

WOMEN'S BUSINESS CENTERS IMPROVEMENT ACT OF
2022

MARCH 7, 2022.—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. 6441]

The Committee on Small Business, to whom was referred the bill
(H.R. 6441) to amend the Small Business Act to improve the women's business center program, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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I. PURPOSE AND BILL SUMMARY

The purpose of H.R. 6441, the “Women's Business Centers Improvements Act of 2022”, is to strengthen the Women's Business Centers (WBC) program to ensure that women entrepreneurs

across the country have access to the vital counseling and technical training services to take them from startup to success.

II. BACKGROUND AND NEED FOR LEGISLATION

H.R. 6441 was introduced by Representatives Sharice Davids (D-KS) and Claudia Tenney (R-NY) on January 20, 2022. The bill amends section 29 of the Small Business Act to make numerous improvements to the WBC program.

WBCs are a critical component of the U.S. Small Business Administration's (SBA) entrepreneurial ecosystem. WBCs were created to assist small businesses primarily owned by women, many of whom are socially and economically disadvantaged. The WBC program funds more than 130 non-profit organizations that provide quality advising and training services primarily to women entrepreneurs.¹ Many of the WBCs provide multilingual services, maintain evening and weekend hours to accommodate clients who work full-time, and allow children to attend training sessions with their mothers.² In 2020, the WBC program increased their reach by 22 percent and advised and trained more than 82,000 entrepreneurs, and helped start and sustain over 30,000 small businesses.³

The WBC program has grown tremendously since its creation in 1988, but resource allocation has not kept up. Additionally, the cap on grants to individuals WBCs has not moved since the program's inception and remains at \$150,000. Adjusted for inflation, this is equivalent to approximately \$356,000. In order to reach more women entrepreneurs, the WBC program needs more resources. H.R. 6441 would not only increase the resources, but also require annual performance reports and an established accreditation program modeled after that of the America's Small Business Development Centers (SBDC) to ensure program consistency.

III. HEARINGS

In the 117th Congress, the Committee on Small Business, Subcommittee on Innovation, Entrepreneurship, and Workforce Development held a hearing on May 19, 2021, titled, "The Small Business Administration's Entrepreneurial Ecosystem: An Update and Next Steps with SBA's Resource Partners". During the hearing, Committee Members heard from SBA Resource Partners and a SBDC client.

Ms. Hodges, the CEO of the Association of Women's Business Centers (AWBC) spoke about the importance of Women's Business Centers (WBCs), particularly through the pandemic. Women-owned small businesses were particularly hard-hit throughout the pandemic and WBCs received a historic influx of requests for their services. She also testified about the work they did throughout the expansion of the program with the additional funding provided by the CARES Act and the physical expansion of the program to include 20 new WBCs across the country. In addition, Ms. Hodges spoke about the importance of reauthorizing the WBC program to

¹ U.S. SMALL BUS. ADMIN., *Press Release No. 21-01:SBA Launches Largest Expansion of Women's Business Centers in 30 Years* (Jan. 4, 2021), <https://www.sba.gov/article/2021/jan/04/sba-launches-largest-expansion-womens-business-centers-30-years>.

² Committee Testimony.

³ Association of Women's Business Centers (AWBC), *2020 Annual Report* (forthcoming 2021) (unpublished manuscript at 6) (on file with Committee).

modernize and strengthen the program to meet the needs of today's women-owned small businesses and entrepreneurs.

On June 15, 2021, the Committee held a hearing entitled, "Reversing the Decline in Women's Entrepreneurship: Opportunities for Rebuilding the Economy" to highlight the impact the pandemic had on women-owned small businesses and how Congress can better support them moving forward. Ms. Turner, the Executive Director of the Kansas City Women's Business Center, testified in support of reauthorizing the WBC program, particularly in regard to the modernization and formal accreditation process.

In addition, on October 6, 2021, the Committee held a hearing entitled, "SBA's Entrepreneurial Development Programs" where the Assistant Administrator for SBA's Office of Entrepreneurial Development, Mark Madrid, testified on the importance of SBA's entrepreneurial programs. Specifically, Mr. Madrid testified that WBCs are more important than ever as women business owners have been disproportionately impacted by the pandemic. Mr. Madrid stated that the Office of Entrepreneurial Development is urgently working to support the program and continue expanding it to more communities.

IV. COMMITTEE CONSIDERATION

The Committee on Small Business met in open session, with a quorum being present, on February 3, 2022, and ordered H.R. 6441 favorably reported to the House of Representatives. During the markup, no amendments were offered.

V. 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. The Committee voted by voice vote to favorably report H.R. 6441 to the House at 10:29 A.M.

VI. SECTION-BY-SECTION FOR H.R. 6441

Section 1. Short title

This Act may be cited as the "Women's Business Centers Improvement Act of 2022".

Section 2. Amendments to Women's Business Center Program

This section amends Section 29 of the Small Business Act (15 U.S.C. § 656).

Subsection (a)—Definitions.

This subsection defines key terms throughout the bill.

Subsection (b)—Authority.

This subsection gives the Administrator of the Small Business Administration (SBA) the authority to provide initial and continuation grants to eligible entities to operate Women's Business Centers (WBCs) that will provide entrepreneurial counseling and training services for women, especially socially and economically disadvantaged women. The services provided must include securing capital, financial operations, management, and marketing assistance.

This subsection also increases the maximum grant amount for each center to \$300,000 per year, and indexes for inflation. This is the first time since the program's creation that the cap is being raised. If the original cap (\$150,000) was indexed for inflation the grant amount would be approximately \$325,000 today. This increase will allow established WBCs to expand their reach to more women entrepreneurs in need. The term of the initial and continuation grants will be five years and there is no limitation on the number of continuation grants entities can receive.

Subsection (c)—Application.

This subsection sets forth the requirements for grant applications for initial or continuation grants. To receive a grant, an entity must submit in their application to the Administrator: a certification of designation of an executive director or program manager; a certification that they meet the Office of Management and Budget accounting and reporting requirements; information demonstrating the experience and effectiveness in providing entrepreneurial counseling and training; and a five-year plan demonstrating the ability of the WBC to serve women who are business owners or entrepreneurs and who are socially and economically disadvantaged. The Administrator is required to maintain a record of each application for five years, while taking steps to reduce the paperwork burden on applicants.

Subsection (d)—Selection of Eligible Entities.

This subsection adds requirements for SBA's review of grant applications, which include: experience in providing entrepreneurial counseling and training; the time needed to commence operations; program sustainability after five years; location and proximity to other Resource Partners; population density; and the capacity to meet accreditation standards. Further, this subsection requires SBA to establish regulations in accordance with the criteria to ensure that all eligible entities understand what would be required of them to receive a grant.

Subsection (e)—Matching Requirements.

