

117TH CONGRESS
1ST SESSION

S. 1255

To require the Minority Business Development Agency of the Department of Commerce to promote and administer programs in the public and private sectors to assist the development of minority business enterprises, to ensure that such Agency has the necessary supporting resources, particularly during economic downturns, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 20, 2021

Mr. CARDIN (for himself, Ms. CANTWELL, Mr. PADILLA, Ms. ROSEN, Ms. SINEMA, Mr. BOOKER, Ms. CORTEZ MASTO, Mr. VAN HOLLEN, Mr. WARNOCK, Mrs. FEINSTEIN, Mr. WYDEN, Mr. SCHUMER, Mr. BLUMENTHAL, Mr. LUJÁN, Mr. DURBIN, and Ms. SMITH) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require the Minority Business Development Agency of the Department of Commerce to promote and administer programs in the public and private sectors to assist the development of minority business enterprises, to ensure that such Agency has the necessary supporting resources, particularly during economic downturns, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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—RURAL MINORITY BUSINESS CENTER PROGRAM

- Sec. 301. Definitions.
- Sec. 302. 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
 12 capital, revenue, number of employees, and survival
 13 rate. Specifically—

14 (A) according to the Department of Com-
 15 merce, minority business enterprises are 2 to 3
 16 times more likely to be denied loans than non-
 17 minority business enterprises;

18 (B) according to the Bureau of the Cen-
 19 sus, the average non-minority business enter-
 20 prise reports receipts that are more than 3

1 times higher than receipts reported by the aver-
2 age minority business enterprise; and

3 (C) according to the Kauffman Founda-
4 tion—

5 (i) minority business enterprises are
6 $\frac{1}{2}$ as likely to employ individuals, as com-
7 pared with non-minority business enter-
8 prises; and

9 (ii) if minorities started and owned
10 businesses at the same rate as non-minori-
11 ties, the United States economy would
12 have more than 1,000,000 additional em-
13 ployer businesses and more than 9,500,000
14 additional jobs.

15 (3) Because of the conditions described in para-
16 graph (2), it is in the interest of the United States
17 and the economy of the United States to expedi-
18 tiously ameliorate the disparities that minority busi-
19 ness enterprises experience.

20 (4) Many individuals who own minority busi-
21 ness enterprises are socially disadvantaged because
22 those individuals identify as members of certain
23 groups that have suffered the effects of discrimina-
24 tory practices or similar circumstances over which

1 those individuals have no control, including individ-
2 uals who are—

3 (A) Black or African American;

4 (B) Hispanic or Latino;

5 (C) American Indian or Alaska Native;

6 (D) Asian; and

7 (E) Native Hawaiian or other Pacific Is-
8 lander.

9 (5) Discriminatory practices and similar cir-
10 cumstances described in paragraph (4) are a signifi-
11 cant determinant of overall economic disadvantage
12 in the United States, which is evident in the per-
13 sistent racial wealth gap in the United States.

14 (6) While other Federal agencies focus only on
15 small businesses and businesses that represent a
16 broader demographic than solely minority business
17 enterprises, the Agency focuses exclusively on—

18 (A) the unique needs of minority business
19 enterprises; and

20 (B) enhancing the capacity of minority
21 business enterprises.

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

23 (1) require the Agency to promote and admin-
24 ister programs in the public and private sectors to

1 assist the development of minority business enter-
2 prises; and

3 (2) achieve the development described in para-
4 graph (1) by authorizing the Assistant Secretary to
5 carry out programs that will result in increased ac-
6 cess to capital, management, and technology for mi-
7 nority business enterprises.

8 **SEC. 3. DEFINITIONS.**

9 In this Act:

10 (1) AGENCY.—The term “Agency” means the
11 Minority Business Development Agency of the De-
12 partment of Commerce.

13 (2) ASSISTANT SECRETARY.—The term “Assist-
14 ant Secretary” means the Assistant Secretary of
15 Commerce for Minority Business Development, who
16 is appointed as described in section 4(b) to admin-
17 ister this Act.

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

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

25 (A) means—

- 1 (i) a private sector entity;
- 2 (ii) a public sector entity; or
- 3 (iii) a Tribal government; and

4 (B) includes an institution of higher edu-
 5 cation.

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

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

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

15 (B) an area that—

16 (i) has been designated as—

17 (I) an empowerment zone under
 18 section 1391 of the Internal Revenue
 19 Code of 1986; or

20 (II) a Promise Zone by the Sec-
 21 retary of Housing and Urban Devel-
 22 opment; or

23 (ii) is a low or moderate income area,
 24 as determined by the Bureau of the Cen-
 25 sus;

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

4 (D) any other political subdivision or unin-
5 corporated area of a State determined by the
6 Assistant Secretary to be an area of economic
7 distress.

8 (7) INDIAN TRIBE.—The term “Indian
9 Tribe”—

10 (A) has the meaning given the term in sec-
11 tion 4 of the Indian Self-Determination and
12 Education Assistance Act (25 U.S.C. 5304);
13 and

14 (B) includes a Native Hawaiian organiza-
15 tion.

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

20 (9) MBDA BUSINESS CENTER.—The term
21 “MBDA Business Center” means any business cen-
22 ter that—

23 (A) is established by the Agency; and

1 (B) provides technical business assistance
2 to minority business enterprises consistent with
3 the requirements of this Act.

4 (10) MBDA BUSINESS CENTER AGREEMENT.—
5 The term “MBDA Business Center agreement”
6 means a legal instrument—

7 (A) reflecting a relationship between the
8 Agency and the recipient of a Federal assist-
9 ance award that is the subject of the instru-
10 ment; and

11 (B) that establishes the terms by which the
12 recipient described in subparagraph (A) shall
13 operate an MBDA Business Center.

14 (11) MINORITY BUSINESS ENTERPRISE.—The
15 term “minority business enterprise” means a busi-
16 ness enterprise (without regard to whether the busi-
17 ness enterprise is a for-profit or not-for-profit enter-
18 prise)—

19 (A) that is not less than 51 percent-owned
20 by 1 or more socially and economically dis-
21 advantaged individuals; and

22 (B) the management and daily business
23 operations of which are controlled by 1 or more
24 socially and economically disadvantaged individ-
25 uals.

