

118TH CONGRESS
2D SESSION

S. 5618

To promote defense innovation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 19 (legislative day, DECEMBER 16), 2024

Mr. WICKER introduced the following bill; which was read twice and referred
to the Committee on Armed Services

A BILL

To promote defense innovation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Fostering Reform and Government Efficiency in Defense
6 Act” or “FoRGED Act”.

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

Sec. 1. Short title; table of contents.
Sec. 101. Repeals of existing law to streamline the defense acquisition process.
Sec. 102. Modifications to current defense acquisition requirements.
Sec. 103. Automatic sunset for future statutory reporting requirements.

TITLE II—DEFENSE ACQUISITION ROLES, RESPONSIBILITIES,
AND ORGANIZATIONS

- Sec. 201. Transition of program executive officer role to portfolio acquisition executive.
- Sec. 202. Amendments to the Joint Requirements Oversight Council.
- Sec. 203. Matters relating to the Director of Cost Assessment and Program Evaluation.
- Sec. 204. Establishment of Joint Requirements and Programming Board.
- Sec. 205. Capstone requirements.

TITLE III—RAPID ACQUISITION AND COMMERCIAL CONTRACTING

- Sec. 301. Milestone A.
- Sec. 302. Modification to acquisition strategy.
- Sec. 303. Exemptions for nontraditional defense contractors.
- Sec. 304. Modifications to treatment of certain products and services as commercial products and commercial services.
- Sec. 305. Modification to nontraditional defense contractor definitions.
- Sec. 306. Alternative capability based pricing.
- Sec. 307. Modifications to certain procurement thresholds.
- Sec. 308. Modifications to commercial solutions openings.
- Sec. 309. Modifications to other transactions.
- Sec. 310. Modifications to commercial product and commercial service determinations by Department of Defense.
- Sec. 311. Commercially acceptable transaction and payment methods.
- Sec. 312. Transparency and accountability of contract awards.
- Sec. 313. Limitation on required flowdown of contract clauses to subcontractors providing commercial products or commercial services.
- Sec. 314. Modifications to relationship of other provisions of law to procurement of commercial products and commercial services.
- Sec. 315. Nontraditional defense contractor commercial solutions opening.
- Sec. 316. Program management office competition.
- Sec. 317. Middle tier of acquisition for rapid prototyping and rapid fielding.
- Sec. 318. Revision and codification of software acquisition pathways.
- Sec. 319. Modifications to steps to identify and address potential unfair competitive advantage of technical advisors to acquisition officials.
- Sec. 320. Modifications to procurement for experimental purposes.
- Sec. 321. Consumption-based solutions.

TITLE IV—PROMOTION OF COMPETITION IN THE DEFENSE INDUSTRIAL BASE

- Sec. 401. Program for enhancing secondary sources and supply chain management for the Department of Defense.
- Sec. 402. Administration of the industrial expansion program.

TITLE V—DEFENSE BUDGETING PROCESSES

- Sec. 501. Review of structure of the budget and appropriations for funding of defense acquisition programs.
- Sec. 502. Modifications to the Defense Modernization Account.
- Sec. 503. Amendments and repeals to budgetary requirements for defense acquisition.

1 **SEC. 101. REPEALS OF EXISTING LAW TO STREAMLINE THE**
2 **DEFENSE ACQUISITION PROCESS.**

3 (a) IN GENERAL.—The following provisions are here-
4 by repealed:

5 (1) Section 3067 of title 10, United States
6 Code.

7 (2) Section 3070 of title 10, United States
8 Code.

9 (3) Section 3072 of title 10, United States
10 Code.

11 (4) Section 874 of the National Defense Au-
12 thorization Act for Fiscal Year 2018 (Public Law
13 115–91; 10 U.S.C. note prec. 3101).

14 (5) Section 913 of the National Defense Au-
15 thorization Act for Fiscal Year 2018 (Public Law
16 115–91; 10 U.S.C. note prec. 3101).

17 (6) Section 810 of the National Defense Au-
18 thorization Act for Fiscal Year 2016 (Public Law
19 114–92; 10 U.S.C. note prec. 3101).

20 (7) Chapter 205 of title 10, United States
21 Code.

22 (8) Section 8669b of title 10, United States
23 Code.

24 (9) Section 8669c of title 10, United States
25 Code.

1 (10) Section 8688 of title 10, United States
2 Code.

3 (11) Section 8696 of title 10, United States
4 Code.

5 (12) Section 3135 of title 10, United States
6 Code.

7 (13) Section 3138 of title 10, United States
8 Code.

9 (14) Section 843 of the National Defense Au-
10 thorization Act for Fiscal Year 2013 (Public Law
11 112–239; 10 U.S.C. note prec. 3151).

12 (15) Section 3152 of title 10, United States
13 Code.

14 (16) Section 3153 of title 10, United States
15 Code.

16 (17) Section 3154 of title 10, United States
17 Code.

18 (18) Section 1281 of the National Defense Au-
19 thorization Act for Fiscal Year 2017 (Public Law
20 114–328; 10 U.S.C. 3153 note).

21 (19) Section 153 of the National Defense Au-
22 thorization Act for Fiscal Year 2024 (Public Law
23 118–31; 10 U.S.C. note prec. 3201).

24 (20) Subsections (a)–(c) of section 804 of the
25 Duncan Hunter National Defense Authorization Act

1 for Fiscal Year 2009 (Public Law 110–417; 122
2 Stat. 4356).

3 (21) Section 822 of the National Defense Au-
4 thorization Act for Fiscal Year 1996 (Public Law
5 104–106; 10 U.S.C. note prec. 3201).

6 (22) Section 892 of the National Defense Au-
7 thorization Act for Fiscal Year 2008 (Public Law
8 110–181; 10 U.S.C. 3201 note).

9 (23) Section 805 of the National Defense Au-
10 thorization Act for Fiscal Year 2004 (Public Law
11 108–136; 10 U.S.C. 3201 note).

12 (24) Section 823 of the National Defense Au-
13 thorization Act for Fiscal Year 2020 (Public Law
14 116–92; 10 U.S.C. 3204 note).

15 (25) Section 802 of the National Defense Au-
16 thorization Act for Fiscal Year 2020 (Public Law
17 116–92; 10 U.S.C. 3206 note).

18 (26) Section 3207 of title 10, United States
19 Code.

20 (27) Section 807 of the National Defense Au-
21 thorization Act for Fiscal Year 2018 (Public Law
22 115–91; 10 U.S.C. 3207 note).

23 (28) Section 3208 of title 10, United States
24 Code.

1 (29) Section 3222 of title 10, United States
2 Code.

3 (30) Section 3223 of title 10, United States
4 Code.

5 (31) Section 3224 of title 10, United States
6 Code.

7 (32) Section 3225 of title 10, United States
8 Code.

9 (33) Section 856 of the National Defense Au-
10 thorization Act for Fiscal Year 2024 (Public Law
11 118–31; 10 U.S.C. note prec. 3241).

12 (34) Section 1513 of the National Defense Au-
13 thorization Act for Fiscal Year 2024 (Public Law
14 118–31; 10 U.S.C. note prec. 3241).

15 (35) Section 219 of the James M. Inhofe Na-
16 tional Defense Authorization Act for Fiscal Year
17 2023 (Public Law 117–263; 10 U.S.C. note prec.
18 3241).

19 (36) Section 220 of the James M. Inhofe Na-
20 tional Defense Authorization Act for Fiscal Year
21 2023 (Public Law 117–263; 10 U.S.C. note prec.
22 3241).

23 (37) Section 334 of the National Defense Au-
24 thorization Act for Fiscal Year 2018 (Public Law
25 115–91; 10 U.S.C. note prec. 3241).

1 (38) Section 231 of the National Defense Au-
2 thorization Act for Fiscal Year 2017 (Public Law
3 114–328; 10 U.S.C. note prec. 3241).

4 (39) Section 852 of the Carl Levin and Howard
5 P. “Buck” McKeon National Defense Authorization
6 Act for Fiscal Year 2015 (Public Law 113–291; 10
7 U.S.C. note prec. 3241).

8 (40) Section 127 of the Ike Skelton National
9 Defense Authorization Act for Fiscal Year 2011
10 (Public Law 111–383; 10 U.S.C. note prec. 3241).

11 (41) Subsections (a)–(f) of section 866 of the
12 Ike Skelton National Defense Authorization Act for
13 Fiscal Year 2011 (Public Law 111–383; 10 U.S.C.
14 note prec. 3241).

15 (42) Section 143 of the Duncan Hunter Na-
16 tional Defense Authorization Act for Fiscal Year
17 2009 (Public Law 110–417; 10 U.S.C. note prec.
18 3241).

19 (43) Section 254 of the Duncan Hunter Na-
20 tional Defense Authorization Act for Fiscal Year
21 2009 (Public Law 110–417; 10 U.S.C. note prec.
22 3241).

23 (44) Section 886 of the National Defense Au-
24 thorization Act for Fiscal Year 2008 (Public Law
25 110–181; 10 U.S.C. note prec. 3241).

1 (45) Section 890 of the National Defense Au-
2 thorization Act for Fiscal Year 2008 (Public Law
3 110–181; 10 U.S.C. note prec. 3241).

4 (46) Subsections (a)–(c) of section 130 of the
5 John Warner National Defense Authorization Act
6 for Fiscal Year 2007 (Public Law 109–364; 10
7 U.S.C. note prec. 3241).

8 (47) Section 851 of the Ronald W. Reagan Na-
9 tional Defense Authorization Act for Fiscal Year
10 2005 (Public Law 108–375; 10 U.S.C. note prec.
11 3241).

12 (48) Subsection (a)–(c) of section 802 of the
13 National Defense Authorization Act for Fiscal Year
14 2004 (Public Law 108–136; 10 U.S.C. note prec.
15 3241).

16 (49) Section 314 of the Bob Stump National
17 Defense Authorization Act for Fiscal Year 2003
18 (Public Law 107–314; 10 U.S.C. note prec. 3241).

19 (50) Section 826 of the Floyd D. Spence Na-
20 tional Defense Authorization Act for Fiscal Year
21 2001 (Public Law 106–398; 10 U.S.C. note prec.
22 3241).

23 (51) Section 806 of the Strom Thurmond Na-
24 tional Defense Authorization Act for Fiscal Year

1 1999 (Public Law 105–261; 10 U.S.C. note prec.
2 3241).

3 (52) Section 797 of the Department of Defense
4 Appropriation Act, 1983 (96 Stat. 1865)(as enacted
5 into law by section 101(c) of the Further Continuing
6 Appropriations Act, 1983 (Public Law 97–377; 96
7 Stat. 1833).

8 (53) Section 3241 of title 10, United States
9 Code.

10 (54) Section 368 of the National Defense Au-
11 thorization Act for Fiscal Year 2012 (Public Law
12 112–81; 10 U.S.C. 3303 note).

13 (55) Section 818(a) of the National Defense
14 Authorization Act for Fiscal Year 2018 (Public Law
15 115–91; 10 U.S.C. 3304 note).

16 (56) Section 3247 of title 10, United States
17 Code.

18 (57) Section 3323 of title 10, United States
19 Code.

20 (58) Section 875 of the National Defense Au-
21 thorization Act for Fiscal Year 2022 (Public Law
22 117–81; 10 U.S.C. note prec. 3344).

23 (59) Section 822 of the John S. McCain Na-
24 tional Defense Authorization Act for Fiscal Year

1 2019 (Public Law 115–232; 10 U.S.C. note prec.
2 3344).

3 (60) Section 816 of the National Defense Au-
4 thorization Act for Fiscal Year 2006 (Public Law
5 109–163; 10 U.S.C. note prec. 3344).

6 (61) Section 809 of the National Defense Au-
7 thorization Act for Fiscal Year 2008 (Public Law
8 110–181; 10 U.S.C. note prec. 3371).

9 (62) Section 3371 of title 10, United States
10 Code.

11 (63) Section 3373 of title 10, United States
12 Code.

13 (64) Section 3374 of title 10, United States
14 Code.

15 (65) Section 883 of the James M. Inhofe Na-
16 tional Defense Authorization Act for Fiscal Year
17 2023 (Public Law 117–263; 10 U.S.C. 3372 note).

18 (66) Section 13004 of the Coronavirus Aid, Re-
19 lief, and Economic Security Act (Public Law 116–
20 136; 10 U.S.C. 3372 note).

21 (67) Section 3375 of title 10, United States
22 Code.

23 (68) Section 3455 of title 10, United States
24 Code.

1 (69) Section 803(a)(3) of the National Defense
2 Authorization Act for Fiscal Year 2022 (Public Law
3 117–81; 10 U.S.C. 3458).

4 (70) Section 8008 of the Department of De-
5 fense Appropriations Act, 1998 (Public Law 105–
6 56; 10 U.S.C. 3501).

7 (71) Section 318 of the National Defense Au-
8 thorization Act for Fiscal Year 2002 (Public Law
9 107–107; 10 U.S.C. note prec. 3671).

10 (72) Section 1018 of the John Warner National
11 Defense Authorization Act for Fiscal Year 2007
12 (Public Law 109–364; 10 U.S.C. note prec. 3671).

13 (73) Section 3678 of title 10, United States
14 Code.

15 (74) Section 133 of the Bob Stump National
16 Defense Authorization Act for Fiscal Year 2003
17 (Public Law 107–314; 10 U.S.C. 3678 note).

18 (75) Chapter 258 of title 10, United States
19 Code.

20 (76) Section 308 of the 2002 Supplemental Ap-
21 propriations Act for Further Recovery From and
22 Response To Terrorist Attacks on the United States
23 (Public Law 107–206, 10 U.S.C. 3678 note).

1 (77) Section 831 of the National Defense Au-
2 thorization Act for Fiscal Year 2013 (Public Law
3 112–239; 10 U.S.C. note prec. 3701).

4 (78) Section 817 of the Bob Stump National
5 Defense Authorization Act for Fiscal Year 2003
6 (Public Law 107–314; 10 U.S.C. note prec. 3701).

7 (79) Chapter 273 of title 10, United States
8 Code.

9 (80) Section 891 of the William M. (Mac)
10 Thornberry National Defense Authorization Act for
11 Fiscal Year 2021 (Public Law 116–283; 10 U.S.C.
12 3804 note).

13 (81) Section 231 of the National Defense Au-
14 thorization Act for Fiscal Year 2024 (Public Law
15 118–31; 10 U.S.C. 4001 note).

16 (82) Section 1544 of the National Defense Au-
17 thorization Act for Fiscal Year 2024 (Public Law
18 118–31; 10 U.S.C. 4001 note).

19 (83) Section 225 of the James M. Inhofe Na-
20 tional Defense Authorization Act for Fiscal Year
21 2023 (Public Law 117–263; 10 U.S.C. 4001 note).

22 (84) Section 233 of the James M. Inhofe Na-
23 tional Defense Authorization Act for Fiscal Year
24 2023 (Public Law 117–263; 10 U.S.C. 4001 note).

1 (85) Section 236 of the James M. Inhofe Na-
2 tional Defense Authorization Act for Fiscal Year
3 2023 (Public Law 117–263; 10 U.S.C. 4001 note).

4 (86) Section 1513 of the James M. Inhofe Na-
5 tional Defense Authorization Act for Fiscal Year
6 2023 (Public Law 117–263; 10 U.S.C. 4001 note).

7 (87) Section 226 of the National Defense Au-
8 thorization Act for Fiscal Year 2022 (Public Law
9 117–81; 10 U.S.C. 4001 note).

10 (88) Section 229 of the National Defense Au-
11 thorization Act for Fiscal Year 2022 (Public Law
12 117–81; 10 U.S.C. 4001 note).

13 (89) Section 380 of the National Defense Au-
14 thorization Act for Fiscal Year 2022 (Public Law
15 117–81; 10 U.S.C. 4001 note).

16 (90) Section 823 of the National Defense Au-
17 thorization Act for Fiscal Year 2022 (Public Law
18 117–81; 10 U.S.C. 4001 note).

19 (91) Section 833 of the National Defense Au-
20 thorization Act for Fiscal Year 2022 (Public Law
21 117–81; 10 U.S.C. 4001 note).

22 (92) Section 220 of the William M. (Mac)
23 Thornberry National Defense Authorization Act for
24 Fiscal Year 2021 (Public Law 116–283; 10 U.S.C.
25 4001 note).

1 (93) Section 226 of the William M. (Mac)
2 Thornberry National Defense Authorization Act for
3 Fiscal Year 2021 (Public Law 116–283; 10 U.S.C.
4 4001 note).

5 (94) Section 233 of the William M. (Mac)
6 Thornberry National Defense Authorization Act for
7 Fiscal Year 2021 (Public Law 116–283; 10 U.S.C.
8 4001 note).

9 (95) Section 236 of the William M. (Mac)
10 Thornberry National Defense Authorization Act for
11 Fiscal Year 2021 (Public Law 116–283; 10 U.S.C.
12 4001 note).

13 (96) Section 249 of the William M. (Mac)
14 Thornberry National Defense Authorization Act for
15 Fiscal Year 2021 (Public Law 116–283; 10 U.S.C.
16 4001 note).

17 (97) Section 223 of the National Defense Au-
18 thorization Act for Fiscal Year 2020 (Public Law
19 116–92; 10 U.S.C. 4001 note).

20 (98) Section 228 of the National Defense Au-
21 thorization Act for Fiscal Year 2020 (Public Law
22 116–92; 10 U.S.C. 4001 note).

23 (99) Section 229 of the National Defense Au-
24 thorization Act for Fiscal Year 2020 (Public Law
25 116–92; 10 U.S.C. 4001 note).

1 (100) Section 232 of the National Defense Au-
2 thorization Act for Fiscal Year 2020 (Public Law
3 116–92; 10 U.S.C. 4001 note).

4 (101) Section 227 of the John S. McCain Na-
5 tional Defense Authorization Act for Fiscal Year
6 2019 (Public Law 115–232; 10 U.S.C. 4001 note).

7 (102) Section 217 of the National Defense Au-
8 thorization Act for Fiscal Year 2018 (Public Law
9 115–91; 10 U.S.C. 4001 note).

10 (103) Section 1056 of the National Defense
11 Authorization Act for Fiscal Year 2016 (Public Law
12 114–92; 10 U.S.C. 4001 note).

13 (104) Section 802 of the Cooperative Threat
14 Reduction Act of 1993 (Public Law 103–160; 10
15 U.S.C. 4001 note).

16 (105) Section 231 of the National Defense Au-
17 thorization Act for Fiscal Year 2022 (Public Law
18 117–81; 10 U.S.C. 4007 note).

19 (106) Section 1603 of the National Defense
20 Authorization Act for Fiscal Year 2014 (Public Law
21 113–66; 10 U.S.C. 4007 note).

22 (107) Section 4010 of title 10, United States
23 Code.

1 (108) Section 222 of the John S. McCain Na-
2 tional Defense Authorization Act for Fiscal Year
3 2019 (Public Law 115–232; 10 U.S.C. 4014 note).

4 (109) Section 873 of the John S. McCain Na-
5 tional Defense Authorization Act for Fiscal Year
6 2019 (Public Law 115–232; 10 U.S.C. 4021 note).

7 (110) Section 13006 of the Coronavirus Aid,
8 Relief, and Economic Security Act (Public Law
9 116–136; 10 U.S.C. 4022 note).

10 (111) Section 1543 of the National Defense
11 Authorization Act for Fiscal Year 2024 (Public Law
12 118–31; 10 U.S.C. 4025 note).

13 (112) Section 1089 of the National Defense
14 Authorization Act for Fiscal Year 2018 (Public Law
15 115–91; 10 U.S.C. 4025 note).

16 (113) Section 4027 of title 10, United States
17 Code.

18 (114) Section 220 of the John S. McCain Na-
19 tional Defense Authorization Act for Fiscal Year
20 2019 (Public Law 115–232; 10 U.S.C. note prec.
21 4061).

22 (115) Section 230 of the John S. McCain Na-
23 tional Defense Authorization Act for Fiscal Year
24 2019 (Public Law 115–232; 10 U.S.C. note prec.
25 4061).

1 (116) Section 225 of the National Defense Au-
2 thorization Act for Fiscal Year 2018 (Public Law
3 115–91; 10 U.S.C. note prec. 4061).

4 (117) Section 812 of the National Defense Au-
5 thorization Act for Fiscal Year 2000 (Public Law
6 106–65; 10 U.S.C. note prec. 4061).

7 (118) Section 4066 of title 10, United States
8 Code.

9 (119) Section 4067 of title 10, United States
10 Code.

11 (120) Section 1708(b) of the William M. (Mac)
12 Thornberry National Defense Authorization Act for
13 Fiscal Year 2021 (Public Law 116–283; 10 U.S.C.
14 4092 note).

15 (121) Section 250 of the William M. (Mac)
16 Thornberry National Defense Authorization Act for
17 Fiscal Year 2021 (Public Law 116–283; 10 U.S.C.
18 4093 note).

