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(Original Signature of Member)

115TH CONGRESS
1ST SESSION

H. R.

To amend the Small Business Act to clarify the responsibilities of commercial market representatives, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. BRAT (for himself, Mr. KNIGHT, and Mrs. MURPHY of Florida) introduced the following bill; which was referred to the Committee on

A BILL

To amend the Small Business Act to clarify the responsibilities of commercial market representatives, 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 “The Commercial Mar-
5 ket Representatives Clarification Act”.

1 **SEC. 2. RESPONSIBILITIES OF COMMERCIAL MARKET REP-**
2 **RESENTATIVES.**

3 Section 4(h) of the Small Business Act (15 U.S.C.
4 633(h)) is amended—

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

7 (2) in paragraph (2)—

8 (A) by redesignating subparagraphs (A)
9 and (B) as clauses (i) and (ii), respectively (and
10 conforming the margins accordingly);

11 (B) by amending clause (ii) (as so redesign-
12 nated) 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 commercial market
16 representative and shall apply to any person ap-
17 pointed as a commercial market representative
18 after November 25, 2015.”; and

19 (C) in clause (i) (as so redesignated), by
20 striking “paragraph (2)” and inserting “sub-
21 paragraph (A)”;

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

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

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

6 “(1) DUTIES.—The principal duties of a com-
7 mercial market representative employed by the Ad-
8 ministrator and reporting to the senior official ap-
9 pointed by the Administrator with responsibilities
10 under sections 8, 15, 31, and 36 (or the designee of
11 such official) shall be to advance the policies estab-
12 lished in section 8(d)(1) relating to subcontracting.
13 Such duties shall include—

14 “(A) helping prime contractors to find
15 small business concerns that are capable of per-
16 forming subcontracts;

17 “(B) for contractors awarded contracts
18 containing the clause described in section
19 8(d)(3), providing—

20 “(i) counseling on the contractor’s re-
21 sponsibility to maximize subcontracting op-
22 portunities for small business concerns;

23 “(ii) instruction on methods and tools
24 to identify potential subcontractors that
25 are small business concerns; and

1 “(iii) assistance to increase awards to
2 subcontractors that are small business con-
3 cerns through visits, training, and reviews
4 of past performance;

5 “(C) providing counseling on how a small
6 business concern may promote its capacity to
7 contractors awarded contracts containing the
8 clause described in section 8(d)(3); and

9 “(D) conducting periodic reviews of con-
10 tractors awarded contracts containing the
11 clause described in section 8(d)(3) to assess
12 compliance with subcontracting plans required
13 under section 8(d)(6).

14 “(2) CERTIFICATION REQUIREMENTS.—”.