

## CHAIRMAN'S MARK EN BLOC #3

LOG ID	REV	MEMBER	MARKUP LOC	DESCRIPTION	MARKUP ACT
193	0	Kelly, Trent	CHM	Registry of Tricare beneficiaries diagnosed with COVID-19	EB 3
522	1	Kim, Andy	CHM	Public/Private Research and Development for alternative to PFAS-Free Fire Fighting Foam (AFFF)	EB 3
536	1	Thornberry, Mac	CHM	Requirements Relating to Reports and Limitations on the Availability of Funds.	EB 3
14	1	Bacon, Don	CHM	Directs assessments and certifications related to potential alternative uses for OC-135 aircraft before Air Force takes action to retire the aircraft.	EB 3
125	1	Garamendi, John	CHM	Makes changes to the Section 1024 of the Chairman's Mark. It adds a requirement that corrective and preventive maintenance for vessels already under contract be performed in the United States to the extent practicable, and defines corrective and preventive maintenance.	EB 3
636	0	Thornberry, Mac	CHM	Strikes a construction review in Japan	EB 3
192	1	Brooks, Mo	CHM	DRL requiring a briefing from USD(A&S) on how DOD and the CMMC-AB plan to mitigate potential organizational conflicts of interest b/t contractors and third-party assessment organizations performing CMMC certifications.	EB 3
58	0	Norcross, Donald	CHM	Creates a certified nursing assistant pilot program under TRICARE for a period of 18 months	EB 3
106	1	Brown, Anthony G.	CHM	Requires a GAO report on the use of time-and-materials contracts and labor category minimums.	EB 3
61	0	Norcross, Donald	CHM	Creates a 5 year demonstration project for an alternative work schedule for fire fighters across Navy Region Mid-Atlantic	EB 3
69	1	Norcross, Donald	CHM	Requires a comment period for any limitations or prohibitions DOD may put on food or beverage ingredients provided to member of the Armed Forces or provided through a commissary store or dining facility.	EB 3
5	1	Slotkin, Elissa	CHM	Amend Section 234 of the FY2020 NDAA to enhance the JROTC civics education program by requiring a focus on digital citizenship and media literacy tools.	EB 3
542	1	Kelly, Trent	CHM	Transfer of verification of small business concerns owned and controlled by veterans or service-disabled veterans to the Small Business Administration.	EB 3

LOG ID	REV	MEMBER	MARKUP LOC	DESCRIPTION	MARKUP ACT
445	1	Wilson, Joe	CHM	To provide assistance to small manufacturers in the defense industrial supply chain with improving cybersecurity	EB 3
455	1	Luria, Elaine G.	CHM	Would modify the Navy Ship Depot Maintenance Report to include the execution of the planned schedule categorized by class of ship and the Secretary's actions on GAO Report 20-370.	EB 3
141	0	Gabbard, Tulsi	CHM	Awards a Distinguished Service Cross to Ramiro Olivo for acts of valor during the Vietnam War.	EB 3
350	2	Banks, Jim	CHM	A report outlining a plan to continue the development of a transportable high-pressure waterjet system for the demilitarization of chemical and biological weapons and outlining a plan to fund waterjet technology systems for munitions located in deep water environments.	EB 3
303	1	Larsen, Rick	CHM	To require a report on the risks of inadvertent escalation to nuclear war.	EB 3
456	0	Golden, Jared F.	CHM	Amendment for small business equitable adjustment option for DoD construction contracts.	EB 3
649	1	Escobar, Veronica	CHM	GAO Report on GSA e-commerce Portal Data Usage and Competition	EB 3
462	3	Crow, Jason	CHM	This amendment is the bill text for the Protecting American Space Assets Act to require the President to develop a comprehensive space strategy.	EB 3

**AMENDMENT TO H.R. 6395**  
**OFFERED BY MR. KELLY OF MISSISSIPPI**

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

1 **SEC. 7\_\_\_ . REGISTRY OF TRICARE BENEFICIARIES DIAG-**  
2 **NOSED WITH COVID-19.**

3 (a) ESTABLISHMENT.—Not later than June 1, 2021,  
4 the Secretary of Defense shall establish and maintain a  
5 registry of TRICARE beneficiaries who have been diag-  
6 nosed with COVID-19.

7 (b) CONTENTS.—The registry under subsection (a)  
8 shall include, with respect to each TRICARE beneficiary  
9 included in the registry, the following:

10 (1) The demographic information of the bene-  
11 ficiary.

12 (2) Information on the industrial or occupa-  
13 tional history of the beneficiary, to the extent such  
14 information is available in the records regarding the  
15 COVID-19 diagnosis of the beneficiary.

16 (3) Administrative information regarding the  
17 COVID-19 diagnosis of the beneficiary, including  
18 the date of the diagnosis and the location and source  
19 of the test used to make the diagnosis.

1           (4) Any symptoms of COVID–19 manifested in  
2           the beneficiary.

3           (5) Any treatments for COVID–19 taken by the  
4           beneficiary, or other medications taken by the bene-  
5           ficiary, when the beneficiary was diagnosed with  
6           COVID–19.

7           (6) Any pathological data characterizing the in-  
8           cidence of COVID–19 and the type of treatment for  
9           COVID–19 provided to the beneficiary.

10          (7) Any other information determined appro-  
11          priate by the Secretary.

12          (c) REPORT.—Not later than 180 days after the date  
13          of the enactment of this Act, the Secretary shall submit  
14          to the Committees on Armed Services of the House of  
15          Representatives and the Senate a report on establishing  
16          the registry under subsection (a), including—

17                 (1) a plan to implement the registry;

18                 (2) the cost of implementing the registry;

19                 (3) the location of the registry; and

20                 (4) any recommended legislative changes with  
21          respect to establishing the registry.

22          (d) TRICARE BENEFICIARY DEFINED.—In this sec-  
23          tion, the term “TRICARE beneficiary” means the fol-  
24          lowing:

1           (1) An individual covered by section 1074(a) of  
2           title 10, United States Code.

3           (2) A covered beneficiary (as defined in section  
4           1072 of title 10, United States Code).



**AMENDMENT TO H.R. 6395**  
**OFFERED BY MR. KIM OF NEW JERSEY**

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

1 **SEC. 3\_\_\_ . RESEARCH AND DEVELOPMENT OF ALTER-**  
2 **NATIVE TO AQUEOUS FILM-FORMING FOAM.**

3 (a) IN GENERAL.—The Secretary of Defense, acting  
4 through the National Institute of Standards and Tech-  
5 nology and in consultation with appropriate stakeholders  
6 and manufactures, research institutions, and other Fed-  
7 eral agencies shall award grants and carry out other ac-  
8 tivities to—

9 (1) promote and advance the research and de-  
10 velopment of additional alternatives to aqueous film-  
11 forming foam (in this section referred to as  
12 “AFFF”) containing per- and polyfluoroalkyl sub-  
13 stances (in this section referred to as “PFAS”) to  
14 facilitate the development of a military specification  
15 and subsequent fielding of a PFAS-free fire-fighting  
16 foam;

17 (2) advance the use of green and sustainable  
18 chemistry for a fluorine-free alternative to AFFF;

1           (3) increase opportunities for sharing best prac-  
2           tices within the research and development sector  
3           with respect to AFFF;

4           (4) assist in the testing of potential alternatives  
5           to AFFF; and

6           (5) provide guidelines on priorities with respect  
7           to an alternative to AFFF.

8           (b) ADDITIONAL REQUIREMENTS.—In carrying out  
9           the program required under subsection (a), the Secretary  
10          shall—

11           (1) take into consideration the different uses of  
12          AFFF and the priorities of the Department of De-  
13          fense in finding an alternative;

14           (2) prioritize green and sustainable chemicals  
15          that do not pose a threat to public health or the en-  
16          vironment; and

17           (3) use and leverage research from existing De-  
18          partment of Defense programs.

19          (c) REPORT.—The Secretary shall submit to Con-  
20          gress a report on—

21           (1) the priorities and actions taken with respect  
22          to finding an alternative to AFFF and the imple-  
23          mentation of such priorities; and

24           (2) any alternatives the Secretary has denied,  
25          and the reason for any such denial.

1       (d) USE OF FUNDS.—This section shall be carried  
2 out using amounts authorized to be available for the Stra-  
3 tegic Environmental Research and Development Program.





**AMENDMENT TO H.R. 6395**  
**OFFERED BY MR. THORNBERRY OF TEXAS**

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

1 **SEC. 8 \_\_ . REQUIREMENTS RELATING TO REPORTS AND**  
2 **LIMITATIONS ON THE AVAILABILITY OF**  
3 **FUNDS.**

4 (a) **LIMITATION ON THE AVAILABILITY OF FUNDS**  
5 **RELATING TO THE DEFENSE CIVILIAN TRAINING CORPS**  
6 **PROGRAM.—**

7 (1) **INITIAL PLAN AND SCHEDULE.—**Beginning  
8 on October 1, 2020, if the Secretary of Defense has  
9 not submitted the plan and schedule to implement  
10 the Defense Civilian Training Corps program re-  
11 quired under section 860(b)(1) of the National De-  
12 fense Authorization Act for Fiscal Year 2020 (Pub-  
13 lic Law 116–92; 133 Stat. 1514; 10 U.S.C. 2200g  
14 note), not more than 25 percent of the funds speci-  
15 fied in paragraph (3) may be obligated or expended  
16 until the date on which such plan and schedule has  
17 been submitted.

