

Calendar No. 579

116TH CONGRESS
2D SESSION

H. R. 4727

[Report No. 116–287]

IN THE SENATE OF THE UNITED STATES

DECEMBER 10, 2019

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

NOVEMBER 9, 2020

Reported by Mr. JOHNSON, with amendments

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AN ACT

To amend the Homeland Security Act of 2002 to establish
a mentor-protégé program, 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 “Department of Home-
5 land Security Mentor-Protégé Program Act of 2019”.

1 **SEC. 2. DEPARTMENT OF HOMELAND SECURITY MENTOR-**
2 **PROTÉGÉ PROGRAM.**

3 (a) IN GENERAL.—Subtitle H of title VIII of the
4 Homeland Security Act of 2002 (6 U.S.C. 451 et seq.)
5 is amended by adding at the end the following new section:

6 **“SEC. 890B. MENTOR-PROTÉGÉ PROGRAM.**

7 “(a) ESTABLISHMENT.—There is established in the
8 Department a mentor-protégé program (in this section re-
9 ferred to as the ‘Program’) under which a mentor firm
10 enters into an agreement with a protégé firm for the pur-
11 pose of assisting the protégé firm to compete for prime
12 contracts and subcontracts of the Department.

13 “(b) ELIGIBILITY.—The Secretary shall establish cri-
14 teria for mentor firms and protégé firms to be eligible to
15 participate in the Program, including a requirement that
16 a firm is not included on any list maintained by the Fed-
17 eral Government of contractors that have been suspended
18 or debarred.

19 “(c) PROGRAM APPLICATION AND APPROVAL.—

20 “(1) APPLICATION.—The Secretary, acting
21 through the Office of Small and Disadvantaged
22 Business Utilization of the Department, shall estab-
23 lish a process for submission of an application joint-
24 ly by a mentor firm and the protégé firm selected by
25 the mentor firm. The application shall include each
26 of the following:

1 “(A) A description of the assistance to be
2 provided by the mentor firm, including, to the
3 extent available, the number and a brief de-
4 scription of each anticipated subcontract to be
5 awarded to the protégé firm.

6 “(B) A schedule with milestones for
7 achieving the assistance to be provided over the
8 period of participation in the Program.

9 “(C) An estimate of the costs to be in-
10 curred by the mentor firm for providing assist-
11 ance under the Program.

12 “(D) ~~Attestation~~ *Attestations* that Program
13 participants will submit to the Secretary reports
14 at times specified by the Secretary to assist the
15 Secretary in evaluating the protégé firm’s devel-
16 opmental progress.

17 “(E) *Attestations* that Program partici-
18 pants will inform the Secretary in the event of
19 a change in eligibility or voluntary withdrawal
20 from the Program.

21 “(2) APPROVAL.—Not later than 60 days after
22 receipt of an application pursuant to paragraph (1),
23 the head of the Office of Small and Disadvantaged
24 Business Utilization shall notify applicants of ap-

1 proval or, in the case of disapproval, the process for
2 resubmitting an application for reconsideration.

3 “(3) RESCISSION.—The head of the Office of
4 Small and Disadvantaged Business Utilization may
5 rescind the approval of an application under this
6 subsection if it determines that such action is in the
7 best interest of the Department.

8 “(d) PROGRAM DURATION.—A mentor firm and
9 protégé firm approved under subsection (c) shall enter into
10 an agreement to participate in the Program for a period
11 of not less than 36 months.

12 “(e) PROGRAM BENEFITS.—A mentor firm and
13 protégé firm that enter into an agreement under sub-
14 section (d) may receive the following Program benefits:

15 “(1) With respect to an award of a contract
16 that requires a subcontracting plan, a mentor firm
17 may receive evaluation credit for participating in the
18 Program.

19 “(2) With respect to an award of a contract
20 that requires a subcontracting plan, a mentor firm
21 may receive credit for a protégé firm performing as
22 a first tier subcontractor or a subcontractor at any
23 tier in an amount equal to the total dollar value of
24 any subcontracts awarded to such protégé firm.

1 “(3) A protégé firm may receive technical, man-
2 agerial, financial, or any other mutually agreed upon
3 benefit from a mentor firm, including a subcontract
4 award.

5 “(4) Any other benefits identified by the Sec-
6 retary.

