

112TH CONGRESS
2D SESSION

S. 3196

To establish the National Women’s High-Growth Business Bipartisan Task Force, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 17, 2012

Ms. SNOWE (for herself and Ms. LANDRIEU) introduced the following bill; which was read twice and referred to the Committee on Small Business and Entrepreneurship

A BILL

To establish the National Women’s High-Growth Business Bipartisan Task Force, 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 “National Women’s
5 High-Growth Business Bipartisan Task Force Act of
6 2012”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act—

1 (1) the terms “Administration” and “Adminis-
2 trator” mean the Small Business Administration
3 and the Administrator thereof, respectively;

4 (2) the term “Task Force” means the National
5 Women’s High-Growth Business Bipartisan Task
6 Force established under section 3; and

7 (3) the term “small business concern owned
8 and controlled by women” has the meaning given
9 that term in section 3(n) of the Small Business Act
10 (15 U.S.C. 632(n)).

11 **SEC. 3. NATIONAL WOMEN’S HIGH-GROWTH BUSINESS BI-**
12 **PARTISAN TASK FORCE.**

13 (a) ESTABLISHMENT.—There is established the Na-
14 tional Women’s High-Growth Business Bipartisan Task
15 Force, which shall serve as an independent source of ad-
16 vice, research, and policy recommendations to—

17 (1) the Administrator;

18 (2) the Assistant Administrator of the Office of
19 Women’s Business Ownership of the Administration;

20 (3) Congress;

21 (4) the President; and

22 (5) other Federal departments and agencies.

23 (b) MEMBERSHIP.—

24 (1) NUMBER OF MEMBERS.—The Task Force
25 shall be composed of 15 members, of which—

1 (A) 8 shall be individuals who own small
2 business concerns owned and controlled by
3 women, including not fewer than 2 individuals
4 who own small business concerns owned and
5 controlled by women in industries in which
6 women are traditionally underrepresented;

7 (B) 2 shall be individuals having expertise
8 conducting research on women's business, wom-
9 en's entrepreneurship, new business develop-
10 ment by women, and high-growth business de-
11 velopment; and

12 (C) 5 shall be individuals who represent
13 women's business organizations, including wom-
14 en's business centers and women's business ad-
15 vocacy groups.

16 (2) APPOINTMENT OF MEMBERS.—

17 (A) OWNERS OF SMALL BUSINESS CON-
18 CERNS OWNED AND CONTROLLED BY
19 WOMEN.—Of the members of the Task Force
20 described in paragraph (1)(A)—

21 (i) 2 shall be appointed by the Chair-
22 person of the Committee on Small Busi-
23 ness and Entrepreneurship of the Senate;

24 (ii) 2 shall be appointed by the Rank-
25 ing Member of the Committee on Small

1 Business and Entrepreneurship of the Sen-
2 ate;

3 (iii) 2 shall be appointed by the Chair-
4 person of the Committee on Small Busi-
5 ness of the House of Representatives; and

6 (iv) 2 shall be appointed by the Rank-
7 ing Member of the Committee on Small
8 Business of the House of Representatives.

9 (B) OTHER MEMBERS.—The members of
10 the Task Force described in subparagraphs (B)
11 and (C) of paragraph (1) shall be appointed by
12 the Administrator.

13 (C) INITIAL APPOINTMENTS.—The individ-
14 uals described in subparagraphs (A) and (B)
15 shall appoint the initial members of the Task
16 Force not later than 90 days after the date of
17 enactment of this Act.

18 (D) GEOGRAPHIC CONSIDERATIONS.—In
19 making an appointment under this paragraph,
20 the individuals described in subparagraphs (A)
21 and (B) shall give consideration to the geo-
22 graphic areas of the United States in which the
23 members of the Task Force live and work, par-
24 ticularly to ensure that rural areas are rep-
25 resented on the Task Force.

1 (E) POLITICAL AFFILIATION.—Not more
2 than 8 members of the Task Force may be
3 members of the same political party.

