

small business lending at least 10 times the new Federal contribution amount;

(3) for those State other credit support programs that provide their credit support through 1 or more financial institution lenders, requires the financial institution lenders to have a meaningful amount of their own capital resources at risk in their small business lending; and

(4) uses Federal funds allocated under this chapter to extend credit support that—

(A) targets an average borrower size of 500 employees or less;

(B) does not extend credit support to borrowers that have more than 750 employees;

(C) targets support towards loans with an average principal amount of \$5,000,000 or less; and

(D) does not extend credit support to loans that exceed a principal amount of \$20,000,000.

**(d) Additional considerations**

In making a determination that a State other credit support program is eligible for Federal contributions to, or for the account of, the State program, the Secretary shall take into account the following additional considerations:

(1) The anticipated benefits to the State, its businesses, and its residents to be derived from the Federal contributions to, or for the account of, the approved State other credit support program, including the extent to which resulting small business lending will expand economic opportunities.

(2) The operational capacity, skills, and experience of the management team of the State other credit support program.

(3) The capacity of the State other credit support program to manage increases in the volume of its small business lending.

(4) The internal accounting and administrative controls systems of the State other credit support program, and the extent to which they can provide reasonable assurance that funds of the State program are safeguarded against waste, loss, unauthorized use, or misappropriation.

(5) The soundness of the program design and implementation plan of the State other credit support program.

**(e) Federal contributions to approved State other credit support programs**

A State other credit support program approved under this section will be eligible for receiving Federal contributions to, or for the account of, the State program in an amount consistent with the schedule describing the apportionment of allocated Federal funds among State programs delivered by the State to the Secretary under the allocation agreement.

**(f) Minimum Program Requirements for State other credit support programs**

**(1) Fund<sup>1</sup> to prescribe**

The Secretary shall, by regulation or other guidance, prescribe Program requirements for approved State other credit support programs.

**(2) Considerations for fund**

In prescribing minimum Program requirements for approved State other credit support

programs, the Secretary shall take into consideration, to the extent the Secretary determines applicable and appropriate, the minimum Program requirements for approved State capital access programs in section 5704(e) of this title.

(Pub. L. 111-240, title III, § 3006, Sept. 27, 2010, 124 Stat. 2577.)

**§ 5706. Reports**

**(a) Quarterly use-of-funds report**

**(1) In general**

Not later than 30 days after the beginning of each calendar quarter, beginning after the first full calendar quarter to occur after the date the Secretary approves a State for participation, the participating State shall submit to the Secretary a report on the use of Federal funding by the participating State during the previous calendar quarter.

**(2) Report contents**

Each report under this subsection shall—

(A) indicate the total amount of Federal funding used by the participating State; and

(B) include a certification by the participating State that—

(i) the information provided in accordance with subparagraph (A) is accurate;

(ii) funds continue to be available and legally committed to contributions by the State to, or for the account of, approved State programs, less any amount that has been contributed by the State to, or for the account of, approved State programs subsequent to the State being approved for participation in the Program; and

(iii) the participating State is implementing its approved State program or programs in accordance with this chapter and regulations issued under section 5709 of this title.

**(b) Annual report**

Not later than March 31 of each year, beginning March 31, 2011, each participating State shall submit to the Secretary an annual report that shall include the following information:

(1) The number of borrowers that received new loans originated under the approved State program or programs after the State program was approved as eligible for Federal contributions.

(2) The total amount of such new loans.

(3) Breakdowns by industry type, loan size, annual sales, and number of employees of the borrowers that received such new loans.

(4) The zip code of each borrower that received such a new loan.

(5) Such other data as the Secretary, in the Secretary's sole discretion, may require to carry out the purposes of the Program.

**(c) Form**

The reports and data filed under subsections (a) and (b) shall be in such form as the Secretary, in the Secretary's sole discretion, may require.

**(d) Termination of reporting requirements**

The requirement to submit reports under subsections (a) and (b) shall terminate for a partici-

<sup>1</sup> So in original. Probably should be "Secretary".

participating State with the submission of the completed reports due on the first March 31 to occur after 5 complete 12-month periods after the State is approved by the Secretary to be a participating State.

(Pub. L. 111–240, title III, §3007, Sept. 27, 2010, 124 Stat. 2579.)

#### **§ 5707. Remedies for State program termination or failures**

##### **(a) Remedies**

###### **(1) In general**

If any of the events listed in paragraph (2) occur, the Secretary, in the Secretary's discretion, may—

- (A) reduce the amount of Federal funds allocated to the State under the Program; or
- (B) terminate any further transfers of allocated amounts that have not yet been transferred to the State.

###### **(2) Causal events**

The events referred to in paragraph (1) are—

- (A) termination by a participating State of its participation in the Program;
- (B) failure on the part of a participating State to submit complete reports under section 5706 of this title on a timely basis; or
- (C) noncompliance by the State with the terms of the allocation agreement between the Secretary and the State.

##### **(b) Deallocated amounts to be reallocated**

If, after 13 months, any portion of the amount of Federal funds allocated to a participating State is deemed by the Secretary to be no longer allocated to the State after actions taken by the Secretary under subsection (a)(1), the Secretary shall reallocate that portion among the participating States, excluding the State whose allocated funds were deemed to be no longer allocated, as provided in section 5702(b) of this title.

(Pub. L. 111–240, title III, §3008, Sept. 27, 2010, 124 Stat. 2580.)

#### **§ 5708. Implementation and administration**

##### **(a) General authorities and duties**

The Secretary shall—

- (1) consult with the Administrator of the Small Business Administration and the appropriate Federal banking agencies on the administration of the Program;
- (2) establish minimum national standards for approved State programs;
- (3) provide technical assistance to States for starting State programs and generally disseminate best practices;
- (4) manage, administer, and perform necessary program integrity functions for the Program; and
- (5) ensure adequate oversight of the approved State programs, including oversight of the cash flows, performance, and compliance of each approved State program.

##### **(b) Appropriations**

There is hereby appropriated to the Secretary, out of funds in the Treasury not otherwise appropriated, \$1,500,000,000 to carry out the Pro-

gram, including to pay reasonable costs of administering the Program.

##### **(c) Termination of Secretary's Program administration functions**

The authorities and duties of the Secretary to implement and administer the Program shall terminate at the end of the 7-year period beginning on September 27, 2010.

##### **(d) Expedited contracting**

During the 1-year period beginning on September 27, 2010, the Secretary may enter into contracts without regard to any other provision of law regarding public contracts, for purposes of carrying out this chapter.

(Pub. L. 111–240, title III, §3009, Sept. 27, 2010, 124 Stat. 2580.)

#### **§ 5709. Regulations**

The Secretary, in consultation with the Administrator of the Small Business Administration, shall issue such regulations and other guidance as the Secretary determines necessary or appropriate to implement this chapter including to define terms, to establish compliance and reporting requirements, and such other terms and conditions necessary to carry out the purposes of this chapter.

(Pub. L. 111–240, title III, §3010, Sept. 27, 2010, 124 Stat. 2581.)

#### **§ 5710. Oversight and audits**

##### **(a) Inspector General oversight**

The Inspector General of the Department of the Treasury shall conduct, supervise, and coordinate audits and investigations of the use of funds made available under the Program.

##### **(b) GAO audit**

The Comptroller General of the United States shall perform an annual audit of the Program and issue a report to the appropriate committees of Congress containing the results of such audit.

##### **(c) Required certification**

###### **(1) Financial institutions certification**

With respect to funds received by a participating State under the Program, any financial institution that receives a loan, a loan guarantee, or other financial assistance using such funds after September 27, 2010, shall certify that such institution is in compliance with the requirements of section 103.121 of title 31, Code of Federal Regulations, a regulation that, at a minimum, requires financial institutions, as that term is defined in section 5312(a)(2) and (c)(1)(A) of title 31, to implement reasonable procedures to verify the identity of any person seeking to open an account, to the extent reasonable and practicable, maintain records of the information used to verify the person's identity, and determine whether the person appears on any lists of known or suspected terrorists or terrorist organizations provided to the financial institution by any government agency.

###### **(2) Sex offense certification**

With respect to funds received by a participating State under the Program, any private