

116TH CONGRESS  
1ST SESSION

# H. R. 3132

To require the Secretary of Defense to provide a briefing to the congressional defense committees relating to the “middle tier” of acquisition programs, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 5, 2019

Mr. JOHNSON of South Dakota (for himself, Mrs. DAVIS of California, and Mr. WILSON of South Carolina) introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To require the Secretary of Defense to provide a briefing to the congressional defense committees relating to the “middle tier” of acquisition programs, and for other purposes.

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

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Rapid Fielding De-  
5       fense Capabilities and Risk Assessment Act”.

1 **SEC. 2. BRIEFING RELATING TO THE “MIDDLE TIER” OF AC-**  
2 **QUISITION PROGRAMS.**

3 (a) IN GENERAL.—Not later than December 1, 2019,  
4 the Secretary of Defense shall provide a briefing to the  
5 congressional defense committees (as defined in section  
6 101(a)(16) of title 10, United States Code) on lessons  
7 learned and best practices identified through the use of  
8 the “middle tier” of acquisition programs described under  
9 section 804 of the National Defense Authorization Act for  
10 Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302  
11 note). The briefing shall be accompanied by a written  
12 analysis—

13 (1) identifying which lessons learned can be ap-  
14 plied to—

15 (A) “middle tier” acquisition programs;

16 and

17 (B) any major defense acquisition program  
18 (as defined under section 2430 of title 10,  
19 United States Code);

20 (2) describing the extent to which covered risk  
21 should be a factor in determining which acquisition  
22 authority to use, including—

23 (A) an acquisition pathway as described  
24 under subsection (b) of section 804 of the Na-  
25 tional Defense Authorization Act for Fiscal

1 Year 2016 (Public Law 114–92; 10 U.S.C.  
2 2302 note);

3 (B) the authority described under section  
4 2371b of title 10, United States Code;

5 (C) acquisition authority relating to urgent  
6 operational needs;

7 (D) a traditional acquisition process; or

8 (E) any other acquisition authority, as de-  
9 termined by the Secretary;

10 (3) describing whether any requirements appli-  
11 cable to major defense acquisition programs should  
12 be applicable to “middle tier” acquisition programs  
13 under such section; and

14 (4) recommending amendments or revisions (as  
15 applicable) to law or regulation, and including avail-  
16 able data to support such recommendations.

17 (b) COVERED RISK DEFINED.—In this section, the  
18 term “covered risk” shall have the meaning given by the  
19 Secretary of Defense, and shall include a consideration of  
20 cost, schedule, performance, risk to operational success.

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