

En Bloc Amendments to H.R. 1735
National Defense Authorization Act for Fiscal Year 2016
Wednesday, April 29, 2015

Full Committee		
En Bloc #4		
Log #	Sponsor	Description
022	Bordallo	Would clarify use of military personnel for functions that are currently being performed by civilian or contractor personnel.
080	Takai	Would extend for one year the current cap service contract spending.
087r1	Coffman	Directs the USD(ATL), in consultation with the acquisition executives of each service, to conduct an assessment of the value, feasibility, and cost of greater utilization of environmental HALT/HASS methodology testing.
152r1	Graves	Requests the Secretary of Defense to provide a briefing on how DOD has implemented modifications to the law regarding two-phase design-build selection procedures.
163r1	Scott	Requires that retail pharmacies participating in the network pilot shall be comprised of small business pharmacies.
273	McSally	Prohibits retirement of EC-130H aircraft and requires a study on replacement capability requirements or mission platform for the EC-130H
279r1	Gallego	Directs the Secretary of Defense to provide a briefing on initiatives to decrease claims of high cost compound drug prescriptions and to educate beneficiaries on receiving safe medications.
282	Johnson	Requires a report on potential threats to naval operations, US forces and their families should an increase in violent clashes in Bahrain make the presence of US forces and their families in that nation untenable.
297	Conaway	Prohibits the closure of the U.S. Naval Base Guantanamo Bay, Cuba, unless specifically authorized by law or ratified treaty, and directs SOUTHCOM to provide a military assessment of the Naval Station.
312r3	Peters	Expresses a sense of Congress that DOD should support dependents of members of the Armed Forces in attending specialized camps.
325r1	Conaway	Requires the Secretary of Defense to establish values and metrics for the lowest price, technically acceptable evaluation method when contracting for audit and audit readiness services.
326r1	Scott	Adds a new paragraph to section 804 to clarify that none of the amendments made by section 804 would affect the meaning of the term "commercial item" under section 2464 of title 10 United States Code.
330	Smith	Amends section 1012 in the Full Committee Mark with updates to the statement of policy on Plan Central America.
335r1	Garamendi	Requires a review and report by the Secretary of Defense on the review and adjudication of pre- and post-award protests of non-appropriated fund contract decisions.

AMENDMENT TO H.R. 1735
OFFERED BY MS. BORDALLO OF GUAM

At the end of title IX, add the following new section:

1 **SEC. 9___ . GUIDELINES FOR CONVERSION OF FUNCTIONS**
2 **PERFORMED BY CIVILIAN OR CONTRACTOR**
3 **PERSONNEL TO PERFORMANCE BY MILITARY**
4 **PERSONNEL.**

5 Section 129a of title 10, United States Code, is
6 amended by adding at the end the following new sub-
7 section:

8 “(g) GUIDELINES FOR PERFORMANCE OF CERTAIN
9 FUNCTIONS BY MILITARY PERSONNEL.—(1) Except as
10 provided in paragraph (2), no functions performed by ci-
11 vilian personnel or contractors may be converted to per-
12 formance by military personnel unless—

13 “(A) there is a direct link between the functions
14 to be performed and a military occupational spe-
15 cialty; and

16 “(B) the conversion to performance by military
17 personnel is cost effective, based on Department of
18 Defense instruction 7041.04 (or any successor ad-
19 ministrative regulation, directive, or policy).

1 “(2) Paragraph (1) shall not apply to the following
2 functions:

3 “(A) Functions required by law or regulation to
4 be performed by military personnel.

5 “(B) Functions related to—

6 “(i) missions involving operation risks and
7 combatant status under the Law of War;

8 “(ii) specialized collective and individual
9 training requiring military-unique knowledge
10 and skills based on recent operational experi-
11 ence;

12 “(iii) independent advice to senior civilian
13 leadership in the Department of Defense requir-
14 ing military-unique knowledge and skills based
15 on recent operational experience; and

16 “(iv) command and control arrangements
17 under chapter 47 of this title (the Uniform
18 Code of Military Justice).”.



