

small businesses, so we need to help them in every way we can.

Madam Speaker, I want to thank all of the Members who spoke here this afternoon on the floor for their leadership in this important area. I would urge my colleagues to support this bipartisan legislation, and I yield back the balance of my time.

Ms. VELÁZQUEZ. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, supporting our small business community and ensuring that they are able to thrive is the top priority for me and the Small Business Committee that I chair.

H.R. 5130 supports the small business community by providing them with additional time to grow and mature.

By extending the lookback in the employee-based size standard, H.R. 5130 allows small firms an opportunity to gradually and successfully transition out of the small business category.

Most importantly, this bill ensures equal treatment of small business concerns by granting manufacturing firms the same benefits provided to concerns subject to the receipts-based formula.

I congratulate Mr. VEASEY and Mr. HERN for bringing forward a common-sense and bipartisan solution.

Madam Speaker, I urge my colleagues to support H.R. 5130, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, H.R. 5130.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### UNLOCKING OPPORTUNITIES FOR SMALL BUSINESSES ACT OF 2019

Ms. VELÁZQUEZ. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5146) to amend the Small Business Act to require contracting officers to take a small business concern's past performance as part of a joint venture into account when evaluating the small business concern, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5146

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Unlocking Opportunities for Small Businesses Act of 2019".

#### SEC. 2. PAST PERFORMANCE RATINGS OF JOINT VENTURES FOR SMALL BUSINESS CONCERNS.

Section 15(e) of the Small Business Act (15 U.S.C. 644(e)) is amended by adding at the end the following:

"(5) PAST PERFORMANCE RATINGS OF JOINT VENTURES FOR SMALL BUSINESS CONCERNS.—With respect to evaluating an offer for a

prime contract made by a small business concern that previously participated in a joint venture with another business concern (whether or not such other business concern was itself a small business concern), the Administrator shall establish regulations—

"(A) requiring contracting officers to consider the record of past performance of the joint venture when evaluating the past performance of the small business concern; and

"(B) requiring the small business concern to inform the contracting officer what duties and responsibilities the small business concern carried out as part of the joint venture."

#### SEC. 3. PAST PERFORMANCE RATINGS OF FIRST-TIER SMALL BUSINESS SUB-CONTRACTORS.

Section 8(d)(17) of the Small Business Act (15 U.S.C. 637(d)(17)) is amended to read as follows:

"(17) PAST PERFORMANCE RATINGS FOR CERTAIN SMALL BUSINESS SUBCONTRACTORS.—

"(A) IN GENERAL.—Upon request by a small business concern that performed as a first tier subcontractor on a covered contract (as defined in paragraph 13(A)) that is submitting an offer for a solicitation, the prime contractor for such covered contract shall submit to the contracting agency issuing the solicitation or to such small business concern a record of past performance for such small business concern with respect to such covered contract.

"(B) CONSIDERATION.—A contracting officer shall consider the record of past performance of a small business concern provided under subparagraph (A) when evaluating an offer for a prime contract made by such small business concern."

#### SEC. 4. RULEMAKING.

(a) SBA RULES.—Not later than the end of the 120-day period beginning on the date of enactment of this Act, the Administrator of the Small Business Administration shall issue rules to carry out this Act and the amendments made by this Act.

(b) FEDERAL ACQUISITION REGULATION.—Not later than the end of the 120-day period beginning on the date that rules are issued under subsection (a), the Federal Acquisition Regulation shall be revised to reflect such rules.

#### SEC. 5. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Ohio (Mr. CHABOT) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Ms. VELÁZQUEZ. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the measure under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. VELÁZQUEZ. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 5146, the Unlocking Opportunities for Small Businesses Act of 2019, which will eliminate barriers to entry for small businesses seeking to perform as prime contractors in the Federal marketplace.

As the largest buyer of goods and services in the world, the Federal Government needs contractors it can rely upon, and knowing how a business performed previously is a strong predictor of its ability to successfully perform in the future.

However, one of the challenges small businesses experience while offering their products and services to the Federal Government is showing that they have relevant past performance. Usually, the government relies on the past performance records it compiles. However, such information solely on the small business may not exist. Thus, small businesses cannot effectively compete for contracts.

Moreover, small businesses cannot develop the appropriate past performance without winning a prime contract first.

H.R. 5146 offers a solution to this dilemma by allowing small businesses to leverage other types of past performance information. Specifically, it requires contracting officers to consider a joint venture's past performance record when evaluating an offer of any of its members.

