

Union Calendar No. 188

117TH CONGRESS
2^D SESSION

H. R. 6441

[Report No. 117-258]

To amend the Small Business Act to improve the women's business center program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 20, 2022

Ms. DAVIDS of Kansas (for herself and Ms. TENNEY) introduced the following bill; which was referred to the Committee on Small Business

MARCH 7, 2022

Additional sponsors: Ms. NORTON, Mr. FITZPATRICK, Mr. CASE, Mr. PAPPAS, Ms. SALAZAR, Ms. HOULAHAN, Miss GONZÁLEZ-COLÓN, Mr. MFUME, Ms. SÁNCHEZ, Mr. CARBAJAL, Mr. COOPER, and Mr. EVANS

MARCH 7, 2022

Reported from the Committee on Small Business; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To amend the Small Business Act to improve the women's
business center program, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Women’s Business
5 Centers Improvement Act of 2022”.

6 **SEC. 2. AMENDMENTS TO WOMEN’S BUSINESS CENTER**
7 **PROGRAM.**

8 Section 29 of the Small Business Act (15 U.S.C. 656)
9 is amended to read as follows:

10 **“SEC. 29. WOMEN’S BUSINESS CENTER PROGRAM.**

11 “(a) DEFINITIONS.—In this section:

12 “(1) ASSISTANT ADMINISTRATOR.—The term
13 ‘Assistant Administrator’ means the Assistant Ad-
14 ministrator of the Office of Women’s Business Own-
15 ership established under subsection (k).

16 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
17 tity’ means—

18 “(A) an organization described in section
19 501(c) of the Internal Revenue Code of 1986
20 and exempt from taxation under section 501(a)
21 of such Code;

22 “(B) a State, regional, or local economic
23 development organization, if the organization
24 certifies that grant funds received under this

1 section will not be commingled with other
2 funds;

3 “(C) an institution of higher education (as
4 defined in section 101 of the Higher Education
5 Act of 1965), unless such institution is cur-
6 rently receiving a grant under section 21;

7 “(D) a development, credit, or finance cor-
8 poration chartered by a State, if such corpora-
9 tion certifies that grant funds received under
10 this section will not be commingled with other
11 funds; or

12 “(E) any combination of entities listed in
13 subparagraphs (A) through (D).

14 “(3) SMALL BUSINESS CONCERN OWNED AND
15 CONTROLLED BY WOMEN.—The term ‘small business
16 concern owned and controlled by women’ has the
17 meaning given under section 3(n).

18 “(4) RESOURCE PARTNERS.—The term ‘re-
19 source partners’ means small business development
20 centers, chapters of the Service Corps of Retired Ex-
21 ecutives (established under section 8(b)(1)(B)), and
22 Veteran Business Outreach Centers (described under
23 section 32).

24 “(5) WOMEN’S BUSINESS CENTER.—The term
25 ‘women’s business center’ means the location at

1 which counseling and training on the management,
2 operations (including manufacturing, services, and
3 retail), access to capital, international trade, govern-
4 ment procurement opportunities, and any other mat-
5 ter that is needed to start, maintain, or expand a
6 small business concern owned and controlled by
7 women.

8 “(6) WOMEN’S BUSINESS CENTER ASSOCIA-
9 TION.—The term ‘Women’s Business Center Asso-
10 ciation’ means a membership organization formed by
11 women’s business centers to pursue matters of com-
12 mon concern.

13 “(b) AUTHORITY.—

14 “(1) ESTABLISHMENT.—There is established a
15 Women’s Business Center Program under which the
16 Administrator may enter into a cooperative agree-
17 ment with an eligible entity to provide a grant to
18 such eligible entity to operate one or more women’s
19 business centers for the benefit of small business
20 concerns owned and controlled by women.

21 “(2) USE OF FUNDS.—A women’s business cen-
22 ter established using funds made available under
23 this section shall be designed to provide entrepre-
24 neurial counseling and training that meets the needs
25 of the small business concerns owned and controlled

1 by women, especially such concerns owned and con-
2 trolled by women who are both socially and economi-
3 cally disadvantaged (as defined under section 8(a)),
4 and shall provide—

5 “(A) financial assistance, including coun-
6 seling and training on how to—

7 “(i) apply for and secure business
8 credit and investment capital;

9 “(ii) prepare and present financial
10 statements; and

11 “(iii) manage cash flow and other fi-
12 nancial operations of a small business con-
13 cern;

14 “(B) management assistance, including
15 counseling and training on how to plan, orga-
16 nize, staff, direct, and control each major activ-
17 ity and function of a small business concern;
18 and

19 “(C) marketing assistance, including coun-
20 seling and training on how to—

21 “(i) identify and segment domestic
22 and international market opportunities;

23 “(ii) prepare and execute marketing
24 plans;

25 “(iii) develop pricing strategies;

1 “(iv) locate contract opportunities;
2 “(v) negotiate contracts; and
3 “(vi) use various public relations and
4 advertising techniques.

