which grants the Congressional Gold Medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team.

More than 20,000 Nisei soldiers enlisted in the U.S. Army during World War II, collectively earning 21 Medals of Honor, 52 Distinguished Service Crosses, 559 Silver Stars, 4,000 Bronze Stars, nine Presidential Unit Citations, and 9,486 Purple Hearts.

The 100th Battalion played a pivotal role in our nation's military history. The unit was the first all-Japanese American Nisei military unit, and was formed from the Japanese—Americans who comprised a large part of the Hawaiian National Guard. These Nisei were sent to Camp McCoy, Wisconsin for combat training and later were moved to Camp Shelby, Mississippi for additional training.

Approximately 14,000 individuals served in the 442nd Regimental Combat Team, including the 100th Infantry Battalion, which became the most decorated unit for its size and length of service in American military history. The 442nd saw the highest percentage of casualties of any unit in the Army, earning it the nickname "Purple Heart Battalion." The 442nd is an example which highlights the stellar performance of these Nisei soldiers.

These men fought for the U.S. and its allies across Europe in many key battles. The 442nd fought eight major campaigns in France, Germany, and Italy. Most notably, the 442nd suffered more than 800 casualties to free 211 members of a Texas unit who were trapped by the Germans in the rescue of the Lost Battalion. Additionally, the Japanese American soldiers liberated towns such as Brueyeres, Biffontaine, and Belvedere. They also were among the first Allied troops to liberate the Dachau concentration camp in Germany.

Though many of their families were unjustly incarcerated in internment camps after the attack on Pearl Harbor, Japanese Americans still fought to prove their loyalty to the United States of America and helped pave the way for full racial integration of the Armed Forces. They adopted the phrase "Remember Pearl Harbor" as their motto.

This bill will bring long overdue recognition to the unique sacrifice these soldiers made overcoming racial hatred at home, serving honorably overseas, and helping change the course of history with their bravery. The 442nd Regimental Combat Team and the 100th Battalion have earned the Congressional Gold Medal.

I am a proud original cosponsor of H.R. 347 and I commend my colleague, Representative ADAM SCHIFF, for his work in bringing this legislation to the floor today. I urge my colleagues to support the 442nd Regimental Combat Team and the 100th Infantry Battalion, and honor the service of our nation's Nisei veterans.

Mr. WATT. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. WATT) that the House suspend the rules and agree to the resolution, H. Res. 347.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WATT. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 432, by the yeas and nays;

H. Res. 204, de novo.

The votes on H. Res. 377, H.R. 1209, and H.R. 347 will be taken tomorrow.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

## PROVIDING FOR PASSAGE OF H.R. 2101, WEAPONS ACQUISITION SYSTEM REFORM THROUGH ENHANCING TECHNICAL KNOWLEDGE AND OVERSIGHT ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 432, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. SKELTON) that the House suspend the rules and agree to the resolution, H. Res. 432.

The vote was taken by electronic device, and there were—yeas 428, nays 0, not voting 5, as follows:

[Roll No. 252]

YEAS—428

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt

Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—5

Bachmann
Murtha
Sánchez, Linda T.
Stark
Tanner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1729

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 432, H.R. 2101, as amended by the amendment in the nature of a substitute printed in the bill, is considered as passed; S. 454, as amended by the text of H.R. 2101 as passed by the House, is considered as passed; and the House is considered to have insisted on its amendment and requested a conference with the Senate thereon.

The text of the Senate bill, S. 454, is as follows:

S. 454

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

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

(a) SHORT TITLE.—This Act may be cited as the ''Weapon Systems Acquisition Reform Act of 2009''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—ACQUISITION ORGANIZATION

Sec. 101. Reports on systems engineering capabilities of the Department of Defense.
Sec. 102. Director of Developmental Test and Evaluation.
Sec. 103. Assessment of technological maturity of critical technologies of major defense acquisition programs by the Director of Defense Research and Engineering.
Sec. 104. Director of Independent Cost Assessment.
Sec. 105. Role of the commanders of the combatant commands in identifying joint military requirements.
Sec. 106. Clarification of submittal of certification of adequacy of budgets by the Director of the Department of Defense Test Resource Management Center.

TITLE II—ACQUISITION POLICY

Sec. 201. Consideration of trade-offs among cost, schedule, and performance in the acquisition of major weapon systems.
Sec. 202. Preliminary design review and critical design review for major defense acquisition programs.
Sec. 203. Ensuring competition throughout the life cycle of major defense acquisition programs.
Sec. 204. Critical cost growth in major defense acquisition programs.
Sec. 205. Organizational conflicts of interest in the acquisition of major weapon systems.
Sec. 206. Awards for Department of Defense personnel for excellence in the acquisition of products and services.
Sec. 207. Earned Value Management.
Sec. 208. Expansion of national security objectives of the national technology and industrial base.
Sec. 209. Plan for elimination of weaknesses in operations that hinder capacity to assemble and assess reliable cost information on acquired assets under major defense acquisition programs.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) The term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

(2) The term ''major defense acquisition program'' has the meaning given that term in section 2430 of title 10, United States Code.

**TITLE I—ACQUISITION ORGANIZATION**

**SEC. 101. REPORTS ON SYSTEMS ENGINEERING CAPABILITIES OF THE DEPARTMENT OF DEFENSE.**

(a) REPORTS BY SERVICE ACQUISITION EXECUTIVES.—Not later than 180 days after the date of the enactment of this Act, the service acquisition executive of each military department shall submit to the Under Secretary of Defense for Acquisition, Technology, and Logistics a report setting forth the following:

(1) A description of the extent to which such military department has in place development planning organizations and processes staffed by adequate numbers of personnel with appropriate training and expertise to ensure that—

(A) key requirements, acquisition, and budget decisions made for each major weapon system prior to Milestones A and B are supported by a rigorous systems analysis and systems engineering process;

(B) the systems engineering strategy for each major weapon system includes a robust program for improving reliability, availability, maintainability, and sustainability as an integral part of design and development; and

(C) systems engineering requirements, including reliability, availability, maintainability, and sustainability requirements, are identified during the Joint Capabilities Integration Development System process and incorporated into contract requirements for each major weapon system.

(2) A description of the actions that such military department has taken, or plans to take, to—

(A) establish needed development planning and systems engineering organizations and processes; and

(B) attract, develop, retain, and reward systems engineers with appropriate levels of hands-on experience and technical expertise to meet the needs of such military department.

(b) REPORT BY UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.—Not later than 270 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the system engineering capabilities of the Department of Defense. The report shall include, at a minimum, the following:

(1) An assessment by the Under Secretary of the reports submitted by the service acquisition executives pursuant to subsection (a) and of the adequacy of the actions that each military department has taken, or plans to take, to meet the systems engineering and development planning needs of such military department.

(2) An assessment of each of the recommendations of the report on Pre-Milestone A and Early-Phase Systems Engineering of the Air Force Studies Board of the National Research Council, including the recommended checklist of systems engineering issues to be addressed prior to Milestones A and B, and the extent to which such recommendations should be implemented throughout the Department of Defense.

**SEC. 102. DIRECTOR OF DEVELOPMENTAL TEST AND EVALUATION.**

(a) ESTABLISHMENT OF POSITION.—

(1) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended by inserting after section 139b the following new section:

**''§ 139c. Director of Developmental Test and Evaluation**

''(a) There is a Director of Developmental Test and Evaluation, who shall be appointed by the Secretary of Defense from among individuals with an expertise in acquisition and testing.

''(b)(1) The Director of Developmental Test and Evaluation shall be the principal advisor to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics on developmental test and evaluation in the Department of Defense.

''(2) The individual serving as the Director of Developmental Test and Evaluation may also serve concurrently as the Director of the Department of Defense Test Resource Management Center under section 196 of this title.

''(3) The Director shall be subject to the supervision of the Under Secretary of Defense for Acquisition, Technology, and Logistics and shall report to the Under Secretary.

''(4)(A) The Under Secretary shall provide guidance to the Director to ensure that the developmental test and evaluation activities of the Department of Defense are fully integrated into and consistent with the systems engineering and development processes of the Department.

''(B) The guidance under this paragraph shall ensure, at a minimum, that—

''(i) developmental test and evaluation requirements are fully integrated into the Systems Engineering Master Plan for each major defense acquisition program; and

''(ii) systems engineering and development planning requirements are fully considered in the Test and Evaluation Master Plan for each major defense acquisition program.

''(c) The Director of Developmental Test and Evaluation shall—

''(1) develop policies and guidance for the developmental test and evaluation activities of the Department of Defense (including integration and developmental testing of software);

''(2) monitor and review the developmental test and evaluation activities of the major defense acquisition programs and major automated information systems programs of the Department of Defense;

''(3) review and approve the test and evaluation master plan for each major defense acquisition program of the Department of Defense;

''(4) supervise the activities of the Director of the Department of Defense Test Resource

Management Center under section 196 of this title, or carry out such activities if serving concurrently as the Director of Developmental Test and Evaluation and the Director of the Department of Defense Test Resource Management Center under subsection (b)(2);

''(5) review the organizations and capabilities of the military departments with respect to developmental test and evaluation and identify needed changes or improvements to such organizations and capabilities; and

''(6) perform such other activities relating to the developmental test and evaluation activities of the Department of Defense as the Under Secretary of Defense for Acquisition, Technology, and Logistics may prescribe.

''(d) The Director of Developmental Test and Evaluation shall have access to all records and data of the Department of Defense (including the records and data of each military department) that the Director considers necessary in order to carry out the Director's duties under this section.

''(e)(1) The Director of Developmental Test and Evaluation shall submit to Congress each year a report on the developmental test and evaluation activities of the major defense acquisition programs and major automated information system programs of the of the Department of Defense. Each report shall include, at a minimum, the following:

''(A) A discussion of any waivers to testing activities included in the Test and Evaluation Master Plan for a major defense acquisition program in the preceding year.

''(B) An assessment of the organization and capabilities of the Department of Defense for test and evaluation.

''(2) The Secretary of Defense may include in any report submitted to Congress under this subsection such comments on such report as the Secretary considers appropriate.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by inserting after the item relating to section 139b the following new item:

''139c. Director of Developmental Test and Evaluation.''.

(3) CONFORMING AMENDMENTS.—

(A) Section 196(f) of title 10, United States Code, is amended by striking ''the Under Secretary of Defense for Acquisition, Technology, and Logistics'' and all that follows and inserting ''the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Director of Developmental Test and Evaluation.''.

(B) Section 139(b) of such title is amended—

(i) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively; and

(ii) by inserting after paragraph (3) the following new paragraph (4):

''(4) review and approve the test and evaluation master plan for each major defense acquisition program of the Department of Defense;''.

