

SMALL BUSINESS ADVANCED CYBERSECURITY
ENHANCEMENTS ACT OF 2017

APRIL 25, 2018.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. CHABOT, from the Committee on Small Business,
submitted the following

R E P O R T

[To accompany H.R. 4668]

The Committee on Small Business, to whom was referred the bill (H.R. 4668) to amend the Small Business Act to provide for the establishment of an enhanced cybersecurity assistance and protections for small businesses, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

CONTENTS

	Page
I. Amendment	1
II. Purpose and Bill Summary	4
III. Need for Legislation	4
IV. Hearings	5
V. Committee Consideration	6
VI. Committee Votes	6
VII. Section-by-Section of H.R. 4668, as Amended	8
VIII. Congressional Budget Office Cost Estimate	9
IX. Unfunded Mandates	9
X. New Budget Authority, Entitlement Authority, and Tax Expenditures	9
XI. Oversight Findings	9
XII. Statement of Constitutional Authority	9
XIII. Congressional Accountability Act	10
XIV. Federal Advisory Committee Act Statement	10
XV. Statement of No Earmarks	10
XVI. Statement of Duplication of Federal Programs	10
XVII. Disclosure of Directed Rule Makings	10
XVIII. Performance Goals and Objectives	10
XIX. Changes in Existing Law, Made by the Bill, as Reported	10

I. AMENDMENT

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Small Business Advanced Cybersecurity Enhancements Act of 2017”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Small businesses represent more than 97 percent of total businesses in the United States and make up an essential part of the supply chain to some of the largest companies, many of which are in critical infrastructure sectors, from financial and transportation organizations to power, water, and healthcare suppliers.

(2) Many small businesses do not have dedicated information technology (“IT”) departments and must outsource IT functions or assign these duties to an employee as a secondary function.

(3) The Internet Crime Complaint Center within the United States Department of Justice recorded 298,728 cybersecurity-related complaints in its 2016 report.

(4) There has been steady increases of cybersecurity-related complaints year over year since the year 2000, totaling 3,762,348.

(5) Seventy-one percent of cyber attacks occurred in businesses with fewer than 100 employees.

(6) Only 14 percent of small- and medium-sized businesses believe they have the ability to effectively mitigate cyber risks and vulnerabilities.

(7) Small businesses risk theft and manipulation of sensitive data if they lack adequate cybersecurity measures.

(8) The Better Business Bureau found that half of small businesses could remain profitable for only one month if they lost essential data.

(9) Cyber crime is growing rapidly and the annual costs to the global economy are estimated to reach over \$2,000,000,000,000 by 2019.

(10) Cybersecurity is a global challenge where the security threat, attacks, and techniques continually evolve and no company, individual, or Federal agency is immune from these threats.

(11) Strong collaboration between the public and private sector is essential in the fight against cyber crime.

(12) There is a reluctance among small businesses to voluntarily share information with government entities, and the Federal Government should work proactively to incentivize and encourage voluntary information sharing to improve the Nation’s cybersecurity posture.

SEC. 3. ENHANCED CYBERSECURITY ASSISTANCE AND PROTECTIONS FOR SMALL BUSINESSES.

Section 21(a) of the Small Business Act (15 U.S.C. 648(a)) is amended by adding at the end the following new paragraph:

“(A) SMALL BUSINESS CYBERSECURITY ASSISTANCE AND PROTECTIONS.—

“(A) ESTABLISHMENT OF SMALL BUSINESS CYBERSECURITY ASSISTANCE UNITS.—The Administrator of the Small Business Administration, in coordination with the Secretary of Commerce, and in consultation with the Secretary of Homeland Security and the Attorney General, shall establish—

“(i) in the Administration, a central small business cybersecurity assistance unit; and

“(ii) within each small business development center, a regional small business cybersecurity assistance unit.

“(B) DUTIES OF THE CENTRAL SMALL BUSINESS CYBERSECURITY ASSISTANCE UNIT.—

“(i) IN GENERAL.—The central small business cybersecurity assistance unit established under subparagraph (A)(i) shall serve as the primary interface for small business concerns to receive and share cyber threat indicators and defensive measures with the Federal Government.

“(ii) USE OF CAPABILITY AND PROCESSES.—The central small business cybersecurity assistance unit shall use the capability and process certified pursuant to section 105(c)(2)(A) of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1504(c)(2)(A)) to receive cyber threat indicators or defensive measures from small business concerns.

“(iii) APPLICATION OF CISA.—A small business concern that receives or shares cyber threat indicators and defensive measures with the Federal Government through the central small business cybersecurity assistance unit established under subparagraph (A)(i), or with any appropriate entity pursuant to section 103(c) of the Cybersecurity Informa-

tion Sharing Act of 2015 (6 U.S.C. 1503(c)), shall receive the protections and exemptions provided in such Act and this paragraph.

“(C) RELATION TO NCCIC.—

“(i) CENTRAL SMALL BUSINESS CYBERSECURITY ASSISTANCE UNIT.—The central small business cybersecurity assistance unit established under subparagraph (A)(i) shall be collocated with the national cybersecurity and communications integration center.

“(ii) ACCESS TO INFORMATION.—The national cybersecurity and communications integration center shall have access to all cyber threat indicators or defensive measures shared with the central small cybersecurity assistance unit established under subparagraph (A)(i) through the use of the capability and process described in subparagraph (B)(ii).

“(D) CYBERSECURITY ASSISTANCE FOR SMALL BUSINESSES.—The central small business cybersecurity assistance unit established under subparagraph (A)(i) shall—

“(i) work with each regional small business cybersecurity assistance unit established under subparagraph (A)(ii) to provide cybersecurity assistance to small business concerns;

“(ii) leverage resources from the Administration, the Department of Commerce, the Department of Homeland Security, the Department of Justice, the Department of the Treasury, the Department of State, and any other Federal department or agency the Administrator determines appropriate, in order to help improve the cybersecurity posture of small business concerns;

“(iii) coordinate with the Department of Homeland Security to identify and disseminate information to small business concerns in a form that is accessible and actionable by small business concerns;

“(iv) coordinate with the National Institute of Standards and Technology to identify and disseminate information to small business concerns on the most cost-effective methods for implementing elements of the cybersecurity framework of the National Institute of Standards and Technology applicable to improving the cybersecurity posture of small business concerns;

“(v) seek input from the Office of Advocacy of the Administration to ensure that any policies or procedures adopted by any department, agency, or instrumentality of the Federal Government do not unduly add regulatory burdens to small business concerns in a manner that will hamper the improvement of the cybersecurity posture of such small business concerns; and

“(vi) leverage resources and relationships with representatives and entities involved in the national cybersecurity and communications integration center to publicize the capacity of the Federal Government to assist small business concerns in improving cybersecurity practices.

