

116TH CONGRESS  
1ST SESSION

# H. R. 2345

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.

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## 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

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## 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”.

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

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

7 **SEC. 3. FINALIZATION OF SMALL BUSINESS RUNWAY EX-  
8 TENSION ACT OF 2018 RULES.**

9 The Administrator of the Small Business Administra-  
10 tion shall issue a final rule implementing the Small Busi-  
11 ness Runway Extension Act of 2018 (Public Law 115–  
12 324) not later than December 17, 2019.

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

15 (a) SIZE STANDARDS FOR SMALL BUSINESS CON-  
16 CERNS PROVIDING SERVICES.—Section 3(a)(2)(C)(ii)(II)  
17 of the Small Business Act (15 U.S.C. 632(a)(2)(C)(ii)(II))  
18 is amended by striking “not less than”.

19 (b) SIZE STANDARDS FOR OTHER BUSINESS CON-  
20 CERNS.—Section 3(a)(2)(C)(ii)(III) of the Small Business  
21 Act (15 U.S.C. 632(a)(2)(C)(ii)(III)) is amended by strik-  
22 ing “not less than 3 years” and inserting “5 years”.

23 **SEC. 5. TRANSITION PLAN FOR THE SMALL BUSINESS RUN-  
24 WAY EXTENSION ACT OF 2018.**

25 (a) PLAN REQUIRED.—Not later than 90 days after  
26 the date of the enactment of this Act, the Administrator

1 of the Small Business Administration shall implement a  
2 transition plan to assist business concerns and Federal  
3 agencies with compliance with the requirements of the  
4 Small Business Runway Extension Act of 2018 (Public  
5 Law 115–324).

6 (b) 3-YEAR CALCULATION FOR SIZE STANDARDS.—

7 (1) IN GENERAL.—The transition plan de-  
8 scribed under subsection (a) shall include a require-  
9 ment that, during the period beginning on December  
10 17, 2018, and ending on the date that is 6 months  
11 after the date on which the Administrator issues  
12 final rules implementing the Small Business Runway  
13 Extension Act of 2018 (Public Law 115–324), al-  
14 lows the use of a 3-year calculation for a size stand-  
15 ard to be applied to a business concern if the use  
16 of such 3-year calculation allows such concern to be  
17 considered a small business concern under section  
18 3(a)(1) of the Small Business Act (15 U.S.C.  
19 632(a)(1)).

20 (2) 3-YEAR CALCULATION DEFINED.—In this  
21 subsection, the term “3-year calculation” means—

22 (A) with respect to a business concern pro-  
23 viding services described under clause (ii)(II) of  
24 such section, a determination of the size of such  
25 concern on the basis of the annual average

1           gross receipts of such concern over a period of  
2           3 years; and

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

7 **SEC. 6. REQUIREMENT TO UPDATE SAM.**

8           Not later than 90 days after the date of the enact-  
9           ment of this Act, the System for Award Management (or  
10          any successor system) shall be updated to comply with the  
11          requirements of this Act.

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