

expended. Any authority to enter contracts or other spending authority provided for in this section is subject to amounts provided for in advance in appropriations Acts.

(Pub. L. 85-536, §2[25], as added Pub. L. 101-515, title V, §7, Nov. 5, 1990, 104 Stat. 2142; amended Pub. L. 103-81, §9(b), Aug. 13, 1993, 107 Stat. 783; Pub. L. 103-403, title IV, §405, Oct. 22, 1994, 108 Stat. 4192.)

AMENDMENTS

1994—Pub. L. 103-403 substituted “, \$2,000,000 for each of fiscal years 1993 and 1994, and \$1,000,000 for fiscal year 1995” for “and \$2,000,000 for each of fiscal years 1993 and 1994”.

1993—Subsec. (i). Pub. L. 103-81 substituted “\$2,000,000 for each of fiscal years 1993 and 1994” for “\$8,000,000 for fiscal year 1993”.

§ 653. Office of Rural Affairs

(a) Establishment

There is hereby established in the Small Business Administration an Office of Rural Affairs (hereafter in this section referred to as the “Office”).

(b) Appointment of director

The Office shall be headed by a director who shall be appointed by the Administrator not later than 90 days after November 15, 1990.

(c) Functions

The Office shall—

(1) strive to achieve an equitable distribution of the financial assistance available from the Administration for small business concerns located in rural areas;

(2) to the extent practicable, compile annual statistics on rural areas, including statistics concerning the population, poverty, job creation and retention, unemployment, business failures, and business startups;

(3) provide information to industries, organizations, and State and local governments concerning the assistance available to rural small business concerns through the Administration and through other Federal departments and agencies;

(4) provide information to industries, organizations, educational institutions, and State and local governments concerning programs administered by private organizations, educational institutions, and Federal, State, and local governments which improve the economic opportunities of rural citizens; and

(5) work with the United States Tourism and Travel Administration to assist small businesses in rural areas with tourism promotion and development.

(Pub. L. 85-536, §2[26], as added Pub. L. 101-574, title III, §302, Nov. 15, 1990, 104 Stat. 2827.)

CATALOG OF PROGRAMS TO ASSIST RURAL SMALL BUSINESS CONCERNS

Pub. L. 101-574, title III, §304, Nov. 15, 1990, 104 Stat. 2829, required the Small Business Administration to compile a catalog of programs administered by Federal and State departments and agencies which offer assistance to small business concerns in rural areas by no later than 180 days after Nov. 15, 1990, and to issue updates of the catalog by Feb. 1, 1993, and Feb. 1, 1995.

RURAL SMALL BUSINESS CONFERENCES

Pub. L. 101-574, title III, §306, Nov. 15, 1990, 104 Stat. 2829, provided that:

“(a) IN GENERAL.—The Chief Counsel for Advocacy of the Small Business Administration shall, as soon as practicable after the catalog (described in section 305 [probably means section 304, set out above] and hereinafter referred to as the ‘catalog’) is issued, but not later than 90 days after the date such catalog is issued, convene regional rural conferences in 5 cities or towns in the United States.

“(b) PREPARATIONS.—Prior to the conferences, the Office of Advocacy shall—

“(1) select the sites for the conferences in order to encourage the maximum participation of all interested parties including private citizens and representatives of business, government, educational and non-profit institutions; and

“(2) distribute the catalog of programs and such other background materials prepared by the Office of Advocacy as the Chief Counsel deems appropriate.

“(c) PURPOSES OF THE CONFERENCES.—The conference shall—

“(1) review the effectiveness of current Federal programs to promote rural small business and its needs, with particular reference to the catalog of such programs;

“(2) review how current Federal programs could be made more accessible to small businesses located in rural areas;

“(3) make recommendations on how current programs can be approved to better address small business needs in rural areas;

“(4) review the availability and cost of capital, transportation, and telecommunications in rural areas;

“(5) review the availability of technical assistance and training programs for small business needs in rural areas, including marketing, computer training, accounting, financing, and international trade; and

“(6) determine any additional needs of small businesses in rural areas.

