporting requirements required by other provisions of law and will forward legislation relating to those provisions at a later date. In Fiscal Year 2001, various laws required the Department to prepare 449 recurring reports to Congress, of which 338 were in title 10. Also, stand-alone provisions included in various annual appropriations or authorization laws required 534 one-time reports.

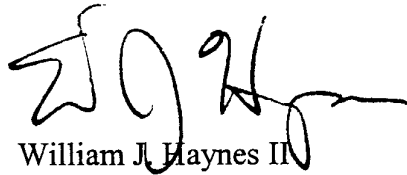
Each reporting requirement may have some historical significance or may be the product of a one-time issue that triggered Congressional oversight. Many of the reasons for these requirements no longer are relevant. Many other reporting requirements are redundant or otherwise unnecessary. The cumulative effect of the many required reports, however, is highly burdensome. This proposal is a first step in cleaning out the unnecessary and obsolete provisions of law in title 10. The enactment of this request for trimming down these reports will facilitate our continued efforts to manage the Department efficiently.

Our focus in preparing this legislation was to initiate a process that will reach a level of reporting that reflects the trust we believe exists between the Congress and the Department. We want to continue our close relationship and build on this trust by remaining responsive to Congressional requests and questions about our activities while removing burdensome and unnecessary reporting requirements.



The Office of Management and Budget advises that there is no objection the presentation of this legislation to the Congress, and that its enactment would be in accord with the President's program.

Sincerely,

A handwritten signature in black ink, appearing to read 'WJ Haynes II', with a long horizontal flourish extending to the right.

William J. Haynes II

Enclosure:  
As Stated



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APR - 1 2002

The Honorable Richard B. Cheney  
President of the Senate  
Washington, D.C. 20510

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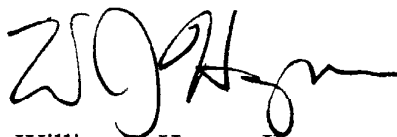
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**SEC. \_\_\_\_ . REPEAL OF VARIOUS REPORTS REQUIRED OF THE DEPARTMENT  
OF DEFENSE.**

1 (a) PROVISIONS OF TITLE 10.—Title 10, United States Code, is amended—

2 (1) in section 117—

3 (A) by striking subsection (e); and

4 (B) by redesignating subsection (f) as subsection (e);

5 (2) in section 129, by striking subsection (f);

6 (3) in chapter 7—

7 (A) section 183 is repealed; and

8 (B) the table of sections for such chapter 7 is amended by striking the item  
9 relating to section 183;

10 (4) in chapter 9—

11 (A) section 226 is repealed;

12 (B) section 230 is repealed; and

13 (B) the table of sections for such chapter 9 is amended by striking the items  
14 relating to sections 226 and 230;

15 (5) in chapter 23—

16 (A) sections 482, 483, 484, and 487 are repealed; and

17 (B) the table of sections for such chapter 23 is amended by striking the items  
18 relating to section 482, 483, 484, and 487;

19 (6) in section 526—

20 (A) by striking subsection (c); and

21 (B) by redesignating subsection (d) as subsection (c);

1 (7) in section 721(d)—

2 (A) by striking paragraph (2); and

3 (B) by striking the designator “(1)” preceding the remaining matter;

4 (8) in section 986, by striking subsection (e);

5 (9) in section 1095(g)—

6 (A) by striking paragraph (2); and

7 (B) by striking the designator “(1)” preceding the remaining matter;

8 (10) in section 1557—

9 (A) by striking subsection (e); and

10 (B) by redesignating subsection (f) as subsection (e);

11 (11) in chapter 80—

12 (A) section 1563 is repealed; and

13 (B) the table of sections for such chapter 80 is amended by striking the item  
14 relating to section 1563;

15 (12) in section 1597 by striking subsections (c) through (e);

16 (13) in section 1798, by striking subsection (d);

17 (14) in section 1799, by striking subsection (d);

18 (15) in section 2010—

19 (A) by striking subsection (b); and

20 (B) by redesignating subsections (c) and (d) as subsections (b) and (c),  
21 respectively;

22 (16) in section 2011, by striking subsection (e);

23 (17) in section 2208(j)(2), by striking “ and notifies Congress regarding the reasons for

1 the waiver”;

2 (18) in section 2220—

3 (A) by striking subsections (b) and (c); and

4 (B) by striking “(a) ESTABLISHMENT OF GOALS.—”;

5 (19) in section 2255(b)—

6 (A) by striking paragraph (2); and

7 (B) by striking the designator “(1)” after the catchline;

8 (20) in chapter 136—

9 (A) section 2282 is repealed; and

10 (B) the table of sections for such chapter 136 is amended by striking the item  
11 relating to section 2282;

12 (21) in section 2327(c)(1)—

13 (A) in subparagraph (A), by striking “after the date on which such head of an  
14 agency submits to Congress a report on the contract” and inserting “if in the best interests  
15 of the government”;

16 (B) by striking subparagraph (B); and

17 (C) by redesignating subparagraph (C) as subparagraph (B);

18 (22) in section 2350a—

19 (A) in subsection (f)—

20 (i) by striking paragraph (1);

21 (ii) by amending the catchline to read “REPORT TO CONGRESS.—”; and

22 (iii) by striking the designator “(2)” that precedes the remaining matter;

23 and

1 (B) in subsection (g), by striking paragraph (4);  
2 (23) in section 2350f—  
3 (A) by striking subsection (c); and  
4 (B) by redesignating subsection (d) as subsection (c);  
5 (24) in section 2350k, by striking subsection (d);  
6 (25) in section 2367(d)—  
7 (A) by striking paragraph (1); and  
8 (B) by striking the designator “(2)” that precedes the remaining matter after the  
9 catchline;  
10 (26) in section 2391—  
11 (A) by striking subsection (c); and  
12 (B) by redesignating subsections (d) and (e) as subsections (c) and (d),  
13 respectively;  
14 (27) in section 2399—  
15 (A) by striking subsection (g); and  
16 (B) by redesignating subsection (h) as subsection (g);  
17 (28) in section 2401—  
18 (A) by striking subsection (b);  
19 (B) by redesignating subsections (c) through (f) as subsections (b) through (e),  
20 respectively; and  
21 (C) in subsection (a), by striking “only as provided in subsection (b)” both times  
22 such phrase appears in the subsection;  
23 (29) in section 2410i(c), by striking the last sentence;



1 (30) in section 2457—

2 (A) by striking subsection (d); and

3 (B) by redesignating subsections (e) and (f) as subsections (d) and (e),

4 respectively;

5 (31) in section 2464(b), by striking paragraph (3);

6 (32) in section 2486(b)(12), by striking all after “the Secretary of Defense may prescribe”

7 and inserting a period;

8 (33) in section 2492, by striking subsection (c);

9 (34) in section 2493, by striking subsection (g);

10 (35) in chapter 148—

11 (A) section 2504 is repealed;

12 (B) the table of sections for such chapter 148 is amended by striking the item

13 relating to section 2504;

14 (36) in section 2537—

15 (A) by striking subsection (b); and

16 (B) by redesignating subsection (c) as subsection (b);

17 (37) in section 2563(c)(2), by striking “and notifies Congress regarding the reasons for  
18 the waiver”;

19 (38) in section 2611—

20 (A) by striking subsection (e); and

21 (B) by redesignating subsection (f) as subsection (e);

22 (39) in section 2631(b)(3), by striking the last sentence;

23 (40) in section 2662—

1 (A) by striking subsection (e);

2 (B) by redesignating subsections (f) and (g) as subsections (e) and (f),

3 respectively; and

4 (C) in subsection (f), as redesignated by subparagraph (B), by striking “, and the  
5 reporting requirement set forth in subsection (e) must not apply with respect to a real  
6 property transaction otherwise covered by that subsection,”;

7 (41) in section 2667—

8 (A) by striking paragraph (3); and

9 (B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4),

10 respectively;

11 (42) in section 2676(d), by striking all after “is approved by the Secretary concerned” and  
12 inserting a period;

13 (43) in section 2688—

14 (A) by striking subsection (e);

15 (B) by redesignating subsections (f) through (i) as subsections (e) through (h),  
16 respectively; and

17 (C) in subsection (f), as redesignated by subparagraph (B), by striking the last  
18 sentence;

19 (44) in section 2696—

20 (A) by striking subsections (c) and (d); and

21 (B) by redesignating subsection (e) as subsection (c);

22 (45) in section 2805 (b)—

23 (A) by striking paragraph (2); and

1 (B) by striking the designator “(1)” that precedes the remaining matter;  
2 (46) in section 2807—  
3 (A) by striking subsection (b); and  
4 (B) by redesignating subsections (c) and (d) as subsections (b) and (c),  
5 respectively;  
6 (47) in section 2809, by striking subsection (f);  
7 (48) in section 2812(c)—  
8 (A) by striking paragraph (1);  
9 (B) by striking the designator “(2)” that precedes the remaining matter;  
10 (49) in section 2813, by striking subsection (c);  
11 (50) in section 2827 —  
12 (A) by striking subsection (b); and  
13 (B) by striking “(a) Subject to subsection (b), the Secretary” and inserting “The  
14 Secretary”;  
15 (51) in section 2828—  
16 (A) by striking subsection (f); and  
17 (B) by redesignating subsection (g) as subsection (f);  
18 (52) in section 2835—  
19 (A) by striking subsection (b);  
20 (B) by redesignating subsections (c) through (h) as subsections (b) through (g),  
21 respectively; and  
22 (C) in subsection (a), by striking “Subject to subsection (b), the Secretary” and  
23 inserting “The Secretary”;

