

SBA ENTREPRENEURIAL DEVELOPMENT PROGRAMS ACT
OF 2007

—————
JUNE 15, 2007.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed
—————

Ms. VELÁZQUEZ, from the Committee on Small Business,
submitted the following

R E P O R T

[To accompany H.R. 2359]

[Including cost estimate of the Congressional Budget Office]

The Committee on Small Business, to whom was referred the bill
(H.R. 2359) to reauthorize programs to assist small business con-
cerns, and for other purposes, having considered the same, report
favorably thereon without amendment and recommend that the bill
do pass.

CONTENTS

	Page
I. Purpose of the Bill and Summary	2
II. Background and Need for Legislation	2
III. Hearings	5
IV. Committee Consideration	5
V. Committee Votes	5
VI. Section-by-Section Analysis of H.R. 2359	5
VII. Congressional Budget Office Cost Estimate	9
VIII. Committee Estimate of Costs	11
IX. Oversight Findings	11
X. Statement of Constitutional Authority	11
XI. Compliance With Public Law 104-4	11
XII. Congressional Accountability Act	11
XIII. Federal Advisory Committee Statement	11
XIV. Statement of No Earmarks	12
XV. Performance Goals and Objectives	12
XVI. Changes in Existing Law Made by the Bill, as Reported	12

I. PURPOSE AND SUMMARY

The SBA Entrepreneurial Development Programs Act of 2007, H.R. 2359, amends key sections of the Small Business Act to assist small business owners gain the technical expertise associated with starting and running a successful business. Providing entrepreneurial development (ED) assistance is one of SBA's main agency-wide objectives and the most critical for those Americans seeking to start a new enterprise, requiring direction with their need for start-up capital, business plans, and other basic management skills.¹ Over time, new conditions in local and national economies have altered both the types of opportunities available to entrepreneurs as well as their needs when competing in the marketplace. Entrepreneurs increasingly represent a broader cross section of the population and operate in a different economic environment from their predecessors. H.R. 2359 ensures that SBA entrepreneurial development programs reflect the current composition of small business owners and have the flexibility to address new needs and conditions. The legislation is expected to increase entrepreneurs' access to a comprehensive set of counseling and training tools necessary for operating within the challenges of the modern economy and therefore contribute towards leveling the playing field for all businesses.

The bill enhances entrepreneurial development services at the agency in three main areas: operational changes, additional mandates, and the representation of entrepreneurial composition in program providers. Title I establishes provisions to maintain high levels of service through SBA administered Small Business Development Centers (SBDCs), which are outreach centers providing entrepreneurial development assistance across the country. Title II expands the role of SBDCs to assist entrepreneurs operating in the new economic environment, adding to their enumerated functions under the Small Business Act. Title III addresses SBA's SCORE program, which utilizes an expansive network of volunteers, most of whom are former executives, to provide vital business assistance to entrepreneurs. The program is modified to reflect the growing numbers of entrepreneurs from socially and economically disadvantaged backgrounds by requiring administrators to recruit and maintain a higher representation of volunteers with diverse backgrounds.

The Committee does not expect that these changes will ensure the survival of all small business endeavors. However, as technical assistance resources become more convenient, affordable, and appropriate to the current environment, the bill increases the capacity for entrepreneurs to develop sustainable enterprises.

II. BACKGROUND AND NEED FOR LEGISLATION

SBA GENERAL ENTREPRENEURIAL DEVELOPMENT PROGRAMS

Since SBA's inception in 1953, the agency has increasingly committed its resources to providing entrepreneurial development assistance. The agency complements its programs that increase access to affordable capital for self employment activities by assisting

¹ PL 85-536, Section 2(a).

entrepreneurs develop business plans and strategies to operate successful enterprises.

The SBDC program is the cornerstone of the SBA's entrepreneurial program. Congress established the program in 1980 to foster economic development by providing management, technical, and research assistance to current and prospective small business owners. It has assisted to millions of entrepreneurs across the United States. This program has been extremely efficient in using allocated federal funds to provide necessary technical training and mentoring.

SBA administers a significant portion of their ED services through this program. The agency distributes funds for the operation of the program to each state through a lead organization that sponsors the SBDC and manages the program. The lead organization coordinates program services offered to small businesses through a network of subcenters and satellite locations in each state. Subcenters are located at colleges, universities, community colleges, vocational schools, chambers of commerce, and economic development corporations. This structure ensures that services are coordinated within the state, based upon availability of resources and needs. State coordination has also supported economic development strategies to support the growth of regional industries.

The centers offer one-stop assistance by providing a wide variety of information and guidance in central and easily accessible branch locations. There are now 63 lead SBDCs—with a network of more than 1100 service locations. The program is a cooperative effort of the private sector, the educational community and federal, state, and local governments. It enhances economic development by serving as the backbone in many communities and helping thousands of interested entrepreneurs get started.

Another component of the SBA's ED resources is the Service Corps of Retired Executives (SCORE) program. Established in 1964, the SCORE program utilizes an expansive network of volunteers, most of whom are former executives, to provide vital business assistance to entrepreneurs. These recruits provide business mentorship through counseling and online assistance to help entrepreneurs who are in the early phases of initiating or expanding their enterprises. SCORE services are administered through chapters across the country. They administer services independently from the SBA, which has minimal oversight over how they serve clients and recruit volunteers in each area.

Most of the ED programs were designed many years ago and therefore reflect the existing needs and governing approaches of the time. These programs were designed to serve a particularly segment of the entrepreneurial force through customized assistance. They were designed to help their clients by addressing a comprehensive range of issues that are typically faced by entrepreneurs starting or expanding a small business.

EMERGING ENTREPRENEURIAL DEVELOPMENT NEEDS

The entrepreneurs of today are dramatically different than those even from a decade ago, which has created a new set of needs for their success. One of the most notable changes in the entrepreneurial sector is the new composition of small business owners. Socially-economically disadvantaged and women owned firms are a

rapidly expanding, successful sector in the US economy. The number of women owned firms has grown at nearly double the rate of all firms. Entrepreneurs from socially and economically disadvantaged sectors currently own over four million, or nearly one quarter of all US firms. Women entrepreneurs from socially-economically disadvantaged backgrounds have increased at twice the rate of their counterparts and six times the rate of all US firms.

