SEC. ___. REMOVAL OF WAIVER AND INSTALLATION OF PROCESS FOR USE OF MILITARY STANDARDS.

Section 875(b)(2) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2310; 10 U.S.C. 2305 note) is amended to read as follows:

"(2) PROCESS FOR OVERSIGHT.—The Secretary of Defense shall establish a process to oversee the use of military specifications and ensure that the Department of Defense complies with the requirements of paragraph (1).".

[Please note: The "Changes to Existing Law" section below sets out in red-line format how the legislative text would amend existing law.]

Section-by-Section Analysis

This proposal would eliminate a wasteful waiver requirement established by subsection (b)(2) of section 875 of the National Defense Authorization Act for Fiscal Year 2017 (NDAA), Use of Commercial or Non-Government Standards in Lieu of Military Specifications and Standards, and insert language that would be more effective and efficient. In accordance with Federal Government policy and with best business practices the Department already makes extensive use of non-Government standards where they are appropriate.

Budget Implications: This proposal has no significant budgetary impact. Resources impacted are incidental in nature and amount and are included within the Fiscal Year (FY) 2021 President's Budget request.

Changes to Existing Law: This proposal would make the following changes to section 875 of the National Defense Authorization Act for Fiscal Year 2017:

SEC. 875. USE OF COMMERCIAL OR NON-GOVERNMENT STANDARDS IN LIEU OF MILITARY SPECIFICATIONS AND STANDARDS.

(a) IN GENERAL.—The Secretary of Defense shall ensure that the Department of Defense uses commercial or non-Government specifications and standards in lieu of military specifications and standards, including for procuring new systems, major modifications, upgrades to current systems, non-developmental and commercial items, and programs in all acquisition categories, unless no practical alternative exists to meet user needs. If it is not practicable to use a commercial or non-Government standard, a Government unique specification may be used.

(b) LIMITED USE OF MILITARY SPECIFICATIONS.—

(1) IN GENERAL.—Military specifications shall be used in procurements only to define an exact design solution when there is no acceptable commercial or non-Government standard or when the use of a commercial or non-Government standard is not cost effective.

~~(2) WAIVER.—A waiver for the use of military specifications in accordance with paragraph (1) shall be approved by either the appropriate milestone decision authority, the appropriate service acquisition executive, or the Under Secretary of Defense for Acquisition, Technology, and Logistics.~~

(2) PROCESS FOR OVERSIGHT.—The Secretary of Defense shall establish a process to oversee the use of military specifications and ensure that the Department of Defense complies with the requirements of paragraph (1).

(c) REVISION TO DFARS.—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 Federal Acquisition Regulation Supplement to encourage contractors to propose commercial or non-Government standards and industry-wide practices that meet the intent of the military specifications and standards.

(d) DEVELOPMENT OF NON-GOVERNMENT STANDARDS.—The Under Secretary for Acquisition, Technology, and Logistics shall form partnerships with appropriate industry associations to develop commercial or non-Government standards for replacement of military specifications and standards where practicable.

(e) EDUCATION, TRAINING, AND GUIDANCE.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall ensure that training, education, and guidance programs throughout the Department are revised to incorporate specifications and standards reform.

(f) LICENSES.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall negotiate licenses for standards to be used across the Department of Defense and shall maintain an inventory of such licenses that is accessible to other Department of Defense organizations.