H. R. ______

To amend title 10, United States Code, to improve Congressional oversight and public transparency of military construction contract awards, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. Kim introduced the following bill; which was referred to the Committee on ____________________

A BILL

To amend title 10, United States Code, to improve Congressional oversight and public transparency of military construction contract awards, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Put Our Neighbors to Work Act of 2020”.

(Original Signature of Member)
SEC. 2. SUPERVISION OF MILITARY CONSTRUCTION PROJECTS.

Section 2851 of title 10, United States Code, is amended—

(1) in subsection (c)(1)—

   (A) by inserting “or appropriated” after “funds authorized” each place such term appears; and

   (B) in subparagraph (E), by inserting “, Facilities Sustainment, Restoration, and Modernization (FSRM) project,” after “military construction project”; and

(2) in subsection (c)(2)—

   (A) by inserting “, deadline for bid submissions,” after “solicitation date”;

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

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

   “(H) Any subcontracting plan required under paragraph (4) or (5) of section 8(d) of the Small Business Act (15 U.S.C. 637(d)) for the project submitted by the contract recipient to the Secretary of Defense.
“(I) A detailed written statement describing
and justifying any exception applied or waiver granted under—

“(i) chapter 83 of title 41;
“(ii) section 2533a of this title; or
“(iii) section 2533b of this title.”; and

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

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

SEC. 3. REQUIREMENTS RELATING TO THE AWARD OF COVERED MILITARY CONSTRUCTION CONTRACTS.

(a) REQUIREMENTS FOR COVERED MILITARY CONSTRUCTION CONTRACTS.—

(1) IN GENERAL.—Subchapter III of chapter
169 of title 10, United States Code, is amended by
inserting after section 2851 the following new sec-

§ 2851a. Requirements relating to the award of covered military construction contracts

“(a) Publication of certain information relating to covered military construction contracts.—

“(1) Contractor requirements.—A contractor that has been awarded a covered military construction contract shall—

“(A) make publicly available on a website of the General Services Administration or the Small Business Administration, as applicable, any solicitation under that covered military construction contract for a subcontract of an estimated value of $250,000 or more; and

“(B) submit written notification of the award of the covered military construction contract, and of any subcontract awarded under the covered military construction contract, to the relevant agency of a covered State that enforces workers’ compensation or minimum wage laws in such covered State.

“(2) Notice.—Upon award of a covered military construction contract with an estimated value greater than or equal to $2,000,000, the Secretary concerned shall notify any applicable Member of Congress representing the covered State in which
that covered military construction contract is to be performed of such award in a timely manner.

“(3) FEDERAL PROCUREMENT DATA SYSTEM.—

The Secretary of Defense shall ensure that there is a clear and unique indication of any covered military construction contract with subcontracting work of an estimated value of $250,000 or more in the Federal Procurement Data System established pursuant to section 1122(a)(4) of title 41 (or any successor system).

“(b) LOCAL HIRE REQUIREMENTS.—

“(1) IN GENERAL.—To the extent practicable, in awarding a covered military construction contract, the Secretary concerned shall give preference to those firms and individuals who certify that at least 51 percent of the total number of employees hired to perform the contract (including any employees hired by a subcontractor at any tier) shall reside in the same State as, or within a 60-mile radius of, the location of the work to be performed pursuant to the contract.

“(2) JUSTIFICATION REQUIRED.—The Secretary concerned shall prepare a written justification, and make such justification available on the Internet site required under section 2851 of this
title, for the award of any covered military construc-
tion contract to a firm or individual that is not de-
scribed under paragraph (1).

“(c) LICENSING.—A contractor and any subcontra-
tors performing a covered military construction contract
shall be licensed to perform the work under such contract
in the State in which the work will be performed.

“(d) MONTHLY REPORT.—Not later than 10 days
after the end of each month, the Secretary of Defense
shall submit to the congressional defense committees a re-
port identifying for that month the following:

“(1) Each covered military construction con-
tract and each subcontract of a covered military con-
struction contract described in subsection (a)(1)(A)
awarded during that month.

“(2) The location of the work to be performed
pursuant to each covered military construction con-
tract and subcontract identified pursuant to para-
graph (1).

“(3) The prime contractor and any subcon-
tractor performing each covered military construc-
tion contract and subcontract identified pursuant to
paragraph (1).
“(4) The estimated value of each covered military construction contract and subcontract identified pursuant to paragraph (1).

“(e) EXCLUSION OF CLASSIFIED PROJECTS.—This section does not apply to a classified covered military construction project.

“(f) DEFINITIONS.—In this section:

“(1) COVERED MILITARY CONSTRUCTION CONTRACT.—The term ‘covered military construction contract’ means a contract for work on a military construction project, military family housing project, or Facilities Sustainment, Restoration, and Modernization (FSRM) project carried out in a covered State.

“(2) COVERED STATE.—The term ‘covered State’ means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands.

“(3) MEMBER OF CONGRESS.—The term ‘Member of Congress’ has the meaning given in section 2106 of title 5.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III of chapter
169 of title 10, United States Code, is amended by inserting after the item relating to section 2851 the following new item:

“2851a. Requirements relating to the award of covered military construction contracts.”.

(b) APPLICABILITY.—Section 2851a of title 10, United States Code, as added by subsection (a), shall apply with respect to a covered military construction contract, as defined in such section, entered into on or after the date of the enactment of this Act.

SEC. 4. SMALL BUSINESS CREDIT FOR LOCAL BUSINESSES.

Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following new subsection—

“(y) SMALL BUSINESS CREDIT FOR LOCAL BUSINESSES.—

“(1) CREDIT FOR MEETING SUBCONTRACTING GOALS.—If a prime contractor awards a subcontract (at any tier) to a small business concern that has its principal office located in the same State as, or within a 60-mile radius of, the location of the work to be performed pursuant to the contract of the prime contractor, the value of the subcontract shall be doubled for purposes of determining compliance with the goals for procurement contracts under subsection (g)(1)(A) during such period.
“(2) REPORT.—Along with the report required under subsection (h)(1), the head of each Federal agency shall submit to the Administrator, and make publicly available on the scorecard described in section 868(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 933; 15 U.S.C. 644 note), an analysis of the number and dollar amount of subcontracts awarded pursuant to paragraph (1) for each fiscal year of the period described in such paragraph.”.