

118TH CONGRESS  
1ST SESSION

# H. R. 6320

To amend the Small Business Act to ensure the application of the “Rule of Two” to certain acquisitions, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 8, 2023

Ms. VELÁZQUEZ introduced the following bill; which was referred to the Committee on Small Business

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## A BILL

To amend the Small Business Act to ensure the application of the “Rule of Two” to certain acquisitions, 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 “Increase Small Busi-  
5 ness Utilization Act of 2023”.

6 **SEC. 2. APPLICATION OF THE “RULE OF TWO” TO CERTAIN**  
7 **ACQUISITIONS.**

8 Section 15(r) of the Small Business Act (15 U.S.C.  
9 644(r)) is amended to read as follows:

10 “(r) **MULTIPLE AWARD CONTRACTS.**—

1           “(1) IN GENERAL.—Except as provided by  
2 paragraph (2), the head of a Federal agency shall—

3           “(A) set aside part or parts of a multiple  
4 award contract for small business concerns, in-  
5 cluding the subcategories of small business con-  
6 cerns identified in subsection (g)(2), unless a  
7 contracting officer for the Federal agency is un-  
8 able to obtain offers from two or more small  
9 business concerns that are competitive with  
10 market prices and are competitive with regard  
11 to the quality and delivery of the goods or serv-  
12 ices being purchased;

13           “(B) notwithstanding the fair opportunity  
14 requirements under section 3406(c) of title 10  
15 and section 4106(c) of title 41, United States  
16 Code, set aside orders placed against multiple  
17 award contracts for small business concerns, in-  
18 cluding the subcategories of small business con-  
19 cerns identified in subsection (g)(2), unless a  
20 contracting officer for the Federal agency is un-  
21 able to obtain offers from two or more small  
22 business concerns that are competitive with  
23 market prices and are competitive with regard  
24 to the quality and delivery of the goods or serv-  
25 ices being purchased; and

1           “(C) reserve 1 or more contract awards for  
2           small business concerns under full and open  
3           multiple award procurements, including the  
4           subcategories of small business concerns identi-  
5           fied in subsection (g)(2).

6           “(2) EXCEPTIONS.—Paragraph (1) shall not  
7           apply with respect to—

8                   “(A) contracts (including orders) awarded  
9                   under subpart 8.4 of the Federal Acquisition  
10                  Regulation (or any successor regulation); or

11                   “(B) any multiple award contract or order  
12                   placed against a multiple award contract with a  
13                   value less than the micro-purchase threshold.”.

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