

111TH CONGRESS  
1ST SESSION

# S. 1229

To reauthorize and improve the entrepreneurial development programs of the Small Business Administration, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 10, 2009

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

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## A BILL

To reauthorize and improve the entrepreneurial development programs of the Small Business Administration, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Entrepreneurial Devel-  
5 opment Act of 2009”.

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.
- Sec. 3. Definitions.

## TITLE I—REAUTHORIZATION

Sec. 101. Reauthorization.

## TITLE II—WOMEN’S SMALL BUSINESS OWNERSHIP PROGRAMS

- Sec. 201. Office of Women’s Business Ownership.  
 Sec. 202. Women’s Business Center Program.  
 Sec. 203. National Women’s Business Council.  
 Sec. 204. Interagency Committee on Women’s Business Enterprise.  
 Sec. 205. Preserving the independence of the National Women’s Business Council.  
 Sec. 206. Study and report on women’s business centers.

## TITLE III—NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM

- Sec. 301. Short title.  
 Sec. 302. Native American small business development program.  
 Sec. 303. Study and report on Native American business centers.  
 Sec. 304. Office of Native American Affairs pilot program.

## TITLE IV—VETERANS’ BUSINESS CENTER PROGRAM

- Sec. 401. Veterans’ business center program; Office of Veterans Business Development.  
 Sec. 402. Reporting requirement for interagency task force.  
 Sec. 403. Repeal and renewal of grants.

## TITLE V—PROGRAM FOR INVESTMENT IN MICROENTREPRENEURS

- Sec. 501. PRIME reauthorization.  
 Sec. 502. Conforming repeal and amendments.  
 Sec. 503. References.  
 Sec. 504. Rule of construction.

## TITLE VI—OTHER PROVISIONS

- Sec. 601. Institutions of higher education.  
 Sec. 602. Health insurance options information for small business concerns.  
 Sec. 603. National Small Business Development Center Advisory Board.  
 Sec. 604. Privacy requirements for SCORE chapters.  
 Sec. 605. National small business summit.  
 Sec. 606. SCORE program.  
 Sec. 607. Assistance to out-of-state small businesses.  
 Sec. 608. Small business development centers.  
 Sec. 609. Evaluation of pilot programs.

1 **SEC. 3. DEFINITIONS.**

2 In this Act—

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

4           (2) the term “small business concern” has the  
5           same meaning as in section 3 of the Small Business  
6           Act (15 U.S.C. 632); and

7           (3) the term “small business development cen-  
8           ter” means a small business development center de-  
9           scribed in section 21 of the Small Business Act (15  
10          U.S.C. 648).

## 11           **TITLE I—REAUTHORIZATION**

### 12          **SEC. 101. REAUTHORIZATION.**

13          (a) IN GENERAL.—Section 20 of the Small Business  
14          Act (15 U.S.C. 631 note) is amended—

15               (1) by redesignating subsection (j) as sub-  
16               section (f); and

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

18               “(g) SCORE PROGRAM.—There are authorized to be  
19               appropriated to the Administrator to carry out the  
20               SCORE program authorized by section 8(b)(1) such sums  
21               as are necessary for the Administrator to make grants or  
22               enter into cooperative agreements for a total of—

23                       “(1) \$10,000,000 in fiscal year 2010;

24                       “(2) \$11,000,000 in fiscal year 2011; and

25                       “(3) \$13,000,000 in fiscal year 2012.”.

1 (b) SMALL BUSINESS DEVELOPMENT CENTERS.—  
2 Section 21(a)(4)(C)(vii) of the Small Business Act (15  
3 U.S.C. 648(a)(4)(C)(vii)) is amended to read as follows:

4 “(vii) AUTHORIZATION OF APPROPRIA-  
5 TIONS.—There are authorized to be appro-  
6 priated to carry out this subparagraph—

7 “(I) \$150,000,000 for fiscal year  
8 2010;

9 “(II) \$155,000,000 for fiscal  
10 year 2011; and

11 “(III) \$160,000,000 for fiscal  
12 year 2012.”.

13 (c) PAUL D. COVERDELL DRUG-FREE WORKPLACE  
14 PROGRAM.—

15 (1) IN GENERAL.—Section 27(g) of the Small  
16 Business Act (15 U.S.C. 654(g)) is amended—

17 (A) in paragraph (1), by striking “fiscal  
18 years 2005 and 2006” and inserting “fiscal  
19 years 2010 through 2012”; and

20 (B) in paragraph (2), by striking “fiscal  
21 years 2005 and 2006” and inserting “fiscal  
22 years 2010 through 2012”.

23 (2) CONFORMING AMENDMENT.—Section  
24 21(c)(3)(T) of the Small Business Act (15 U.S.C.

1       648(c)(3)(T)) is amended by striking “October 1,  
2       2006” and inserting “October 1, 2012”.

3       **TITLE II—WOMEN’S SMALL BUSI-**  
4       **NESS OWNERSHIP PROGRAMS**

5       **SEC. 201. OFFICE OF WOMEN’S BUSINESS OWNERSHIP.**

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

8               (1) in paragraph (2)—

9                       (A) in subparagraph (B)(i), by striking “in  
10                      the areas” and all that follows through the end  
11                      of subclause (I), and inserting the following: “to  
12                      address issues concerning the management, op-  
13                      erations, manufacturing, technology, finance,  
14                      retail and product sales, international trade,  
15                      Government contracting, and other disciplines  
16                      required for—

17                               “(I) starting, operating, and in-  
18                               creasing the business of a small busi-  
19                               ness concern;”; and

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

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

1           “(3) TRAINING.—The Administrator may pro-  
2           vide annual programmatic and financial oversight  
3           training for women’s business ownership representa-  
4           tives and district office technical representatives of  
5           the Administration to enable representatives to carry  
6           out their responsibilities.

7           “(4) PROGRAM AND TRANSPARENCY IMPROVE-  
8           MENTS.—The Administrator shall maximize the  
9           transparency of the women’s business center finan-  
10          cial assistance proposal process and the pro-  
11          grammatic and financial oversight process by—

12                 “(A) providing public notice of the an-  
13                 nouncement for financial assistance under sub-  
14                 section (b) and grants under subsection (l) not  
15                 later than the end of the first quarter of each  
16                 fiscal year;

17                 “(B) in the announcement described in  
18                 subparagraph (A), outlining award and pro-  
19                 gram evaluation criteria and describing the  
20                 weighting of the criteria for financial assistance  
21                 under subsection (b) and grants under sub-  
22                 section (l);

23                 “(C) minimizing paperwork and reporting  
24                 requirements for applicants for and recipients  
25                 of financial assistance under this section;

1           “(D) standardizing the oversight and re-  
2 view process of the Administration; and

3           “(E) providing to each women’s business  
4 center, not later than 60 days after the comple-  
5 tion of a site visit at the women’s business cen-  
6 ter (whether conducted for an audit, perform-  
7 ance review, or other reason), a copy of site  
8 visit reports and evaluation reports prepared by  
9 district office technical representatives or offi-  
10 cers or employees of the Administration.”.

11 (b) CHANGE OF TITLE.—

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

14           (A) in subsection (a)—

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

16                   (ii) by redesignating paragraphs (2)

17 and (3) as paragraphs (4) and (5), respec-

18 tively; and

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

20 as so redesignated, the following:

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

1 (B) by striking “Assistant Administrator”  
 2 each place it appears and inserting “Director”;  
 3 and

4 (C) in subsection (g)(2), in the paragraph  
 5 heading, by striking “ASSISTANT ADMINIS-  
 6 TRATOR” and inserting “DIRECTOR”.

7 (2) WOMEN’S BUSINESS OWNERSHIP ACT OF  
 8 1988.—Title IV of the Women’s Business Ownership  
 9 Act of 1988 (15 U.S.C. 7101 et seq.) is amended—

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

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

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

17 **SEC. 202. WOMEN’S BUSINESS CENTER PROGRAM.**

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

21 (1) in subsection (a)—

22 (A) by inserting before paragraph (2), as  
 23 added by section 201(b), the following:

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

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

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

6           (B) by inserting after paragraph (2), as  
7 added by section 201(b), the following:

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

9           “(A) a private nonprofit organization;

10           “(B) a State, regional, or local economic  
11 development organization;

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

14           “(D) a public or private institution of  
15 higher education (as that term is used in sec-  
16 tions 101 and 102 of the Higher Education Act  
17 of 1965 (20 U.S.C. 1001 and 1002)); or

18           “(E) any combination of entities listed in  
19 subparagraphs (A) through (D);”;

20           (C) by adding after paragraph (5), as re-  
21 designated by section 201(b), the following:

22           “(6) the term ‘women’s business center’ means  
23 a project conducted by an eligible entity under this  
24 section that—

1           “(A) is carried out separately from other  
2 projects, if any, of the eligible entity; and

3           “(B) is separate from the financial system  
4 of the eligible entity;”.

5           (2) in subsection (b)—

6           (A) by redesignating paragraphs (1), (2),  
7 and (3) as subparagraphs (A), (B), and (C),  
8 and adjusting the margins accordingly;

9           (B) by striking “The Administration” and  
10 all that follows through “5-year project” and  
11 inserting the following:

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

15           (C) by striking “The projects shall” and  
16 inserting the following:

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

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

22           “(3) AMOUNT OF FINANCIAL ASSISTANCE.—

23           “(A) IN GENERAL.—The Administrator  
24 may award financial assistance under this sub-  
25 section of not less than \$150,000 per year.

1           “(B) EQUAL ALLOCATIONS.—In the event  
2           that the Administration has insufficient funds  
3           to provide financial assistance of \$150,000 for  
4           each recipient of financial assistance under this  
5           subsection in any fiscal year, available funds  
6           shall be allocated equally to recipients, unless a  
7           recipient requests a lower amount than the allo-  
8           cated amount.

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

13                 “(A) a training program for the staff of  
14                 women’s business centers and the Administra-  
15                 tion; and

16                 “(B) recommendations to improve the poli-  
17                 cies and procedures for governing the general  
18                 operations and administration of the Women’s  
19                 Business Center program, including grant pro-  
20                 gram improvements under subsection (g)(5).”;  
21                 (3) in subsection (c)—

22                         (A) in paragraph (1) by striking “the re-  
23                         cipient organization” and inserting “an eligible  
24                         entity”;

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

4 (C) in paragraph (4)—

5 (i) by striking “recipient” each place  
 6 it appears and inserting “eligible entity”;  
 7 and

8 (ii) by striking “such organization”  
 9 and inserting “the eligible entity”;

10 (4) in subsection (e)—

11 (A) by striking “applicant organization”  
 12 and inserting “eligible entity”;

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

15 (C) by striking “site”;

16 (5) by striking subsection (f) and inserting the  
 17 following:

18 “(f) APPLICATIONS AND CRITERIA FOR INITIAL FI-  
 19 NANCIAL ASSISTANCE.—

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

24 “(A) a certification that the eligible enti-  
 25 ty—

1           “(i) has designated an executive direc-  
2           tor or program manager, who may be com-  
3           pensated from financial assistance under  
4           subsection (b) or other sources, to manage  
5           the center on a full-time basis; and

6           “(ii) as a condition of receiving finan-  
7           cial assistance under subsection (b),  
8           agrees—

9                       “(I) to receive a site visit by the  
10                      Administrator as part of the final se-  
11                      lection process;

12                     “(II) to undergo an annual pro-  
13                     grammatic and financial review; and

14                     “(III) to the maximum extent  
15                     practicable, to remedy any problems  
16                     identified pursuant to the site visit or  
17                     review under subclause (I) or (II);

18           “(iii) meets the accounting and re-  
19           porting requirements established by the  
20           Director of the Office of Management and  
21           Budget;

22           “(B) information demonstrating that the  
23           eligible entity has the ability and resources to  
24           meet the needs of the market to be served by  
25           the women’s business center for which financial

1 assistance under subsection (b) is sought, in-  
2 cluding the ability to obtain the non-Federal  
3 contribution required under subsection (c);

4 “(C) information relating to the assistance  
5 to be provided by the women’s business center  
6 for which financial assistance under subsection  
7 (b) is sought in the area in which the women’s  
8 business center site is located;

9 “(D) information demonstrating the expe-  
10 rience and effectiveness of the eligible entity  
11 in—

12 “(i) conducting financial, manage-  
13 ment, and marketing assistance programs,  
14 as described under subsection (b)(2), which  
15 are designed to teach or upgrade the busi-  
16 ness skills of women who are business own-  
17 ers or potential business owners;

18 “(ii) providing training and services to  
19 a representative number of women who are  
20 socially and economically disadvantaged;  
21 and

22 “(iii) using resource partners of the  
23 Administration and other entities, such as  
24 universities; and

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

4                   “(i) to serve women who are business  
5                   owners or potential owners by conducting  
6                   training and counseling activities; and

7                   “(ii) to provide training and services  
8                   to a representative number of women who  
9                   are socially and economically disadvan-  
10                  taged.

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

16           “(3) REVIEW AND APPROVAL OF APPLICATIONS  
17           FOR INITIAL FINANCIAL ASSISTANCE.—

18                   “(A) IN GENERAL.—The Administrator  
19           shall—

20                   “(i) review each application submitted  
21                   under paragraph (1), based on the infor-  
22                   mation described in such paragraph and  
23                   the criteria set forth under subparagraph  
24                   (B) of this paragraph; and

1           “(ii) to the extent practicable, as part  
2 of the final selection process, conduct a  
3 site visit at each women’s business center  
4 for which financial assistance under sub-  
5 section (b) is sought.