19 (122) Sectional 1104(f) of the National Defense
20 Authorization Act for Fiscal Year 2006 (Public Law
21 109–163; 10 U.S.C. 4093 note).

22 (123) Section 4957 of title 10, United States
23 Code.

1 (124) Section 905 of the John S. McCain Na-
2 tional Defense Authorization Act for Fiscal Year
3 2019 (Public Law 115–232; 10 U.S.C. 4125 note).

4 (125) Section 235 of the National Defense Au-
5 thorization Act for Fiscal Year 2017 (Public Law
6 114–328; 10 U.S.C. 4126 note).

7 (126) Section 227 of the National Defense Au-
8 thorization Act for Fiscal Year 2024 (Public Law
9 118–31; 10 U.S.C. note prec. 4141).

10 (127) Section 252 of the National Defense Au-
11 thorization Act for Fiscal Year 2020 (Public Law
12 116–92; 10 U.S.C. note prec. 4141).

13 (128) Section 233 of the National Defense Au-
14 thorization Act for Fiscal Year 2017 (Public Law
15 114–328; 10 U.S.C. note prec. 4141).

16 (129) Section 4142 of title 10, United States
17 Code.

18 (130) Section 4143 of title 10, United States
19 Code.

20 (131) Section 843 of the John S. McCain Na-
21 tional Defense Authorization Act for Fiscal Year
22 2019 (Public Law 115–232; 10 U.S.C. note prec.
23 4171).

1 (132) Section 839 of the National Defense Au-
2 thorization Act for Fiscal Year 2018 (Public Law
3 115–91; 10 U.S.C. note prec. 4171).

4 (133) Section 242 of the National Defense Au-
5 thorization Act for Fiscal Year 2024 (Public Law
6 118–31; 10 U.S.C. note prec. 4172).

7 (134) Section 223 of the National Defense Au-
8 thorization Act for Fiscal Year 2022 (Public Law
9 117–81; 10 U.S.C. 4172 note).

10 (135) Section 1043 of the National Defense
11 Authorization Act for Fiscal Year 2010 (Public Law
12 111–84; 10 U.S.C. 4174 note).

13 (136) Section 828 of the National Defense Au-
14 thorization Act for Fiscal Year 2016 (Public Law
15 114–92; 10 U.S.C. note prec. 4201).

16 (137) Section 4203 of title 10, United States
17 Code.

18 (138) Section 4204 of title 10, United States
19 Code.

20 (139) Section 1676(b) of the National Defense
21 Authorization Act for Fiscal Year 2018 (Public Law
22 115–91; 10 U.S.C. 4205 note).

23 (140) Section 1683 of the National Defense
24 Authorization Act for Fiscal Year 2018 (Public Law
25 115–91; 10 U.S.C. 4205 note).

1 (141) Section 1685 of the National Defense
2 Authorization Act for Fiscal Year 2018 (Public Law
3 115–91; 10 U.S.C. 4205 note).

4 (142) Section 1686 of the National Defense
5 Authorization Act for Fiscal Year 2018 (Public Law
6 115–91; 10 U.S.C. 4205 note).

7 (143) Section 1688 of the National Defense
8 Authorization Act for Fiscal Year 2018 (Public Law
9 115–91; 10 U.S.C. 4205 note).

10 (144) Section 1681(b) of the National Defense
11 Authorization Act for Fiscal Year 2020 (Public Law
12 116–92; 10 U.S.C. 4205 note).

13 (145) Section 1687 of the National Defense
14 Authorization Act for Fiscal Year 2017 (Public Law
15 114–328; 10 U.S.C. 4205 note).

16 (146) Section 1689 of the National Defense
17 Authorization Act for Fiscal Year 2017 (Public Law
18 114–328; 10 U.S.C. 4205 note).

19 (147) Section 1692 of the National Defense
20 Authorization Act for Fiscal Year 2017 (Public Law
21 114–328; 10 U.S.C. 4205 note).

22 (148) Section 1618 of the National Defense
23 Authorization Act for Fiscal Year 2016 (Public Law
24 114–92; 10 U.S.C. 4205 note).

1 (149) Section 1675 of the National Defense
2 Authorization Act for Fiscal Year 2016 (Public Law
3 114–92; 10 U.S.C. 4205 note).

4 (150) Section 1680 of the National Defense
5 Authorization Act for Fiscal Year 2016 (Public Law
6 114–92; 10 U.S.C. 4205 note).

7 (151) Section 1681 of the National Defense
8 Authorization Act for Fiscal Year 2016 (Public Law
9 114–92; 10 U.S.C. 4205 note).

10 (152) Section 1682 of the National Defense
11 Authorization Act for Fiscal Year 2016 (Public Law
12 114–92; 10 U.S.C. 4205 note).

13 (153) Section 1684 of the National Defense
14 Authorization Act for Fiscal Year 2016 (Public Law
15 114–92; 10 U.S.C. 4205 note).

16 (154) Section 1684 of the National Defense
17 Authorization Act for Fiscal Year 2016 (Public Law
18 114–92; 10 U.S.C. 4205 note).

19 (155) Section 1687 of the National Defense
20 Authorization Act for Fiscal Year 2016 (Public Law
21 114–92; 10 U.S.C. 4205 note).

22 (156) Section 1662 of the Carl Levin and How-
23 ard P. “Buck” McKeon National Defense Authoriza-
24 tion Act for Fiscal Year 2015 (Public Law 113–291;
25 10 U.S.C. 4205 note).

1 (157) Section 1663 of the Carl Levin and How-
2 ard P. “Buck” McKeon National Defense Authoriza-
3 tion Act for Fiscal Year 2015 (Public Law 113–291;
4 10 U.S.C. 4205 note).

5 (158) Section 235 of the National Defense Au-
6 thorization Act for Fiscal Year 2014 (Public Law
7 113–66; 10 U.S.C. 4205 note).

8 (159) Section 237 of the National Defense Au-
9 thorization Act for Fiscal Year 2014 (Public Law
10 113–66; 10 U.S.C. 4205 note).

11 (160) Section 223(a)–(d) of the Ike Skelton
12 National Defense Authorization Act for Fiscal Year
13 2011 (Public Law 111–383; 10 U.S.C. 4205 note).

14 (161) Section 233 of the Duncan Hunter Na-
15 tional Defense Authorization Act for Fiscal Year
16 2009 (Public Law 110–417; 10 U.S.C. 4205 note).

17 (162) Section 223 of the John Warner National
18 Defense Authorization Act for Fiscal Year 2007
19 (Public Law 109–364; 10 U.S.C. 4205 note).

20 (163) Section 234 of the National Defense Au-
21 thorization Act for Fiscal Year 2006 (Public Law
22 109–163; 10 U.S.C. 4205 note).

23 (164) Section 232 of the Ronald W. Reagan
24 National Defense Authorization Act for Fiscal Year
25 2005 (Public Law 108–375; 10 U.S.C. 4205 note).

1 (165) Section 234 of the Ronald W. Reagan
2 National Defense Authorization Act for Fiscal Year
3 2005 (Public Law 108–375; 10 U.S.C. 4205 note).

4 (166) Section 224 of the Bob Stump National
5 Defense Authorization Act for Fiscal Year 2003
6 (Public Law 107–314; 10 U.S.C. 4205 note).

7 (167) Section 234 of the National Defense Au-
8 thorization Act for Fiscal Year 2002 (Public Law
9 107–107; 10 U.S.C. 4205 note).

10 (168) Section 3132 of the Floyd D. Spence Na-
11 tional Defense Authorization Act for Fiscal Year
12 2001 (Public Law 106–398; 10 U.S.C. 4205 note).

13 (169) Section 235 of the Cooperative Threat
14 Reduction Act of 1993 (Public Law 103–160; 10
15 U.S.C. 4205 note).

16 (170) Section 243 of the Cooperative Threat
17 Reduction Act of 1993 (Public Law 103–160; 10
18 U.S.C. 4205 note).

19 (171) Section 231 of the Armament Retooling
20 and Manufacturing Support Act of 1992 (Public
21 Law 102–484; 10 U.S.C. 4205 note).

22 (172) Section 224 of the Department of Energy
23 National Security and Military Applications of Nu-
24 clear Energy Authorization Act of 1988 (Public Law
25 100–180; 10 U.S.C. 4205 note).

1 (173) Section 227 of the Department of Energy
2 National Security and Military Applications of Nu-
3 clear Energy Authorization Act of 1988 (Public Law
4 100–180; 10 U.S.C. 4205 note).

5 (174) Section 213 of the Barry Goldwater
6 Scholarship and Excellence in Education Act (Public
7 Law 99–661; 10 U.S.C. 4205 note).

8 (175) Section 1252 of the Defense Procurement
9 Reform Act of 1984 (Public Law 98–525; 10 U.S.C.
10 4205 note).

11 (176) Section 8104 of the Department of De-
12 fense Appropriations Act, 1985 (10 U.S.C. 4205
13 note) (as enacted into law by section 101(h) of the
14 Joint Resolution entitled “Joint Resolution con-
15 tinuing appropriations for the fiscal year 1985, and
16 for other purposes”, approved October 12, 1984
17 (Public Law 98–473; 98 Stat. 1837).

18 (177) Section 208 of the Department of Energy
19 National Security and Military Applications of Nu-
20 clear Energy Authorization Act of 1988 (Public Law
21 100–180; 10 U.S.C. 4205 note).

22 (178) Section 802 of the Military Construction
23 Authorization Act, 1981 (Public Law 96–418; 10
24 U.S.C. 4205 note).

1 (179) Section 202 of the Department of De-
2 fense Authorization Act, 1981 (Public Law 96–342;
3 10 U.S.C. 4205 note).

4 (180) Section 202 of the Department of De-
5 fense Supplemental Appropriation Authorization
6 Act, 1979 (Public Law 96–29; 10 U.S.C. 4205
7 note).

8 (181) Section 608 of the Military Construction
9 Authorization Act, 1975 (Public Law 93–552; 10
10 U.S.C. 4205 note).

11 (182) Section 837 of the National Defense Au-
12 thorization Act for Fiscal Year 2018 (Public Law
13 115–91; 10 U.S.C. note prec. 4211).

14 (183) Section 812 of the Ike Skelton National
15 Defense Authorization Act for Fiscal Year 2011
16 (Public Law 111–383; 10 U.S.C. note prec. 4211).

17 (184) Section 806 of the National Defense Au-
18 thorization Act for Fiscal Year 2006 (Public Law
19 109–163; 10 U.S.C. note prec. 4211).

20 (185) Section 4212 of title 10, United States
21 Code.

22 (186) Section 4214 of title 10, United States
23 Code.

24 (187) Section 818(b)–(f) of the John Warner
25 National Defense Authorization Act for Fiscal Year

1 2007 (Public Law 109–364; 10 U.S.C. note prec.
2 4231).

3 (188) Section 4231 of title 10, United States
4 Code.

5 (189) Section 832 of the National Defense Au-
6 thorization Act for Fiscal Year 2020 (Public Law
7 116–92; 10 U.S.C. 4251 note).

8 (190) Section 802(d)(2) of the National De-
9 fense Authorization Act for Fiscal Year 2016 (Pub-
10 lic Law 114–92; 10 U.S.C. 4251 note).

11 (191) Section 838(a)(3)–(4) of the National
12 Defense Authorization Act for Fiscal Year 2018
13 (Public Law 115–91; 10 U.S.C. 4252 note).

14 (192) Section 1047(d) of the Duncan Hunter
15 National Defense Authorization Act for Fiscal Year
16 2009 (Public Law 110–417; 10 U.S.C. 4252 note).

17 (193) Subchapter IV of chapter 322 of title 10,
18 United States Code.

19 (194) Section 814 of the Duncan Hunter Na-
20 tional Defense Authorization Act for Fiscal Year
21 2009 (Public Law 110–417; 10 U.S.C. 4271 note).

22 (195) Section 925(b) of the National Defense
23 Authorization Act for Fiscal Year 2017 (Public Law
24 114–328; 10 U.S.C. 4271 note).

1 (196) Section 802 of the National Defense Au-
2 thorization Act for Fiscal Year 2008 (Public Law
3 110–181; 10 U.S.C. 4292 note).

4 (197) Section 4321 of title 10, United States
5 Code.

6 (198) Section 4323 of title 10, United States
7 Code.

8 (199) Section 4325 of title 10, United States
9 Code.

10 (200) Section 4328 of title 10, United States
11 Code.

12 (201) Section 812 of the John Warner National
13 Defense Authorization Act for Fiscal Year 2007
14 (Public Law 109–364; 10 U.S.C. 4325 note).

15 (202) Section 4372 of title 10, United States
16 Code.

17 (203) Section 4373 of title 10, United States
18 Code.

19 (204) Section 4376 of title 10, United States
20 Code.

21 (205) Section 4377 of title 10, United States
22 Code.

23 (206) Section 4402 of title 10, United States
24 Code.

1 (207) Subchapter II of chapter 327 of title 10,
2 United States Code.

3 (208) Section 224 of the National Defense Au-
4 thorization Act for Fiscal Year 2020 (Public Law
5 116–92; 10 U.S.C. note prec. 4501).

6 (209) Section 833 of the Ike Skelton National
7 Defense Authorization Act for Fiscal Year 2011
8 (Public Law 111–383; 10 U.S.C. note prec. 4501).

9 (210) Section 831(b) of the Ike Skelton Na-
10 tional Defense Authorization Act for Fiscal Year
11 2011 (Public Law 111–383; 10 U.S.C. note prec.
12 4501).

13 (211) Section 846 of the National Defense Au-
14 thorization Act for Fiscal Year 2013 (Public Law
15 112–239; 10 U.S.C. note prec. 4501).

16 (212) Section 863(a)–(h) of the Ike Skelton
17 National Defense Authorization Act for Fiscal Year
18 2011 (Public Law 111–383; 10 U.S.C. note prec.
19 4501).

20 (213) Section 808 of the National Defense Au-
21 thorization Act for Fiscal Year 2008 (Public Law
22 110–181; 10 U.S.C. note prec. 4501).

23 (214) Section 832 of the John Warner National
24 Defense Authorization Act for Fiscal Year 2007
25 (Public Law 109–364; 10 U.S.C. note prec. 4501).

1 (215) Section 4505 of title 10, United States
2 Code.

3 (216) Section 4506 of title 10, United States
4 Code.

5 (217) Section 883(e) of the National Defense
6 Authorization Act for Fiscal Year 2016 (Public Law
7 114–92; 10 U.S.C. note prec. 4571).

8 (218) Section 938 of the National Defense Au-
9 thorization Act for Fiscal Year 2014 (Public Law
10 113–66; 10 U.S.C. note prec. 4571).

11 (219) Section 1526 of the National Defense
12 Authorization Act for Fiscal Year 2024 (Public Law
13 118–31; 10 U.S.C. 4571 note).

14 (220) Section 221 of the James M. Inhofe Na-
15 tional Defense Authorization Act for Fiscal Year
16 2023 (Public Law 117–263; 10 U.S.C. 4571 note).

17 (221) Section 233 of the National Defense Au-
18 thorization Act for Fiscal Year 2022 (Public Law
19 117–81; 10 U.S.C. 4571 note).

20 (222) Section 224 of the William M. (Mac)
21 Thornberry National Defense Authorization Act for
22 Fiscal Year 2021(Public Law 116–283;10 U.S.C.
23 4571 note).

24 (223) Section 225 of the William M. (Mac)
25 Thornberry National Defense Authorization Act for

1 Fiscal Year 2021(Public Law 116–283;10 U.S.C.
2 4571 note).

3 (224) Section 835 of the William M. (Mac)
4 Thornberry National Defense Authorization Act for
5 Fiscal Year 2021(Public Law 116–283;10 U.S.C.
6 4571 note).

7 (225) Section 226 of the National Defense Au-
8 thorization Act for Fiscal Year 2020 (Public Law
9 116–92; 10 U.S.C. 4571 note).

10 (226) Section 231 of the National Defense Au-
11 thorization Act for Fiscal Year 2020 (Public Law
12 116–92; 10 U.S.C. 4571 note).

13 (227) Section 254 of the National Defense Au-
14 thorization Act for Fiscal Year 2020 (Public Law
15 116–92; 10 U.S.C. 4571 note).

16 (228) Section 255 of the National Defense Au-
17 thorization Act for Fiscal Year 2020 (Public Law
18 116–92; 10 U.S.C. 4571 note).

19 (229) Section 1651 of the National Defense
20 Authorization Act for Fiscal Year 2020 (Public Law
21 116–92; 10 U.S.C. 4571 note).

22 (230) Section 1755 of the National Defense
23 Authorization Act for Fiscal Year 2020 (Public Law
24 116–92; 10 U.S.C. 4571 note).

1 (231) Section 868 of the John S. McCain Na-
2 tional Defense Authorization Act for Fiscal Year
3 2019 (Public Law 115–232; 10 U.S.C. 4571 note).

4 (232) Section 1064 of the John S. McCain Na-
5 tional Defense Authorization Act for Fiscal Year
6 2019 (Public Law 115–232; 10 U.S.C. 4571 note).

7 (233) Section 1272 of the National Defense
8 Authorization Act for Fiscal Year 2018 (Public Law
9 115–91; 10 U.S.C. 4571 note).

10 (234) Section 854 of the Carl Levin and How-
11 ard P. ‘Buck’ McKeon National Defense Authoriza-
12 tion Act for Fiscal Year 2015 (Public Law 113–291;
13 10 U.S.C. 4571 note).

14 (235) Section 2867 of the National Defense
15 Authorization Act for Fiscal Year 2012 (Public Law
16 112–81; 10 U.S.C. 4571 note).

17 (236) Section 215 of the Ike Skelton National
18 Defense Authorization Act for Fiscal Year 2011
19 (Public Law 111–383; 10 U.S.C. 4571 note).

20 (237) Section 881 of the National Defense Au-
21 thorization Act for Fiscal Year 2008 (Public Law
22 110–181; 10 U.S.C. 4571 note).

23 (238) Section 804 of the Bob Stump National
24 Defense Authorization Act for Fiscal Year 2003
25 (Public Law 107–314; 10 U.S.C. 4571 note).

1 (239) Chapter 345 of title 10, United States
2 Code.

3 (240) Section 4703 of title 10, United States
4 Code.

5 (241) Section 334 of the National Defense Au-
6 thorization Act for Fiscal Year 2022 (Public Law
7 117–81; 10 U.S.C. 113 note).

8 (242) Section 378 of the National Defense Au-
9 thorization Act for Fiscal Year 2022 (Public Law
10 117–81; 10 U.S.C. 113 note).

11 (243) Section 846(a) of the William M. (Mac)
12 Thornberry National Defense Authorization Act for
13 Fiscal Year 2021 (Public Law 116–283; 10 U.S.C.
14 4811 note).

15 (244) Section 4813 of title 10, United States
16 Code.

17 (245) Section 4814 of title 10, United States
18 Code.

19 (246) Section 4815 of title 10, United States
20 Code.

21 (247) Section 4816 of title 10, United States
22 Code.

23 (248) Section 4173 of title 10, United States
24 Code.

1 (249) Section 2228 of title 10, United States
2 Code.

3 (250) Section 3249 of title 10, United States
4 Code.

5 (251) Section 932 of the Ike Skelton National
6 Defense Authorization Act for Fiscal Year 2011
7 (Public Law 111–383; 10 U.S.C. 2224 note).

8 (252) Section 849 of the National Defense Au-
9 thorization Act for Fiscal Year 2018 (Public Law
10 115–91; 131 Stat. 1487).

11 (253) Section 839 of the John S. McCain Na-
12 tional Defense Authorization Act for Fiscal Year
13 2019 (Public Law 115–232; 132 Stat. 1876).

14 (254) Section 387(c) of the National Defense
15 Authorization Act for Fiscal Year 1998 (Public Law
16 105–85, 10 U.S.C. 195 note).

17 (255) Section 804 of the National Defense Au-
18 thorization Act for Fiscal Year 2010 (Public Law
19 111–84; 123 Stat. 2402).

20 (256) Section 881 of the National Defense Au-
21 thorization Act for Fiscal Year 2016 (Public Law
22 114–92; 10 U.S.C. note prec. 4601).

23 (257) Section 802 of the Ronald W. Reagan
24 National Defense Authorization Act for Fiscal Year

1 2005 (Public Law 108–375; 10 U.S.C. note prec.
2 3062).

3 (258) Section 326 of the National Defense Au-
4 thorization Act for Fiscal Year 1993 (Public Law
5 102–484; 10 U.S.C. 3201 note).

6 (259) Section 913 of the Department of De-
7 fense Authorization Act, 1986 (Public Law 99–145;
8 10 U.S.C. note prec. 3201).

9 (260) Section 821 of the National Defense Au-
10 thorization Act for Fiscal Year 2008 (Public Law
11 110–181; 10 U.S.C. note prec. 3451).

