

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:

1 **SEC. 8___ . COMMERCIAL PRODUCT COMPONENT COST AND**
2 **PRICING DATA REPORTING CLARIFICATION.**

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

5 (1) in subsection (a)—

6 (A) in paragraph (1)—

7 (i) by inserting “, including a data-
8 base,” after “centralized capability”; and

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

11 (B) in paragraph (2), by striking the pe-
12 riod at the end and inserting “; and”; and

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

15 “(3) publish on a publicly available website of
16 the Department of Defense information on each
17 product or service determined by the Department of

1 Defense to meet the definition of a commercial prod-
2 uct or commercial service, including—

3 “(A) a description of the product or serv-
4 ice;

5 “(B) the name and address of the con-
6 tractor that offered the product or service to
7 the Department of Defense;

8 “(C) the part number of the product or
9 service, if any, including any number assigned
10 by the contractor or the Department of De-
11 fense, or any other unique identifying number;

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

14 “(E) the Defense Agency or military de-
15 partment that made the commercial product or
16 commercial service determination;

17 “(F) the basis for the determination, in-
18 cluding applicable references to definitions in
19 the Federal Acquisition Regulation;

20 “(G) the analysis used to determine the
21 reasonableness of the price of the product or
22 service for procurement by the Department of
23 Defense, excluding any sensitive or proprietary
24 cost data; and

1 “(H) the value and award date of any con-
2 tract for the product or service awarded or
3 modified under part 12 of the Federal Acquisi-
4 tion Regulation.”; and

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

7 “(2) MEMORANDUM.—

8 “(A) IN GENERAL.—Within 30 days of
9 making a determination referred to in para-
10 graph (1), the contracting officer shall, con-
11 sistent with the policies and regulations of the
12 Department, submit a written memorandum
13 summarizing the determination, including a de-
14 tailed justification for such determination, to—

15 “(i) the Director of the Defense Con-
16 tract Management Agency, who shall in-
17 clude such information in the database re-
18 ferred to in subsection (a)(1); and

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

22 “(B) REQUIREMENTS.—The written
23 memorandum required under subparagraph (A)
24 shall include—

1 “(i) a description of the product or
2 service;

3 “(ii) the name and address of the con-
4 tractor that offered the product or service
5 to the Department of Defense;

6 “(iii) the part number of the product
7 or service, if any, including any number as-
8 signed by the contractor or the Depart-
9 ment of Defense, or any other unique iden-
10 tifying number;

11 “(iv) the date of the commercial prod-
12 uct or commercial service determination;

13 “(v) the name of the contracting offi-
14 cer that made the commercial product or
15 commercial service determination and the
16 Defense Agency or military department for
17 which the contracting officer made such
18 determination; and

19 “(vi) the basis for the determination,
20 including applicable references to defini-
21 tions in the Federal Acquisition Regula-
22 tion.”.