AMENDMENT TO H.R. 1735**OFFERED BY MR. TAKAI OF HAWAII***with Mr. Bishop of Utah*

At the appropriate place in title VIII, insert the following new section:

1 **SEC. 8_____ . EXTENSION OF LIMITATION ON AGGREGATE**
2 **ANNUAL AMOUNT AVAILABLE FOR CON-**
3 **TRACT SERVICES.**

4 Section 808 of the National Defense Authorization
5 Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat.
6 1489), as most recently amended by section 813 of the
7 National Defense Authorization Act for Fiscal Year 2015
8 (Public Law 113-291; 128 Stat. 3429) is further amend-
9 ed—

10 (1) in subsections (a) and (b), by striking “or
11 2015” and inserting “2015, or 2016”;

12 (2) in subsection (c)(3), by striking “and 2015”
13 and inserting “2015, and 2016”;

14 (3) in subsection (d)(4), by striking “or 2015”
15 and inserting “2015, or 2016”; and

16 (4) in subsection (e), by striking “2015” and
17 inserting “2016”.



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Amendment Offered by Rep Mike Coffman

H.R. 1735—National Defense Authorization Act for Fiscal Year 2016

HOUSE ARMED SERVICES COMMITTEE

To be inserted in the appropriate place in the report:

Under Secretary of Defense for Acquisition, Technology and Logistics Assessment of the Value, Feasibility, and Cost of Greater Utilization of HALT/HASS Testing

The Committee remains concerned about issues of reliability in the design and development of critical military system components and subcomponents. In the committee report (H. Rept. 113-102) accompanying the National Defense Authorization Act for Fiscal Year 2014, the Committee directed the Director of the Missile Defense Agency (MDA) to assess the value, feasibility and cost of greater utilization of highly accelerated life testing and highly accelerated stress screening (HALT/HASS) methodology for ballistic missile defense systems and components and to report to the congressional defense committees on his findings and recommendations. This report served as a useful review of the potential benefits and limitations of employing this rigorous testing methodology.

Therefore, the committee directs the Under Secretary of Defense for Acquisition, Technology and Logistics, in consultation with the acquisition executives of each service, to assess the value, feasibility, and cost of greater utilization of this methodology to shorten design and development timelines, reduce system and component testing and lifecycle costs, and enhance reliability of critical military system components and subcomponents. The committee further directs the Under Secretary to submit a report no later than March 15, 2016 to the congressional defense committees on the findings of this assessment, including a description of any plans regarding the use of such methodology in on-going or future defense programs, along with any recommendations to improve the Department of Defense's efforts.

Improvement of Design-Build Selection Process

The committee continues to remain interested in the Department of Defense's use and implementation of the two-phase design-build selection procedures. The committee notes that section 2305a, title 10, United States Code, was modified in the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015, limiting the number of offerors specified in a solicitation to 5 for contract values that exceed \$4,000,000, but not requiring the use of a two-phase selection procedures for these procurements. The committee continues to be concerned about how these changes have affected the industry and the Department's ability to award construction projects.

As such, the committee requests the Secretary of Defense to provide a briefing by February 1, 2016, that address how the department has implemented the modifications to the law enacted last year, any feedback the Department has received from industry, and any challenges to the implementation of the statute. Further, the briefing should include the list of instances in which the agency awarded a design-build contract pursuant to this section that had more than 5 finalists for phase-two request for proposals during fiscal year 2015, and the list of design-build requests for proposals that used a one-step process.

AMENDMENT TO H.R. 1735
OFFERED BY MR. AUSTIN SCOTT OF GEORGIA

Strike section 702 and insert the following new section:

1 **SEC. 702. PILOT PROGRAM FOR OPERATION OF NETWORK**
2 **OF RETAIL PHARMACIES UNDER TRICARE**
3 **PHARMACY BENEFITS PROGRAM.**

4 (a) **AUTHORITY TO ESTABLISH PILOT PROGRAM.**—
5 The Secretary of Defense may conduct a pilot program
6 to evaluate whether, in carrying out the TRICARE phar-
7 macy benefits program under section 1074g of title 10,
8 United States Code, operating a network of preferred re-
9 tail pharmacies will generate cost savings for the Depart-
10 ment of Defense.

