Section 317: Middle Tier of Acquisition for Rapid Prototyping and Rapid Fielding

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Key Points

- **Codification of MTA Pathway:** Section 317 of the FoRGED Act would codify the Middle Tier of Acquisition (MTA) pathway in permanent law (10 U.S.C. §3602), replacing the previous interim authority from the FY2016 NDAA §804 (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress) (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress). It establishes two accelerated acquisition pathways – **Rapid Prototyping** and **Rapid Fielding** – for defense programs intended to deliver results within 2 to 5 years (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress) (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress).
- **Streamlined Requirements & Acquisition:** The section mandates a streamlined requirements, budgeting, and acquisition process, allowing programs to bypass traditional Joint Capabilities Integration and Development System (JCIDS) requirements and certain DoD 5000-series procedures (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress). An approved requirement must be generated within 6 months of project start, enabling quick initiation based on high-priority needs rather than the standard lengthy approval cycle (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress).
- **Emphasis on Need and Transition:** MTA programs under Section 317 are driven by pressing military needs identified by the Joint Staff or Combatant Commanders, using a merit-based selection of innovative ideas to meet those needs (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress). Crucially, the law requires planning for transition of successful prototypes – any prototype developed via Rapid Prototyping should have a path to transition into a follow-on production effort (either via the Rapid Fielding pathway or a traditional acquisition program) (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress). This is aimed at ensuring rapid efforts lead to fielded, sustainable capabilities and do not languish after demonstration.
- **Flexibility and Iterative Development:** Section 317 grants program managers and service acquisition executives greater flexibility in managing MTA projects. Program managers get dedicated, empowered teams (including contracting, testing,

engineering, etc.) to enable agile management without needing separate outside approvals (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress). They can also seek expedited waivers of regulatory requirements that add little value but slow progress (and even request statutory requirement waivers from Congress if necessary) (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress). Furthermore, if an MTA project successfully delivers an operational capability, it may continue with **iterative prototyping and fielding cycles** under the same project for additional 5-year increments, effectively allowing continuous development and improvement (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress).

- **Repeal of Prior Statute & Conformance:** The act repeals the superseded FY2016 NDAA §804 authority (which had been a temporary provision) (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress) and updates references in U.S. Code to point to the new 10 U.S.C. 3602 section (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress). This transition integrates MTA as a normal part of DoD acquisition statutes. Notably, the original §804's requirement for a dedicated "Rapid Prototyping Fund" is eliminated in this codification (indicating funding will be handled through existing budget processes rather than a central fund) (GAO-19-439, DOD ACQUISITION REFORM: Leadership Attention Needed to Effectively Implement Changes to Acquisition Oversight) (GAO-19-439, DOD ACQUISITION REFORM: Leadership Attention Needed to Effectively Implement Changes to Acquisition Oversight). The overall goal is to **institutionalize** rapid prototyping/fielding as a standard option for acquisition, with appropriate updates to policy and oversight mechanisms.

History of the Recommendation

The Middle Tier of Acquisition concept originated from Congress's concern over the slow pace of defense acquisitions. Section 804 of the National Defense Authorization Act (NDAA) for FY2016 first introduced the MTA framework, directing DoD to create guidance for a "middle tier" of programs that could be completed in 2–5 years (GAO-19-439, DOD ACQUISITION REFORM: Leadership Attention Needed to Effectively Implement Changes to Acquisition Oversight). This was a response to the urgent need to **deliver capabilities at the pace of innovation** rather than the decade-plus timelines common in traditional programs (GAO-23-105008, MIDDLE-TIER DEFENSE ACQUISITIONS: Rapid Prototyping and Fielding Requires Changes to Oversight and Development Approaches). The original

statute outlined two pathways (rapid prototyping and rapid fielding) and explicitly aimed to exempt these efforts from the standard requirements and acquisition system (GAO-19-439, DOD ACQUISITION REFORM: Leadership Attention Needed to Effectively Implement Changes to Acquisition Oversight). Following this mandate, DoD established interim guidance in 2018 and 2019 to implement MTA, allowing Military Departments to start using the new pathway (GAO-19-439, DOD ACQUISITION REFORM: Leadership Attention Needed to Effectively Implement Changes to Acquisition Oversight) (GAO-19-439, DOD ACQUISITION REFORM: Leadership Attention Needed to Effectively Implement Changes to Acquisition Oversight).

Over the next several years, the MTA authority was refined and increasingly utilized. Subsequent NDAAs adjusted the original provision – for example, FY2017 NDAA amendments expanded funding flexibility by allowing each military department to set up its own MTA fund and eased cost-sharing requirements (GAO-19-439, DOD ACQUISITION REFORM: Leadership Attention Needed to Effectively Implement Changes to Acquisition Oversight) (GAO-19-439, DOD ACQUISITION REFORM: Leadership Attention Needed to Effectively Implement Changes to Acquisition Oversight). By mid-2019, DoD had dozens of programs underway using MTA. GAO noted an increase from 35 programs using MTA authorities (as of 2019) to nearly 100 by 2022 (GAO-23-105008, MIDDLE-TIER DEFENSE ACQUISITIONS: Rapid Prototyping and Fielding Requires Changes to Oversight and Development Approaches), reflecting broad adoption across the Army, Navy, Air Force, and SOCOM. These programs ranged from prototyping hypersonic weapons to rapidly fielding new soldier equipment, demonstrating the appeal of a faster, streamlined acquisition route.

As MTA usage grew, so did insight into its strengths and shortcomings. Oversight bodies like GAO and the DoD Inspector General assessed MTA implementation, identifying challenges such as inconsistent data reporting, unclear transition outcomes, and varying adherence to best practices (GAO-23-105008, MIDDLE-TIER DEFENSE ACQUISITIONS: Rapid Prototyping and Fielding Requires Changes to Oversight and Development Approaches) (GAO-23-105008, MIDDLE-TIER DEFENSE ACQUISITIONS: Rapid Prototyping and Fielding Requires Changes to Oversight and Development Approaches). For instance, GAO's reviews found that while the MTA pathway enabled speed, the lack of reliable program information hindered effective oversight by the Office of the Secretary of Defense (GAO-23-105008, MIDDLE-TIER DEFENSE ACQUISITIONS: Rapid Prototyping and Fielding Requires Changes to Oversight and Development Approaches). Additionally, many MTA projects had not yet transitioned into formal programs of record, prompting questions about what happens after the prototyping phase (GAO-23-105008, MIDDLE-TIER DEFENSE ACQUISITIONS: Rapid Prototyping and Fielding Requires Changes to Oversight and

Development Approaches). These findings suggested that the concept was sound but needed adjustments and more permanent guidance.

The recommendation to formalize and strengthen the MTA pathway in law (as Section 317 does) emerged from ongoing defense acquisition reform efforts. Senator Wicker's December 2024 report on reforming DoD ("Restoring Freedom's Forge: American Innovation Unleashed") and the corresponding FoRGED Act legislation put forward this change as part of **"cutting red tape" and "unleashing innovation"** in defense acquisition (Senator Wicker Announces Pentagon Reform and Innovation Proposal - U.S. Senator...). By moving the MTA authority into Title 10 and incorporating lessons learned (e.g. requiring transition plans and allowing iterative development), lawmakers seek to cement the rapid prototyping & fielding process as a core element of defense acquisition. The transition from a temporary NDAA provision to a permanent section of U.S. Code reflects a consensus that the MTA approach has merit and should be continued, while also evolving it to address prior shortcomings (such as better oversight and lifecycle considerations). In summary, Section 317's reforms build on the experience since 2016, aiming to maintain the speed and agility that MTA offers, but with greater clarity, support, and accountability going forward (Senator Wicker Announces Pentagon Reform and Innovation Proposal - U.S. Senator...).

