

Recommendation 22: Eliminate, or sunset within 5 years, the statutory requirement for certain acquisition-related offices and Secretary of Defense designated officials to increase flexibility and/or reduce redundancy.

Problem

Codifying the existence and structure of certain offices may unnecessarily restrict the Secretary's ability to adapt the DoD organizational structure to improve efficiency and effectiveness consistent with the intent of the FY 2017 NDAA. The subsections below provide analysis of 14 congressionally mandated, acquisition-related offices and positions.

THE REQUIREMENT FOR THE FOLLOWING STATUTORY OFFICES SHOULD BE REPEALED.

Subrecommendation 22a: Repeal the statutory requirement for Department of Defense Test Resource Management Center, 10 U.S.C. § 196.

Background

As stipulated in 10 U.S.C. § 196, "The Secretary of Defense shall establish within the Department of Defense under section 191 of this title a Department of Defense Test Resource Management Center [TRMC]. . . . The Secretary shall designate the Center as a Department of Defense Field Activity."¹ The statute also states that there will be a director and deputy director who will "be selected by the Secretary," and be "subject to the supervision" of the USD(AT&L). The pending Section 901 reorganization affects TRMC.²

Congress established TRMC in statute in the FY 2003 NDAA.³ TRMC provides oversight of proposed budgets and expenditures for the test and evaluation (T&E) facilities and resources of DoD's Major Range and Test Facility Base (MRTFB).

DoDI 5105.71 serves as TRMC's charter, and the director is DoD's senior advisor on all matters related to the adequacy of the T&E infrastructure in support of its acquisition process.⁴ TRMC provides strategic guidance on a biennial basis for DoD's T&E infrastructure based on future and near-term warfighting requirements. It also annually certifies the proposed budgets and expenditures for the Military Services' and Agencies' T&E facilities and resources (to include workforce) except for the "budgets and expenditures for activities described in section 10 U.S.C. § 139(j)," which the Director of Operational Test and Evaluation (DOT&E) administers.⁵

Findings

TRMC oversees the management and operations of the Major Range and Test Facility Base (MRTFB), which the designated core set of DoD's most critical T&E infrastructure dispersed across 23 locations

¹ Department of Defense Test Resource Management Center, 10 U.S.C. § 196.

² *Ibid.*

³ FY 2003 NDAA, Pub. L. No. 107-314, 116 Stat. 2487 (2002).

⁴ Department of Defense Test Resource Management Center (TRMC), DoDD 5107.71 (2004).

⁵ Director of Operational Test and Evaluation, 10 U.S.C. § 139.

and employing more than 30,000 T&E personnel. TRMC also maintains awareness of the T&E capabilities of the rest of the federal government, the private sector, and allies and partners. TRMC approves substantial modifications—including expansion, divestment, consolidation, or curtailment of activities—for all non-MRTFB T&E facilities and resources within DoD prior to implementation by the Military Services or agencies.⁶ New weapons systems and technologies undergo T&E at MRTFBs and are essential to DoD’s future.⁷ TRMC cooperates closely with the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation (DASD[DT&E]), and details personnel to that organization as supplemental workforce.⁸

DoD field activities provide, “on a DoD-wide basis, a supply or service activity common to more than one Military Department or DoD headquarters function when it is more effective, economical, or efficient to do so.”⁹ The Secretary of Defense maintains the authority to establish and continue a field activity. TRMC is currently the only one of the eight field activities mandated in statute.¹⁰

Conclusions

New weapons systems and technologies undergo T&E at MRTFBs and are essential to the future of warfighting.¹¹ TRMC’s primary mission is to enable acquisition programs to execute successfully through adequate testing supported by the right T&E capabilities at the right time and place.¹² Congress should remove the statutory provision that established TRMC to facilitate freedom of action throughout the Section 901 reorganization of the offices of the USD(AT&L) and enhance the Secretary’s authority to designate field activities.

Subrecommendation 22b: Repeal the statutory requirement for Office of Corrosion Policy and Oversight, 10 U.S.C. § 2228.

Background

In December 2002, the FY 2003 NDAA¹³ amended Title 10, U.S.C., to add 10 U.S.C. § 2228, which establishes the Office of Corrosion Policy and Oversight (Corrosion Office).¹⁴ Section 2228 states:

There is an Office of Corrosion Policy and Oversight within the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics.

⁶ OUSD(AT&L), submission to 809 Panel, October 13, 2017.

⁷ DoD, *Deputy Assistant Secretary of Defense for Development Test & Evaluation/Director, Test Resource Management Center*, accessed September 18, 2017, http://www.acq.osd.mil/dte-trmc/TRMC_1.html.

⁸ DoD, *Developmental Test and Evaluation FY 2016 Annual Report*, accessed November 4, 2017, https://www.acq.osd.mil/dte-trmc/docs/FY2016_DTE_AnnualReport.pdf.

⁹ DoD, *Agency Strategic Plan Fiscal Years 2015-2018*, accessed November 4, 2018, http://dcmo.defense.gov/Portals/47/Documents/Publications/ASP/FY2016_2018ASP.pdf.

¹⁰ DoD, *Defense Agencies and DoD Field Activities Common Supply or Service Agency Per 10 U.S.C. §191*, accessed November 4, 2017, <http://dcmo.defense.gov/Portals/47/Documents/OSD%20DAFA%20Organization.pdf>.

¹¹ DoD, *Deputy Assistant Secretary of Defense for Development Test & Evaluation / Director, Test Resource Management Center*, accessed September 18, 2017, http://www.acq.osd.mil/dte-trmc/TRMC_1.html.

¹² OUSD(AT&L), submission to 809 Panel, October 13, 2017.

¹³ FY 2003 NDAA, Pub. L. No. 107–314, § 1067 (2002).

¹⁴ GAO, *Defense Management: DOD Should Enhance Oversight of Equipment-Related Corrosion Projects*, accessed June 9, 2017, <http://www.gao.gov/assets/660/657498.pdf>. Office of Corrosion Policy and Oversight, 10 U.S.C. § 2228.

(2) The Office shall be headed by a Director of Corrosion Policy and Oversight, who shall be assigned to such position by the Under Secretary from among civilian employees of the Department of Defense with the qualifications described in paragraph (3).¹⁵

Congress mandated the Corrosion Office to bolster DoD's capacity to abate and avoid problems associated with corrosion of military equipment.¹⁶

Findings

Since the Corrosion Office's development in 2002, DoD has issued multiple regulations on DoD policy toward corrosion prevention and mitigation. DoDI 5000.67 closely reflects, at times verbatim, the text in 10 U.S.C. § 2228.

The House of Representatives version of the FY 2018 NDAA proposed to repeal the statutory requirement for the Corrosion Office.¹⁷ The report of the House Armed Services Committee (HASC) to accompany the bill notes that the bill "would repeal section 2228 of title 10, United States Code, requiring that there be an Office of Corrosion Policy and Oversight within [AT&L]."¹⁸ The final FY 2018 NDAA instead requested the Secretary of Defense provide a report "(1) evaluating the continued need for the Office of Corrosion Policy and Oversight; and (2) containing a recommendation regarding whether to retain or terminate the Office."¹⁹ It also amends the requirements surrounding the corrosion control and prevention executive at the military departments but does not make changes to the OSD position and office.²⁰

Conclusions

Congress should repeal the statutory requirement for the OSD Office of Corrosion Policy and Oversight in 10 U.S.C. § 2228.

Subrecommendation 22c: Repeal the statutory requirement for Director for Performance Assessment and Root Cause Analysis (PARCA), 10 U.S.C. § 2438.

Background

According to 10 U.S.C. § 2438, the Secretary of Defense must "designate a senior official in the Office of the Secretary of Defense as the principal official of the Department of Defense responsible for conducting and overseeing performance assessments and root cause analyses for major defense acquisition programs."²¹ It further stipulates that DoD assign the director "appropriate staff and

¹⁵ Office of Corrosion Policy and Oversight, 10 U.S.C. § 2228.

¹⁶ GAO, *Defense Management: DOD Should Enhance Oversight of Equipment-Related Corrosion Projects*, GAO-13-661, accessed June 9, 2017, <http://www.gao.gov/assets/660/657498.pdf>.

¹⁷ HASC, *Section 902 of H.R. 2810 as passed the House of Representatives on July 14, 2017*, accessed October 31, 2017, <https://www.congress.gov/115/bills/hr2810/BILLS-115hr2810pcs.pdf>.

¹⁸ HASC, *Report of the Committee on H.R. 2810*, House Report 115-200, accessed November 3, 2017, <https://www.congress.gov/115/crpt/hrpt200/CRPT-115hrpt200.pdf>.

¹⁹ House of Representatives, FY 2018 NDAA, *Conference Report to Accompany H.R. 2810*, accessed January 6, 2018, <http://docs.house.gov/billsthisweek/20171113/HRPT-115-HR2810.pdf>.

²⁰ Ibid.

²¹ Performance Assessments and Root Cause Analyses, 10 U.S.C. § 2438.

resources necessary to carry out the senior official's function under this section."²² Congress created this position through Section 103 of the Weapons System Acquisition Reform Act of 2009 (WSARA).²³

Findings

WSARA was a direct response to the GAO's reports that uncovered "significant delays and cost overruns" for MDAPs.²⁴ A 2009 GAO report showed that cost growth for MDAPs in FY 2009 had reached \$296 billion and that the average "delay in delivering initial capabilities" was 22 months.²⁵

WSARA defines PARCA's role as the body responsible for performance assessing MDAPs. PARCA completes these assessments semiannually to provide the USD(AT&L) with situational awareness of the portfolio.²⁶ The PARCA director must also uncover "the root causes of cost growth and other problems on programs that experience a critical Nunn McCurdy cost breach."²⁷

In accordance with the FY 2017 NDAA two new positions—the USD(R&E) and the USD(A&S))— will replace the USD(AT&L).²⁸ This reorganization, set to take effect in February 2018, directly affects the PARCA office and directorship because the PARCA director currently reports to the USD(AT&L).²⁹

Congress's statutory mandate for a PARCA director may limit DoD's organizational flexibility in a rapidly evolving strategic environment. The proposed restructuring of USD(AT&L) does not currently include a plan for PARCA.³⁰ Maintaining a statutory requirement for a PARCA director might unnecessarily preclude appropriate placement within the new organization.

Conclusions

The Section 901 report on the forthcoming reforms to USD(AT&L) postpones alignment of the PARCA office.³¹ The proposed USD(A&S) organization, which contains the Assistant Secretary for Defense (Acquisition), does not include the PARCA office and its directorship. According to the report, DoD "will assess the best placement of the Program Assessment and Root Cause Analysis function within USD(A&S)."³² Ongoing evaluation of the placement of PARCA provides the opportunity to also

²² Ibid.

²³ Weapon Systems Acquisition Reform Act of 2009, Pub. L. No. 111–23 (2009).

²⁴ GAO, *Defense Acquisitions: Assessments of Selected Weapon Programs*, GAO-09-326SP, accessed August 8, 2017, <http://www.gao.gov/assets/290/287947.pdf>. United States Senate Democrats, *S. 454, the Weapons Acquisition Reform Act of 2009*, accessed August 8, 2017, <https://democrats.senate.gov/2009/05/06/s-454-the-weapons-acquisition-reform-act-of-2009/#.WYn413eGN-V>.

²⁵ Ibid.

²⁶ "About PARCA," PARCA, accessed August 31, 2017, <http://www.acq.osd.mil/parca/about.shtml>.

²⁷ GAO, *Weapons Acquisition Reform: Reform Act Is Helping DOD Acquisition Programs Reduce Risk, but Implementation Challenges Remain*, GAO-12-103, accessed August 8, 2017, <http://www.gao.gov/assets/660/650908.pdf>.

²⁸ Under Secretary of Defense for Research and Engineering, 10 U.S.C. § 133a. Under Secretary of Defense for Acquisition and Sustainment, 10 U.S.C. § 133b.

²⁹ DoD, *Report to Congress Restructuring the Department of Defense Acquisition, Technology and Logistics Organization and Chief Management Officer Organization*, accessed August 8, 2017, <https://www.defense.gov/Portals/1/Documents/pubs/Section-901-FY-2017-NDAA-Report.pdf>.

³⁰ Ibid.

³¹ Ibid.

³² Ibid.

evaluate its tasks and role. Removing the statutory provision does not remove the Secretary's authority to continue using PARCA as a conduit to understanding the progress of MDAPS.

Subrecommendation 22d: Repeal the statutory requirement for Office of Technology Transition, 10 U.S.C. § 2515.

Background

Congress established the OSD Office of Technology Transition (OTT)³³ in the FY 1993 NDAA to track research and development activities to ensure DoD integrates technology developed for national security into the private sector where applicable.³⁴

The provision states that the intent is to “enhance the U.S.’s national technology and industrial base, reinvestment, and conversion activities.”³⁵ DoD has found additional ways to meet this mandate, and the establishment of the new USD(R&E) will further fulfill the requirement. In line with Section 901 of the FY 2017 NDAA,³⁶ the new organization will benefit from increased flexibility by removing 10 U.S.C. § 2515.

Findings

Since enactment of this provision in 1992, 20 other technology transition offices have emerged in the Military Services and OSD.³⁷ OTT presumably ceased operations as a separate entity, as there is no reference to it in the Section 901 report, though the required functions of the provision have been subsumed under the USD(R&E).³⁸

The definition of *technology transition* is also broader than what is encompassed in 10 U.S.C. § 2515. Technology transition incorporates, but is more than, transitioning technology to the private sector. DoDD 5000.01 includes a broad definition of technology development and transition that states it shall include

- E1.1.28.1. Address user needs;
- E1.1.28.2. Maintain a broad-based program spanning all Defense-relevant sciences and technologies to anticipate future needs and those not being pursued by civil or commercial communities;
- E1.28.3. Preserve long-range research; and

³³ Office of Technology Transition, 10 U.S.C. § 2515.

³⁴ FY 1993 NDAA, Pub. L. No. 102–484, 106 Stat. 2683 (1992).

³⁵ Office of Technology Transition, 10 U.S.C. § 2515.

³⁶ FY 2017 NDAA, Pub. L. No. 114–328 (2016).

³⁷ GAO, *Technology Transition Programs Support Military Users, but Opportunities Exist to Improve Measurement of Outcomes*, accessed June 13, 2017, <http://www.gao.gov/assets/660/652852.pdf>.

³⁸ DoD, *Report to Congress Restructuring the Department of Defense Acquisition, Technology and Logistics Organization and Chief Management Officer Organization*, accessed August 8, 2017, <https://www.defense.gov/Portals/1/Documents/pubs/Section-901-FY-2017-NDAA-Report.pdf>.

- E1.28.4. Enable rapid, successful transition from the S&T base to useful military products.³⁹

Technology transition provides “opportunities to transition technologies from the science and technology (S&T) environment to a user, such as a weapon system acquisition program or the warfighter in the field,” and technology transition is not precisely defined.⁴⁰

In 2011, Congress removed the required reporting mechanism for OTT as part of its report downsizing.⁴¹ In a 2013 report, GAO identified the 20 technology transition programs managed by DoD and the Military Departments that provide structured mechanisms and funding to facilitate technology transition.⁴² These programs target different areas of technology sharing, such as the Joint Capability Technology Demonstration, which addresses the joint warfighting needs of combatant commands and, since 2015, initiates projects in support of the four Defense Emerging and Capability Prototyping focus areas.⁴³ Foreign Comparative Testing looks at other countries’ technologies and investigates whether they would be useful for the United States.⁴⁴

Conclusions

To update the provision and appropriately align DoD’s research focus and approach to technology transition, Congress should eliminate 10 U.S.C. § 2515. This change will provide the Secretary of Defense with maximum flexibility to meet the technology transition mission as set forth in Section 901. Removing this provision from the code will support reorganization within AT&L.

