

expected to exceed the thresholds established in subsection (a), as adjusted under subsection (b), but is not considered to be a major automated information system program because a formal acquisition decision has not yet been made with respect to such investment.

(e) FULL DEPLOYMENT DECISION.—In this chapter, the term “full deployment decision” means, with respect to a major automated information system program, the final decision made by the Milestone Decision Authority authorizing an increment of the program to deploy software for operational use.

(f) FULL DEPLOYMENT.—In this chapter, the term “full deployment” means, with respect to a major automated information system program, the fielding of an increment of the program in accordance with the terms of a full deployment decision.

(Added Pub. L. 109-364, div. A, title VIII, §816(a)(1), Oct. 17, 2006, 120 Stat. 2323; amended Pub. L. 110-417, [div. A], title VIII, §812(a)(1), (2), Oct. 14, 2008, 122 Stat. 4525; Pub. L. 111-84, div. A, title VIII, §841(c), Oct. 28, 2009, 123 Stat. 2418.)

#### AMENDMENTS

2009—Subsecs. (e), (f). Pub. L. 111-84 added subsecs. (e) and (f).

2008—Pub. L. 110-417, §812(a)(2), substituted “Definitions” for “Major automated information system program defined” in section catchline.

Subsec. (a). Pub. L. 110-417, §812(a)(1)(A), substituted “Major Automated Information System Program” for “In General” in heading.

Subsec. (d). Pub. L. 110-417, §812(a)(1)(B), added subsec. (d).

#### EFFECTIVE DATE

Pub. L. 109-364, div. A, title VIII, §816(c), Oct. 17, 2006, 120 Stat. 2326, provided that:

“(1) IN GENERAL.—The amendments made by subsection (a) [enacting this chapter] shall take effect on January 1, 2008, and shall apply with respect to any major automated information system program for which amounts are requested in the budget of the President (as submitted to Congress under section 1105 of title 31, United States Code) for a fiscal year after fiscal year 2008, regardless of whether the acquisition of the automated information system to be acquired under the program was initiated before, on, or after January 1, 2008.

“(2) REPORT REQUIREMENT.—Subsection (b) [120 Stat. 2326] shall take effect on the date of the enactment of this Act [Oct. 17, 2006].”

#### § 2445b. Cost, schedule, and performance information

(a) SUBMITTAL OF COST, SCHEDULE, AND PERFORMANCE INFORMATION.—The Secretary of Defense shall submit to Congress each calendar year, not later than 45 days after the President submits to Congress the budget for a fiscal year under section 1105 of title 31, budget justification documents regarding cost, schedule, and performance for each major automated information system program and each other major information technology investment program for which funds are requested by the President in the budget.

(b) ELEMENTS REGARDING MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS.—The documents submitted under subsection (a) with respect to a major automated information system

program shall include detailed and summarized information with respect to the automated information system to be acquired under the program, and shall specifically include each of the following:

(1) The development schedule, including major milestones.

(2) The implementation schedule, including estimates of milestone dates, full deployment decision, and full deployment.

(3) Estimates of development costs and full life-cycle costs.

(4) A summary of key performance parameters.

(5) For each major automated information system program for which such information has not been provided in a previous annual report—

(A) a description of the business case analysis (if any) that has been prepared for the program and key functional requirements for the program;

(B) a description of the analysis of alternatives conducted with regard to the program;

(C) an assessment of the extent to which the program, or portions of the program, have technical requirements of sufficient clarity that the program, or portions of the program, may be feasibly procured under firm, fixed-price contracts;

(D) the most recent independent cost estimate or cost analysis for the program provided by the Director of Cost Assessment and Program Evaluation in accordance with section 2334(a)(6) of this title;

(E) a certification by a Department of Defense acquisition official with responsibility for the program that all technical and business requirements have been reviewed and validated to ensure alignment with the business case; and

(F) an explanation of the basis for the certification described in subparagraph (E).

(6) For each major automated information system program for which the information required under paragraph (5) has been provided in a previous annual report, a summary of any significant changes to the information previously provided.

(c) BASELINE.—(1) For purposes of this chapter, the initial submittal to Congress of the documents required by subsection (a) with respect to a major automated information system program shall constitute the original estimate or information originally submitted on such program for purposes of the reports and determinations on program changes in section 2445c of this title.

(2) An adjustment or revision of the original estimate or information originally submitted on a program may be treated as the original estimate or information originally submitted on the program if the adjustment or revision is the result of a critical change in the program covered by section 2445c(d) of this title.