1 (12) PRIVATE SECTOR ENTITY.—The term
2 “private sector entity”—

3 (A) means an entity that is not a public
4 sector entity; and

5 (B) does not include—

6 (i) the Federal Government;

7 (ii) any Federal agency; or

8 (iii) any instrumentality of the Fed-
9 eral Government.

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

12 (A) a State;

13 (B) an agency of a State;

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

15 (D) an agency of a political subdivision of
16 a State.

17 (14) SECRETARY.—The term “Secretary”
18 means the Secretary of Commerce.

19 (15) SOCIALLY AND ECONOMICALLY DISADVAN-
20 TAGED INDIVIDUAL.—

21 (A) IN GENERAL.—The term “socially and
22 economically disadvantaged individual” means
23 an individual who has been subjected to racial
24 or ethnic prejudice, or to cultural bias, because
25 of the identity of the individual as a member of

1 a group, without regard to any individual qual-
2 ity of the individual that is unrelated to that
3 identity.

4 (B) PRESUMPTION.—In carrying out this
5 Act, the Assistant Secretary shall presume that
6 the term “socially and economically disadvan-
7 tagged individual” includes any individual who
8 is—

9 (i) Black or African American;

10 (ii) Hispanic or Latino;

11 (iii) American Indian or Alaska Na-
12 tive;

13 (iv) Asian;

14 (v) Native Hawaiian or other Pacific
15 Islander; or

16 (vi) a member of a group that the
17 Agency determines under part 1400 of title
18 15, Code of Federal Regulations, as in ef-
19 fect on November 23, 1984, is a socially
20 disadvantaged group eligible to receive as-
21 sistance.

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

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

8 (17) STATE.—The term “State” means—

- 9 (A) each of the States of the United
- 10 States;
- 11 (B) the District of Columbia;
- 12 (C) the Commonwealth of Puerto Rico;
- 13 (D) the United States Virgin Islands;
- 14 (E) Guam;
- 15 (F) American Samoa;
- 16 (G) the Commonwealth of the Northern
- 17 Mariana Islands; and
- 18 (H) each Indian Tribe.

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

20 (a) IN GENERAL.—There is within the Department

21 of Commerce the Minority Business Development Agency.

22 (b) ASSISTANT SECRETARY.—

23 (1) APPOINTMENT AND DUTIES.—The Agency

24 shall be headed by an Assistant Secretary of Com-

1 merce for Minority Business Development, who shall
2 be—

3 (A) appointed by the President, by and
4 with the advice and consent of the Senate; and

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

7 (2) COMPENSATION.—

8 (A) IN GENERAL.—The Assistant Sec-
9 retary shall be compensated at an annual rate
10 of basic pay prescribed for level IV of the Exec-
11 utive Schedule under section 5315 of title 5,
12 United States Code.

13 (B) TECHNICAL AND CONFORMING AMEND-
14 MENT.—Section 5315 of title 5, United States
15 Code, is amended, in the item relating to As-
16 sistant Secretaries of Commerce, by striking
17 “(11)” and inserting “(12)”.

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

21 (1) the organizational structure of the Agency;

22 (2) the organizational position of the Agency
23 within the Department of Commerce; and

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

4 (d) OFFICE OF BUSINESS CENTERS.—

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

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

10 (e) OFFICES OF THE AGENCY.—

11 (1) IN GENERAL.—In addition to the regional
12 offices that the Assistant Secretary is required to es-
13 tablish under paragraph (2), the Assistant Secretary
14 shall establish such other offices within the Agency
15 as are necessary to carry out this Act.

16 (2) REGIONAL OFFICES.—

17 (A) IN GENERAL.—In order to carry out
18 this Act, the Assistant Secretary shall establish
19 a regional office of the Agency for each of the
20 regions of the United States, as determined by
21 the Assistant Secretary.

22 (B) DUTIES.—Each regional office estab-
23 lished under subparagraph (A) shall expand the
24 reach of the Agency and enable the Federal
25 Government to better serve the needs of minor-

1 ity business enterprises in the region served by
2 the office, including by—

3 (i) understanding and participating in
4 the business environment of that region;

5 (ii) working with—

6 (I) MBDA Business Centers that
7 are located in that region;

8 (II) resource and lending part-
9 ners of the Small Business Adminis-
10 tration and the Department of Agri-
11 culture that are located in that region;
12 and

13 (III) Federal, State, and local
14 procurement offices that are located
15 in that region;

16 (iii) being aware of business retention
17 or expansion programs that are specific to
18 that region;

19 (iv) seeking out opportunities to col-
20 laborate with regional public and private
21 programs that focus on minority business
22 enterprises; and

23 (v) promoting business continuity and
24 preparedness.

1 **TITLE I—EXISTING INITIATIVES**
 2 **Subtitle A—Market Development,**
 3 **Research, and Information**

4 **SEC. 101. PRIVATE SECTOR DEVELOPMENT.**

5 The Assistant Secretary shall, whenever the Assistant
 6 Secretary determines such action is necessary or appro-
 7 priate—

8 (1) provide Federal assistance to minority busi-
 9 ness enterprises operating in domestic and foreign
 10 markets by making available to those business enter-
 11 prises, either directly or in cooperation with private
 12 sector entities, including community-based organiza-
 13 tions and national nonprofit organizations—

14 (A) resources relating to management;
 15 (B) technological and technical assistance;
 16 (C) financial, legal, and marketing serv-
 17 ices; and
 18 (D) services relating to workforce develop-
 19 ment;

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

22 (A) with other minority business enter-
 23 prises; or

24 (B) in cooperation with public sector enti-
 25 ties or private sector entities, including commu-

1 nity-based organizations and national nonprofit
 2 organizations, to increase the share of any mar-
 3 ket activity being performed by minority busi-
 4 ness enterprises; and

5 (3) facilitate the efforts of private sector enti-
 6 ties and Federal agencies to advance the growth of
 7 minority business enterprises.

