

118TH CONGRESS
2D SESSION

S. 3772

To amend the Small Business Act to require that plain writing statements regarding the solicitation of subcontractors be included in certain subcontracting plans, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 8 (legislative day, FEBRUARY 7), 2024

Mr. RISCH (for himself, Mr. HICKENLOOPER, Mr. BUDD, Mr. CRAPO, Mr. KENNEDY, and Mr. RUBIO) introduced the following bill; which was read twice and referred to the Committee on Small Business and Entrepreneurship

A BILL

To amend the Small Business Act to require that plain writing statements regarding the solicitation of subcontractors be included in certain subcontracting plans, 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 “Simplifying Subcon-
5 tracting Act”.

1 **SEC. 2. PLAIN WRITING APPLICATION REQUIREMENTS FOR**
2 **SOLICITATION OF SUBCONTRACTORS.**

3 (a) IN GENERAL.—Section 8(d) of the Small Busi-
4 ness Act (15 U.S.C. 637(d)) is amended—

5 (1) in paragraph (6)—

6 (A) in subparagraph (H)(ii), by striking
7 “and” at the end;

8 (B) in subparagraph (I)(ii), by striking the
9 period at the end and inserting “; and”; and

10 (C) by adding at the end the following:

11 “(J) a representation that—

12 “(i) the offeror or bidder will communicate
13 all solicitations of subcontracts in plain writing
14 (as defined in section 3 of the Plain Writing
15 Act of 2010 (Public Law 111–274; 124 Stat.
16 2861)) so that the solicitation is easily under-
17 stood by small business concerns seeking to ob-
18 tain a subcontracting opportunity from the of-
19 feror or bidder; and

20 “(ii) the offeror or bidder will include the
21 plain writing requirement described in clause (i)
22 in all subcontracts that offer subcontracting op-
23 portunities.”; and

24 (2) by adding at the end the following:

25 “(18) COMPLIANCE WITH PLAIN WRITING RE-
26 QUIREMENT.—If the Administrator determines that

1 a prime contractor failed to communicate any solici-
2 tation of a subcontract in plain writing in accord-
3 ance with paragraph (6)(J), the prime contractor
4 shall communicate a new solicitation of the sub-
5 contract in plain writing not later than 30 days after
6 the date on which the Administrator made that de-
7 termination.”.

8 (b) RULEMAKING.—Not later than 90 days after the
9 date of enactment of this Act, the Administrator of the
10 Small Business Administration shall promulgate regula-
11 tions to carry out paragraphs (6)(J) and (18) of section
12 8(d) of the Small Business Act (15 U.S.C. 637(d)), as
13 added by subsection (a).

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