

L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

#### PRIOR PROVISIONS

A prior section 383N of Pub. L. 87-128, title III, was renumbered section 383O and is classified to section 2009bb-13 of this title.

#### AMENDMENTS

2008—Subsec. (a). Pub. L. 110-246, § 6026(j), substituted “2008 through 2012” for “2002 through 2007”.

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

### § 2009bb-13. Termination of authority

The authority provided by this subchapter terminates effective October 1, 2012.

(Pub. L. 87-128, title III, § 383O, formerly § 383N, as added Pub. L. 107-171, title VI, § 6028, May 13, 2002, 116 Stat. 387; renumbered § 383O and amended Pub. L. 110-234, title VI, § 6026(c)(1)(A), (k), May 22, 2008, 122 Stat. 1178, 1182, and Pub. L. 110-246, § 4(a), title VI, § 6026(c)(1)(A), (k), June 18, 2008, 122 Stat. 1664, 1940, 1943.)

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

#### AMENDMENTS

2008—Pub. L. 110-246, § 6026(k), substituted “2012” for “2007”.

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

## SUBCHAPTER VIII—RURAL BUSINESS INVESTMENT PROGRAM

### § 2009cc. Definitions

In this subchapter:

#### (1) Articles

The term “articles” means articles of incorporation for an incorporated body or the functional equivalent or other similar documents specified by the Secretary for other business entities.

#### (2) Developmental venture capital

The term “developmental venture capital” means capital in the form of equity capital investments in rural business investment companies with an objective of fostering economic development in rural areas.

#### (3) Employee welfare benefit plan; pension plan

##### (A) In general

The terms “employee welfare benefit plan” and “pension plan” have the meanings given the terms in section 1002 of title 29.

### (B) Inclusions

The terms “employee welfare benefit plan” and “pension plan” include—

- (i) public and private pension or retirement plans subject to this subchapter; and
- (ii) similar plans not covered by this subchapter that have been established, and that are maintained, by the Federal Government or any State (including by a political subdivision, agency, or instrumentality of the Federal Government or a State) for the benefit of employees.

#### (4) Equity capital

The term “equity capital” means common or preferred stock or a similar instrument, including subordinated debt with equity features.

#### (5) Leverage

The term “leverage” includes—

- (A) debentures purchased or guaranteed by the Secretary;
- (B) participating securities purchased or guaranteed by the Secretary; and
- (C) preferred securities outstanding as of May 13, 2002.

#### (6) License

The term “license” means a license issued by the Secretary as provided in section 2009cc-3(e) of this title.

#### (7) Limited liability company

The term “limited liability company” means a business entity that is organized and operating in accordance with a State limited liability company law approved by the Secretary.

#### (8) Member

The term “member” means, with respect to a rural business investment company that is a limited liability company, a holder of an ownership interest or a person otherwise admitted to membership in the limited liability company.

#### (9) Operational assistance

The term “operational assistance” means management, marketing, and other technical assistance that assists a rural business concern with business development.

#### (10) Participation agreement

The term “participation agreement” means an agreement, between the Secretary and a rural business investment company granted final approval under section 2009cc-3(e) of this title, that requires the rural business investment company to make investments in smaller enterprises in rural areas.

#### (11) Private capital

##### (A) In general

The term “private capital” means the total of—

- (i)(I) the paid-in capital and paid-in surplus of a corporate rural business investment company;
- (II) the contributed capital of the partners of a partnership rural business investment company; or