

112TH CONGRESS
2D SESSION

S. 3572

To amend the Internal Revenue Code of 1986, title 5, United States Code, the Small Business Act, and the Small Business Investment Act of 1958 to provide certainty for small business concerns, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 19, 2012

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

A BILL

To amend the Internal Revenue Code of 1986, title 5, United States Code, the Small Business Act, and the Small Business Investment Act of 1958 to provide certainty for small business concerns, 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 “Restoring Tax and
5 Regulatory Certainty to Small Businesses Act of 2012”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 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 alternative minimum tax rules for general business credits of eligible small businesses.
- Sec. 104. Extension of 5-year carryback of general business credits of eligible small businesses.
- Sec. 105. Extension of reduction in S-corp recognition period for built-in gains tax.
- Sec. 106. Extension of increased expensing limitations and treatment of certain real property as section 179 property.
- Sec. 107. Extension of special rule for long-term contract accounting.
- Sec. 108. Extension of increased amount allowed as a deduction for start-up expenditures.
- Sec. 109. Extension of allowance of deduction for health insurance in computing self-employment taxes.

TITLE II—REGULATORY RELIEF

- Sec. 201. Findings.
- Sec. 202. Including indirect economic impact in small entity analyses.
- Sec. 203. Judicial review to allow small entities to challenge proposed regulations.
- Sec. 204. Periodic review.
- Sec. 205. Requiring small business review panels for additional agencies.
- Sec. 206. Expanding the Regulatory Flexibility Act to agency guidance documents.
- Sec. 207. Requiring the Internal Revenue Service to consider small entity impact.
- Sec. 208. Reporting on enforcement actions relating to small entities.
- Sec. 209. Requiring more detailed small entity analyses.
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- Sec. 211. Additional powers of the Office of Advocacy.
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- Sec. 213. Regulatory transparency reporting.

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- Sec. 311. Short title.
- Sec. 312. Program authorization.
- Sec. 313. Family of funds.
- Sec. 314. Adjustment for inflation.
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Sec. 422. Definition.

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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.

Subtitle E—Expanding Women’s Entrepreneurship

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Sec. 452. National Women’s High-Growth Business Bipartisan Task Force.

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- Sec. 521. Short title.
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- Sec. 532. Procurement program for women-owned small business concerns.
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- Sec. 541. Short title.
- Sec. 542. Offices of Small and Disadvantaged Business Utilization.
- Sec. 543. Small Business Procurement Advisory Council.

Subtitle E—Subcontracts

- Sec. 551. Subcontracts awarded by Federally Funded Research and Development Centers.

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—

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

3 (2) by striking “AND 2011” and inserting “,
4 2011, 2012, AND 2013” in the heading thereof.

5 (b) TECHNICAL AMENDMENTS.—

6 (1) SPECIAL RULE FOR 2009 AND CERTAIN PE-
7 RIOD IN 2010.—Paragraph (3) of section 1202(a) is
8 amended by adding at the end the following new
9 flush sentence:

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

16 (2) 100 PERCENT EXCLUSION.—Paragraph (4)
17 of section 1202(a) is amended by adding at the end
18 the following new flush sentence:

19 “In the case of any stock which would be described
20 in the preceding sentence (but for this sentence), the
21 acquisition date for purposes of this subsection shall
22 be the first day on which such stock was held by the
23 taxpayer determined after the application of section
24 1223.”.

25 (c) EFFECTIVE DATES.—

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

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

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

12 **SEC. 103. EXTENSION OF ALTERNATIVE MINIMUM TAX**
13 **RULES FOR GENERAL BUSINESS CREDITS OF**
14 **ELIGIBLE SMALL BUSINESSES.**

15 (a) IN GENERAL.—Subparagraph (A) of section
16 38(c)(5) is amended by inserting “, 2011, or 2012” after
17 “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 DATES.—

24 (1) IN GENERAL.—The amendment made by
25 subsection (a) shall apply to credits determined in

1 taxable years beginning after December 31, 2010,
 2 and to carrybacks of such credits.

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

7 **SEC. 104. EXTENSION OF 5-YEAR CARRYBACK OF GENERAL**
 8 **BUSINESS CREDITS OF ELIGIBLE SMALL**
 9 **BUSINESSES.**

10 (a) IN GENERAL.—Subparagraph (A) of section
 11 39(a)(4) is amended by inserting “or in taxable years be-
 12 ginning in 2011, 2012, or 2013” after “2010”.

13 (b) EFFECTIVE DATE.—The amendment made by
 14 this section shall apply to credits determined in taxable
 15 years beginning after December 31, 2010.

16 **SEC. 105. EXTENSION OF REDUCTION IN S-CORP RECOGNI-**
 17 **TION PERIOD FOR BUILT-IN GAINS TAX.**

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

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

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

24 “(C) SPECIAL RULE FOR 2012 AND 2013.—

25 For dispositions of property in taxable years be-

1 ginning in 2012 or 2013, subparagraphs (A)
 2 and (D) shall be applied by substituting ‘5-year’
 3 for ‘10-year’.”.

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

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

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

13 (a) IN GENERAL.—Section 179(b) is amended—

14 (1) by striking “2010 or 2011” each place it
 15 appears in paragraph (1)(B) and (2)(B) and insert-
 16 ing “2010, 2011, 2012, or 2013”,

17 (2) by striking “2012” each place it appears in
 18 paragraph (1)(C) and (2)(C) and inserting “2014”,
 19 and

20 (3) by striking “2012” each place it appears in
 21 paragraph (1)(D) and (2)(D) and inserting “2014”.

22 (b) INFLATION ADJUSTMENT.—Subparagraph (A) of
 23 section 179(b)(6) is amended by striking “2012” and in-
 24 serting “2013”.

1 (c) COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii)
 2 is amended by striking “2013” and inserting “2014”.

3 (d) ELECTION.—Section 179(c)(2) is amended by
 4 striking “2013” and inserting “2014”.

5 (e) SPECIAL RULES FOR TREATMENT OF QUALIFIED
 6 REAL PROPERTY.—

7 (1) IN GENERAL.—Section 179(f)(1) is amend-
 8 ed by striking “2010 or 2011” and inserting “2010,
 9 2011, 2012, or 2013”.

10 (2) CARRYOVER LIMITATION.—

11 (A) IN GENERAL.—Section 179(f)(4) is
 12 amended by striking “2011” each place it ap-
 13 pears and inserting “2013”.

14 (B) CONFORMING AMENDMENT.—The
 15 heading for subparagraph (C) of section
 16 179(f)(4) is amended by striking “2010” and
 17 inserting “2010, 2011 and 2012”.

18 (f) EFFECTIVE DATE.—The amendments made by
 19 this section shall apply to taxable years beginning after
 20 December 31, 2011.

21 **SEC. 107. EXTENSION OF SPECIAL RULE FOR LONG-TERM**
 22 **CONTRACT ACCOUNTING.**

23 (a) IN GENERAL.—Clause (ii) of section 460(c)(6)(B)
 24 is amended by striking “January 1, 2011 (January 1,

1 2012” and inserting “January 1, 2014 (January 1,
2 2015”.

3 (b) EFFECTIVE DATE.—The amendment made by
4 this section shall apply to property placed in service after
5 December 31, 2010.

6 **SEC. 108. EXTENSION OF INCREASED AMOUNT ALLOWED AS**
7 **A DEDUCTION FOR START-UP EXPENDI-**
8 **TURES.**

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

11 (1) by inserting “, 2011, 2012, or 2013” after
12 “2010”, and

13 (2) by inserting “2011, 2012, AND 2013” in the
14 heading thereof.

15 (b) EFFECTIVE DATE.—The amendments made by
16 this section shall apply to amounts paid or incurred in tax-
17 able years beginning after December 31, 2010.

18 **SEC. 109. EXTENSION OF ALLOWANCE OF DEDUCTION FOR**
19 **HEALTH INSURANCE IN COMPUTING SELF-**
20 **EMPLOYMENT TAXES.**

21 (a) IN GENERAL.—Paragraph (4) of section 162(l)
22 is amended by striking “December 31, 2010” and insert-
23 ing “December 31, 2013”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 this section shall apply to taxable years beginning after
3 December 31, 2010.

4 **TITLE II—REGULATORY RELIEF**

5 **SEC. 201. FINDINGS.**

6 Congress finds the following:

7 (1) A vibrant and growing small business sector
8 is critical to the recovery of the economy of the
9 United States.

10 (2) Regulations designed for application to
11 large-scale entities have been applied uniformly to
12 small businesses and other small entities, sometimes
13 inhibiting the ability of small entities to create new
14 jobs.

15 (3) Uniform Federal regulatory and reporting
16 requirements in many instances have imposed on
17 small businesses and other small entities unneces-
18 sary and disproportionately burdensome demands,
19 including legal, accounting, and consulting costs,
20 thereby threatening the viability of small entities
21 and the ability of small entities to compete and cre-
22 ate new jobs in a global marketplace.

23 (4) Since 1980, Federal agencies have been re-
24 quired to recognize and take account of the dif-

1 ferences in the scale and resources of regulated enti-
2 ties, but in many instances have failed to do so.

3 (5) In 2009, there were nearly 70,000 pages in
4 the Federal Register, and, according to research by
5 the Office of Advocacy of the Small Business Admin-
6 istration, the annual cost of Federal regulations to-
7 tals \$1,750,000,000,000. Small firms bear a dis-
8 proportionate burden, paying approximately 36 per-
9 cent more per employee than larger firms in annual
10 regulatory compliance costs.

11 (6) All agencies in the Federal Government
12 should fully consider the costs, including indirect
13 economic impacts and the potential for job loss, of
14 proposed rules, periodically review existing regula-
15 tions to determine their impact on small entities,
16 and repeal regulations that are unnecessarily dupli-
17 cative or have outlived their stated purpose.

18 (7) It is the intention of Congress to amend
19 chapter 6 of title 5, United States Code, to ensure
20 that all impacts, including foreseeable indirect ef-
21 fects, of proposed and final rules are considered by
22 agencies during the rulemaking process and that the
23 agencies assess a full range of alternatives that will
24 limit adverse economic consequences, enhance eco-
25 nomic benefits, and fully address potential job loss.

1 **SEC. 202. INCLUDING INDIRECT ECONOMIC IMPACT IN**
2 **SMALL ENTITY ANALYSES.**

3 Section 601 of title 5, United States Code, is amend-
4 ed by adding at the end the following:

5 “(9) the term ‘economic impact’ means, with
6 respect to a proposed or final rule—

7 “(A) the economic effects on small entities
8 directly regulated by the rule; and

9 “(B) the reasonably foreseeable economic
10 effects of the rule on small entities that—

11 “(i) purchase products or services
12 from, sell products or services to, or other-
13 wise conduct business with entities directly
14 regulated by the rule;

15 “(ii) are directly regulated by other
16 governmental entities as a result of the
17 rule; or

18 “(iii) are not directly regulated by the
19 agency as a result of the rule but are oth-
20 erwise subject to other agency regulations
21 as a result of the rule.”.

22 **SEC. 203. JUDICIAL REVIEW TO ALLOW SMALL ENTITIES TO**
23 **CHALLENGE PROPOSED REGULATIONS.**

24 Section 611(a) of title 5, United States Code, is
25 amended—

1 (1) in paragraph (1), by inserting “603,” after
2 “601,”;

3 (2) in paragraph (2), by inserting “603,” after
4 “601,”;

5 (3) by striking paragraph (3) and inserting the
6 following:

7 “(3) A small entity may seek such review during the
8 1-year period beginning on the date of final agency action,
9 except that—

10 “(A) if a provision of law requires that an ac-
11 tion challenging a final agency action be commenced
12 before the expiration of 1 year, the lesser period
13 shall apply to an action for judicial review under this
14 section; and

15 “(B) in the case of noncompliance with section
16 603 or 605(b), a small entity may seek judicial re-
17 view of agency compliance with such section before
18 the close of the public comment period.”; and

19 (4) in paragraph (4)—

20 (A) in subparagraph (A), by striking “,
21 and” and inserting a semicolon;

22 (B) in subparagraph (B), by striking the
23 period and inserting “; or”; and

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

1 “(C) issuing an injunction prohibiting an agen-
 2 cy from taking any agency action with respect to a
 3 rulemaking until that agency is in compliance with
 4 the requirements of section 603 or 605.”.

5 **SEC. 204. PERIODIC REVIEW.**

6 Section 610 of title 5, United States Code, is amend-
 7 ed to read as follows:

8 **“§ 610. Periodic review of rules**

9 “(a)(1) Not later than 180 days after the date of en-
 10 actment of the Restoring Tax and Regulatory Certainty
 11 to Small Businesses Act of 2012, each agency shall estab-
 12 lish a plan for the periodic review of—

13 “(A) each rule issued by the agency that the
 14 head of the agency determines has a significant eco-
 15 nomic impact on a substantial number of small enti-
 16 ties, without regard to whether the agency per-
 17 formed an analysis under section 604 with respect to
 18 the rule; and

19 “(B) any small entity compliance guide required
 20 to be published by the agency under section 212 of
 21 the Small Business Regulatory Enforcement Fair-
 22 ness Act of 1996 (5 U.S.C. 601 note).

23 “(2) In reviewing rules and small entity compliance
 24 guides under paragraph (1), the agency shall determine
 25 whether the rules and guides should—

1 “(A) be amended or rescinded, consistent with
2 the stated objectives of applicable statutes, to mini-
3 mize any significant adverse economic impacts on a
4 substantial number of small entities (including an
5 estimate of any adverse impacts on job creation and
6 employment by small entities); or

7 “(B) continue in effect without change.

8 “(3) Each agency shall publish the plan established
9 under paragraph (1) in the Federal Register and on the
10 Web site of the agency.

11 “(4) An agency may amend the plan established
12 under paragraph (1) at any time by publishing the amend-
13 ment in the Federal Register and on the Web site of the
14 agency.

15 “(b) Each plan established under subsection (a) shall
16 provide for—

17 “(1) the review of each rule and small entity
18 compliance guide described in subsection (a)(1) in
19 effect on the date of enactment of the Restoring Tax
20 and Regulatory Certainty to Small Businesses Act of
21 2012—

22 “(A) not later than 9 years after the date
23 of publication of the plan in the Federal Reg-
24 ister; and

25 “(B) every 9 years thereafter; and

1 “(2) the review of each rule adopted and small
2 entity compliance guide described in subsection
3 (a)(1) that is published after the date of enactment
4 of the Restoring Tax and Regulatory Certainty to
5 Small Businesses Act of 2012—

6 “(A) not later than 9 years after the publi-
7 cation of the final rule in the Federal Register;
8 and

9 “(B) every 9 years thereafter.

