AMENDMENT TO RULES COMMITTEE PRINT 117-13

OFFERED BY MR. TURNER OF OHIO

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

SEC. 8. COMMERCIAL PRODUCT COMPONENT COST AND PRICING DATA REPORTING CLARIFICATION.

Section 2380 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting “, including a database,” after “centralized capability”; and

(ii) by striking “; and” and inserting a semicolon;

(B) in paragraph (2), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(3) publish on a publicly available website of the Department of Defense information on each product or service determined by the Department of
Defense to meet the definition of a commercial product or commercial service, including—

“(A) a description of the product or service;

“(B) the name and address of the contractor that offered the product or service to the Department of Defense;

“(C) the part number of the product or service, if any, including any number assigned by the contractor or the Department of Defense, or any other unique identifying number;

“(D) the date of the commercial product or commercial service determination;

“(E) the Defense Agency or military department that made the commercial product or commercial service determination;

“(F) the basis for the determination, including applicable references to definitions in the Federal Acquisition Regulation;

“(G) the analysis used to determine the reasonableness of the price of the product or service for procurement by the Department of Defense, excluding any sensitive or proprietary cost data; and
“(H) the value and award date of any contract for the product or service awarded or modified under part 12 of the Federal Acquisition Regulation.”; and

(2) by amending subsection (b)(2) to read as follows:

“(2) MEMORANDUM.—

“(A) IN GENERAL.—Within 30 days of making a determination referred to in paragraph (1), the contracting officer shall, consistent with the policies and regulations of the Department, submit a written memorandum summarizing the determination, including a detailed justification for such determination, to—

“(i) the Director of the Defense Contract Management Agency, who shall include such information in the database referred to in subsection (a)(1); and

“(ii) the contractor that offered the product or service to the Department of Defense.

“(B) REQUIREMENTS.—The written memorandum required under subparagraph (A) shall include—
“(i) a description of the product or service;

“(ii) the name and address of the contractor that offered the product or service to the Department of Defense;

“(iii) the part number of the product or service, if any, including any number assigned by the contractor or the Department of Defense, or any other unique identifying number;

“(iv) the date of the commercial product or commercial service determination;

“(v) the name of the contracting officer that made the commercial product or commercial service determination and the Defense Agency or military department for which the contracting officer made such determination; and

“(vi) the basis for the determination, including applicable references to definitions in the Federal Acquisition Regulation.”.