

13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
CROWLEY OF NEW YORK, OR
HIS DESIGNEE, DEBATABLE FOR 10 MINUTES:

**AMENDMENT TO H.R. 1950, AS REPORTED
OFFERED BY MR. CROWLEY OF NEW YORK**

Page 111, after line 13, insert the following new section (and amend the table of contents accordingly):

1 SEC. 507. CONTRACTOR REQUIREMENTS.

2 (a) FINDINGS.—The Congress finds that the over-
3 riding national security aspects of the international pro-
4 grams of the International Broadcasting Bureau require
5 the assurance of uninterrupted logistic support under all
6 circumstances for the programs. Therefore, it is in the
7 best interests of the United States to provide a preference
8 for United States contractors bidding on these projects.

9 (b) PREFERENCE FOR UNITED STATES CONTRAC-
10 TORS.—Notwithstanding any other provision of law, in
11 any case where there are two or more qualified bidders
12 on projects of the International Broadcasting Bureau, in-
13 cluding design and construction projects and projects with
14 respect to transmitters, antennas, spare parts, and other
15 technical equipment, all the responsive bids of United
16 States persons and qualified United States joint venture
17 persons shall be considered to be reduced by 10 percent.

18 (c) EXCEPTION.—



1 (1) Subsection (b) shall not apply with respect
2 to any project of the International Broadcasting Bu-
3 reau when—

4 (A) precluded by the terms of an inter-
5 national agreement with the host foreign coun-
6 try;

7 (B) a foreign bidder can establish that the
8 foreign bidder is a national of a country whose
9 government permits United States contractors
10 and suppliers the opportunity to bid on a com-
11 petitive and nondiscriminatory basis with its
12 national contractors and suppliers, on procure-
13 ment and projects related to the construction,
14 modernization, upgrading, or expansion of—

15 (i) its national public radio and tele-
16 vision sector,

17 (ii) its private radio and television sec-
18 tor, to the extent that such procurement or
19 project is, in whole or in part, funded or
20 otherwise under the control of a govern-
21 ment agency or authority,

22 (C) the Secretary of Commerce certifies (in
23 advance of the award of the contract for that
24 project) to the Board of the International
25 Broadcasting Bureau that the foreign bidder is



1 not receiving any direct subsidy from any gov-
2 ernment, the effect of which would be to dis-
3 advantage the competitive position of United
4 States persons who also bid on the project, or

5 (D) the statutes of a host foreign country
6 prohibit the use of United States contractors on
7 such projects within that country.

8 (2) An exception under paragraph (1)(D) shall
9 only become effective with respect to a foreign coun-
10 try 30 days after the Secretary of State certifies to
11 the Committee on International Relations and the
12 Committee on Appropriations of the House of Rep-
13 resentatives and the Committee on Foreign Rela-
14 tions and the Committee on Appropriations of the
15 Senate what specific actions the Secretary has taken
16 to urge the foreign country to permit the use of
17 United States contractors on such projects.

18 (d) DEFINITIONS.—For purposes of this section:

19 (1) The term “United States person” means a
20 person that—

21 (A) is incorporated or otherwise legally or-
22 ganized under the laws of the United States, in-
23 cluding any State (and any political subdivision
24 thereof) and the District of Columbia;



1 (B) has its principal place of business in
2 the United States;

3 (C) has been incorporated or otherwise le-
4 gally organized in the United States for more
5 than 5 years before the issuance date of the In-
6 vitation For Bids or the Request For Proposals
7 with respect to a project under subsection (b);

8 (D) has proven, as indicated by prior con-
9 tracting experience, to possess the technical,
10 managerial, and financial capability to success-
11 fully complete a project similar in nature and
12 technical complexity to that being contracted
13 for;

14 (E)(i) employs United States citizens in at
15 least 80 percent of its principal management
16 positions in the United States;

17 (ii) employs United States citizens in more
18 than half of its permanent, full-time positions
19 in the United States; and

20 (iii) will employ United States citizens in
21 at least 80 percent of the supervisory positions
22 on the project site; and

23 (F) has the existing technical and financial
24 resources in the United States to perform the
25 contract.



1 (2) The term "qualified United States joint
2 venture person" means a joint venture in which a
3 United States person or persons own at least 51 per-
4 cent of the assets of the joint venture.

5 (3) The term "responsive bid" includes only a
6 bid where the bidder can establish that the United
7 States goods and services content, excluding con-
8 sulting and management fees, of the bidder's pro-
9 posal and the resulting contract will not be less than
10 55 percent of the value of the bidder's proposal and
11 the resulting total contract.

12 (e) EFFECTIVE DATE.—The provisions of this section
13 shall apply to any project with respect to which the Re-
14 quest For Proposals (commonly referred to as "RFP") or
15 the Invitation For Bids (commonly referred to as "IFB")
16 was issued after the date of the enactment of this Act.

