

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

To carry out sections _____ 101, _____ 102, and _____ 103(a),¹ 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 _____ 116.¹

(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;

¹ 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-

bered year thereafter, the Under Secretary shall submit to Congress, and publish on the website of the Agency, a report of each activity of the Agency carried out under this chapter during the period covered by the report.

(b) Recommendations

The Under Secretary shall periodically submit to Congress and the President recommendations for legislation or other actions that the Under Secretary determines to be necessary or appropriate to promote the purposes of this chapter.

(Pub. L. 117–58, div. K, title VII, §100705, Nov. 15, 2021, 135 Stat. 1466.)

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 under section 9501 of this title and Tables.

§ 9596. Separability

If a provision of this chapter, or the application of a provision of this chapter to any person or circumstance, is held by a court of competent jurisdiction to be invalid, that judgment—

(1) shall not affect, impair, or invalidate—

(A) any other provision of this chapter; or

(B) the application of this chapter to any other person or circumstance; and

(2) shall be confined in its operation to—

(A) the provision of this chapter with respect to which the judgment is rendered; or

(B) the application of the provision of this chapter to each person or circumstance directly involved in the controversy in which the judgment is rendered.

(Pub. L. 117–58, div. K, title VII, §100706, Nov. 15, 2021, 135 Stat. 1467.)

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 under section 9501 of this title and Tables.

§ 9597. Executive Order 11625

The powers and duties of the Agency shall be determined—

(1) in accordance with this chapter and the requirements of this chapter; and

(2) without regard to Executive Order 11625 (36 Fed. Reg. 19967; relating to prescribing additional arrangements for developing and coordinating a national program for minority business enterprise).

(Pub. L. 117–58, div. K, title VII, §100707, Nov. 15, 2021, 135 Stat. 1467.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in par. (1), 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.

§ 9598. Authorization of appropriations

There are authorized to be appropriated to the Under Secretary \$110,000,000 for each of fiscal years 2021 through 2025 to carry out this chapter, of which—

(1) a majority shall be used in each such fiscal year to carry out the MBDA Business Center Program under part B of subchapter I, including the component of that program relating to specialty centers; and

(2) \$20,000,000 shall be used in each such fiscal year to carry out subchapter III.

(Pub. L. 117–58, div. K, title VII, §100708, Nov. 15, 2021, 135 Stat. 1467.)

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 under section 9501 of this title and Tables.