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{ REPORT
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WILLIAM M. (MAC) THORNBERRY
NATIONAL DEFENSE AUTHORIZATION ACT
FOR FISCAL YEAR 2021

CONFERENCE REPORT

TO ACCOMPANY

H.R. 6395



DECEMBER --, 2020.—Ordered to be printed

1 (c) STRATEGY AND PLAN.—Not later than 60 days
2 after the date of the enactment of this Act, the Chief of
3 Staff of the Air Force, in consultation with the Under Sec-
4 retary of Defense for Research and Engineering, shall
5 submit to the congressional defense committees a strategy
6 and plan for fielding air-launched and air-breathing
7 hypersonic weapons capabilities within the period of three
8 years following such date of enactment.

9 (d) REPORT.—In addition to the strategy and plan
10 required under subsection (c), not later than 60 days after
11 the date of the enactment of this Act, the Under Secretary
12 of Defense for Research and Engineering, in consultation
13 with the Director of Operational Test and Evaluation,
14 shall submit to the congressional defense committees a re-
15 port on the testing capabilities and infrastructure used for
16 hypersonic weapons development. The report shall in-
17 clude—

18 (1) an assessment of the sufficiency of the test-
19 ing capabilities and infrastructure used for fielding
20 hypersonic weapons; and

21 (2) a description of any investments in testing
22 capabilities and infrastructure that may be required
23 to support in-flight and ground-based testing for
24 such weapons.

1 **SEC. 223. DISCLOSURE OF FUNDING SOURCES IN APPLICA-**
2 **TIONS FOR FEDERAL RESEARCH AND DEVEL-**
3 **OPMENT AWARDS.**

4 (a) **DISCLOSURE REQUIREMENT.**—Each Federal re-
5 search agency shall require, as part of any application for
6 a research and development award from such agency—

7 (1) that each covered individual listed on the
8 application—

9 (A) disclose the amount, type, and source
10 of all current and pending research support re-
11 ceived by, or expected to be received by, the in-
12 dividual as of the time of the disclosure;

13 (B) certify that the disclosure is current,
14 accurate, and complete; and

15 (C) agree to update such disclosure at the
16 request of the agency prior to the award of sup-
17 port and at any subsequent time the agency de-
18 termines appropriate during the term of the
19 award; and

20 (2) that any entity applying for such award cer-
21 tify that each covered individual who is employed by
22 the entity and listed on the application has been
23 made aware of the requirements under paragraph
24 (1).

25 (b) **CONSISTENCY.**—The Director of the Office of
26 Science and Technology Policy, acting through the Na-

1 tional Science and Technology Council and in accordance
2 with the authority provided under section 1746(a) of the
3 National Defense Authorization Act for Fiscal Year 2020
4 (Public Law 116–92; 42 U.S.C. 6601 note) shall ensure
5 that the requirements issued by Federal research agencies
6 under subsection (a) are consistent.

7 (c) ENFORCEMENT.—

8 (1) REJECTION FOR VIOLATION OF LAW OR
9 AGENCY TERMS.—A Federal research agency may
10 reject an application for a research and development
11 award if the current and pending research support
12 disclosed by an individual under subsection (a) vio-
13 lates Federal law or agency terms and conditions.

14 (2) ENFORCEMENT FOR NONCOMPLIANCE.—
15 Subject to paragraph (3), in the event that a covered
16 individual listed on an entity’s application for a re-
17 search and development award knowingly fails to
18 disclose information under subsection (a), a Federal
19 research agency may take one or more of the fol-
20 lowing actions:

21 (A) Reject the application.

22 (B) Suspend or terminate a research and
23 development award made by that agency to the
24 individual or entity.

1 (C) Temporarily or permanently dis-
2 continue any or all funding from that agency
3 for the individual or entity.

4 (D) Temporarily or permanently suspend
5 or debar the individual or entity in accordance
6 with part 180 of title 2, Code of Federal Regu-
7 lations, any successor regulation, or any other
8 appropriate law or regulation, from receiving
9 government funding.

10 (E) Refer the failure to disclose under sub-
11 section (a) to the Inspector General of the
12 agency concerned for further investigation or to
13 Federal law enforcement authorities to deter-
14 mine whether any criminal or civil laws were
15 violated.

16 (F) Place the individual or entity in the
17 Federal Awardee Performance and Integrity In-
18 formation System for noncompliance to alert
19 other agencies.

20 (G) Take such other actions against the in-
21 dividual or entity as are authorized under appli-
22 cable law or regulations.

23 (3) SPECIAL RULE FOR ENFORCEMENT
24 AGAINST ENTITIES.—An enforcement action de-

1 scribed in paragraph (2) may be taken against an
2 entity only in a case in which—

3 (A) the entity did not meet the require-
4 ments of subsection (a)(2);

5 (B) the entity knew that a covered indi-
6 vidual failed to disclose information under sub-
7 section (a)(1) and the entity did not take steps
8 to remedy such nondisclosure before the appli-
9 cation was submitted; or

10 (C) the head of the Federal research agen-
11 cy concerned determines that—

12 (i) the entity is owned, controlled, or
13 substantially influenced by a covered indi-
14 vidual; and

15 (ii) such individual knowingly failed to
16 disclose information under subsection
17 (a)(1).

