

**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:

1 **SEC. 8\_\_\_. AMENDMENTS TO COST AND COMPARISON RE-**  
2 **QUIREMENTS.**

3 Title 10, United States Code, is amended—

4 (1) in section 3703—

5 (A) in subsection (d)—

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

9 (ii) in paragraph (2), by striking “by  
10 the head of the contracting activity” and  
11 insert “by the direct supervisor of the con-  
12 tracting officer”; and

13 (iii) in paragraph (3), by striking “the  
14 head of a contracting activity” and insert-  
15 ing “the reviewing official”; and—

16 (B) in subsection (f), by adding at the end  
17 the following: “Any such determination of a  
18 prime contractor is subject to review and ap-

1           proval by the contracting officer, as determined  
2           appropriate in the sole discretion of the con-  
3           tracting officer”;

4           (2) in section 3705—

5                 (A) in subsection (a)—

6                     (i) by inserting “, including the terms  
7                     and conditions of such sales,” after “pre-  
8                     viously been sold”;

9                     (ii) by inserting “, terms, and condi-  
10                    tions” after “sufficient information on  
11                    prices”;

12                    (iii) by striking “the contracting offi-  
13                    cer shall require the” and all that follows  
14                    through “approaches, and” and inserting  
15                    “the offeror shall, at the request of the  
16                    contracting officer, submit to the con-  
17                    tracting officer”; and

18                    (iv) by inserting after “reasonable  
19                    price” the following: “(including labor and  
20                    material costs and overhead rates for each  
21                    item or service described in subsection  
22                    (d))”; and

23                    (B) by adding at the end the following new  
24                    subsection:

1           “(d) OTHER PRICING INFORMATION.—An item or  
2 service described in this section is an item or service being  
3 procured under a contract or subcontract with respect to  
4 which an offeror is subject to subsection (a), other than  
5 an item or service—

6           “(1) that is—

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

9                   “(B) a product or service proposed to be a  
10 commercial product or commercial service, re-  
11 spectively; and

12           “(2) for which the relevant sales data for deter-  
13 mining a fair and reasonable price under subsection  
14 (a) is—

15                   “(A) from within the immediately pre-  
16 ceding 12 months; and

17                   “(B) not solely sales to the Federal Gov-  
18 ernment.”; and

19           “(3) in section 3455(d)(1)(C)—

20                   (A) by inserting after “a price analysis”  
21 the following: “, all sales for the comparable  
22 commercial product are either also solely sales  
23 to the Federal Government or not within the  
24 past year,”; and

- 1 (B) by inserting “for the items being pro-
- 2 cured” after “overhead rates”.