6           “(B) SELECTION CRITERIA.—

7           “(i) IN GENERAL.—The Administrator  
8 shall evaluate applicants for financial as-  
9 sistance under subsection (b) in accordance  
10 with selection criteria that are—

11                   “(I) established before the date  
12 on which applicants are required to  
13 submit the applications;

14                   “(II) stated in terms of relative  
15 importance; and

16                   “(III) publicly available and stat-  
17 ed in each solicitation for applications  
18 for financial assistance under sub-  
19 section (b) made by the Adminis-  
20 trator.

21           “(ii) REQUIRED CRITERIA.—The se-  
22 lection criteria for financial assistance  
23 under subsection (b) shall include—

24                   “(I) the experience of the appli-  
25 cant in conducting programs or ongo-

1           ing efforts designed to teach or en-  
2           hance the business skills of women  
3           who are business owners or potential  
4           business owners;

5                   “(II) the ability of the applicant  
6           to commence a project within a min-  
7           imum amount of time;

8                   “(III) the ability of the applicant  
9           to provide training and services to a  
10          representative number of women who  
11          are socially and economically dis-  
12          advantaged; and

13                   “(IV) the location for the wom-  
14          en’s business center site proposed by  
15          the applicant, including whether the  
16          applicant is located in a State in  
17          which there is not a women’s business  
18          center receiving funding from the Ad-  
19          ministration.

20                   “(C) PROXIMITY.—If the principal place of  
21          business of an applicant for financial assistance  
22          under subsection (b) is located less than 50  
23          miles from the principal place of business of a  
24          women’s business center that received funds  
25          under this section on or before the date of the

1 application, the applicant shall not be eligible  
 2 for the financial assistance, unless the applicant  
 3 submits a detailed written justification of the  
 4 need for an additional center in the area in  
 5 which the applicant is located.

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

10 (6) in subsection (m), by striking paragraph (3)  
 11 and inserting the following:

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

14 “(A) APPLICATION.—Each eligible entity  
 15 desiring a grant under this subsection shall  
 16 submit to the Administrator an application that  
 17 contains—

18 “(i) a certification that the appli-  
 19 cant—

20 “(I) is a private nonprofit organi-  
 21 zation;

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

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

4                   “(aa) to receive a site visit  
5                   as part of the final selection  
6                   process;

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

16                  “(cc) to remedy any problem  
17                  identified pursuant to the site  
18                  visit or review under item (aa) or  
19                  (bb);

20                  “(ii) information demonstrating that  
21                  the applicant has the ability and resources  
22                  to meet the needs of the market to be  
23                  served by the women’s business center for  
24                  which a grant under this subsection is  
25                  sought, including the ability to ability to

1 obtain the non-Federal contribution re-  
2 quired under paragraph (4)(C);

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

8 “(iv) information demonstrating the  
9 use of resource partners of the Administra-  
10 tion and other entities;

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

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

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

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

1                   “(B) REVIEW AND APPROVAL OF APPLICA-  
2                   TIONS FOR GRANTS.—

3                   “(i) IN GENERAL.—The Administrator  
4                   shall—

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

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

16                  “(ii) SELECTION CRITERIA.—

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

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

1           “(bb) stated in terms of rel-  
2           ative importance; and

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

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

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

14          “(bb) the total number of  
15          new start-up companies assisted  
16          by the applicant;

17          “(cc) the percentage of the  
18          clients of the applicant that are  
19          socially or economically disadvan-  
20          taged; and

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

1                   “(iii) CONDITIONS FOR CONTINUED  
2                   FUNDING.—In determining whether to  
3                   make a grant under this subsection, the  
4                   Administrator—

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

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

18                  “(C) NOTIFICATION.—Not later than 60  
19                  days after the date of the deadline to submit  
20                  applications for each fiscal year, the Adminis-  
21                  trator shall approve or deny any application  
22                  under this paragraph and notify the applicant  
23                  for each such application.

24                  “(D) RECORD RETENTION.—The Adminis-  
25                  trator shall maintain a copy of each application

1 submitted under this paragraph for not less  
2 than 7 years.”.

3 (b) TECHNICAL AND CONFORMING AMENDMENTS.—  
4 Section 29 of the Small Business Act (15 U.S.C. 656) is  
5 amended—

6 (1) in subsection (h)(2), by striking “to award  
7 a contract (as a sustainability grant) under sub-  
8 section (l) or”;

9 (2) in subsection (j)(1), by striking “The Ad-  
10 ministration” and inserting “Not later than Novem-  
11 ber 1st of each year, the Administrator”;

12 (3) in subsection (k)—

13 (A) by striking paragraphs (1), (2), and  
14 (4);

15 (B) by redesignating paragraph (3) as  
16 paragraph (5); and

17 (C) by inserting before paragraph (5), as  
18 so redesignated, the following:

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

22 “(A) \$20,000,000 for fiscal year 2010;

23 “(B) \$20,500,000 for fiscal year 2011; and

24 “(C) \$21,000,000 for fiscal year 2012.

1           “(2) ALLOCATION.—Of amounts made available  
2 pursuant to paragraph (1), the Administrator shall  
3 use not less than 50 percent for grants under sub-  
4 section (1).

5           “(3) USE OF AMOUNTS.—Amounts made avail-  
6 able under this subsection may only be used for  
7 grant awards and may not be used for costs incurred  
8 by the Administration in connection with the man-  
9 agement and administration of the program under  
10 this section.

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

13           “(A) IN GENERAL.—The authority of the  
14 Administrator to provide financial assistance  
15 under this section shall be in effect for each fis-  
16 cal year only to the extent and in the amounts  
17 as are provided in advance in appropriations  
18 Acts.

19           “(B) PROMPT DISBURSEMENT.—Upon re-  
20 ceiving funds to carry out this section for a fis-  
21 cal year, the Administrator shall, to the extent  
22 practicable, promptly reimburse funds to any  
23 women’s business center awarded financial as-  
24 sistance under this section if the center meets  
25 the eligibility requirements under this section.

1           “(C) RENEWAL.—After the Administrator  
 2           has entered into a grant or cooperative agree-  
 3           ment with any women’s business center under  
 4           this section, the Administrator shall not sus-  
 5           pend, terminate, or fail to renew or extend any  
 6           such grant or cooperative agreement, unless the  
 7           Administrator—

8                   “(i) provides the women’s business  
 9                   center with written notification setting  
 10                  forth the reasons for that action; and

11                   “(ii) affords the center an opportunity  
 12                  for a hearing, appeal, or other administra-  
 13                  tive proceeding under chapter 5 of title 5,  
 14                  United States Code.”;

15           (4) in subsection (m)(4)(D), by striking “or  
 16           subsection (l)”;

17           (5) by redesignating subsections (m) and (n),  
 18           as amended by this Act, as subsections (l) and (m),  
 19           respectively.

20 **SEC. 203. NATIONAL WOMEN’S BUSINESS COUNCIL.**

21           (a) MEMBERSHIP.—Section 407(f) of the Women’s  
 22           Business Ownership Act of 1988 (15 U.S.C. 7107(f)) is  
 23           amended by adding at the end the following:

24                   “(3) REPRESENTATION OF MEMBER ORGANIZA-  
 25                  TIONS.—In consultation with the chairperson of the

1 Council and the Administrator, a national women’s  
2 business organization or small business concern that  
3 is represented on the Council may replace its rep-  
4 resentative member on the Council during the serv-  
5 ice term to which that member was appointed.”.

6 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
7 410(a) of the Women’s Business Ownership Act of 1988  
8 (15 U.S.C. 7110(a)) is amended by striking “2001  
9 through 2003, of which \$550,000” and inserting “2010  
10 through 2012, of which not less than 30 percent”.

11 **SEC. 204. INTERAGENCY COMMITTEE ON WOMEN’S BUSI-**  
12 **NESS ENTERPRISE.**

13 (a) CHAIRPERSON.—Section 403(b) of the Women’s  
14 Business Ownership Act of 1988 (15 U.S.C. 7103(b)) is  
15 amended—

16 (1) by striking “Not later” and inserting the  
17 following:

18 “(1) IN GENERAL.—Not later”; and

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

20 “(2) VACANCY.—In the event that a chair-  
21 person is not appointed under paragraph (1), the  
22 Deputy Administrator of the Small Business Admin-  
23 istration shall serve as acting chairperson of the  
24 Interagency Committee until a chairperson is ap-  
25 pointed under paragraph (1).”.

1 (b) POLICY ADVISORY GROUP.—Section 401 of the  
2 Women’s Business Ownership Act of 1988 (15 U.S.C.  
3 7101) is amended—

4 (1) by striking “There” and inserting the fol-  
5 lowing:

6 “(a) ESTABLISHMENT OF COMMITTEE.—There”; and

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

8 “(b) POLICY ADVISORY GROUP.—

9 “(1) ESTABLISHMENT.—There is established a  
10 Policy Advisory Group within the Interagency Com-  
11 mittee to assist the chairperson in developing poli-  
12 cies and programs under this Act.

13 “(2) MEMBERSHIP.—The Policy Advisory  
14 Group shall be composed of 7 policy making offi-  
15 cials, of whom—

16 “(A) 1 shall be a representative of the  
17 Small Business Administration;

18 “(B) 1 shall be a representative of the De-  
19 partment of Commerce;

20 “(C) 1 shall be a representative of the De-  
21 partment of Labor;

22 “(D) 1 shall be a representative of the De-  
23 partment of Defense;

24 “(E) 1 shall be a representative of the De-  
25 partment of the Treasury; and

1           “(F) 2 shall be representatives of the  
2           Council.

3           “(3) MEETINGS.—The Policy Advisory Group  
4           established under paragraph (1) shall meet not less  
5           frequently than 3 times each year to—

6           “(A) plan activities for the new fiscal year;

7           “(B) track year-to-date agency contracting  
8           activities; and

9           “(C) evaluate the progress during the fis-  
10          cal year and prepare an annual report.”.

11 **SEC. 205. PRESERVING THE INDEPENDENCE OF THE NA-**  
12 **TIONAL WOMEN’S BUSINESS COUNCIL.**

13          (a) FINDINGS.—Congress finds the following:

14           (1) The National Women’s Business Council  
15           provides an independent source of advice and policy  
16           recommendations regarding women’s business devel-  
17           opment and the needs of women entrepreneurs in  
18           the United States to—

19           (A) the President;

20           (B) Congress;

21           (C) the Interagency Committee on Wom-  
22           en’s Business Enterprise; and

23           (D) the Administrator.

24           (2) The members of the National Women’s  
25           Business Council are small business owners, rep-

1 representatives of business organizations, and rep-  
2 resentatives of women's business centers.

3 (3) The chairman and ranking member of the  
4 Committee on Small Business and Entrepreneurship  
5 of the Senate and the Committee on Small Business  
6 of the House of Representatives make recommenda-  
7 tions to the Administrator to fill 8 of the positions  
8 on the National Women's Business Council. Four of  
9 the positions are reserved for small business owners  
10 who are affiliated with the political party of the  
11 President, and 4 of the positions are reserved for  
12 small business owners who are not affiliated with the  
13 political party of the President. This method of ap-  
14 pointment ensures that the National Women's Busi-  
15 ness Council will provide Congress with nonpartisan,  
16 balanced, and independent advice.

17 (4) In order to maintain the independence of  
18 the National Women's Business Council and to en-  
19 sure that the Council continues to provide the Presi-  
20 dent, the Interagency Committee on Women's Busi-  
21 ness Enterprise, the Administrator, and Congress  
22 with advice on a nonpartisan basis, it is essential  
23 that the Council maintain the bipartisan balance es-  
24 tablished under section 407 of the Women's Busi-  
25 ness Ownership Act of 1988 (15 U.S.C. 7107).

1 (b) MAINTENANCE OF PARTISAN BALANCE.—Section  
2 407(f) of the Women’s Business Ownership Act of 1988  
3 (15 U.S.C. 7107(f)), as amended by this Act, is amended  
4 by adding at the end the following:

5 “(4) PARTISAN BALANCE.—When filling a va-  
6 cancy under paragraph (1) of this subsection of a  
7 member appointed under paragraph (1) or (2) of  
8 subsection (b), the Administrator shall, to the extent  
9 practicable, ensure that there are an equal number  
10 of members on the Council from each of the 2 major  
11 political parties.

12 “(5) ACCOUNTABILITY.—If a vacancy is not  
13 filled within the 30-day period required under para-  
14 graph (1), or if there is an imbalance in the number  
15 of members on the Council from each of the 2 major  
16 political parties for a period exceeding 30 days, the  
17 Administrator shall submit a report, not later than  
18 10 days after the expiration of either such 30-day  
19 deadline, to the Committee on Small Business and  
20 Entrepreneurship of the Senate and the Committee  
21 on Small Business of the House of Representatives,  
22 that explains why the respective deadline was not  
23 met and provides an estimated date on which any  
24 vacancies will be filled, as applicable.”.

