

may be cited as the ‘Coronavirus Aid, Relief, and Economic Security Act’ or the ‘CARES Act.’”

Pub. L. 116-136, div. A, title II, §2101, Mar. 27, 2020, 134 Stat. 313, provided that: “This subtitle [subtitle A (§§2101-2116) of title II of div. A of Pub. L. 116-136, enacting subchapter II of this chapter, amending section 3306 of Title 26, Internal Revenue Code, section 1103 of Title 42, The Public Health and Welfare, and section 352 of Title 45, Railroads, enacting provisions set out as a note under section 352 of Title 45, amending provisions set out as a note under section 3304 of Title 26, and repealing provisions set out as a note under section 3306 of Title 26], may be cited as the ‘Relief for Workers Affected by Coronavirus Act.’”

Pub. L. 116-136, div. A, title IV, §4001, Mar. 27, 2020, 134 Stat. 469, provided that: “This subtitle [subtitle A (§§4001-4029) of title IV of div. A of Pub. L. 116-136, enacting part A of subchapter III of this chapter, amending section 1681s-2 of this title, sections 84, 1795a, 1795c, 1795e, 1795f, and 5612 of Title 12, Banks and Banking, and section 5302 of Title 31, Money and Finance, and enacting provisions set out as notes under sections 84, 1795a, and 5236 of Title 12 and section 4532 of Title 50, War and National Defense] may be cited as the ‘Coronavirus Economic Stabilization Act of 2020.’”

DEFINITIONS

Pub. L. 116-260, div. N, title III, §302, Dec. 27, 2020, 134 Stat. 1993, provided that: “In this Act [probably means ‘this title’], title III of div. N of Pub. L. 116-260, see Tables for classification]:

“(1) ADMINISTRATION; ADMINISTRATOR.—The terms ‘Administration’ and ‘Administrator’ mean the Small Business Administration and the Administrator thereof, respectively.

“(2) SMALL BUSINESS CONCERN.—The term ‘small business concern’ has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).”

Executive Documents

EX. ORD. NO. 14002. ECONOMIC RELIEF RELATED TO THE COVID-19 PANDEMIC

Ex. Ord. No. 14002, Jan. 22, 2021, 86 F.R. 7229, provided: By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

SECTION 1. *Background.* The pandemic caused by the coronavirus disease 2019 (COVID-19) has led to an economic crisis marked by the closure of small businesses, job loss, food and housing insecurity, and increased challenges for working families balancing jobs and caregiving responsibilities. The current economic crisis has affected Americans throughout the Nation, but it is particularly dire in communities of color. The problems are exacerbated because State and local governments are being forced to consider steep cuts to critical programs to address revenue shortfalls the pandemic has caused. In addition, many individuals, families, and small businesses have had difficulties navigating relief programs with varying eligibility requirements, and some are not receiving the intended assistance. The economic crisis resulting from the pandemic must be met by the full resources of the Federal Government.

SEC. 2. *Providing Relief to Individuals, Families, and Small Businesses; and to State, Local, Tribal, and Territorial Governments.* (a) All executive departments and agencies (agencies) shall promptly identify actions they can take within existing authorities to address the current economic crisis resulting from the pandemic. Agencies should specifically consider actions that facilitate better use of data and other means to improve access to, reduce unnecessary barriers to, and improve coordination among programs funded in whole or in part by the Federal Government.

(b) Agencies should take the actions identified in subsection (a) of this section, as appropriate and consistent with applicable law, and in doing so should prioritize actions that provide the greatest relief to in-

dividuals, families, and small businesses; and to State, local, Tribal, and territorial governments.

(c) Independent agencies, as enumerated in 44 U.S.C. 3502(5), are strongly encouraged to comply with this section.

SEC. 3. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

J.R. BIDEN, JR.

§ 9002. Entrepreneurial development

(a) Definitions

In this section—

(1) the term “covered small business concern” means a small business concern that has experienced, as a result of COVID-19—

(A) supply chain disruptions, including changes in—

(i) quantity and lead time, including the number of shipments of components and delays in shipments;

(ii) quality, including shortages in supply for quality control reasons; and

(iii) technology, including a compromised payment network;

(B) staffing challenges;

(C) a decrease in gross receipts or customers; or

(D) a closure;

(2) the term “resource partner” means—

(A) a small business development center; and

(B) a women’s business center;

(3) the term “small business development center” has the meaning given the term in section 632 of this title; and

(4) the term “women’s business center” means a women’s business center described in section 656 of this title.

(b) Education, training, and advising grants

(1) In general

The Administration may provide financial assistance in the form of grants to resource partners to provide education, training, and advising to covered small business concerns.

(2) Use of funds

Grants under this subsection shall be used for the education, training, and advising of covered small business concerns and their employees on—

(A) accessing and applying for resources provided by the Administration and other Federal resources relating to access to capital and business resiliency;

(B) the hazards and prevention of the transmission and communication of COVID-19 and other communicable diseases;

(C) the potential effects of COVID-19 on the supply chains, distribution, and sale of products of covered small business concerns and the mitigation of those effects;

(D) the management and practice of telework to reduce possible transmission of COVID-19;

(E) the management and practice of remote customer service by electronic or other means;

(F) the risks of and mitigation of cyber threats in remote customer service or telework practices;

(G) the mitigation of the effects of reduced travel or outside activities on covered small business concerns during COVID-19 or similar occurrences; and

(H) any other relevant business practices necessary to mitigate the economic effects of COVID-19 or similar occurrences.

(3) Grant determination

(A) Small business development centers

(i) In general

The Administration shall award 80 percent of funds authorized to carry out this subsection to small business development centers, which shall be awarded pursuant to a formula jointly developed, negotiated, and agreed upon, with full participation of both parties, between the association formed under section 648(a)(3)(A) of this title and the Administration.

(ii) Clarification of use

Awards made under clause (i) shall be in addition to, and separate from, any amounts appropriated to make grants under section 648(a) of this title and such an award may be used to complement and support such a grant, except that priority with respect to the receipt of that assistance shall be given to small business development centers that have been affected by issues described in paragraph (2).

(B) Women's business centers

The Administration shall award 20 percent of funds authorized to carry out this subsection to women's business centers, which shall be awarded pursuant to a process established by the Administration in consultation with recipients of assistance.

(C) No matching funds required

Matching funds shall not be required for any grant under this subsection.

(4) Goals and metrics

(A) In general

Goals and metrics for the funds made available under this subsection shall be jointly developed, negotiated, and agreed upon, with full participation of both parties, between the resource partners and the Administrator, which shall—

(i) take into consideration the extent of the circumstances relating to the spread of COVID-19, or similar occurrences, that affect covered small business concerns located in the areas covered by the resource partner, particularly in rural areas or economically distressed areas;

(ii) generally follow the use of funds outlined in paragraph (2), but shall not restrict the activities of resource partners in responding to unique situations; and

(iii) encourage resource partners to develop and provide services to covered small business concerns.

(B) Public availability

The Administrator shall make publicly available the methodology by which the Administrator and resource partners jointly develop the metrics and goals described in subparagraph (A).

(c) Resource partner association grants

(1) In general

The Administrator may provide grants to an association or associations representing resource partners under which the association or associations shall establish a single centralized hub for COVID-19 information, which shall include—

(A) 1 online platform that consolidates resources and information available across multiple Federal agencies for small business concerns related to COVID-19; and

(B) a training program to educate resource partner counselors, members of the Service Corps of Retired Executives established under section 637(b)(1)(B) of this title, and counselors at veterans business outreach centers described in section 657b of this title on the resources and information described in subparagraph (A).

(2) Goals and metrics

Goals and metrics for the funds made available under this subsection shall be jointly developed, negotiated, and agreed upon, with full participation of both parties, between the association or associations receiving a grant under this subsection and the Administrator.

(d) Report

Not later than 6 months after March 27, 2020, and annually thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that describes—

(1) with respect to the initial year covered by the report—

(A) the programs and services developed and provided by the Administration and resource partners under subsection (b);

(B) the initial efforts to provide those services under subsection (b); and

(C) the online platform and training developed and provided by the Administration and the association or associations under subsection (c); and

(2) with respect to the subsequent years covered by the report—

(A) with respect to the grant program under subsection (b)—

(i) the efforts of the Administrator and resource partners to develop services to assist covered small business concerns;

(ii) the challenges faced by owners of covered small business concerns in accessing services provided by the Administration and resource partners;

(iii) the number of unique covered small business concerns that were served by the Administration and resource partners; and
 (iv) other relevant outcome performance data with respect to covered small business concerns, including the number of employees affected, the effect on sales, the disruptions of supply chains, and the efforts made by the Administration and resource partners to mitigate these effects; and

(B) with respect to the grant program under subsection (c)—

(i) the efforts of the Administrator and the association or associations to develop and evolve an online resource for small business concerns; and

(ii) the efforts of the Administrator and the association or associations to develop a training program for resource partner counselors, including the number of counselors trained.

(Pub. L. 116-136, div. A, title I, §1103, Mar. 27, 2020, 134 Stat. 294; Pub. L. 116-260, div. N, title III, §346(a), Dec. 27, 2020, 134 Stat. 2051.)

Editorial Notes

AMENDMENTS

2020—Subsec. (b)(3)(A). Pub. L. 116-260 designated existing provisions as cl. (i), inserted heading, and added cl. (ii).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2020 AMENDMENT

Pub. L. 116-260, div. N, title III, §346(b), Dec. 27, 2020, 134 Stat. 2052, provided that: “The amendments made by subsection (a) [amending this section] shall be effective as if included in the CARES Act (Public Law 116-136; 134 Stat. 281).”

§ 9003. State Trade Expansion Program

(a) In general

Notwithstanding paragraph (3)(C)(iii) of section 649(l) of this title, for grants under the State Trade Expansion Program under such section 649(l) of this title using amounts made available for fiscal year 2018 or fiscal year 2019, the period of the grant shall continue through the end of fiscal year 2021.

(b) Reimbursement

The Administrator shall reimburse any recipient of assistance under section 649(l) of this title for financial losses relating to a foreign trade mission or a trade show exhibition that was cancelled solely due to a public health emergency declared due to COVID-19 if the reimbursement does not exceed a recipient's grant funding.

(Pub. L. 116-136, div. A, title I, §1104, Mar. 27, 2020, 134 Stat. 297.)

§ 9004. Waiver of matching funds requirement under the Women's Business Center program

During the period beginning on March 27, 2020, and ending on June 30, 2021, the requirement relating to obtaining cash contributions from non-Federal sources under section 656(c)(1) of this title is waived for any recipient of assistance under such section 656 of this title.

(Pub. L. 116-136, div. A, title I, §1105, Mar. 27, 2020, 134 Stat. 297; Pub. L. 116-260, div. N, title III, §345(a), Dec. 27, 2020, 134 Stat. 2051.)

Editorial Notes

AMENDMENTS

2020—Pub. L. 116-260 substituted “the period beginning on March 27, 2020, and ending on June 30, 2021” for “the 3-month period beginning on March 27, 2020”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2020 AMENDMENT

Pub. L. 116-260, div. N, title III, §345(b), Dec. 27, 2020, 134 Stat. 2051, provided that: “The amendment made by subsection (a) [amending this section] shall be effective as if included in the CARES Act (Public Law 116-136; 134 Stat. 281).”

§ 9005. Transferred

Editorial Notes

CODIFICATION

Section, Pub. L. 116-136, div. A, title I, §1106, Mar. 27, 2020, 134 Stat. 297; Pub. L. 116-142, §3(b), June 5, 2020, 134 Stat. 641, which related to loan forgiveness, was renumbered as section 7A of Pub. L. 85-536 by Pub. L. 116-260, div. N, title III, §304(b)(1)(A), Dec. 27, 2020, 134 Stat. 1993, and transferred to section 636m of this title.

§ 9006. Direct appropriations

(a) In general

There is appropriated, out of amounts in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2020, to remain available until September 30, 2021, for additional amounts—

(1) \$670,335,000,000 under the heading “Small Business Administration—Business Loans Program Account, CARES Act” for the cost of guaranteed loans as authorized under paragraph (36) of section 636(a) of this title, as added by section 1102(a) of this Act;

(2) \$675,000,000 under the heading “Small Business Administration—Salaries and Expenses” for salaries and expenses of the Administration;

(3) \$25,000,000 under the heading “Small Business Administration—Office of Inspector General”, to remain available until September 30, 2024, for necessary expenses of the Office of Inspector General of the Administration in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.);¹

(4) \$265,000,000 under the heading “Small Business Administration—Entrepreneurial Development Programs”, of which—

(A) \$240,000,000 shall be for carrying out section 9002(b) of this title; and

(B) \$25,000,000 shall be for carrying out section 9002(c) of this title;

(5) \$10,000,000 under the heading “Department of Commerce—Minority Business Development Agency” for minority business centers of the Minority Business Development Agency to provide technical assistance to small business concerns;

(6) \$10,000,000,000 under the heading “Small Business Administration—Emergency EIDL

¹ See References in Text note below.