

112TH CONGRESS
2D SESSION

H. R. 3985

To amend the Small Business Act with respect to mentor-protege programs,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2012

Mr. SCHILLING (for himself and Ms. CHU) introduced the following bill; which
was referred to the Committee on Small Business

A BILL

To amend the Small Business Act with respect to mentor-
protege programs, 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 “Building Better Busi-
5 ness Partnerships Act of 2012”.

6 **SEC. 2. MENTOR-PROTEGE PROGRAMS.**

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

9 (1) by redesignating section 45 as section 46;

10 and

1 (2) by inserting after section 44 the following:

2 **“SEC. 45. MENTOR-PROTEGE PROGRAMS.**

3 “(a) ADMINISTRATION PROGRAM.—

4 “(1) AUTHORITY.—The Administrator is au-
5 thORIZED to establish a mentor-protege program for
6 all small business concerns.

7 “(2) MODEL FOR PROGRAM.—The mentor-pro-
8 tege program established under paragraph (1) shall
9 be identical to the mentor-protege program of the
10 Administration for small business concerns that par-
11 ticipate in the program under section 8(a) of this
12 Act (as in effect on the date of enactment of the
13 Building Better Business Partnerships Act of 2012),
14 except that the Administrator may modify the pro-
15 gram to the extent necessary given the types of
16 small business concerns included as proteges.

17 “(b) PROGRAMS OF OTHER AGENCIES.—

18 “(1) APPROVAL REQUIRED.—Except as pro-
19 vided in this subsection, a Federal department or
20 agency may not carry out a mentor-protege program
21 for small business concerns unless—

22 “(A) the head of the department or agency
23 submits a plan to the Administrator for the
24 program; and

1 “(B) the Administrator approves such
2 plan.

3 “(2) BASIS FOR APPROVAL.—The Adminis-
4 trator shall approve or disapprove a plan submitted
5 under paragraph (1) based on whether the program
6 proposed—

7 “(A) will assist proteges to compete for
8 Federal prime contracts and subcontracts; and

9 “(B) complies with the regulations issued
10 under paragraph (3).

11 “(3) REGULATIONS.—Not later than 270 days
12 after the date of enactment of the Building Better
13 Business Partnerships Act of 2012, the Adminis-
14 trator shall issue, subject to notice and comment,
15 regulations with respect to mentor-protege pro-
16 grams, which shall ensure that such programs im-
17 prove the ability of proteges to compete for Federal
18 prime contracts and subcontracts and which shall
19 address, at a minimum, the following:

20 “(A) Eligibility criteria for program par-
21 ticipants, including any restrictions on the num-
22 ber of mentor-protege relationships permitted
23 for each participant.

24 “(B) The types of developmental assistance
25 to be provided by mentors, including how the

1 assistance provided shall improve the competi-
2 tive viability of the proteges.

3 “(C) Whether any developmental assist-
4 ance provided by a mentor may affect the sta-
5 tus of a program participant as a small busi-
6 ness concern due to affiliation.

7 “(D) The length of mentor-protege rela-
8 tionships.

9 “(E) The effect of mentor-protege relation-
10 ships on contracting.

11 “(F) Benefits that may accrue to a mentor
12 as a result of program participation.

13 “(G) Reporting requirements during pro-
14 gram participation.

15 “(H) Postparticipation reporting require-
16 ments.

17 “(I) The need for a mentor-protege pair, if
18 accepted to participate as a pair in a mentor-
19 protege program of any Federal department or
20 agency, to be accepted to participate as a pair
21 in all Federal mentor-protege programs.

22 “(J) Actions to be taken to ensure benefits
23 for proteges.

24 “(4) LIMITATION ON APPLICABILITY.—Notwith-
25 standing the provisions of subsection (b)(1), the pro-

1 visions of subsection (b)(1) shall apply to the fol-
2 lowing:

3 “(A) Any mentor-protege program of the
4 Department of Defense in effect on the date of
5 enactment of the Building Better Business
6 Partnerships Act of 2012.

7 “(B) Any mentoring assistance provided
8 under a Small Business Innovation Research
9 Program or a Small Business Technology
10 Transfer Program.

11 “(C) Until the date that is 1 year after the
12 date on which the Administrator issues regula-
13 tions under paragraph (3), any Federal depart-
14 ment or agency operating a mentor-protege pro-
15 gram in effect on the date of enactment of the
16 Building Better Business Partnerships Act of
17 2012.

18 “(c) REPORTING.—

19 “(1) IN GENERAL.—Not later than 2 years
20 after the date of enactment of the Building Better
21 Business Partnerships Act of 2012, and annually
22 thereafter, the Administrator shall submit to the
23 Committee on Small Business of the House of Rep-
24 resentatives and the Committee on Small Business
25 and Entrepreneurship of the Senate a report that—

1 “(A) identifies each Federal mentor-pro-
2 tege program;

3 “(B) specifies the number of participants
4 in each such program, including the number of
5 participants that are—

6 “(i) small business concerns;

7 “(ii) small business concerns owned
8 and controlled by service-disabled veterans;

9 “(iii) qualified HUBZone small busi-
10 ness concerns;

11 “(iv) small business concerns owned
12 and controlled by socially and economically
13 disadvantaged individuals; or

14 “(v) small business concerns owned
15 and controlled by women;

16 “(C) describes the type of assistance pro-
17 vided to proteges under each such program;

18 “(D) describes the benefits provided to
19 mentors under each such program; and

20 “(E) describes the progress of proteges
21 under each such program with respect to com-
22 peting for Federal prime contracts and sub-
23 contracts.

24 “(2) PROVISION OF INFORMATION.—The head
25 of each Federal department or agency carrying out

1 a mentor-protege program shall provide to the Ad-
2 ministrator, upon request, the information necessary
3 for the Administrator to submit a report required
4 under paragraph (1).

5 “(d) DEFINITIONS.—In this section, the following
6 definitions apply:

7 “(1) MENTOR.—The term ‘mentor’ means a
8 for-profit business concern, of any size, that—

9 “(A) has the ability to assist and commits
10 to assisting a protege to compete for Federal
11 prime contracts and subcontracts; and

12 “(B) satisfies any other requirements im-
13 posed by the Administrator.

14 “(2) MENTOR-PROTEGE PROGRAM.—The term
15 ‘mentor-protege program’ means a program that
16 pairs a mentor with a protege for the purpose of as-
17 sisting the protege to compete for Federal prime
18 contracts and subcontracts.

19 “(3) PROTEGE.—The term ‘protege’ means a
20 small business concern that—

21 “(A) is eligible to enter into Federal prime
22 contracts and subcontracts; and

23 “(B) satisfies any other requirements im-
24 posed by the Administrator.”.

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