

Calendar No. 407118TH CONGRESS
2^D SESSION**S. 3971**

To amend the Small Business Act to require reporting on additional information with respect to small business concerns owned and controlled by women, qualified HUBZone small business concerns, and small business concerns owned and controlled by veterans, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 19, 2024

Mr. COONS (for himself and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on Small Business and Entrepreneurship

MAY 23, 2024

Reported by Mrs. SHAHEEN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend the Small Business Act to require reporting on additional information with respect to small business concerns owned and controlled by women, qualified HUBZone small business concerns, and small business concerns owned and controlled by veterans, 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 “Small Business Con-
3 tracting Transparency Act of 2024”.

4 **SEC. 2. REPORT ON SMALL BUSINESS CONCERNS OWNED**
5 **AND CONTROLLED BY WOMEN.**

6 (a) **IN GENERAL.**—Section 8(m) of the Small Busi-
7 ness Act (15 U.S.C. 637(m)) is amended by adding at the
8 end the following:

9 “(9) **REPORT.**—Not later than May 1, 2024,
10 and annually thereafter, the Administrator shall sub-
11 mit to the Committee on Small Business and Entre-
12 preneurship of the Senate and the Committee on
13 Small Business of the House of Representatives a
14 report on small business concerns owned and con-
15 trolled by women, which shall include, for the fiscal
16 year preceding the date of the report, the following:

17 “(A) The number of applications for cer-
18 tification as a small business concern owned
19 and controlled by women that have sufficient
20 information for the Administrator to make a
21 certification determination, disaggregated by—

22 “(i) the number of applications cer-
23 tified;

24 “(ii) the number of applications de-
25 nied; and

1 “~~(iii)~~ the number of applications for
2 which a determination has not been made.

3 “~~(B)~~ The number of concerns certified as
4 small business concerns owned and controlled
5 by women by a national certifying entity ap-
6 proved by the Administrator.

7 “~~(C)~~ The amount of fees, if any, charged
8 by each national certifying entity for the certifi-
9 cation described in subparagraph ~~(B)~~.

10 “~~(D)~~ The total dollar amount and total
11 percentage of prime contracts awarded to small
12 business concerns owned and controlled by
13 women pursuant to paragraph ~~(2)~~ or pursuant
14 to a waiver granted under paragraph ~~(3)~~.

15 “~~(E)~~ The total dollar amount and total
16 percentage of prime contracts awarded to small
17 business concerns owned and controlled by
18 women pursuant to paragraphs ~~(7)~~ and ~~(8)~~.

19 “~~(F)~~ With respect to a contract incorrectly
20 awarded pursuant to this subsection because it
21 was awarded based on an industry in which
22 small business concerns owned and controlled
23 by women are not underrepresented—

24 “~~(i)~~ the number of such contracts;

1 “(ii) the Federal agencies that issued
2 such contracts; and

3 “(iii) any steps taken by Adminis-
4 trator to train the personnel of each Fed-
5 eral agency described in clause (ii) on the
6 use of the authority provided under this
7 subsection.

8 “(G) With respect to an examination de-
9 scribed in paragraph (5)(B)—

10 “(i) the number of examinations due
11 because of recertification requirements and
12 the actual number of examinations con-
13 ducted; and

14 “(ii) the number of examinations con-
15 ducted for any other reason.

16 “(H) The number of small business con-
17 cerns owned and controlled by women that were
18 found to be ineligible to be awarded a contract
19 under this subsection as a result of an examina-
20 tion conducted pursuant to paragraph (5)(B) or
21 failure to request an examination pursuant to
22 section 127.400 of title 13, Code of Federal
23 Regulations, or any successor regulation.

1 “(I) The number of small business con-
2 cerns owned and controlled by women that were
3 decertified.

4 “(J) The total number of small business
5 concerns owned and controlled by women.

6 “(K) Any other information the Adminis-
7 trator determines necessary.”.

8 (b) TECHNICAL AMENDMENT.—Section 8(m)(2)(C)
9 of the Small Business Act is amended by striking “para-
10 graph (3)” and inserting “paragraph (4)”.

11 **SEC. 3. REPORT ON SMALL BUSINESS CONCERNS OWNED**
12 **AND CONTROLLED BY QUALIFIED HUBZONE**
13 **SMALL BUSINESS CONCERNS.**

14 Section 31 of the Small Business Act (15 U.S.C.
15 657a) is amended—

16 (1) by redesignating subsection (f) as sub-
17 section (g); and

18 (2) by inserting after subsection (e) the fol-
19 lowing:

20 “(f) REPORT.—Not later than May 1, 2024, and an-
21 nually thereafter, the Administrator shall submit to the
22 Committee on Small Business and Entrepreneurship of
23 the Senate and the Committee on Small Business of the
24 House of Representatives a report on HUBZone small

1 business concerns, which shall include, for the fiscal year
2 preceding the date of the report, the following:

3 “(1) The number of applications for certifi-
4 cation as a qualified HUBZone small business con-
5 cern that have sufficient information for the Admin-
6 istrator to make a certification determination,
7 disaggregated by—

8 “(A) the number of applications certified;

9 “(B) the number of applications denied;

10 and

11 “(C) the number of applications for which
12 a determination has not been made.

13 “(2) The total dollar amount and total percent-
14 age of prime contracts awarded to qualified
15 HUBZone small business concerns pursuant to this
16 section.

17 “(3) The total dollar amount and percent of
18 sole source contracts awarded to qualified HUBZone
19 small business concerns under subsection (c)(2)(A).

20 “(4) With respect to an examination described
21 in subsection (d)(5)—

22 “(A) the number of examinations due be-
23 cause of recertification requirements and the
24 actual number of examinations conducted; and

1 ~~“(B) the number of examinations con-~~
 2 ~~ducted for any other reason.~~

3 ~~“(5) The number of HUBZone small business~~
 4 ~~concerns that were found to be ineligible to be~~
 5 ~~awarded a contract under this subsection as a result~~
 6 ~~of an examination conducted pursuant to subsection~~
 7 ~~(d)(5) or a verification conducted pursuant to sub-~~
 8 ~~section (d)(2).~~

9 ~~“(6) The number of small business concerns~~
 10 ~~that were decertified as qualified HUBZone small~~
 11 ~~business concerns.~~

12 ~~“(7) The number of qualified HUBZone small~~
 13 ~~business concerns.~~

14 ~~“(8) Any other information the Administrator~~
 15 ~~determines necessary.”.~~

16 **SEC. 4. REPORT ON SMALL BUSINESS CONCERNS OWNED**
 17 **AND CONTROLLED BY SERVICE-DISABLED**
 18 **VETERANS.**

19 Section 36 of the Small Business Act (15 U.S.C.
 20 657f) is amended by adding at the end the following:

21 ~~“(j) REPORT.—Not later than May 1, 2024, and an-~~
 22 ~~nually thereafter, the Administrator shall submit to the~~
 23 ~~Committee on Small Business and Entrepreneurship of~~
 24 ~~the Senate and the Committee on Small Business of the~~
 25 ~~House of Representatives a report on small business con-~~

cerns owned and controlled by service-disabled veterans,
which shall include, for the fiscal year preceding the date
of the report, the following:

“(1) The total number of small business concerns certified as small business concerns owned and controlled by service-disabled veterans.

“(2) The total dollar amount and total percentage of prime contracts awarded to small business concerns owned and controlled by service-disabled veterans pursuant to this section.

“(3) The total dollar amount and percent of sole source contracts awarded to owned and controlled by service-disabled veterans pursuant to subsection (e).

“(4) With respect to an examination described in subsection (h)(2)—

“(A) the number of examinations due because of recertification requirements and the actual number of such examinations conducted; and

“(B) the number of examinations conducted for any other reason.

“(5) The number of small business concerns owned and controlled by service-disabled veterans that were found to be ineligible to be awarded a con-

1 tract under this subsection as a result of an exam-
 2 ination conducted pursuant to subsection (h)(2).

3 ~~“(6) The number of small business concerns de-~~
 4 certified as small business concerns owned and con-
 5 trolled by service-disabled veterans.

6 ~~“(7) The total number of small business con-~~
 7 cerns owned and controlled by service-disabled vet-
 8 erans.

9 ~~“(8) Any other information the Administrator~~
 10 determines necessary.”.

11 **SEC. 5. COMPLIANCE WITH CUTGO.**

12 No additional amounts are authorized to be appro-
 13 priated to carry out this Act or the amendments made
 14 by this Act.

15 **SECTION 1. SHORT TITLE.**

16 *This Act may be cited as the “Small Business Con-*
 17 *tracting Transparency Act of 2024”.*

18 **SEC. 2. REPORT ON SMALL BUSINESS CONCERNS OWNED**

19 **AND CONTROLLED BY WOMEN.**

20 (a) *IN GENERAL.*—*Section 8(m) of the Small Business*
 21 *Act (15 U.S.C. 637(m)) is amended by adding at the end*
 22 *the following:*

23 ~~“(9) REPORT.~~—*Not later than 1 year after the*
 24 *date of enactment of the Small Business Contracting*
 25 *Transparency Act of 2024, and annually thereafter,*

1 *the Administrator shall submit to the Committee on*
2 *Small Business and Entrepreneurship of the Senate*
3 *and the Committee on Small Business of the House*
4 *of Representatives a report on small business concerns*
5 *owned and controlled by women, which shall include,*
6 *for the fiscal year preceding the date of the report, the*
7 *following:*

8 “(A) *The number of applications for certifi-*
9 *cation as a small business concern owned and*
10 *controlled by women that have sufficient infor-*
11 *mation for the Administrator to make a certifi-*
12 *cation determination, disaggregated by—*

13 “(i) *the number of applications cer-*
14 *tified;*

15 “(ii) *the number of applications de-*
16 *nied; and*

17 “(iii) *the number of applications for*
18 *which a determination has not been made.*

19 “(B) *The number of concerns certified as*
20 *small business concerns owned and controlled by*
21 *women by a national certifying entity approved*
22 *by the Administrator.*

23 “(C) *The amount of fees, if any, charged by*
24 *each national certifying entity for the certifi-*
25 *cation described in subparagraph (B).*

1 “(D) *The total dollar amount and total per-*
2 *centage of prime contracts awarded to small*
3 *business concerns owned and controlled by*
4 *women pursuant to paragraph (2) or pursuant*
5 *to a waiver granted under paragraph (3).*

6 “(E) *The total dollar amount and total per-*
7 *centage of prime contracts awarded to small*
8 *business concerns owned and controlled by*
9 *women pursuant to paragraph (7) or (8).*

10 “(F) *With respect to a contract incorrectly*
11 *awarded pursuant to this subsection because it*
12 *was awarded based on an industry in which*
13 *small business concerns owned and controlled by*
14 *women are not underrepresented—*

15 “(i) *the number of such contracts;*

16 “(ii) *the Federal agencies that issued*
17 *such contracts; and*

18 “(iii) *any steps taken by the Adminis-*
19 *trator to train the personnel of each Federal*
20 *agency described in clause (ii) on the use of*
21 *the authority provided under this sub-*
22 *section.*

23 “(G) *With respect to an examination de-*
24 *scribed in paragraph (5)(B)—*

1 “(i) the number of examinations due
2 because of recertification requirements and
3 the actual number of examinations con-
4 ducted; and

5 “(ii) the number of examinations con-
6 ducted for any other reason.

7 “(H) The number of small business concerns
8 owned and controlled by women that were found
9 to be ineligible to be awarded a contract under
10 this subsection as a result of an examination
11 conducted pursuant to paragraph (5)(B) or fail-
12 ure to request an examination pursuant to sec-
13 tion 127.400 of title 13, Code of Federal Regula-
14 tions, or any successor regulation.

15 “(I) The number of small business concerns
16 owned and controlled by women that were decer-
17 tified.

18 “(J) The total number of small business
19 concerns owned and controlled by women.

20 “(K) Any other information the Adminis-
21 trator determines necessary.”.

22 (b) *TECHNICAL AMENDMENT.*—Section 8(m)(2)(C) of
23 the Small Business Act (15 U.S.C. 637(m)(2)(C)) is amend-
24 ed by striking “paragraph (3)” and inserting “paragraph
25 (4)”.

1 **SEC. 3. REPORT ON SMALL BUSINESS CONCERNS OWNED**
 2 **AND CONTROLLED BY QUALIFIED HUBZONE**
 3 **SMALL BUSINESS CONCERNS.**

4 *Section 31 of the Small Business Act (15 U.S.C. 657a)*
 5 *is amended—*

6 *(1) by redesignating subsection (f) as subsection*
 7 *(g); and*

8 *(2) by inserting after subsection (e) the following:*

9 *“(f) REPORT.—Not later than 1 year after the date of*
 10 *enactment of the Small Business Contracting Transparency*
 11 *Act of 2024, and annually thereafter, the Administrator*
 12 *shall submit to the Committee on Small Business and En-*
 13 *trepreneurship of the Senate and the Committee on Small*
 14 *Business of the House of Representatives a report on*
 15 *HUBZone small business concerns, which shall include, for*
 16 *the fiscal year preceding the date of the report, the fol-*
 17 *lowing:*

18 *“(1) The number of applications for certification*
 19 *as a qualified HUBZone small business concern that*
 20 *have sufficient information for the Administrator to*
 21 *make a certification determination, disaggregated*
 22 *by—*

23 *“(A) the number of applications certified;*

24 *“(B) the number of applications denied;*

25 *and*

1 “(C) the number of applications for which
2 a determination has not been made.

