

117TH CONGRESS
2D SESSION

S. 5191

To amend the Small Business Act to reauthorize the SCORE program,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 6, 2022

Mr. COONS (for himself and Mr. CARDIN) introduced the following bill; which
was read twice and referred to the Committee on Small Business and En-
trepreneurship

A BILL

To amend the Small Business Act to reauthorize the SCORE
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 “SCORE for Small
5 Business Act of 2022”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ADMINISTRATION; ADMINISTRATOR.—The
9 terms “Administration” and “Administrator” mean

1 the Small Business Administration and the Adminis-
2 trator thereof, respectively.

3 (2) SCORE ASSOCIATION; SCORE PROGRAM.—

4 The terms “SCORE Association” and “SCORE pro-
5 gram” have the meanings given those terms in sub-
6 section (gg) of section 3 of the Small Business Act
7 (15 U.S.C. 632), as added by section 6 of this Act.

8 (3) SMALL BUSINESS CONCERN.—The term
9 “small business concern” has the meaning given the
10 term in section 3 of the Small Business Act (15
11 U.S.C. 632).

12 **SEC. 3. SCORE PROGRAM PROVISIONS AND REQUIRE-**
13 **MENTS.**

14 Section 8 of the Small Business Act (15 U.S.C. 637)
15 is amended—

16 (1) in subsection (b)(1)(B)—

17 (A) by striking “a Service Corps of Retired
18 Executives (SCORE)” and inserting “the
19 SCORE program”; and

20 (B) by striking “SCORE may” and insert-
21 ing “the SCORE Association may”; and

22 (2) by striking subsection (c) and inserting the
23 following:

24 “(c) SCORE PROGRAM.—

1 “(1) COOPERATIVE AGREEMENT.—The Admin-
2 istrator shall enter into a cooperative agreement
3 with the SCORE Association to carry out the
4 SCORE program, which shall include the following
5 requirements:

6 “(A) ADMINISTRATOR DUTIES.—The Ad-
7 ministrator shall—

8 “(i) every 2 years, conduct a financial
9 examination of the SCORE Association to
10 ensure that any costs paid for with Federal
11 funds are allowable, allocable, and reason-
12 able;

13 “(ii) review and approve contracts en-
14 tered into by the SCORE Association to
15 provide goods or services for the SCORE
16 program of a value greater than an
17 amount determined by the Administrator;

18 “(iii) maintain a system through
19 which the SCORE Association provides
20 documentation relating to those contracts;
21 and

22 “(iv) not later than 30 days after the
23 receipt of a quarterly report on the
24 achievements of the SCORE program sub-
25 mitted by the SCORE Association, rec-

1 concile differences between that report and
2 the performance results of the SCORE
3 program reported in a management infor-
4 mation system of the Office of Entrepre-
5 neurial Development.

6 “(B) SCORE ASSOCIATION DUTIES.—The
7 SCORE Association shall—

8 “(i) manage nationwide chapters of
9 the SCORE program;

10 “(ii) provide annual training to em-
11 ployees of the SCORE Association on gen-
12 erating and using program income from
13 the SCORE program;

14 “(iii) submit documentation to the
15 Administrator verifying the annual train-
16 ing is completed;

17 “(iv) maintain separation of funds do-
18 nated to the SCORE Association from pro-
19 gram income and funds received pursuant
20 to a cooperative agreement; and

21 “(v) maintain and enforce require-
22 ments for volunteers participating in the
23 SCORE program, including requirements
24 that each volunteer shall—

1 “(I) based on the business expe-
2 rience and knowledge of the volun-
3 teer—

4 “(aa) provide personal coun-
5 seling, mentoring, and coaching
6 on the process of starting, ex-
7 panding, managing, buying, and
8 selling a business at no cost to
9 individuals who own, or aspire to
10 own, small business concerns;
11 and

12 “(bb) facilitate free or low-
13 cost education workshops for in-
14 dividuals who own, or aspire to
15 own, small business concerns;
16 and

17 “(II) as appropriate, use tools,
18 resources, and expertise of other orga-
19 nizations to carry out the SCORE
20 program.

