

**AMENDMENT TO H.R. 4081**  
**OFFERED BY MR. GRAVES OF MISSOURI**

Strike all that follows after the enacting clause and  
insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Contractor Oppor-  
3 tunity Protection Act of 2012”.

**4 SEC. 2. CONSOLIDATION OF PROVISIONS RELATING TO**  
**5 CONTRACT BUNDLING.**

6       Section 44 of the Small Business Act (15 U.S.C.  
7 657q) is amended to read as follows:

**8 “SEC. 44. CONTRACT BUNDLING.**

9       “(a) DEFINITIONS.—In this Act:

10               “(1) BUNDLED CONTRACT.—The term ‘bundled  
11 contract’—

12                       “(A) means a contract that is entered into  
13 to meet procurement requirements that are  
14 combined in a bundling of contract require-  
15 ments, without regard to whether a study of the  
16 effects of the solicitation on Federal officers or  
17 employees has been made; and

18                       “(B) does not include—

1 “(i) a contract with an aggregate dol-  
2 lar value below the dollar threshold; or

3 “(ii) a single award contract for the  
4 acquisition of a weapons system acquired  
5 through a major defense acquisition.

6 “(2) BUNDLING METHODOLOGY.—The term  
7 ‘bundling methodology’ means—

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

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

13 “(C) the creation of any new procurement  
14 requirements that permits a combination of  
15 contract requirements, including any combina-  
16 tion of contract requirements or order require-  
17 ments.

18 “(3) BUNDLING OF CONTRACT REQUIRE-  
19 MENTS.—The term ‘bundling of contract require-  
20 ments’, with respect to the contract requirements of  
21 a Federal agency—

22 “(A) means the use of any bundling meth-  
23 odology to satisfy 2 or more procurement re-  
24 quirements for new or existing goods or services  
25 provided to or performed for the Federal agen-

1           cy, including any construction services, that is  
2           likely to be unsuitable for award to a small-  
3           business concern due to—

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

7                   “(ii) the aggregate dollar value of the  
8                   anticipated award;

9                   “(iii) the geographical dispersion of  
10                  the contract performance sites; or

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

13                  “(B) does not include the use of a bun-  
14                  dling methodology for an anticipated award  
15                  with an aggregate dollar value below the dollar  
16                  threshold.

17                  “(4) CHIEF ACQUISITION OFFICER.—The term  
18                  ‘Chief Acquisition Officer’ means the employee of a  
19                  Federal agency designated as the Chief Acquisition  
20                  Officer for the Federal agency under section 16(a)  
21                  of the Office of Federal Procurement Policy Act (41  
22                  U.S.C. 1702(a)).

23                  “(5) CONTRACT.—The term ‘contract’ includes,  
24                  for purposes of this section, any task order made

1       pursuant to an indefinite quantity, indefinite deliv-  
2       ery contract.

3           “(6) CONTRACT BUNDLING.—The term ‘con-  
4       tract bundling’ means the process by which a bun-  
5       dled contract is created.

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

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

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

11           “(8) MAJOR DEFENSE ACQUISITION PRO-  
12       GRAM.—The term ‘major defense acquisition pro-  
13       gram’ has the meaning given in section 2430(a) of  
14       title 10, United States Code.

15           “(9) PREVIOUSLY BUNDLED CONTRACT.—The  
16       term ‘previously bundled contract’ means a contract  
17       that is the successor to a contract that required a  
18       bundling analysis, contract for which any of the suc-  
19       cessor contract were designated as a consolidated  
20       contract or bundled contract in the Federal procure-  
21       ment database, or a contract for which the Adminis-  
22       trator designated the prior contract as a bundled  
23       contract.

1           “(10) PROCUREMENT ACTIVITY.—The term  
2           ‘procurement activity’ means the Federal agency or  
3           office thereof acquiring goods or services.