10 “(c) In reviewing rules under the plan required under
11 subsection (a), the agency shall consider—

12 “(1) the continued need for the rule;

13 “(2) the nature of complaints received by the
14 agency from small entities concerning the rule;

15 “(3) comments by the Regulatory Enforcement
16 Ombudsman and the Chief Counsel for Advocacy of
17 the Small Business Administration;

18 “(4) the complexity of the rule;

19 “(5) the extent to which the rule overlaps, du-
20 plicates, or conflicts with other Federal rules and,
21 unless the head of the agency determines it to be in-
22 feasible, State and local rules;

23 “(6) the contribution of the rule to the cumu-
24 lative economic impact of all Federal rules on the
25 class of small entities affected by the rule, unless the

1 head of the agency determines that such a calcula-
2 tion cannot be made;

3 “(7) the length of time since the rule has been
4 evaluated, or the degree to which technology, eco-
5 nomic conditions, or other factors have changed in
6 the area affected by the rule; and

7 “(8) the economic impact of the rule, includ-
8 ing—

9 “(A) the estimated number of small enti-
10 ties to which the rule will apply;

11 “(B) the estimated number of small entity
12 jobs that will be lost or created due to the rule;
13 and

14 “(C) the projected reporting, record-
15 keeping, and other compliance requirements of
16 the proposed rule, including—

17 “(i) an estimate of the classes of small
18 entities that will be subject to the require-
19 ment; and

20 “(ii) the type of professional skills
21 necessary for preparation of the report or
22 record.

23 “(d)(1) Each agency shall submit an annual report
24 regarding the results of the review required under sub-
25 section (a) to—

1 “(A) Congress; and

2 “(B) in the case of an agency that is not an
3 independent regulatory agency (as defined in section
4 3502(5) of title 44), the Administrator of the Office
5 of Information and Regulatory Affairs of the Office
6 of Management and Budget.

7 “(2) Each report required under paragraph (1) shall
8 include a description of any rule or guide with respect to
9 which the agency made a determination of infeasibility
10 under paragraph (5) or (6) of subsection (c), together with
11 a detailed explanation of the reasons for the determina-
12 tion.

13 “(e) Each agency shall publish in the Federal Reg-
14 ister and on the Web site of the agency a list of the rules
15 and small entity compliance guides to be reviewed under
16 the plan required under subsection (a) that includes—

17 “(1) a brief description of each rule or guide;

18 “(2) for each rule, the reason why the head of
19 the agency determined that the rule has a significant
20 economic impact on a substantial number of small
21 entities (without regard to whether the agency had
22 prepared a final regulatory flexibility analysis for the
23 rule); and

24 “(3) a request for comments from the public,
25 the Chief Counsel for Advocacy of the Small Busi-

1 ness Administration, and the Regulatory Enforce-
2 ment Ombudsman concerning the enforcement of the
3 rules or publication of the guides.

4 “(f)(1) Not later than 6 months after each date de-
5 scribed in subsection (b)(1), the Inspector General for
6 each agency shall—

7 “(A) determine whether the agency has con-
8 ducted the review required under subsection (b) ap-
9 propriately; and

10 “(B) notify the head of the agency of—

11 “(i) the results of the determination under
12 subparagraph (A); and

13 “(ii) any issues preventing the Inspector
14 General from determining that the agency has
15 conducted the review under subsection (b) ap-
16 propriately.

17 “(2)(A) Not later than 6 months after the date on
18 which the head of an agency receives a notice under para-
19 graph (1)(B) that the agency has not conducted the review
20 under subsection (b) appropriately, the agency shall ad-
21 dress the issues identified in the notice.

22 “(B) Not later than 30 days after the last day of the
23 6-month period described in subparagraph (A), the In-
24 specter General for an agency that receives a notice de-
25 scribed in subparagraph (A) shall—

1 “(i) determine whether the agency has ad-
2 dressed the issues identified in the notice; and

3 “(ii) notify Congress if the Inspector General
4 determines that the agency has not addressed the
5 issues identified in the notice; and

6 “(C) Not later than 30 days after the date on which
7 the Inspector General for an agency transmits a notice
8 under subparagraph (B)(ii), an amount equal to 1 percent
9 of the amount appropriated for the fiscal year to the ap-
10 propriations account of the agency that is used to pay sal-
11 aries shall be rescinded.

12 “(D) Nothing in this paragraph may be construed to
13 prevent Congress from acting to prevent a rescission
14 under subparagraph (C).”.

15 **SEC. 205. REQUIRING SMALL BUSINESS REVIEW PANELS**
16 **FOR ADDITIONAL AGENCIES.**

17 (a) AGENCIES.—Section 609 of title 5, United States
18 Code, is amended—

19 (1) in subsection (b)—

20 (A) by striking “a covered agency” the
21 first place it appears and inserting “an agency
22 designated under subsection (d)”; and

23 (B) by striking “a covered agency” each
24 place it appears and inserting “the agency”;

1 (2) by striking subsection (d), as amended by
2 section 1100G(a) of Public Law 111–203 (124 Stat.
3 2112), and inserting the following:

4 “(d)(1) On and after the date of enactment of the
5 Restoring Tax and Regulatory Certainty to Small Busi-
6 nesses Act of 2012, the Environmental Protection Agency,
7 the Occupational Safety and Health Administration of the
8 Department of Labor, and the Bureau of Consumer Fi-
9 nancial Protection shall be—

10 “(A) agencies designated under this subsection;

11 and

12 “(B) subject to the requirements of subsection
13 (b).

14 “(2) The Chief Counsel for Advocacy shall designate
15 as agencies that shall be subject to the requirements of
16 subsection (b) on and after the date of the designation—

17 “(A) 3 agencies for the first year after the date
18 of enactment of the Restoring Tax and Regulatory
19 Certainty to Small Businesses Act of 2012;

20 “(B) in addition to the agencies designated
21 under subparagraph (A), 3 agencies for the second
22 year after the date of enactment of the Restoring
23 Tax and Regulatory Certainty to Small Businesses
24 Act of 2012; and

1 “(C) in addition to the agencies designated
 2 under subparagraphs (A) and (B), 3 agencies for the
 3 third year after the date of enactment of the Restor-
 4 ing Tax and Regulatory Certainty to Small Busi-
 5 nesses Act of 2012.

6 “(3) The Chief Counsel for Advocacy shall designate
 7 agencies under paragraph (2) based on the economic im-
 8 pact of the rules of the agency on small entities, beginning
 9 with agencies with the largest economic impact on small
 10 entities.”; and

11 (3) in subsection (e)(1), by striking “the cov-
 12 ered agency” and inserting “the agency”.

13 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

14 (1) SECTION 603.—Section 603(d) of title 5,
 15 United States Code, as added by section 1100G(b)
 16 of Public Law 111–203 (124 Stat. 2112), is amend-
 17 ed—

18 (A) in paragraph (1), by striking “a cov-
 19 ered agency, as defined in section 609(d)(2)”
 20 and inserting “the Bureau of Consumer Finan-
 21 cial Protection”; and

22 (B) in paragraph (2), by striking “A cov-
 23 ered agency, as defined in section 609(d)(2),”
 24 and inserting “The Bureau of Consumer Finan-
 25 cial Protection”.

1 (2) SECTION 604.—Section 604(a) of title 5,
2 United States Code, is amended—

3 (A) by redesignating the second paragraph
4 designated as paragraph (6) (relating to cov-
5 ered agencies), as added by section 1100G(c)(3)
6 of Public Law 111–203 (124 Stat. 2113), as
7 paragraph (7); and

8 (B) in paragraph (7), as so redesignated—

9 (i) by striking “a covered agency, as
10 defined in section 609(d)(2)” and inserting
11 “the Bureau of Consumer Financial Pro-
12 tection”; and

13 (ii) by striking “the agency” and in-
14 serting “the Bureau”.

15 **SEC. 206. EXPANDING THE REGULATORY FLEXIBILITY ACT**
16 **TO AGENCY GUIDANCE DOCUMENTS.**

17 Section 601(2) of title 5, United States Code, is
18 amended by inserting after “public comment” the fol-
19 lowing: “and any significant guidance document, as de-
20 fined in the Office of Management and Budget Final Bul-
21 letin for Agency Good Guidance Procedures (72 Fed. Reg.
22 3432; January 25, 2007)”.

1 **SEC. 207. REQUIRING THE INTERNAL REVENUE SERVICE**
2 **TO CONSIDER SMALL ENTITY IMPACT.**

3 (a) IN GENERAL.—Section 603(a) of title 5, United
4 States Code, is amended, in the fifth sentence, by striking
5 “but only” and all that follows through the period at the
6 end and inserting “but only to the extent that such inter-
7 pretative rules, or the statutes upon which such rules are
8 based, impose on small entities a collection of information
9 requirement or a recordkeeping requirement.”.

10 (b) DEFINITIONS.—Section 601 of title 5, United
11 States Code, as amended by section 202 of this Act, is
12 amended—

13 (1) in paragraph (6), by striking “and” at the
14 end; and

15 (2) by striking paragraphs (7) and (8) and in-
16 serting the following:

17 “(7) the term ‘collection of information’ has the
18 meaning given that term in section 3502(3) of title
19 44;

20 “(8) the term ‘recordkeeping requirement’ has
21 the meaning given that term in section 3502(13) of
22 title 44; and”.

1 **SEC. 208. REPORTING ON ENFORCEMENT ACTIONS RELAT-**
 2 **ING TO SMALL ENTITIES.**

3 Section 223 of the Small Business Regulatory En-
 4 forcement Fairness Act of 1996 (5 U.S.C. 601 note) is
 5 amended—

6 (1) in subsection (a)—

7 (A) by striking “Each agency” and insert-
 8 ing the following:

9 “(1) ESTABLISHMENT OF POLICY OR PRO-
 10 GRAM.—Each agency”; and

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

12 “(2) REVIEW OF CIVIL PENALTIES.—Not later
 13 than 2 years after the date of enactment of the Re-
 14 storing Tax and Regulatory Certainty to Small Busi-
 15 nesses Act of 2012, and every 2 years thereafter,
 16 each agency regulating the activities of small entities
 17 shall review the civil penalties imposed by the agency
 18 for violations of a statutory or regulatory require-
 19 ment by a small entity to determine whether a re-
 20 duction or waiver of the civil penalties is appro-
 21 priate.”; and

22 (2) in subsection (c)—

23 (A) by striking “Agencies shall report”
 24 and all that follows through “the scope” and in-
 25 serting “Not later than 2 years after the date
 26 of enactment of the Restoring Tax and Regu-

latory Certainty to Small Businesses Act of 2012, and every 2 years thereafter, each agency shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Small Business and the Committee on the Judiciary of the House of Representatives a report discussing the scope”; and

(B) by striking “and the total amount of penalty reductions and waivers” and inserting “the total amount of penalty reductions and waivers, and the results of the most recent review under subsection (a)(2)”.

SEC. 209. REQUIRING MORE DETAILED SMALL ENTITY ANALYSES.

(a) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Section 603 of title 5, United States Code, as amended by section 1100G(b) of Public Law 111–203 (124 Stat. 2112), is amended—

(1) by striking subsection (b) and inserting the following:

“(b) Each initial regulatory flexibility analysis required under this section shall contain a detailed statement—

1 “(1) describing the reasons why action by the
2 agency is being considered;

3 “(2) describing the objectives of, and legal basis
4 for, the proposed rule;

5 “(3) estimating the number and type of small
6 entities to which the proposed rule will apply;

7 “(4) describing the projected reporting, record-
8 keeping, and other compliance requirements of the
9 proposed rule, including an estimate of the classes of
10 small entities which will be subject to the require-
11 ment and the type of professional skills necessary
12 for preparation of the report and record;

13 “(5) describing all relevant Federal rules which
14 may duplicate, overlap, or conflict with the proposed
15 rule, or the reasons why such a description could not
16 be provided; and

17 “(6) estimating the additional cumulative eco-
18 nomic impact of the proposed rule on small entities,
19 including job loss by small entities, beyond that al-
20 ready imposed on the class of small entities by the
21 agency, or the reasons why such an estimate is not
22 available.”; and

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

24 “(e) An agency shall notify the Chief Counsel for Ad-
25 vocacy of the Small Business Administration of any draft

1 rules that may have a significant economic impact on a
 2 substantial number of small entities—

3 “(1) when the agency submits a draft rule to
 4 the Office of Information and Regulatory Affairs of
 5 the Office of Management and Budget under Execu-
 6 tive Order 12866, if that order requires the submis-
 7 sion; or

8 “(2) if no submission to the Office of Informa-
 9 tion and Regulatory Affairs is required—

10 “(A) a reasonable period before publication
 11 of the rule by the agency; and

12 “(B) in any event, not later than 3 months
 13 before the date on which the agency publishes
 14 the rule.”.

15 (b) FINAL REGULATORY FLEXIBILITY ANALYSIS.—

16 (1) IN GENERAL.—Section 604(a) of title 5,
 17 United States Code, is amended—

18 (A) by inserting “detailed” before “de-
 19 scription” each place it appears;

20 (B) in paragraph (2)—

21 (i) by inserting “detailed” before
 22 “statement” each place it appears; and

23 (ii) by inserting “(or certification of
 24 the proposed rule under section 605(b))”

1 after “initial regulatory flexibility anal-
2 ysis”;

3 (C) in paragraph (4), by striking “an ex-
4 planation” and inserting “a detailed expla-
5 nation”; and

6 (D) in paragraph (6) (relating to a de-
7 scription of steps taken to minimize significant
8 economic impact), as added by section 1601 of
9 the Small Business Jobs Act of 2010 (Public
10 Law 111–240; 124 Stat. 2251), by inserting
11 “detailed” before “statement”.

12 (2) PUBLICATION OF ANALYSIS ON WEB SITE,
13 ETC.—Section 604(b) of title 5, United States Code,
14 is amended to read as follows:

15 “(b) The agency shall—

16 “(1) make copies of the final regulatory flexi-
17 bility analysis available to the public, including by
18 publishing the entire final regulatory flexibility anal-
19 ysis on the Web site of the agency; and

20 “(2) publish in the Federal Register the final
21 regulatory flexibility analysis, or a summary of the
22 analysis that includes the telephone number, mailing
23 address, and address of the Web site where the com-
24 plete final regulatory flexibility analysis may be ob-
25 tained.”.

1 (c) CROSS-REFERENCES TO OTHER ANALYSES.—

2 Section 605(a) of title 5, United States Code, is amended
3 to read as follows:

4 “(a) A Federal agency shall be deemed to have satis-
5 fied a requirement regarding the content of a regulatory
6 flexibility agenda or regulatory flexibility analysis under
7 section 602, 603, or 604, if the Federal agency provides
8 in the agenda or regulatory flexibility analysis a cross-ref-
9 erence to the specific portion of an agenda or analysis that
10 is required by another law and that satisfies the require-
11 ment under section 602, 603, or 604.”.