1 (53) in section 2836—

2 (A) by striking subsection (b);

3 (B) by redesignating subsections (c) through (g) as subsections (b) through (f),  
4 respectively; and

5 (C) in subsection (a), by striking “Subject to subsection (b), the Secretary” and  
6 inserting “The Secretary”;

7 (54) in section 2837—

8 (A) in subsection (c)—

9 (i) by striking paragraph (2); and

10 (ii) by striking the designator “(1)” after the catchline and preceding the  
11 remaining matter;

12 (B) by striking subsection (f); and

13 (C) by redesignating subsections (g) and (h) as subsections (f) and (g);

14 (55) in section 2867, by striking subsection (c);

15 (56) in section 4416, by striking subsection (f);

16 (57) in section 5721(f)—

17 (A) by striking paragraph (2); and

18 (B) by striking the designator “(1)” after the catchline and preceding the  
19 remaining matter;

20 (58) in section 9356—

21 (A) by striking subsection (c);

22 (B) by redesignating subsections (d) and (e) as subsections (c) and (d),  
23 respectively; and

1 (C) in subsection (a), by striking “Subject to subsection (c), the Secretary” and  
2 inserting “The Secretary”; and

3 (59) in section 12302—

4 (A) in subsection (b), by striking the last sentence; and

5 (B) by striking subsection (d).

6 (b) DEFENSE ACQUISITION IMPROVEMENT ACT OF 1986.—Section 908 of the Defense  
7 Acquisition Improvement Act of 1986 (10 U.S.C. 2326 note) is amended by striking subsection  
8 (b).

9 (c) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994.—Section 542 of  
10 the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat.  
11 1659; 10 U.S.C. 113 note) is repealed.

12 (d) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995.—Section 553(b)  
13 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat.  
14 2772; 10 U.S.C. 6951 note) is amended by striking the last sentence.

15 (e) BALLISTIC MISSILE DEFENSE ACT OF 1995.— Section 234 of the Ballistic Missile  
16 Defense Act of 1995 (Public Law 104-106; 110 Stat. 229, 231; 10 U.S.C. 2431 note) is amended  
17 by striking subsection (f).

18 (g) FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR  
19 2001.—Section 1006 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year  
20 2001 (Public Law 106-398 Appendix; 114 Stat. 1654A-247; 10 U.S.C. 2226 note) is amended by  
21 striking subsection (c).

22 (h) DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2001.—Section 8019 of the  
23 Department of Defense Appropriations Act, 2001 (Public Law 106-259; 114 Stat. 678; 10 U.S.C.

1 2687 note) is amended by striking the last sentence.

2 (i) MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001.—Section 125 of the Military  
3 Construction Appropriations Act, 2001 (Division A of Public Law 106-246; 114 Stat. 517; 10  
4 U.S.C. 2782 note) is repealed.

### Section-by-Section Analysis

This provision repeals various recurring reporting requirements of the Department of Defense as well as some reporting requirements that are required prior to performing a management function. The provisions being amended are listed in numerical order as they appear in title 10. The reference throughout subsection (a) of the bill is to title 10, United States Code. Subsections (b) through (e) refer to various uncodified statutory provisions that are found at various provisions of title 10 as notes. In the case of the notes, for ease of reference, the full statutory citation is provided for each provision of law being amended with the exception of subsection (b), relating to a reporting requirement in the Defense Acquisition Improvement Act of 1986. That provision was enacted three times in 1986. In 1987, section 6 of the Defense Technical Corrections Act of 1987 (Public Law 100-26; 101 Stat. 274) stated that such identical provisions must be treated as having been enacted only one time. The reference in the case of subsection (b) of this provision, accordingly, is to the note citation only.

#### (a) Title 10 Provisions:

(1) Report Title: **Joint Readiness Reviews**

Code Provision : 10 U.S.C. §117(e)

The Secretary must submit to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives a report in writing containing the results of the most recent joint readiness review, including the current information derived from the readiness reporting system.

Reason the Report Should be Repealed: Instead of a monthly readiness report to Congress, we are proposing all readiness information be delivered to the Congressional Defense Committees through a classified web readiness portal. This proposal eliminates the formal requirement, and provides for electronic access to the products of the Department of Defense

readiness system. In short, this proposal allows for more timely and focused readiness information to Congress .

(2) **Report Title: Prohibition of Certain Civilian Personnel Management Constraints**

**Code Provision :** 10 U.S.C. §129(f)

Not later than February 1 of each year, the Secretary of each military department and the head of each defense agency must submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the management of the civilian workforce under the jurisdiction of that official. Each report must contain the official's certification that the civilian workforce under the jurisdiction of the official is not subject to any constraint or limitation in terms of man years, end strength, full-time equivalent positions, or maximum number of employees; and that, during the 12 months preceding the date on which the report is due, such workforce has not been subject to any such constraint or limitation. It also must include a description of how the civilian workforce is managed and a detailed description of the analytical tools used to determine civilian workforce requirements.

**Reason the Report Should be Repealed:** This provision requires certification that defense components are not managing to an end strength target and/or managing on the basis of civilian end strength constraints. This certification has no value added since as a matter of policy defense components operate under a working capital fund concept where workforce levels are contingent upon workload. Annual certification that a component has implemented the policy is an unnecessary administrative reporting burden.

(3) **Report Title: Advisory Committees of the Department of Defense: Annual Report**

**Code Provision :** 10 U.S.C. §183

The Secretary of Defense must include in his report to Congress under section 113(c) a specific report on advisory committees in the Department. The report includes the justification for each such committee, its cost, and the purposes the committee is designed to serve.

**Reason the Report Should be Repealed:** All the information contained in this annual report is available on the General Services Administration's Federal Advisory Committee Act Database at <http://www.facadatabase.gov/>. The Administrator of the General Services Administration is the President's Executive Agent for ensuring that Executive branch agencies comply with the Federal Advisory Committee Act, and a continuously updated database is available to the general public at this site. All DoD federal advisory committees are listed by year and the database contains extensive information on each committee such as its purpose, membership, annual cost, projected end date, and meeting and report histories. To comply with section 183, the Department recasts the same data already contained in the General Services Administration database to a different format.

(4) *Chapter 9—Two Repeals in this chapter of title 10*

Report Title: **(A) Scoring of Outlays**

Code Provision: 10 U.S.C. §226

Section 226 requires that not later than December 15 of each year the Director of the Office of Management and Budget and the Director of the Congressional Budget Office submit to Congress a joint report containing an agreed resolution of all differences between – the technical assumptions to be used by OMB and CBO in preparing the estimates with respect to all accounts in function 050 (national defense). If the two Directors are unable to agree upon any technical assumption, the report shall reflect the use of averages of the relevant account rates used by the two offices.

Reason the Report Should be Repealed: This reporting requirement largely duplicates information that can be obtained from the President's Budget. The original goal of the report - - OMB is to work with CBO in preparing outlay estimates - - has been met. Both agencies discuss their planned outlay estimates while the budget is being prepared and work towards achieving common outlay estimates. The report does not provide useful information to make appropriations decisions and has limited utility and information on estimating differences between OMB and CBO. Further, it singles out the National Defense function from all other budget functions for a report based on decisions on final budget estimates that have not been completed by the report due date.

Report Title: **(B) Amounts for Declassification of Records**

Code Provision : 10 U.S.C. §230

The Secretary of Defense must include in the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year (as submitted with the President's budget under section 1105(a) of title 31) specific identification of the amounts required to carry out programmed activities during that fiscal year to declassify records pursuant to Executive Order No. 12958 (50 U.S.C. 435 note) or any successor Executive order or to comply with any statutory requirement, or any request to declassify government records. Identification of such amounts in such budget justification materials must be in a single display that shows the total amount for the Department of Defense and the amount for each military department and defense agency.

Reason the Report Should be Repealed: This requirement was enacted in 1999 at a time when the congressional defense committees and the Department were concerned that the cumulative effect of recent statutes, Executive orders, and pending legislation requiring increased levels of effort to declassify DoD records could result in an unwarranted financial burden on the Department. Congress enacted annual expenditure caps for declassification activities in the fiscal



year 2000 and 2001 authorization acts. Since that time, improved accounting practices have provided a better insight into the Department's declassification expenses. We also now have the benefit of several years of additional experience in this activity. Both DoD and the Congress now understand that the concerns that resulted in section 230 of title 10 did not materialize. Congress reflected this in not enacting a cap on declassification expenses in the National Defense Authorization Act for Fiscal Year 2002. Since this issue is resolved, the provision serves no further purpose and is unnecessary.

