

118TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

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

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**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:

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

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

6 **SEC. 3. ELIMINATING SELF-CERTIFICATION FOR WOMEN-**  
7 **OWNED SMALL BUSINESSES.**

8           (a) ELIMINATING SELF-CERTIFICATION IN PRIME  
9 CONTRACTING AND SUBCONTRACTING FOR WOSBs.—

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

21           (2) EFFECTIVE DATE.—Paragraph (1) shall  
22 take effect on October 1 of the fiscal year beginning  
23 after the Administrator promulgates the regulations  
24 required under subsection (c).

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

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

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

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

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

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

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

6                   “(i) submit to the Committee on  
7                   Small Business and Entrepreneurship of  
8                   the Senate and the Committee on Small  
9                   Business of the House of Representatives  
10                  the report required under subsection  
11                  (h)(1); and

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

21 **SEC. 5. INTERAGENCY REPORT.**

22           Not later than 1 year after the date of enactment  
23           of this Act, the Administrator, in consultation with the  
24           Secretary of Commerce, the Secretary of Agriculture, the  
25           Secretary of the Treasury, and the head of any other Fed-

1 eral agency that the Administrator determines appro-  
2 priate, shall submit to Congress an interagency report  
3 that—

4           (1) identifies the leading economic barriers for  
5 small business concerns owned and controlled by  
6 women, particularly for industries underrepresented  
7 by small business concerns owned and controlled by  
8 women;

9           (2) includes a detailed description of the impact  
10 of inflation and supply chain disruptions on small  
11 business concerns owned and controlled by women  
12 during the 3-year period preceding the report;

13           (3) makes recommendations to improve access  
14 to capital for small business concerns owned and  
15 controlled by women; and

16           (4) in consultation with the Office of Federal  
17 Procurement Policy, makes recommendations for in-  
18 creasing the number of Federal contract opportuni-  
19 ties for small business concerns owned and con-  
20 trolled by women.