

# ACCELERATING THE PACE OF ACQUISITION REFORM ACT OF 2018

## DISCUSSION DRAFT OVERVIEW

In the committee report (H. Rept. 115-200) accompanying the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91), the committee noted that continued reform of the Department of Defense is needed to improve the military's agility and the speed at which it can address an increasingly complex security environment with unprecedented technological challenges. These requirements remain unchanged, and the need to ensure the effective and efficient use of taxpayer dollars remains an imperative. This legislation continues to improve the Department's acquisition approaches by accelerating the advance of prior reforms.

The committee believes that the body of positive law that establishes the acquisition code in title 10, United States Code, which the Department of Defense employs, has become cumbersome and incoherent. A focused effort is needed to rationalize the body of acquisition law provided to DOD. By creating a new Part V in subtitle A of title 10, all acquisition statutes will now be housed within a coherent framework which will assist both the defense acquisition professional as well as the private sector business owner attempting to enter and provide innovative solutions to the defense sector. The establishment of a new numbering convention for the other subtitles of title 10 will provide rational locations for future improvements to reorganize and streamline the statutes that direct the Department of Defense. The repeal of obsolete legislative notes, as well as the statutory requirements for select reports, positions, and offices, is intended to reduce the often overly prescriptive and cumbersome burdens placed upon the Secretary of Defense.

The committee has been dedicated to increasing DOD's acquisition agility. By clarifying the definitions of commercial items, subcontracts, and applicability of certain provisions of law to DOD commercial contracts, the committee intends to increase the availability of commercial goods and services to the defense customer. Likewise, by tasking DOD to report on the use of "Other Transaction Authorities" the committee intends to highlight the appropriate use of these non-traditional methods to rapidly develop and procure advanced capabilities for our warfighters. Lastly, the committee is concerned that there is significant delay in issuing rules to update the Defense Federal Acquisition Regulation Supplement (DFARS) after statutory enactment, and is asking the Comptroller General of the United States to conduct an assessment and deliver a report on how these rules can be issued in a more efficient fashion.

The committee continues to believe that greater private sector participation, especially by small businesses and non-traditional contractors, is needed to best leverage the American spirit of innovation for the defense sector. Modern procurement opportunities, like those offered by commercial e-commercial portals, continue to represent a streamlined channel for government procurement of commercial goods. GSA's continued maturation of the commercial e-commerce portal model that was enacted in the FY18 NDAA is supported through several provisions requested in the initial implementation plan GSA provided to Congress.

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## DISCUSSION DRAFT SECTION-BY-SECTION DESCRIPTION

### **Title I – Statutory Streamlining**

#### **Subtitle A, Section 111. Consolidation of Defense Acquisition Statutes in New Part V of Subtitle A of Title 10, United States Code**

This section in subtitle A establishes the initial step in the first phase of a comprehensive reorganization and optimization of acquisition-related statutes in title 10, United States Code. The committee recognizes that the structure for acquisition-related statutes in title 10 has become unwieldy and inadequate.

The committee notes that reorganizing defense acquisition statutes into a restructured, rationalized form would reflect more clearly the underlying organization of these statutes and provide a structure that is more intuitive and easier to navigate, as well as facilitate future growth within the Code's structure. In addition, the proposed reorganization would provide an opportunity to restore parallelism between the acquisition-related provisions of title 10 and the corresponding provisions of title 41 that are applicable to procurement by non-defense agencies, which would benefit the entirety of the federal contracting community.

This first section would create a “shell” for a new part V at the end of subtitle A of title 10, thus logically organizing all acquisition related statutes in one part in the Code. The committee expects that the actual shift of statutory language for the new part V would be established in a subsequent second phase of legislation, but not later than February 1, 2019.

#### **Subtitle B, Sections 121-124. Redesignation of Sections and Chapters of Subtitles B, C, and D to Provide Room for New Part V of Subtitle A**

These sections in subtitle B would include the re-designation of the chapter and section numbers for title 10 subtitles B, C, and D in order to create numerical space for the new part V at the end of subtitle A. This restructuring will also enable additional growth and potential future reorganization of title 10 statutes in other subject areas outside of the acquisition code.

The committee expects that this restructuring effort will be sustained. The second phase of restructuring will be enacted by follow-on legislation that will direct the more detailed chapter by chapter transfer into the final revised, rationalized structure of title 10 not later than February 1, 2019.

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### **Subtitle C, Section 131. Repeal of Certain Defense Acquisition Laws**

This section would repeal approximately 100 outdated provisions of law related to defense acquisition. Three are sections of title 10, United States Code, while the remaining provisions appear in the United States Code as legislative “note” sections under various provisions of title 10. These out-of-date provisions either required the Department of Defense to issue regulations, have now expired by their own terms, or are otherwise obsolete.

The committee notes that, with respect to repeal of a statutory requirement for issuance of a regulation, it is not expressing a view on the merits of the policies covered by the regulation. Rather, in repealing the statutory requirement for a regulation, this section allows the Secretary of Defense to revise the regulation as circumstances warrant. Repealing the statutory requirement allows the Secretary to revise or rescind the regulation, but would not prescribe it. The decision to retain, or not retain, the regulation remains with the Secretary.

### **Subtitle C, Section 132. Repeal of Statutory Requirement for Certain Positions or Offices**

This section would repeal 12 statutory requirements for certain Department of Defense positions or offices established or required by law, and establishes a sunset for one statutory designation. Six are sections of title 10, United States Code, while the remaining requirements are sections of national defense authorization Acts for previous fiscal years. The sunset for one statutory designation is an amendment to the National Defense Authorization Act for Fiscal Year 2017.

The committee notes that these repeals do not constitute an assessment of the offices’ or positions’ respective missions / roles in the acquisition process, but rather are an effort to remove needlessly prescriptive and obsolete requirements from the United States Code. Codifying the existence and structure of certain offices may unnecessarily restrict the Secretary of Defense’s ability to modify the Department’s organizational structure to improve efficiency and effectiveness in a way that is consistent with the reforms to the organization of the Office of the Secretary of Defense as required by section 901 of the National Defense Authorization Act for Fiscal Year 2017. Repeal of these statutory requirements would not directly abolish the affected positions, but would allow the Secretary to restructure those positions should such action be warranted. Removing statutory mandates would enhance the Secretary’s authority and ability to craft an agile acquisition organization.

# **ACCELERATING THE PACE OF ACQUISITION REFORM ACT OF 2018**

## **Subtitle C, Section 133. Repeal of Certain DOD Reporting Requirements**

This section would repeal seven provisions of law that establish Department of Defense reporting requirements related to defense acquisition that otherwise terminate as of December 31, 2021. Three are amendments to title 10, United States Code, while the remaining provisions are amendments to national defense authorization Acts for previous fiscal years.

The committee notes that excessive reporting requirements can impose costs on the Department of Defense that outweigh the specific benefits of each individual report, and can potentially impede the Department's ability to effectively direct resources to core objectives. In the National Defense Authorization Act for Fiscal Year 2017, Congress identified a large group of reporting requirements that would terminate as of December 31, 2021. After analyzing the history, implementation, and individual merits of a number of these reporting requirements, the committee believes that seven should be immediately repealed. This step will strike a balance between the importance and value of reports from the Department as a key enabler of effective congressional oversight, and the need to reduce the burden placed on the Department by excessive requirements.

## **Title II – Acquisition Agility**

### **Section 201. Revision of Definition of Commercial Item for Purposes of Federal Acquisition Statutes**

This section would clarify the definition of commercial items. Specifically, it clarifies commercial items as commercial products or commercial services. The section applies this clarification throughout the United States Code. With this clarification, the definition of “Commercially Available Off-the Shelf Item” becomes superseded and can be deleted.

The committee notes the current definition of commercial items throughout statute is inconsistent with 40 disparate definitions of commercial items. Additionally, commercial item definitions do not appropriately take into account the differences between products and services. The separation of the definition of commercial items into commercial products and commercial services will simplify and streamline procurement. Consistency in application of definitions will assist the acquisition workforces as well as business entities seeking to participate in the defense sector.

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## **Section 202. Definition of Subcontract**

This section creates a precise definition for subcontract in title 41 and incorporates this revised definition in title 10.

The committee notes there are multiple definitions of subcontract. Establishment of a unified definition for a subcontract provides clarification and consistency for the entirety of federal acquisition workforce.

## **Section 203. Limitation on Applicability to Department of Defense Commercial Contracts of Certain Provisions of Law and Certain Executive Orders and Regulations**

This section updates sections 2375 and 2533(b) of title 10, United States Code, by placing certain limitations on the applicability of certain provisions of law, and certain executive orders and regulations, to Department of Defense commercial contracts.

The committee expects that these revisions will remove unnecessary obstacles from commercial transactions between DOD and commercial suppliers, and improve defense customers' access to the best commercial goods and services.

## **Section 204. Reporting on Projects Performed Through Transactions Other Than Contracts, Cooperative Agreements, and Grants**

This section would direct the Secretary of Defense to submit, no later than December 31 of each year through 2021, a report on the Department's use of transactions other than contracts, cooperative agreements, and grants—known as other transaction authority—to perform projects. The report should contain, for transactions that provide for payments in a total amount in excess of \$5,000,000, information including the entities entering into the transaction, the amount of payment provided for, project goals and status, and key dates. The report should also address mechanisms established to ensure appropriate use of this authority, including policies, guidance, reporting, and limitations on use.

The committee remains committed to providing the Department of Defense the needed flexibility to acquire advanced capabilities through streamlined and expedited processes. The committee recognizes that other transaction authority has been an effective tool for research and development, particularly for execution of science, technology and prototyping programs. It provides needed flexibility in terms of adherence to select Federal acquisition regulations. While the benefits of this flexibility are clear, the committee believes that it is still necessary to exercise effective oversight both to understand the ways in which the Department is properly leveraging the use of this authority, as well as to prevent its abuse or misuse. The committee does not intend

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for this reporting requirement to cause the Department to seek additional approval for use of other transaction authority, beyond the congressional notification requirement already established in statute. Rather, it is designed to facilitate regular and consistent updates on use of this authority across the Department in order to facilitate proper assessment of effectiveness and success. The \$5,000,000 threshold for reporting is consistent with the amount established in statute for inclusion of a clause that provides for the Comptroller General of the United States to examine the records of any party to an agreement entered into using other transaction authority.

### **Section 205. Comptroller General Report on the Issuance of Regulations in the Defense Federal Acquisition Regulation Supplement**

This section would direct the Comptroller General of the United States to submit a report to the congressional defense committees by March 1, 2019, on the issuance of regulations in the Defense Federal Acquisition Regulation Supplement (DFARS) as required under a statutory provision enacted in a national defense authorization Act, as well as a briefing to the committee by December 1, 2018, on preliminary findings. The report should describe the existing revision process and assess the status of statutory provisions enacted since fiscal year 2010. The report should assess the factors delaying revision to the DFARS, and provide recommendations for any changes that might accelerate such revisions.

The committee notes that recent congressional efforts to legislate acquisition reform has experienced delays of several years between statutory enactment and issuance of regulations in the DFARS. For example, a final rule on procurement of commercial items (issued in January, 2018) amended the Defense Federal Acquisition Regulation Supplement based upon requirements from as long ago as the National Defense Authorization Act for Fiscal Year 2013 (Public Law 114-328). As a result, the acquisition and contracting communities within and outside the Federal Government are unable to take full advantage of recent reforms and improvements to acquisition and contracting procedures. The committee is concerned that the momentum generated by congressional acquisition reform initiatives has been lost as a result of delayed—and potentially incomplete—revision of regulations, and seeks to identify and remedy the causes of such delays. According to the Department’s operating guidance for the DFARS, the standard timeline for issuance of a final rule is one year, including multiple layers of review within and outside the Department as well as time for public comment. The committee seeks recommendations on how to accelerate that timeline and ensure that previously enacted statutory provisions are not disregarded in regulation. The committee also encourages exploration of other ways to quickly implement provisions such as interim policy memoranda or other guidance, without the need for formal regulatory action.

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## **Title III – Private Sector Participation**

### **Section 301. Department of Defense Small Business Strategy**

This section would require the Department to develop and implement a small business strategy to better leverage small businesses as a means to enhance or support mission execution. This section specifies that such a strategy should include plans to integrate small businesses into a holistic view of industry; to realign the Department's small business programs with agency mission under a unified management structure; and to clarify points of entry into the defense market.

The committee expects that this unified strategy will create increased small business engagement in the defense sector by increasing entry-points for non-traditional and innovative companies.

### **Section 302. Modifications to Procurement Through Commercial E-Commerce Portals**

This section would amend section 846 of the National Defense Authorization Act for Fiscal Year 2018 by increasing the micro-purchase threshold for procurement through a commercial e-commerce portal from \$10,000 to \$25,000. In addition, this section directs the General Services Administration to capture the data on all transactions in order to conduct analysis on the results from raising the threshold from \$10,000 to \$25,000 for procurements through commercial e-commerce portals and those procurements conducted outside of the commercial e-commerce portal.

The section would also allow the Administrator to develop detailed procedures for procurement through commercial e-commerce portals. These procedures shall satisfy the requirement of competitive procedures outlined in section 152 of title 41, United States Code. These procedures must be submitted to the appropriate congressional committees 30 days prior to implementation.

The committee notes that the intent for the use of commercial e-commerce portals is to simplify and streamline the defense acquisition process as well as provide better transparency. Last year, the Committee directed the Office of Management and Budget to develop a program managed by Government Services Administration to procure commercial items through e-commerce portals. In support of this effort, this year the Committee provides additional flexibility to ensure full and effective implementation of this new procurement methodology.

**[DISCUSSION DRAFT]**115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**H. R.** \_\_\_\_\_

To amend title 10, United States Code, to streamline and rationalize acquisition statutes, enhance acquisition agility, and increase private sector participation in the defense sector.

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**IN THE HOUSE OF REPRESENTATIVES**

Mr. THORNBERRY introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend title 10, United States Code, to streamline and rationalize acquisition statutes, enhance acquisition agility, and increase private sector participation in the defense sector.

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

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

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Accelerating the Pace of Acquisition Reform Act of  
6       2018”.



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

Sec. 1. Short title; table of contents.

#### TITLE I—STATUTORY STREAMLINING

Sec. 101. Effective dates; coordination of amendments.

Subtitle A—Consolidation of Defense Acquisition Statutes in New Part V of  
Subtitle A of Title 10, United States Code

Sec. 111. Framework for new part V of subtitle A.

Subtitle B—Redesignation of Sections and Chapters of Subtitles B, C, and D  
to Provide Room for New Part V of Subtitle A

Sec. 121. Redesignation of sections and chapters of subtitle D of title 10,  
United States Code—Air Force.

Sec. 122. Redesignation of sections and chapters of subtitle C of title 10,  
United States Code—Navy and Marine Corps.

Sec. 123. Redesignation of sections and chapters of subtitle B of title 10,  
United States Code—Army.

Sec. 124. Cross references to redesignated sections and chapters.

#### Subtitle C—Repeals of Certain Provisions of Law

Sec. 131. Repeal of certain defense acquisition laws.

Sec. 132. Repeal of statutory requirement for certain positions or offices in the  
Department of Defense.

Sec. 133. Repeal of certain Department of Defense reporting requirements that  
otherwise terminate as of December 31, 2021.

#### TITLE II—ACQUISITION AGILITY

Sec. 201. Revision of definition of commercial item for purposes of Federal ac-  
quisition statutes.

Sec. 202. Definition of subcontract.

Sec. 203. Limitation on applicability to Department of Defense commercial con-  
tracts of certain provisions of law and certain executive orders  
and regulations.

Sec. 204. Reporting on projects performed through transactions other than con-  
tracts, cooperative agreements, and grants.

Sec. 205. Comptroller General report on the issuance of regulations in the De-  
fense Federal Acquisition Regulation Supplement.

#### TITLE III—PRIVATE SECTOR PARTICIPATION

Sec. 301. Department of Defense small business strategy.

Sec. 302. Modifications to procurement through commercial e-commerce por-  
tals.

1                   **TITLE I—STATUTORY**  
2                   **STREAMLINING**

3 **SEC. 101. EFFECTIVE DATES; COORDINATION OF AMEND-**  
4                   **MENTS.**

5           (a) EFFECTIVE DATES.—

6               (1) SUBTITLES A AND B.—Subtitles A and B of  
7           this title, and the redesignations and amendments  
8           made by such subtitles, shall take effect on Feb-  
9           ruary 1, 2019.

10           (2) SUBTITLE C.—Subtitle C of this title shall  
11           take effect on the date of the enactment of this Act.

12           (b) COORDINATION OF AMENDMENTS.—The redesi-  
13           gnations and amendments made by subtitle B of this title  
14           shall be executed—

15               (1) before the amendments made by subtitle A  
16           of this title; and

17               (2) after any amendments made by any other  
18           provisions of this Act.

