

SMALL BUSINESS DEVELOPMENT CENTERS
IMPROVEMENT ACT OF 2022

MARCH 8, 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. 6445]

The Committee on Small Business, to whom was referred the bill (H.R. 6445) to amend the Small Business Act to require an annual report on entrepreneurial development programs, 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. 6445, the “Small Business Development Centers Improvement Act of 2022,” is to modernize and strengthen the Small Business Development Center (SBDC) network by au-

thorizing program funding, requiring an annual report on program effectiveness, and increasing awareness of SBDCs programs and services.

II. BACKGROUND AND NEED FOR LEGISLATION

H.R. 6445 was introduced by Representative Jared Golden (D-ME), and the late Representative Jim Hagedorn (R-MN) on January 20, 2022.

America's 30 million small businesses account for more than 56 million jobs and create two out of three private sector jobs in the United States.¹ The U.S. Small Business Administration (SBA) offers a wide range of free or low-cost counseling and training services through its entrepreneurial ecosystem to help entrepreneurs launch and grow their small businesses. To deliver these resources, the SBA relies on its four primary Resource Partners: SBDCs, Women's Business Centers (WBCs), SCORE, and Veterans Business Outreach Centers (VBOCs).

The largest of the Resource Partners within SBA's entrepreneurial ecosystem is the SBDC network. SBDCs receive grants from SBA to leverage a unique mix of federal, state, and private sector financial resources to foster the economic growth of small businesses. This generates business revenue, creates and retains jobs, and enhances local and regional economies. SBDCs deliver management and technical assistance to small businesses through an extensive business education network comprised of 62 lead centers managing nearly 1,000 outreach locations throughout the country.² SBDCs deliver professional business advice and training focused on strategic planning, business development, financial planning, and cash flow management to hundreds of thousands of business clients annually. In 2020, SBDCs provided training and counseling to almost 511,000 entrepreneurs and small business owners.³ In 2019, SBDCs helped clients start more than 20,000 small businesses and obtain \$6 billion in financing.⁴ For every federal dollar spent on the SBDC program in 2019, SBDC services generated \$1.99 in federal revenue.⁵

To modernize and strengthen the SBDC network, the bill would, among other provisions, authorize funding for the SBDC program for four years (FY2022–FY2025) at \$175 million for each fiscal year, require an annual report to measure the effectiveness of the SBDC program, and increase the awareness of SBDCs programs and services.

III. HEARINGS

In the 117th Congress, the Committee on Small Business 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.

¹ SBA, FY 2021 CONGRESSIONAL BUDGET JUSTIFICATION AND FY2019 ANNUAL PERFORMANCE REPORT at 5.

² America's SBDC, *About Us*, <https://americanasbdc.org/about-us/> (last visited May 4, 2021).

³ America's SBDC, *2021 Annual Report*, <https://www.sbdciimpact.org/results> (last visited May 10, 2021).

⁴ *Id.*

⁵ *Id.*

Mr. Tee Rowe, President and CEO, America's SBDC, testified in strong support of the reauthorization of the SBDC program. The SBDC program tailors services and works to expand their reach to meet the needs of small businesses across the country, specifically, SBDCs have worked to expand outreach to veterans, underserved communities, and rural communities. To ensure America's small businesses remain competitive SBDCs have focused on increasing their counseling and training services regarding exports, cybersecurity, SBIR/STTR applications, and government procurement. Reauthorizing the program will allow SBDC to continue these efforts while modernizing and strengthening the overall operation of the program. Mr. Rowe specifically testified that marketing clarification, updated goals, and increased appropriations would better position the SBDC program for the 21st century.

In addition to Mr. Rowe's testimony at the May 19, 2021, hearing, the Committee also heard from Mr. Patrick Montgomery, Founder/CEO of Kansas City Cattle Company based in Kansas City, Missouri. Mr. Montgomery testified that the SBDC's ScaleUp! KC Program from his local SBDC was instrumental in helping him scale his business. The program helped him develop processes, refine the business' operating environment, implement an entrepreneurial operating system, and gain specific insights into the business' target client demographic. Mr. Montgomery testified that he saved money by utilizing SBDC services and that more effective marketing of SBDC, and other free government resources, would be impactful for entrepreneurs.

On October 6, 2021, the Committee held a hearing entitled, "SBA's Entrepreneurial Development Programs," and heard testimony from SBA's Assistant Administrator for the Office of Entrepreneurial Development, Mark Madrid. Mr. Madrid testified on the importance of SBA's Resource Partners in SBA's entrepreneurial ecosystem. Mr. Madrid testified that SBA is continuously working to improve communication between the Administration and its Resource Partner network and that the SBDCs experienced an influx of demand for their services throughout the pandemic. In addition, Mr. Madrid testified that the Office of Entrepreneurial Development will continue to work with the SBDC network to expand outreach to underserved 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. 6445 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. 6445 to the House at 10:20 a.m.

