

§ 647. Duplication of activities of other Federal departments or agencies

(a) General prohibition; exception

The Administration shall not duplicate the work or activity of any other department or agency of the Federal Government,¹ and nothing contained in this chapter shall be construed to authorize any such duplication unless such work or activity is expressly provided for in this chapter. If loan applications are being refused or loans denied by such other department or agency responsible for such work or activity due to administrative withholding from obligation or withholding from apportionment, or due to administratively declared moratorium, then, for purposes of this section, no duplication shall be deemed to have occurred.

(b) Definitions

As used in this chapter—

(1) “agricultural enterprises” means those businesses engaged in the production of food and fiber, ranching, and raising of livestock, aquaculture, and all other farming and agricultural related industries; and

(2) “credit elsewhere” means the availability of sufficient credit from non-Federal sources at reasonable rates and terms, taking into consideration prevailing private rates and terms in the community in or near where the concern transacts business for similar purposes and periods of time.

(Pub. L. 85-536, §2[18], July 18, 1958, 72 Stat. 396; Pub. L. 93-386, §5, Aug. 23, 1974, 88 Stat. 746; Pub. L. 94-305, title I, §112(e), June 4, 1976, 90 Stat. 667; Pub. L. 96-38, title I, §101(c), July 25, 1979, 93 Stat. 119; Pub. L. 96-302, title I, §119(c), July 2, 1980, 94 Stat. 841; Pub. L. 98-270, title III, §303, Apr. 18, 1984, 98 Stat. 160; Pub. L. 98-369, div. B, title IV, §2401, July 18, 1984, 98 Stat. 1116; Pub. L. 99-272, title XVIII, §18006(a)(3), Apr. 7, 1986, 100 Stat. 366.)

PRIOR PROVISIONS

Prior similar provisions were contained in section 225, of act July 30, 1953, ch. 282, as added by act Aug. 9, 1955, ch. 628, §14, 69 Stat. 551, which was previously classified to section 651 of this title. The provisions of section 218 of act July 30, 1953, formerly classified to this section, were transferred to section 2[12] of Pub. L. 85-536, and are classified to section 641 of this title. See Codification note set out under section 631 of this title.

AMENDMENTS

1986—Subsec. (a). Pub. L. 99-272 struck out agricultural enterprises exception and proviso that, prior to Oct. 1, 1987, an agricultural enterprise not be eligible for loan assistance under section 636(b)(1) of this title to repair or replace property other than residences and/or personal property unless it is declined for, or would be declined for, emergency loan assistance at substantially similar interest rates from the Farmers Home Administration under subchapter III of the Consolidated Farm and Rural Development Act.

1984—Subsec. (a). Pub. L. 98-369 substituted “October 1, 1987” for “October 1, 1986”.

Pub. L. 98-270 substituted “October 1, 1986” for “October 1, 1983”.

1980—Subsec. (a). Pub. L. 96-302, §119(c)(1), inserted proviso relating to eligibility for loan assistance prior to October 1, 1983.

Subsec. (b). Pub. L. 96-302, §119(c)(2), added par. (1) and designated as par. (2) existing definition of “credit elsewhere”.

1979—Pub. L. 96-38 designated existing provisions as subsec. (a) and added subsec. (b).

1976—Pub. L. 94-305 inserted reference to those enterprises engaged in the production of food and fiber, ranching, and raising of livestock, aquaculture, and all other farming and agricultural related industries.

1974—Pub. L. 93-386 inserted provision authorizing the refusal of loan applications and the denial of loans, for purposes of this section, to be deemed nonduplication of activities.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-270 effective Oct. 1, 1983, see section 313 of Pub. L. 98-270, set out as a note under section 632 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-302 inapplicable to disasters commencing on or before Oct. 1, 1980, see section 119(d) of Pub. L. 96-302, set out as a note under section 636 of this title.

PROGRAMS ADMINISTERED BY THE DEPARTMENT OF COMMERCE

Pub. L. 95-507, §207, Oct. 24, 1978, 92 Stat. 1767, provided that: “Nothing in this chapter [meaning chapter 1 of title II of Pub. L. 95-507, consisting of sections 201-206 of Pub. L. 95-507 which amended sections 631, 633, 636, and 637 of this title] is intended to duplicate or limit any programs or projects administered by the Department of Commerce.”

§ 648. Small business development center program authorization

(a) Grants, contracts and cooperative agreements for establishment of small business development centers and for small business activities and purposes; role of Administration; non-Federal additional amount; amount of grant; eligibility

(1) The Administration is authorized to make grants (including contracts and cooperative agreements) to any State government or any agency thereof, any regional entity, any State-chartered development, credit or finance corporation, any women’s business center operating pursuant to section 656 of this title, any public or private institution of higher education, including but not limited to any land-grant college or university, any college or school of business, engineering, commerce, or agriculture, community college or junior college, or to any entity formed by two or more of the above entities (herein referred to as “applicants”) to assist in establishing small business development centers and to any such body for: small business oriented employment or natural resources development programs; studies, research, and counseling concerning the managing, financing, and operation of small business enterprises; management and technical assistance regarding small business participation in international markets, export promotion and technology transfer; delivery or distribution of such services and information; and providing access to business analysts who can refer small business concerns to available experts: *Provided*, That after December 31, 1990, the Administration shall not make a grant to any applicant other than an institution of higher education or a women’s business cen-

¹ So in original.

ter operating pursuant to section 656 of this title as a Small Business Development Center unless the applicant was receiving a grant (including a contract or cooperative agreement) on such date. The Administration shall require any applicant for a small business development center grant with performance commencing on or after January 1, 1992 to have its own budget and to primarily utilize institutions of higher education and women's business centers operating pursuant to section 656 of this title to provide services to the small business community. The term of such grants shall be made on a calendar year basis or to coincide with the Federal fiscal year.

(2) COOPERATION TO PROVIDE INTERNATIONAL TRADE SERVICES.—

(A) INFORMATION AND SERVICES.—The small business development centers shall work in close cooperation with the Administration's regional and local offices, the Department of Commerce, appropriate Federal, State and local agencies (including State trade agencies), and the small business community to serve as an active information dissemination and service delivery mechanism for existing trade promotion, trade finance, trade adjustment, trade remedy and trade data collection programs of particular utility for small businesses.

(B) COOPERATION WITH STATE TRADE AGENCIES AND EXPORT ASSISTANCE CENTERS.—A small business development center that counsels a small business concern on issues relating to international trade shall—

(i) consult with State trade agencies and Export Assistance Centers to provide appropriate services to the small business concern; and

(ii) as necessary, refer the small business concern to a State trade agency or an Export Assistance Center for further counseling or assistance.

(C) DEFINITION.—In this paragraph, the term "Export Assistance Center" has the same meaning as in section 649 of this title.

(3) The Small Business Development Center Program shall be under the general management and oversight of the Administration for the delivery of programs and services to the small business community. Such programs and services shall be jointly developed, negotiated, and agreed upon, with full participation of both parties, pursuant to an executed cooperative agreement between the Small Business Development Center applicant and the Administration.

(A) Small business development centers are authorized to form an association to pursue matters of common concern. If more than a majority of the small business development centers which are operating pursuant to agreements with the Administration are members of such an association, the Administration is authorized and directed to recognize the existence and activities of such an association and to consult with it and develop documents (i) announcing the annual scope of activities pursuant to this section, (ii) requesting proposals to deliver assistance as provided in this section and (iii) governing the general operations and administra-

tion of the Small Business Development Center Program, specifically including the development of regulations and a uniform negotiated cooperative agreement for use on an annual basis when entering into individual negotiated agreements with small business development centers.

