

note set out under section 631 of this title], the Administrator shall identify each Federal agency having substantial procurement or grantmaking authority and shall notify each agency so identified. Within six months of notification, each agency shall develop rural area business enterprise development plans. Such plans shall establish rural area enterprise development objectives for the agency and methods for encouraging prime contractors, subcontractors and grant recipients to use small business concerns located in rural areas as subcontractors, suppliers, and otherwise. Such plans shall, to the extent the agency deems appropriate and feasible, include incentive techniques as encouragement.”

#### BACKGROUND CHECK POLICY; FINGERPRINTING

Pub. L. 100-590, title I, §132, Nov. 3, 1988, 102 Stat. 3005, provided that: “The Small Business Administration shall not require fingerprints to be obtained for background check purposes from any participant in any Administration program who is serving on a voluntary basis and without compensation unless the Administration has reasonable grounds to believe that the participant’s record or background is such as to make the participant ineligible to participate in the relevant program.”

#### TIME FOR DESIGNATION OF AGENCY

Pub. L. 99-567, §1(b), Oct. 27, 1986, 100 Stat. 3188, provided that: “The designation of an agency pursuant to the amendment made by subsection (a) [amending this section] shall be made not later than sixty days after the date of enactment of this Act [Oct. 27, 1986].”

#### REPORT TO CONGRESS RESPECTING ASSISTANCE FURNISHED BY PROFITMAKING CONCERNS TO SMALL BUSINESS CONCERNS; CONTENTS

Pub. L. 98-362, §5(b), July 16, 1984, 98 Stat. 434, directed Small Business Administration, not later than Dec. 1, 1987, to report to Committees on Small Business of Senate and House of Representatives on impact of assistance provided in cooperation with profitmaking concerns pursuant to amendment made by section 5(a)(2) of the Small Business Computer Security and Education Act of 1984 [amending this section], including information on benefits provided to small business concerns assisted by Administration’s cooperation with profitmaking concerns and any negative impact upon small businesses resulting from such cooperation with profitmaking concerns.

#### TENNESSEE VALLEY AUTHORITY; PROCUREMENT PROCEDURES UNDER 1983 AND 1984 AMENDMENTS APPLICABLE ONLY TO PROCUREMENTS PAID FROM APPROPRIATED FUNDS

Pub. L. 98-577, title IV, §404(c), Oct. 30, 1984, 98 Stat. 3084, provided that: “The provisions of the amendment made by subsection (a) of this section [enacting subsecs. (e) to (j) of this section and striking out former subsec. (e) of this section] shall apply to the Tennessee Valley Authority only with respect to procurements to be paid from appropriated funds.”

Pub. L. 98-72, §1(b)(3), Aug. 11, 1983, 97 Stat. 405, provided that: “The provisions of this Act [amending this section] shall apply to the Tennessee Valley Authority only with respect to procurements to be paid from appropriated funds.”

#### ASIAN PACIFIC AMERICANS AS DISADVANTAGED MINORITY IN 1978

Pub. L. 96-302, title I, §118(c)(2), July 2, 1980, 94 Stat. 840, provided that the amendment of subsec. (d)(3)(C) by Pub. L. 96-302, including Asian Pacific Americans among the disadvantaged minorities, shall apply as if included in the amendment made by section 211 of Pub. L. 95-507, to subsec. (d) of this section.

#### BUSINESS PLANS; SUBMITTAL BY CONCERNS ELIGIBLE TO RECEIVE CONTRACTS

Concerns eligible to receive contracts pursuant to subsec. (a) of this section required to submit business

plans required under section 636(j)(10)(A)(i) of this title within certain time limits, provided that no determination made under this paragraph shall be considered a denial of total participation for the purposes of subsec. (a)(9) of this section, see section 106(b) of Pub. L. 96-481 set out as a note under section 636 of this title.

#### REPORTS TO CONGRESS; GENERAL ACCOUNTING OFFICE REPORT ON BUSINESS DEVELOPMENT; QUARTERLY REPORTS BY SMALL BUSINESS ADMINISTRATION TO CONGRESSIONAL COMMITTEES

Pub. L. 95-507, title II, §202(b), Oct. 24, 1978, 92 Stat. 1763, as amended by Pub. L. 96-481, title I, §102, Oct. 21, 1980, 94 Stat. 2321, provided not later than Jan. 31, 1981, the General Accounting Office submit to Congress a report which, with respect to provisions of subsec. (a)(1)(B) and (2) of this section, evaluated the implementation of such provisions and whether such implementation furthered the purposes under section 631(e) of this title, and required the Small Business Administration and the agency designated pursuant to subsec. (a)(1)(B) of this section to submit separate quarterly reports to specific congressional committees, which reports were to contain a review and evaluation of all activities conducted pursuant to subsec. (a)(1)(B) during the previous three-month period, with the first such report submitted commencing on Jan. 2, 1981, for the preceding three-month period, and to continue quarterly through, and include, the quarter ending Sept. 30, 1981.

