

related to the shipment of exports financed by the Government in United States vessels, was transferred to section 1241-1 of Title 46, Appendix, Shipping, and was subsequently repealed and restated as section 55304 of Title 46, Shipping, by Pub. L. 109-304, §§8(c), 19, Oct. 6, 2006, 120 Stat. 1586, 1710.

**§§ 617 to 619. Repealed or Omitted**

Section 617, act Jan. 22, 1932, ch. 8, §17, 47 Stat. 12, was omitted by act June 30, 1947, ch. 166, title I, §1, 61 Stat. 202, which generally amended the Reconstruction Finance Corporation Act, act Jan. 22, 1932, ch. 8, 47 Stat. 5.

Section 618, act June 30, 1947, ch. 166, title II, §208, 61 Stat. 209, related to purchase and sale of surplus property, and was repealed by act of May 25, 1948, ch. 334, §7, 62 Stat. 265.

Section 619, act July 29, 1947, ch. 346, title II, §201, 61 Stat. 515, related to limitations on use of funds of the Corporation, which Corporation was abolished by section 6 of Reorg. Plan No. 1 of 1957, eff. June 30, 1957, 22 FR 4633, 71 Stat. 647. Reorg. Plan No. 1 of 1957 is set out preceding section 601 of this title.

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**§ 631. Declaration of policy**

**(a) Aid, counsel, assistance, etc., to small business concerns**

The essence of the American economic system of private enterprise is free competition. Only through full and free competition can free markets, free entry into business, and opportunities for the expression and growth of personal initiative and individual judgment be assured. The preservation and expansion of such competition is basic not only to the economic well-being but to the security of this Nation. Such security and well-being cannot be realized unless the actual and potential capacity of small business is encouraged and developed. It is the declared policy of the Congress that the Government should aid, counsel, assist, and protect, insofar as is possible, the interests of small-business concerns in

order to preserve free competitive enterprise, to insure that a fair proportion of the total purchases and contracts or subcontracts for property and services for the Government (including but not limited to contracts or subcontracts for maintenance, repair, and construction) be placed with small-business enterprises, to insure that a fair proportion of the total sales of Government property be made to such enterprises, and to maintain and strengthen the overall economy of the Nation.

**(b) Assistance to compete in international markets**

(1) It is the declared policy of the Congress that the Federal Government, through the Administrator of the Small Business Administration, acting through the Associate Administrator for International Trade, and in cooperation with the Department of Commerce and other relevant State and Federal agencies, should aid and assist small businesses, as defined under this chapter, to increase their ability to compete in international markets by—

- (A) enhancing their ability to export;
- (B) facilitating technology transfers;
- (C) enhancing their ability to compete effectively and efficiently against imports;
- (D) increasing the access of small businesses to long-term capital for the purchase of new plant and equipment used in the production of goods and services involved in international trade;
- (E) disseminating information concerning State, Federal, and private programs and initiatives to enhance the ability of small businesses to compete in international markets; and
- (F) ensuring that the interests of small businesses are adequately represented in bilateral and multilateral trade negotiations.

(2) The Congress recognizes that the Department of Commerce is the principal Federal agency for trade development and export promotion and that the Department of Commerce and the Small Business Administration work together to advance joint interests. It is the purpose of this chapter to enhance, not alter, their respective roles.

**(c) Aid for agriculturally related industries; financial assistance**

It is the declared policy of the Congress that the Government, through the Small Business Administration, should aid and assist small business concerns which are engaged in the production of food and fiber, ranching, and raising of livestock, aquaculture, and all other farming and agricultural related industries; and the financial assistance programs authorized by this chapter are also to be used to assist such concerns.

**(d) Use of assistance programs to establish, preserve, and strengthen small business concerns**

(1) The assistance programs authorized by sections 636(i) and 636(j) of this title are to be utilized to assist in the establishment, preservation, and strengthening of small business concerns and improve the managerial skills employed in such enterprises, with special atten-

tion to small business concerns (1) located in urban or rural areas with high proportions of unemployed or low-income individuals; or (2) owned by low-income individuals; and to mobilize for these objectives private as well as public managerial skills and resources.

(2)(A) With respect to the programs authorized by section 636(j) of this title, the Congress finds—

(i) that ownership and control of productive capital is concentrated in the economy of the United States and certain groups, therefore, own and control little productive capital;

(ii) that certain groups in the United States own and control little productive capital because they have limited opportunities for small business ownership;

(iii) that the broadening of small business ownership among groups that presently own and control little productive capital is essential to provide for the well-being of this Nation by promoting their increased participation in the free enterprise system of the United States;

(iv) that such development of business ownership among groups that presently own and control little productive capital will be greatly facilitated through the creation of a small business ownership development program, which shall provide services, including, but not limited to, financial, management, and technical assistance.<sup>1</sup>

(v) that the power to let Federal contracts pursuant to section 637(a) of this title can be an effective procurement assistance tool for development of business ownership among groups that own and control little productive capital; and

(vi) that the procurement authority under section 637(a) of this title shall be used only as a tool for developing business ownership among groups that own and control little productive capital.

(B) It is therefore the purpose of the programs authorized by section 636(j) of this title to—

(i) foster business ownership and development by individuals in groups that own and control little productive capital; and

(ii) promote the competitive viability of such firms in the marketplace by creating a small business and capital ownership development program to provide such available financial, technical, and management assistance as may be necessary.

**(e) Assistance to victims of floods, etc., and those displaced as result of federally aided construction programs**

Further, it is the declared policy of the Congress that the Government should aid and assist victims of floods and other catastrophes, and small-business concerns which are displaced as a result of federally aided construction programs.

**(f) Findings; purpose**

(1) with<sup>2</sup> respect to the Administration's business development programs the Congress finds—

(A) that the opportunity for full participation in our free enterprise system by socially

<sup>1</sup> So in original. The period probably should be a semicolon.

<sup>2</sup> So in original. Probably should be capitalized.

and economically disadvantaged persons is essential if we are to obtain social and economic equality for such persons and improve the functioning of our national economy;

(B) that many such persons are socially disadvantaged because of their identification as members of certain groups that have suffered the effects of discriminatory practices or similar invidious circumstances over which they have no control;

(C) that such groups include, but are not limited to, Black Americans, Hispanic Americans, Native Americans, Indian tribes, Asian Pacific Americans, Native Hawaiian Organizations, and other minorities;

(D) that it is in the national interest to expeditiously ameliorate the conditions of socially and economically disadvantaged groups;

(E) that such conditions can be improved by providing the maximum practicable opportunity for the development of small business concerns owned by members of socially and economically disadvantaged groups;

(F) that such development can be materially advanced through the procurement by the United States of articles, equipment, supplies, services, materials, and construction work from such concerns; and

(G) that such procurements also benefit the United States by encouraging the expansion of suppliers for such procurements, thereby encouraging competition among such suppliers and promoting economy in such procurements.

(2) It is therefore the purpose of section 637(a) of this title to—

(A) promote the business development of small business concerns owned and controlled by socially and economically disadvantaged individuals so that such concerns can compete on an equal basis in the American economy;

(B) promote the competitive viability of such concerns in the marketplace by providing such available contract, financial, technical, and management<sup>3</sup> assistance as may be necessary; and

(C) clarify and expand the program for the procurement by the United States of articles, supplies, services, materials, and construction work from small business concerns owned by socially and economically disadvantaged individuals.

**(g) Assistance to disaster victims under disaster loan program**

In administering the disaster loan program authorized by section 636 of this title, to the maximum extent possible, the Administration shall provide assistance and counseling to disaster victims in filing applications, providing information relevant to loan processing, and in loan closing and prompt disbursement of loan proceeds and shall give the disaster program a high priority in allocating funds for administrative expenses.

**(h) Assistance to women owned business**

(1) With respect to the programs and activities authorized by this chapter, the Congress finds that—

(A) women owned business has become a major contributor to the American economy by providing goods and services, revenues, and jobs;

(B) over the past two decades there have been substantial gains in the social and economic status of women as they have sought economic equality and independence;

(C) despite such progress, women, as a group, are subjected to discrimination in entrepreneurial endeavors due to their gender;

(D) such discrimination takes many overt and subtle forms adversely impacting the ability to raise or secure capital, to acquire managerial talents, and to capture market opportunities;

(E) it is in the national interest to expeditiously remove discriminatory barriers to the creation and development of small business concerns owned and controlled by women;

(F) the removal of such barriers is essential to provide a fair opportunity for full participation in the free enterprise system by women and to further increase the economic vitality of the Nation;

(G) increased numbers of small business concerns owned and controlled by women will directly benefit the United States Government by expanding the potential number of suppliers of goods and services to the Government; and

(H) programs and activities designed to assist small business concerns owned and controlled by women must be implemented in such a way as to remove such discriminatory barriers while not adversely affecting the rights of socially and economically disadvantaged individuals.

(2) It is, therefore, the purpose of those programs and activities conducted under the authority of this chapter that assist women entrepreneurs to—

(A) vigorously promote the legitimate interests of small business concerns owned and controlled by women;

(B) remove, insofar as possible, the discriminatory barriers that are encountered by women in accessing capital and other factors of production; and

(C) require that the Government engage in a systematic and sustained effort to identify, define and analyze those discriminatory barriers facing women and that such effort directly involve the participation of women business owners in the public/private sector partnership.

**(i) Prohibition on use of funds for individuals not lawfully within United States**

None of the funds made available pursuant to this chapter may be used to provide any direct benefit or assistance to any individual in the United States if the Administrator or the official to which the funds are made available receives notification that the individual is not lawfully within the United States.

**(j) Contract bundling**

In complying with the statement of congressional policy expressed in subsection (a) of this section, relating to fostering the participation

<sup>3</sup>So in original. Probably should be "management".

of small business concerns in the contracting opportunities of the Government, each Federal agency, to the maximum extent practicable, shall—

(1) comply with congressional intent to foster the participation of small business concerns as prime contractors, subcontractors, and suppliers;

(2) structure its contracting requirements to facilitate competition by and among small business concerns, taking all reasonable steps to eliminate obstacles to their participation; and

(3) avoid unnecessary and unjustified bundling of contract requirements that precludes small business participation in procurements as prime contractors.

(Pub. L. 85-536, §2[2], July 18, 1958, 72 Stat. 384; Pub. L. 87-70, title III, §305(b), June 30, 1961, 75 Stat. 167; Pub. L. 87-305, §6, Sept. 26, 1961, 75 Stat. 667; Pub. L. 93-386, §2(a)(1), Aug. 23, 1974, 88 Stat. 742; Pub. L. 94-305, title I, §112(a), June 4, 1976, 90 Stat. 667; Pub. L. 95-507, title II, §§201, 203, Oct. 24, 1978, 92 Stat. 1760, 1763; Pub. L. 96-302, title I, §118(a), July 2, 1980, 94 Stat. 840; Pub. L. 99-272, title XVIII, §18015(a), Apr. 7, 1986, 100 Stat. 370; Pub. L. 100-418, title VIII, §8002, Aug. 23, 1988, 102 Stat. 1553; Pub. L. 100-533, title I, §101, Oct. 25, 1988, 102 Stat. 2689; Pub. L. 100-590, title I, §118, Nov. 3, 1988, 102 Stat. 2999; Pub. L. 100-656, title II, §§204, 207(b), Nov. 15, 1988, 102 Stat. 3859, 3861; Pub. L. 101-37, §6(c), June 15, 1989, 103 Stat. 72; Pub. L. 103-403, title VI, §609, Oct. 22, 1994, 108 Stat. 4204; Pub. L. 105-135, title IV, §411, Dec. 2, 1997, 111 Stat. 2617; Pub. L. 111-240, title I, §1203(d), Sept. 27, 2010, 124 Stat. 2522.)

#### CODIFICATION

This chapter was originally enacted as title II of act July 30, 1953, ch. 282, 67 Stat. 232, and designated as the “Small Business Act of 1953”. Title II of act July 30, 1953, was amended by acts June 30, 1955, ch. 251, §4, 69 Stat. 225; Aug. 9, 1955, ch. 628, 69 Stat. 547; Feb. 2, 1956, ch. 29, §§1, 2, 70 Stat. 10; Pub. L. 85-4, Feb. 11, 1957, 71 Stat. 4; Pub. L. 85-120, §§1, 2, Aug. 3, 1957, 71 Stat. 341; Pub. L. 85-335, Feb. 22, 1958, 72 Stat. 27. Section 1 of Pub. L. 85-536 withdrew title II of act July 30, 1953, as part of that act, and made title II a separate act to be known as the “Small Business Act”. The Small Business Act, as amended by Pub. L. 85-536, is classified to this chapter.

#### AMENDMENTS

2010—Subsec. (b)(1). Pub. L. 111-240, in introductory provisions, inserted “the Administrator of” before “the Small Business Administration” and “through the Associate Administrator for International Trade, and” before “in cooperation with”.

1997—Subsec. (j). Pub. L. 105-135 added subsec. (j).

1994—Subsec. (i). Pub. L. 103-403 added subsec. (i).

1989—Subsec. (f). Pub. L. 101-37 made technical correction to directory language of Pub. L. 100-656, §207(b), which did not result in any change in text, see 1988 Amendment note below.

1988—Subsecs. (b), (c). Pub. L. 100-418 added subsec. (b) and redesignated former subsec. (b) as (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 100-418 redesignated subsec. (c) as (d). Former subsec. (d) redesignated (e).