3 “(2) The total dollar amount and total percent-
4 age of prime contracts awarded to qualified
5 HUBZone small business concerns pursuant to this
6 section.

7 “(3) The total dollar amount and percent of sole
8 source contracts awarded to qualified HUBZone
9 small business concerns under subsection (c)(2)(A).

10 “(4) With respect to an examination described in
11 subsection (d)(5)—

12 “(A) the number of examinations due be-
13 cause of recertification requirements and the ac-
14 tual number of examinations conducted; and

15 “(B) the number of examinations conducted
16 for any other reason.

17 “(5) The number of HUBZone small business
18 concerns that were found to be ineligible to be award-
19 ed a contract under this subsection as a result of an
20 examination conducted pursuant to subsection (d)(5)
21 or a verification conducted pursuant to subsection
22 (d)(2).

23 “(6) The number of small business concerns that
24 were decertified as qualified HUBZone small business
25 concerns.

1 “(7) *The number of qualified HUBZone small*
2 *business concerns.*”

3 “(8) *Any other information the Administrator*
4 *determines necessary.*”.

5 **SEC. 4. REPORT ON SMALL BUSINESS CONCERNS OWNED**
6 **AND CONTROLLED BY SERVICE-DISABLED**
7 **VETERANS.**

8 *Section 36 of the Small Business Act (15 U.S.C. 657f)*
9 *is amended by adding at the end the following:*

10 “(j) *REPORT.—Not later than 1 year after the date of*
11 *enactment of the Small Business Contracting Transparency*
12 *Act of 2024, and annually thereafter, the Administrator*
13 *shall submit to the Committee on Small Business and En-*
14 *trepreneurship of the Senate and the Committee on Small*
15 *Business of the House of Representatives a report on small*
16 *business concerns owned and controlled by service-disabled*
17 *veterans, which shall include, for the fiscal year preceding*
18 *the date of the report, the following:*

19 “(1) *The total number of small business concerns*
20 *certified as small business concerns owned and con-*
21 *trolled by service-disabled veterans.*”

22 “(2) *The total dollar amount and total percent-*
23 *age of prime contracts awarded to small business con-*
24 *cerns owned and controlled by service-disabled vet-*
25 *erans pursuant to this section.*”

1 “(3) *The total dollar amount and percent of sole*
2 *source contracts awarded to small business concerns*
3 *owned and controlled by service-disabled veterans*
4 *pursuant to subsection (c).*

5 “(4) *With respect to an examination described in*
6 *subsection (h)(2)—*

7 “(A) *the number of examinations due be-*
8 *cause of recertification requirements and the ac-*
9 *tual number of such examinations conducted;*
10 *and*

11 “(B) *the number of examinations conducted*
12 *for any other reason.*

13 “(5) *The number of small business concerns*
14 *owned and controlled by service-disabled veterans that*
15 *were found to be ineligible to be awarded a contract*
16 *under this subsection as a result of an examination*
17 *conducted pursuant to subsection (h)(2).*

18 “(6) *The number of small business concerns de-*
19 *certified as small business concerns owned and con-*
20 *trolled by service-disabled veterans.*

21 “(7) *The total number of small business concerns*
22 *owned and controlled by service-disabled veterans.*

23 “(8) *Any other information the Administrator*
24 *determines necessary.”.*

1 **SEC. 5. COMPLIANCE WITH CUTGO.**

2 *No additional amounts are authorized to be appro-*
3 *riated to carry out this Act or the amendments made by*
4 *this Act.*

Calendar No. 407

118TH CONGRESS
2^D SESSION

S. 3971

A BILL

To amend the Small Business Act to require reporting on additional information with respect to small business concerns owned and controlled by women, qualified HUBZone small business concerns, and small business concerns owned and controlled by veterans, and for other purposes.

MAY 23, 2024

Reported with an amendment