(b) REPORTS ON DEVELOPMENTAL TESTING ORGANIZATIONS AND PERSONNEL.—

(1) REPORTS BY SERVICE ACQUISITION EXECUTIVES.—Not later than 180 days after the date of the enactment of this Act, the service acquisition executive of each military department shall submit to the Director of Developmental Test and Evaluation a report on the extent to which the test organizations of such military department have in place, or have effective plans to develop, adequate numbers of personnel with appropriate expertise for each purpose as follows:

(A) To ensure that testing requirements are appropriately addressed in the translation of operational requirements into contract specifications, in the source selection process, and in the preparation of requests for proposals on all major defense acquisition programs.

(B) To participate in the planning of developmental test and evaluation activities, including the preparation and approval of a test and evaluation master plan for each major defense acquisition program.

(C) To participate in and oversee the conduct of developmental testing, the analysis of data, and the preparation of evaluations and reports based on such testing.

(2) FIRST ANNUAL REPORT BY DIRECTOR OF DEVELOPMENTAL TEST AND EVALUATION.—The first annual report submitted to Congress by the Director of Developmental Test and Evaluation under section 139c(e) of title 10, United States Code (as added by subsection (a)), shall be submitted not later than one year after the date of the enactment of this Act, and shall include an assessment by the Director of the reports submitted by the service acquisition executives to the Director under paragraph (1).

**SEC. 103. ASSESSMENT OF TECHNOLOGICAL MATURITY OF CRITICAL TECHNOLOGIES OF MAJOR DEFENSE ACQUISITION PROGRAMS BY THE DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING.**

(a) ASSESSMENT BY DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING.—

(1) IN GENERAL.—Section 139a of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c)(1) The Director of Defense Research and Engineering shall, in consultation with the Director of Developmental Test and Evaluation, periodically review and assess the technological maturity and integration risk of critical technologies of the major defense acquisition programs of the Department of Defense and report on the findings of such reviews and assessments to the Under Secretary of Defense for Acquisition, Technology, and Logistics.

''(2) The Director shall submit to the Secretary of Defense and to Congress each year a report on the technological maturity and integration risk of critical technologies of the major defense acquisition programs of the Department of Defense.''.

(2) FIRST ANNUAL REPORT.—The first annual report under subsection (c)(2) of section 139a of title 10, United States Code (as added by paragraph (1)), shall be submitted to Congress not later than March 1, 2011, and shall address the results of reviews and assessments conducted by the Director of Defense Research and Engineering pursuant to subsection (c)(1) of such section (as so added) during the preceding calendar year.

(b) REPORT ON RESOURCES FOR IMPLEMENTATION.—Not later than 120 days after the date of the enactment of this Act, the Director of Defense Research and Engineering shall submit to the congressional defense committees a report describing any additional resources, including specialized workforce, that may be required by the Director, and by other science and technology elements of the Department of Defense, to carry out the following:

(1) The requirements under the amendment made by subsection (a).

(2) The technological maturity assessments required by section 2366b(a) of title 10, United States Code, as amended by section 202 of this Act.

(3) The requirements of Department of Defense Instruction 5000, as revised.

(c) TECHNOLOGICAL MATURITY STANDARDS.—For purposes of the review and assessment conducted by the Director of Defense Research and Engineering in accordance with subsection (c) of section 139a of title 10, United States Code (as added by subsection (a)), a critical technology is considered to be mature—

(1) in the case of a major defense acquisition program that is being considered for Milestone B approval, if the technology has been demonstrated in a relevant environment; and

(2) in the case of a major defense acquisition program that is being considered for Milestone C approval, if the technology has been demonstrated in a realistic environment.

**SEC. 104. DIRECTOR OF INDEPENDENT COST ASSESSMENT.**

(a) DIRECTOR OF INDEPENDENT COST ASSESSMENT.—

(1) IN GENERAL.—Chapter 4 of title 10, United States Code, as amended by section 102 of this Act, is further amended by inserting after section 139c the following new section:

**''§ 139d. Director of Independent Cost Assessment**

''(a) There is a Director of Independent Cost Assessment in the Department of Defense, appointed by the President, by and with the advice and consent of the Senate. The Director shall be appointed without regard to political affiliation and solely on the basis of fitness to perform the duties of the Director.

''(b) The Director is the principal advisor to the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, and the Under Secretary of Defense (Comptroller) on cost estimation and cost analyses for the acquisition programs of the Department of Defense and the principal cost estimation official within the senior management of the Department of Defense. The Director shall—

''(1) prescribe, by authority of the Secretary of Defense, policies and procedures for the conduct of cost estimation and cost analysis for the acquisition programs of the Department of Defense;

''(2) provide guidance to and consult with the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Under Secretary of Defense (Comptroller), and the Secretaries of the military departments with respect to cost estimation in the Department of Defense in general and with respect to specific cost estimates and cost analyses to be conducted in connection with a major defense acquisition program under chapter 144 of this title or a major automated information system program under chapter 144A of this title;

''(3) establish guidance on confidence levels for cost estimates on major defense acquisition programs, require that all such estimates include confidence levels compliant with such guidance, and require the disclosure of all such confidence levels (including through Selected Acquisition Reports submitted pursuant to section 2432 of this title);

''(4) monitor and review all cost estimates and cost analyses conducted in connection with major defense acquisition programs and major automated information system programs; and

''(5) conduct independent cost estimates and cost analyses for major defense acquisition programs and major automated information system programs for which the Under Secretary of Defense for Acquisition, Technology, and Logistics is the Milestone Decision Authority—

''(A) in advance of—

''(i) any certification under section 2366a or 2366b of this title;

''(ii) any certification under section 2433(e)(2) of this title; and

''(iii) any report under section 2445c(f) of this title; and

''(B) whenever necessary to ensure that an estimate or analysis under paragraph (4) is unbiased, fair, and reliable.

''(c)(1) The Director may communicate views on matters within the responsibility of the Director directly to the Secretary of Defense and the Deputy Secretary of Defense without obtaining the approval or concurrence of any other official within the Department of Defense.

''(2) The Director shall consult closely with, but the Director and the Director's staff shall be independent of, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Under Secretary of Defense (Comptroller), and all other officers and entities of the Department of Defense responsible for acquisition and budgeting.

''(d)(1) The Secretary of a military department shall report promptly to the Director the results of all cost estimates and cost analyses conducted by the military department and all studies conducted by the military department in connection with cost estimates and cost analyses for major defense acquisition programs of the military department.

''(2) The Director may make comments on cost estimates and cost analyses conducted by a military department for a major defense acquisition program, request changes in such cost estimates and cost analyses to ensure that they are fair and reliable, and develop or require the development of independent cost estimates or cost analyses for such program, as the Director determines to be appropriate.

''(3) The Director shall have access to any records and data in the Department of Defense (including the records and data of each military department) that the Director considers necessary to review in order to carry out the Director's duties under this section.

''(e)(1) The Director shall prepare an annual report summarizing the cost estimation and cost analysis activities of the Department of Defense during the previous year and assessing the progress of the Department in improving the accuracy of its costs estimates and analyses. The report shall include an assessment of—

''(A) the extent to which each of the military departments have complied with policies, procedures, and guidance issued by the Director with regard to the preparation of cost estimates; and

''(B) the overall quality of cost estimates prepared by each of the military departments.

''(2) Each report under this subsection shall be submitted concurrently to the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Under Secretary of Defense (Comptroller), and Congress not later than 10 days after the transmission of the budget for the next fiscal year under section 1105 of title 31. The Director shall ensure that a report submitted under this subsection does not include any information, such as proprietary or source selection sensitive information, that could undermine the integrity of the acquisition process. Each report submitted to Congress under this subsection shall be posted on an Internet website of the Department of Defense that is available to the public.

''(3) The Secretary may comment on any report of the Director to Congress under this subsection.

''(f) The President shall include in the budget transmitted to Congress pursuant to section 1105 of title 31 for each fiscal year a separate statement of estimated expenditures and proposed appropriations for that fiscal year for the Director of Independent Cost Assessment in carrying out the duties and responsibilities of the Director under this section.

''(g) The Secretary of Defense shall ensure that the Director has sufficient professional staff of military and civilian personnel to enable the Director to carry out the duties and responsibilities of the Director under this section.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title, as so amended, is further amended by inserting after the item relating to section 139c the following new item:

''139d. Director of Independent Cost Assessment.''.

(3) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by inserting after the item relating to the Director of Operational Test and Evaluation, Department of Defense the following new item:

''Director of Independent Cost Assessment, Defense of Defense.''.

(b) REPORT ON MONITORING OF OPERATING AND SUPPORT COSTS FOR MDAPS.—

(1) REPORT TO SECRETARY OF DEFENSE.—Not later than one year after the date of the enactment of this Act, the Director of Independent Cost Assessment under section 139d of title 10 United States Code (as added by subsection (a)), shall review existing systems and methods of the Department of Defense for tracking and assessing operating and support costs on major defense acquisition programs and submit to the Secretary of Defense a report on the finding and recommendations of the Director as a result of the review, including an assessment by the Director of the feasibility and advisability of establishing baselines for operating and support costs under section 2435 of title 10, United States Code.

(2) TRANSMITTAL TO CONGRESS.—Not later than 30 days after receiving the report required by paragraph (1), the Secretary shall transmit the report to the congressional defense committees, together with any comments on the report the Secretary considers appropriate.

(c) TRANSFER OF PERSONNEL AND FUNCTIONS OF COST ANALYSIS IMPROVEMENT GROUP.—The personnel and functions of the Cost Analysis Improvement Group of the Department of Defense are hereby transferred to the Director of Independent Cost Assessment under section 139d of title 10, United States Code (as so added), and shall report directly to the Director.

(d) CONFORMING AMENDMENTS.—

(1) Section 181(d) of title 10, United States Code, is amended by inserting ''the Director of Independent Cost Assessment,'' before ''and the Director''.

(2) Section 2306b(i)(1)(B) of such title is amended by striking ''Cost Analysis Improvement Group of the Department of Defense'' and inserting ''Director of Independent Cost Assessment''.

(3) Section 2366a(a)(4) of such title is amended by striking ''has been submitted'' and inserting ''has been approved by the Director of Independent Cost Assessment''.

(4) Section 2366b(a)(1)(C) of such title is amended by striking ''have been developed to execute'' and inserting ''have been approved by the Director of Independent Cost Assessment to provide for the execution of''.

(5) Section 2433(e)(2)(B)(iii) of such title is amended by striking ''are reasonable'' and inserting ''have been determined by the Director of Independent Cost Assessment to be reasonable''.

