

118TH CONGRESS
1ST SESSION

H. R. 5454

To amend title 41, United States Code, to add the Administrator of the Small Business Administration to the Federal Acquisition Regulatory Council, to require the Administrator to submit certain reports, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 13, 2023

Ms. VELÁZQUEZ introduced the following bill; which was referred to the Committee on Oversight and Accountability, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 41, United States Code, to add the Administrator of the Small Business Administration to the Federal Acquisition Regulatory Council, to require the Administrator to submit certain reports, 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 “Fairness in Shaping
5 Small Business Contracting Policies Act of 2023”.

1 **SEC. 2. ADDITION OF THE ADMINISTRATOR OF THE SMALL**
2 **BUSINESS ADMINISTRATION TO THE FED-**
3 **ERAL ACQUISITION REGULATORY COUNCIL.**

4 (a) IN GENERAL.—Paragraph (1) of section 1302(b)
5 of title 41, United States Code, is amended—

6 (1) in subparagraph (C), by striking “and” at
7 the end;

8 (2) in subparagraph (D), by striking the period
9 at the end and inserting “; and”; and

10 (3) by adding at the end the following new sub-
11 paragraph:

12 “(E) the Administrator of the Small Busi-
13 ness Administration.”.

14 (b) CONFORMING AMENDMENT.—Paragraph (2) of
15 such section is amended by striking “subparagraphs (B)
16 to (D)” and inserting “subparagraphs (B) through (E)”.

17 (c) REPORT.—Not later than 90 days after the date
18 of the enactment of this Act, the Administrator of the
19 Small Business Administration shall submit to the Com-
20 mittee on Small Business of the House of Representatives
21 and the Committee on Small Business and Entrepreneur-
22 ship of the Senate a report that includes—

23 (1) an assessment of the personnel and re-
24 sources necessary for the Administrator to carry out
25 assigned duties as a member of the Federal Acquisi-
26 tion Regulatory Council; and

1 (2) recommended changes to current laws,
2 strategies, policies, or regulations to assist the Ad-
3 ministrator in carrying out such duties.

4 **SEC. 3. REPORT ON RULEMAKING.**

5 Not later than one year after the date of enactment
6 of this Act, and biannually thereafter, the Administrator
7 of the Small Business Administration shall submit to the
8 Committee on Small Business of the House of Representa-
9 tives and the Committee on Small Business and Entrepre-
10 neurship of the Senate a report that includes the fol-
11 lowing:

12 (1) A list of the pending and completed legisla-
13 tive or executive branch actions that require or re-
14 quired rulemaking by both the Administrator and
15 the Federal Acquisition Regulatory Council before
16 such action could be carried out.

17 (2) A description of the length of time between
18 each such action and the issuance of a final rule re-
19 lating to such action by the Federal Acquisition Reg-
20 ulatory Council.

21 (3) A list of each such action for which the
22 Federal Acquisition Regulatory Council requires a
23 final rule to be issued by the Administrator before
24 the Council initiates a rulemaking process.

1 (4) Recommendations to decrease the length of
2 time between a legislative or executive branch action
3 and the issuance of a final rule relating to such ac-
4 tion by the Federal Acquisition Regulatory Council,
5 where such issuance occurs after the issuance of a
6 final rule relating to such action by the Adminis-
7 trator.

○