21 “(C) JOINT DUTIES.—The Administrator,
22 in consultation with the SCORE Association,
23 shall ensure that the SCORE program and each
24 chapter of the SCORE program—

1 “(i) develop and implement plans and
2 goals to effectively and efficiently provide
3 services to individuals in rural areas, eco-
4 nomically disadvantaged communities, or
5 other traditionally underserved commu-
6 nities, including plans for virtual, remote,
7 and web-based initiatives, chapter expan-
8 sion, partnerships, and the development of
9 new skills by volunteers participating in
10 the SCORE program; and

11 “(ii) reinforce an inclusive culture by
12 recruiting diverse volunteers for the chap-
13 ters of the SCORE program.

14 “(2) ONLINE COMPONENT.—In addition to pro-
15 viding in-person services, the SCORE Association
16 shall maintain and expand online counseling services
17 including webinars, electronic mentoring platforms,
18 and online toolkits to further support entrepreneurs.

19 “(3) ACCOUNTING.—The SCORE Association
20 shall—

21 “(A) maintain a centralized accounting
22 and financing system for each chapter of the
23 SCORE program;

24 “(B) maintain a uniform policy and proce-
25 dures to manage Federal funds received pursu-

1 ant to a cooperative agreement described in
2 paragraph (1); and

3 “(C) maintain an employee of the SCORE
4 Association to serve as a compliance officer to
5 ensure expenditures of the SCORE program are
6 fully compliant with any law, regulation, or co-
7 operative agreement relating to the SCORE
8 program.

9 “(4) COMPENSATION.—The SCORE Associa-
10 tion shall—

11 “(A) maintain a documented compensation
12 policy that—

13 “(i) specifies the maximum rate of
14 pay allowable for any individual in the
15 SCORE Association;

16 “(ii) specifies the maximum percent of
17 the aggregate salaries of employees of the
18 SCORE Association that may be spent on
19 individual performance awards to employ-
20 ees of the SCORE Association; and

21 “(iii) shall be reviewed annually by
22 the SCORE Association and the Adminis-
23 trator;

24 “(B) prohibit payment of salaries or per-
25 formance awards that exceed the limits set by

1 the SCORE Association compensation policy;
2 and

3 “(C) prohibit members of the Board of Di-
4 rectors of the SCORE Association or any em-
5 ployees of the SCORE Association from simul-
6 taneously serving on the Board of Directors of,
7 or receiving compensation from, the SCORE
8 Foundation without written approval from the
9 Administrator.

10 “(5) WHISTLEBLOWER PROTECTION REQUIRE-
11 MENTS.—The SCORE Association shall—

12 “(A) annually update all manuals or other
13 documents applicable to employees and volun-
14 teers of the SCORE Association or the SCORE
15 program to include requirements relating to re-
16 porting procedures and protections for whistle-
17 blowers; and

18 “(B) conduct an annual training for em-
19 ployees and volunteers of the SCORE Associa-
20 tion or the SCORE program on the require-
21 ments described in subparagraph (A) and en-
22 courage the use of the hotline established by the
23 Office of the Inspector General of the Adminis-
24 tration to submit whistleblower reports.

1 “(6) PUBLISHED MATERIALS.—The SCORE
2 Association shall ensure all published materials in-
3 clude written acknowledgment of Administration
4 support of the SCORE program if those materials
5 are paid for in whole or in part by Federal funds.

6 “(7) PRIVACY REQUIREMENTS.—

7 “(A) IN GENERAL.—Neither the Adminis-
8 trator nor the SCORE Association may disclose
9 the name, email address, address, or telephone
10 number of any individual or small business con-
11 cern receiving assistance from the SCORE As-
12 sociation without the consent of the individual
13 or small business concern, unless—

14 “(i) the Administrator is ordered to
15 make a disclosure by a court in any civil
16 or criminal enforcement action initiated by
17 a Federal or State agency; or

18 “(ii) the Administrator determines
19 that a disclosure is necessary for the pur-
20 pose of conducting a financial audit of the
21 SCORE program, in which case disclosure
22 shall be limited to the information nec-
23 essary for the audit.

24 “(B) ADMINISTRATOR USE OF INFORMA-
25 TION.—This paragraph shall not—

1 “(i) restrict the access of the Adminis-
2 trator to SCORE program activity data; or

3 “(ii) prevent the Administrator from
4 using SCORE program client information
5 to conduct client surveys.

