

116<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 4405

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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Women’s Business  
3 Centers Improvements Act of 2019”.

4 **SEC. 2. AMENDMENTS TO WOMEN’S BUSINESS CENTER**  
5 **PROGRAM.**

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

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

9 “(a) DEFINITIONS.—In this section:

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

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

16 “(A) an organization described in section  
17 501(c) of the Internal Revenue Code of 1986  
18 and exempt from taxation under section 501(a)  
19 of such Code;

20 “(B) a State, regional, or local economic  
21 development organization, so long as the orga-  
22 nization certifies that grant funds received  
23 under this section will not be commingled with  
24 other funds;

25 “(C) an institution of higher education (as  
26 defined in section 101 of the Higher Education

1 Act of 1965 (20 U.S.C. 1001)), unless such in-  
2 stitution is currently receiving a grant under  
3 section 21;

4 “(D) a development, credit, or finance cor-  
5 poration chartered by a State, so long as the  
6 corporation certifies that grant funds received  
7 under this section will not be commingled with  
8 other funds; or

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

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

15 “(4) WOMEN’S BUSINESS CENTER.—The term  
16 ‘women’s business center’ means the location at  
17 which counseling and training on the management,  
18 operations (including manufacturing, services, and  
19 retail), access to capital, international trade, Govern-  
20 ment procurement opportunities, and any other mat-  
21 ter that is needed to start, maintain, or expand a  
22 small business concern owned and controlled by  
23 women.

24 “(5) WOMEN’S BUSINESS CENTER ASSOCIA-  
25 TION.—The term ‘Women’s Business Center Asso-

1        ciation’ means a membership organization formed by  
2        women’s business centers to pursue matters of com-  
3        mon concern.

4        “(b) AUTHORITY.—

5                “(1) ESTABLISHMENT.—There is established a  
6        Women’s Business Center Program under which the  
7        Administrator may provide a grant to any eligible  
8        entity to operate one or more women’s business cen-  
9        ters for the benefit of small business concerns owned  
10       and controlled by women.

11               “(2) USE OF FUNDS.—The women’s business  
12       centers shall be designed to provide counseling and  
13       training that meets the needs of the small business  
14       concerns owned and controlled by women, especially  
15       socially or economically disadvantaged women, and  
16       shall provide—

17                “(A) financial assistance, including train-  
18       ing and counseling in how to apply for and se-  
19       cure business credit and investment capital,  
20       preparing and presenting financial statements,  
21       and managing cash flow and other financial op-  
22       erations of a small business concern;

23                “(B) management assistance, including  
24       training and counseling in how to plan, orga-  
25       nize, staff, direct, and control each major activ-

1           ity and function of a small business concern;  
2           and

3                   “(C) marketing assistance, including train-  
4           ing and counseling in identifying and seg-  
5           menting domestic and international market op-  
6           portunities, preparing and executing marketing  
7           plans, developing pricing strategies, locating  
8           contract opportunities, negotiating contracts,  
9           and utilizing varying public relations and adver-  
10          tising techniques.

11          “(3) TYPES OF GRANTS.—

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

19                   “(B) CONTINUATION GRANTS.—The Ad-  
20          ministrator may award a continuation grant,  
21          which shall be for a 5-year term, of not more  
22          than \$300,000 annually (as such amount is an-  
23          nually adjusted by the Administrator to reflect  
24          the change in inflation) to an eligible entity  
25          that received an initial grant under subpara-

1 graph (A). There shall be no limitation on the  
2 number of continuation grants an eligible entity  
3 may receive under this section.

