

## En Bloc Amendments to H.R. 5515

### FULL COMMITTEE EN BLOC #1

Log #	Sponsor	Description
<b>020r1</b>	Gabbard	Requires reporting on Acquisition and Cross Servicing Agreements every 180 days. Reporting will include the country, date, text, dollar amount, and an assessment as to whether or not it falls within U.S. national security interests.
<b>035</b>	Wittman	Address potential of harmful use of Lowest Price Technically Acceptable (LPTA) for acquiring complex systems, including command and control systems or services for the installation of command and control systems on ships.
<b>071</b>	Larsen	Expands access to payment protections available to small business working on federal government construction projects.
<b>073r1</b>	Cook	Prohibits the acquisition of sensitive materials from non-allied foreign nations.
<b>120r1</b>	Davis	Directs the SECDEF to provide a briefing on Defense Acquisition University ability to adequately train students to write acquisition requirements as well as its ability to adequately train students on the appropriate use of OTAs.
<b>129r1</b>	Smith	Amends 2322a of title 10 USC to: (a) codify existing DFARS policy on noncommercial software rights, and (b) mandate to the max extent practicable that specially negotiated licenses be used for weapon systems noncommercial software.

Log 0201

**AMENDMENT TO H.R. 5515**  
**OFFERED BY MS. GABBARD OF HAWAII**

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

1 **SEC. 12 . REPORT ON ACQUISITION AND CROSS-SERV-**  
2 **ICING AGREEMENTS.**

3 (a) IN GENERAL.—Not later than 30 days after en-  
4 tering into a cross-servicing agreement under section 2342  
5 of title 10, United States Code, with a country or organi-  
6 zation referred to in subsection (a)(1) of such section, and  
7 every 180 days thereafter for such period of time as the  
8 agreement remains in effect, the Secretary of Defense  
9 shall submit to the Committee on Armed Services of the  
10 Senate and the Committee on Armed Services of the  
11 House of Representatives a report with respect to the  
12 agreement.

13 (b) MATTERS TO BE INCLUDED.—The report re-  
14 quired under subsection (a) shall include the following:

15 (1) The type of country or organization referred  
16 to in subsection (a)(1) of section 2342 of title 10,  
17 United States Code, with respect to which the Sec-  
18 retary of Defense entered into the agreement.

1           (2) The date on which the agreement was en-  
2           tered into under such section 2342.

3           (3) A description of the logistic support, sup-  
4           plies, and services to be provided to the military  
5           forces of the country or organization and any other  
6           transactions associated with the agreement.

7           (4) The estimated dollar value of support pro-  
8           vided by the United States under the agreement.

9           (5) A copy of the agreement, including all ap-  
10          pendices.

11          (6) An assessment as to whether or not the  
12          agreement is in United States national security in-  
13          terests.

14          (7) The end date of the agreement.

15          (c) FORM.—The report required under subsection (a)  
16          shall be submitted in unclassified form but may contain  
17          a classified annex.



## **Amendment to H.R. 551 National Defense Authorization Act for Fiscal Year 2019**

**Offered by: Rep. Robert J. Wittman (VA-01)**

In the appropriate place in the report to accompany H.R. 5515, insert the following new Directive Report Language:

### **Installation of Command, Control, Communication and Computer Systems**

The Committee remains concerned that the Navy is using lowest price technically acceptable (LPTA) contracting procedures inappropriately, particularly when acquiring complex systems, including command and control systems or services for the installation of command and control systems on ships. The Committee notes that the Navy faces a significant backlog of maintenance and repair on ships and this backlog includes upgrades of command and control systems. The capacity of the Navy to reduce the backlog of needed repairs remains of concern to the Committee. Consequently, the Committee directs the Secretary of the Navy to provide a briefing to the House Armed Services Committee not later than March 1, 2019 on the Navy's acquisition plan for command and control systems and the installation of these systems aboard Navy vessels. The briefing shall include an overview on how the Navy plans to reduce the backlog of needed command and control system upgrades, as well as the physical installation of these systems on Navy vessels. The briefing shall include the Navy's plan for acquiring adequate contracting capacity for the performance of the required work, the plan for incentivizing contractors to perform the work quickly, and the total amount of work programmed for the next five years by class of ship.

**AMENDMENT TO H.R. 5515**  
**OFFERED BY MR. LARSEN OF WASHINGTON**

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

1 **SEC. 8 . EXEMPTION OF CERTAIN CONTRACTS FROM**  
2 **THE PERIODIC INFLATION ADJUSTMENTS TO**  
3 **THE ACQUISITION-RELATED DOLLAR**  
4 **THRESHOLD.**

5 Subparagraph (B) of section 1908(b)(2) of title 41,  
6 United States Code, is amended by inserting "3131 to  
7 3134," after "sections".



**AMENDMENT TO H.R. 5515**  
**OFFERED BY MR. COOK OF CALIFORNIA**

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

1 **SEC. 8 . PROHIBITION ON ACQUISITION OF SENSITIVE**  
2 **MATERIALS FROM NON-ALLIED FOREIGN NA-**  
3 **TIONS.**

4 (a) IN GENERAL.—Subchapter V of chapter 148 of  
5 title 10, United States Code, is amended by inserting after  
6 section 2533b the following new section:

7 **“§ 2533c. Prohibition on acquisition of sensitive mate-**  
8 **rials from non-allied foreign nations**

9 “(a) IN GENERAL.—Except as provided in subsection  
10 (c), the Secretary of Defense may not—

11 “(1) procure any end item containing a covered  
12 material from any covered nation, except as provided  
13 by subsection (c); or

14 “(2) sell any covered material from the Na-  
15 tional Defense Stockpile, if the National Defense  
16 Stockpile Manager determines that such a sale is not  
17 in the national interests of the United States, to—

18 “(A) any covered nation; or

1           “(B) any third party that the Secretary  
2           reasonably believes is acting as a broker or  
3           agent for a covered nation or an entity in a cov-  
4           ered nation.