Desired Effect of the Recommendation

Section 317 is intended to achieve several key outcomes in defense acquisition:

1. **Accelerate Fielding of Capabilities:** The foremost goal is to **deliver new weapons and systems to warfighters faster** than the traditional acquisition system allows. By mandating a 2–5 year window for completion, the MTA pathway forces a focus on rapid results (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress). This addresses the problem of drawn-out development cycles and aims to put needed capabilities (prototypes or new production systems) into operational use on relevant timelines, maintaining the U.S. military's technological edge (GAO-23-105008, MIDDLE-TIER DEFENSE ACQUISITIONS: Rapid Prototyping and Fielding Requires Changes to Oversight and Development Approaches). Success is measured by fielding usable combat capabilities within a few years of inception, rather than a decade or more.
2. **Encourage Innovation and Agility:** Section 317's rapid prototyping pathway incentivizes the use of **innovative technologies and approaches** to meet emerging needs (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress). By freeing projects from some bureaucratic hurdles, it allows

engineers and program managers to experiment, iterate, and incorporate new ideas more fluidly. The desired effect is an acquisition culture that embraces risk-managed innovation – trying new concepts quickly, learning from failures, and improving designs in cycles. This aligns with commercial best practices (e.g. iterative design and user feedback) that leading companies use to innovate quickly (GAO-23-105008, MIDDLE-TIER DEFENSE ACQUISITIONS: Rapid Prototyping and Fielding Requires Changes to Oversight and Development Approaches) (GAO-23-105008, MIDDLE-TIER DEFENSE ACQUISITIONS: Rapid Prototyping and Fielding Requires Changes to Oversight and Development Approaches). In short, DoD wants to harness innovation at speed, adapting to changing threats and technologies faster than conventional processes permit.

3. **Improve Transition to Production ("Bridge the Valley of Death"):** A critical aim of Section 317 is to ensure that successful prototypes don't languish after demonstration. The legislation explicitly requires planning for how a prototype will transition into a follow-on acquisition program or into the field (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress). The desired effect is to **bridge the "valley of death"** between R&D and procurement – a perennial problem where promising prototypes often fail to become deployed systems due to funding or bureaucratic gaps. By using the rapid fielding pathway or existing program insertion, Section 317 seeks to rapidly turn prototypes into operational assets. In practical terms, this means a higher percentage of prototype projects will move into production, equipping troops with new capabilities faster. Within two years of a successful demo, a prototype should ideally be on a path to widespread fielding (GAO-23-105008, MIDDLE-TIER DEFENSE ACQUISITIONS: Rapid Prototyping and Fielding Requires Changes to Oversight and Development Approaches) (GAO-23-105008, MIDDLE-TIER DEFENSE ACQUISITIONS: Rapid Prototyping and Fielding Requires Changes to Oversight and Development Approaches).

4. **Increase Flexibility and Efficiency in Acquisition:** The MTA pathway gives program authorities latitude to tailor processes, which is intended to streamline efforts and eliminate unnecessary overhead. For example, program managers under this pathway can **make trade-offs** between requirements, schedule, and cost in coordination with users – something that is harder under the rigid traditional system (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress). They can also obtain **quick waivers** for regulatory requirements that don't make sense for a rapid effort (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress). This flexibility is designed to cut

out bureaucratic delays and "busy work," focusing only on what is value-added. By delegating decision authority to the Service Acquisition Executives (or their designees) for these programs, Section 317 reduces layers of approval (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress). The net effect sought is a more efficient acquisition process that gets the job done with **minimal administrative drag**, empowering those managing the program to act in the program's best interest without waiting on excessive approvals (Senator Wicker Announces Pentagon Reform and Innovation Proposal - U.S. Senator...) (Senator Wicker Announces Pentagon Reform and Innovation Proposal - U.S. Senator...).

5. **Enhance Warfighter Capability and Respond to Threats:** Ultimately, the recommendation is about **improving combat outcomes**. By fielding prototypes and new systems faster, the military can respond to emerging threats or capability gaps in real time. Section 317's rapid fielding pathway especially focuses on taking proven technologies and getting them out to units with minimal delay (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress). The desired effect is that U.S. forces receive iterative upgrades and new tools *while they are still relevant to the fight*. In essence, it aims to deliver the right capability at the "speed of relevance," matching the tempo of modern threats (GAO-23-105008, MIDDLE-TIER DEFENSE ACQUISITIONS: Rapid Prototyping and Fielding Requires Changes to Oversight and Development Approaches). Additionally, having a residual operational capability from prototypes means warfighters can experiment with and provide feedback on new tech early, which in turn can inform requirements for larger programs. This creates a feedback loop where warfighter input is obtained much sooner than in traditional acquisitions, hopefully leading to more effective and user-focused final products.

Potential Negative Impacts of the Recommendation

While Section 317's approach offers many benefits, there are potential downsides and risks associated with implementing the MTA pathway:

1. **Oversight and Accountability Gaps:** Streamlining processes can reduce transparency. By exempting MTA programs from JCIDS and some standard reporting, there's a risk that decision-makers and Congress won't have full visibility into program progress, costs, or problems. GAO has warned that **inaccurate or insufficient data** from the services hinder the Under Secretary's ability to oversee MTA programs (GAO-23-105008, MIDDLE-TIER DEFENSE ACQUISITIONS: Rapid Prototyping and Fielding Requires Changes to Oversight and Development

Approaches). DOD's oversight mechanisms may be stretched with nearly 100 rapid programs ongoing, and traditional milestones/reviews are fewer. Without strong oversight, cost growth or performance issues might go unnoticed until late. In short, speed could come at the expense of the normal accountability checks. GAO explicitly noted that while the MTA emphasis is speed, it "should not diminish timely and effective oversight" (GAO-23-105008, MIDDLE-TIER DEFENSE ACQUISITIONS: Rapid Prototyping and Fielding Requires Changes to Oversight and Development Approaches) – yet ensuring oversight in this fast track environment is challenging.

2. **Schedule Pressure and Technical Risk:** The fixed 2–5 year timeline, while beneficial for urgency, can also **pressure programs into unrealistic schedules**. Some capabilities, especially complex weapons, may simply not be achievable in five years, yet there may be temptation to designate them MTA to avoid the traditional process. If a program is forced to rush, it might skip important testing or design steps, leading to failures or performance shortfalls in the field. There's also the scenario of programs exceeding the timeline: by policy, MTA projects cannot exceed 5 years without a waiver (GAO-23-105008, MIDDLE-TIER DEFENSE ACQUISITIONS: Rapid Prototyping and Fielding Requires Changes to Oversight and Development Approaches). This could result in abrupt terminations of efforts that aren't finished on time, potentially wasting the work done. Furthermore, the rush to field could mean systems are delivered with known issues or deferred requirements, transferring risk to the sustainment phase or warfighters. Thus, **schedule-driven decision-making** might compromise thorough engineering and evaluation.

3. **Transition and Sustainment Challenges:** Section 317 emphasizes transition, but execution is not guaranteed. One negative outcome would be if many rapid prototyping projects still **fail to transition into lasting programs**. GAO found that, to date, relatively few MTA prototyping efforts had actually transitioned to rapid fielding or a program of record, indicating a persistent gap (GAO-23-105008, MIDDLE-TIER DEFENSE ACQUISITIONS: Rapid Prototyping and Fielding Requires Changes to Oversight and Development Approaches). If this trend continues, DoD could invest in prototypes that never get fully produced – a form of wasted effort. Additionally, rapidly fielded systems might not have the usual long-term sustainment planning. Logistics support, training, and spare parts for a quickly fielded new system might be lacking, causing issues in the field. Early fielded prototypes could also create interoperability or integration issues with existing systems (a concern Section 317 tries to address by requiring consideration of interoperability and lifecycle costs (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress)). In summary, there's a risk of

"quick wins" that don't endure – prototypes that either die on the vine or, if fielded, prove hard to support.

4. **Resource Allocation and Budget Impact:** Embracing rapid prototyping and fielding might strain budgets or divert funds from other priorities. The original concept included a dedicated fund to resource these efforts (GAO-19-439, DOD ACQUISITION REFORM: Leadership Attention Needed to Effectively Implement Changes to Acquisition Oversight), but Section 317's repeal of that could mean each Service must find funding within its budget. There's potential for **funding clashes**, where money is pulled from traditional programs to feed quick projects, possibly disrupting the planning of those programs. Conversely, without protected funding, MTA projects might stall if they cannot compete well in the budget process, especially since they move faster than the normal Planning, Programming, Budgeting, and Execution (PPBE) cycle. Rapid projects may also incur cost growth if underestimated – with fewer oversight hurdles, cost controls might loosen. If a rapid fielding effort overruns cost, it could require unplanned injections of funds, affecting other programs. Moreover, large programs using MTA (some MTA efforts cost billions) could circumvent the normal thresholds for reporting cost breaches (Nunn-McCurdy) since they aren't labeled as MDAPs, potentially leading to less visibility into major cost overruns (GAO-23-105008, MIDDLE-TIER DEFENSE ACQUISITIONS: Rapid Prototyping and Fielding Requires Changes to Oversight and Development Approaches).