This subsection sets forth the requirements for grants, which include the amount and form of matching funds, the solicitation and disbursements of funds, the failure to obtain matching funds, the waivers for the non-federal share, excess non-federal dollars, and the carryover of funds. For initial grants, WBCs must provide one dollar in matching funds for every two dollars received from SBA for the first two years of the grant. For the remainder of the initial grant and the entire term of the continuation grants, WBCs must provide one dollar for every federal dollar awarded by SBA. At least 50 percent of the matching funds must be in cash. This subsection allows the Administrator to waive, in whole or in part, the requirement to obtain non-federal funds for entrepreneurial counseling and training activities of the recipient of financial assistance. The Administrator may not waive the requirement for a recipient organization to obtain non-federal funds for more than one fiscal year.

This subsection also requires the Administrator to consider when determining whether to waive the requirement to obtain non-federal funds: the economic conditions affecting the recipient; the demonstrated ability of the recipient to raise non-federal funds; and the performance of the recipient. Further, to safeguard both the tax-

payer and the other WBC grant recipients, it prohibits the Administrator from waiving the requirement to obtain non-federal funds if granting the waiver would undermine the credibility of the WBC program.

Additionally, this subsection exempts the amount of non-federal dollars obtained by the WBC grant recipient that is above the amount required to be obtained, and which is not used as matching funds for purposes of implementing the program, from the requirements of part 200 of title 2, Code of Federal Regulations, or any successor regulation. This corrects a longstanding compliance challenge by which WBCs would be reluctant to raise additional funds as SBA would force them to include it as part of their budget even though that money was not being used for purposes of the match.

This subsection also allows WBCs to carryover excess non-federal dollars for an additional term in order to meet the federal match. These funds would be subject to the requirements of part 200 of title 2, Code of Federal Regulations.

Subsection (f)—Other Requirements.

This subsection prohibits eligible entities from commingling grant funds, requires site visits before receiving initial grants, and requires annual programmatic and financial reviews by SBA to ensure compliance with the grant agreements. This subsection also provides timelines for WBCs to provide plans of action to remedy any problems found through programmatic and financial examinations and timelines for SBA's acceptance or rejection of those plans.

This subsection also requires the Assistant Administrator of the Office of Women's Business Ownership (Assistant Administrator) to consult with the Association of Women's Business Centers (Association) in the development of documents with respect to the scope of the WBCs activities, requesting proposals to deliver assistance, and governing the general operations and administration of WBCs. Finally, this subsection requires the Assistant Administrator to develop and enforce policies and procedures to minimize grant non-compliance.

Subsection (g)—Program Examination.

This subsection requires the Administration to conduct programmatic and financial exams of the entities annually, and to consider the results of the examinations in determining whether to continue the awards. This subsection requires the Assistant Administrator to work with the Association to develop, implement, and maintain the policies and procedures for required financial examinations.

Subsection (h)—Notice and Comment Required.

This subsection requires a notice and comment period prior to making changes to the standards under which a WBC obtains and maintains grants, the standards for accreditation, or any other requirements for the operation of a WBC.

Subsection (i)—Contract Authority.

This subsection sets forth requirements for contract authority.

Subsection (j)—Privacy Requirements.

This subsection prescribes privacy requirements that prohibit WBCs from disclosing personal information including the name, address, or telephone number of clients without their consent. This does not prohibit SBA from accessing WBC data or surveying WBC clients.

Subsection (k)—Office of Women’s Business Ownership.

This subsection improves the Office of Women’s Business Ownership (OWBO), which is responsible for overseeing the WBC program. OWBO is overseen by the Assistant Administrator, and this subsection provides a mission for OWBO to assist women entrepreneurs, while clarifying the responsibilities and duties of the individual serving as the Assistant Administrator to ensure that the office’s mission is met. Specifically, this subsection directs the OWBO to work with Administration officials and collaborate with entities other than the Administration to ensure that the work of the WBC program coordinates effectively with the efforts of other federal government and private sector programs.

This subsection also requires the Administrator to establish, through notice and comment rulemaking, an accreditation program for the WBC program and allows the Administrator to provide a contract or financial assistance to an association which represents a majority of WBCs. While OWBO provides grants to various institutions for the establishment of WBCs across the country, there is little consistency in standards aside from meeting the requirements of the grant.

This subsection ensures that no matter which WBC an entrepreneur goes to across the country, each WBC will meet certain accreditation standards. Additionally, this subsection provides transition time so that a current WBC grantee, who does not engage in criminal activity or fraud, has time to become accredited and comply with the standards. This subsection also requires each WBC to participate in annual professional development at an annual conference facilitated by the Association.

Subsection (l)—Notification Requirements Under the Women’s Business Center Program.

This subsection requires SBA to provide public announcements of the grant’s availability. Further, it allows anyone denied a grant to review the denial with the Assistant Administrator. It requires any eligible entity who receives a site visit or evaluation to receive a copy of that report within 30 days of completion.

Subsection (m)—Annual Management Report.

This subsection requires the SBA to submit an annual report to the Senate and House Committees on Small Business on the effectiveness of the WBCs.

Subsection (n)—Authorization of Appropriations.

This subsection provides for an authorization for four years, FY2022 through FY2025, in the amount of \$31.5 million for each fiscal year. Of the amount made available, at least \$500,000 will be made available to carry out the accreditation requirements and conference costs.

Section. 3. Effect on existing grants

This section amends Section 29(m) to provide protections for existing WBCs and ensure that existing WBCs have adequate time to meet the new requirements provided within this bill.

Section. 4. Regulations

This section requires the Administrator, within 270 days, to promulgate rules as necessary to carry out section 29 of the Small Business Act, as amended by this bill.

VII. CONGRESSIONAL BUDGET COST ESTIMATE

The Committee has requested but not received a cost estimate from the Director of the Congressional Budget Office.

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

Pursuant to clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, 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 Sec. 402 of the Congressional Budget Act of 1974, the Committee does not believe that there will be any additional costs attributable to this legislation because all authorizations would be subject to future appropriation action.

IX. COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

In accordance with clause 3(c)(1) of rule XIII and 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 the H.R. 6411 are incorporated into the descriptive portions of this report.

X. STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirements of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objectives of H.R. 6411 is to strengthen the Women's Business Centers program by authorizing funding for the program for four years at \$31.5 million for each fiscal year, by requiring an annual report to measure the effectiveness of the program, and establishing an accreditation program to increase accountability.

XI. DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, no provision of H.R. 6411 is known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111-139 or the most recent Catalog of Federal Domestic Assistance.

XII. CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

With respect to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee finds that the bill does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of rule XXI of the Rules of the House of Representatives.

XIII. FEDERAL MANDATES STATEMENT

An estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chairwoman of the Committee shall cause such estimate to be printed in the Congressional Record upon its receipt by the Committee.

