

(F) the Federal Home Loan Mortgage Corporation; and

(G) any other financial institution that the appropriate Federal regulators, jointly, by rule, determine should be treated as a covered financial institution for purposes of this section.

**(f) Exemption for certain financial institutions**

The requirements of this section shall not apply to covered financial institutions with assets of less than \$1,000,000,000.

(Pub. L. 111–203, title IX, §956, July 21, 2010, 124 Stat. 1905.)

REFERENCES IN TEXT

Section 1831p-1 of this title, referred to in subsec. (c)(1), was in the original “section of the Federal Deposit Insurance Act (12 U.S.C. 2 1831p-1)”, and was translated as reading “section 39 of the Federal Deposit Insurance Act”, which is classified to section 1831p-1 of this title, to reflect the probable intent of Congress.

The Gramm-Leach-Bliley Act, referred to in subsec. (d), is Pub. L. 106–102, Nov. 12, 1999, 113 Stat. 1338. Subtitle A (§§501–510) of title V of the Act is classified principally to subchapter I (§6801 et seq.) of chapter 94 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title of 1999 Amendment note set out under section 1811 of this title and Tables.

EFFECTIVE DATE

Section effective 1 day after July 21, 2010, except as otherwise provided, see section 4 of Pub. L. 111–203, set out as a note under section 5301 of this title.

**CHAPTER 54—STATE SMALL BUSINESS CREDIT INITIATIVE**

Sec.	
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**§ 5701. Definitions**

In this chapter, the following definitions shall apply:

**(1) Appropriate committees of Congress**

The term “appropriate committees of Congress” means—

(A) the Committee on Small Business and Entrepreneurship, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, the Committee on the Budget, and the Committee on Appropriations of the Senate; and

(B) the Committee on Small Business, the Committee on Agriculture, the Committee on Financial Services, the Committee on Ways and Means, the Committee on the Budget, and the Committee on Appropriations of the House of Representatives.

**(2) Appropriate Federal banking agency**

The term “appropriate Federal banking agency”—

(A) has the same meaning as in section 1813(q) of this title; and

(B) includes the National Credit Union Administration Board in the case of any credit union the deposits of which are insured in accordance with the Federal Credit Union Act [12 U.S.C. 1751 et seq.].

**(3) Enrolled loan**

The term “enrolled loan” means a loan made by a financial institution lender that is enrolled by a participating State in an approved State capital access program in accordance with this chapter.

**(4) Federal contribution**

The term “Federal contribution” means the portion of the contribution made by a participating State to, or for the account of, an approved State program that is made with Federal funds allocated to the State by the Secretary under section 5702 of this title.

**(5) Financial institution**

The term “financial institution” means any insured depository institution, insured credit union, or community development financial institution, as those terms are each defined in section 4702 of this title.

**(6) Participating State**

The term “participating State” means any State that has been approved for participation in the Program under section 5703 of this title.

**(7) Program**

The term “Program” means the State Small Business Credit Initiative established under this chapter.

**(8) Qualifying loan or swap funding facility**

The term “qualifying loan or swap funding facility” means a contractual arrangement between a participating State and a private financial entity under which—

(A) the participating State delivers funds to the entity as collateral;

(B) the entity provides funding from the arrangement back to the participating State; and

(C) the full amount of resulting funding from the arrangement, less any fees and other costs of the arrangement, is contributed to, or for the account of, an approved State program.

**(9) Reserve fund**

The term “reserve fund” means a fund, established by a participating State, dedicated to a particular financial institution lender, for the purposes of—

(A) depositing all required premium charges paid by the financial institution lender and by each borrower receiving a loan under an approved State program from that financial institution lender;

(B) depositing contributions made by the participating State, including State contributions made with Federal contributions; and

(C) covering losses on enrolled loans by disbursing accumulated funds.

