

AMENDMENT TO H.R. 2670
OFFERED BY MR. WALTZ OF FLORIDA

Add at the end of subtitle E of title VIII the following new section:

1 **SEC. 8 ____ . DEPARTMENT OF DEFENSE GOALS FOR PAR-**
2 **TICIPATION BY CERTAIN VETERAN-OWNED**
3 **SMALL BUSINESSES IN PROCUREMENT CON-**
4 **TRACTS.**

5 Chapter 287 of part V of title 10, United States
6 Code, is amended by adding at the end the following new
7 section:

8 **“§ 3906. Small business concerns owned and con-**
9 **trolled by veterans: contracting goals and**
10 **preferences**

11 “(a) CONTRACTING GOALS.—In order to increase
12 contracting opportunities for small business concerns
13 owned and controlled by veterans and small business con-
14 cerns owned and controlled by service-disabled veterans,
15 the Secretary shall—

16 “(1) establish a goal for each fiscal year for
17 participation in Department contracts (including
18 subcontracts) by small business concerns owned and
19 controlled by veterans who are not service-disabled

1 veterans that is not less than the Governmentwide
2 goal for that fiscal year for participation by small
3 business concerns owned and controlled by service-
4 disabled veterans under section 15(g)(1) of the
5 Small Business Act (15 U.S.C. 644(g)(1)); and

6 “(2) establish a goal for each fiscal year for
7 participation in Department contracts (including
8 subcontracts) by small business concerns owned and
9 controlled by veterans with service-connected disabili-
10 ties that is not less than the Governmentwide goal
11 for that fiscal year for participation by small busi-
12 ness concerns owned and controlled by service-dis-
13 abled veterans under section 15(g)(1) of the Small
14 Business Act (15 U.S.C. 644(g)(1)).

15 “(b) SOLE SOURCE CONTRACTS FOR CONTRACTS
16 ABOVE SIMPLIFIED ACQUISITION THRESHOLD.—For pur-
17 poses of meeting the goals under subsection (a) and in
18 accordance with this section, a contracting officer may
19 award a contract to a small business concern owned and
20 controlled by veterans or small business concerns owned
21 and controlled by service-disabled veterans using proce-
22 dures other than competitive procedures if—

23 “(1) such concern is determined to be a respon-
24 sible source with respect to performance of such con-
25 tract opportunity;

1 “(2) the anticipated award price of the contract
2 (including options) will not exceed the amounts es-
3 tablished in section 36(c)(2) of the Small Business
4 Act (15 U.S.C. 657f(c)(2)); and

5 “(3) in the estimation of the contracting officer,
6 the contract award can be made at a fair and rea-
7 sonable price that offers best value to the United
8 States.

9 “(c) USE OF RESTRICTED COMPETITION.—Except as
10 provided in subsections (b) and (c), for purposes of meet-
11 ing the goals under subsection (a) and in accordance with
12 this section, a contracting officer shall award contracts on
13 the basis of competition restricted to small business con-
14 cerns owned and controlled by veterans or small business
15 concerns owned and controlled by service-disabled veterans
16 if the contracting officer has a reasonable expectation that
17 two or more small business concerns owned and controlled
18 by veterans or small business concerns owned and con-
19 trolled by service-disabled veterans (as applicable) will
20 submit offers and that the award can be made at a fair
21 and reasonable price that offers best value to the United
22 States.

23 “(d) ELIGIBILITY OF SMALL BUSINESS CON-
24 CERNS.—A small business concern may be awarded a con-
25 tract under this section only if the small business concern

1 and the veteran owner of the small business concern are
2 listed in the database described in section 36(f)(1) of the
3 Small Business Act (15 U.S.C. 657f(f)(1)).

4 “(e) PRIORITY FOR CONTRACTING PREFERENCES.—
5 Preferences for awarding contracts to small business con-
6 cerns shall be applied in the following order of priority:

7 “(1) Contracts awarded pursuant to subsection
8 (b) or (c) to small business concerns owned and con-
9 trolled by service-disabled veterans.

10 “(2) Contracts awarded pursuant to subsection
11 (b) or (c) to small business concerns owned and con-
12 trolled by veterans that are not covered by para-
13 graph (1).

14 “(3) Contracts awarded pursuant to—

15 “(A) section 8(a) of the Small Business
16 Act (15 U.S.C. 637(a)); or

17 “(B) section 31 of such Act (15 U.S.C.
18 657a).

19 “(4) Contracts awarded pursuant to any other
20 contracting preference for small business concerns.

21 “(f) DEFINITIONS.—In this section:

22 “(1) The term ‘small business concern’ has the
23 meaning given under section 3 of the Small Business
24 Act (15 U.S.C. 632).

1 “(2) The terms ‘service-disabled veteran’, ‘small
2 business concern owned and controlled by veterans’,
3 and ‘small business concern owned and controlled by
4 service-disabled veterans’ have the meanings given,
5 respectively, under section 3(q) of the Small Busi-
6 ness Act (15 U.S.C. 632(q)).”.

