

Recommendation 90: Reorganize Title 10 of the U.S. Code to place all of the acquisition provisions in a single part, and update and move acquisition-related note sections into the reorganized acquisition part of Title 10.

Problem

Congress, in establishing the Section 809 Panel, directed it to “make any recommendations for the amendment or repeal of such regulations that the panel considers necessary” to streamline defense acquisition. As the panel began its research, it became apparent that restricting its purview to defense acquisition regulations was too narrow. Regulatory implementation is often directed by statutes. Amending, or in some cases repealing, certain defense acquisition statutes is necessary to effectively streamline defense acquisition and provide greater transparency in its processes. Congress acknowledged this situation in subsequent amendments to the Section 809 Panel mandate.

Defense acquisition statutes are codified in Title 10 of the U.S. Code; however, over the years, those statutes have become increasingly disorganized, making it difficult for even the most experienced user to sort through the Code. Acquisition reform has become a perennially popular legislative effort, with Congress enacting no less than 265 acquisition-related provisions in the past three NDAs. Few people know how to sort through the cluttered Code to find those legislative provisions that often end up as notes within the Code.

The acquisition-related statutes that apply to the rest of the federal government were recently organized and codified in Title 41. No similar effort has been made with regard to Title 10, where the organization of the acquisition-related statutes has become problematic. The work of the Section 809 Panel provides an opportunity to bring those defense acquisition statutes into a cohesive organized structure for the long-term benefit of the acquisition community and those companies doing business with DoD or are seeking to enter the DoD marketplace.

Background

When Title 10 was codified in 1956, the drafters did not anticipate where the growth would take place. Part IV of Subtitle A, Service, Supply, and Procurement, houses most of the acquisition statutes – the house is now full and in disarray. As the Packard Commission noted in 1986:

... the legal regime for defense acquisition is today impossibly cumbersome. . . .At operating levels within DOD, it is now virtually impossible to assimilate new legislative or regulatory refinements promptly or effectively. For these reasons we recommend that Congress work with the Administration to recodify Federal laws governing procurement into a single consistent and greatly simplified procurement statute.¹

The Section 800 Panel (established pursuant to the National Defense Authorization Act for Fiscal Year 1991, Pub. L. 101-510) made a similar finding and recommendation in its January 1993 report to Congress, Streamlining Defense Acquisition Laws. Nothing has changed since those findings and recommendations were made. Lasting positive effects of ongoing reform efforts, like those the Section

¹ A Quest for Excellence: Final Report by the President’s Commission on Defense Management 55 (June 1986)

809 Panel is recommending throughout its reports, will be limited without a coherent, organized, and transparent structure in which to integrate the resultant legislative changes.

Discussion

Not since the passage of the Armed Services Procurement Act of 1947 have all the provisions governing DoD acquisition been contained within an organized, logical structure. Over the last 60 years, Congress overloaded Part IV of Subtitle A, adding section after section to the Code. Furthermore, Congress has added myriad *note* sections as it enacted long-term or permanent provisions without amending the Code. A *note* is a provision of law from the annual defense authorization acts or other statutes, which for different reasons are not set forth in the Code as numbered sections. Instead, the editors of the U.S. Code set out the *note* following a Code section.

The number of *note* sections has ballooned over time as Congress authorized short-term pilot programs and reporting requirements that all needed homes somewhere within the Code. Some more permanent provisions of law—enacted through the annual defense authorization acts—have also been buried as *note* sections under existing sections of the law.

A miniscule number of specialized attorneys and policy makers inside and outside of DoD understand what these *notes* mean and where they are located. Few attorneys even recognize that the *notes* are indeed law, just like the section of the Code to which they are appended.

In its *Volume 2 Report*, the Section 809 Panel proposed a rational, statutory structure to replace the confusion and clutter resulting from the Code's buried *note* sections and rambling organization. It also recommended repeal of approximately 100 *note* sections that were either obsolete or expired, as well as three Title 10 provisions. The John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. No. 115–232) adopted a large portion of those repeal recommendations. More significantly, the McCain NDAA recognized the panel's reorganization effort, by creating a new Part V within Subtitle A, *General Military Matters*. To provide room for additional provisions in the new Part V, elements of the Code immediately following the current Part IV will be renumbered.

Redesignation is necessary because there is no more room in Subtitle A, evidenced by the proliferation of *note* sections and the invention of a baroque numbering system (e.g., 2366a, 2371b, 2374a, and even 2410s). As discussed in *Volume 2* of the panel's report, *note* sections that should remain on the books will be codified as new Title 10 sections under a logical and intuitive revised chapter structure. The redesignation will provide additional room for Congress to reorganize or consolidate statutes related to other topics of general military application.

The task of restructuring these statutes requires a substantial effort. Though the intent of this project is not to make any substantive changes to the legislative language, it will include breaking up some long sections of the Code into more manageable sections and making technical updates. Another feature of the restructuring is to work toward a final product that, where practicable, will restore much of the parallelism with Title 41, the acquisition statutes applicable to nondefense agencies that existed before Title 41 was codified.