11 (b) **ELEMENTS OF PILOT PROGRAM.**—In conducting
12 the pilot program under subsection (a), the Secretary
13 shall—

14 (1) incorporate “best practices” to enhance pa-
15 tient access from non-TRICARE health plans that
16 are using a preferred retail network of pharmacies
17 along with the mail-order pharmacy program of the
18 plans and preferred pharmacy networks in Medicare
19 Part D;

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1 (2) allow beneficiaries to obtain prescription
2 medication that is available through the TRICARE
3 pharmacy benefits program, including maintenance
4 medication, through the network of preferred retail
5 pharmacies and the national mail-order pharmacy
6 program under section 1074g(a)(2)(E)(iii) of title
7 10 United States Code;

8 (3) allow retail pharmacies participating in the
9 network of preferred retail pharmacies to purchase
10 prescription medication for beneficiaries at rates
11 available to the Federal government pursuant to sec-
12 tion 1074g(f) of title 10, United States Code;

13 (4) ensure that retail pharmacies participating
14 in the network of preferred retail pharmacies shall
15 be comprised of small business pharmacies at a rate
16 no lower than the current TRICARE pharmacy pro-
17 gram participation rate;

18 (5) study the potential, viability, cost efficiency,
19 and health care effectiveness of the TRICARE phar-
20 macy benefits program administering prescription
21 medication through a network of preferred retail
22 pharmacies in addition to the methods available pur-
23 suant to section 1074g(a)(2)(E) of title 10, United
24 States Code; and

1 (6) determine the opportunities for and barriers
2 to coordinating and leveraging the use of a network
3 of preferred retail pharmacies in addition to such
4 methods available pursuant to such section
5 1074g(a)(2)(E).

6 (c) SELECTION OF RETAIL PHARMACIES.—The Sec-
7 retary shall select the retail pharmacies to participate in
8 the preferred network of preferred retail pharmacies pur-
9 suant to subsection (a). In making such selection the Sec-
10 retary may—

11 (1) require that retail pharmacies opt-in to the
12 network and agree to the reimbursement rates paid
13 by the Secretary;

14 (2) determine specific criteria for each retail
15 pharmacy to meet or that a certain number of retail
16 pharmacies must meet;

17 (3) use a competitive process; and

18 (4) require the preferred pharmacy network to
19 comply with the existing TRICARE retail pharmacy
20 access standards.

21 (d) SELECTION OF MILITARY COMMUNITIES.—In
22 carrying out the pilot program under subsection (a), the
23 Secretary shall select at least one region in which to carry
24 out the pilot program. The Secretary shall ensure that any
25 region selected meets the following criteria:

1 (1) The region has a certain number or per-
2 centage, as determined by the Secretary, of—

3 (A) members of the Armed Forces serving
4 on active duty;

5 (B) members of the Armed Forces serving
6 in a reserve component; and

7 (C) retired members of the Armed Forces.

8 (2) The number of beneficiaries under para-
9 graph (1) is sufficient to produce statistically signifi-
10 cant results.

11 (3) The region has at least one retail pharmacy
12 that operates at least 10 pharmacy locations in the
13 region.

14 (4) The region has at least one military instal-
15 lation that has a military medical treatment facility
16 with a pharmacy.

17 (e) CONSULTATION.—The Secretary shall develop the
18 pilot program under subsection (a) in consultation with—

19 (1) the Secretaries of the military departments;

20 (2) representatives from the military installa-
21 tions within the region selected under subsection (d);

22 and

23 (3) the TRICARE-managed pharmacy con-
24 tractor with responsibility for the national pharmacy
25 mail-order program.

1 (f) DURATION OF PILOT PROGRAM.—If the Secretary
2 of Defense carries out the pilot program under subsection
3 (a), the Secretary shall commence such pilot program by
4 not later than May 1, 2016, and shall terminate such pro-
5 gram on September 30, 2018.

6 (g) REPORTS.—If the Secretary of Defense carries
7 out the pilot program under subsection (a), the Secretary
8 of Defense shall submit to the congressional defense com-
9 mittees reports on the pilot program as follows:

10 (1) Not later than 90 days after the date of the
11 enactment of this Act, a report containing an imple-
12 mentation plan for the pilot program.

