

was previously classified to section 638 of this title. The provisions of section 216 of act July 30, 1953, formerly classified to this section, were transferred to section 2[8] of Pub. L. 85-536, which was classified to section 637(c) of this title prior to repeal by Pub. L. 102-191. See section 656 of this title.

AMENDMENTS

2013—Subsec. (d)(2)(C). Pub. L. 112-239, §1682(a), struck out “on the basis that such misrepresentation indicates a lack of business integrity that seriously and directly affects the present responsibility to perform any contract awarded by the Federal Government or a subcontract under such a contract” after “regulation”).

Subsec. (d)(3). Pub. L. 112-239, §1681(a), added par. (3).
 Subsec. (g). Pub. L. 112-239, §1652, added subsec. (g).
 1997—Subsec. (d)(1). Pub. L. 105-135, §603(c)(1)(A), inserted “, a ‘qualified HUBZone small business concern’,” after “‘small business concern’.”

Pub. L. 105-85 substituted “concern owned and controlled by women” for “concerns owned and controlled by women”.

Subsec. (d)(1)(A). Pub. L. 105-135, §603(c)(1)(B), substituted “section 638, 644, or 657a” for “section 638 or 644”.

Subsec. (e). Pub. L. 105-135, §603(c)(2), inserted “, a ‘HUBZone small business concern’,” after “‘small business concern’.”

Pub. L. 105-85 substituted “concern owned and controlled by women” for “concerns owned and controlled by women”.

1994—Subsec. (d)(1). Pub. L. 103-355, §7106(c)(1), substituted “, a ‘small business concern owned and controlled by socially and economically disadvantaged individuals’, or a ‘small business concerns owned and controlled by women’” for “or ‘small business concern owned and controlled by socially and economically disadvantaged individuals’”.

Subsec. (e). Pub. L. 103-355, §7106(c)(2), substituted “, a ‘small business concern owned and controlled by socially and economically disadvantaged individuals’, or a ‘small business concerns owned and controlled by women’” for “or ‘small business concern owned and controlled by socially and economically disadvantaged individuals’”.

1988—Subsec. (d). Pub. L. 100-656, §405(a), amended subsec. (d) generally, designating existing provisions as par. (1), redesignating former pars. (1) to (4) as subpars. (A) to (D), respectively, and in subpar. (D), substituting “subject to the penalties and remedies described in paragraph (2)” for “punished by a fine of not more than \$50,000 or by imprisonment for not more than five years, or both”, and adding par. (2).

Subsec. (f). Pub. L. 100-656, §405(b), added subsec. (f).
 1986—Subsecs. (d), (e). Pub. L. 99-272 added subsecs. (d) and (e).

1964—Subsec. (c). Pub. L. 88-264 added subsec. (c).

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105-135 effective Oct. 1, 1997, see section 3 of Pub. L. 105-135, set out as a note under section 631 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

For effective date and applicability of amendment by Pub. L. 103-355, see section 10001 of Pub. L. 103-355, set out as a note under section 2302 of Title 10, Armed Forces.

REGULATIONS

Pub. L. 112-239, div. A, title XVI, §1681(b), Jan. 2, 2013, 126 Stat. 2085, provided that: “Not later than 270 days after the date of enactment of this part [Jan. 2, 2013], the Administrator of the Small Business Administration shall issue rules defining what constitutes an adequate advisory opinion for purposes of section 16(d)(3) of the Small Business Act [15 U.S.C. 645(d)(3)].”

DEVELOPMENT AND PROMULGATION OF GUIDANCE

Pub. L. 112-239, div. A, title XVI, §1682(b), Jan. 2, 2013, 126 Stat. 2086, provided that: “Not later than 270 days

after the date of enactment of this part [Jan. 2, 2013], the Administrator of the Small Business Administration shall develop and promulgate guidance implementing this section [amending this section and enacting provisions set out as a note below].”

PUBLICATION OF PROCEDURES REGARDING SUSPENSION AND DEBARMENT

Pub. L. 112-239, div. A, title XVI, §1682(c), Jan. 2, 2013, 126 Stat. 2086, provided that: “Not later than 270 days after the date of enactment of this part [Jan. 2, 2013], the Administrator [of the Small Business Administration] shall publish and maintain on the [Small Business] Administration’s Web site the current standard operating procedures of the Administration for suspension and debarment, and the name and contact information for the individual designated by the Administrator as the senior individual responsible for suspension and debarment proceedings.”

§ 645a. Annual report on suspensions and debarments proposed by Small Business Administration

(a) Report requirement

The Administrator of the Small Business Administration shall submit each year to the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report on the suspension and debarment actions taken by the Administrator during the year preceding the year of submission of the report.

(b) Matters covered

The report required by subsection (a) shall include the following information for the year covered by the report:

(1) Number

The number of contractors proposed for suspension or debarment.

(2) Source

The office within a Federal agency that originated each proposal for suspension or debarment.

(3) Reasons

The reason for each proposal for suspension or debarment.

(4) Results

The result of each proposal for suspension or debarment, and the reason for such result.

(5) Referrals

The number of suspensions or debarments referred to the Inspector General of the Small Business Administration or another agency, or to the Attorney General (for purposes of this paragraph, the Administrator may redact identifying information on names of companies or other information in order to protect the integrity of any ongoing criminal or civil investigation).

(Pub. L. 112-239, div. A, title XVI, §1683, Jan. 2, 2013, 126 Stat. 2086.)

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2013, and not as part of the Small Business Act which comprises this chapter.

§ 646. Liens

Any interest held by the Administration in property, as security for a loan, shall be subordi-