Subrecommendation 22e: Repeal the statutory requirement for Office for Foreign Defense Critical Technology Monitoring and Assessment, 10 U.S.C. § 2517.

Background

Congress established the Foreign Defense Critical Technology Monitoring and Assessment (FCTMA) office in the FY 1992 NDAA.⁴⁵ Originally, the provision for the FCTMA office was contained in 10 U.S.C. § 2525.⁴⁶ To address concerns related to foreign technology, Congress amended the statutory requirement for the FCTMA office through the FY 1993 NDAA to contain the provision in 10 U.S.C. § 2517.⁴⁷ It states, “The Secretary of Defense shall establish within the Office of the Assistant Secretary of Defense for Research and Engineering an office known as the “Office for Foreign Defense Critical Technology Monitoring and Assessment.”⁴⁸

³⁹ The Defense Acquisition System, DoDD 5000.01 (2007).

⁴⁰ GAO, *Technology Transition Programs Support Military Users, but Opportunities Exist to Improve Measurement of Outcomes*, GAO-13-286, Accessed June 13, 2017, <http://www.gao.gov/assets/660/652852.pdf>.

⁴¹ FY 2012 NDAA, Pub. L. No. 112–81, 125 Stat. 1584 (2011).

⁴² GAO, *Technology Transition Programs Support Military Users, but Opportunities Exist to Improve Measurement of Outcomes*, GAO-13-286, Accessed June 13, 2017, <http://www.gao.gov/assets/660/652852.pdf>.

⁴³ “Joint Capability Technology Demonstration,” Department of Defense Emerging Capability and Prototyping, <http://www.acq.osd.mil/ecp/PROGRAMS/JCTD.html>.

⁴⁴ “Comparative Technology Office,” Department of Defense Emerging Capability and Prototyping, <http://www.acq.osd.mil/ecp/PROGRAMS/CTO.html>.

⁴⁵ FY 1992–1993 NDAA, Pub. L. No. 102–190, 105 Stat. 1427–1431 (1991).

⁴⁶ FY 1992–1993 NDAA, Pub. L. No. 102–190, 105 Stat. 1430 (1991).

⁴⁷ FY 1993 NDAA, Pub. L. No. 102–484, 106 Stat. 2685 (1992).

⁴⁸ Office for Foreign Defense Critical Technology Monitoring, 10 U.S.C. § 2517.

The provision assigns the task “to maintain within the Department of Defense a central library for the compilation and appropriate dissemination of unclassified and classified information and assessments regarding significant foreign activities in research, development, and applications of defense critical technologies.”⁴⁹ FCTMA’s task is to “perform certain liaison activities,” to publicize information, and to coordinate with the Department of Commerce “in the dissemination of information and assessments regarding defense critical technologies having potential commercial uses.”⁵⁰

Findings

In 1989, GAO released a report noting that the federal government lacked a central entity for monitoring foreign dual-use (i.e., commercial and military) technology.⁵¹ A 1990 GAO report reiterated the 1989 report, stating, “although many DOD organizations produce, collect, store, or distribute foreign science and technology information ... no central DOD entity coordinates foreign technology monitoring.”⁵² One suggestion the GAO report cited was that DoD “should establish a focal point for coordinating foreign science and technology monitoring programs.”⁵³ The 1990 GAO report briefly addressed the importance of being able to conduct research on foreign technology development to maintain U.S. commercial competitiveness and warfighting capabilities.⁵⁴

The FY 1992 and 1993 NDAA markedly emphasized foreign technology monitoring and assessment.⁵⁵ The law established other provisions and programs related to foreign critical technology, including an overseas foreign critical technology monitoring and assessment financial assistance program, a critical technology application centers assistance program, and a defense dual-use critical technology partnership program.⁵⁶

The mandate for foreign critical technology monitoring has manifested as the Militarily Critical Technologies Program (MCTP) within DoD.⁵⁷ The purpose and responsibilities of MCTP largely mirror those outlined in 10 U.S.C. § 2517.⁵⁸ A 2016 Inspector General report stated that MCTP’s public database, the Military Critical Technologies List (MCTL), was out-of-date and failed to meet users’

⁴⁹ Ibid.

⁵⁰ United States Congress, *H.R.2100 – National Defense Authorization Act for Fiscal Years 1992 and 1993*, accessed July 17, 2017, <https://www.congress.gov/bill/102nd-congress/house-bill/2100>.

⁵¹ GAO, *Foreign Technology: U.S. Monitoring and Dissemination of the Results of Foreign Research*, GAO/NSIAD-9-117, accessed July 17, 2017, <http://www.gao.gov/assets/150/148898.pdf>. GAO, “Foreign Technologies: Federal Agencies Efforts to Track Developments,” accessed July 17, 2017, <http://www.gao.gov/assets/220/211477.pdf>.

⁵² GAO, *Foreign Technology: U.S. Monitoring and Dissemination of the Results of Foreign Research*, GAO/NSIAD-9-117, accessed July 17, 2017, <http://www.gao.gov/assets/150/148898.pdf>.

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ FY 1992–1993 NDAA, Pub. L. No. 102–190, 105 Stat. 1427–1431 (1991).

⁵⁶ Ibid.

⁵⁷ OSD, *Mission Description and Budget Item Justification*, accessed August 11, 2017, http://www.dtic.mil/descriptivesum/Y2013/OSD/stamped/0605110D8Z_6_PB_2013.pdf.

⁵⁸ Ibid.

needs.⁵⁹ Due to budget cuts, DoD stopped updating MCTL altogether and removed it from the World Wide Web.⁶⁰

Conclusions

With the Section 901 restructuring of AT&L, the Strategic Intelligence Analysis Cell (SIAC) fulfills the same mission as the FCTMA office by providing analysis of enemy nations' capabilities and vulnerabilities.⁶¹ SIAC would assess "potential and emerging threats and/or future opportunities that warrant action, that (sic) merit investment."⁶² In light of the reorganization of AT&L, Congress should remove the statutory provision at 10 U.S.C. § 2517.

Subrecommendation 22f: Repeal the statutory requirement at 10 U.S.C. § 204 for a Small Business Ombudsman within each defense audit agency.

Background

Congress provided for the designation of a Small Business Ombudsman for defense audit agencies through the FY 2013 NDAA, establishing the position in Pub. L. No. 112-239, 126 Stat. 2064 (2013) and containing it in 10 U.S.C. § 204.⁶³ The statute states the Secretary of Defense "shall designate a Small Business Ombudsman within each defense audit agency," applying to both Defense Contract Audit Agency (DCAA) and the Defense Contract Management Agency (DCMA).⁶⁴

Findings

The responsibilities of the Small Business Ombudsman include the following:

- Inform each defense audit agency director of small business problems.
- Act as each defense audit agency's point of contact for small businesses.
- Oversee the respective defense audit agency's "conduct of audits of small businesses."
- Ensure the defense audit agency conducts small business audits and responds to small business concerns in a timely fashion.⁶⁵

Congressional committee reports and conference reports for the FY 2013 NDAA lack further explanation of Congress' decision to create the statutory requirement for small business ombudsmen. According to DoD's former Director for the OSBP Andre Gudger, DoD supported the appointment of a

⁵⁹ Assessment of the Department of Defense Militarily Critical Technologies Program (Project No. D2015-DISPA2-0175.000), accessed September 25, 2017, http://www.dodig.mil/pubs/report_summary.cfm?id=7142.

⁶⁰ GAO, *Protecting Defense Technologies: DOD Assessment Needed to Determine Requirement for Critical Technologies List*, GAO-13-157, accessed August 11, 2017, <https://www.gao.gov/assets/660/651410.pdf>.

⁶¹ DoD, *Report to Congress Restructuring the Department of Defense Acquisition, Technology and Logistics Organization and Chief Management Officer Organization*, accessed August 31, 2017, <https://www.defense.gov/Portals/1/Documents/pubs/Section-901-FY-2017-NDAA-Report.pdf>.

⁶² Ibid.

⁶³ Small Business Ombudsman for Defense Audit Agencies, 10 U.S.C. § 204. Pub. L. No. 112-239, 126 Stat. 2064.

⁶⁴ Ibid.

⁶⁵ Ibid.

Small Business Ombudsman to “reduce barriers for small businesses and [to]... strengthen the partnership between DCAA, DCMA and industry.”⁶⁶ Others have informed the Section 809 Panel that ombudsman role is valuable, stating that after establishing the DCAA focal point (which has direct access to the OSBP Director) and increasing awareness at small business venues, DCAA frequently was able to address and resolve issues in a timely manner.⁶⁷

Conclusions

Although DoD should retain the Small Business Ombudsman role, eliminating the statutory requirement at 10 U.S.C. § 204 would allow flexibility should alternative approaches be warranted. DCAA and DCMA could continue to provide the Small Business Ombudsman role without a statutory requirement. This recommendation aligns with Section 6, Small Business.

Subrecommendation 22g: Repeal the statutory requirement for Secretary of Defense to designate a competition advocate for the Defense Logistics Agency, 10 U.S.C. § 2318.

Background

Pursuant to 10 U.S.C. § 2318, Advocates for Competition, the Secretary of Defense is required to designate “an officer or employee of the Defense Logistics Agency [DLA] to serve as the advocate for competition of the agency.”⁶⁸ Congress provided for this position through Section 1216 of the Department of Defense Authorization Act, 1985.⁶⁹

Findings

In July 1984, prior to the requirement for the designation of an officer or employee to serve as the DLA competition advocate, the Competition in Contracting Act (CICA) came into effect via the Deficit Reduction Act.⁷⁰ The overarching purpose of CICA was to reduce procurement costs and encourage small business participation by promoting more competition.⁷¹ According to GAO, CICA was a response to excessive sole-source (or noncompetitive) contract awards.⁷²

41 U.S.C. § 1705, “requires the head of each executive agency to designate an employee... to serve as an advocate for competition for the agency and for each procuring activity of the agency.”⁷³ Because DLA is not an executive agency under 41 U.S.C. § 133, the requirement to designate an advocate for competition under 41 U.S.C. § 1705 does not apply to DLA. There is an advocate for competition for

⁶⁶ OUSD(AT&L), *Small Business Program Works Closely with DCAA and DCMA*, accessed July 21, 2017, https://www.acq.osd.mil/osbp/docs/Small_Business_DCAA_and_DCMA_Final.pdf.

⁶⁷ Patrick Fitzgerald, Baker Tilly Virchow Krause, LLP, email to Section 809 Panel, September 26, 2017.

⁶⁸ Advocates for Competition, 10 U.S.C. § 2318.

⁶⁹ FY 1985 NDAA, Pub. L. No. 98–525, 98 Stat. 2593 (1984).

⁷⁰ Curtis Lee Coy, “The Competition in Contracting Act of 1984,” (master thesis, Naval Postgraduate School, 1986), <http://www.dtic.mil/dtic/tr/fulltext/u2/a171394.pdf>. United States Congress, “H.R.4170 - Deficit Reduction Act of 1984,” accessed August 7, 2017, <https://www.congress.gov/bill/98th-congress/house-bill/4170?q=%7B%22search%22%3A%5B%22PL98-369%22%5D%7D&r=1>.

⁷¹ “The Competition in Contracting Act (CICA),” GSA Interact, accessed August 7, 2017, <https://interact.gsa.gov/blog/competition-contracting-act-cica>.

⁷² GAO, *Procurement: Better Compliance With the Competition in Contracting Act Is Needed*, accessed August 8, 2017, <http://www.gao.gov/assets/150/145671.pdf>.

⁷³ Advocates for Competition, 41 U.S.C. § 1705.

DoD as a whole, but Congress determined that DLA should have its own advocate for competition, leading to enactment of 10 U.S.C. § 2218(a).⁷⁴

The central function of all competition advocates is to foster full and open competition in agency procurement activities.⁷⁵ In addition to this core duty, the DLA advocate for competition must write an annual report to DLA's senior procurement executive, and recommend strategies and targets for enhancing competition.⁷⁶ 10 U.S.C. § 2218 provides that the DLA advocate for competition have the same advocate for competition responsibilities and functions as provided under 41 U.S.C. § 1705.⁷⁷

DoD produces and publishes annual competition reports via the Defense Procurement and Acquisition Policy (DPAP) office. These departmental competition reports comprise the individual competition reports from the Army, Navy, Air Force, and DLA.

DLA has its own agencywide directive (DLAD), which further establishes the DLA competition advocate role. The DLAD reiterates the requirement for a DLA competition advocate, and it reiterates the responsibilities and duties of the DLA advocate as specified in FAR Part 6.5, Advocates for Competition, and 41 U.S.C. § 1705.⁷⁸

Conclusions

As DoD's acquisition framework continues to evolve, DoD would benefit from greater flexibility by eliminating the statutory requirement of the DLA competition advocate in 10 U.S.C. § 2318. The DLAD demonstrates DLA's commitment to promoting open competition in DLA procurements.

Subrecommendation 22h: Repeal the statutory requirement for the Hypersonics Development section of Joint Technology Office on Hypersonics, Section 218 of the FY 2007 NDAA (Pub. L. No. 109-364, 120 Stat. 2126; 10 U.S.C. § 2358 note).

Background

Section 218 of the FY 2007 NDAA, (Pub. L. No. 109-364, 120 Stat. 2126; 10 U.S.C. § 2358 note) established a Joint Technology Office on Hypersonics (JTOH) in DoD that commenced operations in FY 2007. The statute states the following:

The Secretary of Defense shall establish within the Office of the Secretary of Defense a joint technology office on hypersonics. The office shall carry out the program required under subsection (b), and shall have such other responsibilities relating to hypersonics as the Secretary shall specify.⁷⁹

⁷⁴ Advocates for Competition, 10 U.S.C. § 2318.

⁷⁵ Kate Manuel, CRS, *Competition in Federal Contracting: An Overview of the Legal Requirements*, accessed August 7, 2017, www.dtic.mil/get-tr-doc/pdf?AD=ADA497721.

⁷⁶ Advocates for Competition, 10 U.S.C. § 2318. Advocates for Competition, 41 U.S.C. § 1705.

⁷⁷ Advocates for Competition, 41 U.S.C. § 1705.

⁷⁸ "Defense Logistics Agency Directive," DLA, accessed August 9, 2017,

http://www.dla.mil/Portals/104/Documents/J7Acquisition/DLAD_Rev_5_and_PGI_PDF_Version_%207-27-16.pdf?ver=2016-07-28-074058-590.

⁷⁹ FY 2007 NDAA, Pub. L. No. 109-364, 120 Stat. 2126 (2006).

Findings

Hypersonic weapons are the latest version of precision-guided munitions. Hypersonic weapons development is the technology of “high-precision conventional weapons capable of striking a target anywhere in the world within one hour’s time.”⁸⁰

Although Congress prioritized a coordinated strategic vision for hypersonic development by the mid-2000s, Russia and China were already years into their hypersonic research and development with ballistic missile-launched hypersonic weapons and hypersonic glide vehicles when Congress mandated JTOH.⁸¹ In 2006, hypersonics programs were not integrated or coordinated internally to DoD or with the ongoing research at NASA.⁸²

JTOH’s purpose is to coordinate and integrate current and future research, development, tests, evaluation, and system demonstration programs on hypersonics for defense purposes.⁸³ Congress also requires JTOH to provide a *roadmap* for the hypersonic program, coordinated with NASA and the Joint Staff. This roadmap included mission requirements; short-, mid-, and long-term goals for the office; a schedule for meeting such goals; and test and evaluation facilities needed. DoD was to submit the roadmap to Congress every 2 years.⁸⁴ The section originally placed a sunset deadline on the reporting requirement to Congress in 2012, but later extended the deadline to 2016.⁸⁵ Despite Congress’s mandate for a hypersonic roadmap biannual report, the only readily available report DoD filed was in 2008.

