

Public Law 101-409
101st Congress

An Act

To authorize the President to call and conduct a National White House Conference on Small Business.

Oct. 5, 1990

[H.R. 4773]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "White House Conference on Small Business Authorization Act".

White House
Conference on
Small Business
Authorization
Act.

15 USC 631 note.

AUTHORIZATION OF CONFERENCE

SEC. 2. (a) The President shall call and conduct a National White House Conference on Small Business (hereinafter referred to as the "National Conference") not earlier than January 1, 1994, and not later than April 1, 1994, to carry out the purposes described in section 3 of this Act. The National Conference shall be preceded by State conferences, with at least one such conference being held in each State, and with at least two conferences being held in any State with a population of ten million or more. The State conferences shall be held not earlier than December 1, 1992, and at their conclusion shall be followed by regional meetings of delegates in at least six cities prior to the National Conference.

State and local
governments.
15 USC 631 note.

(b) Participants in the National Conference and other interested individuals and organizations, are authorized to conduct activities at the State and regional level prior to the date of the National Conference, and shall direct such activities toward the consideration of the purposes of the National Conference.

(c) The National Conference shall be conducted under the general supervision and direction of the White House Conference on Small Business Commission (hereinafter referred to as the "Commission") established in section 5 of this Act.

PURPOSE OF CONFERENCE

SEC. 3. The purpose of the National Conference shall be to increase public awareness of the essential contribution of small business; to identify the problems of small business; to examine the status of minorities and women as small business owners; to assist small business in carrying out its role as the Nation's job creator; to assemble small businesses (particularly those who are not actively involved in small business or trade organizations) to develop such specific and comprehensive recommendations for executive and legislative action as may be appropriate for maintaining and encouraging the economic viability of small business and, thereby, the Nation; and to review the status of recommendations adopted at the 1986 White House Conference on Small Business.

15 USC 631 note.

CONFERENCE PARTICIPANTS

SEC. 4. (a) In order to carry out the purposes specified in section 3 of this Act, the National Conference shall bring together individuals

15 USC 631 note.

concerned with issues relating to small business: *Provided*, That no owner, officer or employee of a small business concern may be denied admission to any State conference, nor may any fee or charge be imposed on any such owner, officer or employee except an amount to cover the cost of any meal provided plus a registration fee of not to exceed \$10. The Commission may not impose any fees or charges except as specified in this subsection and may not accept any gifts of money from any source. Amounts collected as fees and charges shall be used solely to pay the cost of meals provided and to defray the expense of meeting rooms. The Commission shall—

Records.

(1) keep a record of all receipts and disbursements as directed by the Administrator of the Small Business Administration;

(2) open and maintain an account in an institution whose accounts are insured by an instrumentality of the United States, into which account all receipts shall be deposited and from which all payments shall be disbursed; and

Reports.

(3) provide such periodic financial reports to the Small Business Administration as the Administrator may request.

(b) Delegates, including alternates, to the National Conference shall be elected by participants at the State conferences: *Provided*, That each Governor and each chief executive official of the political subdivisions enumerated in section 4(a) of the Small Business Act may appoint one delegate and one alternate: *Provided further*, That each Member of the United States House of Representatives, including each Delegate, and each Member of the United States Senate may appoint one delegate and one alternate: and *Provided further*, That the President may appoint one hundred delegates and alternates. Only owners, employees or corporate officers of small businesses shall be eligible for appointment or election pursuant to this subsection, and delegates may be elected only at the conference for the State in which he or she resides.

COMMISSION

Establishment.
15 USC 631 note.

SEC. 5. (a) There is hereby established a White House Conference on Small Business Commission. The President shall select and appoint eleven individuals. The commissioners shall be responsible for the overall preparation for and conduct of the National Conference, including the issuance of the report specified in section 7 of this Act.

(b) At least seven of the individuals appointed shall be small business owners, employees or corporate officers of a small business. Other members may include representatives of businesses (other than small), associations, or educational institutions.

(c) Not more than six of the Commissioners shall be of the same political party. No member shall be an officer or employee of the Federal Government, in either the executive branch or the Congress.

(d) Commissioners shall be appointed for a term which shall expire on the date the report is submitted, except if the status of any such appointee changes so that he or she would have been ineligible for appointment, such individual may continue as a Commissioner for not longer than a thirty-day period beginning on the date such individual becomes ineligible.

(e) A vacancy shall be filled in the manner in which the original appointment was made.

(f) Commissioners shall serve without pay, except they shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out their functions in the same manner as persons employed intermittently in the Federal Government are allowed expenses under section 5703 of title 5, United States Code.

(g) Six Commissioners shall constitute a quorum for the transaction of business. Meetings shall be at the call of the Chairperson who shall be designated by the President.

(h) The Commission shall have an executive director who shall be appointed by the Chairperson, and such other staff as it deems appropriate. The executive director and other personnel may be appointed without regard to section 531(b) of title 5, United States Code, and without regard to the provisions of such title governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for GS-18 of the General Schedule.

(i) The Commission may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for GS-18 of the General Schedule.

(j) Upon request of the Chairperson, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of such department or agency to the Commission to assist in carrying out the National Conference without regard to section 3341 of title 5 of the United States Code. Except as otherwise prohibited by law, the Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out its duties under this Act. Upon the request of the Chairperson, the head of such department or agency shall promptly furnish such information to the Commission.

(k) The Administrator of the General Service Administration shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

PLANNING AND ADMINISTRATION OF CONFERENCE

SEC. 6. (a) In order to facilitate the carrying out of the provisions of this Act, the Administrator of the Small Business Administration—

15 USC 631 note.

(1) shall provide such assistance as may be necessary for the organization and conduct of conferences at the State and regional levels as authorized under section 2 of this Act;

(2) is authorized to enter into contracts with public agencies, private organizations, business entities and academic institutions to carry out the provisions of this Act: *Provided*, That the Administrator shall coordinate any such contracting in advance with the Commission if it has met and organized; and

Government contracts.

(3) shall prescribe such financial controls and accounting procedures for the handling of income received by the Commission as fees and charges and the payment by the Commission of authorized meal and meeting room expenses.

(b) The Chief Counsel for Advocacy shall assist in carrying out the provisions of this Act by preparing and providing background materials for use by participants in the National Conference, as well as by participants in State and regional conferences.

(c) The White House Conference on Small Business Commission shall conduct appropriate outreach efforts to obtain the participation, at both State conferences and at the National Conference, of individuals who are not actively involved in small business or trade organizations.

(d) EXPENSES.—(1) Each delegate to the National Conference shall pay his or her expenses of attending the Conference. However, prior to the National Conference, any delegate may seek reimbursement from the Conference upon written application establishing that his or her anticipated expenses would constitute a financial burden.

(2) The Commission shall adopt rules, guidelines, and procedures to implement this provision. No delegate shall be reimbursed for any expense except transportation, meals and lodging and shall not be reimbursed at more than the rates provided to employees of the Federal Government who travel to Washington, DC, on official business during the time when the National Conference is held.

(3) At the beginning of each State conference, all attendees shall be advised of this provision and any rules or procedures adopted by the Commission to implement it.

(4) A separate accounting for these reimbursed expenses shall be provided to the Small Business Administration.

REPORTS REQUIRED

15 USC 631 note.

SEC. 7. (a) Not more than four months from the date on which the National Conference is convened, a final report of the National Conference shall be submitted to the President and the Congress. The report shall include the findings and recommendations of the delegates as well as proposals for any legislative action necessary to implement their recommendations. The report shall be available to the public.

(b) At the same time, the Commission shall—

(1) provide a final financial report to the Small Business Administration and shall deliver to the Agency all of its financial books and records; and

(2) deposit in the Treasury of the United States, for crediting as miscellaneous receipts, any monies collected as fees and charges pursuant to the authority of this Act which remain unexpended.

FOLLOWUP ACTIONS

Reports.
15 USC 631 note.

SEC. 8. The Small Business Administration shall report to the Congress annually during the three-year period following the submission of the final report of the National Conference on the status and implementation of the findings and recommendations.

AVAILABILITY OF FUNDS

Appropriation
authorization.
15 USC 631 note.

SEC. 9. (a) There are hereby authorized to be appropriated for fiscal year 1992, or any year thereafter, not to exceed \$5,000,000 to carry out the provisions of this Act, and such sums shall remain available until expended. New spending authority or authority to

enter contracts as provided in this Act shall be effective only to such extent and in such amounts as are provided in advance in appropriations Acts.

(b) No funds appropriated to the Small Business Administration shall be made available to carry out the provisions of this Act other than funds appropriated specifically for the purpose of conducting the National Conference. Any funds remaining unexpended at the termination of the National Conference, including submission of the report pursuant to section 7, shall be returned to the Treasury of the United States and credited as miscellaneous receipts.

Approved October 5, 1990.

LEGISLATIVE HISTORY—H.R. 4773:

HOUSE REPORTS: No. 101-669 (Comm. on Small Business).

CONGRESSIONAL RECORD, Vol. 136 (1990):

Sept. 10, considered and passed House.

Sept. 18, considered and passed Senate.