

Calendar No. 93111TH CONGRESS
1ST SESSION**S. 1229****[Report No. 111-36]**

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

IN THE SENATE OF THE UNITED STATES

JUNE 10, 2009

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

JULY 2, 2009

Reported under authority of the order of the Senate of June 25, 2009, by Ms. LANDRIEU, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. TABLE OF CONTENTS.**

5 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—

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

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

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

13 **TITLE I—REAUTHORIZATION**

14 **SEC. 101. REAUTHORIZATION.**

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

17 (1) by redesignating subsection (j) as sub-
 18 section (f); and

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

20 “(g) SCORE PROGRAM.—There are authorized to be
 21 appropriated to the Administrator to carry out the
 22 SCORE program authorized by section 8(b)(1) such sums

1 as are necessary for the Administrator to make grants or
 2 enter into cooperative agreements for a total of—

3 “(1) \$10,000,000 in fiscal year 2010;

4 “(2) \$11,000,000 in fiscal year 2011; and

5 “(3) \$13,000,000 in fiscal year 2012.”.

6 (b) ~~SMALL BUSINESS DEVELOPMENT CENTERS.—~~

7 Section 21(a)(4)(C)(vii) of the Small Business Act (15
 8 U.S.C. 648(a)(4)(C)(vii)) is amended to read as follows:

9 “(vii) ~~AUTHORIZATION OF APPROPRIA-~~
 10 ~~TIONS.—~~There are authorized to be appro-
 11 priated to carry out this subparagraph—

12 “(I) \$150,000,000 for fiscal year
 13 2010;

14 “(II) \$155,000,000 for fiscal
 15 year 2011; and

16 “(III) \$160,000,000 for fiscal
 17 year 2012.”.

18 (c) ~~PAUL D. COVERDELL DRUG-FREE WORKPLACE~~
 19 ~~PROGRAM.—~~

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

22 (A) in paragraph (1), by striking “fiscal
 23 years 2005 and 2006” and inserting “fiscal
 24 years 2010 through 2012”; and

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

4 (2) CONFORMING AMENDMENT.—Section
5 21(e)(3)(T) of the Small Business Act (15 U.S.C.
6 648(e)(3)(T)) is amended by striking “October 1,
7 2006” and inserting “October 1, 2012”.

8 **TITLE II—WOMEN’S SMALL BUSI-**
9 **NESS OWNERSHIP PROGRAMS**

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

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

13 (1) in paragraph (2)—

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

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

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

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

12 “(4) PROGRAM AND TRANSPARENCY IMPROVE-
13 MENTS.—The Administrator shall maximize the
14 transparency of the women’s business center finan-
15 cial assistance proposal process and the pro-
16 grammatic and financial oversight process by—

17 “(A) providing public notice of the an-
18 nouncement for financial assistance under sub-
19 section (b) and grants under subsection (f) not
20 later than the end of the first quarter of each
21 fiscal year;

22 “(B) in the announcement described in
23 subparagraph (A), outlining award and pro-
24 gram evaluation criteria and describing the
25 weighting of the criteria for financial assistance

1 under subsection (b) and grants under sub-
2 section (1);

3 “(C) minimizing paperwork and reporting
4 requirements for applicants for and recipients
5 of financial assistance under this section;

6 “(D) standardizing the oversight and re-
7 view process of the Administration; and

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

16 (b) CHANGE OF TITLE.—

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

19 (A) in subsection (a)—

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

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

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

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

4 (B) by striking “Assistant Administrator”
5 each place it appears and inserting “Director”;
6 and

7 (C) in subsection (g)(2), in the paragraph
8 heading, by striking “ASSISTANT ADMINIS-
9 TRATOR” and inserting “DIRECTOR”.

10 (2) WOMEN’S BUSINESS OWNERSHIP ACT OF
11 1988.—Title IV of the Women’s Business Ownership
12 Act of 1988 (15 U.S.C. 7101 et seq.) is amended—

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

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

18 (C) in section 406(e), by striking “Assist-
19 ant Administrator” and inserting “Director”.

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

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

24 (1) in subsection (a)—

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

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

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

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

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

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

13 “(A) a private nonprofit organization;

14 “(B) a State, regional, or local economic
15 development organization;

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

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

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

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

1 “~~(6)~~ the term ‘women’s business center’ means
2 a project conducted by an eligible entity under this
3 section that—

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

6 “~~(B)~~ is separate from the financial system
7 of the eligible entity;”.

8 ~~(2)~~ in subsection (b)—

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

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

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

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

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

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

25 “~~(3)~~ AMOUNT OF FINANCIAL ASSISTANCE.—

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

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

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

16 “(A) a training program for the staff of
17 women’s business centers and the Administra-
18 tion; and

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

1 (A) in paragraph (1) by striking “the re-
2 ipient organization” and inserting “an eligible
3 entity”;

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

7 (C) in paragraph (4)—

8 (i) by striking “recipient” each place
9 it appears and inserting “eligible entity”;
10 and

11 (ii) by striking “such organization”
12 and inserting “the eligible entity”;

13 (4) in subsection (c)—

14 (A) by striking “applicant organization”
15 and inserting “eligible entity”;

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

18 (C) by striking “site”;

19 (5) by striking subsection (f) and inserting the
20 following:

21 “~~(f) APPLICATIONS AND CRITERIA FOR INITIAL FI-~~
22 ~~NANCIAL ASSISTANCE.—~~

23 “(1) APPLICATION.—Each eligible entity desir-
24 ing financial assistance under subsection (b) shall

1 submit to the Administrator an application that con-
2 tains—

3 “(A) a certification that the eligible enti-
4 ty—

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

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

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

16 “(II) to undergo an annual pro-
17 grammatic and financial review; and

18 “(III) to the maximum extent
19 practicable, to remedy any problems
20 identified pursuant to the site visit or
21 review under subclause (I) or (II);

22 “(iii) meets the accounting and re-
23 porting requirements established by the
24 Director of the Office of Management and
25 Budget;

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

8 “(C) information relating to the assistance
9 to be provided by the women’s business center
10 for which financial assistance under subsection
11 (b) is sought in the area in which the women’s
12 business center site is located;

13 “(D) information demonstrating the expe-
14 rience and effectiveness of the eligible entity
15 in—

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

22 “(ii) providing training and services to
23 a representative number of women who are
24 socially and economically disadvantaged;
25 and

1 “(iii) using resource partners of the
2 Administration and other entities, such as
3 universities; and

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

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

10 “(ii) to provide training and services
11 to a representative number of women who
12 are socially and economically disadvan-
13 taged.

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

19 “(3) REVIEW AND APPROVAL OF APPLICATIONS
20 FOR INITIAL FINANCIAL ASSISTANCE.—

21 “(A) IN GENERAL.—The Administrator
22 shall—

23 “(i) review each application submitted
24 under paragraph (1), based on the infor-
25 mation described in such paragraph and

1 the criteria set forth under subparagraph
2 (B) of this paragraph; and

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

8 “(B) SELECTION CRITERIA.—

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

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

16 “(II) stated in terms of relative
17 importance; and

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

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

1 “(I) the experience of the appli-
2 cant in conducting programs or ongo-
3 ing efforts designed to teach or en-
4 hance the business skills of women
5 who are business owners or potential
6 business owners;

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

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

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

22 “(C) PROXIMITY.—If the principal place of
23 business of an applicant for financial assistance
24 under subsection (b) is located less than 50
25 miles from the principal place of business of a

1 women's business center that received funds
 2 under this section on or before the date of the
 3 application, the applicant shall not be eligible
 4 for the financial assistance, unless the applicant
 5 submits a detailed written justification of the
 6 need for an additional center in the area in
 7 which the applicant is located.

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

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

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

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

20 “(i) a certification that the appli-
 21 cant—

22 “(I) is a private nonprofit organi-
 23 zation;

24 “(II) has designated a full-time
 25 executive director or program man-

1 ager to manage the women’s business
2 center operated by the applicant; and

3 “(III) as a condition of receiving
4 a grant under this subsection;
5 agrees—

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

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

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

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

1 which a grant under this subsection is
2 sought, including the ability to ability to
3 obtain the non-Federal contribution re-
4 quired under paragraph (4)(C);

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

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

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

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

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

1 ~~“(vi) any additional information that~~
2 ~~the Administrator may reasonably require.~~

3 ~~“(B) REVIEW AND APPROVAL OF APPLICA-~~
4 ~~TIONS FOR GRANTS.—~~

5 ~~“(i) IN GENERAL.—The Administrator~~
6 ~~shall—~~

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

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

18 ~~“(ii) SELECTION CRITERIA.—~~

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

1 “(aa) established before the
2 date on which applicants are re-
3 quired to submit the applications;

4 “(bb) stated in terms of rel-
5 ative importance; and

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

11 “(II) REQUIRED CRITERIA.—The
12 selection criteria for a grant under
13 this subsection shall include—

14 “(aa) the total number of
15 entrepreneurs served by the ap-
16 plicant;

17 “(bb) the total number of
18 new start-up companies assisted
19 by the applicant;

20 “(cc) the percentage of the
21 clients of the applicant that are
22 socially or economically disadvan-
23 taged; and

24 “(dd) the percentage of indi-
25 viduals in the community served

1 by the applicant who are socially
2 or economically disadvantaged.

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

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

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

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

1 “(D) RECORD RETENTION.—The Adminis-
 2 trator shall maintain a copy of each application
 3 submitted under this paragraph for not less
 4 than 7 years.”.

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

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

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

14 (3) in subsection (k)—

15 (A) by striking paragraphs (1), (2), and
 16 (4);

17 (B) by redesignating paragraph (3) as
 18 paragraph (5); and

19 (C) by inserting before paragraph (5), as
 20 so redesignated, the following:

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

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

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

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

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

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

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

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

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

1 sistance under this section if the center meets
2 the eligibility requirements under this section.

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

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

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

17 (4) in subsection (m)(4)(D), by striking “or
18 subsection (l)”; and

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

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

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

1 ~~“(3)~~ REPRESENTATION OF MEMBER ORGANIZA-
 2 TIONS.—In consultation with the chairperson of the
 3 Council and the Administrator, a national women’s
 4 business organization or small business concern that
 5 is represented on the Council may replace its rep-
 6 resentative member on the Council during the serv-
 7 ice term to which that member was appointed.”.

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

13 **SEC. 204. INTERAGENCY COMMITTEE ON WOMEN’S BUSI-**
 14 **NESS ENTERPRISE.**

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

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

20 “~~(1)~~ IN GENERAL.—Not later”; and

21 ~~(2)~~ by adding at the end the following:

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

1 Interagency Committee until a chairperson is ap-
 2 pointed under paragraph (1).”.

3 (b) POLICY ADVISORY GROUP.—Section 401 of the
 4 Women’s Business Ownership Act of 1988 (15 U.S.C.
 5 7101) is amended—

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

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

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

10 “(b) POLICY ADVISORY GROUP.—

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

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

18 “(A) 1 shall be a representative of the
 19 Small Business Administration;

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

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

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

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

3 ~~“(F) 2 shall be representatives of the~~
 4 ~~Council.~~

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

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

9 ~~“(B) track year-to-date agency contracting~~
 10 ~~activities; and~~

11 ~~“(C) evaluate the progress during the fis-~~
 12 ~~cal year and prepare an annual report.”.~~

13 ~~SEC. 205. PRESERVING THE INDEPENDENCE OF THE NA-~~
 14 ~~TIONAL WOMEN’S BUSINESS COUNCIL.~~

15 ~~(a) FINDINGS.—Congress finds the following:~~

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

21 ~~(A) the President;~~

22 ~~(B) Congress;~~

23 ~~(C) the Interagency Committee on Wom-~~
 24 ~~en’s Business Enterprise; and~~

25 ~~(D) the Administrator.~~

1 (2) The members of the National Women's
2 Business Council are small business owners, rep-
3 resentatives of business organizations, and rep-
4 resentatives of women's business centers.

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

19 (4) In order to maintain the independence of
20 the National Women's Business Council and to en-
21 sure that the Council continues to provide the Presi-
22 dent, the Interagency Committee on Women's Busi-
23 ness Enterprise, the Administrator, and Congress
24 with advice on a nonpartisan basis, it is essential
25 that the Council maintain the bipartisan balance es-

1 established under section 407 of the Women’s Busi-
2 ness Ownership Act of 1988 (15 U.S.C. 7107).

3 (b) MAINTENANCE OF PARTISAN BALANCE.—Section
4 407(f) of the Women’s Business Ownership Act of 1988
5 (15 U.S.C. 7107(f)), as amended by this Act, is amended
6 by adding at the end the following:

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

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

1 met and provides an estimated date on which any
2 vacancies will be filled, as applicable.”.

3 **SEC. 206. STUDY AND REPORT ON WOMEN’S BUSINESS CEN-**
4 **TERS.**

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

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

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

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

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

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

24 (1) address the unique difficulties women’s
25 business centers located in covered areas face be-

1 cause of the type of covered area in which such cen-
 2 ters are located;

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

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

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

11 ~~(1)~~ any State that is predominantly rural, as
 12 determined by the Administrator;

13 ~~(2)~~ any State that is predominantly urban, as
 14 determined by the Administrator; and

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

16 **TITLE III—NATIVE AMERICAN**
 17 **SMALL BUSINESS DEVELOP-**
 18 **MENT PROGRAM**

19 **SEC. 301. SHORT TITLE.**

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

22 **SEC. 302. NATIVE AMERICAN SMALL BUSINESS DEVELOP-**
 23 **MENT PROGRAM.**

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

1 (1) by redesignating section 44 as section 45;
2 and

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

4 **“SEC. 44. NATIVE AMERICAN SMALL BUSINESS DEVELOP-**
5 **MENT PROGRAM.**

6 “(a) DEFINITIONS.—In this section—

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

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

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

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

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

21 “(A) an Indian tribe;

22 “(B) a tribal college;

23 “(C) an Alaska Native corporation; or

24 “(D) a private, nonprofit organization—

1 “(i) that provides business and finan-
2 cial or procurement technical assistance to
3 any entity described in subparagraph (A),
4 (B), or (C); and

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

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

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

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

17 “(8) the term ‘joint project’ means a project
18 that—

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

23 “(B) submits to the Administration a joint
24 application that contains—

1 “(i) a certification that each partici-
2 pant of the project—

3 “(I) is an eligible applicant;

4 “(II) employs an executive direc-
5 tor or program manager to manage
6 the center; and

7 “(ii) provides information dem-
8 onstrating a record of commitment to pro-
9 viding assistance to Native Americans and;

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

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

22 “(10) the term ‘Native American small business
23 concern’ means a small business concern that is
24 owned and controlled by—

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

1 “(B) an Alaska Native or Alaska Native
2 corporation;

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

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

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

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

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

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

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

1 “(B) develop management and technical
2 skills;

3 “(C) seek Federal procurement opportuni-
4 ties;

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

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

10 ~~“(3) ASSISTANT ADMINISTRATOR.—~~

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

16 ~~“(B) QUALIFICATIONS.—The Assistant~~
17 ~~Administrator appointed under subparagraph~~
18 ~~(A) shall have—~~

19 ~~“(i) knowledge of Native American~~
20 ~~culture; and~~

21 ~~“(ii) experience providing culturally~~
22 ~~tailored small business development assist-~~
23 ~~ance to Native Americans.~~

1 “(C) EMPLOYMENT STATUS.—The Admin-
 2 istrator shall establish the position of Assistant
 3 Administrator as—

4 “(i) a position at GS-15 of the Gen-
 5 eral Schedule; or

6 “(ii) a Senior Executive Service posi-
 7 tion to be filled by a noncareer appointee,
 8 as defined under section 3132(a)(7) of title
 9 5, United States Code.

10 “(D) RESPONSIBILITIES AND DUTIES.—

11 The Assistant Administrator shall—

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

17 “(ii) recommend the annual adminis-
 18 trative and program budgets for the Office
 19 of Native American Affairs;

20 “(iii) consult with Native American
 21 business centers in carrying out the pro-
 22 gram established under this section;

23 “(iv) recommend appropriate funding
 24 levels;

1 “(v) review the annual budgets sub-
2 mitted by each applicant for the Native
3 American Small Business Development
4 program;

5 “(vi) select applicants to participate in
6 the program under this section;

7 “(vii) implement this section; and

8 “(viii) maintain a clearinghouse for
9 the dissemination and exchange of infor-
10 mation between Native American business
11 centers.

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

17 “(i) officials of the Administration
18 working in areas served by Native Amer-
19 ican business centers;

20 “(ii) representatives of Indian tribes;

21 “(iii) tribal colleges; and

22 “(iv) Alaska Native corporations.

23 “(e) NATIVE AMERICAN SMALL BUSINESS DEVELOP-
24 MENT PROGRAM.—

25 “(1) AUTHORIZATION.—

1 “(A) IN GENERAL.—The Administration,
2 through the Office of Native American Affairs,
3 shall provide financial assistance to eligible ap-
4 plicants to create Native American business
5 centers in accordance with this section.

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

13 “(i) reservation-based American Indi-
14 ans; and

15 “(ii) Alaska Natives.

16 “(2) 5-YEAR PROJECTS.—

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

22 “(i) financial education, including
23 training and counseling in—

- 1 “(I) applying for and securing
2 business credit and investment cap-
3 ital;
- 4 “(II) preparing and presenting fi-
5 nancial statements; and
- 6 “(III) managing cash flow and
7 other financial operations of a busi-
8 ness concern;
- 9 “(ii) management education, including
10 training and counseling in planning, orga-
11 nizing, staffing, directing, and controlling
12 each major activity and function of a small
13 business concern; and
- 14 “(iii) marketing education, including
15 training and counseling in—
- 16 “(I) identifying and segmenting
17 domestic and international market op-
18 portunities;
- 19 “(II) preparing and executing
20 marketing plans;
- 21 “(III) developing pricing strate-
22 gies;
- 23 “(IV) locating contract opportu-
24 nities;
- 25 “(V) negotiating contracts; and

1 ~~“(VI) utilizing varying public re-~~
 2 ~~lations and advertising techniques.~~

3 ~~“(B) BUSINESS DEVELOPMENT ASSIST-~~
 4 ~~ANCE RECIPIENTS.—The business development~~
 5 ~~assistance under subparagraph (A) shall be of-~~
 6 ~~fered to prospective and current owners of small~~
 7 ~~business concerns that are owned by—~~

8 ~~“(i) Indians or Indian tribes, and lo-~~
 9 ~~cated on or near tribal lands; or~~

10 ~~“(ii) Alaska Natives or Alaska Native~~
 11 ~~corporations.~~

12 ~~“(3) FORM OF FEDERAL FINANCIAL ASSIST-~~
 13 ~~ANCE.—~~

14 ~~“(A) DOCUMENTATION.—~~

15 ~~“(i) IN GENERAL.—The financial as-~~
 16 ~~sistance to Native American business cen-~~
 17 ~~ters authorized under this subsection may~~
 18 ~~be made by grant, contract, or cooperative~~
 19 ~~agreement.~~

20 ~~“(ii) EXCEPTION.—Financial assist-~~
 21 ~~ance under this subsection to Alaska Na-~~
 22 ~~tive corporations may only be made by~~
 23 ~~grant or cooperative agreement.~~

24 ~~“(B) PAYMENTS.—~~

1 “(i) ~~TIMING.~~—Payments made under
2 this subsection may be disbursed in peri-
3 odic installments, at the request of the re-
4 cipient.

5 “(ii) ~~ADVANCE.~~—The Administrator
6 may disburse not more than 25 percent of
7 the annual amount of Federal financial as-
8 sistance awarded to a Native American
9 small business center after notice of the
10 award has been issued.