6 “(C) STANDARDS.—

7 “(i) IN GENERAL.—The Administrator
8 shall, after opportunity for notice and com-
9 ment, establish standards for—

10 “(I) disclosures with respect to
11 financial audits described in subpara-
12 graph (A)(ii); and

13 “(II) conducting client surveys,
14 including standards for oversight of
15 the surveys and for dissemination and
16 use of client information.

17 “(ii) MAXIMUM PRIVACY PROTEC-
18 TION.—The standards issued under this
19 subparagraph shall, to the extent prac-
20 ticable, provide for the maximum amount
21 of privacy protection.

22 “(8) ANNUAL REPORT.—Not later than 180
23 days after the date of enactment of the SCORE for
24 Small Business Act of 2022 and annually thereafter,
25 the Administrator shall submit to the Committee on

1 Small Business and Entrepreneurship of the Senate
2 and the Committee on Small Business of the House
3 of Representatives a report on the performance and
4 effectiveness of the SCORE program, which may be
5 included as part of another report submitted to
6 those committees by the Administrator, and which
7 shall include—

8 “(A) the total number and the number of
9 unique clients counseled or trained under the
10 SCORE program;

11 “(B) the total number of hours of coun-
12 seling or training provided under the SCORE
13 program;

14 “(C) the total number of local workshops
15 provided under the SCORE program;

16 “(D) the total number of clients attending
17 online and local workshops provided under the
18 SCORE program;

19 “(E) to the extent practicable, the demo-
20 graphics of SCORE program clients and volun-
21 teers, which shall include the gender, race, eth-
22 nicity, and age of each client or volunteer;

23 “(F) the number of SCORE program cli-
24 ents and volunteers who are veterans;

1 “(G) with respect to businesses assisted
2 under the SCORE program, the cost to create
3 a job, the cost to create a business, and return
4 on investment;

5 “(H) the number of referrals of SCORE
6 program clients to other resources and pro-
7 grams of the Administration;

8 “(I) the results of SCORE program client
9 satisfactory surveys, including a summary of
10 any comments received from those clients;

11 “(J) the number of new businesses started
12 by SCORE program clients;

13 “(K) the percentage of businesses assisted
14 by the SCORE program realizing revenue
15 growth;

16 “(L) to the extent practicable, the number
17 of jobs created with assistance from the
18 SCORE program;

19 “(M) the total cost of the SCORE pro-
20 gram;

21 “(N) any recommendations of the Adminis-
22 trator to improve the SCORE program;

23 “(O) an explanation of how the SCORE
24 program has been integrated with—

1 “(i) small business development cen-
2 ters;

3 “(ii) women’s business centers de-
4 scribed in section 29;

5 “(iii) Veteran Business Outreach Cen-
6 ters described in section 32;

7 “(iv) other offices of the Administra-
8 tion; and

9 “(v) other public and private entities
10 engaging in entrepreneurial and small
11 business development;

12 “(P) the SCORE compensation policy for
13 the relevant fiscal year, including—

14 “(i) a list of any changes to the com-
15 pensation policy since the previous fiscal
16 year; and

17 “(ii) justification if the maximum rate
18 of pay allowable for any individual in the
19 SCORE Association exceeds the maximum
20 rate of pay allowable for an individual in
21 the career Senior Executive Service em-
22 ployed at the Administration;

23 “(Q) the names, positions, and salaries of
24 any employees of the SCORE Association whose

1 salaries exceed the maximum rate of pay allow-
2 able per the SCORE compensation policy;

3 “(R) the percent of the aggregate salaries
4 of employees of the SCORE Association spent
5 on individual performance awards to employees
6 of the SCORE Association, with a justification
7 if this amount exceeds 10 percent;

8 “(S) the total amount of performance
9 awards that have been disbursed or will be dis-
10 bursed after the last day of the fiscal year in
11 which the awards were earned and a justifica-
12 tion for any awards that have been disbursed or
13 will be disbursed outside the fiscal year in
14 which the awards were earned; and

15 “(T) the names, positions, and salaries of
16 any members of the Board of Directors of the
17 SCORE Association or any employees of the
18 SCORE Association that simultaneously serve
19 on the Board of Directors of, or receive com-
20 pensation from, the SCORE Foundation with-
21 out written approval of the Administrator.”.

