

111TH CONGRESS  
2D SESSION

# S. 3967

To encourage investment in and innovation by small business concerns, and  
for other purposes.

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2010

Ms. LANDRIEU (for herself and Mr. CARDIN) introduced the following bill;  
which was read twice and referred to the Committee on Small Business  
and Entrepreneurship

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## A BILL

To encourage investment in and innovation by 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 “Small Business Invest-  
5       ment and Innovation Act of 2010”.

6       **SEC. 2. TABLE OF CONTENTS.**

7       The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Findings.
- Sec. 4. Definitions.

TITLE I—EXPANDING ACCESS TO TECHNOLOGY AND SPURRING  
INNOVATION

- Sec. 101. Broadband and emerging information technology coordinator.
- Sec. 102. Entrepreneurial development assistance by small business development centers.
- Sec. 103. Capital access.
- Sec. 104. Rural small business technology pilot program.
- Sec. 105. Report to Congress.

TITLE II—COUNSELING AND TECHNICAL ASSISTANCE

Subtitle A—SCORE

- Sec. 221. SCORE Reauthorization.

Subtitle B—Women’s Small Business Ownership Programs

- Sec. 241. Office of Women’s Business Ownership.
- Sec. 242. Women’s Business Center Program.
- Sec. 243. National Women’s Business Council.
- Sec. 244. Interagency Committee on Women’s Business Enterprise.
- Sec. 245. Preserving the independence of the National Women’s Business Council.
- Sec. 246. Study and report on women’s business centers.

Subtitle C—Native American Small Business Development

- Sec. 261. Native American small business development program.

Subtitle D—Veterans’ Business Development

- Sec. 281. Veterans’ business center program; Office of Veterans Business Development.

TITLE III—DISASTER RELIEF AND ASSISTANCE

- Sec. 301. Improvements to the Pioneer Business Recovery Program.
- Sec. 302. Increased limits.
- Sec. 303. Modified collateral requirements.
- Sec. 304. Regional outreach on disaster assistance programs.

TITLE IV—CONTRACTING IMPROVEMENTS

- Sec. 401. Surety bonds.
- Sec. 402. Section 8(a) improvements.

TITLE V—TRADE AND EXPORT ENHANCEMENTS

- Sec. 501. Online export readiness assessment tool.
- Sec. 502. Marketing and outreach initiatives to small business concerns.
- Sec. 503. Expansion of State Trade and Export Promotion Grant Program to cities and major metropolitan areas.

TITLE VI—REGULATORY RELIEF

- Sec. 601. Definitions.
- Sec. 602. Certification of rules.
- Sec. 603. Application to interim final rules.

Sec. 604. Review panels.  
Sec. 605. Judicial review.  
Sec. 606. Research grant authority.

1 **SEC. 3. FINDINGS.**

2 Congress finds that—

3 (1) the approximately 28,000,000 small busi-  
4 ness concerns in the United States are the driving  
5 force behind the economy of the Nation, creating  
6 more than 65 percent of all net new jobs and gener-  
7 ating more than 50 percent of the non-farm gross  
8 domestic product of the Nation;

9 (2) unfortunately, small business concerns have  
10 borne the brunt of the recent economic recession, ac-  
11 counting for nearly 79 percent of all jobs lost since  
12 September 2008;

13 (3) while Congress has taken strong and force-  
14 ful action to provide timely relief for small business  
15 concerns through the enactment of the Small Busi-  
16 ness Jobs Act of 2010 (Public Law 111–240; 124  
17 Stat. 2504), it is imperative that further action be  
18 taken to build upon the progress made by that Act  
19 and to help small business concerns recover and  
20 grow through the creation of new jobs; and

21 (4) specifically, additional steps should be taken  
22 to—

23 (A) expand broadband services and im-  
24 prove access to technologies that will help small

1 business concerns connect with new opportuni-  
2 ties and create innovative products;

3 (B) strengthen counseling services and  
4 technical assistance programs for small busi-  
5 ness concerns to help small business concerns  
6 weather economic downturns and emerge  
7 stronger and more competitive;

8 (C) provide relief to small business con-  
9 cerns negatively impacted by natural and cata-  
10 strophic disasters by improving access to dis-  
11 aster recovery loans and helping small business  
12 concerns plan for predictable disasters;

13 (D) improve access to Federal contracting  
14 opportunities for small business concerns by in-  
15 creasing access to adequate surety bonding op-  
16 portunities and creating a stronger, more trans-  
17 parent set-aside program for socially and eco-  
18 nomically disadvantaged small business con-  
19 cerns;

20 (E) help small business concerns realize  
21 their full potential by encouraging the small  
22 business concerns to sell products and services  
23 abroad and connecting the small business con-  
24 cerns with the appropriate Federal and local ex-  
25 port promotion resources; and

1 (F) require the Federal Government to  
2 provide regulatory relief to small business con-  
3 cerns and more closely consider the impact of  
4 new regulations promulgated by Federal agen-  
5 cies by strengthening chapter 6 of title 5,  
6 United States Code (commonly known as the  
7 “Regulatory Flexibility Act”), and the Office of  
8 Advocacy of the Administration.

9 **SEC. 4. DEFINITIONS.**

10 In this Act—

11 (1) the terms “Administration” and “Adminis-  
12 trator” mean the Small Business Administration  
13 and the Administrator thereof, respectively; and

14 (2) the term “small business concern” has the  
15 meaning given that term under section 3 of the  
16 Small Business Act (15 U.S.C. 632).

17 **TITLE I—EXPANDING ACCESS TO**  
18 **TECHNOLOGY AND SPURRING**  
19 **INNOVATION**

20 **SEC. 101. BROADBAND AND EMERGING INFORMATION**  
21 **TECHNOLOGY COORDINATOR.**

22 (a) IN GENERAL.—The Small Business Act (15  
23 U.S.C. 631 et seq.) is amended—

24 (1) by redesignating section 45 as section 47;  
25 and

1 (2) by inserting after section 44 the following:

2 **“SEC. 45. BROADBAND AND EMERGING INFORMATION**  
3 **TECHNOLOGY.**

4 “(a) DEFINITION.—In this section, the term  
5 ‘broadband and emerging information technology coordi-  
6 nator’ means the individual assigned the broadband and  
7 emerging information technology coordination responsibil-  
8 ities of the Administration under subsection (b)(1).

9 “(b) ASSIGNMENT OF COORDINATOR.—

10 “(1) ASSIGNMENT OF COORDINATOR.—The Ad-  
11 ministrator shall assign responsibility for coordi-  
12 nating the programs and activities of the Adminis-  
13 tration relating to broadband and emerging informa-  
14 tion technology to an individual who—

15 “(A) shall report directly to the Adminis-  
16 trator;

17 “(B) shall work in coordination with—

18 “(i) the chief information officer, the  
19 chief technology officer, and the head of  
20 the Office of Technology of the Adminis-  
21 tration; and

22 “(ii) any Associate Administrator of  
23 the Administration determined appropriate  
24 by the Administrator;

1           “(C) shall not be an employee of the Office  
2 of Technology of the Administration;

3           “(D) has experience developing and imple-  
4 menting telecommunications policy in the pri-  
5 vate sector or government; and

6           “(E) has demonstrated significant experi-  
7 ence in the area of broadband or emerging in-  
8 formation technology.

9           “(2) RESPONSIBILITIES OF COORDINATOR.—  
10 The broadband and emerging information technology  
11 coordinator shall—

12           “(A) coordinate programs of the Adminis-  
13 tration that assist small business concerns in  
14 adopting, making innovations in, and using  
15 broadband and other emerging information  
16 technologies;

17           “(B) serve as the primary liaison of the  
18 Administration to other Federal agencies in-  
19 volved in broadband and emerging information  
20 technology policy, including the Department of  
21 Commerce, the Department of Agriculture, and  
22 the Federal Communications Commission; and

23           “(C) identify best practices relating to  
24 broadband and emerging information tech-

1 nology that may benefit small business con-  
2 cerns.

3 “(3) TRAVEL.—Not more than 20 percent of  
4 the hours of service by the broadband and emerging  
5 information technology coordinator during any fiscal  
6 year shall consist of travel outside the United States  
7 to perform official duties.

8 “(c) BROADBAND AND EMERGING TECHNOLOGY  
9 TRAINING.—

10 “(1) TRAINING.—The Administrator shall pro-  
11 vide to employees of the Administration training  
12 that—

13 “(A) familiarizes employees of the Admin-  
14 istration with broadband and other emerging  
15 information technologies; and

16 “(B) includes—

17 “(i) instruction counseling small busi-  
18 ness concerns regarding adopting, making  
19 innovations in, and using broadband and  
20 other emerging information technologies;  
21 and

22 “(ii) information on programs of the  
23 Federal Government that provide assist-  
24 ance to small business concerns relating to



1 broadband and emerging information tech-  
2 nologies.

3 “(2) AUTHORIZATION OF APPROPRIATIONS.—

4 There are authorized to be appropriated such sums  
5 as are necessary to carry out this subsection.

6 “(d) REPORTS.—

7 “(1) BIENNIAL REPORT ON ACTIVITIES.—Not  
8 later than 2 years after the date on which the Ad-  
9 ministrator makes the first assignment of respon-  
10 sibilities under subsection (b), and every 2 years  
11 thereafter, the broadband and emerging information  
12 technology coordinator shall submit to the Com-  
13 mittee on Small Business and Entrepreneurship of  
14 the Senate and the Committee on Small Business of  
15 the House of Representatives a report regarding the  
16 programs and activities of the Administration relat-  
17 ing to broadband and other emerging information  
18 technologies.

19 “(2) REPORT ON FEDERAL PROGRAMS.—Not  
20 later than 1 year after the date of enactment of this  
21 section, the broadband and emerging information  
22 technology coordinator, in consultation with the Sec-  
23 retary of Agriculture, the Assistant Secretary of  
24 Commerce for Communications and Information,  
25 and the Chairman of the Federal Communications

1 Commission, shall submit to the Committee on  
2 Small Business and Entrepreneurship of the Senate  
3 and the Committee on Small Business of the House  
4 of Representatives a report on the programs of the  
5 Federal Government that provide assistance to small  
6 business concerns relating to broadband and emerg-  
7 ing information technologies, which shall include rec-  
8 ommendations, if any, for improving coordination  
9 among the programs.”.

10 **SEC. 102. ENTREPRENEURIAL DEVELOPMENT ASSISTANCE**

11 **BY SMALL BUSINESS DEVELOPMENT CEN-**  
12 **TERS.**

13 Section 21(c)(3)(B) of the Small Business Act (15  
14 U.S.C. 648(c)(3)(B)) is amended—

15 (1) in the matter preceding clause (i), by insert-  
16 ing “accessing broadband and other emerging infor-  
17 mation technology,” after “technology transfer,”;

18 (2) in clause (ii), by striking “and” at the end;

19 (3) in clause (iii), by adding “and” at the end;

20 and

21 (4) by adding at the end the following:

22 “(iv) increasing the competitiveness and  
23 productivity of small business concerns by as-  
24 sisting entrepreneurs in accessing broadband  
25 and other emerging information technology;”.

1 **SEC. 103. CAPITAL ACCESS.**

2 (a) IN GENERAL.—Section 7(a) of the Small Busi-  
3 ness Act (15 U.S.C. 636(a)) is amended in the matter pre-  
4 ceding paragraph (1) by inserting “(including to purchase  
5 equipment for broadband or other emerging information  
6 technologies)” after “equipment”.

7 (b) MICROLOANS.—Section 7(m)(1)(A)(iii)(I) of the  
8 Small Business Act (15 U.S.C. 636(m)(1)(A)(iii)(I)) is  
9 amended by inserting “(including to purchase equipment  
10 for broadband or other emerging information tech-  
11 nologies)” after “or equipment”.

12 **SEC. 104. RURAL SMALL BUSINESS TECHNOLOGY PILOT**  
13 **PROGRAM.**

14 (a) DEFINITIONS.—In this section—

15 (1) the term “qualified small business concern”  
16 means a small business concern located in a rural  
17 area; and

18 (2) the term “rural area” has the meaning  
19 given that term in section 1393(a)(2) of the Internal  
20 Revenue Code of 1986.

21 (b) REPORT.—Not later than 120 days after the date  
22 of enactment of this Act, the Administrator, in coordina-  
23 tion with the Administrator of General Services, shall sub-  
24 mit to the Committee on Small Business and Entrepre-  
25 neurship of the Senate and the Committee on Small Busi-  
26 ness of the House of Representatives a report describing—

1           (1) the number of Government-owned com-  
2           puters in the possession of the Administration, in-  
3           cluding the number of working computers, non-  
4           working computers, desktop computers, and laptop  
5           computers;

6           (2) the number of Government-owned com-  
7           puters disposed of by the Administration during the  
8           5-year period ending on the date of enactment of  
9           this Act, including the number of such computers  
10          that were working computers, nonworking com-  
11          puters, desktop computers, or laptop computers;

12          (3) the procedures of the Administration for the  
13          disposal of Government-owned computers; and

14          (4) the plans of the Administrator for carrying  
15          out the pilot program under subsection (c).

16          (c) PILOT PROGRAM.—

17           (1) ESTABLISHMENT.—Not later than 180 days  
18           after the date of enactment of this Act, the Adminis-  
19           trator shall establish a pilot program to provide not  
20           more than 1,000 excess Government-owned com-  
21           puters each year to qualified small business concerns  
22           at no cost or a reduced cost.

23           (2) PURPOSES OF PROGRAM.—The pilot pro-  
24           gram established under paragraph (1) shall be de-  
25           signed to—

1 (A) encourage entrepreneurship in rural  
2 areas;

3 (B) assist small business concerns in ac-  
4 cessing technology; and

5 (C) accelerate the growth of qualified small  
6 business concerns.

7 (3) TERMINATION.—The authority to conduct  
8 the pilot program under this subsection shall termi-  
9 nate 3 years after the date of enactment of this Act.

10 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
11 are authorized to be appropriated to the Administrator  
12 such sums as are necessary to carry out this section.

13 **SEC. 105. REPORT TO CONGRESS.**

14 (a) IN GENERAL.—Not later than 45 days after the  
15 date of enactment of this Act, the Administrator, in con-  
16 sultation with the Administrator of General Services, shall  
17 submit to the Committee on Small Business and Entrepre-  
18 neurship of the Senate and the Committee on Small Busi-  
19 ness of the House of Representatives a report on ways  
20 to assist with the development of broadband and wireless  
21 technology that would benefit small business concerns.

22 (b) CONTENT OF THE REPORT.—The report sub-  
23 mitted under subsection (a) shall—

24 (1) outline the participation by the Administra-  
25 tion in the National Antenna Program, including the

1 number of wireless towers deployed on facilities  
2 which contain an office of the Administration;

3 (2) information on agreements between the Ad-  
4 ministration and the General Services Administra-  
5 tion related to broadband and wireless deployment in  
6 offices of the Administration; and

7 (3) recommendations, if any, on opportunities  
8 for the Administration to improve broadband or  
9 wireless technology in offices of the Administration  
10 that are in areas currently underserved or unserved  
11 by broadband service providers.

12 **TITLE II—COUNSELING AND**  
13 **TECHNICAL ASSISTANCE**  
14 **Subtitle A—SCORE**

15 **SEC. 221. SCORE REAUTHORIZATION.**

16 (a) IN GENERAL.—Section 20 of the Small Business  
17 Act (15 U.S.C. 631 note) is amended—

18 (1) by redesignating subsection (j) as sub-  
19 section (f); and

20 (2) by adding at the end the following:

21 “(g) SCORE PROGRAM.—There are authorized to be  
22 appropriated to the Administrator to carry out the  
23 SCORE program authorized by section 8(b)(1) such sums  
24 as are necessary for the Administrator to make grants or

1 enter into cooperative agreements in a total amount that  
2 does not exceed—

3 “(1) \$13,000,000 in fiscal year 2011;

4 “(2) \$15,000,000 in fiscal year 2012; and

5 “(3) \$18,000,000 in fiscal year 2013.”.

6 (b) PRIVACY REQUIREMENTS FOR SCORE CHAP-  
7 TERS.—Section 8 of the Small Business Act (15 U.S.C.  
8 637) is amended by striking subsection (c) and inserting  
9 the following:

10 “(c) PRIVACY REQUIREMENTS.—

11 “(1) IN GENERAL.—A chapter of the SCORE  
12 program authorized by subsection (b)(1) or an agent  
13 of such a chapter may not disclose the name, ad-  
14 dress, or telephone number of any individual or  
15 small business concern receiving assistance from  
16 that chapter or agent without the consent of such in-  
17 dividual or small business concern, unless—

18 “(A) the Administrator is ordered to make  
19 such a disclosure by a court in any civil or  
20 criminal enforcement action initiated by a Fed-  
21 eral or State agency; or

22 “(B) the Administrator determines such a  
23 disclosure to be necessary for the purpose of  
24 conducting a financial audit of a chapter of the  
25 SCORE program authorized by subsection

1 (b)(1), in which case disclosure shall be limited  
2 to the information necessary for the audit.

3 “(2) ADMINISTRATOR USE OF INFORMATION.—

4 This subsection shall not—

5 “(A) restrict the access of the Adminis-  
6 trator to program activity data; or

7 “(B) prevent the Administrator from using  
8 client information to conduct client surveys.

9 “(3) REGULATIONS.—

10 “(A) IN GENERAL.—The Administrator  
11 shall issue regulations to establish standards  
12 for—

13 “(i) disclosures with respect to finan-  
14 cial audits under paragraph (1)(B); and

15 “(ii) conducting client surveys, includ-  
16 ing standards for oversight of the surveys  
17 and for dissemination and use of client in-  
18 formation.

19 “(B) MAXIMUM PRIVACY PROTECTION.—

20 The regulations issued under this paragraph  
21 shall, to the extent practicable, provide for the  
22 maximum amount of privacy protection.

