

Union Calendar No. 528

112TH CONGRESS
2^D SESSION

H. R. 4081

[Report No. 112-725]

To amend the Small Business Act to consolidate and revise provisions relating to contract bundling, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 17, 2012

Mr. GRAVES of Missouri (for himself and Mr. WEST) introduced the following bill; which was referred to the Committee on Small Business

DECEMBER 21, 2012

Additional sponsors: Mr. CHABOT, Mr. MULVANEY, Mr. WALSH of Illinois, Mr. HANNA, Mr. SCHILLING, Ms. HERRERA BEUTLER, Mrs. ELLMERS, and Mr. McKEON

DECEMBER 21, 2012

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on February 17, 2012]

A BILL

To amend the Small Business Act to consolidate and revise provisions relating to contract bundling, 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 “Contractor Opportunity*
 5 *Protection Act of 2012”.*

6 **SEC. 2. CONSOLIDATION OF PROVISIONS RELATING TO**
 7 **CONTRACT BUNDLING.**

8 *Section 44 of the Small Business Act (15 U.S.C. 657q)*
 9 *is amended to read as follows:*

10 **“SEC. 44. CONTRACT BUNDLING.**

11 “(a) *DEFINITIONS.—In this Act:*

12 “(1) *BUNDLED CONTRACT.—The term ‘bundled*
 13 *contract’—*

14 “(A) *means a contract that is entered into*
 15 *to meet procurement requirements that are com-*
 16 *bined in a bundling of contract requirements,*
 17 *without regard to whether a study of the effects*
 18 *of the solicitation on Federal officers or employ-*
 19 *ees has been made; and*

20 “(B) *does not include—*

21 “(i) *a contract with an aggregate dol-*
 22 *lar value below the dollar threshold; or*

23 “(ii) *a single award contract for the*
 24 *acquisition of a weapons system acquired*
 25 *through a major defense acquisition.*

1 “(2) *BUNDLING METHODOLOGY.*—The term ‘bundling methodology’ means—

2 “(A) a solicitation to obtain offers for a single contract or a multiple award contract;

3 “(B) a solicitation of offers for the issuance of a task or a delivery order under an existing single or multiple award contract; or

4 “(C) the creation of any new procurement requirements that permits a combination of contract requirements, including any combination of contract requirements or order requirements.

5 “(3) *BUNDLING OF CONTRACT REQUIREMENTS.*—The term ‘bundling of contract requirements’, with respect to the contract requirements of a Federal agency—

6 “(A) means the use of any bundling methodology to satisfy 2 or more procurement requirements for new or existing goods or services provided to or performed for the Federal agency, including any construction services, that is likely to be unsuitable for award to a small-business concern due to—

7 “(i) the diversity, size, or specialized nature of the elements of the performance specified;

1 “(ii) the aggregate dollar value of the
2 anticipated award;

3 “(iii) the geographical dispersion of the
4 contract performance sites; or

5 “(iv) any combination of the factors
6 described in clauses (i), (ii), and (iii); and

7 “(B) does not include the use of a bundling
8 methodology for an anticipated award with an
9 aggregate dollar value below the dollar threshold.

10 “(4) CHIEF ACQUISITION OFFICER.—The term
11 ‘Chief Acquisition Officer’ means the employee of a
12 Federal agency designated as the Chief Acquisition
13 Officer for the Federal agency under section 16(a) of
14 the Office of Federal Procurement Policy Act (41
15 U.S.C. 1702(a)).

16 “(5) CONTRACT.—The term ‘contract’ includes,
17 for purposes of this section, any task order made pur-
18 suant to an indefinite quantity, indefinite delivery
19 contract.

20 “(6) CONTRACT BUNDLING.—The term ‘contract
21 bundling’ means the process by which a bundled con-
22 tract is created.

