AMENDMENT TO RULES COMMITTEE PRINT 118–10
OFFERED BY MR. IVEY OF MARYLAND

At the appropriate place in subtitle F of title VIII, insert the following:

SEC. 8. MODIFICATIONS TO SUBCONTRACTING PLANS TO ENHANCE OPPORTUNITIES FOR SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.

(a) In general.—Each covered person that is required to submit a subcontracting plan under paragraph (4) or (5) of section 8(d) of the Small Business Act (15 U.S.C. 637(d)) for a contract shall update such subcontracting plan to include the following:

(1) The names, addresses, phone numbers, types of business, and North American Industrial Classification System code of the small business concerns owned and controlled by socially and economically disadvantaged individuals that were considered or solicited as subcontractors.

(2) With respect to such concerns that were considered or solicited but not included in the up-
dated subcontracting plan, the reasons for the decision not to include such concerns.

(3) Information on the process and efforts of the covered person in developing such subcontracting plan, including—

(A) the actions taken by the covered person to identify, solicit, and provide outreach to small business concerns owned and controlled by socially and economically disadvantaged individuals for possible inclusion in its subcontracting plan;

(B) the information provided by the covered person to such concerns about subcontracting opportunities under the contract;

(C) the means by which the subcontractors that were included in the subcontracting plan were selected by the covered person; and

(D) the directories or lists of small business concerns owned and controlled by socially and economically disadvantaged individuals, websites and website search tools, business or professional associations, industry databases, and other resources that the covered person consulted or used to identify such concerns for possible inclusion in the subcontracting plan.
(4) A description of the plans of the covered person to—

(A) increase the number of such concerns in the subcontracting plan for subsequent years of contract performance; and

(B) increase the dollar amount under the contract allocated for goods and services provided by such concerns.

(b) **OUTREACH.**—The Secretary of Defense, acting through the Defense Contract Management Agency, shall increase outreach on contracting with the Department of Defense (either as a prime contractor or a subcontractor at any tier) to small business concerns owned and controlled by socially and economically disadvantaged individuals by taking the following actions:

(1) Providing briefings, electronic and printed announcements, and other information to minority business associations, nonprofit organizations, and national and local business organizations that represent minority businesses and small business concerns owned and controlled by socially and economically disadvantaged individuals about such contracting opportunities.

(2) Directly contacting small business concerns owned and controlled by socially and economically disadvantaged individuals, and

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disadvantaged individuals through the means described in subsection (a)(3)(D) about such contracting opportunities.

(c) EnforceMent.—

(1) Compliance with subcontracting plan.—An covered person described in subsection (a) that is awarded a prime contract and granted a modification of a contract by the Secretary of Defense under such subsection shall remain in compliance with the terms of the updated subcontracting plan during the term of performance of the contract before receiving any amounts related to such modification.

(2) Subsequent contracts.—If a covered person described in paragraph (1) submits an offer for a subsequent contract with the Department of Defense through a sealed bid or negotiated acquisition proposal and the Secretary determines such covered person is not in compliance with in a subcontracting plan described in subsection (a), the Secretary may not award the subsequent contract to such contractor.

(d) Accountability.—The appropriate head of a Federal agency shall consider the performance of a con-
tracting officer of responsibilities under this section in any evaluation of the performance of the contracting officer.

(e) DEFINITIONS.—In this section:

(1) The term “small business concerns owned and controlled by socially and economically disadvantaged individuals” has the meaning given under section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)).

(2) The term “covered person” means an apparently successful offeror, bidder for a contract, or contractor seeking a modification of a contract.