18 (2) **EXPANSION PLAN AND SCHEDULE.—**Begin-  
19 ning on January 1, 2021, if the Secretary of De-

1 fense has not submitted the expansion plan and  
2 schedule relating to the Defense Civilian Training  
3 Corps program required under section 860(b)(2) of  
4 the National Defense Authorization Act for Fiscal  
5 Year 2020 (Public Law 116–92; 133 Stat. 1514; 10  
6 U.S.C. 2200g note), not more than 50 percent of the  
7 funds specified in paragraph (3) may be obligated or  
8 expended until the date on which such expansion  
9 plan and schedule has been submitted.

10 (3) FUNDS SPECIFIED.—The funds specified in  
11 this paragraph are the funds authorized to be appro-  
12 priated by this Act or otherwise made available for  
13 fiscal year 2021 for the Department of Defense for  
14 the following:

15 (A) The immediate office of the Secretary  
16 of Defense.

17 (B) The Office of the Under Secretary of  
18 Defense for Personnel and Readiness.

19 (C) The Office of the Under Secretary of  
20 Defense for Research and Engineering.

21 (D) The Office of the Under Secretary of  
22 Defense for Acquisition and Sustainment.

23 (b) REPORT AND LIMITATION ON THE AVAILABILITY  
24 OF FUNDS RELATING TO THE EXTRAMURAL ACQUISITION  
25 INNOVATION AND RESEARCH ACTIVITIES.—

1 (1) REPORT.—Not later than October 1, 2020,  
2 the Under Secretary of Defense for Acquisition and  
3 Sustainment shall submit to the congressional de-  
4 fense committees a report—

5 (A) on the establishment of the extramural  
6 acquisition innovation and research activities  
7 required under section 2361a of title 10, United  
8 States Code (as added by section 835(a)(1) of  
9 the National Defense Authorization Act for Fis-  
10 cal Year 2020 (Public Law 116–92; 133 Stat.  
11 1494)); and

12 (B) that includes the name of the Director  
13 appointed under section 2361a(c) of such title  
14 (as added by section 835(a)(1) of the National  
15 Defense Authorization Act for Fiscal Year 2020  
16 (Public Law 116–92; 133 Stat. 1494)).

17 (2) LIMITATION.—

18 (A) IN GENERAL.—Beginning on October  
19 1, 2020, if the Under Secretary of Defense for  
20 Acquisition and Sustainment has not submitted  
21 the report required under paragraph (1), not  
22 more than 25 percent of the funds specified in  
23 subparagraph (B) may be obligated or expended  
24 until the date on which such report has been  
25 submitted.

1 (B) FUNDS SPECIFIED.—The funds speci-  
2 fied in this subparagraph are the funds author-  
3 ized to be appropriated by this Act or otherwise  
4 made available for fiscal year 2021 for the De-  
5 partment of Defense for the following:

6 (i) The immediate office of the Sec-  
7 retary of Defense.

8 (ii) The Office of the Under Secretary  
9 of Defense for Research and Engineering.

10 (iii) The Office of the Under Sec-  
11 retary of Defense for Acquisition and  
12 Sustainment.

13 (c) REPORT AND LIMITATION ON THE AVAILABILITY  
14 OF FUNDS RELATING TO THE ELIMINATING THE GAPS  
15 AND VULNERABILITIES IN THE NATIONAL TECHNOLOGY  
16 AND INDUSTRIAL BASE.—

17 (1) REPORT.—Not later than October 1, 2020,  
18 the Secretary of Defense shall submit to the con-  
19 gressional defense committees the national security  
20 strategy for national technology and industrial base  
21 required by section 2501(a) of title 10, United  
22 States Code.

23 (2) LIMITATION.—

24 (A) IN GENERAL.—Beginning on October  
25 1, 2020, if the Secretary of Defense has not

1 submitted the report required under paragraph  
2 (1), not more than 25 percent of the funds  
3 specified in subparagraph (B) may be obligated  
4 or expended until the date on which such report  
5 has been submitted.

6 (B) FUNDS SPECIFIED.—The funds speci-  
7 fied in this subparagraph are the funds author-  
8 ized to be appropriated by this Act or otherwise  
9 made available for fiscal year 2021 for the De-  
10 partment of Defense for the following:

11 (i) The immediate office of the Sec-  
12 retary of Defense.

13 (ii) The Office of the Under Secretary  
14 of Defense for Acquisition and  
15 Sustainment.



**AMENDMENT TO H.R. 6395**  
**OFFERED BY MR. BACON OF NEBRASKA**

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

1 **SEC. 1 \_\_\_\_ . ASSESSMENT AND CERTIFICATION RELATING**  
2 **TO OC-135 AIRCRAFT.**

3 (a) LIMITATION.—Except as provided in subsection  
4 (b), none of the funds authorized to be appropriated by  
5 this Act or otherwise made available for fiscal year 2021  
6 for the Air Force may be obligated or expended to retire,  
7 divest, realign, or place in storage or on backup aircraft  
8 inventory status, or prepare to retire, divest, realign, or  
9 place in storage or backup inventory status, any OC-135  
10 aircraft until a period of 90 days has elapsed following  
11 the date on which the Secretary of the Air Force submits  
12 to the congressional defense committees—

13 (1) the report required under subsection (c);

14 and

15 (2) the certification required under subsection

16 (d).

17 (b) EXCEPTION.—The limitation in subsection (a)  
18 shall not apply to—

1           (1) individual OC-135 aircraft that the Sec-  
2           retary of the Air Force determines, on a case-by-  
3           case basis, to be no longer mission capable because  
4           of mishaps or other damage; or

5           (2) funds obligated or expended—

6                 (A) for the preparation of the report re-  
7                 quired under subsection (c); or

8                 (B) for the Air Force to assess options to  
9                 repurpose the OC-135 aircraft to support other  
10                mission requirements.

11          (c) REPORT REQUIRED.—Not later than 180 days  
12          after the date of the enactment of this Act, the Secretary  
13          of the Air Force shall submit to the congressional defense  
14          committees a report that includes the following:

15               (1) Identification any unclassified aerial im-  
16                agery requirements that the Air Force or Air Na-  
17                tional Guard can meet using the OC-135 aircraft, a  
18                version of the aircraft that is expected to replace the  
19                OC-135, or similar aerial imagery collection and  
20                processing capabilities.

21               (2) An assessment of the extent to which it is  
22                more appropriate for the Air Force or the Air Na-  
23                tional Guard to fulfill such requirements.

1           (3) A comparison of the costs and effectiveness  
2 of alternative means of meeting unclassified aerial  
3 imagery requirements.

4           (4) An assessment of the utility and cost dif-  
5 ferential of performing international treaty moni-  
6 toring missions such as Olive Harvest with the OC-  
7 135 aircraft, a version of the aircraft that is ex-  
8 pected to replace the OC-135, or similar aerial im-  
9 agery collection and processing capabilities.

10       (d) CERTIFICATION REQUIRED.—Together with the  
11 report required under subsection (c), the Secretary of the  
12 Air Force shall certify to the congressional defense com-  
13 mittees—

14           (1) whether there are unclassified aerial im-  
15 agery requirements that the Air Force can meet with  
16 the OC-135 aircraft or a version of the aircraft that  
17 is expected to replace the OC-135; and

18           (2) whether the Secretary has identified meth-  
19 ods of meeting such requirements that are more ef-  
20 fective and more efficient than meeting such require-  
21 ments through the use of the OC-135 aircraft or a  
22 version of the aircraft that is expected to replace the  
23 OC-135.

24       (e) UNCLASSIFIED AERIAL IMAGERY REQUIREMENTS  
25 DEFINED.—In this section, the term “unclassified aerial



1 imagery requirements” means requirements for the Air  
2 Force to provide responsive unclassified aerial imagery  
3 support to military forces, domestic civil authorities, other  
4 departments and agencies of the Federal Government, and  
5 foreign partners of the United States, including any re-  
6 quirements to provide unclassified aerial imagery in sup-  
7 port of overseas contingency operations, humanitarian as-  
8 sistance and disaster relief missions, defense support to  
9 domestic civil authorities, and international treaty moni-  
10 toring missions.