VI. SECTION-BY-SECTION FOR H.R. 6445

Section 1. Short title

This Act may be cited as the “Small Business Development Centers Improvement Act of 2022.”

Section 2. Annual report on Entrepreneurial Development Programs

This section amends Section 10 of the Small Business Act (15 U.S.C. 639) by creating a new subsection (i).

Subsection (i)—Annual Report.

This subsection requires the SBA to include in its comprehensive annual report to the President, the President of the Senate, the Senate Select Committee on Small Business, and the Speaker of the House of Representatives information on all Entrepreneurial Development activities during the previous fiscal year. This subsection prescribes items that must be included within the report including: a description and operating details for each program and activity; operating circulars, manuals, and standard operating procedures for each program and activity; a list of all awardees, contractors, and vendors (including organization name and location) and the amounts of awards for the previous fiscal year for each program and activity; the amount of funding obligated for the previous fiscal year for each program and activity; and the date, names, and titles for those individuals responsible for each program and activity. The data required in the report will help ensure that the Committees of jurisdiction have the necessary information to ascertain whether taxpayer dollars are being spent wisely.

Section 3. Marketing of services

The Small Business Act (Act) is currently silent on the question of whether SBDCs can market and advertise their products and services. This section amends Section 21 of the Act by adding a new subsection (o), which ensures the SBDCs can utilize up to 10 percent of their budget to market and advertise their products and services. Greater awareness of the services available through the SBDCs will allow more small businesses to receive entrepreneurial assistance without imposing any more financial burdens on SBDCs, the SBA, or the taxpayer.

Section 4. Data collection by the Small Business Development Center Association

This section amends the Small Business Act to direct the SBA to consult with SBDC Association to develop documents governing data collection activities related to grant recipients. Section 21 is further amended to require the Administrator to provide an annual report on data collection activities related to the SBDC program, and to establish a Data Collection Working Group, consisting of members from the SBA, as well as representatives from each Resource Partner, to develop a plan for the collection of data and submit this plan to the Senate Committee on Small Business and Entrepreneurship and the House Committee on Small Business within 180 days.

Section 5. Fees from private partnerships and co-sponsorships

In order to obtain funding, SBDC grantees must match funds provided by the federal government with non-federal resources, such as private donations or state funds. As a result, SBDCs work alongside other community partners, such as a local chamber of commerce, to host events as a partnership or a co-sponsor. In these instances, a participation fee may be charged to businesses by the partnership or co-sponsorship party. Under current law, SBDCs are not allowed to collect the necessary fee. This provision permits SBDCs to collect fees or other income related to the operation of partnerships or sponsorships. This does not alter the requirements for SBDCs to provide no-cost counseling to individual small businesses.

Section 6. Equity for Small Business Development Centers

Under current law, up to \$500,000 of authorized funding to SBDCs could be utilized by the Administrator to pay the America's SBDC (ASBDC) for the performance of accreditation services and an additional \$500,000 of authorized funding for SBDCs could be utilized by the Administrator for financial examinations expenses associated with reviewing SBDCs. This section eliminates the award of \$500,000 of SBDC grant monies to reimburse the SBA for program administration while raising the amount of funding to \$600,000 to be provided to the ASBDC for accreditation. This promotes ongoing accreditation, which is necessary to ensure strong SBDCs across the country.

Section 7. Confidentiality requirements

SBA requires SBDCs to collect certain information on the businesses that they counsel. This information is the basis for the performance metrics the agency uses to determine the effectiveness of the SBDCs in fulfilling their mission. Some of the information, while relevant and necessary for the SBA and SBDCs is sensitive information that small business would prefer to be treated as confidential. This sensitive information, such as the name of the small business, is not necessary to develop performance metrics. Its forced disclosure could dissuade small businesses from seeking assistance through SBDCs, thereby undermining the intent of Congress when it created the SBDCs. This section prohibits the SBA from distributing and sharing SBDC client information with other parties and reinforces the Committee's longstanding efforts to ensure the confidentiality of the information that small businesses provide to SBDCs.