13 (2) Not later than 90 days after the date on
14 which the pilot program commences, and semiannu-
15 ally thereafter during the period in which the pilot
16 program is carried out, an interim report on the
17 pilot program.

18 (3) Not later than 90 days after the date on
19 which the pilot program terminates, a final report
20 describing the results of the pilot program, including
21 any recommendations of the Secretary to expand
22 such program.



AMENDMENT TO H.R. 1735**OFFERED BY MS. MCSALLY OF ARIZONA**

At the appropriate place in title I, insert the following:

1 **SEC. 1___ . PROHIBITION ON RETIREMENT OF EC-130H AIR-**
2 **CRAFT.**

3 (a) PROHIBITION ON AVAILABILITY OF FUNDS FOR
4 RETIREMENT.—None of the funds authorized to be appro-
5 priated by this Act or otherwise made available for fiscal
6 year 2016 for the Air Force may be obligated or expended
7 to retire, prepare to retire, or place in storage or on
8 backup aircraft inventory status any EC-130H aircraft.

9 (b) ADDITIONAL LIMITATION ON RETIREMENT.—In
10 addition to the limitation in subsection (a), the Secretary
11 of the Air Force may not retire, prepare to retire, or place
12 in storage or on backup flying status any EC-130H air-
13 craft until a period of 60 days has elapsed following the
14 date on which the Secretary submits the report under sub-
15 section (c)(3)(A).

16 (c) STUDY ON REPLACEMENT CAPABILITY REQUIRE-
17 MENTS OR MISSION PLATFORM FOR THE EC-130H AIR-
18 CRAFT.—

1 (1) IN GENERAL.—The Secretary of the Air
2 Force shall commission an assessment of the re-
3 quired capabilities or mission platform to replace the
4 EC-130H aircraft. This assessment would represent
5 preparatory work to inform an analysis of alter-
6 natives.

7 (2) ELEMENTS.—The assessment required
8 under paragraph (1) shall include each of the fol-
9 lowing:

10 (A) Future needs analysis for the current
11 EC-130H aircraft electronic warfare mission
12 set to include suppression of sophisticated
13 enemy air defense systems, advanced radar
14 jamming, avoiding radar detection, communica-
15 tions, sensing, satellite navigation, command
16 and control, and battlefield awareness.

17 (B) A review of operating concepts for air-
18 borne electronic attack.

19 (C) An assessment of upgrades to the elec-
20 tronic warfare systems of EC-130H aircraft,
21 the costs of such upgrades, and expected up-
22 grades through 2025, and the expected service
23 life of EC-130H aircraft.

24 (D) A review of the global proliferation of
25 more sophisticated air defenses and advanced

1 commercial digital electronic devices which
2 counter the airborne electronic attack capabili-
3 ties of the United States by state and non-state
4 actors.

5 (E) An assessment of the ability of the
6 current EC-130H fleet to meet to meet tasking
7 requirements of the combatant commanders.

8 (F) Any other matters the Secretary deter-
9 mines appropriate.

10 (3) REPORT.—

11 (A) IN GENERAL.—Not later than Sep-
12 tember 30, 2016, the Secretary shall submit to
13 the congressional defense committees a report
14 that includes the assessments required under
15 subparagraph (1).

16 (B) FORM.—The report under subpara-
17 graph (A) may be submitted in classified form,
18 but shall also contain an unclassified executive
19 summary and may contain an unclassified
20 annex.

21 (4) NONDUPLICATION OF EFFORT.—If any in-
22 formation required under paragraph (1) has been in-
23 cluded in another report or notification previously
24 submitted to the congressional defense committees
25 by law, the Secretary of the Air Force may provide

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1 a list of such reports and notifications at the time
2 of submitting the report required under paragraph
3 (1) instead of including such information in such re-
4 port.



