

able 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.

BARACK OBAMA.

EXTENSION OF TERM OF INTERAGENCY TASK FORCE ON
VETERANS SMALL BUSINESS DEVELOPMENT

Term of the Interagency Task Force on Veterans Small Business Development extended until Sept. 30, 2013, by Ex. Ord. No. 13591, Nov. 23, 2011, 76 F.R. 74623, set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5, Government Organization and Employees.

DEFINITIONS

Pub. L. 106-50, title I, §103(b), Aug. 17, 1999, 113 Stat. 235, provided that: "In this Act [see Short Title of 1999 Amendments note set out under section 631 of this title], the definitions contained in section 3(q) of the Small Business Act [15 U.S.C. 632(q)], as added by this section, apply."

§ 657c. National Veterans Business Development Corporation

(a) Establishment

There is established a federally chartered corporation to be known as the National Veterans Business Development Corporation (in this section referred to as the "Corporation") which shall be incorporated under the laws of the District of Columbia and which shall have the powers granted in this section. Notwithstanding any other provision of law, the Corporation is a private entity and is not an agency, instrumentality, authority, entity, or establishment of the United States Government.

(b) Purposes of the Corporation

The purposes of the Corporation shall be—

(1) to expand the provision of and improve access to technical assistance regarding entrepreneurship for the Nation's veterans; and

(2) to assist veterans, including service-disabled veterans, with the formation and expansion of small business concerns by working with and organizing public and private resources, including those of the Small Business Administration, the Department of Veterans Affairs, the Department of Labor, the Department of Commerce, the Department of Defense, the Service Corps of Retired Executives (described in section 637(b)(1)(B) of this title), the Small Business Development Centers (described in section 648 of this title), and the business development staffs of each department and agency of the United States.

(c) Board of Directors

(1) In general

The management of the Corporation shall be vested in a Board of Directors composed of nine voting members and three nonvoting ex officio members.

(2) Appointment of voting members

The President shall, after considering recommendations which shall be proposed by the Chairmen and Ranking Members of the Committees on Small Business and the Committees on Veterans Affairs of the House of Representatives and the Senate, appoint United States citizens to be voting members of the Board, not more than five of whom shall be members of the same political party.

(3) Ex officio members

The Administrator of the Small Business Administration, the Secretary of Defense, and the Secretary of Veterans Affairs shall serve as the nonvoting ex officio members of the Board of Directors.

(4) Initial appointments

The initial members of the Board of Directors shall be appointed not later than 60 days after August 17, 1999.

(5) Chairperson

The members of the Board of Directors appointed under paragraph (2) shall elect one such member to serve as chairperson of the Board of Directors for a term of 2 years.

(6) Terms of appointed members

(A) In general

Each member of the Board of Directors appointed under paragraph (2) shall serve a term of 6 years, except as provided in subparagraph (B).

(B) Terms of initial appointees

As designated by the President at the time of appointment, of the members first appointed—

- (i) three shall be for a term of 2 years; and
- (ii) three shall be for a term of 4 years.

(C) Unexpired terms

Any member of the Board of Directors appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of the term. A member may serve after the expiration of that member's term until a successor has taken office.

(7) Vacancies

Any vacancy on the Board of Directors shall be filled in the manner in which the original appointment was made. In the case of a vacancy in the office of the Administrator of the Small Business Administration or the Secretary of Veterans Affairs, and pending the appointment of a successor, an acting appointee for such vacancy may serve as an ex officio member.

(8) Ineligibility for other offices

No voting member of the Board of Directors may be an officer or employee of the United States while serving as a member of the Board of Directors or during the 2-year period preceding such service.

(9) Impartiality and nondiscrimination

The Board of Directors shall administer the affairs of the Corporation fairly and impartially and without discrimination.

(10) Obligations and expenses

The Board of Directors shall prescribe the manner in which the obligations of the Corporation may be incurred and in which its expenses shall be allowed and paid.

(11) Quorum

Five voting members of the Board of Directors shall constitute a quorum, but a lesser number may hold hearings.

