

112TH CONGRESS
2D SESSION

S. 3442

To provide tax incentives for small businesses, improve programs of the
Small Business Administration, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 25, 2012

Ms. LANDRIEU introduced the following bill; which was read twice and
referred to the Committee on Finance

A BILL

To provide tax incentives for small businesses, improve pro-
grams of the Small Business Administration, 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 “Success Ultimately
5 Comes from Capital, Contracting, Education, Strategic
6 Partnerships, and Smart Regulations Act of 2012” or the
7 “SUCCESS Act of 2012”.

8 **SEC. 2. TABLE OF CONTENTS.**

9 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—SMALL BUSINESS TAX EXTENDERS

- Sec. 101. References.
- Sec. 102. Extension of temporary exclusion of 100 percent of gain on certain small business stock.
- Sec. 103. Extension of increased amount allowed as a deduction for start-up expenditures.
- Sec. 104. Extension of reduction in recognition period for built-in gains tax.
- Sec. 105. Extension of 5-year carryback of general business credits of eligible small businesses.
- Sec. 106. Extension of increased expensing limitations and treatment of certain real property as section 179 property.

TITLE II—ACCESS TO CAPITAL

Subtitle A—Expanding Access to Capital for Entrepreneurial Leaders

- Sec. 211. Short title.
- Sec. 212. Program authorization.
- Sec. 213. Family of funds.
- Sec. 214. Adjustment for inflation.
- Sec. 215. Public availability of information.
- Sec. 216. Authorized uses of licensing fees.
- Sec. 217. Sense of Congress.

Subtitle B—Low-Interest Refinancing

- Sec. 221. Low-interest refinancing under the local development business loan program.

Subtitle C—SBA Lender Activity Index

- Sec. 231. SBA lender activity index.

TITLE III—ACCESS TO GLOBAL MARKETS

- Sec. 301. Short title.
- Sec. 302. Report on improvements to Export.gov as a single window for export information.
- Sec. 303. Report on developing a single window for information about export control compliance.
- Sec. 304. Promotion of exporting.
- Sec. 305. Export control education.
- Sec. 306. Small Business Inter-Agency Task Force on Export Financing.
- Sec. 307. Promotion of exports by rural small businesses.
- Sec. 308. Registry of export management and export trading companies.
- Sec. 309. Reverse trade missions.
- Sec. 310. State Trade and Export Promotion Grant Program.
- Sec. 311. Promotion of interagency details.
- Sec. 312. Annual export strategy.

TITLE IV—ACCESS TO MENTORING, EDUCATION, AND STRATEGIC PARTNERSHIPS

Subtitle A—Measuring the Effectiveness of Resource Partners

Sec. 411. Expanding entrepreneurship.

Subtitle B—Women’s Small Business Ownership

Sec. 421. Short title.

Sec. 422. Definition.

Sec. 423. Office of Women’s Business Ownership.

Sec. 424. Women’s Business Center Program.

Sec. 425. Study and report on economic issues facing women’s business centers.

Sec. 426. Study and report on oversight of women’s business centers.

Subtitle C—Strengthening America’s Small Business Development Centers

Sec. 431. Institutions of higher education.

Sec. 432. Updating funding levels for small business development centers.

Sec. 433. Assistance to out-of-state small businesses.

Sec. 434. Termination of small business development center defense economic transition assistance.

Sec. 435. National Small Business Development Center Advisory Board.

Sec. 436. Repeal of Paul D. Coverdell drug-free workplace program.

Subtitle D—Terminating the National Veterans Business Development Corporation

Sec. 441. National Veterans Business Development Corporation.

TITLE V—ACCESS TO GOVERNMENT CONTRACTING

Subtitle A—Bonds

Sec. 511. Removal of sunset dates for certain provisions of the Small Business Investment Act of 1958.

Subtitle B—Small Business Contracting Fraud Prevention

Sec. 521. Short title.

Sec. 522. Definitions.

Sec. 523. Fraud deterrence at the Small Business Administration.

Sec. 524. Veterans integrity in contracting.

Sec. 525. Section 8(a) program improvements.

Sec. 526. HUBZone improvements.

Sec. 527. Annual report on suspension, debarment, and prosecution.

Subtitle C—Fairness in Women-Owned Small Business Contracting

Sec. 531. Short title.

Sec. 532. Procurement program for women-owned small business concerns.

Sec. 533. Study and report on representation of women.

Subtitle D—Small Business Champion

Sec. 541. Short title.

Sec. 542. Offices of Small and Disadvantaged Business Utilization.

Sec. 543. Small Business Procurement Advisory Council.

TITLE VI—TRANSPARENCY, ACCOUNTABILITY, AND EFFECTIVENESS

Subtitle A—Small Business Common Application

- Sec. 611. Definitions.
 Sec. 612. Sense of Congress.
 Sec. 613. Executive Committee On a Small Business Common Application.
 Sec. 614. Authorization of appropriations.

Subtitle B—Government Accountability Office Review

- Sec. 621. Government Accountability Office review.

1 **TITLE I—SMALL BUSINESS TAX**
 2 **EXTENDERS**

3 **SEC. 101. REFERENCES.**

4 Except as otherwise expressly provided, whenever in
 5 this title an amendment or repeal is expressed in terms
 6 of an amendment to, or repeal of, a section or other provi-
 7 sion, the reference shall be considered to be made to a
 8 section or other provision of the Internal Revenue Code
 9 of 1986.

10 **SEC. 102. EXTENSION OF TEMPORARY EXCLUSION OF 100**
 11 **PERCENT OF GAIN ON CERTAIN SMALL BUSI-**
 12 **NESS STOCK.**

13 (a) IN GENERAL.—Paragraph (4) of section 1202(a)
 14 is amended—

15 (1) by striking “January 1, 2012” and insert-
 16 ing “January 1, 2014”, and

17 (2) by striking “AND 2011” and inserting “,
 18 2011, 2012, AND 2013” in the heading thereof.

19 (b) TECHNICAL AMENDMENTS.—

20 (1) SPECIAL RULE FOR 2009 AND CERTAIN PE-
 21 RIOD IN 2010.—Paragraph (3) of section 1202(a) is

1 amended by adding at the end the following new
2 flush sentence:

3 “In the case of any stock which would be described
4 in the preceding sentence (but for this sentence), the
5 acquisition date for purposes of this subsection shall
6 be the first day on which such stock was held by the
7 taxpayer determined after the application of section
8 1223.”.

9 (2) 100 PERCENT EXCLUSION.—Paragraph (4)
10 of section 1202(a) is amended by adding at the end
11 the following new flush sentence:

12 “In the case of any stock which would be described
13 in the preceding sentence (but for this sentence), the
14 acquisition date for purposes of this subsection shall
15 be the first day on which such stock was held by the
16 taxpayer determined after the application of section
17 1223.”.

18 (c) EFFECTIVE DATES.—

19 (1) IN GENERAL.—The amendments made by
20 subsection (a) shall apply to stock acquired after De-
21 cember 31, 2011.

22 (2) SUBSECTION (b)(1).—The amendment
23 made by subsection (b)(1) shall take effect as if in-
24 cluded in section 1241(a) of division B of the Amer-
25 ican Recovery and Reinvestment Act of 2009.

1 (3) SUBSECTION (b)(2).—The amendment
2 made by subsection (b)(2) shall take effect as if in-
3 cluded in section 2011(a) of the Creating Small
4 Business Jobs Act of 2010.

5 **SEC. 103. EXTENSION OF INCREASED AMOUNT ALLOWED AS**
6 **A DEDUCTION FOR START-UP EXPENDI-**
7 **TURES.**

8 (a) IN GENERAL.—Paragraph (3) of section 195(b)
9 is amended—

10 (1) by inserting “, 2012, or 2013” after
11 “2010”, and

12 (2) by inserting “2012, AND 2013” in the head-
13 ing thereof.

14 (b) EFFECTIVE DATE.—The amendments made by
15 this section shall apply to amounts paid or incurred in tax-
16 able years beginning after December 31, 2011.

17 **SEC. 104. EXTENSION OF REDUCTION IN RECOGNITION PE-**
18 **RIOD FOR BUILT-IN GAINS TAX.**

19 (a) IN GENERAL.—Paragraph (7) of section 1374(d)
20 is amended—

21 (1) by redesignating subparagraph (C) as sub-
22 paragraph (D), and

23 (2) by inserting after subparagraph (B) the fol-
24 lowing new subparagraph:

1 “(C) SPECIAL RULE FOR 2012 AND 2013.—
2 For dispositions of property in taxable years be-
3 ginning in 2012 or 2013, subparagraphs (A)
4 and (D) shall be applied by substituting ‘5-year’
5 for ‘10-year’.”.

6 (b) TECHNICAL AMENDMENT.—Subparagraph (B) of
7 section 1374(d)(2) is amended by inserting “described in
8 subparagraph (A)” after “, for any taxable year”.

9 (c) EFFECTIVE DATE.—The amendments made by
10 subsection (a) shall apply to taxable years beginning after
11 December 31, 2011.

12 **SEC. 105. EXTENSION OF 5-YEAR CARRYBACK OF GENERAL**
13 **BUSINESS CREDITS OF ELIGIBLE SMALL**
14 **BUSINESSES.**

15 (a) IN GENERAL.—Subparagraph (A) of section
16 39(a)(4) is amended by inserting “or in taxable years be-
17 ginning in 2012, or 2013” after “2010”.

18 (b) TECHNICAL AMENDMENT.—Section 38(c)(5)(B)
19 is amended—

20 (1) by striking “the sum of”, and

21 (2) by inserting “for any taxable year to which
22 subparagraph (A) applies” after “or (4)”.

23 (c) EFFECTIVE DATE.—

1 (1) IN GENERAL.—The amendment made by
2 subsection (a) shall apply to credits determined in
3 taxable years beginning after December 31, 2011.

4 (2) TECHNICAL AMENDMENTS.—The amend-
5 ments made by subsection (b) shall take effect as if
6 included in section 2013(a) of the Creating Small
7 Business Jobs Act of 2010.

8 **SEC. 106. EXTENSION OF INCREASED EXPENSING LIMITA-**
9 **TIONS AND TREATMENT OF CERTAIN REAL**
10 **PROPERTY AS SECTION 179 PROPERTY.**

11 (a) IN GENERAL.—

12 (1) DOLLAR LIMITATION.—Section 179(b)(1) is
13 amended—

14 (A) by striking “and” at the end of sub-
15 paragraph (C),

16 (B) by redesignating subparagraph (D) as
17 subparagraph (E),

18 (C) by inserting after subparagraph (C)
19 the following new subparagraph:

20 “(D) \$500,000 in the case of taxable years
21 beginning in 2013, and”, and

22 (D) in subparagraph (E), as so redesi-
23 gnated, by striking “2012” and inserting
24 “2013”.

1 (2) REDUCTION IN LIMITATION.—Section
2 179(b)(2) is amended—

3 (A) by striking “and” at the end of sub-
4 paragraph (C),

5 (B) by redesignating subparagraph (D) as
6 subparagraph (E),

7 (C) by inserting after subparagraph (C)
8 the following new subparagraph:

9 “(D) \$2,000,000 in the case of taxable
10 years beginning in 2013, and”, and

11 (D) in subparagraph (E), as so redesign-
12 nated, by striking “2012” and inserting
13 “2013”.

14 (b) COMPUTER SOFTWARE.—Section
15 179(d)(1)(A)(ii) is amended by striking “2013” and in-
16 serting “2014”.

17 (c) ELECTION.—Section 179(c)(2) is amended by
18 striking “2013” and inserting “2014”.

19 (d) SPECIAL RULES FOR TREATMENT OF QUALIFIED
20 REAL PROPERTY.—

21 (1) IN GENERAL.—Section 179(f)(1) is amend-
22 ed by striking “2010 or 2011” and inserting “2010,
23 2011, or 2013”.

1 (2) CARRYOVER LIMITATION.—Section
2 179(f)(4) is amended by striking subparagraphs (A)
3 through (C) and inserting the following:

4 “(A) IN GENERAL.—Notwithstanding sub-
5 section (b)(3)(B)—

6 “(i) no amount attributable to quali-
7 fied real property placed in service in any
8 taxable year beginning in 2010 or 2011
9 may be carried over to any taxable year be-
10 ginning after 2011, and

11 “(ii) no amount attributable to quali-
12 fied real property placed in service in any
13 taxable year beginning in 2013 may be
14 carried over to any taxable year beginning
15 after 2013.

16 “(B) TREATMENT OF DISALLOWED
17 AMOUNTS.—Except as provided in subpara-
18 graph (C)—

19 “(i) TAXABLE YEARS BEGINNING
20 AFTER 2011.—To the extent that any
21 amount is not allowed to be carried over to
22 a taxable year beginning after 2011 by
23 reason of subparagraph (A)(i), this title
24 shall be applied as if no election under this

1 section had been made with respect to such
2 amount.

3 “(ii) TAXABLE YEARS BEGINNING
4 AFTER 2013.—To the extent that any
5 amount is not allowed to be carried over to
6 a taxable year beginning after 2013 by
7 reason of subparagraph (A)(ii), this title
8 shall be applied as if no election under this
9 section had been made with respect to such
10 amount.

11 “(C) AMOUNTS CARRIED OVER FROM CER-
12 TAIN TAXABLE YEARS.—

13 “(i) AMOUNTS CARRIED OVER FROM
14 2010.—If subparagraph (B)(i) applies to
15 any amount (or portion of an amount)
16 which is carried over from a taxable year
17 other than the taxpayer’s last taxable year
18 beginning in 2011, such amount (or por-
19 tion of an amount) shall be treated for
20 purposes of this title as attributable to
21 property placed in service on the first day
22 of the taxpayer’s last taxable year begin-
23 ning in 2011.

24 “(ii) AMOUNTS CARRIED OVER FROM
25 2013.—If subparagraph (B)(ii) applies to

1 any amount (or portion of an amount)
 2 which is carried over from a taxable year
 3 other than the taxpayer’s last taxable year
 4 beginning in 2013, such amount (or por-
 5 tion of an amount) shall be treated for
 6 purposes of this title as attributable to
 7 property placed in service on the first day
 8 of the taxpayer’s last taxable year begin-
 9 ning in 2013.”.

