

## En Bloc Amendments to H.R. 2500

### Full Committee En Bloc #2

| Log #        | Sponsor   | Description  |
|--------------|-----------|--|
| <b>278</b>   | Waltz     | GAO report of military free fall parachute procurement practices.  |
| <b>307r1</b> | Gallego   | Directs a briefing on National Guard readiness with respect to WMD threats and disaster preparedness.  |
| <b>331</b>   | Khanna    | GAO report on the efforts of the Secretary of Defense to secure data relating to the price reasonableness of offers from offerors.   |
| <b>343r1</b> | Keating   | Directs the Secretary to assign gender advisors to each of the geographic and functional combatant commands, the Office of the Secretary of Defense, the Defense Security Cooperation Agency, and the Joint Staff.                       |
| <b>352</b>   | Gabbard   | Modifies Sec. 811 benefits for all Native communities, including Tribes in the lower 48, Native Hawaiian Organizations, and Alaska Native Corporations. Increases the Sec. 811 threshold to \$100 million for sole source DOD contracts. |
| <b>442r3</b> | Gallagher | Requires report on DOD operational concepts and plans to implement the National Defense Strategy, as well as an annual update from the National Defense Strategy Commission assessing DoD's progress towards NDS implementation.         |
| <b>443</b>   | Gallagher | Eliminates federal market share determination requirement for the purchase of products from Federal Prison Industries  |
| <b>476</b>   | Lamborn   | Requires the Under Secretary of Defense for A&S to provide a report to Congress on how IBAS and ManTech Program can be leveraged to strengthen the military radar industry base.   |
| <b>045</b>   | Cook      | Adds tantalum to the list of covered materials prohibited from acquiring from non-allied foreign nations under section 2533c of title 10 USC.  |

**Amendment to H.R. 2500  
National Defense Authorization Act for Fiscal Year 2020**

**Offered by:**

**Michael Waltz (Florida)**

In the appropriate place in the report to accompany H.R. 2500, insert the following new Directive Report Language:

**Report on the procurement of military free fall parachutes**

The committee is concerned that the Army and Marine Corps have converted firm fixed price contracts for procurement of military free fall parachutes into technology development contracts. The committee notes that the advantages of procuring a parachute system, such as the Army's Advanced Ram-Air Parachute System (RA-1) and the Marine Corps' Enhanced Multi-Mission Parachute System (E-MMPS) as a commercial item or at a firm fixed price may be undermined if the selected parachutes undergo significant redesign and technological changes, possibly incurring additional cost, post contract award.

The committee directs the Comptroller General of the United States to provide a report, no later than February 1, 2020, examining the Army and Marine Corps' parachute research, development, and acquisition strategies. The report shall include observations and assessments on:

- (1) The development and execution of current parachute acquisition strategies including, but not limited to:
  - a) performance and adequacy related to production and fielding schedules;
  - b) cost growth on a per unit or contract basis and explanation for such growth;
  - c) costs associated with the design and testing of parachute systems;
  - d) funding obligated or budgeted for development or product improvements to the systems, as well as the source of the funds used for such development or improvements; and
  - e) a review of the plans and results of tests and evaluations associated with such systems.
- (2) Whether contracts are being executed consistent with the report provided by the Secretary of the Navy pursuant to Section of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1313);
- (3) Whether the Army and Marine Corps parachute acquisition strategies support a competitive parachute manufacturer industrial base;
- (4) Whether the Army and Marine Corps have considered interoperability with joint, allied, and coalition forces in the parachute requirements development process to include addressing the glide ratios of the various fielded systems;

(5) Whether there are any intellectual property or technology risks associated with such parachute procurements;

(6) An assessment of the service life of such parachute systems; and

(7) Any other items or issues the Comptroller General determines are relevant or useful to this report.

Log 307  
REVISED

**Amendment to H.R. 2500  
National Defense Authorization Act for Fiscal Year 2020**

**Offered by: Mr. Gallego**

In the appropriate place in the report to accompany H.R. 2500, insert the following new Directive Report Language:

**Briefing on National Guard Readiness and Ability to Meet Modern Threats from  
Area Disasters and Weapons of Mass Destruction**

The Committee is aware that since the 1998 report on the National Guard's ability to respond to threats from Weapons of Mass Destruction (WMDs) there has been a significant evolution of threats emanating from technological revolutions, asymmetric threats, new chemical and biological threats, cyber threats, electromagnetic pulse (EMP) threats, UAV and drone technology, and security at the border and at ports of entry.

