

**En Bloc Amendments to H.R. 2810****Committee on Armed Services  
En Bloc 1**

<b>Log #</b>	<b>Sponsor</b>	<b>Description</b>
<b>042r1</b>	Lamborn	Avoids over-reliance on LPTA for procurement of advanced electronic test and measurement technologies, goods or services for which DOD stands to realize additional innovation or future technological advantage, and goods that are technical in nature or expected to have a long life expectancy.
<b>058</b>	Shea-Porter	Requires DOD to establish procedures to notify small businesses that free services related to DOD contracting opportunities are available to them from an existing Federal procurement technical assistance program.
<b>060r1</b>	Byrne	Requires a GAO review of the feasibility and effect of revising the applicability of contractor business system rules.
<b>113r1</b>	Larsen	Requires SecDef to encourage standardization of guidelines for evaluation of requirements for services contracts.
<b>170r1</b>	Hanabusa	Extends the cap on services contract spending.
<b>311</b>	Gallagher	Amends Section 801 to include products from Federal Prison Industries under the online marketplace.
<b>314r1</b>	Lamborn	Requires a GSA briefing regarding the use of the FBO website to collect data on cancelled solicitations.

**AMENDMENT TO H.R. 2810**  
**OFFERED BY MR. LAMBORN OF COLORADO**

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

1 **SEC. 8\_\_ . CLARIFYING THE USE OF LOWEST PRICE TECH-**  
2 **NICALLY ACCEPTABLE SOURCE SELECTION**  
3 **PROCESS.**

4 Section 813 of the National Defense Authorization  
5 Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat.  
6 2270; 10 U.S.C. 2305 note) is amended—

7 (1) in subsection (b)—

8 (A) in paragraph (5), by striking “and” at  
9 the end;

10 (B) in paragraph (6), by striking the pe-  
11 riod at the end and inserting a semicolon; and

12 (C) by adding at the end the following new  
13 paragraphs:

14 “(7) the Department of Defense would realize  
15 minimal or no additional innovation or future tech-  
16 nological advantage; and

17 “(8) with respect to a contract for procurement  
18 of goods, the goods procured are predominately ex-

1       pendable in nature, nontechnical, or have a short life  
2       expectancy or short shelf life.”; and

3               (2) in subsection (c)—

4                       (A) in paragraph (2), by striking “or” at  
5                       the end;

6                       (B) in paragraph (3), by striking the pe-  
7                       riod at the end and inserting “; or”; and

8                       (C) by adding at the end the following new  
9                       paragraph:

10                      “(4) electronic test and measurement equip-  
11                      ment for which calibration or repair costs are ex-  
12                      pected to substantially affect full life-cycle costs.”.



**AMENDMENT TO H.R. 2810**  
**OFFERED BY MS. SHEA-PORTER OF NEW**  
**HAMPSHIRE**

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

1 **SEC. 8\_\_.** **NOTICE OF COST-FREE FEDERAL PROCURE-**  
2 **MENT TECHNICAL ASSISTANCE IN CONNEC-**  
3 **TION WITH REGISTRATION OF SMALL BUSI-**  
4 **NESS CONCERNS ON PROCUREMENT**  
5 **WEBSITES OF THE DEPARTMENT OF DE-**  
6 **FENSE.**

7 (a) **IN GENERAL.**—The Secretary of Defense shall es-  
8 tablish procedures to ensure that any notice or direct com-  
9 munication regarding the registration of a small business  
10 concern on a website maintained by the Department of  
11 Defense relating to contracting opportunities contains in-  
12 formation about cost-free Federal procurement technical  
13 assistance services that are available through a procure-  
14 ment technical assistance program established under chap-  
15 ter 142 of title 10, United States Code.

16 (b) **SMALL BUSINESS CONCERN DEFINED.**—The  
17 term “small business concern” has the meaning given such

1 term under section 3 of the Small Business Act (15 U.S.C.  
2 632).



**AMENDMENT TO H.R. 2810**  
**OFFERED BY MR. BYRNE OF ALABAMA**

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

1 **SEC. 8 \_\_\_\_ . COMPTROLLER GENERAL REPORT ON CON-**  
2 **TRACTOR BUSINESS SYSTEM REQUIRE-**  
3 **MENTS.**

4 Not later than 1 year after the date of enactment  
5 of this Act, the Comptroller General of the United States  
6 shall submit to the congressional defense committees a re-  
7 port on the feasibility and effects of an increase to the  
8 percentage of total gross revenue included in the definition  
9 of the term "covered contractor" in section 893(g)(2) of  
10 the Ike Skelton National Defense Authorization Act for  
11 Fiscal Year 2011 (Public Law 111-383; 10 U.S.C. 2302  
12 note). Such report shall include—

13 (1) an assessment of the effects of the amend-  
14 ment to such definition made by subsection (c) of  
15 section 893 of the National Defense Authorization  
16 Act for Fiscal Year 2017 (Public Law 114-328);  
17 and

1           (2) the feasibility and effects of a subsequent  
2           increase to the percentage of total gross revenue in-  
3           cluded in such definition.