(3) In the event of an adjustment or revision to the original estimate or information originally submitted on a program under paragraph (2), the Secretary of Defense shall include in the next budget justification documents submitted under

subsection (a) after such adjustment or revision a notification to the congressional defense committees of such adjustment or revision, together with the reasons for such adjustment or revision.

(d) ELEMENTS REGARDING OTHER MAJOR INFORMATION TECHNOLOGY INVESTMENT PROGRAMS.—With respect to each other major information technology investment program, the information required by subsection (a) may be provided in the format that is most appropriate to the current status of the program.

(Added Pub. L. 109-364, div. A, title VIII, §816(a)(1), Oct. 17, 2006, 120 Stat. 2323; amended Pub. L. 110-417, [div. A], title VIII, §812(b), Oct. 14, 2008, 122 Stat. 4525; Pub. L. 111-84, div. A, title VIII, §841(a), Oct. 28, 2009, 123 Stat. 2418; Pub. L. 111-383, div. A, title VIII, §805(b), Jan. 7, 2011, 124 Stat. 4259.)

#### AMENDMENTS

2011—Subsec. (b)(5), (6). Pub. L. 111-383 added pars. (5) and (6).

2009—Subsec. (b)(2). Pub. L. 111-84 substituted “full deployment decision, and full deployment” for “initial operational capability, and full operational capability”.

2008—Subsec. (a). Pub. L. 110-417, §812(b)(1), inserted “and each other major information technology investment program” after “each major automated information system program”.

Subsec. (b). Pub. L. 110-417, §812(b)(2), inserted “Regarding Major Automated Information System Programs” after “Elements” in heading.

Subsec. (d). Pub. L. 110-417, §812(b)(3), added subsec. (d).

#### § 2445c. Reports: quarterly reports; reports on program changes

(a) QUARTERLY REPORTS BY PROGRAM MANAGERS.—The program manager of a major automated information system program or other major information technology investment program shall, on a quarterly basis, submit to the senior Department of Defense official responsible for the program a written report identifying any variance in the projected development schedule, implementation schedule, life-cycle costs, or key performance parameters for the major automated information system or information technology investment to be acquired under the program from such information as originally submitted to Congress under section 2445b of this title.

(b) SENIOR OFFICIALS RESPONSIBLE FOR PROGRAMS.—For purposes of this section, the senior Department of Defense official responsible for a major automated information system program or other major information technology investment program is—

(1) in the case of an automated information system or information technology investment to be acquired for a military department, the senior acquisition executive for the military department; or

(2) in the case of any other automated information system or information technology investment to be acquired for the Department of Defense or any component of the Department of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(c) REPORT ON SIGNIFICANT CHANGES IN PROGRAM.—

(1) IN GENERAL.—If, based on a quarterly report submitted by the program manager of a major automated information system program pursuant to subsection (a), the senior Department of Defense official responsible for the program makes a determination described in paragraph (2), the official shall, not later than 45 days after receiving such report, notify the congressional defense committees in writing of such determination.

(2) COVERED DETERMINATION.—A determination described in this paragraph with respect to a major automated information system program is a determination that—

(A) there has been a schedule change that will cause a delay of more than six months but less than a year in any program schedule milestone or significant event from the schedule originally submitted to Congress under paragraph (1) or (2) of section 2445b(b) of this title;

(B) the estimated program development cost or full life-cycle cost for the program has increased by at least 15 percent, but less than 25 percent, over the original estimate submitted to Congress under paragraph (3) of section 2445b(b) of this title; or

(C) there has been a significant, adverse change in the expected performance of the major automated information system to be acquired under the program from the parameters originally submitted to Congress under paragraph (4) of section 2445b(b) of this title.

(d) REPORT ON CRITICAL CHANGES IN PROGRAM.—

(1) IN GENERAL.—If, based on a quarterly report submitted by the program manager of a major automated information system program or other major information technology investment program pursuant to subsection (a), the senior Department of Defense official responsible for the program makes a determination described in paragraph (2), the official shall, not later than 60 days after receiving such report—

(A) carry out an evaluation of the program under subsection (e); and

(B) submit, through the Secretary of Defense, to the congressional defense committees a report meeting the requirements of subsection (f).

(2) COVERED DETERMINATION.—A determination described in this paragraph with respect to a major automated information system program or other major information technology investment program is a determination that—

(A) the automated information system or information technology investment failed to achieve a full deployment decision within five years after the Milestone A decision for the program or, if there was no Milestone A decision, the date when the preferred alternative is selected for the program (excluding any time during which program activity is delayed as a result of a bid protest);

(B) there has been a schedule change that will cause a delay of one year or more in any program schedule milestone or significant event from the schedule originally submitted to Congress under paragraph (1) or (2) of