“(d) REPORT.—The Chief Counsel for Advocacy shall prepare a summary of the findings and recommendations of each regional conference. Not later than 60 days after the last of the 5 regional conferences have been held, the Chief Counsel for Advocacy shall transmit such summaries to the Congress and the President, along with conclusions and recommendations, including specific legislative proposals and recommendations for administrative or other actions. The transmittal of the required information shall be deemed a report of the Chief Counsel for Advocacy under the terms and conditions of section 206 of Public Law 94-305 [15 U.S.C. 634f]. To the extent practicable, the report shall estimate the cost of implementing each recommendation of a regional conference as well as those of the Chief Counsel.”

RURAL TOURISM TRAINING PROGRAM

Pub. L. 101-574, title III, §311, Nov. 15, 1990, 104 Stat. 2832, provided that: “The Chief Counsel for Advocacy of the Small Business Administration shall conduct training sessions on the types of Federal assistance available for the development of rural small businesses engaged in tourism and tourism-related activities. Such training sessions shall be conducted in conjunction with the Office of Rural Affairs (established pursuant to section 26 of the Small Business Act [15 U.S.C. 653]) and appropriate personnel designated by each district office of the Administration.”

§ 654. Paul D. Coverdell drug-free workplace program

(a) Definitions

In this section:

(1) Drug-free workplace program

The term “drug-free workplace program” means a program that includes—

(A) a written policy, including a clear statement of expectations for workplace be-

havior, prohibitions against reporting to work or working under the influence of illegal drugs or alcohol, prohibitions against the use or possession of illegal drugs in the workplace, and the consequences of violating those expectations and prohibitions;

(B) drug and alcohol abuse prevention training for a total of not less than 2 hours for each employee, and additional voluntary drug and alcohol abuse prevention training for employees who are parents;

(C) employee illegal drug testing, with analysis conducted by a drug testing laboratory certified by the Substance Abuse and Mental Health Services Administration, or approved by the College of American Pathologists for forensic drug testing, and a review of each positive test result by a medical review officer;

(D) employee access to an employee assistance program, including confidential assessment, referral, and short-term problem resolution; and

(E) continuing alcohol and drug abuse prevention education.

(2) Eligible intermediary

The term “eligible intermediary” means an organization—

(A) that has not less than 2 years of experience in carrying out drug-free workplace programs;

(B) that has a drug-free workplace policy in effect;

(C) that is located in a State, the District of Columbia, or a territory of the United States; and

(D)(i) the purpose of which is—

(I) to develop comprehensive drug-free workplace programs or to supply drug-free workplace services; or

(II) to provide other forms of assistance and services to small business concerns; or

(ii) that is eligible to receive a grant under chapter 2 of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1521 et seq.).

(3) Employee

The term “employee” includes any—

(A) applicant for employment;

(B) employee;

(C) supervisor;

(D) manager;

(E) officer of a small business concern who is active in management of the concern; and

(F) owner of a small business concern who is active in management of the concern.

(4) Medical review officer

The term “medical review officer”—

(A) means a licensed physician with knowledge of substance abuse disorders; and

(B) does not include any—

(i) employee of the small business concern; or

(ii) employee or agent of, or any person having a financial interest in, the laboratory for which the illegal drug test results are being reviewed.

(b) Establishment

(1) In general

There is established a drug-free workplace demonstration program, under which the Ad-

ministrator may make grants to, or enter into cooperative agreements or contracts with, eligible intermediaries for the purpose of providing financial and technical assistance to small business concerns seeking to establish a drug-free workplace program.

(2) Additional grants for technical assistance

In addition to grants under paragraph (1), the Administrator may make grants to, or enter into cooperative agreements or contracts with, any grantee for the purpose of providing, in cooperation with one or more small business development centers, technical assistance to small business concerns seeking to establish a drug-free workplace program.

