

107TH CONGRESS
2D SESSION

H. R. 4960

To foster economic development through the involvement of small businesses located in the New York City metropolitan area in procurements related to the improvement and reconstruction of the area in New York damaged by the terrorist attacks perpetrated against the United States on September 11, 2001.

IN THE HOUSE OF REPRESENTATIVES

JUNE 18, 2002

Ms. VELÁZQUEZ (for herself, Mr. MEEKS of New York, Mr. SERRANO, Mr. RANGEL, Mrs. MCCARTHY of New York, Mr. OWENS, Mr. ENGEL, and Mr. ISRAEL) introduced the following bill; which was referred to the Committee on Small Business, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To foster economic development through the involvement of small businesses located in the New York City metropolitan area in procurements related to the improvement and reconstruction of the area in New York damaged by the terrorist attacks perpetrated against the United States on September 11, 2001.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Rebuild Infrastructure
3 and Support Entrepreneurs Act of 2002”.

4 **SEC. 2. APPLICATION OF SMALL BUSINESS PROCUREMENT**

5 **GOALS TO RECIPIENTS OF NEW YORK RECOV-**
6 **ERY FUNDS.**

7 (a) SMALL BUSINESS UTILIZATION PLAN REQUIRED
8 TO RECEIVE NEW YORK RECOVERY FUNDS.—No Federal
9 department or agency may provide any New York recovery
10 funds to any entity unless—

11 (1) such entity has submitted a plan to the Ad-
12 ministrator of the Small Business Administration,
13 which—

14 (A) is in such form and submitted in such
15 manner as the Administrator may require; and

16 (B) includes a detailed description of how
17 such entity plans to meet the requirements de-
18 scribed in subsection (b);

19 (2) the plan of such entity has been approved
20 by the Administrator of the Small Business Admin-
21 istration;

22 (3) the entity agrees to give a 10 percent price
23 evaluation adjustment in favor of small business
24 concerns located in the New York City metropolitan
25 area in the competition for any New York recovery
26 contract; and

1 (4) the entity agrees to be bound by the re-
2 quirement of subsection (c).

3 (b) MINIMUM SMALL BUSINESS PROCUREMENT RE-
4 QUIREMENTS.—An entity meets the requirements of this
5 subsection if such entity awards not less than—

6 (1) 23 percent of the total value of all New
7 York recovery contracts awarded by such entity to
8 small business concerns located in the New York
9 City metropolitan area (including those described in
10 paragraphs (2) and (3));

11 (2) 5 percent of the total value of all New York
12 recovery contracts awarded by such entity to small
13 business concerns owned and controlled by women
14 and located in the New York City metropolitan area;
15 and

16 (3) 5 percent of the total value of all New York
17 recovery contracts awarded by such entity to small
18 business concerns owned and controlled by socially
19 and economically disadvantaged individuals and lo-
20 cated in the New York City metropolitan area.

21 (c) RECAPTURE OF FUNDS IF MINIMUM REQUIRE-
22 MENTS NOT MET.—

23 (1) IN GENERAL.—If any recipient of New York
24 recovery funds fails to meet the requirements de-
25 scribed in subsection (b), such recipient shall pay to

1 the Administrator of the Small Business Administra-
2 tion an amount equal to the greater of—

3 (A) the amount (if any) by which—

4 (i) 23 percent of the total value of all
5 New York recovery contracts awarded by
6 such recipient, exceeds

7 (ii) the total value of all such con-
8 tracts awarded by such recipient to small
9 business concerns located in the New York
10 City metropolitan area (including those de-
11 scribed in paragraphs (2) and (3) of sub-
12 section (b)); or

13 (B) the amount (if any) by which—

14 (i) 10 percent of the total value of all
15 New York recovery contracts awarded by
16 such recipient, exceeds

17 (ii) the sum of—

18 (I) the total value of all such con-
19 tracts awarded by such recipient to
20 small business concerns owned and
21 controlled by women and located in
22 the New York City metropolitan area,
23 and

24 (II) the total value of all such
25 contracts awarded by such recipient to

1 small business concerns owned and
2 controlled by socially and economically
3 disadvantaged individuals and located
4 in the New York City metropolitan
5 area.

