



## Amendments to H.R. 5515 — National Defense Authorization Act for Fiscal Year 2019 (Rep. Thornberry, R-TX) – Part II

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### FLOOR SCHEDULE:

Scheduled for consideration beginning on Wednesday, May 23, 2018, subject to a structured [rule](#).

**Amendments:** The rule makes in order 168 amendments. This Legislative Bulletin covers the first 25 amendments made in order by the Rules Committee; additional amendments will be included in future Legislative Bulletins. The Legislative Bulletin for H.R. 5515 can be found [here](#) and amendments (part 1) [here](#).

**District Work Period:** The rule provides for operations of the House during the District Work Period of May 25 through June 4.

**Rescission Bill:** The rule would provide that the days in the May 25 – June 4 period shall not count as “days of continuous session” for the purposes of allowing a rescission bill to be discharged from the Appropriations Committee after 25 days of continuous session under the [Impoundment Control Act](#). The effect of this provision would be to delay the ability of a Member to make a motion to discharge [H.R. 3, the Spending Cuts to Expired and Unnecessary Programs Act](#), or another rescission bill that is introduced and referred to the Appropriations Committee. Under the current law and rules, because the House will meet in pro-forma sessions and not recess for more than three days during the upcoming work period, the 25-day threshold would have likely been met when the House returns the week of June 4. A backgrounder from the RSC on the Impoundment Control Act rescission bill process can be found [here](#).

### AMENDMENTS:

1. [Rep. Lujan Grisham \(D-NM\) \(#340\)](#): would authorize the Secretary of Defense to carry out activities to prioritize innovative collaboration between Department of Defense laboratories, industry, and academia. The Secretary of Defense, acting through the Commander of the Air Force Research Laboratory, would be authorized to develop and implement an open campus program for the Laboratory which would be modeled after the open campus program of the Army Research Laboratory.
2. [Rep. Lujan Grisham \(D-MN\) \(#344\)](#): would authorize the Secretary of Defense to carry out a program (commonly known as an “[I-Corps program](#)”) under which entrepreneurship and

commercialization education, training, and mentoring is provided to personnel of Department of Defense laboratories; and determine eligibility requirements for the program, “in order to promote a strong, lasting foundation for the national innovation ecosystem and increase the positive economic and social impact of federally funded research.”

3. [Rep. Guthrie \(R-KY\) \(#275\)](#): would authorize the Secretary of the Army to continue to provide for the production, treatment, management, and use of natural gas located under Fort Knox, Kentucky. The Secretary of the Army may take ownership of any gas production and treatment equipment and facilities and associated infrastructure from an entity with which the Secretary has entered into a contract in accordance with its terms.
4. [Rep. Suozzi \(D-NY\) \(#72\)](#): would state a sense of Congress encouraging the Department of Defense to accelerate, expedite and streamline environmental restoration efforts, reduce the financial burden on state and local governments and allay community concerns about the safety of drinking water. The amendment would direct the Assistant Secretary of Defense for Energy, Installations, and Environment to brief Congress on initiatives being pursued to accelerate environmental restoration efforts.
5. [Rep. Cicilline \(D-RI\) \(#554\)](#): would require the Secretary of a military department to notify the Commander of the Defense Logistics Agency of plans to make changes to a service member uniform or service member uniform component. Such notification would be made not less than three years prior to the uniform change. The Commander of the Defense Logistics Agency would then be directed to notify a contractor when one of the military services plans to make a change to a military uniform component that is provided by that contractor. Such a notification would be made not less than 12 months prior to any announcement of a public solicitation for the manufacture of the new uniform components. A waiver authority would be granted.
6. [Rep. Connolly \(D-VA\) \(#302\)](#): would allocate \$12 million for the assessment, monitoring, and evaluation of security cooperation activities of the amount for Operations and Maintenance, Defense-wide made available to the Defense Security Cooperation Agency for fiscal year 2019. Not more than 50 percent may be expended until the Secretary of Defense presents to Congress a written plan for the expenditure of the amount to include a description of the activities planned for fiscal year 2019 for the evaluation of security cooperation programs across the security cooperation enterprise, the Afghanistan Security Forces Fund, the Counter-ISIL Fund, the cooperative threat reduction program, and other security cooperation authorities; and a description of the activities planned for fiscal year 2019 for the training, support, and organization of the Department. The amendment would offset funding from the operation and maintenance, Navy account, by reducing that amount for administration by \$6 million.
7. [Rep. Crawford \(R-AR\) \(#152\)](#): would require the Secretary of Defense to provide to Congress an unclassified plan on how the United States Northern Command will organize a Joint Task Force for Explosive Ordnance Disposal and Countering Improvised Explosive Devices, over the full range of military operations, including combatant commander’s daily operational requirements on joint mission command of explosive ordnance disposal force planning.
8. [Rep. Amodei \(R-NV\) \(#122\)](#): would direct a lead agency with primary responsibility for issuing a mineral exploration or mine permit for a project to appoint a project lead to coordinate and consult with cooperating agencies and any other agencies involved in the