8 **SEC. 102. PUBLIC SECTOR DEVELOPMENT.**

9 The Assistant Secretary shall, whenever the Assistant
 10 Secretary determines such action is necessary or appro-
 11 priate—

12 (1) consult and cooperate with public sector en-
 13 tities for the purpose of leveraging resources avail-
 14 able in the jurisdictions of those public sector enti-
 15 ties to promote the position of minority business en-
 16 terprises in the local economies of those public sector
 17 entities, including by assisting public sector entities
 18 to establish or enhance—

19 (A) programs to procure goods and serv-
 20 ices through minority business enterprises and
 21 goals for that procurement;

22 (B) programs offering assistance relating
 23 to—

24 (i) management;

25 (ii) technology;

- 1 (iii) law;
- 2 (iv) financing, including accounting;
- 3 (v) marketing; and
- 4 (vi) workforce development; and
- 5 (C) informational programs designed to in-
- 6 form minority business enterprises located in
- 7 the jurisdictions of those public sector entities
- 8 about the availability of programs described in
- 9 this section;
- 10 (2) meet with leaders and officials of public sec-
- 11 tor entities for the purpose of recommending and
- 12 promoting local administrative and legislative initia-
- 13 tives needed to advance the position of minority
- 14 business enterprises in the local economies of those
- 15 public sector entities; and
- 16 (3) facilitate the efforts of public sector entities
- 17 and Federal agencies to advance the growth of mi-
- 18 nority business enterprises.

19 **SEC. 103. RESEARCH AND INFORMATION.**

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

22 (1) shall—

- 23 (A) collect and analyze data, including
- 24 data relating to the causes of the success or
- 25 failure of minority business enterprises;

1 (B) perform evaluations of programs car-
2 ried out by Federal agencies with an emphasis
3 on increasing coordination between Federal
4 agencies with respect to the development of mi-
5 nority business enterprises;

6 (C) conduct research, studies, and surveys
7 of—

8 (i) economic conditions generally in
9 the United States; and

10 (ii) how the conditions described in
11 clause (i) particularly affect the develop-
12 ment of minority business enterprises; and

13 (D) provide outreach, educational services,
14 and technical assistance in the 10 most com-
15 monly spoken languages in the United States to
16 ensure that limited-English proficient individ-
17 uals receive culturally and linguistically appro-
18 priate access to the services and information
19 provided by the Agency; and

20 (2) may, at the request of a public sector entity
21 or a private sector entity, perform an evaluation of
22 programs carried out by the entity that are designed
23 to assist the development of minority business enter-
24 prises.

1 (b) INFORMATION CLEARINGHOUSE.—The Assistant
 2 Secretary shall—

3 (1) establish and maintain an information clear-
 4 inghouse for the collection and dissemination to rel-
 5 evant parties (including business owners and re-
 6 searchers) of demographic, economic, financial, man-
 7 agerial, and technical data relating to minority busi-
 8 ness enterprises; and

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

11 (A) search for, collect, classify, coordinate,
 12 integrate, record, and catalog the data de-
 13 scribed in paragraph (1); and

14 (B) in a manner that is consistent with
 15 section 552a of title 5, United States Code, pro-
 16 tect the privacy of the minority business enter-
 17 prises to which the data described in paragraph
 18 (1) relates.

19 **Subtitle B—Minority Business De-**
 20 **velopment Agency Business**
 21 **Center Program**

22 **SEC. 110. DEFINITION.**

23 In this subtitle, the term “MBDA Business Center
 24 Program” means the program established under section
 25 112.

1 **SEC. 111. PURPOSE.**

2 The purpose of the MBDA Business Center Program
3 shall be to create a national network of public-private
4 partnerships that—

5 (1) assist minority business enterprises to—

6 (A) access capital, contracts, and grants;

7 and

8 (B) create and maintain jobs;

9 (2) provide counseling and mentoring to minor-
10 ity business enterprises; and

11 (3) facilitate the growth of minority business
12 enterprises by promoting trade.

13 **SEC. 112. ESTABLISHMENT.**

14 (a) IN GENERAL.—There is established in the Agency
15 a program—

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

18 (2) that shall be separate and distinct from the
19 efforts of the Assistant Secretary under section 101;
20 and

21 (3) under which the Assistant Secretary shall
22 make Federal assistance awards to eligible entities
23 to operate MBDA Business Centers, which shall, in
24 accordance with section 113, provide technical as-
25 sistance and business development services, or spe-
26 cialty services, to minority business enterprises.

1 (b) COVERAGE.—The Assistant Secretary shall take
 2 all necessary actions to ensure that the MBDA Business
 3 Center Program, in accordance with section 113, offers
 4 the services described in subsection (a)(3) in all regions
 5 of the United States.

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

7 (a) REQUIREMENTS.—An MBDA Business Center
 8 (referred to in this subtitle as a “Center”), with respect
 9 to the Federal financial assistance award made to operate
 10 the Center under the MBDA Business Center Program—

11 (1) shall—

12 (A) provide to minority business enter-
 13 prises programs and services determined to be
 14 appropriate by the Assistant Secretary, which—

15 (i) shall include referral services to
 16 meet the needs of minority business enter-
 17 prises; and

18 (ii) may include programs and serv-
 19 ices to accomplish the goals described in
 20 section 101(1);

21 (B) develop, cultivate, and maintain a net-
 22 work of strategic partnerships with organiza-
 23 tions that foster access by minority business en-
 24 terprises to economic markets, capital, or con-
 25 tracts;

1 (C) continue to upgrade and modify the
 2 services provided by the Center, as necessary, in
 3 order to meet the changing and evolving needs
 4 of the business community;

5 (D) establish or continue a referral rela-
 6 tionship with not less than 1 community-based
 7 organization; and

8 (E) collaborate with other Centers; and

9 (2) in providing programs and services under
 10 the applicable MBDA Business Center agreement,
 11 may—

12 (A) operate on a fee-for-service basis; or

13 (B) generate income through the collection
 14 of—

15 (i) client fees;

16 (ii) membership fees; and

17 (iii) any other appropriate fees pro-
 18 posed by the Center in the application sub-
 19 mitted by the Center under subsection (e).

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

23 (c) FINANCIAL ASSISTANCE.—

24 (1) IN GENERAL.—The amount of financial as-
 25 sistance provided by the Assistant Secretary under

1 an MBDA Business Center agreement shall be not
2 less than \$250,000 for the term of the agreement.

3 (2) MATCHING REQUIREMENT.—

4 (A) IN GENERAL.—A Center shall match
5 not less than $\frac{1}{3}$ of the amount of the financial
6 assistance awarded to the Center under the
7 terms of the applicable MBDA Business Center
8 agreement, unless the Assistant Secretary de-
9 termines that a waiver of that requirement is
10 necessary after a demonstration by the Center
11 of a substantial need for that waiver.

12 (B) FORM OF FUNDS.—A Center may
13 meet the matching requirement under subpara-
14 graph (A) using—

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

18 (ii) Federal funds received from other
19 Federal programs.

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

22 (A) all financial assistance awarded to the
23 Center under the applicable MBDA Business
24 Center agreement to carry out subsection (a);
25 and

1 (B) all income that the Center generates in
2 carrying out subsection (a)—

3 (i) to meet the matching requirement
4 under paragraph (2) of this subsection;
5 and

6 (ii) if the Center meets the matching
7 requirement under paragraph (2) of this
8 subsection, to carry out subsection (a).

9 (d) CRITERIA FOR SELECTION.—The Assistant Sec-
10 retary shall—

11 (1) establish criteria that—

12 (A) the Assistant Secretary shall use in de-
13 termining whether to enter into an MBDA
14 Business Center agreement with an eligible en-
15 tity; and

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

18 (i) an area, the population of which is
19 composed of not less than 51 percent so-
20 cially and economically disadvantaged indi-
21 viduals, as determined in accordance with
22 data collected by the Bureau of the Cen-
23 sus;

24 (ii) a federally recognized area of eco-
25 nomic distress; or

1 (iii) a State that is underserved with
 2 respect to the MBDA Business Center
 3 Program, as defined by the Assistant Sec-
 4 retary; and

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

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

8 (B) in each Notice of Funding Opportunity
 9 soliciting MBDA Business Center agreements.

10 (e) APPLICATIONS.—An eligible entity desiring to
 11 enter into an MBDA Business Center agreement shall
 12 submit to the Assistant Secretary an application that in-
 13 cludes—

14 (1) a statement of—

15 (A) how the eligible entity will carry out
 16 subsection (a); and

17 (B) any experience of the eligible entity
 18 in—

19 (i) assisting minority business enter-
 20 prises to—

21 (I) obtain—

22 (aa) large-scale contracts,
 23 grants, or procurements;

24 (bb) financing; or

25 (cc) legal assistance;

1 (II) access established supply
2 chains; and

3 (III) engage in—

4 (aa) joint ventures, teaming
5 arrangements, and mergers and
6 acquisitions; or

7 (bb) large-scale transactions
8 in global markets;

9 (ii) supporting minority business en-
10 terprises in increasing the size of the
11 workforces of those enterprises, including,
12 with respect to a minority business enter-
13 prise that does not have employees, aiding
14 the minority business enterprise in becom-
15 ing an enterprise that has employees; and

16 (iii) advocating for minority business
17 enterprises; and

18 (2) the budget and corresponding budget nar-
19 rative that the eligible entity will use in carrying out
20 subsection (a) during the term of the applicable
21 MBDA Business Center agreement.

22 (f) NOTIFICATION.—If the Assistant Secretary
23 grants an application of an eligible entity submitted under
24 subsection (e), the Assistant Secretary shall notify the eli-
25 gible entity that the application has been granted not later

1 than 150 days after the last day on which an application
 2 may be submitted under that subsection.

3 (g) PROGRAM EXAMINATION; ACCREDITATION; EX-
 4 TENSIONS.—

5 (1) EXAMINATION.—Not later than 180 days
 6 after the date of enactment of this Act, and bienni-
 7 ally thereafter, the Assistant Secretary shall conduct
 8 a programmatic financial examination of each Cen-
 9 ter.

10 (2) ACCREDITATION.—The Assistant Secretary
 11 may provide financial support, by contract or other-
 12 wise, to an association, not less than 51 percent of
 13 the members of which are Centers, to—

14 (A) pursue matters of common concern
 15 with respect to Centers; and

16 (B) develop an accreditation program with
 17 respect to Centers.

18 (3) EXTENSIONS.—

19 (A) IN GENERAL.—The Assistant Sec-
 20 retary may extend the term under subsection
 21 (b) of an MBDA Business Center agreement to
 22 which a Center is a party, if the Center con-
 23 sents to the extension.

24 (B) FINANCIAL ASSISTANCE.—If the As-
 25 sistant Secretary extends the term of an MBDA

1 Business Center agreement under paragraph
2 (1), the Assistant Secretary shall, in the same
3 manner and amount in which financial assist-
4 ance was provided during the initial term of the
5 agreement, provide financial assistance under
6 the agreement during the extended term of the
7 agreement.

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

12 (1) providing to each Center training relating to
13 the MBDA Business Center Program;

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

16 (A) attend—

17 (i) a conference with the Agency to
18 establish the services and programs that
19 the Center will provide in carrying out the
20 requirements before the date on which the
21 Center begins providing those services and
22 programs; and

23 (ii) training provided under paragraph
24 (1);

1 (B) receive necessary guidance relating to
2 carrying out the requirements under subsection
3 (a); and

4 (C) work in coordination and collaboration
5 with the Assistant Secretary to carry out the
6 MBDA Business Center Program and other
7 programs of the Agency;

8 (3) facilitating connections between Centers
9 and—

10 (A) Federal agencies other than the Agen-
11 cy, including the Small Business Administra-
12 tion, the Department of Agriculture, the Fed-
13 eral Trade Commission, the United States Pat-
14 ent and Trademark Office, and the Economic
15 Development Administration of the Department
16 of Commerce; and

17 (B) other institutions or entities that use
18 Federal resources, including—

19 (i) small business development cen-
20 ters, as that term is defined in section 3(t)
21 of the Small Business Act (15 U.S.C.
22 632(t));

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

1 (iii) eligible entities, as that term is
2 defined in section 2411 of title 10, United
3 States Code, that provide services under
4 the program carried out under chapter 142
5 of that title; and

6 (iv) entities participating in the Hol-
7 lings Manufacturing Extension Partnership
8 Program established under section 25 of
9 the National Institute of Standards and
10 Technology Act (15 U.S.C. 278k);

11 (4) monitoring projects carried out by each
12 Center; and

13 (5) establishing and enforcing administrative
14 and reporting requirements for each Center to carry
15 out subsection (a).

16 (i) REGULATIONS.—The Assistant Secretary shall
17 issue and publish regulations that establish minimum
18 standards regarding verification of minority business en-
19 terprise status for clients of entities operating under the
20 MBDA Business Center Program.