From the beginning, DoD has met the intent of the code, without maintaining a physical location. As stated in the 2008 roadmap document, “JTOH is designed to be a lean organization that efficiently leverages existing management structures and personnel and is operated as a virtual office.” The other form of reporting to Congress was the biannual roadmaps mandated in subsection (d).

As a complementary mission, Section 1687 of the FY 2017 NDAA appointed the director of the Missile Defense Agency (MDA) to serve as the executive agent for Hypersonic Defense Capability Development.⁸⁶ The director develops architectures for hypersonic defense capability (to include detecting and intercepting threats) and establishes a program of record to develop and field a defensive system to defeat adversaries’ potential hypersonic boost-glide and maneuvering ballistic missiles.⁸⁷

In 2016, the Committee on Future Air Force Needs for Defense Against High-Speed Weapons Systems, together with the National Academy of Sciences, released an unclassified summary of *A Threat to*

⁸⁰ Eleni Ekmektsioglou, “Hypersonic Weapons and Escalation Control in East Asia,” *Strategic Studies Quarterly*, 9, no. 2 (2015): 43-68.

⁸¹ “*The Future of Hypersonic Weapons*,” Daniel Norton, RAND Corporation, accessed June 20, 2017, <https://www.rand.org/blog/2016/10/the-future-of-hypersonic-weapons.html>.

⁸² “Advanced Hypersonic Weapons,” GlobalSecurity.org, accessed June 20, 2017, <http://www.globalsecurity.org/military/systems////munitions/ahw.htm>.

⁸³ Peter Ouzts, “The Joint Technology Office on Hypersonics” (paper, 15th AIAA International Space Planes and Hypersonic Systems and Technologies Conference), accessed June 12, 2017, <https://arc.aiaa.org/doi/abs/10.2514/6.2008-2576>.

⁸⁴ FY 2007 NDAA, Pub. L. No. 109-364, 120 Stat. 2126 (2006).

⁸⁵ FY 2012 NDAA, Pub. L. No. 112-81, 125 Stat. 1343 (2011).

⁸⁶ FY 2017 NDAA, Pub. L. No. 114-238, 130 Stat. 2629 (2016).

⁸⁷ Committee on Future Air Force Needs for Defense Against High-Speed Weapons Systems and Air Force Studies Board, *A Threat to America’s Global Vigilance, Reach, and Power: High-speed Maneuvering Weapons*, (Washington, DC: The National Academies Press, 2016), doi: 10.17226/23667.

*America's Global Vigilance, Reach, and Power: High-speed Maneuvering Weapons.*⁸⁸ This report highlights the challenge of potential adversaries' growing capabilities in hypersonic weapons. The committee also raised concerns that it could "find no formal strategic operational concept or organizational sense of urgency."⁸⁹

Section 214 of the FY 2018 NDAA changes the name of the office to Joint Hypersonics Transition Office, "with the responsibility to coordinate and integrate programs, ensure coordination of current and future programs of the Department of Defense on hypersonics, and approve demonstrations."⁹⁰

Conclusions

Recognizing that emerging technologies are strategically important to prepare for defensive and potential adversarial use, DoD needs the freedom of action required to best address challenges associated with these technologies. The requirement to establish a JTOH as laid out in Pub. L. No. 109–364, 120 Stat. 2126 and 10 U.S.C. § 2358 note *Hypersonics Development* is not necessary for DoD's handling of this mission set and does not provide additional authorities to the Secretary of Defense. Congress should eliminate the statutory requirement in an effort to afford the Secretary flexibility to more appropriately address the mission set, but keep the language from the FY 2017 that appoints the director of MDA to serve as the executive agent for Hypersonic Defense Capability Development.

Subrecommendation 22i: Repeal the statutory requirement for Improvement in Defense Research and Procurement Liaison with Israel, Section 1006 of the FY 1989 NDAA (Pub. L. No. 100-456; 10 U.S.C. § 133 note).

Background

Section 1006 of the FY 1989 NDAA (Pub. L. No. 100-456; 10 U.S.C. § 133 note) states, "The Secretary of Defense, in consultation with the Under Secretary of Defense for Acquisition, shall designate for duty in Israel an individual or individuals to serve as the primary liaison between the procurement and research and development activities of the United States Armed Forces and those of the State of Israel."⁹¹ Currently, the Defense Cooperation in Armaments officer located in the Office of Defense Cooperation in the U.S. embassy in Israel fulfills this role, with the primary responsibility for armaments cooperation activities and secondary responsibilities in security assistance programs.⁹²

Findings

Israel is the largest recipient of American military aid, and the structures managing that relationship are longstanding and robust.⁹³ Section 1006 of the FY 1989 NDAA (Pub. L. No. 100–456; 10 U.S.C. § 133 note) stems from a 1987 memorandum of understanding (MOU) between the presidents that institutionalized the political, military, and economic agreements negotiated in the annual aid package

⁸⁸ Ibid.

⁸⁹ Ibid.

⁹⁰ House of Representatives, FY 2018 NDAA, *Conference Report to Accompany H.R. 2810*, accessed January 6, 2018, <http://docs.house.gov/billsthisweek/20171113/HRPT-115-HR2810.pdf>.

⁹¹ Section 1006 of the FY 1989 NDAA (Pub. L. No. 100-456; 10 U.S.C. § 133 note).

⁹² OUSDP, email to Section 809 Panel, September 15, 2017.

⁹³ Jason Gewirtz, "Big US military aid package to Israel has strings attached," *CNBC*, September 15, 2016, <https://www.cnbc.com/2016/09/15/big-us-military-aid-package-to-israel-has-strings-attached.html>.

to Israel.⁹⁴ The relationship between the United States and Israel established in the MOU further addressed the principles governing cooperation in research and development, scientist and engineer exchange, and procurement and logistic support of defense equipment.⁹⁵

The earliest MOU describes the unique military relationship between the United States and Israel, specifically regarding the Defense Procurement and Acquisition Policy (DPAP). The United States has 26 similar DPAP MOUs with nations around the world, yet no other country has a procurement liaison codified in U.S. law.⁹⁶

Conclusions

The Defense Cooperation in Armaments officer located in the Office of Defense Cooperation fulfills the mandate of this provision. Congress should repeal the statutory provision at Pub. L. No. 10–456 and 10 U.S.C. § 133 note because it unnecessarily restricts the Secretary’s authority to organize security cooperation arrangements in a manner appropriate to pursue its current acquisition-related mission and limits DoD’s ability to construct a proactive and adaptive organization.

Subrecommendation 22j: Repeal the statutory requirement for Coordination of Human Systems Integration Activities Related to Acquisition Programs, Section 231 of the FY 2008 NDAA (Pub. L. No. 110-181, 10 U.S.C. § 1701 note).

Background

Section 231 of the FY 2008 NDAA (Pub. L. No. 110–181, 10 U.S.C. § 1701 note) states:

(a) In General.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall coordinate and manage human systems integration activities throughout the acquisition programs of the Department of Defense.

(b) Administration.—In carrying out subsection (a), the Secretary shall designate a senior official to be responsible for the effort.⁹⁷

The statute further stipulates this official hold responsibility for coordinating the planning, management, and execution of human systems integration (HSI) activities and for recommending resource requirements.⁹⁸ The Office of the Secretary of Defense Acquisitions Technology and Logistics (OSD(AT&L)) leads these efforts in the Office of the Director Defense Research and Engineering

⁹⁴ Timothy McNulty, “Strife strains special U.S.-Israeli kinship,” *Chicago Tribune*, April 25, 1988, accessed November 27, 2017, http://articles.chicagotribune.com/1988-04-25/news/8803110673_1_american-jews-israel-jewish-state.

⁹⁵ The Memorandum of Understanding Between the Government of the United States of America and the Government of Israel Concerning the Principles Governing Mutual Cooperation in Research and Development, Scientist and Engineer Exchange, Procurement and Logistic Support of Defense Equipment of December 14, 1987 can be viewed in DoD, *Amendment 1 to the Memorandum of Understanding Between the Government of the United States of America and the Government of Israel*, accessed November 27, 2017, <https://www.acq.osd.mil/dpap/Docs/mou-israel.pdf>.

⁹⁶ DoD, *Amendment 1 to the Memorandum of Understanding Between the Government of the United States of America and the Government of Israel*, accessed November 27, 2017, <https://www.acq.osd.mil/dpap/Docs/mou-israel.pdf>.

⁹⁷ Section 231 of FY 2008 NDAA, Pub. L. No. 110–181, 10 U.S.C. § 1701 note.

⁹⁸ *Ibid.*

(DDR&E) through the directors for Mission Assurance and Human Performance, Training, and Biosystems.⁹⁹

Findings

HSI includes humans in their different roles in the system (e.g., operator, maintainer, trainer, designer); systems, including hardware, software, and processes (including the acquisition process and the design process); and integration of these elements to optimize the performance and safety of the whole.¹⁰⁰ DDR&E's FY 2011 *Department of Defense Human Systems Integration Management Plan*, states:

*Systems, composed of hardware and software, enable the ability of humans to perform tasks that successfully project combat power in difficult and lethal environments. High levels of human effectiveness are typically required for a system to achieve its desired effectiveness. The synergistic interaction between the human and the system is key to attaining improvements total system performance and minimizing total ownership costs.*¹⁰¹

Unmanned aerial systems (UASs) serve as one example within DoD. The National Research Council presented the following in its 2007 report *Human-System Integration in the System Development Process: A New Look*:

*UASs are airplanes or helicopters operated remotely by humans on the ground or in some cases from a moving air, ground, or water vehicle. Until recently the term 'unmanned aerial vehicle' (UAV) was used in the military services in reference to such vehicles as Predators, Global Hawks, Pioneers, Hunters, and Shadows. The term 'unmanned aerial system' acknowledges the fact that the focus is on much more than a vehicle. The vehicle is only part of a large interconnected system that connects other humans and machines on the ground and in the air to carry out tasks ranging from UAS maintenance and operation to data interpretation and sensor operation.*¹⁰²

Prior to the inclusion of HSI in the FY 2008 NDAA, both the Army and the Navy had active HSI programs. The Air Force was planning to establish similar programs but without coordination with the other military branches. The Army's program, commonly known as MANPRINT (Manpower and Personnel Integration), has been operating since 1986. The Navy's system, commonly known as SEAPRINT (Systems Engineering, Acquisition, and Personnel Integration) was formalized in 2003 to establish a MANPRINT-like approach to Navy system design and acquisition.¹⁰³ The Military Services had control over all decisions related to development, fielding, staffing, and operation of their new

⁹⁹ DoD, FY 2011 *Department of Defense Human Systems Integration Management Plan*, accessed November 8, 2017, <https://www.acq.osd.mil/se/docs/FY11-DoD-HSI-Management-Plan-101213.pdf>.

¹⁰⁰ "Human Systems Integration," ACQuipedia, accessed August 3, 2017, <https://dap.dau.mil/acquipedia/Pages/ArticleDetails.aspx?aid=4d39f620-2f41-4522-a1b0-64958c8aa0eb>.

¹⁰¹ DoD, FY 2011 *Department of Defense Human Systems Integration Management Plan*, accessed November 8, 2017, <https://www.acq.osd.mil/se/docs/FY11-DoD-HSI-Management-Plan-101213.pdf>.

¹⁰² Richard W. Pew and Anne S. Mavor, *Human-System Integration in the System Development Process: A New Look*, (Washington, D.C. National Academies Press, 2007), accessed November 27, 2017, <https://www.nap.edu/read/11893/chapter/3#18>.

¹⁰³ Department of the Army, *Army FY09 Human Systems Integration Plan*, accessed August 10, 2017, <http://www.acq.osd.mil/se/docs/Army-FY09-HSI-Plan.pdf>. Jennifer McGovern Narkevicius, *An Integrated Process for Incorporating Human Models into Systems Engineering*, accessed August 10, 2017, <http://cc.ist.psu.edu/BRIMS/archives/2005/other/05-BRIMS-086.pdf>.

systems.¹⁰⁴ The Navy and Air Force closely followed the Army’s blueprint for HSI programs; there was no formalized coordination among the branches.

In the FY 2008 NDAA, Congress directed the OSD(AT&L) to develop a comprehensive plan for HSI.¹⁰⁵ The Office of the Deputy Under Secretary of Defense (Acquisition and Technology) and the Director of Biological Systems within the Office of the Deputy Under Secretary of Defense (Science and Technology) jointly submitted the first HSI report to Congress in March 2009. The DoD HSI Management Plan defines how HSI is administered within DoD and serves as the blueprint for future activities.¹⁰⁶

The Human Systems Community of Interest—led by a steering group of six DoD officials representing all Military Services and OSD—created the recent *Human Systems Roadmap for 2016*. The purpose of the roadmap is to “develop and deliver new human-centered technologies to quantify mission effectiveness and to select, train, design, protect, and operate for measurably improved mission effectiveness.”¹⁰⁷ The roadmap provides a path forward for the future of HSI through 2022. The strategies described include advancing HSI throughout DoD to exploit social data to understand human aspects of military environments and developing strategies for critical stressor mitigation to ensure warfighter safety and survivability.

Conclusions

As HSI continues to develop new technologies and systems for DoD, the senior official leading HSI may need more flexibility within the role to address future concerns. The statute grants no additional authority to a senior official. Removing Section 231 of the FY 2008 NDAA (Pub. L. No. 110–181 and 10 U.S.C. § 1701 note) will facilitate freedom of action throughout the Section 901 reorganization of t OUSD(AT&L) and enhance the Secretary’s authority. This change would not eliminate the role, but eliminate parts of the code that may inhibit flexibility.

Subrecommendation 22k: Repeal the statutory requirement for Focus on Urgent Operational Needs and Rapid Acquisition, Section 902 of the FY 2013 NDAA (Pub. L. No. 112-239; 10 U.S.C. § 2302 note).

Background

Congress created a position for a senior official for urgent operational needs and rapid acquisition through Section 902 of the FY 2013 NDAA (Pub. L. No. 112–239; 10 U.S.C. § 2302 note).¹⁰⁸ It states:

Designation of Senior Official Responsible for Focus on Urgent Operational Needs and Rapid Acquisition.

¹⁰⁴ Richard W. Pew and Anne S. Mavor, *Human-System Integration in the System Development Process: A New Look*, (Washington, D.C. National Academies Press, 2007), accessed November 27, 2017, <https://www.nap.edu/read/11893/chapter/3#18>.

¹⁰⁵ FY 2009 NDAA, Pub. L. No. 110–181, 122 Stat. 45 (2008).

¹⁰⁶ “INITIATIVES: Human Systems Integration,” Office of the Deputy Assistant Secretary of Defense: Systems Engineering, accessed July 27, 2017, http://www.acq.osd.mil/se/initiatives/init_hsi.html.

¹⁰⁷ DUSD (S&T), *Human Systems Roadmap Review*, accessed July 27, 2017, <http://www.dtic.mil/ndia/2016/Human/S&TPanel.pdf>.

¹⁰⁸ Section 902 of the FY 2013 NDAA, Pub. L. No. 112–239; 10 U.S.C. § 2302 note.