permitting process, project proponents, and contractors to ensure that cooperating agencies and other agencies involved in the permitting process, project proponents, and contractors minimize delays; set and adhere to timelines and schedules for completion of the permitting process; set clear permitting goals; and track progress against those goals. The amendment would seek to simplify and expedite mine permitting issues in relationship to minerals deemed critical for national security and infrastructure. The amendment reflects language in [H.R. 1937](#) which passed the House in the 114<sup>th</sup> Congress. The RSC's legislative bulletin for H.R. 1937 can be found [here](#).

9. [Rep. Lujan Grisham \(D-NM\) \(#342\)](#): would authorize the Secretary of Defense to prescribe regulations that permit scientists employed at defense laboratories to take unpaid sabbaticals from such employment to work in the private sector. Such regulations may address issues including conflict of interest and the risk and impact to mission if critical positions are unfilled due to a sabbatical.
10. [Rep. McGovern \(D-MA\) \(#77\)](#): would require the Secretary of Defense to design and produce a military service medal to honor retired and former members of the Armed Forces who are radiation-exposed veterans (Atomic Veterans).
11. [Rep. Kuster \(D-NH\) \(#446\)](#): would require a report to Congress outlining the corrective actions that were taken based on the results of the Initial Operational Test and Evaluation Report prior to fielding the electronic health record system known as MHS Genesis to additional military medical treatment facilities beyond such facilities participating in the initial operational testing and evaluation of MHS Genesis.
12. [Rep. Schneider \(D-IL\) \(#474\)](#): would make a series of modifications to the Small Business Innovation Research (SBIR) program, and the Small Business Technology Transfer (STTR) program by allowing business-related services aimed at improving the commercialization success of a small business concern to be obtained from an entity, such as a public or private organization or an agency of or other entity established or funded by a State that facilitates or accelerates the commercialization of technologies. The amendment would direct the Small Business Administrator to establish a limit on the amount of technical and business assistance services that may be received or purchased by a small business concern that has received multiple Phase II SBIR or STTR awards for a fiscal year.
13. [Rep. McKinley \(R-WV\) \(#422\)](#): would apply [domestic sourcing requirements](#) for dinner ware within the Department of Defense.

*Some conservatives may be concerned that applying such requirements would increase costs and inefficiencies relating to the purchase of items not connected to national security, heraldry, or uniforms.*

14. [Rep. Lawson \(D-FL\) \(#425\)](#): would require the head of all agencies that have Small Business Innovation Research (SBIR) programs to implement a Commercialization Assistance Pilot Program under which an eligible entity may receive a subsequent Phase II SBIR award. The head of each covered agency may allocate not more than 5 percent of the funds allocated to the SBIR program of the covered agency for the purpose of making a subsequent Phase II SBIR award under the commercialization assistance pilot program. The Small Business Administrator would require, as a condition of any subsequent Phase II SBIR award made to an eligible entity that a matching amount (excluding any fees collected by the eligible entity

receiving such award) equal to the amount of such award be provided from an eligible third-party investor.

