

117TH CONGRESS  
1ST SESSION

# H. R. 4321

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

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## IN THE HOUSE OF REPRESENTATIVES

JULY 1, 2021

Mr. KIM of New Jersey (for himself, Mr. GARAMENDI, Mr. PFLUGER, and Mr. NORCROSS) 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

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## 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 2021”.

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

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

5 (1) in subsection (c)(1)—

6 (A) by inserting “or appropriated” after  
7 “funds authorized” each place such term ap-  
8 pears; and

9 (B) in subparagraph (E), by inserting “,  
10 Facilities Sustainment, Restoration, and Mod-  
11 ernization (FSRM) project,” after “military  
12 construction project”;

13 (2) in subsection (c)(2)—

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

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

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

20 “(H) Any subcontracting plan required under  
21 paragraph (4) or (5) of section 8(d) of the Small  
22 Business Act (15 U.S.C. 637(d)) for the project sub-  
23 mitted by the contract recipient to the Secretary of  
24 Defense.

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

4                   “(i) chapter 83 of title 41;

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

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

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

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

13   **SEC. 3. REQUIREMENTS RELATING TO THE AWARD OF COV-**  
14                   **ERED MILITARY CONSTRUCTION CON-**  
15                   **TRACTS.**

16          (a) REQUIREMENTS FOR COVERED MILITARY CON-  
17          STRUCTION CONTRACTS.—

18                  (1) IN GENERAL.—Subchapter III of chapter  
19                  169 of title 10, United States Code, is amended by  
20                  inserting after section 2851a the following new sec-  
21                  tion:

1 **“§ 2851b. Requirements relating to the award of cov-**  
2 **ered military construction contracts**

3 “(a) PUBLICATION OF CERTAIN INFORMATION RE-  
4 LATING TO COVERED MILITARY CONSTRUCTION CON-  
5 TRACTS.—

6 “(1) CONTRACTOR REQUIREMENTS.—A con-  
7 tractor that has been awarded a covered military  
8 construction contract shall—

9 “(A) make publicly available on a website  
10 of the General Services Administration or the  
11 Small Business Administration, as applicable,  
12 any solicitation under that covered military con-  
13 struction contract for a subcontract of an esti-  
14 mated value of \$250,000 or more; and

15 “(B) submit written notification of the  
16 award of the covered military construction con-  
17 tract, and of any subcontract awarded under  
18 the covered military construction contract, to  
19 the relevant agency of a covered State that en-  
20 forces workers’ compensation or minimum wage  
21 laws in such covered State.

22 “(2) NOTICE.—Upon award of a covered mili-  
23 tary construction contract with an estimated value  
24 greater than or equal to \$2,000,000, the Secretary  
25 concerned shall notify any applicable Member of  
26 Congress representing the covered State in which

1 that covered military construction contract is to be  
2 performed of such award in a timely manner.

3 “(3) FEDERAL PROCUREMENT DATA SYSTEM.—

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

11 “(b) LOCAL HIRE REQUIREMENTS.—

12 “(1) IN GENERAL.—To the extent practicable,  
13 in awarding a covered military construction contract,  
14 the Secretary concerned shall give preference to  
15 those firms and individuals who certify that at least  
16 51 percent of the total number of employees hired  
17 to perform the contract (including any employees  
18 hired by a subcontractor at any tier) shall reside in  
19 the same covered State as, or within a 60-mile ra-  
20 dius of, the location of the work to be performed  
21 pursuant to the contract.

22 “(2) JUSTIFICATION REQUIRED.—The Sec-  
23 retary concerned shall prepare a written justifica-  
24 tion, and make such justification available on the  
25 Internet site required under section 2851 of this

1 title, for the award of any covered military construc-  
2 tion contract to a firm or individual that is not de-  
3 scribed under paragraph (1).

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

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

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

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

20 “(3) The prime contractor and any subcon-  
21 tractor performing each covered military construc-  
22 tion contract and subcontract identified pursuant to  
23 paragraph (1).

1           “(4) The estimated value of each covered mili-  
2           tary construction contract and subcontract identified  
3           pursuant to paragraph (1).

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

7           “(f) DEFINITIONS.—In this section:

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

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

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

24           (2) CLERICAL AMENDMENT.—The table of sec-  
25           tions at the beginning of subchapter III of chapter

1 169 of title 10, United States Code, is amended by  
2 inserting after the item relating to section 2851a the  
3 following new item:

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

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

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

10 Section 15 of the Small Business Act (15 U.S.C. 644)  
11 is amended by adding at the end the following new sub-  
12 section—

13 “(y) **SMALL BUSINESS CREDIT FOR LOCAL BUSI-**  
14 **NESSES.**—

15 “(1) **CREDIT FOR MEETING SUBCONTRACTING**  
16 **GOALS.**—If a prime contractor awards a subcontract  
17 (at any tier) to a small business concern that has its  
18 principal office located in the same State as, or with-  
19 in a 60-mile radius of, the location of the work to  
20 be performed pursuant to the contract of the prime  
21 contractor, the value of the subcontract shall be dou-  
22 bled for purposes of determining compliance with the  
23 goals for procurement contracts under subsection  
24 (g)(1)(A) during such period.



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

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