

Public Law 268

CHAPTER 628

AN ACT

To amend the Small Business Act of 1953.

August 9, 1955
[S. 2127]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 204 (a) of the Small Business Act of 1953 is hereby amended by inserting after the word "branch" the following: "and regional".

Small business.
67 Stat. 233.
15 USC 633.

SEC. 2. Section 207 of such Act is further amended by inserting after subsection (e) a new subsection as follows:

15 USC 636.

"(f) To further extend the maturity of or renew any loan made pursuant to subsection (a) or (b) of this section, beyond the periods stated therein, or any loan transferred to the Administration pursuant to Reorganization Plan Numbered 2 of 1954, for additional periods not to exceed ten years, if such extension or renewal will aid in the orderly liquidation of such loan."

Loans.

68 Stat. 1280.
15 USC 609 note.

SEC. 3. (a) The last sentence of section 204 (b) of the Small Business Act of 1953 is amended to read as follows: "The Administration shall pay into miscellaneous receipts of the Treasury at the close of each fiscal year, interest on the net amount of the cash disbursements from such advances at a rate determined by the Secretary of the Treasury, taking into consideration the current average rate on outstanding interest-bearing marketable public debt obligations of the United States of comparable maturities."

15 USC 633.

(b) Section 204 of the Small Business Act of 1953 is further amended by inserting the following new subsections (e) and (f), as follows:

"(e) As used in this Act, the term 'United States' includes the several States, the Territories and possessions of the United States, the Commonwealth of Puerto Rico, and the District of Columbia.

"(f) The Administrator may establish regional offices of the Administration in the Territories of Alaska, Hawaii, and in the Commonwealth of Puerto Rico."

Alaska, Hawaii,
and Puerto Rico.

SEC. 4. (a) Section 205 (a) of the Small Business Act of 1953 is amended (1) by striking out "require bonds of them, and fix the penalties thereof" and inserting in lieu thereof "to provide bonds for them in such amounts as the Administrator shall determine, and to pay the costs of qualification of certain of them as notaries public", and (2) by inserting at the end thereof the following new sentence: "Subject to the standards and procedures under section 505 of the Classification Act of 1949, as amended, not to exceed fifteen positions in the Small Business Administration may be placed in grades 16, 17, and 18 of the General Schedule established by that Act, and any such positions shall be additional to the number authorized by such section."

15 USC 634.

(b) Section 205 (b) (7) of the Small Business Act of 1953 is amended (1) by inserting immediately following "all actions" the following: ", including the procurement of the services of attorneys by contract," and (2) by changing the period at the end thereof to a colon and adding the following: "Provided, That no attorneys' services shall be procured by contract in any office where an attorney or attorneys are or can be economically employed full time to render such services."

Ante, p. 179.

15 USC 634.

(c) Section 205 (c) of the Small Business Act of 1953 is amended by adding at the end thereof the following new sentence: "Any individual so employed may be compensated at a rate not in excess of \$50 per diem, and, while such individual is away from his home or regular place of business, he may be allowed transportation and not to exceed \$15 per diem in lieu of subsistence and other expenses."

SEC. 5. Section 207 of the Small Business Act of 1953 is amended to read as follows:

15 USC 636.

Loans for plant construction.

"SEC. 207. (a) The Administration is empowered to make loans to enable small-business concerns to finance plant construction, conversion, or expansion, including the acquisition of land; or to finance the acquisition of equipment, facilities, machinery, supplies, or materials; or to supply such concerns with working capital to be used in the manufacture of articles, equipment, supplies, or materials for war, defense, or essential civilian production or as may be necessary to insure a well-balanced national economy; and such loans may be made or effected either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis: *Provided, however,* That the foregoing powers shall be subject to the following restrictions and limitations:

Restrictions and limitations.

"(1) No financial assistance shall be extended pursuant to (a) above unless the financial assistance applied for is not otherwise available on reasonable terms and all loans made shall be of such sound value or so secured as reasonably to assure repayment; no immediate participation may be purchased unless it is shown that a deferred participation is not available; and no loan may be made unless it is shown that a participation is not available.

"(2) No loan shall be extended pursuant to (a) above if the total amount outstanding and committed (by participation or otherwise) to the borrower from the revolving fund established by this title would exceed \$250,000, and no loan, including renewals or extensions thereof, may be made for a period or periods exceeding ten years, except that any loan made for the purpose of constructing industrial facilities may have a maturity of ten years plus such additional period as is estimated may be required to complete such construction, and any such loan shall bear interest at the rate prevailing in the area where the money loaned is to be used but shall not exceed 6 per centum per annum: *Provided,* That the foregoing limitation of \$250,000 shall not apply to any loan extended to any corporation formed and capitalized by a group of small business concerns with resources provided by them for the purpose of establishing facilities in and through such corporation to produce or secure raw materials or supplies: *Provided further,* That for any such corporation the limit of any loan extended or made as provided for in this section shall be \$250,000 multiplied by the number of separate small businesses which have formed and capitalized a corporation as hereinbefore provided for in this section, and if a loan to such corporation is for the purpose of constructing facilities, then the loan may have a maturity not to exceed twenty years plus such additional time as is required to complete such construction and at an interest rate of not less than 3 nor more than 5 per centum per annum: *And provided further,* That no act or omission to act pursuant to this section, if found and approved by the Small Business Administration as contributing to the needs of small business, shall be construed to be within the prohibitions of the antitrust laws or the Federal Trade Commission Act of the United States. A copy of the statement of any such finding and approval intended to be within the coverage of this section, and any modification or withdrawal thereof, shall be furnished to the Attorney General and the Chairman of the Federal Trade Commission when made, and it shall be published in the Federal Register. The authority granted in the last preceding proviso shall be delegated only (1) to an official who shall for the purpose of such delegation be appointed by the President by and with the advice and consent of the Senate, unless otherwise required to be appointed, (2) upon the condition that such official consult with the Attorney General

38 Stat. 717.
15 USC 58.

Publication in
FR.

and with the Chairman of the Federal Trade Commission not less than ten days before making and stating any such finding and approval as is authorized in this subsection (a), and (3) upon the condition that such official obtain a statement in writing from the Attorney General that he, mindful of the antitrust laws and the public interest, concurs in the finding and approval made and granted by the Small Business Administration. Upon withdrawal of any finding or approval made hereunder the provisions of this section shall not apply to any subsequent act or omission to act by reason of such finding or approval. The Attorney General is directed to make, or request the Federal Trade Commission to make for him, surveys for the purpose of determining any factors which may tend to eliminate competition, create or strengthen monopolies, injure small business, or otherwise promote undue concentration of economic power in the course of the administration of this Act. The Attorney General shall submit to the Congress and the President within ninety days after approval of this Act, and at such times thereafter as he deems desirable, reports setting forth the results of such surveys and including such recommendations as he may deem desirable.

Surveys by FTC.

“(3) In agreements to participate in loans on a deferred basis under this subsection or under subsection (b) (1) of this section, such participation by the Administration shall not be in excess of 90 per centum of the balance of the loan outstanding at the time of disbursement.

(b) The Administration also is empowered—

“(1) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate because of floods or other catastrophes, including necessary or appropriate loans to any small-business concern located in an area where a drought is occurring, if the Administration determines that the small-business concern has suffered a substantial economic injury as a result of such drought, and the President has determined under the Act entitled ‘An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes’, approved September 30, 1950, as amended (42 U. S. C., secs. 1855–1855g), that such drought is a major disaster, or the Secretary of Agriculture has found under the Act entitled ‘An Act to abolish the Regional Agricultural Credit Corporation of Washington, District of Columbia, and transfer its functions to the Secretary of Agriculture, to authorize the Secretary of Agriculture to make disaster loans, and for other purposes’, approved April 6, 1949, as amended (12 U. S. C., secs. 1148a–1–1148a–3), that such drought constitutes a production or economic disaster in such area: *Provided*, That no such loan including renewals and extensions thereof may be made for a period or periods exceeding ten years except that where such loan is for acquisition or construction (including acquisition of site therefor) of housing for the personal occupancy of the borrower, it may be made for a period not to exceed twenty years and at an interest rate not to exceed 3 per centum per annum;

64 Stat. 1109.

63 Stat. 43.

“(2) to enter into contracts with United States Government and any department, agency, or officer thereof having procurement powers obligating the Administration to furnish articles, equipment, supplies, or materials to the Government;

“(3) to arrange for the performance of such contracts by negotiating or otherwise letting subcontracts to small-business concerns or others for the manufacture, supply, or assembly of such articles, equipment, supplies, or materials, or parts thereof, or servicing or processing in connection therewith, or such management services as may be necessary to enable the Administration to perform such contracts; and

“(4) to provide technical and managerial aids to small-business concerns, by advising and counseling on matters in connection with Government procurement and on policies, principles, and practices of good management, including but not limited to cost accounting, methods of financing, business insurance, accident control, wage incentives and methods engineering, by cooperating and advising with voluntary business, professional, educational, and other nonprofit organizations, associations, and institutions and with other Federal and State agencies, by maintaining a clearinghouse for information concerning the managing, financing, and operation of small-business enterprises, by disseminating such information, and by such other activities as are deemed appropriate by the Administration.”

15 USC 640.

SEC. 6. Section 211 of the Small Business Act of 1953 is amended to read as follows:

“SEC. 211. When directed by the President, it shall be the duty of the Administration to consult and cooperate with governmental departments and agencies in the issuance of all orders or in the formulation of policy or policies in any way affecting small-business concerns. When directed by the President all such governmental departments or agencies are required, before issuing such orders or announcing such policy or policies, to consult and cooperate with the Administration in order that the interests of small-business enterprises may be recognized, protected, and preserved: *Provided further*, That, for the purposes of aiding in carrying out the national policy to insure that a fair proportion of the total purchases and contracts for supplies and services for the Government be placed with small-business enterprises, and to maintain and strengthen the overall economy of the Nation, the Department of Defense shall make a monthly report to the President, the President of the Senate, and the Speaker of the House of Representatives not less than forty-five days after the close of the month, showing the amount of funds appropriated to the Department of Defense which have been expended, obligated, or contracted to be spent with small-business concerns and the amount of such funds expended, obligated, or contracted to be spent with firms other than small business in the same fields of operation; and such monthly reports shall show separately the funds expended, obligated, or contracted to be spent for basic and applied scientific research and development.”

Defense Department reports.

15 USC 641.

SEC. 7. (a) Section 212 (c) of the Small Business Act of 1953 is amended by adding immediately before the semicolon at the end thereof the following language: “and to carry out this purpose the Administrator, when requested to do so, shall issue in response to each such request an appropriate certificate certifying an individual concern as a ‘small-business concern’ in accordance with the criteria expressed in this Act. Any such certificate shall be subject to revocation when the concern covered thereby ceases to be a ‘small-business concern’”.

(b) Section 212 (g) of the Small Business Act of 1953 is amended by inserting after the words “to insure” the following language: “that a fair proportion of the total purchases and contracts for supplies and services for the Government be placed with small-business enter-

prises, to insure that a fair proportion of Government contracts for research and development be placed with small-business concerns, and to insure”.

SEC. 8. Section 213 of the Small Business Act of 1953 is amended by adding “(a)” immediately following “SEC. 213.” and by inserting an additional subsection, as follows:

15 USC 642.

“(b) Offices of the Government having procurement or lending powers, or engaging in the disposal of Federal property or allocating materials or supplies, or promulgating regulations affecting the distribution of materials or supplies shall accept as conclusive the Administration’s determination as to which enterprises are to be designated ‘small-business concerns’, as authorized and directed under section 212 (c) of this title.”

SEC. 9. Section 214 of the Small Business Act of 1953 is amended (1) by inserting before “mobilizing” the words “maintaining or”.

15 USC 643.

SEC. 10. Section 215 of the Small Business Act of 1953 is amended by inserting at the end thereof the following new sentence: “The Administration shall make a report to the President, the President of the Senate, and the Speaker of the House of Representatives, to the Senate Select Committee on Small Business and to the House Select Committee To Conduct a Study and Investigation of the Problems of Small Business on December 31, 1955, and at the end of each six months thereafter, showing as accurately as possible for each such period the amount of funds appropriated to it that it has expended in the conduct of each of its principal activities such as lending, procurement, contracting, and providing technical and managerial aids.”

Reports.
15 USC 644.

SEC. 11. Section 215 of the Small Business Act of 1953 is further amended by adding at the end thereof the following sentence: “The Administration shall retain all correspondence, records of inquiries, memoranda, reports, books, and records, including memoranda as to all investigations conducted by or for the Administration, for a period of at least one year from the date of each thereof, and shall at all times keep the same available for inspection and examination by the Senate Select Committee on Small Business, and the House Select Committee To Conduct a Study and Investigation of the Problems of Small Business, or their duly authorized representatives.”

Retention of records.

SEC. 12. (a) Section 218 (a) of the Small Business Act of 1953 is amended by striking out “(a)” immediately following “SEC. 218”.

15 USC 647.

(b) Section 218 (b) of the Small Business Act of 1953 is hereby repealed.

SEC. 13. Section 221 (a) of the Small Business Act of 1953 is amended by striking out the figures “1955” and inserting in lieu thereof “1957”.

15 USC 650.

SEC. 14. The Small Business Act of 1953 is amended by adding at the end thereof two new sections which shall read as follows:

“SEC. 224. All laws and parts of laws inconsistent with this Act are hereby repealed to the extent of such inconsistency.

“SEC. 225. The Administration shall not duplicate the work or activity of any other department or agency of the Federal Government and nothing contained in this Act shall be construed to authorize any such duplication unless such work or activity is expressly provided for in this Act.”

SEC. 15. Section 3 of the Armed Services Procurement Act of 1947 is amended by adding at the end thereof the following new paragraph:

62 Stat. 22.
41 USC 152.

“(c) All bids or invitations for bids shall contain in their specifications all the necessary language and material required and shall be so

descriptive both in its language and attachments thereto in order to permit full and free competition. Any bid or invitation to bid which shall not carry the necessary descriptive language and attachments thereto, or if such attachments are not available or accessible to all competent, reliable bidders, such bid or invitation to bid shall be invalid and any award or awards made to any bidder in such case shall be invalidated and rejected."

Effective date.

SEC. 16. This Act shall take effect as of the close of July 31, 1955.
Approved August 9, 1955.

Public Law 269

CHAPTER 629

AN ACT

August 9, 1955
[S. 1210]

To amend the Public Buildings Act of 1949 to provide a five-year limitation on the period of leases of space for Federal agencies in the District of Columbia.

63 Stat. 199.
40 USC 37a.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 407 of the Public Buildings Act of 1949 is amended by striking out ", not in excess of one year," and by inserting in lieu thereof "not in excess of five years,".

Approved August 9, 1955.

Public Law 270

CHAPTER 630

AN ACT

August 9, 1955
[S. 1621]

To authorize adjustment by the Secretary of Agriculture of certain obligations of settlers on projects developed or subject to the Act of August 11, 1939, as amended, and for other purposes.

60 Stat. 1065,
1067, 1070.

53 Stat. 1418.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of sections 41 (g), 43, and 51 of the Bankhead-Jones Farm Tenant Act, as amended (7 U. S. C. 1015 (g), 1017, and 1025), are hereby extended to apply on the obligations of settlers on the Angostura project in South Dakota developed under the Act of August 11, 1939, as amended (16 U. S. C. 590y-z).

Approved August 9, 1955.

Public Law 271

CHAPTER 631

AN ACT

August 9, 1955
[S. 1577]

To amend the Acts granting the consent of Congress to the State of Connecticut, acting by and through any agency or commission thereof, to construct, maintain, and operate toll bridges across the Connecticut River.

Connecticut
River.
Toll bridges.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act approved August 7, 1939 (53 Stat. 1234), entitled "An Act granting the consent of Congress to the State of Connecticut, acting by and through any agency or commission thereof, to construct, maintain, and operate a toll bridge across the Connecticut River at or near Hartford, Connecticut", and section 2 of the Act approved April 24, 1946 (60 Stat. 122), entitled "An Act granting the consent of Congress to the State of Connecticut, acting by and through any agency or commission