1 **Subtitle A—Consolidation of De-**  
 2 **fense Acquisition Statutes in**  
 3 **New Part V of Subtitle A of Title**  
 4 **10, United States Code**

5 **SEC. 111. FRAMEWORK FOR NEW PART V OF SUBTITLE A.**

6 (a) IN GENERAL.—Subtitle A of title 10, United  
 7 States Code, is amended by adding at the end the fol-  
 8 lowing new part:

9 **“PART V—ACQUISITION**

“Chap.	Sec.
“SUBPART A—GENERAL	
“201. Definitions .....	3001
“203. General Matters .....	3021
“205. Defense Acquisition System .....	3051
“207. Budgeting and Appropriations Matters .....	3101
“209. Overseas Contingency Operations .....	3151
“SUBPART B—ACQUISITION PLANNING	
“221. Planning and Solicitation Generally .....	3201
“223. Planning and Solicitation Relating to Particular Items or Services .....	3251
“SUBPART C—CONTRACTING METHODS AND CONTRACT TYPES	
“241. Awarding of Contracts .....	3301
“243. Specific Types of Contracts .....	3351
“245. Task and Delivery Order Contracts (Multiple Award Contracts) .....	3401
“247. Acquisition of Commercial Items .....	3451
“249. Multiyear Contracts .....	3501
“251. Simplified Acquisition Procedures .....	3551
“253. Emergency and Rapid Acquisitions .....	3601
“255. Contracting With or Through Other Agencies .....	3651
“SUBPART D—GENERAL CONTRACTING REQUIREMENTS	
“271. Truthful Cost or Pricing Data .....	3701
“273. Allowable Costs .....	3741
“275. Proprietary Contractor Data and Technical Data .....	3771
“277. Contract Financing .....	3801
“279. Contractor Audits and Accounting .....	3841
“281. Claims and Disputes .....	3861
“283. Foreign Acquisitions .....	3881
“285. Small Business Programs .....	3901

“287. Socioeconomic Programs .....	3961
“SUBPART E—SPECIAL CATEGORIES OF CONTRACTING: MAJOR DEFENSE ACQUISITION PROGRAMS AND MAJOR SYSTEMS	
“301. Major Defense Acquisition Programs .....	4001
“303. Weapon Systems Development and Related Matters .....	4071
“305. Other Matters Relating to Major Systems .....	4121
“SUBPART F—SPECIAL CATEGORIES OF CONTRACTING: RESEARCH, DEVELOPMENT, TEST, AND EVALUATION	
“321. Research and Development Generally .....	4201
“323. Innovation .....	4301
“325. Department of Defense Laboratories .....	4351
“327. Research and Development Centers and Facilities .....	4401
“329. Operational Test and Evaluation; Developmental Test and Eval- uation .....	4451
“SUBPART G—OTHER SPECIAL CATEGORIES OF CONTRACTING	
“341. Contracting for Performance of Civilian Commercial or Indus- trial Type Functions .....	4501
“343. Acquisition of Services .....	4541
“345. Acquisition of Information Technology .....	4571
“SUBPART H—CONTRACT MANAGEMENT	
“361. Contract Administration .....	4601
“363. Prohibitions and Penalties .....	4651
“365. Contractor Workforce .....	4701
“367. Other Administrative and Miscellaneous Provisions .....	4751
“SUBPART I—DEFENSE INDUSTRIAL BASE	
“381. Defense Industrial Base Generally .....	4801
“383. Loan Guarantee Programs .....	4861
“385. Procurement Technical Assistance Cooperative Agreement Pro- gram .....	4881

1                                   **“Subpart A—General**

2                                   **“CHAPTER 201—DEFINITIONS**

3   **“SEC. 3001. [RESERVED].**

**[Reserved]**

4                                   **“CHAPTER 203—GENERAL MATTERS**

5   **“SEC. 3021. [RESERVED].**

**[Reserved]**

1     **“CHAPTER 205—DEFENSE ACQUISITION**  
2                                   **SYSTEM**

3     **“SEC. 3051. [RESERVED].**

**[Reserved]**

4                   **“CHAPTER 207—BUDGETING AND**  
5                                   **APPROPRIATIONS MATTERS**

6     **“SEC. 3101. [RESERVED].**

**[Reserved]**

7     **“CHAPTER 209—OVERSEAS CONTINGENCY**  
8                                   **OPERATIONS**

9     **“SEC. 3151. [RESERVED].**

**[Reserved]**

10                   **“Subpart B—Acquisition Planning**

11                   **“CHAPTER 221—PLANNING AND**  
12                                   **SOLICITATION GENERALLY**

13     **“SEC. 3201. [RESERVED].**

**[Reserved]**

14     **“CHAPTER 223—PLANNING AND SOLICITA-**  
15                   **TION RELATING TO PARTICULAR**  
16                   **ITEMS OR SERVICES**

17     **“SEC. 3251. [RESERVED].**

**[Reserved]**



1 **“CHAPTER 253—EMERGENCY AND RAPID**  
2 **ACQUISITIONS**

3 **“SEC. 3601. [RESERVED].**

**[Reserved]**

4 **“CHAPTER 255—CONTRACTING WITH OR**  
5 **THROUGH OTHER AGENCIES**

6 **“SEC. 3651. [RESERVED].**

**[Reserved]**

7 **“Subpart D—General Contracting Requirements**

8 **“CHAPTER 271—TRUTHFUL COST OR**  
9 **PRICING DATA**

10 **“SEC. 3701. [RESERVED].**

**[Reserved]**

11 **“CHAPTER 273—ALLOWABLE COSTS**

12 **“SEC. 3741. [RESERVED].**

**[Reserved]**

13 **“CHAPTER 275—PROPRIETARY CON-**  
14 **TRACTOR DATA AND TECHNICAL DATA**

15 **“SEC. 3771. [RESERVED].**

**[Reserved]**

16 **“CHAPTER 277—CONTRACT FINANCING**

17 **“SEC. 3801. [RESERVED].**

**[Reserved]**

1       **“CHAPTER 279—CONTRACTOR AUDITS**  
2                                   **AND ACCOUNTING**

3   **“SEC. 3841. [RESERVED].**

**[Reserved]**

4       **“CHAPTER 281—CLAIMS AND DISPUTES**

5   **“SEC. 3861. [RESERVED].**

**[Reserved]**

6       **“CHAPTER 283—FOREIGN ACQUISITIONS**

7   **“SEC. 3881. [RESERVED].**

**[Reserved]**

8                   **“CHAPTER 285—SMALL BUSINESS**  
9                                   **PROGRAMS**

10   **“SEC. 3901. [RESERVED].**

**[Reserved]**

11                   **“CHAPTER 287—SOCIOECONOMIC**  
12                                   **PROGRAMS**

13   **“SEC. 3961. [RESERVED].**

**[Reserved]**

14   **“Subpart E—Special Categories of Contracting:**  
15       **Major Defense Acquisition Programs and Major**  
16       **Systems**

17                   **“CHAPTER 301—MAJOR DEFENSE**  
18                                   **ACQUISITION PROGRAMS**

19   **“SEC. 4001. [RESERVED].**

**[Reserved]**



1           **“CHAPTER 303—WEAPON SYSTEMS**  
2           **DEVELOPMENT AND RELATED MATTERS**

3   **“SEC. 4071. [RESERVED].**

**[Reserved]**

4           **“CHAPTER 305—OTHER MATTERS**  
5           **RELATING TO MAJOR SYSTEMS**

6   **“SEC. 4121. [RESERVED].**

**[Reserved]**

7           **“Subpart F—Special Categories of Contracting:**  
8           **Research, Development, Test, and Evaluation**

9           **“CHAPTER 321—RESEARCH AND**  
10          **DEVELOPMENT GENERALLY**

11   **“SEC. 4201. [RESERVED].**

**[Reserved]**

12          **“CHAPTER 323—INNOVATION**

13   **“SEC. 4301. [RESERVED].**

**[Reserved]**

14          **“CHAPTER 325—DEPARTMENT OF**  
15          **DEFENSE LABORATORIES**

16   **“SEC. 4351. [RESERVED].**

**[Reserved]**

17          **“CHAPTER 327—RESEARCH AND**  
18          **DEVELOPMENT CENTERS AND FACILITIES**

19   **“SEC. 4401. [RESERVED].**

**[Reserved]**

1 **“CHAPTER 329—OPERATIONAL TEST AND**  
2 **EVALUATION; DEVELOPMENTAL TEST**  
3 **AND EVALUATION**

4 **“SEC. 4451. [RESERVED].**

**[Reserved]**

5 **“Subpart G—Other Special Categories Of**  
6 **Contracting**

7 **“CHAPTER 341—CONTRACTING FOR PER-**  
8 **FORMANCE OF CIVILIAN COMMER-**  
9 **CIAL OR INDUSTRIAL TYPE FUNC-**  
10 **TIONS**

11 **“SEC. 4501. [RESERVED].**

**[Reserved]**

12 **“CHAPTER 343—ACQUISITION OF**  
13 **SERVICES**

14 **“SEC. 4541. [RESERVED].**

**[Reserved]**

15 **“CHAPTER 345—ACQUISITION OF**  
16 **INFORMATION TECHNOLOGY**

17 **“SEC. 4571. [RESERVED].**

**[Reserved]**

1                   **“Subpart H—Contract Management**

2                   **“CHAPTER 361—CONTRACT**

3                   **ADMINISTRATION**

4   **“SEC. 4601. [RESERVED].**

**[Reserved]**

5                   **“CHAPTER 363—PROHIBITIONS AND**

6                   **PENALTIES**

7   **“SEC. 4651. [RESERVED].**

**[Reserved]**

8                   **“CHAPTER 365—CONTRACTOR**

9                   **WORKFORCE**

10   **“SEC. 4701. [RESERVED].**

**[Reserved]**

11                  **“CHAPTER 367—OTHER ADMINISTRATIVE**

12                  **AND MISCELLANEOUS PROVISIONS**

13   **“SEC. 4751. [RESERVED].**

**[Reserved]**

14                  **“Subpart I—Defense Industrial Base**

15                  **“CHAPTER 381—DEFENSE INDUSTRIAL**

16                  **BASE GENERALLY**

17   **“SEC. 4801. [RESERVED].**

**[Reserved]**

18                  **“CHAPTER 383—LOAN GUARANTEE**

19                  **PROGRAMS**

20   **“SEC. 4861. [RESERVED].**

**[Reserved]**

1 **“CHAPTER 385—PROCUREMENT TECH-**  
 2 **NICAL ASSISTANCE COOPERATIVE**  
 3 **AGREEMENT PROGRAM**

4 **“SEC. 4881. [RESERVED].**

**[Reserved]**

5 (b) TABLE OF CHAPTERS AMENDMENT.—The table  
 6 of chapters at the beginning of subtitle A is amended by  
 7 adding at the end the following new items:

8 **“PART V—ACQUISITION**

“Chap.	Sec.
“SUBPART A—GENERAL	
“201. Definitions .....	3001
“203. General Matters .....	3021
“205. Defense Acquisition System .....	3051
“207. Budgeting and Appropriations Matters .....	3101
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“SUBPART B—ACQUISITION PLANNING	
“221. Planning and Solicitation Generally .....	3201
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“SUBPART C—CONTRACTING METHODS AND CONTRACT TYPES	
“241. Awarding of Contracts .....	3301
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“245. Task and Delivery Order Contracts (Multiple Award Contracts) .....	3401
“247. Acquisition of Commercial Items .....	3451
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1 **Subtitle B—Redesignation of Sec-**  
2 **tions and Chapters of Subtitles**  
3 **B, C, and D to Provide Room for**  
4 **New Part V of Subtitle A**

5 **SEC. 121. REDESIGNATION OF SECTIONS AND CHAPTERS**  
6 **OF SUBTITLE D OF TITLE 10, UNITED STATES**  
7 **CODE—AIR FORCE.**

8 (a) SUBTITLE D, PART III, SECTION NUMBERS.—

9 The sections in part III of subtitle D of title 10, United  
10 States Code, are redesignated as follows:

11 (1) CHAPTER 909.—Each section in chapter 909  
12 is redesignated so that the number of the section, as  
13 redesignated, is the number equal to the previous  
14 number plus 50.

15 (2) CHAPTER 907.—Each section in chapter 907  
16 is redesignated so that the number of the section, as  
17 redesignated, is the number equal to the previous  
18 number plus 70.

19 (3) CHAPTERS 901 AND 903.—Each section in  
20 chapter 901 and chapter 903 is redesignated so that  
21 the number of the section, as redesignated, is the  
22 number equal to the previous number plus 100.

23 (b) SUBTITLE D, PART II, SECTION NUMBERS.—The  
24 sections in part II of such subtitle are redesignated as fol-  
25 lows:

1           (1) CHAPTER 831.—Section 8210 is redesignig-  
2           nated as section 9110.

3           (2) CHAPTER 833.—Sections 8251, 8252, 8257,  
4           and 8258 are redesignated as sections 9131, 9132,  
5           9137, and 9138, respectively.

6           (3) CHAPTER 835.—Sections 8281 and 8310  
7           are redesignated as sections 9151 and 9160, respec-  
8           tively.

9           (4) CHAPTER 839.—Section 8446 is redesignig-  
10          nated as section 9176.

11          (5) CHAPTER 841.—Sections 8491 and 8503  
12          are redesignated as sections 9191 and 9203, respec-  
13          tively.

14          (6) CHAPTER 843.—Sections 8547 and 8548  
15          are redesignated as sections 9217 and 9218, respec-  
16          tively.

17          (7) CHAPTER 845.—Sections 8572, 8575, 8579,  
18          8581, and 8583 are redesignated as sections 9222,  
19          9225, 9229, 9231, and 9233, respectively.

20          (8) CHAPTER 849.—Section 8639 is redesignig-  
21          nated as section 9239.

22          (9) CHAPTER 853.—Sections 8681, 8684, and  
23          8691 are redesignated as sections 9251, 9252, and  
24          9253, respectively.

1           (10) CHAPTER 855.—Section 8723 is redesi-  
2           gated as section 9263.

3           (11) CHAPTER 857.—Each section in chapter  
4           857 is redesignated so that the number of the sec-  
5           tion, as redesignated, is the number equal to the  
6           previous number plus 530.

7           (12) CHAPTER 861.—Section 8817 is redesi-  
8           gated as section 9307.

9           (13) CHAPTER 867.—Each section in chapter  
10          867 is redesignated so that the number of the sec-  
11          tion, as redesignated, is the number equal to the  
12          previous number plus 400.

13          (14) CHAPTER 869.—Sections 8961, 8962,  
14          8963, 8964, 8965, and 8966 are redesignated as  
15          sections 9341, 9342, 9343, 9344, 9345, and 9346,  
16          respectively.

17          (15) CHAPTER 871.—Sections 8991 and 8992  
18          are redesignated as sections 9361 and 9362, respec-  
19          tively.

20          (16) CHAPTER 873.—Sections 9021, 9025, and  
21          9027 are redesignated as sections 9371, 9375, and  
22          9377, respectively.

23          (17) CHAPTER 875.—Section 9061 is redesi-  
24          gated as section 9381.



1 (c) SUBTITLE D, PART I, SECTION NUMBERS.—  
2 Each section in part I of such subtitle is redesignated so  
3 that the number of the section, as redesignated, is the  
4 number equal to the previous number plus 1,000.

5 (d) SUBTITLE D CHAPTER NUMBERS.—

6 (1) PART IV CHAPTER NUMBERS.—Each chap-  
7 ter in part IV of such subtitle is redesignated so  
8 that the number of the chapter, as redesignated, is  
9 the number equal to the previous number plus 30.

10 (2) PART III CHAPTER NUMBERS.—Each chap-  
11 ter in part III of such subtitle is redesignated so  
12 that the number of the chapter, as redesignated, is  
13 the number equal to the previous number plus 50.

14 (3) PART II CHAPTER NUMBERS.—

15 (A) IN GENERAL.—Except as provided in  
16 subparagraph (B), each chapter in part II of  
17 such subtitle is redesignated so that the number  
18 of the chapter, as redesignated, is the number  
19 equal to the previous number plus 80.

20 (B) OTHER CHAPTERS.—

21 (i) Chapter 861 is redesignated as  
22 chapter 939.

23 (ii) Chapters 867, 869, 871, 873, and  
24 875 are each redesignated so that the  
25 number of the chapter, as redesignated, is

1 the number equal to the previous number  
2 plus 74.

3 (4) PART I CHAPTER NUMBERS.—Each chapter  
4 in part I of such subtitle is redesignated so that the  
5 number of the chapter, as redesignated, is the num-  
6 ber equal to the previous number plus 100.

7 (e) SUBTITLE D TABLES OF SECTIONS AND TABLES  
8 OF CHAPTERS.—

9 (1) TABLES OF SECTIONS.—The tables of sec-  
10 tions at the beginning of the chapters of such sub-  
11 title are revised so as to conform the section ref-  
12 erences in those tables to the redesignations made  
13 by subsections (a), (b), and (c).

14 (2) TABLES OF CHAPTERS.—The table of chap-  
15 ters at the beginning of such subtitle, and the tables  
16 of chapters at the beginning of each part of such  
17 subtitle, are revised so as to conform the chapter  
18 references and section references in those tables to  
19 the redesignations made by this section.

20 **SEC. 122. REDESIGNATION OF SECTIONS AND CHAPTERS**  
21 **OF SUBTITLE C OF TITLE 10, UNITED STATES**  
22 **CODE—NAVY AND MARINE CORPS.**

23 (a) SUBTITLE C, PART I, SECTION NUMBERS.—

24 (1) IN GENERAL.—Except as provided in para-  
25 graph (2), each section in part I of subtitle C of title

1       10, United States Code, is redesignated so that the  
2       number of the section, as redesignated, is the num-  
3       ber equal to the previous number plus 3,000.

4           (2) CHAPTER 513.—For sections in chapter  
5       513, each section is redesignated so that the number  
6       of the section, as redesignated, is the number equal  
7       to the previous number plus 2,940.

8       (b) SUBTITLE C, PART II, SECTION NUMBERS.—The  
9       sections in part II of such subtitle are redesignated as fol-  
10      lows:

11           (1) CHAPTER 533.—Sections 5441, 5450, and  
12       5451 are redesignated as sections 8101, 8102, and  
13       8103, respectively.

14           (2) CHAPTER 535.—Sections 5501, 5502, 5503,  
15       and 5508 are redesignated as sections 8111, 8112,  
16       8113, and 8118, respectively.

17           (3) CHAPTER 537.—Section 5540 is redesi-  
18       gnated as section 8120.

19           (4) CHAPTER 539.—Sections 5582, 5585, 5587,  
20       5587a, 5589, and 5596 are redesignated as sections  
21       8132, 8135, 8137, 8138, 8139, and 8146, respec-  
22       tively.

23           (5) CHAPTER 544.—Section 5721 is redesi-  
24       gnated as section 8151.

1 (6) CHAPTER 551.—Each section in chapter 551  
2 is redesignated so that the number of the section, as  
3 redesignated, is the number equal to the previous  
4 number plus 2,220.

5 (7) CHAPTER 553.—Sections 5983, 5985, and  
6 5986 are redesignated as sections 8183, 8185, and  
7 8186, respectively.

8 (8) CHAPTER 555.—The sections in chapter 555  
9 are redesignated as follows:

<b>Section</b>	<b>Redesignated Section</b>
6011	8211
6012	8212
6013	8213
6014	8214
6019	8215
6021	8216
6022	8217
6024	8218
6027	8219
6029	8220
6031	8221
6032	8222
6035	8225
6036	8226

10 (9) CHAPTER 557.—Each section in chapter 557  
11 is redesignated so that the number of the section, as

1 redesignated, is the number equal to the previous  
2 number plus 2,160.

3 (10) CHAPTER 559.—Section 6113 is redesi-  
4 gnated as section 8253.

5 (11) CHAPTER 561.—The sections in chapter  
6 561 are redesignated as follows:

Section	Redesignated Section
6141	8261
6151	8262
6152	8263
6153	8264
6154	8265
6155	8266
6156	8267
6160	8270
6161	8271

7 (12) CHAPTER 563.—Sections 6201, 6202, and  
8 6203 are redesignated as sections 8281, 8282, and  
9 8283, respectively.