“(E) ENHANCED CYBERSECURITY PROTECTIONS FOR SMALL BUSINESSES.—

“(i) IN GENERAL.—Notwithstanding any other provision of law, no cause of action shall lie or be maintained in any court against any small business concern, and such action shall be promptly dismissed, if such action related to or arises out of—

“(I) any activity authorized under this paragraph or the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501 et seq.); or

“(II) any action or inaction in response to any cyber threat indicator, defensive measure, or other information shared or received pursuant to this paragraph or the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501 et seq.).

“(ii) APPLICATION.—The exception provided in section 105(d)(5)(D)(ii)(I) of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1504(d)(5)(D)(ii)(I)) shall not apply to any cyber threat indicator or defensive measure shared or received by small business concerns pursuant to this paragraph or the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501 et seq.).

“(iii) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to affect the applicability or merits of any defense, motion, or argument in any cause of action in a court brought against an entity that is not a small business concern.

“(F) DEFINITIONS.—In this paragraph:

“(i) CISA DEFINITIONS.—The terms ‘cyber threat indicator’ and ‘defensive measure’ have the meanings given such terms in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501).

“(ii) NATIONAL CYBERSECURITY AND COMMUNICATIONS INTEGRATION CENTER.—The term ‘national cybersecurity and communications integration center’ means the national cybersecurity and communications integration center established under section 227 of the Homeland Security Act of 2002 (6 U.S.C. 148).”

SEC. 4. PROHIBITION ON NEW APPROPRIATIONS.

(a) IN GENERAL.—No additional funds are authorized to be appropriated to carry out this Act and the amendments made by this Act.

(b) EXISTING FUNDING.—This Act and the amendments made by this Act shall be carried out using amounts made available under section 21(a)(4)(C)(viii) of the Small Business Act (15 U.S.C. 648(a)(4)(viii)).

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 21(a)(4)(C)(viii) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(viii)) is amended to read as follows:

“(viii) LIMITATION.—

“(I) CYBERSECURITY ASSISTANCE.—From the funds appropriated pursuant to clause (vii), the Administration shall reserve not less than \$1,000,000 in each fiscal year to develop cybersecurity assistance units at small business development centers under paragraph (9).

“(II) PORTABLE ASSISTANCE.—

“(aa) IN GENERAL.—Any funds appropriated pursuant to clause (vii) that are remaining after reserving amounts under subclause (I) may be used for 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.

“(bb) GRANT AMOUNT AND USE.—A non-matching grant under this subclause shall not exceed \$100,000, and shall be used for small business development center personnel expenses and related small business programs and services.”

II. PURPOSE AND BILL SUMMARY

The purpose of H.R. 4668, the “Small Business Advanced Cybersecurity Enhancements Act of 2017,” is to amend the Small Business Act (the Act)¹ to encourage small businesses to work with the federal government by providing them additional resources. In order to combat small businesses’ reluctance to engage with the federal government, this legislation encourages their collaboration in the following ways:

It establishes Small Business Administration (SBA) Small Business Development Centers (SBDCs) as the primary interface for federal information sharing for small businesses; ensures small businesses that share cyber indicators through SBDCs receive the same protections and exemptions provided in the Cybersecurity Information Sharing Act of 2015; ensures that any policies or rule-making adopted by any federal agency as a result of small business cyber information sharing do not unfairly burden small businesses; and, expands liability protections for small businesses that engage with the federal government in good faith.

III. NEED FOR LEGISLATION

H.R. 4668 was introduced by Chairman Steve Chabot and Ranking Member Nydia Velázquez on December 17, 2017, after significant hearings, examination of cybersecurity threats facing small

¹ Originally, title II of the Act of July 30, 1953, 67 Stat. 232, was designated as the Small Business Act of 1953. A plethora of amendments in subsequent Congresses led to a rewrite in 1958. Pub. L. No. 85-536, Sec. 1, 72 Stat. 384 (1958). The Act is codified at 15 U.S.C. Sec. Sec. 631-657s.

businesses, and consideration of possible solutions to strengthen the American cybersecurity infrastructure by the Committee for several years. The Committee determined that the broad deficit of information sharing between public and private sectors serves as a detriment to the overall cybersecurity posture of the United States. A major reason for the lack of information sharing, particularly among small businesses, is a lack of resources and liability concerns.

IV. HEARINGS

In the 115th Congress, the Committee held four hearings that looked at the issues covered by H.R. 4668. On November 8, 2017, the Committee on Small Business met for a hearing titled, “Federal Government and Small Businesses: Promoting Greater Information Sharing for Stronger Cybersecurity.”² The hearing examined how federal agencies can encourage greater information sharing with small businesses and provide timely assistance and resources when a cyber attack occurs. Additionally, the hearing examined the policies that discourage small businesses from engaging with federal agencies for cybersecurity assistance. The witness panel discussed the importance of information sharing between small businesses and the federal government while also acknowledging that information sharing policies could be improved. One witness discussed some of the needs and challenges surrounding cyber information sharing, including fragmentation, overuse of classification, and improving the collection and dissemination of information. Another witness testified that small businesses’ reluctance to share cybersecurity information could be reduced by expanding Cybersecurity Information Sharing Act (CISA) protections for small businesses and providing tax incentives. Witnesses also testified that the federal government could better protect small businesses in three ways: improving information sharing activities; making cybersecurity frameworks and best practices more workable for small businesses; and ensuring a legal and policy environment that enhances small businesses’ abilities to manage cyber risks. A fourth witness discussed a few of the federal information sharing programs currently available to small businesses through agencies such as the Department of Homeland Security (DHS). He also made recommendations to improve cybersecurity for small businesses, such as moving to the cloud and encouraging cyber insurance for small businesses.

On January 30, 2018, the Committee on Small Business met for a hearing titled, “Small Business Information Sharing: Combating Foreign Cyber Threats.”³ The hearing examined H.R. 4668, the Small Business Advanced Cybersecurity Enhancements Act of 2017, and discussed how federal agencies are facilitating greater information sharing with small businesses that are vulnerable to foreign-backed cyber attacks. The Committee heard directly from the Federal Bureau of Investigations (FBI) and DHS.

The panel discussed the importance of increasing cybersecurity awareness for small businesses, as they can easily fall victim to foreign cyber attacks. The FBI witness testified that both the number

²*Federal Government and Small Businesses: Promoting Greater Information Sharing for Stronger Cybersecurity: Hearing Before the H. Comm. On Small Bus.*, 115th Cong. (2017).

³*Small Business Information Sharing: Combating Foreign Cyber Threats: Hearing Before the H. Comm. On Small Bus.*, 115th Cong. (2018).

and sophistication of cyber threats is on the rise. They listed a number of prevalent cyber threats that are specific to small businesses, including business email compromise, ransomware, and the Internet of Things. The FBI witness also testified that their Cyber Division regularly coordinates initiatives for engagement with private sector partners with the goal of ultimately closing intelligence gaps. DHS echoed much of the FBI's perspective by testifying that cyber threats remain one of the most significant risks for small businesses. They discussed DHS' resources for assisting small businesses, including the National Cybersecurity and Communications Integration Center, or NCCIC. DHS also testified that they have been working with SBA to develop a strategy to effectively respond to small businesses' cybersecurity needs, as directed by the National Defense Authorization Act for Fiscal Year 2017.⁴ Both agencies also endorsed H.R. 4668, testifying that it would provide small businesses with greater access to cybersecurity information and ultimately encourage further information sharing between the public and private sectors.

