

119TH CONGRESS
2D SESSION

S. _____

To end preferences for disadvantaged individuals and businesses in
Government contracts, and for other purposes.

IN THE SENATE OF THE UNITED STATES

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

A BILL

To end preferences for disadvantaged individuals and
businesses in Government contracts, 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 “Ending Discrimination
5 in Government Contracting Act”.

1 **SEC. 2. ENDING FEDERAL CONTRACTING PREFERENCES**
2 **FOR SMALL BUSINESSES OWNED AND CON-**
3 **TROLLED BY SOCIALLY AND ECONOMICALLY**
4 **DISADVANTAGED INDIVIDUALS AND SMALL**
5 **BUSINESSES OWNED AND CONTROLLED BY**
6 **WOMEN.**

7 (a) SMALL BUSINESS ACT.—The Small Business Act
8 (15 U.S.C. 631 et seq.) is amended—

9 (1) in section 2 (15 U.S.C. 631)—

10 (A) by repealing subsection (f); and

11 (B) in subsection (h)(1)(H), by striking
12 “while not adversely affecting the rights of so-
13 cially and economically disadvantaged individ-
14 uals”;

15 (2) in section 7 (15 U.S.C. 636)—

16 (A) in subsection (a)—

17 (i) in paragraph (15)(E)—

18 (I) in clause (i), by striking “in-
19 cluding the number of loans” and all
20 that follows through the end of the
21 clause and inserting the following:
22 “including the number of loans made
23 to cooperatives;”; and

24 (II) in clause (ii), by striking “in-
25 cluding the number of financings”
26 and all that follows through the end

1 of the clause and inserting the fol-
2 lowing: “including the number of
3 financings made to cooperatives;
4 and”;

5 (ii) in paragraph (36)(P)(iv), by strik-
6 ing “small business concerns owned and
7 controlled by socially and economically dis-
8 advantaged individuals (as defined in sec-
9 tion 8(d)(3)(C)),”; and
10 (B) in subsection (j)—

11 (i) in paragraph (11)(I)(iii), by strik-
12 ing “and a distribution of concerns across
13 all industry” and all that follows through
14 “has been limited” in the second sentence;
15 and

16 (ii) in paragraph (16)(B)(iii), by
17 striking “owned and controlled by other
18 than socially and economically disadvan-
19 tagged individuals”;

20 (3) in section 8 (15 U.S.C. 637)—

21 (A) in subsection (a)—

22 (i) in paragraph (1)—

23 (I) in subparagraph (A), by in-
24 serting “and” after the semicolon at
25 the end;

1 (II) by striking subparagraphs
2 (B) and (C); and

3 (III) by redesignating subpara-
4 graph (D) as subparagraph (B);

5 (ii) by repealing paragraphs (4)
6 through (8);

7 (iii) in paragraph (9)(B)—

8 (I) by striking clause (i); and

9 (II) by redesignating clauses (ii),
10 (iii), and (iv) as clauses (i), (ii), and
11 (iii), respectively;

12 (iv) in paragraph (10), in the second
13 sentence, by striking “and from small dis-
14 advantaged business concerns in industry
15 categories that have not substantially par-
16 ticipated in the award of contracts let
17 under the authority of this subsection”;
18 and

19 (v) in paragraph (12)—

20 (I) in subparagraph (A), by strik-
21 ing “and Disadvantaged”;

22 (II) in subparagraph (C), in the
23 first sentence, by striking “, including
24 those owned and controlled by socially

1 and economically disadvantaged indi-
2 viduals,”; and

3 (III) in subparagraph (D)(i), by
4 striking “and Disadvantaged”;

5 (B) in subsection (d)—

6 (i) in paragraph (1), by striking
7 “qualified HUBZone small business con-
8 cerns, small business concerns owned and
9 controlled by socially and economically dis-
10 advantaged individuals, and small business
11 concerns owned and controlled by women”
12 each place that term appears and inserting
13 “and qualified HUBZone small business
14 concerns”;

15 (ii) in paragraph (3)—

16 (I) in subparagraph (A), by strik-
17 ing “qualified HUBZone small busi-
18 ness concerns, small business concerns
19 owned and controlled by socially and
20 economically disadvantaged individ-
21 uals, and small business concerns
22 owned and controlled by women” each
23 place that term appears and inserting
24 “and qualified HUBZone small busi-
25 ness concerns”;

1 (II) by amending subparagraph
2 (C) to read as follows:

3 “(C) As used in this contract, the term
4 ‘small business concern’ shall mean a small
5 business as defined pursuant to section 3 of the
6 Small Business Act and relevant regulations
7 promulgated pursuant thereto.”; and

8 (III) in subparagraph (F), by
9 striking “small business concern
10 owned and controlled by service-dis-
11 abled veterans, a small business con-
12 cern owned and controlled by socially
13 and economically disadvantaged indi-
14 viduals, or a small business concern
15 owned and controlled by women” and
16 inserting “or a small business concern
17 owned and controlled by service-dis-
18 abled veterans”;

19 (iii) in paragraph (4)—

20 (I) in subparagraph (D), by
21 striking “small business concerns
22 owned and controlled by service-dis-
23 abled veterans, small business con-
24 cerns owned and controlled by socially
25 and economically disadvantaged indi-

1 viduals, and small business concerns
2 owned and controlled by women” and
3 inserting “and small business con-
4 cerns owned and controlled by service-
5 disabled veterans”; and

6 (II) in subparagraph (E), by
7 striking “qualified HUBZone small
8 business concerns, small business con-
9 cerns owned and controlled by the so-
10 cially and economically disadvantaged
11 individuals as defined in paragraph
12 (3) of this subsection and for small
13 business concerns owned and con-
14 trolled by women” and inserting “and
15 qualified HUBZone small business
16 concerns”;

17 (iv) in paragraph (6), by striking
18 “qualified HUBZone small business con-
19 cerns, small business concerns owned and
20 controlled by socially and economically dis-
21 advantaged individuals, and small business
22 concerns owned and controlled by women”
23 each place that term appears and inserting
24 “and qualified HUBZone small business
25 concerns”;

1 (v) in paragraph (11)(B), by striking
2 “qualified HUBZone small business con-
3 cerns, small business concerns owned and
4 controlled by socially and economically dis-
5 advantaged individuals, and small business
6 concerns owned and controlled by women”
7 and inserting “and qualified HUBZone
8 small business concerns”; and
9 (vi) in paragraph (13)(E)(i), by strik-
10 ing “and Disadvantaged”;
11 (C) by striking subsection (m); and
12 (D) by redesignating subsection (n) as sub-
13 section (m);
14 (4) in section 9 (15 U.S.C. 638)—
15 (A) in subsection (b)(7), by repealing sub-
16 paragraph (C);
17 (B) in subsection (j)(2), by repealing sub-
18 paragraph (F);
19 (5) in section 15 (15 U.S.C. 644)—
20 (A) in subsection (e)(1)(B), by striking
21 “and Disadvantaged”;
22 (B) in subsection (g)—
23 (i) in paragraph (1)(A)—
24 (I) in the matter preceding clause
25 (i), by striking “qualified HUBZone

1 small business concerns, small busi-
2 ness concerns owned and controlled by
3 socially and economically disadvan-
4 taged individuals, and small business
5 concerns owned and controlled by
6 women” and inserting “and qualified
7 HUBZone small business concerns”;
8 and

9 (II) by striking clauses (iv) and
10 (v);

11 (ii) in paragraph (2)—

12 (I) in subparagraph (A), by strik-
13 ing “by qualified HUBZone small
14 business concerns, by small business
15 concerns owned and controlled by so-
16 cially and economically disadvantaged
17 individuals, and by small business
18 concerns owned and controlled by
19 women” and inserting “and by quali-
20 fied HUBZone small business con-
21 cerns”;

22 (II) in subparagraph (B), by
23 striking “qualified HUBZone small
24 business concerns, small business con-
25 cerns owned and controlled by socially

1 and economically disadvantaged indi-
2 viduals, and small business concerns
3 owned and controlled by women” and
4 inserting “and qualified HUBZone
5 small business concerns”;

6 (III) in subparagraph (D), by
7 striking “, qualified HUBZone small
8 business concerns, small business con-
9 cerns owned and controlled by socially
10 and economically disadvantaged indi-
11 viduals, and small business concerns
12 owned and controlled by women” and
13 inserting “and qualified HUBZone
14 small business concerns”; and

15 (IV) in subparagraph (F)(ii), by
16 striking “and Disadvantaged”; and

17 (iii) in paragraph (3), by striking
18 “qualified HUBZone small business con-
19 cerns, small business concerns owned and
20 controlled by socially and economically dis-
21 advantaged individuals, and small business
22 concerns owned and controlled by women”
23 and inserting “and qualified HUBZone
24 small business concerns”;

