

117TH CONGRESS  
1ST SESSION

# H. R. 1010

To amend the Small Business Act to spur entrepreneurial ecosystems in underserved communities.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 2021

Mr. MFUME introduced the following bill; which was referred to the Committee on Small Business

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## A BILL

To amend the Small Business Act to spur entrepreneurial ecosystems in underserved communities.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ushering Progress by  
5 Leveraging Innovation and Future Technology Act of  
6 2021” or the “UPLIFT Act of 2021”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

9 (1) Studies have found that incubators, accel-  
10 erators, and other similar models are effective at in-

1       creasing revenues, the number of employees, and the  
2       likelihood that the business venture will be success-  
3       ful for participants.

4               (2) According to the Kauffman Foundation—

5                       (A) minority-owned and women-owned  
6       businesses are half as likely to employ people  
7       than nonminority-owned and men-owned busi-  
8       nesses; and

9                       (B) if minorities started businesses at the  
10      same rate as nonminorities, approximately  
11      9,500,000 jobs would be added to the economy  
12      of the United States.

13           (3) The Kauffman Foundation also found that  
14      the percentage of startups in rural communities has  
15      dropped from 20 percent in the 1980s to 12.2 per-  
16      cent.

17           (4) According to the Martin Prosperity Insti-  
18      tute, less than 1 percent of all venture capital fund-  
19      ing goes to businesses located in rural areas.

20           (5) According to PitchBook, around 2 percent  
21      of all venture capital funding goes to businesses with  
22      women founders.

23           (6) According to Crunchbase, less than 3 per-  
24      cent of all venture capital funding goes to businesses  
25      with Black and Hispanic founders.

1           (7) Historically Black colleges and universities,  
2           minority-serving institutions, and community col-  
3           leges are anchor institutions that serve populations  
4           that tend to be underrepresented in entrepreneur-  
5           ship, particularly in high-growth sectors.

6 **SEC. 3. PURPOSES.**

7           The purposes of the Innovation Centers Program es-  
8           tablished under section 49 of the Small Business Act, as  
9           added by this Act, are to—

10           (1) spur economic growth in underserved com-  
11           munities by creating good paying jobs and pathways  
12           to prosperity;

13           (2) increase prospects for success for small  
14           business concerns in underserved communities,  
15           which often suffer from higher business failure rates  
16           than the national average;

17           (3) help create a pipeline for small business  
18           concerns in underserved and rural markets into  
19           high-growth sectors, where they are generally under-  
20           represented;

21           (4) help address the multi-decade decline in the  
22           rate of new business creation;

23           (5) close the gaps that underserved small busi-  
24           ness concerns often have in terms of revenue and

1 number of employees, which represent lost oppor-  
 2 tunity for the economy of the United States; and

3 (6) encourage collaboration between the Small  
 4 Business Administration and institutions of higher  
 5 learning that serve low-income and minority commu-  
 6 nities.

7 **SEC. 4. INNOVATION CENTERS PROGRAM.**

8 (a) IN GENERAL.—The Small Business Act (15  
 9 U.S.C. 631 et seq.) is amended—

10 (1) by redesignating section 49 as section 50;

11 and

12 (2) by inserting after section 48 the following:

13 **“SEC. 49. INNOVATION CENTERS PROGRAM.**

14 **“(a) DEFINITIONS.—**In this section:

15 **“(1) ACCELERATOR.—**The term ‘accelerator’  
 16 means an organization—

17 **“(A) that—**

18 **“(i) works with a startup or growing**  
 19 **small business concern for a predetermined**  
 20 **period; and**

21 **“(ii) provides mentorship and instruc-**  
 22 **tion to scale businesses; and**

23 **“(B) that may—**

1 “(i) provide, but is not exclusively de-  
2 signed to provide, seed investment in ex-  
3 change for a small amount of equity; and

4 “(ii) offer startup capital or the op-  
5 portunity to raise capital from outside in-  
6 vestors.