(5) *Chapter 23 (Miscellaneous Studies and Reports) of title 10 repeals:*

Report Title: **Personnel and Unit Readiness Quarterly Reports**

Code Provision : 10 U.S.C. §482

Not later than 45 days after the end of each calendar-year quarter, the Secretary of Defense must submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on military readiness.

Reason the Report Should be Repealed: Instead of quarterly readiness reporting, we are proposing all readiness information be delivered to the congressional defense committees through a classified web readiness portal. This proposal eliminates the formal quarterly readiness reporting requirement, and provides for electronic access to the products of the DoD readiness system. In short, this proposal allows for more timely and focused readiness information to Congress.

Report Title: **Reports on Transfers from High-Priority Readiness Appropriations**

Code Provision: 10 U.S.C. §483

Not later than the date on which the President submits the budget for the fiscal year to Congress pursuant to section 1105 of title 31, the Secretary of Defense must submit to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services of the House of Representatives a report on transfers during the preceding fiscal year from funds available for each covered budget activity. Also, not later than the date on which the President submits the budget for the fiscal year to Congress pursuant to section 1105 of title 31, the Secretary of Defense must submit to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services of the House of Representatives a report on transfers during the preceding fiscal year from funds available for each covered budget activity.

Reason the Report Should be Repealed: The Department already provides various detailed reports to the Congress such as the rebaseline report, which provides the execution track requested by the Congress; the DD 1415 reprogramming request, which provides detailed movement of funds prior to execution; and the DD 1002 execution status report, which provides

detailed execution on a monthly basis. These reports have been tailored to provide useful and meaningful data requested by the Congress. Accordingly, this reporting requirement is redundant.

Report Title: **Annual Report on Aircraft Inventory**

Code Provision : 10 U.S.C. 484

The Under Secretary of Defense (Comptroller) is required to report to Congress each year on the aircraft in the inventory of the Department of Defense. The report is required when the President submits the budget to Congress under section 1105(a) of title 31. It must specify the inventory for the active and reserve components and categorize the aircraft in four major areas each with multiple subcategories.

Reason the Report Should be Repealed: This report is unnecessary because the data is readily available through other sources.

Report Title: **Unit Operations Tempo and Personnel Tempo: Annual Report**

Code Provision: 10 U.S.C. §487

The Secretary of Defense must include in the annual report to Congress required by section 113(c) a description of the operations tempo and personnel tempo of the armed forces.

Reason the Report Should be Repealed: This report has become irrelevant due to the implementation by the Office of the Secretary of Defense and the services of new personnel tempo standards and accounting procedures. These standards have created a uniform approach to personnel tempo management throughout DOD. Personnel tempo information is available in a number of fora and would appear on the readiness portal proposed for all readiness data.

(6) Report Title: **Authorized Strength: General and Flag Officers on Active Duty**

Code Provision : 10 U.S.C. §526(c)

Not later than 60 days before various personnel actions regarding general or flag officers may become effective, the Secretary of Defense must submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report providing notice of the intended action and an analytically based justification for the intended action.

Reason the Report Should be Repealed: There are numerous sections in title 10 that require specific grades for statutory positions with a requirement for notification if a change is made. The report is not necessary. If the Secretary wants to change the grade of any of the specified positions, he must request a waiver or a change in the law governing that position.

- (7) **Report Title: General and Flag Officers - Limitation on Appointments, Assignments, Details and Duties Outside an Officer's Own Service**

Code Provision : 10 U.S.C. §721(d)

The Secretary of Defense must submit to Congress an annual report on the number of officers holding multiple positions during the year covered by the report. The report must set forth the determination made by the Secretary under that paragraph in each such case.

Reason the Report Should be Repealed: No more than 26.5 percent of the number of general or flag officers on active duty may serve in positions external to the officer's armed force. Since February, 1986, the Department has maintained a no-growth policy on the number of general and flag officers in the joint arena. The Secretary of Defense is the approval authority for all exceptions to this policy. The Department maintains that the number of general and flag officers serving in external positions must be tightly controlled. The 26.5 percent limitation sufficiently controls the number of general and flag officers who may be assigned to external positions. Accordingly, the instant report is unnecessary.

- (8) **Report Title: Security Clearances: Limitations**

Code Provision : 10 U.S.C. §986(e)

Not later than February 1 of each year, the Secretary of Defense must submit to the Committees on Armed Services of the Senate and the House of Representatives a report identifying each security clearance waiver granted during the preceding year with an explanation for each case of the disqualifying factor regarding the person being granted the security clearance, and the reason for the waiver of the disqualification.

Reason the Report Should be Repealed: The report never has been submitted because no waivers have been granted.

- (9) **Report Title: Health Care Services Incurred on Behalf of Covered Beneficiaries: Collection from Third-party Payers**

Code Provision : 10 U.S.C. §1095(g)

Amounts collected under this section from a third-party payer or under any other provision of law from any other payer for the costs of health care services provided at or through a facility of the uniformed services must be credited to the appropriation supporting the maintenance and operation of the facility and must not be taken into consideration in establishing the operating budget of the facility. Not later than February 15 of each year, the Secretary of Defense must submit to Congress a report specifying for each facility of the uniformed services the amount credited to the facility under this subsection during the preceding fiscal year.

Reason the Report Should be Repealed: The initial third-party collection report to Congress satisfied this requirement because it fully set forth all collection procedures and policies at DOD military treatment facilities. As there have been no further Congressional inquiries about the program or data, the Department considers that the resources expended in complying with this reporting requirement far outweigh its usefulness.

(10) Report Title: **Timeliness Standards for Disposition of Applications Before Correction Boards**

Code Provision : 10 U.S.C. §1557(e)

The Secretary of the military department concerned must submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report not later than June 1 following any fiscal year during which the Corrections Board of that Secretary's military department was unable to meet the applicable timeliness standard for that fiscal year. The report must specify the reasons why the standard could not be met and the corrective actions initiated to ensure compliance in the future. The report also must specify the number of waivers granted during the fiscal year.

Reason the Report Should be Repealed: The current reporting requirement creates an undue administrative burden on the agency. DoD corrections boards work diligently to meet current requirements for disposing of claims and this reporting requirement only serves to impede the boards' ability to respond to claims in a timely manner.

(11) Report Title: **Consideration of Proposals for Posthumous and Honorary Promotions and Appointments: Committee Report**

Code Provision : 10 U.S.C. §1563

Upon request of a Member of Congress, the Secretary concerned must review a proposal for the posthumous or honorary promotion or appointment of a member or former member of the Armed Forces, or any other person considered qualified, that is not otherwise authorized by law. Upon making such a determination as to the merits of approving the posthumous or honorary promotion or appointment, the Secretary concerned must submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives and to the requesting Member of Congress notice in writing.

Reason the Report Should be Repealed: Members of Congress have not challenged the merits of a posthumous or honorary appointment or promotion to date, so the report has never been prepared. This reporting requirement would take one hour, one day each month from personnel in five separate offices to prepare.

(12) Report Title: **Civilian Employment Master Plan: Including Exceptions to Guidelines for Reduction and Involuntary Reductions of Civilian Positions**

Code Provision : 10 U.S.C. §1597

The Secretary of Defense must include for each fiscal year a civilian employment master plan for the Department of Defense as a whole and for each military department, defense agency and other principal component of the Department of Defense. The master plan must include a profile of the levels of civilian positions sufficient to establish and maintain a baseline for tracking annual accessions and losses of civilian positions and to provide for the analysis of trends in the levels of civilian positions within the Department of Defense as a whole and for each military department, major subordinate command of each military department, defense agency, and other principal component of the Department of Defense and other information. The Secretary of Defense cannot implement any involuntary reduction or furlough of civilian positions in a military department, defense agency, or other component of the Department of Defense until the expiration of the 45-day period beginning on the date on which the Secretary submits to Congress a report setting forth the reasons why such reductions or furloughs are required and a description of any change in workload or position requirements that will result from such reductions or furloughs.

Reason the Report Should be Repealed: This type of static "master plan" which Congress requested in 1990 legislation, has been superceded by organic and dynamic strategic human resources planning. Tracking data for the civilian workforce is available in the Defense Manpower Data Center. With regard to subsection (d), it is Defense policy to report to Congress any proposed reduction in force of substantial numbers of employees or where there is a special interests to one or more members of Congress.

(13) Report Title: **Child Care Services and Youth Program Services for Dependents: Financial Assistance for Providers**

Code Provision : 10 U.S.C. §1798(d)

Every two years, the Secretary of Defense must submit to Congress a report on child care services and youth program services for dependents of members of the armed services. The report must include an evaluation of the effectiveness of the programs and can include recommendations for legislation that the Secretary considers appropriate to enhance the capability of the Department of Defense to attain the objectives.

Reason the Report Should be Repealed: The requirement to report every two years is burdensome and redundant. The military child and youth services program is under constant scrutiny and highly responsive to specific Congressional interest in policies, procedures and programs. Data for answers to focused inquiries is available in the military departments' annual reports.

