

112TH CONGRESS
1ST SESSION

H. R. 585

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

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”.

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

4 (a) IN GENERAL.—Subparagraph (A) of section
5 3(a)(2) of the Small Business Act (15 U.S.C.
6 632(a)(2)(A)) is amended to read as follows:

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

9 “(i) the Administrator may specify de-
10 tailed definitions or standards by which a
11 business concern may be determined to be
12 a small business concern for purposes of
13 this Act or the Small Business Investment
14 Act of 1958; and

15 “(ii) the Chief Counsel for Advocacy
16 may specify such definitions or standards
17 for purposes of any other Act.”.

18 (b) APPROVAL BY CHIEF COUNSEL.—Clause (iii) of
19 section 3(a)(2)(C) of the Small Business Act (15 U.S.C.
20 632(a)(2)(C)(iii)) is amended to read as follows:

21 “(iii) except in the case of a size
22 standard prescribed by the Administrator,
23 is approved by the Chief Counsel for Advo-
24 cacy.”.

1 (c) INDUSTRY VARIATION.—Paragraph (3) of section
2 3(a) of the Small Business Act (15 U.S.C. 632(a)(3)) is
3 amended—

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

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

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

12 “(6) JUDICIAL REVIEW OF STANDARDS APPROVED
13 BY CHIEF COUNSEL.—In the case of an action for judicial
14 review of a rule which includes a definition or standard
15 approved by the Chief Counsel for Advocacy under this
16 subsection, the party seeking such review shall be entitled
17 to join the Chief Counsel as a party in such action.”.

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