23 “(7) DOLLAR THRESHOLD.—The term ‘dollar
24 threshold’ means—

1 “(A) *in the case of a contract for construc-*
2 *tion, \$5,000,000; and*

3 “(B) *in any other case, \$2,000,000.*

4 “(8) *MAJOR DEFENSE ACQUISITION PROGRAM.—*
5 *The term ‘major defense acquisition program’ has the*
6 *meaning given in section 2430(a) of title 10, United*
7 *States Code.*

8 “(9) *PREVIOUSLY BUNDLED CONTRACT.—The*
9 *term ‘previously bundled contract’ means a contract*
10 *that is the successor to a contract that required a*
11 *bundling analysis, contract for which any of the suc-*
12 *cessor contract were designated as a consolidated con-*
13 *tract or bundled contract in the Federal procurement*
14 *database, or a contract for which the Administrator*
15 *designated the prior contract as a bundled contract.*

16 “(10) *PROCUREMENT ACTIVITY.—The term ‘pro-*
17 *curement activity’ means the Federal agency or office*
18 *thereof acquiring goods or services.*

19 “(11) *PROCUREMENT REQUIREMENT.—The term*
20 *‘procurement requirement’ means a determination by*
21 *an agency that a specified good or service is needed*
22 *to satisfy the mission of the agency.*

23 “(12) *SENIOR PROCUREMENT EXECUTIVE.—The*
24 *term ‘senior procurement executive’ means an official*
25 *designated under section 16(c) of the Office of Federal*

1 *Procurement Policy Act (41 U.S.C. 1702(c)) as the*
 2 *senior procurement executive for a Federal agency.*

3 “(b) *POLICY.—The head of each Federal agency shall*
 4 *ensure that the decisions made by the Federal agency re-*
 5 *garding contract bundling are made with a view to pro-*
 6 *viding small business concerns with the maximum prac-*
 7 *ticable opportunities to participate as prime contractors*
 8 *and subcontractors in the procurements of the Federal agen-*
 9 *cy.*

10 “(c) *CONTRACT BUNDLING.—*

11 “(1) *PROPOSED PROCUREMENTS.—Paragraphs*
 12 *(2) through (4) shall apply to to a proposed procure-*
 13 *ment if the proposed procurement—*

14 “(A) *would adversely affect one or more*
 15 *small business concerns, including the potential*
 16 *loss of an existing contract;*

17 “(B) *includes, in its statement of work,*
 18 *goods or services—*

19 “(i)(I) *currently being performed by a*
 20 *small business; and*

21 “(II) *if the proposed procurement is in*
 22 *a quantity or estimated dollar value the*
 23 *magnitude of which renders small business*
 24 *prime contract participation unlikely; or*

1 “(ii)(I) that are of a type that the Ad-
 2 ministrators through market research can
 3 demonstrate that two or more small busi-
 4 nesses are capable of performing; and

5 “(II) if the proposed procurement
 6 would be combined with other requirements
 7 for goods and services;

8 “(C) is for construction and—

9 “(i) seeks to package or combine dis-
 10 crete construction projects; or

11 “(ii) the value of the goods or services
 12 subject to the contract exceeds the dollar
 13 threshold; or

14 “(D) is determined by the Administrator to
 15 have a solicitation that involves an unnecessary
 16 or unjustified bundling of contract requirements.

17 “(2) RESPONSIBILITY OF THE PROCUREMENT AC-
 18 TIVITY.—At least 45 days prior to the issuance of a
 19 solicitation, the Procurement Activity shall notify
 20 and provide a copy of the proposed procurement to
 21 the procurement center representative assigned to the
 22 Procurement Activity. The 45-day notification process
 23 under this paragraph shall occur concurrently with
 24 other processing steps required prior to issuance of the
 25 solicitation. The notice shall include a statement set-

1 *ting forth the proposed procurement strategy required*
2 *by subsection (e), and—*

3 *“(A) explaining why the proposed acquisi-*
4 *tion cannot be further divided into reasonably*
5 *small lots or discrete tasks in order to permit of-*
6 *fers by small business concerns;*

7 *“(B) listing, if applicable, the incumbent*
8 *contractors disaggregated by and including*
9 *names, addresses, and whether or not the con-*
10 *tractor is a small business concern;*

11 *“(C) describing the industries that might be*
12 *interested in bidding on the contract require-*
13 *ments;*

14 *“(D) delineating the number of small busi-*
15 *ness concerns listed in the industry categories*
16 *that could be excluded from future bidding if the*
17 *contract is a bundled contract, including any*
18 *small business bidders that had bid on previous*
19 *procurement requirements that are included in*
20 *the bundling of contract requirements;*

21 *“(E) delineating the number of existing*
22 *small business concerns whose contracts will*
23 *cease if the contract bundling proceeds;*

24 *“(F) explaining why the delivery schedules*
25 *cannot be established on a realistic basis that*

1 *will encourage small business participation to*
 2 *the extent consistent with the actual require-*
 3 *ments of the Government;*

4 *“(G) explaining why the proposed acquisi-*
 5 *tion cannot be offered so as to make small busi-*
 6 *ness participation likely;*