10 (13) CHAPTER 565.—Sections 6221 and 6222  
11 are redesignated as sections 8286 and 8287, respec-  
12 tively.

13 (14) CHAPTER 567.—Each section in chapter  
14 567 is redesignated so that the number of the sec-  
15 tion, as redesignated, is the number equal to the  
16 previous number plus 2,050.

1           (15) CHAPTER 569.—Section 6292 is redesi-  
2           gnated as section 8317.

3           (16) CHAPTER 571.—Each section in chapter  
4           571 is redesignated so that the number of the sec-  
5           tion, as redesignated, is the number equal to the  
6           previous number plus 2,000.

7           (17) CHAPTER 573.—Sections 6371, 6383,  
8           6389, 6404, and 6408 are redesignated as sections  
9           8371, 8372, 8373, 8374, and 8375, respectively.

10          (18) CHAPTER 575.—Sections 6483, 6484,  
11          6485, and 6486 are redesignated as sections 8383,  
12          8384, 8385, and 8386, respectively.

13          (19) CHAPTER 577.—Section 6522 is redesi-  
14          gnated as section 8392.

15          (c) SUBTITLE C, PART III, SECTION NUMBERS.—

16           (1) IN GENERAL.—Except as provided in para-  
17           graph (2), each section in part III of such subtitle  
18           is redesignated so that the number of the section, as  
19           redesignated, is the number equal to the previous  
20           number plus 1,500.

21           (2) CHAPTER 609.—Sections 7101, 7102, 7103,  
22           and 7104 are redesignated as sections 8591, 8592,  
23           8593, and 8594, respectively.

1 (d) SUBTITLE C, PART IV, SECTION NUMBERS.—  
2 The sections in part IV of such subtitle are redesignated  
3 as follows:

4 (1) CHAPTER 631.—Each section in chapter 631  
5 is redesignated so that the number of the section, as  
6 redesignated, is the number equal to the previous  
7 number plus 1,400.

8 (2) CHAPTER 633.—Each section in chapter 633  
9 is redesignated so that the number of the section, as  
10 redesignated, is the number equal to the previous  
11 number plus 1,370.

12 (3) CHAPTER 637.—Sections 7361, 7362, 7363,  
13 and 7364 are redesignated as sections 8701, 8702,  
14 8703, and 8704, respectively.

15 (4) CHAPTER 639.—Sections 7395 and 7396  
16 are redesignated as sections 8715 and 8716, respec-  
17 tively.

18 (5) CHAPTER 641.—Each section in chapter 641  
19 is redesignated so that the number of the section, as  
20 redesignated, is the number equal to the previous  
21 number plus 1,300.

22 (6) CHAPTER 643.—Sections 7472, 7473, 7476,  
23 7477, 7478, 7479, and 7480 are redesignated as  
24 sections 8742, 8743, 8746, 8747, 8748, 8749, and  
25 8750, respectively.

1           (7) CHAPTER 645.—Sections 7522, 7523, and  
2           7524 are redesignated as sections 8752, 8753, and  
3           8754, respectively.

4           (8) CHAPTER 647.—The sections in chapter 647  
5           are redesignated as follows:

<b>Section</b>	<b>Redesignated Section</b>
7541	8761
7541a	8761a
7541b	8761b
7542	8762
7543	8763
7544	8764
7545	8745
7546	8746
7577	8747

6           (9) CHAPTERS 649, 651, 653, AND 655.—Each  
7           section in chapters 649, 651, 653, and 655 is reded-  
8           ignated so that the number of the section, as reded-  
9           ignated, is the number equal to the previous number  
10          plus 1,200.

11          (10) CHAPTER 657.—Each section in chapter  
12          657 is redesignated so that the number of the sec-  
13          tion, as redesignated, is the number equal to the  
14          previous number plus 1,170.



1           (11) CHAPTER 659.—Sections 7851, 7852,  
2           7853, and 7854 are redesignated as sections 8901,  
3           8902, 8903, and 8904, respectively.

4           (12) CHAPTER 661.—Sections 7861, 7862, and  
5           7863 are redesignated as sections 8911, 8912, and  
6           8913, respectively.

7           (13) CHAPTER 663.—Section 7881 is redesignig-  
8           nated as section 8921.

9           (14) CHAPTER 665.—Sections 7901, 7902, and  
10          7903 are redesignated as sections 8931, 8932, and  
11          8933, respectively.

12          (15) CHAPTER 667.—Sections 7912 and 7913  
13          are redesignated as sections 8942 and 8943, respec-  
14          tively.

15          (16) CHAPTER 669.—Section 7921 is redesignig-  
16          nated as section 8951.

17          (e) SUBTITLE C CHAPTER NUMBERS.—

18           (1) PART I CHAPTER NUMBERS.—Each chapter  
19           in part I of such subtitle is redesignated so that the  
20           number of the chapter, as redesignated, is the num-  
21           ber equal to the previous number plus 300, except  
22           that chapter 513 is redesignated as chapter 809.

23           (2) PART II CHAPTER NUMBERS.—

24           (A) IN GENERAL.—Except as provided in  
25           subparagraph (B), each chapter in part II of

1 such subtitle is redesignated so that the number  
2 of the chapter, as redesignated, is the number  
3 equal to the previous number plus 270.

4 (B) OTHER CHAPTERS.—Chapter 533 is  
5 redesignated as chapter 811, chapter 535 is re-  
6 designated as chapter 812, chapter 537 is re-  
7 designated as chapter 813, chapter 539 is re-  
8 designated as chapter 815, and chapter 544 is  
9 redesignated as chapter 817.

10 (3) PART III CHAPTER NUMBERS.—Each chap-  
11 ter in part III of such subtitle is redesignated so  
12 that the number of the chapter, as redesignated, is  
13 the number equal to the previous number plus 250.

14 (4) PART IV CHAPTER NUMBERS.—Each chap-  
15 ter in part IV of such subtitle is redesignated so  
16 that the number of the chapter, as redesignated, is  
17 the number equal to the previous number plus 228,  
18 except that chapter 631 is redesignated as chapter  
19 861 and chapter 633 is redesignated as chapter 863.

20 (f) SUBTITLE C TABLES OF SECTIONS AND TABLES  
21 OF CHAPTERS.—

22 (1) TABLES OF SECTIONS.—The table of sec-  
23 tions at the beginning of each chapter of such sub-  
24 title is revised so as to conform the section ref-

1           erences in the table to the redesignations made by  
2           subsections (a), (b), (c), and (d).

3           (2) TABLES OF CHAPTERS.—The table of chap-  
4           ters at the beginning of such subtitle, and the tables  
5           of chapters at the beginning of each part of such  
6           subtitle, are revised so as to conform the chapter  
7           references and section references in those tables to  
8           the redesignations made by this section.

9   **SEC. 123. REDESIGNATION OF SECTIONS AND CHAPTERS**  
10                           **OF SUBTITLE B OF TITLE 10, UNITED STATES**  
11                           **CODE—ARMY.**

12           (a) SUBTITLE B, PART I, SECTION NUMBERS.—  
13           Each section in part I of subtitle B of title 10, United  
14           States Code, is redesignated so that the number of the  
15           section, as redesignated, is the number equal to the pre-  
16           vious number plus 4,000.

17           (b) SUBTITLE B, PART II, SECTION NUMBERS.—The  
18           sections in part II of such subtitle are redesignated as fol-  
19           lows:

20           (1) CHAPTER 331.—Section 3210 is redesi-  
21           gnated as section 7110.

22           (2) CHAPTER 333.—Sections 3251, 3258, and  
23           3262 are redesignated as sections 7131, 7138, and  
24           7142, respectively.

1           (3) CHAPTER 335.—Sections 3281, 3282, 3283,  
2           and 3310 are redesignated as sections 7151, 7152,  
3           7153, and 7160, respectively.

4           (4) CHAPTER 339.—Section 3446 is redesign-  
5           ated as sections 7176.

6           (5) CHAPTER 341.—Sections 3491 and 3503  
7           are redesignated as sections 7191 and 7203, respec-  
8           tively.

9           (6) CHAPTER 343.—Sections 3533, 3534, 3536,  
10          3547 and 3548 are redesignated as sections 7213,  
11          7214, 7316, 7217, and 7218, respectively.

12          (7) CHAPTER 345.—Sections 3572, 3575, 3579,  
13          3581, and 3583 are redesignated as sections 7222,  
14          7225, 7229, 7231, and 7233, respectively.

15          (8) CHAPTER 349.—Section 3639 is redesign-  
16          ated as section 7239.

17          (9) CHAPTER 353.—Sections 3681, 3684, and  
18          3691 are redesignated as sections 7251, 7252, and  
19          7253, respectively.

20          (10) CHAPTER 355.—Section 3723 is redesign-  
21          ated as section 7263.

22          (11) CHAPTER 357.—Each section in chapter  
23          357 is redesignated so that the number of the sec-  
24          tion, as redesignated, is the number equal to the  
25          previous number plus 3,530.

1           (12) CHAPTER 367.—Each section in chapter  
2           367 is redesignated so that the number of the sec-  
3           tion, as redesignated, is the number equal to the  
4           previous number plus 3,400.

5           (13) CHAPTER 369.—Sections 3961, 3962,  
6           3963, 3964, 3965, and 3966 are redesignated as  
7           sections 7341, 7342, 7343, 7344, 7345, and 7346,  
8           respectively.

9           (14) CHAPTER 371.—Sections 3991 and 3992  
10          are redesignated as sections 7361 and 7362, respec-  
11          tively.

12          (15) CHAPTER 373.—Sections 4021, 4024,  
13          4025, and 4027 are redesignated as sections 7371,  
14          7374, 7375, and 7377, respectively.

15          (16) CHAPTER 375.—Section 4061 is redesign-  
16          ated as section 7381.

17          (c) SUBTITLE B, PART III, SECTION NUMBERS.—

18           (1) IN GENERAL.—Except as provided in para-  
19           graph (2), each section in part III of such subtitle  
20           is redesignated so that the number of the section, as  
21           redesignated, is the number equal to the previous  
22           number plus 3,100.

23           (2) CHAPTER 407.—Each section in chapter 407  
24           is redesignated so that the number of the section, as

1 redesignated, is the number equal to the previous  
2 number plus 3,070.

3 (d) SUBTITLE B, PART IV, SECTION NUMBERS.—

4 Each section in part IV of such subtitle is redesignated  
5 so that the number of the section, as redesignated, is the  
6 number equal to the previous number plus 3,000.

7 (e) SUBTITLE B CHAPTER NUMBERS.—

8 (1) PART I CHAPTER NUMBERS.—Each chapter  
9 in part I of such subtitle is redesignated so that the  
10 number of the chapter, as redesignated, is the num-  
11 ber equal to the previous number plus 400.

12 (2) PART II CHAPTER NUMBERS.—

13 (A) IN GENERAL.—Except as provided in  
14 subparagraph (B), each chapter in part II of  
15 such subtitle is redesignated so that the number  
16 of the chapter, as redesignated, is the number  
17 equal to the previous number plus 380.

18 (B) OTHER CHAPTERS.—Chapters 367,  
19 369, 371, 373, and 375 are each redesignated  
20 so that the number of the chapter, as redesi-  
21 gnated, is the number equal to the previous  
22 number plus 374.

23 (3) PART III CHAPTER NUMBERS.—Each chap-  
24 ter in part III of such subtitle is redesignated so

1 that the number of the chapter, as redesignated, is  
2 the number equal to the previous number plus 350.

3 (4) PART IV CHAPTER NUMBERS.—Each chap-  
4 ter in part IV of such subtitle is redesignated so  
5 that the number of the chapter, as redesignated, is  
6 the number equal to the previous number plus 330.

7 (f) SUBTITLE B TABLES OF SECTIONS AND TABLES  
8 OF CHAPTERS.—

9 (1) TABLES OF SECTIONS.—The table of sec-  
10 tions at the beginning of each chapter of such sub-  
11 title is revised so as to conform the section ref-  
12 erences in the table to the redesignations made by  
13 subsections (a), (b), (c), and (d).

14 (2) TABLES OF CHAPTERS.—The table of chap-  
15 ters at the beginning of such subtitle, and the tables  
16 of chapters at the beginning of each part of such  
17 subtitle, are revised so as to conform the chapter  
18 references and section references in those tables to  
19 the redesignations made by this section.

20 **SEC. 124. CROSS REFERENCES TO REDESIGNATED SEC-**  
21 **TIONS AND CHAPTERS.**

22 (a) AMENDMENTS TO REFERENCES IN TITLE 10.—  
23 Each provision of title 10, United States Code (including  
24 the table of subtitles preceding subtitle A), that contains  
25 a reference to a section or chapter redesignated by this

1 subtitle is amended so that the reference refers to the  
2 number of the section or chapter as redesignated.

3 (b) DEEMING RULE FOR OTHER REFERENCES.—  
4 Any reference in a provision of law other than title 10,  
5 United States Code, to a section or chapter redesignated  
6 by this subtitle shall be deemed to refer to the section or  
7 chapter as so redesignated.

## 8 **Subtitle C—Repeals of Certain** 9 **Provisions of Law**

### 10 **SEC. 131. REPEAL OF CERTAIN DEFENSE ACQUISITION** 11 **LAWS.**

12 (a) TITLE 10, UNITED STATES CODE.—

13 (1) SECTION 167A.—

14 (A) REPEAL.—Section 167a of title 10,  
15 United States Code, is repealed.

16 (B) CLERICAL AMENDMENT.—The table of  
17 sections at the beginning of chapter 6 of such  
18 title is amended by striking the item relating to  
19 section 167a.

20 (C) CONFORMING AMENDMENT.—Section  
21 905(a)(1) of the John Warner National Defense  
22 Authorization Act for Fiscal Year 2007 (Public  
23 Law 109–364; 10 U.S.C. 133a note) is amend-  
24 ed by striking “166b, 167, or 167a” and insert-  
25 ing “166b or 167”.



1 (2) SECTION 2323.—

2 (A) REPEAL.—Section 2323 of title 10,  
3 United States Code, is repealed.

4 (B) CLERICAL AMENDMENT.—The table of  
5 sections at the beginning of chapter 137 of such  
6 title is amended by striking the item relating to  
7 section 2323.

8 (C) CONFORMING AMENDMENTS.—

9 (i) Section 853(c) of the National De-  
10 fense Authorization Act for Fiscal Year  
11 2004 (Public Law 108–136; 10 U.S.C.  
12 2302 note) is amended by striking “section  
13 2323 of title 10, United States Code,  
14 and”.

15 (ii) Section 831(n) of the National  
16 Defense Authorization Act for Fiscal Year  
17 1991 (Public Law 101–510; 10 U.S.C.  
18 2302 note) is amended—

19 (I) in paragraph (4), by inserting  
20 “, as in effect on March 1, 2018”  
21 after “section 2323 of title 10, United  
22 States Code”; and

23 (II) in paragraph (6), by striking  
24 “section 2323 of title 10, United  
25 States Code, and”.

1 (iii) Subsection (d) of section 811 of  
2 the National Defense Authorization Act for  
3 Fiscal Year 1994 (Public Law 103–160;  
4 10 U.S.C. 2323 note) is repealed.

5 (iv) Section 8304(1) of the Federal  
6 Acquisition Streamlining Act of 1994 (10  
7 U.S.C. 2375 note) is amended by striking  
8 “section 2323 of title 10, United States  
9 Code, or”.

10 (v) Section 10004(a)(1) of the Fed-  
11 eral Acquisition Streamlining Act of 1994  
12 (41 U.S.C. 1122 note) is amended by  
13 striking “section 2323 of title 10, United  
14 States Code, or”.

15 (vi) Section 2304(b)(2) of title 10,  
16 United States Code, is amended by strik-  
17 ing “and concerns other than” and all that  
18 follows through “this title”.

19 (vii) Section 2304e(b) of title 10,  
20 United States Code, is amended—

21 (I) by striking “other than—”  
22 and all that follows through “small”  
23 and inserting “other than small”;

24 (II) by striking “; or” and insert-  
25 ing a period; and

1 (III) by striking paragraph (2).

2 (viii) Section 2323a(a) of title 10,  
3 United States Code, is amended by strik-  
4 ing “section 2323 of this title and”.

5 (ix) Section 15 of the Small Business  
6 Act (15 U.S.C. 644) is amended—

7 (I) in subsection (j)(3), by strik-  
8 ing “section 2323 of title 10, United  
9 States Code,”;

10 (II) in subsection (k)(10), by  
11 striking “or section 2323 of title 10,  
12 United States Code,” and all that fol-  
13 lows through “subsection (m),”; and

14 (III) by striking subsection (m).

15 (x) Section 1902(b)(1) of title 41,  
16 United States Code, is amended by strik-  
17 ing “, section 2323 of title 10,”.

18 (3) SECTION 2332.—

19 (A) REPEAL.—Section 2332 of title 10,  
20 United States Code, is repealed.

21 (B) CLERICAL AMENDMENT.—The table of  
22 sections at the beginning of chapter 137 of such  
23 title is amended by striking the item relating to  
24 section 2332.

1 (b) OTHER PROVISIONS OF LAW.—The following pro-  
2 visions of law are repealed:

3 (1) Section 387(c) of the National Defense Au-  
4 thorization Act for Fiscal Year 1998 (Public Law  
5 105–85; 10 U.S.C. 195 note).

6 (2) Section 801 of the Carl Levin and Howard  
7 P. “Buck” McKeon National Defense Authorization  
8 Act for Fiscal Year 2015 (Public Law 113–291; 10  
9 U.S.C. 2223a note).

10 (3) Section 938 of the National Defense Au-  
11 thorization Act for Fiscal Year 2014 (Public Law  
12 113–66; 10 U.S.C. 2223a note).

13 (4) Section 934 of the National Defense Au-  
14 thorization Act for Fiscal Year 2013 (Public Law  
15 112–239; 10 U.S.C. 2223a note).

16 (5) Section 2867 of the National Defense Au-  
17 thorization Act for Fiscal Year 2012 (Public Law  
18 112–81; 10 U.S.C. 2223a note).

19 (6) Section 215 of the Ike Skelton National De-  
20 fense Authorization Act for Fiscal Year 2011 (Pub-  
21 lic Law 111–383; 10 U.S.C. 2223a note).