Similarly, it requires the acceptance of past performance information generated by a contractor on its subcontractor when reviewing an offer from the latter to serve as prime.

With this change, H.R. 5146 provides small businesses additional ways of showing they possess relevant past-performance experience. Moreover, by requiring acceptance of joint venture and subcontracting past-performance information, this bill advances uniformity government wide.

I urge Members to support this important piece of legislation, and I reserve the balance of my time.

Mr. CHABOT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 5146, the Unlocking Opportunities for Small Businesses Act of 2019, as amended.

Madam Speaker, I would like to thank the gentleman from Minnesota (Mr. HAGEDORN), and the two gentlemen from Pennsylvania, Dr. JOYCE and Mr. EVANS, for their leadership on this legislation and, again, working together in a bipartisan manner, which will reduce significant barriers to small contractors in the Federal marketplace.

As we have heard from our colleagues, obtaining relevant, past-performance information is critical for a small business to be competitive for a contractor award. Unfortunately, Federal agencies take a narrow view on what they might consider as relevant past performance for a prime contract opportunity.

This limits a small business' ability to compete for contracts that they would otherwise be a perfect fit for, which is detrimental both to the small business and to the government. In short, the important thing for a Federal agency to know is whether a business is capable of successfully completing the specific task being requested.

If the small business can show that it has successfully performed that type of work in the past, it should be able to use that as evidence that it can complete the task in the future. It is that simple.

This bill will not only unlock prime contracting opportunities for small businesses, but it will also have the additional positive impact of eventually growing the industrial base, increasing competition, and, again, most importantly, lowering costs to the taxpayer.

Madam Speaker, I urge my colleagues to support this important legislation, and I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Speaker, I continue to reserve the balance of my time.

Mr. CHABOT. Madam Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. HAGEDORN), and I thank the gentleman for his leadership on this legislation.

Mr. HAGEDORN. Madam Speaker, I appreciate the gentleman for his words, and I would first like to commend Chair VELÁZQUEZ and Ranking Member CHABOT for their leadership and their bipartisanship, demonstrating that a committee like ours can do very good work. I think our committee is an example for many others here in the House, so I thank them for that.

Madam Speaker, I rise in support of H.R. 5146, the Unlocking Opportunities for Small Businesses Act, which is very important legislation. It was found through hearings and discussions with small businesses who wanted to be prime contractors with the government, the committee found that small businesses were having difficulties. Because of the criteria and so forth, the government wouldn't take into consideration, for instance, as Mr. CHABOT and the chair said, their experience as subcontractors.

So we wanted to do something about that. And I want to thank my friend, Mr. EVANS of Pennsylvania, who helped me, and also coauthored the bill and collaborated with us on this bill, along with my friend from Pennsylvania, the good Dr. JOYCE. I thank the gentlemen for all of their work.

It is like the title of the bill says, we are going to unlock opportunities for small business contractors seeking prime contracting with the Federal Government. Unfortunately, small contractors are stuck in a catch-22.

In order to receive a prime contract, Federal agencies require evidence showing that the contractor is capable of doing the work, but they will generally only accept past performance

conducted as a Federal prime contractor as proof of this experience.

Therefore, companies can't obtain prime contracts if they lack a record of performance, but companies can't get the prior performance experienced without winning prime contracts. So it goes around in a circle.

For many small businesses throughout southern Minnesota and our Nation, winning prime contracts is the key to sustained growth. Making the leap from subcontracting or teaming with other companies to prime contracting, as we discussed, can be exceedingly challenging due to this dilemma.

This assessment of a contractor's capabilities, based only on their prior experience as a prime contractor, does a great disservice to many qualified companies who have performed vital work for the government.

The work small contractors have performed in those roles may have great relevance to the contract as it is bid, however, they are unable to showcase their capabilities due to the agencies' narrow focus on prime contracting experience.

These limitations not only prevent growth for small businesses but have a larger impact on the Federal Government's industrial base. More and more, small businesses are taking their considerable talents to the private sector rather than working with the Federal Government.

Past performance rules, such as this one, are way out of step with today's economy, and they undermine the Federal Government's ability to efficiently seek qualified and capable businesses willing and able to work with the Federal Government.

By removing this barrier to entry for small businesses, our bill gives them incentive to rejoin the Federal contracting community and even persuades new businesses to enter the Federal marketplace. The more small businesses we can attract, the more competition will increase and we will obtain better results and outcomes for the American taxpayer.

This bill opens up a world of prime contracting opportunities for small contractors, and I urge my colleagues on both sides of the aisle to join me in supporting H.R. 5146.