21 **SEC. 114. MINIMIZING DISRUPTIONS TO EXISTING MBDA**
22 **BUSINESS CENTER PROGRAM.**

23 The Assistant Secretary shall ensure that each Fed-
24 eral assistance award made under the Business Centers
25 program of the Agency, as is in effect on the day before

1 the date of enactment of this Act, is carried out in a man-
2 ner that, to the greatest extent practicable, prevents dis-
3 ruption of any activity carried out under that award.

4 **SEC. 115. PUBLICITY.**

5 In carrying out the MBDA Business Center Pro-
6 gram, the Assistant Secretary shall widely publicize the
7 MBDA Business Center Program, including—

8 (1) on the website of the Agency;

9 (2) via social media outlets; and

10 (3) by sharing information relating to the
11 MBDA Business Center Program with community-
12 based organizations, including interpretation groups
13 where necessary, to communicate in the most com-
14 mon languages spoken by the groups served by those
15 organizations.

16 **SEC. 116. FUNDING.**

17 The Assistant Secretary shall use not less than 50
18 percent of the amount made available to carry out this
19 Act in each of fiscal years 2021 through 2024 to carry
20 out the MBDA Business Center Program, including the
21 component of the program relating to specialty centers.

1 **TITLE II—NEW INITIATIVES TO**
2 **PROMOTE ECONOMIC RESIL-**
3 **IENCY FOR MINORITY BUSI-**
4 **NESSES**

5 **SEC. 201. ANNUAL DIVERSE BUSINESS FORUM ON CAPITAL**
6 **FORMATION.**

7 (a) RESPONSIBILITY OF AGENCY.—Not later than 18
8 months after the date of enactment of this Act, and annu-
9 ally thereafter, the Agency shall conduct a Government-
10 business forum to review the current status of problems
11 and programs relating to capital formation by minority
12 business enterprises.

13 (b) PARTICIPATION IN FORUM PLANNING.—The As-
14 sistant Secretary shall invite the heads of other Federal
15 agencies, such as the Chairman of the Securities and Ex-
16 change Commission, the Secretary of the Treasury, and
17 the Chairman of the Board of Governors of the Federal
18 Reserve System, organizations representing State securi-
19 ties commissioners, representatives of leading minority
20 chambers of commerce, not less than 1 certified owner of
21 a minority business enterprise, business organizations,
22 and professional organizations concerned with capital for-
23 mation to participate in the planning of each forum con-
24 ducted under subsection (a).

25 (c) PREPARATION OF STATEMENTS AND REPORTS.—

1 (1) REQUESTS.—The Assistant Secretary may
 2 request that any head of a Federal department,
 3 agency, or organization, including those described in
 4 subsection (b), or any other group or individual, pre-
 5 pare a statement or report to be delivered at any
 6 forum conducted under subsection (a).

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

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

14 (1) prepare a summary of the proceedings of
 15 each forum conducted under subsection (a), which
 16 shall include the findings and recommendations of
 17 the forum; and

18 (2) transmit the summary described in para-
 19 graph (1) with respect to each forum conducted
 20 under subsection (a) to—

21 (A) the participants in the forum;

22 (B) Congress; and

23 (C) the public, through a publicly available
 24 website.

1 (e) REVIEW OF FINDINGS AND RECOMMENDATIONS;
 2 PUBLIC STATEMENTS.—

3 (1) IN GENERAL.—A Federal agency to which
 4 a finding or recommendation described in subsection
 5 (d)(1) relates shall—

6 (A) review that finding or recommenda-
 7 tion; and

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

11 (i) assessing the finding or rec-
 12 ommendation; and

13 (ii) disclosing the action, if any, the
 14 Federal agency intends to take with re-
 15 spect to the finding or recommendation.

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

22 **SEC. 202. AGENCY STUDY ON ALTERNATIVE FINANCING SO-**
 23 **LUTIONS.**

24 (a) PURPOSE.—The purpose of this section is to pro-
 25 vide information relating to alternative financing solutions

1 to minority business enterprises, as those business enter-
 2 prises are more likely to struggle in accessing, particularly
 3 at affordable rates, traditional sources of capital.

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

7 (1) conduct a study on opportunities for pro-
 8 viding alternative financing solutions to minority
 9 business enterprises; and

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

13 **SEC. 203. EDUCATIONAL DEVELOPMENT RELATING TO**
 14 **MANAGEMENT AND ENTREPRENEURSHIP.**

15 (a) DUTIES.—The Assistant Secretary shall, when-
 16 ever the Assistant Secretary determines such action is nec-
 17 essary or appropriate—

18 (1) promote and provide assistance for the edu-
 19 cation and training of socially and economically dis-
 20 advantaged individuals in subjects directly relating
 21 to business administration and management;

22 (2) join with, and encourage, institutions of
 23 higher education, leaders in business and industry,
 24 and other public sector and private sector entities,
 25 particularly minority business enterprises, to—

1 (A) develop programs to offer scholarships
 2 and fellowships, apprenticeships, and intern-
 3 ships relating to business to socially and eco-
 4 nomically disadvantaged individuals; and

5 (B) sponsor seminars, conferences, and
 6 similar activities relating to business for the
 7 benefit of socially and economically disadvan-
 8 tagged individuals;

9 (3) stimulate and accelerate curriculum design
 10 and improvement in support of development of mi-
 11 nority business enterprises; and

12 (4) encourage and assist private institutions
 13 and organizations and public sector entities to un-
 14 dertake activities similar to the activities described
 15 in paragraphs (1), (2), and (3).

16 (b) PARREN J. MITCHELL ENTREPRENEURSHIP
 17 EDUCATION GRANTS.—

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

23 (2) GRANTS.—The Assistant Secretary shall
 24 award grants to eligible institutions to develop and
 25 implement entrepreneurship curricula.

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

(A) develop a curriculum that includes training in various skill sets needed by contemporary successful entrepreneurs, including—

(i) business management and marketing;

(ii) financial management and accounting;

(iii) market analysis;

(iv) competitive analysis;

(v) innovation;

(vi) strategic planning; and

(vii) any other skill set that the eligible institution determines is necessary for the students served by the eligible institution and the community in which the eligible institution is located; and

(B) implement the curriculum developed under subparagraph (A) at the eligible institution.

