

Editorial Notes

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.)

Editorial Notes

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,¹ 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.)

Editorial Notes

PRIOR PROVISIONS

Prior similar provisions were contained in section 225, of act July 30, 1953, ch. 282, as added by act Aug. 9,

¹ So in original.

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 be declined for, emergency loan assistance at substantially similar interest rates from the Farmers Home Administration under subchapter III of the Consolidated Farm and Rural Development Act.

1984—Subsec. (a). Pub. L. 98-369 substituted "October 1, 1987" for "October 1, 1986".

Pub. L. 98-270 substituted "October 1, 1986" for "October 1, 1983".

1980—Subsec. (a). Pub. L. 96-302, § 119(c)(1), inserted proviso relating to eligibility for loan assistance prior to October 1, 1983.

Subsec. (b). Pub. L. 96-302, § 119(c)(2), added par. (1) and designated as par. (2) existing definition of "credit elsewhere".

1979—Pub. L. 96-38 designated existing provisions as subsec. (a) and added subsec. (b).

1976—Pub. L. 94-305 inserted reference to those enterprises engaged in the production of food and fiber, ranching, and raising of livestock, aquaculture, and all other farming and agricultural related industries.

1974—Pub. L. 93-386 inserted provision authorizing the refusal of loan applications and the denial of loans, for purposes of this section, to be deemed nonduplication of activities.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-270 effective Oct. 1, 1983, see section 313 of Pub. L. 98-270, set out as a note under section 632 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-302 inapplicable to disasters commencing on or before Oct. 1, 1980, see section 119(d) of Pub. L. 96-302, set out as a note under section 636 of this title.

PROGRAMS ADMINISTERED BY THE DEPARTMENT OF COMMERCE

Pub. L. 95-507, § 207, Oct. 24, 1978, 92 Stat. 1767, provided that: "Nothing in this chapter [meaning chapter 1 of title II of Pub. L. 95-507, consisting of sections 201-206 of Pub. L. 95-507 which amended sections 631, 633, 636, and 637 of this title] is intended to duplicate or limit any programs or projects administered by the Department of Commerce."