

115TH CONGRESS  
2D SESSION

# S. 2893

To provide for prompt payments to small business contractors, and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

MAY 22, 2018

Mr. CARDIN (for himself and Mr. ENZI) introduced the following bill; which was read twice and referred to the Committee on Armed Services

---

## A BILL

To provide for prompt payments to small business contractors, 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. PROMPT PAYMENTS OF SMALL BUSINESS CON-**

4 **TRACTORS.**

5 Section 2307(a) of title 10, United States Code, is  
6 amended—

7 (1) by redesignating paragraphs (1) and (2) as  
8 subparagraphs (A) and (B), respectively;

1           (2) by striking “The head of any agency may—  
2           ” and inserting “(1) The head of any agency may”;  
3           and

4           (3) by adding at the end the following new  
5           paragraph:

6           “(2)(A) For a prime contractor (as defined in section  
7 8701 of title 41) that is a small business concern (as de-  
8 fined in section 3 of the Small Business Act (15 U.S.C.  
9 632)), the head of an agency shall, to the fullest extent  
10 permitted by law, establish an accelerated payment date  
11 with a goal of 15 days after receipt of a proper invoice  
12 for the amount due if a specific payment date is not estab-  
13 lished by contract.

14           “(B) For a prime contractor that subcontracts with  
15 a small business concern, the head of an agency shall, to  
16 the fullest extent permitted by law, establish an acceler-  
17 ated payment date with a goal of 15 days after receipt  
18 of a proper invoice for the amount due if—

19           “(i) a specific payment date is not established  
20           by contract; and

21           “(ii) the prime contractor agrees to make pay-  
22           ments to the subcontractor in accordance with the  
23           accelerated payment date, to the maximum extent

1 practicable, without any further consideration from  
2 or fees charged to the subcontractor.”.

○