

**En Bloc Amendments to
H.R. 4310
National Defense Authorization Act for Fiscal Year 2013
Wednesday, May 9, 2012**

**Full Committee
En Bloc # 1**

Log #	Sponsor	Description
214	Rep. McKeon	This is a manager's amendment for the full committee. The amendment includes revision to the Chairman's Mark for section 1211 regarding Coalition Support Funds and section 1532 regarding the Task Force for Business and Stability Operations.
056	Rep. Bordallo	This amendment would make a clarifying change to section 931 regarding a limitation on certain funding pending certification that the inventory for contracts for services has begun.
071r1	Rep. Speier	This amendment would require DOD IG to conduct a review of the DOD ethics opinion records for senior officials that sought employment with a defense contractor.
100	Rep. Smith	This amendment would direct the SecDef to assess risks associated with obsolete or obsolescent electronic parts, and counterfeits thereof, to the defense supply chain and to brief the defense committees on findings and recommendations.
101	Rep. Smith	This amendment would create an exception for DOD contractors who take certain precautions for detecting and avoiding the use of counterfeit electronic parts.
111r1	Rep. Courtney	This language would require a report outlining DOD's plan to address the findings of the March 12 DOD inspector general report on service disabled veteran owned small business (SDVOSB) contracting set-asides.
145r1	Rep. Hanabusa	This amendment would amend Section 2330a of Title 10 to require sufficient levels of government management, control, and oversight of functions closely associated with inherently governmental functions.
013	Rep. Andrews	This amendment would prohibit the DOD from locating call centers outside the US.

AMENDMENT TO H.R. 4310
OFFERED BY MR. MCKEON OF CALIFORNIA

In section 1211(b)—

(1) in paragraph (1), strike “and” at the end;

(2) in paragraph (2)—

(A) strike “\$659,000,000” and insert
“\$1,650,000,000”; and

(B) strike the period at the end and insert
“; and”; and

(3) add at the end the following:

1 (3) by adding at the end the following: “Of the
2 aggregate amount specified in the preceding sen-
3 tence, the total amount of reimbursements made
4 under subsection (a) and support provided under
5 subsection (b) to Pakistan during fiscal year 2013
6 may not exceed \$650,000,000.”.

Strike subsection (c) of section 1532 and insert the
following:

7 (c) FUNDING.—Paragraph (4) of such subsection, as
8 so amended, is further amended—

9 (1) by striking “The Secretary” and inserting
10 the following:

1 “(A) IN GENERAL.—The Secretary”.

2 (2) by striking “The amount” and all that fol-
3 lows through “appropriate congressional commit-
4 tees.” and inserting the following:

5 “(B) LIMITATION.—The amount of funds
6 used under authority of subparagraph (A)—

7 “(i) may not exceed \$150,000,000 for
8 fiscal year 2012, except that not more than
9 50 percent of such amount may be obli-
10 gated until the plan required by subsection
11 (b) is submitted to the appropriate con-
12 gressional committees; and

13 “(ii) may not exceed \$50,000,000 for
14 fiscal year 2013, except that no such funds
15 may be obligated until the Secretary noti-
16 fies the appropriate congressional commit-
17 tees that the activities of the Task Force
18 for Business and Stability Operations in
19 Afghanistan will be transitioned to the De-
20 partment of State by September 30,
21 2013.”; and

22 (3) by striking “The funds” and inserting the
23 following:

24 “(C) AVAILABILITY.—The funds”.



AMENDMENT TO H.R. 4310
OFFERED BY MS. BORDALLO OF GUAM

In section 931(b), insert after “funds authorized” the following: “for other contracts or other services”.

In section 931, add at the end the following new subsection:

1 (d) DEFINITION.—In this section, the term “other
2 contracts or other services” means funding described in
3 line 0989 within Exhibit OP-32 of the justification mate-
4 rials accompanying the President’s budget request for fis-
5 cal year 2013.



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AMENDMENT OFFERED BY MS. SPEIER OF CALIFORNIA

H.R. 4310 – NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

In the appropriate section of the report, insert:

**Inspector General Review of Database of Senior Department of Defense Officials Seeking
Employment with Defense Contractors**

The committee wishes to be apprised of the Department of Defense's record of compliance with section 847 of Public Law 110-181 (10 U.S.C. 1701 note). Therefore, the committee directs the Inspector General of the Department of Defense to conduct a review of the database established pursuant to section 847 of Public Law 110-181 and to submit to the congressional defense committees, in a manner that ensures the protection of confidential, personal, or proprietary information, a report on the findings of that review on or before July 8, 2013. At a minimum, the report should include the following: the findings of previous Inspector General of the Department of Defense reviews to ensure that written opinions are being provided and retained in accordance with section 847 of Public Law 110-181; the total number of opinions issued and the total number of opinions retained in accordance with section 847 of Public Law 110-181; and any instances in which a request for a written opinion pursuant to section 847 of Public Law 110-181 lacked a corresponding written opinion, or in which the written opinion was not provided to the requesting official or former official of the Department of Defense by the appropriate ethics counselor within 30 days after the request for a written opinion.

