

109TH CONGRESS
1ST SESSION

H. R. 3988

To provide for priority in Federal contracting for businesses in areas adversely affected by Hurricane Katrina and Hurricane Rita and treatment of small business concerns adversely affected by Hurricane Katrina and Hurricane Rita as HUBZone small business concerns, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 6, 2005

Mr. JINDAL (for himself, Mr. BAKER, Mr. McCRERY, Mr. ALEXANDER, and Mr. BOUSTANY) introduced the following bill; which was referred to the Committee on Government Reform, and in addition to the Committee on Small Business, 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 provide for priority in Federal contracting for businesses in areas adversely affected by Hurricane Katrina and Hurricane Rita and treatment of small business concerns adversely affected by Hurricane Katrina and Hurricane Rita as HUBZone small business concerns, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Gulf Coast Small Busi-
3 ness Recovery Act”.

4 **SEC. 2. PRIORITY FOR SMALL BUSINESS CONCERNS IN**
5 **PROCUREMENT RELATED TO HURRICANE**
6 **KATRINA AND HURRICANE RITA.**

7 (a) PRIORITY FOR GULF HURRICANE DISASTER-AF-
8 FECTED BUSINESSES.—Notwithstanding any other provi-
9 sion of law, for any contract for the procurement of goods
10 or services related to any damage caused as a result of
11 Hurricane Katrina or Hurricane Rita or any reconstruc-
12 tion related to such damage, the head of a Federal depart-
13 ment or agency shall give priority to a business concern
14 that as of August 28, 2005, had a significant presence
15 in a Gulf hurricane disaster-affected area.

16 (b) CONTRACT REQUIREMENT.—

17 (1) SMALL BUSINESS PARTICIPATION.—For the
18 procurement of goods and services related to any
19 damage caused as a result of Hurricane Katrina or
20 Hurricane Rita or any reconstruction related to such
21 damage, the head of a Federal department or agency
22 shall award not less than 30 percent of amounts ex-
23 pended for prime contracts and not less than 40 per-
24 cent of amounts expended for subcontracts on pro-
25 curements to small business concerns that as of Au-

1 gust 28, 2005, had a significant presence in a Gulf
2 hurricane disaster-affected area.

3 (2) OPPORTUNITIES FOR SMALL BUSINESSES.—

4 In carrying out paragraph (1), the head of a Federal
5 department or agency shall provide the maximum
6 practicable opportunity for small businesses partici-
7 pation.

8 (3) COMPLIANCE WITH SUBCONTRACTING

9 GOALS.—In carrying out paragraph (1), the head of
10 a Federal department or agency shall ensure that a
11 contract complies with the subcontracting goals for
12 small business concerns under the Small Business
13 Act (15 U.S.C. 631 et seq.) and Federal Acquisition
14 Regulations.

15 (4) REPORT.—Not later than 2 years after the
16 date of the enactment of this Act, the Administrator
17 of the Small Business Administration shall submit
18 to Congress a report describing the opportunities
19 provided for small business concerns under this sub-
20 section.

21 (5) TERMINATION.—This subsection shall ter-
22 minate on the date that is one day after the date on
23 which all Federal Disaster Declaration notices for
24 Gulf hurricane disaster-affected areas are lifted.

1 **SEC. 3. TREATMENT OF GULF HURRICANE DISASTER-AF-**
2 **FECTED SMALL BUSINESS CONCERNS FOR**
3 **PURPOSES OF HUBZONE PROGRAM.**

4 (a) TREATMENT OF GULF HURRICANE DISASTER-
5 AFFECTED SMALL BUSINESS CONCERNS.—Notwith-
6 standing any other provision of law, a Gulf hurricane dis-
7 aster-affected small business concern shall be treated as
8 if it were located in a HUBZone for purposes of the pro-
9 gram under section 31 of the Small Business Act (15
10 U.S.C. 657a).

11 (b) APPLICABILITY.—Subsection (a) shall apply with
12 respect to a Gulf hurricane disaster-affected small busi-
13 ness concern during the period for which a Federal Dis-
14 aster Declaration applies for the county in which such
15 small business concern was located as of August 28, 2005.

16 **SEC. 4. PROHIBITION ON PERMANENT RELOCATION OF**
17 **FEDERAL FACILITIES FROM GULF HURRI-**
18 **CANE DISASTER-AFFECTED AREAS.**

19 (a) PROHIBITION.—Notwithstanding any other provi-
20 sion of law, no facility of the Federal Government shall
21 be permanently relocated from a location in a Gulf hurri-
22 cane disaster-affected area to a location outside that area.

23 (b) TERMINATION.—Subsection (a) shall terminate
24 upon the expiration of the two-year period that begins on
25 the date of the enactment of this Act.

1 (c) REPORTS REQUIRED.—In the case of a facility
2 of a department or agency of the Federal Government that
3 is temporarily relocated for a period of longer than 6
4 months, the head of that department or agency shall sub-
5 mit to the House Committee on Government Reform and
6 the Senate Committee on Homeland Security and Govern-
7 ment Affairs, the following reports:

8 (1) A report to be submitted not later than 6
9 months after the date on which this section takes ef-
10 fect on the status of the temporary relocation of the
11 facility from a location in a Gulf hurricane disaster-
12 affected area to a location outside that area.

13 (2) Additional reports on such status to be sub-
14 mitted every 6 months thereafter for the duration of
15 the period during which such facility is temporarily
16 relocated.

17 **SEC. 5. DEFINITIONS.**

18 (a) GULF HURRICANE DISASTER-AFFECTED SMALL
19 BUSINESS CONCERN.—For purposes of this Act, the term
20 “Gulf hurricane disaster-affected small business concern”
21 means a small business concern that as of August 28,
22 2005, was located in a Gulf hurricane-affected area.

23 (b) GULF HURRICANE DISASTER.—For purposes of
24 this Act, the term “Gulf hurricane disaster” means an
25 event caused by Hurricane Katrina or Hurricane Rita that

1 is declared to be a major disaster by the President in ac-
2 cordance with section 401 of the Robert T. Stafford Dis-
3 aster Relief and Emergency Assistance Act (42 U.S.C.
4 5170).

5 (c) GULF HURRICANE DISASTER-AFFECTED
6 AREA.—For purposes of this Act, the term “Gulf hurri-
7 cane disaster-affected area” means a county or parish in
8 the State of Louisiana, Mississippi, Alabama, or Texas
9 that has been designated by the Federal Emergency Man-
10 agement Agency for disaster assistance for individuals and
11 households by reason of Hurricane Katrina or Hurricane
12 Rita.

13 (d) SMALL BUSINESS CONCERN.—For purposes of
14 this Act, the term “small business concern” has the mean-
15 ing given that term under section 3 of the Small Business
16 Act (15 U.S.C. 632).

17 **SEC. 6. EFFECTIVE DATE.**

18 This Act shall take effect on the date that is 10 days
19 after the date of the enactment of this Act.

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