XIV. FEDERAL ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

XV. APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

XVI. CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in Art. I, § 8, cl. 1 of the Constitution of the United States.

XVII. 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, 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 italics, and existing law in which no change is proposed is shown in roman):

SMALL BUSINESS ACT

* * * * *

[SEC. 29. WOMEN'S BUSINESS CENTER PROGRAM.

[(a) DEFINITIONS.—In this section—

[(1) the term “Assistant Administrator” means the Assistant Administrator of the Office of Women’s Business Ownership established under subsection (g);

[(2) the term “private nonprofit organization” means an entity that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code;

[(3) the term "small business concern owned and controlled by women", either startup or existing, includes any small business concern—

[(A) that is not less than 51 percent owned by 1 or more women; and

[(B) the management and daily business operations of which are controlled by 1 or more women; and

[(4) the term "women's business center site" means the location of—

[(A) a women's business center; or

[(B) 1 or more women's business centers, established in conjunction with another women's business center in another location within a State or region—

[(i) that reach a distinct population that would otherwise not be served;

[(ii) whose services are targeted to women; and

[(iii) whose scope, function, and activities are similar to those of the primary women's business center or centers in conjunction with which it was established.

[(b) AUTHORITY.—The Administration may provide financial assistance to private nonprofit organizations to conduct 5-year projects for the benefit of small business concerns owned and controlled by women. The projects shall provide—

[(1) financial assistance, including training and counseling in how to apply for and secure business credit and investment capital, preparing and presenting financial statements, and managing cash flow and other financial operations of a business concern;

[(2) management assistance, including training and counseling in how to plan, organize, staff, direct, and control each major activity and function of a small business concern; and

[(3) marketing assistance, including training and counseling in identifying and segmenting domestic and international market opportunities, preparing and executing marketing plans, developing pricing strategies, locating contract opportunities, negotiating contracts, and utilizing varying public relations and advertising techniques.

[(c) CONDITIONS OF PARTICIPATION.—

[(1) NON-FEDERAL CONTRIBUTIONS.—As a condition of receiving financial assistance authorized by this section, the recipient organization shall agree to obtain, after its application has been approved and notice of award has been issued, cash contributions from non-Federal sources as follows:

[(A) in the first and second years, 1 non-Federal dollar for each 2 Federal dollars; and

[(B) in the third, fourth, and fifth years, 1 non-Federal dollar for each Federal dollar.

[(2) FORM OF NON-FEDERAL CONTRIBUTIONS.—Not more than one-half of the non-Federal sector matching assistance may be in the form of in-kind contributions that are budget line items only, including office equipment and office space.

[(3) FORM OF FEDERAL CONTRIBUTIONS.—The financial assistance authorized pursuant to this section may be made by grant, contract, or cooperative agreement and may contain such provision, as necessary, to provide for payments in lump

sum or installments, and in advance or by way of reimbursement. The Administration may disburse up to 25 percent of each year's Federal share awarded to a recipient organization after notice of the award has been issued and before the non-Federal sector matching funds are obtained.

[(4) FAILURE TO OBTAIN NON-FEDERAL FUNDING.—If any recipient of assistance fails to obtain the required non-Federal contribution during any project, it shall not be eligible thereafter for advance disbursements pursuant to paragraph (3) during the remainder of that project, or for any other project for which it is or may be funded by the Administration, and prior to approving assistance to such organization for any other projects, the Administration shall specifically determine whether the Administration believes that the recipient will be able to obtain the requisite non-Federal funding and enter a written finding setting forth the reasons for making such determination.

[(d) CONTRACT AUTHORITY.—A women's business center may enter into a contract with a Federal department or agency to provide specific assistance to women and other underserved small business concerns. Performance of such contract should not hinder the women's business centers in carrying out the terms of the grant received by the women's business centers from the Administration.

[(e) SUBMISSION OF 5-YEAR PLAN.—Each applicant organization initially shall submit a 5-year plan to the Administration on proposed fundraising and training activities, and a recipient organization may receive financial assistance under this program for a maximum of 5 years per women's business center site.

[(f) CRITERIA.—The Administration shall evaluate and rank applicants in accordance with predetermined selection criteria that shall be stated in terms of relative importance. Such criteria and their relative importance shall be made publicly available and stated in each solicitation for applications made by the Administration. The criteria shall include—

[(1) the experience of the applicant in conducting programs or ongoing efforts designed to impart or upgrade the business skills of women business owners or potential owners;

[(2) the present ability of the applicant to commence a project within a minimum amount of time;

[(3) the ability of the applicant to provide training and services to a representative number of women who are both socially and economically disadvantaged; and

[(4) the location for the women's business center site proposed by the applicant.

[(g) OFFICE OF WOMEN'S BUSINESS OWNERSHIP.—

[(1) ESTABLISHMENT.—There is established within the Administration an Office of Women's Business Ownership, which shall be responsible for the administration of the Administration's programs for the development of women's business enterprises (as defined in section 408 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note)). The Office of Women's Business Ownership shall be administered by an Assistant Administrator, who shall be appointed by the Administrator.

[(2) ASSISTANT ADMINISTRATOR OF THE OFFICE OF WOMEN'S BUSINESS OWNERSHIP.—

[(A) QUALIFICATION.—The position of Assistant Administrator shall be a Senior Executive Service position under section 3132(a)(2) of title 5, United States Code. The Assistant Administrator shall serve as a noncareer appointee (as defined in section 3132(a)(7) of that title).

[(B) RESPONSIBILITIES AND DUTIES.—

[(i) RESPONSIBILITIES.—The responsibilities of the Assistant Administrator shall be to administer the programs and services of the Office of Women's Business Ownership established to assist women entrepreneurs in the areas of—

- [(I) starting and operating a small business;
- [(II) development of management and technical skills;
- [(III) seeking Federal procurement opportunities; and
- [(IV) increasing the opportunity for access to capital.

[(ii) DUTIES.—The Assistant Administrator shall—

[(I) administer and manage the Women's Business Center program;

[(II) recommend the annual administrative and program budgets for the Office of Women's Business Ownership (including the budget for the Women's Business Center program);

[(III) establish appropriate funding levels therefore;

[(IV) review the annual budgets submitted by each applicant for the Women's Business Center program;

[(V) select applicants to participate in the program under this section;

[(VI) implement this section;

[(VII) maintain a clearinghouse to provide for the dissemination and exchange of information between women's business centers;

[(VIII) serve as the vice chairperson of the Interagency Committee on Women's Business Enterprise;

[(IX) serve as liaison for the National Women's Business Council; and

[(X) advise the Administrator on appointments to the Women's Business Council.

[(C) CONSULTATION REQUIREMENTS.—In carrying out the responsibilities and duties described in this paragraph, the Assistant Administrator shall confer with and seek the advice of the Administration officials in areas served by the women's business centers.