(B) Provisions governing audits, cost principles and administrative requirements for Federal grants, contracts and cooperative agreements which are included in uniform requirements of Office of Management and Budget (OMB) Circulars shall be incorporated by reference and shall not be set forth in summary or other form in regulations.

(C) On an annual basis, the Small Business Development Center shall review and coordinate public and private partnerships and cosponsorships with the Administration for the purpose of more efficiently leveraging available resources on a National¹ and a State basis.

(4) SMALL BUSINESS DEVELOPMENT CENTER PROGRAM LEVEL.—

(A) IN GENERAL.—The Administration shall require as a condition of any grant (or amendment or modification thereof) made to an applicant under this section, that a matching amount (excluding any fees collected from recipients of such assistance) equal to the amount of such grant be provided from sources other than the Federal Government, to be comprised of not less than 50 percent cash and not more than 50 percent of indirect costs and in-kind contributions.

(B) RESTRICTION.—The matching amount described in subparagraph (A) shall not include any indirect costs or in-kind contributions derived from any Federal program.

(C) FUNDING FORMULA.—

(i) IN GENERAL.—Subject to clause (iii), the amount of a formula grant received by a State under this subparagraph shall be equal to an amount determined in accordance with the following formula:

(I) The annual amount made available under section 20(a)² for the Small Business Development Center Program, less any reductions made for expenses authorized by clause (v) of this subparagraph, shall be divided on a pro rata basis, based on the percentage of the population of each State, as compared to the population of the United States.

(II) If the pro rata amount calculated under subclause (I) for any State is less than the minimum funding level under clause (iii), the Administration shall determine the aggregate amount necessary to achieve that minimum funding level for each such State.

(III) The aggregate amount calculated under subclause (II) shall be deducted from the amount calculated under subclause (I) for States eligible to receive more than the minimum funding level. The deductions shall be made on a pro rata basis, based on the population of each such State, as compared to the total population of all such States.

¹ So in original. Probably should not be capitalized.

² See References in Text note below.

(IV) The aggregate amount deducted under subclause (III) shall be added to the grants of those States that are not eligible to receive more than the minimum funding level in order to achieve the minimum funding level for each such State, except that the eligible amount of a grant to any State shall not be reduced to an amount below the minimum funding level.

(ii) GRANT DETERMINATION.—The amount of a grant that a State is eligible to apply for under this subparagraph shall be the amount determined under clause (i), subject to any modifications required under clause (iii), and shall be based on the amount available for the fiscal year in which performance of the grant commences, but not including amounts distributed in accordance with clause (iv). The amount of a grant received by a State under any provision of this subparagraph shall not exceed the amount of matching funds from sources other than the Federal Government, as required under subparagraph (A).

(iii) MINIMUM FUNDING LEVEL.—The amount of the minimum funding level for each State shall be determined for each fiscal year based on the amount made available for that fiscal year to carry out this section, as follows:

(I) If the amount made available is not less than \$81,500,000 and not more than \$90,000,000, the minimum funding level shall be \$500,000.

(II) If the amount made available is less than \$81,500,000, the minimum funding level shall be the remainder of \$500,000 minus a percentage of \$500,000 equal to the percentage amount by which the amount made available is less than \$81,500,000.

(III) If the amount made available is more than \$90,000,000, the minimum funding level shall be the sum of \$500,000 plus a percentage of \$500,000 equal to the percentage amount by which the amount made available exceeds \$90,000,000.

(iv) DISTRIBUTIONS.—Subject to clause (iii), if any State does not apply for, or use, its full funding eligibility for a fiscal year, the Administration shall distribute the remaining funds as follows:

(I) If the grant to any State is less than the amount received by that State in fiscal year 2000, the Administration shall distribute such remaining funds, on a pro rata basis, based on the percentage of shortage of each such State, as compared to the total amount of such remaining funds available, to the extent necessary in order to increase the amount of the grant to the amount received by that State in fiscal year 2000, or until such funds are exhausted, whichever first occurs.

(II) If any funds remain after the application of subclause (I), the remaining amount may be distributed as supplemental grants to any State, as the Administration determines, in its discretion, to be appropriate, after consultation with the association referred to in subsection (a)(3)(A) of this section.

(v) USE OF AMOUNTS.—

(I) IN GENERAL.—Of the amounts made available in any fiscal year to carry out this section—

(aa) not more than \$500,000 may be used by the Administration to pay expenses enumerated in subparagraphs (B) through (D) of section 20(a)(1);² and

(bb) not more than \$500,000 may be used by the Administration to pay the examination expenses enumerated in section 20(a)(1)(E).²

(II) LIMITATION.—No funds described in subclause (I) may be used for examination expenses under section 20(a)(1)(E)² if the usage would reduce the amount of grants made available under clause (i)(I) of this subparagraph to less than \$85,000,000 (after excluding any amounts provided in appropriations Acts, or accompanying report language, for specific institutions or for purposes other than the general small business development center program) or would further reduce the amount of such grants below such amount.

(vi) EXCLUSIONS.—Grants provided to a State by the Administration or another Federal agency to carry out subsection (a)(6) or (c)(3)(G) of this section, or for supplemental grants set forth in clause (iv)(II) of this subparagraph, shall not be included in the calculation of maximum funding for a State under clause (ii) of this subparagraph.

(vii) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subparagraph—

(I) \$130,000,000 for fiscal year 2005; and

(II) \$135,000,000 for fiscal year 2006.

(viii) LIMITATION.—From the funds appropriated pursuant to clause (vii), the Administration shall reserve not less than \$1,000,000 in each fiscal year to develop portable assistance for startup and sustainability non-matching grant programs to be conducted by eligible small business development centers in communities that are economically challenged as a result of a business or government facility down sizing or closing, which has resulted in the loss of jobs or small business instability. A non-matching grant under this clause shall not exceed \$100,000, and shall be used for small business development center personnel expenses and related small business programs and services.

(ix) STATE DEFINED.—In this subparagraph, the term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(5) FEDERAL CONTRACTS WITH SMALL BUSINESS DEVELOPMENT CENTERS.—

(A) IN GENERAL.—Subject to the conditions set forth in subparagraph (B), a small business development center may enter into a contract with a Federal department or agency to provide specific assistance to small business concerns.

(B) CONTRACT PREREQUISITES.—Before bidding on a contract described in subparagraph

(A), a small business development center shall receive approval from the Associate Administrator of the small business development center program of the subject and general scope of the contract. Each approval under subparagraph (A) shall be based upon a determination that the contract will provide assistance to small business concerns and that performance of the contract will not hinder the small business development center in carrying out the terms of the grant received by the small business development center from the Administration.

(C) EXEMPTION FROM MATCHING REQUIREMENT.—A contract under this paragraph shall not be subject to the matching funds or eligibility requirements of paragraph (4).

(D) ADDITIONAL PROVISION.—Notwithstanding any other provision of law, a contract for assistance under this paragraph shall not be applied to any Federal department or agency's small business, woman-owned business, or socially and economically disadvantaged business contracting goal under section 644(g) of this title.

(6) Any applicant which is funded by the Administration as a Small Business Development Center may apply for an additional grant to be used solely to assist—

(A) with the development and enhancement of exports by small business concerns;

(B) in technology transfer; and

(C) with outreach, development, and enhancement of minority-owned small business startups or expansions, HUBZone small business concerns, veteran-owned small business startups or expansions, and women-owned small business startups or expansions, in communities impacted by base closings or military or corporate downsizing, or in rural or underserved communities;

as provided under subparagraphs (B) through (G) of subsection (c)(3) of this section. Applicants for such additional grants shall comply with all of the provisions of this section, including providing matching funds, except that funding under this paragraph shall be effective for any fiscal year to the extent provided in advance in appropriations Acts and shall be in addition to the dollar program limitations specified in paragraphs (4) and (5). No recipient of funds under this paragraph shall receive a grant which would exceed its pro rata share of a \$15,000,000 program based upon the populations to be served by the Small Business Development Center as compared to the total population of the United States. The minimum amount of eligibility for any State shall be \$100,000.

