

**AMENDMENT TO RULES COMMITTEE PRINT 116-**

**19**

**OFFERED BY MR. STAUBER OF MINNESOTA**

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

1 **SEC. 882. EQUITABLE ADJUSTMENTS TO CONSTRUCTION**  
2 **CONTRACTS.**

3 (a) IN GENERAL.—The Small Business Act (15  
4 U.S.C. 631 et seq.) is amended by inserting after section  
5 15 the following new section:

6 **“SEC. 15A. EQUITABLE ADJUSTMENTS TO CONSTRUCTION**  
7 **CONTRACTS.**

8 “(a) REQUEST FOR AN EQUITABLE ADJUSTMENT.—  
9 A small business concern performing a construction con-  
10 tract that was awarded by an agency may submit a re-  
11 quest for an equitable adjustment to the contracting offi-  
12 cer of such agency if the contracting officer directs a  
13 change in the terms of the contract performance without  
14 the agreement of the small business concern. Such request  
15 shall—

16 “(1) be timely made pursuant to the terms of  
17 the contract; and

1           “(2) specify the estimated amount required to  
2           cover additional costs resulting from such change in  
3           the terms of the contract performance.

4           “(b) AMOUNT.—Upon receipt of a request for equi-  
5           table adjustment under subsection (a), the agency shall  
6           provide to the small business concern an interim partial  
7           payment in an amount that is at least 50 percent of the  
8           estimated amount under subsection (a)(2).

9           “(c) LIMITATION.—Any interim partial payment  
10          made under this section shall not be deemed to be an ac-  
11          tion to definitize the request for an equitable adjustment.

12          “(d) FLOW-DOWN OF INTERIM PARTIAL PAYMENT  
13          AMOUNTS.—A small business concern that requests an eq-  
14          uitable adjustment under this section shall pay to a first  
15          tier subcontractor or supplier the portion of each interim  
16          partial payment received that is attributable to the in-  
17          creased costs of performance incurred by the first tier sub-  
18          contractor or supplier due to the change in the terms of  
19          the contract performance. A first tier subcontractor or  
20          supplier that receives a portion of an interim partial pay-  
21          ment under this section shall pay to a subcontractor or  
22          supplier at any tier the appropriate portion of such pay-  
23          ment.”.

24          (b) IMPLEMENTATION.—The Administrator of the  
25          Small Business Administration shall implement the re-

1 quirements of this section not later than the earlier of the  
2 following dates:

3 (1) The first day of the first full fiscal year be-  
4 ginning after the date of the enactment of this Act.

5 (2) October 1, 2021.