10 (e) EFFECTIVE DATE.—The amendments made by
 11 this section shall apply to taxable years beginning after
 12 December 31, 2012.

13 **TITLE II—ACCESS TO CAPITAL**
 14 **Subtitle A—Expanding Access to**
 15 **Capital for Entrepreneurial**
 16 **Leaders**

17 **SEC. 211. SHORT TITLE.**

18 This subtitle may be cited as the “EXCEL Act of
 19 2012”.

20 **SEC. 212. PROGRAM AUTHORIZATION.**

21 Section 303(b) of the Small Business Investment Act
 22 of 1958 (15 U.S.C. 683(b)) is amended, in the matter pre-
 23 ceding paragraph (1), in the first sentence, by inserting
 24 after “issued by such companies” the following: “, in a
 25 total amount that does not exceed \$4,000,000,000 each

1 fiscal year (adjusted annually to reflect increases in the
 2 Consumer Price Index established by the Bureau of Labor
 3 Statistics of the Department of Labor)”.

4 **SEC. 213. FAMILY OF FUNDS.**

5 Section 303(b)(2)(B) of the Small Business Invest-
 6 ment Act of 1958 (15 U.S.C. 683(b)(2)(B)) is amended
 7 by striking “\$225,000,000” and inserting
 8 “\$350,000,000”.

9 **SEC. 214. ADJUSTMENT FOR INFLATION.**

10 Section 303(b)(2) of the Small Business Investment
 11 Act of 1958 (15 U.S.C. 683(b)(2)) is amended by adding
 12 at the end the following:

13 “(E) ADJUSTMENTS.—

14 “(i) IN GENERAL.—The dollar
 15 amounts in subparagraph (A)(ii), subpara-
 16 graph (B), and subparagraph (C)(ii)(I)
 17 shall be adjusted annually to reflect in-
 18 creases in the Consumer Price Index estab-
 19 lished by the Bureau of Labor Statistics of
 20 the Department of Labor (in this subpara-
 21 graph referred to as the ‘CPI’).

22 “(ii) APPLICABILITY.—The adjust-
 23 ments required by clause (i)—

24 “(I) with respect to dollar
 25 amounts in subparagraphs (A)(ii) and

1 (C)(ii)(I) shall initially reflect in-
2 creases in the CPI during the period
3 beginning on the effective date of sec-
4 tion 505 of the American Recovery
5 and Reinvestment Act of 2009 (Public
6 Law 111–5; 123 Stat. 156) through
7 the date of enactment of this subpara-
8 graph and annually thereafter;

9 “(II) with respect to dollar
10 amounts in subparagraph (B) shall
11 reflect increases in the CPI annually
12 on and after the date of enactment of
13 this subparagraph.”.

14 **SEC. 215. PUBLIC AVAILABILITY OF INFORMATION.**

15 Section 303 of the Small Business Investment Act
16 of 1958 (15 U.S.C. 683) is amended by adding at the end
17 the following:

18 “(1) ACCESS TO FUND INFORMATION.—Annually, the
19 Administrator shall make public on its website the fol-
20 lowing information with respect to each small business in-
21 vestment company:

22 “(1) The amount of capital deployed since fund
23 inception.

24 “(2) The amount of leverage drawn since fund
25 inception.

1 “(3) The number of investments since fund in-
2 ception.

3 “(4) The number of businesses receiving capital
4 since fund inception.

5 “(5) Industry sectors receiving investment since
6 fund inception.

7 “(6) The amount of leverage principal repaid by
8 the small business investment company since fund
9 inception.

10 “(7) A basic description of investment strat-
11 egy.”.

12 **SEC. 216. AUTHORIZED USES OF LICENSING FEES.**

13 Section 301 of the Small Business Investment Act
14 of 1958 (15 U.S.C. 681) is amended—

15 (1) by redesignating subsection (e) as sub-
16 section (d); and

17 (2) in subsection (d)(2)(B), as so redesignated,
18 by inserting before the period at the end the fol-
19 lowing: “and other small business investment com-
20 pany program needs”.

21 **SEC. 217. SENSE OF CONGRESS.**

22 It is the sense of Congress that—

23 (1) small business investment companies would
24 benefit from partnerships with community banks
25 and other lenders, and should work with community

1 banks and other lenders, to ensure that if commu-
2 nity banks and other lenders deny an application by
3 a small business concern for a loan, the community
4 banks or other lenders will refer the small business
5 concern to small business investment companies; and

6 (2) the Administrator of the Small Business
7 Administration (in this Act referred to as the “Ad-
8 ministrator”) should—

9 (A) increase outreach to community banks
10 and other lenders to encourage community
11 banks and other lenders to invest in small busi-
12 ness investment companies;

13 (B) use the Internet to make publicly
14 available in a timely manner which small busi-
15 ness investment companies are actively solici-
16 ting investments and making investments in
17 small business concerns;

18 (C) partner with governors, mayors,
19 States, and municipalities to increase outreach
20 by small business investment companies to un-
21 derserved and rural areas; and

22 (D) continue to make changes to the
23 webpage for the small business investment com-
24 pany program, to make the webpage—

- 1 (i) a more prominent part of the
 2 website of the Administration; and
 3 (ii) more user-friendly.

4 **Subtitle B—Low-Interest** 5 **Refinancing**

6 **SEC. 221. LOW-INTEREST REFINANCING UNDER THE LOCAL** 7 **DEVELOPMENT BUSINESS LOAN PROGRAM.**

8 Section 1122(b) of the Small Business Jobs Act of
 9 2010 (15 U.S.C. 696 note) is amended by striking “2
 10 years” and inserting “on the date that is 3 years and 6
 11 months”.

12 **Subtitle C—SBA Lender Activity** 13 **Index**

14 **SEC. 231. SBA LENDER ACTIVITY INDEX.**

15 Section 4 of the Small Business Act (15 U.S.C. 633)
 16 is amended by adding at the end the following:

17 “(g) SBA LENDER ACTIVITY INDEX.—

18 “(1) DEFINITION.—In this subsection, the term
 19 ‘covered loan’ means a loan made or debenture
 20 issued under this Act or the Small Business Invest-
 21 ment Act of 1958 (15 U.S.C. 661 et seq.) by a pri-
 22 vate individual or entity.

23 “(2) REQUIREMENT.—Not later than 6 months
 24 after the date of enactment of this subsection, the
 25 Administrator shall make publicly available on the

1 website of the Administration a user-friendly data-
2 base of information relating to lenders making cov-
3 ered loans (to be known as the ‘Lender Activity
4 Index’).

5 “(3) DATA INCLUDED.—

6 “(A) IN GENERAL.—The database made
7 available under paragraph (2) shall include, for
8 each lender making a covered loan—

9 “(i) the name of the lender;

10 “(ii) the number of covered loans
11 made by the lender;

12 “(iii) the total dollar amount of cov-
13 ered loans made by the lender;

14 “(iv) a list of each ZIP code in which
15 a recipient of a covered loan made by the
16 lender is located;

17 “(v) a list of the industries of the re-
18 cipients to which the lender made a cov-
19 ered loan;

20 “(vi) whether the covered loan is for
21 an existing business or a new business;

22 “(vii) the number and total dollar
23 amount of covered loans made by the lend-
24 er to—

1 “(I) small business concerns
2 owned and controlled by women;

3 “(II) socially and economically
4 disadvantaged small business concerns
5 (as defined in section 8(a)(4)(A)); and

6 “(III) small business concerns
7 owned and controlled by veterans; and

8 “(viii) whether the covered loan was
9 made under section 7(a) or under the pro-
10 gram to provide financing to small busi-
11 ness concerns through guarantees of loans
12 under title V of the Small Business Invest-
13 ment Act of 1958 (15 U.S.C. 695 et seq.).

14 “(B) INCORPORATION OF DATA.—The Ad-
15 ministrator shall—

16 “(i) include in the database made
17 available under paragraph (2) information
18 relating to covered loans made during fis-
19 cal years 2009, 2010, 2011, and 2012; and

20 “(ii) incorporate information relating
21 to covered loans on an ongoing basis.

22 “(C) PERIOD OF DATA AVAILABILITY.—
23 The Administrator shall retain information re-
24 lating to a covered loan in the database made
25 available under paragraph (2) until not earlier

1 than the end of the third fiscal year beginning
2 after the fiscal year during which the covered
3 loan was made.”.

4 **TITLE III—ACCESS TO GLOBAL**
5 **MARKETS**

6 **SEC. 301. SHORT TITLE.**

7 This title may be cited as the “Small Business Export
8 Growth Act of 2012”.

9 **SEC. 302. REPORT ON IMPROVEMENTS TO EXPORT.GOV AS**
10 **A SINGLE WINDOW FOR EXPORT INFORMA-**
11 **TION.**

12 (a) IN GENERAL.—Not later than 180 days after the
13 date of enactment of this Act, the Director of Inter-
14 national Trade of the Small Business Administration
15 shall, after consultation with the entities specified in sub-
16 section (b), submit to the Committee on Small Business
17 and Entrepreneurship and the Committee on Banking,
18 Housing, and Urban Affairs of the Senate and the Com-
19 mittee on Small Business and the Committee on Foreign
20 Affairs of the House of Representatives a report that in-
21 cludes the recommendations of the Director for improving
22 the experience provided by the website Export.gov (or a
23 successor website) as—

24 (1) a comprehensive resource for information
25 about exporting articles from the United States; and

1 (2) a single website for exporters to submit all
2 information required by the Federal Government
3 with respect to the exportation of articles from the
4 United States.

5 (b) ENTITIES SPECIFIED.—The entities specified in
6 this subsection are—

7 (1) small business concerns (as defined in sec-
8 tion 3 of the Small Business Act (15 U.S.C. 632))
9 that are exporters; and

10 (2) the President’s Export Council, State agen-
11 cies with responsibility for export promotion or ex-
12 port financing, district export councils, and trade as-
13 sociations.

14 **SEC. 303. REPORT ON DEVELOPING A SINGLE WINDOW FOR**
15 **INFORMATION ABOUT EXPORT CONTROL**
16 **COMPLIANCE.**

17 (a) IN GENERAL.—Not later than 180 days after the
18 date of enactment of this Act, the Chief Counsel for Advo-
19 cacy of the Small Business Administration shall submit
20 to the appropriate congressional committees a report as-
21 sessing the benefits of developing a website to serve as—

22 (1) a comprehensive resource for complying
23 with and information about the export control laws
24 and regulations of the United States; and

1 (2) a single website for exporters to submit all
2 information required by the Federal Government
3 with respect to export controls.

4 (b) APPROPRIATE CONGRESSIONAL COMMITTEES
5 DEFINED.—In this section, the term “appropriate con-
6 gressional committees” means—

7 (1) the Committee on Commerce, Science, and
8 Transportation, the Committee on Banking, Hous-
9 ing, and Urban Affairs, and the Committee on Small
10 Business and Entrepreneurship of the Senate; and

11 (2) the Committee on Energy and Commerce,
12 the Committee on Foreign Affairs, and the Com-
13 mittee on Small Business of the House of Rep-
14 resentatives.

15 **SEC. 304. PROMOTION OF EXPORTING.**

16 Section 22(c)(11) of the Small Business Act (15
17 U.S.C. 649(c)(11)) is amended by inserting “, which shall
18 include conducting not fewer than 1 outreach event each
19 fiscal year in each State that promotes exporting as a
20 business development opportunity for small business con-
21 cerns” before the semicolon.

22 **SEC. 305. EXPORT CONTROL EDUCATION.**

23 Section 22 of the Small Business Act (15 U.S.C. 649)
24 is amended—

1 (1) by redesignating subsection (l) as subsection
2 (n); and

3 (2) by inserting after subsection (k) the fol-
4 lowing:

5 “(1) EXPORT CONTROL EDUCATION.—The Associate
6 Administrator shall ensure that all programs of the Ad-
7 ministration to support exporting by small business con-
8 cerns place a priority on educating small business concerns
9 about Federal export control regulations.”.

10 **SEC. 306. SMALL BUSINESS INTER-AGENCY TASK FORCE ON**
11 **EXPORT FINANCING.**

12 The Administrator, in consultation with the Secretary
13 of Agriculture, the President of the Export-Import Bank
14 of the United States, and the President of the Overseas
15 Private Investment Corporation shall jointly establish a
16 Small Business Inter-Agency Task Force on Export Fi-
17 nancing to—

18 (1) review and improve Federal export finance
19 programs for small business concerns; and

20 (2) coordinate the activities of the Federal Gov-
21 ernment to assist small business concerns seeking to
22 export.

1 **SEC. 307. PROMOTION OF EXPORTS BY RURAL SMALL BUSI-**
2 **NESSES.**

3 (a) SMALL BUSINESS ADMINISTRATION-UNITED
4 STATES DEPARTMENT OF AGRICULTURE INTERAGENCY
5 COORDINATION.—

6 (1) EXPORT FINANCING PROGRAMS.—In coordi-
7 nation with the Secretary of Agriculture, the Admin-
8 istrator shall develop a program to cross-train export
9 finance specialists and personnel from the Office of
10 International Trade of the Administration on the ex-
11 port financing programs of the Department of Agri-
12 culture and the Foreign Agricultural Service.

13 (2) EXPORT ASSISTANCE AND BUSINESS COUN-
14 SELING PROGRAMS.—In coordination with the Sec-
15 retary of Agriculture and the Foreign Agricultural
16 Service, the Administrator shall develop a program
17 to cross-train export finance specialists, personnel
18 from the Office of International Trade of the Ad-
19 ministration, Small Business Development Centers,
20 women's business centers, the Service Corps of Re-
21 tired Executives authorized by section 8(b)(1) of the
22 Small Business Act (15 U.S.C. 637(b)(1)), Export
23 Assistance Centers, and other resource partners of
24 the Administration on the export assistance and
25 business counseling programs of the Department of
26 Agriculture.