5 “(3) TYPES OF GRANTS.—

6 “(A) INITIAL GRANT.—The amount of an
7 initial grant, which shall be for a 5-year term,
8 provided under this subsection to an eligible en-
9 tity shall be not more than \$300,000 annually
10 (as such amount is annually adjusted by the
11 Administrator to reflect the change in infla-
12 tion).

13 “(B) CONTINUATION GRANTS.—The Ad-
14 ministrator may award a continuation grant,
15 which shall be for a 5-year term, of not more
16 than \$300,000 annually (as such amount is an-
17 nually adjusted by the Administrator to reflect
18 the change in inflation) to an eligible entity
19 that received an initial grant under subpara-
20 graph (A). There shall be no limitation on the
21 number of continuation grants an eligible entity
22 may receive under this section.

23 “(c) APPLICATION.—

24 “(1) INITIAL GRANTS AND CONTINUATION
25 GRANTS.—To receive an initial grant or continuation

1 grant under this section, an eligible entity shall sub-
2 mit an application to the Administrator in such
3 form, in such manner, and containing such informa-
4 tion as the Administrator may require, including—

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

7 “(i) has designated an executive direc-
8 tor or program manager, who may be com-
9 pensated using grant funds awarded under
10 this section or other sources, to manage
11 each women’s business center for which a
12 grant under subsection (b) is sought; and

13 “(ii) meets accounting and reporting
14 requirements established by the Director of
15 the Office of Management and Budget;

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

19 “(i) providing entrepreneurial coun-
20 seling and training described under sub-
21 section (b)(2);

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

1 “(iii) working with resource partners,
2 offices of the Administration, and other
3 public and private entities engaging in en-
4 trepreneurial and small business develop-
5 ment; and

6 “(C) a 5-year plan that—

7 “(i) includes information relating to
8 the assistance to be provided by each wom-
9 en’s business center in the area in which
10 each such center is located;

11 “(ii) describes the ability of the eligi-
12 ble entity to meet the needs of the market
13 to be served by each women’s business cen-
14 ter;

15 “(iii) describes the ability of the eligi-
16 ble entity to obtain the matching funds re-
17 quired under subsection (e); and

18 “(iv) describes the ability of the eligi-
19 ble entity to provide entrepreneurial coun-
20 seling and training described under sub-
21 section (b)(2), including to a representative
22 number of women who are both socially
23 and economically disadvantaged.

24 “(2) RECORD RETENTION.—

1 “(A) IN GENERAL.—The Administrator
2 shall maintain a copy of each application sub-
3 mitted under this subsection for not less than
4 5 years.

5 “(B) PAPERWORK REDUCTION.—The Ad-
6 ministrator shall take steps to reduce, to the
7 maximum extent practicable, the paperwork
8 burden associated with carrying out subpara-
9 graph (A).

10 “(d) SELECTION OF ELIGIBLE ENTITIES.—

11 “(1) IN GENERAL.—In selecting recipients of
12 initial grants, the Administrator shall consider—

13 “(A) the experience of the applicant in pro-
14 viding entrepreneurial counseling and training;

15 “(B) the amount of time needed for the
16 applicant to commence operation of a women’s
17 business center;

18 “(C) in consultation with a Women’s Busi-
19 ness Center Association, the capacity of the ap-
20 plicant to meet the accreditation standards es-
21 tablished under subsection (k)(4) in a timely
22 manner;

23 “(D) the ability of the applicant to sustain
24 operations, including the applicant’s ability to

1 obtain matching funds under subsection (e), for
2 a 5-year period;

3 “(E) the proposed location of a women’s
4 business center to be operated by the applicant
5 and the location’s proximity to Veteran Busi-
6 ness Outreach Centers and to recipients of
7 grants under section 8(b)(1) or 21;

8 “(F) the population density of the area to
9 be served by the women’s business center oper-
10 ated by the applicant; and

11 “(G) the advice and counsel of a Women’s
12 Business Center Association to determine areas
13 with unmet needs and the likelihood that the
14 recipient will become accredited.

15 “(2) SELECTION CRITERIA.—

16 “(A) RULEMAKING.—The Administrator
17 shall issue regulations to specify the criteria for
18 review and selection of applicants under this
19 subsection.