22 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS FOR THE**
23 **SCORE PROGRAM.**

24 Section 20 of the Small Business Act (15 U.S.C. 631
25 note) is amended by adding at the end the following:

1 “(i) SCORE PROGRAM.—There are authorized to be
2 appropriated to the Administrator to carry out the
3 SCORE program such sums as are necessary for the Ad-
4 ministrator to make grants or enter into cooperative
5 agreements in a total amount that does not exceed
6 \$18,000,000 in each of fiscal years 2023 and 2024.”.

7 **SEC. 5. REPORTING REQUIREMENTS.**

8 (a) STUDY AND REPORT ON THE FUTURE ROLE OF
9 THE SCORE PROGRAM.—

10 (1) STUDY.—The SCORE Association shall
11 carry out a study on the future role of the SCORE
12 program and develop a strategic plan for how the
13 SCORE program will meet the needs of small busi-
14 ness concerns during the 5-year period beginning on
15 the date of enactment of this Act, with specific ob-
16 jectives for the first, third, and fifth years of the 5-
17 year period.

18 (2) REPORT.—Not later than 180 days after
19 the date of enactment of this Act, the SCORE Asso-
20 ciation shall submit to the Committee on Small
21 Business and Entrepreneurship of the Senate and
22 the Committee on Small Business of the House of
23 Representatives a report containing—

1 (A) all findings and determinations made
2 in carrying out the study required under para-
3 graph (1);

4 (B) the strategic plan developed under
5 paragraph (1); and

6 (C) an explanation of how the SCORE As-
7 sociation plans to achieve the strategic plan, as-
8 suming both stagnant and increased funding
9 levels.

10 (b) ADMINISTRATOR REPORT ON LEASED SPACE.—

11 Not later than 1 year after the date of enactment of this
12 Act, the Administrator shall submit to the Committee on
13 Small Business and Entrepreneurship of the Senate and
14 the Committee on Small Business of the House of Rep-
15 resentatives a report containing an assessment of the cost
16 of leased space that is donated to the SCORE Association.

17 (c) ONLINE COMPONENT REPORT.—Not later than
18 3 months after the last day of the first full fiscal year
19 following the date of enactment of this Act, the SCORE
20 Association shall submit to the Committee on Small Busi-
21 ness and Entrepreneurship of the Senate and the Com-
22 mittee on Small Business of the House of Representatives
23 a report on the effectiveness of the online counseling serv-
24 ices required under paragraph (2) of section 8(c) of the

1 Small Business Act (15 U.S.C. 637(c)), as added by sec-
2 tion 3 of this Act, including a description of—

3 (1) how the SCORE Association determines
4 electronic mentoring and webinar needs, develops
5 training for electronic mentoring, establishes
6 webinar criteria curricula, and evaluates webinar
7 and electronic mentoring results;

8 (2) the internal controls that are used and a
9 summary of the topics covered by the webinars; and

10 (3) performance metrics, including the number
11 of small business concerns counseled by, the number
12 of small business concerns created by, the number of
13 jobs created and retained by, and the funding
14 amounts directed towards those online counseling
15 services.

16 **SEC. 6. TECHNICAL AND CONFORMING AMENDMENTS.**

17 (a) SMALL BUSINESS ACT.—The Small Business Act
18 (15 U.S.C. 631 et seq.) is amended—

19 (1) in section 3 (15 U.S.C. 632), by adding at
20 the end the following:

21 “(gg) SCORE PROGRAM DEFINITIONS.—In this Act:

22 “(1) SCORE PROGRAM.—The term ‘SCORE
23 program’ means the Service Corps of Retired Execu-
24 tives program described in section 8(c).

1 “(2) SCORE ASSOCIATION.—The term
2 ‘SCORE Association’ means the Service Corps of
3 Retired Executives Association or any successor or
4 other organization that enters into a cooperative
5 agreement described in section 8(c)(1) with the Ad-
6 ministrator to operate the SCORE program.