[(h) PROGRAM EXAMINATION.—

[(1) IN GENERAL.—The Administration shall—

[(A) develop and implement an annual programmatic and financial examination of each women's business center established pursuant to this section, pursuant to which each such center shall provide to the Administration—

[(i) an itemized cost breakdown of actual expenditures for costs incurred during the preceding year; and

[(ii) documentation regarding the amount of matching assistance from non-Federal sources obtained and expended by the center during the preceding year in order to meet the requirements of subsection (c) and, with respect to any in-kind contributions described in subsection (c)(2) that were used to satisfy the requirements of subsection (c), verification of the existence and valuation of those contributions; and

[(B) analyze the results of each such examination and, based on that analysis, make a determination regarding the programmatic and financial viability of each women's business center.

[(2) CONDITIONS FOR CONTINUED FUNDING.—In determining whether to award a contract (as a sustainability grant) under subsection (l) or to renew a contract (either as a grant or cooperative agreement) under this section with a women's business center, the Administration—

[(A) shall consider the results of the most recent examination of the center under paragraph (1); and

[(B) may withhold such award or renewal, if the Administration determines that—

[(i) the center has failed to provide any information required to be provided under clause (i) or (ii) of paragraph (1)(A), or the information provided by the center is inadequate; or

[(ii) the center has failed to provide any information required to be provided by the center for purposes of the report of the Administration under subsection (j), or the information provided by the center is inadequate.

[(i) CONTRACT AUTHORITY.—The authority of the Administrator 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 Administrator has entered into 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 Administrator provides the applicant with written notification setting forth the reasons therefore and affords the applicant an opportunity for a hearing, appeal, or other administrative proceeding under chapter 5 of title 5, United States Code.

[(j) MANAGEMENT REPORT.—

[(1) IN GENERAL.—The Administration shall prepare and submit to the Committees on Small Business of the House of Representatives and the Senate a report on the effectiveness of all projects conducted under this section.

[(2) CONTENTS.—Each report submitted under paragraph (1) shall include information concerning, with respect to each women's business center established pursuant to this section—

[(A) the number of individuals receiving assistance;

[(B) the number of startup business concerns formed;

[(C) the gross receipts of assisted concerns;

[(D) the employment increases or decreases of assisted concerns;

[(E) to the maximum extent practicable, increases or decreases in profits of assisted concerns; and

[(F) the most recent analysis, as required under subsection (h)(1)(B), and the subsequent determination made by the Administration under that subsection.

[(k) AUTHORIZATION OF APPROPRIATIONS.—

[(1) IN GENERAL.—There is authorized to be appropriated, to remain available until the expiration of the pilot program under subsection (l)—

[(A) \$12,000,000 for fiscal year 2000;

[(B) \$12,800,000 for fiscal year 2001;

[(C) \$13,700,000 for fiscal year 2002; and

[(D) \$14,500,000 for fiscal year 2003.

[(2) USE OF AMOUNTS.—

[(A) IN GENERAL.—Except as provided in subparagraph (B), amounts made available under this subsection for fiscal year 1999, and each fiscal year thereafter, may only be used for grant awards and may not be used for costs incurred by the Administration in connection with the management and administration of the program under this section.

[(B) EXCEPTIONS.—Of the amount made available under this subsection for a fiscal year, the following amounts shall be available for selection panel costs, post-award conference costs, and costs related to monitoring and oversight:

[(i) For fiscal year 2000, 2 percent.

[(ii) For fiscal year 2001, 1.9 percent.

[(iii) For fiscal year 2002, 1.9 percent.

[(iv) For fiscal year 2003, 1.6 percent.

[(3) EXPEDITED ACQUISITION.—Notwithstanding any other provision of law, the Administrator, acting through the Assistant Administrator, may use such expedited acquisition methods as the Administrator determines to be appropriate to carry out this section, except that the Administrator shall ensure that all small business sources are provided a reasonable opportunity to submit proposals.

[(4) RESERVATION OF FUNDS FOR SUSTAINABILITY PILOT PROGRAM.—

[(A) IN GENERAL.—Subject to subparagraph (B), of the total amount made available under this subsection for a fiscal year, the following amounts shall be reserved for sustainability grants under subsection (l):

[(i) For fiscal year 2000, 17 percent.

[(ii) For fiscal year 2001, 18.8 percent.

[(iii) For fiscal year 2002, 30.2 percent.

[(iv) For fiscal year 2003, 30.2 percent.

[(B) USE OF UNAWARDED FUNDS FOR SUSTAINABILITY PILOT PROGRAM GRANTS.—If the amount reserved under subparagraph (A) for any fiscal year is not fully awarded to private nonprofit organizations described in subsection (l)(1)(B), the Administration is authorized to use the unawarded amount to fund additional women's business

center sites or to increase funding of existing women's business center sites under subsection (b).

[(m) CONTINUED FUNDING FOR CENTERS.—

[(1) IN GENERAL.—A nonprofit organization described in paragraph (2) shall be eligible to receive, subject to paragraph (3), a 3-year grant under this subsection.

[(2) APPLICABILITY.—A nonprofit organization described in this paragraph is a nonprofit organization that has received funding under subsection (b) or (l).

[(3) APPLICATION AND APPROVAL CRITERIA.—

[(A) CRITERIA.—Subject to subparagraph (B), the Administrator shall develop and publish criteria for the consideration and approval of applications by nonprofit organizations under this subsection.

[(B) CONTENTS.—Except as otherwise provided in this subsection, the conditions for participation in the grant program under this subsection shall be the same as the conditions for participation in the program under subsection (l), as in effect on the date of enactment of this Act.

[(C) NOTIFICATION.—Not later than 60 days after the date of the deadline to submit applications for each fiscal year, the Administrator shall approve or deny any application under this subsection and notify the applicant for each such application.

[(4) AWARD OF GRANTS.—

[(A) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall make a grant for the Federal share of the cost of activities described in the application to each applicant approved under this subsection.

[(B) AMOUNT.—A grant under this subsection shall be for not more than \$150,000, for each year of that grant.

[(C) FEDERAL SHARE.—The Federal share under this subsection shall be not more than 50 percent.

[(D) PRIORITY.—In allocating funds made available for grants under this section, the Administrator shall give applications under this subsection or subsection (l) priority over first-time applications under subsection (b).

[(5) RENEWAL.—

[(A) IN GENERAL.—The Administrator may renew a grant under this subsection for additional 3-year periods, if the nonprofit organization submits an application for such renewal at such time, in such manner, and accompanied by such information as the Administrator may establish.

[(B) UNLIMITED RENEWALS.—There shall be no limitation on the number of times a grant may be renewed under subparagraph (A).

