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EXECUTIVE ORDER

- - - - -

WHITE HOUSE CONFERENCE ON SMALL BUSINESS

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to implement the White House Conference on Small Business Authorization Act (Public Law 98-276), it is hereby ordered as follows:

Section 1. Establishment of Conference Office.

(a) There is established in Washington, D.C., a White House Small Business Conference Office (Office) to plan and carry out a 1986 White House Conference on Small Business.

(b) The Administrator of the Small Business Administration shall appoint an Executive Director of the Office, and such other directors and personnel for the Office as he may deem advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classified and General Schedule pay rates.

Sec. 2. White House Conference Task Force.

(a) The Administrator of the Small Business Administration shall create a Task Force to advise the Conference Office and the Administrator on the planning and administration of the 1986 White House Conference.

(b) The Task Force shall be composed of ten members appointed by the Administrator. In selecting the members, the Administrator shall give due consideration to the particular skills and experience desirable to accomplish the purpose and

functions of the Task Force.

(c) Each member of the Task Force who is not otherwise employed by the Federal government shall receive no compensation from the United States by virtue of their service on the Task Force, but all members may receive transportation and travel expenses, including per diem in lieu of subsistence, as authorized by 5 U.S.C. 5702 and 5703.

(d) All necessary administrative staff services, support, facilities, and expenses of the Task Force, shall, to the extent permitted by law, be furnished by the Small Business Administration.

(e) The Task Force shall recommend appropriate alternate dates for holding the 1986 White House Conference on Small Business.

Sec. 3. Administration of the Conference.

(a) The purpose of the 1986 White House Conference on Small Business shall be to increase public awareness of the essential contribution of small business; to identify the problems of small business; to examine the status of minorities and women as small business owners; to assist small business in carrying out its role as the Nation's job creator; to assemble small businesses to develop such specific and comprehensive recommendations for executive and legislative action as may be appropriate for maintaining and encouraging the economic viability of small business and, thereby, the Nation; and to review the status of recommendations adopted at the 1980 White House Conference on Small Business.

(b) Prior to the convening of the 1986 White House Conference on Small Business, open regional and State meetings or conferences shall be held at such times and places as determined

by the Administrator of the Small Business Administration. At least one such meeting will be held in each State. These open meetings shall seek to identify the specific issues which should be addressed at the National Conference and shall solicit candidates for National Conference delegates. No small business concern representative may be denied admission to any State or regional conference, nor may any fee or charge be imposed on any small business concern representative except an amount to cover the cost of any meal provided to such representative, plus a registration fee not to exceed \$10.00.

(c) Each State meeting shall elect delegates and alternates to participate in the National Conference. In addition, each State Governor and each chief executive official of the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and the District of Columbia may appoint one delegate and one alternate to the National Conference; each Member of the United States House of Representatives, including each Delegate, and each Member of the United States Senate, may appoint one delegate and one alternate to the National Conference; and the President may appoint one hundred delegates and alternates to the National Conference. Only individuals from small businesses may be eligible to serve as delegates or alternates to the National Conference. Each of these participants in the National Conference shall be responsible for his or her expenses related to attending the National Conference. Each State meeting shall report its recommendations on issues to be addressed to the Conference Office by a date to be determined by the Administrator.

(d) The Conference Office, in consultation with the Task Force, shall have the responsibility of preparing a National

Conference agenda based on the reports from the State and regional meetings. The Administrator of the Small Business Administration shall prepare background materials on these issues, and is authorized to receive information and support from other Federal agencies and departments in this regard.

(e) The Chief Counsel for Advocacy shall prepare and provide background materials for use by participants in the National Conference, as well as by participants in State and regional conferences, and is authorized to receive any necessary information and support from other Federal agencies and departments to carry out this function.

(f) All Federal departments, agencies, and instrumentalities are authorized and directed to provide such support and assistance as may be necessary to facilitate the planning and administration of the National Conference. Upon request by the Executive Director, the heads of the executive and military departments are authorized to detail employees to work with the Conference Office in planning and administering the National Conference without regard to the provisions of section 3341 of title 5, United States Code.

(g) The Administrator of the Small Business Administration is authorized to enter into contracts with public agencies, private organizations, and academic institutions to facilitate the planning and administration of the National Conference.

Sec. 4. Results of the National Conference.

