

Union Calendar No. 530

106TH CONGRESS
2^D SESSION

H. R. 4897

[Report No. 106-879]

To amend the Small Business Act to establish a program to provide Federal contracting assistance to small business concerns owned and controlled by women.

IN THE HOUSE OF REPRESENTATIVES

JULY 19, 2000

Ms. VELAZQUEZ (for herself, Mrs. KELLY, Ms. MILLENDER-MCDONALD, Mr. DAVIS of Illinois, Mrs. MCCARTHY of New York, Mr. PASCRELL, Mr. HINOJOSA, Mrs. CHRISTENSEN, Mr. BRADY of Pennsylvania, Mr. GONZALEZ, Mr. MOORE, Mrs. NAPOLITANO, Mrs. JONES of Ohio, Mr. UDALL of New Mexico, Mr. BAIRD, Mr. UDALL of Colorado, and Ms. BERKLEY) introduced the following bill; which was referred to the Committee on Small Business

SEPTEMBER 21, 2000

Additional sponsors: Mrs. MALONEY of New York, Ms. CARSON, Mr. WYNN, Mrs. BIGGERT, Mr. GILMAN, Mrs. MORELLA, Ms. KILPATRICK, Ms. MCKINNEY, Ms. SLAUGHTER, and Ms. KAPTUR

SEPTEMBER 21, 2000

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

A BILL

To amend the Small Business Act to establish a program to provide Federal contracting assistance to small business concerns owned and controlled by women.

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 “Equity in Contracting
5 for Women Act of 2000”.

6 **SEC. 2. PROCUREMENT PROGRAM FOR WOMEN’S SMALL**
7 **BUSINESS CONCERNS.**

8 Section 8 of the Small Business Act (15 U.S.C. 637)
9 is amended by adding at the end the following new sub-
10 section:

11 “(m) PROCUREMENT PROGRAM FOR WOMEN’S
12 SMALL BUSINESS CONCERNS.—

13 “(1) DEFINITIONS.—In this subsection, the fol-
14 lowing definitions apply:

15 “(A) CONTRACTING OFFICER.—The term
16 ‘contracting officer’ has the meaning given such
17 term in section 27(f)(5) of the Office of Federal
18 Procurement Policy Act (41 U.S.C. 423(f)(5)).

19 “(B) SMALL BUSINESS CONCERN OWNED
20 AND CONTROLLED BY WOMEN.—The term
21 ‘small business concern owned and controlled by
22 women’ means any small business concern—

23 “(i) that is not less than 51 percent
24 owned by 1 or more women who are eco-
25 nomically disadvantaged; and

1 “(ii) the management and daily busi-
2 ness operations of which are controlled by
3 1 or more women.

4 “(2) AUTHORITY TO SET ASIDE CONTRACTS.—
5 Notwithstanding any other provision of law and in
6 accordance with this subsection, a contracting officer
7 may set aside to be awarded only to a small business
8 concern owned and controlled by women any con-
9 tract for the procurement of goods or services by the
10 Federal Government, if—

11 “(A) the concern is determined to be a re-
12 sponsible contractor with respect to the per-
13 formance of such contract;

14 “(B) the contracting officer has a reason-
15 able expectation that 2 or more small business
16 concerns owned and controlled by women will
17 submit offers for the contract;

18 “(C) the contract is for the procurement of
19 goods or services with respect to an industry
20 identified by the Administrator pursuant to
21 paragraph (3);

22 “(D) the anticipated award price of the
23 contract (including options) does not exceed—

1 “(i) \$5,000,000, in the case of a con-
2 tract assigned a standard industrial classi-
3 fication code for manufacturing; or

4 “(ii) \$3,000,000, in the case of all
5 other contracts;

6 “(E) in the estimation of the contracting
7 officer, the contract award can be made at a
8 fair and reasonable price; and

9 “(F) the concern—

10 “(i) is certified as a small business
11 concern owned and controlled by women by
12 a Federal agency or by a State or local
13 government; or

14 “(ii) certifies to the contracting officer
15 that it is a small business concern owned
16 and controlled by women and provides ade-
17 quate documentation, in accordance with
18 standards established by the Administra-
19 tion, to support such certification.

20 “(3) IDENTIFICATION OF INDUSTRIES.—The
21 Administrator shall conduct a study to identify in-
22 dustries in which small business concerns owned and
23 controlled by women are underrepresented with re-
24 spect to Federal procurement contracting.

25 “(4) ENFORCEMENT; PENALTIES.—

1 “(A) VERIFICATION OF ELIGIBILITY.—In
2 carrying out this subsection, the Administrator
3 shall establish procedures relating to—

4 “(i) the filing, investigation, and dis-
5 position by the Administration of any chal-
6 lenge to the eligibility of a small business
7 concern to receive assistance under this
8 subsection (including a challenge, filed by
9 an interested party, relating to the veracity
10 of a certification made or information pro-
11 vided to the Administration by a small
12 business concern under paragraph (2)(F));
13 and

14 “(ii) verification by the Administrator
15 of the accuracy of any certification made
16 or information provided to the Administra-
17 tion by a small business concern under
18 paragraph (2)(F).

19 “(B) EXAMINATIONS.—The procedures es-
20 tablished under subparagraph (A) may provide
21 for program examinations (including random
22 program examinations) by the Administrator of
23 any small business concern making a certifi-
24 cation or providing information to the Adminis-
25 trator under paragraph (2)(F).

1 “(C) PROVISION OF DATA.—Upon the re-
2 quest of the Administrator, the Secretary of
3 Labor, the Secretary of Housing and Urban
4 Development, and the Secretary of the Interior
5 (or the Assistant Secretary for Indian Affairs),
6 shall promptly provide to the Administrator
7 such information as the Administrator deter-
8 mines to be necessary to carry out this sub-
9 section.

10 “(D) PENALTIES.—In addition to the pen-
11 alties described in section 16(d), any small busi-
12 ness concern that is determined by the Admin-
13 istrator to have misrepresented the status of
14 that concern as a small business concern owned
15 and controlled by women for purposes of this
16 subsection, shall be subject to—

17 “(i) section 1001 of title 18, United
18 States Code; and

19 “(ii) sections 3729 through 3733 of
20 title 31, United States Code.”.

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