7 “(2) FEDERALLY RECOGNIZED AREA OF ECO-  
8 NOMIC DISTRESS.—The term ‘federally recognized  
9 area of economic distress’ means—

10 “(A) a HUBZone, as that term is defined  
11 in section 31(b); or

12 “(B) an area that has been designated  
13 as—

14 “(i) an empowerment zone under sec-  
15 tion 1391 of the Internal Revenue Code of  
16 1986;

17 “(ii) a Promise Zone by the Secretary  
18 of Housing and Urban Development; or

19 “(iii) a low-income neighborhood or  
20 moderate-income neighborhood for pur-  
21 poses of the Community Reinvestment Act  
22 of 1977 (12 U.S.C. 2901 et seq.).

23 “(3) GROWING; NEWLY ESTABLISHED; START-  
24 UP.—The terms ‘growing’, ‘newly established’, and  
25 ‘startup’, with respect to a small business concern,

1 mean growing, newly established, and startup, re-  
2 spectively, within the meaning given those terms  
3 under section 7(m).

4 “(4) INCUBATOR.—The term ‘incubator’ means  
5 an organization—

6 “(A) that—

7 “(i) tends to work with startup and  
8 newly established small business concerns;  
9 and

10 “(ii) provides mentorship to startup  
11 and newly established small business con-  
12 cerns; and

13 “(B) that may—

14 “(i) provide a co-working environment  
15 or a month-to-month lease program; and

16 “(ii) work with a startup or newly es-  
17 tablished small business concern for a pre-  
18 determined period or an open-ended pe-  
19 riod.

20 “(5) INDIVIDUALS WITH A DISABILITY.—The  
21 term ‘individuals with a disability’ means more than  
22 1 individual with a disability, as defined in section  
23 3 of the Americans with Disabilities Act of 1990 (42  
24 U.S.C. 12102).

1           “(6) ELIGIBLE ENTITY.—The term ‘eligible en-  
2           tity’ means—

3                   “(A) an institution described in any of  
4                   paragraphs (1) through (7) of section 371(a) of  
5                   the Higher Education Act of 1965 (20 U.S.C.  
6                   1067q(a)); or

7                   “(B) a junior or community college, as de-  
8                   fined in section 312 of the Higher Education  
9                   Act of 1965 (20 U.S.C. 1058).

10           “(7) RURAL AREA.—The term ‘rural area’ has  
11           the meaning given the term in section 7(m)(11).

12           “(8) SOCIALLY AND ECONOMICALLY DISADVAN-  
13           TAGED INDIVIDUALS.—The term ‘socially and eco-  
14           nomically disadvantaged individual’ means a socially  
15           and economically disadvantaged individual within the  
16           meaning given that term in section 8(d)(3)(C).

17           “(b) ESTABLISHMENT.—Not later than 1 year after  
18           the date of enactment of the Ushering Progress by  
19           Leveraging Innovation and Future Technology Act of  
20           2021, the Administrator shall develop and begin imple-  
21           menting a program (to be known as the ‘Innovation Cen-  
22           ters Program’) to enter into cooperative agreements with  
23           eligible entities under this section.

24           “(c) AUTHORITY.—

25                   “(1) IN GENERAL.—The Administrator may—

1           “(A) enter into cooperative agreements to  
2           provide financial assistance to eligible entities  
3           to conduct 5-year projects for the benefit of  
4           startup, newly established, or growing small  
5           business concerns; and

6           “(B) renew a cooperative agreement en-  
7           tered into under this section for additional 3-  
8           year periods, in accordance with paragraph (3).

9           “(2) PROJECT REQUIREMENTS.—A project con-  
10          ducted under a cooperative agreement under this  
11          section shall—

12           “(A) include operating as an accelerator,  
13           an incubator, or any other small business inno-  
14           vation-focused project as the Administrator ap-  
15           proves;

16           “(B) be carried out in such locations as to  
17           provide maximum accessibility and benefits to  
18           the small business concerns that the project is  
19           intended to serve;

20           “(C) have a full-time staff, including a  
21           full-time director who shall—

22           “(i) have the authority to make ex-  
23           penditures under the budget of the project;  
24           and



1 “(ii) manage the activities carried out  
2 under the project;

3 “(D) include the joint provision of pro-  
4 grams and services by the eligible entity and  
5 the Administration, which—

6 “(i) shall be jointly developed, nego-  
7 tiated, and agreed upon, with full partici-  
8 pation of both parties, pursuant to an exe-  
9 cuted cooperative agreement between the  
10 eligible entity and the Administration; and