Further, as the Committee observed in response to Hurricanes Maria, Harvey, and Michael, the recent California wildfires, and other wide-area natural disasters, synchronizing the flow of forces and resources in disaster response and recovery operations requires seamless planning and operations on behalf of U.S. Northern Command (NORTHCOM) and the National Guard, including all six phases of shaping, anticipating, responding, operating, stabilizing, and transitioning afflicted areas and populations.

In light of these evolving threats, it is appropriate to re-examine the National Guard Homeland Defense and Security enterprise. The Committee believes it is important that each State and Territory be given the opportunity to develop detailed plans relating to their own special circumstances, under the guidance of the National Guard Bureau.

The Committee directs the Chief of the National Guard Bureau, and the Commander of NORTHCOM, to provide a briefing to the House Committee on Armed Services, no later than April 15, 2020, detailing the following:

(1) a clarification of the roles and missions, structure, capabilities, and training of the National Guard and NORTHCOM and identification of emerging gaps and shortfalls in light of current homeland security threats to our country;

(2) an overview of the resources that each State and Territory National Guard has at its disposal that are available to respond to a homeland defense or security incident;

(3) the readiness and resourcing status of the resources listed in (2);

(4) the current strengths and areas of improvement in working with State and Federal interagency partners;

(5) the current assessments in place that address Guard readiness and resourcing of NORTHCOM Title 10 forces postured to respond to homeland defense and security incidents, and;

(6) a Roadmap that addresses readiness across the spectrum of long-range emerging threats facing the United States.

**AMENDMENT TO H.R. 2500**  
**OFFERED BY MR. KHANNA OF CALIFORNIA**

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

1 **SEC. 8\_\_\_ . COMPTROLLER GENERAL REPORT ON PRICE**  
2 **REASONABLENESS.**

3 Not later than March 31, 2021, the Comptroller Gen-  
4 eral of the United States shall submit to the congressional  
5 defense committees, the Committee on Oversight and Re-  
6 form of the House of Representatives, and the Committee  
7 on Homeland Security and Governmental Affairs of the  
8 Senate a report on the efforts of the Secretary of Defense  
9 to secure data relating to the price reasonableness of of-  
10 fers from offerors. The report shall include a review of—

11 (1) the number of, and justification for, any  
12 waiver of requirements for submission of certified  
13 cost or pricing data for sole source contracts for  
14 spare parts issued during fiscal years 2015 through  
15 2019 pursuant to section 2306a(b)(1)(C) of title 10,  
16 United States Code;

17 (2) the number of, and justification for, any ex-  
18 ception to the requirements for submission of cer-  
19 tified cost or pricing data for sole source contracts

1 for spare parts provided during fiscal years 2015  
2 through 2019 pursuant to section 2306a(b)(1)(B) of  
3 title 10, United States Code;

4 (3) the number of contracts awarded for which  
5 a request for cost or pricing data, including data  
6 other than certified cost or pricing data, to deter-  
7 mine price reasonableness was denied by an offeror  
8 at the time of award;

9 (4) actions taken by the Secretary if an offeror  
10 refused to provide request data described in para-  
11 graph (2), including—

12 (A) whether the contracting officer in-  
13 cluded a notation in the system used by the  
14 Federal Government to monitor or record con-  
15 tractor past performance regarding the refusal  
16 of an offeror to provide such data;

17 (B) any strategies developed by the Sec-  
18 retary to acquire the good that was the subject  
19 of a contract for which the offeror refused to  
20 provide such data in the future without the  
21 need for such a waiver.



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**Amendment to H.R. 2500  
National Defense Authorization Act for Fiscal Year 2020**

**Offered by Mr. Keating of Massachusetts**

In the appropriate place in the report to accompany H.R. 2500, insert the following new Directive Report Language:

**Designation of Gender Advisors**

“The committee notes the importance of gender perspectives and meaningful participation by women in peace and security processes. The committee directs the Secretary of Defense to designate a gender advisor for each of the geographic and functional combatant commands, the Office of the Secretary of Defense, the Defense Security Cooperation Agency, and the Joint Staff.”



**AMENDMENT TO H.R. 2500**  
**OFFERED BY MS. GABBARD OF HAWAII**

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

1 **SEC. 8 \_\_\_\_ . MODIFICATION OF JUSTIFICATION AND AP-**  
2 **PROVAL REQUIREMENT FOR CERTAIN DE-**  
3 **PARTMENT OF DEFENSE CONTRACTS.**

4 (a) MODIFICATION OF JUSTIFICATION AND AP-  
5 PROVAL REQUIREMENT.—Notwithstanding section 811 of  
6 the National Defense Authorization Act for Fiscal Year  
7 2010 (Public Law 111–84; 123 Stat. 2405)—

8 (1) no justification and approval is required  
9 under such section for a sole-source contract award-  
10 ed by the Department of Defense in a covered pro-  
11 curement for an amount not exceeding  
12 \$100,000,000; and

13 (2) for purposes of subsections (a)(2) and  
14 (c)(3)(A) of such section, the appropriate official  
15 designated to approve the justification for a sole-  
16 source contract awarded by the Department of De-  
17 fense in a covered procurement exceeding  
18 \$100,000,000 is the official designated in section  
19 2304(f)(1)(B)(ii) of title 10, United States Code.