1 (b) REPORT ON LENDERS.—Section 7(a)(16)(F) of
2 the Small Business Act (15 U.S.C. 636(a)(16)(F)) is
3 amended—

4 (1) in clause (i)—

5 (A) by redesignating subclauses (I)
6 through (III) as items (aa) through (cc), re-
7 spectively, and adjusting the margins accord-
8 ingly;

9 (B) by striking “list, have made” and in-
10 sserting the following: “list—

11 “(I) have made”;

12 (C) in item (cc), as so redesignated, by
13 striking the period at the end and inserting “;
14 and”; and

15 (D) by adding at the end the following:

16 “(II) were located in a rural
17 area, as that term is defined in sec-
18 tion 1393(a)(2) of the Internal Rev-
19 enue Code of 1986, or a nonmetro-
20 politan statistical area and have
21 made—

22 “(aa) loans guaranteed by
23 the Administration; or

24 “(bb) loans through the pro-
25 grams offered by the United

1 States Department of Agriculture
2 or the Foreign Agricultural Serv-
3 ice.”; and

4 (2) in clause (ii)(II), by inserting “and by re-
5 source partners of the Administration” after “the
6 Administration”.

7 (c) COOPERATION WITH SMALL BUSINESS DEVEL-
8 OPMENT CENTERS.—Section 21(c)(3)(M) of the Small
9 Business Act (15 U.S.C. 648(c)(3)(M)) is amended by in-
10 serting after “the Department of Commerce,” the fol-
11 lowing: “the Department of Agriculture,”.

12 (d) LIST OF RURAL EXPORT ASSISTANCE RE-
13 SOURCES.—Section 22(c)(7) of the Small Business Act
14 (15 U.S.C. 649(c)(7)) is amended—

15 (1) in subparagraph (C), by striking “and” at
16 the end;

17 (2) by redesignating subparagraph (D) as sub-
18 paragraph (E); and

19 (3) by inserting after subparagraph (C) the fol-
20 lowing:

21 “(D) publishing an annual list of relevant
22 resources and programs of the district and re-
23 gional offices of the Administration, other Fed-
24 eral agencies, the small business development
25 center network, Export Assistance Centers, the

1 network of women’s business centers, chapters
 2 of the Service Corps of Retired Executives,
 3 State and local export promotion programs, and
 4 partners in the private sector, that—

5 “(i) are administered or offered by en-
 6 tities located in rural or nonmetropolitan
 7 statistical areas; and

8 “(ii) offer export assistance or busi-
 9 ness counseling services to rural small
 10 businesses concerns; and”.

11 **SEC. 308. REGISTRY OF EXPORT MANAGEMENT AND EX-**
 12 **PORT TRADING COMPANIES.**

13 (a) COORDINATION WITH EXPORT MANAGEMENT
 14 COMPANIES AND EXPORT TRADING COMPANIES.—Not
 15 later than 1 year after the date of enactment of this Act,
 16 the Administrator shall establish a program to register ex-
 17 port management companies, as that term is defined by
 18 the Department of Commerce, and export trading compa-
 19 nies, as that term is defined in section 103 of the Export
 20 Trading Company Act of 1982 (15 U.S.C. 4002).

21 (b) REQUIREMENTS.—The program established
 22 under subsection (a) shall—

23 (1) be similar to the program of the Adminis-
 24 tration for registering franchise companies, as in ef-
 25 fect on the date of enactment of this Act; and

1 (2) require that a list of the export manage-
2 ment companies and export trading companies that
3 register under the program, categorized by the type
4 of product exported by the company, be made avail-
5 able on the website of the Administration.

6 **SEC. 309. REVERSE TRADE MISSIONS.**

7 Section 22(c) of the Small Business Act (15 U.S.C.
8 649(c)) is amended—

9 (1) in paragraph (12), by striking “and” at the
10 end;

11 (2) in paragraph (13), by striking the period at
12 the end and inserting “; and”; and

13 (3) by adding at the end the following:

14 “(14) in coordination with other relevant Fed-
15 eral agencies, encourage the participation of employ-
16 ees and resource partners of the Administration in
17 reverse trade missions hosted or sponsored by the
18 Federal Government.”.

19 **SEC. 310. STATE TRADE AND EXPORT PROMOTION GRANT**
20 **PROGRAM.**

21 Section 1207(a)(5) of the Small Business Jobs Act
22 of 2010 (15 U.S.C. 649b note) is amended by inserting
23 after “Guam,” the following: “the Commonwealth of the
24 Northern Mariana Islands,”.

1 **SEC. 311. PROMOTION OF INTERAGENCY DETAILS.**

2 It is the sense of Congress that the Administrator
3 should periodically detail staff of the Administration to
4 other Federal agencies that are members of the Trade
5 Promotion Coordinating Committee, to facilitate the cross
6 training of the staff of the Administration on the export
7 assistance programs of such other agencies.

8 **SEC. 312. ANNUAL EXPORT STRATEGY.**

9 Section 22 of the Small Business Act (15 U.S.C.
10 649), as amended by section 305 of this Act, is amended
11 by adding at the end the following:

12 “(m) SMALL BUSINESS TRADE STRATEGY.—

13 “(1) DEVELOPMENT OF SMALL BUSINESS
14 TRADE STRATEGY.—The Associate Administrator
15 shall develop and maintain a small business trade
16 strategy that is included in the report on the govern-
17 mentwide strategic plan for Federal trade promotion
18 required to be submitted to Congress by the Trade
19 Promotion Coordinating Committee under section
20 2312(f)(1) of the Export Enhancement Act of 1988
21 (15 U.S.C. 4727(f)(1)) that includes, at a min-
22 imum—

23 “(A) strategies to increase export opportu-
24 nities for small business concerns, including a
25 specific strategy to increase opportunities for

1 small business concerns that are new to export-
2 ing;

3 “(B) recommendations to increase the
4 competitiveness in the global economy of small
5 business concerns in the United States that are
6 part of industries in which small business con-
7 cerns account for a high proportion of partici-
8 pating businesses;

9 “(C) recommendations to protect small
10 business concerns from unfair trade practices,
11 including intellectual property violations;

12 “(D) recommendations for strategies to
13 promote and facilitate opportunities in the for-
14 eign markets that are most accessible for small
15 business concerns that are new to exporting;
16 and

17 “(E) strategies to expand the representa-
18 tion of small business concerns in the formation
19 and implementation of United States trade pol-
20 icy.

21 “(2) ANNUAL REPORT TO CONGRESS.—At the
22 beginning of each fiscal year, the Associate Adminis-
23 trator shall submit to the Committee on Small Busi-
24 ness and Entrepreneurship of the Senate and the
25 Committee on Small Business of the House of Rep-

1 representatives a report on the small business trade
2 strategy required under paragraph (1), which shall
3 contain, at a minimum—

4 “(A) a description of each strategy and
5 recommendation described in paragraph (1);

6 “(B) specific policies and objectives, to-
7 gether with timelines for the implementation of
8 such policies and objectives; and

9 “(C) a description of the progress of the
10 Administration in implementing the strategies
11 and recommendations contained in the report
12 submitted for the preceding fiscal year.”.

13 **TITLE IV—ACCESS TO MEN-**
14 **TORING, EDUCATION, AND**
15 **STRATEGIC PARTNERSHIPS**

16 **Subtitle A—Measuring the**
17 **Effectiveness of Resource Partners**

18 **SEC. 411. EXPANDING ENTREPRENEURSHIP.**

19 Section 4 of the Small Business Act (15 U.S.C. 633),
20 as amended by this Act, is amended by adding at the end
21 the following:

22 “(h) MANAGEMENT AND DIRECTION.—

23 “(1) PLAN FOR ENTREPRENEURIAL DEVELOP-
24 MENT AND JOB CREATION STRATEGY.—

1 “(A) PLAN REQUIRED.—The Adminis-
2 trator, in consultation with a representative
3 from each entrepreneurial development program
4 of the Administration, shall develop and submit
5 to Congress a plan for using the entrepreneurial
6 development programs of the Administration to
7 create jobs during fiscal years 2013 and 2014.

8 “(B) CONTENTS OF PLAN.—The plan re-
9 quired under subparagraph (A) shall—

10 “(i) include the plan of the Adminis-
11 trator for using existing programs, includ-
12 ing small business development centers,
13 women’s business centers, the Service
14 Corps of Retired Executives authorized by
15 section 8(b)(1), Veterans Business Out-
16 reach Centers, and programs of the Office
17 of Native American Affairs, to create jobs;

18 “(ii) identify a strategy for each re-
19 gion of the Administration to use programs
20 of the Administration to create or retain
21 jobs in the region; and

22 “(iii) establish performance measures
23 and criteria, including goals for job cre-
24 ation, job retention, and job retraining, to
25 evaluate the success of the plan.

1 “(2) DATA COLLECTION PROCESS.—

2 “(A) IN GENERAL.—The Administrator
3 shall, after notice and opportunity for comment,
4 promulgate a rule to develop and implement a
5 consistent data collection process for the entre-
6 preneurial development programs.

7 “(B) CONTENTS.—The data collection
8 process developed under subparagraph (A) shall
9 collect data relating to job creation and per-
10 formance and any other data determined appro-
11 priate by the Administrator.

12 “(3) COORDINATION AND ALIGNMENT OF SBA
13 ENTREPRENEURIAL DEVELOPMENT PROGRAMS.—
14 The Administrator, in consultation with other Fed-
15 eral departments and agencies as the Administrator
16 determines is appropriate, shall submit an annual
17 report to Congress describing opportunities to foster
18 coordination of, limit duplication among, and im-
19 prove program delivery for Federal entrepreneurial
20 development programs.

21 “(4) DATABASE OF ENTREPRENEURIAL DEVEL-
22 OPMENT SERVICE PROVIDERS.—

23 “(A) ESTABLISHMENT.—After providing a
24 period of 60 days for public comment, the Ad-
25 ministrator shall—

1 “(i) establish a database of providers
2 of entrepreneurial development services;
3 and

4 “(ii) make the database available
5 through the website of the Administration.

6 “(B) SEARCHABILITY.—The database es-
7 tablished under subparagraph (A) shall be
8 searchable by industry, geographic location, and
9 service required.

10 “(5) COMMUNITY SPECIALIST.—

11 “(A) DESIGNATION.—The Administrator
12 shall designate not fewer than 1 staff member
13 in each district office of the Administration as
14 a community specialist whose full-time responsi-
15 bility is working with local providers of entre-
16 preneurial development services to increase co-
17 ordination with Federal entrepreneurial devel-
18 opment programs.

19 “(B) PERFORMANCE.—The Administrator
20 shall develop benchmarks for measuring the
21 performance of community specialists under
22 this paragraph.”.

1 **Subtitle B—Women’s Small**
2 **Business Ownership**

3 **SEC. 421. SHORT TITLE.**

4 This subtitle may be cited as the “Women’s Small
5 Business Ownership Act of 2012”.

6 **SEC. 422. DEFINITION.**

7 In this subtitle, the term “Administrator” means the
8 Administrator of the Small Business Administration.

9 **SEC. 423. OFFICE OF WOMEN’S BUSINESS OWNERSHIP.**

10 (a) **IN GENERAL.**—Section 29(g) of the Small Busi-
11 ness Act (15 U.S.C. 656(g)) is amended—

12 (1) in paragraph (2)—

13 (A) in subparagraph (B)—

14 (i) in clause (i), by striking “in the
15 areas” and all that follows through the end
16 of subclause (I), and inserting the fol-
17 lowing: “to address issues concerning the
18 management, operations, manufacturing,
19 technology, finance, retail and product
20 sales, international trade, Government con-
21 tracting, and other disciplines required
22 for—

23 “(I) starting, operating, and in-
24 creasing the business of a small busi-
25 ness concern;” and

1 (ii) in clause (ii), by striking “Wom-
2 en’s Business Center program” each place
3 that term appears and inserting “women’s
4 business center program”; and

5 (B) in subparagraph (C), by inserting be-
6 fore the period at the end the following: “, the
7 National Women’s Business Council, and any
8 association of women’s business centers”; and
9 (2) by adding at the end the following:

10 “(3) TRAINING.—The Administrator may pro-
11 vide annual programmatic and financial examination
12 training for women’s business ownership representa-
13 tives and district office technical representatives of
14 the Administration to enable representatives to carry
15 out their responsibilities.

16 “(4) PROGRAM AND TRANSPARENCY IMPROVE-
17 MENTS.—The Administrator shall maximize the
18 transparency of the women’s business center finan-
19 cial assistance proposal process and the pro-
20 grammatic and financial examination process by—

21 “(A) providing public notice of any an-
22 nouncement for financial assistance under sub-
23 section (b) or a grant under subsection (l) not
24 later than the end of the first quarter of each
25 fiscal year;

1 “(B) in the announcement described in
2 subparagraph (A), outlining award and pro-
3 gram evaluation criteria and describing the
4 weighting of the criteria for financial assistance
5 under subsection (b) and grants under sub-
6 section (l);

7 “(C) minimizing paperwork and reporting
8 requirements for applicants for and recipients
9 of financial assistance under this section;

10 “(D) standardizing the programmatic and
11 financial examination process; and

12 “(E) providing to each women’s business
13 center, not later than 60 days after the comple-
14 tion of a site visit to the women’s business cen-
15 ter (whether conducted for an audit, perform-
16 ance review, or other reason), a copy of any site
17 visit reports or evaluation reports prepared by
18 district office technical representatives or offi-
19 cers or employees of the Administration.”.

20 (b) CHANGE OF TITLE.—

21 (1) IN GENERAL.—Section 29 of the Small
22 Business Act (15 U.S.C. 656) is amended—

23 (A) in subsection (a)—

24 (i) by striking paragraphs (1) and (4);

1 (ii) by redesignating paragraphs (2)
2 and (3) as paragraphs (4) and (5), respec-
3 tively; and

4 (iii) by inserting before paragraph (4),
5 as so redesignated, the following:

6 “(2) the term ‘Director’ means the Director of
7 the Office of Women’s Business Ownership estab-
8 lished under subsection (g);”;

9 (B) by striking “Assistant Administrator”
10 each place that term appears and inserting “Di-
11 rector”; and

12 (C) in subsection (g)(2), in the paragraph
13 heading, by striking “ASSISTANT ADMINIS-
14 TRATOR” and inserting “DIRECTOR”.