Small businesses of today also face unprecedented economic conditions which have made it more difficult for firms of this size to survive. Production has become more expensive for most small businesses, as the price for nearly all inputs have skyrocketed. The top concern currently facing entrepreneurs is the cost of energy, particular gasoline, which is currently topping \$3/gallon. Rising energy prices greatly affect entrepreneurs, impeding their growth, limiting their ability to hire new employees, and stifling innovation. These prices have risen along with many other operational inputs, such as health care. Consequently, due to small businesses' limited profit margins as production costs are driven up, they become less competitive with their counterparts.

As the domestic market has become increasingly challenging for small businesses, the US economy has almost completely integrated with the world's markets. This has resulted in depressed prices for most goods/services as countries across the globe compete by lowering production costs. Given entrepreneurial operations' smaller economies of scale, they are at a severe disadvantage in a system of open borders. Therefore, businesses of today must constantly innovate their products and processes to stay at the cutting edge in order to compete successfully in domestic and global markets.

The regulatory burden has also increased for small businesses. Local, national, and international rules have significantly grown over the last several decades and they have been increasingly designed with a higher degree of complexity. Consequently, large businesses are at an advantage complying with regulations given their extra resources available to acquire information and process regulatory requirements, while small businesses utilize a higher proportion of their expenditures complying with the rules. Consequently, businesses today require affordable access to information and counseling to address the new regulatory structure.

The Gulf Coast hurricanes in August of 2005 demonstrated that small businesses today are not only highly susceptible to major disruptions due to disasters but that they also need immediate assistance if they are to recover. Most of the businesses in the region impacted by the storm required capital and counseling assistance to address a range of needs from the physical redevelopment of property to retaining a workforce. The lack of assistance from most levels of government, including the SBA, indicates that there is a need to significantly alter disaster recovery programs.

As the needs of entrepreneurs change in response to new conditions in the marketplace, it is critical that the ED programs are modernized. As H.R. 2359 creates additional resources and program goals, it will ensure that the emerging needs of entrepreneurs are addressed. Further, as it updates existing programs, the legislation builds on the expertise and experiences gained through the implementation of ED programs at the agency.

III. HEARINGS

On May 16, 2007, the Committee on Small Business held a hearing on the entrepreneurial development needs of small business owners. The hearing focused on the challenges they face in today's economy and on recommendations for improvements to SBA's entrepreneurial development programs. In addition, a significant portion of the Committee's previous hearings on the President's annual budget proposals have centered on the importance of the agency's entrepreneurial development programs. The hearings have looked at the sufficiency of the SBA's personnel and budget requests to address the technical assistance needs of small businesses. Finally, the Committee has held numerous hearings each year on general entrepreneurship development issues, to examine obstacles and identify solutions for small business owners with diverse socio-economic as well as geographic backgrounds attempting to build sustainable enterprises.

IV. COMMITTEE CONSIDERATION

The Committee on Small Business met in open session on May 23, 2007 to consider H.R. 2359.

V. COMMITTEE VOTES

The Committee on Small Business ordered H.R. 2359 reported to the House, as amended by an amendment in the nature of substitute, by a voice vote at 10:45 a.m.

VI. SECTION-BY-SECTION ANALYSIS OF THE ENTREPRENEURIAL DEVELOPMENT BILL

Section 1. Short title; table of contents

This section includes a short title and the table of contents.

TITLE I

Section 101. Small Business Development Centers operational changes

Provisions in the Small Business Act are restructured so that the statute conforms to the current operation of the Small Business Development Center (SBDC) program. The Small Business Administration (SBA) is required to provide grants only to universities with academic accreditations. The Committee intends to strengthen eligibility criteria for SBDC grantees by requiring new award recipients to be institutions of higher education that are fully accredited.

Grant recipients are authorized as equal partners in the contract negotiation process. The Committee is intending to ensure that SBDC grant recipients have the capacity to meaningfully participate in the negotiations to determine the programs/services they will provide as well as the finalized contract agreement with the agency. SBA interference is prohibited in the hiring practices of the SBDC grant recipient host. This section intends to clarify that the agency does not have veto authority over the grant recipient's hiring practices. However, the hiring process must be based upon fair, openly competitive and non-discriminatory hiring practices.

The agency is restricted from utilizing program resources for administration expenses to examine center operations. The Committee intends that the SBDC Program Office and the SBA should budget for administrative costs through the agency's annual fiscal proposals.

Privacy protection requirements are expanded to apply to the content of SBDC consultation sessions. Client confidentiality protections established in the 2004 SBA Reauthorization Act are strengthened to also cover the context of the consulting engagement.

SBDCs are defined in this section and the Committee intends to make clear in the statute the distinction between Lead and Sub-Centers, given their different legal meanings. Lead centers are limited to one per state to decrease competition. This provision specifies that there must be a single SBDC grantee in each state, grandfathering the grantees in California and Texas, until they propose to consolidate.

Exemptions are allowed in the event of a federally-designated natural or human-caused disaster to the cap on non-matching portability grants. The Committee intends this provision will prevent the historically lengthy and disconnected process for grant proposals responding to one disaster, such as the occurrence in the Gulf Coast.

SBDCs are required to compile and report aggregate data on high-speed Internet access. The Committee expects the SBDC to report the data, on a quarterly basis to the Administrator of the SBA sorted by the nine-digit ZIP code of the small business. The SBA will publish the data quarterly on its Web site.

TITLE II

Each section in this title contains language directing the agency on how to fund the new grant initiatives discussed below. The Committee expects SBDC's core program funding to remain separate from appropriations for the new grant initiatives established in H.R. 2359. Further, it is expected that the SBDC core program be funded at least at its current authorization level.

Full funding is critical to ensure service providers have the capacity to fulfill the program's mandate, especially as demand for entrepreneurial development assistance has increased. However, it is the Committee's judgment that this program has been inadequately funded for several years. Despite the success of the SBDC program, the FY 2008 budget submitted by the administration provides funding \$87 million, roughly \$37 million below their authorized level. The effect of this cut, on top of the effects of inflation over the past six years, means that many centers across the United States will have lost up to twenty percent of funding since 2001.