12 (d) CERTIFICATIONS.—Section 605(b) of title 5,
13 United States Code, is amended, in the second sentence,
14 by striking “statement providing the factual” and insert-
15 ing “detailed statement providing the factual and legal”.

16 (e) QUANTIFICATION REQUIREMENTS.—Section 607
17 of title 5, United States Code, is amended to read as fol-
18 lows:

19 **“§ 607. Quantification requirements**

20 “In complying with sections 603 and 604, an agency
21 shall provide—

22 “(1) a quantifiable or numerical description of
23 the effects of the proposed or final rule, including an
24 estimate of the potential for job loss, and alter-
25 natives to the proposed or final rule; or

1 “(2) a more general descriptive statement re-
 2 garding the potential for job loss and a detailed
 3 statement explaining why quantification under para-
 4 graph (1) is not practicable or reliable.”.

5 **SEC. 210. ENSURING THAT AGENCIES CONSIDER SMALL EN-**
 6 **TITY IMPACT DURING THE RULEMAKING**
 7 **PROCESS.**

8 Section 605(b) of title 5, United States Code, is
 9 amended—

10 (1) by inserting “(1)” after “(b)”; and

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

12 “(2) If, after publication of the certification required
 13 under paragraph (1), the head of the agency determines
 14 that there will be a significant economic impact on a sub-
 15 stantial number of small entities, the agency shall comply
 16 with the requirements of section 603 before the publica-
 17 tion of the final rule, by—

18 “(A) publishing an initial regulatory flexibility
 19 analysis for public comment; or

20 “(B) re-proposing the rule with an initial regu-
 21 latory flexibility analysis.

22 “(3) The head of an agency may not make a certifi-
 23 cation relating to a rule under this subsection, unless the
 24 head of the agency has determined—

1 “(A) the average cost of the rule for small enti-
 2 ties affected or reasonably presumed to be affected
 3 by the rule;

4 “(B) the number of small entities affected or
 5 reasonably presumed to be affected by the rule; and

6 “(C) the number of affected small entities for
 7 which that cost will be significant.

8 “(4) Before publishing a certification and a state-
 9 ment providing the factual basis for the certification under
 10 paragraph (1), the head of an agency shall—

11 “(A) transmit a copy of the certification and
 12 statement to the Chief Counsel for Advocacy of the
 13 Small Business Administration; and

14 “(B) consult with the Chief Counsel for Advo-
 15 cacy of the Small Business Administration on the
 16 accuracy of the certification and statement.”.

17 **SEC. 211. ADDITIONAL POWERS OF THE OFFICE OF ADVO-**
 18 **CACY.**

19 Section 203 of Public Law 94–305 (15 U.S.C. 634c)
 20 is amended—

21 (1) in paragraph (5), by striking “and” at the
 22 end;

23 (2) in paragraph (6), by striking the period at
 24 the end and inserting “; and”; and

1 (3) by inserting after paragraph (6) the fol-
2 lowing:

3 “(7) at the discretion of the Chief Counsel for
4 Advocacy, comment on regulatory action by an agen-
5 cy that affects small businesses, without regard to
6 whether the agency is required to file a notice of
7 proposed rulemaking under section 553 of title 5,
8 United States Code, with respect to the action.”.

9 **SEC. 212. TECHNICAL AND CONFORMING AMENDMENTS.**

10 (a) **HEADING.**—Section 605 of title 5, United States
11 Code, is amended in the section heading by striking
12 “**Avoidance**” and all that follows and inserting the fol-
13 lowing: “**Incorporations by reference and cer-**
14 **tification.**”.

15 (b) **TABLE OF SECTIONS.**—The table of sections for
16 chapter 6 of title 5, United States Code, is amended—

17 (1) by striking the item relating to section 605
18 and inserting the following:

“605. Incorporations by reference and certifications.”;

19 and

20 (2) by striking the item relating to section 607
21 inserting the following:

“607. Quantification requirements.”.

22 **SEC. 213. REGULATORY TRANSPARENCY REPORTING.**

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

1 (1) the term “agency” has the same meaning as
2 in section 551 of title 5, United States Code;

3 (2) the term “covered period” means, with re-
4 spect to a report required to be submitted under this
5 subsection, the period beginning on January 1 of the
6 year preceding the date of submission of the report
7 and ending on December 31 of the year preceding
8 the date of submission of the report;

9 (3) the term “major rule” means a rule that
10 has an annual effect on the economy of the United
11 States of \$100,000,000 or more;

12 (4) the term “report” means an annual report
13 submitted to Congress under section 624 of the
14 Treasury and General Government Appropriations
15 Act, 2001 (31 U.S.C. 1105 note);

16 (5) the term “rule”—

17 (A) has the same meaning as in section
18 551 of title 5, United States Code; and

19 (B) includes a rule issued by an inde-
20 pendent establishment, as that term is defined
21 in section 104 of title 5, United States Code;
22 and

23 (6) the term “Unified Agenda” means the Uni-
24 fied Agenda of Federal Regulatory and Deregulatory
25 Actions.

1 (b) IN GENERAL.—The Administrator of the Office
2 of Information and Regulatory Affairs shall include in the
3 report required under section 624 of the Treasury and
4 General Government Appropriations Act, 2001 (31 U.S.C.
5 1105 note) the data and tables described in this section.

6 (c) DATA.—Each report shall contain the following:

7 (1) A list of each major rule issued by each
8 agency during the covered period in each of the fol-
9 lowing categories:

10 (A) Rules having an economic impact of
11 more than \$100,000,000 and not more than
12 \$500,000,000.

13 (B) Rules having an economic impact of
14 more than \$500,000,000 and not more than
15 \$1,000,000,000.

16 (C) Rules having an economic impact of
17 more than \$1,000,000,000 and not more than
18 \$5,000,000,000.

19 (D) Rules having an economic impact of
20 more than \$5,000,000,000 and not more than
21 \$10,000,000,000.

22 (E) Rules having an economic impact of
23 more than \$10,000,000,000.

24 (F) Any rules not described in subpara-
25 graphs (A) through (E).

1 (2) A list of each rule issued during the covered
2 period that—

3 (A) required a regulatory flexibility anal-
4 ysis under chapter 6 of title 5, United States
5 Code; or

6 (B) was listed in the Unified Agenda as a
7 regulatory action that an agency identified as
8 likely to have some impact on small entities,
9 even though a regulatory flexibility analysis was
10 not required under chapter 6 of title 5, United
11 States Code.

12 (3) A list of each rule issued during the covered
13 period that affects State and local governments.

14 (4) The percentage of rules issued during the
15 covered period that were—

16 (A) rules described in paragraph (2); or

17 (B) rules described in paragraph (3).

18 (5) A list of each rule issued during the covered
19 period that included a numerical estimate of the cost
20 of the rule.

21 (6) The sum of the numerical estimates de-
22 scribed in paragraph (5)—

23 (A) for each agency; and

24 (B) for all agencies, as a whole.

1 (7) A list of each rule issued during the covered
2 period that did not include a numerical estimate of
3 the cost of the rule, and, for each such rule, an ex-
4 planation of why a numerical estimate was not in-
5 cluded.

6 (8) The percentage of rules issued during the
7 covered period that were reviewed by the Office of
8 Management and Budget.

9 (9) A list of each rule issued during the covered
10 period that was reviewed by the Office of Manage-
11 ment and Budget and a description of any action
12 taken by the Office of Management and Budget with
13 respect to the rule.

14 (10) The number of pages included the Federal
15 Register during the covered period.

16 (11) A list of each major rule for which the
17 Comptroller General of the United States issued a
18 report during the covered period that was entered
19 into the database of reports on regulations issued by
20 the Government Accountability Office.

21 (12) A list of each rule reviewed under section
22 610 of title 5, United States Code, during the cov-
23 ered period.

1 (13) A list of each rule issued during the cov-
2 ered period that is designated in the Unified Agenda
3 as deregulatory, rather than regulatory.

4 (14) A list of each rule issued during the cov-
5 ered period that the Administrator determines af-
6 fects only the internal procedures of the agency that
7 issued the rule.

8 (15) A list of each rule that was added to the
9 Unified Agenda during the covered period.

10 (16) A list of each rule included in the Unified
11 Agenda during the covered period that was included
12 in the Unified Agenda before the covered period.

13 (17) A list of each rule issued during the cov-
14 ered period that was required to be issued by stat-
15 ute.

16 (18) The number and percentage of rules de-
17 scribed in paragraph (17), compared to the number
18 and percentage of rules issued during the covered
19 period that are not described in paragraph (17).

20 (19) A list of each rule issued during the cov-
21 ered period that was required to be issued during
22 the covered period by judicial order.

23 (20) The number and percentage of rules issued
24 during the covered period that are described in para-
25 graph (19), compared to the number and percentage

1 of rules issued during the covered period that are
2 not described in paragraph (19).

3 (21) A list of each rule issued during the cov-
4 ered period for which the agency that issued the rule
5 was prohibited by statute from considering the costs
6 and benefits of the rule.

7 (d) MASTER TABLE.—

8 (1) IN GENERAL.—Each report shall contain a
9 table that includes the following:

10 (A) A list of each rule described in sub-
11 section (c).

12 (B) A brief summary of each rule de-
13 scribed in subsection (c).

14 (C) A citation (or, if the report is issued
15 in electronic form, a link) to—

16 (i) any regulatory flexibility analysis
17 required under chapter 6 of title 5, United
18 States Code, with respect to a rule de-
19 scribed in subsection (c); and

20 (ii) any regulatory impact analysis re-
21 quired under Executive Order 12866 (5
22 U.S.C. 601 note; relating to regulatory
23 planning and review), with respect to a
24 rule described in subsection (c).

1 (2) CITATION.—Each list required under sub-
2 section (b) shall include, for each rule included in
3 the list, a citation (or, if the report is issued in elec-
4 tronic form, a link) to the summary of the rule in
5 the table required under paragraph (1).

6 (e) HISTORICAL TABLES.—

7 (1) IN GENERAL.—Each report shall contain
8 historical tables representing the data described in
9 subsection (c), modeled after Federal budget histor-
10 ical tables, that provide consistent data concerning—

11 (A) each covered period, beginning on the
12 date of enactment of this Act; and

13 (B) to the extent practicable, each calendar
14 year preceding the date of enactment of this
15 Act.

16 (2) CONSISTENCY OF DATA.—To the greatest
17 extent possible, the data provided in the tables under
18 paragraph (1) shall be consistent, including with re-
19 spect to the value of a dollar, the discount rate, and
20 the time period over which a cost is incurred.

1 **TITLE III—ACCESS TO CAPITAL**
 2 **Subtitle A—Expanding Access to**
 3 **Capital for Entrepreneurial**
 4 **Leaders**

5 **SEC. 311. SHORT TITLE.**

6 This subtitle may be cited as the “EXCEL Act of
 7 2012”.

8 **SEC. 312. PROGRAM AUTHORIZATION.**

9 Section 303(b) of the Small Business Investment Act
 10 of 1958 (15 U.S.C. 683(b)) is amended, in the matter pre-
 11 ceding paragraph (1), in the first sentence, by inserting
 12 after “issued by such companies” the following: “, in a
 13 total amount that does not exceed \$4,000,000,000 each
 14 fiscal year (adjusted annually to reflect increases in the
 15 Consumer Price Index established by the Bureau of Labor
 16 Statistics of the Department of Labor)”.

17 **SEC. 313. FAMILY OF FUNDS.**

18 Section 303(b)(2)(B) of the Small Business Invest-
 19 ment Act of 1958 (15 U.S.C. 683(b)(2)(B)) is amended
 20 by striking “\$225,000,000” and inserting
 21 “\$350,000,000”.

22 **SEC. 314. ADJUSTMENT FOR INFLATION.**

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

1 “(E) ADJUSTMENTS.—

2 “(i) IN GENERAL.—The dollar
3 amounts in subparagraph (A)(ii), subpara-
4 graph (B), and subparagraph (C)(ii)(I)
5 shall be adjusted annually to reflect in-
6 creases in the Consumer Price Index estab-
7 lished by the Bureau of Labor Statistics of
8 the Department of Labor (in this subpara-
9 graph referred to as the ‘CPI’).

10 “(ii) APPLICABILITY.—The adjust-
11 ments required by clause (i)—

12 “(I) with respect to dollar
13 amounts in subparagraphs (A)(ii) and
14 (C)(ii)(I) shall initially reflect in-
15 creases in the CPI during the period
16 beginning on the effective date of sec-
17 tion 505 of the American Recovery
18 and Reinvestment Act of 2009 (Public
19 Law 111–5; 123 Stat. 156) through
20 the date of enactment of this subpara-
21 graph and annually thereafter;

22 “(II) with respect to dollar
23 amounts in subparagraph (B) shall
24 reflect increases in the CPI annually

1 on and after the date of enactment of
2 this subparagraph.”.

3 **SEC. 315. PUBLIC AVAILABILITY OF INFORMATION.**

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

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

11 “(1) The amount of capital deployed since fund
12 inception.

13 “(2) The amount of leverage drawn since fund
14 inception.

15 “(3) The number of investments since fund in-
16 ception.

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

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

21 “(6) The amount of leverage principal repaid by
22 the small business investment company since fund
23 inception.

24 “(7) A basic description of investment strat-
25 egy.”.

1 **SEC. 316. AUTHORIZED USES OF LICENSING FEES.**

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

4 (1) by redesignating subsection (e) as sub-
5 section (d); and

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

10 **SEC. 317. SENSE OF CONGRESS.**

11 It is the sense of Congress that—

12 (1) small business investment companies would
13 benefit from partnerships with community banks
14 and other lenders, and should work with community
15 banks and other lenders, to ensure that if commu-
16 nity banks and other lenders deny an application by
17 a small business concern for a loan, the community
18 banks or other lenders will refer the small business
19 concern to small business investment companies; and

20 (2) the Administrator of the Small Business
21 Administration (in this section referred to as the
22 “Administrator”) should—

23 (A) increase outreach to community banks
24 and other lenders to encourage community
25 banks and other lenders to invest in small busi-
26 ness investment companies;

1 (B) use the Internet to make publicly
 2 available in a timely manner which small busi-
 3 ness investment companies are actively solici-
 4 ting investments and making investments in
 5 small business concerns;

6 (C) partner with governors, mayors,
 7 States, and municipalities to increase outreach
 8 by small business investment companies to un-
 9 derserved and rural areas; and

10 (D) continue to make changes to the
 11 webpage for the small business investment com-
 12 pany program, to make the webpage—

13 (i) a more prominent part of the
 14 website of the Administration; and

15 (ii) more user-friendly.

16 **Subtitle B—Low-Interest** 17 **Refinancing**

18 **SEC. 321. LOW-INTEREST REFINANCING UNDER THE LOCAL** 19 **DEVELOPMENT BUSINESS LOAN PROGRAM.**

20 Section 1122(b) of the Small Business Jobs Act of
 21 2010 (15 U.S.C. 696 note) is amended by striking “2
 22 years” and inserting “on the date that is 3 years and 6
 23 months”.