4 (3) CHAIRPERSON.—

5 (A) ELECTION OF CHAIRPERSON.—The
6 members of the Task Force shall elect 1 mem-
7 ber of the Task Force as Chairperson of the
8 Task Force.

9 (B) VACANCIES.—Any vacancy in the posi-
10 tion of Chairperson of the Task Force shall be
11 filled by the Task Force at the first meeting of
12 the Task Force after the date on which the va-
13 cancy occurs.

14 (4) TERM OF SERVICE.—

15 (A) IN GENERAL.—Except as provided in
16 subparagraph (B), the term of service of each
17 member of the Task Force shall be 3 years.

18 (B) TERMS OF INITIAL APPOINTEES.—Of
19 the members of the Task Force first appointed
20 after the date of enactment of this Act—

21 (i) 6 shall be appointed for a term of
22 4 years, including—

23 (I) 1 member appointed by the
24 individuals described in each of

1 clauses (i), (ii), (iii), and (iv) of para-
2 graph (2)(A); and

3 (II) 2 members appointed by the
4 Administrator; and

5 (ii) 5 shall be appointed for a term of
6 5 years, including—

7 (I) 1 member appointed by the
8 individuals described in each of
9 clauses (i), (ii), (iii), and (iv) of para-
10 graph (2)(A); and

11 (II) 1 member appointed by the
12 Administrator.

13 (5) VACANCIES.—A vacancy on the Task Force
14 shall be filled not later than 30 days after the date
15 on which the vacancy occurs, in the manner in which
16 the original appointment was made, and shall be
17 subject to any conditions that applied to the original
18 appointment. An individual chosen to fill a vacancy
19 shall be appointed for the unexpired term of the
20 member replaced.

21 (6) PROHIBITION ON FEDERAL EMPLOY-
22 MENT.—

23 (A) IN GENERAL.—Except as provided in
24 subparagraph (B), no member of the Task

1 Force may serve as an officer or employee of
2 the United States.

3 (B) EXCEPTION.—A member of the Task
4 Force who accepts a position as an officer or
5 employee of the United States after appoint-
6 ment to the Task Force may continue to serve
7 on the Task Force for not more than 30 days
8 after the date of such acceptance.

9 (7) COMPENSATION AND EXPENSES.—

10 (A) NO COMPENSATION.—Each member of
11 the Task Force shall serve without compensa-
12 tion.

13 (B) EXPENSES.—The Administrator shall
14 reimburse the members of the Task Force for
15 travel and subsistence expenses in accordance
16 with section 5703 of title 5, United States
17 Code.

18 (c) DUTIES.—The Task Force shall—

19 (1) review and monitor plans and programs de-
20 veloped in the public and private sectors that affect
21 the ability of small business concerns owned and
22 controlled by women to obtain capital and credit and
23 to access markets, and provide advice on improving
24 coordination between such plans and programs;

1 (2) monitor and promote the plans, programs,
2 and operations of the Federal departments and
3 agencies that contribute to the formation and devel-
4 opment of small business concerns owned and con-
5 trolled by women, and make recommendations to
6 Federal departments and agencies concerning the
7 coordination of such plans, programs, and oper-
8 ations;

9 (3) develop and promote initiatives, policies,
10 programs, and plans designed to encourage the for-
11 mation of startups and high-growth small business
12 concerns owned and controlled by women;

13 (4) advise the Administrator on the develop-
14 ment and implementation of an annual comprehen-
15 sive plan for joint efforts by the public and private
16 sectors to facilitate the formation and development
17 of startups and high-growth small business concerns
18 owned and controlled by women; and

19 (5) examine the link between women who own
20 small business concerns and intellectual property, in-
21 cluding—

22 (A) the number of patents, trademarks,
23 and copyrights granted to women; and

24 (B) the challenges faced by high-growth
25 small business concerns owned and controlled

1 by women in obtaining and enforcing intellec-
2 tual property rights.