1 (b) GUIDANCE.—Not later than 90 days after the  
2 date of the enactment of this Act, the Secretary of Defense  
3 shall issue guidance to implement the authority under sub-  
4 section (a).

5 (c) COMPTROLLER GENERAL REVIEW.—

6 (1) DATA TRACKING AND COLLECTION.—The  
7 Department of Defense shall track the use of the au-  
8 thority provided pursuant to subsection (a) and  
9 make the data available to the Comptroller General  
10 for purposes of the report required under paragraph  
11 (2).

12 (2) REPORT.—Not later than February 1,  
13 2022, the Comptroller General of the United States  
14 shall submit a report to the congressional defense  
15 committees on the use of the authority provided pur-  
16 suant to subsection (a) through the end of fiscal  
17 year 2021.



Log 442r3

**AMENDMENT TO H.R. 2500**

**OFFERED BY MR. GALLAGHER OF WISCONSIN**

At the end of title X, add the following new subtitle:

1       **Subtitle \_\_\_\_ —National Defense**  
2               **Strategy Implementation**

3       **SEC. 10 \_\_\_\_ . SHORT TITLE.**

4               This subtitle may be cited as the “National Defense  
5       Strategy Implementation Act”.

6       **SEC. 10 \_\_\_\_ . REPORT ON OPERATIONAL CONCEPTS AND**  
7                       **PLANS REGARDING STRATEGIC COMPETI-**  
8                       **TORS.**

9               Not later than February 1, 2020, and then biannually  
10       thereafter, the Secretary of Defense shall submit to the  
11       congressional defense committees a report on the Depart-  
12       ment of Defense’s operational concepts and plans regard-  
13       ing strategic competitors, including on strategically sig-  
14       nificant matters identified in the National Defense Strat-  
15       egy, that also addresses each of the following:

- 16               (1) Ways of employing the force in peace time  
17       to effectively deter strategic competitors below the  
18       threshold of war while ensuring readiness for poten-  
19       tial conflict.

1           (2) Ways of adapting innovative, operational  
2 concepts needed for strategically significant and  
3 plausible scenarios related to strategic competitors.

4           (3) Ways of addressing operational challenges  
5 related to achieving the strategic advantage against  
6 strategic competitors related to nuclear, space,  
7 cyber, conventional, and unconventional means in  
8 warfighting doctrine.

9           (4) The technologies, force developments, pos-  
10 ture and capabilities, readiness, infrastructure, orga-  
11 nization, personnel, and other elements of the de-  
12 fense program necessary to enable these operational  
13 concepts and its implementation listed in paragraphs  
14 (1) through (3).

15           (5) The ability of the National Security Innova-  
16 tion Base to support the operational concepts listed  
17 in paragraphs (1) through (3).

18           (6) The resources and defense investments nec-  
19 essary to support the operational concepts and its  
20 implementation, including budget recommendations.

21           (7) The risks associated with the operational  
22 concepts, including the relationship and tradeoffs be-  
23 tween missions, risks, and resources.

24           (8) Measures and metrics to track the effective-  
25 ness of the operational concepts and plans.

1 **SEC. 10** \_\_\_\_. **ACTIONS TO INCREASE ANALYTIC SUPPORT.**

2 (a) **IN GENERAL.**—The Secretary of Defense shall di-  
3 rect the Under Secretary of Defense for Policy, the Direc-  
4 tor of the Joint Staff, and the Director of Cost Assess-  
5 ment and Program Evaluation, in consultation with the  
6 head of each military service, to jointly develop and imple-  
7 ment a plan to strengthen the analytic capabilities, exper-  
8 tise, and processes necessary to meet the National Defense  
9 Strategy.

10 (b) **ELEMENTS.**—The plan under subsection (a) shall  
11 include—

12 (1) an assessment of the decision support capa-  
13 bility of the Department of Defense, specifically the  
14 analytic expertise the Department is using to link  
15 National Defense Strategy objectives to innovative  
16 approaches for meeting future challenges, including  
17 winning in conflict and competing effectively against  
18 strategic competitors;

19 (2) an approach for comparing competing anal-  
20 yses and conducting joint analyses for force struc-  
21 ture to support senior leaders in implementing the  
22 National Defense Strategy;

23 (3) a determination of the analytic products  
24 and support required to implement the National De-  
25 fense Strategy, including the ability to update these

1 products to reflect current strategy and future  
2 threats; and

3 (4) such other matters as the Secretary of De-  
4 fense determines to be appropriate.