[(n) PRIVACY REQUIREMENTS.—

[(1) IN GENERAL.—A women's business 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—

[(A) 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

[(B) the Administrator considers such a disclosure to be necessary for the purpose of conducting a financial audit of a women's business center, but a disclosure under this subparagraph shall be limited to the information necessary for such audit.

[(2) ADMINISTRATION USE OF INFORMATION.—This subsection shall not—

[(A) restrict Administration access to program activity data; or

[(B) prevent the Administration from using client information (other than the information described in subparagraph (A)) to conduct client surveys.

[(3) REGULATIONS.—The Administrator shall issue regulations to establish standards for requiring disclosures during a financial audit under paragraph (1)(B).

[(o) STUDY AND REPORT ON REPRESENTATION OF WOMEN.—

[(1) STUDY.—The Administrator shall periodically conduct a study to identify industries, as defined under the North American Industry Classification System, underrepresented by small business concerns owned and controlled by women.

[(2) REPORT.—Not later than 3 years after the date of enactment of this subsection, and every 5 years thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the results of each study under paragraph (1) conducted during the 5-year period ending on the date of the report.]

SEC. 29. WOMEN'S BUSINESS CENTER PROGRAM.

(a) **DEFINITIONS.**—*In this section:*

(1) **ASSISTANT ADMINISTRATOR.**—*The term “Assistant Administrator” means the Assistant Administrator of the Office of Women's Business Ownership established under subsection (k).*

(2) **ELIGIBLE ENTITY.**—*The term “eligible entity” means—*

(A) *an organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code;*

(B) *a State, regional, or local economic development organization, if the organization certifies that grant funds received under this section will not be commingled with other funds;*

(C) *an institution of higher education (as defined in section 101 of the Higher Education Act of 1965), unless such institution is currently receiving a grant under section 21;*

(D) *a development, credit, or finance corporation chartered by a State, if such corporation certifies that grant funds received under this section will not be commingled with other funds; or*

(E) *any combination of entities listed in subparagraphs (A) through (D).*

(3) **SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY WOMEN.**—*The term “small business concern owned and controlled by women” has the meaning given under section 3(n).*

(4) RESOURCE PARTNERS.—The term “resource partners” means small business development centers, chapters of the Service Corps of Retired Executives (established under section 8(b)(1)(B)), and Veteran Business Outreach Centers (described under section 32).

(5) WOMEN’S BUSINESS CENTER.—The term “women’s business center” means the location at which counseling and training on the management, operations (including manufacturing, services, and retail), access to capital, international trade, government procurement opportunities, and any other matter that is needed to start, maintain, or expand a small business concern owned and controlled by women.

(6) WOMEN’S BUSINESS CENTER ASSOCIATION.—The term “Women’s Business Center Association” means a membership organization formed by women’s business centers to pursue matters of common concern.

(b) AUTHORITY.—

(1) ESTABLISHMENT.—There is established a Women’s Business Center Program under which the Administrator may enter into a cooperative agreement with an eligible entity to provide a grant to such eligible entity to operate one or more women’s business centers for the benefit of small business concerns owned and controlled by women.

(2) USE OF FUNDS.—A women’s business center established using funds made available under this section shall be designed to provide entrepreneurial counseling and training that meets the needs of the small business concerns owned and controlled by women, especially such concerns owned and controlled by women who are both socially and economically disadvantaged (as defined under section 8(a)), and shall provide—

(A) financial assistance, including counseling and training on how to—

- (i) apply for and secure business credit and investment capital;
- (ii) prepare and present financial statements; and
- (iii) manage cash flow and other financial operations of a small business concern;

(B) management assistance, including counseling and training on how to plan, organize, staff, direct, and control each major activity and function of a small business concern; and

(C) marketing assistance, including counseling and training on how to—

- (i) identify and segment domestic and international market opportunities;
- (ii) prepare and execute marketing plans;
- (iii) develop pricing strategies;
- (iv) locate contract opportunities;
- (v) negotiate contracts; and
- (vi) use various public relations and advertising techniques.

(3) TYPES OF GRANTS.—

(A) INITIAL GRANT.—The amount of an initial grant, which shall be for a 5-year term, provided under this subsection to an eligible entity shall be not more than \$300,000

annually (as such amount is annually adjusted by the Administrator to reflect the change in inflation).

(B) CONTINUATION GRANTS.—The Administrator may award a continuation grant, which shall be for a 5-year term, of not more than \$300,000 annually (as such amount is annually adjusted by the Administrator to reflect the change in inflation) to an eligible entity that received an initial grant under subparagraph (A). There shall be no limitation on the number of continuation grants an eligible entity may receive under this section.

(c) APPLICATION.—

(1) INITIAL GRANTS AND CONTINUATION GRANTS.—To receive an initial grant or continuation grant under this section, an eligible entity shall submit an application to the Administrator in such form, in such manner, and containing such information as the Administrator may require, including—

(A) a certification that the eligible entity—

(i) has designated an executive director or program manager, who may be compensated using grant funds awarded under this section or other sources, to manage each women's business center for which a grant under subsection (b) is sought; and

(ii) meets accounting and reporting requirements established by the Director of the Office of Management and Budget;

(B) information demonstrating the experience and effectiveness of the eligible entity in—

(i) providing entrepreneurial counseling and training described under subsection (b)(2);

(ii) providing training and services to a representative number of women who are both socially and economically disadvantaged; and

(iii) working with resource partners, offices of the Administration, and other public and private entities engaging in entrepreneurial and small business development; and

(C) a 5-year plan that—

(i) includes information relating to the assistance to be provided by each women's business center in the area in which each such center is located;

(ii) describes the ability of the eligible entity to meet the needs of the market to be served by each women's business center;

(iii) describes the ability of the eligible entity to obtain the matching funds required under subsection (e); and

(iv) describes the ability of the eligible entity to provide entrepreneurial counseling and training described under subsection (b)(2), including to a representative number of women who are both socially and economically disadvantaged.

(2) RECORD RETENTION.—

(A) IN GENERAL.—The Administrator shall maintain a copy of each application submitted under this subsection for not less than 5 years.

(B) *PAPERWORK REDUCTION.*—The Administrator shall take steps to reduce, to the maximum extent practicable, the paperwork burden associated with carrying out subparagraph (A).

(d) *SELECTION OF ELIGIBLE ENTITIES.*—

(1) *IN GENERAL.*—In selecting recipients of initial grants, the Administrator shall consider—

(A) the experience of the applicant in providing entrepreneurial counseling and training;

(B) the amount of time needed for the applicant to commence operation of a women's business center;

(C) in consultation with a Women's Business Center Association, the capacity of the applicant to meet the accreditation standards established under subsection (k)(4) in a timely manner;

(D) the ability of the applicant to sustain operations, including the applicant's ability to obtain matching funds under subsection (e), for a 5-year period;

(E) the proposed location of a women's business center to be operated by the applicant and the location's proximity to Veteran Business Outreach Centers and to recipients of grants under section 8(b)(1) or 21;

(F) the population density of the area to be served by the women's business center operated by the applicant; and

(G) the advice and counsel of a Women's Business Center Association to determine areas with unmet needs and the likelihood that the recipient will become accredited.