V. COMMITTEE CONSIDERATION

The Committee on Small Business met in open session, with a quorum being present, on March 14, 2018 and ordered H.R. 4668 reported, as amended, to the House. During the markup, two amendments were offered. The amendments addressed below are in the order in which they were considered at the markup.

Amendment Number One was offered by Mr. Comer (R-KY). This amendment makes a technical change to redirect funding from the Portable Assistance Grant Program to fund the SBDC's cybersecurity assistance unit. The amendment passed by voice vote at 11:43 am.

Amendment Number Two was offered by Mr. Chabot (R-OH). This amendment makes a technical change to clarify the intent of H.R. 4668 by ensuring that the liability protections being provided to small businesses do not imply that Congress intends for legal actions to be brought against other entities not covered by the enhanced liability protections in this bill. This amendment is required because H.R. 4668 aims to increase small business information sharing practices and strengthen America's overall cybersecurity posture, without jeopardizing other entities not covered by this legislation. The amendment passed by voice vote at 11:45 am.

VI. COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

⁴Pub. L. No. 114-328, 130 STAT. 2662.

**COMMITTEE ON SMALL BUSINESS
TALLY SHEET**

DATE: 3/14/18
 BILL NUMBER: 4668
 ROLL CALL:
 AMENDMENT NUMBER: 1V1
 VOTE: (AYE) (NO)

QUORUM:
 PRESENT:

V.V. 11:43

MEMBER	AYE	NO	NOT VOTING
Mr. Chabot, Chairman			
Mr. King			
Mr. Luetkemeyer			
Mr. Brat			
Ms. Radewagen			
Mr. Knight			
Mr. Kelly			
Mr. Blum			
Mr. Comer			
Ms. González-Colón			
Mr. Fitzpatrick			
Dr. Marshall			
Mr. Norman			
Mr. Curtis			
Ms. Velázquez, Ranking Member			
Mr. Evans			
Ms. Murphy			
Mr. Lawson, Jr.			
Ms. Clarke			
Ms. Chu			
Ms. Adams			
Mr. Espaillat			
Mr. Schneider			
VACANT			
TOTALS			

VII. SECTION-BY-SECTION OF H.R. 4668, AS AMENDED

Section 1: Short title

The short title of this bill is the “Small Business Advanced Cybersecurity Enhancements Act of 2017.”

Section 2: Findings

This section reports Congressional findings that small businesses rely upon strong collaboration between the public and private sectors in the fight against cyber crime, yet are often reluctant to voluntarily share information with government entities.

Section 3: Enhanced cybersecurity assistance and protections for small businesses

This section amends Section 21(a) of the Small Business Act to direct the Administrator of the Small Business Administration, in coordination with the Secretary of Commerce, Secretary of Homeland Security, and Attorney General, to establish a central small business cybersecurity assistance unit in the Administration and a regional small business cybersecurity assistance unit within each Small Business Development Center (SBDC). This section establishes SBDCs as the primary interface for small business concerns to receive and share cyber threat indicators with the federal government.

Relation to NCCIC and application of CISA

This section allows cybersecurity assistance units to submit any notice of cyber threat indicators received from, or defensive measures taken by, small business concerns to the National Cybersecurity and Communications Integration Center (NCCIC). Small businesses that receive or share cyber threat indicators through the SBDC, and therefore the NCCIC, will receive the protections and exemptions provided in the Cybersecurity Information Sharing Act of 2015 (CISA). This section clarifies that the assistance units will work in conjunction with, not in place of, the information sharing framework established by the Department of Homeland Security (DHS) under CISA.

Role of the central small business cybersecurity assistance unit

This section directs the central assistance unit within the Administration to work with each regional small business cybersecurity assistance unit to provide cybersecurity assistance; leverage resources from the Administration and other federal agencies; coordinate with DHS to identify and disseminate information to small businesses in a form that is accessible and actionable to small businesses; coordinate with the National Institute of Standards and Technology (NIST) to determine and implement the most cost-effective methods for employing the NIST cybersecurity framework for small businesses; and coordinate with the NCCIC to publicize the capacity of federal government to assist small business concerns in improving cybersecurity practices.

Role of the Office of Advocacy

This section also directs the central small business cybersecurity assistance unit to seek input from the Small Business Administra-

tion's Office of Advocacy to ensure that any policies or rulemaking adopted by any federal agency as a result of small business cyber information sharing does not unfairly burden small business concerns.

Enhanced protections for small businesses

This section expands liability protections for small businesses. Under this section, no small business that acts, or fails to act, in response to a cyber threat indicator or defensive measure shared with the federal government can be held liable in court pursuant to this section or CISA.

Section 4: Prohibition on new appropriations

This section prevents additional funds from being appropriated to carry out the intentions of this legislation and redirects funding from the Portable Assistance Grant Program to fund the development of SBDC's cybersecurity assistance units.

VIII. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

At the time H.R. 4668 was reported to the House, the Congressional Budget Office had not provided a cost estimate.

IX. UNFUNDED MANDATES

H.R. 4668 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act, Public Law No. 104-4, and would impose no costs on state, local, or tribal governments.

X. NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House, the Committee provides the following opinion and estimate with respect to new budget authority, entitlement authority, and tax expenditures. While the Committee has not received an estimate of new budget authority contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to § 402 of the Congressional Budget Act of 1974, the Committee does not believe that there will be any additional costs attributable to this legislation. H.R. 4668 does not direct new spending, but instead reallocates funding independently authorized and appropriated.

XI. OVERSIGHT FINDINGS

In accordance with clause 2(b)(1) of rule X of the Rules of the House, the oversight findings and recommendations of the Committee on Small Business with respect to the subject matter contained in H.R. 4668 are incorporated into the descriptive portions of this report.

XII. STATEMENT OF CONSTITUTIONAL AUTHORITY

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House, the Committee finds that the authority for this legislation in Art. I, § 8, cl.2; Art. I, § 8, cl. 7; and, Art. I, § 8 cl. 12.

XIII. CONGRESSIONAL ACCOUNTABILITY ACT

H.R. 4668 does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of § 102(b)(3) of Public Law No. 104–1.

XIV. FEDERAL ADVISORY COMMITTEE ACT STATEMENT

H.R. 4668 does not establish or authorize the establishment of any new advisory committees as that term is defined in the Federal Advisory Committee Act, 5 U.S.C. App. 2.

XV. STATEMENT OF NO EARMARKS

Pursuant to clause 9 of rule XXI, H.R. 4668 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in subsections (d), (e), or (f) of clause 9 of rule XXI of the Rules of the House.

