

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.)

**Editorial Notes**

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.

**Statutory Notes and Related Subsidiaries**

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 648a<sup>1</sup> 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 648a<sup>1</sup> 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 648a<sup>1</sup> 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 private institutions, the analysis of commercial opportunities represented by such technologies, and such other functions as the development, business planning, market research, and financial packaging required for commercialization. Insofar as such Centers pursue these activities, Federal agencies are encouraged to employ these Centers to interface with small businesses for such purposes as facilitating small business participation in Federal procurement and fostering commercialization of Federally-funded research and development.

(Pub. L. 85-536, §2[28], as added Pub. L. 102-140, title VI, §609(d), Oct. 28, 1991, 105 Stat. 825.)

**Editorial Notes**

REFERENCES IN TEXT

Section 648a of this title, referred to in subsecs. (e) to (g), was repealed by Pub. L. 102-140, title VI, §609(e), Oct. 28, 1991, 105 Stat. 826, effective Oct. 1, 1992.

**Statutory Notes and Related Subsidiaries**

CHANGE OF NAME

General Accounting Office redesignated Government Accountability Office by section 8 of Pub. L. 108-271, set out as a note under section 702 of Title 31, Money and Finance.

Committee on Small Business of Senate changed to Committee on Small Business and Entrepreneurship of Senate. See Senate Resolution No. 123, One Hundred Seventh Congress, June 29, 2001.

**§ 656. Women’s Business Center program**

**(a) Definitions**

In this section—

- (1) the term “Assistant Administrator” means the Assistant Administrator of the Office of Women’s Business Ownership established under subsection (g);
- (2) the term “private nonprofit organization” means an entity that is described in section 501(c) of title 26 and exempt from taxation under section 501(a) of such title;
- (3) the term “small business concern owned and controlled by women”, either startup or

<sup>1</sup> See References in Text note below.