The Section 809 Panel began the restructuring task, and drafted a number of proposed chapters for inclusion in the newly created Part V in Subtitle A of Title 10. These proposed chapters are being

transmitted periodically to the Senate and House Armed Services Committees as well as to DoD. A table of the completed draft chapters (as of December 31, 2018) is included in the Implementation Details for this section. This table identifies the new proposed section number as well as the original section number for each Title 10 section, and for the note sections, the Title 10 section under which the note originally was located (as well as the public law number). This table is intended to facilitate tracking of the defense acquisition provisions across the old and the new structures. Once the entire project is completed, via enactment in a single or multiple NDAAs, Congress should publish a comprehensive table that identifies the original section numbers and corresponding new section numbers in the new Part V of Title 10. A similar table was published following the reorganization and codification of Title 41 statutes.

In the future, companies that already do business with other federal agencies will encounter a more readable statutory framework when they seek to do business with DoD. More importantly, greater transparency into the laws that govern transacting business with DoD may reduce a barrier into the defense market for innovative small businesses and nontraditional companies.

The mission of the acquisition system is complex, and the stakes are high. DoD must be able to deliver lethality to the warfighter inside the turn of our near peer competitors and nonstate actors. Too often, the practice of defense acquisition and federal procurement is perceived as more complex than its mission, obscured by onerous requirements and shrouded in secrecy. The current lack of organization and structure in the laws governing acquisition seems to confirm this perception.

Conclusions

The tools that support the defense acquisition system need to be simple and effective, not burdensome and confusing. Reorganizing Title 10 would help restore agility and simplicity to defense acquisition. Simplifying the governing body of law is key to creating a system that is more transparent and accessible—and thus better able to meet DoD's mission.

Implementation

Legislative Branch

- Reorganize all acquisition provisions into a new Part V at the end of Subtitle A of Title 10, U.S. Code.
- Update and move acquisition related *note* sections into the new acquisition structure within Part V of Title 10, U.S. Code.

Executive Branch

- There are no regulatory changes required for this recommendation.

Implications for Other Agencies

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

Recommendation 90

**Proposed Chapters for New Part V of Subtitle A of Title 10, United States Code,
that have been submitted as of December 31, 2018**

**Proposed Chapters for New Part V of Subtitle A of title 10, United States Code
That Have Been Submitted as of December 31, 2018**

	A	B	C	D	E	F	G	H
1	PART V—ACQUISITION							
2	New Ch #	New Sec #	Title	Old Ch #	Old Sec #	Citation for T10 "Note" Sections¹	Notes & Comments	T41 Sec #²
3								
4	SUBPART A—GENERAL [FAR Subch A]							
5	201		Definitions				Pending	
6								
7	203		General Matters				Pending	
8								
9	205		Defense Acquisition System				Pending	
10								
11	207		Budgeting & Approps Matters				Pending	
12								
13	209		Operational Contract Support				Chapter submitted on 12/10/2018	
14	Sub I		Joint policies on requirements definition, contingency pgm mgt, & contingency contracting	137	2333			
15		3151	Joint policies required	137	2333(a)			
16		3152	Joint policy for requirements definition	137	2333(b)			
17		3153	Joint policy for contingency program management	137	2333(c)			
18		3154	Joint policy for contingency contracting	137	2333(d)			
19		3155	Training of military personnel outside acquisition workforce	137	2333(e)(1),(2)			
20		3156	Mission readiness exercises	137	2333(e)(3)			

¹ Where the old section # is a "note" section, Column F provides the citation to the statute shown as a note.

² Column H indicates where there is a corresponding provision in title 41, U.S.C., Public Contracts.

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2								
21		3157	Definitions	137	2333(f)			
22	Sub II		Other Provisions Relating to Operational Contract Support					
23		3171	Competition and Review of Contracts For Property or Services in Support of a Contingency Operation	137	2302 note	FY12 NDAA Pub. L. 112-81, §844(a), (b)		
24		3172	Responsibility Within Department of Defense for Operational Contract Support	137	2302 note	FY13 NDAA Pub. L. 112-239, §843		
25								
26			SUBPART B—ACQUISITION PLANNING					
27	221		Planning and Solicitation Generally				Pending	
28								
29	223		Planning and Solicitation Relating to Particular Items or Services				Pending	
30								
31			SUBPART C—CONTRACTING METHODS AND CONTRACT TYPES					
32	241		Awarding of Contracts				Pending	
33								
34	243		Specific Types of Contracts				Pending	
35								
36	245		Task and Delivery Order Contracts (Multiple Award Contracts)				Chapter submitted on 11/07/2018	See Ch41
37		3401	Task & delivery order contracts: definitions	137	2304d			4101

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2								
38		3402	Authorities or responsibilities not affected	137	2304a note			4102
39		3403	Task & delivery order contracts: general authority	137	2304a			4103
40		3404	Guidance on use of task and delivery order contracts		new			4104
41		3405	Task order contracts: advisory and assistance services	137	2304b			4105
42		3406	Task & delivery order contracts: orders	137	2304c			4106
43	247		Acquisition of Commercial Items Products and Commercial Services					
44								
45	249		Multiyear Contracts				Chapter submitted on 12/10/2018	
46	Sub I		Multiyear contracts for acquisition of property	137				3903
47		3501	Multiyear contracts for acquisition of property: authority; definitions	137	2306b(a), (k)		10 USC 2306b divided into 11 sections	
48		3502	Multiyear contracts for acquisition of property: regulations	137	2306b(b)			
49		3503	Multiyear contracts for acquisition of property: contract cancellation or termination	137	2306b(c), (f), (g)			
50		3504	Multiyear contracts for acquisition of property: participation by subcontractors, vendors, and suppliers	137	2306b(d)			

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2								
51		3505	Multiyear contracts for acquisition of property: protection of existing authority	137	2306b(e)			
52		3506	Department of Defense contracts: acquisition of weapon systems	137	2306b(h)			
53		3507	Department of Defense contracts: defense acquisitions specifically authorized by law	137	2306b(i)			
54		3508	Department of Defense contracts: notice to congressional committees before taking certain actions	137	2306b(l)(1)(6), & (8)			
55		3509	Department of Defense contracts: multiyear contracts with value in excess of \$500,000,000	137	2306b(l)(3)(4), (5), (8) & (9)			
56		3510	Department of Defense contracts: additional matters with respect to multiyear defense contracts	137	2306b(j), (l)(2), (7) & (8)			
57		3511	Increased funding and reprogramming requests	137	2306b(m)			
58	Sub II		Multiyear contracts for acquisition of services	137				3903
59		3531	Multiyear contracts for acquisition of services: authority; definitions	137	2306c(a), (b), (f), (h)		10 USC 2306c divided into 5 sections	
60		3532	Multiyear contracts for acquisition of services: applicable principles	137	2306c(c)			
61		3533	Multiyear contracts for acquisition of services: contract cancellation or termination	137	2306c(e), (d)(4), (5)			
62		3534	Multiyear contracts for acquisition of services: contracts with value above \$500,000,000 to be specifically authorized by law	137	2306c(d)(2)			

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2								
63		3535	Multiyear contracts for acquisition of services: notice to congressional committees before taking certain actions	137	2306c(d)(1) & (3)			
64	Sub III		Other Authorities Relating to Multiyear Contracts	137				
65		3551	Multiyear procurement authority: purchase of dinitrogen tetroxide, hydrazine, and hydrazine-related products	141	2410o			
66		3552	Multiple Program Multiyear Contract Demonstration Program	137	2306b note	FY17 NDAA, P.L. 114-328, sec 853, Dec 23, 2016, Dec. 23, 2016		
67		[none]	Multiyear contracts: purchase of electricity from renewable energy sources	141	2410q		Transfer from ch. 141 to subch II of ch. 173 as new 2922i	
68		[none]	Pilot program for longer term multiyear service contracts	137	2306c note	FY18 NDAA, Pub. L. 115-91, §854, Dec. 12, 2017	Will not be codified -- will remain as a note.	
69		[none]	Multiyear procurement contracts	137	2306b note	FY98 DOD APPROP Pub. L. 105-56, §8008, and following FYs.	Will not be codified -- will remain as a note.	
70								
71	251		Simplified and Streamlined Acquisition Procedures				Pending	
72								
73	253		Emergency and Rapid Acquisition				Pending	
74								
75	255		Contracting With or Through Other Agencies				Chapter submitted on 12/13/2018	
76		3651	Defense Procurements Made Through Contracts Of Other Agencies	137	2304 note	FY05 NDAA Pub. L. 108-375, §854		

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2		3652	Treatment of Interagency And State And Local Purchases When DoD Acts as Contract Intermediary for GSA	148	2500 note	FY16 NDAA Pub. L. 114-92, §897, Nov. 25, 2015		
77		3653	Procurement Of Alternative Fueled And Hybrid Light Duty Trucks	137	2302 note	FY02 NDAA Pub. L. 107-107, §318, Dec. 28, 2001		
78		3654	Authority to Procure Services From Government Publishing Office	8	195 note	FY98 NDAA, P.L. 105-85, §387(c), Nov. 18, 1997		
79								
80								
81	SUBPART D—GENERAL CONTRACTING REQUIREMENTS							
82	271		Truthful Cost or Pricing Data				Chapter submitted on 11/07/2018	
83	Sub I		Truthful Cost or Pricing Data (Truth in Negotiations)				From 2306a	See Ch35
84		3701	Definitions	137	2306a(h)			3501
85		3702	Required cost or pricing data; certification	137	2306a(a)			3502
86		3703	Exceptions	137	2306a(b)			3503
87		3703(d)(4)	(b) Definition of Commercial Item (c) Regulations (d) Rule of Construction	137	2306a note	FY16 NDAA P.L. 114-92, §851(c)-(e), Nov 25, 2015		
88		3704	Cost or pricing data on below-threshold contracts	137	2306a(c)			3504
89		3705	Submission of other information	137	2306a(d)			3505
90		3706	Price reductions for defective cost or pricing data	137	2306a(e)			3506
91		3707	Interest and penalties for certain overpayments	137	2306a(f)			3507

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2								
92		3708	Right to examine contractor records	137	2306a(g)			3508
93			Other Provisions Relating to Cost or Pricing Data					
94		3721	Guidance And Training Related To Evaluating Reasonableness of Price	137	2306a note	FY13 NDAA Pub. L. 112-239, §831, Jan. 2, 2013		
95		3722	Grants Of Exceptions To Cost Or Pricing Data Certification Requirements And Waivers Of Cost Accounting Standards	137	2306a note	FY03 NDAA Pub. L. 107-314, §817, Dec. 2, 2002		
96		3723	Pilot Program for Streamlining Awards For Innovative Technology Projects	137	2306a note	FY16 NDAA Pub. L. 114-92, §873(a)-(d), Nov. 25, 2015		
97		3724	Pilot Program Regarding Risk-Based Contracting for Smaller Contract Actions Under the Truth in Negotiations Act	137	2306a note	FY16 NDAA Pub. L. 114-92, §899		
98	273		Allowable Costs				Chapter submitted on 12/10/2018	
99	Sub I		General				2324 divided into 10 secs	Ch43
100		3741	Definitions	137	2324(l)			4301
101		3742	Adjustment of threshold amount of covered contract	137	2324(l)(1)(B)			4302
102		3743	Effect of submission of unallowable costs	137	2324(a)-(d)			4303
103		3744	Specific costs not allowable	137	2324(e)			4304
104		3745	Required regulations	137	2324(f)			4305
105		3746	Applicability of regulations to subcontractors	137	2324(g)			4306
106		3747	Contractor certification	137	2324(h)			4307

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2								
107		3748	Penalties for submission of cost known to be unallowable	137	2324(i)			4308
108		3749	Burden of proof on contractor	137	2324(j)			4309
109		3750	Proceeding costs not allowable	137	2324(k)			4310
110	Sub II		Other Allowable Cost Provisions					
111		3761	Restructuring costs	137	2325			
112		3762	Independent research and development costs	139	2372			
113		3763	Bid and proposal costs	139	2372a			
114		3764	Excessive pass-through charges	137	2324 note	FY07 NDAA Pub. L. 109-364, §852(b), Oct. 17, 2006		4710
115		3765	Reimbursement of indirect costs of institutions of higher education under DoD contracts	137	2324 note	FY94 NDAA Pub. L. 103-160, §841, Nov. 30, 1993		4708
116	275		Proprietary Contractor Data and Rights in Technical Data				Chapter submitted on 11/07/2018	
117	Sub I		Rights in Technical Data				From 10 USC 2320	2302
118		3771	Rights in technical data	137	2320(a)			2302(a)-(d)
119		3772	Provisions required in contracts	137	2320(b), (c)			2302(e)
120		3773	Domestic business concerns: programs for replenishment or spare parts	137	2320(d)			
121		3774(a)(b), (d)	Major weapons systems and subsystems: long-term technical data needs	137	2320(e), (f)			
122		3774(c)	Guidance Relating to Rights in Technical Data	137	2320 note	FY11 NDAA, P.L. 111-383, §824(a), Jan. 17, 2011		

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2								
123		3775	Definitions	137	2320(g), (h)			
124	Sub II		Validation Of Propriety Data Restrictions				From 10 USC 2321	4703
125		3781	Technical data: contractor justification for restrictions; review	137	2321(a)-(c)			4703(a)
126		3782	Technical data: challenges to contractor restrictions	137	2321(d)			4703(b)
127		3783	Time for contractors to submit justifications	137	2321(e)			4703(c), (d)
128		3784	Technical data under contracts for commercial items: presumption of development exclusively at private expense	137	2321(f)			
129		3785	Technical data: decision by contracting officer; claims	137	2321(g), (h)			4703(e), (f)
130		3786(a)(1), (b), (c)	Technical data: final disposition of challenge	137	2321(i)			4703(g)
131		3786(a)(2),(3)	Implementation thru DFARS; Applicability	137	2321 note	FY19 NDAA, Pub. L. 115-232, §866(b),(c), Aug. 13, 2018		
132		3787	Use or release restriction: definition	137	2321(j)			
133	Sub III		Other Provisions Relating To Proprietary Contractor Data & Tech Data Rights					
134		3791	Management of intellectual property matters within the Department of Defense	137	2322(a)			
135		3792	Technical Data Rights: Non-FAR Agreements	137	2320 note	FY09 NDAA Pub. L. 110-417, §822, Oct. 14, 2008		
136		3793	Technical data rights: noncommercial software	137	2321 note	FY19 NDAA, Pub. L. 115-232, §866(d), Aug. 13, 2018		

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2								
137		3794	Copyrights, patents, designs, etc.; acquisition	141	2386			
138		3795	Release of technical data under Freedom of Information Act: recovery of costs	137	2328			
139	277		Contract Financing				Chapter submitted on 10/29/2018	See Ch45
140		3800	Definitions					
141		3801	Authority of agency	137	2307(a)			4501
142		3802	Payment	137	2307(b), (c)			4502
143		3803	Security for advance payments	137	2307(d)			4503
144		3804	Conditions for progress payments	137	2307(e)			4504
145		3805	Payments for commercial items	137	2307(f)			4505
146		3806	Action in case of fraud	137	2307(i)			4506
147		3807	Vesting of title in the United States	137	2307(h)			none
148		[-]	Certain Navy contracts	137	2307(g)		2307(g) to go to subtitle C, Navy	none
149	279		Contractor Audits and Accounting				Chapter submitted on 10/29/2018	
150		3841	Examination of facilities and records of contractor	137	2313			3905, 4706
151		3842	Performance of incurred cost audits	137	2313b			

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2								
152		3843	Contractor internal audit reports: Dept of Defense access to, use of, & safeguards & protections for	137	2313 note	FY13 NDAA Pub. L. 112-239, §832, Jan. 2, 2013		
153		3844	Contractor business systems	137	2302 note	FY11 NDAA Pub. L. 111-383, §893(a)-(g)		
154		3845	Contractor inventory accounting systems: standards	141	2410b			
155		3846	Defense Contract Audit Agency: legal resources and expertise	137	2302 note	FY11 NDAA Pub. L. 111-383, §893(h)		
156		3847	Defense Contract Audit Agency: annual report	137	2313a			
157		3848	Defense audit agencies: Small Business Ombudsmen	8	204			
158		3849	Defense Cost Accounting Standards Board	7	190			1501, 1502
159								
160	281		Claims and Disputes				Chapter submitted on 12/10/2018	
161		3861	Research and development contracts: indemnification provisions	139	2354			
162		3862	Requests for equitable adjustment or other relief: certification	141	2410			
163		3863	Retention of amounts collected from contractor during the pendency of contract dispute	141	2410m			
164		3864	Bid protests denied by Government Accountability Office: pilot program for requiring contractor reimbursement of Department of Defense for costs incurred	137	2304 note	FY18 NDAA, Pub. L. 115-91, §827, Dec. 12, 2017		

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	New Ch #	New Sec #	Title	Old Ch #	Old Sec #	Citation for T10 "Note" Sections ¹	Notes & Comments	T41 Sec # ²	
165	283		Foreign Acquisitions				Chapter submitted on 12/13/2018		
166	Sub I		General						
167		3881	Contracts: consideration of national security objectives	137	2327				
168		3882	Products and services produced in Africa in support of certain activities	137	2302 note	FY17 NDAA Pub. L. 114-328, §899A(a)-(e)			
169		3883	Procurements from Communist Chinese military companies: prohibition	137	2302 note	FY06 NDAA Pub. L. 109-163, §1211, Jan. 6, 2006			
170		3884	Reliance on China and Russia for space-based weather data: prohibition	137	before 2381 note	FY16 NDAA Pub. L. 114-92, §1614, Nov. 25, 2015			
171	Sub II		Prohibition on Contracting with the Enemy				From secs. 841-843 of P.L. 113-291		
172		3891	Prohibition on providing funds to the enemy	137	2302 note	FY15 NDAA Pub. L. 113-291, §841; amended by FY19 NDAA, sec 872			
173		3892	Additional access to records	137	2302 note	FY15 NDAA Pub. L. 113-291, §842			
174		3893	Definitions	137	2302 note	FY15 NDAA Pub. L. 113-291, §843			
175									
176	285		Defense Small Business Programs				Pending		
177									
178	287		Socioeconomic Programs				Pending		
179									
180	SUBPART E— RESEARCH AND ENGINEERING								

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181	301		Research & Engineering Generally				Chapter submitted on 12/21/2018	
182		4001	Research and development projects	139	2358			
183		4002	Research projects: transactions other than contracts and grants	139	2371			1904
184		4003	Authority of the Department of Defense to carry out certain prototype projects	139	2371b			
185		4004	Procurement for experimental purposes	139	2373			
186		4005	Preference for use of other transactions and experimental authority	139	2371 note	FY18 NDAA, Pub. L. 115-91, §867, Dec. 12, 2017		
187		4006	Data, policy, and reporting on the use of other transactions	139	2371 note	FY19 NDAA, Pub. L. 115-232, §873, Aug 13, 2018		
188		4007	Science & technology pgms to be conducted so as to foster the transition of science & technology to higher levels of [RDT&E]	139	2359			
189		4008	Merit-based award of grants for research and development	139	2374			3105
190		4009	Technology Protection Features Activities	139	2357			
191		4010	Inclusion of Women and Minorities in Clinical Research Projects	139	2358 note	FY94 NDAA Pub. L. 103-160, §252, Nov. 30, 1993		
192		4011	Program for Research, Development, and Deployment of Advanced Ground Vehicles, Ground Vehicle Systems, and Components	139	2358 note	FY11 NDAA Pub. L. 111-383, §214, Jan. 7, 2011,		
193		4012	Human factors modeling and simulation activities	139	2358 note	FY19 NDAA, Pub. L. 115-232, §227, Aug 13, 2018		

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2								
194		4013	Defense quantum information science and technology research and development program	139	2358 note	FY19 NDAA, Pub. L. 115-232, §234, Aug 13, 2018		
195		4014	Coordination and communication of defense research activities and technology domain awareness	139	2364(a)			
196		4015	Award of grants and contracts to colleges and universities: requirement of competition	139	2361			
197		4016	University Research Initiative Support Program	139	2358 note	FY94 NDAA Pub. L. 103-160, §802, Nov. 30, 1993		
198		4017	Defense Established Program to Stimulate Competitive Research [DEPSCoR]	139	2358 note	FY95 NDAA Pub. L. 103-337, §257, Oct. 5, 1994		
199		4018	Mechanisms for expedited access to technical talent and expertise at academic institutions to support Department of Defense missions	139	2358 note	FY18 NDAA P.L. 115-91, §217, Dec. 13 2017		
200		4019	Initiative to support protection of national security academic researchers from undue influence and other security threats	139	2358 note	FY19 NDAA, Pub. L. 115-232, §1286, Aug 13, 2018		
201		[-]	Advanced Rotorcraft Flight Research And Development	139	2358 note	FY12 NDAA Pub. L. 112-81, §222, Dec. 31, 2011	Army-specific discretionary pgm Will be codified in subtitle B as new 7545 [4545].	
202								
203	303		Innovation				Chapter submitted on 12/21/2018	
204		4061	Defense Research and Development Rapid Innovation Program	139	2359a			
205		4062	Defense Acquisition Challenge Program	139	2359b			

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2		4063		139	2359 note	FY18 NDAA, Pub. L. 115-91, §225, Dec. 12, 2017		
206			Support for national security innovation and entrepreneurial education					
207		4064	Prizes for advanced technology achievements	139	2374a			
208		4065	Program to Increase Business Innovation in Defense Acquisition Programs	137	2302 note	FY00 NDAA Pub. L. 106-65, §812(a)-(c), (e), Oct. 5, 1999		
209		4066	Pilot program on enhanced interaction between DARPA and the Service Academies	139	2358 note	FY17 NDAA Pub. L. 114-328, §236		
210		4067	Regional Advanced Technology Clusters	139	2358 note	FY13 NDAA Pub. L. 112-239, §252, Jan. 2, 2013		
211		4068	Global Research Watch Program	139	2365			
212		4069	Hypersonics development	139	2358 note	FY07 NDAA, P.L. 109-364, §218, Oct. 17, 2006		
213		4070	Science & technology investment strategy to defeat or counter improvised explosive devices	139	2358 note	FY09 NDAA Pub. L. 110-417, §1504		
214		4071	Collaborative Program for Research And Development Of Vacuum Electronics Technologies	139	2358 note	FY05 NDAA Pub. L. 108-375, §212, Oct. 28, 2004		
215		4072	Department of Defense Program to Expand High-Speed High-Bandwidth Capabilities for Network-Centric Operations	139	2358 note	FY04 NDAA Pub. L. 108-136, §234, Nov. 24, 2003		
216		4073	Research and Development Of Defense Biomedical Countermeasures	139	2358 note	1. FY04 NDAA Pub. L. 108-136, §1601, Nov. 24, 2003; 2. FY02 NDAA Pub. L. 107-107, §1044(a), Dec. 28, 2001		
217		4074	Vehicle Fuel Cell Program	139	2358 note	FY03 NDAA Pub. L. 107-314, §245, Dec. 2, 2002		

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2								
218		4075	Defense Nanotechnology Research and Development Program	139	2358 note	FY03 NDAA Pub. L. 107-314, §246, Dec. 2, 2002		
219		4076	Innovators information repository	139	2364 note	FY19 NDAA Pub. L. 115-232, §220, Aug. 13, 2018		
220		4077	Joint artificial intelligence research, development, and transition activities	139	2358 note	FY19 NDAA Pub. L. 115-232, §238, Aug. 13, 2018		
221		4078	National security innovation activities	139	2358 note	FY19 NDAA Pub. L. 115-232, §230, Aug. 13, 2018		
222								
223	305		DoD Laboratories				Chapter submitted on 12/21/2018	
224	Sub ch I		General Matters					
225		4101	Laboratory Quality Enhancement Program	139	2358 note	FY17 NDAA Pub. L. 114-328, §211, Dec. 23, 2016		
226		4102	Defense Laboratory Modernization Pilot Program	139	2358 note	FY16 NDAA Pub. L. 114-92, §2803		
227		4103	Mechanisms to provide funds for defense laboratories for research and development of technologies for military missions	139	2363			
228		4104	Collaboration between defense laboratories, industry, and academia; open campus program	139	2364 note	FY19 NDAA Pub. L. 115-232, §222, Aug 13, 2018		
229	Sub ch II		Personnel-Related Matters					
230		4111	Authorities for certain positions at science and technology reinvention laboratories	139	2358a			

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2		4112	Pilot Program on Enhanced Pay Authority For Certain Research and Technology Positions in the Science And Technology Reinvention Laboratories of the Department of Defense	139	2358 note	FY17 NDAA Pub. L. 114-328, §1124		
231		4113	Pilot Program on Dynamic Shaping of the Workforce To Improve the Technical Skills and Expertise at Certain Department Of Defense Laboratories	139	2358 note	FY16 NDAA Pub. L. 114-92, §1109		
232		4114	Pilot Program on Assignment to DARPA of Private Sector Personnel With Critical Research And Development Expertise	139	2358 note	FY15 NDAA Pub. L. 113-291, §232, Dec. 19, 2014		
233		4115	Defense Laboratories Personnel Demonstration Projects	139	2358 note	FY10 NDAA Pub. L. 111-84, §1105, Oct. 28, 2009; FY08 NDAA Pub. L. 110-181, §1107, Jan. 28, 2008; FY95 NDAA Pub. L. 103-337, §342(b)		
234		4116	Research and development laboratories: contracts for services of university students	139	2360			
235								
236								
237	307		Research & Development Centers and Facilities				Chapter submitted on 12/21/2018	
238		4141	Contracts: acquisition, construction, or furnishing of test facilities and equipment	139	2353			
239		4142	Coordination and communication of defense research activities and technology domain awareness.	139	2364(b)			
240		4143	Cooperative research and development agreements under Stevenson-Wydler Technology Innovation Act of 1980	139	2371a			

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2								
241		4144	Use of test and evaluation installations by commercial entities	159	2681			
242		4145	Cooperative agreements for reciprocal use of test facilities: foreign countries and international organizations	138	2350I			
243		4146	Centers for Science, Technology, and Engineering Partnership.	139	2368			
244		4147	Use of federally funded research and development centers	139	2367			
245		4148	Coordination of High-Temperature Superconductivity Research and Development	139	2364 note	FY88 NDAA Pub. L. 100-180, §218(b)(2), Dec. 4, 1987		
246		4149	Pilot Program on Disclosure of Certain Sensitive Information to Federally Funded Research and Development Centers	139	2367 note	FY17 NDAA Pub. L. 114-328, §235, Dec. 23, 2016		
247		4150	Pilot Program for the Enhancement of the Research, Development, Test, & Evaluation Centers of DoD	139	2358 note	FY17 NDAA Pub. L. 114-328, §233		
248								
249	309		Test and Evaluation				Chapter submitted on 12/21/2018	
250		4171	Operational test and evaluation of defense acquisition programs	141	2399			
251		4172	Major systems and munitions programs: survivability testing and lethality testing required before full-scale production	139	2366			
252		4173	DoD Test Resource Management Center	8	196			
253		4174	Additional test and evaluation duties of military department secretaries and defense agency heads	141	2399 note	FY18 NDAA, Pub. L. 115-91, §839(a), Dec. 12, 2017		

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2								
254		4175	Requirements for collection of cost data on test and evaluation	141	2399 note	FY18 NDAA, Pub. L. 115-91, §839(b), Dec. 12, 2017		
255		4176	Access by developmental and operational testing activities to data regarding modeling and simulation activity	4	139 note	FY19 NDAA, P.L. 115-232, §887(b), Aug 13, 2018		
256								
257			SUBPART F—MAJOR DEFENSE ACQUISITION PROGRAMS AND MAJOR SYSTEMS					
258	321		Weapon Systems Development & Related Matters	144B			Pending	
259								
260	323		Major Defense Acquisition Programs				Pending	
261								
262	325		Other Matters Relating to Major Systems				Pending	
263								
264			SUBPART G—OTHER CATEGORIES OF CONTRACTING					
265	341		Contracting for Perf of Civ-Commercial or Industrial Type Functions	146			Removed from reorganization project and to be left as is in Part IV	
266								
267	343		Acquisition of Services				Pending	
268								

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	345		Acquisition of Information Technology				Chapter submitted on 12/13/2018	
269								
270		4571	Information technology acquisition: planning and oversight processes	131	2223a			
271		4572	Guidance on Acquisition of Business Systems	131	2223a note	FY16 NDAA, Pub. L. 114-92, §883(e)		
272		4573	Guidance on use of anti-competitive specifications in information technology acquisitions	137	2305 note	FY17 NDAA Pub. L. 114-328, §888(b), Dec 23, 2016		
273		4574	Designation of MilDep Entity Responsible for Acq of Critical Cyber Capabilities	131	2223a note	FY16 NDAA, Pub. L. 114-92, §1645(a)		
274		4575	Supervision of the Acquisition of Cloud Computing Capabilities	131	2223a note	FY14 NDAA, P.L. 113-66, §938, Dec 26, 2013		
275		4576	Requirement for consideration of certain matters during acquisition of noncommercial computer software	137	2322a			
276		4577	Improvement of software acquisition processes	137	2302 note	FY03 NDAA Pub. L. 107-314, §804		
277		4578	Open source software: pilot program	131	2223 note	FY18 NDAA, Pub. L. 115-91, §875, Dec. 12, 2017		
278		4579	Data servers and centers	131	2223a note	FY12 NDAA, P.L. 112-81, §2867, Dec 31, 2011		
279		4580	Clearinghouse for Rapid Identification & Dissemination of Commercial Info Technologies	137	2223a note	FY08 NDAA, P.L. 110-181, §881, Jan 28, 2008		
280		4581	Demonstration & pilot projects on cybersecurity	137	2223a note	FY11 NDAA, P.L. 111-383, §215, Jan 7, 2011		
281								

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282			SUBPART G—CONTRACT MANAGEMENT					
283	361		Contract Administration				Chapter submitted on 12/13/2018	
284		4601	Electronic submission and processing of claims for contract payments	131	2227			
285		4602	Contracted property and services: prompt payment of vouchers	131	2226			
286		4603	Payment protections for subcontractors and suppliers	137	2302 note	FY92 NDAA Pub. L. 102-190, §806(a), (b) & (g), Dec. 5, 1991		
287		4604	Advance notification of contract performance outside the United States	141	2410g			
288		4605	Consideration of Potential Program Cost Increases and Schedule Delays Resulting from Oversight of Defense Acquisition Programs	137	2302 note	FY16 NDAA, P.L. 114-92, §881, Nov 25, 2015		
289		4606(a), (b)	Linking of Award and Incentive Fees to Acquisition Outcomes	137	2302 note	FY07 NDAA P. L. 109-364, §814, Oct. 17, 2006		4711
290		4606(c)	Linking of Award and Incentive Fees to Acquisition Outcomes	137	2302 note	FY09 DoD APPROP P. L. 110-329, div. C, §8105, Sept 30, 2008		
291		4607	Authority for Secretary of Defense to reduce or deny award fees to companies found to jeopardize health or safety of Government personnel	137	2302 note	FY10 NDAA P. L. 111-84, §823		
292		4608	Contract closeout authority	137	2302 note	FY17 NDAA Pub. L. 114-328, §836, Dec. 23, 2016		
293		4609	Motor Carrier Fuel Surcharges	137	2302 note	FY09 NDAA Pub. L. 110-417, §884, Oct. 14, 2008		
294								

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295	363		Prohibitions and Penalties				Chapter submitted on 10/29/2018	
296	4651		Expenditure of appropriations: limitation with respect to impermissible contractor gratuities; remedies of the United States against the contractor	131	2207			
297	4652		Prohibition on use of funds for documenting economic or employment impact of certain acquisition programs	134	2249			
298	4653		Prohibition on use of funds to relieve economic dislocations.	141	2392			
299	4654		Prohibition on use of funds for contracts with persons convicted of unlawful manufacture or sale of Congressional Medal of Honor	134	2241 note	FY99 APPROP ACT, Pub. L. 105-262, §8118, Oct. 17, 1998		
300	4655		Prohibition on doing business with certain offerors or contractors.	141	2393			
301	4656		Prohibition on persons convicted of defense-contract related felonies and related criminal penalty on defense contractors	141	2408			
302	4657		Debarment of persons convicted of fraudulent use of "Made in America" labels	141	2410f			
303	4658		Prohibition on contracting with entities that comply with the secondary Arab boycott of Israel	141	2410i			
304	4659		Prohibition on collection of political information.	137	2335			
305	4660		Prohibition of contractors limiting subcontractor sales directly to the United States	141	2402			4704
306	365		Contractor Workforce				Chapter submitted on 12/10/2018	

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307		4701	Contractor employees: protection from reprisal for disclosure of certain information	141	2409			4705, 4712
308		4701(d)(2)	Information for DoD Contractor Employees On Their Whistleblower Rights	141	2409 note	FY09 NDAA Pub. L. 110-417, §842, Oct. 14, 2008		
309		4701(h)	Construction [of section and amdts as not providing right to disclose classified info]	137	2324 note	FY13 NDAA Pub. L. 112-239, §827(h), Jan. 2, 2013		4712(h)
310		4702	Displaced contractor employees: assistance to obtain certification and employment as teachers or employment as teachers' aides	141	2410j			
311		4703	Defense contractors: listing of suitable employment openings with local employment service office	141	2410k			
312		4704	Employment of State Residents In States Having Unemployment Rate In Excess Of National Average	137	2304 note	FY07 DoD APPROP Act, Pub. L. 109-289, §8048		
313								
314	367		Other Administrative and Misc. Provisions				Pending	
315								
316			SUBPART H—DEFENSE INDUSTRIAL BASE					
317	381		Defense Industrial Base Generally	148			Pending	
318								
319	383		Loan Guarantee Programs				Pending	
320								
321	385		Procurement Tech Assistance Coop Ageement Program	142			Pending	

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