**AMENDMENT TO H.R. 6395**  
**OFFERED BY Mr. . Garamendi**

The section 2631 of title 10, United States Code, as proposed to be added by section 1024 of the bill, is amended by striking subsection (c) and inserting the following new subsection (c):

1       “(c) REQUIREMENTS FOR REFLAGGING OR REPAIR  
2 WORK.—(1) In each request for proposals to enter into  
3 a time-charter contract for the use of a vessel for the  
4 transportation of supplies under this section, the Sec-  
5 retary of Defense shall require that—

6               “(A) any reflagging or repair work on a vessel  
7 for which a proposal is submitted in response to the  
8 request for proposals be performed in the United  
9 States (including any territory of the United States);  
10 and

11               “(B) any corrective and preventive maintenance  
12 or repair work on a vessel under contract pursuant  
13 to this section relevant to the purpose of such con-  
14 tract be performed in the United States (including  
15 any territory of the United States) for the duration  
16 of the contract, to the greatest extent practicable.

1 “(2) The Secretary of Defense may waive a require-  
2 ment under paragraph (1) if the Secretary determines that  
3 such waiver is critical to the national security of the  
4 United States. The Secretary shall immediately submit, in  
5 writing, to the appropriate congressional committees a no-  
6 tice of any waiver granted under this paragraph and the  
7 reasons for such waiver.

8 “(3) In this subsection:

9 “(A) The term ‘reflagging or repair work’  
10 means work performed on a vessel—

11 “(i) to enable the vessel to meet applicable  
12 standards to become a vessel of the United  
13 States; or

14 “(ii) to convert the vessel to a more useful  
15 military configuration.

16 “(B) The term ‘corrective and preventive main-  
17 tenance or repair’ means—

18 “(i) maintenance or repair actions per-  
19 formed as a result of a failure in order to re-  
20 turn or restore equipment to acceptable per-  
21 formance levels; and

22 “(ii) scheduled maintenance or repair ac-  
23 tions to prevent or discover functional fail-  
24 ures.”.



**Amendment to H.R. 6395  
National Defense Authorization Act for Fiscal Year 2021**

**Offered by: Mr Thornberry (TX)**

In the portion of the report to accompany H.R. 6395 titled “Title XXVIII – Military Construction General Provisions, Item of Special Interest”, strike the following item: “Futenma Replacement Facility, Okinawa”.

**Amendment to H.R. 6395  
National Defense Authorization Act for Fiscal Year 2021**

**Offered by: Rep. Mo Brooks (AL-05)**

In the appropriate place in the report to accompany H.R. 6395, insert the following new Directive Report Language:

**Cyber Maturity Model Certification**

The committee notes that the Department of Defense is in the process of rolling out its Cybersecurity Maturity Model Certification (CMMC) requirements; incorporating the CMMC into the Defense Federal Acquisition Regulation Supplement; and using it as a requirement for government contract award that contain controlled unclassified information. The committee strongly supports the intent of the CMMC requirements, including increasing Department of Defense cybersecurity posture and protecting data and intellectual property within the defense industrial base from cyber attacks.

To ensure that proprietary information gleaned from CMMC assessments conducted by third-party institutions is protected, the committee seeks additional information on how the Department will work with the CMMC Accreditation Body (CMMC-AB) to protect non-public and proprietary information from the Defense Industrial Base (DIB) entities that have been assessed. Therefore, the committee directs the Under Secretary of Defense for Acquisition and Sustainment to provide a briefing to the House Committee on Armed Services not later than December 31, 2020 on the Department of Defense's efforts to assist the community of third-party assessment organizations performing the CMMC certifications to secure non-public and proprietary information from DIB entities.

**AMENDMENT TO H.R. 6395**  
**OFFERED BY MR. NORCROSS OF NEW JERSEY**

At the appropriate place in title VII, add the following new section:

1 **SEC. 7 \_\_\_\_ . PILOT PROGRAM ON PARENTS SERVING AS CER-**  
2 **TIFIED NURSING ASSISTANTS FOR CHILDREN**  
3 **UNDER TRICARE PROGRAM.**

4 (a) PILOT PROGRAM.—The Director of the Defense  
5 Health Agency may carry out a pilot program under which  
6 an eligible parent serves as a certified nursing assistant  
7 under the TRICARE program with respect to providing  
8 personal care services to a covered child.

9 (b) DURATION.—If the Director carries out the pilot  
10 program under subsection (a), the Director shall carry out  
11 the pilot program for a period of 18 months.

12 (c) BRIEFING.—If the Director carries out the pilot  
13 program under subsection (a), not later than one year  
14 after the date of the enactment of this Act, the Director  
15 shall provide to the congressional defense committees a  
16 briefing on the pilot program.

17 (d) REPORT.—If the Director carries out the pilot  
18 program under subsection (a), not later than 180 days  
19 after the date of the completion of the pilot program, the

1 Director shall submit to the congressional defense commit-  
2 tees a report on the pilot program. The report shall in-  
3 clude—

4 (1) the cost of the program;

5 (2) an analysis of whether the pilot program  
6 met established performance metrics;

7 (3) an analysis of whether the pilot program  
8 provided the standard of care to the patient that is  
9 required; and

10 (4) the recommendation of the Director regard-  
11 ing whether the pilot program should be made per-  
12 manent.

13 (e) DEFINITIONS.—In this section:

14 (1) The term “covered child” means a covered  
15 beneficiary described in section 1072(2)(D) of title  
16 10, United States Code, who—

17 (A) is the child of a member of the uni-  
18 formed services serving on active duty; and

19 (B) is eligible for private duty nursing  
20 under the Extended Care Health Option under  
21 subsections (d) through (f) of section 1079 of  
22 such title.

23 (2) The term “eligible parent” means an indi-  
24 vidual who is—

25 (A) a certified nursing assistant; and

1 (B) the parent of a covered child.

2 (3) The term “personal care services” means  
3 personal care services prescribed by a medical doctor  
4 and provided by a certified nursing assistant under  
5 the supervision and guidance of a registered nurse  
6 case manager.

7 (4) The term “TRICARE program” has the  
8 meaning given that term in section 1072 of title 10,  
9 United States Code.





**Amendment to H.R. 6395**  
**National Defense Authorization Act for Fiscal Year 2021**

**Offered by: Mr. Brown of Maryland**

In the appropriate place in the report to accompany H.R. 6395, insert the following new Directive Report Language:

GAO Report on Time-And-Materials and Labor Hour Contracts

The committee is concerned about the Department of Defense's use of time-and-materials and labor hour contracts and the use of labor category minimums within these contracts. The committee recognizes that a time-and-materials contract is generally a riskier contract type for the government as it provides little incentive for the contractor to control costs. The committee notes that technologies such as artificial intelligence, smart devices, and other innovations are altering the appropriateness changing the consideration of such contracts in certain sectors, such as information technology, and that the current federal statute and regulations on their use and the associated requirement to use labor category minimums can restrict the ability of industry to offer the best value to the Department.

Therefore, the committee directs the Comptroller General of the United States to provide preliminary observations to the Committees on Armed Services of the Senate and the House of Representatives by February 28, 2021, on trends on the Department of Defense's use of time-and-material and labor hour contracts, including the types of services acquired and the extent to which these contracts were awarded using procedures authorized under Part 12 of the Federal Acquisition Regulation.

The committee further directs the Comptroller General to submit a more comprehensive report to the congressional defense committees on a date agreed to at the time of the briefing. The report should include:

- (1) a description of the federal and defense policies governing the use of time-and-material and labor-hour contracts, including the extent to which labor category minimums are required to be used in such contracts;
- (2) an assessment as to whether and under what conditions the private sector uses time-and-material or labor-hour contracts in such as areas as

- information technology services, cybersecurity services, audit or audit readiness services, health care services and records, telecommunications devices and services, or other knowledge-based professional services;
- (3) an assessment on the feasibility of substituting private sector experience for educational requirements in Department of Defense contracts and any other improvements that can be made to the minimum requirements in labor categories;
- (4) recommendations, as appropriate, on whether changes to Department of Defense policy regarding time-and-materials and labor hour contracts, including actions to limit or restrict award of such contracts, especially when utilizing Federal Acquisition Regulation Part 12 procedure, are warranted; and
- (5) any other matters determined by the Comptroller General as appropriate.

