

## HR 3893

Subcontracting Transparency and Reliability Act of 2012

**Congress:** 112 (2011–2013, Ended)

**Chamber:** House

**Policy Area:** Commerce

**Introduced:** Feb 2, 2012

**Current Status:** Placed on the Union Calendar, Calendar No. 534.

**Latest Action:** Placed on the Union Calendar, Calendar No. 534. (Dec 27, 2012)

**Official Text:** <https://www.congress.gov/bill/112th-congress/house-bill/3893>

### Sponsor

**Name:** Rep. Mulvaney, Mick [R-SC-5]

**Party:** Republican • **State:** SC • **Chamber:** House

### Cosponsors (9 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Hanna, Richard L. [R-NY-24]	R · NY		Feb 14, 2012
Rep. Walsh, Joe [R-IL-8]	R · IL		Feb 14, 2012
Rep. Chabot, Steve [R-OH-1]	R · OH		Feb 27, 2012
Rep. Graves, Sam [R-MO-6]	R · MO		Feb 27, 2012
Rep. West, Allen B. [R-FL-22]	R · FL		Mar 5, 2012
Rep. Ellmers, Renee L. [R-NC-2]	R · NC		Mar 6, 2012
Rep. Schilling, Robert T. [R-IL-17]	R · IL		Mar 6, 2012
Rep. Tipton, Scott R. [R-CO-3]	R · CO		Mar 6, 2012
Rep. Kingston, Jack [R-GA-1]	R · GA		Apr 16, 2012

### Committee Activity

Committee	Chamber	Activity	Date
Oversight and Government Reform Committee	House	Discharged From	Dec 27, 2012
Small Business Committee	House	Reported By	Dec 27, 2012

### Subjects & Policy Tags

**Policy Area:**

Commerce

### Related Bills

Bill	Relationship	Last Action
112 HR 4310	Related bill	<b>Jan 2, 2013:</b> Became Public Law No: 112-239.

Subcontracting Transparency and Reliability Act of 2012 - **Title I: Limitations on Subcontracting** - (Sec. 101) Amends the Small Business Act to prohibit a small business receiving a guaranteed loan through the Small Business Administration (SBA) from expending more on subcontractors than: (1) 50% of the loan amount received, in case of a contract for services; and (2) 50%, in the case of a contract for supplies (other than from a regular dealer in such supplies). Requires the small business, in case of a contract for supplies from a regular dealer, to supply the product of a domestic small business manufacturer or processor, unless the SBA grants a waiver. Authorizes the SBA Administrator to: (1) modify the above percentage limits when necessary to reflect conventional industry practices; and (2) establish a subcontractor percentage limit for general and specialty construction and contracts not covered by (1) and (2), above.

(Sec. 102) Provides penalties for violations of such limits.

**Title II: Subcontracting Plans** - (Sec. 201) Requires each subcontracting plan submitted to federal agencies to contain assurances that the offeror or bidder will: (1) report on subcontracting activities throughout the life of the contract, and (2) cooperate with any study or survey required by the federal agency or SBA to determine the extent of compliance with the subcontracting plan. Directs the Administrator to ensure that the federal subcontracting reporting system to which such reports are submitted is modified to notify the Administrator, the appropriate contracting officer, and the appropriate Director of Small and Disadvantaged Business Utilization if an entity fails to submit a required report. Makes such failure a breach of contract for which appropriate action may be taken.

Provides that if an agency procurement center or commercial market representative determines that a subcontracting plan fails to provide the maximum practicable opportunity for small businesses to participate, such representative may delay acceptance of the plan for a 30-day period for plan alteration.

(Sec. 202) Requires public notices of small business subcontracting opportunities under federal procurement contracts to be posted on the appropriate federal website (under current law, required to be posted in the Commerce Business Daily).

**Title III: Insourcing** - (Sec. 302) Allows a federal agency to convert a function from performance by a small business to performance by a federal employee only if: (1) the agency has made publicly available the procedures for such a decision, and (2) the procedures require such decisions to be reviewed by the appropriate Office of Small and Disadvantaged Business Utilization and procurement representative.

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## **Actions Timeline**

- **Dec 27, 2012:** Reported (Amended) by the Committee on Small Business. H. Rept. 112-731, Part I.
- **Dec 27, 2012:** Committee on Oversight and Government discharged.
- **Dec 27, 2012:** Placed on the Union Calendar, Calendar No. 534.
- **Mar 7, 2012:** Committee Consideration and Mark-up Session Held.
- **Mar 7, 2012:** Ordered to be Reported by Voice Vote.
- **Feb 2, 2012:** Introduced in House
- **Feb 2, 2012:** Referred to the Committee on Small Business, and in addition to the Committee on Oversight and Government Reform, 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.