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THE WHITE HOUSE

WASHINGTON

May 14, 1985

MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Executive Order Entitled
"White House Conference on Small
Business"

Counsel's Office has reviewed the above-referenced proposed Executive Order, and finds no objection to it from a legal perspective.

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence
Received (YY/MM/DD) 1 1Name of Correspondent: Dave Chew☐ MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: Proposed Executive Order entitled "White House
Conference on Small Business"

ROUTE TO:

ACTION

DISPOSITION

Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>CHHOLL</u>		ORIGINATOR	<u>85.05.13</u>			<u>1 1</u>
		Referral Note:				
<u>CUAT 18</u>		<u>R</u>	<u>85.05.13</u>		<u>S</u>	<u>85.05.16</u>
		Referral Note:			<u>COB</u>	
			<u>1 1</u>			<u>1 1</u>
		Referral Note:				
			<u>1 1</u>			<u>1 1</u>
		Referral Note:				
			<u>1 1</u>			<u>1 1</u>
		Referral Note:				
			<u>1 1</u>			<u>1 1</u>

ACTION CODES:

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D - Draft Response
F - Furnish Fact Sheet
to be used as Enclosure

I - Info Copy Only/No Action Necessary
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Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

WHITE HOUSE STAFFING MEMORANDUMDATE: 5/13/85 ACTION/CONCURRENCE/COMMENT DUE BY: c.o.b. 5/16/85SUBJECT: Proposed Executive Order entitled "White House Conference on Small Business"

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	☐	☒	LACY	☐	☐
REGAN	☐	☒	McFARLANE	☐	☐
STOCKMAN	☐	☐	OGLESBY	☒	☐
BUCHANAN	☒	☐	ROLLINS	☒	☐
CHAVEZ	☒	☐	RYAN	☐	☐
CHEW	☐	☒	SPEAKES	☐	☒
DANIELS	☐	☐	SPRINKEL	☐	☐
FIELDING	☒	☐	SVAHN	☒	☐
FRIEDERSDORF	☒	☐	TUTTLE	☐	☐
HENKEL	☐	☐	CLERK	☐	☒
HICKEY	☐	☐		☐	☐
HICKS	☐	☐		☐	☐
KINGON	☒	☐		☐	☐

REMARKS:

Please provide any recommendations/changes to my office by close of business Thursday, May 16th. Thanks.

RESPONSE:

1985 MAY 13 PM 1:18

David L. Chew
Staff Secretary
Ext 3703



U.S. Department of Justice

Office of Legal Counsel

MAY 10 1985

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,

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



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.

EXECUTIVE ORDER

1206

NATIONAL

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^{not} 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^{not} 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^{nat} 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 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.

(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 1986¹⁹⁸⁵ 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,

THE WHITE HOUSE

WASHINGTON

May 16, 1985

MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: OMB Memorandum Regarding Transmittal
of SBA Annual Report to Congress

Counsel's Office has reviewed the above-referenced memorandum, and finds no objection to it from a legal perspective.

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence
Received (YY/MM/DD) 1 1Name of Correspondent: Dave Chew☐ MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: OMB memo re transmittal of SBA annual report to Congress**ROUTE TO:****ACTION****DISPOSITION**

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>CUNROLL</u>	ORIGINATOR	<u>85105116</u>			<u>1 1</u>
	Referral Note:				
<u>OWAT 18</u>	<u>R</u>	<u>85105116</u>		<u>S</u>	<u>85105116</u>
	Referral Note:				<u>COB</u>
		<u>1 1</u>			<u>1 1</u>
	Referral Note:				
		<u>1 1</u>			<u>1 1</u>
	Referral Note:				
		<u>1 1</u>			<u>1 1</u>
	Referral Note:				

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WHITE HOUSE STAFFING MEMORANDUMDATE: 5/15/85 ACTION/CONCURRENCE/COMMENT DUE BY: COB THURSDAY, May 16SUBJECT: OMB MEMO RE TRANSMITTAL OF SBA ANNUAL REPORT TO CONGRESS

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	☐	☐	LACY	☐	☐
REGAN	☐	☒	McFARLANE	☐	☐
STOCKMAN	☐	☒	OGLESBY	☒	☐
BUCHANAN	☐	☐	ROLLINS	☐	☐
CHAVEZ	☐	☐	RYAN	☐	☐
CHEW	☐	☒ ^{SS}	SPEAKES	☐	☐
DANIELS	☐	☐	SPRINKEL	☐	☐
FIELDING	☒	☐	SVAHN	☐	☐
FRIEDERSDORF	☒	☐	TUTTLE	☐	☐
HENKEL	☐	☐	CLERK _____	☒	☐
HICKEY	☐	☐	_____	☐	☐
HICKS	☐	☐	_____	☐	☐
KINGON	☒	☐	_____	☐	☐

REMARKS:

The attached OMB memo proposes a course of action to remedy the recent Presidential transmittal of the SBA Annual Report to the Congress. May I have your comments by close of business, Thursday, May 16. Thank you.