20 “(B) MODIFICATIONS PROHIBITED AFTER
21 ANNOUNCEMENT.—With respect to a public an-
22 nouncement of any opportunity to be awarded
23 a grant under this section made by the Admin-
24 istrator pursuant to subsection (l)(1), the Ad-
25 ministrator may not modify regulations issued

1 pursuant to subparagraph (A) with respect to
2 such opportunity unless required to do so by an
3 Act of Congress or an order of a Federal court.

4 “(C) RULE OF CONSTRUCTION.—Nothing
5 in this paragraph may be construed as prohib-
6 iting the Administrator from modifying the reg-
7 ulations issued pursuant to subparagraph (A)
8 (after providing an opportunity for notice and
9 comment) as such regulations apply to an op-
10 portunity to be awarded a grant under this sec-
11 tion that the Administrator has not yet publicly
12 announced pursuant to subsection (l)(1).

13 “(e) MATCHING REQUIREMENTS.—

14 “(1) IN GENERAL.—Subject to paragraph (5),
15 upon approval of an application submitted under
16 subsection (c), the eligible entity shall agree to ob-
17 tain contributions from non-Federal sources—

18 “(A) in the first and second year of the
19 term of an initial grant, if applicable, 1 non-
20 Federal dollar for every 2 Federal dollars; and

21 “(B) in each subsequent year of the term
22 of an initial grant, if applicable, or for the term
23 of a continuation grant, 1 non-Federal dollar
24 for each Federal dollar.

1 “(2) FORM OF MATCHING FUNDS.—Not more
2 than one-half of non-Federal matching funds de-
3 scribed under paragraph (1) may be in the form of
4 in-kind contributions that are budget line items only,
5 including office equipment and office space.

6 “(3) SOLICITATION.—Notwithstanding any
7 other provision of law, an eligible entity may—

8 “(A) solicit cash and in-kind contributions
9 from private individuals and entities to be used
10 to operate a women’s business center; and

11 “(B) use amounts made available by the
12 Administrator under this section for the cost of
13 such solicitation and management of the con-
14 tributions received.

15 “(4) DISBURSEMENT OF FUNDS.—The Admin-
16 istrator may disburse an amount not greater than
17 25 percent of the total amount of a grant awarded
18 to an eligible entity before such eligible entity ob-
19 tains the matching funds described under paragraph
20 (1).

21 “(5) FAILURE TO OBTAIN MATCHING FUNDS.—
22 If an eligible entity fails to obtain the required
23 matching funds described under paragraph (1), the
24 eligible entity may not be eligible to receive advance
25 disbursements pursuant to paragraph (4) during the

1 remainder of the term, if applicable, of an initial
2 grant awarded under this section. Before approving
3 such eligible entity for a continuation grant under
4 this section, the Administrator shall make a written
5 determination, including the reasons for such deter-
6 mination, of whether the Administrator believes that
7 the eligible entity will be able to obtain the requisite
8 matching funding under paragraph (1) for such con-
9 tinuation grant.

10 “(6) WAIVER OF NON-FEDERAL SHARE.—

11 “(A) IN GENERAL.—Upon request by an
12 eligible entity and in accordance with this para-
13 graph, the Administrator may waive, in whole
14 or in part, the requirement to obtain matching
15 funds under paragraph (1) for a grant awarded
16 under this section for the eligible entity for a 1-
17 year term of the grant.

18 “(B) CONSIDERATIONS.—In determining
19 whether to issue a waiver under this paragraph,
20 the Administrator shall consider—

21 “(i) the economic conditions affecting
22 the eligible entity;

23 “(ii) the demonstrated ability of the
24 eligible entity to raise non-Federal funds;
25 and

1 “(iii) the performance of the eligible
2 entity under the initial grant.

3 “(C) LIMITATION.—The Administrator
4 may not issue a waiver under this paragraph if
5 the Administrator determines that granting the
6 waiver would undermine the credibility of the
7 Women’s Business Center Program.

8 “(7) EXCESS NON-FEDERAL DOLLARS.—The
9 amount of non-Federal dollars obtained by an eligi-
10 ble entity that is greater than the amount that is re-
11 quired to be obtained by the eligible entity under
12 this subsection shall not be subject to the require-
13 ments of part 200 of title 2, Code of Federal Regu-
14 lations, or any successor thereto, if such amount of
15 non-Federal dollars—

16 “(A) is not used as matching funds for
17 purposes of implementing the Women’s Busi-
18 ness Center Program; and

19 “(B) was not obtained by using funds
20 granted under the Women’s Business Center
21 Program.

22 “(8) CARRYOVER.—An eligible entity may use
23 excess non-Federal dollars described in paragraph
24 (7) to satisfy the matching funds requirement under
25 paragraph (1) for the subsequent 1-year grant term,

1 if applicable, except that such amounts shall be sub-
2 ject to the requirements of part 200 of title 2, Code
3 of Federal Regulations, or any successor thereto.

4 “(f) OTHER REQUIREMENTS.—

5 “(1) SEPARATION OF FUNDS.—An eligible enti-
6 ty shall—

7 “(A) operate a women’s business center
8 under this section separately from other
9 projects, if any, of the eligible entity; and

10 “(B) separately maintain and account for
11 any grant funds received under this section.

12 “(2) EXAMINATION OF ELIGIBLE ENTITIES.—

13 “(A) REQUIRED SITE VISIT.—Before re-
14 ceiving an initial grant under this section, each
15 applicant shall have a site visit by an employee
16 of the Administration, in order to ensure that
17 the applicant has sufficient resources to provide
18 the services for which the grant is being pro-
19 vided.

20 “(B) ANNUAL REVIEW.—An employee of
21 the Administration shall—

22 “(i) conduct an annual programmatic
23 and financial examination of each eligible
24 entity, as described in subsection (g); and

1 “(ii) provide the results of such exam-
2 ination to the eligible entity.

3 “(3) REMEDIATION OF PROBLEMS.—

4 “(A) PLAN OF ACTION.—If an examination
5 of an eligible entity conducted under paragraph
6 (2)(B) identifies any problems, the eligible enti-
7 ty shall, within 45 calendar days of receiving a
8 copy of the results of such examination, provide
9 the Assistant Administrator with a plan of ac-
10 tion, including specific milestones, for cor-
11 recting such problems.

12 “(B) PLAN OF ACTION REVIEW BY THE AS-
13 SISTANT ADMINISTRATOR.—The Assistant Ad-
14 ministrators shall review each plan of action sub-
15 mitted under subparagraph (A) within 30 cal-
16 endar days of receiving such plan. If the Assist-
17 ant Administrator determines that such plan—

18 “(i) will bring the eligible entity into
19 compliance with all the terms of a coopera-
20 tive agreement described in subsection (b),
21 the Assistant Administrator shall approve
22 such plan; or

23 “(ii) is inadequate to remedy the
24 problems identified in the annual examina-
25 tion to which the plan of action relates, the

1 Assistant Administrator shall set forth
2 such reasons in writing and provide such
3 determination to the eligible entity within
4 15 calendar days of such determination.

5 “(C) AMENDMENT TO PLAN OF ACTION.—
6 An eligible entity receiving a determination
7 under subparagraph (B)(ii) shall have 30 cal-
8 endar days from the receipt of the determina-
9 tion to amend the plan of action to satisfy the
10 problems identified by the Assistant Adminis-
11 trator and resubmit such plan to the Assistant
12 Administrator.

13 “(D) AMENDED PLAN REVIEW BY THE AS-
14 SISTANT ADMINISTRATOR.—Within 15 calendar
15 days of the receipt of an amended plan of ac-
16 tion under subparagraph (C), the Assistant Ad-
17 ministrators shall either approve or reject such
18 plan and provide such approval or rejection in
19 writing to the eligible entity.

20 “(E) APPEAL OF ASSISTANT ADMINIS-
21 TRATOR DETERMINATION.—

22 “(i) IN GENERAL.—If the Assistant
23 Administrator rejects an amended plan
24 under subparagraph (D), the eligible entity
25 shall have the opportunity to appeal such

1 decision to the Administrator, who may
2 delegate such appeal to an appropriate of-
3 ficer of the Administration.

4 “(ii) OPPORTUNITY FOR EXPLA-
5 NATION.—Any appeal described under
6 clause (i) shall provide an opportunity for
7 the eligible entity to provide, in writing, an
8 explanation of why the eligible entity’s
9 amended plan remedies the problems iden-
10 tified in the annual examination conducted
11 under paragraph (2)(B).

12 “(iii) NOTICE OF DETERMINATION.—
13 The Administrator shall provide to the eli-
14 gible entity a determination of the appeal,
15 in writing, not later than 15 calendar days
16 after the eligible entity files an appeal
17 under this subparagraph.

18 “(iv) EFFECT OF FAILURE TO ACT.—
19 If the Administrator fails to act on an ap-
20 peal made under this subparagraph within
21 the 15-day period specified under clause
22 (iii), the eligible entity’s amended plan of
23 action submitted under subparagraph (C)
24 shall be deemed to be approved.

25 “(4) TERMINATION OF GRANT.—

1 “(A) IN GENERAL.—The Administrator
2 shall terminate a grant to an eligible entity
3 under this section if the eligible entity fails to
4 comply with—

5 “(i) a plan of action approved by the
6 Assistant Administrator under paragraph
7 (3)(B)(i); or

8 “(ii) an amended plan of action ap-
9 proved by the Assistant Administrator
10 under paragraph (3)(D) or approved on
11 appeal under paragraph (3)(E).

