

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2689
OFFERED BY Mr . Green

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Minority Business Resiliency Act of 2021”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purposes.
- Sec. 3. Definitions.
- Sec. 4. Minority Business Development Agency.

TITLE I—EXISTING INITIATIVES

Subtitle A—Market Development, Research, and Information

- Sec. 101. Private sector development.
- Sec. 102. Public sector development.
- Sec. 103. Research and information.

Subtitle B—Minority Business Development Agency Business Center Program

- Sec. 110. Definition.
- Sec. 111. Purpose.
- Sec. 112. Establishment.
- Sec. 113. Grants and cooperative agreements.
- Sec. 114. Minimizing disruptions to existing MBDA Business Center program.
- Sec. 115. Publicity.
- Sec. 116. Funding.

TITLE II—NEW INITIATIVES TO PROMOTE ECONOMIC
RESILIENCY FOR MINORITY BUSINESSES

- Sec. 201. Annual diverse business forum on capital formation.
- Sec. 202. Agency study on alternative financing solutions.

Sec. 203. Educational development relating to management and entrepreneurship.

TITLE III—MINORITY BUSINESS DEVELOPMENT AGENCY RURAL BUSINESS CENTER PROGRAM

Sec. 301. Definitions.
Sec. 302. MBDA Rural Business Centers.
Sec. 303. Report to Congress.
Sec. 304. Study and report.

TITLE IV—MINORITY BUSINESS DEVELOPMENT GRANTS

Sec. 401. Grants to nonprofit organizations that support minority business enterprises.
Sec. 402. Minority business grants.

TITLE V—ADMINISTRATIVE AND OTHER POWERS OF THE AGENCY; MISCELLANEOUS PROVISIONS

Sec. 501. Administrative powers.
Sec. 502. Federal assistance.
Sec. 503. Audits.
Sec. 504. Review and report by Comptroller General.
Sec. 505. Annual reports; recommendations.
Sec. 506. Separability.
Sec. 507. Executive Order 11625.
Sec. 508. Amendment to the Federal Acquisition Streamlining Act of 1994.
Sec. 509. Authorization of appropriations.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) During times of economic downturn or re-
4 cession, communities of color, and businesses within
5 those communities, are generally more adversely af-
6 fected, which requires an expansion of the ability of
7 the Federal Government to infuse resources into
8 those communities.

9 (2) Despite the growth in the number of minor-
10 ity business enterprises, gaps remain with respect to
11 key metrics for those enterprises, such as access to

1 capital, revenue, number of employees, and survival
2 rate. Specifically—

3 (A) according to the Department of Com-
4 merce, minority business enterprises are 2 to 3
5 times more likely to be denied loans than non-
6 minority business enterprises;

7 (B) according to the Bureau of the Cen-
8 sus, the average non-minority business enter-
9 prise reports receipts that are more than 3
10 times higher than receipts reported by the aver-
11 age minority business enterprise; and

12 (C) according to the Kauffman Founda-
13 tion—

14 (i) minority business enterprises are
15 $\frac{1}{2}$ as likely to employ individuals, as com-
16 pared with non-minority business enter-
17 prises; and

18 (ii) if minorities started and owned
19 businesses at the same rate as non-minori-
20 ties, the United States economy would
21 have more than 1,000,000 additional em-
22 ployer businesses and more than 9,500,000
23 additional jobs.

24 (3) Because of the conditions described in para-
25 graph (2), it is in the interest of the United States

1 and the economy of the United States to expedi-
2 tiously ameliorate the disparities that minority busi-
3 ness enterprises experience.

4 (4) Many individuals who own minority busi-
5 ness enterprises are socially disadvantaged because
6 those individuals identify as members of certain
7 groups that have suffered the effects of discrimina-
8 tory practices or similar circumstances over which
9 those individuals have no control, including individ-
10 uals who are—

11 (A) Black or African American;

12 (B) Hispanic or Latino;

13 (C) American Indian or Alaska Native;

14 (D) Asian; and

15 (E) Native Hawaiian or other Pacific Is-
16 lander.

17 (5) Discriminatory practices and similar cir-
18 cumstances described in paragraph (4) are a signifi-
19 cant determinant of overall economic disadvantage
20 in the United States, which is evident in the per-
21 sistent racial wealth gap in the United States.

22 (6) While other Federal agencies focus only on
23 small businesses and businesses that represent a
24 broader demographic than solely minority business
25 enterprises, the Agency focuses exclusively on—

1 (A) the unique needs of minority business
2 enterprises; and

3 (B) enhancing the capacity of minority
4 business enterprises.

5 (b) PURPOSES.—The purposes of this Act are to—

6 (1) require the Agency to promote and admin-
7 ister programs in the public and private sectors to
8 assist the development of minority business enter-
9 prises; and

10 (2) achieve the development described in para-
11 graph (1) by authorizing the Assistant Secretary to
12 carry out programs that will result in increased ac-
13 cess to capital, management, and technology for mi-
14 nority business enterprises.

15 **SEC. 3. DEFINITIONS.**

16 In this Act:

17 (1) AGENCY.—The term “Agency” means the
18 Minority Business Development Agency of the De-
19 partment of Commerce.

20 (2) ASSISTANT SECRETARY.—The term “Assist-
21 ant Secretary” means the Assistant Secretary of
22 Commerce for Minority Business Development, who
23 is appointed as described in section 4(b) to admin-
24 ister this Act.

1 (3) COMMUNITY-BASED ORGANIZATION.—The
2 term “community-based organization” has the
3 meaning given the term in section 8101 of the Ele-
4 mentary and Secondary Education Act of 1965 (20
5 U.S.C. 7801).

6 (4) ELIGIBLE ENTITY.—Except as otherwise ex-
7 pressly provided, the term “eligible entity”—

8 (A) means—

9 (i) a private sector entity;

10 (ii) a public sector entity; or

11 (iii) a Tribal government; and

12 (B) includes an institution of higher edu-
13 cation.

14 (5) FEDERAL AGENCY.—The term “Federal
15 agency” has the meaning given the term “agency”
16 in section 551 of title 5, United States Code.

17 (6) FEDERALLY RECOGNIZED AREA OF ECO-
18 NOMIC DISTRESS.—The term “federally recognized
19 area of economic distress” means—

20 (A) a HUBZone, as that term is defined in
21 section 31(b) of the Small Business Act (15
22 U.S.C. 657a(b));

23 (B) an area that—

24 (i) has been designated as—

1 (I) an empowerment zone under
2 section 1391 of the Internal Revenue
3 Code of 1986; or

4 (II) a Promise Zone by the Sec-
5 retary of Housing and Urban Devel-
6 opment; or

7 (ii) is a low or moderate income area,
8 as determined by the Bureau of the Cen-
9 sus;

10 (C) a qualified opportunity zone, as that
11 term is defined in section 1400Z-1 of the Inter-
12 nal Revenue Code of 1986; or

13 (D) any other political subdivision or unin-
14 corporated area of a State determined by the
15 Assistant Secretary to be an area of economic
16 distress.

17 (7) INDIAN TRIBE.—The term “Indian
18 Tribe”—

19 (A) has the meaning given the term in sec-
20 tion 4 of the Indian Self-Determination and
21 Education Assistance Act (25 U.S.C. 5304);
22 and

23 (B) includes a Native Hawaiian organiza-
24 tion.

1 (8) INSTITUTION OF HIGHER EDUCATION.—The
2 term “institution of higher education” has the
3 meaning given the term in section 101 of the Higher
4 Education Act of 1965 (20 U.S.C. 1001).

5 (9) MBDA BUSINESS CENTER.—The term
6 “MBDA Business Center” means any business cen-
7 ter that—

8 (A) is established by the Agency; and

9 (B) provides technical business assistance
10 to minority business enterprises consistent with
11 the requirements of this Act.

12 (10) MBDA BUSINESS CENTER AGREEMENT.—
13 The term “MBDA Business Center agreement”
14 means a legal instrument—

15 (A) reflecting a relationship between the
16 Agency and the recipient of a Federal assist-
17 ance award that is the subject of the instru-
18 ment; and

19 (B) that establishes the terms by which the
20 recipient described in subparagraph (A) shall
21 operate an MBDA Business Center.

22 (11) MINORITY BUSINESS ENTERPRISE.—The
23 term “minority business enterprise” means a busi-
24 ness enterprise (without regard to whether the busi-

1 ness enterprise is a for-profit or not-for-profit enter-
2 prise)—

3 (A) that is not less than 51 percent-owned
4 by 1 or more socially and economically dis-
5 advantaged individuals; and

6 (B) the management and daily business
7 operations of which are controlled by 1 or more
8 socially and economically disadvantaged individ-
9 uals.

10 (12) PRIVATE SECTOR ENTITY.—The term
11 “private sector entity”—

12 (A) means an entity that is not a public
13 sector entity; and

14 (B) does not include—

15 (i) the Federal Government;

16 (ii) any Federal agency; or

17 (iii) any instrumentality of the Fed-
18 eral Government.

19 (13) PUBLIC SECTOR ENTITY.—The term “pub-
20 lic sector entity” means—

21 (A) a State;

22 (B) an agency of a State;

23 (C) a political subdivision of a State; or

24 (D) an agency of a political subdivision of
25 a State.

1 (14) SECRETARY.—The term “Secretary”
2 means the Secretary of Commerce.

3 (15) SOCIALLY AND ECONOMICALLY DISADVAN-
4 TAGED INDIVIDUAL.—

5 (A) IN GENERAL.—The term “socially and
6 economically disadvantaged individual” means
7 an individual who has been subjected to racial
8 or ethnic prejudice, or to cultural bias, because
9 of the identity of the individual as a member of
10 a group, without regard to any individual qual-
11 ity of the individual that is unrelated to that
12 identity.

13 (B) PRESUMPTION.—In carrying out this
14 Act, the Assistant Secretary shall presume that
15 the term “socially and economically disadvan-
16 taged individual” includes any individual who
17 is—

- 18 (i) Black or African American;
19 (ii) Hispanic or Latino;
20 (iii) American Indian or Alaska Na-
21 tive;
22 (iv) Asian;
23 (v) Native Hawaiian or other Pacific
24 Islander; or

1 (vi) a member of a group that the
2 Agency determines under part 1400 of title
3 15, Code of Federal Regulations, as in ef-
4 fect on November 23, 1984, is a socially
5 disadvantaged group eligible to receive as-
6 sistance.

7 (16) SPECIALTY CENTER.—The term “specialty
8 center” means an MBDA Business Center that pro-
9 vides specialty services focusing on specific business
10 needs, including assistance relating to—

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

18 (17) STATE.—The term “State” means—

- 19 (A) each of the States of the United
20 States;
21 (B) the District of Columbia;
22 (C) the Commonwealth of Puerto Rico;
23 (D) the United States Virgin Islands;
24 (E) Guam;
25 (F) American Samoa;

1 (G) the Commonwealth of the Northern
2 Mariana Islands; and

3 (H) each Indian Tribe.

4 **SEC. 4. MINORITY BUSINESS DEVELOPMENT AGENCY.**

5 (a) IN GENERAL.—There is within the Department
6 of Commerce the Minority Business Development Agency.

7 (b) ASSISTANT SECRETARY.—

8 (1) APPOINTMENT AND DUTIES.—The Agency
9 shall be headed by an Assistant Secretary of Com-
10 merce for Minority Business Development, who shall
11 be—

12 (A) appointed by the President, by and
13 with the advice and consent of the Senate; and

14 (B) except as otherwise expressly provided,
15 responsible for the administration of this Act.

16 (2) COMPENSATION.—

17 (A) IN GENERAL.—The Assistant Sec-
18 retary shall be compensated at an annual rate
19 of basic pay prescribed for level IV of the Exec-
20 utive Schedule under section 5315 of title 5,
21 United States Code.

22 (B) TECHNICAL AND CONFORMING AMEND-
23 MENT.—Section 5315 of title 5, United States
24 Code, is amended, in the item relating to As-

1 sistant Secretaries of Commerce, by striking
2 “(11)” and inserting “(12)”.

3 (c) REPORT TO CONGRESS.—Not later than 120 days
4 after the date of enactment of this Act, the Secretary shall
5 submit to Congress a report that describes—

6 (1) the organizational structure of the Agency;

7 (2) the organizational position of the Agency
8 within the Department of Commerce; and

9 (3) a description of how the Agency shall func-
10 tion in relation to the operations carried out by each
11 other component of the Department of Commerce.

12 (d) OFFICE OF BUSINESS CENTERS.—

13 (1) ESTABLISHMENT.—There is established
14 within the Agency an Office of Business Centers.

15 (2) DIRECTOR.—The Office of Business Cen-
16 ters shall be administered by a Director, who shall
17 be appointed by the Assistant Secretary.

18 (e) OFFICES OF THE AGENCY.—

19 (1) IN GENERAL.—In addition to the regional
20 offices that the Assistant Secretary is required to es-
21 tablish under paragraph (2), the Assistant Secretary
22 shall establish such other offices within the Agency
23 as are necessary to carry out this Act.

24 (2) REGIONAL OFFICES.—

1 (A) IN GENERAL.—In order to carry out
2 this Act, the Assistant Secretary shall establish
3 a regional office of the Agency for each of the
4 regions of the United States, as determined by
5 the Assistant Secretary.

6 (B) DUTIES.—Each regional office estab-
7 lished under subparagraph (A) shall expand the
8 reach of the Agency and enable the Federal
9 Government to better serve the needs of minor-
10 ity business enterprises in the region served by
11 the office, including by—

12 (i) understanding and participating in
13 the business environment of that region;

14 (ii) working with—

15 (I) MBDA Business Centers that
16 are located in that region;

17 (II) resource and lending part-
18 ners of the Small Business Adminis-
19 tration and the Department of Agri-
20 culture that are located in that region;
21 and

22 (III) Federal, State, and local
23 procurement offices that are located
24 in that region;

1 (iii) being aware of business retention
2 or expansion programs that are specific to
3 that region;

4 (iv) seeking out opportunities to col-
5 laborate with regional public and private
6 programs that focus on minority business
7 enterprises; and

8 (v) promoting business continuity and
9 preparedness.

10 **TITLE I—EXISTING INITIATIVES**
11 **Subtitle A—Market Development,**
12 **Research, and Information**

13 **SEC. 101. PRIVATE SECTOR DEVELOPMENT.**

14 The Assistant Secretary shall, whenever the Assistant
15 Secretary determines such action is necessary or appro-
16 priate—

17 (1) provide Federal assistance to minority busi-
18 ness enterprises operating in domestic and foreign
19 markets by making available to those business enter-
20 prises, either directly or in cooperation with private
21 sector entities, including community-based organiza-
22 tions and national nonprofit organizations—

23 (A) resources relating to management;

24 (B) technological and technical assistance;

1 (C) financial, legal, and marketing serv-
2 ices; and

3 (D) services relating to workforce develop-
4 ment;

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

7 (A) with other minority business enter-
8 prises; or

9 (B) in cooperation with public sector enti-
10 ties or private sector entities, including commu-
11 nity-based organizations and national nonprofit
12 organizations, to increase the share of any mar-
13 ket activity being performed by minority busi-
14 ness enterprises; and

15 (3) facilitate the efforts of private sector enti-
16 ties and Federal agencies to advance the growth of
17 minority business enterprises.

