

mending and promoting local administrative and legislative initiatives needed to advance the position of minority business enterprises in the local economies of those public sector entities; and

(3) facilitate the efforts of public sector entities and Federal agencies to advance the growth of minority business enterprises.

(Pub. L. 117-58, div. K, title I, §100102, Nov. 15, 2021, 135 Stat. 1450.)

### § 9513. Research and information

#### (a) In general

In order to achieve the purposes of this chapter, the Under Secretary—

(1) shall—

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

(B) conduct research, studies, and surveys of—

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

(ii) how the conditions described in clause (i) particularly affect the development of minority business enterprises; and

(C) provide outreach, educational services, and technical assistance in, at a minimum, the 5 most commonly spoken languages in the United States to ensure that limited English proficient individuals receive culturally and linguistically appropriate access to the services and information provided by the Agency; and

(2) may perform an evaluation of programs carried out by the Under Secretary that are designed to assist the development of minority business enterprises.

#### (b) Information clearinghouse

The Under Secretary shall—

(1) establish and maintain an information clearinghouse for the collection and dissemination to relevant parties (including business owners and researchers) of demographic, economic, financial, managerial, and technical data relating to minority business enterprises; and

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

(A) search for, collect, classify, coordinate, integrate, record, and catalog the data described in paragraph (1); and

(B) in a manner that is consistent with section 552a of title 5, protect the privacy of the minority business enterprises to which the data described in paragraph (1) relates.

(Pub. L. 117-58, div. K, title I, §100103, Nov. 15, 2021, 135 Stat. 1450.)

#### Editorial Notes

##### REFERENCES IN TEXT

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

### PART B—MINORITY BUSINESS DEVELOPMENT AGENCY BUSINESS CENTER PROGRAM

#### § 9521. Definition

In this part, the term “MBDA Business Center Program” means the program established under section \_\_\_\_\_ 113.<sup>1</sup>

(Pub. L. 117-58, div. K, title I, §100111, Nov. 15, 2021, 135 Stat. 1451.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section \_\_\_\_\_ 113, referred to in text, probably means section 100113 of Pub. L. 117-58, which is classified to section 9523 of this title.

#### § 9522. Purpose

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

(1) assist minority business enterprises in—

(A) accessing capital, contracts, and grants; and

(B) creating and maintaining jobs;

(2) provide counseling and mentoring to minority business enterprises; and

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

(Pub. L. 117-58, div. K, title I, §100112, Nov. 15, 2021, 135 Stat. 1451.)

#### § 9523. Establishment

##### (a) In general

There is established in the Agency a program—

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

(2) that shall be separate and distinct from the efforts of the Under Secretary under section \_\_\_\_\_ 101;<sup>1</sup> and

(3) under which the Under Secretary shall make Federal assistance awards to eligible entities to operate MBDA Business Centers, which shall, in accordance with section \_\_\_\_\_ 114,<sup>1</sup> provide technical assistance and business development services, or specialty services, to minority business enterprises.

##### (b) Coverage

The Under Secretary shall take all necessary actions to ensure that the MBDA Business Center Program, in accordance with section \_\_\_\_\_ 114,<sup>1</sup> offers the services described in subsection (a)(3) in all regions of the United States.

(Pub. L. 117-58, div. K, title I, §100113, Nov. 15, 2021, 135 Stat. 1451.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section \_\_\_\_\_ 101, referred to in subsec. (a)(2), probably means section 100101 of Pub. L. 117-58, which is classified to section 9511 of this title.

Section \_\_\_\_\_ 114, referred to in subssecs. (a)(3) and (b), probably means section 100114 of Pub. L. 117-58, which is classified to section 9524 of this title.

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

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

## § 9524. Grants and cooperative agreements

### (a) Requirements

An MBDA Business Center (referred to in this part as a “Center”), with respect to the Federal financial assistance award made to operate the Center under the MBDA Business Center Program—

(1) shall—

(A) provide to minority business enterprises programs and services determined to be appropriate by the Under Secretary, which may include—

(i) referral services to meet the needs of minority business enterprises; and

(ii) programs and services to accomplish the goals described in section \_\_\_\_101(1);<sup>1</sup>

(B) develop, cultivate, and maintain a network of strategic partnerships with organizations that foster access by minority business enterprises to economic markets, capital, or contracts;

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

(D) establish or continue a referral relationship with not less than 1 community-based organization; and

(E) collaborate with other Centers; and

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

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

(B) generate income through the collection of—

(i) client fees;

(ii) membership fees; and

(iii) any other appropriate fees proposed by the Center in the application submitted by the Center under subsection (e).

### (b) Term

Subject to subsection (g)(3), the term of an MBDA Business Center agreement shall be not less than 3 years.

### (c) Financial assistance

#### (1) In general

The amount of financial assistance provided by the Under Secretary under an MBDA Business Center agreement shall be not less than \$250,000 for the term of the agreement.

#### (2) Matching requirement

##### (A) In general

A Center shall match not less than  $\frac{1}{3}$  of the amount of the financial assistance awarded to the Center under the terms of the applicable MBDA Business Center agreement, unless the Under Secretary determines that a waiver of that requirement is necessary after a demonstration by the Center of a substantial need for that waiver.

##### (B) Form of funds

A Center may meet the matching requirement under subparagraph (A) by using—

(i) cash or in-kind contributions, without regard to whether the contribution is made by a third party; or

(ii) Federal funds received from other Federal programs.

### (3) Use of financial assistance and program income

A Center shall use—

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

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

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

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

### (d) Criteria for selection

The Under Secretary shall—

(1) establish criteria that—

(A) the Under Secretary shall use in determining whether to enter into an MBDA Business Center agreement with an eligible entity; and

(B) may include criteria relating to whether an eligible entity is located in—

(i) an area, the population of which is composed of not less than 51 percent socially or economically disadvantaged individuals, as determined in accordance with data collected by the Bureau of the Census;

(ii) a federally recognized area of economic distress; or

(iii) a State that is underserved with respect to the MBDA Business Center Program, as defined by the Under Secretary; and

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

(A) on the website of the Agency; and

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

### (e) Applications

An eligible entity desiring to enter into an MBDA Business Center agreement shall submit to the Under Secretary an application that includes—

(1) a statement of—

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

(B) any experience or plans of the eligible entity with respect to—

(i) assisting minority business enterprises to—

(I) obtain—

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

(bb) financing; or

(cc) legal assistance;

(II) access established supply chains; and

(III) engage in—

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

(bb) large-scale transactions in global markets;

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