Section 8. Limitation on award of grants to Small Business Development Centers

A majority of SBDC grantees are partnered with higher education institutions, which bolster SBDCs ability to obtain private matching funds as required under the law. This section prohibits entities other than institutions of higher education from becoming grantees under Section 21. An exception is provided for current SBDC grantees who are not institutions of higher education. These institutions can continue to renew their status as a grantee until they no longer wish, or the SBA determines that, these grandfathered grantees are incapable of providing these services. Fur-

thermore, a rule of construction is added to make it clear that while Women's Business Centers may not lead a center under the SBDC program, they are allowed to receive funds from lead centers and to act as subgrantees.

Section 9. Management of program activities

This section requires SBA to work in partnership with the SBDC program to determine program functions and services to ensure that the program best meets the needs of individual state networks and the national small business economy.

Section 10. Authorization of appropriations for formula grants received by States

This section authorizes appropriations in the amount of \$175 million for each fiscal year from 2022 through 2025.

Section 11. Requirements relating to matching funds

Beginning in 2019 the SBA required SBDCs to expend matching funds dollar for dollar with federal funds. In addition, SBA has delayed the Notice of Award and reimbursement funds because SBDCs may not have their full match "in hand". This practice does not take into account that SBDCs match is often based on state legislative action, which is on a different timeline than the federal appropriations process and grant disbursements. This section remedies this issue by allowing SBDCs to obtain funding from SBA by providing good faith assertions that they will acquire the necessary matching funds.

Section 12. Contract prerequisites

Currently, SBA requires SBDCs to submit contracts or grants they enter into with other Federal agencies to the Assistant Administrator for the Office of Small Business Development Centers (OSBDC) for review and approval. This section streamlines the process for both the SBA and the SBDCs by assuming that these contracts or grants are approved unless the Assistant Administrator provides a written objection within 15 business days after award of the contract. The Assistant Administrator may object to the contract or grant if it is determined it will not provide assistance to small businesses or hinder the operation of the SBDC.

Section 13. Duties of the Associate Administrator for Small Business Development Centers

This section requires the Associate Administrator for the Office of Small Business Development Centers to actively promote the services of SBDCs to other Federal programs. This will allow for greater visibility of the SBDC program and the resources it provides.

Section 14. Determination of budgetary effects

This section requires the act to comply with the Pay-As-You-Go Act of 2010.

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. 6445 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. 6445 is to modernize and strengthen the SBDC network, and increase the general awareness of the SBDCs programs and services.

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. 6445 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. 10. (a) The Administration shall, as soon as practicable each fiscal year make a comprehensive annual report to the President, the President of the Senate, the Senate Select Committee on Small Business, and the Speaker of the House of Representatives. Such report shall include a description of the state of small business in the Nation and the several States, and a description of the operations of the Administration under this chapter, including, but not limited to, the general lending, disaster relief, Government regulation relief, procurement and property disposal, research and development, technical assistance, dissemination of data and information, and other functions under the jurisdiction of the Administration during the previous fiscal year. Such report shall contain recommendations for strengthening or improving such programs, or, when necessary or desirable to implement more effectively congressional policies and proposals, for establishing new or alternative programs. In addition, such report shall include the names of the business concerns to whom contracts are let and for whom financing is arranged by the Administration, together with the amounts involved. With respect to minority small business concerns, the re-

port shall include the proportion of loans and other assistance under this Act provided to such concerns, the goals of the Administration for the next fiscal year with respect to such concerns, and recommendations for improving assistance to minority small business concerns under this Act.

(d) For the purpose of aiding in carrying out the national policy to insure that a fair proportion of the total purchases and contracts for property and services for the Government be placed with small business enterprises, and to maintain and strengthen the overall economy of the Nation, the Department of Defense shall make an annual report to the Committees on Small Business of the Senate and the House of Representatives, showing the amount of funds appropriated to the Department of Defense which have been expended, obligated, or contracted to be spent with small business concerns and the amount of such funds expended, obligated, or contracted to be spent with firms other than small business in the same fields of operation; and such reports shall show separately the funds expended, obligated, or contracted to be spent for basic and applied scientific research and development.

(e) The Administration and the Inspector General of the Administration shall retain all correspondence, records of inquiries, memoranda, reports, books, and records, including memoranda as to all investigations conducted by or for the Administration, for a period of at least one year from the date of each thereof, and shall at all times keep the same available for inspection and examination by the Senate Select Committee on Small Business and the Committee on Small Business of the House of Representatives or their duly authorized representatives.

(2) The Committee on Small Business of either the Senate or the House of Representatives may request that the Office of the Inspector General of the Administration conduct an investigation of any program or activity conducted under the authority of section 7(j) or 8(a). Not later than thirty days after the receipt of such a request, the Inspector General shall inform the committee, in writing, of the disposition of the request by such office.

