

**§ 5707. Remedies for State program termination or failures****(a) Remedies****(1) In general**

If any of the events listed in paragraph (2) occur, the Secretary, in the Secretary's discretion, may—

- (A) reduce the amount of Federal funds allocated to the State under the Program; or
- (B) terminate any further transfers of allocated amounts that have not yet been transferred to the State.

**(2) Causal events**

The events referred to in paragraph (1) are—

- (A) termination by a participating State of its participation in the Program;
- (B) failure on the part of a participating State to submit complete reports under section 5706 of this title on a timely basis; or
- (C) noncompliance by the State with the terms of the allocation agreement between the Secretary and the State.

**(b) Deallocated amounts to be reallocated**

If, after 13 months, any portion of the amount of Federal funds allocated to a participating State is deemed by the Secretary to be no longer allocated to the State after actions taken by the Secretary under subsection (a)(1), the Secretary shall reallocate that portion among the participating States, excluding the State whose allocated funds were deemed to be no longer allocated, as provided in section 5702(b) of this title.

(Pub. L. 111–240, title III, §3008, Sept. 27, 2010, 124 Stat. 2580.)

**§ 5708. Implementation and administration****(a) General authorities and duties**

The Secretary shall—

- (1) consult with the Administrator of the Small Business Administration and the appropriate Federal banking agencies on the administration of the Program;
- (2) establish minimum national standards for approved State programs;
- (3) provide technical assistance to States for starting State programs and generally disseminate best practices;
- (4) manage, administer, and perform necessary program integrity functions for the Program; and
- (5) ensure adequate oversight of the approved State programs, including oversight of the cash flows, performance, and compliance of each approved State program.

**(b) Appropriations**

There is hereby appropriated to the Secretary, out of funds in the Treasury not otherwise appropriated, \$1,500,000,000 to carry out the Program, including to pay reasonable costs of administering the Program.

**(c) Termination of Secretary's Program administration functions**

The authorities and duties of the Secretary to implement and administer the Program shall terminate at the end of the 7-year period beginning on March 11, 2021.

**(d) Expedited contracting**

During the 1-year period beginning on March 11, 2021, the Secretary may enter into contracts without regard to any other provision of law regarding public contracts, for purposes of carrying out this chapter.

**(e) Technical assistance**

Of the amounts appropriated for fiscal year 2021 to carry out the Program, \$500,000,000 may be used by the Secretary to—

- (1) provide funds to States to carry out a technical assistance plan under which a State will provide legal, accounting, and financial advisory services, either directly or contracted with legal, accounting, and financial advisory firms, with priority given to business enterprises owned and controlled by socially and economically disadvantaged individuals, to very small businesses and business enterprises owned and controlled by socially and economically disadvantaged individuals applying for—

- (A) State programs under the Program;
- and
- (B) other State or Federal programs that support small businesses;

- (2) transfer amounts to the Minority Business Development Agency, so that the Agency may use such amounts in a manner the Agency determines appropriate, including through contracting with third parties, to provide technical assistance to business enterprises owned and controlled by socially and economically disadvantaged individuals applying to—

- (A) State programs under the Program;
- and
- (B) other State or Federal programs that support small businesses; and

- (3) contract with legal, accounting, and financial advisory firms (with priority given to business enterprises owned and controlled by socially and economically disadvantaged individuals), to provide technical assistance to business enterprises owned and controlled by socially and economically disadvantaged individuals applying to—

- (A) State programs under the Program;
- and
- (B) other State or Federal programs that support small businesses.

(Pub. L. 111–240, title III, §3009, Sept. 27, 2010, 124 Stat. 2580; Pub. L. 117–2, title III, §3301(a)(1)(F), (d), Mar. 11, 2021, 135 Stat. 69, 70.)

## AMENDMENTS

2021—Subsecs. (c), (d). Pub. L. 117–2, §3301(a)(1)(F), substituted “March 11, 2021” for “September 27, 2010”. Subsec. (e). Pub. L. 117–2, §3301(d), added subsec. (e).

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 117–2 applicable with respect to funds appropriated under section 3301 of Pub. L. 117–2 and funds appropriated on and after Mar. 11, 2021, see section 3301(g) of Pub. L. 117–2, set out as a note under section 5701 of this title.

**§ 5709. Regulations**

The Secretary, in consultation with the Administrator of the Small Business Administra-

tion, shall issue such regulations and other guidance as the Secretary determines necessary or appropriate to implement this chapter including to define terms, to establish compliance and reporting requirements, and such other terms and conditions necessary to carry out the purposes of this chapter.

(Pub. L. 111-240, title III, § 3010, Sept. 27, 2010, 124 Stat. 2581.)

### § 5710. Oversight and audits

#### (a) Inspector General oversight

The Inspector General of the Department of the Treasury shall conduct, supervise, and coordinate audits and investigations of the use of funds made available under the Program.

#### (b) Required certification

##### (1) Financial institutions certification

With respect to funds received by a participating State under the Program, any financial institution that receives a loan, a loan guarantee, or other financial assistance using such funds after March 11, 2021, shall certify that such institution is in compliance with the requirements of section 103.121 of title 31, Code of Federal Regulations, a regulation that, at a minimum, requires financial institutions, as that term is defined in section 5312(a)(2) and (c)(1)(A) of title 31, to implement reasonable procedures to verify the identity of any person seeking to open an account, to the extent reasonable and practicable, maintain records of the information used to verify the person's identity, and determine whether the person appears on any lists of known or suspected terrorists or terrorist organizations provided to the financial institution by any government agency.

##### (2) Sex offense certification

With respect to funds received by a participating State under the Program, any private entity that receives a loan, a loan guarantee,

or other financial assistance using such funds after March 11, 2021, shall certify to the participating State that the principals of such entity have not been convicted of a sex offense against a minor (as such terms are defined in section 20911 of title 34).

#### (c) Prohibition on pornography

None of the funds made available under this chapter may be used to pay the salary of any individual engaged in activities related to the Program who has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

(Pub. L. 111-240, title III, § 3011, Sept. 27, 2010, 124 Stat. 2581; Pub. L. 113-188, title IX, § 901(d), Nov. 26, 2014, 128 Stat. 2020; Pub. L. 117-2, title III, § 3301(a)(1)(G), Mar. 11, 2021, 135 Stat. 69.)

### Editorial Notes

#### AMENDMENTS

2021—Subsec. (b). Pub. L. 117-2 substituted “March 11, 2021” for “September 27, 2010” in pars. (1) and (2).

2014—Subsecs. (b) to (d). Pub. L. 113-188 redesignated subsecs. (c) and (d) as (b) and (c), respectively, and struck out former subsec. (b). Prior to amendment, text of subsec. (b) read as follows: “The Comptroller General of the United States shall perform an annual audit of the Program and issue a report to the appropriate committees of Congress containing the results of such audit.”

### Statutory Notes and Related Subsidiaries

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