(3) 2-year grants

Each grant made under this subsection shall be for a period of 2 years, subject to an annual performance review by the Administrator.

(c) Promotion of effective practices of eligible intermediaries

(1) Technical assistance and information

The Administrator, after consultation with the Director of the Center for Substance Abuse and Prevention, shall provide technical assistance and information to each eligible intermediary under subsection (b) regarding the most effective practices in establishing and carrying out drug-free workplace programs.

(2) Evaluation of program

(A) Data collection and analysis

Each eligible intermediary receiving a grant under this section shall establish a system to collect and analyze information regarding the effectiveness of drug-free workplace programs established with assistance provided under this section through the intermediary, including information regarding any increase or decrease among employees in drug use, awareness of the adverse consequences of drug use, and absenteeism, injury, and disciplinary problems related to drug use. Such system shall conform to such requirements as the Administrator, after consultation with the Director of the Center for Substance Abuse and Prevention, may prescribe. Not more than 5 percent of the amount of each grant made under subsection (b) shall be used by the eligible intermediary to carry out this paragraph.

(B) Method of evaluation

The Administrator, after consultation with the Director of the Center for Substance Abuse and Prevention, shall provide technical assistance and guidance to each eligible intermediary receiving a grant under subsection (b) regarding the collection and analysis of information to evaluate the effectiveness of drug-free workplace programs established with assistance provided under this section, including the information referred to in paragraph (1). Such assistance shall include the identification of additional information suitable for measuring the benefits of drug-free workplace programs to the small business concern and to the concern's employees and the identification of methods suitable for analyzing such information.

(d) Evaluation and coordination

Not later than 18 months after October 21, 1998, the Administrator, in coordination with the Secretary of Labor, the Secretary of Health and Human Services, and the Director of National Drug Control Policy, shall—

- (1) evaluate the drug-free workplace programs established with assistance made available under this section; and
- (2) submit to Congress a report describing the results of the evaluation under paragraph (1).

(e) Contract authority

In carrying out this section, the Administrator may—

- (1) contract with public and private entities to provide assistance related to carrying out the program under this section; and
- (2) compensate those entities for provision of that assistance.

(f) Construction

Nothing in this section may be construed to require an employer who attends a program offered by an intermediary to contract for any service offered by the intermediary.

(g) Authorization**(1) In general**

There is authorized to be appropriated to carry out this section (other than subsection (b)(2)), \$5,000,000 for each of fiscal years 2005 and 2006. Amounts made available under this paragraph shall remain available until expended.

(2) Small business development centers

Of the total amount made available under paragraph (1) for each of fiscal years 2005 and 2006, not more than the greater of 10 percent or \$500,000 may be used to carry out section 648(c)(3)(T) of this title.

(3) Additional authorization for technical assistance grants

There are authorized to be appropriated to carry out subsection (b)(2), \$1,500,000 for each of fiscal years 2005 and 2006. Amounts made available under this paragraph shall remain available until expended.

(4) Limitation on administrative costs

Not more than 5 percent of the total amount made available under this subsection for any fiscal year shall be used for administrative costs (determined without regard to the administrative costs of eligible intermediaries).

(Pub. L. 85-536, §2[27], as added Pub. L. 101-574, title III, §310, Nov. 15, 1990, 104 Stat. 2831; amended Pub. L. 105-277, div. C, title IX, §904, Oct. 21, 1998, 112 Stat. 2681-708; Pub. L. 106-554, §1(a)(9) [title V, §503(a)], Dec. 21, 2000, 114 Stat. 2763, 2763A-695; Pub. L. 108-447, div. K, title I, §§123-126, Dec. 8, 2004, 118 Stat. 3449-3451.)