23 “(C) INSPECTOR GENERAL.—Until the ef-  
24 fective date of the regulations issued under this  
25 paragraph, any client survey and the use of any



1 client information shall be approved by the In-  
2 spector General of the Administration, who  
3 shall include any such approval in the semi-an-  
4 nual report of the Inspector General.”.

5 (c) SCORE PROGRAM.—

6 (1) IN GENERAL.—Section 8(b)(1)(B) of the  
7 Small Business Act (15 U.S.C. 637(b)(1)(B)) is  
8 amended by striking “a Service Corps of Retired Ex-  
9 ecutives (SCORE)” and inserting “the SCORE pro-  
10 gram”.

11 (2) TECHNICAL AND CONFORMING AMEND-  
12 MENTS.—

13 (A) IN GENERAL.—The Small Business  
14 Act (15 U.S.C. 631 et seq.) is amended—

15 (i) in section 7(m)(3)(A)(i)(VIII) (15  
16 U.S.C. 636(m)(3)(A)(i)(VIII)), by striking  
17 “Service Corps of Retired Executives” and  
18 inserting “SCORE program”; and

19 (ii) in section 33(b)(2) (15 U.S.C.  
20 657c(b)(2)), by striking “Service Corps of  
21 Retired Executives” and inserting  
22 “SCORE program”.

23 (B) OTHER LAWS.—

24 (i) INSURANCE.—Section 621 of the  
25 Children’s Health Insurance Program Re-

1 authorization Act of 2009 (15 U.S.C.  
2 657p) is amended—

3 (I) in subsection (a), by striking  
4 paragraph (4) and inserting the fol-  
5 lowing:

6 “(4) the term ‘SCORE program’ means the  
7 SCORE program authorized by section 8(b)(1)(B)  
8 of the Small Business Act (15 U.S.C.  
9 637(b)(1)(B));”; and

10 (II) in subsection (b)(4)(A)(iv),  
11 by striking “Service Corps of Retired  
12 Executives” and inserting “SCORE  
13 program”.

14 (ii) CONSUMER EDUCATION.—Section  
15 337(d)(2) of the Energy Policy and Con-  
16 servation Act (42 U.S.C. 6307(d)(2)) is  
17 amended by striking “Service Corps of Re-  
18 tired Executives (SCORE)” and inserting  
19 “SCORE program”.

20 (3) REFERENCES.—Any reference to the Serv-  
21 ice Corps of Retired Executives established under  
22 section 8(b)(1)(B) of the Small Business Act (15  
23 U.S.C. 637(b)(1)(B)), as in effect on the day before  
24 the date of enactment of this Act, in any law, rule,  
25 regulation, certificate, directive, instruction, or other

1 official paper shall be considered to refer to the  
 2 SCORE program established under section  
 3 8(b)(1)(B) of the Small Business Act, as amended  
 4 by this section.

5 **Subtitle B—Women’s Small**  
 6 **Business Ownership Programs**

7 **SEC. 241. OFFICE OF WOMEN’S BUSINESS OWNERSHIP.**

8 (a) IN GENERAL.—Section 29(g) of the Small Busi-  
 9 ness Act (15 U.S.C. 656(g)) is amended—

10 (1) in paragraph (2)—

11 (A) in subparagraph (B)(i), by striking “in  
 12 the areas” and all that follows through the end  
 13 of subclause (I), and inserting the following: “to  
 14 address issues concerning the management, op-  
 15 erations, manufacturing, technology, finance,  
 16 retail and product sales, international trade,  
 17 Government contracting, and other disciplines  
 18 required for—

19 “(I) starting, operating, and in-  
 20 creasing the business of a small busi-  
 21 ness concern;”; and

22 (B) in subparagraph (C), by inserting be-  
 23 fore the period at the end the following: “, the  
 24 National Women’s Business Council, and any  
 25 association of women’s business centers”; and

1 (2) by adding at the end the following:

2 “(3) TRAINING.—The Administrator may pro-  
3 vide annual programmatic and financial oversight  
4 training for women’s business ownership representa-  
5 tives and district office technical representatives of  
6 the Administration to enable representatives to carry  
7 out their responsibilities.

8 “(4) PROGRAM AND TRANSPARENCY IMPROVE-  
9 MENTS.—The Administrator shall maximize the  
10 transparency of the women’s business center finan-  
11 cial assistance proposal process and the pro-  
12 grammatic and financial oversight process by—

13 “(A) providing public notice of the an-  
14 nouncement for financial assistance under sub-  
15 section (b) and grants under subsection (l) not  
16 later than the end of the first quarter of each  
17 fiscal year;

18 “(B) in the announcement described in  
19 subparagraph (A), outlining award and pro-  
20 gram evaluation criteria and describing the  
21 weighting of the criteria for financial assistance  
22 under subsection (b) and grants under sub-  
23 section (l);

1           “(C) minimizing paperwork and reporting  
2 requirements for applicants for and recipients  
3 of financial assistance under this section;

4           “(D) standardizing the oversight and re-  
5 view process of the Administration; and

6           “(E) providing to each women’s business  
7 center, not later than 60 days after the comple-  
8 tion of a site visit at the women’s business cen-  
9 ter (whether conducted for an audit, perform-  
10 ance review, or other reason), a copy of site  
11 visit reports and evaluation reports prepared by  
12 district office technical representatives or offi-  
13 cers or employees of the Administration.”.

14 (b) CHANGE OF TITLE.—

15           (1) IN GENERAL.—Section 29 of the Small  
16 Business Act (15 U.S.C. 656) is amended—

17           (A) in subsection (a)—

18                   (i) by striking paragraphs (1) and (4);

19                   (ii) by redesignating paragraphs (2)  
20 and (3) as paragraphs (4) and (5), respec-  
21 tively; and

22                   (iii) by inserting before paragraph (4),  
23 as so redesignated, the following:

1           “(2) the term ‘Director’ means the Director of  
2 the Office of Women’s Business Ownership estab-  
3 lished under subsection (g);”;

4           (B) by striking “Assistant Administrator”  
5 each place it appears and inserting “Director”;  
6 and

7           (C) in subsection (g)(2), in the paragraph  
8 heading, by striking “ASSISTANT ADMINIS-  
9 TRATOR” and inserting “DIRECTOR”.

10           (2) WOMEN’S BUSINESS OWNERSHIP ACT OF  
11 1988.—Title IV of the Women’s Business Ownership  
12 Act of 1988 (15 U.S.C. 7101 et seq.) is amended—

13           (A) in section 403(a)(2)(B), by striking  
14 “Assistant Administrator” and inserting “Di-  
15 rector”;

16           (B) in section 405, by striking “Assistant  
17 Administrator” and inserting “Director”; and

18           (C) in section 406(c), by striking “Assist-  
19 ant Administrator” and inserting “Director”.

20 **SEC. 242. WOMEN’S BUSINESS CENTER PROGRAM.**

21           (a) WOMEN’S BUSINESS CENTER FINANCIAL ASSIST-  
22 ANCE.—Section 29 of the Small Business Act (15 U.S.C.  
23 656) is amended—

24           (1) in subsection (a)—

1 (A) by inserting before paragraph (2), as  
2 added by section 241(b), the following:

3 “(1) the term ‘association of women’s business  
4 centers’ means an organization—

5 “(A) that represents not less than 51 per-  
6 cent of the women’s business centers that par-  
7 ticipate in a program under this section; and

8 “(B) whose primary purpose is to rep-  
9 resent women’s business centers;”;

10 (B) by inserting after paragraph (2), as  
11 added by section 241(b), the following:

12 “(3) the term ‘eligible entity’ means—

13 “(A) a private nonprofit organization;

14 “(B) a State, regional, or local economic  
15 development organization;

16 “(C) a development, credit, or finance cor-  
17 poration chartered by a State;

18 “(D) a public or private institution of  
19 higher education (as that term is used in sec-  
20 tions 101 and 102 of the Higher Education Act  
21 of 1965 (20 U.S.C. 1001 and 1002)); or

22 “(E) any combination of entities listed in  
23 subparagraphs (A) through (D);”;

24 (C) by adding after paragraph (5), as re-  
25 designated by section 241(b), the following:

1           “(6) the term ‘women’s business center’ means  
2 a project conducted by an eligible entity under this  
3 section;”;

4           (2) in subsection (b)—

5           (A) by redesignating paragraphs (1), (2),  
6 and (3) as subparagraphs (A), (B), and (C),  
7 and adjusting the margins accordingly;

8           (B) by striking “The Administration” and  
9 all that follows through “5-year project” and  
10 inserting the following:

11           “(1) IN GENERAL.—The Administration may  
12 provide financial assistance to an eligible entity to  
13 conduct a project under this section”;

14           (C) by striking “The projects shall” and  
15 inserting the following:

16           “(2) USE OF FUNDS.—The project shall be de-  
17 signed to provide training and counseling that meets  
18 the needs of women, especially socially and economi-  
19 cally disadvantaged women, and shall provide”; and

20           (D) by adding at the end the following:

21           “(3) AMOUNT OF FINANCIAL ASSISTANCE.—

22           “(A) IN GENERAL.—The Administrator  
23 may award financial assistance under this sub-  
24 section of not less than \$150,000 per year.



1           “(B) EQUAL ALLOCATIONS.—In the event  
2           that the Administration has insufficient funds  
3           to provide financial assistance of \$150,000 for  
4           each recipient of financial assistance under this  
5           subsection in any fiscal year, available funds  
6           shall be allocated equally to recipients, unless a  
7           recipient requests a lower amount than the allo-  
8           cated amount.

9           “(4) CONSULTATION WITH ASSOCIATIONS OF  
10          WOMEN’S BUSINESS CENTERS.—The Administrator  
11          shall consult with each association of women’s busi-  
12          ness centers to develop—

13                 “(A) a training program for the staff of  
14                 women’s business centers and the Administra-  
15                 tion; and

16                 “(B) recommendations to improve the poli-  
17                 cies and procedures for governing the general  
18                 operations and administration of the Women’s  
19                 Business Center program, including grant pro-  
20                 gram improvements under subsection (g)(5).”;  
21                 (3) in subsection (c)—

22                         (A) in paragraph (1) by striking “the re-  
23                         cipient organization” and inserting “an eligible  
24                         entity”;

1 (B) in paragraph (3), in the second sen-  
2 tence, by striking “a recipient organization”  
3 and inserting “an eligible entity”;

4 (C) in paragraph (4)—

5 (i) by striking “recipient” each place  
6 it appears and inserting “eligible entity”;  
7 and

8 (ii) by striking “such organization”  
9 and inserting “the eligible entity”; and

10 (D) by adding at end the following:

11 “(6) SEPARATION OF PROJECT AND FUNDS.—

12 An eligible entity shall—

13 “(A) carry out a project under this section  
14 separately from other projects, if any, of the eli-  
15 gible entity; and

16 “(B) separately maintain and account for  
17 any financial assistance under this section.”;

18 (4) in subsection (e)—

19 (A) by striking “applicant organization”  
20 and inserting “eligible entity”;

21 (B) by striking “a recipient organization”  
22 and inserting “an eligible entity”; and

23 (C) by striking “site”;

24 (5) by striking subsection (f) and inserting the  
25 following:

1       “(f) APPLICATIONS AND CRITERIA FOR INITIAL FI-  
2 NANCIAL ASSISTANCE.—

3           “(1) APPLICATION.—Each eligible entity desir-  
4 ing financial assistance under subsection (b) shall  
5 submit to the Administrator an application that con-  
6 tains—

7           “(A) a certification that the eligible enti-  
8 ty—

9           “(i) has designated an executive direc-  
10 tor or program manager, who may be com-  
11 pensated from financial assistance under  
12 subsection (b) or other sources, to manage  
13 the center on a full-time basis; and

14           “(ii) as a condition of receiving finan-  
15 cial assistance under subsection (b),  
16 agrees—

17           “(I) to receive a site visit by the  
18 Administrator as part of the final se-  
19 lection process;

20           “(II) to undergo an annual pro-  
21 grammatic and financial review; and

22           “(III) to the maximum extent  
23 practicable, to remedy any problems  
24 identified pursuant to the site visit or  
25 review under subclause (I) or (II);

1           “(iii) meets the accounting and re-  
2           porting requirements established by the  
3           Director of the Office of Management and  
4           Budget;

5           “(B) information demonstrating that the  
6           eligible entity has the ability and resources to  
7           meet the needs of the market to be served by  
8           the women’s business center for which financial  
9           assistance under subsection (b) is sought, in-  
10          cluding the ability to obtain the non-Federal  
11          contribution required under subsection (c);

12          “(C) information relating to the assistance  
13          to be provided by the women’s business center  
14          for which financial assistance under subsection  
15          (b) is sought in the area in which the women’s  
16          business center site is located;

17          “(D) information demonstrating the expe-  
18          rience and effectiveness of the eligible entity  
19          in—

20                 “(i) conducting financial, manage-  
21                 ment, and marketing assistance programs,  
22                 as described under subsection (b)(2), which  
23                 are designed to teach or upgrade the busi-  
24                 ness skills of women who are business own-  
25                 ers or potential business owners;

1           “(ii) providing training and services to  
2           a representative number of women who are  
3           socially and economically disadvantaged;  
4           and

5           “(iii) using resource partners of the  
6           Administration and other entities, such as  
7           universities; and

8           “(E) a 5-year plan that describes the abil-  
9           ity of the women’s business center for which fi-  
10          nancial assistance is sought—

11          “(i) to serve women who are business  
12          owners or potential owners by conducting  
13          training and counseling activities; and

14          “(ii) to provide training and services  
15          to a representative number of women who  
16          are socially and economically disadvan-  
17          taged.

18          “(2) ADDITIONAL INFORMATION.—The Admin-  
19          istrator shall make any request for additional infor-  
20          mation from an organization applying for financial  
21          assistance under subsection (b) that was not re-  
22          quested in the original announcement in writing.

23          “(3) REVIEW AND APPROVAL OF APPLICATIONS  
24          FOR INITIAL FINANCIAL ASSISTANCE.—

1           “(A) IN GENERAL.—The Administrator  
2 shall—

3           “(i) review each application submitted  
4 under paragraph (1), based on the infor-  
5 mation described in such paragraph and  
6 the criteria set forth under subparagraph  
7 (B) of this paragraph; and

8           “(ii) to the extent practicable, as part  
9 of the final selection process, conduct a  
10 site visit at each women’s business center  
11 for which financial assistance under sub-  
12 section (b) is sought.

13           “(B) SELECTION CRITERIA.—

14           “(i) IN GENERAL.—The Administrator  
15 shall evaluate applicants for financial as-  
16 sistance under subsection (b) in accordance  
17 with selection criteria that are—

18           “(I) established before the date  
19 on which applicants are required to  
20 submit the applications;

21           “(II) stated in terms of relative  
22 importance; and

23           “(III) publicly available and stat-  
24 ed in each solicitation for applications  
25 for financial assistance under sub-

1 section (b) made by the Adminis-  
2 trator.

3 “(ii) REQUIRED CRITERIA.—The se-  
4 lection criteria for financial assistance  
5 under subsection (b) shall include—

6 “(I) the experience of the appli-  
7 cant in conducting programs or ongo-  
8 ing efforts designed to teach or en-  
9 hance the business skills of women  
10 who are business owners or potential  
11 business owners;

12 “(II) the ability of the applicant  
13 to commence a project within a min-  
14 imum amount of time;

15 “(III) the ability of the applicant  
16 to provide training and services to a  
17 representative number of women who  
18 are socially and economically dis-  
19 advantaged; and

20 “(IV) the location for the wom-  
21 en’s business center site proposed by  
22 the applicant, including whether the  
23 applicant is located in a State in  
24 which there is not a women’s business

1 center receiving funding from the Ad-  
2 ministration.

3 “(C) PROXIMITY.—If the principal place of  
4 business of an applicant for financial assistance  
5 under subsection (b) is located less than 50  
6 miles from the principal place of business of a  
7 women’s business center that received funds  
8 under this section on or before the date of the  
9 application, the applicant shall not be eligible  
10 for the financial assistance, unless the applicant  
11 submits a detailed written justification of the  
12 need for an additional center in the area in  
13 which the applicant is located.

14 “(D) RECORD RETENTION.—The Adminis-  
15 trator shall maintain a copy of each application  
16 submitted under this subsection for not less  
17 than 7 years.”; and

18 (6) in subsection (m), by striking paragraph (3)  
19 and inserting the following:

20 “(3) APPLICATION AND APPROVAL FOR RE-  
21 NEWAL GRANTS.—

22 “(A) APPLICATION.—Each eligible entity  
23 desiring a grant under this subsection shall  
24 submit to the Administrator an application that  
25 contains—



1                   “(i) a certification that the appli-  
2                   cant—

3                                 “(I) is a private nonprofit organi-  
4                                 zation;

5                                 “(II) has designated a full-time  
6                                 executive director or program man-  
7                                 ager to manage the women’s business  
8                                 center operated by the applicant; and

9                                 “(III) as a condition of receiving  
10                                 a grant under this subsection,  
11                                 agrees—

12   “(aa) to receive a site visit  
13   as part of the final selection  
14   process;

15   “(bb) to submit, for the 2  
16   full fiscal years before the date  
17   on which the application is sub-  
18   mitted, annual programmatic and  
19   financial review reports or cer-  
20   tified copies of the compliance  
21   supplemental audits under OMB  
22   Circular A-133 of the applicant;  
23   and

24   “(cc) to remedy any problem  
25   identified pursuant to the site

1 visit or review under item (aa) or  
2 (bb);

3 “(ii) information demonstrating that  
4 the applicant has the ability and resources  
5 to meet the needs of the market to be  
6 served by the women’s business center for  
7 which a grant under this subsection is  
8 sought, including the ability to ability to  
9 obtain the non-Federal contribution re-  
10 quired under paragraph (4)(C);

11 “(iii) information relating to assist-  
12 ance to be provided by the women’s busi-  
13 ness center for which a grant under this  
14 subsection is sought in the area of the  
15 women’s business center site;

16 “(iv) information demonstrating the  
17 use of resource partners of the Administra-  
18 tion and other entities;

19 “(v) a 3-year plan that describes the  
20 ability of the women’s business center for  
21 which a grant under this subsection is  
22 sought—

23 “(I) to serve women who are  
24 business owners or potential business

1 owners by conducting training and  
2 counseling activities; and

3 “(II) to provide training and  
4 services to a representative number of  
5 women who are socially and economi-  
6 cally disadvantaged; and

7 “(vi) any additional information that  
8 the Administrator may reasonably require.

