

118TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To promote defense innovation, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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

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**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

## 2

- 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  
12          the Ike Skelton National Defense Authorization Act  
13          for Fiscal Year 2011 (Public Law 111–383; 10  
14          U.S.C. 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 ACQUISI-**  
8 **TION 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-

1       ferentiated capabilities, accelerated delivery sched-  
2       ules, or continuous improvements;”.

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

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

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

9                       (i) in paragraph (1)—

10                               (I) in subparagraph (A), by strik-  
11                               ing “and certifies the accuracy and  
12                               completeness of the justification” and  
13                               inserting “in a manner that provides  
14                               an accurate and complete justifica-  
15                               tion”; and

16                               (II) in subparagraph (B)—

17                                       (aa)       by       striking  
18                                       “\$10,000,000” each place it ap-  
19                                       pears       and       inserting  
20                                       “\$100,000,000”;

21                                       (bb) in clause (i), by striking  
22                                       “\$500,000”       and       inserting  
23                                       “\$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.”;

1           (13) in section 3805(e), by striking “15 per-  
2           cent” and inserting “50 percent”;

3           (14) in section 4201—

4                 (A) in subsection (a)(2)—

5                     (i) in subparagraph (A), by striking  
6                     “\$300,000,000 (based on fiscal year 1990  
7                     constant dollars)” and inserting  
8                     “\$1,000,000,000 (based on fiscal year  
9                     2024 constant dollars)”; and

10                    (ii) in subparagraph (B), by striking  
11                    “\$1,800,000,000 (based on fiscal year  
12                    1990 constant dollars)” and inserting  
13                    “\$5,000,000,000 (based on fiscal year  
14                    2024 constant dollars)”; and

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

17                     “(3) An acquisition program for a defense soft-  
18                     ware program as described by section 800 of the Na-  
19                     tional Defense Authorization Act for Fiscal Year  
20                     2020 (Public Law 116–92; 10 U.S.C. 4571 note).”;

21           (15) in section 4202(a)(2)—

22                 (A) by striking subparagraph (B); and

23                 (B) redesignating subparagraphs (C) and  
24                 (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 “Appropriations”; and  
12                   (ii) by striking paragraph (2); 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 (e) 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(e) 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 MINIMUM  
16 REQUIREMENTS.—Section 1764(b)(2) of title 10, United  
17 States Code, is amended by striking “Program executive  
18 officer” and inserting “Portfolio acquisition executive”.

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

24 (k) RATING CHAINS FOR SYSTEM PROGRAM MAN-  
25 AGERS.—Section 323 of the National Defense Authoriza-

1 tion Act for Fiscal Year 2013 (Public Law 112–239; 126  
2 Stat. 1696) is amended by striking “program executive  
3 officer” and inserting “portfolio acquisition executive”.

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

9 (1) in subsection (b)(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 and

16 (2) in subsection (e)(6)—

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

20 (B) by striking “program executive officer”  
21 and inserting “portfolio acquisition executive”.

22 **SEC. 202. AMENDMENTS TO THE JOINT REQUIREMENTS**  
23 **OVERSIGHT COUNCIL.**

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



1 (1) in subsection (b)—

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

4 (B) in paragraph (2), by striking “validate  
5 joint requirements” and inserting “review joint  
6 requirements”;

7 (C) in paragraph (3), by striking “and  
8 validating”;

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

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

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

15 (G) by striking paragraph (7);

16 (2) in subsection (c)(3), by striking “provide  
17 the chairman any dissenting view of members of the  
18 council under paragraph (1) with respect to such  
19 recommendation” and inserting “first seek concu-  
20 rrence from the Joint Requirements and Program-  
21 ming Board of the Department of Defense”.

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

1 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

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

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

10 (B) by striking clause (ii).

11 **SEC. 203. MATTERS RELATING TO THE DIRECTOR OF COST**  
12 **ASSESSMENT AND PROGRAM EVALUATION.**

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

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

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

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

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

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

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

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

8 (2) by redesignating subparagraph (F) as sub-  
9 paragraph (E).

10 **SEC. 204. ESTABLISHMENT OF JOINT REQUIREMENTS AND**  
11 **PROGRAMMING BOARD.**

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

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

16 “(a) ESTABLISHMENT.—There is established in the  
17 Department of Defense a Joint Requirements and Pro-  
18 gramming Board (in this section referred to as the  
19 ‘Board’).

20 “(b) LEADERSHIP.—The Director of Cost Assess-  
21 ment and Program Evaluation and the Chairman of the  
22 Joint Requirements Oversight Council shall serve as co-  
23 chairpersons of the Board.

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

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

3           “(A) the Joint Requirements Oversight  
4           Council with respect to joint military capabili-  
5           ties requirements; and

6           “(B) the Director of Cost Assessment and  
7           Program Evaluation with respect to program  
8           evaluation;

9           “(2) be the forum for the review for rec-  
10          ommendation of—

11          “(A) all requirements documents referred  
12          to the Joint Requirements Oversight Council;  
13          and

14          “(B) all program issue papers referred to  
15          the Director of Cost Assessment and Program  
16          Evaluation; and

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

18          “(A) between the Chairman of the Joint  
19          Requirements Oversight Council and the Chair-  
20          man of the Joint Chiefs of Staff with respect to  
21          recommendations relating to joint military ca-  
22          pabilities requirements under section 181 of  
23          this title; and

24          “(B) between the Director of Cost Assess-  
25          ment and Program Evaluation and the Deputy

1 Secretary of Defense and the Secretary of De-  
2 fense with respect to functions described in sec-  
3 tion 139a of this title.

4 “(d) RECOMMENDATIONS.—

5 “(1) MAJORITY VOTE REQUIRED.—The Board  
6 shall make a recommendation with respect to an  
7 issue only if the recommendation is agreed to by a  
8 majority vote of the members of the functional com-  
9 mittees established under subsection (e)(2).

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

16 “(3) DISSENTING OPINIONS.—The co-chair-  
17 persons of the Board may write dissenting opinions  
18 to accompany a recommendation of the Board  
19 agreed to as described in paragraph (1) for consider-  
20 ation by the Deputy Secretary of Defense or the  
21 Secretary of Defense.

22 “(e) ORGANIZATION.—The Board shall be composed  
23 of—

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

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

9           “(f) MEMBERSHIP.—

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

15           “(2) FUNCTIONAL COMMITTEES.—Each func-  
16 tional committee established under subsection (e)(2)  
17 shall be composed of—

18           “(A) one member designated by each port-  
19 folio acquisition executive or similar portfolio  
20 manager who is likely to execute a rec-  
21 ommendation made by the functional com-  
22 mittee;

23           “(B) one member designated by each com-  
24 mander of a combatant command, if matters re-  
25 lated to the area of responsibility or functions

1 of that command are likely to be considered by  
2 the functional committee;

3 “(C) one member designated by the Direc-  
4 tor of Cost Assessment and Program Evalua-  
5 tion; and

6 “(D) one member designated by the Chair-  
7 man of the Joint Requirements Oversight  
8 Council.

9 “(g) PROCEDURES.—

10 “(1) IDENTIFICATION AND PRIORITIZATION OF  
11 ISSUES.—

12 “(A) IN GENERAL.—The co-chairpersons  
13 of the Board are responsible for identifying and  
14 prioritizing issues to be considered by each of  
15 the functional committees established under  
16 subsection (e)(2).

17 “(B) NOMINATION OF ISSUES.—Any mem-  
18 ber of the executive committee or a functional  
19 committee established under subsection (e) may  
20 nominate an issue for consideration by the co-  
21 chairpersons under subparagraph (A).

22 “(2) QUORUM FOR FUNCTIONAL COMMIT-  
23 TEES.—

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

4                   “(i) two-thirds of the members of the  
5 functional committee are required to be  
6 present or voting by proxy; and

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

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

17                   “(h) SUPPORT.—The Secretary of Defense shall en-  
18 sure that the executive committee established under sub-  
19 section (e)(1) has adequate staff directly responsible to the  
20 co-chairpersons of the Board to assist in identifying, re-  
21 viewing, coordinating, and analyzing all matters brought  
22 before the Board.”.

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

“186. Joint Requirements and Programming Board.”.



1 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

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

6 (2) DIRECTOR OF COST ASSESSMENT AND PRO-  
7 GRAM EVALUATION.—Section 139a of such title is  
8 amended—

9 (A) in subsection (b)—

10 (i) in paragraph (1)—

11 (I) in the matter preceding sub-  
12 paragraph (A), by inserting “, subject  
13 to section 186 of this title,” after  
14 “shall provide”; and

15 (II) in subparagraph (A), by  
16 striking “section 2334” and inserting  
17 “section 3221”; and

18 (ii) in paragraph (2), by striking “The  
19 Director” and inserting “Subject to section  
20 186 of this title, the Director”; and

21 (B) in subsection (d)—

22 (i) in paragraph (1), by striking “sec-  
23 tion 2334” and inserting “section 3221”;  
24 and

25 (ii) by striking paragraph (9).

1 **SEC. 205. CAPSTONE REQUIREMENTS.**

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

5 **“§ 3209. Capstone requirements**

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

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

19 “(1) develop a general set of requirements for  
20 the acquisition portfolio in accordance with sub-  
21 section (c) under which programs or projects may be  
22 initiated;

23 “(2) authorize the portfolio acquisition execu-  
24 tive or similar portfolio manager for the portfolio to  
25 change the scope and requirements for programs  
26 within the portfolio, subject to subsection (d);

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

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

7           “(5) authorize the portfolio acquisition execu-  
8           tive or similar portfolio manager to resource and ac-  
9           quire commercial or nondevelopmental items under  
10          the capstone requirement by validating the need with  
11          the representatives assigned under paragraph (3);

12          “(6) manage information technology require-  
13          ments using dynamically prioritized lists of user  
14          needs rather than large static requirements docu-  
15          ments; and

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

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

22                 “(1) to guide the iterative delivery of an inte-  
23                 grated suite of capabilities to maximize operational  
24                 impact;

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

4           “(3) to include measures of force effectiveness  
5           for a force mix of capabilities to be measured  
6           against; and

7           “(4) to include kill chains, effects chains, vi-  
8           gnettes of operational scenarios, and related mission  
9           engineering initiatives across the Department of De-  
10          fense.

