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(Original Signature of Member)

113TH CONGRESS
1ST SESSION

H. R.

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

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

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Make Every Small
3 Business Count Act of 2013”.

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

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

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

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

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

1 (b) DEFINITIONS PERTAINING TO SUBCON-
2 TRACTING.—Section 3 of the Small Business Act (15
3 U.S.C. 632) is amended by adding at the end the fol-
4 lowing:

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

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

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

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

20 **SEC. 3. GAO STUDY.**

21 Not later than 365 days after the date of enactment
22 of this Act, the Comptroller General of the United States
23 shall submit to the Committee on Small Business of the
24 House of Representatives and to the Committee on Small
25 Business and Entrepreneurship of the Senate a report

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