

112TH CONGRESS
2D SESSION

H. R. 3987

To amend the Small Business Act with respect to small business concern size standards, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2012

Mr. WALSH of Illinois (for himself and Mr. CONNOLLY of Virginia) introduced the following bill; which was referred to the Committee on Small Business

A BILL

To amend the Small Business Act with respect to small business concern size standards, 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 “Small Business Protec-
5 tion Act of 2012”.

6 **SEC. 2. SMALL BUSINESS CONCERN SIZE STANDARDS.**

7 Section 3 of the Small Business Act (15 U.S.C. 632)
8 is amended—

9 (1) by inserting after the section enumerator
10 the following: “**DEFINITIONS.**”; and

1 (2) in subsection (a)—

2 (A) by striking the subsection enumerator
3 and inserting the following:

4 “(a) SMALL BUSINESS CONCERNS.—”;

5 (B) in paragraph (1) by striking “(1) For
6 the purposes” and inserting the following:

7 “(1) IN GENERAL.—For the purposes”;

8 (C) in paragraph (3) by striking “(3)
9 When establishing” and inserting the following:

10 “(3) VARIATION BY INDUSTRY AND CONSIDER-
11 ATION OF OTHER FACTORS.—When establishing”;

12 (D) by moving paragraph (5), including
13 each subparagraph and clause therein, 2 ems to
14 the right; and

15 (E) by adding at the end the following:

16 “(6) COMMON SIZE STANDARDS.—In carrying
17 out this subsection, the Administrator may establish
18 or approve a single size standard for a grouping of
19 four digit North American Industrial Classification
20 codes only if the Administrator makes publicly avail-
21 able, not later than the date on which such size
22 standard is established or approved, a justification
23 demonstrating that such size standard is appropriate
24 for each individual industry classification included in
25 the grouping.

1 “(7) PROPOSED RULE MAKING.—In conducting
2 rulemaking to revise, modify or establish size stand-
3 ards pursuant to this section, the Administrator
4 shall consider and address the following:

5 “(A) a detailed description of the industry
6 for which the new size standard is proposed;

7 “(B) an analysis of the competitive envi-
8 ronment for that industry;

9 “(C) the approach the Administrator used
10 to develop the proposed standard including the
11 source of all data used to develop the proposed
12 rulemaking; and

13 “(D) the anticipated effect of the proposed
14 rulemaking on the industry, including the num-
15 ber of concerns not currently considered small
16 that would be considered small under the pro-
17 posed rulemaking and the number of concerns
18 currently considered small that would be
19 deemed other than small under the proposed
20 rulemaking.”.

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