



THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, DC 20301-1300

LEGISLATIVE
AFFAIRS

MAY 28 2019

The Honorable Adam Smith
Chairman
Committee on Armed Services
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

The enclosed report is in response to section 874 of the John S. McCain National Authorization Act for Fiscal Year (2019) which requests the Secretary of Defense provide a plan on the activities to standardize the formatting of reports required by Congress.

A similar letter has been sent to the other congressional defense committees.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert R. Hood".

Robert R. Hood
Assistant Secretary of Defense
for Legislative Affairs

Enclosure:
As stated

cc:
The Honorable William M. "Mac" Thornberry
Ranking Member

A Report on Reports

Proposals for Reforming the Department of Defense's Congressional Reports Process



“The most valuable thing you can have as a leader is clear data”

Ruth Porat, CFO of Alphabet Inc.

From: Matthew Kenney, Director for Strategic Communications, OASD(LA)
Dr. Charles Smith, Director for Legislative Operations, OASD(LA)

Purpose: The Fiscal Year (FY) 2019 National Defense Authorization Act (NDAA) (P.L. 115-232) section 874 directs the Secretary of Defense to provide a plan to the congressional defense committees on activities to standardize the formatting of unclassified Department of Defense reports required by Congress. In accordance with section 874, this “Report on Reports” provides a series of proposals and recommendations for improving the unclassified congressional reports process to mutually benefit both Congress and the Department of Defense.

Overview: The ability of the Department of Defense (DoD) to provide timely, accurate, and informative data to Congress is vital to maintaining broad support for United States national security objectives, and enabling Congress to appropriately fulfill its oversight responsibilities on behalf of the American people. A key element of this data exchange is the reports that DoD provides to the Congress in response to report assignments made in the annual NDAA and defense appropriations bills and their accompanying conference and committee reports. Such reporting has a long and distinguished pedigree, dating back to the January 29, 1778 thirty-eight page “Letter to the Camp Committee” that Gen. Washington submitted from his Valley Forge headquarters to the Continental Congress detailing the “numerous defects” in the Continental Army and recommendations for remedying them. Starting from such august beginnings, today’s DoD reports program now encompasses more than 1,000 reports assigned to the Department annually, and a total of approximately 4,000 active reports.

In recent years the quantity of assigned reports has increased to the extent that both the current DoD reports tracking system and headquarters staff have been stretched to the breaking point (**see Tab A**). DoD has increasingly struggled to keep up with processing, writing, coordinating, and final delivery of reports to Congress. Fixing this state of affairs begins with acknowledging that the congressional reports process is at heart a data process, but it is not a modern one. This

frustrates Congressional representatives and DoD personnel in equal measure. Because of the critical importance of the reporting regime, modernization in this area is urgently needed. There is great promise in modernizing the current reporting regime to allow Congress to monitor its data requests to the Department, while simultaneously enabling the Department to streamline its processes via IT automation.

The Department has been eager to improve its reports process since Secretary Gates' 2011 Efficiencies Initiative, but cannot solve systemic issues in isolation from Congress. The Department's processes are reflective of and dependent on congressionally created protocols, and only Congress can implement many of the key reforms necessary to facilitate additional automation. Section 874(a) of the Fiscal Year 2019 (FY19) National Defense Authorization Act (NDAA) (see **Tab B**), which requires DoD to propose a plan to standardize congressional report formatting, to include default electronic delivery, is an ideal opportunity to consider fundamental reform to this process more broadly. This report proposes a menu of ideas in accordance with this congressional mandate, which the Department is eager to comply with and implement, organized into three short sections:

- I. Review of the Current Congressional Reports Program
- II. Fundamental Goal: Create complimentary Congressional and Executive Branch systems
- III. 10 Key Proposed Reform Initiatives

I. The Current Congressional Reports Program

A summary review of how the reports process currently functions, from the point Congress requests a report to final delivery, will be very helpful in illustrating specific weaknesses in the current system.

Unfortunately, problems arise right out of the gate. Congressional committees do not compile or index reports assigned in bills and committee reports in annexes, as they normally do with budgetary line items. As a result, despite valiant efforts by committee staff to standardize reporting language, the current system still results in idiosyncratic language requiring reports and briefings hidden throughout bills, which necessitates DoD personnel examining legislation line-by-line in a type of Easter egg hunt process to ensure all reporting and briefings requirements are properly identified and tasked. This is no small task. Annually, Defense related acts and reports total 4,000 pages and up. It took three months for DoD to complete this process for the FY19 NDAA alone, and even several months after that Department staff struggle to appropriately assign the last of the 1,145 identified reports.

A related problem is that without an overall comprehensive list of reports, Congress frequently requests duplicative or substantially similar reports on the same issue. Listed below are numbers of reports associated with the following word searches on the Congressional Hearings and Reporting Requirements Tracking System (CHARRTS). Each entry on the list starts with "active" reports with date certain deadlines, followed by a subset of "recurring" active reports (or periodic rather than one-time reports), and lastly a separate number of "contingent" reports (this category is based upon reports submitted when a contingent event occurs rather than a date deadline):

- ✓ “Acquisition”: 91 active reports (subset 39 recurring reports); 324 contingent reports
- ✓ “Afghanistan”: 28 active reports (subset 24 recurring reports); 141 contingent reports
- ✓ “China”: 12 active reports (subset 6 recurring reports); 12 contingent reports
- ✓ “Intelligence”: 56 active reports (subset 16 recurring reports); 100 contingent reports
- ✓ “Iran”: 13 active reports (subset 6 recurring reports); 7 contingent reports
- ✓ “Iraq”: 24 active reports (subset 17 recurring reports); 67 contingent reports
- ✓ “Pakistan”: 1 active reports (subset 1 recurring reports); 34 contingent reports
- ✓ “Russia”: 29 active reports (subset 9 recurring reports); 46 contingent reports
- ✓ “Special Operations”: 21 active reports (subset 11 recurring reports); 23 contingent reports

The entire front-end part of this process is therefore ripe for consolidation and optimization. This year the Office of the Assistant Secretary of Defense for Legislative Affairs (OASD(LA)) has been actively working to aid Congress, and specifically the Armed Services Committees, to develop improvements in this area.

On the Department of Defense side, authority for OASD(LA) to administer the Congressional Reports Program is found in DoDI 5545.02 “*DoD Policy for Congressional Authorization and Appropriations Reporting Requirements*” (See Tab C). Under this authority OASD(LA) shall:

- “Manage and assign all congressional reporting requirements contained in DoD authorization and appropriations acts and requests for reports in the congressional reports that accompany them.”
 - 1,145 reports have been identified and assigned for the completed FY19 legislative cycle.
- “Coordinate and oversee assignment of reports with the DoD Components as necessary and assign required reporting responsibilities to the appropriate DoD Components.”
 - LA staff work daily with 73 Points of Contact from 26 Components to assist in the preparation of reports.
- Update the Congressional Hearings and Reporting Requirements Tracking System (CHARRTS) with final reporting requirement assignments, thereby making them official.
 - CHARRTS is the only library of congressional reports that exists, and tracks all reports assigned to DoD by the Congress as well as by the President.
 - The system indexes reports by the individual Act or Committee Report (conference or standing committee) in which they were issued, as well as by US Code citation and due date.
 - The system also cross-indexes annual NDAA amendments to pre-existing reports in an attempt to track changes to content, submission deadlines and changes to recurring reports periodic submission, and to which committees reports should be submitted.

While CHARRTS still works reasonably well considering it is a twenty year old system, for network security purposes it has been identified as a system that should be decommissioned in the near future.

When reports are completed by DoD, additional difficulties arise. For example, 10 USC 480 currently mandates default delivery of reports in hardcopy, which minimizes the data

opportunities available with modern computer technology. Because limited numbers of paper copy reports are delivered, and may only be seen by a few individuals, other Members of Congress (or their staff) may be unaware of what data is already available to them. Reform in this area appears to be an urgent need.

So how can this process be improved?

II. Fundamental Goal

Create complimentary Congressional and Executive branch systems that can mutually relay reports data (assignments and completed reports) between the Congress and the Department in the required electronic standardized format

The ideal end state of a reformed reports program would be to deploy two complimentary systems which process congressional report assignments: tracking, delivering, providing updates and changes to existing reports, and indexing and housing final reports delivered to the Congress so that Members and Staff can easily reference this data. If implemented, the benefits in data quality and timeliness, coupled with the potential for manpower and budgetary savings, would be considerable and worth the up-front effort.

- **Automation Is Key:** There is no shared current system between DoD and the Congress to track, catalog, deliver, and prioritize reporting topics. The single most effective means of reform is automation, yet statutory law as currently written and formatted defies the possibility of an automated solution. DoD's ability to propose an IT system on which to administer a reformed and automated process is therefore directly related to what measures the congressional defense committees are willing to adopt in tandem. The more reform the committees can tolerate, the more streamlining and automation can be accomplished in turn by DoD.

III. Key Proposed Reform Initiatives

1. **Create A 'Reports Annex':** Similar to the standard budgetary line item annex, the congressional defense committees should include a list of all required reports in a Reports Annex to the respective defense committees' annual conference bill and report. This reform is the key first step in facilitating automation of the entire reports process.

This reform alone would be a major achievement. As mentioned, the current ad hoc system requires DoD personnel to examine legislation line-by-line to ensure all report requirements are properly identified, which took three months to complete for the FY19 NDAA. By way of comparison, for years the Armed Services Committees have routinely provided lists of Questions for the Record (QFRs) for their hearings to the Department, which are then put into a computerized system and tasked out to DoD components within 24 to 48 hours. This sort of data exchange process therefore not only *can* be done, it has *already* been done in other data exchange areas.

The difference with QFRs is that because most committees have a simple numbering regime for electronic files that they send to OASD(LA) and the Office of the Under Secretary for Defense, Comptroller (OUSDC), it was relatively easy for DoD staff to design and deploy automated systems to track the hearing process. Congressional reports, on the other hand, must be referred by public law number, bill number, committee report number, section number and/or page number because there is no other reference system that both congressional and departmental staff have in common that is recognizable. This dependency on legislative citations precludes utilizing machine readable serial numbers, and this in itself is a significant obstacle to automating the reports process.

A Reports Annex could function in a fashion similar to how proposed NDAA amendments are currently tracked by the House Armed Services Committee (HASC), or to the way congressional earmarks were tracked via the Avatar system in electronic databases. In both cases, individual Member offices provide the relevant data to the HASC via a standardized form, which is then collected and posted on a centralized platform. If such a process was followed from the committee mark-up process through the conclusion of a conference committee, an aggregation of assigned reports data could be easily collated, and lend itself to the assignment of machine readable serial numbers for each report. Such serial numbers could contain information on the public law or committee report number the report was issued in, the section or page number, the committees to which the report should be delivered to, the date required for delivery, and so forth.

The level of effort involved with setting up such a system is modest, while the benefits would be substantial. Currently, per statutory direction,¹ the Department is supposed to attempt to identify reports that should be combined once they are already in statute, yet while this has been attempted by DoD such efforts have produced very limited results. It would seem of benefit to both the Congress and the Department if reporting topics were collated and synthesized to the greatest extent possible before said assignments become law. Members, Staffers, and subject matter experts in the DoD all acknowledge how difficult it is to achieve any sort of amendment to existing reports under today's current system.

