Public Law 106-554 signed 12/21/00.

SEC. 811. PROCUREMENT PROGRAM FOR WOMEN-OWNED SMALL BUSINESS CONCERNS.

Section 8 of the Small Business Act (15 U.S.C. 637) is amended by adding at the end the following:

`(m) PROCUREMENT PROGRAM FOR WOMEN-OWNED SMALL BUSINESS CONCERNS-

`(1) DEFINITIONS- In this subsection, the following definitions apply:

`(A) CONTRACTING OFFICER- The term `contracting officer' has the meaning given such term in section 27(f)(5) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(f)(5)).

`(B) SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY WOMEN- The term `small business concern owned and controlled by women' has the meaning given such term in section 3(n), except that ownership shall be determined without regard to any community property law.

`(2) AUTHORITY TO RESTRICT COMPETITION- In accordance with this subsection, a contracting officer may restrict competition for any contract for the procurement of goods or services by the Federal Government to small business concerns owned and controlled by women, if--

`(A) each of the concerns is not less than 51 percent owned by 1 or more women who are economically disadvantaged (and such ownership is determined without regard to any community property law);

`(B) the contracting officer has a reasonable expectation that 2 or more small business concerns owned and controlled by women will submit offers for the contract;

`(C) the contract is for the procurement of goods or services with respect to an industry identified by the Administrator pursuant to paragraph (3);

`(D) the anticipated award price of the contract (including options) does not exceed--

`(i) $5,000,000, in the case of a contract assigned an industrial classification code for manufacturing; or

`(ii) $3,000,000, in the case of all other contracts;

`(E) in the estimation of the contracting officer, the contract award can be made at a fair and reasonable price; and

`(F) each of the concerns--

`(i) is certified by a Federal agency, a State government, or a national certifying entity approved by the Administrator, as a small business concern owned and controlled by women; or

`(ii) certifies to the contracting officer that it is a small business concern owned and controlled by women and provides adequate documentation, in accordance with standards established by the Administration, to support such certification.

`(3) WAIVER- With respect to a small business concern owned and controlled by women, the Administrator may waive subparagraph (2)(A) if the Administrator determines that the concern is in an industry in which small business concerns owned and controlled by women are substantially underrepresented.

`(4) IDENTIFICATION OF INDUSTRIES- The Administrator shall conduct a study to identify industries in which small business concerns owned and controlled by women are underrepresented with respect to Federal procurement contracting.

`(5) ENFORCEMENT; PENALTIES-

`(A) VERIFICATION OF ELIGIBILITY- In carrying out this subsection, the Administrator shall establish procedures relating to--

`(i) the filing, investigation, and disposition by the Administration of any challenge to the eligibility of a small business concern to receive assistance under this subsection (including a challenge, filed by an interested party, relating to the veracity of a certification made or information provided to the Administration by a small business concern under paragraph (2)(F)); and

`(ii) verification by the Administrator of the accuracy of any certification made or information provided to the Administration by a small business concern under paragraph (2)(F).

`(B) EXAMINATIONS- The procedures established under subparagraph (A) may provide for program examinations (including random program examinations) by the Administrator of any small business concern making a certification or providing information to the Administrator under paragraph (2)(F).

`(C) PENALTIES- In addition to the penalties described in section 16(d), any small business concern that is determined by the Administrator to have misrepresented the status of that concern as a small business concern owned and controlled by women for purposes of this subsection, shall be subject to--

`(i) section 1001 of title 18, United States Code; and

`(ii) sections 3729 through 3733 of title 31, United States Code.

`(6) PROVISION OF DATA- Upon the request of the Administrator, the head of any Federal department or agency shall promptly provide to the Administrator such information as the Administrator determines to be necessary to carry out this subsection.'.