(1) In general.-The Secretary of Defense, after consultation with the Secretaries of the military departments, shall designate a senior official in the Office of the Secretary of Defense as the principal official of the Department of Defense responsible for leading the Department's actions on urgent operational needs and rapid acquisition, in accordance with this section.¹⁰⁹

The senior official's responsibilities include advocating for issues and funding related to rapid response to the military's operational needs. The senior official is also responsible for enhancing transparency concerning DoD's operational needs. Finally, the senior official tracks the state of, and ensures rapid responses to, DoD's most pressing technical or capability deficits, reporting directly to the Secretary of Defense.¹¹⁰

Findings

A 2011 GAO report noted that U.S. "forces in Iraq and Afghanistan have faced significant risks of mission failure and loss of life due to rapidly changing enemy threats."¹¹¹ DoD had made multiple attempts to quickly develop and field new technology for countering emerging and evolving threats in theater; however, GAO found that at least 31 discrete offices and entities within DoD were responsible for responding to urgent operational needs and rapid acquisition. According to the report, these efforts appeared fragmented and potentially resulted in redundancies. GAO recommended DoD designate "a focal point to lead urgent needs efforts."¹¹²

In the FY 2013 NDAA conference report, members of Congress cited the GAO report as a primary motive for creating a statutory mandate for a senior official for urgent operational needs and rapid acquisition. The committee wrote it was concerned about the existence of "multiple funding streams, lack of coordination, and the need for consolidation as well as improved oversight" and contended that designating a senior-level focal point was a necessary step in mitigating this issue.¹¹³

There is a director of the Joint Rapid Acquisition Cell (JRAC) within USD(AT&L). The Director and the Cell exist to "provide a single point of contact in the OSD for tracking the timeliness of immediate war-fighter need actions for the senior leadership and facilitating coordination with other government agencies."¹¹⁴ The role of senior official for urgent operational needs and rapid acquisition may align with the purview of this office.

Conclusions

Although Section 902 of the FY 2013 NDAA (Pub. L. 112-239; 10 U.S.C. § 2302 note) does not specify who the senior official reports to, the JRAC, in accordance with DoDD 5000.71, falls under the operational control of the Deputy Secretary of Defense and the administrative control of USD(AT&L). The 2017 NDAA reorganized the USD(AT&L), into two new positions: the USD(R&E) and the

¹⁰⁹ Ibid.

¹¹⁰ Ibid.

¹¹¹ GAO, *Warfighter Support: DOD's Urgent Needs Processes Need a More Comprehensive Approach and Evaluation for Potential Consolidation*, GAO-11-273, accessed July 20, 2017, <http://www.gao.gov/assets/320/316068.pdf>.

¹¹² Ibid.

¹¹³ H.R. Rep. No. 112-705 (2017) (Conf. Rep. to accompany H.R. 4310).

¹¹⁴ "AT&L Offices," OSD, accessed August 11, 2017, <http://www.acq.osd.mil/atlOffices.html>.

USD(A&S).¹¹⁵ The Section 901 report aligns the JRAC with the USD(A&S) for administrative control. Repealing the statutory requirement will afford DoD the flexibility to forge a new and bold path toward achieving “technological superiority, affordable systems, and well managed business operations.”¹¹⁶

Subrecommendation 22I: Repeal the statutory requirement for Senior Official for Dual-Use Science and Technology Projects, Section 203(c) of the FY 1998 NDAA (Pub. L. No. 105-85; 10 U.S.C. § 2511 note).

Background

Section 203(c) of the FY 1998 NDAA (Pub. L. No. 105–85; 10 U.S.C. § 2511 note) requires the Secretary of Defense to designate “a senior official in the Office of the Secretary of Defense to carry out responsibilities for dual-use projects under this subsection.”¹¹⁷ The subsection refers to the defense dual-use critical technology program. The pending Section 901 reorganization affects this senior official, who must report to the USD(AT&L).¹¹⁸

The primary responsibility of the senior official for dual-use programs is to supervise “the establishment of, and adherence to, procedures for ensuring that dual-use projects are initiated and administered effectively.”¹¹⁹ The senior official also ensures the military adopts “commercial technologies” as appropriate.¹²⁰ Finally, the senior official coordinates the military departments’ and defense agencies’ dual-use efforts “to avoid unnecessary duplication.”¹²¹

Findings

According to the Senate Armed Services Committee (SASC) report for the FY 1998 NDAA, one of the primary motives for creating the dual-use programs senior official position was to help DoD better facilitate upcoming changes to dual-use funding. The changes included terminating DoD-wide funding by FY 1999 for dual-use technology projects, and requiring the Military Services to fund dual-use programs through their respective science and technology programs, rather than through the OSD. According to the SASC report, this change left DoD at a “critical turning point” in which DoD needed to devise a more “specific process to ensure that such a transition will take place, despite the Military Services’ resistance to dual-use technology development.”¹²²

Section 203(c) of the FY 1998 NDAA further stipulates that this individual ensure dual-use projects are consistent with the joint warfighting science and technology plan referred to in section 270 of the FY 1997 NDAA (Public Law 104–201; 10 U.S.C. § 2501 note). This document was released in 1998, and

¹¹⁵ Under Secretary of Defense for Research and Engineering, 10 U.S.C. § 133a. Under Secretary of Defense for Acquisition and Sustainment, 10 U.S.C. § 133b.

¹¹⁶ DoD, *Report to Congress Restructuring the Department of Defense Acquisition, Technology and Logistics Organization and Chief Management Officer Organization*, accessed August 8, 2017, <https://www.defense.gov/Portals/1/Documents/pubs/Section-901-FY-2017-NDAA-Report.pdf>.

¹¹⁷ Section 203(c) of the FY 1998 NDAA, Pub. L. No. 105–85; 10 U.S.C. § 2511 note.

¹¹⁸ *Ibid.*

¹¹⁹ *Ibid.*

¹²⁰ *Ibid.*

¹²¹ *Ibid.*

¹²² Senate Armed Services Committee, NDAA for FY 1998 Report.

appears to have been supplanted in practice by documents such as *A 21st Century Science, Technology, and Innovation Strategy for America's National Security*.

The dual-use science and technology programs support research and development for those technologies with dual-use applications.¹²³ In establishing these programs, the government laid out two goals:

- Partnering with industry to jointly fund the development of dual-use technologies needed to maintain the DoD's technological superiority on the battlefield and industry's competitiveness in the marketplace.
- Making the dual-use development of technologies with industry a normal way of doing business in the services.¹²⁴

These programs appear to be the evolution of the Clinton-era Technology Reinvestment Project (TRP), one in a series of programs sponsored by DoD to increase engagement with industry on dual-use technologies.¹²⁵ DoD continues to consider appropriate models for this kind of engagement with industry to include today's iterations like DIUx, SOFWERX, and AFwerX. In the intervening years, DoD has established policies and processes to address the challenges related to dual-use technology. DoDI 2040.02 establishes the department's policy and assigns responsibility for the international transfer of dual-use and defense-related technology, articles, and services.¹²⁶

Conclusions

DoD has found ways to meet the intent of this provision for a Secretary of Defense designated official since 1998. The provision appears outdated and repealing it would allow DoD to organize appropriately to the challenge of dual-use technologies and supporting these dual-use science and technology programs, particularly during the Section 901 reorganization. Congress should eliminate the statutory requirement for a dual-use programs official contained in Section 203(c) of the FY 1998 NDAA (Pub. L. No. 105–85; 10 U.S.C. § 2511 note).

Subrecommendation 22m: Repeal the statutory requirement for Executive Agent for Printed Circuit Boards, Section 256 of FY 2009 NDAA (Pub. L. No. 110-417; 10 U.S.C. § 2501 note).

Background

Congress directed establishment of the executive agent (EA) for printed circuit boards (PrCBs) in Section 256 of the FY 2009 NDAA, which states, "Not later than 90 days after the date of the enactment

¹²³ Defense Dual-Use Critical Technology Program, 10 U.S.C. § 2511.

¹²⁴ DoD, *A Manager's Guide to Technology Transition In an Evolutionary Acquisition Environment: A Contact Sport, Workshop Draft, 2002*, accessed November 9, 2017, <http://www.acq.osd.mil/dpap/Docs/RandD%20Text.doc>.

¹²⁵ Jay Stowsky, "The Dual-Use Dilemma," *Issues in Science and Technology*, Volume XIII Issue 2, Winter 1997, accessed November 29, 2017, <http://issues.org/13-2/stowsky/>.

¹²⁶ International Transfers of Technology, Articles, and Services, DoDI 2040.02 (2014).

of this Act, the Secretary of Defense shall designate a senior official of the Department of Defense to act as the EA for printed circuit board technology.”¹²⁷

The EA’s primary duties include ensuring DoD has access to manufacturing capabilities and technical expertise necessary to meet future military requirements regarding PrCBs and overseeing the supply chain. The agent assesses the vulnerabilities, trustworthiness, and diversity of the PrCB supply chain. Section (c) ensures that the Military Departments, Defense Agencies, and other Components of DoD provide the EA with the appropriate support and resources needed to perform the assigned roles, responsibilities, and authorities of the EA.¹²⁸

DoDD 5101.18E, Executive Agent for Printed Circuit Board and Interconnect Technology, affirms the position of an EA for PrCB and interconnect technology.¹²⁹ It designates USD(AT&L) as the principal staff assistant for PrCB and interconnect technology to oversee the DoD EA for PrCB and Interconnect Technology.¹³⁰ DoD has directed the Naval Sea Systems Command to the EA role through its Crane Division.¹³¹

Findings

PrCBs connect a variety of active components (e.g., microchips and transistors) and passive components (e.g., capacitors and fuses) into electronic assemblies that control systems.¹³² Virtually every electronic device in the marketplace, from military programs to commercial products, uses PrCBs.

In a 2005 report on the industry titled *Linkages: Manufacturing Trends in Electronics Interconnect Technology*, the National Research Council found that U.S. production of PrCBs had fallen below 10 percent of world output (down from 40 percent or more in the 1980s).¹³³ Although the Buy-American Act would not necessarily prevent DoD from buying PrCBs from foreign countries, suitable domestic supplies of the technology are limited.¹³⁴

William Landay testified in a congressional hearing leading up to the FY 2009 NDAA that the Militarily Critical Technologies Program addresses PrCBs protection.¹³⁵ Anthony Tether of the Defense Advanced Research Projects Agency also asserted that DoD had begun a new “TRUST in Integrated Circuits” program in 2007.¹³⁶ The goal of the latter program has been to ensure the trustworthiness of PrCBs

¹²⁷ FY 2009 NDAA, Pub. L. No. 110–417, 122 Stat. 4404 (2008).

¹²⁸ *Ibid.*

¹²⁹ DoD Executive Agent for Printed Circuit Board and Interconnect Technology, DoDI 5101.18E (2016).

¹³⁰ *Ibid.*

¹³¹ Naval Sea Systems Command *Warfare Centers: NSWC Crane Division*, accessed July 25, 2017, <http://www.navsea.navy.mil/Home/Warfare-Centers/NSWC-Crane/What-We-Do/Technical-Capabilities/Advanced-Electronics-Energy-Systems/>.

¹³² The National Academies of Science Engineering and Medicine, *Linkages: Manufacturing Trends in Electronics Interconnection Technology*, accessed July 24, 2017, <https://www.nap.edu/read/11515/chapter/1>.

¹³³ *Ibid.*

¹³⁴ *Ibid.*

¹³⁵ William Landay and Anthony Tether, *Hearing on National Defense Authorization Act for Fiscal Year 2009*, Washington, DC, March 13, 2008.

¹³⁶ *Ibid.*

regardless of where they are designed or manufactured. DoD coordinates the two programs, but administers them under the two separate umbrella organization.

As personal electronic devices become more common, American companies have abandoned the PrCBs marketplace.¹³⁷ Lower labor costs allow Asian companies to mass produce less expensive PrCBs compared to American companies that focused on low-quantity complex PrCBs.¹³⁸ A decrease in PrCB production within the United States has created a supply chain dilemma. DoD has lacked an adequate network of trustworthy suppliers for the crucial technology while it has invested less in its own R&D over the past 2 decades.¹³⁹

Since the Naval Systems Warfare Center (NSWC) became the EA responsible for PrCBs, it has worked in conjunction with IPC (Association Connecting Electronics Industries) to address PrCB concerns. In a 2016 report, IPC recommended that DoD expand its role in fostering new PrCB design and manufacturing technology, as well as developing explicit mechanisms to integrate emerging commercial PrCB technologies into new defense systems.¹⁴⁰ Because of the recent incorporation of the EA into NSWC, the effectiveness of these recommendations in action has not yet been determined.

The purpose of assigning an executive agent is to meet a need when no other means to meet it exists, when DoD resources need to be focused on a specific area or areas of responsibility to minimize duplication or redundancy, or when law requires.¹⁴¹

Conclusions

Designating a senior official to serve as executive agent limits the Secretary's flexibility and is overly prescriptive. Removing the statutory provision designating an executive agent will facilitate freedom of action throughout the Section 901 reorganization of OUSD(AT&L) and enhance the Secretary's authority.

THE REQUIREMENT FOR THE FOLLOWING STATUTORY OFFICE SHOULD BE SUNSET.

Subrecommendation 22n: Sunset the statutory requirement for Joint Directed Energy Transition Office (JDETO), 10 U.S.C. § 219 (10 U.S.C. § 2431 note) in FY 2023.

Background

In the 2017 NDAA, Congress mandated the "Secretary of Defense shall designate a senior official already serving within the Department of Defense as the official with principal responsibility for the development and demonstration of directed energy weapons for the Department."¹⁴²

¹³⁷ Lucintel, *Growth Opportunities in the Global Printed Circuit Board Market*, accessed July 25, 2017, <http://www.reportlinker.com/p04804598/Growth-Opportunities-in-the-Global-Printed-Circuit-Board-Market.html>.

¹³⁸ Joseph Ladou, "Printed Circuit Board Industry," *International Journal of Hygiene & Environmental Health*, (2006).

¹³⁹ William Landay and Anthony Tether, *Hearing on National Defense Authorization Act for Fiscal Year 2009*, Washington, DC, March 13, 2008.

¹⁴⁰ David Bergman, *NSWC Crane Microelectronics Integrity Meeting*, Association Connecting Electronics Industries.

¹⁴¹ DoD Executive Agent, DoDD 5101.1 (2003).

¹⁴² FY 2017 NDAA, Pub. L. No. 114-328, 130 Stat. 2054 (2016).

Congress also redesignated the High Energy Laser Joint Technology Office (HEL-JTO) as the Joint Directed Energy Transition Office (JDETO) in the FY 2017 NDAA.¹⁴³ The provision stipulates, “The High Energy Laser Joint Technology Office of the Department of Defense is hereby re-designated as the ‘Joint Directed Energy Transition Office’...and shall report to the official designated under subsection (a)(1).”¹⁴⁴ The FY 2018 NDAA stipulates that the USD(R&E) will be designated in this role.¹⁴⁵

Through the FY 2000 NDAA, Congress called on the DoD to assemble a master plan for laser weapons development.¹⁴⁶ The resulting High Energy Laser Executive Review Panel issued a report in March 2000 titled, the *Department of Defense Laser Master Plan*. The review panel’s plan recommended DoD “implement a new management structure for HEL technologies.”¹⁴⁷ Congress accepted the HEL Panel’s recommendations in the FY 2001 NDAA, and DoD established HEL-JTO in June 2000 to implement the master plan.¹⁴⁸

Findings

There was a marked emphasis on laser technology in the FY 2000 NDAA. In addition to mandating DoD devise a master plan for laser technology, it also called for a space-based laser program and discussed “criteria for progression of airborne laser program[s].”¹⁴⁹ The emphasis on directed energy weapons in the FY 2000 NDAA may have stemmed from preceding laser weapons research and development efforts, including the Strategic Defense Initiative of the 1980s.¹⁵⁰

The recommendation to redesignate the HEL-JTO as the JDETO originally appeared in the Directed Energy Weapon Systems Acquisition Act of 2016.¹⁵¹ The body of the Act appears in the FY 2017 NDAA and in 10 U.S.C. § 2431 note.¹⁵² Part (a) of the note mandates the Secretary of Defense select a senior official to lead JDETO.¹⁵³

Inadequate directed energy weapons acquisitions precipitated HEL-JTO’s redesignation and appointment of a senior official. According to a Senate committee report for the FY 2016 NDAA, members of Congress expressed concern over the fact that although DoD has invested more than \$6 billion in directed energy technology since 1960, DoD’s “directed energy initiatives [have not been] resourced at levels necessary to transition them to full-scale acquisition programs.”¹⁵⁴ The conference report for the FY 2017 NDAA further explained that the purpose of HEL-JTO’s redesignation and the

¹⁴³ Ibid.