4 “(c) APPLICATION.—

5 “(1) INITIAL GRANTS AND CONTINUATION  
6 GRANTS.—To receive an initial grant or continuation  
7 grant under this section, an eligible entity shall sub-  
8 mit an application to the Administrator in such  
9 form, in such manner, and containing such informa-  
10 tion as the Administrator may require, including—

11 “(A) a certification that the eligible enti-  
12 ty—

13 “(i) has designated an executive direc-  
14 tor or program manager, who may be com-  
15 pensated using grant funds awarded under  
16 this section or other sources, to manage  
17 the women’s business center for which a  
18 grant under subsection (b) is sought; and

19 “(ii) meets accounting and reporting  
20 requirements established by the Director of  
21 the Office of Management and Budget;

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

1 “(i) providing counseling and training  
2 described under subsection (b)(2);

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

6 “(iii) working with resource partners  
7 of the Administration and other entities;  
8 and

9 “(C) a 5-year plan that—

10 “(i) includes information relating to  
11 the assistance to be provided by the wom-  
12 en’s business center in the area in which  
13 the women’s business center is located;

14 “(ii) describes the ability of the eligi-  
15 ble entity to meet the needs of the market  
16 to be served by the women’s business cen-  
17 ter, including the ability to obtain the  
18 matching funds required under subsection  
19 (e); and

20 “(iii) describes the ability of the eligi-  
21 ble entity to provide counseling and train-  
22 ing described under subsection (b)(2), in-  
23 cluding to a representative number of  
24 women who are socially or economically  
25 disadvantaged.

1 “(2) RECORD RETENTION.—

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

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

11 “(d) SELECTION OF ELIGIBLE ENTITIES.—

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

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

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

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

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



1 obtain sufficient non-Federal funds, for a 5-  
2 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 (1)(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 each 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 non-Federal matching funds described  
20 under paragraph (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 funding under paragraph (1) for such continuation  
9 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 non-Fed-  
15 eral matching funds for a grant awarded under  
16 this section for the eligible entity for a 1-year  
17 term of the grant. The Administrator may not  
18 issue such a waiver for more than a total of 2  
19 consecutive 1-year terms.

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

23 “(i) the economic conditions affecting  
24 the eligible entity;

1           “(ii) the demonstrated ability of the  
2           eligible entity to raise non-Federal funds;  
3           and

4           “(iii) the performance of the eligible  
5           entity under the initial grant.

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

11          “(7) EXCESS NON-FEDERAL DOLLARS.—The  
12          amount of non-Federal dollars obtained by an eligi-  
13          ble entity that is above the amount that is required  
14          to be obtained by the eligible entity under this sub-  
15          section shall not be subject to the requirements of  
16          part 200 of title 2, Code of Federal Regulations, or  
17          any successor thereto, if such amount of non-Fed-  
18          eral dollars—

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

22                 “(B) was not obtained using funds from  
23                 the Women’s Business Center Program.

24          “(8) CARRYOVER.—Excess non-Federal dollars  
25          described in paragraph (7) may be used to satisfy

1 the matching funds requirement under paragraph  
2 (1) for the subsequent 1-year grant term, if applica-  
3 ble, except that such amounts shall be subject to the  
4 requirements of part 200 of title 2, Code of Federal  
5 Regulations, or any successor thereto.

6 “(f) OTHER REQUIREMENTS.—

7 “(1) SEPARATION OF FUNDS.—An eligible enti-  
8 ty shall—

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

12 “(B) separately maintain and account for  
13 any grants received under this section.

14 “(2) EXAMINATION OF ELIGIBLE ENTITIES.—

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

22 “(B) ANNUAL REVIEW.—An employee of  
23 the Administration shall—

1                   “(i) conduct an annual programmatic  
2                   and financial examination of each eligible  
3                   entity, as described in subsection (g); and

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

6                   “(3) REMEDIATION OF PROBLEMS.—

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

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

21                         “(i) will bring the eligible entity into  
22                         compliance with all the terms of the grant  
23                         agreement, the Assistant Administrator  
24                         shall approve such plan; or

1           “(ii) is inadequate to remedy the  
2           problems identified in the annual examina-  
3           tion to which the plan of action relates, the  
4           Assistant Administrator shall set forth  
5           such reasons in writing and provide such  
6           determination to the eligible entity within  
7           15 calendar days of such determination.

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

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

23          “(E) APPEAL OF ASSISTANT ADMINIS-  
24          TRATOR DETERMINATION.—



1           “(i) IN GENERAL.—If the Assistant  
2 Administrator rejects an amended plan  
3 under subparagraph (D), the eligible entity  
4 shall have the opportunity to appeal such  
5 decision to the Administrator, who may  
6 delegate such appeal to an appropriate of-  
7 ficer of the Administration.