By creating additional authorizations for the grant initiatives, the legislation is intended to facilitate the development of specialized services for interested and eligible centers. However, the grants have not been designed to substitute for the comprehensive set of services that SBDCs are required to provide in their core program.

To ensure that centers have adequate resources to continue providing mandated services, the Committee obtained confirmation from the Small Business Administration that the agency expected

the new grant initiatives to be allocated separately from core program funding. In a letter dated May 18, 2007, C. Edward Rowe, III, SBA Assistant Administrator of Congressional and Legislative Affairs responded to the House Small Business Committee Chairwoman's request for the agency's interpretation of the funding distribution in the provision with the following: ". . . this proposed language would maintain the main SBDC Program baseline funding separate from that of any other enacted SBDC related grant initiative programs. Any other enacted SBDC related grant initiative programs would require other funding sources."

Section 201. Capital access initiative

Permits SBDCs to help entrepreneurs gain access to an expanded set of capital options and achieve the best outcomes in raising capital for their individual circumstances. SBDCs will also assist entrepreneurs in processing loan applications and obtaining private equity investment. The Committee expects the SBDCs to utilize these grants to assist small businesses in at least four areas: capital education, assessment of company potential, preparedness to request capital, and submission.

Section 202. Disaster recovery program

Expands disaster recovery role for SBDCs to help them meet small businesses needs. SBDCs will assist entrepreneurs in the event of a natural disaster by serving as first responders in local communities. SBDCs will aid small firms in the preparation of disaster applications and coordinate the federal response for small business disaster victims. The Committee expects that SBDCs will also leverage the extensive state and local community contacts and provide immediate access to added local and state-based resources. Further, part of the grant awards can be used by SBDCs to prepare small businesses to protect their enterprises from devastation to natural and human-made disasters.

Section 203. Innovation and competitiveness services initiative

SBDCs have the capability to provide training and facilitate the qualification of other centers to become for technical accreditation designations. This initiative enables SBDCs to become "Technology Centers," develop best practices for the use and creation of advanced products, and market these technologies to manufacturers. The Committee expects grants to also be used to support the development of regional technology industries through centers' engagement of significant local assets and resources; development of a locally based but common themed marketing program; and aggressive outreach focusing upon business advisement and training.

Section 204. Mature entrepreneur assistance program

Targets services to retiring baby boomers seeking self-employment opportunities and to those transitioning out of their businesses. SBDCs develop classes and consulting processes for mature business owners interested in business transition services. The Committee expects grants to be used by SBDCs to help retiring business owners develop transition plans, to identify acquisition opportunities, and to assist in securing self employment for retiring Americans.

Section 205. Small business sustainability initiative

To meet small businesses' new need for sustainability as the supply of affordable energy decreases, SBDCs will help small businesses become sustainable through energy efficiency, green building, environmental performance, and clean technology entrepreneurial assistance. SBDCs grants can also be used to evaluate the cost benefits of efficiency measures, to secure financing to achieve energy efficiency, and to empower management to implement energy efficiency projects.

Section 206. Affordable health insurance initiative

Resources are directed to help small business owners facing escalating costs for their employees. SBDCs will assist entrepreneurs with identifying and securing affordable health insurance for their business and employees. As many states have started tackling the issue of small business health care coverage, these grantees will also work with state officials to inform small firms about these options. Grants may also be used by centers to work with insurers to try and secure discount rates for the small companies that elect to use that insurance.

Section 207. National regulatory assistance initiative

Establishes an initiative to help small businesses comply with local, federal, and international regulations. Eligible SBDCs will collect information on regulations that impact small businesses and on existing resources available to help entrepreneurs comply. The Committee expects that grantees provide confidential assistance and may contact relevant agency to determine requirements.

Section 208. Report

The agency is required to evaluate the performance of these initiatives 18 months following the enactment of the legislation. The Committee expects the report to include information on lessons learned from the implementation of the new initiatives as well as an evaluation of their performance meeting agency objectives.

TITLE III

Section 301. Repeal of Active Corporation of Executives

The Small Business Act is updated by deleting inclusion of the "Active Corps of Executives" (ACE) program in the SCORE statute, due to the defunct nature of this entity since 1995.

Section 302. Expansion of volunteer representation

SCORE administrators are required to actively recruit and maintain volunteer mentors in order to increasingly reflect socially- and economically-disadvantaged sectors of the population, while reporting on the status of this effort to the SBA every year.

The Committee expects SCORE administrators to include in the annual reports the total socially-economically disadvantaged volunteers as a proportion of the demographic composition of each community as well as the length of time each volunteer has provided service to the program. It is also expected that SBA provides a copy of the annual report to the Committee.

Section 303. Benchmark reports

SCORE administrators are required to establish benchmarks reviewed by the SBA regarding service delivery, such as the success of assisted entrepreneurs. Administrators are also required to submit annual reports to the agency on the organization's performance meeting these objectives.

Program administrators should include in the report data on the geographic distribution of businesses assisted as well as gaps in services according to location. Other benchmarks should include coordination efforts with public-private entities and details on fundraising ventures, including all grants awarded. It is also expected that SBA provides a copy of the annual report to the Committee.

VII. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

JUNE 15, 2007.

Hon. NYDIA M. VELÁZQUEZ, *Chairwoman,*
Committee on Small Business,
House of Representatives, Washington, DC.

DEAR MADAM CHAIRWOMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2359, the SBA Entrepreneurial Development Programs Act of 2007.

If you wish further details on this estimate, we will be pleased to provide them.

The CBO staff contact is Susan Willie.

Sincerely,

PETER R. ORSZAG.

Enclosure.

H.R. 2359—SBA Entrepreneurial Development Programs Act of 2007

Summary: H.R. 2359 would authorize the Small Business Administration (SBA) to award grants to Small Business Development Centers (SBDCs) to expand the scope of assistance and services provided to owners of small businesses. Further, the bill would require SBA to increase the proportion of participants in the Service Corps of Retired Executives (SCORE) who are from socially or economically disadvantaged backgrounds. Finally, the bill would amend provisions of current law that affect the operation of SBDCs. Assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 2359 would cost \$8 million in 2008 and \$321 million over the 2008–2012 period. Enacting the bill would not affect direct spending or revenues.

