

118TH CONGRESS
1ST SESSION

H. R. 5596

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

SEPTEMBER 20, 2023

Mr. KIM of New Jersey (for himself, Mr. NORCROSS, Mr. GARAMENDI, and Mr. PFLUGER) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Put Our Neighbors
5 to Work Act of 2023”.

1 **SEC. 2. SUPERVISION OF MILITARY CONSTRUCTION**
2 **PROJECTS.**

3 Section 2851(c) of title 10, United States Code, is
4 amended—

5 (1) in paragraph (1), by inserting “or appro-
6 priated” after “funds authorized” each place such
7 term appears; and

8 (2) in paragraph (2)—

9 (A) in subparagraph (A), by inserting “,
10 deadline for bid submissions,” after “solicita-
11 tion date”;

12 (B) in subparagraph (B), by inserting
13 “(including the address of such recipient)” after
14 “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-
20 mitted by the contract recipient to the Secretary of
21 Defense.

22 “(I) A detailed written statement describing
23 and justifying any exception applied or waiver grant-
24 ed under—

25 “(i) chapter 83 of title 41;

26 “(ii) section 4862 of this title; or

1 “(iii) section 4863 of this title.”; and

2 (3) in paragraph (3), by adding at the end the
3 following new sentence: “Such information shall con-
4 stitute a record for the purposes of chapters 21, 29,
5 31, and 33 of title 44.”.

6 **SEC. 3. INCREASING TRANSPARENCY IN CERTAIN MILI-**
7 **TARY CONSTRUCTION PROCESSES.**

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

10 (1) by redesignating subsections (d) and (e) as
11 subsections (f) and (g), respectively; and

12 (2) by inserting after subsection (c) the fol-
13 lowing new subsections:

14 “(d) INFORMATION AND NOTICE REQUIREMENTS
15 REGARDING SOLICITATION AND AWARD OF SUB-
16 CONTRACTS.—(1) The Secretary of Defense shall require
17 a recipient of a contract for a project described in sub-
18 section (c)(1) to publish in the single Governmentwide
19 point of entry described under section 1708 of title 41 any
20 solicitation for a subcontract under such contract with an
21 estimated value of \$250,000 or more.

22 “(2)(A) Solicitations described under paragraph (1)
23 shall—

24 “(i) clearly identify the prime contractor for
25 such solicitation; and

1 “(ii) be sortable by the congressional district,
2 State, or foreign country in which the prime con-
3 tract or subcontract will be performed.

4 “(B) In this paragraph, the term ‘State’ means each
5 of the several States, the District of Columbia, and each
6 territory, commonwealth, or possession of the United
7 States.

8 “(3) Each quarter, the Administrator of the General
9 Services Administration shall make publicly available on
10 the single Governmentwide point of entry a report con-
11 taining a list of solicitations described under paragraph
12 (1) that is sortable by the congressional district in which
13 the prime contract or a subcontract under such a solicita-
14 tion will be performed.

15 “(4) The Secretary of Treasury, in consultation with
16 the Secretary of Defense, shall update the public website
17 of Governmentwide spending data (commonly referred to
18 as ‘USASpending.gov’) each fiscal year quarter to identify
19 projects described in subsection (c)(1) carried out using
20 amounts appropriated during the five fiscal years pre-
21 ceding the date of such update. Each update shall in-
22 clude—

23 “(A) the prime contractor for each such project;
24 and

1 “(B) any subcontracts awarded by such prime
2 contractor for each such project.

3 “(e) EXCLUSION FOR CLASSIFIED PROJECTS.—The
4 requirements of subsection (d) shall not apply to a classi-
5 fied project described in subsection (c)(1).”.