¹⁴⁴ Ibid.

¹⁴⁵ House of Representatives, FY 2018 NDAA, *Conference Report to Accompany H.R. 2810*, accessed January 6, 2018, <http://docs.house.gov/billsthisweek/20171113/HRPT-115-HR2810.pdf>.

¹⁴⁶ FY 2000 NDAA, Pub. L. No. 106–65, 113 Stat. 554 (1999).

¹⁴⁷ High Energy Laser Executive Review Panel, *Department of Defense Laser Master Plan*, accessed June 29, 2017, <http://www.wslfweb.org/docs/MasterLaserPlan.pdf>.

¹⁴⁸ GPO, *Department of Defense Initiatives on High Energy Lasers Have Been Responsive to Congressional Direction*, accessed June 29, 2017, <https://www.gpo.gov/fdsys/pkg/GAOREPORTS-GAO-05-545R/html/GAOREPORTS-GAO-05-545R.htm>.

¹⁴⁹ FY 2000 NDAA, Pub. L. No. 106–65, 113 Stat. 540 (1999).

¹⁵⁰ Don D. Seeley and John M. Slater, “High Energy Laser Joint Technology Office: A Mission Overview” (paper, Optical Science and Technology, the SPIE 49th Annual Meeting, Denver, CO, October 18, 2004).

¹⁵¹ Directed Energy Weapon Systems Acquisition Act of 2016, S.R. 2778, 114th Cong. (2016).

¹⁵² FY 2017 NDAA, Pub. L. No. 114–328, 130 Stat. 2054 (2016).

¹⁵³ Weapons Development and Procurement Schedules, 10 U.S.C. §2431, notes (a) and (b).

¹⁵⁴ SACS, *National Defense Authorization Act for Fiscal Year 2017*, S. Rep. 114-255 (2016) (Committee Rep.).

statutory requirement for a senior official to lead the JDETO is to give the Secretary of Defense “rapid acquisition authority” toward “speed[ing] the development and deployment of operational directed energy capabilities.”¹⁵⁵

Conclusions

It is unlikely that removing the statutory requirement for JDETO would curtail DoD’s renewed directed energy efforts, yet Congress only recently reestablished JDETO for FY 2017. Because reestablishment of JDETO was so recent, and in an effort to provide future flexibility should the nature of the requirement for this designated official shift, Congress should amend the clause to sunset in 5 years (2023). Such action should both fulfill congressional direction to focus on research and development and provide flexibility in the future to appropriately align DoD’s research focus as it evolves. Section 215 of the FY 2018 NDAA adds a new prototyping and demonstration program to Section 219 as a new subsection (c). The Section 809 Panel had not evaluated that new program, and the recommendation for a sunset provision for Section 219 does not encompass the new subsection (c). Congress, in reviewing the recommendations to sunset the other portions of Section 219, should include a sunset provision for the new subsection (c).

Implementation

Legislative Branch

- Repeal the statutory requirement for Department of Defense Test Resource Management Center, 10 U.S.C. § 196.
- Repeal the statutory requirement for Office of Corrosion Policy and Oversight, 10 U.S.C. § 2228.
- Repeal the statutory requirement for Director for Performance Assessment and Root Cause Analysis (PARCA), 10 U.S.C. § 2438.
- Repeal the statutory requirement for Office of Technology Transition, 10 U.S.C. § 2515.
- Repeal the statutory requirement for Office for Foreign Defense Critical Technology Monitoring and Assessment, 10 U.S.C. § 2517.
- Repeal the statutory requirement at 10 U.S.C. § 204 for a Small Business Ombudsman within each defense audit agency.
- Repeal the statutory requirement for Secretary of Defense to designate a competition advocate for the Defense Logistics Agency, 10 U.S.C. § 2318.
- Repeal the statutory requirement for the Hypersonics Development section of Joint Technology Office on Hypersonics, Section 218 of the FY 2007 NDAA (Pub. L. No. 109–364, 120 Stat. 2126; 10 U.S.C. § 2358 note).
- Repeal the statutory requirement for Improvement in Defense Research and Procurement Liaison with Israel, Section 1006 of the FY 1989 NDAA (Pub. L. No. 100–456; 10 U.S.C. § 133 note).
- Repeal the statutory requirement for Coordination of Human Systems Integration Activities Related to Acquisition Programs, Section 231 of the FY 2008 NDAA (Pub. L. No. 110–181, 10 U.S.C. § 1701 note).

¹⁵⁵ House of Representatives, FY 2018 NDAA, *Conference Report to Accompany H.R. 2810*, accessed January 6, 2018, <http://docs.house.gov/billsthisweek/20171113/HRPT-115-HR2810.pdf>.

- Repeal the statutory requirement for Focus on Urgent Operational Needs and Rapid Acquisition, Section 902 of the FY 2013 NDAA (Pub. L. No. 112–239; 10 U.S.C. § 2302 note).
- Repeal the statutory requirement for Senior Official for Dual-Use Science and Technology Projects, Section 203(c) of the FY 1998 NDAA (Pub. L. No. 105–85; 10 U.S.C. § 2511 note).
- Repeal the statutory requirement for Executive Agent for Printed Circuit Boards, Section 256 of FY 2009 NDAA (Pub. L. No. 110–417; 10 U.S.C. § 2501 note).
- Sunset the statutory requirement for Joint Directed Energy Transition Office (JDETO), 10 U.S.C. § 219 (10 U.S.C. § 2431 note) in FY 2023.

Executive Branch

- No Executive Branch changes are required.

Implications for Other Agencies

- There are no cross-agency implications for this recommendation.

[NOTE: The draft legislative text below is followed by a “Sections Affected” display, showing the text of each provision of law affected by the draft legislative text below.]

1 **SEC. __. REPEAL OF STATUTORY REQUIREMENT FOR CERTAIN POSITIONS**
2 **OR OFFICES IN THE DEPARTMENT OF DEFENSE ESTABLISHED OR**
3 **REQUIRED BY LAW.**

4 (a) REPEAL OF STATUTORY REQUIREMENT FOR DoD TEST RESOURCE MANAGEMENT
5 CENTER.—

6 (1) REPEAL.—Section 196 of title 10, United States Code, as amended by section
7 222 of the National Defense Authorization Act for Fiscal Year 2018, is repealed.

8 (2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter
9 I of chapter 8 of such title is amended by striking the item relating to section 196.

10 (b) REPEAL OF STATUTORY REQUIREMENT FOR DIRECTOR OF CORROSION POLICY AND
11 OVERSIGHT.—

12 (1) REPEAL.—

13 (A) IN GENERAL.—Section 2228 of title 10, United States Code, is
14 repealed.

15 (B) CLERICAL AMENDMENT.—The table of sections at the beginning of
16 chapter 131 of such title is amended by striking the item relating to section 2228.

17 (2) OFFICE OF THE SECRETARY OF DEFENSE.—Paragraph (9) of section 131(b) of
18 such title, as redesignated by section 910(c)(1)(A) of the National Defense Authorization
19 Act for Fiscal Year 2018, is amended by striking subparagraph (H).

20 (c) REPEAL OF STATUTORY REQUIREMENT FOR DIRECTOR OF THE OFFICE OF
21 PERFORMANCE ASSESSMENT AND ROOT CAUSE ANALYSIS.—

1 (1) REPEAL.—

2 (A) IN GENERAL.—Section 2438 of title 10, United States Code, is
3 repealed.

4 (B) CLERICAL AMENDMENT.—The table of sections at the beginning of
5 chapter 144 of such title is amended by striking the item relating to section 2438.

6 (2) OFFICE OF THE SECRETARY OF DEFENSE.—Section 131(b)(9) of such title is
7 amended by striking subparagraph (I).

8 (d) REPEAL OF STATUTORY REQUIREMENT FOR OFFICE OF TECHNOLOGY TRANSITION.—

9 (1) REPEAL.—Section 2515 of title 10, United States Code, is repealed.

10 (2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter
11 III of chapter 148 of such title is amended by striking the item relating to section 2515.

12 (e) REPEAL OF STATUTORY REQUIREMENT FOR OFFICE FOR FOREIGN DEFENSE CRITICAL
13 TECHNOLOGY MONITORING AND ASSESSMENT.—

14 (1) REPEAL.—Section 2517 of title 10, United States Code, is repealed.

15 (2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter
16 III of chapter 148 of such title is amended by striking the item relating to section 2517.

17 (f) REPEAL OF STATUTORY REQUIREMENT FOR SMALL BUSINESS OMBUDSMAN FOR DCAA
18 AND DCMA.—

19 (1) REPEAL.—Section 204 of title 10, United States Code, is repealed.

20 (2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter
21 II of chapter 8 of such title is amended by striking the item relating to section 204.

22 (g) REPEAL OF STATUTORY REQUIREMENT FOR DLA ADVOCATE FOR COMPETITION.—

23 (1) REPEAL.—Section 2318 of title 10, United States Code, is amended—

24 (A) by striking subsection (a); and

1 (B) by striking “(b)” before “Each advocate”.

2 (2) TECHNICAL AMENDMENTS.—Such section is further amended—

3 (A) by striking “advocate for completion of” and inserting “advocate for
4 competition designated pursuant to section 1705(a) of title 41 for; and

5 (B) by striking “a grade GS–16 or above under the General Schedule (or
6 in a comparable or higher position under another schedule)” and inserting “in a
7 position classified above GS-15 pursuant to section 5108 of title 5”.

8 (h) REPEAL OF STATUTORY REQUIREMENT FOR JOINT HYPERSONICS TRANSITION

9 OFFICE.—Section 218 of the John Warner National Defense Authorization Act for Fiscal Year
10 2007 (Public Law 109–364; 10 U.S.C. 2358 note), as most recently amended by section 214(b)
11 of the National Defense Authorization Act for Fiscal Year 2018, is repealed.

12 (i) SUNSET FOR STATUTORY DESIGNATION OF USD(R&E) AS SENIOR DOD OFFICIAL WITH
13 PRINCIPAL RESPONSIBILITY FOR DIRECTED ENERGY WEAPONS.—Section 219 of the National
14 Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 10 U.S.C. 2431 note), as
15 amended by section 215 of the National Defense Authorization Act for Fiscal Year 2018, is
16 amended by adding at the end the following new subsection:

17 “(d) SUNSET.—The provisions of subsection (a) and of paragraphs (2) and (3) of
18 subsection (b) shall cease to be in effect as of September 30, 2022.”.

19 (j) REPEAL OF STATUTORY REQUIREMENT FOR DESIGNATION OF INDIVIDUAL TO SERVE AS
20 PRIMARY LIAISON BETWEEN THE PROCUREMENT AND RESEARCH AND DEVELOPMENT ACTIVITIES
21 OF THE UNITED STATES ARMED FORCES AND THOSE OF THE STATE OF ISRAEL.—Section 1006 of
22 the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 10 U.S.C. 133
23 note) is repealed.

1 (k) REPEAL OF STATUTORY REQUIREMENT FOR DESIGNATION OF SENIOR OFFICIAL TO
2 COORDINATE AND MANAGE HUMAN SYSTEMS INTEGRATION ACTIVITIES RELATED TO
3 ACQUISITION PROGRAMS.—Section 231 of the National Defense Authorization Act for Fiscal
4 Year 2008 (Public Law 110-181; 10 U.S.C. 1701 note) is amended—

- 5 (1) by striking “(a) IN GENERAL.—”; and
6 (2) by striking subsections (b), (c), and (d).

7 (l) REPEAL OF STATUTORY REQUIREMENT FOR DESIGNATION OF SENIOR OFFICIAL
8 RESPONSIBLE FOR FOCUS ON URGENT OPERATIONAL NEEDS AND RAPID ACQUISITION.—Section
9 902 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 10
10 U.S.C. 2302 note) is repealed.

11 (m) REPEAL OF STATUTORY REQUIREMENT FOR DESIGNATION OF SENIOR OFFICIAL
12 RESPONSIBLE FOR DUAL-USE PROJECTS UNDER DUAL-USE SCIENCE AND TECHNOLOGY
13 PROGRAM.—Section 203 of the National Defense Authorization Act for Fiscal Year 1998 (Public
14 Law 105-85; 10 U.S.C. 2511 note) is amended by striking subsection (c).

15 (n) REPEAL OF STATUTORY REQUIREMENT FOR DESIGNATION OF SENIOR OFFICIAL AS
16 EXECUTIVE AGENT FOR PRINTED CIRCUIT BOARD TECHNOLOGY.—Section 256 of the National
17 Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 10 U.S.C. 2501 note) is
18 repealed.

**SECTIONS AFFECTED BY THE PROPOSAL TO REPEAL
CERTAIN STATUTORY OFFICES AND POSITIONS**

[Matter proposed to be deleted is shown in ~~stricken through text~~; matter to be inserted is shown in *bold italic*. Letters in yellow text (viz, A.) correlate to the corresponding subsection designations in the accompanying legislative text (viz, (a))]

[Text shown as current law incorporates amendments from the FY2018 NDAA conference report, as passed the House on Nov. 15, 2017 (H. Rpt. 115-404)]

TITLE 10, UNITED STATES CODE

A. ~~§ 196. Department of Defense Test Resource Management Center~~

~~(a) ESTABLISHMENT AS DEPARTMENT OF DEFENSE FIELD ACTIVITY.—The Secretary of Defense shall establish within the Department of Defense under section 191 of this title a Department of Defense Test Resource Management Center (hereinafter in this section referred to as the “Center”). The Secretary shall designate the Center as a Department of Defense Field Activity.~~

~~(b) DIRECTOR AND DEPUTY DIRECTOR.—(1) At the head of the Center shall be a Director, selected by the Secretary from among individuals who have substantial experience in the field of test and evaluation.~~

~~(2) There shall be a Deputy Director of the Center, selected by the Secretary from among individuals who have substantial experience in the field of test and evaluation. The Deputy Director shall act for, and exercise the powers of, the Director when the Director is disabled or the position of Director is vacant.~~

~~(c) DUTIES OF DIRECTOR.—(1) The Director shall have the following duties:~~

~~(A) To review and provide oversight of proposed Department of Defense budgets and expenditures for—~~

~~(i) the test and evaluation facilities and resources of the Major Range and Test Facility Base of the Department of Defense; and~~

~~(ii) all other test and evaluation facilities and resources within and outside of the Department of Defense, other than budgets and expenditures for activities described in section 139(j) of this title.~~

~~(B) To review proposed significant changes to the test and evaluation facilities and resources of the Major Range and Test Facility Base, including with respect to the expansion, divestment, consolidation, or curtailment of activities, before they are implemented by the Secretaries of the military departments or the heads of the Defense Agencies with test and evaluation responsibilities and advise the Secretary of Defense and the Under Secretary of Acquisition, Technology, and Logistics of the impact of such changes on the adequacy of such test and evaluation facilities and resources to meet the test and evaluation requirements of the Department.~~

~~(C) To complete and maintain the strategic plan required by subsection (d).~~

~~(D) To review proposed budgets under subsection (e) and submit reports and certifications required by such subsection.~~

~~(E) To administer the Central Test and Evaluation Investment Program and the program of the Department of Defense for test and evaluation science and technology.~~

~~(2) The Director shall have access to such records and data of the Department of Defense (including the appropriate records and data of each military department and Defense Agency) that are necessary in order to carry out the duties of the Director under this section.~~

~~(d) STRATEGIC PLAN FOR DEPARTMENT OF DEFENSE TEST AND EVALUATION RESOURCES.—(1) Not less often than once every two fiscal years, the Director, in coordination with the Director of Operational Test and Evaluation, the Secretaries of the military departments, and the heads of Defense Agencies with test and evaluation responsibilities, shall complete a strategic plan reflecting the needs of the Department of Defense with respect to test and evaluation facilities and resources, including modeling and simulation capabilities. Each such strategic plan shall cover the period of ten fiscal years beginning with the fiscal year in which the plan is submitted under paragraph (3). The strategic plan shall be based on a comprehensive review of the test and evaluation requirements of the Department and the adequacy of the test and evaluation facilities and resources of the Department to meet those requirements.~~

~~(2) The strategic plan shall include the following:~~

~~(A) An assessment of the test and evaluation requirements of the Department for the period covered by the plan.~~

~~(B) An identification of performance measures associated with the successful achievement of test and evaluation objectives for the period covered by the plan.~~

~~(C) An assessment of the test and evaluation facilities and resources that will be needed to meet such requirements and satisfy such performance measures.~~

~~(D) An assessment of the current state of the test and evaluation facilities and resources of the Department.~~

~~(E) An assessment of plans and business case analyses supporting any significant modification of the test and evaluation facilities and resources of the Department projected, proposed, or recommended by the Secretary of a military department or the head of a Defense Agency for such period, including with respect to the expansion, divestment, consolidation, or curtailment of activities.~~

~~(F) An itemization of acquisitions, upgrades, and improvements necessary to ensure that the test and evaluation facilities and resources of the Department are adequate to meet such requirements and satisfy such performance measures.~~

~~(G) An assessment of the budgetary resources necessary to implement such acquisitions, upgrades, and improvements.~~

~~(3) Upon completing a strategic plan under paragraph (1), the Director shall submit to the Secretary of Defense a report on that plan. The report shall include the plan and a description of the review on which the plan is based.~~

~~(4) Not later than 60 days after the date on which the report is submitted under paragraph (3), the Secretary of Defense shall transmit to the Committee on Armed Services and Committee on Appropriations of the Senate and the Committee on Armed Services and Committee on Appropriations of the House of Representatives the report, together with any comments with respect to the report that the Secretary considers appropriate.~~

~~(e) CERTIFICATION OF BUDGETS.—(1) The Secretary of Defense, acting through the Under Secretary of Defense (Comptroller), shall require that the Secretary of each military department and the head of each Defense Agency with test and evaluation responsibilities transmit such Secretary's or Defense Agency head's proposed budget for test and evaluation activities,~~

including modeling and simulation capabilities, for a fiscal year and for the period covered by the future years defense program submitted to Congress under section 221 of this title for that fiscal year to the Director of the Center for review under paragraph (2) before submitting such proposed budget to the Under Secretary of Defense (Comptroller).

(2)(A) The Director of the Center shall review each proposed budget transmitted under paragraph (1) and shall, not later than January 31 of the year preceding the fiscal year for which such budgets are proposed, submit to the Secretary of Defense a report containing the comments of the Director with respect to all such proposed budgets, together with the certification of the Director as to whether such proposed budgets are adequate.

(B) The Director shall also submit, together with such report and such certification, an additional certification as to whether such proposed budgets provide balanced support for such strategic plan.

(3) The Secretary of Defense shall, not later than March 31 of the year preceding the fiscal year for which such budgets are proposed, submit to Congress a report on those proposed budgets which the Director has not certified under paragraph (2)(A) to be adequate. The report shall include the following matters:

(A) A discussion of the actions that the Secretary proposes to take, together with any recommended legislation that the Secretary considers appropriate, to address the inadequacy of the proposed budgets.

(B) Any additional comments that the Secretary considers appropriate regarding the inadequacy of the proposed budgets.

(f) APPROVAL OF CERTAIN MODIFICATIONS.—(1) The Secretary of a military department or the head of a Defense Agency with test and evaluation responsibilities may not implement a projected, proposed, or recommended significant modification of the test and evaluation facilities and resources of the Department, including with respect to the expansion, divestment, consolidation, or curtailment of activities, until—

(A) the Secretary or the head, as the case may be, submits to the Director a business case analysis for such modification; and

(B) the Director reviews such analysis and approves such modification.

(g) SUPERVISION OF DIRECTOR BY UNDER SECRETARY.—The Director of the Center shall be subject to the supervision of the Under Secretary of Defense for Acquisition, Technology, and Logistics. The Director shall report directly to the Under Secretary, without the interposition of any other supervising official.

(h) ADMINISTRATIVE SUPPORT OF CENTER.—The Secretary of Defense shall provide the Director with administrative support adequate for carrying out the Director's responsibilities under this section. The Secretary shall provide the support out of the headquarters activities of the Department or any other activities that the Secretary considers appropriate.

(i) DEFINITION.—In this section, the term “Major Range and Test Facility Base” means the test and evaluation facilities and resources that are designated by the Secretary of Defense as facilities and resources comprising the Major Range and Test Facility Base.

B. § 2228. Office of Corrosion Policy and Oversight

~~(a) OFFICE AND DIRECTOR.—(1) There is an Office of Corrosion Policy and Oversight within the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics.~~

~~(2) The Office shall be headed by a Director of Corrosion Policy and Oversight, who shall be assigned to such position by the Under Secretary from among civilian employees of the Department of Defense with the qualifications described in paragraph (3). The Director is responsible in the Department of Defense to the Secretary of Defense (after the Under Secretary of Defense for Acquisition, Technology, and Logistics) for the prevention and mitigation of corrosion of the military equipment and infrastructure of the Department of Defense. The Director shall report directly to the Under Secretary.~~

~~(3) In order to qualify to be assigned to the position of Director, an individual shall—~~

~~(A) have management expertise in, and professional experience with, corrosion project and policy implementation, including an understanding of the effects of corrosion policies on infrastructure; research, development, test, and evaluation; and maintenance; and~~

~~(B) have an understanding of Department of Defense budget formulation and execution, policy formulation, and planning and program requirements.~~

~~(4) The Secretary of Defense shall designate the position of Director as a critical acquisition position under section 1733(b)(1)(C) of this title.~~

~~(b) DUTIES.—(1) The Director of Corrosion Policy and Oversight (in this section referred to as the “Director”) shall oversee and coordinate efforts throughout the Department of Defense to prevent and mitigate corrosion of the military equipment and infrastructure of the Department. The duties under this paragraph shall include the duties specified in paragraphs (2) through (5).~~

~~(2) The Director shall develop and recommend any policy guidance on the prevention and mitigation of corrosion to be issued by the Secretary of Defense.~~

~~(3) The Director shall review the programs and funding levels proposed by the Secretary of each military department during the annual internal Department of Defense budget review process as those programs and funding proposals relate to programs and funding for the prevention and mitigation of corrosion and shall submit to the Secretary of Defense recommendations regarding those programs and proposed funding levels.~~

~~(4) The Director shall provide oversight and coordination of the efforts within the Department of Defense to prevent or mitigate corrosion during—~~

~~(A) the design, acquisition, and maintenance of military equipment; and~~

~~(B) the design, construction, and maintenance of infrastructure.~~

~~(5) The Director shall monitor acquisition practices within the Department of Defense—~~

~~(A) to ensure that the use of corrosion prevention technologies and the application of corrosion prevention treatments are fully considered during research and development in the acquisition process; and~~

~~(B) to ensure that, to the extent determined appropriate for each acquisition program, such technologies and treatments are incorporated into that program, particularly during the engineering and design phases of the acquisition process.~~

~~(c) ADDITIONAL AUTHORITIES FOR DIRECTOR.—The Director is authorized to—~~

~~(1) develop, update, and coordinate corrosion training with the Defense Acquisition University;~~

~~(2) participate in the process within the Department of Defense for the development of relevant directives and instructions; and~~

~~(3) interact directly with the corrosion prevention industry, trade associations, other government corrosion prevention agencies, academic research and educational institutions, and scientific organizations engaged in corrosion prevention, including the National Academy of Sciences.~~

~~(d) LONG TERM STRATEGY.—(1) The Secretary of Defense shall develop and implement a long term strategy to reduce corrosion and the effects of corrosion on the military equipment and infrastructure of the Department of Defense.~~

~~(2) The strategy under paragraph (1) shall include the following:~~

~~(A) Expansion of the emphasis on corrosion prevention and mitigation within the Department of Defense to include coverage of infrastructure.~~

~~(B) Application uniformly throughout the Department of Defense of requirements and criteria for the testing and certification of new corrosion prevention technologies for equipment and infrastructure with similar characteristics, similar missions, or similar operating environments.~~

~~(C) Implementation of programs, including supporting databases, to ensure that a focused and coordinated approach is taken throughout the Department of Defense to collect, review, validate, and distribute information on proven methods and products that are relevant to the prevention of corrosion of military equipment and infrastructure.~~

~~(D) Establishment of a coordinated research and development program for the prevention and mitigation of corrosion for new and existing military equipment and infrastructure that includes a plan to transition new corrosion prevention technologies into operational systems, including through the establishment of memoranda of agreement, joint funding agreements, public private partnerships, university research and education centers, and other cooperative research agreements.~~

~~(3) The strategy shall include, for the matters specified in paragraph (2), the following:~~

~~(A) Policy guidance.~~

~~(B) Performance measures and milestones.~~

~~(C) An assessment of the necessary personnel and funding necessary to accomplish the long term strategy.~~

~~(e) REPORT.—(1) For each budget for a fiscal year, beginning with the budget for fiscal year 2009 and ending with the budget for fiscal year 2022, the Secretary of Defense shall submit, with the defense budget materials, a report on the following:~~

~~(A) Funding requirements for the long term strategy developed under subsection (d).~~

~~(B) The estimated composite return on investment achieved by implementing the strategy, and documented in the assessments by the Department of Defense of completed corrosion projects and activities.~~

~~(C) The funds requested in the budget compared to the funding requirements.~~

~~(D) If the full amount of funding requirements is not requested in the budget, the reasons for not including the full amount and a description of the impact on readiness, logistics, and safety of not fully funding required corrosion prevention and mitigation activities.~~

~~(E) For the fiscal year preceding the fiscal year covered by the report, the amount of funds requested in the budget for each project or activity described in subsection (d) compared to the funding requirements for the project or activity.~~

~~(F) For the fiscal year preceding the fiscal year covered by the report, a description of the specific amount of funds used for military corrosion projects, the Technical Corrosion Collaboration program, and other corrosion related activities.~~

~~(2)(A) Each report under this section shall include, in an annex to the report, a summary of the most recent report required by subparagraph (B).~~

~~(B) Not later than December 31 of each year, through December 31, 2020, the corrosion control and prevention executive of a military department shall submit to the Director of Corrosion Policy and Oversight a report containing recommendations pertaining to the corrosion control and prevention program of the military department. Such report shall include recommendations for the funding levels necessary for the executive to carry out the duties of the executive under this section. The report required under this subparagraph shall—~~

~~(i) provide a summary of key accomplishments, goals, and objectives of the corrosion control and prevention program of the military department; and~~

~~(ii) include the performance measures used to ensure that the corrosion control and prevention program achieved the goals and objectives described in clause (i).~~

~~(f) DEFINITIONS.—In this section:~~

~~(1) The term “corrosion” means the deterioration of a material or its properties due to a reaction of that material with its chemical environment.~~

~~(2) The term “military equipment” includes all weapon systems, weapon platforms, vehicles, and munitions of the Department of Defense, and the components of such items.~~

~~(3) The term “infrastructure” includes all buildings, structures, airfields, port facilities, surface and subterranean utility systems, heating and cooling systems, fuel tanks, pavements, and bridges.~~

~~(4) The term “budget”, with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.~~

~~(5) The term “defense budget materials”, with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.~~

§ 131. Office of the Secretary of Defense

[Section shown as in effect as of Feb. 1, 2018]

(a) There is in the Department of Defense an Office of the Secretary of Defense. The function of the Office is to assist the Secretary of Defense in carrying out the Secretary's duties and responsibilities and to carry out such other duties as may be prescribed by law.

(b) The Office of the Secretary of Defense is composed of the following:

(1) The Deputy Secretary of Defense.

(2) The Chief Management Officer of the Department of Defense.

(3) The Under Secretaries of Defense, as follows:

(A) The Under Secretary of Defense for Research and Engineering.

(B) The Under Secretary of Defense for Acquisition and Sustainment.

- (C) The Under Secretary of Defense for Policy.
- (D) The Under Secretary of Defense (Comptroller).
- (E) The Under Secretary of Defense for Personnel and Readiness.
- (F) The Under Secretary of Defense for Intelligence.
- (4) The Deputy Chief Management Officer of the Department of Defense.
- (5) Other officers who are appointed by the President, by and with the advice and consent of the Senate, and who report directly to the Secretary and Deputy Secretary without intervening authority, as follows:
 - (A) The Director of Cost Assessment and Program Evaluation.
 - (B) The Director of Operational Test and Evaluation.
 - (C) The General Counsel of the Department of Defense.
 - (D) The Inspector General of the Department of Defense.
- (6) The Chief Information Officer of the Department of Defense.
- (7) The Deputy Under Secretaries of Defense.
- (8) The Assistant Secretaries of Defense.
- (9) Other officials provided for by law, as follows:
 - (A) The two Deputy Directors within the Office of the Director of Cost Assessment and Program Evaluation under section 139a(c) of this title.
 - (B) The Deputy Assistant Secretary of Defense for Developmental Test and Evaluation appointed pursuant to section 139b(a) of this title.
 - (C) The Deputy Assistant Secretary of Defense for Systems Engineering appointed pursuant to section 139b(b) of this title.
 - (D) The Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy appointed pursuant to section 139c of this title.
 - (E) The Director of Small Business Programs appointed pursuant to section 144 of this title.
 - (F) The official designated under section 1501(a) of this title to have responsibility for Department of Defense matters relating to missing persons as set forth in section 1501 of this title.
 - (G) The Director of Military Family Readiness Policy under section 1781 of this title.
 - ~~(H) The Director of the Office of Corrosion Policy and Oversight assigned pursuant to section 2228(a) of this title.~~
 - ~~(I) The official designated under section 2438(a) of this title to have responsibility for conducting and overseeing performance assessments and root cause analyses for major defense acquisition programs.~~
- (10) Such other offices and officials as may be established by law or the Secretary of Defense may establish or designate in the Office.