5. **Workforce and Cultural Resistance:** Implementing this new pathway across the vast DoD acquisition workforce is non-trivial. Some program offices and functional staff may **struggle to adapt** to the new model. Acquisition personnel are accustomed to detailed processes and documentation; the sudden freedom to tailor and accelerate can create uncertainty about what is "enough" oversight or rigor. Different interpretations of the MTA guidance across the services can lead to inconsistency – GAO observed that the military departments varied in how they applied key principles, with policies only partially implementing best practices in some cases (GAO-23-105008, MIDDLE-TIER DEFENSE ACQUISITIONS: Rapid Prototyping and Fielding Requires Changes to Oversight and Development Approaches). There is also the risk of cultural pushback: stakeholders in the requirements community (e.g., JROC) might be uncomfortable with reduced role in validating needs, and contracting officers or lawyers might initially be wary of atypical approaches. In essence, if the workforce isn't fully on board and trained, the MTA pathway could be executed poorly or slowly (negating its purpose) or could result in mistakes due to lack of familiarity with the flexibilities. **Change**

management is a challenge – without it, the potential of Section 317 may not be fully realized and could even cause internal friction.

Mitigations the Organization Will Take to Diminish the Negative Impacts

To address the above risks, DoD and the implementing organizations should take proactive steps alongside Section 317's rollout:

1. **Strengthen Oversight & Data Transparency:** DoD will enhance oversight by establishing **clear reporting requirements even for MTA programs**. For example, the services will provide the Under Secretary of Defense (A&S) with regular, standardized updates on cost, schedule, and performance metrics for each MTA project. A centralized tracking system or dashboard could be used to aggregate this data. GAO's finding of inaccurate data will be remedied by requiring data verification and submission of program info into OSD's databases on a routine basis (GAO-23-105008, MIDDLE-TIER DEFENSE ACQUISITIONS: Rapid Prototyping and Fielding Requires Changes to Oversight and Development Approaches). Additionally, USD(A&S) could conduct periodic portfolio reviews of MTA projects to spot any issues early, ensuring that even without traditional milestone reviews, senior leadership maintains insight. Oversight will thus shift from formal milestone approvals to **continuous monitoring**, enabled by better data – mitigating the accountability gap.

2. **Early and Iterative Testing & Risk Management:** To prevent technical issues from going unaddressed, the organization will integrate the test community and warfighter feedback **from the outset** of MTA projects. Section 317 already calls for demonstrating prototypes in an operational environment (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress), so DoD will leverage that by involving DOT&E and service testers in planning those demos. Rather than one big test at the end, MTA programs can use **iterative testing** – for instance, conducting user evaluations on prototype increments annually. Any capability fielded rapidly will likely undergo a limited user test or an operational assessment before wider deployment. By doing so, potential performance shortfalls are identified and fixed within the 5-year window. If an MTA program faces technical hurdles that threaten the timeline, program managers are encouraged to employ off-ramps or scope reductions (another industry best practice) to prioritize delivering a subset of capabilities on time (GAO-23-105008, MIDDLE-TIER DEFENSE ACQUISITIONS: Rapid Prototyping and Fielding Requires Changes to Oversight and Development Approaches). Essentially, risk is managed through incremental delivery and feedback loops, ensuring speed doesn't mean skipping validation. This

approach will also reassure stakeholders that **safety and effectiveness are not being sacrificed for speed** (GAO-23-105008, MIDDLE-TIER DEFENSE ACQUISITIONS: Rapid Prototyping and Fielding Requires Changes to Oversight and Development Approaches).

3. **Robust Transition Planning and Execution:** To mitigate the "orphaned prototype" issue, DoD will enforce the requirement that every rapid prototyping effort has a **transition plan** at inception (GAO-23-105008, MIDDLE-TIER DEFENSE ACQUISITIONS: Rapid Prototyping and Fielding Requires Changes to Oversight and Development Approaches). This plan (as mandated in the acquisition strategy) will outline the potential off-ramps: whether the prototype will enter a rapid fielding phase, transition into a Program of Record, or be integrated into an existing program. Senior leaders (Service Acquisition Executives) will review these transition plans at MTA project start and midpoint. Additionally, DoD can set a policy that **within 2 years of prototype completion, a decision must be made** on transition (which aligns with draft guidance noted by GAO (GAO-23-105008, MIDDLE-TIER DEFENSE ACQUISITIONS: Rapid Prototyping and Fielding Requires Changes to Oversight and Development Approaches)). The organization will also prepare budgetally for transitions – e.g., programming funds in the out-years to accommodate successful prototypes moving into production. By doing this, when a prototype proves itself, there is a predefined path and resources for scaling it up, avoiding delays. If a prototype fails or is not needed, the transition plan will include criteria for termination, thus ensuring resources are freed for other uses. In summary, making transition an integral part of the MTA process (and monitoring progress on those plans) will significantly reduce the chance that promising prototypes die due to bureaucratic neglect.

4. **Dedicated Funding and Resource Alignment:** Even without a central fund, the Department will mitigate financial risks by **earmarking resources for rapid projects**. Each Service may establish its own "rapid prototyping and fielding fund" or similar mechanism (as authorized by prior law) to flexibly support these efforts (GAO-19-439, DOD ACQUISITION REFORM: Leadership Attention Needed to Effectively Implement Changes to Acquisition Oversight). The DoD Comptroller can issue guidance to expedite reprogramming actions for MTA projects, so if a project needs additional funding mid-stream (due to unforeseen tech challenges or opportunities), it can be granted quickly within existing thresholds. In budget requests, DoD could highlight MTA efforts in a separate exhibit to increase transparency to Congress, which in turn might ease approval of needed funds. Also, to prevent raids on other programs, leadership will balance the portfolio – ensuring

that long-term programs and MTA efforts are planned in concert, with MTA addressing near-term gaps that the traditional programs cannot. By institutionalizing funding for rapid acquisition (perhaps carving out a percentage of RDT&E for these activities), the organization provides a cushion that keeps MTA projects on track financially. These steps will mitigate the risk of **funding shortfalls or disruptive shifts**, thereby stabilizing the execution of Section 317 initiatives.

5. **Workforce Training and Cultural Adoption:** To overcome internal resistance and confusion, DoD will implement a comprehensive **training and change management plan** for the acquisition workforce. This includes updating Defense Acquisition University (DAU) curricula to cover the MTA pathway, issuing clear how-to guidance (e.g. an updated DoDI 5000.80 with templates and best practices), and perhaps standing up MTA Centers of Excellence in each service to mentor program teams. Key personnel such as program managers, requirements leads, contracting officers, and testers will be given scenario-based training on how to operate under the new model. The training will emphasize the intent of the law – that managers have authority to tailor processes – while also conveying lessons learned (for example, GAO's identified leading principles like sound business cases and user feedback will be taught as critical elements even in rapid efforts (GAO-23-105008, MIDDLE-TIER DEFENSE ACQUISITIONS: Rapid Prototyping and Fielding Requires Changes to Oversight and Development Approaches)). Additionally, leadership must set the tone to encourage cultural buy-in; success stories of MTA programs will be publicized and personnel rewarded for smart risk-taking. Regular community-of-practice meetings can be held for teams to share tips and solve common problems, creating a support network. By investing in the workforce and culture change, DoD will mitigate the risk that the new authority is underutilized or misapplied. Over time, as comfort with the pathway grows, the workforce will incorporate the MTA mindset as part of normal business, which is exactly the outcome Section 317 seeks.

