

shall serve as an independent source of advice and policy recommendations to the Interagency Committee, to the Administrator through the Assistant Administrator of the Office of Women's Business Ownership, to the Congress, and to the President.

(Pub. L. 100-533, title IV, §405, as added Pub. L. 103-403, title IV, §413, Oct. 22, 1994, 108 Stat. 4195.)

PRIOR PROVISIONS

A prior section 405 of Pub. L. 100-533, title IV, Oct. 25, 1988, 102 Stat. 2696, related to powers of the National Women's Business Council, prior to the general amendment of title IV of Pub. L. 100-533 by Pub. L. 103-403.

§ 7106. Duties of the Council

(a) In general

The Council shall advise and consult with the Interagency Committee on matters relating to the activities, functions, and policies of the Interagency Committee, as provided in this chapter. The Council shall meet jointly with the Interagency Committee at the discretion of the chairperson of the Council and the chairperson of the Interagency Committee, but not less than biannually.

(b) Meetings

The Council shall meet separately at such times as the Council deems necessary. A majority of the members of the Council shall constitute a quorum for the approval of recommendations or reports issued pursuant to this section.

(c) Recommendations

The Council shall make annual recommendations for consideration by the Interagency Committee. The Council shall also provide reports and make such other recommendations as it deems appropriate to the Interagency Committee, to the President, to the Administrator (through the Assistant Administrator of the Office of Women's Business Ownership), and to the Committees on Small Business of the Senate and the House of Representatives.

(d) Other duties

The Council shall—

- (1) review, coordinate, and monitor plans and programs developed in the public and private sectors, which affect the ability of women-owned business enterprises to obtain capital and credit;
- (2) promote and assist in the development of a women's business census and other surveys of women-owned businesses;
- (3) monitor and promote the plans, programs, and operations of the departments and agencies of the Federal Government which may contribute to the establishment and growth of women's business enterprise;
- (4) develop and promote new initiatives, policies, programs, and plans designed to foster women's business enterprise;
- (5) advise and consult with the Interagency Committee in the design of a comprehensive plan for a joint public-private sector effort to facilitate growth and development of women's business enterprise;¹

¹So in original. Semicolon probably should be followed by "and".

(6) not later than 90 days after the last day of each fiscal year, submit to the President and to the Committee on Small Business of the Senate and the Committee on Small Business of the House of Representatives, a report containing—

(A) a detailed description of the activities of the council,² including a status report on the Council's progress toward meeting its duties outlined in subsections (a) and (d) of this section;

(B) the findings, conclusions, and recommendations of the Council; and

(C) the Council's recommendations for such legislation and administrative actions as the Council considers appropriate to promote the development of small business concerns owned and controlled by women.

(e) Form of transmittal

The information included in each report under subsection (d) of this section that is described in subparagraphs (A) through (C) of subsection (d)(6) of this section, shall be reported verbatim, together with any separate additional, concurring, or dissenting views of the Administrator.

(Pub. L. 100-533, title IV, §406, as added Pub. L. 103-403, title IV, §413, Oct. 22, 1994, 108 Stat. 4195; amended Pub. L. 105-135, title III, §303, Dec. 2, 1997, 111 Stat. 2609.)

PRIOR PROVISIONS

A prior section 406 of Pub. L. 100-533, title IV, Oct. 25, 1988, 102 Stat. 2696, related to requirement of reports to the President and Congress by the National Women's Business Council, prior to the general amendment of title IV of Pub. L. 100-533 by Pub. L. 103-403.

AMENDMENTS

1997—Subsec. (c). Pub. L. 105-135, §303(1), inserted "(through the Assistant Administrator of the Office of Women's Business Ownership)" after "Administrator".

Subsec. (d)(6). Pub. L. 105-135, §303(2), added par. (6).

Subsec. (e). Pub. L. 105-135, §303(2), added subsec. (e).

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.

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105-135 effective Oct. 1, 1997, see section 3 of Pub. L. 105-135, set out as a note under section 631 of this title.

§ 7107. Membership of the Council

(a) Chairperson

The President shall appoint an individual to serve as chairperson of the Council, in consultation with the Administrator. The chairperson of the Council shall be a prominent business woman who is qualified to head the Council by virtue of her education, training, and experience.

(b) Other members

The Administrator shall, after receiving the recommendations of the Chairman and the Ranking Member of the Committees on Small

²So in original. Probably should be capitalized.

Business of the House of Representatives and the Senate, appoint, in consultation with the chairperson of the Council appointed under subsection (a) of this section, 14 members of the Council, of whom—

(1) 4 shall be—

(A) owners of small businesses, as such term is defined in section 632 of this title; and

(B) members of the same political party as the President;

(2) 4 shall—

(A) be owners of small businesses, as such term is defined in section 632 of this title; and

(B) not be members of the same political party as the President; and

(3) 6 shall be representatives of women's business organizations, including representatives of women's business center sites.

(c) Diversity

In appointing members of the Council, the Administrator shall, to the extent possible, ensure that the members appointed reflect geographic (including both urban and rural areas), racial, economic, and sectoral diversity.

(d) Terms

Each member of the Council shall be appointed for a term of 3 years.

(e) Other Federal service

If any member of the Council subsequently becomes an officer or employee of the Federal Government or of the Congress, such individual may continue as a member of the Council for not longer than the 30-day period beginning on the date on which such individual becomes such an officer or employee.

(f) Vacancies

(1) In general

A vacancy on the Council shall be filled not later than 30 days after the date on which the vacancy occurs, in the manner in which the original appointment was made, and shall be subject to any conditions that applied to the original appointment.

(2) Unexpired term

An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

(g) Reimbursements

Members of the Council shall serve without pay for such membership, except that members shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the functions of the Council, in the same manner as persons serving on advisory boards pursuant to section 637(b) of this title.

(h) Executive director

The Administrator, in consultation with the chairperson of the Council, shall appoint an executive director of the Council. Upon the recommendation by the executive director, the chairperson of the Council may appoint and fix the pay of 4 additional employees of the Council, at

a rate of pay not to exceed the maximum rate of pay payable for a position at GS-15 of the General Schedule. All such appointments shall be subject to the appropriation of funds.

(i) Rates of pay

The executive director and staff of the Council may be appointed without regard to the provisions of title 5 governing appointments in the competitive service, and except as provided in subsection (e) of this section, 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 the executive director may not receive pay in excess of the annual rate of basic pay payable for a position at ES-3 of the Senior Executive Pay Schedule under section 5332¹ of title 5.

(Pub. L. 100-533, title IV, §407, as added Pub. L. 103-403, title IV, §413, Oct. 22, 1994, 108 Stat. 4196; amended Pub. L. 105-135, title III, §304, Dec. 2, 1997, 111 Stat. 2609; Pub. L. 106-554, §1(a)(9) [title VII, §702], Dec. 21, 2000, 114 Stat. 2763, 2763A-701.)

REFERENCES IN TEXT

The General Schedule, referred to in subsecs. (h) and (i), is set out under section 5332 of Title 5, Government Organization and Employees.

PRIOR PROVISIONS

A prior section 407 of Pub. L. 100-533, title IV, Oct. 25, 1988, 102 Stat. 2696; Pub. L. 103-81, §11, Aug. 13, 1993, 107 Stat. 783, related to authorization of appropriations to carry out this chapter, prior to the general amendment of title IV of Pub. L. 100-533 by Pub. L. 103-403. See section 7110 of this title.

AMENDMENTS

2000—Subsec. (a). Pub. L. 106-554, §1(a)(9) [title VII, §702(1)], substituted “The President” for “Not later than 45 days after December 2, 1997, the President”.

Subsec. (b). Pub. L. 106-554, §1(a)(9) [title VII, §702(2)], in introductory provisions, substituted “The Administrator” for “Not later than 60 days after December 2, 1997, the Administrator” and struck out “the Assistant Administrator of the Office of Women’s Business Ownership and” after “in consultation with”.

Subsec. (d). Pub. L. 106-554, §1(a)(9) [title VII, §702(3)], struck out before period at end “, except that, of the initial members appointed to the Council—

“(1) 2 members appointed under subsection (b)(1) of this section shall be appointed for a term of 1 year;

“(2) 2 members appointed under subsection (b)(2) of this section shall be appointed for a term of 1 year; and

“(3) each member appointed under subsection (b)(3) of this section shall be appointed for a term of 2 years”.

Subsec. (h). Pub. L. 106-554, §1(a)(9) [title VII, §702(4)], substituted “The Administrator” for “Not later than 60 days after October 22, 1994, the Administrator”.

1997—Subsec. (a). Pub. L. 105-135, §304(1), made substitution in original which was executed by substituting “December 2, 1997” for “October 22, 1994” to reflect the probable intent of Congress.

Subsec. (b). Pub. L. 105-135, §304(2)(A)–(C), in introductory provisions made substitution in original which was executed by substituting “December 2, 1997” for “October 22, 1994” to reflect the probable intent of Congress, inserted “, after receiving the recommendations of the Chairman and the Ranking Member of the Committees on Small Business of the House of Representatives and the Senate,” after “the Administrator shall”, and substituted “14” for “9”.

¹ So in original. Probably should be section “5382”.

Subsec. (b)(1), (2). Pub. L. 105-135, § 304(2)(D), (E), substituted “4” for “2” in introductory provisions.

Subsec. (b)(3). Pub. L. 105-135, § 304(2)(F), substituted “6” for “5”, struck out “national” after “representatives of”, and inserted before period at end “, including representatives of women’s business center sites”.

Subsec. (c). Pub. L. 105-135, § 304(3), inserted “(including both urban and rural areas)” after “geographic”.

Subsec. (d). Pub. L. 105-135, § 304(4), added subsec. (d) and struck out heading and text of former subsec. (d). Text read as follows: “The term of service of the members of the Council shall be 3 years.”

Subsec. (f). Pub. L. 105-135, § 304(5), added subsec. (f) and struck out heading and text of former subsec. (f). Text read as follows: “A vacancy on the Council shall, not later than 30 days after the date on which the vacancy occurs, be filled in the same manner in which the original appointment was made.”

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.

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105-135 effective Oct. 1, 1997, see section 3 of Pub. L. 105-135, set out as a note under section 631 of this title.

§ 7108. Definitions

For purposes of this chapter—

(1) the term “Administration” means the Small Business Administration;

(2) the term “Administrator” means the Administrator of the Small Business Administration;

(3) the term “control” means exercising the power to make policy decisions concerning a business;

(4) the term “Council” means the National Women’s Business Council, established under section 7105 of this title;

(5) the term “Interagency Committee” means the Interagency Committee on Women’s Business Enterprise, established under section 7101 of this title;

(6) the term “operate” means being actively involved in the day-to-day management of a business;

(7) the term “women’s business enterprise” means—

(A) a business or businesses owned by a woman or a group of women; or

(B) the establishment, maintenance, or development of a business or businesses by a woman or a group of women; and

(8) the term “women-owned business” means a small business which a woman or a group of women—

(A) control and operate; and

(B) own not less than 51 percent of the business.

(Pub. L. 100-533, title IV, § 408, as added Pub. L. 103-403, title IV, § 413, Oct. 22, 1994, 108 Stat. 4197.)

§ 7109. Studies and other research

(a) In general

The Council may conduct such studies and other research relating to the award of Federal prime contracts and subcontracts to women-

owned businesses, to access to credit and investment capital by women entrepreneurs, or to other issues relating to women-owned businesses, as the Council determines to be appropriate.

(b) Contract authority

In conducting any study or other research under this section, the Council may contract with one or more public or private entities.

(Pub. L. 100-533, title IV, § 409, formerly § 410, as added Pub. L. 105-135, title III, § 307, Dec. 2, 1997, 111 Stat. 2611; renumbered § 409 and amended Pub. L. 106-554, § 1(a)(9) [title VII, § 704], Dec. 21, 2000, 114 Stat. 2763, 2763A-701.)

PRIOR PROVISIONS

A prior section 409 of Pub. L. 100-533, as added Pub. L. 105-135, title III, § 306, Dec. 2, 1997, 111 Stat. 2610, related to the National Women’s Business Council procurement project, prior to repeal by Pub. L. 106-554, § 1(a)(9) [title VII, § 703], Dec. 21, 2000, 114 Stat. 2763, 2763A-701.

Another prior section 409 of Pub. L. 100-533 was renumbered section 410 and is classified to section 7110 of this title.

AMENDMENTS

2000—Pub. L. 106-554 amended section catchline and text generally. Prior to amendment, text provided conditional authorization for the Council to conduct studies and research relating to the award of Federal prime contracts and subcontracts to women-owned businesses or to issues relating to access to credit and investment capital by women entrepreneurs and to contract with other entities to conduct such studies and research.

EFFECTIVE DATE

Section effective Oct. 1, 1997, see section 3 of Pub. L. 105-135, set out as an Effective Date of 1997 Amendment note under section 631 of this title.

§ 7110. Authorization of appropriations

(a) In general

There is authorized to be appropriated to carry out this chapter \$1,000,000, for each of fiscal years 2001 through 2003, of which \$550,000 shall be available in each such fiscal year to carry out section 7109 of this title.

(b) Budget review

No amount made available under this section for any fiscal year may be obligated or expended by the Council before the date on which the Council reviews and approves the operating budget of the Council to carry out the responsibilities of the Council for that fiscal year.

(Pub. L. 100-533, title IV, § 410, formerly § 409, as added Pub. L. 103-403, title IV, § 413, Oct. 22, 1994, 108 Stat. 4197; renumbered § 411 and amended Pub. L. 105-135, title III, § 305, Dec. 2, 1997, 111 Stat. 2610; renumbered § 410 and amended Pub. L. 106-554, § 1(a)(9) [title VII, § 705], Dec. 21, 2000, 114 Stat. 2763, 2763A-702.)

PRIOR PROVISIONS

A prior section 410 of Pub. L. 100-533 was renumbered section 409 and is classified to section 7109 of this title.

AMENDMENTS

2000—Pub. L. 106-554 amended section catchline and text generally. Prior to amendment, text authorized appropriations to carry out this chapter for fiscal years