

117TH CONGRESS
2D SESSION

H. R. 8941

To amend the Small Business Act to increase, prime contracting opportunities for small business concerns, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 2022

Mr. MFUME (for himself and Mr. MEUSER) introduced the following bill;
which was referred to the Committee on Small Business

A BILL

To amend the Small Business Act to increase, prime contracting opportunities for small business concerns, 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 “Preserving Small Busi-
5 ness Prime Contracting Opportunities Act of 2022”.

6 **SEC. 2. INCREASING PRIME CONTRACTING OPPORTUNI-**
7 **TIES FOR SMALL BUSINESS CONCERNS.**

8 Section 15(a)(4) of the Small Business Act (15
9 U.S.C. 644(a)(4)) is amended—

1 (1) in subsection (A)(iii), by striking “an un-
2 necessary or unjustified” and inserting “a”;

3 (2) in subparagraph (B)—

4 (A) in the matter preceding clause (i), by
5 striking “With respect to” and all that follows
6 through “issuing a solicitation” and inserting
7 “Not later than 30 days before issuing a solici-
8 tation for a proposed procurement,”; and

9 (B) by amending clause (i) to read as fol-
10 lows:

11 “(i) why the proposed procurement
12 cannot be divided into smaller quantities,
13 lots, or tasks to permit offers on less than
14 the total requirement,”; and

15 (3) by amending subparagraph (D) to read as
16 follows:

17 “(D) FAILURE TO AGREE ON AN ALTER-
18 NATIVE PROCUREMENT METHOD.—

19 “(i) SELECTION.—If the procurement
20 center representative and the contracting
21 agency fail to agree on an alternative pro-
22 curement method under subparagraph (C),
23 the Administrator shall select an alter-
24 native procurement method from the rec-
25 ommendations presented by the procure-

1 ment center representative under such sub-
2 paragraph and notify the head of the ap-
3 propriate Federal agency.

4 “(ii) DETERMINATION.—Not later
5 than 60 calendar days after receipt of a
6 notification under clause (i), such head
7 shall adopt the selected alternative pro-
8 curement method unless such head, on a
9 nondelegable basis, issues a determination
10 to the Administrator that includes—

11 “(I) a cost-benefit analysis of the
12 proposed procurement; and

13 “(II) an explanation of how the
14 benefits of the proposed procurement
15 outweigh the harm to small business
16 concerns compared to the selected al-
17 ternative procurement method.

18 “(iii) SUBMISSION.—The Adminis-
19 trator shall submit any determinations
20 issued under clause (ii) along with the re-
21 port required under subsection (p)(4).”.

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