

113TH CONGRESS
1ST SESSION

S. 196

To assure equity in contracting between the Federal Government and small business concerns, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 31, 2013

Mr. UDALL of New Mexico introduced the following bill; which was read twice and referred to the Committee on Small Business and Entrepreneurship

A BILL

To assure equity in contracting between the Federal Government and 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Assuring Contracting
5 Equity Act of 2013”.

6 **SEC. 2. FEDERAL CONTRACTING GOALS.**

7 (a) INCREASE IN CERTAIN GOALS.—Section 15(g)(1)
8 of the Small Business Act (15 U.S.C. 644(g)(1)) is
9 amended—

1 (1) in the second sentence, by striking “not less
2 than 23 percent” and inserting “not less than 25
3 percent”; and

4 (2) by striking “not less than 5 percent” each
5 place it appears and inserting “not less than 10 per-
6 cent”.

7 (b) LIMITATION ON NUMBER OF CATEGORIES FOR
8 WHICH A BUSINESS MAY QUALIFY.—Section 15(g) of the
9 Small Business Act (15 U.S.C. 644(g)) is amended by
10 adding at the end the following:

11 “(3)(A) In this paragraph, the term ‘specified cat-
12 egory’ means small business concerns, small business con-
13 cerns owned and controlled by service-disabled veterans,
14 qualified HUBZone small business concerns, small busi-
15 ness concerns owned and controlled by socially and eco-
16 nomically disadvantaged individuals, and small business
17 concerns owned and controlled by women.

18 “(B) Except as provided subparagraph (C), a Federal
19 agency may include a business concern in not more than
20 2 specified categories for purposes of determining whether
21 the Federal agency has met the Government-wide goals
22 under this subsection for the award of contracts to busi-
23 ness concerns in specified categories.

24 “(C) A Federal agency may not include a small busi-
25 ness concern that is participating in the program under

1 section 8(a) in any specified category except the category
 2 ‘small business concerns owned and controlled by socially
 3 and economically disadvantaged individuals’ for purposes
 4 of determining whether the Federal agency has met the
 5 Government-wide goals under this subsection for the
 6 award of contracts to business concerns in specified cat-
 7 egories.”.

8 **SEC. 3. IMPROVING TRANSPARENCY TO ASSIST SMALL**
 9 **BUSINESS CONCERNS.**

10 Section 15(g)(1) of the Small Business Act (15
 11 U.S.C. 644(g)(1)) is amended by inserting after the sec-
 12 ond sentence the following: “For purposes of this sub-
 13 section, the total value of all prime contract awards for
 14 a fiscal year includes the value of each prime contract
 15 awarded for the fiscal year, without regard to whether the
 16 prime contract was awarded as the result of unrestricted
 17 competition or any determination by the Administrator
 18 with respect to the potential for a small business concern
 19 to perform the prime contract or a subcontract under the
 20 prime contract.”.

21 **SEC. 4. COMPLIANCE WITH SMALL BUSINESS SUBCON-**
 22 **TRACTING GOALS.**

23 The Administrator of the Small Business Administra-
 24 tion shall consult with the heads of other Federal agencies
 25 to develop and implement standards for procurement offi-

- 1 cers to take into consideration the past compliance of po-
- 2 tential contractors with small business subcontracting
- 3 goals when making contract awards.