11 “(ii) shall include—

12 “(I) one-to-one individual coun-  
13 seling, as described in section  
14 21(c)(3)(A); and

15 “(II) a formal, structured  
16 mentorship program;

17 “(E) incorporate continuous upgrades and  
18 modifications to the services and programs of-  
19 fered under the project, as needed to meet the  
20 changing and evolving needs of the business  
21 community;

22 “(F) involve working with underserved  
23 groups, which include—

24 “(i) women;

1 “(ii) socially and economically dis-  
2 advantaged individuals;

3 “(iii) veterans;

4 “(iv) individuals with disabilities; or

5 “(v) startup, newly established, or  
6 growing small business concerns located in  
7 rural areas;

8 “(G) not impose or otherwise collect a fee  
9 or other compensation in connection with par-  
10 ticipation in the programs and services de-  
11 scribed in subparagraph (D)(ii); and

12 “(H) ensure that small business concerns  
13 participating in the project have access, includ-  
14 ing through resource partners, to information  
15 concerning Federal, State, and local regulations  
16 that affect small business concerns.

17 “(3) CONTINUED FUNDING.—

18 “(A) IN GENERAL.—An eligible entity that  
19 enters into an initial cooperative agreement or  
20 a renewal of a cooperative under paragraph (1)  
21 may submit an application for a 3-year renewal  
22 of the cooperative agreement at such time, in  
23 such manner, and accompanied by such infor-  
24 mation as the Administrator may establish.

1                   “(B) APPLICATION AND APPROVAL CRI-  
2                   TERIA.—

3                   “(i) CRITERIA.—The Administrator  
4                   shall develop and publish criteria for the  
5                   consideration and approval of applications  
6                   for renewals by eligible entities under this  
7                   paragraph, which shall take into account  
8                   the structure and the stated goals of the  
9                   project.

10                  “(ii) NOTIFICATION.—Not later than  
11                  60 days after the date of the deadline to  
12                  submit applications for each fiscal year,  
13                  the Administrator shall approve or deny  
14                  any application under this paragraph and  
15                  notify the applicant for each such applica-  
16                  tion.

17                  “(C) PRIORITY.—In allocating funds made  
18                  available for cooperative agreements under this  
19                  section, the Administrator shall give applica-  
20                  tions under this paragraph priority over first-  
21                  time applications for cooperative agreements  
22                  under paragraph (1)(A).

23                  “(4) LIMIT ON USE OF FUNDS.—Amounts re-  
24                  ceived by an eligible entity under a cooperative  
25                  agreement under this section may not be used to

1 provide capital to a participant in the project carried  
2 out under the cooperative agreement.

3 “(5) SCOPE OF AUTHORITY.—

4 “(A) SUBJECT TO APPROPRIATIONS.—The  
5 authority of the Administrator to enter into co-  
6 operative agreements under this section shall be  
7 in effect for each fiscal year only to the extent  
8 and in the amounts as are provided in advance  
9 in appropriations Acts.

10 “(B) SUSPENSION, TERMINATION, AND  
11 FAILURE TO RENEW OR EXTEND.—After the  
12 Administrator has entered into a cooperative  
13 agreement with an eligible entity under this sec-  
14 tion, the Administrator may not suspend, termi-  
15 nate, or fail to renew or extend the cooperative  
16 agreement unless the Administrator provides  
17 the eligible entity with written notification set-  
18 ting forth the reasons therefore and affords the  
19 eligible entity an opportunity for a hearing, ap-  
20 peal, or other administrative proceeding under  
21 chapter 5 of title 5, United States Code.