1 **SEC. 206. STUDY AND REPORT ON WOMEN'S BUSINESS CEN-**  
2 **TERS.**

3 (a) IN GENERAL.—The Comptroller General of the  
4 United States shall conduct a broad study of the unique  
5 economic issues facing women's business centers located  
6 in covered areas to identify—

7 (1) the difficulties such centers face in raising  
8 non-Federal funds;

9 (2) the difficulties such centers face competing  
10 for financial assistance, non-Federal funds, or other  
11 types of assistance;

12 (3) the difficulties such centers face in writing  
13 grant proposals; and

14 (4) other difficulties such centers face because  
15 of the economy in the type of covered area in which  
16 such centers are located.

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 regarding the results of the  
20 study conducted under subsection (a), which shall include  
21 recommendations, if any, regarding how to—

22 (1) address the unique difficulties women's  
23 business centers located in covered areas face be-  
24 cause of the type of covered area in which such cen-  
25 ters are located;

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

4           (3) best use technology and other resources to  
5 better serve women business owners located in cov-  
6 ered areas.

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

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

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

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

14 **TITLE III—NATIVE AMERICAN**  
15 **SMALL BUSINESS DEVELOP-**  
16 **MENT PROGRAM**

17 **SEC. 301. SHORT TITLE.**

18           This title may be cited as the “Native American  
19 Small Business Development Act of 2009”.

20 **SEC. 302. NATIVE AMERICAN SMALL BUSINESS DEVELOP-**  
21 **MENT PROGRAM.**

22           The Small Business Act (15 U.S.C. 631 et seq.) is  
23 amended—

24           (1) by redesignating section 44 as section 45;

25           and

1 (2) by inserting after section 43 the following:

2 **“SEC. 44. NATIVE AMERICAN SMALL BUSINESS DEVELOP-**  
3 **MENT PROGRAM.**

4 “(a) DEFINITIONS.—In this section—

5 “(1) the term ‘Alaska Native’ has the meaning  
6 given the term ‘Native’ in section 3(b) of the Alaska  
7 Native Claims Settlement Act (43 U.S.C. 1602(b));

8 “(2) the term ‘Alaska Native corporation’ has  
9 the meaning given the term ‘Native Corporation’ in  
10 section 3(m) of the Alaska Native Claims Settlement  
11 Act (43 U.S.C. 1602(m));

12 “(3) the term ‘Assistant Administrator’ means  
13 the Assistant Administrator of the Office of Native  
14 American Affairs established under subsection (b);

15 “(4) the terms ‘center’ and ‘Native American  
16 business center’ mean a center established under  
17 subsection (c);

18 “(5) the term ‘eligible applicant’ means—

19 “(A) an Indian tribe;

20 “(B) a tribal college;

21 “(C) an Alaska Native corporation; or

22 “(D) a private, nonprofit organization—

23 “(i) that provides business and finan-  
24 cial or procurement technical assistance to

1 any entity described in subparagraph (A),  
2 (B), or (C); and

3 “(ii) the majority of members of the  
4 board of directors of which are members of  
5 an Indian tribe; or

6 “(E) a small business development center,  
7 women’s business center, or other private orga-  
8 nization participating in a joint project;

9 “(6) the term ‘Indian’ means a member of an  
10 Indian tribe;

11 “(7) the term ‘Indian tribe’ has the meaning  
12 given that term in section 4 of the Indian Self-De-  
13 termination and Education Assistance Act (25  
14 U.S.C. 450b);

15 “(8) the term ‘joint project’ means a project  
16 that—

17 “(A) combines the resources and expertise  
18 of 2 or more distinct entities at a physical loca-  
19 tion dedicated to assisting the Native American  
20 community; and

21 “(B) submits to the Administration a joint  
22 application that contains—

23 “(i) a certification that each partici-  
24 pant of the project—

25 “(I) is an eligible applicant;

1                   “(II) employs an executive direc-  
2                   tor or program manager to manage  
3                   the center; and

4                   “(ii) provides information dem-  
5                   onstrating a record of commitment to pro-  
6                   viding assistance to Native Americans and;

7                   “(iii) information demonstrating that  
8                   the participants in the joint project have  
9                   the ability and resources to meet the  
10                  needs, including the cultural needs, of the  
11                  Native Americans to be served by the  
12                  project;

13                 “(9) the term ‘Native American Business En-  
14                 terprise Center’ means an entity providing business  
15                 development assistance to federally recognized tribes  
16                 and Native Americans under a grant from the Mi-  
17                 nority Business Development Agency of the Depart-  
18                 ment of Commerce;

19                 “(10) the term ‘Native American small business  
20                 concern’ means a small business concern that is  
21                 owned and controlled by—

22                         “(A) a member of an Indian tribe; or

23                         “(B) an Alaska Native or Alaska Native  
24                         corporation;

1           “(11) the term ‘Native American small business  
2           development program’ means the program estab-  
3           lished under subsection (c);

4           “(12) the term ‘tribal college’ has the meaning  
5           given the term ‘tribally controlled college or univer-  
6           sity’ has in section 2(a)(4) of the Tribally Controlled  
7           Community College Assistance Act of 1978 (25  
8           U.S.C. 1801(a)(4)); and

9           “(13) the term ‘tribal lands’ means all lands  
10          within the exterior boundaries of any Indian reserva-  
11          tion.

12          “(b) OFFICE OF NATIVE AMERICAN AFFAIRS.—

13                 “(1) ESTABLISHMENT.—There is established  
14                 within the Administration the Office of Native  
15                 American Affairs, which, under the direction of the  
16                 Assistant Administrator, shall implement the pro-  
17                 grams of the Administration for the development of  
18                 business enterprises by Native Americans.

19                 “(2) PURPOSE.—The purpose of the Office of  
20                 Native American Affairs is to assist Native Amer-  
21                 ican entrepreneurs to—

22                         “(A) start, operate, and increase the busi-  
23                         ness of small business concerns;

24                         “(B) develop management and technical  
25                         skills;

1           “(C) seek Federal procurement opportuni-  
2 ties;

3           “(D) increase employment opportunities  
4 for Native Americans through the establishment  
5 and expansion of small business concerns; and

6           “(E) increase the access of Native Ameri-  
7 cans to capital markets.

8           “(3) ASSISTANT ADMINISTRATOR.—

9           “(A) APPOINTMENT.—The Administrator  
10 shall appoint a qualified individual to serve as  
11 Assistant Administrator of the Office of Native  
12 American Affairs in accordance with this para-  
13 graph.

14           “(B) QUALIFICATIONS.—The Assistant  
15 Administrator appointed under subparagraph  
16 (A) shall have—

17                   “(i) knowledge of Native American  
18 culture; and

19                   “(ii) experience providing culturally  
20 tailored small business development assist-  
21 ance to Native Americans.

22           “(C) EMPLOYMENT STATUS.—The Admin-  
23 istrator shall establish the position of Assistant  
24 Administrator as—

1           “(i) a position at GS–15 of the Gen-  
2           eral Schedule; or

3           “(ii) a Senior Executive Service posi-  
4           tion to be filled by a noncareer appointee,  
5           as defined under section 3132(a)(7) of title  
6           5, United States Code.

7           “(D) RESPONSIBILITIES AND DUTIES.—

8           The Assistant Administrator shall—

9           “(i) in consultation with the Associate  
10           Administrator for Entrepreneurial Devel-  
11           opment, administer and manage the Native  
12           American Small Business Development  
13           program established under this section;

14           “(ii) recommend the annual adminis-  
15           trative and program budgets for the Office  
16           of Native American Affairs;

17           “(iii) consult with Native American  
18           business centers in carrying out the pro-  
19           gram established under this section;

20           “(iv) recommend appropriate funding  
21           levels;

22           “(v) review the annual budgets sub-  
23           mitted by each applicant for the Native  
24           American Small Business Development  
25           program;

1           “(vi) select applicants to participate in  
2           the program under this section;

3           “(vii) implement this section; and

4           “(viii) maintain a clearinghouse for  
5           the dissemination and exchange of infor-  
6           mation between Native American business  
7           centers.

8           “(E) CONSULTATION REQUIREMENTS.—In  
9           carrying out the responsibilities and duties de-  
10          scribed in this paragraph, the Assistant Admin-  
11          istrator shall confer with and seek the advice  
12          of—

13                  “(i) officials of the Administration  
14                  working in areas served by Native Amer-  
15                  ican business centers;

16                  “(ii) representatives of Indian tribes;

17                  “(iii) tribal colleges; and

18                  “(iv) Alaska Native corporations.

19          “(c) NATIVE AMERICAN SMALL BUSINESS DEVELOP-  
20          MENT PROGRAM.—

21                  “(1) AUTHORIZATION.—

22                          “(A) IN GENERAL.—The Administration,  
23                          through the Office of Native American Affairs,  
24                          shall provide financial assistance to eligible ap-

1           plicants to create Native American business  
2           centers in accordance with this section.

3           “(B) USE OF FUNDS.—The financial and  
4           resource assistance provided under this sub-  
5           section shall be used to establish a Native  
6           American business center to overcome obstacles  
7           impeding the creation, development, and expan-  
8           sion of small business concerns, in accordance  
9           with this section, by—

10                   “(i) reservation-based American Indi-  
11                   ans; and

12                   “(ii) Alaska Natives.

13           “(2) 5-YEAR PROJECTS.—

14           “(A) IN GENERAL.—Each Native Amer-  
15           ican business center that receives assistance  
16           under paragraph (1)(A) shall conduct a 5-year  
17           project that offers culturally tailored business  
18           development assistance in the form of—

19                   “(i) financial education, including  
20                   training and counseling in—

21                           “(I) applying for and securing  
22                           business credit and investment cap-  
23                           ital;

24                           “(II) preparing and presenting fi-  
25                           nancial statements; and

1                   “(III) managing cash flow and  
2                   other financial operations of a busi-  
3                   ness concern;

4                   “(ii) management education, including  
5                   training and counseling in planning, orga-  
6                   nizing, staffing, directing, and controlling  
7                   each major activity and function of a small  
8                   business concern; and

9                   “(iii) marketing education, including  
10                  training and counseling in—

11                  “(I) identifying and segmenting  
12                  domestic and international market op-  
13                  portunities;

14                  “(II) preparing and executing  
15                  marketing plans;

16                  “(III) developing pricing strate-  
17                  gies;

18                  “(IV) locating contract opportu-  
19                  nities;

20                  “(V) negotiating contracts; and

21                  “(VI) utilizing varying public re-  
22                  lations and advertising techniques.

23                  “(B) BUSINESS DEVELOPMENT ASSIST-  
24                  ANCE RECIPIENTS.—The business development  
25                  assistance under subparagraph (A) shall be of-

1           ferred to prospective and current owners of small  
2           business concerns that are owned by—

3                   “(i) Indians or Indian tribes, and lo-  
4                   cated on or near tribal lands; or

5                   “(ii) Alaska Natives or Alaska Native  
6                   corporations.

7           “(3) FORM OF FEDERAL FINANCIAL ASSIST-  
8           ANCE.—

9                   “(A) DOCUMENTATION.—

10                   “(i) IN GENERAL.—The financial as-  
11                   sistance to Native American business cen-  
12                   ters authorized under this subsection may  
13                   be made by grant, contract, or cooperative  
14                   agreement.

15                   “(ii) EXCEPTION.—Financial assist-  
16                   ance under this subsection to Alaska Na-  
17                   tive corporations may only be made by  
18                   grant or cooperative agreement.

19                   “(B) PAYMENTS.—

20                   “(i) TIMING.—Payments made under  
21                   this subsection may be disbursed in peri-  
22                   odic installments, at the request of the re-  
23                   cipient.

24                   “(ii) ADVANCE.—The Administrator  
25                   may disburse not more than 25 percent of

1 the annual amount of Federal financial as-  
2 sistance awarded to a Native American  
3 small business center after notice of the  
4 award has been issued.

5 “(C) FEDERAL SHARE.—

6 “(i) IN GENERAL.—

7 “(I) INITIAL FINANCIAL ASSIST-  
8 ANCE.—Except as provided in sub-  
9 clause (II), an eligible applicant that  
10 receives financial assistance under this  
11 subsection shall provide non-Federal  
12 contributions for the operation of the  
13 Native American business center es-  
14 tablished by the eligible applicant in  
15 an amount equal to—

16 “(aa) in each of the first  
17 and second years of the project,  
18 not less than 33 percent of the  
19 amount of the financial assist-  
20 ance received under this sub-  
21 section; and

22 “(bb) in each of the third  
23 through fifth years of the project,  
24 not less than 50 percent of the  
25 amount of the financial assist-

1                   ance received under this sub-  
2                   section.

3                   “(II) RENEWALS.—An eligible  
4                   applicant that receives a renewal of fi-  
5                   nancial assistance under this sub-  
6                   section shall provide non-Federal con-  
7                   tributions for the operation of a Na-  
8                   tive American business center estab-  
9                   lished by the eligible applicant in an  
10                  amount equal to not less than 50 per-  
11                  cent of the amount of the financial as-  
12                  sistance received under this sub-  
13                  section.

14                  “(4) CONTRACT AND COOPERATIVE AGREE-  
15                  MENT AUTHORITY.—A Native American business  
16                  center may enter into a contract or cooperative  
17                  agreement with a Federal department or agency to  
18                  provide specific assistance to Native American and  
19                  other underserved small business concerns located on  
20                  or near tribal lands, to the extent that such contract  
21                  or cooperative agreement is consistent with and does  
22                  not duplicate the terms of any assistance received by  
23                  the Native American business center from the Ad-  
24                  ministration.