Revised
LOB 279r1

Amendment Offered by Mr. Gallego

H.R. 1735—National Defense Authorization Act for Fiscal Year 2016

In the appropriate place in the report, insert the following:

Compound Drug Prescriptions

The Committee understands that the Department of Defense has identified the recent escalating prices and claims for compound drug prescriptions as a concern. The Committee is aware of the Department of Defense's efforts to control the cost of the compound drug prescriptions to the department and protect the safety of the beneficiary. Therefore the Committee directs the Secretary of Defense to brief the House Committee on Armed Services no later than October 1, 2015 on initiatives to decrease claims of high cost compound drug prescriptions and educate beneficiaries on the importance of working with their primary care provider to ensure they are receiving safe medications.

AMENDMENT TO H.R. 1735
OFFERED BY MR. JOHNSON OF GEORGIA

At the appropriate place in title X, insert the following:

1 **SEC. 10 ____ . REPORT ON POTENTIAL THREATS TO MEM-**
2 **BERS OF THE ARMED FORCES OF UNITED**
3 **STATES NAVAL FORCES CENTRAL COMMAND**
4 **AND UNITED STATES FIFTH FLEET IN BAH-**
5 **RAIN.**

6 (a) **IN GENERAL.**—Not later than 180 days after the
7 date of the enactment of this Act, the Secretary of Defense
8 shall submit to the Committees on Armed Services of the
9 Senate and the House of Representatives a report on the
10 threat posed to members of the Armed Forces of the
11 United States Naval Forces Central Command and the
12 United States Fifth Fleet from Naval Support Activity
13 Bahrain and their family members should an increase in
14 violent clashes in Bahrain make their presence in that na-
15 tion untenable.

16 (b) **CONTENT OF REPORT.**—The report required by
17 subsection (a) shall include the following:

18 (1) An assessment of the current security situa-
19 tion in Bahrain, marked by escalating violence be-

1 tween security forces and protesters, and the poten-
2 tial impact increased instability could have on—

3 (A) the physical safety and security of
4 United States personnel and their families liv-
5 ing in Bahrain, both inside and outside the con-
6 fines of military installations;

7 (B) the freedom of movement of United
8 States personnel and their families living in
9 Bahrain; and

10 (C) the future operations of Naval Support
11 Activity in Bahrain as it relates to ongoing re-
12 gional missions.

13 (2) Safety measures and contingency planning
14 to protect Navy personnel in the event of such an in-
15 crease in instability, including an analysis of viable
16 alternative locations for both the United States
17 Naval Forces Central Command and the United
18 States Fifth Fleet.



1 **SEC. 10** ___ [Log 60765]. **PROHIBITION ON THE CLOSURE OF**
2 **UNITED STATES NAVAL STATION, GUANTA-**
3 **NAMO BAY, CUBA.**

4 (a) **FINDINGS.**—Congress makes the following find-
5 ings:

6 (1) The United States military presence in the
7 Republic of Cuba began in 1898, and United States
8 military basing began in Cuba in 1903.

9 (2) In 1934, the United States and Cuba en-
10 tered into the Treaty Between the United States of
11 America and Cuba signed at Washington, D.C. on
12 May 29, 1934. Under Article III, the treaty stipu-
13 lates the perpetual lease agreement between the
14 United States and Cuba for the 45 square miles of
15 land encompassing Guantanamo Bay, Cuba.

16 (3) On March 12, 2015, Commander of United
17 States Southern Command, General John Kelly, tes-
18 tified before the Committee on Armed Services of
19 the Senate, highlighting, “Its [Naval Station Guan-
20 tanamo Bay] airfield and port facilities are indispen-
21 sable to the Departments of Defense, Homeland Se-
22 curity, and State’s operational and contingency
23 plans. . . As the only permanent U.S. military base
24 in Latin America and the Caribbean, its location

1 provides persistent U.S. presence and immediate ac-
2 cess to the region, as well as supporting a layered
3 defense to secure the air and maritime approaches
4 to the United States”.

5 (4) Former Commander of United States
6 Southern Command, retired Admiral James
7 Stavridis, recently stated “Guantanamo Bay Naval
8 Station has immense strategic value above and be-
9 yond its reputation as a detention facility. It is the
10 logistic, planning, surveillance and basing linchpin
11 for the U.S. Fourth Fleet, crucial to the military for
12 disaster relief, humanitarian work, medical diplo-
13 macy, and counternarcotics, all key missions for the
14 U.S. Navy in Latin America and the Caribbean. The
15 U.S. should do all in its power to maintain its legal
16 control over the base”.