(7) PRIVACY REQUIREMENTS.—

(A) IN GENERAL.—A small business development center, consortium of small business development centers, or contractor or agent of a small business development center may not disclose the name, address, or telephone number of any individual or small business concern receiving assistance under this section without the consent of such individual or small business concern, unless—

(i) the Administrator is ordered to make such a disclosure by a court in any civil or

criminal enforcement action initiated by a Federal or State agency; or

(ii) the Administrator considers such a disclosure to be necessary for the purpose of conducting a financial audit of a small business development center, but a disclosure under this clause shall be limited to the information necessary for such audit.

(B) ADMINISTRATOR USE OF INFORMATION.—This section shall not—

(i) restrict Administrator access to program activity data; or

(ii) prevent the Administrator from using client information to conduct client surveys.

(C) REGULATIONS.—

(i) IN GENERAL.—The Administrator shall issue regulations to establish standards—

(I) for disclosures with respect to financial audits under subparagraph (A)(ii); and

(II) for client surveys under subparagraph (B)(ii), including standards for oversight of such surveys and for dissemination and use of client information.

(ii) MAXIMUM PRIVACY PROTECTION.—Regulations under this subparagraph, shall, to the extent practicable, provide for the maximum amount of privacy protection.

(iii) INSPECTOR GENERAL.—Until the effective date of regulations under this subparagraph, any client survey and the use of such information shall be approved by the Inspector General who shall include such approval in his semi-annual report.

(b) Area plan inconsistent with applicant's plan: assistance unavailable 1981 through 1983; plan of applicant: submittal to Administration, action on plan, review by Administration, assistance to out-of-State businesses

(1) Financial assistance shall not be made available to any applicant if approving such assistance would be inconsistent with a plan for the area involved which has been adopted by an agency recognized by the State government as authorized to do so and approved by the Administration in accordance with the standards and requirements established pursuant to this section.

(2) An applicant may apply to participate in the program by submitting to the Administration for approval a plan naming those authorized in subsection (a) of this section to participate in the program, the geographic area to be served, the services that it would provide, the method for delivering services, a budget, and any other information and assurances the Administration may require to insure that the applicant will carry out the activities eligible for assistance. The Administration is authorized to approve, conditionally approve or reject a plan or combination of plans submitted. In all cases, the Administration shall review plans for conformity with the plan submitted pursuant to paragraph (1) of this subsection, and with a view toward providing small business with the most comprehensive and coordinated assistance in the State or part thereof to be served.

(3) At the discretion of the Administration, the Administration is authorized to permit a small business development center to provide

advice, information and assistance, as described in subsection (c) of this section, to small businesses located outside the State, but only to the extent such businesses are located within close geographical proximity to the small business development center, as determined by the Administration.

(c) Problem-solving assistance; development center extension services; staff and access requirements; assistance services; changing services for evolving needs; qualified small business vendors; non-profit entities; cooperation with regional and local offices, etc.; information sharing system

(1) Applicants receiving grants under this section shall assist small businesses in solving problems concerning operations, manufacturing, engineering, technology exchange and development, personnel administration, marketing, sales, merchandising, finance, accounting, business strategy development, and other disciplines required for small business growth and expansion, innovation, increased productivity, and management improvement, and for decreasing industry economic concentrations. Applicants receiving grants under this section may also assist small businesses by providing, where appropriate, education on the requirements applicable to small businesses under the regulations issued under section 2778 of title 22 and on compliance with those requirements.

(2) A small business development center shall provide services as close as possible to small businesses by providing extension services and utilizing satellite locations when necessary. The facilities and staff of each Small Business Development Center shall be located in such places as to provide maximum accessibility and benefits to the small businesses which the center is intended to serve. To the extent possible, it also shall make full use of other Federal and State government programs that are concerned with aiding small business. A small business development center shall have—

(A) a full-time staff, including a full-time director who shall have the authority to make expenditures under the center's budget and who shall manage the program activities;

(B) access to business analysts to counsel, assist, and inform small business clients;

(C) access to technology transfer agents to provide state of art technology to small businesses through coupling with national and regional technology data sources;

(D) access to information specialists to assist in providing information searches and referrals to small business;

(E) access to part-time professional specialists to conduct research or to provide counseling assistance whenever the need arises; and

(F) access to laboratory and adaptive engineering facilities.

(3) Services provided by a small business development center shall include, but shall not be limited to—

(A) furnishing one-to-one individual counseling to small businesses, including—

(i) working with individuals to increase awareness of basic credit practices and credit requirements;

(ii) working with individuals to develop business plans, financial packages, credit applications, and contract proposals;

(iii) working with the Administration to develop and provide informational tools for use in working with individuals on pre-business startup planning, existing business expansion, and export planning; and

(iv) working with individuals referred by the local offices of the Administration and Administration participating lenders;

(B) assisting in technology transfer, research and development, including applied research, and coupling from existing sources to small businesses, including—

(i) working to increase the access of small businesses to the capabilities of automated flexible manufacturing systems;

(ii) working through existing networks and developing new networks for technology transfer that encourage partnership between the small business and academic communities to help commercialize university-based research and development and introduce university-based engineers and scientists to their counterparts in small technology-based firms; and

(iii) exploring the viability of developing shared production facilities, under appropriate circumstances;

(C) in cooperation with the Department of Commerce and other relevant Federal agencies, actively assisting small businesses in exporting by identifying and developing potential export markets, facilitating export transactions, developing linkages between United States small business firms and prescreened foreign buyers, assisting small businesses to participate in international trade shows, assisting small businesses in obtaining export financing, and facilitating the development or reorientation of marketing and production strategies; where appropriate, the Small Business Development Center and the Administration may work in cooperation with the State to establish a State international trade center for these purposes;

(D) developing a program in conjunction with the Export-Import Bank and local and regional Administration offices that will enable Small Business Development Centers to serve as an information network and to assist small business applicants for Export-Import Bank financing programs, and otherwise identify and help to make available export financing programs to small businesses;

(E) working closely with the small business community, small business consultants, State agencies, universities and other appropriate groups to make translation services more readily available to small business firms doing business, or attempting to develop business, in foreign markets;

(F) in providing assistance under this subsection, applicants shall cooperate with the Department of Commerce and other relevant Federal agencies to increase access to available export market information systems, including the CIMS system;

(G) assisting small businesses to develop and implement strategic business plans to timely

and effectively respond to the planned closure (or reduction) of a Department of Defense facility within the community, or actual or projected reductions in such firms' business base due to the actual or projected termination (or reduction) of a Department of Defense program or a contract in support of such program—

(i) by developing broad economic assessments of the adverse impacts of—

(I) the closure (or reduction) of the Department of Defense facility on the small business concerns providing goods or services to such facility or to the military and civilian personnel currently stationed or working at such facility; and

(II) the termination (or reduction) of a Department of Defense program (or contracts under such program) on the small business concerns participating in such program as a prime contractor, subcontractor or supplier at any tier;

(ii) by developing, in conjunction with appropriate Federal, State, and local governmental entities and other private sector organizations, the parameters of a transition adjustment program adaptable to the needs of individual small business concerns;

(iii) by conducting appropriate programs to inform the affected small business community regarding the anticipated adverse impacts identified under clause (i) and the economic adjustment assistance available to such firms; and

