

## **National Defense Authorization Act (NDAA) S. 1519, Problematic Provisions**

**SEC. 733. PROHIBITION ON CONDUCT OF CERTAIN MEDICAL RESEARCH AND DEVELOPMENT PROJECTS.** The Secretary of Defense and each Secretary of a military department may not fund or conduct a medical research and development project unless the Secretary funding or conducting the project—(1) submits to the Committees on Armed Services of the Senate and the House of Representatives a written certification that the project is designed to directly protect, enhance, or restore the health and safety of members of the Armed Forces; and (2) does not initiate the funding or conduct of such project until the date that is 90 days after the submittal of such written certification.

**SEC. 891. IMPROVED TRANSPARENCY AND OVER SIGHT OVER DEPARTMENT OF DEFENSE RESEARCH, DEVELOPMENT, TEST, AND EVALUATION EFFORTS AND PROCUREMENT ACTIVITIES RELATED TO MEDICAL RESEARCH.** The Secretary of Defense may not enter into a contract, grant, or cooperative agreement for congressional special interest medical research programs under the congressionally directed medical research program of the Department of Defense unless the contract, grant, or cooperative agreement meets the following conditions: (1) Compliance with the cost and price data requirements under section 2306a of title United States Code. (2) Compliance with the cost accounting standards under section 1502 of title 41, United States Code. (3) Compliance with requirements for full and open competition under section 2304 of title 10, United States Code, without reliance on one of the exceptions set forth in subsection (c) of such section.

**SEC. 892. RIGHTS IN TECHNICAL DATA.** The Secretary of Defense may not enter into a contract, grant, or cooperative agreement for congressional special interest medical research programs under the congressionally directed medical research program of the Department of Defense unless the contract, grant, or cooperative agreement provides that the United States Government will have the same rights to the technical data to an item or process developed under the contract, grant, or cooperative agreement as applicable under section 2320(a)(2)(A) of title 10, United States Code, to items and processes developed exclusively with Federal funds where the medical research results in medicines and other treatments that will be procured or otherwise paid for by the Federal Government through the Department of Defense, the Department of Veterans Affairs, Medicare, Medicaid, or other Federal Government health programs.

**SEC. 893. OVERSIGHT, AUDIT, AND CERTIFICATION FROM THE DEFENSE CONTRACT AUDIT AGENCY FOR PROCUREMENT ACTIVITIES RELATED TO MEDICAL RESEARCH.** The Secretary of Defense may not enter into a contract, grant, or cooperative agreement for congressional special interest medical research programs under the congressionally directed medical research program of the Department of Defense unless the contract, grant, or cooperative agreement meets the following conditions: (1) Prior to obligation of any funds, review by and certification from the Defense Contract Audit Agency regarding the adequacy of the accounting systems of the proposed awardee, including a forward pricing review of the awardee's proposal. (2) Prior to any payment on the contract, grant, or cooperative agreement, performance by the Defense Contract Audit Agency of an incurred cost audit.