

108TH CONGRESS
1ST SESSION

S. 1154

To provide for the reauthorization of programs administered by the Small Business Administration that assist small business concerns owned and controlled by women, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 23, 2003

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

A BILL

To provide for the reauthorization of programs administered by the Small Business Administration that assist small business concerns owned and controlled by women, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Women’s Small Busi-
5 ness Programs Improvement Act of 2003”.

6 **SEC. 2. OFFICE OF WOMEN’S BUSINESS OWNERSHIP.**

7 Section 29(g) of the Small Business Act (15 U.S.C.
8 656(g)) is amended—

1 (1) in paragraph (2)—

2 (A) in subparagraph (B)(i), by striking “in
3 the areas of—

4 “(I) starting and operating”; and
5 inserting the following:

6 “to solve problems concerning operations,
7 manufacturing, technology, finance, inter-
8 national trade, and other disciplines re-
9 quired for—

10 “(I) starting, operating, and
11 growing”;

12 (B) in subparagraph (C), by inserting “,
13 the National Women’s Business Council, and
14 the Association of Women’s Business Centers”
15 before the period at the end; and

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

17 “(3) PROGRAMS AND SERVICES FOR WOMEN-
18 OWNED SMALL BUSINESSES.—The Assistant Admin-
19 istrator, in consultation with the Association of
20 Women’s Business Centers, the National Women’s
21 Business Council, and the Interagency Committee on
22 Women’s Business Enterprise, shall develop pro-
23 grams and services for women-owned businesses (as
24 defined in section 408 of the Women’s Business

1 Ownership Act of 1988 (15 U.S.C. 631 note)) that
2 provide goods or services in the areas of—

3 “(A) manufacturing;

4 “(B) technology;

5 “(C) professional services;

6 “(D) travel and tourism;

7 “(E) international trade; and

8 “(F) Federal Government contract busi-
9 ness development.

10 “(4) TRAINING.—The Administration shall pro-
11 vide sufficient training for business ownership rep-
12 resentatives and technical representatives within the
13 district offices of the Administration to enable these
14 staffs to carry out their responsibilities under this
15 section.”.

16 **SEC. 3. WOMEN’S BUSINESS CENTER PROGRAM.**

17 (a) WOMEN’S BUSINESS CENTER GRANTS PRO-
18 GRAM.—Section 29 of the Small Business Act (15 U.S.C.
19 656) is amended by striking subsection (b) through (f)
20 and inserting the following:

21 “(b) GRANTS AUTHORIZED.—

22 “(1) IN GENERAL.—The Administration is au-
23 thorized to award grants, to be known as ‘Women’s
24 Business Center Grants’, to private nonprofit orga-
25 nizations to conduct 3-year projects for the benefit

1 of small business concerns owned and controlled by
2 women. At the end of the initial 3-year grant period,
3 and every 3 years thereafter, the grant recipient
4 may apply to renew the grant in accordance with
5 this subsection and subsection (e)(2).

6 “(2) CONTRACT AUTHORITY.—

7 “(A) IN GENERAL.—The Administration
8 may enter into annual contracts with grant re-
9 cipients under this subsection to perform the
10 services described under paragraph (3) only to
11 the extent and in the amount provided by ap-
12 propriated funds.

13 “(B) TERMINATION.—If any grant recipi-
14 ent under this subsection does not fulfill its
15 contractual obligations during the 3-year period
16 of the grant, the Administration may terminate
17 the grant.

18 “(3) USE OF FUNDS.—Grants awarded under
19 paragraph (1) shall be used to provide—

20 “(A) financial assistance, including train-
21 ing and counseling in how to apply for and se-
22 cure business credit and investment capital,
23 preparing and presenting financial statements,
24 and managing cash flow and other financial op-
25 erations of a business concern;

1 “(B) management assistance, including
2 training and counseling in how to plan, orga-
3 nize, staff, direct, and control each major activ-
4 ity and function of a small business concern;
5 and

6 “(C) marketing assistance, including train-
7 ing and counseling in identifying and seg-
8 menting domestic and international market op-
9 portunities, preparing and executing marketing
10 plans, developing pricing strategies, locating
11 contract opportunities, negotiating contracts,
12 and utilizing varying public relations and adver-
13 tising techniques.

14 “(4) MATCHING REQUIREMENT.—

15 “(A) WOMEN’S BUSINESS CENTER
16 GRANTS.—As a condition of receiving financial
17 assistance under this section, the grant recipi-
18 ent shall agree to obtain, after its application
19 has been approved and notice of award has
20 been issued, cash contributions from non-Fed-
21 eral sources as follows:

22 “(i) In the first and second years, 1
23 non-Federal dollar for each 2 Federal dol-
24 lars provided under the grant.