(iv) by assisting small business concerns to develop and implement an individualized transition business plan.³

(H) maintaining current information concerning Federal, State, and local regulations that affect small businesses and counsel⁴ small businesses on methods of compliance. Counseling and technology development shall be provided when necessary to help small businesses find solutions for complying with environmental, energy, health, safety, and other Federal, State, and local regulations;

(I) coordinating and conducting research into technical and general small business problems for which there are no ready solutions;

(J) providing and maintaining a comprehensive library that contains current information and statistical data needed by small businesses;

(K) maintaining a working relationship and open communications with the financial and investment communities, legal associations, local and regional private consultants, and local and regional small business groups and associates in order to help address the various needs of the small business community;

(L) conducting in-depth surveys for local small business groups in order to develop general information regarding the local economy and general small business strengths and weaknesses in the locality;

(M) in cooperation with the Department of Commerce, the Administration and other rel-

evant Federal agencies, actively assisting rural small businesses in exporting by identifying and developing potential export markets for rural small businesses, facilitating export transactions for rural small businesses, developing linkages between United States' rural small businesses and prescreened foreign buyers, assisting rural small businesses to participate in international trade shows, assisting rural small businesses in obtaining export financing and developing marketing and production strategies;

(N) assisting rural small businesses—

(i) in developing marketing and production strategies that will enable them to better compete in the domestic market—

(ii) by providing technical assistance needed by rural small businesses;

(iii) by making available managerial assistance to rural small business concerns; and

(iv) by providing information and assistance in obtaining financing for business startups and expansion;

(O) in conjunction with the United States Travel and Tourism Administration, assist rural small business in developing the tourism potential of rural communities by—

(i) identifying the cultural, historic, recreational, and scenic resources of such communities;

(ii) providing assistance to small businesses in developing tourism marketing and promotion plans relating to tourism in rural areas; and

(iii) assisting small business concerns to obtain capital for starting or expanding businesses primarily serving tourists;

(P) maintaining lists of local and regional private consultants to whom small businesses can be referred;

(Q) providing information to small business concerns regarding compliance with regulatory requirements;

(R) developing informational publications, establishing resource centers of reference materials, and distributing compliance guides published under section 312(a)⁵ of the Small Business Regulatory Enforcement Fairness Act of 1996;

(S) providing small business owners with access to a wide variety of export-related information by establishing on-line computer linkages between small business development centers and an international trade data information network with ties to the Export Assistance Center program; and

(T) providing information and assistance to small business concerns with respect to establishing drug-free workplace programs on or before October 1, 2006.

(4) A small business development center shall continue to upgrade and modify its services, as needed, in order to meet the changing and evolving needs of the small business community.

(5) In addition to the methods prescribed in paragraph (2), a small business development center shall utilize and compensate as one of its re-

³ So in original. The period probably should be a semicolon.

⁴ So in original. Probably should be "counseling".

⁵ See References in Text note below.

sources qualified small business vendors, including but not limited to, private management consultants, private consulting engineers and private testing laboratories, to provide services as described in this subsection to small businesses on behalf of such small business development center.

(6) In any State (A) in which the Administration has not made a grant pursuant to paragraph (1) of subsection (a) of this section, or (B) in which no application for a grant has been made by a Small Business Development Center pursuant to paragraph (6) of such subsection within 60 days after the effective date of any grant under subsection (a)(1) of this section to such center or the date the Administration notifies the grantee funded under subsection (a)(1) of this section that funds are available for grant applications pursuant to subsection (a)(6) of this section, whichever date occurs last, the Administration may make grants to a non-profit entity in that State to carry out the activities specified in paragraph (6) of subsection (a) of this section. Any such applicants shall comply with the matching funds requirement of paragraph (4) of subsection (a) of this section. Such grants shall be effective for any fiscal year only to the extent provided in advance in appropriations Acts, and each State shall be limited to the pro rata share provisions of paragraph (6) of subsection (a) of this section.

(7) In performing the services identified in paragraph (3), the Small Business Development Centers shall work in close cooperation with the Administration's regional and local offices, the local small business community, and appropriate State and local agencies.

(8) The Associate Administrator for Small Business Development Centers, in consultation with the Small Business Development Centers, shall develop and implement an information sharing system. Subject to amounts approved in advance in appropriations Acts, the Administration may make grants or enter⁶ cooperative agreements with one or more centers to carry out the provisions of this paragraph. Said grants or cooperative agreements shall be awarded for periods of no more than five years duration. The matching funds provisions of subsection (a) of this section shall not be applicable to grants or cooperative agreements under this paragraph. The system shall—

(A) allow Small Business Development Centers participating in the program to exchange information about their programs; and

(B) provide information central to technology transfer.

(d) Enhancing export potential of businesses within State; State Office of International Trade

Where appropriate, the Small Business Development Centers shall work in conjunction with the relevant State agency and the Department of Commerce to develop a comprehensive plan for enhancing the export potential of small businesses located within the State. This plan may involve the cofunding and staffing of a State Office of International Trade within the State

Small Business Development Center, using joint State and Federal funding, and any other appropriate measures directed at improving the export performance of small businesses within the State.

(e) Laboratory assistance; reimbursement for services

Laboratories operated and funded by the Federal Government are authorized and directed to cooperate with the Administration in developing and establishing programs to support small business development centers by making facilities and equipment available; providing experiment station capabilities in adaptive engineering; providing library and technical information processing capabilities; and providing professional staff for consulting. The Administration is authorized to reimburse the laboratories for such services.

(f) National Science Foundation; cooperation with Administration and Small Business Development Centers; center support

The National Science Foundation is authorized and directed to cooperate with the Administration and with the Small Business Development Centers in developing and establishing programs to support the centers.

(g) National Aeronautics and Space Administration and regional technology transfer centers

The National Aeronautics and Space Administration and regional technology transfer centers supported by the National Aeronautics and Space Administration are authorized and directed to cooperate with small business development centers participating in the program.

(h) Associate Administrator for Small Business Development Centers

(1) Appointment and compensation

The Administrator shall appoint an Associate Administrator for Small Business Development Centers who shall report to an official who is not more than one level below the Office of the Administrator and who shall serve without regard to the provisions of title 5 governing appointments in the competitive service, and without regard to chapter 51, and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at a rate not less than the rate of GS-17 of the General Schedule.

(2) Duties

(A) In general

The sole responsibility of the Associate Administrator for Small Business Development Centers shall be to administer the small business development center program. Duties of the position shall include recommending the annual program budget, reviewing the annual budgets submitted by each applicant, establishing appropriate funding levels therefore,⁷ selecting applicants to participate in this program, implementing the provisions of this section, maintaining a clearinghouse to provide for the dissemination and exchange of information

⁶ So in original. Probably should be "enter into".

⁷ So in original. Probably should be "therefor,".

between small business development centers and conducting audits of recipients of grants under this section.

(B) Consultation requirements

In carrying out the duties described in this subsection, the Associate Administrator shall confer with and seek the advice of the Board established by subsection (i) of this section and Administration officials in areas served by the small business development centers; however, the Associate Administrator shall be responsible for the management and administration of the program and shall not be subject to the approval or concurrence of such Administration officials.

(i) National Small Business Development Center Advisory Board; establishment; membership; term; Chairman; advisory and counseling functions; meetings; compensation

(1) There is established a National Small Business Development Center Advisory Board (herein referred to as "Board") which shall consist of nine members appointed from civilian life by the Administrator and who shall be persons of outstanding qualifications known to be familiar and sympathetic with small business needs and problems. No more than three members shall be from universities or their affiliates and six shall be from small businesses or associations representing small businesses. At the time of the appointment of the Board, the Administrator shall designate one-third of the members and at least one from each category whose term shall end in two years from the date of appointment, a second third whose term shall end in three years from the date of appointment, and the final third whose term shall end in four years from the date of appointment. Succeeding Boards shall have three-year terms, with one-third of the Board changing each year.

