

113TH CONGRESS
1ST SESSION

S. 259

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 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”;

4 (2) by striking “not less than 5 percent” each
5 place that term appears and inserting “not less than
6 10 percent”; and

7 (3) by striking “not less than 3 percent” each
8 place that term appears and inserting “not less than
9 6 percent”.

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

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

21 “(B) Except as provided subparagraph (C), a Federal
22 agency may include a business concern in not more than
23 2 specified categories for purposes of determining whether
24 the Federal agency has met the Government-wide goals

1 under this subsection for the award of contracts to busi-
 2 ness concerns in specified categories.

3 “(C) A Federal agency may not include a small busi-
 4 ness concern that is participating in the program under
 5 section 8(a) in any specified category except the category
 6 ‘small business concerns owned and controlled by socially
 7 and economically disadvantaged individuals’ for purposes
 8 of determining whether the Federal agency has met the
 9 Government-wide goals under this subsection for the
 10 award of contracts to business concerns in specified cat-
 11 egories.”.

12 **SEC. 3. IMPROVING TRANSPARENCY TO ASSIST SMALL**
 13 **BUSINESS CONCERNS.**

14 Section 15(g)(1) of the Small Business Act (15
 15 U.S.C. 644(g)(1)) is amended by inserting after the sec-
 16 ond sentence the following: “For purposes of this sub-
 17 section, in addition to the existing reporting requirements,
 18 the Administrator shall include the percentage of small
 19 business concern participation for the total value of all
 20 prime contract awards for a fiscal year, including the value
 21 of each prime contract awarded for the fiscal year, without
 22 regard to whether the prime contract was awarded as the
 23 result of unrestricted competition or any determination by
 24 the Administrator with respect to the potential for a small

1 business concern to perform the prime contract or a sub-
2 contract under the prime contract.”.

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

5 The Administrator of the Small Business Administra-
6 tion shall consult with the heads of other Federal agencies
7 to develop and implement standards for procurement offi-
8 cers to take into consideration the past compliance of po-
9 tential contractors with small business subcontracting
10 goals when making contract awards.

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