XVI. STATEMENT OF DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c) of the rule XIII of the Rules of the House, no provision of H.R. 4668 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, a program that was included in any report from the United States Government Accountability Office pursuant to § 21 of Pub. L. No. 111–139, or a program related to a program identified in the most recent catalog of federal domestic assistance.

XVII. DISCLOSURE OF DIRECTED RULE MAKINGS

Pursuant to clause 3(c) of rule XIII of the Rules of the House, H.R. 4668 does not direct any rulemaking.

XVIII. PERFORMANCE GOALS AND OBJECTIVES

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

This legislation contains a number of provisions that increase federal resources to assist small firms in cybersecurity preparedness as well enhanced liability protections to ensure cooperation between small firms and the federal government when responding to a cyber attack.

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

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

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,

and existing law in which no change is proposed is shown in roman):

SMALL BUSINESS ACT

* * * * *

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; providing access to business analysts who can refer small business concerns to available experts; and, to the extent practicable, providing assistance in furtherance of the Small Business Development Center Cyber Strategy developed under section 1841(a) of the National Defense Authorization Act for Fiscal Year 2017: *Provided*, That after December 31, 1990, the Administration shall not make a grant to any applicant other than an 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 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.

(2) COOPERATION TO PROVIDE INTERNATIONAL TRADE SERVICES.—

(A) INFORMATION AND SERVICES.—The small business development centers shall work in close cooperation with the Administration's regional and local offices, the Department of Commerce, appropriate Federal, State and local agencies (including State trade agencies), and the small business community to serve as an active information dissemination and service delivery mechanism for existing trade promotion, trade finance, trade adjustment, trade remedy and trade data collection programs of particular utility for small businesses.

(B) COOPERATION WITH STATE TRADE AGENCIES AND EXPORT ASSISTANCE CENTERS.—A small business development

center that counsels a small business concern on issues relating to international trade shall—

(i) consult with State trade agencies and Export Assistance Centers to provide appropriate services to the small business concern; and

(ii) as necessary, refer the small business concern to a State trade agency or an Export Assistance Center for further counseling or assistance.

(C) DEFINITION.—In this paragraph, the term “Export Assistance Center” has the same meaning as in section 22.

(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 agreed upon, with full participation of both parties, pursuant to an executed cooperative agreement between 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 cooperative agreement for use on an annual basis when entering into individual negotiated agreements with small business development centers.

(B) Provisions governing audits, cost principles and administrative requirements for Federal grants, contracts and cooperative agreements which are included in uniform requirements of Office of Management and Budget (OMB) Circulars shall be incorporated by reference and shall not be set forth in summary or other form in regulations.

(C) Whereas On an annual basis, the Small Business Development Center shall review and coordinate public and private partnerships and cosponsorships with the Administration for the purpose of more efficiently leveraging available resources on a National and a State basis.

(4) SMALL BUSINESS DEVELOPMENT CENTER PROGRAM LEVEL.—

(A) IN GENERAL.—The Administration shall require as a condition of any grant (or amendment or modification thereof) made to an applicant under this section, that a matching amount (excluding any fees collected from recipients of such assistance) equal to the amount of such grant be provided from sources other than the Federal Government, to be comprised of not less than 50 percent cash and not more than 50 percent of indirect costs and in-kind contributions.

(B) RESTRICTION.—The matching amount described in subparagraph (A) shall not include any indirect costs or in-kind contributions derived from any Federal program.

(C) FUNDING FORMULA.—

(i) IN GENERAL.—Subject to clause (iii), the amount of a formula grant received by a State under this subparagraph shall be equal to an amount determined in accordance with the following formula:

(I) The annual amount made available under section 20(a) for the Small Business Development Center Program, less any reductions made for expenses authorized by clause (v) of this subparagraph, shall be divided on a pro rata basis, based on the percentage of the population of each State, as compared to the population of the United States.

(II) If the pro rata amount calculated under subclause (I) for any State is less than the minimum funding level under clause (iii), the Administration shall determine the aggregate amount necessary to achieve that minimum funding level for each such State.

(III) The aggregate amount calculated under subclause (II) shall be deducted from the amount calculated under subclause (I) for States eligible to receive more than the minimum funding level. The deductions shall be made on a pro rata basis, based on the population of each such State, as compared to the total population of all such States.

(IV) The aggregate amount deducted under subclause (III) shall be added to the grants of those States that are not eligible to receive more than the minimum funding level in order to achieve the minimum funding level for each such State, except that the eligible amount of a grant to any State shall not be reduced to an amount below the minimum funding level.

(ii) GRANT DETERMINATION.—The amount of a grant that a State is eligible to apply for under this subparagraph shall be the amount determined under clause (i), subject to any modifications required under clause (iii), and shall be based on the amount available for the fiscal year in which performance of the grant commences, but not including amounts distributed in accordance with clause (iv). The amount of a grant received by a State under any provision of this subparagraph shall not exceed the amount of matching funds from sources other than the Federal Government, as required under subparagraph (A).

(iii) MINIMUM FUNDING LEVEL.—The amount of the minimum funding level for each State shall be determined for each fiscal year based on the amount made available for that fiscal year to carry out this section, as follows:

(I) If the amount made available is not less than \$81,500,000 and not more than \$90,000,000, the minimum funding level shall be \$500,000.

(II) If the amount made available is less than \$81,500,000, the minimum funding level shall be the remainder of \$500,000 minus a percentage of \$500,000 equal to the percentage amount by which the amount made available is less than \$81,500,000.

(III) If the amount made available is more than \$90,000,000, the minimum funding level shall be the sum of \$500,000 plus a percentage of \$500,000 equal to the percentage amount by which the amount made available exceeds \$90,000,000.

(iv) DISTRIBUTIONS.—Subject to clause (iii), if any State does not apply for, or use, its full funding eligibility for a fiscal year, the Administration shall distribute the remaining funds as follows:

(I) If the grant to any State is less than the amount received by that State in fiscal year 2000, the Administration shall distribute such remaining funds, on a pro rata basis, based on the percentage of shortage of each such State, as compared to the total amount of such remaining funds available, to the extent necessary in order to increase the amount of the grant to the amount received by that State in fiscal year 2000, or until such funds are exhausted, whichever first occurs.

(II) If any funds remain after the application of subclause (I), the remaining amount may be distributed as supplemental grants to any State, as the Administration determines, in its discretion, to be appropriate, after consultation with the association referred to in subsection (a)(3)(A).

(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).

(II) LIMITATION.—No funds described in subclause (I) may be used for examination expenses under section 20(a)(1)(E) if the usage would reduce the amount of grants made available under clause (i)(I) of this subparagraph to less than \$85,000,000 (after excluding any amounts provided in appropriations Acts, or accompanying report language, for specific institutions or for purposes other than the general small business development center program) or would further reduce the amount of such grants below such amount.

