

S.M.C.
Robert J. Wicker

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.

S. 2068

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.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. WICKER

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the

5 “Minority Business Development Act of 2021”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for

7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. 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. 111. Definition.
- Sec. 112. Purpose.
- Sec. 113. Establishment.
- Sec. 114. Grants and cooperative agreements.
- Sec. 115. Minimizing disruptions to existing MBDA Business Center program.
- Sec. 116. Publicity.

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.

TITLE V—MINORITY BUSINESS ENTERPRISES ADVISORY COUNCIL

- Sec. 501. Purpose.
- Sec. 502. Composition and term.
- Sec. 503. Duties.

TITLE VI—FEDERAL COORDINATION OF MINORITY BUSINESS PROGRAMS

- Sec. 601. General duties.
- Sec. 602. Participation of Federal departments and agencies.

TITLE VII—ADMINISTRATIVE POWERS OF THE AGENCY; MISCELLANEOUS PROVISIONS

- Sec. 701. Administrative powers.
- Sec. 702. Federal assistance.
- Sec. 703. Recordkeeping.
- Sec. 704. Review and report by Comptroller General.
- Sec. 705. Biannual reports; recommendations.
- Sec. 706. Separability.

Sec. 707. Executive Order 11625.

Sec. 708. Authorization of appropriations.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **AGENCY.**—The term “Agency” means the
4 Minority Business Development Agency of the De-
5 partment of Commerce.

6 (2) **COMMUNITY-BASED ORGANIZATION.**—The
7 term “community-based organization” has the
8 meaning given the term in section 8101 of the Ele-
9 mentary and Secondary Education Act of 1965 (20
10 U.S.C. 7801).

11 (3) **ELIGIBLE ENTITY.**—Except as otherwise ex-
12 pressly provided, the term “eligible entity”—

13 (A) means—

- 14 (i) a private sector entity;
15 (ii) a public sector entity; or
16 (iii) a Native entity; and

17 (B) includes an institution of higher edu-
18 cation.

19 (4) **FEDERAL AGENCY.**—The term “Federal
20 agency” has the meaning given the term “agency”
21 in section 551 of title 5, United States Code.

22 (5) **FEDERALLY RECOGNIZED AREA OF ECO-
23 NOMIC DISTRESS.**—The term “federally recognized
24 area of economic distress” means—

4

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

4 (B) an area that—

5 (i) has been designated as—

6 (I) an empowerment zone under
7 section 1391 of the Internal Revenue
8 Code of 1986; or

9 (II) a Promise Zone by the Sec-
10 retary of Housing and Urban Devel-
11 opment; or

12 (ii) is a low or moderate income area,
13 as determined by the Department of Hous-
14 ing and Urban Development;

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

18 (D) any other political subdivision or unin-
19 corporated area of a State determined by the
20 Under Secretary to be an area of economic dis-
21 tress.

22 (6) INSTITUTION OF HIGHER EDUCATION.—The
23 term “institution of higher education” has the
24 meaning given the term in section 101 of the Higher
25 Education Act of 1965 (20 U.S.C. 1001).

1 (7) MBDA BUSINESS CENTER.—The term
2 “MBDA Business Center” means a business center
3 that—

4 (A) is established by the Agency; and

5 (B) provides technical business assistance
6 to minority business enterprises consistent with
7 the requirements of this Act.

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

11 (A) reflecting a relationship between the
12 Agency and the recipient of a Federal assist-
13 ance award that is the subject of the instru-
14 ment; and

15 (B) that establishes the terms by which the
16 recipient described in subparagraph (A) shall
17 operate an MBDA Business Center.

18 (9) MINORITY BUSINESS ENTERPRISE.—

19 (A) IN GENERAL.—The term “minority
20 business enterprise” means a business enter-
21 prise—

22 (i) that is not less than 51 percent-
23 owned by 1 or more socially or economi-
24 cally disadvantaged individuals; and

1 (ii) the management and daily busi-
2 ness operations of which are controlled by
3 1 or more socially or economically dis-
4 advantaged individuals.

5 (B) RULE OF CONSTRUCTION.—Nothing in
6 subparagraph (A) may be construed to exclude
7 a business enterprise from qualifying as a “mi-
8 nority business enterprise” under that subpara-
9 graph because of—

10 (i) the status of the business enter-
11 prise as a for-profit or not-for-profit enter-
12 prise; or

13 (ii) the annual revenue of the business
14 enterprise.

15 (10) NATIVE ENTITY.—The term “Native enti-
16 ty” means—

17 (A) a Tribal Government;

18 (B) an Alaska Native village or Regional
19 or Village Corporation, as defined in or estab-
20 lished pursuant to the Alaska Native Claims
21 Settlement Act (43 U.S.C. 1601 et seq.);

22 (C) a Native Hawaiian organization, as
23 that term is defined in section 6207 of the Ele-
24 mentary and Secondary Education Act of 1965
25 (20 U.S.C. 7517);

1 (D) the Department of Hawaiian Home
2 Lands; and

3 (E) the Office of Hawaiian Affairs.

