

INITIAL LIMITED APPLICABILITY

Pub. L. 105-135, title VI, §602(b)(2), Dec. 2, 1997, 111 Stat. 2631, as amended by Pub. L. 106-113, div. B, §1000(a)(5) [title II, §212], Nov. 29, 1999, 113 Stat. 1536, 1501A-295, provided that: “During the period beginning on the date of enactment of this Act [Dec. 2, 1997] and ending on September 30, 2000, section 31 of the Small Business Act [15 U.S.C. 657a] (as added by paragraph (1) of this subsection) shall apply only to procurements by—

- “(A) the Department of Defense;
- “(B) the Department of Agriculture;
- “(C) the Department of Health and Human Services;
- “(D) the Department of Transportation;
- “(E) the Department of Energy;
- “(F) the Department of Housing and Urban Development;
- “(G) the Environmental Protection Agency;
- “(H) the National Aeronautics and Space Administration;
- “(I) the General Services Administration;
- “(J) the Department of Veterans Affairs;
- “(K) the Department of Commerce;
- “(L) the Department of Justice; and
- “(M) the Department of State.”

REPORT

Section 606 of Pub. L. 105-135 provided that: “Not later than March 1, 2002, the Administrator shall submit to the Committees a report on the implementation of the HUBZone program established under section 31 of the Small Business Act [15 U.S.C. 657a] (as added by section 602(b) of this title) and the degree to which the HUBZone program has resulted in increased employment opportunities and an increased level of investment in HUBZones (as defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p)), as added by section 602(a) of this title).”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 632, 645 of this title; title 6 section 426.

§ 657b. Veterans programs**(a) Office of Veterans Business Development**

There is established in the Administration an Office of Veterans Business Development, which shall be administered by the Associate Administrator for Veterans Business Development (in this section referred to as the “Associate Administrator”) appointed under section 633(b)(1) of this title.

(b) Associate Administrator for Veterans Business Development

The Associate Administrator—

(1) shall be an appointee in the Senior Executive Service;

(2) shall be responsible for the formulation, execution, and promotion of policies and programs of the Administration that provide assistance to small business concerns owned and controlled by veterans and small business concerns owned and controlled by service-disabled veterans. The Associate Administrator shall act as an ombudsman for full consideration of veterans in all programs of the Administration; and

(3) shall report to and be responsible directly to the Administrator.

(Pub. L. 85-536, §2[32], as added Pub. L. 106-50, title II, §201(b)(2), Aug. 17, 1999, 113 Stat. 235.)

PRIOR PROVISIONS

A prior section 2[32] of Pub. L. 85-536 was renumbered section 2[36] and is set out as a note under section 631 of this title.

CONGRESSIONAL FINDINGS

Pub. L. 106-50, title I, §101, Aug. 17, 1999, 113 Stat. 234, provided that: “Congress finds the following:

“(1) Veterans of the United States Armed Forces have been and continue to be vital to the small business enterprises of the United States.

“(2) In serving the United States, veterans often faced great risks to preserve the American dream of freedom and prosperity.

“(3) The United States has done too little to assist veterans, particularly service-disabled veterans, in playing a greater role in the economy of the United States by forming and expanding small business enterprises.

“(4) Medical advances and new medical technologies have made it possible for service-disabled veterans to play a much more active role in the formation and expansion of small business enterprises in the United States.

“(5) The United States must provide additional assistance and support to veterans to better equip them to form and expand small business enterprises, thereby enabling them to realize the American dream that they fought to protect.”

CONGRESSIONAL PURPOSE

Pub. L. 106-50, title I, §102, Aug. 17, 1999, 113 Stat. 234, provided that: “The purpose of this Act [see Short Title of 1999 Amendments note set out under section 631 of this title] is to expand existing and establish new assistance programs for veterans who own or operate small businesses. This Act accomplishes this purpose by—

“(1) expanding the eligibility for certain small business assistance programs to include veterans;

“(2) directing certain departments and agencies of the United States to take actions that enhance small business assistance to veterans; and

“(3) establishing new institutions to provide small business assistance to veterans or to support the institutions that provide such assistance.”

ADVISORY COMMITTEE ON VETERANS BUSINESS AFFAIRS

Pub. L. 106-50, title II, §203, Aug. 17, 1999, 113 Stat. 239, provided that:

“(a) IN GENERAL.—There is established an advisory committee to be known as the ‘Advisory Committee on Veterans Business Affairs’ (in this section referred to as the ‘Committee’), which shall serve as an independent source of advice and policy recommendations to—

“(1) the Administrator of the Small Business Administration (in this section referred to as the ‘Administrator’);

“(2) the Associate Administrator for Veterans Business Development of the Small Business Administration;

“(3) the Congress;

“(4) the President; and

“(5) other United States policymakers.

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—The Committee shall be composed of 15 members, of whom—

“(A) eight shall be veterans who are owners of small business concerns (within the meaning of the term under section 3 of the Small Business Act (15 U.S.C. 632)); and

“(B) seven shall be representatives of veterans organizations.

“(2) APPOINTMENT.—

“(A) IN GENERAL.—The members of the Committee shall be appointed by the Administrator in accordance with this section.

“(B) INITIAL APPOINTMENTS.—Not later than 90 days after the date of the enactment of this Act [Aug. 17, 1999], the Administrator shall appoint the initial members of the Committee.

“(3) POLITICAL AFFILIATION.—Not more than eight members of the Committee shall be of the same political party as the President.

“(4) PROHIBITION ON FEDERAL EMPLOYMENT.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), no member of the Committee may serve as an officer or employee of the United States.

“(B) EXCEPTION.—A member of the Committee who accepts a position as an officer or employee of the United States after the date of the member's appointment to the Committee may continue to serve on the Committee for not more than 30 days after such acceptance.

“(5) TERM OF SERVICE.—

“(A) IN GENERAL.—Subject to subparagraph (B), the term of service of each member of the Committee shall be 3 years.

“(B) TERMS OF INITIAL APPOINTEES.—As designated by the Administrator at the time of appointment, of the members first appointed—

“(i) six shall be appointed for a term of 4 years; and

“(ii) five shall be appointed for a term of 5 years.

“(6) VACANCIES.—The Administrator shall fill any vacancies on the membership of the Committee not later than 30 days after the date on which such vacancy occurs.

“(7) CHAIRPERSON.—

“(A) IN GENERAL.—The members of the Committee shall elect one of the members to be Chairperson of the Committee.

“(B) VACANCIES IN OFFICE OF CHAIRPERSON.—Any vacancy in the office of the Chairperson of the Committee shall be filled by the Committee at the first meeting of the Committee following the date on which the vacancy occurs.

“(c) DUTIES.—The duties of the Committee shall be the following:

“(1) Review, coordinate, and monitor plans and programs developed in the public and private sectors, that affect the ability of small business concerns owned and controlled by veterans to obtain capital and credit and to access markets.

“(2) Promote the collection of business information and survey data as they relate to veterans and small business concerns owned and controlled by veterans.

“(3) Monitor and promote plans, programs, and operations of the departments and agencies of the United States that may contribute to the formation and growth of small business concerns owned and controlled by veterans.

“(4) Develop and promote initiatives, policies, programs, and plans designed to foster small business concerns owned and controlled by veterans.

“(5) In cooperation with the National Veterans Business Development Corporation, develop a comprehensive plan, to be updated annually, for joint public-private sector efforts to facilitate growth and development of small business concerns owned and controlled by veterans.

“(d) POWERS.—

“(1) HEARINGS.—Subject to subsection (e), the Committee may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Committee considers advisable to carry out its duties.

“(2) INFORMATION FROM FEDERAL AGENCIES.—Upon request of the Chairperson of the Committee, the head of any department or agency of the United States shall furnish such information to the Committee as the Committee considers to be necessary to carry out its duties.

“(3) USE OF MAILS.—The Committee may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

“(4) GIFTS.—The Committee may accept, use, and dispose of gifts or donations of services or property.

“(e) MEETINGS.—

“(1) IN GENERAL.—The Committee shall meet, not less than three times per year, at the call of the Chairperson or at the request of the Administrator.

“(2) LOCATION.—Each meeting of the full Committee shall be held at the headquarters of the Small Business Administration located in Washington, District of Columbia. The Administrator shall provide suitable meeting facilities and such administrative support as may be necessary for each full meeting of the Committee.

“(3) TASK GROUPS.—The Committee may, from time-to-time, establish temporary task groups as may be necessary in order to carry out its duties.

“(f) COMPENSATION AND EXPENSES.—

“(1) NO COMPENSATION.—Members of the Committee shall serve without compensation for their service to the Committee.

“(2) EXPENSES.—The members of the Committee shall be reimbursed for travel and subsistence expenses in accordance with section 5703 of title 5, United States Code.

“(g) REPORT.—Not later than 30 days after the end of each fiscal year beginning after the date of the enactment of this section [Aug. 17, 1999], the Committee shall transmit to the Congress and the President a report describing the activities of the Committee and any recommendations developed by the Committee for the promotion of small business concerns owned and controlled by veterans.

“(h) TERMINATION.—The Committee shall terminate its business on September 30, 2004.”

SCORE PROGRAM

Pub. L. 106-50, title III, §301, Aug. 17, 1999, 113 Stat. 242, provided that:

“(a) IN GENERAL.—The Administrator of the Small Business Administration shall enter into a memorandum of understanding with the Service Core of Retired Executives (described in section 8(b)(1)(B) of the Small Business Act (15 U.S.C. 637(b)(1)(B))) and in this section referred to as ‘SCORE’) to provide for the following:

“(1) The appointment by SCORE in its national office of an individual to act as National Veterans Business Coordinator, whose duties shall relate exclusively to veterans business matters, and who shall be responsible for the establishment and administration of a program to coordinate counseling and training regarding entrepreneurship to veterans through the chapters of SCORE throughout the United States.

“(2) The assistance of SCORE in the [sic] establishing and maintaining a toll-free telephone number and an Internet website to provide access for veterans to information about the counseling and training regarding entrepreneurship available to veterans through SCORE.

“(3) The collection of statistics concerning services provided by SCORE to veterans, including service-disabled veterans, for inclusion in each annual report published by the Administrator under section 4(b)(2)(B) of the Small Business Act (15 U.S.C. 633(b)(2)(B)).

“(b) RESOURCES.—The Administrator shall provide to SCORE such resources as the Administrator determines necessary for SCORE to carry out the requirements of the memorandum of understanding specified in paragraph (1).”

ENTREPRENEURIAL ASSISTANCE

Pub. L. 106-50, title III, §302, Aug. 17, 1999, 113 Stat. 242, provided that: “Not later than 180 days after the date of the enactment of this Act [Aug. 17, 1999], the Secretary of Veterans Affairs, the Administrator of the Small Business Administration, and the head of the association formed pursuant to section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A)) shall enter into a memorandum of understanding with respect to entrepreneurial assistance to veterans, including service-disabled veterans, through Small Business Development Centers (described in section 21 of the Small Business Act (15 U.S.C. 648)) and facilities of the Department of Veterans Affairs. Such assistance shall include the following:

“(1) Conducting of studies and research, and the distribution of information generated by such studies and research, on the formation, management, financing, marketing, and operation of small business concerns by veterans.

“(2) Provision of training and counseling to veterans concerning the formation, management, financing, marketing, and operation of small business concerns.

“(3) Provision of management and technical assistance to the owners and operators of small business concerns regarding international markets, the promotion of exports, and the transfer of technology.

“(4) Provision of assistance and information to veterans regarding procurement opportunities with Federal, State, and local agencies, especially such agencies funded in whole or in part with Federal funds.

“(5) Establishment of an information clearinghouse to collect and distribute information, including by electronic means, on the assistance programs of Federal, State, and local governments, and of the private sector, including information on office locations, key personnel, telephone numbers, mail and electronic addresses, and contracting and subcontracting opportunities.

“(6) Provision of Internet or other distance learning academic instruction for veterans in business subjects, including accounting, marketing, and business fundamentals.

“(7) Compilation of a list of small business concerns owned and controlled by service-disabled veterans that provide products or services that could be procured by the United States and delivery of such list to each department and agency of the United States. Such list shall be delivered in hard copy and electronic form and shall include the name and address of each such small business concern and the products or services that it provides.”

ANNUAL REPORT OF ADMINISTRATOR

Pub. L. 106-50, title VI, §603, Aug. 17, 1999, 113 Stat. 248, provided that: “The Administrator of the Small Business Administration shall transmit annually to the Committees on Small Business and Veterans Affairs of the House of Representatives and the Senate a report on the needs of small business concerns owned and controlled by veterans and small business concerns owned and controlled by service-disabled veterans, which shall include information on—

“(1) the availability of Small Business Administration programs for such small business concerns and the degree of utilization of such programs by such small business concerns during the preceding 12-month period, including statistical information on such utilization as compared to the small business community as a whole;

“(2) the percentage and dollar value of Federal contracts awarded to such small business concerns during the preceding 12-month period, based on the data collected pursuant to section 604(d) [set out below]; and

“(3) proposals to improve the access of such small business concerns to the assistance made available by the United States.”

DATA AND INFORMATION COLLECTION

Pub. L. 106-50, title VI, §604, Aug. 17, 1999, 113 Stat. 249, provided that:

“(a) INFORMATION ON FEDERAL PROCUREMENT PRACTICES.—The Administrator of the Small Business Administration shall, for each fiscal year—

“(1) collect information concerning the procurement practices and procedures of each department and agency of the United States having procurement authority;

“(2) publish and disseminate such information to procurement officers in all Federal agencies; and

“(3) make such information available to any small business concern requesting such information.

“(b) IDENTIFICATION OF SMALL BUSINESS CONCERNS OWNED BY ELIGIBLE VETERANS.—Each fiscal year, the Secretary of Veterans Affairs shall, in consultation with the Assistant Secretary of Labor for Veterans’ Employment and Training and the Administrator of the Small Business Administration, identify small business concerns owned and controlled by veterans in the United States. The Secretary shall inform each small business concern identified under this paragraph that information on Federal procurement is available from the Administrator.

“(c) SELF-EMPLOYMENT OPPORTUNITIES.—The Secretary of Labor, the Secretary of Veterans Affairs, and the Administrator of the Small Business Administration shall enter into a memorandum of understanding to provide for coordination of vocational rehabilitation services, technical and managerial assistance, and financial assistance to veterans, including service-disabled veterans, seeking to employ themselves by forming or expanding small business concerns. The memorandum of understanding shall include recommendations for expanding existing programs or establishing new programs to provide such services or assistance to such veterans.

“(d) DATA COLLECTION REQUIRED.—The Federal Procurement Data System described in section 6(d)(4)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(d)(4)(A)) shall be modified to collect data regarding the percentage and dollar value of prime contracts and subcontracts awarded to small business concerns owned and controlled by veterans and small business concerns owned and controlled by service-disabled veterans.”

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.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 633 of this title.

§ 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.

(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.