DoD Personnel Most Affected

Implementing Section 317 will affect various roles across the Department of Defense acquisition enterprise, particularly those directly involved in requirements, acquisition, and sustainment of new systems. Key personnel and how they are impacted include:

- **Program Managers (PMs) of Acquisition Programs:** PMs are on the front lines of executing MTA projects. Under Section 317, they are empowered with greater decision authority and provided with dedicated support staff across multiple disciplines (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress). This is a significant change – PMs will have authority to tailor

documentation, streamline reviews, and even request waivers of requirements that impede progress (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress). While this empowerment is positive, it also places more responsibility on PMs to manage risk and deliver outcomes within 5 years. PMs will need to adopt agile management techniques, coordinate closely with users and testers, and make tough trade-off decisions (performance vs. schedule vs. cost) quickly (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress). Their role becomes more entrepreneurial – akin to a startup project leader – compared to the compliance-focused role in traditional programs. Training and experience in rapid development methods will be crucial for these individuals to succeed.

- **Service Acquisition Executives (SAEs) and Decision Authorities:** The Army, Navy, Air Force, and other Component Acquisition Executives (or their delegates) will often serve as the **Milestone Decision Authority** for MTA programs (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress). Section 317 formalizes that SAEs can approve and oversee these rapid programs at the Service level. This affects their role by adding a class of programs that require a lighter-touch, but still attentive, oversight. They must ensure their organization's MTA programs are meeting objectives and not abusing the flexibilities. SAEs will be responsible for approving the entrance of programs into the MTA pathway (ensuring the 2–5 year criterion is met) and for granting any necessary extensions or waivers (the law allows USD(A&S) or the SAE by delegation to waive certain rules) (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress). They also have to decide if/when a successful prototype warrants use of the iterative extension authority for further 5-year increments (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress). This **portfolio management** aspect means SAEs will balance resources between rapid efforts and larger programs. Overall, Section 317 increases the scope of what SAEs oversee, requiring them to be conversant in agile acquisition concepts and to perhaps reorganize some oversight processes to fit these fast timelines.
- **Requirements Officers and the Joint Staff (JROC personnel):** Those involved in capability requirements generation (such as sponsors on the Army/Air Force/Navy requirement staffs and the Joint Requirements Oversight Council support staff) will see a change in their process. MTA programs are **not subject to the JCIDS Manual process** for requirements (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress). Instead, Section 317 envisions a requirements process that is completed in ≤6 months and driven by immediate needs (Text -

S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress). Requirements officers will need to work more directly with operators (e.g., combatant command liaisons) to craft "good enough" requirement documents quickly. They may be involved in drafting abbreviated capability need statements or operational requirements that focus on the essential outcomes. JROC members (the Vice Chiefs) may have a reduced role in formally validating requirements for MTA projects; however, the Joint Staff is still involved by communicating needs that justify starting an MTA effort (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress). This shift means requirements personnel must adapt to a faster, iterative approach – they might define an initial requirement for the prototype, then refine requirements for subsequent increments based on what is learned. The culture shift here is from exhaustive, upfront requirement sets to **time-bound, flexible requirements**. Some JROC staff might transition to more of an advisory role for these efforts (ensuring joint interoperability is considered, for example, rather than issuing a JROC-approved document). In essence, their work becomes more integrated with the acquisition team from the beginning, and success will depend on close collaboration between requirements and acquisition personnel.

- **Contracting Officers and Acquisition Logistics Personnel:** The contracting workforce will be heavily impacted as they must procure solutions much faster under this pathway. Contracting officers may need to utilize more innovative acquisition methods – such as Other Transaction Authority (OTA) agreements for prototypes or streamlined competitive procedures – to enable awards within the compressed timelines. They'll also have to incorporate flexible contracting language allowing for evolving requirements or rapid option exercises for production. Section 317 doesn't explicitly change contracting law, but to meet its goals, contracting officers will likely lean on existing flexibilities (like FAR Part 12 commercial item procedures or mid-tier acquisition FAR deviations). They will need training in these methods to confidently support PMs. Meanwhile, **logistics and sustainment professionals** in acquisition (product support managers, logistics leads) must ensure that even fast-track projects address maintenance, supply, and training needs. Section 317 specifically calls out considering lifecycle costs and logistics support in the rapid fielding pathway (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress), which brings sustainment planners into the fold early. These personnel will be tasked to compress what is normally a years-long support planning process into the rapid timeline. They might develop interim support plans or novel sustainment arrangements for fielded

prototypes. Both contracting and logistics staff will be crucial in transitioning a prototype to a scalable product – contracting to negotiate the follow-on production efficiently, and logistics to stand up the support structure. They are effectively the enablers who turn a successful demo into something that can be used by larger forces.

- **Test and Evaluation Community (Developmental & Operational Testers):** Testers will experience a faster test/evaluation cycle and must adapt to less formal, but more frequent, testing. For rapid prototyping, developmental test personnel will likely be embedded with the project team to continuously evaluate prototypes as they are built, rather than waiting for a formal test event. Operational testers (including DOT&E's office and service operational test agencies) will have to adjust to testing partial capabilities or prototypes in a limited scope. Section 317 envisions demonstrating the prototype in an operational environment as a proof of capability (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress). This may require creative test planning – for example, conducting an operational demonstration with soldiers or airmen in a short timeframe, then providing feedback that feeds the next iteration. DOT&E will still have its oversight role for anything that will be fielded; however, they might issue more tailored assessments instead of the full test reports used for major programs. The test community will also have to work with program managers on trade-offs: since MTA allows requirement trade-offs, testers must help determine which performance aspects can be trimmed to save time and which are critical to verify. Test range scheduling, safety releases, and evaluation methods all must become more agile. This is a shift in mindset from a sequential test plan (developmental->operational test->report) to a **concurrent and iterative test process**. The impact is significant: testers must be proactive team members in development, and willing to sign off on limited fielding of systems that may not be fully mature, balancing risk to users with the need for speed. Robust engagement by the test community is essential to maintain credibility of MTA fieldings; their role is to ensure that even quickly fielded systems have been evaluated for effectiveness and safety to a reasonable degree.
- **Warfighters and End-Users (Operational Units):** Although not "acquisition personnel," it's worth noting that the troops who will receive the prototypes are also stakeholders in this process. They will likely be more directly involved in providing feedback and in some cases in co-developing solutions. For example, an operational unit might be asked to try out a prototype system in the field for 6 months as part of the rapid prototyping effort. This means end-users will see technology at an earlier development stage than usual and their input will shape

final requirements. It's a different relationship – operators become part of the acquisition loop, essentially **co-creators** of the capability. This can impact unit training and planning (they have to allocate time to support testing or experimentation). The benefit is they get needed gear faster; the challenge is they may need to tolerate initial imperfections and provide constructive feedback. This increased warfighter involvement is by design (to ensure the products meet real needs), but it does impose an additional duty on operational units that needs to be managed.

Stakeholders Opposed and Rationale for Opposition

While many support accelerating defense acquisitions, certain stakeholders may have concerns or oppose aspects of Section 317:

- **Oversight Bodies (GAO, DoD Inspector General, Congress watchdogs):** Organizations like the Government Accountability Office (GAO) and DoD IG, whose mission is to ensure accountability and effectiveness, might be wary of any process that circumvents standard checks. GAO has already pointed out weaknesses in data and oversight for MTA programs (GAO-23-105008, MIDDLE-TIER DEFENSE ACQUISITIONS: Rapid Prototyping and Fielding Requires Changes to Oversight and Development Approaches). Their concern is that by institutionalizing a pathway with reduced documentation and oversight, problems such as cost overruns, technical failures, or logistical issues might not be caught early. They could oppose Section 317 unless strong oversight provisions are in place, fearing a repeat of past acquisition failures under a new guise. For example, if a major program (costing billions) uses MTA, GAO worries it might avoid the reporting that a normal Major Defense Acquisition Program would owe to Congress, potentially leading to **undetected inefficiencies or waste**. These stakeholders would rationalize their opposition by emphasizing the need for data-driven oversight to accompany any increase in speed (GAO-23-105008, MIDDLE-TIER DEFENSE ACQUISITIONS: Rapid Prototyping and Fielding Requires Changes to Oversight and Development Approaches).
- **Joint Requirements Oversight Council (JROC) Leadership:** The JROC (chaired by the Vice Chairman of the Joint Chiefs of Staff) traditionally validates top-level requirements for major programs to ensure they are needed and joint in nature. Section 317 effectively sidelines the JROC for MTA programs by removing JCIDS from the equation. Additionally, broader reforms in the FoRGED Act propose to reduce JROC's gatekeeping role on requirements and make it more advisory (EXCLUSIVE: New SASC chair sets sight on $200B defense boost, major acquisition reform push -

Breaking Defense). The Joint Staff may object to this diminution of their authority. Their rationale: without JROC validation, military services might pursue systems that are duplicative or not interoperable, and short-term needs could trump joint long-term considerations. JROC proponents might argue that some level of joint oversight is necessary to prevent each service from rapidly prototyping solutions that don't fit together. They could also be concerned about **strategic coherence** – ensuring rapid projects align with bigger modernization plans. In essence, stakeholders here would oppose anything that they perceive as **trading discipline for speed** in requirement setting.

