

**AMENDMENT TO RULES COMMITTEE PRINT 119–**

**8**

**OFFERED BY MR. MILLS OF FLORIDA**

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

1 **SEC. 8\_\_\_. PREFERENCE FOR AMERICAN COMPANIES IN**  
2 **THE PROCUREMENT OF PROFESSIONAL**  
3 **SERVICES.**

4 (a) IN GENERAL.—Not later than 180 days after the  
5 date of the enactment of this Act, the Secretary of Defense  
6 shall revise the Department of Defense Supplement to the  
7 Federal Acquisition Regulation to ensure that, to the max-  
8 imum extent practicable and consistent with the interests  
9 of national security, with respect to contracts for the pro-  
10 curement of professional services, contracting officers give  
11 a preference to offerors that are United States companies.

12 (b) WAIVER AUTHORITY.—

13 (1) IN GENERAL.—The Secretary of Defense  
14 may waive the a requirement for a preference de-  
15 scribed in subsection (a) with respect to a contract  
16 if the Secretary determines that—

1 (A) adherence to the preference would pre-  
2 vent the Department of Defense from meeting  
3 an urgent operational requirement; or

4 (B) no United States company is capable  
5 of fulfilling the requirements of the contract in  
6 a timely or cost-effective manner.

7 (2) REQUIREMENTS.—The Secretary of Defense  
8 shall issue a waiver under this subsection in writing,  
9 shall include a justification for the waiver, and shall  
10 submit notice of such waiver to the congressional de-  
11 fense committees not later than 30 days after  
12 issuance of such waiver.

13 (c) DEFINITIONS.—In this section:

14 (1) The term “United States company”—

15 (A) means a business entity that—

16 (i) is organized under the laws of a  
17 State, territory, or possession of the  
18 United States or the District of Columbia:

19 (ii) has its principal place of business  
20 in the United States; and

21 (iii) is not directly or indirectly owned  
22 or controlled by a foreign entity; and

23 (B) includes a joint venture for which a  
24 business entity described in subparagraph (A)

1 holds an ownership interest greater than or  
2 equal to 50 percent.

3 (2) The term “professional services” includes  
4 the following services:

5 (A) Engineering.

6 (B) Architecture.

7 (C) Design.

8 (D) Environmental consulting.

9 (E) Financial consulting.

10 (F) Program management.

11 (G) Legal.

12 (H) Other services as defined in the Fed-  
13 eral Acquisition Regulation.