(2) *SELECTION CRITERIA.*—

(A) *RULEMAKING.*—The Administrator shall issue regulations to specify the criteria for review and selection of applicants under this subsection.

(B) *MODIFICATIONS PROHIBITED AFTER ANNOUNCEMENT.*—With respect to a public announcement of any opportunity to be awarded a grant under this section made by the Administrator pursuant to subsection (l)(1), the Administrator may not modify regulations issued pursuant to subparagraph (A) with respect to such opportunity unless required to do so by an Act of Congress or an order of a Federal court.

(C) *RULE OF CONSTRUCTION.*—Nothing in this paragraph may be construed as prohibiting the Administrator from modifying the regulations issued pursuant to subparagraph (A) (after providing an opportunity for notice and comment) as such regulations apply to an opportunity to be awarded a grant under this section that the Administrator has not yet publicly announced pursuant to subsection (l)(1).

(e) *MATCHING REQUIREMENTS.*—

(1) *IN GENERAL.*—Subject to paragraph (5), upon approval of an application submitted under subsection (c), the eligible entity shall agree to obtain contributions from non-Federal sources—

(A) in the first and second year of the term of an initial grant, if applicable, 1 non-Federal dollar for every 2 Federal dollars; and

(B) in each subsequent year of the term of an initial grant, if applicable, or for the term of a continuation grant, 1 non-Federal dollar for each Federal dollar.

(2) **FORM OF MATCHING FUNDS.**—Not more than one-half of non-Federal matching funds described under paragraph (1) may be in the form of in-kind contributions that are budget line items only, including office equipment and office space.

(3) **SOLICITATION.**—Notwithstanding any other provision of law, an eligible entity may—

- (A) solicit cash and in-kind contributions from private individuals and entities to be used to operate a women's business center; and
- (B) use amounts made available by the Administrator under this section for the cost of such solicitation and management of the contributions received.

(4) **DISBURSEMENT OF FUNDS.**—The Administrator may disburse an amount not greater than 25 percent of the total amount of a grant awarded to an eligible entity before such eligible entity obtains the matching funds described under paragraph (1).

(5) **FAILURE TO OBTAIN MATCHING FUNDS.**—If an eligible entity fails to obtain the required matching funds described under paragraph (1), the eligible entity may not be eligible to receive advance disbursements pursuant to paragraph (4) during the remainder of the term, if applicable, of an initial grant awarded under this section. Before approving such eligible entity for a continuation grant under this section, the Administrator shall make a written determination, including the reasons for such determination, of whether the Administrator believes that the eligible entity will be able to obtain the requisite matching funding under paragraph (1) for such continuation grant.

(6) **WAIVER OF NON-FEDERAL SHARE.**—

- (A) **IN GENERAL.**—Upon request by an eligible entity and in accordance with this paragraph, the Administrator may waive, in whole or in part, the requirement to obtain matching funds under paragraph (1) for a grant awarded under this section for the eligible entity for a 1-year term of the grant.
- (B) **CONSIDERATIONS.**—In determining whether to issue a waiver under this paragraph, the Administrator shall consider—
 - (i) the economic conditions affecting the eligible entity;
 - (ii) the demonstrated ability of the eligible entity to raise non-Federal funds; and
 - (iii) the performance of the eligible entity under the initial grant.

(C) **LIMITATION.**—The Administrator may not issue a waiver under this paragraph if the Administrator determines that granting the waiver would undermine the credibility of the Women's Business Center Program.

(7) **EXCESS NON-FEDERAL DOLLARS.**—The amount of non-Federal dollars obtained by an eligible entity that is greater than the amount that is required to be obtained by the eligible entity under this subsection shall not be subject to the requirements

of part 200 of title 2, Code of Federal Regulations, or any successor thereto, if such amount of non-Federal dollars—

- (A) is not used as matching funds for purposes of implementing the Women's Business Center Program; and*
- (B) was not obtained by using funds granted under the Women's Business Center Program.*

(8) CARRYOVER.—An eligible entity may use excess non-Federal dollars described in paragraph (7) to satisfy the matching funds requirement under paragraph (1) for the subsequent 1-year grant term, if applicable, except that such amounts shall be subject to the requirements of part 200 of title 2, Code of Federal Regulations, or any successor thereto.

(f) OTHER REQUIREMENTS.—

(1) SEPARATION OF FUNDS.—An eligible entity shall—

- (A) operate a women's business center under this section separately from other projects, if any, of the eligible entity; and*
- (B) separately maintain and account for any grant funds received under this section.*

(2) EXAMINATION OF ELIGIBLE ENTITIES.—

(A) REQUIRED SITE VISIT.—Before receiving an initial grant under this section, each applicant shall have a site visit by an employee of the Administration, in order to ensure that the applicant has sufficient resources to provide the services for which the grant is being provided.

(B) ANNUAL REVIEW.—An employee of the Administration shall—

- (i) conduct an annual programmatic and financial examination of each eligible entity, as described in subsection (g); and*
- (ii) provide the results of such examination to the eligible entity.*

(3) REMEDIATION OF PROBLEMS.—

(A) PLAN OF ACTION.—If an examination of an eligible entity conducted under paragraph (2)(B) identifies any problems, the eligible entity shall, within 45 calendar days of receiving a copy of the results of such examination, provide the Assistant Administrator with a plan of action, including specific milestones, for correcting such problems.

(B) PLAN OF ACTION REVIEW BY THE ASSISTANT ADMINISTRATOR.—The Assistant Administrator shall review each plan of action submitted under subparagraph (A) within 30 calendar days of receiving such plan. If the Assistant Administrator determines that such plan—

- (i) will bring the eligible entity into compliance with all the terms of a cooperative agreement described in subsection (b), the Assistant Administrator shall approve such plan; or*
- (ii) is inadequate to remedy the problems identified in the annual examination to which the plan of action relates, the Assistant Administrator shall set forth such reasons in writing and provide such determination to the eligible entity within 15 calendar days of such determination.*

(C) AMENDMENT TO PLAN OF ACTION.—An eligible entity receiving a determination under subparagraph (B)(ii) shall have 30 calendar days from the receipt of the determination to amend the plan of action to satisfy the problems identified by the Assistant Administrator and resubmit such plan to the Assistant Administrator.

(D) AMENDED PLAN REVIEW BY THE ASSISTANT ADMINISTRATOR.—Within 15 calendar days of the receipt of an amended plan of action under subparagraph (C), the Assistant Administrator shall either approve or reject such plan and provide such approval or rejection in writing to the eligible entity.