1 **TITLE IV—ENTREPRENEURIAL**
2 **SUPPORT**
3 **Subtitle A—Measuring the**
4 **Effectiveness of Resource Partners**

5 **SEC. 411. EXPANDING ENTREPRENEURSHIP.**

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

8 “(g) MANAGEMENT AND DIRECTION.—

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

11 “(A) PLAN REQUIRED.—The Adminis-
12 trator, in consultation with a representative
13 from each entrepreneurial development program
14 of the Administration, shall develop and submit
15 to Congress a plan for using the entrepreneurial
16 development programs of the Administration to
17 create jobs during fiscal years 2013 and 2014.

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

20 “(i) include the plan of the Adminis-
21 trator for using existing programs, includ-
22 ing small business development centers,
23 women’s business centers, the Service
24 Corps of Retired Executives authorized by
25 section 8(b)(1), Veterans Business Out-

1 reach Centers, and programs of the Office
 2 of Native American Affairs, to create jobs;

3 “(ii) identify a strategy for each re-
 4 gion of the Administration to use programs
 5 of the Administration to create or retain
 6 jobs in the region; and

7 “(iii) establish performance measures
 8 and criteria, including goals for job cre-
 9 ation, job retention, and job retraining, to
 10 evaluate the success of the plan.

11 “(2) DATA COLLECTION PROCESS.—

12 “(A) IN GENERAL.—The Administrator
 13 shall, after notice and opportunity for comment,
 14 promulgate a rule to develop and implement a
 15 consistent data collection process for the entre-
 16 preneurial development programs.

17 “(B) CONTENTS.—The data collection
 18 process developed under subparagraph (A) shall
 19 collect data relating to job creation and per-
 20 formance and any other data determined appro-
 21 priate by the Administrator.

22 “(3) COORDINATION AND ALIGNMENT OF SBA
 23 ENTREPRENEURIAL DEVELOPMENT PROGRAMS.—

24 The Administrator, in consultation with other Fed-
 25 eral departments and agencies as the Administrator

determines is appropriate, shall submit an annual report to Congress describing opportunities to foster coordination of, limit duplication among, and improve program delivery for Federal entrepreneurial development programs.

“(4) DATABASE OF ENTREPRENEURIAL DEVELOPMENT SERVICE PROVIDERS.—

“(A) ESTABLISHMENT.—After providing a period of 60 days for public comment, the Administrator shall—

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

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

“(B) SEARCHABILITY.—The database established under subparagraph (A) shall be searchable by industry, geographic location, and service required.

“(5) COMMUNITY SPECIALIST.—

“(A) DESIGNATION.—The Administrator shall designate not fewer than 1 staff member in each district office of the Administration as a community specialist whose full-time responsibility is working with local providers of entre-

preneurial development services to increase coordination with Federal entrepreneurial development programs.

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

Subtitle B—Women’s Small Business Ownership

SEC. 421. SHORT TITLE.

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

SEC. 422. DEFINITION.

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

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

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

(1) in paragraph (2)—

(A) in subparagraph (B)—

(i) in clause (i), by striking “in the areas” and all that follows through the end of subclause (I), and inserting the following: “to address issues concerning the management, operations, manufacturing,

1 technology, finance, retail and product
 2 sales, international trade, Government con-
 3 tracting, and other disciplines required
 4 for—

5 “(I) starting, operating, and in-
 6 creasing the business of a small busi-
 7 ness concern;” and

8 (ii) in clause (ii), by striking “Wom-
 9 en’s Business Center program” each place
 10 that term appears and inserting “women’s
 11 business center program”; and

12 (B) in subparagraph (C), by inserting be-
 13 fore the period at the end the following: “, the
 14 National Women’s Business Council, and any
 15 association of women’s business centers”; and

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

17 “(3) TRAINING.—The Administrator may pro-
 18 vide annual programmatic and financial examination
 19 training for women’s business ownership representa-
 20 tives and district office technical representatives of
 21 the Administration to enable representatives to carry
 22 out their responsibilities.

23 “(4) PROGRAM AND TRANSPARENCY IMPROVE-
 24 MENTS.—The Administrator shall maximize the
 25 transparency of the women’s business center finan-

1 cial assistance proposal process and the pro-
2 grammatic and financial examination process by—

3 “(A) providing public notice of any an-
4 nouncement for financial assistance under sub-
5 section (b) or a grant under subsection (l) not
6 later than the end of the first quarter of each
7 fiscal year;

8 “(B) in the announcement described in
9 subparagraph (A), outlining award and pro-
10 gram evaluation criteria and describing the
11 weighting of the criteria for financial assistance
12 under subsection (b) and grants under sub-
13 section (l);

14 “(C) minimizing paperwork and reporting
15 requirements for applicants for and recipients
16 of financial assistance under this section;

17 “(D) standardizing the programmatic and
18 financial examination process; and

19 “(E) providing to each women’s business
20 center, not later than 60 days after the comple-
21 tion of a site visit to the women’s business cen-
22 ter (whether conducted for an audit, perform-
23 ance review, or other reason), a copy of any site
24 visit reports or evaluation reports prepared by

1 district office technical representatives or offi-
 2 cers or employees of the Administration.”.

3 (b) CHANGE OF TITLE.—

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

6 (A) in subsection (a)—

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

8 (ii) by redesignating paragraphs (2)

9 and (3) as paragraphs (4) and (5), respec-
 10 tively; and

11 (iii) by inserting before paragraph (4),

12 as so redesignated, the following:

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

16 (B) by striking “Assistant Administrator”
 17 each place that term appears and inserting “Di-
 18 rector”; and

19 (C) in subsection (g)(2), in the paragraph
 20 heading, by striking “ASSISTANT ADMINIS-
 21 TRATOR” and inserting “DIRECTOR”.

22 (2) WOMEN’S BUSINESS OWNERSHIP ACT OF
 23 1988.—Title IV of the Women’s Business Ownership
 24 Act of 1988 (15 U.S.C. 7101 et seq.) is amended—

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

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

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

8 **SEC. 424. WOMEN’S BUSINESS CENTER PROGRAM.**

9 (a) WOMEN’S BUSINESS CENTER FINANCIAL ASSIST-
 10 ANCE.—Section 29 of the Small Business Act (15 U.S.C.
 11 656) is amended—

12 (1) in subsection (a), as amended by section
 13 423(b) of this Act—

14 (A) by inserting before paragraph (2) the
 15 following:

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

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

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

23 (B) by inserting after paragraph (2) the
 24 following:

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

1 “(A) a private nonprofit organization;

2 “(B) a State, regional, or local economic
3 development organization;

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

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

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

11 (C) by adding after paragraph (5) the fol-
12 lowing:

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

16 (2) in subsection (b)—

17 (A) by redesignating paragraphs (1), (2),
18 and (3) as subparagraphs (A), (B), and (C),
19 and adjusting the margins accordingly;

20 (B) by striking “The Administration” and
21 all that follows through “5-year projects” and
22 inserting the following:

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

1 (C) by striking “The projects shall” and
 2 inserting the following:

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

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

8 “(3) AMOUNT OF FINANCIAL ASSISTANCE.—

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

13 “(B) LOWER AMOUNT.—The Adminis-
 14 trator may award financial assistance under
 15 this subsection to a recipient in an amount that
 16 is less than \$100,000 if the Administrator de-
 17 termines that the recipient is unable to make a
 18 non-Federal contribution of \$100,000 or more,
 19 as required under subsection (c).

20 “(C) EQUAL ALLOCATIONS.—If the Admin-
 21 istration has insufficient funds to provide finan-
 22 cial assistance of not less than \$100,000 for
 23 each recipient of financial assistance under this
 24 subsection in any fiscal year, the Administrator
 25 shall provide an equal amount of financial as-

1 sistance to each recipient in the fiscal year, un-
 2 less a recipient requests a lower amount than
 3 the allocated amount.

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

8 “(A) a training program for the staff of
 9 women’s business centers and the Administra-
 10 tion; and

11 “(B) recommendations to improve the poli-
 12 cies and procedures for governing the general
 13 operations and administration of the women’s
 14 business center program, including grant pro-
 15 gram improvements under subsection (g)(4).”;
 16 (3) in subsection (c)—

17 (A) in paragraph (1) by striking “the re-
 18 cipient organization” and inserting “an eligible
 19 entity”;

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

23 (C) in paragraph (4)—

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

1 (ii) by striking “such organization”
 2 and inserting “the eligible entity”; and

3 (iii) by striking “recipient” and in-
 4 serting “eligible entity”;

5 (D) in paragraph (5)—

6 (i) in subparagraph (A), by striking
 7 “a recipient organization” and inserting
 8 “an eligible entity”; and

9 (ii) by striking “the recipient organi-
 10 zation” each place it appears and inserting
 11 “the eligible entity”; and

12 (E) by adding at end the following:

13 “(6) SEPARATION OF PROJECT AND FUNDS.—

14 An eligible entity shall—

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

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

20 (4) in subsection (e)—

21 (A) by striking “applicant organization”
 22 and inserting “eligible entity”;

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

25 (C) by striking “site”;

1 (5) by striking subsection (f) and inserting the
2 following:

3 “(f) APPLICATIONS AND CRITERIA FOR INITIAL FI-
4 NANCIAL ASSISTANCE.—

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

9 “(A) a certification that the eligible enti-
10 ty—

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

16 “(ii) as a condition of receiving finan-
17 cial assistance under subsection (b),
18 agrees—

19 “(I) to receive a site visit by the
20 Administrator as part of the final se-
21 lection process;

22 “(II) to undergo an annual pro-
23 grammatic and financial examination;
24 and

1 “(III) to the maximum extent
2 practicable, to remedy any problems
3 identified pursuant to the site visit or
4 examination under subclause (I) or
5 (II); and

6 “(iii) meets the accounting and re-
7 porting requirements established by the
8 Director of the Office of Management and
9 Budget;

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

17 “(C) information relating to the assistance
18 to be provided by the women’s business center
19 for which financial assistance under subsection
20 (b) is sought in the area in which the women’s
21 business center is located;

22 “(D) information demonstrating the expe-
23 rience and effectiveness of the eligible entity
24 in—

1 “(i) conducting financial, manage-
2 ment, and marketing assistance programs,
3 as described in subsection (b)(2), which
4 are designed to teach or upgrade the busi-
5 ness skills of women who are business own-
6 ers or potential business owners;

7 “(ii) providing training and services to
8 a representative number of women who are
9 socially and economically disadvantaged;
10 and

11 “(iii) working with resource partners
12 of the Administration and other entities,
13 such as universities; and

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

17 “(i) to serve women who are business
18 owners or potential business owners by
19 conducting training and counseling activi-
20 ties; and

21 “(ii) to provide training and services
22 to a representative number of women who
23 are socially and economically disadvan-
24 taged.

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

6 “(3) REVIEW AND APPROVAL OF APPLICATIONS
 7 FOR INITIAL FINANCIAL ASSISTANCE.—

8 “(A) IN GENERAL.—The Administrator
 9 shall—

10 “(i) review each application submitted
 11 under paragraph (1), based on the infor-
 12 mation described in such paragraph and
 13 the criteria set forth under subparagraph
 14 (B) of this paragraph; and

15 “(ii) to the extent practicable, as part
 16 of the final selection process, conduct a
 17 site visit to each women’s business center
 18 for which financial assistance under sub-
 19 section (b) is sought.

20 “(B) SELECTION CRITERIA.—

21 “(i) IN GENERAL.—The Administrator
 22 shall evaluate applicants for financial as-
 23 sistance under subsection (b) in accordance
 24 with selection criteria that are—

1 “(I) established before the date
2 on which applicants are required to
3 submit the applications;

4 “(II) stated in terms of relative
5 importance; and

6 “(III) publicly available and stat-
7 ed in each solicitation for applications
8 for financial assistance under sub-
9 section (b) made by the Adminis-
10 trator.

11 “(ii) REQUIRED CRITERIA.—The se-
12 lection criteria for financial assistance
13 under subsection (b) shall include—

14 “(I) the experience of the appli-
15 cant in conducting programs or ongo-
16 ing efforts designed to teach or en-
17 hance the business skills of women
18 who are business owners or potential
19 business owners;

20 “(II) the ability of the applicant
21 to begin a project within a minimum
22 amount of time;

23 “(III) the ability of the applicant
24 to provide training and services to a
25 representative number of women who

1 are socially and economically dis-
2 advantaged; and

3 “(IV) the location for the wom-
4 en’s business center proposed by the
5 applicant, including whether the appli-
6 cant is located in a State in which
7 there is not a women’s business center
8 receiving funding from the Adminis-
9 tration.

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

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

25 (6) in subsection (m)—

1 (A) by striking paragraph (3) and insert-
 2 ing the following:

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

5 “(A) SOLICITATION OF APPLICATIONS.—

6 The Administrator shall solicit applications and
 7 award grants under this subsection for the first
 8 fiscal year beginning after the date of enact-
 9 ment of the Women’s Small Business Owner-
 10 ship Act of 2012, and every third fiscal year
 11 thereafter.

12 “(B) CONTENTS OF APPLICATION.—Each
 13 eligible entity desiring a grant under this sub-
 14 section shall submit to the Administrator an ap-
 15 plication that contains—

16 “(i) a certification that the appli-
 17 cant—

18 “(I) is an eligible entity;

19 “(II) has designated a full-time
 20 executive director or program man-
 21 ager to manage the women’s business
 22 center operated by the applicant; and

23 “(III) as a condition of receiving
 24 a grant under this subsection,
 25 agrees—

1 “(aa) to receive a site visit
2 as part of the final selection
3 process;

4 “(bb) to submit, for the 2
5 full fiscal years before the date
6 on which the application is sub-
7 mitted, annual programmatic and
8 financial examination reports or
9 certified copies of the compliance
10 supplemental audits under OMB
11 Circular A-133 of the applicant;
12 and

13 “(cc) to remedy any problem
14 identified pursuant to the site
15 visit or examination under item
16 (aa) or (bb);

17 “(ii) information demonstrating that
18 the applicant has the ability and resources
19 to meet the needs of the market to be
20 served by the women’s business center for
21 which a grant under this subsection is
22 sought, including the ability to obtain the
23 non-Federal contribution required under
24 paragraph (4)(C);

1 “(iii) information relating to assist-
 2 ance to be provided by the women’s busi-
 3 ness center in the area served by the wom-
 4 en’s business center for which a grant
 5 under this subsection is sought;

6 “(iv) information demonstrating that
 7 the applicant has worked with resource
 8 partners of the Administration and other
 9 entities;

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

14 “(I) to serve women who are
 15 business owners or potential business
 16 owners by conducting training and
 17 counseling activities; and

18 “(II) to provide training and
 19 services to a representative number of
 20 women who are socially and economi-
 21 cally disadvantaged; and

22 “(vi) any additional information that
 23 the Administrator may reasonably require.