9 “(B) REVIEW AND APPROVAL OF APPLICA-  
10 TIONS FOR GRANTS.—

11 “(i) IN GENERAL.—The Administrator  
12 shall—

13 “(I) review each application sub-  
14 mitted under subparagraph (A), based  
15 on the information described in such  
16 subparagraph and the criteria set  
17 forth under clause (ii) of this subpara-  
18 graph; and

19 “(II) whenever practicable, as  
20 part of the final selection process,  
21 conduct a site visit at each women’s  
22 business center for which a grant  
23 under this subsection is sought.

24 “(ii) SELECTION CRITERIA.—

1                   “(I) IN GENERAL.—The Admin-  
2                   istrator shall evaluate applicants for  
3                   grants under this subsection in ac-  
4                   cordance with selection criteria that  
5                   are—

6                                 “(aa) established before the  
7                                 date on which applicants are re-  
8                                 quired to submit the applications;

9                                 “(bb) stated in terms of rel-  
10                                ative importance; and

11                               “(cc) publicly available and  
12                               stated in each solicitation for ap-  
13                               plications for grants under this  
14                               subsection made by the Adminis-  
15                               trator.

16                   “(II) REQUIRED CRITERIA.—The  
17                   selection criteria for a grant under  
18                   this subsection shall include—

19                               “(aa) the total number of  
20                               entrepreneurs served by the ap-  
21                               plicant;

22                               “(bb) the total number of  
23                               new start-up companies assisted  
24                               by the applicant;

1           “(cc) the percentage of the  
2 clients of the applicant that are  
3 socially or economically disadvan-  
4 taged; and

5           “(dd) the percentage of indi-  
6 viduals in the community served  
7 by the applicant who are socially  
8 or economically disadvantaged.

9           “(iii) CONDITIONS FOR CONTINUED  
10 FUNDING.—In determining whether to  
11 make a grant under this subsection, the  
12 Administrator—

13           “(I) shall consider the results of  
14 the most recent evaluation of the  
15 women’s business center for which a  
16 grant under this subsection is sought,  
17 and, to a lesser extent, previous eval-  
18 uations; and

19           “(II) may withhold a grant under  
20 this subsection, if the Administrator  
21 determines that the applicant has  
22 failed to provide the information re-  
23 quired to be provided under this para-  
24 graph, or the information provided by  
25 the applicant is inadequate.

1           “(C) NOTIFICATION.—Not later than 60  
2           days after the date of the deadline to submit  
3           applications for each fiscal year, the Adminis-  
4           trator shall approve or deny any application  
5           under this paragraph and notify the applicant  
6           for each such application.

7           “(D) RECORD RETENTION.—The Adminis-  
8           trator shall maintain a copy of each application  
9           submitted under this paragraph for not less  
10          than 7 years.”.

11       (b) TECHNICAL AND CONFORMING AMENDMENTS.—

12           (1) IN GENERAL.—Section 29 of the Small  
13       Business Act (15 U.S.C. 656) is amended—

14           (A) in subsection (h)(2), by striking “to  
15           award a contract (as a sustainability grant)  
16           under subsection (l) or”;

17           (B) in subsection (j)(1), by striking “The  
18           Administration” and inserting “Not later than  
19           November 1st of each year, the Administrator”;

20           (C) in subsection (k)—

21           (i) by striking paragraphs (1), (2),  
22           and (4);

23           (ii) by redesignating paragraph (3) as  
24           paragraph (5); and

1 (iii) by inserting before paragraph (5),  
2 as so redesignated, the following:

3 “(1) IN GENERAL.—There are authorized to be  
4 appropriated to the Administration to carry out this  
5 section, to remain available until expended—

6 “(A) \$20,000,000 for fiscal year 2011;

7 “(B) \$20,500,000 for fiscal year 2012; and

8 “(C) \$21,000,000 for fiscal year 2013.

9 “(2) ALLOCATION.—Of amounts made available  
10 pursuant to paragraph (1), the Administrator shall  
11 use not less than 50 percent for grants under sub-  
12 section (1).

13 “(3) USE OF AMOUNTS.—Amounts made avail-  
14 able under this subsection may only be used for  
15 grant awards and may not be used for costs incurred  
16 by the Administration in connection with the man-  
17 agement and administration of the program under  
18 this section.

19 “(4) CONTINUING GRANT AND COOPERATIVE  
20 AGREEMENT AUTHORITY.—

21 “(A) IN GENERAL.—The authority of the  
22 Administrator to provide financial assistance  
23 under this section shall be in effect for each fis-  
24 cal year only to the extent and in the amounts

1 as are provided in advance in appropriations  
2 Acts.

3 “(B) PROMPT DISBURSEMENT.—Upon re-  
4 ceiving funds to carry out this section for a fis-  
5 cal year, the Administrator shall, to the extent  
6 practicable, promptly reimburse funds to any  
7 women’s business center awarded financial as-  
8 sistance under this section if the center meets  
9 the eligibility requirements under this section.

10 “(C) RENEWAL.—After the Administrator  
11 has entered into a grant or cooperative agree-  
12 ment with any women’s business center under  
13 this section, the Administrator shall not sus-  
14 pend, terminate, or fail to renew or extend any  
15 such grant or cooperative agreement, unless the  
16 Administrator—

17 “(i) provides the women’s business  
18 center with written notification setting  
19 forth the reasons for that action; and

20 “(ii) affords the center an opportunity  
21 for a hearing, appeal, or other administra-  
22 tive proceeding under chapter 5 of title 5,  
23 United States Code.”;

24 (D) in subsection (m)(4)(D), by striking  
25 “or subsection (l)”;



1 (E) by redesignating subsections (m) and  
2 (n), as amended by this Act, as subsections (l)  
3 and (m), respectively.

4 (2) REPEAL OF AUTHORITY TO WAIVE NON-  
5 FEDERAL SHARE.—Section 1401(c)(2) of the Small  
6 Business Jobs Act of 2010 (Public Law 111–240;  
7 124 Stat. 2550) is amended—

8 (A) in subparagraph (A), by striking  
9 “and” at the end;

10 (B) in subparagraph (B), by striking the  
11 period at the end and inserting “; and”; and

12 (C) by adding at the end the following:

13 “(C) by redesignating paragraph (6) as  
14 paragraph (5).”.

15 **SEC. 243. NATIONAL WOMEN’S BUSINESS COUNCIL.**

16 (a) MEMBERSHIP.—Section 407(f) of the Women’s  
17 Business Ownership Act of 1988 (15 U.S.C. 7107(f)) is  
18 amended by adding at the end the following:

19 “(3) REPRESENTATION OF MEMBER ORGANIZA-  
20 TIONS.—In consultation with the chairperson of the  
21 Council and the Administrator, a national women’s  
22 business organization or small business concern that  
23 is represented on the Council may replace its rep-  
24 resentative member on the Council during the serv-  
25 ice term to which that member was appointed.”.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
2 410(a) of the Women’s Business Ownership Act of 1988  
3 (15 U.S.C. 7110(a)) is amended by striking “2001  
4 through 2003, of which \$550,000” and inserting “2011  
5 through 2013, of which not less than 30 percent”.

6 **SEC. 244. INTERAGENCY COMMITTEE ON WOMEN’S BUSI-**  
7 **NESS ENTERPRISE.**

8 (a) CHAIRPERSON.—Section 403(b) of the Women’s  
9 Business Ownership Act of 1988 (15 U.S.C. 7103(b)) is  
10 amended—

11 (1) by striking “Not later” and inserting the  
12 following:

13 “(1) IN GENERAL.—Not later”; and

14 (2) by adding at the end the following:

15 “(2) VACANCY.—In the event that a chair-  
16 person is not appointed under paragraph (1), the  
17 Deputy Administrator of the Small Business Admin-  
18 istration shall serve as acting chairperson of the  
19 Interagency Committee until a chairperson is ap-  
20 pointed under paragraph (1).”.

21 (b) POLICY ADVISORY GROUP.—Section 401 of the  
22 Women’s Business Ownership Act of 1988 (15 U.S.C.  
23 7101) is amended—

24 (1) by striking “There” and inserting the fol-  
25 lowing:

1 “(a) ESTABLISHMENT OF COMMITTEE.—There”; and

2 (2) by adding at the end the following:

3 “(b) POLICY ADVISORY GROUP.—

4 “(1) ESTABLISHMENT.—There is established a  
5 Policy Advisory Group within the Interagency Com-  
6 mittee to assist the chairperson in developing poli-  
7 cies and programs under this Act.

8 “(2) MEMBERSHIP.—The Policy Advisory  
9 Group shall be composed of 7 policy making offi-  
10 cials, of whom—

11 “(A) 1 shall be a representative of the  
12 Small Business Administration;

13 “(B) 1 shall be a representative of the De-  
14 partment of Commerce;

15 “(C) 1 shall be a representative of the De-  
16 partment of Labor;

17 “(D) 1 shall be a representative of the De-  
18 partment of Defense;

19 “(E) 1 shall be a representative of the De-  
20 partment of the Treasury; and

21 “(F) 2 shall be representatives of the  
22 Council.

23 “(3) MEETINGS.—The Policy Advisory Group  
24 established under paragraph (1) shall meet not less  
25 frequently than 3 times each year to—

1           “(A) plan activities for the new fiscal year;

2           “(B) track year-to-date agency contracting  
3 activities; and

4           “(C) evaluate the progress during the fis-  
5 cal year and prepare an annual report.”.

6 **SEC. 245. PRESERVING THE INDEPENDENCE OF THE NA-**  
7 **TIONAL WOMEN’S BUSINESS COUNCIL.**

8 (a) FINDINGS.—Congress finds the following:

9           (1) The National Women’s Business Council  
10 provides an independent source of advice and policy  
11 recommendations regarding women’s business devel-  
12 opment and the needs of women entrepreneurs in  
13 the United States to—

14           (A) the President;

15           (B) Congress;

16           (C) the Interagency Committee on Wom-  
17 en’s Business Enterprise; and

18           (D) the Administrator.

19           (2) The members of the National Women’s  
20 Business Council are small business owners, rep-  
21 resentatives of business organizations, and rep-  
22 resentatives of women’s business centers.

23           (3) The chairman and ranking member of the  
24 Committee on Small Business and Entrepreneurship  
25 of the Senate and the Committee on Small Business

1 of the House of Representatives make recommenda-  
2 tions to the Administrator to fill 8 of the positions  
3 on the National Women’s Business Council. Four of  
4 the positions are reserved for small business owners  
5 who are affiliated with the political party of the  
6 President, and 4 of the positions are reserved for  
7 small business owners who are not affiliated with the  
8 political party of the President. This method of ap-  
9 pointment ensures that the National Women’s Busi-  
10 ness Council will provide Congress with nonpartisan,  
11 balanced, and independent advice.

12 (4) In order to maintain the independence of  
13 the National Women’s Business Council and to en-  
14 sure that the Council continues to provide the Presi-  
15 dent, the Interagency Committee on Women’s Busi-  
16 ness Enterprise, the Administrator, and Congress  
17 with advice on a nonpartisan basis, it is essential  
18 that the Council maintain the bipartisan balance es-  
19 tablished under section 407 of the Women’s Busi-  
20 ness Ownership Act of 1988 (15 U.S.C. 7107).

21 (b) MAINTENANCE OF PARTISAN BALANCE.—Section  
22 407(f) of the Women’s Business Ownership Act of 1988  
23 (15 U.S.C. 7107(f)), as amended by this Act, is amended  
24 by adding at the end the following:

1           “(4) **PARTISAN BALANCE.**—When filling a va-  
2           cancy under paragraph (1) of this subsection of a  
3           member appointed under paragraph (1) or (2) of  
4           subsection (b), the Administrator shall, to the extent  
5           practicable, ensure that there are an equal number  
6           of members on the Council from each of the 2 major  
7           political parties.

8           “(5) **ACCOUNTABILITY.**—If a vacancy is not  
9           filled within the 30-day period required under para-  
10          graph (1), or if there is an imbalance in the number  
11          of members on the Council from each of the 2 major  
12          political parties for a period exceeding 30 days, the  
13          Administrator shall submit a report, not later than  
14          10 days after the expiration of either such 30-day  
15          deadline, to the Committee on Small Business and  
16          Entrepreneurship of the Senate and the Committee  
17          on Small Business of the House of Representatives,  
18          that explains why the respective deadline was not  
19          met and provides an estimated date on which any  
20          vacancies will be filled, as applicable.”.

21 **SEC. 246. STUDY AND REPORT ON WOMEN’S BUSINESS CEN-**  
22 **TERS.**

23          (a) **IN GENERAL.**—The Comptroller General of the  
24          United States shall conduct a broad study of the unique

1 economic issues facing women’s business centers located  
2 in covered areas to identify—

3 (1) the difficulties such centers face in raising  
4 non-Federal funds;

5 (2) the difficulties such centers face competing  
6 for financial assistance, non-Federal funds, or other  
7 types of assistance;

8 (3) the difficulties such centers face in writing  
9 grant proposals; and

10 (4) other difficulties such centers face because  
11 of the economy in the type of covered area in which  
12 such centers are located.

13 (b) REPORT.—Not later than 1 year after the date  
14 of enactment of this Act, the Comptroller General shall  
15 submit to Congress a report regarding the results of the  
16 study conducted under subsection (a), which shall include  
17 recommendations, if any, regarding how to—

18 (1) address the unique difficulties women’s  
19 business centers located in covered areas face be-  
20 cause of the type of covered area in which such cen-  
21 ters are located;

22 (2) expand the presence of, and increase the  
23 services provided by, women’s business centers lo-  
24 cated in covered areas; and

1           (3) best use technology and other resources to  
2           better serve women business owners located in cov-  
3           ered areas.

4           (c) DEFINITION OF COVERED AREA.—In this section,  
5           the term “covered area” means—

6           (1) any State that is predominantly rural, as  
7           determined by the Administrator;

8           (2) any State that is predominantly urban, as  
9           determined by the Administrator; and

10          (3) any State or territory that is an island.

## 11           **Subtitle C—Native American Small** 12           **Business Development**

### 13           **SEC. 261. NATIVE AMERICAN SMALL BUSINESS DEVELOP-** 14           **MENT PROGRAM.**

15          The Small Business Act (15 U.S.C. 631 et seq.) is  
16          amended—

17          (1) in section 4(b)(1) (15 U.S.C. 633(b)(1))—

18                (A) in the fifth sentence, by striking “five  
19                Associate Administrators” and inserting “6 As-  
20                sociate Administrators”; and

21                (B) by inserting after the fifth sentence  
22                the following: “1 Associate Administrator shall  
23                be the Associate Administrator of the Office of  
24                Native American Affairs established by section  
25                46.”; and



1           (2) by inserting after section 45, as added by  
2           section 101 of this Act, the following:

3   **“SEC. 46. NATIVE AMERICAN SMALL BUSINESS DEVELOP-**  
4                           **MENT PROGRAM.**

5           “(a) DEFINITIONS.—In this section:

6                   “(1) ASSOCIATE ADMINISTRATOR.—The term  
7           ‘Associate Administrator’ means the Associate Ad-  
8           ministrators of the Office of Native American Affairs  
9           established under subsection (b).

10                   “(2) CENTER; NATIVE AMERICAN BUSINESS  
11           CENTER.—The terms ‘center’ and ‘Native American  
12           business center’ mean a center established under  
13           subsection (c).

14                   “(3) ELIGIBLE APPLICANT.—The term ‘eligible  
15           applicant’ means—

16                           “(A) a tribal college;

17                           “(B) a private, nonprofit organization—

18                                   “(i) that provides business and finan-  
19                                   cial or procurement technical assistance to  
20                                   1 or more Native American communities;  
21                                   and

22                                   “(ii) that is dedicated to assisting one  
23                                   or more Native American communities; or

1           “(C) a small business development center,  
2           women’s business center, or other private orga-  
3           nization participating in a joint project.

4           “(4) JOINT PROJECT.—The term ‘joint project’  
5           means a project that—

6           “(A) combines the resources and expertise  
7           of 2 or more distinct entities at a physical loca-  
8           tion dedicated to assisting the Native American  
9           community; and

10           “(B) submits to the Administration a joint  
11           application that contains—

12           “(i) a certification that each partici-  
13           pant of the project—

14           “(I) is an eligible applicant;

15           “(II) employs an executive direc-  
16           tor or program manager to manage  
17           the center;

18           “(ii) information demonstrating a  
19           record of commitment to providing assist-  
20           ance to Native Americans; and

21           “(iii) information demonstrating that  
22           the participants in the joint project have  
23           the ability and resources to meet the  
24           needs, including the cultural needs, of the

1 Native Americans to be served by the  
2 project.

3 “(5) NATIVE AMERICAN SMALL BUSINESS CON-  
4 CERN.—The term ‘Native American small business  
5 concern’ means a small business concern that is at  
6 least 51 percent owned and controlled by—

7 “(A) an Indian tribe or a Native Hawaiian  
8 Organization, as the terms are described in  
9 paragraphs (13) and (15) of section 8(a), re-  
10 spectively; or

11 “(B) 1 or more individual members of an  
12 Indian tribe or Native Hawaiian Organization.

13 “(6) NATIVE AMERICAN SMALL BUSINESS DE-  
14 VELOPMENT PROGRAM.—The term ‘Native American  
15 small business development program’ means the pro-  
16 gram established under subsection (c).

17 “(7) SMALL BUSINESS CONCERN.—The term  
18 ‘small business concern’ has the same meaning as in  
19 section 3.