(14) Report Title: **Child Care Services and Youth Program Services for Dependents: Participation by Children and Youth Otherwise Ineligible**

Code Provision : 10 U.S.C. §1799(d)

The Secretary of Defense may authorize participation in child care or youth programs of the Department of Defense, to the extent of the availability of space and services, by children and youth under the age of 19 who are not dependents of members of the Armed Forces or of employees of the Department of Defense and are not otherwise eligible for participation in those programs. Every two years the Secretary of Defense must submit to Congress a report on the exercise of such authority.

Reason the Report Should be Repealed: The requirement to report every two years is burdensome and redundant. The military child and youth services program is under constant scrutiny and highly responsive to specific Congressional interest in policies, procedures and programs. Data for answers to focused inquiries is readily accessed in the military departments' annual reports.

(15) Report Title: **Participation of Developing Countries in Combined Exercises: Payment of Incremental Expenses**

Code Provision : 10 U.S.C. §2010

The Secretary of Defense must submit to Congress a report each year, not later than March 1, containing a list of the developing countries for which payment of incremental expenses have been paid by the United States during the preceding year; and the amounts expended on behalf of each government.

Reason the Report Should be Repealed: This report is unnecessary. There is no record of this report ever being submitted. Although required, the data has never been requested by the Congress or any staffers and is, therefore, not useful or meaningful.

(16) Report Title: **Special Operations Forces: Training with Friendly Foreign Forces**

Code Provision: 10 U.S.C. §2011

Not later than April 1 of each year, the Secretary of Defense must submit to Congress a report regarding special forces training with friendly foreign forces during the preceding fiscal year for which expenses were paid by the U.S. Each report must specify all countries in which that training was conducted; the type of training conducted, including whether such training was related to counter-narcotics or counter-terrorism activities, the duration of that training, the number of the armed forces involved, and expenses paid; the extent of participation by foreign military forces, including the number and service affiliation of foreign military personnel involved and physical and financial contribution of each host nation to the training effort; the relationship of that training to other overseas training programs conducted by the Armed Forces, a summary of the expenditures under this section resulting from the training for which expenses were paid under this section; and a discussion of the unique military training benefit to United States Special Operations Forces derived from the training activities for which expenses were paid under this section.

Reason the Report Should be Repealed: This report has been submitted as required for the past four fiscal years. It is overly burdensome. The expenses of foreign countries participating in training, especially developing countries, are extremely difficult to identify accurately. As a result, the report contains estimates which cannot be verified and are of limited usefulness. The Department has received no queries from the Congress concerning the contents of the reports submitted to date. The report is overly time-consuming as evidenced by the estimate that a total of two manyears are expended in the collection and verification of the required data.

(17) Report Title: **Sales of Articles and Services of Defense Industrial Facilities to Purchasers Outside the Department of Defense**

Code Provision : 10 U.S.C. §2208(j)(2)

The Secretary of Defense may waive the conditions regarding a working capital funded industrial facility to sell articles to persons outside the Department of Defense if the Secretary determines that such a waiver is necessary for reasons of national security and notifies Congress regarding the reasons for the waiver.

Reason the Report Should be Repealed: The report is unnecessary and overly burdensome.

(18) Report Title: **Performance Based Management: Acquisition Programs**

Code Provision : 10 U.S.C. §2220

The Secretary of Defense must include in the annual report submitted to Congress pursuant to section 113(c) of title 10 an assessment of whether major acquisition programs of the Department of Defense are achieving on average, 90 percent of cost performance.

Reason the Report Should be Repealed: This report is redundant. Cost, schedule, and performance breaches of major acquisition program baselines are reported in the selected acquisition reports (10 U.S.C. 2432), and tracking acquisition cycle time is included as a perennial metric in the Government Performance Results Act report.

(19) Report Title: **Aircraft Accident Investigation Boards: Composition Requirements - Waiver**

Code Provision : 10 U.S.C. §2255(b)

The Secretary of the military department concerned can waive the membership of boards requirement in the case of an aircraft accident if the Secretary determines that it is not practicable to meet the requirement because of the remote location of the aircraft accident; an urgent need to promptly begin the investigation; or a lack of available persons outside the mishap unit who have adequate knowledge and expertise regarding the type of aircraft involved in the accident. The

Secretary must notify Congress of a waiver and the reasons for it. Air Force and Navy regulations on aircraft missile, nuclear, and space accident investigations already require the majority of accident board members to be from outside the existing chain of command, a higher standard than the statute requires.

Reason the Report Should be Repealed: The Air Force has never requested a waiver to the statutory requirement, and given the higher regulatory standards, such requests are not anticipated. The report is unnecessary because any such waiver requests are unlikely in the future given the higher standard already enforced by regulation.

(20) Report Title: **Annual Report on B-2 Bomber**

Code Provision : 10 U.S.C. §2282

Section 2282 of title 10, United States Code, enacted by section 131(a) of the National Defense Authorization Act for Fiscal Year 2001, requires the Secretary of Defense to submit an annual report to the Senate Armed Services Committee and the House National Security Committee on the B-2 bomber program. Specifically, the Act requires the Secretary to provide a report each year to identify the average full-mission capable rate of B-2 aircraft for the previous fiscal year and determine whether the rate is adequate for accomplishing the B-2's missions; to provide an assessment of B-2 technical capabilities and whether these capabilities are adequate for missions assigned to the aircraft; to identify all ongoing and planned aircraft capability enhancements; to identify and assess additional capabilities that make the aircraft more survivable and effective against known and evolving threats; and to provide a fiscally phased program for new initiatives to include the President's current budget, the current DoD unfunded priority list, and the maximum executable funding for B-2 aircraft given the requirement to maintain sufficient operational ready aircraft for assigned missions.

Reason the Report Should be Repealed: This report is no longer necessary. The B-2 bomber has been operational for years and has demonstrated repeatedly its ability to accomplish assigned missions. The B-2 bomber was successfully used in conflict as part of Operation Allied Force, and when combined with the Joint Direct Attack Munition, demonstrated the highest rate of target destruction of any aircraft/weapon combination. Although the mission capable rate has averaged slightly above 37% for FY 2000, the 509<sup>th</sup> Bomb Wing demonstrated the ability to surge during Allied Force. While flying 30-hour missions from Whiteman AFB, the B-2 mission capable rate averaged more than 50%, which exceeds Air Combat Command's standard for the B-2. During peacetime operations, a B-2 that is not mission capable due to a low observable maintenance problem is fully capable of flying training sorties to maintain aircrew proficiency and readiness and therefore the low observable maintenance problem does not significantly affect the B-2's ability to perform assigned missions.

(21) Report Title: **Contracts: Consideration of National Security Objectives.**

Code Provision : 10 U.S.C. §2327(c)(1)



If the Secretary of Defense determines that entering into a contract with a firm or a subsidiary of a firm is not inconsistent with the national security of the U.S., the head of an agency may enter into a contract with such firm or subsidiary after the date on which such head of an agency submits to Congress a report on the contract. The report must include the identity of the foreign government concerned; the nature of the contract; the extent of ownership or control of the firm or subsidiary concerned or, if appropriate in the case of a subsidiary, by the foreign government concerned or the agency or instrumentality of such foreign government; and the reasons for entering into the contract.

Reason the Report Should be Repealed: The benefit of submitting this report prior to contract award, if any, is outweighed by the burden and costs of preparing the report and associated delay. Also, should a procurement arise where the Secretary of Defense determines that entering into a contract with a firm owned or controlled by a foreign government that supports international terrorism is consistent with the national security objectives of the United States, the delay caused by submitting the report to Congress before contract award may adversely impact defense operations. No waivers have been requested in the past 3 years.

(22) Report Title: **Cooperative Research and Development Projects**

Code Provision : 10 U.S.C. 2350a:

Subsection (f)—Not later than March 1 of each year, the Under Secretary of Defense for Acquisition, Technology and Logistics must submit to the Speaker of the House of Representatives and the Committees on Armed Services and Appropriations of the Senate a report on cooperative research and development projects. Each report must include a description of the status, funding, and schedule of existing projects carried out for which memoranda of understanding (or other formal agreements) have been entered into; and a description of the purpose, funding, and schedule of any new projects proposed to be carried out (including those projects for which memoranda of understanding (or other formal agreements) have not yet been entered into) for which funds have been included in the budget submitted to Congress.

Reason the Report Should be Repealed: The low dollar amounts and the types of technologies involved in the vast majority of the cooperative programs detailed in this report do not rise to the level of congressional interest items. The report further is unnecessary because the Congress can obtain relevant information on high-cost cooperative programs, such as the Joint Strike Fighter, through other congressional filings and reports.

Subsection (g)—The Secretary of Defense must submit to Congress each year, no later than March 1, a report containing information on the equipment, munitions and technologies manufactured and developed by major allies of the United States and other friendly foreign countries that were evaluated during the previous fiscal year; the obligation of any funds during the previous fiscal year; and the equipment, munitions, and technologies that were tested and procured during the previous fiscal year.

