

83^D CONGRESS
1ST SESSION

H. R. 4322

IN THE HOUSE OF REPRESENTATIVES

MARCH 30, 1953

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 following
5 new paragraph:
6 “(c) Notwithstanding the provisions of paragraph (b)
7 of this section, if the agency head determines that such action
8 is advisable in the interest of the national defense in order
9 to make or keep suppliers available for furnishing supplies
10 in the event of a national emergency, or that the interest

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

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

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

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

Referred to the Committee on Armed Services

MARCH 30 1953

By Mr. ROYCE

supplies from small-business concerns

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A BILL

1st Session
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H. R. 4355

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