15 (2) WOMEN’S BUSINESS OWNERSHIP ACT OF
16 1988.—Title IV of the Women’s Business Ownership
17 Act of 1988 (15 U.S.C. 7101 et seq.) is amended—

18 (A) in section 403(a)(2)(B), by striking
19 “Assistant Administrator” and inserting “Di-
20 rector”;

21 (B) in section 405, by striking “Assistant
22 Administrator” and inserting “Director”; and

23 (C) in section 406(c), by striking “Assist-
24 ant Administrator” and inserting “Director”.

1 **SEC. 424. WOMEN'S BUSINESS CENTER PROGRAM.**

2 (a) WOMEN'S BUSINESS CENTER FINANCIAL ASSIST-
3 ANCE.—Section 29 of the Small Business Act (15 U.S.C.
4 656) is amended—

5 (1) in subsection (a), as amended by section
6 423(b) of this Act—

7 (A) by inserting before paragraph (2) the
8 following:

9 “(1) the term ‘association of women’s business
10 centers’ means an organization—

11 “(A) that represents not less than 51 per-
12 cent of the women’s business centers that par-
13 ticipate in a program under this section; and

14 “(B) whose primary purpose is to rep-
15 resent women’s business centers;”;

16 (B) by inserting after paragraph (2) the
17 following:

18 “(3) the term ‘eligible entity’ means—

19 “(A) a private nonprofit organization;

20 “(B) a State, regional, or local economic
21 development organization;

22 “(C) a development, credit, or finance cor-
23 poration chartered by a State;

24 “(D) a junior or community college, as de-
25 fined in section 312(f) of the Higher Education
26 Act of 1965 (20 U.S.C. 1058(f)); or

1 “(E) any combination of entities listed in
2 subparagraphs (A) through (D);” and

3 (C) by adding after paragraph (5) the fol-
4 lowing:

5 “(6) the term ‘women’s business center’ means
6 a project conducted by an eligible entity under this
7 section.”;

8 (2) in subsection (b)—

9 (A) by redesignating paragraphs (1), (2),
10 and (3) as subparagraphs (A), (B), and (C),
11 and adjusting the margins accordingly;

12 (B) by striking “The Administration” and
13 all that follows through “5-year projects” and
14 inserting the following:

15 “(1) IN GENERAL.—The Administration may
16 provide financial assistance to an eligible entity to
17 conduct a project under this section”;

18 (C) by striking “The projects shall” and
19 inserting the following:

20 “(2) USE OF FUNDS.—The project shall be de-
21 signed to provide training and counseling that meets
22 the needs of women, especially socially and economi-
23 cally disadvantaged women, and shall”; and

24 (D) by adding at the end the following:

25 “(3) AMOUNT OF FINANCIAL ASSISTANCE.—

1 “(A) IN GENERAL.—The Administrator
2 may award financial assistance under this sub-
3 section of not less than \$100,000 and not more
4 than \$150,000 per year.

5 “(B) LOWER AMOUNT.—The Adminis-
6 trator may award financial assistance under
7 this subsection to a recipient in an amount that
8 is less than \$100,000 if the Administrator de-
9 termines that the recipient is unable to make a
10 non-Federal contribution of \$100,000 or more,
11 as required under subsection (c).

12 “(C) EQUAL ALLOCATIONS.—If the Admin-
13 istration has insufficient funds to provide finan-
14 cial assistance of not less than \$100,000 for
15 each recipient of financial assistance under this
16 subsection in any fiscal year, the Administrator
17 shall provide an equal amount of financial as-
18 sistance to each recipient in the fiscal year, un-
19 less a recipient requests a lower amount than
20 the allocated amount.

21 “(4) CONSULTATION WITH ASSOCIATIONS OF
22 WOMEN’S BUSINESS CENTERS.—The Administrator
23 shall consult with each association of women’s busi-
24 ness centers to develop—

1 “(A) a training program for the staff of
2 women’s business centers and the Administra-
3 tion; and

4 “(B) recommendations to improve the poli-
5 cies and procedures for governing the general
6 operations and administration of the women’s
7 business center program, including grant pro-
8 gram improvements under subsection (g)(4).”;
9 (3) in subsection (c)—

10 (A) in paragraph (1) by striking “the re-
11 cipient organization” and inserting “an eligible
12 entity”;

13 (B) in paragraph (3), in the second sen-
14 tence, by striking “a recipient organization”
15 and inserting “an eligible entity”;

16 (C) in paragraph (4)—

17 (i) by striking “recipient of assist-
18 ance” and inserting “eligible entity”;

19 (ii) by striking “such organization”
20 and inserting “the eligible entity”; and

21 (iii) by striking “recipient” and in-
22 serting “eligible entity”; and

23 (D) in paragraph (5)—

1 (i) in subparagraph (A), by striking
 2 “a recipient organization” and inserting
 3 “an eligible entity”; and

4 (ii) by striking “the recipient organi-
 5 zation” each place it appears and inserting
 6 “the eligible entity”; and

7 (E) by adding at end the following:

8 “(6) SEPARATION OF PROJECT AND FUNDS.—
 9 An eligible entity shall—

10 “(A) carry out a project under this section
 11 separately from other projects, if any, of the eli-
 12 gible entity; and

13 “(B) separately maintain and account for
 14 any financial assistance under this section.”;

15 (4) in subsection (e)—

16 (A) by striking “applicant organization”
 17 and inserting “eligible entity”;

18 (B) by striking “a recipient organization”
 19 and inserting “an eligible entity”; and

20 (C) by striking “site”;

21 (5) by striking subsection (f) and inserting the
 22 following:

23 “(f) APPLICATIONS AND CRITERIA FOR INITIAL FI-
 24 NANCIAL ASSISTANCE.—

1 “(1) APPLICATION.—Each eligible entity desir-
2 ing financial assistance under subsection (b) shall
3 submit to the Administrator an application that con-
4 tains—

5 “(A) a certification that the eligible enti-
6 ty—

7 “(i) has designated an executive direc-
8 tor or program manager, who may be com-
9 pensated using financial assistance under
10 subsection (b) or other sources, to manage
11 the center on a full-time basis;

12 “(ii) as a condition of receiving finan-
13 cial assistance under subsection (b),
14 agrees—

15 “(I) to receive a site visit by the
16 Administrator as part of the final se-
17 lection process;

18 “(II) to undergo an annual pro-
19 grammatic and financial examination;
20 and

21 “(III) to the maximum extent
22 practicable, to remedy any problems
23 identified pursuant to the site visit or
24 examination under subclause (I) or
25 (II); and

1 “(iii) meets the accounting and re-
2 porting requirements established by the
3 Director of the Office of Management and
4 Budget;

5 “(B) information demonstrating that the
6 eligible entity has the ability and resources to
7 meet the needs of the market to be served by
8 the women’s business center for which financial
9 assistance under subsection (b) is sought, in-
10 cluding the ability to obtain the non-Federal
11 contribution required under subsection (c);

12 “(C) information relating to the assistance
13 to be provided by the women’s business center
14 for which financial assistance under subsection
15 (b) is sought in the area in which the women’s
16 business center is located;

17 “(D) information demonstrating the expe-
18 rience and effectiveness of the eligible entity
19 in—

20 “(i) conducting financial, manage-
21 ment, and marketing assistance programs,
22 as described in subsection (b)(2), which
23 are designed to teach or upgrade the busi-
24 ness skills of women who are business own-
25 ers or potential business owners;

1 “(ii) providing training and services to
2 a representative number of women who are
3 socially and economically disadvantaged;
4 and

5 “(iii) working with resource partners
6 of the Administration and other entities,
7 such as universities; and

8 “(E) a 5-year plan that describes the abil-
9 ity of the women’s business center for which fi-
10 nancial assistance is sought—

11 “(i) to serve women who are business
12 owners or potential business owners by
13 conducting training and counseling activi-
14 ties; and

15 “(ii) to provide training and services
16 to a representative number of women who
17 are socially and economically disadvan-
18 taged.

19 “(2) ADDITIONAL INFORMATION.—The Admin-
20 istrator shall make any request for additional infor-
21 mation from an organization applying for financial
22 assistance under subsection (b) that was not re-
23 quested in the original announcement in writing.

24 “(3) REVIEW AND APPROVAL OF APPLICATIONS
25 FOR INITIAL FINANCIAL ASSISTANCE.—

1 “(A) IN GENERAL.—The Administrator
2 shall—

3 “(i) review each application submitted
4 under paragraph (1), based on the infor-
5 mation described in such paragraph and
6 the criteria set forth under subparagraph
7 (B) of this paragraph; and

8 “(ii) to the extent practicable, as part
9 of the final selection process, conduct a
10 site visit to each women’s business center
11 for which financial assistance under sub-
12 section (b) is sought.

13 “(B) SELECTION CRITERIA.—

14 “(i) IN GENERAL.—The Administrator
15 shall evaluate applicants for financial as-
16 sistance under subsection (b) in accordance
17 with selection criteria that are—

18 “(I) established before the date
19 on which applicants are required to
20 submit the applications;

21 “(II) stated in terms of relative
22 importance; and

23 “(III) publicly available and stat-
24 ed in each solicitation for applications
25 for financial assistance under sub-

1 section (b) made by the Adminis-
2 trator.

3 “(ii) REQUIRED CRITERIA.—The se-
4 lection criteria for financial assistance
5 under subsection (b) shall include—

6 “(I) the experience of the appli-
7 cant in conducting programs or ongo-
8 ing efforts designed to teach or en-
9 hance the business skills of women
10 who are business owners or potential
11 business owners;

12 “(II) the ability of the applicant
13 to begin a project within a minimum
14 amount of time;

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

20 “(IV) the location for the wom-
21 en’s business center proposed by the
22 applicant, including whether the appli-
23 cant is located in a State in which
24 there is not a women’s business center

1 receiving funding from the Adminis-
2 tration.

3 “(C) PROXIMITY.—If the principal place of
4 business of an applicant for financial assistance
5 under subsection (b) is located less than 50
6 miles from the principal place of business of a
7 women’s business center that received funds
8 under this section on or before the date of the
9 application, the applicant shall not be eligible
10 for the financial assistance, unless the applicant
11 submits a detailed written justification of the
12 need for an additional center in the area in
13 which the applicant is located.

14 “(D) RECORD RETENTION.—The Adminis-
15 trator shall maintain a copy of each application
16 submitted under this subsection for not less
17 than 7 years.”; and

18 (6) in subsection (m)—

19 (A) by striking paragraph (3) and insert-
20 ing the following:

21 “(3) APPLICATION AND APPROVAL FOR RE-
22 NEWAL GRANTS.—

23 “(A) SOLICITATION OF APPLICATIONS.—
24 The Administrator shall solicit applications and
25 award grants under this subsection for the first

1 fiscal year beginning after the date of enact-
2 ment of the Women’s Small Business Owner-
3 ship Act of 2012, and every third fiscal year
4 thereafter.

5 “(B) CONTENTS OF APPLICATION.—Each
6 eligible entity desiring a grant under this sub-
7 section shall submit to the Administrator an ap-
8 plication that contains—

9 “(i) a certification that the appli-
10 cant—

11 “(I) is an eligible entity;

12 “(II) has designated a full-time
13 executive director or program man-
14 ager to manage the women’s business
15 center operated by the applicant; and

16 “(III) as a condition of receiving
17 a grant under this subsection,
18 agrees—

19 “(aa) to receive a site visit
20 as part of the final selection
21 process;

22 “(bb) to submit, for the 2
23 full fiscal years before the date
24 on which the application is sub-
25 mitted, annual programmatic and

1 financial examination reports or
2 certified copies of the compliance
3 supplemental audits under OMB
4 Circular A-133 of the applicant;
5 and

6 “(cc) to remedy any problem
7 identified pursuant to the site
8 visit or examination under item
9 (aa) or (bb);

10 “(ii) information demonstrating that
11 the applicant has the ability and resources
12 to meet the needs of the market to be
13 served by the women’s business center for
14 which a grant under this subsection is
15 sought, including the ability to obtain the
16 non-Federal contribution required under
17 paragraph (4)(C);

18 “(iii) information relating to assist-
19 ance to be provided by the women’s busi-
20 ness center in the area served by the wom-
21 en’s business center for which a grant
22 under this subsection is sought;

23 “(iv) information demonstrating that
24 the applicant has worked with resource

1 partners of the Administration and other
2 entities;

3 “(v) a 3-year plan that describes the
4 ability of the women’s business center for
5 which a grant under this subsection is
6 sought—

7 “(I) to serve women who are
8 business owners or potential business
9 owners by conducting training and
10 counseling activities; and

11 “(II) to provide training and
12 services to a representative number of
13 women who are socially and economi-
14 cally disadvantaged; and

15 “(vi) any additional information that
16 the Administrator may reasonably require.

17 “(C) REVIEW AND APPROVAL OF APPLICA-
18 TIONS FOR GRANTS.—

19 “(i) IN GENERAL.—The Administrator
20 shall—

21 “(I) review each application sub-
22 mitted under subparagraph (B), based
23 on the information described in such
24 subparagraph and the criteria set

1 forth under clause (ii) of this subpara-
2 graph; and

3 “(II) whenever practicable, as
4 part of the final selection process,
5 conduct a site visit to each women’s
6 business center for which a grant
7 under this subsection is sought.

8 “(ii) SELECTION CRITERIA.—

9 “(I) IN GENERAL.—The Admin-
10 istrator shall evaluate applicants for
11 grants under this subsection in ac-
12 cordance with selection criteria that
13 are—

14 “(aa) established before the
15 date on which applicants are re-
16 quired to submit the applications;

17 “(bb) stated in terms of rel-
18 ative importance; and

19 “(cc) publicly available and
20 stated in each solicitation for ap-
21 plications for grants under this
22 subsection made by the Adminis-
23 trator.

1 “(II) REQUIRED CRITERIA.—The
2 selection criteria for a grant under
3 this subsection shall include—

4 “(aa) the total number of
5 entrepreneurs served by the ap-
6 plicant;

7 “(bb) the total number of
8 new startup companies assisted
9 by the applicant;

10 “(cc) the percentage of cli-
11 ents of the applicant that are so-
12 cially or economically disadvan-
13 taged; and

14 “(dd) the percentage of indi-
15 viduals in the community served
16 by the applicant who are socially
17 or economically disadvantaged.