Reason the Report Should be Repealed: The report summarizes Department of Defense

test and evaluation of foreign non-developmental items for use by U.S. military forces. It is unnecessary because it is of limited use to Congress, since individual members generally express interest only in particular projects, and not in the program in its entirety. The Department has demonstrated it consistently meets its goal of qualifying foreign items quickly and cost effectively.

(23) Report Title: **Procurement of Communications Support and Related Supplies and Services**

Code Provision : 10 U.S.C. §2350f(c)

As an alternative means of obtaining communications support and related supplies and services, the Secretary of Defense, subject to approval by the Secretary of State, may enter into a bilateral arrangement with any allied country or allied international organization or may enter into a multilateral arrangement with allied countries and allied international organizations, under which, in return for being provided communication support and related supplies and services, the United States would agree to provide to the allied country or countries or allied organization or organizations, as the case may be, an equivalent value of communications support and related supplies and services. The term of the arrangement may not exceed five years. The Secretary of Defense must submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives copies of all documents evidencing such an arrangement not later than 45 days after entering into the arrangement.

Reason the Report Should be Repealed: The report is unnecessary. These agreements are routinely reported to Congress under the Case-Zablocki Act (1 U.S.C. 112b), so the requirement to submit such agreements separately to Congress is redundant. Furthermore, we have had 18 years of experience with these agreements since the authority for them was enacted by Congress in 1984, and this established record should demonstrate that continuing agreement-by-agreement oversight is unnecessary.

(24) Report Title: **Armed Forces Relocation in Foreign Nation Report**

Code Provision : 10 U.S.C. §2350k(d)

Not later than 30 days after the end of each fiscal year, the Secretary must submit to Congress a report specifying the amount of the contributions accepted by the Secretary from any nation because of relocation of U.S. Armed Forces within that nation during the preceding fiscal year and the purposes for which the contributions were made; and the amount of the contributions expended by the Secretary during the preceding fiscal year and the purposes for which the contributions were expended.

Reason the Report Should be Repealed: This report is unnecessary. The information it imparts may be obtained through other means. Further, section 2350k provides very specific requirements for the use of the contributions. Further reporting on such use is redundant.

(25) Report Title: **Federally Funded Research and Development Center Workload Effort**

Code Provision : 10 U.S.C. §2367(d)

In the documents provided to Congress by the Secretary of Defense in support of the budget submitted by the President, the Secretary must set forth the proposed amount of man-years of effort to be funded by the Department of Defense for each federally funded research and development center for the fiscal year covered by that budget. After the close of a fiscal year, and not later than January 1 of the next year, the Secretary of Defense must submit to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services of the House of Representatives a report setting forth the actual obligations and the actual man-years of effort expended at each federally funded research and development center during that fiscal year. It is a requirement for man-hours in the budget year.

Reason the Report Should be Repealed: The report is unnecessary because the Department closely manages its Federally Funded Research and Development Centers and needs management flexibility to use resources in support of such Centers to satisfy Defense requirements. Congress will continue to receive an annual DoD report of actual Federally Funded Research and Development Center usage making the instant report redundant.

(26) Report Title: **Military Base Reuse Studies and Community Planning Assistance**

Code Provision : 10 U.S.C. §2391(c)

The Secretary of Defense must submit a report not later than December 1 of each year to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives concerning military base reuse studies and community planning assistance during the preceding fiscal year. Each such report must identify each state, unit of local government, and regional organization that received a grant under this section during the fiscal year and the total amount granted during such year to each state, unit of local government and regional organization.

Reason the Report Should be Repealed: The report is redundant because the information readily is available through the base closure and realignment process.

(27) Report Title: **Operational Test and Evaluation: Director's Annual Report (Inclusion of Waivers Granted under Section 2399(e)(2))**

Code Provision : 10 U.S.C. §2399(g)

As part of the annual report of the Director of Operational Test and Evaluation under section 139 of title 10, the Director must describe for each program covered in the report the status of test and evaluation activities in comparison with the test and evaluation master plan for

that program, as approved by the Director. The Director must include in the annual report a description of each waiver granted since the last such report.

Reason the Report Should be Repealed: In the eight years since the provision was enacted, there has never been a waiver by the Director of Operational Test and Evaluation to allow a contractor that participated in development or production of a weapon system to perform test and evaluation. This semiannual report is unnecessary.

(28) Report Title: **Requirement for Authorization by Law of Certain Contracts Relating to Vessels and Aircraft**

Code Provision : 10 U.S.C. §2401

The Secretary must notify the Committees on Armed Services and the Committees on Appropriations of the Congress of his intention to issue a solicitation and contract to lease or charter in which the terms of the contract provide for a substantial termination liability on the part of the U.S. The Secretary must provide a detailed description of the terms of the proposed contract and a justification for entering into the proposed contract rather than providing for the lease, charter, or services involved through purchase of a vessel or aircraft to be used under the contract. The Secretary must then wait for a period of 30 days of continuous session of Congress following the date on which notice was received.

Reason the Report Should be Repealed: The reporting requirement in section 2401 is unnecessary because to enter into the leases authorized, the Secretary already must request an authorization of funds for that purpose. The reporting requirement therefore is redundant.

(29) Report Title: **Waiver on Prohibition on Contracting with Entities That Comply with the Secondary Arab Boycott of Israel.**

Code Provision : 10 U.S.C. §2410i(c)

It is the policy of the United States to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States or against any other United States person. Consistent with the policy, DoD may not award a contract for an amount in excess of the small purchase threshold to a foreign entity unless that entity certifies to the Secretary of Defense that it does not comply with the secondary Arab boycott of Israel. The Secretary may waive the prohibition in specific instances when he determines that it is necessary to our national security interests. Within 15 days after the end of each fiscal year, the Secretary of Defense must submit to Congress a report identifying each contract for which a waiver was granted during that fiscal year.

Reason the Report Should be Repealed: The report is unnecessary because the reports that the Department has submitted to Congress have only included waivers for contracts funded by other nations under the foreign military sales program. The benefits these reports provide, if any, are outweighed by the burden and costs of preparing them. Waivers to this law become part of

the permanent contract file and are available upon request. Responding to a specific Congressional request for information would be more responsive and cost effective than automatically submitting standard annual reports. No waivers have been processed since 1995.

(30) **Report Title: Standardization of Equipment with North Atlantic Treaty Organization Members**

**Code Provision :** 10 U.S.C. §2457(d)

It is the policy of the U.S. to standardize equipment, including weapons systems, ammunition, and fuel, procured for the use of U.S. Armed Forces stationed in Europe under the North Atlantic Treaty or at least to make that equipment interoperable with equipment of other members of NATO. Before February 1, 1989, and biennially thereafter, the Secretary of Defense must submit a report to Congress that includes each specific assessment and evaluation made and the results of each assessment and evaluation as well as the results achieved with the members of NATO; procurement action initiated on each new major system not complying with that policy; procurement action initiated on each new major system that is not standardized or interoperable with equipment of other members of NATO, including a description of the system chosen and the reason for choosing that system; the identity of each program of research and development for U.S. Armed Forces stationed in Europe; action of the alliance toward common NATO requirements if none exists; efforts to establish a regular procedure and mechanism in NATO to determine common military requirements; a description of each existing and planned program of the Department of Defense that supports the development or procurement of a weapon system or other military equipment originally developed or procured by members of the organization other than the United States and for which funds have been authorized to be appropriated for the fiscal year in which the report is submitted, including a summary listing of the amount of funds and a description of each weapon system or other military equipment originally developed or procured in the United States and that is being developed or procured by members of the organization other than the United States during the fiscal year for which the report is submitted.

**Reason the Report Should be Repealed:** This reporting requirement was initiated in 1989. Since then standardization within NATO has been for the most part realized. This requirement is outdated and unnecessary.

(31) **Report Title: Core Logistics Functions - Waiver**

**Code Provision :** 10 U.S.C. §2464(b)(3)

The Secretary of Defense may waive requirements for performance workload needed to maintain a logistics capability provided such waiver is made under regulations prescribed by the Secretary and is based on a determination by the Secretary that government performance of the activity or function is no longer required for national defense reasons. Such regulations must include criteria for determining whether government performance of any such activity or function is no longer required for national defense reasons. A waiver may not take effect until the expiration of the first period of 30 days of continuous session of Congress that begins on or after

the date on which the Secretary submits a report on the waiver to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

Reason the Report Should be Repealed: This reporting requirement concerns notification of waiver for OMB Circular A-76 action on workloads no longer required to be performed by the government to support core logistics capabilities for national defense reasons. The waiver has never been used, and this reporting requirement duplicates other A-76 information provided to the Congress.

(32) Report Title: **Authorized Commissary Merchandise Categories**

Code Provision : 10 U.S.C. §2486(b)

The Secretary must submit to Congress, not later than March 1 of each year, a report describing any addition of, or change in, a merchandise category proposed to be made for sale in commissaries during the one-year period beginning on that date; and those additions and changes in merchandise categories actually made during the preceding one-year period.