(2) The Board shall elect a Chairman and advise, counsel, and confer with the Associate Administrator for Small Business Development Centers in carrying out the duties described in this section. The Board shall meet at least semi-annually and at the call of the Chairman of the Board. Each member of the Board shall be entitled to be compensated at the rate not in excess of the per diem, equivalent of the highest rate of pay for individuals occupying the position under GS-18 of the General Schedule for each day engaged in activities of the Board and shall be entitled to be reimbursed for expenses as a member of the Board.

(j) Small business development center advisory board; establishment; chairman; conferences with director on policy

(1) Each small business development center shall establish an advisory board.

(2) Each small business development center advisory board shall elect a chairman and advise, counsel, and confer with the director of the small business development center on all policy matters pertaining to the operation of the small business development center, including who may be eligible to receive assistance from, and how local and regional private consultants may participate with the small business development center.

(k) Program examination and accreditation

(1) Examination

Not later than 180 days after October 22, 1994, the Administration shall develop and implement a biennial programmatic and financial examination of each small business development center established pursuant to this section.

(2) Accreditation

The Administration may provide financial support, by contract or otherwise, to the association authorized by subsection (a)(3)(A) of this section for the purpose of developing a small business development center accreditation program.

(3) Extension or renewal of cooperative agreements

(A) In general

In extending or renewing a cooperative agreement of a small business development center, the Administration shall consider the results of the examination and accreditation program conducted pursuant to paragraphs (1) and (2).

(B) Accreditation requirement

After September 30, 2000, the Administration may not renew or extend any cooperative agreement with a small business development center unless the center has been approved under the accreditation program conducted pursuant to this subsection, except that the Associate Administrator for Small Business Development Centers may waive such accreditation requirement, in the discretion of the Associate Administrator, upon a showing that the center is making a good faith effort to obtain accreditation.

(l) Contract authority

The authority to enter into contracts shall be in effect for each fiscal year only to the extent and in the amounts as are provided in advance in appropriations Acts. After the administration has entered a contract, either as a grant or a cooperative agreement, with any applicant under this section, it shall not suspend, terminate, or fail to renew or extend any such contract unless the Administration provides the applicant with written notification setting forth the reasons therefore⁷ and affording the applicant an opportunity for a hearing, appeal, or other administrative proceeding under the provisions of chapter 5 of title 5. If any contract or cooperative agreement under this section with an entity that is covered by this section is not renewed or extended, any award of a successor contract or cooperative agreement under this section to another entity shall be made on a competitive basis.

(m) Prohibition on certain fees

A small business development center shall not impose or otherwise collect a fee or other compensation in connection with the provision of counseling services under this section.

(n) Veterans assistance and services program

(1) In general

A small business development center may apply for a grant under this subsection to

carry out a veterans assistance and services program.

(2) Elements of program

Under a program carried out with a grant under this subsection, a small business development center shall—

(A) create a marketing campaign to promote awareness and education of the services of the center that are available to veterans, and to target the campaign toward veterans, service-disabled veterans, military units, Federal agencies, and veterans organizations;

(B) use technology-assisted online counseling and distance learning technology to overcome the impediments to entrepreneurship faced by veterans and members of the Armed Forces; and

(C) increase coordination among organizations that assist veterans, including by establishing virtual integration of service providers and offerings for a one-stop point of contact for veterans who are entrepreneurs or owners of small business concerns.

(3) Amount of grants

A grant under this subsection shall be for not less than \$75,000 and not more than \$250,000.

(4) Funding

Subject to amounts approved in advance in appropriations Acts, the Administration may make grants or enter into cooperative agreements to carry out the provisions of this subsection.

(Pub. L. 85-536, §2[21], as added Pub. L. 96-302, title II, §202, July 2, 1980, 94 Stat. 843; amended Pub. L. 98-395, §2, Aug. 21, 1984, 98 Stat. 1366; Pub. L. 100-418, title VIII, §8006(b), Aug. 23, 1988, 102 Stat. 1557; Pub. L. 100-590, title I, §§134, 135(3), Nov. 3, 1988, 102 Stat. 3006, 3007; Pub. L. 101-515, title V, §§5(a), 6, Nov. 5, 1990, 104 Stat. 2142; Pub. L. 101-574, title II, §201(a)(1), title III, §303, Nov. 15, 1990, 104 Stat. 2818, 2828; Pub. L. 102-366, title II, §§212, 223(a), Sept. 4, 1992, 106 Stat. 998, 1000; Pub. L. 103-81, §9(a), Aug. 13, 1993, 107 Stat. 783; Pub. L. 103-403, title IV, §§402-404, Oct. 22, 1994, 108 Stat. 4190, 4191; Pub. L. 104-66, title II, §2121, Dec. 21, 1995, 109 Stat. 730; Pub. L. 104-121, title II, §214(a), Mar. 29, 1996, 110 Stat. 859; Pub. L. 104-208, div. D, title I, §106, Sept. 30, 1996, 110 Stat. 3009-731; Pub. L. 105-135, title V, §§502, 506(a), Dec. 2, 1997, 111 Stat. 2622, 2624; Pub. L. 105-277, div. C, title IX, §905, Oct. 21, 1998, 112 Stat. 2681-710; Pub. L. 106-554, §1(a)(9) [title V, §503(e), title VIII, §804(b)], Dec. 21, 2000, 114 Stat. 2763, 2763A-695, 2763A-703; Pub. L. 107-20, title II, §2203(b), July 24, 2001, 115 Stat. 170; Pub. L. 108-447, div. K, title I, §§122, 142, Dec. 8, 2004, 118 Stat. 3449, 3454; Pub. L. 110-186, title I, §107, Feb. 14, 2008, 122 Stat. 627; Pub. L. 111-240, title I, §1209, Sept. 27, 2010, 124 Stat. 2536; Pub. L. 113-291, div. A, title VIII, §823(a), Dec. 19, 2014, 128 Stat. 3436.)

REFERENCES IN TEXT

Section 20(a), referred to in subsec. (a)(4)(C)(i)(I), (v), means section 2[20(a)] of Pub. L. 85-536, as amended, which is set out as a note under section 631 of this title.

Section 312(a) of the Small Business Regulatory Enforcement Fairness Act of 1996, referred to in subsec.

(c)(3)(R), probably means section 212(a) of Pub. L. 104-121, which is set out in a note under section 601 of Title 5, Government Organization and Employees, because Pub. L. 104-121 does not contain a section 312.

The General Schedule, referred to in subsecs. (h)(1) and (i)(2), is set out under section 5332 of Title 5.

CODIFICATION

October 22, 1994, referred to in subsec. (k)(1), was in the original “the date of enactment of this subsection”, which was translated as meaning the date of enactment of Pub. L. 103-403, which amended subsec. (k) generally, to reflect the probable intent of Congress.

PRIOR PROVISIONS

A prior section 648 of this title, act July 30, 1953, ch. 282, title II, §219, 67 Stat. 239, which related to requirements for loans, was omitted as superseded by section 642 of this title. See Codification note set out under section 631 of this title.

A prior section 2[21] of Pub. L. 85-536 was renumbered section 2[47] and is set out as a note under section 631 of this title.

AMENDMENTS

2014—Subsec. (c)(1). Pub. L. 113-291 inserted at end “Applicants receiving grants under this section may also assist small businesses by providing, where appropriate, education on the requirements applicable to small businesses under the regulations issued under section 2778 of title 22 and on compliance with those requirements.”