3 (d) POWERS.—

4 (1) HEARINGS.—The Task Force may hold
5 such hearings, sit and act at such times and places,
6 take such testimony, and receive such evidence as
7 the Task Force considers advisable to carry out its
8 duties.

9 (2) TASK GROUPS.—The Task Force may, from
10 time to time, establish temporary task groups, as
11 necessary to carry out the duties of the Task Force.

12 (3) INFORMATION FROM FEDERAL AGENCIES.—
13 Upon request of the Chairperson of the Task Force,
14 the head of any Federal department or agency shall
15 furnish such information to the Task Force as the
16 Task Force considers necessary to carry out its du-
17 ties.

18 (4) USE OF MAILS.—The Task Force may use
19 the United States mails in the same manner and
20 under the same conditions as Federal departments
21 and agencies.

22 (5) GIFTS.—The Task Force may accept, use,
23 and dispose of gifts or donations of services or prop-
24 erty.

25 (e) MEETINGS.—

1 (1) IN GENERAL.—The Task Force shall
2 meet—

3 (A) not less than 3 times each year;

4 (B) at the call of the Chairperson; and

5 (C) upon the request of—

6 (i) the Administrator;

7 (ii) the Chairperson and Ranking
8 Member of the Committee on Small Busi-
9 ness and Entrepreneurship of the Senate;

10 or

11 (iii) the Chairperson and Ranking
12 Member of the Committee on Small Busi-
13 ness of the House of Representatives.

14 (2) PARTICIPATION OF FEDERAL AGENCIES.—

15 (A) PARTICIPATION ENCOURAGED.—The
16 Task Force shall allow and encourage participa-
17 tion in meetings by representatives from Fed-
18 eral agencies.

19 (B) FUNCTIONS OF REPRESENTATIVES OF
20 FEDERAL AGENCIES.—A representative from a
21 Federal agency—

22 (i) may be used as a resource; and

23 (ii) may not vote or otherwise act as
24 a member of the Task Force.

1 (3) LOCATION.—Each meeting of the full Task
2 Force shall be held at the headquarters of the Ad-
3 ministration, unless, not later than 1 month before
4 the meeting, a majority of the members of the Task
5 Force agree to meet at another location.

6 (4) SUPPORT BY ADMINISTRATOR.—The Ad-
7 ministrator shall provide suitable meeting facilities
8 and such administrative support as may be nec-
9 essary for each full meeting of the Task Force.

10 (f) REPORTS.—

11 (1) REPORTS BY TASK FORCE.—

12 (A) REPORTS REQUIRED.—Not later than
13 30 days after the end of each fiscal year, the
14 Task Force shall submit to the President and
15 to the Committee on Small Business and Entre-
16 preneurship of the Senate and the Committee
17 on Small Business of the House of Representa-
18 tives, a report containing—

19 (i) a detailed description of the activi-
20 ties of the Task Force, including a report
21 on how the Task Force has carried out the
22 duties described in subsection (c);

23 (ii) the findings and recommendations
24 of the Task Force; and

1 (iii) the recommendations of the Task
2 Force for—

3 (I) promoting intellectual prop-
4 erty rights for high-growth small busi-
5 ness concerns owned and controlled by
6 women; and

7 (II) such legislative and adminis-
8 trative actions as the Task Force con-
9 siders appropriate to promote the for-
10 mation and development of small busi-
11 ness concerns owned and controlled by
12 women.

13 (B) FORM OF REPORTS.—The report re-
14 quired under subparagraph (A) shall include—

15 (i) any concurring or dissenting views
16 of the Administrator; and

17 (ii) the minutes of each meeting of the
18 Task Force.

19 (2) REPORTS BY CHIEF COUNSEL FOR ADVO-
20 CACY.—

21 (A) STUDIES.—

22 (i) IN GENERAL.—Not less frequently
23 than twice each year, the Chief Counsel for
24 Advocacy of the Small Business Adminis-
25 tration, in consultation with the Task

1 Force, shall conduct a study of an issue
2 that is important to small business con-
3 cerns owned and controlled by women.

