To amend the Small Business Act to clarify the intention of Congress that the Administrator of the Small Business Administration is subject to certain requirements with respect to establishing size standards for small business concerns, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 18, 2019

Mr. STAUBER (for himself and Mr. GOLDEN) introduced the following bill; which was referred to the Committee on Small Business

A BILL

To amend the Small Business Act to clarify the intention of Congress that the Administrator of the Small Business Administration is subject to certain requirements with respect to establishing size standards for small business concerns, 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 “Clarifying the Small
5  Business Runway Extension Act”.

SEC. 2. CLARIFYING AMENDMENT TO THE SMALL BUSINESS RUNWAY EXTENSION ACT OF 2018.

Section 3(a)(2)(C) of the Small Business Act (15 U.S.C. 632(a)(2)(C)) is amended by inserting “(including the Administration when acting pursuant to subparagraph (A))” after “no Federal department or agency”.

SEC. 3. FINALIZATION OF SMALL BUSINESS RUNWAY EXTENSION ACT OF 2018 RULES.

The Administrator of the Small Business Administration shall issue a final rule implementing the Small Business Runway Extension Act of 2018 (Public Law 115–324) not later than December 17, 2019.

SEC. 4. AMENDMENT TO SIZE STANDARDS FOR CERTAIN SMALL BUSINESS CONCERNS.


(b) Size Standards for Other Business Concerns.—Section 3(a)(2)(C)(ii)(III) of the Small Business Act (15 U.S.C. 632(a)(2)(C)(ii)(III)) is amended by striking “not less than 3 years” and inserting “5 years”.

SEC. 5. TRANSITION PLAN FOR THE SMALL BUSINESS RUNWAY EXTENSION ACT OF 2018.

(a) Plan Required.—Not later than 90 days after the date of the enactment of this Act, the Administrator...
of the Small Business Administration shall implement a transition plan to assist business concerns and Federal agencies with compliance with the requirements of the Small Business Runway Extension Act of 2018 (Public Law 115–324).

(b) 3-Year Calculation for Size Standards.—

(1) In general.—The transition plan described under subsection (a) shall include a requirement that, during the period beginning on December 17, 2018, and ending on the date that is 6 months after the date on which the Administrator issues final rules implementing the Small Business Runway Extension Act of 2018 (Public Law 115–324), allows the use of a 3-year calculation for a size standard to be applied to a business concern if the use of such 3-year calculation allows such concern to be considered a small business concern under section 3(a)(1) of the Small Business Act (15 U.S.C. 632(a)(1)).

(2) 3-Year Calculation Defined.—In this subsection, the term “3-year calculation” means—

(A) with respect to a business concern providing services described under clause (ii)(II) of such section, a determination of the size of such concern on the basis of the annual average
gross receipts of such concern over a period of 3 years; and

(B) with respect to a business concern described under clause (ii)(III) of such section, a determination of the size of such concern on the basis of data over a period of 3 years.

SEC. 6. REQUIREMENT TO UPDATE SAM.

Not later than 90 days after the date of the enactment of this Act, the System for Award Management (or any successor system) shall be updated to comply with the requirements of this Act.