22 “(d) CRITERIA.—

23 “(1) IN GENERAL.—The Administrator shall—

24 “(A) establish and rank in terms of rel-  
25 ative importance the criteria the Administrator

1           shall use in awarding cooperative agreements  
2           under this section, which shall include—

3                   “(i) whether the proposed project will  
4           be located in—

5                           “(I) a federally recognized area  
6                   of economic distress;

7                           “(II) a rural area; or

8                           “(III) an area lacking sufficient  
9                   entrepreneurial development re-  
10                  sources, as determined by the Admin-  
11                  istrator; and

12                   “(ii) whether the proposed project  
13           demonstrates a commitment to partner  
14           with core stakeholders working with small  
15           business concerns in the relevant area, in-  
16           cluding—

17                           “(I) investment and lending orga-  
18                   nizations;

19                           “(II) nongovernmental organiza-  
20                   tions;

21                           “(III) programs of State and  
22                   local governments that are concerned  
23                   with aiding small business concerns;

24                           “(IV) Federal agencies; and

1 “(V) for-profit organizations with  
2 an expertise in small business innova-  
3 tion;

4 “(B) make publicly available, including on  
5 the website of the Administration, and state in  
6 each solicitation for applications for cooperative  
7 agreements under this section, the selection cri-  
8 teria and ranking established under subpara-  
9 graph (A); and

10 “(C) evaluate and rank applicants for co-  
11 operative agreements under this section in ac-  
12 cordance with the selection criteria and ranking  
13 established under subparagraph (A).

14 “(2) CONTENTS.—The criteria established  
15 under paragraph (1)(A)—

16 “(A) for eligible entities that have in oper-  
17 ation an accelerator, incubator, or other small  
18 business innovation-focused project shall include  
19 the record of the eligible entity in assisting  
20 growing, newly established, and startup small  
21 business concerns, including, for each of the 3  
22 full years before the date on which the eligible  
23 entity applies for a cooperative agreement  
24 under this section, or if the accelerator, incu-  
25 bator, or other small business innovation-fo-

1 cused project has been in operation for less  
2 than 3 years, for the most recent full year the  
3 accelerator, incubator, or other small business  
4 innovation-focused project was in operation—

5 “(i) the number and retention rate of  
6 growing, newly established, and startup  
7 business concerns in the program of the el-  
8 igible entity;

9 “(ii) the average period of participa-  
10 tion by growing, newly established, and  
11 startup small business concerns in the pro-  
12 gram of the eligible entity;

13 “(iii) the total and median capital  
14 raised by growing, newly established, and  
15 startup small business concerns partici-  
16 pating in the program of the eligible entity;

17 “(iv) the number of investments or  
18 loans received by growing, newly estab-  
19 lished, and startup small business concerns  
20 participating in the program of the eligible  
21 entity; and

22 “(v) the total and median number of  
23 employees of growing, newly established,  
24 and startup small business concerns par-

1            participating in the program of the eligible en-  
2            tity; and

3            “(B) for all eligible entities—

4                    “(i) shall include whether the eligible  
5            entity—

6                            “(I) indicates the structure and  
7                            goals of the project;

8                            “(II) demonstrates ties to the  
9                            business community;

10                           “(III) identifies the resources  
11                           available for the project;

12                           “(IV) describes the capabilities of  
13                           the project, including coordination  
14                           with local resource partners and local  
15                           or national lending partners of the  
16                           Administration;

17                           “(V) addresses the unique busi-  
18                           ness and economic challenges faced by  
19                           the community in which the eligible  
20                           entity is located and businesses in  
21                           that community; or

22                           “(VI) provides a proposed budget  
23                           and plan for use of funds; and



1 “(ii) may include any other criteria  
2 determined appropriate by the Adminis-  
3 trator.

4 “(e) PROGRAM EXAMINATION.—

5 “(1) IN GENERAL.—The Administrator shall—

6 “(A) develop and implement an annual  
7 programmatic and financial examination of  
8 each project conducted under this section,  
9 under which each eligible entity entering into a  
10 cooperative agreement under this section shall  
11 provide to the Administrator—

12 “(i) an itemized cost breakdown of ac-  
13 tual expenditures for costs incurred during  
14 the preceding year; and

15 “(ii) documentation regarding—

16 “(I) the amount of matching as-  
17 sistance from non-Federal sources ob-  
18 tained and expended by the eligible  
19 entity during the preceding year in  
20 order to meet the matching require-  
21 ment; and

22 “(II) with respect to any in-kind  
23 contributions that were used to satisfy  
24 the matching requirement, verification

1 of the existence and valuation of those  
2 contributions; and

3 “(B) analyze the results of each examina-  
4 tion conducted under subparagraph (A) and,  
5 based on that analysis, make a determination  
6 regarding the programmatic and financial via-  
7 bility of each eligible entity.

8 “(2) CONDITIONS FOR CONTINUED FUNDING.—  
9 In determining whether to continue or renew a coop-  
10 erative agreement under this section, the Adminis-  
11 trator—

12 “(A) shall consider the results of the most  
13 recent examination of the project under para-  
14 graph (1); and

15 “(B) may terminate or not renew a cooper-  
16 ative agreement, if the Administrator deter-  
17 mines that the eligible entity has failed to pro-  
18 vide any information required to be provided  
19 (including information provide for purpose of  
20 the annual report by the Administrator under  
21 subsection (m)) or the information provided by  
22 the eligible entity is inadequate.

23 “(f) TRAINING AND TECHNICAL ASSISTANCE.—The  
24 Administrator—

1           “(1) shall provide in person or online training  
2           and technical assistance to each eligible entity enter-  
3           ing into a cooperative agreement under this section  
4           at the beginning of the participation of the eligible  
5           entity in the Innovation Centers Program in order to  
6           build the capacity of the eligible entity and ensure  
7           compliance with procedures established by the Ad-  
8           ministrator;

9           “(2) shall ensure that the training and tech-  
10          nical assistance described in paragraph (1) is pro-  
11          vided at no cost or at a low cost; and

12          “(3) may enter into a contract to provide the  
13          training or technical assistance described in para-  
14          graph (1) with 1 or more organizations with exper-  
15          tise in the entrepreneurial development programs of  
16          the Administration, innovation, and entrepreneurial  
17          development.

18          “(g) COORDINATION.—In carrying out a project  
19          under this section, an eligible entity may coordinate  
20          with—

21                 “(1) resource and lending partners of the Ad-  
22                 ministration;

23                 “(2) programs of State and local governments  
24                 that are concerned with aiding small business con-  
25                 cerns; and

1           “(3) other Federal agencies, including to pro-  
2           vide services to and assist small business concerns in  
3           participating in the SBIR and STTR programs, as  
4           defined in section 9(e).

5           “(h) FUNDING LIMIT.—The amount of financial as-  
6           sistance provided to an eligible entity under a cooperative  
7           agreement entered into under this section shall be not  
8           more than \$400,000 during each year.

9           “(i) MATCHING REQUIREMENT.—

10           “(1) IN GENERAL.—An eligible entity shall con-  
11           tribute toward the cost of the project carried out  
12           under the cooperative agreement under this section  
13           an amount equal to 50 percent of the amount re-  
14           ceived under the cooperative agreement.

15           “(2) IN-KIND CONTRIBUTIONS.—Not more than  
16           50 percent of the contribution of an eligible entity  
17           under paragraph (1) may be in the form of in-kind  
18           contributions.

19           “(3) WAIVER.—

20           “(A) IN GENERAL.—If the Administrator  
21           determines that an eligible entity is unable to  
22           meet the contribution requirement under para-  
23           graph (1), the Administrator may reduce the  
24           required contribution.

“(B) PRESUMPTION.—An eligible entity shall be presumed to be unable to meet the contribution requirement under paragraph (1) if the eligible entity has—

“(i) long-term debt in an amount that is less than \$10,000,000;

“(ii) an invested market endowment in an amount that is less than \$15,000,000; or

“(iii) total net liquid assets in an amount that is less than \$15,000,000.

“(4) FAILURE TO OBTAIN NON-FEDERAL FUNDING.—If an eligible entity fails to obtain the required non-Federal contribution during any project, or the reduced non-Federal contribution as determined by the Administrator—

“(A) the eligible entity shall not be eligible thereafter for any other project for which it is or may be funded by the Administration; and

“(B) before approving assistance for the eligible entity for any other projects, the Administrator shall specifically determine whether the Administrator believes that the eligible entity will be able to obtain the requisite non-Federal funding and enter a written finding setting

1           the forth the reasons for making that deter-  
2           mination.

3           “(5) RULE OF CONSTRUCTION.—The dem-  
4           onstrated inability of an eligible entity to meet the  
5           contribution requirement under paragraph (1) shall  
6           not disqualify the eligible entity from entering into  
7           a cooperative agreement under this section.

8           “(j) CONTRACT AUTHORITY.—

9           “(1) IN GENERAL.—An eligible entity may  
10          enter into a contract with a Federal department or  
11          agency to provide specific assistance to startup,  
12          newly established, or growing small business con-  
13          cerns.

14          “(2) PERFORMANCE.—Performance of a con-  
15          tract entered into under paragraph (1) may not  
16          hinder the eligible entity in carrying out the terms  
17          of the cooperative agreement under this section.

18          “(3) EXEMPTION FROM MATCHING REQUIRE-  
19          MENT.—A contract entered into under paragraph  
20          (1) shall not be subject to the matching requirement  
21          under subsection (i).

22          “(4) ADDITIONAL PROVISION.—Notwith-  
23          standing any other provision of law, a contract for  
24          assistance under paragraph (1) shall not be applied  
25          to any Federal department or agency’s small busi-

1       ness, woman-owned business, or socially and eco-  
2       nomically disadvantaged business contracting goal  
3       under section 15(g).

4       “(k) PRIVACY REQUIREMENTS.—

5               “(1) IN GENERAL.—An eligible entity may not  
6       disclose the name, address, or telephone number of  
7       any individual or small business concern receiving  
8       assistance under this section without the consent of  
9       such individual or small business concern, unless—

10               “(A) the Administrator is ordered to make  
11       such a disclosure by a court in any civil or  
12       criminal enforcement action initiated by a Fed-  
13       eral or State agency; or

14               “(B) the Administrator considers such a  
15       disclosure to be necessary for the purpose of  
16       conducting a financial audit of an eligible enti-  
17       ty, but a disclosure under this subparagraph  
18       shall be limited to the information necessary for  
19       such audit.

20       “(2) ADMINISTRATION USE OF INFORMATION.—

21       This subsection shall not—

22               “(A) restrict Administration access to pro-  
23       gram activity data; or

24               “(B) prevent the Administration from  
25       using client information (other than the infor-

1           mation described in subparagraph (A)) to con-  
2           duct client surveys.

3           “(3) REGULATIONS.—The Administrator shall  
4           issue regulations to establish standards for requiring  
5           disclosures during a financial audit under paragraph  
6           (1)(B).

7           “(1) PUBLICATION OF INFORMATION.—The Adminis-  
8           trator shall—

9           “(1) publish information about the program  
10          under this section online, including—

11               “(A) on the website of the Administration;  
12               and

13               “(B) on the social media of the Adminis-  
14               tration; and

15           “(2) request that the resource and lending part-  
16           ners of the Administration and the district offices of  
17           the Administration publicize the program.

18           “(m) ANNUAL REPORTING.—Not later than 1 year  
19           after the date on which the Administrator establishes the  
20           program under this section, and annually thereafter, the  
21           Administrator shall submit to Congress a report on the  
22           activities under the program, including—

23               “(1) the number of startup, newly established,  
24               and growing small business concerns participating in  
25               the project carried out by each eligible entity under



1 a cooperative agreement under this section (in this  
2 paragraph referred to as ‘participants’), including a  
3 breakdown of the owners of the participants by race,  
4 gender, veteran status, and urban versus rural loca-  
5 tion;

6 “(2) the retention rate for participants;

7 “(3) the total and median amount of capital  
8 accessed by participants, including the type of cap-  
9 ital accessed;

10 “(4) the total and median number of employees  
11 of participants;

12 “(5) the number and median wage of jobs cre-  
13 ated by participants;

14 “(6) the number of jobs sustained by partici-  
15 pants; and

16 “(7) information regarding such other metrics  
17 as the Administrator determines appropriate.

18 “(n) FUNDING.—

19 “(1) AUTHORIZATION OF APPROPRIATIONS.—  
20 There are authorized to be appropriated such sums  
21 as may be necessary to carry out this section.

22 “(2) ADMINISTRATIVE EXPENSES.—Of the  
23 amount made available to carry out this section for  
24 any fiscal year, not more than 10 percent may be

1       used by the Administrator for administrative ex-  
2       penses.”.

3       (b) REGULATIONS.—The Administrator of the Small  
4       Business Administration shall promulgate regulations to  
5       carry out section 49 of the Small Business Act, as added  
6       by subsection (a).

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