- **Traditional Acquisition Officials ("Defense Acquisition Bureaucracy"):** Within OSD and the Services, there is an entire workforce devoted to the traditional acquisition system (e.g., offices that manage milestone reviews, compliance with 5000.02 processes, etc.). Some officials in these roles might resist the MTA expansion because it reduces the scope of their oversight or because it challenges the status quo. They may question the efficacy of the new pathway, citing that prior rapid initiatives sometimes resulted in fielding hastily developed gear that had to be fixed later. The rationale here is often **skepticism of unproven processes** – an instinct to stick with what has (in their view) worked to eventually produce reliable systems. They might also have institutional inertia; for example, if their job is to ensure every program has certain documents, a paradigm that says "tailor out documents not needed" could feel like lowering standards. While this is more of an internal cultural opposition than formal lobbying, it can manifest in dragging feet or trying to apply old rules to new programs, effectively opposing the spirit of Section 317.

- **Some Defense Industry Players:** Broadly, the defense industry is likely to support faster acquisition (as it could mean faster contract awards), but there could be nuanced opposition from different corners. Large incumbent contractors might fear that rapid prototyping opens doors to new entrants or unexpected competitors if the government can iterate quickly and try out alternatives. For instance, if a legacy program is circumvented by an MTA project with a non-traditional vendor producing a new solution, the incumbent loses out. Therefore, big contractors may quietly push back on expansive use of MTA for large programs. They might raise concerns about *stability* – arguing that bypassing the established requirements and acquisition process could lead to requirements churn or program cancellations, which make it hard for industry to plan and invest. Additionally, companies invest heavily in navigating the traditional system; a new system could erode that competitive advantage. On the flip side, many innovative companies and non-

traditional firms favor these reforms (as Senator Wicker noted, startups are "wild about it" (EXCLUSIVE: New SASC chair sets sight on $200B defense boost, major acquisition reform push - Breaking Defense)). So, opposition within industry likely comes from those with business models tied to slower, big programs. Their public rationale might be couched in terms of "ensuring fairness" or "avoiding chaotic procurement" – essentially cautioning that too much speed could result in waste or constant changes that hurt industry's ability to deliver.

- **Congressional Skeptics (Oversight-Focused Lawmakers):** Within Congress itself, not everyone may be on board with expanding rapid acquisition authorities. Some members (or committee staff, e.g., on the Appropriations or Armed Services Committees) might recall past attempts at rapid acquisition that had mixed results and could be concerned about reducing reporting to Congress. They might oppose Section 317 unless accompanied by strong reporting requirements to them. Their rationale would center on **Congress's constitutional role** in funding and oversight: they need insight to ensure taxpayer money is well spent. If MTA programs are not required to submit Selected Acquisition Reports or abide by Nunn-McCurdy caps (things that traditional programs do), these lawmakers might see it as Congress losing some control. They may also worry that DoD could abuse "rapid fielding" to start procurement of systems without full justification or competition, thus they demand safeguards. In debates, such stakeholders would stress that flexibility must be paired with accountability, and if not convinced, they might attempt to block or amend the legislation to add more oversight mechanisms.

In summary, opposition to Section 317 is not about disagreement with speed as a goal, but rather fear of unintended consequences: **lack of oversight, poor interoperability, unfair processes, or simply change itself**. Addressing these rationales through transparency, inclusion, and evidence of success will be key to mitigating stakeholder resistance.

Additional Resources

For Section 317's implementation to succeed, the Department of Defense will need to allocate various resources and make supporting investments beyond just policy changes. Key additional resources and enablers include:

- **Flexible Funding Mechanisms:** Adequate and agile funding is crucial. DoD will require budgetary resources earmarked for rapid prototyping and fielding efforts. This could involve creating dedicated funding lines in the RDT&E (Research, Development, Test & Evaluation) budget for MTA projects or utilizing existing rapid capabilities funds. Each Military Department might stand up its own "Rapid

Acquisition Fund" as permitted by prior legislation (GAO-19-439, DOD ACQUISITION REFORM: Leadership Attention Needed to Effectively Implement Changes to Acquisition Oversight) to pool money for these projects. Additionally, DoD should have the ability to reprogram funds quickly between programs to respond to emerging needs – meaning Congressional support for rapid reprogramming requests or establishing threshold exemptions for MTA projects. Without reliable funding streams, even well-intentioned rapid projects can stall, so budgeting for MTA must be an integral part of the planning, not an ad-hoc afterthought.

- **Workforce Training and Education:** As discussed, the acquisition workforce must be trained to operate under this new paradigm. DoD will invest in training programs (through DAU and other venues) focusing on MTA pathway execution, agile project management, and innovative contracting. Workshops or simulation exercises could help teams practice developing a requirement in 6 months or executing a streamlined acquisition strategy. Guidance documents and updated instructions will be provided – for example, a revised DoDI 5000.80 (the MTA instruction) and a companion guide that reflects the changes from Section 317. The training should span all communities: PMs, engineers, contracting officers, financial managers, logisticians, and testers, ensuring a common understanding. This resource commitment to education will pay off in smoother program execution and uptake of best practices.

- **Staffing and Expertise Augmentation:** Rapid projects still need the right expertise, just deployed in a concentrated way. Section 317 envisions program managers having a multifunctional team at their disposal (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress). To facilitate this, the Services and OSD may need to **surge personnel** into priority MTA programs. This could mean hiring experts in software development, digital engineering, or other specialized areas that many rapid prototypes entail. It could also involve reassigning seasoned acquisition professionals from slower programs to these high-tempo efforts to lend their experience. Ensuring the DOT&E office and Service test agencies have staff aligned to support accelerated testing is another consideration – they may need more test engineers or range time. In some cases, external support from FFRDCs (Federally Funded Research and Development Centers) or contractors might be engaged to fill specific knowledge gaps quickly (for example, using experts from DARPA or the Defense Innovation Unit on an advisory basis). The organization must be ready to **staff MTA initiatives robustly** on short notice, which might require a roster of personnel pre-identified as a "tiger team" for rapid acquisitions.

- **Modernized Tools and Systems:** To execute faster, DoD will benefit from modern toolsets – both managerial and technical. On the management side, collaborative software (for requirements writing, project management, etc.) that all stakeholders can access will speed up coordination. Digital engineering environments can allow designers, testers, and users to collaborate on a virtual prototype before physical prototypes are built, saving time. A centralized MTA program tracking system (a dashboard accessible to OSD and Congress) could be developed to monitor all ongoing MTA efforts' cost, schedule, performance data in real-time, leveraging the data transparency mentioned earlier. On the technical side, having ready access to test infrastructure and ranges is a resource – the Test Resource Management Center (TRMC) may need to prioritize test range availability for rapid projects to avoid scheduling bottlenecks. Additionally, simulation tools and digital twins could be resourced to help evaluate prototypes quickly. Another system aspect is contracting: utilizing existing IDIQ contracts or consortia for OTAs can shave off months in awards – so DoD should maintain those contracting vehicles and make them available to program offices. In summary, investing in **infrastructure and IT systems** that facilitate rapid development, collaboration, and oversight is a key enabler.
- **Policy and Organizational Support:** Aside from tangible resources, DoD may need to adjust or create supportive organizations. For example, each Service might benefit from a dedicated rapid acquisition cell or office that assists program teams in navigating the pathway (many services already have an acquisitions innovation unit or rapid capabilities office – these might be bolstered). The role of OSD's Adaptive Acquisition Framework Council could be expanded to include championing MTA implementation and resolving cross-cutting issues. Moreover, continued funding and empowerment of organizations like the Defense Innovation Unit (DIU) and Service Rapid Capabilities Offices will provide pipelines of innovative projects that feed into MTA. On the policy front, additional guidance and possibly **streamlined regulatory compliance frameworks** (for areas like cybersecurity, intel oversight, etc.) will be needed so that fulfilling those necessary checks doesn't overly slow down the project. Essentially, DoD leadership should allocate organizational capital – in the form of offices, task forces, and policy carve-outs – to nurture the MTA processes introduced by Section 317.

