

AMENDMENT TO RULES COMM. PRINT 117-13
OFFERED BY MR. KIM OF NEW JERSEY

At the end of subtitle A of title XXVIII, add the following new section:

1 **SEC. 28 ____ . IMPROVED CONGRESSIONAL OVERSIGHT AND**
2 **PUBLIC TRANSPARENCY OF MILITARY CON-**
3 **STRUCTION CONTRACT AWARDS.**

4 (a) SUPERVISION OF MILITARY CONSTRUCTION
5 PROJECTS.—Section 2851 of title 10, United States Code,
6 as amended by section 2803, is further amended—

7 (1) in subsection (c)(1), by inserting “or appro-
8 priated” after “funds authorized” each place such
9 term appears;

10 (2) in subsection (c)(2)—

11 (A) by inserting “, deadline for bid submis-
12 sions,” after “solicitation date”;

13 (B) by inserting “(including the address of
14 such recipient)” after “contract recipient”; and

15 (C) by adding at the end the following new
16 subparagraphs:

17 “(H) Any subcontracting plan required under
18 paragraph (4) or (5) of section 8(d) of the Small
19 Business Act (15 U.S.C. 637(d)) for the project sub-

1 mitted by the contract recipient to the Secretary of
2 Defense.

3 “(I) A detailed written statement describing
4 and justifying any exception applied or waiver grant-
5 ed under—

6 “(i) chapter 83 of title 41;

7 “(ii) section 2533a of this title; or

8 “(iii) section 2533b of this title.”; and

9 (3) by adding at the end the following new
10 paragraph:

11 “(4) The information required to be published on the
12 Internet website under subsection (c) shall constitute a
13 record for the purposes of chapters 21, 29, 31, and 33
14 of title 44.”.

15 (b) **FEDERAL PROCUREMENT DATA SYSTEM.**—The
16 Secretary of Defense shall ensure that there is a clear and
17 unique indication of any covered contract with subcon-
18 tracting work of an estimated value of \$250,000 or more
19 in the Federal Procurement Data System established pur-
20 suant to section 1122(a)(4) of title 41, United States Code
21 (or any successor system).

22 (c) **LOCAL HIRE REQUIREMENTS.**—

23 (1) **IN GENERAL.**—To the extent practicable, in
24 awarding a covered contract, the Secretary of the
25 military department concerned shall give preference

1 to those firms and individuals who certify that at
2 least 51 percent of the total number of employees
3 hired to perform the contract (including any employ-
4 ees hired by a subcontractor at any tier) shall reside
5 in the same covered State as, or within a 60-mile ra-
6 dius of, the location of the work to be performed
7 pursuant to the contract.

8 (2) JUSTIFICATION REQUIRED.—The Secretary
9 of the military department concerned shall prepare
10 a written justification, and make such justification
11 available on the Internet site required under section
12 2851(c) of title 10, United States Code, as amended
13 by this section and section 2803, for the award of
14 any covered contract to a firm or individual that is
15 not described under paragraph (1).

16 (d) LICENSING.—A contractor and any subcontrac-
17 tors performing a covered contract shall be licensed to per-
18 form the work under such contract in the covered State
19 in which the work will be performed.

20 (e) SMALL BUSINESS CREDIT FOR LOCAL BUSI-
21 NESSES.—Section 15 of the Small Business Act (15
22 U.S.C. 644) is amended by adding at the end the following
23 new subsection—

24 “(y) SMALL BUSINESS CREDIT FOR LOCAL BUSI-
25 NESSES.—

1 “(1) CREDIT FOR MEETING SUBCONTRACTING
2 GOALS.—During the 4-year period beginning on the
3 date of the enactment of this subsection, if a prime
4 contractor awards a subcontract (at any tier) to a
5 small business concern that has its principal office
6 located in the same State as, or within a 60-mile ra-
7 dius of, the location of the work to be performed
8 pursuant to the contract of the prime contractor, the
9 value of the subcontract shall be doubled for pur-
10 poses of determining compliance with the goals for
11 procurement contracts under subsection (g)(1)(A)
12 during such period.

13 “(2) REPORT.—Along with the report required
14 under subsection (h)(1), the head of each Federal
15 agency shall submit to the Administrator, and make
16 publicly available on the scorecard described in sec-
17 tion 868(b) of the National Defense Authorization
18 Act for Fiscal Year 2016 (Public Law 114–92; 129
19 Stat. 933; 15 U.S.C. 644 note), an analysis of the
20 number and dollar amount of subcontracts awarded
21 pursuant to paragraph (1) for each fiscal year of the
22 period described in such paragraph.”.

23 “(f) COVERED CONTRACT DEFINED.—In this section,
24 the term “covered contract” means a contract for a mili-
25 tary construction project, military family housing project,

1 or other project described in subsection (c)(1) of section
2 2851 of title 10, United States Code, as amended by this
3 section and section 2803.