5 (c) BRIEFING REQUIRED.—Not later than March 1,  
6 2020, the Secretary of Defense shall provide to the con-  
7 gressional defense committees a briefing on the plan under  
8 subsection (a).

9 **SEC. 10 . DEFINITIONS.**

10 In this subtitle:

11 (1) The term “operational challenges” means  
12 the principal operational challenges to meeting the  
13 defense objectives described in the most recent Na-  
14 tional Defense Strategy, as such challenges are de-  
15 fined by the Secretary of Defense in guidance issued  
16 to the Department of Defense. The guidance issued  
17 by the Secretary of under the preceding sentence  
18 shall—

19 (A) specifically identify operational chal-  
20 lenges to the Department’s principal strategic  
21 priorities of competing effectively with strategic  
22 competitors; and

23 (B) be made available in unclassified and  
24 publicly accessible form.

1           (2) The term “strategic competitors” means a  
2           country labeled as a strategic competitor in the  
3           “Summary of the 2018 National Defense Strategy  
4           of the United States of America: Sharpening the  
5           American Military’s Competitive Edge” issued by  
6           the Department of Defense pursuant to section 113  
7           of title 10, United States Code.



**AMENDMENT TO H.R. 2500****OFFERED BY MR. GALLAGHER OF WISCONSIN**

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

1 **SEC. 8 \_\_\_\_ . COMPETITION REQUIREMENTS FOR PURCHASES**  
2 **FROM FEDERAL PRISON INDUSTRIES.**

3 (a) COMPETITION REQUIREMENTS FOR PURCHASES  
4 FROM FEDERAL PRISON INDUSTRIES.—Subsections (a)  
5 and (b) of section 2410n of title 10, United States Code,  
6 are amended to read as follows:

7 “(a) MARKET RESEARCH.—Before purchasing a  
8 product listed in the latest edition of the Federal Prison  
9 Industries catalog published under section 4124(d) of title  
10 18, the Secretary of Defense shall conduct market re-  
11 search to determine whether such product—

12 “(1) is comparable to products available from  
13 the private sector; and

14 “(2) best meets the needs of the Department of  
15 Defense in terms of price, quality, and time of deliv-  
16 ery.

17 “(b) COMPETITION REQUIREMENT.—If the Secretary  
18 determines that a Federal Prison Industries product is not  
19 comparable to products available from the private sector



1 and does not best meet the needs of the Department of  
2 Defense in terms of price, quality, or time of delivery, the  
3 Secretary shall use competitive procedures or make an in-  
4 dividual purchase under a multiple award contract for the  
5 procurement of the product. In conducting such a competi-  
6 tion or making such a purchase, the Secretary shall con-  
7 sider a timely offer from Federal Prison Industries.”

8 (b) EFFECTIVE DATE.—The amendment made by  
9 subsection (a) shall take effect 60 days after the date of  
10 the enactment of this Act.



**Amendment to H.R. 2500  
National Defense Authorization Act for Fiscal Year 2020**

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

In the appropriate place in the report to accompany H.R. 2500, insert the following new Directive Report Language:

**Report on Plan to Expand and Strengthen the Military Radar Industrial Base**

The Committee recognizes the critical defense need for competitive radar development and production in an open and modular architecture to meet current and future military requirements and to increase the capability of the defense industrial base to support a low cost and modular radar components and prototype. This is best accomplished by expansion of traditional and nontraditional U.S. based suppliers via open competition at the module level. With this in mind, the committee directs the Under Secretary of Defense for Acquisition & Sustainment to provide a report to the Committees on Armed Services of the Senate and the House of Representatives within 120 of the days on a plan to strengthen the defense radar industrial base leveraging authorities already granted in the Industrial Base Analysis and Sustainment program and the Manufacturing Technology Program.

**AMENDMENT TO H.R. 2500**  
**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 TANTALUM**  
2 **FROM NON-ALLIED FOREIGN NATIONS.**

3 Subsection (d)(1) of section 2533c of title 10, United  
4 States Code, is amended—

5 (1) in subparagraph (C), by striking “and” at  
6 the end;

7 (2) in subparagraph (D), by striking the period  
8 at the end and inserting “; and”; and

9 (3) by adding at the end the following new sub-  
10 paragraph:

11 “(E) tantalum.”

