

114TH CONGRESS
1ST SESSION

H. R. 4198

To amend the Small Business Act to clarify the responsibilities of Commercial Market Representatives, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 9, 2015

Mr. BRAT 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 (as added by
9 section 865 of the National Defense Authorization Act for
10 Fiscal Year 2016 (Public Law 114–92)) is amended—

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

3 (2) in paragraph (2), by redesignating subpara-
4 graphs (A) and (B) as clauses (i) and (ii), respec-
5 tively (and conforming the margins accordingly);

6 (3) by amending clause (ii) (as so redesignated)
7 to read as follows:

8 “(B) APPLICATION.—The requirements of
9 clause (i) shall be included in any initial job
10 posting for the position of a commercial market
11 representative and shall apply to any person ap-
12 pointed as a commercial market representative
13 after November 25, 2015.”;

14 (4) in clause (i) (as so redesignated), by strik-
15 ing “paragraph (2)” and inserting “subparagraph
16 (A)”;

17 (5) by redesignating paragraphs (1) and (2) as
18 subparagraphs (A) and (B), respectively (and con-
19 forming the margins accordingly);

20 (6) in subparagraph (A) (as so redesignated),
21 by striking “paragraph (2)” and inserting “subpara-
22 graph (B)”;

23 (7) by inserting before subparagraph (A) (as so
24 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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