4 (11) PRIVATE SECTOR ENTITY.—The term
5 “private sector entity”—

6 (A) means an entity that is not a public
7 sector entity; and

8 (B) does not include—

9 (i) the Federal Government;

10 (ii) any Federal agency; or

11 (iii) any instrumentality of the Fed-
12 eral Government.

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

15 (A) a State;

16 (B) an agency of a State;

17 (C) a political subdivision of a State;

18 (D) an agency of a political subdivision of
19 a State; or

20 (E) a Native entity.

21 (13) SECRETARY.—The term “Secretary”
22 means the Secretary of Commerce.

23 (14) SOCIALLY OR ECONOMICALLY DISADVAN-
24 TAGED BUSINESS CONCERN.—The term “socially or

1 economically disadvantaged business concern” means
2 a for-profit business enterprise—

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

6 (ii) that is socially or economically dis-
7 advantaged; or

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

12 (15) SOCIALLY OR ECONOMICALLY DISADVAN-
13 TAGED INDIVIDUAL.—

14 (A) IN GENERAL.—The term “socially or
15 economically disadvantaged individual” means
16 an individual who has been subjected to racial
17 or ethnic prejudice or cultural bias (or the abil-
18 ity of whom to compete in the free enterprise
19 system has been impaired due to diminished
20 capital and credit opportunities, as compared to
21 others in the same line of business and competi-
22 tive market area) because of the identity of the
23 individual as a member of a group, without re-
24 gard to any individual quality of the individual
25 that is unrelated to that identity.

1 (B) PRESUMPTION.—In carrying out this
2 Act, the Under Secretary shall presume that
3 the term “socially or economically disadvan-
4 tagged individual” includes any individual who
5 is—

- 6 (i) Black or African American;
7 (ii) Hispanic or Latino;
8 (iii) American Indian or Alaska Na-
9 tive;
10 (iv) Asian;
11 (v) Native Hawaiian or other Pacific
12 Islander; or
13 (vi) a member of a group that the
14 Agency determines under part 1400 of title
15 15, Code of Federal Regulations, as in ef-
16 fect on November 23, 1984, is a socially
17 disadvantaged group eligible to receive as-
18 sistance.

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

- 23 (A) capital access;
24 (B) Federal procurement;
25 (C) entrepreneurship;

1 (D) technology transfer; or
2 (E) any other area determined necessary
3 or appropriate based on the priorities of the
4 Agency.

5 (17) STATE.—The term “State” means—

6 (A) each of the States of the United
7 States;

8 (B) the District of Columbia;

9 (C) the Commonwealth of Puerto Rico;

10 (D) the United States Virgin Islands;

11 (E) Guam;

12 (F) American Samoa;

13 (G) the Commonwealth of the Northern
14 Mariana Islands; and

15 (H) each Tribal Government.

16 (18) TRIBAL GOVERNMENT.—The term “Tribal
17 Government” means the recognized governing body
18 of any Indian or Alaska Native tribe, band, nation,
19 pueblo, village, community, component band, or com-
20 ponent reservation, individually identified (including
21 parenthetically) in the list published most recently as
22 of the date of enactment of this Act pursuant to sec-
23 tion 104 of the Federally Recognized Indian Tribe
24 List Act of 1994 (25 U.S.C. 5131).

1 (19) UNDER SECRETARY.—The term “Under
2 Secretary” means the Under Secretary of Commerce
3 for Minority Business Development, who is ap-
4 pointed as described in section 3(b) to administer
5 this Act.

6 **SEC. 3. MINORITY BUSINESS DEVELOPMENT AGENCY.**

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

9 (b) UNDER SECRETARY.—

10 (1) APPOINTMENT AND DUTIES.—The Agency
11 shall be headed by the Under Secretary of Com-
12 merce for Minority Business Development, who
13 shall—

14 (A) be appointed by the President, by and
15 with the advice and consent of the Senate;

16 (B) except as otherwise expressly provided,
17 be responsible for the administration of this
18 Act; and

19 (C) report directly to the Secretary.

20 (2) COMPENSATION.—

21 (A) IN GENERAL.—The Under Secretary
22 shall be compensated at an annual rate of basic
23 pay prescribed for level III of the Executive
24 Schedule under section 5314 of title 5, United
25 States Code.

1 (B) TECHNICAL AND CONFORMING AMEND-
2 MENT.—Section 5314 of title 5, United States
3 Code, is amended by striking “and Under Sec-
4 retary of Commerce for Travel and Tourism”
5 and inserting “Under Secretary of Commerce
6 for Travel and Tourism, and Under Secretary
7 of Commerce for Minority Business Develop-
8 ment”.

9 (3) REFERENCES.—Any reference in a law,
10 map, regulation, document, paper, or other record of
11 the United States to the Director of the Agency
12 shall be deemed to be a reference to the Under Sec-
13 retary.

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

17 (1) the organizational structure of the Agency;

18 (2) the organizational position of the Agency
19 within the Department of Commerce; and

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

23 (d) OFFICE OF BUSINESS CENTERS.—

24 (1) ESTABLISHMENT.—There is established
25 within the Agency the Office of Business Centers.

1 (2) DIRECTOR.—The Office of Business Cen-
2 ters shall be administered by a Director, who shall
3 be appointed by the Under Secretary.

4 (e) OFFICES OF THE AGENCY.—

5 (1) IN GENERAL.—In addition to the regional
6 offices that the Under Secretary is required to estab-
7 lish under paragraph (2), the Under Secretary shall
8 establish such other offices within the Agency as are
9 necessary to carry out this Act.

10 (2) REGIONAL OFFICES.—

11 (A) IN GENERAL.—In order to carry out
12 this Act, the Under Secretary shall establish a
13 regional office of the Agency for each of the re-
14 gions of the United States, as determined by
15 the Under Secretary.

16 (B) DUTIES.—Each regional office estab-
17 lished under subparagraph (A) shall expand the
18 reach of the Agency and enable the Federal
19 Government to better serve the needs of minor-
20 ity business enterprises in the region served by
21 the office, including by—

22 (i) understanding and participating in
23 the business environment of that region;

24 (ii) working with—

14

1 (I) MBDA Business Centers that
2 are located in that region;

3 (II) resource and lending part-
4 ners of other appropriate Federal
5 agencies that are located in that re-
6 gion; and

7 (III) Federal, State, and local
8 procurement offices that are located
9 in that region;

10 (iii) being aware of business retention
11 or expansion programs that are specific to
12 that region;

13 (iv) seeking out opportunities to col-
14 laborate with regional public and private
15 programs that focus on minority business
16 enterprises; and

17 (v) promoting business continuity and
18 preparedness.

19 **TITLE I—EXISTING INITIATIVES**
20 **Subtitle A—Market Development,**
21 **Research, and Information**

22 **SEC. 101. PRIVATE SECTOR DEVELOPMENT.**

23 The Under Secretary shall, whenever the Under Sec-
24 retary determines such action is necessary or appro-
25 priate—

1 (1) provide Federal assistance to minority busi-
2 ness enterprises operating in domestic and foreign
3 markets by making available to those business enter-
4 prises, either directly or in cooperation with private
5 sector entities, including community-based organiza-
6 tions and national nonprofit organizations—

7 (A) resources relating to management;

8 (B) technological and technical assistance;

9 (C) financial, legal, and marketing serv-
10 ices; and

11 (D) services relating to workforce develop-
12 ment;

13 (2) encourage minority business enterprises to
14 establish joint ventures and projects—

15 (A) with other minority business enter-
16 prises; or

17 (B) in cooperation with public sector enti-
18 ties or private sector entities, including commu-
19 nity-based organizations and national nonprofit
20 organizations, to increase the share of any mar-
21 ket activity being performed by minority busi-
22 ness enterprises; and

23 (3) facilitate the efforts of private sector enti-
24 ties and Federal agencies to advance the growth of
25 minority business enterprises.

1 **SEC. 102. PUBLIC SECTOR DEVELOPMENT.**

2 The Under Secretary shall, whenever the Under Sec-
3 retary determines such action is necessary or appro-
4 priate—

5 (1) consult and cooperate with public sector en-
6 tities for the purpose of leveraging resources avail-
7 able in the jurisdictions of those public sector enti-
8 ties to promote the position of minority business en-
9 terprises in the local economies of those public sector
10 entities, including by assisting public sector entities
11 to establish or enhance—

12 (A) programs to procure goods and serv-
13 ices through minority business enterprises and
14 goals for that procurement;

15 (B) programs offering assistance relating
16 to—

17 (i) management;

18 (ii) technology;

19 (iii) law;

20 (iv) financing, including accounting;

21 (v) marketing; and

22 (vi) workforce development; and

23 (C) informational programs designed to in-
24 form minority business enterprises located in
25 the jurisdictions of those public sector entities

1 about the availability of programs described in
2 this section;

3 (2) meet with leaders and officials of public sec-
4 tor entities for the purpose of recommending and
5 promoting local administrative and legislative initia-
6 tives needed to advance the position of minority
7 business enterprises in the local economies of those
8 public sector entities; and

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

12 **SEC. 103. RESEARCH AND INFORMATION.**

13 (a) **IN GENERAL.**—In order to achieve the purposes
14 of this Act, the Under Secretary—

15 (1) shall—

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

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

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

23 (ii) how the conditions described in
24 clause (i) particularly affect the develop-
25 ment of minority business enterprises; and

1 (C) provide outreach, educational services,
2 and technical assistance in, at a minimum, the
3 5 most commonly spoken languages in the
4 United States to ensure that limited English
5 proficient individuals receive culturally and lin-
6 guistically appropriate access to the services
7 and information provided by the Agency; and

8 (2) may perform an evaluation of programs car-
9 ried out by the Under Secretary that are designed
10 to assist the development of minority business enter-
11 prises.

12 (b) INFORMATION CLEARINGHOUSE.—The Under
13 Secretary shall—

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

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

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

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

6 **Subtitle B—Minority Business De-**
7 **velopment Agency Business**
8 **Center Program**

9 **SEC. 111. DEFINITION.**

10 In this subtitle, the term “MBDA Business Center
11 Program” means the program established under section
12 113.

13 **SEC. 112. PURPOSE.**

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

17 (1) assist minority business enterprises in—

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

20 (B) creating and maintaining jobs;

21 (2) provide counseling and mentoring to minor-
22 ity business enterprises; and

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

1 **SEC. 113. ESTABLISHMENT.**

2 (a) **IN GENERAL.**—There is established in the Agency
3 a program—

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

6 (2) that shall be separate and distinct from the
7 efforts of the Under Secretary under section 101;
8 and

9 (3) under which the Under Secretary shall
10 make Federal assistance awards to eligible entities
11 to operate MBDA Business Centers, which shall, in
12 accordance with section 114, provide technical as-
13 sistance and business development services, or spe-
14 cialty services, to minority business enterprises.

15 (b) **COVERAGE.**—The Under Secretary shall take all
16 necessary actions to ensure that the MBDA Business Cen-
17 ter Program, in accordance with section 114, offers the
18 services described in subsection (a)(3) in all regions of the
19 United States.

20 **SEC. 114. GRANTS AND COOPERATIVE AGREEMENTS.**

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

25 (1) shall—

1 (A) provide to minority business enter-
2 prises programs and services determined to be
3 appropriate by the Under Secretary, which may
4 include—

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

7 (ii) programs and services to accom-
8 plish the goals described in section 101(1);

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

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

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

21 (E) collaborate with other Centers; and

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

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

1 (B) generate income through the collection
2 of—

3 (i) client fees;

4 (ii) membership fees; and

5 (iii) any other appropriate fees pro-
6 posed by the Center in the application sub-
7 mitted by the Center under subsection (e).

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

11 (c) FINANCIAL ASSISTANCE.—

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

16 (2) MATCHING REQUIREMENT.—

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

1 (B) FORM OF FUNDS.—A Center may
2 meet the matching requirement under subpara-
3 graph (A) by 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 Under Sec-
24 retary shall—

25 (1) establish criteria that—

1 (A) the Under Secretary shall use in deter-
2 mining whether to enter into an MBDA Busi-
3 ness Center agreement with an eligible entity;
4 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 or 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 Under 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 Under 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 or plans of the eligible
7 entity with respect to—

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 Under Secretary grants
12 an application of an eligible entity submitted under sub-
13 section (e), the Under Secretary shall notify the eligible
14 entity that the application has been granted not later than
15 150 days after the last day on which an application may
16 be submitted under that subsection.

17 (g) PROGRAM EXAMINATION; ACCREDITATION; EX-
18 TENSIONS.—

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

23 (2) ACCREDITATION.—The Under Secretary
24 may provide financial support, by contract or other-

1 wise, to an association, not less than 51 percent of
2 the members of which are Centers, to—

3 (A) pursue matters of common concern
4 with respect to Centers; and

5 (B) develop an accreditation program with
6 respect to Centers.

7 (3) EXTENSIONS.—

8 (A) IN GENERAL.—The Under Secretary
9 may extend the term under subsection (b) of an
10 MBDA Business Center agreement to which a
11 Center is a party, if the Center consents to the
12 extension.

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

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

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

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

5 (A) attend—

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

12 (ii) training provided under paragraph
13 (1);

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

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

21 (3) facilitating connections between Centers
22 and—

23 (A) Federal agencies other than the Agen-
24 cy, as appropriate; and

- 1 (B) other institutions or entities that use
2 Federal resources, such as—
- 3 (i) small business development cen-
4 ters, as that term is defined in section 3(t)
5 of the Small Business Act (15 U.S.C.
6 632(t));
- 7 (ii) women's business centers de-
8 scribed in section 29 of the Small Business
9 Act (15 U.S.C. 656);
- 10 (iii) eligible entities, as that term is
11 defined in section 2411 of title 10, United
12 States Code, that provide services under
13 the program carried out under chapter 142
14 of that title; and
- 15 (iv) entities participating in the Hol-
16 lings Manufacturing Extension Partnership
17 Program established under section 25 of
18 the National Institute of Standards and
19 Technology Act (15 U.S.C. 278k);
- 20 (4) monitoring projects carried out by each
21 Center; and
- 22 (5) establishing and enforcing administrative
23 and reporting requirements for each Center to carry
24 out subsection (a).

1 (i) REGULATIONS.—The Under Secretary shall issue
2 and publish regulations that establish minimum standards
3 regarding verification of minority business enterprise sta-
4 tus for clients of entities operating under the MBDA Busi-
5 ness Center Program.

6 **SEC. 115. MINIMIZING DISRUPTIONS TO EXISTING MBDA**
7 **BUSINESS CENTER PROGRAM.**

8 The Under Secretary shall ensure that each Federal
9 assistance award made under the Business Centers pro-
10 gram of the Agency, as is in effect on the day before the
11 date of enactment of this Act, is carried out in a manner
12 that, to the greatest extent practicable, prevents disrup-
13 tion of any activity carried out under that award.

14 **SEC. 116. PUBLICITY.**

15 In carrying out the MBDA Business Center Pro-
16 gram, the Under Secretary shall widely publicize the
17 MBDA Business Center Program, including—

18 (1) on the website of the Agency;

19 (2) via social media outlets; and

20 (3) by sharing information relating to the
21 MBDA Business Center Program with community-
22 based organizations, including interpretation groups
23 where necessary, to communicate in the most com-
24 mon languages spoken by the groups served by those
25 organizations.

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 Under Secretary shall conduct a Gov-
10 ernment-business forum to review the current status of
11 problems and programs relating to capital formation by
12 minority business enterprises.

13 (b) **PARTICIPATION IN FORUM PLANNING.**—The
14 Under 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 Under Secretary may re-
2 quest that any head of a Federal agency, depart-
3 ment, 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
8 agency, department, or organization who receives a
9 request under paragraph (1) shall, to the greatest
10 extent practicable, cooperate with the Under Sec-
11 retary to fulfill that request.

12 (d) TRANSMITTAL OF PROCEEDINGS AND FIND-
13 INGS.—The Under 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 Under 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 Under Secretary shall, whenever
16 the Under Secretary determines such action is necessary
17 or appropriate—

18 (1) promote the education and training of so-
19 cially or economically disadvantaged individuals in
20 subjects directly relating to business administration
21 and management;

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

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

5 (B) sponsor seminars, conferences, and
6 similar activities relating to business for the
7 benefit of socially or economically disadvan-
8 taged 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 Under Secretary shall award
24 grants to eligible institutions to develop and imple-
25 ment entrepreneurship curricula.

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

4 (A) develop a curriculum that includes
5 training in various skill sets needed by contem-
6 porary successful entrepreneurs, including—

7 (i) business management and mar-
8 keting;

9 (ii) financial management and ac-
10 counting;

11 (iii) market analysis;

12 (iv) competitive analysis;

13 (v) innovation;

14 (vi) strategic and succession planning;

15 (vii) marketing; and

16 (viii) any other skill set that the eligi-
17 ble institution determines is necessary for
18 the students served by the eligible institu-
19 tion and the community in which the eligi-
20 ble institution is located; and

21 (B) implement the curriculum developed
22 under subparagraph (A) at the eligible institu-
23 tion.

24 (4) IMPLEMENTATION TIMELINE.—The Under
25 Secretary shall establish and publish a timeline

1 under which an eligible institution to which a grant
2 is awarded under this section shall carry out the re-
3 quirements under paragraph (3).

4 (5) REPORTS.—Each year, the Under Secretary
5 shall submit to all applicable committees of Con-
6 gress, and as part of the annual budget submission
7 of the President under section 1105(a) of title 31,
8 United States Code, a report evaluating the award-
9 ing and use of grants under this subsection during
10 the fiscal year immediately preceding the fiscal year
11 in which the report is submitted, which shall include,
12 with respect to the fiscal year covered by the re-
13 port—

14 (A) a description of each curriculum devel-
15 oped and implemented under each grant award-
16 ed under this section;

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

19 (C) the number of eligible entities that
20 were recipients of grants awarded under this
21 section.

22 **TITLE III—RURAL MINORITY**
23 **BUSINESS CENTER PROGRAM**

24 **SEC. 301. DEFINITIONS.**

25 In this title:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Commerce, Science,
5 and Transportation of the Senate; and

6 (B) the Committee on Financial Services
7 of the House of Representatives.

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

10 (A) a part B institution; or

11 (B) a consortium of institutions of higher
12 education that is led by a part B institution.

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

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

1 (5) PART B INSTITUTION.—The term “part B
2 institution” has the meaning given the term in sec-
3 tion 322 of the Higher Education Act of 1965 (20
4 U.S.C. 1061).

5 (6) RURAL AREA.—The term “rural area” has
6 the meaning given the term in section 343(a) of the
7 Consolidated Farm and Rural Development Act (7
8 U.S.C. 1991(a)).

9 (7) RURAL MINORITY BUSINESS ENTERPRISE.—
10 The term “rural minority business enterprise”
11 means a minority business enterprise located in a
12 rural area.

13 **SEC. 302. BUSINESS CENTERS.**

14 (a) IN GENERAL.—The Under Secretary may estab-
15 lish MBDA Rural Business Centers.

16 (b) PARTNERSHIP.—

17 (1) IN GENERAL.—With respect to an MBDA
18 Rural Business Center established by the Under
19 Secretary, the Under Secretary shall establish the
20 MBDA Rural Business Center in partnership with
21 an eligible entity in accordance with paragraph (2).

22 (2) MBDA AGREEMENT.—

23 (A) IN GENERAL.—With respect to each
24 MBDA Rural Business Center established by
25 the Under Secretary, the Under Secretary shall

1 enter into a cooperative agreement with an eli-
2 gible entity that provides that—

3 (i) the eligible entity shall provide
4 space, facilities, and staffing for the
5 MBDA Rural Business Center;

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

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

16 (B) LOWER MATCH REQUIREMENT.—
17 Based on the available resources of an eligible
18 entity, the Under Secretary may enter into a
19 cooperative agreement with the eligible entity
20 that provides that—

21 (i) the eligible entity shall match less
22 than 20 percent of the amount of the fund-
23 ing provided by the Under Secretary under
24 subparagraph (A)(ii); or

1 (ii) if the Under Secretary makes a
2 determination, upon a demonstration by
3 the eligible entity of substantial need, the
4 eligible entity shall not be required to pro-
5 vide any match with respect to the funding
6 provided by the Under Secretary under
7 subparagraph (A)(ii).

8 (C) ELIGIBLE FUNDS.—An eligible entity
9 may provide matching funds required under an
10 MBDA Rural Business Center agreement with
11 Federal funds received from other Federal pro-
12 grams.

13 (3) TERM.—The initial term of an MBDA
14 Rural Business Center agreement shall be not less
15 than 3 years.

16 (4) EXTENSION.—The Under Secretary and an
17 eligible entity may agree to extend the term of an
18 MBDA Rural Business Center agreement with re-
19 spect to an MBDA Rural Business Center.

20 (c) FUNCTIONS.—An MBDA Rural Business Center
21 shall—

22 (1) primarily serve clients that are—

23 (A) rural minority business enterprises; or

24 (B) minority business enterprises that are
25 located more than 50 miles from an MBDA

1 Business Center (other than that MBDA Rural
2 Business Center);

3 (2) focus on—

4 (A) issues relating to—

5 (i) the adoption of broadband internet
6 access service (as defined in section 8.1(b)
7 of title 47, Code of Federal Regulations, or
8 any successor regulation), digital literacy
9 skills, and e-commerce by rural minority
10 business enterprises;

11 (ii) advanced manufacturing;

12 (iii) the promotion of manufacturing
13 in the United States;

14 (iv) ways in which rural minority busi-
15 ness enterprises can meet gaps in the sup-
16 ply chain of critical supplies and essential
17 goods and services for the United States;

18 (v) improving the connectivity of rural
19 minority business enterprises through
20 transportation and logistics;

21 (vi) promoting trade and export op-
22 portunities by rural minority business en-
23 terprises;

24 (vii) securing financial capital;

1 (viii) facilitating entrepreneurship in
2 rural areas; and

3 (ix) creating jobs in rural areas; and

4 (B) any other issue relating to the unique
5 challenges faced by rural minority business en-
6 terprises; and

7 (3) provide education, training, and legal, finan-
8 cial, and technical assistance to minority business
9 enterprises.

10 (d) APPLICATIONS.—

11 (1) IN GENERAL.—Not later than 90 days after
12 the date of enactment of this Act, the Under Sec-
13 retary shall issue a Notice of Funding Opportunity
14 requesting applications from eligible entities that de-
15 sire to enter into MBDA Rural Business Center
16 agreements.

17 (2) CRITERIA AND PRIORITY.—In selecting an
18 eligible entity with which to enter into an MBDA
19 Rural Business Center agreement, the Under Sec-
20 retary shall—

21 (A) select an eligible entity that dem-
22 onstrates—

23 (i) the ability to collaborate with gov-
24 ernmental and private sector entities to le-
25 verage capabilities of minority business en-

1 terprises through public-private partner-
2 ships;

3 (ii) the research and extension capac-
4 ity to support minority business enter-
5 prises;

6 (iii) knowledge of the community that
7 the eligible entity serves and the ability to
8 conduct effective outreach to that commu-
9 nity to advance the goals of an MBDA
10 Rural Business Center;

11 (iv) the ability to provide innovative
12 business solutions, including access to con-
13 tracting opportunities, markets, and cap-
14 ital;

15 (v) the ability to provide services that
16 advance the development of science, tech-
17 nology, engineering, and math jobs within
18 minority business enterprises;

19 (vi) the ability to leverage resources
20 from within the eligible entity to advance
21 an MBDA Rural Business Center;

22 (vii) that the mission of the eligible
23 entity aligns with the mission of the Agen-
24 cy;

1 (viii) the ability to leverage relation-
2 ships with rural minority business enter-
3 prises; and

4 (ix) a referral relationship with not
5 less than 1 community-based organization;
6 and

7 (B) give priority to an eligible entity that
8 is located in a State or region that has a sig-
9 nificant population of socially or economically
10 disadvantaged individuals.

11 **SEC. 303. REPORT TO CONGRESS.**

12 Not later than 1 year after the date of enactment
13 of this Act, the Under Secretary shall submit to the appro-
14 priate congressional committees a report that includes—

15 (1) a summary of the efforts of the Under Sec-
16 retary to provide services to minority business enter-
17 prises located in States that lack an MBDA Busi-
18 ness Center, as of the date of enactment of this Act,
19 and especially in those States that have significant
20 minority populations; and

21 (2) recommendations for extending the outreach
22 of the Agency to underserved areas.

23 **SEC. 304. STUDY AND REPORT.**

24 (a) IN GENERAL.—The Under Secretary, in coordi-
25 nation with relevant leadership of the Agency and relevant

1 individuals outside of the Department of Commerce, shall
2 conduct a study that addresses the ways in which minority
3 business enterprises can meet gaps in the supply chain of
4 the United States, with a particular focus on the supply
5 chain of advanced manufacturing and essential goods and
6 services.

7 (b) REPORT.—Not later than 1 year after the date
8 of enactment of this Act, the Under Secretary shall submit
9 to the appropriate congressional committees a report that
10 includes the results of the study conducted under sub-
11 section (a), which shall include recommendations regard-
12 ing the ways in which minority business enterprises can
13 meet gaps in the supply chain of the United States.

14 **TITLE IV—MINORITY BUSINESS**
15 **DEVELOPMENT GRANTS**

16 **SEC. 401. GRANTS TO NONPROFIT ORGANIZATIONS THAT**
17 **SUPPORT MINORITY BUSINESS ENTER-**
18 **PRISES.**

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

21 (1) is described in paragraph (3), (4), (5), or
22 (6) of section 501(c) of the Internal Revenue Code
23 of 1986 and exempt from tax under section 501(a)
24 of such Code; and

1 (2) can demonstrate that a primary activity of
2 the organization is to provide services to minority
3 business enterprises, whether through education,
4 making grants or loans, or other similar activities.

5 (b) PURPOSE.—The purpose of this section is to
6 make grants to covered entities to help those covered enti-
7 ties continue the necessary work of supporting minority
8 business enterprises.

9 (c) ESTABLISHMENT OF OFFICE.—Not later than
10 180 days after the date of enactment of this Act, the
11 Under Secretary shall establish within the Agency an of-
12 fice that has adequate staffing to make and administer
13 grants under this section.

14 (d) APPLICATION.—A covered entity desiring a grant
15 under this section shall submit to the Under Secretary an
16 application at such time, in such manner, and containing
17 such information as the Under Secretary may require.

18 (e) PRIORITY.—The Under Secretary shall, in car-
19 rying out this section, prioritize granting an application
20 submitted by a covered entity that is located in a federally
21 recognized area of economic distress.

22 (f) USE OF FUNDS.—A covered entity to which a
23 grant is made under this section may use the grant funds
24 to support the development, growth, or retention of minor-
25 ity business enterprises.

1 (g) PROCEDURES.—The Under Secretary shall estab-
2 lish procedures to—

3 (1) discourage and prevent waste, fraud, and
4 abuse by applicants for, and recipients of, grants
5 made under this section; and

6 (2) ensure that grants are made under this sec-
7 tion to a diverse array of covered entities, which may
8 include—

9 (A) covered entities with a national pres-
10 ence;

11 (B) community-based covered entities;

12 (C) covered entities with annual budgets
13 below \$1,000,000; or

14 (D) covered entities that principally serve
15 low-income and rural communities.

16 (h) INSPECTOR GENERAL AUDIT.—Not later than
17 180 days after the date on which the Under Secretary be-
18 gins making grants under this section, the Inspector Gen-
19 eral of the Department of Commerce shall—

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

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

1 (i) UPDATES TO CONGRESS.—Not later than 90 days
2 after the date on which the Under Secretary establishes
3 the office described in subsection (c), and once every 30
4 days thereafter, the Under Secretary shall submit to Con-
5 gress a report that contains—

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

8 (2) with respect to the grants described in para-
9 graph (1)—

10 (A) the geographic distribution of those
11 grants by State and county;

12 (B) if applicable, demographic information
13 with respect to the minority business enter-
14 prises served by the covered entities to which
15 the grants were made; and

16 (C) information regarding the industries of
17 the minority business enterprises served by the
18 covered entities to which the grants were made.

19 **TITLE V—MINORITY BUSINESS**
20 **ENTERPRISES ADVISORY**
21 **COUNCIL**

22 **SEC. 501. PURPOSE.**

23 The Under Secretary shall establish the Minority
24 Business Enterprises Advisory Council (referred to in this
25 title as the “Council”) to advise and assist the Agency.

1 **SEC. 502. COMPOSITION AND TERM.**

2 (a) **COMPOSITION.**—The Council shall be composed
3 of 9 members of the private sector and 1 representative
4 from each of not fewer than 10 Federal agencies that sup-
5 port or otherwise have duties that relate to business for-
6 mation, including duties relating to labor development,
7 monetary policy, national security, energy, agriculture,
8 transportation, and housing.

9 (b) **CHAIR.**—The Under Secretary shall designate 1
10 of the private sector members of the Council as the Chair
11 of the Council for a 1-year term.

12 (c) **TERM.**—The Council shall meet at the request of
13 the Under Secretary and members shall serve for a term
14 of 2 years. Members of the Council may be reappointed.

15 **SEC. 503. DUTIES.**

16 (a) **IN GENERAL.**—The Council shall provide advice
17 to the Under Secretary by—

18 (1) serving as a source of knowledge and infor-
19 mation on developments in areas of the economic
20 and social life of the United States that affect so-
21 cially or economically disadvantaged business con-
22 cerns;

23 (2) providing the Under Secretary with infor-
24 mation regarding plans, programs, and activities in
25 the public and private sectors that relate to socially

1 or economically disadvantaged business concerns;
2 and

3 (3) advising the Under Secretary regarding—

4 (A) any measures to better achieve the ob-
5 jectives of this Act; and

6 (B) problems and matters the Under Sec-
7 retary refers to the Council.

8 (b) CAPACITY.—Members of the Council shall not be
9 compensated for service on the Council but may be allowed
10 travel expenses, including per diem in lieu of subsistence,
11 in accordance with subchapter I of chapter 57 of title 5,
12 United States Code.

13 (c) TERMINATION.—Notwithstanding section 14 of
14 the Federal Advisory Committee Act (5 U.S.C. App.), the
15 Council shall terminate on the date that is 5 years after
16 the date of enactment of this Act.

17 **TITLE VI—FEDERAL COORDINA-**
18 **TION OF MINORITY BUSINESS**
19 **PROGRAMS**

20 **SEC. 601. GENERAL DUTIES.**

21 The Under Secretary may coordinate, as consistent
22 with law, the plans, programs, and operations of the Fed-
23 eral Government that affect, or may contribute to, the es-
24 tablishment, preservation, and strengthening of socially or
25 economically disadvantaged business concerns.

1 **SEC. 602. PARTICIPATION OF FEDERAL DEPARTMENTS AND**
2 **AGENCIES.**

3 The Under Secretary shall—

4 (1) consult with other Federal agencies and de-
5 partments as appropriate to—

6 (A) develop policies, comprehensive plans,
7 and specific program goals for the programs
8 carried out under subtitle B of title I and title
9 III;

10 (B) establish regular performance moni-
11 toring and reporting systems to ensure that
12 goals established by the Under Secretary with
13 respect to the implementation of this Act are
14 being achieved; and

15 (C) evaluate the impact of Federal support
16 of socially or economically disadvantaged busi-
17 ness concerns in achieving the objectives of this
18 Act;

19 (2) conduct a coordinated review of all proposed
20 Federal training and technical assistance activities
21 in direct support of the programs carried out under
22 subtitle B of title I and title III to ensure consist-
23 ency with program goals and to avoid duplication;
24 and

25 (3) convene, for purposes of coordination, meet-
26 ings of the heads of such Federal agencies and de-

1 partments, or their designees, the programs and ac-
2 tivities of which may affect or contribute to the car-
3 rying out of this Act.

4 **TITLE VII—ADMINISTRATIVE**
5 **POWERS OF THE AGENCY;**
6 **MISCELLANEOUS PROVI-**
7 **SIONS**

8 **SEC. 701. ADMINISTRATIVE POWERS.**

9 (a) IN GENERAL.—In carrying out this Act, the
10 Under Secretary may—

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

13 (2) hold hearings, sit and act, and take testi-
14 mony as the Under Secretary may determine to be
15 necessary or appropriate to carry out this Act;

16 (3) acquire, in any lawful manner, any property
17 that the Under Secretary determines to be necessary
18 or appropriate to carry out this Act;

19 (4) 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; and

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

4 (b) USE OF PROPERTY.—

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

13 (2) TERMS, CONDITIONS, RESERVATIONS, AND
14 RESTRICTIONS.—The Under Secretary may impose
15 reasonable terms, conditions, reservations, and re-
16 strictions upon the use of any property under para-
17 graph (1).

18 **SEC. 702. FEDERAL ASSISTANCE.**

19 (a) IN GENERAL.—

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

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

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

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

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

18 (D) the methodology used by the Under
19 Secretary to make allocations under subpara-
20 graph (C).

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

1 (b) PUBLICITY.—In carrying out this section, the
2 Under Secretary shall broadly publicize all opportunities
3 for Federal assistance available under this section, includ-
4 ing through the means required under section 116.

5 **SEC. 703. RECORDKEEPING.**

6 (a) IN GENERAL.—Each recipient of assistance
7 under this Act shall keep such records as the Under Sec-
8 retary shall prescribe, including records that fully disclose,
9 with respect to the assistance received by the recipient
10 under this Act—

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

12 (2) the disposition by the recipient of the pro-
13 ceeds of that assistance;

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

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

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

22 (b) ACCESS BY GOVERNMENT OFFICIALS.—The
23 Under Secretary, the Inspector General of the Department
24 of Commerce, and the Comptroller General of the United
25 States, or any duly authorized representative of any such

1 individual, shall have access, for the purpose of audit, in-
2 vestigation, and examination, to any book, document,
3 paper, record, or other material of the Agency or an
4 MBDA Business Center.

5 **SEC. 704. REVIEW AND REPORT BY COMPTROLLER GEN-**
6 **ERAL.**

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

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

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

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

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

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

1 **SEC. 705. BIENNIAL REPORTS; RECOMMENDATIONS.**

2 (a) BIENNIAL REPORT.—Not later than 1 year after
3 the date of enactment of this Act, and 90 days after the
4 last day of each odd-numbered year thereafter, the Under
5 Secretary shall submit to Congress, and publish on the
6 website of the Agency, a report of each activity of the
7 Agency carried out under this Act during the period cov-
8 ered by the report.

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

14 **SEC. 706. 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. 707. 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. 708. AUTHORIZATION OF APPROPRIATIONS.**

16 There are authorized to be appropriated to the Under
17 Secretary \$100,000,000 for each of fiscal years 2021
18 through 2025 to carry out this Act, of which—

19 (1) a majority shall be used in each such fiscal
20 year to carry out the MBDA Business Center Pro-
21 gram under subtitle B of title I, including the com-
22 ponent of that program relating to specialty centers;
23 and

24 (2) \$10,000,000 shall be used in each such fis-
25 cal year to carry out title III.