4 (ii) TOPICS.—The topic of a study
5 under clause (i) shall—

6 (I) be an issue that the Task
7 Force determines is critical to fur-
8 thering the interests of small business
9 concerns owned and controlled by
10 women; and

11 (II) relate to—

12 (aa) Federal prime contracts
13 and subcontracts awarded to
14 small business concerns owned
15 and controlled by women;

16 (bb) access to credit and in-
17 vestment capital by women entre-
18 preneurs;

19 (cc) acquiring and enforcing
20 intellectual property rights; or

21 (dd) any other issue relating
22 to small business concerns owned
23 and controlled by women that the
24 Task Force determines is appro-
25 priate.

1 (iii) CONTRACTING.—In conducting a
2 study under this subparagraph, the Chief
3 Counsel may contract with a public or pri-
4 vate entity.

5 (B) REPORT.—The Chief Counsel for Ad-
6 vocacy shall—

7 (i) submit a report containing the re-
8 sults of each study under subparagraph
9 (A) to the Task Force, the Committee on
10 Small Business and Entrepreneurship of
11 the Senate, and the Committee on Small
12 Business of the House of Representatives;
13 and

14 (ii) make each report submitted under
15 clause (i) available to the public online.

16 (g) FEDERAL ADVISORY COMMITTEE ACT.—Section
17 14 of the Federal Advisory Committee Act (5 U.S.C.
18 App.) shall not apply to the Task Force.

19 **SEC. 4. REPEAL.**

20 (a) FINAL REPORTS.—Not later than 90 days after
21 the date of enactment of this Act—

22 (1) the Interagency Committee on Women’s
23 Business Enterprise shall submit to the President
24 and the Committee on Small Business and Entrepre-
25 neurship of the Senate and the Committee on Small

1 Business of the House of Representatives a report
2 containing the information described in paragraphs
3 (1), (2), and (3) of section 404 of the Women’s
4 Business Ownership Act of 1988 (15 U.S.C. 7104),
5 as in effect on the day before the date of enactment
6 of this Act; and

7 (2) the National Women’s Business Council
8 shall submit to the President and the Committee on
9 Small Business and Entrepreneurship of the Senate
10 and the Committee on Small Business of the House
11 of Representatives a report containing the informa-
12 tion described in subparagraphs (A), (B), and (C) of
13 section 406(d)(6) of the Women’s Business Owner-
14 ship Act of 1988 (15 U.S.C. 7106), as in effect on
15 the day before the date of enactment of this Act.

16 (b) REPEAL.—The Women’s Business Ownership Act
17 of 1988 (15 U.S.C. 631 note) is amended by striking title
18 IV (15 U.S.C. 7101 et seq.).

19 (c) TECHNICAL AND CONFORMING AMENDMENTS.—
20 The Small Business Act (15 U.S.C. 631 et seq.) is amend-
21 ed—

22 (1) in section 8(b)(1)(G) (15 U.S.C.
23 637(b)(1)(G)), by striking “and to carry out the ac-
24 tivities authorized by title IV of the Women’s Busi-
25 ness Ownership Act of 1988”; and

1 (2) in section 29(g) (15 U.S.C. 656(g))—

2 (A) in paragraph (1), by striking “women’s
3 business enterprises (as defined in section 408
4 of the Women’s Business Ownership Act of
5 1988 (15 U.S.C. 631 note))” and inserting
6 “small business concerns owned and controlled
7 by women”; and

8 (B) in paragraph (2)(B)(ii)—

9 (i) in subclause (VI), by adding “and”
10 at the end;

11 (ii) in subclause (VII), by striking the
12 semicolon at the end and inserting a pe-
13 riod; and

14 (iii) by striking subclauses (VIII),
15 (IX), and (X).

16 (d) EFFECTIVE DATE.—The amendments made by
17 subsections (b) and (c) shall take effect 90 days after the
18 date of enactment of this Act.

○