

prejudice or cultural bias (or the ability of whom to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities, as compared to others in the same line of business and competitive market area) because of the identity of the individual as a member of a group, without regard to any individual quality of the individual that is unrelated to that identity.

(B) Presumption

In carrying out this chapter, the Under Secretary shall presume that the term “socially or economically disadvantaged individual” includes any individual who is—

- (i) Black or African American;
- (ii) Hispanic or Latino;
- (iii) American Indian or Alaska Native;
- (iv) Asian;
- (v) Native Hawaiian or other Pacific Islander; or

(vi) a member of a group that the Agency determines under part 1400 of title 15, Code of Federal Regulations, as in effect on November 23, 1984, is a socially disadvantaged group eligible to receive assistance.

(16) Specialty center

The term “specialty center” means an MBDA Business Center that provides specialty services focusing on specific business needs, including assistance relating to—

- (A) capital access;
- (B) Federal procurement;
- (C) entrepreneurship;
- (D) technology transfer; or
- (E) any other area determined necessary or appropriate based on the priorities of the Agency.

(17) State

The term “State” means—

- (A) each of the States of the United States;
- (B) the District of Columbia;
- (C) the Commonwealth of Puerto Rico;
- (D) the United States Virgin Islands;
- (E) Guam;
- (F) American Samoa;
- (G) the Commonwealth of the Northern Mariana Islands; and
- (H) each Tribal Government.

(18) Tribal Government

The term “Tribal Government” means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of November 15, 2021, pursuant to section 5131 of title 25.

(19) Under Secretary

The term “Under Secretary” means the Under Secretary of Commerce for Minority Business Development, who is appointed as described in section ____3(b)¹ to administer this chapter.

(Pub. L. 117-58, div. K, §10002, Nov. 15, 2021, 135 Stat. 1445.)

¹ So in original. See References in Text note below.

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this division”, meaning div. K of Pub. L. 117-58, Nov. 15, 2021, 135 Stat. 1445, which is classified principally to this chapter. For complete classification of division K to the Code, see Short Title note set out below and Tables.

The Alaska Native Claims Settlement Act, referred to in par. (10)(B), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

Section ____3(b), referred to in par. (19), probably means subsec. (b) of section 100003 of Pub. L. 117-58, which is classified to section 9502 of this title.

Statutory Notes and Related Subsidiaries

SHORT TITLE

Pub. L. 117-58, div. K, §100001, Nov. 15, 2021, 135 Stat. 1445, provided that: “This division [enacting this chapter and amending section 5314 of Title 5, Government Organization and Employees] may be cited as the ‘Minority Business Development Act of 2021’.”

§ 9502. Minority Business Development Agency

(a) In general

There is within the Department of Commerce the Minority Business Development Agency.

(b) Under Secretary

(1) Appointment and duties

The Agency shall be headed by the Under Secretary of Commerce for Minority Business Development, who shall—

- (A) be appointed by the President, by and with the advice and consent of the Senate;
- (B) except as otherwise expressly provided, be responsible for the administration of this chapter; and
- (C) report directly to the Secretary.

(2) Compensation

(A) In general

The Under Secretary shall be compensated at an annual rate of basic pay prescribed for level III of the Executive Schedule under section 5314 of title 5.

(B) Omitted

(3) References

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Director of the Agency shall be deemed to be a reference to the Under Secretary.

(c) Report to Congress

Not later than 120 days after November 15, 2021, the Secretary shall submit to Congress a report that describes—

- (1) the organizational structure of the Agency;
- (2) the organizational position of the Agency within the Department of Commerce; and
- (3) a description of how the Agency shall function in relation to the operations carried out by each other component of the Department of Commerce.

(d) Office of Business Centers

(1) Establishment

There is established within the Agency the Office of Business Centers.

(2) Director

The Office of Business Centers shall be administered by a Director, who shall be appointed by the Under Secretary.

(e) Offices of the Agency**(1) In general**

In addition to the regional offices that the Under Secretary is required to establish under paragraph (2), the Under Secretary shall establish such other offices within the Agency as are necessary to carry out this chapter.

(2) Regional offices**(A) In general**

In order to carry out this chapter, the Under Secretary shall establish a regional office of the Agency for each of the regions of the United States, as determined by the Under Secretary.

(B) Duties

Each regional office established under subparagraph (A) shall expand the reach of the Agency and enable the Federal Government to better serve the needs of minority business enterprises in the region served by the office, including by—

- (i) understanding and participating in the business environment of that region;
- (ii) working with—
 - (I) MBDA Business Centers that are located in that region;
 - (II) resource and lending partners of other appropriate Federal agencies that are located in that region; and
 - (III) Federal, State, and local procurement offices that are located in that region;
- (iii) being aware of business retention or expansion programs that are specific to that region;
- (iv) seeking out opportunities to collaborate with regional public and private programs that focus on minority business enterprises; and
- (v) promoting business continuity and preparedness.

(Pub. L. 117–58, div. K, § 100003, Nov. 15, 2021, 135 Stat. 1448.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsecs. (b)(1)(B) and (e)(1), (2)(A), was in the original “this division”, meaning div. K of Pub. L. 117–58, Nov. 15, 2021, 135 Stat. 1445, which is classified principally to this chapter. For complete classification of division K to the Code, see Short Title note set out under section 9501 of this title and Tables.

CODIFICATION

Section is comprised of section 100003 of Pub. L. 117–58. Subsec. (b)(2)(B) of section 100003 amended section 5314 of Title 5, Government Organization and Employees.

SUBCHAPTER I—EXISTING INITIATIVES

PART A—MARKET DEVELOPMENT, RESEARCH,
AND INFORMATION**§ 9511. Private sector development**

The Under Secretary shall, whenever the Under Secretary determines such action is necessary or appropriate—

(1) provide Federal assistance to minority business enterprises operating in domestic and foreign markets by making available to those business enterprises, either directly or in cooperation with private sector entities, including community-based organizations and national nonprofit organizations—

- (A) resources relating to management;
- (B) technological and technical assistance;
- (C) financial, legal, and marketing services; and
- (D) services relating to workforce development;

(2) encourage minority business enterprises to establish joint ventures and projects—

- (A) with other minority business enterprises; or
- (B) in cooperation with public sector entities or private sector entities, including community-based organizations and national nonprofit organizations, to increase the share of any market activity being performed by minority business enterprises; and

(3) facilitate the efforts of private sector entities and Federal agencies to advance the growth of minority business enterprises.

(Pub. L. 117–58, div. K, title I, § 100101, Nov. 15, 2021, 135 Stat. 1449.)

§ 9512. Public sector development

The Under Secretary shall, whenever the Under Secretary determines such action is necessary or appropriate—

(1) consult and cooperate with public sector entities for the purpose of leveraging resources available in the jurisdictions of those public sector entities to promote the position of minority business enterprises in the local economies of those public sector entities, including by assisting public sector entities to establish or enhance—

- (A) programs to procure goods and services through minority business enterprises and goals for that procurement;
- (B) programs offering assistance relating to—
 - (i) management;
 - (ii) technology;
 - (iii) law;
 - (iv) financing, including accounting;
 - (v) marketing; and
 - (vi) workforce development; and
- (C) informational programs designed to inform minority business enterprises located in the jurisdictions of those public sector entities about the availability of programs described in this section;

(2) meet with leaders and officials of public sector entities for the purpose of recom-