H.R. 2359 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would benefit state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 2359 is shown in the following table. The costs of this legislation fall within budget function 370 (commerce and housing credit).

	By fiscal year, in millions of dollars—				
	2008	2009	2010	2011	2012
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Additional Grants:					
Estimated Authorization Level	101	105	106	110	112
Estimated Outlays	5	36	78	91	103
Additional Administrative Costs:					
Estimated Authorization Level	4	1	1	1	1
Estimated Outlays	3	2	1	1	1
Total Changes:					
Estimated Authorization Level	105	106	107	111	113
Estimated Outlays	8	38	79	92	104

Basis of estimate: H.R. 2359 would authorize SBA to award a number of grants to SBDCs to expand the range of services provided to owners of small businesses. CBO estimates that implementing the new grant provisions in H.R. 2359 would cost about \$5 million in 2008 and \$313 million over the 2008–2012 period, assuming appropriation of the necessary amounts. There are 63 SBDCs that would be eligible to apply for the new grants; CBO assumes that approximately 90 percent would be awarded grants as allowed under the bill. Accordingly, the costs over the 2008–2012 period break down as follows:

- \$53 million for grants up to \$300,000 each to develop programs to educate and assist small business owners or potential owners in obtaining private capital;
- \$9 million for grants that would allow SBDCs to provide support in the event of a disaster;
- \$89 million for grants up to \$500,000 each to target assistance and services to increase the competitiveness of small manufacturers;
- \$62 million for grants up to \$350,000 each to carry out a program to encourage older individuals to consider becoming business owners and provide assistance should they choose to do so;
- \$52 million for grants up to \$300,000 each to promote investment in energy-efficient equipment and technology;
- \$36 million for grants to assist small business owners to identify and purchase affordable health insurance for their employees; and
- \$12 million for grants to assist small business owners in complying with federal regulations.

In addition, the bill would require SBA to create a repository for information describing regulatory compliance activities undertaken by SBDCs that receive regulatory compliance grants. SBA also would be required to establish a Web site that provides access to compliance information that pertains to specific industries. Based on information from SBA, CBO estimates that developing and maintaining such a Web site would cost about \$3 million over the 2008–2012 period.

Based on information from SBA, we assume that the agency would require an additional 12 full-time equivalent positions to award the grants and track performance, at a cost of about \$1 million per year over the 2008–2012 period.

Other provisions of the bill would amend the nature of the relationship between SBA and SBDCs and any association that may

represent them. For example, the bill would limit SBA's involvement in hiring SBDC staff and require mutual agreement between SBA and SBDCs on programs that would be offered. The bill also would change the makeup of mentors participating in the SCORE program by increasing the number of participants from socially and economically disadvantaged backgrounds. CBO estimates that implementing those provisions would not have a significant effect on spending subject to appropriation.

Intergovernmental and private-sector impact: H.R. 2359 contains no intergovernmental or private-sector mandates as defined in UMRA. By authorizing grants to SBDCs, the bill would benefit state, local, and tribal governments. Any costs those entities incur would result from complying with conditions of federal assistance.

Estimate prepared by: Federal costs: Susan Willie. Impact on state, local, and tribal governments: Elizabeth Cove. Impact on the private sector: Craig Cammarata.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

VIII. COMMITTEE ESTIMATE OF COSTS

Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs that would be incurred in carrying out H.R. 2359. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act.

IX. OVERSIGHT FINDINGS

In accordance with clause 2(b)(1) of rule X of the Rules of the House of Representatives, the oversight findings and recommendations of the Committee on Small Business with respect to the subject matter contained in H.R. 2359 are incorporated into the descriptive portions of this report.

X. STATEMENT OF CONSTITUTIONAL AUTHORITY

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in Article I, Section 8, clause 18, of the Constitution of the United States.

XI. COMPLIANCE WITH PUBLIC LAW 104-4

H.R. 2359 contains no unfunded mandates.

XII. CONGRESSIONAL ACCOUNTABILITY ACT

H.R. 2359 does not relate to the terms and conditions of employment or access to public services or accommodations with the meaning of section 102(b)(3) of P.L. 104-1.

XIII. FEDERAL ADVISORY COMMITTEE STATEMENT

H.R. 2359 does not establish or authorize the establishment of any new advisory committees.

XIV. STATEMENT OF NO EARMARKS

Pursuant to clause 9 of rule XXI, H.R. 2359 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

XV. PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee establishes the following performance related goals and objectives for this legislation:

H.R. 2359 includes a number of provisions designed to update and to improve the Small Business Administration's entrepreneurial development assistance programs.

XVI. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SMALL BUSINESS ACT

* * * * *

SEC. 8. (a) * * *

(b) It shall also be the duty of the Administration and it is hereby empowered, whenever it determines such action is necessary—

(1)(A) * * *

(B) To establish, conduct, and publicize, and to recruit, select, and train volunteers for (and to enter into contracts, grants, or cooperative agreements therefor), volunteer programs, including a Service Corps of Retired Executives (SCORE) [and an Active Corps of Executive (ACE)] for the purposes of section 8(b)(1)(A) of this Act. To facilitate the implementation of such volunteer programs the Administration shall maintain at its headquarters and pay the salaries, benefits, and expenses of a volunteer and professional staff to manage and oversee the program. Any such payments made pursuant to this subparagraph shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts. Notwithstanding any other provision of law, SCORE may solicit cash and in-kind contributions from the private sector to be used to carry out its functions under this Act, and may use payments made by the Administration pursuant to this subparagraph for such solicitation and the management of the contributions received.

* * * * *

(H) The Service Corps of Retired Executives (SCORE) established under subparagraph (B) shall carry out a plan to increase the proportion of mentors who are from socially or economically disadvantaged backgrounds. SCORE shall, on an annual basis, report to the Administrator on the implementation of this subparagraph.