**(10) State**

The term “State” means—

- (A) a State of the United States;
- (B) the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of Northern Mariana Islands, Guam, American Samoa, and the United States Virgin Islands;
- (C) when designated by a State of the United States, a political subdivision of that State that the Secretary determines has the capacity to participate in the Program; and
- (D) under the circumstances described in section 5703(d) of this title, a municipality of a State of the United States to which the Secretary has given a special permission under section 5703(d) of this title.

**(11) State capital access program**

The term “State capital access program” means a program of a State that—

- (A) uses public resources to promote private access to credit; and
- (B) meets the eligibility criteria in section 5704(c) of this title.

**(12) State other credit support program**

The term “State other credit support program”—

- (A) means a program of a State that—
  - (i) uses public resources to promote private access to credit;
  - (ii) is not a State capital access program; and
  - (iii) meets the eligibility criteria in section 5705(c) of this title; and
- (B) includes, collateral support programs, loan participation programs, State-run venture capital fund programs, and credit guarantee programs.

**(13) State program**

The term “State program” means a State capital access program or a State other credit support program.

**(14) Secretary**

The term “Secretary” means the Secretary of the Treasury.

(Pub. L. 111-240, title III, §3002, Sept. 27, 2010, 124 Stat. 2568.)

REFERENCES IN TEXT

The Federal Credit Union Act, referred to in par. (2)(B), is act June 26, 1934, ch. 750, 48 Stat. 1216, which is classified principally to chapter 14 (§1751 et seq.) of this title. For complete classification of this Act to the Code, see section 1751 of this title and Tables.

SHORT TITLE

Pub. L. 111-240, title III, §3001, Sept. 27, 2010, 124 Stat. 2568, provided that: “This title [enacting this chapter] may be cited as the ‘State Small Business Credit Initiative Act of 2010.’”

**§ 5702. Federal funds allocated to States**

**(a) Program established; purpose**

There is established the State Small Business Credit Initiative, to be administered by the Sec-

retary. Under the Program, the Secretary shall allocate Federal funds to participating States and make the allocated funds available to the participating States as provided in this section for the uses described in this section.

**(b) Allocation formula**

**(1) In general**

Not later than 30 days after September 27, 2010, the Secretary shall allocate Federal funds to participating States so that each State is eligible to receive an amount equal to the average of the respective amounts that the State—

- (A) would receive under the 2009 allocation, as determined under paragraph (2); and
- (B) would receive under the 2010 allocation, as determined under paragraph (3).

**(2) 2009 allocation formula**

**(A) In general**

The Secretary shall determine the 2009 allocation by allocating Federal funds among the States in the proportion that each such State’s 2008 State employment decline bears to the aggregate of the 2008 State employment declines for all States.

**(B) Minimum allocation**

The Secretary shall adjust the allocations under subparagraph (A) for each State to the extent necessary to ensure that no State receives less than 0.9 percent of the Federal funds.

**(C) 2008 state employment decline defined**

In this paragraph and with respect to a State, the term “2008 State employment decline” means the excess (if any) of—

- (i) the number of individuals employed in such State determined for December 2007; over
- (ii) the number of individuals employed in such State determined for December 2008.

**(3) 2010 allocation formula**

**(A) In general**

The Secretary shall determine the 2010 allocation by allocating Federal funds among the States in the proportion that each such State’s 2009 unemployment number bears to the aggregate of the 2009 unemployment numbers for all of the States.

**(B) Minimum allocation**

The Secretary shall adjust the allocations under subparagraph (A) for each State to the extent necessary to ensure that no State receives less than 0.9 percent of the Federal funds.

**(C) 2009 unemployment number defined**

In this paragraph and with respect to a State, the term “2009 unemployment number” means the number of individuals within such State who were determined to be unemployed by the Bureau of Labor Statistics for December 2009.

**(c) Availability of allocated amount**

The amount allocated by the Secretary to each participating State under subsection (b) shall be made available to the State as follows: