

§ 10.⁴¹⁹(a) The Administration shall, as soon as practicable each fiscal⁴²⁰ year make a comprehensive annual report to the President, the President of the Senate, the Senate Select Committee on Small Business, and the Speaker of the House of Representatives. Such report shall include a description of the state of small business in the Nation and the several States, and a description of the operations of the Administration under this chapter, including, but not limited to, the general lending, disaster relief, Government regulation relief, procurement and property disposal, research and development, technical assistance, dissemination of data and information, and other functions under the jurisdiction of the Administration during the previous fiscal⁴²¹ year. Such report shall contain recommendations for strengthening or improving such programs, or, when necessary or desirable to implement more effectively congressional policies and proposals, for establishing new or alternative programs. In addition, such report shall include the names of the business concerns to whom contracts are let and for whom financing is arranged by the Administration, together with the amounts involved. With respect to minority small business concerns, the report shall include the proportion of loans and other assistance under this Act provided to such concerns, the goals of the Administration for the next fiscal year with respect to such concerns, and recommendations for improving assistance to minority small business concerns under this Act.⁴²²

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(b) The Administration shall make a report to the President, the President of the Senate, and the Speaker of the House of Representatives, to the Senate Select Committee on Small Business, and to the Committee on Small Business of the House of Representatives,⁴²³ as soon as practicable each fiscal year,⁴²⁴ showing as accurately as possible for each such period the amount of funds appropriated to it that it has expended in the conduct of each of its principal activities such as lending, procurement, contracting, and providing technical and

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committees.

⁴¹⁹Former § 10(a) was rewritten and the reporting requirement changed from semiannual to annual by § 5(a)(1) of PL 87-305, approved Sept. 26, 1961 (75 Stat. 666). Additional reporting requirements were imposed by § 7 of PL 93-237, approved Jan. 2, 1974 (87 Stat. 1023), which added the second and third sentences and made other insubstantial changes to § 10(a).

⁴²⁰"Fiscal" year substituted for "calendar" year by § 3(4) of PL 93-608, an Act to discontinue or modify certain reporting requirements of law, approved Jan. 2, 1975 (88 Stat. 1967).

⁴²¹"Senate Select Committee on Small Business" added by § 203 of PL 95-89, approved Aug. 4, 1977 (91 Stat. 553). The Senate deleted the word "Select" by S. Res. 101, 97th Cong., 1st Sess., Mar. 25, 1981.

⁴²²Last sentence added by § 211 of PL 95-89, approved Aug. 4, 1977 (91 Stat. 553). The requirement of the report of the progress in liquidating the assets and winding up the affairs of the RFC repealed by § 3(4) of PL 93-608, an Act to discontinue or modify certain reporting requirements of law, approved Jan. 2, 1975 (88 Stat. 1967).

⁴²³"Committee on Small Business of the House of Representatives" substituted for "House Select Committee to Conduct a Study and Investigation of the Problems of Small Business" by § 204 of PL 95-89, approved Aug. 4, 1977 (91 Stat. 553).

⁴²⁴The phrase "as soon as practicable each fiscal year" substituted for "on December 31 of each year" by § 3(5) of PL 93-608, an Act to discontinue or modify certain reporting requirements of law, approved Jan. 2, 1975 (88 Stat. 1967).

(3) LIMITATION.—No research program may be identified under paragraph (2) unless the Secretary of the military department concerned certifies in writing that the successful transition of the program to Phase III and into the acquisition process is expected to meet high priority military requirements of such military department.

(4) FUNDING.—For payment of expenses incurred to administer the Commercialization Pilot Program under this subsection, the Secretary of Defense and each Secretary of a military department is authorized to use not more than an amount equal to 1 percent of the funds available to the Department of Defense or the military department pursuant to the Small Business Innovation Research Program. Such funds—

(A) shall not be subject to the limitations on the use of funds in subsection (f)(2); and

(B) shall not be used to make Phase III awards.

(5) EVALUATIVE REPORT.—At the end of each fiscal year, the Secretary of Defense shall submit to the Committee on Armed Services and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Armed Services and the Committee on Small Business of the House of Representatives an evaluative report regarding activities under the Commercialization Pilot Program. The report shall include—

(A) an accounting of the funds used in the Commercialization Pilot Program;

(B) a detailed description of the Commercialization Pilot Program, including incentives and activities undertaken by acquisition program managers, program executive officers, and prime contractors; and

(C) a detailed compilation of results achieved by the Commercialization Pilot Program, including the number of small business concerns assisted and the number of projects commercialized.

(6) SUNSET.—The pilot program under this subsection shall terminate at the end of fiscal year 2009.

(i) an itemized cost breakdown of actual expenditures for costs incurred during the preceding year; and

(ii) documentation regarding the amount of matching assistance from non-Federal sources obtained and expended by the center during the preceding year in order to meet the requirements of subsection (c) and, with respect to any in-kind contributions described in subsection (c)(2) that were used to satisfy the requirements of subsection (c), verification of the existence and valuation of those contributions; and

(B) analyze the results of each such examination and, based on that analysis, make a determination regarding the programmatic and financial viability of each women's business center.

(2) **CONDITIONS FOR CONTINUED FUNDING.**—In determining whether to award a contract (as a sustainability grant) under subsection (l) or to renew a contract (either as a grant or cooperative agreement) under this section with a women's business center, the Administration—

Conditions
for continued
funding.

(A) shall consider the results of the most recent examination of the center under paragraph (1); and

(B) may withhold such award or renewal, if the Administration determines that—

(i) the center has failed to provide any information required to be provided under clause (i) or (ii) of paragraph (1)(A), or the information provided by the center is inadequate; or

(ii) the center has failed to provide any information required to be provided by the center for purposes of the report of the Administration under subsection (j), or the information provided by the center is inadequate.

(i) **CONTRACT AUTHORITY.**—The authority of the Administrator 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 Administrator has entered into 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 Administrator provides the applicant with written notification setting forth the reasons therefore and affords the applicant an opportunity for a hearing, appeal, or other administrative proceeding under chapter 5 of title 5, United States Code.

(j)⁵⁷⁷ **MANAGEMENT REPORT.**—

⁵⁷⁷ Subsection (j) completely rewritten by § 3(2) of P.L. 106-165, approved Dec. 9, 1999 (113 Stat. 1796). The change is effective Oct. 1, 1999, per § 6 of P.L. 106-165. Text of former subsection (j) is reprinted below:

(1) IN GENERAL.—The Administration shall prepare and submit to the Committees on Small Business of the House of Representatives and the Senate a report on the effectiveness of all projects conducted under this section.

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Congress.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include information concerning, with respect to each women's business center established pursuant to this section—

- (A) the number of individuals receiving assistance;
- (B) the number of startup business concerns formed;
- (C) the gross receipts of assisted concerns;
- (D) the employment increases or decreases of assisted concerns;
- (E) to the maximum extent practicable, increases or decreases in profits of assisted concerns; and
- (F) the most recent analysis, as required under subsection (h)(1)(B), and the subsequent determination made by the Administration under that subsection.

(k) AUTHORIZATION OF APPROPRIATIONS—

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appropriations.

(1)⁵⁷⁸ IN GENERAL.—There is authorized to be appropriated, to remain available until the expiration of the pilot program under subsection (l)—

REPORT.—The Administrator shall prepare and submit an annual report to the Committees on Small Business of the House of Representatives and the Senate on the effectiveness of all projects conducted under the authority of this section. Such report shall provide information concerning—

- (1) the number of individuals receiving assistance;
- (2) the number of startup business concerns formed;
- (3) the gross receipts of assisted concerns;
- (4) increases or decreases in profits of assisted concerns; and
- (5) the employment increases or decreases of assisted concerns.

⁵⁷⁸ Paragraph 29(k)(1) was rewritten by § 4(b)(1) of P.L. 106-165, approved Dec. 9, 1999 (113 Stat. 1799). Section 6 of P.L. 106-165 provides that the effective date of the law is Oct. 1, 1999. Text of former paragraph 29(k)(1) is reprinted below:

There is authorized to be appropriated \$11,000,000* for each fiscal year to carry out the projects authorized under this section, of which, for fiscal year 1998, not more than 5 percent may be used for administrative expenses related to the program under this section.