**AMENDMENT TO H.R. 2810**  
**OFFERED BY MR. LARSEN OF WASHINGTON**

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

1 **SEC. 8\_\_\_ . STANDARD GUIDELINES FOR EVALUATION OF**  
2 **REQUIREMENTS FOR SERVICES CONTRACTS.**

3 (a) IN GENERAL.—The Secretary of Defense shall  
4 encourage the use of standard guidelines within the De-  
5 partment of Defense for the evaluation of requirements  
6 for services contracts. Such guidelines shall be available  
7 to the Services Requirements Review Boards within each  
8 Defense Agency (established under Department of De-  
9 fense Instruction 5000.74, titled “Defense Acquisition of  
10 Services” and dated January 5, 2016, or a successor in-  
11 struction), each Department of Defense Field Activity,  
12 and each military department for the purpose of standard-  
13 izing the requirements evaluation required under section  
14 2329 of title 10, United States Code, as added by this  
15 section. Such guidelines may provide policy guidance or  
16 tools, including a comprehensive checklist of total force  
17 management policies and procedures that is modeled after  
18 the checklist used by the Army, to aid uniform decision-  
19 making during the requirements evaluation process.



1 (b) DEFINITIONS.—In this section—

2 (1) the terms “Defense Agency”, “Department  
3 of Defense Field Activity”, and “military depart-  
4 ment” have the meanings given those terms in sec-  
5 tion 101 of title 10, United States Code; and

6 (2) the term “total force management policies  
7 and procedures” means the policies and procedures  
8 established under section 129a of such title.



**AMENDMENT TO H.R. 2810**  
**OFFERED BY MS. HANABUSA OF HAWAII**

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

1 **SEC. 8 \_\_\_\_ . TEMPORARY LIMITATION ON AGGREGATE AN-**  
2 **NUAL AMOUNT AVAILABLE FOR CONTRACT**  
3 **SERVICES.**

4 (a) **LIMITATION.**—Except as provided in subsection  
5 (b), the total amount obligated by the Department of De-  
6 fense for contract services in fiscal year 2018 may not ex-  
7 ceed the total amount requested for the Department for  
8 contract services in the budget of the President for fiscal  
9 year 2010 (as submitted to Congress pursuant to section  
10 1105(b) of title 31, United States Code) adjusted for net  
11 transfers from funding for overseas contingency oper-  
12 ations.

13 (b) **DEFINITIONS.**—In this section:

14 (1) **CONTRACT SERVICES.**—The term “contract  
15 services” has the meaning given that term in section  
16 235 of title 10, United States Code, except that the  
17 term does not include services that are funded out  
18 of amounts available for overseas contingency oper-  
19 ations.

1           (2) TRANSFERS FROM FUNDING FOR OVERSEAS  
2           CONTINGENCY OPERATIONS.—The term “transfers  
3           from funding for overseas contingency operations”  
4           means amounts funded out of amounts available for  
5           overseas contingency operations in fiscal year 2010  
6           that are funded out of amounts other than amounts  
7           so available in fiscal year 2018.



**AMENDMENT TO H.R. 2810**

**OFFERED BY MR. GALLAGHER OF WISCONSIN**

In section 801(d)(1)(E), insert “section 2410n of title 10, United States Code, or” after “pursuant to”.



**Amendment to H.R. 2810**  
**National Defense Authorization Act for Fiscal Year 2018**

**Offered by: Mr. Lamborn of Colorado**

In the appropriate place in the report to accompany H.R. 2810, insert the following new Directive Report Language:

Collecting Historical Data on Rescinded Solicitations

The committee is aware that the Government Accountability Office (GAO) released a report in June 2016 titled "Defense Contracting: Complete Historical Data Not Available on Canceled DOD Solicitation", in response to a provision in the National Defense Authorization Act for Fiscal Year 2016. In this provision, the committee specifically directed the Comptroller General to determine: (1) the number of solicitations that were canceled after bids were received, (2) whether these cancellations are increasing or decreasing and their distribution by Agency or military service and contracting command, (3) the bid and proposal incurred costs by the companies and the government resources committed to these solicitations, (4) the extent to which, if any, the bid and proposal costs for these solicitations have reduced the funding available for independent research and development, and (5) the reasons for the cancellation of the solicitations.

However, the committee is concerned that complete historical data are not available to assess patterns in the Department's cancellation of solicitations. The committee continues to be concerned with the significant cost of canceled solicitations to industry and government. Furthermore, the committee is concerned that the bid protest process is often an insufficient mechanism for contractors to contest circumstances of canceled solicitations. The GAO report noted that the federal business opportunities (FBO) webpage is the "best potential source for information on canceled solicitations"; however, "the FAR does not require contracting officials to publicize notices of canceled solicitations", and "the information from FBO is not available in a format that would allow for a reliable trend analysis of DOD's canceled solicitations".

Therefore, the committee directs the Administrator, General Services Administration, in coordination with the Undersecretary of Defense for Acquisition, Technology and Logistics, to provide a briefing to the House Committee on Armed Services not later than December 1, 2017 regarding how this data could be collected via the FBO web page.