(f) To the extent deemed necessary by the Administrator to protect and preserve small-business interests, the Administration shall consult and cooperate with other departments and agencies of the Federal Government in the formulation by the Administration of policies affecting small-business concerns. When requested by the Administrator, each department and agency of the Federal Government shall consult and cooperate with the Administration in the formulation by such department or agency of policies affecting small-business concerns, in order to insure that small-business interests will be recognized, protected, and preserved. This subsection shall not require any department or agency to consult or cooperate with the Administration in any case where the head of such department or agency determines that such consultation or cooperation would unduly delay action which must be taken by such department or agency to protect the national interest in an emergency.

(g) The Administration shall transmit, not later than December 31 of each year, to the Senate Select Committee on Small Business and Committee on Small Business of the House of Representatives a sealed report with respect to—

(1) complaints alleging illegal conduct by employees of the Administration which were received or acted upon by the Administration during the preceding fiscal year; and

(2) investigations undertaken by the Administration, including external and internal audits and security and investigation reports.

(h) The Administration shall transmit, not later than March 31 of each year, to the Committees on Small Business of the Senate and House of Representatives a report on the secondary market operations during the preceding calendar year. This report shall include, but not be limited to, (1) the number and the total dollar amount of loans sold into the secondary market and the distribution of such loans by size of loan, size of lender, geographic location of lender, interest rate, maturity, lender servicing fees, whether the rate is fixed or variable, and premium paid; (2) the number and dollar amount of loans resold in the secondary market with a distribution by size of loan, interest rate, and premiums; (3) the number and total dollar amount of pools formed; (4) the number and total dollar amount of loans in each pool; (5) the dollar amount, interest rate, and terms on each loan in each pool and whether the rate is fixed or variable; (6) the number, face value, interest rate, and terms of the trust certificates issued for each pool; (7) to the maximum extent possible, the use by the lender of the proceeds of sales of loans in the secondary market for additional lending to small business concerns; and (8) an analysis of the information reported in (1) through (7) to assess small businesses' access to capital at reasonable rates and terms as a result of secondary market operations.

(i) *ANNUAL REPORT ON ENTREPRENEURIAL DEVELOPMENT PROGRAMS.*—

(1) *REPORT REQUIRED.*—The Administrator shall include in the comprehensive annual report required under subsection (a) the following data:

(A) A list of all entrepreneurial development activities undertaken during the fiscal year preceding the date of the report through a covered program, including—

(i) a description and operating details for each such covered program and the activities performed under each such covered program;

(ii) operating circulars, manuals, and standard operating procedures for each such covered program;

(iii) a description of the process used to make awards relating to the provision of entrepreneurial development activities under each such covered program;

(iv) a list of all recipients of awards under each such covered program and the amount of each such award; and

(v) a list of contractors, including the name and location of such contractor, of an award recipient.

(B) The total amount of funding obligated for a covered program and the entrepreneurial development activities conducted under each such covered program for the fiscal year preceding the date of the report.

(C) The names and titles of the individuals responsible for carrying out a covered program.

(D) For entrepreneurial development activities undertaken during the fiscal year preceding the date of the report through the Small Business Development Center Program established under section 21 (in this section referred to as the "Program")—

- (i) the number of individuals counseled or trained through the Program;
- (ii) the total number of hours of counseling and training services provided through the Program;
- (iii) the demographics of participants in the Program, which shall include the gender, race, and age of each such participant;
- (iv) the number of participants in the Program who are veterans;
- (v) the number of new businesses started by participants in the Program;
- (vi) to the extent practicable, the number of jobs supported, created, or retained with assistance from the Program;
- (vii) the amount of capital secured by participants in the Program, including through loans and equity investment;
- (viii) the number of participants in the Program receiving financial assistance, including the type and dollar amount, under a loan program of the Administration;
- (ix) 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;
- (x) the number of referrals of individuals to other resources and programs of the Administration;
- (xi) the results of satisfaction surveys of participants in the Program, including a summary of any comments received from such participants; and
- (xii) any recommendations by the Administrator to improve the delivery of services by the Program.

(2) **DEFINITIONS.**—In this subsection:

(A) **COVERED PROGRAM.**—The term "covered program" means a program authorized under section 7(j), 7(m), 8(a), 8(b)(1), 21, 22, 29, 32, or 34 of this Act.

(B) **ENTREPRENEURIAL DEVELOPMENT ACTIVITY.**—The term "entrepreneurial development activity" means an activity related to the delivery of entrepreneurial development services, entrepreneurial education, or support for the development and maintenance of business training services carried out through a covered program.