1 “(ii) In the third year, 1 non-Federal
2 dollar for each Federal dollar provided
3 under the grant.

4 “(iii) In each renewal period, 1 non-
5 Federal dollar for each Federal dollar pro-
6 vided under the grant.

7 “(B) FORM OF NON-FEDERAL CONTRIBU-
8 TIONS.—Not more than $\frac{1}{2}$ of the non-Federal
9 sector matching assistance may be in the form
10 of in-kind contributions that are budget line
11 items only, including office equipment and of-
12 fice space.

13 “(C) FAILURE TO OBTAIN NON-FEDERAL
14 FUNDING.—If any grant recipient fails to ob-
15 tain the required non-Federal contribution dur-
16 ing any project, it shall not be eligible there-
17 after for advance disbursements pursuant to
18 subparagraph (D) during the remainder of that
19 project, or for any other project for which it is
20 or may be funded by the Administration. Before
21 approving assistance to the grant recipient for
22 any other projects, the Administration shall
23 specifically determine whether the Administra-
24 tion believes that the grant recipient will be
25 able to obtain the requisite non-Federal funding

1 and enter a written finding setting forth the
2 reasons for making such determination.

3 “(D) FORM OF FEDERAL CONTRIBU-
4 TIONS.—The financial assistance authorized
5 pursuant to this section may be made by grant,
6 contract, or cooperative agreement and may
7 contain such provision, as necessary, to provide
8 for payments in lump sum or installments, and
9 in advance or by way of reimbursement. The
10 Administration may disburse up to 25 percent
11 of each year’s Federal share awarded to a grant
12 recipient after notice of the award has been
13 issued and before the non-Federal sector match-
14 ing funds are obtained.

15 “(5) APPLICATION SUBMISSION.—Each organi-
16 zation desiring a grant under this subsection, shall
17 submit to the Administration an application that
18 contains—

19 “(A) a certification that the applicant—

20 “(i) is a private nonprofit organiza-
21 tion;

22 “(ii) employs an executive director or
23 program manager to manage the center;
24 and

1 “(iii) as a condition of receiving a
2 grant under this subsection, agrees—

3 “(I) to receive a site visit as part
4 of the final selection process;

5 “(II) to undergo an annual pro-
6 grammatic and financial examination;
7 and

8 “(III) to the maximum extent
9 practicable, to remedy any problems
10 identified pursuant to the site visit or
11 examination under subclauses (I) and
12 (II);

13 “(B) information demonstrating that the
14 applicant has the ability and resources to meet
15 the needs of the market to be served by the
16 women’s business center site for which a grant
17 is sought, including the ability to comply with
18 the matching requirement under paragraph (4);

19 “(C) information relating to assistance
20 provided by the women’s business center site
21 for which a grant is sought in the area in which
22 the site is located, including—

23 “(i) the number of individuals as-
24 sisted;

1 “(ii) the number of hours of coun-
2 seling, training, and workshops provided;
3 and

4 “(iii) the number of startup business
5 concerns created;

6 “(D) information demonstrating the effec-
7 tive experience of the applicant in—

8 “(i) conducting financial, manage-
9 ment, and marketing assistance programs,
10 as described under paragraph (3), which
11 are designed to teach or upgrade the busi-
12 ness skills of women who are business own-
13 ers or potential business owners;

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

18 “(iii) using resource partners of the
19 Administration and other entities, such as
20 universities;

21 “(E) a 3-year plan that projects the ability
22 of the women’s business center site for which a
23 grant is sought—

24 “(i) to serve women business owners
25 or potential owners in the future by im-

1 proving training and counseling activities;
2 and

3 “(ii) to provide training and services
4 to a representative number of women who
5 are both socially and economically dis-
6 advantaged; and

7 “(F) any additional information that the
8 Administration may reasonably require.

9 “(6) REVIEW AND APPROVAL OF APPLICA-
10 TIONS.—

11 “(A) IN GENERAL.—The Administration
12 shall—

13 “(i) review each application submitted
14 under paragraph (5) based on the informa-
15 tion provided in such paragraph and the
16 criteria set forth under subparagraph (B);
17 and

18 “(ii) as part of the final selection
19 process, conduct a site visit at each wom-
20 en’s business center for which a grant is
21 sought.