20 “(8) SMALL BUSINESS DEVELOPMENT CEN-  
21 TER.—The term ‘small business development center’  
22 means a small business development center described  
23 in section 21.

24 “(9) TRIBAL COLLEGE.—The term ‘tribal col-  
25 lege’ has the meaning given the term ‘tribally con-

1 trolled college or university' in section 2(a) of the  
2 Tribally Controlled Community College Assistance  
3 Act of 1978 (25 U.S.C. 1801(a)).

4 “(10) TRIBAL LAND.—The term ‘tribal land’  
5 has the meaning given the term ‘reservation’ in sec-  
6 tion 3 of the Indian Financing Act (25 U.S.C.  
7 1452).

8 “(b) OFFICE OF NATIVE AMERICAN AFFAIRS.—

9 “(1) ESTABLISHMENT.—There is established  
10 within the Administration the Office of Native  
11 American Affairs, which, under the direction of the  
12 Associate Administrator, shall implement the pro-  
13 grams of the Administration for the development of  
14 business enterprises by Native Americans.

15 “(2) PURPOSE.—The purpose of the Office of  
16 Native American Affairs is to help Native American  
17 small business concerns—

18 “(A) to start, operate, and increase the  
19 business of small business concerns;

20 “(B) to develop management and technical  
21 skills;

22 “(C) to seek Federal procurement opportu-  
23 nities;

1           “(D) to increase employment opportunities  
2 for Native Americans through the establishment  
3 and expansion of small business concerns; and

4           “(E) to increase the access of Native  
5 Americans to capital markets.

6           “(3) ASSOCIATE ADMINISTRATOR.—

7           “(A) APPOINTMENT.—The Administrator  
8 shall appoint a qualified individual to serve as  
9 Associate Administrator of the Office of Native  
10 American Affairs in accordance with this para-  
11 graph.

12           “(B) QUALIFICATIONS.—The Associate  
13 Administrator appointed under subparagraph  
14 (A) shall have—

15           “(i) knowledge of Native American  
16 culture; and

17           “(ii) experience providing culturally  
18 tailored small business development assist-  
19 ance to Native Americans.

20           “(C) EMPLOYMENT STATUS.—The Admin-  
21 istrator shall establish the position of Associate  
22 Administrator, who shall—

23           “(i) be an appointee in the Senior Ex-  
24 ecutive Service (as defined in section

1 3132(a) of title 5, United States Code);  
2 and

3 “(ii) shall report to and be responsible  
4 directly to the Administrator.

5 “(D) RESPONSIBILITIES AND DUTIES.—  
6 The Associate Administrator shall—

7 “(i) administer and manage the Na-  
8 tive American small business development  
9 program;

10 “(ii) formulate, execute, and promote  
11 the policies and programs of the Adminis-  
12 tration that provide assistance to small  
13 business concerns owned and controlled by  
14 Native Americans;

15 “(iii) act as an ombudsman for full  
16 consideration of Native Americans in all  
17 programs of the Administration;

18 “(iv) recommend the annual adminis-  
19 trative and program budgets for the Office  
20 of Native American Affairs;

21 “(v) consult with Native American  
22 business centers in carrying out the Native  
23 American small business development pro-  
24 gram;

1                   “(vi) recommend appropriate funding  
2                   levels;

3                   “(vii) review the annual budgets sub-  
4                   mitted by each applicant for the Native  
5                   American small business development pro-  
6                   gram;

7                   “(viii) select applicants to participate  
8                   in the Native American small business de-  
9                   velopment program;

10                   “(ix) implement this section; and

11                   “(x) maintain a clearinghouse for the  
12                   dissemination and exchange of information  
13                   between all Administration-sponsored busi-  
14                   ness centers.

15                   “(E) CONSULTATION REQUIREMENTS.—In  
16                   carrying out the responsibilities and duties de-  
17                   scribed in this paragraph, the Associate Admin-  
18                   istrator shall confer with and seek the advice  
19                   of—

20                   “(i) officials of the Administration  
21                   working in areas served by Native Amer-  
22                   ican business centers; and

23                   “(ii) eligible applicants.

24                   “(c) NATIVE AMERICAN SMALL BUSINESS DEVELOP-  
25                   MENT PROGRAM.—

1           “(1) FINANCIAL ASSISTANCE.—

2                   “(A) IN GENERAL.—The Administration,  
3 acting through the Associate Administrator,  
4 shall provide financial assistance to eligible ap-  
5 plicants to establish Native American business  
6 centers in accordance with this section.

7                   “(B) USE OF FUNDS.—The financial and  
8 resource assistance provided under this sub-  
9 section shall be used to establish a Native  
10 American business center to overcome obstacles  
11 impeding the establishment, development, and  
12 expansion of small business concerns, in accord-  
13 ance with this section.

14           “(2) 5-YEAR PROJECTS.—

15                   “(A) IN GENERAL.—Each Native Amer-  
16 ican business center that receives assistance  
17 under paragraph (1)(A) shall conduct a 5-year  
18 project that offers culturally tailored business  
19 development assistance in the form of—

20                           “(i) financial education, including  
21 training and counseling in—

22                                   “(I) applying for and securing  
23 business credit and investment cap-  
24 ital;



- 1                   “(II) preparing and presenting fi-  
2                   nancial statements; and
- 3                   “(III) managing cash flow and  
4                   other financial operations of a busi-  
5                   ness concern;
- 6                   “(ii) management education, including  
7                   training and counseling in planning, orga-  
8                   nizing, staffing, directing, and controlling  
9                   each major activity and function of a small  
10                  business concern; and
- 11                  “(iii) marketing education, including  
12                  training and counseling in—
- 13                   “(I) identifying and segmenting  
14                   domestic and international market op-  
15                   portunities;
- 16                   “(II) preparing and executing  
17                   marketing plans;
- 18                   “(III) developing pricing strate-  
19                   gies;
- 20                   “(IV) locating contract opportu-  
21                   nities;
- 22                   “(V) negotiating contracts; and
- 23                   “(VI) using varying public rela-  
24                   tions and advertising techniques.

1           “(B) BUSINESS DEVELOPMENT ASSIST-  
2 ANCE RECIPIENTS.—The business development  
3 assistance under subparagraph (A) shall be of-  
4 fered to prospective and current owners of Na-  
5 tive American small business concerns.

6           “(3) FORM OF FEDERAL FINANCIAL ASSIST-  
7 ANCE.—

8           “(A) DOCUMENTATION.—The financial as-  
9 sistance to Native American business centers  
10 authorized under this subsection may be made  
11 by grant, contract, or cooperative agreement.

12           “(B) PAYMENTS.—

13           “(i) TIMING.—Payments made under  
14 this subsection may be disbursed in peri-  
15 odic installments, at the request of the re-  
16 cipient.

17           “(ii) ADVANCE.—The Administrator  
18 may disburse not more than 25 percent of  
19 the annual amount of Federal financial as-  
20 sistance awarded to a Native American  
21 business center after notice of the award  
22 has been issued.

23           “(C) NON-FEDERAL CONTRIBUTIONS.—

24           “(i) IN GENERAL.—

1           “(I) INITIAL FINANCIAL ASSIST-  
2           ANCE.—Except as provided in sub-  
3           clause (II), an eligible applicant that  
4           receives financial assistance under this  
5           subsection shall provide non-Federal  
6           contributions for the operation of the  
7           Native American business center es-  
8           tablished by the eligible applicant in  
9           an amount equal to—

10                   “(aa) in each of the first  
11                   and second years of the project,  
12                   not less than 33 percent of the  
13                   amount of the financial assist-  
14                   ance received under this sub-  
15                   section; and

16                   “(bb) in the third through  
17                   fifth years of the project, not less  
18                   than 50 percent of the amount of  
19                   the financial assistance received  
20                   under this subsection.

21           “(II) RENEWALS.—An eligible  
22           applicant that receives a renewal of fi-  
23           nancial assistance under this sub-  
24           section shall provide non-Federal con-  
25           tributions for the operation of a Na-

1           tive American business center estab-  
2           lished by the eligible applicant in an  
3           amount equal to not less than 50 per-  
4           cent of the amount of the financial as-  
5           sistance received under this sub-  
6           section.

7                   “(III) EXCEPTIONS.—The re-  
8                   quirements of this section may be  
9                   waived at the discretion of the Admin-  
10                  istrator, based on an evaluation of the  
11                  ability of the eligible applicant to pro-  
12                  vide non-Federal contributions.

13                   “(4) CONTRACT AND COOPERATIVE AGREE-  
14                  MENT AUTHORITY.—A Native American business  
15                  center may enter into a contract or cooperative  
16                  agreement with a Federal department or agency to  
17                  provide specific assistance to Native American and  
18                  other underserved small business concerns located on  
19                  or near tribal land, to the extent that the contract  
20                  or cooperative agreement is consistent with and does  
21                  not duplicate the terms of any assistance received by  
22                  the Native American business center from the Ad-  
23                  ministration.

24                   “(5) APPLICATION PROCESS.—

1           “(A) SUBMISSION OF A 5-YEAR PLAN.—  
2           Each applicant for assistance under paragraph  
3           (1) shall submit a 5-year plan to the Adminis-  
4           tration on proposed assistance and training ac-  
5           tivities.

6           “(B) CRITERIA.—

7                   “(i) IN GENERAL.—The Administrator  
8                   shall evaluate applicants for financial as-  
9                   sistance under this subsection in accord-  
10                  ance with selection criteria that are—

11                           “(I) established before the date  
12                           on which eligible applicants are re-  
13                           quired to submit the applications;

14                           “(II) stated in terms of relative  
15                           importance; and

16                           “(III) publicly available and stat-  
17                           ed in each solicitation for applications  
18                           for financial assistance under this  
19                           subsection made by the Administrator.

20                   “(ii) CONSIDERATIONS.—The criteria  
21                   required by this subparagraph shall in-  
22                   clude—

23                           “(I) the experience of the appli-  
24                           cant in conducting programs or ongo-  
25                           ing efforts designed to impart or up-

1 grade the business skills of current or  
2 potential owners of Native American  
3 small business concerns;

4 “(II) the ability of the applicant  
5 to commence a project within a min-  
6 imum amount of time;

7 “(III) the ability of the applicant  
8 to provide quality training and serv-  
9 ices to a significant number of Native  
10 Americans;

11 “(IV) previous assistance from  
12 the Administration to provide services  
13 in Native American communities;

14 “(V) the proposed location for  
15 the Native American business center,  
16 with priority given based on the prox-  
17 imity of the center to the population  
18 being served and to achieve a broad  
19 geographic dispersion of the centers;  
20 and

21 “(VI) demonstrated experience in  
22 providing technical assistance, includ-  
23 ing financial, marketing, and manage-  
24 ment assistance.

1           “(6) CONDITIONS FOR PARTICIPATION.—Each  
2 eligible applicant desiring a grant under this sub-  
3 section shall submit an application to the Adminis-  
4 trator that contains—

5                   “(A) a certification that the applicant—

6                           “(i) is an eligible applicant;

7                           “(ii) employs a full-time executive di-  
8 rector, project director, or program man-  
9 ager to manage the Native American busi-  
10 ness center; and

11                           “(iii) agrees—

12                                   “(I) to a site visit by the Admin-  
13 istrator as part of the final selection  
14 process;

15                                   “(II) to an annual programmatic  
16 and financial examination; and

17                                   “(III) to the maximum extent  
18 practicable, to remedy any problems  
19 identified pursuant to that site visit or  
20 examination;

21                   “(B) information demonstrating that the  
22 applicant has the ability and resources to meet  
23 the needs, including cultural needs, of the Na-  
24 tive Americans to be served by the grant;

1           “(C) information relating to proposed as-  
2           sistance that the grant will provide, including—

3                   “(i) the number of individuals to be  
4                   assisted; and

5                   “(ii) the number of hours of coun-  
6                   seling, training, and workshops to be pro-  
7                   vided;

8           “(D) information demonstrating the effec-  
9           tiveness and experience of the applicant in—

10                   “(i) conducting financial, manage-  
11                   ment, and marketing assistance programs  
12                   designed to educate or improve the busi-  
13                   ness skills of current or prospective Native  
14                   American business owners;

15                   “(ii) providing training and services to  
16                   a representative number of Native Ameri-  
17                   cans;

18                   “(iii) using resource partners of the  
19                   Administration and other entities, includ-  
20                   ing institutions of higher education, Indian  
21                   tribes, or tribal colleges; and

22                   “(iv) the prudent management of fi-  
23                   nances and staffing;



1           “(E) the location at which the applicant  
2 will provide training and services to Native  
3 Americans;

4           “(F) a 5-year plan that describes—

5           “(i) the number of Native Americans  
6 and Native American small business con-  
7 cerns to be served by the grant;

8           “(ii) if the Native American business  
9 center is located in the continental United  
10 States, the number of Native Americans to  
11 be served by the grant; and

12           “(iii) the training and services to be  
13 provided to a representative number of Na-  
14 tive Americans; and

15           “(G) if the applicant is a joint project—

16           “(i) a certification that each partici-  
17 pant in the joint project is an eligible ap-  
18 plicant;

19           “(ii) information demonstrating a  
20 record of commitment to providing assist-  
21 ance to Native Americans; and

22           “(iii) information demonstrating that  
23 the participants in the joint project have  
24 the ability and resources to meet the  
25 needs, including the cultural needs, of the

1 Native Americans to be served by the  
2 grant.

3 “(7) REVIEW OF APPLICATIONS.—The Adminis-  
4 trator shall approve or disapprove each completed  
5 application submitted under this subsection not later  
6 than 90 days after the date on which the eligible ap-  
7 plicant submits the application.

8 “(8) PROGRAM EXAMINATION.—

9 “(A) IN GENERAL.—Each Native Amer-  
10 ican business center established under this sub-  
11 section shall annually provide to the Adminis-  
12 trator an itemized cost breakdown of actual ex-  
13 penditures made during the preceding year.

14 “(B) ADMINISTRATION ACTION.—Based on  
15 information received under subparagraph (A),  
16 the Administration shall—

17 “(i) develop and implement an annual  
18 programmatic and financial examination of  
19 each Native American business center as-  
20 sisted pursuant to this subsection; and

21 “(ii) analyze the results of each exam-  
22 ination conducted under clause (i) to deter-  
23 mine the programmatic and financial via-  
24 bility of each Native American business  
25 center.

1           “(C) CONDITIONS FOR CONTINUED FUND-  
2           ING.—In determining whether to renew a grant,  
3           contract, or cooperative agreement with a Na-  
4           tive American business center, the Administra-  
5           tion—

6                   “(i) shall consider the results of the  
7                   most recent examination of the center  
8                   under subparagraph (B), and, to a lesser  
9                   extent, previous examinations; and

10                   “(ii) may withhold the renewal, if the  
11                   Administrator determines that—

12                           “(I) the center has failed to pro-  
13                           vide the information required to be  
14                           provided under subparagraph (A), or  
15                           the information provided by the center  
16                           is inadequate;

17                           “(II) the center has failed to pro-  
18                           vide adequate information required to  
19                           be provided by the center for purposes  
20                           of the report of the Administrator  
21                           under subparagraph (E);

22                           “(III) the center has failed to  
23                           comply with a requirement for partici-  
24                           pation in the Native American small  
25                           business development program, as de-

1 terminated by the Administrator, in-  
2 cluding—

3 “(aa) failure to acquire or  
4 properly document a non-Federal  
5 contribution;

6 “(bb) failure to establish an  
7 appropriate partnership or pro-  
8 gram for marketing and outreach  
9 to reach new Native American  
10 small business concerns;

11 “(cc) failure to achieve re-  
12 sults described in a financial as-  
13 sistance agreement; and

14 “(dd) failure to provide to  
15 the Administrator a description  
16 of the amount and sources of any  
17 non-Federal funding received by  
18 the center;

19 “(IV) the center has failed to  
20 carry out the 5-year plan under in  
21 paragraph (6)(F); or

22 “(V) the center cannot make the  
23 certification described in paragraph  
24 (6)(A).

1           “(D) CONTINUING CONTRACT AND COOP-  
2 ERATIVE AGREEMENT AUTHORITY.—

3           “(i) IN GENERAL.—The authority of  
4 the Administrator to enter into contracts  
5 or cooperative agreements in accordance  
6 with this subsection shall be in effect for  
7 each fiscal year only to the extent and in  
8 the amounts as are provided in advance in  
9 appropriations Acts.

10           “(ii) RENEWAL.—After the Adminis-  
11 trator has entered into a contract or coop-  
12 erative agreement with any Native Amer-  
13 ican business center under this subsection,  
14 the Administrator may not suspend, termi-  
15 nate, or fail to renew or extend any such  
16 contract or cooperative agreement unless  
17 the Administrator—

18           “(I) provides the center with  
19 written notification that describes the  
20 reasons for the action of the Adminis-  
21 trator; and

22           “(II) affords the center an oppor-  
23 tunity for a hearing, appeal, or other  
24 administrative proceeding under chap-  
25 ter 5 of title 5, United States Code.

1 “(E) ANNUAL MANAGEMENT REPORT.—

2 “(i) IN GENERAL.—The Administrator  
3 shall prepare and submit to the Committee  
4 on Small Business and Entrepreneurship  
5 and the Committee on Indian Affairs of  
6 the Senate and the Committee on Small  
7 Business and the Committee on Natural  
8 Resources of the House of Representatives  
9 an annual report on the effectiveness of all  
10 projects conducted by Native American  
11 business centers under this subsection and  
12 any pilot programs administered by the Of-  
13 fice of Native American Affairs.