**AMENDMENT TO H.R. 6395**  
**OFFERED BY MR. NORCROSS OF NEW JERSEY**

At the end of title XI, add the following:

1 **SEC. 11\_\_\_ . FIRE FIGHTERS ALTERNATIVE WORK SCHED-**  
2 **ULE DEMONSTRATION PROJECT.**

3 (a) IN GENERAL.—Not later than 180 days after the  
4 date of enactment of this Act, the Commander, Navy Re-  
5 gion Mid-Atlantic, shall establish and carry out, for a pe-  
6 riod of not less than 5 years, a Fire Fighters Alternative  
7 Work Schedule demonstration project for the Navy Region  
8 Mid-Atlantic Fire and Emergency Services. Such dem-  
9 onstration project shall provide, with respect to each Serv-  
10 ices employee, that—

11 (1) assignments to tours of duty are scheduled  
12 in advance over periods of not less than two weeks;

13 (2) tours of duty are scheduled using a regu-  
14 larly recurring pattern of 48-hour shifts followed by  
15 48 or 72 consecutive non-work hours, as determined  
16 by mutual agreement between the Navy Region Mid-  
17 Atlantic and the exclusive employee representative at  
18 each Navy Region Mid-Atlantic Installation, in such  
19 a manner that each employee is regularly scheduled  
20 for 144-hours in any two-week period;

1 (3) for any such employee that is a fire fighter  
2 working an alternative work schedule, such employee  
3 shall earn overtime compensation in a manner con-  
4 sistent with other applicable law and regulation;

5 (4) no right shall be established to any form of  
6 premium pay, including night, Sunday, holiday, or  
7 hazard duty pay; and

8 (5) leave accrual and use shall be consistent  
9 with other applicable law and regulation.

10 (b) REPORT.—Not later than 180 days following the  
11 end of such demonstration project, the Commander, Navy  
12 Region Mid-Atlantic, shall submit a report to the Commit-  
13 tees on Armed Services of the House of Representatives  
14 and the Senate detailing—

15 (1) any financial savings or expenses directly  
16 and inseparably linked to the demonstration project;

17 (2) any intangible quality of life and morale im-  
18 provements achieved by the demonstration project;  
19 and

20 (3) any adverse impact of the demonstration  
21 project occurring solely as the result of the transi-  
22 tion to the demonstration project.



**AMENDMENT TO H.R. 6395**  
**OFFERED BY MR. NORCROSS OF NEW JERSEY**

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

1 **SEC. 17\_\_\_ . NOTICE AND COMMENT FOR PROPOSED AC-**  
2 **TIONS OF THE SECRETARY OF DEFENSE RE-**  
3 **LATING TO FOOD AND BEVERAGE INGREDI-**  
4 **ENTS.**

5 (a) NOTICE AND COMMENT.—Before promulgating  
6 any service-wide or Department-wide final rule, statement,  
7 or determination relating to the limitation or prohibition  
8 of an ingredient in a food or beverage item provided to  
9 members of the Armed Forces by the Department of De-  
10 fense (including an item provided through a commissary  
11 store, a dining facility on a military installation, or a mili-  
12 tary medical treatment facility), the Secretary of Defense  
13 shall—

14 (1) publish in the Federal Register a notice of  
15 the proposed rule, statement, or determination (in  
16 this section referred to as a “proposed action”); and

17 (2) provide interested persons an opportunity to  
18 submit public comments with respect to the pro-  
19 posed action.

1 (b) MATTERS TO BE INCLUDED IN NOTICE.—The  
2 Secretary shall include in any notice published under sub-  
3 section (a)(2) the following:

4 (1) A summary of the notice.

5 (2) The date of publication of the notice.

6 (3) The contact information for the office of the  
7 Department of Defense responsible for the proposed  
8 action.

9 (4) The deadline for comments to be submitted  
10 with respect to the proposed action and a description  
11 of the method to submit such comments.

12 (5) A description of the proposed action.

13 (6) Findings and a statement of reason sup-  
14 porting the proposed action.

15 (c) WAIVER AUTHORITY.—The Director of the De-  
16 fense Logistics Agency may waive subsections (a) and (b)  
17 if the Director determines such waiver is necessary for  
18 military operations or for the response to a national emer-  
19 gency declared by the President under the National Emer-  
20 gencies Act (50 U.S.C. 1601 et seq.), a medical emer-  
21 gency, or a pandemic.

22 (d) REPORTS.—

23 (1) REPORTS.—On a quarterly basis, the Direc-  
24 tor of the Defense Logistics Agency shall submit to  
25 the congressional defense committees a report con-

1       taining an identification of any waiver under sub-  
2       section (c) issued or in effect during the quarter pre-  
3       ceding submission of the report.

4               (2) MATTERS.—A report under paragraph (1)  
5       shall include, with respect to each waiver identified,  
6       the following:

7               (A) The date, time, and location of the  
8       issuance of such waiver.

9               (B) A detailed justification for the  
10      issuance of such waiver.

11              (C) An identification of the rule, state-  
12      ment, or determination for which the Director  
13      issued such waiver, including the proposed du-  
14      ration of such rule, statement, or determina-  
15      tion.



**AMENDMENT TO H.R. 6395**  
**OFFERED BY MS. SLOTKIN OF MICHIGAN**

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

1 **SEC. 2\_\_\_. MODIFICATION OF PILOT PROGRAM ON EN-**  
2 **HANCED CIVICS EDUCATION.**

3 (a) IN GENERAL.—Section 234 of the National De-  
4 fense Authorization Act for Fiscal Year 2020 (Public Law  
5 116–92; 10 U.S.C. 2164 note) is amended—

6 (1) in subsection (e)(1)—

7 (A) in subparagraph (H), by striking  
8 “and” at the end; and

9 (B) by adding at the end the following new  
10 subparagraph:

11 “(J) the improvement of critical thinking  
12 and media literacy among students, including  
13 the improvement of students’ abilities with re-  
14 spect to—

15 “(i) research and information fluency;

16 “(ii) critical thinking and problem  
17 solving skills;

18 “(iii) technology operations and con-  
19 cepts;



1 “(iv) information and technological lit-  
2 eracy;

3 “(v) understanding of the importance  
4 of obtaining information from multiple  
5 media sources and evaluating sources for  
6 quality; and

7 “(vi) understanding how information  
8 on digital platforms can be altered through  
9 algorithms, editing, and augmented reality;  
10 and”;

11 (2) in subsection (g), by adding at the end the  
12 following new paragraph:

13 “(3) The term ‘media literacy’ means the ability  
14 to—

15 “(A) access relevant and accurate informa-  
16 tion through media in a variety of forms;

17 “(B) critically analyze media content and  
18 the influences of different forms of media;

19 “(C) evaluate the comprehensiveness, rel-  
20 evance, credibility, authority, and accuracy of  
21 information;

22 “(D) make educated decisions based on in-  
23 formation obtained from media and digital  
24 sources;”.

1 (b) DEADLINE FOR IMPLEMENTATION.—Not later  
2 than 90 days after the date of the enactment of this Act,  
3 the Secretary of Defense shall implement the pilot pro-  
4 gram under section 234 of the National Defense Author-  
5 ization Act for Fiscal Year 2020 (Public Law 116–92; 10  
6 U.S.C. 2164 note), as amended by subsection (a).

7 (c) PROGRESS REPORT.—Not later than 30 days  
8 after the date of the enactment of this Act, the Secretary  
9 of Defense shall submit to the congressional defense com-  
10 mittees a report on the efforts of Secretary to implement  
11 the pilot program under section 234 of the National De-  
12 fense Authorization Act for Fiscal Year 2020 (Public Law  
13 116–92; 10 U.S.C. 2164 note), as amended by subsection  
14 (a).



**AMENDMENT TO H.R. 6395**  
**OFFERED BY MR. KELLY OF MISSISSIPPI**

Add at the appropriate place in title VIII the following new section:

1 **SEC. 8 \_\_\_\_ . TRANSFER OF VERIFICATION OF SMALL BUSI-**  
2 **NESS CONCERNS OWNED AND CONTROLLED**  
3 **BY VETERANS OR SERVICE-DISABLED VET-**  
4 **ERANS TO THE SMALL BUSINESS ADMINIS-**  
5 **TRATION.**

6 (a) **TRANSFER DATE.**—For purposes of this section,  
7 the term “transfer date” means the date that is 2 years  
8 after the date of enactment of this section, except that  
9 such date may be extended an unlimited number of times  
10 by a period of not more than 6 months if the Adminis-  
11 trator of the Small Business Administration and the Sec-  
12 retary of Veterans Affairs jointly issue a notice to Con-  
13 gress and the Law Revision Counsel of the House of Rep-  
14 resentatives containing—

- 15 (1) a certification that such extension is nec-  
16 essary;
- 17 (2) the rationale for and the length of such ex-  
18 tension; and

1 (3) a plan to comply with the requirements of  
2 this section within the timeframe of the extension.