2. **Establish Serial Numbers:** Reports should be tagged with machine readable serial numbers, similar to how GAO reports are currently tagged, and how local libraries have use barcodes to track their books for decades. (Consider DoD.H0001-18 as an example of how such a system might work: Such a code should start with a three letter indicator for the department, laying the groundwork to potentially expand such a reports program to other Executive Branch Departments in the future; DoD is responsible for approximately 40% of all Congressional required reports, according to a 2014 Washington Post study.² To prevent confusion between House and Senate report assignments, reports should be tagged just like

¹ Current statute directs the Department: "(1) compile a list that identifies all plans and reports the agency produces for Congress, in accordance with statutory requirements or as directed in congressional reports; (2) analyze the list compiled under paragraph (1), identify which plans and reports are outdated or duplicative of other plans and reports, and refine the list to include only the plans and reports identified to be outdated or duplicative". (P.L. 111-352, sec. 11(a); (31 U.S.C. 1125(a)(1-2))

² "Unrequired Reading: Many of the Thousands of Congressional Reports will only Gather Dust," (May 3, 2014) Washington Post: https://www.washingtonpost.com/sf/national/2014/05/03/unrequired-reading/?utm_term=.8e1a0d280306

Congressional amendments are tracked on Congress.gov – adding an “H” or “S” before the number). By having each report coded with its own unique identification number, DoD could begin to automate the entire report assignment process, with the following benefits:

- Shrink the 80+ separate terms (including ‘report,’ ‘study,’ ‘justify,’ ‘notify,’ ‘certify,’ ‘exhibit,’ ‘update,’ and ‘assess’) currently used to signify a report’s assignment down to one standard format; descriptors of the type of report desired could be added as and if necessary.
- Collapse the amount of time needed to assign reports from up to three months to several weeks.
- Contribute to the creation of an accessible and searchable report repository. An updated real-time catalog of existing reports could then be consulted before new and potentially duplicative reports were requested, making the entire reporting process far more efficient and productive.
- Aide automation of delivery of reports back to Congress electronically. If Congress creates a serial number on the front end, this number could be used throughout the development of the report at DoD, and then transmitted back to Congress without causing confusion at any step in the process.

Sen. Mark Warner (D-VA): “Remember the original movie ‘Raiders of the Lost Ark,’ where the ark got put away in that government storeroom? ... probably next to the lost ark are all the reports that have never been reviewed.” – WASHINGTON POST, 2014

Cataloguing reports as your local library has done via barcodes for decades would solve many existing problems, and obviously existing legislative format can be changed at the will of the Congress as one of the sovereign branches of the U.S. Government. Anyone who is charged with supporting the Department’s congressional mission realizes the importance of Congress’s historic traditions, but DoD leadership and staff are equally interested in assisting the Congress receive the data they need to enact needful statutory authorities. This would help not only the Department fulfill its mission, but more importantly assist our men and women in uniform to more effectively and safely execute their missions by providing them with the necessary legal authorities. Tradition is important, but when national security and the welfare of our Armed Forces can be assisted by providing Congress better data to inform its Members’ decisions, needful changes seem paramount.

Recommended data points should include:

- Date of report creation;
- The specific committees, subcommittees, and even specific Member requesting the report (if applicable);
- The specific DoD component or components tasked with carrying out the report;
- Possibly a hashtag-reference to a specific policy or issue area;
- The report deadline; and
- Built in opportunities to expand any such catalogue to other agencies.

Part and parcel to tracking the status of a report, tracking should also incorporate measurements of cost and time spent to produce it. Both should be listed at the bottom of any report to ensure that departmental resources as provided by the Congress are utilized to the greatest effect. This would allow both the Congress and the Department to allocate existing resources to produce the required data most efficiently and effectively.

3. **Use The FY16 NDAA Section 1080 Effort As The Foundation For A ‘Reports Catalog’ Of All Enacted Reports:** The congressional defense committees should leverage the final list of recurring reports achieved via Section 1080 effort (FY16 NDAA; P.L. 114-92) to initiate the compilation of an authoritative catalog of congressionally assigned report and briefing requirements. Recall that section 1080 required the DoD to provide the Congress with a list of still active recurring reports enacted in a NDAA since 1987 (1987 being the first year of enactment of the National Defense Authorization Act). While the idea of cataloguing all active reports sounds like (and is) an imposing goal, all of the data already currently exists to catalog active recurring reports enacted in a NDAA, and our departmental data can very easily be shared. The Department is eager to assist the Committees in this effort by sharing information currently stored on CHARRTS. The emphasis should be on mutually beneficial efficiencies through consolidating and streamlining the current process. On the DoD side, in many cases the same DoD staff are producing duplicative reports that are then sent to the Congress and seen as either unnecessary or wasteful of congressional staff time.
4. **Automate Amendments To Reports In The Proposed Reports Catalog:** Utilize the proposed Reports Annex to simultaneously update amended reports in the Reports Catalog. While DoD strives to keep up with changes to report submission increments, content, and deadlines for reports when they are amended, when content of a report is amended across multiple defense bills it creates considerable confusion within the DoD, particularly when statutory language for the original report being amended is often not restated. So at times more than five separate enacted bills have to be referenced to figure out what content is actually required in an amended report. It can become quite difficult to relay to DoD Components what the updated report and its totality of requirements actually contains. By maintaining an up-to-date and comprehensive Reports Catalog this confusion would be eliminated to the benefit of all.

Also, currently there is no significantly noticeable designation in bill statutory law when an amendment is changing an existing report requirement. There is a section in Title 10 of each bill that refers to reports specifically, but there are usually only ten to twenty reports referenced. However, each bill has from 150 to over 300 amendments that change some aspect of an existing reporting requirement. This is one of the best examples of how difficult it is to administer the current reporting process within the vehicle of statutory law. It is akin to a process whereby the bill’s budget lines were not in annexes as currently done, but sprinkled throughout the bill with either section titles or subsection texts sometimes indicating there was a budget add or debit, or sometimes not. Obviously, government could not operate via such a financial process. Today, as much as budgetary resources, data has become “the coin of the realm,” but data is not currently managed with similar precision.