Reason the Report Should be Repealed: A report is required whether or not any changes have been made or are being proposed. Reporting should be required only on the occasion that changes have actually been made or proposed, and not on an annual basis.

(33) Report Title: **Overseas Commissary Stores: Access and Purchase Restrictions**

Code Provision : 10 U.S.C. §2492(c)

The Secretary of Defense must submit to Congress an annual report describing the host nation laws and the treaty obligations of the United States, and the conditions within host nations, that necessitate the use of quantity or other restrictions on purchases in commissary and exchange stores located outside the United States.

Reason the Report Should be Repealed: Reporting should be required only on the occasion that changes have actually been made or proposed, and not on an annual basis. This reporting requirement was established on December 1, 1999, and there have been no changes to the report since that first reporting year. In fact, the 2000 and 2001 reports were identical except for minor variations in the report format.

(34) Report Title: **Fisher House: Administration as Nonappropriated Fund Instrumentality**

Code Provision : 10 U.S.C. §2493(g)

Not later than January 15 of each year the Secretary of each military department must

submit to Congress a report describing the operation of Fisher Houses and Fisher Suites associated with health care facilities of that military department.

Reason the Report Should be Repealed: This has been an established, successful program for many years and an operational report is unnecessary.

(35) Report Title: **Department of Defense Technology and Industrial Base Policy**  
**Guidance: Annual Report to Congress**

Code Provision : 10 U.S.C. §2504

Section 2504 requires that the Secretary of Defense submit an annual report to the Committees on Armed Services of the Senate and the House of Representatives by March 1<sup>st</sup>. The report must include descriptions of Department of Defense industrial and technological guidance issued to facilitate the attainment of national security objectives, including any guidance providing for the integration of industrial and technological capabilities considerations into its budget allocation, weapons acquisition, and logistics support decision processes; methods and analyses undertaken by the Department, alone or in cooperation with other Federal agencies, to identify and address industrial and technological capabilities concerns; industrial and technological capabilities assessments prepared pursuant to section 2505 of title 10; other analyses used in developing the Department's budget submission for the next fiscal year, including a determination as to whether identified instances of foreign dependency adversely impact warfighting superiority; and finally, the Department's programs and actions designed to sustain specific essential technological and industrial capabilities.

Reason the Report Should be Repealed: The report no longer is necessary. Congress established this reporting requirement to ensure that the Department prescribed policies and procedures, performed analyses, and took actions necessary to sustain the industrial and technological capabilities needed to meet projected defense requirements in an era of sharp reductions in defense spending and a rapidly consolidating defense industry.

Today, the defense budget has stabilized and is increasing. The U.S. defense industrial base no longer is shrinking. The Department has submitted the required report annually since 1997 and demonstrated that it is meeting its responsibilities in a timely and effective manner. The report is a summary of DoD industrial capabilities-related activities completed during the previous calendar year. It contains no original information and is of limited utility to the Congress.

The Department will continue to analyze important elements of the national technology and industrial base in accordance with the requirements of section 2503 of title 10, perform periodic defense capability assessments in accordance with section 2505, and prescribe appropriate departmental guidance in accordance with section 2506.

(36) Report Title: **Improved National Defense Control of Technology Diversions Overseas.**

Code Provision : 10 U.S.C. §2537(b)

The Secretary of Defense and the Secretary of Energy each must collect and maintain a data base containing a list and other information on contractors with the Department of Defense and the Department of Energy, respectively, that are controlled by foreign persons. The data base must contain information on such contractors since 1988 if awarded contracts exceeding \$100,000 in any single year by DoD or the Department of Energy. The Secretary of Defense, the Secretary of Energy, and the Secretary of Commerce must submit to the Congress, by March 31 of each year, a report containing a summary and analysis of the information collected for the year covered by the report. The report also must include an analysis of accumulated foreign ownership of U.S. firms engaged in the development of defense critical technologies.

Reason the Report Should be Repealed: There are no existing data bases to identify which contractors are foreign controlled. This report places additional and undue burdens on contractors, the Department of Defense, and the Department of Energy.

(37) Report Title: **Articles and Services of Industrial Facilities: Sale to Persons Outside the Department of Defense**

Code Provision : 10 U.S.C. §2563(c)

The Secretary of Defense can waive the condition that an article or service must not be available from a United States commercial source in the case of a particular sale if the Secretary determines that the waiver is necessary for reasons of national security and notifies Congress regarding the reasons for the waiver.

Reason the Report Should be Repealed: The report is an intrusion into the Secretary's authority. For a report to be made, the Secretary would have made a decision that a waiver from the requirement that an article is not available from a commercial source is based on national security. Such determinations are not made lightly. Statutory oversight in this regard is unnecessary.

(38) Report Title: **Asia-Pacific Center for Security Studies: Acceptance of Foreign Gifts and Donations**

Code Provision : 10 U.S.C. §2611

The Secretary of Defense can accept, on behalf of the Asia-Pacific center, foreign gifts or donations in order to defray the costs of, or enhance the operation of, the Asia-Pacific Center. If the total amount of funds accepted in any fiscal year exceeds \$2,000,000, for that fiscal year, the Secretary must notify Congress of the amount of the donations. The notice must list each of the contributors and the amount of each contribution in that fiscal year.

Reason the Report Should be Repealed: This report is unnecessary because the Asia-Pacific Center has not received any foreign gifts or donations totaling over \$2m in any fiscal



year.

(39) Report Title: **Supplies: Preference to United States Vessels**

Code Provision : 10 U.S.C. §2631(b)

The Secretary of Defense can waive the requirement regarding work on certain vessels being performed in the United States if the Secretary determines the waiver is critical to the national security of the United States. The Secretary must immediately notify the Congress of any such waiver and the reasons for the waiver.

Reason the Report Should be Repealed: The report is unnecessary. It has never been submitted and work outside the United States that would generate such a report is not anticipated.

(40) Report Title: **Real Property Transactions - Lease of Rental Property by GSA for DoD in Excess of \$500,000**

Code Provision : 10 U.S.C. §2662(e)

No element of the Department of Defense can occupy any general purpose space leased for it by the General Services Administration at an annual rental in excess of \$500,000 (excluding the cost of utilities and other operation and maintenance services), if the effect of such occupancy is to increase the total amount of such leased space occupied by all elements of the Department of Defense, until the expiration of 30 days from the date upon which a report of the facts concerning the proposed occupancy is submitted to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

Reason the Report Should be Repealed: This report is unnecessary because appropriations committee report language directs the Services to report on leases exceeding this threshold prior to execution. There may be some redundancy in these reporting requirements.

(41) Report Title: **Leases: Non-excess Property of Military Departments.**

Code Provision : 10 U.S.C. §2667(d)(3)

As part of the request for authorizations of appropriations submitted to the Committee on Armed Services of the Senate and Committee on Armed Services of the House of Representatives for each fiscal year, the Secretary of Defense must include an accounting of the receipt and use of all money rentals that were deposited and expended during the fiscal year preceding the fiscal year in which the request is made; and a detailed explanation of each lease entered into, and of each amendment made to existing leases, during the preceding year.

Reason the Report Should be Repealed: Now that the Department of Defense has had several years of experience with this program, the original purpose of the report has been amply fulfilled and it should be eliminated. Overall program levels, which will continue to be reported

in the budget, remain very stable from year to year. Because the program consists of hundreds of relatively small leases all of which are at fair market value, the Congress has not indicated any interest. The report, however, is expensive to compile. It does not have sufficient value to justify its continuing expense.

(42) Report Title: **Acquisition: Limitation on Real Property Not Owned by the United States**

Code Provision : 10 U.S.C. §2676(d):

No military department may acquire real property not owned by the United States unless the acquisition is expressly authorized by law. Limitations on reduction in scope or the increase in cost of a land acquisition do not apply if the reduction in scope or increase in cost, as the case may be, is approved by the Secretary concerned and a written notification of the facts is submitted by the Secretary to the appropriate committees of Congress. A contract for the acquisition may then be awarded only after a period of 21 days elapses from the date the notification is received by the committees.

Reason the Report Should be Repealed: The Department of the Army keeps track of costs and seeks supplemental appropriations without using this authority and report. The Department of the Navy has not needed to submit the report for over five years.

(43) Report Title: **Utility Systems: Conveyance Authority: Notice-and-Wait Requirement**

Code Provision : 10 U.S.C. §2688(e)

The Secretary concerned may not make a conveyance for a utility system until the Secretary submits to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives an economic analysis (based upon accepted life-cycle costing procedures approved by the Secretary of Defense) demonstrating that (a) the long-term economic benefit of the conveyance to the United States exceeds the long-term economic cost of the conveyance to the United States; and the conveyance will reduce the long-term costs of the United States for utility services provided by the utility system concerned. The Department must wait for a period of 21 days to elapse after the date on which the economic analysis is received by the committees.

Reason the Report Should be Repealed: The provisions of section 2688 are sufficient to protect congressional interests in this area. Section 2688 is very specific concerning the requirements for any such conveyance. A further notice and wait provision is unnecessary to ensure an appropriate management decision.