24 “(C) REVIEW AND APPROVAL OF APPLICA-
 25 TIONS FOR GRANTS.—

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

3 “(I) review each application sub-
4 mitted under subparagraph (B), based
5 on the information described in such
6 subparagraph and the criteria set
7 forth under clause (ii) of this subpara-
8 graph; and

9 “(II) whenever practicable, as
10 part of the final selection process,
11 conduct a site visit to each women’s
12 business center for which a grant
13 under this subsection is sought.

14 “(ii) SELECTION CRITERIA.—

15 “(I) IN GENERAL.—The Admin-
16 istrator shall evaluate applicants for
17 grants under this subsection in ac-
18 cordance with selection criteria that
19 are—

20 “(aa) established before the
21 date on which applicants are re-
22 quired to submit the applications;

23 “(bb) stated in terms of rel-
24 ative importance; and

1 “(cc) publicly available and
2 stated in each solicitation for ap-
3 plications for grants under this
4 subsection made by the Adminis-
5 trator.

6 “(II) REQUIRED CRITERIA.—The
7 selection criteria for a grant under
8 this subsection shall include—

9 “(aa) the total number of
10 entrepreneurs served by the ap-
11 plicant;

12 “(bb) the total number of
13 new startup companies assisted
14 by the applicant;

15 “(cc) the percentage of cli-
16 ents of the applicant that are so-
17 cially or economically disadvan-
18 taged; and

19 “(dd) the percentage of indi-
20 viduals in the community served
21 by the applicant who are socially
22 or economically disadvantaged.

23 “(iii) CONDITIONS FOR CONTINUED
24 FUNDING.—In determining whether to

1 make a grant under this subsection, the
2 Administrator—

3 “(I) shall consider the results of
4 the most recent evaluation of the
5 women’s business center for which a
6 grant under this subsection is sought,
7 and, to a lesser extent, previous eval-
8 uations; and

9 “(II) may withhold a grant under
10 this subsection, if the Administrator
11 determines that the applicant has
12 failed to provide the information re-
13 quired to be provided under this para-
14 graph, or the information provided by
15 the applicant is inadequate.

16 “(D) NOTIFICATION.—Not later than 60
17 days after the date of each deadline to submit
18 applications, the Administrator shall approve or
19 deny any application under this paragraph and
20 notify the applicant for each such application of
21 the approval or denial.

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

1 (B) by striking paragraph (5) and insert-
 2 ing the following:

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

7 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

10 (A) in subsection (h)(2), by striking “to
 11 award a contract (as a sustainability grant)
 12 under subsection (l) or”;

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

16 (C) in subsection (k)—

17 (i) by striking paragraphs (1), (2),
 18 and (4);

19 (ii) by redesignating paragraph (3) as
 20 paragraph (4); and

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

23 “(1) IN GENERAL.—There are authorized to be
 24 appropriated to the Administration to carry out this
 25 section, to remain available until expended,

1 \$14,500,000 for each of fiscal years 2013, 2014,
2 and 2015.

3 “(2) USE OF FUNDS.—Amounts made available
4 under this subsection may only be used for grant
5 awards and may not be used for costs incurred by
6 the Administration in connection with the manage-
7 ment and administration of the program under this
8 section.

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

11 “(A) PROMPT DISBURSEMENT.—Upon re-
12 ceiving funds to carry out this section for a fis-
13 cal year, the Administrator shall, to the extent
14 practicable, promptly reimburse funds to any
15 women’s business center awarded financial as-
16 sistance under this section if the center meets
17 the eligibility requirements under this section.

18 “(B) SUSPENSION OR TERMINATION.—If
19 the Administrator has entered into a grant or
20 cooperative agreement with a women’s business
21 center under this section, the Administrator
22 may not suspend or terminate the grant or co-
23 operative agreement, unless the Adminis-
24 trator—

1 “(i) provides the women’s business
 2 center with written notification setting
 3 forth the reasons for that action; and

4 “(ii) affords the women’s business
 5 center an opportunity for a hearing, ap-
 6 peal, or other administrative proceeding
 7 under chapter 5 of title 5, United States
 8 Code.”;

9 (D) in subsection (m)—

10 (i) in paragraph (2), by striking “sub-
 11 section (b) or (l)” and inserting “this sub-
 12 section or subsection (b)”;

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

15 (E) by redesignating subsections (m) and
 16 (n), as amended by this Act, as subsections (l)
 17 and (m), respectively.

18 (2) PROSPECTIVE REPEAL.—Section 1401(c)(2)
 19 of the Small Business Jobs Act of 2010 (15 U.S.C.
 20 636 note) is amended—

21 (A) in subparagraph (A), by striking
 22 “and” at the end;

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

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

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

5 (c) EFFECT ON EXISTING GRANTS.—

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

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

1 (A) beginning on the day after the last day
2 of the grant agreement under such section
3 29(m); and

4 (B) ending at the end of the third fiscal
5 year beginning after the date of enactment of
6 this Act.

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

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

13 (1) the difficulties such centers face in raising
14 non-Federal funds;

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

18 (3) the difficulties such centers face in writing
19 grant proposals; and

20 (4) other difficulties such centers face because
21 of the economy in the type of covered area in which
22 such centers are located.

23 (b) REPORT.—Not later than 1 year after the date
24 of enactment of this Act, the Comptroller General shall
25 submit to Congress a report containing the results of the

1 study under subsection (a), which shall include rec-
 2 ommendations, if any, regarding how to—

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

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

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

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

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

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

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

20 **SEC. 426. STUDY AND REPORT ON OVERSIGHT OF WOMEN’S**
 21 **BUSINESS CENTERS.**

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

1 (1) an analysis of the coordination by the Ad-
2 ministrators of the activities of women's business cen-
3 ters with the activities of small business development
4 centers, the Service Corps of Retired Executives,
5 and Veterans Business Outreach Centers;

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

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

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

9 “(A) IN GENERAL.—At the discretion”; and
 10 (2) by adding at the end the following:

11 “(B) DISASTER RECOVERY ASSISTANCE.—

12 “(i) IN GENERAL.—At the discretion of the
 13 Administrator, the Administrator may authorize
 14 a small business development center to provide
 15 assistance, as described in subsection (c), to
 16 small business concerns located outside of the
 17 State, without regard to geographic proximity,
 18 if the small business concerns are located in an
 19 area for which the President has declared a
 20 major disaster under section 401 of the Robert
 21 T. Stafford Disaster Relief and Emergency As-
 22 sistance Act (42 U.S.C. 5170), during the pe-
 23 riod of the declaration.

24 “(ii) CONTINUITY OF SERVICES.—A small
 25 business development center that provides coun-
 26 selors to an area described in clause (i) shall,

to the maximum extent practicable, ensure continuity of services in any State in which the small business development center otherwise provides services.

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

SEC. 434. TERMINATION OF SMALL BUSINESS DEVELOPMENT CENTER DEFENSE ECONOMIC TRANSITION ASSISTANCE.

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

(1) by striking subparagraph (G); and

(2) by redesignating subparagraphs (H) through (T) as subparagraphs (G) through (S), respectively.

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

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

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

5 (c) EXISTING GRANTS.—Nothing in this section shall
 6 affect any grant made to a small business development
 7 center before the date of enactment of this Act under sec-
 8 tion 21(c)(3)(G) of the Small Business Act (15 U.S.C.
 9 648(c)(3)(G)), as in effect on the day before the date of
 10 enactment of this Act, and any such grant shall be subject
 11 to such section 21(c)(3)(G), as in effect on the day before
 12 the date of enactment of this Act.

13 **SEC. 435. NATIONAL SMALL BUSINESS DEVELOPMENT CEN-**
 14 **TER ADVISORY BOARD.**

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

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

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

22 (3) by striking the third sentence; and

23 (4) in the fourth sentence—

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

1 (B) by inserting “not less than” before
 2 “one-third”.

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

10 **SEC. 436. REPEAL OF PAUL D. COVERDELL DRUG-FREE**
 11 **WORKPLACE PROGRAM.**

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

14 **Subtitle D—Terminating the Na-**
 15 **tional Veterans Business Devel-**
 16 **opment Corporation**

17 **SEC. 441. NATIONAL VETERANS BUSINESS DEVELOPMENT**
 18 **CORPORATION.**

19 (a) IN GENERAL.—The Small Business Act (15
 20 U.S.C. 631 et seq.) is amended by striking section 33 (15
 21 U.S.C. 657e).

22 (b) CORPORATION.—On and after the date of enact-
 23 ment of this Act, the National Veterans Business Develop-
 24 ment Corporation and any successor thereto may not rep-

1 resent that the corporation is federally chartered or in any
 2 other manner authorized by the Federal Government.

3 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

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

7 (A) by redesignating sections 34 through
 8 45 as sections 33 through 44, respectively;

9 (B) in section 9(k)(1)(D) (15 U.S.C.
 10 638(k)(1)(D)), by striking “section 34(d)” and
 11 inserting “section 33(d)”;

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

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

16 (ii) in subsection (a)—

17 (I) in paragraph (2), by striking
 18 “section 35(c)(2)(B)” and inserting
 19 “section 34(c)(2)(B)”;

20 (II) in paragraph (4), by striking
 21 “section 35(c)(2)” and inserting “sec-
 22 tion 34(c)(2)”;

23 (III) in paragraph (5), by strik-
 24 ing “section 35(c)” and inserting
 25 “section 34(c)”;

1 (iii) in subsection (h)(2), by striking
 2 “section 35(d)” and inserting “section
 3 34(d)”;

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

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

8 (ii) in subsection (c)(1), by striking
 9 section “34(c)(1)(E)(ii)” and inserting sec-
 10 tion “33(c)(1)(E)(ii)”;

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

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

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

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

24 (3) TITLE 38.—Section 3452(h) of title 38,
 25 United States Code, is amended by striking “any of

the” and all that follows and inserting “any small business development center described in section 21 of the Small Business Act (15 U.S.C. 648), insofar as such center offers, sponsors, or cosponsors an entrepreneurship course, as that term is defined in section 3675(c)(2).”.

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

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

Subtitle E—Expanding Women’s Entrepreneurship

SEC. 451. DEFINITIONS.

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 “Task Force” means the National
5 Women’s High-Growth Business Bipartisan Task
6 Force established under section 452; and

7 (3) the term “small business concern owned
8 and controlled by women” has the meaning given
9 that term in section 3(n) of the Small Business Act
10 (15 U.S.C. 632(n)).

11 **SEC. 452. NATIONAL WOMEN’S HIGH-GROWTH BUSINESS BI-**
12 **PARTISAN TASK FORCE.**

13 (a) ESTABLISHMENT.—There is established the Na-
14 tional Women’s High-Growth Business Bipartisan Task
15 Force, which shall serve as an independent source of ad-
16 vice, research, and policy recommendations to—

17 (1) the Administrator;

18 (2) the Assistant Administrator of the Office of
19 Women’s Business Ownership of the Administration;

20 (3) Congress;

21 (4) the President; and

22 (5) other Federal departments and agencies.

23 (b) MEMBERSHIP.—

24 (1) NUMBER OF MEMBERS.—The Task Force
25 shall be composed of 15 members, of which—

1 (A) 8 shall be individuals who own small
 2 business concerns owned and controlled by
 3 women, including not fewer than 2 individuals
 4 who own small business concerns owned and
 5 controlled by women in industries in which
 6 women are traditionally underrepresented;

7 (B) 2 shall be individuals having expertise
 8 conducting research on women's business, wom-
 9 en's entrepreneurship, new business develop-
 10 ment by women, and high-growth business de-
 11 velopment; and

12 (C) 5 shall be individuals who represent
 13 women's business organizations, including wom-
 14 en's business centers and women's business ad-
 15 vocacy groups.

16 (2) APPOINTMENT OF MEMBERS.—

17 (A) OWNERS OF SMALL BUSINESS CON-
 18 CERNS OWNED AND CONTROLLED BY
 19 WOMEN.—Of the members of the Task Force
 20 described in paragraph (1)(A)—

21 (i) 2 shall be appointed by the Chair-
 22 person of the Committee on Small Busi-
 23 ness and Entrepreneurship of the Senate;

24 (ii) 2 shall be appointed by the Rank-
 25 ing Member of the Committee on Small

1 Business and Entrepreneurship of the Sen-
2 ate;

3 (iii) 2 shall be appointed by the Chair-
4 person of the Committee on Small Busi-
5 ness of the House of Representatives; and

6 (iv) 2 shall be appointed by the Rank-
7 ing Member of the Committee on Small
8 Business of the House of Representatives.

9 (B) OTHER MEMBERS.—The members of
10 the Task Force described in subparagraphs (B)
11 and (C) of paragraph (1) shall be appointed by
12 the Administrator.

13 (C) INITIAL APPOINTMENTS.—The individ-
14 uals described in subparagraphs (A) and (B)
15 shall appoint the initial members of the Task
16 Force not later than 90 days after the date of
17 enactment of this Act.

18 (D) GEOGRAPHIC CONSIDERATIONS.—In
19 making an appointment under this paragraph,
20 the individuals described in subparagraphs (A)
21 and (B) shall give consideration to the geo-
22 graphic areas of the United States in which the
23 members of the Task Force live and work, par-
24 ticularly to ensure that rural areas are rep-
25 resented on the Task Force.

1 (E) POLITICAL AFFILIATION.—Not more
2 than 8 members of the Task Force may be
3 members of the same political party.

4 (3) CHAIRPERSON.—

5 (A) ELECTION OF CHAIRPERSON.—The
6 members of the Task Force shall elect 1 mem-
7 ber of the Task Force as Chairperson of the
8 Task Force.

9 (B) VACANCIES.—Any vacancy in the posi-
10 tion of Chairperson of the Task Force shall be
11 filled by the Task Force at the first meeting of
12 the Task Force after the date on which the va-
13 cancy occurs.

14 (4) TERM OF SERVICE.—

15 (A) IN GENERAL.—Except as provided in
16 subparagraph (B), the term of service of each
17 member of the Task Force shall be 3 years.

18 (B) TERMS OF INITIAL APPOINTEES.—Of
19 the members of the Task Force first appointed
20 after the date of enactment of this Act—

21 (i) 6 shall be appointed for a term of
22 4 years, including—

23 (I) 1 member appointed by the
24 individuals described in each of

1 clauses (i), (ii), (iii), and (iv) of para-
 2 graph (2)(A); and

3 (II) 2 members appointed by the
 4 Administrator; and

5 (ii) 5 shall be appointed for a term of
 6 5 years, including—

7 (I) 1 member appointed by the
 8 individuals described in each of
 9 clauses (i), (ii), (iii), and (iv) of para-
 10 graph (2)(A); and

11 (II) 1 member appointed by the
 12 Administrator.