(vi) EXCLUSIONS.—Grants provided to a State by the Administration or another Federal agency to carry out subsection (a)(6) or (c)(3)(G), or for supplemental grants set forth in clause (iv)(II) of this subparagraph, shall not be included in the calculation of maximum funding for a State under clause (ii) of this subparagraph.

(vii) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subparagraph—

(I) \$130,000,000 for fiscal year 2005; and

(II) \$135,000,000 for fiscal year 2006.

[(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.]

(viii) LIMITATION.—

(I) CYBERSECURITY ASSISTANCE.—*From the funds appropriated pursuant to clause (vii), the Administration shall reserve not less than \$1,000,000 in each fiscal year to develop cybersecurity assistance units at small business development centers under paragraph (9).*

(II) PORTABLE ASSISTANCE.—

(aa) IN GENERAL.—*Any funds appropriated pursuant to clause (vii) that are remaining after reserving amounts under subclause (I) may be used for 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.*

(bb) GRANT AMOUNT AND USE.—*A non-matching grant under this subclause shall not exceed \$100,000, and shall be used for small business development center personnel expenses and related small business programs and services.*

(ix) STATE DEFINED.—In this subparagraph, 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.

(5) FEDERAL CONTRACTS WITH SMALL BUSINESS DEVELOPMENT CENTERS.—

(A) IN GENERAL.—Subject to the conditions set forth in subparagraph (B), a small business development center may enter into a contract with a Federal department or agency to provide specific assistance to small business concerns.

(B) CONTRACT PREREQUISITES.—Before bidding on a contract described in subparagraph (A), a small business development center shall receive approval from the Associate Administrator of the small business development center program of the subject and general scope of the contract. Each approval under subparagraph (A) shall be based upon a determination that the contract will provide assistance to small business concerns and that performance of the contract will not hinder the small business development center in carrying out the terms of the grant

received by the small business development center from the Administration.

(C) EXEMPTION FROM MATCHING REQUIREMENT.—A contract under this paragraph shall not be subject to the matching funds or eligibility requirements of paragraph (4).

(D) ADDITIONAL PROVISION.—Notwithstanding any other provision of law, a contract for assistance under this paragraph shall not be applied to any Federal department or agency's small business, woman-owned business, or socially and economically disadvantaged business contracting goal under section 15(g).

(6) Any applicant which is funded by the Administration as a Small Business Development Center may apply for an additional grant to be used solely to assist—

(A) with the development and enhancement of exports by small business concerns;

(B) in technology transfer; and

(C) with outreach, development, and enhancement of minority-owned small business startups or expansions, HUBZone small business concerns, veteran-owned small business startups or expansions, and women-owned small business startups or expansions, in communities impacted by base closings or military or corporate downsizing, or in rural or underserved communities;

as provided under subparagraphs (B) through (G) of subsection (c)(3). Applicants for such additional grants shall comply with all of the provisions of this section, including providing matching funds, except that funding under this paragraph shall be effective for any fiscal year to the extent provided in advance in appropriations Acts and shall be in addition to the dollar program limitations specified in paragraphs (4) and (5). No recipient of funds under this paragraph shall receive a grant which would exceed its pro rata share of a \$15,000,000 program based upon the populations to be served by the Small Business Development Center as compared to the total population of the United States. The minimum amount of eligibility for any State shall be \$100,000.

(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 without the consent of such individual or small business concern, unless—

(i) the Administrator is ordered to make such a disclosure by a court in any civil or criminal enforcement action initiated by a Federal or State agency; or

(ii) the Administrator considers such a disclosure to be necessary for the purpose of conducting a financial audit of a small business development center, but a disclosure under this clause shall be limited to the information necessary for such audit.

(B) ADMINISTRATOR USE OF INFORMATION.—This section shall not—

- (i) restrict Administrator access to program activity data; or
- (ii) prevent the Administrator from using client information to conduct client surveys.

(C) REGULATIONS.—

- (i) IN GENERAL.—The Administrator shall issue regulations to establish standards—

- (I) for disclosures with respect to financial audits under subparagraph (A)(ii); and

- (II) for client surveys under subparagraph (B)(ii), including standards for oversight of such surveys and for dissemination and use of client information.

- (ii) MAXIMUM PRIVACY PROTECTION.—Regulations under this subparagraph, shall, to the extent practicable, provide for the maximum amount of privacy protection.

- (iii) INSPECTOR GENERAL.—Until the effective date of regulations under this subparagraph, any client survey and the use of such information shall be approved by the Inspector General who shall include such approval in his semi-annual report.

(8) CYBERSECURITY ASSISTANCE.—

(A) IN GENERAL.—The Department of Homeland Security, and any other Federal department or agency in coordination with the Department of Homeland Security, may leverage small business development centers to provide assistance to small business concerns by disseminating information relating to cybersecurity risks and other homeland security matters to help small business concerns in developing or enhancing cybersecurity infrastructure, awareness of cyber threat indicators, and cyber training programs for employees.

(B) DEFINITIONS.—In this paragraph, the terms “cybersecurity risk” and “cyber threat indicator” have the meanings given such terms, respectively, under section 227(a) of the Homeland Security Act of 2002 (6 U.S.C. 148(a)).

(9) *SMALL BUSINESS CYBERSECURITY ASSISTANCE AND PROTECTIONS.*—

(A) *ESTABLISHMENT OF SMALL BUSINESS CYBERSECURITY ASSISTANCE UNITS.*—*The Administrator of the Small Business Administration, in coordination with the Secretary of Commerce, and in consultation with the Secretary of Homeland Security and the Attorney General, shall establish—*

- (i) *in the Administration, a central small business cybersecurity assistance unit; and*

- (ii) *within each small business development center, a regional small business cybersecurity assistance unit.*

(B) *DUTIES OF THE CENTRAL SMALL BUSINESS CYBERSECURITY ASSISTANCE UNIT.*—

- (i) *IN GENERAL.*—*The central small business cybersecurity assistance unit established under subparagraph (A)(i) shall serve as the primary interface for small business concerns to receive and share cyber threat in-*

dicators and defensive measures with the Federal Government.

(ii) *USE OF CAPABILITY AND PROCESSES.*—The central small business cybersecurity assistance unit shall use the capability and process certified pursuant to section 105(c)(2)(A) of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1504(c)(2)(A)) to receive cyber threat indicators or defensive measures from small business concerns.

(iii) *APPLICATION OF CISA.*—A small business concern that receives or shares cyber threat indicators and defensive measures with the Federal Government through the central small business cybersecurity assistance unit established under subparagraph (A)(i), or with any appropriate entity pursuant to section 103(c) of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1503(c)), shall receive the protections and exemptions provided in such Act and this paragraph.

(C) *RELATION TO NCCIC.*—

(i) *CENTRAL SMALL BUSINESS CYBERSECURITY ASSISTANCE UNIT.*—The central small business cybersecurity assistance unit established under subparagraph (A)(i) shall be collocated with the national cybersecurity and communications integration center.

