

**AMENDMENT TO H.R. 3867, AS REPORTED**  
**OFFERED BY MR. MORAN OF VIRGINIA**

Title VI, add at the end the following (and amend  
the table of contents accordingly):

1 **SEC. \_\_\_\_ . STUDY ON FRIVOLOUS PROTESTS.**

2 (a) **STUDY.**—The Administrator of the Small Busi-  
3 ness Administration shall conduct a study to determine,  
4 with respect to small business contracts, whether incum-  
5 bent Federal contractors submit frivolous protests to ex-  
6 tend the length of current contracts before protest deci-  
7 sions are resolved.

8 (b) **CONTENTS.**—In conducting the study, the Ad-  
9 ministrator shall—

10 (1) determine the number of Government Ac-  
11 countability Office bid protests and Small Business  
12 Administration size protests filed by incumbent Fed-  
13 eral contractors with respect to small business con-  
14 tracts, the number of incumbent contracts extended  
15 because of the protest, the extra costs of extending  
16 incumbent contracts during the protest, and the  
17 final rulings of these protests;

18 (2) determine the financial impact of protests  
19 filed by incumbent Federal contractors on small

1 businesses that were originally awarded the pro-  
2 tested small business contracts, including costs asso-  
3 ciated with defending the protests and costs incurred  
4 by Federal agencies;

5 (3) identify the incumbent Federal contractors  
6 that file the most unsuccessful protests on small  
7 business contracts; and

8 (4) develop recommendations—

9 (A) to ease any financial burden on small  
10 businesses during the protest of small business  
11 contracts; and

12 (B) to discourage frivolous protests by in-  
13 cumbent Federal contractors on small business  
14 contracts.

15 (c) CONSULTATION.—In conducting the study, the  
16 Administrator shall consult with the Government Account-  
17 ability Office, any necessary Federal agencies, and the Of-  
18 fice of Federal Procurement Policy.

19 (d) REPORT.—Not later than 180 days after the date  
20 of the enactment of this Act, the Administrator shall sub-  
21 mit to Congress a report on the results of the study, to-  
22 gether with the recommendations developed under sub-  
23 section (b)(4).