12 (261) Section 207(a)–(c) of the Weapon Sys-
13 tems Acquisition Reform Act of 2009 (Public Law
14 111–23; 10 U.S.C. note prec. 4292).

15 (262) Section 824(a) of the Ike Skelton Na-
16 tional Defense Authorization Act for Fiscal Year
17 2011 (Public Law 111–383; 10 U.S.C. 3774 note).

18 (263) Section 805 of the National Defense Au-
19 thorization Act for Fiscal Year 2008 (Public Law
20 110–181; 10 U.S.C. note prec. 3451).

21 (264) Section 844(b) of the National Defense
22 Authorization Act for Fiscal Year 2016 (Public Law
23 114–92; 10 U.S.C. 3453 note).

1 (265) Section 328 of the National Defense Au-
2 thorization Act for Fiscal Year 2010 (Public Law
3 111–84; 10 U.S.C. 2458 note).

4 (266) Section 325 of the Ronald W. Reagan
5 National Defense Authorization Act for Fiscal Year
6 2005 (Public Law 108–375; 10 U.S.C. 2461 note).

7 (267) Section 356 of the National Defense Au-
8 thorization Act for Fiscal Year 1996 (Public Law
9 104–106; 10 U.S.C. 2461 note).

10 (268) Section 256 of the Duncan Hunter Na-
11 tional Defense Authorization Act for Fiscal Year
12 2009 (Public Law 110–417; 10 U.S.C. 4811 note).

13 (269) Section 238(b) of the National Defense
14 Authorization Act for Fiscal Year 2008 (Public Law
15 110–181; 10 U.S.C. 4841 note).

16 (270) Subtitle D of title II of the National De-
17 fense Authorization Act for Fiscal Year 2006 (Pub-
18 lic Law 109–163; 119 Stat. 3175).

19 (271) Section 8062 of the Department of De-
20 fense Appropriations Act, 2004 (Public Law 108–
21 87; 10 U.S.C. 4841 note).

22 (272) Section 214 of the National Defense Au-
23 thorization Act for Fiscal Year 2008 (Public Law
24 110–181; 10 U.S.C. 4841 note).

1 (273) Section 227 of the National Defense Au-
2 thorization Act for Fiscal Year 2020 (Public Law
3 116–92; 10 U.S.C. 4841 note).

4 (274) Section 215 of the James M. Inhofe Na-
5 tional Defense Authorization Act for Fiscal Year
6 2023 (Public Law 117–263; 10 U.S.C. 4841 note).

7 (275) Section 223 of the National Defense Au-
8 thorization Act for Fiscal Year 2024 (Public Law
9 118–31; 10 U.S.C. 4841 note).

10 (276) Section 846 of the John S. McCain Na-
11 tional Defense Authorization Act for Fiscal Year
12 2019 (Public Law 115–232; 10 U.S.C. 4811 note).

13 (277) Section 849 of the William M. (Mac)
14 Thornberry National Defense Authorization Act for
15 Fiscal Year 2021 (Public Law 116–283; 10 U.S.C.
16 4811 note).

17 (278) Section 847 of the National Defense Au-
18 thorization Act for Fiscal Year 2022 (Public Law
19 117–81; 10 U.S.C. 4811 note).

20 (279) Section 844 of the National Defense Au-
21 thorization Act for Fiscal Year 2022 (Public Law
22 117–81; 10 U.S.C. 4811 note).

23 (280) Section 8133 of the Department of De-
24 fense Appropriations Act, 2000 (Public Law 106–
25 79; 113 Stat. 1267).

1 (281) Section 867 of the National Defense Au-
 2 thorization Act for Fiscal Year 2022 (Public Law
 3 117–81; 10 U.S.C. 221 note).

4 (282) Section 322 of the National Defense Au-
 5 thorization Act for Fiscal Year 2017 (Public 114–
 6 328; 10 U.S.C. 2228 note).

7 (283) Section 813 of the National Defense Au-
 8 thorization Act for Fiscal Year 2024 (Public Law
 9 118–31; 10 U.S.C. 3458 note).

10 (284) Section 323 of the National Defense Au-
 11 thorization Act for Fiscal Year 2014 (Public Law
 12 113–66; 10 U.S.C. 4551).

13 (285) Section 218 of the William M. (Mac)
 14 Thornberry National Defense Authorization Act for
 15 Fiscal Year 2021 (Public Law 116–283; 10 U.S.C.
 16 8013 note).

17 (b) CLERICAL AMENDMENTS.—

18 (1) The table of sections at the beginning of
 19 chapter 131 of title 10, United States Code, is
 20 amended by striking the item related to section
 21 2228.

22 (2) The table of sections at the beginning of
 23 chapter 203 of title 10, United States Code, is
 24 amended by striking the items related to sections
 25 3067, 3070, and 3072.

1 (3) The table of sections at the beginning of
2 chapter 207 of title 10, United States Code, is
3 amended by striking the items related to sections
4 3135 and 3138.

5 (4) The table of sections at the beginning of
6 subchapter I of chapter 209 of title 10, United
7 States Code, is amended by striking the items re-
8 lated to sections 3152, 3153, and 3154.

9 (5) The table of sections at the beginning of
10 chapter 221 of title 10, United States Code, is
11 amended by striking the items related to sections
12 3207 and 3208.

13 (6) The table of sections at the beginning of
14 chapter 222 of title 10, United States Code, is
15 amended by striking the items related to sections
16 3222, 3223, 3224, and 3225.

17 (7) The table of sections at the beginning of
18 chapter 223 of title 10, United States Code, is
19 amended by striking the items related to sections
20 3241, 3247, and 3249.

21 (8) The table of sections at the beginning of
22 chapter 242 of title 10, United States Code, is
23 amended by striking the item related to section
24 3323.

1 (9) The table of sections at the beginning of
2 chapter 244 of title 10, United States Code, is
3 amended by striking the items related to sections
4 3371, 3373, 3374, and 3375.

5 (10) The table of sections at the beginning of
6 chapter 247 of title 10, United States Code, is
7 amended by striking the item related to section
8 3455.

9 (11) The table of sections at the beginning of
10 chapter 257 of title 10, United States Code, is
11 amended by striking the item related to section
12 3678.

13 (12) The table of sections at the beginning of
14 chapter 301 of title 10, United States Code, is
15 amended by striking the items related to sections
16 4010 and 4027.

17 (13) The table of sections at the beginning of
18 chapter 303 of title 10, United States Code, is
19 amended by striking the items related to sections
20 4066, 4067, 4142, and 4143.

21 (14) The table of sections at the beginning of
22 chapter 307 of title 10, United States Code, is
23 amended by striking the item related to section
24 4173.

1 (15) The table of sections at the beginning of
2 chapter 321 of title 10, United States Code, is
3 amended by striking the items related to sections
4 4203 and 4204.

5 (16) The table of sections at the beginning of
6 subchapter I of chapter 322 of title 10, United
7 States Code is amended by striking the item related
8 to section 4231.

9 (17) The table of sections at the beginning of
10 subchapter II of chapter 322 of title 10, United
11 States Code is amended by striking the items related
12 to sections 4212 and 4214.

13 (18) The table of subchapters at the beginning
14 of chapter 322 of title 10, United States Code is
15 amended by striking the item related to subchapter
16 IV.

17 (19) The table of sections at the beginning of
18 chapter 323 of title 10, United States Code is
19 amended by striking the item related to sections
20 4321, 4323, 4325, and 4328.

21 (20) The table of sections at the beginning of
22 chapter 325 of title 10, United States Code is
23 amended by striking the item related to sections
24 4372, 4373, 4376, and 4377.

1 (21) The table of subchapters at the beginning
2 of chapter 327 of title 10, United States Code is
3 amended by striking the item related to subchapter
4 II.

5 (22) The table of sections at the beginning of
6 subchapter I of chapter 327 of title 10, United
7 States Code is amended by striking the item related
8 to section 4402.

9 (23) The table of sections at the beginning of
10 chapter 341 of title 10, United States Code is
11 amended by striking the items related to sections
12 4505 and 4506.

13 (24) The table of chapters for part V of title
14 10, United States Code, is amended by striking the
15 items related to chapters 205, 258, 273, and 345.

16 (25) The table of sections at the beginning of
17 chapter 365 of title 10, United States Code is
18 amended by striking the item related to section
19 4703.

20 (26) The table of sections at the beginning of
21 chapter 382 of title 10, United States Code is
22 amended by striking the items related to sections
23 4813, 4814, 4815, and 4816.

24 (27) The table of sections at the beginning of
25 chapter 388 of title 10, United States Code, is

1 amended by striking the item related to section
2 4957.

3 (28) The table of sections at the beginning of
4 chapter 863 of title 10, United States Code, is
5 amended by striking the items related to sections
6 8669b, 8669c, 8688, and 8696.

7 **SEC. 102. MODIFICATIONS TO CURRENT DEFENSE ACQUI-**
8 **SITION REQUIREMENTS.**

9 (a) MODIFICATIONS TO TITLE 40.—Section 11101 of
10 title 40, United States Code, is amended by striking para-
11 graph (2) and inserting the following:

12 “(2) EXECUTIVE AGENCY.—The term ‘executive
13 agency’ means—

14 “(A) an executive department specified in
15 section 101 of title 5, other than the Depart-
16 ment of Defense;

17 “(B) an independent establishment as de-
18 fined in section 104(1) of title 5; and

19 “(C) a wholly owned Government corpora-
20 tion fully subject to chapter 91 of title 31.”.

21 (b) MODIFICATIONS TO TITLE 10.—Title 10, United
22 States Code, is amended—

23 (1) in section 2222—

24 (A) by striking subsections (e) through (g);

25 and

1 (B) by redesignating subsections (h) and
 2 (i) as subsections (e) and (f), respectively; and
 3 (C) in subsection (f), as redesignated by
 4 subparagraph (B) by striking paragraphs (9),
 5 (10), and (11);
 6 (2) in section 3012(3)(B), by striking “lowest
 7 overall cost alternative” and inserting “best value”;
 8 (3) in section 3069—
 9 (A) in subsection (a), by striking “if that
 10 head of an agency” and all that follows through
 11 “a complete end item”;
 12 (B) by striking subsections (b) through
 13 (d); and
 14 (C) by redesignating subsection (e) as sub-
 15 section (b);
 16 (4) in section 3204—
 17 (A) in subsection (a)—
 18 (i) by redesignating paragraphs (2)
 19 through (7) as paragraphs (3) through (8),
 20 respectively;
 21 (ii) by inserting after paragraph (1),
 22 the following:
 23 “(2) market research indicates that the prop-
 24 erty or service needed by the agency provides dif-

ferentiated capabilities, accelerated delivery schedules, or continuous improvements;”.

(B) by striking subsections (b), (c), (d), and (g);

(C) by redesignating subsections (e) and (f) as subsections (b) and (c), respectively;

(D) in subsection (b), as redesignated by subparagraph (C)—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking “and certifies the accuracy and completeness of the justification” and inserting “in a manner that provides an accurate and complete justification”; and

(II) in subparagraph (B)—

(aa) by striking “\$10,000,000” each place it appears and inserting “\$100,000,000”;

(bb) in clause (i), by striking “\$500,000” and inserting “\$10,000,000”; and

1 (cc) in clause (iii), by strik-
 2 ing “\$75,000,000” and inserting
 3 “\$500,000,000”;

4 (ii) in paragraph (3), by striking “by
 5 subsection (a)(2)” and inserting “by para-
 6 graphs (3) or (4)(A) of subsection (a)”;
 7 and

8 (iii) in paragraph (4)—

9 (I) in subparagraph (C), by strik-
 10 ing “subsection (a)(7)” and inserting
 11 “subsection (a)(8)”; and

12 (II) in subparagraph (E), by
 13 striking “subsection (a)(4)” and in-
 14 serting “subsection (a)(5)”; and

15 (E) in paragraph (1) of subsection (c), as
 16 redesignated by subparagraph (C)—

17 (i) in subparagraph (A), by striking
 18 “subsection (e)(1)” and inserting “sub-
 19 section (b)(1)”; and

20 (ii) in subparagraph (B), by striking
 21 “subsection (a)(2)” and inserting “sub-
 22 section (a)(3)”;

23 (5) in section 3226—

1 (A) in subsection (a), by striking “and
 2 other program purposes conducted pursuant to
 3 subsection (b)(6) of such section”; and

4 (B) by striking subsection (d);
 5 (6) in section 3243(d)—

6 (A) by striking paragraph (2);

7 (B) by redesignating paragraph (3) as
 8 paragraph (2); and

9 (C) in paragraph (1)(B), by striking “sub-
 10 ject to paragraph (2),”;

11 (7) in section 3374, by inserting “with signifi-
 12 cant contract financing” after “undefinitized con-
 13 tractual action” each place it appears.;

14 (8) in section 3601(c)(3)—

15 (A) in subparagraph (A), by striking “Sub-
 16 ject to subparagraph (C), in any” and inserting
 17 “In any”;

18 (B) in subparagraph (B), by striking “ac-
 19 quire capability” and all that follows through
 20 “\$50,000,000 during any fiscal year” and in-
 21 serting “acquire capability in an amount aggre-
 22 gating not more than \$3,000,000,000”; and

23 (C) by striking subparagraph (C);

24 (9) in section 3703—

1 (A) in subsection (a)(1)(A), by striking
 2 “that results in at least two or more responsive
 3 and viable competing bids”;

4 (B) in subsection (c), by striking “or 5
 5 percent” and inserting “or 25 percent”; and

6 (C) in subsection (f), by striking “under
 7 subsection (a)(1) from such requirement” and
 8 inserting “from such requirement under para-
 9 graphs (1) or (2) of subsection (a)”;
 10 (10) in section 3705—

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

12 (B) by redesignating subsection (c) as sub-
 13 section (b);

14 (11) by amending section 3774 to read as fol-
 15 lows:

16 **“§ 3774. Preference for specially negotiated licenses**

17 “The Secretary of Defense shall, to the maximum ex-
 18 tent practicable, negotiate and enter into a contract with
 19 a contractor for a specially negotiated license for technical
 20 data to support the product support strategy of a major
 21 weapon system or subsystem of a major weapon system.”;

22 (12) in the table of sections for subchapter I of
 23 chapter 275, by striking the item relating to section
 24 3774 and inserting the following new item:

“3774. Preference for specially negotiated licenses.”;

(13) in section 3805(c), by striking “15 percent” and inserting “50 percent”;

(14) in section 4201—

(A) in subsection (a)(2)—

(i) in subparagraph (A), by striking “\$300,000,000 (based on fiscal year 1990 constant dollars)” and inserting “\$1,000,000,000 (based on fiscal year 2024 constant dollars)”; and

(ii) in subparagraph (B), by striking “\$1,800,000,000 (based on fiscal year 1990 constant dollars)” and inserting “\$5,000,000,000 (based on fiscal year 2024 constant dollars)”; and

(B) in subsection (b), by adding at the end the following:

“(3) An acquisition program for a defense software program as described by section 800 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 4571 note).”;

(15) in section 4202(a)(2)—

(A) by striking subparagraph (B); and

(B) redesignating subparagraphs (C) and

(D) as subparagraphs (B) and (C), respectively;

1 (16) in section 4882, by striking “the Presi-
 2 dent, through the head of any department” each
 3 place it appears and inserting “the Secretary of De-
 4 fense”;

5 (17) in section 4884, by striking “The Presi-
 6 dent” and inserting “The Secretary of Defense”;
 7 and

8 (18) in section 8683—

9 (A) in subsection (a)—

10 (i) in paragraph (1), by striking “(1)
 11 Appropriations” and inserting “Appropria-
 12 tions”; and

13 (ii) by striking paragraph (2); and

14 (B) in subsection (c), by striking
 15 “\$10,000,000” and inserting “\$50,000,000”.

16 (c) MODIFICATIONS TO NATIONAL DEFENSE AU-
 17 THORIZATION ACTS.—

18 (1) Section 229(c)(2)(A)(ii) of the National De-
 19 fense Authorization Act for Fiscal Year 2024 (Pub-
 20 lic Law 118–31; 10 U.S.C. 3601 note) is amended
 21 by striking “\$100,000,000” and inserting
 22 “\$300,000,000”.

23 (2) Section 890 of the John S. McCain Na-
 24 tional Defense Authorization Act for Fiscal Year

1 2019 (Public Law 115–232; 10 U.S.C. note prec.
2 3701) is amended—

3 (A) in subsection (b)(2), by striking “mini-
4 mal reporting” and inserting “no unique report-
5 ing”; and

6 (B) by striking subsection (d).

7 (3) Section 873 of the National Defense Au-
8 thorization Act for Fiscal Year 2016 (Public Law
9 114–92; 10 U.S.C. 3702 note) is amended—

10 (A) in subsection (a)—

11 (i) by striking “valued at less than
12 \$7,500,000”; and

13 (ii) by striking “pursuant to” and all
14 that follows through “Transfer Program,”;

15 (B) in subsection (b), by striking “pursu-
16 ant to” and all that follows through “Research
17 Program,”;

18 (C) by striking subsections (c) and (f); and

19 (D) by redesignating subsections (d), (e),
20 and (g) as subsection (c), (d), and (e), respec-
21 tively.

1 **SEC. 103. AUTOMATIC SUNSET FOR FUTURE STATUTORY**
2 **REPORTING REQUIREMENTS.**

3 (a) IN GENERAL.—Chapter 23 of title 10, United
4 States Code, is amended by inserting after section 480 the
5 following new section:

6 **“§ 480a. Reports to Congress: Termination of indefi-**
7 **nite-duration reports after five years**

8 “(a) IN GENERAL.—Any provision of law enacted
9 after the date of the enactment of this section that in-
10 cludes an indefinite-duration report requirement shall
11 cease to be effective, with respect to that requirement, five
12 years after the date of the enactment of that provision
13 of law unless that provision of law expressly states that
14 this section is inapplicable to that requirement or that pro-
15 vision of law.

16 “(b) INDEFINITE-DURATION REPORT REQUIREMENT
17 DEFINED.—In this section, the term ‘indefinite-duration
18 report requirement’ means a requirement in any provision
19 of law for the Secretary of Defense (or any other officer
20 or employee of the Department of Defense) to submit to
21 Congress (or any committee of Congress) a periodic report
22 for which the law does not—

23 “(1) state a specific period of time as the pe-
24 riod during which that report is required to be sub-
25 mitted or that provision of law is in effect; or

1 “(2) state a specific termination date for the re-
 2 quirement to submit the report or for that provision
 3 of law.

4 “(c) PERIODIC REPORT DEFINED.—In this section,
 5 the term ‘periodic report’ means a report required to be
 6 submitted on an annual, semiannual, or other regular peri-
 7 odic basis.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
 9 at the beginning of such chapter is amended by inserting
 10 after the item relating to section 480 the following new
 11 item:

“480a. Reports to Congress: Termination of indefinite-duration reports after five
 years.”.

12 **TITLE II—DEFENSE ACQUI-** 13 **TION ROLES, RESPONSIBIL-** 14 **ITIES, AND ORGANIZATIONS**

15 **SEC. 201. TRANSITION OF PROGRAM EXECUTIVE OFFICER** 16 **ROLE TO PORTFOLIO ACQUISITION EXECU-** 17 **TIVE.**

18 (a) DEFINITION.—Section 1737(a) of title 10, United
 19 States Code, is amended by striking paragraph (4) and
 20 inserting the following:

21 “(4) The term ‘portfolio acquisition executive’
 22 means the primary stakeholder and member of the
 23 acquisition workforce with overall management of re-
 24 quirements, programming, and acquisition of defense

1 acquisition programs assigned by the service acquisi-
 2 tion executive or component acquisition executive
 3 and shall have all the necessary officials and func-
 4 tional support directly under the control portfolio ac-
 5 quisition executive, including responsibility for per-
 6 formance evaluations, to the maximum extent prac-
 7 ticable to develop, procure, and transition programs
 8 into an operational capability.”.

9 (b) CRITICAL ACQUISITION POSITIONS.—Section
 10 1731(a)(1)(B)(i) of title 10, United States Code, is
 11 amended by striking “Program executive officer” and in-
 12 serting “Portfolio acquisition executive”.

13 (c) POSITION QUALIFICATIONS.—Section 1735(c) of
 14 title 10, United States Code, is amended—

15 (1) in the subsection heading, by striking “PRO-
 16 GRAM EXECUTIVE OFFICERS” and inserting “PORT-
 17 FOLIO ACQUISITION EXECUTIVE”; and

18 (2) by striking “program executive officer” and
 19 inserting “portfolio acquisition executive”.

20 (d) GOVERNMENT PERFORMANCE OF CERTAIN AC-
 21 QUISITION FUNCTIONS.—Section 1706(a) of title 10,
 22 United States Code, is amended—

23 (1) in paragraph (1), by striking “Program ex-
 24 ecutive officer” and inserting “Portfolio acquisition
 25 executive”; and

1 (2) in paragraph (2), by striking “Deputy pro-
 2 gram executive officer” and inserting “Deputy port-
 3 folio acquisition executive”.

4 (e) DUTIES RELATED TO CADRE OF INTELLECTUAL
 5 PROPERTY EXPERTS.—Section 1707(c) of title 10, United
 6 States Code, is amended by striking “program executive
 7 officer” and inserting “portfolio acquisition executive”.

8 (f) PORTFOLIO ACQUISITION EXECUTIVE OFFICE .—
 9 Section 1509 of the James M. Inhofe National Defense
 10 Authorization Act for Fiscal Year 2023 (Public Law 117–
 11 263; 10 U.S.C. 167b) is amended—

12 (1) by striking “program executive office” each
 13 place that it appears and inserting “portfolio acqui-
 14 sition executive office”; and

15 (2) in subsection (c), by striking “PROGRAM
 16 EXECUTIVE OFFICE” in the subsection heading and
 17 inserting “PORTFOLIO ACQUISITION EXECUTIVE OF-
 18 FICE”.

19 (g) TECHNOLOGY RELEASE AND FOREIGN DISCLO-
 20 SURE REFORM INITIATIVE.—Section 918(a)(2)(D)(ii) of
 21 the National Defense Authorization Act for Fiscal Year
 22 2024 (Public Law 118–31; 10 U.S.C. 301 note) is amend-
 23 ed by striking “program executive officer” and inserting
 24 “portfolio acquisition executive”.

1 (h) SOFTWARE DEVELOPMENT AND SOFTWARE AC-
 2 QUISSION TRAINING AND MANAGEMENT PROGRAMS.—
 3 Section 862 of the National Defense Authorization Act for
 4 Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 1741
 5 note) is amended—

6 (1) in subsection (a)(2)(A), by striking “pro-
 7 gram executive officers” and inserting “portfolio ac-
 8 quisition executives”; and

9 (2) in subsection (c)(1)—

10 (A) in the paragraph heading, by striking
 11 “PROGRAM EXECUTIVE OFFICER” and inserting
 12 “PORTFOLIO ACQUISITION EXECUTIVE”; and

13 (B) by striking “program executive officer”
 14 and inserting “portfolio acquisition executive”.

15 (i) AUTHORITY TO ESTABLISH DIFFERENT MIN-
 16 IMUM REQUIREMENTS.—Section 1764(b)(2) of title 10,
 17 United States Code, is amended by striking “Program ex-
 18 ecutive officer” and inserting “Portfolio acquisition execu-
 19 tive”.

20 (j) PRIZES FOR ADVANCED TECHNOLOGY ACHIEVE-
 21 MENTS.—Section 4025(g)(2)(C) of title 10, United States
 22 Code, is amended by striking “program executive11 offi-
 23 cer” both places it appears and inserting “portfolio acqui-
 24 sition executive”.

1 (k) RATING CHAINS FOR SYSTEM PROGRAM MAN-
 2 AGERS.—Section 323 of the National Defense Authoriza-
 3 tion Act for Fiscal Year 2013 (Public Law 112–239; 126
 4 Stat. 1696) is amended by striking “program executive
 5 officer” and inserting “portfolio acquisition executive”.

6 (l) SPACE SYSTEM ACQUISITION AND THE ADAPTIVE
 7 ACQUISITION FRAMEWORK.—Section 807 of the William
 8 M. (Mac) Thornberry National Defense Authorization Act
 9 for Fiscal Year 2021 (Public Law 116–283; 10 U.S.C.
 10 9081 note) is amended—

11 (1) in subsection (b)(1)—

12 (A) in the paragraph heading, by striking
 13 “PROGRAM EXECUTIVE OFFICER” and inserting
 14 “PORTFOLIO ACQUISITION EXECUTIVE”; and

15 (B) by striking “program executive officer”
 16 and inserting “portfolio acquisition executive”;
 17 and

18 (2) in subsection (e)(6)—

19 (A) in the paragraph heading, by striking
 20 “PROGRAM EXECUTIVE OFFICER” and inserting
 21 “PORTFOLIO ACQUISITION EXECUTIVE”; and

22 (B) by striking “program executive officer”
 23 and inserting “portfolio acquisition executive”.

1 **SEC. 202. AMENDMENTS TO THE JOINT REQUIREMENTS**
2 **OVERSIGHT COUNCIL.**

3 (a) MODIFIED RESPONSIBILITIES.—Section 181 of
4 title 10, United States Code, is amended—

5 (1) in subsection (b)—

6 (A) in paragraph (1), by striking “, ap-
7 proving, and prioritizing”;

8 (B) in paragraph (2), by striking “validate
9 joint requirements” and inserting “review joint
10 requirements”;

11 (C) in paragraph (3), by striking “and
12 validating”;

13 (D) in paragraph (4), by striking “and ap-
14 proving”;

15 (E) in paragraph (5), by striking the semi-
16 colon at the end and inserting “; and”;

17 (F) in paragraph (6), by striking “; and”
18 and inserting a period; and

19 (G) by striking paragraph (7);

20 (2) in subsection (c)(3), by striking “provide
21 the chairman any dissenting view of members of the
22 council under paragraph (1) with respect to such
23 recommendation” and inserting “first seek concur-
24 rence from the Joint Requirements and Program-
25 ming Board of the Department of Defense”.

1 (2) in subsection (e), by striking “, except for
2 performance requirements specified in subsections
3 (b)(4) and (b)(5),”.

4 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

5 (1) Section 225(b)(2)(C)(ii) of title 10, United States
6 Code, is amended by striking “approved” and inserting
7 “reviewed”.

8 (2) Section 3136(e)(1)(A) of title 10, United States
9 Code, is amended—

10 (A) by striking “in excess of—” and all that
11 follows through “(i) a specific limitation” and insert-
12 ing “in excess of a specific limitation”; and

13 (B) by striking clause (ii).

14 **SEC. 203. MATTERS RELATING TO THE DIRECTOR OF COST**
15 **ASSESSMENT AND PROGRAM EVALUATION.**

16 (a) ROLE.—Section 139a of title 10, United States
17 Code, is amended—

18 (1) in subsection (b)(2), by striking “without
19 obtaining the approval or concurrence of any other
20 official within the Department of Defense” and in-
21 serting “only with concurrence from the Joint Re-
22 quirements and Programming Board of the Depart-
23 ment of Defense”; and

1 (2) in subsection (d)(4), by striking “ and per-
 2 formance of such analyses, as directed by the Sec-
 3 retary of Defense”.

4 (b) FUNCTIONS.—Section 3221(b) of title 10, United
 5 States Code, is amended—

6 (1) by striking paragraph (6); and

7 (2) by redesignating paragraphs (7) and (8) as
 8 paragraphs (6) and (7), respectively.

9 (c) ANNUAL AIRCRAFT PROCUREMENT PLAN.—Sec-
 10 tion 231a(c)(2) of title 10, United States Code, is amend-
 11 ed—

12 (1) by striking subparagraph (E); and

13 (2) by redesignating subparagraph (F) as sub-
 14 paragraph (E).

15 **SEC. 204. ESTABLISHMENT OF JOINT REQUIREMENTS AND**
 16 **PROGRAMMING BOARD.**

17 (a) IN GENERAL.—Chapter 7 of title 10, United
 18 States Code, is amended by inserting after section 185 the
 19 following new section:

20 **“§ 186. Joint Requirements and Programming Board**

21 “(a) ESTABLISHMENT.—There is established in the
 22 Department of Defense a Joint Requirements and Pro-
 23 gramming Board (in this section referred to as the
 24 ‘Board’).

1 “(b) LEADERSHIP.—The Director of Cost Assess-
 2 ment and Program Evaluation and the Chairman of the
 3 Joint Requirements Oversight Council shall serve as co-
 4 chairpersons of the Board.

5 “(c) RESPONSIBILITIES.—The Board shall—

6 “(1) be the forum through which shall be exer-
 7 cised all duties and responsibilities of—

8 “(A) the Joint Requirements Oversight
 9 Council with respect to joint military capabili-
 10 ties requirements; and

11 “(B) the Director of Cost Assessment and
 12 Program Evaluation with respect to program
 13 evaluation;

14 “(2) be the forum for the review for rec-
 15 ommendation of—

16 “(A) all requirements documents referred
 17 to the Joint Requirements Oversight Council;
 18 and

19 “(B) all program issue papers referred to
 20 the Director of Cost Assessment and Program
 21 Evaluation; and

22 “(3) be the single point of interface—

23 “(A) between the Chairman of the Joint
 24 Requirements Oversight Council and the Chair-
 25 man of the Joint Chiefs of Staff with respect to

1 recommendations relating to joint military ca-
2 pabilities requirements under section 181 of
3 this title; and

4 “(B) between the Director of Cost Assess-
5 ment and Program Evaluation and the Deputy
6 Secretary of Defense and the Secretary of De-
7 fense with respect to functions described in sec-
8 tion 139a of this title.

9 “(d) RECOMMENDATIONS.—

10 “(1) MAJORITY VOTE REQUIRED.—The Board
11 shall make a recommendation with respect to an
12 issue only if the recommendation is agreed to by a
13 majority vote of the members of the functional com-
14 mittees established under subsection (e)(2).

15 “(2) STATUS OF RECOMMENDATIONS.—A rec-
16 ommendation agreed to as described in paragraph
17 (1) shall be treated as an official policy rec-
18 ommendation of the Board unless the executive com-
19 mittee established under subsection (e)(1) unani-
20 mously votes to reject the recommendation.

21 “(3) DISSENTING OPINIONS.—The co-chair-
22 persons of the Board may write dissenting opinions
23 to accompany a recommendation of the Board
24 agreed to as described in paragraph (1) for consider-

1 ation by the Deputy Secretary of Defense or the
2 Secretary of Defense.

3 “(e) ORGANIZATION.—The Board shall be composed
4 of—

5 “(1) an executive committee that supports the
6 co-chairpersons in carrying out their responsibilities;
7 and

8 “(2) functional committees established by the
9 co-chairpersons to consider portfolios of joint mili-
10 tary capabilities, mission areas, or functions in
11 terms of their requirements, programs, and
12 resourcing.

13 “(f) MEMBERSHIP.—

14 “(1) EXECUTIVE COMMITTEE.—The executive
15 committee established under subsection (e)(1) shall
16 be composed of the co-chairpersons of the Board and
17 all other members of the Joint Requirements Over-
18 sight Council.

19 “(2) FUNCTIONAL COMMITTEES.—Each func-
20 tional committee established under subsection (e)(2)
21 shall be composed of—

22 “(A) one member designated by each port-
23 folio acquisition executive or similar portfolio
24 manager who is likely to execute a rec-

1 commendation made by the functional com-
2 mittee;

3 “(B) one member designated by each com-
4 mander of a combatant command, if matters re-
5 lated to the area of responsibility or functions
6 of that command are likely to be considered by
7 the functional committee;

8 “(C) one member designated by the Direc-
9 tor of Cost Assessment and Program Evalua-
10 tion; and

11 “(D) one member designated by the Chair-
12 man of the Joint Requirements Oversight
13 Council.

14 “(g) PROCEDURES.—

15 “(1) IDENTIFICATION AND PRIORITIZATION OF
16 ISSUES.—

17 “(A) IN GENERAL.—The co-chairpersons
18 of the Board are responsible for identifying and
19 prioritizing issues to be considered by each of
20 the functional committees established under
21 subsection (e)(2).

22 “(B) NOMINATION OF ISSUES.—Any mem-
23 ber of the executive committee or a functional
24 committee established under subsection (e) may

1 nominate an issue for consideration by the co-
2 chairpersons under subparagraph (A).

3 “(2) QUORUM FOR FUNCTIONAL COMMIT-
4 TEES.—

5 “(A) IN GENERAL.—For a meeting of a
6 functional committee established under sub-
7 section (e)(2) to have a quorum—

8 “(i) two-thirds of the members of the
9 functional committee are required to be
10 present or voting by proxy; and

11 “(ii) both members identified in sub-
12 paragraphs (C) and (D) of subsection
13 (f)(2), and any member described in sub-
14 section (f)(2)(A) with responsibility for
15 execution related to the issue under consid-
16 eration, are required to be present or vot-
17 ing by proxy.

18 “(B) QUORUM AND VOTES BY PROXY.—
19 Any member described in subsection (f)(2) may
20 establish a quorum or vote by proxy.

21 “(h) SUPPORT.—The Secretary of Defense shall en-
22 sure that the executive committee established under sub-
23 section (e)(1) has adequate staff directly responsible to the
24 co-chairpersons of the Board to assist in identifying, re-

1 viewing, coordinating, and analyzing all matters brought
2 before the Board.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 for such title is amended by inserting after the item relat-
5 ing to section 185 the following new item:

“186. Joint Requirements and Programming Board.”.

6 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

7 (1) JOINT REQUIREMENTS OVERSIGHT COUN-
8 CIL.—Section 181(b) of such title is amended, in the
9 matter preceding paragraph (1), by inserting “, sub-
10 ject to section 186 of this title,” after “shall assist”.

11 (2) DIRECTOR OF COST ASSESSMENT AND PRO-
12 GRAM EVALUATION.—Section 139a of such title is
13 amended—

14 (A) in subsection (b)—

15 (i) in paragraph (1)—

16 (I) in the matter preceding sub-
17 paragraph (A), by inserting “, subject
18 to section 186 of this title,” after
19 “shall provide”; and

20 (II) in subparagraph (A), by
21 striking “section 2334” and inserting
22 “section 3221”; and

23 (ii) in paragraph (2), by striking “The
24 Director” and inserting “Subject to section
25 186 of this title, the Director”; and

1 (B) in subsection (d)—

2 (i) in paragraph (1), by striking “sec-
3 tion 2334” and inserting “section 3221”;
4 and

5 (ii) by striking paragraph (9).

6 **SEC. 205. CAPSTONE REQUIREMENTS.**

7 (a) IN GENERAL.—Chapter 221 of title 10, United
8 States Code, is amended by adding at the end the fol-
9 lowing new section:

10 **“§ 3209. Capstone requirements**

11 “(a) IN GENERAL.—The Secretary of each military
12 department and the Director of one more defense agencies
13 designated by the Secretary of Defense for purposes of
14 this section shall establish a capstone requirement ap-
15 proach for each portfolio acquisition executive for which
16 that official has responsibility to enable greater speed,
17 agility, and innovation in fielding military capabilities.
18 Each such capstone requirement shall be established in
19 consultation with the Joint Requirements and Program-
20 ming Board.

21 “(b) ELEMENTS.—Under the capstone requirements
22 for an acquisition portfolio, the Secretary of the military
23 department, or Director of the defense agency shall—

24 “(1) develop a general set of requirements for
25 the acquisition portfolio in accordance with sub-

1 section (c) under which programs or projects may be
2 initiated;

3 “(2) authorize the portfolio acquisition execu-
4 tive or similar portfolio manager for the portfolio to
5 change the scope and requirements for programs
6 within the portfolio, subject to subsection (d);

7 “(3) assign representatives of operational forces
8 to the acquisition portfolio and authorize them to
9 perform the functions specified in subsection (e);

10 “(4) maximize the use of prototyping, experi-
11 mentation, and minimum viable products to shape
12 capability scope and requirements;

13 “(5) authorize the portfolio acquisition execu-
14 tive or similar portfolio manager to resource and ac-
15 quire commercial or nondevelopmental items under
16 the capstone requirement by validating the need with
17 the representatives assigned under paragraph (3);

18 “(6) manage information technology require-
19 ments using dynamically prioritized lists of user
20 needs rather than large static requirements docu-
21 ments; and

22 “(7) iteratively define, prioritize, and refine re-
23 quirements at the portfolio, program, and iteration
24 levels based on user input and previous deliveries.

1 “(c) CAPSTONE SET OF REQUIREMENTS.—The cap-
2 stone set of requirements for an acquisition portfolio de-
3 veloped under subsection (b)(1) shall be designed—

4 “(1) to guide the iterative delivery of an inte-
5 grated suite of capabilities to maximize operational
6 impact;

7 “(2) to provide enduring themes based on stra-
8 tegic needs and relevant concepts of operation, not
9 system-specific;

10 “(3) to include measures of force effectiveness
11 for a force mix of capabilities to be measured
12 against; and

13 “(4) to include kill chains, effects chains, vi-
14 gnettes of operational scenarios, and related mission
15 engineering initiatives across the Department of De-
16 fense.

17 “(d) AUTHORITY TO REVISE PROGRAMS WITHIN A
18 PORTFOLIO.—The authority under subsection (b)(2)—

19 “(1) shall be carried out in consultation with
20 operational commands and the Joint Requirements
21 and Programming Board; and

22 “(2) does not include authority to change key
23 performance parameters for a major defense acquisi-
24 tion program.

1 “(e) FUNCTIONS OF OPERATIONAL REPRESENTA-
 2 TIVES.—An operational representative assigned to an ac-
 3 quisition portfolio under subsection (b)(3) shall be pro-
 4 vided authority—

5 “(1) to shape the vision and priorities for key
 6 capability areas;

7 “(2) to provide the acquisition community and
 8 developers insights into operations;

9 “(3) to provide feedback on interim develop-
 10 ments;

11 “(4) to validate the need for commercial or non-
 12 developmental items;

13 “(5) to foster collaboration among the acquisi-
 14 tion community, developers, and users of the capa-
 15 bility to be fielded; and

16 “(6) to provide advice to the portfolio acquisi-
 17 tion executive or similar portfolio manager.”.

18 (b) CLERICAL AMENDMENT.—The table of sections
 19 at the beginning of chapter 221 of title 10, United States
 20 Code, is amended by inserting after the item relating to
 21 section 3208 the following new item:

“3209. Capstone requirements.”.

1 **TITLE III—RAPID ACQUISITION**
2 **AND COMMERCIAL CON-**
3 **TRACTING**

4 **SEC. 301. MILESTONE A.**

5 (a) ELIMINATION OF REQUIREMENT FOR DETER-
6 MINATION PRIOR TO MILESTONE A APPROVAL.—

7 (1) IN GENERAL.—Section 4251 of title 10,
8 United States Code, is hereby repealed.

9 (2) CLERICAL AMENDMENT.—The table of sec-
10 tions at the beginning of subchapter III of chapter
11 322 of title 10, United States Code, is amended by
12 striking the item relating to section 4251.

13 (b) DIRECTOR OF COST ASSESSMENT AND PROGRAM
14 EVALUATION FUNCTIONS.—Section 3221(b)(6)(A)(i) of
15 title 10, United States Code, is amended by striking
16 “4251 or”.

17 (c) INDEPENDENT COST ESTIMATE REQUIRED BE-
18 FORE APPROVAL.—Section 3222(a) of title 10, United
19 States Code, is amended—

20 (1) by striking “a milestone phase” and insert-
21 ing “the engineering and manufacturing develop-
22 ment phase, or production and deployment phase,”;
23 and

24 (2) by striking “authority that—” and all that
25 follows through “(2) for the engineering and manu-

1 facturing development phase, or production and de-
 2 ployment phase, includes a cost estimate” and in-
 3 serting “authority that includes a cost estimate”.

4 **SEC. 302. MODIFICATION TO ACQUISITION STRATEGY.**

5 Section 4211 of title 10, United States Code, is
 6 amended—

7 (1) in subsection (a), by striking “, each major
 8 automated information system,”;

9 (2) in subsection (b), by striking “the Under
 10 Secretary of Defense for Acquisition and
 11 Sustainment, or the milestone decision authority,
 12 when the milestone decision authority is the service
 13 acquisition executive of the military department that
 14 is managing the program,” and inserting “the port-
 15 folio acquisition executive, or the decision authority,
 16 when the decision authority is the service acquisition
 17 executive of the military department or the Under
 18 Secretary of Defense for Acquisition and
 19 Sustainment,”;

20 (3) in subsection (c)—

21 (A) in paragraph (1)—

22 (i) by striking “, each major auto-
 23 mated information system,”;

24 (ii) by striking “the Under Secretary,
 25 or the milestone decision authority, when

1 the milestone decision authority is the
2 service acquisition executive of the military
3 department that is managing the pro-
4 gram,” and inserting “the portfolio acqui-
5 sition executive, or the decision authority,
6 when the decision authority is the service
7 acquisition executive of the military depart-
8 ment or the Under Secretary of Defense
9 for Acquisition and Sustainment,”;

10 (iii) by amending subparagraph (A) to
11 read as follows:

12 “(A) the strategy clearly describes the proposed
13 top-level business and capability management ap-
14 proach for the program or system, and to the max-
15 imum extent practicable, describes how a portfolio of
16 capabilities within an enduring set of requirements
17 will be developed, procured, and fielded rather than
18 detailing a specific end-item;” and

19 (iv) in subparagraph (B), by striking
20 “with available resources” and inserting
21 “within a general set of resources”; and

22 (B) by amending paragraph (2) to read as
23 follows:

24 “(2) Each strategy shall, where appropriate, consider
25 the following:

1 “(A) An approach that delivers required capa-
2 bilities in increments, each depending on available
3 mature technology, and that recognizes up front the
4 need for future capability improvements or transi-
5 tions to alternative end-items through use of contin-
6 uous competition.

7 “(B) Requirements related to logistics, mainte-
8 nance, and sustainment in accordance with sections
9 2464 and 2466 of this title, and the acquisition of
10 technical data and computer software data to enable
11 such requirements in accordance with sections 3771
12 through 3775 of this title.

13 “(C) A process for collaborative interaction and
14 market research with the science and technology
15 community, including Department of Defense
16 science and technology reinvention laboratories, gov-
17 ernment innovation cells, academia, small busi-
18 nesses, nontraditional defense contractors, and other
19 contractors.

20 “(D) Identification of enterprise-wide designs
21 and standards in support of an architecture that
22 provides for an integrated suite of capabilities that
23 focuses on simplicity of implementation and speed of
24 delivery.

1 “(E) Overarching roadmaps that created inte-
2 grated strategic schedules of legacy systems and new
3 capabilities and a mapping of enduring requirements
4 to elements of the portfolio of capabilities.

5 “(F) A contracting strategy that develops long-
6 term partnerships with multiple companies to ac-
7 tively contribute to architectures, development, pro-
8 duction, and sustainment across the portfolio of ca-
9 pabilities by decomposing large systems into smaller
10 sets of projects across time and technical compo-
11 nent.

12 “(G) An assignment of roles and responsibilities
13 to the acquisition workforce within the portfolio ac-
14 quisition executive, identification of external stake-
15 holder dependencies, and the need for subject matter
16 expert inputs at critical points in the program, in-
17 cluding the need for special hiring authority or advi-
18 sory and assistance services.

19 “(H) A process of testing and experimentation
20 with the test community and end users to ensure
21 continuous user feedback, acceptance, and develop-
22 ment of concepts of operations.”; and

23 (4) by striking subsections (d) and (e) and in-
24 serting the following:

1 “(d) REVIEW.—The decision authority shall review
 2 and approve, as appropriate, the acquisition strategy for
 3 a major defense acquisition program or major system
 4 prior to the acquisition decision memorandum and ensure
 5 that the strategy is updated at regular intervals to incor-
 6 porate significant changes to program requirements,
 7 resourcing, or acquisition decisions.

8 “(e) DECISION AUTHORITY DEFINED.—In this sec-
 9 tion, the term ‘decision authority’, with respect to a major
 10 defense acquisition program or major system, means the
 11 official within the Department of Defense designated with
 12 the overall responsibility and authority for acquisition de-
 13 cisions for the program or system, including authority to
 14 approve entry of the program or system into the next
 15 phase of the acquisition process.”.

16 **SEC. 303. EXEMPTIONS FOR NONTRADITIONAL DEFENSE**
 17 **CONTRACTORS.**

18 Nontraditional defense contractors, as defined by sec-
 19 tion 3014 of title 10, United States Code, shall not be
 20 subject to any of the following requirements:

21 (1) Defense Federal Acquisition Regulation
 22 Supplement 252.242–7006.

23 (2) Defense Federal Acquisition Regulation
 24 Supplement 252.234–7002.

1 (3) Defense Federal Acquisition Regulation
2 Supplement 252.242–7002.

3 (4) Defense Federal Acquisition Regulation
4 Supplement 252.242–7004.

5 (5) Defense Federal Acquisition Regulation
6 Supplement 252.242–7003.

7 (6) Defense Federal Acquisition Regulation
8 Supplement 252.242–7001.

9 (7) Defense Federal Acquisition Regulation
10 Supplement 252.242–7005.

11 (8) Defense Federal Acquisition Regulation
12 Supplement 215.407.

13 (9) Section 3702 of title 10, United States
14 Code.

15 (10) Part 31 of the Federal Acquisition Regula-
16 tion.

17 **SEC. 304. MODIFICATIONS TO TREATMENT OF CERTAIN**
18 **PRODUCTS AND SERVICES AS COMMERCIAL**
19 **PRODUCTS AND COMMERCIAL SERVICES.**

20 Section 3457 of title 10, United States Code, is
21 amended—

22 (1) in subsection (a)—

23 (A) by inserting “(1)” before
24 “Notwithstanding”;

1 (A) by striking “may be treated” and in-
 2 serting “shall be treated”; and

3 (B) by adding at the end the following new
 4 paragraph:

5 “(2) The requirement under paragraph (1) may be
 6 waived with a written determination approved by the head
 7 of contracting activity, including an explanation of why
 8 commercial procedures should not be used or tailored and
 9 market research demonstrating that no other supplier
 10 could provide the required product or services under com-
 11 mercial procedures.”;

12 (2) by striking subsection (b); and

13 (3) by redesignating subsection (c) as sub-
 14 section (b).

15 **SEC. 305. MODIFICATION TO NONTRADITIONAL DEFENSE**

16 **CONTRACTOR DEFINITIONS.**

17 Section 3014 of title 10, United States Code, is
 18 amended—

19 (1) by striking “means an entity that is not
 20 currently performing” and inserting the following:
 21 “means an entity that—

22 “(1) is not currently performing”; and

23 (2) by striking “such section.” and inserting
 24 the following: “such section;

1 “(2) certifies that, for the ultimate parent com-
 2 pany’s three audited annual financial statements
 3 preceding the solicitation of sources by the Depart-
 4 ment of Defense for the procurement or transaction,
 5 has—

6 “(A) achieved more than 30 percent year-
 7 over-year revenue growth; or

8 “(B) has reinvested back into the business
 9 more than 10 percent of its revenue through
 10 non-reimbursable research and development; or

11 “(3) certifies that it has raised funding through
 12 third-party sources in exchange for equity amount-
 13 ing to a minimum of 5 percent of the value of the
 14 company’s total outstanding shares within the last
 15 two years.”.

16 **SEC. 306. ALTERNATIVE CAPABILITY BASED PRICING.**

17 (a) PROGRAM.—The head of an agency (as that term
 18 is defined in section 3004 of title 10, United States Code)
 19 may use alternative capability-based analysis to determine
 20 whether the proposed price or fee for a commercial prod-
 21 uct or commercial service offered by a nontraditional de-
 22 fense contractor (as that term is defined in section 3014
 23 of such title) is fair and reasonable.

24 (b) ALTERNATIVE CAPACITY-BASED ANALYSIS DE-
 25 FINED.—In this section, the term “alternative capability-

1 based analysis'' means an analysis of the value to the Fed-
2 eral Government of a commercial product or commercial
3 service that considers one or more of the following ele-
4 ments:

5 (1) The fitness of the product or service for the
6 particular purpose such product or service is being
7 procured.

8 (2) The unique nature of technical expertise re-
9 quired to produce or provide and the non-Federal re-
10 sources expended to develop such product or service.

11 (3) The business model or financial projections
12 of the nontraditional defense contractor, commensu-
13 rate with the scale of the potential investment by the
14 Secretary of Defense, which may include cost infor-
15 mation, self-funded risk, financial projections, ex-
16 penditure rates, estimates of total sales market, and
17 other financial, technical, or management data.

18 (4) The estimated total cost avoidance or in-
19 creased capacity afforded by the offered product or
20 service in relation to current and future costs of pro-
21 grams and operations that provide the same or simi-
22 lar capabilities.

23 (5) Input from the military user on the poten-
24 tial value added by the improved capabilities or pro-
25 duction processes.

1 (6) An analysis of competitive capabilities of-
 2 ferred within a fixed budget or price set by the gov-
 3 ernment in a solicitation.

4 **SEC. 307. MODIFICATIONS TO CERTAIN PROCUREMENT**
 5 **THRESHOLDS.**

6 (a) SIMPLIFIED PROCEDURES FOR SMALL PUR-
 7 CHASES.—Section 3205(a) of title 10, United States Code,
 8 is amended—

9 (1) in paragraph (1), by striking “simplified ac-
 10 quisition threshold” and inserting “threshold speci-
 11 fied in section 3571(a) of this title”; and

12 (2) in paragraph (2), by striking “\$5,000,000”
 13 and inserting “\$50,000,000”.

14 (b) SIMPLIFIED ACQUISITION THRESHOLD.—Section
 15 3571 of title 10, United States Code, is amended—

16 (1) in subsection (a), by striking “as specified
 17 in section 134 of title 41” and inserting
 18 “\$10,000,000”; and

19 (2) in subsection (b)—

20 (A) by inserting “(1)” before “No law”;
 21 and

22 (B) by adding at the end the following new
 23 paragraph:

24 “(2) For purposes of acquisitions by agencies named
 25 in section 3063 of this title, the small business reservation

1 established in section 15(j) of the Small Business Act (15
2 U.S.C. 644(j)) shall be \$500,000.”.

3 (c) MICRO-PURCHASE THRESHOLD.—Section 3573
4 of title 10, United States Code, is amended by striking
5 “\$10,000” and inserting “\$100,000”.

6 (d) DEDUCTIONS FROM AMOUNTS DUE CARRIERS.—
7 Section 2636(b)(1) of title 10, United States Code, is
8 amended by striking “simplified acquisition threshold”
9 and inserting “threshold specified in section 3571(a) of
10 this title”.

11 (e) PLANNING AND SOLICITATION REQUIRE-
12 MENTS.—Section 3206(b) of title 10, United States Code,
13 is amended in subsection (b) by striking “simplified acqui-
14 sition threshold” and inserting “threshold specified in sec-
15 tion 3205(a)(2) of this title”.

16 (f) CONTRACTS AWARDED USING PROCEDURES
17 OTHER THAN SEALED-BID PROCEDURES.—Section
18 3321(b)(3) of title 10, United States Code, is amended
19 by striking “simplified acquisition threshold” and insert-
20 ing “threshold specified in section 3571(a) of this title”.

21 (g) COST CONTRACTS.—Section 3322(c)(1)(B) of
22 title 10, United States Code, is amended by striking “sim-
23 plified acquisition threshold” and inserting “threshold
24 specified in section 3571(a) of this title”.

1 (h) PREFERENCE FOR COMMERCIAL PRODUCTS AND
 2 COMMERCIAL SERVICES.—Section 3453(c)(1) of title 10,
 3 United States Code, is amended by striking “simplified
 4 acquisition threshold” each place it appears and inserting
 5 “threshold specified in section 3571(a) of this title”.

6 (i) PREFERENCE FOR COMMERCIAL SERVICES.—Sec-
 7 tion 876 of the National Defense Authorization Act for
 8 Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 3453
 9 note) is amended—

10 (1) by striking “\$10,000,000” each place it ap-
 11 pears and inserting “\$50,000,000”; and

12 (2) in paragraph (2), by striking “simplified ac-
 13 quisition threshold” and inserting “threshold speci-
 14 fied in section 3571(a) of this title”.

15 (j) MARKET RESEARCH AND PREFERENCE FOR COM-
 16 MERCIAL ITEMS.—Section 855(a)(1) of the National De-
 17 fense Authorization Act for Fiscal Year 2016 (Public Law
 18 116–92; 10 U.S.C. 3453 note) is amended by striking
 19 “simplified acquisition threshold” and inserting “thresh-
 20 old specified in section 3571(a) of this title”.

21 (k) EXAMINATION OF RECORDS OF CONTRACTORS.—
 22 Section 3841(g)(2) of title 10, United States Code, is
 23 amended by striking “simplified acquisition threshold”
 24 and inserting “threshold specified in section 3571(a) of
 25 this title”.

1 (l) CONTRACTORS INVENTORY ACCOUNTING SYS-
 2 TEMS: STANDARDS.—Section 3845(b) of title 10, United
 3 States Code, is amended by striking “simplified acquisi-
 4 tion threshold” and inserting “threshold specified in sec-
 5 tion 3571(a) of this title”.

6 (m) REQUESTS FOR EQUITABLE ADJUSTMENT OR
 7 OTHER RELIEF.—Section 3862 of title 10, United States
 8 Code, is amended—

9 (1) in subsection (a), by striking “simplified ac-
 10 quisition threshold” and inserting “threshold speci-
 11 fied in section 3571(a) of this title”; and

12 (2) in subsection (d)—

13 (A) by striking paragraph (1); and

14 (B) by redesignating paragraphs (2) and
 15 (3) as paragraphs (1) and (2), respectively.

16 (n) EXPENDITURE OF APPROPRIATIONS: LIMITA-
 17 TION.—Section 4651(b) of title 10, United States Code,
 18 is amended by striking “as defined in section 134 of title
 19 41” and inserting “as defined in section 3571(a) of this
 20 title”.

21 (o) PROHIBITION AGAINST DOING BUSINESS WITH
 22 CERTAIN OFFERORS OR CONTRACTORS.—Section 4654(d)
 23 of title 10, United States Code, is amended by striking
 24 “as defined in section 134 of title 41” and inserting “as
 25 defined in section 3571(a) of this title”.

1 (p) PROHIBITION OF CONTRACTORS LIMITING SUB-
2 CONTRACTOR SALES DIRECTLY TO THE UNITED
3 STATES.—Section 4655(c) of title 10, United States Code,
4 is amended by striking “as defined in section 134 of title
5 41” and inserting “as defined in section 3571(a) of this
6 title”.

7 (q) PROHIBITION ON PERSONS CONVICTED OF DE-
8 FENSE-CONTRACT RELATED FELONIES AND RELATED
9 CRIMINAL PENALTY ON DEFENSE CONTRACTORS.—Sec-
10 tion 4656(a)(4)(A) of title 10, United States Code, is
11 amended by striking “as defined in section 134 of title
12 41” and inserting “as defined in section 3571(a) of this
13 title”.

14 (r) PROHIBITION ON CONTRACTING WITH ENTITIES
15 THAT COMPLY WITH THE SECONDARY ARAB BOYCOTT
16 OF ISRAEL.—Section 4659(b) of title 10, United States
17 Code, is amended by striking “as defined in section 134
18 of title 41” and inserting “as defined in section 3571(a)
19 of this title”.

20 (s) SUPPLIES: IDENTIFICATION OF SUPPLIER AND
21 SOURCES.—Section 4753(b)(3) of title 10, United States
22 Code, is amended striking “as defined in section 134 of
23 title 41” and inserting “as defined in section 3571(a) of
24 this title”.

1 (t) MISCELLANEOUS LIMITATIONS ON THE PRO-
 2 CUREMENT OF GOODS OTHER THAN UNITED STATES
 3 GOODS.—Section 4864 of title 10, United States Code,
 4 is amended in paragraph by striking “simplified acquisi-
 5 tion threshold” each place it appears and inserting
 6 “threshold specified in section 3571(a) of this title”.

7 **SEC. 308. MODIFICATIONS TO COMMERCIAL SOLUTIONS**
 8 **OPENINGS.**

9 Section 3458 of title 10, United States Code, is
 10 amended—

11 (1) by amending subsection (a) to read as fol-
 12 lows:

13 “(a) **AUTHORITY.**—The Secretary of Defense and the
 14 Secretaries of the military departments may acquire com-
 15 mercial products, commercial services, and nondevelop-
 16 mental items through a competitive selection of proposals
 17 resulting from a general solicitation and the peer review,
 18 technical review, or operational review (as appropriate) of
 19 such proposals, and may issue, without further justifica-
 20 tion, follow-on contract awards or agreements, including
 21 sole source awards or agreements, to the recipient.”;

22 (2) by redesignating subsection (c), (d), and (e)
 23 as subsections (d), (e), and (h), respectively;

24 (3) by inserting after subsection (b) the fol-
 25 lowing new subsection:

1 “(c) SOLE-SOURCE FOLLOW-ON.—The Secretary of
 2 Defense and the Secretaries of the military departments
 3 may issue, without further justification, follow-on contract
 4 awards or agreements, including sole source awards or
 5 agreements, to a recipient competitively selected under
 6 subsection (a).”;

7 (3) in paragraph (1) of subsection (d), as redes-
 8 igned by paragraph (2) of this section, by striking
 9 “the Under Secretary of Defense for Acquisition and
 10 Sustainment or the relevant service acquisition execu-
 11 tive” and inserting “the head of the contracting ac-
 12 tivity (or the head of the contracting activity’s des-
 13 ignated delegate)”;

14 (4) in subsection (e), as so redesignated—

15 (A) by striking “(1)”; and

16 (B) by striking paragraph (2); and

17 (5) by inserting after such subsection, as so re-
 18 designated, the following new subsections:

19 “(f) LIMITATION ON DELEGATIONS OF AUTHOR-
 20 ITY.—The authority of the head of the contracting activity
 21 under subsection (d)(1) may be delegated only to an offi-
 22 cer or employee who—

23 “(1) if a member of the Armed Forces, is a
 24 general, or flag officer; or

1 “(2) if a civilian, is serving in a position with
 2 a grade under the General Schedule (or any other
 3 schedule for civilian officers or employees) that is
 4 comparable to or higher than the grade of brigadier
 5 general or rear admiral (lower half).

6 “(g) NONTRADITIONAL VEHICLE.—(1) The Sec-
 7 retary of Defense shall establish an open topic and endur-
 8 ing general solicitation described in subsection (a) for each
 9 systems command, science and technology reinvention lab-
 10 oratory, and portfolio acquisition executive.

11 “(2) Only nontraditional defense contractors (as de-
 12 fined in section 3014 of this title) may submit proposals
 13 and be eligible for an award or agreement under the gen-
 14 eral solicitations established pursuant to paragraph (1).

15 “(3) The preferred model for developing and pro-
 16 ducing operational military capabilities using general so-
 17 licitations in paragraph (1) shall be the urgent capability
 18 acquisition, middle tier of acquisition, software acquisi-
 19 tion, or services acquisition pathways of the Department
 20 of Defense Adaptive Acquisition Framework described in
 21 Department of Defense Instructions 5000.85 and
 22 5000.2.”.

23 **SEC. 309. MODIFICATIONS TO OTHER TRANSACTIONS.**

24 (a) IN GENERAL.—Section 4022 of title 10, United
 25 States Code, is amended—

1 (1) in subsection (a)—

2 (A) by amending paragraph (2) to read as
3 follows:

4 “(2) The authority of this section may be exercised
5 for a transaction for a prototype project, or for a trans-
6 action for a follow-on production contract or transaction
7 that is awarded pursuant to subsection (f) or (g), that is
8 expected to cost the Department of Defense in excess of
9 \$100,000,000 (including all options) only upon a written
10 determination that the requirements of subsection (d) will
11 be met by a head of the contracting activity, or, for the
12 Defense Advanced Research Projects Agency, the Defense
13 Innovation Unit, or the Missile Defense Agency, the direc-
14 tor of the agency.”; and

15 (B) by amending paragraph (3) to read as
16 follows:

17 “(3) The authority of the head of the contracting ac-
18 tivity, the director of the Defense Advanced Research
19 Projects Agency, the director of the Defense Innovation
20 Unit, the director of the Missile Defense Agency, or the
21 senior procurement executive, as applicable, under para-
22 graph (2), may not be delegated.”;

23 (2) in subsection (e)—

24 (A) by amending paragraph (1) to read as
25 follows:

1 “(1) The term ‘head of the contracting activity’
 2 means those officials within the organization who
 3 have responsibility for and manage an acquisition
 4 organization and usually hold unlimited procurement
 5 authority.”; and

6 (B) by adding at the end the following new
 7 paragraph:

8 “(6) The term ‘follow-on production’ means a
 9 contract or transaction that is intended to further
 10 develop, test, produce, deploy, operate, or sustain a
 11 capability that was successfully prototyped under the
 12 authority established in subsection (a).”;

13 (3) by redesignating subsections (h) and (i) as
 14 subsections (i) and (j), respectively; and

15 (4) by inserting after subsection (g) the fol-
 16 lowing new subsection:

17 “(h) AUTHORITY TO AWARD A PRODUCTION TRANS-
 18 ACTION TO RAPIDLY FIELD AN EXISTING CAPABILITY.—

19 A production transaction may be awarded, with or without
 20 the use of competitive procedures, to acquire emergent and
 21 proven technologies and field production quantities of new
 22 or upgraded systems that do not require additional devel-
 23 opment and have been demonstrated in a relevant environ-
 24 ment when the appropriate service or component acquisi-
 25 tion executive determines in writing that exceptional cir-

1 cumstances justify the use of such a transaction to address
 2 a high priority warfighter need.”.

3 **SEC. 310. MODIFICATIONS TO COMMERCIAL PRODUCT AND**
 4 **COMMERCIAL SERVICE DETERMINATIONS BY**
 5 **DEPARTMENT OF DEFENSE.**

6 Section 3456 of title 10, United States Code, is
 7 amended by striking subsections (a) through (c) and in-
 8 serting the following new subsections:

9 “(a) IN GENERAL.—The Secretary of Defense shall
 10 create a default determination that products and services
 11 acquired by the Department of Defense are commercial
 12 and shall be acquired using commercial procedures, and,
 13 to the maximum extent practicable, general solicitation
 14 procedures under section 3458 of this title, unless deter-
 15 mined to be non-commercial by the Department of De-
 16 fense contracting officer.

17 “(b) DETERMINATIONS REGARDING THE NON-COM-
 18 Mercial NATURE OF PRODUCTS OR SERVICES.—A de-
 19 fense-unique development product or service may not be
 20 procured if there is a commercial product or service, with
 21 or without customization, that meets the minimum re-
 22 quirements of the Department of Defense. In making a
 23 determination whether a particular product or service of-
 24 fered by a contractor is non-commercial and does not meet
 25 any definition for commercial products or commercial

1 services, a contracting officer of the Department of De-
2 fense shall submit a written memorandum summarizing
3 the determination for approval by the head of contracting
4 activity, prior to awarding the contract, and provide it to
5 the contractor or subcontractor offering the product or
6 service for which such determination is summarized in
7 such memorandum. The memorandum shall include—

8 “(1) a detailed justification why the product or
9 commercial service was determined to be non-
10 commercial including the results of market research;
11 and

12 “(2) a signed determination by the program
13 manager that the requirement could not be reason-
14 ably changed to accommodate a commercial product
15 or commercial service.

16 “(c) DEFINITION.—The term ‘defense-unique devel-
17 opment’ means a Department of Defense-financed devel-
18 opment, either to repurpose a commercial product or solu-
19 tion or to develop a new product or solution, to provide
20 a defense-unique capability.”.

21 **SEC. 311. COMMERCIALLY ACCEPTABLE TRANSACTION AND**
22 **PAYMENT METHODS.**

23 (a) IN GENERAL.—In the case contracts using com-
24 mercial procedures or other transactions, procurement of-
25 ficials of the Department of Defense shall use the most

1 efficient, expeditious, and commercially acceptable trans-
 2 action and payment methods practicable.

3 (b) GOVERNMENT PURCHASE CARD.—In the case of
 4 an acquisition of commercial products, commercial serv-
 5 ices, nondevelopmental items, or other transactions agree-
 6 ments up to \$25,000,000, a procurement official—

7 (1) may use the Government purchase card as
 8 a transaction and payment method subject to the
 9 limitations of the contracting officer’s warrant and
 10 Department of Defense purchase card procedures
 11 and limitations;

12 (2) may not use flexibly priced contracts that
 13 require the application of the Government’s cost ac-
 14 counting standards or cost principles; and

15 (3) may not provide for advance payments or
 16 contract financing greater than 15 percent.

17 (c) MICRO-PURCHASE PROCEDURES.—Nothing in
 18 this section shall affect the ability of the Department of
 19 Defense to use micro-purchase procedures for acquisitions
 20 below the micro-purchase threshold.

21 **SEC. 312. TRANSPARENCY AND ACCOUNTABILITY OF CON-**
 22 **TRACT AWARDS.**

23 Notice of all contract awards or other agreements
 24 shall be publicly posted within a reasonable period of time
 25 after the award or agreement is made, taking into consid-

1 eration operational security. The notice of award or agree-
 2 ment shall include the purchase order or other record of
 3 the transaction that includes quantities and prices of the
 4 individual products or services being acquired.

5 **SEC. 313. LIMITATION ON REQUIRED FLOWDOWN OF CON-**
 6 **TRACT CLAUSES TO SUBCONTRACTORS PRO-**
 7 **VIDING COMMERCIAL PRODUCTS OR COM-**
 8 **MERCIAL SERVICES.**

9 (a) CONTRACT CLAUSES REQUIRED IN THE FED-
 10 ERAL ACQUISITION REGULATION.—

11 (1) IN GENERAL.—Chapter 247 of title 10,
 12 United States Code, is amended by adding at the
 13 end the following new section:

14 **“§ 3459. Limitation on required flowdown of contract**
 15 **clauses to subcontractors providing com-**
 16 **mercial products or commercial services**

17 “(a) IN GENERAL.—The Secretary of Defense may
 18 not require that a clause be included in a subcontract for
 19 commercial products and services other than a clause re-
 20 quired by a provision of law that is on the list required
 21 by section 3452 of this title.

22 “(b) SINGLE CLAUSE REQUIREMENT.—The Sec-
 23 retary of Defense shall provide for implementation of all
 24 provisions of law applicable to subcontracts for commercial
 25 products and services through—

1 “(1) a single clause applicable to contracts for
2 commercial products and services; and

3 “(2) a single clause applicable to contracts for
4 noncommercial products and services.”.

5 (2) CLERICAL AMENDMENT.—The table of sec-
6 tions at the beginning of chapter 247 of title 10,
7 United States Code, is amended by inserting after
8 the item relating to section 3458 the following new
9 item:

“3459. Limitation on required flowdown of contract clauses to subcontractors
providing commercial products or commercial services.”.

10 (b) EFFECTIVE DATES.—

11 (1) IN GENERAL.—The requirements under sec-
12 tion 3459 of title 10, United States Code, as added
13 by subsection (a), shall apply with respect to solicita-
14 tions issued by the Department of Defense after the
15 end of the 120-day period beginning on the date of
16 the enactment of this Act.

17 (2) REGULATIONS.—Not later than 180 days
18 after the date of the enactment of this Act, the Sec-
19 retary of Defense shall amend the Defense Federal
20 Acquisition Regulation Supplement to implement
21 section 3459 of title 10, United States Code, as
22 added by subsection (a).

1 **SEC. 314. MODIFICATIONS TO RELATIONSHIP OF OTHER**
2 **PROVISIONS OF LAW TO PROCUREMENT OF**
3 **COMMERCIAL PRODUCTS AND COMMERCIAL**
4 **SERVICES.**

5 Section 3452 of title 10, United States Code, is
6 amended by striking subsections (b) through (f) and in-
7 serting the following new subsections:

8 “(b) **APPLICABILITY OF DEFENSE-UNIQUE STAT-**
9 **UTES TO CONTRACTS FOR COMMERCIAL PRODUCTS AND**
10 **COMMERCIAL SERVICES.**—(1) The Defense Federal Ac-
11 quisition Regulation Supplement shall include a list of de-
12 fense-unique provisions of law and of contract clause re-
13 quirements based on government-wide acquisition regula-
14 tions, policies, or executive orders expressly required in
15 law that are applicable to contracts for the procurement
16 of commercial products and commercial services by the
17 Department of Defense.

18 “(2) A provision of law or contract clause require-
19 ment described in subsection (e) that is enacted after Oc-
20 tober 13, 1994, shall not be included on the list of applica-
21 ble provisions of law and contract clause requirements re-
22 quired by paragraph (1) unless the Under Secretary of
23 Defense for Acquisition and Sustainment makes a written
24 determination that it would be in the best interest of the
25 Department of Defense to apply the provision or contract

1 clause requirement to the contract for the procurement of
2 commercial products and commercial services.

3 “(c) APPLICABILITY OF DEFENSE-UNIQUE STAT-
4 UTES TO SUBCONTRACTS FOR COMMERCIAL PRODUCTS
5 AND COMMERCIAL SERVICES.—(1) The Defense Federal
6 Acquisition Regulation Supplement shall include a list of
7 defense-unique provisions of law and of contract clause re-
8 quirements based on government-wide acquisition regula-
9 tions, policies, or executive orders expressly required in
10 law that are applicable to subcontracts for the procure-
11 ment of commercial products and commercial services. A
12 provision of law or contract clause requirement properly
13 included on the list pursuant to paragraph (2) must apply
14 to purchases of commercial products and commercial serv-
15 ices by the Department of Defense.

16 “(2) A provision of law or contract clause require-
17 ment described in subsection (c) that is enacted after Oc-
18 tober 13, 1994, shall not be included on the list of applica-
19 ble provisions of law and contract clause requirements re-
20 quired by paragraph (1) unless the Under Secretary of
21 Defense for Acquisition and Sustainment makes a written
22 determination that it would be in the best interest of the
23 Department of Defense to apply the provision or contract
24 clause requirement to the subcontract for the procurement
25 of commercial products and commercial services.

1 “(3) In this subsection, the term ‘subcontract’—

2 “(A) includes a transfer of commercial products
3 and commercial services between divisions, subsidi-
4 aries, or affiliates of a contractor or subcontractor;
5 and

6 “(B) does not include agreements entered into
7 by a contractor for the supply of commodities that
8 are intended for use in the performance of multiple
9 contracts with the Department of Defense and other
10 parties and are not identifiable to any particular
11 contract.

12 “(4) This subsection does not authorize the waiver
13 of the applicability of any provision of law or contract
14 clause requirement with respect to any first-tier sub-
15 contract under a contract with a prime contractor reselling
16 or distributing commercial products and commercial serv-
17 ices of another contractor without adding value.

18 “(d) APPLICABILITY OF DEFENSE-UNIQUE STAT-
19 UTES TO CONTRACTS FOR COMMERCIALLY AVAILABLE,
20 OFF-THE-SHELF ITEMS.—(1) The Defense Federal Ac-
21 quisition Regulation Supplement shall include a list of de-
22 fense-unique provisions of law and of contract clause re-
23 quirements based on government-wide acquisition regula-
24 tions, policies, or executive orders expressly required in
25 law that are applicable to subcontracts for the procure-

1 ment of commercially available off-the-shelf items by the
2 Department of Defense.

3 “(2) A provision of law or contract clause require-
4 ment described in subsection (e) that is enacted after Oc-
5 tober 13, 1994, shall not be included on the list of applica-
6 ble provisions of law and contract clause requirements re-
7 quired by paragraph (1) unless the Under Secretary of
8 Defense for Acquisition and Sustainment makes a written
9 determination that it would be in the best interest of the
10 Department of Defense to apply the provision or contract
11 clause requirement to the procurement of commercially
12 available off-the-shelf items.

13 “(e) COVERED PROVISION OF LAW OR CONTRACT
14 CLAUSE REQUIREMENT.—A provision of law or contract
15 clause requirement referred to in subsections (b)(2),
16 (c)(2), and (d)(2) is a provision of law or contract clause
17 requirement that the Under Secretary of Defense for Ac-
18 quisition and Sustainment determines sets forth policies,
19 procedures, requirements, or restrictions for the procure-
20 ment of property or services by the Federal Government,
21 except for a provision of law or contract clause require-
22 ment that—

23 “(1) provides for criminal or civil penalties;

24 “(2) requires that certain articles be bought
25 from United States sources pursuant to section

1 4862 of this title, or requires that strategic mate-
 2 rials critical to national security be bought from
 3 United States sources pursuant to section 4863 of
 4 this title; or

5 “(3) specifically refers to this section and pro-
 6 vides that, notwithstanding this section, it shall be
 7 applicable to contracts for the procurement of com-
 8 mercial products and commercial services.”.

9 **SEC. 315. NONTRADITIONAL DEFENSE CONTRACTOR COM-**
 10 **MERCIAL SOLUTIONS OPENING.**

11 Section 3458 of title 10, United States Code, is
 12 amended by adding at the end the following new sub-
 13 section:

14 “(j) NONTRADITIONAL VEHICLE.—(1) The Secretary
 15 of Defense shall establish consortia to conduct prototype
 16 projects and follow-on production under the authority of
 17 section 4022 of this title for each systems command and
 18 each portfolio acquisition executive.

19 “(2) Of the consortia established pursuant to para-
 20 graph (1), the membership of the consortia shall be limited
 21 to nontraditional defense contractors (as defined in section
 22 3014 of this title).

23 “(3) The preferred model for developing and pro-
 24 ducing operational military capabilities using the consortia
 25 in paragraph (1) shall be the urgent capability acquisition,

1 middle tier of acquisition, software acquisition, or services
2 acquisition pathways of the Department of Defense
3 Adaptive Acquisition Framework described in Department
4 of Defense Instruction 5000.2.”.

5 **SEC. 316. PROGRAM MANAGEMENT OFFICE COMPETITION.**

6 (a) AUTHORIZATION.—Not later than April 1, 2025,
7 the service and component acquisition executives shall es-
8 tablish guidance requiring separate program managers
9 and contracting officers within the Department of Defense
10 to compete alternative prototypes for a program with an
11 independent down-select to determine the winner.

12 (b) SELECTION OF PROGRAMS.—Each service and
13 component acquisition executive shall designate not less
14 than three programs annually for use of the procedures
15 established under subsection (a).

16 (c) SELECTION OF PERSONNEL.—For each program
17 selected under subsection (b), the service or component ac-
18 quisition executive shall select not less than two separate
19 program managers and contracting officers who shall—

20 (1) assume management of distinct prime con-
21 tractors that do not share ownership from the same
22 ultimate parent company;

23 (2) sign a tenure agreement through the end of
24 the competitive down-select under subsection (e);
25 and

1 (3) be selected from existing personnel of the
2 Department of Defense.

3 (d) PROTOTYPE PHASE.—Each program manager
4 and contracting officer selected under subsection (c) for
5 a specific program shall be provided equal funding and
6 scheduling constraints to deliver a prototype demonstra-
7 tion for the program requirement.

8 (e) COMPETITIVE DOWN-SELECT.—The service or
9 component acquisition executives, in coordination with
10 operational test and evaluation activities and the com-
11 manders of the combatant commands, shall—

12 (1) evaluate the prototypes delivered under sub-
13 section (d) with direct input from military users;

14 (2) regard any program manager-approved de-
15 viation from the program requirement under sub-
16 section (f)(2) to be valid; and

17 (3) select a winner eligible for a sole source fol-
18 low-on contract or other agreement under subsection
19 (f)(1).

20 (f) EXEMPTIONS AND SPECIAL PROCEDURES.—

21 (1) COMPETITIVE PROCEDURES EXEMPTION.—
22 Contracts awarded under the procedures established
23 in subsection (a) shall be considered use of competi-
24 tive procedures established for the purposes of chap-
25 ter 221 of this title.

1 (2) JOINT CAPABILITIES INTEGRATION AND DE-
2 VELOPMENT SYSTEM EXEMPTION.—The requirement
3 for the program under subsection (b) shall be ex-
4 empt from the Joint Capabilities Integration and
5 Development System and a program manager may
6 deviate from the requirement without additional ap-
7 proval.

8 (3) TEST AND EVALUATION MASTER PLAN.—
9 The program under subsection (b) shall utilize a
10 streamlined Test and Evaluation Master Plan that
11 must be submitted prior to the competitive down-se-
12 lect phrase described in subsection (e).

13 (4) ACQUISITION STRATEGY.—Each program
14 manager and contracting officer shall submit a
15 streamlined acquisition strategy of no more than 20
16 pages prior to the start of the prototype phase under
17 subsection (d).

18 (g) DELEGATION.—The service or component acqui-
19 sition executive may delegate the down-selection described
20 in subsection (e) to personnel other than personnel se-
21 lected under subsection (c) or personnel that may have
22 a conflict of interest.

1 **SEC. 317. MIDDLE TIER OF ACQUISITION FOR RAPID**
2 **PROTOTYPING AND RAPID FIELDING.**

3 (a) IN GENERAL.—Chapter 253 of title 10, United
4 States Code, is amended by adding at the end the fol-
5 lowing new section:

6 **“§ 3602. Middle tier of acquisition for rapid proto-**
7 **typing and rapid fielding**

8 “(a) GUIDANCE REQUIRED.—The Under Secretary of
9 Defense for Acquisition and Sustainment shall establish
10 pathways as described under subsection (b) to establish
11 a process for conducting middle tier acquisitions for pro-
12 grams or projects that are intended to be completed in
13 a period of two to five years.

14 “(b) ACQUISITION PATHWAYS.—The Under Sec-
15 retary of Defense for Acquisition and Sustainment shall
16 establish the following two acquisition pathways:

17 “(1) RAPID PROTOTYPING.—The rapid proto-
18 typing pathway shall provide for the use of innova-
19 tive technologies to rapidly develop fieldable proto-
20 types to demonstrate new capabilities and meet
21 emerging military needs. The objective of an acquisi-
22 tion program or project under this pathway shall be
23 to field a prototype that can be demonstrated in an
24 operational environment and provide for a residual
25 operational capability within five years of initiation.

1 “(2) RAPID FIELDING.—The rapid fielding
2 pathway shall provide for the use of proven tech-
3 nologies to field production quantities of new or up-
4 graded systems with minimal development required.
5 The objective of an acquisition program or project
6 under this pathway shall be to begin production
7 within six months and complete fielding within five
8 years of initiation.

9 “(c) EXPEDITED PROCESS.—

10 “(1) IN GENERAL.—Before using the authority
11 under this section, the Under Secretary shall develop
12 a streamlined and coordinated requirements, budget,
13 and acquisition process that results in the develop-
14 ment of an approved requirement for each acquisi-
15 tion program or project in a period of not more than
16 six months from the time that process is initiated.
17 Programs of projects carried out under the authority
18 of this section shall not be subject to the Joint Ca-
19 pabilities Integration and Development System Man-
20 ual and Department of Defense Directive 5000.01.

21 “(2) RAPID PROTOTYPING.—With respect to
22 the rapid prototyping pathway, the process described
23 in paragraph (1) shall include—

24 “(A) a merit-based process for considering
25 innovative technologies and new capabilities to

1 meet needs communicated the Joint Chiefs of
2 Staff or the combatant commanders;

3 “(B) a process for developing and imple-
4 menting acquisition and funding strategies for
5 a program or project to be carried out under
6 such pathway;

7 “(C) a process for demonstrating and eval-
8 uating the performance of fieldable prototypes
9 developed pursuant to such program or project
10 in an operational environment;

11 “(D) a process for transitioning successful
12 prototypes into new or existing acquisition pro-
13 grams for production and fielding under the
14 rapid fielding or major capability acquisition
15 pathway (as defined under Department of De-
16 fense Instruction 5000.85 or successor instruc-
17 tion); and

18 “(E) a process for iterating prototyping
19 and fielding within the rapid prototyping path-
20 way that may use a process described in para-
21 graph (4)(E).

22 “(3) RAPID FIELDING.—With respect to the
23 rapid fielding pathway, the process described in
24 paragraph (1) shall include—

1 “(A) a merit-based process for considering
 2 innovative technologies and new capabilities to
 3 meet needs communicated the Joint Chiefs of
 4 Staff or the combatant commanders;

5 “(B) a process for developing and imple-
 6 menting acquisition and funding strategies for
 7 a program or project to be carried out under
 8 such pathway;

9 “(C) a process for demonstrating perform-
 10 ance and evaluating for current operational
 11 purposes and the proposed products and tech-
 12 nologies;

13 “(D) a process for considering lifecycle
 14 costs and addressing issues of logistics support
 15 and system interoperability; and

16 “(E) a process for identifying and exploit-
 17 ing opportunities to use the rapid fielding path-
 18 way to reduce total ownership costs.

19 “(4) STREAMLINED PROCEDURES.—The proc-
 20 ess described in paragraph (1) shall provide for all
 21 of the following streamlined procedures:

22 “(A) A program manager shall be provided
 23 staff positions for a technical staff, including
 24 experts in business management, cost esti-
 25 mation, contracting, auditing, engineering, cer-

1 tification, testing, cyber, and logistics, to enable
2 the program manager to manage the program
3 or project without the technical assistance of
4 another element of the Department of Defense
5 to the maximum extent practicable.

6 “(B) A program manager shall, in coordi-
7 nation with the users of the good or service to
8 be acquired under such a program or project
9 and the test community, have the authority to
10 make trade-offs among lifecycle costs, require-
11 ments, and schedules to meet the goals of the
12 program or project.

13 “(C) Each service acquisition executive,
14 acting in coordination with the defense acquisi-
15 tion executive, may serve as the decision au-
16 thority for a program or project for which the
17 authority under this section is used or shall del-
18 egate such decision authority.

19 “(D) A program manager may seek an ex-
20 pedited waiver from any regulatory require-
21 ment, or in the case of a statutory requirement,
22 a waiver from Congress, that the program man-
23 ager determines adds cost, schedule, or per-
24 formance delays with little or no value to the
25 management of such program or project.

1 “(E) If an operational capability is dem-
 2 onstrated for a program or project for which
 3 the authority under this section is used, the ap-
 4 propriate service acquisition executive may per-
 5 mit continuous iterative prototyping and field-
 6 ing under the same program or project for an
 7 unlimited number of subsequent periods, where
 8 each period is intended to be five years.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
 10 at the beginning of chapter 253 of title 10, United States
 11 Code, is amended by inserting after the item relating to
 12 section 3601 the following new item:

 “3602. Middle tier of acquisition for rapid prototyping and rapid fielding.”.

13 (c) REPEAL OF SUPERSEDED AUTHORITY.—Section
 14 804 of the National Defense Authorization Act for Fiscal
 15 Year 2016 (Public Law 114–92; 10 U.S.C. 3201 note
 16 prec.) is repealed.

17 (d) CONFORMING AMENDMENTS.—

18 (1) Section 3601 of title 10, United States
 19 Code, is amended—

20 (A) in subsection (a)—

21 (i) in paragraph (1)(B), by striking
 22 “section 804 rapid acquisition pathway”
 23 and inserting “rapid acquisition pathway”;
 24 and

1 (ii) by amending paragraph (2) to
2 read as follows:

3 “(2) RAPID ACQUISITION PATHWAY DEFINED.—
4 In this section, the term ‘rapid acquisition pathway’
5 means the rapid prototyping or the rapid fielding ac-
6 quisition pathway authorized under section 3602 of
7 this title.”;

8 (B) in subsection (b)(4), by striking “the
9 guidance developed under section 804(a) of the
10 National Defense Authorization Act for Fiscal
11 Year 2016 (Public Law 114–92; 10 U.S.C.
12 3201 note prec.)” and inserting “section 3602
13 of this title”; and

14 (C) in subsection (c), by striking “section
15 804 rapid acquisition pathway” each place it
16 appears and inserting “rapid acquisition path-
17 way”.

18 (2) Section 4201(b)(1) of title 10, United
19 States Code, is amended by striking “section 804 of
20 the National Defense Authorization Act for Fiscal
21 Year 2016 (Public Law 114–92; 10 U.S.C. 3201
22 note prec.)” and inserting “section 3602 of this
23 title”.

24 (3) Section 4324(d)(5)(B) of title 10, United
25 States Code, is amended by striking “section 804 of

1 the National Defense Authorization Act for Fiscal
2 Year 2016 (Public Law 114–92; 10 U.S.C. 2302
3 note)” and inserting “section 3602 of this title”.

4 (4) Section 4423(e) of title 10, United States
5 Code, is amended by striking “section 804 of the
6 National Defense Authorization Act for Fiscal Year
7 2016 (Public Law 114–92; 10 U.S.C. 2302 note)”
8 and inserting “section 3602 of this title”.

9 (5) Section 810(a) of the National Defense Au-
10 thorization Act for Fiscal Year 2024 (Public Law
11 118–31; 10 U.S.C. 4067 note) is amended by strik-
12 ing “section 804 of the National Defense Authoriza-
13 tion Act for Fiscal Year 2016 (Public Law 114–92;
14 10 U.S.C. 3201 note prec.)” and inserting “section
15 3602 of title 10, United States Code”.

16 (6) Section 1608(e) of the National Defense
17 Authorization Act for Fiscal Year 2024 (Public Law
18 118–31; 10 U.S.C. 2271 note) is amended by strik-
19 ing “section 804 of the National Defense Authoriza-
20 tion Act for Fiscal Year 2016 (Public Law 114–92;
21 10 U.S.C. 3201 note prec.)” and inserting “section
22 3602 of title 10, United States Code”.

23 (7) Section 807(e)(4) of the William M. (Mac)
24 Thornberry National Defense Authorization Act for
25 Fiscal Year 2021 (Public Law 116–283; 10 U.S.C.

1 9081 note) is amended by striking “section 804 of
 2 the National Defense Authorization Act for Fiscal
 3 Year 2016 (Public Law 114–92; 10 U.S.C. 2302
 4 note)” and inserting “section 3602 of title 10,
 5 United States Code”.

6 (8) Section 884(c)(2)(E) of the National De-
 7 fense Authorization Act for Fiscal Year 2017 (Pub-
 8 lic Law 114–328; 10 U.S.C. 4291 note prec.) is
 9 amended by striking “section 804 of the National
 10 Defense Authorization Act for Fiscal Year 2016
 11 (Public Law 114–92; 10 U.S.C. 2302 note)” and in-
 12 serting “section 3602 of title 10, United States
 13 Code”.

14 **SEC. 318. REVISION AND CODIFICATION OF SOFTWARE AC-**
 15 **QUISITION PATHWAYS.**

16 (a) IN GENERAL.—Chapter 253 of title 10, United
 17 States Code, as amended by section 318, is further amend-
 18 ed by adding at the end the following new section:

19 **“§ 3603. Software acquisition pathways**

20 “(a) SOFTWARE ACQUISITION AND DEVELOPMENT
 21 PATHWAYS.—The Secretary of Defense shall establish
 22 pathways as described under subsection (b) to provide for
 23 the efficient and effective acquisition, development, inte-
 24 gration, and timely delivery of software and covered hard-
 25 ware.

1 “(b) PATHWAYS.—The Secretary of Defense may es-
2 tablish as many pathways under this section as the Sec-
3 retary determines appropriate and shall establish the fol-
4 lowing pathways:

5 “(1) APPLICATIONS.—The applications pathway
6 shall provide for the use of rapid development and
7 implementation of applications and other software or
8 software improvements operated by the Department
9 of Defense, which may include applications and asso-
10 ciated procurement of covered hardware (including
11 modifications of a type not customarily available in
12 the commercial marketplace to meet Department re-
13 quirements), commercially available cloud computing
14 platforms, and other nondevelopmental items.

15 “(2) EMBEDDED SYSTEMS.—The embedded
16 systems pathway shall provide for the rapid develop-
17 ment and insertion of upgrades and improvements
18 for software and covered hardware embedded in
19 weapon systems and other hardware systems unique
20 to the Department of Defense.

21 “(c) REQUIREMENTS FOR PATHWAYS.—A pathway
22 established under this section shall provide for the use of
23 proven technologies and solutions to continuously engineer
24 and deliver capabilities for software and covered hardware.

1 “(d) CONSIDERATIONS FOR USE OF AUTHORITY.—

2 In using the authority under this section, the Secretary
3 shall consider how such use will—

4 “(1) initiate the engineering of new software ca-
5 pabilities quickly, and, if applicable, the integration
6 of such capabilities into covered hardware;

7 “(2) demonstrate the viability and effectiveness
8 of such capabilities for operational use not later than
9 one year after the date on which funds are first obli-
10 gated to acquire or develop software; and

11 “(3) allow for the continuous updating and de-
12 livery of new capabilities not less frequently than an-
13 nually to iteratively meet a user need.

14 “(e) TREATMENT NOT AS MAJOR DEFENSE ACQUI-
15 SITION PROGRAM.—Software and covered hardware ac-
16 quired or developed using the authority under this section
17 shall not be treated as a major defense acquisition pro-
18 gram for purposes of section 4201 of this title.

19 “(f) RISK-BASED APPROACH.—The Secretary of De-
20 fense shall use a risk-based approach for the consideration
21 of innovative technologies and new capabilities for soft-
22 ware and covered hardware to be acquired or developed
23 under this authority to meet needs communicated by the
24 Joint Chiefs of Staff or the combatant commanders.

25 “(g) EXPEDITED PROCESS.—

1 “(1) IN GENERAL.—A pathway established
2 under this section shall provide for—

3 “(A) a streamlined and coordinated re-
4 quirements, budget, and acquisition process to
5 support rapid fielding of software applications
6 and of software upgrades to embedded systems
7 for operational use in a period of not more than
8 one year from the time that the process is initi-
9 ated; and

10 “(B) continuous engagement with the
11 users of software and covered hardware to sup-
12 port—

13 “(i) engineering activities of the De-
14 partment of Defense; and

15 “(ii) delivery of software and covered
16 hardware for operational use in periods of
17 not more than one year.

18 “(2) EXPEDITED SOFTWARE REQUIREMENTS
19 PROCESS.—

20 “(A) INAPPLICABILITY OF JOINT CAPABILI-
21 TIES INTEGRATION AND DEVELOPMENT SYSTEM
22 MANUAL.—Software and covered hardware ac-
23 quisition or development conducted under the
24 authority of this section shall not be subject to

1 the Joint Capabilities Integration and Develop-
2 ment System Manual.

3 “(B) INAPPLICABILITY OF DEFENSE AC-
4 QUISSION SYSTEM DIRECTIVE.—Software and
5 covered hardware acquisition or development
6 conducted under the authority of this section
7 shall not be subject to Department of Defense
8 Directive 5000.01.

9 “(h) ELEMENTS.—In implementing a pathway estab-
10 lished under the authority of this section, the Secretary
11 shall tailor streamlined policies and processes relating
12 to—

13 “(1) approval initial user needs statements and
14 user agreements;

15 “(2) establishing and maintaining a prioritized
16 list of work for development;

17 “(3) engaging with product users on a regular
18 basis;

19 “(4) approving acquisition strategies;

20 “(5) awarding contracts;

21 “(6) iteratively developing, integrating, testing,
22 and fielding capability; and

23 “(7) ensuring the delivery of cyber secure sys-
24 tems.

25 “(i) DEFINITIONS.—In this section:

1 “(1) COVERED HARDWARE.—The term ‘covered
2 hardware’ means hardware—

3 “(A) that is a commercial product (as de-
4 fined in section 103 of title 41) or a non-
5 developmental item; and

6 “(B) in which software acquired under this
7 section is embedded.

8 “(2) NONDEVELOPMENTAL ITEM.—The term
9 ‘nondevelopmental item’ has the meaning given the
10 term in section 110 of title 41.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
12 at the beginning of chapter 253 of title 10, United States
13 Code, as amended by section 318, is further amended by
14 inserting after the item relating to section 3602 the fol-
15 lowing new item:

 “3603. Software acquisition pathways.”.

16 (c) REPEAL OF SUPERSEDED AUTHORITY.—

17 (1) REPEAL.—Section 800 of the National De-
18 fense Authorization Act for Fiscal Year 2020 (Pub-
19 lic Law 116–92; 10 U.S.C. 4571 note) is repealed.

20 (2) CONFORMING AMENDMENT.—Section
21 807(e)(1) of the William M. (Mac) Thornberry Na-
22 tional Defense Authorization Act for Fiscal Year
23 2021 (Public Law 116–283; 10 U.S.C. 9081 note)
24 is amended by striking “section 800 of the National
25 Defense Authorization Act for Fiscal Year 2020

1 (Public Law 116–92; 133 Stat. 1478; 10 U.S.C.
2 2223a note)” and inserting “section 3603 of title
3 10, United States Code”.

4 **SEC. 319. MODIFICATIONS TO STEPS TO IDENTIFY AND AD-**
5 **DRESS POTENTIAL UNFAIR COMPETITIVE AD-**
6 **VANTAGE OF TECHNICAL ADVISORS TO AC-**
7 **QUISITION OFFICIALS.**

8 (a) GUIDANCE REQUIRED.—Not later than 180 days
9 after the date of the enactment of this Act, the Secretary
10 of Defense shall issue guidance on steps to identify and
11 prevent the potentially unfair competitive advantage of en-
12 tities providing technical advice to acquisition officials in
13 the award of research and development work by such offi-
14 cials.

15 (b) DEFINITIONS.—For the purposes of this sec-
16 tion—

17 (1) the term “potentially unfair competitive ad-
18 vantage” means unequal access to acquisition offi-
19 cials responsible for award decisions or allocation of
20 resources or to acquisition information relevant to
21 award decisions or allocation of resources; and

22 (2) the term “entity providing technical advice
23 to acquisition officials” means a science and tech-
24 nology reinvention laboratory or a federally funded
25 research and development center or another non-

1 profit entity that provides systems engineering and
2 technical direction, participates in technical evalua-
3 tions, helps prepare specifications or work state-
4 ments, or otherwise provides technical advice to ac-
5 quisition officials on the conduct of defense acquisi-
6 tion programs.

7 (c) REPORT.—Not later than one year after the date
8 of the enactment of this Act, the Secretary of Defense
9 shall submit to the Committee on Armed Services of the
10 Senate and the Committee on Armed Services of the
11 House of Representatives a report on the policies estab-
12 lished under this section. The report shall—

13 (1) describe how any employee or assigned per-
14 sonnel of an entity defined in subsection (b)(2) will
15 be—

16 (A) prevented from performing acquisition
17 functions, including the development, award, or
18 administration of contracts of the program of-
19 fices;

20 (B) prevented from formulating, over-
21 seeing, or evaluating performance on develop-
22 mental or operational testing, or experimen-
23 tation; and

24 (C) allowed to request a waiver to provide
25 technical advice to acquisition officials if—

1 (i) the individual has never supported
2 a product, service, or development of a
3 modular open system architecture that
4 may compete or be required by the acquisition effort of the acquisition official;

6 (ii) a process is established to report
7 any potentially unfair competitive advantage violations by such an employee or assigned personnel to the program manager
9 or contracting officer as soon as it is identified;
11

12 (iii) a process is established to maintain effective oversight to verify compliance
13 with this section; and
14

15 (iv) appropriate disciplinary actions
16 are established in the case of employees or
17 assigned personnel who fail to comply with
18 policies established pursuant to this section; and
19

20 (2) provide information on pass-through
21 charges that the science and technology reinvention
22 laboratories charge acquisition officials when receiving funded work from Department of Defense program offices, including the values charged by each
24

1 science and technology reinvention laboratory and
2 the ultimate uses of the funds.

3 (d) REPEAL OF OBSOLETE AUTHORITY.—The Na-
4 tional Defense Authorization Act for Fiscal Year 2016
5 (Public Law 114–92; 129 Stat. 942) is amended by strik-
6 ing section 881.

7 **SEC. 320. MODIFICATIONS TO PROCUREMENT FOR EXPERI-**
8 **MENTAL PURPOSES.**

9 Section 4023 of title 10, United States Code, is
10 amended—

11 (1) in subsection (a), by striking “ordnance,
12 signal, chemical activity, transportation, energy,
13 medical, space flight, telecommunications, and aero-
14 nautical supplies, including parts and accessories,
15 and designs thereof,” and inserting “demonstrations,
16 prototypes, products, supplies, parts, accessories,
17 auxiliary services, and design for defense-related ar-
18 ticles”;

19 (2) in subsection (b)—

20 (A) by inserting “or modified” after “may
21 be made”; and

22 (B) by inserting “prototyping,” after
23 “greater than necessary for”; and

24 (3) by adding at the end the following new sub-
25 section:

1 “(c) FOLLOW-ON PRODUCTION CONTRACTS OR
 2 TRANSACTIONS.—Purchases under this section may allow
 3 for follow-on production contracts or transactions without
 4 the use of competitive procedures or further justification,
 5 even if explicit notification was not provided, if a combat-
 6 ant command submits a written determination that the
 7 purchased item successfully completed the experiment and
 8 intends to field the item.”.

9 **SEC. 321. CONSUMPTION-BASED SOLUTIONS.**

10 (a) AUTHORITY.—Chapter 247 of title 10, United
 11 States Code, is amended by adding at the end the fol-
 12 lowing new section:

13 **“§ 3459. Authority to acquire consumption-based so-**
 14 **lutions**

15 “(a) AUTHORITY.—The Secretary of Defense and the
 16 Secretaries of the military departments may acquire tech-
 17 nology-supported capabilities through consumption-based
 18 solutions.

19 “(b) GUIDANCE REQUIRED.—The Secretary of De-
 20 fense shall amend the Defense Federal Acquisition Regu-
 21 lation Supplement to implement the authority under sub-
 22 section (a), including—

23 “(1) creating a new subcategory of services
 24 under part 37 of the Federal Acquisition Regulation,
 25 entitled ‘Consumption-based solutions’ that—

1 “(A) is any combination of hardware,
2 equipment, software, labor, or services that to-
3 gether provides a seamless capability;

4 “(B) has the ability to be metered and
5 billed based on actual usage;

6 “(C) has predetermined pricing at fixed
7 price units;

8 “(D) requires the awardee to notify the
9 Department of Defense contracting officer when
10 consumption under the contract reaches 75 per-
11 cent and 90 percent of the funded amount, re-
12 spectively, of the contract; and

13 “(E) treats modifications to a contract en-
14 tered into under the authority established in
15 subsection (a) to add new features or capabili-
16 ties in an amount less than or equal to 25 per-
17 cent of the total value of such contract as com-
18 petitive procurements under chapter 221 of this
19 title; and

20 “(2) creating a new contract type under part 16
21 of the Federal Acquisition Regulation, entitled
22 ‘Fixed-price resource units’ that establishes fixed
23 price per unit of measure as the preferred contract
24 type for the authority established under subsection
25 (a).

1 “(c) FUNDING.—Amounts authorized to be appro-
 2 priated for acquisitions using the authority under sub-
 3 section (a)—

4 “(1) may be used for expenses for—

5 “(A) research, development, test and eval-
 6 uation;

7 “(B) procurement;

8 “(C) production;

9 “(D) modification; and

10 “(E) operation and maintenance; and

11 “(2) may be used to enter into incrementally
 12 funded contracts or other agreements.

13 “(d) CONSUMPTION-BASED SOLUTION DEFINED.—

14 In this section, the term ‘consumption-based solution’
 15 means a model under which a technology-supported capa-
 16 bility is provided to the Department of Defense and may
 17 utilize any combination of software, hardware or equip-
 18 ment, data, and labor or services that provides a capability
 19 that is metered and billed based on actual usage at fixed
 20 price units.”.

21 (b) CLERICAL AMENDMENT.—The table of sections
 22 at the beginning of chapter 247 of title 10, United States
 23 Code, is amended by inserting after the item relating to
 24 section 3458 the following new item:

“3459. Authority to acquire consumption-based solutions.”.

1 **TITLE IV—PROMOTION OF COM-**
2 **PETITION IN THE DEFENSE**
3 **INDUSTRIAL BASE**

4 **SEC. 401. PROGRAM FOR ENHANCING SECONDARY**
5 **SOURCES AND SUPPLY CHAIN MANAGEMENT**
6 **FOR THE DEPARTMENT OF DEFENSE.**

7 (a) PROGRAM ESTABLISHED.—The Secretary of De-
8 fense shall establish policy, regulations, and guidance to
9 enhance the creation and utilization of secondary sources
10 for Department of Defense systems. The program shall—

11 (1) define qualification, testing, evaluation, and
12 airworthiness determinations for secondary sources;

13 (2) create prepackaged templates, including
14 Source Approval Request (SAR) and Parts Manu-
15 facturer Approval (PMA), for various categories of
16 parts and systems; and

17 (3) address part availability problems, obsoles-
18 cence management, and supply chain cost inflation.

19 (b) OBJECTIVES.—The objectives of the program es-
20 tablished under subsection (a) are—

21 (1) to develop a streamlined process for sec-
22 ondary source qualification that can be rapidly de-
23 ployed in both wartime and peacetime conditions;

24 (2) to ensure that the qualification process dur-
25 ing wartime can be completed within weeks, rather

1 than months or years, to maintain operational readi-
2 ness and support rapid deployment; and

3 (3) to maintain a robust and flexible supply
4 chain that adopt advanced manufacturing techniques
5 and can quickly adapt to changing conditions and
6 requirements.

7 (c) TEMPLATES.—The Secretary of Defense shall de-
8 velop a process and detailed templates for qualification,
9 testing, certification, and airworthiness determinations as
10 follows:

11 (1) Not later than 180 days after the date of
12 the enactment of this Act, the establishment of poli-
13 cies implementing the process to encourage and sup-
14 port the delegation of material review board authori-
15 ties, processes, and approvals to the contractor or
16 subcontractor (at any tier) with respect to non-safe-
17 ty critical items for industrial capabilities described
18 in subsection (b).

19 (2) The implementation, where feasible and ad-
20 visable, of commercial processes and procedures, in-
21 cluding forms and templates such as Sources Ap-
22 proval Requests and Alternative Offers, for the eval-
23 uation and qualification of vendors, including manu-
24 facturers and distributors, that are part of the pro-
25 gram established under subsection (a).

1 (3) The implementation of processes and, if
2 necessary, the development of military specifications
3 or other similar requirements documents to pre-qual-
4 ify vendors to supply safety critical items or mission
5 critical items for industrial capabilities based on—

6 (A) an assessment of the vendor’s material
7 and process controls to assure conformance to
8 specification and contractual requirements; and

9 (B) audit and inspection requirements of
10 the Department of Defense.

11 (4) The review of test reports and, not later
12 than 45 days after a test is completed, notification
13 of approval decisions to requesting member of the
14 acquisition workforce (as defined in section 101 of
15 title 10, United States Code).

16 (5) The establishment of processes for qualifica-
17 tion of safety critical or flight critical end items pro-
18 duced through advanced processes and technologies,
19 such as additive manufacturing.

20 (6) The consideration for evaluation and quali-
21 fication of alternative material types that could be
22 viable replacements or interchangeable sources of
23 material using streamlined requirements;

24 (7) Where appropriate, the development of
25 processes for qualification of a system or subsystem

1 by a designated approval authority within a military
2 department in order to avoid the need for qualifica-
3 tion of individual parts while ensuring the perform-
4 ance of parts and the interactions of the parts in the
5 system or subsystem.

6 (8) The development of pathways to streamline
7 and consolidate the approval authority of the process
8 established pursuant to subsection (a).

9 (9) Minimization of the need for military-unique
10 specifications and test procedures, and when re-
11 quired, the use of procedures that—

12 (A) detail the performance or functions re-
13 quired by the item requiring qualification and
14 do not constrain implementation of such proc-
15 ess; and

16 (B) is completed upon request by a mem-
17 ber of the acquisition workforce—

18 (i) not later than 30 days after the
19 date of such request, for unmanned items,
20 non-safety critical items, or non-mission
21 critical items; and

22 (ii) not later than 180 days after the
23 date of such request, for safety critical
24 items or mission critical items.

1 (d) TRANSITION PLANNING.—The program estab-
2 lished under subsection (a) shall incorporate ASME
3 Y.14.24 Original Design Activity (ODA) and Current De-
4 sign Activity (CDA) transition planning and templates, in-
5 cluding—

6 (1) standardized templates for transitioning
7 from ODA to CDA; and

8 (2) comprehensive guidelines for planning and
9 executing transitions between ODA and CDA.

10 (e) PART AVAILABILITY AND OBSOLESCENCE MAN-
11 AGEMENT.—The pilot program shall include strategies—

12 (1) to implement improved inventory tracking
13 systems;

14 (2) to identify and pre-qualify alternative
15 sources for critical parts, including Federal Aviation
16 Administration-certified parts; and

17 (3) to develop proactive obsolescence manage-
18 ment strategies.

19 (f) COST MANAGEMENT.—The program established
20 under subsection (a) shall include measures—

21 (1) to conduct regular benchmarking of Depart-
22 ment of Defense part costs against commercial sec-
23 tor costs; and

24 (2) to perform cost-benefit analyses to identify
25 inefficiencies and areas for cost reduction.

1 (g) BUSINESS RULES AND WAIVER PROCEDURES.—

2 The program established under subsection (a) shall estab-
3 lish more effective exception or waiver procedures for busi-
4 ness rules. These procedures shall—

5 (1) allow for alternative design reviews; and

6 (2) designate activities and roles in decision-
7 making processes to ensure accountability and best
8 value outcomes.

9 (h) LICENSING ROYALTY PLAN.—The program es-
10 tablished under subsection (a) shall establish a licensing
11 royalty plan similar to the intellectual property (IP) rights
12 royalty payments made during World War II by the prede-
13 cessors to the Department of Defense, including—

14 (1) fair and reasonable royalty payments to
15 ODAs and CDAs for the use of intellectual property
16 necessary for secondary source development; and

17 (2) mechanisms to ensure timely and equitable
18 distribution of royalty payments.

19 (i) WORKFORCE DEVELOPMENT.—The Secretary of
20 Defense shall establish an engineering workforce develop-
21 ment program to provide hands-on exposure for govern-
22 ment engineers, manufacturing or repair staff, and soft-
23 ware developers. The program shall—

1 (1) equip participants with the skills necessary
2 to effectively plan and execute secondary sourcing
3 initiatives;

4 (2) include training on qualification, testing,
5 evaluation, and airworthiness determinations; and

6 (3) provide opportunities for practical experi-
7 ence in working with secondary sources and supply
8 chain management.

9 (j) COST SAVINGS EXEMPTION.—Activities under the
10 program established under subsection (a) shall not require
11 a determination of cost savings be met before creating an
12 alternative source and obtaining technical data or software
13 needed for replenishment parts or software, including by
14 reverse engineering. The purpose of the exemption is to
15 enable wartime logistics, point-of-use manufacturing at
16 operating locations, alternative sourcing for suppliers or
17 original equipment manufacturers (OEMs) unable to meet
18 demand within accelerated wartime or contingency logis-
19 tics demand schedules, or when mission readiness rates
20 are adversely impacted, or when value engineering deter-
21 mines that alternative sourcing is a better option than
22 OEM or current supplier value.

23 (k) LEVEL OF REPAIR ANALYSIS.—The program es-
24 tablished under subsection (a) shall include Level of Re-
25 pair Analysis (LORA) that considers non-economic factors

1 such as battle damage repair, logistics under attack, and
2 supply chain disruption factors in determining repair or
3 replacement decisions.

4 (l) EXEMPTIONS FROM CERTAIN INVESTIGATIONS.—
5 Items approved under the process developed pursuant to
6 subsection (a) that do not present a safety risk to human
7 life—

8 (1) shall be exempt from Class A and Class B
9 mishap investigations, as defined by the Secretary of
10 Defense; and

11 (2) shall be subject to streamlined investigation
12 procedures, as determined by the Secretary of De-
13 fense, with respect to a mishap.

14 (m) LIABILITY PROTECTIONS.—Approval authorities
15 responsible for the process developed pursuant to sub-
16 section (a) shall not be held liable by the Department of
17 Defense for mishaps with respect to items approved pursu-
18 ant to the process, absent evidence of willful misconduct,
19 gross negligence, or intentional fraud.

20 **SEC. 402. ADMINISTRATION OF THE INDUSTRIAL EXPAN-**
21 **SION PROGRAM.**

22 (a) REQUIREMENT.—The Secretary of Defense shall
23 establish an industrial expansion program that funds ac-
24 tivities under subsection (b) according to the prioritization
25 of property or services under subsection (c).

1 (b) ACTIVITIES PERMITTED.—The industrial expan-
2 sion program established under subsection (a) shall in-
3 clude the following activities:

4 (1) The development, updating, or refinement
5 of military specifications, to include military details,
6 military performance specifications, and technical
7 publications, and test procedures.

8 (2) Activities associated with the mitigation of
9 diminishing manufacturing sources and material
10 shortages.

11 (3) Reverse engineering or re-engineering prop-
12 erty to create a technical data package or manufac-
13 turing capabilities.

14 (4) Review and validation of technical data
15 rights, ordering, inspection, and enforcement, includ-
16 ing the challenge of improper markings and rights
17 assertions.

18 (5) Qualification, certification, testing, and as-
19 sociated oversight.

20 (6) Advertising, loaning, or transferring re-
21 quired replenishment parts or data to potential
22 sources of supply.

23 (7) Procurement of organic equipment and de-
24 velopment of organic information systems associated
25 with activities described in paragraphs (1) through

1 (6) that support capabilities described under section
2 2464 of title 10, United States Code.

3 (8) Life-of-type buys if there is reasonable ex-
4 pectation that a manufacturing source will have to
5 be created and qualified within the next three years.

6 (c) PRIORITIZATION.—The Secretary of Defense shall
7 ensure that funding for activities under subsection (b)
8 shall be prioritized for the following needs:

9 (1) Shortages in sustainment impacting a sys-
10 tem’s mission capable rates below required objec-
11 tives.

12 (2) Items that are sequence critical or on the
13 driving path for production schedules.

14 (3) Items that have no qualified sources of sup-
15 ply.

16 (4) Items for which a contracting officer cannot
17 ascertain a fair and reasonable price, or for which
18 a contractor has refused to provide cost or pricing
19 data.

20 (5) Items required to retain core logistics capa-
21 bilities.

22 (6) Items identified by combatant commanders
23 as critical for point-of-use manufacturing under con-
24 ditions of contested logistics.

1 (d) EXPENDITURE AMOUNTS.—The Department of
 2 Defense shall expend in connection with the program re-
 3 quired under subsection (a)—

4

5 (A) not less than 2 percent of its extra-
 6 mural procurement and sustainment budget in
 7 each of fiscal years 2026 and 2027; and

8 (B) not less than 3 percent of its extra-
 9 mural procurement and sustainment budget in
 10 fiscal year 2028 and each fiscal year thereafter.

11 (e) EXEMPTIONS.—The requirements, approvals, and
 12 order of preference in subpart 217.75 of the Defense Fed-
 13 eral Acquisition Regulation Supplement and related proce-
 14 dures and guidance shall not apply.

15 (f) PREFERENCE.—The prototype authority under
 16 section 4022 of title 10, United States Code, shall be the
 17 preferred mechanism for procuring activities under the
 18 program required under subsection (a), including with re-
 19 spect to a transition to production.

20 (g) DEFINITIONS.—In this section:

21 (1) EXTRAMURAL BUDGET.—The term “extra-
 22 mural budget” means the sum of the total obliga-
 23 tions minus amounts obligated for such activities by
 24 employees of the agency in or through Government-
 25 owned, Government-operated facilities, except that

1 for the Department of Energy it shall not include
 2 amounts obligated for atomic energy defense pro-
 3 grams solely for weapons activities or for naval reac-
 4 tor programs.

5 (2) REVERSE ENGINEERING.—The term “re-
 6 verse engineering” means a process by which parts
 7 are examined and analyzed to determine how they
 8 were manufactured, for the purpose of developing a
 9 complete technical data package, typically for pur-
 10 poses of enabling manufacture of an item by new
 11 sources.

12 **TITLE V—DEFENSE BUDGETING** 13 **PROCESSES**

14 **SEC. 501. REVIEW OF STRUCTURE OF THE BUDGET AND AP-** 15 **PROPRIATIONS FOR FUNDING OF DEFENSE** 16 **ACQUISITION PROGRAMS.**

17 (a) REVIEW REQUIRED.—The Secretary of Defense
 18 shall conduct a comprehensive review of the appropriation
 19 account, budget line item, and program element structure
 20 for the budget of the Department of Defense, with the
 21 objectives of—

22 (1) identifying cases in which management of a
 23 program or system has been made more difficult due
 24 to the program or system having been subdivided
 25 into multiple budget line items or program elements;

1 (2) identifying cases in which the budget line
2 items or program elements for multiple programs or
3 systems intended to provide a common set of capa-
4 bilities, missions, or functions could be combined
5 into a single budget line item or a single program
6 element;

7 (3) identifying steps that could be taken to ad-
8 dress the cases identified under paragraphs (1) and
9 (2) including a cross-walk of the existing budget
10 structure to the new structure;

11 (4) alignment, to the maximum extent possible,
12 of budget line items or program elements to portfolio
13 acquisition executives or similar portfolio managers;
14 and

15 (5) removal of appropriation titles for research,
16 development, test and evaluation; procurement; and
17 operation and maintenance, and reorganization
18 based on military service and major capability and
19 activity areas as recommended by the final report of
20 the Commission on Planning, Programming, Budg-
21 eting, and Execution Reform.

22 (b) REPORT.—Not later than one year after the date
23 of the enactment of this Act, the Secretary of Defense
24 shall submit to the congressional defense committees a re-
25 port providing the results of the review under subsection

1 (a), together with the Secretary’s plan for any changes
 2 to be made within the Department of Defense resulting
 3 from the review and such recommendations for legislative
 4 action as the Secretary considers appropriate as a result
 5 of the review.

6 **SEC. 502. MODIFICATIONS TO THE DEFENSE MODERNIZA-**
 7 **TION ACCOUNT.**

8 Section 3136 of title 10, United States Code, is
 9 amended—

10 (1) in subsection (b)(1), by striking “out of sav-
 11 ings derived from such projects”;

12 (2) in subsection (e)—

13 (A) by striking paragraphs (1) and (2);
 14 and

15 (B) by striking “(3) Funds” and inserting
 16 “Funds”;

17 (3) in subsection (f), by striking paragraph (3);
 18 and

19 (4) in subsection (h)(2)—

20 (A) in subparagraph (A), by inserting the
 21 semicolon and inserting “; and”;

22 (B) in subparagraph (B), by striking the
 23 semicolon and inserting a period; and

24 (B) by striking subparagraphs (C) and
 25 (D).

1 **SEC. 503. AMENDMENTS AND REPEALS TO BUDGETARY RE-**
2 **QUIREMENTS FOR DEFENSE ACQUISITION.**

3 (a) AMENDMENTS TO EXISTING LAW.—

4 (1) DEFENSE INTELLIGENCE BUSINESS MAN-
5 AGEMENT SYSTEMS.—Section 1624 of the John S.
6 McCain National Defense Authorization Act for Fis-
7 cal Year 2019 (Public Law 115–232; 132 Stat.
8 2120) is amended by striking subsection (b).

9 (2) ASSIGNMENT OF CERTAIN BUDGET CON-
10 TROL RESPONSIBILITIES TO COMMANDER OF UNITED
11 STATES CYBER COMMAND.—Section 1507(c)(2) of
12 the National Defense Authorization Act for Fiscal
13 Year 2022 (Public Law 117–81; 10 U.S.C. 167b
14 note) is amended—

15 (A) by striking subparagraphs (C) and
16 (D); and

17 (B) by redesignating subparagraph (E) as
18 subparagraph (C).

19 (3) LIMITATION AND REPORTING REQUIRE-
20 MENTS FOR UNMANNED CARRIER-LAUNCHED SUR-
21 VEILLANCE AND STRIKE SYSTEM PROGRAM.—Sec-
22 tion 213 of the National Defense Authorization Act
23 for Fiscal Year 2014 (Public Law 113–66; 10
24 U.S.C. 22 note) is amended—

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

1 (B) by redesignating subsection (d) as sub-
2 section (c).

3 (4) BODY ARMOR PROCUREMENT.—Section 141
4 of the National Defense Authorization Act for Fiscal
5 Year 2010 (Public Law 111–84; 10 U.S.C. 221
6 note) is amended to read as follows:

7 **“SEC. 141. BODY ARMOR PROCUREMENT.**

8 “The Secretary of Defense shall ensure that body
9 armor is procured using funds authorized to be appro-
10 priated by this title.”.

11 (5) RAPID RESPONSE TO EMERGENT TECH-
12 NOLOGY ADVANCEMENTS OR THREATS.—Section
13 229(c)(2) of the National Defense Authorization Act
14 for Fiscal Year 2024 (Public Law 118–31; 10
15 U.S.C. 3601 note) is amended by striking subpara-
16 graph (C).

17 (6) ANNUAL PRIMARY PREVENTION RESEARCH
18 AGENDA.—Section 549A of the National Defense
19 Authorization Act for Fiscal Year 2022 (Public Law
20 117–81; 10 U.S.C. 1561 note) is amended by strik-
21 ing subsection (d).

22 (7) EXPLOSIVE ORDNANCE DISPOSAL DEFENSE
23 PROGRAM.—Section 2284 of title 10, United States
24 Code, is amended—

25 (8) by striking subsection (c); and

1 (9) by redesignating subsection (d) as sub-
2 section (c).

3 (b) REPEALS OF EXISTING LAW.—

4 (1) IN GENERAL.—The following provisions are
5 hereby repealed:

6 (A) EVALUATION AND ASSESSMENT OF
7 THE DISTRIBUTED COMMON GROUND SYS-
8 TEM.—Section 219 of the National Defense Au-
9 thorization Act for Fiscal Year 2013 (Public
10 Law 113–66; 10 U.S.C. 221 note).

11 (B) WEAPON SYSTEM COMPONENT OR
12 TECHNOLOGY PROTOTYPE PROJECTS: DISPLAY
13 OF BUDGET INFORMATION.—Section 4421 of
14 title 10, United States Code.

15 (C) ASSESSING CAPABILITIES TO COUNTER
16 ADVERSARY USE OF RANSOMWARE, CAPABILI-
17 TIES, AND INFRASTRUCTURE.—Section 1510 of
18 the National Defense Authorization Act for Fis-
19 cal Year 2022 (117–81; 135 Stat. 2036).

20 (D) SEPARATE PROGRAM ELEMENTS RE-
21 QUIRED FOR RESEARCH AND DEVELOPMENT OF
22 JOINT LIGHT TACTICAL VEHICLE.—Section 213
23 of the Ike Skelton National Defense Authoriza-
24 tion Act for Fiscal Year 2011 (Public Law
25 111–383; 10 U.S.C. 221 note).

1 (E) SEPARATE PROGRAM ELEMENTS RE-
2 QUIRED FOR RESEARCH AND DEVELOPMENT OF
3 INDIVIDUAL BODY ARMOR AND ASSOCIATED
4 COMPONENTS.—Section 216 of the National
5 Defense Authorization Act for Fiscal Year 2010
6 (Public Law 111–84; 10 U.S.C. 221 note).

7 (F) SEPARATE PROCUREMENT AND RE-
8 SEARCH, DEVELOPMENT, TEST, AND EVALUA-
9 TION LINE ITEMS AND PROGRAM ELEMENTS
10 FOR THE F-35B AND F-35C JOINT STRIKE
11 FIGHTER AIRCRAFT.—Section 217 of the Na-
12 tional Defense Authorization Act for Fiscal
13 Year 2010 (Public Law 111–84; 10 U.S.C. 221
14 note).

15 (G) SEPARATE PROGRAM ELEMENTS RE-
16 QUIRED FOR SIGNIFICANT SYSTEMS DEVELOP-
17 MENT AND DEMONSTRATION PROJECTS FOR AR-
18 MORED SYSTEMS MODERNIZATION PROGRAM.—
19 Section 214 of the National Defense Authoriza-
20 tion Act for Fiscal Year 2006 (Public Law
21 109–163; 10 U.S.C. 221 note).

22 (H) BALLISTIC MISSILE DEFENSE PRO-
23 GRAMS: PROGRAM ELEMENTS.—Section 223 of
24 title 10, United States Code.

1 (I) ACQUISITION ACCOUNTABILITY RE-
2 PORTS ON THE BALLISTIC MISSILE DEFENSE
3 SYSTEM.—Section 225 of title 10, United
4 States Code.

5 (J) PROGRAMS FOR COMBATING TER-
6 RORISM: DISPLAY OF BUDGET INFORMATION.—
7 Section 229 of title 10, United States Code.

8 (K) POW/MIA ACTIVITIES: DISPLAY OF
9 BUDGET INFORMATION.—Section 234 of title
10 10, United States Code.

11 (L) PERSONAL PROTECTION EQUIPMENT
12 PROCUREMENT: DISPLAY OF BUDGET INFORMA-
13 TION.—Section 236 of title 10, United States
14 Code.

15 (M) EMBEDDED MENTAL HEALTH PRO-
16 VIDERS OF THE RESERVE COMPONENTS: DIS-
17 PLAY OF BUDGET INFORMATION.—Section 237
18 of title 10, United States Code.

19 (N) CYBER MISSION FORCES: PROGRAM
20 ELEMENTS.—Section 238 of title 10, United
21 States Code.

22 (O) CERTAIN INTELLIGENCE-RELATED
23 PROGRAMS: BUDGET JUSTIFICATION MATE-
24 RIALS.—Section 239b of title 10, United States
25 Code.

1 (P) COOPERATIVE BALLISTIC MISSILE DE-
2 FENSE PROGRAM.—Section 233 of the National
3 Defense Authorization Act for Fiscal Year 1998
4 (Public Law 105–85; 10 U.S.C. 221 note).

5 (Q) BUDGETING OF DEPARTMENT OF DE-
6 FENSE RELATING TO OPERATIONAL ENERGY IM-
7 PROVEMENT.—Section 322 of the William M.
8 (Mac) Thornberry National Defense Authoriza-
9 tion Act for Fiscal Year 2021 (Public Law
10 116–283; 10 U.S.C. 221 note).

11 (R) BUDGETING OF DEPARTMENT OF DE-
12 FENSE RELATING TO EXTREME WEATHER.—
13 Section 328 of the National Defense Authoriza-
14 tion Act for Fiscal Year 2020 (Public Law
15 116–92; 10 U.S.C. 221 note).

16 (S) SYSTEM MANAGEMENT PLAN AND MA-
17 TRIX FOR THE F-35 JOINT STRIKE FIGHTER
18 AIRCRAFT PROGRAM.—Section 122 of the Ike
19 Skelton National Defense Authorization Act for
20 Fiscal Year 2011 (Public Law 111–383; 124
21 Stat. 4157).

22 (T) SEPARATE PROCUREMENT LINE ITEMS
23 FOR FUTURE COMBAT SYSTEMS PROGRAM.—
24 Section 111 of the Duncan Hunter National

1 Defense Authorization Act for Fiscal Year 2009
2 (Public Law 110–417; 10 U.S.C. 221 note).

3 (U) SEPARATE PROCUREMENT AND RE-
4 SEARCH, DEVELOPMENT, TEST, AND EVALUA-
5 TION LINE ITEMS AND PROGRAM ELEMENTS
6 FOR SKY WARRIOR UNMANNED AERIAL SYSTEMS
7 PROJECT.—Section 214 of the Duncan Hunter
8 National Defense Authorization Act for Fiscal
9 Year 2009 (Public Law 110–417; 10 U.S.C.
10 221 note).

11 (V) REQUIREMENT FOR SEPARATE DIS-
12 PLAY OF BUDGETS FOR AFGHANISTAN AND
13 IRAQ.—Section 1502 of the Duncan Hunter
14 National Defense Authorization Act for Fiscal
15 Year 2009 (Public Law 110–417; 10 U.S.C.
16 221 note).

17 (2) CLERICAL AMENDMENTS.—(A) The table of
18 sections at the beginning of subchapter II of chapter
19 327 of title 10, United States Code, is amended by
20 striking the item related to section 4421.

21 (B) The table of sections at the beginning of
22 chapter 9 of title 10, United States Code, is amend-
23 ed by striking the items related to sections 223, 225,
24 229, 234, 236, 237, 238, and 239b.

○