(ii) *ACCESS TO INFORMATION.*—The national cybersecurity and communications integration center shall have access to all cyber threat indicators or defensive measures shared with the central small business cybersecurity assistance unit established under subparagraph (A)(i) through the use of the capability and process described in subparagraph (B)(ii).

(D) *CYBERSECURITY ASSISTANCE FOR SMALL BUSINESSES.*—The central small business cybersecurity assistance unit established under subparagraph (A)(i) shall—

(i) work with each regional small business cybersecurity assistance unit established under subparagraph (A)(ii) to provide cybersecurity assistance to small business concerns;

(ii) leverage resources from the Administration, the Department of Commerce, the Department of Homeland Security, the Department of Justice, the Department of the Treasury, the Department of State, and any other Federal department or agency the Administrator determines appropriate, in order to help improve the cybersecurity posture of small business concerns;

(iii) coordinate with the Department of Homeland Security to identify and disseminate information to small business concerns in a form that is accessible and actionable by small business concerns;

(iv) coordinate with the National Institute of Standards and Technology to identify and disseminate information to small business concerns on the most cost-effective methods for implementing elements of the cybersecurity framework of the National Institute of Stand-

ards and Technology applicable to improving the cybersecurity posture of small business concerns;

(v) seek input from the Office of Advocacy of the Administration to ensure that any policies or procedures adopted by any department, agency, or instrumentality of the Federal Government do not unduly add regulatory burdens to small business concerns in a manner that will hamper the improvement of the cybersecurity posture of such small business concerns; and

(vi) leverage resources and relationships with representatives and entities involved in the national cybersecurity and communications integration center to publicize the capacity of the Federal Government to assist small business concerns in improving cybersecurity practices.

(E) ENHANCED CYBERSECURITY PROTECTIONS FOR SMALL BUSINESSES.—

(i) *IN GENERAL.*—Notwithstanding any other provision of law, no cause of action shall lie or be maintained in any court against any small business concern, and such action shall be promptly dismissed, if such action related to or arises out of—

(I) any activity authorized under this paragraph or the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501 et seq.); or

(II) any action or inaction in response to any cyber threat indicator, defensive measure, or other information shared or received pursuant to this paragraph or the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501 et seq.).

(ii) *APPLICATION.*—The exception provided in section 105(d)(5)(D)(ii)(I) of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1504(d)(5)(D)(ii)(I)) shall not apply to any cyber threat indicator or defensive measure shared or received by small business concerns pursuant to this paragraph or the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501 et seq.).

(iii) *RULE OF CONSTRUCTION.*—Nothing in this subparagraph shall be construed to affect the applicability or merits of any defense, motion, or argument in any cause of action in a court brought against an entity that is not a small business concern.

(F) DEFINITIONS.—In this paragraph:

(i) *CISA DEFINITIONS.*—The terms “cyber threat indicator” and “defensive measure” have the meanings given such terms in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501).

(ii) *NATIONAL CYBERSECURITY AND COMMUNICATIONS INTEGRATION CENTER.*—The term “national cybersecurity and communications integration center” means the national cybersecurity and communications integration center established under section 227 of the Homeland Security Act of 2002 (6 U.S.C. 148).

(b)(1) Financial assistance shall not be made available to any applicant if approving such assistance would be inconsistent with a

plan for the area involved which has been adopted by an agency recognized by the State government as authorized to do so and approved by the Administration in accordance with the standards and requirements established pursuant to this section.

(2) An applicant may apply to participate in the program by submitting to the Administration for approval a plan naming those authorized in subsection (a) to participate in the program, the geographic area to be served, the services that it would provide, the method for delivering services, a budget, and any other information and assurances the Administration may require to insure that the applicant will carry out the activities eligible for assistance. The Administration is authorized to approve, conditionally approve or reject a plan or combination of plans submitted. In all cases, the Administration shall review plans for conformity with the plan submitted pursuant to paragraph (1) of this subsection, and with a view toward providing small business with the most comprehensive and coordinated assistance in the State or part thereof to be served.

(3) ASSISTANCE TO OUT-OF-STATE SMALL BUSINESS CONCERNS.—

(A) IN GENERAL.—At the discretion of the Administration, the Administration is authorized to permit a small business development center to provide advice, information and assistance, as described in subsection (c), to small businesses located outside the State, but only to the extent such businesses are located within close geographical proximity to the small business development center, as determined by the Administration.

(B) DISASTER RECOVERY ASSISTANCE.—

(i) IN GENERAL.—At the discretion of the Administrator, the Administrator may authorize a small business development center to provide advice, information, and assistance, as described in subsection (c), to a small business concern located outside of the State, without regard to geographic proximity to the small business development center, if the small business concern is located in an area for which the President has declared a major disaster.

(ii) TERM.—

(I) IN GENERAL.—A small business development center may provide advice, information, and assistance to a small business concern under clause (i) for a period of not more than 2 years after the date on which the President declared a major disaster for the area in which the small business concern is located.

(II) EXTENSION.—The Administrator may, at the discretion of the Administrator, extend the period described in subclause (I).

(iii) CONTINUITY OF SERVICES.—A small business development center that provides counselors to an area described in clause (i) shall, to the maximum extent practicable, ensure continuity of services in any State in which the small business development center otherwise provides services.

(iv) ACCESS TO DISASTER RECOVERY FACILITIES.—For purposes of this subparagraph, the Administrator shall, to the maximum extent practicable, permit the personnel of a small business development center to use any site or facility designated by the Administrator for use to provide disaster recovery assistance.

(c)(1) Applicants receiving grants under this section shall assist small businesses in solving problems concerning operations, manufacturing, engineering, technology exchange and development, personnel administration, marketing, sales, merchandising, finance, accounting, business strategy development, and other disciplines required for small business growth and expansion, innovation, increased productivity, and management improvement, and for decreasing industry economic concentrations. Applicants receiving grants under this section may also assist small businesses by providing, where appropriate, education on the requirements applicable to small businesses under the regulations issued under section 38 of the Arms Export Control Act (22 U.S.C. 2778) and on compliance with those requirements.

(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, 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;

(B) access to business analysts to counsel, assist, and inform small business clients;

(C) access to technology transfer agent to provide state or art technology to small businesses through coupling with national and regional technology data sources;

(D) access to information specialists to assist in providing information searches and referrals to small business;

(E) access to part-time professional specialists to conduct research or to provide counseling assistance whenever the need arises;

(F) access to laboratory and adaptive engineering facilities; and

(G) access to cybersecurity specialists to counsel, assist, and inform small business concern clients, in furtherance of the Small Business Development Center Cyber Strategy developed under section 1841(a) of the National Defense Authorization Act for Fiscal Year 2017.