(I) The Service Corps of Retired Executives (SCORE) established under subparagraph (B) shall, in consultation with the

Administrator, establish benchmarks for use in evaluating the performance of its activities and the performance of its volunteers. The benchmarks shall include benchmarks relating to the demographic characteristics and the geographic characteristics of persons assisted by SCORE, benchmarks relating to the hours spent mentoring by volunteers, and benchmarks relating to the performance of the persons assisted by SCORE. SCORE shall, on an annual basis, report to the Administrator on the extent to which the benchmarks established under this subparagraph are being attained.

* * * * *

SEC. 21. (a)(1) The Administration is authorized to make grants (including contracts and cooperative agreements) to any State government or any agency thereof, any regional entity, any State-chartered development, credit or finance corporation, any women's business center operating pursuant to section 29, any public or private institution of higher education, including but not limited to any land-grant college or university, any college or school of business, engineering, commerce, or agriculture, community college or junior college, or to any entity formed by two or more of the above entities (herein referred to as "applicants") to assist in establishing small business development centers and to any such labor for: small business oriented employment or natural resources development programs; studies, research, and counseling concerning the managing, financing, and operation of small business enterprises, management and technical assistance regarding small business participation in international markets, export promotion and technology transfer; delivery or distribution of such services and information; and providing access to business analysts who can refer small business concerns to available experts: *Provided*, That after December 31, 1990, the Administration shall not make a grant to any applicant other than an *accredited* institution of higher education or a women's business center operating pursuant to section 29 as a Small Business Development Center unless the applicant was receiving a grant (including a contract or cooperative agreement) on such date. The Administration shall require any applicant for a small business development center grant with performance commencing on or after January 1, 1992 to have its own budget and to primarily utilize *accredited* institutions of higher education and women's business centers operating pursuant to section 29 to provide services to the small business community. The term of such grants shall be made on a calendar year basis or to coincide with the Federal fiscal year. *As used in this paragraph, the term "accredited institution of higher education" means an institution that is accredited as described in section 101(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)(5)).*

* * * * *

(3) The Small Business Development Center Program shall be under the general management and oversight of the Administration for the delivery of programs and services to the small business community. Such programs and services shall be jointly developed, negotiated, and *mutually* agreed upon, with full participation of both parties, pursuant to an executed cooperative agreement be-

tween the Small Business Development Center applicant and the Administration.

(A) Small business development centers are authorized to form an association to pursue matters of common concern. If more than a majority of the small business development centers which are operating pursuant to agreements with the Administration are members of such an association, the Administration is authorized and directed to recognize the existence and activities of such an association and to consult with it and develop documents (i) announcing the annual scope of activities pursuant to this section, (ii) requesting proposals to deliver assistance as provided in this section and (iii) governing the general operations and administration of the Small Business Development Center Program, specifically including the development of regulations and a uniform negotiated *mutually agreed* to cooperative agreement for use on an annual basis when entering into individual negotiated agreements with small business development centers.

* * * * *

(4) SMALL BUSINESS DEVELOPMENT CENTER PROGRAM LEVEL.—

(A) * * *

* * * * *

(C) FUNDING FORMULA.—

(i) * * *

* * * * *

(v) USE OF AMOUNTS.—

[(I) IN GENERAL.—Of the amounts made available in any fiscal year to carry out this section—

[(aa) not more than \$500,000 may be used by the Administration to pay expenses enumerated in subparagraphs (B) through (D) of section 20(a)(1); and

[(bb) not more than \$500,000 may be used by the Administration to pay the examination expenses enumerated in section 20(a)(1)(E).]

(I) IN GENERAL.—Of the amounts made available in any fiscal year to carry out this section, not more than \$500,000 may be used by the Administration to pay expenses enumerated in subparagraphs (B) through (D) of section 20(a)(1).

* * * * *

(viii) LIMITATION.—From the funds appropriated pursuant to clause (vii), the Administration shall reserve not less than \$1,000,000 in each fiscal year to develop portable assistance for startup and sustainability non-matching grant programs to be conducted by eligible small business development centers in communities that are economically challenged as a result of a business or government facility down sizing or closing, which has resulted in the loss of jobs or small business instability. A non-matching grant under this clause shall not exceed \$100,000, and shall be used for small business development center personnel expenses and related small business programs and services.

However, in the event of a disaster, the dollar limitation in the preceding sentence does not apply.

* * * * *

(7) PRIVACY REQUIREMENTS.—

(A) IN GENERAL.—A small business development center, consortium of small business development centers, or contractor or agent of a small business development center may not disclose the name, address, or telephone number of any individual or small business concern receiving assistance under this section, or the content of any consultation with such an individual or small business concern, without the consent of such individual or small business concern, unless—

(i) * * *

(8) DEFINITION.—For the purposes of this section, a Small Business Development Center is—

(A) the entity selected by the Administrator to receive funds pursuant to the funding formula set forth in paragraph (4); or

(B) the site at which the services specified by this section are delivered.

(b)(1) * * *

* * * * *

(4) LIMITATION ON DISTRIBUTION TO SMALL BUSINESS DEVELOPMENT CENTERS.—

(A) IN GENERAL.—Except as provided in this paragraph, the Administrator shall not distribute funds to a Small Business Development Center if the State in which the Small Business Development Center is located is served by more than one Small Business Development Center. For purposes of this limitation, the term Small Business Development Center shall have the meaning set forth in subsection (a)(8).

(B) UNAVAILABILITY EXCEPTION.—The Administrator may distribute funds to two Small Business Development Centers, as that term is defined in subsection (a)(8)(A), if no applicant has applied to serve the entire State. Except as provided in subparagraph (C), the Administrator is prohibited from distributing funds to more than two Small Business Development Centers.

(C) GRANDFATHER CLAUSE.—The limitations in this paragraph shall not apply for any State in which more than one Small Business Development Center received funding prior to January 1, 2007.