22 “(B) SELECTION CRITERIA.—

23 “(i) IN GENERAL.—The Administra-
24 tion shall evaluate and rank applicants in
25 accordance with predetermined selection

1 criteria that shall be stated in terms of rel-
2 ative importance. Such criteria and their
3 relative importance shall be made publicly
4 available and stated in each solicitation for
5 applications made by the Administration.

6 “(ii) REQUIRED CRITERIA.—The se-
7 lection criteria under clause (i) shall in-
8 clude—

9 “(I) the experience of the appli-
10 cant in conducting programs or ongo-
11 ing efforts designed to impart or up-
12 grade the business skills of women
13 business owners or potential owners;

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

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

22 “(IV) the location for the wom-
23 en’s business center site proposed by
24 the applicant.

1 “(C) RECORD RETENTION.—The Adminis-
2 tration shall maintain a copy of each applica-
3 tion submitted under this subsection for not
4 less than 7 years.

5 “(7) DATA COLLECTION.—Consistent with the
6 annual report to Congress under subsection (g),
7 each women’s business center site that is awarded a
8 grant shall, to the maximum extent practicable, col-
9 lect information relating to—

10 “(A) the number of individuals assisted;

11 “(B) the number of hours of counseling
12 and training provided and workshops con-
13 ducted;

14 “(C) the number of startup business con-
15 cerns formed;

16 “(D) any available gross receipts of as-
17 sisted concerns; and

18 “(E) the number of jobs created, main-
19 tained, or lost at assisted concerns.

20 “(8) SAVINGS PROVISION.—Notwithstanding
21 any other provision of law, a contract or cooperative
22 agreement, in effect on the date of enactment of the
23 Women’s Small Business Programs Improvement
24 Act of 2003, that awards a sustainability grant to
25 a Women’s Business Center, shall remain in full

1 force and effect under the terms, and for the dura-
2 tion, of such contract or agreement.

3 “(c) ASSOCIATION OF WOMEN’S BUSINESS CEN-
4 TERS.—

5 “(1) RECOGNITION.—The Administration shall
6 recognize the existence and activities of an associa-
7 tion formed by the Women’s Business Centers to ad-
8 dress matters of common concern.

9 “(2) CONSULTATION.—The Administration
10 shall consult with the association described under
11 paragraph (1) to develop—

12 “(A) a request for proposal to deliver as-
13 sistance under this section;

14 “(B) a training program for the staff of
15 the Women’s Business Centers; and

16 “(C) policies and procedures for governing
17 the general operations and administration of
18 the Women’s Business Center Program.”.

19 (b) CONFORMING AMENDMENTS.—Section 29 of the
20 Small Business Act (15 U.S.C. 656) is amended—

21 (1) by redesignating subsections (g), (h), (i),
22 (j), and (k) as subsections (d), (e), (f), (g), and (h),
23 respectively.

1 (2) in subsection (e)(2), as redesignated by
2 paragraph (1), by striking “to award a contract (as
3 a sustainability grant) under subsection (l) or”;

4 (3) in subsection (h), as redesignated by para-
5 graph (1)—

6 (A) by amending paragraph (1) to read as
7 follows:

8 “(1) IN GENERAL.—There are authorized to be
9 appropriated to carry out the provisions of this sec-
10 tion, to remain available until expended—

11 “(A) \$14,500,000 for fiscal year 2004;

12 “(B) \$16,000,000 for fiscal year 2005; and

13 “(C) \$17,500,000 for fiscal year 2006.”;

14 and

15 (B) by striking paragraph (4); and

16 (4) by striking subsection (l).

17 **SEC. 4. NATIONAL WOMEN’S BUSINESS COUNCIL.**

18 (a) COSPONSORSHIP AUTHORITY.—Section 406 of
19 the Women’s Business Ownership Act of 1988 (15 U.S.C.
20 631 note) is amended by adding at the end the following:

21 “(e) COSPONSORSHIP AUTHORITY.—The Council is
22 authorized to enter into cosponsorship agreements with
23 public and private entities to carry out its duties under
24 this section.”.

1 (b) MEMBERSHIP.—Section 407 of the Women’s
 2 Business Ownership Act of 1988 (15 U.S.C. 631 note) is
 3 amended by adding at the end the following:

4 “(j) REPRESENTATION OF MEMBER ORGANIZA-
 5 TIONS.—Notwithstanding subsection (b), a national wom-
 6 en’s business organization or small business that is rep-
 7 resented on the Council may replace its representative
 8 member on the Council at any time during the service
 9 term to which that member was appointed.”.

