

Pub. L. 116-283, div. A, title X, § 1023(a), Jan. 1, 2021, 134 Stat. 3840; Pub. L. 118-31, div. A, title X, § 1016, Dec. 22, 2023, 137 Stat. 382.)

### Editorial Notes

#### AMENDMENTS

2023—Subsec. (k)(3)(P) to (Z). Pub. L. 118-31 added subpars. (P) to (Z).

2021—Subsec. (h)(1). Pub. L. 116-283 substituted “incrementally funded contracts for—” for “incrementally funded contracts for advance procurement of high value, long lead time items for nuclear powered vessels to better support construction schedules and achieve cost savings through schedule reductions and properly phased installment payments.” and added subpars. (A) and (B).

2017—Subsec. (i). Pub. L. 115-91, § 1022(c), struck out “of the Common Missile Compartment” after “Continuous Production” in heading.

Subsec. (i)(1). Pub. L. 115-91, § 1022(a)(2), substituted “equivalent critical components” for “equivalent critical parts, components, systems, and subsystems”.

Pub. L. 115-91, § 1022(a)(1), which directed the substitution of “critical components” for “the common missile compartment” wherever appearing, was executed by making the substitution for “the common missile compartment” the first time appearing and for “the common missile compartments” the second time appearing, to reflect the probable intent of Congress.

Subsec. (i)(2). Pub. L. 115-91, § 1022(a)(1), substituted “critical components” for “the common missile compartment”.

Subsec. (k)(3). Pub. L. 115-91, § 1022(b), added par. (3).  
2016—Subsecs. (i), (j). Pub. L. 114-328, § 1023(a), added subsec. (i) and redesignated former subsec. (i) as (j). Former subsec. (j) redesignated (k).

Subsec. (k). Pub. L. 114-328, § 1023(a)(1), redesignated subsec. (j) as (k).

Subsec. (k)(2). Pub. L. 114-328, § 1023(b), substituted “any submersible vessel constructed or purchased after fiscal year 2016 that is” for “any vessel” and inserted “and” before “that carries”.

2015—Subsecs. (f) to (j). Pub. L. 114-92 added subsecs. (f) to (h) and redesignated former subsecs. (f) and (g) as (i) and (j), respectively.

### § 2219. Grants for improvement of Navy ship repair or alterations capability

(a) ASSISTANCE AUTHORIZED.—(1) Subject to the availability of appropriations, the Secretary of the Navy may make grants to an eligible entity for the purpose of carrying out—

(A) a capital improvement project; or

(B) a maritime training program designed to foster technical skills and operational productivity.

(2) The amount of a grant under this section may not exceed 75 percent of the total cost of the project or program funded by the grant.

(3) A grant provided under this section may not be used to construct buildings or other physical facilities, except for piers, dry docks, and structures in support of piers and dry docks, or to acquire land.

(4) The Secretary may not award a grant to an eligible entity under this section unless the Secretary determines that—

(A) the entity has access to sufficient non-Federal funding to meet the requirement under paragraph (2);

(B) the entity has authority to carry out the proposed project; and

(C) the project or program would improve—  
(i) efficiency, competitive operations, capability, or quality of United States Navy ship repair or alterations; or

(ii) employee, or potential employee, skills and enhanced productivity related to United States Navy ship repair or alterations.

(b) ELIGIBILITY.—To be eligible for a grant under this section, an entity shall—

(1) be a shipyard or other entity that provides ship repair or alteration for non-nuclear ships;

(2) submit an application, at such time, in such form, and containing such information and assurances as the Secretary may require, including a comprehensive description of—

(A) the need for the project or program proposed to be funded under the grant;

(B) the methodology to be used to implement the project or program; and

(C) any existing programs or arrangements that could be used to supplement or leverage a grant provided under this section; and

(3) enter into an agreement with the Secretary under which the entity agrees—

(A) to complete the project or program funded by the grant within a certain timeframe and without unreasonable delay and the Secretary determines such project or program is likely to be completed within the timeframe provided in such agreement;

(B) to return to the Secretary any amount of the grant that is—

(i) not used by the grant recipient for the purpose for which the grant was awarded; or

(ii) not obligated or expended within the timeframe provided in the agreement;

(C) to maintain such records as the Secretary may require and make such records available for review and audit by the Secretary; and

(D) not to purchase any product or material for the project or program using grant funds, including any commercially available off-the-shelf item, unless such product or material is—

(i) an unmanufactured article, material, or supply that has been mined or produced in the United States; or

(ii) a manufactured article, material, or supply that has been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured in the United States.

(c) GUIDELINES.—The Secretary shall issue guidelines to establish appropriate accounting, reporting, and review procedures to ensure that—

(1) amounts awarded as grants under this section are used for the purposes for which such amounts were made available; and

(2) an entity that receives a grant under this section complies with the terms of the agreement such entity enters into with the Secretary pursuant to subsection (b)(3).

(d) DEFINITIONS.—In this section:

(1) The term “commercially available off-the-shelf item”—

(A) means any item of supply (including construction material) that is—

(i) a commercial item, as defined by section 2.101 of title 48, Code of Federal Regu-

lations (as in effect on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2024); and

(ii) sold in substantial quantities in the commercial marketplace; and

(B) does not include bulk cargo, as defined in section 40102(4) of title 46, such as agricultural products and petroleum products.

