

AMENDMENT TO H.R. 5013, AS REPORTED
OFFERED BY MR. GRAYSON OF FLORIDA

At the end of the bill add the following new section:

1 **SEC. 501. REQUIREMENT THAT COST OR PRICE TO THE**
2 **FEDERAL GOVERNMENT BE GIVEN AT LEAST**
3 **EQUAL IMPORTANCE AS TECHNICAL OR**
4 **OTHER CRITERIA IN EVALUATING COMPETI-**
5 **TIVE PROPOSALS FOR DEFENSE CONTRACTS.**

6 (a) **REQUIREMENT.**—Subparagraph (A) of section
7 2305(a)(3) of title 10, United States Code, is amended
8 by striking “proposals; and” at the end of clause (ii) and
9 all that follows through the end of the subparagraph and
10 inserting the following: “proposals and that must be as-
11 signed importance at least equal to all evaluation factors
12 other than cost or price when combined.”.

13 (b) **WAIVER.**—Section 2305(a)(3) of such title is fur-
14 ther amended by striking subparagraph (B) and inserting
15 the following:

16 “(B) The requirement of subparagraph (A)(ii) relat-
17 ing to assigning at least equal importance to evaluation
18 factors of cost or price may be waived by the head of the
19 agency. The authority to issue a waiver under this sub-
20 paragraph may not be delegated.”.

1 (c) REPORT.—Section 2305(a)(3) of such title is fur-
2 ther amended by adding at the end the following new sub-
3 paragraph:

4 “(C) Not later than 180 days after the end of each
5 fiscal year, the Secretary of Defense shall submit to Con-
6 gress, and post on a publicly available website of the De-
7 partment of Defense, a report containing a list of each
8 waiver issued by the head of an agency under subpara-
9 graph (B) during the preceding fiscal year.”.