11 “(C) ~~FEDERAL SHARE.~~—

12 “(i) ~~IN GENERAL.~~—

13 “(I) ~~INITIAL FINANCIAL ASSIST-~~
14 ~~ANCE.~~—Except as provided in sub-
15 clause (H), an eligible applicant that
16 receives financial assistance under this
17 subsection shall provide non-Federal
18 contributions for the operation of the
19 Native American business center es-
20 tablished by the eligible applicant in
21 an amount equal to—

22 “(aa) in each of the first
23 and second years of the project,
24 not less than 33 percent of the
25 amount of the financial assist-

1 ance received under this sub-
2 section; and

3 “(bb) in each of the third
4 through fifth years of the project,
5 not less than 50 percent of the
6 amount of the financial assist-
7 ance received under this sub-
8 section.

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

20 “(4) CONTRACT AND COOPERATIVE AGREE-
21 MENT AUTHORITY.—A Native American business
22 center may enter into a contract or cooperative
23 agreement with a Federal department or agency to
24 provide specific assistance to Native American and
25 other underserved small business concerns located on

1 or near tribal lands, to the extent that such contract
 2 or cooperative agreement is consistent with and does
 3 not duplicate the terms of any assistance received by
 4 the Native American business center from the Ad-
 5 ministration.

6 ~~“(5) APPLICATION PROCESS.—~~

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

8 Each applicant for assistance under paragraph
 9 (1) shall submit a 5-year plan to the Adminis-
 10 tration on proposed assistance and training ac-
 11 tivities.

12 ~~“(B) CRITERIA.—~~

13 ~~“(i) IN GENERAL.—~~The Administrator
 14 shall evaluate applicants for financial as-
 15 sistance under this subsection in accord-
 16 ance with selection criteria that are—

17 ~~“(I) established before the date~~
 18 ~~on which eligible applicants are re-~~
 19 ~~quired to submit the applications;~~

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

22 ~~“(III) publicly available and stat-~~
 23 ~~ed in each solicitation for applications~~
 24 ~~for financial assistance under this~~
 25 ~~subsection made by the Administrator.~~

1 “(ii) CONSIDERATIONS.—The criteria
2 required by this subparagraph shall in-
3 clude—

4 “(I) the experience of the appli-
5 cant in conducting programs or ongo-
6 ing efforts designed to impart or up-
7 grade the business skills of current or
8 potential owners of Native American
9 small business concerns;

10 “(II) the ability of the applicant
11 to commence a project within a min-
12 imum amount of time;

13 “(III) the ability of the applicant
14 to provide quality training and serv-
15 ices to a significant number of Native
16 Americans;

17 “(IV) previous assistance from
18 the Administration to provide services
19 in Native American communities;

20 “(V) the proposed location for
21 the Native American business center,
22 with priority given based on the prox-
23 imity of the center to the population
24 being served and to achieve a broad

1 geographic dispersion of the centers;
2 and

3 “(VI) demonstrated experience in
4 providing technical assistance, includ-
5 ing financial, marketing, and manage-
6 ment assistance.

7 “(6) CONDITIONS FOR PARTICIPATION.—Each
8 eligible applicant desiring a grant under this sub-
9 section shall submit an application to the Adminis-
10 trator that contains—

11 “(A) a certification that the applicant—

12 “(i) is an eligible applicant;

13 “(ii) employs an executive director or
14 program manager to manage the Native
15 American business center; and

16 “(iii) agrees—

17 “(I) to a site visit by the Admin-
18 istrator as part of the final selection
19 process;

20 “(II) to an annual programmatic
21 and financial examination; and

22 “(III) to the maximum extent
23 practicable, to remedy any problems
24 identified pursuant to that site visit or
25 examination;

1 “(B) information demonstrating that the
2 applicant has the ability and resources to meet
3 the needs, including cultural needs, of the Na-
4 tive Americans to be served by the grant;

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

7 “(i) the number of individuals to be
8 assisted; and

9 “(ii) the number of hours of coun-
10 seling, training, and workshops to be pro-
11 vided;

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

14 “(i) conducting financial, manage-
15 ment, and marketing assistance programs
16 designed to educate or improve the busi-
17 ness skills of, current or prospective Native
18 American business owners;

19 “(ii) providing training and services to
20 a representative number of Native Ameri-
21 cans;

22 “(iii) using resource partners of the
23 Administration and other entities, includ-
24 ing universities, Indian tribes, or tribal col-
25 leges; and

1 “(iv) the prudent management of fi-
2 nances and staffing;

3 “(E) the location where the applicant will
4 provide training and services to Native Ameri-
5 eans;

6 “(F) a 5-year plan that describes—

7 “(i) the number of Native Americans
8 and Native American small business con-
9 cerns to be served by the grant;

10 “(ii) if the Native American business
11 center is located in the continental United
12 States, the number of Native Americans to
13 be served by the grant; and

14 “(iii) the training and services to be
15 provided to a representative number of Na-
16 tive Americans; and

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

18 “(i) a certification that each partici-
19 pant in the joint project is an eligible ap-
20 plicant;

21 “(ii) information demonstrating a
22 record of commitment to providing assist-
23 ance to Native Americans; and

24 “(iii) information demonstrating that
25 the participants in the joint project have

1 the ability and resources to meet the
2 needs, including the cultural needs, of the
3 Native Americans to be served by the
4 grant.

5 “(7) REVIEW OF APPLICATIONS.—The Adminis-
6 trator shall approve or disapprove each completed
7 application submitted under this subsection not later
8 than 60 days after the date on which the eligible ap-
9 plicant submits the application.

10 “(8) PROGRAM EXAMINATION.—

11 “(A) IN GENERAL.—Each Native Amer-
12 ican business center established under this sub-
13 section shall annually provide to the Adminis-
14 trator an itemized cost breakdown of actual ex-
15 penditures made during the preceding year.

16 “(B) ADMINISTRATION ACTION.—Based on
17 information received under subparagraph (A),
18 the Administration shall—

19 “(i) develop and implement an annual
20 programmatic and financial examination of
21 each Native American business center as-
22 sisted pursuant to this subsection; and

23 “(ii) analyze the results of each exam-
24 ination conducted under clause (i) to deter-
25 mine the programmatic and financial via-

1 bility of each Native American business
2 center.

3 “(C) CONDITIONS FOR CONTINUED FUND-
4 ING.—In determining whether to renew a grant,
5 contract, or cooperative agreement with a Na-
6 tive American business center, the Administra-
7 tion—

8 “(i) shall consider the results of the
9 most recent examination of the center
10 under subparagraph (B); and, to a lesser
11 extent, previous examinations; and

12 “(ii) may withhold such renewal, if
13 the Administrator determines that—

14 “(I) the center has failed to pro-
15 vide the information required to be
16 provided under subparagraph (A); or
17 the information provided by the center
18 is inadequate;

19 “(II) the center has failed to pro-
20 vide adequate information required to
21 be provided by the center for purposes
22 of the report of the Administrator
23 under subparagraph (E);

24 “(III) the center has failed to
25 comply with a requirement for partici-

1 pation in the Native American small
2 business development program, as de-
3 termined by the Administrator, in-
4 cluding—

5 “~~(aa)~~ failure to acquire or
6 properly document a non-Federal
7 share;

8 “~~(bb)~~ failure to establish an
9 appropriate partnership or pro-
10 gram for marketing and outreach
11 to reach new Native American
12 small business concerns;

13 “~~(cc)~~ failure to achieve re-
14 sults described in a financial as-
15 sistance agreement; and

16 “~~(dd)~~ failure to provide to
17 the Administrator a description
18 of the amount and sources of any
19 non-Federal funding received by
20 the center;

21 “~~(IV)~~ the center has failed to
22 carry out the 5-year plan under in
23 paragraph ~~(6)(F)~~; or

1 “(V) the center cannot make the
2 certification described in paragraph
3 (6)(A).

4 “(D) CONTINUING CONTRACT AND COOP-
5 ERATIVE AGREEMENT AUTHORITY.—

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

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

1 “(E) MANAGEMENT REPORT.—

2 “(i) IN GENERAL.—The Administra-
3 tion shall prepare and submit to the Com-
4 mittee on Small Business and Entrepre-
5 neurship of the Senate and the Committee
6 on Small Business of the House of Rep-
7 resentatives an annual report on the effec-
8 tiveness of all projects conducted by Native
9 American business centers under this sub-
10 section and any pilot programs adminis-
11 tered by the Office of Native American Af-
12 fairs.

13 “(ii) CONTENTS.—Each report sub-
14 mitted under clause (i) shall include, with
15 respect to each Native American business
16 center receiving financial assistance under
17 this subsection—

18 “(I) the number of individuals re-
19 ceiving assistance from the Native
20 American business center;

21 “(II) the number of startup busi-
22 ness concerns created with the assist-
23 ance of the Native American business
24 center;

1 ~~“(III)~~ the number of existing
2 businesses in the area served by the
3 Native American business center seek-
4 ing to expand employment;

5 ~~“(IV)~~ the number of jobs created
6 or maintained, on an annual basis, by
7 Native American small business con-
8 cerns assisted by the center since re-
9 ceiving funding under this Act;

10 ~~“(V)~~ to the maximum extent
11 practicable, the amount of the capital
12 investment and loan financing used by
13 emerging and expanding businesses
14 that were assisted by a Native Amer-
15 ican business center; and

16 ~~“(VI)~~ the most recent examina-
17 tion, as required under subparagraph
18 (B); and the determination made by
19 the Administration under that sub-
20 paragraph.

21 ~~“(9)~~ ANNUAL REPORT.—Each Native American
22 business center receiving financial assistance under
23 this subsection shall submit to the Administrator an
24 annual report on the services provided with the fi-
25 nancial assistance, including—

1 “(A) the number of individuals assisted,
2 categorized by ethnicity;

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

5 “(C) the number of startup small business
6 concerns created or maintained with the assist-
7 ance of the Native American business center;

8 “(D) the gross receipts of small business
9 concerns assisted by the Native American busi-
10 ness center;

11 “(E) the number of jobs created or main-
12 tained by small business concerns assisted by
13 the Native American business center; and

14 “(F) the number of jobs for Native Ameri-
15 cans created or maintained at small business
16 concerns assisted by the Native American busi-
17 ness center.

18 “(10) RECORD RETENTION.—

19 “(A) APPLICATIONS.—The Administrator
20 shall maintain a copy of each application sub-
21 mitted under this subsection for not less than
22 7 years.

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

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

5 **SEC. 303. STUDY AND REPORT ON NATIVE AMERICAN BUSI-**
6 **NESS CENTERS.**

7 (a) IN GENERAL.—The Comptroller General of the
8 United States shall conduct a broad study of the unique
9 economic issues facing Native American business centers
10 to identify—

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

13 (2) the difficulties such centers face competing
14 for financial assistance, non-Federal funds, or other
15 types of assistance;

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

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

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

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

4 (2) expand the presence of, and increase the
 5 services provided by, Native American business cen-
 6 ters; and

7 (3) best use technology and other resources to
 8 better serve Native American business owners.

9 (c) **DEFINITION OF NATIVE AMERICAN BUSINESS**
 10 **CENTER.**—In this section, the term “Native American
 11 business center” has the meaning given that term in sec-
 12 tion 44(a) of the Small Business Act, as added by this
 13 Act.

14 **SEC. 304. OFFICE OF NATIVE AMERICAN AFFAIRS PILOT**
 15 **PROGRAM.**

16 (a) **DEFINITION.**—In this section, the term “Indian
 17 tribe” means any band, nation, or organized group or
 18 community of Indians located in the contiguous United
 19 States, and the Metlakatla Indian Community, whose
 20 members are recognized as eligible for the services pro-
 21 vided to Indians by the Secretary of the Interior because
 22 of their status as Indians.

23 (b) **AUTHORIZATION.**—The Office of Native Amer-
 24 ican Affairs of the Administration may conduct a pilot
 25 program—

1 (1) to develop and publish a self-assessment
2 tool for Indian tribes that will allow such tribes to
3 evaluate and implement best practices for economic
4 development; and

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

10 (A) the Administration;

11 (B) the Department of Energy;

12 (C) the Environmental Protection Agency;

13 (D) the Department of Commerce;

14 (E) the Federal Communications Commis-
15 sion;

16 (F) the Department of Justice;

17 (G) the Department of Labor;

18 (H) the Office of National Drug Control
19 Policy; and

20 (I) the Department of Agriculture.

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

24 (d) ~~REPORT.~~—Not later than September 30, 2012,
25 the Office of Native American Affairs shall submit a re-

1 port to the Committee on Small Business and Entrepre-
 2 neurship of the Senate and the Committee on Small Busi-
 3 ness of the House of Representatives regarding the effec-
 4 tiveness of the self-assessment tool developed under sub-
 5 section (b)(1).

6 **TITLE IV—VETERANS’ BUSINESS**
 7 **CENTER PROGRAM**

8 **SEC. 401. VETERANS’ BUSINESS CENTER PROGRAM; OFFICE**
 9 **OF VETERANS BUSINESS DEVELOPMENT.**

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

13 “(f) ONLINE COORDINATION.—

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

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

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

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

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

1 “(A) provide information that assists vet-
 2 erans’ assistance providers in carrying out the
 3 activities of the veterans’ assistance providers;
 4 and

5 “(B) coordinate and leverage the work of
 6 the veterans’ assistance providers, including by
 7 allowing a veterans’ assistance provider to—

8 “(i) distribute best practices and
 9 other materials;

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

14 “(iii) pose questions to and request
 15 input from other veterans’ assistance pro-
 16 viders.

17 “(g) VETERANS’ BUSINESS CENTER PROGRAM.—

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

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

22 “(B) the term ‘private nonprofit organiza-
 23 tion’ means an entity that is described in sec-
 24 tion 501(c) of the Internal Revenue Code of

1 1986 and exempt from taxation under section
2 501(a) of such Code;

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

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

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

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

14 “(ii) includes a small business con-
15 cern—

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

23 “(II) the management and daily
24 business operations of which are con-

1 trolled by one or more spouses of vet-
2 erans;

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

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

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

15 “(2) PROGRAM ESTABLISHED.—

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

1 ~~“(B) FORM OF FINANCIAL ASSISTANCE.—~~

2 Financial assistance under this subsection may
3 be in the form of a grant, a contract, or a coop-
4 erative agreement.

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

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

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

1 “(C) marketing advice, including training
2 and counseling on identifying and segmenting
3 domestic and international market opportuni-
4 ties, preparing and executing marketing plans,
5 developing pricing strategies, locating contract
6 opportunities, negotiating contracts, and using
7 public relations and advertising techniques; and

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

11 “(4) APPLICATION.—

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

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

23 “(C) DETERMINATION AND NOTIFICA-
24 TION.—Not later than 60 days after the date
25 on which a private nonprofit organization sub-

1 mits an application under subparagraph (A);
2 the Associate Administrator shall approve or
3 deny the application and notify the applicant of
4 the determination.

5 “(D) AVAILABILITY OF APPLICATION.—
6 The Associate Administrator shall make every
7 effort to make the application under subpara-
8 graph (A) available online.

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

12 “(A) a Veterans Business Outreach Center
13 established by the Administrator under section
14 8(b)(17) on or before the day before the date
15 of enactment of this subsection;

16 “(B) a private nonprofit organization
17 that—

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

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

24 “(C) other private nonprofit organizations
25 located in various regions of the United States;

1 as the Associate Administrator determines is
2 appropriate.

3 ~~“(6) SELECTION CRITERIA.—~~

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

9 ~~“(B) CRITERIA.—~~The selection criteria es-
10 tablished under this paragraph shall include—

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

17 ~~“(ii) for an applicant for initial finan-~~
18 ~~cial assistance under this subsection—~~

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

23 ~~“(II) the geographic region to be~~
24 ~~served by the veterans business cen-~~
25 ~~ter;~~

1 ~~“(iii) the demonstrated ability of the~~
2 ~~applicant to—~~

3 ~~“(I) provide managerial coun-~~
4 ~~seling and technical assistance to en-~~
5 ~~trepreneurs; and~~

6 ~~“(II) coordinate services provided~~
7 ~~by veterans services organizations and~~
8 ~~other public or private entities; and~~

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

15 ~~“(C) CRITERIA PUBLICLY AVAILABLE.—~~

16 ~~The Associate Administrator shall—~~

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

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

23 ~~“(7) AMOUNT OF ASSISTANCE.—The amount of~~
24 ~~financial assistance provided under this subsection~~

1 to a private nonprofit organization for each fiscal
2 year shall be—

3 “(A) not less than \$150,000; and

4 “(B) not more than \$200,000.

5 ~~“(8) FEDERAL SHARE.—~~

6 ~~“(A) IN GENERAL.—~~

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

15 ~~“(I) in each of the first and sec-~~
16 ~~ond years of the project, not less than~~
17 ~~33 percent of the amount of the fi-~~
18 ~~nancial assistance received under this~~
19 ~~subsection; and~~

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

1 “(ii) RENEWALS.—A private nonprofit
2 organization that receives a renewal of fi-
3 nancial assistance under this subsection
4 shall provide non-Federal contributions for
5 the operation of the veterans business cen-
6 ter established by the private nonprofit or-
7 ganization in an amount equal to not less
8 than 50 percent of the amount of the fi-
9 nancial assistance received under this sub-
10 section :

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

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

23 “(D) FAILURE TO OBTAIN NON-FEDERAL
24 FUNDING.—

1 “(i) IN GENERAL.—If a private non-
2 profit organization that receives financial
3 assistance under this subsection fails to ob-
4 tain the non-Federal share required under
5 this paragraph during any fiscal year, the
6 private nonprofit organization may not re-
7 ceive a disbursement under this subsection
8 in a subsequent fiscal year or a disburse-
9 ment for any other project funded by the
10 Administration, unless the Administrator
11 makes a written determination that the
12 private nonprofit organization will be able
13 to obtain a non-Federal contribution.

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

22 “(9) CONTRACT AUTHORITY.—A veterans’ busi-
23 ness center may enter into a contract with a Federal
24 department or agency to provide specific assistance
25 to veterans, service-disabled veterans, Reservists, or

1 the spouses of veterans, service-disabled veterans, or
 2 Reservists. Performance of such contract shall not
 3 hinder the veterans' business center in carrying out
 4 the terms of the grant received by the veterans'
 5 business centers from the Administrator.

6 ~~“(10) EXAMINATION AND DETERMINATION OF~~
 7 ~~VIABILITY.—~~

8 ~~“(A) EXAMINATION.—~~

9 ~~“(i) IN GENERAL.—The Associate Ad-~~
 10 ~~ministrato~~r shall conduct an annual exam-
 11 ination of the programs and finances of
 12 each veterans' business center established
 13 or operated using financial assistance
 14 under this subsection.

15 ~~“(ii) FACTORS.—In conducting the ex-~~
 16 ~~amination under clause (i), the Associate~~
 17 ~~Administrator shall consider whether the~~
 18 ~~veterans business center has failed—~~

19 ~~“(I) to provide the information~~
 20 ~~required to be provided under sub-~~
 21 ~~paragraph (B), or the information~~
 22 ~~provided by the center is inadequate;~~

23 ~~“(II) the center has failed to~~
 24 ~~comply with a requirement for partici-~~
 25 ~~pation in the veterans' business center~~

1 program, as determined by the Assist-
2 ant Administrator, including—

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

6 “(bb) failure to establish an
7 appropriate partnership or pro-
8 gram for marketing and outreach
9 to small business concerns;

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

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

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

20 “(IV) to meet the eligibility re-
21 quirements under paragraph (5).

22 “(B) INFORMATION PROVIDED.—In the
23 course of an examination under subparagraph
24 (A), the veterans’ business center shall provide
25 to the Associate Administrator—

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

4 “(ii) documentation of the amount of
5 non-Federal contributions obtained and ex-
6 pended by the veterans’ business center
7 during the most recent full fiscal year; and

8 “(iii) with respect to any in-kind con-
9 tribution under paragraph (S)(B), verifica-
10 tion of the existence and valuation of such
11 contributions.

12 “(C) DETERMINATION OF VIABILITY.—The
13 Associate Administrator shall analyze the re-
14 sults of each examination under this paragraph
15 and, based on that analysis, make a determina-
16 tion regarding the viability of the programs and
17 finances of each veterans’ business center.