RESPONSE:

David L. Chew
Staff Secretary
Ext. 2702



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

Received SS

May 15, 1985

1035 MAY 15 PM 8 21

MEMORANDUM FOR: DAVID CHEW
FROM: CONSTANCE HORNER *Constance*
SUBJECT: State of Small Business Report

Both SBA Chief Counsel (Frank Swain) and OMB share the responsibility to notify the White House of a proposed revision to the transmittal message that the President had signed on March 25. I should have notified you of my concurrence of the proposed change on April 23. Frank Swain should also have notified the White House of the proposed change in the transmittal message once he had received my approval on the policy content of the message.

Because of our error, advance copies of the Fourth Annual Report on the State of Small Business were transmitted to the Congress on May 13 with a transmittal message that is not consistent with either the current agreement the Administration has made with the Senate concerning budget proposals for the Small Business Administration or with the revised message that appears on the 25,000 printed copies of the report that are currently being bound.

I propose the following actions to rectify the situation:

- o The Assistant to the President for Legislative Affairs and the Administrator of the Small Business Administration should write to the appropriate congressional officials to apologize for the confusion. Attached are drafts of these letters.
- o To prevent this kind of problem from recurring, it might be a good idea for OCA to inform agencies that:
 - 1) No changes are permitted in any document that the President has signed. If changes are proposed, agencies should seek White House and OMB approval and then submit a revised document to the White House for the President's signature.
 - 2) Agencies should not assume that OMB concurrence in the content of revisions to a document is permission to alter a document that the President has already signed. Again, agencies need to submit revised documents to the White House for the President's signature.

Please let me know if these proposals meet with your approval. I assure you that I will do everything possible to prevent similar incidents in the future.

Attachments

DRAFT

Honorable Lowell P. Weicker
Chairman
Committee on Small Business
United States Senate
Washington, DC 20510

Honorable Parren J. Mitchell
Chairman
Committee on Small Business
U.S. House of Representatives
Washington, DC 20515

Dear Messrs. Chairmen:

I wish to clearly and unequivocally express the support of the Small Business Administration and the Administration for the provisions relating to SBA that were approved as part of the 1986 budget resolution passed by the Senate last week. With program reform and budget discipline, the SBA can effectively serve small business while achieving an important \$2.5 billion saving to the economy and the taxpayers over the next three years.

The transmittal of the annual small business report of the President to the Congress this week gave rise to unfortunate and, I hope, short-lived confusion over the Administration's position on SBA. The cover letter transmitting the report was written in March, but held pending the actual printing of the report. The transmittal letter received by the House and Senate this week, therefore does not reflect the hard and productive efforts which have led to the Administration-supported Senate budget resolution approved May 10.

We regret any confusion which was occasioned by the transmittal letter drafted before the recent and important developments on the budget resolution. The actual printed copy of the report does include a facsimile of an edited transmittal letter, which deletes the reference to the new small business agency within Commerce. This is consistent with our support for the Senate Budget resolution provisions regarding the Small Business Administration.

Yours truly,

James C. Sanders
Administrator

DRAFT

Secretary of the Senate
United States Senate
Washington, DC 20510

Clerk
U.S. House of Representatives
Washington, DC 20515

Dear Sirs:

This letter is to clarify the position of the White House and the Administration regarding the Small Business Administration in light of a Presidential message on small business transmitted to the Congress earlier this week.

On May 13 the White House transmitted to the Congress the President's annual report on the state of small business, as called for by Public Law 96-302. The transmittal letter included a reference to establishing a new small business agency within the Commerce Department. The transmittal letter was written and approved in mid-March, but held for the actual report which has just been made available from the printer. ✓

The President supports the Budget Resolution approved by the Senate May 10 which includes, among other provisions, the retention of the Small Business Administration with programmatic and budget reforms which will save the taxpayers \$2.5 billion over the next three years. ✓

We regret any confusion which was occasioned by the transmittal letter drafted before the recent and important developments on the budget resolution. The actual printed copy of the report does include a facsimile of an edited transmittal letter, which deletes the reference to the new small business agency within Commerce. This is consistent with our support for the Senate Budget resolution provisions regarding the Small Business Administration. ✓

Thank you.

Sincerely,

Max L. Friedersdorf
Assistant to the President
for Legislative Affairs

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.

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence
Received (YY/MM/DD) 1 1 1Name of Correspondent: DAVE Chew☐ MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: White House Conference on Small Business

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>CANELL</u>	ORIGINATOR	<u>85105129</u>			<u>1 1</u>
	Referral Note:				
<u>CUAT 18</u>	<u>B</u>	<u>85105129</u>		<u>S</u>	<u>85105130</u>
	Referral Note:				
		<u>1 1</u>			<u>1 1</u>
	Referral Note:				
		<u>1 1</u>			<u>1 1</u>
	Referral Note:				
		<u>1 1</u>			<u>1 1</u>
	Referral Note:				

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WHITE HOUSE STAFFING MEMORANDUMDATE: 5/29/85 ACTION/CONCURRENCE/COMMENT DUE BY: 5/30/85SUBJECT: WHITE HOUSE CONFERENCE ON SMALL BUSINESS

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	☐	☐	LACY	☐	☐
REGAN	☐	☐	McFARLANE	☐	☐
STOCKMAN	☐	☐	OGLESBY	☐	☐
BUCHANAN	☐	☐	ROLLINS	☐	☐
CHAVEZ	☐	☐	RYAN	☐	☐
CHEW	☐ P	☐ SS	SPEAKES	☐	☐
DANIELS	☐	☐	SPRINKEL	☐	☐
FIELDING	☒	☐	SVAHN	☐	☐
FRIEDERSDORF	☐	☐	TUTTLE	☐	☐
HENKEL	☐	☐	_____	☐	☐
HICKEY	☐	☐	_____	☐	☐
HICKS	☐	☐	_____	☐	☐
KINGON	☐	☐	_____	☐	☐

REMARKS:

Please note OMB's response (l.) to the question of whether the the President should issue an Executive Order to implement the White House Conference on Small Business Authorization Act (PL 98-276) or a White House press announcement. Could you please give us your opinion? Thank you.

RESPONSE:

1985 MAY 29 11 9:43

David L. Chew
Staff Secretary
Ext. 2702



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

May 28, 1985

Received 9:53
MAY 28 1985

MEMORANDUM

TO: David Chew
FROM: Mike Horowitz *MH*
SUBJECT: Proposed Executive Order Entitled "White House
Conference on Small Business"

1. Responding to your question, P.L. 98-276 does not require an Executive order for implementation. The draft order was initially prepared by the Small Business Administration (SBA) and included a provision which would have delegated certain Presidential authority in a fashion requiring an Executive order. Although that provision has been modified at the suggestion of the Department of Justice, the Executive order format was retained. (On the other hand, it should be noted that the 1980 ✓ White House Conference on Small Business was established by Executive order.) Please advise as to your preference.
2. There is no problem with adding the word "National" before all references to "White House Conference on Small Business."
3. Cabinet Affairs has suggested that the draft Executive order include the language of Section 4(b) of P.L. 98-276. It does so. (Section 4(b) contains no language re the methodology for selecting at-large delegates.) Charles Kolb of my staff has discussed the matter with Jack Courtemanche and Larry Herbolzheimer, both of whom agree that the selection methodology for at-large delegates should be addressed by the Conference Office and need not be included in the Executive order.

Attachment

FOR IMMEDIATE RELEASE

NOVEMBER 1, 1978

Office of the White House Press Secretary

Kenny Jacobs
Per ref.

THE WHITE HOUSE

EXECUTIVE ORDER

-12091

SMALL BUSINESS CONFERENCE COMMISSION

By the authority vested in me as President by the Constitution of the United States of America, and in order to increase the membership and alter the functions of the Small Business Conference Commission, it is hereby ordered that Sections 1-101, 1-201, 1-204 and 1-402 of Executive Order No. 12061 of May 18, 1978, are amended to read as follows:

"1-101. There is established a Small Business Conference Commission. The Commission shall be composed of eleven members.",

"1-201. The Commission shall provide advice with respect to the holding of a White House Conference on Small Business to be held in early 1980.",

"1-204. Prior to the White House Conference on Small Business, the Administrator of the Small Business Administration shall hold open regional and local meetings or conferences. These open meetings shall seek to identify the specific issues which should be addressed at the Conference and shall solicit candidates for Conference delegates. The Commission shall review the issues addressed at these regional and local meetings.", and

"1-402. The Commission shall terminate on April 30, 1980, or 60 days after the conclusion of the White House Conference on Small Business, whichever is sooner."

JIMMY CARTER

WHITE HOUSE STAFFING MEMORANDUMDATE: 5/21/85 ACTION/CONCURRENCE/COMMENT DUE BY: 5/28/85SUBJECT: DRAFT EXECUTIVE ORDER ENTITLED "WHITE HOUSE CONFERENCE ON
SMALL BUSINESS"

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	☐	☐	LACY	☐	☐
REGAN	☐	☐	McFARLANE	☐	☐
STOCKMAN	☒	☐	OGLESBY	☐	☐
BUCHANAN	☐	☐	ROLLINS	☐	☐
CHAVEZ	☐	☐	RYAN	☐	☐
CHEW	☐	☒	SPEAKES	☐	☐
DANIELS	☐	☐	SPRINKEL	☐	☐
FIELDING	☐	☒	SVAHN	☐	☐
FRIEDERSDORF	☐	☐	TUTTLE	☐	☐
HENKEL	☐	☐	_____	☐	☐
HICKEY	☐	☐	_____	☐	☐
HICKS	☐	☐	_____	☐	☐
KINGON	☐	☐	_____	☐	☐

REMARKS: TO: OMB

1. Please provide the reason why an Executive Order is needed to implement PL 98-276. Past White House conferences have been set up via a White House statement released by the press office.

2. If a decision is made to indeed issue an Executive Order, the addition recommended by Cabinet Affairs (attached) to Section 2(c) should be made
 RESPONSE: and the word "National" should precede all references to "White House Conference on Small Business" (per White House Counsel & Executive Clerk).

David L. Chew
 Staff Secretary
 Ext. 2702



U.S. Department of Justice

Office of Legal Counsel

7-10-100
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,

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



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.

EXECUTIVE ORDER

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NATIONAL

^ 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 1986⁴ 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.

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

*27 percent
By letter
100 delegates
100 alternates
Don J. Smith*

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,

THE WHITE HOUSE

WASHINGTON

May 14, 1985

MEMORANDUM FOR ALFRED H. KINGON

FROM: LAWRENCE F. HERBOLSHEIMER *LFH*
SUBJECT: Executive Order on the White House Conference on
Small Business

You asked for my comments on the above Executive Order. I have found one area that concerns me greatly.

Section 2 (c) of the proposed Executive Order describes the selection of delegates and alternates to participate in the National Conference. It discusses the number of delegates to be appointed by Governors, Congressmen, Senators, and the President.

Section 2 (c), however, makes no mention of the election of delegates at large. Jack Courtemanche mentioned that the delegates at large would constitute as many as 700 people or about 50% of the total. He said that these delegates would be extremely important to him as he structures the 1986 White House Conference to be held in Washington, D. C.

I propose, therefore, that we include the language in Section 4 (B) of Public Law 98-276 (the law that established the White House Conference) which outlines the methodology for determining the appointed as well as the elected delegates to the conference.

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.

THE WHITE HOUSE
WASHINGTON

TO: *RAH*

FROM: John G. Roberts, Jr.
Associate Counsel
to the President

☐ FYI

☐ COMMENT

☐ ACTION

AS WE DISCUSSED

EXECUTIVE ORDER

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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.

15 USC 633.

(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.

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.

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THE WHITE HOUSE

WASHINGTON

November 19, 1984

MEMORANDUM FOR CHARLES KOLE
ASSISTANT GENERAL COUNSEL
OFFICE OF MANAGEMENT AND BUDGET
FROM: RICHARD A. HAUSER *Original signed by RAH*
DEPUTY COUNSEL TO THE PRESIDENT
SUBJECT: Executive Order: White House
Conference on Small Business

Counsel's Office has reviewed a preliminary draft of the above-referenced proposed executive order, and would like to note an objection to one provision in the draft. Section 1(b) of the draft generally tracks the language of Section 5(e)(1) of the statute, Public Law 98-276, 98 Stat. 170, with the significant exception that the executive order provides that the Administrator of the Small Business Administration shall appoint the Executive Director and other directors and personnel for the Small Business Conference Office, while the statute vests this authority in the President. While the President may legally delegate such appointment authority, we have been provided with no justification for such a delegation beyond a desire to avoid the clearance processes for a Presidential appointment. Such a desire is a patently insufficient justification: the clearance processes serve a valuable function and should not be circumvented for perceived convenience. Since the statute vests the appointment power in the President the White House will remain responsible for the appointment, even if the authority to make it were delegated, further demonstrating the need to abide by the normal clearance processes.

We recommend that "Administrator of the Small Business Administration" be changed to "President" in Section 1(b) of the draft order.

cc: Craig Fuller

RAH:JGR:aea 11/19/84

bcc: FFFielding/RAHauser/JGRoberts/SUbj/Chron

THE WHITE HOUSE
WASHINGTON

TO: *RAH*

FROM: John G. Roberts, Jr.
Associate Counsel
to the President

- ☐ FYI
- ☐ COMMENT
- ☐ ACTION

AS WE DISCUSSED