

114TH CONGRESS  
2D SESSION

# S. 2792

To reestablish and enhance the Defense Research and Development Rapid Innovation Program, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

APRIL 13, 2016

Mrs. SHAHEEN (for herself and Mr. VITTER) introduced the following bill;  
which was read twice and referred to the Committee on Armed Services

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## A BILL

To reestablish and enhance the Defense Research and Development Rapid Innovation Program, 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 Innovation  
5 Fund Enhancement Act of 2016”.

6 **SEC. 2. REESTABLISHMENT AND ENHANCEMENT OF DE-**  
7 **FENSE RESEARCH AND DEVELOPMENT**  
8 **RAPID INNOVATION PROGRAM.**

9 (a) COORDINATION OF PROGRAM.—Subsection (a) of  
10 section 1073 of the Ike Skelton National Defense Author-

1 ization Act for Fiscal Year 2011 (Public Law 111–383;  
2 124 Stat. 4366; 10 U.S.C. 2359 note) is amended by add-  
3 ing at the end the following: “The program shall be coordi-  
4 nated with the senior acquisition executives of the depart-  
5 ments, Agencies, and components of the Department of  
6 Defense.”.

7 (b) DEPARTMENT OF DEFENSE EXPENDITURES.—  
8 Subsection (d) of such section is amended to read as fol-  
9 lows:

10 “(d) DoD EXPENDITURES.—(1) For fiscal year 2017  
11 and each fiscal year thereafter, the Department of Defense  
12 shall obligate for expenditure for eligible technologies  
13 under the program not less than 1 percent of the aggre-  
14 gate budget of the Department of Defense for such fiscal  
15 year for research, development, test, and evaluation and  
16 available for projects and activities at the level of Ad-  
17 vanced Component Development Prototypes and above  
18 (referred to as ‘6.4’ and above).

19 “(2) Nothing in paragraph (1) may be construed to  
20 prohibit the departments, Agencies, and components of  
21 the Department from expending on eligible technologies  
22 in a fiscal year an amount for that fiscal year in excess  
23 of the amount otherwise required by that paragraph.”.

24 (c) BRIEFING REQUIREMENTS.—Subsection (f) of  
25 such section is amended to read as follows:

1       “(f) ANNUAL BRIEFING.—(1) Not later than Janu-  
2 ary 31 each year, the Secretary shall brief the appropriate  
3 committees of Congress on the program under this section  
4 during the previous fiscal year, including the following:

5           “(A) A list of each project funded under this  
6 section during such fiscal year, including a short de-  
7 scription of each such project.

8           “(B) The amount of funding provided for each  
9 such project.

10          “(C) The defense acquisition program that each  
11 such project supports, including the extent to which  
12 such project meets needs identified in its acquisition  
13 plan.

14          “(D) The anticipated timeline for transition for  
15 such project, or if such project transitioned during  
16 such fiscal year, to what program of record it  
17 transitioned.

18          “(E) Whether the award for the project was  
19 made to a small business participating in the Small  
20 Business Innovation Research Program or Small  
21 Business Technology Transfer Program under sec-  
22 tion 9 of the Small Business Act (15 U.S.C. 638),  
23 a small business under section 3 of that Act (15  
24 U.S.C. 632), or a nontraditional defense contractor

1 under section 2371(a) of title 10, United States  
2 Code.

3 “(F) The degree to which a competitive, merit-  
4 based process was used to evaluate and select the  
5 performers of the projects selected under this section  
6 during such fiscal year.

7 “(2) In this subsection, the term ‘appropriate com-  
8 mittees of Congress’ means—

9 “(A) the Committee on Armed Services and the  
10 Committee on Small Business and Entrepreneurship  
11 of the Senate; and

12 “(B) the Committee on Armed Services and the  
13 Committee on Small Business of the House of Rep-  
14 resentatives.”.

15 (d) REESTABLISHMENT OF PROGRAM AND DEFINI-  
16 TION.—Subsection (g) of such section is amended to read  
17 as follows:

18 “(g) ELIGIBLE TECHNOLOGY DEFINED.—In this sec-  
19 tion, the term ‘eligible technology’ means the following:

20 “(1) A technology that has received a Phase II  
21 award under the Small Business Innovation Re-  
22 search Program or the Small Business Technology  
23 Transfer Program under section 9 of the Small  
24 Business Act (15 U.S.C. 638).

1           “(2) A technology developed by a nontraditional  
2           defense contractor (as that term is defined in section  
3           2302(9) of title 10, United States Code).

4           “(3) A technology developed by the defense lab-  
5           oratories.

6           “(4) Any other innovative technology (including  
7           a dual use technology), as determined by the Sec-  
8           retary.”.

9           (e) ADDITIONAL PROGRAM FLEXIBILITY.—Not later  
10          than 180 days after the date of the enactment of this Act,  
11          the Secretary of Defense shall issue additional guidelines  
12          for the operation of the Defense Research and Develop-  
13          ment Rapid Innovation Program under section 1107 of  
14          the Ike Skelton National Defense Authorization Act for  
15          Fiscal Year 2011 (as amended by this section). The guid-  
16          ance shall include the following:

17                 (1) Guidance to Department of Defense per-  
18                 sonnel on using, to the maximum extent practicable,  
19                 procedures under the Program for direct award (as  
20                 described in section 9(r)(4) of the Small Business  
21                 Act (15 U.S.C. 638(r)(4)) to firms participating in  
22                 the Small Business Innovation Research Program or  
23                 Small Business Technology Transfer Program under  
24                 section 9 of that Act.

1           (2) Guidance and procedures on the authorities  
2           in section 9(r)(4) of the Small Business Act that  
3           allow a small business concern to submit proposals  
4           to the senior acquisition executive, or a designee, at  
5           each department, Agency, and component of the De-  
6           partment and separate from a broad agency an-  
7           nouncement.

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