12 “(B) APPEAL OF TERMINATION.—An eligi-
13 ble entity shall have the opportunity to chal-
14 lenge the termination of a grant under subpara-
15 graph (A) on the record and after an oppor-
16 tunity for a hearing.

17 “(C) FINAL AGENCY ACTION.—A deter-
18 mination made pursuant to subparagraph (B)
19 shall be considered final agency action for the
20 purposes of chapter 7 of title 5, United States
21 Code.

22 “(5) CONSULTATION WITH MAJORITY WOMEN’S
23 BUSINESS CENTER ASSOCIATION.—If on the date of
24 the enactment of this subsection, a majority of wom-
25 en’s business centers that are operating pursuant to

1 agreements with the Administration are members of
2 an individual Women’s Business Center Association,
3 the Administrator shall—

4 “(A) recognize the existence and activities
5 of such Association; and

6 “(B) consult with the Association on, and
7 negotiate with the Association in the develop-
8 ment of documents with respect to—

9 “(i) announcing the annual scope of
10 activities pursuant to this section;

11 “(ii) requesting proposals to deliver
12 assistance as provided in this section; and

13 “(iii) governing the general operations
14 and administration of women’s business
15 centers, specifically including the develop-
16 ment of regulations and a uniform nego-
17 tiated cooperative agreement for use on an
18 annual basis when entering into individual
19 cooperative agreements with women’s busi-
20 ness centers.

21 “(6) ENFORCEMENT.—

22 “(A) GRANTS.—The Assistant Adminis-
23 trator shall develop policies and procedures to
24 minimize the possibility of awarding a grant to
25 an eligible entity that will operate a women’s

1 business center that likely will not remain in
2 compliance with program and financial require-
3 ments.

4 “(B) INDIVIDUAL COOPERATIVE AGREE-
5 MENTS.—The Assistant Administrator shall en-
6 force the terms of any individual cooperative
7 agreement described in paragraph (5)(B)(iii).

8 “(g) PROGRAM EXAMINATION.—

9 “(1) IN GENERAL.—The Administration shall—

10 “(A) develop and implement an annual
11 programmatic and financial examination of
12 each eligible entity receiving a grant under this
13 section, under which each such eligible entity
14 shall provide to the Administration—

15 “(i) an itemized cost breakdown of ac-
16 tual expenditures for costs incurred during
17 the preceding year; and

18 “(ii) documentation regarding the
19 amount of matching assistance from non-
20 Federal sources obtained and expended by
21 the eligible entity during the preceding
22 year in order to meet the requirements of
23 subsection (e) and, with respect to any in-
24 kind contributions described in subsection
25 (e)(2) that were used to satisfy the re-

1 requirements of subsection (e), verification of
2 the existence and valuation of those con-
3 tributions; and

4 “(B) analyze the results of each such ex-
5 amination and, based on that analysis, make a
6 determination regarding the programmatic and
7 financial viability of each women’s business cen-
8 ter operated by the eligible entity.

9 “(2) CONDITIONS FOR CONTINUED FUNDING.—
10 In determining whether to award a continuation
11 grant to an eligible entity, the Administrator—

12 “(A) shall consider the results of the most
13 recent examination of the eligible entity under
14 paragraph (1);

15 “(B) shall determine if—

16 “(i) the eligible entity has failed to
17 provide, or provided inadequate, informa-
18 tion under paragraph (1)(A); or

19 “(ii) the eligible entity has failed to
20 provide any information required to be pro-
21 vided by a women’s business center for
22 purposes of the management report under
23 subsection (m)(1), or the information pro-
24 vided by the center is inadequate; and

1 “(C) shall consider the accreditation status
2 as described in subsection (k)(4).

3 “(3) ADDITIONAL OVERSIGHT.—The Assistant
4 Administrator shall work with the Women’s Busi-
5 ness Center Association recognized under subsection
6 (f)(5) (as applicable) to develop, implement, and
7 maintain policies and procedures for conducting fi-
8 nancial examinations under this subsection and to
9 maintain internal controls that ensure that such fi-
10 nancial examinations are conducted properly.

11 “(h) NOTICE AND COMMENT REQUIRED.—The Ad-
12 ministrators may only make a change to the standards by
13 which an eligible entity obtains or maintains grants under
14 this section, the standards for accreditation, or any other
15 requirement for the operation of a women’s business cen-
16 ter if the Administrator first provides notice and the op-
17 portunity for public comment, as set forth in section
18 553(b) of title 5, United States Code, without regard to
19 any exceptions provided for under such section.