18 “(iii) CONDITIONS FOR CONTINUED
19 FUNDING.—In determining whether to
20 make a grant under this subsection, the
21 Administrator—

22 “(I) shall consider the results of
23 the most recent evaluation of the
24 women’s business center for which a
25 grant under this subsection is sought,

1 and, to a lesser extent, previous eval-
2 uations; and

3 “(II) may withhold a grant under
4 this subsection, if the Administrator
5 determines that the applicant has
6 failed to provide the information re-
7 quired to be provided under this para-
8 graph, or the information provided by
9 the applicant is inadequate.

10 “(D) NOTIFICATION.—Not later than 60
11 days after the date of each deadline to submit
12 applications, the Administrator shall approve or
13 deny any application under this paragraph and
14 notify the applicant for each such application of
15 the approval or denial.

16 “(E) RECORD RETENTION.—The Adminis-
17 trator shall maintain a copy of each application
18 submitted under this paragraph for not less
19 than 7 years.”; and

20 (B) by striking paragraph (5) and insert-
21 ing the following:

22 “(5) AWARD TO PREVIOUS RECIPIENTS.—There
23 shall be no limitation on the number of times the
24 Administrator may award a grant to an applicant
25 under this subsection.”.

1 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

2 (1) IN GENERAL.—Section 29 of the Small
3 Business Act (15 U.S.C. 656) is amended—

4 (A) in subsection (h)(2), by striking “to
5 award a contract (as a sustainability grant)
6 under subsection (l) or”;

7 (B) in subsection (j)(1), by striking “The
8 Administration” and inserting “Not later than
9 November 1 of each year, the Administrator”;

10 (C) in subsection (k)—

11 (i) by striking paragraphs (1), (2),
12 and (4);

13 (ii) by redesignating paragraph (3) as
14 paragraph (4); and

15 (iii) by inserting before paragraph (4),
16 as so redesignated, the following:

17 “(1) IN GENERAL.—There are authorized to be
18 appropriated to the Administration to carry out this
19 section, to remain available until expended,
20 \$14,500,000 for each of fiscal years 2013, 2014,
21 and 2015.

22 “(2) USE OF FUNDS.—Amounts made available
23 under this subsection may only be used for grant
24 awards and may not be used for costs incurred by
25 the Administration in connection with the manage-

1 ment and administration of the program under this
2 section.

3 “(3) CONTINUING GRANT AND COOPERATIVE
4 AGREEMENT AUTHORITY.—

5 “(A) PROMPT DISBURSEMENT.—Upon re-
6 ceiving funds to carry out this section for a fis-
7 cal year, the Administrator shall, to the extent
8 practicable, promptly reimburse funds to any
9 women’s business center awarded financial as-
10 sistance under this section if the center meets
11 the eligibility requirements under this section.

12 “(B) SUSPENSION OR TERMINATION.—If
13 the Administrator has entered into a grant or
14 cooperative agreement with a women’s business
15 center under this section, the Administrator
16 may not suspend or terminate the grant or co-
17 operative agreement, unless the Adminis-
18 trator—

19 “(i) provides the women’s business
20 center with written notification setting
21 forth the reasons for that action; and

22 “(ii) affords the women’s business
23 center an opportunity for a hearing, ap-
24 peal, or other administrative proceeding

1 under chapter 5 of title 5, United States
2 Code.”;

3 (D) in subsection (m)—

4 (i) in paragraph (2), by striking “sub-
5 section (b) or (l)” and inserting “this sub-
6 section or subsection (b)”;

7 (ii) in paragraph (4)(D), by striking
8 “or subsection (l)”;

9 (E) by redesignating subsections (m) and
10 (n), as amended by this Act, as subsections (l)
11 and (m), respectively.

12 (2) PROSPECTIVE REPEAL.—Section 1401(c)(2)
13 of the Small Business Jobs Act of 2010 (15 U.S.C.
14 636 note) is amended—

15 (A) in subparagraph (A), by striking
16 “and” at the end;

17 (B) in subparagraph (B), by striking the
18 period at the end and inserting “; and”;

19 (C) by adding at the end the following:

20 “(C) by redesignating paragraph (6), as
21 added by section 424(a)(3)(E) of the Women’s
22 Small Business Ownership Act of 2012, as
23 paragraph (5).”.

24 (c) EFFECT ON EXISTING GRANTS.—

1 (1) TERMS AND CONDITIONS.—A nonprofit or-
2 organization receiving a grant under section 29(m) of
3 the Small Business Act (15 U.S.C. 656(m)), as in
4 effect on the day before the date of enactment of
5 this Act, shall continue to receive the grant under
6 the terms and conditions in effect for the grant on
7 the day before the date of enactment of this Act, ex-
8 cept that the nonprofit organization may not apply
9 for a renewal of the grant under section 29(m)(5) of
10 the Small Business Act (15 U.S.C. 656(m)(5)), as
11 in effect on the day before the date of enactment of
12 this Act.

13 (2) LENGTH OF RENEWAL GRANT.—The Ad-
14 ministrator may award a grant under section 29(l)
15 of the Small Business Act, as so redesignated by
16 subsection (b)(1)(E) of this section, to a nonprofit
17 organization receiving a grant under section 29(m)
18 of the Small Business Act (15 U.S.C. 656(m)), as
19 in effect on the day before the date of enactment of
20 this Act, for the period—

21 (A) beginning on the day after the last day
22 of the grant agreement under such section
23 29(m); and

1 (B) ending at the end of the third fiscal
2 year beginning after the date of enactment of
3 this Act.

4 **SEC. 425. STUDY AND REPORT ON ECONOMIC ISSUES FAC-**
5 **ING WOMEN'S BUSINESS CENTERS.**

6 (a) STUDY.—The Comptroller General of the United
7 States shall conduct a broad study of the unique economic
8 issues facing women's business centers located in covered
9 areas to identify—

10 (1) the difficulties such centers face in raising
11 non-Federal funds;

12 (2) the difficulties such centers face in com-
13 peting for financial assistance, non-Federal funds, or
14 other types of assistance;

15 (3) the difficulties such centers face in writing
16 grant proposals; and

17 (4) other difficulties such centers face because
18 of the economy in the type of covered area in which
19 such centers are located.

20 (b) REPORT.—Not later than 1 year after the date
21 of enactment of this Act, the Comptroller General shall
22 submit to Congress a report containing the results of the
23 study under subsection (a), which shall include rec-
24 ommendations, if any, regarding how to—

1 (1) address the unique difficulties women’s
2 business centers located in covered areas face be-
3 cause of the type of covered area in which such cen-
4 ters are located;

5 (2) expand the presence of, and increase the
6 services provided by, women’s business centers lo-
7 cated in covered areas; and

8 (3) best use technology and other resources to
9 better serve women business owners located in cov-
10 ered areas.

11 (c) DEFINITION OF COVERED AREA.—In this section,
12 the term “covered area” means—

13 (1) any State that is predominantly rural, as
14 determined by the Administrator;

15 (2) any State that is predominantly urban, as
16 determined by the Administrator; and

17 (3) any State or territory that is an island.

18 **SEC. 426. STUDY AND REPORT ON OVERSIGHT OF WOMEN’S**
19 **BUSINESS CENTERS.**

20 (a) STUDY.—The Comptroller General of the United
21 States shall conduct a study of the oversight of women’s
22 business centers by the Administrator, which shall in-
23 clude—

24 (1) an analysis of the coordination by the Ad-
25 ministrator of the activities of women’s business cen-

1 ters with the activities of small business development
2 centers, the Service Corps of Retired Executives,
3 and Veterans Business Outreach Centers;

4 (2) a comparison of the types of individuals and
5 small business concerns served by women's business
6 centers and the types of individuals and small busi-
7 ness concerns served by small business development
8 centers, the Service Corps of Retired Executives,
9 and Veterans Business Outreach Centers; and

10 (3) an analysis of performance data for wom-
11 en's business centers that evaluates how well wom-
12 en's business centers are carrying out the mission of
13 women's business centers and serving individuals
14 and small business concerns.

15 (b) REPORT.—Not later than 1 year after the date
16 of enactment of this Act, the Comptroller General shall
17 submit to Congress a report containing the results of the
18 study under subsection (a), which shall include rec-
19 ommendations, if any, for eliminating the duplication of
20 services provided by women's business centers, small busi-
21 ness development centers, the Service Corps of Retired
22 Executives, and Veterans Business Outreach Centers.

1 **Subtitle C—Strengthening Amer-**
2 **ica’s Small Business Develop-**
3 **ment Centers**

4 **SEC. 431. INSTITUTIONS OF HIGHER EDUCATION.**

5 Section 21 of the Small Business Act (15 U.S.C. 648)
6 is amended—

7 (1) in subsection (a)(1), by striking “: *Provided,*
8 *That*” and all that follows through “on such date.”
9 and inserting the following: “. On and after Decem-
10 ber 31, 2013, the Administrator may only make a
11 grant under this paragraph to an applicant that is
12 an institution of higher education, as defined in sec-
13 tion 101(a) of the Higher Education Act of 1965
14 (20 U.S.C. 1001(a)), that is accredited (and not
15 merely in preaccreditation status) by a nationally
16 recognized accrediting agency or association recog-
17 nized by the Secretary of Education for such pur-
18 pose in accordance with section 496 of that Act (20
19 U.S.C. 1099b).”; and

20 (2) in subsection (c)(3)(K), by inserting “public
21 and private institutions of higher education (includ-
22 ing universities, community colleges, and junior col-
23 leges),” before “local and regional private consult-
24 ants”.

1 **SEC. 432. UPDATING FUNDING LEVELS FOR SMALL BUSI-**
2 **NESS DEVELOPMENT CENTERS.**

3 (a) MINIMUM FUNDING LEVELS.—Section
4 21(a)(4)(C) of the Small Business Act (15 U.S.C.
5 648(a)(4)(C)) is amended—

6 (1) in clause (iii)—

7 (A) by striking “\$90,000,000” each place
8 that term appears and inserting
9 “\$98,500,000”;

10 (B) by striking “\$81,500,000” each place
11 that term appears and inserting
12 “\$90,000,000”; and

13 (C) by striking “\$500,000” each place that
14 term appears and inserting “\$600,000”;

15 (2) in clause (v)(II), by striking “if the usage”
16 and all that follows through the end of the subclause
17 and inserting a period; and

18 (3) in clause (v), by striking subclause (I) and
19 inserting the following:

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

23 “(aa) not more than
24 \$50,000 may be used by the Ad-
25 ministration to pay the expenses

1 enumerated in subparagraph (B)
2 of section 20(a)(1);

3 “(bb) not more than
4 \$500,000 may be used by the
5 Administration to pay the ex-
6 penses enumerated in subpara-
7 graph (C) of section 20(a)(1);
8 and

9 “(cc) not more than
10 \$250,000 may be used by the
11 Administration to pay the ex-
12 penses enumerated in subpara-
13 graph (D) of section 20(a)(1).”.

14 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
15 21(a)(4)(C)(vii) of the Small Business Act (15 U.S.C.
16 648(a)(4)(C)(vii)) is amended to read as follows:

17 “(vii) AUTHORIZATION OF APPROPRIA-
18 TIONS.—There are authorized to be appro-
19 priated to carry out this subparagraph—

20 “(I) \$135,000,000 for fiscal year
21 2013;

22 “(II) \$135,000,000 for fiscal
23 year 2014; and

24 “(III) \$135,000,000 for fiscal
25 year 2015.”.

1 **SEC. 433. ASSISTANCE TO OUT-OF-STATE SMALL BUSI-**
2 **NESSES.**

3 Section 21(b)(3) of the Small Business Act (15
4 U.S.C. 648(b)(3)) is amended—

5 (1) by striking “(3) At the discretion” and in-
6 serting the following:

7 “(3) ASSISTANCE TO OUT-OF-STATE SMALL
8 BUSINESSES.—

9 “(A) IN GENERAL.—At the discretion”;

10 and

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

12 “(B) DISASTER RECOVERY ASSISTANCE.—

13 “(i) IN GENERAL.—At the discretion
14 of the Administrator, the Administrator
15 may authorize a small business develop-
16 ment center to provide assistance, as de-
17 scribed in subsection (c), to small business
18 concerns located outside of the State, with-
19 out regard to geographic proximity, if the
20 small business concerns are located in an
21 area for which the President has declared
22 a major disaster under section 401 of the
23 Robert T. Stafford Disaster Relief and
24 Emergency Assistance Act (42 U.S.C.
25 5170), during the period of the declara-
26 tion.

1 “(ii) CONTINUITY OF SERVICES.—A
 2 small business development center that
 3 provides counselors to an area described in
 4 clause (i) shall, to the maximum extent
 5 practicable, ensure continuity of services in
 6 any State in which the small business de-
 7 velopment center otherwise provides serv-
 8 ices.

9 “(iii) ACCESS TO DISASTER RECOVERY
 10 FACILITIES.—For purposes of this sub-
 11 paragraph, the Administrator shall, to the
 12 maximum extent practicable, permit the
 13 personnel of a small business development
 14 center to use any site or facility designated
 15 by the Administrator for use to provide
 16 disaster recovery assistance.”.

17 **SEC. 434. TERMINATION OF SMALL BUSINESS DEVELOP-**
 18 **MENT CENTER DEFENSE ECONOMIC TRANSI-**
 19 **TION ASSISTANCE.**

20 (a) IN GENERAL.—Section 21(c)(3) of the Small
 21 Business Act (15 U.S.C. 648(c)(3)) is amended—

- 22 (1) by striking subparagraph (G); and
 23 (2) by redesignating subparagraphs (H)
 24 through (T) as subparagraphs (G) through (S), re-
 25 spectively.

1 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
2 Section 21(a) of the Small Business Act (15 U.S.C.
3 648(a)) is amended—

4 (1) in paragraph (4)(C)(vi), by striking “or
5 (c)(3)(G)”;

6 (2) in paragraph (6), by striking “subpara-
7 graphs (B) through (G) of subsection (c)(3)” and in-
8 serting “subparagraphs (B) through (F) of sub-
9 section (c)(3)”.