7 “(f) REPORTING.—Not later than 1 year after the
8 date of the enactment of this Act, and annually thereafter,
9 the head of the Office of Small and Disadvantaged Busi-
10 ness Utilization shall submit to *the Committee on Home-*
11 *land Security and Governmental Affairs and the Committee*
12 *on Small Business and Entrepreneurship of the Senate and*
13 the Committees on Homeland Security and Small Busi-
14 ness of the House of Representatives a report that—

15 “(1) identifies each agreement between a men-
16 tor firm and a protégé firm entered into under this
17 section, including *the* number of protégé firm partici-
18 pants that are—

19 “(A) small business concerns;

20 “(B) small business concerns owned and
21 controlled by veterans;

22 “(C) small business concerns owned and
23 controlled by service-disabled veterans;

24 “(D) qualified HUBZone small business
25 concerns;

1 “(E) small business concerns owned and
2 controlled by socially and economically dis-
3 advantaged individuals;

4 “(F) women-owned small business con-
5 cerns;

6 “(G) historically Black colleges and univer-
7 sities; and

8 “(H) minority institutions of higher edu-
9 cation;

10 “(2) describes the type of assistance provided
11 by mentor firms to protégé firms;

12 “(3) identifies contracts within the Department
13 in which a mentor firm serving as the prime con-
14 tractor provided subcontracts to a protégé firm
15 under the Program; and

16 “(4) assesses the degree to which there has
17 been—

18 “(A) an increase in the technical capabili-
19 ties of protégé firms; and

20 “(B) an increase in the quantity and esti-
21 mated value of prime contract and subcontract
22 awards to protégé firms for the period covered
23 by the report.

24 ~~“(g) DEFINITIONS.—In this section:~~

1 “(g) *RULE OF CONSTRUCTION.*—*Nothing in this sec-*
2 *tion shall be construed to limit, diminish, impair, or other-*
3 *wise affect the authority of the Department to participate*
4 *in any program carried out by or requiring approval of*
5 *the Small Business Administration or adopt or follow any*
6 *regulation or policy that the Administrator of the Small*
7 *Business Administration may promulgate, except that, to*
8 *the extent that any provision of this section (including sub-*
9 *section (h)) conflicts with any other provision of law, regu-*
10 *lation, or policy, this section shall control.*

11 “(h) *DEFINITIONS.*—*In this section:*

12 “(1) *HISTORICALLY BLACK COLLEGE OR UNI-*
13 *VERSITY.*—The term ‘historically Black college or
14 university’ means any of the historically Black col-
15 leges and universities referred to in section 2323 of
16 title 10, United States Code, as in effect on March
17 1, 2018.

18 “(2) *MENTOR FIRM.*—The term ‘mentor firm’
19 means a for-profit business concern that is not a
20 small business concern that—

21 “(A) has the ability to assist and commits
22 to assisting a protégé to compete for Federal
23 prime contracts and subcontracts; and

24 “(B) satisfies any other requirements im-
25 posed by the Secretary.

1 “(3) MINORITY INSTITUTION OF HIGHER EDU-
 2 CATION.—The term ‘minority institution of higher
 3 education’ means an institution of higher education
 4 with a student body that reflects the composition
 5 specified in section 312(b) of the Higher Education
 6 Act of 1965 (20 U.S.C. 1058(b)).

7 “(4) PROTÉGÉ FIRM.—The term ‘protégé firm’
 8 means a small business concern, a historically Black
 9 college or university, or a minority institution of
 10 higher education that—

11 “(A) is eligible to enter into a prime con-
 12 tract or subcontract with the Department; and

13 “(B) satisfies any other requirements im-
 14 posed by the Secretary.

15 “(5) SMALL BUSINESS ACT DEFINITIONS.—The
 16 terms ‘small business concern’, ‘small business con-
 17 cern owned and controlled by veterans’, ‘small busi-
 18 ness concern owned and controlled by service-dis-
 19 abled veterans’, ‘qualified HUBZone small business
 20 concern’, and ‘small business concern owned and
 21 controlled by women’ have the ~~meaning~~ *meanings*
 22 given such terms, respectively, under section 3 of the
 23 Small Business Act (15 U.S.C. 632). The term
 24 ‘small business concern owned and controlled by so-
 25 cially and economically disadvantaged individuals’

1 has the meaning given such term in section
2 8(d)(3)(C) of the Small Business Act (15 U.S.C.
3 637(d)(3)(C)).”.

4 (b) CLERICAL AMENDMENT.—The table of contents
5 in section 1(b) of the Homeland Security Act of 2002 is
6 amended by inserting after the item relating to section
7 890A the following new item:

 “Sec. 890B. Mentor-protégé program.”.

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