Ms. VELÁZQUEZ. Madam Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. EVANS), the vice chair of the Small Business Committee.

Mr. EVANS. Madam Speaker, I would like to thank the chairperson of the Small Business Committee, Chairwoman VELÁZQUEZ, for yielding. The gentlewoman has, in the 3 years that I have been here, led this committee in a very positive direction, and also as the ranking member before she became chair. Ranking Member CHABOT has also been a partner in this effort. I thank him too for his leadership of working together.

I thank Mr. HAGEDORN from the great State of Minnesota, which is one of my

favorite places—Sleepy Eye, Minnesota—the gentleman knows that I know about Sleepy Eye—as well as Mr. JOYCE, who is a colleague from Pennsylvania. I thank my colleagues for their leadership on this bill.

The well-being of our communities depend in part on what we do to create circumstances where small businesses can thrive. When small businesses thrive, Americans enjoy great economic security. In my home city of Philadelphia, minorities constitute about 65 percent of the population. Yet, they constitute 80 percent of those in poverty.

Coupled with the fact that the city has a poverty rate of nearly 25 percent, creating economic opportunity for minorities is critical to advance well-being: financially, physically, and socially.

We, as Members of Congress, have tools in our toolbox to address economic disparity. One of those is H.R. 5146. This bill will allow small businesses to compete more fairly with large businesses by permitting small businesses to create past performance records.

A past performance record is integral to winning federal contracts, but small businesses are prevented from establishing one.

Most of the work of minority-owned small businesses does not count towards past performance, such as work in joint ventures or as subcontractors to prime contractors.

This hurts small businesses' ability to bid, compete, and win contracts as primes. In turn, it impairs the business' ability to grow, create jobs, and contribute economically to the community.

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With the passage of this bipartisan bill into law, we will create circumstances where all small businesses, including minority-owned small businesses, will be better equipped to compete and thrive.

Madam Speaker, I thank the chair again for her leadership and the staff, too, for working together collectively to make this happen. I invite all of my colleagues to support passage of this bill.

Mr. CHABOT. Madam Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. JOYCE). I thank him for his leadership and for working so hard on this legislation.

Mr. JOYCE of Pennsylvania. Madam Speaker, I rise today in support of H.R. 5130, the Capturing All Small Businesses Act. As a member of the Small Business Committee, I have personally heard how important this act is.

Additionally, I want to speak today in support of H.R. 5146, the Unlocking Opportunities for Small Businesses Act, introduced by my friend and colleague, Mr. HAGEDORN from Minnesota, and my fellow Pennsylvanian, Mr. EVANS.

Federal contracts provide many businesses across the Nation with the opportunity to receive stable funding through which they can develop a reliable workforce, supply chain, or line of production. These contracts can be a lifeline to small businesses looking to grow or expand. Unfortunately, as designed, the current system limits smaller companies' chances to acquire these contracts.

This legislation implements a much-needed change to allow small businesses to use their previous experience to demonstrate their merits and to strengthen their abilities to compete for Federal contracts.

This is an important step in leveling the playing field for small businesses looking to grow their footprint in the Federal market. I look forward to the positive impact that this legislation will have on countless small businesses that I represent in south central and southwestern Pennsylvania and across our great country.

Ms. VELAZQUEZ. Madam Speaker, I have no further speakers, and I am prepared to close.

Mr. CHABOT. Madam Speaker, I yield myself the balance of my time to close.

Madam Speaker, again, I thank the gentleman from Minnesota (Mr. HAGEDORN) and the two gentlemen from Pennsylvania, Mr. EVANS and Dr. JOYCE, for their leadership on this important piece of legislation.

Increasing Federal contracting opportunities for small firms is a win-win situation. The taxpayers get better value from their tax dollars, and small firms grow and spur our economy forward.

This is really commonsense, bipartisan legislation. I urge my colleagues to support it, and again, I thank the gentlewoman from New York, the chairwoman of the committee, who, once again, has shown that she is working together in a collegial and bipartisan fashion. We really do appreciate that. That is one of the reasons that all four of the bills we have taken up this afternoon have had both Republicans and Democrats working together. That doesn't happen in every committee, but it does happen in the Small Business Committee, and I thank her for that.

Madam Speaker, I yield back the balance of my time.

Ms. VELAZQUEZ. Madam Speaker, I yield myself the balance of my time to close.

Madam Speaker, I thank the gentleman from Minnesota (Mr. HAGEDORN), the gentleman from Pennsylvania (Mr. EVANS), and Dr. JOYCE from Pennsylvania for their work on H.R. 5146 to make it easier for small businesses to pursue Federal prime contract opportunities.