10 (c) EXISTING GRANTS.—Nothing in this section shall
11 affect any grant made to a small business development
12 center before the date of enactment of this Act under sec-
13 tion 21(c)(3)(G) of the Small Business Act (15 U.S.C.
14 648(c)(3)(G)), as in effect on the day before the date of
15 enactment of this Act, and any such grant shall be subject
16 to such section 21(c)(3)(G), as in effect on the day before
17 the date of enactment of this Act.

18 **SEC. 435. NATIONAL SMALL BUSINESS DEVELOPMENT CEN-**
19 **TER ADVISORY BOARD.**

20 (a) IN GENERAL.—Section 21(i)(1) of the Small
21 Business Act (15 U.S.C. 648(i)(1)) is amended—

22 (1) in the first sentence, by striking “nine
23 members” and inserting “10 members”;

1 (2) in the second sentence, by striking “six”
 2 and inserting “the members who are not from uni-
 3 versities or their affiliates”;

4 (3) by striking the third sentence; and

5 (4) in the fourth sentence—

6 (A) by striking “Succeeding Boards” and
 7 inserting “The members of the Board”; and

8 (B) by inserting “not less than” before
 9 “one-third”.

10 (b) INCUMBENTS.—An individual serving as a mem-
 11 ber of the National Small Business Development Center
 12 Advisory Board on the date of enactment of this Act may
 13 continue to serve on the Board until the end of the term
 14 of the member under section 21(i)(1) of the Small Busi-
 15 ness Act (15 U.S.C. 648(i)(1)), as in effect on the day
 16 before such date of enactment.

17 **SEC. 436. REPEAL OF PAUL D. COVERDELL DRUG-FREE**
 18 **WORKPLACE PROGRAM.**

19 Section 27 of the Small Business Act (15 U.S.C. 654)
 20 is repealed.

1 **Subtitle D—Terminating the Na-**
2 **tional Veterans Business Devel-**
3 **opment Corporation**

4 **SEC. 441. NATIONAL VETERANS BUSINESS DEVELOPMENT**
5 **CORPORATION.**

6 (a) IN GENERAL.—The Small Business Act (15
7 U.S.C. 631 et seq.) is amended by striking section 33 (15
8 U.S.C. 657c).

9 (b) CORPORATION.—On and after the date of enact-
10 ment of this Act, the National Veterans Business Develop-
11 ment Corporation and any successor thereto may not rep-
12 resent that the corporation is federally chartered or in any
13 other manner authorized by the Federal Government.

14 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

15 (1) SMALL BUSINESS ACT.—The Small Busi-
16 ness Act (15 U.S.C. 631 et seq.), as amended by
17 this section, is amended—

18 (A) by redesignating sections 34 through
19 45 as sections 33 through 44, respectively;

20 (B) in section 9(k)(1)(D) (15 U.S.C.
21 638(k)(1)(D)), by striking “section 34(d)” and
22 inserting “section 33(d)”;

23 (C) in section 33 (15 U.S.C. 657d), as so
24 redesignated—

1 (i) by striking “section 35” each place
2 it appears and inserting “section 34”;

3 (ii) in subsection (a)—

4 (I) in paragraph (2), by striking
5 “section 35(c)(2)(B)” and inserting
6 “section 34(c)(2)(B)”;

7 (II) in paragraph (4), by striking
8 “section 35(c)(2)” and inserting “sec-
9 tion 34(c)(2)”;

10 (III) in paragraph (5), by strik-
11 ing “section 35(c)” and inserting
12 “section 34(c)”;

13 (iii) in subsection (h)(2), by striking
14 “section 35(d)” and inserting “section
15 34(d)”;

16 (D) in section 34 (15 U.S.C. 657e), as so
17 redesignated—

18 (i) by striking “section 34” each place
19 it appears and inserting “section 33”;

20 (ii) in subsection (c)(1), by striking
21 section “34(c)(1)(E)(ii)” and inserting sec-
22 tion “33(c)(1)(E)(ii)”;

23 (E) in section 36(d) (15 U.S.C. 657i(d)),
24 as so redesignated, by striking “section 43” and
25 inserting “section 42”;

1 (F) in section 39(d) (15 U.S.C. 657l(d)),
2 as so redesignated, by striking “section 43” and
3 inserting “section 42”; and

4 (G) in section 40(b) (15 U.S.C. 657m(b)),
5 as so redesignated, by striking “section 43” and
6 inserting “section 42”.

7 (2) TITLE 10.—Section 1142(b)(13) of title 10,
8 United States Code, is amended by striking “and
9 the National Veterans Business Development Cor-
10 poration”.

11 (3) TITLE 38.—Section 3452(h) of title 38,
12 United States Code, is amended by striking “any of
13 the” and all that follows and inserting “any small
14 business development center described in section 21
15 of the Small Business Act (15 U.S.C. 648), insofar
16 as such center offers, sponsors, or cosponsors an en-
17 trepreneurship course, as that term is defined in sec-
18 tion 3675(c)(2).”.

19 (4) FOOD, CONSERVATION, AND ENERGY ACT
20 OF 2008.—Section 12072(c)(2) of the Food, Con-
21 servation, and Energy Act of 2008 (15 U.S.C.
22 636g(c)(2)) is amended by striking “section 43 of
23 the Small Business Act, as added by this Act” and
24 inserting “section 42 of the Small Business Act (15
25 U.S.C. 657o)”.

1 (5) VETERANS ENTREPRENEURSHIP AND
 2 SMALL BUSINESS DEVELOPMENT ACT OF 1999.—Sec-
 3 tion 203(c)(5) of the Veterans Entrepreneurship and
 4 Small Business Development Act of 1999 (15 U.S.C.
 5 657b note) is amended by striking “In cooperation
 6 with the National Veterans Business Development
 7 Corporation, develop” and inserting “Develop”.

8 **TITLE V—ACCESS TO**
 9 **GOVERNMENT CONTRACTING**

10 **Subtitle A—Bonds**

11 **SEC. 511. REMOVAL OF SUNSET DATES FOR CERTAIN PRO-**
 12 **VISIONS OF THE SMALL BUSINESS INVEST-**
 13 **MENT ACT OF 1958.**

14 (a) MAXIMUM BOND AMOUNT.—Section 411(a)(1) of
 15 the Small Business Investment Act of 1958 (15 U.S.C.
 16 694b(a)(1)) is amended by striking “does not exceed” and
 17 all that follows and inserting “does not exceed
 18 \$5,000,000.”.

19 (b) DENIAL OF LIABILITY.—Section 411(e)(2) of the
 20 Small Business Investment Act of 1958 (15 U.S.C.
 21 694b(e)(2)) is amended by striking “bonds exceeds” and
 22 all that follows and inserting “bonds exceeds
 23 \$5,000,000.”.

1 **Subtitle B—Small Business**
2 **Contracting Fraud Prevention**

3 **SEC. 521. SHORT TITLE.**

4 This subtitle may be cited as the “Small Business
5 Contracting Fraud Prevention Act of 2012”.

6 **SEC. 522. DEFINITIONS.**

7 In this subtitle—

8 (1) the term “8(a) program” means the pro-
9 gram under section 8(a) of the Small Business Act
10 (15 U.S.C. 637(a));

11 (2) the terms “Administration” and “Adminis-
12 trator” mean the Small Business Administration
13 and the Administrator thereof, respectively;

14 (3) the terms “HUBZone” and “HUBZone
15 small business concern” and “HUBZone map” have
16 the meanings given those terms in section 3(p) of
17 the Small Business Act (15 U.S.C. 632(p)), as
18 amended by this Act; and

19 (4) the term “recertification” means a deter-
20 mination by the Administrator that a business con-
21 cern that was previously determined to be a qualified
22 HUBZone small business concern is a qualified
23 HUBZone small business concern under section
24 3(p)(5) of the Small Business Act (15 U.S.C.
25 632(p)(5)).

1 **SEC. 523. FRAUD DETERRENCE AT THE SMALL BUSINESS**
2 **ADMINISTRATION.**

3 Section 16 of the Small Business Act (15 U.S.C. 645)
4 is amended—

5 (1) in subsection (d)—

6 (A) in paragraph (1)—

7 (i) in the matter preceding subpara-
8 graph (A), by striking “Whoever” and all
9 that follows through “oneself or another”
10 and inserting the following: “A person
11 shall be subject to the penalties and rem-
12 edies described in paragraph (2) if the per-
13 son misrepresents the status of any con-
14 cern or person as a small business concern,
15 a qualified HUBZone small business con-
16 cern, a small business concern owned and
17 controlled by socially and economically dis-
18 advantaged individuals, a small business
19 concern owned and controlled by women,
20 or a small business concern owned and
21 controlled by service-disabled veterans, in
22 order to obtain for any person”;

23 (ii) by amending subparagraph (A) to
24 read as follows:

1 “(A) prime contract, subcontract, grant, or co-
2 operative agreement to be awarded under subsection
3 (a) or (m) of section 8, or section 9, 15, 31, or 35;”;

4 (iii) by striking subparagraph (B);

5 (iv) by redesignating subparagraphs
6 (C) and (D) as subparagraphs (B) and
7 (C), respectively; and

8 (v) in subparagraph (C), as so redес-
9 ignated, by striking “, shall be” and all
10 that follows and inserting a period;

11 (B) in paragraph (2)—

12 (i) by redesignating subparagraphs
13 (C) and (D) as subparagraphs (D) and
14 (E), respectively; and

15 (ii) by inserting after subparagraph
16 (B) the following:

17 “(C) be subject to the civil remedies under sub-
18 chapter III of chapter 37 of title 31, United States
19 Code (commonly known as the ‘False Claims Act’);”;
20 and

21 (C) by adding at the end the following:

22 “(3)(A) In the case of a violation of paragraph (1)(A)
23 or subsection (g) or (h), for purposes of a proceeding de-
24 scribed in subparagraph (A) or (C) of paragraph (2), the
25 amount of the loss to the Federal Government or the dam-

1 ages sustained by the Federal Government, as applicable,
2 shall be an amount equal to the amount that the Federal
3 Government paid to the person that received a contract,
4 grant, or cooperative agreement described in paragraph
5 (1)(A), (g), or (h), respectively.

6 “(B) In the case of a violation of subparagraph (B)
7 or (C) of paragraph (1), for the purpose of a proceeding
8 described in subparagraph (A) or (C) of paragraph (2),
9 the amount of the loss to the Federal Government or the
10 damages sustained by the Federal Government, as appli-
11 cable, shall be an amount equal to the portion of any pay-
12 ment by the Federal Government under a prime contract
13 that was used for a subcontract described in subparagraph
14 (B) or (C) of paragraph (1), respectively.

15 “(C) In a proceeding described in subparagraph (A)
16 or (B), no credit shall be applied against any loss or dam-
17 ages to the Federal Government for the fair market value
18 of the property or services provided to the Federal Govern-
19 ment.”;

20 (2) by striking subsection (e) and inserting the
21 following:

22 “(e) Any representation of the status of any concern
23 or person as a small business concern, a HUBZone small
24 business concern, a small business concern owned and con-
25 trolled by socially and economically disadvantaged individ-

1 uals, a small business concern owned and controlled by
2 women, or a small business concern owned and controlled
3 by service-disabled veterans, in order to obtain any prime
4 contract, subcontract, grant, or cooperative agreement de-
5 scribed in subsection (d)(1) shall be made in writing or
6 through the Online Representations and Certifications Ap-
7 plication process required under section 4.1201 of the
8 Federal Acquisition Regulation, or any successor there-
9 to.”; and

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

11 “(g) A person shall be subject to the penalties and
12 remedies described in subsection (d)(2) if the person mis-
13 represents the status of any concern or person as a small
14 business concern, a qualified HUBZone small business
15 concern, a small business concern owned and controlled
16 by socially and economically disadvantaged individuals, a
17 small business concern owned and controlled by women,
18 or a small business concern owned and controlled by serv-
19 ice-disabled veterans—

20 “(1) in order to allow any person to participate
21 in any program of the Administration; or

22 “(2) in relation to a protest of a contract award
23 or proposed contract award made under regulations
24 issued by the Administration.

1 “(h)(1) A person that submits a request for payment
2 on a contract or subcontract that is awarded under sub-
3 section (a) or (m) of section 8, or section 9, 15, 31, or
4 35, shall be deemed to have submitted a certification that
5 the person complied with regulations issued by the Admin-
6 istration governing the percentage of work that the person
7 is required to perform on the contract or subcontract, un-
8 less the person states, in writing, that the person did not
9 comply with the regulations.

10 “(2) A person shall be subject to the penalties and
11 remedies described in subsection (d)(2) if the person—

12 “(A) uses the services of a business other than
13 the business awarded the contract or subcontract to
14 perform a greater percentage of work under a con-
15 tract than is permitted by regulations issued by the
16 Administration; or

17 “(B) willfully participates in a scheme to cir-
18 cumvent regulations issued by the Administration
19 governing the percentage of work that a contractor
20 is required to perform on a contract.”.

21 **SEC. 524. VETERANS INTEGRITY IN CONTRACTING.**

22 (a) DEFINITION.—Section 3(q)(1) of the Small Busi-
23 ness Act (15 U.S.C. 632(q)(1)) is amended by striking
24 “means a veteran” and all that follows and inserting the
25 following: “means—

1 “(A) a veteran with a service-connected
2 disability rated by the Secretary of Veterans Af-
3 fairs as zero percent or more disabling; or

4 “(B) a former member of the Armed
5 Forces who is retired, separated, or placed on
6 the temporary disability retired list for physical
7 disability under chapter 61 of title 10, United
8 States Code.”.

9 (b) VETERANS CONTRACTING.—Section 4 of the
10 Small Business Act (15 U.S.C. 633), as amended by this
11 Act, is amended by adding at the end the following:

12 “(i) VETERAN STATUS.—

13 “(1) IN GENERAL.—A business concern seeking
14 status as a small business concern owned and con-
15 trolled by service-disabled veterans shall—

16 “(A) submit an annual certification indi-
17 cating that the business concern is a small busi-
18 ness concern owned and controlled by service-
19 disabled veterans by means of the Online Rep-
20 resentations and Certifications Application
21 process required under section 4.1201 of the
22 Federal Acquisition Regulation, or any suc-
23 cessor thereto; and

24 “(B) register with—

1 “(i) the Central Contractor Registra-
2 tion database maintained under subpart
3 4.11 of the Federal Acquisition Regulation,
4 or any successor thereto; and

5 “(ii) the VetBiz database of the De-
6 partment of Veterans Affairs, or any suc-
7 cessor thereto.