3 (b) AMENDMENT TO AND TRANSFER OF VETERAN-  
4 OWNED AND SERVICE-DISABLED VETERAN-OWNED BUSI-  
5 NESS DATABASE.—

6 (1) AMENDMENT OF VETERAN-OWNED AND  
7 SERVICE-DISABLED VETERAN-OWNED BUSINESS  
8 DATABASE.—Effective on the transfer date, section  
9 8127 of title 38, United States Code, is amended—

10 (A) in subsection (e)—

11 (i) by striking “the Secretary” and in-  
12 serting “the Administrator”; and

13 (ii) by striking “subsection (f)” and  
14 inserting “section 36 of the Small Business  
15 Act”;

16 (B) in subsection (f)—

17 (i) by striking “the Secretary” each  
18 place such term appears, other than in the  
19 last place such term appears under para-  
20 graph (2)(A), and inserting “the Adminis-  
21 trator”;

22 (ii) in paragraph (1), by striking  
23 “small business concerns owned and con-  
24 trolled by veterans with service-connected  
25 disabilities” each place such term appears

1 and inserting “small business concerns  
2 owned and controlled by service-disabled  
3 veterans”;

4 (iii) in paragraph (2)—

5 (I) in subparagraph (A), by strik-  
6 ing “to access” and inserting “to ob-  
7 tain from the Secretary of Veterans  
8 Affairs”; and

9 (II) by striking subparagraph (B)  
10 and inserting the following:

11 “(B) For purposes of this subsection—

12 “(i) the Secretary of Veterans Affairs shall—

13 “(I) verify an individual’s status as a vet-  
14 eran or a service-disabled veteran; and

15 “(II) establish a system to permit the Ad-  
16 ministrator to access, but not alter, such  
17 verification; and

18 “(ii) the Administrator shall verify—

19 “(I) the status of a business concern as a  
20 small business concern; and

21 “(II) the ownership and control of such  
22 business concern.

23 “(C) The Administrator may not certify a concern  
24 under subsection (b) or section 36A if the Secretary of

1 Veterans Affairs cannot provide the verification described  
2 under subparagraph (B)(i)(I).”;

3 (iv) by striking paragraphs (4) and  
4 (7);

5 (v) by redesignating paragraphs (5)  
6 and (6) as paragraphs (4) and (5), respec-  
7 tively, and redesignating paragraph (8) as  
8 paragraph (6);

9 (vi) in paragraph (4), as so redesi-  
10 gnated, by striking “The Secretary” and in-  
11 sserting “The Administrator”; and

12 (vii) in paragraph (6), as so redesi-  
13 gnated—

14 (I) in subparagraph (A)—

15 (aa) by striking “verify the  
16 status of the concern as a small  
17 business concern or the owner-  
18 ship or control of the concern”  
19 and inserting “certify the status  
20 of the concern as a small busi-  
21 ness concern owned and con-  
22 trolled by veterans (under section  
23 36A) or a small business concern  
24 owned and controlled by service-

5

1 disabled veterans (under section  
2 36(g))”; and

3 (bb) by striking  
4 “verification” and inserting “cer-  
5 tification”;

6 (II) in subparagraph (B)—

7 (aa) in clause (i), by striking  
8 “small business concern owned  
9 and controlled by veterans with  
10 service-connected disabilities”  
11 and inserting “small business  
12 concern owned and controlled by  
13 service-disabled veterans”; and

14 (bb) in clause (ii)—

15 (AA) by amending sub-  
16 clause (I) to read as follows:

17 “(I) the Secretary of Veterans Affairs or  
18 the Administrator; or”; and

19 (BB) in subclause (II),  
20 by striking “the contracting  
21 officer of the Department”  
22 and inserting “the applicable  
23 contracting officer”; and

24 (III) by striking subparagraph  
25 (C);

1 (C) by redesignating subsection (k) (relat-  
2 ing to definitions) as subsection (l);

3 (D) by inserting after subsection (j) (relat-  
4 ing to annual reports) the following:

5 “(k) ANNUAL TRANSFER FOR CERTIFICATION  
6 COSTS.—For each fiscal year, the Secretary of Veterans  
7 Affairs shall reimburse the Administrator in an amount  
8 necessary to cover any cost incurred by the Administrator  
9 for certifying small business concerns owned and con-  
10 trolled by veterans that do not qualify as small business  
11 concerns owned and controlled by service-disabled veterans  
12 for the Secretary for purposes of this section and section  
13 8128 of this title. The Administrator is authorized to ac-  
14 cept such reimbursement. The amount of any such reim-  
15 bursement shall be determined jointly by the Secretary  
16 and the Administrator and shall be provided from fees col-  
17 lected by the Secretary under multiple-award schedule  
18 contracts. Any disagreement about the amount shall be  
19 resolved by the Director of the Office of Management and  
20 Budget.”; and

21 (E) subsection (l) (relating to definitions),  
22 as so redesignated, by adding at the end the  
23 following:

24 “(4) The term Administrator means the Admin-  
25 istrator of the Small Business Administration.”.



1           (2) TRANSFER OF REQUIREMENTS RELATING  
2 TO DATABASE TO THE SMALL BUSINESS ACT.—Ef-  
3 fective on the transfer date, subsection (f) of section  
4 8127 of title 38, United States Code (as amended by  
5 paragraph (1)), is transferred to section 36 of the  
6 Small Business Act (15 U.S.C. 657f), inserted so as  
7 to appear after subsection (e).

8           (3) CONFORMING AMENDMENTS.—The fol-  
9 lowing amendments shall take effect on the transfer  
10 date:

11           (A) SMALL BUSINESS ACT.—Section  
12 3(q)(2)(C)(i)(III) of the Small Business Act (15  
13 U.S.C. 632(q)(2)(C)(i)(III)) is amended by  
14 striking “section 8127(f) of title 38, United  
15 States Code” and inserting “section 36”.

16           (B) TITLE 38.—Section 8128 of title 38,  
17 United States Code, is amended by striking  
18 “section 8127(f) of this title” and inserting  
19 “section 36 of the Small Business Act”.

20           (c) ADDITIONAL REQUIREMENTS FOR DATABASE.—

21           (1) ADMINISTRATION ACCESS TO DATABASE BE-  
22 FORE THE TRANSFER DATE.—During the period be-  
23 tween the date of the enactment of this section and  
24 the transfer date, the Secretary of Veterans Affairs  
25 shall provide the Administrator of the Small Busi-

1       ness Administration with access to the contents of  
2       the database described under section 8127(f) of title  
3       38, United States Code.

4           (2) RULE OF CONSTRUCTION.—Nothing in this  
5       section or the amendments made by this section may  
6       be construed—

7           (A) as prohibiting the Administrator of the  
8       Small Business Administration from combining  
9       the contents of the database described under  
10      section 8127(f) of title 38, United States Code,  
11      with other databases maintained by the Admin-  
12      istration; or

13          (B) as requiring the Administrator to use  
14      any system or technology related to the data-  
15      base described under section 8127(f) of title 38,  
16      United States Code, on or after the transfer  
17      date to comply with the requirement to main-  
18      tain a database under subsection (f) of section  
19      36 of the Small Business Act (as transferred  
20      pursuant to subsection (b)(2) of this section).

21          (3) RECOGNITION OF THE ISSUANCE OF JOINT  
22      REGULATIONS.—The date specified under section  
23      1832(e) of the National Defense Authorization Act  
24      for Fiscal Year 2017 (15 U.S.C. 632 note) shall be  
25      deemed to be October 1, 2018.

1 (d) PROCUREMENT PROGRAM FOR SMALL BUSINESS  
2 CONCERNS OWNED AND CONTROLLED BY SERVICE-DIS-  
3 ABLED VETERANS.—

4 (1) PROCUREMENT PROGRAM FOR SMALL BUSI-  
5 NESS CONCERNS OWNED AND CONTROLLED BY  
6 SERVICE-DISABLED VETERANS.—Section 36 of the  
7 Small Business Act (15 U.S.C. 657f) is amended—

8 (A) by striking subsections (d) and (e);

9 (B) by redesignating subsections (a), (b),  
10 and (c) as subsections (c), (d), and (e) respec-  
11 tively;

12 (C) by inserting before subsection (c), as  
13 so redesignated, the following:

14 “(a) CONTRACTING OFFICER DEFINED.—For pur-  
15 poses of this section, the term ‘contracting officer’ has the  
16 meaning given such term in section 2101 of title 41,  
17 United States Code.

18 “(b) CERTIFICATION OF SMALL BUSINESS CON-  
19 CERNS OWNED AND CONTROLLED BY SERVICE-DISABLED  
20 VETERANS.—With respect to a procurement program or  
21 preference established under this Act that applies to prime  
22 contractors, the Administrator shall—

23 “(1) certify the status of the concern as a  
24 ‘small business concern owned and controlled by  
25 service-disabled veterans’; and

1           “(2) require the periodic recertification of such  
2           status.”;

3           (D) in subsection (d), as so redesignated,  
4           by striking “and that the award can be made  
5           at a fair market price” and inserting “, that  
6           the award can be made at a fair market price,  
7           and if each concern is certified by the Adminis-  
8           trator as a small business concern owned and  
9           controlled by service-disabled veterans”; and

10           (E) by adding at the end the following:

11           “(g) CERTIFICATION REQUIREMENT.—Notwith-  
12           standing subsection (c), a contracting officer may only  
13           award a sole source contract to a small business concern  
14           owned and controlled by service-disabled veterans or a  
15           contract on the basis of competition restricted to small  
16           business concerns owned and controlled by service-disabled  
17           veterans if such a concern is certified by the Administrator  
18           as a small business concern owned and controlled by serv-  
19           ice-disabled veterans.