(E) APPEAL OF ASSISTANT ADMINISTRATOR DETERMINATION.—

(i) IN GENERAL.—If the Assistant Administrator rejects an amended plan under subparagraph (D), the eligible entity shall have the opportunity to appeal such decision to the Administrator, who may delegate such appeal to an appropriate officer of the Administration.

(ii) OPPORTUNITY FOR EXPLANATION.—Any appeal described under clause (i) shall provide an opportunity for the eligible entity to provide, in writing, an explanation of why the eligible entity's amended plan remedies the problems identified in the annual examination conducted under paragraph (2)(B).

(iii) NOTICE OF DETERMINATION.—The Administrator shall provide to the eligible entity a determination of the appeal, in writing, not later than 15 calendar days after the eligible entity files an appeal under this subparagraph.

(iv) EFFECT OF FAILURE TO ACT.—If the Administrator fails to act on an appeal made under this subparagraph within the 15-day period specified under clause (iii), the eligible entity's amended plan of action submitted under subparagraph (C) shall be deemed to be approved.

(4) TERMINATION OF GRANT.—

(A) IN GENERAL.—The Administrator shall terminate a grant to an eligible entity under this section if the eligible entity fails to comply with—

(i) a plan of action approved by the Assistant Administrator under paragraph (3)(B)(i); or

(ii) an amended plan of action approved by the Assistant Administrator under paragraph (3)(D) or approved on appeal under paragraph (3)(E).

(B) APPEAL OF TERMINATION.—An eligible entity shall have the opportunity to challenge the termination of a grant under subparagraph (A) on the record and after an opportunity for a hearing.

(C) FINAL AGENCY ACTION.—A determination made pursuant to subparagraph (B) shall be considered final agency action for the purposes of chapter 7 of title 5, United States Code.

(5) CONSULTATION WITH MAJORITY WOMEN'S BUSINESS CENTER ASSOCIATION.—If on the date of the enactment of this sub-

section, a majority of women's business centers that are operating pursuant to agreements with the Administration are members of an individual Women's Business Center Association, the Administrator shall—

(A) recognize the existence and activities of such Association; and

(B) consult with the Association on, and negotiate with the Association in the development of documents with respect to—

(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 women's business centers, specifically including the development of regulations and a uniform negotiated cooperative agreement for use on an annual basis when entering into individual cooperative agreements with women's business centers.

(6) **ENFORCEMENT.**—

(A) **GRANTS.**—The Assistant Administrator shall develop policies and procedures to minimize the possibility of awarding a grant to an eligible entity that will operate a women's business center that likely will not remain in compliance with program and financial requirements.

(B) **INDIVIDUAL COOPERATIVE AGREEMENTS.**—The Assistant Administrator shall enforce the terms of any individual cooperative agreement described in paragraph (5)(B)(iii).

(g) **PROGRAM EXAMINATION.**—

(1) **IN GENERAL.**—The Administration shall—

(A) develop and implement an annual programmatic and financial examination of each eligible entity receiving a grant under this section, under which each such eligible entity shall provide to the Administration—

(i) an itemized cost breakdown of actual expenditures for costs incurred during the preceding year; and

(ii) documentation regarding the amount of matching assistance from non-Federal sources obtained and expended by the eligible entity during the preceding year in order to meet the requirements of subsection (e) and, with respect to any in-kind contributions described in subsection (e)(2) that were used to satisfy the requirements of subsection (e), verification of the existence and valuation of those contributions; and

(B) analyze the results of each such examination and, based on that analysis, make a determination regarding the programmatic and financial viability of each women's business center operated by the eligible entity.

(2) **CONDITIONS FOR CONTINUED FUNDING.**—In determining whether to award a continuation grant to an eligible entity, the Administrator—

(A) shall consider the results of the most recent examination of the eligible entity under paragraph (1);

(B) shall determine if—

(i) the eligible entity has failed to provide, or provided inadequate, information under paragraph (1)(A); or

(ii) the eligible entity has failed to provide any information required to be provided by a women's business center for purposes of the management report under subsection (m)(1), or the information provided by the center is inadequate; and

(C) shall consider the accreditation status as described in subsection (k)(4).

(3) ADDITIONAL OVERSIGHT.—The Assistant Administrator shall work with the Women's Business Center Association recognized under subsection (f)(5) (as applicable) to develop, implement, and maintain policies and procedures for conducting financial examinations under this subsection and to maintain internal controls that ensure that such financial examinations are conducted properly.

(h) NOTICE AND COMMENT REQUIRED.—The Administrator may only make a change to the standards by which an eligible entity obtains or maintains grants under this section, the standards for accreditation, or any other requirement for the operation of a women's business center if the Administrator first provides notice and the opportunity for public comment, as set forth in section 553(b) of title 5, United States Code, without regard to any exceptions provided for under such section.

(i) CONTRACT AUTHORITY.—

(1) ELIGIBLE ENTITY.—An eligible entity that receives a grant under this section may enter into a contract with a Federal department or agency to provide specific assistance to small business concerns owned and controlled by women and other underserved small business concerns, if performance of such a contract does not hinder the ability of the eligible entity to carry out the terms of a grant received under this section.

(2) ADMINISTRATOR.—The authority of the Administrator 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 Administrator has entered into a contract, either as a grant or a cooperative agreement, with any applicant under this section, the Administrator shall not suspend, terminate, or fail to renew or extend any such contract unless the Administrator provides the applicant with written notification setting forth the reasons therefore and affords the applicant an opportunity for a hearing, appeal, or other administrative proceeding under chapter 5 of title 5, United States Code.

(j) PRIVACY REQUIREMENTS.—

(1) IN GENERAL.—A women's business 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—

(A) the Administrator orders such disclosure after 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

(B) the Administrator considers such a disclosure to be necessary for the purpose of conducting a financial audit of a women's business center, except that such a disclosure shall be limited to the information necessary for such audit.

(2) ADMINISTRATION USE OF INFORMATION.—This subsection shall not—

(A) restrict Administration access to women's business center data; or

(B) prevent the Administration from using information about individuals who use women's business centers to conduct surveys of such individuals.

(3) REGULATIONS.—The Administrator shall issue regulations to establish standards for disclosures for purposes of a financial audit described under paragraph (1)(B).

(k) OFFICE OF WOMEN'S BUSINESS OWNERSHIP.—

(1) ESTABLISHMENT.—There is established within the Administration an Office of Women's Business Ownership, which shall be responsible for the administration of the Administration's programs for the development of women's business enterprises (as defined in section 408 of the Women's Business Ownership Act of 1988). The Office of Women's Business Ownership shall be administered by an Assistant Administrator, who shall be appointed by the Administrator.

