

118TH CONGRESS
1ST SESSION

S. 1470

To amend the Small Business Act relating to small business concerns owned and controlled by women, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 4, 2023

Ms. ERNST (for herself and Mrs. CAPITO) introduced the following bill; which was read twice and referred to the Committee on Small Business and Entrepreneurship

A BILL

To amend the Small Business Act relating to small business concerns owned and controlled by women, 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 “Accountability in
5 Women-Owned Small Business Contracting Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Small Busi-
3 ness Administration.

4 (2) SMALL BUSINESS CONCERN OWNED AND
5 CONTROLLED BY WOMEN.—The term “small busi-
6 ness concern owned and controlled by women” has
7 the meaning given the term in section 3 of the Small
8 Business Act (15 U.S.C. 632).

9 **SEC. 3. ELIMINATING SELF-CERTIFICATION FOR WOMEN-**
10 **OWNED SMALL BUSINESSES.**

11 (a) ELIMINATING SELF-CERTIFICATION IN PRIME
12 CONTRACTING AND SUBCONTRACTING FOR WOSBS.—

13 (1) IN GENERAL.—Each prime contract award
14 and subcontract award that is counted for the pur-
15 pose of meeting the goals for participation by small
16 business concerns owned and controlled by women in
17 procurement contracts for Federal agencies, as es-
18 tablished in section 15(g)(2) of the Small Business
19 Act (15 U.S.C. 644(g)(2)), shall be entered into with
20 small business concerns certified by the Adminis-
21 trator to meet the requirements under section 3(n)
22 of such Act (15 U.S.C. 632(n)) to be a small busi-
23 ness concern owned and controlled by women.

24 (2) EFFECTIVE DATE.—Paragraph (1) shall
25 take effect on October 1 of the fiscal year beginning

1 after the Administrator promulgates the regulations
2 required under subsection (c).

3 (b) PHASED APPROACH TO ELIMINATING SELF-CER-
4 TIFICATION FOR WOSBS.—Notwithstanding any other
5 provision of law, any small business concern that self-cer-
6 tified as a small business concern owned and controlled
7 by women may—

8 (1) if the small business concern files a certifi-
9 cation application with the Administrator before the
10 end of the 1-year period beginning on the date of en-
11 actment of this Act, maintain such self-certification
12 until the Administrator makes a determination with
13 respect to such certification; and

14 (2) if the small business concern does not file
15 a certification application before the end of the 1-
16 year period beginning on the date of enactment of
17 this Act, lose, at the end of such 1-year period, any
18 self-certification of the small business concern as a
19 small business concern owned and controlled by
20 women.

21 (c) RULEMAKING.—Not later than 180 days after the
22 date of enactment of this Act, the Administrator shall pro-
23 mulgate regulations to carry out this section.

1 **SEC. 4. AGENCY TESTIMONY BEFORE CONGRESS.**

2 Section 15(g)(2) of the Small Business Act (15
3 U.S.C. 644(g)(2)) is amended by adding at the end the
4 following:

5 “(G) REMEDIATION.—Any Federal agency
6 failing to meet the goal for participation by
7 small business concerns owned and controlled
8 by women established under paragraph (1)(B)
9 in a fiscal year shall—

10 “(i) submit to the Committee on
11 Small Business and Entrepreneurship of
12 the Senate and the Committee on Small
13 Business of the House of Representatives
14 the report required under subsection
15 (h)(1); and

16 “(ii) testify before the Committee on
17 Small Business and Entrepreneurship of
18 the Senate and the Committee on Small
19 Business of the House of Representatives
20 on the details of the report submitted
21 under clause (i), in particular the justifica-
22 tions and remediation plan described in
23 subparagraphs (C) and (D) of subsection
24 (h)(1).”.

1 **SEC. 5. INTERAGENCY REPORT.**

2 Not later than 1 year after the date of enactment
3 of this Act, the Administrator, in consultation with the
4 Secretary of Commerce, the Secretary of Agriculture, the
5 Secretary of the Treasury, and the head of any other Fed-
6 eral agency that the Administrator determines appro-
7 priate, shall submit to Congress an interagency report
8 that—

9 (1) identifies the leading economic barriers for
10 small business concerns owned and controlled by
11 women, particularly for industries underrepresented
12 by small business concerns owned and controlled by
13 women;

14 (2) includes a detailed description of the impact
15 of inflation and supply chain disruptions on small
16 business concerns owned and controlled by women
17 during the 3-year period preceding the report;

18 (3) makes recommendations to improve access
19 to capital for small business concerns owned and
20 controlled by women; and

21 (4) in consultation with the Office of Federal
22 Procurement Policy, makes recommendations for in-
23 creasing the number of Federal contract opportuni-
24 ties for small business concerns owned and con-
25 trolled by women.

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