20           “(h) ENFORCEMENT; PENALTIES.—

21           “(1) VERIFICATION OF ELIGIBILITY.—In car-  
22           rying out this section, the Administrator shall estab-  
23           lish procedures relating to—

24           “(A) the filing, investigation, and disposi-  
25           tion by the Administration of any challenge to

1 the eligibility of a small business concern to re-  
2 ceive assistance under this section (including a  
3 challenge, filed by an interested party, relating  
4 to the veracity of a certification made or infor-  
5 mation provided to the Administration by a  
6 small business concern under subsection (b));  
7 and

8 “(B) verification by the Administrator of  
9 the accuracy of any certification made or infor-  
10 mation provided to the Administration by a  
11 small business concern under subsection (b).

12 “(2) EXAMINATIONS.—

13 “(A) EXAMINATION OF APPLICANTS.—The  
14 procedures established under paragraph (1)  
15 shall provide for a program of examinations by  
16 the Administrator of any small business concern  
17 making a certification or providing information  
18 to the Administrator under subsection (b), to  
19 determine the veracity of any statements or in-  
20 formation provided as part of such certification  
21 or otherwise provided under subsection (b).

22 “(B) EXAMINATION OF CERTIFIED CON-  
23 CERNNS.—The procedures established under  
24 paragraph (1) shall provide for the examination  
25 of risk-based samples of small business con-

1           cerns certified under subsection (b), or of any  
2           small business concern that the Administrator  
3           believes poses a particular risk or with respect  
4           to which the Administrator receives specific and  
5           credible information alleging that the small  
6           business concern no longer meets eligibility re-  
7           quirements to be certified as a small business  
8           concern owned and controlled by service-dis-  
9           abled veterans.

10           “(3) PENALTIES.—In addition to the penalties  
11           described in section 16(d), any small business con-  
12           cern that is determined by the Administrator to have  
13           misrepresented the status of that concern as a small  
14           business concern owned and controlled by service-  
15           disabled veterans for purposes of subsection (b),  
16           shall be subject to—

17                   “(A) section 1001 of title 18, United  
18                   States Code;

19                   “(B) sections 3729 through 3733 of title  
20                   31, United States Code; and

21                   “(C) section 8127(g) of title 38, United  
22                   States Code.

23           “(i) PROVISION OF DATA.—Upon the request of the  
24           Administrator, the head of any Federal department or  
25           agency shall promptly provide to the Administrator such

1 information as the Administrator determines to be nec-  
2 essary to carry out subsection (b) or to be able to certify  
3 the status of the concern as a small business concern  
4 owned and controlled by veterans under section 36A.”.

5 (2) PENALTIES FOR MISREPRESENTATION.—

6 Section 16 of the Small Business Act (15 U.S.C.  
7 645) is amended—

8 (A) in subsection (d)(1)—

9 (i) by striking “, a” and inserting “,  
10 a ‘small business concern owned and con-  
11 trolled by service-disabled veterans’, a  
12 ‘small business concern owned and con-  
13 trolled by veterans’, a”;

14 (ii) in paragraph (A), by striking “9,  
15 15, or 31” and inserting “8, 9, 15, 31, 36,  
16 or 36A”; and

17 (B) in subsection (e), by striking “, a” and  
18 inserting “, a ‘small business concern owned  
19 and controlled by service-disabled veterans’, a  
20 ‘small business concern owned and controlled by  
21 veterans’, a”.

22 (e) CERTIFICATION FOR SMALL BUSINESS CON-  
23 CERNS OWNED AND CONTROLLED BY VETERANS.—The  
24 Small Business Act (15 U.S.C. 631 et seq.) is amended  
25 by inserting after section 36 the following new section:

1 **“SEC. 36A. CERTIFICATION OF SMALL BUSINESS CONCERNS**  
2 **OWNED AND CONTROLLED BY VETERANS.**

3 “(a) IN GENERAL.—With respect to the program es-  
4 tablished under section 8127 of title 38, United States  
5 Code, the Administrator shall—

6 “(1) certify the status of the concern as a  
7 ‘small business concern owned and controlled by vet-  
8 erans’; and

9 “(2) require the periodic recertification of such  
10 status.

11 “(b) ENFORCEMENT; PENALTIES.—

12 “(1) VERIFICATION OF ELIGIBILITY.—In car-  
13 rying out this section, the Administrator shall estab-  
14 lish procedures relating to—

15 “(A) the filing, investigation, and disposi-  
16 tion by the Administration of any challenge to  
17 the eligibility of a small business concern to re-  
18 ceive assistance under this section (including a  
19 challenge, filed by an interested party, relating  
20 to the veracity of a certification made or infor-  
21 mation provided to the Administration by a  
22 small business concern under subsection (a));  
23 and

24 “(B) verification by the Administrator of  
25 the accuracy of any certification made or infor-



1           mation provided to the Administration by a  
2           small business concern under subsection (a).

3           “(2) EXAMINATION OF APPLICANTS.—The pro-  
4           cedures established under paragraph (1) shall pro-  
5           vide for a program of examinations by the Adminis-  
6           trator of any small business concern making a cer-  
7           tification or providing information to the Adminis-  
8           trator under subsection (a), to determine the verac-  
9           ity of any statements or information provided as  
10          part of such certification or otherwise provided  
11          under subsection (a).

12          “(3) PENALTIES.—In addition to the penalties  
13          described in section 16(d), any small business con-  
14          cern that is determined by the Administrator to have  
15          misrepresented the status of that concern as a small  
16          business concern owned and controlled by veterans  
17          for purposes of subsection (a), shall be subject to—

18                 “(A) section 1001 of title 18, United  
19                 States Code;

20                 “(B) sections 3729 through 3733 of title  
21                 31, United States Code; and

22                 “(C) section 8127(g) of title 38, United  
23                 States Code.”.

1 (f) STATUS OF SELF-CERTIFIED SMALL BUSINESS  
2 CONCERNS OWNED AND CONTROLLED BY SERVICE-DIS-  
3 ABLED VETERANS.—

4 (1) IN GENERAL.—Notwithstanding any other  
5 provision of law, any small business concern that  
6 self-certified as a small business concern owned and  
7 controlled by service-disabled veterans shall—

8 (A) if the concern files a certification ap-  
9 plication with the Administrator of the Small  
10 Business Administration before the end of the  
11 1-year period beginning on the transfer date,  
12 maintain such self-certification until the Admin-  
13 istrator makes a determination with respect to  
14 such certification; and

15 (B) if the concern does not file such a cer-  
16 tification application before the end of the 1-  
17 year period beginning on the transfer date, lose,  
18 at the end of such 1-year period, any self-cer-  
19 tification of the concern as a small business  
20 concern owned and controlled by service-dis-  
21 abled veterans.

22 (2) NON-APPLICABILITY TO DEPARTMENT OF  
23 VETERANS AFFAIRS.—Paragraph (1) shall not apply  
24 to participation in contracts (including subcontracts)  
25 with the Department of Veterans Affairs.

1           (3) NOTICE.—The Administrator shall notify  
2 any small business concern that self-certified as a  
3 small business concern owned and controlled by serv-  
4 ice-disabled veterans about the requirements of this  
5 section, including the transfer date and any exten-  
6 sion of such transfer date made pursuant to sub-  
7 section (a), and make such notice publicly available,  
8 on—

9           (A) the date of the enactment of this sec-  
10 tion; and

11           (B) the date on which an extension de-  
12 scribed under subsection (a) is approved.

13           (g) TRANSFER OF THE CENTER FOR VERIFICATION  
14 AND EVALUATION OF THE DEPARTMENT OF VETERANS  
15 AFFAIRS TO THE SMALL BUSINESS ADMINISTRATION.—

16           (1) ABOLISHMENT.—The Center for  
17 Verification and Evaluation of the Department of  
18 Veterans Affairs defined under section 74.1 of title  
19 38, Code of Federal Regulations, is abolished effec-  
20 tive on the transfer date.

21           (2) TRANSFER OF FUNCTIONS.—All functions  
22 that, immediately before the effective date of this  
23 subsection, were functions of the Center for  
24 Verification and Evaluation shall—

1 (A) on the date of enactment of this sec-  
2 tion, be functions of both the Center for  
3 Verification and Evaluation and the Small  
4 Business Administration, except that the Small  
5 Business Administration shall not have any au-  
6 thority to carry out any verification functions of  
7 the Center for Verification and Evaluation; and

8 (B) on the transfer date, be functions of  
9 the Small Business Administration.

10 (3) TRANSFER OF ASSETS.—So much of the  
11 personnel, property, and records employed, used,  
12 held, available, or to be made available in connection  
13 with a function transferred under this subsection  
14 shall be available to the Small Business Administra-  
15 tion at such time or times as the President directs  
16 for use in connection with the functions transferred.