2010—Subsec. (a)(2). Pub. L. 111-240 designated existing provisions as subpar. (A), inserted par. (2) and subpar. (A) headings, substituted “The small business development centers” for “The Small Business Development Centers”, inserted “(including State trade agencies),” after “local agencies”, and added subpars. (B) and (C).

2008—Subsec. (n). Pub. L. 110-186 added subsec. (n).

2004—Subsec. (a)(4)(C)(vii) to (ix). Pub. L. 108-447, §122(b), added cls. (vii) and (viii), redesignated former cl. (viii) as (ix), and struck out heading and text of former cl. (vii). Text read as follows: “There is authorized to be appropriated to carry out this subparagraph \$125,000,000 for each of fiscal years 2001, 2002, and 2003.”

Subsec. (a)(7). Pub. L. 108-447, §142(a), added par. (7).

Subsec. (c)(3)(T). Pub. L. 108-447, §122(a), substituted “October 1, 2006” for “October 1, 2003”.

Subsec. (k). Pub. L. 108-447, §142(b), substituted “Accreditation” for “Certification” and “accreditation” for “certification” wherever appearing in headings and text.

2001—Subsec. (a)(4)(C)(v)(II). Pub. L. 107-20 inserted “, or accompanying report language,” after “in appropriations Acts”.

2000—Subsec. (a)(4)(C). Pub. L. 106-554, §1(a)(9) [title VIII, §804(b)], amended heading and text of subpar. (C) generally, substituting present provisions for provisions providing that the amount of a grant received by a State under this section would be equal to the greater of \$500,000, or the sum of the State’s pro rata share of the national program, plus \$300,000 in fiscal year 1998, \$400,000 in fiscal year 1999, and \$500,000 in each fiscal year thereafter, provisions relating to pro rata reductions, matching requirement, and exception for grants provided to a small business development center to carry out the provisions of subsection (c)(3)(G), and provisions setting forth appropriations of \$85,000,000 for fiscal year 1998, \$90,000,000 for fiscal year 1999, and \$95,000,000 for fiscal year 2000 and each fiscal year thereafter.

Subsec. (c)(3)(T). Pub. L. 106-554, §1(a)(9) [title V, §503(e)], substituted “2003” for “2000”.

1998—Subsec. (c)(3)(T). Pub. L. 105-277 added subpar. (T).

1997—Subsec. (a)(1). Pub. L. 105-135, §502(a)(1), inserted “any women’s business center operating pursuant to section 656 of this title,” after “credit or finance

corporation,” “or a women’s business center operating pursuant to section 656 of this title” after “other than an institution of higher education”, and “and women’s business centers operating pursuant to section 656 of this title” after “utilize institutions of higher education”.

Subsec. (a)(3). Pub. L. 105-135, § 502(a)(2)(A), substituted “for the delivery of programs and services to the small business community. Such programs and services shall be jointly developed, negotiated, and agreed upon, with full participation of both parties, pursuant to an executed cooperative agreement between the Small Business Development Center applicant and the Administration” for “, but with recognition that a partnership exists under this section between the Administration and the applicant for the delivery of assistance to the small business community. Services shall be provided pursuant to a negotiated cooperative agreement with full participation of both parties”.

Subsec. (a)(3)(C). Pub. L. 105-135, § 502(a)(2)(B), added subpar. (C).

Subsec. (a)(4)(C)(i). Pub. L. 105-135, § 502(a)(3)(A), added cl. (i) and struck out heading and text of former cl. (i). Text read as follows: “Except as provided in clause (ii), no State receiving funds under this section shall receive a grant that exceeds—

“(I) for fiscal year 1995, the sum of such State’s pro rata share of a national program based upon the population of the State as compared to the total population in the United States, and \$125,000; or

“(II) in each succeeding fiscal year, the sum of such State’s pro rata share of a national program based upon the population of the State as compared to the total population in the United States, and \$200,000.”

Subsec. (a)(4)(C)(iii). Pub. L. 105-135, § 502(a)(3)(B), added cl. (iii) and struck out former cl. (iii) which read as follows:

“(iii) AMOUNT.—The amount of the national program shall be—

“(I) \$70,000,000 through September 30, 1996;

“(II) \$77,500,000 from October 1, 1996 through September 30, 1997; and

“(III) \$85,000,000 beginning October 1, 1997.”

Subsec. (a)(6)(C). Pub. L. 105-135, § 502(a)(4), added subpar. (C).

Subsec. (c)(3). Pub. L. 105-135, § 502(b)(4), redesignated closing provisions as par. (4). Former par. (4) redesignated (5).

Subsec. (c)(3)(A). Pub. L. 105-135, § 502(b)(1)(A), substituted “businesses, including—” for “businesses;” in introductory provisions and added cls. (i) to (iv).

Subsec. (c)(3)(B). Pub. L. 105-135, § 502(b)(1)(B), realigned margins.

Subsec. (c)(3)(C). Pub. L. 105-135, § 502(b)(1)(B), (C), realigned margins and inserted “and the Administration” after “Small Business Development Center”.

Subsec. (c)(3)(D) to (G), (M) to (O), (Q), (R). Pub. L. 105-135, § 502(b)(1)(B), realigned margins.

Subsec. (c)(3)(S). Pub. L. 105-135, § 506(a), added subpar. (S).

Subsec. (c)(4). Pub. L. 105-135, § 502(b)(4), redesignated closing provisions of par. (3) as (4). Former par. (4) redesignated (5).

Subsec. (c)(5). Pub. L. 105-135, § 502(b)(3), redesignated par. (4) as (5). Former par. (5) redesignated (6).

Pub. L. 105-135, § 502(b)(2), realigned margins, substituted “subsection (a)(1) of this section” for “paragraph (a)(1)” and “whichever date occurs last,” for “which ever date occurs last.”

Subsec. (c)(6) to (8). Pub. L. 105-135, § 502(b)(3), redesignated pars. (5) to (7) as (6) to (8), respectively.

Subsec. (l). Pub. L. 105-135, § 502(c), inserted at end “If any contract or cooperative agreement under this section with an entity that is covered by this section is not renewed or extended, any award of a successor contract or cooperative agreement under this section to another entity shall be made on a competitive basis.”

Subsec. (m). Pub. L. 105-135, § 502(d), added subsec. (m).

1996—Subsec. (c)(3)(Q), (R). Pub. L. 104-121 added subpars. (Q) and (R).

Subsec. (c)(7). Pub. L. 104-208, § 106(a)(2)(A), substituted “Associate Administrator for Small Business Development Centers” for “Deputy Associate Administrator of the Small Business Development Center program”.

Subsec. (h). Pub. L. 104-208, § 106(a)(1), amended subsec. (h) generally. Prior to amendment, subsec. (h) read as follows:

“(h)(1) The Administrator shall appoint a Associate Administrator for Small Business Development Centers who shall report to an official who is not more than one level below the Office of the Administrator and who shall serve without regard to the provisions of title 5 governing appointments in the competitive service, and without regard to chapter 51, and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at a rate not less than the rate of GS-17 of the General Schedule.

“(2) The sole responsibility of the Associate Administrator for Small Business Development Centers shall be to administer the small business development center program. Duties of the position shall include, but are not limited to, recommending the annual program budget, reviewing the annual budgets submitted by each applicant, establishing appropriate funding levels therefore, selecting applicants to participate in this program, implementing the provisions of this section, maintaining a clearinghouse to provide for the dissemination and exchange of information between small business development centers and conducting audits of recipients of grants under this section. The Associate Administrator for Small Business Development Centers shall confer with and seek the advise and counsel of the Board in carrying out the responsibilities described in this subsection.”