(44) Report Title: **Screening of Real Property for Further Federal Use Before Conveyance**

Code Provision : 10 U.S.C. §2696

If the Administrator of General Services notifies the Secretary concerned that further Federal use of a parcel of real property authorized or required to be conveyed by any provision of law is requested by a Federal agency, the Secretary concerned must submit a copy of the notice to Congress. The Secretary concerned submits the notice with regard to a parcel of real property and may not proceed with the conveyance of the real property if the Congress enacts a law rescinding the conveyance authority or requirement before the end of the 180-day period beginning on the date on which the notice was received by Congress.

Reason the Report Should be Repealed: The report is unnecessary. The Administration has sufficient processes in place to determine the need for actions such as the disposal of property. The current notification procedures in section 2696, which are not being changed, are sufficient to place the Administration on notice of a further need for property should that have escaped the comment processes on the legislation that initiated the transfer or prior departmental action. Additional Congressional intervention into a uniquely Administration action is an example of the inappropriate uses of Congressional reporting requirements. If there is a provision of law requiring the transfer of the property, the President, under his authority in section 3 of article 2 of the Constitution can recommend its repeal. Should there be a Federal action to transfer the property, the Administration is the appropriate body to determine the issue.

(45) Report Title: **Unspecified Minor Construction**

Code Provision : 10 U.S.C. §2805(b)

An unspecified minor military construction project costing more than \$500,000 may not be carried out unless approved in advance by the Secretary concerned. When a decision is made to carry out an unspecified minor military construction project which requires advance approval the Secretary concerned must notify the appropriate Committees of Congress of that decision and the project may then be carried out only after the end of the 21-day period beginning on the date the notification is received by the committees.

Reason the Report Should be Repealed: The report is unnecessary because our military departments have developed adequate internal controls for unspecified minor construction projects.

(46) Report Title: **Architectural and Engineering Services and Construction Design**

Code Provision : 10 U.S.C. §2807(b)

Within amounts appropriated for military construction and military family housing, the Secretary concerned may obtain architectural and engineering services and may carry out construction design in connection with military construction projects not otherwise authorized by law. Amounts available for such purposes may be used for construction management of projects

that are funded by foreign governments directly or through international organizations and for which elements of the Armed Forces of the United States are the primary user. In the case of architectural and engineering services and construction design to be undertaken for which the estimated cost exceeds \$500,000, the Secretary concerned must notify the appropriate Committees of Congress of the scope of the proposed project and the estimated cost of such services not less than 21 days before the initial obligation of funds for such services.

Reason the Report Should be Repealed: The report is unnecessary because notifications do not give a complete picture of all designs ongoing at an installation and are unnecessary for the design of congressionally added projects.

(47) Report Title: **Long-term Facilities Contracts for Certain Activities and Services**

Code Provision : 10 U.S.C. §2809(f)

A contract may not be entered into under this section until the Secretary concerned submits to the appropriate committees of Congress, in writing, a justification of the need for the facility for which the contract is to be awarded and an economic analysis (based upon accepted life-cycle costing procedures) that demonstrates the proposed contract is cost effective when compared with alternative means of furnishing the same facility; and a period of 21 calendar days has expired following the date on which the justification and the economic analysis are received by the Committees.

Reason the Report Should be Repealed: This report is unnecessary because annual budget requests provide the same information.

(48) Report Title: **Lease-purchase of Facilities**

Code Provision : 10 U.S.C. §2812(c)

The Secretary concerned may not enter into a lease under this section until the Secretary submits to the appropriate committees of Congress a justification of the need for the facility for which the proposed lease is being entered into and an economic analysis (based upon accepted life-cycle costing procedures) that demonstrates the cost effectiveness of the proposed lease compared with a military construction project for the same facility; and a period of 21 days has expired following the date on which the justification and economic analysis are received by the committees.

Reason the Report Should be Repealed: This report is unnecessary. Due to scoring under the pay-as-you-go requirements of the Omnibus Budget Reconciliation Act, the lease purchase authorized under section 2812 is rare. Other controls already are in place in section 2812 including provisions governing what can be leased and the number of leases that are authorized each year.

(49) Report Title: **Acquisition of Existing Facilities in Lieu of Authorized Construction - Notice**

Code Provision : 10 U.S.C. §2813(c)

A contract may not be entered into for the acquisition of a facility until the end of the 30-day period beginning on the date the Secretary concerned transmits to Congress a written notification of the determination to acquire an existing facility instead of carrying out an authorized military construction project. The notification must include the reasons for acquiring the facility.

Reason the Report Should be Repealed: This report is unnecessary. That the Secretary determines to use existing facilities to meet agency needs rather than to proceed with an authorized construction project is a management decision within the parameters of the Secretary's responsibilities. The authorization and appropriations process demonstrates the requirement and departmental needs. Section 2813 provides the authority for the Secretary to act and specific requirements for such unusual circumstances. Further reporting will delay the project and undercut the efficiencies section 2813 is designed to accomplish.

(50) Report Title: **Relocation of Military Family Housing Units**

Code Provision : 10 U.S.C. §2827(b)

The Secretary concerned may relocate existing military family housing units from any location where the number of such units exceeds requirements for military family housing to any military installation where there is a shortage. A contract to carry out a relocation of military family housing units may not be awarded until the Secretary concerned notifies Congress of the proposed new locations of the housing units and the estimated cost of and source of funds for the relocation, and a period of 21 days has elapsed after the notification has been received by those Committees.

Reason the Report Should be Repealed: The report is unnecessary. It is redundant with other reporting requirements and the authority to relocate units is, at best, infrequently used. Should the need arise, the likely funding source for relocation would either be the improvements or maintenance accounts of the family housing appropriation. Both are subject to reporting requirements if costs are in excess of certain thresholds.

(51) Report Title: **Leasing of Military Family Housing**

Code Provision : 10 U.S.C. §2828(f)

A lease for family housing facilities, or for real property related to family housing facilities, in a foreign country for which the average estimated annual rental during the term of the lease exceeds \$500,000 may not be made under this section until the Secretary concerned provides to the appropriate Committees of Congress written notification of the facts concerning

the proposed lease, and a period of 21 days elapses after the notification is received by those committees.

Reason the Report Should be Repealed: The report is unnecessary. Appropriations committee report language directs the Services to report on leases exceeding this threshold prior to execution. This reporting requirement is redundant to the appropriations process.

(52) Report Title: **Long-term Leasing of Military Family Housing to Be Constructed**

Code Provision : 10 U.S.C. §2835(b)

The Secretary of a military department may enter into a contract for the lease of family housing units to be constructed or rehabilitated to residential use near a military installation within the United States under the Secretary's jurisdiction at which there is a shortage of family housing.

Reason the Report Should be Repealed: The report is unnecessary. The budget material submitted to Congress by the Secretary of Defense includes materials that identify the military housing projects for which lease contracts are proposed to be entered in each fiscal year.

(53) Report Title: **Military Housing Rental Guarantee Program**

Code Provision : 10 U.S.C. §2836(b)

The Secretary of a military department, or the Secretary of Transportation, with respect to the Coast Guard, may enter into agreements for military housing rental guarantee projects. The budget material submitted to Congress by the Secretary of Defense must include materials that identify the military housing rental guarantee projects for which agreements are proposed to be entered in that fiscal year.

Reason the Report Should be Repealed: This requirement is unnecessary. The authority for guarantees under section 2836 is very specific. Currently, it requires the Secretary to include notice of such guarantees in the submitted budget. The budget submissions in this area are sufficiently precise to put the Congress on notice of a proposed housing rental guarantee program.

(54) Report Title: **Limited Partnerships with Private Developers of Housing - Selection of Investment Opportunities**

Code Provision : 10 U.S.C. §2837(c)(2) and (f)

*2837(c)(2)* The Secretary concerned must use publicly advertised, competitively negotiated, contracting procedures, as provided in chapter 137 of title 10, to enter into limited partnerships for housing. When a decision is made to enter into a housing limited partnership,

the Secretary concerned must submit a report in writing to the appropriate committees of Congress. Each report must include the justification for the limited partnership, and a description of the share of such costs to be incurred by the Secretary concerned. The Secretary concerned can then enter into the limited partnership but only after the end of the 21-day period beginning on the date the report is received by those committees.

*2837(f)* This requires an annual report on the Defense Housing Investment Account to be transmitted by the Secretaries concerned specifying the amount and nature of all deposits into the account. The report also requires an accounting of expenditures out of the account.

Reason the Report Should be Repealed: The reports are unnecessary. Such limited partnerships are very rare and most housing privatization is carried out under the authority of sections 2871-2885 of title 10. Section 2837(d) limits expenditures in the account to “such amounts as are provided in advance in appropriation Acts.” Accordingly, the Department must seek the authority to expend and the information for such authority is the same as in the required report under subsection (f).

