

## S 2138

### Small Business Subcontracting Transparency Act of 2015

**Congress:** 114 (2015–2017, Ended)

**Chamber:** Senate

**Policy Area:** Commerce

**Introduced:** Oct 6, 2015

**Current Status:** By Senator Vitter from Committee on Small Business and Entrepreneurship filed written report under a

**Latest Action:** By Senator Vitter from Committee on Small Business and Entrepreneurship filed written report under authority of the order of the Senate of 12/10/2016. Report No. 114-415. (Dec 20, 2016)

**Official Text:** <https://www.congress.gov/bill/114th-congress/senate-bill/2138>

### Sponsor

**Name:** Sen. Vitter, David [R-LA]

**Party:** Republican • **State:** LA • **Chamber:** Senate

### Cosponsors

No cosponsors are listed for this bill.

### Committee Activity

Committee	Chamber	Activity	Date
Small Business and Entrepreneurship Committee	Senate	Reported By	Nov 3, 2015

### Subjects & Policy Tags

#### Policy Area:

Commerce

### Related Bills

Bill	Relationship	Last Action
114 HR 4341	Related bill	Jul 25, 2016: Placed on the Union Calendar, Calendar No. 545.
114 HR 4284	Related bill	Apr 20, 2016: Received in the Senate and Read twice and referred to the Committee on Small Business and Entrepreneurship.

## **Small Business Subcontracting Transparency Act of 2015**

(Sec. 2) This bill amends the Small Business Act to revise requirements with respect to the Small Business Administration (SBA) review and acceptance of subcontracting plans.

If a contractor or subcontractor fails to comply in good faith with assurances for the submission of periodic reports and cooperate in any studies or surveys required by the federal agency or the SBA to determine the extent of compliance with the contracting plan, such failure shall be a material breach of the contract or subcontract and may be considered in any past performance evaluation of the contractor.

(Sec. 3) The bill eliminates the limitation that SBA findings submitted to an appropriate federal agency after review of solicitations for procurement contracts be "advisory in nature."

(Sec. 4) A federal agency's procurement center representative (PCR) or commercial market representative (CMR) may delay acceptance of a subcontracting plan for 30 days if the PCR or CMR determines that it fails to provide the maximum practicable opportunity for certain covered small businesses to participate in the performance of the applicable contract. The written notice of such determination to the contracting agency's head of the procuring activity must include recommendations for altering the plan to provide the maximum practicable opportunity.

In the case of a Department of Defense PCR or CMR, the acceptance may be delayed for only 15 days. This delayed acceptance authority, however, does not include delay of the award or performance of the contract.

A PCR or CMR may not delay acceptance of a subcontracting plan if the head of the contracting agency certifies that the agency's need for the supplies or services is of such an unusual and compelling urgency that the United States would be seriously injured unless the agency is permitted to accept the subcontracting plan.

(Sec. 5) The SBA shall issue regulations providing examples of activities that would be considered a failure to make a good faith effort to comply with the requirements imposed on any entity (other than a small business) awarded a prime contract exceeding a certain amount that contains certain required SBA clauses regarding subcontracting plans.

### **Actions Timeline**

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- **Dec 20, 2016:** By Senator Vitter from Committee on Small Business and Entrepreneurship filed written report under authority of the order of the Senate of 12/10/2016. Report No. 114-415.
- **Nov 3, 2015:** Committee on Small Business and Entrepreneurship. Reported by Senator Vitter with amendments. Without written report.
- **Nov 3, 2015:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 287.
- **Oct 7, 2015:** Committee on Small Business and Entrepreneurship. Ordered to be reported with amendments favorably.
- **Oct 6, 2015:** Introduced in Senate
- **Oct 6, 2015:** Read twice and referred to the Committee on Small Business and Entrepreneurship.