AMENDMENT TO RULES COMMITTEE PRINT 118-10

OFFERED BY MR. DOGGETT OF TEXAS

At the appropriate place in subtitle B of title VIII, insert the following:

SEC. 8. AMENDMENTS TO COST AND COMPARISON REQUIREMENTS.

Title 10, United States Code, is amended—

(1) in section 3703—

(A) in subsection (d)—

(i) in paragraph (1), by inserting “, but is not required to presume,” after “may presume”;

(ii) in paragraph (2), by striking “by the head of the contracting activity” and insert “by the direct supervisor of the contracting officer”; and

(iii) in paragraph (3), by striking “the head of a contracting activity” and inserting “the reviewing official”; and—

(B) in subsection (f), by adding at the end the following: “Any such determination of a prime contractor is subject to review and ap-
proval by the contracting officer, as determined
appropriate in the sole discretion of the con-
tracting officer’’;

(2) in section 3705—
   (A) in subsection (a)—
      (i) by inserting ‘‘, including the terms
and conditions of such sales,’’ after ‘‘pre-
viously been sold’’;
      (ii) by inserting ‘‘, terms, and condi-
tions’’ after ‘‘sufficient information on
prices’’;
      (iii) by striking ‘‘the contracting offi-
cer shall require the’’ and all that follows
through ‘‘approaches, and’’ and inserting
‘‘the offeror shall, at the request of the
contracting officer, submit to the con-
tracting officer’’; and
      (iv) by inserting after ‘‘reasonable
price’’ the following: ‘‘(including labor and
material costs and overhead rates for each
item or service described in subsection
(d))’’; and
   (B) by adding at the end the following new
subsection:
“(d) OTHER PRICING INFORMATION.—An item or service described in this section is an item or service being procured under a contract or subcontract with respect to which an offeror is subject to subsection (a), other than
an item or service—

“(1) that is—

“(A) a commercial products or commercial service; or

“(B) a product or service proposed to be a commercial product or commercial service, respectively; and

“(2) for which the relevant sales data for determining a fair and reasonable price under subsection (a) is—

“(A) from within the immediately preceding 12 months; and

“(B) not solely sales to the Federal Government.”; and

(3) in section 3455(d)(1)(C)—

(A) by inserting after “a price analysis” the following: “, all sales for the comparable commercial product are either also solely sales to the Federal Government or not within the past year,”; and
(B) by inserting "for the items being procured" after "overhead rates".