

114TH CONGRESS
1ST SESSION

S. 1859

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

IN THE SENATE OF THE UNITED STATES

JULY 23, 2015

Mr. UDALL 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 2015”.

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

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

1 (1) in clause (i), by striking “not less than 23
2 percent” and inserting “not less than 25 percent”;

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

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

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

13 “(4) LIMITATION ON NUMBER OF CATEGORIES
14 FOR WHICH A SMALL BUSINESS MAY QUALIFY.—

15 “(A) DEFINITION.—In this paragraph, the
16 term ‘specified category’ means small business
17 concerns, small business concerns owned and
18 controlled by service-disabled veterans, qualified
19 HUBZone small business concerns, small busi-
20 ness concerns owned and controlled by socially
21 and economically disadvantaged individuals, and
22 small business concerns owned and controlled
23 by women.

24 “(B) LIMITATION.—Except as provided in
25 subparagraph (C), a Federal agency may in-

clude a business concern in not more than 2 specified categories for purposes of determining whether the Federal agency has met the Government-wide goals under this subsection for the award of contracts to business concerns in specified categories.

“(C) RULE OF CONSTRUCTION.—A Federal agency may not include a small business concern that is participating in the program under section 8(a) in any specified category except the category ‘small business concerns owned and controlled by socially and economically disadvantaged individuals’ for purposes of determining whether the Federal agency has met the Government-wide goals under this subsection for the award of contracts to business concerns in specified categories.”.

SEC. 3. IMPROVING TRANSPARENCY TO ASSIST SMALL BUSINESS CONCERNS.

Section 15(h)(2) of the Small Business Act (15 U.S.C. 644(h)(2)) is amended—

(1) in subparagraph (E)(viii)(VIII), by striking “and” at the end;

(2) in subparagraph (F), by striking the period at the end and inserting “; and”; and

1 (3) by adding at the following new subpara-
2 graph:

3 “(G) for the Federal Government, the per-
4 centage of participation by small business con-
5 cerns for the total value of all prime contract
6 awards and subcontract awards for a fiscal
7 year, including the value of each prime contract
8 and subcontract awarded for the fiscal year.”.

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

11 The Administrator of the Small Business Administra-
12 tion shall consult with the heads of other Federal agencies
13 to develop and implement standards for procurement offi-
14 cers to take into consideration the past compliance of po-
15 tential contractors with small business subcontracting
16 goals when making contract awards.

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