5           “(b) EXTENSION.—Subsection (a) shall apply to  
6 prime contracts and subcontracts at any tier.

7           “(c) EXCEPTIONS.—Subsection (a) does not apply  
8 under the following circumstances:

9           “(1) If the Secretary of Defense determines  
10          that covered materials of satisfactory quality and  
11          quantity, in the required form, cannot be procured  
12          as and when needed.

13          “(2) To the procurement of an end item de-  
14          scribed in subsection (a)(1) or the sale of any cov-  
15          ered material described under subsection (a)(1) by  
16          the Secretary outside of the United States for use  
17          outside of the United States.

18          “(3) To the purchase by the Secretary of an  
19          end item containing a covered material that is—

20                 “(A) a commercially available off-the-shelf  
21                 item (as defined in section 104 of title 41); or

22                 “(B) an electronic device, unless the Sec-  
23                 retary of Defense, upon the recommendation of  
24                 the Strategic Materials Protection Board pursu-  
25                 ant to section 187 of this title, determines that

1 the domestic availability of a particular elec-  
2 tronic device is critical to national security.

3 “(d) DEFINITIONS.—In this section:

4 “(1) COVERED MATERIAL.—The term ‘covered  
5 material’ means—

6 “(A) samarium-cobalt magnets;

7 “(B) neodymium-iron-boron magnets;

8 “(C) tungsten penetrators; and

9 “(D) tungsten or tungsten alloy spheres  
10 and cubes.

11 “(2) COVERED NATION.—The term ‘covered na-  
12 tion’ means—

13 “(A) the Democratic People’s Republic of  
14 North Korea;

15 “(B) the People’s Republic of China;

16 “(C) the Russian Federation; and

17 “(D) the Islamic Republic of Iran.

18 “(3) END ITEM.—The term ‘end item’ has the  
19 meaning given in section 2533b(m) of this title.”.

20 (b) CLERICAL AMENDMENT.—The table of contents  
21 at the beginning of such subchapter is amended by insert-  
22 ing after the item relating to section 2533b the following  
23 item:

“2533e. Prohibition on acquisition of sensitive materials from non-allied foreign  
nations.”.





**Amendment to H.R. 5515  
National Defense Authorization Act for Fiscal Year 2019**

**Offered by Mrs. Davis of California**

In the appropriate place in the report to accompany H.R. 5515, insert the following new Directive Report Language:

**Assessment of Acquisition Workforce**

The committee directs the Secretary of Defense to provide the House Armed Services Committees no later than December 1, 2018 a report to assess the current effectiveness of Defense Acquisition University's mission to adequately train the Department of Defense's acquisition workforce and other personnel involved in the acquisition process. This report shall include, an assessment of Defense Acquisition University ability to adequately train students to write acquisition requirements (including scope of work) so that requirements are developed in such a way as to meet the needs of the Department, as well as its ability to adequately train students on the appropriate use of transactions other than contracts, cooperative agreements, and grants, also known as other transaction authority, and additional items at the Secretary's discretion.

Log 129r1

**AMENDMENT TO H.R. 5515**  
**OFFERED BY MR. SMITH OF WASHINGTON**

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

1 **SEC. 8\_\_.** **ADDITIONAL REQUIREMENTS FOR NEGOTIA-**  
2 **TIONS FOR NONCOMMERCIAL COMPUTER**  
3 **SOFTWARE.**

4 Section 2322a of title 10, United States Code, is  
5 amended by adding at the end the following new sub-  
6 sections:

7 “(c) **RIGHTS TO NONCOMMERCIAL COMPUTER SOFT-**  
8 **WARE.**—As part of any negotiation for the acquisition of  
9 noncommercial computer software, the Secretary of De-  
10 fense may not require a contractor to sell or otherwise re-  
11 linquish to the Federal Government any rights to non-  
12 commercial computer software developed exclusively at  
13 private expense, except for rights related to—

14 “(1) corrections or changes to such software or  
15 documentation related to such software furnished to  
16 the contractor by the Department of Defense;

17 “(2) such software or documentation related to  
18 such software that is otherwise publicly available or  
19 that has been released or disclosed by the contractor

1 or subcontractor without restrictions on further use,  
2 release, or disclosure, other than a release or disclo-  
3 sure resulting from the sale, transfer, or other as-  
4 signment of interest in such software or documenta-  
5 tion to another party.

6 “(3) such software or documentation related to  
7 such software obtained with unlimited rights under  
8 another contract with the Federal Government or as  
9 a result of such a negotiation; or

10 “(4) such software or documentation related to  
11 such software furnished to the Department of De-  
12 fense under a contract or subcontract that in-  
13 cludes—

14 “(A) restricted rights in such software,  
15 limited rights in technical data, or government  
16 purpose rights, where such restricted rights,  
17 limited rights, or government purpose rights  
18 have expired; or

19 “(B) government purpose rights, where the  
20 contractor’s exclusive right to use such software  
21 or documentation for commercial purposes has  
22 expired.

23 “(d) CONSIDERATION OF SPECIALLY NEGOTIATED  
24 LICENCES.—The Secretary of Defense shall, to the max-  
25 imum extent practicable, negotiate and enter into a con-

- 1 tract with a contractor for a specially negotiated license
- 2 for noncommercial computer software or documentation
- 3 related to such software necessary to support the product
- 4 support strategy of a major weapon system or subsystem
- 5 of a major weapon system.”.

