

# NWBC Statutory Authority

## **"Sec. 405. Establishment of the National Women's Business Council.**

"There is established a council to be known as the National Women's Business Council, which 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.

## **"Sec. 406. 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 title. 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;

"(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, including a status report on the Council's progress toward meeting its duties outlined in subsections (a) and (d) of section 406 [this note];

"(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 note] that is described in subparagraphs (A) through (C) of subsection (d)(6), shall be reported verbatim, together with any separate additional, concurring, or dissenting views of the Administrator.

**"Sec. 407. 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 Business of the House of Representatives and the Senate, appoint, in consultation with the chairperson of the Council appointed under subsection (a), 14 members of the Council, of whom--

**"(1)** 4 shall be--

**"(A)** owners of small businesses, as such term is defined in section 3 of the Small Business Act [[15 U.S.C. 632](#)]; 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 3 of the Small Business Act [[15 U.S.C. 632](#)]; 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 8(b) of the Small Business Act [section 637(b) of the 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, United States Code, governing appointments in the competitive service, and except as provided in subsection (e), 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 5832 of title 5, United States Code.

**"Sec. 408. Definitions.**

"For purposes of this title--

"(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 405;

"(5) the term 'Interagency Committee' means the Interagency Committee on Women's Business Enterprise, established under section 401;

"(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.

**"Sec. 409. 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.

**"Sec. 410. Authorization of Appropriations.**

**"(a) In general.**--There is authorized to be appropriated to carry out this title \$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 409 [of this note].

**"(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."

**[Section 409 repealed, sections 410 and 411 redesignated as 409 and 410, and amended by [Pub.L. 106-554, § 1\(a\)\(9\)](#) [Title VII, § 703 to 705], Dec. 21, 2000, 114 Stat. 2763, 2763-\_\_\_\_.]**