Subsec. (d)(2)(A)(v). Pub. L. 100-656, §204(b), which directed amendment of subsec. (c)(2)(A)(v) by striking out “sole source” after “power to let” was executed to subsec. (d)(2)(A)(v) to reflect the probable intent of

Congress and the intervening redesignation of subsec. (c) as (d) by Pub. L. 100-418.

Subsec. (d)(2)(B). Pub. L. 100-656, §204(a)(1), which directed general amendment of subsec. (c)(2)(B), was executed to subsec. (d)(2)(B) to reflect the probable intent of Congress and the intervening redesignation of subsec. (c) as (d) by Pub. L. 100-418. Prior to amendment, subpar. (B) read as follows: “It is, therefore, the purpose of the programs authorized by section 636(j) of this title to—

“(i) foster business ownership by individuals in groups that own and control little productive capital; and

“(ii) promote the competitive viability of such firms by creating a small business and capital ownership development program to provide such available financial, technical, and management assistance as may be necessary.”

Subsecs. (e), (f). Pub. L. 100-418 redesignated subsecs. (d) and (e) as (e) and (f), respectively.

Subsec. (f)(1)(C). Pub. L. 100-656, §207(b), as amended by Pub. L. 101-37, which directed amendment of subsec. (e)(1)(C) by inserting “Native Hawaiian Organizations,” was executed to subsec. (f)(1)(C) to reflect the probable intent of Congress and the intervening redesignation of subsec. (e) as (f) by Pub. L. 100-418.

Subsec. (f)(2). Pub. L. 100-656, §204(a)(2), which directed general amendment of subsec. (e)(2), was executed to subsec. (f)(2) to reflect the probable intent of Congress and the intervening redesignation of subsec. (e) as (f) by Pub. L. 100-418. Prior to amendment, par. (2) read as follows: “It is, therefore, the purpose of section 637(a) of this title to—

“(A) foster business ownership by individuals who are both socially and economically disadvantaged;

“(B) promote the competitive viability of such firms by providing such available contract, financial, technical, and management assistance as may be necessary; and

“(C) clarify and expand the program for the procurement by the United States of articles, equipment, supplies, services, materials, and construction work from small business concerns owned by socially and economically disadvantaged individuals.”

Subsec. (g). Pub. L. 100-590, §118, added subsec. (g).

Subsec. (h). Pub. L. 100-533 added subsec. (h).

1986—Subsec. (e)(1)(C). Pub. L. 99-272 inserted “Indian tribes.”

1980—Subsec. (e)(1)(C). Pub. L. 96-302 included among the disadvantaged minorities Asian Pacific Americans.

1978—Subsec. (c). Pub. L. 95-507, §203, designated existing provisions as par. (1) and added par. (2).

Subsec. (e). Pub. L. 95-507, §201, added subsec. (e).

1976—Subsecs. (b) to (d). Pub. L. 94-305 added subsec. (b) and redesignated former subsecs. (b) and (c) as (c) and (d), respectively.

1974—Subsecs. (b), (c). Pub. L. 93-386 added subsec. (b) and redesignated former subsec. (b) as (c).

1961—Subsec. (a). Pub. L. 87-305 inserted “or subcontracts” after “contracts” in two places.

Subsec. (b). Pub. L. 87-70 included small-business concerns which are displaced as a result of federally aided construction programs.

#### EFFECTIVE DATE OF 1997 AMENDMENT

Pub. L. 105-135, §3, Dec. 2, 1997, 111 Stat. 2593, provided that: “This Act [see Short Title of 1997 Amendment note below] and the amendments made by this Act shall take effect on October 1, 1997.”

#### EFFECTIVE DATE OF 1989 AMENDMENT

Pub. L. 101-37, §32, June 15, 1989, 103 Stat. 77, provided that: “The amendments made by this Act [see Short Title of 1989 Amendment note below] shall apply as if included in the Business Opportunity Development Reform Act of 1988 [Pub. L. 100-656].”

#### EFFECTIVE DATE OF 1988 AMENDMENTS

Pub. L. 100-656, title VIII, §803, Nov. 15, 1988, 102 Stat. 3899, as amended by Pub. L. 101-37, §31, June 15, 1989, 103 Stat. 76, provided that:

“(a) IN GENERAL.—Except as otherwise provided, the following provisions (and the amendments made by such provisions) shall take effect on the date of the enactment of this Act [Nov. 15, 1988]:

“(1) Sections 1 and 2 [enacting provisions set out as notes under this section and section 636 of this title].

“(2) Section 101 [enacting provisions set out as a note under section 636 of this title].

“(3) Sections 202, 203, 204, 206, and 207 [amending this section and sections 636 and 637 of this title].

“(4) Sections 301(a) and 303(d), (e), and (f) [amending sections 636 and 637 of this title and enacting provisions set out as a note under section 637 of this title].

“(5) Sections 405, 406, 408, and 410 [amending sections 636, 639, and 645 of this title and enacting provisions set out as a note under section 636 of this title].

“(6) Sections 504 and 505 [amending section 636 of this title and enacting provisions set out as notes under section 636 of this title].

“(7) Sections 601 and 603 [amending section 644 of this title].

“(8) Titles VII and VIII [amending section 632 of this title and section 541 of former Title 40, Public Buildings, Property, and Works, enacting provisions set out as notes under sections 632, 636, and 644 of this title, and amending provisions set out as a note under section 644 of this title].

“(9) Sections 7(j)(13)(G) and 7(j)(13)(I) of the Small Business Act [section 636(j)(13)(G), (I) of this title] (as added by section 301(b)).

“(b) SPECIAL RULES.—(1) Except as otherwise provided, the following sections (and the amendments made by such sections) shall take effect on August 15, 1989:

“(A) Sections 201, 205, and 208 [amending sections 636 and 637 of this title].

“(B) Sections 301(b), 301(c), 303(a), 303(c), 303(g), 303(h), and 304 [amending sections 636 and 637 of this title and enacting provisions set out as a note under section 637 of this title].

“(C) Sections 401, 402, 403, 404, and 409 [amending sections 633 and 637 of this title and enacting provisions set out as a note under section 633 of this title].

“(D) Section 602 [enacting provisions set out as a note under section 637 of this title].

“(2) Section 302 [amending section 636 of this title] shall take effect on June 1, 1989.

“(3) Section 407 [amending section 637 of this title] shall take effect with respect to contracts entered into on or after June 1, 1989.

“(4) The following sections (and the amendments made by such sections) shall take effect on October 1, 1989:

“(A) Section 209 [amending section 637 of this title].

“(B) Section 303(b) [amending section 637 of this title].

“(C) Sections 501, 502, and 503 [amending sections 637 and 644 of this title].

“(D) Section 7(j)(13)(E) of the Small Business Act [section 636(j)(13)(E) of this title] (as added by section 301(b) of this Act).”

Pub. L. 100-590, title I, §137, Nov. 3, 1988, 102 Stat. 3007, provided that: “This title [enacting sections 687m and 697c of this title, amending this section and sections 631b, 632, 633, 634, 636, 637, 638, 644, 648, 681, 687, and 695 to 697b of this title, repealing section 694 of this title, enacting provisions set out as notes under this section and sections 636, 637, 639, 644, 694, and 697 of this title, and amending provisions set out as notes under this section and section 637 of this title] shall be effective on the date of enactment [Nov. 3, 1988], except that sections 118 through 122 [amending this section and sections 632 and 636 of this title] shall be effective for all loan applications resulting from disaster declarations made on or after August 1, 1988, or from disaster declarations whose filing periods were open on October 1, 1988. Any new credit authority provided for in this Act [see Short Title of 1988 Amendment note below] is to be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.”

Pub. L. 100-418, title VIII, §8014, Aug. 23, 1988, 102 Stat. 1563, provided that: “This title [amending this section and sections 636, 648, 649, and 696 of this title, enacting provisions set out as notes under this section, and amending provisions set out as notes under this section and section 638 of this title] shall become effective on the date of its enactment [Aug. 23, 1988].”

#### EFFECTIVE DATE OF 1981 AMENDMENT

Pub. L. 97-35, title XIX, §1918, Aug. 13, 1981, 95 Stat. 781, provided that: “Sections 1908, 1909, and 1913 of this title [amending sections 633, 636, and 696 of this title] shall be effective October 1, 1981, and section 1910 of this title [amending section 636 of this title] shall be effective as provided therein [Oct. 1, 1985]. All other provisions of this title [amending sections 632, 633, 636, and 639 of this title, repealing section 636a of this title, enacting provisions set out as notes under this section and section 636 of this title, and amending provisions set out as notes under this section] shall be effective immediately [Aug. 13, 1981] but shall not affect any financing made, obligated, or committed under the Small Business Act [this chapter] or the Small Business Investment Act of 1958 [chapter 14B of this title] prior to the effective date hereof.”

#### EFFECTIVE DATE OF 1980 AMENDMENT

Pub. L. 96-302, title V, §507, July 2, 1980, 94 Stat. 854, provided that: “This Act [enacting sections 631a, 631b, 648, and 697 of this title, amending this section, sections 632, 633, 634, 634d, 636, 637, 644, 647, 694-2, 694b, and 694c of this title, section 5315 of Title 5, Government Organization and Employees, and sections 1961 and 1964 of Title 7, Agriculture, enacting provisions set out as notes under this section and sections 636, 637, and 648 of this title, and amending provisions set out as a note under this section] shall take effect October 1, 1980.”

#### SHORT TITLE OF 2011 AMENDMENT

Pub. L. 112-81, div. E, title L, §5001, Dec. 31, 2011, 125 Stat. 1822, provided that: “This division [enacting sections 638a and 638b of this title, amending sections 632 and 638 of this title, enacting provisions set out as notes under sections 638 and 638b of this title, and amending provisions set out as a note under section 638 of this title] may be cited as the ‘SBIR/STTR Reauthorization Act of 2011’.”

Pub. L. 112-17, §1, June 1, 2011, 125 Stat. 221, provided that: “This Act [amending section 638 of this title] may be cited as the ‘Small Business Additional Temporary Extension Act of 2011’.”

#### SHORT TITLE OF 2010 AMENDMENT

Pub. L. 111-240, §1, Sept. 27, 2010, 124 Stat. 2504, provided that: “This Act [enacting sections 634g, 648b, and 657q of this title, chapter 54 and section 4713a of Title 12, Banks and Banking, and section 1320a-7m of Title 42, The Public Health and Welfare, amending this section, sections 278k, 632 to 634, 634c, 636, 637, 644, 648, 649, 656, 657a, 689d, 695, and 696 of this title, section 604 of Title 5, Government Organization and Employees, section 2382 of Title 10, Armed Forces, and sections 38 to 40, 55, 72, 162, 168, 179, 195, 280F, 402A, 460, 861, 862, 864, 1202, 1374, 1400L, 1400N, 6041, 6330, 6707A, 6721, and 6722 of Title 26, Internal Revenue Code, repealing former section 634g of this title, enacting provisions set out as notes under this section, sections 271, 278m, 632, 636, 637, 644, 649, 649b, and 696 of this title, sections 4741 and 5701 of Title 12, sections 1, 38 to 40, 72, 162, 168, 179, 195, 280F, 402A, 460, 861, 1202, 1374, 6041, 6330, 6655, 6662A, 6707A, and 6721 of Title 26, and sections 428 and 433 of Title 41, Public Contracts, amending provisions set out as notes under this section, and repealing provisions set out as notes under section 644 of this title] may be cited as the ‘Small Business Jobs Act of 2010’.”

Pub. L. 111-240, title I, §1101, Sept. 27, 2010, 124 Stat. 2507, provided that: “This subtitle [subtitle A (§§1101-1136) of title I of Pub. L. 111-240, enacting section 4713a of Title 12, Banks and Banking, amending

sections 632, 634, 636, 689d, 695, and 696 of this title, and enacting provisions set out as notes under sections 632, 636, and 696 of this title] may be cited as the ‘Small Business Job Creation and Access to Capital Act of 2010’.”

Pub. L. 111-240, title I, §1201, Sept. 27, 2010, 124 Stat. 2520, provided that: “This subtitle [subtitle B (§§1201-1209) of title I of Pub. L. 111-240, amending this section and sections 632, 633, 636, 648, and 649 of this title and enacting provisions set out as notes under sections 636, 649, and 649b of this title] may be cited as the ‘Small Business Export Enhancement and International Trade Act of 2010’.”

#### SHORT TITLE OF 2008 AMENDMENT

Pub. L. 110-234, title XII, §12051, May 22, 2008, 122 Stat. 1406, and Pub. L. 110-246, §4(a), title XII, §12051, June 18, 2008, 122 Stat. 1664, 2168, provided that: “This subtitle [subtitle B (§§12051-12091) of title XII of Pub. L. 110-246, enacting sections 636e to 636k and 657i to 657o of this title, amending sections 632, 633, and 636 of this title, enacting provisions set out as notes under section 636 of this title, and amending provisions set out as a note under this section] may be cited as the ‘Small Business Disaster Response and Loan Improvements Act of 2008’.”

[Pub. L. 110-234 and Pub. L. 110-246 enacted identical provisions. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246, set out as a note under section 8701 of Title 7, Agriculture.]

Pub. L. 110-186, §1, Feb. 14, 2008, 122 Stat. 623, provided that: “This Act [amending sections 632, 636, 648, 657b, and 657c of this title, enacting provisions set out as notes under sections 636 and 637 of this title, and amending provisions set out as a note under section 657b of this title] may be cited as the ‘Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2008’.”