10 (c) ESTABLISHMENT OF COMMITTEES.—The Wom-
 11 en’s Business Ownership Act of 1988 (15 U.S.C. 631
 12 note) is amended by inserting after section 407, the fol-
 13 lowing new section:

14 **“SEC. 408. COMMITTEES.**

15 “(a) ESTABLISHMENT.—There are established within
 16 the Council—

17 “(1) the Committee on Manufacturing, Tech-
 18 nology, and Professional Services;

19 “(2) the Committee on Travel, Tourism, and
 20 International Trade; and

21 “(3) the Committee on Federal Procurement
 22 and Contracting.

23 “(b) DUTIES.—The Committees established under
 24 subsection (a) shall perform such duties as the chairperson
 25 shall direct.”.

1 (d) REPOSITORY FOR HISTORICAL DOCUMENTS.—
 2 Section 409 of the Women’s Business Ownership Act of
 3 1988 (15 U.S.C. 631 note) is amended by adding at the
 4 end the following:

5 “(c) REPOSITORY FOR HISTORICAL DOCUMENTS.—
 6 The Council shall establish a repository for historical doc-
 7 uments relating to women’s ownership of small businesses
 8 in the United States.”.

9 (e) AUTHORIZATION OF APPROPRIATIONS.—Section
 10 410(a) of the Women’s Business Ownership Act of 1988
 11 (15 U.S.C. 631 note) is amended by striking “2001
 12 through 2003, of which \$550,000” and inserting “2004
 13 through 2006, of which 30 percent”.

14 **SEC. 5. INTERAGENCY COMMITTEE ON WOMEN’S BUSINESS**
 15 **ENTERPRISE.**

16 (a) CHAIRPERSON.—Section 403(b) of the Women’s
 17 Business Ownership Act of 1988 (15 U.S.C. 631 note) is
 18 amended—

19 (1) by striking “Not later” and inserting the
 20 following:

21 “(1) IN GENERAL.—Not later”; and

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

23 “(2) VACANCY.—In the event that a chair-
 24 person is not appointed under paragraph (1), the
 25 Deputy Administrator of the Small Business Admin-

1 istration shall serve as acting chairperson of the
2 Interagency Committee until a chairperson is ap-
3 pointed under paragraph (1).”.

4 (b) POLICY ADVISORY GROUP.—Section 401 of the
5 Women’s Business Ownership Act of 1988 (15 U.S.C. 631
6 note) is amended—

7 (1) by striking “There” and inserting the fol-
8 lowing:

9 “(a) IN GENERAL.—There”; and

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

11 “(b) POLICY ADVISORY GROUP.—

12 “(1) ESTABLISHMENT.—There is established
13 within the Interagency Committee a Policy Advisory
14 Group to assist the chairperson in developing poli-
15 cies and programs under this Act.

16 “(2) MEMBERSHIP.—The Policy Advisory
17 Group shall be composed of—

18 “(A) 1 representative from the Small Busi-
19 ness Administration;

20 “(B) 1 representative from the Depart-
21 ment of Commerce;

22 “(C) 1 representative from the Department
23 of Labor;

24 “(D) 1 representative from the Depart-
25 ment of Defense;

1 “(E) 1 representative from the Association
2 of Women’s Business Centers; and

3 “(F) 2 representatives from the National
4 Women’s Business Council.”.

5 (c) ESTABLISHMENT OF SUBCOMMITTEES.—Section
6 401 of the Women’s Business Ownership Act of 1988 (15
7 U.S.C. 631 note), as amended by subsection (b), is further
8 amended by adding at the end the following:

9 “(c) SUBCOMMITTEES.—

10 “(1) ESTABLISHMENT.—There are established
11 within the Interagency Committee—

12 “(A) the Subcommittee on Manufacturing,
13 Technology, and Professional Services;

14 “(B) the Subcommittee on Travel, Tour-
15 ism, and International Trade; and

16 “(C) the Subcommittee on Federal Pro-
17 curement and Contracting.

18 “(2) DUTIES.—The Subcommittees established
19 under paragraph (1) shall perform such duties as
20 the chairperson shall direct.”.

21 **SEC. 6. ANNUAL MANAGEMENT REPORT.**

22 Section 29(g)(1) of the Small Business Act, as
23 amended by this Act, is further amended by striking “The
24 Administration” and inserting “Not later than November
25 1st of each year, the Administration”.

1 **SEC. 7. EFFECTIVE DATE.**

2 This Act, and the amendments made by this Act,
3 shall take effect on October 1, 2003.

○