25 (C) in subsection (h)—

1 (i) in paragraph (1)(A), by striking
2 “qualified HUBZone small business con-
3 cerns, small business concerns owned and
4 controlled by socially and economically dis-
5 advantaged individuals, and small business
6 concerns owned and controlled by women”
7 and inserting “and qualified HUBZone
8 small business concerns”;

9 (ii) in paragraph (2)—

10 (I) in subparagraph (E)—

11 (aa) in clause (i)(VI), by
12 striking “small business concerns
13 owned and controlled by socially
14 and economically disadvantaged
15 individuals, small business con-
16 cerns owned and controlled by
17 women,”

18 (bb) in clause (ii)(VII), by
19 striking “small business concerns
20 owned and controlled by socially
21 and economically disadvantaged
22 individuals, small business con-
23 cerns owned and controlled by
24 women,”;

1 (cc) in clause (iii)(VIII), by
2 striking “small business concerns
3 owned and controlled by socially
4 and economically disadvantaged
5 individuals, small business con-
6 cerns owned and controlled by
7 women,”;

8 (dd) by striking clause (iv);

9 (ee) by redesignating clauses
10 (v), (vi), and (vii) as clauses (iv),
11 (v), and (vi), respectively;

12 (ff) in clause (iv), as so re-
13 designated—

14 (AA) by striking sub-
15 clause (IV); and

16 (BB) by redesignating
17 subclauses (V) and (VI) as
18 subclauses (IV) and (V), re-
19 spectively;

20 (gg) in clause (v), as so re-
21 designated—

22 (AA) by striking sub-
23 clause (IV); and

24 (BB) by redesignating
25 subclauses (V) and (VI) as

1 subclauses (IV) and (V), re-
2 spectively;

3 (hh) in clause (vi), as so re-
4 designated—

5 (AA) by striking sub-
6 clause (IV); and

7 (BB) by redesignating
8 subclauses (V) and (VI) as
9 subclauses (IV) and (V), re-
10 spectively; and

11 (ii) by striking clause (viii);

12 and

13 (II) in subparagraph (F), by
14 striking “qualified HUBZone small
15 business concerns, small business con-
16 cerns owned and controlled by socially
17 and economically disadvantaged indi-
18 viduals, and small business concerns
19 owned and controlled by women” and
20 inserting “and qualified HUBZone
21 small business concerns”; and

22 (iii) in paragraph (4)(A)(ii)—

23 (I) in subclause (I), by adding
24 “and” at the end;

25 (II) by striking subclause (II);

1 (III) by redesignating subclause
2 (III) as subclause (II);
3 (IV) in subclause (II), as so re-
4 designated, by striking “; and” and
5 inserting a period; and
6 (V) by striking subclause (IV);
7 (D) in subsection (k)—
8 (i) in the matter preceding paragraph
9 (1), by striking “and Disadvantaged”;
10 (ii) in paragraph (1), by striking “and
11 Disadvantaged”; and
12 (iii) in paragraph (2), by striking
13 “and Disadvantaged”;
14 (E) in subsection (l)(2)(G), by striking
15 “and Disadvantaged”;
16 (F) in subsection (s)(2)(A), by striking
17 “and Disadvantaged”; and
18 (G) in subsection (y)—
19 (i) in paragraph (1), by striking
20 “qualified HUBZone small business con-
21 cerns, small business concerns owned and
22 controlled by socially and economically dis-
23 advantaged individuals, and small business
24 concerns owned and controlled by women”

1 and inserting “and qualified HUBZone
2 small business concerns”;

3 (ii) in paragraph (2), by striking
4 “qualified HUBZone small business con-
5 cerns, small business concerns owned and
6 controlled by socially and economically dis-
7 advantaged individuals, and small business
8 concerns owned and controlled by women”
9 each place that term appears and inserting
10 “and qualified HUBZone small business
11 concerns”;

12 (iii) in paragraph (3)(B), by striking
13 “qualified HUBZone small business con-
14 cerns, small business concerns owned and
15 controlled by socially and economically dis-
16 advantaged individuals, and small business
17 concerns owned and controlled by women”
18 and inserting “and qualified HUBZone
19 small business concerns”; and

20 (iv) in paragraph (4)—

21 (I) by striking subparagraphs (A)
22 and (D); and

23 (II) by redesignating subpara-
24 graphs (B) and (C) as subparagraphs
25 (A) and (B), respectively;

