

Union Calendar No. 190

112TH CONGRESS
1ST SESSION

H. R. 585

[Report No. 112-288]

To amend the Small Business Act to provide for the establishment and approval of small business concern size standards by the Chief Counsel for Advocacy of the Small Business Administration.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 9, 2011

Mr. GRAVES of Missouri (for himself and Mr. SMITH of Texas) introduced the following bill; which was referred to the Committee on Small Business

NOVEMBER 16, 2011

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To amend the Small Business Act to provide for the establishment and approval of small business concern size standards by the Chief Counsel for Advocacy of the Small Business Administration.

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 “Small Business Size
5 Standard Flexibility Act of 2011”.

6 **SEC. 2. ESTABLISHMENT AND APPROVAL OF SMALL BUSI-**
7 **NESS CONCERN SIZE STANDARDS BY CHIEF**
8 **COUNSEL FOR ADVOCACY.**

9 (a) IN GENERAL.—Subparagraph (A) of section
10 3(a)(2) of the Small Business Act (15 U.S.C.
11 632(a)(2)(A)) is amended to read as follows:

12 “(A) IN GENERAL.—In addition to the cri-
13 teria specified in paragraph (1)—

14 “(i) the Administrator may specify de-
15 tailed definitions or standards by which a
16 business concern may be determined to be
17 a small business concern for purposes of
18 this Act or the Small Business Investment
19 Act of 1958; and

20 “(ii) the Chief Counsel for Advocacy
21 may specify such definitions or standards
22 for purposes of any other Act.”.

23 (b) APPROVAL BY CHIEF COUNSEL.—Clause (iii) of
24 section 3(a)(2)(C) of the Small Business Act (15 U.S.C.
25 632(a)(2)(C)(iii)) is amended to read as follows:

1 “(iii) except in the case of a size
2 standard prescribed by the Administrator,
3 is approved by the Chief Counsel for Advo-
4 cacy.”.

5 (c) INDUSTRY VARIATION.—Paragraph (3) of section
6 3(a) of the Small Business Act (15 U.S.C. 632(a)(3)) is
7 amended—

8 (1) by inserting “or Chief Counsel for Advo-
9 cacy, as appropriate” before “shall ensure”; and

10 (2) by inserting “or Chief Counsel for Advo-
11 cacy” before the period at the end.

12 (d) JUDICIAL REVIEW OF SIZE STANDARDS AP-
13 PROVED BY CHIEF COUNSEL.—Section 3(a) of the Small
14 Business Act (15 U.S.C. 632(a)) is amended by adding
15 at the end the following new paragraph:

16 “(6) JUDICIAL REVIEW OF STANDARDS AP-
17 PROVED BY CHIEF COUNSEL.—In the case of an ac-
18 tion for judicial review of a rule which includes a
19 definition or standard approved by the Chief Counsel
20 for Advocacy under this subsection, the party seek-
21 ing such review shall be entitled to join the Chief
22 Counsel as a party in such action.”.

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