5. **Enable Options To Update Report Requirements:** The Reports Catalog should include the capability for the defense committees to accept a briefing as a substitute in lieu of a report or to remove reporting requirements when a report has become obsolete. It would also allow Members and Staff to make changes to existing reports' content, deadlines, or frequency of submissions for recurring reports. Moreover, congressional and departmental staffs could work much more closely on fine tuning reports, such as discussions on how data for a report will be collected, what data there is on hand, and how long collecting new data for an expanded report might take. We all know that data analytics are ever evolving in the private sector, and there is no reason that the U.S. Government shouldn't harvest the benefits of these advances.

If such an approach was adopted the annual totals of 150-300+ bill amendments devoted solely to modifying existing reports would become unnecessary, saving significant efforts by both congressional and departmental staff. There also would no longer be balkanized report language over a series of annual bills, because all information for an individual report would be collated in the Reports Catalogue. Essential data points in report assignments such as a due date, report content, and which committees the report is to be transmitted could be changed with via a process agreed to by the Committee and the Department. Relying on the current regime of amendments to make changes to these three aspects of reporting invites confusion on the core parameters of the reporting process. Updates on what should be relatively routine adjustments to individual reporting assignments would become routine. Statutory law is the bedrock of the legislative process, but just as budget figures are not aggregated in that format, reporting data is not best served in statutory format; a simple provision in a future bill could lay out a new format and process for annexes of report assignments to the Department, and that such annexes signify the force of law.

6. **Enable Electronic Delivery Of Reports:** While allowing for electronic delivery in some cases, 10 USC 480 currently mandates default delivery of reports in hardcopy. Congress should amend 10 USC 480 to prioritize electronic delivery of reports, and the Department has sponsored a legislative proposal to that effect for inclusion in the FY20 NDAA. Amending the existing statutory provision so that congressional reports can be delivered electronically, and not also in hardcopy, is necessary to enable maintenance of an up-to-date Reports Catalog. It would also save the Department considerable expenditures both in manpower and report production costs (copying, printing, packaging, and delivery). The current system often creates logistical problems for both Congress and DoD. Without an automated digital process, OASD(LA) staff is at times unsure if various DoD Components have delivered a required congressional report. They have to manually search Components' uploads to the CHARRTS system to close out a report, or remind Components to do so. On the congressional side, committees frequently complain that citations in cover letters accompanying the hard copy reports are incorrect, and reports have been delivered to the wrong committee. Electronic delivery would address both problems.

Care must be taken to ensure electronic delivery requirements are enacted as the default transmittal mechanism. Former Sen. McCaskill sponsored a bill in the 115th Congress (S. 3027)³ that attempted to mandate electronic transmission of reports, but provided an “escape clause” for individual Member offices to request a hardcopy of any congressional report. Since the Department is currently only required to submit hardcopies of reports to congressional committees, it is easy to imagine a reform attempt actually backfiring, resulting in even greater DoD resources devoted to providing hardcopy reports to multiple Members of Congress in addition to the committees that originally requested the reports. Hard-copy delivery should be limited to committee requests only.

When a report comes in now, Rep. Mike Quigley said “it is stored in the abyss.”

-- WASHINGTON POST, 2014

7. **Storage Of Final Reports:** The Reports Catalog, on both the Congressional and DoD systems, should include an archival function and store all final submitted reports. If electronic delivery is the default option of choice, this could be accomplished automatically. This would provide real-time access for congressional Members and Staff to Defense Department reports per whatever Committee rules allowed, and this reform alone would seem to be a very powerful advance in the interest of good government.
8. **Sun Setting Of Reports:** While DoD has always appreciated any and all sun-setting provisions included in report requirements (DoD actually forwarded a legislative proposal to the Congress on the subject in the early 2000’s as part of Secretary Rumsfeld’s Transformation Initiative) periodic monitoring of reports by congressional and departmental staff as facilitated by a Reports Catalogue would make inclusion of a sunset provision in reporting requirements unnecessary. As a follow-on to the section 1080 identification of all active recurring reports enacted in a NDAA, section 1061 of the FY17 NDAA (P.L. 114-328) included a uniform sunset of all reports that Congress chose to retain from the original comprehensive list the DoD compiled.⁴ However, since the FY17 NDAA a myriad of sunset provisions have been issued with individual reports. Some have been incorporated in the sec. 1061 list that is updated in 10 USC 111 note, and some not. If both the congressional defense committees and the Defense Department had an up to date catalogue of reports sunsetting itself would become an anachronism.

³ S. 3067, sec. 3(d) (as Reported, 115th Congress); <https://www.congress.gov/115/bills/s3027/BILLS-115s3027rs.pdf> : “(d) ROUTING.—If a congressional office designates a method to receive reports and other recorded information described in subsection (a) from agencies, each agency shall transmit a report or other recorded information to the congressional office using the designated method, unless otherwise requested by the congressional office.”

⁴ P.L. 114-328 (10 U.S.C. 111 note): SEC. 1061. TEMPORARY CONTINUATION OF CERTAIN DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS . . . (b) FINAL TERMINATION DATE FOR SUBMITTAL OF EXEMPTED REPORTS.—(1) IN GENERAL.—Except as provided in paragraph (2), each report required pursuant to a provision of law specified in this section that is still required to be submitted to Congress as of December 31, 2021, shall no longer be required to be submitted to Congress after that date.