17 (4) REFERENCES.—Any reference in any other  
18 Federal law, Executive order, rule, regulation, or  
19 delegation of authority, or any document of or per-  
20 taining to a function of the Center for Verification  
21 and Evaluation that is transferred under this section  
22 is deemed, after the transfer date, to refer to the  
23 Small Business Administration.

24 (h) REPORT.—Not later than the end of the 1-year  
25 period beginning on the date of the enactment of this sec-

1 tion and every 6 months thereafter until the transfer date,  
2 the Administrator of the Small Business Administration  
3 and Secretary of Veterans Affairs shall jointly issue a re-  
4 port to the Committees on Appropriations, Small Busi-  
5 ness, and Veterans' Affairs of the House of Representa-  
6 tives and the Committees on Appropriations, Small Busi-  
7 ness and Entrepreneurship, and Veterans' Affairs of the  
8 Senate on the planning for the transfer of functions and  
9 property required under this section and the amendments  
10 made by this section on the transfer date. Such report  
11 shall include—

12 (1) whether and how the verification database  
13 and operations of the Center for Verification and  
14 Evaluation of the Department of Veterans Affairs  
15 will be incorporated into the existing certification  
16 database of the Small Business Administration;

17 (2) projections for the numbers and timing, in  
18 terms of fiscal year, of—

19 (A) already verified concerns that will  
20 come up for recertification; and

21 (B) self-certified concerns that are ex-  
22 pected to apply for certification;

23 (3) an explanation of how outreach to veteran  
24 service organizations, the service-disabled veteran-

1 owned and veteran-owned small business community,  
2 and other stakeholders will be conducted; and  
3 (4) other pertinent information determined by  
4 the Administrator and the Secretary.



**AMENDMENT TO H.R. 6395**  
**OFFERED BY MR. WILSON OF SOUTH CAROLINA**

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

1 **SEC. 16 \_\_\_\_ . ASSISTANCE FOR SMALL MANUFACTURERS IN**  
2 **THE DEFENSE INDUSTRIAL SUPPLY CHAIN**  
3 **ON MATTERS RELATING TO CYBERSECURITY.**

4 (a) IN GENERAL.—Subject to the availability of ap-  
5 propriations, the Secretary of Defense, in consultation  
6 with the Director of the National Institute of Standards  
7 and Technology, may award financial assistance to a Cen-  
8 ter for the purpose of providing cybersecurity services to  
9 small manufacturers.

10 (b) CRITERIA.—If the Secretary carries out sub-  
11 section (a), the Secretary, in consultation with the Direc-  
12 tor, shall establish and publish on the grants.gov website,  
13 or successor website, criteria for selecting recipients for  
14 financial assistance under this section.

15 (c) USE OF FINANCIAL ASSISTANCE.—Financial as-  
16 sistance under this section—

17 (1) shall be used by a Center to provide small  
18 manufacturers with cybersecurity services relating  
19 to—

1 (A) compliance with the cybersecurity re-  
2 quirements of the Department of Defense Sup-  
3 plement to the Federal Acquisition Regulation,  
4 including awareness, assessment, evaluation,  
5 preparation, and implementation of cybersecu-  
6 rity services; and

7 (B) achieving compliance with the Cyberse-  
8 curity Maturity Model Certification framework  
9 of the Department of Defense; and

10 (2) may be used by a Center to employ trained  
11 personnel to deliver cybersecurity services to small  
12 manufacturers.

13 (d) BIENNIAL REPORTS.—

14 (1) IN GENERAL.—Not less frequently than  
15 once every two years, the Secretary shall submit to  
16 the congressional defense committees, the Committee  
17 on Commerce, Science, and Transportation of the  
18 Senate, and the Committee on Science, Space, and  
19 Technology of the House of Representatives a bien-  
20 nial report on financial assistance awarded under  
21 this section.

22 (2) CONTENTS.—To the extent practicable,  
23 each report submitted under paragraph (1) shall in-  
24 clude the following with respect to the years covered  
25 by the report:



1 (A) The number of small manufacturing  
2 companies assisted.

3 (B) A description of the cybersecurity serv-  
4 ices provided.

5 (C) A description of the cybersecurity mat-  
6 ters addressed.

7 (D) An analysis of the operational effec-  
8 tiveness and cost-effectiveness of the cybersecu-  
9 rity services provided.

10 (e) TERMINATION.—The authority of the Secretary  
11 to award of financial assistance under this section shall  
12 terminate on the date that is five years after the date of  
13 the enactment of this Act.

14 (f) DEFINITIONS.—In this section:

15 (1) The term “Center” has the meaning given  
16 such term in section 25(a) of the National Institute  
17 of Standards and Technology Act (15 U.S.C.  
18 278k(a)).

19 (2) The term “small manufacturer” has the  
20 meaning given that term in section 1644(g) of the  
21 John S. McCain National Defense Authorization Act  
22 for Fiscal Year 2019 (Public Law 115–232; 10  
23 U.S.C. 2224 note).



**AMENDMENT TO H.R. 6395**  
**OFFERED BY MRS. LURIA OF VIRGINIA**

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

1 **SEC. 3\_\_\_. ADDITIONAL ELEMENTS FOR INCLUSION IN**  
2 **NAVY SHIP DEPOT MAINTENANCE BUDGET**  
3 **REPORT.**

4 Section 363(b) of the National Defense Authorization  
5 Act for Fiscal Year 2020 (Public Law 116–92) is amended  
6 by adding at the end the following new paragraphs:

7 “(6) The execution of the planned schedule,  
8 categorized by class of ship, for each of the three  
9 preceding fiscal years, including—

10 “(A) the actual contract award compared  
11 to the milestone;

12 “(B) the planned completion date com-  
13 pared to the actual completion date; and

14 “(C) each regional maintenance center’s  
15 availability schedule performance for on-time  
16 availability completion.

17 “(7) In accordance with the findings of the  
18 Government Accountability Office (GAO 20-370)—

2

1           “(A) in 2021, an analysis plan for the  
2           evaluation of pilot program availabilities funded  
3           by the Other Procurement, Navy account; and

4           “(B) in 2022, a report on the Navy’s  
5           progress implementing such analysis plan.”.



**AMENDMENT TO H.R. 6395**  
**OFFERED BY MS. GABBARD OF HAWAII**

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

1 **SEC. 5 \_\_\_\_ . AUTHORIZATION FOR AWARD OF THE DISTIN-**  
2 **GUISHED-SERVICE CROSS FOR RAMIRO F.**  
3 **OLIVO FOR ACTS OF VALOR DURING THE**  
4 **VIETNAM WAR.**

5 (a) **AUTHORIZATION.**—Notwithstanding the time lim-  
6 itations specified in section 7274 of title 10, United States  
7 Code, or any other time limitation with respect to the  
8 awarding of certain medals to persons who served in the  
9 United States Armed Forces, the President of the United  
10 States is authorized to award the Distinguished-Service  
11 Cross under section 7272 of such title to Ramiro F. Olivo  
12 for the acts of valor during the Vietnam War described  
13 in subsection (b).

14 (b) **ACTS OF VALOR DESCRIBED.**—The acts of valor  
15 described in this subsection are the actions of Ramiro F.  
16 Olivo on May 9, 1968, as a member of the Army while  
17 serving in the Republic of Vietnam with Company C, 1st  
18 Battalion, 5th Cavalry Regiment, 1st Cavalry Division.



**Amendment to H.R. 6395  
National Defense Authorization Act for Fiscal Year 2021**

**Offered by: Mr. Jim Banks of Indiana**

In the appropriate place in the report to accompany H.R. 6395, insert the following new Directive Report Language:

*Report on waterjet demilitarization technology*

The committee remains concerned that insufficient attention has been placed on the development of technology to safely demilitarize chemical or biological weapons in situ as today the detonation of these weapons is not always feasible without dispersing the agents. The committee understands high pressure waterjet technology systems have proven their capability to safely demilitarize munitions on land and have demonstrated the ability to demilitarize munitions in shallow water. Despite this, the committee remains concerned that munitions in waters greater than 120 feet pose a threat that has not been addressed. Therefore, the committee directs the Secretary of Defense to provide a report to the congressional defense committees no later than January 31<sup>st</sup> 2021 outlining a plan to continue the development and implementation of a fully integrated transportable high-pressure waterjet system for the demilitarization of chemical and biological weapons and to further fund waterjet technology systems for the removal of constituents in munitions located in deep water environments.

**AMENDMENT TO H.R. 6395**  
**OFFERED BY MR. LARSEN OF WASHINGTON**

At the appropriate place in subtitle D of title XVI,  
insert the following new section:

1 **SEC. 16 \_\_\_\_ . REPORT ON CONSIDERATION OF RISKS OF IN-**  
2 **ADVERTENT ESCALATION TO NUCLEAR WAR.**

3 (a) REPORT.—Not later than January 31, 2021, the  
4 Under Secretary of Defense for Policy shall submit to the  
5 Committees on Armed Services of the House of Represent-  
6 atives and the Senate a report—

7 (1) detailing the efforts of the Department of  
8 Defense with respect to developing and imple-  
9 menting guidance to ensure that the risks of inad-  
10 vertent escalation to a nuclear war are considered  
11 within the decision-making processes of the Depart-  
12 ment regarding relevant activities (such as devel-  
13 oping contingency plans, managing military crises  
14 and conflicts, and supporting the Department of  
15 State in the development, negotiation, and imple-  
16 mentation of cooperative risk-reduction measures);  
17 and

18 (2) identifying the capabilities and factors  
19 taken into account in developing such guidance.