18 (4) NOTICE.—A Federal research agency that
19 intends to take action under paragraph (1) or (2)
20 shall, as practicable and in accordance with part 180
21 of title 2, Code of Federal Regulations, any suc-
22 cessor regulation, or any other appropriate law or
23 regulation, notify each individual or entity subject to
24 such action about the specific reason for the action,
25 and shall provide such individuals and entities with

1 the opportunity to, and a process by which, to con-
2 test the proposed action.

3 (5) EVIDENTIARY STANDARDS.—A Federal re-
4 search agency seeking suspension or debarment
5 under paragraph (2)(D) shall abide by the proce-
6 dures and evidentiary standards set forth in part
7 180 of title 2, Code of Federal Regulations, any suc-
8 cessor regulation, or any other appropriate law or
9 regulation.

10 (d) DEFINITIONS.—In this section:

11 (1) The term “covered individual” means an in-
12 dividual who—

13 (A) contributes in a substantive, meaning-
14 ful way to the scientific development or execu-
15 tion of a research and development project pro-
16 posed to be carried out with a research and de-
17 velopment award from a Federal research agen-
18 cy; and

19 (B) is designated as a covered individual
20 by the Federal research agency concerned.

21 (2) The term “current and pending research
22 support”—

23 (A) means all resources made available, or
24 expected to be made available, to an individual

1 in support of the individual’s research and de-
2 velopment efforts, regardless of—

3 (i) whether the source of the resource
4 is foreign or domestic;

5 (ii) whether the resource is made
6 available through the entity applying for a
7 research and development award or di-
8 rectly to the individual; or

9 (iii) whether the resource has mone-
10 tary value; and

11 (B) includes in-kind contributions requir-
12 ing a commitment of time and directly sup-
13 porting the individual’s research and develop-
14 ment efforts, such as the provision of office or
15 laboratory space, equipment, supplies, employ-
16 ees, or students.

17 (3) The term “entity” means an entity that has
18 applied for or received a research and development
19 award from a Federal research agency.

20 (4) The term “Federal research agency” means
21 any Federal agency with an annual extramural re-
22 search expenditure of over \$100,000,000.

23 (5) The term “research and development
24 award” means support provided to an individual or
25 entity by a Federal research agency to carry out re-

1 search and development activities, which may include
2 support in the form of a grant, contract, cooperative
3 agreement, or other such transaction. The term does
4 not include a grant, contract, agreement or other
5 transaction for the procurement of goods or services
6 to meet the administrative needs of a Federal re-
7 search agency.

8 **SEC. 224. GOVERNANCE OF FIFTH-GENERATION WIRELESS**
9 **NETWORKING IN THE DEPARTMENT OF DE-**
10 **FENSE.**

11 (a) **TRANSITION OF 5G WIRELESS NETWORKING TO**
12 **OPERATIONAL USE.—**

13 (1) **TRANSITION PLAN REQUIRED.—**The Under
14 Secretary of Defense for Research and Engineering,
15 in consultation with the cross functional team estab-
16 lished under subsection (c), shall develop a plan to
17 transition fifth-generation (commonly known as
18 “5G”) wireless technology to operational use within
19 the Department of Defense.

20 (2) **ELEMENTS.—**The transition plan under
21 paragraph (1) shall include the following:

22 (A) A timeline for the transition of respon-
23 sibility for 5G wireless networking to the Chief
24 Information Officer, as required under sub-
25 section (b)(1).

1 (B) A description of the roles and respon-
2 sibilities of the organizations and elements of
3 the Department of Defense with respect to the
4 acquisition, sustainment, and operation of 5G
5 wireless networking for the Department, as de-
6 termined by the Secretary of Defense in accord-
7 ance with subsection (d).

8 (3) INTERIM BRIEFING.—Not later than March
9 31, 2021 the Secretary of Defense shall provide to
10 the congressional defense committees a briefing on
11 the status of the plan required under paragraph (1).

12 (4) FINAL REPORT.—Not later than September
13 30, 2021, the Secretary of Defense shall submit to
14 the congressional defense committees a report that
15 includes the plan developed under paragraph (1).

16 (b) SENIOR OFFICIAL FOR 5G WIRELESS NET-
17 WORKING.—

18 (1) DESIGNATION OF CHIEF INFORMATION OF-
19 FICER.—Not later than October 1, 2023, the Sec-
20 retary of Defense shall designate the Chief Informa-
21 tion Officer as the senior official within Department
22 of Defense with primary responsibility for—

23 (A) policy, oversight, guidance, research,
24 and coordination on matters relating to 5G
25 wireless networking; and