

116TH CONGRESS
2D SESSION

H. R. 7403

To amend the Small Business Act to exempt certain contracts awarded to small business concerns from category management requirements, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 2020

Ms. HOULAHAN (for herself and Mr. JOYCE of Pennsylvania) introduced the following bill; which was referred to the Committee on Small Business

A BILL

To amend the Small Business Act to exempt certain contracts awarded to small business concerns from category management requirements, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Small Busi-
5 ness Contracting Opportunities Act of 2020”.

1 **SEC. 2. EXEMPTION OF CERTAIN CONTRACTS AWARDED TO**
2 **SMALL BUSINESS CONCERNS FROM CAT-**
3 **EGORY MANAGEMENT REQUIREMENTS.**

4 (a) IN GENERAL.—The Small Business Act is
5 amended—

6 (1) by redesignating section 49 as section 50;

7 and

8 (2) by inserting after section 48 the following
9 new section:

10 **“SEC. 49. EXEMPTION OF CERTAIN CONTRACTS FROM CAT-**
11 **EGORY MANAGEMENT REQUIREMENTS.**

12 “(a) IN GENERAL.—A contract awarded under sec-
13 tion 8(a), 8(m), 31, or 32 that is classified as tier 0—

14 “(1) shall be exempt from the procedural re-
15 quirements of any Federal rule or guidance on cat-
16 egory management or successor strategies for con-
17 tract consolidation; and

18 “(2) may not be included when measuring the
19 attainment of any goal or benchmark established
20 under any Federal rule or guidance on category
21 management or successor strategies for contract
22 consolidation, unless the inclusion of such contract
23 aids in the achievement of such a goal or bench-
24 mark.

25 “(b) DEFINITIONS.—In this section:

1 “(1) CATEGORY MANAGEMENT.—The term ‘cat-
2 egory management’ has the meaning given such
3 term by the Director of the Office of Management
4 and Budget.

5 “(2) TIER 0.—The term ‘tier 0’ has the mean-
6 ing given such term by the Director of the Office of
7 Management and Budget with respect to the Spend
8 Under Management tiered maturity model, or any
9 successor model.”.

10 (b) APPLICATION.—Section 49 of the Small Business
11 Act, as added by subsection (a), shall apply with respect
12 to contracts entered into on or after the date of the enact-
13 ment of this Act.

14 (c) PLAN AND REPORT.—

15 (1) IN GENERAL.—Not later than 120 days
16 after the date of the enactment of this Act, the Di-
17 rector of the Office of Management and Budget
18 shall submit to Congress a report including a plan
19 to increase the participation of small business con-
20 cerns in agency-wide or Government-wide contracts
21 (including best in class designations as defined in
22 section 15(h)(4)(B)). Such plan shall include—

23 (A) strategies to increase the amount and
24 frequency of opportunities for small business

1 concerns to participate in agency-wide or Gov-
2 ernment-wide contracts;

3 (B) strategies to ease or eliminate require-
4 ments that impede such participation of small
5 business concerns; and

6 (C) a specific goal for the number of small
7 business concerns participating in agency-wide
8 or Government-wide contracts and a timeline to
9 achieve such goal.

10 (2) IMPLEMENTATION.—Not later than 60 days
11 after the submission of the report required under
12 paragraph (1), the Director of the Office of Manage-
13 ment and Budget shall implement the plan con-
14 tained in such report.

15 (d) RULEMAKING.—Not later than 90 days after the
16 date of the enactment of this Act, the Federal Acquisition
17 Regulation shall be revised to carry out this Act and the
18 amendment made by this Act.

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