

113TH CONGRESS
1ST SESSION

H. R. 2232

To amend the Small Business Act to permit prime contractors covered by a subcontracting plan pertaining to a single contract with a Federal agency to receive credit against such a plan for using small business subcontractors at any level of subcontracting, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 4, 2013

Mr. GRAVES of Missouri (for himself, Mr. HANNA, Mr. PETERS of California, Mr. HUNTER, and Mr. COLLINS of New York) introduced the following bill; which was referred to the Committee on Small Business

A BILL

To amend the Small Business Act to permit prime contractors covered by a subcontracting plan pertaining to a single contract with a Federal agency to receive credit against such a plan for using small business subcontractors at any level of subcontracting, 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 “Make Every Small
5 Business Count Act of 2013”.

1 **SEC. 2. CREDIT FOR CERTAIN SUBCONTRACTORS.**

2 (a) IN GENERAL.—Section 8(d) of the Small Busi-
3 ness Act (15 U.S.C. 637(d)) is amended by adding at the
4 end the following:

5 “(16) CREDIT FOR CERTAIN SUBCON-
6 TRACTOR.—For purposes of determining whether or
7 not a prime contractor has attained the percentage
8 goals specified in paragraph (6)—

9 “(A) if the subcontracting goals pertain
10 only to a single contract with the executive
11 agency, the prime contractor shall receive credit
12 for small business concerns performing as first
13 tier subcontractors or subcontractors at any tier
14 pursuant to the subcontracting plans required
15 under paragraph (6)(D) in an amount equal to
16 the dollar value of work awarded to such small
17 business concerns; and

18 “(B) if the subcontracting goals pertain to
19 more than one contract with one or more execu-
20 tive agencies, or to one contract with more than
21 one executive agency, the prime contractor may
22 only count first tier subcontractors that are
23 small business concerns.”.

24 (b) DEFINITIONS PERTAINING TO SUBCON-
25 TRACTING.—Section 3 of the Small Business Act (15

1 U.S.C. 632) is amended by adding at the end the fol-
2 lowing:

3 “(dd) DEFINITIONS PERTAINING TO SUBCON-
4 TRACTING.—In this Act:

5 “(1) SUBCONTRACT.—The term ‘subcontract’
6 means a legally binding agreement between a con-
7 tractor that is already under contract to another
8 party to perform work, and a third party, herein-
9 after referred to as the subcontractor, for the sub-
10 contractor to perform a part, or all, of the work that
11 the contractor has undertaken.

12 “(2) FIRST TIER SUBCONTRACTOR.—The term
13 ‘first tier subcontractor’ means a subcontractor who
14 has a subcontract directly with the prime contractor.

15 “(3) AT ANY TIER.—The term ‘at any tier’
16 means any subcontractor other than a subcontractor
17 who is a first tier subcontractor.”.

18 **SEC. 3. GAO STUDY.**

19 Not later than 365 days after the date of enactment
20 of this Act, the Comptroller General of the United States
21 shall submit to the Committee on Small Business of the
22 House of Representatives and to the Committee on Small
23 Business and Entrepreneurship of the Senate a report
24 studying the feasibility of using Federal subcontracting re-
25 porting systems, including the Federal subaward reporting

1 system required by section 2 of the Federal Funding Ac-
2 countability and Transparency Act of 2006 and any elec-
3 tronic subcontracting reporting award system used by the
4 Small Business Administration, to attribute subcontract-
5 tors to particular contracts in the case of contractors that
6 have subcontracting plans under section 8(d) of the Small
7 Business Act that pertain to multiple contracts with exec-
8 utive agencies.

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