By securing these additional resources – money, people, tools, and policies – the Department can create an ecosystem in which the Middle Tier Acquisition pathway can flourish. These investments will help ensure that the ambitious goals of Section 317 translate into real-world success.

Measures of Success

To evaluate the success of Section 317's implementation, the DoD should track several metrics and outcomes that indicate whether the MTA pathway is delivering as intended:

1. **Timely Delivery of Prototypes/Capabilities:** A primary measure is whether programs using the MTA pathway meet their schedule objectives. DoD should monitor the percentage of MTA projects that **deliver a prototype or initiate fielding within the 2–5 year window** as planned. Ideally, most projects should hit the 5-year mark (or less) without needing a waiver extension from USD(A&S) (GAO-23-105008, MIDDLE-TIER DEFENSE ACQUISITIONS: Rapid Prototyping and Fielding Requires Changes to Oversight and Development Approaches). If many programs require waivers to exceed 5 years, that would indicate either mis-scoping or execution issues. Conversely, a high on-time completion rate would validate the effectiveness of the accelerated process. This metric can be quantified as: e.g., "X% of MTA projects achieved operational demonstration or production start within 5 years."

2. **Transition Rate to Fielded Programs:** Success isn't just a prototype demo – it's getting capability into warfighters' hands. Thus, DoD should measure how many MTA rapid prototyping efforts **transition to the next stage** (either into a rapid fielding effort or into a formal acquisition program for production) (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress). A healthy transition rate (for example, >50% of prototypes transitioning) would mean the pathway is effectively bridging the gap to adoption. Additionally, for rapid fielding efforts, the measure of success is full fielding to the intended units: e.g., if a rapid fielding effort planned to equip 5 brigade units within 5 years, did it achieve that? The metric could be "percentage of intended end-users actually equipped by the end of the MTA effort." If we see many prototypes ending with no follow-on or fielded systems that stop at limited quantities, that would signal a shortfall in achieving Section 317's goals.

3. **Warfighter Utility and Feedback:** Qualitative but crucial measures revolve around the **effectiveness of the capability delivered**. The DoD can use operational test results and soldier/airmen feedback surveys to gauge this. If a system fielded via MTA receives positive feedback from its users and shows improved mission performance in exercises or operations, that's a success indicator. One could track, for example, the number of urgent operational needs that were resolved by an MTA-delivered solution. Another angle is user involvement: measure how frequently warfighters were involved in prototyping and whether their feedback is positive about the process (e.g., "users of 80% of MTA prototypes report the end product met

or exceeded their needs"). Ultimately, the goal is **increased combat capability** on relevant timelines – so any real-world usage that validates the new capability (such as, hypothetically, an MTA-developed drone being successfully used in an operational deployment within a couple years of project start) would be a concrete mark of success.

4. **Cost Efficiency and Avoidance of Overruns:** Although speed is the focus, cost discipline remains important. DoD should evaluate whether MTA programs are staying within their cost estimates and whether the rapid approach yields cost savings or cost avoidance compared to traditional programs. One measure could be comparing the development cost and unit cost of a system developed via MTA with historical norms for similar systems. Additionally, tracking if any MTA program experienced **significant cost growth** over its life (and understanding why) is vital. Ideally, success would mean that no MTA program had a Nunn-McCurdy-equivalent breach (cost increase >25%) given their smaller scope – a sign that rapid does not mean uncontrolled costs. If rapid fielding was used, measure the procurement cost against initial targets. Another aspect is value for money: did the fast timeline prevent capability gaps that might have cost lives or operational setbacks (a very qualitative measure, but important for context)? In sum, maintaining reasonable cost performance while accelerating schedule is a key success criterion.

5. **Breadth of Adoption and Innovation**: As a more strategic measure, DoD should assess how widely and appropriately the MTA pathway is being adopted and whether it's bringing innovation into the force. One indicator is the **number of programs entering the MTA pathway each year**, stratified by their domains (air, ground, cyber, etc.) and by whether they are prototyping or fielding. Growth in usage suggests the pathway is found useful by the services (indeed, from 35 to ~100 programs over a few years showed initial popularity (GAO-23-105008, MIDDLE-TIER DEFENSE ACQUISITIONS: Rapid Prototyping and Fielding Requires Changes to Oversight and Development Approaches)). However, simply increasing count isn't inherently good unless these are the "right" programs. So another measure is **scope of capabilities** delivered – are critical capability gaps being addressed via MTA? For example, if multiple high-priority needs from the National Defense Strategy are tackled with rapid prototyping efforts, that's a strategic success. Additionally, measure the **participation of non-traditional contractors or new entrants** in MTA projects as a proxy for innovation. The MTA pathway should ideally attract companies or solutions that wouldn't emerge in the slower system. If over time we see a rise in contracts awarded to startups or non-defense vendors in these projects, it indicates success in leveraging broader innovation. Finally, feedback

from the defense acquisition workforce can be measured (through surveys or after-action reports) to see if the culture is embracing flexibility – e.g., program managers reporting that they could tailor and innovate effectively. A successful implementation would show the MTA pathway becoming a normalized, well-understood option within the acquisition community for appropriate projects, rather than a niche experiment.

By monitoring these measures – timeliness, transition, warfighter impact, cost, and innovation uptake – the Department and Congress can evaluate the efficacy of Section 317. Over a few years, if the data shows that MTA programs routinely deliver timely capabilities that are being used and scaled, with manageable cost profiles, then the Middle Tier of Acquisition can be deemed a successful reform in the spirit of the FoRGED Act's objectives.

Alternative Approaches

Section 317 is one approach to accelerate acquisition, but there are other methods and pathways to achieve similar goals of rapid development and fielding of military capabilities. Some alternative or complementary approaches include:

- **Urgent Capability Acquisition (UCA) Pathway:** DoD already has an established pathway for urgent needs – for requirements that emerge from crisis or combat operations which need to be fielded in less than 2 years. This is codified in law and implemented via DoDI 5000.81 for Urgent Operational Needs. Instead of a middle tier program, a requirement can be flagged as an **Urgent Operational Need or Joint Emergent Operational Need**, and a streamlined process (often managed by entities like the Rapid Equipping Force or Joint Rapid Acquisition Cell) can rapidly fund and field a solution (The Innovation of Going Fast! - U.S. Army Acquisition Support Center). The UCA pathway typically skips formal requirements validation and many acquisition steps, focusing solely on delivering a working solution to the field as quickly as possible (sometimes in months). While it usually addresses smaller-scale needs (e.g., an add-on armor kit, an ISR drone for a specific threat), it is an alternative when speed is paramount. The trade-off is that these solutions might be interim and not full capability developments. However, if the goal is immediate impact (faster than even 2-5 years), the UCA approach is the appropriate alternative.
- **Other Transaction Authorities (OTAs) for Prototyping:** OTAs are legally authorized instruments that allow DoD to carry out prototyping projects and even follow-on production without using the Federal Acquisition Regulation (FAR) requirements.

This makes them faster and more flexible, especially in attracting non-traditional companies. A program office could choose to pursue a prototype via an **OTA consortium** or standalone OTA agreement rather than going through the full MTA pathway's structure. For example, many defense tech innovations (counter-drone systems, advanced communications, etc.) have been prototyped via OTAs in a short time frame. The advantage is extreme flexibility in contracting and teaming, which can cut solicitation-to-award times dramatically. The OTA effort can accomplish much of what an MTA rapid prototyping program would, in terms of building and demonstrating a capability. If successful, a follow-on production OTA or a sole-source contract can be used to field the system quickly. Essentially, OTAs can be seen as an **alternative contracting mechanism** that achieves similar agility in development. In fact, many MTA programs themselves use OTAs for execution; but one could use OTA without formally labeling the effort an MTA "program" – particularly if it's a one-off prototype. The limitation is that OTAs still require good project management; they remove bureaucratic hurdles but don't by themselves ensure transition or long-term support.