REFERENCES IN TEXT

The National Narcotics Leadership Act of 1988, referred to in subsec. (a)(2)(D)(ii), is subtitle A of title I of Pub. L. 100-690, Nov. 18, 1988, 102 Stat. 4181, as amended. Chapter 2 of the Act is classified generally to subchapter II (§1521 et seq.) of chapter 20 of Title 21, Food

and Drugs. For complete classification of this Act to the Code, see Short Title note set out under former section 1501 of Title 21 and Tables.

AMENDMENTS

2004—Subsec. (a)(2)(D). Pub. L. 108-447, §125, amended subpar. (D) generally. Prior to amendment, subpar. (D) read as follows: “the purpose of which is—

“(i) to develop comprehensive drug-free workplace programs or to supply drug-free workplace services; or

“(ii) to provide other forms of assistance and services to small business concerns.”

Subsec. (b). Pub. L. 108-447, §124, designated existing provisions as par. (1), inserted heading, and added pars. (2) and (3).

Subsec. (c). Pub. L. 108-447, §126, amended heading and text of subsec. (c) generally. Prior to amendment, text read as follows: “Each drug-free workplace program established with assistance made available under this section shall—

“(1) include, as reasonably necessary and appropriate, practices and procedures to ensure the confidentiality of illegal drug test results and of any participation by an employee in a rehabilitation program;

“(2) prohibit the mandatory disclosure of medical information by an employee prior to a confirmed positive illegal drug test; and

“(3) require that a medical review officer reviewing illegal drug test results shall report only the final results, limited to those drugs for which the employee tests positive, in writing and in a manner designed to ensure the confidentiality of the results.”

Subsec. (g)(1). Pub. L. 108-447, §123(a), substituted “(other than subsection (b)(2)), \$5,000,000 for each of fiscal years 2005 and 2006. Amounts made available under this paragraph” for “, \$5,000,000 for each of fiscal years 2001 through 2003. Amounts made available under this subsection”.

Subsec. (g)(2). Pub. L. 108-447, §123(b), substituted “paragraph (1) for each of fiscal years 2005 and 2006, not more than the greater of 10 percent or \$500,000” for “this subsection, not more than the greater of 10 percent or \$1,000,000”.

Subsec. (g)(3), (4). Pub. L. 108-447, §123(c), (d), added pars. (3) and (4).

2000—Pub. L. 106-554, §1(a)(9) [title V, §503(a)(1)], substituted “Paul D. Coverdell drug-free workplace program” for “Drug-free workplace demonstration program” in section catchline.

Subsec. (g)(1). Pub. L. 106-554, §1(a)(9) [title V, §503(a)(2)], substituted “\$5,000,000 for each of fiscal years 2001 through 2003” for “\$10,000,000 for fiscal years 1999 and 2000”.

1998—Pub. L. 105-277 amended section catchline and text generally. Prior to amendment, text consisted of subsecs. (a) to (c) authorizing Administration to make grants to conduct tourism demonstration programs, establishing purpose of program, placing a condition on grant recipients, authorizing appropriations, and requiring report to President and Congress.

FINDINGS AND PURPOSES OF 1998 AMENDMENT

Pub. L. 105-277, div. C, title IX, §902, Oct. 21, 1998, 112 Stat. 2681-707, provided that:

“(a) FINDINGS.—Congress finds that—

“(1) 74 percent of adults who use illegal drugs are employed;

“(2) small business concerns employ over 50 percent of the Nation’s workforce;

“(3) in more than 88 percent of families with children under the age of 18, at least 1 parent is employed; and

“(4) employees who use and abuse addictive illegal drugs and alcohol increase costs for businesses and risk the health and safety of all employees because—

“(A) absenteeism is 66 percent higher among drug users than individuals who do not use drugs;

“(B) health benefit utilization is 300 percent higher among drug users than individuals who do not use drugs;

“(C) 47 percent of workplace accidents are drug-related;

“(D) disciplinary actions are 90 percent higher among drug users than among individuals who do not use drugs; and

“(E) employee turnover is significantly higher among drug users than among individuals who do not use drugs.

