

(Pub. L. 116-136, div. A, title I, §1107, Mar. 27, 2020, 134 Stat. 301; Pub. L. 116-139, div. A, §101(a)(2), Apr. 24, 2020, 134 Stat. 620; Pub. L. 116-260, div. N, title III, §323(b), Dec. 27, 2020, 134 Stat. 2019.)

Editorial Notes

REFERENCES IN TEXT

The CARES Act, referred to in subsec. (a)(1), (7), is Pub. L. 116-136, Mar. 27, 2020, 134 Stat. 281, also known as the Coronavirus Aid, Relief, and Economic Security Act. For complete classification of this Act to the Code, see Short Title note set out under section 9001 of this title and Tables.

Section 1102(a) of this Act, referred to in subsec. (a)(1), means section 1102(a) of div. A of Pub. L. 116-136.

The Inspector General Act of 1978, referred to in subsec. (a)(3), is Pub. L. 95-452, Oct. 12, 1978, 92 Stat. 1101, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

2020—Subsec. (a)(1). Pub. L. 116-139 substituted “\$670,335,000,000” for “\$349,000,000,000”.

Subsec. (b). Pub. L. 116-260 inserted “with respect to loans under any paragraph of section 636(a) of this title” before “shall not exceed”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2020 AMENDMENT

Amendment by Pub. L. 116-260 effective on Dec. 27, 2020, and applicable to loans and grants made on or after Dec. 27, 2020, see section 348 of Pub. L. 116-260, set out as a note under section 636 of this title.

§ 9007. Minority Business Development Agency

(a) Definitions

In this section—

(1) the term “Agency” means the Minority Business Development Agency of the Department of Commerce;

(2) the term “minority business center” means a Business Center of the Agency;

(3) the term “minority business enterprise” means a for-profit business enterprise—

(A) not less than 51 percent of which is owned by 1 or more socially disadvantaged individuals, as determined by the Agency; and

(B) the management and daily business operations of which are controlled by 1 or more socially disadvantaged individuals, as determined by the Agency; and

(4) the term “minority chamber of commerce” means a chamber of commerce developed specifically to support minority business enterprises.

(b) Education, training, and advising grants

(1) In general

The Agency may provide financial assistance in the form of grants to minority business centers and minority chambers of commerce to provide education, training, and advising to minority business enterprises.

(2) Use of funds

Grants under this section shall be used for the education, training, and advising of minority business enterprises and their employees on—

(A) accessing and applying for resources provided by the Agency and other Federal resources relating to access to capital and business resiliency;

(B) the hazards and prevention of the transmission and communication of COVID-19 and other communicable diseases;

(C) the potential effects of COVID-19 on the supply chains, distribution, and sale of products of minority business enterprises and the mitigation of those effects;

(D) the management and practice of telework to reduce possible transmission of COVID-19;

(E) the management and practice of remote customer service by electronic or other means;

(F) the risks of and mitigation of cyber threats in remote customer service or telework practices;

(G) the mitigation of the effects of reduced travel or outside activities on minority business enterprises during COVID-19 or similar occurrences; and

(H) any other relevant business practices necessary to mitigate the economic effects of COVID-19 or similar occurrences.

(3) No matching funds required

Matching funds shall not be required for any grant under this section.

(4) Goals and metrics

(A) In general

Goals and metrics for the funds made available under this section shall be jointly developed, negotiated, and agreed upon, with full participation of both parties, between the minority business centers, minority chambers of commerce, and the Agency, which shall—

(i) take into consideration the extent of the circumstances relating to the spread of COVID-19, or similar occurrences, that affect minority business enterprises located in the areas covered by minority business centers and minority chambers of commerce, particularly in rural areas or economically distressed areas;

(ii) generally follow the use of funds outlined in paragraph (2), but shall not restrict the activities of minority business centers and minority chambers of commerce in responding to unique situations; and

(iii) encourage minority business centers and minority chambers of commerce to develop and provide services to minority business enterprises.

