

112TH CONGRESS
1ST SESSION

S. 1154

To require transparency for Executive departments in meeting the Government-wide goals for contracting with small business concerns owned and controlled by service-disabled veterans, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 7, 2011

Mr. BAUCUS introduced the following bill; which was read twice and referred to the Committee on Small Business and Entrepreneurship

A BILL

To require transparency for Executive departments in meeting the Government-wide goals for contracting with small business concerns owned and controlled by service-disabled 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Honoring Promises
5 to Service-Disabled Veterans Act of 2011”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Federal agencies have an obligation to com-
2 ply with the Veterans Entrepreneurship and Small
3 Business Development Act of 1999 (Public Law
4 106–50; 113 Stat. 233), and the amendments made
5 by that Act, which established a Government-wide
6 goal that not less than 3 percent of the total value
7 of all prime contracts and subcontracts be awarded
8 to small business concerns owned and controlled by
9 service-disabled veterans each fiscal year (referred to
10 in this section as the “Government-wide goal for
11 service-disabled veterans”).

12 (2) Progress in meeting the Government-wide
13 goal for service-disabled veterans has been unaccept-
14 ably slow.

15 (3) Prime contractors doing business with the
16 United States Government have an obligation to do
17 their part to meet the Government-wide goal for
18 service-disabled veterans.

19 (4) The public has a right to know whether the
20 Executive departments (as defined in section 101 of
21 title 5, United States Code) and prime contractors
22 are meeting the Government-wide goal for service-
23 disabled veterans.

1 **SEC. 3. TRANSPARENCY IN CONTRACTING GOALS FOR**
 2 **SMALL BUSINESS CONCERNS OWNED AND**
 3 **CONTROLLED BY SERVICE-DISABLED VET-**
 4 **ERANS.**

5 Section 15 of the Small Business Act (15 U.S.C. 644)
 6 is amended by adding at the end the following:

7 “(s) TRANSPARENCY IN CONTRACTING GOALS FOR
 8 SMALL BUSINESS CONCERNS OWNED AND CONTROLLED
 9 BY SERVICE-DISABLED VETERANS.—

10 “(1) DEFINITIONS.—In this subsection—

11 “(A) the term ‘covered contractor’ means a
 12 contractor that is required to submit a subcon-
 13 tracting plan under section 8(d) to an Execu-
 14 tive department; and

15 “(B) the term ‘Executive department’ has
 16 the meaning given that term in section 101 of
 17 title 5, United States Code.

18 “(2) REPORTS TO ADMINISTRATOR.—Three
 19 months after the date of enactment of this sub-
 20 section, and quarterly thereafter, the head of each
 21 Executive department shall submit to the Adminis-
 22 trator a report that contains—

23 “(A) the percentage of the total value of
 24 all prime contracts awarded by the Executive
 25 department to small business concerns owned
 26 and controlled by service-disabled veterans dur-

1 ing the 3-month period ending on the date of
2 the report;

3 “(B) the name of each covered contractor
4 to which the Executive department awards a
5 contract;

6 “(C) for each contract awarded to a cov-
7 ered contractor by the Executive department—

8 “(i) the percentage goal negotiated
9 under section 8(d)(6)(A) for the utilization
10 as subcontractors of small business con-
11 cerns owned and controlled by service-dis-
12 abled veterans; and

13 “(ii) if the contract is completed dur-
14 ing the 3-month period ending on the date
15 of the report, the percentage of the total
16 value of subcontracts entered into by the
17 covered contractor awarded to small busi-
18 ness concerns owned and controlled by
19 service-disabled veterans;

20 “(D) the weighted average percentage goal
21 negotiated by each covered contractor under
22 section 8(d)(6)(A) for the utilization as sub-
23 contractors of small business concerns owned
24 and controlled by service-disabled veterans for

1 all contracts awarded by the Executive depart-
2 ment to the covered contractor; and

3 “(E) for all contracts awarded to covered
4 contractors by the Executive department that
5 are completed during the 3-month period end-
6 ing on the date of the report, the percentage of
7 the total value of all subcontracts awarded by
8 covered contractors that were awarded to small
9 business concerns owned and controlled by serv-
10 ice-disabled veterans.

11 “(3) RANKINGS.—For the first full fiscal year
12 following the date of enactment of this subsection,
13 and each fiscal year thereafter, the Administrator
14 shall rank—

15 “(A) the Executive departments, based
16 on—

17 “(i) the percentage of the total value
18 of prime contracts awarded by the Execu-
19 tive departments to small business con-
20 cerns owned and controlled by service-dis-
21 abled veterans; and

22 “(ii) the percentage of the total value
23 of subcontracts awarded by covered con-
24 tractors that are awarded contracts by the
25 Executive departments to small business

1 concerns owned and controlled by service-
2 disabled veterans; and

3 “(B) covered contractors, based on the
4 percentage of the total value of subcontracts
5 awarded by the covered contractors to small
6 business concerns owned and controlled by serv-
7 ice-disabled veterans.

8 “(4) PUBLICATION.—

9 “(A) WEBSITE.—Except as provided in
10 subparagraph (B), the Administrator shall pub-
11 lish on a website accessible to the public a user-
12 friendly, electronically searchable report con-
13 taining—

14 “(i) the information submitted to the
15 Administrator under paragraph (2); and

16 “(ii) the rankings made by the Ad-
17 ministrator under paragraph (3).

18 “(B) EXCEPTION FOR NATIONAL SECUR-
19 ITY.—If the head of an Executive department
20 determines that publication of information con-
21 tained in a report submitted under paragraph
22 (2) would be detrimental to national security,
23 the Administrator shall not publish the infor-
24 mation on the website described in subpara-
25 graph (A).

1 “(C) UPDATING.—The Administrator shall
2 update the contents of the website described in
3 subparagraph (A) not less frequently than
4 quarterly.

5 “(5) REPORTS TO CONGRESS.—

6 “(A) ANNUAL REPORT.—The Adminis-
7 trator shall submit to Congress an annual re-
8 port on the progress of each Executive depart-
9 ment toward meeting the Government-wide
10 goals for contracting and subcontracting estab-
11 lished under subsection (g).

12 “(B) CONTENTS.—Each report under this
13 paragraph shall include—

14 “(i) a statement of whether the
15 website described in paragraph (4) con-
16 tains the latest data reported to the Ad-
17 ministrator by the Executive departments;
18 and

19 “(ii) a recommendation of a prime
20 contractor that should be recognized by
21 Congress for outstanding progress in con-
22 tracting with small business concerns
23 owned and controlled by service-disabled
24 veterans.

1 “(6) RULE OF CONSTRUCTION.—Nothing in
2 this subsection may be construed to affect any other
3 reporting requirement under Federal law.”.

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