17 (5) In testimony in front of the Committee on
18 Armed Services of the House of Representatives in
19 2012, then-Commander of United States Southern
20 Command, General Douglas Fraser, stated, “Absent
21 a detention facility and even following the eventual
22 demise of the Castro regime, the strategic capability
23 provided by the U.S. Naval Station Guantanamo
24 Bay remains essential for executing national prior-

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1 ities throughout the Caribbean, Latin America, and
2 South America”.

3 (6) As part of “normalizing” relations with the
4 government of Cuba, announced in December 2014,
5 ongoing negotiations are occurring to determine the
6 diplomatic framework between the governments of
7 the United States and Cuba.

8 (7) In January 2015, soon after negotiations
9 began between the United States and Cuba, Cuban
10 President Raul Castro demanded the return of
11 United States Naval Station, Guantanamo Bay,
12 Cuba, to Cuba.

13 (8) In February 2015, Assistant Secretary of
14 State for Western Hemisphere Affairs Roberta
15 Jacobson, in testimony in front of the Foreign Af-
16 fairs Committee of the House of Representatives,
17 stated that the return of United States Naval Sta-
18 tion, Guantanamo Bay, Cuba, is “not on the table
19 in these conversations”, referencing current diplo-
20 matic negotiations. Later in her testimony Assistant
21 Secretary Jacobson pointed out, referring to the pos-
22 sible closure of the Naval Station, that she is not a
23 “high enough ranking person to know. . .whether it
24 could be in the future”.

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1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that—

3 (1) the strategic, logistic, and postural signifi-
4 cance of United States Naval Station Guantanamo
5 Bay, Cuba, is vital to the security of the United
6 States; and

7 (2) the United States must not relinquish con-
8 trol of Guantanamo Bay to the Republic of Cuba.

9 (c) PROHIBITION.—United States Naval Station,
10 Guantanamo Bay, Cuba, may not be closed or abandoned,
11 and the President shall ensure that the obligations of the
12 United States under Article III of the Treaty Between the
13 United States of America and Cuba signed at Washington,
14 D.C. on May 29, 1934 are met, including the payment
15 of the annual lease sum to the government of Cuba, unless
16 otherwise specifically provided—

17 (1) by law;

18 (2) in a treaty that is ratified with the advice
19 and consent of the Senate; or

20 (3) by a modification of the Treaty Between the
21 United States of America and Cuba signed at Wash-
22 ington, D.C. on May 29, 1934, that is ratified with
23 the advice and consent of the Senate.

24 (d) REPORT.—

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1 (1) IN GENERAL.—Not later than 180 days
2 after the date of the enactment of this Act, the
3 Commander of United States Southern Command
4 shall submit to appropriate committees of Congress,
5 a report setting forth a military assessment of the
6 strategic implications of United States Naval Station
7 Guantanamo Bay, Cuba.

8 (2) ELEMENTS.—The report required under
9 paragraph (1) shall include each of the following:

10 (A) An historical analysis of the use and
11 significance of the basing at United States
12 Naval Station, Guantanamo Bay, Cuba.

13 (B) A description of the personnel, re-
14 sources, and base operations based out of
15 United States, Naval Station Guantanamo Bay,
16 Cuba, as of the date of the enactment of this
17 Act.

18 (C) An assessment of United States Naval
19 Station, Guantanamo Bay, Cuba, in support of
20 the National Security Strategy, the National
21 Defense Strategy, and the National Military
22 Strategy.

23 (D) An assessment of missions and mili-
24 tary requirements that United States Naval

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1 Station, Guantanamo Bay, Cuba, currently sup-
2 ports.

3 (E) A description of the uses of United
4 States Naval Station, Guantanamo Bay, Cuba
5 by other United States Government agencies.

6 (F) Any other related matter at the discre-
7 tion of the Commander.