(55) Report Title: **Sale of Electricity from Alternate Energy and Cogeneration Production Facilities**

Code Provision : 10 U.S.C. §2867(c)

Before carrying out a military construction project using proceeds from sales of electric energy, the Secretary concerned must notify Congress in writing of the project, the justification for the project, and the estimated cost of the project. The project may be carried out only after the end of the 21-day period beginning on the date the notification is received by Congress.

Reason the Report Should be Repealed: This report is no longer necessary. It was initially required in 1984. Since that time military construction authorization and appropriations requirements obviate the need for further congressional management on the issue.

(56) Report Title: **Academy of Health Sciences: Admission of Civilians in Physician Assistant Training Program**

Code Provision : 10 U.S.C. §4416(f)

Each year, the Secretary of the Army must submit to Congress a report on the exchange of physician assistant services under this section. The report must contain the number of civilian students who receive instruction at the academy under this section, and an assessment of the benefits derived by the United States.

Reason the Report Should be Repealed: This report is unnecessary. It relates to a minor exchange program within the Army. This reporting requirement is a Congressional intrusion into a basically ministerial program that enhances our overall training at the Army’s Academy of Health Sciences.

(57) **Report Title: Temporary Promotions of Certain Navy Lieutenants;  
Limitation on Number of Eligible Positions**

Code Provision : 10 U.S.C. §5721(f)

Whenever the Secretary of the Navy makes a change to the positions that hold temporary promotions above lieutenants based on a skill with a critical shortage of personnel, the Secretary must submit notice of the change in writing to Congress.

Reason the Report Should be Repealed: This report is unnecessary. The number of positions is capped and there is very little value in providing minute details of billet descriptions for congressional oversight. Removing this requirement further permits the Navy to be more flexible and efficient in making billet/position changes in response to new missions and requirements.

(58) **Report Title: Acceptance of Guarantees in Connection with Gifts to  
Military Service Academies (Air Force)**

Code Provision : 10 U.S.C. §9356:

The Secretary of the Air Force may not accept a qualified guarantee for a gift to the Air Force Academy for the completion of a major project until after the expiration of 30 days following the date upon which a report of the facts concerning the proposed guarantee is submitted to Congress.

Reason the Report Should be Repealed: This report is unnecessary. Donations under this authority will be examined carefully by legal counsel. The qualified guarantee is a standard banking practice that is used throughout the United States for substantial donations to universities and colleges. The banking industry will not provide the guarantee without careful consideration of the plans.

(59) **Report Title: Ready Reserve Order to Active Duty in Time of National  
Emergency**

Code Provision : 10 U.S.C. §12302(b)

In time of national emergency declared by the President after January 1, 1953, or when otherwise authorized by law, the Secretary concerned may, without the consent of the persons concerned, order any unit, and any member not assigned to a unit organized to serve as a unit, in the Ready Reserve under the jurisdiction of that Secretary to active duty (other than for training) for not more than 24 consecutive months. The Secretary of Defense shall prescribe policies and procedures as he considers necessary to carry out this provision. He must report on those policies and procedures at least once a year to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.



Reason the Report Should be Repealed: The language in subsections (b) and (d) are from the original language in the 1950's when the reserve component was different from the active component. The need to make sure the reserve component was treated fairly was a valid concern due to WWII and Korea experiences. With the advent of the all volunteer force; total force policy; significantly increased integration; and standardization of training, equipment, and deployment methods, the reserve component is now very similar to the active component. The requirement in subsection (b) to report on fair treatment of the Ready Reserve only serves to distinguish the reserve components unnecessarily.

The reporting requirement in paragraph (d) is superfluous and of little value. We currently inform the committees and each member of Congress when a reserve component unit or reservists in the relevant Congress person's district are ordered to active duty. Typically, the Congress person is given more information than provided in the required report. Today, whole units are seldom ordered to active duty so basing the report on a unit metric is of no consequence. For the most part, the Department now is mixing and matching units with reserve component and active component personnel to form multi-component units or "rainbow units." We provide the location of the unit by area of responsibility of the unified combatant command to which it is assigned. To give exact locations would classify the report. Many units, both active and reserve, serve in split locations and move frequently, so the information is quickly out-of-date.

(b) Section 908 of the Defense Acquisition Improvement Act of 1986 (10 U.S.C. 2326 note):

Report Title: **Audits of Undefinitized Contractual Actions**

The DoD Inspector General periodically must conduct an audit of contractual actions under the jurisdiction of the Secretary of Defense (with respect to the Defense Logistics Agency) and the Secretaries of the military departments. After each such audit, the Secretary must submit to Congress a report on the management of undefinitized contractual actions by each Secretary, including the amount of contractual actions under the jurisdiction of each Secretary that is represented by undefinitized contractual actions.

Reason the Report Should be Repealed: The current statute requires periodic audits of undefinitized contractual actions by the DoD Inspector General. The number of statutorily required audits has increased the past few years, while resources have declined. Since this audit requirement was enacted a decade ago, oversight has increased for undefinitized contractual actions and related financial management, resulting in diminished need for a special audit emphasis by the Inspector General. The Inspector General needs more flexibility to plan audits based on greatest program risk or highest potential return.

(c) Section 542 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1659; 10 U.S.C. 113 note):

Report Title: **Proposed Changes in Policies Regarding Combat Assignments of Female Members**

Whenever the Secretary of Defense proposes to change military personnel policies in order to make available to female Members of the Armed Forces assignment to any type of combat unit, class of combat vessel, or type of combat platform that is not open to such assignments, the Secretary must, not less than 30 days before such change is implemented, transmit to the Committees on Armed Services of the Senate and the House of Representatives notice of the proposed change in personnel policy.

Reason the Report Should be Repealed: The Department of Defense policy for the assignment and utilization of women in the Armed Forces provides definitive guidelines and has been followed since its promulgation in 1994. Congressional notification of any changes to the policy is unnecessary and detracts from the personnel readiness of our Armed Forces.

(d) Section 553(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2772; 10 U.S.C. 6951 note):

Report Title: **Prohibition on Imposition of Additional Charges or Fees for Attendance at Certain Academies**

No charge or fee for tuition, room, or board for attendance at a military academy may be imposed unless the charge or fee is specifically authorized. The Secretary of Defense must notify Congress of any change made by an academy in the amount of such a charge or authorized fee.

Reason the Report Should be Repealed: This report is unnecessary. The Service Academies have no authority to impose charges for tuition, room, and board for midshipmen and cadets. Reimbursement to the Government for tuition expenses is authorized by 10 U.S.C. 2005, but only after a midshipman or cadet breeches their agreement to serve and the Secretary concerned determines that involuntary separation and disenrollment are appropriate. Superintendents of the Service Academies have no independent authority to direct financial recoupment.

(e) Section 234 of the Ballistic Missile Defense Act of 1995 (Public Law 104-106; 110 Stat. 229, 231; 10 U.S.C. 2431 note):

Report Title: **Weapons Development and Procurement Schedules**

Whenever, after January 1, 1993, the Secretary of Defense issues a certification with respect to the compliance of a particular theater missile defense system with the Anti-Ballistic Missile Treaty, the Secretary must transmit to the Committees on Armed Services of the Senate and the House of Representatives a copy of such certification. The certification must be transmitted not later than 30 days after the date on which the certification is issued.

Reason the Report Should be Repealed: The reporting requirement is unnecessary. The December 13, 2001 announcement of the U.S. withdrawal from the Anti-Ballistic Missile Treaty makes certification of theater missile defense system limitations under such treaty no longer relevant.

(g) Section 1006 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398 Appendix; 114 Stat. 1654A-247; 10 U.S.C. 2226 note):

Report Title: **Contracted Property and Services: Prompt Payment of Vouchers**

If for any month of the noncompliance reporting period the requirement in section 2226 of title 10, United States Code, regarding the prompt payment of vouchers, is not met, the Secretary of Defense must submit to the Committees on Armed Services a report on the magnitude of such unpaid contract vouchers. The report for any month must be submitted no later than 30 days after the end of that month.

Reason the Report Should be Repealed: The report is unnecessary because to date, the Department has never exceeded the 5% threshold. The reporting requirement was to monitor Defense Finance and Accounting Service's progress to reduce over-aged invoices. The Defense Finance and Accounting Service has successfully demonstrated an ability to maintain less than 5% overage.

(h) Section 8019 of the Department of Defense Appropriations Act, 2001 (Public Law 106-259; 114 Stat. 678; 10 U.S.C. 2687 note):

Report Title: **Executive Agreements with NATO Members**

During any fiscal year, the Secretary of Defense may, by executive agreement, establish with host nation governments in NATO member States a separate account into which residual value amounts negotiated in the return of United States military installations in NATO member States may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury. Each such executive agreement with a NATO member host nation must be reported to the Congressional Defense Committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate 30 days prior to the conclusion and endorsement of the agreement.

Reason the Report Should be Repealed: This report is unnecessary because it is redundant. The Department provides an annual report to Congress on the status of the DoD's residual value negotiations. The report provides the status of on-going negotiations with foreign governments and lists the installations under negotiation along with the summary of payments received from concluded negotiations.