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Global Financial Markets Initiative  
Financial Services Regulatory & Enforcement Practice

## Small Business Participation in EESA Contracting

The U.S. Department of the Treasury has issued a notice regarding small business participation in contracts to implement the Troubled Assets Relief Program (TARP) authorized by the Emergency Economic Stabilization Act of 2008 (EESA). The notice describes the two authorities used by Treasury to contract for TARP: (1) financial agent authority and (2) Federal Acquisition Regulation contracts. The Treasury notice briefly addresses the processes to extend opportunities for small, woman-, and minority-owned businesses under each of these authorities.

For the financial agent authority, the Treasury notice states that the agency is not required to set aside opportunities for small, woman-, and minority-owned businesses, but has included these groups as part of the selection process for the financial agent agreements. In that regard, the notice refers to contemplated subcontracts. For the Federal Acquisition Regulation contracts, the Treasury notice refers interested parties to the process generally used by the federal government in contracting with such entities.

Here is a direct link to the [Treasury Notice](#).

For additional information or assistance regarding small business participation, please contact one of the following Mayer Brown partners:

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