

114TH CONGRESS
2D SESSION

H. R. 4339

To amend the Small Business Act to clarify the responsibilities of Business Opportunity Specialists, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 2016

Ms. MAXINE WATERS of California (for herself and Ms. VELÁZQUEZ) introduced the following bill; which was referred to the Committee on Small Business

A BILL

To amend the Small Business Act to clarify the responsibilities of Business Opportunity Specialists, 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 “Improving Small Busi-
5 ness Advocacy Act of 2016”.

1 **SEC. 2. RESPONSIBILITIES OF BUSINESS OPPORTUNITY**
2 **SPECIALISTS.**

3 Section 4(g) of the Small Business Act (as added by
4 section 865 of the National Defense Authorization Act for
5 Fiscal Year 2016 (Public Law 114–92)) is amended—

6 (1) in the subsection heading, by striking “CER-
7 TIFICATION REQUIREMENTS FOR”;

8 (2) in paragraph (2), by redesignating subpara-
9 graphs (A) and (B) as clauses (i) and (ii), respec-
10 tively (and conforming the margins accordingly);

11 (3) by amending clause (ii) (as so redesignated)
12 to read as follows:

13 “(B) APPLICATION.—The requirements of
14 clause (i) shall be included in any initial job
15 posting for the position of a Business Oppor-
16 tunity Specialist and shall apply to any person
17 appointed as a Business Opportunity Specialist
18 after January 3, 2013.”;

19 (4) in clause (i) (as so redesignated), by strik-
20 ing “paragraph (1)” and inserting “subparagraph
21 (A)”;

22 (5) by redesignating paragraphs (1) and (2) as
23 subparagraphs (A) and (B), respectively (and con-
24 forming the margins accordingly);

1 (6) in subparagraph (A) (as so redesignated),
2 by striking “paragraph (2)” and inserting “subpara-
3 graph (B)”; and

4 (7) by inserting before subparagraph (A) (as so
5 redesignated) the following:

6 “(1) DUTIES.—The exclusive duties of a Busi-
7 ness Opportunity Specialist employed by the Admin-
8 istrator and reporting to the senior official appointed
9 by the Administrator with responsibilities under sec-
10 tions 8, 15, 31, and 36 (or the designee of such offi-
11 cial) shall be to implement sections 7, 8, and 45 and
12 to complete other duties related to contracting pro-
13 grams under this Act. Such duties shall include—

14 “(A) with respect to small business con-
15 cerns eligible to receive contracts and sub-
16 contracts pursuant to section 8(a)—

17 “(i) providing guidance, counseling,
18 and referrals for assistance with technical,
19 management, financial, or other matters
20 that will improve the competitive viability
21 of such concerns;

22 “(ii) identifying causes of success or
23 failure of such concerns;

24 “(iii) providing comprehensive assess-
25 ments of such concerns, including identi-

1 fying the strengths and weaknesses of such
2 concerns;

3 “(iv) monitoring and documenting
4 compliance with the requirements of sec-
5 tions 7 and 8 and any regulations imple-
6 menting those sections;

7 “(v) explaining the requirements of
8 sections 7, 8, 15, 31, 36 and 45; and

9 “(vi) advising on compliance with con-
10 tracting regulations (including the Federal
11 Acquisition Regulation) after award of
12 such a contract or subcontract;

13 “(B) reviewing and monitoring compliance
14 with mentor-protege agreements under section
15 45;

16 “(C) representing the interests of the Ad-
17 ministrator and small business concerns in the
18 award, modification, and administration of con-
19 tracts and subcontracts awarded pursuant to
20 section 8(a); and

21 “(D) reporting fraud or abuse under sec-
22 tion 7, 8, 15, 31, 36 or 45 or any regulations
23 implementing such sections.

24 “(2) CERTIFICATION REQUIREMENTS.—”.

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