

**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,<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.)

**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,

<sup>1</sup> 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."

**§ 648. Small business development center program authorization**

**(a) Grants, contracts and cooperative agreements for establishment of small business development centers and for small business activities and purposes; role of Administration; non-Federal additional amount; amount of grant; eligibility**

(1) The Administration is authorized to make grants (including contracts and cooperative agreements) to any State government or any agency thereof, any regional entity, any State-chartered development, credit or finance corporation, any women's business center operating pursuant to section 656 of this title, any public or private institution of higher education, including but not limited to any land-grant college or university, any college or school of business, engineering, commerce, or agriculture, community college or junior college, or to any entity formed by two or more of the above entities (herein referred to as "applicants") to assist in establishing small business development centers and to any such body for: small business oriented employment or natural resources development programs; studies, research, and counseling concerning the managing, financing, and operation of small business enterprises; management and technical assistance regarding small business participation in international markets, export promotion and technology transfer; delivery or distribution of such services and information; providing access to business analysts who can refer small business concerns to available experts; and, to the extent practicable, providing assistance in furtherance of the Small Business Development Center Cyber Strategy developed under section 1841(a) of the National Defense Authorization Act for Fiscal Year 2017: *Provided*, That after December 31, 1990, the Administration shall not make a grant to any applicant other than an institution of higher education or a women's business center operating pursuant to section 656 of this title as a Small Business Development Center unless the applicant was receiving a grant (including a contract or cooperative agreement) on such date. The previous sentence shall not apply to an applicant that has its principal office located in the Commonwealth of the Northern Mariana Islands. The Administration shall require any applicant for a small business development center grant with performance commencing on or after January 1, 1992 to have its own budget and to primarily utilize institutions of higher education and women's business centers operating pursuant to section 656 of this title to provide services to the small business community. The term of such grants shall be made on a calendar year basis or to coincide with the Federal fiscal year.

**(2) COOPERATION TO PROVIDE INTERNATIONAL TRADE SERVICES.—**

**(A) INFORMATION AND SERVICES.—**The small business development centers shall work in close cooperation with the Administration's regional and local offices, the Department of Commerce, appropriate Federal, State and local agencies (including State trade agencies), and the small business community to

serve as an active information dissemination and service delivery mechanism for existing trade promotion, trade finance, trade adjustment, trade remedy and trade data collection programs of particular utility for small businesses.

**(B) COOPERATION WITH STATE TRADE AGENCIES AND EXPORT ASSISTANCE CENTERS.—**A small business development center that counsels a small business concern on issues relating to international trade shall—

(i) consult with State trade agencies and Export Assistance Centers to provide appropriate services to the small business concern; and

(ii) as necessary, refer the small business concern to a State trade agency or an Export Assistance Center for further counseling or assistance.

**(C) DEFINITION.—**In this paragraph, the term "Export Assistance Center" has the same meaning as in section 649 of this title.

(3) The Small Business Development Center Program shall be under the general management and oversight of the Administration for the delivery of programs and services to the small business community. Such programs and services shall be jointly developed, negotiated, and agreed upon, with full participation of both parties, pursuant to an executed cooperative agreement between the Small Business Development Center applicant and the Administration.

**(A)** Small business development centers are authorized to form an association to pursue matters of common concern. If more than a majority of the small business development centers which are operating pursuant to agreements with the Administration are members of such an association, the Administration is authorized and directed to recognize the existence and activities of such an association and to consult with it and develop documents (i) announcing the annual scope of activities pursuant to this section, (ii) requesting proposals to deliver assistance as provided in this section and (iii) governing the general operations and administration of the Small Business Development Center Program, specifically including the development of regulations and a uniform negotiated cooperative agreement for use on an annual basis when entering into individual negotiated agreements with small business development centers.

**(B)** Provisions governing audits, cost principles and administrative requirements for Federal grants, contracts and cooperative agreements which are included in uniform requirements of Office of Management and Budget (OMB) Circulars shall be incorporated by reference and shall not be set forth in summary or other form in regulations.

**(C)** On an annual basis, the Small Business Development Center shall review and coordinate public and private partnerships and cosponsorships with the Administration for the purpose of more efficiently leveraging available resources on a National<sup>1</sup> and a State basis.

**(4) SMALL BUSINESS DEVELOPMENT CENTER PROGRAM LEVEL.—**

<sup>1</sup> So in original. Probably should not be capitalized.