

118TH CONGRESS
1ST SESSION

H. R. 5297

To require the Secretary of Defense to amend the Department of Defense Supplement to the Federal Acquisition Regulation to include consideration of past performance of affiliates of small business concerns, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 29, 2023

Mr. BACON introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To require the Secretary of Defense to amend the Department of Defense Supplement to the Federal Acquisition Regulation to include consideration of past performance of affiliates of small business concerns, 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 “Defense Small Busi-
5 ness Past Performance Consideration Act of 2023”.

1 **SEC. 2. CONSIDERATION OF PAST PERFORMANCE OF AF-**
2 **FILIATES OF SMALL BUSINESS CONCERNS.**

3 Not later than July 1, 2024, the Secretary of Defense
4 shall amend section 215.305 of the Department of De-
5 fense Supplement to the Federal Acquisition Regulation
6 (or any successor regulation) to—

7 (1) require that when evaluating a bid from a
8 small business concern (as defined under section 3
9 of the Small Business Act (15 U.S.C. 632)) for a
10 Department of Defense contract, the contracting of-
11 ficer for such contract shall consider the past per-
12 formance information of affiliates of such concern as
13 the past performance of such concern; and

14 (2) ensure that only past performance informa-
15 tion of such affiliates during the nine-year period
16 preceding the date on which such concern submitted
17 a bid described in paragraph (1) is considered as
18 past performance of such concern.

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