18 “(D) DISCONTINUATION OF FUNDING.—

19 “(i) IN GENERAL.—The Associate Ad-
20 ministrators may discontinue an award of
21 financial assistance to a private nonprofit
22 organization at any time if the Associate
23 Administrator determines under subpara-
24 graph (C) that the veterans’ business cen-

1 ter operated by that organization is not
2 viable.

3 “(ii) RESTORATION.—The Associate
4 Administrator may continue to provide fi-
5 nancial assistance to a private nonprofit
6 organization in a subsequent fiscal year if
7 the Associate Administrator determines
8 under subparagraph (C) that the veterans’
9 business center is viable.

10 “(11) PRIVACY REQUIREMENTS.—

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

20 “(B) EXCEPTION.—A veterans’ business
21 center may disclose information described in
22 subparagraph (A)—

23 “(i) if the Administrator or Associate
24 Administrator is ordered to make such a
25 disclosure by a court in any civil or crimi-

1 nal enforcement action initiated by a Fed-
2 eral or State agency; or

3 “~~(ii)~~ to the extent that the Adminis-
4 trator or Associate Administrator deter-
5 mines that such a disclosure is necessary
6 to conduct a financial audit of a veterans’
7 business center.

8 “~~(C)~~ ADMINISTRATION USE OF INFORMA-
9 TION.—This paragraph does not—

10 “~~(i)~~ restrict access by the Adminis-
11 trator to program activity data; or

12 “~~(ii)~~ prevent the Administrator from
13 using information not described in sub-
14 paragraph ~~(A)~~ to conduct surveys of indi-
15 viduals or small business concerns that re-
16 ceive advice from a veterans’ business cen-
17 ter.

18 “~~(D)~~ REGULATIONS.—The Administrator
19 shall issue regulations to establish standards for
20 requiring disclosures under subparagraph
21 ~~(B)~~(ii).

22 “~~(12)~~ REPORT.—

23 “~~(A)~~ IN GENERAL.—Not later than 60
24 days after the end of each fiscal year, the Asso-
25 ciate Administrator shall submit to the Com-

1 mittee on Small Business and Entrepreneurship
2 of the Senate and the Committee on Small
3 Business of the House of Representatives a re-
4 port on the effectiveness of the veterans' busi-
5 ness center program in each region during the
6 most recent full fiscal year.

7 “(B) CONTENTS.—Each report under this
8 paragraph shall include, at a minimum, for
9 each veterans' business center established or
10 operated using financial assistance provided
11 under this subsection—

12 “(i) the number of individuals receiv-
13 ing assistance from the veterans' business
14 center, including the number of such indi-
15 viduals who are—

16 “(I) veterans or spouses of vet-
17 erans;

18 “(II) service-disabled veterans or
19 spouses of service-disabled veterans;
20 or

21 “(III) Reservists or spouses of
22 Reservists;

23 “(ii) the number of startup small
24 business concerns formed by individuals re-

1 receiving assistance from the veterans' busi-
2 ness center, including—

3 “(I) veterans or spouses of vet-
4 erans;

5 “(II) service-disabled veterans or
6 spouses of service-disabled veterans;
7 or

8 “(III) Reservists or spouses of
9 Reservists;

10 “(iii) the gross receipts of small busi-
11 ness concerns that receive advice from the
12 veterans' business center;

13 “(iv) the employment increases or de-
14 creases of small business concerns that re-
15 ceive advice from the veterans' business
16 center;

17 “(v) to the maximum extent prae-
18 ticable, the increases or decreases in prof-
19 its of small business concerns that receive
20 advice from the veterans' business center;
21 and

22 “(vi) the results of the examination of
23 the veterans' business center under para-
24 graph (10).

1 “(13) COORDINATION OF EFFORTS AND CON-
2 SULTATION.—

3 “(A) COORDINATION AND CONSULTA-
4 TION.—To the extent practicable, the Associate
5 Administrator and each private nonprofit orga-
6 nization that receives financial assistance under
7 this subsection shall—

8 “(i) coordinate outreach and other ac-
9 tivities with other programs of the Admin-
10 istration and the programs of other Fed-
11 eral agencies;

12 “(ii) consult with technical representa-
13 tives of the district offices of the Adminis-
14 tration in carrying out activities using fi-
15 nancial assistance under this subsection;
16 and

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

1 “(B) VETERANS BUSINESS OWNERSHIP
2 REPRESENTATIVES.—

3 “(i) DESIGNATION.—The Adminis-
4 trator shall designate not fewer than 1 in-
5 dividual in each district office of the Ad-
6 ministration as a veterans business owner-
7 ship representative, who shall communicate
8 and coordinate activities of the district of-
9 fice with private nonprofit organizations
10 that receive financial assistance under this
11 subsection.

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

20 “(14) EXISTING CONTRACTS.—An award of fi-
21 nancial assistance under this subsection shall not
22 void any contract between a private nonprofit orga-
23 nization and the Administration that is in effect on
24 the date of such award.

1 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated—

3 “(1) to carry out subsections (a) through (f),
4 \$2,000,000 for each of fiscal years 2010 through
5 2012; and

6 “(2) to carry out subsection (g)—

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

8 “(B) \$8,500,000 for fiscal year 2011; and

9 “(C) \$9,000,000 for fiscal year 2012.”.

10 (b) GAO REPORT.—

11 (1) DEFINITIONS.—In this subsection—

12 (A) the term “small business concern
13 owned and controlled by veterans” has the
14 meaning given that term in section 32(g) of the
15 Small Business Act, as added by this section;
16 and

17 (B) the term “veterans’ business center
18 program” means the veterans’ business center
19 program established under section 32(g) of the
20 Small Business Act, as added by this section.

21 (2) REPORT.—

22 (A) IN GENERAL.—Not later than 60 days
23 after the end of the second fiscal year beginning
24 after the date on which the veterans’ business
25 center program is established, the Comptroller

1 General of the United States shall evaluate the
2 effectiveness of the veterans' business center
3 program, and submit to Congress a report on
4 the results of that evaluation.

5 (B) CONTENTS.—The report submitted
6 under subparagraph (A) shall include—

7 (i) an assessment of—

8 (I) the use of amounts made
9 available to carry out the veterans'
10 business center program;

11 (II) the effectiveness of the serv-
12 ices provided by each private non-
13 profit organization receiving financial
14 assistance under the veterans' busi-
15 ness center program;

16 (III) whether the services de-
17 scribed in clause (ii) are duplicative of
18 services provided by other veteran
19 service organizations, programs of the
20 Administration, or programs of an-
21 other Federal department or agency
22 and, if so, recommendations regarding
23 how to alleviate the duplication of the
24 services; and

- 1 (IV) whether there are areas of
 2 the United States in which there are
 3 not adequate entrepreneurial services
 4 for small business concerns owned and
 5 controlled by veterans and, if so,
 6 whether there is a veterans' business
 7 center established under the veterans'
 8 business center program providing
 9 services to that area; and
- 10 (ii) recommendations, if any, for im-
 11 proving the veteran's business center pro-
 12 gram.

13 **SEC. 402. REPORTING REQUIREMENT FOR INTERAGENCY**
 14 **TASK FORCE.**

15 Section 32(e) of the Small Business Act (15 U.S.C.
 16 657b(e)) is amended by adding at the end the following:

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

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

22 (a) DEFINITION.—In this section, the term “covered
 23 grant, contract, or cooperative agreement” means a grant,
 24 contract, or cooperative agreement that was—

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

4 (2) in effect on or before the date described in
5 subsection (b)(2).

6 (b) REPEAL.—

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

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

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

13 (C) by striking paragraph (17).

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

17 (c) TRANSITIONAL RULES.—

18 (1) IN GENERAL.—Notwithstanding any other
19 provision of law, a covered grant, contract, or coop-
20 erative agreement shall remain in full force and ef-
21 fect under the terms, and for the duration, of the
22 covered grant, contract, or agreement.

23 (2) ADDITIONAL REQUIREMENTS.—Any organi-
24 zation that was awarded or entered into a covered
25 grant, contract, or cooperative agreement shall be

1 subject to the requirements of section 32(g) of the
 2 Small Business Act (15 U.S.C. 657b(g)) (as added
 3 by this Act).

4 (d) RENEWAL OF FINANCIAL ASSISTANCE.—An or-
 5 ganization that was awarded or entered into a covered
 6 grant, contract, or cooperative agreement may apply for
 7 a renewal of the grant, contract, or agreement under the
 8 terms and conditions described in section 32(g) of the
 9 Small Business Act (15 U.S.C. 657b(g)) (as added by this
 10 Act).

11 **TITLE V—PROGRAM FOR IN-**
 12 **VESTMENT IN MICROENTRE-**
 13 **PRENEURS**

14 **SEC. 501. PRIME REAUTHORIZATION.**

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

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

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

20 **“SEC. 37. PROGRAM FOR INVESTMENT IN MICROENTRE-**
 21 **PRENEURS.**

22 **“(a) DEFINITIONS.—**In this section:

23 **“(1) ASSOCIATE ADMINISTRATOR.—**The term
 24 **‘Associate Administrator’** means the Associate Ad-

1 administrator for Entrepreneurial Development of the
2 Administration.

3 ~~“(2) CAPACITY BUILDING SERVICES.—The term~~
4 ~~‘capacity building services’ means services provided~~
5 ~~to an organization that is, or that is in the process~~
6 ~~of becoming, a microenterprise development organi-~~
7 ~~zation or program, for the purpose of enhancing the~~
8 ~~ability of the organization to provide training and~~
9 ~~services to disadvantaged entrepreneurs.~~

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

14 ~~“(4) DISADVANTAGED ENTREPRENEUR.—The~~
15 ~~term ‘disadvantaged entrepreneur’ means a micro-~~
16 ~~entrepreneur that—~~

17 ~~“(A) is a low-income person;~~

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

19 ~~“(C) lacks adequate access to capital or~~
20 ~~other resources essential for business success;~~
21 ~~or is economically disadvantaged, as determined~~
22 ~~by the Administrator.~~

23 ~~“(5) DISADVANTAGED NATIVE AMERICAN EN-~~
24 ~~TREPRENEUR.—The term ‘disadvantaged Native~~

1 American entrepreneur’ means a disadvantaged en-
 2 trepreneur who is also a member of an Indian Tribe.

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

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

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

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

16 “(B) for nonmetropolitan areas, the great-
 17 er of—

18 “(i) 80 percent of the area median in-
 19 come; or

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

22 “(9) MICROENTREPRENEUR.—The term ‘micro-
 23 entrepreneur’ means the owner or developer of a mi-
 24 croenterprise.

1 “(10) MICROENTERPRISE.—The term ‘microen-
2 terprise’ means a sole proprietorship, partnership, or
3 corporation that—

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

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

7 “(11) MICROENTERPRISE DEVELOPMENT ORGA-
8 NIZATION OR PROGRAM.—The term ‘microenterprise
9 development organization or program’ means a non-
10 profit entity, or a program administered by such an
11 entity, including community development corpora-
12 tions or other nonprofit development organizations
13 and social service organizations, that provides serv-
14 ices to disadvantaged entrepreneurs.

15 “(12) TRAINING AND TECHNICAL ASSIST-
16 ANCE.—The term ‘training and technical assistance’
17 means services and support provided to disadvan-
18 taged entrepreneurs, such as assistance for the pur-
19 pose of enhancing business planning, marketing,
20 management, financial management skills, and as-
21 sistance for the purpose of accessing financial serv-
22 ices.

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

1 “(A) a nonprofit microenterprise develop-
2 ment organization or program (or a group or
3 collaborative thereof) that has a demonstrated
4 record of delivering microenterprise services to
5 disadvantaged entrepreneurs;

6 “(B) an intermediary;

7 “(C) a microenterprise development orga-
8 nization or program that is—

9 “(i) accountable to a local community;

10 and

11 “(ii) working in conjunction with a
12 State or local government or Indian tribe;

13 or

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

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

1 “(b) ESTABLISHMENT OF PROGRAM.—The Associate
2 Administrator shall establish a microenterprise training
3 and technical assistance and capacity building services
4 grant program to provide grants to qualified organizations
5 in accordance with this section.

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

8 “(1) to provide training and technical assist-
9 ance to disadvantaged entrepreneurs;

10 “(2) to provide training and technical assist-
11 ance and capacity building services to microenter-
12 prise development organizations and programs and
13 groups of such organizations and programs to assist
14 such organizations and programs in developing mi-
15 croenterprise training and services;

16 “(3) to aid in researching and developing the
17 best practices in the field of microenterprise and
18 training and technical assistance programs for dis-
19 advantaged entrepreneurs;

20 “(4) to provide training and technical assist-
21 ance to disadvantaged Native American entre-
22 preneurs and prospective disadvantaged Native
23 American entrepreneurs; and

1 “(5) for such other activities as the Associate
2 Administrator determines are consistent with the
3 purposes of this section.

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

5 “(1) ALLOCATION OF GRANTS.—

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

9 “(i) not less than 75 percent of
10 amounts made available to the Adminis-
11 trator for grants under this section are
12 used for activities described in subsection
13 (c)(1); and

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

19 “(B) LIMIT ON INDIVIDUAL ASSISTANCE.—

20 No single person may receive more than 10 per-
21 cent of the total amounts made available for
22 grants under this section for a single fiscal
23 year.

24 “(2) TARGETED ASSISTANCE.—The Associate
25 Administrator shall ensure that not less than 50

1 percent of the total amounts made available for
2 grants under this section are used to benefit very
3 low-income persons, including very low-income per-
4 sons residing on Indian reservations.

5 “(3) SUBGRANTS AUTHORIZED.—

6 “(A) IN GENERAL.—A qualified organiza-
7 tion receiving a grant under this section may
8 provide subgrants using that grant to qualified
9 organizations that are small or emerging micro-
10 enterprises and programs, subject to such rules
11 and regulations as the Associate Administrator
12 determines are appropriate.

13 “(B) LIMIT ON ADMINISTRATIVE EX-
14 PENSES.—Not more than 7.5 percent of the
15 amount received by a qualified organization
16 under a grant under this section may be used
17 for administrative expenses in connection with
18 the making of subgrants under subparagraph
19 (A).

20 “(4) DIVERSITY.—In making grants under this
21 section, the Associate Administrator shall ensure
22 that grant recipients include both large and small
23 microenterprise organizations that serve urban,
24 rural, and Indian tribal communities and diverse
25 populations.

1 “(5) PROHIBITION ON PREFERENTIAL CONSID-
2 ERATION OF CERTAIN ADMINISTRATION PROGRAM
3 PARTICIPANTS.—In making grants under this sec-
4 tion, the Associate Administrator shall ensure that
5 any application made by a qualified organization
6 that is a participant in the program established
7 under section 7(m) does not receive preferential con-
8 sideration over applications from other qualified or-
9 ganizations that are not participants in the program.

10 “(e) FEDERAL SHARE.—

11 “(1) IN GENERAL.—A qualified organization
12 that receives a grant under this section shall provide
13 non-Federal contributions to carry out the activities
14 described in subsection (e) in an amount equal to
15 not less than 50 percent of the amount of the grant
16 received under this section.

17 “(2) SOURCES OF NON-FEDERAL SHARE.—The
18 non-Federal share of the cost of a project using a
19 grant under this section may be in the form of fees,
20 grants, gifts, funds from loan sources, or in-kind re-
21 sources of an applicant from public or private
22 sources.

23 “(3) EXCEPTION.—

24 “(A) IN GENERAL.—If the Associate Ad-
25 ministrators determine that an applicant for as-

1 sistance under this section has severe con-
 2 straints on available sources of non-Federal
 3 funds, the Associate Administrator may reduce
 4 or eliminate the requirement under paragraph
 5 (1).

6 “(B) LIMITATION.—Not more than 10 per-
 7 cent of the total funds made available from the
 8 Administration in any fiscal year to carry out
 9 this section may be excepted under subpara-
 10 graph (A) from the requirement under para-
 11 graph (1).

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

16 “(g) RECORDKEEPING AND REPORTING.—

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

19 “(A) submit to the Administration not less
 20 frequently than once every 18-month period, fi-
 21 nancial statements audited by an independent
 22 certified public accountant;

23 “(B) submit an annual report to the Ad-
 24 ministration on the activities of the qualified or-
 25 ganization; and

1 ~~“(C) keep such records as the Associate~~
2 ~~Administrator determines are necessary to dis-~~
3 ~~close the manner in which amounts made avail-~~
4 ~~able under a grant under this section are used.~~

5 ~~“(2) ACCESS.—Upon the request of the Asso-~~
6 ~~ciate Administrator, the Associate Administrator~~
7 ~~shall have access to any record of any qualified orga-~~
8 ~~nization that receives a grant under this section, for~~
9 ~~the purpose of determining compliance with this sec-~~
10 ~~tion.~~

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

14 ~~“(A) the number of individuals counseled~~
15 ~~or trained by the organization;~~

16 ~~“(B) the number of hours of counseling~~
17 ~~provided by the organization;~~

18 ~~“(C) the number of startup small business~~
19 ~~concerns formed with the assistance of the or-~~
20 ~~ganization;~~

21 ~~“(D) the number of small business con-~~
22 ~~cerns expanded with the assistance of the orga-~~
23 ~~nization;~~

24 ~~“(E) the number of low-income individuals~~
25 ~~counseled or trained by the organization; and~~

1 “(F) the number of very low-income indi-
2 viduals counseled or trained by the organiza-
3 tion.

4 “(h) AUTHORIZATION OF APPROPRIATIONS.—

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

10 “(2) CERTAIN PROGRAMS.—In addition to the
11 amount authorized under paragraph (1), there are
12 authorized to be appropriated to the Administrator
13 \$2,000,000 for each of fiscal years 2010 through
14 2012 to carry out subsection (e)(4), which shall re-
15 main available until expended.”.

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

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

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

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

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

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

7 **SEC. 503. REFERENCES.**

8 All references in Federal law, other than section 504
9 of this Act, to the “Program for Investment in Microentre-
10 preneurs Act of 1999” or the “PRIME Act” shall be
11 deemed to be references to section 37 of the Small Busi-
12 ness Act, as added by this Act.

13 **SEC. 504. RULE OF CONSTRUCTION.**

14 Nothing in this title or the amendments made by this
15 title shall affect any grant or assistance provided under
16 the Program for Investment in Microentrepreneurs Act of
17 1999 (15 U.S.C. 6901 et seq.); before the date of enact-
18 ment of this Act, and any such grant or assistance shall
19 be subject to the Program for Investment in Microentre-
20 preneurs Act of 1999, as in effect on the day before the
21 date of enactment of this Act.

22 **TITLE VI—OTHER PROVISIONS**

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

24 (a) IN GENERAL.—Section 21(a)(1) of the Small
25 Business Act (15 U.S.C. 648(a)(1)) is amended by strik-

1 ing “: *Provided, That*” and all that follows through “on
 2 such date.” and inserting the following: “. On and after
 3 December 31, 2010, the Administration may only make
 4 a grant under this paragraph to an applicant that is an
 5 institution of higher education, as defined in section
 6 101(a) of the Higher Education Act of 1965 (20 U.S.C.
 7 1001(a)) that is accredited (and not merely in
 8 preaccreditation status) by a nationally recognized accred-
 9 iting agency or association, recognized by the Secretary
 10 of Education for such purpose in accordance with section
 11 496 of that Act (20 U.S.C. 1099b), or to a women’s busi-
 12 ness center operating pursuant to section 29 as a small
 13 business development center, unless the applicant was re-
 14 ceiving financial assistance (including a contract or coop-
 15 erative agreement) on December 31, 2010.”.

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

18 **SEC. 602. HEALTH INSURANCE OPTIONS INFORMATION FOR**

19 **SMALL BUSINESS CONCERNS.**

20 (a) DEFINITIONS.—In this section—

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

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

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

5 (B) the Association of Women's Business
 6 Centers;

7 (C) the Service Corps of Retired Exec-
 8 tives authorized by section 8(b)(1)(B) of the
 9 Small Business Act (15 U.S.C. 637(b)(1)(B));

10 and

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

16 (b) SMALL BUSINESS HEALTH INSURANCE INFOR-
 17 MATION PROGRAM.—

18 (1) PROGRAM ESTABLISHED.—The Adminis-
 19 trator, acting through the Associate Administrator
 20 for Entrepreneurial Development, shall establish a
 21 program to make grants to resource partners to pro-
 22 vide neutral and objective information and edu-
 23 cational materials regarding health insurance op-
 24 tions, including coverage options within the small
 25 group market, to small business concerns.