8 “(2) VERIFICATION OF STATUS.—

9 “(A) VETERANS AFFAIRS.—The Secretary
10 of Veterans Affairs shall determine whether a
11 business concern registered with the VetBiz
12 database of the Department of Veterans Af-
13 fairs, or any successor thereto, as a small busi-
14 ness concern owned and controlled by veterans
15 or a small business concern owned and con-
16 trolled by service-disabled veterans is owned
17 and controlled by a veteran or a service-disabled
18 veteran, as the case may be.

19 “(B) FEDERAL AGENCIES GENERALLY.—
20 The head of each Federal agency shall—

21 “(i) for a sole source contract award-
22 ed to a small business concern owned and
23 controlled by service-disabled veterans or a
24 contract awarded with competition re-
25 stricted to small business concerns owned

1 and controlled by service-disabled veterans
2 under section 35, determine whether a
3 business concern submitting a proposal for
4 the contract is a small business concern
5 owned and controlled by service-disabled
6 veterans; and

7 “(ii) use the VetBiz database of the
8 Department of Veterans Affairs, or any
9 successor thereto, in determining whether
10 a business concern is a small business con-
11 cern owned and controlled by service-dis-
12 abled veterans.

13 “(3) DEBARMENT AND SUSPENSION.—If the
14 Administrator determines that a business concern
15 knowingly and willfully misrepresented that the busi-
16 ness concern is a small business concern owned and
17 controlled by service-disabled veterans, the Adminis-
18 trator may debar or suspend the business concern
19 from contracting with the United States.”.

20 (c) INTEGRATION OF DATABASES.—The Adminis-
21 trator for Federal Procurement Policy and the Secretary
22 of Veterans Affairs shall ensure that data is shared on
23 an ongoing basis between the VetBiz database of the De-
24 partment of Veterans Affairs and the Central Contractor

1 Registration database maintained under subpart 4.11 of
2 the Federal Acquisition Regulation.

3 (d) EFFECTIVE DATE.—

4 (1) IN GENERAL.—The amendment made by
5 subsection (b) and the requirements under sub-
6 section (c) shall take effect on the date on which the
7 Secretary of Veterans Affairs (referred to in this
8 subsection as the “Secretary”) publishes in the Fed-
9 eral Register a determination that the Department
10 of Veterans Affairs has the necessary resources and
11 capacity to carry out the additional responsibility of
12 determining whether small business concerns reg-
13 istered with the VetBiz database of the Department
14 of Veterans Affairs are owned and controlled by a
15 veteran or a service-disabled veteran, as the case
16 may be, in accordance with subsection (i) of section
17 4 of the Small Business Act (15 U.S.C. 633), as
18 added by subsection (b).

19 (2) TIMELINE.—If the Secretary determines
20 that the Secretary is not able to publish the deter-
21 mination under paragraph (1) before the date that
22 is 1 year after the date of enactment of this Act, the
23 Secretary shall, not later than 1 year after the date
24 of enactment of this Act, submit a report containing
25 an estimate of the date on which the Secretary will

1 publish the determination under paragraph (1) to
2 the Committee on Small Business and Entrepre-
3 neurship and the Committee on Veterans' Affairs of
4 the Senate and the Committee on Small Business
5 and the Committee on Veterans' Affairs of the
6 House of Representatives.

7 **SEC. 525. SECTION 8(a) PROGRAM IMPROVEMENTS.**

8 (a) REVIEW OF EFFECTIVENESS.—Section 8(a) of
9 the Small Business Act (15 U.S.C. 637(a)) is amended
10 by adding at the end the following:

11 “(22) Not later than 3 years after the date of enact-
12 ment of this paragraph, and every 3 years thereafter, the
13 Comptroller General of the United States shall—

14 “(A) conduct an evaluation of the effectiveness
15 of the program under this subsection, including an
16 examination of—

17 “(i) the number and size of contracts ap-
18 plied for, as compared to the number received
19 by, small business concerns after successfully
20 completing the program;

21 “(ii) the percentage of small business con-
22 cerns that continue to operate during the 3-year
23 period beginning on the date on which the small
24 business concerns successfully complete the pro-
25 gram;

1 “(iii) whether the business of small busi-
2 ness concerns increases during the 3-year pe-
3 riod beginning on the date on which the small
4 business concerns successfully complete the pro-
5 gram; and

6 “(iv) the number of training sessions of-
7 fered under the program; and

8 “(B) submit to the Committee on Small Busi-
9 ness and Entrepreneurship of the Senate and the
10 Committee on Small Business of the House of Rep-
11 resentatives a report regarding each evaluation
12 under subparagraph (A).”.

13 (b) OTHER IMPROVEMENTS.—In order to improve
14 the 8(a) program, the Administrator shall—

15 (1) not later than 90 days after the date of en-
16 actment of this Act, begin to—

17 (A) evaluate the feasibility of—

18 (i) using additional third-party data
19 sources;

20 (ii) making unannounced visits of
21 sites that are selected randomly or using
22 risk-based criteria;

23 (iii) using fraud detection tools, in-
24 cluding data-mining techniques; and

1 (iv) conducting financial and analyt-
2 ical training for the business opportunity
3 specialists of the Administration;

4 (B) evaluate the feasibility and advisability
5 of amending regulations applicable to the 8(a)
6 program to require that calculations of the ad-
7 justed net worth or total assets of an individual
8 include assets held by the spouse of the indi-
9 vidual; and

10 (C) develop a more consistent enforcement
11 strategy that includes the suspension or debar-
12 ment of contractors that knowingly make mis-
13 representations in order to qualify for the 8(a)
14 program; and

15 (2) not later than 1 year after the date on
16 which the Comptroller General submits the report
17 under section 8(a)(22)(B) of the Small Business
18 Act, as added by subsection (c), issue, in final form,
19 proposed regulations of the Administration that—

20 (A) determine the economic disadvantage
21 of a participant in the 8(a) program based on
22 the income and asset levels of the participant at
23 the time of application and annual recertifi-
24 cation for the 8(a) program; and

1 (B) limit the ability of a small business
2 concern to participate in the 8(a) program if an
3 immediate family member of an owner of the
4 small business concern is, or has been, a partic-
5 ipant in the 8(a) program, in the same indus-
6 try.

7 **SEC. 526. HUBZONE IMPROVEMENTS.**

8 (a) PURPOSE.—The purpose of this section is to re-
9 form and improve the HUBZone program of the Adminis-
10 tration.

11 (b) IN GENERAL.—The Administrator shall—

12 (1) ensure the HUBZone map is—

13 (A) accurate and up-to-date; and

14 (B) revised as new data is made available
15 to maintain the accuracy and currency of the
16 HUBZone map;

17 (2) implement policies for ensuring that only
18 HUBZone small business concerns determined to be
19 qualified under section 3(p)(5) of the Small Busi-
20 ness Act (15 U.S.C. 632(p)(5)) are participating in
21 the HUBZone program, including through the ap-
22 propriate use of technology to control costs and
23 maximize, among other benefits, uniformity, com-
24 pleteness, simplicity, and efficiency;

1 (3) submit to the Committee on Small Business
2 and Entrepreneurship of the Senate and the Com-
3 mittee on Small Business of the House of Rep-
4 resentatives a report regarding any application to be
5 designated as a HUBZone small business concern or
6 for recertification for which the Administrator has
7 not made a determination as of the date that is 60
8 days after the date on which the application was
9 submitted or initiated, which shall include a plan
10 and timetable for ensuring the timely processing of
11 the applications; and

12 (4) develop measures and implement plans to
13 assess the effectiveness of the HUBZone program
14 that—

15 (A) require the identification of a baseline
16 point in time to allow the assessment of eco-
17 nomic development under the HUBZone pro-
18 gram, including creating additional jobs; and

19 (B) take into account—

20 (i) the economic characteristics of the
21 HUBZone; and

22 (ii) contracts being counted under
23 multiple socioeconomic subcategories.

24 (c) EMPLOYMENT PERCENTAGE.—Section 3(p) of the
25 Small Business Act (15 U.S.C. 632(p)) is amended—

1 (1) in paragraph (5), by adding at the end the
2 following:

3 “(E) EMPLOYMENT PERCENTAGE DURING
4 INTERIM PERIOD.—

5 “(i) DEFINITION.—In this subpara-
6 graph, the term ‘interim period’ means the
7 period beginning on the date on which the
8 Administrator determines that a HUBZone
9 small business concern is qualified under
10 subparagraph (A) and ending on the day
11 before the date on which a contract under
12 the HUBZone program for which the
13 HUBZone small business concern submits
14 a bid is awarded.

15 “(ii) INTERIM PERIOD.—During the
16 interim period, the Administrator may not
17 determine that the HUBZone small busi-
18 ness is not qualified under subparagraph
19 (A) based on a failure to meet the applica-
20 ble employment percentage under subpara-
21 graph (A)(i)(I), unless the HUBZone small
22 business concern—

23 “(I) has not attempted to main-
24 tain the applicable employment per-

1 centage under subparagraph (A)(i)(I);

2 or

3 “(II) does not meet the applica-
4 ble employment percentage—

5 “(aa) on the date on which
6 the HUBZone small business
7 concern submits a bid for a con-
8 tract under the HUBZone pro-
9 gram; or

10 “(bb) on the date on which
11 the HUBZone small business
12 concern is awarded a contract
13 under the HUBZone program.”;
14 and

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

16 “(8) HUBZONE PROGRAM.—The term
17 ‘HUBZone program’ means the program established
18 under section 31.

19 “(9) HUBZONE MAP.—The term ‘HUBZone
20 map’ means the map used by the Administration to
21 identify HUBZones.”.

22 (d) REDESIGNATED AREAS.—Section 3(p)(4)(C)(i) of
23 the Small Business Act (15 U.S.C. 632(p)(4)(C)(i)) is
24 amended to read as follows:

1 “(i) 3 years after the first date on
2 which the Administrator publishes a
3 HUBZone map that is based on the results
4 from the 2010 decennial census; or”.

5 **SEC. 527. ANNUAL REPORT ON SUSPENSION, DEBARMENT,**
6 **AND PROSECUTION.**

7 The Administrator shall submit an annual report to
8 the Committee on Small Business and Entrepreneurship
9 of the Senate and the Committee on Small Business of
10 the House of Representatives that contains—

11 (1) the number of debarments from participa-
12 tion in programs of the Administration issued by the
13 Administrator during the 1-year period preceding
14 the date of the report, including—

15 (A) the number of debarments that were
16 based on a conviction; and

17 (B) the number of debarments that were
18 fact-based and did not involve a conviction;

19 (2) the number of suspensions from participa-
20 tion in programs of the Administration issued by the
21 Administrator during the 1-year period preceding
22 the date of the report, including—

23 (A) the number of suspensions issued that
24 were based upon indictments; and

1 (B) the number of suspensions issued that
2 were fact-based and did not involve an indict-
3 ment;

4 (3) the number of suspension and debarments
5 issued by the Administrator during the 1-year period
6 preceding the date of the report that were based
7 upon referrals from offices of the Administration,
8 other than the Office of Inspector General;

9 (4) the number of suspension and debarments
10 issued by the Administrator during the 1-year period
11 preceding the date of the report based upon referrals
12 from the Office of Inspector General; and

13 (5) the number of persons that the Adminis-
14 trator declined to debar or suspend after a referral
15 described in paragraph (8), and the reason for each
16 such decision.

17 **Subtitle C—Fairness in Women-**
18 **Owned Small Business Contracting**

19 **SEC. 531. SHORT TITLE.**

20 This subtitle may be cited as the “Fairness in
21 Women-Owned Small Business Contracting Act of 2012”.

22 **SEC. 532. PROCUREMENT PROGRAM FOR WOMEN-OWNED**
23 **SMALL BUSINESS CONCERNS.**

24 Section 8(m) of the Small Business Act (15 U.S.C.
25 637(m)) is amended—

1 (1) in paragraph (2)—

2 (A) in subparagraph (A), by striking “who
3 are economically disadvantaged”;

4 (B) in subparagraph (C), by striking
5 “paragraph (3)” and inserting “paragraph
6 (4)”;

7 (C) by striking subparagraph (D); and

8 (D) by redesignating subparagraphs (E)
9 and (F) as subparagraphs (D) and (E), respec-
10 tively; and

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

12 “(7) SOLE SOURCE CONTRACTS.—A contracting
13 officer may award a sole source contract under this
14 subsection to a small business concern owned and
15 controlled by women under the same conditions as a
16 sole source contract may be awarded to a qualified
17 HUBZone small business concern under section
18 31(b)(2)(A).”.

19 **SEC. 533. STUDY AND REPORT ON REPRESENTATION OF**
20 **WOMEN.**

21 Section 29 of the Small Business Act (15 U.S.C.
22 656), as amended by section 424 of this Act, is amended
23 by adding at the end the following:

24 “(n) STUDY AND REPORT ON REPRESENTATION OF
25 WOMEN.—

1 “(1) **STUDY.**—The Administrator shall periodically
2 conduct a study to identify any United States
3 industry, as defined under the North American In-
4 dustry Classification System, in which women are
5 underrepresented.

6 “(2) **REPORT.**—Not later than 5 years after the
7 date of enactment of this subsection, and every 5
8 years thereafter, the Administrator shall submit to
9 the Committee on Small Business and Entrepreneurship
10 of the Senate and the Committee on Small
11 Business of the House of Representatives a report
12 on the results of each study under paragraph (1)
13 conducted during the 5-year period ending on the
14 date of the report.”.