(c)(1) * * *

(2) A small business development center shall provide services as close as possible to small businesses by providing extension services and utilizing satellite locations when necessary. The facilities and staff of each Small Business Development Center shall be located in such places as to provide maximum accessibility and benefits to the small businesses which the center is intended to serve. To the extent possible, it also shall make full use of other Federal and State government programs that are concerned with aiding small business. A small business development center shall have—

(A) a full-time staff, the hiring of which is carried out by the center without interference from, and without influence by, any officer or employee of the Administration, including a full-time director who shall have the authority to make expenditures

under the center’s budget and who shall manage the program activities;

* * * * *

(9) *REPORTING OF BROADBAND SERVICE PURCHASES.—*
 (A) *IN GENERAL.—Pursuant to policies adopted by the Administrator, Small Business Development Centers shall report information to the Administrator by nine-digit zip code—*

(i) whether the individual seeking counseling purchases broadband service at the address reported to the Small Business Development Center;

(ii) if the reported address is different than the business address, whether broadband service is purchased at the business address; and

(iii) if broadband service is not purchased at the addresses set forth in clauses (i) and (ii).

(B) *REPORTING.—The Administrator shall aggregate data by nine-digit zip code reporting such information to the Federal Communications Commission and the National Telecommunication and Information Administration.*

* * * * *

(n) *CAPITAL ACCESS INITIATIVE.—*

(1) *IN GENERAL.—A lead Small Business Development Center may apply for an additional grant to carry out a capital access initiative program.*

(2) *ELEMENTS OF PROGRAM.—Under a program under paragraph (1), the Center shall—*

(A) provide capital education by creating a model template to assist individuals in preparing for a broad range of capital offerings;

(B) assess company potential by conducting company assessments, which shall include, at a minimum, risk analysis and mapping of best capital opportunities;

(C) prepare individuals to request capital by advising on the various aspects of such a request, including the business plan, the financials, the projections, the presentation, and the approach;

(D) provide education on the rules of access engagement, organizations involved and available, and approaches that maximize successful requests; and

(E) deliver ongoing assistance once capital is secured.

(3) *SUPPORT.—In carrying out this subsection, the Administrator shall obtain support from national associations and from organizations such as regional development groups and “angel” groups founded by Small Business Development Centers.*

(4) *MINIMUM AMOUNT.—Each grant under this subsection shall be for at least \$100,000.*

(5) *MAXIMUM AMOUNT.—No applicant may receive more than \$300,000 in grants under this subsection in a fiscal year.*

(6) *FUNDING.—Subject to amounts approved in advance in appropriations Acts and separate from amounts approved to carry out section 21(a)(1), the Administrator may make grants or enter into cooperative agreements to carry out this subsection.*

(o) *DISASTER RECOVERY PROGRAM.—*

(1) *IN GENERAL.*—A lead Small Business Development Center may apply for an additional grant to carry out a disaster recovery program.

(2) *ELEMENTS OF PROGRAM.*—Under a program under paragraph (1), the Center shall—

(A) serve, in partnership with the Administration’s disaster center response teams, as a locally based resource for first responders by—

(i) rotating personnel into a disaster area for immediate response on the ground, processing applications, developing an evaluating recovery business models, and distributing accurate information; and

(ii) providing continued interaction, over time, with businesses that are recovering from a disaster;

(B) participate in ongoing national disaster training;

(C) develop specific State-level disaster response plans; and

(D) form a network with other Centers to serve as a platform for sharing disaster expertise, training, and human resources.

(3) *MINIMUM AMOUNT.*—Each grant under this subsection shall be for at least \$50,000.

(4) *FUNDING.*—Subject to amounts approved in advance in appropriations Acts and separate from amounts approved to carry out section 21(a)(1), the Administrator may make grants or enter into cooperative agreements to carry out this subsection.

(p) *INNOVATION AND COMPETITIVENESS SERVICES TO MANUFACTURERS INITIATIVE.*—

(1) *IN GENERAL.*—A lead Small Business Development Center may apply for an additional grant to carry out an innovation and competitiveness services to manufacturers initiative program.

(2) *ELEMENTS OF PROGRAM.*—Under a program under paragraph (1), the Center shall—

(A) participate in national training institutes to provide training to all programs of the Center to assist those programs to qualify for technology accreditation designation;

(B) develop, disseminate, and regularly update best practices “toolkits” that include best practices for resources, training programs, consultative approaches, and support services.

(C) recruit and engage significant local assets and resources (such as colleges, universities, economic development organizations, and trade associations) in each State;

(D) launch nationally a locally based but common themed marketing program, targeted at small manufacturers;

(E) undertake aggressive outreach to increase the levels of innovation and competitiveness, focusing on business advisement and training for manufacturers;

(F) provide ongoing professional development to personnel of the Center and of other resource partners; and

(G) develop and report performance, using common evaluation metrics and outcome measurements.

(3) *MINIMUM AMOUNT.*—Each grant under this subsection shall be for at least \$150,000.

(4) *MAXIMUM AMOUNT.*—A grant under this subsection may not exceed \$500,000.

(5) *FUNDING.*—Subject to amounts approved in advance in appropriations Acts and separate from amounts approved to carry out section 21(a)(1), the Administrator may make grants or enter into cooperative agreements to carry out this subsection.

(q) *MATURE ENTREPRENEURS ASSISTANCE PROGRAM.*—

(1) *IN GENERAL.*—A lead Small Business Development Center may apply for an additional grant to carry out a mature entrepreneurs assistance program.

(2) *ELEMENTS OF PROGRAM.*—Under a program under paragraph (1), the Center shall—

(A) provide advisors and training resources to assist business owners in recognizing and developing transition plans, including by—

(i) providing training and educational screening processes on the potential benefits and hazards of self-employment; and

(ii) developing courses, consulting processes, and highly targeted resource materials, and deploying them throughout the Small Business Development Center network;

(B) link business owners with additional resource service providers to prepare businesses for transition, including by increasing partnership opportunities, particularly with the Service Corps of Retired Executives (SCORE);

(C) identify business opportunities for those interested in acquiring businesses;

(D) help individuals identify and acquire financing for acquisition; and

(E) provide continuing support once transition has occurred.

(3) *MINIMUM AMOUNT.*—Each grant under this subsection shall be for at least \$175,000.

(4) *MAXIMUM AMOUNT.*—A grant under this subsection may not exceed \$350,000.

(5) *FUNDING.*—Subject to amounts approved in advance in appropriations Acts and separate from amounts approved to carry out section 21(a)(1), the Administrator may make grants or enter into cooperative agreements to carry out this subsection.

