

**§ 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 subordinate to any lien on such property for taxes due on the property to a State, or political subdivision thereof, in any case where such lien would, under applicable State law, be superior to such interest if such interest were held by any party other than the United States.

(Pub. L. 85-536, §2[17], July 18, 1958, 72 Stat. 396.)

PRIOR PROVISIONS

Section 217 of act July 30, 1953, ch. 282, title II, 67 Stat. 239, was previously classified to this section. See section 640 of this title, and Codification note set out under section 631 of this title.

**§ 647. Duplication of activities of other Federal departments or agencies**

**(a) General prohibition; exception**

The Administration shall not duplicate the work or activity of any other department or agency of the Federal Government,<sup>1</sup> and nothing contained in this chapter shall be construed to authorize any such duplication unless such work or activity is expressly provided for in this chapter. If loan applications are being refused or loans denied by such other department or agency responsible for such work or activity due to administrative withholding from obligation or withholding from apportionment, or due to administratively declared moratorium, then, for purposes of this section, no duplication shall be deemed to have occurred.

**(b) "Agricultural enterprises" defined**

As used in this chapter, the term "agricultural enterprises" means those small business concerns engaged in the production of food and fiber, ranching, and raising of livestock, aquaculture, and all other farming and agricultural-related industries.

(Pub. L. 85-536, §2[18], July 18, 1958, 72 Stat. 396; Pub. L. 93-386, §5, Aug. 23, 1974, 88 Stat. 746; Pub. L. 94-305, title I, §112(e), June 4, 1976, 90 Stat. 667; Pub. L. 96-38, title I, §101(c), July 25, 1979, 93 Stat. 119; Pub. L. 96-302, title I, §119(c), July 2, 1980, 94 Stat. 841; Pub. L. 98-270, title III, §303, Apr. 18, 1984, 98 Stat. 160; Pub. L. 98-369, div. B, title IV, §2401, July 18, 1984, 98 Stat. 1116; Pub. L. 99-272, title XVIII, §18006(a)(3), Apr. 7, 1986, 100 Stat. 366; Pub. L. 114-328, div. A, title XVIII, §1831(a), Dec. 23, 2016, 130 Stat. 2657; Pub. L. 115-189, §4(b), June 21, 2018, 132 Stat. 1497.)

PRIOR PROVISIONS

Prior similar provisions were contained in section 225, of act July 30, 1953, ch. 282, as added by act Aug. 9, 1955, ch. 628, §14, 69 Stat. 551, which was previously classified to section 651 of this title. The provisions of section 218 of act July 30, 1953, formerly classified to this section, were transferred to section 2[12] of Pub. L. 85-536, and are classified to section 641 of this title. See Codification note set out under section 631 of this title.

AMENDMENTS

2018—Subsec. (b). Pub. L. 115-189 amended subsec. (b) generally. Prior to amendment, text read as follows: "As used in this chapter—

"(1) 'agricultural enterprises' means those small business concerns engaged in the production of food and fiber, ranching, and raising of livestock, aquaculture, and all other farming and agricultural related industries; and

"(2) 'credit elsewhere' means the availability of sufficient credit from non-Federal sources at reasonable rates and terms, taking into consideration prevailing private rates and terms in the community in or near where the concern transacts business for similar purposes and periods of time."

2016—Subsec. (b)(1). Pub. L. 114-328 substituted "small business concerns" for "businesses".

1986—Subsec. (a). Pub. L. 99-272 struck out agricultural enterprises exception and proviso that, prior to Oct. 1, 1987, an agricultural enterprise not be eligible for loan assistance under section 636(b)(1) of this title to repair or replace property other than residences and/or personal property unless it is declined for, or would

<sup>1</sup> So in original.