

AMENDMENT TO RULES COMMITTEE PRINT 119-

33

OFFERED BY MR. CISNEROS OF CALIFORNIA

At the end of subtitle A of title VIII, insert the following new section:

1 **SEC. 8___.** **JUSTIFICATION FOR USE OF PROCEDURES**

2 **OTHER THAN COMPETITIVE PROCEDURES.**

3 (a) **IN GENERAL.**—Section 3204(e) of title 10,
4 United States Code, is amended—

5 (1) in paragraph (2)—

6 (A) in subparagraph (E), by striking
7 “and”;

8 (B) in subparagraph (F), by striking the
9 period and inserting a semicolon; and

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

12 “(G) whether or not a subcontracting plan
13 was made for this contract; and

14 “(H) a statement that the justification was
15 coordinated with the Office of Small Business
16 Programs.”;

17 (2) in paragraph (5)(A)—

1 (A) in clause (i), by striking “; or” and in-
2 serting a semicolon;

3 (B) in clause (ii), by striking the period
4 and inserting “; or”; and

5 (C) by adding at the end the following new
6 clause:

7 “(iii) maintain a contracting relation-
8 ship with the prime contractor.”; and

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

11 “(8) For each contract entered into pursuant to sub-
12 section (a) for which a justification and approval is re-
13 quired by paragraph (1), the Secretary of Defense shall
14 provide written notification to the Committees on Armed
15 Services and Small Business of the House of Representa-
16 tives and the Committees on Armed Services and Small
17 Business and Entrepreneurship of the Senate that the
18 contract did not result in a bundling of contract require-
19 ments (as defined in section 3(o) of the Small Business
20 Act (15 U.S.C. 632(o))).”.

21 (b) REGULATIONS.—Not later than 180 days after
22 the date of the enactment of this section, the Secretary
23 of Defense shall issue or revise any regulations as nec-
24 essary to carry out this section and the amendments made
25 by this section.

1 (c) COMPTROLLER GENERAL REPORT.—Not later
2 than 180 days after the date of the enactment of this sec-
3 tion, the Comptroller General of the United States shall
4 submit to the congressional defense committees a report
5 that includes the following:

6 (1) A list of contracts awarded by the Secretary
7 of the Army during fiscal years 2025 and 2026
8 using the authority under subsection (a)(1) of sec-
9 tion 3204 of title 10, United States Code.

10 (2) Any findings as to whether or not—

11 (A) a justification and approval required
12 by subsection (e) of such section 3204 suffi-
13 ciently complies with the requirements of such
14 section; and

15 (B) each contract entered into pursuant to
16 subsection (a) of such section 3204 for which a
17 justification and approval is required by para-
18 graph (1) to which a small business concern (as
19 defined under section 3 of the Small Business
20 Act (15 U.S.C. 632)) is a party meets the re-
21 quirements of the Small Business Act (15
22 U.S.C. 631 et seq.), including any requirements
23 relating to a bundling of contract requirements
24 (as defined in section 3(o) of such Act (15
25 U.S.C. 632(o)).

1 (3) Any recommendations regarding the re-
2 quirements relating to a justification and approval
3 process under section 3204(e) of title 10, United
4 States Code, to improve oversight and competition
5 for procurement contracts for the Department of the
6 Army.