25                  “(5) APPLICATION PROCESS.—

1           “(A) SUBMISSION OF A 5-YEAR PLAN.—

2           Each applicant for assistance under paragraph  
3           (1) shall submit a 5-year plan to the Adminis-  
4           tration on proposed assistance and training ac-  
5           tivities.

6           “(B) CRITERIA.—

7           “(i) IN GENERAL.—The Administrator  
8           shall evaluate applicants for financial as-  
9           sistance under this subsection in accord-  
10          ance with selection criteria that are—

11                   “(I) established before the date  
12                   on which eligible applicants are re-  
13                   quired to submit the applications;

14                   “(II) stated in terms of relative  
15                   importance; and

16                   “(III) publicly available and stat-  
17                   ed in each solicitation for applications  
18                   for financial assistance under this  
19                   subsection made by the Administrator.

20           “(ii) CONSIDERATIONS.—The criteria  
21           required by this subparagraph shall in-  
22           clude—

23                   “(I) the experience of the appli-  
24                   cant in conducting programs or ongo-  
25                   ing efforts designed to impart or up-

1 grade the business skills of current or  
2 potential owners of Native American  
3 small business concerns;

4 “(II) the ability of the applicant  
5 to commence a project within a min-  
6 imum amount of time;

7 “(III) the ability of the applicant  
8 to provide quality training and serv-  
9 ices to a significant number of Native  
10 Americans;

11 “(IV) previous assistance from  
12 the Administration to provide services  
13 in Native American communities;

14 “(V) the proposed location for  
15 the Native American business center,  
16 with priority given based on the prox-  
17 imity of the center to the population  
18 being served and to achieve a broad  
19 geographic dispersion of the centers;  
20 and

21 “(VI) demonstrated experience in  
22 providing technical assistance, includ-  
23 ing financial, marketing, and manage-  
24 ment assistance.

1           “(6) CONDITIONS FOR PARTICIPATION.—Each  
2 eligible applicant desiring a grant under this sub-  
3 section shall submit an application to the Adminis-  
4 trator that contains—

5                   “(A) a certification that the applicant—

6                           “(i) is an eligible applicant;

7                           “(ii) employs an executive director or  
8 program manager to manage the Native  
9 American business center; and

10                          “(iii) agrees—

11                                   “(I) to a site visit by the Admin-  
12 istrator as part of the final selection  
13 process;

14                                   “(II) to an annual programmatic  
15 and financial examination; and

16                                   “(III) to the maximum extent  
17 practicable, to remedy any problems  
18 identified pursuant to that site visit or  
19 examination;

20                          “(B) information demonstrating that the  
21 applicant has the ability and resources to meet  
22 the needs, including cultural needs, of the Na-  
23 tive Americans to be served by the grant;

24                          “(C) information relating to proposed as-  
25 sistance that the grant will provide, including—

1           “(i) the number of individuals to be  
2           assisted; and

3           “(ii) the number of hours of coun-  
4           seling, training, and workshops to be pro-  
5           vided;

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

8           “(i) conducting financial, manage-  
9           ment, and marketing assistance programs  
10          designed to educate or improve the busi-  
11          ness skills of, current or prospective Native  
12          American business owners;

13          “(ii) providing training and services to  
14          a representative number of Native Ameri-  
15          cans;

16          “(iii) using resource partners of the  
17          Administration and other entities, includ-  
18          ing universities, Indian tribes, or tribal col-  
19          leges; and

20          “(iv) the prudent management of fi-  
21          nances and staffing;

22          “(E) the location where the applicant will  
23          provide training and services to Native Ameri-  
24          cans;

25          “(F) a 5-year plan that describes—

1           “(i) the number of Native Americans  
2           and Native American small business con-  
3           cerns to be served by the grant;

4           “(ii) if the Native American business  
5           center is located in the continental United  
6           States, the number of Native Americans to  
7           be served by the grant; and

8           “(iii) the training and services to be  
9           provided to a representative number of Na-  
10          tive Americans; and

11          “(G) if the applicant is a joint project—

12           “(i) a certification that each partici-  
13           pant in the joint project is an eligible ap-  
14           plicant;

15           “(ii) information demonstrating a  
16           record of commitment to providing assist-  
17           ance to Native Americans; and

18           “(iii) information demonstrating that  
19           the participants in the joint project have  
20           the ability and resources to meet the  
21           needs, including the cultural needs, of the  
22           Native Americans to be served by the  
23           grant.

24          “(7) REVIEW OF APPLICATIONS.—The Adminis-  
25          trator shall approve or disapprove each completed

1 application submitted under this subsection not later  
2 than 60 days after the date on which the eligible ap-  
3 plicant submits the application.

4 “(8) PROGRAM EXAMINATION.—

5 “(A) IN GENERAL.—Each Native Amer-  
6 ican business center established under this sub-  
7 section shall annually provide to the Adminis-  
8 trator an itemized cost breakdown of actual ex-  
9 penditures made during the preceding year.

10 “(B) ADMINISTRATION ACTION.—Based on  
11 information received under subparagraph (A),  
12 the Administration shall—

13 “(i) develop and implement an annual  
14 programmatic and financial examination of  
15 each Native American business center as-  
16 sisted pursuant to this subsection; and

17 “(ii) analyze the results of each exam-  
18 ination conducted under clause (i) to deter-  
19 mine the programmatic and financial via-  
20 bility of each Native American business  
21 center.

22 “(C) CONDITIONS FOR CONTINUED FUND-  
23 ING.—In determining whether to renew a grant,  
24 contract, or cooperative agreement with a Na-

1           tive American business center, the Administra-  
2           tion—

3                   “(i) shall consider the results of the  
4                   most recent examination of the center  
5                   under subparagraph (B), and, to a lesser  
6                   extent, previous examinations; and

7                   “(ii) may withhold such renewal, if  
8                   the Administrator determines that—

9                           “(I) the center has failed to pro-  
10                           vide the information required to be  
11                           provided under subparagraph (A), or  
12                           the information provided by the center  
13                           is inadequate;

14                           “(II) the center has failed to pro-  
15                           vide adequate information required to  
16                           be provided by the center for purposes  
17                           of the report of the Administrator  
18                           under subparagraph (E);

19                           “(III) the center has failed to  
20                           comply with a requirement for partici-  
21                           pation in the Native American small  
22                           business development program, as de-  
23                           termined by the Administrator, in-  
24                           cluding—

1                   “(aa) failure to acquire or  
2 properly document a non-Federal  
3 share;

4                   “(bb) failure to establish an  
5 appropriate partnership or pro-  
6 gram for marketing and outreach  
7 to reach new Native American  
8 small business concerns;

9                   “(cc) failure to achieve re-  
10 sults described in a financial as-  
11 sistance agreement; and

12                   “(dd) failure to provide to  
13 the Administrator a description  
14 of the amount and sources of any  
15 non-Federal funding received by  
16 the center;

17                   “(IV) the center has failed to  
18 carry out the 5-year plan under in  
19 paragraph (6)(F); or

20                   “(V) the center cannot make the  
21 certification described in paragraph  
22 (6)(A).

23                   “(D) CONTINUING CONTRACT AND COOP-  
24 ERATIVE AGREEMENT AUTHORITY.—

1           “(i) IN GENERAL.—The authority of  
2           the Administrator to enter into contracts  
3           or cooperative agreements in accordance  
4           with this subsection shall be in effect for  
5           each fiscal year only to the extent and in  
6           the amounts as are provided in advance in  
7           appropriations Acts.

8           “(ii) RENEWAL.—After the Adminis-  
9           trator has entered into a contract or coop-  
10          erative agreement with any Native Amer-  
11          ican business center under this subsection,  
12          the Administrator may not suspend, termi-  
13          nate, or fail to renew or extend any such  
14          contract or cooperative agreement unless  
15          the Administrator provides the center with  
16          written notification setting forth the rea-  
17          sons therefor and affords the center an op-  
18          portunity for a hearing, appeal, or other  
19          administrative proceeding under chapter 5  
20          of title 5, United States Code.

21          “(E) MANAGEMENT REPORT.—

22          “(i) IN GENERAL.—The Administra-  
23          tion shall prepare and submit to the Com-  
24          mittee on Small Business and Entrepre-  
25          neurship of the Senate and the Committee

1 on Small Business of the House of Rep-  
2 resentatives an annual report on the effec-  
3 tiveness of all projects conducted by Native  
4 American business centers under this sub-  
5 section and any pilot programs adminis-  
6 tered by the Office of Native American Af-  
7 fairs.

8 “(ii) CONTENTS.—Each report sub-  
9 mitted under clause (i) shall include, with  
10 respect to each Native American business  
11 center receiving financial assistance under  
12 this subsection—

13 “(I) the number of individuals re-  
14 ceiving assistance from the Native  
15 American business center;

16 “(II) the number of startup busi-  
17 ness concerns created with the assist-  
18 ance of the Native American business  
19 center;

20 “(III) the number of existing  
21 businesses in the area served by the  
22 Native American business center seek-  
23 ing to expand employment;

24 “(IV) the number of jobs created  
25 or maintained, on an annual basis, by

1 Native American small business con-  
2 cerns assisted by the center since re-  
3 ceiving funding under this Act;

4 “(V) to the maximum extent  
5 practicable, the amount of the capital  
6 investment and loan financing used by  
7 emerging and expanding businesses  
8 that were assisted by a Native Amer-  
9 ican business center; and

10 “(VI) the most recent examina-  
11 tion, as required under subparagraph  
12 (B), and the determination made by  
13 the Administration under that sub-  
14 paragraph.

15 “(9) ANNUAL REPORT.—Each Native American  
16 business center receiving financial assistance under  
17 this subsection shall submit to the Administrator an  
18 annual report on the services provided with the fi-  
19 nancial assistance, including—

20 “(A) the number of individuals assisted,  
21 categorized by ethnicity;

22 “(B) the number of hours spent providing  
23 counseling and training for those individuals;

1           “(C) the number of startup small business  
2 concerns created or maintained with the assist-  
3 ance of the Native American business center;

4           “(D) the gross receipts of small business  
5 concerns assisted by the Native American busi-  
6 ness center;

7           “(E) the number of jobs created or main-  
8 tained by small business concerns assisted by  
9 the Native American business center; and

10           “(F) the number of jobs for Native Ameri-  
11 cans created or maintained at small business  
12 concerns assisted by the Native American busi-  
13 ness center.

14           “(10) RECORD RETENTION.—

15           “(A) APPLICATIONS.—The Administrator  
16 shall maintain a copy of each application sub-  
17 mitted under this subsection for not less than  
18 7 years.

19           “(B) ANNUAL REPORTS.—The Adminis-  
20 trator shall maintain copies of the certification  
21 submitted under paragraph (6)(A) indefinitely.

22           “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
23 is authorized to be appropriated \$10,000,000 for each of  
24 fiscal years 2010 through 2012, to carry out the Native  
25 American Small Business Development program.”.

1 **SEC. 303. STUDY AND REPORT ON NATIVE AMERICAN BUSI-**  
2 **NESS CENTERS.**

3 (a) IN GENERAL.—The Comptroller General of the  
4 United States shall conduct a broad study of the unique  
5 economic issues facing Native American business centers  
6 to identify—

7 (1) the difficulties such centers face in raising  
8 non-Federal funds;

9 (2) the difficulties such centers face competing  
10 for financial assistance, non-Federal funds, or other  
11 types of assistance;

12 (3) the difficulties such centers face in writing  
13 grant proposals; and

14 (4) other difficulties such centers face because  
15 of the economy in the area in which such centers are  
16 located.

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 regarding the results of the  
20 study conducted under subsection (a), which shall include  
21 recommendations, if any, regarding how to—

22 (1) address the unique difficulties Native Amer-  
23 ican business centers face because of the type of  
24 area in which such centers are located;



1 evaluate and implement best practices for economic  
2 development; and

3 (2) to provide assistance to Indian tribes,  
4 through an interagency working group, in identifying  
5 and implementing economic development opportuni-  
6 ties available from the Federal Government and pri-  
7 vate enterprise, including—

8 (A) the Administration;

9 (B) the Department of Energy;

10 (C) the Environmental Protection Agency;

11 (D) the Department of Commerce;

12 (E) the Federal Communications Commis-  
13 sion;

14 (F) the Department of Justice;

15 (G) the Department of Labor;

16 (H) the Office of National Drug Control  
17 Policy; and

18 (I) the Department of Agriculture.

19 (c) TERMINATION OF PROGRAM.—The authority to  
20 conduct a pilot program under this section shall terminate  
21 on September 30, 2012.

22 (d) REPORT.—Not later than September 30, 2012,  
23 the Office of Native American Affairs shall submit a re-  
24 port to the Committee on Small Business and Entrepre-  
25 neurship of the Senate and the Committee on Small Busi-

1 ness of the House of Representatives regarding the effec-  
 2 tiveness of the self-assessment tool developed under sub-  
 3 section (b)(1).

4 **TITLE IV—VETERANS’ BUSINESS**  
 5 **CENTER PROGRAM**

6 **SEC. 401. VETERANS’ BUSINESS CENTER PROGRAM; OFFICE**  
 7 **OF VETERANS BUSINESS DEVELOPMENT.**

8 (a) IN GENERAL.—Section 32 of the Small Business  
 9 Act (15 U.S.C. 657b) is amended by striking subsection  
 10 (f) and inserting the following:

11 “(f) ONLINE COORDINATION.—

12 “(1) DEFINITION.—In this subsection, the term  
 13 ‘veterans’ assistance provider’ means—

14 “(A) a veterans’ business center estab-  
 15 lished under subsection (g);

16 “(B) an employee of the Administration  
 17 assigned to the Office of Veterans Business De-  
 18 velopment; and

19 “(C) a veterans business ownership rep-  
 20 resentative designated under subsection  
 21 (g)(13)(B).