13 (5) VACANCIES.—A vacancy on the Task Force
 14 shall be filled not later than 30 days after the date
 15 on which the vacancy occurs, in the manner in which
 16 the original appointment was made, and shall be
 17 subject to any conditions that applied to the original
 18 appointment. An individual chosen to fill a vacancy
 19 shall be appointed for the unexpired term of the
 20 member replaced.

21 (6) PROHIBITION ON FEDERAL EMPLOY-
 22 MENT.—

23 (A) IN GENERAL.—Except as provided in
 24 subparagraph (B), no member of the Task

1 Force may serve as an officer or employee of
 2 the United States.

3 (B) EXCEPTION.—A member of the Task
 4 Force who accepts a position as an officer or
 5 employee of the United States after appoint-
 6 ment to the Task Force may continue to serve
 7 on the Task Force for not more than 30 days
 8 after the date of such acceptance.

9 (7) COMPENSATION AND EXPENSES.—

10 (A) NO COMPENSATION.—Each member of
 11 the Task Force shall serve without compensa-
 12 tion.

13 (B) EXPENSES.—The Administrator shall
 14 reimburse the members of the Task Force for
 15 travel and subsistence expenses in accordance
 16 with section 5703 of title 5, United States
 17 Code.

18 (c) DUTIES.—The Task Force shall—

19 (1) review and monitor plans and programs de-
 20 veloped in the public and private sectors that affect
 21 the ability of small business concerns owned and
 22 controlled by women to obtain capital and credit and
 23 to access markets, and provide advice on improving
 24 coordination between such plans and programs;

1 (2) monitor and promote the plans, programs,
2 and operations of the Federal departments and
3 agencies that contribute to the formation and devel-
4 opment of small business concerns owned and con-
5 trolled by women, and make recommendations to
6 Federal departments and agencies concerning the
7 coordination of such plans, programs, and oper-
8 ations;

9 (3) develop and promote initiatives, policies,
10 programs, and plans designed to encourage the for-
11 mation of startups and high-growth small business
12 concerns owned and controlled by women;

13 (4) advise the Administrator on the develop-
14 ment and implementation of an annual comprehen-
15 sive plan for joint efforts by the public and private
16 sectors to facilitate the formation and development
17 of startups and high-growth small business concerns
18 owned and controlled by women; and

19 (5) examine the link between women who own
20 small business concerns and intellectual property, in-
21 cluding—

22 (A) the number of patents, trademarks,
23 and copyrights granted to women; and

24 (B) the challenges faced by high-growth
25 small business concerns owned and controlled

1 by women in obtaining and enforcing intellec-
2 tual property rights.

3 (d) POWERS.—

4 (1) HEARINGS.—The Task Force may hold
5 such hearings, sit and act at such times and places,
6 take such testimony, and receive such evidence as
7 the Task Force considers advisable to carry out its
8 duties.

9 (2) TASK GROUPS.—The Task Force may, from
10 time to time, establish temporary task groups, as
11 necessary to carry out the duties of the Task Force.

12 (3) INFORMATION FROM FEDERAL AGENCIES.—
13 Upon request of the Chairperson of the Task Force,
14 the head of any Federal department or agency shall
15 furnish such information to the Task Force as the
16 Task Force considers necessary to carry out its du-
17 ties.

18 (4) USE OF MAILS.—The Task Force may use
19 the United States mails in the same manner and
20 under the same conditions as Federal departments
21 and agencies.

22 (5) GIFTS.—The Task Force may accept, use,
23 and dispose of gifts or donations of services or prop-
24 erty.

25 (e) MEETINGS.—

1 (1) IN GENERAL.—The Task Force shall
2 meet—

3 (A) not less than 3 times each year;

4 (B) at the call of the Chairperson; and

5 (C) upon the request of—

6 (i) the Administrator;

7 (ii) the Chairperson and Ranking
8 Member of the Committee on Small Busi-
9 ness and Entrepreneurship of the Senate;

10 or

11 (iii) the Chairperson and Ranking
12 Member of the Committee on Small Busi-
13 ness of the House of Representatives.

14 (2) PARTICIPATION OF FEDERAL AGENCIES.—

15 (A) PARTICIPATION ENCOURAGED.—The
16 Task Force shall allow and encourage participa-
17 tion in meetings by representatives from Fed-
18 eral agencies.

19 (B) FUNCTIONS OF REPRESENTATIVES OF
20 FEDERAL AGENCIES.—A representative from a
21 Federal agency—

22 (i) may be used as a resource; and

23 (ii) may not vote or otherwise act as
24 a member of the Task Force.

1 (3) LOCATION.—Each meeting of the full Task
 2 Force shall be held at the headquarters of the Ad-
 3 ministration, unless, not later than 1 month before
 4 the meeting, a majority of the members of the Task
 5 Force agree to meet at another location.

6 (4) SUPPORT BY ADMINISTRATOR.—The Ad-
 7 ministrator shall provide suitable meeting facilities
 8 and such administrative support as may be nec-
 9 essary for each full meeting of the Task Force.

10 (f) REPORTS.—

11 (1) REPORTS BY TASK FORCE.—

12 (A) REPORTS REQUIRED.—Not later than
 13 30 days after the end of each fiscal year, the
 14 Task Force shall submit to the President and
 15 to the Committee on Small Business and Entre-
 16 preneurship of the Senate and the Committee
 17 on Small Business of the House of Representa-
 18 tives, a report containing—

19 (i) a detailed description of the activi-
 20 ties of the Task Force, including a report
 21 on how the Task Force has carried out the
 22 duties described in subsection (c);

23 (ii) the findings and recommendations
 24 of the Task Force; and

1 (iii) the recommendations of the Task
2 Force for—

3 (I) promoting intellectual prop-
4 erty rights for high-growth small busi-
5 ness concerns owned and controlled by
6 women; and

7 (II) such legislative and adminis-
8 trative actions as the Task Force con-
9 siders appropriate to promote the for-
10 mation and development of small busi-
11 ness concerns owned and controlled by
12 women.

13 (B) FORM OF REPORTS.—The report re-
14 quired under subparagraph (A) shall include—

15 (i) any concurring or dissenting views
16 of the Administrator; and

17 (ii) the minutes of each meeting of the
18 Task Force.

19 (2) REPORTS BY CHIEF COUNSEL FOR ADVO-
20 CACY.—

21 (A) STUDIES.—

22 (i) IN GENERAL.—Not less frequently
23 than twice each year, the Chief Counsel for
24 Advocacy of the Small Business Adminis-
25 tration, in consultation with the Task

1 Force, shall conduct a study of an issue
2 that is important to small business con-
3 cerns owned and controlled by women.

4 (ii) TOPICS.—The topic of a study
5 under clause (i) shall—

6 (I) be an issue that the Task
7 Force determines is critical to fur-
8 thering the interests of small business
9 concerns owned and controlled by
10 women; and

11 (II) relate to—

12 (aa) Federal prime contracts
13 and subcontracts awarded to
14 small business concerns owned
15 and controlled by women;

16 (bb) access to credit and in-
17 vestment capital by women entre-
18 preneurs;

19 (cc) acquiring and enforcing
20 intellectual property rights; or

21 (dd) any other issue relating
22 to small business concerns owned
23 and controlled by women that the
24 Task Force determines is appro-
25 priate.

1 (iii) CONTRACTING.—In conducting a
2 study under this subparagraph, the Chief
3 Counsel may contract with a public or pri-
4 vate entity.

5 (B) REPORT.—The Chief Counsel for Ad-
6 vocacy shall—

7 (i) submit a report containing the re-
8 sults of each study under subparagraph
9 (A) to the Task Force, the Committee on
10 Small Business and Entrepreneurship of
11 the Senate, and the Committee on Small
12 Business of the House of Representatives;
13 and

14 (ii) make each report submitted under
15 clause (i) available to the public online.

16 (g) FEDERAL ADVISORY COMMITTEE ACT.—Section
17 14 of the Federal Advisory Committee Act (5 U.S.C.
18 App.) shall not apply to the Task Force.

19 **SEC. 453. REPEAL.**

20 (a) FINAL REPORTS.—Not later than 90 days after
21 the date of enactment of this Act—

22 (1) the Interagency Committee on Women's
23 Business Enterprise shall submit to the President
24 and the Committee on Small Business and Entrepre-
25 neurship of the Senate and the Committee on Small

1 Business of the House of Representatives a report
2 containing the information described in paragraphs
3 (1), (2), and (3) of section 404 of the Women’s
4 Business Ownership Act of 1988 (15 U.S.C. 7104),
5 as in effect on the day before the date of enactment
6 of this Act; and

7 (2) the National Women’s Business Council
8 shall submit to the President and the Committee on
9 Small Business and Entrepreneurship of the Senate
10 and the Committee on Small Business of the House
11 of Representatives a report containing the informa-
12 tion described in subparagraphs (A), (B), and (C) of
13 section 406(d)(6) of the Women’s Business Owner-
14 ship Act of 1988 (15 U.S.C. 7106), as in effect on
15 the day before the date of enactment of this Act.

16 (b) REPEAL.—The Women’s Business Ownership Act
17 of 1988 (15 U.S.C. 631 note) is amended by striking title
18 IV (15 U.S.C. 7101 et seq.).

19 (c) TECHNICAL AND CONFORMING AMENDMENTS.—
20 The Small Business Act (15 U.S.C. 631 et seq.) is amend-
21 ed—

22 (1) in section 8(b)(1)(G) (15 U.S.C.
23 637(b)(1)(G)), by striking “and to carry out the ac-
24 tivities authorized by title IV of the Women’s Busi-
25 ness Ownership Act of 1988”; and

1 (2) in section 29(g) (15 U.S.C. 656(g))—

2 (A) in paragraph (1), by striking “women’s
3 business enterprises (as defined in section 408
4 of the Women’s Business Ownership Act of
5 1988 (15 U.S.C. 631 note))” and inserting
6 “small business concerns owned and controlled
7 by women”; and

8 (B) in paragraph (2)(B)(ii)—

9 (i) in subclause (VI), by adding “and”
10 at the end;

11 (ii) in subclause (VII), by striking the
12 semicolon at the end and inserting a pe-
13 riod; and

14 (iii) by striking subclauses (VIII),
15 (IX), and (X).

16 (d) EFFECTIVE DATE.—The amendments made by
17 subsections (b) and (c) shall take effect 90 days after the
18 date of enactment of this Act.

19 **Subtitle F—Improving Mentoring** 20 **for Entrepreneurs**

21 **SEC. 461. DEFINITIONS.**

22 In this subtitle—

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

1 (2) the term “SCORE” means the Service
2 Corps of Retired Executives established under sec-
3 tion 8(b)(1) of the Small Business Act (15 U.S.C.
4 637(b)(1));

5 (3) the term “SCORE Advisory Board” means
6 the SCORE Advisory Board established under sec-
7 tion 462 of this Act;

8 (4) the term “SCORE chapter” means a chap-
9 ter of the Service Corps of Retired Executives; and

10 (5) 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. 462. ESTABLISHMENT OF ADVISORY BOARD.**

14 (a) ESTABLISHMENT.—There is established the
15 SCORE Advisory Board.

16 (b) MEMBERSHIP.—

17 (1) COMPOSITION.—The SCORE Advisory
18 Board shall be composed of 6 members, who shall be
19 appointed from among individuals having out-
20 standing qualifications and known to be familiar
21 with and sympathetic to the needs and problems of
22 small business concerns.

23 (2) LIMITATIONS.—Of the individuals appointed
24 under paragraph (1)—

1 (A) not more than 3 may be members of
2 a SCORE chapter; and

3 (B) 3 shall be owners or employees of
4 small business concerns or members of an asso-
5 ciation that represents small business concerns.

6 (3) PROHIBITION.—The members of the
7 SCORE Advisory Board may not be employees of
8 the Federal Government.

9 (4) DATE.—The appointments of the members
10 of the SCORE Advisory Board shall be made not
11 later than 90 days after the date of enactment of
12 this Act.

13 (c) TERMS.—

14 (1) IN GENERAL.—Except as provided in para-
15 graph (2), a member of the SCORE Advisory Board
16 shall be appointed for a term of 3 years.

17 (2) FIRST MEMBERS.—Of the members first
18 appointed to the SCORE Advisory Board—

19 (A) 2 shall be appointed for a term of 4
20 years, of whom 1 shall be a member described
21 in subsection (b)(2)(A) and 1 shall be a mem-
22 ber described in subsection (b)(2)(B);

23 (B) 2 shall be appointed for a term of 3
24 years, of whom 1 shall be a member described

1 in subsection (b)(2)(A) and 1 shall be a mem-
2 ber described in subsection (b)(2)(B); and

3 (C) 2 shall be appointed for a term of 2
4 years, of whom 1 shall be a member described
5 in subsection (b)(2)(A) and 1 shall be a mem-
6 ber described in subsection (b)(2)(B).

7 (d) VACANCIES.—

8 (1) IN GENERAL.—A vacancy on the SCORE
9 Advisory Board shall be filled in the manner in
10 which the original appointment was made and shall
11 be subject to any conditions which applied with re-
12 spect to the original appointment.

13 (2) FILLING UNEXPIRED TERM.—An individual
14 chosen to fill a vacancy shall be appointed for the
15 unexpired term of the member replaced.

16 (e) INITIAL MEETING.—Not later than 60 days after
17 the date on which all members of the SCORE Advisory
18 Board have been appointed, the SCORE Advisory Board
19 shall hold its first meeting.

20 (f) MEETINGS.—The SCORE Advisory Board shall
21 meet—

22 (1) not less frequently than semiannually; and

23 (2) at the call of the Chairman.

1 (g) QUORUM.—A majority of the members of the
 2 SCORE Advisory Board shall constitute a quorum, but
 3 a lesser number of members may hold hearings.

4 (h) CHAIRMAN.—The SCORE Advisory Board shall
 5 select a Chairman from among its members.

6 **SEC. 463. DUTIES OF THE SCORE ADVISORY BOARD.**

7 (a) DUTIES.—The SCORE Advisory Board shall—

8 (1) review and monitor plans and programs de-
 9 veloped in the public and private sector which affect
 10 SCORE chapters;

11 (2) provide advice on improving coordination
 12 between plans and programs described in paragraph
 13 (1);

14 (3) advise SCORE chapters on the use of Fed-
 15 eral funds allocated to SCORE;

16 (4) develop and promote initiatives, policies,
 17 programs, and plans designed to assist with the
 18 mentoring services offered by SCORE chapters
 19 throughout the United States; and

20 (5) advise the Administrator on the develop-
 21 ment and implementation of an annual comprehen-
 22 sive plan under subsection (b).

23 (b) DEVELOPMENT OF PLAN.—The Administrator
 24 shall develop and implement an annual comprehensive
 25 plan for joint efforts by the public and private sectors to

1 facilitate the formation and development of mentoring by
2 SCORE volunteers.