C. § 2438. Performance assessments and root cause analyses

~~(a) DESIGNATION OF SENIOR OFFICIAL RESPONSIBILITY FOR PERFORMANCE ASSESSMENTS AND ROOT CAUSE ANALYSES.—~~

~~(1) IN GENERAL.—The Secretary of Defense shall designate a senior official in the Office of the Secretary of Defense as the principal official of the Department of Defense responsible for conducting and overseeing performance assessments and root cause analyses for major defense acquisition programs.~~

~~(2) NO PROGRAM EXECUTION RESPONSIBILITY.—The Secretary shall ensure that the senior official designated under paragraph (1) is not responsible for program execution.~~

~~(3) STAFF AND RESOURCES.—The Secretary shall assign to the senior official designated under paragraph (1) appropriate staff and resources necessary to carry out the senior official's function under this section.~~

~~(b) RESPONSIBILITIES.—The senior official designated under subsection (a) shall be responsible for the following:~~

~~(1) Carrying out performance assessments of major defense acquisition programs in accordance with the requirements of subsection (c) periodically or when requested by the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology and Logistics, the Secretary of a military department, or the head of a Defense Agency.~~

~~(2) Conducting root cause analyses for major defense acquisition programs in accordance with the requirements of subsection (d) when required by section 2433a(a)(1) of this title, or when requested by the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology and Logistics, the Secretary of a military department, or the head of a Defense Agency.~~

~~(3) Issuing policies, procedures, and guidance governing the conduct of performance assessments and root cause analyses by the military departments and the Defense Agencies.~~

~~(4) Evaluating the utility of performance metrics used to measure the cost, schedule, and performance of major defense acquisition programs, and making such recommendations to the Secretary of Defense as the official considers appropriate to improve such metrics.~~

~~(5) Advising acquisition officials on performance issues regarding a major defense acquisition program that may arise—~~

~~(A) before certification under section 2433a of this title;~~

~~(B) before entry into full rate production; or~~

~~(C) in the course of consideration of any decision to request authorization of a multiyear procurement contract for the program.~~

~~(c) PERFORMANCE ASSESSMENTS.—For purposes of this section, a performance assessment with respect to a major defense acquisition program is an evaluation of the following:~~

~~(1) The cost, schedule, and performance of the program, relative to current metrics, including performance requirements and baseline descriptions.~~

~~(2) The extent to which the level of program cost, schedule, and performance predicted relative to such metrics is likely to result in the timely delivery of a level of capability to the warfighter that is consistent with the level of resources to be expended and provides superior value to alternative approaches that may be available to meet the same military requirement.~~

~~(d) ROOT CAUSE ANALYSES.—For purposes of this section and section 2433a of this title, a root cause analysis with respect to a major defense acquisition program is an assessment of the underlying cause or causes of shortcomings in cost, schedule, or performance of the program, including the role, if any, of—~~

- ~~(1) unrealistic performance expectations;~~
- ~~(2) unrealistic baseline estimates for cost or schedule;~~
- ~~(3) immature technologies or excessive manufacturing or integration risk;~~
- ~~(4) unanticipated design, engineering, manufacturing, or technology integration issues arising during program performance;~~
- ~~(5) changes in procurement quantities;~~
- ~~(6) inadequate program funding or funding instability;~~
- ~~(7) poor performance by government or contractor personnel responsible for program management; or~~
- ~~(8) any other matters.~~

~~(e) SUPPORT OF APPLICABLE CAPABILITIES AND EXPERTISE.—The Secretary of Defense shall ensure that the senior official designated under subsection (a) has the support of other Department of Defense officials with relevant capabilities and expertise needed to carry out the requirements of this section.~~

D. § 2515. Office of Technology Transition

~~(a) ESTABLISHMENT.—The Secretary of Defense shall establish within the Office of the Secretary of Defense an Office of Technology Transition.~~

~~(b) PURPOSE.—The purpose of the office shall be to ensure, to the maximum extent practicable, that technology developed for national security purposes is integrated into the private sector of the United States in order to enhance national technology and industrial base, reinvestment, and conversion activities consistent with the objectives set forth in section 2501(a) of this title.~~

~~(c) DUTIES.—The head of the office shall ensure that the office—~~

- ~~(1) monitors all research and development activities that are carried out by or for the military departments and Defense Agencies;~~
- ~~(2) identifies all such research and development activities that use technologies, or result in technological advancements, having potential nondefense commercial applications;~~
- ~~(3) serves as a clearinghouse for, coordinates, and otherwise actively facilitates the transition of such technologies and technological advancements from the Department of Defense to the private sector;~~
- ~~(4) conducts its activities in consultation and coordination with the Department of Energy and the Department of Commerce; and~~
- ~~(5) provides private firms with assistance to resolve problems associated with security clearances, proprietary rights, and other legal considerations involved in such a transition of technology.~~

E. § 2517. Office for Foreign Defense Critical Technology Monitoring and Assessment

~~(a) IN GENERAL.—The Secretary of Defense shall establish within the Office of the Assistant Secretary of Defense for Research and Engineering an office known as the "Office for Foreign Defense Critical Technology Monitoring and Assessment" (hereinafter in this section referred to as the "Office").~~

~~(b) RELATIONSHIP TO DEPARTMENT OF COMMERCE.—The head of the Office shall consult closely with appropriate officials of the Department of Commerce in order—~~

~~(1) to minimize the duplication of any effort of the Department of Commerce by the Department of Defense regarding the monitoring of foreign activities related to defense critical technologies that have potential commercial uses; and~~

~~(2) to ensure that the Office is effectively utilized to disseminate information to users of such information within the Federal Government.~~

~~(c) RESPONSIBILITIES.—The Office shall have the following responsibilities:~~

~~(1) To maintain within the Department of Defense a central library for the compilation and appropriate dissemination of unclassified and classified information and assessments regarding significant foreign activities in research, development, and applications of defense critical technologies.~~

~~(2) To establish and maintain—~~

~~(A) a widely accessible unclassified data base of information and assessments regarding foreign science and technology activities that involve defense critical technologies, including, especially, activities in Europe and in Pacific Rim countries; and~~

~~(B) a classified data base of information and assessments regarding such activities.~~

~~(3) To perform liaison activities among the military departments, Defense Agencies, and other appropriate elements of the Department of Defense, with appropriate agencies and offices of the Department of Commerce and the Department of State, and with other departments and agencies of the Federal Government in order to ensure that significant activities in research, development, and applications of defense critical technologies are identified, monitored, and assessed by an appropriate department or agency of the Federal Government.~~

~~(4) To ensure the maximum practicable public availability of information and assessments contained in the unclassified data bases established pursuant to paragraph (2)—~~

~~(A) by limiting, to the maximum practicable extent, restrictive classification of such information and assessments; and~~

~~(B) by disseminating to the National Technical Information Service of the Department of Commerce information and assessments regarding defense critical technologies having potential commercial uses.~~

~~(5) To disseminate through the National Technical Information Service of the Department of Commerce unclassified information and assessments regarding defense critical technologies having potential commercial uses so that such information and assessments may be further disseminated within the Federal Government and to the private sector.~~

F. § 204. Small Business Ombudsman for defense audit agencies

~~(a) SMALL BUSINESS OMBUDSMAN.—The Secretary of Defense shall designate within each defense audit agency an official as the Small Business Ombudsman to have the duties described in subsection (b) and such other responsibilities as may be determined by the Secretary.~~

~~(b) DUTIES.—The Small Business Ombudsman of a defense audit agency shall—~~

~~(1) advise the Director of the defense audit agency on policy issues related to small business concerns;~~

~~(2) serve as the defense audit agency's primary point of contact and source of information for small business concerns;~~

~~(3) collect and monitor relevant data regarding the defense audit agency's conduct of audits of small business concerns, including—~~

~~(A) data regarding the timeliness of audit closeouts for small business concerns; and~~

~~(B) data regarding the responsiveness of the defense audit agency to issues or other matters raised by small business concerns; and~~

~~(4) make recommendations to the Director regarding policies, processes, and procedures related to the timeliness of audits of small business concerns and the responsiveness of the defense audit agency to issues or other matters raised by small business concerns.~~

~~(c) AUDIT INDEPENDENCE.—The Small Business Ombudsman of a defense audit agency shall be segregated from ongoing audits in the field and shall not engage in activities with regard to particular audits that could compromise the independence of the defense audit agency or undermine compliance with applicable audit standards.~~

~~(d) DEFENSE AUDIT AGENCY DEFINED.—In this section, the term “defense audit agency” means the Defense Contract Audit Agency and the Defense Contract Management Agency.~~

G. § 2318. Advocates for competition

~~(a)(1) In addition to the advocates for competition established or designated pursuant to section 1705(a) of title 41, the Secretary of Defense shall designate an officer or employee of the Defense Logistics Agency to serve as the advocate for competition of the agency.~~

~~(2) The advocate for competition of the Defense Logistics Agency shall carry out the responsibilities and functions provided for in subsection (b) and (c) of section 1705 of title 41.~~

~~(b) Each advocate for competition *designated pursuant to section 1705(a) of title 41* ~~of~~ for an agency named in section 2303(a) of this title shall be a general or flag officer if a member of the armed forces or a grade GS-16 or above under the General Schedule (or in a comparable or higher position under another schedule) *in a position classified above GS-15 pursuant to section 5108 of title 5*, if a civilian employee and shall be designated to serve for a minimum of two years.~~

[Drafter note: Below is a possible alternative restatement of current subsection (b) for clarity – intended to be nonsubstantive]

(a) REQUIRED PERSONNEL LEVEL.—Each advocate for competition described in subsection (c) shall be a member of the armed forces who is a general or flag officer or a civilian employee who is in a position classified above GS-15 pursuant to section 5108 of title 5.

(b) REQUIRED PERIOD OF DESIGNATION.—Each advocate for competition described in subsection (c) shall be designated to serve for a minimum of two years.

(c) COVERED ADVOCATES FOR COMPETITION.—Subsections (a) and (b) apply to an advocate for competition designated pursuant to section 1705(a) of title 41 for an agency named in section 2303(a) of this title.

PROVISIONS OF ANNUAL NATIONAL DEFENSE AUTHORIZATION ACTS

Section 218 of the FY 2007 NDAA (Public Law 109–364; 10 U.S.C. 2358 note)

H. SEC. 218. HYPERSONICS DEVELOPMENT.

~~(a) ESTABLISHMENT OF JOINT HYPERSONICS TRANSITION OFFICE.—The Secretary of Defense shall establish within the Office of the Secretary of Defense a Joint Hypersonics Transition Office (in this section referred to as the ‘Office’). The Office shall carry out the program required under subsection (b), and shall have such other responsibilities relating to hypersonics as the Secretary shall specify.~~

~~(b) PROGRAM ON HYPERSONICS.—The Office shall carry out a program for the development of hypersonics for defense purposes.~~

~~(c) RESPONSIBILITIES.—In carrying out the program required by subsection (b), the Office shall do the following:~~

~~(1) Expedite testing, evaluation, and acquisition of hypersonic weapon systems to meet the stated needs of the warfighter, including flight testing, ground-based testing, and underwater launch testing.~~

~~(2) Coordinate and integrate current and future research, development, test, and evaluation programs and system demonstration programs of the Department of Defense on hypersonics.~~

~~(3) Undertake appropriate actions to ensure—~~

~~(A) close and continuous integration of the programs on hypersonics of the military departments and the Defense Agencies with the programs on hypersonics across the Federal Government and with appropriate private sector and foreign organizations; and~~

~~(B) that both foundational research and developmental and operational testing resources are adequate and well funded, and that facilities are made available in a timely manner to support hypersonics research, demonstration programs, and system development.~~

~~(4) Approve prototyping demonstration programs on hypersonic systems to speed the maturation and deployment of the systems to the warfighter.~~

~~(5) Ensure that any demonstration program on hypersonic systems that is carried out in any year after its approval under paragraph (3) is carried out only if certified under subsection (e) as being consistent with the roadmap under subsection (d).~~

~~(6) Develop strategies and roadmaps for hypersonic technologies to transition to operational capabilities for the warfighter.~~

~~(7) Coordinate with relevant stakeholders and agencies to support United States technological advantage in developing hypersonics.~~

~~(d) ROADMAP.—~~

~~(1) ROADMAP REQUIRED.— The Office shall develop, and every two years revise, a roadmap for the hypersonics programs of the Department of Defense.~~

~~(2) COORDINATION.— The roadmap shall be developed and revised under paragraph (1) in coordination with the Joint Staff and in consultation with the National Aeronautics and Space Administration.~~

~~(3) ELEMENTS.— The roadmap shall include the following matters:~~

~~(A) Anticipated or potential mission requirements for hypersonics.~~

~~(B) Short term, mid term, and long term goals for the Department of Defense on hypersonics, which shall be consistent with the missions and anticipated requirements of the Department over the applicable period.~~

~~(C) A schedule for meeting such goals, including—~~

~~(i) the activities and funding anticipated to be required for meeting such goals; and~~

~~(ii) the activities of the National Aeronautics and Space Administration to be leveraged by the Department to meet such goals.~~

~~(D) The test and evaluation facilities required to support the activities identified in subparagraph (C), along with the schedule and funding required to upgrade those facilities, as necessary.~~

~~(E) Acquisition transition plans for hypersonics.~~

~~(e) ANNUAL REVIEW AND CERTIFICATION OF FUNDING.—~~

~~(1) ANNUAL REVIEW.— The Office shall conduct on an annual basis a review of—~~

~~(A) the funding available for research, development, test, and evaluation and demonstration programs within the Department of Defense for hypersonics, in order to determine whether or not such funding is consistent with the roadmap developed under subsection (d); and~~

~~(B) the hypersonics demonstration programs of the Department, in order to determine whether or not such programs avoid duplication of effort and support the goals of the Department in a manner consistent with the roadmap developed under subsection (d).~~

~~(2) CERTIFICATION.— The Office shall, as a result of each review under paragraph (1), certify to the Secretary whether or not the funding and programs subject to such review are consistent with the roadmap developed under subsection (d).~~

~~(3) TERMINATION.—The requirements of this subsection shall terminate after the submittal to Congress of the budget for fiscal year 2016 pursuant to section 1105 of title 31, United States Code.~~

Section 219 of the FY 2017 NDAA (Public Law 114-328; 10 U.S.C. 2431 note)

I. SEC. 219. DESIGNATION OF DEPARTMENT OF DEFENSE SENIOR OFFICIAL WITH PRINCIPAL RESPONSIBILITY FOR DIRECTED ENERGY WEAPONS.

(a) DESIGNATION OF SENIOR OFFICIAL.—

(1) IN GENERAL.—The Under Secretary of Defense for Research and Engineering shall serve as the official with principal responsibility for the development and demonstration of directed energy weapons for the Department.

(2) DEVELOPMENT OF STRATEGIC PLAN.—

(A) IN GENERAL.—The senior official designated under paragraph (1) shall develop a detailed strategic plan to develop, mature, and transition directed energy technologies to acquisition programs of record.

(B) ROADMAP.—Such strategic plan shall include a strategic roadmap for the development and fielding of directed energy weapons and key enabling capabilities for the Department, identifying and coordinating efforts across military departments to achieve overall joint mission effectiveness.

(3) ACCELERATION OF DEVELOPMENT AND FIELDING OF DIRECTED ENERGY WEAPONS CAPABILITIES.—

(A) IN GENERAL.—To the degree practicable, the senior official designated under paragraph (1) shall use the flexibility of the policies of the Department in effect on the day before the date of the enactment of this Act [Dec. 23, 2016], or any successor policies, to accelerate the development and fielding of directed energy capabilities.

(B) ENGAGEMENT.—The Secretary shall use the flexibility of the policies of the Department in effect on the day before the date of the enactment of this Act, or any successor policies, to ensure engagement with defense and private industries, research universities, and unaffiliated, nonprofit research institutions.

(4) ADVICE FOR EXERCISES AND DEMONSTRATIONS.—The senior official designated under paragraph (1) shall, to the degree practicable, provide technical advice and support to entities in the Department of Defense and the military departments conducting exercises or demonstrations with the purpose of improving the capabilities of or operational viability of technical capabilities supporting directed energy weapons, including supporting military utility assessments of the relevant cost and benefits of directed energy weapon systems.