7 “(3) SCORE FOUNDATION.—The term
8 ‘SCORE Foundation’ means an organization with a
9 mission to support the SCORE Association and vol-
10 unteers of the SCORE program.”;

11 (2) in section 7 (15 U.S.C. 636)—

12 (A) in subsection (b)(12)—

13 (i) in the paragraph heading, by strik-
14 ing “SCORE” and inserting “SCORE PRO-
15 GRAM”; and

16 (ii) in subparagraph (A), by striking
17 “Service Corps of Retired Executives” and
18 inserting “SCORE program”; and

19 (B) in subsection (m)(3)(A)(i)(VIII), by
20 striking “Service Corps of Retired Executives”
21 and inserting “SCORE program”;

22 (3) in section 20 (15 U.S.C. 631 note), in sub-
23 paragraph (d)(1)(E) by striking “Service Corps of
24 Retired Executives program” and inserting “SCORE
25 program”; and

1 (4) in section 22 (15 U.S.C. 649)—

2 (A) in subsection (b)—

3 (i) in paragraph (1), by striking
4 “Service Corps of Retired Executives au-
5 thorized by section (8)(b)(1)” and insert-
6 ing “SCORE program”; and

7 (ii) in paragraph (3), by striking
8 “Service Corps of Retired Executives” and
9 inserting “SCORE program”; and

10 (B) in subsection (c)(12), by striking
11 “Service Corps of Retired Executives authorized
12 by section 8(b)(1)” and inserting “SCORE pro-
13 gram”.

14 (b) OTHER LAWS.—

15 (1) SMALL BUSINESS REAUTHORIZATION ACT
16 OF 1997.—Section 707 of the Small Business Reau-
17 thorization Act of 1997 (15 U.S.C. 631 note) is
18 amended by striking “Service Corps of Retired Ex-
19 ecutives (SCORE) program” and inserting “SCORE
20 program described in section 8(c) of the Small Busi-
21 ness Act (15 U.S.C. 637(c))”.

22 (2) VETERANS ENTREPRENEURSHIP AND
23 SMALL BUSINESS DEVELOPMENT ACT OF 1999.—Sec-
24 tion 301 of the Veterans Entrepreneurship and

1 Small Business Development Act of 1999 (15 U.S.C.
2 657b note) is amended—

3 (A) in subsection (a)—

4 (i) in the matter preceding paragraph
5 (1), by striking “Service Core of Retired
6 Executives (described in section 8(b)(1)(B)
7 of the Small Business Act (15 U.S.C.
8 637(b)(1)(B)) and in this section referred
9 to as ‘SCORE’)” and inserting “SCORE
10 program described in section 8(c) of the
11 Small Business Act (15 U.S.C. 637(c)) (in
12 this section referred to as the ‘SCORE
13 program’)”;

14 (ii) in paragraphs (1), (2), and (3), by
15 striking “SCORE” each place the term ap-
16 pears and inserting “the SCORE pro-
17 gram”; and

18 (iii) in paragraph (2), by striking
19 “the” before “establishing”; and

20 (B) in subsection (b), by striking
21 “SCORE” each place the term appears and in-
22 serting “the SCORE program”.

23 (3) MILITARY RESERVIST AND VETERAN SMALL
24 BUSINESS REAUTHORIZATION AND OPPORTUNITY
25 ACT OF 2008.—The Military Reservist and Veteran

1 Small Business Reauthorization and Opportunity
2 Act of 2008 (15 U.S.C. 636 note) is amended—

3 (A) in section 3, by striking paragraph (5)
4 and inserting the following:

5 “(5) the term ‘SCORE program’ means the
6 SCORE program described in section 8(c) of the
7 Small Business Act (15 U.S.C. 637(c));” and

8 (B) in section 201(e)(2)(B)(i), by striking
9 “Service Corps of Retired Executives” and in-
10 serting “SCORE program”.

11 (4) CHILDREN’S HEALTH INSURANCE PROGRAM
12 REAUTHORIZATION ACT OF 2009.—Section 621 of the
13 Children’s Health Insurance Program Reauthoriza-
14 tion Act of 2009 (15 U.S.C. 657p) is amended—

15 (A) in subsection (a), by striking para-
16 graph (4) and inserting the following:

17 “(4) the term ‘SCORE program’ means the
18 SCORE program described in section 8(c) of the
19 Small Business Act (15 U.S.C. 637(c));” and

20 (B) in subsection (b)(4)(A)(iv), by striking
21 “Service Corps of Retired Executives” and in-
22 serting “SCORE program”.

23 (5) ENERGY POLICY AND CONSERVATION
24 ACT.—Section 337(d)(2)(A) of the Energy Policy
25 and Conservation Act (42 U.S.C. 6307(d)(2)(A)) is

1 amended by striking “Service Corps of Retired Ex-
2 ecutives (SCORE)” and inserting “SCORE pro-
3 gram”.

○