

AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 4435
OFFERED BY MR. YOUNG OF ALASKA

At the end of title VIII, add the following new section:

1 **SEC. 827. MODIFIED JUSTIFICATION AND APPROVAL RE-**
2 **QUIREMENTS RELATED TO SOLE SOURCE**
3 **CONTRACTS.**

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 modify the Department of Defense Supplement to
7 the Federal Acquisition Regulation to provide that the
8 head of an agency (as that term is defined in section
9 2302(1) of title 10, United States Code) may not award
10 a sole-source contract for an amount exceeding
11 \$20,000,000 unless—

12 (1) the contracting officer for the contract justi-
13 fies the use of a sole-source contract in writing; and

14 (2) the justification is approved by an official
15 designated in section 2304(f)(1)(B) of title 10,
16 United States Code, to approve contract awards for
17 dollar amounts that are comparable to the amount
18 of the sole-source contract.

1 (b) ELEMENTS OF JUSTIFICATION.—The justifica-
2 tion of a sole-source contract required under subsection
3 (a) shall include the following:

4 (1) A description of the needs of the agency
5 concerned for the matters covered by the contract.

6 (2) A specification of the statutory provision
7 providing the exception from the requirement to use
8 competitive procedures in entering into the contract.

9 (3) A determination that the use of a sole
10 source contract is in the best interest of the Depart-
11 ment of Defense.

12 (4) A determination that the anticipated cost of
13 the contract will be fair and reasonable.

14 (5) Such other matters as the official described
15 in subsection (a)(2) shall specify for purposes of this
16 section.

17 (c) TREATMENT OF OTHER JUSTIFICATION AND AP-
18 PROVAL ACTIONS.—In the case of any contract for which
19 a justification and approval is required under section
20 2304(f) of title 10, United States Code, a justification and
21 approval meeting the requirements of such section shall
22 be treated as meeting the requirements of this section for
23 purposes of the award of a sole-source contract.

24 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
25 tion shall be construed as—

1 (1) prohibiting or limiting a contract exceeding
2 \$20,000,000 in compliance with subsections (a) and
3 (b) from being awarded for a procurement described
4 in section 2304(f)(2)(D)(ii) of title 10, United
5 States Code; or

6 (2) eliminating, reducing, or otherwise modi-
7 fying obligations of the Department of Defense
8 under section 15(g)(1) of the Small Business Act
9 (15 U.S.C. 644(g)(1)).

10 (e) REPEAL OF SUPERSEDED PROVISION.—Section
11 811 of the National Defense Authorization Act for Fiscal
12 Year 2010 (Public Law 111–84; 123 Stat. 2405) is hereby
13 repealed.

14 (f) REGULATIONS.—The Federal Acquisition Regu-
15 latory Council shall amend the Federal Acquisition Regu-
16 lation to implement this section and the repeal of section
17 811 of the National Defense Authorization Act for Fiscal
18 Year 2010 (Public Law 111–84; 123 Stat. 2405).