(3) Services provided by a small business development center shall include, but shall not be limited to—

(A) furnishing one-to-one individual counseling to small businesses, including—

(i) working with individuals to increase awareness of basic credit practices and credit requirements;

- (ii) working with individuals to develop business plans, financial packages, credit applications, and contract proposals;
 - (iii) working with the Administration to develop and provide informational tools for use in working with individuals on pre-business startup planning, existing business expansion, and export planning; and
 - (iv) working with individuals referred by the local offices of the Administration and Administration participating lenders;
- (B) assisting in technology transfer, research and development, including applied research, and coupling from existing sources to small businesses, including—
- (i) working to increase the access of small businesses to the capabilities of automated flexible manufacturing systems;
 - (ii) working through existing networks and developing new networks for technology transfer that encourage partnership between the small business and academic communities to help commercialize university-based research and development and introduce university-based engineers and scientists to their counterparts in small technology-based firms; and
 - (iii) exploring the viability of developing shared production facilities, under appropriate circumstances;
- (C) in cooperation with the Department of Commerce and other relevant Federal agencies, actively assisting small businesses in exporting by identifying and developing potential export markets, facilitating export transactions, developing linkages between United States small business firms and prescreened foreign buyers, assisting small businesses to participate in international trade shows, assisting small businesses in obtaining export financing, and facilitating the development or reorientation of marketing and production strategies; where appropriate, the Small Business Development Center and the Administration may work in cooperation with the State to establish a State international trade center for these purposes;
- (D) developing a program in conjunction with the Export-Import Bank and local and regional Administration offices that will enable Small Business Development Centers to serve as an information network and to assist small business applicants for Export-Import Bank financing programs, and otherwise identify and help to make available export financing programs to small businesses;
- (E) working closely with the small business community, small business consultants, State agencies, universities and other appropriate groups to make translation services more readily available to small business firms doing business, or attempting to develop business, in foreign markets;
- (F) in providing assistance under this subsection, applicants shall cooperate with the Department of Commerce and other relevant Federal agencies to increase access to available export market information systems, including the CIMS system;

(G) assisting small businesses to develop and implement strategic business plans to timely and effectively respond to the planned closure (or reduction) of a Department of Defense facility within the community, or actual or projected reductions in such firms' business base due to the actual or projected termination (or reduction) of a Department of Defense program or a contract in support of such program—

(i) by developing broad economic assessments of the adverse impacts of—

(I) the closure (or reduction) of the Department of Defense facility on the small business concerns providing goods or services to such facility or to the military and civilian personnel currently stationed or working at such facility; and

(II) the termination (or reduction) of a Department of Defense program (or contracts under such program) on the small business concerns participating in such program as a prime contractor, subcontractor or supplier at any tier;

(ii) by developing, in conjunction with appropriate Federal, State, and local governmental entities and other private sector organizations, the parameters of a transition adjustment program adaptable to the needs of individual small business concerns;

(iii) by conducting appropriate programs to inform the affected small business community regarding the anticipated adverse impacts identified under clause (i) and the economic adjustment assistance available to such firms; and

(iv) by assisting small business concerns to develop and implement an individualized transition business plan.

(H) maintaining current information concerning Federal, State, and local regulations that affect small businesses and counsel small businesses on methods of compliance. Counseling and technology development shall be provided when necessary to help small businesses find solutions for complying with environmental, energy, health, safety, and other Federal, State, and local regulations;

(I) coordinating and conducting research into technical and general small business problems for which there are no ready solutions;

(J) providing and maintaining a comprehensive library that contains current information and statistical data needed by small businesses;

(K) maintaining a working relationship and open communications with the financial and investment communities, legal associations, local and regional private consultants, and local and regional small business groups and associations in order to help address the various needs of the small business community;

(L) conducting in-depth surveys for local small business groups in order to develop general information regarding the local economy and general small businesses strengths and weaknesses in the locality;

(M) in cooperation with the Department of Commerce, the Administration and other relevant Federal agencies, actively assisting rural small businesses in exporting by identifying and developing potential export markets for rural small businesses, facilitating export transactions for rural small businesses, developing linkages between United States' rural small businesses and prescreened foreign buyers, assisting rural small businesses to participate in international trade shows, assisting rural small businesses in obtaining export financing and developing marketing and production strategies;

(N) assisting rural small businesses—

(i) in developing marketing and production strategies that will enable them to better compete in the domestic market—

(ii) by providing technical assistance needed by rural small businesses;

(iii) by making available managerial assistance to rural small business concerns; and

(iv) by providing information and assistance in obtaining financing for business startups and expansion;

(O) in conjunction with the United States Travel and Tourism Administration, assist rural small business in developing the tourism potential of rural communities by—

(i) identifying the cultural, historic, recreational, and scenic resources of such communities;

(ii) providing assistance to small businesses in developing tourism marketing and promotion plans relating to tourism in rural areas; and

(iii) assisting small business concerns to obtain capital for starting or expanding businesses primarily serving tourists;

(P) maintaining lists of local and regional private consultants to whom small business can be referred;

(Q) providing information to small business concerns regarding compliance with regulatory requirements;

(R) developing informational publications, establishing resource centers of reference materials, and distributing compliance guides published under section 312(a) of the Small Business Regulatory Enforcement Fairness Act of 1996;

(S) providing small business owners with access to a wide variety of export-related information by establishing on-line computer linkages between small business development centers and an international trade data information network with ties to the Export Assistance Center program; and

(T) providing information and assistance to small business concerns with respect to establishing drug-free workplace programs on or before October 1, 2006.

(4) A small business development center shall continue to upgrade and modify its services, as needed, in order to meet the changing and evolving needs of the small business community.

(5) In addition to the methods prescribed in section 21(c)(2), a small business development center shall utilize and compensate as one of its resources qualified small business vendors, including but not limited to, private management consultants, private consulting engineers and private testing laboratories, to provide services as

described in this subsection to small businesses on behalf of such small business development center.

(6) In any State (A) in which the Administration has not made a grant pursuant to paragraph (1) of subsection (a), or (B) in which no application for a grant has been made by a Small Business Development Center pursuant to paragraph (6) of such subsection within 60 days after the effective date of any grant under subsection (a)(1) to such center or the date the Administration notifies the grantee funded under subsection (a)(1) that funds are available for grant applications pursuant to subsection (a)(6), whichever date occurs last, the Administration may make grants to a non-profit entity in that State to carry out the activities specified in paragraph (6) of subsection (a). Any such applicants shall comply with the matching funds requirement of paragraph (4) of subsection (a). Such grants shall be effective for any fiscal year only to the extent provided in advance in appropriations Acts, and each State shall be limited to the pro rata share provisions of paragraph (6) of subsection (a).

(7) In performing the services identified in paragraph (3), the Small Business Development Centers shall work in close cooperation with the Administration's regional and local offices, the local small business community, and appropriate State and local agencies.

(8) The Associate Administrator for Small Business Development Centers, in consultation with the Small Business Development Centers, shall develop and implement an information sharing system. Subject to amounts approved in advance in appropriations Acts, the Administration may make grants or enter cooperative agreements with one or more centers to carry out the provisions of this paragraph. Said grants or cooperative agreements shall be awarded for periods of no more than five years duration. The matching funds provisions of subsection (a) shall not be applicable to grants or cooperative agreements under this paragraph. The system shall—

(A) allow Small Business Development Centers participating in the program to exchange information about their programs; and

(B) provide information central to technology transfer.

