

15 U.S.Code 637(b)(7)

(b)PROCUREMENT AND PROPERTY DISPOSAL POWERS; DETERMINATION OF SMALL-BUSINESS CONCERNSIt shall also be the duty of the **Administration** and it is empowered, whenever it determines such action is necessary—

(1)

(A)to provide—

(i)technical, managerial, and informational aids to **small business concerns**—

(I)

by advising and counseling on matters in connection with Government procurement and policies, principles, and practices of good management;

(II)by cooperating and advising with—

(aa)

voluntary business, professional, educational, and other nonprofit **organizations**, associations, and institutions (except that the **Administration** shall take such actions as it determines necessary to ensure that such cooperation does not constitute or imply an endorsement by the **Administration** of the organization or its products or services, and shall ensure that it receives appropriate recognition in all printed materials); and

(bb)

other Federal and **State** agencies;

(III)

by maintaining a clearinghouse for information on managing, financing, and operating small business enterprises; and

(IV)

by disseminating such information, including through recognition events, and by other activities that the **Administration** determines to be appropriate; and

(ii)through cooperation with a profit-making concern (referred to in this paragraph as a “cosponsor”), training, information, and education to **small business concerns**, except that the **Administration** shall—

(I)take such actions as it determines to be appropriate to ensure that—

(aa)

the **Administration** receives appropriate recognition and publicity;

(bb)

the cooperation does not constitute or imply an endorsement by the **Administration** of any product or service of the cosponsor;

(cc)

unnecessary promotion of the products or services of the cosponsor is avoided; and

(dd)

utilization of any one cosponsor in a marketing area is minimized; and

(II) develop an agreement, executed on behalf of the [Administration](#) by an employee of the [Administration](#) in Washington, the District of Columbia, that provides, at a minimum, that—

(aa)

any printed material to announce the cosponsorship or to be distributed at the cosponsored activity, shall be approved in advance by the [Administration](#);

(bb)

the terms and conditions of the cooperation shall be specified;

(cc)

only minimal charges may be imposed on any [small business concern](#) to cover the direct costs of providing the assistance;

(dd)

the [Administration](#) may provide to the cosponsorship mailing labels, but not lists of names and addresses of [small business concerns](#) compiled by the [Administration](#);

(ee)

all printed materials containing the names of both the [Administration](#) and the cosponsor shall include a prominent disclaimer that the cooperation does not constitute or imply an endorsement by the [Administration](#) of any product or service of the cosponsor; and

(ff)

the [Administration](#) shall ensure that it receives appropriate recognition in all cosponsorship printed materials.

(B)

To establish, conduct, and publicize, and to recruit, select, and train volunteers for (and to enter into contracts, grants, or cooperative agreements therefor), volunteer [programs](#), including a Service Corps of Retired Executives (SCORE) and an Active Corps of Executive (ACE) for the purposes of subparagraph (A). To facilitate the implementation of such volunteer [programs](#) the [Administration](#) shall maintain at its headquarters and pay the salaries, benefits, and expenses of a volunteer and professional staff to manage and oversee the program. Any such payments made pursuant to this subparagraph shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts.

Notwithstanding any other provision of law, SCORE may solicit cash and in-kind contributions from the private sector to be used to carry out its functions under this chapter, and may use payments made by the [Administration](#) pursuant to this subparagraph for such solicitation and the management of the contributions received.

(C) To allow any individual or group of [persons](#) participating with it in furtherance of the purposes of subparagraphs (A) and (B) to use the [Administration](#)'s office facilities and related material and services as

the [Administration](#) deems appropriate, including clerical and stenographic services:

(i)

such volunteers, while carrying out activities under this paragraph shall be deemed Federal [employees](#) for the purposes of the Federal tort claims provisions in title 28; and for the purposes of subchapter I of [chapter 81 of title 5](#) (relative to compensation to Federal employees for work injuries) shall be deemed civil employees of the United States within the meaning of the term "employee" as defined in [section 8101 of title 5](#), and the provisions of that subchapter shall apply except that in computing compensation benefits for disability or death, the monthly pay of a volunteer shall be deemed that received under the entrance salary for a grade GS-11 employee;

(ii)

the [Administrator](#) is authorized to reimburse such volunteers for all necessary out-of-pocket expenses incident to their provision of services under this chapter, or in connection with attendance at meetings sponsored by the [Administration](#), or for the cost of malpractice insurance, as the Administrator shall determine, in accordance with regulations which he or she shall prescribe, and, while they are carrying out such activities away from their homes or regular places of business, for travel expenses (including per diem in lieu of subsistence) as authorized by [section 5703 of title 5](#) for individuals serving without pay; and

(iii)

such volunteers shall in no way provide services to a client of such [Administration](#) with a delinquent loan outstanding, except upon a specific request signed by such client for assistance in connection with such matter.

(D)

Notwithstanding any other provision of law, no [payment](#) for supportive services or reimbursement of out-of-pocket expenses made to [persons](#) serving pursuant to this paragraph shall be subject to any tax or charge or be treated as wages or compensation for the purposes of unemployment, disability, retirement, public assistance, or similar benefit payments, or minimum wage laws.

(E)

In carrying out its functions under subparagraph (A), to make grants (including contracts and cooperative agreements) to any public or private [institution of higher education](#) for the establishment and operation of a small business institute, which shall be used to provide business counseling and assistance to small business concerns through the activities of students enrolled at the institution, which students shall be entitled to receive educational credits for their activities.

(F)

Notwithstanding any other provision of law and pursuant to regulations which the [Administrator](#) shall prescribe, counsel may be employed and counsel fees, court costs, bail, and other expenses incidental to the defense of volunteers may be paid in judicial or administrative proceedings arising directly out of the performance of activities pursuant to this paragraph, to which volunteers have been made parties.

(G)

In carrying out its functions under this chapter and to carry out the activities authorized by title IV of the Women's Business Ownership Act of 1988 [[15 U.S.C. 7101](#) et seq.], the Administration is authorized to accept, in the name of the Administration, and employ or dispose of in furtherance of the purposes of this chapter, any money or property, real, personal, or mixed, tangible, or intangible, received by gift, devise, bequest, or otherwise; and, further, to accept gratuitous services and facilities.

(2)

to make a complete inventory of all productive facilities of small-business concerns or to arrange for such inventory to be made by any other governmental [agency](#) which has the facilities. In making any such inventory, the appropriate agencies in the several States may be requested to furnish an inventory of the productive facilities of small-business concerns in each respective State if such an inventory is available or in prospect;

(3)

to coordinate and to ascertain the means by which the productive capacity of small-business concerns can be most effectively utilized;

(4)

to consult and cooperate with officers of the Government having procurement or property disposal powers, in order to utilize the potential productive capacity of plants operated by small-business concerns;

(5)

to obtain information as to methods and practices which Government prime contractors utilize in letting [subcontracts](#) and to take action to encourage the letting of [subcontracts](#) by prime contractors to small-business concerns at prices and on conditions and terms which are fair and equitable;

(6)

to determine within any industry the concerns, firms, [persons](#), corporations, partnerships, cooperatives, or other business enterprises which are to be designated "small-business concerns" for the purpose of effectuating the provisions of this chapter. 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 chapter. Any such certificate shall be subject to revocation when the concern covered thereby ceases to be a "small-business concern". 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 this paragraph;

(7)

(A)

To certify to Government procurement officers, and officers engaged in the **sale** and disposal of Federal property, with respect to all elements of responsibility, including, but not limited to, capability, competency, capacity, **credit**, integrity, perseverance, and tenacity, of any **small business concern** or group of such concerns to receive and perform a specific Government contract. A Government procurement officer or an officer engaged in the sale and disposal of Federal property may not, for any reason specified in the preceding sentence preclude any **small business concern** or group of such concerns from being awarded such contract without referring the matter for a final disposition to the Administration.

(B)

If a Government procurement officer finds that an otherwise qualified **small business concern** may be ineligible due to the provisions of section 35(a)