3 (c) ANNUAL REPORT.—Not later than 30 days after
4 the end of each fiscal year, the SCORE Advisory Board
5 shall submit to the President, the Committee on Small
6 Business and Entrepreneurship of the Senate, and the
7 Committee on Small Business of the House of Representa-
8 tives a report that contains—

9 (1) the minutes of each meeting of the SCORE
10 Advisory Board during the fiscal year to which the
11 report relates;

12 (2) a detailed description of the activities of the
13 SCORE Advisory Board during the fiscal year to
14 which the report relates, including how the SCORE
15 Advisory Board carried out the duties described in
16 subsection (a);

17 (3) recommendations for promoting SCORE
18 chapters and mentoring services; and

19 (4) any concurring or dissenting views of the
20 Administrator.

21 **SEC. 464. POWERS OF THE SCORE ADVISORY BOARD.**

22 (a) HEARINGS.—The SCORE Advisory Board may
23 hold such hearings, sit and act at such times and places,
24 take such testimony, and receive such evidence as the

1 SCORE Advisory Board considers advisable to carry out
2 this subtitle.

3 (b) TASK GROUPS.—The SCORE Advisory Board
4 may establish a temporary task group to carry out any
5 duty of the SCORE Advisory Board described in section
6 463 of this Act.

7 (c) INFORMATION FROM FEDERAL AGENCIES.—The
8 SCORE Advisory Board may secure directly from any
9 Federal department or agency such information as the
10 SCORE Advisory Board considers necessary to carry out
11 this Act. Upon request of the Chairman of the SCORE
12 Advisory Board, the head of such department or agency
13 shall furnish such information to the SCORE Advisory
14 Board.

15 (d) POSTAL SERVICES.—The SCORE Advisory
16 Board may use the United States mails in the same man-
17 ner and under the same conditions as other departments
18 and agencies of the Federal Government.

19 (e) GIFTS.—The SCORE Advisory Board may ac-
20 cept, use, and dispose of gifts or donations of services or
21 property.

22 **SEC. 465. SCORE ADVISORY BOARD PERSONNEL MATTERS.**

23 (a) COMPENSATION.—Members of the SCORE Advi-
24 sory Board shall not be compensated for services per-
25 formed on behalf of the SCORE Advisory Board.

1 (b) TRAVEL EXPENSES.—The members of the
 2 SCORE Advisory Board shall be allowed travel expenses,
 3 including per diem in lieu of subsistence, at rates author-
 4 ized for employees of agencies under subchapter I of chap-
 5 ter 57 of title 5, United States Code, while away from
 6 their homes or regular places of business in the perform-
 7 ance of services for the SCORE Advisory Board.

8 (c) DETAIL OF GOVERNMENT EMPLOYEES.—Any
 9 Federal Government employee may be detailed to the
 10 SCORE Advisory Board without reimbursement, and such
 11 detail shall be without interruption or loss of civil service
 12 status or privilege.

13 **SEC. 466. INAPPLICABILITY OF THE FEDERAL ADVISORY**
 14 **COMMITTEE ACT TO THE SCORE ADVISORY**
 15 **BOARD.**

16 Section 14 of the Federal Advisory Committee Act
 17 (5 U.S.C. App.) shall not apply with respect to the
 18 SCORE Advisory Board.

19 **SEC. 467. FUNDING.**

20 The expenses of the SCORE Advisory Board, includ-
 21 ing expenses relating to personnel, as described in section
 22 465, shall be paid by SCORE, from amounts made avail-
 23 able to SCORE to carry out section 8(b)(1)(B) of the
 24 Small Business Act (15 U.S.C. 637(b)(1)(B)).

1 **SEC. 468. REAUTHORIZATION.**

2 Section 20 of the Small Business Act (15 U.S.C. 631
3 note) is amended—

4 (1) by redesignating subsection (j) as sub-
5 section (f); and

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

7 “(g) SCORE PROGRAM.—The Administrator may
8 make grants and enter into cooperative agreements to
9 carry out the SCORE program authorized by section
10 8(b)(1) in a total amount that does not exceed \$7,000,000
11 for each of fiscal years 2013, 2014, and 2015.”.

12 **SEC. 469. CHIEF EXECUTIVE OFFICER OF SCORE.**

13 (a) LIMITATION ON AMOUNT OF SALARY.—The rate
14 of basic pay of the chief executive officer of SCORE may
15 not exceed the maximum rate of basic pay established
16 under section 5382 of title 5, United States Code, for a
17 position in the Senior Executive Service.

18 (b) FEDERAL SHARE OF SALARY.—For any year
19 during which the chief executive officer of SCORE serves
20 in a leadership capacity on a foundation affiliated with
21 SCORE, the Federal share of the basic pay of the chief
22 executive officer of SCORE may not exceed 80 percent.

23 **SEC. 470. ALLOCATION COMMITTEE.**

24 (a) ESTABLISHMENT.—SCORE shall establish a
25 committee to determine the amount allocated each year
26 to each SCORE chapter.

1 (b) MEMBERS.—The members of the committee es-
2 tablished under subsection (a) shall include—

3 (1) 1 member of the staff of SCORE who is not
4 the chief executive officer of SCORE; and

5 (2) not fewer than 4 members of the SCORE
6 Advisory Board.

7 **SEC. 471. ALLOCATION OF AMOUNTS.**

8 SCORE shall establish a method for allocating
9 amounts received by SCORE from the Federal Govern-
10 ment, which shall—

11 (1) ensure that not less than 50 percent of the
12 amounts are allocated to SCORE chapters; and

13 (2) be subject to the approval of the Adminis-
14 trator and the committee established under section
15 203.

16 **SEC. 472. GAO STUDY AND REPORT.**

17 (a) STUDY.—The Comptroller General of the United
18 States shall conduct a study of the technology activities
19 of SCORE that includes an examination of each expendi-
20 ture by SCORE for technology activities and the result
21 of each such expenditure.

22 (b) REPORT.—Not later than 1 year after the date
23 of enactment of this Act, the Comptroller General shall
24 submit to Congress and the Administrator a report that
25 contains—

1 (1) a detailed description of the amounts
2 SCORE has expended for technology activities, in-
3 cluding how SCORE expended Federal funds to
4 carry out and sustain technology initiatives during
5 the 4-year period ending on the date of enactment
6 of this Act;

7 (2) a determination of whether SCORE has ex-
8 pended Federal funds efficiently and effectively to
9 carry out technology activities;

10 (3) an evaluation of—

11 (A) how well SCORE has met objectives
12 relating to technology spending; and

13 (B) the policy that resulted in the estab-
14 lishment of objectives relating to technology
15 spending; and

16 (4) recommendations for actions by SCORE to
17 achieve objectives relating to technology spending
18 while safeguarding Federal funds.

**TITLE V—ACCESS TO
GOVERNMENT CONTRACTING
Subtitle A—Bonds**

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

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

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

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

SEC. 521. SHORT TITLE.

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

SEC. 522. DEFINITIONS.

In this subtitle—

1 (1) the term “8(a) program” means the pro-
 2 gram under section 8(a) of the Small Business Act
 3 (15 U.S.C. 637(a));

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

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

12 (4) the term “recertification” means a deter-
 13 mination by the Administrator that a business con-
 14 cern that was previously determined to be a qualified
 15 HUBZone small business concern is a qualified
 16 HUBZone small business concern under section
 17 3(p)(5) of the Small Business Act (15 U.S.C.
 18 632(p)(5)).

19 **SEC. 523. FRAUD DETERRENCE AT THE SMALL BUSINESS**
 20 **ADMINISTRATION.**

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

23 (1) in subsection (d)—

24 (A) in paragraph (1)—

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

17 (ii) by amending subparagraph (A) to
18 read as follows:

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

22 (iii) by striking subparagraph (B);

23 (iv) by redesignating subparagraphs
24 (C) and (D) as subparagraphs (B) and
25 (C), respectively; and

1 (v) in subparagraph (C), as so rededesignated,
 2 ignating, by striking “, shall be” and all
 3 that follows and inserting a period;

4 (B) in paragraph (2)—

5 (i) by redesignating subparagraphs
 6 (C) and (D) as subparagraphs (D) and
 7 (E), respectively; and

8 (ii) by inserting after subparagraph
 9 (B) the following:

10 “(C) be subject to the civil remedies under subchapter III of chapter 37 of title 31, United States
 11 Code (commonly known as the ‘False Claims Act’);”;
 12 and
 13

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

15 “(3)(A) In the case of a violation of paragraph (1)(A)
 16 or subsection (g) or (h), for purposes of a proceeding described in subparagraph (A) or (C) of paragraph (2), the
 17 amount of the loss to the Federal Government or the damages sustained by the Federal Government, as applicable,
 18 shall be an amount equal to the amount that the Federal
 19 Government paid to the person that received a contract,
 20 grant, or cooperative agreement described in paragraph
 21 (1)(A), (g), or (h), respectively.
 22

23 “(B) In the case of a violation of subparagraph (B)
 24 or (C) of paragraph (1), for the purpose of a proceeding
 25

1 described in subparagraph (A) or (C) of paragraph (2),
2 the amount of the loss to the Federal Government or the
3 damages sustained by the Federal Government, as appli-
4 cable, shall be an amount equal to the portion of any pay-
5 ment by the Federal Government under a prime contract
6 that was used for a subcontract described in subparagraph
7 (B) or (C) of paragraph (1), respectively.

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

13 (2) by striking subsection (e) and inserting the
14 following:

15 “(e) Any representation of the status of any concern
16 or person as a small business concern, a HUBZone small
17 business concern, a small business concern owned and con-
18 trolled by socially and economically disadvantaged individ-
19 uals, a small business concern owned and controlled by
20 women, or a small business concern owned and controlled
21 by service-disabled veterans, in order to obtain any prime
22 contract, subcontract, grant, or cooperative agreement de-
23 scribed in subsection (d)(1) shall be made in writing or
24 through the Online Representations and Certifications Ap-
25 plication process required under section 4.1201 of the

1 Federal Acquisition Regulation, or any successor there-
2 to.”; and

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

4 “(g) A person shall be subject to the penalties and
5 remedies described in subsection (d)(2) if the person mis-
6 represents the status of any concern or person as a small
7 business concern, a qualified HUBZone small business
8 concern, a small business concern owned and controlled
9 by socially and economically disadvantaged individuals, a
10 small business concern owned and controlled by women,
11 or a small business concern owned and controlled by serv-
12 ice-disabled veterans—

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

15 “(2) in relation to a protest of a contract award
16 or proposed contract award made under regulations
17 issued by the Administration.

18 “(h)(1) A person that submits a request for payment
19 on a contract or subcontract that is awarded under sub-
20 section (a) or (m) of section 8, or section 9, 15, 31, or
21 35, shall be deemed to have submitted a certification that
22 the person complied with regulations issued by the Admin-
23 istration governing the percentage of work that the person
24 is required to perform on the contract or subcontract, un-

1 less the person states, in writing, that the person did not
 2 comply with the regulations.

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

5 “(A) uses the services of a business other than
 6 the business awarded the contract or subcontract to
 7 perform a greater percentage of work under a con-
 8 tract than is permitted by regulations issued by the
 9 Administration; or

10 “(B) willfully participates in a scheme to cir-
 11 cumvent regulations issued by the Administration
 12 governing the percentage of work that a contractor
 13 is required to perform on a contract.”.

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

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

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

22 “(B) a former member of the Armed
 23 Forces who is retired, separated, or placed on
 24 the temporary disability retired list for physical

1 disability under chapter 61 of title 10, United
2 States Code.”.

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

6 “(h) VETERAN STATUS.—

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

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

18 “(B) register with—

19 “(i) the Central Contractor Registra-
20 tion database maintained under subpart
21 4.11 of the Federal Acquisition Regulation,
22 or any successor thereto; and

23 “(ii) the VetBiz database of the De-
24 partment of Veterans Affairs, or any suc-
25 cessor thereto.

1 “(2) VERIFICATION OF STATUS.—

2 “(A) VETERANS AFFAIRS.—The Secretary
3 of Veterans Affairs shall determine whether a
4 business concern registered with the VetBiz
5 database of the Department of Veterans Af-
6 fairs, or any successor thereto, as a small busi-
7 ness concern owned and controlled by veterans
8 or a small business concern owned and con-
9 trolled by service-disabled veterans is owned
10 and controlled by a veteran or a service-disabled
11 veteran, as the case may be.

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

14 “(i) for a sole source contract award-
15 ed to a small business concern owned and
16 controlled by service-disabled veterans or a
17 contract awarded with competition re-
18 stricted to small business concerns owned
19 and controlled by service-disabled veterans
20 under section 35, determine whether a
21 business concern submitting a proposal for
22 the contract is a small business concern
23 owned and controlled by service-disabled
24 veterans; and

1 “(ii) use the VetBiz database of the
2 Department of Veterans Affairs, or any
3 successor thereto, in determining whether
4 a business concern is a small business con-
5 cern owned and controlled by service-dis-
6 abled veterans.

7 “(3) DEBARMENT AND SUSPENSION.—If the
8 Administrator determines that a business concern
9 knowingly and willfully misrepresented that the busi-
10 ness concern is a small business concern owned and
11 controlled by service-disabled veterans, the Adminis-
12 trator may debar or suspend the business concern
13 from contracting with the United States.”.

14 “(c) INTEGRATION OF DATABASES.—The Adminis-
15 trator for Federal Procurement Policy and the Secretary
16 of Veterans Affairs shall ensure that data is shared on
17 an ongoing basis between the VetBiz database of the De-
18 partment of Veterans Affairs and the Central Contractor
19 Registration database maintained under subpart 4.11 of
20 the Federal Acquisition Regulation.

21 “(d) EFFECTIVE DATE.—

22 “(1) IN GENERAL.—The amendment made by
23 subsection (b) and the requirements under sub-
24 section (c) shall take effect on the date on which the
25 Secretary of Veterans Affairs (referred to in this

1 subsection as the “Secretary”) publishes in the Fed-
2 eral Register a determination that the Department
3 of Veterans Affairs has the necessary resources and
4 capacity to carry out the additional responsibility of
5 determining whether small business concerns reg-
6 istered with the VetBiz database of the Department
7 of Veterans Affairs are owned and controlled by a
8 veteran or a service-disabled veteran, as the case
9 may be, in accordance with subsection (h) of section
10 4 of the Small Business Act (15 U.S.C. 633), as
11 added by subsection (b).

12 (2) **TIMELINE.**—If the Secretary determines
13 that the Secretary is not able to publish the deter-
14 mination under paragraph (1) before the date that
15 is 1 year after the date of enactment of this Act, the
16 Secretary shall, not later than 1 year after the date
17 of enactment of this Act, submit a report containing
18 an estimate of the date on which the Secretary will
19 publish the determination under paragraph (1) to
20 the Committee on Small Business and Entrepre-
21 neurship and the Committee on Veterans’ Affairs of
22 the Senate and the Committee on Small Business
23 and the Committee on Veterans’ Affairs of the
24 House of Representatives.