(2) ASSISTANT ADMINISTRATOR OF THE OFFICE OF WOMEN'S BUSINESS OWNERSHIP.—

(A) QUALIFICATION.—The position of Assistant Administrator shall be a Senior Executive Service position under section 3132(a)(2) of title 5, United States Code. The Assistant Administrator shall serve as a noncareer appointee (as defined in section 3132(a)(7) of that title).

(B) DUTIES.—The Assistant Administrator shall administer the programs and services of the Office of Women's Business Ownership and perform the following functions:

(i) Recommend the annual administrative and program budgets of the Office and eligible entities receiving a grant under the Women's Business Center Program.

(ii) Review the annual budgets submitted by each eligible entity receiving a grant under the Women's Business Center Program.

(iii) Collaborate with other Federal departments and agencies, State and local governments, not-for-profit organizations, and for-profit organizations to maximize utilization of taxpayer dollars and reduce (or eliminate) any duplication among the programs overseen by the Office of Women's Business Ownership and those of other entities that provide similar services to women entrepreneurs.

(iv) Maintain a clearinghouse to provide for the dissemination and exchange of information between women's business centers.

(v) Serve as the vice chairperson of the Interagency Committee on Women's Business Enterprise and as the liaison for the National Women's Business Council.

(3) *MISSION.*—The mission of the Office of Women’s Business Ownership shall be to assist women entrepreneurs to start, grow, and compete in global markets by providing quality support with access to capital, access to markets, job creation, growth, and counseling by—

(A) fostering participation of women entrepreneurs in the economy by overseeing a network of women’s business centers throughout States and territories;

(B) creating public-private partnerships to support women entrepreneurs and conduct outreach and education to small business concerns owned and controlled by women; and

(C) working with other programs of the Administrator to—

(i) ensure women are well-represented in those programs and being served by those programs; and

(ii) identify gaps where participation by women in those programs could be increased.

(4) *ACCREDITATION PROGRAM.*—

(A) *ESTABLISHMENT.*—Not later than 270 days after the date of enactment of this paragraph, the Administrator shall publish standards for a program to accredit eligible entities that receive a grant under this section.

(B) *PUBLIC COMMENT; TRANSITION.*—Before publishing the standards under subparagraph (A), the Administrator—

(i) shall provide a period of not less than 60 days for public comment on such standards; and

(ii) may not terminate a grant under this section absent evidence of fraud or other criminal misconduct by the recipient.

(C) *CONTRACTING AUTHORITY.*—The Administrator may provide financial support, by contract or otherwise, to a Women’s Business Center Association to provide assistance in establishing the standards required under subparagraph (A) or for carrying out an accreditation program pursuant to such standards.

(5) *CONTINUATION GRANT CONSIDERATIONS.*—

(A) *IN GENERAL.*—In determining whether to award a continuation grant under this section, the Administrator shall consider the results of the annual programmatic and financial examination conducted under subsection (g) and the accreditation program.

(B) *ACCREDITATION REQUIREMENT.*—After the end of the 2-year period beginning on the date of enactment of this subsection, the Administration may not award a continuation grant under this section unless the applicable eligible entity has been approved under the accreditation program conducted pursuant to this subsection, except that the Assistant Administrator for the Office of Women’s Business Ownership may waive such accreditation requirement, in the discretion of the Assistant Administrator, upon a showing that the eligible entity is making a good faith effort to obtain accreditation.

(6) ANNUAL CONFERENCE.—Each women's business center shall participate in annual professional development at an annual conference facilitated by a Women's Business Center Association.

(l) NOTIFICATION REQUIREMENTS UNDER THE WOMEN'S BUSINESS CENTER PROGRAM.—The Administrator shall provide the following:

(1) A public announcement of any opportunity to be awarded grants under this section, to include the selection criteria under subsection (d) and any applicable regulations.

(2) To any applicant for a grant under this section that failed to obtain such a grant, an opportunity to debrief with the Administrator to review the reasons for the applicant's failure.

(3) To an eligible entity that receives an initial grant under this section, if a site visit or review of the eligible entity is carried out by an officer or employee of the Administration (other than the Inspector General), a copy of the site visit report or evaluation, as applicable, within 30 calendar days of the completion of such visit or evaluation.

(m) ANNUAL MANAGEMENT REPORT.—

(1) IN GENERAL.—The Administrator shall prepare and submit to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate an annual report on the effectiveness of women's business centers operated through a grant awarded under this section.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) information concerning, with respect to each women's business center established pursuant to a grant awarded under this section, the most recent analysis of the annual programmatic and financial examination of the applicable eligible entity, as required under subsection (g)(1)(B), and the subsequent determination made by the Administration under that subsection;

(B) the number of persons counseled and trained through the Women's Business Center Program;

(C) the total number of hours of counseling and training through the Program;

(D) the demographics of Program participants to include gender, race, and age of each such participant;

(E) the number of Program participants who are veterans;

(F) the number of new businesses started by participants in the Program;

(G) to the extent practicable, the number of jobs supported, created or retained with assistance from women's business centers;

(H) the amount of capital secured by participants in the Program, including through loans and equity investment;

(I) the number of participants in the Program receiving financial assistance, including the type and dollar amount, under the loan programs of the Administration;

(J) an estimate of gross receipts, including to the extent practicable a description of any change in revenue of small business concerns assisted through the Program;

(K) to the maximum extent practicable, increases or decreases in revenues for the assisted small business concerns;

(L) the number of referrals made to other resources and programs of the Administration;

(M) the results of satisfaction surveys of participants, including a summary of any comments received from such participants; and

(N) any recommendations by the Administrator to improve the delivery of services by women's business centers.

(n) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Administration to carry out this section, to remain available until expended, \$31,500,000 for each of fiscal years 2022 through 2025.

(2) USE OF AMOUNTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), amounts made available under this subsection for fiscal year 2022, and each fiscal year thereafter, may only be used for grant awards and may not be used for costs incurred by the Administration in connection with the management and administration of the program under this section.

(B) EXCEPTIONS.—Of the amount made available under this subsection for a fiscal year, the following amounts shall be available for costs incurred by the Administration in connection with the management and administration of the program under this section:

(i) For the first fiscal year beginning after the date of the enactment of this subparagraph, 2.65 percent.

(ii) For the second fiscal year beginning after the date of the enactment of this subparagraph and each fiscal year thereafter through fiscal year 2025, 2.5 percent.

(3) EXPEDITED ACQUISITION.—Notwithstanding any other provision of law, the Administrator may use such expedited acquisition methods as the Administrator determines to be appropriate to carry out this section, except that the Administrator shall ensure that all small business sources are provided a reasonable opportunity to submit proposals.

(4) ACCREDITATION AND ANNUAL CONFERENCE.—Not less than \$500,000 of the amounts appropriated pursuant to paragraph (1) for a fiscal year shall be available for purposes of carrying out subsection (k), of which no less than \$50,000 shall be available to support an annual conference described under subsection (k)(6).

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