- **Incremental Upgrades & Agile Development in Traditional Acquisition:** Another approach is to reform the traditional acquisition process to be more agile, achieving some of the goals of MTA without a separate pathway. This means structuring programs into **smaller incremental deliveries or blocks**. Rather than a single huge program that delivers all requirements in 10 years, a Program Manager could plan for Block 1 in 2-3 years, Block 2 in the next 2 years, etc., with each block providing useful capability. DoD's adoption of an Adaptive Acquisition Framework already encourages tailoring; programs can, within the standard framework, adopt agile practices (especially software-intensive ones under the Software Acquisition Pathway). If done correctly, a traditional program using agile methods could deliver capability nearly as fast as an MTA effort. For instance, some PEOs might take a big requirement and break it into a series of rapid fielding spiral projects under the umbrella of the main program. This approach leverages existing structures (keeping oversight in place) but tries to inject the flexibility of iterative development. The alternative here is essentially **"build agility into the standard process"** – through measures like using modular open systems (so that upgrades can be added quickly), conducting frequent test-revise cycles, and involving users continuously. While historically traditional acquisition struggled with this, there is a cultural shift toward agile that might achieve similar results given strong leadership.
- **Expanded Use of Prototyping Organizations and Experiments:** DoD has organizations specifically tasked with innovation and prototyping, such as the

Defense Advanced Research Projects Agency (DARPA), service laboratories (like AFRL, NRL, ARL), and Rapid Capabilities Offices (RCOs) within each service. One alternative approach is to ** funnel critical problems to these organizations**, which are often more nimble, have flexible funding, and a mandate to deliver demonstration systems. For example, if the Air Force has a need for a new counter-satellite weapon quickly, it could leverage AFRL or the Air Force RCO to prototype it under their existing authorities. These orgs often operate outside the standard acquisition regiment and can hand off a proven prototype to a service for production. Similarly, DoD could use large field experiments (e.g., Army's Project Convergence or the Navy's Fleet Experimentation (FLEX) exercises) to rapidly evaluate prototypes in an operational context. Successful experiments can then transition into procurement programs. Essentially, this approach is **experiment and prototype first, formalize later**. It differs from MTA in that it might not require creating a new program element up front; it uses R&D accounts and existing innovation pipelines to produce something tangible, which then can be scaled up through accelerated procurement if needed. The risk is that without the formal structure, some prototypes might not find a transition path – but this is where strong leadership and funding decisions post-experiment come in (much like MTA's transition focus).

- **Portfolio Management and Capability Portfolio Pilots:** An alternative concept, also hinted at in broader reforms, is to manage acquisition at the **portfolio level rather than program level**. Instead of initiating a single program to meet one requirement, DoD could assign a portfolio manager (or Portfolio Acquisition Executive) a set of capability goals (e.g., "autonomous ground combat systems") and a budget, and let them incrementally fund and develop multiple complementary projects to meet those goals. This was touched on in reform discussions in the FoRGED Act context (EXCLUSIVE: New SASC chair sets sight on $200B defense boost, major acquisition reform push - Breaking Defense). A portfolio approach could inherently be faster because the manager can move funds to whichever project shows promise and kill those that don't, without formal reprogramming for each change. They can also field increments from different projects as they become ready. For example, the Army could manage all robotic vehicle efforts as a portfolio: quickly prototyping light, medium, and heavy variants, fielding ones that mature sooner, and continuously upgrading them. This is an alternative to the structure of separate programs or even the two MTA pathways – it's more free-form but driven by outcomes and broad oversight. The success of this approach relies on giving leaders authority and budget flexibility. It is arguably even

more radical than MTA, but aims at the same objective: **speed and adaptability**. If implemented, it could achieve rapid fielding by collapsing multiple steps and empowering a central authority to orchestrate developments in parallel.

Each of these alternatives has its pros and cons. The urgent needs process is very fast but usually narrow in scope. OTAs provide contracting speed but need integration into a strategy for full fielding. Agile traditional acquisition keeps oversight but requires cultural change. Relying on DARPA/RCOs leverages innovation talent but needs solid transition commitment. Portfolio management could maximize flexibility but is untested in full. In practice, DoD might use a mix of these approaches alongside the MTA pathway – in fact, they are largely complementary. Section 317's MTA could be seen as one tool in a broader toolkit of speeding up acquisition. If for some reason MTA was not available, DoD would likely lean more on the other methods above to try to achieve similar ends.

Section Specific Question 1: Key Updates/Clarifications in Section 317 (MTA Pathway Entry Criteria, Funding, Metrics, Transition Planning)

Section 317 introduces several important updates and clarifications to the Middle Tier of Acquisition (MTA) pathway as originally authorized under NDAA 2016 §804. Notably, it **codifies the MTA in Title 10**, incorporates lessons learned from the past few years, and refines aspects like entry conditions, funding approach, oversight metrics, and transition requirements. The key updates/clarifications include:

- **Entry Criteria and Scope of Programs:** Section 317 reaffirms that MTA projects are those intended to be completed within **2 to 5 years** – this is essentially the entry criterion for using the pathway (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress). By adding it to 10 U.S. Code §3602, the law cements this timeline as a statutory condition (previously it was in policy guidance). This ensures that only programs of manageable size and urgency use MTA. The law also explicitly states that these are "for programs or projects that are intended to be completed in a period of two to five years," which helps clarify any ambiguity about what qualifies. In practice, this means before a program can be designated as MTA, leadership must judge that it is feasible to deliver a useful prototype or initial capability within 5 years – reinforcing the idea that not every program is suitable, only those with limited scope or mature technology. Another subtle clarification is that Section 317 requires the Under Secretary of Defense (A&S) to **establish the pathways via guidance** (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress), indicating OSD will continue to control entry policy (e.g., criteria like the level of technological maturity or risk acceptable may be defined in that guidance). Overall, by embedding the timeline and directing formal

guidance, Section 317 clarifies *which programs should enter this pathway* – essentially, those that can deliver something meaningful within five years of start and that align with the spirit of rapid prototyping or fielding.

- **Funding Mechanism Changes:** The original NDAA 2016 §804 had mandated creation of a "Rapid Prototyping Fund" to finance these projects (GAO-19-439, DOD ACQUISITION REFORM: Leadership Attention Needed to Effectively Implement Changes to Acquisition Oversight). Section 317 notably **repeals the Section 804 authority (and thus its fund) entirely** (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress). In the new codified version (10 U.S.C. 3602), there is **no separate fund** established; instead, funding is expected to come from normal budget allocations or existing funding flexibilities. However, Section 317 does clarify that as part of the required process, DoD must implement "a process for developing and implementing acquisition and **funding strategies**" for programs under both the rapid prototyping and rapid fielding pathways (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress) (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress). This means upfront planning of how the effort will be resourced – whether through reprogramming, existing RDT&E accounts, or service-specific rapid funds. The clarification here is that funding considerations are integral to MTA projects from the start, rather than ad-hoc. By removing the centralized fund, Section 317 also effectively pushes the Services to plan and possibly budget for MTA efforts within their own portfolios (note: previous NDAA amendments allowed service-specific funds (GAO-19-439, DOD ACQUISITION REFORM: Leadership Attention Needed to Effectively Implement Changes to Acquisition Oversight), which presumably remain available). In summary, the update is that **funding of MTA projects will be handled through normal processes with a required funding strategy in place**, rather than relying on a OSD-level pot of money. This shifts responsibility to each organization to allocate resources for rapid efforts, and clarifies that part of the entry into MTA is having a viable funding plan. Metrics related to funding might include quick access to the funds (the law doesn't specify that, but the intent is to avoid lengthy budget delays).
- **Process Metrics and Oversight Enhancements:** Section 317 introduces specific timeline metrics and exemptions that clarify how the MTA is to function. One key metric is the requirement that the streamlined process yield an **approved requirement within 6 months** from initiation for each project (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress). This is an important clarification – it sets a concrete timeframe for the normally open-ended

