112TH CONGRESS
1ST SESSION

# S. _____

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.

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IN THE SENATE OF THE UNITED STATES

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

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# 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.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Honoring Promises to Service-Disabled Veterans Act of 2011''.

**SEC. 2. FINDINGS.**

Congress finds the following:

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

(2) Progress in meeting the Government-wide goal for service-disabled veterans has been unacceptably slow.

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

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

**SEC. 3. TRANSPARENCY IN CONTRACTING GOALS FOR SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.**

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

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

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'covered contractor' means a contractor that is required to submit a subcontracting plan under section 8(d) to an Executive department; and

"(B) the term 'Executive department' has the meaning given that term in section 101 of title 5, United States Code.

"(2) REPORTS TO ADMINISTRATOR.—Three months after the date of enactment of this subsection, and quarterly thereafter, the head of each Executive department shall submit to the Administrator a report that contains—

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

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

"(B) the name of each covered contractor to which the Executive department awards a contract;

"(C) for each contract awarded to a covered contractor by the Executive department—

"(i) the percentage goal negotiated under section 8(d)(6)(A) for the utilization as subcontractors of small business concerns owned and controlled by service-disabled veterans; and

"(ii) if the contract is completed during the 3-month period ending on the date of the report, the percentage of the total value of subcontracts entered into by the covered contractor awarded to small business concerns owned and controlled by service-disabled veterans;

"(D) the weighted average percentage goal negotiated by each covered contractor under section 8(d)(6)(A) for the utilization as subcontractors of small business concerns owned and controlled by service-disabled veterans for

all contracts awarded by the Executive department to the covered contractor; and

"(E) for all contracts awarded to covered contractors by the Executive department that are completed during the 3-month period ending on the date of the report, the percentage of the total value of all subcontracts awarded by covered contractors that were awarded to small business concerns owned and controlled by service-disabled veterans.

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

"(A) the Executive departments, based on—

"(i) the percentage of the total value of prime contracts awarded by the Executive departments to small business concerns owned and controlled by service-disabled veterans; and

"(ii) the percentage of the total value of subcontracts awarded by covered contractors that are awarded contracts by the Executive departments to small business

concerns owned and controlled by service-disabled veterans; and

"(B) covered contractors, based on the percentage of the total value of subcontracts awarded by the covered contractors to small business concerns owned and controlled by service-disabled veterans.

"(4) PUBLICATION.—

"(A) WEBSITE.—Except as provided in subparagraph (B), the Administrator shall publish on a website accessible to the public a user-friendly, electronically searchable report containing—

"(i) the information submitted to the Administrator under paragraph (2); and

"(ii) the rankings made by the Administrator under paragraph (3).

"(B) EXCEPTION FOR NATIONAL SECURITY.—If the head of an Executive department determines that publication of information contained in a report submitted under paragraph (2) would be detrimental to national security, the Administrator shall not publish the information on the website described in subparagraph (A).

"(C) UPDATING.—The Administrator shall update the contents of the website described in subparagraph (A) not less frequently than quarterly.

"(5) REPORTS TO CONGRESS.—

"(A) ANNUAL REPORT.—The Administrator shall submit to Congress an annual report on the progress of each Executive department toward meeting the Government-wide goals for contracting and subcontracting established under subsection (g).

"(B) CONTENTS.—Each report under this paragraph shall include—

"(i) a statement of whether the website described in paragraph (4) contains the latest data reported to the Administrator by the Executive departments; and

"(ii) a recommendation of a prime contractor that should be recognized by Congress for outstanding progress in contracting with small business concerns owned and controlled by service-disabled veterans.

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