

108<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# **H. R. 4323**

## **AN ACT**

To amend title 10, United States Code, to provide rapid acquisition authority to the Secretary of Defense to respond to combat emergencies.



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## AN ACT

To amend title 10, United States Code, to provide rapid acquisition authority to the Secretary of Defense to respond to combat emergencies.

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

1 **SECTION 1. RAPID ACQUISITION AUTHORITY TO RESPOND**  
2 **TO COMBAT EMERGENCIES.**

3 (a) IN GENERAL.—Chapter 141 of title 10, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing new section:

6 **“§ 2410p. Rapid acquisition authority to respond to**  
7 **combat emergencies**

8 “(a) RAPID ACQUISITION AUTHORITY.—The Sec-  
9 retary of Defense may rapidly acquire, in accordance with  
10 this section, equipment needed by a combatant com-  
11 mander to eliminate a combat capability deficiency that  
12 has resulted in combat fatalities.

13 “(b) PROCESS FOR RAPID ACQUISITION.—Not later  
14 than 30 days after the date of the enactment of this sec-  
15 tion, the Secretary of Defense shall develop a process for  
16 the rapid acquisition authority provided by subsection (a)  
17 and submit to Congress a detailed explanation of the proc-  
18 ess, including procedures to be followed in carrying out  
19 the process. The process shall provide for the following:

20 “(1) A requirement that the process may be  
21 used only to acquire the minimum amount of equip-  
22 ment needed until the needs of the combatant com-  
23 mander can be fulfilled under existing acquisition  
24 statutes, policies, directives, and regulations.

1           “(2) A goal of awarding a contract for the  
2 equipment within 15 days after receipt of a request  
3 from a commander.

4           “(3) In a case in which the equipment cannot  
5 be acquired without an extensive delay, a require-  
6 ment for an interim solution to minimize the combat  
7 capability deficiency and combat fatalities until the  
8 equipment can be acquired.

9           “(4) Waiver of the applicability of all policies,  
10 directives, and regulations related to—

11                   “(A) the establishment of the requirement  
12 for the equipment;

13                   “(B) the research, development, test, and  
14 evaluation of the equipment; and

15                   “(C) the solicitation and selection of  
16 sources, and the award of the contract, for pro-  
17 curement of the equipment.

18           “(5) Such other procedures or requirements as  
19 the Secretary considers appropriate.

20           “(c) WAIVER OF CERTAIN STATUTES.—For purposes  
21 of exercising the authority provided by subsection (a) with  
22 respect to equipment, laws relating to the following shall  
23 not apply:

24                   “(A) The establishment of the requirement for  
25 the equipment.

1           “(B) The research, development, test, and eval-  
2           uation of the equipment.

3           “(C) The solicitation and selection of sources,  
4           and the award of the contract, for procurement of  
5           the equipment.

6           “(d) LIMITATIONS.—The rapid acquisition authority  
7           provided by subsection (a) may be used only—

8           “(1) after the Secretary of Defense, without  
9           delegation, determines in writing that there exists a  
10          combat capability deficiency that has resulted in  
11          combat fatalities; and

12          “(2) to acquire equipment in an amount aggre-  
13          gating not more than \$100,000,000 during a fiscal  
14          year.

15          “(e) SOURCE OF FUNDS.—For acquisitions under  
16          this section to be made during any fiscal year, the Sec-  
17          retary may use any funds made available to the Depart-  
18          ment of Defense for that fiscal year.

19          “(f) NOTIFICATION TO CONGRESS AFTER EACH USE  
20          OF AUTHORITY.—The Secretary of Defense shall notify  
21          the congressional defense committees within 15 days after  
22          each use of the authority provided by subsection (a). Each  
23          such notice shall identify the equipment to be acquired,  
24          the amount to be expended for such acquisition, and the  
25          source of funds for such acquisition.

1       “(g) COMBATANT COMMANDER.—In this section, the  
2 term ‘combatant commander’ means the commander of a  
3 unified combatant command with authority for the con-  
4 duct of operations in a specific area of responsibility or  
5 who otherwise has authority to conduct operations at the  
6 direction of the President or Secretary of Defense.”.

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

“2410p. Rapid acquisition authority to respond to combat emergencies.”.

Passed the House of Representatives June 14, 2004.

Attest:

*Clerk.*