



(Original Signature of Member)

117TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To amend section 846 of the National Defense Authorization Act for Fiscal Year 2018 to expand the testing program for e-commerce portal models, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Ms. ESCOBAR introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To amend section 846 of the National Defense Authorization Act for Fiscal Year 2018 to expand the testing program for e-commerce portal models, 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 “Federal Acquisition  
5 E-Commerce Fairness and Competition Act”.

1 **SEC. 2. ADDITIONAL TESTING OF COMMERCIAL E-COM-**  
2 **MERCE PORTAL MODELS FOR FEDERAL PRO-**  
3 **CUREMENT.**

4 Section 846 of the National Defense Authorization  
5 Act for Fiscal Year 2018 (41 U.S.C. 1901 note) is amend-  
6 ed—

7 (1) in subsection (c)(3)—

8 (A) by striking “Not later” and inserting  
9 the following:

10 “(A) GUIDANCE.—Not later”; and

11 (B) by adding at the end the following:

12 “(B) INITIAL REPORT.—Not later than 90  
13 days after the date of the enactment of this  
14 subparagraph, the Administrator shall—

15 “(i) expand the proof-of-concept test-  
16 ing program by testing at least 3 commer-  
17 cial e-commerce portal models, including  
18 the E-Commerce Model, the E-Procure-  
19 ment Model, and the E-Marketplace Model  
20 (as such models are described in the imple-  
21 mentation plan of the General Services Ad-  
22 ministration published in March 2018, ti-  
23 tled ‘Procurement Through Commercial E-  
24 Commerce Portals’), so as to ensure that  
25 such program is representative of available

1 commercial e-commerce portal models that  
2 qualify under subsection (d); and

3 “(ii) submit to the appropriate con-  
4 gressional committees a report addressing  
5 the following:

6 “(I) A summary of the program  
7 described in clause (i) to date, includ-  
8 ing the commercial e-commerce portal  
9 providers participating in such pro-  
10 gram and the Federal agencies pur-  
11 chasing products under such program.

12 “(II) The product categories test-  
13 ed to date under such program.

14 “(III) The revenue associated  
15 with each category and commercial e-  
16 commerce portal provider tested to  
17 date under such program.

18 “(IV) The additional commercial  
19 e-commerce portal providers to be  
20 tested under such program.

21 “(V) A timeline for the comple-  
22 tion of such program.

23 “(C) FINAL REPORT.—Not later than 180  
24 days after the completion of testing of all com-  
25 mercial e-commerce portal models, the Adminis-

1           trator shall submit to the appropriate congres-  
2           sional committees a report on the results of  
3           such testing that includes—

4                   “(i) an examination and comparison  
5                   of each commercial e-commerce portal pro-  
6                   vider with respect to—

7                           “(I) pricing;

8                           “(II) product quality;

9                           “(III) supplier reliability and  
10                          service;

11                          “(IV) security of Federal Govern-  
12                          ment information and third-party sup-  
13                          plier proprietary information;

14                          “(V) protections against counter-  
15                          feit merchandise;

16                          “(VI) whether products prohib-  
17                          ited by law or rule, including products  
18                          referenced in section 889 of the John  
19                          S. McCain National Defense Author-  
20                          ization Act for Fiscal Year 2019 (41  
21                          U.S.C. 3901 note), have been offered  
22                          for sale by any supplier through such  
23                          commercial e-commerce portal pro-  
24                          vider; and

1                   “(VII) supply chain risks, par-  
2                   ticularly with respect to healthcare  
3                   and information technology products;  
4                   and

5                   “(ii) a comparison of the convenience  
6                   of each commercial e-commerce portal pro-  
7                   vider with its overall adherence to Federal  
8                   procurement rules and policies.”; and

9                   (2) in subsection (d)—

10                   (A) by striking “The Administrator” and  
11                   inserting the following:

12                   “(1) IN GENERAL.—The Administrator”; and

13                   (B) by adding at the end the following:

14                   “(2) LIMITATION.—The Administrator shall en-  
15                   sure that a commercial e-commerce portal provider  
16                   awarded a contract pursuant to subsection (a), that  
17                   is owned or controlled by a person or entity with a  
18                   market capitalization greater than  
19                   \$600,000,000,000 at any time in the 2 years pre-  
20                   ceding the date of the enactment of this paragraph,  
21                   does not sell products through the commercial e-  
22                   commerce portal operated by such portal provider  
23                   that compete with products sold by any third-party  
24                   supplier through such portal.”.