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

4 (3) GRANT AMOUNTS.—The grants made under
 5 this section shall—

6 (A) be made from funds appropriated to
 7 the Administrator to carry out the activities of
 8 the Office of Entrepreneurial Development; and

9 (B) not exceed a total amount of
 10 \$5,000,000.

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

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

18 (B) to return any funds that have not been
 19 used, if the Administrator determines that the
 20 resource partner is not carrying out the grant
 21 program activities under paragraph (5)(A).

22 (5) USE OF FUNDS.—

23 (A) GRANT PROGRAM ACTIVITIES.—A re-
 24 source partner shall use funds provided under
 25 the grant program to create, in consultation

1 with the Associate Administrator for Entrepre-
2 neurial Development of the Administration—

3 (i) an online training program;

4 (ii) an online repository of health in-
5 surance information relevant to small busi-
6 ness concerns;

7 (iii) a counseling curriculum that can
8 be used in the physical location of the re-
9 source partner; and

10 (iv) materials containing relevant in-
11 formation that can be disbursed to owners
12 of small business concerns throughout the
13 country.

14 (B) CONTENT OF MATERIALS.—

15 (i) IN GENERAL.—In creating mate-
16 rials under the grant program, a resource
17 partner shall evaluate and incorporate rel-
18 evant portions of existing informational
19 materials regarding health insurance op-
20 tions, including materials and resources
21 developed by the National Association of
22 Insurance Commissioners, the Kaiser Fam-
23 ily Foundation, and the Healthcare Lead-
24 ership Council.

1 (ii) HEALTH INSURANCE OPTIONS.—

2 In incorporating information regarding
3 health insurance options under clause (i), a
4 resource partner shall provide neutral and
5 objective information regarding health in-
6 surance options in the geographic area
7 served by the resource partner, including
8 traditional employer sponsored health in-
9 surance for the group insurance market,
10 such as the health insurance options de-
11 scribed in section 2791 of the Public
12 Health Services Act (42 U.S.C. 300gg-91)
13 or section 125 of the Internal Revenue
14 Code of 1986, and Federal and State
15 health insurance programs.

16 (e) REVIEW AND REPORT.—

17 (1) REVIEW OF GRANT PROGRAM.—The Asso-
18 ciate Administrator for Entrepreneurial Develop-
19 ment shall conduct a review of the effectiveness of
20 the grant program.

21 (2) REPORT.—Not later than 2 years after the
22 date on which all grants under the grant program
23 are disbursed, the Associate Administrator for En-
24 trepreneurial Development shall submit to the Com-
25 mittee on Small Business and Entrepreneurship of

1 the Senate and the Committee on Small Business of
2 the House of Representatives a report on the results
3 of the review under paragraph (1).

4 **SEC. 603. NATIONAL SMALL BUSINESS DEVELOPMENT CEN-**
5 **TER ADVISORY BOARD.**

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

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

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

13 (3) by striking the third sentence; and

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

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

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

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

1 “(c) PRIVACY REQUIREMENTS.—

2 “(1) IN GENERAL.—A chapter of the SCORE
3 program authorized by subsection (b)(1) or an agent
4 of such a chapter may not disclose the name, ad-
5 dress, or telephone number of any individual or
6 small business concern receiving assistance from
7 that chapter or agent without the consent of such in-
8 dividual or small business concern, unless—

9 “(A) the Administrator is ordered to make
10 such a disclosure by a court in any civil or
11 criminal enforcement action initiated by a Fed-
12 eral or State agency; or

13 “(B) the Administrator determines such a
14 disclosure to be necessary for the purpose of
15 conducting a financial audit of a chapter of the
16 SCORE program authorized by subsection
17 (b)(1), in which case disclosure shall be limited
18 to the information necessary for such audit.

19 “(2) ADMINISTRATOR USE OF INFORMATION.—

20 This subsection shall not—

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

23 “(B) prevent the Administrator from using
24 client information to conduct client surveys.

25 “(3) REGULATIONS.—

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

3 “(i) for disclosures with respect to fi-
4 nancial audits under paragraph (1)(B);
5 and

6 “(ii) for client surveys under para-
7 graph (2)(B), including standards for over-
8 sight of such surveys and for dissemination
9 and use of client information.

10 “(B) MAXIMUM PRIVACY PROTECTION.—
11 Regulations under this paragraph shall, to the
12 extent practicable, provide for the maximum
13 amount of privacy protection.

14 “(C) INSPECTOR GENERAL.—Until the ef-
15 fective date of regulations under this para-
16 graph, any client survey and the use of such in-
17 formation shall be approved by the Inspector
18 General of the Administration who shall include
19 such approval in the semi-annual report of the
20 Inspector General.”.

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

22 (a) IN GENERAL.—Not later than December 31,
23 2012, the President shall convene a National Small Busi-
24 ness Summit to examine the present conditions and future
25 of the community of small business concerns in the United

1 States. The summit shall include owners of small business
 2 concerns, representatives of small business groups, labor,
 3 academia, the Federal Government, State governments,
 4 Indian tribes, Federal research and development agencies,
 5 and nonprofit policy groups concerned with the issues of
 6 small business concerns.

7 (b) REPORT.—Not later than 90 days after the date
 8 of the conclusion of the summit convened under subsection
 9 (a), the President shall issue a report on the results of
 10 the summit. The report shall identify key challenges and
 11 make recommendations for promoting entrepreneurship
 12 and the growth of small business concerns.

13 **SEC. 606. SCORE PROGRAM.**

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

18 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

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

1 (B) in section 33(b)(2), by striking “Service
2 Corps of Retired Executives” and inserting
3 “SCORE”.

4 (2) OTHER LAW.—Section 337(d)(2) of the En-
5 ergy Policy and Conservation Act (42 U.S.C.
6 6307(d)(2)) is amended by striking “Service Corps
7 of Retired Executives (SCORE)” and inserting
8 “SCORE”.

9 (c) REFERENCES.—Any reference to the Service
10 Corps of Retired Executives established under section
11 8(b)(1)(B) of the Small Business Act (15 U.S.C.
12 637(b)(1)(B)), as in effect on the day before the date of
13 enactment of this Act, in any law, rule, regulation, certifi-
14 cate, directive, instruction, or other official paper shall be
15 considered to refer to the SCORE established under sec-
16 tion 8(b)(1)(B) of the Small Business Act, as amended
17 by this Act.

18 **SEC. 607. ASSISTANCE TO OUT-OF-STATE SMALL BUSI-**
19 **NESSES.**

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

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

24 “(3) ASSISTANCE TO OUT-OF-STATE SMALL BUSI-
25 NESSES.—

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

3 “(B) DISASTER RECOVERY ASSISTANCE.—

4 “(i) IN GENERAL.—At the discretion of the
5 Administrator, the Administrator may authorize
6 a small business development center to provide
7 assistance, as described in subsection (c), to
8 small business concerns located outside of the
9 State, without regard to geographic proximity,
10 if the small business concerns are located in an
11 area for which the President has declared a
12 major disaster, as defined in section 102 of the
13 Robert T. Stafford Disaster Relief and Emer-
14 gency Assistance Act (42 U.S.C. 5122), during
15 the period of the declaration.

16 “(ii) CONTINUITY OF SERVICES.—A small
17 business development center that provides coun-
18 selors to an area described in clause (i) shall,
19 to the maximum extent practicable, ensure con-
20 tinuity of services in any State in which the
21 small business development center otherwise
22 provides services.

23 “(iii) ACCESS TO DISASTER RECOVERY FA-
24 CILITIES.—For purposes of this subparagraph,
25 the Administrator shall, to the maximum extent

1 practicable, permit the personnel of a small
 2 business development center to use any site or
 3 facility designated by the Administrator for use
 4 to provide disaster recovery assistance.”

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

6 (a) **PORTABILITY GRANTS.**—Section 21(a)(4)(C)(viii)
 7 of the Small Business Act (15 U.S.C. 648(a)(4)(C)(viii))
 8 is amended—

9 (1) in the first sentence—

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

14 (B) by striking “as a result of a business
 15 or government facility down sizing or closing,
 16 which has resulted in the loss of jobs or small
 17 business instability” and inserting “due to
 18 events that have resulted or will result in, the
 19 downsizing or closing of a business or govern-
 20 ment facility”; and

21 (2) by adding at the end “The Administrator
 22 may make a grant under this clause that exceeds
 23 \$100,000 to accommodate extraordinary events that
 24 the Administrator determines have had a cata-

1 strophic impact on small business concerns in a com-
2 munity.”.

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

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

8 (a) **IN GENERAL.**—Not later than 30 months after
9 the date of disbursement of the first grant under a covered
10 pilot program, the Comptroller General of the United
11 States shall submit to the Committee on Small Business
12 and Entrepreneurship of the Senate and the Committee
13 on Small Business of the House of Representatives a re-
14 port evaluating the covered pilot program, including rec-
15 ommendations, if any, on possible improvements or modi-
16 fications to the covered pilot program, including the feasi-
17 bility of extending the covered pilot program to all small
18 business development centers.

19 (b) **DEFINITION OF COVERED PILOT PROGRAM.**—In
20 this section, the term “covered pilot program” means a
21 pilot program relating to small business development cen-
22 ters established under this Act or an amendment made
23 by this Act.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Entrepreneurial Devel-*
 3 *opment Act of 2009”.*

4 **SEC. 2. TABLE OF CONTENTS.**

5 *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 Develop-
ment.

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.

Sec. 610. Educating and networking entrepreneurs through technology.

1 **SEC. 3. DEFINITIONS.**

2 *In this Act—*

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

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

9 (3) *the term “small business development center”*
10 *means a small business development center described*
11 *in section 21 of the Small Business Act (15 U.S.C.*
12 *648).*

13 **TITLE I—REAUTHORIZATION**

14 **SEC. 101. REAUTHORIZATION.**

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

17 (1) *by redesignating subsection (j) as subsection*
18 *(f); and*

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

20 “(g) *SCORE PROGRAM.—There are authorized to be*
21 *appropriated to the Administrator to carry out the SCORE*
22 *program authorized by section 8(b)(1) such sums as are nec-*

1 *essary for the Administrator to make grants or enter into*
 2 *cooperative agreements for a total of—*

3 “(1) \$10,000,000 in fiscal year 2010;

4 “(2) \$11,000,000 in fiscal year 2011; and

5 “(3) \$13,000,000 in fiscal year 2012.”.

6 **(b) SMALL BUSINESS DEVELOPMENT CENTERS.**—*Sec-*
 7 *tion 21(a)(4)(C)(vii) of the Small Business Act (15 U.S.C.*
 8 *648(a)(4)(C)(vii)) is amended to read as follows:*

9 “(vii) **AUTHORIZATION OF APPROPRIA-**
 10 **TIONS.**—*There are authorized to be appro-*
 11 *priated to carry out this subparagraph—*

12 “(I) \$150,000,000 for fiscal year
 13 2010;

14 “(II) \$155,000,000 for fiscal year
 15 2011; and

16 “(III) \$160,000,000 for fiscal year
 17 2012.”.

18 **(c) PAUL D. COVERDELL DRUG-FREE WORKPLACE**
 19 **PROGRAM.**—

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

22 (A) *in paragraph (1), by striking “fiscal*
 23 *years 2005 and 2006” and inserting “fiscal*
 24 *years 2010 through 2012”;* and

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

4 (2) CONFORMING AMENDMENT.—Section
5 21(c)(3)(T) of the Small Business Act (15 U.S.C.
6 648(c)(3)(T)) is amended by striking “October 1,
7 2006” and inserting “October 1, 2012”.

8 **TITLE II—WOMEN’S SMALL BUSI-**
9 **NESS OWNERSHIP PROGRAMS**

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

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

13 (1) in paragraph (2)—

14 (A) in subparagraph (B)(i), by striking “in
15 the areas” and all that follows through the end
16 of subclause (I), and inserting the following: “to
17 address issues concerning the management, oper-
18 ations, manufacturing, technology, finance, retail
19 and product sales, international trade, Govern-
20 ment contracting, and other disciplines required
21 for—

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

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

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

12 “(4) PROGRAM AND TRANSPARENCY IMPROVE-
13 MENTS.—The Administrator shall maximize the
14 transparency of the women’s business center financial
15 assistance proposal process and the programmatic
16 and financial oversight process by—

17 “(A) providing public notice of the an-
18 nouncement for financial assistance under sub-
19 section (b) and grants under subsection (l) not
20 later than the end of the first quarter of each fis-
21 cal year;

22 “(B) in the announcement described in sub-
23 paragraph (A), outlining award and program
24 evaluation criteria and describing the weighting

1 *of the criteria for financial assistance under sub-*
2 *section (b) and grants under subsection (l);*

3 *“(C) minimizing paperwork and reporting*
4 *requirements for applicants for and recipients of*
5 *financial assistance under this section;*

6 *“(D) standardizing the oversight and review*
7 *process of the Administration; and*

8 *“(E) providing to each women’s business*
9 *center, not later than 60 days after the comple-*
10 *tion of a site visit at the women’s business center*
11 *(whether conducted for an audit, performance re-*
12 *view, or other reason), a copy of site visit reports*
13 *and evaluation reports prepared by district office*
14 *technical representatives or officers or employees*
15 *of the Administration.”.*

16 ***(b) CHANGE OF TITLE.—***

17 ***(1) IN GENERAL.—Section 29 of the Small Busi-***
18 ***ness Act (15 U.S.C. 656) is amended—***

19 ***(A) in subsection (a)—***

20 ***(i) by striking paragraphs (1) and (4);***

21 ***(ii) by redesignating paragraphs (2)***
22 ***and (3) as paragraphs (4) and (5), respec-***
23 ***tively; and***

24 ***(iii) by inserting before paragraph (4),***
25 ***as so redesignated, the following:***

1 “(2) the term ‘Director’ means the Director of the
2 Office of Women’s Business Ownership established
3 under subsection (g);”;

4 (B) by striking “Assistant Administrator”
5 each place it appears and inserting “Director”;
6 and

7 (C) in subsection (g)(2), in the paragraph
8 heading, by striking “ASSISTANT ADMINIS-
9 TRATOR” and inserting “DIRECTOR”.

10 (2) WOMEN’S BUSINESS OWNERSHIP ACT OF
11 1988.—Title IV of the Women’s Business Ownership
12 Act of 1988 (15 U.S.C. 7101 et seq.) is amended—

13 (A) in section 403(a)(2)(B), by striking
14 “Assistant Administrator” and inserting “Direc-
15 tor”;

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

18 (C) in section 406(c), by striking “Assistant
19 Administrator” and inserting “Director”.

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

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

24 (1) in subsection (a)—

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

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

5 “(A) that represents not less than 51 per-
6 cent of the women’s business centers that partici-
7 pate in a program under this section; and

8 “(B) whose primary purpose is to represent
9 women’s business centers;”;

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

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

13 “(A) a private nonprofit organization;

14 “(B) a State, regional, or local economic de-
15 velopment organization;

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

18 “(D) a public or private institution of high-
19 er education (as that term is used in sections
20 101 and 102 of the Higher Education Act of
21 1965 (20 U.S.C. 1001 and 1002)); or

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

24 (C) by adding after paragraph (5), as reded-
25 icated by section 201(b), the following:

1 “(6) the term ‘women’s business center’ means a
2 project conducted by an eligible entity under this sec-
3 tion;”;

4 (2) in subsection (b)—

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

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

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

14 (C) by striking “The projects shall” and in-
15 serting the following:

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

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

21 “(3) *AMOUNT OF FINANCIAL ASSISTANCE.*—

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

1 “(B) *EQUAL ALLOCATIONS.*—*In the event*
2 *that the Administration has insufficient funds to*
3 *provide financial assistance of \$150,000 for each*
4 *recipient of financial assistance under this sub-*
5 *section in any fiscal year, available funds shall*
6 *be allocated equally to recipients, unless a recipi-*
7 *ent requests a lower amount than the allocated*
8 *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 op-*
18 *erations 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 *ipient organization” and inserting “an eligible*
24 *entity”;*

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

4 (C) in paragraph (4)—

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

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

9 (D) by adding at end the following:

10 “(5) SEPARATION OF PROJECT AND FUNDS.—An
11 eligible entity shall—

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

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

17 (4) in subsection (e)—

18 (A) by striking “applicant organization”
19 and inserting “eligible entity”;

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

22 (C) by striking “site”;

23 (5) by striking subsection (f) and inserting the
24 following:

1 “(f) *APPLICATIONS AND CRITERIA FOR INITIAL FINAN-*
2 *CIAL ASSISTANCE.*—

3 “(1) *APPLICATION.*—*Each eligible entity desiring*
4 *financial assistance under subsection (b) shall submit*
5 *to the Administrator an application that contains—*

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

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

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

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

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

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

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

4 “(B) information demonstrating that the el-
5 igible entity has the ability and resources to meet
6 the needs of the market to be served by the wom-
7 en’s business center for which financial assist-
8 ance under subsection (b) is sought, including
9 the ability to obtain the non-Federal contribu-
10 tion required under subsection (c);

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

16 “(D) information demonstrating the experi-
17 ence and effectiveness of the eligible entity in—

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

24 “(ii) providing training and services
25 to a representative number of women who

1 *are socially and economically disadvan-*
2 *tagged; and*

3 *“(iii) using resource partners of the*
4 *Administration and other entities, such as*
5 *universities; and*

6 *“(E) a 5-year plan that describes the ability*
7 *of the women’s business center for which finan-*
8 *cial assistance is sought—*

9 *“(i) to serve women who are business*
10 *owners or potential owners by conducting*
11 *training and counseling activities; and*

12 *“(ii) to provide training and services*
13 *to a representative number of women who*
14 *are socially and economically disadvan-*
15 *tagged.*

16 *“(2) ADDITIONAL INFORMATION.—The Adminis-*
17 *trator shall make any request for additional informa-*
18 *tion from an organization applying for financial as-*
19 *sistance under subsection (b) that was not requested*
20 *in the original announcement in writing.*

21 *“(3) REVIEW AND APPROVAL OF APPLICATIONS*
22 *FOR INITIAL FINANCIAL ASSISTANCE.—*

23 *“(A) IN GENERAL.—The Administrator*
24 *shall—*

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

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

11 “(B) SELECTION CRITERIA.—

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

16 “(I) established before the date on
17 which applicants are required to sub-
18 mit the applications;

19 “(II) stated in terms of relative
20 importance; and

21 “(III) publicly available and stat-
22 ed in each solicitation for applications
23 for financial assistance under sub-
24 section (b) made by the Administrator.