18 **SEC. 102. PUBLIC SECTOR DEVELOPMENT.**

19 The Assistant Secretary shall, whenever the Assistant
20 Secretary determines such action is necessary or appro-
21 priate—

22 (1) consult and cooperate with public sector en-
23 tities for the purpose of leveraging resources avail-
24 able in the jurisdictions of those public sector enti-
25 ties to promote the position of minority business en-

1 terprises in the local economies of those public sector
2 entities, including by assisting public sector entities
3 to establish or enhance—

4 (A) programs to procure goods and serv-
5 ices through minority business enterprises and
6 goals for that procurement;

7 (B) programs offering assistance relating
8 to—

9 (i) management;

10 (ii) technology;

11 (iii) law;

12 (iv) financing, including accounting;

13 (v) marketing; and

14 (vi) workforce development; and

15 (C) informational programs designed to in-
16 form minority business enterprises located in
17 the jurisdictions of those public sector entities
18 about the availability of programs described in
19 this section;

20 (2) meet with leaders and officials of public sec-
21 tor entities for the purpose of recommending and
22 promoting local administrative and legislative initia-
23 tives needed to advance the position of minority
24 business enterprises in the local economies of those
25 public sector entities; and

1 (3) facilitate the efforts of public sector entities
2 and Federal agencies to advance the growth of mi-
3 nority business enterprises.

4 **SEC. 103. RESEARCH AND INFORMATION.**

5 (a) IN GENERAL.—In order to achieve the purposes
6 of this Act, the Assistant Secretary—

7 (1) shall—

8 (A) collect and analyze data, including
9 data relating to the causes of the success or
10 failure of minority business enterprises;

11 (B) perform evaluations of programs car-
12 ried out by Federal agencies with an emphasis
13 on increasing coordination between Federal
14 agencies with respect to the development of mi-
15 nority business enterprises;

16 (C) conduct research, studies, and surveys
17 of—

18 (i) economic conditions generally in
19 the United States; and

20 (ii) how the conditions described in
21 clause (i) particularly affect the develop-
22 ment of minority business enterprises; and

23 (D) provide outreach, educational services,
24 and technical assistance in the 10 most com-
25 monly spoken languages in the United States to

1 ensure that limited-English proficient individ-
2 uals receive culturally and linguistically appro-
3 priate access to the services and information
4 provided by the Agency; and

5 (2) may, at the request of a public sector entity
6 or a private sector entity, perform an evaluation of
7 programs carried out by the entity that are designed
8 to assist the development of minority business enter-
9 prises.

10 (b) INFORMATION CLEARINGHOUSE.—The Assistant
11 Secretary shall—

12 (1) establish and maintain an information clear-
13 inghouse for the collection and dissemination to rel-
14 evant parties (including business owners and re-
15 searchers) of demographic, economic, financial, man-
16 agerial, and technical data relating to minority busi-
17 ness enterprises; and

18 (2) take such steps as the Assistant Secretary
19 may determine to be necessary and desirable to—

20 (A) search for, collect, classify, coordinate,
21 integrate, record, and catalog the data de-
22 scribed in paragraph (1); and

23 (B) in a manner that is consistent with
24 section 552a of title 5, United States Code, pro-
25 tect the privacy of the minority business enter-

1 prises to which the data described in paragraph
2 (1) relates.

3 **Subtitle B—Minority Business De-**
4 **velopment Agency Business**
5 **Center Program**

6 **SEC. 110. DEFINITION.**

7 In this subtitle, the term “MBDA Business Center
8 Program” means the program established under section
9 112.

10 **SEC. 111. PURPOSE.**

11 The purpose of the MBDA Business Center Program
12 shall be to create a national network of public-private
13 partnerships that—

- 14 (1) assist minority business enterprises to—
15 (A) access capital, contracts, and grants;
16 and
17 (B) create and maintain jobs;
18 (2) provide counseling and mentoring to minor-
19 ity business enterprises; and
20 (3) facilitate the growth of minority business
21 enterprises by promoting trade.

22 **SEC. 112. ESTABLISHMENT.**

23 (a) IN GENERAL.—There is established in the Agency
24 a program—

1 (1) that shall be known as the MBDA Business
2 Center Program;

3 (2) that shall be separate and distinct from the
4 efforts of the Assistant Secretary under section 101;
5 and

6 (3) under which the Assistant Secretary shall
7 make Federal assistance awards to eligible entities
8 to operate MBDA Business Centers, which shall, in
9 accordance with section 113, provide technical as-
10 sistance and business development services, or spe-
11 cialty services, to minority business enterprises.

12 (b) **COVERAGE.**—The Assistant Secretary shall take
13 all necessary actions to ensure that the MBDA Business
14 Center Program, in accordance with section 113, offers
15 the services described in subsection (a)(3) in all regions
16 of the United States.

17 **SEC. 113. GRANTS AND COOPERATIVE AGREEMENTS.**

18 (a) **REQUIREMENTS.**—An MBDA Business Center
19 (referred to in this subtitle as a “Center”), with respect
20 to the Federal financial assistance award made to operate
21 the Center under the MBDA Business Center Program—

22 (1) shall—

23 (A) provide to minority business enter-
24 prises programs and services determined to be
25 appropriate by the Assistant Secretary, which—

1 (i) shall include referral services to
2 meet the needs of minority business enter-
3 prises; and

4 (ii) may include programs and serv-
5 ices to accomplish the goals described in
6 section 101(1);

7 (B) develop, cultivate, and maintain a net-
8 work of strategic partnerships with organiza-
9 tions that foster access by minority business en-
10 terprises to economic markets, capital, or con-
11 tracts;

12 (C) continue to upgrade and modify the
13 services provided by the Center, as necessary, in
14 order to meet the changing and evolving needs
15 of the business community;

16 (D) establish or continue a referral rela-
17 tionship with not less than 1 community-based
18 organization;

19 (E) collaborate with other Centers; and

20 (F) publish any information on fees as de-
21 scribed in paragraph (2) charged by the Center;
22 and

23 (2) in providing programs and services under
24 the applicable MBDA Business Center agreement,
25 may—

- 1 (A) operate on a fee-for-service basis; or
2 (B) generate income through the collection
3 of—
4 (i) client fees;
5 (ii) membership fees; and
6 (iii) any other appropriate fees pro-
7 posed by the Center in the application sub-
8 mitted by the Center under subsection (e).

9 (b) TERM.—Subject to subsection (g)(3), the term of
10 an MBDA Business Center agreement shall be not less
11 than 3 years.

12 (c) FINANCIAL ASSISTANCE.—

13 (1) IN GENERAL.—The amount of financial as-
14 sistance provided by the Assistant Secretary under
15 an MBDA Business Center agreement shall be not
16 less than \$250,000 for the term of the agreement.

17 (2) MATCHING REQUIREMENT.—

18 (A) IN GENERAL.—A Center shall match
19 not less than $\frac{1}{3}$ of the amount of the financial
20 assistance awarded to the Center under the
21 terms of the applicable MBDA Business Center
22 agreement, unless the Assistant Secretary de-
23 termines that a waiver of that requirement is
24 necessary after a demonstration by the Center
25 of a substantial need for that waiver.

1 (B) FORM OF FUNDS.—A Center may
2 meet the matching requirement under subpara-
3 graph (A) using—

4 (i) cash or in-kind contributions, with-
5 out regard to whether the contribution is
6 made by a third party; or

7 (ii) Federal funds received from other
8 Federal programs.

9 (3) USE OF FINANCIAL ASSISTANCE AND PRO-
10 GRAM INCOME.—A Center shall use—

11 (A) all financial assistance awarded to the
12 Center under the applicable MBDA Business
13 Center agreement to carry out subsection (a);
14 and

15 (B) all income that the Center generates in
16 carrying out subsection (a)—

17 (i) to meet the matching requirement
18 under paragraph (2) of this subsection;
19 and

20 (ii) if the Center meets the matching
21 requirement under paragraph (2) of this
22 subsection, to carry out subsection (a).