22 “(2) ESTABLISHMENT.—The Associate Admin-  
 23 istrator shall establish an online mechanism to—

24 “(A) provide information that assists vet-  
 25 erans’ assistance providers in carrying out the

1 activities of the veterans' assistance providers;  
2 and

3 “(B) coordinate and leverage the work of  
4 the veterans' assistance providers, including by  
5 allowing a veterans' assistance provider to—

6 “(i) distribute best practices and  
7 other materials;

8 “(ii) communicate with other vet-  
9 erans' assistance providers regarding the  
10 activities of the veterans' assistance pro-  
11 vider on behalf of veterans; and

12 “(iii) pose questions to and request  
13 input from other veterans' assistance pro-  
14 viders.

15 “(g) VETERANS' BUSINESS CENTER PROGRAM.—

16 “(1) DEFINITIONS.—In this subsection—

17 “(A) the term ‘active duty’ has the mean-  
18 ing given that term in section 101 of title 10,  
19 United States Code;

20 “(B) the term ‘private nonprofit organiza-  
21 tion’ means an entity that is described in sec-  
22 tion 501(c) of the Internal Revenue Code of  
23 1986 and exempt from taxation under section  
24 501(a) of such Code;

1           “(C) the term ‘Reservist’ means a member  
2 of a reserve component of the Armed Forces, as  
3 described in section 10101 of title 10, United  
4 States Code;

5           “(D) the term ‘Service Corps of Retired  
6 Executives’ means the Service Corps of Retired  
7 Executives authorized under section 8(b)(1);

8           “(E) the term ‘small business concern  
9 owned and controlled by veterans’—

10           “(i) has the same meaning as in sec-  
11 tion 3(q); and

12           “(ii) includes a small business con-  
13 cern—

14           “(I) not less than 51 percent of  
15 which is owned by one or more  
16 spouses of veterans or, in the case of  
17 any publicly owned business, not less  
18 than 51 percent of the stock of which  
19 is owned by one or more spouses of  
20 veterans; and

21           “(II) the management and daily  
22 business operations of which are con-  
23 trolled by one or more spouses of vet-  
24 erans;

1           “(F) the term ‘spouse’, relating to a vet-  
2           eran, service-disabled veteran, or Reservist, in-  
3           cludes an individual who is the spouse of a vet-  
4           eran, service-disabled veteran, or Reservist on  
5           the date on which the veteran, service-disabled  
6           veteran, or Reservist died;

7           “(G) the term ‘veterans’ business center  
8           program’ means the program established under  
9           paragraph (2)(A); and

10          “(H) the term ‘women’s business center’  
11          means a women’s business center described in  
12          section 29.

13          “(2) PROGRAM ESTABLISHED.—

14          “(A) IN GENERAL.—The Administrator,  
15          acting through the Associate Administrator,  
16          shall establish a veterans’ business center pro-  
17          gram, under which the Associate Administrator  
18          may provide financial assistance to a private  
19          nonprofit organization to conduct a 5-year  
20          project for the benefit of small business con-  
21          cerns owned and controlled by veterans, which  
22          may be renewed for one or more additional 5-  
23          year periods.

24          “(B) FORM OF FINANCIAL ASSISTANCE.—  
25          Financial assistance under this subsection may

1           be in the form of a grant, a contract, or a coop-  
2           erative agreement.

3           “(3) VETERANS’ BUSINESS CENTERS.—Each  
4           private nonprofit organization that receives financial  
5           assistance under this subsection shall establish or  
6           operate a veterans’ business center (which may in-  
7           clude establishing or operating satellite offices in the  
8           region described in paragraph (5) served by that pri-  
9           vate nonprofit organization) that provides to vet-  
10          erans (including service-disabled veterans), Reserv-  
11          ists, and the spouses of veterans (including service-  
12          disabled veterans) and Reservists—

13                 “(A) financial advice, including training  
14                 and counseling on applying for and securing  
15                 business credit and investment capital, pre-  
16                 paring and presenting financial statements, and  
17                 managing cash flow and other financial oper-  
18                 ations of a small business concern;

19                 “(B) management advice, including train-  
20                 ing and counseling on the planning, organiza-  
21                 tion, staffing, direction, and control of each  
22                 major activity and function of a small business  
23                 concern;

24                 “(C) marketing advice, including training  
25                 and counseling on identifying and segmenting

1 domestic and international market opportuni-  
2 ties, preparing and executing marketing plans,  
3 developing pricing strategies, locating contract  
4 opportunities, negotiating contracts, and using  
5 public relations and advertising techniques; and

6 “(D) advice, including training and coun-  
7 seling, for Reservists and the spouses of Reserv-  
8 ists.

9 “(4) APPLICATION.—

10 “(A) IN GENERAL.—A private nonprofit  
11 organization desiring to receive financial assist-  
12 ance under this subsection shall submit an ap-  
13 plication to the Associate Administrator at such  
14 time and in such manner as the Associate Ad-  
15 ministrator may require.

16 “(B) 5-YEAR PLAN.—Each application de-  
17 scribed in subparagraph (A) shall include a 5-  
18 year plan on proposed fundraising and training  
19 activities relating to the veterans’ business cen-  
20 ter.

21 “(C) DETERMINATION AND NOTIFICA-  
22 TION.—Not later than 60 days after the date  
23 on which a private nonprofit organization sub-  
24 mits an application under subparagraph (A),  
25 the Associate Administrator shall approve or

1 deny the application and notify the applicant of  
2 the determination.

3 “(D) AVAILABILITY OF APPLICATION.—

4 The Associate Administrator shall make every  
5 effort to make the application under subpara-  
6 graph (A) available online.

7 “(5) ELIGIBILITY.—The Associate Adminis-  
8 trator may select to receive financial assistance  
9 under this subsection—

10 “(A) a Veterans Business Outreach Center  
11 established by the Administrator under section  
12 8(b)(17) on or before the day before the date  
13 of enactment of this subsection;

14 “(B) a private nonprofit organization  
15 that—

16 “(i) received financial assistance in  
17 fiscal year 2006 from the National Vet-  
18 erans Business Development Corporation  
19 established under section 33; and

20 “(ii) is in operation on the date of en-  
21 actment of this subsection; or

22 “(C) other private nonprofit organizations  
23 located in various regions of the United States,  
24 as the Associate Administrator determines is  
25 appropriate.

1           “(6) SELECTION CRITERIA.—

2                   “(A) IN GENERAL.—The Associate Admin-  
3           istrator shall establish selection criteria, stated  
4           in terms of relative importance, to evaluate and  
5           rank applicants under paragraph (5)(C) for fi-  
6           nancial assistance under this subsection.

7                   “(B) CRITERIA.—The selection criteria es-  
8           tablished under this paragraph shall include—

9                           “(i) the experience of the applicant in  
10           conducting programs or ongoing efforts de-  
11           signed to impart or upgrade the business  
12           skills of veterans, and the spouses of vet-  
13           erans, who own or may own small business  
14           concerns;

15                           “(ii) for an applicant for initial finan-  
16           cial assistance under this subsection—

17                                   “(I) the ability of the applicant  
18           to begin operating a veterans’ busi-  
19           ness center within a minimum amount  
20           of time; and

21                                   “(II) the geographic region to be  
22           served by the veterans business cen-  
23           ter;

24                           “(iii) the demonstrated ability of the  
25           applicant to—

1                   “(I) provide managerial coun-  
 2                   seling and technical assistance to en-  
 3                   trepreneurs; and

4                   “(II) coordinate services provided  
 5                   by veterans services organizations and  
 6                   other public or private entities; and

7                   “(iv) for any applicant for a renewal  
 8                   of financial assistance under this sub-  
 9                   section, the results of the most recent ex-  
 10                  amination under paragraph (10) of the  
 11                  veterans’ business center operated by the  
 12                  applicant.

13                  “(C) CRITERIA PUBLICLY AVAILABLE.—  
 14                  The Associate Administrator shall—

15                         “(i) make publicly available the selec-  
 16                         tion criteria established under this para-  
 17                         graph; and

18                         “(ii) include the criteria in each solici-  
 19                         tation for applications for financial assist-  
 20                         ance under this subsection.

21                  “(7) AMOUNT OF ASSISTANCE.—The amount of  
 22                  financial assistance provided under this subsection  
 23                  to a private nonprofit organization for each fiscal  
 24                  year shall be—

25                         “(A) not less than \$150,000; and

1                   “(B) not more than \$200,000.

2                   “(8) FEDERAL SHARE.—

3                   “(A) IN GENERAL.—

4                   “(i) INITIAL FINANCIAL ASSIST-  
5                   ANCE.—Except as provided in clause (ii), a  
6                   private nonprofit organization that receives  
7                   financial assistance under this subsection  
8                   shall provide non-Federal contributions for  
9                   the operation of the veterans business cen-  
10                  ter established by the private nonprofit or-  
11                  ganization in an amount equal to—

12                  “(I) in each of the first and sec-  
13                  ond years of the project, not less than  
14                  33 percent of the amount of the fi-  
15                  nancial assistance received under this  
16                  subsection; and

17                  “(II) in each of the third through  
18                  fifth years of the project, not less  
19                  than 50 percent of the amount of the  
20                  financial assistance received under  
21                  this subsection.

22                  “(ii) RENEWALS.—A private nonprofit  
23                  organization that receives a renewal of fi-  
24                  nancial assistance under this subsection  
25                  shall provide non-Federal contributions for

1 the operation of the veterans business cen-  
2 ter established by the private nonprofit or-  
3 ganization in an amount equal to not less  
4 than 50 percent of the amount of the fi-  
5 nancial assistance received under this sub-  
6 section .

7 “(B) FORM OF NON-FEDERAL SHARE.—  
8 Not more than 50 percent of the non-Federal  
9 share for a project carried out using financial  
10 assistance under this subsection may be in the  
11 form of in-kind contributions.

12 “(C) TIMING OF DISBURSEMENT.—The  
13 Associate Administrator may disburse not more  
14 than 25 percent of the financial assistance  
15 awarded to a private nonprofit organization be-  
16 fore the private nonprofit organization obtains  
17 the non-Federal share required under this para-  
18 graph with respect to that award.

19 “(D) FAILURE TO OBTAIN NON-FEDERAL  
20 FUNDING.—

21 “(i) IN GENERAL.—If a private non-  
22 profit organization that receives financial  
23 assistance under this subsection fails to ob-  
24 tain the non-Federal share required under  
25 this paragraph during any fiscal year, the

1 private nonprofit organization may not re-  
2 ceive a disbursement under this subsection  
3 in a subsequent fiscal year or a disburse-  
4 ment for any other project funded by the  
5 Administration, unless the Administrator  
6 makes a written determination that the  
7 private nonprofit organization will be able  
8 to obtain a non-Federal contribution.

9 “(ii) RESTORATION.—A private non-  
10 profit organization prohibited from receiv-  
11 ing a disbursement under clause (i) in a  
12 fiscal year may receive financial assistance  
13 in a subsequent fiscal year if the organiza-  
14 tion obtains the non-Federal share re-  
15 quired under this paragraph for the subse-  
16 quent fiscal year.

17 “(9) CONTRACT AUTHORITY.—A veterans’ busi-  
18 ness center may enter into a contract with a Federal  
19 department or agency to provide specific assistance  
20 to veterans, service-disabled veterans, Reservists, or  
21 the spouses of veterans, service-disabled veterans, or  
22 Reservists. Performance of such contract shall not  
23 hinder the veterans’ business center in carrying out  
24 the terms of the grant received by the veterans’  
25 business centers from the Administrator.

1           “(10) EXAMINATION AND DETERMINATION OF  
2 VIABILITY.—

3           “(A) EXAMINATION.—

4           “(i) IN GENERAL.—The Associate Ad-  
5 ministrator shall conduct an annual exam-  
6 ination of the programs and finances of  
7 each veterans’ business center established  
8 or operated using financial assistance  
9 under this subsection.

10           “(ii) FACTORS.—In conducting the ex-  
11 amination under clause (i), the Associate  
12 Administrator shall consider whether the  
13 veterans business center has failed—

14           “(I) to provide the information  
15 required to be provided under sub-  
16 paragraph (B), or the information  
17 provided by the center is inadequate;

18           “(II) the center has failed to  
19 comply with a requirement for partici-  
20 pation in the veterans’ business center  
21 program, as determined by the Assist-  
22 ant Administrator, including—

23           “(aa) failure to acquire or  
24 properly document a non-Federal  
25 share;

1           “(bb) failure to establish an  
2           appropriate partnership or pro-  
3           gram for marketing and outreach  
4           to small business concerns;

5           “(cc) failure to achieve re-  
6           sults described in a financial as-  
7           sistance agreement; and

8           “(dd) failure to provide to  
9           the Administrator a description  
10          of the amount and sources of any  
11          non-Federal funding received by  
12          the center;

13          “(III) to carry out the 5-year  
14          plan under in paragraph (4)(B); or

15          “(IV) to meet the eligibility re-  
16          quirements under paragraph (5).