#### SHORT TITLE OF 2007 AMENDMENT

Pub. L. 110-28, title VIII, §8301, May 25, 2007, 121 Stat. 204, provided that: “This subtitle [subtitle C (§§8301-8306) of title VIII of Pub. L. 110-28, amending section 656 of this title and section 10a of Title 41, Public Contracts, enacting provisions set out as notes under section 656 of this title and section 9858 of Title 42, The Public Health and Welfare, and amending provisions set out as a note under section 601 of Title 5, Government Organization and Employees] may be cited as the ‘Small Business and Work Opportunity Act of 2007’.”

#### SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108-447, div. K, §1(a), Dec. 8, 2004, 118 Stat. 3441, provided that: “This division [enacting sections 631c and 657g of this title, amending sections 632 to 634, 636, 637, 648, 650, 654, 657a to 657c, 683, 687, 694b, and 695 to 697 of this title, enacting provisions set out as notes under sections 632, 633, 636, and 637 of this title, amending provisions set out as notes under this section and section 657b of this title, and repealing provisions set out as a note under section 694b of this title] may be cited as the ‘Small Business Reauthorization and Manufacturing Assistance Act of 2004’.”

#### SHORT TITLE OF 2001 AMENDMENT

Pub. L. 107-50, §1, Oct. 15, 2001, 115 Stat. 263, provided that: “This Act [amending sections 638 and 657d of this title and enacting provisions set out as a note under section 638 of this title] may be cited as the ‘Small Business Technology Transfer Program Reauthorization Act of 2001’.”

#### SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-554, §1(a)(9) [§1(a)], Dec. 21, 2000, 114 Stat. 2763, 2763A-667, provided that: “This Act [H.R. 5667, as enacted by section 1(a)(9) of Pub. L. 106-554, see Tables for classification] may be cited as the ‘Small Business Reauthorization Act of 2000’.”

Pub. L. 106-554, §1(a)(9) [title I, §101], Dec. 21, 2000, 114 Stat. 2763, 2763A-668, provided that: “This title [enacting sections 657d and 657e of this title, amending section 638 of this title, enacting provisions set out as notes under sections 638 and 657d of this title, and amending provisions set out as notes under this section and section 638 of this title] may be cited as the ‘Small Business Innovation Research Program Reauthorization Act of 2000’.”

Pub. L. 106-554, §1(a)(9) [title II, §201], Dec. 21, 2000, 114 Stat. 2763, 2763A-681, provided that: “This title [amending sections 634, 636, and 696 of this title] may be cited as the ‘Small Business Loan Improvement Act of 2000’.”

Pub. L. 106-554, §1(a)(9) [title V, §501], Dec. 21, 2000, 114 Stat. 2763, 2763A-691, provided that: “This title [amending sections 637, 648, 654, and 657a of this title and amending provisions set out as notes under this section and sections 637 and 644 of this title] may be cited as the ‘Small Business Programs Reauthorization Act of 2000’.”

Pub. L. 106-554, §1(a)(9) [title VI, subtitle A, §601], Dec. 21, 2000, 114 Stat. 2763, 2763A-697, provided that: “This subtitle [amending section 632 of this title] may be cited as the ‘HUBZones in Native America Act of 2000’.”

#### SHORT TITLE OF 1999 AMENDMENTS

Pub. L. 106-165, §1, Dec. 9, 1999, 113 Stat. 1795, provided that: “This Act [amending section 656 of this title and enacting provisions set out as notes under section 656 of this title] may be cited as the ‘Women’s Business Centers Sustainability Act of 1999’.”

Pub. L. 106-50, §1, Aug. 17, 1999, 113 Stat. 233, provided that: “This Act [enacting sections 657b and 657c of this title, amending sections 631b, 632, 633, 634b, 636, 637, 644, and 695 of this title, enacting provisions set out as notes under sections 633, 636, 637, 657b, and 657c of this title, and amending provisions set out as a note under this section] may be cited as the ‘Veterans Entrepreneurship and Small Business Development Act of 1999’.”

Pub. L. 106-22, §1, Apr. 27, 1999, 113 Stat. 36, provided that: “This Act [amending section 636 of this title] may be cited as the ‘Microloan Program Technical Corrections Act of 1999’.”

Pub. L. 106-17, §1, Apr. 6, 1999, 113 Stat. 27, provided that: “This Act [amending section 656 of this title and enacting provisions set out as a note under section 656 of this title] may be cited as the ‘Women’s Business Center Amendments Act of 1999’.”

Pub. L. 106-8, §1, Apr. 2, 1999, 113 Stat. 13, provided that: “This Act [amending section 636 of this title, enacting provisions set out as notes under section 636 of this title, and repealing provisions set out as a note under section 636 of this title] may be cited as the ‘Small Business Year 2000 Readiness Act’.”

#### SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-277, div. C, title IX, §901, Oct. 21, 1998, 112 Stat. 2681-707, provided that: “This title [enacting section 654 of this title, amending section 648 of this title, and enacting provisions set out as notes under section 654 of this title] may be cited as the ‘Drug-Free Workplace Act of 1998’.”

#### SHORT TITLE OF 1997 AMENDMENT

Pub. L. 105-135, §1(a), Dec. 2, 1997, 111 Stat. 2592, provided that: “This Act [enacting sections 657a and 7109 of this title and former section 7109 of this title, amending this section, sections 631b, 632, 636, 637, 638, 644, 645, 648, 656, 662, 681 to 683, 687b, 687m, 694b, 696, 697, 697e, 7103, 7104, 7106, 7107, and 7110 of this title, section 2323 of Title 10, Armed Forces, section 1441a of Title 12, Banks and Banking, sections 3718, 6701, and 7505 of Title 31, Money and Finance, sections 405 and 417a of Title 41, Public Contracts, section 13556 of Title 42, The Public Health and Welfare, and sections 47107 and 47113 of Title 49, Transportation, enacting provisions set out as notes

under this section, sections 632 to 634, 636, 637, 638, 656, 657a, and 697e of this title, and section 405 of Title 41, and amending provisions set out as notes under this section and sections 637, 644, 694b, and 697e of this title] may be cited as the ‘Small Business Reauthorization Act of 1997.’”

Pub. L. 105-135, title VI, §601, Dec. 2, 1997, 111 Stat. 2627, provided that: “This title [enacting section 657a of this title, amending sections 631b, 632, 637, 644, 645, and 694b of this title, section 2323 of Title 10, Armed Forces, section 1441a of Title 12, Banks and Banking, sections 3718, 6701, and 7505 of Title 31, Money and Finance, sections 405 and 417a of Title 41, Public Contracts, section 13556 of Title 42, The Public Health and Welfare, and sections 47107 and 47113 of Title 49, Transportation, enacting provisions set out as notes under this section and sections 632 and 657a of this title, and amending provisions set out as notes under this section] may be cited as the ‘HUBZone Act of 1997.’”

#### SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104-208, div. D, §1(a), Sept. 30, 1996, 110 Stat. 3009-724, provided that: “This division [amending sections 80a-18, 632 to 634, 636, 638, 648, 662, 681 to 683, 687, 687b, 687d, 687k to 687m, 694b, 696, 697, 697b, and 697f of this title and section 1431 of Title 12, Banks and Banking, repealing sections 687i and 687j of this title, enacting provisions set out as notes under this section and sections 632 to 634, 636, 681, 683, 694b, and 695 of this title, amending provisions set out as notes under this section and section 644 of this title, and repealing provisions set out as a note under section 634 of this title] may be cited as the ‘Small Business Programs Improvement Act of 1996.’”

#### SHORT TITLE OF 1995 AMENDMENT

Pub. L. 104-36, §1, Oct. 12, 1995, 109 Stat. 295, provided that: “This Act [amending sections 634, 636, and 697 of this title, enacting provisions set out as a note under section 634 of this title, and amending provisions set out as a note under section 694b of this title] may be cited as the ‘Small Business Lending Enhancement Act of 1995.’”

#### SHORT TITLE OF 1994 AMENDMENT

Pub. L. 103-403, §1(a), Oct. 22, 1994, 108 Stat. 4175, provided that: “This Act [enacting chapter 97 of this title and sections 697d to 697f of this title, amending this section and sections 632 to 634, 634d, 636 to 638, 644, 648, 652, 656, 683, 687, and 697 of this title, repealing section 697e of this title, enacting provisions set out as notes under this section and sections 634b, 636, 637, 644, 661, and 697d to 697f of this title, amending provisions set out as notes under this section and sections 633, 636, 637, and 694b of this title, and repealing provisions set out as a note under section 697 of this title] may be cited as the ‘Small Business Administration Reauthorization and Amendments Act of 1994.’”

#### SHORT TITLE OF 1993 AMENDMENT

Pub. L. 103-81, §1(a), Aug. 13, 1993, 107 Stat. 780, provided that: “This Act [amending sections 634, 636, 648, 652, and 7107 of this title, enacting provisions set out as notes under sections 634 and 636 of this title, amending provisions set out as notes under this section and section 648 of this title, and repealing provisions set out as notes under sections 634 and 636 of this title] may be cited as the ‘Small Business Guaranteed Credit Enhancement Act of 1993.’”

#### SHORT TITLE OF 1992 AMENDMENTS

Pub. L. 102-564, §1(a), Oct. 28, 1992, 106 Stat. 4249, provided that: “This Act [amending sections 634, 636, 637, and 638 of this title and section 4124 of Title 18, Crimes and Criminal Procedure, enacting provisions set out as notes under this section and section 638 of this title, amending provisions set out as notes under sections 644 and 648 of this title, and repealing provisions set out as a note under section 638 of this title] may be cited as

the ‘Small Business Research and Development Enhancement Act of 1992.’”

Pub. L. 102-564, title I, §101, Oct. 28, 1992, 106 Stat. 4249, provided that: “This title [amending section 638 of this title and enacting provisions set out as notes under section 638 of this title] may be cited as the ‘Small Business Innovation Research Program Reauthorization Act of 1992.’”

Pub. L. 102-564, title II, §201, Oct. 28, 1992, 106 Stat. 4256, provided that: “This title [amending section 638 of this title and enacting provisions set out as notes under section 638 of this title] may be cited as the ‘Small Business Technology Transfer Act of 1992.’”

Pub. L. 102-366, §1(a), Sept. 4, 1992, 106 Stat. 986, provided that: “This Act [amending sections 632, 636, 637, 644, 648, 661, 662, 682, 683, 685, 686, 687, 687b, and 687f of this title, enacting provisions set out as notes under this section and sections 632, 634, 636, 644, 648, 661, 681, 687b, and 694b of this title, and amending provisions set out as notes under this section and sections 633, 636, and 644 of this title] may be cited as the ‘Small Business Credit and Business Opportunity Enhancement Act of 1992.’”

Pub. L. 102-366, title I, §101, Sept. 4, 1992, 106 Stat. 987, provided that: “This subtitle [subtitle A (§§101-104) of title I of Pub. L. 102-366, amending section 636 of this title and enacting and amending provisions set out as notes under this section] may be cited as the ‘Small Business Credit Crunch Relief Act of 1992.’”

Pub. L. 102-366, title I, §111, Sept. 4, 1992, 106 Stat. 989, provided that: “This subtitle [subtitle B (§§111-115) of title I of Pub. L. 102-366, amending section 636 of this title, enacting provisions set out as notes under section 636 of this title, and amending provisions set out as a note under this section] may be cited as the ‘Micro-lending Expansion Act of 1992.’”

#### SHORT TITLE OF 1991 AMENDMENT

Pub. L. 102-191, §1, Dec. 5, 1991, 105 Stat. 1589, provided that: “This Act [enacting section 656 of this title, amending sections 636, 637, and 7103 of this title, enacting provisions set out as a note under section 637 of this title] may be cited as the ‘Women’s Business Development Act of 1991.’”

#### SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-574, §1, Nov. 15, 1990, 104 Stat. 2814, provided that: “This Act [enacting sections 653 and 654 of this title, amending sections 633, 636, 637, 639, 644, 648, 683, 695, and 696 of this title, enacting provisions set out as notes under this section and sections 633, 637, 648, 648a, 653, and 683 of this title and section 601 of Title 5, Government Organization and Employees, amending provisions set out as notes under this section and sections 633, 636, 637, 644, and 694b of this title and section 502 of Title 44, Public Printing and Documents, and repealing provisions set out as a note under section 648 of this title] may be cited as the ‘Small Business Administration Reauthorization and Amendments Act of 1990.’”

Pub. L. 101-574, title III, §301, Nov. 15, 1990, 104 Stat. 2827, provided that: “This title [enacting sections 653 and 654 of this title, amending sections 631b, 636, and 648 of this title, and enacting provisions set out as notes under section 653 of this title and section 601 of Title 5, Government Organization and Employees] may be cited as the ‘Rural Small Business Enhancement Act of 1990.’”

#### SHORT TITLE OF 1989 AMENDMENT

Pub. L. 101-37, §1, June 15, 1989, 103 Stat. 70, provided that: “This Act [amending this section and sections 633, 636, 637, 639, and 644 of this title, enacting provisions set out as a note under this section, and amending provisions set out as notes under this section and sections 633, 636, 637, and 644 of this title] may be cited as the ‘Business Opportunity Development Reform Act Technical Corrections Act.’”

## SHORT TITLE OF 1988 AMENDMENTS

Pub. L. 100-656, §1(a), Nov. 15, 1988, 102 Stat. 3853, provided that: "This Act [amending this section, sections 632, 633, 636, 637, 639, 644, and 645 of this title, and section 541 of former Title 40, Public Buildings, Property, and Works, enacting provisions set out as notes under this section and sections 632, 633, 636, and 637 of this title, and amending provisions set out as a note under section 644 of this title] may be cited as the 'Business Opportunity Development Reform Act of 1988'."

Pub. L. 100-590, §1(a), Nov. 3, 1988, 102 Stat. 2989, provided that: "This Act [enacting sections 687m and 697c of this title, amending this section and sections 631b, 632, 633, 634, 636, 637, 638, 644, 648, 681, 687b, and 694b to 697b of this title, repealing section 694 of this title, enacting provisions set out as notes under this section and sections 636, 637, 639, 644, 661, 694, 694b, and 697 of this title, and amending provisions set out as notes under this section and sections 633 and 637 of this title] may be cited as the 'Small Business Administration Reauthorization and Amendment Act of 1988'."

Pub. L. 100-533, §1, Oct. 25, 1988, 102 Stat. 2689, provided in part that Pub. L. 100-533 "[enacting chapter 97 of this title and section 417a of Title 41, Public Contracts, amending this section and sections 631b, 636, 637, and 1691b of this title, and enacting provisions set out as notes under this section, sections 636 and 637 of this title, and section 131 of Title 13, Census] may be cited as the 'Women's Business Ownership Act of 1988'."

Pub. L. 100-418, title VIII, §8001, Aug. 23, 1988, 102 Stat. 1553, provided that: "This title [amending this section and sections 636, 648, 649, and 696 of this title, enacting provisions set out as notes under this section, and amending provisions set out as notes under this section and section 638 of this title] may be cited as the 'Small Business International Trade and Competitiveness Act'."

## SHORT TITLE OF 1984 AMENDMENTS

Pub. L. 98-395, §1, Aug. 21, 1984, 98 Stat. 1366, provided that: "This Act [amending sections 636 and 648 of this title and provisions set out as notes under this section and section 648 of this title] may be cited as the 'Small Business Development Center Improvement Act of 1984'."

Pub. L. 98-362, §1, July 16, 1984, 98 Stat. 431, provided that: "This Act [amending sections 632, 633, and 637 of this title and enacting provisions set out as notes under sections 633 and 637 of this title] may be cited as the 'Small Business Computer Security and Education Act of 1984'."

Pub. L. 98-352, §1, July 10, 1984, 98 Stat. 329, provided that: "This Act [amending sections 633, 634, and 639 of this title and enacting provisions set out as notes under section 634 of this title] may be cited as the 'Small Business Secondary Market Improvements Act of 1984'."

## SHORT TITLE OF 1982 AMENDMENT

Pub. L. 97-219, §1, July 22, 1982, 96 Stat. 217, provided that: "This Act [amending section 638 of this title and enacting provisions set out as notes under section 638 of this title] may be cited as the 'Small Business Innovation Development Act of 1982'."

## SHORT TITLE OF 1981 AMENDMENT

Pub. L. 97-35, title XIX, §1901, Aug. 13, 1981, 95 Stat. 767, provided that: "This title [amending sections 632, 633, 636, 639, and 696 of this title, repealing section 636a of this title, enacting provisions set out as notes under sections 632 and 636 of this title, and amending provisions set out as notes under this section] may be cited as the 'Small Business Budget Reconciliation and Loan Consolidation/Improvement Act of 1981'."

## SHORT TITLE OF 1980 AMENDMENTS

Pub. L. 96-481, title I, §110, Oct. 21, 1980, 94 Stat. 2323, provided that: "This part [part B (§§110-113) of title I of

Pub. L. 96-481 enacting section 649 of this title, amending section 636 of this title and enacting provisions set out as notes under section 649 of this title] may be cited as the 'Small Business Export Expansion Act of 1980'."

Pub. L. 96-302, title II, §201, July 2, 1980, 94 Stat. 843, provided that: "This title [enacting section 648, amending section 636, and enacting provisions set out as a note under section 648 of this title] may be cited as the 'Small Business Development Center Act of 1980'."

Pub. L. 96-302, title III, §301, July 2, 1980, 94 Stat. 848, provided that: "This title [enacting sections 631a and 631b of this title] may be cited as the 'Small Business Economic Policy Act of 1980'."

Pub. L. 96-302, title V, §501, July 2, 1980, 94 Stat. 850, provided that: "This title [amending sections 632 and 636 of this title and enacting provisions set out as notes under sections 631 and 636 of this title] may be cited as the 'Small Business Employee Ownership Act of 1980'."

## SHORT TITLE OF 1978 AMENDMENT

Pub. L. 95-315, §1, July 4, 1978, 92 Stat. 377, provided: "That this Act [amending sections 633, 636, and 639 of this title and provisions set out as notes under this section] may be cited as the 'Small Business Energy Loan Act'."

## SHORT TITLE OF 1974 AMENDMENT

Pub. L. 93-386, §1, Aug. 23, 1974, 88 Stat. 742, provided: "That this Act [enacting section 694c of this title, amending this section, sections 633, 634, 636, 639, 647, 694, and 694b of this title, and sections 2855, 2942, 2949, and 2982 of Title 42, The Public Health and Welfare, repealing sections 2901, 2902, 2905, 2906, 2906a, 2906b, 2906c, and 2907 of Title 42, and enacting provisions set out as notes under sections 633 and 694 of this title] may be cited as the 'Small Business Amendments of 1974'."

## SHORT TITLE OF 1967 AMENDMENT

Pub. L. 90-104, title I, §101, Oct. 11, 1967, 81 Stat. 268, provided that: "This title [amending sections 633, 636, and 637 of this title and section 2902 of Title 42, The Public Health and Welfare] may be cited as the 'Small Business Act Amendments of 1967'."

## SHORT TITLE OF 1961 AMENDMENT

Pub. L. 87-305, §1, Sept. 26, 1961, 75 Stat. 666, provided: "That this Act [amending this section, sections 633, 634, 636, 637, and 639 of this title, and section 2158 of Appendix to Title 50, War and National Defense] may be cited as the 'Small Business Act Amendments of 1961'."

## SHORT TITLE

Pub. L. 85-536, §2[1], July 18, 1958, 72 Stat. 384, provided that this chapter should be known as the "Small Business Act".

## REPEAL OF INCONSISTENT LAWS

Pub. L. 85-536, §2[45], formerly §2[21], July 18, 1958, 72 Stat. 396, renumbered §2[30] by Pub. L. 96-302, title II, §202, July 2, 1980, 94 Stat. 843; renumbered §2[31] by Pub. L. 104-121, title II, §222(1), Mar. 29, 1996, 110 Stat. 860; renumbered §2[32] by Pub. L. 105-135, title VI, §602(b)(1)(A), Dec. 2, 1997, 111 Stat. 2629; renumbered §2[34] by Pub. L. 106-50, title II, §201(b)(1), Aug. 17, 1999, 113 Stat. 235; renumbered §2[36] by Pub. L. 106-554, §1(a)(9) [title I, §111(b)(1)], Dec. 21, 2000, 114 Stat. 2763, 2763A-674; renumbered §2[37] by Pub. L. 108-183, title III, §308, Dec. 16, 2003, 117 Stat. 2662; renumbered §2[44] by Pub. L. 110-234, title XII, §12062(1), May 22, 2008, 122 Stat. 1407; Pub. L. 110-246, §4(a), title XII, §12062(1), June 18, 2008, 122 Stat. 1664, 2169; renumbered §2[45] by Pub. L. 111-240, title I, §1313(a)(1), Sept. 27, 2010, 124 Stat. 2538, provided that: "All laws and parts of laws inconsistent with this Act [this chapter] are hereby repealed to the extent of such inconsistency."

## REGULATIONS

Pub. L. 105-135, title IV, §417, Dec. 2, 1997, 111 Stat. 2620, provided that:



“(a) PROPOSED REGULATIONS.—Proposed amendments to the Federal Acquisition Regulation or proposed Small Business Administration regulations under this subtitle [subtitle B (§§ 411–417) of title IV of Pub. L. 105–135, amending this section and sections 632, 637 and 644 of this title and enacting provisions set out as notes under section 637 of this title and section 405 of Title 41, Public Contracts] and the amendments made by this subtitle shall be published not later than 120 days after the date of enactment of this Act [Dec. 2, 1997] for the purpose of obtaining public comment pursuant to section 22 of the Office of Federal Procurement Policy Act ([former] 41 U.S.C. 418b) [now 41 U.S.C. 1707], or chapter 5 of title 5, United States Code, as appropriate. The public shall be afforded not less than 60 days to submit comments.

“(b) FINAL REGULATIONS.—Final regulations shall be published not later than 270 days after the date of enactment of this Act. The effective date for such final regulations shall be not less than 30 days after the date of publication.”

Pub. L. 100–590, title I, § 136, Nov. 3, 1988, 102 Stat. 3007, provided that: “Notwithstanding any law, rule or regulation, the Small Business Administration shall promulgate final regulations to be effective on publication to carry out the provisions of this title [see Effective Date of 1988 Amendments note above] within six months after the date of enactment [Nov. 3, 1988].”

Pub. L. 100–418, title VIII, § 8013, Aug. 23, 1988, 102 Stat. 1563, provided that: “Notwithstanding any law, rule, or regulation, the Small Business Administration shall promulgate final regulations to carry out the provisions of this title [see Short Title of 1988 Amendments note above] within six months after the date of enactment of this title [Aug. 23, 1988].”

#### SEPARABILITY

Pub. L. 85–536, § 2[19], July 18, 1958, 72 Stat. 396, provided that: “If any provision of this Act [this chapter], or the application thereof to any person or circumstances, is held invalid, the remainder of this Act [this chapter], and the application of such provision to other persons or circumstances, shall not be affected thereby.”

#### AUTHORIZATION OF APPROPRIATIONS

Pub. L. 85–536, § 2[20], July 18, 1958, 72 Stat. 396, as amended by Pub. L. 87–341, § 11(h)(2), Oct. 3, 1961, 75 Stat. 757; Pub. L. 95–89, title I, § 102, Aug. 4, 1977, 91 Stat. 553; Pub. L. 95–315, §§ 5, 7, July 4, 1978, 92 Stat. 379; Pub. L. 96–302, title I, §§ 101, 110, July 2, 1980, 94 Stat. 833, 837; Pub. L. 97–35, title XIX, §§ 1905, 1906, Aug. 13, 1981, 95 Stat. 772–777; Pub. L. 98–270, title III, §§ 302, 305, Apr. 18, 1984, 98 Stat. 160, 161; Pub. L. 98–395, § 3, Aug. 21, 1984, 98 Stat. 1367; Pub. L. 99–272, title XVIII, §§ 18001, 18002, 18012, Apr. 7, 1986, 100 Stat. 361, 363, 369; Pub. L. 100–72, § 1, July 11, 1987, 101 Stat. 477; Pub. L. 100–418, title VIII, §§ 8004, 8006(a), Aug. 23, 1988, 102 Stat. 1556, 1557; Pub. L. 100–590, title I, §§ 101, 135(1), (2), Nov. 3, 1988, 102 Stat. 2990, 3007; Pub. L. 101–574, title I, §§ 101, 102, Nov. 15, 1990, 104 Stat. 2815, 2817; Pub. L. 102–83, § 5(c)(2), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102–366, title I, §§ 102, 115(a), title IV, §§ 405, 414, Sept. 4, 1992, 106 Stat. 987, 993, 1014, 1018; Pub. L. 103–81, § 2, Aug. 13, 1993, 107 Stat. 780; Pub. L. 103–282, § 1, July 22, 1994, 108 Stat. 1422; Pub. L. 103–403, title I, § 101, Oct. 22, 1994, 108 Stat. 4176; Pub. L. 104–208, div. D, title II, § 208(i)(2), Sept. 30, 1996, 110 Stat. 3009–747; Pub. L. 105–135, title I, § 101, title II, § 211, title VI, § 607, Dec. 2, 1997, 111 Stat. 2594, 2600, 2635; Pub. L. 106–9, § 2(b), Apr. 5, 1999, 113 Stat. 17; Pub. L. 106–24, § 1(b), Apr. 27, 1999, 113 Stat. 39; Pub. L. 106–554, § 1(a)(8) [§ 1(c)], § 1(a)(9) [title V, § 502, title VIII, § 804(a)], Dec. 21, 2000, 114 Stat. 2763, 2763A–664, 2763A–691, 2763A–703; Pub. L. 107–20, title II, § 2203(a), July 24, 2001, 115 Stat. 170; Pub. L. 108–217, § 3, Apr. 5, 2004, 118 Stat. 591; Pub. L. 108–447, div. K, title I, § 121, Dec. 8, 2004, 118 Stat. 3446, provided that:

“(a)(1) For fiscal year 2000 and each fiscal year thereafter, there are authorized to be appropriated such

sums as may be necessary and appropriate, to remain available until expended, and to be available solely—

“(A) to carry out the Small Business Development Center Program under section 21 [section 648 of this title], but not to exceed the annual funding level, as specified in section 21(a);

“(B) to pay the expenses of the National Small Business Development Center Advisory Board, as provided in section 21(i);

“(C) to pay the expenses of the information sharing system, as provided in section 21(c)(8);

“(D) to pay the expenses of the association referred to in section 21(a)(3)(A) for conducting the accreditation program, as provided in section 21(k)(2);

“(E) to pay the expenses of the Administration, including salaries of examiners, for conducting examinations as part of the accreditation program conducted by the association referred to in section 21(a)(3)(A); and

“(F) to pay for small business development center grants as mandated or directed by Congress.

“(2) Notwithstanding any other provision of law, the Administration shall enter into commitments for direct loans and to guarantee loans, debentures, payment of rentals, or other amounts due under qualified contracts and other types of financial assistance and enter into commitments to purchase debentures and preferred securities and to guarantee sureties against loss pursuant to programs under this Act [this chapter] and the Small Business Investment Act of 1958 [chapter 14B of this title], in the full amounts provided by law subject only to (A) the availability of qualified applications, and (B) limitations contained in appropriations Acts. Nothing in this paragraph authorizes the Administration to reduce or limit its authority to enter into such commitments. Subject to approval in appropriations Acts, amounts authorized for preferred securities, debentures or participating securities under title III of the Small Business Investment Act of 1958 [subchapter III of chapter 14B of this title] may be obligated in one fiscal year and disbursed or guaranteed in any 1 or more of the 4 subsequent fiscal years.

“(3) There are authorized to be transferred from the disaster loan revolving fund such sums as may be necessary and appropriate for administrative expenses of the Administration.

“(4) Except as may be otherwise specifically provided by law, the amount of deferred participation loans authorized in this section—

“(A) shall mean the net amount of the loan principal guaranteed by the Small Business Administration (and does not include any amount which is not guaranteed); and

“(B) shall be available for a national program, except that the Administration may use not more than an amount equal to 10 percent of the amount authorized each year for any special or pilot program directed to identified sectors of the small business community or to specific geographic regions of the United States.

“(b) There are authorized to be appropriated to the Administration for fiscal year 1991 such sums as may be necessary to carry out the provisions of this Act [this chapter] and the Small Business Investment Act of 1958 [chapter 14B of this title]. There also are hereby authorized to be appropriated such sums as may be necessary and appropriate for the carrying out of the provisions and purposes, including administrative expenses, of sections 7(b)(1) and 7(b)(2) of this Act [section 636(b)(1), (2) of this title]; and there are authorized to be transferred from the disaster loan revolving fund such sums as may be necessary and appropriate for such administrative expenses.

“(c) DISASTER MITIGATION PILOT PROGRAM.—The following program levels are authorized for loans under section 7(b)(1)(C) [section 636(b)(1)(C) of this title]:

“(1) \$15,000,000 for fiscal year 2005.

“(2) \$15,000,000 for fiscal year 2006.

“(d) FISCAL YEAR 2005.—

“(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 2005:

“(A) For the programs authorized by this Act [this chapter], the Administration is authorized to make—

“(i) \$75,000,000 in technical assistance grants, as provided in section 7(m) [section 636(m) of this title]; and

“(ii) \$105,000,000 in direct loans, as provided in 7(m).

“(B) For the programs authorized by this Act, the Administration is authorized to make \$23,050,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

“(i) \$16,500,000,000 in general business loans, as provided in section 7(a) [section 636(a) of this title];

“(ii) \$6,000,000,000 in certified development company financings, as provided in section 7(a)(13) and as provided in section 504 of the Small Business Investment Act of 1958 [section 697a of this title];

“(iii) \$500,000,000 in loans, as provided in section 7(a)(21); and

“(iv) \$50,000,000 in loans, as provided in section 7(m).

“(C) For the programs authorized by title III of the Small Business Investment Act of 1958 [subchapter III of chapter 14B of this title], the Administration is authorized to make—

“(i) \$4,250,000,000 in purchases of participating securities; and

“(ii) \$3,250,000,000 in guarantees of debentures.

“(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958 [part B of subchapter IV-A of chapter 14B of this title], the Administration is authorized to enter into guarantees not to exceed \$6,000,000,000, of which not more than 50 percent may be in bonds approved pursuant to section 411(a)(3) of that Act [section 694b(a)(3) of this title].

“(E) The Administration is authorized to make grants or enter into cooperative agreements for a total amount of \$7,000,000 for the Service Corps of Retired Executives program authorized by section 8(b)(1) [section 637(b)(1) of this title].

“(2) ADDITIONAL AUTHORIZATIONS.—

“(A) There are authorized to be appropriated to the Administration for fiscal year 2005 such sums as may be necessary to carry out the provisions of this Act not elsewhere provided for, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b) [section 636(b) of this title], and to carry out the Small Business Investment Act of 1958 [chapter 14B of this title], including salaries and expenses of the Administration.

“(B) Notwithstanding any other provision of this paragraph, for fiscal year 2005—

“(i) no funds are authorized to be used as loan capital for the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

“(ii) the Administration may not approve loans on its own behalf or on behalf of any other Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than \$2,000,000.

“(e) FISCAL YEAR 2006.—

“(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 2006:

“(A) For the programs authorized by this Act [this chapter], the Administration is authorized to make—

“(i) \$80,000,000 in technical assistance grants, as provided in section 7(m) [section 636(m) of this title]; and

“(ii) \$110,000,000 in direct loans, as provided in 7(m).

“(B) For the programs authorized by this Act, the Administration is authorized to make \$25,050,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

“(i) \$17,000,000,000 in general business loans, as provided in section 7(a) [section 636(a) of this title];

“(ii) \$7,500,000,000 in certified development company financings, as provided in section 7(a)(13) and as provided in section 504 of the Small Business Investment Act of 1958 [section 697a of this title];

“(iii) \$500,000,000 in loans, as provided in section 7(a)(21); and

“(iv) \$50,000,000 in loans, as provided in section 7(m).

“(C) For the programs authorized by title III of the Small Business Investment Act of 1958 [subchapter III of chapter 14B of this title], the Administration is authorized to make—

“(i) \$4,500,000,000 in purchases of participating securities; and

“(ii) \$3,500,000,000 in guarantees of debentures.

“(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958 [part B of subchapter IV-A of chapter 14B of this title], the Administration is authorized to enter into guarantees not to exceed \$6,000,000,000, of which not more than 50 percent may be in bonds approved pursuant to section 411(a)(3) of that Act [section 694b(a)(3) of this title].

“(E) The Administration is authorized to make grants or enter into cooperative agreements for a total amount of \$7,000,000 for the Service Corps of Retired Executives program authorized by section 8(b)(1) [section 637(b)(1) of this title].

“(2) ADDITIONAL AUTHORIZATIONS.—

“(A) There are authorized to be appropriated to the Administration for fiscal year 2006 such sums as may be necessary to carry out the provisions of this Act not elsewhere provided for, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b) [section 636(b) of this title], and to carry out the Small Business Investment Act of 1958 [chapter 14B of this title], including salaries and expenses of the Administration.

“(B) Notwithstanding any other provision of this paragraph, for fiscal year 2006—

“(i) no funds are authorized to be used as loan capital for the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

“(ii) the Administration may not approve loans on its own behalf or on behalf of any other Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than \$2,000,000.

“[(f) to (i) Repealed. Pub. L. 108-447, div. K, title I, § 121(2), Dec. 8, 2004, 118 Stat. 3446.]

“(j) FISCAL YEAR 2004 PURCHASE AND GUARANTEE AUTHORITY UNDER TITLE III OF SMALL BUSINESS INVESTMENT ACT OF 1958.—For fiscal year 2004, for the programs authorized by title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.), the Administration is authorized to make—

“(1) \$4,000,000,000 in purchases of participating securities; and

“(2) \$3,000,000,000 in guarantees of debentures.”

#### LOAN APPLICATION PROCESSING

Pub. L. 106-554, §1(a)(9) [title VIII, §801], Dec. 21, 2000, 114 Stat. 2763, 2763A-702, provided that:

“(a) STUDY.—The Administrator of the Small Business Administration shall conduct a study to determine the average time that the Administration requires to process an application for each type of loan or loan guarantee made under the Small Business Act (15 U.S.C. 631 et seq.).

“(b) TRANSMITTAL.—Not later than 1 year after the date of the enactment of this Act [Dec. 21, 2000], the Administrator shall transmit to Congress the results of the study conducted under subsection (a).”

#### SERVICE DISABLED VETERANS

Sections 701 to 704, 707, and 709 of title VII of Pub. L. 105-135 provided that:

##### “SEC. 701. PURPOSES.

“The purposes of this title [amending sections 631b, 636, and 637 of this title and enacting this note] are—

“(1) to foster enhanced entrepreneurship among eligible veterans by providing increased opportunities;

“(2) to vigorously promote the legitimate interests of small business concerns owned and controlled by eligible veterans; and

“(3) to ensure that those concerns receive fair consideration in purchases made by the Federal Government.

##### “SEC. 702. DEFINITIONS.

“In this title:

“(1) ELIGIBLE VETERAN.—The term ‘eligible veteran’ means a disabled veteran (as defined in section 4211(3) of title 38, United States Code).

“(2) SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY ELIGIBLE VETERANS.—The term ‘small business concern owned and controlled by eligible veterans’ means a small business concern (as defined in section 3 of the Small Business Act [15 U.S.C. 632])—

“(A) that is at least 51 percent owned by 1 or more eligible veterans, or in the case of a publicly owned business, at least 51 percent of the stock of which is owned by 1 or more eligible veterans; and

“(B) whose management and daily business operations are controlled by eligible veterans.

##### “SEC. 703. REPORT BY SMALL BUSINESS ADMINISTRATION.

“(a) STUDY AND REPORT.—

“(1) IN GENERAL.—Not later than 9 months after the date of enactment of this Act [Dec. 2, 1997], the Administrator shall conduct a comprehensive study and submit to the Committees a final report containing findings and recommendations of the Administrator on—

“(A) the needs of small business concerns owned and controlled by eligible veterans;

“(B) the availability and utilization of Administration programs by small business concerns owned and controlled by eligible veterans;

“(C) the percentage, and dollar value, of Federal contracts awarded to small business concerns owned and controlled by eligible veterans in the preceding 5 fiscal years; and

“(D) methods to improve Administration and other agency programs to serve the needs of small business concerns owned and controlled by eligible veterans.

“(2) CONTENTS.—The report under paragraph (1) shall include recommendations to Congress concerning the need for legislation and recommendations to the Office of Management and Budget, relevant offices within the Administration, and the Department of Veterans Affairs.

“(b) CONDUCT OF STUDY.—In carrying out subsection (a), the Administrator—

“(1) may conduct surveys of small business concerns owned and controlled by eligible veterans and service disabled veterans, including those who have sought financial assistance or other services from the Administration;

“(2) shall consult with the appropriate committees of Congress, relevant groups and organizations in the nonprofit sector, and Federal or State government agencies; and

“(3) shall have access to any information within other Federal agencies that pertains to such veterans and their small businesses, unless such access is specifically prohibited by law.

##### “SEC. 704. INFORMATION COLLECTION.

“After the date of issuance of the report required by section 703(a), the Secretary of Veterans Affairs shall, in consultation with the Assistant Secretary for Veterans’ Employment and Training and the Administrator, engage in efforts each fiscal year to identify small business concerns owned and controlled by eligible veterans in the United States. The Secretary shall inform each small business concern identified under this section that information on Federal procurement is available from the Administrator.

##### “SEC. 707. ENTREPRENEURIAL TRAINING, COUNSELING, AND MANAGEMENT ASSISTANCE.

“The Administrator shall take such actions as may be necessary to ensure that small business concerns owned and controlled by eligible veterans have access to programs established under the Small Business Act [15 U.S.C. 631 et seq.] that provide entrepreneurial training, business development assistance, counseling, and management assistance to small business concerns, including, among others, the Small Business Development Center program and the Service Corps of Retired Executives (SCORE) program.

##### “SEC. 709. OUTREACH FOR ELIGIBLE VETERANS.

“The Administrator, the Secretary of Veterans Affairs, and the Assistant Secretary of Labor for Veterans’ Employment and Training, shall develop and implement a program of comprehensive outreach to assist eligible veterans, which program shall include business training and management assistance, employment and relocation counseling, and dissemination of information on veterans’ benefits and veterans’ entitlements.”

#### TRANSITION REIMBURSEMENT

Pub. L. 103-403, title IV, §414, Oct. 22, 1994, 108 Stat. 4197, authorized payment, for a 90-day period of time, of reasonable amounts of funds to pay salaries and expenses of members and staff of the National Women’s Business Council appointed on or before Oct. 22, 1994.

#### BUY AMERICAN PREFERENCE IN PROVISION OF FINANCIAL ASSISTANCE

Pub. L. 102-366, title I, §103, Sept. 4, 1992, 106 Stat. 988, provided that: “In providing financial assistance with amounts appropriated pursuant to the amendments made by this Act [see Short Title of 1992 Amendment note above], the Administrator of the Small Business Administration shall, when practicable, accord preference to small business concerns which use or purchase equipment and supplies produced in the United States. The Administrator shall also encourage small business concerns receiving such assistance to purchase such equipment and supplies.”

#### NATIONAL SEMINAR ON SMALL BUSINESS EXPORTS

Pub. L. 102-366, title II, §224, Sept. 4, 1992, 106 Stat. 1000, directed Small Business Administration to conduct a National Seminar on Small Business Exports in Buffalo, New York, in connection with the World University Games Buffalo ’93 during July, 1993, in order to develop recommendations designed to stimulate exports from small companies, with such Seminar to build upon the information collected by Administration through previously conducted regional small busi-

ness trade conferences and prior conference in State of Washington and to specifically consider utility of, and make recommendations regarding, subsequent International Conference on Small Business and Trade.

FEASIBILITY STUDY OF BUSINESS COOPERATION NETWORK

Pub. L. 101-574, title II, §233, Nov. 15, 1990, 104 Stat. 2825, directed Administrator of the Small Business Administration to conduct a study of feasibility of establishing a business cooperation system similar to Business Cooperation Network developed by the European Economic Community, specified the purpose of the study, and directed Administrator, not later than one year after Nov. 15, 1990, to transmit to Congress a report containing the results of the study together with recommendations for such legislative and administrative actions as the Administrator considered appropriate.

DEVELOPMENT OF WOMEN'S BUSINESS ENTERPRISE

Pub. L. 100-533, title IV, §§401-407, Oct. 25, 1988, 102 Stat. 2694, as amended, formerly set out as a note under this section, was transferred to chapter 97 (§7101 et seq.) of this title.

DISADVANTAGED SMALL BUSINESSES

Pub. L. 100-533, title V, §504, Oct. 25, 1988, 102 Stat. 2698, provided that: "Nothing contained in this Act [see Short Title of 1988 Amendment note above] is intended to reduce or limit any programs, benefit, or activity that is authorized by law to assist small business concerns owned and controlled by socially and economically disadvantaged individuals as defined pursuant to section 8(d)(3) of the Small Business Act (15 U.S.C. 637(d)(3))."

GLOBALIZATION OF PRODUCTION; REPORT TO CONGRESS

Pub. L. 100-418, title VIII, §8009, Aug. 23, 1988, 102 Stat. 1561, directed Administrator of Small Business Administration, within one year after Aug. 23, 1988, to submit a written report to Committees on Small Business of House of Representatives and Senate, prepared by Administration in conjunction with Bureau of Census and in cooperation with other relevant agencies, that would analyze to extent possible the effect of increased outsourcing and other shifts in production arrangements on small firms, particularly manufacturing firms, within United States subcontractor tier and to extent that such data is not available determine methods by which such data might be collected; assess the impact of specific economic policies, including, but not limited to, procurement, tax and trade policies, in facilitating outsourcing and other international production arrangements; and make recommendations as to changes in Government policy that would improve competitive position of smaller United States subcontractors, including recommendations as to incentives which could be provided to larger corporations to maximize their use of United States subcontractors and assist these subcontractors in changing production and marketing strategies and in obtaining new business in domestic and foreign markets.

NATIONAL SEMINAR ON SMALL BUSINESS EXPORTS

Pub. L. 100-418, title VIII, §8011, Aug. 23, 1988, 102 Stat. 1562, directed Small Business Administration to conduct a National Seminar on Small Business Exports within one year after Aug. 23, 1988, in order to develop recommendations designed to stimulate exports from small companies.

APPOINTMENT OF ADMINISTRATOR OF SMALL BUSINESS ADMINISTRATION TO TRADE POLICY COMMITTEE; SPECIAL TRADE ASSISTANT FOR SMALL BUSINESS IN OFFICE OF UNITED STATES TRADE REPRESENTATIVE

Pub. L. 100-418, title VIII, §8012, Aug. 23, 1988, 102 Stat. 1563, provided that:

"It is the sense of the Congress that the interests of the small business community have not been adequately represented in trade policy formulation and in trade negotiations. Therefore, it is the sense of the Congress that the Administrator of the Small Business Administration should be appointed as a member of the Trade Policy Committee and that the United States Trade Representative should consult with the Small Business Administration and its Office of Advocacy in trade policy formulation and in trade negotiations.

"Further, it is the sense of the Congress that the United States Trade Representative would better serve the needs of the small business community with full-time staff assistance with responsibilities for small business trade issues.

"Further, it is the sense of the Congress that the United States Trade Representative should appoint a special trade assistant for small business."

WHITE HOUSE CONFERENCE ON SMALL BUSINESS

Pub. L. 101-409, Oct. 5, 1990, 104 Stat. 885, as amended by Pub. L. 103-81, §10, Aug. 13, 1993, 107 Stat. 783, directed President to conduct National White House Conference on Small Business not earlier than May 1, 1995, and not later than Sept. 30, 1995, to increase public awareness of essential contribution of small business, to identify obstacles to small business, to examine status of women and minorities as small business owners, and to develop specific recommendations for action to maintain and encourage economic viability of small business, further provided for creation of White House Conference on Small Business Commission to oversee preparation for Conference, further provided for selection of Conference participants as well as planning and administration of Conference, further provided for final report to be submitted not later than four months after convening of Conference as well as annual follow-up reports by Small Business Administration for three years after submission of final report, and further provided for authorization of appropriations.

Pub. L. 98-276, May 8, 1984, 98 Stat. 169, directed President to call and conduct a National White House Conference on Small Business not later than Sept. 1, 1986, with Conference to submit a final report to President and Congress not more than six months from date on which Conference convened, and with that final report to include finding and recommendations of Conference as well as proposals for any legislative action necessary to implement Conference's recommendations; and required Small Business Administration to report to Congress annually during the 3-year period following submission of final report on status and implementation of findings and recommendations of Conference.

ASIAN PACIFIC AMERICANS AS DISADVANTAGED MINORITY IN 1978

Pub. L. 96-302, title I, §118(c)(1), July 2, 1980, 94 Stat. 840, provided that 1980 Amendment of subsec. (e)(1)(C) by Pub. L. 96-302, §118(a), which included Asian Pacific Americans among the disadvantaged minorities, shall apply as if included in the 1978 Amendment made by Pub. L. 95-507, §201, enacting subsec. (e) of this section.

ASSISTANCE TO AUTOMOBILE DEALERS; CONGRESSIONAL FINDINGS; INVESTIGATION BY ADMINISTRATOR; REPORT TO CONGRESS

Pub. L. 96-185, §17, Jan. 7, 1980, 93 Stat. 1335, directed Administrator of Small Business Administration to investigate financial problems faced by small automobile dealers and determine what assistance through loans and loan guarantees may be needed to alleviate such problems and to report results of such investigation to Senate and House of Representatives not later than sixty days after Jan. 7, 1980.

EXECUTIVE ORDER NO. 11458

Ex. Ord. No. 11458, Mar. 5, 1969, 34 F.R. 4937, which related to a national program for minority business enterprise, was superseded by Ex. Ord. No. 11625, Oct. 13, 1971, 36 F.R. 19967, set out below.

EX. ORD. NO. 11625. NATIONAL PROGRAM FOR MINORITY  
BUSINESS ENTERPRISE

Ex. Ord. No. 11625, Oct. 13, 1971, 36 F.R. 19967, as amended by Ex. Ord. No. 12007, Aug. 22, 1977, 42 F.R. 42839, provided:

The opportunity for full participation in our free enterprise system by socially and economically disadvantaged persons is essential if we are to obtain social and economic justice for such persons and improve the functioning of our national economy.

The Office of Minority Business Enterprise, established in 1969, greatly facilitated the strengthening and expansion of our minority enterprise program. In order to take full advantage of resources and opportunities in the minority enterprise field, we now must build on this foundation. One important way of improving our efforts is by clarifying the authority of the Secretary of Commerce (a) to implement Federal policy in support of the minority business enterprise program; (b) provide additional technical and management assistance to disadvantaged business; (c) to assist in demonstration projects; and (d) to coordinate the participation of all Federal departments and agencies in an increased minority enterprise effort.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. *Functions of the Secretary of Commerce.* (a) The Secretary of Commerce (hereinafter referred to as "the Secretary") shall—

(1) Coordinate as consistent with law the plans, programs, and operations of the Federal Government which affect or may contribute to the establishment, preservation, and strengthening of minority business enterprise.

(2) Promote the mobilization of activities and resources of State and local governments, businesses and trade associations, universities, foundations, professional organizations, and volunteer and other groups towards the growth of minority business enterprises, and facilitate the coordination of the efforts of these groups with those of Federal departments and agencies.

(3) Establish a center for the development, collection, summarization, and dissemination of information that will be helpful to persons and organizations throughout the Nation in undertaking or promoting the establishment and successful operation of minority business enterprise.

(4) Within constraints of law and appropriations therefor, and according to his discretion, provide financial assistance to public and private organizations so that they may render technical and management assistance to minority business enterprises, and defray all or part of the costs of pilot or demonstration projects conducted by public or private agencies or organizations which are designed to overcome the special problems of minority business enterprises or otherwise to further the purposes of this order.

(b) The Secretary, as he deems necessary or appropriate to enable him to better fulfill the responsibilities vested in him by subsection (a), may—

(1) With the participation of other Federal departments and agencies as appropriate, develop comprehensive plans and specific program goals for the minority enterprise program; establish regular performance monitoring and reporting systems to assure that goals are being achieved; and evaluate the impact of Federal support in achieving the objectives established by this order.

(2) Require a coordinated review of all proposed Federal training and technical assistance activities in direct support of the minority enterprise program to assure consistency with program goals and to avoid duplication.

(3) Convene, for purposes of coordination, meetings of the heads of such departments and agencies, or their designees, whose programs and activities may affect or contribute to the purposes of this order.

(4) Convene business leaders, educators, and other representatives of the private sector who are engaged

in assisting the development of minority business enterprise or who could contribute to its development, for the purpose of proposing, evaluating and coordinating governmental and private activities in furtherance of the objectives of this order.

(5) Confer with and advise officials of State and local governments.

(6) Provide the managerial and organizational framework through which joint or collaborative undertakings with Federal departments or agencies or private organizations can be planned and implemented.

(7) Recommend appropriate legislative or executive actions.

SEC. 2. [Revoked by Ex. Ord. No. 12007, Aug. 22, 1977, 42 F.R. 42839.]

SEC. 3. *Responsibilities of Other Federal Departments and Agencies.* (a) The head of each Federal department and agency, or a representative designated by him, when and in the manner so requested by the Secretary, shall furnish information, assistance, and reports to, and shall otherwise cooperate with, the Secretary in the performance of his functions hereunder.

(b) The head of each Federal department or agency shall, when so requested by the Secretary, designate his Under Secretary or such other similar official to have primary and continuing responsibility for the participation and cooperation of that department or agency in matters concerning minority business enterprise.

(c) The officials designated under the preceding paragraph, when so requested, shall review and report to the Secretary upon the policies and programs of the minority business enterprise program, and shall keep the Secretary informed of all proposed budgets, plans and programs of his department or agency affecting minority business enterprise.

(d) The head of each Federal department or agency, or a representative designated by him, shall, to the extent provided under regulations issued by the Secretary after consultation with the official designated in paragraph (b) above, report to the Secretary on any activity that falls within the scope of the minority business enterprise program as defined herein and in those regulations.

(e) Each Federal department or agency shall, within constraints of law and appropriations therefor, continue all current efforts to foster and promote minority business enterprises and to support the program herein set forth, and shall cooperate with the Secretary of Commerce in increasing the total Federal effort.

SEC. 4. *Reports.* The Secretary shall, not later than 120 days after the close of each fiscal year, submit to the President a full report of his activities hereunder during the previous fiscal year. Further, the Secretary shall, from time to time, submit to the President his recommendations for legislation or other action as he deems desirable to promote the purposes of this order. Each Federal department or agency shall report to the Secretary as hereinabove provided on a timely basis so that the Secretary may consider such reports for his report and recommendations to the President. Each Federal department or agency shall develop and implement systematic data collection processes which will provide to the Office of Minority Business Enterprise Information Center current data helpful in evaluating and promoting the efforts herein described.

SEC. 5. *Policies and Standards.* The Secretary may establish such policies, standards, definitions, criteria, and procedures to govern the implementation, interpretation, and application of this order, and generally perform such functions and take such steps as he may deem to be necessary or appropriate to achieve the purposes and carry out the provisions hereof.

SEC. 6. *Definitions.* For purposes of this order, the following definitions shall apply:

(a) "Minority business enterprise" means a business enterprise that is owned or controlled by one or more socially or economically disadvantaged persons. Such disadvantage may arise from cultural, racial, chronic economic circumstances or background or other similar cause. Such persons include, but are not limited to,

Negroes, Puerto Ricans, Spanish-speaking Americans, American Indians, Eskimos, and Aleuts.

(b) "State" means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the territories and possessions of the United States, and the Trust Territory of the Pacific Islands.

SEC. 7. *Construction.* Nothing in this order shall be construed as subjecting any function vested in, or assigned pursuant to law to, any Federal department or agency or head thereof to the authority of any other agent or office exclusively, or as abrogating or restricting any such function in any manner.

SEC. 8. *Prior Executive Order.* Executive Order No. 11458 of March 5, 1969, is hereby superseded.

#### ADVISORY COUNCIL FOR MINORITY ENTERPRISE

For provisions relating to termination of, see Ex. Ord. No. 12007, Aug. 22, 1977, 42 F.R. 42839, set out as a note under section 14 of the Federal Advisory Committee Act, set out in the Appendix to Title 5, Government Organization and Employees.

Term of the Advisory Council for Minority Enterprise extended until Dec. 31, 1978, see Ex. Ord. No. 11948, Dec. 20, 1976, 41 F.R. 55705, set out as a note under section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, Title 5, Appendix, Government Organization and Employees.

#### EXECUTIVE ORDER NO. 12061

Ex. Ord. No. 12061, May 18, 1978, 43 F.R. 21865, as amended by Ex. Ord. No. 12091, Nov. 1, 1978, 43 F.R. 51373, which related to the Small Business Conference Commission, was revoked by Ex. Ord. No. 12258, Dec. 31, 1980, 46 F.R. 1251, set out as a note under section 14 of the Appendix to Title 5, Government Organization and Employees.

#### EXECUTIVE ORDER NO. 12269

Ex. Ord. No. 12269, Jan. 15, 1981, 46 F.R. 4673, which established a seven member President's Committee on Small Business Policy to advise the President on appropriate responses to the recommendations of the White House Conference on Small Business, designated the Administrator of the Small Business Administration to perform the functions of the President under Federal advisory committee provisions, and terminated the Committee on Dec. 31, 1982, was revoked by Ex. Ord. No. 12553, Feb. 25, 1986, 51 F.R. 7237.

#### EX. ORD. NO. 12432. MINORITY BUSINESS ENTERPRISE DEVELOPMENT

Ex. Ord. No. 12432, July 14, 1983, 48 F.R. 32551, provided:

By virtue of the authority vested in me as President by the Constitution and laws of the United States of America, including Section 205(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486(a)) [now 40 U.S.C. 121(a)], in order to provide guidance and oversight for programs for the development of minority business enterprise pursuant to my statement of December 17, 1982 concerning Minority Business Development; and to implement the commitment of the Federal government to the goal of encouraging greater economic opportunity for minority entrepreneurs, it is hereby ordered as follows:

SECTION 1. *Minority Business Development Plans.* (a) Minority business enterprise development plans shall be developed by each Federal agency having substantial procurement or grantmaking authority. Such agencies shall submit these plans to the Cabinet Council on Commerce and Trade on an annual basis.

(b) These annual plans shall establish minority enterprise development objectives for the participating agencies and methods for encouraging both prime contractors and grantees to utilize minority business enterprises. The plans shall, to the extent possible, build upon the programs administered by the Minority Business Development Agency and the Small Business Administration, including the goals established pursuant to Public Law 95-507 [see Tables for classification].

(c) The Secretary of Commerce and the Administrator of the Small Business Administration, in consultation with the Cabinet Council on Commerce and Trade, shall establish uniform guidelines for all Federal agencies to be utilized in establishing the minority business programs set forth in Section 2 of this Order.

(d) The participating agencies shall furnish an annual report regarding the implementation of their programs in such form as the Cabinet Council on Commerce and Trade may request, and at such time as the Secretary of Commerce shall designate.

(e) The Secretary of Commerce shall provide an annual report to the President, through the Cabinet Council on Commerce and Trade, on activities under this Order and agency implementation of minority business development programs.

SEC. 2. *Minority Business Development Responsibilities of Federal Agencies.* (a) To the extent permitted by law and consistent with its primary mission, each Federal agency which is required to develop a minority business development plan under Section 1 of this Order shall, to accomplish the objectives set forth in its plan, establish programs concerning provision of direct assistance, procurement assistance, and management and technical assistance to minority business enterprises.

(b) Each Federal agency shall, to the extent permitted by law and consistent with its primary mission, establish minority business development programs, consistent with Section 211 of Public Law 95-507 [amending 15 U.S.C. 637(d)] to develop and implement incentive techniques to encourage greater minority business subcontracting by Federal prime contractors.

(c) Each Federal agency shall encourage recipients of Federal grants and cooperative agreements to achieve a reasonable minority business participation in contracts let as a result of its grants and agreements. In cases where State and local governments are the recipients, such encouragement shall be consistent with principles of federalism.

(d) Each Federal agency shall provide the Cabinet Council on Commerce and Trade such information as it shall request from time to time concerning the agency's progress in implementing these programs.

RONALD REAGAN.

#### EX. ORD. NO. 12523. NATIONAL WHITE HOUSE CONFERENCE ON SMALL BUSINESS

Ex. Ord. No. 12523, June 27, 1985, 50 F.R. 26963, provided:

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to implement the White House Conference on Small Business Authorization Act (Public Law 98-276) [set out above] it is hereby ordered as follows:

Notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act [5 U.S.C. App.] applicable to the White House Conference on Small Business Authorization Act, except that of reporting annually to the Congress, shall be performed by the Administrator of the Small Business Administration in accordance with the guidelines and procedures established by the Administrator of General Services.

RONALD REAGAN.

#### EX. ORD. NO. 12928. PROMOTING PROCUREMENT WITH SMALL BUSINESSES OWNED AND CONTROLLED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS, HISTORICALLY BLACK COLLEGES AND UNIVERSITIES, AND MINORITY INSTITUTIONS

Ex. Ord. No. 12928, Sept. 16, 1994, 59 F.R. 48377, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, in order to enforce rigorously the letter and spirit of public laws that promote increased participation in Federal procurement by Small Businesses Owned and Controlled by Socially and Economically Disadvantaged Individuals (SDBs) as described in sec-

tion 8 of the Small Business Act (15 U.S.C. 637), Historically Black Colleges and Universities (HBCUs) as described in 34 C.F.R. 608.2, and Minority Institutions (MIs) as referred to in sections 1046(3) and 316(b)(1) of the Higher Education Act of 1965, as amended (20 U.S.C. 1135d-5(3) and 1059c(b)(1), respectively), it is hereby ordered as follows:

SECTION 1. *Policy Statement.* It is the policy of the United States Government that all department and agency heads and all Federal employees involved in the procurement of any and all goods and services shall assist SDBs, HBCUs, and MIs, as applicable, to develop viable, self-sustaining businesses capable of competing on an equal basis in the mainstream of the American economy. To that end, all Federal personnel shall commit to the letter and spirit of all laws promoting the participation of SDBs, HBCUs, and MIs in Federal procurement. The laws promote:

(a) the award of contracts to SDBs, HBCUs, and MIs through the Small Business Administration Section 8(a) [15 U.S.C. 637(a)] Program, the Department of Defense Small and Disadvantaged Business Program, other agency programs, and through other specific statutory authority or appropriate means;

(b) the establishment of particular goals for SDBs, HBCUs, or MIs on an agency-by-agency basis and the requirement that prime contractors and other recipients of Federal funds attain similar goals in their procurement; and

(c) the establishment of other mechanisms that ensure that SDBs, HBCUs, and MIs have a fair opportunity to participate in Federal procurement.

SEC. 2. *Attainment of Goals.* All departments and agencies are required by law to establish participation goals of not less than 5 percent (15 U.S.C. 644(g)) or a greater percentage where otherwise required by law, as further provided in the Office of Federal Procurement Policy Letter No. 91-1 of March 11, 1991. Although the Federal Government has made substantial strides toward meeting established SDB, HBCU, and MI participation goals, certain departments and agencies have from time to time failed to aggressively pursue such goals. Department and agency heads are henceforth directed to execute, implement, and otherwise aggressively strive to fulfill the statutorily-mandated procurement participation goals. In addition, all departments and agencies are encouraged to set reasonable participation goals that exceed statutory requirements, to the extent permitted by law.

SEC. 3. *Subcontracting Plans.* The Small Business Act, (15 U.S.C. 637(d)) and other related laws require certain prime contractors to maximize the use of SDBs in subcontracting plans and strive to achieve stated goals through prime contractors' subcontracting practices. Department and agency heads are directed to aggressively enforce these prime contractors' obligations to maximize awards of subcontracts to eligible SDBs.

SEC. 4. *Office of Small and Disadvantaged Business Utilization ("OSDBU").*

(a) Section 15(k) of the Small Business Act (15 U.S.C. 644(k)) establishes in each Federal department and agency an OSDBU and requires that the Director of the OSDBU "be responsible only to, and report directly to, the head of such agency or to the deputy of such head" (15 U.S.C. 644(k)(3)). To the extent not prohibited by law, each department and agency shall ensure that the aforementioned direct reporting requirements are henceforth vigorously enforced.

(b) Because of the importance of the OSDBU function, each department and agency shall also, to the extent not prohibited by law, comply with the Office of Federal Procurement Policy Letter No. 79-1 of March 7, 1979, which provides implementation guidance on section 15k [15(k)] and the organizational placement and functions of the OSDBU.

SEC. 5. *Anti-fraud Enforcement.* All department and agency heads shall ensure that in enforcing the laws and requirements mentioned in this order, Federal benefits or contracts intended for SDBs, HBCUs, and MIs are not awarded to entities that are not legitimate

SDBs, HBCUs, and MIs. Department and agency anti-fraud enforcement, however, shall not diminish agency vigor in achieving the aforementioned participation goals, which exist to promote the development of legitimate SDBs, HBCUs, and MIs. Nothing herein is intended to change self-certification requirements.

SEC. 6. *Periodic Reports to the President.* The Administrator of the Small Business Administration and the Administrator of the Office of Federal Procurement Policy shall report to the President periodically on the progress of all departments and agencies in complying with the laws and requirements mentioned in this order.

SEC. 7. *Independent Agencies.* Independent agencies are requested to comply with the provisions of this order.

SEC. 8. This order shall be effective immediately.

WILLIAM J. CLINTON.

EX. ORD. NO. 13169. ASSISTANCE TO SMALL BUSINESS EXPORTERS AND DISLOCATED WORKERS

Ex. Ord. No. 13169, Oct. 6, 2000, 65 F.R. 60581, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Small Business Act, 15 U.S.C. 631 *et seq.*, the Workforce Investment Act, 29 U.S.C. 2801 *et seq.*, and the Trade Act of 1974, 19 U.S.C. 2271 *et seq.* [19 U.S.C. 2101 *et seq.*], and in order to assist small businesses, including businesses headed by underserved populations, in participating in the export of products, and to expedite the delivery of adjustment assistance to dislocated workers, it is hereby ordered as follows:

SECTION 1. *Policy.* By its accession to the World Trade Organization, the People's Republic of China will be required to open its markets to a wide range of products and services provided by Americans. In addition, the United States has recently enacted a new law to facilitate trade with the countries of Sub-Saharan Africa and the Caribbean Basin. Federal agencies should take steps to assist small businesses, including businesses headed by underserved populations, in capitalizing on these new opportunities. The agencies should also take steps to assist workers who lose their jobs as a result of competition from imports in their efforts to secure adjustment assistance benefits for which they are eligible.

SEC. 2. *Interagency Task Force on Small Business Exports.* (a) The Secretaries of Commerce and Labor, the Administrator of the Small Business Administration, the United States Trade Representative, and the Chairman of the Export-Import Bank shall, within 60 days from the date of this order, establish an interagency task force through the Trade Promotion Coordinating Committee (TPCC). The task force shall facilitate exports by United States small businesses, including businesses headed by underserved populations, particularly with respect to the People's Republic of China and the countries of Sub-Saharan Africa and the Caribbean Basin. The TPCC shall submit an annual report to the President on the functions carried out by this task force during the preceding year. As part of its work, the task force shall assess the extent to which the establishment of permanent normal trade relations with the People's Republic of China, and the United States enactment of the African Growth and Opportunity Act, 19 U.S.C.A. 3701 *et seq.*, and the United States-Caribbean Basin Trade Partnership Act, 19 U.S.C.A. 2701 note, may contribute to the creation of export opportunities for small businesses including businesses headed by underserved populations.

(b) For the purposes of this order, "businesses headed by underserved populations" means businesses headed by women or minorities, and/or located in rural communities.

SEC. 3. *Expedited Response to Worker Dislocation.* (a) The Secretary of Labor shall expedite the Federal response to worker dislocation through the Workforce Investment Act and the Trade Adjustment Assistance program by proactively seeking information, from a variety of sources, on actual or prospective layoffs, in-

cluding the media and community and labor union members, and by sharing such information with appropriate state workforce officials. In addition, the Department of Labor (Labor) shall undertake a number of proactive steps to support public outreach activities aimed at workers, employers, the media, local officials, the community, and labor organizations and their members to improve awareness of the adjustment assistance available through Labor programs, including, but not limited to:

(1) developing a set of methods to inform employers of the services available through Labor workforce programs, which will explain the requirements of the Worker Adjustment and Retraining Notification Act, 29 U.S.C. 2101 *et seq.*, and provide information on worker adjustment programs, including the Trade Adjustment Assistance and the basic dislocated worker programs, emphasizing the importance of early intervention to minimize the affects of work layoffs;

(2) improving websites and other modes of communication to provide basic information on dislocated worker and Trade Adjustment Assistance program contacts at the State and local level;

(3) developing a National Toll-Free Help Line to provide universal, accurate, and easy access to information about public workforce services to workers and employers;

(4) providing on-site technical assistance, in partnership with other Federal agencies, when there are layoffs or closures with multi-State impact, or when there are dislocations with significant community impact (such as areas that have been affected by numerous layoffs of apparel and textile workers);

(5) informing States directly when a secondary worker impact has been affirmed by Labor; and

(6) to the extent permitted by law, and subject to the availability of appropriations, providing funding or an outreach campaign for secondary workers (i.e., individuals indirectly affected by increased imports from other countries).

(b) The Secretary of Labor, in consultation with the Secretary of Commerce and the United States Trade Representative, shall report annually on the employment effects of the establishment of permanent normal trade relations with the People's Republic of China.

SEC. 4. *Judicial Review.* This order does not create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its officers, its employees, or any other person.

WILLIAM J. CLINTON.

EX. ORD. NO. 13360. PROVIDING OPPORTUNITIES FOR SERVICE-DISABLED VETERAN BUSINESSES TO INCREASE THEIR FEDERAL CONTRACTING AND SUBCONTRACTING

Ex. Ord. No. 13360, Oct. 20, 2004, 69 F.R. 62549, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to strengthen opportunities in Federal contracting for service-disabled veteran businesses, it is hereby ordered as follows:

SECTION 1. *Policy.* America honors the extraordinary service rendered to the United States by veterans with disabilities incurred or aggravated in the line of duty during active service with the armed forces. Heads of agencies shall provide the opportunity for service-disabled veteran businesses to significantly increase the Federal contracting and subcontracting of such businesses. To achieve that objective, agencies shall more effectively implement section 15(g) of the Small Business Act (15 U.S.C. 644(g)), which provides that the President must establish a goal of not less than 3 percent for participation by service-disabled veteran businesses in Federal contracting, and section 36 of that Act (15 U.S.C. 657f), which gives agency contracting officers the authority to reserve certain procurements for service-disabled veteran businesses.

SEC. 2. *Duties of Agency Heads.* To implement the policy set forth in section 1, heads of agencies shall:

(a) develop a strategy to implement the policy set forth in section 1;

(b) make the agency's strategy publicly available and report annually to the Administrator of the Small Business Administration on implementation of the agency's strategy;

(c) designate a senior-level official who shall be responsible for developing and implementing the agency's strategy;

(d) include development and implementation of the agency's strategy and achievements in furtherance of the strategy as significant elements in any performance plans of the agency's designated agency senior-level official, chief acquisition officer, and director of small and disadvantaged business utilization; and

(e) include in the agency's strategy plans for:

(i) reserving agency contracts exclusively for service-disabled veteran businesses;

(ii) encouraging and facilitating participation by service-disabled veteran businesses in competitions for award of agency contracts;

(iii) encouraging agency contractors to subcontract with service-disabled veteran businesses and actively monitoring and evaluating agency contractors' efforts to do so;

(iv) training agency personnel on applicable law and policies relating to participation of service-disabled veteran businesses in Federal contracting; and

(v) disseminating information to service-disabled veteran businesses that would assist these businesses in participating in awards of agency contracts.

SEC. 3. *Additional Duties of Administrator of the Small Business Administration.* The Administrator of the Small Business Administration shall:

(a) designate an appropriate entity within the Small Business Administration that shall, in coordination with the Veterans Affairs' Center for Veterans Enterprise (CVE), provide to service-disabled veteran businesses information and assistance concerning participation in Federal contracting;

(b) advise and assist heads of agencies in their implementation of section 2 of this order; and

(c) make available to service-disabled veteran businesses training in Federal contracting law, procedures, and practices that would assist such businesses in participating in Federal contracting.

SEC. 4. *Additional Duties of Administrator of General Services.* The Administrator of General Services shall:

(a) establish a Government-wide Acquisition Contract reserved for participation by service-disabled veteran businesses; and

(b) assist service-disabled veteran businesses to be included in Federal Supply Schedules.

SEC. 5. *Additional Duties of the Secretary of Defense.*

The Secretary of Defense shall direct the Defense Acquisition University (DAU) to develop training on contracting with service-disabled veteran businesses and make this training available on line through the DAU continuous learning program.

SEC. 6. *Additional Duties of the Secretary of Veterans Affairs.* The Secretary of Veterans Affairs shall assist agencies by making available services of the CVE and assist in verifying the accuracy of contractor registration databases with regard to service-disabled veteran businesses.

SEC. 7. *Additional Duties of the Secretary of Labor and Secretary of Veterans Affairs.* The Secretary of Labor and Secretary of Veterans Affairs shall, respectively, direct the Transition Assistance Program and the Disability Transition Assistance Program to educate separating service members as to the benefits available to service-disabled veteran businesses and as to potential entrepreneurial opportunities.

SEC. 8. *Definitions.* As used in this order:

(a) the term "agency" means an "executive agency" as that term is defined in section 105 of title 5, United States Code, excluding an executive agency that has fewer than 500 employees, the Government Accountability Office, or a Government corporation;

(b) the term "service-disabled" means, with respect to disability, that the disability was incurred or aggra-



vated in the line of duty in the active service in the United States Armed Forces;

(c) the term “service-disabled veteran” means a veteran, as defined in 38 U.S.C. 101(2), with a disability that is service-connected, as defined in 38 U.S.C. 101(16);

(d) the term “service-disabled veteran business” means a small business concern owned and controlled by service-disabled veterans, as defined in section 3(q) of the Small Business Act (15 U.S.C. 632(q)); and

(e) the term “small business concern” has the meaning specified in section 3(a) of the Small Business Act (15 U.S.C. 632(a)) and the definitions and standards issued under that section.

SEC. 9. *General Provisions.* (a) Heads of agencies shall carry out duties assigned by sections 3, 4, 5, 6, and 7 of this order to the extent consistent with applicable law and subject to the availability of appropriations.

(b) To the extent permitted by law, an agency shall disclose personally identifying information on service-disabled veterans to other agencies who require such information in order to discharge their responsibilities under this order.

(c) An agency that consists of a multi-member commission shall implement this order to the extent it determines appropriate to the accomplishment of the agency’s mission.

(d) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, instrumentalities or entities, its officers, employees or agents, or any other person.

GEORGE W. BUSH.

ESTABLISHING AN INTERAGENCY TASK FORCE ON FEDERAL CONTRACTING OPPORTUNITIES FOR SMALL BUSINESSES

Memorandum of President of the United States, Apr. 26, 2010, 75 F.R. 22499, provided:

Memorandum for the Heads of Executive Departments and Agencies

The Federal Government is the world’s largest purchaser of goods and services, with purchases totaling over \$500 billion per year. The American Recovery and Reinvestment Act of 2009 (Recovery Act) and other national investments are providing new opportunities for small businesses to compete for Federal contracts, and it is critical that these investments tap into the talents and skills of a broad cross-section of American business and industry. Small businesses must be able to participate in the Nation’s economic recovery, including businesses owned by women, minorities, socially and economically disadvantaged individuals, and service-disabled veterans of our Armed Forces. These businesses should be able to compete and participate effectively in Federal contracts.

The Congress has established a number of statutory goals designed to help small businesses compete for Federal contracts. In addition to the goal of awarding at least 23 percent of all Federal prime contracting dollars to small businesses, the Congress also established Government-wide contracting goals for participation by small businesses that are located in Historically Underutilized Business Zones (at least 3 percent) or that are owned by women (at least 5 percent), socially and economically disadvantaged individuals (at least 5 percent), and service-disabled veterans (at least 3 percent). These aspirational goals help ensure that all Americans share in the jobs and opportunities created by Federal procurement.

In recent years, the Federal Government has not consistently reached its small business contracting goals. Although we have made some progress—particularly with respect to Recovery Act contracts—more work can and should be done. I am committed to ensuring that small businesses, including firms owned by women, minorities, socially and economically disadvantaged individuals, and service-disabled veterans, have fair access to Federal Government contracting. Indeed, where small businesses have the capacity to do

more, we should strive to exceed the statutory goals. While Chief Acquisition Officers and Senior Procurement Executives have many priorities, small business contracting should always be a high priority in the procurement process.

Obtaining tangible results will require an honest and accurate accounting of our progress so that we can have transparency and accountability through Federal small business procurement data. Additionally, we must expand outreach strategies to alert small firms to Federal contracting opportunities.

In order to coordinate executive departments’ and agencies’ efforts towards ensuring that all small businesses have a fair chance to participate in Federal contracting opportunities, it is hereby ordered as follows:

SECTION 1. *Establishment.* There is established an Interagency Task Force on Federal Contracting Opportunities for Small Businesses (Task Force). The Secretary of Commerce (Secretary), the Director of the Office of Management and Budget (Director), and the Administrator of the Small Business Administration (Administrator) shall serve as Co-Chairs of the Task Force and shall direct its work.

SEC. 2. *Membership.* In addition to the Secretary, the Director, and the Administrator, the Task Force shall consist of the following members:

- (i) the Secretary of the Treasury;
- (ii) the Secretary of Defense;
- (iii) the Attorney General;
- (iv) the Secretary of Labor;
- (v) the Secretary of Housing and Urban Development;
- (vi) the Secretary of Transportation;
- (vii) the Secretary of Veterans Affairs;
- (viii) the Secretary of Homeland Security;
- (ix) the Administrator of General Services;
- (x) the Administrator of the National Aeronautics and Space Administration;
- (xi) the Director of the Minority Business Development Agency;
- (xii) the Director of the Office of Science and Technology Policy;
- (xiii) the Director of the Domestic Policy Council;
- (xiv) the Director of the National Economic Council;
- (xv) the Chair of the Council of Economic Advisers;

and

(xvi) the heads of such other executive departments, agencies, and offices as the President may, from time to time, designate.

A member of the Task Force may designate, to perform the Task Force functions of the member, one or more senior officials who are part of the member’s department, agency, or office, and who are full-time officers or employees of the Federal Government.

SEC. 3. *Functions.* The Task Force shall provide to the President, not later than 120 days after the date of this memorandum, proposals and recommendations for:

(i) using innovative strategies, such as teaming, to increase opportunities for small business contractors and utilizing and expanding mentorship programs, such as the mentor-protégé program;

(ii) removing barriers to participation by small businesses in the Federal marketplace by unbundling large projects, improving training of Federal acquisition officials with respect to strategies for increasing small business contracting opportunities, and utilizing new technologies to enhance the effectiveness and efficiency of Federal program managers, acquisition officials, and the Directors of Offices of Small Business Programs and Offices of Small and Disadvantaged Business Utilization, their managers, and procurement center representatives in identifying and providing access to these opportunities;

(iii) expanding outreach strategies to match small businesses, including firms located in Historically Underutilized Business Zones and firms owned and controlled by women, minorities, socially and economically disadvantaged individuals, and service-disabled veterans of our Armed Forces, with contracting and subcontracting opportunities; and

(iv) establishing policies, including revision or clarification of existing legislation, regulations, or policies,

that are necessary or appropriate to effectuate the objectives of this memorandum.

**SEC. 4. *Using Technology to Improve Transparency and Accountability.*** Within 90 days of the date of this memorandum, the Assistant to the President and Chief Technology Officer and the Federal Chief Information Officer, in coordination with the Task Force, shall develop a website that illustrates the participation of small businesses, including those owned by women, minorities, socially and economically disadvantaged individuals, and service-disabled veterans of our Armed Forces, in Federal contracting. To foster greater accountability and transparency in, and allow oversight of, the Federal Government's progress, this website shall be designed to encourage improved collection, verification, and availability of Federal procurement data and provide accurate data on the Federal Government's progress in ensuring that all small businesses have a fair chance to participate in Federal contracting opportunities.

**SEC. 5. *Outreach.*** In developing its recommendations, the Task Force shall conduct outreach with representatives of small businesses and small business associations.

**SEC. 6. *General Provisions.*** (a) This memorandum shall be implemented consistent with applicable law and subject to the availability of any necessary appropriations.

(b) This memorandum does not create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(c) The heads of executive departments and agencies shall assist and provide information to the Task Force, consistent with applicable law, as may be necessary to carry out the functions of the Task Force. Each executive department and agency shall bear its own expenses of participating in the Task Force.

(d) The Director is hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

#### DEFINITIONS

Pub. L. 105-135, §2, Dec. 2, 1997, 111 Stat. 2593, provided that: "In this Act [see Short Title of 1997 Amendment note above]—

"(1) the term 'Administration' means the Small Business Administration;

"(2) the term 'Administrator' means the Administrator of the Small Business Administration;

"(3) the term 'Committees' means the Committees on Small Business of the House of Representatives and the Senate [Committee on Small Business of Senate now Committee on Small Business and Entrepreneurship of Senate]; and

"(4) the term 'small business concern' has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632)."

Pub. L. 104-208, div. D, §2, Sept. 30, 1996, 110 Stat. 3009-725, provided that: "For purposes of this Act [probably should be 'division', see Short Title of 1996 Amendment note above], the term 'Administrator' means the Administrator of the Small Business Administration."

#### § 631a. Congressional declaration of small business economic policy

##### (a) Foster small business

For the purpose of preserving and promoting a competitive free enterprise economic system, Congress hereby declares that it is the continuing policy and responsibility of the Federal Government to use all practical means and to take such actions as are necessary, consistent with its needs and obligations and other essential considerations of national policy, to implement and coordinate all Federal department, agency,

and instrumentality policies, programs, and activities in order to: foster the economic interests of small businesses; insure a competitive economic climate conducive to the development, growth and expansion of small businesses; establish incentives to assure that adequate capital and other resources at competitive prices are available to small businesses; reduce the concentration of economic resources and expand competition; and provide an opportunity for entrepreneurship, inventiveness, and the creation and growth of small businesses.

##### (b) Capital availability to small business

Congress further declares that the Federal Government is committed to a policy of utilizing all reasonable means, consistent with the overall economic policy goals of the Nation and the preservation of the competitive free enterprise system of the Nation, to establish private sector incentives that will help assure that adequate capital at competitive prices is available to small businesses. To fulfill this policy, departments, agencies, and instrumentalities of the Federal Government shall use all reasonable means to coordinate, create, and sustain policies and programs which promote investment in small businesses, including those investments which expand employment opportunities and which foster the effective and efficient use of human and natural resources in the economy of the Nation.

(Pub. L. 96-302, title III, §302, July 2, 1980, 94 Stat. 848.)

#### CODIFICATION

Section was enacted as part of the Small Business Economic Policy Act of 1980, and not as part of the Small Business Act which comprises this chapter.

#### EFFECTIVE DATE

Section effective Oct. 1, 1980, see section 507 of Pub. L. 96-302, set out as an Effective Date of 1980 Amendment note under section 631 of this title.

#### SHORT TITLE

For short title of title III of Pub. L. 96-302, as the Small Business Economic Policy Act of 1980, see Short Title of 1980 Amendments note set out under section 631 of this title.

#### § 631b. Reports to Congress; state of small business

##### (a) Report on Small Business and Competition

The President shall transmit to the Congress not later than January 20 of each year a Report on Small Business and Competition which shall—

(1) examine the current role of small business in the economy on an industry-by-industry basis;

(2) present current and historical data on production, employment, investment, population, job creation and retention, annual business failures, annual business startups, and other economic variables for small business in the economy as a whole and for small business in each sector of the economy, with, to the extent practicable, specific statistics divided as to urban, suburban, and rural areas;

(3) identify economic trends which will or may affect the small business sector and the state of competition;