In the Small Business Committee, we recognize the crucial role small businesses play in providing goods and services to the Federal Government. That is why we are always searching for ways to simplify the contracting

process. H.R. 5146 achieves this by requiring contracting officers to accept relevant past performance information obtained by a small business while performing as a subcontractor or in a joint venture.

With this bill, we reiterate our steadfast commitment to the small business community. Moreover, it will encourage small businesses with relevant past performance experience to bid on prime contracts, which, in turn, will have the effect of promoting the growth of the industrial base, enhancing competition, and decreasing costs.

In closing, I thank Ranking Member CHABOT for his support for these four bills. When passed, they will bring the total number of small business bills approved by the House of Representatives to 27. That is not a small feat, and I appreciate the gentleman's support and that of the members of the committee who have rolled up their sleeves and worked together to help our Nation's 30 million small businesses succeed.

Madam Speaker, I urge my colleagues in the Senate to follow our lead and move expeditiously to approve these bills. I urge my colleagues to support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELAZQUEZ) that the House suspend the rules and pass the bill, H.R. 5146, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### EXPRESSING SENSE OF THE HOUSE THAT STAKEHOLDERS IN 5G COMMUNICATIONS INFRASTRUCTURE SHOULD CAREFULLY CONSIDER AND ADHERE TO "THE PRAGUE PROPOSALS"

Mr. MICHAEL F. DOYLE of Pennsylvania. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 575) expressing the sense of the House of Representatives that all stakeholders in the deployment of 5G communications infrastructure should carefully consider and adhere to the recommendations of "The Prague Proposals", as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 575

Whereas 5G, the next generation (5th generation) in wireless technology, promises the next evolution of communications and information technology services, applications, and capabilities across every sector of business, government, entertainment, and communications;

Whereas the United States, Europe, China, and others are racing toward 5G adoption and upgrading existing networks, which will drive subsequent advances in artificial intelligence, machine learning, smart homes,

smart cities, robotics, autonomous vehicles, and quantum computers;

Whereas 5G will make possible the automatization of everyday activities and the use of the full potential of the Internet of Things;

Whereas these developments, while evolutionary, could include risks to important public interests, including privacy, data security, public safety, and national security;

Whereas in a highly connected world, disruption of the integrity, confidentiality, or availability of communications or even the disruption of the communications service itself can seriously hamper everyday life, societal functions, the economy, and national security;

Whereas the security of 5G networks is crucial for national security, economic security, and other United States national interests and global stability;

Whereas operators of communications infrastructure depend on a complex supply chain of technology from a global market of suppliers and service providers;

Whereas government security officials and experts from 32 countries came together in Prague in May of 2019 to work out guidelines for the deployment and security of 5G networks;

Whereas representatives agreed that "[m]ajor security risks emanate from the cross-border complexities of an increasingly global supply chain which provides [information and communications technology] equipment. These risks should be considered as part of the risk assessment based on relevant information and should seek to prevent proliferation of compromised devices and the use of malicious code and functions."; and

Whereas the Prague 5G Security Conference adopted security recommendations, which have come to be known as "The Prague Proposals": Now, therefore, be it

*Resolved,*

#### SECTION 1. SENSE OF THE HOUSE OF REPRESENTATIVES.

The House of Representatives—

(1) urges all stakeholders in the deployment of 5G communications infrastructure to carefully consider adherence to the recommendations of "The Prague Proposals" (as described in section 2) as they procure products and services across their supply chain; and

(2) encourages the President and Federal agencies to promote global trade and security policies that are consistent with "The Prague Proposals" and urge our allies to embrace the recommendations of "The Prague Proposals" for their 5G infrastructure.

#### SEC. 2. PRAGUE PROPOSALS.

The text of "The Prague Proposals" is as follows:

(1) "POLICY".—

(A) "Communication networks and services should be designed with resilience and security in mind. They should be built and maintained using international, open, consensus-based standards and risk-informed cybersecurity best practices. Clear globally interoperable cyber security guidance that would support cyber security products and services in increasing resilience of all stakeholders should be promoted."

(B) "Every country is free, in accordance with international law, to set its own national security and law enforcement requirements, which should respect privacy and adhere to laws protecting information from improper collection and misuse."

(C) "Laws and policies governing networks and connectivity services should be guided by the principles of transparency and equitability, taking into account the global economy and interoperable rules, with sufficient oversight and respect for the rule of law."