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

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

22           “(iv) EFFECT OF FAILURE TO ACT.—  
23 If the Administrator fails to act on an ap-  
24 peal made under this subparagraph within  
25 the 15-day period specified under clause

1 (iii), the eligible entity’s amended plan of  
2 action submitted under subparagraph (C)  
3 shall be deemed to be approved.

4 “(4) TERMINATION OF GRANT.—

5 “(A) IN GENERAL.—The Administrator  
6 shall terminate a grant to an eligible entity  
7 under this section if the eligible entity fails to  
8 comply with—

9 “(i) a plan of action approved by the  
10 Assistant Administrator under paragraph  
11 (3)(B)(i); or

12 “(ii) an amended plan of action ap-  
13 proved by the Assistant Administrator  
14 under paragraph (3)(D) or approved on  
15 appeal under paragraph (3)(E).

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

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

1           “(5) CONSULTATION WITH MAJORITY WOMEN’S  
2 BUSINESS CENTER ASSOCIATION.—If a majority of  
3 women’s business centers that are operating pursu-  
4 ant to agreements with the Administration are mem-  
5 bers of an individual Women’s Business Center As-  
6 sociation, the Administrator shall—

7           “(A) recognize the existence and activities  
8 of such Association; and

9           “(B) consult with the Association on, and  
10 negotiate with the Association in the develop-  
11 ment of documents with respect to—

12           “(i) announcing the annual scope of  
13 activities pursuant to this section;

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

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

24           “(g) PROGRAM EXAMINATION.—

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

1           “(A) develop and implement an annual  
2 programmatic and financial examination of  
3 each eligible entity receiving a grant under this  
4 section, under which each such eligible entity  
5 shall provide to the Administration—

6                   “(i) an itemized cost breakdown of ac-  
7 tual expenditures for costs incurred during  
8 the preceding year; and

9                   “(ii) documentation regarding the  
10 amount of matching assistance from non-  
11 Federal sources obtained and expended by  
12 the eligible entity during the preceding  
13 year in order to meet the requirements of  
14 subsection (e) and, with respect to any in-  
15 kind contributions described in subsection  
16 (e)(2) that were used to satisfy the re-  
17 quirements of subsection (e), verification of  
18 the existence and valuation of those con-  
19 tributions; and

20           “(B) analyze the results of each such ex-  
21 amination and, based on that analysis, make a  
22 determination regarding the programmatic and  
23 financial viability of each women’s business cen-  
24 ter operated by the eligible entity.

1           “(2) CONDITIONS FOR CONTINUED FUNDING.—

2           In determining whether to award a continuation  
3           grant to an eligible entity, the Administrator—

4                   “(A) shall consider the results of the most  
5                   recent examination of the eligible entity under  
6                   paragraph (1);

7                   “(B) shall determine if—

8                           “(i) the eligible entity has failed to  
9                           provide, or provided inadequate, informa-  
10                          tion under paragraph (1)(A); or

11                           “(ii) the eligible entity has failed to  
12                          provide any information required to be pro-  
13                          vided by the women’s business center for  
14                          purposes of the management report under  
15                          subsection (m)(1), or the information pro-  
16                          vided by the center is inadequate; and

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

19           “(h) NOTICE AND COMMENT REQUIRED.—The Ad-  
20           ministrators may only make a change to the standards by  
21           which an eligible entity obtains or maintains grants under  
22           this section, the standards for accreditation, or any other  
23           requirement for the operation of a women’s business cen-  
24           ter if the Administrator first provides notice and the op-  
25           portunity for public comment, as set forth in section

1 553(b) of title 5, United States Code, without regard to  
2 any exceptions provided for under such section.

3 “(i) CONTRACT AUTHORITY.—

4 “(1) ELIGIBLE ENTITY.—An eligible entity that  
5 receives a grant under this section may enter into a  
6 contract with a Federal department or agency to  
7 provide specific assistance to small business concerns  
8 owned and controlled by women and other under-  
9 served small business concerns, if performance of  
10 such a contract does not hinder the ability of the eli-  
11 gible entity to carry out the terms of a grant re-  
12 ceived under this section.