1 (6) in section 16 (15 U.S.C. 645)—

2 (A) in subsection (d)(1), in the matter pre-
3 ceding subparagraph (A), by striking “a ‘small
4 business concern owned and controlled by vet-
5 erans’, a ‘small business concern owned and
6 controlled by socially and economically dis-
7 advantaged individuals’, or a ‘small business
8 concern owned and controlled by women’” and
9 inserting “or a ‘small business concern owned
10 and controlled by veterans’”;

11 (B) in subsection (e), by striking “a ‘small
12 business concern owned and controlled by vet-
13 erans’, a ‘small business concern owned and
14 controlled by socially and economically dis-
15 advantaged individuals’, or a ‘small business
16 concern owned and controlled by women’” and
17 inserting “or a ‘small business concern owned
18 and controlled by veterans’”; and

19 (C) in subsection (g)(2), by striking “and
20 Disadvantaged”;

21 (7) in section 21(a)(5)(D) (15 U.S.C.
22 648(a)(5)(D)), by striking “small business, woman-
23 owned business, or socially and economically dis-
24 advantaged business” and inserting “small busi-
25 ness”;

1 (8) in section 22(l) (15 U.S.C. 649(l))—

2 (A) in paragraph (1)—

3 (i) in subparagraph (C), by inserting
4 “and” at the end;

5 (ii) by striking subparagraph (D); and

6 (iii) by redesignating subparagraph

7 (E) as subparagraph (D); and

8 (B) in paragraph (3)(B)(ii)—

9 (i) by striking subclause (I); and

10 (ii) by redesignating subclauses (II)

11 and (III) as subclauses (I) and (II), re-

12 spectively; and

13 (9) in section 45(c)(1)(B) (15 U.S.C.

14 657r(c)(1)(B))—

15 (A) in clause (iii), by inserting “or” after
16 the semicolon at the end;

17 (B) by striking clause (iv); and

18 (C) by redesignating clause (v) as clause

19 (iv).

20 (b) AMENDMENTS TO OTHER ACTS.—

21 (1) AMERICAN RESCUE PLAN ACT OF 2021.—

22 The American Rescue Plan Act of 2021 (Public Law
23 117–2) is amended—

24 (A) in section 5003(c)(3)(A) (15 U.S.C.

25 9009c(c)(3)(A)), in the first sentence, by strik-

1 ing “small business concerns owned and con-
2 trolled by women” and all that follows through
3 the period at the end and inserting the fol-
4 lowing: “or small business concerns owned and
5 controlled by veterans (as defined in section
6 3(q) of that Act (15 U.S.C. 632(q))).”; and

7 (B) in section 5004(a) (15 U.S.C.
8 9013(a)), by amending paragraph (5) to read
9 as follows:

10 “(5) ELIGIBLE BUSINESS.—The term ‘eligible
11 business’ means any small business concern, with
12 priority for small business concerns owned and con-
13 trolled by veterans, as defined in section 3(q) of the
14 Small Business Act (15 U.S.C. 632(q)).”.

15 (2) CONSOLIDATED APPROPRIATIONS ACT,
16 2005.—Section 155 of subtitle E of title I of division
17 K of the Consolidated Appropriations Act, 2005 (15
18 U.S.C. 657g) is repealed.

19 (3) FEDERAL ACQUISITION STREAMLINING ACT
20 OF 1994.—Section 7104 of the Federal Acquisition
21 Streamlining Act of 1994 (15 U.S.C. 644a) is
22 amended—

23 (A) in subsection (b)(3), by striking “and
24 Disadvantaged”; and

1 (B) in subsection (c)(3), by striking “and
2 Disadvantaged”.

3 (4) MINORITY BUSINESS DEVELOPMENT ACT OF
4 2021.—The Minority Business Development Act of
5 2021 (15 U.S.C. 9521 et seq.) is repealed.

6 (5) SMALL BUSINESS ECONOMIC POLICY ACT OF
7 1980.—Section 303(e) of the Small Business Eco-
8 nomic Policy Act of 1980 (15 U.S.C. 631b(e)) is
9 amended—

10 (A) by striking paragraphs (1) and (2);
11 and

12 (B) by redesignating the first paragraph
13 (3) (relating to qualified HUBZone small busi-
14 ness concerns), and the second paragraph (3)
15 (relating to small business concerns owned and
16 controlled by veterans) as paragraphs (1) and
17 (2), respectively.