17          “(B) INFORMATION PROVIDED.—In the  
18          course of an examination under subparagraph  
19          (A), the veterans’ business center shall provide  
20          to the Associate Administrator—

21                 “(i) an itemized cost breakdown of ac-  
22                 tual expenditures for costs incurred during  
23                 the most recent full fiscal year;

24                 “(ii) documentation of the amount of  
25                 non-Federal contributions obtained and ex-

1                    pended by the veterans' business center  
2                    during the most recent full fiscal year; and

3                    “(iii) with respect to any in-kind con-  
4                    tribution under paragraph (8)(B), verifica-  
5                    tion of the existence and valuation of such  
6                    contributions.

7                    “(C) DETERMINATION OF VIABILITY.—The  
8                    Associate Administrator shall analyze the re-  
9                    sults of each examination under this paragraph  
10                   and, based on that analysis, make a determina-  
11                   tion regarding the viability of the programs and  
12                   finances of each veterans' business center.

13                   “(D) DISCONTINUATION OF FUNDING.—

14                   “(i) IN GENERAL.—The Associate Ad-  
15                   ministrators may discontinue an award of  
16                   financial assistance to a private nonprofit  
17                   organization at any time if the Associate  
18                   Administrator determines under subpara-  
19                   graph (C) that the veterans' business cen-  
20                   ter operated by that organization is not  
21                   viable.

22                   “(ii) RESTORATION.—The Associate  
23                   Administrator may continue to provide fi-  
24                   nancial assistance to a private nonprofit  
25                   organization in a subsequent fiscal year if

1           the Associate Administrator determines  
2           under subparagraph (C) that the veterans'  
3           business center is viable.

4           “(11) PRIVACY REQUIREMENTS.—

5           “(A) IN GENERAL.—Except as provided in  
6           subparagraph (B), a veterans’ business center  
7           established or operated using financial assist-  
8           ance provided under this subsection may not  
9           disclose the name, address, or telephone num-  
10          ber of any individual or small business concern  
11          that receives advice from the veterans’ business  
12          center without the consent of the individual or  
13          small business concern.

14          “(B) EXCEPTION.—A veterans’ business  
15          center may disclose information described in  
16          subparagraph (A)—

17                 “(i) if the Administrator or Associate  
18                 Administrator is ordered to make such a  
19                 disclosure by a court in any civil or crimi-  
20                 nal enforcement action initiated by a Fed-  
21                 eral or State agency; or

22                 “(ii) to the extent that the Adminis-  
23                 trator or Associate Administrator deter-  
24                 mines that such a disclosure is necessary

1 to conduct a financial audit of a veterans'  
2 business center.

3 “(C) ADMINISTRATION USE OF INFORMA-  
4 TION.—This paragraph does not—

5 “(i) restrict access by the Adminis-  
6 trator to program activity data; or

7 “(ii) prevent the Administrator from  
8 using information not described in sub-  
9 paragraph (A) to conduct surveys of indi-  
10 viduals or small business concerns that re-  
11 ceive advice from a veterans' business cen-  
12 ter.

13 “(D) REGULATIONS.—The Administrator  
14 shall issue regulations to establish standards for  
15 requiring disclosures under subparagraph  
16 (B)(ii).

17 “(12) REPORT.—

18 “(A) IN GENERAL.—Not later than 60  
19 days after the end of each fiscal year, the Asso-  
20 ciate Administrator shall submit to the Com-  
21 mittee on Small Business and Entrepreneurship  
22 of the Senate and the Committee on Small  
23 Business of the House of Representatives a re-  
24 port on the effectiveness of the veterans' busi-

1           ness center program in each region during the  
2           most recent full fiscal year.

3           “(B) CONTENTS.—Each report under this  
4           paragraph shall include, at a minimum, for  
5           each veterans’ business center established or  
6           operated using financial assistance provided  
7           under this subsection—

8                   “(i) the number of individuals receiv-  
9                   ing assistance from the veterans’ business  
10                  center, including the number of such indi-  
11                  viduals who are—

12                           “(I) veterans or spouses of vet-  
13                           erans;

14                           “(II) service-disabled veterans or  
15                           spouses of service-disabled veterans;  
16                           or

17                           “(III) Reservists or spouses of  
18                           Reservists;

19                   “(ii) the number of startup small  
20                   business concerns formed by individuals re-  
21                   ceiving assistance from the veterans’ busi-  
22                   ness center, including—

23                           “(I) veterans or spouses of vet-  
24                           erans;

1                   “(II) service-disabled veterans or  
2                   spouses of service-disabled veterans;  
3                   or

4                   “(III) Reservists or spouses of  
5                   Reservists;

6                   “(iii) the gross receipts of small busi-  
7                   ness concerns that receive advice from the  
8                   veterans’ business center;

9                   “(iv) the employment increases or de-  
10                  creases of small business concerns that re-  
11                  ceive advice from the veterans’ business  
12                  center;

13                  “(v) to the maximum extent prac-  
14                  ticable, the increases or decreases in prof-  
15                  its of small business concerns that receive  
16                  advice from the veterans’ business center;  
17                  and

18                  “(vi) the results of the examination of  
19                  the veterans’ business center under para-  
20                  graph (10).

21                  “(13) COORDINATION OF EFFORTS AND CON-  
22                  SULTATION.—

23                  “(A) COORDINATION AND CONSULTA-  
24                  TION.—To the extent practicable, the Associate  
25                  Administrator and each private nonprofit orga-

1 nization that receives financial assistance under  
2 this subsection shall—

3 “(i) coordinate outreach and other ac-  
4 tivities with other programs of the Admin-  
5 istration and the programs of other Fed-  
6 eral agencies;

7 “(ii) consult with technical representa-  
8 tives of the district offices of the Adminis-  
9 tration in carrying out activities using fi-  
10 nancial assistance under this subsection;  
11 and

12 “(iii) provide information to the vet-  
13 erans business ownership representatives  
14 designated under subparagraph (B) and  
15 coordinate with the veterans business own-  
16 ership representatives to increase the abil-  
17 ity of the veterans business ownership rep-  
18 resentatives to provide services throughout  
19 the area served by the veterans business  
20 ownership representatives.

21 “(B) VETERANS BUSINESS OWNERSHIP  
22 REPRESENTATIVES.—

23 “(i) DESIGNATION.—The Adminis-  
24 trator shall designate not fewer than 1 in-  
25 dividual in each district office of the Ad-

1           ministration as a veterans business owner-  
2           ship representative, who shall communicate  
3           and coordinate activities of the district of-  
4           fice with private nonprofit organizations  
5           that receive financial assistance under this  
6           subsection.

7           “(ii) INITIAL DESIGNATION.—The  
8           first individual in each district office of the  
9           Administration designated by the Adminis-  
10          trator as a veterans business ownership  
11          representative under clause (i) shall be an  
12          individual that is employed by the Admin-  
13          istration on the date of enactment of this  
14          subsection.

15          “(14) EXISTING CONTRACTS.—An award of fi-  
16          nancial assistance under this subsection shall not  
17          void any contract between a private nonprofit orga-  
18          nization and the Administration that is in effect on  
19          the date of such award.

20          “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
21          are authorized to be appropriated—

22                 “(1) to carry out subsections (a) through (f),  
23                 \$2,000,000 for each of fiscal years 2010 through  
24                 2012; and

25                 “(2) to carry out subsection (g)—

- 1           “(A) \$8,000,000 for fiscal year 2010;  
2           “(B) \$8,500,000 for fiscal year 2011; and  
3           “(C) \$9,000,000 for fiscal year 2012.”.

4       (b) GAO REPORT.—

5           (1) DEFINITIONS.—In this subsection—

6               (A) the term “small business concern  
7               owned and controlled by veterans” has the  
8               meaning given that term in section 32(g) of the  
9               Small Business Act, as added by this section;  
10              and

11              (B) the term “veterans’ business center  
12              program” means the veterans’ business center  
13              program established under section 32(g) of the  
14              Small Business Act, as added by this section.

15           (2) REPORT.—

16               (A) IN GENERAL.—Not later than 60 days  
17               after the end of the second fiscal year beginning  
18               after the date on which the veterans’ business  
19               center program is established, the Comptroller  
20               General of the United States shall evaluate the  
21               effectiveness of the veterans’ business center  
22               program, and submit to Congress a report on  
23               the results of that evaluation.

24               (B) CONTENTS.—The report submitted  
25               under subparagraph (A) shall include—

1 (i) an assessment of—

2 (I) the use of amounts made  
3 available to carry out the veterans'  
4 business center program;

5 (II) the effectiveness of the serv-  
6 ices provided by each private non-  
7 profit organization receiving financial  
8 assistance under the veterans' busi-  
9 ness center program;

10 (III) whether the services de-  
11 scribed in clause (ii) are duplicative of  
12 services provided by other veteran  
13 service organizations, programs of the  
14 Administration, or programs of an-  
15 other Federal department or agency  
16 and, if so, recommendations regarding  
17 how to alleviate the duplication of the  
18 services; and

19 (IV) whether there are areas of  
20 the United States in which there are  
21 not adequate entrepreneurial services  
22 for small business concerns owned and  
23 controlled by veterans and, if so,  
24 whether there is a veterans' business  
25 center established under the veterans'

1 business center program providing  
2 services to that area; and

3 (ii) recommendations, if any, for im-  
4 proving the veteran's business center pro-  
5 gram.

6 **SEC. 402. REPORTING REQUIREMENT FOR INTERAGENCY**  
7 **TASK FORCE.**

8 Section 32(c) of the Small Business Act (15 U.S.C.  
9 657b(c)) is amended by adding at the end the following:

10 “(4) REPORT.—Not less frequently than twice  
11 each year, the Administrator shall submit to Con-  
12 gress a report on the appointments made to and ac-  
13 tivities of the task force.”.

14 **SEC. 403. REPEAL AND RENEWAL OF GRANTS.**

15 (a) DEFINITION.—In this section, the term “covered  
16 grant, contract, or cooperative agreement” means a grant,  
17 contract, or cooperative agreement that was—

18 (1) made or entered into under section 8(b)(17)  
19 of the Small Business Act (15 U.S.C. 637(b)(17));  
20 and

21 (2) in effect on or before the date described in  
22 subsection (b)(2).

23 (b) REPEAL.—

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

1 (A) in paragraph (15), by adding “and” at  
2 the end;

3 (B) in paragraph (16), by striking “; and”  
4 and inserting a period; and

5 (C) by striking paragraph (17).

6 (2) EFFECTIVE DATE.—The amendments made  
7 by paragraph (1) shall take effect 60 days after the  
8 date of enactment of this Act.

9 (c) TRANSITIONAL RULES.—

10 (1) IN GENERAL.—Notwithstanding any other  
11 provision of law, a covered grant, contract, or coop-  
12 erative agreement shall remain in full force and ef-  
13 fect under the terms, and for the duration, of the  
14 covered grant, contract, or agreement.

15 (2) ADDITIONAL REQUIREMENTS.—Any organi-  
16 zation that was awarded or entered into a covered  
17 grant, contract, or cooperative agreement shall be  
18 subject to the requirements of section 32(g) of the  
19 Small Business Act (15 U.S.C. 657b(g)) (as added  
20 by this Act).

21 (d) RENEWAL OF FINANCIAL ASSISTANCE.—An or-  
22 ganization that was awarded or entered into a covered  
23 grant, contract, or cooperative agreement may apply for  
24 a renewal of the grant, contract, or agreement under the  
25 terms and conditions described in section 32(g) of the

1 Small Business Act (15 U.S.C. 657b(g)) (as added by this  
2 Act).

3 **TITLE V—PROGRAM FOR IN-**  
4 **VESTMENT IN MICROENTRE-**  
5 **PRENEURS**

6 **SEC. 501. PRIME REAUTHORIZATION.**

7 The Small Business Act (15 U.S.C. 631 et seq.) is  
8 amended—

9 (1) by redesignating sections 37 through 44 as  
10 sections 38 through 45, respectively; and

11 (2) by inserting after section 36 the following:

12 **“SEC. 37. PROGRAM FOR INVESTMENT IN MICROENTRE-**  
13 **PRENEURS.**

14 “(a) DEFINITIONS.—In this section:

15 “(1) ASSOCIATE ADMINISTRATOR.—The term  
16 ‘Associate Administrator’ means the Associate Ad-  
17 ministrator for Entrepreneurial Development of the  
18 Administration.

19 “(2) CAPACITY BUILDING SERVICES.—The term  
20 ‘capacity building services’ means services provided  
21 to an organization that is, or that is in the process  
22 of becoming, a microenterprise development organi-  
23 zation or program, for the purpose of enhancing the  
24 ability of the organization to provide training and  
25 services to disadvantaged entrepreneurs.

1           “(3) COLLABORATIVE.—The term ‘collabo-  
2           rative’ means 2 or more nonprofit entities that agree  
3           to act jointly as a qualified organization under this  
4           section.

5           “(4) DISADVANTAGED ENTREPRENEUR.—The  
6           term ‘disadvantaged entrepreneur’ means a micro-  
7           entrepreneur that—

8                   “(A) is a low-income person;

9                   “(B) is a very low-income person; or

10                   “(C) lacks adequate access to capital or  
11           other resources essential for business success,  
12           or is economically disadvantaged, as determined  
13           by the Administrator.

14           “(5) DISADVANTAGED NATIVE AMERICAN EN-  
15           TREPREENEUR.—The term ‘disadvantaged Native  
16           American entrepreneur’ means a disadvantaged en-  
17           trepreneur who is also a member of an Indian Tribe.