1 “(i) *REQUIRED CRITERIA.*—*The selec-*
2 *tion criteria for financial assistance under*
3 *subsection (b) shall include—*

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

10 “(II) *the ability of the applicant*
11 *to commence a project within a min-*
12 *imum amount of time;*

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

18 “(IV) *the location for the women’s*
19 *business center site proposed by the ap-*
20 *plicant, including whether the appli-*
21 *cant is located in a State in which*
22 *there is not a women’s business center*
23 *receiving funding from the Adminis-*
24 *tration.*

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

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

16 *(6) in subsection (m), by striking paragraph (3)*
17 *and inserting the following:*

18 “(3) *APPLICATION AND APPROVAL FOR RENEWAL*
19 *GRANTS.*—

20 “(A) *APPLICATION.*—*Each eligible entity*
21 *desiring a grant under this subsection shall sub-*
22 *mit to the Administrator an application that*
23 *contains—*

24 “(i) *a certification that the appli-*
25 *cant—*

1 “(I) is a private nonprofit organi-
2 zation;

3 “(II) has designated a full-time
4 executive director or program manager
5 to manage the women’s business center
6 operated by the applicant; and

7 “(III) as a condition of receiving
8 a grant under this subsection, agrees—

9 “(aa) to receive a site visit as
10 part of the final selection process;

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

20 “(cc) to remedy any problem
21 identified pursuant to the site
22 visit or review under item (aa) or
23 (bb);

24 “(ii) information demonstrating that
25 the applicant has the ability and resources

1 to meet the needs of the market to be served
2 by the women’s business center for which a
3 grant under this subsection is sought, in-
4 cluding the ability to ability to obtain the
5 non-Federal contribution required under
6 paragraph (4)(C);

7 “(iii) information relating to assist-
8 ance to be provided by the women’s business
9 center for which a grant under this sub-
10 section is sought in the area of the women’s
11 business center site;

12 “(iv) information demonstrating the
13 use of resource partners of the Administra-
14 tion and other entities;

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

19 “(I) to serve women who are busi-
20 ness owners or potential business own-
21 ers by conducting training and coun-
22 seling activities; and

23 “(II) to provide training and
24 services to a representative number of

1 *women who are socially and economi-*
2 *cally disadvantaged; and*

3 *“(vi) any additional information that*
4 *the Administrator may reasonably require.*

5 *“(B) REVIEW AND APPROVAL OF APPLICA-*
6 *TIONS FOR GRANTS.—*

7 *“(i) IN GENERAL.—The Administrator*
8 *shall—*

9 *“(I) review each application sub-*
10 *mitted under subparagraph (A), based*
11 *on the information described in such*
12 *subparagraph and the criteria set forth*
13 *under clause (ii) of this subparagraph;*
14 *and*

15 *“(II) whenever practicable, as*
16 *part of the final selection process, con-*
17 *duct a site visit at each women’s busi-*
18 *ness center for which a grant under*
19 *this subsection is sought.*

20 *“(ii) SELECTION CRITERIA.—*

21 *“(I) IN GENERAL.—The Adminis-*
22 *trator shall evaluate applicants for*
23 *grants under this subsection in accord-*
24 *ance with selection criteria that are—*

1 “(aa) established before the
2 date on which applicants are re-
3 quired to submit the applications;

4 “(bb) stated in terms of rel-
5 ative importance; and

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

11 “(II) *REQUIRED CRITERIA.*—*The*
12 *selection criteria for a grant under this*
13 *subsection shall include—*

14 “(aa) the total number of en-
15 trepreneurs served by the appli-
16 cant;

17 “(bb) the total number of
18 new start-up companies assisted
19 by the applicant;

20 “(cc) the percentage of the
21 clients of the applicant that are
22 socially or economically disadvan-
23 taged; and

24 “(dd) the percentage of indi-
25 viduals in the community served

1 by the applicant who are socially
2 or economically disadvantaged.

3 “(iii) *CONDITIONS FOR CONTINUED*
4 *FUNDING.*—*In determining whether to make*
5 *a grant under this subsection, the Adminis-*
6 *trator—*

7 “(I) *shall consider the results of*
8 *the most recent evaluation of the wom-*
9 *en’s business center for which a grant*
10 *under this subsection is sought, and, to*
11 *a lesser extent, previous evaluations;*
12 *and*

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

20 “(C) *NOTIFICATION.*—*Not later than 60*
21 *days after the date of the deadline to submit ap-*
22 *plications for each fiscal year, the Administrator*
23 *shall approve or deny any application under*
24 *this paragraph and notify the applicant for each*
25 *such application.*

1 “(D) *RECORD RETENTION.*—*The Adminis-*
2 *trator shall maintain a copy of each application*
3 *submitted under this paragraph for not less than*
4 *7 years.*”.

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

8 (1) *in subsection (h)(2), by striking “to award a*
9 *contract (as a sustainability grant) under subsection*
10 *(l) or”;*

11 (2) *in subsection (j)(1), by striking “The Admin-*
12 *istration” and inserting “Not later than November 1st*
13 *of each year, the Administrator”;*

14 (3) *in subsection (k)—*

15 (A) *by striking paragraphs (1), (2), and*
16 (4);

17 (B) *by redesignating paragraph (3) as*
18 *paragraph (5); and*

19 (C) *by inserting before paragraph (5), as so*
20 *redesignated, the following:*

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

24 (A) *\$20,000,000 for fiscal year 2010;*

25 (B) *\$20,500,000 for fiscal year 2011; and*

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

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

6 “(3) *USE OF AMOUNTS.*—Amounts made avail-
7 able under this subsection may only be used for grant
8 awards and may not be used for costs incurred by the
9 Administration in connection with the management
10 and administration of the program under 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 fiscal
16 year only to the extent and in the amounts as
17 are provided in advance in appropriations Acts.

18 “(B) *PROMPT DISBURSEMENT.*—Upon re-
19 ceiving funds to carry out this section for a fis-
20 cal year, the Administrator shall, to the extent
21 practicable, promptly reimburse funds to any
22 women’s business center awarded financial as-
23 sistance under this section if the center meets the
24 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 suspend,
 5 terminate, or fail to renew or extend any such
 6 grant or cooperative agreement, unless the Ad-
 7 ministrator—

8 “(i) provides the women’s business cen-
 9 ter with written notification setting forth
 10 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 sub-
 16 section (l)”;

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

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 service*
 5 *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 (15*
 8 *U.S.C. 7110(a)) is amended by striking “2001 through*
 9 *2003, of which \$550,000” and inserting “2010 through*
 10 *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 fol-*
 17 *lowing:*

18 “(1) *IN GENERAL.—Not later”;* and

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

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

1 (b) *POLICY ADVISORY GROUP.*—Section 401 of the
2 *Women’s Business Ownership Act of 1988 (15 U.S.C. 7101)*
3 *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 policies*
12 *and programs under this Act.*

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

16 “(A) *1 shall be a representative of the Small*
17 *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 Coun-
2 cil.

3 “(3) MEETINGS.—The Policy Advisory Group es-
4 tablished under paragraph (1) shall meet not less fre-
5 quently 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 fiscal
10 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 pro-
15 vides an independent source of advice and policy rec-
16 ommendations regarding women’s business develop-
17 ment and the needs of women entrepreneurs in the
18 United States to—

19 (A) the President;

20 (B) Congress;

21 (C) the Interagency Committee on Women’s
22 Business Enterprise; and

23 (D) the Administrator.

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

1 *tives of business organizations, and representatives of*
2 *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 on*
8 *the National Women's Business Council. Four of the*
9 *positions are reserved for small business owners who*
10 *are affiliated with the political party of the President,*
11 *and 4 of the positions are reserved for small business*
12 *owners who are not affiliated with the political party*
13 *of the President. This method of appointment ensures*
14 *that the National Women's Business Council will pro-*
15 *vide Congress with nonpartisan, balanced, and inde-*
16 *pendent advice.*

17 *(4) In order to maintain the independence of the*
18 *National Women's Business Council and to ensure*
19 *that the Council continues to provide the President,*
20 *the Interagency Committee on Women's Business En-*
21 *terprise, the Administrator, and Congress with advice*
22 *on a nonpartisan basis, it is essential that the Coun-*
23 *cil maintain the bipartisan balance established under*
24 *section 407 of the Women's Business Ownership Act*
25 *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 (15
3 U.S.C. 7107(f)), as amended by this Act, is amended by
4 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 sub-
8 section (b), the Administrator shall, to the extent
9 practicable, ensure that there are an equal number of
10 members on the Council from each of the 2 major po-
11 litical 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 on
21 Small Business of the House of Representatives, that
22 explains why the respective deadline was not met and
23 provides an estimated date on which any vacancies
24 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 in*
6 *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 of*
15 *the economy in the type of covered area in which such*
16 *centers are located.*

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

22 (1) *address the unique difficulties women's busi-*
23 *ness centers located in covered areas face because of*
24 *the type of covered area in which such centers are lo-*
25 *cated;*

1 (2) *expand the presence of, and increase the serv-*
 2 *ices provided by, women’s business centers located in*
 3 *covered areas; and*

4 (3) *best use technology and other resources to bet-*
 5 *ter serve women business owners located in covered*
 6 *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 Small*
 19 *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 the*
9 *meaning given the term ‘Native Corporation’ in sec-*
10 *tion 3(m) of the Alaska Native Claims Settlement Act*
11 *(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 sub-*
17 *section (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 organi-*
8 *zation 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-Deter-*
13 *mination and Education Assistance Act (25 U.S.C.*
14 *450b);*

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

17 *“(A) combines the resources and expertise of*
18 *2 or more distinct entities at a physical location*
19 *dedicated to assisting the Native American com-*
20 *munity; 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 the
3 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 the
9 ability and resources to meet the needs, in-
10 cluding the cultural needs, of the Native
11 Americans to be served by the project;

12 “(9) the term ‘Native American Business Enter-
13 prise Center’ means an entity providing business de-
14 velopment assistance to federally recognized tribes and
15 Native Americans under a grant from the Minority
16 Business Development Agency of the Department of
17 Commerce;

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

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

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

1 “(11) the term ‘Native American small business
2 development program’ means the program established
3 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 U.S.C.
8 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 Amer-
15 ican Affairs, which, under the direction of the Assist-
16 ant Administrator, shall implement the programs of
17 the Administration for the development of business
18 enterprises by Native Americans.

19 “(2) PURPOSE.—The purpose of the Office of Na-
20 tive American Affairs is to assist Native American
21 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 for
4 Native Americans through the establishment and
5 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 Ad-
15 ministrator appointed under subparagraph (A)
16 shall have—

17 “(i) knowledge of Native American cul-
18 ture; and

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

22 “(C) EMPLOYMENT STATUS.—The Adminis-
23 trator 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.—The
8 Assistant Administrator shall—

9 “(i) in consultation with the Associate
10 Administrator for Entrepreneurial Develop-
11 ment, administer and manage the Native
12 American Small Business Development pro-
13 gram 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 pro-
25 gram;

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 informa-
6 tion between Native American business cen-
7 ters.

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 cen-*
2 *ters 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 Amer-*
6 *ican business center to overcome obstacles imped-*
7 *ing the creation, development, and expansion of*
8 *small business concerns, in accordance with this*
9 *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 American*
15 *business center that receives assistance under*
16 *paragraph (1)(A) shall conduct a 5-year project*
17 *that offers culturally tailored business develop-*
18 *ment 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 capital;*

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

1 “(III) managing cash flow and
2 other financial operations of a business
3 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 opportuni-
19 ties;

20 “(V) negotiating contracts; and

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

23 “(B) BUSINESS DEVELOPMENT ASSISTANCE
24 RECIPIENTS.—The business development assist-
25 ance under subparagraph (A) shall be offered to

1 *prospective and current owners of small business*
2 *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 *istance to Native American business centers*
12 *authorized under this subsection may be*
13 *made by grant, contract, or cooperative*
14 *agreement.*

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

19 “(B) *PAYMENTS.—*

20 “(i) *TIMING.—Payments made under*
21 *this subsection may be disbursed in periodic*
22 *installments, at the request of the recipient.*

23 “(ii) *ADVANCE.—The Administrator*
24 *may disburse not more than 25 percent of*
25 *the annual amount of Federal financial as-*

1 *sistance awarded to a Native American*
2 *small business center after notice of the*
3 *award has been issued.*

4 “(C) *FEDERAL SHARE.*—

5 “(i) *IN GENERAL.*—

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

15 “(aa) *in each of the first and*
16 *second years of the project, not*
17 *less than 33 percent of the amount*
18 *of the financial assistance received*
19 *under this subsection; and*

20 “(bb) *in each of the third*
21 *through fifth years of the project,*
22 *not less than 50 percent of the*
23 *amount of the financial assistance*
24 *received under this subsection.*

1 “(II) *RENEWALS.*—An eligible ap-
2 plicant that receives a renewal of fi-
3 nancial assistance under this sub-
4 section shall provide non-Federal con-
5 tributions for the operation of a Native
6 American business center established
7 by the eligible applicant in an amount
8 equal to not less than 50 percent of the
9 amount of the financial assistance re-
10 ceived under this subsection.

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

21 “(5) *APPLICATION PROCESS.*—

22 “(A) *SUBMISSION OF A 5-YEAR PLAN.*—
23 Each applicant for assistance under paragraph
24 (1) shall submit a 5-year plan to the Adminis-

1 *tration on proposed assistance and training ac-*
2 *tivities.*

3 “(B) *CRITERIA.*—

4 “(i) *IN GENERAL.*—*The Administrator*
5 *shall evaluate applicants for financial as-*
6 *sistance under this subsection in accordance*
7 *with selection criteria that are—*

8 “(I) *established before the date on*
9 *which eligible applicants are required*
10 *to submit the applications;*

11 “(II) *stated in terms of relative*
12 *importance; and*

13 “(III) *publicly available and stat-*
14 *ed in each solicitation for applications*
15 *for financial assistance under this sub-*
16 *section made by the Administrator.*

17 “(ii) *CONSIDERATIONS.*—*The criteria*
18 *required by this subparagraph shall in-*
19 *clude—*

20 “(I) *the experience of the appli-*
21 *cant in conducting programs or ongo-*
22 *ing efforts designed to impart or up-*
23 *grade the business skills of current or*
24 *potential owners of Native American*
25 *small business concerns;*

1 “(II) the ability of the applicant
2 to commence a project within a min-
3 imum amount of time;

4 “(III) the ability of the applicant
5 to provide quality training and serv-
6 ices to a significant number of Native
7 Americans;

8 “(IV) previous assistance from the
9 Administration to provide services in
10 Native American communities;

11 “(V) the proposed location for the
12 Native American business center, with
13 priority given based on the proximity
14 of the center to the population being
15 served and to achieve a broad geo-
16 graphic dispersion of the centers; and

17 “(VI) demonstrated experience in
18 providing technical assistance, includ-
19 ing financial, marketing, and manage-
20 ment assistance.

21 “(6) CONDITIONS FOR PARTICIPATION.—Each el-
22 igible applicant desiring a grant under this sub-
23 section shall submit an application to the Adminis-
24 trator that contains—

25 “(A) a certification that the applicant—

1 “(i) is an eligible applicant;

2 “(ii) employs an executive director or
3 program manager to manage the Native
4 American business center; and

5 “(iii) agrees—

6 “(I) to a site visit by the Admin-
7 istrator as part of the final selection
8 process;

9 “(II) to an annual programmatic
10 and financial examination; and

11 “(III) to the maximum extent
12 practicable, to remedy any problems
13 identified pursuant to that site visit or
14 examination;

15 “(B) information demonstrating that the
16 applicant has the ability and resources to meet
17 the needs, including cultural needs, of the Native
18 Americans to be served by the grant;

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

21 “(i) the number of individuals to be as-
22 sisted; and

23 “(ii) the number of hours of counseling,
24 training, and workshops to be provided;

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

3 “(i) conducting financial, manage-
4 ment, and marketing assistance programs
5 designed to educate or improve the business
6 skills of, current or prospective Native
7 American business owners;

8 “(ii) providing training and services
9 to a representative number of Native Ameri-
10 cans;

11 “(iii) using resource partners of the
12 Administration and other entities, includ-
13 ing universities, Indian tribes, or tribal col-
14 leges; and

15 “(iv) the prudent management of fi-
16 nances and staffing;

17 “(E) the location where the applicant will
18 provide training and services to Native Ameri-
19 cans;

20 “(F) a 5-year plan that describes—

21 “(i) the number of Native Americans
22 and Native American small business con-
23 cerns to be served by the grant;

24 “(ii) if the Native American business
25 center is located in the continental United

1 *States, the number of Native Americans to*
2 *be served by the grant; and*

3 “(iii) *the training and services to be*
4 *provided to a representative number of Na-*
5 *tive Americans; and*

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

7 “(i) *a certification that each partici-*
8 *part in the joint project is an eligible ap-*
9 *plicant;*

10 “(ii) *information demonstrating a*
11 *record of commitment to providing assist-*
12 *ance to Native Americans; and*

13 “(iii) *information demonstrating that*
14 *the participants in the joint project have the*
15 *ability and resources to meet the needs, in-*
16 *cluding the cultural needs, of the Native*
17 *Americans to be served by the grant.*

18 “(7) *REVIEW OF APPLICATIONS.—The Adminis-*
19 *trator shall approve or disapprove each completed ap-*
20 *plication submitted under this subsection not later*
21 *than 60 days after the date on which the eligible ap-*
22 *plicant submits the application.*

23 “(8) *PROGRAM EXAMINATION.—*

24 “(A) *IN GENERAL.—Each Native American*
25 *business center established under this subsection*

1 *shall annually provide to the Administrator an*
2 *itemized cost breakdown of actual expenditures*
3 *made during the preceding year.*

4 “(B) *ADMINISTRATION ACTION.*—*Based on*
5 *information received under subparagraph (A),*
6 *the Administration shall—*

7 “(i) *develop and implement an annual*
8 *programmatic and financial examination of*
9 *each Native American business center as-*
10 *sisted pursuant to this subsection; and*

11 “(ii) *analyze the results of each exam-*
12 *ination conducted under clause (i) to deter-*
13 *mine the programmatic and financial via-*
14 *bility of each Native American business cen-*
15 *ter.*

16 “(C) *CONDITIONS FOR CONTINUED FUND-*
17 *ING.*—*In determining whether to renew a grant,*
18 *contract, or cooperative agreement with a Native*
19 *American business center, the Administration—*

20 “(i) *shall consider the results of the*
21 *most recent examination of the center under*
22 *subparagraph (B), and, to a lesser extent,*
23 *previous examinations; and*

24 “(ii) *may withhold such renewal, if the*
25 *Administrator determines that—*

1 “(I) the center has failed to pro-
2 vide the information required to be
3 provided under subparagraph (A), or
4 the information provided by the center
5 is inadequate;

6 “(II) the center has failed to pro-
7 vide adequate information required to
8 be provided by the center for purposes
9 of the report of the Administrator
10 under subparagraph (E);

11 “(III) the center has failed to
12 comply with a requirement for partici-
13 pation in the Native American small
14 business development program, as de-
15 termined by the Administrator, includ-
16 ing—

17 “(aa) failure to acquire or
18 properly document a non-Federal
19 share;

20 “(bb) failure to establish an
21 appropriate partnership or pro-
22 gram for marketing and outreach
23 to reach new Native American
24 small business concerns;

1 “(cc) failure to achieve re-
2 sults described in a financial as-
3 sistance agreement; and

4 “(dd) failure to provide to
5 the Administrator a description of
6 the amount and sources of any
7 non-Federal funding received by
8 the center;

9 “(IV) the center has failed to
10 carry out the 5-year plan under in
11 paragraph (6)(F); or

12 “(V) the center cannot make the
13 certification described in paragraph
14 (6)(A).

15 “(D) CONTINUING CONTRACT AND COOPERA-
16 TIVE AGREEMENT AUTHORITY.—

17 “(i) IN GENERAL.—The authority of
18 the Administrator to enter into contracts or
19 cooperative agreements in accordance with
20 this subsection shall be in effect for each fis-
21 cal year only to the extent and in the
22 amounts as are provided in advance in ap-
23 propriations Acts.