18 (6) SMALL BUSINESS INVESTMENT ACT OF
19 1958.—Section 411(c)(3)(B) of the Small Business
20 Investment Act of 1958 (15 U.S.C. 694b(c)(3)(B))
21 is amended by striking “a small business concern
22 owned and controlled by socially and economically
23 disadvantaged individuals as defined by section 8(d)
24 of the Small Business Act, or to”.

25 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

1 (ii) by redesignating paragraph (3) as
2 paragraph (2).

3 (4) ENERGY POLICY ACT OF 2005.—Section
4 1003(a)(1) of the Energy Policy Act of 2005 (42
5 U.S.C. 16393(a)(1)) is amended by striking “, in-
6 cluding socially and economically disadvantaged
7 small business concerns (as defined in section
8 8(a)(4) of the Small Business Act (15 U.S.C.
9 637(a)(4))),”.

10 (5) EXPORT-IMPORT BANK ACT OF 1945.—The
11 Export-Import Bank Act of 1945 (12 U.S.C. 635 et
12 seq.) is amended—

13 (A) in section 2(b)(1)(E)(iii)(II) (12
14 U.S.C. 635(b)(1)(E)(iii)(II)), by striking “so-
15 cially and economically disadvantaged small
16 business concerns (as defined in section 8(a)(4)
17 of the Small Business Act), small business con-
18 cerns (as defined in section 3(a) of the Small
19 Business Act) owned by women, and”;

20 (B) in section 3 (12 U.S.C. 635a(i)), by
21 repealing subsection (i); and

22 (C) in section 8 (12 U.S.C. 635g)—

23 (i) in subsection (e), by striking “so-
24 cially and economically disadvantaged
25 small business concerns (as defined in sec-

1 tion 8(a)(4) of the Small Business Act),
2 small business concerns (as defined in sec-
3 tion 3(a) of the Small Business Act) owned
4 by women, and”;

5 (ii) in subsection (f)—

6 (I) by striking paragraph (4);

7 and

8 (II) by redesignating paragraphs

9 (5) through (8) as paragraphs (4)

10 through (7), respectively.

11 (6) FEDERAL ACQUISITION STREAMLINING ACT
12 OF 1994.—Section 7104(c) of the Federal Acquisition
13 Streamlining Act of 1994 (15 U.S.C. 644a(c)) is
14 amended—

15 (A) by striking paragraph (2); and

16 (B) by redesignating paragraph (3) as
17 paragraph (2).

18 (7) SMALL BUSINESS ACT.—The Small Busi-
19 ness Act (15 U.S.C. 631 et seq.) is amended—

20 (A) in section 7(j) (15 U.S.C. 636(j))—

21 (i) in paragraph (10)(D)(i), by strik-
22 ing “and shall be designed to result in the
23 Program Participant eliminating the condi-
24 tions or circumstances upon which the Ad-

1 ministration determined eligibility pursu-
2 ant to section 8(a)(6)”; and

3 (ii) in paragraph (11)—

4 (I) by striking subparagraph (B);

5 (II) by redesignating subpara-
6 graphs (C) through (I) as subpara-
7 graphs (B) through (H), respectively;

8 (III) in subparagraph (C), as so
9 redesignated, by striking “(as defined
10 pursuant to section 8(a)(4))”; and

11 (IV) in subparagraph (E), as so
12 redesignated—

13 (aa) by striking clause (i);

14 and

15 (bb) by redesignating
16 clauses (ii) through (viii) as
17 clauses (i) through (vii), respec-
18 tively; and

19 (B) in section 46(e) (15 U.S.C. 657s(e))—

20 (i) in paragraph (1)—

21 (I) by striking subparagraph (B);

22 and

23 (II) by redesignating subpara-
24 graphs (C), (D), and (E) as subpara-
25 graphs (B), (C), and (D); and

1 (ii) in paragraph (2)—

2 (I) by striking subparagraphs (C)

3 and (D); and

4 (II) by redesignating subpara-
5 graphs (E) and (F) as subparagraphs
6 (C) and (D), respectively.

