

SUBCHAPTER VI—FEDERAL COORDINATION  
OF MINORITY BUSINESS PROGRAMS

**§ 9581. General duties**

The Under Secretary may coordinate, as consistent with law, the plans, programs, and operations of the Federal Government that affect, or may contribute to, the establishment, preservation, and strengthening of socially or economically disadvantaged business concerns.

(Pub. L. 117-58, div. K, title VI, §100601, Nov. 15, 2021, 135 Stat. 1464.)

**§ 9582. Participation of Federal departments and agencies**

The Under Secretary shall—

(1) consult with other Federal agencies and departments as appropriate to—

(A) develop policies, comprehensive plans, and specific program goals for the programs carried out under part B of subchapter I and subchapter III;

(B) establish regular performance monitoring and reporting systems to ensure that goals established by the Under Secretary with respect to the implementation of this chapter are being achieved; and

(C) evaluate the impact of Federal support of socially or economically disadvantaged business concerns in achieving the objectives of this chapter;

(2) conduct a coordinated review of all proposed Federal training and technical assistance activities in direct support of the programs carried out under part B of subchapter I and subchapter III to ensure consistency with program goals and to avoid duplication; and

(3) convene, for purposes of coordination, meetings of the heads of such Federal agencies and departments, or their designees, the programs and activities of which may affect or contribute to the carrying out of this chapter.

(Pub. L. 117-58, div. K, title VI, §100602, Nov. 15, 2021, 135 Stat. 1464.)

**Editorial Notes**

REFERENCES IN TEXT

This chapter, referred to in pars. (1)(B), (C), (3), 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.

SUBCHAPTER VII—ADMINISTRATIVE POWERS OF THE AGENCY; MISCELLANEOUS PROVISIONS

**§ 9591. Administrative powers**

**(a) In general**

In carrying out this chapter, the Under Secretary may—

(1) adopt and use a seal for the Agency, which shall be judicially noticed;

(2) hold hearings, sit and act, and take testimony as the Under Secretary may determine to be necessary or appropriate to carry out this chapter;

(3) acquire, in any lawful manner, any property that the Under Secretary determines to be necessary or appropriate to carry out this chapter;

(4) with the consent of another Federal agency, enter into an agreement with that Federal agency to utilize, with or without reimbursement, any service, equipment, personnel, or facility of that Federal agency;

(5) coordinate with the heads of the Offices of Small and Disadvantaged Business Utilization of Federal agencies;

(6) develop procedures under which the Under Secretary may evaluate the compliance of a recipient of assistance under this chapter with the requirements of this chapter;

(7) deobligate assistance provided under this chapter to a recipient that has demonstrated an insufficient level of performance with respect to the assistance, or has engaged in wasteful or fraudulent spending; and

(8) provide that a recipient of assistance under this chapter that has demonstrated an insufficient level of performance with respect to the assistance, or has engaged in wasteful or fraudulent spending, shall be ineligible to receive assistance under this chapter for a period determined by the Under Secretary, consistent with the considerations under section 180.865 of title 2, Code of Federal Regulations (or any successor regulation), beginning on the date on which the Under Secretary makes the applicable finding.

**(b) Use of property**

**(1) In general**

Subject to paragraph (2), in carrying out this chapter, the Under Secretary may, without cost (except for costs of care and handling), allow any public sector entity, or any recipient nonprofit organization, for the purpose of the development of minority business enterprises, to use any real or tangible personal property acquired by the Agency in carrying out this chapter.

**(2) Terms, conditions, reservations, and restrictions**

The Under Secretary may impose reasonable terms, conditions, reservations, and restrictions upon the use of any property under paragraph (1).

(Pub. L. 117-58, div. K, title VII, §100701, Nov. 15, 2021, 135 Stat. 1464.)

**Editorial Notes**

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (b)(1), was in the original “this division” or “this Act”, meaning div. K of Pub. L. 117-58, Nov. 15, 2021, 135 Stat. 1445, known as the Minority Business Development Act of 2021, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 9501 of this title and Tables.

**§ 9592. Federal assistance****(a) In general****(1) Provision of Federal assistance**

To carry out sections \_\_\_\_\_ 101, \_\_\_\_\_ 102, and \_\_\_\_\_ 103(a),<sup>1</sup> the Under Secretary may provide Federal assistance to public sector entities and private sector entities in the form of grants or cooperative agreements.

**(2) Notice**

Not later than 120 days after the date on which amounts are appropriated to carry out this section, the Under Secretary shall, in accordance with subsection (b), broadly publish a statement regarding Federal assistance that will, or may, be provided under paragraph (1) during the fiscal year for which those amounts are appropriated, including—

(A) the actual, or anticipated, amount of Federal assistance that will, or may, be made available;

(B) the types of Federal assistance that will, or may, be made available;

(C) the manner in which Federal assistance will be allocated among public sector entities and private sector entities, as applicable; and

(D) the methodology used by the Under Secretary to make allocations under subparagraph (C).

**(3) Consultation**

The Under Secretary shall consult with public sector entities and private sector entities, as applicable, in deciding the amounts and types of Federal assistance to make available under paragraph (1).

**(b) Publicity**

In carrying out this section, the Under Secretary shall broadly publicize all opportunities for Federal assistance available under this section, including through the means required under section \_\_\_\_\_ 116.<sup>1</sup>

(Pub. L. 117–58, div. K, title VII, §100702, Nov. 15, 2021, 135 Stat. 1465.)

**Editorial Notes**

## REFERENCES IN TEXT

Sections \_\_\_\_\_ 101, \_\_\_\_\_ 102, and \_\_\_\_\_ 103(a), referred to in subsec. (a)(1), probably mean sections 100101, 100102, and 100103(a) of Pub. L. 117–58, which are classified to sections 9511, 9512, and 9513(a) of this title.

Section \_\_\_\_\_ 116, referred to in subsec. (b), probably means section 100116 of Pub. L. 117–58, which is classified to section 9526 of this title.

**§ 9593. Recordkeeping****(a) In general**

Each recipient of assistance under this chapter shall keep such records as the Under Secretary shall prescribe, including records that fully disclose, with respect to the assistance received by the recipient under this chapter—

(1) the amount and nature of that assistance;

(2) the disposition by the recipient of the proceeds of that assistance;

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

(3) the total cost of the undertaking for which the assistance is given or used;

(4) the amount and nature of the portion of the cost of the undertaking described in paragraph (3) that is supplied by a source other than the Agency;

(5) the return on investment, as defined by the Under Secretary; and

(6) any other record that will facilitate an effective audit with respect to the assistance.

**(b) Access by government officials**

The Under Secretary, the Inspector General of the Department of Commerce, and the Comptroller General of the United States, or any duly authorized representative of any such individual, shall have access, for the purpose of audit, investigation, and examination, to any book, document, paper, record, or other material of the Agency or an MBDA Business Center.

(Pub. L. 117–58, div. K, title VII, §100703, Nov. 15, 2021, 135 Stat. 1466.)

**Editorial Notes**

## REFERENCES IN TEXT

This chapter, referred to in subsec. (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.

**§ 9594. Review and report by Comptroller General**

Not later than 4 years after November 5, 2021, the Comptroller General of the United States shall—

(1) conduct a thorough review of the programs carried out under this chapter; and

(2) submit to Congress a detailed report of the findings of the Comptroller General of the United States under the review carried out under paragraph (1), which shall include—

(A) an evaluation of the effectiveness of the programs in achieving the purposes of this chapter;

(B) a description of any failure by any recipient of assistance under this chapter to comply with the requirements under this chapter; and

(C) recommendations for any legislative or administrative action that should be taken to improve the achievement of the purposes of this chapter.

(Pub. L. 117–58, div. K, title VII, §100704, Nov. 15, 2021, 135 Stat. 1466.)

**Editorial Notes**

## REFERENCES IN TEXT

This chapter, referred to in pars. (1) and (2), 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.

**§ 9595. Biannual reports; recommendations****(a) Biannual report**

Not later than 1 year after November 15, 2021, and 90 days after the last day of each odd-num-