

106TH CONGRESS
2D SESSION

H. R. 4897

To amend the Small Business Act to establish a program to provide Federal contracting assistance to small business concerns owned and controlled by women.

IN THE HOUSE OF REPRESENTATIVES

JULY 19, 2000

Ms. VELAZQUEZ (for herself, Mrs. KELLY, Ms. MILLENDER-McDONALD, Mr. DAVIS of Illinois, Mrs. MCCARTHY of New York, Mr. PASCRELL, Mr. HINOJOSA, Mrs. CHRISTENSEN, Mr. BRADY of Pennsylvania, Mr. GONZALEZ, Mr. MOORE, Mrs. NAPOLITANO, Mrs. JONES of Ohio, Mr. UDALL of New Mexico, Mr. BAIRD, Mr. UDALL of Colorado, and Ms. BERKLEY) introduced the following bill; which was referred to the Committee on Small Business

A BILL

To amend the Small Business Act to establish a program to provide Federal contracting assistance to small business concerns owned and controlled by women.

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 “Equity in Contracting
5 for Women Act of 2000”.

1 **SEC. 2. PROCUREMENT PROGRAM FOR WOMEN'S SMALL**
2 **BUSINESS CONCERNS.**

3 Section 8 of the Small Business Act (15 U.S.C. 637)
4 is amended by adding at the end the following new sub-
5 section:

6 “(m) PROCUREMENT PROGRAM FOR WOMEN’S
7 SMALL BUSINESS CONCERNS.—

8 “(1) DEFINITIONS.—In this subsection, the fol-
9 lowing definitions apply:

10 “(A) CONTRACTING OFFICER.—The term
11 ‘contracting officer’ has the meaning given such
12 term in section 27(f)(5) of the Office of Federal
13 Procurement Policy Act (41 U.S.C. 423(f)(5)).

14 “(B) SMALL BUSINESS CONCERN OWNED
15 AND CONTROLLED BY WOMEN.—The term
16 ‘small business concern owned and controlled by
17 women’ means any small business concern—

18 “(i) that is not less than 51 percent
19 owned by 1 or more women who are eco-
20 nomically disadvantaged; and

21 “(ii) the management and daily busi-
22 ness operations of which are controlled by
23 1 or more women.

24 “(2) AUTHORITY TO SET ASIDE CONTRACTS.—
25 Notwithstanding any other provision of law and in
26 accordance with this subsection, a contracting officer

1 may set aside to be awarded only to a small business
2 concern owned and controlled by women any con-
3 tract for the procurement of goods or services by the
4 Federal Government, if—

5 “(A) the concern is determined to be a re-
6 sponsible contractor with respect to the per-
7 formance of such contract;

8 “(B) the contracting officer has a reason-
9 able expectation that 2 or more small business
10 concerns owned and controlled by women will
11 submit offers for the contract;

12 “(C) the contract is for the procurement of
13 goods or services with respect to an industry
14 identified by the Administrator pursuant to
15 paragraph (3);

16 “(D) the anticipated award price of the
17 contract (including options) does not exceed—

18 “(i) \$5,000,000, in the case of a con-
19 tract assigned a standard industrial classi-
20 fication code for manufacturing; or

21 “(ii) \$3,000,000, in the case of all
22 other contracts;

23 “(E) in the estimation of the contracting
24 officer, the contract award can be made at a
25 fair and reasonable price; and

1 “(F) the concern—

2 “(i) is certified as a small business
3 concern owned and controlled by women by
4 a Federal agency or by a State or local
5 government; or

6 “(ii) certifies to the contracting officer
7 that it is a small business concern owned
8 and controlled by women and provides ade-
9 quate documentation, in accordance with
10 standards established by the Administra-
11 tion, to support such certification.

12 “(3) IDENTIFICATION OF INDUSTRIES.—The
13 Administrator shall conduct a study to identify in-
14 dustries in which small business concerns owned and
15 controlled by women are underrepresented with re-
16 spect to Federal procurement contracting.

17 “(4) ENFORCEMENT; PENALTIES.—

18 “(A) VERIFICATION OF ELIGIBILITY.—In
19 carrying out this subsection, the Administrator
20 shall establish procedures relating to—

21 “(i) the filing, investigation, and dis-
22 position by the Administration of any chal-
23 lenge to the eligibility of a small business
24 concern to receive assistance under this
25 subsection (including a challenge, filed by

1 an interested party, relating to the veracity
2 of a certification made or information pro-
3 vided to the Administration by a small
4 business concern under paragraph (2)(F));
5 and

6 “(ii) verification by the Administrator
7 of the accuracy of any certification made
8 or information provided to the Administra-
9 tion by a small business concern under
10 paragraph (2)(F).

11 “(B) EXAMINATIONS.—The procedures es-
12 tablished under subparagraph (A) may provide
13 for program examinations (including random
14 program examinations) by the Administrator of
15 any small business concern making a certifi-
16 cation or providing information to the Adminis-
17 trator under paragraph (2)(F).

18 “(C) PROVISION OF DATA.—Upon the re-
19 quest of the Administrator, the Secretary of
20 Labor, the Secretary of Housing and Urban
21 Development, and the Secretary of the Interior
22 (or the Assistant Secretary for Indian Affairs),
23 shall promptly provide to the Administrator
24 such information as the Administrator deter-

1 mines to be necessary to carry out this sub-
2 section.

3 “(D) PENALTIES.—In addition to the pen-
4 alties described in section 16(d), any small busi-
5 ness concern that is determined by the Admin-
6 istrator to have misrepresented the status of
7 that concern as a small business concern owned
8 and controlled by women for purposes of this
9 subsection, shall be subject to—

10 “(i) section 1001 of title 18, United
11 States Code; and

12 “(ii) sections 3729 through 3733 of
13 title 31, United States Code.”.

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