7 *“(H) explaining why construction cannot be*
 8 *procured as separate discrete projects; and*

9 *“(I) explaining why the agency has deter-*
 10 *mined that the bundled contract is necessary and*
 11 *justified.*

12 *“(3) PUBLICATION OF NOTICE STATEMENT.—*
 13 *Concurrently, the statement required in paragraph*
 14 *(2) shall be published in the Federal contracting op-*
 15 *portunities database.*

16 *“(4) RECOMPETITION OF A PREVIOUSLY BUN-*
 17 *DLED CONTRACT.—If the proposed procurement is a*
 18 *previously bundled contract, that is to be recompeted*
 19 *as a bundled contract, the Administrator shall deter-*
 20 *mine, with the assistance of the agency proposing the*
 21 *procurement—*

22 *“(A) the amount of savings and benefits (in*
 23 *accordance with subsection (d)) achieved under*
 24 *the bundling of contract requirements;*

1 “(B) *whether such savings and benefits will*
2 *continue to be realized if the contract remains*
3 *bundled, and whether such savings and benefits*
4 *would be greater if the procurement requirements*
5 *were divided into separate solicitations suitable*
6 *for award to small business concerns;*

7 “(C) *the dollar value of subcontracts award-*
8 *ed to small business concerns under the bundled*
9 *contract, disaggregated by North American In-*
10 *dustrial Classification System Code;*

11 “(D) *the percentage of subcontract dollars*
12 *awarded to small businesses under the bundled*
13 *contract, disaggregated by North American In-*
14 *dustrial Classification System Code; and*

15 “(E) *the dollar amount and percentage of*
16 *prime contract dollars awarded to small busi-*
17 *nesses in the primary North American Indus-*
18 *trial Classification System Code for that bundled*
19 *contract during each of the two fiscal years pre-*
20 *ceding the award of the bundled contract and*
21 *during each fiscal year of the performance of the*
22 *bundled contract.*

23 “(5) *FAILURE TO PROVIDE NOTICE.—*

24 “(A) *NO NOTIFICATION RECEIVED.—If no*
25 *notification of the proposed procurement or ac-*

1 *companying statement is received, but the Ad-*
2 *ministrator determines that the proposed pro-*
3 *curement is a proposed procurement described in*
4 *paragraph (1), then the Administrator shall re-*
5 *quire that such a statement of work be completed*
6 *by the Procurement Activity and sent to the pro-*
7 *curement center representative and postpone the*
8 *solicitation process for at least 10 days but not*
9 *more than 45 days to allow the Administrator to*
10 *review the statement and make recommendations*
11 *as described in this section before the procure-*
12 *ment process is continued.*

13 *“(B) NO WORK CONTINUED.—If the Admin-*
14 *istrator requires a Procurement Activity to pro-*
15 *vide a statement of work pursuant to subpara-*
16 *graph (A), the Procurement Activity shall not be*
17 *permitted to continue with the procurement until*
18 *such time as the Procurement Activity complies*
19 *with the requirements of subparagraph (A).*

20 *“(6) RESPONSIBILITY OF THE PROCUREMENT*
21 *CENTER REPRESENTATIVE.—Within 15 days after re-*
22 *ceipt of the proposed procurement and accompanying*
23 *statement, if the procurement center representative be-*
24 *lieves that the procurement as proposed will render*
25 *small business prime contract participation unlikely,*

1 *the representative shall recommend to the Procure-*
 2 *ment Activity alternative procurement methods which*
 3 *would increase small business prime contracting op-*
 4 *portunities.*

5 “(7) *DISAGREEMENT BETWEEN THE ADMINIS-*
 6 *TRATOR AND THE PROCUREMENT ACTIVITY.—*

7 “(A) *IN GENERAL.—The Administrator*
 8 *may take action under this paragraph to further*
 9 *the interests of small businesses if—*

10 “(i) *a small business concern would be*
 11 *adversely affected, directly or indirectly, by*
 12 *the proposed procurement, and that small*
 13 *business concern or a trade association rep-*
 14 *resenting such small business concern so re-*
 15 *quests; or*

16 “(ii) *if the Administrator determines*
 17 *that a small business concern would be ad-*
 18 *versely affected, directly or indirectly, by*
 19 *the proposed procurement.*

20 “(B) *APPEAL TO AGENCY HEAD.—First, the*
 21 *proposed procurement shall be submitted for de-*
 22 *termination to the head of the contracting agen-*
 23 *cy by the Administrator.*