7 (8) SMALL BUSINESS JOBS ACT OF 2010.—Title
8 III of the Small Business Jobs Act of 2010 (12
9 U.S.C. 5701 et seq.) is amended—

10 (A) in section 3002 (12 U.S.C. 5701)—

11 (i) by striking paragraph (18); and

12 (ii) by redesignating paragraph (19)
13 as paragraph (18);

14 (B) in section 3003 (12 U.S.C. 5702), by
15 repealing subsections (d) and (e); and

16 (C) in section 3009(e) (12 U.S.C.
17 5708(e))—

18 (i) in paragraph (1)—

19 (I) in the matter preceding sub-
20 paragraph (A), by striking “business
21 enterprises owned and controlled by
22 socially and economically disadvan-
23 taged individuals, to very small busi-
24 nesses and business enterprises owned
25 and controlled by socially and eco-

1 nominically disadvantaged individuals”
2 and inserting “very small businesses”;
3 and

4 (II) in subparagraph (B), by add-
5 ing “and” after the semicolon at the
6 end;

7 (ii) by striking paragraph (2);

8 (iii) by redesignating paragraph (3) as
9 paragraph (2); and

10 (iv) in paragraph (2), as so redesign-
11 ated—

12 (I) by striking “(with priority
13 given to business enterprises owned
14 and controlled by socially and eco-
15 nominally disadvantaged individ-
16 uals),”; and

17 (II) by striking “to provide tech-
18 nical assistance to business enter-
19 prises owned and controlled by so-
20 cially and economically disadvantaged
21 individuals” and inserting “to provide
22 technical assistance to business enter-
23 prises”.

24 (9) TITLE 51, UNITED STATES CODE.—Section
25 30304 of title 51, United States Code, is repealed.

1 **SEC. 3. ENDING CERTAIN PARTICIPATION GOALS FOR DE-**
2 **PARTMENT OF TRANSPORTATION FINANCIAL**
3 **ASSISTANCE PROGRAMS.**

4 (a) WRITTEN ASSURANCES FOR AIRPORT IMPROVE-
5 MENT PROJECT GRANTS.—Section 47107(e) of title 49,
6 United States Code, is amended—

7 (1) in paragraph (1)—

8 (A) by striking “10 percent” and inserting
9 “5 percent”; and

10 (B) by striking “small business concerns
11 (as defined by regulations of the Secretary)
12 owned and controlled by a socially and economi-
13 cally disadvantaged individual (as defined in
14 section 47113(a) of this title) or”;

15 (2) in paragraph (4)(B), in the second sentence,
16 by striking “small business concern owned and con-
17 trolled by a socially and economically disadvantaged
18 individual or as a”; and

19 (3) in paragraph (6), by striking “small busi-
20 ness concern owned and controlled by a socially and
21 economically disadvantaged individual or a”.

22 (b) DISADVANTAGED BUSINESS CONCERN.—Section
23 47113 of title 49, United States Code, is amended—

24 (1) in the section heading, by striking “**Mi-**
25 **nority and disadvantaged business**” and
26 inserting “**Small business concern and**

1 **qualified HUBZone small business con-**
2 **cern”**

3 (2) in subsection (a)—

4 (A) by striking paragraph (2); and

5 (B) by redesignating paragraph (3) as
6 paragraph (2);

7 (3) by striking subsections (b) and (e);

8 (4) by redesignating subsections (c), (d), and
9 (f) as subsections (b), (c), and (d), respectively;

10 (5) in subsection (c) (as redesignated by para-
11 graph (3)), by striking “small business concerns re-
12 ferred to in subsection (b) of this section” and in-
13 serting “qualified HUBZone small business con-
14 cerns”; and

15 (6) in subsection (d)(1) (as redesignated by
16 paragraph (3)), by striking “small business concerns
17 referred to in subsection (b)” and inserting “quali-
18 fied HUBZone small business concerns”.

19 (c) ENVIRONMENTAL PROTECTION AGENCY.—The
20 matter under the heading “ADMINISTRATIVE PROVISIONS”
21 under the heading “ENVIRONMENTAL PROTECTION AGEN-
22 CY” under the heading “INDEPENDENT AGENCIES”
23 in title III of the Departments of Veterans Affairs and
24 Housing and Urban Development, and Independent Agen-

1 cies Appropriations Act, 1993, is amended by striking the
2 first paragraph (42 U.S.C. 4370d).