(5) SUPPORT FOR DEVELOPMENT OF REQUIREMENTS.—The senior official designated under paragraph (1) shall coordinate with the military departments, Defense Agencies, and the Joint Directed Energy Transition Office to define requirements for directed energy capabilities that address the highest priority warfighting capability gaps of the Department.

(6) AVAILABILITY OF INFORMATION.—The Secretary of Defense shall ensure that the senior official designated under paragraph (1) has access to such information on programs and activities of the military departments and other defense agencies as the Secretary considers appropriate to coordinate departmental directed energy efforts.

(b) JOINT DIRECTED ENERGY TRANSITION OFFICE.—

(1) REDESIGNATION.—The High Energy Laser Joint Technology Office of the Department of Defense is hereby redesignated as the "Joint Directed Energy Transition Office" (in this subsection referred to as the "Office"), and shall report to the official designated under subsection (a)(1).

(2) ADDITIONAL FUNCTIONS.—In addition to the functions and duties of the Office in effect on the day before the date of the enactment of this Act, the Office shall assist the senior official designated under paragraph (1) of subsection (a) in carrying out paragraphs (2) through (5) of such subsection.

(3) FUNDING.—The Secretary may make available such funds to the Office for basic research, applied research, advanced technology development, prototyping, studies and analyses, and organizational support as the Secretary considers appropriate to support the efficient and effective development of directed energy systems and technologies and transition of those systems and technologies into acquisition programs or operational use.

(c) PROTOTYPING AND DEMONSTRATION PROGRAM.—

(1) ESTABLISHMENT.—The Secretary of Defense, acting through the Under Secretary, shall establish a program on the prototyping and demonstration of directed energy weapon systems to build and maintain the military superiority of the United States by—

(A) accelerating, when feasible, the fielding of directed energy weapon prototypes that would help counter technological advantages of potential adversaries of the United

States; and

(B) supporting the military departments, the combatant commanders, and other relevant defense agencies and entities in developing prototypes and demonstrating operational utility of high energy lasers and high powered microwave weapon systems.

(2) GUIDELINES.—(A) Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2018, the Under Secretary shall issue guidelines for the operation of the program established under paragraph (1), including the following:

(i) Criteria required for an application for funding by a military department, defense agency or entity, or a combatant command.

(ii) The priorities, based on validated requirements or capability gaps, for fielding prototype directed energy weapon system technologies developed by research funding of the Department or industry.

(iii) Criteria for evaluation of an application for funding or changes to policies or acquisition and business practices by such a department, agency, or command for purposes of improving the effectiveness and efficiency of the program.

(B) Funding for a military department, defense agency, or combatant command under the program established under paragraph (1) may only be available for advanced technology development, prototyping, and demonstrations in which the Department of Defense maintains management of the technical baseline and a primary emphasis on technology transition and evaluating military utility to enhance the likelihood that the particular directed energy weapon system will meet the Department end user's need.

(3) APPLICATIONS FOR FUNDING.—(A) Not less frequently than once each year, the Under Secretary shall solicit from the heads of the military departments, the defense agencies, and the combatant commands applications for funding under the program established under paragraph (1) to be used to enter into contracts, cooperative agreements, or other transaction agreements entered into pursuant to section 2371b of title 10, United States Code, with appropriate entities for the prototyping or commercialization of technologies.

(B) Nothing in this section shall be construed to require any official of the Department of Defense to provide funding under the program to any congressional earmark as defined pursuant to clause 9 of rule XXI of the Rules of the House of Representatives or any congressionally directed spending item as defined pursuant to paragraph 5 of rule XLIV of the Standing Rules of the Senate.

(4) FUNDING.—(A) Except as provided in subparagraph (B) and subject to the availability of appropriations for such purpose, of the funds authorized to be appropriated by the National Defense Authorization Act for Fiscal Year 2018 or otherwise made available for fiscal year 2018 for research, development, test, and evaluation, defense-wide, up to \$100,000,000 may be available to the Under Secretary to allocate to the military departments, the defense agencies, and the combatant commands to carry out the program established under paragraph (1).

(B) Not more than half of the amounts made available under subparagraph (A) may be allocated as described in such paragraph until the Under Secretary—

- (i) develops the strategic plan required by subsection (a)(2)(A); and
- (ii) submits such strategic plan to the congressional defense committees.

(5) UNDER SECRETARY DEFINED.—In this subsection, the term “Under Secretary” means the Under Secretary of Defense for Research and Engineering in the Under Secretary's capacity as the official with principal responsibility for the development and demonstration of directed energy weapons pursuant to subsection (a)(1).

(d) SUNSET.—The provisions of subsection (a) and of paragraphs (2) and (3) of subsection (b) shall cease to be in effect as of September 30, 2022.

Section 1006 of the FY 1989 NDAA (Public Law 100-456; 10 U.S.C. 133 note)

~~J. SEC. 1006. IMPROVEMENT IN DEFENSE RESEARCH AND PROCUREMENT LIAISON WITH ISRAEL~~

~~The Secretary of Defense, in consultation with the Under Secretary of Defense for Acquisition [now the Under Secretary of Defense for Acquisition, Technology, and Logistics], shall designate for duty in Israel an individual or individuals to serve as the primary liaison~~

between the procurement and research and development activities of the United States Armed Forces and those of the State of Israel.

Section 231 of the FY 2008 NDAA (Public Law 110-181; 10 U.S.C. 1701note)

~~K. SEC. 231. COORDINATION OF HUMAN SYSTEMS INTEGRATION ACTIVITIES RELATED TO ACQUISITION PROGRAMS.~~

~~(a) IN GENERAL.—~~The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall coordinate and manage human systems integration activities throughout the acquisition programs of the Department of Defense.

~~(b) ADMINISTRATION.—~~In carrying out subsection (a), the Secretary shall designate a senior official to be responsible for the effort.

~~(c) RESPONSIBILITIES.—~~In carrying out this section, the senior official designated in subsection (b) shall—

- ~~(1) coordinate the planning, management, and execution of such activities; and~~
- ~~(2) identify and recommend, as appropriate, resource requirements for human systems integration activities.~~

~~(d) DESIGNATION.—~~The designation required by subsection (b) shall be made not later than 60 days after the date of the enactment of this Act [Jan. 28, 2008].

Section 902 of the FY 2013 NDAA (Public Law 112-239; 10 U.S.C. 2302 note)

~~L. SEC. 902. REQUIREMENT FOR FOCUS ON URGENT OPERATIONAL NEEDS AND RAPID ACQUISITION.~~

~~(a) DESIGNATION OF SENIOR OFFICIAL RESPONSIBLE FOR FOCUS ON URGENT OPERATIONAL NEEDS AND RAPID ACQUISITION.—~~

~~(1) IN GENERAL.—~~The Secretary of Defense, after consultation with the Secretaries of the military departments, shall designate a senior official in the Office of the Secretary of Defense as the principal official of the Department of Defense responsible for leading the Department's actions on urgent operational needs and rapid acquisition, in accordance with this section.

~~(2) STAFF AND RESOURCES.—~~The Secretary shall assign to the senior official designated under paragraph (1) appropriate staff and resources necessary to carry out the official's functions under this section.

~~(b) RESPONSIBILITIES.—~~The senior official designated under subsection (a) shall be responsible for the following:

~~(1) Acting as an advocate within the Department of Defense for issues related to the Department's ability to rapidly respond to urgent operational needs, including programs funded and carried out by the military departments.~~

~~(2) Improving visibility of urgent operational needs throughout the Department, including across the military departments, the Defense Agencies, and all other entities and processes in the Department that address urgent operational needs.~~

~~(3) Ensuring that tools and mechanisms are used to track, monitor, and manage the status of urgent operational needs within the Department, from validation through procurement and fielding, including a formal feedback mechanism for the Armed Forces to provide information on how well fielded solutions are meeting urgent operational needs.~~

~~(e) URGENT OPERATIONAL NEEDS DEFINED.—In this section, the term “urgent operational needs” means capabilities that are determined by the Secretary of Defense, pursuant to the review process required by section 804(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 2302 note), to be suitable for rapid fielding in response to urgent operational needs.~~

Section 203 of the FY 1998 NDAA (Public Law 105-85; 10 U.S.C. 2511 note)

M. SEC. 203. DUAL-USE SCIENCE AND TECHNOLOGY PROGRAM.

~~(a) FUNDING 1998.—***~~

~~(b) GOALS.—(1) Subject to paragraph (3), it shall be the objective of the Secretary of each military department to obligate for dual-use projects in each fiscal year referred to in paragraph (2), out of the total amount authorized to be appropriated for such fiscal year for the applied research programs of the military department, the percent of such amount that is specified for that fiscal year in paragraph (2).~~

~~(2) The objectives for fiscal years under paragraph (1) are as follows:~~

~~(A) For fiscal year 1998, 5 percent.~~

~~(B) For fiscal year 1999, 7 percent.~~

~~(C) For fiscal year 2000, 10 percent.~~

~~(D) For fiscal year 2001, 15 percent.~~

~~(3) The Secretary of Defense may establish for a military department for a fiscal year an objective different from the objective set forth in paragraph (2) if the Secretary—~~

~~(A) determines that compelling national security considerations require the establishment of the different objective; and~~

~~(B) notifies Congress of the determination and the reasons for the determination.~~

~~(e) DESIGNATION OF OFFICIAL FOR DUAL-USE PROGRAMS.—(1) The Secretary of Defense shall designate a senior official in the Office of the Secretary of Defense to carry out responsibilities for dual-use projects under this subsection. The designated official shall report directly to the Under Secretary of Defense for Acquisition, Technology, and Logistics.~~

~~(2) The primary responsibilities of the designated official shall include developing policy and overseeing the establishment of, and adherence to, procedures for ensuring that dual-use projects are initiated and administered effectively and that applicable commercial technologies are integrated into current and future military systems.~~

~~(3) In carrying out the responsibilities, the designated official shall ensure that—~~

~~(A) dual-use projects are consistent with the joint warfighting science and technology plan referred to in section 270 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 10 U.S.C. 2501 note); and~~

~~(B) the dual-use projects of the military departments and defense agencies of the Department of Defense are coordinated and avoid unnecessary duplication.~~

(d) FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.—The total amount of funds provided by a military department for a dual-use project entered into by the Secretary of that department shall not exceed 50 percent of the total cost of the project. In the case of a dual-use project initiated after the date of the enactment of this Act [Nov. 18, 1997], the Secretary may consider in-kind contributions by non-Federal participants only to the extent such contributions constitute 50 percent or less of the share of the project costs by such participants.

(e) USE OF COMPETITIVE PROCEDURES.—Funds obligated for a dual-use project may be counted toward meeting an objective under subsection (a) only if the funds are obligated for a contract, grant, cooperative agreement, or other transaction that was entered into through the use of competitive procedures.

(f) REPORT.—(1) Not later than March 1 of each of 1998, 1999, and 2000, the Secretary of Defense shall submit a report to the congressional defense committees [Committees on Armed Services and Appropriations of Senate and House of Representatives] on the progress made by the Department of Defense in meeting the objectives set forth in subsection (b) during the preceding fiscal year.

(2) The report for a fiscal year shall contain, at a minimum, the following:

(A) The aggregate value of all contracts, grants, cooperative agreements, or other transactions entered into during the fiscal year for which funding is counted toward meeting an objective under this section, expressed in relationship to the total amount appropriated for the applied research programs in the Department of Defense for that fiscal year.

(B) For each military department, the value of all contracts, grants, cooperative agreements, or other transactions entered into during the fiscal year for which funding is counted toward meeting an objective under this section, expressed in relationship to the total amount appropriated for the applied research program of the military department for that fiscal year.

(C) A summary of the cost-sharing arrangements in dual-use projects that were initiated during the fiscal year and are counted toward reaching an objective under this section.

(D) A description of the regulations, directives, or other procedures that have been issued by the Secretary of Defense or the Secretary of a military department to increase the percentage of the total value of the dual-use projects undertaken to meet or exceed an objective under this section.

(E) Any recommended legislation to facilitate achievement of objectives under this section.

(g) COMMERCIAL OPERATIONS AND SUPPORT SAVINGS INITIATIVE.—(1) The Secretary of Defense shall establish a Commercial Operations and Support Savings Initiative (in this subsection referred to as the 'Initiative') to develop commercial products and processes that the military departments can incorporate into operational military systems to reduce costs of operations and support.

(2) Of the amounts authorized to be appropriated by section 201, \$50,000,000 is authorized for the Initiative.

(3) Projects and participants in the Initiative shall be selected through the use of competitive procedures.

(4) The budget submitted to Congress by the President for fiscal year 1999 and each fiscal year thereafter pursuant to section 1105(a) of title 31, United States Code, shall set forth separately the funding request for the Initiative.

(h) REPEAL OF SUPERSEDED AUTHORITY.—[Repealed section 203 of Pub. L. 104–201, 110 Stat. 2451]

(i) DEFINITIONS.—In this section:

(1) The term “applied research program” means a program of a military department which is funded under the 6.2 Research, Development, Test and Evaluation account of that department.

(2) The term “dual-use project” means a project under a program of a military department or a defense agency under which research or development of a dual-use technology is carried out and the costs of which are shared by the Department of Defense and non-Government entities.

Section 256 of the FY 2009 NDAA (Public Law 110-417; 10 U.S.C. 2501 note)

~~N. SEC. 256. EXECUTIVE AGENT FOR PRINTED CIRCUIT BOARD TECHNOLOGY.~~

~~(a) EXECUTIVE AGENT.—Not later than 90 days after the date of the enactment of this Act [Oct. 14, 2008], the Secretary of Defense shall designate a senior official of the Department of Defense to act as the executive agent for printed circuit board technology.~~

~~(b) ROLES, RESPONSIBILITIES, AND AUTHORITIES.—~~

~~(1) ESTABLISHMENT.—Not later than one year after the date of the enactment of this Act [Oct. 14, 2008], and in accordance with Directive 5101.1, the Secretary of Defense shall prescribe the roles, responsibilities, and authorities of the executive agent designated under subsection (a).~~

~~(2) SPECIFICATION.—The roles and responsibilities of the executive agent designated under subsection (a) shall include each of the following:~~

~~(A) Development and maintenance of a printed circuit board and interconnect technology roadmap that ensures that the Department of Defense has~~

~~access to the manufacturing capabilities and technical expertise necessary to meet future military requirements regarding such technology.~~

~~(B) Development of recommended funding strategies necessary to meet the requirements of the roadmap developed under subparagraph (A).~~

~~(C) Assessment of the vulnerabilities, trustworthiness, and diversity of the printed circuit board supply chain, including the development of trustworthiness requirements for printed circuit boards used in defense systems, and to develop strategies to address matters that are identified as a result of such assessment.~~

~~(D) Such other roles and responsibilities as the Secretary of Defense considers appropriate.~~

~~(c) SUPPORT WITHIN DEPARTMENT OF DEFENSE.—In accordance with Directive 5101.1, the Secretary of Defense shall ensure that the military departments, Defense Agencies, and other components of the Department of Defense provide the executive agent designated under subsection (a) with the appropriate support and resources needed to perform the roles, responsibilities, and authorities of the executive agent.~~

~~(d) DEFINITIONS.—In this section:~~

~~(1) The term “Directive 5101.1” means Department of Defense Directive 5101.1, or any successor directive relating to the responsibilities of an executive agent of the Department of Defense.~~

~~(2) The term “executive agent” has the meaning given the term “DoD Executive Agent” in Directive 5101.1.~~
