

**AMENDMENT TO THE RULES COMMITTEE PRINT**

**117-54**

**OFFERED BY MR. MFUME OF MARYLAND**

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

1 **SEC. 8\_\_\_ . INCREASING PRIME CONTRACTING OPPORTUNI-**  
2 **TIES FOR SMALL BUSINESS CONCERNS.**

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

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

7 (2) in subparagraph (B)—

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

13 (B) by amending clause (i) to read as fol-  
14 lows:

15 “(i) why the proposed procurement  
16 cannot be divided into smaller quantities,  
17 lots, or tasks to permit offers on less than  
18 the total requirement;”; and

1           (3) by amending subparagraph (D) to read as  
2 follows:

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

5           “(i) SELECTION.—If the procurement  
6 center representative and the contracting  
7 agency fail to agree on an alternative pro-  
8 curement method under subparagraph (C),  
9 the Administrator shall select an alter-  
10 native procurement method from the rec-  
11 ommendations presented by the procure-  
12 ment center representative under such sub-  
13 paragraph and notify the head of the ap-  
14 propriate Federal agency.

15           “(ii) DETERMINATION.—Not later  
16 than 60 calendar days after receipt of a  
17 notification under clause (i) and except as  
18 provided in clause (iii), such head shall  
19 adopt the selected alternative procurement  
20 method unless such head, on a nondele-  
21 gable basis, issues a determination to the  
22 Administrator that includes—

23           “(I) a cost-benefit analysis of the  
24 proposed procurement; and

1                   “(II) an explanation of how the  
2                   benefits of the proposed procurement  
3                   outweigh the harm to small business  
4                   concerns compared to the selected al-  
5                   ternative procurement method.

6                   “(iii) SUBMISSION.—The Adminis-  
7                   trator shall submit any determinations  
8                   issued under clause (ii) or (iii) along with  
9                   the report required under subsection  
10                   (p)(4).”.