#### TERMINATION OF ADVISORY BOARDS AND COMMITTEES

Advisory boards and committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a board or committee established by the President or an officer of the Federal Government, such board or committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a board or committee established by the Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

#### DEFINITION

Pub. L. 100-590, title I, §127(d), Nov. 3, 1988, 102 Stat. 3003, provided that: “For the purposes of this section [amending this section and enacting provisions set out as notes under this section], the term ‘small business concern owned and controlled by women’ means any small business concern—

“(1) that is at least 51 per centum owned by one or more women; and

“(2) whose management and daily business operations are controlled by one or more of such women.” Similar provisions were contained in Pub. L. 100-533, title II, §204, Oct. 25, 1988, 102 Stat. 2692.

#### § 637a. Repealed. Pub. L. 89-409, §3(b), May 2, 1966, 80 Stat. 133

Section, Pub. L. 87-550, §2, July 25, 1962, 76 Stat. 221, authorized the Administration to make loans to assist in adjusting to competition from imports, described such authority as additional to that under the Small Business Act, provided for application of the Trade Expansion Act of 1962, authorized appropriations, and provided for an effective date. See section 636(e) of this title.

#### EFFECTIVE DATE OF REPEAL

Repeal effective on July 1, 1966, see section 3(c) of Pub. L. 89-409, set out as a note under section 636 of this title.

#### § 637b. Availability of information

##### (a) Requests for information

For any contract to be let by any Federal agency, such agency shall provide to any small business concern upon its request—

(1) a copy of bid sets and specifications with respect to such contract;

(2) the name and telephone number of an employee of such agency to answer questions with respect to such contract; and

(3) adequate citations to each major Federal law or agency rule with which such business concern must comply in performing such contract.

**(b) Exempt contracts**

Subsection (a) shall not apply to any contract or subcontract under such contract which—

(1) will be performed entirely outside any State, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico; or

(2) is for services which are personal in nature.

(Pub. L. 95-507, title II, §223, Oct. 24, 1978, 92 Stat. 1772.)

CODIFICATION

Section was not enacted as part of the Small Business Act which comprises this chapter.

**§ 637c. Definitions**

For purposes of this Act—

(1) the term “Administrator” means the Administrator of the Small Business Administration;

(2) the term “Federal agency” has the meaning given the term “agency” by section 551(1) of title 5, but does not include the United States Postal Service or the Government Accountability Office; and

(3) the term “Government procurement contract” means any contract for the procurement of any goods or services by any Federal agency.

(Pub. L. 95-507, title II, §224(a), Oct. 24, 1978, 92 Stat. 1772; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814.)

REFERENCES IN TEXT

This Act, referred to in text, means Pub. L. 95-507, Oct. 24, 1978, 92 Stat. 1757. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was not enacted as part of the Small Business Act which comprises this chapter.

AMENDMENTS

2004—Par. (2). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office”.

**§ 637d. Subcontracting plan reports**

**(1) Reporting requirements**

Not later than 1 year after January 2, 2013, the Administrator of the Small Business Administration shall take such actions as are necessary to ensure that the electronic subcontracting reporting system established by the Administration to carry out the requirement of section 637(d)(6)(E) of this title is modified to ensure that it can identify entities that fail to submit required reports.

**(2) Annual report**

Not later than March 31 of each year, the Administrator of the Small Business Administra-

tion shall provide the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report, based on data available through existing systems, that sets forth, by agency (and to the extent practicable, by type of goal or plan), the following information:

(A) the percentage of entities required to submit reports pursuant to section 637(d)(6) of this title that filed such reports and that failed to file such reports during the prior fiscal year;

(B) the percentage of entities filing such reports that met, exceeded, or failed to meet goals set forth in their subcontracting plans during the prior fiscal year; and

(C) the aggregate value by which such entities exceeded, or failed to meet, their subcontracting goals during the prior fiscal year.

(Pub. L. 112-239, div. A, title XVI, §1653(b), Jan. 2, 2013, 126 Stat. 2082.)

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.

**§ 638. Research and development**

**(a) Declaration of policy**

Research and development are major factors in the growth and progress of industry and the national economy. The expense of carrying on research and development programs is beyond the means of many small-business concerns, and such concerns are handicapped in obtaining the benefits of research and development programs conducted at Government expense. These small-business concerns are thereby placed at a competitive disadvantage. This weakens the competitive free enterprise system and prevents the orderly development of the national economy. It is the policy of the Congress that assistance be given to small-business concerns to enable them to undertake and to obtain the benefits of research and development in order to maintain and strengthen the competitive free enterprise system and the national economy.

**(b) Assistance to small-business concerns**

It shall be the duty of the Administration, and it is empowered—

(1) to assist small-business concerns to obtain Government contracts for research and development;

(2) to assist small-business concerns to obtain the benefits of research and development performed under Government contracts or at Government expense;

(3) to provide technical assistance to small-business concerns to accomplish the purposes of this section; and<sup>1</sup>

(4) to develop and maintain a source file and an information program to assure each qualified and interested small business concern the opportunity to participate in Federal agency small business innovation research programs and small business technology transfer programs;

<sup>1</sup> So in original. The word “and” probably should not appear.