8 (3) APPROPRIATE COMMITTEES OF CON-
9 GRESS.—In this subsection, the term “appropriate
10 committees of Congress” means—

11 (A) the Committee on Armed Services, the
12 Committee on Appropriations, and the Com-
13 mittee on Foreign Affairs of the House of Rep-
14 resentatives; and

15 (B) the Committee on Armed Services, the
16 Committee on Appropriations, and the Com-
17 mittee on Foreign Relations of the Senate.

AMENDMENT TO H.R. 1735
OFFERED BY MR. PETERS OF CALIFORNIA

At the appropriate place in title V, insert the following:

1 **SEC. 5___.** **SENSE OF CONGRESS REGARDING SUPPORT**
2 **FOR DEPENDENTS OF MEMBERS OF THE**
3 **ARMED FORCES ATTENDING SPECIALIZED**
4 **CAMPS.**

5 (a) **FINDINGS.**—Congress makes the following find-
6 ings:

7 (1) It has been shown that some members of
8 the Armed Forces have a difficult time transitioning
9 back into civilian life due to post-traumatic stress
10 and other behavioral health disorders from trau-
11 matic events they experienced during combat.

12 (2) The children of returning members of the
13 Armed Forces who suffer from post-traumatic stress
14 and other behavioral health disorders often also suf-
15 fer from severe distress due to the lack of a stable
16 home environment and loss of a strong parental fig-
17 ure for guidance.

18 (3) The children of members of the Armed
19 Forces who are in severe distress can be helped by

1 being given the opportunity to participate in inten-
2 sive specialized programs outside of their regular en-
3 vironment with other children who are going through
4 similar situations.

5 (b) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that the Department of Defense should continue to
7 support dependents of members of the Armed Forces in
8 attending camps offered by nonprofit organizations that
9 are using evidence-based practices to provide support to
10 children grieving the loss of a parent, guardian, or sibling,
11 or who have a parent, guardian, or sibling who suffers
12 from post-traumatic stress or a behavioral health disorder.



AMENDMENT TO H.R. 1735
OFFERED BY MR. CONAWAY OF TEXAS

At the appropriate place in title VIII, insert the following new section:

1 SEC. 8 ____ . PROHIBITION ON USE OF LOWEST PRICE, TECH-
2 NICALLY ACCEPTABLE EVALUATION METHOD
3 FOR PROCUREMENT OF AUDIT OR AUDIT
4 READINESS SERVICES.

5 (a) FINDINGS.—Congress finds the following:

6 (1) Given the size and scope of the Department
7 of Defense, the effort to finish and institutionalize
8 auditability is one of the more challenging manage-
9 ment tasks that has ever faced the Department.

10 (2) The acquisition of services by the Depart-
11 ment abides by many rules and parameters, one of
12 which is the lowest price, technically acceptable
13 (LPTA) evaluation method.

14 (3) The Department's audit effort is extremely
15 complicated, requiring personnel and assistance who
16 have the financial management and auditor skills
17 that a non-independent public accounting firm or a
18 non-credentialed firm offering the lowest price may
19 not have.

1 (4) In order for the Department to meet the
2 September 30, 2017, audit readiness statutory dead-
3 line and the March 31, 2019, audit of fiscal year
4 2018 statutory deadline, it is imperative that the
5 Department not sacrifice contracts with firms who
6 have the proper credentials and expertise to meet
7 these deadlines.

8 (5) The LPTA evaluation method is appro-
9 priate for commercial or non-complex services or
10 supplies where the requirement is clearly definable
11 and the risk of unsuccessful contract performance is
12 minimal. However, audit and audit readiness serv-
13 ices are complex and evolving.

14 (b) REQUIREMENTS BEFORE USING LPTA EVALUA-
15 TION METHOD.—Before using the lowest price, technically
16 acceptable evaluation method for the procurement of audit
17 or audit readiness services, the Secretary of Defense
18 shall—

19 (1) establish the values and metrics for the
20 services being procured, including domain expertise
21 and experience, size and scope of offeror's team, per-
22 sonnel qualifications and certifications, technology,
23 and tools; and

- 1 (2) review each offeror's past performance re-
- 2 quirements.