9. **Reports In Committee Report Language Should Be Active For Only The Year In Which The Committee Report Is Published:** Reports in committee and conference report language should be in effect for only the legislative year in which bill report is issued to prevent recurring reports from being in effect into future years with no ability to amend or repeal them. If the committees want to extend report language reports, they should have to re-insert them in the following year's bill report or make it permanent in statute. Currently, if there is no explicit sunset provision in a committee report DoD is left to wonder whether the respective report remains an active assignment in perpetuity, or if it has a set time limit (e.g., for three years). There is no way of knowing this within the present format of congressional committee reports, and without such direction there are no manageable protocols to track these types of reports.
10. **Confine Reports To Final Conference Bills/Reports:** Congressional defense committees should consider confining DoD reporting requirements to only those contained in the respective committees' final DoD conference bill and report. Such a reform would significantly reduce both the number of duplicative reports and the total number of reporting requirements. This would also help facilitate some of the other reform recommendations listed here.
11. **Prioritize Reports:** DoD would benefit from having explicit congressional guidance as to how to best prioritize reports. DoD personnel have frequently been told by congressional staff that not all reports are equal in importance, yet left simply to intuit which are the most important. DoD personnel are hesitant to downgrade the importance of any congressional request, and to do so would also be contrary to Department of Defense Instruction 5545.02, which currently mandates "appropriate action shall be taken in response to all statutory requirements contained in authorization and appropriations acts and in response to congressional concerns expressed in House, Senate, and conference reports on those acts."⁵

In sorting through which of the 1,000 plus reports are truly urgent priorities, any clarification would be greatly appreciated. Such guidance could include:

- Specifying that reports requested in statute should be prioritized over reports requested in committee and conference reports;
- Listing report co-sponsors in the same fashion that bills list co-sponsors on Congress.gov, to help better indicate to DoD how many Members value a particular report; and
- An additional list of sponsoring congressional Staff would be as equally valuable so that Department personnel could consult with them directly.

⁵ (H.Rpt. 112-78, pg. 203). During Secretary Gates' Efficiencies Initiative in 2011, the HASC provided the following comment on the Department's efforts: "The committee . . . notes that the Department deemed many reports as unnecessary or state that they do not appear to be useful to members of Congress or their staff. The committee cautions the Department that it is not its responsibility to determine what is or is not valuable to Congress as it conducts its oversight role."

ATTACHMENTS:

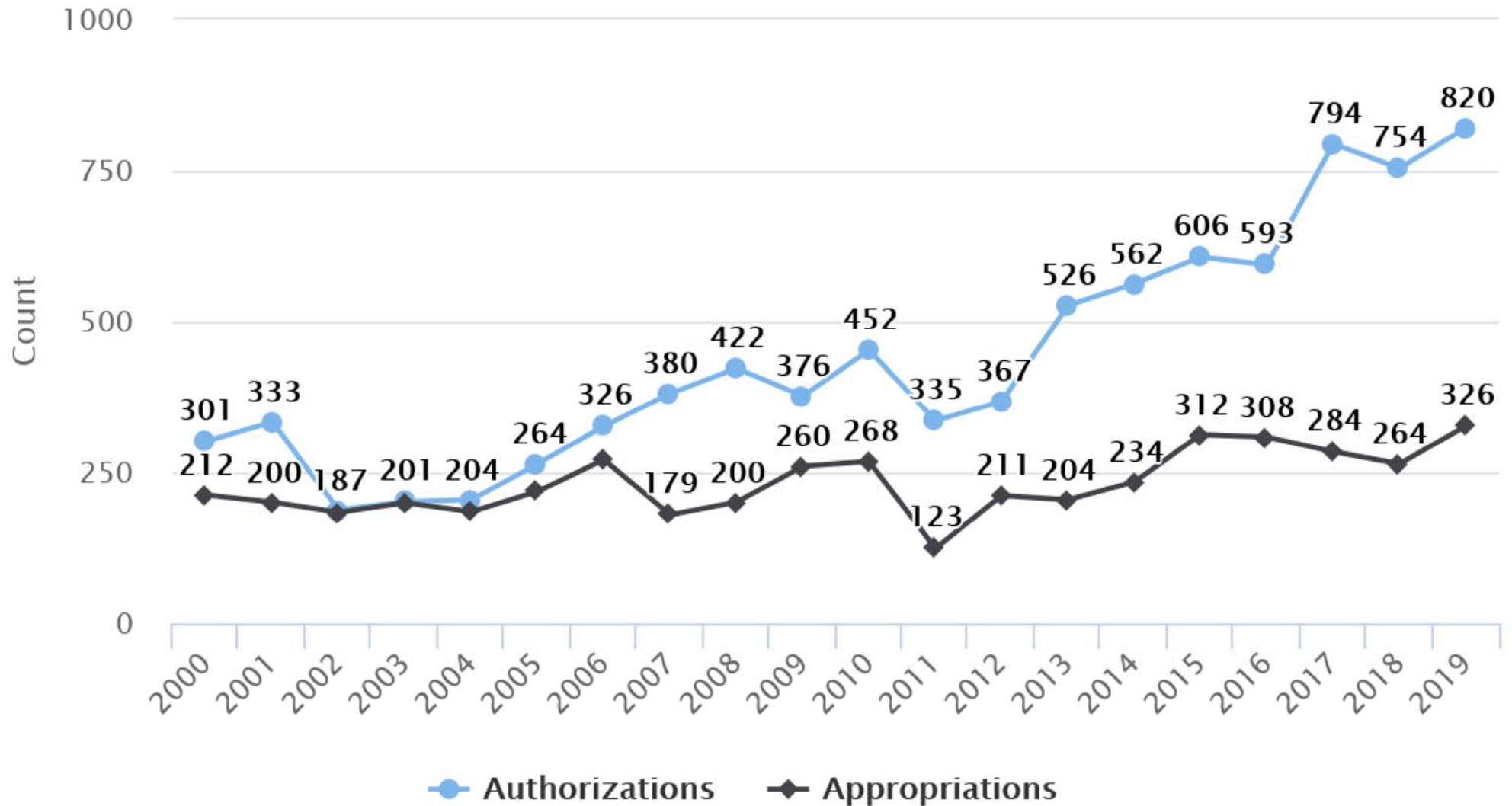
- **TAB A:**
 - Pg. 1: A line graph showing the division of reporting requirements levied by Authorization versus Appropriation laws from fiscal year 2000 to fiscal year 2019;
 - Pg. 2: A table that shows the total number of fixed, recurring and contingent reports required by each law, and the requests for reports in the congressional House, Senate and Conference reports that accompany them, from fiscal year 2009 to fiscal year 2019; and
 - Pgs. 3-4: Four pie charts illustrating the large volume of reports on particular high-interest topic areas representing word searches on the DoD's Congressional Hearings and Reporting Requirements System (CHARRTS).