(6) Subparagraph (A) of section 2434(b)(1) of such title is amended to read as follows:

''(A) be prepared or approved by the Director of Independent Cost Assessment; and''.

(7) Section 2445c(f)(3) of such title is amended by striking ''are reasonable'' and inserting ''have been determined by the Director of Independent Cost Assessment to be reasonable''.

(e) COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF OPERATING AND SUPPORT COSTS OF MAJOR WEAPON SYSTEMS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on growth in operating and support costs for major weapon systems.

(2) ELEMENTS.—In preparing the report required by paragraph (1), the Comptroller General shall, at a minimum—

(A) identify the original estimates for operating and support costs for major weapon systems selected by the Comptroller General for purposes of the report;

(B) assess the actual operating and support costs for such major weapon systems;

(C) analyze the rate of growth for operating and support costs for such major weapon systems;

(D) for such major weapon systems that have experienced the highest rate of growth in operating and support costs, assess the factors contributing to such growth;

(E) assess measures taken by the Department of Defense to reduce operating and support costs for major weapon systems; and

(F) make such recommendations as the Comptroller General considers appropriate.

(3) MAJOR WEAPON SYSTEM DEFINED.—In this subsection, the term ''major weapon system'' has the meaning given that term in 2379(d) of title 10, United States Code.

**SEC. 105. ROLE OF THE COMMANDERS OF THE COMBATANT COMMANDS IN IDENTIFYING JOINT MILITARY REQUIREMENTS.**

(a) IN GENERAL.—Section 181 of title 10, United States Code, as amended by section 104(d)(1) of this Act, is further amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(2) by adding after subsection (d) the following new subsection (e):

''(e) INPUT FROM COMBATANT COMMANDERS ON JOINT MILITARY REQUIREMENTS.—The Council shall seek and consider input from the commanders of the combatant commands in carrying out its mission under paragraphs (1) and (2) of subsection (b) and in conducting periodic reviews in accordance with the requirements of subsection (f). Such input may include, but is not limited to, an assessment of the following:

''(1) Any current or projected missions or threats in the theater of operations of the commander of a combatant command that would justify a new joint military requirement.

''(2) The necessity and sufficiency of a proposed joint military requirement in terms of current and projected missions or threats.

''(3) The relative priority of a proposed joint military requirement in comparison with other joint military requirements.

''(4) The ability of partner nations in the theater of operations of the commander of a combatant command to assist in meeting the joint military requirement or to partner in using technologies developed to meet the joint military requirement.''.

(b) COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF IMPLEMENTATION.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of the requirements of subsection (e) of section 181 of title 10, United States Code (as amended by subsection (a)), for the Joint Requirements Oversight Council to solicit and consider input from the commanders of the combatant commands. The report shall include, at a minimum, an assessment of the extent to

which the Council has effectively sought, and the commanders of the combatant commands have provided, meaningful input on proposed joint military requirements.

**SEC. 106. CLARIFICATION OF SUBMITTAL OF CERTIFICATION OF ADEQUACY OF BUDGETS BY THE DIRECTOR OF THE DEPARTMENT OF DEFENSE TEST RESOURCE MANAGEMENT CENTER.**

Section 196(e)(2) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) If the Director of the Center is not serving concurrently as the Director of Developmental Test and Evaluation under subsection (b)(2) of section 139c of this title, the certification of the Director of the Center under subparagraph (A) shall, notwithstanding subsection (c)(4) of such section, be submitted directly and independently to the Secretary of Defense.''.

## TITLE II—ACQUISITION POLICY

**SEC. 201. CONSIDERATION OF TRADE-OFFS AMONG COST, SCHEDULE, AND PERFORMANCE IN THE ACQUISITION OF MAJOR WEAPON SYSTEMS.**

(a) CONSIDERATION OF TRADE-OFFS.—

(1) IN GENERAL.—The Secretary of Defense shall develop and implement mechanisms to ensure that trade-offs between cost, schedule, and performance are considered as part of the process for developing requirements for major weapon systems.

(2) ELEMENTS.—The mechanisms required under this subsection shall ensure, at a minimum, that—

(A) Department of Defense officials responsible for acquisition, budget, and cost estimating functions are provided an appropriate opportunity to develop estimates and raise cost and schedule matters before performance requirements are established for major weapon systems; and

(B) consideration is given to fielding major weapon systems through incremental or spiral acquisition, while deferring technologies that are not yet mature, and capabilities that are likely to significantly increase costs or delay production, until later increments or spirals.

(3) MAJOR WEAPONS SYSTEM DEFINED.—In this subsection, the term ''major weapon system'' has the meaning given that term in section 2379(d) of title 10, United States Code.

(b) DUTIES OF JOINT REQUIREMENTS OVERSIGHT COUNCIL.—Section 181(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(C) in ensuring the consideration of trade-offs among cost, schedule and performance for joint military requirements in consultation with the advisors specified in subsection (d);''.

(c) REVIEW OF JOINT MILITARY REQUIREMENTS.—

(1) JROC SUBMITTAL OF RECOMMENDED REQUIREMENTS TO UNDER SECRETARY FOR ATL.—Upon recommending a new joint military requirement, the Joint Requirements Oversight Council shall transmit the recommendation to the Under Secretary of Defense for Acquisition, Technology, and Logistics for review and concurrence or non-concurrence in the recommendation.

(2) REVIEW OF RECOMMENDED REQUIREMENTS.—The Under Secretary for Acquisition, Technology, and Logistics shall review each recommendation transmitted under paragraph (1) to determine whether or not the Joint Requirements Oversight Council has, in making such recommendation—

(A) taken appropriate action to solicit and consider input from the commanders of the combatant commands in accordance with the requirements of section 181(e) of title 10, United States Code (as amended by section 105);

(B) given appropriate consideration to trade-offs among cost, schedule, and performance in accordance with the requirements of section 181(b)(1)(C) of title 10, United States Code (as amended by subsection (b)); and

(C) given appropriate consideration to issues of joint portfolio management, including alternative material and non-material solutions, as provided in Chairman of the Joint Chiefs of Staff Instruction 3170.01G.

(3) NON-CONCURRENCE OF UNDER SECRETARY FOR ATL.—If the Under Secretary for Acquisition, Technology, and Logistics determines that the Joint Requirements Oversight Council has failed to take appropriate action in accordance with subparagraphs (A), (B), and (C) of paragraph (2) regarding a joint military requirement, the Under Secretary shall return the recommendation to the Council with specific recommendations as to matters to be considered by the Council to address any shortcoming identified by the Under Secretary in the course of the review under paragraph (2).

(4) NOTICE ON CONTINUING DISAGREEMENT ON REQUIREMENT.—If the Under Secretary for Acquisition, Technology, and Logistics and the Joint Requirements Oversight Council are unable to reach agreement on a joint military requirement that has been returned to the Council by the Under Secretary under paragraph (4), the Under Secretary shall transmit notice of lack of agreement on the requirement to the Secretary of Defense.

(5) RESOLUTION OF CONTINUING DISAGREEMENT.—Upon receiving notice under paragraph (4) of a lack of agreement on a joint military requirement, the Secretary of Defense shall make a final determination on whether or not to validate the requirement.

(d) ANALYSIS OF ALTERNATIVES.—

(1) REQUIREMENT AT MATERIAL SOLUTION ANALYSIS PHASE.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall ensure that Department of Defense guidance on major defense acquisition programs requires the Milestone Decision Authority to conduct an analysis of alternatives (AOA) during the Material Solution Analysis Phase of each major defense acquisition program.

(2) ELEMENTS.—Each analysis of alternatives under paragraph (1) shall, at a minimum—

(A) solicit and consider alternative approaches proposed by the military departments and Defense Agencies to meet joint military requirements; and

(B) give full consideration to possible trade-offs between cost, schedule, and performance for each of the alternatives so considered.

(e) DUTIES OF MILESTONE DECISION AUTHORITY.—Section 2366b(a)(1)(B) of title 10, United States Code, is amended by inserting ''appropriate trade-offs between cost, schedule, and performance have been made to ensure that'' before ''the program is affordable''.

**SEC. 202. PRELIMINARY DESIGN REVIEW AND CRITICAL DESIGN REVIEW FOR MAJOR DEFENSE ACQUISITION PROGRAMS.**

(a) PRELIMINARY DESIGN REVIEW.—Section 2366b(a) of title 10, United States Code, as amended by section 201(d) of this Act, is further amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following new paragraph (2):

''(2) has received a preliminary design review (PDR) and conducted a formal post-preliminary design review assessment, and certifies on the basis of such assessment that the program demonstrates a high likelihood of accomplishing its intended mission; and''; and

(4) in paragraph (3), as redesignated by paragraph (2) of this section—

(A) in subparagraph (D), by striking the semicolon and inserting '', as determined by the Milestone Decision Authority on the basis of an independent review and assessment by the Director of Defense Research and Engineering; and'';

(B) by striking subparagraph (E); and

(C) by redesignating subparagraph (F) as subparagraph (E).

(b) CRITICAL DESIGN REVIEW.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall ensure that Department of Defense guidance on major defense acquisition programs requires a critical design review and a formal post-critical design review assessment for each major defense acquisition program to ensure that such program has attained an appropriate level of design maturity before such program is approved for System Capability and Manufacturing Process Development.

**SEC. 203. ENSURING COMPETITION THROUGHOUT THE LIFE CYCLE OF MAJOR DEFENSE ACQUISITION PROGRAMS.**

(a) ENSURING COMPETITION.—The Secretary of Defense shall ensure that the acquisition plan for each major defense acquisition program includes measures to ensure competition, or the option of competition, at both the prime contract level and the subcontract level of such program throughout the life cycle of such program as a means to incentivize contractor performance.

(b) MEASURES TO ENSURE COMPETITION.—The measures to ensure competition, or the option of competition, utilized for purposes of subsection (a) may include, but are not limited to, measures to achieve the following, in appropriate cases where such measures are cost-effective:

(1) Competitive prototyping.

(2) Dual-sourcing.

(3) Funding of a second source for interchangeable, next-generation prototype systems or subsystems.

(4) Utilization of modular, open architectures to enable competition for upgrades.

(5) Periodic competitions for subsystem upgrades.

(6) Licensing of additional suppliers.

(7) Requirements for Government oversight or approval of make or buy decisions to ensure competition at the subsystem level.

(8) Periodic system or program reviews to address long-term competitive effects of program decisions.

(9) Consideration of competition at the subcontract level and in make or buy decisions as a factor in proposal evaluations.

(c) COMPETITIVE PROTOTYPING.—The Secretary of Defense shall modify the acquisition regulations of the Department of Defense to ensure with respect to competitive prototyping for major defense acquisition programs the following:

(1) That the acquisition strategy for each major defense acquisition program provides for two or more competing teams to produce prototypes before Milestone B approval (or Key Decision Point B approval in the case of a space program) unless the milestone decision authority for such program waives the requirement on the basis of a determination that—

(A) but for such waiver, the Department would be unable to meet critical national security objectives; or

(B) the cost of producing competitive prototypes exceeds the potential life-cycle benefits of such competition, including the benefits of improved performance and increased technological and design maturity that may be achieved through prototyping.

(2) That if the milestone decision authority waives the requirement for prototypes produced by two or more teams for a major defense acquisition program under paragraph (1), the acquisition strategy for the program provides for the production of at least one prototype before Milestone B approval (or Key Decision Point B approval in the case of a space program) unless the milestone decision authority waives such requirement on the basis of a determination that—

(A) but for such waiver, the Department would be unable to meet critical national security objectives; or

(B) the cost of producing a prototype exceeds the potential life-cycle benefits of such prototyping, including the benefits of improved performance and increased technological and design maturity that may be achieved through prototyping.

(3) That whenever a milestone decision authority authorizes a waiver under paragraph (1) or (2), the waiver, the determination upon which the waiver is based, and the reasons for the determination are submitted in writing to the congressional defense committees not later than 30 days after the waiver is authorized.

(4) That prototypes may be required under paragraph (1) or (2) for the system to be acquired or, if prototyping of the system is not feasible, for critical subsystems of the system.

(d) COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF CERTAIN WAIVERS.—

(1) NOTICE TO COMPTROLLER GENERAL.—Whenever a milestone decision authority authorizes a waiver of the requirement for prototypes under paragraph (1) or (2) of subsection (c) on the basis of excessive cost, the milestone decision authority shall submit a notice on the waiver, together with the rational for the waiver, to the Comptroller General of the United States at the same time a report on the waiver is submitted to the congressional defense committees under paragraph (3) of that subsection.

(2) COMPTROLLER GENERAL REVIEW.—Not later than 60 days after receipt of a notice on a waiver under paragraph (1), the Comptroller General shall—

(A) review the rationale for the waiver; and

(B) submit to the congressional defense committees a written assessment of the rationale for the waiver.

(e) APPLICABILITY.—This section shall apply to any acquisition plan for a major defense acquisition program that is developed or revised on or after the date that is 60 days after the date of the enactment of this Act.

**SEC. 204. CRITICAL COST GROWTH IN MAJOR DEFENSE ACQUISITION PROGRAMS.**

(a) AUTHORIZED ACTIONS IN EVENT OF CRITICAL COST GROWTH.—Section 2433(e)(2) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (C) as subparagraph (E);

(2) by striking subparagraph (B); and

(3) by inserting after subparagraph (A) the following new subparagraphs (B), (C), and (D):

''(B) terminate such acquisition program and submit the report required by subparagraph (D), unless the Secretary determines that the continuation of such program is essential to the national security of the United States and submits a written certification in accordance with subparagraph (C)(i) accompanied by a report setting forth the assessment carried out pursuant to subparagraph (A) and the basis for each determination made in accordance with clauses (I) through (IV) of subparagraph (C)(i), together with supporting documentation;

''(C) if the program is not terminated—

''(i) submit to Congress, before the end of the 60-day period beginning on the day the Selected Acquisition Report containing the information described in subsection (g) is required to be submitted under section 2432(f) of this title, a written certification stating that—

''(I) such acquisition program is essential to national security;

''(II) there are no alternatives to such acquisition program which will provide equal or greater capability to meet a joint military requirement (as that term is defined in section 181(h)(1) of this title) at less cost;

''(III) the new estimates of the program acquisition unit cost or procurement unit cost were arrived at in accordance with the requirements of section 139d of this title and are reasonable; and

''(IV) the management structure for the acquisition program is adequate to manage and control program acquisition unit cost or procurement unit cost;

''(ii) rescind the most recent Milestone approval (or Key Decision Point approval in the case of a space program) for such program and withdraw any associated certification under section 2366a or 2366b of this title; and

''(iii) require a new Milestone approval (or Key Decision Point approval in the case of a space program) for such program before entering into a new contract, exercising an option under an existing contract, or otherwise extending the scope of an existing contract under such program;

''(D) if the program is terminated, submit to Congress a written report setting forth—

''(i) an explanation of the reasons for terminating the program;

''(ii) the alternatives considered to address any problems in the program; and

''(iii) the course the Department plans to pursue to meet any continuing joint military requirements otherwise intended to be met by the program; and''.

(b) TOTAL EXPENDITURE FOR PROCUREMENT RESULTING IN TREATMENT AS MDAP.—Section 2430(a)(2) of such title is amended by inserting '', including all planned increments or spirals,'' after ''an eventual total expenditure for procurement''.

**SEC. 205. ORGANIZATIONAL CONFLICTS OF INTEREST IN THE ACQUISITION OF MAJOR WEAPON SYSTEMS.**

(a) REVISED REGULATIONS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall revise the Defense Supplement to the Federal Acquisition Regulation to address organizational conflicts of interest by contractors in the acquisition of major weapon systems.

(b) ELEMENTS.—The revised regulations required by subsection (a) shall, at a minimum—

(1) ensure that the Department of Defense receives advice on systems architecture and systems engineering matters with respect to major weapon systems from federally funded research and development centers or other sources independent of the prime contractor;

(2) require that a contract for the performance of systems engineering and technical assistance (SETA) functions with regard to a major weapon system contains a provision prohibiting the contractor or any affiliate of the contractor from having a direct financial interest in the development or construction of the weapon system or any component thereof;

(3) provide for an exception to the requirement in paragraph (2) for an affiliate that is separated from the contractor by structural mechanisms, approved by the Secretary of Defense, that are similar to those required for special security agreements under rules governing foreign ownership, control, or influence over United States companies that have access to classified information, including, at a minimum—

(A) establishment of the affiliate as a separate business entity, geographically separated from related entities, with its own employees and management and restrictions on transfers for personnel;

(B) a governing board for the affiliate that has organizational separation from related entities and governance procedures that require the board to act solely in the interest of the affiliate, without regard to the interests of related entities, except in specified circumstances;

(C) complete informational separation, including the execution of non-disclosure agreements;

(D) initial and recurring training on organizational conflicts of interest and protections against organizational conflicts of interest; and

(E) annual compliance audits in which Department of Defense personnel are authorized to participate;

(4) prohibit the use of the exception in paragraph (3) for any category of systems engineering and technical assistance functions (including, but not limited to, advice on source selection matters) for which the potential for an organizational conflict of interest or the appearance of an organizational conflict of interest makes mitigation in accordance with that paragraph an inappropriate approach;

(5) authorize waiver of the requirement in paragraph (2) in cases in which the agency head determines in writing that—

(A) the financial interest of the contractor or its affiliate in the development or construction of the weapon system is not substantial and does not include a prime contract, a first-tier subcontract, or a joint venture or similar relationship with a prime contractor or first-tier subcontractor; or

(B) the contractor—

(i) has unique systems engineering capabilities that are not available from other sources;

(ii) has taken appropriate actions to mitigate any organizational conflict of interest; and

(iii) has made a binding commitment to comply with the requirement in paragraph (2) by not later than January 1, 2011; and

(6) provide for fair and objective ''make-buy'' decisions by the prime contractor on a major weapon system by—

(A) requiring prime contractors to give full and fair consideration to qualified sources other than the prime contractor for the development or construction of major subsystems and components of the weapon system;

(B) providing for government oversight of the process by which prime contractors consider such sources and determine whether to conduct such development or construction in-house or through a subcontract;

(C) authorizing program managers to disapprove the determination by a prime contractor to conduct development or construction in-house rather than through a subcontract in cases in which—

(i) the prime contractor fails to give full and fair consideration to qualified sources other than the prime contractor; or

(ii) implementation of the determination by the prime contractor is likely to undermine future competition or the defense industrial base; and

(D) providing for the consideration of prime contractors ''make-buy'' decisions in past performance evaluations.

(c) ORGANIZATIONAL CONFLICT OF INTEREST REVIEW BOARD.—

(1) ESTABLISHMENT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall establish within the Department of Defense a board to be known as the ''Organizational Conflict of Interest Review Board''.

(2) DUTIES.—The Board shall have the following duties:

(A) To advise the Under Secretary of Defense for Acquisition, Technology, and Logistics on policies relating to organizational conflicts of interest in the acquisition of major weapon systems.

(B) To advise program managers on steps to comply with the requirements of the revised regulations required by this section and to address organizational conflicts of interest in the acquisition of major weapon systems.

(C) To advise appropriate officials of the Department on organizational conflicts of interest arising in proposed mergers of defense contractors.

(d) MAJOR WEAPON SYSTEM DEFINED.—In this section, the term ''major weapon system'' has the meaning given that term in section 2379(d) of title 10, United States Code.

**SEC. 206. AWARDS FOR DEPARTMENT OF DEFENSE PERSONNEL FOR EXCELLENCE IN THE ACQUISITION OF PRODUCTS AND SERVICES.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall commence carrying out a program to recognize excellent performance by individuals and teams of members of the Armed Forces and civilian personnel of the Department of Defense in the acquisition of products and services for the Department of Defense.

(b) ELEMENTS.—The program required by subsection (a) shall include the following:

(1) Procedures for the nomination by the personnel of the military departments and the Defense Agencies of individuals and teams of members of the Armed Forces and civilian personnel of the Department of Defense for eligibility for recognition under the program.

(2) Procedures for the evaluation of nominations for recognition under the program by one or more panels of individuals from the government, academia, and the private sector who have such expertise, and are appointed in such manner, as the Secretary shall establish for purposes of the program.

(c) AWARD OF CASH BONUSES.—As part of the program required by subsection (a), the Secretary may award to any individual recognized pursuant to the program a cash bonus authorized by any other provision of law to the extent that the performance of such individual so recognized warrants the award of such bonus under such provision of law.

**SEC. 207. EARNED VALUE MANAGEMENT.**

(a) ENHANCED TRACKING OF CONTRACTOR PERFORMANCE.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall review the existing guidance and, as necessary, prescribe additional guidance governing the implementation of the Earned Value Management (EVM) requirements and reporting for contracts to ensure that the Department of Defense—

(1) applies uniform EVM standards to reliably and consistently measure contract or project performance;

(2) applies such standards to establish appropriate baselines at the award of a contract or commencement of a program, whichever is earlier;

(3) ensures that personnel responsible for administering and overseeing EVM systems have the training and qualifications needed to perform this function; and

(4) has appropriate mechanisms in place to ensure that contractors establish and use approved EVM systems.

(b) ENFORCEMENT MECHANISMS.—For the purposes of subsection (a)(4), mechanisms to ensure that contractors establish and use approved EVM systems shall include—

(1) consideration of the quality of the contractors' EVM systems and the timeliness of the contractors' EVM reporting in any past performance evaluation for a contract that includes an EVM requirement; and

(2) increased government oversight of the cost, schedule, scope, and performance of contractors that do not have approved EVM systems in place.

**SEC. 208. EXPANSION OF NATIONAL SECURITY OBJECTIVES OF THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.**

(a) IN GENERAL.—Subsection (a) of section 2501 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(6) Maintaining critical design skills to ensure that the armed forces are provided with systems capable of ensuring technological superiority over potential adversaries.''.

(b) NOTIFICATION OF CONGRESS UPON TERMINATION OF MDAPS OF EFFECTS ON NATIONAL SECURITY OBJECTIVES.—Such section is further amended by adding at the end the following new subsection:

''(c) NOTIFICATION OF CONGRESS UPON TERMINATION OF MAJOR DEFENSE ACQUISITION PROGRAM OF EFFECTS ON OBJECTIVES.—(1) Upon the termination of a major defense acquisition program, the Secretary of Defense shall notify Congress of the effects of such termination on the national security objectives for the national technology and industrial base set forth in subsection (a), and the measures, if any, that have been taken or should be taken to mitigate those effects.

''(2) In this subsection, the term 'major defense acquisition program' has the meaning given that term in section 2430 of this title.''.

**SEC. 209. PLAN FOR ELIMINATION OF WEAKNESSES IN OPERATIONS THAT HINDER CAPACITY TO ASSEMBLE AND ASSESS RELIABLE COST INFORMATION ON ACQUIRED ASSETS UNDER MAJOR DEFENSE ACQUISITION PROGRAMS.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Chief Management Officer of the Department of Defense shall submit to Congress a report setting forth a plan to identify and address weaknesses in operations that hinder the capacity to assemble and assess reliable cost information on the systems and assets to be acquired under major defense acquisition programs.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) Mechanisms to identify any weaknesses in operations under major defense acquisition programs that hinder the capacity to assemble and assess reliable cost information on the systems and assets to be acquired under such programs in accordance with applicable accounting standards.

(2) Mechanisms to address weaknesses in operations under major defense acquisition programs identified pursuant to the utilization of the mechanisms set forth under paragraph (1).

(3) A description of the proposed implementation of the mechanisms set forth pursuant to paragraph (2) to address the weaknesses described in that paragraph, including—

(A) the actions to be taken to implement such mechanisms;

(B) a schedule for carrying out such mechanisms; and

(C) metrics for assessing the progress made in carrying out such mechanisms.

(4) A description of the organization and resources required to carry out mechanisms set forth pursuant to paragraphs (1) and (2).

(5) In the case of the financial management practices of each military department applicable to major defense acquisition programs—

(A) a description of any weaknesses in such practices; and

(B) a description of the actions to be taken to remedy such weaknesses.

(c) CONSULTATION.—

(1) IN GENERAL.—In preparing the report required by subsection (a), the Chief Management Officer of the Department of Defense shall seek and consider input from each of the following:

(A) The Chief Management Officer of the Department of the Army.

(B) The Chief Management Officer of the Department of the Navy.

(C) The Chief Management Officer of the Department of the Air Force.

(2) FINANCIAL MANAGEMENT PRACTICES.—In preparing for the report required by subsection (a) the matters covered by subsection (b)(5) with respect to a particular military department, the Chief Management Officer of the Department of Defense shall consult specifically with the Chief Management Officer of the military department concerned.

The text of S. 454, as amended by the text of H.R. 2101 as passed by the House, is as follows:

H.R. 2101

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

*(a) SHORT TITLE.—This Act may be cited as the ''Weapons Acquisition System Reform Through Enhancing Technical Knowledge and Oversight Act of 2009''.*

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

*Sec. 1. Short title; table of contents.*

*TITLE I—ACQUISITION ORGANIZATION*

*Sec. 101. Independent performance of acquisition oversight functions.*
*Sec. 102. Oversight of cost estimation.*
*Sec. 103. Oversight of systems engineering.*
*Sec. 104. Oversight of performance assessment.*
*Sec. 105. Assessment of technological maturity of critical technologies of major defense acquisition programs by the Director of Defense Research and Engineering.*
*Sec. 106. Role of the commanders of the combatant commands in identifying joint military requirements.*

*TITLE II—ACQUISITION POLICY*

*Sec. 201. Acquisition strategies ensuring competition throughout the lifecycle of major defense acquisition programs.*
*Sec. 202. Additional requirements for certain major defense acquisition programs.*
*Sec. 203. Requirement for certification of major systems prior to Milestone B.*
*Sec. 204. Critical cost growth in major defense acquisition programs.*
*Sec. 205. Organizational conflicts of interest in the acquisition of major weapon systems.*
*Sec. 206. Awards for Department of Defense personnel for excellence in the acquisition of products and services.*
*Sec. 207. Consideration of trade-offs among cost, schedule, and performance in the acquisition of major weapon systems.*

**TITLE I—ACQUISITION ORGANIZATION**

**SEC. 101. INDEPENDENT PERFORMANCE OF ACQUISITION OVERSIGHT FUNCTIONS.**

(a) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 145. Principal advisors for acquisition oversight functions**

''(a) ASSIGNMENT OF ACQUISITION OVERSIGHT FUNCTIONS.—The Secretary of Defense shall designate an official within the Office of the Secretary of Defense as the principal advisor to the Secretary for each acquisition oversight function specified in subsection (c). An official may be designated to perform one or more of such functions. The performance of duties pursuant to a designation under this section shall not limit or otherwise affect the performance of any other duties assigned to such official by the Secretary or by other officers of the Department responsible for the management and direction of such official except as necessary to satisfy the requirements of subsection (b).

''(b) QUALIFICATIONS.—In designating an official for a function pursuant to subsection (a), the Secretary shall ensure that the official reports directly to the Secretary in the performance of such function and is—

''(1) highly expert in matters relating to the function;

''(2) assigned the appropriate staff and resources necessary to carry out the function;

''(3) independent from those engaged in the execution of acquisition programs;

''(4) free of any undue political influence; and

''(5) free of any personal conflict of interest.

''(c) ACQUISITION OVERSIGHT FUNCTIONS.—(1) The acquisition oversight functions to be performed by officials designated pursuant to subsection (a) are as follows:

''(A) Cost estimation.

''(B) Systems engineering.

''(C) Performance assessment.

''(D) Such other acquisition functions as the Secretary considers appropriate.

''(2) Each acquisition oversight function specified in paragraph (1) shall cover all phases of an acquisition program, including setting of requirements, formulation and execution of budgets, and program execution.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''145. Principal advisors for acquisition oversight functions.''.

**SEC. 102. OVERSIGHT OF COST ESTIMATION.**

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 2334. Acquisition oversight: oversight of cost estimation**

''(a) ISSUANCE OF POLICIES, PROCEDURES, GUIDANCE, AND COST ESTIMATES.—The official assigned oversight of cost estimation pursuant to section 145 of this title shall issue the following:

''(1) Policies and procedures governing the conduct of cost estimation and cost analysis generally for the acquisition programs of the Department of Defense.

''(2) Guidance relating to cost estimates and cost analyses conducted in connection with major defense acquisition programs under chapter 144 of this title or major automated information system programs under chapter 144A of this title.

''(3) Guidance relating to the proper selection of confidence levels for cost estimates generally, and specifically, for the proper selection of confidence levels for cost estimates for major defense acquisition programs under chapter 144 of this title or major automated information system program under chapter 144A of this title.

''(4) Guidance relating to full consideration of life-cycle management and sustainability costs of major defense acquisition programs under chapter 144 of this title or major automated information system programs under chapter 144A of this title.

''(5) Independent cost estimates and cost analyses for major defense acquisition programs and major automated information system programs for which the Under Secretary of Defense for Acquisition, Technology, and Logistics is the Milestone Decision Authority—

''(A) in advance of—

''(i) any certification under section 2366a or 2366b of title 10, United States Code;

''(ii) any decision to enter into low-rate initial production or full-rate production;

''(iii) any certification under section 2433(e)(2) of this title; and

''(iv) any report under section 2445c(f) of this title; and

''(B) at any other time considered necessary by such official or upon the request of the Under Secretary of Defense for Acquisition, Technology, and Logistics.

''(b) REVIEW OF COST ESTIMATES, COST ANALYSES, COST INDEXES, AND RECORDS OF THE MILITARY DEPARTMENTS.—The Secretary of Defense shall ensure that the official designated for oversight of cost estimation pursuant to section 145 of this title—

''(1) promptly receives the results of all cost estimates and cost analyses conducted by the military departments, and all studies conducted by the military departments in connection with such cost estimates and cost analyses, for major defense acquisition programs and major automated information systems of the military departments, and is authorized to comment on such estimates, analyses, and studies; and

''(2) has timely access to any records and data in the Department of Defense (including the records and data of each military department and including classified and proprietary information as appropriate) that the official considers necessary to review in order to carry out any duties under this section.

''(c) PARTICIPATION, CONCURRENCE, AND APPROVAL IN COST ESTIMATION.—The Secretary of Defense shall ensure that the official designated for oversight of cost estimation pursuant to section 145 of this title is involved in all discussions relating to cost estimation and the estimation of resource levels required for major defense acquisition programs and major automated information systems of the Department of Defense generally at all stages of such programs and may—

''(1) participate in the formulation of study guidance for analyses of alternatives for major defense acquisition programs;

''(2) participate in discussion of resources associated with requirements;

''(3) participate in the discussion of any discrepancies between an independent cost estimate and the cost estimate of a military department for a major defense acquisition program or major automated information system of the Department of Defense;

''(4) approve or disapprove, at such official's sole discretion, the confidence level used in establishing a baseline description or budget estimate for a major defense acquisition program or major automated information system of the Department of Defense at any of the events specified in paragraph (5) of subsection (a) of this section;

''(5) concur in the choice of a baseline description or budget estimate for use at any of the events specified in paragraph (5) of subsection (a) of this section; and

''(6) participate in consideration of any decision to request authorization of a multiyear procurement contract for a major defense acquisition program.

''(d) DISCLOSURE OF CONFIDENCE LEVELS FOR BASELINE ESTIMATES OF MAJOR DEFENSE ACQUISITION PROGRAMS.—The official designated to perform oversight of cost estimation pursuant to section 145 of this title, in approving a confidence level for use in a major defense acquisition program pursuant to subsection (c)(4), shall—

''(1) disclose the confidence level used in establishing a baseline estimate for the major defense acquisition program, the rationale for selecting such confidence level, and, if such confidence level is less than 80 percent, the justification for selecting a confidence level of less than 80 percent; and

''(2) include the disclosure required by paragraph (1) in any decision documentation approving a baseline estimate for the major defense acquisition program, in the next Selected Acquisition Report pursuant to section 2432 of this title for the major defense acquisition program, and in the next annual report submitted under subsection (f).

''(e) RELATIONSHIP TO COST ANALYSIS IMPROVEMENT GROUP.—The official designated to perform oversight of cost estimation pursuant to section 145 of this title shall be assigned responsibility for the management and oversight of the Cost Analysis Improvement Group of the Department of Defense.

''(f) ANNUAL REPORT.—Not later than March 1 of each year, beginning on March 1, 2010, the official designated to perform oversight of cost estimation pursuant to section 145 of this title shall submit to the congressional defense committees a report on the activities undertaken pursuant to this section during the preceding year. The report shall be in an unclassified form but may include a classified annex.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2334. Acquisition oversight: oversight of cost estimation.''.

**SEC. 103. OVERSIGHT OF SYSTEMS ENGINEERING.**

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, as amended by section 102, is further amended by adding at the end the following new section:

**"§ 2334a. Acquisition oversight: oversight of systems engineering**

''(a) ISSUANCE OF POLICIES, PROCEDURES, AND GUIDANCE.—The official designated to perform oversight of systems engineering pursuant to section 145 of this title shall—

''(1) issue policies, procedures, and guidance for all elements of the Department of Defense concerning—

''(A) the use of systems engineering principles and best practices, generally;

''(B) the use of systems engineering approaches to enhance reliability, availability, and maintainability on major defense acquisition programs;

''(C) the development of systems engineering master plans for major defense acquisition programs, including systems engineering considerations in support of life-cycle management and sustainability;

''(D) the inclusion of provisions relating to systems engineering and reliability growth in requests for proposals;

''(E) the appropriate use of development planning to reduce the time from system development to deployment, to reduce development risk and cost growth, and to provide future benchmarks against which to trade requirements, cost, and schedule;

''(F) developmental test and evaluation generally;

''(G) in coordination with the Director of Operational Test and Evaluation, the integration of developmental test and evaluation with operational test and evaluation;

''(H) in coordination with the Director of Operational Test and Evaluation, the development of test and evaluation master plans for major defense acquisition programs; and

''(I) the use of developmental test and evaluation as part of a coordinated systems engineering approach to system development; and

''(2) provide advocacy, oversight, and direction to elements of the acquisition workforce responsible for functions relating to systems engineering, developmental test and evaluation, and life-cycle management and sustainability.

''(b) PARTICIPATION IN REQUIREMENTS DISCUSSIONS.—The official designated to perform oversight of systems engineering pursuant to section 145 of this title shall provide input on the inclusion of systems engineering requirements in the process for consideration of joint military requirements by the Joint Requirements Oversight Council pursuant to section 181 of title 10, United States Code, including specific input relating to each capabilities development document.

''(c) ACCESS TO RECORDS OF THE MILITARY DEPARTMENTS.—The official designated to perform oversight of systems engineering pursuant to section 145 of this title shall have access to any records or data of the Department of Defense (including the records and data of each military department and including classified and proprietary information as appropriate) that the official considers necessary to review in order to carry out any duties under this section.

''(d) ASSESSMENT OF MILITARY DEPARTMENT CAPABILITIES FOR SYSTEMS ENGINEERING AND DEVELOPMENTAL TEST AND EVALUATION.—The official designated to perform oversight of systems engineering pursuant to section 145 of this title shall—

''(1) periodically assess the capabilities of the military departments for systems engineering (including development planning) and developmental test and evaluation;

''(2) provide such assessment, along with such recommendations for improvement as the official considers necessary, to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics; and

''(3) include such assessment and recommendations in the annual report required by subsection (g).

''(e) REVIEW AND APPROVAL OF PLANS FOR MAJOR DEFENSE ACQUISITION PROGRAMS.—The official designated to perform oversight of systems engineering pursuant to section 145 of this title shall review and approve the following plans with respect to any major defense acquisition program:

''(1) The systems engineering master plan.

''(2) The developmental test and evaluation plan within the test and evaluation master plan.

''(f) REPORTING THROUGH UNDER SECRETARY.—The official designated to perform oversight of systems engineering pursuant to section 145 of this title shall report to the Secretary of Defense through the Under Secretary of Defense for Acquisition, Technology, and Logistics.

''(g) ANNUAL REPORT.—Not later than March 1 of each year, beginning on March 1, 2010, the official designated to perform oversight of systems engineering pursuant to section 145 of this title shall submit to the congressional defense committees a report on the activities undertaken pursuant to this section during the preceding year. The report shall be in unclassified form but may include a classified annex.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 102, is further amended by adding at the end the following new item:

''2334a. Acquisition oversight: oversight of systems engineering.''.

**SEC. 104. OVERSIGHT OF PERFORMANCE ASSESSMENT.**

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, as amended by section 103, is further amended by adding at the end the following new section:

**''§ 2334b. Acquisition oversight: oversight of performance assessment**

''(a) ISSUANCE OF POLICIES, PROCEDURES, AND GUIDANCE FOR PERFORMANCE ASSESSMENTS.—The official designated to perform oversight of performance assessment pursuant to section 145 of this title shall be responsible for the issuance of policies, procedures, and guidance governing the conduct of performance assessments for the acquisition programs of the Department of Defense, including assessment of the extent to which acquisition programs—

''(1) deliver sufficient capability to the warfighter;

''(2) achieve timely delivery of such capability; and

''(3) deliver a level of value consistent with resources expended.

''(b) ASSESSMENT OF BASELINE QUALITY.—The official designated to perform oversight of performance assessment pursuant to section 145 of this title shall periodically assess the suitability of the baseline descriptions required by section 2435 of title 10, United States Code, of major defense acquisition programs for providing a basis for performance assessment and make such recommendations to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics as the official considers necessary to improve the suitability of baseline descriptions for such purpose.

''(c) EARNED VALUE MANAGEMENT SYSTEM.—The official designated to perform oversight of performance assessment pursuant to section 145 of this title shall be responsible for the management and oversight of the records of the earned value management system of the Department of Defense.

''(d) PARTICIPATION IN CERTAIN PROGRAM REVIEWS.—The official designated to perform oversight of performance assessment pursuant to section 145 of this title is authorized to present an assessment of the performance of a major defense acquisition program during—

''(1) any discussions prior to certification under section 2433(e)(2) of this title;

''(2) any discussions prior to entry into full-rate production; and

''(3) consideration of any decision to request authorization of a multiyear procurement contract for a major defense acquisition program.

''(e) ANNUAL REPORT.—Not later than March 1 of each year, beginning on March 1, 2010, the official designated to perform oversight of performance assessment pursuant to section 145 of this title shall submit to the congressional defense committees a report on the activities undertaken pursuant to this section during the preceding year. The report shall be in unclassified form but may include a classified annex.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 103, is further amended by adding at the end the following new item:

''2334b. Acquisition oversight: oversight of performance assessment.''.

**SEC. 105. ASSESSMENT OF TECHNOLOGICAL MATURITY OF CRITICAL TECHNOLOGIES OF MAJOR DEFENSE ACQUISITION PROGRAMS BY THE DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING.**

(a) ASSESSMENT BY DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING.—

(1) IN GENERAL.—Section 139a of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c)(1) The Director of Defense Research and Engineering shall periodically review and assess the technological maturity and integration risk of critical technologies of the major defense acquisition programs of the Department of Defense and report on the findings of such reviews and assessments to the Under Secretary of Defense for Acquisition, Technology, and Logistics.

''(2) The Director shall submit to the Secretary of Defense and to the congressional defense committees by January 1 of each year a report on the technological maturity and integration risk of critical technologies of the major defense acquisition programs of the Department of Defense.''.

(2) FIRST ANNUAL REPORT.—The first annual report under subsection (c)(2) of section 139a of title 10, United States Code (as added by paragraph (1)), shall be submitted to the congressional defense committees not later than March 1, 2011, and shall address the results of reviews and assessments conducted by the Director of Defense Research and Engineering pursuant to subsection (c)(1) of such section (as so added) during the preceding calendar year.

(b) REPORT ON RESOURCES FOR IMPLEMENTATION.—Not later than 120 days after the date of the enactment of this Act, the Director of Defense Research and Engineering shall submit to the congressional defense committees a report describing any additional resources that may be required by the Director, and by other research and engineering elements of the Department of Defense, to carry out the following:

(1) The requirements under the amendment made by subsection (a)(1).

(2) The technological maturity assessments required by section 2366b(a) of title 10, United States Code.

(3) The requirements of Department of Defense Instruction 5000, as revised.

**SEC. 106. ROLE OF THE COMMANDERS OF THE COMBATANT COMMANDS IN IDENTIFYING JOINT MILITARY REQUIREMENTS.**

(a) IN GENERAL.—Section 181(d) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''The Under Secretary''; and

(2) by adding at the end the following new paragraph:

''(2) The Council shall seek and consider input from the commanders of the combatant commands in carrying out its mission under paragraphs (1) and (2) of subsection (b) and in conducting periodic reviews in accordance with the requirements of subsection (e). Such input may include, but is not limited to, an assessment of the following:

''(A) Any current or projected missions or threats in the theater of operations of the commander of a combatant command that would inform the assessment of a new joint military requirement.

''(B) The necessity and sufficiency of a proposed joint military requirement in terms of current and projected missions or threats.

''(C) The relative priority of a proposed joint military requirement in comparison with other joint military requirements within the theater of operations of a commander of a combatant command.

''(D) The ability of partner nations in the theater of operations of the commander of a combatant command to assist in meeting the joint military requirement or the benefit, if any, of a partner nation assisting in development or use of technologies developed to meet the joint military requirement.''.

(b) COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF IMPLEMENTATION.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of the requirements of (1) subsection (d)(2) of section 181 of title 10, United States Code (as amended by subsection (a)), for the Joint Requirements Oversight Council to solicit and consider input from the commanders of the combatant commands, and (2) subsection (b) of section 181 of title 10, United States Code (as amended by section 942 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 287)). The report shall include, at a minimum, an assessment of the extent to which the Council has effectively sought, and the commanders of the combatant commands have provided, meaningful input on proposed joint military requirements.

## TITLE II—ACQUISITION POLICY

### SEC. 201. ACQUISITION STRATEGIES ENSURING COMPETITION THROUGHOUT THE LIFECYCLE OF MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) ACQUISITION STRATEGY ENSURING COMPETITION.—The Secretary of Defense shall ensure that the acquisition strategy for each major defense acquisition program includes—

(1) measures to ensure competition, or the option of competition, at both the prime contract level and the subcontract level (at such tier or tiers as are appropriate) of such program throughout the life-cycle of such program as a means to improve contractor performance; and

(2) adequate documentation of the rationale for the selection of the subcontract tier or tiers under paragraph (1).

(b) MEASURES TO ENSURE COMPETITION.—The measures to ensure competition, or the option of competition, for purposes of subsection (a) may include measures to achieve the following, in appropriate cases if such measures are cost-effective:

(1) Competitive prototyping.

(2) Dual-sourcing.

(3) Unbundling of contracts.

(4) Funding of a second source for interchangeable, next-generation prototype systems or subsystems.

(5) Use of modular, open architectures to enable competition for upgrades.

(6) Use of build-to-print approaches to enable production through multiple sources.

(7) Acquisition of complete technical data packages.

(8) Periodic competitions for subsystem upgrades.

(9) Licensing of additional suppliers.

(10) Periodic system or program reviews to address long-term competitive effects of program decisions.

(c) CONSIDERATION OF COMPETITION THROUGHOUT OPERATION AND SUSTAINMENT OF MAJOR DEFENSE ACQUISITION PROGRAMS.—In carrying out this section, the Secretary of Defense shall ensure that, with respect to maintenance of a major defense acquisition program, consideration is given to capabilities within the Department of Defense to perform maintenance functions.

### SEC. 202. ADDITIONAL REQUIREMENTS FOR CERTAIN MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) ADDITIONAL REQUIREMENTS RELATING TO MILESTONE B APPROVAL.—Section 2366b of title 10, United States Code, is amended—

(1) in subsection (d)—

(A) by inserting ''(1)'' before ''The milestone decision authority may''; and

(B) by striking the second sentence and inserting the following:

''(2) Whenever the milestone decision authority makes such a determination and authorizes such a waiver—

''(A) the waiver, the determination, and the reasons for the determination shall be submitted in writing to the congressional defense committees within 30 days after the waiver is authorized; and

''(B) the milestone decision authority shall review the program not less often than annually to determine the extent to which such program currently satisfies the certification components specified in paragraphs (1) and (2) of subsection (a) until such time as the milestone decision authority determines that the program satisfies all such certification components.'';

(2) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and inserting after subsection (d) the following new subsection (e):

''(e) DESIGNATION OF CERTIFICATION STATUS IN BUDGET DOCUMENTATION.—Any budget request, budget justification material, budget display, reprogramming request, Selected Acquisition Report, or other budget documentation or performance report submitted by the Secretary of Defense to the President regarding a major defense acquisition program receiving a waiver pursuant to subsection (d) shall prominently and clearly indicate that such program has not fully satisfied the certification requirements of this section until such time as the milestone decision authority makes the determination that such program has satisfied all certification components pursuant to subsection (d)(2)(B).'';

(3) in subsection (a)—

(A) in paragraph (1), by striking ''and'' at the end;

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following new paragraph (2):

''(2) has received a preliminary design review and conducted a formal post-preliminary design review assessment, and certifies on the basis of such assessment that the program demonstrates a high likelihood of accomplishing its intended mission or that no preliminary design review is necessary for such program to demonstrate a high likelihood of accomplishing its intended mission; and''; and

(D) in paragraph (3), as redesignated by subparagraph (B) of this paragraph—

(i) in subparagraph (D), by striking the semicolon and inserting '', as determined by the Milestone Decision Authority on the basis of an independent review and assessment by the Director of Defense Research and Engineering; and'';

(ii) by striking subparagraph (E); and

(iii) by redesignating subparagraph (F) as subparagraph (E).

(b) CERTIFICATION AND REVIEW OF PROGRAMS ENTERING DEVELOPMENT PRIOR TO ENACTMENT OF SECTION 2366B OF TITLE 10.—

(1) DETERMINATION.—(A) Except as provided in subparagraph (B), beginning not later than 270 days after the date of the enactment of this Act, for each major defense acquisition program that has not received a Milestone C approval, or Key Decision Point C approval in the case of a space program, the Milestone Decision Authority shall determine whether or not the program satisfies the certification components specified in paragraphs (1) and (2) of subsection (a) of section 2366b of title 10, United States Code.

(B) Subparagraph (A) shall not apply to a major defense acquisition program that has been reviewed pursuant to section 2366b of title 10, United States Code, prior to the date that is 270 days after the date of the enactment of this Act, or a major defense acquisition program that has not yet received Milestone B approval.

(2) ANNUAL REVIEW.—The Milestone Decision Authority shall review any program determined pursuant to paragraph (1) not to satisfy the certification components of subsection (a) of section 2366b of title 10, United States Code, not less often than annually thereafter to determine the extent to which such program currently satisfies the certification components specified in paragraphs (1) and (2) of subsection (a) of such section until such time as the Milestone Decision Authority determines that the program satisfies all such certification components.

(3) DESIGNATION OF CERTIFICATION STATUS IN BUDGET DOCUMENTATION.—Any budget request, budget justification material, budget display, reprogramming request, Selected Acquisition Report, or other budget documentation or performance report submitted by the Secretary of Defense to the President regarding a major defense acquisition program which the Milestone Decision Authority determines under paragraph (1) does not satisfy the certification components specified in paragraphs (1) and (2) of subsection (a) of section 2366b of title 10, United States Code, shall prominently and clearly indicate that such program has not fully satisfied such certification components until such time as the Milestone Decision Authority makes the determination that such program has satisfied all certification components pursuant to paragraph (2).

(c) REVIEWS OF PROGRAMS RESTRUCTURED AFTER EXPERIENCING CRITICAL COST GROWTH.—The official designated to perform oversight of performance assessment pursuant to section 145 of title 10, United States Code, as added by this Act, shall annually review each major defense acquisition program that has been considered pursuant to paragraph (2) of section 2433(e) of title 10, United States Code, and which has been certified as necessary to continue pursuant to such paragraph, to assess the success of the program in achieving adequate program performance after the completion of such consideration. The results of reviews performed pursuant to this subsection shall be included in the next annual report of such official.

### SEC. 203. REQUIREMENT FOR CERTIFICATION OF MAJOR SYSTEMS PRIOR TO MILESTONE B.

(a) CERTIFICATION.—Except as provided in subsection (b), beginning not later than 270 days after the date of the enactment of this Act, for each major defense acquisition program that has not received Milestone B approval, or Key Decision Point B approval in the case of a space program, the Milestone Decision Authority shall certify, after consultation with the Joint Requirements Oversight Council on matters relating to program requirements and military needs—

(1) that the program fulfills an approved initial capabilities document;

(2) that the program is being executed by an entity with a relevant core competency as identified by the Secretary of Defense under section 118b of title 10, United States Code;

(3) if the program duplicates a capability already provided by an existing program, the duplication provided by such program is necessary and appropriate;

(4) that a cost estimate for such program has been submitted to the Milestone Decision Authority and that the concurrence of the official designated to perform oversight of cost estimation pursuant to section 145 of title 10, United States Code, has been obtained regarding the choice of a cost estimate; and

(5) that a schedule identifying the time and major activities required to reach Milestone B approval, or Key Decision Point B approval in the case of a space program, has been submitted to the Milestone Decision Authority.

(b) EXCEPTION.—Subsection (a) shall not apply to a major defense acquisition program that has received a certification as required by section 2366a, title 10, United States Code.

(c) REPORTS.—

(1) RELATING TO COST GROWTH OR SCHEDULE DELAY OF PROGRAMS CERTIFIED UNDER SUBSECTION (A).—With respect to a major defense acquisition program certified by the Milestone Decision Authority under subsection (a), the Milestone Decision Authority shall submit to the congressional defense committees a report in accordance with this subsection if, prior to Milestone B approval—

(A) the projected cost of the program exceeds the cost estimate for the program submitted to the Milestone Decision Authority in accordance with subsection (a)(4) by more than 25 percent; or

(B) the schedule submitted to the Milestone Decision Authority in accordance with subsection (a)(5) is delayed by more than 25 percent.

(2) RELATING TO COST GROWTH OF PROGRAMS CERTIFIED UNDER SECTION 2366A.—With respect to a major defense acquisition program certified by the Milestone Decision Authority under section 2366a of title 10, United States Code, the Milestone Decision Authority shall submit to the congressional defense committees a report in accordance with this subsection if the program manager submits a notification to the Milestone Decision Authority pursuant to section 2366a(b).

(3) MATTERS COVERED.—Any report submitted pursuant to paragraph (1) or (2) shall—

(A) identify the root causes of the cost or schedule growth;

*(B) identify appropriate acquisition performance measures for the remainder of the program; and*

*(C) include one of the following:*

*(i) A written certification (with a supporting explanation) stating that—*

*(I) such program is essential to national security;*

*(II) there are no alternatives to such program that will provide acceptable military capability at less cost;*

*(III) new estimates of the cost or schedule, as appropriate, are reasonable; and*

*(IV) the management structure for the program is adequate to manage and control program cost and schedule.*

*(ii) A plan for terminating the development of the program or withdrawal of Milestone A approval (or Key Decision Point A approval in the case of a space program) if the Milestone Decision Authority determines that such action is in the interest of national defense.*

*(4) TIME OF SUBMISSION.—A report required by this subsection shall be submitted—*

*(A) in the case of a report required by paragraph (1), not later than 30 days after the Milestone Decision Authority determines the cost growth or schedule delay described in that paragraph; and*

*(B) in the case of a report required by paragraph (2), not later than 30 days after the Milestone Decision Authority receives the notification from the program manager described in that paragraph.*

*(d) DEFINITIONS.—In this section:*

*(1) MAJOR DEFENSE ACQUISITION PROGRAM.—The term ''major defense acquisition program'' means the following:*

*(A) A major defense acquisition program as that term is defined in section 2430 of title 10, United States Code.*

*(B) An acquisition program of the Department of Defense that the Secretary of Defense expects to become a major defense acquisition program (as defined in such section 2430) upon Milestone B approval, on the basis of the cost estimate submitted in accordance with subsection (a)(4) of this section or subsection (a)(4) of section 2366a of title 10, United States Code.*

*(2) INITIAL CAPABILITIES DOCUMENT.—The term ''initial capabilities document'' has the meaning provided by section 2366a (c)(2) of such title.*

*(3) ENTITY.—The term ''entity'' has the meaning provided by section 2366a(c)(4) of such title.*

*(4) MILESTONE B APPROVAL.—The term ''Milestone B approval'' has the meaning provided by section 2366(e)(7) of such title.*

***SEC. 204. CRITICAL COST GROWTH IN MAJOR DEFENSE ACQUISITION PROGRAMS.***

*(a) AUTHORIZED ACTIONS IN EVENT OF CRITICAL COST GROWTH.—Paragraph (2) of section 2433(e) of title 10, United States Code, is amended to read as follows:*

*''(2)(A) If the program acquisition unit cost or procurement unit cost of a major defense acquisition program or designated major subprogram (as determined by the Secretary under subsection (d)) increases by a percentage equal to or greater than the critical cost growth threshold for the program or subprogram, the Secretary of Defense, after consultation with the Joint Requirements Oversight Council regarding program requirements, shall—*

*''(i) determine the root cause or causes of the critical cost growth including the role, if any, of—*

*''(I) changes or growth in requirements;*

*''(II) unrealistic baseline estimates;*

*''(III) any design, engineering, manufacturing, or technology integration issues;*

*''(IV) changes in procurement quantities;*

*''(V) inadequate program funding or funding instability;*

*''(VI) poor performance by government or contractor personnel responsible for program management; or*

*''(VII) other causes as identified by the Secretary;*

*''(ii) subject to subparagraph (B), determine whether to terminate such program or to restructure such program after assessing—*

*''(I) the root causes of cost growth identified pursuant to subparagraph (A);*

*''(II) the validity and urgency of the joint military requirement;*

*''(III) the viability of the acquisition strategy;*

*''(IV) the quality of program management;*

*''(V) a broad range of potential material and non-material alternatives to such program; and*

*''(VI) the need to reduce funding for other programs due to the cost growth on such program;*

*''(iii) submit the determination made under clause (ii) to Congress, before the end of the 60-day period beginning on the day the Selected Acquisition Report containing the information described in subsection (g) is required to be submitted under section 2432(f) of this title; and*

*''(iv) if a report under paragraph (1) has been previously submitted to Congress with respect to such program or subprogram for the current fiscal year but was based upon a different unit cost report from the program manager to the service acquisition executive designated by the Secretary concerned, submit a further report containing the information described in subsection (g), determined from the time of the previous report to the time of the current report.*

*''(B) A program may be restructured pursuant to a determination under subparagraph (A)(ii) only if—*

*''(i) a written certification (with a supporting explanation) is submitted along with the determination stating that—*

*''(I) such program is essential to national security;*

*''(II) there are no alternatives to such program which will provide acceptable military capability at less cost;*

*''(III) new estimates of the program acquisition unit cost or procurement unit cost are reasonable;*

*''(IV) the program is a higher priority than programs whose funding must be reduced to accommodate cost growth on such program; and*

*''(V) the management structure for the program is adequate to manage and control program acquisition unit cost or procurement unit cost; and*

*''(ii) the most recent milestone decision is revisited and results in the approval of such restructured program.''.*

*(b) TOTAL EXPENDITURE FOR PROCUREMENT RESULTING IN TREATMENT AS MAJOR DEFENSE ACQUISITION PROGRAM.—Section 2430(a)(2) of such title is amended by inserting '', including all planned increments or spirals,'' after ''an eventual total expenditure for procurement''.*

*(c) REQUIREMENT TO INCLUDE COST GROWTH FUNDING CHANGES IN REPORT.—When a program is restructured under paragraph (2) of section 2433(e) of title 10, United States Code, the next Selected Acquisition Report for such program submitted pursuant to section 2432 of such title occurring after the submission of the budget for the fiscal year following the fiscal year in which the program was restructured shall contain a description of all funding changes included in the budget for that fiscal year as a result of the cost growth on such program, including reductions made in the budgets of other programs to accommodate such cost growth.*

*(d) CONFORMING AMENDMENTS.—Section 2433(e)(3) of such title is amended—*

*(1) in subparagraph (A), by striking ''or (2)(B)'' and inserting ''or (2)(A)(iii)''; and*

*(2) in subparagraph (B)—*

*(A) by striking ''or (2)(B)'' and inserting ''or (2)(A)(iii)''; and*

*(B) by striking ''paragraph (2)(A)'' and inserting ''paragraph (2)(B)''.*

***SEC. 205. ORGANIZATIONAL CONFLICTS OF INTEREST IN THE ACQUISITION OF MAJOR WEAPON SYSTEMS.***

*(a) REQUIREMENT FOR PANEL TO PRESENT RECOMMENDATIONS.—Not later than one year after the date of the enactment of this Act, the Panel on Contracting Integrity established pursuant to section 813 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2320) shall present recommendations to the Secretary of Defense on measures to eliminate or mitigate organizational conflicts of interest in the acquisition of major weapons systems.*

*(b) REVISED REGULATIONS REQUIRED.—Not later than 180 days after receiving recommendations pursuant to subsection (a), the Secretary of Defense shall revise the Defense Supplement to the Federal Acquisition Regulation to address organizational conflicts of interest by contractors in the acquisition of major weapon systems.*

*(c) POTENTIAL ORGANIZATIONAL CONFLICTS OF INTEREST.—The organizational conflicts of interest considered during the preparation of the recommendations required pursuant to subsection (a) shall include conflicts that could arise as a result of any of the following:*

*(1) Lead system integrator contracts on major defense acquisition programs and contracts that follow lead system integrator contracts on such programs, particularly contracts for production.*

*(2) The ownership of business units performing systems engineering and technical assistance functions, professional services, or management support services in relation to major defense acquisition programs by contractors who simultaneously own business units competing to perform as either the prime contractor or the supplier of a major subsystem or component for such programs.*

*(3) The award of major subsystem contracts by a prime contractor for a major defense acquisition program to business units or other affiliates of the same parent corporate entity, and particularly the award of subcontracts for software integration or the development of a proprietary software system architecture.*

*(4) The performance by, or assistance of, contractors in technical evaluations on major defense acquisition programs.*

*(d) EXTENSION OF PANEL ON CONTRACTING INTEGRITY.—Subsection (e) of section 813 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2321) is amended to read as follows:*

*''(e) TERMINATION.—(1) Subject to the restriction in paragraph (2), the panel shall continue to serve until the date that is 18 months after the date on which the Secretary of Defense notifies the congressional defense committees of an intention to terminate the panel based on a determination that the activities of the panel no longer justify its continuation and that concerns about contracting integrity have been fully mitigated.*

*''(2) The panel shall continue to serve at least until December 31, 2011.''.*

***SEC. 206. AWARDS FOR DEPARTMENT OF DEFENSE PERSONNEL FOR EXCELLENCE IN THE ACQUISITION OF PRODUCTS AND SERVICES.***

*(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall commence carrying out a program to recognize excellent performance by individuals and teams of members of the Armed Forces and civilian personnel of the Department of Defense in the acquisition of products and services for the Department of Defense.*

*(b) ELEMENTS.—The program required by subsection (a) shall include the following:*

*(1) Procedures for the nomination by the personnel of the military departments and the Defense Agencies of individuals and teams of members of the Armed Forces and civilian personnel of the Department of Defense for eligibility for recognition under the program.*

*(2) Procedures for the evaluation of nominations for recognition under the program by one or more panels of individuals from the Government, academia, and the private sector who have such expertise, and are appointed in such manner, as the Secretary shall establish for purposes of the program.*

*(c) AWARD OF CASH BONUSES.—As part of the program required by subsection (a), the Secretary may award to any individual recognized pursuant to the program a cash bonus authorized by any other provision of law to the extent that the performance of such individual so recognized warrants the award of such bonus under such provision of law.*

***SEC. 207. CONSIDERATION OF TRADE-OFFS AMONG COST, SCHEDULE, AND PERFORMANCE IN THE ACQUISITION OF MAJOR WEAPON SYSTEMS.***

*(a) REVIEW OF MECHANISMS FOR CONSIDERING TRADE-OFFS.—The Comptroller General shall review the use by the Department of Defense of certain mechanisms for considering trade-offs among cost, schedule, and performance in the acquisition of major weapon systems.*

*(b) MECHANISMS INCLUDED.—The mechanisms reviewed pursuant to subsection (a) shall include—*

*(1) the Tri-Chair Committee, as defined in section 817 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 225);*

*(2) Configuration Steering Boards as established pursuant to section 814 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4528);*

*(3) any mechanism that is used or that may potentially be used by the Office of the Under Secretary of Defense (Comptroller) for considering trade-offs among cost, schedule, and performance in the acquisition of major weapon systems; and*

*(4) any other mechanisms identified as allowing for the consideration of trade-offs in the report on investment strategies for major defense acquisition programs required by section 817 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181).*

*(c) ASSESSMENT OF MECHANISMS.—The review shall describe and evaluate the effectiveness of the mechanisms identified in subsection (b).*

*(d) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the review and assessment performed pursuant to this section. The report shall include such recommendations as the Comptroller General considers appropriate on the matters reviewed, including recommendations to improve the effectiveness of the mechanisms included in the report.*

The SPEAKER pro tempore. Without objection, H.R. 2101 is laid on the table.

There was no objection.

## CONGRATULATING AMERICAN DENTAL ASSOCIATION ON ITS 150TH ANNIVERSARY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 204.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and agree to the resolution, H. Res. 204.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. ANDREWS. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 424, noes 0, not voting 9, as follows:

[Roll No. 253]

AYES—424

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—9

Diaz-Balart, L.
Diaz-Balart, M.
Edwards (TX)
Israel
Murtha
Sánchez, Linda T.
Slaughter
Stark
Tanner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1740

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## APPOINTMENT OF CONFEREES ON S. 454, WEAPONS ACQUISITION SYSTEM REFORM THROUGH ENHANCING TECHNICAL KNOWLEDGE AND OVERSIGHT ACT OF 2009

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. SKELTON, SPRATT, ORTIZ, TAYLOR, ABERCROMBIE, REYES, SNYDER, SMITH of Washington, Ms. LORETTA SANCHEZ of California, Mr. MCINTYRE, Mrs. TAUSCHER, Messrs. BRADY of Pennsylvania, ANDREWS, Mrs. DAVIS of California, Messrs. LANGEVIN, COOPER, ELLSWORTH, SESTAK, MCHUGH, BARTLETT, MCKEON, THORNBERRY, JONES, AKIN, FORBES, MILLER of Florida, WILSON of South Carolina,