6 **SEC. 4. SMALL BUSINESS CREDIT FOR LOCAL BUSINESSES.**

7 Section 15 of the Small Business Act (15 U.S.C. 644)
8 is amended by adding at the end the following new sub-
9 section:

10 “(z) SMALL BUSINESS CREDIT FOR LOCAL BUSI-
11 NESSES.—

12 “(1) CREDIT FOR MEETING SUBCONTRACTING
13 GOALS.—If a prime contractor awards a subcontract
14 (at any tier) to a small business concern that has its
15 principal office located in the same State as, or with-
16 in a 60-mile radius of, the location of the work to
17 be performed pursuant to the contract of the prime
18 contractor, the value of such subcontract shall be
19 doubled for purposes of determining compliance with
20 the goals for procurement contracts under sub-
21 section (g)(1)(A) during each fiscal year of perform-
22 ance of such subcontract.

23 “(2) REPORT.—Along with the report required
24 under subsection (h)(1), the head of each Federal
25 agency shall submit to the Administrator, and make

1 publicly available on the scorecard described in sub-
2 section (y), an analysis of the number and dollar
3 amount of each subcontract awarded pursuant to
4 paragraph (1) for each fiscal year of performance of
5 such subcontract.”.

6 **SEC. 5. REQUIREMENTS RELATING TO THE AWARD OF COVERED MILITARY CONSTRUCTION CONTRACTS.**

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9 (a) REQUIREMENTS FOR COVERED MILITARY CON-
10 STRUCTION CONTRACTS.—

11 (1) IN GENERAL.—Subchapter III of chapter
12 169 of title 10, United States Code, is amended by
13 inserting after section 2851a the following new sec-
14 tion:

15 **“§ 2851b. Requirements relating to the award of covered military construction contracts**

16
17 **“(a) LOCAL HIRE REQUIREMENTS.—**

18 **“(1) IN GENERAL.—**To the extent practicable,
19 in awarding a covered military construction contract,
20 the Secretary concerned shall give preference to an
21 entity or individual that certifies that at least 51
22 percent of the total number of employees hired to
23 perform the contract (including any employees hired
24 by a subcontractor at any tier) will reside in the
25 same covered State as, or within a 60-mile radius of,

1 the location of the work to be performed pursuant
2 to the contract.

3 “(2) JUSTIFICATION REQUIRED.—The Sec-
4 retary concerned shall prepare a written justifica-
5 tion, and make such justification available on the
6 Internet site required under section 2851 of this
7 title, for the award of any covered military construc-
8 tion contract to an entity or individual that is not
9 described under paragraph (1).

10 “(b) LICENSING.—A contractor and any subcontractors
11 performing a covered military construction contract
12 shall be licensed to perform the work under such contract
13 in the covered State in which the work will be performed.

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

18 “(1) Each covered military construction con-
19 tract and each subcontract of a covered military con-
20 struction contract awarded during that month.

21 “(2) The location of the work to be performed
22 pursuant to each contract and subcontract identified
23 pursuant to paragraph (1).

1 “(3) The prime contractor and any subcon-
2 tractor performing each contract and subcontract
3 identified pursuant to paragraph (1).

4 “(4) The estimated value of each contract and
5 subcontract identified pursuant to paragraph (1).

6 “(d) EXCLUSION OF CLASSIFIED PROJECTS.—This
7 section does not apply to a classified covered military con-
8 struction project.

9 “(e) DEFINITIONS.—In this section:

10 “(1) COVERED MILITARY CONSTRUCTION CON-
11 TRACT.—The term ‘covered military construction
12 contract’ means a contract for work on a military
13 construction project, military family housing project,
14 or Facilities Sustainment, Restoration, and Mod-
15 ernization project carried out in a covered State.

16 “(2) COVERED STATE.—The term ‘covered
17 State’ means any of the several States, the District
18 of Columbia, the Commonwealth of Puerto Rico,
19 Guam, American Samoa, the United States Virgin
20 Islands, or the Commonwealth of the Northern Mar-
21 iana Islands.

22 “(3) MEMBER OF CONGRESS.—The term ‘Mem-
23 ber of Congress’ has the meaning given in section
24 2106 of title 5.”.

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

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