1 (b) FORM.—The report under subsection (a) shall be  
2 submitted in unclassified form, but may include a classi-  
3 fied annex.

4 (c) BRIEFING.—Not later than December 1, 2020,  
5 the Under Secretary shall provide to the Committees on  
6 Armed Services of the House of Representatives and the  
7 Senate a briefing on the progress and findings made in  
8 carrying out subsection (a).



**AMENDMENT TO H.R. 6395**  
**OFFERED BY MR. GOLDEN OF MAINE**

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

1 **SEC. 8 \_\_\_\_ . EQUITABLE ADJUSTMENTS TO CERTAIN CON-**  
2 **STRUCTION CONTRACTS.**

3 The Small Business Act (15 U.S.C. 631 et seq.) is  
4 amended by inserting after section 15 the following new  
5 section:

6 **SEC. 15A. EQUITABLE ADJUSTMENTS TO CONSTRUCTION**  
7 **CONTRACTS.**

8 “(a) REQUEST FOR AN EQUITABLE ADJUSTMENT.—

9 A small business concern performing a construction con-  
10 tract that was awarded by an agency may submit a re-  
11 quest for an equitable adjustment to the contracting offi-  
12 cer of such agency if the contracting officer directs a  
13 change in the work within the general scope of the con-  
14 tract without the agreement of the small business concern.

15 Such request shall—

16 “(1) be timely made pursuant to the terms of  
17 the contract; and

18 “(2) comply with Federal regulations regarding  
19 equitable adjustments, including specifying addi-



1 tional costs resulting from such change in the work  
2 within the general scope of the contract.

3 “(b) AMOUNT.—Upon receipt of a request for equi-  
4 table adjustment under subsection (a), the agency shall  
5 provide to the small business concern an interim partial  
6 payment in an amount that is at least 50 percent of the  
7 costs identified in the request for equitable adjustment  
8 under subsection (a)(2).

9 “(c) LIMITATION.—Any interim partial payment  
10 made under this section shall not be deemed to be an ac-  
11 tion to definitize the request for an equitable adjustment.

12 “(d) FLOW-DOWN OF INTERIM PARTIAL PAYMENT  
13 AMOUNTS.—A small business concern that requests an eq-  
14 uitable adjustment under this section shall pay to a first  
15 tier subcontractor or supplier the portion of the interim  
16 partial payment received that is attributable to the in-  
17 creased costs of performance incurred by the first tier sub-  
18 contractor or supplier due to the change in the work with-  
19 in the general scope of the contract. A subcontractor or  
20 supplier at any tier that receives a portion of an interim  
21 partial payment under this section shall pay its subcon-  
22 tractor or supplier the appropriate portion of such pay-  
23 ment.”.

24 (b) IMPLEMENTATION.—The Administrator of the  
25 Small Business Administration shall implement the re-

3

1 quirements of this section not later than the first day of  
2 the first full fiscal year beginning after the date of the  
3 enactment of this Act.



**Amendment to H.R. 6395  
National Defense Authorization Act for Fiscal Year 2021**

**Offered by Rep. Escobar of Texas**

In the appropriate place in the report to accompany H.R. 6395, insert the following new Directive Report Language:

**GAO Report on GSA E-commerce Portal Data Usage**

The House Armed Services Committee directs the Comptroller General to submit a report to the committee by January 31<sup>st</sup>, 2021 on compliance with subsection (h) of section 846 of the National Defense Authorization Act of Fiscal Year 2018 (Public Law 115–91; 41 U.S.C. 1901 note). The report shall describe how platform providers within the General Service Administration’s (GSA) e-commerce program are complying with subsection (h) and GSA’s ability to monitor providers’ activities and data uses for compliance with subsection (h).

**AMENDMENT TO H.R. 6395**  
**OFFERED BY MR. CROW OF COLORADO**

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

1 **SEC. \_\_\_\_ . SPACE STRATEGIES AND ASSESSMENT.**

2 (a) SENSE OF CONGRESS.—It is the sense of Con-  
3 gress that the United States Government should support  
4 activities in space by—

5 (1) ensuring robust, innovative, and increas-  
6 ingly capable civil and national security space pro-  
7 grams;

8 (2) supporting effective and stable space part-  
9 nerships with allies of the United States;

10 (3) leveraging, to the greatest extent practicable  
11 and appropriate, commercial space capabilities; and

12 (4) ensuring freedom of navigation and pro-  
13 viding measures to assure the supply chain related  
14 to such space assets and manufacturing processes of  
15 such assets.

16 (b) STRATEGY REQUIRED.—Not later than 270 days  
17 after the date of the enactment of this Act, the President,  
18 in consultation with the National Space Council, shall de-  
19 velop and maintain a strategy to ensure that the United

1 States, as appropriate, strengthens civil and national secu-  
2 rity capabilities and operations in space through—

3 (1) challenging and inspiring civil space goals  
4 and programs;

5 (2) partnerships with allies of the United  
6 States;

7 (3) leveraging of commercial space capabilities;

8 (4) ensuring supply chain and manufacturing  
9 processes for space assets;

10 (5) sustaining a highly skilled, world-class  
11 workforce; and

12 (6) considering the financial security and cyber-  
13 security concerns threatening commercial and Fed-  
14 eral Government launch sites of the United States.

15 (c) SUBMISSION OF STRATEGY AND PLAN.—Not  
16 later than one year after the date of the enactment of this  
17 Act, the Chair of the National Space Council, in consulta-  
18 tion with relevant departments and agencies of the Fed-  
19 eral Government, shall submit to the appropriate congres-  
20 sional committees a report setting forth—

21 (1) the strategy under subsection (b); and

22 (2) a plan to implement the strategy, including  
23 to—

24 (A) ensure the freedom of navigation of  
25 space assets and protect the supply chain relat-

1 ing to such assets and manufacturing process of  
2 such assets from threats from the People's Re-  
3 public of China and the Russian Federation,  
4 which may include protection from intellectual  
5 property theft and threats with respect to elec-  
6 tronic warfare capabilities;

7 (B) identify capabilities required to ensure  
8 civil and national security space leadership;

9 (C) provide contingency and resiliency for  
10 civil and national security space operations; and

11 (D) strengthen relations with the allies of  
12 the United States with respect to space.

13 (d) ASSESSMENT AND REPORT.—

14 (1) ASSESSMENT AND REPORT REQUIRE-  
15 MENT.—Not later than 180 days after the date of  
16 the enactment of this Act, the Secretary of Defense,  
17 in consultation with the Administrator of the Na-  
18 tional Aeronautics and Space Administration, shall  
19 submit to the appropriate congressional committees  
20 a report that includes—

21 (A) an assessment of the capabilities and  
22 role of relevant departments and agencies of the  
23 Federal Government to—

24 (i) ensure access to launch, commu-  
25 nications, and freedom of navigation and

1 other relevant infrastructure and services  
2 for civil and national security space pro-  
3 grams and activities; and

4 (ii) identify vulnerabilities that could  
5 affect access to space infrastructure; and

6 (iii) address financial security and cy-  
7 bersecurity concerns threatening commer-  
8 cial and Federal Government launch sites  
9 of the United States; and

10 (B) recommendations and costs to improve  
11 the capabilities assessed pursuant to subpara-  
12 graph (A), including recommendations with re-  
13 spect to—

14 (i) the electronic warfare capabilities  
15 of China and Russia; and

16 (ii) the use of counterspace weapons  
17 and cyber attacks by China and Russia.

18 (2) FORM.—The report under paragraph (1)  
19 may include a classified annex.

20 (e) DEFINITIONS.—In this section:

21 (1) APPROPRIATE CONGRESSIONAL COM-  
22 MITTEE.—The term “appropriate congressional com-  
23 mittees” means—

24 (A) the Committee on Armed Services of  
25 the House of Representatives;

1 (B) the Committee on Science, Space, and  
2 Technology of the House of Representatives;

3 (C) the Committee on Foreign Affairs of  
4 the House of Representatives;

5 (D) the Committee on Energy and Com-  
6 merce of the House of Representatives;

7 (E) the Committee on Armed Services of  
8 the Senate;

9 (F) the Committee on Foreign Relations of  
10 the Senate; and

11 (G) the Committee on Commerce, Science,  
12 and Transportation of the Senate.

13 (2) LAUNCH SITE.—The term “launch site” has  
14 the meaning given that term under section 50902 of  
15 title 51, United States Code.