14 “(ii) CONTENTS.—Each report sub-  
15 mitted under clause (i) shall include, with  
16 respect to each Native American business  
17 center receiving financial assistance under  
18 this subsection—

19 “(I) the number of individuals re-  
20 ceiving assistance from the Native  
21 American business center;

22 “(II) the number of startup busi-  
23 ness concerns established with the as-  
24 sistance of the Native American busi-  
25 ness center;

1                   “(III) the number of existing  
2 businesses in the area served by the  
3 Native American business center seek-  
4 ing to expand employment;

5                   “(IV) the number of jobs estab-  
6 lished or maintained, on an annual  
7 basis, by Native American small busi-  
8 ness concerns assisted by the center  
9 since receiving funding under this sec-  
10 tion;

11                   “(V) to the maximum extent  
12 practicable, the amount of the capital  
13 investment and loan financing used by  
14 emerging and expanding businesses  
15 that were assisted by a Native Amer-  
16 ican business center;

17                   “(VI) any additional information  
18 on the counseling and training pro-  
19 gram that the Administrator deter-  
20 mines to be necessary; and

21                   “(VII) the most recent examina-  
22 tion, as required under subparagraph  
23 (B), and the determination made by  
24 the Administration under that sub-  
25 paragraph.

1           “(9) ANNUAL REPORTS.—Each Native Amer-  
2           ican business center receiving financial assistance  
3           under this subsection shall submit to the Adminis-  
4           trator an annual report on the services provided with  
5           the financial assistance, including—

6                   “(A) the number of individuals assisted, by  
7                   tribal affiliation;

8                   “(B) the number of hours spent providing  
9                   counseling and training for those individuals;

10                   “(C) the number of startup small business  
11                   concerns established or maintained with the as-  
12                   sistance of the Native American business cen-  
13                   ter;

14                   “(D) the gross receipts of small business  
15                   concerns assisted by the Native American busi-  
16                   ness center;

17                   “(E) the number of jobs established or  
18                   maintained by small business concerns assisted  
19                   by the Native American business center; and

20                   “(F) the number of jobs for Native Ameri-  
21                   cans established or maintained at small busi-  
22                   ness concerns assisted by the Native American  
23                   business center.

24           “(10) RECORD RETENTION.—



1           “(A) APPLICATIONS.—The Administrator  
2 shall maintain a copy of each application sub-  
3 mitted under this subsection for not less than  
4 7 years.

5           “(B) ANNUAL REPORTS.—The Adminis-  
6 trator shall maintain copies of the certification  
7 submitted under paragraph (6)(A) indefinitely.

8           “(d) AUTHORIZATION OF APPROPRIATIONS.—

9           “(1) IN GENERAL.—There is authorized to be  
10 appropriated to carry out the Native American small  
11 business development program \$10,000,000 for each  
12 of fiscal years 2011 through 2013.

13           “(2) ADMINISTRATION.—Not more than 10 per-  
14 cent of funds appropriated for a fiscal year may be  
15 used for the costs of administering the programs  
16 under this section.”.

17           **Subtitle D—Veterans’ Business**  
18   **Development**

19           **SEC. 281. VETERANS’ BUSINESS CENTER PROGRAM; OFFICE**  
20   **OF VETERANS BUSINESS DEVELOPMENT.**

21           (a) IN GENERAL.—Section 32 of the Small Business  
22 Act (15 U.S.C. 657b) is amended by striking subsection  
23 (f) and inserting the following:

24           “(f) ONLINE COORDINATION.—

1           “(1) DEFINITION.—In this subsection, the term  
2 ‘veterans’ assistance provider’ means—

3           “(A) a veterans’ business center estab-  
4 lished under subsection (g);

5           “(B) an employee of the Administration  
6 assigned to the Office of Veterans Business De-  
7 velopment; and

8           “(C) a veterans business ownership rep-  
9 resentative designated under subsection  
10 (g)(13)(B).

11          “(2) ESTABLISHMENT.—The Associate Admin-  
12 istrator shall establish an online mechanism to—

13           “(A) provide information that assists vet-  
14 erans’ assistance providers in carrying out the  
15 activities of the veterans’ assistance providers;  
16 and

17           “(B) coordinate and leverage the work of  
18 the veterans’ assistance providers, including by  
19 allowing a veterans’ assistance provider to—

20           “(i) distribute best practices and  
21 other materials;

22           “(ii) communicate with other vet-  
23 erans’ assistance providers regarding the  
24 activities of the veterans’ assistance pro-  
25 vider on behalf of veterans; and

1                   “(iii) pose questions to and request  
2                   input from other veterans’ assistance pro-  
3                   viders.

4                   “(g) VETERANS’ BUSINESS CENTER PROGRAM.—

5                   “(1) DEFINITIONS.—In this subsection—

6                   “(A) the term ‘active duty’ has the mean-  
7                   ing given that term in section 101 of title 10,  
8                   United States Code;

9                   “(B) the term ‘private nonprofit organiza-  
10                  tion’ means an entity that is described in sec-  
11                  tion 501(c) of the Internal Revenue Code of  
12                  1986 and exempt from taxation under section  
13                  501(a) of such Code;

14                  “(C) the term ‘Reservist’ means a member  
15                  of a reserve component of the Armed Forces, as  
16                  described in section 10101 of title 10, United  
17                  States Code;

18                  “(D) the term ‘SCORE program’ means  
19                  the SCORE program authorized under section  
20                  8(b)(1);

21                  “(E) the term ‘small business concern  
22                  owned and controlled by veterans’—

23                         “(i) has the same meaning as in sec-  
24                         tion 3(q); and

1           “(ii) includes a small business con-  
2           cern—

3                   “(I) not less than 51 percent of  
4                   which is owned by one or more  
5                   spouses of veterans or, in the case of  
6                   any publicly owned business, not less  
7                   than 51 percent of the stock of which  
8                   is owned by one or more spouses of  
9                   veterans; and

10                   “(II) the management and daily  
11                   business operations of which are con-  
12                   trolled by one or more spouses of vet-  
13                   erans;

14                   “(F) the term ‘spouse’, relating to a vet-  
15                   eran, service-disabled veteran, or Reservist, in-  
16                   cludes an individual who is the spouse of a vet-  
17                   eran, service-disabled veteran, or Reservist on  
18                   the date on which the veteran, service-disabled  
19                   veteran, or Reservist died;

20                   “(G) the term ‘veterans’ business center  
21                   program’ means the program established under  
22                   paragraph (2)(A); and

23                   “(H) the term ‘women’s business center’  
24                   means a women’s business center described in  
25                   section 29.

1           “(2) PROGRAM ESTABLISHED.—

2                   “(A) IN GENERAL.—The Administrator,  
3           acting through the Associate Administrator,  
4           shall establish a veterans’ business center pro-  
5           gram, under which the Associate Administrator  
6           may provide financial assistance to a private  
7           nonprofit organization to conduct a 5-year  
8           project for the benefit of small business con-  
9           cerns owned and controlled by veterans, which  
10          may be renewed for one or more additional 5-  
11          year periods.

12                   “(B) FORM OF FINANCIAL ASSISTANCE.—  
13          Financial assistance under this subsection may  
14          be in the form of a grant, a contract, or a coop-  
15          erative agreement.

16                   “(3) VETERANS’ BUSINESS CENTERS.—Each  
17          private nonprofit organization that receives financial  
18          assistance under this subsection shall establish or  
19          operate a veterans’ business center (which may in-  
20          clude establishing or operating satellite offices in the  
21          region described in paragraph (5) served by that pri-  
22          vate nonprofit organization) that provides to vet-  
23          erans (including service-disabled veterans), Reserv-  
24          ists, and the spouses of veterans (including service-  
25          disabled veterans) and Reservists—

1           “(A) financial advice, including training  
2           and counseling on applying for and securing  
3           business credit and investment capital, pre-  
4           paring and presenting financial statements, and  
5           managing cash flow and other financial oper-  
6           ations of a small business concern;

7           “(B) management advice, including train-  
8           ing and counseling on the planning, organiza-  
9           tion, staffing, direction, and control of each  
10          major activity and function of a small business  
11          concern;

12          “(C) marketing advice, including training  
13          and counseling on identifying and segmenting  
14          domestic and international market opportuni-  
15          ties, preparing and executing marketing plans,  
16          developing pricing strategies, locating contract  
17          opportunities, negotiating contracts, and using  
18          public relations and advertising techniques; and

19          “(D) advice, including training and coun-  
20          seling, for Reservists and the spouses of Reserv-  
21          ists.

22          “(4) APPLICATION.—

23          “(A) IN GENERAL.—A private nonprofit  
24          organization desiring to receive financial assist-  
25          ance under this subsection shall submit an ap-

1           plication to the Associate Administrator at such  
2           time and in such manner as the Associate Ad-  
3           ministrators may require.

4           “(B) 5-YEAR PLAN.—Each application de-  
5           scribed in subparagraph (A) shall include a 5-  
6           year plan on proposed fundraising and training  
7           activities relating to the veterans’ business cen-  
8           ter.

9           “(C) DETERMINATION AND NOTIFICA-  
10          TION.—Not later than 60 days after the date  
11          on which a private nonprofit organization sub-  
12          mits an application under subparagraph (A),  
13          the Associate Administrator shall approve or  
14          deny the application and notify the applicant of  
15          the determination.

16          “(D) AVAILABILITY OF APPLICATION.—  
17          The Associate Administrator shall make every  
18          effort to make the application under subpara-  
19          graph (A) available online.

20          “(5) ELIGIBILITY.—The Associate Adminis-  
21          trator may select to receive financial assistance  
22          under this subsection—

23                  “(A) a Veterans Business Outreach Center  
24                  established by the Administrator under section

1           8(b)(17) on or before the day before the date  
2           of enactment of this subsection; or

3           “(B) private nonprofit organizations lo-  
4           cated in various regions of the United States,  
5           as the Associate Administrator determines is  
6           appropriate.

7           “(6) SELECTION CRITERIA.—

8           “(A) IN GENERAL.—The Associate Admin-  
9           istrator shall establish selection criteria, stated  
10          in terms of relative importance, to evaluate and  
11          rank applicants under paragraph (5)(C) for fi-  
12          nancial assistance under this subsection.

13          “(B) CRITERIA.—The selection criteria es-  
14          tablished under this paragraph shall include—

15                 “(i) the experience of the applicant in  
16                 conducting programs or ongoing efforts de-  
17                 signed to impart or upgrade the business  
18                 skills of veterans, and the spouses of vet-  
19                 erans, who own or may own small business  
20                 concerns;

21                 “(ii) for an applicant for initial finan-  
22                 cial assistance under this subsection—

23                         “(I) the ability of the applicant  
24                         to begin operating a veterans’ busi-



1                   ness center within a minimum amount  
2                   of time; and

3                   “(II) the geographic region to be  
4                   served by the veterans’ business cen-  
5                   ter;

6                   “(iii) the demonstrated ability of the  
7                   applicant to—

8                   “(I) provide managerial coun-  
9                   seling and technical assistance to en-  
10                  trepreneurs; and

11                  “(II) coordinate services provided  
12                  by veterans services organizations and  
13                  other public or private entities; and

14                  “(iv) for any applicant for a renewal  
15                  of financial assistance under this sub-  
16                  section, the results of the most recent ex-  
17                  amination under paragraph (10) of the  
18                  veterans’ business center operated by the  
19                  applicant.

20                  “(C) CRITERIA PUBLICLY AVAILABLE.—

21                  The Associate Administrator shall—

22                  “(i) make publicly available the selec-  
23                  tion criteria established under this para-  
24                  graph; and

1                   “(ii) include the criteria in each solici-  
2                   tation for applications for financial assist-  
3                   ance under this subsection.

4                   “(7) AMOUNT OF ASSISTANCE.—The amount of  
5                   financial assistance provided under this subsection  
6                   to a private nonprofit organization for each fiscal  
7                   year shall be—

8                   “(A) not less than \$150,000; and

9                   “(B) not more than \$200,000.

10                  “(8) FEDERAL SHARE.—

11                  “(A) IN GENERAL.—

12                   “(i) INITIAL FINANCIAL ASSIST-  
13                   ANCE.—Except as provided in clause (ii)  
14                   and subparagraph (E), a private nonprofit  
15                   organization that receives financial assist-  
16                   ance under this subsection shall provide  
17                   non-Federal contributions for the operation  
18                   of the veterans’ business center established  
19                   by the private nonprofit organization in an  
20                   amount equal to—

21                   “(I) in each of the first and sec-  
22                   ond years of the project, not less than  
23                   33 percent of the amount of the fi-  
24                   nancial assistance received under this  
25                   subsection; and

1                   “(II) in each of the third through  
2                   fifth years of the project, not less  
3                   than 50 percent of the amount of the  
4                   financial assistance received under  
5                   this subsection.

6                   “(ii) RENEWALS.—A private nonprofit  
7                   organization that receives a renewal of fi-  
8                   nancial assistance under this subsection  
9                   shall provide non-Federal contributions for  
10                  the operation of the veterans’ business cen-  
11                  ter established by the private nonprofit or-  
12                  ganization in an amount equal to not less  
13                  than 50 percent of the amount of the fi-  
14                  nancial assistance received under this sub-  
15                  section.

16                  “(B) FORM OF NON-FEDERAL SHARE.—  
17                  Not more than 50 percent of the non-Federal  
18                  share for a project carried out using financial  
19                  assistance under this subsection may be in the  
20                  form of in-kind contributions.

21                  “(C) TIMING OF DISBURSEMENT.—The  
22                  Associate Administrator may disburse not more  
23                  than 25 percent of the financial assistance  
24                  awarded to a private nonprofit organization be-  
25                  fore the private nonprofit organization obtains

1 the non-Federal share required under this para-  
2 graph with respect to that award.

3 “(D) FAILURE TO OBTAIN NON-FEDERAL  
4 FUNDING.—

5 “(i) IN GENERAL.—If a private non-  
6 profit organization that receives financial  
7 assistance under this subsection fails to ob-  
8 tain the non-Federal share required under  
9 this paragraph during any fiscal year, the  
10 private nonprofit organization may not re-  
11 ceive a disbursement under this subsection  
12 in a subsequent fiscal year or a disburse-  
13 ment for any other project funded by the  
14 Administration, unless the Administrator  
15 makes a written determination that the  
16 private nonprofit organization will be able  
17 to obtain a non-Federal contribution.

18 “(ii) RESTORATION.—A private non-  
19 profit organization prohibited from receiv-  
20 ing a disbursement under clause (i) in a  
21 fiscal year may receive financial assistance  
22 in a subsequent fiscal year if the organiza-  
23 tion obtains the non-Federal share re-  
24 quired under this paragraph for the subse-  
25 quent fiscal year.

1 “(E) WAIVER OF NON-FEDERAL SHARE.—

2 “(i) IN GENERAL.—Upon request by a  
3 private nonprofit organization, and in ac-  
4 cordance with this subparagraph, the Ad-  
5 ministrator may waive, in whole or in part,  
6 the requirement to obtain non-Federal  
7 funds under subparagraph (A) for a fiscal  
8 year. The Administrator may not waive the  
9 requirement for a private nonprofit organi-  
10 zation to obtain non-Federal funds under  
11 this subparagraph for more than a total of  
12 2 fiscal years.

13 “(ii) CONSIDERATIONS.—In deter-  
14 mining whether to waive the requirement  
15 to obtain non-Federal funds under this  
16 subparagraph, the Administrator shall con-  
17 sider—

18 “(I) the economic conditions af-  
19 fecting the private nonprofit organiza-  
20 tion;

21 “(II) the impact a waiver under  
22 this subparagraph would have on the  
23 credibility of the veterans’ business  
24 center program;

1                   “(III) the demonstrated ability of  
2                   the private nonprofit organization to  
3                   raise non-Federal funds; and

4                   “(IV) the performance of the pri-  
5                   vate nonprofit organization.

6                   “(iii) LIMITATION.—The Adminis-  
7                   trator may not waive the requirement to  
8                   obtain non-Federal funds under this sub-  
9                   paragraph if granting the waiver would un-  
10                  dermine the credibility of the veterans’  
11                  business center program.

12                  “(9) CONTRACT AUTHORITY.—A veterans’ busi-  
13                  ness center may enter into a contract with a Federal  
14                  department or agency to provide specific assistance  
15                  to veterans, service-disabled veterans, Reservists, or  
16                  the spouses of veterans, service-disabled veterans, or  
17                  Reservists. Performance of such contract shall not  
18                  hinder the veterans’ business center in carrying out  
19                  the terms of the grant received by the veterans’  
20                  business centers from the Administrator.

21                  “(10) EXAMINATION AND DETERMINATION OF  
22                  VIABILITY.—

23                  “(A) EXAMINATION.—

24                  “(i) IN GENERAL.—The Associate Ad-  
25                  ministrators shall conduct an annual exam-

1 ination of the programs and finances of  
2 each veterans' business center established  
3 or operated using financial assistance  
4 under this subsection.

5 “(ii) FACTORS.—In conducting the ex-  
6 amination under clause (i), the Associate  
7 Administrator shall consider whether the  
8 veterans' business center has failed—

9 “(I) to provide the information  
10 required to be provided under sub-  
11 paragraph (B), or the information  
12 provided by the center is inadequate;

13 “(II) the center has failed to  
14 comply with a requirement for partici-  
15 pation in the veterans' business center  
16 program, as determined by the Assist-  
17 ant Administrator, including—

18 “(aa) failure to acquire or  
19 properly document a non-Federal  
20 share;

21 “(bb) failure to establish an  
22 appropriate partnership or pro-  
23 gram for marketing and outreach  
24 to small business concerns;

1           “(cc) failure to achieve re-  
2           sults described in a financial as-  
3           sistance agreement; and

4           “(dd) failure to provide to  
5           the Administrator a description  
6           of the amount and sources of any  
7           non-Federal funding received by  
8           the center;

9           “(III) to carry out the 5-year  
10          plan under in paragraph (4)(B); or

11          “(IV) to meet the eligibility re-  
12          quirements under paragraph (5).

13          “(B) INFORMATION PROVIDED.—In the  
14          course of an examination under subparagraph  
15          (A), the veterans’ business center shall provide  
16          to the Associate Administrator—

17                 “(i) an itemized cost breakdown of ac-  
18                 tual expenditures for costs incurred during  
19                 the most recent full fiscal year;

20                 “(ii) documentation of the amount of  
21                 non-Federal contributions obtained and ex-  
22                 pended by the veterans’ business center  
23                 during the most recent full fiscal year; and

24                 “(iii) with respect to any in-kind con-  
25                 tribution under paragraph (8)(B), verifica-



1           tion of the existence and valuation of such  
2           contributions.