Subsec. (i)(2). Pub. L. 104-208, § 106(a)(2)(B), substituted “Associate Administrator for Small Business Development Centers” for “Deputy Associate Administrator for Management Assistance”.

Subsec. (k)(3). Pub. L. 104-208, § 106(b), amended heading and text of par. (3) generally. Prior to amendment, text read as follows: “In extending or renewing a cooperative agreement of a small business development center, the Administration shall consider the results of the examination and certification program conducted pursuant to paragraphs (1) and (2).”

Subsec. (l). Pub. L. 104-208, § 106(c), amended heading and text of subsec. (l) generally. Prior to amendment, text read as follows: “The authority to enter into contracts shall be in effect for each fiscal year only to the extent or in the amounts as are provided in advance in appropriations Acts. After the administration has entered a contract, either as a grant or a cooperative agreement, with any applicant under this section, it shall not suspend, terminate or fail to renew or extend any such contract unless the Administration provides the applicant with written notification setting forth the reasons therefor and affording the applicant an opportunity for a hearing, appeal or other administrative proceeding under the provisions of the Administrative Procedures Act.”

1995—Subsec. (g). Pub. L. 104-66 amended subsec. (g) generally. Prior to amendment, subsec. (g) read as follows: “The National Aeronautics and Space Administration and industrial application centers supported by the National Aeronautics and Space Administration are authorized and directed to cooperate with small business development centers participating in this program. The National Aeronautics and Space Administration shall report annually on the performance of such industrial application centers with recommendations to the Administration and the Congress on how such industrial application centers can be strengthened and expanded. The National Aeronautics and Space Administration shall include in its report to Congress information on the ability of industrial application centers to interact with the Nation’s small business community and recommendations to the Administration on continued funding.”

1994—Subsec. (a)(4). Pub. L. 103-403, §402, amended par. (4) generally. Prior to amendment, par. (4) read as follows: “Except as provided in paragraph (4), the Administration shall require, as a condition to any grant (or amendment or modification thereof) made to an applicant under this section that an additional amount (excluding any fees collected from recipients of such assistance) equal to the amount of such grant be provided from sources other than the Federal Government; *Provided*, That the additional amount shall not include any amount of indirect costs or in-kind contributions paid for under any Federal program, nor shall such indirect costs or in-kind contributions exceed 50 per centum of the non-Federal additional amount; *Provided further*, That no recipient of funds under this section shall receive a grant which would exceed its pro rata share of a \$70,000,000 program based upon the population to be served by the Small Business Development Center as compared to the total population of the United States, plus \$100,000 for each State, but no State shall receive less than \$200,000.”

Subsec. (a)(5). Pub. L. 103-403, §403, amended par. (5) generally, substituting present provisions for former provisions which required matching amount from non-Federal sources equal to amount of Federal grant.

Subsec. (k). Pub. L. 103-403, §404, amended subsec. (k) generally. Prior to amendment, subsec. (k) read as follows: “Within six months of August 21, 1984, the Administration shall develop and implement a program proposal for onsite evaluation of each Small Business Development Center. Such evaluation shall be conducted at least once every two years and shall provide for the participation of a representative of at least one other Small Business Development Center on a cost-reimbursement basis.”

1993—Subsec. (c)(7). Pub. L. 103-81 substituted “system. Subject to amounts approved in advance in appropriations Acts, the Administration may make grants or enter cooperative agreements with one or more centers to carry out the provisions of this paragraph. Said grants or cooperative agreements shall be awarded for periods of no more than five years duration. The matching funds provisions of subsection (a) of this section shall not be applicable to grants or cooperative agreements under this paragraph. The system shall” for “system which will” in introductory provisions.

1992—Subsec. (a)(3)(A), (B). Pub. L. 102-366, §223(a), added subpars. (A) and (B).

Subsec. (c)(3)(D) to (G). Pub. L. 102-366, §212, redesignated former subpars. (E) to (G) as (D) to (F), respectively, added subpar. (G), and struck out former subpar. (D) which read as follows: “assisting small businesses in developing and implementing marketing and production strategies that will enable them to better compete within the domestic market;”

1990—Subsec. (a)(1). Pub. L. 101-515, §6, struck out period at end of first sentence and inserted “: *Provided*, That after December 31, 1990, the Administration shall not make a grant to any applicant other than an institution of higher education as a Small Business Development Center unless the applicant was receiving a grant (including a contract or cooperative agreement) on such date. The Administration shall require any applicant for a small business development center grant with performance commencing on or after January 1, 1992 to have its own budget and to primarily utilize institutions of higher education to provide services to the small business community.”

Subsec. (a)(4). Pub. L. 101-515, §5(a), and Pub. L. 101-574, §201(a)(1), amended par. (4) identically, substituting “*Provided further*, That no recipient of funds under this section shall receive a grant which would exceed its pro rata share of a \$70,000,000 program based upon the population to be served by the Small Business Development Center as compared to the total population of the United States, plus \$100,000 for each State, but no State shall receive less than \$200,000.” for “*Provided further*, That no recipient of funds under this section shall receive a grant which would exceed its pro rata share of a \$65,000,000 program based upon the popu-

lation to be served by the Small Business Development Center as compared to the total population in the United States, or \$200,000, whichever is greater.”

Subsec. (c)(3)(M) to (P). Pub. L. 101-574, §303, added subpars. (M) to (O) and redesignated former subpar. (M) as (P).

1988—Subsec. (a)(1). Pub. L. 100-418, §8006(b)(1), inserted provision relating to management and technical assistance regarding small business participation in international markets, export promotion and technology transfer.

Subsec. (a)(2) to (6). Pub. L. 100-418, §8006(b)(2), (3), added par. (2), redesignated former pars. (2) to (4) as (3) to (5), respectively, and added par. (6).

Subsec. (c)(3)(B) to (M). Pub. L. 100-418, §8006(b)(4), (5), added subpars. (B) to (G), redesignated former subpars. (C) to (H) as (H) to (M), respectively, and struck out former subpar. (B) which read as follows: “assisting in technology transfer, research, and coupling from existing sources to small businesses;”

Subsec. (c)(5). Pub. L. 100-590, §135(3), inserted “or the date the Administration notifies the grantee funded under subsection (a)(1) of this section that funds are available for grant applications pursuant to subsection (a)(6) of this section, which ever date occurs last,” after “such center”.

Pub. L. 100-418, §8006(b)(6), added par. (5).

Subsec. (c)(6), (7). Pub. L. 100-418, §8006(b)(6), added pars. (6) and (7).

Subsecs. (d) to (g). Pub. L. 100-418, §8006(b)(7), added subsec. (d) and redesignated former subsecs. (d) to (f) as (e) to (g), respectively. Former subsec. (g) redesignated (h).

Subsec. (h). Pub. L. 100-590, §134(1), (2), which directed that subsec. (g) be amended by substituting “Associate Administrator for Small Business Development Centers” for “Deputy Associate Administrator for Management Assistance” in three places, and in par. (1) by substituting “an official who is not more than one level below the Office of the Administrator” for “the Associate Administrator for Management Assistance”, was executed to subsec. (h) to reflect the probable intent of Congress and the intervening redesignation of subsec. (g) as (h) by section 8006(b)(7) of Pub. L. 100-418.

Pub. L. 100-418, §8006(b)(7), redesignated former subsec. (g) as (h). Former subsec. (h) redesignated (i).

Subsecs. (i) to (k). Pub. L. 100-418, §8006(b)(7), redesignated former subsecs. (h) to (j) as (i) to (k), respectively. Former subsec. (k) redesignated (l).