(2) The term “product or material”, with respect to a project or program—

(A) means an article, material, or supply brought to the site where the project or program is being carried out for incorporation into the project or program; and

(B) includes an item brought to the site preassembled from articles, materials, or supplies.

(3) The term “United States” includes the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

(Added Pub. L. 118–31, div. A, title X, § 1017, Dec. 22, 2023, 137 Stat. 382.)

#### Editorial Notes

##### REFERENCES IN TEXT

The date of the enactment of the National Defense Authorization Act for Fiscal Year 2024, referred to in subsec. (d)(1)(A)(i), is the date of enactment of Pub. L. 118–31, which was approved Dec. 22, 2023.

##### PRIOR PROVISIONS

A prior section 2219 was renumbered section 2491c of this title.

### § 2220. Performance based management: acquisition programs

(a) ESTABLISHMENT OF GOALS.—The Secretary of Defense shall approve or define the cost, performance, and schedule goals for major defense acquisition programs of the Department of Defense and for each phase of the acquisition cycle of such programs.

(b) EVALUATION OF COST GOALS.—The Under Secretary of Defense (Comptroller) shall evaluate the cost goals proposed for each major defense acquisition program of the Department.

(c) SUNSET.—The authority under this section shall terminate on September 30, 2018.

(Added Pub. L. 103–355, title V, § 5001(a)(1), Oct. 13, 1994, 108 Stat. 3349; amended Pub. L. 104–106, div. A, title XV, § 1503(a)(20), div. D, title XLIII, § 4321(b)(1), Feb. 10, 1996, 110 Stat. 512, 671; Pub. L. 105–85, div. A, title VIII, § 841(a), Nov. 18, 1997, 111 Stat. 1843; Pub. L. 107–314, div. A, title X, § 1041(a)(8), Dec. 2, 2002, 116 Stat. 2645; Pub. L. 114–328, div. A, title VIII, § 833(a)(2), Dec. 23, 2016, 130 Stat. 2283.)

#### Editorial Notes

##### AMENDMENTS

2016—Subsec. (c). Pub. L. 114–328 added subsec. (c).

2002—Subsec. (a). Pub. L. 107–314, § 1041(a)(8)(B), (C), struck out par. (1) designation and redesignated par. (2) as subsec. (b).

Subsec. (b). Pub. L. 107–314, § 1041(a)(8)(A), (C), redesignated subsec. (a)(2) as (b) and struck out heading and

text of former subsec. (b). Text read as follows: “The Secretary of Defense shall include in the annual report submitted to Congress pursuant to section 113(c) of this title an assessment of whether major acquisition programs of the Department of Defense are achieving, on average, 90 percent of cost, performance, and schedule goals established pursuant to subsection (a) and whether the average period for converting emerging technology into operational capability has decreased by 50 percent or more from the average period required for such conversion as of October 13, 1994. The Secretary shall use data from existing management systems in making the assessment.”

Subsec. (c). Pub. L. 107–314, § 1041(a)(8)(A), struck out heading and text of subsec. (c). Text read as follows: “Whenever the Secretary of Defense, in the assessment required by subsection (b), determines that major defense acquisition programs of the Department of Defense are not achieving, on average, 90 percent of cost, performance, and schedule goals established pursuant to subsection (a), the Secretary shall ensure that there is a timely review of major defense acquisition programs and other programs as appropriate. In conducting the review, the Secretary shall—

“(1) determine whether there is a continuing need for programs that are significantly behind schedule, over budget, or not in compliance with performance or capability requirements; and

“(2) identify suitable actions to be taken, including termination, with respect to such programs.”

1997—Subsec. (b). Pub. L. 105–85 substituted “whether major acquisition programs” for “whether major and nonmajor acquisition programs”.

1996—Subsec. (a)(2). Pub. L. 104–106, § 1503(a)(20), substituted “Under Secretary of Defense (Comptroller)” for “Comptroller of the Department of Defense”.

Subsec. (b). Pub. L. 104–106, § 4321(b)(1), substituted “October 13, 1994” for “the date of the enactment of the Federal Acquisition Streamlining Act of 1994”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104–106, div. D, title XLIV, § 4401, Feb. 10, 1996, 110 Stat. 678, provided that:

“(a) EFFECTIVE DATE.—Except as otherwise provided in this division [div. D (§§ 4001–4402) of Pub. L. 104–106, see Tables for classification], this division and the amendments made by this division shall take effect on the date of the enactment of this Act [Feb. 10, 1996].

“(b) APPLICABILITY OF AMENDMENTS.—

“(1) SOLICITATIONS, UNSOLICITED PROPOSALS, AND RELATED CONTRACTS.—An amendment made by this division shall apply, in the manner prescribed in the final regulations promulgated pursuant to section 4402 [110 Stat. 678] to implement such amendment, with respect to any solicitation that is issued, any unsolicited proposal that is received, and any contract entered into pursuant to such a solicitation or proposal, on or after the date described in paragraph (3).

“(2) OTHER MATTERS.—An amendment made by this division shall also apply, to the extent and in the manner prescribed in the final regulations promulgated pursuant to section 4402 to implement such amendment, with respect to any matter related to—

“(A) a contract that is in effect on the date described in paragraph (3);

“(B) an offer under consideration on the date described in paragraph (3); or

“(C) any other proceeding or action that is ongoing on the date described in paragraph (3).

“(3) DEMARCATION DATE.—The date referred to in paragraphs (1) and (2) is the date specified in such final regulations. The date so specified shall be January 1, 1997, or any earlier date that is not within 30