

**AMENDMENT TO RULES COMMITTEE PRINT 117-**

**52**

**OFFERED BY MR. TURNER OF OHIO**

Page 574, line 13, strike “(a)INFORMATION RE-  
QUIRED” and all that follows through line 13 on page  
578 and insert the following:

1       (a) FINDINGS.—The Congress finds that:

2           (1) The defense industrial base is a critical ele-  
3       ment of the power of the United States, and essen-  
4       tial to maintaining and extending the technological  
5       advantage of the United States.

6           (2) The Department of Defense requires  
7       healthy, resilient, diverse, and secure supply chains  
8       to ensure the development and sustainment of capa-  
9       bilities critical to national security.

10          (3) The objective of the Defense Acquisition  
11       System is to support the National Defense Strategy  
12       through the development of a more lethal force  
13       based on domestic technological innovation and a  
14       culture of performance that yields a decisive and  
15       sustained military advantage for the United States.

16          (4) The acquisition of commercial and dual-use  
17       technologies is critical to technological superiority

1 and successful execution of the National Defense  
2 Strategy.

3 (5) The enhanced authorities provided by Con-  
4 gress pursuant to the amendments made by section  
5 852 of the Fiscal Year 2016 National Defense Au-  
6 thorization Act (Public Law 114-92; 129 Stat. 917)  
7 to determine the reasonableness of price; specifically,  
8 using prices for the same or similar products sold,  
9 prices for similar or related products, prices for al-  
10 ternative solutions or approaches and any other rel-  
11 evant information that can serve as the basis for a  
12 price assessment should be pursued by the Depart-  
13 ment of Defense before requesting cost information.

14 (6) The February 2022 Report on Securing De-  
15 fense-Critical Supply Chains by the Department of  
16 Defense finds that “DoD’s procurement and budget  
17 policies create a challenging business environment  
18 for industry, especially small businesses.” The report  
19 recommends that “DoD should engage in efforts to  
20 develop a whole-of-government strategy and imple-  
21 mentation plan to engage with industry and Con-  
22 gress to determine which policy and regulatory  
23 changes would encourage expansion of capabilities.”

24 (7) The Department of Defense established the  
25 Defense Innovation Unit in order to strengthen na-

1 tional security by accelerating adoption of emerging  
2 commercial technology and incentivizing investments  
3 in dual-use technology to grow the national security  
4 innovation base. The Defense Innovation Unit aims  
5 to field and scale dual-use technology across the  
6 U.S. military at commercial speeds and is focused on  
7 six technology areas where the commercial sector is  
8 operating at the leading edge: artificial intelligence,  
9 autonomy, cyber, energy, human systems, and space.

10 (8) In July 2021, the Defense Critical Supply  
11 Chain Task Force of the Committee on Armed Serv-  
12 ices of the House of Representatives found that “It  
13 is clear to us that failure to address our current  
14 cumbersome supply chain procedures will weaken  
15 American leaders’ ability to respond to strategic  
16 challenges.”

17 (9) A June 15, 2022, Government Account-  
18 ability Office report (GAO-22-10453) found that  
19 “the Air Force and Navy have struggled for years  
20 to maintain their aircraft due to the age of their  
21 fleets, a lack of parts, maintenance delays, and other  
22 problems. By the Air Force and Navy’s own meas-  
23 ures, aircraft readiness has worsened since fiscal  
24 year 2015.” Additional regulation and processes will  
25 slow down the acquisition of spare parts even fur-

1 ther, push more companies out of what is already a  
2 fragile supplier base, and likely degrade already dis-  
3 concerting readiness levels.

4 (10) Department of Defense acquisition prac-  
5 tices seeking unredacted sales invoices and other  
6 highly-sensitive, proprietary information from com-  
7 mercial companies, and the adoption of policies that  
8 would burden commercial companies with costly re-  
9 porting and compliance regimes will do the following:

10 (A) Deter commercial and non-traditional  
11 companies from offering their products and  
12 services to the Department of Defense.

13 (B) Make it harder for non-traditional  
14 companies to close the business case to offer  
15 their technology to the Department of Defense,  
16 significantly minimizing the access of the De-  
17 partment to emerging technology.

18 (C) Delay or preclude delivery critical ca-  
19 pabilities to the warfighter as prime contractors  
20 will be faced with the loss of qualified suppliers.

21 (D) Expand and cultivate the environment  
22 described by the Inspector General for the De-  
23 partment of Defense in Report Number  
24 DODIG-2022-043, December 13, 2021, where  
25 sole-source providers of essential parts can com-

1           mand the price the government must pay for  
2           the parts it needs.

3           (E) Force commercial companies to main-  
4           tain separate production lines for commercial  
5           and defense products, thereby undermining effi-  
6           ciencies gained through the development of  
7           dual-use technologies and increasing acquisition  
8           costs.

9           (b) SENSE OF CONGRESS.—It is the sense of Con-  
10          gress that the defense industrial base is a critical element  
11          of the power of the United States and a robust and  
12          healthy defense industrial based is imperative to pre-  
13          serving and extending the technological superiority of the  
14          United States. Therefore, any policy aimed at ensuring the  
15          Government pays a fair and reasonable price for the prod-  
16          ucts it buys should first do no harm to the defense indus-  
17          trial base.