3           “(C) DETERMINATION OF VIABILITY.—The  
4           Associate Administrator shall analyze the re-  
5           sults of each examination under this paragraph  
6           and, based on that analysis, make a determina-  
7           tion regarding the viability of the programs and  
8           finances of each veterans’ business center.

9           “(D) DISCONTINUATION OF FUNDING.—

10           “(i) IN GENERAL.—The Associate Ad-  
11           ministrators may discontinue an award of  
12           financial assistance to a private nonprofit  
13           organization at any time if the Associate  
14           Administrator determines under subpara-  
15           graph (C) that the veterans’ business cen-  
16           ter operated by that organization is not  
17           viable.

18           “(ii) RESTORATION.—The Associate  
19           Administrator may continue to provide fi-  
20           nancial assistance to a private nonprofit  
21           organization in a subsequent fiscal year if  
22           the Associate Administrator determines  
23           under subparagraph (C) that the veterans’  
24           business center is viable.

25           “(11) PRIVACY REQUIREMENTS.—

1           “(A) IN GENERAL.—Except as provided in  
2           subparagraph (B), a veterans’ business center  
3           established or operated using financial assist-  
4           ance provided under this subsection may not  
5           disclose the name, address, or telephone num-  
6           ber of any individual or small business concern  
7           that receives advice from the veterans’ business  
8           center without the consent of the individual or  
9           small business concern.

10           “(B) EXCEPTION.—A veterans’ business  
11           center may disclose information described in  
12           subparagraph (A)—

13                   “(i) if the Administrator or Associate  
14                   Administrator is ordered to make such a  
15                   disclosure by a court in any civil or crimi-  
16                   nal enforcement action initiated by a Fed-  
17                   eral or State agency; or

18                   “(ii) to the extent that the Adminis-  
19                   trator or Associate Administrator deter-  
20                   mines that such a disclosure is necessary  
21                   to conduct a financial audit of a veterans’  
22                   business center.

23           “(C) ADMINISTRATION USE OF INFORMA-  
24           TION.—This paragraph does not—

1           “(i) restrict access by the Adminis-  
2           trator to program activity data; or

3           “(ii) prevent the Administrator from  
4           using information not described in sub-  
5           paragraph (A) to conduct surveys of indi-  
6           viduals or small business concerns that re-  
7           ceive advice from a veterans’ business cen-  
8           ter.

9           “(D) REGULATIONS.—The Administrator  
10          shall issue regulations to establish standards for  
11          requiring disclosures under subparagraph  
12          (B)(ii).

13          “(12) REPORT.—

14                 “(A) IN GENERAL.—Not later than 60  
15          days after the end of each fiscal year, the Asso-  
16          ciate Administrator shall submit to the Com-  
17          mittee on Small Business and Entrepreneurship  
18          of the Senate and the Committee on Small  
19          Business of the House of Representatives a re-  
20          port on the effectiveness of the veterans’ busi-  
21          ness center program in each region during the  
22          most recent full fiscal year.

23                 “(B) CONTENTS.—Each report under this  
24          paragraph shall include, at a minimum, for  
25          each veterans’ business center established or

1           operated using financial assistance provided  
2           under this subsection—

3                   “(i) the number of individuals receiv-  
4                   ing assistance from the veterans’ business  
5                   center, including the number of such indi-  
6                   viduals who are—

7                           “(I) veterans or spouses of vet-  
8                           erans;

9                           “(II) service-disabled veterans or  
10                          spouses of service-disabled veterans;  
11                          or

12                          “(III) Reservists or spouses of  
13                          Reservists;

14                   “(ii) the number of startup small  
15                   business concerns formed by individuals re-  
16                   ceiving assistance from the veterans’ busi-  
17                   ness center, including—

18                           “(I) veterans or spouses of vet-  
19                           erans;

20                           “(II) service-disabled veterans or  
21                          spouses of service-disabled veterans;  
22                          or

23                          “(III) Reservists or spouses of  
24                          Reservists;

1           “(iii) the gross receipts of small busi-  
2           ness concerns that receive advice from the  
3           veterans’ business center;

4           “(iv) the employment increases or de-  
5           creases of small business concerns that re-  
6           ceive advice from the veterans’ business  
7           center;

8           “(v) to the maximum extent prac-  
9           ticable, the increases or decreases in prof-  
10          its of small business concerns that receive  
11          advice from the veterans’ business center;  
12          and

13          “(vi) the results of the examination of  
14          the veterans’ business center under para-  
15          graph (10).

16          “(13) COORDINATION OF EFFORTS AND CON-  
17          SULTATION.—

18                 “(A) COORDINATION AND CONSULTA-  
19                 TION.—To the extent practicable, the Associate  
20                 Administrator and each private nonprofit orga-  
21                 nization that receives financial assistance under  
22                 this subsection shall—

23                         “(i) coordinate outreach and other ac-  
24                         tivities with other programs of the Admin-

1           istration and the programs of other Fed-  
2           eral agencies;

3           “(ii) consult with technical representa-  
4           tives of the district offices of the Adminis-  
5           tration in carrying out activities using fi-  
6           nancial assistance under this subsection;  
7           and

8           “(iii) provide information to the vet-  
9           erans business ownership representatives  
10          designated under subparagraph (B) and  
11          coordinate with the veterans business own-  
12          ership representatives to increase the abil-  
13          ity of the veterans business ownership rep-  
14          resentatives to provide services throughout  
15          the area served by the veterans business  
16          ownership representatives.

17          “(B) VETERANS BUSINESS OWNERSHIP  
18          REPRESENTATIVES.—

19          “(i) DESIGNATION.—The Adminis-  
20          trator shall designate not fewer than 1 in-  
21          dividual in each district office of the Ad-  
22          ministration as a veterans business owner-  
23          ship representative, who shall communicate  
24          and coordinate activities of the district of-  
25          fice with private nonprofit organizations

1 that receive financial assistance under this  
2 subsection.

3 “(ii) INITIAL DESIGNATION.—The  
4 first individual in each district office of the  
5 Administration designated by the Adminis-  
6 trator as a veterans business ownership  
7 representative under clause (i) shall be an  
8 individual that is employed by the Admin-  
9 istration on the date of enactment of this  
10 subsection.

11 “(14) EXISTING CONTRACTS.—An award of fi-  
12 nancial assistance under this subsection shall not  
13 void any contract between a private nonprofit orga-  
14 nization and the Administration that is in effect on  
15 the date of such award.

16 “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
17 are authorized to be appropriated—

18 “(1) to carry out subsections (a) through (f),  
19 \$2,000,000 for each of fiscal years 2011 through  
20 2013; and

21 “(2) to carry out subsection (g)—

22 “(A) \$8,000,000 for fiscal year 2011;

23 “(B) \$8,500,000 for fiscal year 2012; and

24 “(C) \$9,000,000 for fiscal year 2013.”.

25 (b) GAO REPORTS.—

1 (1) DEFINITIONS.—In this subsection—

2 (A) the terms “Reservist”, “small business  
3 concern owned and controlled by veterans”, and  
4 “veterans’ business center program” have the  
5 meanings given those terms in section 32(g) of  
6 the Small Business Act, as added by subsection  
7 (a); and

8 (B) the term “veteran” has the meaning  
9 given that term in section 3 of the Small Busi-  
10 ness Act (15 U.S.C. 632).

11 (2) REPORT ON ACCESS TO CREDIT.—

12 (A) IN GENERAL.—Not later than 180  
13 days after the date of enactment of this Act,  
14 the Comptroller General of the United States  
15 shall submit a report regarding the ability of  
16 small business concern owned and controlled by  
17 veterans to access credit to—

18 (i) the Committee on Veterans’ Af-  
19 fairs and the Committee on Small Business  
20 and Entrepreneurship of the Senate; and

21 (ii) the Committee on Veterans’ Af-  
22 fairs and the Committee on Small Business  
23 of the House of Representatives.



1 (B) CONTENTS.—The report submitted  
2 under subparagraph (A) shall include an anal-  
3 ysis of—

4 (i) the sources of credit used by small  
5 business concerns owned and controlled by  
6 veterans and percentage of the credit ob-  
7 tained by small business concern owned  
8 and controlled by veterans that is obtained  
9 from each source;

10 (ii) the default rate for small business  
11 concerns owned and controlled by veterans  
12 separately for each source of credit de-  
13 scribed in clause (i), as compared to the  
14 default rate for the source of credit for  
15 small business concerns generally;

16 (iii) the Federal lending programs  
17 available to provide credit to small busi-  
18 ness concerns owned and controlled by vet-  
19 erans;

20 (iv) gaps, if any, in the availability of  
21 credit for small business concerns owned  
22 and controlled by veterans that are not  
23 being filled by the Federal Government or  
24 private sources;

1 (v) obstacles faced by veterans in try-  
2 ing to access credit;

3 (vi) the extent to which deployment  
4 and other military responsibilities affect  
5 the credit history of veterans and Reserv-  
6 ists; and

7 (vii) the extent to which veterans are  
8 aware of Federal programs targeted to-  
9 wards helping veterans access credit.

10 (3) REPORT ON VETERANS' BUSINESS CENTER  
11 PROGRAM.—

12 (A) IN GENERAL.—Not later than 60 days  
13 after the end of the second fiscal year beginning  
14 after the date on which the veterans' business  
15 center program is established, the Comptroller  
16 General of the United States shall evaluate the  
17 effectiveness of the veterans' business center  
18 program, and submit to Congress a report on  
19 the results of that evaluation.

20 (B) CONTENTS.—The report submitted  
21 under subparagraph (A) shall include—

22 (i) an assessment of—

23 (I) the use of amounts made  
24 available to carry out the veterans'  
25 business center program;

1 (II) the effectiveness of the serv-  
2 ices provided by each private non-  
3 profit organization receiving financial  
4 assistance under the veterans' busi-  
5 ness center program;

6 (III) whether the services de-  
7 scribed in subclause (II) are duplica-  
8 tive of services provided by other vet-  
9 eran service organizations, programs  
10 of the Small Business Administration,  
11 or programs of another Federal de-  
12 partment or agency and, if so, rec-  
13 ommendations regarding how to al-  
14 leviate the duplication of the services;  
15 and

16 (IV) whether there are areas of  
17 the United States in which there are  
18 not adequate entrepreneurial services  
19 for small business concerns owned and  
20 controlled by veterans and, if so,  
21 whether there is a veterans' business  
22 center established under the veterans'  
23 business center program providing  
24 services to that area; and

1 (ii) recommendations, if any, for im-  
2 proving the veterans' business center pro-  
3 gram.

4 (c) REPORTING REQUIREMENT FOR INTERAGENCY  
5 TASK FORCE.—Section 32(c) of the Small Business Act  
6 (15 U.S.C. 657b(c)) is amended by adding at the end the  
7 following:

8 “(4) REPORT.—Not less frequently than twice  
9 each year, the Administrator shall submit to Con-  
10 gress a report on the appointments made to and ac-  
11 tivities of the task force.”.

12 (d) REPEAL AND RENEWAL OF GRANTS.—

13 (1) DEFINITION.—In this subsection, the term  
14 “covered grant, contract, or cooperative agreement”  
15 means a grant, contract, or cooperative agreement  
16 that was—

17 (A) made or entered into under section  
18 8(b)(17) of the Small Business Act (15 U.S.C.  
19 637(b)(17)); and

20 (B) in effect on or before the date de-  
21 scribed in paragraph (2)(B).

22 (2) REPEAL.—

23 (A) IN GENERAL.—Section 8(b) of the  
24 Small Business Act (15 U.S.C. 637(b)) is  
25 amended—

1 (i) in paragraph (15), by adding  
2 “and” at the end;

3 (ii) in paragraph (16), by striking “;  
4 and” and inserting a period; and

5 (iii) by striking paragraph (17).

6 (B) EFFECTIVE DATE.—The amendments  
7 made by paragraph (1) shall take effect 60  
8 days after the date of enactment of this Act.

9 (3) TRANSITIONAL RULES.—

10 (A) IN GENERAL.—Notwithstanding any  
11 other provision of law, a covered grant, con-  
12 tract, or cooperative agreement shall remain in  
13 full force and effect under the terms, and for  
14 the duration, of the covered grant, contract, or  
15 agreement.

16 (B) ADDITIONAL REQUIREMENTS.—Any  
17 organization that was awarded or entered into  
18 a covered grant, contract, or cooperative agree-  
19 ment shall be subject to the requirements of  
20 section 32(g) of the Small Business Act (15  
21 U.S.C. 657b(g)) (as added by subsection (a)).

22 (4) RENEWAL OF FINANCIAL ASSISTANCE.—An  
23 organization that was awarded or entered into a cov-  
24 ered grant, contract, or cooperative agreement may  
25 apply for a renewal of the grant, contract, or agree-

1 ment under the terms and conditions described in  
 2 section 32(g) of the Small Business Act (15 U.S.C.  
 3 657b(g)) (as added by subsection (a)).

4 **TITLE III—DISASTER RELIEF**  
 5 **AND ASSISTANCE**

6 **SEC. 301. IMPROVEMENTS TO THE PIONEER BUSINESS RE-**  
 7 **COVERY PROGRAM.**

8 (a) IN GENERAL.—Section 12085 of the Food, Con-  
 9 servation, and Energy Act of 2008 (15 U.S.C. 636j) is  
 10 amended—

11 (1) in the section heading, by striking “**EXPE-**  
 12 **DITED DISASTER ASSISTANCE LOAN PRO-**  
 13 **GRAM**” and inserting “**PIONEER BUSINESS RE-**  
 14 **COVERY PROGRAM**”;

15 (2) by striking “expedited disaster assistance  
 16 business loan program” each place it appears and  
 17 inserting “Pioneer Business Recovery Program”;

18 (3) in subsection (b) by striking “paragraph  
 19 (9)” and all that follows and inserting “section 7(b)  
 20 of the Small Business Act (15 U.S.C. 636(b)).”; and

21 (4) in subsection (d)(3)(A), by striking  
 22 “\$150,000” and inserting “\$250,000”.

23 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
 24 The table of contents in section 1(b) of the Food, Con-  
 25 servation, and Energy Act of 2008 (Public Law 110–246;

1 122 Stat. 1651) is amended by striking the item relating  
2 to section 12085 and inserting the following:

“Sec. 12085. Pioneer Business Recovery Program.”.

3 **SEC. 302. INCREASED LIMITS.**

4 (a) HOMEOWNERS AND LESSEES.—Section 7 of the  
5 Small Business Act (15 U.S.C. 636) is amended—

6 (1) in subsection (d)(6)—

7 (A) by striking “\$100,000” and inserting  
8 “\$400,000”; and

9 (B) by striking “\$20,000” and inserting  
10 “\$80,000”;

11 (2) by striking “(e) [RESERVED].”; and

12 (3) by striking “(f) [RESERVED].”.

13 (b) OTHER LOANS.—Section 7(b) of the Small Busi-  
14 ness Act (15 U.S.C. 636(b)) is amended—

15 (1) in paragraph (3)(E) by striking  
16 “\$1,500,000” each place it appears and inserting  
17 “\$4,000,000”; and

18 (2) in paragraph (8)(A) by striking  
19 “\$2,000,000” and inserting “\$4,000,000”.

20 **SEC. 303. MODIFIED COLLATERAL REQUIREMENTS.**

21 Section 7(d)(6) of the Small Business Act (15 U.S.C.  
22 636(d)(6)) is amended by inserting after “which are made  
23 under paragraph (1) of subsection (b)” the following: “:  
24 *Provided further*, That the Administrator shall not require  
25 collateral for a loan of not more than \$200,000 under

1 paragraph (1) or (2) of subsection (b) relating to damage  
2 to or destruction of property of, or economic injury to,  
3 a small business concern”.

4 **SEC. 304. REGIONAL OUTREACH ON DISASTER ASSISTANCE**  
5 **PROGRAMS.**

6 (a) REPORT.—In accordance with sections 7(b)(4)  
7 and 40(a) of the Small Business Act (15 U.S.C. 636(b)(4)  
8 and 657l(a)) and not later than 60 days after the date  
9 of enactment of this Act, the Administrator shall submit  
10 to the Committee on Small Business and Entrepreneur-  
11 ship of the Senate and the Committee on Small Business  
12 of the House of Representatives, a report detailing—

13 (1) information on the disasters, manmade or  
14 natural, most likely to occur in each region of the  
15 Administration and likely scenarios for each disaster  
16 in each region;

17 (2) information on plans of the Administration,  
18 if any, to conduct annual disaster outreach semi-  
19 nars, including events with resource partners of the  
20 Administration, in each region before periods of pre-  
21 dictable disasters described in paragraph (1);

22 (3) information on plans of the Administration  
23 for satisfying the requirements under section 40(a)  
24 of the Small Business Act not satisfied on the date  
25 of enactment of this Act; and



1           (4) such additional information as determined  
2           necessary by the Administrator.

3           (b) AVAILABILITY OF INFORMATION.—The Adminis-  
4           trator shall—

5           (1) post the disaster information provided  
6           under subsection (a) on the website of the Adminis-  
7           tration; and

8           (2) make the information provided under sub-  
9           section (a) available, upon request, at each regional  
10          and district office of the Administration.

## 11           **TITLE IV—CONTRACTING** 12           **IMPROVEMENTS**

### 13   **SEC. 401. SURETY BONDS.**

14          (a) MAXIMUM BOND AMOUNT.—Section 411(a)(1) of  
15          the Small Business Investment Act of 1958 (15 U.S.C.  
16          694b(a)(1)) is amended by striking “(1)” and all that fol-  
17          lows and inserting the following: “(1)(A) The Administra-  
18          tion may, upon such terms and conditions as it may pre-  
19          scribe, guarantee and enter into commitments to guar-  
20          antee any surety against loss resulting from a breach of  
21          the terms of a bid bond, payment bond, performance bond,  
22          or bonds ancillary thereto, by a principal on any total work  
23          order or contract amount at the time of bond execution  
24          that does not exceed \$5,000,000.

1       “(B) The Administrator may guarantee a surety  
2 under subparagraph (A) for a total work order or contract  
3 amount that does not exceed \$10,000,000, if a contracting  
4 officer of a Federal agency certifies that such a guarantee  
5 is necessary.”.

6       (b) DENIAL OF LIABILITY.—Section 411 of the Small  
7 Business Investment Act of 1958 (15 U.S.C. 694b) is  
8 amended—

9           (1) by striking subsection (e) and inserting the  
10 following:

11       “(e) REIMBURSEMENT OF SURETY; CONDITIONS.—  
12 Pursuant to any such guarantee or agreement, the Admin-  
13 istration shall reimburse the surety, as provided in sub-  
14 section (c) of this section, except that the Administration  
15 shall be relieved of liability (in whole or in part within  
16 the discretion of the Administration) if—

17           “(1) the surety obtained such guarantee or  
18 agreement, or applied for such reimbursement, by  
19 fraud or material misrepresentation;

20           “(2) the total contract amount at the time of  
21 execution of the bond or bonds exceeds \$5,000,000;

22           “(3) the surety has breached a material term or  
23 condition of such guarantee or agreement; or

1           “(4) the surety has substantially violated the  
2 regulations promulgated by the Administration pur-  
3 suant to subsection (d).”;

4           (2) by striking subsection (k); and

5           (3) by adding after subsection (i) the following:

6           “(j) DENIAL OF LIABILITY.—For bonds made or exe-  
7 cuted with the prior approval of the Administration, the  
8 Administration shall not deny liability to a surety based  
9 upon material information that was provided as part of  
10 the guaranty application.”.

11          (c) SIZE STANDARDS.—Section 410 of the Small  
12 Business Investment Act of 1958 (15 U.S.C. 694a) is  
13 amended—

14           (1) by striking paragraph (9); and

15           (2) adding after paragraph (8) the following:

16           “(9) Notwithstanding any other provision of law or  
17 any rule, regulation, or order of the Administration, for  
18 purposes of sections 410, 411, and 412 the term ‘small  
19 business concern’ means a business concern that meets the  
20 size standard for the primary industry in which such busi-  
21 ness concern, and the affiliates of such business concern,  
22 is engaged, as determined by the Administrator in accord-  
23 ance with the North American Industry Classification Sys-  
24 tem.”.

1 **SEC. 402. SECTION 8(a) IMPROVEMENTS.**

2 (a) PROGRAMS FOR SOCIALLY AND ECONOMICALLY  
3 DISADVANTAGED SMALL BUSINESS CONCERNS.—

4 (1) NET WORTH THRESHOLD.—

5 (A) IN GENERAL.—Section 8(a)(6)(A) of  
6 the Small Business Act (15 U.S.C.  
7 637(a)(6)(A)) is amended—

8 (i) by inserting “(i)” after “(6)(A)”;

9 (ii) by striking “In determining the  
10 degree of diminished credit” and inserting  
11 the following:

12 “(ii)(I) In determining the degree of diminished cred-  
13 it”;

14 (iii) by striking “In determining the  
15 economic disadvantage” and inserting the  
16 following:

17 “(iii) In determining the economic disadvantage”;

18 and

19 (iv) by inserting after clause (ii)(I), as  
20 so designated by this section, the following:

21 “(II)(aa) Not later than 1 year after the date of en-  
22 actment of the Small Business Investment and Innovation  
23 Act of 2010, the Administrator shall—

24 “(AA) assign each North American Industry  
25 Classification System industry code to a category de-  
26 scribed in item (cc); and

1           “(BB) for each category described in item (cc),  
2           establish a maximum net worth for the socially dis-  
3           advantaged individuals who own or control small  
4           business concerns in the category that participate in  
5           the program under this subsection.

6           “(bb) The maximum net worth for a category de-  
7           scribed in item (cc) shall be not less than the modified  
8           net worth limitations established by the Administrator  
9           under section 402(a)(1)(B) of the Small Business Invest-  
10          ment and Innovation Act of 2010.

11          “(cc) The categories described in this item are—

12                  “(AA) manufacturing;

13                  “(BB) construction;

14                  “(CC) professional services; and

15                  “(DD) general services.

16          “(III) The Administrator shall establish procedures  
17          that—

18                  “(aa) account for inflationary adjustments to,  
19                  and include a reasonable assumption of, the average  
20                  income and net worth of the owners of business con-  
21                  cerns that are dominant in the field of operation of  
22                  the business concern; and

23                  “(bb) require an annual inflationary adjustment  
24                  to the average income and maximum net worth re-  
25                  quirements under this clause.

1       “(IV) In determining the assets and net worth of a  
2 socially disadvantaged individual under this subparagraph,  
3 the Administrator shall not consider any assets of the indi-  
4 vidual that are held in a qualified retirement plan, as that  
5 term is defined in section 4974(c) of the Internal Revenue  
6 Code of 1986.”.

7               (B) TEMPORARY INFLATIONARY ADJUST-  
8               MENT.—

9               (i) IN GENERAL.—Not later than 30  
10              days after the date of enactment of this  
11              Act, the Administrator shall modify the net  
12              worth limitations established by the Ad-  
13              ministrator for purposes of the program  
14              under section 8(a) of the Small Business  
15              Act (15 U.S.C. 637(a)) by adjusting the  
16              amount of the net worth limitations for in-  
17              flation during the period beginning on the  
18              date on which the Administrator estab-  
19              lished the net worth limitations and the  
20              date of enactment of this Act.

21              (ii) TERMINATION.—The Adminis-  
22              trator shall apply the net worth limitations  
23              established under clause (i) until the effec-  
24              tive date of the net worth limitations es-  
25              tablished by the Administrator under

1 clause (ii)(II) of section 8(a)(6)(A) of the  
2 Small Business Act (15 U.S.C.  
3 637(a)(6)(A)), as added by this paragraph.

4 (C) TRANSITION PERIOD.—Section  
5 7(j)(15) of the Small Business Act (15 U.S.C.  
6 636(j)(15)) is amended—

7 (i) by redesignating subparagraphs  
8 (A) and (B) as clauses (i) and (ii), respec-  
9 tively;

10 (D) by striking “Subject to” and inserting  
11 “(A) Except as provided in subparagraph (B),  
12 and subject to”; and

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

14 “(B)(i) A small business concern may receive develop-  
15 mental assistance under the Program and contracts under  
16 section 8(a) during the 3-year period beginning on the  
17 date on which the small business concern graduates—

18 “(I) because the small business concern has  
19 participated in the Program for the total period au-  
20 thorized under subparagraph (A); or

21 “(II) under section 8(a)(6)(C)(ii), because the  
22 socially disadvantaged individuals who own or con-  
23 trol the small business concern have a net worth  
24 that is more than the maximum net worth estab-  
25 lished by the Administrator.

1       “(ii) After the end of the 3-year period described in  
2 clause (i), a small business concern described in clause  
3 (i)—

4               “(I) may not receive developmental assistance  
5 under the Program or contracts under section 8(a);  
6 and

7               “(II) may continue to perform and receive pay-  
8 ment under a contract received by the small business  
9 concern under section 8(a) before the end of the pe-  
10 riod, under the terms of the contract.”.

11               (2) GAO STUDY.—Section 8(a) of the Small  
12 Business Act (15 U.S.C. 637(a)) is amended by add-  
13 ing at the end the following:

14               “(22) REVIEW OF EFFECTIVENESS.—

15               “(A) GAO STUDY.—Not later than 5 years  
16 after the date of enactment of this paragraph, and  
17 every 5 years thereafter, the Comptroller General of  
18 the United States shall—

19                       “(i) conduct an evaluation of the effective-  
20 ness of the program under this subsection, in-  
21 cluding an examination of—

22                               “(I) the number and size of contracts  
23 applied for, as compared to the number re-  
24 ceived by, small business concerns after  
25 successfully completing the program;



1           “(II) the percentage of small business  
2           concerns that continue to operate during  
3           the 3-year period beginning on the date on  
4           which the small business concerns success-  
5           fully complete the program;

6           “(III) whether the business of small  
7           business concerns increases during the 3-  
8           year period beginning on the date on which  
9           the small business concerns successfully  
10          complete the program; and

11          “(IV) the number of training sessions  
12          offered under the program; and

13          “(ii) submit to the Committee on Small  
14          Business and Entrepreneurship of the Senate  
15          and the Committee on Small Business of the  
16          House of Representatives a report regarding  
17          each evaluation under clause (i).

18          “(B) SBA REPORT.—Not later than 1 year  
19          after the date of enactment of this paragraph, and  
20          every year thereafter, the Administrator shall submit  
21          to the Committee on Small Business and Entrepre-  
22          neurship of the Senate and the Committee on Small  
23          Business of the House of Representatives a report  
24          evaluating the program under this section, including  
25          an assessment of—

1           “(i) the regulations promulgated to carry  
2 out the program;

3           “(ii) online training under the program;  
4 and

5           “(iii) whether the structure of the program  
6 is conducive to business development.”.

7           (3) REPORT ON FRAUD DETECTION.—Not later  
8 than 90 days after the date of enactment of this  
9 Act, the Administrator shall—

10           (A) assess the workload of business devel-  
11 opment specialists of the Administration;

12           (B) evaluate the use of fraud detection  
13 tools, such as the use of data mining techniques  
14 and provide additional financial and analytical  
15 training for business development specialists of  
16 the Administration;

17           (C) propose amendments to regulations  
18 and operational changes that would closely  
19 evaluate an applicant to participate in the pro-  
20 gram under section 8(a) of the Small Business  
21 Act (15 U.S.C. 637(a)) if a family member of  
22 the applicant is, or has been, a participant in  
23 the program under section 8(a) of the Small  
24 Business Act providing the same type of sup-  
25 plies or services as the applicant;

1 (D) review the regulations relating to eco-  
2 nomic disadvantage with respect to the income  
3 and asset levels of an applicant for or partici-  
4 pant in the program under section 8(a) of the  
5 Small Business Act at the time of application  
6 and annual certification; and

7 (E) submit to the Committee on Small  
8 Business and Entrepreneurship of the Senate  
9 and the Committee on Small Business of the  
10 House of Representatives a report regarding  
11 the assessment, evaluation, proposals, and re-  
12 view under this paragraph.

13 (b) SURETY BOND PILOT PROGRAM.—

14 (1) DEFINITIONS.—In this subsection—

15 (A) the terms “bid bond”, “payment  
16 bond”, “performance bond”, and “surety” have  
17 the meanings given those terms in section 410  
18 of the Small Business Investment Act of 1958  
19 (15 U.S.C. 694a);

20 (B) the term “Board” means the pilot pro-  
21 gram advisory board established under para-  
22 graph (4)(A);

23 (C) the term “eligible small business con-  
24 cern” means a socially and economically dis-  
25 advantaged small business concern that is par-

1           ticipating in the program under section 8(a) of  
2           the Small Business Act (15 U.S.C. 637(a));

3           (D) the term “Fund” means the Small  
4           Business Surety Bond Pilot Program Fund es-  
5           tablished under paragraph (5)(A);

6           (E) the term “graduated” has the meaning  
7           given that term in section 7(j)(10)(H) of the  
8           Small Business Act (15 U.S.C. 636(j)(10)(H));

9           (F) the term “pilot program” means the  
10          surety bond pilot program established under  
11          paragraph (2)(A); and

12          (G) the term “socially and economically  
13          disadvantaged small business concern” has the  
14          meaning given that term in section 8(a) of the  
15          Small Business Act (15 U.S.C. 637(a)).

16          (2) PROGRAM.—

17           (A) IN GENERAL.—The Administrator  
18           shall establish a surety bond pilot program  
19           under which the Administrator may guarantee  
20           any surety against loss resulting from a breach  
21           of the terms of a bid bond, payment bond, per-  
22           formance bond, or bonds ancillary thereto, by  
23           an eligible small business concern.

24           (B) APPLICATION.—An eligible small busi-  
25           ness concern desiring a guarantee under the

1 pilot program shall submit an application at  
2 such time, in such manner, and accompanied by  
3 such information as the Administrator may re-  
4 quire.

5 (C) REVIEW.—A surety desiring a guar-  
6 antee under the pilot program against loss re-  
7 sulting from a breach of the terms of a bid  
8 bond, payment bond, performance bond, or  
9 bonds ancillary thereto by an eligible small  
10 business concern shall—

11 (i) submit to the Administrator a re-  
12 port evaluating whether the eligible small  
13 business concern meets such criteria as the  
14 Administrator may establish relating to  
15 whether a bond should be issued to the eli-  
16 gible small business concern; and

17 (ii) if the Administrator does not  
18 guarantee the surety against loss, submit  
19 an update of the report described in clause  
20 (i) every 6 months.

21 (3) TECHNICAL ASSISTANCE AND EDUCATIONAL  
22 TRAINING.—

23 (A) IN GENERAL.—The Administrator  
24 shall provide technical assistance and edu-  
25 cational training to an eligible small business

1 concern participating in the pilot program or  
2 desiring to participate in the pilot program for  
3 a period of not less than 3 years, to promote  
4 the growth of the eligible small business con-  
5 cern and assist the eligible small business con-  
6 cern in promoting job development.

7 (B) TOPICS.—

8 (i) TECHNICAL ASSISTANCE.—The  
9 technical assistance under subparagraph  
10 (A) shall include assistance relating to—

- 11 (I) scheduling of employees;
- 12 (II) cash flow analysis;
- 13 (III) change orders;
- 14 (IV) requisition preparation;
- 15 (V) submitting proposals;
- 16 (VI) dispute resolution; and
- 17 (VII) contract management.

18 (ii) EDUCATIONAL TRAINING.—The  
19 educational training under subparagraph  
20 (A) shall include training regarding—

- 21 (I) accounting;
- 22 (II) legal issues;
- 23 (III) infrastructure;
- 24 (IV) human resources;
- 25 (V) estimating costs;

1 (VI) scheduling; and

2 (VII) any other area the Admin-  
3 istrator determines is a key area for  
4 which training is needed for eligible  
5 small business concerns.

6 (4) PANEL.—

7 (A) ESTABLISHMENT.—The Administrator  
8 shall establish a pilot program advisory board  
9 to evaluate and make recommendations regard-  
10 ing the pilot program.

11 (B) MEMBERSHIP.—The Board shall be  
12 composed of 5 members—

13 (i) who shall be appointed by the Ad-  
14 ministrator;

15 (ii) not less than 2 of whom shall have  
16 graduated from the program under section  
17 8(a) of the Small Business Act (15 U.S.C.  
18 637(a)); and

19 (iii) not more than 1 of whom may be  
20 an officer or employee of the Administra-  
21 tion.

22 (C) DUTIES.—The Board shall—

23 (i) evaluate and make recommenda-  
24 tions to the Administrator regarding the  
25 effectiveness of the pilot program;

1           (ii) make recommendations to the Ad-  
2           ministrators regarding performance meas-  
3           ures to evaluate eligible small business con-  
4           cerns applying for a guarantee under the  
5           pilot program; and

6           (iii) not later than 90 days after the  
7           date on which all members of the Board  
8           are appointed, and every year thereafter  
9           until the authority to carry out the pilot  
10          program terminates under paragraph (6),  
11          submit to the Committee on Small Busi-  
12          ness and Entrepreneurship of the Senate  
13          and the Committee on Small Business of  
14          the House of Representatives a report re-  
15          garding the activities of the Board.

16          (5) FUND.—

17           (A) ESTABLISHMENT OF FUND.—There is  
18           established in the Treasury of the United  
19           States a revolving fund to be known as the  
20           “Small Business Surety Bond Pilot Program  
21           Fund”, to be administered by the Adminis-  
22           trator.

23           (B) AVAILABILITY.—Amounts in the Fund  
24           shall be available without fiscal year limitation  
25           or further appropriation by Congress.



1           (C) AUTHORIZATION OF APPROPRIA-  
2           TIONS.—There is authorized to be appropriated  
3           to the Fund \$20,000,000.

4           (D) RESCISSION.—Effective on the day  
5           after the date on which the term of all guaran-  
6           tees made under the pilot program have ended,  
7           all amounts in the Fund are rescinded.

8           (6) TERMINATION.—The Administrator may  
9           not make a guarantee to a surety against loss under  
10          the pilot program on or after the date that is 7  
11          years after the date on which the Administrator  
12          makes the first guarantee under the pilot program.

13          (c) EXTENSION OF PARTICIPATION TERM FOR VIC-  
14          TIMS OF HURRICANE KATRINA OR HURRICANE RITA.—

15           (1) RETROACTIVITY.—If a small business con-  
16          cern, while participating in any program or activity  
17          under the authority of paragraph (10) of section 7(j)  
18          of the Small Business Act (15 U.S.C. 636(j)), was  
19          located in a parish or county described in paragraph  
20          (2) of this subsection and was affected by Hurricane  
21          Katrina of 2005 or Hurricane Rita of 2005, the pe-  
22          riod during which that small business concern is per-  
23          mitted continuing participation and eligibility in that  
24          program or activity shall be extended for 24 months

1 after the date such participation and eligibility  
2 would otherwise terminate.

3 (2) PARISHES AND COUNTIES COVERED.—Para-  
4 graph (1) applies to any parish in the State of Lou-  
5 isiana, or any county in the State of Mississippi or  
6 in the State of Alabama, that has been designated  
7 by the Administrator as a disaster area by reason of  
8 Hurricane Katrina of 2005 or Hurricane Rita of  
9 2005 under disaster declaration 10176, 10177,  
10 10178, 10179, 10180, 10181, 10205, or 10206.

11 (3) REVIEW AND COMPLIANCE.—The Adminis-  
12 trator shall ensure that the case of every small busi-  
13 ness concern participating before the date of enact-  
14 ment of this Act in a program or activity covered by  
15 paragraph (1) is reviewed and brought into compli-  
16 ance with this subsection.