24 “(ii) RENEWAL.—After the Adminis-
25 trator has entered into a contract or cooper-

1 *ative agreement with any Native American*
2 *business center under this subsection, the*
3 *Administrator may not suspend, terminate,*
4 *or fail to renew or extend any such contract*
5 *or cooperative agreement unless the Admin-*
6 *istrator provides the center with written no-*
7 *tification setting forth the reasons therefor*
8 *and affords the center an opportunity for a*
9 *hearing, appeal, or other administrative*
10 *proceeding under chapter 5 of title 5,*
11 *United States Code.*

12 “(E) *MANAGEMENT REPORT.*—

13 “(i) *IN GENERAL.*—*The Administra-*
14 *tion shall prepare and submit to the Com-*
15 *mittee on Small Business and Entrepre-*
16 *neurship of the Senate and the Committee*
17 *on Small Business of the House of Rep-*
18 *resentatives an annual report on the effec-*
19 *tiveness of all projects conducted by Native*
20 *American business centers under this sub-*
21 *section and any pilot programs adminis-*
22 *tered by the Office of Native American Af-*
23 *airs.*

24 “(ii) *CONTENTS.*—*Each report sub-*
25 *mitted under clause (i) shall include, with*

1 *respect to each Native American business*
2 *center receiving financial assistance under*
3 *this subsection—*

4 “(I) *the number of individuals re-*
5 *ceiving assistance from the Native*
6 *American business center;*

7 “(II) *the number of startup busi-*
8 *ness concerns created with the assist-*
9 *ance of the Native American business*
10 *center;*

11 “(III) *the number of existing busi-*
12 *nesses in the area served by the Native*
13 *American business center seeking to ex-*
14 *pend employment;*

15 “(IV) *the number of jobs created*
16 *or maintained, on an annual basis, by*
17 *Native American small business con-*
18 *cerns assisted by the center since re-*
19 *ceiving funding under this Act;*

20 “(V) *to the maximum extent prac-*
21 *ticable, the amount of the capital in-*
22 *vestment and loan financing used by*
23 *emerging and expanding businesses*
24 *that were assisted by a Native Amer-*
25 *ican business center; and*

1 “(VI) *the most recent examina-*
2 *tion, as required under subparagraph*
3 *(B), and the determination made by*
4 *the Administration under that sub-*
5 *paragraph.*

6 “(9) *ANNUAL REPORT.—Each Native American*
7 *business center receiving financial assistance under*
8 *this subsection shall submit to the Administrator an*
9 *annual report on the services provided with the finan-*
10 *cial assistance, including—*

11 “(A) *the number of individuals assisted,*
12 *categorized by ethnicity;*

13 “(B) *the number of hours spent providing*
14 *counseling and training for those individuals;*

15 “(C) *the number of startup small business*
16 *concerns created or maintained with the assist-*
17 *ance of the Native American business center;*

18 “(D) *the gross receipts of small business*
19 *concerns assisted by the Native American busi-*
20 *ness center;*

21 “(E) *the number of jobs created or main-*
22 *tained by small business concerns assisted by the*
23 *Native American business center; and*

24 “(F) *the number of jobs for Native Ameri-*
25 *cans created or maintained at small business*

1 *concerns assisted by the Native American busi-*
2 *ness center.*

3 “(10) *RECORD RETENTION.*—

4 “(A) *APPLICATIONS.*—*The Administrator*
5 *shall maintain a copy of each application sub-*
6 *mitted under this subsection for not less than 7*
7 *years.*

8 “(B) *ANNUAL REPORTS.*—*The Adminis-*
9 *trator shall maintain copies of the certification*
10 *submitted under paragraph (6)(A) indefinitely.*

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

15 **SEC. 303. STUDY AND REPORT ON NATIVE AMERICAN BUSI-**
16 **NESS CENTERS.**

17 (a) *IN GENERAL.*—*The Comptroller General of the*
18 *United States shall conduct a broad study of the unique*
19 *economic issues facing Native American business centers to*
20 *identify—*

21 (1) *the difficulties such centers face in raising*
22 *non-Federal funds;*

23 (2) *the difficulties such centers face competing*
24 *for financial assistance, non-Federal funds, or other*
25 *types of assistance;*

1 (3) *the difficulties such centers face in writing*
2 *grant proposals; and*

3 (4) *other difficulties such centers face because of*
4 *the economy in the area in which such centers are lo-*
5 *cated.*

6 (b) *REPORT.—Not later than 1 year after the date of*
7 *enactment of this Act, the Comptroller General shall submit*
8 *to Congress a report regarding the results of the study con-*
9 *ducted under subsection (a), which shall include rec-*
10 *ommendations, if any, regarding how to—*

11 (1) *address the unique difficulties Native Amer-*
12 *ican business centers face because of the type of area*
13 *in which such centers are located;*

14 (2) *expand the presence of, and increase the serv-*
15 *ices provided by, Native American business centers;*
16 *and*

17 (3) *best use technology and other resources to bet-*
18 *ter serve Native American business owners.*

19 (c) *DEFINITION OF NATIVE AMERICAN BUSINESS CEN-*
20 *TER.—In this section, the term “Native American business*
21 *center” has the meaning given that term in section 44(a)*
22 *of the Small Business Act, as added by this Act.*

1 **SEC. 304. OFFICE OF NATIVE AMERICAN AFFAIRS PILOT**
2 **PROGRAM.**

3 (a) *DEFINITION.*—*In this section, the term “Indian*
4 *tribe” means any band, nation, or organized group or com-*
5 *munity of Indians located in the contiguous United States,*
6 *and the Metlakatla Indian Community, whose members are*
7 *recognized as eligible for the services provided to Indians*
8 *by the Secretary of the Interior because of their status as*
9 *Indians.*

10 (b) *AUTHORIZATION.*—*The Office of Native American*
11 *Affairs of the Administration may conduct a pilot pro-*
12 *gram—*

13 (1) *to develop and publish a self-assessment tool*
14 *for Indian tribes that will allow such tribes to evalu-*
15 *ate and implement best practices for economic devel-*
16 *opment; and*

17 (2) *to provide assistance to Indian tribes,*
18 *through an interagency working group, in identifying*
19 *and implementing economic development opportuni-*
20 *ties available from the Federal Government and pri-*
21 *vate enterprise, including—*

22 (A) *the Administration;*

23 (B) *the Department of Energy;*

24 (C) *the Environmental Protection Agency;*

25 (D) *the Department of Commerce;*

1 (E) the Federal Communications Commis-
2 sion;

3 (F) the Department of Justice;

4 (G) the Department of Labor;

5 (H) the Office of National Drug Control
6 Policy; and

7 (I) the Department of Agriculture.

8 (c) *TERMINATION OF PROGRAM.*—The authority to
9 conduct a pilot program under this section shall terminate
10 on September 30, 2012.

11 (d) *REPORT.*—Not later than September 30, 2012, the
12 Office of Native American Affairs shall submit a report to
13 the Committee on Small Business and Entrepreneurship of
14 the Senate and the Committee on Small Business of the
15 House of Representatives regarding the effectiveness of the
16 self-assessment tool developed under subsection (b)(1).

17 **TITLE IV—VETERANS’ BUSINESS**
18 **CENTER PROGRAM**

19 **SEC. 401. VETERANS’ BUSINESS CENTER PROGRAM; OFFICE**
20 **OF VETERANS BUSINESS DEVELOPMENT.**

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

24 “(f) *ONLINE COORDINATION.*—

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

3 “(A) *a veterans’ business center established*
4 *under subsection (g);*

5 “(B) *an employee of the Administration as-*
6 *signed to the Office of Veterans Business Devel-*
7 *opment; and*

8 “(C) *a veterans business ownership rep-*
9 *resentative designated under subsection*
10 *(g)(13)(B).*

11 “(2) *ESTABLISHMENT.*—*The Associate Adminis-*
12 *trator shall establish an online mechanism to—*

13 “(A) *provide information that assists vet-*
14 *erans’ assistance providers in carrying out the*
15 *activities of the veterans’ assistance providers;*
16 *and*

17 “(B) *coordinate and leverage the work of the*
18 *veterans’ assistance providers, including by al-*
19 *lowing a veterans’ assistance provider to—*

20 “(i) *distribute best practices and other*
21 *materials;*

22 “(ii) *communicate with other veterans’*
23 *assistance providers regarding the activities*
24 *of the veterans’ assistance provider on behalf*
25 *of veterans; and*

1 “(iii) pose questions to and request
2 input from other veterans’ assistance pro-
3 viders.

4 “(g) *VETERANS’ BUSINESS CENTER PROGRAM.*—

5 “(1) *DEFINITIONS.*—*In this subsection—*

6 “(A) the term ‘active duty’ has the meaning
7 given that term in section 101 of title 10, United
8 States Code;

9 “(B) the term ‘private nonprofit organiza-
10 tion’ means an entity that is described in section
11 501(c) of the Internal Revenue Code of 1986 and
12 exempt from taxation under section 501(a) of
13 such Code;

14 “(C) the term ‘Reservist’ means a member
15 of a reserve component of the Armed Forces, as
16 described in section 10101 of title 10, United
17 States Code;

18 “(D) the term ‘Service Corps of Retired Ex-
19 ecutives’ means the Service Corps of Retired Ex-
20 ecutives authorized under section 8(b)(1);

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

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

1 “(ii) includes a small business con-
2 cern—

3 “(I) not less than 51 percent of
4 which is owned by one or more spouses
5 of veterans or, in the case of any pub-
6 licly owned business, not less than 51
7 percent of the stock of which is owned
8 by one or more spouses of veterans; and

9 “(II) the management and daily
10 business operations of which are con-
11 trolled by one or more spouses of vet-
12 erans;

13 “(F) the term ‘spouse’, relating to a veteran,
14 service-disabled veteran, or Reservist, includes an
15 individual who is the spouse of a veteran, serv-
16 ice-disabled veteran, or Reservist on the date on
17 which the veteran, service-disabled veteran, or
18 Reservist died;

19 “(G) the term ‘veterans’ business center pro-
20 gram’ means the program established under
21 paragraph (2)(A); and

22 “(H) the term ‘women’s business center’
23 means a women’s business center described in
24 section 29.

25 “(2) PROGRAM ESTABLISHED.—

1 “(A) *IN GENERAL.*—*The Administrator, act-*
2 *ing through the Associate Administrator, shall*
3 *establish a veterans’ business center program,*
4 *under which the Associate Administrator may*
5 *provide financial assistance to a private non-*
6 *profit organization to conduct a 5-year project*
7 *for the benefit of small business concerns owned*
8 *and controlled by veterans, which may be re-*
9 *newed for one or more additional 5-year periods.*

10 “(B) *FORM OF FINANCIAL ASSISTANCE.*—
11 *Financial assistance under this subsection may*
12 *be in the form of a grant, a contract, or a coop-*
13 *erative agreement.*

14 “(3) *VETERANS’ BUSINESS CENTERS.*—*Each pri-*
15 *vate nonprofit organization that receives financial as-*
16 *istance under this subsection shall establish or oper-*
17 *ate a veterans’ business center (which may include es-*
18 *tablishing or operating satellite offices in the region*
19 *described in paragraph (5) served by that private*
20 *nonprofit organization) that provides to veterans (in-*
21 *cluding service-disabled veterans), Reservists, and the*
22 *spouses of veterans (including service-disabled vet-*
23 *erans) and Reservists—*

24 “(A) *financial advice, including training*
25 *and counseling on applying for and securing*

1 *business credit and investment capital, pre-*
2 *paring and presenting financial statements, and*
3 *managing cash flow and other financial oper-*
4 *ations of a small business concern;*

5 “(B) *management advice, including train-*
6 *ing and counseling on the planning, organiza-*
7 *tion, staffing, direction, and control of each*
8 *major activity and function of a small business*
9 *concern;*

10 “(C) *marketing advice, including training*
11 *and counseling on identifying and segmenting*
12 *domestic and international market opportuni-*
13 *ties, preparing and executing marketing plans,*
14 *developing pricing strategies, locating contract*
15 *opportunities, negotiating contracts, and using*
16 *public relations and advertising techniques; and*

17 “(D) *advice, including training and coun-*
18 *seling, for Reservists and the spouses of Reserv-*
19 *ists.*

20 “(4) *APPLICATION.—*

21 “(A) *IN GENERAL.—A private nonprofit or-*
22 *ganization desiring to receive financial assist-*
23 *ance under this subsection shall submit an appli-*
24 *cation to the Associate Administrator at such*

1 *time and in such manner as the Associate Ad-*
2 *ministrator may require.*

3 “(B) *5-YEAR PLAN.*—*Each application de-*
4 *scribed in subparagraph (A) shall include a 5-*
5 *year plan on proposed fundraising and training*
6 *activities relating to the veterans’ business cen-*
7 *ter.*

8 “(C) *DETERMINATION AND NOTIFICATION.*—
9 *Not later than 60 days after the date on which*
10 *a private nonprofit organization submits an ap-*
11 *plication under subparagraph (A), the Associate*
12 *Administrator shall approve or deny the appli-*
13 *cation and notify the applicant of the determina-*
14 *tion.*

15 “(D) *AVAILABILITY OF APPLICATION.*—*The*
16 *Associate Administrator shall make every effort*
17 *to make the application under subparagraph (A)*
18 *available online.*

19 “(5) *ELIGIBILITY.*—*The Associate Administrator*
20 *may select to receive financial assistance under this*
21 *subsection—*

22 “(A) *a Veterans Business Outreach Center*
23 *established by the Administrator under section*
24 *8(b)(17) on or before the day before the date of*
25 *enactment of this subsection;*

1 “(B) a private nonprofit organization
2 that—

3 “(i) received financial assistance in
4 fiscal year 2006 from the National Veterans
5 Business Development Corporation estab-
6 lished under section 33; and

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

9 “(C) other private nonprofit organizations
10 located in various regions of the United States,
11 as the Associate Administrator determines is ap-
12 propriate.

13 “(6) SELECTION CRITERIA.—

14 “(A) IN GENERAL.—The Associate Adminis-
15 trator shall establish selection criteria, stated in
16 terms of relative importance, to evaluate and
17 rank applicants under paragraph (5)(C) for fi-
18 nancial assistance under this subsection.

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

21 “(i) the experience of the applicant in
22 conducting programs or ongoing efforts de-
23 signed to impart or upgrade the business
24 skills of veterans, and the spouses of vet-

1 *erans, who own or may own small business*
2 *concerns;*

3 *“(ii) for an applicant for initial finan-*
4 *cial assistance under this subsection—*

5 *“(I) the ability of the applicant to*
6 *begin operating a veterans’ business*
7 *center within a minimum amount of*
8 *time; and*

9 *“(II) the geographic region to be*
10 *served by the veterans business center;*

11 *“(iii) the demonstrated ability of the*
12 *applicant to—*

13 *“(I) provide managerial coun-*
14 *seling and technical assistance to en-*
15 *trepreneurs; and*

16 *“(II) coordinate services provided*
17 *by veterans services organizations and*
18 *other public or private entities; and*

19 *“(iv) for any applicant for a renewal*
20 *of financial assistance under this sub-*
21 *section, the results of the most recent exam-*
22 *ination under paragraph (10) of the vet-*
23 *erans’ business center operated by the appli-*
24 *cant.*

1 “(C) *CRITERIA PUBLICLY AVAILABLE.*—*The*
2 *Associate Administrator shall—*

3 “*(i) make publicly available the selec-*
4 *tion criteria established under this para-*
5 *graph; and*

6 “*(ii) include the criteria in each solici-*
7 *tation for applications for financial assist-*
8 *ance under this subsection.*

9 “(7) *AMOUNT OF ASSISTANCE.*—*The amount of*
10 *financial assistance provided under this subsection to*
11 *a private nonprofit organization for each fiscal year*
12 *shall be—*

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

14 “*(B) not more than \$200,000.*

15 “(8) *FEDERAL SHARE.*—

16 “*(A) IN GENERAL.*—

17 “*(i) INITIAL FINANCIAL ASSISTANCE.*—
18 *Except as provided in clause (ii), a private*
19 *nonprofit organization that receives finan-*
20 *cial assistance under this subsection shall*
21 *provide non-Federal contributions for the*
22 *operation of the veterans business center es-*
23 *tablished by the private nonprofit organiza-*
24 *tion in an amount equal to—*

1 “(I) in each of the first and sec-
2 ond years of the project, not less than
3 33 percent of the amount of the finan-
4 cial assistance received under this sub-
5 section; and

6 “(II) in each of the third through
7 fifth years of the project, not less than
8 50 percent of the amount of the finan-
9 cial assistance received under this sub-
10 section.

11 “(ii) *RENEWALS*.—A private nonprofit
12 organization that receives a renewal of fi-
13 nancial assistance under this subsection
14 shall provide non-Federal contributions for
15 the operation of the veterans business center
16 established by the private nonprofit organi-
17 zation in an amount equal to not less than
18 50 percent of the amount of the financial
19 assistance received under this subsection.

20 “(B) *FORM OF NON-FEDERAL SHARE*.—Not
21 more than 50 percent of the non-Federal share
22 for a project carried out using financial assist-
23 ance under this subsection may be in the form
24 of in-kind contributions.

1 “(C) *TIMING OF DISBURSEMENT.*—*The As-*
2 *sociate Administrator may disburse not more*
3 *than 25 percent of the financial assistance*
4 *awarded to a private nonprofit organization be-*
5 *fore the private nonprofit organization obtains*
6 *the non-Federal share required under this para-*
7 *graph with respect to that award.*

8 “(D) *FAILURE TO OBTAIN NON-FEDERAL*
9 *FUNDING.*—

10 “(i) *IN GENERAL.*—*If a private non-*
11 *profit organization that receives financial*
12 *assistance under this subsection fails to ob-*
13 *tain the non-Federal share required under*
14 *this paragraph during any fiscal year, the*
15 *private nonprofit organization may not re-*
16 *ceive a disbursement under this subsection*
17 *in a subsequent fiscal year or a disburse-*
18 *ment for any other project funded by the*
19 *Administration, unless the Administrator*
20 *makes a written determination that the pri-*
21 *vate nonprofit organization will be able to*
22 *obtain a non-Federal contribution.*

23 “(ii) *RESTORATION.*—*A private non-*
24 *profit organization prohibited from receiv-*
25 *ing a disbursement under clause (i) in a*

1 *fiscal year may receive financial assistance*
2 *in a subsequent fiscal year if the organiza-*
3 *tion obtains the non-Federal share required*
4 *under this paragraph for the subsequent fis-*
5 *cal year.*

6 “(9) *CONTRACT AUTHORITY.*—*A veterans’ busi-*
7 *ness center may enter into a contract with a Federal*
8 *department or agency to provide specific assistance to*
9 *veterans, service-disabled veterans, Reservists, or the*
10 *spouses of veterans, service-disabled veterans, or Re-*
11 *servists. Performance of such contract shall not hinder*
12 *the veterans’ business center in carrying out the terms*
13 *of the grant received by the veterans’ business centers*
14 *from the Administrator.*

15 “(10) *EXAMINATION AND DETERMINATION OF VI-*
16 *ABILITY.*—

17 “(A) *EXAMINATION.*—

18 “(i) *IN GENERAL.*—*The Associate Ad-*
19 *ministrator shall conduct an annual exam-*
20 *ination of the programs and finances of*
21 *each veterans’ business center established or*
22 *operated using financial assistance under*
23 *this subsection.*

24 “(ii) *FACTORS.*—*In conducting the ex-*
25 *amination under clause (i), the Associate*

1 *Administrator shall consider whether the*
2 *veterans business center has failed—*

3 *“(I) to provide the information*
4 *required to be provided under subpara-*
5 *graph (B), or the information provided*
6 *by the center is inadequate;*

7 *“(II) the center has failed to com-*
8 *ply with a requirement for participa-*
9 *tion in the veterans’ business center*
10 *program, as determined by the Assist-*
11 *ant Administrator, including—*

12 *“(aa) failure to acquire or*
13 *properly document a non-Federal*
14 *share;*

15 *“(bb) failure to establish an*
16 *appropriate partnership or pro-*
17 *gram for marketing and outreach*
18 *to small business concerns;*

19 *“(cc) failure to achieve re-*
20 *sults described in a financial as-*
21 *sistance agreement; and*

22 *“(dd) failure to provide to*
23 *the Administrator a description of*
24 *the amount and sources of any*

1 *non-Federal funding received by*
2 *the center;*

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

5 *“(IV) to meet the eligibility re-*
6 *quirements under paragraph (5).*

7 *“(B) INFORMATION PROVIDED.—In the*
8 *course of an examination under subparagraph*
9 *(A), the veterans’ business center shall provide to*
10 *the Associate Administrator—*

11 *“(i) an itemized cost breakdown of ac-*
12 *tual expenditures for costs incurred during*
13 *the most recent full fiscal year;*

14 *“(ii) documentation of the amount of*
15 *non-Federal contributions obtained and ex-*
16 *pended by the veterans’ business center dur-*
17 *ing the most recent full fiscal year; and*