(d) Corporate powers

On October 1, 1999, the Corporation shall become a body corporate and as such shall have the authority to do the following:

- (1) To adopt and use a corporate seal.
- (2) To have succession until dissolved by an Act of Congress.
- (3) To make contracts or grants.
- (4) To sue and be sued, and to file and defend against lawsuits in State or Federal court.
- (5) To appoint, through the actions of its Board of Directors, officers and employees of the Corporation, to define their duties and responsibilities, fix their compensations, and to dismiss at will such officers or employees.
- (6) To prescribe, through the actions of its Board of Directors, bylaws not inconsistent with Federal law and the law of the State of incorporation, regulating the manner in which its general business may be conducted and the manner in which the privileges granted to it by law may be exercised.
- (7) To exercise, through the actions of its Board of Directors or duly authorized officers, all powers specifically granted by the provisions of this section, and such incidental powers as shall be necessary.
- (8) To solicit, receive, and disburse funds from private, Federal, State and local organizations.
- (9) To accept and employ or dispose of in furtherance of the purposes of this section any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise.
- (10) To accept voluntary and uncompensated services.

(e) Corporate funds**(1) Deposit of funds**

The Board of Directors shall deposit all funds of the Corporation in federally chartered and insured depository institutions until such funds are disbursed under paragraph (2).

(2) Disbursement of funds

Funds of the Corporation may be disbursed only for purposes that are—

- (A) approved by the Board of Directors by a recorded vote with a quorum present; and
- (B) in accordance with the purposes of the Corporation as specified in subsection (b) of this section.

(f) Network of information and assistance centers

In carrying out the purpose described in subsection (b) of this section, the Corporation shall establish and maintain a network of information and assistance centers for use by veterans and the public.

(g) Annual report

On or before October 1 of each year, the Board of Directors shall transmit a report to the President and the Congress describing the activities and accomplishments of the Corporation for the preceding year and the Corporation's findings regarding the efforts of Federal, State and private organizations to assist veterans in the formation and expansion of small business concerns.

(h) Use of mails

The Corporation may use the United States mails in the same manner and under the same conditions as the departments and agencies of the United States.

(i) Professional Certification Advisory Board**(1) In general**

Acting through the Board of Directors, the Corporation shall establish a Professional Certification Advisory Board to create uniform guidelines and standards for the professional certification of members of the Armed Services to aid in their efficient and orderly transition to civilian occupations and professions and to remove potential barriers in the areas of licensure and certification.

(2) Membership

The members of the Advisory Board shall serve without compensation, shall meet in the District of Columbia no less than quarterly, and shall be appointed by the Board of Directors as follows:

(A) Private sector members

The Corporation shall appoint not less than seven members for terms of 2 years to represent private sector organizations and associations, including the American Association of Community Colleges, the Society for Human Resource Managers, the Coalition for Professional Certification, the Council on Licensure and Enforcement, and the American Legion.

(B) Public sector members

The Corporation shall invite public sector members to serve at the discretion of their departments or agencies and shall—

- (i) encourage the participation of the Under Secretary of Defense for Personnel and Readiness;
- (ii) encourage the participation of two officers from each branch of the Armed Forces to represent the Training Commands of their branch; and
- (iii) seek the participation and guidance of the Assistant Secretary of Labor for Veterans' Employment and Training.

(j) Authorization of appropriations**(1) In general**

Subject to paragraph (2), there are authorized to be appropriated to the Corporation to carry out this section—

- (A) \$4,000,000 for fiscal year 2001;
- (B) \$4,000,000 for fiscal year 2002;
- (C) \$2,000,000 for fiscal year 2003; and
- (D) \$2,000,000 for fiscal year 2004.

(2) Matching requirement**(A) Fiscal year 2002**

The amount made available to the Corporation for fiscal year 2002 may not exceed twice the amount that the Corporation certifies that it will provide for that fiscal year from sources other than the Federal Government.

(B) Subsequent fiscal years

The amount made available to the Corporation for fiscal year 2003 or 2004 may not

exceed the amount that the Corporation certifies that it will provide for that fiscal year from sources other than the Federal Government.

(3) Privatization

The Corporation shall institute and implement a plan to raise private funds and become a self-sustaining corporation.

(Pub. L. 85-536, §2[33], as added Pub. L. 106-50, title II, §202(a), Aug. 17, 1999, 113 Stat. 236; amended Pub. L. 106-554, §1(a)(9) [title VIII, §808], Dec. 21, 2000, 114 Stat. 2763, 2763A-706; Pub. L. 108-447, div. B, title VI, §636, div. K, title I, §§143(a), 146, Dec. 8, 2004, 118 Stat. 2922, 3455; Pub. L. 110-186, title I, §103(a), Feb. 14, 2008, 122 Stat. 625.)

CODIFICATION

August 17, 1999, referred to in subsec. (c)(4), was in the original “the date of enactment of this Act”, which was translated as meaning the date of enactment of Pub. L. 106-50, which enacted this section, to reflect the probable intent of Congress.

AMENDMENTS

2008—Subsecs. (h) to (k). Pub. L. 110-186 redesignated subsecs. (i) to (k) as (h) to (j), respectively, and struck out former subsec. (h). Text read as follows: “On October 1, 2006, the Corporation established under this section shall assume the duties, responsibilities, and authority of the Advisory Committee on Veterans Affairs established under section 203 of this Act.”

2004—Subsec. (a). Pub. L. 108-447, §§146 and 636, amended subsec. (a) identically, inserting at end “Notwithstanding any other provision of law, the Corporation is a private entity and is not an agency, instrumentality, authority, entity, or establishment of the United States Government.”

Subsec. (h). Pub. L. 108-447, §143(a), substituted “October 1, 2006” for “October 1, 2004”.

2000—Subsec. (k)(1). Pub. L. 106-554, §1(a)(9) [title VIII, §808(1)], added par. (1) and struck out heading and text of former par. (1). Text read as follows: “Subject to paragraph (2), there are authorized to be appropriated to the Corporation to carry out this section—

“(A) \$2,000,000 for fiscal year 2000;

“(B) \$4,000,000 for fiscal year 2001;

“(C) \$4,000,000 for fiscal year 2002; and

“(D) \$2,000,000 for fiscal year 2003.”

Subsec. (k)(2)(A). Pub. L. 106-554, §1(a)(9) [title VIII, §808(2)], substituted “2002” for “2001” in heading and text.

Subsec. (k)(2)(B). Pub. L. 106-554, §1(a)(9) [title VIII, §808(3)], substituted “2003 or 2004” for “2002 or 2003”.

CHANGE OF NAME

Committee on Small Business of Senate changed to Committee on Small Business and Entrepreneurship of Senate. See Senate Resolution No. 123, One Hundred Seventh Congress, June 29, 2001.

GENERAL ACCOUNTING OFFICE REPORT

Pub. L. 106-50, title II, §202(b), Aug. 17, 1999, 113 Stat. 239, provided that not later than 180 days after the last day of the second fiscal year beginning after the date on which the initial members of the Board of Directors of the National Veterans Business Development Corporation were appointed under subsec. (c) of this section, the Comptroller General of the United States was to evaluate the effectiveness of the National Veterans Business Development Corporation in carrying out the purposes under subsec. (b) of this section, and submit to Congress a report on the results of that evaluation.

§ 657d. Federal and State Technology Partnership Program

(a) Definitions

In this section and section 657e of this title, the following definitions apply:

(1) Applicant

The term “applicant” means an entity, organization, or individual that submits a proposal for an award or a cooperative agreement under this section.

(2) Business advice and counseling

The term “business advice and counseling” means providing advice and assistance on matters described in section 657e(c)(2)(B) of this title to small business concerns to guide them through the SBIR and STTR program process, from application to award and successful completion of each phase of the program.

(3) FAST program

The term “FAST program” means the Federal and State Technology Partnership Program established under this section.

(4) Mentor

The term “mentor” means an individual described in section 657e(c)(2) of this title.

(5) Mentoring Network

The term “Mentoring Network” means an association, organization, coalition, or other entity (including an individual) that meets the requirements of section 657e(c) of this title.

(6) Recipient

The term “recipient” means a person that receives an award or becomes party to a cooperative agreement under this section.

(7) SBIR program

The term “SBIR program” has the same meaning as in section 638(e)(4) of this title.

(8) State

The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(9) STTR program

The term “STTR program” has the same meaning as in section 638(e)(6) of this title.

(b) Establishment of Program

The Administrator shall establish a program to be known as the Federal and State Technology Partnership Program, the purpose of which shall be to strengthen the technological competitiveness of small business concerns in the States.

(c) Grants and cooperative agreements

(1) Joint review

In carrying out the FAST program under this section, the Administrator and the SBIR program managers at the National Science Foundation and the Department of Defense shall jointly review proposals submitted by applicants and may make awards or enter into cooperative agreements under this section based on the factors for consideration set forth