(a) The Administrator of the Small Business Administration shall prepare a final report of the results of the National Conference summarizing the subjects discussed and the positions recommended by the National Conference. This report shall be transmitted to the President and the Congress not more than six

months from the date on which the National Conference is convened.

(b) The Administrator of the Small Business Administration shall prepare annual follow-up reports, during the three-year period following the submission of the final report of the National Conference, on the status and implementation of the findings and recommendations of the National Conference.

(c) The Conference Office and the Task Force shall terminate on December 31, 1986, or 60 days after the conclusion of the 1986 White House Conference on Small Business, whichever earlier occurs.

THE WHITE HOUSE,

Public Law 98-276
98th Congress

An Act

To provide for a White House Conference on Small Business.

May 8, 1984
[H.R. 5298]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "White House Conference on Small Business Authorization Act".

White House
Conference on
Small Business
Authorization
Act.

15 USC 631 note.
15 USC 631 note.

AUTHORIZATION OF CONFERENCE

SEC. 2. (a) The President shall call and conduct a National White House Conference on Small Business (hereinafter referred to as the "Conference") not earlier than January 1, 1985, and not later than September 1, 1986, to carry out the purposes described in section 3 of this Act. The Conference shall be preceded by State and regional conferences with at least one such conference being held in each State.

(b) Participants in the Conference and other interested individuals and organizations, are authorized to conduct conferences and other activities at the State and regional levels prior to the date of the Conference, subject to the approval of the Administrator of the Small Business Administration, and shall direct such conferences and activities toward the consideration of the purposes of the Conference described in section 3 of this Act in order to prepare for the National Conference.

State and local
governments.

PURPOSE OF CONFERENCE

SEC. 3. The purpose of the Conference shall be to increase public awareness of the essential contribution of small business; to identify the problems of small business; to examine the status of minorities and women as small business owners; to assist small business in carrying out its role as the Nation's job creator; to assemble small businesses to develop such specific and comprehensive recommendations for executive and legislative action as may be appropriate for maintaining and encouraging the economic viability of small business and, thereby, the Nation; and to review the status of recommendations adopted at the 1980 White House Conference on Small Business.

Minorities.
Women.
15 USC 631 note.

CONFERENCE PARTICIPANTS

SEC. 4. (a) In order to carry out the purposes specified in section 3 of this Act, the Conference shall bring together individuals concerned with issues relating to small business: *Provided*, That no small business concern representative may be denied admission to any State or regional conference, nor may any fee or charge be imposed on any small business concern representative except an amount to cover the cost of any meal provided to such representative plus a registration fee of not to exceed \$10.

15 USC 631 note.

(b) Delegates, including alternates, to the National Conference shall be elected by participants at the State and regional conferences: *Provided*, That each Governor and each chief executive official of the political subdivisions enumerated in section 4(a) of the Small Business Act may appoint one delegate and one alternate: *Provided further*, That each Member of the United States House of Representatives, including each Delegate, and each Member of the United States Senate may appoint one delegate and one alternate: *And provided further*, That the President may appoint one hundred delegates and alternates. Only individuals from small businesses shall be eligible for appointment pursuant to this subsection.

15 USC 633.

PLANNING AND ADMINISTRATION OF CONFERENCE

15 USC 631 note.

SEC. 5. (a) All Federal departments, agencies, and instrumentalities are authorized and directed to provide such support and assistance as may be necessary to facilitate the planning and administration of the Conference.

(b) In carrying out the provisions of this Act, the Administrator of the Small Business Administration—

(1) shall provide such assistance as may be necessary for the organization and conduct of conferences at the State and regional levels as authorized under section 2(b) of this Act; and

(2) is authorized to enter into contracts with public agencies, private organizations, and academic institutions to carry out the provisions of this Act.

(c) The Chief Counsel for Advocacy shall assist in carrying out the provisions of this Act by preparing and providing background materials for use by participants in the Conference, as well as by participants in State and regional conferences.

(d) Each participant in the Conference shall be responsible for his or her expenses related to attending the Conference and shall not be reimbursed either from funds appropriated pursuant to this Act or the Small Business Act.

15 USC 631 note.

(e)(1) The President is authorized to appoint and compensate an executive director and such other directors and personnel for the Conference as he may deem advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and 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.

5 USC 5101 et seq., 5331.

(2) Upon request by the executive director, the heads of the executive and military departments are authorized to detail employees to work with the executive director in planning and administering the Conference without regard to the provisions of section 3341 of title 5, United States Code.

REPORTS REQUIRED

15 USC 631 note.

SEC. 6. Not more than six months from the date on which the National Conference is convened, a final report of the Conference shall be submitted to the President and the Congress. The report shall include the findings and recommendations of the Conference as well as proposals for any legislative action necessary to implement the recommendations of the Conference. The final report of the Conference shall be available to the public.

Public availability.

FOLLOWUP ACTIONS

SEC. 7. The Small Business Administration shall report to the Congress annually during the three-year period following the submission of the final report of the Conference on the status and implementation of the findings and recommendations of the Conference.

Report.
15 USC 631 note.

AVAILABILITY OF FUNDS

SEC. 8. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, and they shall remain available until expended. New spending authority or authority to enter contracts as provided in this Act shall be effective only to such extent and in such amounts as are provided in advance in appropriation Acts.

15 USC 631 note.

(b) No funds appropriated to the Small Business Administration shall be made available to carry out the provisions of this Act other than funds appropriated specifically for the purpose of conducting the Conference. Any funds remaining unexpended at the termination of the Conference, including submission of the report pursuant to section 6, shall be returned to the Treasury of the United States and credited as miscellaneous receipts.

SEC. 9. This Act shall become effective October 1, 1984.

Effective date.
15 USC 631 note.

Approved May 8, 1984.

LEGISLATIVE HISTORY—H.R. 5298 (S. 2487):

HOUSE REPORT No. 98-652 (Comm. on Small Business).
SENATE REPORT No. 98-380 accompanying S. 2487 (Comm. on Small Business).
CONGRESSIONAL RECORD, Vol. 130 (1984):
Apr. 9, considered and passed House.
Apr. 11, considered and passed Senate.

○

THE WHITE HOUSE
WASHINGTON

Date 6.5.85

Suspense Date _____

MEMORANDUM FOR: *JCH*

FROM: **DIANNA G. HOLLAND**

ACTION

- Approved
- Please handle/review
- For your information
- For your recommendation
- For the files
- Please see me
- Please prepare response for
_____ signature
- As we discussed
- Return to me for filing

note

COMMENT

[Handwritten initials]

WHITE HOUSE STAFFING MEMORANDUM

DATE: 6/4/85 ACTION/CONCURRENCE/COMMENT DUE BY: 6/18/85

SUBJECT: DRAFT EXECUTIVE ORDER RE WHITE HOUSE CONFERENCE ON SMALL BUSINESS

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	LACY	<input type="checkbox"/>	<input type="checkbox"/>
REGAN	<input type="checkbox"/>	<input type="checkbox"/>	McFARLANE	<input type="checkbox"/>	<input type="checkbox"/>
STOCKMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	OGLESBY	<input type="checkbox"/>	<input type="checkbox"/>
BUCHANAN	<input type="checkbox"/>	<input type="checkbox"/>	ROLLINS	<input type="checkbox"/>	<input type="checkbox"/>
CHAVEZ	<input type="checkbox"/>	<input type="checkbox"/>	RYAN	<input type="checkbox"/>	<input type="checkbox"/>
CHEW	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SPEAKES	<input type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input type="checkbox"/>	<input type="checkbox"/>	SPRINKEL	<input type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input type="checkbox"/>	<input type="checkbox"/>	SVAHN	<input type="checkbox"/>	<input type="checkbox"/>
FRIEDERSDORF	<input type="checkbox"/>	<input type="checkbox"/>	TUTTLE	<input type="checkbox"/>	<input type="checkbox"/>
HENKEL	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HICKEY	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HICKS	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
KINGON	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

TO: OMB

Please note White House Counsel's memo (attached). Please provide us with a revised, cleared draft E.O. by June 18th. Thank you.

RESPONSE:

Received SS
1985 MAY 30 PM 6:41

THE WHITE HOUSE
WASHINGTON

May 30, 1985

MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: White House Conference on Small Business

You have asked for our views on whether an Executive Order should be issued to implement the White House Conference on Small Business Authorization Act, Public Law 98-276. Certainly such an Executive Order may be issued, but it is not necessary to convene the Conference. The requisite details concerning the Conference are specified in the statute.

Prior White House conferences mandated by statute have not been convened pursuant to an Executive Order. The White House Conference on Aging, the White House Conference on Library and Information Services, the White House Conference on Productivity, and the White House Conference on Balanced National Growth and Economic Development -- all mandated by statute -- were called without resort to an Executive Order. In these cases, the President simply issued statements announcing the dates of the conference and appointing those members he was authorized to appoint.

Nor is it accurate to state that the 1980 White House Conference on Small Business was established by Executive Order. The pertinent Executive Order, No. 12061, as amended by No. 12091, simply created a Small Business Conference Commission, to provide advice with respect to the holding of a Conference. Further, there was no statute requiring the convening of a White House Small Business Conference in 1980, simply a Senate Resolution without the force of law, so any precedent from the 1980 Conference is not directly applicable to the present question.

While an Executive Order is not necessary to call the Conference, there is one minor and one major delegation of authority in the current draft of the Executive Order that do not appear in the statute and, if they are to be retained, should be issued in an Executive Order. According to the Department of Justice, the last sentence of Section 2(c) of the draft order constitutes a delegation of authority from the President to the Executive Director, and Section 4

constitutes a similar delegation to the Administrator of the Small Business Administration.

It is not clear if the former delegation is necessary. It is the opinion of the Department of Justice that the Executive Director could not, in the absence of a delegation of authority, fix a date by which State conference reports must be received. The Executive Director could certainly, however, request State Conference reports by a specific date without a delegation of authority, and that may be sufficient.

The delegation of authority appearing in Section 4, however, should be retained. Without such a delegation the President, according to the Department of Justice, would be responsible for the various paperwork and housekeeping duties imposed by the Federal Advisory Committee Act, including the preparation and filing of a charter, providing public notice of meetings, closing meetings when appropriate, maintaining Conference papers, responding to FOIA requests concerning the Conference, and so on. Those responsibilities are much better carried out by an agency than by the White House.


Accordingly, we recommend that the currently proposed Executive Order not be issued. A new Executive Order should be put through the clearance process, along the lines of Section 4, substituting "the White House Conference on Small Business Authorization Act" for "this Order." If it is considered desirable, the new order could also contain the delegation in Section 2(c), or a broader delegation of authority to the Executive Director.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

May 8, 1985

MEMORANDUM FOR: THE PRESIDENT

FROM: DAVID A. STOCKMAN 

SUBJECT: PROPOSED EXECUTIVE ORDER ENTITLED "WHITE HOUSE CONFERENCE ON SMALL BUSINESS"

SUMMARY. This memorandum forwards for your consideration a proposed Executive order implementing the White House Conference on Small Business Authorization Act, Public Law 98-276, which directs the convening of a National Conference on Small Business issues not later than September 1, 1986.

BACKGROUND. Public Law 98-276 provides that the President call and conduct a National White House Conference on Small Business not earlier than January 1, 1985, and not later than September 1, 1986. The purpose of the Conference is to increase public awareness of the essential contribution of small business to the Nation and to develop appropriate executive and legislative action for maintaining and encouraging the economic viability of small business.

The National Conference shall be preceded by State and regional conferences with at least one such conference being held in each State. Each State meeting shall elect delegates and alternates to participate in the National Conference, and the President may appoint 100 delegates and alternates to the National Conference. Only individuals from small businesses may be eligible to serve as delegates or alternates to the National Conference.

The President shall appoint an Executive Director of the White House Small Business Conference Office in order to plan and carry out the National Conference.

The results of the National Conference shall be summarized in a final report. This report is to be transmitted to the President and the Congress not more than six months from the date on which the National Conference is convened.

All affected agencies concur in the proposed Executive order.

RECOMMENDATION. I recommend that you sign the proposed Executive order.



U.S. Department of Justice

Office of Legal Counsel

Division 155

MAY 10 1985

Office of the
Assistant Attorney General

Washington, D.C. 20530

MAY 10 1985

The President,

The White House,

My dear Mr. President:

I am herewith transmitting a proposed Executive order entitled "White House Conference on Small Business."

This proposed order was submitted by the Small Business Administration. It has been forwarded for the consideration of this Department as to form and legality by the Office of Management and Budget with the approval of the Director.

The proposed Executive order is approved as to form and legality.

Respectfully,

A handwritten signature in cursive script that reads "Ralph W. Tarr".

Ralph W. Tarr
Acting Assistant Attorney General
Office of Legal Counsel

EXECUTIVE ORDER

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NATIONAL
A WHITE HOUSE CONFERENCE ON SMALL BUSINESS

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to implement the White House Conference on Small Business Authorization Act (Public Law 98-276), it is hereby ordered as follows:

Section 1. Establishment of Conference Office.

(a) There shall be established in Washington, D.C., a White House Small Business Conference Office (Office) to plan and carry out a 1986^{*National*} White House Conference on Small Business.

(b) The President shall appoint an Executive Director of the Office, and such other directors and personnel for the Office as he may deem advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classified and General Schedule pay rates.

Sec. 2. Administration of the Conference.

(a) The purpose of the 1986^{*National*} White House Conference on Small Business shall be to increase public awareness of the essential contribution of small business; to identify the problems of small business; to examine the status of minorities and women as small business owners; to assist small business in carrying out its role as the Nation's job creator; to assemble small businesses to develop such specific and comprehensive recommendations for executive and legislative action as may be appropriate for maintaining and encouraging the economic viability of small business and, thereby, the Nation; and to review the status of recommendations adopted at the 1980 White House Conference on

Small Business.

Amended

(b) Prior to the convening of the 1986^A White House Conference on Small Business, open regional and State meetings or conferences shall be held. At least one such meeting will be held in each State. These open meetings shall seek to identify the specific issues ~~which~~ ^{that} should be addressed at the National Conference and shall solicit candidates for National Conference delegates. No small business concern representative may be denied admission to any State or regional conference, nor may any fee or charge be imposed on any small business concern representative except an amount to cover the cost of any meal provided to such representative, plus a registration fee not to exceed \$10.00.

(c) Each State meeting shall elect delegates and alternates to participate in the National Conference. In addition, each State Governor and each chief executive official of the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and the District of Columbia may appoint one delegate and one alternate to the National Conference; each Member of the United States House of Representatives, including each Delegate, and each Member of the United States Senate, may appoint one delegate and one alternate to the National Conference; and the President may appoint one hundred delegates and alternates to the National Conference. Only individuals from small businesses may be eligible to serve as delegates or alternates to the National Conference. Each of these participants in the National Conference shall be responsible for his or her expenses related to attending the National Conference. Each State meeting shall report its recommendations on issues to be addressed to the Conference Office by a date to be determined by the Executive Director.

*appoint
By Letters
100 delegates
100 alternates
Amended*

(d) The Chief Counsel for Advocacy shall prepare and provide background materials for use by participants in the National

Conference, as well as by participants in the State and regional conferences, and is authorized to receive any necessary information and support from other Federal agencies and departments to carry out this function.

(e) All Federal departments, agencies, and instrumentalities are authorized and directed to provide such support and assistance as may be necessary to facilitate the planning and administration of the National Conference. Upon request by the Executive Director, the heads of the executive and military departments are authorized to detail employees to work with the Conference Office in planning and administering the National Conference without regard to the provisions of section 3341 of title 5, United States Code.

(f) The Administrator of the Small Business Administration is authorized to enter into contracts with public agencies, private organizations, and academic institutions to facilitate the planning and administration of the National Conference.

Sec. 3. Results of the National Conference.

(a) A final report of the results of the National Conference shall be prepared summarizing the subjects discussed and the positions recommended by the National Conference. This report shall be transmitted to the President and the Congress not more than six months from the date on which the National Conference is convened.

(b) The Administrator of the Small Business Administration shall prepare annual follow-up reports, during the three-year period following the submission of the final report of the National Conference, on the status and implementation of the findings and recommendations of the National Conference.

(c) The Conference Office shall terminate on December 31, 1986, or 60 days after the conclusion of the 1986^{National} White House Conference on Small Business, whichever earlier occurs.

Sec. 4. General. Notwithstanding the provisions of any

other Executive order, the functions of the President under the Federal Advisory Committee Act applicable to this Order, except that of reporting annually to Congress, shall be performed by the Administrator of the Small Business Administration in accordance with the guidelines and procedures established by the Administrator of General Services.

THE WHITE HOUSE,