(r) *SMALL BUSINESS SUSTAINABILITY INITIATIVE.*—

(1) *IN GENERAL.*—A lead Small Business Development Center may apply for an additional grant to carry out a small business sustainability initiative program.

(2) *ELEMENTS OF PROGRAM.*—Under a program under paragraph (1), the Center shall—

(A) provide necessary support to smaller and medium-sized businesses to—

(i) evaluate energy efficiency and green building opportunities;

(ii) understand the cost benefits of energy efficiency and green building opportunities;

(iii) secure financing to achieve energy efficiency or to construct green buildings; and

(iv) empower management to implement energy efficiency projects;

(B) assist entrepreneurs with clean technology development and technology commercialization through—

(i) technology assessment;

(ii) intellectual property;

(iii) Small Business Innovation Research submissions;

(iv) strategic alliances;

(v) business model development; and

(vi) preparation for investors; and

(C) help small business improve environmental performance by shifting to less hazardous materials and reducing waste and emissions at the source, including by providing assistance for businesses to adapt the materials they use, the processes they operate, and the products and services they produce.

(3) **MINIMUM AMOUNT.**—Each grant under this subsection shall be for at least \$150,000.

(4) **MAXIMUM AMOUNT.**—A grant under this subsection may not exceed \$300,000.

(5) **FUNDING.**—Subject to amounts approved in advance in appropriations Acts and separate from amounts approved to carry out section 21(a)(1), the Administrator may make grants or enter into cooperative agreements to carry out this subsection.

SEC. 21A. SMALL BUSINESS REGULATORY ASSISTANCE.

(a) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **ASSOCIATION.**—The term “Association” means the association recognized by the Administrator of the Small Business Administration under section 21(a)(3)(A).

(2) **PARTICIPATING SMALL BUSINESS DEVELOPMENT CENTER.**—The term “participating Small Business Development Center” means a Small Business Development Center participating in the program.

(3) **PROGRAM.**—The term “program” means the regulatory assistance program established under this section.

(4) **REGULATORY COMPLIANCE ASSISTANCE.**—The term “regulatory compliance assistance” means assistance provided by a Small Business Development Center to a small business concern to enable the concern to comply with Federal regulatory requirements.

(5) **SMALL BUSINESS DEVELOPMENT CENTER.**—The term “Small Business Development Center” means a lead Small Business Development Center described in section 21.

(6) **STATE.**—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(b) **AUTHORITY.**—In accordance with this section, the Administrator shall establish a program to provide regulatory compliance assistance to small business concerns through selected Small Business Development Centers, the Association of Small Business Development Centers, and Federal compliance partnership programs.

(c) **SMALL BUSINESS DEVELOPMENT CENTERS.**—

(1) *IN GENERAL.*—*In carrying out the program, the Administrator shall enter into arrangements with selected Small Business Development Centers under which such Centers shall provide—*

(A) *access to information and resources, including current Federal and State nonpunitive compliance and technical assistance programs similar to those established under section 507 of the Clean Air Act (42 U.S.C. 7661f);*

(B) *training and educational activities;*

(C) *confidential, free-of-charge, one-on-one, in-depth counseling to the owners and operators of small business concerns regarding compliance with Federal and State regulations, as long as such counseling is not considered to be the practice of law in a State in which a Small Business Development Center is located or in which such counseling is conducted;*

(D) *technical assistance;*

(E) *referrals to experts and other providers of compliance assistance who meet such standards for educational, technical, and professional competency as are established by the Administrator; and*

(F) *access to the Internet and training on Internet use, including the use of the Internet website established by the Administrator under subsection (d)(1)(C).*

(2) *REPORTS.*—

(A) *IN GENERAL.*—*Each selected Small Business Development Center shall transmit to the Administrator a quarterly report that includes—*

(i) *a summary of the regulatory compliance assistance provided by the center under the program; and*

(ii) *any data and information obtained by the center from a Federal agency regarding regulatory compliance that the agency intends to be disseminated to small business concerns.*

(B) *ELECTRONIC FORM.*—*Each report required under subparagraph (A) shall be transmitted in electronic form.*

(C) *INTERIM REPORTS.*—*A participating Small Business Development Center may transmit to the Administrator such interim reports as the Center considers appropriate.*

(D) *LIMITATION ON DISCLOSURE REQUIREMENTS.*—*The Administrator shall not require a Small Business Development Center to disclose the name or address of any small business concern that received or is receiving assistance under the program, except that the Administrator shall require such a disclosure if ordered to do so by a court in any civil or criminal action.*

(d) *DATA REPOSITORY AND CLEARINGHOUSE.*—

(1) *IN GENERAL.*—*In carrying out the program, the Administrator shall—*

(A) *act as the repository of and clearinghouse for data and information submitted by Small Business Development Centers;*

(B) *submit to the President, the Committee on Small Business and Entrepreneurship of the Senate, and the*

Committee on Small Business of the House of Representatives an annual report that includes—

(i) a description of the types of assistance provided by participating Small Business Development Centers under the program;

(ii) data regarding the number of small business concerns that contacted participating Small Business Development Centers regarding assistance under the program;

(iii) data regarding the number of small business concerns assisted by participating Small Business Development Centers under the program;

(iv) data and information regarding outreach activities conducted by participating Small Business Development Centers under the program, including any activities conducted in partnership with Federal agencies;

(v) data and information regarding each case known to the Administrator in which one or more Small Business Development Centers offered conflicting advice or information regarding compliance with a Federal or State regulation to one or more small business concerns;

(vi) any recommendations for improvements in the regulation of small business concerns; and

(vii) a list of regulations identified by the Administrator, after consultation with the Chief Counsel for Advocacy of the Administration, who shall review such list, and the Small Business and Agriculture Regulatory Enforcement Ombudsman, as being most burdensome to small business concerns, and recommendations to reduce or eliminate the burdens of such regulations; and

(C) establish an Internet website that—

(i) provides access to Federal, State, academic, and industry association Internet websites containing industry-specific regulatory compliance information that the Administrator deems potentially useful to small businesses attempting to comply with Federal regulations; and

(ii) arranges such Internet websites in industry-specific categories.