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

13           “(1) shall be carried out in consultation with  
14           operational commands and the Joint Requirements  
15           and Programming Board; and

16           “(2) does not include authority to change key  
17           performance parameters for a major defense acquisi-  
18           tion program.

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

23           “(1) to shape the vision and priorities for key  
24           capability areas;

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

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

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

7 “(5) to foster collaboration among the acquisi-  
8 tion community, developers, and users of the capa-  
9 bility to be fielded; and

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

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

“3209. Capstone requirements.”.

16 **TITLE III—RAPID ACQUISITION**  
17 **AND COMMERCIAL CON-**  
18 **TRACTING**

19 **SEC. 301. MILESTONE A.**

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

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

24 (2) CLERICAL AMENDMENT.—The table of sec-  
25 tions at the beginning of subchapter III of chapter

1       322 of title 10, United States Code, is amended by  
2       striking the item relating to section 4251.

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

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

10           (1) by striking “a milestone phase” and insert-  
11       ing “the engineering and manufacturing develop-  
12       ment phase, or production and deployment phase,”;  
13       and

14           (2) by striking “authority that—” and all that  
15       follows through “(2) for the engineering and manu-  
16       facturing development phase, or production and de-  
17       ployment phase, includes a cost estimate” and in-  
18       serting “authority that includes a cost estimate”.

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

20       Section 4211 of title 10, United States Code, is  
21 amended—

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

24           (2) in subsection (b), by striking “the Under  
25       Secretary of Defense for Acquisition and

1 Sustainment, or the milestone decision authority,  
2 when the milestone decision authority is the service  
3 acquisition executive of the military department that  
4 is managing the program,” and inserting “the port-  
5 folio acquisition executive, or the decision authority,  
6 when the decision authority is the service acquisition  
7 executive of the military department or the Under  
8 Secretary of Defense for Acquisition and  
9 Sustainment,”;

10 (3) in subsection (c)—

11 (A) in paragraph (1)—

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

14 (ii) by striking “the Under Secretary,  
15 or the milestone decision authority, when  
16 the milestone decision authority is the  
17 service acquisition executive of the military  
18 department that is managing the pro-  
19 gram,” and inserting “the portfolio acqui-  
20 sition executive, or the decision authority,  
21 when the decision authority is the service  
22 acquisition executive of the military depart-  
23 ment or the Under Secretary of Defense  
24 for Acquisition and Sustainment,”;

1 (iii) by amending subparagraph (A) to  
2 read as follows:

3 “(A) the strategy clearly describes the proposed  
4 top-level business and capability management ap-  
5 proach for the program or system, and to the max-  
6 imum extent practicable, describes how a portfolio of  
7 capabilities within an enduring set of requirements  
8 will be developed, procured, and fielded rather than  
9 detailing a specific end-item;” and

10 (iv) in subparagraph (B), by striking  
11 “with available resources” and inserting  
12 “within a general set of resources”; and

13 (B) by amending paragraph (2) to read as  
14 follows:

15 “(2) Each strategy shall, where appropriate, consider  
16 the following:

17 “(A) An approach that delivers required capa-  
18 bilities in increments, each depending on available  
19 mature technology, and that recognizes up front the  
20 need for future capability improvements or transi-  
21 tions to alternative end-items through use of contin-  
22 uous competition.

23 “(B) Requirements related to logistics, mainte-  
24 nance, and sustainment in accordance with sections  
25 2464 and 2466 of this title, and the acquisition of



1 technical data and computer software data to enable  
2 such requirements in accordance with sections 3771  
3 through 3775 of this title.

4 “(C) A process for collaborative interaction and  
5 market research with the science and technology  
6 community, including Department of Defense  
7 science and technology reinvention laboratories, gov-  
8 ernment innovation cells, academia, small busi-  
9 nesses, nontraditional defense contractors, and other  
10 contractors.

11 “(D) Identification of enterprise-wide designs  
12 and standards in support of an architecture that  
13 provides for an integrated suite of capabilities that  
14 focuses on simplicity of implementation and speed of  
15 delivery.

16 “(E) Overarching roadmaps that created inte-  
17 grated strategic schedules of legacy systems and new  
18 capabilities and a mapping of enduring requirements  
19 to elements of the portfolio of capabilities.

20 “(F) A contracting strategy that develops long-  
21 term partnerships with multiple companies to ac-  
22 tively contribute to architectures, development, pro-  
23 duction, and sustainment across the portfolio of ca-  
24 pabilities by decomposing large systems into smaller

1 sets of projects across time and technical compo-  
2 nent.

3 “(G) An assignment of roles and responsibilities  
4 to the acquisition workforce within the portfolio ac-  
5 quisition executive, identification of external stake-  
6 holder dependencies, and the need for subject matter  
7 expert inputs at critical points in the program, in-  
8 cluding the need for special hiring authority or advi-  
9 sory and assistance services.

10 “(H) A process of testing and experimentation  
11 with the test community and end users to ensure  
12 continuous user feedback, acceptance, and develop-  
13 ment of concepts of operations.”; and

14 (4) by striking subsections (d) and (e) and in-  
15 sserting the following:

16 “(d) REVIEW.—The decision authority shall review  
17 and approve, as appropriate, the acquisition strategy for  
18 a major defense acquisition program or major system  
19 prior to the acquisition decision memorandum and ensure  
20 that the strategy is updated at regular intervals to incor-  
21 porate significant changes to program requirements,  
22 resourcing, or acquisition decisions.

23 “(e) DECISION AUTHORITY DEFINED.—In this sec-  
24 tion, the term ‘decision authority’, with respect to a major  
25 defense acquisition program or major system, means the

1 official within the Department of Defense designated with  
2 the overall responsibility and authority for acquisition de-  
3 cisions for the program or system, including authority to  
4 approve entry of the program or system into the next  
5 phase of the acquisition process.”.

6 **SEC. 303. EXEMPTIONS FOR NONTRADITIONAL DEFENSE**  
7 **CONTRACTORS.**

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

11 (1) Defense Federal Acquisition Regulation  
12 Supplement 252.242-7006.

13 (2) Defense Federal Acquisition Regulation  
14 Supplement 252.234-7002.

15 (3) Defense Federal Acquisition Regulation  
16 Supplement 252.242-7002.

17 (4) Defense Federal Acquisition Regulation  
18 Supplement 252.242-7004.

19 (5) Defense Federal Acquisition Regulation  
20 Supplement 252.242-7003.

21 (6) Defense Federal Acquisition Regulation  
22 Supplement 252.242-7001.

23 (7) Defense Federal Acquisition Regulation  
24 Supplement 252.242-7005.

1 (8) Defense Federal Acquisition Regulation  
2 Supplement 215.407.

3 (9) Section 3702 of title 10, United States  
4 Code.

5 (10) Part 31 of the Federal Acquisition Regula-  
6 tion.

7 **SEC. 304. MODIFICATIONS TO TREATMENT OF CERTAIN**  
8 **PRODUCTS AND SERVICES AS COMMERCIAL**  
9 **PRODUCTS AND COMMERCIAL SERVICES.**

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

12 (1) in subsection (a)—

13 (A) by inserting “(1)” before  
14 “Notwithstanding”;

15 (A) by striking “may be treated” and in-  
16 sserting “shall be treated”; and

17 (B) by adding at the end the following new  
18 paragraph:

19 “(2) The requirement under paragraph (1) may be  
20 waived with a written determination approved by the head  
21 of contracting activity, including an explanation of why  
22 commercial procedures should not be used or tailored and  
23 market research demonstrating that no other supplier  
24 could provide the required product or services under com-  
25 mercial procedures.”;

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

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

4 **SEC. 305. MODIFICATION TO NONTRADITIONAL DEFENSE**  
5 **CONTRACTOR DEFINITIONS.**

6 Section 3014 of title 10, United States Code, is  
7 amended—

8 (1) by striking “means an entity that is not  
9 currently performing” and inserting the following:

10 “means an entity that—

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

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

14 “(2) certifies that, for the ultimate parent com-  
15 pany’s three audited annual financial statements  
16 preceding the solicitation of sources by the Depart-  
17 ment of Defense for the procurement or transaction,  
18 has—

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

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

24 “(3) certifies that it has raised funding through  
25 third-party sources in exchange for equity amount-

1       ing to a minimum of 5 percent of the value of the  
2       company's total outstanding shares within the last  
3       two years.”.

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

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

12       (b) ALTERNATIVE CAPACITY-BASED ANALYSIS DE-  
13  FINED.—In this section, the term “alternative capability-  
14  based analysis” means an analysis of the value to the Fed-  
15  eral Government of a commercial product or commercial  
16  service that considers one or more of the following ele-  
17  ments:

18           (1) The fitness of the product or service for the  
19       particular purpose such product or service is being  
20       procured.

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

24           (3) The business model or financial projections  
25       of the nontraditional defense contractor, commensu-

1 rate with the scale of the potential investment by the  
2 Secretary of Defense, which may include cost infor-  
3 mation, self-funded risk, financial projections, ex-  
4 penditure rates, estimates of total sales market, and  
5 other financial, technical, or management data.