- **TAB B:** Section 874 of the Fiscal Year 2019 National Defense Authorization Act (P.L. 115-232)

- **TAB C:** Department of Defense Instruction 5545.02 "DoD Policy for Congressional Authorization and Appropriations Reporting Requirements." This instruction describes how reporting requirements levied by the U.S. Congress on the Department of Defense will be answered and the process DoD uses to task, track and complete these requirements.

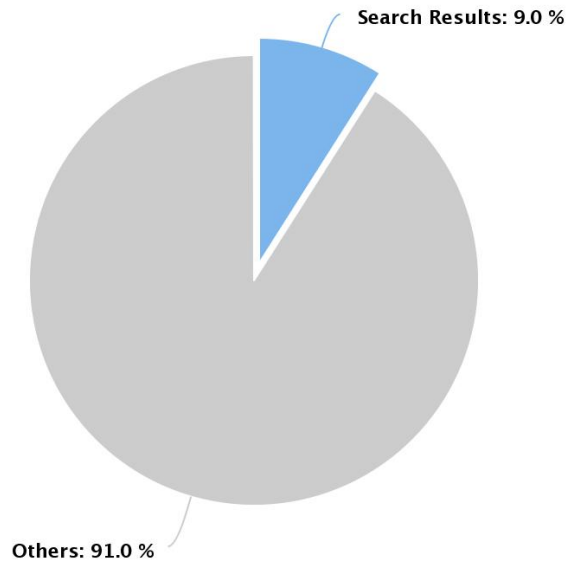
Tab A

Congressional Reporting Requirement Authorizations vs. Appropriations by Fiscal Year



	Defense Authorization Laws			Defense Appropriation Laws			Military Construction Appropriation Laws			Supplemental Laws			Reporting Requirement Totals			
Fiscal Year	Fixed one time reports	Recurring reports	Contingent reports	F	R	C	F	R	C	F	R	C	Fixed Total	Recurring Total	Contingent Total/ % of Grand Total	Grand Total
2019	621	61	138	126	35	85	39	9	31	0	0	0	786	105	254 / 22%	1145
2018	534	47	172	84	34	95	32	6	13	0	0	0	650	87	280 / 28%	1017
2017	544	68	182	95	48	96	22	3	20	0	0	0	661	119	298 / 28%	1078
2016	427	35	131	121	29	123	20	8	7	0	0	0	568	72	261 / 29%	901
2015	421	45	140	122	32	128	14	6	10	0	0	0	557	83	278 / 30%	918
2014	376	39	147	79	22	103	11	8	11	0	0	0	466	69	261 / 33%	796
2013	348	50	128	58	18	98	14	5	11	0	0	0	420	73	237 / 32%	730
2012	200	36	131	59	24	99	16	4	9	0	0	0	275	64	239 / 41%	578
2011	235	25	75	18	12	53	19	8	13	0	0	0	272	45	141 / 31%	458
2010	290	39	123	104	34	68	20	8	23	0	4	7	414	85	221 / 31%	720
2009	229	41	106	50	16	49	15	5	4	42	38	41	336	100	200 / 34%	636

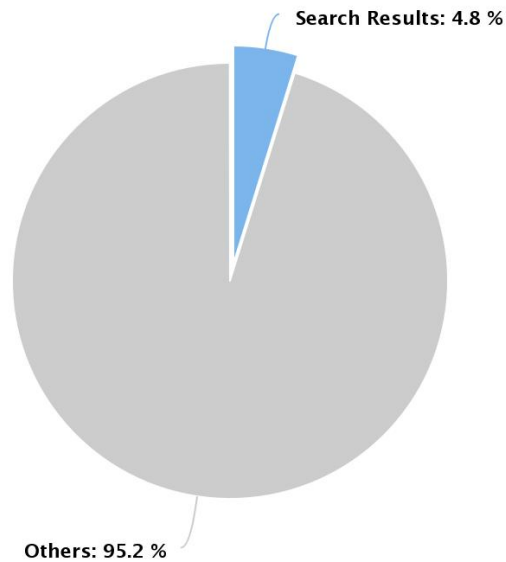
Active Reports: Search Results for "Acquisition"



For Official Use Only (FOUO)

Figure 1: Active Reports on Topic of Acquisition (91 of total 1,007 set date reports)*

Contingent Reports: Search Results for "Afghanistan"



For Official Use Only (FOUO)

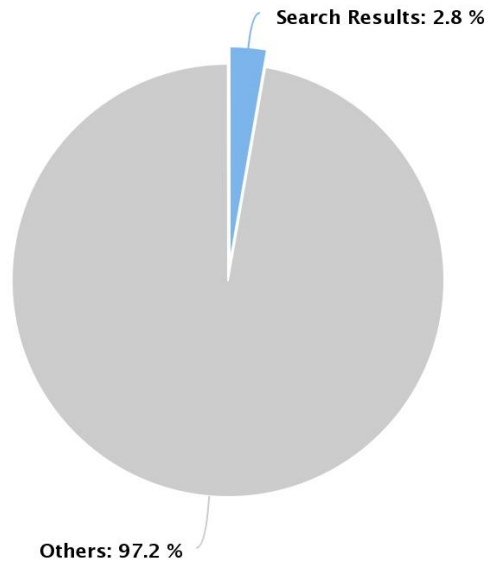
Figure 2: "Contingent" Reports on Topic of Afghanistan (141 of total 2,934 contingent reports)

* "Active" reports are those with a set due date, including one-time and recurring reports

** "Contingent" reports are those with a submission date based upon when the respective contingency occurs

*** Archived Reports have been completed and saved on DoD's tracking system CHARRTS

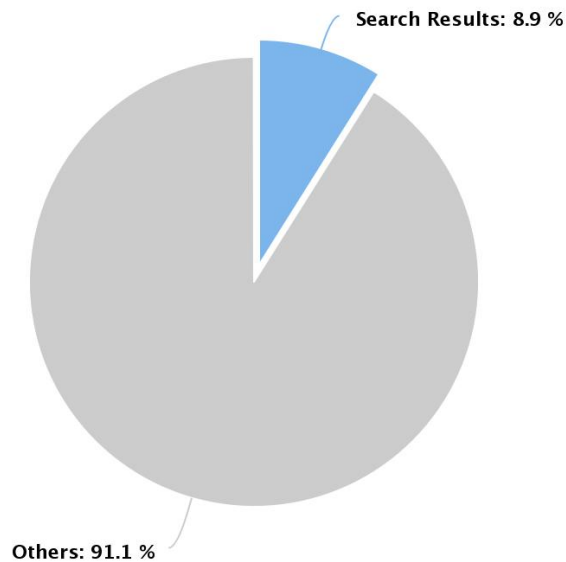
All Reports: Search Results for "Iraq"



For Official Use Only (FOUO)

Figure 3: Active*, Contingent**, and Archived*** Reports on Topic of Iraq (429 of DoD Total 15,489)

Active Reports: Search Results for "Personnel"



For Official Use Only (FOUO)

Figure 4: Active* Reports on Topic of Personnel (90 of total 1,007 reports)

* "Active" reports are those with a set due date, including one-time and recurring reports

** "Contingent" reports are those with a submission date based upon when the respective contingency occurs

*** Archived Reports have been completed and saved on DoD's tracking system CHARRTS

Tab B

One Hundred Fifteenth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Wednesday,
the third day of January, two thousand and eighteen*

An Act

To authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

(a) IN GENERAL.—This Act may be cited as the “John S. McCain National Defense Authorization Act for Fiscal Year 2019”.

(b) REFERENCES.—Any reference in this or any other Act to the “National Defense Authorization Act for Fiscal Year 2019” shall be deemed to be a reference to the “John S. McCain National Defense Authorization Act for Fiscal Year 2019”.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into four divisions as follows:

- (1) Division A—Department of Defense Authorizations.
- (2) Division B—Military Construction Authorizations.
- (3) Division C—Department of Energy National Security Authorizations and Other Authorizations.
- (4) Division D—Funding Tables.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Organization of Act into divisions; table of contents.
- Sec. 3. Congressional defense committees.
- Sec. 4. Budgetary effects of this Act.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization Of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

- Sec. 111. National Guard and reserve component equipment report.
- Sec. 112. Deployment by the Army of an interim cruise missile defense capability.

Subtitle C—Navy Programs

- Sec. 121. Procurement authority for Ford class aircraft carrier program.
- Sec. 122. Full ship shock trial for Ford class aircraft carrier.
- Sec. 123. Sense of Congress on accelerated production of aircraft carriers.
- Sec. 124. Multiyear procurement authority for standard missile-6.
- Sec. 125. Multiyear procurement authority for E-2D aircraft.
- Sec. 126. Multiyear procurement authority for F/A-18E/F aircraft and EA-18G aircraft.

(b) USE OF DATA.—The Assistant Secretary of Defense for Acquisition shall analyze and leverage the data collected under subsection (a) to update policy and guidance related to the use of other transactions.

(c) REPORT REQUIRED.—Not later than December 31, 2018, and each December 31 thereafter through December 31, 2021, the Secretary of Defense shall submit to the congressional defense committees a report covering the preceding fiscal year on the Department's use of other transaction authority. Each report shall summarize and display the data collected under subsection (a) on the nature and extent of the use of the authority, including a summary and detail showing—

- (1) organizations involved, quantities, amounts of payments, and purpose, description, and status of projects; and
- (2) highlights of successes and challenges using the authority, including case examples.

SEC. 874. STANDARDIZATION OF FORMATTING AND PUBLIC ACCESSIBILITY OF DEPARTMENT OF DEFENSE REPORTS TO CONGRESS.

(a) REPORT FORMATTING PLAN REQUIRED.—Not later than March 1, 2019, the Secretary of Defense shall provide a plan to the congressional defense committees on activities to standardize the formatting of unclassified Department of Defense reports required by Congress. Such plan shall include—

- (1) a description of the method for ensuring that reports are created in a platform-independent, machine-readable format that can be retrieved, downloaded, indexed, and searched by commonly used web search applications; and
- (2) a cost estimate and schedule for implementation of the activities under paragraph (1), with a completion date of not later than March 1, 2020.

(b) ONLINE REPOSITORY PLAN REQUIRED.—Not later than March 1, 2019, the Secretary of Defense shall provide a briefing to the congressional defense committees on the feasibility of developing a publically accessible online repository of unclassified reports of the Department of Defense issued since January 1, 2010. Such briefing shall include—

- (1) protocols for inclusion of unclassified reports that, as determined by the Secretary, may not be appropriate for public release in their entirety; and
- (2) a cost estimate and schedule for implementation and maintenance of the online repository.

SEC. 875. PROMOTION OF THE USE OF GOVERNMENT-WIDE AND OTHER INTERAGENCY CONTRACTS.

Section 865(b)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 31 U.S.C. 1535 note) is amended—

- (1) by striking “that all interagency acquisitions—” and inserting “that—”;
- (2) in subparagraph (A)—
 - (A) by inserting “all interagency assisted acquisitions” before “include”; and
 - (B) by inserting “and” after the semicolon;
- (3) by striking subparagraph (B); and

Tab C



Department of Defense INSTRUCTION

NUMBER 5545.02
December 19, 2008

ASD(LA)

SUBJECT: DoD Policy for Congressional Authorization and Appropriations Reporting Requirements

- References:**
- (a) DoD Directive 5545.2, "DoD Policy for Congressional Authorization and Appropriations Reporting Requirements," July 22, 1996 (hereby canceled)
 - (b) DoD Directive 5142.01, "Assistant Secretary of Defense for Legislative Affairs (ASD(LA))," September 15, 2006
 - (c) Section 480 of title 10, United States Code
 - (d) DoD Instruction 5230.29, "Security and Policy Review of DoD Information for Public Release, August 6, 1999
 - (e) OMB Circular A-19, "Legislative Coordination and Clearance," Revised September 20, 1979

1. **PURPOSE.** This Instruction reissues Reference (a) as a DoD Instruction in accordance with the authority in Reference (b) to establish policy and assign responsibilities for the collection of information and control of the paperwork burden consistent with Reference (c).