13 “(2) ADMINISTRATOR.—The authority of the  
14 Administrator to enter into contracts shall be in ef-  
15 fect for each fiscal year only to the extent and in the  
16 amounts as are provided in advance in appropria-  
17 tions Acts. After the Administrator has entered into  
18 a contract, either as a grant or a cooperative agree-  
19 ment, with any applicant under this section, the Ad-  
20 ministrator shall not suspend, terminate, or fail to  
21 renew or extend any such contract unless the Ad-  
22 ministrator provides the applicant with written noti-  
23 fication setting forth the reasons therefore and af-  
24 fords the applicant an opportunity for a hearing, ap-

1 peal, or other administrative proceeding under chap-  
2 ter 5 of title 5, United States Code.

3 “(j) PRIVACY REQUIREMENTS.—

4 “(1) IN GENERAL.—A women’s business center  
5 may not disclose the name, address, or telephone  
6 number of any individual or small business concern  
7 receiving assistance under this section without the  
8 consent of such individual or small business concern,  
9 unless—

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

15 “(B) the Administrator considers such a  
16 disclosure to be necessary for the purpose of  
17 conducting a financial audit of a women’s busi-  
18 ness center, except that such a disclosure shall  
19 be limited to the information necessary for such  
20 audit.

21 “(2) ADMINISTRATION USE OF INFORMATION.—

22 This subsection shall not—

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

1           “(B) prevent the Administration from  
2           using information about individuals who use  
3           women’s business centers to conduct surveys of  
4           such individuals.

5           “(3) REGULATIONS.—The Administrator shall  
6           issue regulations to establish standards for disclo-  
7           sures for purposes of a financial audit described  
8           under paragraph (1)(B).

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

10           “(1) ESTABLISHMENT.—There is established  
11           within the Administration an Office of Women’s  
12           Business Ownership, which shall be responsible for  
13           the administration of the Administration’s programs  
14           for the development of women’s business enterprises  
15           (as defined in section 408 of the Women’s Business  
16           Ownership Act of 1988). The Office of Women’s  
17           Business Ownership shall be administered by an As-  
18           sistant Administrator, who shall be appointed by the  
19           Administrator.

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

22           “(A) QUALIFICATION.—The position of As-  
23           sistant Administrator shall be a Senior Execu-  
24           tive Service position under section 3132(a)(2)  
25           of title 5, United States Code. The Assistant



1 Administrator shall serve as a noncareer ap-  
2 pointee (as defined in section 3132(a)(7) of  
3 that title).

4 “(B) DUTIES.—The Assistant Adminis-  
5 trator shall administer the programs and serv-  
6 ices of the Office of Women’s Business Owner-  
7 ship and perform the following functions:

8 “(i) Recommend the annual adminis-  
9 trative and program budgets of the Office  
10 and eligible entities receiving a grant  
11 under the Women’s Business Center Pro-  
12 gram.

13 “(ii) Review the annual budgets sub-  
14 mitted by each eligible entity receiving a  
15 grant under the Women’s Business Center  
16 Program.

17 “(iii) Collaborate with other Federal  
18 departments and agencies, State and local  
19 governments, not-for-profit organizations,  
20 and for-profit organizations to maximize  
21 utilization of taxpayer dollars and reduce  
22 (or eliminate) any duplication among the  
23 programs overseen by the Office of Wom-  
24 en’s Business Ownership and those of

1 other entities that provide similar services  
2 to women entrepreneurs.

3 “(iv) Maintain a clearinghouse to pro-  
4 vide for the dissemination and exchange of  
5 information between women’s business cen-  
6 ters.

7 “(v) Serve as the vice chairperson of  
8 the Interagency Committee on Women’s  
9 Business Enterprise and as the liaison for  
10 the National Women’s Business Council.

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

17 “(A) fostering participation of women en-  
18 trepreneurs in the economy by overseeing a net-  
19 work of women’s business centers throughout  
20 States and territories;

21 “(B) creating public-private partnerships  
22 to support women entrepreneurs and conduct  
23 outreach and education to small business con-  
24 cerns owned and controlled by women; and

1           “(C) working with other programs of the  
2 Administrator to—

3                   “(i) ensure women are well-rep-  
4 resented in those programs and being  
5 served by those programs; and

6                   “(ii) identify gaps where participation  
7 by women in those programs could be in-  
8 creased.

9           “(4) ACCREDITATION PROGRAM.—

10                   “(A) ESTABLISHMENT.—Not later than  
11 270 days after the date of enactment of this  
12 paragraph, the Administrator shall publish  
13 standards for a program to accredit eligible en-  
14 tities that receive a grant under this section.

15                   “(B) PUBLIC COMMENT; TRANSITION.—  
16 Before publishing the standards under subpara-  
17 graph (A), the Administrator—

18                           “(i) shall provide a period of not less  
19 than 60 days for public comment on such  
20 standards; and

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

24                   “(C) CONTRACTING AUTHORITY.—The Ad-  
25 ministrator may provide financial support, by

1 contract or otherwise, to a Women’s Business  
2 Center Association to provide assistance in es-  
3 tablishing the standards required under sub-  
4 paragraph (A) or for carrying out an accredita-  
5 tion program pursuant to such standards.

6 “(5) CONTINUATION GRANT CONSIDER-  
7 ATIONS.—

8 “(A) IN GENERAL.—In determining wheth-  
9 er to award a continuation grant under this sec-  
10 tion, the Administrator shall consider the re-  
11 sults of the annual programmatic and financial  
12 examination conducted under subsection (g)  
13 and the accreditation program.

14 “(B) ACCREDITATION REQUIREMENT.—  
15 After the end of the 2-year period beginning on  
16 the date of enactment of this subsection, the  
17 Administration may not award a continuation  
18 grant under this section unless the applicable  
19 eligible entity has been approved under the ac-  
20 creditation program conducted pursuant to this  
21 subsection, except that the Assistant Adminis-  
22 trator for the Office of Women’s Business Own-  
23 ership may waive such accreditation require-  
24 ment, in the discretion of the Assistant Admin-  
25 istrator, upon a showing that the eligible entity

1 is making a good faith effort to obtain accredi-  
2 tation.

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

7 “(1) NOTIFICATION REQUIREMENTS UNDER THE  
8 WOMEN’S BUSINESS CENTER PROGRAM.—The Adminis-  
9 trator shall provide the following:

10 “(1) A public announcement of any opportunity  
11 to be awarded grants under this section, to include  
12 the selection criteria under subsection (d) and any  
13 applicable regulations.

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

18 “(3) To an eligible entity that receives an initial  
19 grant under this section, if a site visit or review of  
20 the eligible entity is carried out by an officer or em-  
21 ployee of the Administration (other than the Inspec-  
22 tor General), a copy of the site visit report or eval-  
23 uation, as applicable, within 30 calendar days of the  
24 completion of such visit or evaluation.

25 “(m) ANNUAL MANAGEMENT REPORT.—

1           “(1) IN GENERAL.—The Administrator shall  
2           prepare and submit to the Committee on Small  
3           Business of the House of Representatives and the  
4           Committee on Small Business and Entrepreneurship  
5           of the Senate an annual report on the effectiveness  
6           of women’s business centers operated through a  
7           grant awarded under this section.

8           “(2) CONTENTS.—Each report submitted under  
9           paragraph (1) shall include—

10                   “(A) information concerning, with respect  
11                   to each women’s business center established  
12                   pursuant to a grant awarded under this section,  
13                   the most recent analysis of the annual pro-  
14                   grammatic and financial examination of the ap-  
15                   plicable eligible entity, as required under sub-  
16                   section (g)(1)(B), and the subsequent deter-  
17                   mination made by the Administration under  
18                   that subsection;

19                   “(B) the number of persons advised and  
20                   trained through the Women’s Business Center  
21                   Program;

22                   “(C) the total number of hours of advising  
23                   and training through the Program;

1           “(D) the demographics of Program partici-  
2 pants to include gender, race, and age of each  
3 such participant;

4           “(E) the number of Program participants  
5 who are veterans;

6           “(F) the number of new businesses started  
7 by participants in the Program;

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

11           “(H) the amount of capital secured by par-  
12 ticipants in the Program, including through  
13 loans and equity investment;

14           “(I) the number of participants in the Pro-  
15 gram receiving financial assistance, including  
16 the type and dollar amount, under the loan pro-  
17 grams of the Administration;

18           “(J) an estimate of gross receipts, includ-  
19 ing to the extent practicable a description of  
20 any change in revenue of small business con-  
21 cerns assisted through the Program;

22           “(K) to the maximum extent practicable,  
23 increases or decreases in revenues for the as-  
24 sisted small business concerns;

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

3           “(M) the results of satisfaction surveys of  
4 participants, including a summary of any com-  
5 ments received from such participants; and

6           “(N) any recommendations by the Admin-  
7 istrator to improve the delivery of services by  
8 women’s business centers.

9           “(n) AUTHORIZATION OF APPROPRIATIONS.—

10           “(1) IN GENERAL.—There are authorized to be  
11 appropriated to the Administration to carry out this  
12 section, to remain available until expended,  
13 \$31,500,000 for each of fiscal years 2020 through  
14 2023.

15           “(2) USE OF AMOUNTS.—

16           “(A) IN GENERAL.—Except as provided in  
17 subparagraph (B), amounts made available  
18 under this subsection for fiscal year 2020, and  
19 each fiscal year thereafter, may only be used for  
20 grant awards and may not be used for costs in-  
21 curred by the Administration in connection with  
22 the management and administration of the pro-  
23 gram under this section.

24           “(B) EXCEPTIONS.—Of the amount made  
25 available under this subsection for a fiscal year,



1 the following amounts shall be available for  
2 costs incurred by the Administration in connec-  
3 tion with the management and administration  
4 of the program under this section:

5 “(i) For the first fiscal year beginning  
6 after the date of the enactment of this sub-  
7 paragraph, 2.65 percent.

8 “(ii) For the second fiscal year begin-  
9 ning after the date of the enactment of  
10 this subparagraph and each fiscal year  
11 thereafter through fiscal year 2023, 2.5  
12 percent.

13 “(3) EXPEDITED ACQUISITION.—Notwith-  
14 standing any other provision of law, the Adminis-  
15 trator may use such expedited acquisition methods  
16 as the Administrator determines to be appropriate to  
17 carry out this section, except that the Administrator  
18 shall ensure that all small business sources are pro-  
19 vided a reasonable opportunity to submit proposals.

20 “(4) ACCREDITATION AND ANNUAL CON-  
21 FERENCE.—Not less than \$500,000 of the amounts  
22 appropriated pursuant to paragraph (1) for a fiscal  
23 year shall be available for purposes of carrying out  
24 subsection (k), of which no less than \$50,000 shall

1 be available to support an annual conference de-  
2 scribed under subsection (k)(6).”.

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

4 (a) **TERMS AND CONDITIONS.**—A nonprofit organiza-  
5 tion receiving a grant under section 29(m) of the Small  
6 Business Act (15 U.S.C. 656(m)), as in effect on the day  
7 before the date of enactment of this Act, shall continue  
8 to receive the grant under the terms and conditions in ef-  
9 fect for the grant on the day before the date of enactment  
10 of this Act, except that the nonprofit organization may  
11 not apply for a continuation of the grant under section  
12 29(m)(5) of the Small Business Act (15 U.S.C.  
13 656(m)(5)), as in effect on the day before the date of en-  
14 actment of this Act.

15 (b) **LENGTH OF CONTINUATION GRANT.**—The Ad-  
16 ministrator of the Small Business Administration may  
17 award a grant under section 29 of the Small Business Act,  
18 as amended by this Act, to a nonprofit organization receiv-  
19 ing a grant under section 29(m) of the Small Business  
20 Act (15 U.S.C. 656(m)), as in effect on the day before  
21 the date of enactment of this Act, for the period—

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

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

1 **SEC. 4. REGULATIONS.**

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

Passed the House of Representatives October 21,  
2019.

Attest:

*Clerk.*

116<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R. 4405**

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**AN ACT**

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