22 (7) Section 804 of the National Defense Au-  
23 thorization Act for Fiscal Year 2010 (Public Law  
24 111–84; 10 U.S.C. 2223a note).

1           (8) Section 881 of the National Defense Au-  
2           thorization Act for Fiscal Year 2008 (Public Law  
3           110–181; 10 U.S.C. 2223a note).

4           (9) Section 814(a) of the National Defense Au-  
5           thorization Act for Fiscal Year 2017 (Public Law  
6           114–328; 10 U.S.C. 2302 note).

7           (10) Section 854 of the National Defense Au-  
8           thorization Act for Fiscal Year 2017 (Public Law  
9           114–328; 10 U.S.C. 2302 note).

10          (11) Section 881 of the National Defense Au-  
11          thorization Act for Fiscal Year 2016 (Public Law  
12          114–92; 10 U.S.C. 2302 note).

13          (12) Section 804 of the National Defense Au-  
14          thorization Act for Fiscal Year 2013 (Public Law  
15          112–239; 10 U.S.C. 2302 note).

16          (13) Section 829 of the National Defense Au-  
17          thorization Act for Fiscal Year 2013 (Public Law  
18          112–239; 10 U.S.C. 2302 note).

19          (14) Section 843 of the National Defense Au-  
20          thorization Act for Fiscal Year 2013 (Public Law  
21          112–239; 10 U.S.C. 2302 note).

22          (15) Section 844 of the National Defense Au-  
23          thorization Act for Fiscal Year 2013 (Public Law  
24          112–239; 10 U.S.C. 2302 note).

1           (16) Section 818(g) of the National Defense  
2           Authorization Act for Fiscal Year 2012 (Public Law  
3           112–81; 10 U.S.C. 2302 note).

4           (17) Section 127 of the Ike Skelton National  
5           Defense Authorization Act for Fiscal Year 2011  
6           (Public Law 111–383; 10 U.S.C. 2302 note).

7           (18) Section 815(b) of the National Defense  
8           Authorization Act for Fiscal Year 2008 (Public Law  
9           110–181; 10 U.S.C. 2302 note).

10          (19) Section 812 of the John Warner National  
11          Defense Authorization Act for Fiscal Year 2007  
12          (Public Law 109–364; 10 U.S.C. 2302 note).

13          (20) Section 806 of the National Defense Au-  
14          thorization Act for Fiscal Year 2006 (Public Law  
15          109–163; 10 U.S.C. 2302 note).

16          (21) Section 817 of the National Defense Au-  
17          thorization Act for Fiscal Year 2006 (Public Law  
18          109–163; 10 U.S.C. 2302 note).

19          (22) Section 141 of the Ronald W. Reagan Na-  
20          tional Defense Authorization Act for Fiscal Year  
21          2005 (Public Law 108–375; 10 U.S.C. 2302 note).

22          (23) Section 802 of the Ronald W. Reagan Na-  
23          tional Defense Authorization Act for Fiscal Year  
24          2005 (Public Law 108–375; 10 U.S.C. 2302 note).

1           (24) Section 801(b) of the National Defense  
2           Authorization Act for Fiscal Year 2004 (Public Law  
3           108–136; 10 U.S.C. 2302 note).

4           (25) Section 805(a) of the National Defense  
5           Authorization Act for Fiscal Year 2004 (Public Law  
6           108–136; 10 U.S.C. 2302 note).

7           (26) Section 352 of the Bob Stump National  
8           Defense Authorization Act for Fiscal Year 2003  
9           (Public Law 107–314; 10 U.S.C. 2302 note).

10          (27) Section 326 of the National Defense Au-  
11          thorization Act for Fiscal Year 1993 (Public Law  
12          102–484; 10 U.S.C. 2302 note).

13          (28) Section 9004 of the Department of De-  
14          fense Appropriations Act, 1990 (Public Law 101–  
15          165; 10 U.S.C. 2302 note).

16          (29) Section 913 of the Department of Defense  
17          Authorization Act, 1986 (Public Law 99–145; 10  
18          U.S.C. 2302 note).

19          (30) Section 895 of the National Defense Au-  
20          thorization Act for Fiscal Year 2016 (Public Law  
21          114–92; 10 U.S.C. 2304 note).

22          (31) Section 802 of the Duncan Hunter Na-  
23          tional Defense Authorization Act for Fiscal Year  
24          2009 (Public Law 110–417; 10 U.S.C. 2304 note).

1           (32) Section 821 of the National Defense Au-  
2           thorization Act for Fiscal Year 2008 (Public Law  
3           110–181; 10 U.S.C. 2304 note).

4           (33) Section 813 of the John Warner National  
5           Defense Authorization Act for Fiscal Year 2007  
6           (Public Law 109–364; 10 U.S.C. 2304 note).

7           (34) Section 391 of the National Defense Au-  
8           thorization Act for Fiscal Year 1998 (Public Law  
9           105–85; 10 U.S.C. 2304 note).

10          (35) Section 927(b) of Public Laws 99–500,  
11          99–591, and 99–661 (10 U.S.C. 2304 note).

12          (36) Section 1222(b) of the National Defense  
13          Authorization Act for Fiscal Year 1987 (Public Law  
14          99–661; 10 U.S.C. 2304 note).

15          (37) Section 814(b) of the National Defense  
16          Authorization Act for Fiscal Year 2010 (Public Law  
17          111–84; 10 U.S.C. 2304a note).

18          (38) Section 834 of the John Warner National  
19          Defense Authorization Act for Fiscal Year 2007  
20          (Public Law 109–364; 10 U.S.C. 2304b note).

21          (39) Section 803 of the Strom Thurmond Na-  
22          tional Defense Authorization Act for Fiscal Year  
23          1999 (Public Law 105–261; 10 U.S.C. 2306a note).



1           (40) Section 842 of the National Defense Au-  
2           thorization Act for Fiscal Year 2012 (Public Law  
3           112–81; 10 U.S.C. 2313 note).

4           (41) Section 1075 of the National Defense Au-  
5           thorization Act for Fiscal Year 1995 (Public Law  
6           103–337; 10 U.S.C. 2315 note).

7           (42) Section 824(a) of the Ike Skelton National  
8           Defense Authorization Act for Fiscal Year 2011  
9           (Public Law 111–383; 10 U.S.C. 2320 note).

10          (43) Section 818 of the National Defense Au-  
11          thorization Act for Fiscal Year 1995 (Public Law  
12          103–337; 10 U.S.C. 2324 note).

13          (44) Section 812 of the National Defense Au-  
14          thorization Act for Fiscal Year 2010 (Public Law  
15          111–84; 10 U.S.C. 2326 note).

16          (45) Sections 908(a), (b), (c), and (e) of Public  
17          Laws 99–500, 99–591, and 99–661 (10 U.S.C.  
18          2326 note).

19          (46) Section 803(a) of the National Defense  
20          Authorization Act for Fiscal Year 2017 (Public Law  
21          114–328; 10 U.S.C. 2330 note).

22          (47) Section 882 of the National Defense Au-  
23          thorization Act for Fiscal Year 2016 (Public Law  
24          114–92; 10 U.S.C. 2330 note).

1 (48) Section 807 of the National Defense Au-  
2 thorization Act for Fiscal Year 2012 (Public Law  
3 112–81; 10 U.S.C. 2330 note).

4 (49) Section 863(a)–(h) of the Ike Skelton Na-  
5 tional Defense Authorization Act for Fiscal Year  
6 2011 (Public Law 111–383; 10 U.S.C. 2330 note).

7 (50) Section 805 of the National Defense Au-  
8 thorization Act for Fiscal Year 2008 (Public Law  
9 110–181; 10 U.S.C. 2330 note).

10 (51) Section 808 of the National Defense Au-  
11 thorization Act for Fiscal Year 2008 (Public Law  
12 110–181; 10 U.S.C. 2330 note).

13 (52) Section 812(b)–(c) of the National Defense  
14 Authorization Act for Fiscal Year 2006 (Public Law  
15 109–163; 10 U.S.C. 2330 note).

16 (53) Section 801(d)–(f) of the National Defense  
17 Authorization Act for Fiscal Year 2002 (Public Law  
18 107–107; 10 U.S.C. 2330 note).

19 (54) Section 802 of the National Defense Au-  
20 thorization Act for Fiscal Year 2002 (Public Law  
21 107–107; 10 U.S.C. 2330 note).

22 (55) Section 831 of the Duncan Hunter Na-  
23 tional Defense Authorization Act for Fiscal Year  
24 2009 (Public Law 110–417; 10 U.S.C. 2330a note).

1           (56) Section 1032 of the Bob Stump National  
2 Defense Authorization Act for Fiscal Year 2003  
3 (Public Law 107–314; 10 U.S.C. 2358 note).

4           (57) Section 241 of the Bob Stump National  
5 Defense Authorization Act for Fiscal Year 2003  
6 (Public Law 107–314; 10 U.S.C. 2358 note).

7           (58) Section 606 of Public Law 92–436 (10  
8 U.S.C. 2358 note).

9           (59) Section 913(b) of the National Defense  
10 Authorization Act for Fiscal Year 2000 (Public Law  
11 106–65; 10 U.S.C. 2364 note).

12           (60) Sections 234(a) and (b) of the National  
13 Defense Authorization Act for Fiscal Year 1987  
14 (Public Law 99–661; 10 U.S.C. 2364 note).

15           (61) Section 943(b) of the National Defense  
16 Authorization Act for Fiscal Year 2008 (Public Law  
17 110–181; 10 U.S.C. 2366a note).

18           (62) Section 844(b) of the National Defense  
19 Authorization Act for Fiscal Year 2016 (Public Law  
20 114–92; 10 U.S.C. 2377 note).

21           (63) Section 801 of the National Defense Au-  
22 thorization Act for Fiscal Year 1990 (Public Law  
23 101–189; 10 U.S.C. 2399 note).

1           (64) Section 8133 of the Department of De-  
2       fense Appropriations Act, 2000 (Public Law 106-  
3       79; 10 U.S.C. 2401a note).

4           (65) Section 807(b) of the John Warner Na-  
5       tional Defense Authorization Act for Fiscal Year  
6       2007 (Public Law 109-364; 10 U.S.C. 2410p note).

7           (66) Section 825(c)(1)-(2) of the National De-  
8       fense Authorization Act for Fiscal Year 2016 (Pub-  
9       lic Law 114-92; 10 U.S.C. 2430 note).

10          (67) Section 1058 of the Carl Levin and How-  
11       ard P. “Buck” McKeon National Defense Authoriza-  
12       tion Act for Fiscal Year 2015 (Public Law 113-291;  
13       10 U.S.C. 2430 note).

14          (68) Section 837 of the National Defense Au-  
15       thorization Act for Fiscal Year 1994 (Public Law  
16       103-160; 10 U.S.C. 2430 note).

17          (69) Section 838 of the National Defense Au-  
18       thorization Act for Fiscal Year 1994 (Public Law  
19       103-160; 10 U.S.C. 2430 note).

20          (70) Section 809 of the National Defense Au-  
21       thorization Act for Fiscal Year 1991 (Public Law  
22       101-510; 10 U.S.C. 2430 note).

23          (71) Section 833 of the National Defense Au-  
24       thorization Act for Fiscal Year 1994 (Public Law  
25       103-160; 10 U.S.C. 2430 note).

1           (72) Section 839 of the National Defense Au-  
2           thorization Act for Fiscal Year 1994 (Public Law  
3           103–160; 10 U.S.C. 2430 note).

4           (73) Section 819 of the National Defense Au-  
5           thorization Act for Fiscal Year 1995 (Public Law  
6           103–337; 10 U.S.C. 2430 note).

7           (74) Section 5064 of the Federal Acquisition  
8           Streamlining Act of 1994 (Public Law 103–355; 10  
9           U.S.C. 2430 note).

10          (75) Section 803 of the National Defense Au-  
11          thorization Act for Fiscal Year 1997 (Public Law  
12          104–201; 10 U.S.C. 2430 note).

13          (76) Section 1215 of the Department of De-  
14          fense Authorization Act, 1984 (Public Law 98–94;  
15          10 U.S.C. 2452 note).

16          (77) Section 828 of the National Defense Au-  
17          thorization Act for Fiscal Year 2010 (Public Law  
18          111–84; 10 U.S.C. 2458 note).

19          (78) Section 347 of the Strom Thurmond Na-  
20          tional Defense Authorization Act for Fiscal Year  
21          1999 (Public Law 105–261; 10 U.S.C. 2458 note).

22          (79) Section 349 of the Strom Thurmond Na-  
23          tional Defense Authorization Act for Fiscal Year  
24          1999 (Public Law 105–261; 10 U.S.C. 2458 note).

1           (80) Section 395 of the National Defense Au-  
2           thorization Act for Fiscal Year 1998 (Public Law  
3           105–85; 10 U.S.C. 2458 note).

4           (81) Section 352 of the National Defense Au-  
5           thorization Act for Fiscal Year 1996 (Public Law  
6           104–106; 10 U.S.C. 2458 note).

7           (82) Section 325 of the Ronald W. Reagan Na-  
8           tional Defense Authorization Act for Fiscal Year  
9           2005 (Public Law 108–375; 10 U.S.C. 2461 note).

10          (83) Section 336 of the National Defense Au-  
11          thorization Act for Fiscal Year 2004 (Public Law  
12          108–136; 10 U.S.C. 2461 note).

13          (84) Section 353(a) of the National Defense  
14          Authorization Act for Fiscal Year 1996 (Public Law  
15          104–106; 10 U.S.C. 2461 note).

16          (85) Section 353(b) of the National Defense  
17          Authorization Act for Fiscal Year 1996 (Public Law  
18          104–106; 10 U.S.C. 2461 note).

19          (86) Section 356 of the National Defense Au-  
20          thorization Act for Fiscal Year 1996 (Public Law  
21          104–106; 10 U.S.C. 2461 note).

22          (87) Section 1010 of the USA Patriot Act of  
23          2001 (Public Law 107–56; 10 U.S.C. 2465 note).

1 (88) Section 4101 of the National Defense Au-  
2 thORIZATION Act for Fiscal Year 1993 (Public Law  
3 102–484; 10 U.S.C. 2500 note).

4 (89) Section 1118 of the National Defense Au-  
5 thORIZATION Act for Fiscal Year 1995 (Public Law  
6 103–337; 10 U.S.C. 2501 note).

7 (90) Section 852 of the National Defense Au-  
8 thORIZATION Act for Fiscal Year 2012 (Public Law  
9 112–81; 10 U.S.C. 2504 note).

10 (91) Section 238(b) of the National Defense  
11 Authorization Act for Fiscal Year 2008 (Public Law  
12 110–181; 10 U.S.C. 2521 note).

13 (92) Section 823 of the National Defense Au-  
14 thORIZATION Act for Fiscal Year 2004 (Public Law  
15 108–136; 10 U.S.C. 2521 note).

16 (93) Section 823 of the Ike Skelton National  
17 Defense Authorization Act for Fiscal Year 2011  
18 (Public Law 111–383; 10 U.S.C. 2533b note).

19 (94) Section 804(h) of the National Defense  
20 Authorization Act for Fiscal Year 2008 (Public Law  
21 110–181; 10 U.S.C. 2533b note).

22 (95) Section 842(b) of the John Warner Na-  
23 tional Defense Authorization Act for Fiscal Year  
24 2007 (Public Law 109–364; 10 U.S.C. 2533b note).

1 (96) Section 1081(c) of the National Defense  
2 Authorization Act for Fiscal Year 2007 (Public Law  
3 106–398; 10 U.S.C. 2540c note).

4 (97) Section 343 of the Floyd D. Spence Na-  
5 tional Defense Authorization Act for Fiscal Year  
6 2001 (as enacted into law by Public Law 106–398;  
7 10 U.S.C. 4551 note).

8 **SEC. 132. REPEAL OF STATUTORY REQUIREMENT FOR CER-**  
9 **TAIN POSITIONS OR OFFICES IN THE DE-**  
10 **PARTMENT OF DEFENSE.**

11 (a) REPEAL OF STATUTORY REQUIREMENT FOR DI-  
12 RECTOR OF CORROSION POLICY AND OVERSIGHT.—

13 (1) REPEAL.—

14 (A) IN GENERAL.—Section 2228 of title  
15 10, United States Code, is repealed.

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

20 (2) CONFORMING AMENDMENTS.—

21 (A) Section 131(b)(9) of such title is  
22 amended by striking subparagraph (H).

23 (B) The National Defense Authorization  
24 Act for Fiscal Year 2017 (Public Law 114–  
25 328) is amended—



1 (i) by striking section 322 (10 U.S.C.  
2 2228 note); and

3 (ii) in section 1061(c) (10 U.S.C. 111  
4 note) by striking paragraph (36).

5 (C) Section 324 of the National Defense  
6 Authorization Act for Fiscal Year 2012 (Public  
7 Law 112–81; 125 Stat 1362; 10 U.S.C. 2228  
8 note) is amended by striking subsection (d).

9 (D) Section 903(b) of the Duncan Hunter  
10 National Defense Authorization Act for Fiscal  
11 Year 2009 is amended by striking paragraph  
12 (4).

13 (E) Section 1067 of the Bob Stump Na-  
14 tional Defense Authorization Act for Fiscal  
15 Year 2003 (Public Law 107–314; 116 Stat.  
16 2658, 2659; 10 U.S.C. 2228 note) is amended  
17 by striking subsections (b), (c), (d), and (e).

18 (b) REPEAL OF STATUTORY REQUIREMENT FOR DI-  
19 RECTOR OF THE OFFICE OF PERFORMANCE ASSESSMENT  
20 AND ROOT CAUSE ANALYSIS.—

21 (1) REPEAL.—

22 (A) IN GENERAL.—Section 2438 of title  
23 10, United States Code, is repealed.

24 (B) CLERICAL AMENDMENT.—The table of  
25 sections at the beginning of chapter 144 of such

1 title is amended by striking the item relating to  
2 section 2438.

3 (2) CONFORMING AMENDMENTS.—

4 (A) Section 131(b)(9) of such title is  
5 amended by striking subparagraph (I).

6 (B) Section 2548(a) of such title is amend-  
7 ed by striking “, the Director of Procurement  
8 and Acquisition Policy, and the Director of the  
9 Office of Performance Assessment and Root  
10 Cause Analysis,” and inserting “and the Direc-  
11 tor of Procurement and Acquisition Policy”.