## 17 **TITLE V—TRADE AND EXPORT** 18 **ENHANCEMENTS**

### 19 **SEC. 501. ONLINE EXPORT READINESS ASSESSMENT TOOL.**

20 (a) DEVELOPMENT OF TOOL.—Section 22 of the  
21 Small Business Act (15 U.S.C. 649) is amended—

22 (1) by redesignating subsection (l) as subsection  
23 (m); and

24 (2) by inserting after subsection (k) the fol-  
25 lowing:

1 “(1) EXPORT READINESS ASSESSMENT TOOL.—

2 “(1) ASSESSMENT TOOL.—The Associate Ad-  
3 ministrator, in consultation with the Secretary of  
4 Commerce and working in close cooperation with the  
5 Secretary of Agriculture, the United States Trade  
6 Representative, the Secretary of Agriculture, the Ex-  
7 port-Import Bank of the United States, the Overseas  
8 Private Investment Corporation, and other relevant  
9 Federal agencies, regional and district offices of the  
10 Administration, small business development centers  
11 engaged in export promotion efforts, networks of  
12 women’s business centers, the SCORE program au-  
13 thorized by section 8(b)(1), Export Assistance Cen-  
14 ters, relevant State and local export promotion pro-  
15 grams, and partners in the private sector, shall de-  
16 velop a comprehensive assessment tool that allows  
17 small business concerns to assess the export readi-  
18 ness of the small business concerns, which shall in-  
19 corporate factors including—

20 “(A) the amount of time that a small busi-  
21 ness concern has been in operation;

22 “(B) the amount of time that a small busi-  
23 ness concern has successfully conducted busi-  
24 ness or sold a product or service in the United  
25 States;

1           “(C) the profitability of a small business  
2 concern, based on operations in the United  
3 States;

4           “(D) the compliance of a small business  
5 concern with the Internal Revenue Code of  
6 1986;

7           “(E) the production and marketing capac-  
8 ity of a small business concern that can be com-  
9 mitted to export operations, including the pro-  
10 duction of products and services for export, the  
11 development of opportunities in markets outside  
12 the United States, the allocation of staff re-  
13 sources, and the ability to deliver customer  
14 service support;

15           “(F) the knowledge of a small business  
16 concern of the costs associated with exporting  
17 and conducting business with foreign pur-  
18 chasers, including the costs of freight for-  
19 warding, customs brokers, packing and ship-  
20 ping, and the development of an international  
21 business and marketing plan;

22           “(G) the knowledge of a small business  
23 concern of foreign import regulations, trade  
24 barriers, and cultural preferences in targeted  
25 export markets;

1           “(H) the knowledge of a small business  
2 concern of United States export regulations and  
3 compliance practices;

4           “(I) the knowledge of a small business con-  
5 cern of export payment and financing mecha-  
6 nisms and resources, including the development  
7 and negotiation of letters of credit and access  
8 to financial resources and capital to facilitate or  
9 finance sales and marketing operations over-  
10 seas; and

11           “(J) any other factors, as the Associate  
12 Administrator determines is appropriate or nec-  
13 essary.

14           “(2) AVAILABILITY OF TOOL.—The Associate  
15 Administrator shall make the assessment tool devel-  
16 oped under paragraph (1) available online, on the  
17 website of the Administration, and through the re-  
18 gional and district offices of the Administration, the  
19 small business development center network, net-  
20 works of women’s business centers, the SCORE pro-  
21 gram authorized by section 8(b)(1), Export Assist-  
22 ance Centers, State and local export promotion pro-  
23 grams, and partners in the private sector.

24           “(3) REFERRALS.—The Associate Adminis-  
25 trator shall refer small business concerns that use

1 the assessment tool developed under paragraph (1)  
2 to local export assistance resources, including re-  
3 sources of the Department of Commerce, the De-  
4 partment of Agriculture, the United States Trade  
5 Representative, the Export-Import Bank of the  
6 United States, the Overseas Private Investment Cor-  
7 poration, and other relevant Federal agencies, the  
8 regional and district offices of the Administration,  
9 the small business development center network, net-  
10 works of women’s business centers, the SCORE pro-  
11 gram authorized by section 8(b)(1), Export Assist-  
12 ance Centers, State and local export promotion pro-  
13 grams, and partners in the private sector.

14 “(4) AUTHORIZATION OF APPROPRIATIONS.—  
15 There are authorized to be appropriated such sums  
16 as are necessary to carry out this subsection.”.

17 (b) REPORTING REQUIREMENT.—Section 22(f) of the  
18 Small Business Act (15 U.S.C. 649(f)) is amended—

19 (1) by redesignating paragraphs (4) and (5) as  
20 paragraphs (6) and (7), respectively; and

21 (2) by inserting after paragraph (3) the fol-  
22 lowing:

23 “(4) for the period addressed by the report, the  
24 number of small business concerns that—

1           “(A) used the assessment tool developed  
2           under subsection (l);

3           “(B) were referred to local export assist-  
4           ance resources described in subsection (l)(3)  
5           after using the assessment tool; and

6           “(C) made a successful foreign sale after  
7           using the assessment tool;”.

8 **SEC. 502. MARKETING AND OUTREACH INITIATIVES TO**  
9 **SMALL BUSINESS CONCERNS.**

10       (a) **OUTREACH EVENTS REQUIRED.—**

11           (1) **AMENDMENT.—**Section 22(c)(11) of the  
12       Small Business Act (15 U.S.C. 649(c)(11)) is  
13       amended by striking “concerns;” and inserting the  
14       following: “concerns, which shall include—

15           “(A) conducting, in each region of the Ad-  
16           ministration, outreach events that—

17                   “(i) promote exporting as a business  
18                   development opportunity;

19                   “(ii) raise awareness of the National  
20                   Export Initiative established under Execu-  
21                   tive Order 13534 (75 Fed. Reg. 12433; re-  
22                   lating to the National Export Initiative);

23                   “(iii) are focused on small business  
24                   concerns that are new to exporting;

1                   “(iv) are conducted not less frequently  
2                   than—

3                               “(I) once in each of fiscal years  
4                               2011 through 2014; and

5                               “(II) twice in fiscal year 2015  
6                               and each fiscal year thereafter; and

7                   “(B) conducting outreach events, in coordi-  
8                   nation with the Department of Commerce, the  
9                   Export-Import Bank of the United States, the  
10                   Department of Agriculture, the Overseas Pri-  
11                   vate Investment Corporation, the United States  
12                   Trade and Development Agency, the Depart-  
13                   ment of State, and, as the Associate Adminis-  
14                   trator determines is appropriate, other members  
15                   of the Trade Promotion Coordinating Com-  
16                   mittee, that are designed to reach—

17                               “(i) small business concerns located in  
18                               a rural area, as that term is defined in sec-  
19                               tion 1393(a)(2) of the Internal Revenue  
20                               Code of 1986;

21                               “(ii) small business concerns owned  
22                               and controlled by women;

23                               “(iii) small business concerns owned  
24                               by veterans and small business concerns



1 owned and controlled by service-disabled  
2 veterans; and

3 “(iv) socially and economically dis-  
4 advantaged small business concerns;”.

5 (2) AUTHORIZATION OF APPROPRIATIONS.—

6 There are authorized to be appropriated such sums  
7 as are necessary to carry out section 22(c)(11) of  
8 the Small Business Act (15 U.S.C. 649(c)(11)), as  
9 amended by paragraph (1) of this subsection.

10 (b) REPORTING REQUIREMENTS.—Section 22(f) of  
11 the Small Business Act (15 U.S.C. 649(f)) is amended by  
12 inserting after paragraph (4), as added by section 501(b)  
13 of this Act, the following:

14 “(5) for the year ending on the date of the re-  
15 port—

16 “(A) the number and location of the out-  
17 reach events conducted under subsection  
18 (c)(11)(A);

19 “(B) the number of small business con-  
20 cerns that—

21 “(i) participated in each event de-  
22 scribed in subparagraph (A); and

23 “(ii) were referred to a resource part-  
24 ner of the Administration or a Federal  
25 agency that is a member of the Trade Pro-

1 motion Coordinating Committee as a result  
2 of each event described in subparagraph  
3 (A);”.

4 **SEC. 503. EXPANSION OF STATE TRADE AND EXPORT PRO-**  
5 **MOTION GRANT PROGRAM TO CITIES AND**  
6 **MAJOR METROPOLITAN AREAS.**

7 Section 1207 of the Small Business Jobs Act of 2010  
8 (15 U.S.C. 649b note) is amended—

9 (1) in subsection (b), by inserting “, and to mu-  
10 nicipalities in accordance with subsection (c)(5),”  
11 after “grants to States”;

12 (2) in subsection (c)—

13 (A) in paragraph (1), by inserting “or mu-  
14 nicipality” after “State” each place that term  
15 appears;

16 (B) in paragraph (2)—

17 (i) in the matter preceding subpara-  
18 graph (A), by striking “that proposes a  
19 program” and inserting “or municipality”;

20 (ii) in subparagraph (B), by redesign-  
21 ating clauses (i), (ii), and (iii) as sub-  
22 clauses (I), (II), and (III), respectively,  
23 and adjusting the margins accordingly;

24 (iii) by redesignating subparagraphs  
25 (A) through (D) as clauses (i) through

1 (iv), respectively, and adjusting the mar-  
2 gins accordingly;

3 (iv) by inserting before clause (i), as  
4 so redesignated, the following:

5 “(A) has a small business program or ex-  
6 porting program in place at the time the State  
7 or municipality submits the application; and

8 “(B) proposes a program that—”; and

9 (v) in clause (iii), as so redesignated,  
10 by inserting “in the case of an application  
11 by a State,” before “promotes exports”;

12 (C) in paragraph (4), by inserting “or mu-  
13 nicipality” after “State”;

14 (D) by adding at the end the following:

15 “(5) LIMITATION ON AWARD OF GRANTS TO  
16 MUNICIPALITIES.—The Associate Administrator may  
17 make a grant to a municipality on and after the date  
18 that is 1 year after the date of enactment of this  
19 Act, if the State in which the municipality is located  
20 has not, as of the date that is 1 year after the date  
21 of enactment of this Act, applied for a grant under  
22 this section.”;

23 (3) in subsection (e), by inserting “or munic-  
24 ipality” after “State” each place that term appears;  
25 and

1 (4) in subsection (g)(2)—

2 (A) in subparagraph (B), by inserting  
3 “and municipalities” after “States”; and

4 (B) in subparagraph (C), by inserting “or  
5 municipality” after “State”.

## 6 **TITLE VI—REGULATORY RELIEF**

### 7 **SEC. 601. DEFINITIONS.**

8 (a) INDEPENDENT ESTABLISHMENTS.—Section  
9 601(1) of title 5, United States Code, is amended by in-  
10 sserting “, including an independent establishment as de-  
11 fined in section 104 of this title” after “title”.

12 (b) SIGNIFICANT GUIDANCE DOCUMENTS.—Section  
13 601 of title 5, United States Code, is amended by striking  
14 paragraph (2) and inserting the following:

15 “(2) the term ‘rule’—

16 “(A) means any rule for which the agency  
17 publishes a general notice of proposed rule-  
18 making under section 553(b) of this title, or  
19 any other law;

20 “(B) includes—

21 “(i) any rule of general applicability  
22 governing Federal grants to State and  
23 local governments for which the agency  
24 provides an opportunity for notice and  
25 public comment; and

1           “(ii) any significant guidance docu-  
2           ment, as defined in the Office of Manage-  
3           ment and Budget Final Bulletin for Agen-  
4           cy Good Guidance Procedures (72 Federal  
5           Register 3432; January 25, 2007); and

6           “(C) does not include a rule of particular  
7           applicability relating to rates, wages, corporate  
8           or financial structures or reorganizations there-  
9           of, prices, facilities, appliances, services, or al-  
10          lowances therefor or to valuations, costs or ac-  
11          counting, or practices relating to such rates,  
12          wages, structures, prices, appliances, services,  
13          or allowances;”.

14          (c) INCLUSION OF INDIAN TRIBES AS SMALL GOV-  
15          ERNMENTAL JURISDICTIONS.—Section 601(5) of title 5,  
16          United States Code, is amended by inserting “Indian  
17          tribes as defined under section 8(a)(13) of the Small Busi-  
18          ness Act (15 U.S.C. 637(a)(13)),” after “school dis-  
19          tricts,”.

20          **SEC. 602. CERTIFICATION OF RULES.**

21          (a) PREPARATION OF INITIAL REGULATORY FLEXI-  
22          BILITY ANALYSIS BEFORE FINAL REGULATORY FLEXI-  
23          BILITY ANALYSIS.—Section 605(b) of title 5, United  
24          States Code, is amended—

25                  (1) by inserting “(1)” after “(b)”; and

1 (2) by adding at the end the following:

2 “(2) If the head of the agency determines that there  
3 will be a significant economic impact on a substantial  
4 number of small entities after publication of the certifi-  
5 cation required under paragraph (1), the agency shall  
6 comply with the requirements of section 603 before the  
7 publication of the final rule, by—

8 “(A) publishing an initial regulatory flexibility  
9 analysis for public comment; or

10 “(B) re-proposing the rule with an initial regu-  
11 latory flexibility analysis.”.

12 (b) DETERMINATIONS BEFORE CERTIFICATIONS.—  
13 Section 605(b) of title 5, United States Code, (as amended  
14 by subsection (a) of this section) is further amended by  
15 adding at the end the following:

16 “(3) The head of an agency may not certify a rule  
17 under this subsection, unless the head of the agency has  
18 determined—

19 “(A) the average cost of the rule for small enti-  
20 ties affected or reasonably presumed to be affected  
21 by the rule;

22 “(B) the number of small entities affected or  
23 reasonably presumed to be affected by the rule; and

24 “(C) the number of affected small entities for  
25 which that cost will be significant.”.

1 (c) ACCURACY OF CERTIFICATIONS.—Section 605(b)  
2 of title 5, United States Code, (as amended by subsections  
3 (a) and (b) of this section) is further amended by adding  
4 at the end the following:

5 “(4) Before publishing a certification and a state-  
6 ment providing the factual basis for that certification  
7 under paragraph (1), the head of the agency shall—

8 “(A) transmit a copy of that certification and  
9 statement to the Chief Counsel for Advocacy of the  
10 Small Business Administration; and

11 “(B) consult with the Chief Counsel for Advo-  
12 cacy of the Small Business Administration on the  
13 accuracy of that certification and statement.”.

14 **SEC. 603. APPLICATION TO INTERIM FINAL RULES.**

15 Section 608 of title 5, United States Code, is amend-  
16 ed—

17 (1) in subsection (a), by inserting “the interim  
18 final rule or” before “the final rule” each place that  
19 term appears; and

20 (2) in subsection (b)—

21 (A) in the second sentence—

22 (i) by inserting “an interim final rule  
23 or” before “a final rule”; and

24 (ii) by inserting “the interim final rule  
25 or” before “the final rule”; and

1 (B) in the third sentence, by inserting “the  
2 interim final rule or” before “the final rule”.

3 **SEC. 604. REVIEW PANELS.**

4 Section 609(b) of title 5, United States Code, is  
5 amended—

6 (1) by redesignating paragraphs (2) through  
7 (6) as paragraphs (3) through (7), respectively;

8 (2) by inserting after paragraph (1) the fol-  
9 lowing:

10 “(2) not later than 60 days before convening a  
11 panel under paragraph (4), a covered agency shall  
12 submit written notification and a statement to the  
13 Chief Counsel for Advocacy of the Small Business  
14 Administration and the Office of Information and  
15 Regulatory Affairs within the Office of Management  
16 and Budget that includes—

17 “(A) the date the panel will convene;

18 “(B) a description of all potential regu-  
19 latory alternatives to be considered by the  
20 panel; and

21 “(C) data or statistical information in sup-  
22 port of each potential regulatory alternative.”;  
23 and

24 (3) in paragraph (6) (as redesignated under  
25 paragraph (1) of this section), by striking “pursuant



1 to paragraph (3)” and inserting “under paragraph  
2 (4)”.

3 **SEC. 605. JUDICIAL REVIEW.**

4 Section 611(a) of title 5, United States Code, is  
5 amended—

6 (1) in paragraph (1), by inserting “603,” after  
7 “601,”;

8 (2) in paragraph (2), by inserting “603,” after  
9 “601,”;

10 (3) in paragraph (3), by striking “(3)(A)”  
11 through the end of subparagraph (A) and inserting  
12 the following:

13 “(3)(A) A small entity may seek such review during  
14 the period beginning on the date of final agency action  
15 and ending one year later, except that—

16 “(i) where a provision of law requires that an  
17 action challenging a final agency action be com-  
18 menced before the expiration of one year, such lesser  
19 period shall apply to an action for judicial review  
20 under this section; and

21 “(ii) in the case of noncompliance with section  
22 603 or 605(b), a small entity may seek judicial re-  
23 view of agency compliance with those sections before  
24 the close of the public comment period.”; and

25 (4) in paragraph (4)—

1 (A) in subparagraph (A), by striking “,  
2 and” and inserting a semicolon;

3 (B) in subparagraph (B), by striking the  
4 period and inserting “; or”; and

5 (C) by adding at the end the following:

6 “(C) issuing an injunction prohibiting an  
7 agency from taking any agency action with re-  
8 spect to a rulemaking until that agency is in  
9 compliance with the requirements of section  
10 603 or 605.”.

11 **SEC. 606. RESEARCH GRANT AUTHORITY.**

12 (a) GRANT AUTHORITY.—The Office of Advocacy of  
13 the Small Business Administration may establish a grant  
14 program and award grants to institutions of higher edu-  
15 cation, as defined in section 101 of the Higher Education  
16 Act of 1965 (20 U.S.C. 1001), to conduct research on  
17 issues that affect small business concerns.

18 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
19 are authorized to be appropriated such sums as necessary  
20 to carry out this section.

○