

82^d CONGRESS
1ST SESSION

H. R. 4204

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 1951

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

A BILL

To amend the Armed Services Procurement Act of 1947, with respect to the procurement of supplies from small business concerns.

1 *Be it enacted by the Senate and House of Representa-*

2 *tives of the United States of America in Congress assembled,*

3 That section 3 of the Armed Services Procurement Act of

4 1947 is amended by adding at the end thereof the follow-

5 ing new paragraph:

6 “(c) Notwithstanding the provisions of paragraph (b)

7 of this section, if the agency head determines that such

8 action is advisable in the interest of the national defense in

9 order to make or keep suppliers available for furnishing

1 supplies in the event of a national emergency, or that the
2 interest either of industrial mobilization in case of such an
3 emergency, or of the national defense through maintenance
4 of active research and development, will be served by such
5 action, supplies may be procured on the basis of, and in
6 accordance with, an invitation for bids containing provisions
7 which specify—

8 “(1) that a part, not exceeding 20 per centum, of
9 the total procurement involved when practicable may
10 be withheld from the successful bidder or bidders for
11 distribution among the small business concerns, not ex-
12 ceeding five, which submit, as to all or such part of the
13 procurement involved as may be specified in the invita-
14 tion, the lowest bids submitted by small business con-
15 cerns; and

16 “(2) that the part of the total procurement so with-
17 held when practicable may be distributed among such
18 small business concerns (either by acceptance of the
19 bids made by them or by negotiated purchase or con-
20 tract) on a basis involving payment to each of a price
21 not in excess of 15 per centum above the lowest price
22 paid to successful bidder.”

23 SEC. 2. Section 4 of such Act is amended by inserting
24 after “2 (c)”, wherever appearing therein, the following:
25 “or 3 (c)”.

1 SEC. 3. Section 7 (b) of such Act is amended by add-
2 ing at the end thereof the following sentence: "The power
3 of the agency head to make the determinations or decisions
4 necessary under section 3 (c) shall be delegable only to a
5 chief officer responsible for procurement."

IN SENATE
AND CONFERENCE

H. R. 4504

A BILL

relating to small business concerns
and with respect to the procurement of
goods and services by Government agencies

BY Mr. TOWNSEND

Reported to the Committee on Armed Services
MAY 15 1951

30 of the agency head to make the determinations or decisions
31 necessary under section 3 (c) shall be delegable only to a
32 chief officer responsible for procurement.

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