AMENDMENT TO H.R. 1735
OFFERED BY MR. AUSTIN SCOTT OF GEORGIA

Add at the end of section 804 the following:

1 (c) DEFINITION OF COMMERCIAL ITEM.—Nothing in
2 this section or the amendments made by this section shall
3 affect the meaning of the term “commercial item” under
4 subsection (a)(5) of section 2464 of title 10, United States
5 Code, or any requirement under subsection (c) of such sec-
6 tion.



AMENDMENT TO H.R. 1735**OFFERED BY MR. SMITH OF WASHINGTON**

In section 1012(a)(10), insert before the period at the end the following: “in conjunction with the United States Strategy for Engagement in Central America”.

In section 1012, strike subsection (b) and insert the following:

1 (b) **POLICY.**—It shall be the policy of the United
2 States to prioritize a Plan Central America to address the
3 threatening levels of violence, instability, illicit trafficking,
4 and transnational organized crime that challenge the sov-
5 ereignty of Central American nations and security of the
6 United States. In order to address such issues, the De-
7 partment of Defense shall—

8 (1) increase the efforts of the Department of
9 Defense as the lead agency to detect and monitor
10 the aerial and maritime illicit trafficking into the
11 United States;

12 (2) increase the efforts of the Department of
13 Defense to support aerial and maritime illicit traf-
14 ficking interdiction efforts;

1 (3) increase the efforts of the Department of
2 Defense to build partnership capacity with partner
3 nations in Central America to confront security chal-
4 lenges through increased training opportunities, edu-
5 cation, and exercises;

6 (4) enforce human rights requirements con-
7 sistent with section 2249e of title 10, United States
8 Code, and increase the training and education re-
9 garding human rights provided in Central American
10 nations; and

11 (5) support interagency efforts in Central
12 America addressing all levels of instability including
13 development, education, economic, political, and se-
14 curity challenges.



Amendment Offered by Mr. Garamendi

H.R. 1735—National Defense Authorization Act for Fiscal Year 2016

In the appropriate place in the report, insert the following:

INCREASED TRANSPARENCY IN NON-APPROPRIATED FUND CONTRACTING

Department of Defense Non-Appropriated Fund (NAF) activities directly support the operations of the military exchange services; morale, welfare, and recreation programs; and military lodging programs. The committee is aware the Department of Defense routinely enters into contracts with private-sector vendors in order to provide service members with the goods and services that are a critical component of quality-of-life and morale, welfare and recreation programs, and more than half of these contracts are awarded to small businesses.

The committee is concerned about the lack of a uniform, credible process for the pre- and post-award bid protest and appeal of contract awards involving NAF contracts. Under current policies, bid protests are afforded only limited internal review within the applicable activity, and there is no consideration by any outside, objective third party. In contrast to protests of appropriated fund contracts, once a protest of a NAF contract is filed, there is no requirement for the NAF activity to suspend award of the contract or to take other action regarding ongoing performance until the protest is resolved. There is no process analogous to the Government Accountability Office's (GAO) role in appropriated-fund contract bid protests, and if an unsuccessful bidder seeks external review of a disputed contract award, the only recourse is in Federal District Court, which may become a lengthy, time-consuming, and costly process that, as a practical matter, is unaffordable for many small businesses.

The committee is aware that NAF contracting is governed by Department of Defense Instruction 4105.67, which requires only that NAF contracts be awarded to "responsible offers offering the best value" as determined by the contracting officer. That same contracting officer makes the initial decision to sustain or deny a protest. If the protester is dissatisfied with the contracting officer's decision, further appeal is limited to the "final authority assigned within the DOD component for resolution." The committee is

concerned this situation has created a perception that the NAF bid protest process may not be subject to fair adjudication.

Therefore, the committee directs the Secretary of Defense to review the adjudication processes of pre- and post-award protests of NAF contract decisions and provide a briefing, not later than December 1, 2015, to the Committee on Armed Services of the House of Representatives on the findings of the review and any recommendations to reform current processes to enable transparent, objective, and timely consideration of concerns raised by contractors competing for award of NAF contracts.