1 “(C) *FAILURE TO AGREE.*—Whenever the
2 Administrator and the head of the contracting
3 agency fail to agree—

4 “(i) the Administrator, within ten
5 days after such decision, may file an appeal
6 with the appropriate agency board of con-
7 tract appeals;

8 “(ii) the board shall provide the Ad-
9 ministrator and the head of the contracting
10 agency the opportunity to provide their
11 views on the disputed contract, except that
12 no oral testimony or oral argument shall be
13 permitted;

14 “(iii) the board shall permit interested
15 bidders to intervene; and

16 “(iv) the board shall render its deci-
17 sion, which shall be final agency action for
18 purposes of chapter 7 of title 5, United
19 States Code, within 30 days after the ap-
20 peal has been filed.

21 “(D) *APPEAL BY AFFECTED SMALL BUSI-*
22 *NESS CONCERN TO GAO.*—If the Administrator
23 takes no action pursuant to subparagraph (C), a
24 small business concern that would be adversely
25 affected, directly or indirectly, by the procure-

1 *ment as proposed, or a trade association that in-*
2 *cludes such a small business concern as a mem-*
3 *ber, may file a protest with the Government Ac-*
4 *countability Office. If the protest is filed by a*
5 *trade association, the trade association shall not*
6 *be required to identify a specific member in con-*
7 *nection with the protest.*

8 “(d) *MARKET RESEARCH.*—

9 “(1) *IN GENERAL.*—*Before proceeding with an*
10 *acquisition strategy that could lead to bundled con-*
11 *tracts, the head of an agency shall conduct market re-*
12 *search to determine whether bundling of the require-*
13 *ments is necessary and justified.*

14 “(2) *FACTORS.*—*For purposes of subsection*
15 *(c)(1), a bundled contract is necessary and justified*
16 *if the bundling of contract requirements will result in*
17 *substantial measurable benefits in excess of those bene-*
18 *fits resulting from a procurement of the contract re-*
19 *quirements that does not involve contract bundling.*

20 “(3) *BENEFITS.*—*For the purposes of bundling of*
21 *contract requirements, benefits described in para-*
22 *graph (2) may include the following:*

23 “(A) *Cost savings.*

24 “(B) *Quality improvements.*

25 “(C) *Reduction in acquisition cycle times.*

1 “(D) *Better terms and conditions.*

2 “(E) *Any other benefits.*

3 “(4) *REDUCTION OF COSTS NOT DETERMINA-*
4 *TIVE.—For purposes of this subsection:*

5 “(A) *Cost savings shall not include any re-*
6 *duction in the use of military interdepartmental*
7 *purchase requests or any similar transfer funds*
8 *among Federal agencies for the use of a contract*
9 *issued by another Federal agency.*

10 “(B) *The reduction of administrative or*
11 *personnel costs alone shall not be a justification*
12 *for bundling of contract requirements unless the*
13 *cost savings are expected to be substantial in re-*
14 *lation to the dollar value of the procurement re-*
15 *quirements to be bundled.*

16 “(5) *LIMITATION ON ACQUISITION STRATEGY.—*
17 *The head of a Federal agency may not carry out an*
18 *acquisition strategy that includes bundled contracts*
19 *valued in excess of the dollar threshold, unless the sen-*
20 *ior procurement executive or, if applicable, Chief Ac-*
21 *quisition Officer, for the Federal agency, certifies to*
22 *the head of the Federal agency that steps will be taken*
23 *to include small business concerns in the acquisition*
24 *strategy prior to the implementation of such acquisi-*
25 *tion strategy.*

1 “(e) *STRATEGY SPECIFICATIONS.*—*If the head of a con-*
2 *tracting agency determines that an acquisition plan or pro-*
3 *posed procurement strategy will result in a bundled con-*
4 *tract, the proposed acquisition plan or procurement strat-*
5 *egy shall—*

6 “(1) *identify specifically the benefits anticipated*
7 *to be derived from the bundling of contract require-*
8 *ments;*

9 “(2) *set forth an assessment of the specific im-*
10 *pediments to participation by small business concerns*
11 *as prime contractors that result from the contract*
12 *bundling and specify actions designed to maximize*
13 *small business participation as subcontractors (in-*
14 *cluding suppliers) at various tiers under the contract*
15 *or contracts that are awarded to meet the require-*
16 *ments; and*