18           “(6) INDIAN TRIBE.—The term ‘Indian tribe’  
19           has the meaning given that term in section 4(e) of  
20           the Indian Self-Determination and Education Assist-  
21           ance Act (25 U.S.C. 450b(e)).

22           “(7) INTERMEDIARY.—The term ‘intermediary’  
23           means a private, nonprofit entity that seeks to serve  
24           microenterprise development organizations and pro-  
25           grams, as authorized under subsection (d).

1           “(8) LOW-INCOME PERSON.—The term ‘low-in-  
2           come person’ means a person having an income, ad-  
3           justed for family size, of not more than—

4                   “(A) for metropolitan areas, 80 percent of  
5           the area median income; and

6                   “(B) for nonmetropolitan areas, the great-  
7           er of—

8                           “(i) 80 percent of the area median in-  
9           come; or

10                           “(ii) 80 percent of the statewide non-  
11           metropolitan area median income.

12           “(9) MICROENTREPRENEUR.—The term ‘micro-  
13           entrepreneur’ means the owner or developer of a mi-  
14           croenterprise.

15           “(10) MICROENTERPRISE.—The term ‘microen-  
16           terprise’ means a sole proprietorship, partnership, or  
17           corporation that—

18                   “(A) has not more than 4 employees; and

19                   “(B) generally lacks access to conventional  
20           loans, equity, or other banking services.

21           “(11) MICROENTERPRISE DEVELOPMENT ORGA-  
22           NIZATION OR PROGRAM.—The term ‘microenterprise  
23           development organization or program’ means a non-  
24           profit entity, or a program administered by such an  
25           entity, including community development corpora-

1 tions or other nonprofit development organizations  
2 and social service organizations, that provides serv-  
3 ices to disadvantaged entrepreneurs.

4 “(12) TRAINING AND TECHNICAL ASSIST-  
5 ANCE.—The term ‘training and technical assistance’  
6 means services and support provided to disadvan-  
7 taged entrepreneurs, such as assistance for the pur-  
8 pose of enhancing business planning, marketing,  
9 management, financial management skills, and as-  
10 sistance for the purpose of accessing financial serv-  
11 ices.

12 “(13) QUALIFIED ORGANIZATION.—The term  
13 ‘qualified organization’ means—

14 “(A) a nonprofit microenterprise develop-  
15 ment organization or program (or a group or  
16 collaborative thereof) that has a demonstrated  
17 record of delivering microenterprise services to  
18 disadvantaged entrepreneurs;

19 “(B) an intermediary;

20 “(C) a microenterprise development orga-  
21 nization or program that is—

22 “(i) accountable to a local community;

23 and

1                   “(ii) working in conjunction with a  
2                   State or local government or Indian tribe;  
3                   or

4                   “(D) an Indian tribe acting on its own, if  
5                   the Indian tribe certifies that no private organi-  
6                   zation or program referred to in this paragraph  
7                   exists within its jurisdiction.

8                   “(14) VERY LOW-INCOME PERSON.—The term  
9                   ‘very low-income person’ means an individual having  
10                  an income, adjusted for family size, of not more  
11                  than 150 percent of the poverty line (as defined in  
12                  section 673(2) of the Community Services Block  
13                  Grant Act (42 U.S.C. 9902(2)), including any revi-  
14                  sion required by that section).

15                  “(b) ESTABLISHMENT OF PROGRAM.—The Associate  
16                  Administrator shall establish a microenterprise training  
17                  and technical assistance and capacity building services  
18                  grant program to provide grants to qualified organizations  
19                  in accordance with this section.

20                  “(c) USES OF ASSISTANCE.—A qualified organization  
21                  shall use a grant made under this section—

22                         “(1) to provide training and technical assist-  
23                         ance to disadvantaged entrepreneurs;

24                         “(2) to provide training and technical assist-  
25                         ance and capacity building services to microenter-

1       prise development organizations and programs and  
2       groups of such organizations and programs to assist  
3       such organizations and programs in developing mi-  
4       croenterprise training and services;

5           “(3) to aid in researching and developing the  
6       best practices in the field of microenterprise and  
7       training and technical assistance programs for dis-  
8       advantaged entrepreneurs;

9           “(4) to provide training and technical assist-  
10      ance to disadvantaged Native American entre-  
11      preneurs and prospective disadvantaged Native  
12      American entrepreneurs; and

13          “(5) for such other activities as the Associate  
14      Administrator determines are consistent with the  
15      purposes of this section.

16      “(d) ALLOCATION OF GRANTS; SUBGRANTS.—

17          “(1) ALLOCATION OF GRANTS.—

18           “(A) IN GENERAL.—The Associate Admin-  
19      istrator shall allocate assistance from the Ad-  
20      ministration under this section to ensure that—

21                  “(i) not less than 75 percent of  
22                  amounts made available to the Adminis-  
23                  trator for grants under this section are  
24                  used for activities described in subsection  
25                  (c)(1); and

1           “(ii) not less than 15 percent of  
2           amounts made available to the Adminis-  
3           trator for grants under this section are  
4           used for activities described in subsection  
5           (c)(2).

6           “(B) LIMIT ON INDIVIDUAL ASSISTANCE.—  
7           No single person may receive more than 10 per-  
8           cent of the total amounts made available for  
9           grants under this section for a single fiscal  
10          year.

11          “(2) TARGETED ASSISTANCE.—The Associate  
12          Administrator shall ensure that not less than 50  
13          percent of the total amounts made available for  
14          grants under this section are used to benefit very  
15          low-income persons, including very low-income per-  
16          sons residing on Indian reservations.

17          “(3) SUBGRANTS AUTHORIZED.—

18                 “(A) IN GENERAL.—A qualified organiza-  
19                 tion receiving a grant under this section may  
20                 provide subgrants using that grant to qualified  
21                 organizations that are small or emerging micro-  
22                 enterprises and programs, subject to such rules  
23                 and regulations as the Associate Administrator  
24                 determines are appropriate.

1           “(B) LIMIT ON ADMINISTRATIVE EX-  
2           PENSES.—Not more than 7.5 percent of the  
3           amount received by a qualified organization  
4           under a grant under this section may be used  
5           for administrative expenses in connection with  
6           the making of subgrants under subparagraph  
7           (A).

8           “(4) DIVERSITY.—In making grants under this  
9           section, the Associate Administrator shall ensure  
10          that grant recipients include both large and small  
11          microenterprise organizations that serve urban,  
12          rural, and Indian tribal communities and diverse  
13          populations.

14          “(5) PROHIBITION ON PREFERENTIAL CONSID-  
15          ERATION OF CERTAIN ADMINISTRATION PROGRAM  
16          PARTICIPANTS.—In making grants under this sec-  
17          tion, the Associate Administrator shall ensure that  
18          any application made by a qualified organization  
19          that is a participant in the program established  
20          under section 7(m) does not receive preferential con-  
21          sideration over applications from other qualified or-  
22          ganizations that are not participants in the program.

23          “(e) FEDERAL SHARE.—

24          “(1) IN GENERAL.—A qualified organization  
25          that receives a grant under this section shall provide

1 non-Federal contributions to carry out the activities  
2 described in subsection (c) in an amount equal to  
3 not less than 50 percent of the amount of the grant  
4 received under this section.

5 “(2) SOURCES OF NON-FEDERAL SHARE.—The  
6 non-Federal share of the cost of a project using a  
7 grant under this section may be in the form of fees,  
8 grants, gifts, funds from loan sources, or in-kind re-  
9 sources of an applicant from public or private  
10 sources.

11 “(3) EXCEPTION.—

12 “(A) IN GENERAL.—If the Associate Ad-  
13 ministrator determines that an applicant for as-  
14 sistance under this section has severe con-  
15 straints on available sources of non-Federal  
16 funds, the Associate Administrator may reduce  
17 or eliminate the requirement under paragraph  
18 (1).

19 “(B) LIMITATION.—Not more than 10 per-  
20 cent of the total funds made available from the  
21 Administration in any fiscal year to carry out  
22 this section may be excepted under subpara-  
23 graph (A) from the requirement under para-  
24 graph (1).

1       “(f) APPLICATIONS FOR ASSISTANCE.—An applica-  
2 tion for a grant under this section shall be submitted in  
3 such form and in accordance with such procedures as the  
4 Associate Administrator shall establish.

5       “(g) RECORDKEEPING AND REPORTING.—

6           “(1) IN GENERAL.—Each qualified organization  
7 that receives a grant under this section shall—

8           “(A) submit to the Administration not less  
9 frequently than once every 18-month period, fi-  
10 nancial statements audited by an independent  
11 certified public accountant;

12           “(B) submit an annual report to the Ad-  
13 ministration on the activities of the qualified or-  
14 ganization; and

15           “(C) keep such records as the Associate  
16 Administrator determines are necessary to dis-  
17 close the manner in which amounts made avail-  
18 able under a grant under this section are used.

19           “(2) ACCESS.—Upon the request of the Asso-  
20 ciate Administrator, the Associate Administrator  
21 shall have access to any record of any qualified orga-  
22 nization that receives a grant under this section, for  
23 the purpose of determining compliance with this sec-  
24 tion.

1           “(3) DATA COLLECTION.—Each qualified orga-  
2           nization that receives a grant under this section  
3           shall collect information relating to, as applicable—

4                   “(A) the number of individuals counseled  
5                   or trained by the organization;

6                   “(B) the number of hours of counseling  
7                   provided by the organization;

8                   “(C) the number of startup small business  
9                   concerns formed with the assistance of the or-  
10                  ganization;

11                  “(D) the number of small business con-  
12                  cerns expanded with the assistance of the orga-  
13                  nization;

14                  “(E) the number of low-income individuals  
15                  counseled or trained by the organization; and

16                  “(F) the number of very low-income indi-  
17                  viduals counseled or trained by the organiza-  
18                  tion.

19           “(h) AUTHORIZATION OF APPROPRIATIONS.—

20                   “(1) IN GENERAL.—There are authorized to be  
21                   appropriated to the Administrator \$15,000,000 for  
22                   each of fiscal years 2010 through 2012 to carry out  
23                   this section, which shall remain available until ex-  
24                   pended.

1           “(2) CERTAIN PROGRAMS.—In addition to the  
2           amount authorized under paragraph (1), there are  
3           authorized to be appropriated to the Administrator  
4           \$2,000,000 for each of fiscal years 2010 through  
5           2012 to carry out subsection (c)(4), which shall re-  
6           main available until expended.”.

7   **SEC. 502. CONFORMING REPEAL AND AMENDMENTS.**

8           (a) CONFORMING REPEAL.—Subtitle C of title I of  
9           the Riegle Community Development and Regulatory Im-  
10          provement Act of 1994 (15 U.S.C. 6901 et seq.) is re-  
11          pealed.

12          (b) CONFORMING AMENDMENTS.—The Small Busi-  
13          ness Act (15 U.S.C. 631 et seq.) is amended—

14                 (1) in section 38(d) (15 U.S.C. 657i(d)), as so  
15                 redesignated, by striking “section 43” and inserting  
16                 “section 44”;

17                 (2) in section 41(d) (15 U.S.C. 657l(d)), as so  
18                 redesignated, by striking “section 43” and inserting  
19                 “section 44”; and

20                 (3) in section 42(b) (15 U.S.C. 657m(b)), as so  
21                 redesignated, by striking “section 43” and inserting  
22                 “section 44”.

23   **SEC. 503. REFERENCES.**

24          All references in Federal law, other than section 504  
25          of this Act, to the “Program for Investment in Microentre-

1 preneurs Act of 1999” or the “PRIME Act” shall be  
 2 deemed to be references to section 37 of the Small Busi-  
 3 ness Act, as added by this Act.

4 **SEC. 504. RULE OF CONSTRUCTION.**

5 Nothing in this title or the amendments made by this  
 6 title shall affect any grant or assistance provided under  
 7 the Program for Investment in Microentrepreneurs Act of  
 8 1999 (15 U.S.C. 6901 et seq.), before the date of enact-  
 9 ment of this Act, and any such grant or assistance shall  
 10 be subject to the Program for Investment in Microentre-  
 11 preneurs Act of 1999, as in effect on the day before the  
 12 date of enactment of this Act.

13 **TITLE VI—OTHER PROVISIONS**

14 **SEC. 601. INSTITUTIONS OF HIGHER EDUCATION.**

15 (a) IN GENERAL.—Section 21(a)(1) of the Small  
 16 Business Act (15 U.S.C. 648(a)(1)) is amended by strik-  
 17 ing “: *Provided, That*” and all that follows through “on  
 18 such date.” and inserting the following: “. On and after  
 19 December 31, 2010, the Administration may only make  
 20 a grant under this paragraph to an applicant that is an  
 21 institution of higher education, as defined in section  
 22 101(a) of the Higher Education Act of 1965 (20 U.S.C.  
 23 1001(a)) that is accredited (and not merely in  
 24 preaccreditation status) by a nationally recognized accred-  
 25 iting agency or association, recognized by the Secretary

1 of Education for such purpose in accordance with section  
 2 496 of that Act (20 U.S.C. 1099b), or to a women’s busi-  
 3 ness center operating pursuant to section 29 as a small  
 4 business development center, unless the applicant was re-  
 5 ceiving financial assistance (including a contract or coop-  
 6 erative agreement) on December 31, 2010.”.

