

Union Calendar No.

116TH CONGRESS
1ST SESSION

H. R. 4727

[Report No. 116-]

To amend the Homeland Security Act of 2002 to establish a mentor-protégé program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 17, 2019

Mr. McEACHIN (for himself and Mr. THOMPSON of Mississippi) introduced the following bill; which was referred to the Committee on Homeland Security

NOVEMBER --, 2019

Committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

A BILL

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”.

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

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

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

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

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

24 “(c) PROGRAM APPLICATION AND APPROVAL.—

1 “(1) APPLICATION.—The Secretary, acting
2 through the Office of Small and Disadvantaged
3 Business Utilization of the Department, shall estab-
4 lish a process for submission of an application joint-
5 ly by a mentor firm and the protégé firm selected by
6 the mentor firm. The application shall include each
7 of the following:

8 “(A) A description of the assistance to be
9 provided by the mentor firm, including, to the
10 extent available, the number and a brief de-
11 scription of each anticipated subcontract to be
12 awarded to the protégé firm.

13 “(B) A schedule with milestones for
14 achieving the assistance to be provided over the
15 period of participation in the Program.

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

19 “(D) Attestation that Program partici-
20 pants will submit to the Secretary reports at
21 times specified by the Secretary to assist the
22 Secretary in evaluating the protégé firm’s devel-
23 opmental progress.

24 “(E) Attestations that Program partici-
25 pants will inform the Secretary in the event of

1 change in eligibility or voluntary withdrawal
2 from the Program.

3 “(2) APPROVAL.—Not later than 60 days after
4 receipt of an application pursuant to paragraph (1),
5 the head of the Office of Small and Disadvantaged
6 Business Utilization shall notify applicants of ap-
7 proval or, in the case of disapproval, the process for
8 resubmitting an application for reconsideration.

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

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

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

21 “(1) With respect to an award of a contract
22 that requires a subcontracting plan, a mentor firm
23 may receive evaluation credit for participating in the
24 Program.

1 “(2) With respect to an award of a contract
2 that requires a subcontracting plan, a mentor firm
3 may receive credit for a protégé firm performing as
4 a first tier subcontractor or a subcontractor at any
5 tier in an amount equal to the total dollar value of
6 any subcontracts awarded to such protégé firm.

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

11 “(4) Any other benefits identified by the Sec-
12 retary.

13 “(f) REPORTING.—Not later than one year after the
14 date of the enactment of this Act, and annually thereafter,
15 the head of the Office of Small and Disadvantaged Busi-
16 ness Utilization shall submit to the Committees on Home-
17 land Security and Small Business of the House of Rep-
18 resentatives a report that—

19 “(1) identifies each agreement between a men-
20 tor firm and a protégé firm entered into under this
21 section, including number of protégé firm partici-
22 pants that are—

23 “(A) small business concerns;

24 “(B) small business concerns owned and
25 controlled by veterans;

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

3 “(D) qualified HUBZone small business
4 concerns;

5 “(E) small business concerns owned and
6 controlled by socially and economically dis-
7 advantaged individuals;

8 “(F) women-owned small business con-
9 cerns;

10 “(G) historically Black colleges and univer-
11 sities; and

12 “(H) minority institutions of higher edu-
13 cation;

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

16 “(3) identifies contracts within the Department
17 in which a mentor firm serving as the prime con-
18 tractor provided subcontracts to a protégé firm
19 under the Program; and

20 “(4) assesses the degree to which there has
21 been—

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

24 “(B) an increase in the quantity and esti-
25 mated value of prime contract and subcontract

1 awards to protégé firms for the period covered
2 by the report.

3 “(g) DEFINITIONS.—In this section:

4 “(1) HISTORICALLY BLACK COLLEGE OR UNI-
5 VERSITY.—The term ‘historically Black college or
6 university’ means any of the historically Black col-
7 leges and universities referred to in section 2323 of
8 title 10, United States Code, as in effect on March
9 1, 2018.

10 “(2) MENTOR FIRM.—The term ‘mentor firm’
11 means a for-profit business concern that is not a
12 small business concern that—

13 “(A) has the ability to assist and commits
14 to assisting a protégé to compete for Federal
15 prime contracts and subcontracts; and

16 “(B) satisfies any other requirements im-
17 posed by the Secretary.

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

24 “(4) PROTÉGÉ FIRM.—The term ‘protégé firm’
25 means a small business concern, a historically Black

1 college or university, or a minority institution of
2 higher education that—

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

5 “(B) satisfies any other requirements im-
6 posed by the Secretary.

7 “(5) SMALL BUSINESS ACT DEFINITIONS.—The
8 terms ‘small business concern’, ‘small business con-
9 cern owned and controlled by veterans’, ‘small busi-
10 ness concern owned and controlled by service-dis-
11 abled veterans’, ‘qualified HUBZone small business
12 concern’, and ‘small business concern owned and
13 controlled by women’ have the meaning given such
14 terms, respectively, under section 3 of the Small
15 Business Act (15 U.S.C. 632). The term ‘small busi-
16 ness concern owned and controlled by socially and
17 economically disadvantaged individuals’ has the
18 meaning given such term in section 8(d)(3)(C) of
19 the Small Business Act (15 U.S.C. 637(d)(3)(C)).”.

20 (b) CLERICAL AMENDMENT.—The table of contents
21 in section 1(b) of the Homeland Security Act of 2002 is
22 amended by inserting after the item relating to section
23 890A the following new item:

“Sec. 890B. Mentor-protégé program.”.