* * * * *

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 busi-

ness, 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 previous sentence shall not apply to an applicant that has its principal office located in the Commonwealth of the Northern Mariana Islands. 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,~~ *upon with the full participation of all parties (including the association authorized in subparagraph (A)), and carried out 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~~ *and negotiate the development of* documents (i) announcing the annual scope of activities pursuant to this section, (ii) requesting proposals to deliver assistance ~~as provided in this section and~~ *as provided in this section*, (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, and (iv) governing data collection activities related to applicants receiving grants under this section.

(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 Program 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~~ national and a State basis.

(D) FEES FROM PRIVATE PARTNERSHIPS AND COSPONSORSHIPS.—A small business development center that participates in a private partnership or cosponsorship, in which the Administrator or designee of the Administrator also participates, may collect fees or other income related to the operation of such private partnership or cosponsorship.

(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. *Such matching funds shall be evidenced by good faith assertions from the applicant, and the expenditure of matching funds shall not be made a prerequisite of the reimbursement of Federal funds, not*

withstanding the final reconciliation payment for the close-out of each award.

(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).]

(I) IN GENERAL.—*Of the amounts made available in any fiscal year to carry out this section, not more than \$600,000 may be used by the Administration to pay expenses enumerated in subparagraphs (B) through (D) of section 20(a)(1).*

(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—] *subparagraph \$175,000,000 for each of fiscal years 2022 through 2025.*

[(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] *shall reserve not more than \$2,000,000* 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.

(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, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(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.] *Each contract shall be deemed approved under subparagraph (A) unless the Associate Administrator certifies in writing within 15 business days after award of the contract that the contract will not provide assistance to small business concerns and that performance of the contract will hinder the small business development center in carrying out the terms of the grant received by the small business development center under this section.*

(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~~, *telephone number, or email address* of any individual or small business concern receiving assistance under this section, *or the nature or content of such assistance, to any State, local, or Federal agency, or to any third party* 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 2209(a) of the Homeland Security Act of 2002.

(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 sub-

mitted 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;
- (T) providing information and assistance to small business concerns with respect to establishing drug-free workplace programs on or before October 1, 2006; and
- (U) encouraging and assisting the provision of succession planning to small business concerns with a focus on transitioning to cooperatives, as defined in section 7(a)(35), and qualified employee trusts (collectively referred to in this subparagraph as “employee-owned business concerns”), including by—
 - (i) providing training to individuals to promote the successful management, governance, or operation of a business purchased by those individuals in the formation of an employee-owned business concern;
 - (ii) assisting employee-owned business concerns that meet applicable size standards established under section 3(a) with education and technical assistance with respect to financing and contracting programs administered by the Administration;
 - (iii) coordinating with lenders on conducting outreach on financing through programs administered by the Administration that may be used to support the transition of ownership to employees;
 - (iv) supporting small business concerns in exploring or assessing the possibility of transitioning to an employee-owned business concern; and

- (v) coordinating with the cooperative development centers of the Department of Agriculture, the land grant extension network, the Manufacturing Extension Partnership, community development financial institutions, employee ownership associations and service providers, and local, regional and national cooperative associations.
- (U) in conjunction with the United States Patent and Trademark Office, providing training—
 - (i) to small business concerns relating to—
 - (I) domestic and international intellectual property protections; and
 - (II) how the protections described in subclause (I) should be considered in the business plans and growth strategies of the small business concerns; and
 - (ii) that may be delivered—
 - (I) in person; or
 - (II) through a website.
- (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 par-

ticipate 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.

(C) MARKETING.—*The Associate Administrator for Small Business Development Centers shall market and advertise the Small Business Development Center Program and participants in such Program as a resource available to any Federal program providing assistance to small business concerns, including the FAST program established under section 34.*

(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.

(l) 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 vet-

erans, 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.

(o) *NO PROHIBITION OF MARKETING OF SERVICES.*—An applicant receiving a grant under this section may use up to 10 percent of their budget to market and advertise the services of such applicant to individuals and small business concerns.

(p) *ANNUAL REPORT ON DATA COLLECTION.*—The Administrator shall annually submit to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report on any data collection activities related to the Small Business Development Center Program.

(q) *LIMITATION ON AWARD OF GRANTS.*—Except for not-for-profit institutions of higher education, and notwithstanding any other provision of law, the Administrator may not award a grant or contract to, or enter into a cooperative agreement with, an entity under this section unless that entity—

(1) received a grant or contract from, or entered into a cooperative agreement with, the Administrator under this section before the date of the enactment of this subsection; and

(2) seeks to renew such a grant, contract, or cooperative agreement after such date.

* * * * *

