

115TH CONGRESS
1ST SESSION

H. R. 1597

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 2017

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

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”.

6 **SEC. 2. RESPONSIBILITIES OF COMMERCIAL MARKET REP-**
7 **RESENTATIVES.**

8 Section 4(h) of the Small Business Act (15 U.S.C.
9 633(h)) is amended—

(1) in the subsection heading, by striking “CERTIFICATION REQUIREMENTS FOR”;

(2) in paragraph (2)—

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

(B) by amending clause (ii) (as so redesignated) to read as follows:

“(B) APPLICATION.—The requirements of clause (i) shall be included in any initial job posting for the position of a commercial market representative and shall apply to any person appointed as a commercial market representative after November 25, 2015.”; and

(C) in clause (i) (as so redesignated), by striking “paragraph (2)” and inserting “subparagraph (A)”;

(3) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively (and conforming the margins accordingly);

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

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

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

9 “(A) helping prime contractors to find
10 small business concerns that are capable of per-
11 forming subcontracts;

12 “(B) for contractors awarded contracts
13 containing the clause described in section
14 8(d)(3), providing—

15 “(i) counseling on the contractor’s re-
16 sponsibility to maximize subcontracting op-
17 portunities for small business concerns;

18 “(ii) instruction on methods and tools
19 to identify potential subcontractors that
20 are small business concerns; and

21 “(iii) assistance to increase awards to
22 subcontractors that are small business con-
23 cerns through visits, training, and reviews
24 of past performance;

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

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

10 “(2) CERTIFICATION REQUIREMENTS.—”.

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