

116TH CONGRESS
2D SESSION

S. 4251

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

IN THE SENATE OF THE UNITED STATES

JULY 21, 2020

Mr. WARNER introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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 2020”.

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:

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

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

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

14 “(c) PROGRAM APPLICATION AND APPROVAL.—

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

22 “(A) A description of the assistance to be
23 provided by the mentor firm, including, to the
24 extent available, the number and a brief de-
25 scription of each anticipated subcontract to be
26 awarded to the protégé firm.

1 “(B) A schedule with milestones for
2 achieving the assistance to be provided over the
3 period of participation in the Program.

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

7 “(D) Attestation that Program partici-
8 pants will submit to the Secretary reports at
9 times specified by the Secretary to assist the
10 Secretary in evaluating the protégé firm’s devel-
11 opmental progress.

12 “(E) Attestations that Program partici-
13 pants will inform the Secretary in the event of
14 change in eligibility or voluntary withdrawal
15 from the Program.

16 “(2) APPROVAL.—Not later than 60 days after
17 receipt of an application pursuant to paragraph (1),
18 the head of the Office of Small and Disadvantaged
19 Business Utilization shall notify applicants of ap-
20 proval or, in the case of disapproval, the process for
21 resubmitting an application for reconsideration.

22 “(3) RESCISSION.—The head of the Office of
23 Small and Disadvantaged Business Utilization may
24 rescind the approval of an application under this

1 subsection if it determines that such action is in the
2 best interest of the Department.

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

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

10 “(1) With respect to an award of a contract
11 that requires a subcontracting plan, a mentor firm
12 may receive evaluation credit for participating in the
13 Program.

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

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

24 “(4) Any other benefits identified by the Sec-
25 retary.

1 “(f) REPORTING.—Not later than 1 year after the
2 date of the enactment of this Act, and annually thereafter,
3 the head of the Office of Small and Disadvantaged Busi-
4 ness Utilization shall submit to the Committees on Home-
5 land Security and Small Business of the House of Rep-
6 resentatives a report that—

7 “(1) identifies each agreement between a men-
8 tor firm and a protégé firm entered into under this
9 section, including number of protégé firm partici-
10 pants that are—

11 “(A) small business concerns;

12 “(B) small business concerns owned and
13 controlled by veterans;

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

16 “(D) qualified HUBZone small business
17 concerns;

18 “(E) small business concerns owned and
19 controlled by socially and economically dis-
20 advantaged individuals;

21 “(F) women-owned small business con-
22 cerns;

23 “(G) historically Black colleges and univer-
24 sities; and

1 “(H) minority institutions of higher edu-
 2 cation;

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

5 “(3) identifies contracts within the Department
 6 in which a mentor firm serving as the prime con-
 7 tractor provided subcontracts to a protégé firm
 8 under the Program; and

9 “(4) assesses the degree to which there has
 10 been—

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

13 “(B) an increase in the quantity and esti-
 14 mated value of prime contract and subcontract
 15 awards to protégé firms for the period covered
 16 by the report.

17 “(g) DEFINITIONS.—In this section:

18 “(1) HISTORICALLY BLACK COLLEGE OR UNI-
 19 VERSITY.—The term ‘historically Black college or
 20 university’ means any of the historically Black col-
 21 leges and universities referred to in section 2323 of
 22 title 10, United States Code, as in effect on March
 23 1, 2018.

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

4 “(A) has the ability to assist and commits
 5 to assisting a protégé to compete for Federal
 6 prime contracts and subcontracts; and

7 “(B) satisfies any other requirements im-
 8 posed by the Secretary.

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

15 “(4) PROTÉGÉ FIRM.—The term ‘protégé firm’
 16 means a small business concern, a historically Black
 17 college or university, or a minority institution of
 18 higher education that—

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

21 “(B) satisfies any other requirements im-
 22 posed by the Secretary.

23 “(5) SMALL BUSINESS ACT DEFINITIONS.—The
 24 terms ‘small business concern’, ‘small business con-
 25 cern owned and controlled by veterans’, ‘small busi-

1 ness concern owned and controlled by service-dis-
 2 abled veterans’, ‘qualified HUBZone small business
 3 concern’, and ‘small business concern owned and
 4 controlled by women’ have the meaning given such
 5 terms, respectively, under section 3 of the Small
 6 Business Act (15 U.S.C. 632). The term ‘small busi-
 7 ness concern owned and controlled by socially and
 8 economically disadvantaged individuals’ has the
 9 meaning given such term in section 8(d)(3)(C) of
 10 the Small Business Act (15 U.S.C. 637(d)(3)(C)).”.

11 (b) CLERICAL AMENDMENT.—The table of contents
 12 in section 1(b) of the Homeland Security Act of 2002 is
 13 amended by inserting after the item relating to section
 14 890A the following new item:

“Sec. 890B. Mentor-protégé program.”.

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