18 *“(iii) with respect to any in-kind con-*
19 *tribution under paragraph (8)(B), verifica-*
20 *tion of the existence and valuation of such*
21 *contributions.*

22 *“(C) DETERMINATION OF VIABILITY.—The*
23 *Associate Administrator shall analyze the results*
24 *of each examination under this paragraph and,*
25 *based on that analysis, make a determination re-*

1 *garding the viability of the programs and fi-*
2 *nances of each veterans' business center.*

3 “(D) *DISCONTINUATION OF FUNDING.*—

4 “(i) *IN GENERAL.*—*The Associate Ad-*
5 *ministrator may discontinue an award of*
6 *financial assistance to a private nonprofit*
7 *organization at any time if the Associate*
8 *Administrator determines under subpara-*
9 *graph (C) that the veterans' business center*
10 *operated by that organization is not viable.*

11 “(ii) *RESTORATION.*—*The Associate*
12 *Administrator may continue to provide fi-*
13 *nancial assistance to a private nonprofit or-*
14 *ganization in a subsequent fiscal year if the*
15 *Associate Administrator determines under*
16 *subparagraph (C) that the veterans' busi-*
17 *ness center is viable.*

18 “(11) *PRIVACY REQUIREMENTS.*—

19 “(A) *IN GENERAL.*—*Except as provided in*
20 *subparagraph (B), a veterans' business center es-*
21 *tablished or operated using financial assistance*
22 *provided under this subsection may not disclose*
23 *the name, address, or telephone number of any*
24 *individual or small business concern that re-*
25 *ceives advice from the veterans' business center*

1 *without the consent of the individual or small*
2 *business concern.*

3 “(B) *EXCEPTION.*—*A veterans’ business cen-*
4 *ter may disclose information described in sub-*
5 *paragraph (A)—*

6 “(i) *if the Administrator or Associate*
7 *Administrator is ordered to make such a*
8 *disclosure by a court in any civil or crimi-*
9 *nal enforcement action initiated by a Fed-*
10 *eral or State agency; or*

11 “(ii) *to the extent that the Adminis-*
12 *trator or Associate Administrator deter-*
13 *mines that such a disclosure is necessary to*
14 *conduct a financial audit of a veterans’*
15 *business center.*

16 “(C) *ADMINISTRATION USE OF INFORMA-*
17 *TION.*—*This paragraph does not—*

18 “(i) *restrict access by the Adminis-*
19 *trator to program activity data; or*

20 “(ii) *prevent the Administrator from*
21 *using information not described in subpara-*
22 *graph (A) to conduct surveys of individuals*
23 *or small business concerns that receive ad-*
24 *vice from a veterans’ business center.*

1 “(D) *REGULATIONS.*—*The Administrator*
2 *shall issue regulations to establish standards for*
3 *requiring disclosures under subparagraph*
4 *(B)(ii).*

5 “(12) *REPORT.*—

6 “(A) *IN GENERAL.*—*Not later than 60 days*
7 *after the end of each fiscal year, the Associate*
8 *Administrator shall submit to the Committee on*
9 *Small Business and Entrepreneurship of the*
10 *Senate and the Committee on Small Business of*
11 *the House of Representatives a report on the ef-*
12 *fectiveness of the veterans’ business center pro-*
13 *gram in each region during the most recent full*
14 *fiscal year.*

15 “(B) *CONTENTS.*—*Each report under this*
16 *paragraph shall include, at a minimum, for each*
17 *veterans’ business center established or operated*
18 *using financial assistance provided under this*
19 *subsection—*

20 “(i) *the number of individuals receiv-*
21 *ing assistance from the veterans’ business*
22 *center, including the number of such indi-*
23 *viduals who are—*

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

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

3 “(III) *Reservists or spouses of Re-*
4 *servists;*

5 “(ii) *the number of startup small busi-*
6 *ness concerns formed by individuals receiv-*
7 *ing assistance from the veterans’ business*
8 *center, including—*

9 “(I) *veterans or spouses of vet-*
10 *erans;*

11 “(II) *service-disabled veterans or*
12 *spouses of service-disabled veterans; or*

13 “(III) *Reservists or spouses of Re-*
14 *servists;*

15 “(iii) *the gross receipts of small busi-*
16 *ness concerns that receive advice from the*
17 *veterans’ business center;*

18 “(iv) *the employment increases or de-*
19 *creases of small business concerns that re-*
20 *ceive advice from the veterans’ business cen-*
21 *ter;*

22 “(v) *to the maximum extent prac-*
23 *ticable, the increases or decreases in profits*
24 *of small business concerns that receive ad-*
25 *vice from the veterans’ business center; and*

1 “(vi) the results of the examination of
2 the veterans’ business center under para-
3 graph (10).

4 “(13) COORDINATION OF EFFORTS AND CON-
5 SULTATION.—

6 “(A) COORDINATION AND CONSULTATION.—
7 To the extent practicable, the Associate Adminis-
8 trator and each private nonprofit organization
9 that receives financial assistance under this sub-
10 section shall—

11 “(i) coordinate outreach and other ac-
12 tivities with other programs of the Adminis-
13 tration and the programs of other Federal
14 agencies;

15 “(ii) consult with technical representa-
16 tives of the district offices of the Adminis-
17 tration in carrying out activities using fi-
18 nancial assistance under this subsection;
19 and

20 “(iii) provide information to the vet-
21 erans business ownership representatives
22 designated under subparagraph (B) and co-
23 ordinate with the veterans business owner-
24 ship representatives to increase the ability
25 of the veterans business ownership rep-

1 *representatives to provide services throughout*
2 *the area served by the veterans business*
3 *ownership representatives.*

4 “(B) *VETERANS BUSINESS OWNERSHIP REP-*
5 *RESENTATIVES.—*

6 “(i) *DESIGNATION.—The Adminis-*
7 *trator shall designate not fewer than 1 indi-*
8 *vidual in each district office of the Admin-*
9 *istration as a veterans business ownership*
10 *representative, who shall communicate and*
11 *coordinate activities of the district office*
12 *with private nonprofit organizations that*
13 *receive financial assistance under this sub-*
14 *section.*

15 “(ii) *INITIAL DESIGNATION.—The first*
16 *individual in each district office of the Ad-*
17 *ministration designated by the Adminis-*
18 *trator as a veterans business ownership rep-*
19 *resentative under clause (i) shall be an in-*
20 *dividual that is employed by the Adminis-*
21 *tration on the date of enactment of this sub-*
22 *section.*

23 “(14) *EXISTING CONTRACTS.—An award of fi-*
24 *nancial assistance under this subsection shall not void*
25 *any contract between a private nonprofit organiza-*

1 *tion and the Administration that is in effect on the*
 2 *date of such award.*

3 “(h) *AUTHORIZATION OF APPROPRIATIONS.—There*
 4 *are authorized to be appropriated—*

5 *“(1) to carry out subsections (a) through (f),*
 6 *\$2,000,000 for each of fiscal years 2010 through 2012;*
 7 *and*

8 *“(2) to carry out subsection (g)—*

9 *“(A) \$8,000,000 for fiscal year 2010;*

10 *“(B) \$8,500,000 for fiscal year 2011; and*

11 *“(C) \$9,000,000 for fiscal year 2012.”.*

12 *(b) GAO REPORT.—*

13 *(1) DEFINITIONS.—In this subsection—*

14 *(A) the term “small business concern owned*
 15 *and controlled by veterans” has the meaning*
 16 *given that term in section 32(g) of the Small*
 17 *Business Act, as added by this section; and*

18 *(B) the term “veterans’ business center pro-*
 19 *gram” means the veterans’ business center pro-*
 20 *gram established under section 32(g) of the*
 21 *Small Business Act, as added by this section.*

22 *(2) REPORT.—*

23 *(A) IN GENERAL.—Not later than 60 days*
 24 *after the end of the second fiscal year beginning*
 25 *after the date on which the veterans’ business*

1 *center program is established, the Comptroller*
2 *General of the United States shall evaluate the*
3 *effectiveness of the veterans' business center pro-*
4 *gram, and submit to Congress a report on the re-*
5 *sults of that evaluation.*

6 *(B) CONTENTS.—The report submitted*
7 *under subparagraph (A) shall include—*

8 *(i) an assessment of—*

9 *(I) the use of amounts made*
10 *available to carry out the veterans'*
11 *business center program;*

12 *(II) the effectiveness of the services*
13 *provided by each private nonprofit or-*
14 *ganization receiving financial assist-*
15 *ance under the veterans' business cen-*
16 *ter program;*

17 *(III) whether the services de-*
18 *scribed in clause (ii) are duplicative of*
19 *services provided by other veteran serv-*
20 *ice organizations, programs of the Ad-*
21 *ministration, or programs of another*
22 *Federal department or agency and, if*
23 *so, recommendations regarding how to*
24 *alleviate the duplication of the services;*
25 *and*

1 (IV) *whether there are areas of the*
 2 *United States in which there are not*
 3 *adequate entrepreneurial services for*
 4 *small business concerns owned and*
 5 *controlled by veterans and, if so,*
 6 *whether there is a veterans' business*
 7 *center established under the veterans'*
 8 *business center program providing*
 9 *services to that area; and*
 10 (ii) *recommendations, if any, for im-*
 11 *proving the veteran's business center pro-*
 12 *gram.*

13 **SEC. 402. REPORTING REQUIREMENT FOR INTERAGENCY**
 14 **TASK FORCE.**

15 Section 32(c) of the Small Business Act (15 U.S.C.
 16 657b(c)) is amended by adding at the end the following:

17 “(4) *REPORT.*—*Not less frequently than twice*
 18 *each year, the Administrator shall submit to Congress*
 19 *a report on the appointments made to and activities*
 20 *of the task force.”.*

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

22 (a) *DEFINITION.*—*In this section, the term “covered*
 23 *grant, contract, or cooperative agreement” means a grant,*
 24 *contract, or cooperative agreement that was—*

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

3 (2) *in effect on or before the date described in*
4 *subsection (b)(2).*

5 *(b) REPEAL.—*

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

8 (A) *in paragraph (15), by adding “and” at*
9 *the end;*

10 (B) *in paragraph (16), by striking “; and”*
11 *and inserting a period; and*

12 (C) *by striking paragraph (17).*

13 (2) *EFFECTIVE DATE.—The amendments made*
14 *by paragraph (1) shall take effect 60 days after the*
15 *date of enactment of this Act.*

16 *(c) TRANSITIONAL RULES.—*

17 (1) *IN GENERAL.—Notwithstanding any other*
18 *provision of law, a covered grant, contract, or cooper-*
19 *ative agreement shall remain in full force and effect*
20 *under the terms, and for the duration, of the covered*
21 *grant, contract, or agreement.*

22 (2) *ADDITIONAL REQUIREMENTS.—Any organi-*
23 *zation that was awarded or entered into a covered*
24 *grant, contract, or cooperative agreement shall be sub-*
25 *ject to the requirements of section 32(g) of the Small*

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

3 *(d) RENEWAL OF FINANCIAL ASSISTANCE.—An orga-*
 4 *nization that was awarded or entered into a covered grant,*
 5 *contract, or cooperative agreement may apply for a renewal*
 6 *of the grant, contract, or agreement under the terms and*
 7 *conditions described in section 32(g) of the Small Business*
 8 *Act (15 U.S.C. 657b(g)) (as added by this Act).*

9 **TITLE V—PROGRAM FOR INVEST-**
 10 **MENT IN MICROENTRE-**
 11 **PRENEURS**

12 **SEC. 501. PRIME REAUTHORIZATION.**

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

15 *(1) by redesignating sections 37 through 44 as*
 16 *sections 38 through 45, respectively; and*

17 *(2) by inserting after section 36 the following:*

18 **“SEC. 37. PROGRAM FOR INVESTMENT IN MICROENTRE-**
 19 **PRENEURS.**

20 *“(a) DEFINITIONS.—In this section:*

21 *“(1) ASSOCIATE ADMINISTRATOR.—The term ‘As-*
 22 *sociate Administrator’ means the Associate Adminis-*
 23 *trator for Entrepreneurial Development of the Admin-*
 24 *istration.*

1 “(2) *CAPACITY BUILDING SERVICES.*—The term
 2 ‘capacity building services’ means services provided to
 3 an organization that is, or that is in the process of
 4 becoming, a microenterprise development organization
 5 or program, for the purpose of enhancing the ability
 6 of the organization to provide training and services
 7 to disadvantaged entrepreneurs.

8 “(3) *COLLABORATIVE.*—The term ‘collaborative’
 9 means 2 or more nonprofit entities that agree to act
 10 jointly as a qualified organization under this section.

11 “(4) *DISADVANTAGED ENTREPRENEUR.*—The
 12 term ‘disadvantaged entrepreneur’ means a micro-
 13 entrepreneur that—

14 “(A) is a low-income person;

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

16 “(C) lacks adequate access to capital or
 17 other resources essential for business success, or
 18 is economically disadvantaged, as determined by
 19 the Administrator.

20 “(5) *DISADVANTAGED NATIVE AMERICAN ENTRE-*
 21 *PRENEUR.*—The term ‘disadvantaged Native Amer-
 22 ican entrepreneur’ means a disadvantaged entre-
 23 preneur who is also a member of an Indian Tribe.

24 “(6) *INDIAN TRIBE.*—The term ‘Indian tribe’ has
 25 the meaning given that term in section 4(e) of the In-

1 *dian Self-Determination and Education Assistance*
2 *Act (25 U.S.C. 450b(e)).*

3 “(7) *INTERMEDIARY.*—*The term ‘intermediary’*
4 *means a private, nonprofit entity that seeks to serve*
5 *microenterprise development organizations and pro-*
6 *grams, as authorized under subsection (d).*

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

10 “(A) *for metropolitan areas, 80 percent of*
11 *the area median income; and*

12 “(B) *for nonmetropolitan areas, the greater*
13 *of—*

14 “(i) *80 percent of the area median in-*
15 *come; or*

16 “(ii) *80 percent of the statewide non-*
17 *metropolitan area median income.*

18 “(9) *MICROENTREPRENEUR.*—*The term ‘micro-*
19 *entrepreneur’ means the owner or developer of a mi-*
20 *croenterprise.*

21 “(10) *MICROENTERPRISE.*—*The term ‘microen-*
22 *terprise’ means a sole proprietorship, partnership, or*
23 *corporation that—*

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

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

3 “(11) *MICROENTERPRISE DEVELOPMENT ORGANI-*
4 *ZATION OR PROGRAM.*—*The term ‘microenterprise de-*
5 *velopment organization or program’ means a non-*
6 *profit entity, or a program administered by such an*
7 *entity, including community development corpora-*
8 *tions or other nonprofit development organizations*
9 *and social service organizations, that provides services*
10 *to disadvantaged entrepreneurs.*

11 “(12) *TRAINING AND TECHNICAL ASSISTANCE.*—
12 *The term ‘training and technical assistance’ means*
13 *services and support provided to disadvantaged entre-*
14 *preneurs, such as assistance for the purpose of en-*
15 *hancing business planning, marketing, management,*
16 *financial management skills, and assistance for the*
17 *purpose of accessing financial services.*

18 “(13) *QUALIFIED ORGANIZATION.*—*The term*
19 *‘qualified organization’ means—*

20 “(A) *a nonprofit microenterprise develop-*
21 *ment organization or program (or a group or*
22 *collaborative thereof) that has a demonstrated*
23 *record of delivering microenterprise services to*
24 *disadvantaged entrepreneurs;*

25 “(B) *an intermediary;*

1 “(C) a microenterprise development organi-
2 zation or program that is—

3 “(i) accountable to a local community;

4 and

5 “(ii) working in conjunction with a
6 State or local government or Indian tribe;

7 or

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

12 “(14) *VERY LOW-INCOME PERSON.*—The term
13 ‘very low-income person’ means an individual having
14 an income, adjusted for family size, of not more than
15 150 percent of the poverty line (as defined in section
16 673(2) of the Community Services Block Grant Act
17 (42 U.S.C. 9902(2)), including any revision required
18 by that section).

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

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

1 “(1) to provide training and technical assistance
2 to disadvantaged entrepreneurs;

3 “(2) to provide training and technical assistance
4 and capacity building services to microenterprise de-
5 velopment organizations and programs and groups of
6 such organizations and programs to assist such orga-
7 nizations and programs in developing microenterprise
8 training and services;

9 “(3) to aid in researching and developing the
10 best practices in the field of microenterprise and
11 training and technical assistance programs for dis-
12 advantaged entrepreneurs;

13 “(4) to provide training and technical assistance
14 to disadvantaged Native American entrepreneurs and
15 prospective disadvantaged Native American entre-
16 preneurs; and

17 “(5) for such other activities as the Associate Ad-
18 ministrator determines are consistent with the pur-
19 poses of this section.

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

21 “(1) ALLOCATION OF GRANTS.—

22 “(A) IN GENERAL.—The Associate Adminis-
23 trator shall allocate assistance from the Adminis-
24 tration under this section to ensure that—

1 “(i) not less than 75 percent of
2 amounts made available to the Adminis-
3 trator for grants under this section are used
4 for activities described in subsection (c)(1);
5 and

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

10 “(B) *LIMIT ON INDIVIDUAL ASSISTANCE.*—

11 *No single person may receive more than 10 per-*
12 *cent of the total amounts made available for*
13 *grants under this section for a single fiscal year.*

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

20 “(3) *SUBGRANTS AUTHORIZED.*—

21 “(A) *IN GENERAL.*—*A qualified organiza-*
22 *tion receiving a grant under this section may*
23 *provide subgrants using that grant to qualified*
24 *organizations that are small or emerging micro-*
25 *enterprises and programs, subject to such rules*

1 *and regulations as the Associate Administrator*
2 *determines are appropriate.*

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

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

14 “(5) *PROHIBITION ON PREFERENTIAL CONSIDER-*
15 *ATION OF CERTAIN ADMINISTRATION PROGRAM PAR-*
16 *TICIPANTS.—In making grants under this section, the*
17 *Associate Administrator shall ensure that any appli-*
18 *cation made by a qualified organization that is a*
19 *participant in the program established under section*
20 *7(m) does not receive preferential consideration over*
21 *applications from other qualified organizations that*
22 *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 not*
3 *less than 50 percent of the amount of the grant re-*
4 *ceived 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 Admin-*
13 *istrator determines that an applicant for assist-*
14 *ance under this section has severe constraints on*
15 *available sources of non-Federal funds, the Asso-*
16 *ciate Administrator may reduce or eliminate the*
17 *requirement under paragraph (1).*

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

23 “(f) *APPLICATIONS FOR ASSISTANCE.*—*An application*
24 *for a grant under this section shall be submitted in such*

1 *form and in accordance with such procedures as the Asso-*
2 *ciate Administrator shall establish.*

3 “(g) *RECORDKEEPING AND REPORTING.*—

4 “(1) *IN GENERAL.*—*Each qualified organization*
5 *that receives a grant under this section shall—*

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

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

13 “(C) *keep such records as the Associate Ad-*
14 *ministrator determines are necessary to disclose*
15 *the manner in which amounts made available*
16 *under a grant under this section are used.*

17 “(2) *ACCESS.*—*Upon the request of the Associate*
18 *Administrator, the Associate Administrator shall have*
19 *access to any record of any qualified organization*
20 *that receives a grant under this section, for the pur-*
21 *pose of determining compliance with this section.*

22 “(3) *DATA COLLECTION.*—*Each qualified organi-*
23 *zation that receives a grant under this section shall*
24 *collect information relating to, as applicable—*

1 “(A) *the number of individuals counseled or*
2 *trained by the organization;*

3 “(B) *the number of hours of counseling pro-*
4 *vided by the organization;*

5 “(C) *the number of startup small business*
6 *concerns formed with the assistance of the orga-*
7 *nization;*

8 “(D) *the number of small business concerns*
9 *expanded with the assistance of the organization;*

10 “(E) *the number of low-income individuals*
11 *counseled or trained by the organization; and*

12 “(F) *the number of very low-income indi-*
13 *viduals counseled or trained by the organization.*