6 (2) ASSISTANCE TO SMALL BUSINESS CON-
7 CERNS IN NEW YORK.—The Administrator of the
8 Small Business Administration shall use any
9 amounts collected under paragraph (1) to provide
10 grants, loans, and other assistance to small business
11 concerns located in the New York City metropolitan
12 area.

13 (d) ADDITIONAL FUNDS FOR MEETING SMALL BUSI-
14 NESS PROCUREMENT GOALS.—

15 (1) IN GENERAL.—Any Federal department or
16 agency which provides New York recovery funds to
17 any entity may provide additional New York recov-
18 ery funds to such entity if—

19 (A) such entity meets the requirements de-
20 scribed in paragraph (2) with respect to the
21 New York recovery funds to which the addi-
22 tional New York recovery funds would be in ad-
23 dition; and

1 (B) such entity meets the requirements of
2 subsection (a) with respect to such additional
3 New York recovery funds.

4 (2) SMALL BUSINESS PROCUREMENT GOALS.—
5 An entity meets the requirements of this paragraph
6 if such entity meets the requirements of subsection
7 (b) determined by substituting “25 percent” for “23
8 percent” in paragraph (1) thereof.

9 (3) LIMITATIONS.—

10 (A) MAXIMUM AMOUNT.—The amount of
11 any additional New York recovery funds pro-
12 vided under this subsection shall not exceed 2
13 percent of the amount of the New York recov-
14 ery funds to which the additional New York re-
15 covery funds is in addition.

16 (B) NO ADDITIONS TO ADDITIONS.—No
17 additional New York recovery funds provided
18 under this subsection shall be treated as New
19 York recovery funds for purposes of paragraph
20 (1).

21 (e) DEFINITIONS.—For purposes of this section:

22 (1) NEW YORK RECOVERY FUNDS.—The term
23 “New York recovery funds” means any grant or
24 other provision of funds by a Federal department or
25 agency (except procurements by such department or

1 agency) to a non-Federal entity for the purpose of
2 improving or reconstructing the area in New York
3 damaged by the terrorist attacks perpetrated against
4 the United States on September 11, 2001.

5 (2) NEW YORK RECOVERY CONTRACT.—The
6 term “New York recovery contract” means, with re-
7 spect to any New York recovery funds, any prime
8 contract for goods or services if—

9 (A) such contract is awarded for the pur-
10 pose of improving or reconstructing the area in
11 New York damaged by the terrorist attacks per-
12 petrated against the United States on Sep-
13 tember 11, 2001, by the entity which received
14 such funds; and

15 (B) any portion of such contract is funded
16 by such funds.

17 (3) NEW YORK CITY METROPOLITAN AREA.—
18 The term “New York City metropolitan area” means
19 Bronx, Delaware, Dutchess, Kings, Nassau, New
20 York, Orange, Putnam, Queens, Richmond, Rock-
21 land, Suffolk, Sullivan, Ulster, and Westchester
22 counties in the State of New York.

23 (4) NON-FEDERAL ENTITY.—The term “non-
24 Federal entity” means any person, municipality,
25 State or political subdivision thereof, or other entity,

1 except such term does not include any Federal de-
2 partment or agency.

3 (5) SMALL BUSINESS CONCERN.—The term
4 “small business concern” has the meaning given
5 such term in section 3(a) of the Small Business Act
6 (15 U.S.C. 632(a)).

7 (6) SMALL BUSINESS CONCERN OWNED AND
8 CONTROLLED BY SOCIALLY AND ECONOMICALLY DIS-
9 ADVANTAGED INDIVIDUALS.—The term “small busi-
10 ness concern owned and controlled by socially and
11 economically disadvantaged individuals” has the
12 meaning given such term in section 8(d)(3)(C) of
13 the Small Business Act (15 U.S.C. 637(d)(3)(C)).

14 (7) SMALL BUSINESS CONCERN OWNED AND
15 CONTROLLED BY WOMEN.—The term “small busi-
16 ness concern owned and controlled by women” has
17 the meaning given such term in section 3(n) of the
18 Small Business Act (15 U.S.C. 632(n)).

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