

114TH CONGRESS
2D SESSION

H. R. 4322

To clarify the prohibition on affiliation under the Mentor-Protege Program of the Department of Defense, to amend the Small Business Act to improve cooperation between the mentor-protege programs of the Small Business Administration and the Department of Defense, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 2016

Mr. KNIGHT (for himself and Ms. JUDY CHU of California) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To clarify the prohibition on affiliation under the Mentor-Protege Program of the Department of Defense, to amend the Small Business Act to improve cooperation between the mentor-protege programs of the Small Business Administration and the Department of Defense, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Mentor-Protégé Co-
3 operation Reform Act of 2016”.

4 **SEC. 2. AMENDMENTS TO THE MENTOR-PROTEGE PRO-**
5 **GRAM OF THE DEPARTMENT OF DEFENSE ON**
6 **AFFILIATION.**

7 Section 831 of the National Defense Authorization
8 Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat.
9 1607; 10 U.S.C. 2302 note) is amended—

10 (1) in subsection (d)—

11 (A) by amending paragraph (1) to read as
12 follows:

13 “(1) prior to the approval of that agreement,
14 the Administrator of the Small Business Administra-
15 tion had made no finding of affiliation between the
16 mentor firm and the protege firm;”;

17 (B) by redesignating paragraph (2) as
18 paragraph (3); and

19 (C) by inserting after paragraph (1) the
20 following new paragraph:

21 “(2)(A) the Administrator of the Small Busi-
22 ness Administration does not have a current finding
23 of affiliation between the mentor firm and protege
24 firm; or

25 “(B) the Secretary, after considering the regu-
26 lations promulgated by the Administrator of the

1 Small Business Administration regarding affili-
 2 ation—

3 “(i) does not have reason to believe that
 4 the mentor firm affiliated with the protege firm;
 5 or

6 “(ii) has received a formal determination
 7 of no affiliation between the mentor firm and
 8 protege firm from the Administrator after hav-
 9 ing submitted a question of affiliation to the
 10 Administrator; and”; and

11 (2) in subsection (n), by amending paragraph
 12 (9) to read as follows:

13 “(9) The term ‘affiliation’, with respect to a re-
 14 lationship between a mentor firm and a protege
 15 firm, means a relationship described under section
 16 121.103 of title 13, Code of Federal Regulations (or
 17 any successor regulation).”.

18 **SEC. 3. IMPROVING COOPERATION BETWEEN THE MENTOR-**
 19 **PROTEGE PROGRAMS OF THE SMALL BUSI-**
 20 **NESS ADMINISTRATION AND THE DEPART-**
 21 **MENT OF DEFENSE.**

22 Section 45(b)(4) of the Small Business Act (15
 23 U.S.C. 657r(b)(4)) is amended by striking subparagraph

- 1 (A) and redesignating subparagraphs (B) and (C) as sub-
- 2 paragraphs (A) and (B), respectively.

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