15. [Rep. Velazquez \(D-NY\) \(#418\)](#): would mandate that, if an agency awards a prime contract to a Puerto Rico business for a duration of four years after enactment of the legislation, the value of the contract shall be doubled for purposes of determining compliance with the goals for small business procurement contracts. The amendment would require a reporting requirement to track the number and amount of contracts awarded to eligible firms.

*Some conservatives may be concerned this amendment would bias contracting decisions towards businesses located in a particular U.S. territory at the expense of businesses in the other states and territories.*

16. [Rep. Clarke \(D-NY\) \(#416\)](#): would mandate that, if an agency awards a prime contract to U.S. Virgin Islands business for a duration of four years after enactment of the legislation, the value of the contract shall be doubled for purposes of determining compliance with the goals for procurement contracts. The amendment would require a reporting requirement to track the number and amount of contracts awarded to eligible firms.

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17. [Rep. Hartzler \(R-MO\) \(#73\)](#): would prohibit federal agencies from procuring certain Chinese-made video surveillance equipment, or services.
18. [Rep. McCaul \(R-TX\) \(#164\)](#): would amend section 880 of the NDAA which prohibits all federal agencies from buying from or contracting with covered companies related to certain Chinese-made telecommunications equipment. The amendment extends the prohibition to federal grant money, and loans.
19. [Rep. Tenney \(R-NY\) \(#380\)](#): would apply [domestic sourcing requirements](#) for stainless steel flatware within the Department of Defense.

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20. [Rep. Velazquez \(D-NY\) \(#50\)](#): would expand the Small Business Administration's 7(a) loan guarantee program to a small business concern under a plan approved by the Administrator, if the proceeds from the loan are only used to make a loan to a qualified employee trust, and for any transaction costs associated with making that loan, that results in the qualified employee trust owning at least 51 percent of the small business concern. A seller of the small business concern may remain involved as an officer, director, or key employee of the small business concern when a qualified employee trust or cooperative has acquired 100 percent of ownership of the small business concern; and any seller of the small business concern who remains as an owner of the small business concern, regardless of the percentage of ownership interest, would be required to provide a personal guarantee by the Administration.

21. [Rep. Norman \(R-NC\) \(#555\)](#): would direct the Secretary of Defense to include with the budget for the Department of Defense, a report regarding the funding for product support strategies for major weapon systems.
22. [Rep. King \(R-IA\) \(#92\)](#): would prohibit funding in the NDAA from to be used to implement, administer, or enforce the prevailing wage requirements of the 'Davis-Bacon Act relating to prevailing wage requirements.

*Many conservatives may be pleased that this amendment would remove government imposed regulations that drive up the costs and ability to providing infrastructure essential to national security.*

23. [Rep. Poliquin \(R-ME\) \(#382\)](#): would state that nothing in the bill would be construed to encourage or require the termination of any personnel or positions within the Defense Finance and Accounting Services.
24. [Rep. Wilson \(R-SC\) \(#5\)](#): would state that the Secretary of Defense should (instead of "shall") use a specified list of emerging and foundational technologies to inform activities carried out by the Secretary relating to technology protection, including under interagency processes conducted pursuant to federal law.
25. [Rep. Russell \(R-OK\) \(#36\)](#): would amend the evaluation of pilot safety by military aviation and installation assurance siting clearinghouse by defining the term 'unacceptable risk to military operations and readiness' means the construction, alteration, establishment, or expansion, or the proposed construction, alteration, establishment, or expansion, of a structure or sanitary landfill, that the Secretary of Defense can demonstrate would endanger safety in air commerce directly related to the activities of the Department of Defense; interfere with the efficient use of the navigable airspace directly related to the activities of the Department of Defense; or significantly impair or degrade the capability of the Department of Defense to ensure pilot safety; conduct training; or maintain military readiness.

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