forts to eliminate or minimize losses, by releasing the commercial or industrial property covered by the lease to another qualified tenant, and no claim shall be made or paid under the guarantee until such effort has been made and such escrow funds have been exhausted;

(3) that any guarantor of the lease will become a successor of the lessor for the purpose of collecting from a lessee in default rentals which are in arrears and with respect to which the lessor has received payment under a guarantee made pursuant to this section; and

(4) such other provisions, not inconsistent with the purposes of this part, as the Administrator may in his discretion require.

(Pub. L. 85–699, title IV, § 401, as added Pub. L. 89–117, title III, § 316(a), Aug. 10, 1965, 79 Stat. 482; amended Pub. L. 90–104, title II, § 209, Oct. 11, 1967, 81 Stat. 271; Pub. L. 91–609, title IX, § 911(a)(2), Dec. 31, 1970, 84 Stat. 1812.)

AMENDMENTS

1970—Subsecs. (b), (c)(4). Pub. L. 91–609 substituted ''part'' for ''title''.

1967—Subsec. (a). Pub. L. 90–104 struck out from introductory text ''that are (1) eligible for loans under section 636(b)(3) of this title, or (2) eligible for loans under subchapter IV of chapter 34 of Title 42,'' after ''small business concerns''.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90–104 effective 90 days after Oct. 11, 1967, see section 211 of Pub. L. 90–104, set out as a note under section 681 of this title.

§ 693. Powers of Administration respecting loans; liquidation of obligations through creation of new leases, execution of subleases, and assignments of leases

Without limiting the authority conferred upon the Administrator and the Administration by section 671 of this title, the Administrator and the Administration shall have, in the performance of and with respect to the functions, powers, and duties conferred by this part, all the authority and be subject to the same conditions prescribed in section 634(b) of this title with respect to loans, including the authority to execute subleases, assignments of lease and new leases with any person, firm, organization, or other entity, in order to aid in the liquidation of obligations of the Administration hereunder.

(Pub. L. 85–699, title IV, § 402, as added Pub. L. 89–117, title III, § 316(a), Aug. 10, 1965, 79 Stat. 483; amended Pub. L. 91–609, title IX, § 911(a)(2), Dec. 31, 1970, 84 Stat. 1812.)

AMENDMENTS

1970—Pub. L. 91–609 substituted ''part'' for ''title''.

§ 694. Repealed. Pub. L. 100–590, title I, § 111(b), Nov. 3, 1988, 102 Stat. 2995

Section, Pub. L. 85–699, title IV, § 403, as added Pub. L. 89–117, title III, § 316(a), Aug. 10, 1965, 79 Stat. 484; amended Pub. L. 91–609, title IX, § 911(a)(3), Dec. 31, 1970, 84 Stat. 1812; Pub. L. 93–386, § 6(a)(2), Aug. 23, 1974, 88 Stat. 747; Pub. L. 94–305, title I, § 103, June 4, 1976, 90 Stat. 665; Pub. L. 95–89, title I, § 103, Aug. 4, 1977, 91 Stat. 556, provided for revolving fund for commercial or industrial lease guarantees.

TRANSFER OF REMAINING LEASE GUARANTEE FUND MONEYS

Section 111(b) of Pub. L. 100–590 provided in part that: ''Any moneys remaining in the Lease Guarantee Fund on the date of enactment of this Act [Nov. 3, 1988] shall be transferred to the Small Business Administration's business loan and investment fund.''

§ 694–1. Planning design or installation of pollution control facilities

(a) Definitions

For purposes of this section, the term—

(1) ''pollution control facilities'' means such property (both real and personal) as the Administration in its discretion determines is likely to help prevent, reduce, abate, or control noise, air or water pollution or contamination by removing, altering, disposing or storing pollutants, contaminants, wastes, or heat, and such property (both real and personal) as the Administration determines will be used for the collection, storage, treatment, utilization, processing, or final disposal of solid or liquid waste.

(2) ''person'' includes corporations, companies, associations, firms, partnerships, societies, joint stock companies, States, territories, and possessions of the United States, or subdivisions of any of the foregoing, and the District of Columbia, as well as individuals.

(3) ''qualified contract'' means a lease, sublease, loan agreement, installment sales contract, or similar instrument, entered into between a small business concern and any person.

(b) Financing disadvantage; guarantee of payment by Administration; restrictions and limitations

The Administration may, whenever it determines that small business concerns are or are likely to be at an operational or financing disadvantage with other business concerns with respect to the planning, design, or installation of pollution control facilities, or the obtaining of financing therefor (including financing by means of revenue bonds issued by States, political subdivisions thereof, or other public bodies), guarantee the payment of rentals or other amounts due under qualified contracts. Any such guarantee may be made or effected either directly or in cooperation with any qualified surety company or other qualified company through a participation agreement with such company. The foregoing powers shall be subject, however, to the following restrictions and limitations:

(1) Notwithstanding any other law, rule, or regulation or fiscal policy to the contrary, the guarantee authorized in the case of pollution control facilities or property shall be issued when such property is acquired by the use of proceeds from industrial revenue bonds which provide the holders interest which is exempt from Federal income tax, and the Administration is expressly prohibited from denying such guarantee due to the property being so acquired.

(2) Any such guarantee shall be for the full amount of the payments due under such qualified contract and shall be a full faith and credit obligation of the United States.