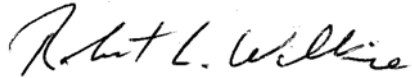
2. **APPLICABILITY.** This Instruction applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (hereafter referred to collectively as the "DoD Components").

3. **POLICY.** It is DoD policy that appropriate action shall be taken in response to all statutory requirements contained in authorization and appropriations acts and in response to congressional concerns expressed in House, Senate, and conference reports on those acts.

4. **RESPONSIBILITIES.** See Enclosure.

5. RELEASABILITY. UNLIMITED. This Instruction is approved for public release and is available on the Internet from the DoD Issuances Web Site at <http://www.dtic.mil/whs/directives>.

6. EFFECTIVE DATE. This Instruction is effective immediately.



Robert L. Wilkie
Assistant Secretary of Defense for
Legislative Affairs

Enclosure
Responsibilities

ENCLOSURE

RESPONSIBILITIES

1. ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE AFFAIRS (ASD(LA)).

The ASD(LA), in addition to the responsibilities in paragraph 4, shall:

a. Manage and assign all congressional reporting requirements contained in DoD authorization and appropriations acts and requests for reports in the congressional reports that accompany them.

b. Review the DoD and military construction authorization and appropriations acts and committee reports to identify all reporting requirements contained in those acts and reports, as assisted by concurrent reviews by DoD Components.

c. Coordinate and oversee assignment of reports with the DoD Components as necessary and assign required reporting responsibilities to the appropriate DoD Components.

(1) After appropriate review, update the Congressional Hearings and Reporting Requirements Tracking System (CHARRTS) Web Site with final assignments of reporting requirements thereby making official each assignment.

(2) Provide an electronic tracking and status report capability concerning such reporting requirements based upon DoD Component input to CHARRTS to include Components uploading electronic copies of interim and final reports to that system.

(3) Receive DoD Component requests for reassignment of reporting requirements to another Component, review and mediate such requests between the concerned Components, and advise the Components of the final decision. Upon concurrence, transfer the reporting requirement and update CHARRTS. If necessary, require appropriate Component to draft and transmit an interim response to the respective congressional committee(s).

2. UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE (USD(I)). The USD(I), in addition to the responsibilities in paragraph 4, shall:

a. Identify, assign, coordinate, and track the responses to all congressional reporting requirements and requests for reports contained in intelligence authorization acts and the congressional reports that accompany them, in coordination with the ASD(LA) and other concerned DoD Components, and with the Office of the Director of National Intelligence. The USD(I) shall establish appropriate procedures for this process.

b. Distribute classified annexes to the defense and intelligence authorization and appropriations acts and congressional reports that accompany them for review by the Heads of the DoD Components in accordance with paragraph 4.a. of this enclosure.

3. GENERAL COUNSEL, DEPARTMENT OF DEFENSE (GC, DoD). The GC, DoD, in addition to the responsibilities in paragraph 4, shall:

a. Upon enactment of DoD authorization and appropriations acts, review each to determine what new and additional authorities and responsibilities are assigned specifically to the Secretary of Defense.

b. In coordination with the concerned OSD Principal Staff Assistant, draft delegations of authority as necessary. The delegations shall incorporate the assignments made by the ASD(LA) on statutory reporting requirements.

4. HEADS OF THE DoD COMPONENTS. The Heads of the DoD Components shall:

a. Review the DoD and military construction authorization and appropriations acts and accompanying reports to identify statutory requirements and congressional recommendations, suggestions, reporting requirements and requests for reports, and expressions of concern that apply to their respective Components.

b. Make recommendations concerning assignment of responsibility for preparing required reports by submitting a preliminary list of accepted reporting requirements to the ASD(LA).

(1) Once the preliminary assignment of remaining reporting requirements has been completed, any contested assignments shall be identified to the ASD(LA), including the Component it believes the report should be assigned to and supported by a substantive explanation for the proposed transfer.

(2) In order to satisfy congressional report deadlines, upon the decision by the ASD(LA) to transfer a report, either the Component requesting the transfer of assignment or the Component to which the report is finally assigned shall draft an interim report as directed by the ASD(LA).

(3) After coordination, final assignments of reports to Components shall be posted on CHARRTS.

c. Prepare and submit all unclassified reports to Congress in accordance with the assignments made by the ASD(LA) and the Secretary of Defense delegation of authority and responsibility as described in Reference (b).

d. Provide the ASD(LA) with electronic copies through CHARRTS of all unclassified reports, interim reports, transmittal letters, and requests to close reporting requirements prepared by their Component for submission to the Congress or any of its committees.

e. Using CHARRTS, submit, as appropriate, status updates on late reports to the ASD(LA) to include actions taken in response to both statutory and congressional committee reporting requirements and the estimated completion dates of assigned reports.

f. Any report that falls under paragraph 6.1. of DoD Instruction 5230.29 (Reference (d)) shall be submitted to the DoD Office of Security Review for clearance prior to its transmission to the Congress. The Inspector General of the Department of Defense, as an independent and objective officer in the Department of Defense, is exempt from the policy review provisions of this Instruction.

g. Prior to the release of any report outside the Executive Branch, forward any report that addresses pending legislation or contains specific legislative recommendations to the Office of Legislative Counsel, GC, DoD, for coordination with the Office of Management and Budget (OMB) for clearance pursuant to OMB Circular A-19 (Reference (e)). The Military Departments shall forward such reports directly to OMB for clearance. This requirement shall not apply to the Office of the Inspector General of the Department of Defense.