(e) REVIEW OF BURDENSOME REGULATIONS AND PETITION FOR AGENCY REVIEW.—

(1) TRANSMISSION OF LIST OF REGULATIONS TO CHIEF COUNSEL FOR ADVOCACY.—The Administrator shall transmit to the Chief Counsel for Advocacy of the Administration a copy of the list of regulations submitted under subsection (d)(1)(B) as part of the annual report required by that subsection.

(2) REVIEW OF LIST OF REGULATIONS.—The Chief Counsel for Advocacy shall review the list of regulations transmitted under paragraph (1) and identify any regulation that—

(A) is eligible for review in accordance with section 610 of title 5, United States Code;

(B) has a significant impact on a substantial number of small business concerns that is substantially different from

the impact indicated in the final regulatory flexibility analysis for that regulation, as published with the final regulation in the Federal Register; or

(C) has a significant impact on a substantial number of small business concerns and for which no final regulatory flexibility analysis was ever performed.

(3) NOTIFICATION AND AGENCY REVIEW.—With respect to any regulation identified under paragraph (2) the Chief Counsel for Advocacy shall—

(A) notify the appropriate Federal rulemaking agency and the Office of Information and Regulatory Affairs of the Office of Management of the identification of such rule or regulation; and

(B) request the review of such regulation—

(i) in accordance with section 610 of title 5, United States Code; or

(ii) for any impact it has on small business concerns.

(4) ANNUAL REPORT.—The Chief Counsel for Advocacy shall publish an annual report containing a list of any regulation identified under paragraph (2) and the disposition by the appropriate agency.

(f) ELIGIBILITY.—

(1) IN GENERAL.—A Small Business Development Center shall be eligible to receive assistance under the program only if the center is certified under section 21(k)(2).

(2) WAIVER.—With respect to a Small Business Development Center seeking assistance under the program, the Administrator may waive the certification requirement set forth in paragraph (1) if the Administrator determines that the center is making a good faith effort to obtain such certification.

(g) SELECTION OF PARTICIPATING STATE PROGRAMS.—

(1) ESTABLISHMENT OF PROGRAM.—In consultation with the Association and giving substantial weight to the Association's recommendations, the Administrator shall select the Small Business Development Center programs of 2 States from each of the following groups of States to participate in the program:

(A) Group 1: Maine, Massachusetts, New Hampshire, Connecticut, Vermont, and Rhode Island.

(B) Group 2: New York, New Jersey, Puerto Rico, and the Virgin Islands.

(C) Group 3: Pennsylvania, Maryland, West Virginia, Virginia, the District of Columbia, and Delaware.

(D) Group 4: Georgia, Alabama, North Carolina, South Carolina, Mississippi, Florida, Kentucky, and Tennessee.

(E) Group 5: Illinois, Ohio, Michigan, Indiana, Wisconsin, and Minnesota.

(F) Group 6: Texas, New Mexico, Arkansas, Oklahoma, and Louisiana.

(G) Group 7: Missouri, Iowa, Nebraska, and Kansas.

(H) Group 8: Colorado, Wyoming, North Dakota, South Dakota, Montana, and Utah.

(I) Group 9: California, Guam, Hawaii, Nevada, and Arizona.

(J) Group 10: Washington, Alaska, Idaho, and Oregon.

(2) *DEADLINE FOR INITIAL SELECTIONS.*—The Administrator shall make selections under paragraph (1) not later than 60 days after promulgation of regulations under subsection (k).

(3) *ADDITIONAL SELECTIONS.*—Not earlier than the date 3 years after the date of the enactment of this paragraph, the Administrator may select Small Business Development Center programs of States in addition to those selected under paragraph (1). The Administrator shall consider the effect on the programs selected under paragraph (1) before selecting additional programs under this paragraph.

(4) *COORDINATION TO AVOID DUPLICATION WITH OTHER PROGRAMS.*—In selecting programs under this subsection, the Administrator shall give a preference to Small Business Development Center programs that have a plan for consulting with Federal and State agencies to ensure that any assistance provided under this section is not duplicated by an existing Federal or State program.

(h) *MATCHING NOT REQUIRED.*—Subparagraphs (A) and (B) of section 21(a)(4) shall not apply to assistance made available under the program.

(i) *DISTRIBUTION OF GRANTS.*—

(1) *IN GENERAL.*—Except as provided in paragraph (2), each State program selected to receive a grant under subsection (g) in a fiscal year shall be eligible to receive a grant in an amount not to exceed the product obtained by multiplying—

(A) the amount made available for grants under this section for the fiscal year; and

(B) the ratio that the population of the State bears to the population of all the States with programs selected to receive grants under subsection (g) for the fiscal year.

(2) *MINIMUM AMOUNT.*—The minimum amount that a State program selected to receive a grant under subsection (g) shall be eligible to receive under this section for any fiscal year shall be \$200,000. The Administrator shall reduce the amount described in paragraph (1) as appropriate to carry out the purposes of this paragraph and subsection (j)(2).

(j) *EVALUATION AND REPORT.*—Not later than 3 years after the establishment of the program, the Comptroller General of the United States shall conduct an evaluation of the program and shall transmit to the Administrator, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report containing the results of the evaluation along with any recommendations as to whether the program, with or without modification, should be extended to include the participation of all Small Business Development Centers.

(k) *PROMULGATION OF REGULATIONS.*—After providing notice and an opportunity for comment and after consulting with the Association (but not later than 180 days after the date of the enactment of this section), the Administrator shall promulgate final regulations to carry out this section, including regulations that establish—

(1) priorities for the types of assistance to be provided under the program;

(2) standards relating to educational, technical, and support services to be provided by participating Small Business Development Centers;

(3) standards relating to any national service delivery and support function to be provided by the Association under the program;

(4) standards relating to any work plan that the Administrator may require a participating Small Business Development Center to develop; and

(5) standards relating to the educational, technical, and professional competency of any expert or other assistance provider to whom a small business concern may be referred for compliance assistance under the program.

(1) *FUNDING.*—Subject to amounts approved in advance in appropriations Acts and separate from amounts approved to carry out section 21(a)(1), the Administrator may make grants or enter into cooperative agreements to carry out this section.

* * * * *