23 (d) CRITERIA FOR SELECTION.—The Assistant Sec-
24 retary shall—

25 (1) establish criteria that—

1 (A) the Assistant Secretary shall use in de-
2 termining whether to enter into an MBDA
3 Business Center agreement with an eligible en-
4 tity; and

5 (B) may include criteria relating to wheth-
6 er an eligible entity is located in—

7 (i) an area, the population of which is
8 composed of not less than 51 percent so-
9 cially and economically disadvantaged indi-
10 viduals, as determined in accordance with
11 data collected by the Bureau of the Cen-
12 sus;

13 (ii) a federally recognized area of eco-
14 nomic distress; or

15 (iii) a State that is underserved with
16 respect to the MBDA Business Center
17 Program, as defined by the Assistant Sec-
18 retary; and

19 (2) make the criteria and standards established
20 under paragraph (1) publicly available, including—

21 (A) on the website of the Agency; and

22 (B) in each Notice of Funding Opportunity
23 soliciting MBDA Business Center agreements.

24 (e) APPLICATIONS.—An eligible entity desiring to
25 enter into an MBDA Business Center agreement shall

1 submit to the Assistant Secretary an application that in-
2 cludes—

3 (1) a statement of—

4 (A) how the eligible entity will carry out
5 subsection (a); and

6 (B) any experience of the eligible entity
7 in—

8 (i) assisting minority business enter-
9 prises to—

10 (I) obtain—

11 (aa) large-scale contracts,
12 grants, or procurements;

13 (bb) financing; or

14 (cc) legal assistance;

15 (II) access established supply
16 chains; and

17 (III) engage in—

18 (aa) joint ventures, teaming
19 arrangements, and mergers and
20 acquisitions; or

21 (bb) large-scale transactions
22 in global markets;

23 (ii) supporting minority business en-
24 terprises in increasing the size of the
25 workforces of those enterprises, including,

1 with respect to a minority business enter-
2 prise that does not have employees, aiding
3 the minority business enterprise in becom-
4 ing an enterprise that has employees; and
5 (iii) advocating for minority business
6 enterprises; and

7 (2) the budget and corresponding budget nar-
8 rative that the eligible entity will use in carrying out
9 subsection (a) during the term of the applicable
10 MBDA Business Center agreement.

11 (f) NOTIFICATION.—If the Assistant Secretary
12 grants an application of an eligible entity submitted under
13 subsection (e), the Assistant Secretary shall notify the eli-
14 gible entity that the application has been granted not later
15 than 150 days after the last day on which an application
16 may be submitted under that subsection.

17 (g) PROGRAM EXAMINATION; ASSOCIATION; EXTEN-
18 SIONS.—

19 (1) EXAMINATION.—Not later than 180 days
20 after the date of enactment of this Act, and bienni-
21 ally thereafter, the Assistant Secretary shall conduct
22 a programmatic financial examination of each Cen-
23 ter.

24 (2) ASSOCIATION.—

1 (A) IN GENERAL.—If not less than 51 per-
2 cent of Centers are members of a single asso-
3 ciation established to pursue matters of com-
4 mon concern with respect to such Centers, the
5 Assistant Secretary shall—

6 (i) recognize the existence and activi-
7 ties of such association; and

8 (ii) consult with the association on,
9 and negotiate with the association in the
10 development of—

11 (I) announcement relating to the
12 annual scope of activities related to
13 Centers;

14 (II) requests for proposals to de-
15 liver assistance to Centers; and

16 (III) governing documents for the
17 general operation and administration
18 of Centers, specifically including the
19 development of regulations and
20 MBDA Business Center agreements.

21 (B) FINANCIAL SUPPORT.—The Assistant
22 Secretary may provide financial support, by
23 contract or otherwise, to an association de-
24 scribed in subparagraph (A), to—

- 1 (i) pursue matters of common concern
2 with respect to Centers; and
3 (ii) develop an accreditation program
4 with respect to Centers.

5 (3) EXTENSIONS.—

6 (A) IN GENERAL.—The Assistant Sec-
7 retary may extend the term under subsection
8 (b) of an MBDA Business Center agreement to
9 which a Center is a party, if the Center con-
10 sents to the extension.

11 (B) FINANCIAL ASSISTANCE.—If the As-
12 sistant Secretary extends the term of an MBDA
13 Business Center agreement under paragraph
14 (1), the Assistant Secretary shall, in the same
15 manner and amount in which financial assist-
16 ance was provided during the initial term of the
17 agreement, provide financial assistance under
18 the agreement during the extended term of the
19 agreement.

20 (h) MBDA INVOLVEMENT.—The Assistant Secretary
21 may take actions to ensure that the Agency is substan-
22 tially involved in the activities of Centers in carrying out
23 subsection (a), including by—

- 24 (1) providing to each Center training relating to
25 the MBDA Business Center Program;

1 (2) requiring that the operator and staff of
2 each Center—

3 (A) attend—

4 (i) a conference with the Agency to
5 establish the services and programs that
6 the Center will provide in carrying out the
7 requirements before the date on which the
8 Center begins providing those services and
9 programs; and

10 (ii) training provided under paragraph
11 (1);

12 (B) receive necessary guidance relating to
13 carrying out the requirements under subsection
14 (a); and

15 (C) work in coordination and collaboration
16 with the Assistant Secretary to carry out the
17 MBDA Business Center Program and other
18 programs of the Agency;

19 (3) facilitating connections between Centers
20 and—

21 (A) Federal agencies other than the Agen-
22 cy, including the Small Business Administra-
23 tion, the Department of Agriculture, the Fed-
24 eral Trade Commission, the United States Pat-
25 ent and Trademark Office, and the Economic

1 Development Administration of the Department
2 of Commerce; and

3 (B) other institutions or entities that use
4 Federal resources, including—

5 (i) small business development cen-
6 ters, as that term is defined in section 3(t)
7 of the Small Business Act (15 U.S.C.
8 632(t));

9 (ii) women's business centers de-
10 scribed in section 29 of the Small Business
11 Act (15 U.S.C. 656);

12 (iii) eligible entities, as that term is
13 defined in section 2411 of title 10, United
14 States Code, that provide services under
15 the program carried out under chapter 142
16 of that title; and

17 (iv) entities participating in the Hol-
18 lings Manufacturing Extension Partnership
19 Program established under section 25 of
20 the National Institute of Standards and
21 Technology Act (15 U.S.C. 278k);

22 (4) monitoring projects carried out by each
23 Center; and

1 (5) establishing and enforcing administrative
2 and reporting requirements for each Center to carry
3 out subsection (a).

4 (i) REGULATIONS.—The Assistant Secretary shall
5 issue and publish regulations that establish minimum
6 standards regarding verification of minority business en-
7 terprise status for clients of entities operating under the
8 MBDA Business Center Program.

9 **SEC. 114. MINIMIZING DISRUPTIONS TO EXISTING MBDA**
10 **BUSINESS CENTER PROGRAM.**

11 The Assistant Secretary shall ensure that each Fed-
12 eral assistance award made under the Business Centers
13 program of the Agency, as is in effect on the day before
14 the date of enactment of this Act, is carried out in a man-
15 ner that, to the greatest extent practicable, prevents dis-
16 ruption of any activity carried out under that award.

17 **SEC. 115. PUBLICITY.**

18 In carrying out the MBDA Business Center Pro-
19 gram, the Assistant Secretary shall widely publicize the
20 MBDA Business Center Program, including—

21 (1) on the website of the Agency;

22 (2) via social media outlets; and

23 (3) by sharing information relating to the
24 MBDA Business Center Program with community-
25 based organizations, including interpretation groups

1 where necessary, to communicate in the most com-
2 mon languages spoken by the groups served by those
3 organizations.

4 **SEC. 116. FUNDING.**

5 The Assistant Secretary shall use not less than 50
6 percent of the amount made available to carry out this
7 Act in each of fiscal years 2021 through 2024 to carry
8 out the MBDA Business Center Program, including the
9 component of the program relating to specialty centers.