(B) Public availability

The Agency shall make publicly available the methodology by which the Agency, minority business centers, and minority chambers of commerce jointly develop the metrics and goals described in subparagraph (A).

(c) Waivers

(1) In general

Notwithstanding any other provision of law or regulation, the Agency may, during the 3-

month period that begins on March 27, 2020, waive any matching requirement imposed on a minority business center or a specialty center of the Agency under a cooperative agreement between such a center and the Agency if the applicable center is unable to raise funds, or has suffered a loss of revenue, because of the effects of COVID-19.

(2) Remaining compliant

Notwithstanding any provision of a cooperative agreement between the Agency and a minority business center, if, during the period beginning on March 27, 2020, and ending on September 30, 2021, such a center decides not to collect fees because of the economic consequences of COVID-19, the center shall be considered to be in compliance with that agreement if—

(A) the center notifies the Agency with respect to that decision, which the center may provide through electronic mail; and

(B) the Agency, not later than 15 days after the date on which the center provides notice to the Agency under subparagraph (A)—

(i) confirms receipt of the notification under subparagraph (A); and

(ii) accepts the decision of the center.

(d) Report

Not later than 6 months after March 27, 2020, and annually thereafter, the Agency shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Small Business and the Committee on Energy and Commerce of the House of Representatives a report that describes—

(1) with respect to the period covered by the initial report—

(A) the programs and services developed and provided by the Agency, minority business centers, and minority chambers of commerce under subsection (b); and

(B) the initial efforts to provide those services under subsection (b); and

(2) with respect to subsequent years covered by the report—

(A)¹ with respect to the grant program under subsection (b)—

(i) the efforts of the Agency, minority business centers, and minority chambers of commerce to develop services to assist minority business enterprises;

(ii) the challenges faced by owners of minority business enterprises in accessing services provided by the Agency, minority business centers, and minority chambers of commerce;

(iii) the number of unique minority business enterprises that were served by the Agency, minority business centers, or minority chambers of commerce; and

(iv) other relevant outcome performance data with respect to minority business enterprises, including the number of employees affected, the effect on sales, the disruption

of supply chains, and the efforts made by the Agency, minority business centers, and minority chambers of commerce to mitigate these effects.

(e) Authorization of appropriations

There is authorized to be appropriated \$10,000,000 to carry out this section, to remain available until expended.

(Pub. L. 116-136, div. A, title I, §1108, Mar. 27, 2020, 134 Stat. 302.)

§ 9008. United States Treasury program management authority

(a) Definitions

In this section—

(1) the terms “appropriate Federal banking agency” and “insured depository institution” have the meanings given those terms in section 1813 of title 12;

(2) the term “insured credit union” has the meaning given the term in section 1752 of title 12; and

(3) the term “Secretary” means the Secretary of the Treasury.

(b) Authority to include additional financial institutions

The Department of the Treasury, in consultation with the Administrator, and the Chairman of the Farm Credit Administration shall establish criteria for insured depository institutions, insured credit unions, institutions of the Farm Credit System chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.), and other lenders that do not already participate in lending under programs of the Administration, to participate in the paycheck protection program to provide loans under this section until the date on which the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the Coronavirus Disease 2019 (COVID-19) expires.

(c) Safety and soundness

An insured depository institution, insured credit union, institution of the Farm Credit System chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.), or other lender may only participate in the program established under this section if participation does not affect the safety and soundness of the institution or lender, as determined by the Secretary in consultation with the appropriate Federal banking agencies or the National Credit Union Administration Board, as applicable.

(d) Regulations for lenders and loans

(1) In general

The Secretary may issue regulations and guidance as necessary to carry out the purposes of this section, including to—

(A) allow additional lenders to originate loans under this section; and

(B) establish terms and conditions for loans under this section, including terms and conditions concerning compensation, underwriting standards, interest rates, and maturity.

(2) Requirements

The terms and conditions established under paragraph (1) shall provide for the following:

¹ So in original. No subpar. (B) has been enacted.