

loan size, annual sales, and number of employees of the borrowers financed.

**(c) Form**

The reports and data filed pursuant to subsections (a) and (b) shall be in such form as the Fund may require.

(Pub. L. 103-325, title II, §256, Sept. 23, 1994, 108 Stat. 2212.)

**§ 4747. Reimbursement by Fund**

**(a) Reimbursements**

Not later than 30 calendar days after receiving a report filed in compliance with section 4746 of this title, the Fund shall reimburse the participating State in an amount equal to 50 percent of the amount of contributions by the participating State to the reserve funds that are subject to reimbursement by the Fund pursuant to section 4746 of this title and this section. The Fund shall reimburse participating States, as it receives reports pursuant to section 4746(a) of this title, until available funds are expended.

**(b) Size of assisted borrower**

The Fund shall not provide any reimbursement to a participating State with respect to an enrolled loan made to a borrower that has 500 or more employees at the time that the loan is enrolled in the Program.

**(c) Three-year maximum**

The amount of reimbursement to be provided by the Fund to a participating State over any 3-year period in connection with loans made to any single borrower or any group of borrowers among which a common enterprise exists shall not exceed \$75,000. For purposes of this subsection, "common enterprise" shall have the same meaning as in part 32 of title 12 of the Code of Federal Regulations, or any successor to that part.

**(d) Loans totaling less than \$2,000,000**

In connection with a loan in which the covered amount of the loan plus the covered amount of all previous loans enrolled by a participating financial institution does not exceed \$2,000,000, the amount of reimbursement by the Fund to the participating State shall not exceed the lesser of—

- (1) 75 percent of the sum of the premium charges paid to the reserve fund by the borrower and the participating financial institution; or
- (2) 5.25 percent of the covered amount of the loan.

**(e) Loans totaling more than \$2,000,000**

In connection with a loan in which the sum of the covered amounts of all previous loans enrolled by the participating financial institution in the Program equals or exceeds \$2,000,000, the amount of reimbursement to be provided by the Fund to the participating State shall not exceed the lesser of—

- (1) 50 percent of the sum of the premium charges paid by the borrower and the participating financial institution; or
- (2) 3.5 percent of the covered amount of the loan.

**(f) Other amounts**

In connection with the enrollment of a loan that will cause the aggregate covered amount of all enrolled loans to exceed \$2,000,000, the amount of reimbursement by the Fund to the participating State shall be determined—

- (1) by applying subsection (d) to the portion of the loan, which when added to the aggregate covered amount of all previously enrolled loans equals \$2,000,000; and
- (2) by applying subsection (e) to the balance of the loan.

(Pub. L. 103-325, title II, §257, Sept. 23, 1994, 108 Stat. 2212.)

**§ 4748. Reimbursement to Fund**

**(a) In general**

If a participating State withdraws funds from a reserve fund pursuant to terms of the participation agreement permitted by subsection (d) or (r) of section 4745 of this title, such participating State shall, not later than 15 calendar days after such withdrawal, submit to the Fund an amount computed by multiplying the amount withdrawn by the appropriate factor, as determined under subsection (b).

**(b) Factor**

The appropriate factor shall be obtained by dividing the total amount of contributions that have been made by the participating State to all reserve funds which were subject to reimbursement—

- (1) by 2; and
- (2) by the total amount of contributions made by the participating State to all reserve funds, including if applicable, contributions that have been made by the State prior to becoming a participating State if the State continued its own capital access program in accordance with section 4743(b) of this title.

**(c) Use of reimbursements**

The Fund may use funds reimbursed pursuant to this section to make reimbursements under section 4747 of this title.

(Pub. L. 103-325, title II, §258, Sept. 23, 1994, 108 Stat. 2213.)

**§ 4749. Regulations**

The Fund shall promulgate appropriate regulations to implement this subchapter.

(Pub. L. 103-325, title II, §259, Sept. 23, 1994, 108 Stat. 2214.)

**§ 4750. Authorization of appropriations**

**(a) Amount**

There are authorized to be appropriated to the Fund \$50,000,000 to carry out this subchapter.

**(b) Budgetary treatment**

The amount authorized to be appropriated under subsection (a) shall be subject to discretionary spending caps, as provided in section 665<sup>1</sup> of title 2, and therefore shall reduce by an equal amount funds made available for other discretionary spending programs.

(Pub. L. 103-325, title II, §260, Sept. 23, 1994, 108 Stat. 2214.)

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