3 **SEC. 4. ENDING RACIAL, ETHNIC, AND GENDER-BASED CON-**
4 **TRACTING GOALS IN OTHER GOVERNMENT**
5 **PROGRAMS.**

6 (a) **ELIMINATION OF REPORTING ON SMALL BUSI-**
7 **NESS CONCERNS OWNED AND CONTROLLED BY SOCIALLY**
8 **AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—**
9 Section 1713 of title 41, United States Code, is amend-
10 ed—

11 (1) by amending subsection (a) to read as fol-
12 lows:

13 “(a) **QUALIFIED HUBZONE SMALL BUSINESS CON-**
14 **CERN DEFINED.—**In this section, the term ‘qualified
15 HUBZone small business concern’ has the meaning given
16 that term in section 31(b) of the Small Business Act (15
17 U.S.C. 657a(b)).”; and

18 (2) in the first sentence of subsection (b), by
19 striking “, the number of small businesses owned
20 and controlled by women, and the number of small
21 business concerns owned by socially and economi-
22 cally disadvantaged individuals, by gender,”.

23 (b) **DISADVANTAGED BUSINESS ENTERPRISES.—**

24 (1) **IN GENERAL.—**Section 3021 of the Energy
25 Policy Act of 1992 (42 U.S.C. 13556) is repealed.

1 (2) CLERICAL AMENDMENT.—The table of con-
2 tents in section 1(b) of the Energy Policy Act of
3 1992 (Public Law 102–486; 106 Stat. 2782) is
4 amended by striking the item relating to section
5 3021.

6 **SEC. 5. ENDING ALL RACIAL, ETHNIC, AND SEX-BASED DIS-**
7 **CRIMINATION IN GOVERNMENT CON-**
8 **TRACTING AND AWARDS.**

9 (a) CIVILIAN CONTRACTS.—

10 (1) IN GENERAL.—Chapter 47 of title 41,
11 United States Code, is amended by adding at the
12 end the following new section:

13 **“§4715. Prohibition on racial, ethnic, and sex-based**
14 **preferences in government contracts and**
15 **awards**

16 “The head of an executive agency may not—

17 “(1) take into consideration the race, ethnicity,
18 or sex of individuals owning, controlling, or man-
19 aging businesses or other entities when granting
20 contracts or awards; or

21 “(2) place requirements on contractors or
22 grantees that require or encourage them to take into
23 consideration the race, ethnicity, or sex of individ-
24 uals to whom they award contracts, subcontracts, or
25 awards.”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
2 tions at the beginning of chapter 47 of title 10,
3 United States Code, is amended by inserting after
4 the item relating to section 4714 the following new
5 item:

 “4715. Prohibition on racial, ethnic, and sex-based preferences in government
 contracts and awards.”.

6 (b) DEFENSE CONTRACTS.—

7 (1) IN GENERAL.—Chapter 363 of title 10,
8 United States Code, is amended by adding at the
9 end the following new section:

10 **“§ 4663. Prohibition on racial, ethnic, and sex-based**
11 **preferences in defense contracts and**
12 **awards**

13 “The head of an agency may not—

14 “(1) take into consideration the race, ethnicity,
15 or sex of individuals owning, controlling, or man-
16 aging businesses or other entities when granting
17 contracts or awards; or

18 “(2) place requirements on contractors or
19 grantees that require or encourage them to take into
20 consideration the race, ethnicity, or sex of individ-
21 uals to whom they award contracts, subcontracts, or
22 awards.”.

23 (2) CLERICAL AMENDMENT.—The table of sec-
24 tions at the beginning of chapter 363 of title 10,

1 United States Code, is amended by inserting after
2 the item relating to section 4662 the following new
3 item:

“4663. Prohibition racial, ethnic, and sex-based preferences in defense contracts
and awards.”.

4 (c) RULEMAKING.—Not later than 60 days after the
5 date of the enactment of this Act, the head of each execu-
6 tive agency that has rules or regulations requiring or en-
7 couraging consideration of the racial or ethnic status or
8 sex of individuals to whom they grant contracts or awards
9 shall submit a proposed rulemaking removing all such ref-
10 erences. The agency shall complete the rulemaking within
11 180 days after the date of the enactment of this Act.

12 (d) GUIDANCE.—Not later than 60 days after the
13 date of the enactment of this Act, the head of each execu-
14 tive agency that has guidance documents, directives, or no-
15 tices requiring or encouraging consideration of the racial
16 or ethnic status or sex of individuals to whom they grant
17 contracts or awards shall submit new guidance, directives,
18 or notices removing all such references.

19 (e) EXECUTIVE AGENCY DEFINED.—In this section,
20 the term “executive agency” has the meaning given the
21 term in section 133 of title 41, United States Code.