14 “(h) *AUTHORIZATION OF APPROPRIATIONS.—*

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

20 “(2) *CERTAIN PROGRAMS.—In addition to the*
21 *amount authorized under paragraph (1), there are*
22 *authorized to be appropriated to the Administrator*
23 *\$2,000,000 for each of fiscal years 2010 through 2012*
24 *to carry out subsection (c)(4), which shall remain*
25 *available until expended.”.*

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

2 (a) *CONFORMING REPEAL.*—*Subtitle C of title I of the*
3 *Riegle Community Development and Regulatory Improve-*
4 *ment Act of 1994 (15 U.S.C. 6901 et seq.) is repealed.*

5 (b) *CONFORMING AMENDMENTS.*—*The Small Business*
6 *Act (15 U.S.C. 631 et seq.) is amended—*

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

10 (2) *in section 41(d) (15 U.S.C. 657l(d)), as so re-*
11 *designated, by striking “section 43” and inserting*
12 *“section 44”; and*

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

16 **SEC. 503. REFERENCES.**

17 *All references in Federal law, other than section 504*
18 *of this Act, to the “Program for Investment in Microentre-*
19 *preneurs Act of 1999” or the “PRIME Act” shall be deemed*
20 *to be references to section 37 of the Small Business Act,*
21 *as added by this Act.*

22 **SEC. 504. RULE OF CONSTRUCTION.**

23 *Nothing in this title or the amendments made by this*
24 *title shall affect any grant or assistance provided under the*
25 *Program for Investment in Microentrepreneurs Act of 1999*
26 *(15 U.S.C. 6901 et seq.), before the date of enactment of*

1 *this Act, and any such grant or assistance shall be subject*
2 *to the Program for Investment in Microentrepreneurs Act*
3 *of 1999, as in effect on the day before the date of enactment*
4 *of this Act.*

5 **TITLE VI—OTHER PROVISIONS**

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

7 (a) *IN GENERAL.*—Section 21(a)(1) of the Small Busi-
8 *ness Act (15 U.S.C. 648(a)(1)) is amended by striking “:*
9 *Provided, That” and all that follows through “on such*
10 *date.” and inserting the following: “. On and after Decem-*
11 *ber 31, 2010, the Administration may only make a grant*
12 *under this paragraph to an applicant that is an institution*
13 *of higher education, as defined in section 101(a) of the*
14 *Higher Education Act of 1965 (20 U.S.C. 1001(a)) that is*
15 *accredited (and not merely in preaccreditation status) by*
16 *a nationally recognized accrediting agency or association,*
17 *recognized by the Secretary of Education for such purpose*
18 *in accordance with section 496 of that Act (20 U.S.C.*
19 *1099b), or to a women’s business center operating pursuant*
20 *to section 29 as a small business development center, unless*
21 *the applicant was receiving financial assistance (including*
22 *a contract or cooperative agreement) on December 31,*
23 *2010.”.*

24 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
25 *section (a) shall take effect on December 31, 2010.*

1 **SEC. 602. HEALTH INSURANCE OPTIONS INFORMATION FOR**
 2 **SMALL BUSINESS CONCERNS.**

3 (a) *DEFINITIONS.—In this section—*

4 (1) *the term “grant program” means the small*
 5 *business health insurance information grant program*
 6 *established under subsection (b)(1); and*

7 (2) *the term “resource partner” means—*

8 (A) *the association of small business devel-*
 9 *opment centers authorized to be established under*
 10 *section 21(a)(3)(A) of the Small Business Act*
 11 *(15 U.S.C. 648(a)(3)(A));*

12 (B) *the Association of Women’s Business*
 13 *Centers;*

14 (C) *the Service Corps of Retired Executives*
 15 *authorized by section 8(b)(1)(B) of the Small*
 16 *Business Act (15 U.S.C. 637(b)(1)(B)); and*

17 (D) *1 veterans business center (as that term*
 18 *is used in section 32(g) of the Small Business*
 19 *Act (15 U.S.C. 657b(g)), as added by this Act),*
 20 *as determined by the Associate Administrator for*
 21 *Entrepreneurial Development.*

22 (b) *SMALL BUSINESS HEALTH INSURANCE INFORMA-*
 23 *TION PROGRAM.—*

24 (1) *PROGRAM ESTABLISHED.—The Adminis-*
 25 *trator, acting through the Associate Administrator for*
 26 *Entrepreneurial Development, shall establish a pro-*

1 *gram to make grants to resource partners to provide*
2 *neutral and objective information and educational*
3 *materials regarding health insurance options, includ-*
4 *ing coverage options within the small group market,*
5 *to small business concerns.*

6 (2) *GRANT RECIPIENTS.—The Associate Admin-*
7 *istrator for Entrepreneurial Development shall make*
8 *1 grant to each of the resource partners.*

9 (3) *GRANT AMOUNTS.—The grants made under*
10 *this section shall—*

11 (A) *be made from funds appropriated to the*
12 *Administrator to carry out the activities of the*
13 *Office of Entrepreneurial Development; and*

14 (B) *not exceed a total amount of*
15 *\$5,000,000.*

16 (4) *CONTRACT.—As a condition of receiving a*
17 *grant under this section, each resource partner shall*
18 *agree, by contract with the Administration—*

19 (A) *to begin to use the funds in accordance*
20 *with paragraph (5) not later than 1 year after*
21 *the date on which the resource partner receives*
22 *the grant; and*

23 (B) *to return any funds that have not been*
24 *used, if the Administrator determines that the re-*

1 *source partner is not carrying out the grant pro-*
2 *gram activities under paragraph (5)(A).*

3 (5) *USE OF FUNDS.—*

4 (A) *GRANT PROGRAM ACTIVITIES.—A re-*
5 *source partner shall use funds provided under*
6 *the grant program to create, in consultation with*
7 *the Associate Administrator for Entrepreneurial*
8 *Development of the Administration—*

9 (i) *an online training program;*

10 (ii) *an online repository of health in-*
11 *surance information relevant to small busi-*
12 *ness concerns;*

13 (iii) *a counseling curriculum that can*
14 *be used in the physical location of the re-*
15 *source partner; and*

16 (iv) *materials containing relevant in-*
17 *formation that can be disbursed to owners*
18 *of small business concerns throughout the*
19 *country.*

20 (B) *CONTENT OF MATERIALS.—*

21 (i) *IN GENERAL.—In creating mate-*
22 *rials under the grant program, a resource*
23 *partner shall evaluate and incorporate rel-*
24 *evant portions of existing informational*
25 *materials regarding health insurance op-*

1 *tions, including materials and resources de-*
2 *veloped by the National Association of In-*
3 *surance Commissioners, the Kaiser Family*
4 *Foundation, and the Healthcare Leadership*
5 *Council.*

6 *(ii) HEALTH INSURANCE OPTIONS.—In*
7 *incorporating information regarding health*
8 *insurance options under clause (i), a re-*
9 *source partner shall provide neutral and ob-*
10 *jective information regarding health insur-*
11 *ance options in the geographic area served*
12 *by the resource partner, including tradi-*
13 *tional employer sponsored health insurance*
14 *for the group insurance market, such as the*
15 *health insurance options described in sec-*
16 *tion 2791 of the Public Health Services Act*
17 *(42 U.S.C. 300gg–91) or section 125 of the*
18 *Internal Revenue Code of 1986, and Federal*
19 *and State health insurance programs.*

20 *(c) REVIEW AND REPORT.—*

21 *(1) REVIEW OF GRANT PROGRAM.—The Associate*
22 *Administrator for Entrepreneurial Development shall*
23 *conduct a review of the effectiveness of the grant pro-*
24 *gram.*

1 (2) *REPORT.*—Not later than 2 years after the
2 date on which all grants under the grant program are
3 disbursed, the Associate Administrator for Entrepre-
4 neurial Development shall submit to the Committee
5 on Small Business and Entrepreneurship of the Sen-
6 ate and the Committee on Small Business of the
7 House of Representatives a report on the results of the
8 review under paragraph (1).

9 **SEC. 603. NATIONAL SMALL BUSINESS DEVELOPMENT CEN-**
10 **TER ADVISORY BOARD.**

11 (a) *IN GENERAL.*—Section 21(i)(1) of the Small Busi-
12 ness Act (15 U.S.C. 648(i)(1)) is amended—

13 (1) in the first sentence, by striking “nine mem-
14 bers” and inserting “10 members”;

15 (2) in the second sentence, by striking “six” and
16 inserting “the members who are not from universities
17 or their affiliates”;

18 (3) by striking the third sentence; and

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

21 (b) *INCUMBENTS.*—An individual serving as a member
22 of the Board on the date of enactment of this Act may con-
23 tinue to serve on the Board until the end of the term of
24 the member under section 21(i)(1) of the Small Business

1 *Act (15 U.S.C. 648(i)(1)), as in effect on the day before*
2 *such date of enactment.*

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

4 *Section 8 of the Small Business Act (15 U.S.C. 637)*
5 *is amended by striking subsection (c) and inserting the fol-*
6 *lowing:*

7 *“(c) PRIVACY REQUIREMENTS.—*

8 *“(1) IN GENERAL.—A chapter of the SCORE*
9 *program authorized by subsection (b)(1) or an agent*
10 *of such a chapter may not disclose the name, address,*
11 *or telephone number of any individual or small busi-*
12 *ness concern receiving assistance from that chapter or*
13 *agent without the consent of such individual or small*
14 *business concern, unless—*

15 *“(A) the Administrator is ordered to make*
16 *such a disclosure by a court in any civil or*
17 *criminal enforcement action initiated by a Fed-*
18 *eral or State agency; or*

19 *“(B) the Administrator determines such a*
20 *disclosure to be necessary for the purpose of con-*
21 *ducting a financial audit of a chapter of the*
22 *SCORE program authorized by subsection*
23 *(b)(1), in which case disclosure shall be limited*
24 *to the information necessary for such audit.*

1 “(2) *ADMINISTRATOR USE OF INFORMATION.*—

2 *This subsection shall not—*

3 “(A) *restrict the access of the Administrator*
4 *to program activity data; or*

5 “(B) *prevent the Administrator from using*
6 *client information to conduct client surveys.*

7 “(3) *REGULATIONS.*—

8 “(A) *IN GENERAL.*—*The Administrator*
9 *shall issue regulations to establish standards—*

10 “(i) *for disclosures with respect to fi-*
11 *nanacial audits under paragraph (1)(B);*
12 *and*

13 “(ii) *for client surveys under para-*
14 *graph (2)(B), including standards for over-*
15 *sight of such surveys and for dissemination*
16 *and use of client information.*

17 “(B) *MAXIMUM PRIVACY PROTECTION.*—
18 *Regulations under this paragraph shall, to the*
19 *extent practicable, provide for the maximum*
20 *amount of privacy protection.*

21 “(C) *INSPECTOR GENERAL.*—*Until the effec-*
22 *tive date of regulations under this paragraph,*
23 *any client survey and the use of such informa-*
24 *tion shall be approved by the Inspector General*
25 *of the Administration who shall include such ap-*

1 *proval in the semi-annual report of the Inspector*
2 *General.”.*

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

4 *(a) IN GENERAL.—Not later than December 31, 2012,*
5 *the President shall convene a National Small Business*
6 *Summit to examine the present conditions and future of*
7 *the community of small business concerns in the United*
8 *States. The summit shall include owners of small business*
9 *concerns, representatives of small business groups, labor,*
10 *academia, the Federal Government, State governments, In-*
11 *dian tribes, Federal research and development agencies, and*
12 *nonprofit policy groups concerned with the issues of small*
13 *business concerns.*

14 *(b) REPORT.—Not later than 90 days after the date*
15 *of the conclusion of the summit convened under subsection*
16 *(a), the President shall issue a report on the results of the*
17 *summit. The report shall identify key challenges and make*
18 *recommendations for promoting entrepreneurship and the*
19 *growth of small business concerns.*

20 **SEC. 606. SCORE PROGRAM.**

21 *(a) IN GENERAL.—Section 8(b)(1)(B) of the Small*
22 *Business Act (15 U.S.C. 637(b)(1)(B)) is amended by strik-*
23 *ing “a Service Corps of Retired Executives (SCORE)” and*
24 *inserting “the SCORE”.*

25 *(b) TECHNICAL AND CONFORMING AMENDMENTS.—*

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

3 (A) *in section 7(m)(3)(A)(i)(VIII), by strik-*
4 *ing “Service Corps of Retired Executives” and*
5 *inserting “SCORE”;* and

6 (B) *in section 33(b)(2), by striking “Service*
7 *Corps of Retired Executives” and inserting*
8 *“SCORE”.*

9 (2) *OTHER LAW.*—*Section 337(d)(2) of the En-*
10 *ergy Policy and Conservation Act (42 U.S.C.*
11 *6307(d)(2)) is amended by striking “Service Corps of*
12 *Retired Executives (SCORE)” and inserting*
13 *“SCORE”.*

14 (c) *REFERENCES.*—*Any reference to the Service Corps*
15 *of Retired Executives established under section 8(b)(1)(B)*
16 *of the Small Business Act (15 U.S.C. 637(b)(1)(B)), as in*
17 *effect on the day before the date of enactment of this Act,*
18 *in any law, rule, regulation, certificate, directive, instruc-*
19 *tion, or other official paper shall be considered to refer to*
20 *the SCORE established under section 8(b)(1)(B) of the*
21 *Small Business Act, as amended by this Act.*

22 **SEC. 607. ASSISTANCE TO OUT-OF-STATE SMALL BUSI-**
23 **NESSES.**

24 Section 21(b)(3) of the Small Business Act (15 U.S.C.
25 648(b)(3)) is amended—

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

3 “(3) *ASSISTANCE TO OUT-OF-STATE SMALL BUSI-*
4 *NESSES.—*

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

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

7 “(B) *DISASTER RECOVERY ASSISTANCE.—*

8 “(i) *IN GENERAL.—At the discretion of the*
9 *Administrator, the Administrator may authorize*
10 *a small business development center to provide*
11 *assistance, as described in subsection (c), to*
12 *small business concerns located outside of the*
13 *State, without regard to geographic proximity, if*
14 *the small business concerns are located in an*
15 *area for which the President has declared a*
16 *major disaster, as defined in section 102 of the*
17 *Robert T. Stafford Disaster Relief and Emer-*
18 *gency Assistance Act (42 U.S.C. 5122), during*
19 *the period of the declaration.*

20 “(i) *CONTINUITY OF SERVICES.—A small*
21 *business development center that provides coun-*
22 *selors to an area described in clause (i) shall, to*
23 *the maximum extent practicable, ensure con-*
24 *tinuity of services in any State in which the*

1 *small business development center otherwise pro-*
2 *vides services.*

3 “(iii) *ACCESS TO DISASTER RECOVERY FA-*
4 *CILITIES.—For purposes of this subparagraph,*
5 *the Administrator shall, to the maximum extent*
6 *practicable, permit the personnel of a small busi-*
7 *ness development center to use any site or facil-*
8 *ity designated by the Administrator for use to*
9 *provide disaster recovery assistance.”.*

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

11 *(a) PORTABILITY GRANTS.—Section 21(a)(4)(C)(viii)*
12 *of the Small Business Act (15 U.S.C. 648(a)(4)(C)(viii))*
13 *is amended—*

14 *(1) in the first sentence—*

15 *(A) by striking “From the funds appro-*
16 *priated pursuant to clause (vii)” and inserting*
17 *“Of the amounts made available to carry out*
18 *this subparagraph in each fiscal year”; and*

19 *(B) by striking “as a result of a business or*
20 *government facility down sizing or closing,*
21 *which has resulted in the loss of jobs or small*
22 *business instability” and inserting “due to*
23 *events that have resulted or will result in, the*
24 *downsizing or closing of a business or govern-*
25 *ment facility”; and*

1 (2) by adding at the end “The Administrator
2 may make a grant under this clause that exceeds
3 \$100,000 to accommodate extraordinary events that
4 the Administrator determines have had a catastrophic
5 impact on small business concerns in a community.”.

6 (b) *PURPOSES.*—Section 21(a)(1) of the Small Busi-
7 ness Act (15 U.S.C. 648(a)(1)) is amended in the first sen-
8 tence by adding “regulatory compliance and” after “coun-
9 seling concerning”.

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

11 (a) *IN GENERAL.*—Not later than 30 months after the
12 date of disbursement of the first grant under a covered pilot
13 program, the Comptroller General of the United States shall
14 submit to the Committee on Small Business and Entrepren-
15 neurship of the Senate and the Committee on Small Busi-
16 ness of the House of Representatives a report evaluating the
17 covered pilot program, including recommendations, if any,
18 on possible improvements or modifications to the covered
19 pilot program, including the feasibility of extending the
20 covered pilot program to all small business development
21 centers.

22 (b) *DEFINITION OF COVERED PILOT PROGRAM.*—In
23 this section, the term “covered pilot program” means a pilot
24 program relating to small business development centers es-

1 *tablished under this Act or an amendment made by this*
 2 *Act.*

3 **SEC. 610. EDUCATING AND NETWORKING ENTREPRENEURS**
 4 **THROUGH TECHNOLOGY.**

5 (a) *PURPOSE.*—*The purpose of this section is to pro-*
 6 *vide a customized online community for potential and exist-*
 7 *ing entrepreneurs to—*

8 (1) *access entrepreneurship educational offerings*
 9 *of the Administration, other Federal and State agen-*
 10 *cies, and public and private entities;*

11 (2) *engage in peer learning and networking; and*

12 (3) *readily access information, community re-*
 13 *sources, service provider organizations, and individ-*
 14 *uals in the State in which the entrepreneurs reside*
 15 *who provide business assistance and capital.*

16 (b) *DEFINITION.*—*In this section, the term “qualified*
 17 *third-party vendor” means an entity with—*

18 (1) *experience in the planning, administration,*
 19 *and management of online communities and the de-*
 20 *livery of technologically-driven education; and*

21 (2) *the ability to connect community-based and*
 22 *public organizations to collaborate in the delivery of*
 23 *services and delivery of resources online.*

24 (c) *AUTHORITY.*—

1 (1) *IN GENERAL.*—*The Administrator shall es-*
2 *tablish and manage a program that—*

3 (A) *provides online entrepreneurial train-*
4 *ing, ensuring that materials described in sub-*
5 *section (d) are timely and relevant to entrepre-*
6 *neurial development and can be successfully com-*
7 *municated remotely to an audience through the*
8 *use of technology; and*

9 (B) *includes a nationwide, online learning*
10 *community of owners of small business concerns*
11 *and entrepreneurs, customized by State.*

12 (2) *CONSULTATION AND CONTRACTING.*—*The Ad-*
13 *ministrator shall consult or contract with resource*
14 *partners of the Administration and qualified third-*
15 *party vendors to carry out this section.*

16 (3) *COMMUNICATIONS TECHNOLOGY.*—*The Ad-*
17 *ministrator shall ensure that the online entrepre-*
18 *neurial training and the online learning community*
19 *established under this subsection allow entrepreneurs*
20 *(including geographically isolated entrepreneurs with*
21 *less than broadband technology access) in all States*
22 *and the territories of the United States to network*
23 *with the peers of the entrepreneurs and to access en-*
24 *trepreneurial training and technical assistance re-*
25 *sources.*

1 (d) *MATERIALS.*—*In carrying out this section, the Ad-*
2 *ministrator—*

3 (1) *shall, to the maximum extent practicable, use*
4 *materials that incorporate quality resources and edu-*
5 *cational offerings of the Administration, the SCORE*
6 *established under section 8(b)(1) of the Small Busi-*
7 *ness Act (15 U.S.C. 637(b)(1)), as amended by this*
8 *Act, small business development centers, and other*
9 *public and private entities; and*

10 (2) *shall develop additional materials to address*
11 *any areas not adequately addressed by the materials*
12 *described in paragraph (1).*

Calendar No. 93

111TH CONGRESS
1ST Session

S. 1229

[Report No. 111-36]

A BILL

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

JULY 2, 2009

Reported with an amendment