17 “(3) *include a specific determination that the*
18 *anticipated measurable benefits of the proposed bun-*
19 *dled contract justify its use.*

20 “(f) *CONTRACT TEAMING.*—*In the case of a solicitation*
21 *of offers for a bundled contract that is issued by the head*
22 *of an agency, a small-business concern may submit an offer*
23 *that provides for use of a particular team of subcontractors*
24 *for the performance of the contract. The head of the agency*
25 *shall evaluate the offer in the same manner as other offers,*

1 *with due consideration to the capabilities of all of the pro-*
 2 *posed subcontractors. If a small business concern teams*
 3 *under this paragraph, it shall not affect its status as a*
 4 *small business concern for any other purpose.*

5 “(g) *DATABASE, ANALYSIS, AND ANNUAL REPORT RE-*
 6 *GARDING CONTRACT BUNDLING.—*

7 “(1) *DATABASE.—Not later than 180 days after*
 8 *the date of the enactment of this subsection, the Ad-*
 9 *ministrator shall develop and shall thereafter main-*
 10 *tain a database containing data and information re-*
 11 *garding—*

12 “(A) *each bundled contract awarded by a*
 13 *Federal agency; and*

14 “(B) *each small business concern that has*
 15 *been displaced as a prime contractor as a result*
 16 *of the award of such a contract.*

17 “(2) *ANALYSIS.—For each bundled contract that*
 18 *is to be recompeted, the Administrator shall deter-*
 19 *mine—*

20 “(A) *the amount of savings and benefits re-*
 21 *alized, in comparison with the savings and bene-*
 22 *fits anticipated by the analysis required under*
 23 *subsection (d) prior to the contract award; and*

24 “(B) *whether such savings and benefits will*
 25 *continue to be realized if the contract remains*

1 *bundled, and whether such savings and benefits*
 2 *would be greater if the procurement requirements*
 3 *were divided into separate solicitations suitable*
 4 *for award to small business concerns.*

5 “(3) ANNUAL REPORT ON CONTRACT BUN-
 6 DLING.—

7 “(A) IN GENERAL.—Not later than 1 year
 8 *after the date of the enactment of this paragraph,*
 9 *and annually in March thereafter, the Adminis-*
 10 *trator shall transmit a report on contract bun-*
 11 *dling to the Committee on Small Business of the*
 12 *House of Representatives and the Committee on*
 13 *Small Business and Entrepreneurship of the*
 14 *Senate.*

15 “(B) CONTENTS.—Each report transmitted
 16 under subparagraph (A) shall include—

17 “(i) data on the number, arranged by
 18 *industrial classification, of small business*
 19 *concerns displaced as prime contractors as*
 20 *a result of the award of bundled contracts*
 21 *by Federal agencies; and*

22 “(ii) a description of the activities
 23 *with respect to previously bundled contracts*
 24 *of each Federal agency during the preceding*
 25 *year, including—*

1 “(I) data on the number and total
2 dollar amount of all contract require-
3 ments that were bundled; and

4 “(II) with respect to each bundled
5 contract, data or information on—

6 “(aa) the justification for the
7 bundling of contract requirements;

8 “(bb) the cost savings real-
9 ized by bundling the contract re-
10 quirements over the life of the con-
11 tract;

12 “(cc) the extent to which
13 maintaining the bundled status of
14 contract requirements is projected
15 to result in continued cost sav-
16 ings;

17 “(dd) the extent to which the
18 bundling of contract requirements
19 complied with the contracting
20 agency’s small business subcon-
21 tracting plan, including the total
22 dollar value awarded to small
23 business concerns as subcontract-
24 ors and the total dollar value
25 previously awarded to small busi-

ness concerns as prime contractors; and

“(ee) the impact of the bundling of contract requirements on small business concerns unable to compete as prime contractors for the consolidated requirements and on the industries of such small business concerns, including a description of any changes to the proportion of any such industry that is composed of small business concerns.

“(h) *BUNDLING ACCOUNTABILITY MEASURES.*—

“(1) *TEAMING REQUIREMENTS.*—Each Federal agency shall include in each solicitation for any multiple award contract above the dollar threshold a provision soliciting bids from any responsible source, including responsible small business concerns and teams or joint ventures of small business concerns.