20 “(i) CONTRACT AUTHORITY.—

21 “(1) ELIGIBLE ENTITY.—An eligible entity that
22 receives a grant under this section may enter into a
23 contract with a Federal department or agency to
24 provide specific assistance to small business concerns
25 owned and controlled by women and other under-

1 served small business concerns, if performance of
2 such a contract does not hinder the ability of the eli-
3 gible entity to carry out the terms of a grant re-
4 ceived under this section.

5 “(2) ADMINISTRATOR.—The authority of the
6 Administrator to enter into contracts shall be in ef-
7 fect for each fiscal year only to the extent and in the
8 amounts as are provided in advance in appropria-
9 tions Acts. After the Administrator has entered into
10 a contract, either as a grant or a cooperative agree-
11 ment, with any applicant under this section, the Ad-
12 ministrator shall not suspend, terminate, or fail to
13 renew or extend any such contract unless the Ad-
14 ministrator provides the applicant with written noti-
15 fication setting forth the reasons therefore and af-
16 fords the applicant an opportunity for a hearing, ap-
17 peal, or other administrative proceeding under chap-
18 ter 5 of title 5, United States Code.

19 “(j) PRIVACY REQUIREMENTS.—

20 “(1) IN GENERAL.—A women’s business center
21 may not disclose the name, address, or telephone
22 number of any individual or small business concern
23 receiving assistance under this section without the
24 consent of such individual or small business concern,
25 unless—

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

6 “(B) the Administrator considers such a
7 disclosure to be necessary for the purpose of
8 conducting a financial audit of a women’s busi-
9 ness center, except that such a disclosure shall
10 be limited to the information necessary for such
11 audit.

12 “(2) ADMINISTRATION USE OF INFORMATION.—

13 This subsection shall not—

14 “(A) restrict Administration access to
15 women’s business center data; or

16 “(B) prevent the Administration from
17 using information about individuals who use
18 women’s business centers to conduct surveys of
19 such individuals.

20 “(3) REGULATIONS.—The Administrator shall
21 issue regulations to establish standards for disclo-
22 sures for purposes of a financial audit described
23 under paragraph (1)(B).

24 “(k) OFFICE OF WOMEN’S BUSINESS OWNERSHIP.—

1 “(1) ESTABLISHMENT.—There is established
2 within the Administration an Office of Women’s
3 Business Ownership, which shall be responsible for
4 the administration of the Administration’s programs
5 for the development of women’s business enterprises
6 (as defined in section 408 of the Women’s Business
7 Ownership Act of 1988). The Office of Women’s
8 Business Ownership shall be administered by an As-
9 sistant Administrator, who shall be appointed by the
10 Administrator.

11 “(2) ASSISTANT ADMINISTRATOR OF THE OF-
12 FICE OF WOMEN’S BUSINESS OWNERSHIP.—

13 “(A) QUALIFICATION.—The position of As-
14 sistant Administrator shall be a Senior Execu-
15 tive Service position under section 3132(a)(2)
16 of title 5, United States Code. The Assistant
17 Administrator shall serve as a noncareer ap-
18 pointee (as defined in section 3132(a)(7) of
19 that title).

20 “(B) DUTIES.—The Assistant Adminis-
21 trator shall administer the programs and serv-
22 ices of the Office of Women’s Business Owner-
23 ship and perform the following functions:

24 “(i) Recommend the annual adminis-
25 trative and program budgets of the Office

1 and eligible entities receiving a grant
2 under the Women’s Business Center Pro-
3 gram.

4 “(ii) Review the annual budgets sub-
5 mitted by each eligible entity receiving a
6 grant under the Women’s Business Center
7 Program.

8 “(iii) Collaborate with other Federal
9 departments and agencies, State and local
10 governments, not-for-profit organizations,
11 and for-profit organizations to maximize
12 utilization of taxpayer dollars and reduce
13 (or eliminate) any duplication among the
14 programs overseen by the Office of Wom-
15 en’s Business Ownership and those of
16 other entities that provide similar services
17 to women entrepreneurs.

18 “(iv) Maintain a clearinghouse to pro-
19 vide for the dissemination and exchange of
20 information between women’s business cen-
21 ters.

22 “(v) Serve as the vice chairperson of
23 the Interagency Committee on Women’s
24 Business Enterprise and as the liaison for
25 the National Women’s Business Council.