requirements phase. It effectively measures the responsiveness of the requirements community: if they cannot produce a validated needed statement in half a year, the project risks delay. By codifying "not more than six months" for requirements development, Congress is signaling that a rapid program's requirements must be sharp and quickly generated (perhaps via abbreviated documents). Another metric clarified is the expectation for **rapid fielding programs to begin production within 6 months** of initiation (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress), and for both prototyping and fielding efforts to finish within 5 years. These were originally stated in NDAA 2016, but Section 317 repeats them, reinforcing their importance as measures of success. The law also clarifies oversight boundaries: it explicitly states MTA programs "shall not be subject to the JCIDS Manual and DoD Directive 5000.01" (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress) – essentially freeing them from the traditional requirement and acquisition policy constraints. While this was generally understood from the original guidance, putting it in law provides certainty (e.g., program managers can point to statute when bypassing JCIDS). On the oversight front, Section 317 doesn't prescribe new reports, but by bringing MTA into Title 10, these programs could now be more easily referenced in oversight reports like DAES or others. Also, making SAE the decision authority is now codified (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress), which clarifies who is accountable for decisions on these programs (in practice that means streamlined oversight at the service level). Finally, an implicit metric for oversight is the continuous evaluation allowed by iterative cycles – the law's provision for "an unlimited number" of subsequent 5-year iterations if capability is demonstrated (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress) essentially sets up a metric of delivering operational value each cycle. If a program isn't delivering value, presumably it wouldn't be extended. In essence, **Section 317 clarifies the expected pace (6 months for requirement, 6 months to production start, 5 years total) and who oversees (Service-level decision authority), thereby providing a clearer framework for measuring and managing MTA projects.**

- **Transition Planning Requirements:** One of the most significant clarifications in Section 317 is the emphasis on **transitioning successful prototypes** to enduring capabilities. The law explicitly requires that the rapid prototyping pathway include "a process for transitioning successful prototypes into new or existing acquisition programs for production and fielding" (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress). In practical terms, this means

that from the outset, an MTA prototyping effort must have a transition plan – it should not be a dead-end. This was not as clearly spelled out in the original 2016 statute (though DoD policy later required a transition plan in the acquisition strategy). By including it in the law, Congress is underlining its importance. The clarification addresses a known weakness: GAO observed that few MTA projects had transitioned and that guidance on transition was still being developed as lessons were learned (GAO-23-105008, MIDDLE-TIER DEFENSE ACQUISITIONS: Rapid Prototyping and Fielding Requires Changes to Oversight and Development Approaches). Now, with Section 317, it is a statutory mandate to plan for and execute transition. Additionally, Section 317's language covers transitioning to both the rapid fielding pathway **or** into a major capability acquisition pathway under DoDI 5000.85 (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress). This clarifies that the end state of an MTA prototype isn't always a new stand-alone program; it could fold into an existing Program of Record or feed the traditional acquisition system with a jump-start. For the rapid fielding pathway itself, the law also mentions transitioning "to operations and sustainment" (GAO-23-105008, MIDDLE-TIER DEFENSE ACQUISITIONS: Rapid Prototyping and Fielding Requires Changes to Oversight and Development Approaches) (implied in DoD policy) – in other words, once you've rapidly fielded, plan how it becomes a sustained, supported system in the inventory. Furthermore, Section 317 allows iterative prototyping and fielding under the same project if capability is demonstrated (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress), effectively providing an authorized mechanism for continuous transition of incremental capabilities. This means a project doesn't have to exit MTA after one cycle; it can transition into another cycle of MTA (which is itself a form of transitioning a prototype to the next version). In summary, the update here is a **clear requirement and pathway for transition**: no MTA project should start without an identified "what next" if it succeeds. This mitigates the valley of death issue by design. It also means metrics will likely be collected on transition outcomes (how many prototypes became programs or products) – making transition a measurable goal for the MTA pathway, as reinforced by the statute. The inclusion of transition planning in Section 317 is a direct clarification that rapid efforts are not standalone experiments; they are part of a continuum leading to real fielded capability, aligning the MTA pathway with broader force modernization efforts.

In essence, Section 317 refines the MTA construct with stricter entry **boundaries**, removal of a separate funding apparatus but insistence on planning for funding, concrete **time**

metrics for requirements and execution, and mandated **transition processes**. These updates provide greater clarity and confidence in how the MTA pathway should operate: focused on the right-sized projects, properly resourced, measured against rapid timelines, and connected to the broader acquisition lifecycle (rather than being ad-hoc prototyping for its own sake). All these clarifications aim to ensure that the MTA pathway delivers on its promise of speed **without** becoming a loophole that results in un-integrated or unaccountable efforts.

Section Specific Question 2

(Placeholder – no specific question provided.)

Summary

Section 317 of the FoRGED Act represents a significant step in solidifying rapid acquisition practices within the Department of Defense. By codifying the Middle Tier of Acquisition for Rapid Prototyping and Rapid Fielding into permanent law, it both elevates and stabilizes the authority that began as an experimental provision in 2016. The section's provisions seek to institutionalize speed and agility in defense acquisitions – forcing a cultural shift to **"deliver fast, iterate fast"** – while also addressing prior gaps such as transition to production and adequate oversight. History shows that DoD can innovate quickly when compelled; Section 317 provides that compulsion by streamlining requirements, delegating decision authority, and explicitly exempting these projects from onerous bureaucratic processes (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress) (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress). At the same time, it recognizes that rapid acquisition must feed into long-term capability, hence the strong emphasis on planning transitions and considering lifecycle support up front (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress) (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress).

If implemented effectively, Section 317's changes will result in a DoD acquisition ecosystem that can respond to emerging threats or technological opportunities in a timeframe that keeps pace with adversaries and commercial innovation. Success will be seen in tangible outcomes: prototypes developed in months, not years; critical new systems fielded to warfighters in a few years, not a decade; and a higher rate of adoption for cutting-edge technologies originating from startup firms or lab experiments, now making it into the force. Importantly, this reform does not operate in isolation – it complements other initiatives like software acquisition reform (addressed in Section 318) and efforts to make contracting more commercial-like. Together, they aim to **"cut red tape"**

and "unleash innovation," as the FoRGED Act's philosophy espouses (Senator Wicker Announces Pentagon Reform and Innovation Proposal - U.S. Senator...).

However, the impact of Section 317 will depend on execution. The report identifies potential pitfalls: lack of oversight, schedule pressures, funding issues, and workforce adaptation. The legislation gives DoD tools and mandates (e.g., the six-month requirement timeline, waiver authority, iterative prototyping allowance) to manage these, but it will require diligent follow-through by acquisition leaders. Mitigations and support measures – from training the workforce to improving data transparency – will be vital to ensure that increased freedom doesn't result in chaos or waste. Stakeholder buy-in, particularly from oversight communities, will also be crucial; early successes and continuous communication of results can turn skeptics into supporters.

In conclusion, Section 317 can be seen as both an endorsement of the progress made under the mid-tier acquisition pilot and a course-correction to embed it properly into DoD's framework. It signifies Congress's expectation that the Pentagon **move faster and smarter** in delivering capability. By focusing on a middle path between urgency and the traditional process, it tries to capture the best of both: the agility of rapid projects with the intentionality and accountability of deliberate acquisition. Over the next few years, the DoD will measure the success of this reform in how well it delivers meaningful combat capabilities to the field quickly and reliably. If the Middle Tier of Acquisition pathway, under the guidance of Section 317, achieves its intended outcomes, it will mark a major advancement in defense procurement agility, helping maintain U.S. technological superiority in a fast-evolving global threat environment.

Sources: Middle Tier of Acquisition statutory text and amendments (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress) (GAO-19-439, DOD ACQUISITION REFORM: Leadership Attention Needed to Effectively Implement Changes to Acquisition Oversight); GAO assessments of MTA implementation (GAO-23-105008, MIDDLE-TIER DEFENSE ACQUISITIONS: Rapid Prototyping and Fielding Requires Changes to Oversight and Development Approaches) (GAO-23-105008, MIDDLE-TIER DEFENSE ACQUISITIONS: Rapid Prototyping and Fielding Requires Changes to Oversight and Development Approaches); DoD acquisition policy documents and guidance on rapid prototyping/fielding (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress) (Text - S.5618 - 118th Congress (2023-2024): FoRGED Act | Congress.gov | Library of Congress); Senate Armed Services Committee reform initiatives (Senator Wicker Announces Pentagon Reform and Innovation Proposal - U.S. Senator...) which contextualize the intent behind Section 317.