AMENDMENT OFFERED BY MR. ADAM SMITH OF WASHINGTON

H.R. 4310 – NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

In the appropriate section of the report, insert:

Counterfeit Electronic Parts

The committee is encouraged by the efforts of the Department of Defense and elements of the defense industrial base to confront the challenge of preventing counterfeit electronic parts from entering the defense supply chain. The committee believes it imperative that the Department engage industry in a consistent and meaningful dialogue as it continues to craft and implement policies and procedures for meeting this challenge. The committee considers close and continuing communication between industry and policy makers to be instrumental to effecting sound policies and procedures, throughout the defense industrial base, and for avoiding costly or ineffectual missteps in mitigating the threat of counterfeit electronic parts. The committee is also concerned that the presence of, or reliance on, obsolete or obsolescent electronic components within the defense supply chain may increase the risk of counterfeit part usage. Therefore, the committee directs the Secretary of Defense to assess the risks associated with obsolete or obsolescent electronic parts and counterfeits thereof to the defense supply chain and to brief the congressional defense committees, on or before April 1, 2013, on the findings of the assessment and any recommendations for reducing the assessed risks or incentivizing the industrial base to implement effective remedies.

AMENDMENT TO H.R. 4310
OFFERED BY MR. SMITH OF WASHINGTON

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

1 **SEC. 8xx. CONTRACTOR RESPONSIBILITIES IN REGULA-**
2 **TIONS RELATING TO DETECTION AND AVOID-**
3 **ANCE OF COUNTERFEIT ELECTRONIC PARTS.**

4 Section 818(c)(2)(B) of the National Defense Au-
5 thorization Act for Fiscal Year 2012 (Public Law 112-
6 81; 125 Stat. 1493; 10 U.S.C. 2302 note) is amended to
7 read as follows:

8 “(B) the cost of counterfeit electronic
9 parts and suspect counterfeit electronic parts
10 and the cost of rework or corrective action that
11 may be required to remedy the use or inclusion
12 of such parts are not allowable costs under De-
13 partment contracts, unless—

14 “(i) the covered contractor has an
15 operational system to detect and avoid
16 counterfeit parts and suspect counterfeit
17 electronic parts that has been reviewed and
18 approved by the Department of Defense
19 pursuant to subsection (e)(2)(B);

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1 “(ii) the counterfeit electronic parts or
2 suspect counterfeit electronic parts were—

3 “(I) procured from a trusted sup-
4 plier in accordance with regulations
5 described in paragraph (3); or

6 “(II) provided to the contractor
7 as Government property in accordance
8 with part 45 of the Federal Acquisi-
9 tion Regulation; and

10 “(iii) the covered contractor provides
11 timely notice to the Government pursuant
12 to paragraph (4).”.

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Amendment Offered by Mr. Courtney of Connecticut

H.R. 4310—National Defense Authorization Act for Fiscal Year 2013

To be inserted in the appropriate place the report:

Service Disabled Veteran Contracting Within the Department of Defense

A March 2012 Department of Defense Inspector General report that found significant shortcomings with the Department of Defense's service-disabled veteran owned small business (SDVOSB) set aside program. Among its finding, the report found that in a sample of 27 contracts from FY2010, \$340 million in federal taxpayer dollars were awarded to contractors "who potentially misstated" their company's eligibility for SDVOSB set-asides. Another six contracts cited in the report, valued at approximately \$1.9 million, were awarded to ineligible contractors. Further, the report states that procedures to verify that recipients were eligible for these set-aside contacts "were not adequate" and that "if the office does not establish adequate procedures, it will continue to convey the message that assisting service-disabled veterans is not a priority." The report added that "the lack of action compromises the integrity and intention of the program, which is to serve veterans with disabilities incurred or aggravated in the line of duty."

The committee directs the department to submit a report by October 1, 2012 outlining the department's plan to address the findings of the inspector general's report. The report shall include an explanation of the department's process for verifying the eligibility of those companies seeking SDVOSB set-aside contracting opportunities, as well as improvements that would provide more accurate verification of a bidder's eligibility.

AMENDMENT TO H.R. 4310
OFFERED BY MS. HANABUSA OF HAWAII
(Offered on behalf of herself and Mr. Reyes)

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

1 **SEC. 9___ . REQUIREMENT TO ENSURE SUFFICIENT LEVELS**
2 **OF GOVERNMENT MANAGEMENT, CONTROL,**
3 **AND OVERSIGHT OF FUNCTIONS CLOSELY AS-**
4 **SOCIATED WITH INHERENTLY GOVERN-**
5 **MENTAL FUNCTIONS.**

6 Section 129a of title 10, United States Code, is
7 amended—

8 (1) in subparagraph (B) of subsection (f)(3), by
9 inserting after “Government” the following: “man-
10 agement, control, and” ; and

11 (2) by adding at the end the following new sub-
12 section:

13 “(g) **REQUIREMENT FOR MANAGEMENT, CONTROL,**
14 **AND OVERSIGHT, OR APPROPRIATE CORRECTIVE AC-**
15 **TIONS.**—For purposes of subsection (f)(3)(B), if insuffi-
16 cient levels of Government management, control, and over-
17 sight are found, the Secretary of the military department
18 or head of the Defense agency responsible shall provide

1 such management, control, and oversight or take appro-
2 priate corrective actions, including potential conversion to
3 Government performance, consistent with this section and
4 sections 129 and 2463 of this title.”.



AMENDMENT TO H.R. 4310

OFFERED BY MR. ANDREWS OF NEW JERSEY

At the appropriate place in the bill, insert the following:

1 SEC. ____ . LOCATION OF CONTRACTOR-OPERATED CALL

2 CENTERS IN THE UNITED STATES.

3 The Secretary of Defense shall ensure that any call
4 center operated pursuant to a contract entered into by the
5 Secretary or by the head of any of the military depart-
6 ments is located in the United States.