15 **Subtitle D—Small Business** 16 **Champion**

17 **SEC. 541. SHORT TITLE.**

18 This subtitle may be cited as the “Small Business
19 Champion Act of 2012”.

20 **SEC. 542. OFFICES OF SMALL AND DISADVANTAGED BUSI-** 21 **NESS UTILIZATION.**

22 (a) **APPOINTMENT AND POSITION OF DIRECTOR.**—
23 Section 15(k)(2) of the Small Business Act (15 U.S.C.
24 644(k)(2)) is amended by striking “such agency,” and in-
25 serting “such agency to a position that is a Senior Execu-

1 tive Service position (as such term is defined under section
2 3132(a) of title 5, United States Code), except that, for
3 any agency in which the positions of Chief Acquisition Of-
4 ficer and senior procurement executive (as such terms are
5 defined under section 43(a) of this Act) are not Senior
6 Executive Service positions, the Director of Small and Dis-
7 advantaged Business Utilization may be appointed to a
8 position compensated at not less than the minimum rate
9 of basic pay payable for grade GS-15 of the General
10 Schedule under section 5332 of such title (including com-
11 parability payments under section 5304 of such title);”.

12 (b) PERFORMANCE APPRAISALS.—Section 15(k)(3)
13 of the Small Business Act (15 U.S.C. 644(k)(3)) is
14 amended—

15 (1) by striking “be responsible only to, and re-
16 port directly to, the head” and inserting “shall be
17 responsible only to (including with respect to per-
18 formance appraisals), and report directly and exclu-
19 sively to, the head”; and

20 (2) by striking “be responsible only to, and re-
21 port directly to, such Secretary” and inserting “be
22 responsible only to (including with respect to per-
23 formance appraisals), and report directly and exclu-
24 sively to, such Secretary”.

1 (c) SMALL BUSINESS TECHNICAL ADVISERS.—Sec-
2 tion 15(k)(8)(B) of the Small Business Act (15 U.S.C.
3 644(k)(8)(B)) is amended by striking “and 15 of this
4 Act,” and inserting “, 15, and 43 of this Act;”.

5 (d) ADDITIONAL REQUIREMENTS.—Section 15(k) of
6 the Small Business Act (15 U.S.C. 644(k)) is amended
7 by inserting after paragraph (10) the following:

8 “(11) shall review and advise such agency on
9 any decision to convert an activity performed by a
10 small business concern to an activity performed by
11 a Federal employee;

12 “(12) shall provide to the Chief Acquisition Of-
13 ficer and senior procurement executive of such agen-
14 cy advice and comments on acquisition strategies,
15 market research, and justifications related to section
16 43 of this Act;

17 “(13) may provide training to small business
18 concerns and contract specialists, except that such
19 training may only be provided to the extent that the
20 training does not interfere with the Director car-
21 rying out other responsibilities under this subsection;

22 “(14) shall carry out exclusively the duties enu-
23 merated in this Act, and shall, while the Director,
24 not hold any other title, position, or responsibility,

1 except as necessary to carry out responsibilities
2 under this subsection;

3 “(15) shall submit, each fiscal year, to the
4 Committee on Small Business of the House of Rep-
5 resentatives and the Committee on Small Business
6 and Entrepreneurship of the Senate a report de-
7 scribing—

8 “(A) the training provided by the Director
9 under paragraph (13) in the most recently com-
10 pleted fiscal year;

11 “(B) the percentage of the budget of the
12 Director used for such training in the most re-
13 cently completed fiscal year; and

14 “(C) the percentage of the budget of the
15 Director used for travel in the most recently
16 completed fiscal year; and

17 “(16) shall have not less than 10 years of rel-
18 evant procurement experience.”.

19 (e) TECHNICAL AMENDMENTS.—Section 15(k) of the
20 Small Business Act (15 U.S.C. 644(k)), as amended by
21 subsection (d), is further amended—

22 (1) in the matter preceding paragraph (1) by
23 striking “who shall” and inserting “who”;

24 (2) in paragraph (1)—

1 (A) by striking “be known” and inserting
2 “shall be known”; and

3 (B) by striking “such agency,” and insert-
4 ing “such agency;”;

5 (3) in paragraph (2) by striking “be appointed
6 by” and inserting “shall be appointed by”;

7 (4) in paragraph (3)—

8 (A) by striking “director” and inserting
9 “Director”; and

10 (B) by striking “Secretary’s designee,” and
11 inserting “Secretary’s designee;”;

12 (5) in paragraph (4)—

13 (A) by striking “be responsible” and in-
14 serting “shall be responsible”; and

15 (B) by striking “such agency,” and insert-
16 ing “such agency;”;

17 (6) in paragraph (5) by striking “identify pro-
18 posed” and inserting “shall identify proposed”;

19 (7) in paragraph (6) by striking “assist small”
20 and inserting “shall assist small”;

21 (8) in paragraph (7)—

22 (A) by striking “have supervisory” and in-
23 serting “shall have supervisory”; and

24 (B) by striking “this Act,” and inserting
25 “this Act;”;

1 (9) in paragraph (8)—

2 (A) by striking “assign a” and inserting
3 “shall assign a”; and

4 (B) by striking “the activity, and” and in-
5 serting “the activity; and”;

6 (10) in paragraph (9)—

7 (A) by striking “cooperate, and” and in-
8 serting “shall cooperate, and”; and

9 (B) by striking “subsection, and” and in-
10 serting “subsection;”; and

11 (11) in paragraph (10)—

12 (A) by striking “make recommendations”
13 and inserting “shall make recommendations”;

14 (B) by striking “subsection (a), or section”
15 and inserting “subsection (a), section”;

16 (C) by striking “Act or section 2323” and
17 inserting “Act, or section 2323”;

18 (D) by striking “Code. Such recommenda-
19 tions shall” and inserting “Code, which shall”;
20 and

21 (E) by striking “contract file.” and insert-
22 ing “contract file;”.

1 **SEC. 543. SMALL BUSINESS PROCUREMENT ADVISORY**
2 **COUNCIL.**

3 (a) DUTIES.—Section 7104(b) of the Federal Acqui-
4 sition Streamlining Act of 1994 (15 U.S.C. 644 note) is
5 amended—

6 (1) in paragraph (1) by striking “and” at the
7 end;

8 (2) in paragraph (2) by striking “authorities.”
9 and inserting “authorities;”; and

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

11 “(3) to conduct reviews of each Office of Small
12 and Disadvantaged Business Utilization established
13 under section 15(k) of the Small Business Act (15
14 U.S.C. 644(k)) to determine the compliance of each
15 Office with requirements under such section;

16 “(4) to identify best practices for maximizing
17 small business utilization in Federal contracting that
18 may be implemented by Federal agencies having pro-
19 curement powers; and

20 “(5) to submit, annually, to the Committee on
21 Small Business of the House of Representatives and
22 the Committee on Small Business and Entrepre-
23 neurship of the Senate a report describing—

24 “(A) the comments submitted under para-
25 graph (2) during the 1-year period ending on

1 the date on which the report is submitted, in-
 2 cluding any outcomes related to the comments;

3 “(B) the results of reviews conducted
 4 under paragraph (3) during such 1-year period;
 5 and

6 “(C) best practices identified under para-
 7 graph (4) during such 1-year period.”.

8 (b) MEMBERSHIP.—Section 7104(c) of the Federal
 9 Acquisition Streamlining Act of 1994 (15 U.S.C. 644
 10 note) is amended by striking “(established under section
 11 15(k) of the Small Business Act (15 U.S.C. 644(k))”.

12 (c) CHAIRMAN.—Section 7104(d) of the Federal Ac-
 13 quisition Streamlining Act of 1994 (15 U.S.C. 644 note)
 14 is amended by inserting after “Small Business Adminis-
 15 tration” the following: “(or the designee of the Adminis-
 16 trator)”.

17 **TITLE VI—TRANSPARENCY, AC-**
 18 **COUNTABILITY, AND EFFEC-**
 19 **TIVENESS**

20 **Subtitle A—Small Business**
 21 **Common Application**

22 **SEC. 611. DEFINITIONS.**

23 In this subtitle—

1 (1) the terms “Administration” and “Adminis-
2 trator” mean the Small Business Administration
3 and the Administrator thereof, respectively;

4 (2) the term “Executive agency” has the mean-
5 ing given that term under section 105 of title 5,
6 United States Code;

7 (3) the term “Executive Committee” means the
8 Executive Committee on a Small Business Common
9 Application established under section 613(a); and

10 (4) the term “small business concern” has the
11 meaning given that term under section 3 of the
12 Small Business Act (15 U.S.C. 632).

13 **SEC. 612. SENSE OF CONGRESS.**

14 It is the sense of Congress that Executive agencies
15 should—

16 (1) reduce paperwork burdens on small business
17 concerns pursuant to section 3501 of title 44,
18 United States Code;

19 (2) maximize the ability of small business con-
20 cerns to use common applications, where practicable,
21 and use consolidated web portals to interact with
22 Executive agencies;

23 (3) maintain high standards for data privacy
24 and security;

1 (4) increase the degree and ease of information
 2 sharing and coordination among programs serving
 3 small business concerns that are carried out by Ex-
 4 ecutive agencies, including State and local offices of
 5 Executive agencies; and

6 (5) minimize redundancy in the administration
 7 of programs that can utilize common applications,
 8 where practicable, and consolidated web portals.

9 **SEC. 613. EXECUTIVE COMMITTEE ON A SMALL BUSINESS**

10 **COMMON APPLICATION.**

11 (a) ESTABLISHMENT.—There is established in the
 12 Administration an Executive Committee on a Small Busi-
 13 ness Common Application, which shall make recommenda-
 14 tions regarding the establishment, if practicable, of a small
 15 business common application and web portal.

16 (b) MEMBERSHIP.—

17 (1) IN GENERAL.—The members of the Execu-
 18 tive Committee shall consist of—

19 (A) the Administrator;

20 (B) the Assistant Secretary of Commerce
 21 for Economic Development; and

22 (C) 1 senior officer or employee having
 23 policy and technical expertise appointed by each
 24 of—

- 1 (i) the Administrator of the General
2 Services Administration;
- 3 (ii) the Director of the National Insti-
4 tutes of Health;
- 5 (iii) the Director of the National
6 Science Foundation;
- 7 (iv) the President of the Export-Im-
8 port Bank;
- 9 (v) the Secretary of Agriculture;
- 10 (vi) the Secretary of Defense;
- 11 (vii) the Secretary of Health and
12 Human Services;
- 13 (viii) the Secretary of Labor;
- 14 (ix) the Secretary of State;
- 15 (x) the Secretary of the Treasury; and
- 16 (xi) the Secretary of Veterans Affairs.

17 (2) CHAIRPERSON.—The Administrator shall
18 serve as chairperson of the Executive Committee.

19 (3) PERIOD OF APPOINTMENT.—Members of
20 the Executive Committee shall be appointed for a
21 term of 1 year.

22 (4) VACANCIES.—A vacancy in the Executive
23 Committee shall be filled in the same manner as the
24 original appointment, not later than 30 days after
25 the date on which the vacancy occurs.

1 (c) MEETINGS.—

2 (1) IN GENERAL.—The Executive Committee
3 shall meet at the call of the chairperson of the Exec-
4 utive Committee.

5 (2) QUORUM.—A majority of the members of
6 the Executive Committee shall constitute a quorum.

7 (3) FIRST MEETING.—The first meeting of the
8 Executive Committee shall take place not later than
9 30 days after the date of enactment of this subtitle.

10 (4) PUBLIC MEETING.—The Executive Com-
11 mittee shall hold at least 1 public meeting before the
12 date described in subsection (d)(1) to receive com-
13 ments from small business concerns and other inter-
14 ested parties.

15 (d) DUTIES.—

16 (1) RECOMMENDATIONS.—Not later than 270
17 days after the date of enactment of this Act, upon
18 a vote of the majority of members of the Executive
19 Committee then serving, the Executive Committee
20 shall submit to the Administrator recommendations
21 relating to the feasibility of establishing a small
22 business common application and web portal in
23 order to meet the goals described in section 612.

24 (2) TRANSMISSION TO EXECUTIVE AGENCIES.—

25 The Executive Committee shall transmit to each Ex-

1 executive agency a complete copy of the recommenda-
2 tions submitted under paragraph (1).

3 (3) TRANSMISSION TO CONGRESS.—The Execu-
4 tive Committee shall transmit to each relevant com-
5 mittee of Congress a complete copy of the rec-
6 ommendations submitted under paragraph (1).

7 (4) RECOMMENDATIONS BY EXECUTIVE AGEN-
8 CIES.—Not later than 30 days after the date on
9 which the Executive Committee transmits rec-
10 ommendations to the Executive agency under para-
11 graph (2), each Executive agency that provides Fed-
12 eral assistance to small business concerns shall sub-
13 mit to Congress recommendations, if any, for legisla-
14 tive changes necessary for the Executive agency to
15 carry out the recommendations under paragraph (1).

16 (e) PERSONNEL MATTERS.—

17 (1) COMPENSATION OF MEMBERS.—The mem-
18 bers of the Executive Committee shall serve without
19 compensation in addition to that received for their
20 services as officers or employees of the United
21 States.

22 (2) DETAIL OF EMPLOYEES.—The Adminis-
23 trator may detail to the Executive Committee any
24 employee of the Economic Development Administra-

1 tion, and such detail shall be without interruption or
2 loss of civil service status or privilege.

3 (f) FEDERAL ADVISORY COMMITTEE ACT.—Section
4 14 of the Federal Advisory Committee Act (5 U.S.C.
5 App.) shall not apply with respect to the Executive Com-
6 mittee.

7 **SEC. 614. AUTHORIZATION OF APPROPRIATIONS.**

8 There are authorized to be appropriated to the Ad-
9 ministrators such sums as may be necessary to carry out
10 this subtitle.

11 **Subtitle B—Government**
12 **Accountability Office Review**

13 **SEC. 621. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW.**

14 Not later than 2 years after the date of enactment
15 of this Act, the Comptroller General of the United States
16 shall submit a report to the Committee on Small Business
17 and Entrepreneurship of the Senate and the Committee
18 on Small Business of the House of Representatives that
19 evaluates the status of the programs authorized under this
20 Act and the amendments made by this Act, including the
21 extent to which such programs have been funded and im-
22 plemented and have contributed to promoting job creation
23 among small business concerns.

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