1 “(3) MISSION.—The mission of the Office of
2 Women’s Business Ownership shall be to assist
3 women entrepreneurs to start, grow, and compete in
4 global markets by providing quality support with ac-
5 cess to capital, access to markets, job creation,
6 growth, and counseling by—

7 “(A) fostering participation of women en-
8 trepreneurs in the economy by overseeing a net-
9 work of women’s business centers throughout
10 States and territories;

11 “(B) creating public-private partnerships
12 to support women entrepreneurs and conduct
13 outreach and education to small business con-
14 cerns owned and controlled by women; and

15 “(C) working with other programs of the
16 Administrator to—

17 “(i) ensure women are well-rep-
18 resented in those programs and being
19 served by those programs; and

20 “(ii) identify gaps where participation
21 by women in those programs could be in-
22 creased.

23 “(4) ACCREDITATION PROGRAM.—

24 “(A) ESTABLISHMENT.—Not later than
25 270 days after the date of enactment of this

1 paragraph, the Administrator shall publish
2 standards for a program to accredit eligible en-
3 tities that receive a grant under this section.

4 “(B) PUBLIC COMMENT; TRANSITION.—
5 Before publishing the standards under subpara-
6 graph (A), the Administrator—

7 “(i) shall provide a period of not less
8 than 60 days for public comment on such
9 standards; and

10 “(ii) may not terminate a grant under
11 this section absent evidence of fraud or
12 other criminal misconduct by the recipient.

13 “(C) CONTRACTING AUTHORITY.—The Ad-
14 ministrator may provide financial support, by
15 contract or otherwise, to a Women’s Business
16 Center Association to provide assistance in es-
17 tablishing the standards required under sub-
18 paragraph (A) or for carrying out an accredita-
19 tion program pursuant to such standards.

20 “(5) CONTINUATION GRANT CONSIDER-
21 ATIONS.—

22 “(A) IN GENERAL.—In determining wheth-
23 er to award a continuation grant under this sec-
24 tion, the Administrator shall consider the re-
25 sults of the annual programmatic and financial

1 examination conducted under subsection (g)
2 and the accreditation program.

3 “(B) ACCREDITATION REQUIREMENT.—
4 After the end of the 2-year period beginning on
5 the date of enactment of this subsection, the
6 Administration may not award a continuation
7 grant under this section unless the applicable
8 eligible entity has been approved under the ac-
9 creditation program conducted pursuant to this
10 subsection, except that the Assistant Adminis-
11 trator for the Office of Women’s Business Own-
12 ership may waive such accreditation require-
13 ment, in the discretion of the Assistant Admin-
14 istrator, upon a showing that the eligible entity
15 is making a good faith effort to obtain accredi-
16 tation.

17 “(6) ANNUAL CONFERENCE.—Each women’s
18 business center shall participate in annual profes-
19 sional development at an annual conference facili-
20 tated by a Women’s Business Center Association.

21 “(I) NOTIFICATION REQUIREMENTS UNDER THE
22 WOMEN’S BUSINESS CENTER PROGRAM.—The Adminis-
23 trator shall provide the following:

24 “(1) A public announcement of any opportunity
25 to be awarded grants under this section, to include

1 the selection criteria under subsection (d) and any
2 applicable regulations.

3 “(2) To any applicant for a grant under this
4 section that failed to obtain such a grant, an oppor-
5 tunity to debrief with the Administrator to review
6 the reasons for the applicant’s failure.

7 “(3) To an eligible entity that receives an initial
8 grant under this section, if a site visit or review of
9 the eligible entity is carried out by an officer or em-
10 ployee of the Administration (other than the Inspec-
11 tor General), a copy of the site visit report or eval-
12 uation, as applicable, within 30 calendar days of the
13 completion of such visit or evaluation.

14 “(m) ANNUAL MANAGEMENT REPORT.—

15 “(1) IN GENERAL.—The Administrator shall
16 prepare and submit to the Committee on Small
17 Business of the House of Representatives and the
18 Committee on Small Business and Entrepreneurship
19 of the Senate an annual report on the effectiveness
20 of women’s business centers operated through a
21 grant awarded under this section.

22 “(2) CONTENTS.—Each report submitted under
23 paragraph (1) shall include—

24 “(A) information concerning, with respect
25 to each women’s business center established

1 pursuant to a grant awarded under this section,
2 the most recent analysis of the annual pro-
3 grammatic and financial examination of the ap-
4 plicable eligible entity, as required under sub-
5 section (g)(1)(B), and the subsequent deter-
6 mination made by the Administration under
7 that subsection;

8 “(B) the number of persons counseled and
9 trained through the Women’s Business Center
10 Program;

11 “(C) the total number of hours of coun-
12 seling and training through the Program;

13 “(D) the demographics of Program partici-
14 pants to include gender, race, and age of each
15 such participant;

16 “(E) the number of Program participants
17 who are veterans;