6 (4) The estimated total cost avoidance or in-  
7 creased capacity afforded by the offered product or  
8 service in relation to current and future costs of pro-  
9 grams and operations that provide the same or simi-  
10 lar capabilities.

11 (5) Input from the military user on the poten-  
12 tial value added by the improved capabilities or pro-  
13 duction processes.

14 (6) An analysis of competitive capabilities of-  
15 fered within a fixed budget or price set by the gov-  
16 ernment in a solicitation.

17 **SEC. 307. MODIFICATIONS TO CERTAIN PROCUREMENT**  
18 **THRESHOLDS.**

19 (a) SIMPLIFIED PROCEDURES FOR SMALL PUR-  
20 CHASES.—Section 3205(a) of title 10, United States Code,  
21 is amended—

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

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

3           (b) SIMPLIFIED ACQUISITION THRESHOLD.—Section  
4 3571 of title 10, United States Code, is amended—

5           (1) in subsection (a), by striking “as specified  
6           in section 134 of title 41” and inserting  
7           “\$10,000,000”; and

8           (2) in subsection (b)—

9                   (A) by inserting “(1)” before “No law”;  
10                  and

11                   (B) by adding at the end the following new  
12                  paragraph:

13           “(2) For purposes of acquisitions by agencies named  
14 in section 3063 of this title, the small business reservation  
15 established in section 15(j) of the Small Business Act (15  
16 U.S.C. 644(j)) shall be \$500,000.”.

17           (c) MICRO-PURCHASE THRESHOLD.—Section 3573 of  
18 title 10, United States Code, is amended by striking  
19 “\$10,000” and inserting “\$100,000”.

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



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

6 (f) CONTRACTS AWARDED USING PROCEDURES  
7 OTHER THAN SEALED-BID PROCEDURES.—Section  
8 3321(b)(3) of title 10, United States Code, is amended  
9 by striking “simplified acquisition threshold” and insert-  
10 ing “threshold specified in section 3571(a) of this title”.

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

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

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

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

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

4           (j) MARKET RESEARCH AND PREFERENCE FOR COM-  
5           MERCIAL ITEMS.—Section 855(a)(1) of the National De-  
6           fense Authorization Act for Fiscal Year 2016 (Public Law  
7           116–92; 10 U.S.C.3453 note) is amended by striking  
8           “simplified acquisition threshold” and inserting “thresh-  
9           old specified in section 3571(a) of this title”.

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

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

20          (m) REQUESTS FOR EQUITABLE ADJUSTMENT OR  
21          OTHER RELIEF.—Section 3862 of title 10, United States  
22          Code, is amended—

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

1 (2) in subsection (d)—

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

3 (B) by redesignating paragraphs (2) and

4 (3) as paragraphs (1) and (2), respectively.

5 (n) EXPENDITURE OF APPROPRIATIONS: LIMITA-  
6 TION.—Section 4651(b) of title 10, United States Code,  
7 is amended by striking “as defined in section 134 of title  
8 41” and inserting “as defined in section 3571(a) of this  
9 title”.

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

15 (p) PROHIBITION OF CONTRACTORS LIMITING SUB-  
16 CONTRACTOR SALES DIRECTLY TO THE UNITED  
17 STATES.—Section 4655(c) 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 (q) PROHIBITION ON PERSONS CONVICTED OF DE-  
22 FENSE-CONTRACT RELATED FELONIES AND RELATED  
23 CRIMINAL PENALTY ON DEFENSE CONTRACTORS.—Sec-  
24 tion 4656(a)(4)(A) of title 10, United States Code, is  
25 amended by striking “as defined in section 134 of title

1 41” and inserting “as defined in section 3571(a) of this  
2 title”.

3 (r) PROHIBITION ON CONTRACTING WITH ENTITIES  
4 THAT COMPLY WITH THE SECONDARY ARAB BOYCOTT  
5 OF ISRAEL.—Section 4659(b) of title 10, United States  
6 Code, is amended by striking “as defined in section 134  
7 of title 41” and inserting “as defined in section 3571(a)  
8 of this title”.

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

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

20 **SEC. 308. MODIFICATIONS TO COMMERCIAL SOLUTIONS**  
21 **OPENINGS.**

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

24 (1) by amending subsection (a) to read as fol-  
25 lows:

1           “(a) **AUTHORITY.**—The Secretary of Defense and the  
2 Secretaries of the military departments may acquire com-  
3 mercial products, commercial services, and nondevelop-  
4 mental items through a competitive selection of proposals  
5 resulting from a general solicitation and the peer review,  
6 technical review, or operational review (as appropriate) of  
7 such proposals, and may issue, without further justifica-  
8 tion, follow-on contract awards or agreements, including  
9 sole source awards or agreements, to the recipient.”;

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

12           (3) by inserting after subsection (b) the fol-  
13 lowing new subsection:

14           “(c) **SOLE-SOURCE FOLLOW-ON.**—The Secretary of  
15 Defense and the Secretaries of the military departments  
16 may issue, without further justification, follow-on contract  
17 awards or agreements, including sole source awards or  
18 agreements, to a recipient competitively selected under  
19 subsection (a).”;

20           (3) in paragraph (1) of subsection (d), as redesi-  
21 gnated by paragraph (2) of this section, by striking  
22 “the Under Secretary of Defense for Acquisition and  
23 Sustainment or the relevant service acquisition execu-  
24 tive” and inserting “the head of the contracting ac-

1           tivity (or the head of the contracting activity’s des-  
2           ignated delegate)”;

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

4                   (A) by striking “(1)”; and

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

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

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

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

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

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

24                   “(2) Only nontraditional defense contractors (as de-  
25          fined in section 3014 of this title) may submit proposals

1 and be eligible for an award or agreement under the gen-  
2 eral solicitations established pursuant to paragraph (1).

3 “(3) The preferred model for developing and pro-  
4 ducing operational military capabilities using general so-  
5 licitations in paragraph (1) shall be the urgent capability  
6 acquisition, middle tier of acquisition, software acquisi-  
7 tion, or services acquisition pathways of the Department  
8 of Defense Adaptive Acquisition Framework described in  
9 Department of Defense Instructions 5000.85 and  
10 5000.2.”.

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

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

14 (1) in subsection (a)—

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

17 “(2) The authority of this section may be exercised  
18 for a transaction for a prototype project, or for a trans-  
19 action for a follow-on production contract or transaction  
20 that is awarded pursuant to subsection (f) or (g), that is  
21 expected to cost the Department of Defense in excess of  
22 \$100,000,000 (including all options) only upon a written  
23 determination that the requirements of subsection (d) will  
24 be met by a head of the contracting activity, or, for the  
25 Defense Advanced Research Projects Agency, the Defense

1 Innovation Unit, or the Missile Defense Agency, the direc-  
2 tor of the agency.”; and

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

5 “(3) The authority of the head of the contracting ac-  
6 tivity, the director of the Defense Advanced Research  
7 Projects Agency, the director of the Defense Innovation  
8 Unit, the director of the Missile Defense Agency, or the  
9 senior procurement executive, as applicable, under para-  
10 graph (2), may not be delegated.”;

11 (2) in subsection (e)—

12 (A) by amending paragraph (1) to read as  
13 follows:

14 “(1) The term ‘head of the contracting activity’  
15 means those officials within the organization who  
16 have responsibility for and manage an acquisition  
17 organization and usually hold unlimited procurement  
18 authority.”; and

19 (B) by adding at the end the following new  
20 paragraph:

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



1           (3) by redesignating subsections (h) and (i) as  
2           subsections (i) and (j), respectively; and

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

5           “(h) **AUTHORITY TO AWARD A PRODUCTION TRANS-**  
6 **ACTION TO RAPIDLY FIELD AN EXISTING CAPABILITY.—**  
7 A production transaction may be awarded, with or without  
8 the use of competitive procedures, to acquire emergent and  
9 proven technologies and field production quantities of new  
10 or upgraded systems that do not require additional devel-  
11 opment and have been demonstrated in a relevant environ-  
12 ment when the appropriate service or component acquisi-  
13 tion executive determines in writing that exceptional cir-  
14 cumstances justify the use of such a transaction to address  
15 a high priority warfighter need.”.

16 **SEC. 310. MODIFICATIONS TO COMMERCIAL PRODUCT AND**  
17 **COMMERCIAL SERVICE DETERMINATIONS BY**  
18 **DEPARTMENT OF DEFENSE.**

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

22           “(a) **IN GENERAL.—**The Secretary of Defense shall  
23 create a default determination that products and services  
24 acquired by the Department of Defense are commercial  
25 and shall be acquired using commercial procedures, and,

1 to the maximum extent practicable, general solicitation  
2 procedures under section 3458 of this title, unless deter-  
3 mined to be non-commercial by the Department of De-  
4 fense contracting officer.

5       “(b) DETERMINATIONS REGARDING THE NON-COM-  
6 MERCIAL NATURE OF PRODUCTS OR SERVICES.—A de-  
7 fense-unique development product or service may not be  
8 procured if there is a commercial product or service, with  
9 or without customization, that meets the minimum re-  
10 quirements of the Department of Defense. In making a  
11 determination whether a particular product or service of-  
12 fered by a contractor is non-commercial and does not meet  
13 any definition for commercial products or commercial  
14 services, a contracting officer of the Department of De-  
15 fense shall submit a written memorandum summarizing  
16 the determination for approval by the head of contracting  
17 activity, prior to awarding the contract, and provide it to  
18 the contractor or subcontractor offering the product or  
19 service for which such determination is summarized in  
20 such memorandum. The memorandum shall include—

21               “(1) a detailed justification why the product or  
22 commercial service was determined to be non-  
23 commercial including the results of market research;  
24 and

1           “(2) a signed determination by the program  
2           manager that the requirement could not be reason-  
3           ably changed to accommodate a commercial product  
4           or commercial service.

5           “(c) DEFINITION.—The term ‘defense-unique devel-  
6           opment’ means a Department of Defense-financed devel-  
7           opment, either to repurpose a commercial product or solu-  
8           tion or to develop a new product or solution, to provide  
9           a defense-unique capability.”.

10 **SEC. 311. COMMERCIALLY ACCEPTABLE TRANSACTION AND**  
11 **PAYMENT METHODS.**

12           (a) IN GENERAL.—In the case contracts using com-  
13           mercial procedures or other transactions, procurement of-  
14           ficials of the Department of Defense shall use the most  
15           efficient, expeditious, and commercially acceptable trans-  
16           action and payment methods practicable.

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

21           (1) may use the Government purchase card as  
22           a transaction and payment method subject to the  
23           limitations of the contracting officer’s warrant and  
24           Department of Defense purchase card procedures  
25           and limitations;

1           (2) may not use flexibly priced contracts that  
2           require the application of the Government's cost ac-  
3           counting standards or cost principles; and

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

6           (c) MICRO-PURCHASE PROCEDURES.—Nothing in  
7 this section shall affect the ability of the Department of  
8 Defense to use micro-purchase procedures for acquisitions  
9 below the micro-purchase threshold.

10 **SEC. 312. TRANSPARENCY AND ACCOUNTABILITY OF CON-**  
11 **TRACT AWARDS.**

12           Notice of all contract awards or other agreements  
13 shall be publicly posted within a reasonable period of time  
14 after the award or agreement is made, taking into consid-  
15 eration operational security. The notice of award or agree-  
16 ment shall include the purchase order or other record of  
17 the transaction that includes quantities and prices of the  
18 individual products or services being acquired.

19 **SEC. 313. LIMITATION ON REQUIRED FLOWDOWN OF CON-**  
20 **TRACT CLAUSES TO SUBCONTRACTORS PRO-**  
21 **VIDING COMMERCIAL PRODUCTS OR COM-**  
22 **MERCIAL SERVICES.**

23           (a) CONTRACT CLAUSES REQUIRED IN THE FED-  
24 ERAL ACQUISITION REGULATION.—

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

4   **“§ 3459. Limitation on required flowdown of contract**  
5                   **clauses to subcontractors providing com-**  
6                   **mercial products or commercial services**

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

12          “(b) SINGLE CLAUSE REQUIREMENT.—The Sec-  
13          retary of Defense shall provide for implementation of all  
14          provisions of law applicable to subcontracts for commercial  
15          products and services through—

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

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

20          (2) CLERICAL AMENDMENT.—The table of sec-  
21          tions at the beginning of chapter 247 of title 10,  
22          United States Code, is amended by inserting after  
23          the item relating to section 3458 the following new  
24          item:

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

1 (b) EFFECTIVE DATES.—

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

8 (2) REGULATIONS.—Not later than 180 days  
9 after the date of the enactment of this Act, the Sec-  
10 retary of Defense shall amend the Defense Federal  
11 Acquisition Regulation Supplement to implement  
12 section 3459 of title 10, United States Code, as  
13 added by subsection (a).

14 **SEC. 314. MODIFICATIONS TO RELATIONSHIP OF OTHER**  
15 **PROVISIONS OF LAW TO PROCUREMENT OF**  
16 **COMMERCIAL PRODUCTS AND COMMERCIAL**  
17 **SERVICES.**

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

21 “(b) APPLICABILITY OF DEFENSE-UNIQUE STAT-  
22 UTES TO CONTRACTS FOR COMMERCIAL PRODUCTS AND  
23 COMMERCIAL SERVICES.—(1) The Defense Federal Ac-  
24 quisition Regulation Supplement shall include a list of de-  
25 fense-unique provisions of law and of contract clause re-

1 requirements based on government-wide acquisition regula-  
2 tions, policies, or executive orders expressly required in  
3 law that are applicable to contracts for the procurement  
4 of commercial products and commercial services by the  
5 Department of Defense.

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

16 “(c) APPLICABILITY OF DEFENSE-UNIQUE STAT-  
17 UTES TO SUBCONTRACTS FOR COMMERCIAL PRODUCTS  
18 AND COMMERCIAL SERVICES.—(1) The Defense Federal  
19 Acquisition Regulation Supplement shall include a list of  
20 defense-unique provisions of law and of contract clause re-  
21 quirements based on government-wide acquisition regula-  
22 tions, policies, or executive orders expressly required in  
23 law that are applicable to subcontracts for the procure-  
24 ment of commercial products and commercial services. A  
25 provision of law or contract clause requirement properly

1 included on the list pursuant to paragraph (2) must apply  
2 to purchases of commercial products and commercial serv-  
3 ices by the Department of Defense.

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

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

15 “(A) includes a transfer of commercial products  
16 and commercial services between divisions, subsidi-  
17 aries, or affiliates of a contractor or subcontractor;  
18 and

19 “(B) does not include agreements entered into  
20 by a contractor for the supply of commodities that  
21 are intended for use in the performance of multiple  
22 contracts with the Department of Defense and other  
23 parties and are not identifiable to any particular  
24 contract.



1           “(4) This subsection does not authorize the waiver  
2 of the applicability of any provision of law or contract  
3 clause requirement with respect to any first-tier sub-  
4 contract under a contract with a prime contractor reselling  
5 or distributing commercial products and commercial serv-  
6 ices of another contractor without adding value.

7           “(d) APPLICABILITY OF DEFENSE-UNIQUE STAT-  
8 UTES TO CONTRACTS FOR COMMERCIALY AVAILABLE,  
9 OFF-THE-SHELF ITEMS.—(1) The Defense Federal Acqui-  
10 sition Regulation Supplement shall include a list of de-  
11 fense-unique provisions of law and of contract clause re-  
12 quirements based on government-wide acquisition regula-  
13 tions, policies, or executive orders expressly required in  
14 law that are applicable to subcontracts for the procure-  
15 ment of commercially available off-the-shelf items by the  
16 Department of Defense.

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

1 clause requirement to the procurement of commercially  
2 available off-the-shelf items.

3       “(e) COVERED PROVISION OF LAW OR CONTRACT  
4 CLAUSE REQUIREMENT.—A provision of law or contract  
5 clause requirement referred to in subsections (b)(2),  
6 (c)(2), and (d)(2) is a provision of law or contract clause  
7 requirement that the Under Secretary of Defense for Ac-  
8 quisition and Sustainment determines sets forth policies,  
9 procedures, requirements, or restrictions for the procure-  
10 ment of property or services by the Federal Government,  
11 except for a provision of law or contract clause require-  
12 ment that—

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

14               “(2) requires that certain articles be bought  
15 from United States sources pursuant to section  
16 4862 of this title, or requires that strategic mate-  
17 rials critical to national security be bought from  
18 United States sources pursuant to section 4863 of  
19 this title; or

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

1 **SEC. 315. NONTRADITIONAL DEFENSE CONTRACTOR COM-**  
2 **MERCIAL SOLUTIONS OPENING.**

3 Section 3458 of title 10, United States Code, is  
4 amended by adding at the end the following new sub-  
5 section:

6 “(j) NONTRADITIONAL VEHICLE.—(1) The Secretary  
7 of Defense shall establish consortia to conduct prototype  
8 projects and follow-on production under the authority of  
9 section 4022 of this title for each systems command and  
10 each portfolio acquisition executive.

11 “(2) Of the consortia established pursuant to para-  
12 graph (1), the membership of the consortia shall be limited  
13 to nontraditional defense contractors (as defined in section  
14 3014 of this title).

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

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

23 (a) AUTHORIZATION.—Not later than April 1, 2025,  
24 the service and component acquisition executives shall es-  
25 tablish guidance requiring separate program managers  
26 and contracting officers within the Department of Defense

1 to compete alternative prototypes for a program with an  
2 independent down-select to determine the winner.

3 (b) SELECTION OF PROGRAMS.—Each service and  
4 component acquisition executive shall designate not less  
5 than three programs annually for use of the procedures  
6 established under subsection (a).

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

11 (1) assume management of distinct prime con-  
12 tractors that do not share ownership from the same  
13 ultimate parent company;

14 (2) sign a tenure agreement through the end of  
15 the competitive down-select under subsection (e);  
16 and

17 (3) be selected from existing personnel of the  
18 Department of Defense.

19 (d) PROTOTYPE PHASE.—Each program manager  
20 and contracting officer selected under subsection (c) for  
21 a specific program shall be provided equal funding and  
22 scheduling constraints to deliver a prototype demonstra-  
23 tion for the program requirement.

24 (e) COMPETITIVE DOWN-SELECT.—The service or  
25 component acquisition executives, in coordination with

1 operational test and evaluation activities and the com-  
2 manders of the combatant commands, shall—

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

5 (2) regard any program manager-approved de-  
6 viation from the program requirement under sub-  
7 section (f)(2) to be valid; and

8 (3) select a winner eligible for a sole source fol-  
9 low-on contract or other agreement under subsection  
10 (f)(1).

11 (f) EXEMPTIONS AND SPECIAL PROCEDURES.—

12 (1) COMPETITIVE PROCEDURES EXEMPTION.—  
13 Contracts awarded under the procedures established  
14 in subsection (a) shall be considered use of competi-  
15 tive procedures established for the purposes of chap-  
16 ter 221 of this title.

17 (2) JOINT CAPABILITIES INTEGRATION AND DE-  
18 VELOPMENT SYSTEM EXEMPTION.—The requirement  
19 for the program under subsection (b) shall be ex-  
20 empt from the Joint Capabilities Integration and  
21 Development System and a program manager may  
22 deviate from the requirement without additional ap-  
23 proval.