“(b) PURPOSES.—The purposes of this title [see Short Title of 1998 Amendment note set out under section 631 of this title] are to—

“(1) educate small business concerns about the advantages of a drug-free workplace;

“(2) provide grants and technical assistance in addition to financial incentives to enable small business concerns to create a drug-free workplace;

“(3) assist working parents in keeping their children drug-free; and

“(4) encourage small business employers and employees alike to participate in drug-free workplace programs.”

SENSE OF CONGRESS FOR 1998 AMENDMENT

Pub. L. 105-277, div. C, title IX, §903, Oct. 21, 1998, 112 Stat. 2681-708, provided that: “It is the sense of Congress that—

“(1) businesses should adopt drug-free workplace programs;

“(2) States should consider incentives to encourage businesses to adopt drug-free workplace programs; and

“(3) such incentives may include—

“(A) financial incentives, including—

“(i) a reduction in workers’ compensation premiums;

“(ii) a reduction in unemployment insurance premiums; and

“(iii) tax deductions in an amount equal to the amount of expenditures for employee assistance programs, treatment, or illegal drug testing; and

“(B) other incentives, such as the adoption of liability limitations, as recommended by the President’s Commission on Model State Drug Laws.”

§ 655. Pilot Technology Access Program

(a) Establishment

The Administration, in consultation with the National Institute of Standards and Technology and the National Technical Information Service, shall establish a Pilot Technology Access Program, for making awards under this section to Small Business Development Centers (hereinafter in this section referred to as “Centers”).

(b) Criteria for selection of Centers

The Administrator of the Small Business Administration shall establish competitive, merit-based criteria for the selection of Centers to receive awards on the basis of—

(1) the ability of the applicant to carry out the purposes described in subsection (d) in a manner relevant to the needs of industries in the area served by the Center;

(2) the ability of the applicant to integrate the implementation of this program with existing Federal and State technical and business assistance resources; and

(3) the ability of the applicant to continue providing technology access after the termination of this pilot program.

(c) Matching requirement

To be eligible to receive an award under this section, an applicant shall provide a matching

contribution at least equal to that received under such award, not more than 50 percent of which may be waived overhead or in-kind contributions.

(d) Purpose of awards

Awards made under this section shall be for the purpose of increasing access by small businesses to on-line data base services that provide technical and business information, and access to technical experts, in a wide range of technologies, through such activities as—

(1) defraying the cost of access by small businesses to the data base services;

(2) training small businesses in the use of the data base services; and

(3) establishing a public point of access to the data base services.

Activities described in paragraphs (1) through (3) may be carried out through contract with a private entity.

(e) Renewal of awards

Awards previously made under section 648a¹ of this title may be renewed under this section.

(f) Interim report

Two years after the date on which the first award was issued under section 648a¹ of this title, the General Accounting Office shall submit to the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives and to the Committee on Small Business and the Committee on Commerce, Science, and Transportation of the Senate, an interim report on the implementation of the program under such section and this section, including the judgments of the participating Centers as to its effect on small business productivity and innovation.

(g) Final report

Three years after such date, the General Accounting Office shall submit to the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives and to the Committee on Small Business and the Committee on Commerce, Science and Transportation of the Senate, a final report evaluating the effectiveness of the Program under section 648a¹ of this title and this section in improving small business productivity and innovation.

(h) Authorization of appropriations

There are authorized to be appropriated to the Small Business Administration \$5 million for each of fiscal years 1992 through 1995 to carry out this section, and such amounts may remain available until expended.

(i) Funding from other sources; employment of Centers by Federal agencies

Centers are encouraged to seek funding from Federal and non-Federal sources other than those provided for in this section to assist small businesses in the identification of appropriate technologies to fill their needs, the transfer of technologies from Federal laboratories, public and private universities, and other public and

¹ See References in Text note below.