

119TH CONGRESS
1ST SESSION

S. 2135

To modify other transaction authority, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 18, 2025

Mr. SHEEHY introduced the following bill; which was read twice and referred
to the Committee on Armed Services

A BILL

To modify other transaction authority, and for other
purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Prototype to Produc-
5 tion Act”.

6 **SEC. 2. MODIFICATIONS TO OTHER TRANSACTIONS.**

7 (a) IN GENERAL.—Section 4022 of title 10, United
8 States Code, is amended—

9 (1) in subsection (a)—

10 (A) by amending paragraph (2) to read as
11 follows:

1 “(2) The authority of this section may be exercised
 2 for a transaction for a prototype project, or for a trans-
 3 action for a follow-on production contract or transaction
 4 that is awarded pursuant to subsection (f) or (g), that is
 5 expected to cost the Department of Defense in excess of
 6 \$100,000,000 (including all options) only upon a written
 7 determination that the requirements of subsection (d) will
 8 be met by a head of the contracting activity, or, for the
 9 Defense Advanced Research Projects Agency, the Defense
 10 Innovation Unit, or the Missile Defense Agency, the direc-
 11 tor of the agency.”; and

12 (B) by amending paragraph (3) to read as
 13 follows:

14 “(3) The authority of the head of the contracting ac-
 15 tivity, the director of the Defense Advanced Research
 16 Projects Agency, the director of the Defense Innovation
 17 Unit, the director of the Missile Defense Agency, or the
 18 senior procurement executive, as applicable, under para-
 19 graph (2), may not be delegated.”;

20 (2) in subsection (e)—

21 (A) by amending paragraph (1) to read as
 22 follows:

23 “(1) The term ‘head of the contracting activity’
 24 means those officials within the organization who
 25 have responsibility for and manage an acquisition

1 organization and usually hold unlimited procurement
 2 authority.”; and

3 (B) by adding at the end the following new
 4 paragraph:

5 “(6) The term ‘follow-on production’ means a
 6 contract or transaction that is intended to further
 7 develop, test, produce, deploy, operate, or sustain a
 8 capability that was successfully prototyped under the
 9 authority established in subsection (a).”;

10 (3) by redesignating subsections (h) and (i) as
 11 subsections (i) and (j), respectively; and

12 (4) by inserting after subsection (g) the fol-
 13 lowing new subsection:

14 “(h) AUTHORITY TO AWARD A PRODUCTION TRANS-
 15 ACTION TO RAPIDLY FIELD AN EXISTING CAPABILITY.—
 16 A production transaction may be awarded, with or without
 17 the use of competitive procedures, to acquire emergent and
 18 proven technologies and field production quantities of new
 19 or upgraded systems that do not require additional devel-
 20 opment and have been demonstrated in a relevant environ-
 21 ment when the appropriate service or component acquisi-
 22 tion executive determines in writing that exceptional cir-
 23 cumstances justify the use of such a transaction to address
 24 a high priority warfighter need.”.

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