24 (3) TEST AND EVALUATION MASTER PLAN.—  
25 The program under subsection (b) shall utilize a

1 streamlined Test and Evaluation Master Plan that  
2 must be submitted prior to the competitive down-se-  
3 lect phrase described in subsection (e).

4 (4) ACQUISITION STRATEGY.—Each program  
5 manager and contracting officer shall submit a  
6 streamlined acquisition strategy of no more than 20  
7 pages prior to the start of the prototype phase under  
8 subsection (d).

9 (g) DELEGATION.—The service or component acqui-  
10 sition executive may delegate the down-selection described  
11 in subsection (e) to personnel other than personnel se-  
12 lected under subsection (e) or personnel that may have  
13 a conflict of interest.

14 **SEC. 317. MIDDLE TIER OF ACQUISITION FOR RAPID**  
15 **PROTOTYPING AND RAPID FIELDING.**

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

19 **“§ 3602. Middle tier of acquisition for rapid proto-**  
20 **typing and rapid fielding**

21 “(a) GUIDANCE REQUIRED.—The Under Secretary of  
22 Defense for Acquisition and Sustainment shall establish  
23 pathways as described under subsection (b) to establish  
24 a process for conducting middle tier acquisitions for pro-

1 grams or projects that are intended to be completed in  
2 a period of two to five years.

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

6 “(1) RAPID PROTOTYPING.—The rapid proto-  
7 typing pathway shall provide for the use of innova-  
8 tive technologies to rapidly develop fieldable proto-  
9 types to demonstrate new capabilities and meet  
10 emerging military needs. The objective of an acquisi-  
11 tion program or project under this pathway shall be  
12 to field a prototype that can be demonstrated in an  
13 operational environment and provide for a residual  
14 operational capability within five years of initiation.

15 “(2) RAPID FIELDING.—The rapid fielding  
16 pathway shall provide for the use of proven tech-  
17 nologies to field production quantities of new or up-  
18 graded systems with minimal development required.  
19 The objective of an acquisition program or project  
20 under this pathway shall be to begin production  
21 within six months and complete fielding within five  
22 years of initiation.

23 “(c) EXPEDITED PROCESS.—

24 “(1) IN GENERAL.—Before using the authority  
25 under this section, the Under Secretary shall develop

1 a streamlined and coordinated requirements, budget,  
2 and acquisition process that results in the develop-  
3 ment of an approved requirement for each acquisi-  
4 tion program or project in a period of not more than  
5 six months from the time that process is initiated.  
6 Programs of projects carried out under the authority  
7 of this section shall not be subject to the Joint Ca-  
8 pabilities Integration and Development System Man-  
9 ual and Department of Defense Directive 5000.01.

10 “(2) RAPID PROTOTYPING.—With respect to  
11 the rapid prototyping pathway, the process described  
12 in paragraph (1) shall include—

13 “(A) a merit-based process for considering  
14 innovative technologies and new capabilities to  
15 meet needs communicated the Joint Chiefs of  
16 Staff or the combatant commanders;

17 “(B) a process for developing and imple-  
18 menting acquisition and funding strategies for  
19 a program or project to be carried out under  
20 such pathway;

21 “(C) a process for demonstrating and eval-  
22 uating the performance of fieldable prototypes  
23 developed pursuant to such program or project  
24 in an operational environment;



1           “(D) a process for transitioning successful  
2 prototypes into new or existing acquisition pro-  
3 grams for production and fielding under the  
4 rapid fielding or major capability acquisition  
5 pathway (as defined under Department of De-  
6 fense Instruction 5000.85 or successor instruc-  
7 tion); and

8           “(E) a process for iterating prototyping  
9 and fielding within the rapid prototyping path-  
10 way that may use a process described in para-  
11 graph (4)(E).

12           “(3) RAPID FIELDING.—With respect to the  
13 rapid fielding pathway, the process described in  
14 paragraph (1) shall include—

15           “(A) a merit-based process for considering  
16 innovative technologies and new capabilities to  
17 meet needs communicated the Joint Chiefs of  
18 Staff or the combatant commanders;

19           “(B) a process for developing and imple-  
20 menting acquisition and funding strategies for  
21 a program or project to be carried out under  
22 such pathway;

23           “(C) a process for demonstrating perform-  
24 ance and evaluating for current operational

1 purposes and the proposed products and tech-  
2 nologies;

3 “(D) a process for considering lifecycle  
4 costs and addressing issues of logistics support  
5 and system interoperability; and

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

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

12 “(A) A program manager shall be provided  
13 staff positions for a technical staff, including  
14 experts in business management, cost esti-  
15 mation, contracting, auditing, engineering, cer-  
16 tification, testing, cyber, and logistics, to enable  
17 the program manager to manage the program  
18 or project without the technical assistance of  
19 another element of the Department of Defense  
20 to the maximum extent practicable.

21 “(B) A program manager shall, in coordi-  
22 nation with the users of the good or service to  
23 be acquired under such a program or project  
24 and the test community, have the authority to  
25 make trade-offs among lifecycle costs, require-

1           ments, and schedules to meet the goals of the  
2           program or project.

3           “(C) Each service acquisition executive,  
4           acting in coordination with the defense acquisi-  
5           tion executive, may serve as the decision au-  
6           thority for a program or project for which the  
7           authority under this section is used or shall del-  
8           egate such decision authority.

9           “(D) A program manager may seek an ex-  
10          pedited waiver from any regulatory require-  
11          ment, or in the case of a statutory requirement,  
12          a waiver from Congress, that the program man-  
13          ager determines adds cost, schedule, or per-  
14          formance delays with little or no value to the  
15          management of such program or project.

16          “(E) If an operational capability is dem-  
17          onstrated for a program or project for which  
18          the authority under this section is used, the ap-  
19          propriate service acquisition executive may per-  
20          mit continuous iterative prototyping and field-  
21          ing under the same program or project for an  
22          unlimited number of subsequent periods, where  
23          each period is intended to be five years.”.

24          (b) CLERICAL AMENDMENT.—The table of sections  
25          at the beginning of chapter 253 of title 10, United States

1 Code, is amended by inserting after the item relating to  
2 section 3601 the following new item:

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

3 (c) REPEAL OF SUPERSEDED AUTHORITY.—Section  
4 804 of the National Defense Authorization Act for Fiscal  
5 Year 2016 (Public Law 114–92; 10 U.S.C. 3201 note  
6 prec.) is repealed.

7 (d) CONFORMING AMENDMENTS.—

8 (1) Section 3601 of title 10, United States  
9 Code, is amended—

10 (A) in subsection (a)—

11 (i) in paragraph (1)(B), by striking  
12 “section 804 rapid acquisition pathway”  
13 and inserting “rapid acquisition pathway”;  
14 and

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

17 “(2) RAPID ACQUISITION PATHWAY DEFINED.—

18 In this section, the term ‘rapid acquisition pathway’  
19 means the rapid prototyping or the rapid fielding ac-  
20 quisition pathway authorized under section 3602 of  
21 this title.”;

22 (B) in subsection (b)(4), by striking “the  
23 guidance developed under section 804(a) of the  
24 National Defense Authorization Act for Fiscal  
25 Year 2016 (Public Law 114–92; 10 U.S.C.

1           3201 note prec.)” and inserting “section 3602  
2           of this title”; and

3                   (C) in subsection (c), by striking “section  
4           804 rapid acquisition pathway” each place it  
5           appears and inserting “rapid acquisition path-  
6           way”.

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

13           (3) Section 4324(d)(5)(B) of title 10, United  
14          States Code, is amended by striking “section 804 of  
15          the National Defense Authorization Act for Fiscal  
16          Year 2016 (Public Law 114–92; 10 U.S.C. 2302  
17          note)” and inserting “section 3602 of this title”.

18           (4) Section 4423(e) of title 10, United States  
19          Code, is amended by striking “section 804 of the  
20          National Defense Authorization Act for Fiscal Year  
21          2016 (Public Law 114–92; 10 U.S.C. 2302 note)”  
22          and inserting “section 3602 of this title”.

23           (5) Section 810(a) of the National Defense Au-  
24          thorization Act for Fiscal Year 2024 (Public Law  
25          118–31; 10 U.S.C. 4067 note) is amended by strik-

1       ing “section 804 of the National Defense Authoriza-  
2       tion Act for Fiscal Year 2016 (Public Law 114–92;  
3       10 U.S.C. 3201 note prec.)” and inserting “section  
4       3602 of title 10, United States Code”.

5           (6) Section 1608(e) of the National Defense  
6       Authorization Act for Fiscal Year 2024 (Public Law  
7       118–31; 10 U.S.C. 2271 note) is amended by strik-  
8       ing “section 804 of the National Defense Authoriza-  
9       tion Act for Fiscal Year 2016 (Public Law 114–92;  
10      10 U.S.C. 3201 note prec.)” and inserting “section  
11      3602 of title 10, United States Code”.

12          (7) Section 807(e)(4) of the William M. (Mac)  
13      Thornberry National Defense Authorization Act for  
14      Fiscal Year 2021 (Public Law 116–283; 10 U.S.C.  
15      9081 note) is amended by striking “section 804 of  
16      the National Defense Authorization Act for Fiscal  
17      Year 2016 (Public Law 114–92; 10 U.S.C. 2302  
18      note)” and inserting “section 3602 of title 10,  
19      United States Code”.

20          (8) Section 884(c)(2)(E) of the National De-  
21      fense Authorization Act for Fiscal Year 2017 (Pub-  
22      lic Law 114–328; 10 U.S.C. 4291 note prec.) is  
23      amended by striking “section 804 of the National  
24      Defense Authorization Act for Fiscal Year 2016  
25      (Public Law 114–92; 10 U.S.C. 2302 note)” and in-

1       serting “section 3602 of title 10, United States  
2       Code”.

