

**AMENDMENT TO H.R. 5136, AS REPORTED**  
**OFFERED BY MR. GRAYSON OF FLORIDA**

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

1 **SEC. 839. REQUIREMENT TO JUSTIFY THE USE OF FACTORS**  
2 **OTHER THAN COST OR PRICE AS THE PRE-**  
3 **DOMINATE FACTORS IN EVALUATING COM-**  
4 **PETITIVE PROPOSALS FOR DEFENSE PRO-**  
5 **CUREMENT CONTRACTS.**

6 (a) REQUIREMENT.—Subparagraph (A) of section  
7 2305(a)(2) of title 10, United States Code, is amended—

8 (1) by striking “and” at the end of clause (i);  
9 and

10 (2) by inserting after clause (ii) the following  
11 new clause:

12 “(iii) in the case of a solicitation in which  
13 factors other than cost or price when combined  
14 are more important than cost or price, the rea-  
15 sons why assigning at least equal importance to  
16 cost or price would not better serve the Govern-  
17 ment’s interest; and”.

1 (b) REPORT.—Section 2305(a)(3) of such title is  
2 amended by adding at the end the following new subpara-  
3 graph:

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 describing the solicitations  
8 for which a statement pursuant to paragraph (2)(A)(iii)  
9 was included.”.