12 (C) Section 882 of the Ike Skelton Na-  
13 tional Defense Authorization Act for Fiscal  
14 Year 2011 (Public Law 111–383; 10 U.S.C.  
15 2222 note) is amended by striking subsection  
16 (a).

17 (c) REPEAL OF STATUTORY REQUIREMENT FOR OF-  
18 FICE OF TECHNOLOGY TRANSITION.—

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

21 (2) CLERICAL AMENDMENT.—The table of sec-  
22 tions at the beginning of subchapter III of chapter  
23 148 of such title is amended by striking the item re-  
24 lating to section 2515.

1 (d) REPEAL OF STATUTORY REQUIREMENT FOR OF-  
2 FICE FOR FOREIGN DEFENSE CRITICAL TECHNOLOGY  
3 MONITORING AND ASSESSMENT.—

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

6 (2) CLERICAL AMENDMENT.—The table of sec-  
7 tions at the beginning of subchapter III of chapter  
8 148 of such title is amended by striking the item re-  
9 lating to section 2517.

10 (e) REPEAL OF STATUTORY REQUIREMENT FOR  
11 SMALL BUSINESS OMBUDSMAN FOR DEFENSE CONTRACT  
12 AUDIT AGENCY AND DEFENSE CONTRACT MANAGEMENT  
13 AGENCY.—

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

16 (2) CLERICAL AMENDMENT.—The table of sec-  
17 tions at the beginning of subchapter II of chapter 8  
18 of such title is amended by striking the item relating  
19 to section 204.

20 (f) REPEAL OF STATUTORY REQUIREMENT FOR DE-  
21 FENSE LOGISTICS AGENCY ADVOCATE FOR COMPETI-  
22 TION.—

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

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

1 (B) by striking “(b)” before “Each advo-  
2 cate”.

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

5 (A) by striking “advocate for competition  
6 of” and inserting “advocate for competition  
7 designated pursuant to section 1705(a) of title  
8 41 for”; and

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

14 (g) REPEAL OF STATUTORY REQUIREMENT FOR  
15 JOINT HYPERSONICS TRANSITION OFFICE.—Section 218  
16 of the John Warner National Defense Authorization Act  
17 for Fiscal Year 2007 (Public Law 109–364; 10 U.S.C.  
18 2358 note) is repealed.

19 (h) SUNSET FOR STATUTORY DESIGNATION OF SEN-  
20 IOR DEPARTMENT OF DEFENSE OFFICIAL WITH PRIN-  
21 CIPAL RESPONSIBILITY FOR DIRECTED ENERGY WEAP-  
22 ONS.—Section 219 of the National Defense Authorization  
23 Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C.  
24 2431 note) is amended by adding at the end the following  
25 new subsection:

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

4           (i) REPEAL OF STATUTORY REQUIREMENT FOR DES-  
5 IGNATION OF INDIVIDUAL TO SERVE AS PRIMARY LIAISON  
6 BETWEEN THE PROCUREMENT AND RESEARCH AND DE-  
7 VELOPMENT ACTIVITIES OF THE UNITED STATES ARMED  
8 FORCES AND THOSE OF THE STATE OF ISRAEL.—Section  
9 1006 of the National Defense Authorization Act, Fiscal  
10 Year 1989 (Public Law 100–456; 102 Stat. 2040; 10  
11 U.S.C. 133a note) is repealed.

12           (j) REPEAL OF STATUTORY REQUIREMENT FOR DES-  
13 IGNATION OF SENIOR OFFICIAL TO COORDINATE AND  
14 MANAGE HUMAN SYSTEMS INTEGRATION ACTIVITIES RE-  
15 LATED TO ACQUISITION PROGRAMS.—Section 231 of the  
16 National Defense Authorization Act for Fiscal Year 2008  
17 (Public Law 110–181; 122 Stat. 45; 10 U.S.C. 1701 note)  
18 is amended—

19                 (1) by striking “(a) IN GENERAL.—”; and

20                 (2) by striking subsections (b), (c), and (d).

21           (k) REPEAL OF STATUTORY REQUIREMENT FOR  
22 DESIGNATION OF SENIOR OFFICIAL RESPONSIBLE FOR  
23 FOCUS ON URGENT OPERATIONAL NEEDS AND RAPID  
24 ACQUISITION.—Section 902 of the National Defense Au-

1 thORIZATION Act for Fiscal Year 2013 (Public Law 112–  
2 239; 126 Stat. 1865; 10 U.S.C. 2302 note) is repealed.

3 (l) REPEAL OF STATUTORY REQUIREMENT FOR DES-  
4 IGNATION OF SENIOR OFFICIAL RESPONSIBLE FOR DUAL-  
5 USE PROJECTS UNDER DUAL-USE SCIENCE AND TECH-  
6 NOLOGY PROGRAM.—Section 203 of the National Defense  
7 Authorization Act for Fiscal Year 1998 (Public Law 105–  
8 85; 10 U.S.C. 2511 note) is amended by striking sub-  
9 section (c).

10 (m) REPEAL OF STATUTORY REQUIREMENT FOR  
11 DESIGNATION OF SENIOR OFFICIAL AS EXECUTIVE  
12 AGENT FOR PRINTED CIRCUIT BOARD TECHNOLOGY.—  
13 Section 256 of the National Defense Authorization Act for  
14 Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4404;  
15 10 U.S.C. 2501 note) is repealed.

16 **SEC. 133. REPEAL OF CERTAIN DEPARTMENT OF DEFENSE**  
17 **REPORTING REQUIREMENTS THAT OTHER-**  
18 **WISE TERMINATE AS OF DECEMBER 31, 2021.**

19 (a) AMENDMENTS TO TITLE 10, UNITED STATE  
20 CODE.—Title 10, United States Code, is amended as fol-  
21 lows:

22 (1) SECTION 2275.—

23 (A) REPEAL.—Section 2275, relating to  
24 reports on integration of acquisition and capa-  
25 bility delivery schedules for segments of major

1 satellite acquisition programs and funding for  
2 such programs, is repealed.

3 (B) CLERICAL AMENDMENT.—The table of  
4 sections at the beginning of chapter 135 is  
5 amended by striking the item relating to section  
6 2275.

7 (2) SECTION 2276.—Section 2276, relating to  
8 commercial space launch cooperation, is amended by  
9 striking subsection (e).

10 (3) SECTION 10543.—Section 10543, relating to  
11 National Guard and reserve component equipment  
12 procurement and military construction funding, is  
13 amended—

14 (A) by striking subsections (a) and (c);  
15 and

16 (B) by striking “(b) ASSOCIATED AN-  
17 NEXES.—”.

18 (b) NDAA FOR FY 2007.—Section 122 of the John  
19 Warner National Defense Authorization Act for Fiscal  
20 Year 2007 (Public Law 109–364; 120 Stat. 2104), as  
21 amended by section 121 of the National Defense Author-  
22 ization Act for Fiscal Year 2014 (Public Law 113–66; 127  
23 Stat. 691), relating to the CVN–78 class aircraft carrier  
24 program, is amended by striking subsection (d).

1 (c) NDAA FOR FY 2011.—Section 1217 of the Ike  
2 Skelton National Defense Authorization Act for Fiscal  
3 Year 2011 (Public Law 111–383; 22 U.S.C. 7513 note),  
4 relating to authority to establish a program to develop and  
5 carry out infrastructure projects in Afghanistan, is  
6 amended by striking subsection (i).

7 (d) NDAA FOR FY 2013.—Section 904(h) of the Na-  
8 tional Defense Authorization Act for Fiscal Year 2013  
9 (Public Law 112–239; 10 U.S.C. 133 note), relating to  
10 recommendations of the Deputy Assistant Secretary of  
11 Defense for Developmental Test and Evaluation, is  
12 amended—

13 (1) by striking “REPORTS TO CONGRESS” and  
14 all that follows through “(3) ADDITIONAL CONGRES-  
15 SIONAL NOTIFICATION.—” and inserting “CONGRES-  
16 SIONAL NOTIFICATION.—”; and

17 (2) by striking “Under Secretary of Defense for  
18 Acquisition, Technology, and Logistics” and insert-  
19 ing “Under Secretary of Defense for Research and  
20 Engineering”.

21 (e) NDAA FOR FY 2015.—Section 1026(d) of the  
22 Carl Levin and Howard P. “Buck” McKeon National De-  
23 fense Authorization Act for Fiscal Year 2015 (Public Law  
24 113–291; 128 Stat. 3490), relating to availability of funds



1 for retirement or inactivation of Ticonderoga-class cruis-  
2 ers or dock landing ships, is repealed.

3 (f) CONFORMING AMENDMENTS.—Section 1061 of  
4 the National Defense Authorization Act for Fiscal Year  
5 2017 (Public Law 114–328; 10 U.S.C. 111 note) is  
6 amended—

7 (1) in subsection (c), by striking paragraphs  
8 (40), (41), and (63);

9 (2) in subsection (d), by striking paragraph (3);

10 (3) in subsection (f), by striking paragraph (2);

11 and

12 (4) in subsection (g), by striking paragraph (3).

## 13 **TITLE II—ACQUISITION AGILITY**

### 14 **SEC. 201. REVISION OF DEFINITION OF COMMERCIAL ITEM**

#### 15 **FOR PURPOSES OF FEDERAL ACQUISITION**

#### 16 **STATUTES.**

17 (a) DEFINITIONS IN CHAPTER 1 OF TITLE 41,  
18 UNITED STATES CODE.—

19 (1) SEPARATION OF “COMMERCIAL ITEM” DEF-  
20 INITION INTO DEFINITIONS OF “COMMERCIAL PROD-  
21 UCT” AND “COMMERCIAL SERVICE”.—Chapter 1 of  
22 title 41, United States Code, is amended by striking  
23 section 103 and inserting the following new sections:

1 **“§ 103. Commercial product**

2 “In this subtitle, the term ‘commercial product’  
3 means any of the following:

4 “(1) A product, other than real property,  
5 that—

6 “(A) is of a type customarily used by the  
7 general public or by nongovernmental entities  
8 for purposes other than governmental purposes;  
9 and

10 “(B) has been sold, leased, or licensed, or  
11 offered for sale, lease, or license, to the general  
12 public.

13 “(2) A product that—

14 “(A) evolved from a product described in  
15 paragraph (1) through advances in technology  
16 or performance; and

17 “(B) is not yet available in the commercial  
18 marketplace but will be available in the com-  
19 mercial marketplace in time to satisfy the deliv-  
20 ery requirements under a Federal Government  
21 solicitation.

22 “(3) A product that would satisfy the criteria in  
23 paragraph (1) or (2) were it not for—

24 “(A) modifications of a type customarily  
25 available in the commercial marketplace; or

1           “(B) minor modifications made to meet  
2           Federal Government requirements.

3           “(4) A product that—

4           “(A) is produced in response to a Federal  
5           Government drawing or specification; and

6           “(B) is ordinarily produced using customer  
7           drawings or specifications for the general public  
8           using the same workforce, plant, or equipment.

9           “(5) Any combination of products meeting the  
10          requirements of paragraph (1), (2), (3), or (4) that  
11          are of a type customarily combined and sold in com-  
12          bination to the general public.

13          “(6) A product, or combination of products, re-  
14          ferred to in paragraphs (1) through (5), even though  
15          the product, or combination of products, is trans-  
16          ferred between or among separate divisions, subsidi-  
17          aries, or affiliates of a contractor.

18          “(7) A nondevelopmental item if the procuring  
19          agency determines, in accordance with conditions in  
20          the Federal Acquisition Regulation, that—

21          “(A) the product was developed exclusively  
22          at private expense; and

23          “(B) has been sold in substantial quan-  
24          tities, on a competitive basis, to multiple State

1           and local governments or to multiple foreign  
2           governments.

3   **“§ 103a. Commercial service**

4           “In this subtitle, the term ‘commercial service’ means  
5 any of the following:

6           “(1) Installation services, maintenance services,  
7           repair services, training services, and other services  
8           if—

9                   “(A) those services are procured for sup-  
10                   port of a commercial product, regardless of  
11                   whether the services are provided by the same  
12                   source or at the same time as the commercial  
13                   product; and

14                   “(B) the source of the services provides  
15                   similar services contemporaneously to the gen-  
16                   eral public under terms and conditions similar  
17                   to those offered to the Federal Government;

18           “(2) Services of a type offered and sold com-  
19           petitively, in substantial quantities, in the commer-  
20           cial marketplace—

21                   “(A) based on established catalog or mar-  
22                   ket prices;

23                   “(B) for specific tasks performed or spe-  
24                   cific outcomes to be achieved; and

1                   “(C) under standard commercial terms and  
2                   conditions.

3                   “(3) A service, even though the service is trans-  
4                   ferred between or among separate divisions, subsidi-  
5                   aries, or affiliates of a contractor.”.

6                   (2) REPEAL OF DEFINITION OF COMMERCIALY  
7                   AVAILABLE OFF-THE-SHELF ITEM.—Section 104 of  
8                   such title is repealed.

9                   (3) CONFORMING AMENDMENTS TO TITLE 41  
10                  DEFINITIONS.—

11                  (A) DEFINITION OF COMMERCIAL COMPO-  
12                  NENT.—Section 102 of such title is amended by  
13                  striking “commercial item” and inserting “com-  
14                  mercial product”.

15                  (B) DEFINITION OF NONDEVELOPMENTAL  
16                  ITEM.—Section 110(1) of such title is amended  
17                  by striking “commercial item” and inserting  
18                  “commercial product”.

19                  (4) CLERICAL AMENDMENT.—The table of sec-  
20                  tions at the beginning of chapter 1 of title 41,  
21                  United States Code, is amended by striking the  
22                  items relating to sections 103 and 104 and inserting  
23                  the following new items:

“103. Commercial product.  
“103a. Commercial service.”.

1 (b) CONFORMING AMENDMENTS TO OTHER PROVI-  
2 SIONS OF TITLE 41, UNITED STATES CODE.—Title 41,  
3 United States Code, is further amended as follows:

4 (1) Section 1502(b) is amended—

5 (A) in paragraph (1)(A), by striking “com-  
6 mercial items” and inserting “commercial prod-  
7 ucts or commercial services”;

8 (B) in paragraph (1)(C)(i), by striking  
9 “commercial item” and inserting “commercial  
10 product or commercial service”; and

11 (C) in paragraph (3)(A)(i), by striking  
12 “commercial items” and inserting “commercial  
13 products or commercial services”.

14 (2) Section 1705(c) is amended by striking  
15 “commercial items” and inserting “commercial prod-  
16 ucts and commercial services”.

17 (3) Section 1708 is amended by striking “com-  
18 mercial items” in subsections (c)(6) and (e)(3) and  
19 inserting “commercial products or commercial serv-  
20 ices”.

21 (4) Section 1901 is amended—

22 (A) in subsection (a)(2), by striking “com-  
23 mercial items” and inserting “commercial prod-  
24 ucts or commercial services”; and

25 (B) in subsection (e)—

1 (i) by striking “COMMERCIAL ITEMS”  
2 in the subsection heading and inserting  
3 “COMMERCIAL PRODUCTS AND COMMER-  
4 CIAL SERVICES”; and

5 (ii) by striking “commercial items”  
6 and inserting “commercial products or  
7 commercial services”.

8 (5) Section 1903(c) is amended—

9 (A) in the subsection heading, by striking  
10 “COMMERCIAL ITEM” and inserting “COMMER-  
11 CIAL PRODUCT OR COMMERCIAL SERVICE”;

12 (B) in paragraph (1), by striking “as a  
13 commercial item” and inserting “as a commer-  
14 cial product or a commercial service”; and

15 (C) in paragraph (2), by striking “for an  
16 item or service treated as a commercial item”  
17 and inserting “for a product or service treated  
18 as a commercial product or a commercial serv-  
19 ice”.

20 (6)(A) Section 1906 is amended by striking  
21 “commercial items” each place it appears in sub-  
22 sections (b), (c), and (d) and inserting “commercial  
23 products or commercial services”.

24 (B)(i) The heading of such section is amended  
25 to read as follows:

1 **“§ 1906. List of laws inapplicable to procurements of**  
2 **commercial products and commercial**  
3 **services”.**

4 (ii) The table of sections at the beginning of  
5 chapter 19 is amended by striking the item relating  
6 to section 1906 and inserting the following new  
7 item:

“1906. List of laws inapplicable to procurements of commercial products and  
commercial services.”.

8 (7)(A) Section 1907 is repealed.

9 (B) The table of sections at the beginning of  
10 chapter 19 is amended by striking the item relating  
11 to section 1907.

12 (8) Section 3304 is amended by striking “com-  
13 mercial item” in subsections (a)(5) and (e)(4)(B)  
14 and inserting “commercial product”.

15 (9) Section 3305(a)(2) is amended by striking  
16 “commercial items” and inserting “commercial prod-  
17 ucts or commercial services”.

18 (10) Section 3306(b) is amended by striking  
19 “commercial items” and inserting “commercial prod-  
20 ucts or commercial services”.

21 (11)(A) Section 3307 is amended—

22 (i) in subsection (a)—

23 (I) by striking “COMMERCIAL ITEMS”

24 in the subsection heading and inserting



1 “COMMERCIAL PRODUCTS AND COMMER-  
2 CIAL SERVICES”;

3 (II) in paragraph (1), by striking  
4 “commercial items” and inserting “com-  
5 mercial products and commercial services”;  
6 and

7 (III) in paragraph (2), by striking “a  
8 commercial item” and inserting “a com-  
9 mercial product or commercial service”;  
10 (ii) in subsection (b)—

11 (I) in paragraph (2), by striking  
12 “commercial items or, to the extent that  
13 commercial items suitable to meet the ex-  
14 ecutive agency’s needs are not available,  
15 nondevelopmental items other than com-  
16 mercial items” and inserting “commercial  
17 services or commercial products or, to the  
18 extent that commercial products suitable to  
19 meet the executive agency’s needs are not  
20 available, nondevelopmental items other  
21 than commercial products”; and

22 (II) in paragraph (3), by striking  
23 “commercial items and nondevelopmental  
24 items other than commercial items” and  
25 inserting “commercial services, commercial

1 products, and nondevelopmental items  
2 other than commercial products”;

3 (iii) in subsection (c)—

4 (I) in paragraphs (1) and (2), by  
5 striking “commercial items or nondevelop-  
6 mental items other than commercial items”  
7 and inserting “commercial services or com-  
8 mercial products or nondevelopmental  
9 items other than commercial products”;

10 (II) in paragraphs (3) and (4), by  
11 striking “commercial items or, to the ex-  
12 tent that commercial items suitable to  
13 meet the executive agency’s needs are not  
14 available, nondevelopmental items other  
15 than commercial items” and inserting  
16 “commercial services or commercial prod-  
17 ucts or, to the extent that commercial  
18 products suitable to meet the executive  
19 agency’s needs are not available, non-  
20 developmental items other than commercial  
21 products”; and

22 (III) in paragraphs (5) and (6), by  
23 striking “commercial items” and inserting  
24 “commercial products and commercial  
25 services”;

1 (iv) in subsection (d)(2), by striking “com-  
2 mercial items or, to the extent that commercial  
3 items suitable to meet the executive agency’s  
4 needs are not available, nondevelopmental items  
5 other than commercial items” and inserting  
6 “commercial services or commercial products  
7 or, to the extent that commercial products suit-  
8 able to meet the executive agency’s needs are  
9 not available, nondevelopmental items other  
10 than commercial products”; and

11 (v) in subsection (e)—

12 (I) in paragraph (1), by inserting  
13 “103a, 104,” after “sections 102, 103,”;

14 (II) in paragraph (2)(A), by striking  
15 “commercial items” and inserting “com-  
16 mercial products or commercial services”;

17 (III) in the first sentence of para-  
18 graph (2)(B), by striking “commercial end  
19 items” and inserting “end items that are  
20 commercial products”;

21 (IV) in paragraphs (2)(B)(i), (2)(C)(i)  
22 and (2)(D), by striking “commercial items  
23 or commercial components” and inserting  
24 “commercial products, commercial compo-  
25 nents, or commercial services”;

1 (V) in paragraph (2)(C), in the mat-  
2 ter preceding clause (i), by striking “com-  
3 mercial items” and inserting “commercial  
4 products or commercial services”;

5 (VI) in paragraph (4)(A), by striking  
6 “commercial items” and inserting “com-  
7 mercial products or commercial services”;

8 (VII) in paragraph (4)(C)(i), by strik-  
9 ing “commercial item, as described in sec-  
10 tion 103(5)” and inserting “commercial  
11 product, as described in section 103a(1)”;  
12 and

13 (VIII) in paragraph (5), by striking  
14 “items” each place it appears and insert-  
15 ing “products”.

16 (B)(i) The heading of such section is amended  
17 to read as follows:

18 **“§ 3307. Preference for commercial products and**  
19 **commercial services”.**

20 (ii) The table of sections at the beginning of  
21 chapter 33 is amended by striking the item relating  
22 to section 3307 and inserting the following new  
23 item:

“3307. Preference for commercial products and commercial services.”.

24 (12) Section 3501 is amended—

25 (A) in subsection (a)—

1 (i) by striking paragraph (1);

2 (ii) by redesignating paragraphs (2)

3 and (3) as paragraphs (1) and (2), respec-

4 tively; and

5 (iii) in paragraph (2) (as so redesign-

6 nated), by striking “commercial items”

7 and inserting “commercial products or

8 commercial services”; and

9 (B) in subsection (b)—

10 (i) by striking “ITEM” in the heading

11 for paragraph (1); and

12 (ii) by striking “commercial items” in

13 paragraphs (1) and (2)(A) and inserting

14 “commercial services”.

15 (13) Section 3503 is amended—

16 (A) in subsection (a)(2), by striking “a

17 commercial item” and inserting “a commercial

18 product or a commercial service”; and

19 (B) in subsection (b)—

20 (i) by striking “COMMERCIAL ITEMS”

21 in the subsection heading and inserting

22 “COMMERCIAL PRODUCTS OR COMMER-

23 CIAL SERVICES”; and

24 (ii) by striking “a commercial item”

25 each place it appears and inserting “a

1 commercial product or a commercial serv-  
2 ice”.

3 (14) Section 3505(b) is amended by striking  
4 “commercial items” each place it appears and in-  
5 serting “commercial products or commercial serv-  
6 ices”.

7 (15) Section 3509(b) is amended by striking  
8 “commercial items” and inserting “commercial prod-  
9 ucts or commercial services”.

10 (16) Section 3704(c)(5) is amended by striking  
11 “commercial item” and inserting “commercial prod-  
12 uct”.

13 (17) Section 3901(b)(3) is amended by striking  
14 “commercial items” and inserting “commercial prod-  
15 ucts or commercial services”.

16 (18) Section 4301(2) is amended by striking  
17 “commercial items” and inserting “commercial prod-  
18 ucts or commercial services”.

19 (19)(A) Section 4505 is amended by striking  
20 “commercial items” in subsections (a) and (c) and  
21 inserting “commercial products or commercial serv-  
22 ices”.

23 (B)(i) The heading of such section is amended  
24 to read as follows:

1 **“§ 4505. Payments for commercial products and com-**  
2 **mercial services”.**

3 (ii) The table of sections at the beginning of  
4 chapter 45 is amended by striking the item relating  
5 to section 4505 and inserting the following new  
6 item:

“4505. Payments for commercial products and commercial services.”.

7 (20) Section 4704(d) is amended by striking  
8 “commercial items” both places it appears and in-  
9 serting “commercial products or commercial serv-  
10 ices”.

11 (21) Sections 8102(a)(1), 8703(d)(2), and  
12 8704(b) are amended by striking “commercial items  
13 (as defined in section 103 of this title)” and insert-  
14 ing “commercial products or commercial services (as  
15 defined in sections 103 and 103a, respectively, of  
16 this title)”.

17 (c) AMENDMENTS TO CHAPTER 137 OF TITLE 10,  
18 UNITED STATES CODE.—Chapter 137 of title 10, United  
19 States Code, is amended as follows:

20 (1) Section 2302(3) is amended—

21 (A) by redesignating subparagraphs (J),  
22 (K), and (L) as subparagraphs (K), (L), and  
23 (M); and

1 (B) by striking subparagraph (I) and in-  
2 serting the following new subparagraphs (I) and  
3 (J):

4 “(I) The term ‘commercial product’.

5 “(J) The term ‘commercial service’.”.

6 (2) Section 2304 is amended—

7 (A) in subsections (c)(5) and (f)(2)(B), by  
8 striking “brand-name commercial item” and in-  
9 serting “brand-name commercial product”;

10 (B) in subsection (g)(1)(B), by striking  
11 “commercial items” and inserting “commercial  
12 products or commercial services”; and

13 (C) in subsection (i)(3), by striking “com-  
14 mercial item” and inserting “commercial prod-  
15 uct”.

16 (3) Section 2305 is amended—

17 (A) in subsection (a)(2), by striking “com-  
18 mercial items” and inserting “commercial prod-  
19 ucts or commercial services”; and

20 (B) in subsection (b)(5)(B)(v), by striking  
21 “commercial item” and inserting “commercial  
22 product”.

23 (4) Section 2306(b) is amended by striking  
24 “commercial items” and inserting “commercial prod-  
25 ucts or commercial services”.



1 (5) Section 2306a is amended—

2 (A) in subsection (b)—

3 (i) in paragraph (1)(B), by striking  
4 “a commercial item” and inserting “a com-  
5 mercial product or a commercial service”;

6 (ii) in paragraph (2)—

7 (I) by striking “COMMERCIAL  
8 ITEMS” in the paragraph heading and  
9 inserting “COMMERCIAL PRODUCTS  
10 OR COMMERCIAL SERVICES”; and

11 (II) by striking “commercial  
12 item” each place it appears and in-  
13 serting “commercial product or com-  
14 mercial services”;

15 (iii) in paragraph (3)—

16 (I) by striking “COMMERCIAL  
17 ITEMS” in the paragraph heading and  
18 inserting “COMMERCIAL PRODUCTS”;  
19 and

20 (II) by striking “item” each place  
21 it appears and inserting “product”;  
22 and

23 (iv) in paragraph (4)—

24 (I) by striking “COMMERCIAL  
25 ITEM” in the paragraph heading and

1 inserting “COMMERCIAL PRODUCT OR  
2 COMMERCIAL SERVICE”;

3 (II) by striking “commercial  
4 item” in subparagraph (A) after “ap-  
5 plying the”;

6 (III) by striking “prior commer-  
7 cial item determination” in subpara-  
8 graph (A) and inserting “prior com-  
9 mercial product or commercial service  
10 determination”;

11 (IV) by striking “of such item”  
12 in subparagraph (A) and inserting “of  
13 such product or service”;

14 (V) by striking “of an item pre-  
15 viously determined to be a commercial  
16 item” in subparagraph (B) and insert-  
17 ing “of a product or service previously  
18 determined to be a commercial prod-  
19 uct or a commercial service”;

20 (VI) by striking “of a commercial  
21 item,” in subparagraph (B) and in-  
22 serting “of a commercial product or a  
23 commercial service, as the case may  
24 be,”;

1 (VII) by striking “the commer-  
2 cial item determination” in subpara-  
3 graph (B) and inserting “the commer-  
4 cial product or commercial service de-  
5 termination”; and

6 (VIII) by striking “commercial  
7 item” in subparagraph (C); and

8 (v) in paragraph (5), by striking  
9 “commercial items” and inserting “com-  
10 mercial products or commercial services”;

11 (B) in subsection (d)(2), by striking “com-  
12 mercial items” each place it appears and insert-  
13 ing “commercial products or commercial serv-  
14 ices”; and

15 (C) in subsection (h)—

16 (i) in paragraph (2), by striking  
17 “commercial items” and inserting “com-  
18 mercial products or commercial services”;

19 and

20 (ii) by striking paragraph (3).

21 (6) Section 2307(f) is amended—

22 (A) by striking “COMMERCIAL ITEMS” in  
23 the subsection heading and inserting “COMMER-  
24 CIAL PRODUCTS AND COMMERCIAL SERVICES”;

25 and

1 (B) by striking “commercial items” in  
2 paragraphs (1) and (2) and inserting “commer-  
3 cial products and commercial services”.

4 (7) Section 2320(b) is amended—

5 (A) in paragraph (1), by striking “a com-  
6 mercial item, the item” and inserting “a com-  
7 mercial product, the product”; and

8 (B) in paragraph (9)(A), by striking “any  
9 noncommercial item or process” and inserting  
10 “any noncommercial product or process”.

11 (8) Section 2321(f) is amended—

12 (A) in paragraph (1)—

13 (i) by striking “commercial items”  
14 and inserting “commercial products”; and

15 (ii) by striking “the item” both places  
16 it appears and inserting “commercial prod-  
17 ucts”; and

18 (B) in paragraph (2)(A)—

19 (i) in clauses (i) and (ii), by striking  
20 “commercial item” and inserting “commer-  
21 cial product”; and

22 (ii) in clause (iii), by striking “is a  
23 commercially” and all that follows and in-  
24 serting “is a commercial product; and”.

1           (9) Section 2324(l)(1)(A) is amended by strik-  
2           ing “commercial items” and inserting “commercial  
3           products or commercial services”.

4           (10) Section 2335(b) is amended—

5                   (A) by striking “commercial items” and in-  
6                   serting “commercial products and commercial  
7                   services”; and

8                   (B) by striking “, the procurement of com-  
9                   mercial-off-the-shelf-items,”.

10          (d) AMENDMENTS TO CHAPTER 140 OF TITLE 10,  
11          UNITED STATES CODE.—Chapter 140 of title 10, United  
12          States Code, is amended as follows:

13           (1) Section 2375 is amended—

14                   (A) in subsection (a)—

15                           (i) by striking “commercial item” in  
16                           paragraphs (1) and (2) and inserting  
17                           “commercial product or commercial serv-  
18                           ice”; and

19                           (ii) by striking paragraph (3);

20                   (B) in subsections (b) and (c)—

21                           (i) by striking “COMMERCIAL ITEMS”  
22                           in the subsection heading and inserting  
23                           “COMMERCIAL PRODUCTS AND COMMER-  
24                           CIAL SERVICES”; and

1 (ii) by striking “commercial items”  
2 each place it appears and inserting “com-  
3 mercial products and commercial services”;  
4 (C) by striking subsection (d); and  
5 (D) in subsection (e)(3), by striking “com-  
6 mercial items” and inserting “commercial prod-  
7 ucts and commercial services”.

8 (2) Section 2376(1) is amended—

9 (A) by striking “terms ‘commercial item,’”  
10 and inserting “terms ‘commercial product’,  
11 ‘commercial service,’”; and

12 (B) by striking “chapter 1 of title 41” and  
13 inserting “sections 103, 103a, 110, 105, and  
14 102, respectively, of title 41”.

15 (3) Section 2377 is amended—

16 (A) in subsection (a)—

17 (i) in paragraph (2), by striking  
18 “commercial items or, to the extent that  
19 commercial items suitable to meet the  
20 agency’s needs are not available, non-  
21 developmental items other than commercial  
22 items” and inserting “commercial services  
23 or commercial products or, to the extent  
24 that commercial products suitable to meet  
25 the agency’s needs are not available, non-

1 developmental items other than commercial  
2 products”; and

3 (ii) in paragraph (3), by striking  
4 “commercial items and nondevelopmental  
5 items other than commercial items” and  
6 inserting “commercial services, commercial  
7 products, and nondevelopmental items  
8 other than commercial products”;

9 (B) in subsection (b)—

10 (i) in paragraphs (1) and (2), by  
11 striking “commercial items or nondevelop-  
12 mental items other than commercial items”  
13 and inserting “commercial services, com-  
14 mercial products, or nondevelopmental  
15 items other than commercial products”;

16 (ii) in paragraphs (3) and (4), by  
17 striking “commercial items or, to the ex-  
18 tent that commercial items suitable to  
19 meet the agency’s needs are not available,  
20 nondevelopmental items other than com-  
21 mercial items” and inserting “commercial  
22 services or commercial products or, to the  
23 extent that commercial products suitable to  
24 meet the agency’s needs are not available,

1 nondevelopmental items other than com-  
2 mercial products”; and

3 (iii) in paragraphs (5) and (6), by  
4 striking “commercial items” and inserting  
5 “commercial products and commercial  
6 services”;

7 (C) in subsection (c)—

8 (i) in paragraph (2), by striking  
9 “commercial items or, to the extent that  
10 commercial items suitable to meet the  
11 agency’s needs are not available, non-  
12 developmental items other than commercial  
13 items” and inserting “commercial services  
14 or commercial products or, to the extent  
15 that commercial products suitable to meet  
16 the agency’s needs are not available, non-  
17 developmental items other than commercial  
18 products”; and

19 (ii) in paragraph (4), by striking  
20 “items other than commercial items” and  
21 inserting “products other than commercial  
22 products or services other than commercial  
23 services”;

24 (D) in subsection (d)—



1 (i) in the first sentence, by striking  
2 “commercial items” and inserting “com-  
3 mercial products or commercial services”;

4 (ii) in paragraph (1), by striking  
5 “items” and inserting “products or serv-  
6 ices”; and

7 (iii) in paragraph (2), by striking  
8 “items” and inserting “products or serv-  
9 ices”; and

10 (E) in subsection (e)(1), by striking “com-  
11 mercial items” and inserting “commercial prod-  
12 ucts and commercial services”.

13 (4) Section 2379 is amended—

14 (A) by striking “COMMERCIAL ITEMS” in  
15 the headings of subsections (b) and (c) and in-  
16 serting “COMMERCIAL PRODUCTS”;

17 (B) by striking “commercial item” and  
18 “commercial items” each place they appear and  
19 inserting “commercial product” and “commer-  
20 cial products”, respectively;

21 (C) in subsections (b) and (c), by striking  
22 “commercially available off-the-shelf item as de-  
23 fined in section 104 of title 41” and inserting  
24 “commercial product”; and

1 (D) in subsection (d)(3), by striking “com-  
2 mercially available off-the-shelf item” and in-  
3 serting “commercial product”.

4 (5) Section 2380 is amended—

5 (A) in subsection (a), by striking “commer-  
6 cial item determinations” in paragraphs (1) and  
7 (2) and inserting “commercial product and  
8 commercial service determinations”; and

9 (B) in subsection (b) (as added by section  
10 848 of the National Defense Authorization Act  
11 for Fiscal Year 2018)—

12 (i) by striking “ITEM” in the sub-  
13 section heading;

14 (ii) by striking “an item” each place  
15 it appears and inserting “a product or  
16 service”;

17 (iii) by striking “item” after “using  
18 commercial” each place it appears;

19 (iv) by striking “prior commercial  
20 item determination” and inserting “prior  
21 commercial product or service determina-  
22 tion”;

23 (v) by striking “such item” and in-  
24 serting “such product or service”; and

1 (vi) by striking “the item” both places  
2 it appears and inserting “the product or  
3 service”.

4 (6) Section 2380a is amended—

5 (A) in subsection (a)—

6 (i) by striking “items and” and insert-  
7 ing “products and”; and

8 (ii) by striking “commercial items”  
9 and inserting “commercial products and  
10 commercial services, respectively,”; and

11 (B) in subsection (b), by striking “com-  
12 mercial items” and inserting “commercial serv-  
13 ices”.

14 (7) Section 2380B is amended by striking  
15 “commercial item” and inserting “commercial prod-  
16 uct”.

17 (8) AMENDMENTS TO HEADINGS, ETC.—

18 (A) The heading of such chapter is amend-  
19 ed to read as follows:

20 **“CHAPTER 140—PROCUREMENT OF COM-**  
21 **MERCIAL PRODUCTS AND COMMER-**  
22 **CIAL SERVICES”.**

23 (B) The heading of section 2375 is amend-  
24 ed to read as follows:

1 **“§ 2375. Relationship of other provisions of law to**  
2 **procurement of commercial products and**  
3 **commercial services”.**

4 (C) The heading of section 2377 is amend-  
5 ed to read as follows:

6 **“§ 2377. Preference for commercial products and**  
7 **commercial services”.**

8 (D) The heading of section 2379 is amend-  
9 ed to read as follows:

10 **“§ 2379. Procurement of a major weapon system as a**  
11 **commercial product: requirement for**  
12 **prior determination by Secretary of De-**  
13 **fense and notification to Congress”.**

14 (E) The heading of section 2380 is amend-  
15 ed to read as follows:

16 **“§ 2380. Commercial product and commercial service**  
17 **determinations by Department of De-**  
18 **fense”.**

19 (F) The heading of section 2380a is  
20 amended to read as follows:

21 **“§ 2380a. Treatment of certain products and services**  
22 **as commercial products and commercial**  
23 **services”.**

24 (G) Section 2380B is redesignated as sec-  
25 tion 2380b and the heading of that section is  
26 amended to read as follows:

1 **“§ 2380b. Treatment of commingled items purchased**  
2 **by contractors as commercial products”.**

3 (H) The table of sections at the beginning  
4 of such chapter is amended to read as follows:

“2375. Relationship of other provisions of law to procurement of commercial products and commercial services.

“2376. Definitions.

“2377. Preference for commercial products and commercial services.

“2379. Procurement of a major weapon system as a commercial product: requirement for prior determination by Secretary of Defense and notification to Congress.

“2380. Commercial product and commercial service determinations by Department of Defense.

“2380a. Treatment of certain products and services as commercial products and commercial services.

“2380b. Treatment of commingled items purchased by contractors as commercial products.”.

5 (e) OTHER AMENDMENTS TO TITLE 10, UNITED  
6 STATES CODE.—Title 10, United States Code, is further  
7 amended as follows:

8 (1) Section 2226(b) is amended by striking “for  
9 services” and all that follows through “deliverable  
10 items” and inserting “for services or deliverable  
11 items”.

12 (2) Section 2384(b)(2) is amended by striking  
13 “commercial items” and inserting “commercial prod-  
14 ucts”.

15 (3) Section 2393(d) is amended by striking  
16 “commercial items (as defined in section 103 of title  
17 41)” and inserting “commercial products or com-  
18 mercial services (as defined in sections 103 and  
19 103a, respectively, of title 41)”.

1 (4) Section 2402(d) is amended—

2 (A) in paragraph (1), by striking “com-  
3 mercial items” both places it appears and in-  
4 serting “commercial products or commercial  
5 services”; and

6 (B) in paragraph (2), by striking “the  
7 term” and all that follows and inserting “the  
8 terms ‘commercial product’ and ‘commercial  
9 service’ have the meanings given those terms in  
10 sections 103 and 103a, respectively, of title  
11 41.”.

12 (5) Section 2408(a)(4)(B) is amended by strik-  
13 ing “commercial items (as defined in section 103 of  
14 title 41)” and inserting “commercial products or  
15 commercial services (as defined in sections 103 and  
16 103a, respectively, of title 41)”.

17 (6) Section 2410b(c) is amended by striking  
18 “commercial items” and inserting “commercial prod-  
19 ucts”.

20 (7) Section 2410g(d)(1) is amended by striking  
21 “Commercial items (as defined in section 103 of title  
22 41)” and inserting “Commercial products or com-  
23 mercial services (as defined in sections 103 and  
24 103a, respectively, of title 41)”.

25 (8) Section 2447a is amended—

1 (A) in subsection (a)(2), by striking “com-  
2 mercial items and technologies” and inserting  
3 “commercial products and technologies”; and

4 (B) in subsection (c), by inserting before  
5 the period at the end the following: “and the  
6 term ‘commercial product’ has the meaning  
7 given that term in section 103 of title 41”.

8 (9) Section 2451(d) is amended by striking  
9 “commercial items” and inserting “commercial prod-  
10 ucts (as defined in section 103 of title 41)”.

11 (10) Section 2464 is amended—

12 (A) in subsection (a)—

13 (i) in paragraph (3), by striking  
14 “commercial items” and inserting “com-  
15 mercial products”; and

16 (ii) in paragraph (5), by striking  
17 “commercial items” the first place it ap-  
18 pears and all that follows in that para-  
19 graph and inserting “commercial products  
20 covered by paragraph (3) are commercial  
21 products as defined in section 103 of title  
22 41.”; and

23 (B) in subsection (c)—

1 (i) by striking “COMMERCIAL ITEMS”  
2 in the subsection heading and inserting  
3 “COMMERCIAL PRODUCTS”; and

4 (ii) by striking “commercial item” and  
5 inserting “commercial product”.

6 (11) Section 2484(f) is amended—

7 (A) by striking “COMMERCIAL ITEMS” in  
8 the subsection heading and inserting “COMMER-  
9 CIAL PRODUCTS”; and

10 (B) by striking “commercial item” and in-  
11 serting “commercial product”.

12 (12) The items relating to chapter 140 in the  
13 tables of chapters at the beginning of subtitle A, and  
14 at the beginning of part IV of subtitle A, are amend-  
15 ed to read as follows:

**“140. Procurement of Commercial Products and Com-  
mercial Services ..... 2377”.**

16 (f) AMENDMENTS TO PROVISIONS OF NATIONAL DE-  
17 FENSE AUTHORIZATION ACTS.—

18 (1) Section 806(b) of the National Defense Au-  
19 thorization Act for Fiscal Years 1992 and 1993  
20 (Public Law 102–190; 10 U.S.C. 2302 note) is  
21 amended by striking “commercial items (as defined  
22 in section 103 of title 41, United States Code)” and  
23 inserting “commercial products or commercial serv-



1        ices (as defined in sections 103 and 103a, respec-  
2        tively, of title 41, United States Code)”.

3            (2) Section 821(e) of the Floyd D. Spence Na-  
4        tional Defense Authorization Act for Fiscal Year  
5        2001 (as enacted into law by Public Law 106–398;  
6        10 U.S.C. 2302 note) is amended—

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

8            (B) by redesignating paragraph (3) as  
9        paragraph (2).

10          (3) Section 821(b) of the National Defense Au-  
11        thorization Act for Fiscal Year 2008 (Public Law  
12        110–181; 10 U.S.C. 2304 note) is amended—

13          (A) in paragraph (1), by striking “a com-  
14        mercial item” and inserting “a commercial  
15        product or a commercial service”;

16          (B) in paragraph (2), by striking “com-  
17        mercial item” and inserting “commercial prod-  
18        uct”; and

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

21          “(3) The term ‘commercial service’ has the  
22        meaning provided by section 103a of title 41, United  
23        States Code.”.

24          (4) Section 817 of the Bob Stump National De-  
25        fense Authorization Act for Fiscal Year 2003 (Pub-

1       lic Law 107–314; 10 U.S.C. 2306 note) is amend-  
2       ed—

3               (A) in subsection (d)—

4                       (i) in the subsection heading, by strik-  
5                       ing “ANNUAL REPORT ON BOTH COMMER-  
6                       CIAL ITEM AND EXCEPTIONAL CASE EX-  
7                       CEPTIONS AND WAIVERS” and inserting  
8                       “ANNUAL REPORT ON COMMERCIAL  
9                       PRODUCTS AND COMMERCIAL SERVICES  
10                      AND EXCEPTIONAL CASE EXCEPTIONS  
11                      AND WAIVERS”;

12                     (ii) in paragraph (1), by striking  
13                     “commercial item exceptions” and insert-  
14                     ing “commercial product-commercial serv-  
15                     ice exceptions”; and

16                     (iii) in paragraph (2)(A)—

17                               (I) by striking “commercial item  
18                               exception” and inserting “commercial  
19                               product-commercial service excep-  
20                               tion”; and

21                               (II) by striking “commercial  
22                               items” and inserting “commercial  
23                               products or commercial services, as  
24                               the case may be”.

1 (B) in subsection (e)(2), by striking “com-  
2 mercial item exception” and inserting “commer-  
3 cial product-commercial service exception”.

4 (5) Section 852(b)(2)(A)(ii) of the National De-  
5 fense Authorization Act for Fiscal Year 2007 (Pub-  
6 lic Law 109–364; 10 U.S.C. 2324 note) is amended  
7 by striking “a commercial item, as defined in section  
8 103 of title 41” and inserting “a commercial prod-  
9 uct or a commercial service, as defined in sections  
10 103 and 103a, respectively, of title 41”.

11 (6) Section 805 of the National Defense Au-  
12 thorization Act for Fiscal Year 2008 (Public Law  
13 110–181; 10 U.S.C. 2330 note) is amended—

14 (A) in subsection (b), by striking “com-  
15 mercial items” in paragraphs (1) and (2)(A)  
16 and inserting “commercial services”; and

17 (B) in subsection (c)—

18 (i) by striking “ITEM” in the headings  
19 for paragraphs (1) and (2) and inserting  
20 “SERVICES”;

21 (ii) in the matter in paragraph (1)  
22 preceding subparagraph (A), by striking  
23 “commercial item” and inserting “commer-  
24 cial service”;

1 (iii) in paragraph (1)(A), by striking  
2 “a commercial item, as described in section  
3 103(5) of title 41” and inserting “a prod-  
4 uct, as described in section 103a(1) of title  
5 41”;

6 (iv) in paragraph (1)(C)(i), by strik-  
7 ing “section 103(6) of title 41” and insert-  
8 ing “section 103a(2) of title 41”; and

9 (v) in paragraph (2), by striking  
10 “item” and inserting “service”.

11 (7) Section 849(d) of the National Defense Au-  
12 thorization Act for Fiscal Year 2017 (Public Law  
13 114–328; 10 U.S.C. 2377 note) is amended—

14 (A) by striking “commercial items” in  
15 paragraph (1) and inserting “commercial prod-  
16 ucts”;

17 (B) by striking “commercial item” in para-  
18 graph (3)(B)(i) and inserting “commercial  
19 product”; and

20 (C) by adding at the end the following new  
21 paragraph:

22 “(5) DEFINITION.—In this subsection, the term  
23 ‘commercial product’ has the meaning given that  
24 term in section 103 of title 41.”.

1           (8) Section 856(a)(1) of the National Defense  
2           Authorization Act for Fiscal Year 2016 (Public Law  
3           114–92; 10 U.S.C. 2377 note) is amended by strik-  
4           ing “commercial items or services” and inserting “a  
5           commercial product or a commercial service, as de-  
6           fined in sections 103 and 103a, respectively, of title  
7           41,”.

8           (9) Section 879 of the National Defense Au-  
9           thorization Act for Fiscal Year 2017 (Public Law  
10          114–328; 10 U.S.C. 2302 note) is amended—

11           (A) in the section heading, by striking  
12           **“Commercial items”** and inserting **“Com-**  
13           **mercial products”**;

14           (B) in subsection (a), by striking “com-  
15           mercial items” and inserting “commercial prod-  
16           ucts”;

17           (C) in subsection (c)(3)—

18           (i) by striking “COMMERCIAL ITEMS”  
19           in the paragraph heading and inserting  
20           “COMMERCIAL PRODUCTS OR COMMERCIAL  
21           SERVICES”; and

22           (ii) by striking “commercial items”  
23           and inserting “commercial products or  
24           commercial services”; and

1 (D) in subsection (e)(2), by striking  
2 “item” in subparagraphs (A) and (B) and in-  
3 serting “products”.

4 (10) Section 880 of the National Defense Au-  
5 thorization Act for Fiscal Year 2017 (Public Law  
6 114–328; 41 U.S.C. 3301 note) is amended by strik-  
7 ing “commercial items” in subsection (a)(1) and in-  
8 serting “commercial products”.

9 (g) CONFORMING AMENDMENTS TO OTHER STAT-  
10 UTES.—

11 (1) Section 604(g) of the American Recovery  
12 and Reinvestment Act of 2009 (6 U.S.C. 453b(g))  
13 is amended—

14 (A) by striking “COMMERCIAL ITEMS” in  
15 the subsection heading and inserting “COMMER-  
16 CIAL PRODUCTS”;

17 (B) by striking “procurement of commer-  
18 cial” in the first sentence and all that follows  
19 through “items listed” and inserting “procure-  
20 ment of commercial products notwithstanding  
21 section 1906 of title 41, United States Code,  
22 with the exception of commercial products list-  
23 ed”; and

24 (C) in the second sentence—

1 (i) by inserting “product” after “com-  
2 mercial”; and

3 (ii) by striking “in the” and all that  
4 follows and inserting “in section 103 of  
5 title 41, United States Code.”.

6 (2) Section 142 of the Higher Education Act of  
7 1965 (20 U.S.C. 1018a) is amended—

8 (A) in subsection (e)—

9 (i) by striking “COMMERCIAL ITEMS”  
10 in the subsection heading and inserting  
11 “COMMERCIAL PRODUCTS AND COMMER-  
12 CIAL SERVICES”;

13 (ii) by striking “that commercial  
14 items” and inserting “that commercial  
15 products or commercial services”;

16 (iii) by striking “special rules for com-  
17 mercial items” and inserting “special rules  
18 for commercial products and commercial  
19 services”;

20 (iv) by striking “without regard to—  
21 ” and all that follows through “dollar limi-  
22 tation” and inserting “without regard to  
23 any dollar limitation”;

24 (v) by striking “; and” and inserting  
25 a period; and

- 1 (vi) by striking paragraph (2);
- 2 (B) in subsection (f)—
- 3 (i) by striking “ITEMS” in the sub-
- 4 section heading and inserting “PRODUCTS
- 5 AND SERVICES”;
- 6 (ii) by striking “ITEMS” in the head-
- 7 ing of paragraph (2) and inserting “PROD-
- 8 UCTS AND SERVICES”; and
- 9 (iii) by striking “a commercial item”
- 10 in paragraph (2) and inserting “a commer-
- 11 cial product or a commercial service”;
- 12 (C) in subsection (h)—
- 13 (i) by striking “ITEMS” in the sub-
- 14 section heading and inserting “SERVICES”;
- 15 and
- 16 (ii) by striking “commercial items” in
- 17 paragraph (1) and inserting “commercial
- 18 services”; and
- 19 (D) in subsection (l)—
- 20 (i) by redesignating paragraphs (2),
- 21 (3), (4), and (5) as paragraphs (3), (4),
- 22 (5), and (6), respectively;
- 23 (ii) by striking paragraph (1) and in-
- 24 serting the following new paragraphs:



1           “(1) COMMERCIAL PRODUCT.—The term ‘com-  
2           mercial product’ has the meaning given the term in  
3           section 103 of title 41, United States Code.

4           “(2) COMMERCIAL SERVICE.—The term ‘com-  
5           mercial service’ has the meaning given the term in  
6           section 103a of title 41, United States Code.”;

7                   (iii) in paragraph (3), as so redesign-  
8                   nated, by striking “in section” and all that  
9                   follows and inserting “in section 152 of  
10                  title 41, United States Code.”;

11                  (iv) in paragraph (5), as so redesign-  
12                  nated—

13                   (I) by striking “COMMERCIAL  
14                   ITEMS” in the paragraph heading and  
15                   inserting “COMMERCIAL PRODUCTS  
16                   AND COMMERCIAL SERVICES”;

17                   (II) by striking “commercial  
18                   items” and inserting “commercial  
19                   products and commercial services”;  
20                   and

21                   (III) by striking “pursuant to”  
22                   and all that follows and inserting  
23                   “pursuant to sections 1901 and  
24                   3305(a) of title 41, United States  
25                   Code.”; and

1 (v) in paragraph (6), as so redesign-  
2 nated, by striking “pursuant to” and all  
3 that follows and inserting “pursuant to  
4 sections 1901(a)(1) and 3305(a)(1) of title  
5 41, United States Code.”.

6 (3) Section 3901(a)(4)(A)(ii)(II) of title 31,  
7 United States Code, is amended by striking “com-  
8 mercial item” and inserting “commercial product”.

9 (4) Section 2455(c)(1) of the Federal Acquisi-  
10 tion Streamlining Act of 1994 (31 U.S.C. 6101  
11 note) is amended—

12 (A) by striking “commercially available off-  
13 the-shelf items (as defined in section 35(c) of  
14 the Office of Federal Procurement Policy Act  
15 (41 U.S.C. 431(c))” and inserting “commercial  
16 products (as defined in section 103 of title 41,  
17 United States Code)”; and

18 (B) by striking “commercial items” and in-  
19 serting “commercial products”.

20 (5) Section 508(f) of the Federal Water Pollu-  
21 tion Control Act (33 U.S.C. 1368(f)) is amended—

22 (A) in paragraph (1), by striking “com-  
23 mercial items” and inserting “commercial prod-  
24 ucts or commercial services”; and

1 (B) in paragraph (2), by striking “the  
2 term” and all that follows and inserting “the  
3 terms ‘commercial product’ and ‘commercial  
4 service’ have the meanings given those terms in  
5 sections 103 and 103a, respectively, of title 41,  
6 United States Code.”.

7 (6) Section 3707 of title 40, United States  
8 Code, is amended by striking “a commercial item (as  
9 defined in section 103 of title 41)” and inserting “a  
10 commercial product (as defined in section 103 of  
11 title 41) or a commercial service (as defined in sec-  
12 tion 103a of title 41)”.

13 (7) Subtitle III of title 40, United States Code,  
14 is amended—

15 (A) in section 11101(1), by striking “COM-  
16 Mercial ITEM.—The term ‘commercial item’  
17 has” and inserting “COMMERCIAL PRODUCT.—  
18 The term ‘commercial product’ has”; and

19 (B) in section 11314(a)(3), by striking  
20 “items” each place it appears and inserting  
21 “products”.

22 (8) Section 8301(g) of the Federal Acquisition  
23 Streamlining Act of 1994 (42 U.S.C. 7606 note) is  
24 amended by striking “commercial items” and insert-  
25 ing “commercial products or commercial services”.

1 (9) Section 40118(f) of title 49, United States  
2 Code, is amended—

3 (A) in paragraph (1), by striking “com-  
4 mercial items” and inserting “commercial prod-  
5 ucts”; and

6 (B) in paragraph (2), by striking “com-  
7 mercial item” and inserting “commercial prod-  
8 uct”.

9 (10) Chapter 501 of title 51, United States  
10 Code, is amended—

11 (A) in section 50113(c)—

12 (i) by striking “COMMERCIAL ITEM”  
13 in the subsection heading and inserting  
14 “COMMERCIAL PRODUCT OR COMMERCIAL  
15 SERVICE”; and

16 (ii) by striking “commercial item” in  
17 the second sentence and inserting “com-  
18 mercial product or commercial service”;  
19 and

20 (B) in section 50115(b)—

21 (i) by striking “COMMERCIAL ITEM”  
22 in the subsection heading and inserting  
23 “COMMERCIAL PRODUCT OR COMMERCIAL  
24 SERVICE”; and

1 (ii) by striking “commercial item” in  
2 the second sentence and inserting “com-  
3 mercial product or commercial service”;  
4 and

5 (C) in section 50132(a)—

6 (i) by striking “COMMERCIAL ITEM”  
7 in the subsection heading and inserting  
8 “COMMERCIAL SERVICE”; and

9 (ii) by striking “commercial item” in  
10 the second sentence and inserting “com-  
11 mercial service”.

12 (h) SAVINGS PROVISION.—Any provision of law that  
13 on the day before the effective date of this section is on  
14 a list of provisions of law included in the Federal Acquisi-  
15 tion Regulation pursuant to section 1907 of title 41,  
16 United States Code, shall be deemed as of that effective  
17 date to be on a list of provisions of law included in the  
18 Federal Acquisition Regulation pursuant to section 1906  
19 of such title.

20 **SEC. 202. DEFINITION OF SUBCONTRACT.**

21 (a) STANDARD DEFINITION IN TITLE 41, UNITED  
22 STATES CODE.—

23 (1) IN GENERAL.—Chapter 1 of title 41, United  
24 States Code, is amended—

1 (A) by redesignating sections 115 and 116  
2 as sections 116 and 117, respectively; and

3 (B) by inserting after section 114 the fol-  
4 lowing new section 115:

5 **“§ 115. Subcontract**

6 “(a) IN GENERAL.—In this subtitle, the term ‘sub-  
7 contract’ means a contract entered into by a prime con-  
8 tractor or subcontractor for the purpose of obtaining sup-  
9 plies, materials, equipment, or services of any kind under  
10 a prime contract. The term includes a transfer of a com-  
11 mercial product or commercial service between divisions,  
12 subsidiaries, or affiliates of a contractor or subcontractor.

13 “(b) MATTERS NOT INCLUDED.—In this subtitle, the  
14 term ‘subcontract’ does not include—

15 “(1) a contract the costs of which are applied  
16 to general and administrative expenses or indirect  
17 costs; or

18 “(2) an agreement entered into by a contractor  
19 or subcontractor for the supply of a commodity, a  
20 commercial product, or a commercial service that is  
21 intended for use in the performance of multiple con-  
22 tracts.”.

23 (2) CLERICAL AMENDMENT.—The table of sec-  
24 tions at the beginning of chapter 1 of title 41,  
25 United States Code, is amended by striking the

1 items relating to sections 115 and 116 and inserting  
2 the following new items:

“115. Subcontract.

“116. Supplies.

“117. Technical data.”.

3 (b) CONFORMING AMENDMENTS TO TITLE 41,  
4 UNITED STATES CODE.—Title 41, United States Code, is  
5 further amended as follows:

6 (1) Section 1502(b)(1) is amended—

7 (A) by striking subparagraph (A);

8 (B) by redesignating subparagraphs (B)  
9 and (C) as subparagraphs (A) and (B), respec-  
10 tively; and

11 (C) in subparagraph (B), as so redesign-  
12 ated, by striking “Subparagraph (B)” and in-  
13 serting “Subparagraph (A)”.

14 (2) Section 1906 is amended—

15 (A) in subsection (c)—

16 (i) by striking paragraph (1);

17 (ii) by redesignating paragraphs (2),  
18 (3), and (4) as paragraphs (1), (2), and  
19 (3), respectively;

20 (iii) in paragraph (1), as so redesign-  
21 ated, by striking “paragraph (3)” and in-  
22 serting “paragraph (2)”;

1 (iv) in paragraph (2), as so redesign-  
2 nated, by striking “paragraph (2)” and in-  
3 sserting “paragraph (1)”; and

4 (B) in subsection (e), by striking “(c)(3)”  
5 both places it appears and inserting “(c)(2)”.

6 (3) Section 3307(e)(2) is amended—

7 (A) by striking subparagraph (A);

8 (B) by redesignating subparagraphs (B),  
9 (C), (D), and (E) as subparagraphs (A), (B),  
10 (C), and (D), respectively;

11 (C) in subparagraph (C), as so redesign-  
12 nated—

13 (i) by striking “subparagraph (B)”  
14 and inserting “subparagraph (A)”; and

15 (ii) by striking “subparagraph (C)”  
16 and inserting “subparagraph (B)”; and

17 (D) in subparagraph (D), as so redesign-  
18 nated, by striking “subparagraph (B)” and in-  
19 sserting “subparagraph (A)”.

20 (4) Section 3501(a) is amended by striking  
21 paragraph (3).

22 (c) INCORPORATION OF TITLE 41 DEFINITION IN  
23 CHAPTERS 137 AND 140 OF TITLE 10, UNITED STATES  
24 CODE.—



1 (1) DEFINITIONS FOR PURPOSES OF CHAPTER  
2 137.—Section 2302(3) of title 10, United States  
3 Code, is amended by adding at the end the following  
4 new subparagraph:

5 “(N) The term ‘subcontract’.”.

6 (2) DEFINITIONS FOR PURPOSES OF CHAPTER  
7 140.—

8 (A) Section 2375(c) of title 10, United  
9 States Code, is amended—

10 (i) by striking paragraph (3); and

11 (ii) by redesignating paragraph (4) as  
12 paragraph (3).

13 (B) Section 2376(1) of such title is amend-  
14 ed by striking “and ‘commercial component’  
15 have” and inserting “‘commercial component’,  
16 and ‘subcontract’ have”.

17 **SEC. 203. LIMITATION ON APPLICABILITY TO DEPARTMENT**  
18 **OF DEFENSE COMMERCIAL CONTRACTS OF**  
19 **CERTAIN PROVISIONS OF LAW AND CERTAIN**  
20 **EXECUTIVE ORDERS AND REGULATIONS.**

21 (a) INAPPLICABILITY OF CERTAIN PROVISIONS OF  
22 LAW.—

23 (1) SECTION 2375.—Section 2375 of title 10,  
24 United States Code, is amended—

1 (A) in subsection (b)(2), by striking “Jan-  
2 uary 1, 2015” and inserting “October 13,  
3 1994”; and

4 (B) in subsections (b)(2), (c)(2), and  
5 (d)(2), by striking “unless the” and all that fol-  
6 lows and inserting a period.

7 (2) SECTION 2533A.—Section 2533a of such  
8 title is amended—

9 (A) in subsection (a), by striking “through  
10 (h)” and inserting “through (i)”; and

11 (B) by striking subsection (i) and inserting  
12 the following:

13 “(i) EXCEPTION FOR PURCHASES OF  
14 COMMERCIAL PRODUCTS.—Subsection (a)  
15 does not apply to purchases of commercial  
16 products, as defined in section 103 of title  
17 41.”;

18 (3) SECTION 2533B.—Section 2533b of such  
19 title is amended—

20 (A) by striking subsection (h) and insert-  
21 ing the following:

22 “(h) EXCEPTION FOR PURCHASES OF COMMERCIAL  
23 PRODUCTS.—Subsection (a) does not apply to acquisitions  
24 of commercial products.”;

1 (B) in subsection (j)(2), by striking “com-  
2 mercially available off-the-shelf items” and in-  
3 serting “commercial products”; and

4 (C) in subsection (m), by striking para-  
5 graph (5) and inserting the following:

6 “(5) The term ‘commercial product’ has the  
7 meaning provided in section 103 of title 41.”.

8 (b) INAPPLICABILITY OF CERTAIN EXECUTIVE OR-  
9 DERS AND REGULATIONS.—Chapter 140 of title 10,  
10 United States Code, is amended by inserting after section  
11 2375 the following new section:

12 “§ 2375a. **Applicability of certain Executive orders**  
13 **and regulations**

14 “(a) EXECUTIVE ORDERS.—

15 “(1) COMMERCIAL CONTRACTS.—No Depart-  
16 ment of Defense commercial contract shall be sub-  
17 ject to an Executive order issued after the date of  
18 the enactment of this section unless the Executive  
19 order specifically provides that it is applicable to  
20 contracts for the procurement of commercial prod-  
21 ucts and commercial services by the Department of  
22 Defense.

23 “(2) SUBCONTRACTS UNDER COMMERCIAL CON-  
24 TRACTS.—No subcontract under a Department of  
25 Defense commercial contract shall be subject to an

1 Executive order issued after the date of the enact-  
2 ment of this section unless the Executive order spe-  
3 cifically provides that it is applicable to subcontracts  
4 under Department of Defense contracts for the pro-  
5 curement of commercial products and commercial  
6 services.

7 “(b) REGULATIONS AND POLICIES.—

8 “(1) COMMERCIAL CONTRACTS.—No Depart-  
9 ment of Defense commercial contract shall be sub-  
10 ject to any Department of Defense regulation or pol-  
11 icy prescribed after the date of the enactment of this  
12 section unless the regulation or policy specifically  
13 provides that it is applicable to contracts for the  
14 procurement of commercial products and commercial  
15 services by the Department of Defense.

16 “(2) SUBCONTRACTS UNDER COMMERCIAL CON-  
17 TRACTS.—No subcontract under a Department of  
18 Defense commercial contract shall be subject to any  
19 Department of Defense regulation or order pre-  
20 scribed after the date of the enactment of this sec-  
21 tion unless the regulation or policy specifically pro-  
22 vides that it is applicable to subcontracts under De-  
23 partment of Defense contracts for the procurement  
24 of commercial products and commercial services.

1           “(c) DEPARTMENT OF DEFENSE COMMERCIAL CON-  
2 TRACTS.—In this section, the term ‘Department of De-  
3 fense commercial contract’ means a contract for the pro-  
4 curement of a commercial product or commercial service  
5 entered into by the Secretary of Defense.”.

6           (c) CLERICAL AMENDMENT.—The table of sections  
7 at the beginning of such chapter is amended by inserting  
8 after the item relating to section 2375 the following new  
9 item:

          “2375a. Applicability of certain Executive orders and regulations.”.

10 **SEC. 204. REPORTING ON PROJECTS PERFORMED**  
11 **THROUGH TRANSACTIONS OTHER THAN CON-**  
12 **TRACTS, COOPERATIVE AGREEMENTS, AND**  
13 **GRANTS.**

14           (a) REPORT REQUIRED.—Not later than December  
15 31, 2018, and each December 31 thereafter through De-  
16 cember 31, 2021, the Secretary of Defense shall submit  
17 to the congressional defense committees a report covering  
18 the preceding fiscal year on projects described in sub-  
19 section (b).

20           (b) CONTENTS.—Each report under subsection (a)  
21 shall include—

22               (1) for each project performed through a trans-  
23 action (other than contracts, cooperative agreements,  
24 and grants) entered into pursuant to section 2371 or  
25 2371b of title 10, United States Code, for which

1 payments made by the Department of Defense ex-  
2 ceeded \$5,000,000 for such transaction—

3 (A) an identification of the element of the  
4 Department of Defense and the person or entity  
5 outside of the Department of Defense entering  
6 into such transaction;

7 (B) the date of entry into such transaction;

8 (C) the amount of the payments made by  
9 the Department of Defense for such trans-  
10 action;

11 (D) the goals and status of each project  
12 carried out under such transaction; and

13 (E) the start date and anticipated end date  
14 of each project carried out under such trans-  
15 action; and

16 (2) a description of the mechanisms established  
17 by the Secretary of Defense to ensure appropriate  
18 use of authority relating to a transaction (other than  
19 contracts, cooperative agreements, and grants) en-  
20 tered into pursuant to section 2371 or 2371b of title  
21 10, United States Code, including any policies, guid-  
22 ance, reporting requirements, and limitations on the  
23 use of such authority.

1 **SEC. 205. COMPTROLLER GENERAL REPORT ON THE**  
2 **ISSUANCE OF REGULATIONS IN THE DE-**  
3 **FENSE FEDERAL ACQUISITION REGULATION**  
4 **SUPPLEMENT.**

5 (a) IN GENERAL.—The Comptroller General of the  
6 United States shall—

7 (1) not later than March 1, 2019, submit to the  
8 congressional defense committees a report on the  
9 issuance of regulations in the Defense Federal Ac-  
10 quisition Regulation Supplement; and

11 (2) not later than December 1, 2018, provide a  
12 briefing to the Committee on Armed Services of the  
13 House of Representatives on preliminary findings of  
14 the report described in paragraph (1).

15 (b) ELEMENTS.—The report required under sub-  
16 section (a)(1) shall include the following:

17 (1) A description of the existing process by  
18 which the Defense Federal Acquisition Regulation  
19 Supplement is revised as required under a statutory  
20 provision enacted in a national defense authorization  
21 Act.

22 (2) An assessment of any statutory provisions  
23 enacted in the National Defense Authorization Act  
24 for Fiscal Year 2010 (Public Law 111–84), the Ike  
25 Skelton National Defense Authorization Act for Fis-  
26 cal Year 2011 (Public Law 111–383), the National

1 Defense Authorization Act for Fiscal Year 2012  
2 (Public Law 112–81), the National Defense Author-  
3 ization Act for Fiscal Year 2013 (Public Law 112–  
4 239), the National Defense Authorization Act for  
5 Fiscal Year 2014 (Public Law 113–66), and the  
6 Carl Levin and Howard P. “Buck” McKeon Na-  
7 tional Defense Authorization Act for Fiscal Year  
8 2015 (Public Law 113–291) that required revision  
9 to the Defense Federal Acquisition Regulation Sup-  
10 plement and for which no such revision has been  
11 made as of the date of the enactment of this Act.

12 (3) An assessment of the status of revisions to  
13 the Defense Federal Acquisition Regulation Supple-  
14 ment required under statutory provisions enacted in  
15 the National Defense Authorization Act for Fiscal  
16 Year 2016 (Public Law 114–92), the National De-  
17 fense Authorization Act for Fiscal Year 2017 (Pub-  
18 lic Law 114–328), and the National Defense Au-  
19 thorization Act for Fiscal Year 2018 (Public Law  
20 115–91).

21 (4) An assessment of factors delaying any revi-  
22 sion to the Defense Federal Acquisition Regulation  
23 Supplement required by a statutory provision en-  
24 acted in a national defense authorization Act de-  
25 scribed under paragraph (2) or (3).



1 (5) Recommendations for any improving the ef-  
2 ficiency of revisions to the Defense Federal Acquisi-  
3 tion Regulation Supplement required by any statu-  
4 tory provision enacted in a national defense author-  
5 ization Act described under paragraph (2) or (3).

6 **TITLE III—PRIVATE SECTOR**  
7 **PARTICIPATION**

8 **SEC. 301. DEPARTMENT OF DEFENSE SMALL BUSINESS**  
9 **STRATEGY.**

10 (a) IN GENERAL.—Chapter 136 of title 10, United  
11 States Code, is amended by adding at the end the fol-  
12 lowing new section:

13 **“§ 2283. Department of Defense small business strat-**  
14 **egy**

15 “(a) IN GENERAL.—The Secretary of Defense shall  
16 implement a small business strategy for the Department  
17 of Defense that meets the requirements of this section.

18 “(b) UNIFIED MANAGEMENT STRUCTURE.—As part  
19 of the small business strategy described in subsection (a),  
20 the Secretary shall ensure that there is a unified manage-  
21 ment structure within the Department for the functions  
22 of the Department relating to—

23 “(1) programs and activities related to small  
24 business concerns (as defined in section 3 of the  
25 Small Business Act);

1           “(2) manufacturing and industrial base policy;

2           and

3           “(3) any procurement technical assistance pro-  
4           gram established under chapter 142 of this title.

5           “(c) PURPOSE OF SMALL BUSINESS PROGRAMS.—

6           The Secretary shall ensure that programs and activities  
7           of the Department of Defense related to small business  
8           concerns are carried out so as to further national defense  
9           programs and priorities and the statements of purpose for  
10          Department of Defense acquisition set forth in section 801  
11          of the National Defense Authorization Act for Fiscal Year  
12          2018 (Public Law 115–91; 131 Stat. 1449).

13          “(d) POINTS OF ENTRY INTO DEFENSE MARKET.—

14          The Secretary shall ensure—

15                 “(1) that opportunities for small business con-  
16                 cerns to contract with the Department of Defense  
17                 are identified clearly; and

18                 “(2) that small business concerns are able to  
19                 have access to program managers, contracting offi-  
20                 cers, and other persons using the products or serv-  
21                 ices of such concern to the extent necessary to in-  
22                 form such persons of emerging and existing capabili-  
23                 ties of such concerns.

24          “(e) ENHANCED OUTREACH UNDER PROCUREMENT  
25          TECHNICAL ASSISTANCE PROGRAM MARKET.—The Sec-

1 retary shall enable and promote activities to provide co-  
2 ordinated outreach to small business concerns through any  
3 procurement technical assistance program established  
4 under chapter 142 of this title to facilitate small business  
5 contracting with the Department of Defense.”.

6 (b) IMPLEMENTATION.—

7 (1) DEADLINE.—The Secretary of Defense shall  
8 develop the small business strategy required by sec-  
9 tion 2283 of title 10, United States Code, as added  
10 by subsection (a), not later than 180 days after the  
11 date of the enactment of this Act.

12 (2) NOTICE TO CONGRESS AND PUBLICATION.—

13 Upon completion of the development of the small  
14 business strategy pursuant to paragraph (1), the  
15 Secretary shall—

16 (A) transmit the strategy to Congress; and

17 (B) publish the strategy on a public  
18 website of the Department of Defense.

19 (c) CLERICAL AMENDMENT.—The table of sections  
20 at the beginning of such chapter is amended by adding  
21 at the end the following new item:

“2283. Department of Defense small business strategy.”.

1 **SEC. 302. MODIFICATIONS TO PROCUREMENT THROUGH**  
2 **COMMERCIAL E-COMMERCE PORTALS.**

3 Section 846 of the National Defense Authorization  
4 Act for Fiscal Year 2018 (Public Law 115–91; 41 U.S.C.  
5 1901 note) is amended—

6 (1) in subsection (f), by adding at the end the  
7 following new paragraph:

8 “(5) A procurement of a product made through  
9 a commercial e-commerce portal under the program  
10 established pursuant to subsection (a) is deemed to  
11 satisfy requirements for full and open competition  
12 pursuant to section 2304 of title 10, United States  
13 Code, and section 3301 of title 41, United States  
14 Code, if—

15 “(A) there are offers from two or more  
16 suppliers of such a product or similar product  
17 with substantially the same physical, functional,  
18 or performance characteristics on the online  
19 marketplace; and

20 “(B) the Administrator establishes proce-  
21 dures to implement subparagraph (A) and noti-  
22 fies Congress at least 30 days before imple-  
23 menting such procedures.”.

24 (2) by redesignating subsections (j) and (k) as  
25 subsections (k) and (l), respectively; and

1           (3) by inserting after subsection (i) the fol-  
2           lowing new subsection:

3           “(j)    MICRO-PURCHASE    THRESHOLD.—Notwith-  
4           standing sections 2338 and 2339 of title 10, United States  
5           Code, and section 1902 of title 41, United States Code,  
6           the micro-purchase threshold for a procurement of a prod-  
7           uct through a commercial e-commerce portal used under  
8           the program established under subsection (a) is  
9           \$25,000.”.