10 **TITLE II—NEW INITIATIVES TO**
11 **PROMOTE ECONOMIC RESIL-**
12 **ENCY FOR MINORITY BUSI-**
13 **NESSES**

14 **SEC. 201. ANNUAL DIVERSE BUSINESS FORUM ON CAPITAL**
15 **FORMATION.**

16 (a) **RESPONSIBILITY OF AGENCY.**—Not later than 18
17 months after the date of enactment of this Act, and annu-
18 ally thereafter, the Agency shall conduct a Government-
19 business forum to review the current status of problems
20 and programs relating to capital formation by minority
21 business enterprises.

22 (b) **PARTICIPATION IN FORUM PLANNING.**—The As-
23 sistant Secretary shall invite the heads of other Federal
24 agencies, such as the Chairman of the Securities and Ex-
25 change Commission, the Secretary of the Treasury, and

1 the Chairman of the Board of Governors of the Federal
2 Reserve System, organizations representing State securi-
3 ties commissioners, representatives of leading minority
4 chambers of commerce, not less than 1 certified owner of
5 a minority business enterprise, business organizations,
6 and professional organizations concerned with capital for-
7 mation to participate in the planning of each forum con-
8 ducted under subsection (a).

9 (c) PREPARATION OF STATEMENTS AND REPORTS.—

10 (1) REQUESTS.—The Assistant Secretary may
11 request that any head of a Federal department,
12 agency, or organization, including those described in
13 subsection (b), or any other group or individual, pre-
14 pare a statement or report to be delivered at any
15 forum conducted under subsection (a).

16 (2) COOPERATION.—Any head of a Federal de-
17 partment, agency, or organization who receives a re-
18 quest under paragraph (1) shall, to the greatest ex-
19 tent practicable, cooperate with the Assistant Sec-
20 retary to fulfill that request.

21 (d) TRANSMITTAL OF PROCEEDINGS AND FIND-
22 INGS.—The Assistant Secretary shall—

23 (1) prepare a summary of the proceedings of
24 each forum conducted under subsection (a), which

1 shall include the findings and recommendations of
2 the forum; and

3 (2) transmit the summary described in para-
4 graph (1) with respect to each forum conducted
5 under subsection (a) to—

6 (A) the participants in the forum;

7 (B) Congress; and

8 (C) the public, through a publicly available
9 website.

10 (e) REVIEW OF FINDINGS AND RECOMMENDATIONS;
11 PUBLIC STATEMENTS.—

12 (1) IN GENERAL.—A Federal agency to which
13 a finding or recommendation described in subsection
14 (d)(1) relates shall—

15 (A) review that finding or recommenda-
16 tion; and

17 (B) promptly after the finding or rec-
18 ommendation is transmitted under subsection
19 (d)(2)(C), issue a public statement—

20 (i) assessing the finding or rec-
21 ommendation; and

22 (ii) disclosing the action, if any, the
23 Federal agency intends to take with re-
24 spect to the finding or recommendation.

1 (2) JOINT STATEMENT PERMITTED.—If a find-
2 ing or recommendation described in subsection
3 (d)(1) relates to more than 1 Federal agency, the
4 applicable Federal agencies may, for the purposes of
5 the public statement required under paragraph
6 (1)(B), issue a joint statement.

7 **SEC. 202. AGENCY STUDY ON ALTERNATIVE FINANCING SO-**
8 **LUTIONS.**

9 (a) PURPOSE.—The purpose of this section is to pro-
10 vide information relating to alternative financing solutions
11 to minority business enterprises, as those business enter-
12 prises are more likely to struggle in accessing, particularly
13 at affordable rates, traditional sources of capital.

14 (b) STUDY AND REPORT.—Not later than 1 year
15 after the date of enactment of this Act, the Assistant Sec-
16 retary shall—

17 (1) conduct a study on opportunities for pro-
18 viding alternative financing solutions to minority
19 business enterprises; and

20 (2) submit to Congress, and publish on the
21 website of the Agency, a report describing the find-
22 ings of the study carried out under paragraph (1).

1 **SEC. 203. EDUCATIONAL DEVELOPMENT RELATING TO**
2 **MANAGEMENT AND ENTREPRENEURSHIP.**

3 (a) DUTIES.—The Assistant Secretary shall, when-
4 ever the Assistant Secretary determines such action is nec-
5 essary or appropriate—

6 (1) promote and provide assistance for the edu-
7 cation and training of socially and economically dis-
8 advantaged individuals in subjects directly relating
9 to business administration and management;

10 (2) join with, and encourage, institutions of
11 higher education, leaders in business and industry,
12 and other public sector and private sector entities,
13 particularly minority business enterprises, to—

14 (A) develop programs to offer scholarships
15 and fellowships, apprenticeships, and intern-
16 ships relating to business to socially and eco-
17 nomically disadvantaged individuals; and

18 (B) sponsor seminars, conferences, and
19 similar activities relating to business for the
20 benefit of socially and economically disadvan-
21 taged individuals;

22 (3) stimulate and accelerate curriculum design
23 and improvement in support of development of mi-
24 nority business enterprises; and

25 (4) encourage and assist private institutions
26 and organizations and public sector entities to un-

1 dertake activities similar to the activities described
2 in paragraphs (1), (2), and (3).

3 (b) PARREN J. MITCHELL ENTREPRENEURSHIP
4 EDUCATION GRANTS.—

5 (1) DEFINITION.—In this subsection, the term
6 “eligible institution” means an institution of higher
7 education described in any of paragraphs (1)
8 through (7) of section 371(a) of the Higher Edu-
9 cation Act of 1965 (20 U.S.C. 1067q(a)).

10 (2) GRANTS.—The Assistant Secretary shall
11 award grants to eligible institutions to develop and
12 implement entrepreneurship curricula.

13 (3) REQUIREMENTS.—An eligible institution to
14 which a grant is awarded under this subsection shall
15 use the grant funds to—

16 (A) develop a curriculum that includes
17 training in various skill sets needed by contem-
18 porary successful entrepreneurs, including—

19 (i) business management and mar-
20 keting;

21 (ii) financial management and ac-
22 counting;

23 (iii) market analysis;

24 (iv) competitive analysis;

25 (v) innovation;

1 (vi) strategic planning; and

2 (vii) any other skill set that the eligi-
3 ble institution determines is necessary for
4 the students served by the eligible institu-
5 tion and the community in which the eligi-
6 ble institution is located; and

7 (B) implement the curriculum developed
8 under subparagraph (A) at the eligible institu-
9 tion.

10 (4) IMPLEMENTATION TIMELINE.—The Assist-
11 ant Secretary shall establish and publish a timeline
12 under which an eligible institution to which a grant
13 is awarded under this section shall carry out the re-
14 quirements under paragraph (3).

15 (5) REPORTS.—Each year, the Assistant Sec-
16 retary shall publish on the website of the Agency
17 and submit to the Committee on Commerce, Science,
18 and Transportation of the Senate, the Committee on
19 Small Business and Entrepreneurship of the Senate,
20 the Committee on Financial Services of the House of
21 Representatives, and the Committee on Small Busi-
22 ness of the House of Representatives, as part of the
23 annual budget submission of the President under
24 section 1105(a) of title 31, United States Code, a
25 report evaluating the awarding and use of grants

1 under this subsection during the fiscal year imme-
2 diately preceding the date on which the report is
3 submitted, which shall include, with respect to that
4 fiscal year—

5 (A) a description of each curriculum devel-
6 oped and implemented under each grant award-
7 ed under this section;

8 (B) the date on which each grant awarded
9 under this section was awarded;

10 (C) the number of eligible entities that
11 were recipients of grants awarded under this
12 section;

13 **TITLE III—MINORITY BUSINESS**
14 **DEVELOPMENT AGENCY**
15 **RURAL BUSINESS CENTER**
16 **PROGRAM**

17 **SEC. 301. DEFINITIONS.**

18 In this title:

19 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
20 **TEES.**—The term “appropriate congressional com-
21 mittees” means—

22 (A) the Committee on Commerce, Science,
23 and Transportation of the Senate;

24 (B) the Committee on Small Business and
25 Entrepreneurship of the Senate;

1 (C) the Committee on Financial Services of
2 the House of Representatives; and

3 (D) the Committee on Small Business of
4 the House of Representatives.

5 (2) ELIGIBLE ENTITY.—The term “eligible enti-
6 ty” means—

7 (A) a minority-serving institution; or

8 (B) a consortium of institutions of higher
9 education that is led by a minority-serving insti-
10 tution.

11 (3) MBDA RURAL BUSINESS CENTER.—The
12 term “MBDA Rural Business Center” means an
13 MBDA Business Center that provides technical busi-
14 ness assistance to minority business enterprises lo-
15 cated in rural areas.

16 (4) MBDA RURAL BUSINESS CENTER AGREE-
17 MENT.—The term “MBDA Rural Business Center
18 agreement” means an MBDA Business Center
19 agreement that establishes the terms by which the
20 recipient of the Federal assistance award that is the
21 subject of the agreement shall operate an MBDA
22 Rural Business Center.

23 (5) MINORITY-SERVING INSTITUTION.—The
24 term “minority-serving institution” means an insti-
25 tution described in any of paragraphs (1) through

1 (7) of section 371(a) of the Higher Education Act
2 of 1965 (20 U.S.C. 1067q(a)).

3 (6) RURAL AREA.—

4 (A) IN GENERAL.—Subject to subpara-
5 graph (B), the term “rural area” has the mean-
6 ing given the term in section 343(a) of the Con-
7 solidated Farm and Rural Development Act (7
8 U.S.C. 1991(a)).

9 (B) 100,000 INHABITANTS.—For the pur-
10 pose of this title, the reference to “50,000 in-
11 habitants” in section 343(a)(13)(A)(i) of the
12 Consolidated Farm and Rural Development Act
13 (7 U.S.C. 1991(a)(13)(A)(i)) shall be deemed to
14 refer to 100,000 inhabitants.

15 (7) RURAL MINORITY BUSINESS ENTERPRISE.—
16 The term “rural minority business enterprise”
17 means a minority business enterprise located in a
18 rural area.

19 **SEC. 302. MBDA RURAL BUSINESS CENTERS.**

20 (a) IN GENERAL.—The Assistant Secretary may es-
21 tablish MBDA Rural Business Centers.

22 (b) PARTNERSHIP.—

23 (1) IN GENERAL.—With respect to an MBDA
24 Rural Business Center established by the Assistant
25 Secretary, the Assistant Secretary shall establish the

1 MBDA Rural Business Center in partnership with
2 an eligible entity in accordance with paragraph (2).

3 (2) MBDA RURAL BUSINESS CENTER AGREE-
4 MENT.—

5 (A) IN GENERAL.—With respect to each
6 MBDA Rural Business Center established by
7 the Assistant Secretary, the Assistant Secretary
8 shall enter into a cooperative agreement with an
9 eligible entity that provides that—

10 (i) the eligible entity shall provide
11 space, facilities, and staffing for the
12 MBDA Rural Business Center;

13 (ii) the Assistant Secretary shall pro-
14 vide funding for, and oversight with re-
15 spect to, the MBDA Rural Business Cen-
16 ter; and

17 (iii) subject to subparagraph (B), the
18 eligible entity shall match 20 percent of
19 the amount of the funding provided by the
20 Assistant Secretary under clause (ii),
21 which may be calculated to include the
22 costs of providing the space, facilities, and
23 staffing under clause (i).

24 (B) LOWER MATCH REQUIREMENT.—

25 Based on the available resources of an eligible

1 entity, the Assistant Secretary may enter into a
2 cooperative agreement with the eligible entity
3 that provides that—

4 (i) the eligible entity shall match less
5 than 20 percent of the amount of the fund-
6 ing provided by the Assistant Secretary
7 under subparagraph (A)(ii); or

8 (ii) if the Assistant Secretary makes a
9 determination, upon a demonstration by
10 the eligible entity of substantial need, the
11 eligible entity shall not be required to pro-
12 vide any match with respect to the funding
13 provided by the Assistant Secretary under
14 subparagraph (A)(ii).

15 (C) ELIGIBLE FUNDS.—An eligible entity
16 may provide matching funds required under an
17 MBDA Rural Business Center agreement with
18 Federal funds received from other Federal pro-
19 grams.

20 (3) TERM.—The initial term of an MBDA
21 Rural Business Center agreement shall be 3 years.

22 (4) EXTENSION.—The Assistant Secretary and
23 an eligible entity may agree to extend the term of
24 an MBDA Rural Business Center agreement with
25 respect to an MBDA Rural Business Center.

1 (c) FUNCTIONS.—An MBDA Rural Business Center
2 shall—

3 (1) primarily serve clients that are—

4 (A) rural minority business enterprises; or

5 (B) minority business enterprises that are
6 located more than 50 miles from an MBDA
7 Business Center (other than that MBDA Rural
8 Business Center);

9 (2) focus on—

10 (A) issues relating to—

11 (i) the adoption of broadband internet
12 access service (as defined in section 8.1(b)
13 of title 47, Code of Federal Regulations, or
14 any successor regulation), digital literacy
15 skills, and e-commerce by rural minority
16 business enterprises;

17 (ii) advanced manufacturing;

18 (iii) the promotion of manufacturing
19 in the United States;

20 (iv) ways in which rural minority busi-
21 ness enterprises can meet gaps in the sup-
22 ply chain of critical supplies and essential
23 goods and services for the United States;

1 (v) improving the connectivity of rural
2 minority business enterprises through
3 transportation and logistics;

4 (vi) promoting trade and export op-
5 portunities by rural minority business en-
6 terprises;

7 (vii) securing financial capital;

8 (viii) facilitating entrepreneurship in
9 rural areas; and

10 (ix) creating jobs in rural areas; and

11 (B) any other issue relating to the unique
12 challenges faced by rural minority business en-
13 terprises;

14 (3) provide education, training, and legal, finan-
15 cial, and technical assistance to minority business
16 enterprises; and

17 (4) publish any information on fees for services
18 charged by an MBDA Rural Business Center on the
19 website of such Center.

20 (d) APPLICATIONS.—

21 (1) IN GENERAL.—Not later than 90 days after
22 the date of enactment of this Act, the Assistant Sec-
23 retary shall issue a Notice of Funding Opportunity
24 requesting applications from eligible entities that de-

1 sire to enter into MBDA Rural Business Center
2 agreements.

3 (2) CRITERIA AND PRIORITY.—In selecting an
4 eligible entity with which to enter into an MBDA
5 Rural Business Center agreement, the Assistant
6 Secretary shall—

7 (A) select an eligible entity that dem-
8 onstrates—

9 (i) the ability to collaborate with gov-
10 ernmental and private sector entities to le-
11 verage capabilities of minority business en-
12 terprises through public-private partner-
13 ships;

14 (ii) the research and extension capac-
15 ity to support minority business enter-
16 prises;

17 (iii) knowledge of the community that
18 the eligible entity serves and the ability to
19 conduct effective outreach to that commu-
20 nity to advance the goals of an MBDA
21 Rural Business Center;

22 (iv) the ability to provide innovative
23 business solutions, including access to con-
24 tracting opportunities, markets, and cap-
25 ital;

1 (v) the ability to provide services that
2 advance the development of science, tech-
3 nology, engineering, and math jobs within
4 minority business enterprises;

5 (vi) the ability to leverage resources
6 from within the eligible entity to advance
7 an MBDA Rural Business Center;

8 (vii) that the mission of the eligible
9 entity aligns with the mission of the Agen-
10 cy;

11 (viii) the ability to leverage relation-
12 ships with rural minority business enter-
13 prises; and

14 (ix) a referral relationship with not
15 less than 1 community-based organization;
16 and

17 (B) give priority to an eligible entity lo-
18 cated in a State or region that lacks an MBDA
19 Business Center, as of the date of enactment of
20 this Act.

21 **SEC. 303. REPORT TO CONGRESS.**

22 Not later than 18 months after the date of enactment
23 of this Act, the Assistant Secretary shall publish on the
24 website of the Agency and submit to the appropriate con-
25 gressional committees a report that includes—

1 (1) a summary of the efforts of the Assistant
2 Secretary to provide services to minority business
3 enterprises located in States that lack an MBDA
4 Business Center, as of the date of enactment of this
5 Act, and especially in those States that have signifi-
6 cant minority populations;

7 (2) with respect to any MBDA Rural Business
8 Center established pursuant to this title, to the ex-
9 tent practicable—

10 (A) the number of clients served by such
11 MBDA Rural Business Centers;

12 (B) the total number of hours of services
13 provided by each such MBDA Rural Business
14 Center;

15 (C) the demographics of clients of each
16 such MBDA Rural Business Center, including
17 the gender, race, and age of each client;

18 (D) the number of clients of MBDA Rural
19 Business Centers who are veterans;

20 (E) the number of new businesses started
21 by clients of MBDA Rural Business Centers;

22 (F) the number of jobs supported, created,
23 or retained with assistance from MBDA Rural
24 Business Centers; and

1 (G) the amount of capital secured by cli-
2 ents of MBDA Rural Business Centers, includ-
3 ing grants from the Agency; and

4 (3) recommendations for extending the outreach
5 of the Agency to underserved areas.

6 **SEC. 304. STUDY AND REPORT.**

7 (a) IN GENERAL.—The Assistant Secretary, in co-
8 ordination with relevant leadership of the Agency and rel-
9 evant individuals outside of the Department of Commerce,
10 shall conduct a study that addresses the ways in which
11 minority business enterprises can meet gaps in the supply
12 chain of the United States, with a particular focus on the
13 supply chain of advanced manufacturing and essential
14 goods and services.

15 (b) REPORT.—Not later than 1 year after the date
16 of enactment of this Act, the Assistant Secretary shall
17 publish on the website of the Agency and submit to the
18 appropriate congressional committees a report that in-
19 cludes the results of the study conducted under subsection
20 (a), which shall include recommendations regarding the
21 ways in which minority business enterprises can meet gaps
22 in the supply chain of the United States.

1 **TITLE IV—MINORITY BUSINESS**
2 **DEVELOPMENT GRANTS**

3 **SEC. 401. GRANTS TO NONPROFIT ORGANIZATIONS THAT**
4 **SUPPORT MINORITY BUSINESS ENTER-**
5 **PRISES.**

6 (a) **DEFINITION.**—In this section, the term “covered
7 entity” means a private nonprofit organization that—

8 (1) is described in paragraph (3), (4), (5), or
9 (6) of section 501(c) of the Internal Revenue Code
10 of 1986 and exempt from tax under section 501(a)
11 of such Code; and

12 (2) can demonstrate that the primary mission
13 of the organization is to provide services to minority
14 business enterprises, whether through education,
15 making grants or loans, or other similar activities.

16 (b) **PURPOSE.**—The purpose of this section is to
17 make grants to covered entities to help those covered enti-
18 ties continue the necessary work of supporting minority
19 business enterprises.

20 (c) **ESTABLISHMENT.**—Not later than 180 days after
21 the date of enactment of this Act, the Assistant Secretary
22 shall establish within the Agency a grant program under
23 which the Assistant Secretary shall make grants to cov-
24 ered entities in accordance with the requirements of this
25 section.

1 (d) APPLICATION.—A covered entity desiring a grant
2 under this section shall submit to the Assistant Secretary
3 an application at such time, in such manner, and con-
4 taining such information as the Assistant Secretary may
5 require.

6 (e) PRIORITY.—The Assistant Secretary shall, in car-
7 rying out this section, prioritize granting an application
8 submitted by a covered entity—

9 (1) the primary mission of which is serving so-
10 cially and economically disadvantaged individuals; or

11 (2) that is located in a federally recognized area
12 of economic distress.

13 (f) USE OF FUNDS.—A covered entity to which a
14 grant is made under this section may use the grant funds
15 to support the development and growth of minority busi-
16 ness enterprises.

17 (g) PROCEDURES.—The Assistant Secretary shall es-
18 tablish procedures to discourage and prevent waste, fraud,
19 and abuse by applicants for, and recipients of, grants
20 made under this section.

21 (h) INSPECTOR GENERAL AUDIT.—Not later than
22 180 days after the date on which the Assistant Secretary
23 begins making grants under this section, the Inspector
24 General of the Department of Commerce shall—

1 (1) conduct an audit of grants made under this
2 section, which shall seek to identify any discrep-
3 ancies or irregularities with respect to those grants;
4 and

5 (2) submit to Congress a report regarding the
6 audit conducted under paragraph (1).

7 (i) **UPDATES TO CONGRESS.**—Not later than 90 days
8 after the date on which the Assistant Secretary establishes
9 the grant program under subsection (c), and once every
10 30 days thereafter, the Assistant Secretary shall publish
11 on the website of the Agency and submit to Congress a
12 report that contains—

13 (1) the number of grants made under this sec-
14 tion during the period covered by the report; and

15 (2) with respect to the grants described in para-
16 graph (1), the geographic distribution of those
17 grants by State and county.

18 **SEC. 402. MINORITY BUSINESS GRANTS.**

19 (a) **IN GENERAL.**—The Assistant Secretary may
20 award grants to minority business enterprises for the pur-
21 pose of—

22 (1) growing a minority business enterprise; or

23 (2) helping a minority business enterprise to re-
24 main in business.

1 (b) ESTABLISHMENT OF OFFICE.—The Assistant
2 Secretary shall establish an office within the Agency that
3 has adequate staffing to award and administer grants
4 under subsection (a).

5 (c) UPDATES TO CONGRESS.—Not later than 120
6 days after the date of enactment of this Act, and once
7 every 30 days thereafter, the Assistant Secretary shall
8 publish on the website of the Agency and submit to Con-
9 gress a report that contains—

10 (1) the number of grants made under this sec-
11 tion during the period covered by the report; and

12 (2) with respect to the grants described in para-
13 graph (1)—

14 (A) the geographic distribution of those
15 grants by State and county; and

16 (B) with respect to each minority business
17 enterprise to which such a grant is awarded—

18 (i) demographic information with re-
19 spect to the minority business enterprise;
20 and

21 (ii) information regarding the industry
22 in which the minority business enterprise
23 operates.

1 **TITLE V—ADMINISTRATIVE AND**
2 **OTHER POWERS OF THE**
3 **AGENCY; MISCELLANEOUS**
4 **PROVISIONS**

5 **SEC. 501. ADMINISTRATIVE POWERS.**

6 (a) IN GENERAL.—In carrying out this Act, the As-
7 sistant Secretary may—

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

10 (2) hold hearings, sit and act, and take testi-
11 mony as the Assistant Secretary may determine to
12 be necessary or appropriate to carry out this Act;

13 (3) acquire, in any lawful manner, any property
14 that the Assistant Secretary determines to be nec-
15 essary or appropriate to carry out this Act;

16 (4) make advance payments under grants, con-
17 tracts, and cooperative agreements awarded under
18 this Act;

19 (5) with the consent of another Federal agency,
20 enter into an agreement with that Federal agency to
21 utilize, with or without reimbursement, any service,
22 equipment, personnel, or facility of that Federal
23 agency;

1 (6) coordinate with the heads of the Offices of
2 Small and Disadvantaged Business Utilization of
3 Federal agencies;

4 (7) require a coordinated review of all training
5 and technical assistance activities that are proposed
6 to be carried out by Federal agencies in direct sup-
7 port of the development of minority business enter-
8 prises to—

9 (A) ensure consistency with the purposes
10 of this Act; and

11 (B) avoid duplication of existing efforts;
12 and

13 (8) prescribe such rules, regulations, and proce-
14 dures as the Assistant Secretary determines to be
15 necessary or appropriate to carry out this Act.

16 (b) EMPLOYMENT OF CERTAIN EXPERTS AND CON-
17 SULTANTS.—

18 (1) IN GENERAL.—In carrying out this Act, the
19 Assistant Secretary may employ experts and consult-
20 ants or organizations that are composed of experts
21 or consultants, as authorized under section 3109 of
22 title 5, United States Code.

23 (2) RENEWAL OF CONTRACTS.—The Assistant
24 Secretary may annually renew a contract for employ-

1 ment of an individual employed under paragraph
2 (1).

3 (c) DONATION OF PROPERTY.—

4 (1) IN GENERAL.—Subject to paragraph (2), in
5 carrying out this Act, the Assistant Secretary may,
6 without cost (except for costs of care and handling),
7 donate for use by any public sector entity, or by any
8 recipient nonprofit organization, for the purpose of
9 the development of minority business enterprises,
10 any real or tangible personal property acquired by
11 the Agency in carrying out this Act.

12 (2) TERMS, CONDITIONS, RESERVATIONS, AND
13 RESTRICTIONS.—The Assistant Secretary may im-
14 pose reasonable terms, conditions, reservations, and
15 restrictions upon the use of any property donated
16 under paragraph (1).

17 **SEC. 502. FEDERAL ASSISTANCE.**

18 (a) IN GENERAL.—

19 (1) PROVISION OF FEDERAL ASSISTANCE.—To
20 carry out sections 101, 102, and 103(a), the Assist-
21 ant Secretary may provide Federal assistance to
22 public sector entities and private sector entities in
23 the form of grants or cooperative agreements.

24 (2) NOTICE.—Not later than 120 days after the
25 date on which amounts are appropriated to carry

1 out this section, the Assistant Secretary shall, in ac-
2 cordance with subsection (b), broadly publish a
3 statement regarding Federal assistance that will, or
4 may, be provided under paragraph (1) during the
5 fiscal year for which those amounts are appro-
6 priated, including—

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

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

12 (C) the manner in which Federal assist-
13 ance will be allocated among public sector enti-
14 ties and private sector entities, as applicable;
15 and

16 (D) the methodology used by the Assistant
17 Secretary to make allocations under subpara-
18 graph (C).

19 (3) CONSULTATION.—The Assistant Secretary
20 shall consult with public sector entities and private
21 sector entities, as applicable, in deciding the
22 amounts and types of Federal assistance to make
23 available under paragraph (1).

24 (b) PUBLICITY.—In carrying out this section, the As-
25 sistant Secretary shall broadly publicize all opportunities

1 for Federal assistance available under this section, includ-
2 ing through the means required under section 115.

3 **SEC. 503. AUDITS.**

4 (a) **RECORDKEEPING REQUIREMENT.**—Each recipi-
5 ent of assistance under this Act shall keep such records
6 as the Assistant Secretary shall prescribe, including
7 records that fully disclose, with respect to the assistance
8 received by the recipient under this Act—

9 (1) the amount and nature of that assistance;

10 (2) the disposition by the recipient of the pro-
11 ceeds of that assistance;

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

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

18 (5) any other record that will facilitate an effec-
19 tive audit with respect to the assistance.

20 (b) **ACCESS BY GOVERNMENT OFFICIALS.**—The As-
21 sistant Secretary, the Inspector General of the Depart-
22 ment of Commerce, and the Comptroller General of the
23 United States, or any duly authorized representative of
24 any such individual, shall have access, for the purpose of
25 audit, investigation, and examination, to any book, docu-

1 ment, paper, record, or other material of a recipient of
2 assistance under this Act that pertains to the assistance
3 received by the recipient under this Act.

4 **SEC. 504. REVIEW AND REPORT BY COMPTROLLER GEN-**
5 **ERAL.**

6 Not later than 4 years after the date of enactment
7 of this Act, the Comptroller General of the United States
8 shall—

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

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

15 (A) an evaluation of the effectiveness of
16 the programs in achieving the purposes of this
17 Act;

18 (B) a description of any failure by any re-
19 cipient of assistance under this Act to comply
20 with the requirements under this Act; and

21 (C) recommendations for any legislative or
22 administrative action that should be taken to
23 improve the achievement of the purposes of this
24 Act.

1 **SEC. 505. ANNUAL REPORTS; RECOMMENDATIONS.**

2 (a) ANNUAL REPORT.—Not later than 90 days after
3 the last day of each fiscal year, the Assistant Secretary
4 shall submit to Congress, and publish on the website of
5 the Agency, a report of each activity of the Agency carried
6 out under this Act during the fiscal year preceding the
7 date on which the report is submitted, which shall in-
8 clude—

9 (1) the number of individuals counseled or
10 trained through an MBDA Business Center;

11 (2) the number of individuals counseled or
12 trained through an MBDA Rural Business Center
13 (as defined in section 301);

14 (3) the total number of hours of counseling or
15 training services provided through MBDA Business
16 Centers and MBDA Rural Business Centers;

17 (4) the demographics of individuals counseled
18 or trained by MBDA Business Centers and MBDA
19 Rural Business Centers, which may include the gen-
20 der, race, and age of each participant;

21 (5) the number of individuals counseled or
22 trained by MBDA Business Centers and MBDA
23 Rural Business Centers who are veterans;

24 (6) the number of new businesses started by in-
25 dividuals counseled or trained by MBDA Business
26 Centers and MBDA Rural Business Centers;

1 (7) to the extent practicable, the number of jobs
2 supported, created, or retained with assistance from
3 an MBDA Business Center or MBDA Rural Busi-
4 ness Center; and

5 (8) the amount of capital secured by individuals
6 counseled or trained by MBDA Business Centers
7 and MBDA Rural Business Centers, including
8 grants.

9 (b) **RECOMMENDATIONS.**—The Assistant Secretary
10 shall periodically submit to Congress and the President
11 recommendations for legislation or other actions that the
12 Assistant Secretary determines to be necessary or appro-
13 priate to promote the purposes of this Act.

14 **SEC. 506. SEPARABILITY.**

15 If a provision of this Act, or the application of a pro-
16 vision of this Act to any person or circumstance, is held
17 by a court of competent jurisdiction to be invalid, that
18 judgment—

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

20 (A) any other provision of this Act; or

21 (B) the application of this Act to any other
22 person or circumstance; and

23 (2) shall be confined in its operation to—

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

1 (B) the application of the provision of this
2 Act to each person or circumstance directly in-
3 volved in the controversy in which the judgment
4 is rendered.

5 **SEC. 507. EXECUTIVE ORDER 11625.**

6 The powers and duties of the Agency shall be deter-
7 mined—

8 (1) in accordance with this Act and the require-
9 ments of this Act; and

10 (2) without regard to Executive Order 11625
11 (36 Fed. Reg. 19967; relating to prescribing addi-
12 tional arrangements for developing and coordinating
13 a national program for minority business enter-
14 prise).

15 **SEC. 508. AMENDMENT TO THE FEDERAL ACQUISITION**
16 **STREAMLINING ACT OF 1994.**

17 Section 7104(e) of the Federal Acquisition Stream-
18 lining Act of 1994 (15 U.S.C. 644a(e)) is amended by
19 striking paragraph (2) and inserting the following:

20 “(2) The Assistant Secretary of Commerce for
21 Minority Business Development.”.

22 **SEC. 509. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated to the As-
24 sistant Secretary not less than \$100,000,000 for fiscal

1 year 2021, and each fiscal year thereafter, to carry out
2 this Act.

