

112TH CONGRESS  
1ST SESSION

# H. R. 3513

To require at least 10 percent of certain transportation funding to be made available for small business concerns owned and controlled by socially and economically disadvantaged individuals.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 29, 2011

Ms. BROWN of Florida (for herself, Mr. CUMMINGS, Mr. THOMPSON of Mississippi, Mr. CLARKE of Michigan, Mr. CLAY, Mr. JOHNSON of Georgia, Mr. DAVIS of Illinois, Ms. LEE of California, Mr. CONYERS, Ms. JACKSON LEE of Texas, Ms. MOORE, Mr. DAVID SCOTT of Georgia, Ms. WILSON of Florida, Ms. HANABUSA, Ms. SEWELL, Mr. SCOTT of Virginia, Ms. RICHARDSON, Mr. BISHOP of Georgia, Mr. GUTIERREZ, Mr. LEWIS of Georgia, Mrs. NAPOLITANO, Ms. CLARKE of New York, Mr. PIERLUISI, Mr. TOWNS, Mr. PAYNE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. EDWARDS, Mr. MEEKS, Mr. HASTINGS of Florida, Ms. WATERS, Mr. RICHMOND, Mr. RUSH, Mr. RANGEL, Ms. NORTON, and Mr. CLEAVER) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To require at least 10 percent of certain transportation funding to be made available for small business concerns owned and controlled by socially and economically disadvantaged individuals.

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. DISADVANTAGED BUSINESS ENTERPRISES.**

2 (a) AVAILABILITY OF FUNDS.—Except to the extent  
3 that the Secretary of Transportation determines other-  
4 wise, not less than 10 percent of the amounts made avail-  
5 able for any program under the jurisdiction of the Federal  
6 Railroad Administration shall be expended through small  
7 business concerns owned and controlled by socially and  
8 economically disadvantaged individuals.

9 (b) DEFINITIONS.—In this section, the following defi-  
10 nitions apply:

11 (1) SMALL BUSINESS CONCERN.—The term  
12 “small business concern” has the meaning that term  
13 has under section 3 of the Small Business Act (15  
14 U.S.C. 632), except that the term shall not include  
15 any concern or group of concerns controlled by the  
16 same socially and economically disadvantaged indi-  
17 vidual or individuals which has average annual gross  
18 receipts over the preceding 3 fiscal years in excess  
19 of \$22,410,000, as adjusted annually by the Sec-  
20 retary of Transportation for inflation.

21 (2) SOCIALLY AND ECONOMICALLY DISADVAN-  
22 TAGED INDIVIDUALS.—The term “socially and eco-  
23 nomically disadvantaged individuals” has the mean-  
24 ing that term has under section 8(d) of the Small  
25 Business Act (15 U.S.C. 637(d)) and relevant sub-  
26 contracting regulations issued pursuant to that Act,

1       except that women shall be presumed to be socially  
2       and economically disadvantaged individuals for pur-  
3       poses of this section.

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