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

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

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

8 “(A) conduct an evaluation of the effectiveness
9 of the program under this subsection, including an
10 examination of—

11 “(i) the number and size of contracts ap-
12 plied for, as compared to the number received
13 by, small business concerns after successfully
14 completing the program;

15 “(ii) the percentage of small business con-
16 cerns that continue to operate during the 3-year
17 period beginning on the date on which the small
18 business concerns successfully complete the pro-
19 gram;

20 “(iii) whether the business of small busi-
21 ness concerns increases during the 3-year pe-
22 riod beginning on the date on which the small
23 business concerns successfully complete the pro-
24 gram; and

25 “(iv) the number of training sessions of-
26 fered under the program; and

1 “(B) submit to the Committee on Small Busi-
2 ness and Entrepreneurship of the Senate and the
3 Committee on Small Business of the House of Rep-
4 resentatives a report regarding each evaluation
5 under subparagraph (A).”.

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

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

10 (A) evaluate the feasibility of—

11 (i) using additional third-party data
12 sources;

13 (ii) making unannounced visits of
14 sites that are selected randomly or using
15 risk-based criteria;

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

18 (iv) conducting financial and analyt-
19 ical training for the business opportunity
20 specialists of the Administration;

21 (B) evaluate the feasibility and advisability
22 of amending regulations applicable to the 8(a)
23 program to require that calculations of the ad-
24 justed net worth or total assets of an individual

1 include assets held by the spouse of the indi-
2 vidual; and

3 (C) develop a more consistent enforcement
4 strategy that includes the suspension or debar-
5 ment of contractors that knowingly make mis-
6 representations in order to qualify for the 8(a)
7 program; and

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

13 (A) determine the economic disadvantage
14 of a participant in the 8(a) program based on
15 the income and asset levels of the participant at
16 the time of application and annual recertifi-
17 cation for the 8(a) program; and

18 (B) limit the ability of a small business
19 concern to participate in the 8(a) program if an
20 immediate family member of an owner of the
21 small business concern is, or has been, a partic-
22 ipant in the 8(a) program, in the same indus-
23 try.

1 **SEC. 526. HUBZONE IMPROVEMENTS.**

2 (a) PURPOSE.—The purpose of this section is to re-
3 form and improve the HUBZone program of the Adminis-
4 tration.

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

6 (1) ensure the HUBZone map is—

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

8 (B) revised as new data is made available
9 to maintain the accuracy and currency of the
10 HUBZone map;

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

19 (3) submit to the Committee on Small Business
20 and Entrepreneurship of the Senate and the Com-
21 mittee on Small Business of the House of Rep-
22 resentatives a report regarding any application to be
23 designated as a HUBZone small business concern or
24 for recertification for which the Administrator has
25 not made a determination as of the date that is 60
26 days after the date on which the application was

submitted or initiated, which shall include a plan and timetable for ensuring the timely processing of the applications; and

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

(A) require the identification of a baseline point in time to allow the assessment of economic development under the HUBZone program, including creating additional jobs; and

(B) take into account—

(i) the economic characteristics of the HUBZone; and

(ii) contracts being counted under multiple socioeconomic subcategories.

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

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

“(E) EMPLOYMENT PERCENTAGE DURING INTERIM PERIOD.—

“(i) DEFINITION.—In this subparagraph, the term ‘interim period’ means the period beginning on the date on which the Administrator determines that a HUBZone

1 small business concern is qualified under
2 subparagraph (A) and ending on the day
3 before the date on which a contract under
4 the HUBZone program for which the
5 HUBZone small business concern submits
6 a bid is awarded.

7 “(ii) INTERIM PERIOD.—During the
8 interim period, the Administrator may not
9 determine that the HUBZone small busi-
10 ness is not qualified under subparagraph
11 (A) based on a failure to meet the applica-
12 ble employment percentage under subpara-
13 graph (A)(i)(I), unless the HUBZone small
14 business concern—

15 “(I) has not attempted to main-
16 tain the applicable employment per-
17 centage under subparagraph (A)(i)(I);
18 or

19 “(II) does not meet the applica-
20 ble employment percentage—

21 “(aa) on the date on which
22 the HUBZone small business
23 concern submits a bid for a con-
24 tract under the HUBZone pro-
25 gram; or

1 “(bb) on the date on which
 2 the HUBZone small business
 3 concern is awarded a contract
 4 under the HUBZone program.”;
 5 and

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

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

10 “(9) HUBZONE MAP.—The term ‘HUBZone
 11 map’ means the map used by the Administration to
 12 identify HUBZones.”.

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

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

20 **SEC. 527. ANNUAL REPORT ON SUSPENSION, DEBARMENT,**
 21 **AND PROSECUTION.**

22 The Administrator shall submit an annual report to
 23 the Committee on Small Business and Entrepreneurship
 24 of the Senate and the Committee on Small Business of
 25 the House of Representatives that contains—

1 (1) the number of debarments from participa-
2 tion in programs of the Administration issued by the
3 Administrator during the 1-year period preceding
4 the date of the report, including—

5 (A) the number of debarments that were
6 based on a conviction; and

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

9 (2) the number of suspensions from participa-
10 tion in programs of the Administration issued by the
11 Administrator during the 1-year period preceding
12 the date of the report, including—

13 (A) the number of suspensions issued that
14 were based upon indictments; and

15 (B) the number of suspensions issued that
16 were fact-based and did not involve an indict-
17 ment;

18 (3) the number of suspension and debarments
19 issued by the Administrator during the 1-year period
20 preceding the date of the report that were based
21 upon referrals from offices of the Administration,
22 other than the Office of Inspector General;

23 (4) the number of suspension and debarments
24 issued by the Administrator during the 1-year period

1 preceding the date of the report based upon referrals
 2 from the Office of Inspector General; and
 3 (5) the number of persons that the Adminis-
 4 trator declined to debar or suspend after a referral
 5 described in paragraph (8), and the reason for each
 6 such decision.

7 **Subtitle C—Fairness in Women-**
 8 **Owned Small Business Contracting**

9 **SEC. 531. SHORT TITLE.**

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

12 **SEC. 532. PROCUREMENT PROGRAM FOR WOMEN-OWNED**
 13 **SMALL BUSINESS CONCERNS.**

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

16 (1) in paragraph (2)—

17 (A) in subparagraph (A), by striking “who
 18 are economically disadvantaged”;

19 (B) in subparagraph (C), by striking
 20 “paragraph (3)” and inserting “paragraph
 21 (4)”;

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

23 (D) by redesignating subparagraphs (E)
 24 and (F) as subparagraphs (D) and (E), respec-
 25 tively; and

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

2 “(7) SOLE SOURCE CONTRACTS.—A contracting
3 officer may award a sole source contract under this
4 subsection to a small business concern owned and
5 controlled by women under the same conditions as a
6 sole source contract may be awarded to a qualified
7 HUBZone small business concern under section
8 31(b)(2)(A).”.

9 **SEC. 533. STUDY AND REPORT ON REPRESENTATION OF**
10 **WOMEN.**

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

14 “(n) STUDY AND REPORT ON REPRESENTATION OF
15 WOMEN.—

16 “(1) STUDY.—The Administrator shall periodi-
17 cally conduct a study to identify any United States
18 industry, as defined under the North American In-
19 dustry Classification System, in which women are
20 underrepresented.

21 “(2) REPORT.—Not later than 5 years after the
22 date of enactment of this subsection, and every 5
23 years thereafter, the Administrator shall submit to
24 the Committee on Small Business and Entrepre-
25 neurship of the Senate and the Committee on Small

1 Business of the House of Representatives a report
 2 on the results of each study under paragraph (1)
 3 conducted during the 5-year period ending on the
 4 date of the report.”.

5 **Subtitle D—Small Business**
 6 **Champion**

7 **SEC. 541. SHORT TITLE.**

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

10 **SEC. 542. OFFICES OF SMALL AND DISADVANTAGED BUSI-**
 11 **NESS UTILIZATION.**

12 (a) APPOINTMENT AND POSITION OF DIRECTOR.—
 13 Section 15(k)(2) of the Small Business Act (15 U.S.C.
 14 644(k)(2)) is amended by striking “such agency,” and in-
 15 serting “such agency to a position that is a Senior Execu-
 16 tive Service position (as such term is defined under section
 17 3132(a) of title 5, United States Code), except that, for
 18 any agency in which the positions of Chief Acquisition Of-
 19 ficer and senior procurement executive (as such terms are
 20 defined under section 43(a) of this Act) are not Senior
 21 Executive Service positions, the Director of Small and Dis-
 22 advantaged Business Utilization may be appointed to a
 23 position compensated at not less than the minimum rate
 24 of basic pay payable for grade GS–15 of the General

1 Schedule under section 5332 of such title (including com-
2 parability payments under section 5304 of such title);”.

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

6 (1) by striking “be responsible only to, and re-
7 port directly to, the head” and inserting “shall be
8 responsible only to (including with respect to per-
9 formance appraisals), and report directly and exclu-
10 sively to, the head”; and

11 (2) by striking “be responsible only to, and re-
12 port directly to, such Secretary” and inserting “be
13 responsible only to (including with respect to per-
14 formance appraisals), and report directly and exclu-
15 sively to, such Secretary”.

16 (c) SMALL BUSINESS TECHNICAL ADVISERS.—Sec-
17 tion 15(k)(8)(B) of the Small Business Act (15 U.S.C.
18 644(k)(8)(B)) is amended by striking “and 15 of this
19 Act,” and inserting “, 15, and 43 of this Act;”.

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

23 “(11) shall review and advise such agency on
24 any decision to convert an activity performed by a

1 small business concern to an activity performed by
2 a Federal employee;

3 “(12) shall provide to the Chief Acquisition Of-
4 ficer and senior procurement executive of such agen-
5 cy advice and comments on acquisition strategies,
6 market research, and justifications related to section
7 43 of this Act;

8 “(13) may provide training to small business
9 concerns and contract specialists, except that such
10 training may only be provided to the extent that the
11 training does not interfere with the Director car-
12 rying out other responsibilities under this subsection;

13 “(14) shall carry out exclusively the duties enu-
14 merated in this Act, and shall, while the Director,
15 not hold any other title, position, or responsibility,
16 except as necessary to carry out responsibilities
17 under this subsection;

18 “(15) shall submit, each fiscal year, to the
19 Committee on Small Business of the House of Rep-
20 resentatives and the Committee on Small Business
21 and Entrepreneurship of the Senate a report de-
22 scribing—

23 “(A) the training provided by the Director
24 under paragraph (13) in the most recently com-
25 pleted fiscal year;

1 “(B) the percentage of the budget of the
2 Director used for such training in the most re-
3 cently completed fiscal year; and

4 “(C) the percentage of the budget of the
5 Director used for travel in the most recently
6 completed fiscal year; and

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

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

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

14 (2) in paragraph (1)—

15 (A) by striking “be known” and inserting
16 “shall be known”; and

17 (B) by striking “such agency,” and insert-
18 ing “such agency;”;

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

21 (4) in paragraph (3)—

22 (A) by striking “director” and inserting
23 “Director”; and

24 (B) by striking “Secretary’s designee,” and
25 inserting “Secretary’s designee;”;

1 (5) in paragraph (4)—

2 (A) by striking “be responsible” and in-
3 serting “shall be responsible”; and

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

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

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

10 (8) in paragraph (7)—

11 (A) by striking “have supervisory” and in-
12 serting “shall have supervisory”; and

13 (B) by striking “this Act,” and inserting
14 “this Act;”;

15 (9) in paragraph (8)—

16 (A) by striking “assign a” and inserting
17 “shall assign a”; and

18 (B) by striking “the activity, and” and in-
19 serting “the activity; and”;

20 (10) in paragraph (9)—

21 (A) by striking “cooperate, and” and in-
22 serting “shall cooperate, and”; and

23 (B) by striking “subsection, and” and in-
24 serting “subsection;”;

25 (11) in paragraph (10)—

1 (A) by striking “make recommendations”
 2 and inserting “shall make recommendations”;

3 (B) by striking “subsection (a), or section”
 4 and inserting “subsection (a), section”;

5 (C) by striking “Act or section 2323” and
 6 inserting “Act, or section 2323”;

7 (D) by striking “Code. Such recommenda-
 8 tions shall” and inserting “Code, which shall”;
 9 and

10 (E) by striking “contract file.” and insert-
 11 ing “contract file;”.

12 **SEC. 543. SMALL BUSINESS PROCUREMENT ADVISORY**
 13 **COUNCIL.**

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

17 (1) in paragraph (1) by striking “and” at the
 18 end;

19 (2) in paragraph (2) by striking “authorities.”
 20 and inserting “authorities;”; and

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

22 “(3) to conduct reviews of each Office of Small
 23 and Disadvantaged Business Utilization established
 24 under section 15(k) of the Small Business Act (15

1 U.S.C. 644(k)) to determine the compliance of each
2 Office with requirements under such section;

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

7 “(5) to submit, annually, to the Committee on
8 Small Business of the House of Representatives and
9 the Committee on Small Business and Entrepre-
10 neurship of the Senate a report describing—

11 “(A) the comments submitted under para-
12 graph (2) during the 1-year period ending on
13 the date on which the report is submitted, in-
14 cluding any outcomes related to the comments;

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

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

20 (b) MEMBERSHIP.—Section 7104(c) of the Federal
21 Acquisition Streamlining Act of 1994 (15 U.S.C. 644
22 note) is amended by striking “(established under section
23 15(k) of the Small Business Act (15 U.S.C. 644(k))”.

24 (c) CHAIRMAN.—Section 7104(d) of the Federal Ac-
25 quisition Streamlining Act of 1994 (15 U.S.C. 644 note)

1 is amended by inserting after “Small Business Adminis-
 2 tration” the following: “(or the designee of the Adminis-
 3 trator)”.

4 **Subtitle E—Subcontracts**

5 **SEC. 551. SUBCONTRACTS AWARDED BY FEDERALLY FUND-** 6 **ED RESEARCH AND DEVELOPMENT CENTERS.**

7 Subsection 15(g) of the Small Business Act (15
 8 U.S.C. 644(g)) is amended by adding at the end the fol-
 9 lowing:

10 “(3) First tier subcontracts that are awarded by a
 11 federally funded research and development center spon-
 12 sored by a Federal agency to small business concerns,
 13 small business concerns owned and controlled by service-
 14 disabled veterans, qualified HUBZone small business con-
 15 cerns, small business concerns owned and controlled by so-
 16 cially and economically disadvantaged individuals, and
 17 small business concerns owned and controlled by women,
 18 shall be considered in determining whether the annually
 19 established agency and governmentwide goals for procure-
 20 ment contracts have been met.”.