“(2) *POLICIES ON REDUCTION OF CONTRACT BUNDLING.*—

“(A) *IN GENERAL.*—Not later than 270 days after the date of enactment of this subparagraph, the Federal Acquisition Regulatory Coun-

1 *cil, established under section 25(a) of the Office*
 2 *of Federal Procurement Policy Act (41 U.S.C.*
 3 *1302(a)), shall amend the Federal Acquisition*
 4 *Regulation issued under section 25 of such Act*
 5 *to—*

6 *“(i) establish a Government-wide pol-*
 7 *icy regarding contract bundling;*

8 *“(ii) establish a Government-wide pol-*
 9 *icy on the solicitation of contractor teams*
 10 *and joint ventures; and*

11 *“(iii) require that the policies estab-*
 12 *lished under clauses (i) and (ii) be pub-*
 13 *lished on the website of each Federal agency.*

14 *“(B) RATIONALE FOR CONTRACT BUN-*
 15 *DLING.—Not later than 30 days after the date on*
 16 *which the head of a Federal agency submits the*
 17 *report required under section 15(h), the head of*
 18 *the Federal agency shall publish on the website*
 19 *of the Federal agency a list and rationale for*
 20 *any bundled contract for which the Federal agen-*
 21 *cy solicited bids or that was awarded by the Fed-*
 22 *eral agency.”.*

23 **SEC. 3. REPEAL OF REDUNDANT PROVISIONS.**

24 *(a) CERTAIN PROVISIONS REGARDING CONTRACT BUN-*
 25 *DLING REPEALED.—*

1 (1) *Section 15(a) of the Small Business Act (15*
 2 *U.S.C. 644(a)), is amended by striking “If a proposed*
 3 *procurement includes” and all that follows through*
 4 *“the matter shall be submitted for determination to*
 5 *the Secretary or the head of the appropriate depart-*
 6 *ment or agency by the Administrator.”.*

7 (2) *All references in law to such sentences as they*
 8 *were in effect on the date that is one day prior to the*
 9 *effective date of this Act shall be deemed to be ref-*
 10 *erences to section 44(d), as added by this Act.*

11 (b) *CERTAIN PROVISIONS REGARDING MARKET RE-*
 12 *SEARCH REPEALED.—*

13 (1) *Paragraphs (2) through (4) of section 15(e)*
 14 *of the Small Business Act (15 U.S.C. 644(e)) are re-*
 15 *pealed.*

16 (2) *All references in law to such paragraphs, as*
 17 *in effect on the date that is one day prior to the effec-*
 18 *tive date of this Act, shall be deemed to be references*
 19 *to subsections (d) through (f), respectively, of section*
 20 *44 of the Small Business Act, as added by this sec-*
 21 *tion.*

22 (c) *CERTAIN PROVISIONS REGARDING CONTRACT BUN-*
 23 *DLING DATABASE REPEALED.—*

24 (1) *Paragraph (1) of section 15(p) of the Small*
 25 *Business Act (15 U.S.C. 644(p)) is repealed.*

1 (2) Paragraphs (2) through (4) of section 15(p)
 2 of the Small Business Act (15 U.S.C 644(p)) are re-
 3 pealed. All references in law to such paragraphs, as
 4 in effect on the date that is one day prior to the effec-
 5 tive date of this Act, shall be deemed to be references
 6 to paragraphs (1) through (3), respectively, of section
 7 44(h) of the Small Business Act, as added by this Act.

8 (d) CERTAIN PROVISIONS REGARDING BUNDLING AC-
 9 COUNTABILITY MEASURES REPEALED.—

10 (1) Paragraphs (1) and (2) of section 15(q) of
 11 the Small Business Act (15 U.S.C 644(q)) are re-
 12 pealed.

13 (2) All references in law to such paragraphs, as
 14 in effect on the date that is one day prior to the effec-
 15 tive date of this Act, shall be deemed to be references
 16 to paragraphs (1) and (2), respectively, of section
 17 44(i) of the Small Business Act, as added by this Act.

18 (e) CERTAIN PROVISIONS REGARDING.—Subsection (o)
 19 of section 3 of the Small Business Act (15 U.S.C.) is re-
 20 pealed.

21 **SEC. 4. TECHNICAL AMENDMENTS.**

22 Section 15 of the Small Business Act (15 U.S.C. 644)
 23 is amended—

24 (1) in the heading of subsection (p), to read as
 25 follows: “ACCESS TO DATA.—”; and

1 (2) *in the heading of subsection (q), to read as*
2 *follows: “REPORTS RELATED TO PROCUREMENT CEN-*
3 *TER REPRESENTATIVES.—”.*

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