18 “(F) the number of new businesses started
19 by participants in the Program;

20 “(G) to the extent practicable, the number
21 of jobs supported, created or retained with as-
22 sistance from women’s business centers;

23 “(H) the amount of capital secured by par-
24 ticipants in the Program, including through
25 loans and equity investment;

1 “(I) the number of participants in the Pro-
2 gram receiving financial assistance, including
3 the type and dollar amount, under the loan pro-
4 grams of the Administration;

5 “(J) an estimate of gross receipts, includ-
6 ing to the extent practicable a description of
7 any change in revenue of small business con-
8 cerns assisted through the Program;

9 “(K) to the maximum extent practicable,
10 increases or decreases in revenues for the as-
11 sisted small business concerns;

12 “(L) the number of referrals made to other
13 resources and programs of the Administration;

14 “(M) the results of satisfaction surveys of
15 participants, including a summary of any com-
16 ments received from such participants; and

17 “(N) any recommendations by the Admin-
18 istrator to improve the delivery of services by
19 women’s business centers.

20 “(n) AUTHORIZATION OF APPROPRIATIONS.—

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 \$31,500,000 for each of fiscal years 2022 through
25 2025.

1 “(2) USE OF AMOUNTS.—

2 “(A) IN GENERAL.—Except as provided in
3 subparagraph (B), amounts made available
4 under this subsection for fiscal year 2022, and
5 each fiscal year thereafter, may only be used for
6 grant awards and may not be used for costs in-
7 curred by the Administration in connection with
8 the management and administration of the pro-
9 gram under this section.

10 “(B) EXCEPTIONS.—Of the amount made
11 available under this subsection for a fiscal year,
12 the following amounts shall be available for
13 costs incurred by the Administration in connec-
14 tion with the management and administration
15 of the program under this section:

16 “(i) For the first fiscal year beginning
17 after the date of the enactment of this sub-
18 paragraph, 2.65 percent.

19 “(ii) For the second fiscal year begin-
20 ning after the date of the enactment of
21 this subparagraph and each fiscal year
22 thereafter through fiscal year 2025, 2.5
23 percent.

24 “(3) EXPEDITED ACQUISITION.—Notwith-
25 standing any other provision of law, the Adminis-

1 trator may use such expedited acquisition methods
2 as the Administrator determines to be appropriate to
3 carry out this section, except that the Administrator
4 shall ensure that all small business sources are pro-
5 vided a reasonable opportunity to submit proposals.

6 “(4) ACCREDITATION AND ANNUAL CON-
7 FERENCE.—Not less than \$500,000 of the amounts
8 appropriated pursuant to paragraph (1) for a fiscal
9 year shall be available for purposes of carrying out
10 subsection (k), of which no less than \$50,000 shall
11 be available to support an annual conference de-
12 scribed under subsection (k)(6).”

13 **SEC. 3. EFFECT ON EXISTING GRANTS.**

14 (a) TERMS AND CONDITIONS.—A nonprofit organiza-
15 tion receiving a grant under section 29(m) of the Small
16 Business Act (15 U.S.C. 656(m)), as in effect on the day
17 before the date of enactment of this Act, shall continue
18 to receive the grant under the terms and conditions in ef-
19 fect for the grant on the day before the date of enactment
20 of this Act, except that the nonprofit organization may
21 not apply for a continuation of the grant under section
22 29(m)(5) of the Small Business Act (15 U.S.C.
23 656(m)(5)), as in effect on the day before the date of en-
24 actment of this Act.

1 (b) LENGTH OF CONTINUATION GRANT.—The Ad-
2 ministrator of the Small Business Administration may
3 award a grant under section 29 of the Small Business Act,
4 as amended by this Act, to a nonprofit organization receiv-
5 ing a grant under section 29(m) of the Small Business
6 Act (15 U.S.C. 656(m)), as in effect on the day before
7 the date of enactment of this Act, for the period—

8 (1) beginning on the day after the last day of
9 the grant agreement under such section 29(m); and

10 (2) ending at the end of the third fiscal year be-
11 ginning after the date of enactment of this Act.

12 **SEC. 4. REGULATIONS.**

13 Not later than 270 days after the date of the enact-
14 ment of this Act, the Administrator of Small Business Ad-
15 ministration shall issue such rules as are necessary to
16 carry out section 29 of the Small Business Act (15 U.S.C.
17 656), as amended by this Act, and ensure that a period
18 of public comment for such rules is not less than 60 days.

Union Calendar No. 188

117TH CONGRESS
2^D SESSION

H. R. 6441

[Report No. 117-258]

A BILL

To amend the Small Business Act to improve the women's business center program, and for other purposes.

MARCH 7, 2022

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed