

114TH CONGRESS  
2D SESSION

# S. 2778

To amend title 10, United States Code, to provide for the rapid acquisition of directed energy weapons systems by the Department of Defense, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 12, 2016

Mr. HEINRICH (for himself and Mr. INHOFE) introduced the following bill;  
which was read twice and referred to the Committee on Armed Services

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## A BILL

To amend title 10, United States Code, to provide for the rapid acquisition of directed energy weapons systems by the Department of Defense, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Directed Energy  
5 Weapon Systems Acquisition Act of 2016”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) The Committee on Armed Services of the  
9 Senate noted in the report accompanying S. 1356

1 (S. Rept. 114–49; 114th Congress) that since 1960,  
2 the Department of Defense has invested more than  
3 \$6,000,000,000 in directed energy science and tech-  
4 nology initiatives, and that the Committee is con-  
5 cerned that, despite this significant investment, the  
6 Department’s directed energy initiatives are not  
7 resourced at levels necessary to transition them to  
8 full-scale acquisition programs.

9 (2) The Defense Science Board Task Force on  
10 Directed Energy Weapon Systems and Technology  
11 Applications (the “Task Force”) found that “di-  
12 rected energy offers promise as a transformational  
13 ‘game changer’ in military operations, able to aug-  
14 ment and improve operational capabilities in many  
15 areas”.

16 (3) Despite this potential, years of investment  
17 have not resulted in any operational systems with  
18 high energy laser capability.

19 (4) The Task Force believes that the range of  
20 potential application is sufficient to warrant signifi-  
21 cantly increased attention to the scope and direction  
22 of efforts to assess, develop, and field appropriate  
23 laser, microwave, and millimeter wave weapons.

1 **SEC. 3. INCLUSION OF DIRECTED ENERGY WEAPON SYS-**  
2 **TEM PROGRAMS IN THE RAPID ACQUISITION**  
3 **AUTHORITY PROGRAM.**

4 (a) IN GENERAL.—Section 806(c)(1) of the Bob  
5 Stump National Defense Authorization Act for Fiscal  
6 Year 2003 (Public Law 107–314; 10 U.S.C. 2302 note)  
7 is amended by adding at the end the following new sub-  
8 paragraph:

9 “(D)(i) In the case of any supplies and associ-  
10 ated support services that, as determined in writing  
11 by the Secretary of Defense without delegation, are  
12 urgently needed to eliminate a deficiency in directed  
13 energy weapon systems, the Secretary may use the  
14 procedures developed under this section in order to  
15 accomplish the rapid acquisition and deployment of  
16 needed offensive or defensive directed energy weapon  
17 systems capabilities, supplies, and associated support  
18 services.

19 “(ii) For the purposes of directed energy weap-  
20 on systems acquisition, the Secretary of Defense  
21 shall consider use of the following procedures:

22 “(I) The rapid acquisition authority pro-  
23 vided under this section.

24 “(II) Use of other transactions authority  
25 provided under section 2371 of title 10, United  
26 States Code.

1           “(III) The acquisition of commercial items  
2           using simplified acquisition procedures.

3           “(IV) The authority for procurement for  
4           experimental purposes provided under section  
5           2373 of title 10, United States Code.

6           “(iii) In this subparagraph, the term ‘directed  
7           energy weapon system’ means military action involv-  
8           ing the use of directed energy to incapacitate, dam-  
9           age, or destroy enemy equipment, facilities, or per-  
10          sonnel.”.

11          (b) CONFORMING AMENDMENTS.—Section 2373 of  
12          title 10, United States Code, is amended—

13                 (1) in subsection (a), by striking “and aero-  
14                 nautical supplies” and inserting “, aeronautical sup-  
15                 plies, and directed energy weapon systems”; and

16                 (2) by adding at the end the following new sub-  
17                 section:

18                 “(c) DIRECTED ENERGY WEAPON SYSTEM DE-  
19                 FINED.—In this section, the term ‘directed energy weapon  
20                 system’ means military action involving the use of directed  
21                 energy to incapacitate, damage, or destroy enemy equip-  
22                 ment, facilities, or personnel.”.

23          **SEC. 4. JOINT DIRECTED ENERGY PROGRAM OFFICE.**

24                 (a) REDESIGNATION.—The High Energy Laser Joint  
25          Technology Office of the Department of Defense is hereby

1 redesignated as the “Joint Directed Energy Program Of-  
2 fice” (in this section referred to as the “Office”).

3 (b) STRATEGIC PLAN FOR DEVELOPMENT AND  
4 TRANSITION OF DIRECTED ENERGY WEAPONS CAPABILI-  
5 TIES TOWARD FIELDING.—In addition to the functions  
6 and duties of the Office in effect on the day before the  
7 date of the enactment of this Act, the Office shall develop  
8 a strategic plan for development and transition of directed  
9 energy weapons capabilities toward fielding for the De-  
10 partment, in which the Office may define requirements for  
11 directed energy capabilities that address the highest pri-  
12 ority warfighting capability gaps of the Department.

13 (c) ACCELERATION OF DEVELOPMENT AND TRANSI-  
14 TION OF DIRECTED ENERGY WEAPONS CAPABILITIES TO-  
15 WARD FIELDING.—

16 (1) IN GENERAL.—To the degree practicable,  
17 the Office shall use the policies of the Department  
18 that are revised pursuant to this Act and new acqui-  
19 sition and management practices established pursu-  
20 ant to this Act to accelerate the development and  
21 transition of directed energy capabilities toward  
22 fielding.

23 (2) ENGAGEMENT.—The Secretary shall ensure  
24 that use of policies and practices described in para-  
25 graph (1) include engagement with defense and pri-

- 1 vate industries, research universities, and unaffili-
- 2 ated, nonprofit research institutions.