(d) Where appropriate, the Small Business Development Centers shall work in conjunction with the relevant State agency and the Department of Commerce to develop a comprehensive plan for enhancing the export potential of small businesses located within the State. This plan may involve the cofunding and staffing of a State Office of International Trade within the State Small Business Development Center, using joint State and Federal funding, and any other appropriate measures directed at improving the export performance of small businesses within the State.

(e) Laboratories operated and funded by the Federal Government are authorized and directed to cooperate with the Administration in developing and establishing programs to support small business development centers by making facilities and equipment available; providing experiment station capabilities in adaptive engineering; providing library and technical information processing capabilities; and providing professional staff for consulting. The Administration is authorized to reimburse the laboratories for such services.

(f) The National Science Foundation is authorized and directed to cooperate with the Administration and with the Small Business Development Centers in developing and establishing programs to support the centers.

(g) NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AND REGIONAL TECHNOLOGY TRANSFER CENTERS.—The National Aeronautics and Space Administration and regional technology transfer centers supported by the National Aeronautics and Space Administration are authorized and directed to cooperate with small business development centers participating in the program.

(h) ASSOCIATE ADMINISTRATOR FOR SMALL BUSINESS DEVELOPMENT CENTERS.—

(1) APPOINTMENT AND COMPENSATION.—The Administrator shall appoint an Associate Administrator for Small Business Development Centers who shall report to an official who is not more than one level below the Office of the Administrator and who shall serve without regard to the provisions of title 5, governing appointments in the competitive service, and without regard to chapter 51, and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at a rate not less than the rate of GS-17 of the General Schedule.

(2) DUTIES.—

(A) IN GENERAL.—The sole responsibility of the Associate Administrator for Small Business Development Centers shall be to administer the small business development center program. Duties of the position shall include recommending the annual program budget, reviewing the annual budgets submitted by each applicant, establishing appropriate funding levels therefore, selecting applicants to participate in this program, implementing the provisions of this section, maintaining a clearinghouse to provide for the dissemination and exchange of information between small business development centers and conducting audits of recipients of grants under this section.

(B) CONSULTATION REQUIREMENTS.—In carrying out the duties described in this subsection, the Associate Administrator shall confer with and seek the advice of the Board established by subsection (i) and Administration officials in areas served by the small business development centers; however, the Associate Administrator shall be responsible for the management and administration of the program and shall not be subject to the approval or concurrence of such Administration officials.

(i)(1) There is established a National Small Business Development Center Advisory Board (herein referred to as "Board") which shall consist of nine members appointed from civilian life by the Administrator and who shall be persons of outstanding qualifications known to be familiar and sympathetic with small business needs and problems. No more than three members shall be from universities or their affiliates and six shall be from small businesses or associations representing small businesses. At the time of the appointment of the Board, the Administrator shall designate one-third of the members and at least one from each category whose term shall end in two years from the date of appointment,

a second third whose term shall end in three years from the date of appointment, and the final third whose term shall end in four years from the date of appointment. Succeeding Boards shall have three-year terms, with one-third of the Board changing each year.

(2) The Board shall elect a Chairman and advise, counsel, and confer with the Associate Administrator for Small Business Development Centers in carrying out the duties described in this section. The Board shall meet at least semiannually and at the call of the Chairman of the Board. Each member of the Board shall be entitled to be compensated at the rate not in excess of the per diem equivalent of the highest rate of pay for individuals occupying the position under GS-18 of the General Schedule for each day engaged in activities of the Board and shall be entitled to be reimbursed for expenses as a member of the Board.

(j)(1) Each small business development center shall establish an advisory board.

(2) Each small business development center advisory board shall elect a chairman and advise, counsel, and confer with the director of the small business development center on all policy matters pertaining to the operation of the small business development center, including who may be eligible to receive assistance from, and how local and regional private consultants may participate with the small business development center.

(k) PROGRAM EXAMINATION AND ACCREDITATION.—

(1) EXAMINATION.—Not later than 180 days after the date of enactment of this subsection, the Administration shall develop and implement a biennial programmatic and financial examination of each small business development center established pursuant to this section.

(2) ACCREDITATION.—The Administration may provide financial support, by contract or otherwise, to the association authorized by subsection (a)(3)(A) for the purpose of developing a small business development center accreditation program.

(3) EXTENSION OR RENEWAL OF COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—In extending or renewing a cooperative agreement of a small business development center, the Administration shall consider the results of the examination and accreditation program conducted pursuant to paragraphs (1) and (2).

(B) ACCREDITATION REQUIREMENT.—After September 30, 2000, the Administration may not renew or extend any cooperative agreement with a small business development center unless the center has been approved under the accreditation program conducted pursuant to this subsection, except that the Associate Administrator for Small Business Development Centers may waive such accreditation requirement, in the discretion of the Associate Administrator, upon a showing that the center is making a good faith effort to obtain accreditation.

(1) CONTRACT AUTHORITY.—The authority to enter into contracts shall be in effect for each fiscal year only to the extent and in the amounts as are provided in advance in appropriations Acts. After the administration has entered a contract, either as a grant or a cooperative agreement, with any applicant under this section, it shall not suspend, terminate, or fail to renew or extend any such

contract unless the Administration provides the applicant with written notification setting forth the reasons therefore and affording the applicant an opportunity for a hearing, appeal, or other administrative proceeding under the provisions of chapter 5 of title 5, United States Code. If any contract or cooperative agreement under this section with an entity that is covered by this section is not renewed or extended, any award of a successor contract or cooperative agreement under this section to another entity shall be made on a competitive basis.

(m) PROHIBITION ON CERTAIN FEES.—A small business development center shall not impose or otherwise collect a fee or other compensation in connection with the provision of counseling services under this section.

(n) VETERANS ASSISTANCE AND SERVICES PROGRAM.—

(1) IN GENERAL.—A small business development center may apply for a grant under this subsection to carry out a veterans assistance and services program.

(2) ELEMENTS OF PROGRAM.—Under a program carried out with a grant under this subsection, a small business development center shall—

(A) create a marketing campaign to promote awareness and education of the services of the center that are available to veterans, and to target the campaign toward veterans, service-disabled veterans, military units, Federal agencies, and veterans organizations;

(B) use technology-assisted online counseling and distance learning technology to overcome the impediments to entrepreneurship faced by veterans and members of the Armed Forces; and

(C) increase coordination among organizations that assist veterans, including by establishing virtual integration of service providers and offerings for a one-stop point of contact for veterans who are entrepreneurs or owners of small business concerns.

(3) AMOUNT OF GRANTS.—A grant under this subsection shall be for not less than \$75,000 and not more than \$250,000.

(4) FUNDING.—Subject to amounts approved in advance in appropriations Acts, the Administration may make grants or enter into cooperative agreements to carry out the provisions of this subsection.

* * * * *