7 (b) EFFECTIVE DATE.—The amendment made by  
 8 subsection (a) shall take effect on December 31, 2010.

9 **SEC. 602. HEALTH INSURANCE OPTIONS INFORMATION FOR**  
 10 **SMALL BUSINESS CONCERNS.**

11 (a) DEFINITIONS.—In this section—

12 (1) the term “grant program” means the small  
 13 business health insurance information grant pro-  
 14 gram established under subsection (b)(1); and

15 (2) the term “resource partner” means—

16 (A) the association of small business devel-  
 17 opment centers authorized to be established  
 18 under section 21(a)(3)(A) of the Small Busi-  
 19 ness Act (15 U.S.C. 648(a)(3)(A));

20 (B) the Association of Women’s Business  
 21 Centers;

22 (C) the Service Corps of Retired Execu-  
 23 tives authorized by section 8(b)(1)(B) of the  
 24 Small Business Act (15 U.S.C. 637(b)(1)(B));  
 25 and

1 (D) 1 veterans business center (as that  
2 term is used in section 32(g) of the Small Busi-  
3 ness Act (15 U.S.C. 657b(g)), as added by this  
4 Act), as determined by the Associate Adminis-  
5 trator for Entrepreneurial Development.

6 (b) SMALL BUSINESS HEALTH INSURANCE INFOR-  
7 MATION PROGRAM.—

8 (1) PROGRAM ESTABLISHED.—The Adminis-  
9 trator, acting through the Associate Administrator  
10 for Entrepreneurial Development, shall establish a  
11 program to make grants to resource partners to pro-  
12 vide neutral and objective information and edu-  
13 cational materials regarding health insurance op-  
14 tions, including coverage options within the small  
15 group market, to small business concerns.

16 (2) GRANT RECIPIENTS.—The Associate Ad-  
17 ministrator for Entrepreneurial Development shall  
18 make 1 grant to each of the resource partners.

19 (3) GRANT AMOUNTS.—The grants made under  
20 this section shall—

21 (A) be made from funds appropriated to  
22 the Administrator to carry out the activities of  
23 the Office of Entrepreneurial Development; and

24 (B) not exceed a total amount of  
25 \$5,000,000.

1           (4) CONTRACT.—As a condition of receiving a  
2 grant under this section, each resource partner shall  
3 agree, by contract with the Administration—

4           (A) to begin to use the funds in accordance  
5 with paragraph (5) not later than 1 year after  
6 the date on which the resource partner receives  
7 the grant; and

8           (B) to return any funds that have not been  
9 used, if the Administrator determines that the  
10 resource partner is not carrying out the grant  
11 program activities under paragraph (5)(A).

12       (5) USE OF FUNDS.—

13           (A) GRANT PROGRAM ACTIVITIES.—A re-  
14 source partner shall use funds provided under  
15 the grant program to create, in consultation  
16 with the Associate Administrator for Entrepre-  
17 neurial Development of the Administration—

18           (i) an online training program;

19           (ii) an online repository of health in-  
20 surance information relevant to small busi-  
21 ness concerns;

22           (iii) a counseling curriculum that can  
23 be used in the physical location of the re-  
24 source partner; and

1 (iv) materials containing relevant in-  
2 formation that can be disbursed to owners  
3 of small business concerns throughout the  
4 country.

5 (B) CONTENT OF MATERIALS.—

6 (i) IN GENERAL.—In creating mate-  
7 rials under the grant program, a resource  
8 partner shall evaluate and incorporate rel-  
9 evant portions of existing informational  
10 materials regarding health insurance op-  
11 tions, including materials and resources  
12 developed by the National Association of  
13 Insurance Commissioners, the Kaiser Fam-  
14 ily Foundation, and the Healthcare Lead-  
15 ership Council.

16 (ii) HEALTH INSURANCE OPTIONS.—  
17 In incorporating information regarding  
18 health insurance options under clause (i), a  
19 resource partner shall provide neutral and  
20 objective information regarding health in-  
21 surance options in the geographic area  
22 served by the resource partner, including  
23 traditional employer sponsored health in-  
24 surance for the group insurance market,  
25 such as the health insurance options de-

1           scribed in section 2791 of the Public  
2           Health Services Act (42 U.S.C. 300gg-91)  
3           or section 125 of the Internal Revenue  
4           Code of 1986, and Federal and State  
5           health insurance programs.

6           (c) REVIEW AND REPORT.—

7           (1) REVIEW OF GRANT PROGRAM.—The Asso-  
8           ciate Administrator for Entrepreneurial Develop-  
9           ment shall conduct a review of the effectiveness of  
10          the grant program.

11          (2) REPORT.—Not later than 2 years after the  
12          date on which all grants under the grant program  
13          are disbursed, the Associate Administrator for En-  
14          trepreneurial Development shall submit to the Com-  
15          mittee on Small Business and Entrepreneurship of  
16          the Senate and the Committee on Small Business of  
17          the House of Representatives a report on the results  
18          of the review under paragraph (1).

19   **SEC. 603. NATIONAL SMALL BUSINESS DEVELOPMENT CEN-**  
20                           **TER ADVISORY BOARD.**

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

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

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

4           (3) by striking the third sentence; and

5           (4) in the fourth sentence, by inserting “not  
6           less than” before “one-third”.

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

13       **SEC. 604. PRIVACY REQUIREMENTS FOR SCORE CHAPTERS.**

14          Section 8 of the Small Business Act (15 U.S.C. 637)  
15          is amended by striking subsection (c) and inserting the  
16          following:

17          “(c) PRIVACY REQUIREMENTS.—

18               “(1) IN GENERAL.—A chapter of the SCORE  
19               program authorized by subsection (b)(1) or an agent  
20               of such a chapter may not disclose the name, ad-  
21               dress, or telephone number of any individual or  
22               small business concern receiving assistance from  
23               that chapter or agent without the consent of such in-  
24               dividual or small business concern, unless—

1           “(A) the Administrator is ordered to make  
2 such a disclosure by a court in any civil or  
3 criminal enforcement action initiated by a Fed-  
4 eral or State agency; or

5           “(B) the Administrator determines such a  
6 disclosure to be necessary for the purpose of  
7 conducting a financial audit of a chapter of the  
8 SCORE program authorized by subsection  
9 (b)(1), in which case disclosure shall be limited  
10 to the information necessary for such audit.

11           “(2) ADMINISTRATOR USE OF INFORMATION.—

12 This subsection shall not—

13           “(A) restrict the access of the Adminis-  
14 trator to program activity data; or

15           “(B) prevent the Administrator from using  
16 client information to conduct client surveys.

17           “(3) REGULATIONS.—

18           “(A) IN GENERAL.—The Administrator  
19 shall issue regulations to establish standards—

20           “(i) for disclosures with respect to fi-  
21 nancial audits under paragraph (1)(B);  
22 and

23           “(ii) for client surveys under para-  
24 graph (2)(B), including standards for over-

1           sight of such surveys and for dissemination  
2           and use of client information.

3           “(B) MAXIMUM PRIVACY PROTECTION.—  
4           Regulations under this paragraph shall, to the  
5           extent practicable, provide for the maximum  
6           amount of privacy protection.

7           “(C) INSPECTOR GENERAL.—Until the ef-  
8           fective date of regulations under this para-  
9           graph, any client survey and the use of such in-  
10          formation shall be approved by the Inspector  
11          General of the Administration who shall include  
12          such approval in the semi-annual report of the  
13          Inspector General.”.

14 **SEC. 605. NATIONAL SMALL BUSINESS SUMMIT.**

15          (a) IN GENERAL.—Not later than December 31,  
16 2012, the President shall convene a National Small Busi-  
17 ness Summit to examine the present conditions and future  
18 of the community of small business concerns in the United  
19 States. The summit shall include owners of small business  
20 concerns, representatives of small business groups, labor,  
21 academia, the Federal Government, State governments,  
22 Indian tribes, Federal research and development agencies,  
23 and nonprofit policy groups concerned with the issues of  
24 small business concerns.

1 (b) REPORT.—Not later than 90 days after the date  
2 of the conclusion of the summit convened under subsection  
3 (a), the President shall issue a report on the results of  
4 the summit. The report shall identify key challenges and  
5 make recommendations for promoting entrepreneurship  
6 and the growth of small business concerns.

7 **SEC. 606. SCORE PROGRAM.**

8 (a) IN GENERAL.—Section 8(b)(1)(B) of the Small  
9 Business Act (15 U.S.C. 637(b)(1)(B)) is amended by  
10 striking “a Service Corps of Retired Executives  
11 (SCORE)” and inserting “the SCORE”.

12 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

13 (1) IN GENERAL.—The Small Business Act (15  
14 U.S.C. 631 et seq.) is amended—

15 (A) in section 7(m)(3)(A)(i)(VIII), by  
16 striking “Service Corps of Retired Executives”  
17 and inserting “SCORE”; and

18 (B) in section 33(b)(2), by striking “Serv-  
19 ice Corps of Retired Executives” and inserting  
20 “SCORE”.

21 (2) OTHER LAW.—Section 337(d)(2) of the En-  
22 ergy Policy and Conservation Act (42 U.S.C.  
23 6307(d)(2)) is amended by striking “Service Corps  
24 of Retired Executives (SCORE)” and inserting  
25 “SCORE”.

1           (c) REFERENCES.—Any reference to the Service  
 2 Corps of Retired Executives established under section  
 3 8(b)(1)(B) of the Small Business Act (15 U.S.C.  
 4 637(b)(1)(B)), as in effect on the day before the date of  
 5 enactment of this Act, in any law, rule, regulation, certifi-  
 6 cate, directive, instruction, or other official paper shall be  
 7 considered to refer to the SCORE established under sec-  
 8 tion 8(b)(1)(B) of the Small Business Act, as amended  
 9 by this Act.

10 **SEC. 607. ASSISTANCE TO OUT-OF-STATE SMALL BUSI-**  
 11 **NESSES.**

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

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

16           “(3) ASSISTANCE TO OUT-OF-STATE SMALL BUSI-  
 17 NESSES.—

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

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

20           “(B) DISASTER RECOVERY ASSISTANCE.—

21           “(i) IN GENERAL.—At the discretion of the  
 22 Administrator, the Administrator may authorize  
 23 a small business development center to provide  
 24 assistance, as described in subsection (c), to  
 25 small business concerns located outside of the

1 State, without regard to geographic proximity,  
2 if the small business concerns are located in an  
3 area for which the President has declared a  
4 major disaster, as defined in section 102 of the  
5 Robert T. Stafford Disaster Relief and Emer-  
6 gency Assistance Act (42 U.S.C. 5122), during  
7 the period of the declaration.

8 “(ii) CONTINUITY OF SERVICES.—A small  
9 business development center that provides coun-  
10 selors to an area described in clause (i) shall,  
11 to the maximum extent practicable, ensure con-  
12 tinuity of services in any State in which the  
13 small business development center otherwise  
14 provides services.

15 “(iii) ACCESS TO DISASTER RECOVERY FA-  
16 CILITIES.—For purposes of this subparagraph,  
17 the Administrator shall, to the maximum extent  
18 practicable, permit the personnel of a small  
19 business development center to use any site or  
20 facility designated by the Administrator for use  
21 to provide disaster recovery assistance.”.

22 **SEC. 608. SMALL BUSINESS DEVELOPMENT CENTERS.**

23 (a) PORTABILITY GRANTS.—Section 21(a)(4)(C)(viii)  
24 of the Small Business Act (15 U.S.C. 648(a)(4)(C)(viii))  
25 is amended—

1 (1) in the first sentence—

2 (A) by striking “From the funds appro-  
3 priated pursuant to clause (vii)” and inserting  
4 “Of the amounts made available to carry out  
5 this subparagraph in each fiscal year”; and

6 (B) by striking “as a result of a business  
7 or government facility down sizing or closing,  
8 which has resulted in the loss of jobs or small  
9 business instability” and inserting “due to  
10 events that have resulted or will result in, the  
11 downsizing or closing of a business or govern-  
12 ment facility”; and

13 (2) by adding at the end “The Administrator  
14 may make a grant under this clause that exceeds  
15 \$100,000 to accommodate extraordinary events that  
16 the Administrator determines have had a cata-  
17 strophic impact on small business concerns in a com-  
18 munity.”.

19 (b) PURPOSES.—Section 21(a)(1) of the Small Busi-  
20 ness Act (15 U.S.C. 648(a)(1)) is amended in the first  
21 sentence by adding “regulatory compliance and” after  
22 “counseling concerning”.

23 **SEC. 609. EVALUATION OF PILOT PROGRAMS.**

24 (a) IN GENERAL.—Not later than 30 months after  
25 the date of disbursement of the first grant under a covered

1 pilot program, the Comptroller General of the United  
2 States shall submit to the Committee on Small Business  
3 and Entrepreneurship of the Senate and the Committee  
4 on Small Business of the House of Representatives a re-  
5 port evaluating the covered pilot program, including rec-  
6 ommendations, if any, on possible improvements or modi-  
7 fications to the covered pilot program, including the feasi-  
8 bility of extending the covered pilot program to all small  
9 business development centers.

10 (b) DEFINITION OF COVERED PILOT PROGRAM.—In  
11 this section, the term “covered pilot program” means a  
12 pilot program relating to small business development cen-  
13 ters established under this Act or an amendment made  
14 by this Act.

○