4           “(11) PROCUREMENT REQUIREMENT.—The  
5           term ‘procurement requirement’ means a determina-  
6           tion by an agency that a specified good or service is  
7           needed to satisfy the mission of the agency.

8           “(12) SENIOR PROCUREMENT EXECUTIVE.—  
9           The term ‘senior procurement executive’ means an  
10          official designated under section 16(c) of the Office  
11          of Federal Procurement Policy Act (41 U.S.C.  
12          1702(c)) as the senior procurement executive for a  
13          Federal agency.

14          “(b) POLICY.—The head of each Federal agency shall  
15          ensure that the decisions made by the Federal agency re-  
16          garding contract bundling are made with a view to pro-  
17          viding small business concerns with appropriate opportu-  
18          nities to participate as prime contractors and subcontrac-  
19          tors in the procurements of the Federal agency.

20          “(c) CONTRACT BUNDLING.—

21                  “(1) PROPOSED PROCUREMENTS.—Paragraphs  
22                  (2) through (4) shall apply to to a proposed procure-  
23                  ment if the proposed procurement—

1           “(A) would adversely affect one or more  
2           small business concerns, including the potential  
3           loss of an existing contract;

4           “(B) includes, in its statement of work,  
5           goods or services—

6                   “(i)(I) currently being performed by a  
7                   small business; and

8                   “(II) if the proposed procurement is  
9                   in a quantity or estimated dollar value the  
10                  magnitude of which renders small business  
11                  prime contract participation unlikely; or

12                  “(ii)(I) that are of a type that the Ad-  
13                  ministrators through market research can  
14                  demonstrate that two or more small busi-  
15                  nesses are capable of performing; and

16                  “(II) if the proposed procurement  
17                  would be combined with other require-  
18                  ments for goods and services;

19           “(C) is for construction and—

20                   “(i) seeks to package or combine dis-  
21                   crete construction projects; or

22                   “(ii) the value of the goods or services  
23                   subject to the contract exceeds the dollar  
24                   threshold; or

1           “(D) is determined by the Administrator  
2           to have a solicitation that involves an unneces-  
3           sary or unjustified bundling of contract require-  
4           ments.

5           “(2) RESPONSIBILITY OF THE PROCUREMENT  
6           ACTIVITY.—At least 45 days prior to the issuance of  
7           a solicitation, the Procurement Activity shall notify  
8           and provide a copy of the proposed procurement to  
9           the procurement center representative assigned to  
10          the Procurement Activity. The 45-day notification  
11          process under this paragraph shall occur concu-  
12          rently with other processing steps required prior to  
13          issuance of the solicitation. The notice shall include  
14          a statement setting forth the proposed procurement  
15          strategy required by subsection (e), and—

16                 “(A) explaining why the proposed acquisi-  
17                 tion cannot be further divided into reasonably  
18                 small lots or discrete tasks in order to permit  
19                 offers by small business concerns;

20                 “(B) listing, if applicable, the incumbent  
21                 contractors disaggregated by and including  
22                 names, addresses, and whether or not the con-  
23                 tractor is a small business concern;

1           “(C) describing the industries that might  
2 be interested in bidding on the contract require-  
3 ments;

4           “(D) delineating the number of small busi-  
5 ness concerns listed in the industry categories  
6 that could be excluded from future bidding if  
7 the contract is a bundled contract, including  
8 any small business bidders that had bid on pre-  
9 vious procurement requirements that are in-  
10 cluded in the bundling of contract requirements;

11           “(E) delineating the number of existing  
12 small business concerns whose contracts will  
13 cease if the contract bundling proceeds;

14           “(F) explaining why the delivery schedules  
15 cannot be established on a realistic basis that  
16 will encourage small business participation to  
17 the extent consistent with the actual require-  
18 ments of the Government;

19           “(G) explaining why the proposed acquisi-  
20 tion cannot be offered so as to make small busi-  
21 ness participation likely;

22           “(H) explaining why construction cannot  
23 be procured as separate discrete projects; and

1           “(I) explaining why the agency has deter-  
2           mined that the bundled contract is necessary  
3           and justified.

4           “(3) PUBLICATION OF NOTICE STATEMENT.—  
5           Concurrently, the statement required in paragraph  
6           (2) shall be published in the Federal contracting op-  
7           portunities database.

8           “(4) RECOMPETITION OF A PREVIOUSLY BUN-  
9           DLED CONTRACT.—If the proposed procurement is a  
10          previously bundled contract, that is to be recompeted  
11          as a bundled contract, the Administrator shall deter-  
12          mine, with the assistance of the agency proposing  
13          the procurement—

14                 “(A) the amount of savings and benefits  
15                 (in accordance with subsection (d)) achieved  
16                 under the bundling of contract requirements;

17                 “(B) whether such savings and benefits  
18                 will continue to be realized if the contract re-  
19                 mains bundled, and whether such savings and  
20                 benefits would be greater if the procurement re-  
21                 quirements were divided into separate solicita-  
22                 tions suitable for award to small business con-  
23                 cerns;

24                 “(C) the dollar value of subcontracts  
25                 awarded to small business concerns under the

1 bundled contract, disaggregated by North  
2 American Industrial Classification System  
3 Code;

4 “(D) the percentage of subcontract dollars  
5 awarded to small businesses under the bundled  
6 contract, disaggregated by North American In-  
7 dustrial Classification System Code; and

8 “(E) the dollar amount and percentage of  
9 prime contract dollars awarded to small busi-  
10 nesses in the primary North American Indus-  
11 trial Classification System Code for that bun-  
12 dled contract during each of the two fiscal years  
13 preceding the award of the bundled contract  
14 and during each fiscal year of the performance  
15 of the bundled contract.

16 “(5) FAILURE TO PROVIDE NOTICE.—

17 “(A) NO NOTIFICATION RECEIVED.—If no  
18 notification of the proposed procurement or ac-  
19 companying statement is received, but the Ad-  
20 ministrator determines that the proposed pro-  
21 curement is a proposed procurement described  
22 in paragraph (1), then the Administrator shall  
23 require that such a statement of work be com-  
24 pleted by the Procurement Activity and sent to  
25 the procurement center representative and post-

1           pone the solicitation process for at least 10  
2           days but not more than 45 days to allow the  
3           Administrator to review the statement and  
4           make recommendations as described in this sec-  
5           tion before the procurement process is contin-  
6           ued.

7                   “(B) NO WORK CONTINUED.—If the Ad-  
8           ministrator requires a Procurement Activity to  
9           provide a statement of work pursuant to sub-  
10          paragraph (A), the Procurement Activity shall  
11          not be permitted to continue with the procure-  
12          ment until such time as the Procurement Activ-  
13          ity complies with the requirements of subpara-  
14          graph (A).

15                   “(6) RESPONSIBILITY OF THE PROCUREMENT  
16          CENTER REPRESENTATIVE.—Within 15 days after  
17          receipt of the proposed procurement and accom-  
18          panying statement, if the procurement center rep-  
19          resentative believes that the procurement as pro-  
20          posed will render small business prime contract par-  
21          ticipation unlikely, the representative shall rec-  
22          ommend to the Procurement Activity alternative pro-  
23          curement methods which would increase small busi-  
24          ness prime contracting opportunities.

1           “(7) DISAGREEMENT BETWEEN THE ADMINIS-  
2           TRATOR AND THE PROCUREMENT ACTIVITY.—

3           “(A) IN GENERAL.—The Administrator  
4           may take action under this paragraph to fur-  
5           ther the interests of small businesses if—

6                   “(i) a small business concern would be  
7                   adversely affected, directly or indirectly, by  
8                   the proposed procurement, and that small  
9                   business concern or a trade association  
10                  representing such small business concern  
11                  so requests; or

12                   “(ii) if the Administrator determines  
13                  that a small business concern would be ad-  
14                  versely affected, directly or indirectly, by  
15                  the proposed procurement.

16           “(B) APPEAL TO AGENCY HEAD.—First,  
17           the proposed procurement shall be submitted  
18           for determination to the head of the contracting  
19           agency by the Administrator.

20           “(C) FAILURE TO AGREE.—Whenever the  
21           Administrator and the head of the contracting  
22           agency fail to agree—

23                   “(i) the Administrator, within ten  
24                  days after such decision, may file an ap-

1           peal with the appropriate agency board of  
2           contract appeals;

3           “(ii) the board shall provide the Ad-  
4           ministrator and the head of the con-  
5           tracting agency the opportunity to provide  
6           their views on the disputed contract, except  
7           that no oral testimony or oral argument  
8           shall be permitted;

9           “(iii) the board shall permit interested  
10          bidders to intervene; and

11          “(iv) the board shall render its deci-  
12          sion, which shall be final agency action for  
13          purposes of chapter 7 of title 5, United  
14          States Code, within 30 days after the ap-  
15          peal has been filed.

16          “(D) APPEAL BY AFFECTED SMALL BUSI-  
17          NESS CONCERN TO GAO.—If the Administrator  
18          takes no action pursuant to subparagraph (C),  
19          a small business concern that would be ad-  
20          versely affected, directly or indirectly, by the  
21          procurement as proposed, or a trade association  
22          that includes such a small business concern as  
23          a member, may file a protest with the Govern-  
24          ment Accountability Office. If the protest is  
25          filed by a trade association, the trade associa-

1           tion shall not be required to identify a specific  
2           member in connection with the protest.

3           “(d) MARKET RESEARCH.—

4                 “(1) IN GENERAL.—Before proceeding with an  
5           acquisition strategy that could lead to bundled con-  
6           tracts, the head of an agency shall conduct market  
7           research to determine whether bundling of the re-  
8           quirements is necessary and justified.

9                 “(2) FACTORS.—For purposes of subsection  
10           (c)(1), a bundled contract is necessary and justified  
11           if the bundling of contract requirements will result  
12           in substantial measurable benefits in excess of those  
13           benefits resulting from a procurement of the con-  
14           tract requirements that does not involve contract  
15           bundling.

16                 “(3) BENEFITS.—For the purposes of bundling  
17           of contract requirements, benefits described in para-  
18           graph (2) may include the following:

19                         “(A) Cost savings.

20                         “(B) Quality improvements.

21                         “(C) Reduction in acquisition cycle times.

22                         “(D) Better terms and conditions.

23                         “(E) Any other benefits.

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

1           “(A) Cost savings shall not include any re-  
2           duction in the use of military interdepartmental  
3           purchase requests or any similar transfer funds  
4           among Federal agencies for the use of a con-  
5           tract issued by another Federal agency.

6           “(B) The reduction of administrative or  
7           personnel costs alone shall not be a justification  
8           for bundling of contract requirements unless  
9           the cost savings are expected to be substantial  
10          in relation to the dollar value of the procure-  
11          ment requirements to be bundled.

12          “(5) LIMITATION ON ACQUISITION STRATEGY.—  
13          The head of a Federal agency may not carry out an  
14          acquisition strategy that includes bundled contracts  
15          valued in excess of the dollar threshold, unless the  
16          senior procurement executive or, if applicable, Chief  
17          Acquisition Officer, for the Federal agency, certifies  
18          to the head of the Federal agency that steps will be  
19          taken to include small business concerns in the ac-  
20          quisition strategy prior to the implementation of  
21          such acquisition strategy.

22          “(e) STRATEGY SPECIFICATIONS.—If the head of a  
23          contracting agency determines that an acquisition plan or  
24          proposed procurement strategy will result in a bundled

1 contract, the proposed acquisition plan or procurement  
2 strategy shall—

3 “(1) identify specifically the benefits anticipated  
4 to be derived from the bundling of contract require-  
5 ments;

6 “(2) set forth an assessment of the specific im-  
7 pediments to participation by small business con-  
8 cerns as prime contractors that result from the con-  
9 tract bundling and specify actions designed to maxi-  
10 mize small business participation as subcontractors  
11 (including suppliers) at various tiers under the con-  
12 tract or contracts that are awarded to meet the re-  
13 quirements; and

14 “(3) include a specific determination that the  
15 anticipated measurable benefits of the proposed bun-  
16 dled contract justify its use.

17 “(f) CONTRACT TEAMING.—In the case of a solicita-  
18 tion of offers for a bundled contract that is issued by the  
19 head of an agency, a small-business concern may submit  
20 an offer that provides for use of a particular team of sub-  
21 contractors for the performance of the contract. The head  
22 of the agency shall evaluate the offer in the same manner  
23 as other offers, with due consideration to the capabilities  
24 of all of the proposed subcontractors. If a small business  
25 concern teams under this paragraph, it shall not affect

1 its status as a small business concern for any other pur-  
2 pose.

3 “(g) DATABASE, ANALYSIS, AND ANNUAL REPORT  
4 REGARDING CONTRACT BUNDLING.—

5 “(1) DATABASE.—Not later than 180 days  
6 after the date of the enactment of this subsection,  
7 the Administrator shall develop and shall thereafter  
8 maintain a database containing data and informa-  
9 tion regarding—

10 “(A) each bundled contract awarded by a  
11 Federal agency; and

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

15 “(2) ANALYSIS.—For each bundled contract  
16 that is to be recompeted, the Administrator shall de-  
17 termine—

18 “(A) the amount of savings and benefits  
19 realized, in comparison with the savings and  
20 benefits anticipated by the analysis required  
21 under subsection (d) prior to the contract  
22 award; and

23 “(B) whether such savings and benefits  
24 will continue to be realized if the contract re-  
25 mains bundled, and whether such savings and

1 benefits would be greater if the procurement re-  
2 quirements were divided into separate solicita-  
3 tions suitable for award to small business con-  
4 cerns.

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 para-  
9 graph, and annually in March thereafter, the  
10 Administrator shall transmit a report on con-  
11 tract bundling to the Committee on Small Busi-  
12 ness of the House of Representatives and the  
13 Committee on Small Business and Entrepre-  
14 neurship of the Senate.

15 “(B) CONTENTS.—Each report trans-  
16 mitted 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 con-  
24 tracts of each Federal agency during the  
25 preceding year, including—

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

4 “(II) with respect to each bun-  
5 dled contract, data or information  
6 on—

7 “(aa) the justification for  
8 the bundling of contract require-  
9 ments;

10 “(bb) the cost savings real-  
11 ized by bundling the contract re-  
12 quirements over the life of the  
13 contract;

14 “(cc) the extent to which  
15 maintaining the bundled status  
16 of contract requirements is pro-  
17 jected to result in continued cost  
18 savings;

19 “(dd) the extent to which  
20 the bundling of contract require-  
21 ments complied with the con-  
22 tracting agency’s small business  
23 subcontracting plan, including  
24 the total dollar value awarded to  
25 small business concerns as sub-

1 contractors and the total dollar  
2 value previously awarded to small  
3 business concerns as prime con-  
4 tractors; and

5 “(ee) the impact of the bun-  
6 dling of contract requirements on  
7 small business concerns unable to  
8 compete as prime contractors for  
9 the consolidated requirements  
10 and on the industries of such  
11 small business concerns, includ-  
12 ing a description of any changes  
13 to the proportion of any such in-  
14 dustry that is composed of small  
15 business concerns.

16 “(h) BUNDLING ACCOUNTABILITY MEASURES.—

17 “(1) TEAMING REQUIREMENTS.—Each Federal  
18 agency shall include in each solicitation for any mul-  
19 tiple award contract above the dollar threshold a  
20 provision soliciting bids from any responsible source,  
21 including responsible small business concerns and  
22 teams or joint ventures of small business concerns.

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

1           “(A) IN GENERAL.—Not later than 270  
2 days after the date of enactment of this sub-  
3 paragraph, the Federal Acquisition Regulatory  
4 Council, established under section 25(a) of the  
5 Office of Federal Procurement Policy Act (41  
6 U.S.C. 1302(a)), shall amend the Federal Ac-  
7 quisition Regulation issued under section 25 of  
8 such Act to—

9                   “(i) establish a Government-wide pol-  
10 icy regarding contract bundling;

11                   “(ii) establish a Government-wide pol-  
12 icy on the solicitation of contractor teams  
13 and joint ventures; and

14                   “(iii) require that the policies estab-  
15 lished under clauses (i) and (ii) be pub-  
16 lished on the website of each Federal agen-  
17 cy.

18           “(B) RATIONALE FOR CONTRACT BUN-  
19 DLING.—Not later than 30 days after the date  
20 on which the head of a Federal agency submits  
21 the report required under section 15(h), the  
22 head of the Federal agency shall publish on the  
23 website of the Federal agency a list and ration-  
24 ale for any bundled contract for which the Fed-

1           eral agency solicited bids or that was awarded  
2           by the Federal agency.”.

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

4           (a) CERTAIN PROVISIONS REGARDING CONTRACT  
5 BUNDLING REPEALED.—Section 15(a) of the Small Busi-  
6 ness Act (15 U.S.C. 644(a)), is amended by striking “If  
7 a proposed procurement includes” and all that follows  
8 through “the matter shall be submitted for determination  
9 to the Secretary or the head of the appropriate depart-  
10 ment or agency by the Administrator.”. All references in  
11 law to such sentences as they were in effect on the date  
12 that is 1 day prior to the effective date of this Act shall  
13 be deemed to be references to section 44(d), as added by  
14 this Act.

15           (b) CERTAIN PROVISIONS REGARDING MARKET RE-  
16 SEARCH REPEALED.—Paragraphs (2) through (4) of sec-  
17 tion 15(e) of the Small Business Act (15 U.S.C. 644(e))  
18 are repealed. All references in law to such paragraphs, as  
19 in effect on the date that is one day prior to the effective  
20 date of this Act, shall be deemed to be references to sub-  
21 sections (d) through (f), respectively, of section 44 of the  
22 Small Business Act, as added by this section.

23           (c) CERTAIN PROVISIONS REGARDING CONTRACT  
24 BUNDLING DATABASE REPEALED.—

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

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

11       (d) CERTAIN PROVISIONS REGARDING BUNDLING  
12 ACCOUNTABILITY MEASURES REPEALED.—Paragraphs  
13 (1) and (2) of section 15(q) of the Small Business Act  
14 (15 U.S.C 644(q)) are repealed. All references in law to  
15 such paragraphs, as in effect on the date that is one day  
16 prior to the effective date of this Act, shall be deemed to  
17 be references to paragraphs (1) and (2), respectively, of  
18 section 44(i) of the Small Business Act, as added by this  
19 Act.

20       (e) CERTAIN PROVISIONS REGARDING.—Subsection  
21 (o) of section 3 of the Small Business Act (15 U.S.C.)  
22 is repealed.

23 **SEC. 4. TECHNICAL AMENDMENTS.**

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

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

3           (2) in the subsection heading of subsection (p),  
4           to read as follows: “REPORTS RELATED TO PRO-  
5           CUREMENT CENTER REPRESENTATIVES.”.

6 **SEC. 5. EXPANSION OF AGENCY’S RESPONSIBILITY.**

7           Section 44(b) of the Small Business Act (15 U.S.C.  
8           657q(b)) is amended by striking “appropriate” and insert-  
9           ing “the maximum practicable”.