(4) IMPLEMENTATION TIMELINE.—The Assistant Secretary shall establish and publish a timeline under which an eligible institution to which a grant

1 is awarded under this section shall carry out the re-
2 quirements under paragraph (3).

3 (5) REPORTS.—Each year, the Assistant Sec-
4 retary shall submit to the Committee on Commerce,
5 Science, and Transportation of the Senate, the Com-
6 mittee on Small Business and Entrepreneurship of
7 the Senate, the Committee on Financial Services of
8 the House of Representatives, and the Committee on
9 Small Business of the House of Representatives, as
10 part of the annual budget submission of the Presi-
11 dent under section 1105(a) of title 31, United States
12 Code, a report evaluating the awarding and use of
13 grants under this subsection during the fiscal year
14 immediately preceding the date on which the report
15 is submitted, which shall include, with respect to
16 that fiscal year—

17 (A) a description of each curriculum devel-
18 oped and implemented under each grant award-
19 ed under this section;

20 (B) the date on which each grant awarded
21 under this section was awarded; and

22 (C) the number of eligible entities that
23 were recipients of grants awarded under this
24 section.

1 **TITLE III—RURAL MINORITY**
 2 **BUSINESS CENTER PROGRAM**

3 **SEC. 301. DEFINITIONS.**

4 In this title:

5 (1) APPROPRIATE CONGRESSIONAL COMMIT-
 6 TEES.—The term “appropriate congressional com-
 7 mittees” means—

8 (A) the Committee on Commerce, Science,
 9 and Transportation of the Senate;

10 (B) the Committee on Small Business and
 11 Entrepreneurship of the Senate;

12 (C) the Committee on Financial Services of
 13 the House of Representatives; and

14 (D) the Committee on Small Business of
 15 the House of Representatives.

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

18 (A) a minority-serving institution; or

19 (B) a consortium of institutions of higher
 20 education that is led by a minority-serving insti-
 21 tution.

22 (3) MBDA RURAL BUSINESS CENTER.—The
 23 term “MBDA Rural Business Center” means an
 24 MBDA Business Center that provides technical busi-

1 ness assistance to minority business enterprises lo-
2 cated in rural areas.

3 (4) MBDA RURAL BUSINESS CENTER AGREE-
4 MENT.—The term “MBDA Rural Business Center
5 agreement” means an MBDA Business Center
6 agreement that establishes the terms by which the
7 recipient of the Federal assistance award that is the
8 subject of the agreement shall operate an MBDA
9 Rural Business Center.

10 (5) MINORITY-SERVING INSTITUTION.—The
11 term “minority-serving institution” means an insti-
12 tution described in any of paragraphs (1) through
13 (7) of section 371(a) of the Higher Education Act
14 of 1965 (20 U.S.C. 1067q(a)).

15 (6) RURAL AREA.—

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

21 (B) 100,000 INHABITANTS.—For the pur-
22 pose of this title, the reference to “50,000 in-
23 habitants” in section 343(a)(13)(A)(i) of the
24 Consolidated Farm and Rural Development Act

1 (7 U.S.C. 1991(a)(13)(A)(i)) shall be deemed to
 2 refer to 100,000 inhabitants.

3 (7) RURAL MINORITY BUSINESS ENTERPRISE.—

4 The term “rural minority business enterprise”
 5 means a minority business enterprise located in a
 6 rural area.

7 **SEC. 302. BUSINESS CENTERS.**

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

10 (b) PARTNERSHIP.—

11 (1) IN GENERAL.—With respect to an MBDA
 12 Rural Business Center established by the Assistant
 13 Secretary, the Assistant Secretary shall establish the
 14 MBDA Rural Business Center in partnership with
 15 an eligible entity in accordance with paragraph (2).

16 (2) MBDA AGREEMENT.—

17 (A) IN GENERAL.—With respect to each
 18 MBDA Rural Business Center established by
 19 the Assistant Secretary, the Assistant Secretary
 20 shall enter into a cooperative agreement with an
 21 eligible entity that provides that—

22 (i) the eligible entity shall provide
 23 space, facilities, and staffing for the
 24 MBDA Rural Business Center;

(ii) the Assistant Secretary shall provide funding for, and oversight with respect to, the MBDA Rural Business Center; and

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

(B) LOWER MATCH REQUIREMENT.—

Based on the available resources of an eligible entity, the Assistant Secretary may enter into a cooperative agreement with the eligible entity that provides that—

(i) the eligible entity shall match less than 20 percent of the amount of the funding provided by the Assistant Secretary under subparagraph (A)(ii); or

(ii) if the Assistant Secretary makes a determination, upon a demonstration by the eligible entity of substantial need, the eligible entity shall not be required to provide any match with respect to the funding

1 provided by the Assistant Secretary under
2 subparagraph (A)(ii).

3 (C) ELIGIBLE FUNDS.—An eligible entity
4 may provide matching funds required under an
5 MBDA Rural Business Center agreement with
6 Federal funds received from other Federal pro-
7 grams.

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

10 (4) EXTENSION.—The Assistant Secretary and
11 an eligible entity may agree to extend the term of
12 an MBDA Rural Business Center agreement with
13 respect to an MBDA Rural Business Center.

14 (c) FUNCTIONS.—An MBDA Rural Business Center
15 shall—

16 (1) primarily serve clients that are—

17 (A) rural minority business enterprises; or

18 (B) minority business enterprises that are
19 located more than 50 miles from an MBDA
20 Business Center (other than that MBDA Rural
21 Business Center);

22 (2) focus on—

23 (A) issues relating to—

24 (i) the adoption of broadband internet
25 access service (as defined in section 8.1(b))

1 of title 47, Code of Federal Regulations, or
2 any successor regulation), digital literacy
3 skills, and e-commerce by rural minority
4 business enterprises;

5 (ii) advanced manufacturing;

6 (iii) the promotion of manufacturing
7 in the United States;

8 (iv) ways in which rural minority busi-
9 ness enterprises can meet gaps in the sup-
10 ply chain of critical supplies and essential
11 goods and services for the United States;

12 (v) improving the connectivity of rural
13 minority business enterprises through
14 transportation and logistics;

15 (vi) promoting trade and export op-
16 portunities by rural minority business en-
17 terprises;

18 (vii) securing financial capital;

19 (viii) facilitating entrepreneurship in
20 rural areas; and

21 (ix) creating jobs in rural areas; and

22 (B) any other issue relating to the unique
23 challenges faced by rural minority business en-
24 terprises; and

1 (3) provide education, training, and legal, finan-
 2 cial, and technical assistance to minority business
 3 enterprises.

4 (d) APPLICATIONS.—

5 (1) IN GENERAL.—Not later than 90 days after
 6 the date of enactment of this Act, the Assistant Sec-
 7 retary shall issue a Notice of Funding Opportunity
 8 requesting applications from eligible entities that de-
 9 sire to enter into MBDA Rural Business Center
 10 agreements.

11 (2) CRITERIA AND PRIORITY.—In selecting an
 12 eligible entity with which to enter into an MBDA
 13 Rural Business Center agreement, the Assistant
 14 Secretary shall—

15 (A) select an eligible entity that dem-
 16 onstrates—

17 (i) the ability to collaborate with gov-
 18 ernmental and private sector entities to le-
 19 verage capabilities of minority business en-
 20 terprises through public-private partner-
 21 ships;

22 (ii) the research and extension capac-
 23 ity to support minority business enter-
 24 prises;

1 (iii) knowledge of the community that
2 the eligible entity serves and the ability to
3 conduct effective outreach to that commu-
4 nity to advance the goals of an MBDA
5 Rural Business Center;

6 (iv) the ability to provide innovative
7 business solutions, including access to con-
8 tracting opportunities, markets, and cap-
9 ital;

10 (v) the ability to provide services that
11 advance the development of science, tech-
12 nology, engineering, and math jobs within
13 minority business enterprises;

14 (vi) the ability to leverage resources
15 from within the eligible entity to advance
16 an MBDA Rural Business Center;

17 (vii) that the mission of the eligible
18 entity aligns with the mission of the Agen-
19 cy;

20 (viii) the ability to leverage relation-
21 ships with rural minority business enter-
22 prises; and

23 (ix) a referral relationship with not
24 less than 1 community-based organization;
25 and

1 (B) give priority to an eligible entity lo-
2 cated in a State or region that lacks an MBDA
3 Business Center, as of the date of enactment of
4 this Act.

5 **SEC. 303. REPORT TO CONGRESS.**

6 Not later than 1 year after the date of enactment
7 of this Act, the Assistant Secretary shall submit to the
8 appropriate congressional committees a report that in-
9 cludes—

10 (1) a summary of the efforts of the Assistant
11 Secretary to provide services to minority business
12 enterprises located in States that lack an MBDA
13 Business Center, as of the date of enactment of this
14 Act, and especially in those States that have signifi-
15 cant minority populations; and

16 (2) recommendations for extending the outreach
17 of the Agency to underserved areas.

18 **SEC. 304. STUDY AND REPORT.**

19 (a) IN GENERAL.—The Assistant Secretary, in co-
20 ordination with relevant leadership of the Agency and rel-
21 evant individuals outside of the Department of Commerce,
22 shall conduct a study that addresses the ways in which
23 minority business enterprises can meet gaps in the supply
24 chain of the United States, with a particular focus on the

1 supply chain of advanced manufacturing and essential
2 goods and services.

3 (b) REPORT.—Not later than 1 year after the date
4 of enactment of this Act, the Assistant Secretary shall
5 submit to the appropriate congressional committees a re-
6 port that includes the results of the study conducted under
7 subsection (a), which shall include recommendations re-
8 garding the ways in which minority business enterprises
9 can meet gaps in the supply chain of the United States.

10 **TITLE IV—MINORITY BUSINESS** 11 **DEVELOPMENT GRANTS**

12 **SEC. 401. GRANTS TO NONPROFIT ORGANIZATIONS THAT** 13 **SUPPORT MINORITY BUSINESS ENTER-** 14 **PRISES.**

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

17 (1) is described in paragraph (3), (4), (5), or
18 (6) of section 501(c) of the Internal Revenue Code
19 of 1986 and exempt from tax under section 501(a)
20 of such Code; and

21 (2) can demonstrate that the primary mission
22 of the organization is to provide services to minority
23 business enterprises, whether through education,
24 making grants or loans, or other similar activities.

1 (b) PURPOSE.—The purpose of this section is to
2 make grants to covered entities to help those covered enti-
3 ties continue the necessary work of supporting minority
4 business enterprises.

5 (c) ESTABLISHMENT.—Not later than 180 days after
6 the date of enactment of this Act, the Assistant Secretary
7 shall establish within the Agency a grant program under
8 which the Assistant Secretary shall make grants to cov-
9 ered entities in accordance with the requirements of this
10 section.

11 (d) APPLICATION.—A covered entity desiring a grant
12 under this section shall submit to the Assistant Secretary
13 an application at such time, in such manner, and con-
14 taining such information as the Assistant Secretary may
15 require.

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

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

21 (2) that is located in a federally recognized area
22 of economic distress.

23 (f) USE OF FUNDS.—A covered entity to which a
24 grant is made under this section may use the grant funds

1 to support the development and growth of minority busi-
2 ness enterprises.

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

7 (h) INSPECTOR GENERAL AUDIT.—Not later than
8 180 days after the date on which the Assistant Secretary
9 begins making grants under this section, the Inspector
10 General of the Department of Commerce shall—

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

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

17 (i) UPDATES TO CONGRESS.—Not later than 90 days
18 after the date on which the Assistant Secretary establishes
19 the grant program under subsection (c), and once every
20 30 days thereafter, the Assistant Secretary shall submit
21 to Congress a report that contains—

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

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

4 **SEC. 402. MINORITY BUSINESS GRANTS.**

5 (a) IN GENERAL.—The Assistant Secretary may
6 award grants to minority business enterprises for the pur-
7 pose of—

8 (1) growing a minority business enterprise; or

9 (2) helping a minority business enterprise to re-
10 main in business.

11 (b) ESTABLISHMENT OF OFFICE.—The Assistant
12 Secretary shall establish an office within the Agency that
13 has adequate staffing to award and administer grants
14 under subsection (a).

15 (c) UPDATES TO CONGRESS.—Not later than 120
16 days after the date of enactment of this Act, and once
17 every 30 days thereafter, the Assistant Secretary shall
18 submit to Congress a report that contains—

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

21 (2) with respect to the grants described in para-
22 graph (1)—

23 (A) the geographic distribution of those
24 grants by State and county; and

- 1 (B) with respect to each minority business
2 enterprise to which such a grant is awarded—
3 (i) demographic information with re-
4 spect to the minority business enterprise;
5 and
6 (ii) information regarding the industry
7 in which the minority business enterprise
8 operates.

9 **TITLE V—ADMINISTRATIVE AND**
10 **OTHER POWERS OF THE**
11 **AGENCY; MISCELLANEOUS**
12 **PROVISIONS**

13 **SEC. 501. ADMINISTRATIVE POWERS.**

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

- 16 (1) adopt and use a seal for the Agency, which
17 shall be judicially noticed;
18 (2) hold hearings, sit and act, and take testi-
19 mony as the Assistant Secretary may determine to
20 be necessary or appropriate to carry out this Act;
21 (3) acquire, in any lawful manner, any property
22 that the Assistant Secretary determines to be nec-
23 essary or appropriate to carry out this Act;

1 (4) make advance payments under grants, con-
2 tracts, and cooperative agreements awarded under
3 this Act;

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

9 (6) coordinate with the heads of the Offices of
10 Small and Disadvantaged Business Utilization of
11 Federal agencies;

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

17 (A) ensure consistency with the purposes
18 of this Act; and

19 (B) avoid duplication of existing efforts;
20 and

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

24 (b) EMPLOYMENT OF CERTAIN EXPERTS AND CON-
25 SULTANTS.—

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

6 (2) RENEWAL OF CONTRACTS.—The Assistant
7 Secretary may annually renew a contract for employ-
8 ment of an individual employed under paragraph
9 (1).

10 (c) DONATION OF PROPERTY.—

11 (1) IN GENERAL.—Subject to paragraph (2), in
12 carrying out this Act, the Assistant Secretary may,
13 without cost (except for costs of care and handling),
14 donate for use by any public sector entity, or by any
15 recipient nonprofit organization, for the purpose of
16 the development of minority business enterprises,
17 any real or tangible personal property acquired by
18 the Agency in carrying out this Act.

19 (2) TERMS, CONDITIONS, RESERVATIONS, AND
20 RESTRICTIONS.—The Assistant Secretary may im-
21 pose reasonable terms, conditions, reservations, and
22 restrictions upon the use of any property donated
23 under paragraph (1).

24 **SEC. 502. FEDERAL ASSISTANCE.**

25 (a) IN GENERAL.—

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

6 (2) NOTICE.—Not later than 120 days after the
7 date on which amounts are appropriated to carry
8 out this section, the Assistant Secretary shall, in ac-
9 cordance with subsection (b), broadly publish a
10 statement regarding Federal assistance that will, or
11 may, be provided under paragraph (1) during the
12 fiscal year for which those amounts are appro-
13 priated, including—

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

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

19 (C) the manner in which Federal assist-
20 ance will be allocated among public sector enti-
21 ties and private sector entities, as applicable;
22 and

23 (D) the methodology used by the Assistant
24 Secretary to make allocations under subpara-
25 graph (C).

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

6 (b) PUBLICITY.—In carrying out this section, the As-
7 sistant Secretary shall broadly publicize all opportunities
8 for Federal assistance available under this section, includ-
9 ing through the means required under section 115.

10 **SEC. 503. AUDITS.**

11 (a) RECORDKEEPING REQUIREMENT.—Each recipi-
12 ent of assistance under this Act shall keep such records
13 as the Assistant Secretary shall prescribe, including
14 records that fully disclose, with respect to the assistance
15 received by the recipient under this Act—

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

17 (2) the disposition by the recipient of the pro-
18 ceeds of that assistance;

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

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

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

3 (b) ACCESS BY GOVERNMENT OFFICIALS.—The As-
4 sistant Secretary, the Inspector General of the Depart-
5 ment of Commerce, and the Comptroller General of the
6 United States, or any duly authorized representative of
7 any such individual, shall have access, for the purpose of
8 audit, investigation, and examination, to any book, docu-
9 ment, paper, record, or other material of a recipient of
10 assistance under this Act that pertains to the assistance
11 received by the recipient under this Act.

12 **SEC. 504. REVIEW AND REPORT BY COMPTROLLER GEN-**
13 **ERAL.**

14 Not later than 4 years after the date of enactment
15 of this Act, the Comptroller General of the United States
16 shall—

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

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

23 (A) an evaluation of the effectiveness of
24 the programs in achieving the purposes of this
25 Act;

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

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

SEC. 505. ANNUAL REPORTS; RECOMMENDATIONS.

(a) ANNUAL REPORT.—Not later than 90 days after the last day of each fiscal year, the Assistant 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 Act during the fiscal year preceding the date on which the report is submitted.

(b) RECOMMENDATIONS.—The Assistant Secretary shall periodically submit to Congress and the President recommendations for legislation or other actions that the Assistant Secretary determines to be necessary or appropriate to promote the purposes of this Act.

SEC. 506. SEPARABILITY.

If a provision of this Act, or the application of a provision of this Act 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—

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

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

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

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

7 (B) the application of the provision of this
8 Act to each person or circumstance directly in-
9 volved in the controversy in which the judgment
10 is rendered.

11 **SEC. 507. EXECUTIVE ORDER 11625.**

12 The powers and duties of the Agency shall be deter-
13 mined—

14 (1) in accordance with this Act and the require-
15 ments of this Act; and

16 (2) without regard to Executive Order 11625
17 (36 Fed. Reg. 19967; relating to prescribing addi-
18 tional arrangements for developing and coordinating
19 a national program for minority business enter-
20 prise).

21 **SEC. 508. AMENDMENT TO THE FEDERAL ACQUISITION**
22 **STREAMLINING ACT OF 1994.**

23 Section 7104(c) of the Federal Acquisition Stream-
24 lining Act of 1994 (15 U.S.C. 644a(c)) is amended by
25 striking paragraph (2) and inserting the following:

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

3 **SEC. 509. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated to the As-
5 sistant Secretary not less than \$100,000,000 for fiscal
6 year 2021, and each fiscal year thereafter, to carry out
7 this Act.

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