Subsec. (l). Pub. L. 100-590, §134(3), which directed that subsec. (k) be amended by inserting provisions which prohibited Administration from suspending, terminating or failing to renew or extend any contract without written notification and opportunity for hearing, appeal or other administrative proceeding, was executed to subsec. (l) to reflect the probable intent of Congress and the intervening redesignation of subsec. (k) as (l) by section 8006(b)(7) of Pub. L. 100-418.

Pub. L. 100-418, §8006(b)(7), redesignated former subsec. (k) as (l).

1984—Subsec. (a)(1). Pub. L. 98-395, §2(1), inserted “The term of such grants shall be made on a calendar year basis or to coincide with the Federal fiscal year.”

Subsec. (a)(2) to (4). Pub. L. 98-395, §2(2), added pars. (2) to (4). Former par. (2), which contained provisions similar to par. (3), was struck out.

Subsec. (b)(1). Pub. L. 98-395, §2(3), substituted “Financial” for “During fiscal years 1981, 1982, and 1983, financial”.

Subsec. (c)(2). Pub. L. 98-395, §2(4), inserted in provisions preceding subpar. (A) “The facilities and staff of each Small Business Development Center shall be located in such places as to provide maximum accessibility and benefits to the small businesses which the center is intended to serve.”

Subsec. (c)(2)(A). Pub. L. 98-395, §2(5), substituted “including a full-time director who shall have the authority to make expenditures under the center’s budget and who shall manage the program activities;” for “including a staff director to manage the program activities.”

Subsec. (e). Pub. L. 98-395, §2(6), substituted provisions authorizing the National Science Foundation to cooperate with the Administration and with Small Business Development Centers in developing and establishing programs to support the centers, for former provisions which related to the National Science Foundation and innovation centers, and reports to be made to the Administration and Congress.

Subsec. (h)(2). Pub. L. 98-395, §2(7), substituted “at least semiannually” for “at least quarterly”.

Subsec. (i)(1). Pub. L. 98-395, §2(8), substituted “shall” for “may”.

Subsec. (j). Pub. L. 98-395, §2(9), substituted provisions mandating that the Administration develop and implement program proposals for onsite evaluation of each Small Business Development Center for provisions which related to the establishment of program evaluation plans and their submission to Congressional committees.

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105-135 effective Oct. 1, 1997, see section 3 of Pub. L. 105-135, set out as a note under section 631 of this title.

EFFECTIVE DATE OF 1996 AMENDMENTS

Amendment by Pub. L. 104-208 effective Oct. 1, 1996, see section 3 of Pub. L. 104-208, set out as a note under section 633 of this title.

Amendment by Pub. L. 104-121 effective on expiration of 90 days after Mar. 29, 1996, see section 216 of Pub. L. 104-121, set out in a Small Business Regulatory Fairness note under section 601 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1990 AMENDMENTS

Pub. L. 101-574, title II, §201(a)(2), Nov. 15, 1990, 104 Stat. 2818, provided that: “The amendment made by paragraph (1) [amending this section] shall apply to contracts, grants, or cooperative agreements for performance commencing on or after October 1, 1991. Contracts, grants, or cooperative agreements the performance of which commences before October 1, 1991, shall receive funding for the entire term of performance without regard to the amendment made by paragraph (1) and according to the State’s pro rata share of a \$65,000,000 program as computed on the effective date of this section [Nov. 15, 1990] under population estimates used for calendar year 1990 agreements, plus \$50,000 for each State, but no State shall receive less than \$200,000.”

Pub. L. 101-515, title V, §5(c), Nov. 5, 1990, 104 Stat. 2142, provided that: “The amendments to the second proviso in subsection (a)(4) [15 U.S.C. 648(a)(4)] made by subsection (a) of this section shall apply to contracts, grants or cooperative agreements for performance commencing on or after October 1, 1991; contracts, grants or cooperative agreements for performance commencing prior thereto shall receive funding for the entire term of performance without regard to this amendment and according to the State’s pro rata share of a \$65,000,000 program as computed on the effective date of this section [Nov. 5, 1990] under population estimates used for calendar year 1990 agreements, plus \$50,000 for each State, but no State shall receive less than \$200,000.”

EFFECTIVE AND TERMINATION DATES

Pub. L. 96-302, title II, §204, July 2, 1980, 94 Stat. 848, as amended by Pub. L. 98-177, Nov. 29, 1983, 97 Stat. 1125; Pub. L. 98-395, §4, Aug. 21, 1984, 98 Stat. 1368; Pub. L. 101-162, title V, (6), Nov. 21, 1989, 103 Stat. 1028, which provided for the repeal, effective Oct. 1, 1991, of sections 201 and 202 of Pub. L. 96-302, which enacted this section and provisions set out as a note under section 631 of this title and redesignated section 2[21] as 2[30] of Pub. L. 85-536, set out as a note under section 631 of this title, was repealed by Pub. L. 101-515, §5(b), Nov. 5, 1990, 104 Stat. 2142, and Pub. L. 101-574, title II, §201(b), Nov. 15, 1990, 104 Stat. 2818.

Section effective Oct. 1, 1980, see section 507 of Pub. L. 96-302, set out as an Effective Date of 1980 Amendment note under section 631 of this title.

SHORT TITLE

For short title of title II of Pub. L. 96-302 as the Small Business Development Center Act of 1980, see Short Title of 1980 Amendment note set out under section 631 of this title.

REGULATIONS

Pub. L. 102-366, title II, §223(b), Sept. 4, 1992, 106 Stat. 1000, as amended by Pub. L. 103-81, §9(c), Aug. 13, 1993, 107 Stat. 783, provided that not later than 180 days after Sept. 4, 1992, the Administrator of the Small Business Administration was to submit to the Committees on Small Business and the Committees on Appropriations of the Senate and the House of Representatives proposed regulations for the Small Business Development Center Program authorized by this section.

SMALL BUSINESS TECHNOLOGY TRANSFER DEMONSTRATION PROGRAM

Pub. L. 101-574, title II, §231, Nov. 15, 1990, 104 Stat. 2823, as amended by Pub. L. 102-564, title III, §302, Oct. 28, 1992, 106 Stat. 4262, established within the Small Business Administration a Small Business Technology Transfer Demonstration Program to demonstrate the feasibility of providing small businesses with education, training, and technical assistance with respect to technology transfer and application and provided that the Program would terminate on Sept. 30, 1995.

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

§ 648a. Repealed. Pub. L. 102-140, title VI, § 609(e), Oct. 28, 1991, 105 Stat. 826

Section, Pub. L. 85-536, §2[21A], as added Pub. L. 101-515, title V, §9(a), Nov. 5, 1990, 104 Stat. 2144, related to Small Business Development Center Technical Assistance Program.

EFFECTIVE DATE OF REPEAL; TERMINATION OF FUNDING

Pub. L. 102-140, title VI, §609(e), Oct. 28, 1991, 105 Stat. 826, provided that: “Notwithstanding any other law, no funds shall be appropriated to carry out section 21A of the Small Business Act [15 U.S.C. 648a] after September 30, 1991, and such section is repealed October 1, 1992.”

§ 648b. Grants for SBDCs

(a) In general

The Administrator may make grants to small business development centers under section 648 of this title to provide targeted technical assistance to small business concerns seeking access to capital or credit, Federal procurement opportunities, energy efficiency audits to reduce energy bills, opportunities to export products or provide services to foreign customers, adopting, making innovations in, and using broadband technologies, or other assistance.

(b) Allocation

(1) In general

Subject to paragraph (2), and notwithstanding the requirements of section 648(a)(4)(C)(iii) of this title, the amount appropriated to carry