3       **SEC. 318. REVISION AND CODIFICATION OF SOFTWARE AC-**  
4                                   **QUISITION PATHWAYS.**

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

8       **“§ 3603. Software acquisition pathways**

9               “(a) SOFTWARE ACQUISITION AND DEVELOPMENT  
10       PATHWAYS.—The Secretary of Defense shall establish  
11       pathways as described under subsection (b) to provide for  
12       the efficient and effective acquisition, development, inte-  
13       gration, and timely delivery of software and covered hard-  
14       ware.

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

19                   “(1) APPLICATIONS.—The applications pathway  
20       shall provide for the use of rapid development and  
21       implementation of applications and other software or  
22       software improvements operated by the Department  
23       of Defense, which may include applications and asso-  
24       ciated procurement of covered hardware (including  
25       modifications of a type not customarily available in

1 the commercial marketplace to meet Department re-  
2 quirements), commercially available cloud computing  
3 platforms, and other nondevelopmental items.

4 “(2) EMBEDDED SYSTEMS.—The embedded  
5 systems pathway shall provide for the rapid develop-  
6 ment and insertion of upgrades and improvements  
7 for software and covered hardware embedded in  
8 weapon systems and other hardware systems unique  
9 to the Department of Defense.

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

14 “(d) CONSIDERATIONS FOR USE OF AUTHORITY.—  
15 In using the authority under this section, the Secretary  
16 shall consider how such use will—

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

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



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

4           “(e) TREATMENT NOT AS MAJOR DEFENSE ACQUISI-  
5           TION PROGRAM.—Software and covered hardware ac-  
6           quired or developed using the authority under this section  
7           shall not be treated as a major defense acquisition pro-  
8           gram for purposes of section 4201 of this title.

9           “(f) RISK-BASED APPROACH.—The Secretary of De-  
10          fense shall use a risk-based approach for the consideration  
11          of innovative technologies and new capabilities for soft-  
12          ware and covered hardware to be acquired or developed  
13          under this authority to meet needs communicated by the  
14          Joint Chiefs of Staff or the combatant commanders.

15          “(g) EXPEDITED PROCESS.—

16                 “(1) IN GENERAL.—A pathway established  
17                 under this section shall provide for—

18                         “(A) a streamlined and coordinated re-  
19                         quirements, budget, and acquisition process to  
20                         support rapid fielding of software applications  
21                         and of software upgrades to embedded systems  
22                         for operational use in a period of not more than  
23                         one year from the time that the process is initi-  
24                         ated; and

1           “(B) continuous engagement with the  
2 users of software and covered hardware to sup-  
3 port—

4           “(i) engineering activities of the De-  
5 partment of Defense; and

6           “(ii) delivery of software and covered  
7 hardware for operational use in periods of  
8 not more than one year.

9           “(2) EXPEDITED SOFTWARE REQUIREMENTS  
10 PROCESS.—

11           “(A) INAPPLICABILITY OF JOINT CAPABILI-  
12 TIES INTEGRATION AND DEVELOPMENT SYSTEM  
13 MANUAL.—Software and covered hardware ac-  
14 quisition or development conducted under the  
15 authority of this section shall not be subject to  
16 the Joint Capabilities Integration and Develop-  
17 ment System Manual.

18           “(B) INAPPLICABILITY OF DEFENSE AC-  
19 QUISSION SYSTEM DIRECTIVE.—Software and  
20 covered hardware acquisition or development  
21 conducted under the authority of this section  
22 shall not be subject to Department of Defense  
23 Directive 5000.01.

24           “(h) ELEMENTS.—In implementing a pathway estab-  
25 lished under the authority of this section, the Secretary

1 shall tailor streamlined policies and processes relating  
2 to—

3           “(1) approval initial user needs statements and  
4 user agreements;

5           “(2) establishing and maintaining a prioritized  
6 list of work for development;

7           “(3) engaging with product users on a regular  
8 basis;

9           “(4) approving acquisition strategies;

10           “(5) awarding contracts;

11           “(6) iteratively developing, integrating, testing,  
12 and fielding capability; and

13           “(7) ensuring the delivery of cyber secure sys-  
14 tems.

15           “(i) DEFINITIONS.—In this section:

16           “(1) COVERED HARDWARE.—The term ‘covered  
17 hardware’ means hardware—

18                   “(A) that is a commercial product (as de-  
19 fined in section 103 of title 41) or a non-  
20 developmental item; and

21                   “(B) in which software acquired under this  
22 section is embedded.

23           “(2) NONDEVELOPMENTAL ITEM.—The term  
24 ‘nondevelopmental item’ has the meaning given the  
25 term in section 110 of title 41.”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
2 at the beginning of chapter 253 of title 10, United States  
3 Code, as amended by section 318, is further amended by  
4 inserting after the item relating to section 3602 the fol-  
5 lowing new item:

“3603. Software acquisition pathways.”.

6 (c) REPEAL OF SUPERSEDED AUTHORITY.—

7 (1) REPEAL.—Section 800 of the National De-  
8 fense Authorization Act for Fiscal Year 2020 (Pub-  
9 lic Law 116–92; 10 U.S.C. 4571 note) is repealed.

10 (2) CONFORMING AMENDMENT.—Section  
11 807(e)(1) of the William M. (Mac) Thornberry Na-  
12 tional Defense Authorization Act for Fiscal Year  
13 2021 (Public Law 116–283; 10 U.S.C. 9081 note)  
14 is amended by striking “section 800 of the National  
15 Defense Authorization Act for Fiscal Year 2020  
16 (Public Law 116–92; 133 Stat. 1478; 10 U.S.C.  
17 2223a note)” and inserting “section 3603 of title  
18 10, United States Code”.

19 **SEC. 319. MODIFICATIONS TO STEPS TO IDENTIFY AND AD-**  
20 **DRESS POTENTIAL UNFAIR COMPETITIVE AD-**  
21 **VANTAGE OF TECHNICAL ADVISORS TO AC-**  
22 **QUISITION OFFICIALS.**

23 (a) GUIDANCE REQUIRED.—Not later than 180 days  
24 after the date of the enactment of this Act, the Secretary  
25 of Defense shall issue guidance on steps to identify and

1 prevent the potentially unfair competitive advantage of en-  
2 tities providing technical advice to acquisition officials in  
3 the award of research and development work by such offi-  
4 cials.

5 (b) DEFINITIONS.—For the purposes of this sec-  
6 tion—

7 (1) the term “potentially unfair competitive ad-  
8 vantage” means unequal access to acquisition offi-  
9 cials responsible for award decisions or allocation of  
10 resources or to acquisition information relevant to  
11 award decisions or allocation of resources; and

12 (2) the term “entity providing technical advice  
13 to acquisition officials” means a science and tech-  
14 nology reinvention laboratory or a federally funded  
15 research and development center or another non-  
16 profit entity that provides systems engineering and  
17 technical direction, participates in technical evalua-  
18 tions, helps prepare specifications or work state-  
19 ments, or otherwise provides technical advice to ac-  
20 quisition officials on the conduct of defense acquisi-  
21 tion programs.

22 (c) 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 Committee on Armed Services of the  
25 Senate and the Committee on Armed Services of the

1 House of Representatives a report on the policies estab-  
2 lished under this section. The report shall—

3 (1) describe how any employee or assigned per-  
4 sonnel of an entity defined in subsection (b)(2) will  
5 be—

6 (A) prevented from performing acquisition  
7 functions, including the development, award, or  
8 administration of contracts of the program of-  
9 fices;

10 (B) prevented from formulating, over-  
11 seeing, or evaluating performance on develop-  
12 mental or operational testing, or experimen-  
13 tation; and

14 (C) allowed to request a waiver to provide  
15 technical advice to acquisition officials if—

16 (i) the individual has never supported  
17 a product, service, or development of a  
18 modular open system architecture that  
19 may compete or be required by the acquisi-  
20 tion effort of the acquisition official;

21 (ii) a process is established to report  
22 any potentially unfair competitive advan-  
23 tage violations by such an employee or as-  
24 signed personnel to the program manager

1 or contracting officer as soon as it is iden-  
2 tified;

3 (iii) a process is established to main-  
4 tain effective oversight to verify compliance  
5 with this section; and

6 (iv) appropriate disciplinary actions  
7 are established in the case of employees or  
8 assigned personnel who fail to comply with  
9 policies established pursuant to this sec-  
10 tion; and

11 (2) provide information on pass-through  
12 charges that the science and technology reinvention  
13 laboratories charge acquisition officials when receiv-  
14 ing funded work from Department of Defense pro-  
15 gram offices, including the values charged by each  
16 science and technology reinvention laboratory and  
17 the ultimate uses of the funds.

18 (d) REPEAL OF OBSOLETE AUTHORITY.—The Na-  
19 tional Defense Authorization Act for Fiscal Year 2016  
20 (Public Law 114–92; 129 Stat. 942) is amended by strik-  
21 ing section 881.

22 **SEC. 320. MODIFICATIONS TO PROCUREMENT FOR EXPERI-**  
23 **MENTAL PURPOSES.**

24 Section 4023 of title 10, United States Code, is  
25 amended—

1           (1) in subsection (a), by striking “ordnance,  
2           signal, chemical activity, transportation, energy,  
3           medical, space flight, telecommunications, and aero-  
4           nautical supplies, including parts and accessories,  
5           and designs thereof,” and inserting “demonstrations,  
6           prototypes, products, supplies, parts, accessories,  
7           auxiliary services, and design for defense-related ar-  
8           ticles”;

9           (2) in subsection (b)—

10           (A) by inserting “or modified” after “may  
11           be made”; and

12           (B) by inserting “prototyping,” after  
13           “greater than necessary for”; and

14           (3) by adding at the end the following new sub-  
15           section:

16           “(c) FOLLOW-ON PRODUCTION CONTRACTS OR  
17           TRANSACTIONS.—Purchases under this section may allow  
18           for follow-on production contracts or transactions without  
19           the use of competitive procedures or further justification,  
20           even if explicit notification was not provided, if a combat-  
21           ant command submits a written determination that the  
22           purchased item successfully completed the experiment and  
23           intends to field the item.”.



1 **SEC. 321. CONSUMPTION-BASED SOLUTIONS.**

2 (a) **AUTHORITY.**—Chapter 247 of title 10, United  
3 States Code, is amended by adding at the end the fol-  
4 lowing new section:

5 **“§ 3459. Authority to acquire consumption-based so-**  
6 **lutions**

7 “(a) **AUTHORITY.**—The Secretary of Defense and the  
8 Secretaries of the military departments may acquire tech-  
9 nology-supported capabilities through consumption-based  
10 solutions.

11 “(b) **GUIDANCE REQUIRED.**—The Secretary of De-  
12 fense shall amend the Defense Federal Acquisition Regu-  
13 lation Supplement to implement the authority under sub-  
14 section (a), including—

15 “(1) creating a new subcategory of services  
16 under part 37 of the Federal Acquisition Regulation,  
17 entitled ‘Consumption-based solutions’ that—

18 “(A) is any combination of hardware,  
19 equipment, software, labor, or services that to-  
20 gether provides a seamless capability;

21 “(B) has the ability to be metered and  
22 billed based on actual usage;

23 “(C) has predetermined pricing at fixed  
24 price units;

25 “(D) requires the awardee to notify the  
26 Department of Defense contracting officer when

1 consumption under the contract reaches 75 per-  
2 cent and 90 percent of the funded amount, re-  
3 spectively, of the contract; and

4 “(E) treats modifications to a contract en-  
5 tered into under the authority established in  
6 subsection (a) to add new features or capabili-  
7 ties in an amount less than or equal to 25 per-  
8 cent of the total value of such contract as com-  
9 petitive procurements under chapter 221 of this  
10 title; and

11 “(2) creating a new contract type under part 16  
12 of the Federal Acquisition Regulation, entitled  
13 ‘Fixed-price resource units’ that establishes fixed  
14 price per unit of measure as the preferred contract  
15 type for the authority established under subsection  
16 (a).

17 “(c) FUNDING.—Amounts authorized to be appro-  
18 priated for acquisitions using the authority under sub-  
19 section (a)—

20 “(1) may be used for expenses for—

21 “(A) research, development, test and eval-  
22 uation;

23 “(B) procurement;

24 “(C) production;

25 “(D) modification; and

1 “(E) operation and maintenance; and

2 “(2) may be used to enter into incrementally  
3 funded contracts or other agreements.

4 “(d) CONSUMPTION-BASED SOLUTION DEFINED.—In  
5 this section, the term ‘consumption-based solution’ means  
6 a model under which a technology-supported capability is  
7 provided to the Department of Defense and may utilize  
8 any combination of software, hardware or equipment,  
9 data, and labor or services that provides a capability that  
10 is metered and billed based on actual usage at fixed price  
11 units.”.

12 (b) CLERICAL AMENDMENT.—The table of sections  
13 at the beginning of chapter 247 of title 10, United States  
14 Code, is amended by inserting after the item relating to  
15 section 3458 the following new item:

“3459. Authority to acquire consumption-based solutions.”.

16 **TITLE IV—PROMOTION OF COM-**  
17 **PETITION IN THE DEFENSE**  
18 **INDUSTRIAL BASE**

19 **SEC. 401. PROGRAM FOR ENHANCING SECONDARY**  
20 **SOURCES AND SUPPLY CHAIN MANAGEMENT**  
21 **FOR THE DEPARTMENT OF DEFENSE.**

22 (a) PROGRAM ESTABLISHED.—The Secretary of De-  
23 fense shall establish policy, regulations, and guidance to  
24 enhance the creation and utilization of secondary sources  
25 for Department of Defense systems. The program shall—

1 (1) define qualification, testing, evaluation, and  
2 airworthiness determinations for secondary sources;

3 (2) create prepackaged templates, including  
4 Source Approval Request (SAR) and Parts Manu-  
5 facturer Approval (PMA), for various categories of  
6 parts and systems; and

7 (3) address part availability problems, obsoles-  
8 cence management, and supply chain cost inflation.

9 (b) OBJECTIVES.—The objectives of the program es-  
10 tablished under subsection (a) are—

11 (1) to develop a streamlined process for sec-  
12 ondary source qualification that can be rapidly de-  
13 ployed in both wartime and peacetime conditions;

14 (2) to ensure that the qualification process dur-  
15 ing wartime can be completed within weeks, rather  
16 than months or years, to maintain operational readi-  
17 ness and support rapid deployment; and

18 (3) to maintain a robust and flexible supply  
19 chain that adopt advanced manufacturing techniques  
20 and can quickly adapt to changing conditions and  
21 requirements.

22 (c) TEMPLATES.—**【***The language in the specs for this*  
23 *subsection was a bit confusing, so I made extensive edits—*  
24 *please make sure it looks right.***】** The Secretary of Defense  
25 shall develop a process and detailed templates for quali-

1 fication, testing, certification, and airworthiness deter-  
2 minations as follows:

3           (1) Not later than 180 days after the date of  
4           the enactment of this Act, the establishment of poli-  
5           cies implementing the process to encourage and sup-  
6           port the delegation of material review board authori-  
7           ties, processes, and approvals to the contractor or  
8           subcontractor (at any tier) with respect to non-safe-  
9           ty critical items for industrial capabilities described  
10          in subsection (b).

11          (2) The implementation, where feasible and ad-  
12          visable, of commercial processes and procedures, in-  
13          cluding forms and templates such as Sources Ap-  
14          proval Requests and Alternative Offers, for the eval-  
15          uation and qualification of vendors, including manu-  
16          facturers and distributors, that are part of the pro-  
17          gram established under subsection (a).

18          (3) The implementation of processes and, if  
19          necessary, the development of military specifications  
20          or other similar requirements documents to pre-qual-  
21          ify vendors to supply safety critical items or mission  
22          critical items for industrial capabilities based on—

23                (A) an assessment of the vendor's material  
24                and process controls to assure conformance to  
25                specification and contractual requirements; and

1 (B) audit and inspection requirements of  
2 the Department of Defense.

3 (4) The review of test reports and, not later  
4 than 45 days after a test is completed, notification  
5 of approval decisions to requesting member of the  
6 acquisition workforce (as defined in section 101 of  
7 title 10, United States Code).

8 (5) The establishment of processes for qualifica-  
9 tion of safety critical or flight critical end items pro-  
10 duced through advanced processes and technologies,  
11 such as additive manufacturing.

12 (6) The consideration for evaluation and quali-  
13 fication of alternative material types that could be  
14 viable replacements or interchangeable sources of  
15 material using streamlined requirements;

16 (7) Where appropriate, the development of  
17 processes for qualification of a system or subsystem  
18 by a designated approval authority within a military  
19 department in order to avoid the need for qualifica-  
20 tion of individual parts while ensuring the perform-  
21 ance of parts and the interactions of the parts in the  
22 system or subsystem.

23 (8) The development of pathways to streamline  
24 and consolidate the approval authority of the process  
25 established pursuant to subsection (a).

1           (9) Minimization of the need for military-unique  
2 specifications and test procedures, and when re-  
3 quired, the use of procedures that—

4           (A) detail the performance or functions re-  
5 quired by the item requiring qualification and  
6 do not constrain implementation of such proc-  
7 ess; and

8           (B) is completed **【*what is completed?*】**,  
9 upon request by a member of the acquisition  
10 workforce—

11           (i) not later than 30 days after the  
12 date of such request, for unmanned items,  
13 non-safety critical items, or non-mission  
14 critical items; and

15           (ii) not later than 180 days after the  
16 date of such request, for safety critical  
17 items or mission critical items.

18       (d) **TRANSITION PLANNING.**—The program estab-  
19 lished under subsection (a) shall incorporate ASME  
20 Y.14.24 Original Design Activity (ODA) and Current De-  
21 sign Activity (CDA) transition planning and templates, in-  
22 cluding—

23           (1) standardized templates for transitioning  
24 from ODA to CDA; and

1           (2) comprehensive guidelines for planning and  
2           executing transitions between ODA and CDA.

3           (e) PART AVAILABILITY AND OBSOLESCENCE MAN-  
4           AGEMENT.—The pilot program shall include strategies—

5           (1) to implement improved inventory tracking  
6           systems;

7           (2) to identify and pre-qualify alternative  
8           sources for critical parts, including Federal Aviation  
9           Administration-certified parts; and

10          (3) to develop proactive obsolescence manage-  
11          ment strategies.

12          (f) COST MANAGEMENT.—The program established  
13          under subsection (a) shall include measures—

14          (1) to conduct regular benchmarking of Depart-  
15          ment of Defense part costs against commercial sec-  
16          tor costs; and

17          (2) to perform cost-benefit analyses to identify  
18          inefficiencies and areas for cost reduction.

19          (g) BUSINESS RULES AND WAIVER PROCEDURES.—  
20          The program established under subsection (a) shall estab-

21          lish more effective exception or waiver procedures for busi-  
22          ness rules. These procedures shall—

23          (1) allow for alternative design reviews; and



1           (2) designate activities and roles in decision-  
2           making processes to ensure accountability and best  
3           value outcomes.

4           (h) LICENSING ROYALTY PLAN.—The program es-  
5           tablished under subsection (a) shall establish a licensing  
6           royalty plan similar to the intellectual property (IP) rights  
7           royalty payments made during World War II by the prede-  
8           cessors to the Department of Defense, including—

9           (1) fair and reasonable royalty payments to  
10          ODAs and CDAs for the use of intellectual property  
11          necessary for secondary source development; and

12          (2) mechanisms to ensure timely and equitable  
13          distribution of royalty payments.

14          (i) WORKFORCE DEVELOPMENT.—The Secretary of  
15          Defense shall establish an engineering workforce develop-  
16          ment program to provide hands-on exposure for govern-  
17          ment engineers, manufacturing or repair staff, and soft-  
18          ware developers. The program shall—

19          (1) equip participants with the skills necessary  
20          to effectively plan and execute secondary sourcing  
21          initiatives;

22          (2) include training on qualification, testing,  
23          evaluation, and airworthiness determinations; and

1           (3) provide opportunities for practical experi-  
2           ence in working with secondary sources and supply  
3           chain management.

4           (j) COST SAVINGS EXEMPTION.—Activities under the  
5           program established under subsection (a) shall not require  
6           a determination of cost savings be met before creating an  
7           alternative source and obtaining technical data or software  
8           needed for replenishment parts or software, including by  
9           reverse engineering. The purpose of the exemption is to  
10          enable wartime logistics, point-of-use manufacturing at  
11          operating locations, alternative sourcing for suppliers or  
12          original equipment manufacturers (OEMs) unable to meet  
13          demand within accelerated wartime or contingency logis-  
14          tics demand schedules, or when mission readiness rates  
15          are adversely impacted, or when value engineering deter-  
16          mines that alternative sourcing is a better option than  
17          OEM or current supplier value.

18          (k) LEVEL OF REPAIR ANALYSIS.—The program es-  
19          tablished under subsection (a) shall include Level of Re-  
20          pair Analysis (LORA) that considers non-economic factors  
21          such as battle damage repair, logistics under attack, and  
22          supply chain disruption factors in determining repair or  
23          replacement decisions.

24          (l) EXEMPTIONS FROM CERTAIN INVESTIGATIONS.—  
25          Items approved under the process developed pursuant to

1 subsection (a) that do not present a safety risk to human  
2 life—

3 (1) shall be exempt from Class A and Class B  
4 mishap investigations, as defined by the Secretary of  
5 Defense; and

6 (2) shall be subject to streamlined investigation  
7 procedures, as determined by the Secretary of De-  
8 fense, with respect to a mishap.

9 (m) LIABILITY PROTECTIONS.—Approval authorities  
10 responsible for the process developed pursuant to sub-  
11 section (a) shall not be held liable by the Department of  
12 Defense for mishaps with respect to items approved pursu-  
13 ant to the process, absent evidence of willful misconduct,  
14 gross negligence, or intentional fraud.

15 **SEC. 402. ADMINISTRATION OF THE INDUSTRIAL EXPAN-**  
16 **SION PROGRAM.**

17 (a) REQUIREMENT.—The Secretary of Defense shall  
18 establish an industrial expansion program that funds ac-  
19 tivities under subsection (b) according to the prioritization  
20 of property or services under subsection (c).

21 (b) ACTIVITIES PERMITTED.—The industrial expan-  
22 sion program established under subsection (a) shall in-  
23 clude the following activities:

24 (1) The development, updating, or refinement  
25 of military specifications, to include military details,

1 military performance specifications, and technical  
2 publications, and test procedures.

3 (2) Activities associated with the mitigation of  
4 diminishing manufacturing sources and material  
5 shortages.

6 (3) Reverse engineering or re-engineering prop-  
7 erty to create a technical data package or manufac-  
8 turing capabilities.

9 (4) Review and validation of technical data  
10 rights, ordering, inspection, and enforcement, includ-  
11 ing the challenge of improper markings and rights  
12 assertions.

13 (5) Qualification, certification, testing, and as-  
14 sociated oversight.

15 (6) Advertising, loaning, or transferring re-  
16 quired replenishment parts or data to potential  
17 sources of supply.

18 (7) Procurement of organic equipment and de-  
19 velopment of organic information systems associated  
20 with activities described in paragraphs (1) through  
21 (6) that support capabilities described under section  
22 2464 of title 10, United States Code.

23 (8) Life-of-type buys if there is reasonable ex-  
24 pectation that a manufacturing source will have to  
25 be created and qualified within the next three years.

1 (c) PRIORITIZATION.—The Secretary of Defense shall  
2 ensure that funding for activities under subsection (b)  
3 shall be prioritized for the following needs:

4 (1) Shortages in sustainment impacting a sys-  
5 tem’s mission capable rates below required objec-  
6 tives.

7 (2) Items that are sequence critical or on the  
8 driving path for production schedules.

9 (3) Items that have no qualified sources of sup-  
10 ply.

11 (4) Items for which a contracting officer cannot  
12 ascertain a fair and reasonable price, or for which  
13 a contractor has refused to provide cost or pricing  
14 data.

15 (5) Items required to retain core logistics capa-  
16 bilities.

17 (6) Items identified by combatant commanders  
18 as critical for point-of-use manufacturing under con-  
19 ditions of contested logistics.

20 (d) EXPENDITURE AMOUNTS.—The Department of  
21 Defense shall expend in connection with the program re-  
22 quired under subsection (a)—

23

1 (A) not less than 2 percent of its extra-  
2 mural procurement and sustainment budget in  
3 each of fiscal years 2026 and 2027; and

4 (B) not less than 3 percent of its extra-  
5 mural procurement and sustainment budget in  
6 fiscal year 2028 and each fiscal year thereafter.

7 (e) EXEMPTIONS.—**【**The requirements, approvals,  
8 and order of preference in subpart 217.75 of the Defense  
9 Federal Acquisition Regulation Supplement and related  
10 procedures and guidance shall not apply.**】** **【***I heavily edit-*  
11 *ed the language in the specs, which was confusing to me.***】**

12 (f) PREFERENCE.—The prototype authority under  
13 section 4022 of title 10, United States Code, shall be the  
14 preferred mechanism for procuring activities under the  
15 program required under subsection (a), including with re-  
16 spect to a transition to production.

17 (g) DEFINITIONS.—In this section:

18 (1) EXTRAMURAL BUDGET.—The term “extra-  
19 mural budget” means the sum of the total obliga-  
20 tions minus amounts obligated for such activities by  
21 employees of the agency in or through Government-  
22 owned, Government-operated facilities, except that  
23 for the Department of Energy it shall not include  
24 amounts obligated for atomic energy defense pro-

1       grams solely for weapons activities or for naval reac-  
2       tor programs.

3               (2) REVERSE ENGINEERING.—The term “re-  
4       verse engineering” means a process by which parts  
5       are examined and analyzed to determine how they  
6       were manufactured, for the purpose of developing a  
7       complete technical data package, typically for pur-  
8       poses of enabling manufacture of an item by new  
9       sources.

## 10   **TITLE V—DEFENSE BUDGETING** 11                           **PROCESSES**

### 12   **SEC. 501. REVIEW OF STRUCTURE OF THE BUDGET AND AP-** 13                           **PROPRIATIONS FOR FUNDING OF DEFENSE** 14                           **ACQUISITION PROGRAMS.**

15       (a) REVIEW REQUIRED.—The Secretary of Defense  
16       shall conduct a comprehensive review of the appropriation  
17       account, budget line item, and program element structure  
18       for the budget of the Department of Defense, with the  
19       objectives of—

20               (1) identifying cases in which management of a  
21       program or system has been made more difficult due  
22       to the program or system having been subdivided  
23       into multiple budget line items or program elements;

24               (2) identifying cases in which the budget line  
25       items or program elements for multiple programs or

1 systems intended to provide a common set of capa-  
2 bilities, missions, or functions could be combined  
3 into a single budget line item or a single program  
4 element;

5 (3) identifying steps that could be taken to ad-  
6 dress the cases identified under paragraphs (1) and  
7 (2) including a cross-walk of the existing budget  
8 structure to the new structure;

9 (4) alignment, to the maximum extent possible,  
10 of budget line items or program elements to portfolio  
11 acquisition executives or similar portfolio managers;  
12 and

13 (5) removal of appropriation titles for research,  
14 development, test and evaluation; procurement; and  
15 operation and maintenance, and reorganization  
16 based on military service and major capability and  
17 activity areas as recommended by the final report of  
18 the Commission on Planning, Programming, Budg-  
19 eting, and Execution Reform.

20 (b) REPORT.—Not later than one year after the date  
21 of the enactment of this Act, the Secretary of Defense  
22 shall submit to the congressional defense committees a re-  
23 port providing the results of the review under subsection  
24 (a), together with the Secretary's plan for any changes  
25 to be made within the Department of Defense resulting



1 from the review and such recommendations for legislative  
2 action as the Secretary considers appropriate as a result  
3 of the review.

4 **SEC. 502. MODIFICATIONS TO THE DEFENSE MODERNIZA-**  
5 **TION ACCOUNT.**

6 Section 3136 of title 10, United States Code, is  
7 amended—

8 (1) in subsection (b)(1), by striking “out of sav-  
9 ings derived from such projects”;

10 (2) in subsection (e)—

11 (A) by striking paragraphs (1) and (2);

12 and

13 (B) by striking “(3) Funds” and inserting  
14 “Funds”;

15 (3) in subsection (f), by striking paragraph (3);

16 and

17 (4) in subsection (h)(2)—

18 (A) in subparagraph (A), by inserting the  
19 semicolon and inserting “; and”;

20 (B) in subparagraph (B), by striking the  
21 semicolon and inserting a period; and

22 (B) by striking subparagraphs (C) and  
23 (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 (e).

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.